



**Yellowstone County Zoning Commission
DRAFT Minutes for the Meeting of
Monday January 9, 2023**

The County Zoning Commission met on Monday, January 9, 2023 at 4:00 p.m. in the Miller Building 1st Floor Conference Room, 2825 3rd Ave. North.

		01/09/2023	02/13/2023	03/13/2023											
Blaine Poppler	Commissioner	x													
Melissa Ray Gentry	Commissioner	x													
Tyler Bush	Commissioner Chairman	x													
Todd Hewitt	Commissioner	x													
Open	Commissioner	-													

Commissioner Bush opened the meeting and introduced the County Zoning Commission members and Planning Division staff. Commissioner Hewitt is participating virtually.

Zoning Coordinator Nicole Cromwell, Karen Husman, Planner I, Tammy Deines, Planning Clerk

Other Participants: Richard L. Edwards, Susan E. Edwards, Anna Vickers, Amber Long, Andrew Elder, Kevin Sauter

Public Comment

Commissioner Bush asked if there was anyone wishing to speak during the public comment portion of the meeting. The Public may call in during specific Public Comment periods at (406) 237-6165. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to three minutes of testimony as is customary. There were no public comments.

Exparte Email Communications: Andrew Elder, Opposition, howie112005@gmail.com; JR Lowell, Opposition, ae4667871@gmail.com; rjkwittman@gmail.com

Email: Keith Balls, Opposition, gwc247@gmail.com; JR Lowell, Opposition, ae4667871@gmail.com



COUNTY OF YELLOWSTONE ZONING COMMISSION AGENDA

Monday, January 9, 2023

4:00 PM

Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

NOTICE TO THE PUBLIC

****ATTENTION****

Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook: <https://tinyurl.com/yckr478k>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
 - Email: deinest@billingsmt.gov
- Call in during the Public Comment periods as indicated on the agenda:
 - Citizens may call in during specific Public Comment periods at 406.237.6165.
All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary.
Future delivery methods may be explored as best practice is learned.

Please direct questions to Planning Clerk Tammy Deines at deinest@billingsmt.gov or 406-247-8610. Thank you!

Call the meeting to order.

Introduction of the Yellowstone County Zoning Commission Members and Planning Department Staff.

Public Comment

Motion. Approval of Minutes: August 8, 2022

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff

a. The Exparte Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. YCZC 714 This is a zone change request from Neighborhood Mixed Use (NMU) to Light Industrial for a 6.88 acre parcel of land located generally on the west end of Hannon Road. The parcel is legally described as Tracts 1 and 2 of C/S 1263 and addressed as 3250 Hannon Rd. The current use is for a landscaping company - Evergreen Lawn and Landscape and the prospective buyer is Hardrives Asphalt, a heavy contractor involved in building roads and infrastructure.

Other Business/Announcements

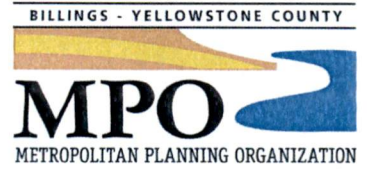
Adjournment

Following the public hearing, the County Zoning Commission will make a recommendation to the Yellowstone County Commissioners. The **Board of County Commissioners** public hearing for these applications will be held on **January 24, 2023, at 9:30 a.m. at 316 N 26th Street -- 3rd Floor, Commissioner's Board Room**. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed **Zone Change**.

Information on the preceding item may be obtained at the Yellowstone County Planning Department, 2825 3rd Avenue North, 4th Floor or phone (406)247-8676 or online at <https://www.billingsmt.gov/2361/Current-Zoning-Applications> . Anyone wishing to be heard on this matter may appear at this hearing. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Tammy Deines, Planning Clerk, at 247-8610 or e-mail at deinest@billingsmt.gov



City-County Planning Division
 January 9, 2023
 Yellowstone County Zoning Commission



Printed Name		Address
Richard L Edwards	406 855-5156	521 Minnie Pl Bllgs MT
Susan E. Edwards	406 860 8887	521 Minnie Pl. Bllgs, MT 59101
Anna Vickers	406 248 2000	1 MEA 175 N. 27th St. Ste 1312 Billings MT
Amber Long	11	11
Andrew Elder	208-477-4937	3105 Phillip st
Kevin Sauter	406 860-2150	3203 - 3205 - 3209 & 3225 Phillip

Deines, Tammy

From: Andrew Elder <howie112005@gmail.com>
Sent: Sunday, January 8, 2023 3:15 PM
To: Deines, Tammy
Subject: [EXTERNAL] Rezoning on Hannon

Vote no on rezoning. Its residential all around. Shallow 20' wells need to be protected. Quality of life in a mostly senior neighborhood needs to be protected.

Deines, Tammy

From: Jr Lowell <ae4667871@gmail.com>
Sent: Sunday, January 8, 2023 12:39 PM
To: Deines, Tammy
Subject: [EXTERNAL] Hannon road zone change

I strongly object to the proposed zoning change to industrial. It will devalue my home and degrade my quality of life in my own home. The change from a wooded lot with wildlife to an industrial complex dealing in toxic asphalt products. All this a stone's throw from my back fence. The wells are all very shallow and city water is not offered. All so a company saves distance for their trucks. Put it next to your house if you want to save Hard Drive Construction some money. SERIOUSLY put in your own neighborhood. My neighborhood is mostly senior citizens that can't defend themselves as well or fully understand what's trying to be done here. The very mandate of your position is to protect our neighborhood from these kinds of threats. Deny this and sleep at night I challenge you.

Husman, Karen

From: Husman, Karen
Sent: Thursday, January 5, 2023 10:10 AM
To: 'rkjrwittman@gmail.com'; Todd Hewett (toddzilla16@gmail.com); Troy Boucher (ycbooc1@gmail.com); Tyler Bush (tylerb@mckinstry.com)
Cc: Deines, Tammy
Subject: FW: [EXTERNAL] Opposed to county zone change 714-3250

Below is a letter in opposition to County zone change 714.



Karen Husman
Planner I
husmank@billingsmt.gov

billingsmt.gov

2825 3rd Ave N, 4th Floor
Billings, MT 59101
P 406.247.8684

City of Billings email messages and attachments are subject to the Right to Know provisions of Montana's Constitution (Art. II, Sec. 9) and may be considered a "public record" pursuant to Title 2, Chapter 6, Montana Code Annotated. As such, this email, its sender and receiver, and the contents may be available for public disclosure and will be retained pursuant to the City's record retention policies. Emails that contain confidential information such as information related to individual privacy may be protected from disclosure under law. This message is intended for the use of the individual or entity named above. If you are not the intended recipient of this transmission, please notify the sender immediately, do not forward the message to anyone, and delete all copies. Thank you.

From: Cromwell, Nicole <CromwellN@billingsmt.gov>
Sent: Thursday, January 5, 2023 10:07 AM
To: Husman, Karen <husmank@billingsmt.gov>
Subject: FW: [EXTERNAL] Opposed to county zone change 714-3250

FYI

From: Flailing Consequences <fwc247@gmail.com>
Sent: Thursday, January 5, 2023 10:01 AM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>; Deines, Tammy <DeinesT@billingsmt.gov>
Subject: [EXTERNAL] Opposed to county zone change 714-3250

I live at 3105 Phillip st. I am very opposed to the zoning change. I believe the introduction of the asphalt company to our residential space will pose a health hazzard both above and below ground. I also believe the impact of traffick and noise volume will negatively affect our living space as well.

It is my hope that this operation finds somewhere else to make it's new home.

With Balls

Husman, Karen

From: Deines, Tammy
Sent: Monday, January 9, 2023 7:47 AM
To: Jr Lowell
Cc: Cromwell, Nicole; Husman, Karen
Subject: RE: [EXTERNAL] Hannon road zone change
Attachments: Agenda - Y.pdf

Good morning Mr. Lowell,

Thank you for your comments below. They will be included in public record for this afternoon's hearing for Yellowstone County Zone Change #714. The agenda is attached.



Tammy Deines
Planning Clerk
deinest@billingsmt.gov

billingsmt.gov

2825 3rd Ave. N 4th Floor
Billings, MT 59101
P 406.247.8610

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Husman, Karen

From: Cromwell, Nicole
Sent: Monday, January 9, 2023 8:01 AM
To: Husman, Karen
Cc: Deines, Tammy; blaine@cbcmontana.com; Melissa Gentry; Todd Hewett (todzilla16@gmail.com); Tyler Bush (tylerb@mckinstry.com)
Subject: FW: [EXTERNAL] County Zoning change 714-3250 Hannon rd.
Attachments: Emulsion_Spec-SDS_-_Rev (1) (1).pdf

This is an ex parte comment on the Zone Change for 3250 Hannon Road. The hearing is scheduled for today at 4 pm. Karen, please forward to the applicant and agent.

Thanks,
Nicole Cromwell
Zoning Coordinator

From: Andrew Elder <irony64@yahoo.com>
Sent: Saturday, January 7, 2023 1:11 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] County Zoning change 714-3250 Hannon rd.

My name is Leah Norton. My home is on Phillip St and I oppose the proposed zoning change and seal coat facility. Like many of my neighbors, I have lived here for decades and am horrified to discover what is being attempted here. Nobody in this neighborhood wants this. This company looks to put a highly toxic, flammable, environmentally hazardous, cancer-causing substance (css1h oil) facility right over the tops of our 20' deep wells. This substance if ignited, or a vehicle carrying it catches fire, would require a square mile evacuation. This substance emits toxic gases that are heavier than air and find low places. Like me and my neighbors. Toxic gases that kill immediately at 500 ppm. That's 1/2000th of a breath and you die INSTANTLY. Why would anybody put something like that right next to people? That is unconscionable, immoral, and violates most of the statutory requirements for zoning change as per section 27-1627.D. Other statutory requirements fail: drop in property/building value, conflicts negatively to adjoining zones, heavy use to only road. It conflicts with the character of the area and suitability of use. This is not necessary. They have a place outside town. My neighborhood should be poisoned for the convenience of Hard Drive Construction? I am currently undergoing chemo and the thought of this weighs heavy on my struggle. If you can answer that you would be ok with this facility, or industrial zoning at all, right by (yards) your home, your family, your water supply, then I would call you liar.

Sent from Yahoo Mail on Android

Husman, Karen

From: Deines, Tammy
Sent: Monday, January 9, 2023 7:48 AM
To: Andrew Elder
Cc: Cromwell, Nicole; Husman, Karen
Subject: RE: [EXTERNAL] Rezoning on Hannon
Attachments: Agenda - Y.pdf

Good morning Mr. Elder,

Thank you for your comments below. They will be included in public record for this afternoon's hearing for Yellowstone County Zone Change #714. The agenda is attached.



Tammy Deines
Planning Clerk
deinest@billingsmt.gov

billingsmt.gov

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Billings, MT 59101
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Husman, Karen

From: Cromwell, Nicole
Sent: Monday, January 9, 2023 8:04 AM
To: Husman, Karen; blaine@cbcmontana.com; Melissa Gentry; Todd Hewett (toddzilla16@gmail.com); Tyler Bush (tylerb@mckinstry.com)
Cc: Deines, Tammy
Subject: FW: [EXTERNAL] Zoning for Hannon rd.

A further comment from Mr. Elder.

Thanks,
Nicole Cromwell

From: Andrew Elder <howie112005@gmail.com>
Sent: Sunday, January 8, 2023 3:12 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] Zoning for Hannon rd.

I don't want industrial zoning in my backyard. A seal coat facility would be a nasty thing to live next to. We aren't in city water area. Wells are our only option.



Par Pacific

Asphalt Emulsions, All Grades

Date of Preparation: June 8, 2021

SAFETY DATA SHEET

Section 1: IDENTIFICATION

Product Identifier: Asphalt Emulsions, All Grades

Other Means of Identification: Asphalt Emulsions (all grades); Emulsified Asphalts (all grades); Cationic Emulsified Asphalt (all grades).

SDS Number: 951

Product Code: CMS-2 (531110);
CMS-2P (N/A);
CMS-2S (N/A);
CRS-2 (532110);
CRS-2P (532420);
CSS-1 (533110);
CSS-1H (533210);
STE-1 (534110);
HPTC (N/A).

Product Use: Road Paving Asphalt.

Restrictions on Use: Not available.

Manufacturer/Supplier: U.S. OIL & REFINING CO.
3001 Marshall Ave.
Tacoma, WA 98421

Emergency Phone: U.S. OIL & REFINING CO.: (253) 383-1651
CHEMTREC: 800-424-9300
NATIONAL POISON CENTER: 1-800-222-1222

Date of Preparation of SDS: June 8, 2021

Section 2: HAZARD(S) IDENTIFICATION

CLASSIFICATION: Skin Irritation, Category 2
Eye Damage, Category 1
Carcinogenicity, Category 2
Specific Target Organ Toxicity (Repeated Exposure), Category 2

LABEL ELEMENTS

**Hazard
Symbol(s):**



Signal Word: Danger

**Hazard
Statements:** H315: Causes skin irritation.
H318: Causes serious eye damage.
H351: Suspected of causing cancer.
H373: May cause damage to organs through prolonged or repeated exposure.



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Asphalt Emulsions, All Grades

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PRECAUTIONARY STATEMENTS

Prevention: P201: Obtain special instructions before use.
 P202: Do not handle until all safety precautions have been read and understood.
 P260: Do not breathe mist, vapours, or spray.
 P264: Wash hands thoroughly after handling.
 P280: Wear protective gloves, protective clothing and eye protection.

Response: P302 + P352: IF ON SKIN: Wash with plenty of water.
 P305 + P351 + P338: IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing.
 P308 + P313: IF exposed or concerned: Get medical attention.
 P310: Immediately call a POISON CENTER or doctor.
 P332 + P313: If skin irritation occurs: Get medical attention.
 P362 + P364: Take off contaminated clothing and wash it before reuse.

Storage: P405: Store locked up.

Disposal: P501: Dispose of contents and container in accordance with applicable regional, national and local laws and regulations.

Hazards Not Otherwise Classified: No applicable information was found.

Ingredients with Unknown Acute Toxicity: 75% of this product mixture consists of ingredient(s) of unknown acute toxicity.

This material is considered hazardous by the OSHA Hazard Communication Standard, (29 CFR 1910.1200).

This material is considered hazardous by the Hazardous Products Regulations.

Section 3: COMPOSITION / INFORMATION ON INGREDIENTS
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Hazardous Ingredient(s)	Common name / Synonyms	CAS No.	% wt./wt.
Asphalt	Not available.	8052-42-4	57 - 75
Organic Amine Emulsifier	Not available.	Proprietary	0 - 3.5
Hydrochloric Acid	Not available.	7647-01-0	0 - 1
Hydrogen Sulfide (H ₂ S)	Not available.	7783-06-4	Trace

These products may also contain 0 - 5% Polymer Additives. These components are not hazardous or are present below reportable levels.



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Section 4: FIRST-AID MEASURES

- Inhalation:** If inhaled: Remove person to fresh air and keep comfortable for breathing. If symptoms persist, get medical attention/advice.
- Acute and delayed symptoms and effects:** May cause respiratory irritation. Signs/symptoms may include cough, sneezing, nasal discharge, headache, hoarseness, and nose and throat pain. This product may contain small amounts of Hydrogen Sulfide which may accumulate in confined spaces. Inhalation of Hydrogen Sulfide may cause loss of sense of smell, major irritation of the respiratory tract, headache, nausea, vomiting, dizziness, and fluid buildup in the lungs (pulmonary edema), which can be fatal. At 300 ppm unconsciousness may occur after 20 minutes. From 300 to 500 ppm, death can occur within minutes of continuous exposure. Above 500 ppm Hydrogen Sulfide may cause instantaneous loss of consciousness and immediate death.
- Skin Contact:** If on skin (or hair): Rinse skin with water or shower. Get immediate medical attention. Remove non-adhering contaminated clothing. Cool adherent materials and burned areas with ice and/or cold water. Do not remove adherent material or clothing. Wash contaminated clothing before reuse.
- Acute and delayed symptoms and effects:** Causes skin irritation. Signs/symptoms may include localized redness, swelling, and itching. Hot liquid product may cause serious thermal burns on direct contact. Asphalt fumes can increase susceptibility to sunburn.
- Eye Contact:** If in eyes: Rinse cautiously with water for at least 30 minutes. Remove contact lenses, if present and easy to do. Continue rinsing. Immediately call a poison center or doctor.
- Acute and delayed symptoms and effects:** Causes serious eye damage. Signs/symptoms may include cloudy appearance of the cornea, chemical burns, severe pain, tearing, ulcerations, significantly impaired vision or complete loss of vision. Hot liquid product may cause serious thermal burns on direct contact.
- Ingestion:** If swallowed: Rinse mouth. Immediately call a poison center or doctor. If vomiting occurs naturally, have victim lean forward to reduce the risk of aspiration. Do NOT induce vomiting unless directed to do so by medical personnel. Never give anything by mouth to an unconscious person.
- Acute and delayed symptoms and effects:** Hot product may cause thermal burns. Signs/symptoms may include severe mouth, throat and abdominal pain, nausea, vomiting, and diarrhea, blood in the feces and/or vomitus may also be seen. If swallowed in large quantities, Asphalt can obstruct the intestine.
- Note to Physicians:** Symptoms may not appear immediately. For inhalation of Hydrogen Sulfide, consider Oxygen.



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Section 5: FIRE-FIGHTING MEASURES

NFPA 704



SUITABLE/UNSUITABLE EXTINGUISHING MEDIA

Suitable Extinguishing Media: Small Fire: Dry chemical, CO₂, water spray or regular foam.
 Large Fire: Water spray, fog or regular foam. Move containers from fire area if it can be done safely.

Unsuitable Extinguishing Media: Do not spray water onto burning product as this may cause spattering and spreading of the flame.

SPECIFIC HAZARDS

Not flammable or combustible by OSHA/WHMIS criteria. Vapors may form explosive mixtures with air. Vapors may travel to source of ignition and flash back. Substance may be transported hot. Spraying water onto burning product may cause spattering and spreading of the flame.

If tank, rail car or tank truck is involved in a fire, ISOLATE for 800 meters (1/2 mile) in all directions; also, consider initial evacuation for 800 meters (1/2 mile) in all directions.

Fire involving Tanks or Car/Trailer Loads: Fight fire from maximum distance or use unmanned hose holders or monitor nozzles. Cool containers with flooding quantities of water until well after fire is out. Withdraw immediately in case of rising sound from venting safety devices or discoloration of tank. ALWAYS stay away from tanks engulfed in fire. For massive fire, use unmanned hose holders or monitor nozzles; if this is impossible, withdraw from area and let fire burn.

Products of Combustion: Oxides of Carbon. Oxides of Sulfur.

Sensitivity to Mechanical Impact: This material is not sensitive to mechanical impact.

Sensitivity to Static Discharge: This material is not sensitive to static discharge.

SPECIAL PROTECTIVE EQUIPMENT AND PRECAUTIONS FOR FIREFIGHTERS

Fire may produce irritating, corrosive and/or toxic gases. Runoff from fire control or dilution water may cause pollution. Hydrogen Sulfide is heavier than air and may collect in low lying areas and confined spaces. Wear positive pressure self-contained breathing apparatus (SCBA). Structural firefighters' protective clothing will only provide limited protection.

Section 6: ACCIDENTAL RELEASE MEASURES

PERSONAL PRECAUTIONS, PROTECTIVE EQUIPMENT AND EMERGENCY PROCEDURES

Personal Precautions: Do not touch or walk through spilled material. Use personal protection recommended in Section 8.



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- Protective Equipment:** Emergency eyewash capability should be available. Wear respiratory protection as conditions warrant.
- Emergency Procedures:** Keep unauthorized personnel away. Stay upwind. Keep out of low areas. Ventilate closed spaces before entering. ELIMINATE all ignition sources (no smoking, flares, sparks or flames in immediate area).

METHODS AND MATERIALS FOR CONTAINMENT AND CLEANING UP

- Methods for Containment:** Stop leak if it can be done without risk. Contain hot liquid by diking and allow to cool. Do not flush to sewer or allow to enter waterways.
- Methods for Clean-Up:** Allow to cool. Absorb or cover with dry earth, sand or other non-combustible material and transfer to containers.

Section 7: HANDLING AND STORAGE

PRECAUTIONS FOR SAFE HANDLING:

Do not swallow. Do not breathe mist, vapors, or spray. Obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Wash thoroughly after handling. Grounding of containers/pouring equipment is necessary when transferring hot liquid product. See Section 8 for information on Personal Protective Equipment.

CONDITIONS FOR SAFE STORAGE:

Store locked up. Store away from incompatible materials. See Section 10 for information on Incompatible Materials. Asphalt contains trace amounts of Hydrogen Sulfide which can accumulate in vapor space of tanks and containers. Structural materials and lighting and ventilation systems should be corrosion resistant.

Section 8: EXPOSURE CONTROLS / PERSONAL PROTECTION

EXPOSURE LIMITS

Component	ACGIH	OSHA
Asphalt [CAS No. 8052-42-4]	0.5 mg/m ³ (TWA); A4; BEI; Inhalable fraction; For Asphalt (Bitumen) fume, as Benzene-soluble aerosol	No PEL established.
Organic Amine Emulsifier [CAS No. Proprietary]	No TLV established.	No PEL established.
Hydrochloric Acid [CAS No. 7647-01-0]	2 ppm (C); A4 (2000)	5 ppm (C), 7 mg/m ³ (C)
Hydrogen Sulfide [CAS No. 7783-06-4]	1 ppm (TWA); 5 ppm (STEL); (2009)	20 ppm (C); 50 ppm (Peak) (Maximum duration: 10 mins. once only if no other meas. exp. occurs.) 10 ppm (TWA); 15 ppm (STEL) [Vacated]



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PEL: Permissible Exposure Limit
TLV: Threshold Limit Value
TWA: Time-Weighted Average
STEL: Short-Term Exposure Limit
C: Ceiling

ENGINEERING CONTROLS

Use ventilation adequate to keep exposures (airborne levels of dust, fume, vapor, gas, etc.) below recommended exposure limits.

PERSONAL PROTECTIVE EQUIPMENT (PPE)



Eye/Face Protection:

Wear chemical safety goggles. If product is hot, wear full face-shield. Ensure that eyewash stations and safety showers are close to the workstation location. Use equipment for eye protection that meets the standards referenced by CSA Standard CAN/CSA-Z94.3-92 and OSHA regulations in 29 CFR 1910.133 for Personal Protective Equipment.

Hand Protection:

Wear protective gloves. If product is hot, thermally protective gloves are recommended. Consult manufacturer specifications for further information.

Skin and Body Protection:

Wear protective clothing. Clothing with full length sleeves and pants should be worn.

Respiratory Protection:

If engineering controls and ventilation are not sufficient to control exposure to below the allowable limits then an appropriate NIOSH approved air-purifying respirator, with organic vapor cartridge, or self-contained breathing apparatus must be used. Supplied air breathing apparatus must be used when Oxygen concentrations are low or if airborne concentrations exceed the limits of the air-purifying respirators.

General Hygiene Considerations:

Handle according to established industrial hygiene and safety practices. Consult a competent industrial hygienist to determine hazard potential and/or the PPE manufacturers to ensure adequate protection. Emergency eyewash should be available near operations presenting a potential splash exposure. Avoid skin exposure. Promptly remove contaminated clothing, gloves, and shoes.



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Section 9: PHYSICAL AND CHEMICAL PROPERTIES

Appearance:	Black-brown liquid.
Color:	Black-brown.
Odor:	Asphaltic, sweet.
Odor Threshold:	Not available.
Physical State:	Liquid.
pH:	Not available.
Melting Point / Freezing Point:	Not available.
Initial Boiling Point:	Not available.
Boiling Range:	Approximately 100 °C (212 °F)
Flash Point:	Not available.
Evaporation Rate:	Negligible.
Flammability (solid, gas):	Not applicable.
Lower Flammability Limit:	Not available.
Upper Flammability Limit:	Not available.
Vapor Pressure:	Not available.
Vapor Density:	> 1 (Air = 1)
Relative Density:	1.0 to 1.3 (Water = 1) at 16 °C (60 °F)
Solubilities:	Not available.
Partition Coefficient: n-Octanol/Water:	Not available.
Auto-ignition Temperature:	Not available.
Decomposition Temperature:	Not available.
Viscosity:	20 to 100 SSF at 25 °C (77 °F) [CSS-1] 150 to 400 SSF at 50 °C (122 °F) [CRS-2P]
Percent Volatile, wt. %:	Not available.
VOC Content, wt. %:	Not available.

Section 10: STABILITY AND REACTIVITY

Reactivity:	Contact with incompatible materials. Sources of ignition. Exposure to heat.
Chemical Stability:	Stable under normal storage conditions.



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SAFETY DATA SHEET

Possibility of Hazardous Reactions: Contact between heated Asphalt and water can cause a violent eruption.

Conditions to Avoid: Contact with incompatible materials. Sources of ignition. Exposure to heat.

Incompatible Materials: Acids. Bases. Oxidizers.

Hazardous Decomposition Products: Chlorine. Hydrogen. Oxides of Carbon. Oxides of Sulfur.

Section 11: TOXICOLOGICAL INFORMATION

LIKELY ROUTES OF EXPOSURE: Eye contact. Skin contact. Inhalation. Ingestion.

ACUTE EXPOSURE

PRODUCT TOXICITY

Oral: Not available.

Dermal: Not available.

Inhalation: Not available.

COMPONENT TOXICITY

Component	CAS No.	LD ₅₀ oral	LD ₅₀ dermal	LC ₅₀
Asphalt	8052-42-4	Not available.	Not available.	Not available.
Organic Amine Emulsifier	Proprietary	> 300 mg/kg (rat)	Not available.	Not available.
Hydrochloric Acid	7647-01-0	900 mg/kg (rabbit)	Not available.	1108 ppm (mouse); 1H
Hydrogen Sulfide	7783-06-4	Not available.	Not available.	444 ppm (rat); 4H

Target Organs: Skin. Eyes. Gastrointestinal tract. Respiratory system. Lungs. Blood. Cardiovascular system. Central nervous system.

SYMPTOMS (including delayed and immediate effects)

Inhalation: May cause respiratory irritation. Signs/symptoms may include cough, sneezing, nasal discharge, headache, hoarseness, and nose and throat pain. This product may contain small amounts of Hydrogen Sulfide which may accumulate in confined spaces. Inhalation of Hydrogen Sulfide may cause loss of sense of smell, major irritation of the respiratory tract, headache, nausea, vomiting, dizziness, and fluid buildup in the lungs (pulmonary edema), which can be fatal. At 300 ppm unconsciousness may occur after 20 minutes. From 300 to 500 ppm, death can occur within minutes of continuous exposure. Above 500 ppm Hydrogen Sulfide may cause instantaneous loss of consciousness and immediate death.

Eye: Causes serious eye damage. Signs/symptoms may include cloudy appearance of the cornea, chemical burns, severe pain, tearing, ulcerations, significantly impaired vision or complete loss of vision. Hot liquid product may cause serious thermal burns on direct contact.



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Skin: Causes skin irritation. Signs/symptoms may include localized redness, swelling, and itching. Hot liquid product may cause serious thermal burns on direct contact. Asphalt fumes can increase susceptibility to sunburn.

Ingestion: Hot product may cause thermal burns. Causes burns to nose, mouth, throat, and digestive tract. Signs/symptoms may include severe mouth, throat and abdominal pain, nausea, vomiting, and diarrhea, blood in the feces and/or vomitus may also be seen. If swallowed in large quantities, Asphalt can obstruct the intestine.

Skin Sensitization: Not available.

Respiratory Sensitization: Not available.

Medical Conditions Aggravated By Exposure: Not available.

CHRONIC EFFECTS (from short and long-term exposure)

Target Organs: Skin. Eyes. Gastrointestinal tract. Respiratory system. Lungs. Blood. Cardiovascular system. Liver. Kidneys. Central nervous system.

Chronic Effects: Prolonged or repeated contact may dry skin and cause irritation. Repeated exposure to Organic Amine Emulsifier may damage the kidneys. Prolonged exposure to Hydrochloric Acid may cause conjunctivitis, photosensitization, and possible blindness, and may have effects on the lungs, resulting in chronic bronchitis. Hydrogen Sulfide may reduce lung function; cause neurological effects such as headaches, nausea, depression and personality changes; eye and mucous membrane irritation; and damage to cardiovascular system.

Carcinogenicity: May cause cancer. Long-term or repeated exposures to Asphalt fumes are possibly carcinogenic to humans.

Component Carcinogenicity

Component	ACGIH	IARC	NTP	OSHA	Prop 65
Asphalt	A4	Group 2B	Not listed.	OSHA Carcinogen.	Listed.
Hydrochloric Acid	A4	Group 3	Not listed.	Not listed.	Not listed.

Mutagenicity: Not available.

Reproductive Effects: Not available.

Developmental Effects

Teratogenicity: Not available.

Embryotoxicity: Not available.

Toxicologically Synergistic Materials: Not available.



Par Pacific

Asphalt Emulsions, All Grades

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SAFETY DATA SHEET

Section 12: ECOLOGICAL INFORMATION

Ecotoxicity: Not available.

Persistence / Degradability: This product is expected to have a very low rate of biodegradation.

Bioaccumulation / Accumulation: Not available.

Mobility in Environment: Not available.

Other Adverse Effects: Not available.

Section 13: DISPOSAL CONSIDERATIONS

Disposal Instructions: Disposal should be in accordance with applicable regional, national and local laws and regulations. Local regulations may be more stringent than regional or national requirements.

Section 14: TRANSPORT INFORMATION

REGULATORY INFORMATION	ID NUMBER	EMERGENCY RESPONSE GUIDEBOOK	PROPER SHIPPING NAME	CLASS	PACKING GROUP	PLACARD
DOT Classification	Not applicable.	Not applicable.	Not regulated.	Not applicable.	Not applicable.	Not applicable.
TDG Classification	Not applicable.	Not applicable.	Not regulated.	Not applicable.	Not applicable.	Not applicable.
IATA/ICAO	Not applicable.	Not applicable.	Not regulated.	Not applicable.	Not applicable.	Not applicable.

Section 15: REGULATORY INFORMATION

CHEMICAL INVENTORIES

US (TSCA)

The components of this product are in compliance with the chemical notification requirements of TSCA.

Canada (DSL)

The components of this product are in compliance with the chemical notification requirements of the NSN Regulations under CEPA, 1999.

FEDERAL REGULATIONS

United States

This SDS has been prepared to meet the U.S. OSHA Hazard Communication Standard, 29 CFR 1910.1200.



Par Pacific

Asphalt Emulsions, All Grades

Date of Preparation: June 8, 2021

SAFETY DATA SHEET

SARA Title III

Component	Section 302 (EHS) TPQ (lbs.)	Section 304 EHS RQ (lbs.)	CERCLA RQ (lbs.)	Section 313	RCRA CODE	CAA 112(r) TQ (lbs.)
Hydrochloric Acid	500	5000	5000	313	Not listed.	5000
Hydrogen Sulfide	500	100	100	313	Not listed.	10000

SARA SECTION 311/312 - EPA HAZARD CATEGORIES

<u>ACUTE HEALTH</u>	<u>CHRONIC HEALTH</u>	<u>FIRE</u>	<u>SUDDEN RELEASE OF PRESSURE</u>	<u>REACTIVE</u>
X	X	-	-	-

State Regulations

California

California Prop 65:



WARNING This product can expose you to Asphalt, which is known to the State of California to cause cancer. For more information go to www.P65Warnings.ca.gov.

Section 16: OTHER INFORMATION

Disclaimer:

The information contained in this document applies to this specific material as supplied. It may not be valid for this material if it is used in combination with any other materials. It is the user's responsibility to satisfy oneself as to the suitability and completeness of this information for his own particular use.

Date of Preparation of SDS: June 8, 2021

Version: 2.1

GHS SDS Prepared by: Deerfoot Consulting Inc.

Phone: (403) 720-3700



**Yellowstone County Zoning Commission
DRAFT Minutes for the Meeting of
Monday January 9, 2023**

Motion. Approval of Minutes: September 12, 2022

Motion

It was moved by Commissioner Poppler and seconded by Commissioner Hewett to approve the September 12, 2022 meeting minutes as submitted. The motion carried with a unanimous voice vote.

No ex parte communications or conflicts of interest were announced by the Commissioners. No one wished to comment regarding items not on the agenda.

Zoning Coordinator Nicole Cromwell read aloud the procedures for a public hearing.

Item #1. County Zone Change 714 This is a zone change request from Neighborhood Mixed Use (NMU) to Light Industrial for a 6.88 acre parcel of land located generally on the west end of Hannon Road. The parcel is legally described as Tracts 1 and 2 of C/S 1263 and addressed as 3250 Hannon Rd. The current use is for a landscaping company - Evergreen Lawn and Landscape and the prospective buyer is Hardrives Asphalt, a heavy contractor involved in building roads and infrastructure.

BACKGROUND

This is a zone change request to change from Neighborhood Mixed Use (NMU) to Light Industrial (I1) for a 6.88 acre parcel of land located generally on the west end of Hannon Road. The parcel is legally described as Tracts 1 and 2 of C/S 1263 and addressed as 3250 Hannon Rd. The current use is for a landscaping company - Evergreen Lawn and Landscape and the prospective buyer is Hardrives Asphalt, a heavy contractor involved in building roads and infrastructure. The proposed use for the property would be storage of equipment and material, there will be no equipment maintenance or servicing of vehicles or equipment on the site. The applicant conducted a pre-application meeting on May 24, 2022, at the subject property. Several surrounding property owners attended the meeting. Their main concerns were having an industrial site adjacent to their residential neighborhoods, dust control and if the use would affect their well water. The details of the pre-application meeting and materials are included as an attachment. The Planning Division received no inquiries or comments from the notified surrounding owners within 300 feet of the subject properties. The County's 2008 Growth Policy supports new developments that are compatible with existing development and neighborhoods. The I1 zone is compatible with a variety of other land uses, including the adjacent I1 zoned property to the east. However, there are also residential land uses and less intense land uses in the area. The property currently has a landscaping business that includes planted trees on the south side of the property. As part of any additions to the property, the applicants through the zoning compliance permitting process, will be required to buffer the adjacent residential development to the west and south and has agreed to provide a sight obscuring fence in addition to utilizing the existing trees on the property to provide additional buffering. Although the applicant does not intend to use the property as an intense industrial use, this does not prevent the potential future uses to significantly impact the surrounding residential neighborhoods and park if the zoning were changed to I1.



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RECOMMENDATION

Staff recommends denial and adoption of the findings of the 11 review criteria for Zone Change 714.

Public Hearing

Commissioner Bush continued the public hearing and asked if there is anyone wishing to speak regarding County Zone Change #714.

Anna Vickers, IMEG, 175 N 27th Street, STE 1312, Billings, Montana

Ms. Vickers represents the applicant, Evergreen Lawn and Landscape, and Hardrives Asphalt, who is the prospective buyer. This request was submitted as Hardrives desires to move the office building to this location and park contracting equipment. Previously, they had intended to use the site for their processing plant but after hearing concerns from the neighbors, they decided to use it for offices and storage in an effort to adjust to the neighbors' concerns. Anna said the reason for the zone change request is this type of business is not allowed in the NMU district. She said building and DEQ permits would need to be obtained should they decide to move the entire business to this location. The goal of the future owner is to clean up the property and provide landscape and fencing for buffering. The owners assured her they intend to leave property as is. The entire area has mostly County Industrial developments. The Growth Policy also supports and speaks to the need for business developments.

Discussion

In response to question by Commissioner Poppler, Ms. Vickers stated the owner's intent is for an office, and shop and equipment parking. There will be no asphalt mixing on site. Commissioner Gentry asked regarding the plans for Hannon Road. Ms. Vickers replied that there are no plans for improvements at this time but this will be discussed with Yellowstone County Public Works. This property would contribute to an RSID. The cistern and septic will have to be brought into compliance and a zoning compliance permit approved. DEQ would be involved with any improvements.

Public Hearing

Commissioner Bush opened the public hearing and asked if there is anyone wishing to speak in favor of County Zone Change #714.

In Favor:

Richard L Edwards, 521 Minnie Place, Billings MT

Mr. Edwards lives west of this parcel. He said this property is in a bad state of decay. He reported that he spoke to the intended buyer who told him he intends to clean up the property and install a fence. Mr. Edwards said he and his neighbors to the north do not oppose this application as this company will be dormant 6-8 months of the year as it is a seasonal business; and the owner plans to clean up the landscaping and weeds and open the access.



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Shaley Green, (no address given)

Ms. Green is the realtor and listing agent for this property. She said this is a distressed seller who needs to sell so they cannot go lower in price. Hannon Road is an industrial area. The access point to this property prohibits residential uses and the buyer is willing to restrict uses. She said this property has been distressed for a long period of time. The applicant will pay market value and use his equipment for clean up. She said currently the property is a fire hazard and several vagrants use the property. She sees the proposed Light Industrial zoning to be a positive attribute to the area.

In Opposition

Andrew Elder, 3105 Phillip Street, Billings, MT

Mr. Elder's property borders this property. He distributed a statistical report to the members of the Zoning Commission regarding the composition and toxicity of the oil emulsion used for seal coating and the toxicity of hydrogen sulfide. He said this will be a "stone's throw" to his property and it is not needed at this location. The evacuation zone for this type of processing is ½ mile of the property if there is a disaster. Mr. Elder said he was not notified of this application and has heard multiple versions. He voiced concern with his property values and the potential hazards to his health and safety, and his well. He said some people are in favor of this application but only for gain. Commissioner Poppler asked how Hardrive Asphalt plans to protect the safety of their employees. Mr. Elder referenced a safety data sheet and said the recommendation for a fire is to stand off and let it burn.

Derrik Rudig, 1531 Phillips Street, Billings, MT

Mr. Rudig voiced concern with the potential for well issues. He said his property is in the County and doesn't want to be a part of the City. He has found contaminates in the water. He doesn't want to worry about his wife and would like to live in his home. Mr. Rudig's primary concerns with the proposed zone change are the water and affects on property values.

Kevin Sauter, 3203, 3205, 3209, 3225 Phillip Street, Billings MT

Mr. Sauter has lived in his location forty-three years and owns four lots which are about 20-feet across from this property. He is concerned with potential effects on water, noise generation, and that they will include the manufacturing if the zone change is approved. Originally the applicant said they were going to mix on site then they backed off. He doesn't trust their business. He commented that the "Field of Dreams" and landscape business were good neighbors. Mr. Sauter has not experienced vagrants. There is wildlife on the property and it needs to be cut. He said several people were not notified. Mr. Sauter said the noise will travel through their neighborhood and it is too close to neighbors. He asked if it would be a conflict of interest if Hardrives works for the City and the County. He said he visited the current location for this business and they have a lot of large equipment. Mr. Sauter feels this is not necessary as this business already has a location.



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Rebuttal

Anna Vickers, IMEG, 175 N 27th Street, STE 1312, Billings, Montana

Ms. Vickers encouraged looking at the originator of the report and the MDSD sheets. Certified notices were mailed and all were notified.

Discussion

Commissioner Hewett said he doesn't like the proposed Light Industrial zoning as it will not hold the business to their intent. Commissioner Poppler said there is a residential neighborhood along the perimeter of the property. Hannon Road dead ends into this property and needs improvement. Commissioner Poppler doesn't feel this proposal is a good fit. Commissioner Gentry commented the road condition and potential issues with the area wells. She said she understands Staffs' concerns and she is in agreement with the staff recommendation of denial.

Motion

Commissioner Hewett made a motion to recommendation of denial Zone Change #714 on consistent with staff's recommendation. It was seconded by Commissioner Gentry.

Discussion: There was no discussion on the motion. **The motion carried 4-0, with a unanimous voice vote.**

Zone Change #714 is denied. The Board of County Commissioners public hearing for these applications will be held on January 24, 2023, at 9:30 a.m. at 316 N 26th Street – 3rd Floor, Commissioner's Hearing Room. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed Zone Changes.

OTHER BUSINESS

a. 2023 Yellowstone County Zoning Commission Officers

It is the consensus of the Commission for Tylor Bush to serve as Chairman, and Commissioner Blaine Poppler to serve as Vice Chairman.

b. Announcements:

- There is one vacancy on the County Zoning Commission.
- The February 13, 2023 Yellowstone County Zoning Commission meeting is canceled due to a lack of agenda items.

Adjournment 4:46 PM

DRAFT-To be approved by a motion at the next scheduled meeting.

--Tamara L. Deines, Planning Clerk