

Elizabeth,

Please include the attached two documents in the public record for Friday's planning board meeting.

Thank you,  
Rob

## DEFINITIONS

Congregate living facilities (transient) with more than 10 occupants  
Hotels (transient)  
Motels (transient)

**Residential Group R-2.** Residential occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily permanent in nature, including:

Apartment houses  
*Boarding houses* (nontransient) with more than 16 occupants  
Congregate living facilities (nontransient) with more than 16 occupants  
Convents  
Dormitories  
Fraternities and sororities  
Hotels (nontransient)  
Live/work units  
Monasteries  
Motels (nontransient)  
Vacation timeshare properties

**Residential Group R-3.** Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

Boarding houses (nontransient) with 16 or fewer occupants  
Boarding houses (transient) with 10 or fewer occupants  
Buildings that do not contain more than two *dwelling units*  
Care facilities that provide accommodations for five or fewer persons receiving care  
Congregate living facilities (nontransient) with 16 or fewer occupants  
Congregate living facilities (transient) with 10 or fewer occupants

**Care facilities within a dwelling.** Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the *International Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*.

**Residential Group R-4.** This occupancy shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. The persons receiving care are capable of self preservation. This group shall include, but not be limited to, the following:

Alcohol and drug centers  
Assisted living facilities  
Congregate care facilities  
Convalescent facilities  
Group homes  
Halfway houses  
Residential board and custodial care facilities  
Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in the *International Building Code*.

**[B] Storage Group S.** Storage Group S occupancy includes, among others, the use of a building or structure, or a portion thereof, for storage that is not classified as a hazardous occupancy.

**Moderate-hazard storage, Group S-1.** Buildings occupied for storage uses that are not classified as Group S-2, including, but not limited to, storage of the following:

Aerosols, Levels 2 and 3  
Aircraft hangar (storage and repair)  
Bags: cloth, burlap and paper  
Bamboos and rattan  
Baskets  
Belting: canvas and leather  
Books and paper in rolls or packs  
Boots and shoes  
Buttons, including cloth covered, pearl or bone  
Cardboard and cardboard boxes  
Clothing, woolen wearing apparel  
Cordage  
Dry boat storage (indoor)  
Furniture  
Furs  
Glues, mucilage, pastes and size  
Grains  
Horns and combs, other than celluloid  
Leather  
Linoleum  
Lumber  
Motor vehicle repair garages complying with the maximum allowable quantities of hazardous materials listed in Table 5003.1.1(1) (see Section 406.8 of the *International Building Code*)  
Photo engravings  
Resilient flooring  
Silks  
Soaps  
Sugar  
Tires, bulk storage of  
Tobacco, cigars, cigarettes and snuff  
Upholstery and mattresses  
Wax candles

**Low-hazard storage, Group S-2.** Includes, among others, buildings used for the storage of noncombustible materials such as products on wood pallets or in paper cartons with or without single thickness divisions; or in paper wrappings. Such products are permitted to have a negligible amount of plastic trim, such as knobs, handles or film wrapping. Storage uses shall include, but not be limited to, storage of the following:

Asbestos  
Beverages up to and including 16-percent alcohol in metal, glass or ceramic containers  
Cement in bags  
Chalk and crayons  
Dairy products in nonwaxed coated paper containers  
Dry cell batteries

provided to permit movement from *sleeping units*, activity spaces and other occupied areas within the *smoke compartment* to other *smoke compartments*.

**308.6 Institutional Group I-4, day care facilities.** This group shall include buildings and structures occupied by more than five persons of any age who receive *custodial care* for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

- Adult day care
- Child day care

**308.6.1 Classification as Group E.** A child day care facility that provides care for more than five but no more than 100 children 2½ years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an *exit door* directly to the exterior, shall be classified as Group E.

**308.6.2 Within a place of religious worship.** Rooms and spaces within *places of religious worship* providing such care during religious functions shall be classified as part of the primary occupancy.

**308.6.3 Five or fewer persons receiving care.** A facility having five or fewer persons receiving *custodial care* shall be classified as part of the primary occupancy.

**308.6.4 Five or fewer persons receiving care in a dwelling unit.** A facility such as the above within a *dwelling unit* and having five or fewer persons receiving *custodial care* shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

## SECTION 309 MERCANTILE GROUP M

**309.1 Mercantile Group M.** Mercantile Group M occupancy includes, among others, the use of a building or structure or a portion thereof, for the display and sale of merchandise and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public. Mercantile occupancies shall include, but not be limited to, the following:

- Department stores
- Drug stores
- Markets
- Motor fuel-dispensing facilities
- Retail or wholesale stores
- Sales rooms

**309.2 Quantity of hazardous materials.** The aggregate quantity of nonflammable solid and nonflammable or non-combustible liquid hazardous materials stored or displayed in a single *control area* of a Group M occupancy shall not exceed the quantities in Table 414.2.5(1).

## SECTION 310 RESIDENTIAL GROUP R

**310.1 Residential Group R.** Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code*.

**310.2 Definitions.** The following terms are defined in Chapter 2:

**BOARDING HOUSE.**

**CONGREGATE LIVING FACILITIES.**

**DORMITORY.**

**GROUP HOME.**

**PERSONAL CARE SERVICE.**

**TRANSIENT.**

**310.3 Residential Group R-1.** Residential occupancies containing *sleeping units* where the occupants are primarily *transient* in nature, including:

- Boarding houses (transient)* with more than 10 occupants
- Congregate living facilities (transient)* with more than 10 occupants
- Hotels (*transient*)
- Motels (*transient*)

**310.4 Residential Group R-2.** Residential occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses (nontransient)* with more than 16 occupants
- Congregate living facilities (nontransient)* with more than 16 occupants
- Convents
- Dormitories*
- Fraternities and sororities
- Hotels (nontransient)
- Live/work units*
- Monasteries
- Motels (nontransient)
- Vacation timeshare properties

**310.5 Residential Group R-3.** Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

- Buildings that do not contain more than two *dwelling units*
- Boarding houses (nontransient)* with 16 or fewer occupants
- Boarding houses (transient)* with 10 or fewer occupants
- Care facilities that provide accommodations for five or fewer persons receiving care
- Congregate living facilities (nontransient)* with 16 or fewer occupants
- Congregate living facilities (transient)* with 10 or fewer occupants

Received 2/27/24  
ER

Dear Planning and Zoning Board,

I am writing to express my deep concerns regarding the Moonrise proposed large infrastructure project intended for use as time shares, condos and apartments within our small town. As a resident deeply invested in the safety and well-being of our community, I believe it is imperative to consider the potential negative impacts of such a project, especially concerning fire safety, emergency services, and the safety of our children.

One of the most alarming aspects of the proposed complex is the potential fire danger due to the presence of only one entrance and exit point. In the event of a fire or other emergency, this lack of adequate access points could pose a significant safety risk for residents, area visitors alike, potentially leading to tragic consequences.

Furthermore, our small town currently lacks sufficient emergency services and does not have a hospital nearby-the closest to being 45-110 miles away. Introducing a large-scale Infrastructure without adequate emergency response capabilities could further strain our already limited resources and jeopardize our ability to effectively respond to emergencies and provide timely medical assistance to those in need.

In addition to fire safety and emergency response concerns, the proposed project also raises serious safety risks for our children, particularly those who walk to school. Statistics show more than 100 school children are injured every year in accidents within a school zone. The influx of additional traffic generated by the complex could significantly increase the hazards faced by children walking to and from school, putting their safety at risk and creating a potentially dangerous environment for pedestrians.

Given these significant safety concerns, I urge the Planning and Zoning Board to carefully reconsider the approval of the proposed infrastructure project. It is essential to prioritize the safety and well-being of our community members, particularly vulnerable populations such as children, and to ensure that any development plans are thoroughly evaluated for their potential impact on public safety.

Before moving forward with the project, I strongly recommend that the Planning and Zoning Board undertake a comprehensive review of the following:

1. Fire Safety Measures: Assess the adequacy of fire safety measures, including access points, evacuation plans, and firefighting capabilities, to ensure the safety of residents and visitors in the event of a fire.

2. Emergency Response Capacity: Evaluate the town's current emergency response capacity and consider the potential impact of the complex on emergency services, including response times and resource availability.
- 3 Traffic Impact Study: Conduct a thorough traffic impact study to assess the potential safety risks posed by increased traffic to pedestrians, particularly children walking to school, and school access for safety AM, noon, after school pickup and after school activities. Help to develop strategies to mitigate these risks.
4. Community Input: Seek input from community members, including residents, parents, and school officials, regarding their concerns and suggestions for addressing safety issues associated with the proposed complex.

In conclusion, I urge the Planning and Zoning Board to prioritize public safety and carefully consider the potential negative impacts of the proposed large infrastructure project on our small town. It seems the developers' goal is just to maximize profits while only meeting the minimum standards of the applicable regulations. They do not understand the long-term needs on a small evolving town or the long term effects a building like this would create as they simply build and walk away. I'm left with the feeling that the Town of West Yellowstone is being exploited by someone showing skill in achieving ones ends by deceit or evasion.

The overall objectives of planning and zoning are to protect public health, safety and welfare, to promote compatibility between various land used and developments and to promote and attractive and well - planned community.

I ask you address these concerns and take appropriate measures to mitigate safety risks, and keep the well-being of our community at heart.

Thank you for your attention to this matter. I look forward to seeing the Planning and Zoning Board's thoughtful consideration of these important safety issues.

Gay McBirnie

**From:** [Chris Colson](#)  
**To:** [info](#)  
**Subject:** Fwd: Moonrise comment for planning board  
**Date:** Thursday, February 29, 2024 1:19:11 PM

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> West Yellowstone Planning Board:

> We are writing concerning the Moonrise zoning permit application to be discussed on Friday, March 1. Since West Yellowstone defines timeshares as “lodging facilities” which are required to obtain business licenses and pay resort taxes, the proposed timeshares mentioned in the Moonrise application are a commercial business, and by law, should not be allowed in the Madison Addition. There is no practical difference between short term rentals and timeshares. For this reason alone, we urge you to deny the Moonrise permit application. It seems that members of the planning board desire to rubber stamp this application in order to take the path of least resistance. In doing so, you are leaving the residents of the Madison Addition to deal with the repercussions of a massive and illegal development, which will impact our neighborhood for years to come. Also, we would urge you to take a close look at the impacts to sewage treatment facilities, traffic and town infrastructure expenses, and the well-being of children and pedestrians on the streets of the town of West Yellowstone which would be impacted by this potential development. We are permanent residents and voters in West Yellowstone, and will actively oppose anyone who votes in favor of the Moonrise development as submitted.

>

> Sincerely,

>

> Chris and Annie Colson

> 510 Gallatin Avenue

**From:** [drodegard@gmail.com](mailto:drodegard@gmail.com)  
**To:** [info](#)  
**Subject:** Moonrise Meadows public comment  
**Date:** Wednesday, February 28, 2024 8:18:01 PM

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My husband and I are opposed to the Moonrise Meadows project for the following reasons.

1. This project does not meet the non-commercial zoning requirements of the Madison Addition Homeowners association and the Town of West Yellowstone.
2. Short term rental rules will be essentially unenforceable thereby creating unfair competition with established town lodging businesses.
3. The resulting confluence of traffic on the corner of Hayden and Hwy 20 will most likely reroute incoming Hwy 20 Yellowstone Park visitor traffic south on Iris bypassing the downtown business area.
4. The Moonrise Meadows project does not enhance homeownership opportunities for the West Yellowstone resident workforce.
5. Some members of the planning committee may have financial interests in this matter and should not be participating.
6. What assurances does the city have that this project will not be abandoned halfway through construction like the foundation eyesore left behind on the corner of N Electric and D Parkway?
7. What measures are being taken to assure that potential condo buyers will be made 100% aware of the short term rental restrictions?

Barbara Odegard and Jerry Pompa, 620 Apollinarius Ave.

**From:** [Carolyn Fox](#)  
**To:** [info](#)  
**Subject:** Moonrise  
**Date:** Wednesday, February 28, 2024 1:26:49 PM

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As a resident of the Madison addition I am very concerned about the Moonrise proposal. West Yellowstone needs affordable housing not timeshares. I don't understand how this commercial enterprises can even be allowed in the Madison addition. This is a neighborhood not a business center. This will increase traffic in the area tremendously and will also increase crime due to additional tourist traffic. This will be bad for the neighborhood and for West Yellowstone! Additionally, how can you even allow it with our current water and sewer issues? Also please explain how a commercial business like this can be allowed in a neighborhood. It's just not right!

Carolyn L. Fox

Visit my website at [www.carolynfoxphotos.com](http://www.carolynfoxphotos.com)

To: West Yellowstone Planning Advisory Board and Town Council

From: Lynette West

Date: February 26, 2024

Re: Moonrise Meadows Subdivision Commercial Zoning Permit Application

This is Lynette West, homeowner of 325 Bechler Avenue in the Madison Addition and full-time resident. I was present at the February 16th meeting of the Planning Advisory Board for the Moonrise Meadows Permit Application and came away with another significant concern.

I understood what the gentleman (Tyler?) explained relative to the Apartment component of the Project Plan being categorized as "Commercial" and how that was allowed, but he did not explain WHY it was being categorized as such. Are apartments not able to be permitted simply as "multi-family dwellings" or whatever the language is without being called "Commercial"?

Then the gentleman on Zoom (developer/project manager?) said, when talking about the apartments, that they would be "turned into Timeshares". Those were his actual words. In my experience, if someone tells me what they are planning to do, I should believe them. Seems to me that they just told us what the real and bigger plan is, and that this use of the word "Commercial" within the Permit looks and feels like a Trojan Horse.



So in regards to the use of the term "Commercial Zone", my concern is that if that language actually makes it into the permit, then the developer has the "in" to convert to Timeshares whenever they want, because it has been allowed in the very language of the permit. The Trojan Horse is in place and there would be no fighting it, or winning against it, when a conversion takes place in the future.

I was kindly reminded at the meeting, neither the Planning Advisory Board nor the Town Council are/or could be "enforcers" of the CC&Rs of the Homeowners Association. I believe that if "Commercial Zone" language in any way, shape or form, is allowed to be in the Plan/Permit then we, the Homeowners, will have no leg to stand on to enforce the "No timeshares allowed" rule. Indeed, this Trojan Horse will be our downfall.

In closing, I strongly urge the Planning Advisory Board and the Town Council to deny the current Moonrise Meadows Subdivision Commercial Zoning Permit Application, and to insure there will not be any use of "Commercial Zone" language in any further or future permit applications.

Thank you.

Sincerely, Lynette West (831-345-9292)



Madison Addition  
Owners' Association

P.O. Box 212  
West Yellowstone, MT 59758  
[madisonaddition@gmail.com](mailto:madisonaddition@gmail.com)  
website: [madadd.org](http://madadd.org)

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Feb. 29, 2024

To: Town of West Yellowstone Planning Board and Town Council

Dear Board and Council Members:

Please add these comments to the record for the pending Moonrise Zoning Permit Application.

We previously submitted lengthy comments about the pending application for 168 apartments and 32 timeshare units. Those comments pointed out that the West Yellowstone Municipal Code("WYMC") Title 5.04.010 (G) defines timeshares as "lodging facilities". Lodging facilities are required to obtain business licenses, renew them annually, and pay the Town's resort taxes described in WYMC Title 3. We think that requiring a lodging facility to obtain and maintain a business license and pay a resort tax should be convincing evidence that timeshares are commercial uses. The Town is collecting and has collected business license fees and resort taxes from many other lodging facilities because they are considered commercial enterprises. As a lodging facility won't Moonrise's timeshares be expected to pay resort taxes?

Another issue we have with the staff report's failure to recognize timeshares as lodging facilities is that allowing them in an R4 residential zone..... will the Town be allowing timeshares in other residential zones? A dangerous precedent!

Madison Addition Owners Association

By: *Robert Anderson* V.P.