



COUNTY OF YELLOWSTONE ZONING COMMISSION AGENDA

Monday, May 8, 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

Approval of Minutes: January 9, 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. **County Zone Change 715 -- 8522 S Frontage Rd -- A to I1** This is a zone change request for property located on the southwest boundary of the County's 4.5-mile jurisdictional zoning generally located at 8522 S Frontage Road. The existing zoning and use is Agriculture and the proposed zoning for a portion of the property is Light Industrial to accommodate users that need large storage facilities and lay down yards. The zone change is for about 126 acres of a total of 196.6 acres of land held in three tax parcels with 1/2-mile of frontage on S Frontage Road, about 800 feet of frontage on Duck Creek Road (west property line) and about 600 feet of frontage on Danford Avenue (south property line). The 70 acres not included in the zone change will remain in the Agriculture zone. This area to remain in the Agriculture zone is adjacent to similar uses, including low density residential uses and Canyon Creek School. The zoning map and site photos shows the exact zone boundary for the zone change.

Other Business/Announcements

Adjournment

The Board of County Commissioners public hearing for these applications will be held on **May 23, 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 657-8246. 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

County Zoning Commission
Meeting Date: 05/08/2023

Information

Subject
Approval of Minutes: January 9, 2022

Attachments

YZC_2023_01_09_DRAFT.pdf



**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

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- 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

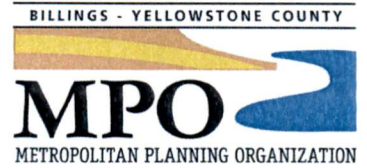
Adjournment

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 gasses that are heavier than air and find low places. Like me and my neighbors. Toxic gasses 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 requirement fails are 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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To: Deines, Tammy <DeinesT@billingsmt.gov>
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.

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.



Par Pacific

Asphalt Emulsions, All Grades

Date of Preparation: June 8, 2021

SAFETY DATA SHEET

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

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.



Par Pacific

Asphalt Emulsions, All Grades

Date of Preparation: June 8, 2021

SAFETY DATA SHEET

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.



Par Pacific

Asphalt Emulsions, All Grades

Date of Preparation: June 8, 2021

SAFETY DATA SHEET

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.



Par Pacific

Asphalt Emulsions, All Grades

Date of Preparation: June 8, 2021

SAFETY DATA SHEET

- 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]



Par Pacific

Asphalt Emulsions, All Grades

Date of Preparation: June 8, 2021

SAFETY DATA SHEET

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.



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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.



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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.



**Yellowstone County Zoning Commission
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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

County Zoning Commission

Meeting Date: 05/08/2023

SUBJECT: County Zone Change 715 - 8522 S Frontage Road - A to I1

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

County Zone Change 715 -- 8522 S Frontage Rd -- A to I1 This is a zone change request for property located on the southwest boundary of the County's 4.5-mile jurisdictional zoning generally located at 8522 S Frontage Road. The existing zoning and use is Agriculture and the proposed zoning for a portion of the property is Light Industrial to accommodate users that need large storage facilities and lay down yards. The zone change is for about 126 acres of a total of 196.6 acres of land held in three tax parcels with 1/2-mile of frontage on S Frontage Road, about 800 feet of frontage on Duck Creek Road (west property line) and about 600 feet of frontage on Danford Avenue (south property line). The 70 acres not included in the zone change will remain in the Agriculture zone. This area to remain in the Agriculture zone is adjacent to similar uses, including low density residential uses and Canyon Creek School. The zoning map and site photos shows the exact zone boundary for the zone change.

RECOMMENDATION

Planning staff is recommending approval and adoption of the findings for the 11 criteria for Zone Change 715.

APPLICATION DATA

OWNER: SAMM, LLC

AGENT: Sam Sparks

LEGAL DESCRIPTION: C/S 1281 Tract 1; unplatted land in T1S, R25E, Section 27 = NWSE SWSW N2SW (LESS SURVEYS RY & HWY) and SESW&SWSE

ADDRESS: 8522 S Frontage Road

CURRENT ZONING: Agriculture (A)

EXISTING LAND USE: Crop production - one single family dwelling (1960)

PROPOSED USE: Heavy commercial and industrial uses

SIZE OF PARCEL: 196.6 acres total - 126 acres subject to zone change request

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
8522 S Frontage Road	NA				Original Zoning
COUNTY DISTRICTS	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
2815 S 48th St W	473	8/29/1996	A to CI	Yes	Update to Light Industrial (I1)
8108 S Frontage Rd	571	3/23/2004	A to EGC	Yes	Update to Heavy Commercial (CX) Furniture Row
2345 S Shiloh Rd	419	6/20/1991	R150 to CI	Yes	Update to Agriculture (A)
2272 S Shiloh Rd	482	10/7/1997	R150 to CI	Yes	Update to CX
7850 S Frontage Rd	539	5/30/2000	A to ELI	Yes	Update to CX
2915 Wise Lane	522	12/21/1999	A to ELI	Yes	Update to CX
7710 S Frontage Rd	528	5/2/2000	A to ELI	Yes	Update to CX
RF Development Sub	521	12/21/1999	A to CI	Yes	Update to CX
Shackelford-Yellowstone and CS 1391	17	7/1974	A to CI	Yes	Update to I1
Broso Valley Park Sub and CS 3077	City 532A	2/27/1989	A to CI	Yes	Updated to CX

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Light Industrial - north of I-90

Land Use: Storage facility; Simplot fertilizers; agriculture fields
SOUTH: Zoning: Agriculture (A), Public 2 (P2) and Special Zoning District 21 (regulations under draft)
Land Use: Agriculture fields, Canyon Creek School and low density residential
EAST: Zoning: A and Rural Residential 3 (RR3)
Land Use: Agriculture fields, and low density residential
WEST: Zoning: Unzoned
Land Use: Warehouse, I-90 RV, Wireless Tower

BACKGROUND

The subject property is located on the far west boundary of the County's Zoning jurisdiction - approximately 4.5 miles from the Billings' city limits. Property along South Frontage Road has experienced growth in periodic bursts throughout the last three decades. Demand for larger lots, suitable for heavy commercial or industrial uses is growing south and west of Billings. Interstate visibility is also a market factor for property in this vicinity. The intended uses for the property are for uses similar to those in RF Development and Shackleford Subdivisions south of the interstate near the Zoo Drive exit, approximately 2 miles north and east of the subject property. The property currently has one residence and an agricultural operation. The proposed development will remove the residence and subdivide the parcel into large lots for heavy commercial and light industrial uses. The proposed zoning boundary is more than 300 feet from property used for residential or school purposes. The existing zoning of Agriculture will remain in place for this area. The south and east corner of the property is within a designated area subject to some flooding or inundation and has extremely high groundwater for most of the year.

The property has over 1/2-mile of frontage on S. Frontage Road and Interstate 90. Although there is vacant land to the east, interstate visibility is reduced based on the complexity of the interchange with Zoo Drive and further east at the King Ave W interchange. In addition, large lots of 5 to 15 acres are not available between this location and King Ave West that also have interstate visibility. The traffic volume on this section of S Frontage Road (a principal arterial road) is variable but has increased over the past 10 years from just over 3,800 to the current volume of just over 4,800 ADT. The reconstruction of the gas station and convenience store at the intersection with Wise Lane resulted in a long deceleration lane for the eastbound traffic and some safety improvements at this intersection. Average Daily Traffic volume as measured by a permanent MDT station near this location is about 4,800 vehicle trips per day on an annual basis. About 600 (12%) of those daily trips are by trucks weighing at least 16,000 lbs (8 tons GVW). Any particular day may experience much higher volumes of traffic. For example, on Friday, April 28th, the station measured over 10,000 vehicle trips on S Frontage Road. There is construction on I-90 this spring, so this may contribute to the higher volumes of traffic on any particular day of the week. Any new development on this property will need to coordinate with MDT to ensure new drive approaches on to S Frontage Road are placed safely and according to state regulations. The proposed subdivision (shown on the Zoning Exhibit) shows one new entrance on to the property to the north and east of the two driveways for the current residence at 8522 S Frontage Road. This new entrance on S Frontage Road will need approval of MDT. Other access points on to the property are shown off Duck Creek Road (west) and possibility Danford Ave. (south). The subdivision is still in process, so exact locations of drive approaches have yet to be determined. The parcel shown as "Tract 1" on the zoning exhibit has an intended buyer, but the use has not been disclosed by the owner.

Many of the comments from the surrounding property owners during the pre-application neighborhood meeting concerned water quality and quantity, traffic and intended uses. The surrounding property including Canyon Creek School to the south and west, depend on groundwater wells for drinking water. Irrigation water is also prevalent in the area and serves as a recharge to the local groundwater during the growing season. The flood plain of the Yellowstone River does extend north of Story Road (1/2-mile south). See attached exhibit. Any new use of the property would need to prove protection of the groundwater in the area through the DEQ approval for water and wastewater disposal. Certain industrial and heavy commercial uses may not be possible on the subject property due to DEQ rules for high strength or industrial wastewater processing. DEQ may require high levels of processing of such wastewater and due to the groundwater levels in the area and the proximity to the Yellowstone River, discharging anything through an on-site septic system will be challenging even for domestic type wastewater.

The proposed zoning of Light Industrial (I1) allows many types of commercial and industrial uses but does not allow residential uses, medical or health care facilities, or assembly uses (schools, churches). The zone district does allow some large format retail and restaurants, industrial and construction service businesses including contractor yards, equipment sales and service including recreational vehicles, cars and trucks, manufacturing and assembly except for "heavy" manufacturing such as petroleum plants, campgrounds or RV parks, animal sales and services such as veterinarians, warehousing including personal storage warehousing and similar uses. Warehousing is the most likely use of the property given the location, access to the interstate and limitations for water use and disposal.

SUMMARY

Before making a recommendation to the Board of County Commissioners, the County Zoning Commission shall consider the findings of the 11 review criteria:

1. Is the new zoning designed in accordance with the Growth Policy?

The proposed zoning does comply with the following goals of the County Growth Policy and area plans:

- Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.
- New developments that are sensitive to and compatible with the character of adjacent County neighborhoods.
- Contiguous development focused in and around existing population centers separated by open space.
- Coordinated economic development efforts that target business recruitment, retention, and expansion.
- An inviting and attractive urban interstate corridor through the County.

This zone change would allow this parcel to develop in the same way as other properties along the interstate corridor between Laurel and Billings. The 2020 zoning adopted by the County Commissioners now requires all developments to install street and road frontage landscaping as well as buffering between land uses. These regulations should improve the quality of appearance for interstate corridor developments. The zoning is consistent and compatible with some nearby, but not adjacent county property in the area and the more urban developments to the east and north. The I1 zone will accommodate many commercial and industrial uses but will be limited by the options for water and wastewater disposal.

2. Is the new zoning designed to secure from fire and other danger?

The subject property is currently served by the Billings Urban Fire Service Area (BUFSA). The property will have access from S Frontage Road as well as Duck Creek Road. Future subdivision of the property will determine the exact location of the drive approaches to the subject property. There should be adequate ingress and egress to the property for emergency vehicles if these connections are made. The property is not served by public water and will need to ensure fire protection water supply through the subdivision process. This may include installation of a dry hydrant cisterns or gaining access to an existing nearby dry hydrant system. Any future commercial structures will require permits through the State of Montana. Depending on the occupancy, fire suppression sprinklers may or may not be required, this is regulated through the Building Codes Bureau. The existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies.

3. Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?

Transportation: Development under the new zoning will increase traffic on S Frontage Road and may also contribute to increased traffic on Duck Creek Road and possibly Danford Avenue. The level of traffic increase will be dependent on the type of uses. Any development will require careful placement and construction of the access to S Frontage Road. The exact location will be determined by the Montana Department of Transportation. Traffic levels on S Frontage Road fluctuate on a daily basis, but there is no concern about the capacity of the road to handle additional traffic. The S. Frontage Road is a principle arterial roadway, a designation that indicates it is intended to be used for high volumes of vehicular traffic.

Water and Sewerage: The property will need to provide water for commercial and industrial use and waste water disposal on site. Water can be provided by individual wells, a community well or by individual cisterns on the lots. Waste water can be handled by individual septic systems or by a community system. The type and manner of these services will be determined at the time of subdivision review and will ultimately require the approval of the Montana Department of Environmental Quality.

Schools and Parks: The proposed zoning would not be likely to increase the number of school children attending the School District 4 Canyon Creek or School District 2 West High School. Residential uses are not allowed in the I1 zone. The impact of some types of commercial or industrial uses on the adjacent school property is difficult to determine since the school is buffered by an area to remain in the Agriculture zone district.

Fire and Police: The subject property is serviced by the Billings Urban Fire Service Area (BUFSA). Fire suppression requirements will be evaluated at the time of a development plan and during the subdivision review process as indicated in criteria number 2. The Billings Fire Department will continue to provide fire protection services for this property with or without a zone change.

4. Will the new zoning promote health and general welfare?

The new zoning will allow development of property that is directly adjacent to a high-speed arterial corridor that includes the interstate highway. The zoning plan does not include land within 300 feet or more of property developed for residential or school use. This area will remain in the Agriculture zone district. There are a few County subdivisions near the property and a new special zoning district south of Danford Avenue (SZD 21). The total area subject to the zone change is about 126 acres of the 196 acre parcel. Allowing commercial development on land close to the interstate frontage will promote health and the general welfare. In other areas along the interstate corridor, residential and agricultural uses exist south of the commercial uses along the frontage roads.

5. Will the new zoning provide adequate light and air?

The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

6. Will the new zoning effect motorized and non-motorized transportation?

The proposed zoning itself will not generate more traffic, but the development of the property for commercial and industrial uses will add traffic volume to S Frontage Road and some of the surrounding street network. The estimated increase in traffic would depend on the type of developments on each parcel. Large warehouse operations may create more truck traffic on the S Frontage Road, but personal self storage facilities create fewer trips per day. A traffic impact study will likely be required for the subdivision as well as for the MDT determination of the best location for the S Frontage Road access point.

7. Will the new zoning be compatible with urban growth in the vicinity?

The proposed zoning is compatible with some nearby but not adjacent county commercial zoning and developments. The nearest city limits are separated by Interstate-90 and are approximately three quarters of a mile away as the crow flies. Other County commercial developments such as furniture row are located approximately .36 miles away which is where the Heavy Commercial corridor begins and continues east to Zoo Drive. Immediately across Interstate 90 is the railroad and other light industrial zoned vacant lots. The proposed zoning is compatible with the interstate corridor. Consideration has been given to the agricultural zoned land that will remain in place, serving as a buffer between the School and nearby residences.

8. Does the new zoning consider the character of the district and the suitability of the property for particular uses?

The subject property is in an area that supports commercial and industrial development along S Frontage Road and agricultural uses on the adjacent property. Low density rural residential can be found further south of the subject property. The property is suitable for the I1 uses along the corridor and will likely have enough separation from residential uses and the school property to minimize potential impacts.

9. Will the new zoning conserve the value of buildings?

The new zoning will allow the development of new commercial and industrial uses. The owner has stated the existing dwelling on the property is no longer "livable" due to the traffic noise on the frontage road and the interstate. It is not known whether new development on the property will have any effect on adjacent building values. In general, new development tends to increase property value.

10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?

The property is suitable for the uses allowed in the I1 zoning district. This is an appropriate use of land in this area for County development.

11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?

Zoning in the city limits in similar proximity to the interstate corridor is zoned by I1 and Heavy Commercial (CX). The proposed zoning is compatible with the adjacent and nearby city zoning.

RECOMMENDATION

Staff recommends approval and adoption of the findings of the 11 review criteria for Zone Change 715.

Attachments

Zoning Map and Site Photos

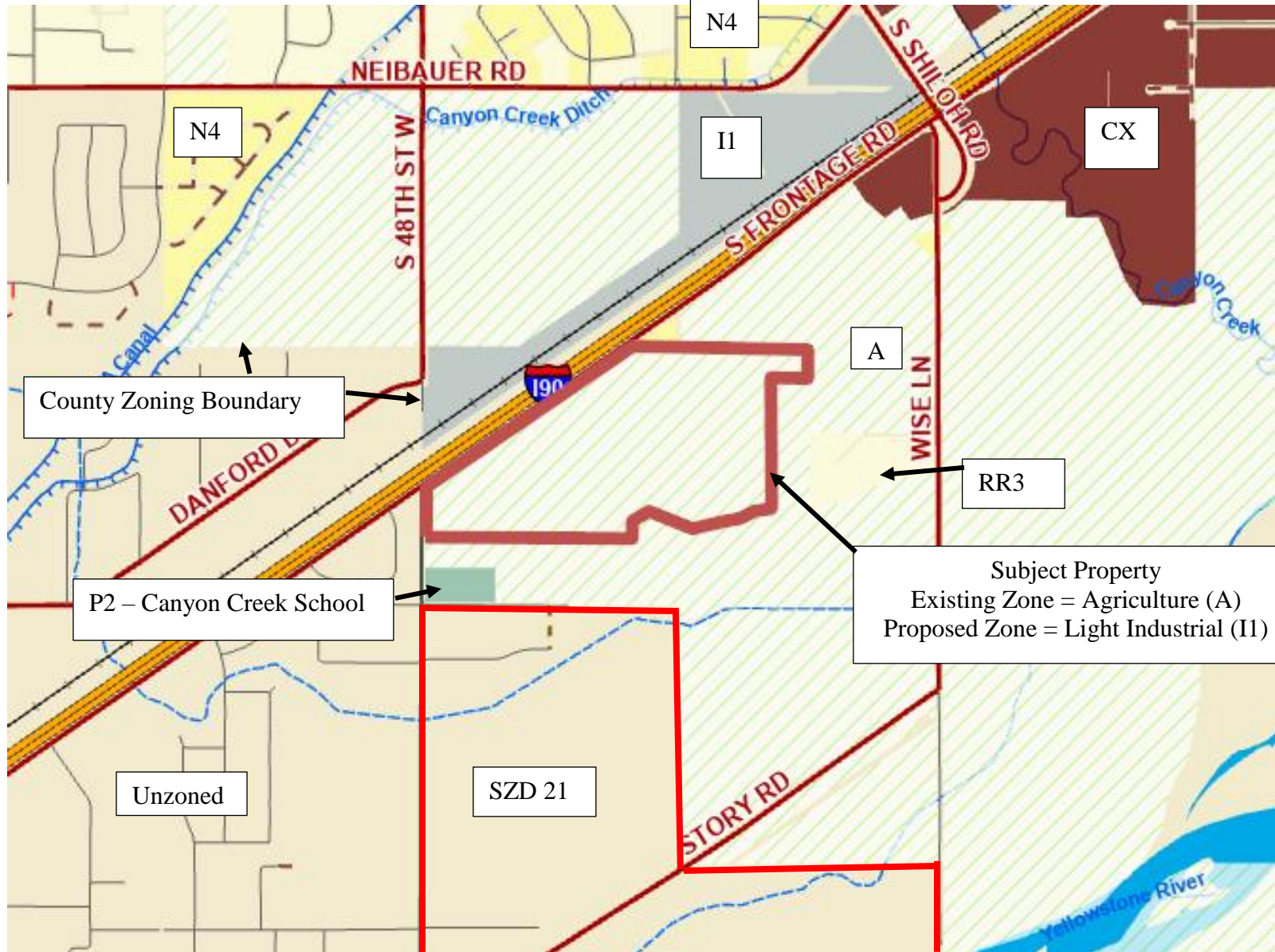
Chart of Zoning History

Zoning Exhibit for ZC 715

Application Letter and Preapplication notes

Flood Plain Map

Zone Change 715 – 8522 S Frontage Rd
Zoning Map and Site Photos





NEIBAUER RD

S 48TH ST W

S SHILOH RD

S FRONTAGE RD

Furniture Row

190

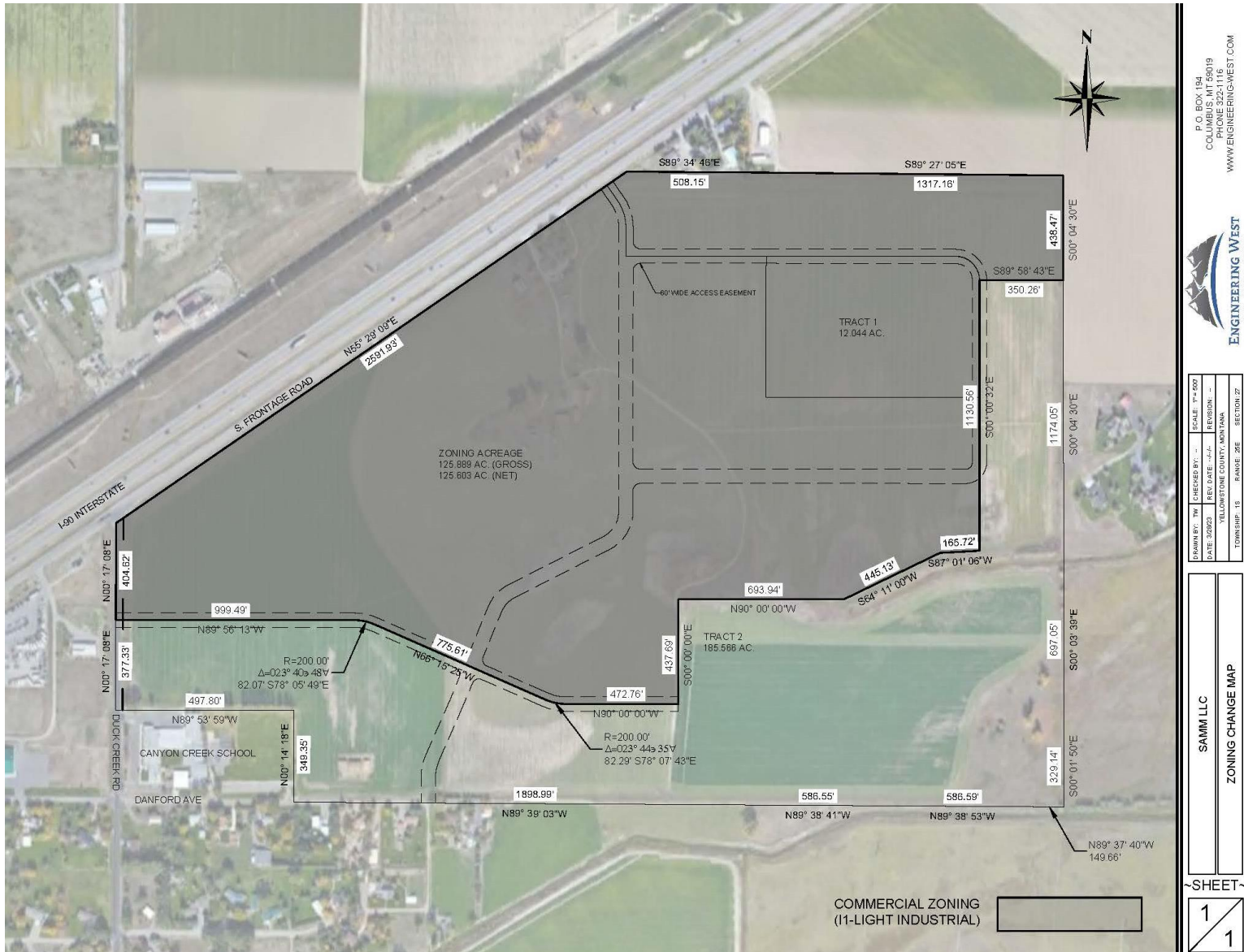
WISE LN

DANFORD DR

STORY RD

Yellowstone River

Subject Property



P.O. BOX 154
COLUMBUS, MT 59019
PHONE 322-1116
WWW.ENGINEERING-WEST.COM



DRAWN BY: TW	CHECKED BY: -	SCALE: 1"=400'
DATE: 3/20/23	PER DATE: -	REVISION: -
TOWNSHIP: 16	RANGE: 25E	SECTION: 27

SAMMI LLC
ZONING CHANGE MAP

SHEET
1/1



Subject Property view from S Frontage Road



View west of S Frontage Rd



View east on S Frontage Road



View south across subject property



View north west across S Frontage Rd and I-90



View north and east across S Frontage Rd and I-90



View east across subject property from Duck Creek Rd – south of S Frontage Rd

APPLICABLE ZONING HISTORY
Zone Change 715

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
8522 S Frontage Road	NA				Original Zoning
COUNTY DISTRICTS	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
2815 S 48 th St W	473	8/29/1996	A to CI	Yes	Update to Light Industrial (I1)
8108 S Frontage Rd	571	3/23/2004	A to EGC	Yes	Update to Heavy Commercial (CX) Furniture Row
2345 S Shiloh Rd	419	6/20/1991	R150 to CI	Yes	Update to Agriculture (A)
2272 S Shiloh Rd	482	10/7/1997	R150 to CI	Yes	Update to CX
7850 S Frontage Rd	539	5/30/2000	A to ELI	Yes	Update to CX
2915 Wise Lane	522	12/21/1999	A to ELI	Yes	Update to CX
7710 S Frontage Rd	528	5/2/2000	A to ELI	Yes	Update to CX
RF Development Sub	521	12/21/1999	A to CI	Yes	Update to CX
Shackelford-Yellowstone and CS 1391	17	7/1974	A to CI	Yes	Update to I1
Broso Valley Park Sub and CS 3077	City 532A	2/27/1989	A to CI	Yes	Updated to CX



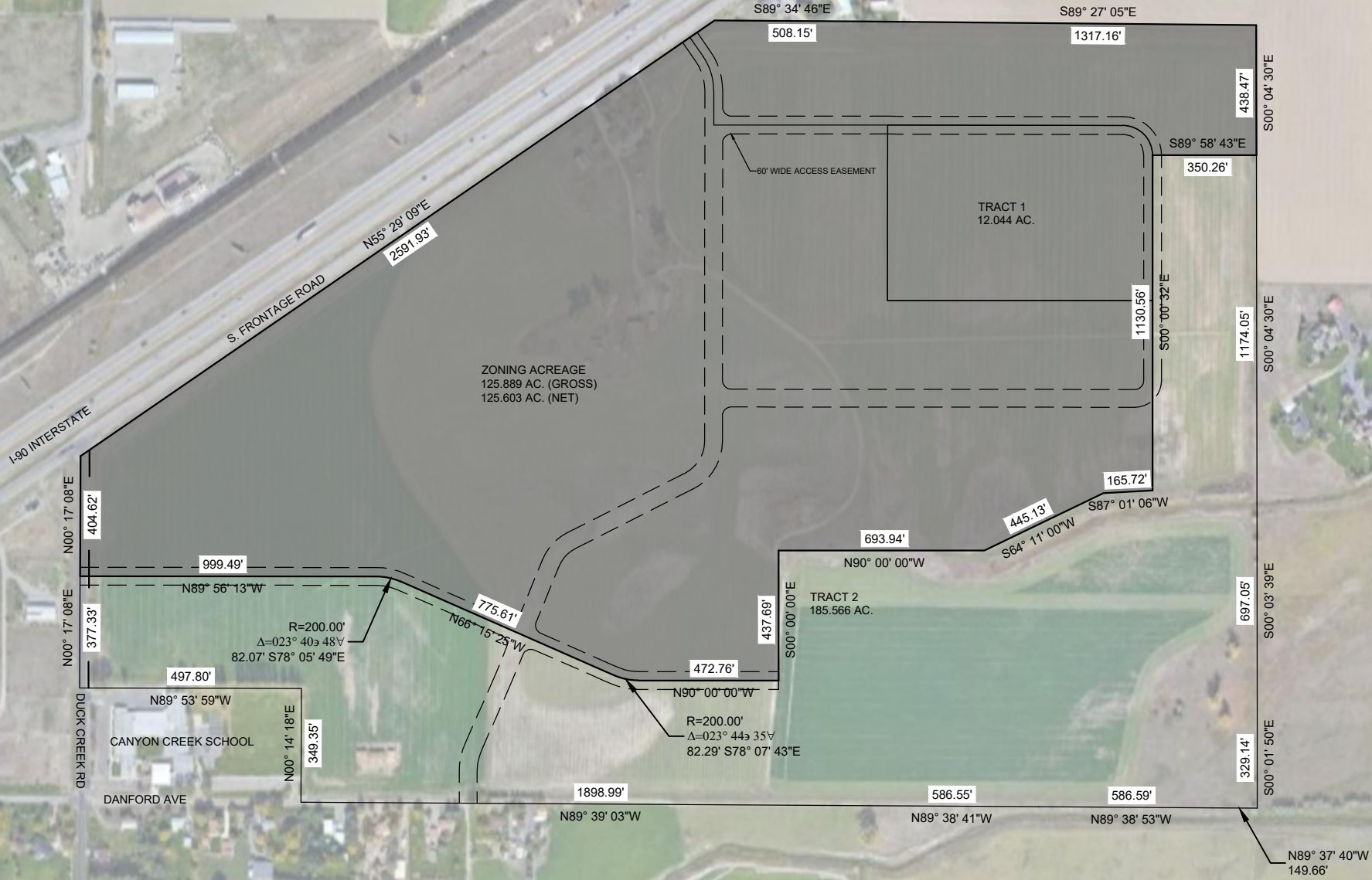
P.O. BOX 194
 COLUMBUS, MT 59019
 PHONE 322-1116
 WWW.ENGINEERING-WEST.COM



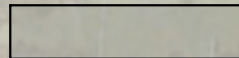
DRAWN BY: TW	CHECKED BY: --	SCALE: 1" = 500'
DATE: 02/28/23	REV. DATE: --/--	REVISION: --
YELLOWSTONE COUNTY, MONTANA		
TOWNSHIP: 1S	RANGE: 28E	SECTION: 27

SAMM LLC
 ZONING CHANGE MAP

~ SHEET ~
 1 / 1



COMMERCIAL ZONING
 (I1-LIGHT INDUSTRIAL)



APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 715 - Project # PZX-23-00069

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the Yellowstone County Unified Zoning Regulations.

Present Zoning: Agricultural

Proposed Zoning: Light Industrial

Property Tax ID # D00905, D00904, D00907 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: T1S - R25E - SEC 27 - NWSE, T1S - R25E - SEC 27 - SESW + SWSE, Parcel # 1281-000-001

Address or General Location (If unknown, contact County Public Works): 8522 South Frontage RD and surrounding acreage

Size of Parcel (Area & Dimensions): 125.889 acres Approx. 4,000ft x 1,500 ft

Present Land-Use: Agriculture

Proposed Land-Use: Light Industrial

Covenants or Deed Restrictions on Property: Yes No [checked]

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): SAMM LLC

(Recorded Owner) 2225 South 64th St. W Billings, MT 59106

(Address) (406) 281-0329 sams@sparksinc.us

(Phone Number) (email)

Agent(s): Sam Sparks

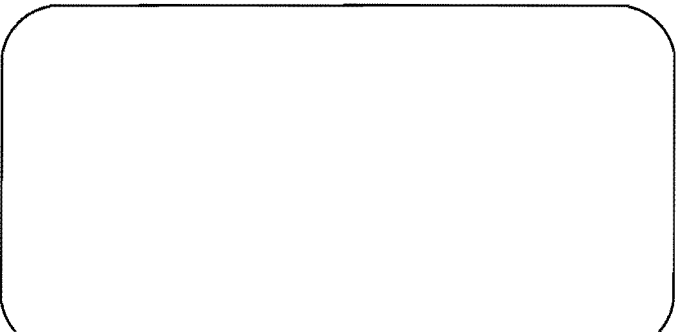
(Name) 2225 South 64th St. W Billings, MT 59106

(Address) (406) 281-0329 sams@sparksinc.us

(Phone Number) (Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature] Date: 3/30/2023 (Recorded Owner)



Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** Agriculture
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: We are changing the zoning from agriculture to light industrial to include approximately 125 acres.
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** T1S-R26E-SEC 27, NWSE,
T1S-R26E-SEC 27, -SESW+SWSE, parcel # 1281-000-001
5. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form
6. **A copy of the meeting notice.** please attach to this form
7. **A brief synopsis of the meeting results.** please attach to this form
8. **The undersigned affirm the following:**
 - 1) The pre-application neighborhood meeting was held on the 23, day of MARCH, 2023
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): SAMM LLC Telephone: (406) 281-0329 (406) 656-0980
Address: 2225 South 54th St W Email: sams@sparksinc.us
Billings, MT 59106

Agent (s): Sam Sparks + Michelle Sparks Telephone: (406) 281-0329 (406) 281-0328
Address: 2225 South 54th St W Email: sams@sparksinc.us
Billings, MT 59106 michelleandsam@charter.net

County Zoning Change

When: March 23, 2023

Where: 8522 S Frontage Rd
Meeting to be held at East Driveway

Time: 5PM

Contact Info: Sam Sparks 406-281-0329

Legal Description:

S27, T01 S, R25 E, C.O.S. 1281 PARCEL1

S27, T01 S, R25 E NWSE SWSW N2SW (LESS SURVEYS RY&HWY)
107.737 ACRES

S27, T01 S R25 E, SESW & SWSE

The existing lot is agriculture and is being purposed to change to light industrial.

Pre-Application Meeting Results

8522 South Frontage Rd – East Driveway

3/23/2023

We conducted a pre-application neighborhood meeting on Thursday March 23, 2023. The meeting information was sent out based on the address list we received. Only two of the owners within the 300 feet radius came to the meeting. One being Shirley Wagner who had nothing to say. The Neibauer's also came who informed us of what he measured the water table to be. Several other local residents also attended the meeting. The biggest concerns were water and storm water. Travis West, from Engineering West, addressed those issues. Another concern was irrigation water that crosses the property. We assured those concerned the irrigation water would continue to be available. A concern was that the property was a large area turning into light industrial and that there was no definite plan on who the future owners might be and how they would be regulated. Travis West told them there was a document concerning light industrial that was fairly comprehensive including low lighting, buffer zones, and accesses to the property.

Zone Change Application/11 County Zone Change Criteria

1. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

Land Use

- The requested zoning is consistent and compatible with the neighborhood character and with the existing growth patterns in the area both east, west and north of the subject property.
- This proposal is sensitive to the neighborhood to the south and their desire for buffering to the future needs for land for the Canyon Creek School.

Economic Development

- The goal is to create an attractive and accessible access and entry along the South Frontage Road.
- The development is sensitive to the desires of the existing local neighborhoods in close proximity to the subject parcel and to promote a safe and healthy environment for the Canyon Creek School students.

Aesthetics

- The goal is to create a safe, inviting, and attractive subdivision on the South Frontage Road.

Open Space & Recreation

- The subject parcel is situated in such a way as to create a natural low area on the southern boundary of the property that lends itself to a recreation/park area. This area also serves as a buffer area for some of the residences to the south.

Transportation

- The transportation within the subdivision will be safe and allow for good circulation and to avoid congestion.
- Entrance to the subdivision and all access points off the South Frontage Road will be coordinated with the Montana Department of Transportation.
- Through the design process, the development will be both attractive, safe and functional.

2. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the existing zoning will fit in with the existing zoning and land uses of the immediate area.

I am a builder and developer of properties. I bought the property, currently zoned for agricultural purposes, with the intent to create an outstanding development along the South Frontage Road. The section to the east of the subject parcel has developed and is in the process of additional development and the property to the west of the subject parcel, starting at Duck Creek Road is and has been in the process of development for the past few years. This development sits between the two areas that are currently being or have been developed and is a logical, safe and functional expansion for the area.

3. Is the new zoning designed to secure from fire and other dangers?

We plan on putting dry hydrants in two locations of the property. That will add fire water to this subdivision and the existing surrounding areas.

4. Will the new zoning promote public health, public safety and general welfare?

Yes, the traffic patterns will be routed in a safe manner through the subdivision away from the residential areas. The storm water will flow to the south side of the property through the existing low areas. There will be a berm around the storm water retention ponds to ensure the water cannot leave the property.

5. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

The roads will be coordinated with the Montana Highway Department and the county road commission to ensure safe and easy passage. Water in light industrial use will be minimal as with sewer. There is a buffer zone around the school and plans for park areas.

6. Will the new zoning provide adequate light and air?

Yes, there will be adequate light and air. We will be sensitive to the areas around us.

7. How will the new zoning effect motorized and non-motorized transportation?

Being that this is on the South Frontage Road and in between two exits on I-90, the state transportation system works perfectly for this property. We will be working with MDT to ensure proper approaches are installed with safety and flow patterns in mind. Non-motorized transportation will also be able to use these routes. It will keep trucks and other commercial vehicles off of routes used for the school and pedestrian transportation that is currently being used.

8. Will the new zoning be compatible with urban growth in the vicinity of cities or towns?

Yes, light industrial can assist in serving the current refineries and keeping the traffic on the South Frontage Road and I-90.

9. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The property is currently zoned agricultural. The center (about 1/3 of the property) is not currently being used because of unsuitable land. The southern portion of the property is in a flood zone. Those areas will be used more appropriately. The South Frontage Rd current residency will be demolished as the current residents can no longer tolerate the noise of I-90 or the South Frontage Rd.

10. Will the new zoning conserve the value of buildings?

The buildings within the proximity of the land currently are zoned commercial, a school, and residential on the outside of a 300 foot buffer zone.

11. Does the new zoning encourage the most appropriate use of land throughout Yellowstone County?

Yes, because it is located on the South Frontage Road and I-90 with very heavy traffic and noise, residential use is not practical. The busyness and noise will not impact light industrial businesses. The proximity to I-90 is close enough for warehouses to be positively impacted. Small fabrication business can service refineries and the new gas plant without the traffic having to use any of the local, city, and county roads.

12. Will the new zoning, as nearly as possible, be compatible with the zoning of nearby cities and towns?

The zoning will be perfect for the zoning that is already in existence on the I-90 corridor and the nearby cities and towns.

Pre-Application Meeting Results

8522 South Frontage Rd – East Driveway

3/23/2023

We conducted a pre-application neighborhood meeting on Thursday March 23, 2023. The meeting information was sent out based on the address list we received. Only two of the owners within the 300 feet radius came to the meeting. One being Shirley Wagner who had nothing to say. The Neibauer's also came who informed us of what he measured the water table to be. Several other local residents also attended the meeting. The biggest concerns were water and storm water. Travis West, from Engineering West, addressed those issues. Another concern was irrigation water that crosses the property. We assured those concerned the irrigation water would continue to be available. A concern was that the property was a large area turning into light industrial and that there was no definite plan on who the future owners might be and how they would be regulated. Travis West told them there was a document concerning light industrial that was fairly comprehensive including low lighting, buffer zones, and accesses to the property.

Zone Change Neighborhood Meeting – 3/23/2023

8522 South Frontage Rd

Travis: I am Travis West with Engineering West; I am the engineer that is representing and working with Sam on this development and proposed zoning change. What we need to do is park of our zoning change is to have this meeting to hear any concerns, comments you guys might have about this because we want to make sure we get those and submit those to the zoning department and that will be then given to the county commissioners who really are the decision makers in this zoning change. So we want to make sure you state your name, whatever comments/concerns you have so we can get those on record and to the commissioners so you guys are heard and everybody understands your concerns.

Sam: Okay you want me to talk now?

Travis: Sure

Sam: I am not a meeting leader. Anybody else need a map? Okay so on your map here I am just going to talk about that a little bit and describe it. (Pointing at map) This is South Frontage Rd. We picked this weird shape because down through there is a ditch that runs through and we had previously drawn the high points for a road and a few potential roads that could go in, so that is why it is not square and it is kind of all over the place. What we are proposing is light industrial along South Frontage Rd. Travis I don't know what to say next other than what are some comments.

Joy: I have a question.

Travis/Sam: Yes

Joy: Okay well that is not the map proposed to Brent Lipp

Sam: Parden me?

Joy: That is not the same map proposed to Brent Lipp, with the school.

Sam: This is the zoning change map, and this map doesn't have anything to do with a subdivision.

Travis: There was some previous earlier concept plans as we were going through this. Do we want to do residential or mixed use. Mr. Sparks did have an exact idea of what he wanted to do. So, this is the latest greatest, he is going with light industrial here and this is for a zone change. So currently this is zoned agricultural and in order to do any type of commercial development here we have to go through the zoning change process.

Joy: Well why did you tell Mr. Lipp that there's going to be residential?

Sam: What our thought is, is down here it will be residential. I wanted to make sure the school had the opportunity to let us know what it is that they want. If they want a piece of property or what they want.

Travis: Part of the early discussions was maybe the school, if they needed to expand for room, that maybe they would be interested in purchasing this so we didn't want to include that in the zoning. That also allows a buffer for a lot of the residents around here so we don't put it right next door. We wanted a buffer between that. So that was a couple ideas we had, that is why you see up here is also not proposed in the zone change either because of that buffer. We like that buffer between the houses over here.

Scott: How long have you owned the land, Sam?

Sam: About a year.

Scott: When you say light industrial, what is your vision for that.

Sam: So, what I call light industrial, I am a manufacturer, I used to build arctic pipe and fab pipe, fab welding shop, that kind of deal. Warehouses you have to be light industrial, not commercial. I don't have the total definition of light industrial.

Travis: I have the definition here.

Joy: So, production of some sort.

Scott: Light industrial from heavy industrial?

Travis: If this zoning change were to pass, it would allow a variety of businesses, warehouses, light industrial uses related to wholesale plus other businesses, and light industries. It requires

low intensity lighting, industrial development. The traffic is proposed to come off of the Frontage Road and directly west so they are not going by the residential.

Joy: So directly through the school?

Travis: No, no

Joy: But it would be coming out by the school.

Travis: There will be an access but they will come out here and here.

Sam: The board told me I had to take Danford all the way to ???

Travis: You still may, we don't know.

Sam: I basically told them that is the last thing I want to do; it goes right through Shirley's front yard.

Joy: Well, it wouldn't I can tell you that. That land is grandfather cloused in and agricultural land. It will never be sold for anything else.

Sam: Around 1890, they dedicated it as a road.

Travis: There is a road dedication along this section of land. The county public works made a comment that you might have to extend Danford all the way through which we do not want to do. This is all flood plan down here and stuff like that.

Sam: That is the last thing we want to do.

Travis: But they just made a comment about it.

Sam: The road commission said I had to and I said you can't

Travis: It doesn't make any sense.

Sam: It makes no sense, we do not want to do that at all. By keeping a good buffer away from Shirley's, I don't think we are going to have to. I have only talked to them briefly and no decisions have been made, nothing. I didn't know when I bought this property that Danford went through there at all. I also don't want to pay for Danford to go through. On half of my property, and half of Wagner property, there is an easement for Danford road for 60 feet. 30 feet on each

side right down the property line that was made in 1890. The estimate was put in around \$160 to build that entire road including moving fences and relocating bridges. So, I mean, it doesn't make sense today, but I don't know what they are going to say, it is not mine. They are claiming it is theirs. I don't know, but that is a whole different topic.

Travis: Right, that is not concerning the zoning change.

Sam: Yes, this has nothing to do with that.

Travis: If we were to develop this, this is when we will have to develop those issues, through a subdivision.

Sam: We don't want to go through any of your guys' property at all.

Julie: Was the open cut mining included in that.

Travis: No, I do not believe so.

Sam: What was that, I didn't hear it.

Travis: Open cut mining, is it allowed?

Sam: We are not doing mining.

Did Not Say Name: If you develop this, are you going to have city water and sewer.

Sam: No, at least not at this time.

Joy: Well how does that affect our water systems.

Dilys: Yeah, we have wells.

Sam: You have wells and there will be wells here.

Joy: No, how does that affect our wells going dry from you taking all the water.

Dilys: Yeah, they had that problem at Crystal Springs, it took all those people down on Duck Creek.

Travis: That would be part of the subdivision process, this is kind of a 2-part thing. One is zoning change, it that was approved, then we will look at how many lots and the development. If a

subdivision occurs, in that process the department of environmental quality along with Riverstone Health will review the water and sewer for the exact reasons you talked about.

Sam: Also, DNRC

Travis: Yes, DNRC for water rights. They will look at those to make sure that is it not a problem. In my experience, the closer you are the Yellowstone, the Aquaphor is very strong versus other places as you get farther away from the Yellowstone where you could have problems with smaller Aquaphor's.

Dilys: They had a lot of water and Crystals Springs took it all.

Travis: Those are issues that DNRC are going to look at. Like is said DEQ, depth of the wells, how many wells to make sure any of the drain fields are not going to pollute existing wells or proposed wells. We do what is call non degradations calculations. So those are all getting reviewed and has to be approved before anything can be installed.

Ken: Do you know what the water table is around now?

Travis: It is around about 35 feet, as far as the wells?

Ken: No, no the actual water table.

Travis: So last summer, some of you probably noticed we had a bunch of pipes around. One of my gals from the office was always out here, every week we measured the water. Everything up here is fairly good and dry for the most part. We do have a problem down there, where we are not proposing zoning because this is really shallow, high ground water. This really isn't set up for development because of the very high ground water.

Joy: What is the pit down for that is down there?

Sam: I demoed a machine. The water table down there in some points is 1 foot. It is really high, there is a lot of water down there.

Joy: Well, what are you proposing to put in the pit?

Sam: We will have a water collection that will come from the property.

Travis: He is referring to storm water.

Sam: Storm water, as it rains, we are hoping it will go down there.

Travis: It will be a retention pond, that will help recharge the ground water as well.

Joy: You are having a retention pond that sits next to danford drainage which our cattle drink out of. So it has to be clean water and it has to be purified before it is sent back to the river.

Travis: It is not going to go to the river.

Joy: Well, that drainage does flow into the Yellowstone River.

Travis: We are not proposing to dump that into the drainage ditch. It is held on site; it goes through a pond and filters down into the ground just like the storm water does now.

Joy: Well as close as the hole is to the drainage that ditch comes up high every year in the spring, there is going to be an issue because it actually goes over the banks that are there.

Travis: The ditch does now?

Joy: Uh yeah in the summer.

Travis: It gets full of water plus whatever it rains.

Kevin: Yeah, it comes up probably 3 to 4 feet.

Travis: In the ditch?

Kevin: Yes.

Ken: Years ago, one of my sprinklers blew up, I live next door over there. I thought the well was going dry, I didn't know the sprinkler head had broken and the pump wouldn't let any water come into the house. I measured down and we were 15 feet down until we hit water. My well is at 35 feet and I have never run out of water. No, mine is 32 and the house next doors is 35.

Dilys: What about if your business is commercial here, are they going to be on well water?

Travis: Yes, that is the proposal.

Ken: Did you know John Deere is going in next door over there?

Travis: I have heard rumors but I haven't heard for sure.

Ken: They bought the property, CBO but they haven't tried for a zone change yet.

Scott: Whereabouts is that located?

Dilys: Right on the other side of our property.

Ken: I am a Neibauer and that is my property so right on the other side of that and near Furniture Row.

Scott: That plat of land by furniture row over there?

Ken/Dilys: Yes

Ken: This side between my 2nd house and Furniture row. They bought it from a Yost. Where that ditch is over there, that is the property line and this way. There is actually a cement ditch this way, that's not the property line, it is past that. If you look there is still a triangle that is past that ditch.

Ken: I am zoned highway commercial, the house on the other side of me is also mine and that is residential but I am highway commercial.

Did not say name: What about the cleanliness of that water, if it is light industrial do you have parking lots and trucks and all that stuff.

Travis: Typically, each lot, I don't know how many lots will be created in here, but each lot will hold its own storm water on their own property. Retention ponds and things like that. The way you usually do a retention pond is you have grass; you will notice there will be grassy swales. The grass helps filter the oil and grease come off parking lots before it gets into any ground water. The retention pond that sam is referring to is since this is really the low spot of the property, because we have the roadways and we have to do something with those, so those will go through the grassy swales of the roads before it ever gets to here and then it has to go through a proposed retention pond to store it. We can not take the runoff of this development and put it on the neighbors, we can not do that. It has to be held on site per DEQ requirements. We will likely hold a 100 year storm event on site so it doesn't cause the ditches to overflow.

Scott: When you say on site do you mean each individual property?

Travis: Typically yes, each property will hold on site, that is the way we would design each lot, would have its own retention pond and for the roads, this would be an ideal area to collect all the road runoff as it goes through the development.

Sam: Travis would we berm around that down there?

Travis: We sure could prevent anything from running off, yes. We have done that before because you are going to have a lot of material here off your roads that you could use to berm and prevent any runoff that naturally flows off of the property too. If it is grass, grass doesn't allow it to runoff as quickly as pavement or asphalt. What you are seeing is a 12-acre tract here, we are proposing through a boundary line relocation 1 commercial tract here to be developed. That storm water will be held on that property.

Charlie: I know in one of the original proposals that we saw around showed housing which how does the school feel about light industrial versus some residential. The liability of the school starts to go away when it is all light industrial.

Joy: I did have a chance to talk to Brent Lipp today and he was not happy about it because he was told that there would be housing development in here for the school to bring in some of the school and not all the industrial.

Sam: This is where we think there could be some housing

Travis: In this area here, we have some concepts of some residential lots to help support that.

Sam: Not down here in the flood plain

Travis: Again, I don't think we are that far down in the concept in making that. We are just looking at the zoning change and we don't even know for sure how these are going to be developed.

Charlie: Well, if you put in for a zoning change for light industrial and don't include any residential, how will that play out.

Travis: We wouldn't be able to do residential.

Sam: On the northern part, but all of this is not going to be light industrial

Charlie: The portion you have for residential is pretty small.

Travis: Do I understand your comment, you would like to see more residential?

Charlie: I am speaking more for the interest of the school.

Sam: That is something we can talk about, what we are trying to do right now is get our light industrial, we made up boundary lines quickly, all of it can be changed again. I am trying to get it in from of them so I can get this frontage turned to light industrial. Their recommendation is just picking a spot and anything can be changed later. You can't really build over here, it is mostly up here that you can build.

Joy: You only have one access onto the South Frontage Rd?

Travis: At this time.

Sam: Yes, but that can also change.

Travis: Ideally, we are looking at another a little further down, we have talked to MDT and they have been out here regarding this approach. Their standards are 500 feet. You have to be 500 feet before the next approach. So ideally when we go into a development, there will probably be another approach over here with the road system.

Kevin: So, Sam you are not going to get rid of our ditch

Sam: No, your ditch will be always be there. Your water will always be your water. I cannot take your water

Joy: How? How will it be our water always? Are you planning on enclosing it in or what?

Sam: I don't know but I know I can not take your water away and I have no plan on taking your water.

Kevin: He pointed to here and he was to put a road through here, that right by where the ditch is.

Sam: The ditch is here? I thought it came from here?

Dilys: There's a lot.

Kevin: It actually comes down and kind of follows this dark green.

Sam: I thought it was over here.

Dilys: There is a ditch down here and there a ditch right behind my house. There's a ditch and it comes down and there's a ditch over here. We have the farmers using this ditch.

Travis: Where does the water come from.

Kevin: It comes from up here; it comes under the road and then comes down. That's where we get our water to irrigate here.

Sam: This is the Wagner property there, and their water comes from here.

Travis: So these ditches will have an easement on it, not now on the zoning but if we propose to split the property up. These easements will be shown on the survey and the plat and we will design around that.

Dilys: Yeah, call the ditch company. Greg Neibauer, he lives across the way, his son is one of the ditch helpers here so he can tell you exactly.

Travis: If you have a historical water right in the ditch, that has to be secured and preserved in the subdivision. I understand this is more of a drain ditch here, right?

Sam: Does anyone know what this is right here?

Travis: This is just kind of a drainage because it just starts and is just a drainage ditch. When they flooded this, it is just what caught it?

Scott: It must have been.

Dilys: Yeah, I think this is just a drainage ditch.

Scott: So how many acres is this piece here?

Travis: This is probably, well

Sam: Say that again?

Travis: How many acres is proposed in the zone change

Sam: I'm not sure I don't think you gave me that.

Travis: The whole property is 198 acres, close to 200 acres. You are probably look at around 150 acres.

Kevin: The one that you send Shirley showed 107 point something.

Sam: Yes, but that took out some. This house here is probably about a 10-acre piece. There is a total of 198 acres.

Kevin: I know, in the one that you proposed for your deal. It showed 107 acres that you wanted to change.

Sam: I'm not sure which one you're talking about.

Kevin to Joy: Do you have it?

Sam: Oh yeah, lets look at it.

Travis: It might be on there

Joy: This is the one you are talking about.

Travis: That is the same one that we have here.

Sam: Does it have acreage on it?

Julie: I think it said it on the legal description.

Travis: Oh, it very well could have been on the legal description, that would make sense.

Sam: The legal description should be of the whole property though.

Travis: But you have more than 107 acres.

Sam: There is 3 pieces, he could calculate that.

Travis: Yes, I can calculate that.

Scott: So, what is it then?

Sam: He would have to calculate it.

Scott: No I mean the legal request.

Travis: The application hasn't been submitted yet.

Scott: The reason why I ask is because this is a big chunk of ground right here and then you have these little pieces back here. When you look at your imagination for development, what do you suspect that customers are going to be?

Sam: Light industrial, warehouse type thing.

Scott: But what are you looking for on this one?

Sam: Pretty much the whole thing kind of the same.

Scott: That's a big big big big player right there.

Joy: I was shown this one with all the warehouses on it.

Scott: Your problem is going to be getting everybody to agree that this is a good thing for Billings in this area. We are cooperating and listening but you have a lot of ideas here.

Sam: Not right now.

Scott: You are talking residential, light industrial, manufacturing.

Travis: Not regarding this meeting right now, right now we are proposing the zone change to light industrial.

Sam: Light industrial only right now.

Scott: I'm just trying to make it clear when the word gets out, we all know what is really going on.

Sam: It is simply light industrial and nothing else.

Travis: There are a lot of options under that but it is light industrial.

Sam: This other property is not involved in this really.

Scott: Your challenge is to get everybody in this community that neighbors and borders the property to realize and accept that this is a good thing for this part of West Billings. And then make sure the fore fathers, the city dads, and the county elected officials agree with that.

Sam: Yes

Scott: But that piece of property there, when you drive down the interstate, that is an interesting big piece of property right. Under the name of agriculture, was it 15 years ago, Danny W. had the 10 acres that is below our place. He wanted it changed at the county meeting, same situation like this, and it took them 10 minutes to decide no. They said we are not going to do it. It was a preliminary request, he wanted to change it from agriculture and all the realtors and everybody was at the meeting all standing there just waiting to see what would happen. What happened was Julie and I and our neighbor and said what we thought. The county commissioners just said no. It was really simple. I am a business man and I am a capitalist, I get what you are trying to do here but it has to be a little bit more detailed. You have 107 acres based on that one letter that was sent to you (Wagner's) right? It wasn't officially sent to anyone else that borders the property.

Sam: The letter was sent to everyone within the 300 feet of the property border.

Joy: It wasn't either because we checked with our neighbors, none of them on Danford Ave. got this letter.

Sam: None of Danford are within 300 feet.

Joy: Why weren't they sent to them?

Travis: The zoning regulations require him to submit this to the county, they then give him an address list of people who get the letters. 300 feet within this boundary. There is over 300 feet of separation here so these people don't get the letters because there is greater than 300 feet of the proposed zoning change not of the entire property.

Joy: So, what is this proposed to be?

Travis: It is to stay Ag as it is currently.

Scott: So probably nobody got a letter

Joy: Exactly.

Travis: It was done according to the rule of the county.

Scott: Yeah, but it's a little sticky.

Joy: I did speak with Monica regarding that.

Scott: That's what I'm looking at this, it's multiple dimensions. You got some proposed residential in here, theoretical.

Sam: Nothing yet.

Scott: Yeah, like I said, theoretical.

Travis: You have to go through a zoning change on it.

Scott: Manufacturing over here and light industrial over here, you have 3 concepts.

Sam: Light industrial, that is it. That is the only zone change we are going through, light industrial.

Travis: So light industrial covers some of that, manufacturing and that's like an umbrella term.

Scott: But on 107 acres, of raw land if a big player came.

Sam: Oh, but I am not a big player.

Scott: But I am just saying to buy that 107 acres it changes everything. Just making it real, there's 3 different concepts here. We are just trying to flush out what you are trying to do.

Sam: What I am trying to achieve -

Scott: What you are trying to achieve is to get this land that is now agriculture, turned in for a zone change which is challenging if everybody doesn't agree on it. Because if we don't than the county has to decide, do we agree with the developer or the people around it. Back to residential like you said, the county is challenged with tax base for the school that has been here for 50/60 years and they can't get enough tax base off of this vague development, what good is that. It doesn't make sense. It's different if you have a crystallized intelligence but this is vague.

Julie: The zoning request is light industrial, which once it is changed It could be a lot of things.

Chuck: My name is Chuck Platt and I am a realtor, Diamond Real estate. I was involved in the sale of the Zeiler Property which was 60 acres and I was involved in a corner property where the trucking outfitter is. Basically, what they did, was they split their property up, the appeal is the frontage. That is what people want so you can be seen by the interstate. If you look at the

property behind Tractor and Equipment, that is the same kind of deal and zoning we are talking about.

Scott: The thing is though, Chuck, I get that. I knew Zeiler and the Cornburgs, they subdivided it but it has taken then 20-30 years to get it sold.

Chuck: You're talking about the Cornburgs?

Scott: Well, yeah, they are building that RV there now. But the thing is on this proposal, it would be different if you say you were only going to develop the front versus a bunch of manufactured.

Chuck: There are limitations on the building.

Scott: But I am saying if you continue to Furniture Row, like the Midway RV and develop it like that in the front and then develop the back more light industrial that would make more sense.

Chuck: I think the zoning that we are talking about covers those things.

Scott: Once you change it from Ag anything could probably go.

Travis: It would be limited to whatever is approved for the zoning.

Scott: I always think bigger than one guys idea with all due respect. I think the Billings Community, the valley, the people drive by here and think, how they feel about our town, when you go out in Lockwood you see all that, the sprawl, the ghettoization of Billings. There is no planning and ideas, if that's the way we are going to do it that's fine, its back door deal with the county commissioners. They are going to do what they want. We are here as a democracy trying to flush out and do what is best for all of us. With all do respect, you can't stop progress.

Travis: So, what I'm hearing is you would like to see more of a concept.

Scott: When you have 107 acres and they say they want to put in a culvert manufacturer, you can't stop it but is there any other way .

Travis: Well as a group, you guys are here, obviously the Frontage Road leads to commercial. Up and down the frontage road it is all commercial. So maybe something like that and in the back residential. I am just asking, just curious. We don't want to fight; everybody has to live around what is proposed here. As a designer, an engineer I am just trying to figure out what is most acceptable between both parties. What can both parties live with here.

Joy: Well, we have to think of the school too, the children, how that is going to affect them. We have already seen that issue.

Travis: You will see the traffic issue more if we into residential. If we do residential traffic is going to come out down here and go by the school. The commercial will funnel straight that way and out. So, you would not have the traffic around the school for light industrial.

Scott: So, Chuck did they have to put in city water over there.

Chuck: No, Zeilers already had city water and then they had to connect to what they have done in Billings –

Travis: Typically the regulation for city water and sewer is the property has to be within 500 feet of a city water and sewer services in order to force the developer in bringing the services over. Anything outside of 500 feet DEQ does not have the jurisdiction and that is why you typically see the wells and the drain fields. It is just cost prohibited to bring it that far.

Charlie: So, with industrial, I know residential subdivisions you can't just have one artery going into the survey, you have to have one going in and out. Is it the same with industrial?

Travis: Yes. It comes into a minor and major subdivision. The way the planning classifies a minor subdivision is 5 lots or less and anything over 5 lots is considered a major subdivision. Then you have to look at more than one access, what we have an access here, access here, likely if developed there will be another access here. And then obviously an access that just naturally fits here again. So, there is multiple accesses for whatever gets finalized in the design. Fire protection is also looked at in subdivisions. On site hydrants and stuff like that to fight any fire protection whether it be commercial or residential.

Taylor: So, pending a zoning change what would the time line look like at developing this.

Sam: If we subdivide this it would take a long time. We could sell little pieces up front quickly. But to subdivide that, how long would you think Travis?

Travis: You are looking at probably a year.

Sam: I have never seen it done in a year but that would be the quickest.

Travis: Yes, and then if the subdivision requires water rights it takes longer because that process itself takes about 9 months.

Charlie: So, Sam do you currently have people interested in putting in buildings.

Sam: I do, but I can't tell you who, but I currently have somebody that is a distributor for building products. They want to be able to access the frontage road and the problem with this property is there is no power or gas up along the front. It runs on the southern border. So I would have to run a line for power all the way back here and then they will do it around the whole thing. There is power but it is Yellowstone Valley Electrical and their agreement with Northwestern Energy is they won't power this. So northwestern energy has the poles that run right down this property and then they go underground right at the edge of Shirley's house. So I would pull power from here up to here and then they will pull it over here and wherever.

Travis: And that is underground power.

Sam: Yeah.

Scott: I think the other thing people are wondering is you are talking about several lots inside this.

Sam: Yes, we have no idea yet how many lots there will be but that is a subdivision process which is totally different.

Travis: Then you get notified and have an opportunity to speak at that, there will be a public hearing to look at the concept plan and get an idea of how many lots there will be and things like that.

Charlie: By changing it to light industrial, does that then open it up for the special zoning district process or is this not necessarily a special zoning.

Travis: This is not a special zoning district process, no.

Sam: It is already zoned as agriculture.

Travis: It is zoned so it is just a zone change to light industrial.

Joy: Well according to the plat that you gave Mr. Lipp, there is already 12 big commercial things on your map.

Sam: All we gave him was a tentative drawing showing the outline of our property, that is all he has.

Joy: With warehouses or some kind of buildings.

Sam: So, there was some houses here.

Joy: No, I'm talking like this.

Sam: This is just a concept drawing we drew.

Travis: We have had several different versions.

Sam: These are only concept drawings. The reason I met with him is because we are pondering housing down through this area here, but not today and we don't even know what yet.

Travis: Is Mr. Lipp with the school?

Sam: He is the superintendent of the school, yes. I wanted to give him and the school district the opportunity.

Travis: They might be interested in purchasing some of this to be able to expand the school because without that I think they are pretty limited with where they are at.

Sam: Right because we didn't even know where to start and we tried to get the schools input early but it is really hard for them to do.

Chuck: When you contacted the school, they were the first people you contacted.

Sam: Right, I tried to contact them to get an idea of where they are headed and what they need. We don't want to tube block them; we want to work with them.

Scott: So what do you think would use more water, the residential or the light industrial.

Travis: Residential will, because with residential, the domestic is not a lot, typically a 3-4 bedroom house uses 300-350 gallons a day domestically. It is the irrigation in residential that uses a lot of water. In industrial there is landscaping that requires part of the zone requirements. There is a 30-page landscaping booklet that has to apply to the light industrial that they will have to follow on each site. It is going to be a lot less because Industrial has more parking lot and things like that but they will have buffer of land that is required but it is a lot less water.

Typically, you have your office workers and it is just using a lot less water. My experience in residential development, most our water usage is in that green grass, half acre to an acre that is getting watered every day with the sprinklers. So, if you are worried about water, residential will definitely consume a lot more.

Scott: Can I ask you a question Chuck, what is your relationship with this meeting?

Chuck: I am a real estate worker.

Scott: I know but do you work with Sam?

Chuck: Yes.

Sam: He is Diamond Real Estate; his signs are all along the property here.

Scott: Yes, I know that's why I brought the question up.

Scott: So he must have found a good client to make a potential reason to develop this right?

Sam: Yeah, that's the one I just told you about, I have a potential client.

Scott: Like I said, there are objectives and subjective and there is about everything. I mean you can't stop it all I am just trying to flush out what the big idea is.

Sam: I want to be able to sell property to the potential client now, I have also had a lot of people that are just down the road.

Scott: Let me ask you this, it sounds like you got a deal, you got a deal but you don't have a deal as long as it is agriculture.

Sam: Yeah, that is correct.

Scott: So, can you be transparent and tell us who the guy is.

Sam: I can't just because I am not allowed to, they have asked me not to.

Chuck: It is not under contract.

Sam: They do not want me to disclose that. It is not that I am trying to hide it.

Scott: But wouldn't it be good for all of us to know.

Sam: But I can't, I really can't say who it is because that is what they have asked. It is a building supplier.

Chuck: They have about 20-foot-tall side walls.

Scott: Where would they go on this land?

Travis: This tract right here, these 12 acres. The way this is going to get created is not through subdivision because this land comes with a few different lots, tracts of land. So, through a boundary line relocation that is the first step to create this.

Dilys: So where is the tract for that big tall building?

Travis: Oh, just over here, so if you look at it, this is the 12 acres. Then after that, if he decides to split it, it has to go through the subdivision process.

Charlie: So you are not really committed on how you are going to subdivide it, you are waiting to see what a potential buyer wants? Would that be accurate?

Sam: In order to subdivide it, we have to have a master plan, this is not a master plan this is just a line to show where we could put the light industrial.

Travis: So obviously, this frontage is ideal for light industrial.

Scott: What is the projected cost per acre once it is zoned and up and running if I wanted to buy 10 acres.

Sam: If you wanted to buy 10 acres.

Scott: After you surveyed and put the roads in, what is it going to cost me?

Sam: I can't really answer that I would have to pencil it down.

Scott: Chuck, give me a ballpark number

Chuck: Probably before you put the services in, about \$2.00 a foot, \$80,000 an acre. That might be on the low end of things.

Travis: \$2 a square foot and \$80,000 an acre.

Chuck: That is just initially, you know as things start to sell prices go up.

Travis: So as far as the zoning change goes, Sam is not required to have a concept plan or show where the boundaries are going to be, it is just identifying an area of the land through a legal description like this, meets and bounds and then proposing to have it changed and then from there you start figuring out what the best way to subdivide this and what size lots do we want or what does the market want. That is kind of the process of this.

Charlie: So if there is some discussion of residential, wouldn't it be wisest to have residential and Light industrial in the front end?

Sam: We don't know what it is going to be though.

Travis: For me, I like to hear your guys comments.

Sam: We don't want to mislead anybody or say something that won't be as we don't really know. I'm looking to retire one of these days so I am looking to get the most out of the property as I can get. You guys are right here, residential land if it is in a farm isn't that valuable dollar wise. Right, once you subdivide it, residential land is very valuable. There is a lot of front-end work that has to take place. So, these houses right along here if you guys want to purchase something through here to stop anything from happening your more than welcome. I think, but maybe I'm wrong, can they do just a boundary line relocation and move this way.

Travis: Yes

Scott: That really drops back there.

Sam: This is totally our retention area only. If I dig at that green grass the water table is one foot below the surface.

Travis: Yes, you could do that, if you had a neighbor approach you, you could do a boundary line relocation.

Sam: This up above this ditch right here is pretty good, this area right here is where its low. That's why down there we are thinking nothing but retention water. If anybody wants to protect their stuff by moving their lot line over, I would definitely entertain any of that. Because I get those are beautiful homes, I know that and I know you guys don't want stuff in front of you. That is all still open we would love to do that so you guys can protect your stuff, no problem with that at all.

Charlie: It seems like you guys were very receptive to our points tonight. Are there any salient points that we would like to all say together.

Kevin: I would like to say something, we can't change progress. Progress is progress. I think a lot of us out here moved out here to get away from it and what you are going to propose. I understand progress is progress and could move to town without packing a bag that way.

Scott: Do you know for a fact John Deere bought that C&B?

Dilys: Yes

Ken: Gary Yost sold the property and they kicked us out of it. C&B didn't want that building they wanted a nicer building. I talked to one of the guys there and he said they are planning in 2-3 years they are going to have a forklift business or something in there.

Scott: So that will be right there next to furniture row then?

Ken/Dilys: Yep

Ken: Yeah, it is right next to my house

Sam: I talked to them they said they were going to put a whole John Deere complex. They were originally just going to have material handling equipment rental and they were going to start that right away. But now it has gone to architects and engineers, the whole thing will be a giant John Deere dealership.

Ken: They haven't put in for a zone change there either.

Sam: No, because when I went in, I mentioned it to the zone people and they didn't know anything about it yet.

Scott: That is the reality of it, it is here and it is coming.

Dilys: Yeah, like our house is zoned commercial and our other house next door is residential so we have 2 different taxes.

Ken: I have the body shop on the commercial property right there

Travis: Any further comments, concerns or questions?

Julie: So, I guess the only people that will be notified when it goes in front of the county commissioner is the Wagner's then?

Sam: If you would like a letter, well I guess we don't send any more letters the county does.

Travis: Would you like to be contacted? We have their emails, and phone numbers we can contact them.

Travis: Sam is kind of heading up the zoning change and the application, we are helping out as much as we can. We will be more further involved, we are doing the engineering, water and sewer, the roads, the subdivision but whatever help he needs with the application.

Joy: Once the application gets processed shouldn't we hear something back?

Travis: Yeah, that will be an open meeting at that at the court of adjustments, the committee that hears that. The commissioners meeting will also be an open meeting.

Didn't say name: Is that your house?

Dilys: Oh, that tan one, that is just the rental, we rented that out.

Sam: Anybody have any more comments?

Travis: Okay, Thank you.

Sam: Alright, well thank you everybody and thank you for coming. If anybody has any comments or questions you can write my number down and you can call me or email me.

Travis: My contact is on the maps; you can contact me too.

Sam: My name is Sam sparks and my number is 406-281-0329.

Sam: Hey Travis, are these the actual 12 acres shape they are talking about buying?

Travis: No, not exactly, it is a little bit more of a square

Rich: Has the school expressed any interest in purchasing some land from you?

Sam: I went to the school right when school started and I haven't heard from them again yet.

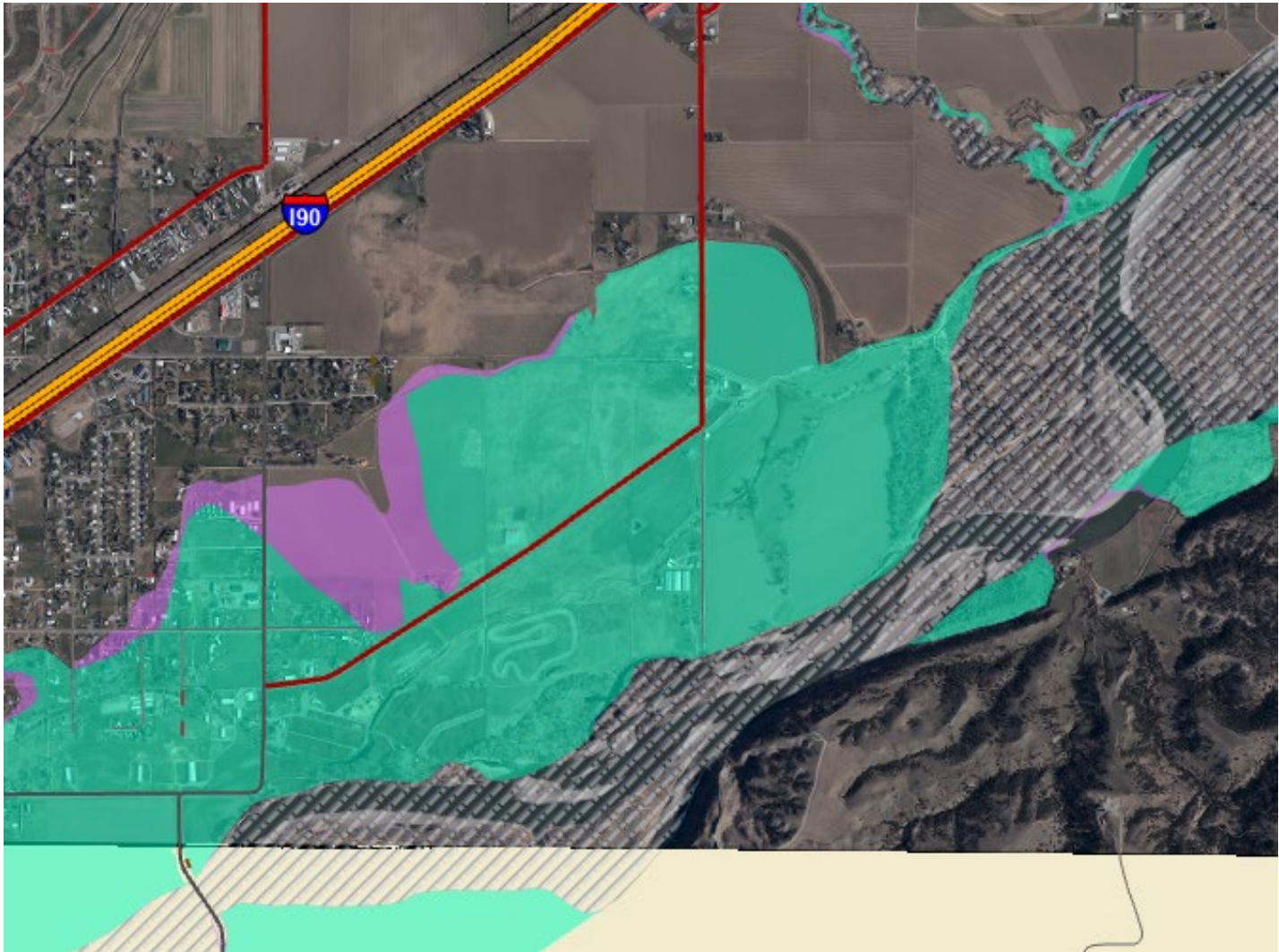
Rich: But they are aware of it

Sam: Oh yes they are aware, and we aren't even sure the total concept yet but I did try to make it available to them if they are interested because I know they have to come up with money if they want to do some.




Sam: Anything Else?

Travis: Okay I think we are good then, thank you.

Meeting Adjourned.



FEMA
DFIRM 2013 Flood Risk Zones

-  FLOODWAY
-  100-Year Floodplain
-  500-Year Floodplain