

Town of West Yellowstone

Tuesday, March 19, 2024

West Yellowstone Town Hall, 440 Yellowstone Avenue

The Town Council work session/meeting will be conducted in person and virtually using ZOOM, connect at zoom.us or through the Zoom Cloud Meetings mobile app.

Meeting ID: 893 834 1297.

WORK SESSION

6:00 PM

Annual Department Reports: Social Services

Discussion

FY 2025 Budget Kick Off

Discussion

TOWN COUNCIL MEETING

7:00 PM

Pledge of Allegiance

Comment Period

- Public Comment
- Council Comments

Treasurer's & Securities Reports

Purchase Orders

Claims

Business License Applications

Consent Agenda

Minutes: **March 5, 2024 Town Council Meeting**

Town Manager & Staff Reports

Advisory Board Reports

Public Hearing: Moonrise @ Yellowstone Commercial Zoning Permit for 200-Unit Development

Moonrise Partners LLC is proposing to develop ±21.82 acres in the northwest corner of the Town of West Yellowstone in The Madison Addition. The project would include 200 apartment units and associated clubhouse and maintenance facilities across 16 buildings. This project is being reviewed for compliance with the Town of West Yellowstone's Municipal Code. The project is located at 111 Moonrise Way, west of Hayden Street (behind the homes fronting Hayden Street), located in the Madison Addition and is zoned Residential – Medium Density Apartments (R-4). The development would be served by the Town's municipal water and wastewater facilities. Public comment will be accepted during the hearing.

Moonrise @ Yellowstone Commercial Zoning Permit for 200-Unit Development

Discussion/Action

Public Hearing: FY 2024 Budget Hearing, Sewer Fund Revenue

The Town Council is proposing to amend the FY 2024 revenue budget for the sewer fund. Public comment will be accepted during the hearing.

Resolution No. 798, FY 2024 Budget Amendment, Sewer Fund Revenue

Discussion/Action

Application to Maintain an Encroachment, Westmart Greenhouse, May-July 2024

Discussion/Action

Correspondence/FYI/Meeting Reminder

*The Town Council Packet and associated documentation is available online at
www.townofwestyellowstone.com.*



Policy No. 16 (Abbreviated)
Policy on Public Hearings and Conduct at Public Meetings

Public Hearing/Public Meeting

A public hearing is a formal opportunity for citizens to give their views to the Town Council for consideration in its decision-making process on a specific issue. At a minimum, a public hearing shall provide for submission of both oral and written testimony for and against the action or matter at issue.

Oral Communication

It is the Council's goal that citizens resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that citizens may from time to time believe it is necessary to speak to Town Council on matters of concern. Accordingly, Town Council expects any citizen to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- No member of the public shall be heard until recognized by the presiding officer.
- Public comments related to non-agenda items will only be heard during the Public Comment portion of the meeting unless the issue is a Public Hearing. Public comments specifically related to an agenda item will be heard immediately prior to the Council taking up the item for deliberation.
- Speakers must state their name for the record.
- Any citizen requesting to speak shall limit him or herself to matters of fact regarding the issue of concern.
- Comments should be limited to three (3) minutes unless prior approval by the presiding officer.
- If a representative is elected to speak for a group, the presiding officer may approve an increased time allotment.
- If a response from the Council or Board is requested by the speaker and cannot be made verbally at the Council or Board meeting, the speaker's concerns should be addressed in writing within two weeks.
- Personal attacks made publicly toward any citizen, council member, or town employees are not allowed. Citizens are encouraged to bring their complaints regarding employee performance through the supervisory chain of command. Any member of the public interrupting Town Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing Town Council, shall be deemed to have disrupted a public meeting and, at the direction of the presiding officer, shall be removed from the meeting room by Police Department personnel or other agent designated by Town Council or Town Manager.

General Town Council Meeting Information

- Regular Town Council meetings are held at 7:00 PM on the first and third Tuesdays of each month at the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.
- Presently, informal Town Council work sessions are held prior to regular Tuesday meetings and occasionally on other mornings and evenings. Work sessions also take place at the Town Hall located at 440 Yellowstone Avenue.
- The schedule for Town Council meetings and work sessions is detailed on an agenda. The agenda is a list of business items to be considered at a meeting. Copies of agendas are available at the entrance to the meeting room.
- Agendas are published at least 48 hours prior to Town Council meetings and work sessions. Agendas are posted at the Town Offices and at the Post Office. In addition, agendas and packets are available online at the Town's website: www.townofwestyellowstone.com. Questions about the agenda may be directed to the Town Clerk at (406) 646-7795 or eroos@townofwestyellowstone.com.
- Official minutes of Town Council meetings are prepared and kept by the Town Clerk and are reviewed and approved by the Town Council. Copies of approved minutes are available at the Town Clerk's office or on the Town's website: www.townofwestyellowstone.com.



Budget Calendar 2024

March						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

- Action Item
- Holiday
- Pending
- Staff Deadline

April						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

May						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- March 1** Budget kick-off email to go out
- March 19** Budget Kick-Off Work Session
- April 1** Send out Special Budget Request Forms
- April 12** Staff Deadline: Get department priorities to Finance Department for consideration
- April 23** CIP Work Session
- May 3** Special Budget Request Form Deadline
- May 21** Enterprise, Agency, Special Revenue, Debt Service Funds Work Session
- June 4** General Fund Budget
- June 18** Preliminary Budget Approval- Pending Vote
- August 6** Optional: Budget Revision Work Session
- August 20** Final FY25 Budget Approval- Pending Vote

Town of West Yellowstone Budget Request Form



All requests must be turned into the Finance Director’s office, by 5:00 p.m. on May 3, 2024. This form will be required to be considered for FY 24-25 budget process.

These funds are distributed out of the Town’s fiscal year budget under legislative services. The Town Council has full discretion on the amount awarded each year.

Organization Name: _____

Contact Name and Title: _____

Contact Email: _____

Contact Phone: _____

Requested Amount: _____

Overall Budget Amount: _____

Percent of budget that you are requesting: _____

Description of Event or Activity:

Description of Community Served:

Anticipated Number of Participants: _____

Description of program goals: _____

State the consequences if you don’t receive these requested funds:

List other funding sources: _____

Required Supplemental Documentation: Last Fiscal Year Balance Sheet, Last Fiscal Year Profit and Loss Statement and Current Budget

Signature of Applicant: _____ Date: _____

Signature of Board Member (if applicable): _____

If awarded, an outcome report is required.

03/15/24
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TOWN OF WEST YELLOWSTONE
Claim Approval List
For the Accounting Period: 3/24

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Report ID: AP100

For dates posted from 03/06/24 to 03/15/24, FSB - Operating account
* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
50938		3008 Liz Roos	69.99					
	03/14/24	Refund for AdobeAcrobatreader	69.99*		ADMIN	1000 410210	220	101000
50939		2455 Tri State Excavating, LLC	25,849.07					
	13362 10/10/23	RoadBasePOApproved2/6/24TC	24,496.67*		STREET	1000 430200	357	101000
	13362-2 03/12/24	RoadbasefromJunemissedprvious	1,352.40*		STREET	1000 430200	357	101000
50942	E	2964 CITI CARDS	250.34					
	02/15/24	Supplies	17.98*		ADMIN	1000 410210	220	101000
	02/16/24	Supplies	10.99*		ADMIN	1000 410210	220	101000
	02/20/24	TC supplies	11.57		LEGIS	1000 410100	220	101000
	02/20/24	TC Supplies	19.35		LEGIS	1000 410100	220	101000
	02/21/24	GallatinCntyClerk&Recordercopi	5.50*		ADMIN	1000 410210	220	101000
	03/01/24	Membership fees	120.00		ADMIN	1000 410210	335	101000
	03/03/24	Town Hall Supplies	64.95		TWNHLL	1000 411250	220	101000
50946		2845 Kasting, Kauffman & Mersen, PC	20,654.79					
	03/06/24	legal services 2/1-2/29/24	20,654.79		LEGAL	1000 411100	352	101000
	03/02/24	phone/fax	0.00		LEGAL	1000 411100	345	101000
	03/02/24	travel	0.00		LEGAL	1000 411100	373	101000
50948	E	2673 First Bankcard	1,146.47					
	02/02/24	Government FinanceAssocfees	149.00		FINADM	1000 410510	335	101000
	02/06/24	WildWest	150.60		LEGIS	1000 410100	220	101000
	02/09/24	Supplies	167.97*		ADMIN	1000 410210	220	101000
	02/09/24	TC supplies	66.47		LEGIS	1000 410100	220	101000
	02/16/24	Supplies	9.50		FINADM	1000 410510	220	101000
	02/16/24	Toner for W/WW priinter	93.00*		WATER	5210 430500	220	101000
	02/16/24	Toner for W/WW priinter	93.00		SEWER	5310 430600	220	101000
	02/26/24	Clerk institutetrainingfee	35.00		FINADM	1000 410510	380	101000
	02/23/24	Supplies	11.59		FINADM	1000 410510	220	101000
	02/26/24	HiltonBoz Conference	370.34		FINADM	1000 410510	370	101000
50949	E	2673 First Bankcard	639.76					
	02/05/24	Books	11.98		LIBRY	2220 460100	215	101000
	02/09/24	Copier	41.95		LIBRY	2220 460100	398	101000
	02/09/24	Books	110.92		LIBRY	2220 460100	215	101000
	02/09/24	Stamps	27.20		LIBRY	2220 460100	311	101000
	02/12/24	Reader's Digest	10.00		LIBRY	2220 460100	330	101000
	02/15/24	Membership	14.99		LIBRY	2220 460100	398	101000
	02/20/24	Books	399.29		LIBRY	2220 460100	215	101000
	02/20/24	Books	14.65		LIBRY	2220 460100	215	101000
	02/21/24	Books	8.78		LIBRY	2220 460100	215	101000

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50955		2952 DIS Technologies	831.00					
	13461	03/05/24 Monthly Managed IT	831.00		IT	1000 410580	355	101000
50957	E	2673 First Bankcard	2,382.34					
	02/09/24	Hotel-Travel-Griffel	658.00		POLICE	1000 420100	370	101000
	02/15/24	Police Equipment	440.72		POLICE	1000 420100	212	101000
	02/16/24	Police Equipment	440.63		POLICE	1000 420100	212	101000
	02/20/24	EvidenceDestruction	300.00		POLICE	1000 420100	380	101000
	02/20/24	Police Equipment	495.00		POLICE	1000 420100	212	101000
	03/01/24	Police Equipment	47.99		POLICE	1000 420100	212	101000
50959		3400 Julie Brown	2,145.00					
	03/15/24	Cleaning Town Office	825.00*		TWNHLL	1000 411250	357	101000
	03/15/24	Cleaning TrailheadBuilding	120.00		TRLHD	1000 411256	350	101000
	03/15/24	Cleaning Library	112.50*		LIBRY	1000 411259	357	101000
	03/15/24	Cleaning Dispatch w/laundry	537.50*		DSPTCH	1000 411258	398	101000
	03/15/24	Cleaning Povah	550.00		POVAH	1000 411255	350	101000
50962		2558 Hebgen Basin Fire District	55,849.00					
	03/01/24	March 2024	48,294.00		FIRE	1000 420400	357	101000
	03/01/24	March 2024	7,555.00		FIRE	1000 420400	140	101000
50963	E	2673 First Bankcard	3,415.94					
	02/01/24	Uniform supplies	200.00		WATER	5210 430500	226	101000
	02/03/24	Apple	5.99		ADMIN	1000 410210	335	101000
	02/09/24	Apple	0.99		ADMIN	1000 410210	335	101000
	02/09/24	Conoco	9.98		STREET	1000 430200	220	101000
	02/12/24	Repairs Vehicle	109.99		STREET	1000 430200	361	101000
	02/13/24	MembershipAdobe	19.99		ADMIN	1000 410210	335	101000
	02/14/24	Apple	5.99		ADMIN	1000 410210	335	101000
	02/19/24	T-Mobile	137.50		ADMIN	1000 410210	335	101000
	02/14/24	MembershipduesAmerPublWorAssoc	248.00		ADMIN	1000 410210	335	101000
	02/21/24	Apple	5.99		ADMIN	1000 410210	335	101000
	02/21/24	Supplies	179.95		STREET	1000 430200	220	101000
	02/21/24	Supplies	170.01		STREET	1000 430200	220	101000
	02/24/24	Apple	5.99		ADMIN	1000 410210	335	101000
	02/28/24	work on Generator	1,097.78		WATER	5210 430550	940	101000
	02/28/24	work on Generator	1,097.79*		SEWER	5310 430630	940	101000
	03/01/24	Annual planSpyPoint	120.00		ADMIN	1000 410210	335	101000

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50964	E	2673 First Bankcard	527.41					
		02/16/24 Social Supplies	9.06		SOCSER	1000 450135	220	101000
		02/22/24 Help Fund Supplies	7.91		HELP	7010 450135	220	101000
		02/22/24 Help Fund Supplies	24.14		HELP	7010 450135	220	101000
		02/22/24 Help Fund Supplies	199.26		HELP	7010 450135	220	101000
		02/22/24 Help fund supplies	84.57		HELP	7010 450135	220	101000
		02/27/24 Social Supplies	169.94		SOCSER	1000 450135	220	101000
		02/28/24 Help fund supplies	32.53		HELP	7010 450135	220	101000
50965		2952 DIS Technologies	740.00					
		13464 03/05/24 Monthly IT	740.00		IT	1000 420160	398	101000
50966	E	2673 First Bankcard	419.83					
		02/29/24 Dispatch/Police Supplies	269.83		DSPTCH	1000 420160	220	101000
		02/29/24 TransUnion-background Checks	150.00		POLICE	1000 420100	220	101000
51006		40 Jerry's Enterprises	516.61					
		022224 02/22/24 Gas Voucher	60.00		HELP	7010 450135	231	101000
		022324 02/23/24 Gas Voucher	60.00		HELP	7010 450135	231	101000
		022324 02/23/24 Gas Voucher	45.00		HELP	7010 450135	231	101000
		02/29/24 Fuel	351.61		STREET	1000 430200	231	101000
51007		3394 Ashlee Stoneburner	99.00					
		02/15/24 Reimbursefor PoliceEquipment	99.00		POLICE	1000 420100	212	101000
51008		3324 Dan Walker	127.30					
		03/07/24 SwitchbackGraduationKatieDiann	127.30		ADMIN	1000 410210	370	101000
51009		1454 Bozeman Daily Chronicle/Big Sky	80.00					
		489261 03/06/24 PublicHearingZoningpermitMoonr	80.00		ADMIN	1000 410210	327	101000
51010		1992 Big Sky Journal	30.00					
		03/01/24 Subscription	30.00		LIBRY	2220 460100	330	101000
51011		62 MLEA	250.00					
		24019 02/24/24 Training - Linda Wolf	250.00		DSPTCH	1000 420160	380	101000
51012		999999 SIRENIA VAZQUEZ	350.00					
		03/11/24 RefundPovahDeposit-Vazquez	350.00		POVAH	2210 214001		101000

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51013		3002 Billings Clinic Patient	259.00					
	408035064	03/04/24 SMoldenhauerImmunizations	259.00*		SEWER	5310 430600	351	101000
51014		1061 Lane and Associates	67.30					
	10131	03/04/24 DrugTestPostAccidentCanales	67.30		ADMIN	1000 410210	351	101000
51015		3314 Intrinsik Architecture	6,196.49					
	20240111	03/12/24 ZoningPermit,CodeReview	6,196.49		PLNNG	1000 411000	354	101000
51016		2 Forsgren Associates P.A.	31,609.90					
	123552	12/31/23 WWTP	26,604.90		SEWER	5320 430640	951	101000
	124074	02/25/24 Police StationRoof	3,750.00		PLNNG	1000 411000	357	101000
	124066	02/25/24 MoonriseMeadowsSupport	1,255.00		PLNNG	1000 411000	357	101000
51017		3445 ALLSTATE MACHINE SHOP	1,371.22					
	145500	03/06/24 Equipment repairs	1,371.22		STREET	1000 430200	369	101000
51018		3457 Sign Solutions USA, LLC	682.53					
	410470	02/23/24 CrossBrackets/WoodPostcap	682.53*		STREET	1000 430200	243	101000
51019		2099 Quick Print of West Yellowstone	9.75					
	18777	02/15/24 Laminate of signs	9.75*		ADMIN	1000 410210	220	101000
51020		2800 RDO Equipment Co.	964.71					
	7270416	03/07/24 Repairs	964.71		STREET	1000 430200	369	101000
51021		254 Firehole Fill Up/Economart	225.62					
	02/29/24	Fuel	225.62		STREET	1000 430200	231	101000
51022		65 Tractor & Equipment	706.50					
	0232785	02/27/24 Equipment Repairs	347.75		STREET	1000 430200	369	101000
	0831289	03/05/24 Equipment Repairs	358.75		STREET	1000 430200	369	101000
51023		3245 4 Corners Recycling LLC	1,010.90					
	4460	02/28/24 Pull Fees&Processingfees	1,010.90		PARKS	1000 460430	534	101000
51024		3261 Targhee Services	479.95					
	102923	10/29/23 Vehicle Repairs	479.95		STREET	1000 430200	361	101000

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51026		3241 Bridger Analytical Lab	300.00					
	2403209	03/14/24 Water Test fees	300.00		WATER	5210 430500	348	101000
51028		2537 Balco Uniform Co., Inc.	7.60					
	78594	03/14/24 Nametapew/velcro-Stoneburner	7.60		POLICE	1000 420100	226	101000
51029		3042 Klondike Dreams, c/o Charlotte	11,702.40					
	23-09-2	03/07/24 WildfireDefenseSleddogRaces	11,702.40		MAP	2101 410130	398	101000
51030		1089 Gallatin County Treasurer	864.00					
	11/30/23	Tech Surcharge	240.00		COURT	7458 212200		101000
	11/30/23	MLEA	330.00		COURT	7467 212200		101000
	11/30/23	Viictims Assistance	294.00		COURT	7699 212200		101000
		# of Claims	37	Total:				172,831.72
		Total Electronic Claims	8,782.09	Total Non-Electronic Claims				164049.63

Fund/Account	Amount
1000 General Fund	
101000 CASH	128,986.68
2101 Marketing & Promotions (MAP)	
101000 CASH	11,702.40
2210 Parks & Recreation	
101000 CASH	350.00
2220 Library	
101000 CASH	669.76
5210 Water Operating Fund	
101000 CASH	1,690.78
5310 Sewer Operating Fund	
101000 CASH	1,449.79
5320 Sewer Replacement Depreciation Fund	
101000 CASH	26,604.90
7010 Social Services/Help Fund	
101000 CASH	513.41
7458 Court Surcharge HB176	
101000 CASH	240.00
7467 MT Law Enforcement Academy (MLEA)	
101000 CASH	330.00
7699 Victims Assistance Program	
101000 CASH	294.00
Total:	172,831.72

TOWN OF WEST YELLOWSTONE
Town Council Meeting
March 5, 2024

PLANNING BOARD MEMBERS PRESENT: Mayor Travis Watt, Jeff Mathews, Lisa Griffith, Jeff McBirnie, Brian Benike

OTHERS PRESENT: Town Attorneys Jane Mersen, Town Manager Dan Walker, Town Clerk Liz Roos

The meeting is called to order by Mayor Travis Watt at 5:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

The meeting is being broadcast over the internet using a program called Zoom.

WORK SESSION

Mayor Watt calls the meeting to order. He explains that the topic for the work session is a discussion of the employment contract for the Town Manager, Dan Walker. Mayor Watt asks Walker if he would like to adjourn into executive session and Walker indicates that he would. Council Member Griffith questions whether the discussion of his contract is an appropriate reason to adjourn into executive session. She questions whether the components of the contract should be private. Town Attorney Jane Mersen explains that this portion of the meeting is a negotiation, action that results from the negotiation will be taken in open session later in the evening. Mayor Watt makes the determination that it is appropriate to close the meeting and the meeting is closed to the public at 5:08 PM. The work session reconvenes at 7:30 PM and is adjourned. The regular meeting begins at approximately 7:45 PM.

Public Comment Period

No public comments are received.

Council Comments

Mayor Watt announces that the road to Canyon in Yellowstone National Park closed today and the rest of the roads will close for the season by March 15, 2024. No other comments are received.

ACTION TAKEN

- 1) Motion carried to approve Purchase Order #6540 to RDO Equipment for plow blades and cylinder rams for \$9582.35. (McBirnie, Griffith)
- 2) Motion carried to approve the claims, which total \$74,249.42. (Mathews, McBirnie)
- 3) Motion carried to approve the minutes from the February 20, 2024 Town Council Meeting. (McBirnie, Benike) Griffith is opposed, motion passes.
- 4) Motion carried to approve the professional services agreement with Scott Hazelton/Hyalite to complete the zoning code update and GIS link. (McBirnie, Benike)
- 5) Motion carried to table the Town Manager's Employment Contract until April 9, 2024 (Mathews, McBirnie)
- 6) Motion carried to approve the 2023 Wastewater Collection system Facility Planning Study for the Town of West Yellowstone, dated December 2023. (Griffith, McBirnie)

DISCUSSION

- 4) Town Manager Dan Walker recommends cancelling the Town's contract with Fall Creek Planning. Scott Hazelton from Hyalite Planning, the planner who is working with the Town of Manhattan on its update, has submitted a proposal to complete the update of the zoning code. Fall Creek has partially completed the project and will turn that product over to the Town for Hyalite to continue with by March 31, 2024. They anticipate

completing the project with Hyalite by July 31, 2024. Mathews asks if the Planning Board will be included and Walker indicates that the board will be involved. Scott Hazelton explains that they will be able to create a map that connects to the zoning for each parcel in the Town. Griffith inquires whether Fall Creek Planning will bill the Town for any more services to get the first draft to Hyalite Planning.

- 5) Motion was amended to set the date certain to be April 9, 2024. Watt indicates that they will be asking Walker for some additional information prior to that meeting.
- 6) Town Engineer Dave Noel shares a presentation and video prepared by Forsgren Associates to summarize the Facilities Planning Study they prepared for the wastewater facilities. Noel, who is present at the meeting by Zoom, explains that they do have some immediate needs around the Iris Lift Station. He also summarizes other repairs the system needs, which comes to a total cost of \$9.3 million. The presentation indicates this cost could be covered by increasing the charge per SFE by \$1/year. Mathews asks if the recommendation is to purchase a vac truck or contract that service. Noel says they do recommend purchasing the vac truck because it will be used regularly, but contracting is an option. Watt clarifies that the study, once approved, will be sent to Montana DEQ for approval.
- A) **Town Manager & Staff Reports:** Town Manager Dan Walker reports that he met with the new field representative for the unions. The new union representative will be sending a letter by the end of the week to open contract negotiations. He reports that the personnel policy manual and updated drug policies will be sent to the membership for review. Engineering Request for Qualifications have been released and responses are due by March 29, 2024. Interviews are scheduled for April 9, 2024. The notice of award for the wastewater treatment plant were sent to RSCI and Aeromod. Town Engineer Dave Noel reports that the contractor has expressed that they intend to start the project on or before May 1, 2024. Walker reports that he attended SnowShoot event last week and it was neat to see what was going on. The Planning Board met last week to review the staff report for the Moonrise at Yellowstone project. The zoning permit for the project will be presented to the Council on March 19, 2024. He reports that Finance Director Katie Thompson and Social Services Director Dianna Hansen have completed the Switchback training from the MSU Local Government Center and he will attend a luncheon in Bozeman tomorrow to recognize that accomplishment. Town Attorney Jane Mersen reports that he lawsuit filed by West Development is still in the discovery phase and depositions are anticipated in the near future. McBirnie asks who is responsible for clearing fire hydrants. Walker says that in the current interlocal agreement, the Town is initially responsible, but the Fire District is obligated to assist as time allows.

The meeting is adjourned at 8:40 PM. (McBirnie, Benike)

Mayor

ATTEST:

Town Clerk

Police Department - Department Head(s) Report March 7 – March 13, 2024

- 104 calls for service
 - 3 citations issued
 - 25 Warnings
 - 2 Cases Generated
 - 0 Arrest
 - 11 Public Assists
 - 2 Agency Assists
 - 9 Fire/Ambulance requests
 - 0 Search & Rescue
-
- Calls included: Traffic Stops, School Resource Officer calls, Abandoned Vehicle, 911 calls, Citizen Assists, Agency Assists, Crashes, Disabled Vehicle, Reckless, Lost & Found, , Disorderly, Parking, Welfare Check, Fraud, Flag Down, Suspicious Person/Activity and other fun stuff.
-
- We held a dispatcher staff meeting
 - DIS installed a new camera and a new camera operating system at the PD.
 - Brenda met with Equature regarding a quote and demo for a voice logger.
 - Brenda met with The Sales Group, she is working with them on getting a quote for the Voice Logger, we should have 3 quotes within the next week and hope to get that project started next.
 - Spent as much time as I could doing annual employee reviews for the officers.
 - Brenda spent time doing annual reviews for the dispatchers.
 - Prepared conditional job offer documentation for the two candidates who have been offered the police officer positions. Had the candidates and Dan Walker sign them to make it official.
 - Personal History Questionnaires were sent out to the officer candidates. One has been returned and the other will be returned today.
 - We picked up the Dodge Durango from Billions (again). The taillights have finally been repaired. Turns out the cops in this town are sticklers about having working taillights at night.
 - Mike will be on vacation for a week starting March 17 – 24. Officer Neil Courtis will be the officer in charge while I am out of state.

Until next week, Mike & Brenda



Week of 03.11.2024

- Prepped new version of the Special Budget Request Form.
- Worked on inputting the annual financial data into the state form. I have built the financials and completed the 3 large worksheets for the supplemental data. Need to work on the notes to the financial statements and the management discussion and analysis to wrap this up.
- Received the draft version of the WWTP Bond Resolution. The preliminary review of this document is underway. I will meet with Dan Semmens next week to go over preliminary questions and concerns.
- Attended the MAP Fund Advisory Board's meeting. The Finance Department will be presenting at their next scheduled meeting to go over their fund for FY25 budget.
- Met with Camille regarding the WWTP timeline for payments to correspond to WWTP Bond Resolution timeline.
- Peggy sent out another round of delinquent letters regarding Resort Tax.
- Started preparation for new business license year. We will have the new licenses ready to be sent out the second week of May.
- Prepared for Town Council meeting on 03.19.2024.



MARCH 15, 2024

TO: Town Manager Dan Walker, Town Council

FROM: Liz Roos, Town Clerk

SUBJECT: Town Clerk Report

- Business Improvement Advisory Board (BIAB) and Marketing & Promotions Advisory Board met this week. We are still seeking someone to fill the vacancy on the BIAB. The Health Care Services Advisory Board met on Friday, March 8.
- Conducted new employee orientation for Daniel Svalstad and Oscar Salinas, both have been hired as Equipment Operators. We have received three applications so far for the Assistant Librarian position.
- Prepared and posted the packet for March 19, 2024 Town Council meeting. The updated staff report for Moonrise at Yellowstone project was posted on the Town's website on Tuesday, March 12, 2024.



Recreation Department

Highlights

March 7, 2024

- Unemployment: I helped 4 people with unemployment, helped them file. These are people that don't know how to use the app so they come to my office so that I can help them every week.
- I helped Debbi help someone open a new unemployment claim.
- Had a few reservations for the Povah
- Picked up food from the Market Place for Social Services
- Wednesday March 20th painting night

Thank you,

Vely

Public Services Dept. Bi-Weekly Report: Mar 1st through Mar 14th, 2024

Work Performed

- Vehicle and equipment repairs: ongoing.
- Snow and ice floor removal: ongoing.
- Flush SAS service laterals and mainlines that continue accumulating debris.
- Building maintenance and service calls: ongoing.
- Trash route: ongoing.
- SAS weekly manhole/ problem areas inspections: ongoing.
- Perform water & WW samples: ongoing.
- Sewer and water systems maintenance: ongoing,
- Continue inventory for the EPA's lead and copper rule/ data entry to meet the October 16th, 2024, deadline.
- Help with "Kids-N-Snow" event.
- Utility locates ongoing.
- Respond to vandalism: ongoing.
- Maintain the ice rink at town park.
- Code enforcement and citations issued: ongoing.
- Cross training the PW crew on vehicle maintenance, daily lift stations route, utility locates, water monitoring and testing, equipment, etc.
- Fix damaged castings and signage: ongoing.
- KC attending ICC's annual conference in Bozeman for CEC's.

Administrative

- Continue to work with vendors and technicians on fleet updates: ongoing.
- Coordinate parts and supplies orders: ongoing.
- Begin prep for upcoming budget discussions.
- Work with contractors on projects and scheduling: ongoing.
- Fill in for staff/ operate equipment/ wrench on equipment.
- Manage current public works staff and seek ways to recruit additional employees to help offset the workload: ongoing.
- Chase parts orders: ongoing.
- Met with residents and business owners regarding complaints: ongoing.
- Continue to seek bids for future CIP's, get the ball rolling years in advance.
- Onboard additional FT equipment operators: Daniel Svalstad & Oscar Salinas.
- Submit reports to the Town Manager.
- Code bills and submit check request for invoices: ongoing.
- Seek additional training opportunities for the crew.
- Evaluate building and infrastructure issues, coordinate repairs as needed.

SOCIAL SERVICE OFFICE HIGHLIGHTS

MARCH 1 – 14 2024

- Assisting clients with LEIAP, SNAP, and Medicare applications
 - Many people are still getting Lobby food
- It is Unemployment time, and many individuals have been in using the computers
 - Donations from local businesses
- Assisting with Southlake Apartment applications for a client
 - Birthday celebrations for David Rightenour
- Dianna attended the Montana Grown Leadership Academy in Bozeman
 - Many individuals are checking the job board
- Received our new wage guidelines from the Federal government
 - TEFAP order picked up by Dianna
 - Recipe of the Month – White Chili
 - Individuals getting diapers for their children
 - Monthly food boxes for individuals

TOWN OF WEST YELLOWSTONE

NOTICE OF PUBLIC HEARING COMMERCIAL ZONING PERMIT NAMED “MOONRISE MEADOWS,” A 200-UNIT DEVELOPMENT

NOTICE IS HEREBY GIVEN that Moonrise Partners LLC is proposing a to develop ±21.82 acres in the northwest corner of the Town of West Yellowstone in The Madison Addition. The “Moonrise Meadows” project would include 200 apartment units and associated clubhouse and maintenance facilities across 16 buildings. This project is being reviewed for compliance with the Town of West Yellowstone’s Municipal Code. The project is located at 111 Moonrise Way, west of Hayden Street (behind the homes fronting Hayden Street) in the northwest portion of The Madison Addition. The property is located in the Madison Addition and is zoned Residential – Medium Density Apartments (R-4). The development would be served by the Town’s municipal water and wastewater facilities.

The West Yellowstone Town Council has scheduled this matter for **Tuesday, March 19, 2024, at 7:00 p.m.** at the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana. At the March 19th meeting, the Town Council will hold a public hearing to review the Moonrise Meadows Zoning Permit application. The Town Council will determine whether the Zoning Permit application conforms to the provisions of the Town of West Yellowstone Municipal Code.

The property can be described legally described as:

Tract 1 as shown on the subdivision plat of The Madison Addition to West Yellowstone, located in the SW ¼ of Section 27, Township 13 South, Range 5 East, Town of West Yellowstone, Gallatin County, Montana.

Complete copies of the applications, plans, and the Town of West Yellowstone’s zoning code are available at the Town Offices, 440 Yellowstone Avenue, West Yellowstone, Montana. The Town’s zoning code, Title 17 of the West Yellowstone Municipal Code, may be accessed on the Town’s website: www.townofwestyellowstone.com.

The hearing will be broadcast over the internet using Zoom. Participants may connect at zoom.us or through the Zoom Cloud meetings mobile app, meeting ID 893 834 1297. Public comment will be accepted orally by Zoom, public comment will not be accepted through the chat function. Written testimony may be submitted to the Town Clerk at the Town Offices, 440 Yellowstone Avenue, by mail to PO Box 1570, West Yellowstone, MT 59758, or by email to info@townofwestyellowstone.com. For further information, please contact the Town Clerk by email or at 406-646-7795.

Elizabeth Roos
Town Clerk

440 Yellowstone Avenue * PO Box 1570 * West Yellowstone, MT 59758 * (406) 646-7795
www.townofwestyellowstone.com





Moonrise at Yellowstone Commercial Zoning Application

Public Meeting Dates:

Planning Board February 16, 2024, at 12:00 p.m. was held in person and via Zoom. This action item was tabled to March 1, 2024 at 12:00 p.m. The next meeting was held on March 1, 2024 .

Town Council, March 19, 2024, at 7:00 pm in person and via Zoom. A Zoom link will be provided with the Town Commission agenda.

Project Description:

A Zoning Permit Application to construct 200 apartment units and associated clubhouse maintenance facilities across 16 buildings. The project site includes one parcel and is zoned R-4 Residential – Medium Density Apartments.

Project Location:

The project is located at 111 Moonrise Way and further described as: MOONRISE MEADOWS CONDO, S27, T13 S, R05 E, MADISON ADD TRACT 1 J-120.

Staff Recommendation:

The application conforms to the standards and is sufficient for approval with conditions and subject to all applicable code provisions.

Planning Board Recommendation:

The Planning Board voted unanimously to approve the application with the conditions of approval that were set out in the Staff Report. See pgs. 20-21 of this Report.

Town Council Recommended Motion:

Having reviewed and considered the application materials, public comment, and all the information presented, I hereby move to adopt the findings presented in the staff report for the Moonrise at Yellowstone Project and move to approve of the zoning permit subject to the conditions set out on pages 20-21 of the Staff Report and subject to all applicable code provisions.

Report Date: February 6, 2024, Updated February 26,2024

Staff Contacts: Dan Walker, Town Manager
Tyler Steinway, Planning Consultant
Dave Noel, Contract Town Engineer
Shane Grube, Hebgen Basin Fire Chief

Agenda Item Type: Action (Quasi-judicial)

Executive Summary



This report is based on the application materials submitted on September 22, 2023, and any public comment received to date. There have been 14 written comments and several verbal comments received as of the writing of this report. All of the public comments are included in this packet and available to the public.

Project summary

The property owner and applicant submitted a zoning permit application to develop a site on the Northwest side of the Town of West Yellowstone. The project site is currently vacant, but previously had a single-household dwelling and associated out buildings on the property. The property is approximately 21.82 AC (950,716 SF) and comprised of one parcel located at the intersection of Moonrise Way and Hayden Street. The property is in the Madison Addition Subdivision and is zoned R-4 (Medium Density Apartments).

The Zoning Permit application form breaks the zoning permit into two categories, Residential and Commercial. The Residential Zoning Permit Application requires that applications for Apartments go through the Commercial Zoning Permit Process. There are no commercial uses proposed in this application.

The application proposes to develop the land with 200 apartments. Additionally, this application includes an associated clubhouse and maintenance facilities. In total there are 16 proposed buildings onsite. Apartments are defined by the Zoning Code as "A building or portion of a building thereof designed with more than 4 individual dwelling units." The project proposes three main building types: a 24-unit three story walk up, a 12-unit three story elevator serviced and a 4-plex building. The applicant's submittal documents reference the words condominium and timeshare, but condominiums and timeshares are ownership structures of property not uses. The applicant's proposed buildings fit into the apartment definition and are being permitted as such. The proposed buildings also meet the R-4 density restrictions. If the applicant wishes to sell these units individually, they will be required to go through an additional process. The Town of West Yellowstone and Montana Subdivision regulations allow for specific exemptions, which could exempt the apartment buildings from a formal Condominium review with the Town. That said, any application for Condominimization that would be submitted to Gallatin County would be forwarded to the Town for their review and comment (see Condition of Approval 11).

The proposed project will be built in 10 phases. In the first phase all the project's infrastructure will be constructed as well as the first 4-plex building. The second phase will construct the second 4-plex building. Phases three and four propose to construct the southeast 24-unit buildings. Additionally, in phase four the common amenities are proposed to be constructed. Phase five proposes to construct the southwest 24-unit building. Phase six will construct the south row of 12-unit buildings. Phases seven through nine propose to construct the northern 12-unit buildings. Finally, phase ten proposes to construct the remaining 24-unit building located on the west side of the site.



On January 5, 2024, the Development Review Group (DRG) found the application sufficient for continued review and recommends approval of the application with the conditions and code provisions identified in this report.

Unresolved issues

Currently, there is not enough sewer capacity in the sewer system to accommodate this project. Town of West Yellowstone is in the process of building a new sewer treatment facility. The best-case scenario for the completion of this project is sometime in 2025. To remedy this issue, a condition of approval has been added to this project that the Town cannot sign off on the required DEQ permit application until that sewer project is complete and additional capacity is available.

Planning Board Summary

The Planning Board held two public meetings in considering this Zoning Permit Application. The first public meeting was held on February 16th, 2024, which resulted in The Planning Board making a motion to table the application for two weeks so the staff report could be updated/clarified. The Planning Board took this item back up on March 1st, 2024, and moved to recommend approval of the Zoning Permit and voted unanimously (6-0) to recommend the City Commission do the same. There were ten (10) verbal public comments at the 2/16 meeting and seven (7) at the 3/1 meeting. Meeting minutes from both meetings can be found on the Town’s website.

Alternatives for the Board and or Council

1. Approve the application with the recommended conditions;
 2. Approve the application with modifications or additional conditions to the recommended conditions;
- or
3. Deny the application based on detailed findings of non-compliance with the applicable criteria;

Application Type	Commercial Zoning Permit		
Project Name	Moonrise at Yellowstone		
Summary	A Zoning permit application to construct 200 apartment units and associated clubhouse and maintenance facilities across 16 buildings. The project site includes one parcel and is located at 1111 Moonrise Way. The project consists of 3 primary residential building types. The first building type (4 buildings) is a 3 story walk up building with 24 units in each building. The second building type (8 buildings) 3 story walk up building with 12 units in each building. The third building type is a fourplex building (2 buildings). In addition to the 16 proposed buildings the site development included private garages and surface parking accessed from interior drive aisles, sidewalks, open space and other associated site improvements.		
Zoning	R-4 – Residential – Medium Density Apartments	Parcel(s) Size	21.82AC 950,716 SF
Overlay Districts	Wildland Urban Interface		
Street Address	1111 Moonrise Way		



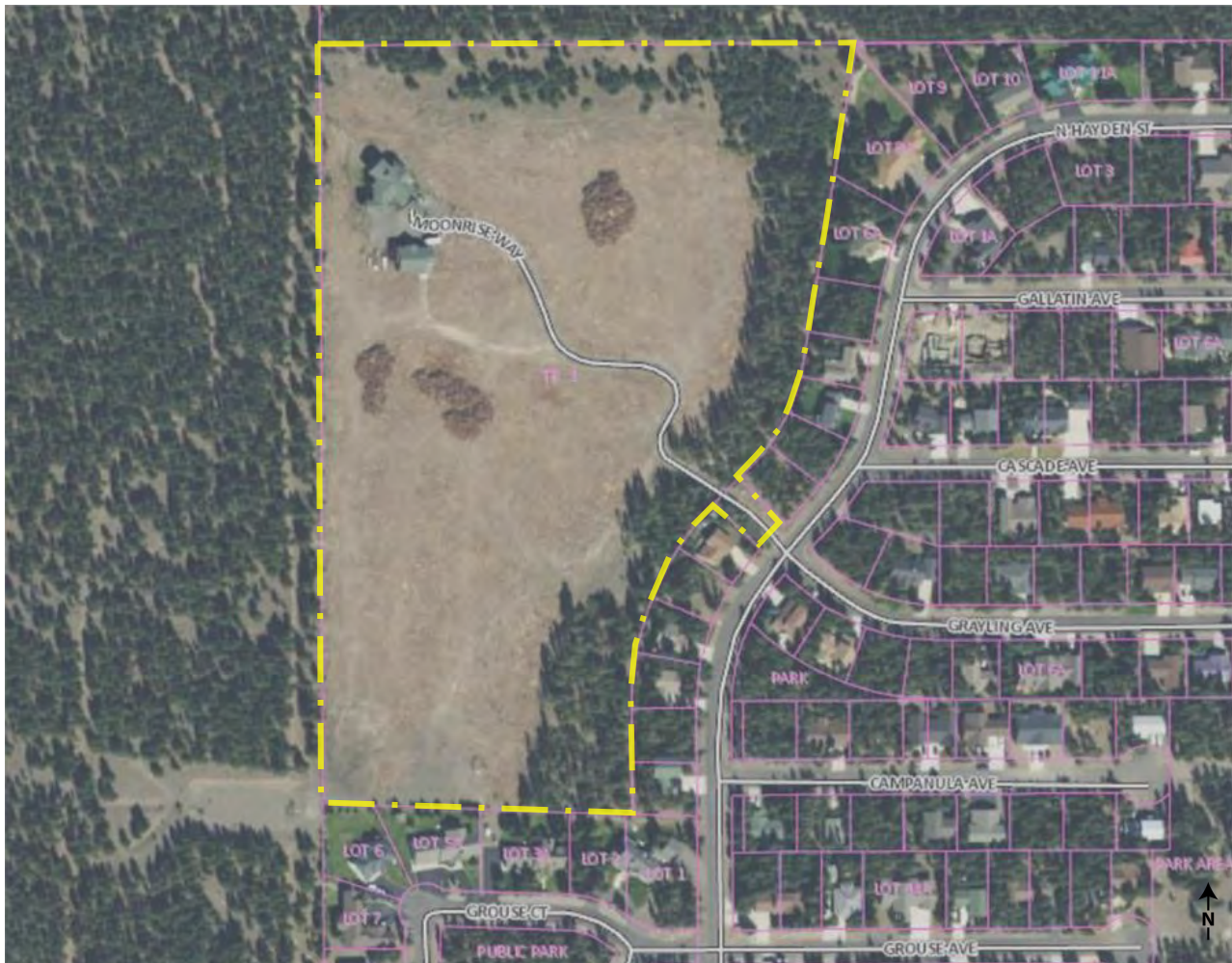
Legal Description	MOONRISE MEADOWS CONDO, S27, T13 S, R05 E, MADISON ADD TRACT 1 J-120			
Geocode(s)	06006227330017000;			
Owner	Moonrise Partners, LLC – 11760 Gee Norman Rd Belgrade, MT 59714-8415			
Applicant	Same as Owner			
Representative	Same as Owner			
Staff	<i>Planner</i>	Tyler Steinway, Intrinsik Architecture	<i>Engineer</i>	Dave Noel, Forsgren Associates
Advisory Board	Board	Date(s)	Recommendation	
	Development Review Group	11/23/2023	DRG recommends approval of the permit subject to conditions	
Recommendation	Application is sufficient for approval with conditions and code provisions			
Decision authority	Town Council		Due: 03/19/2024	

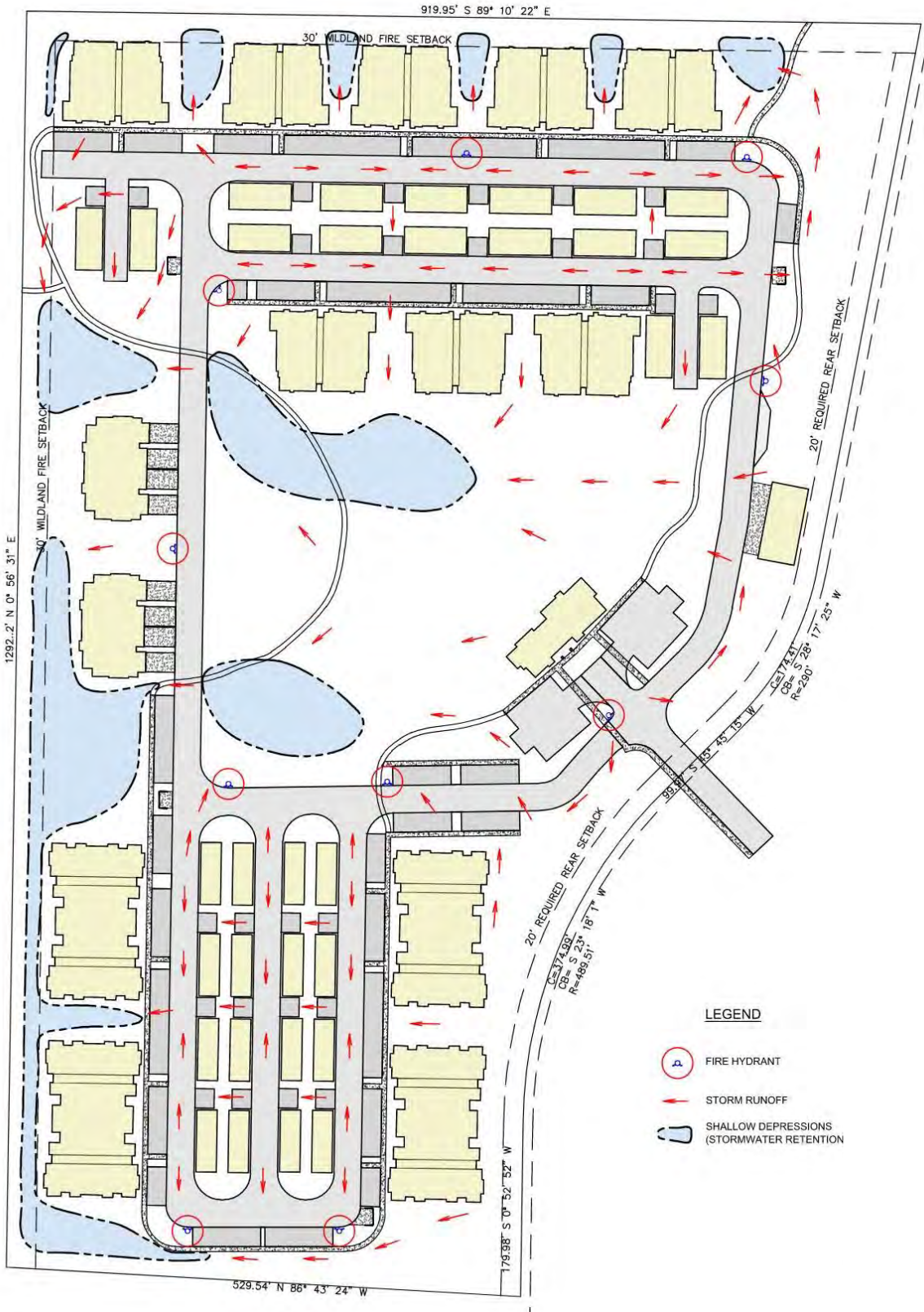
Maps/Graphics

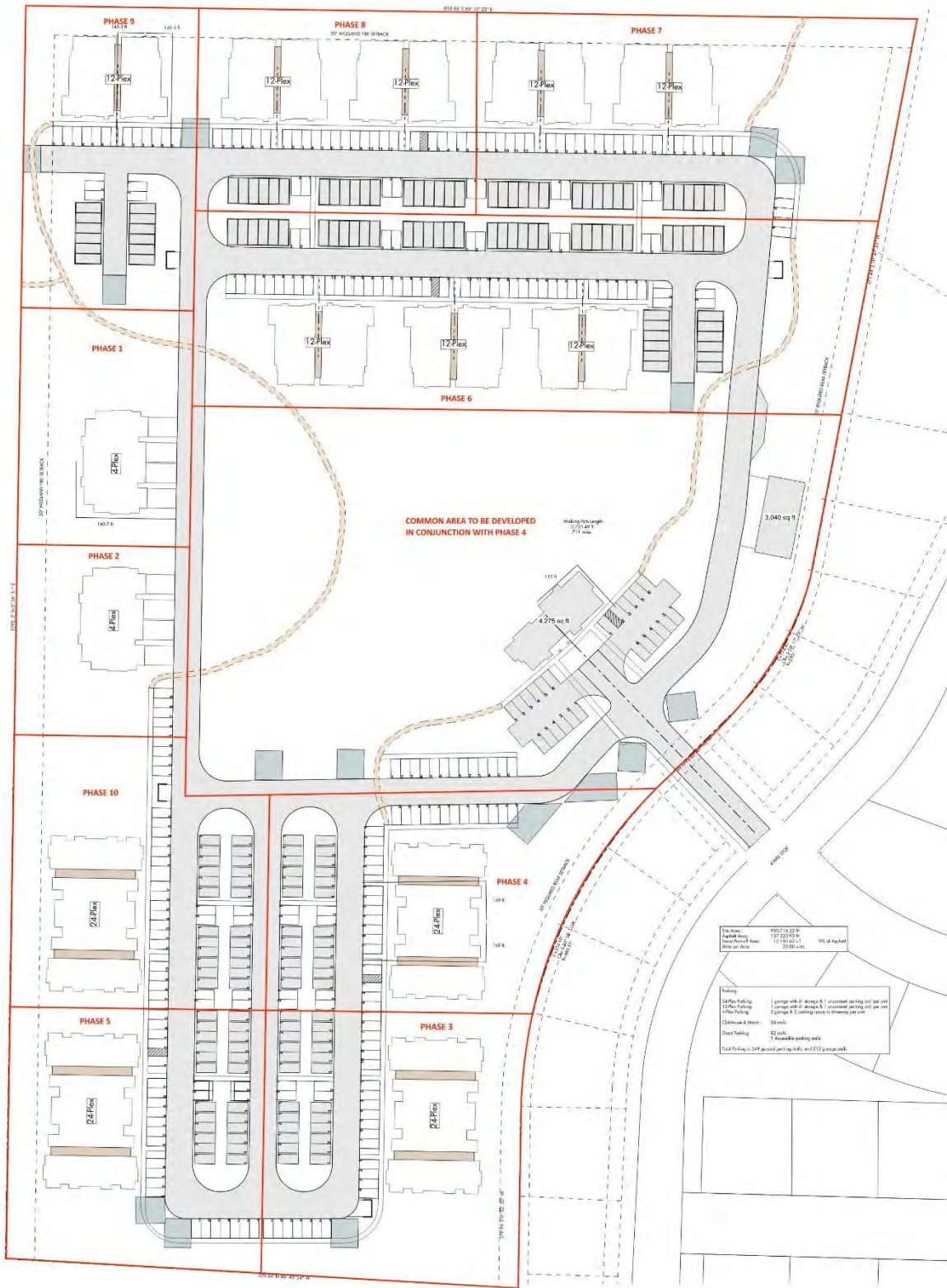


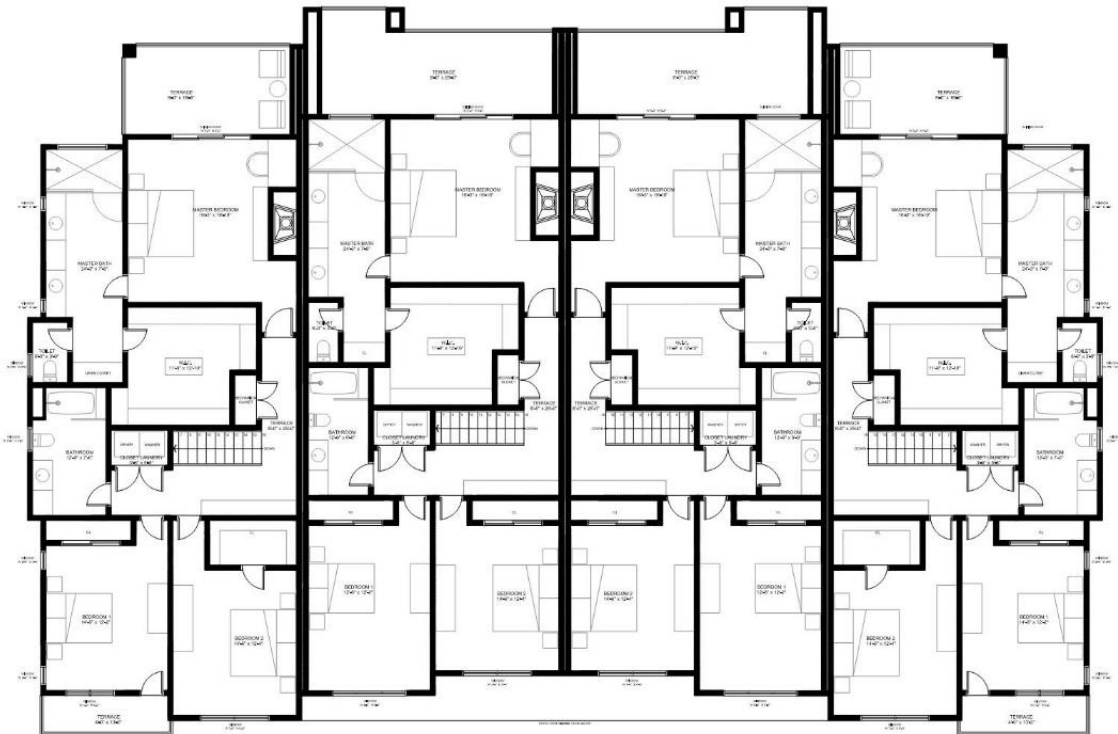
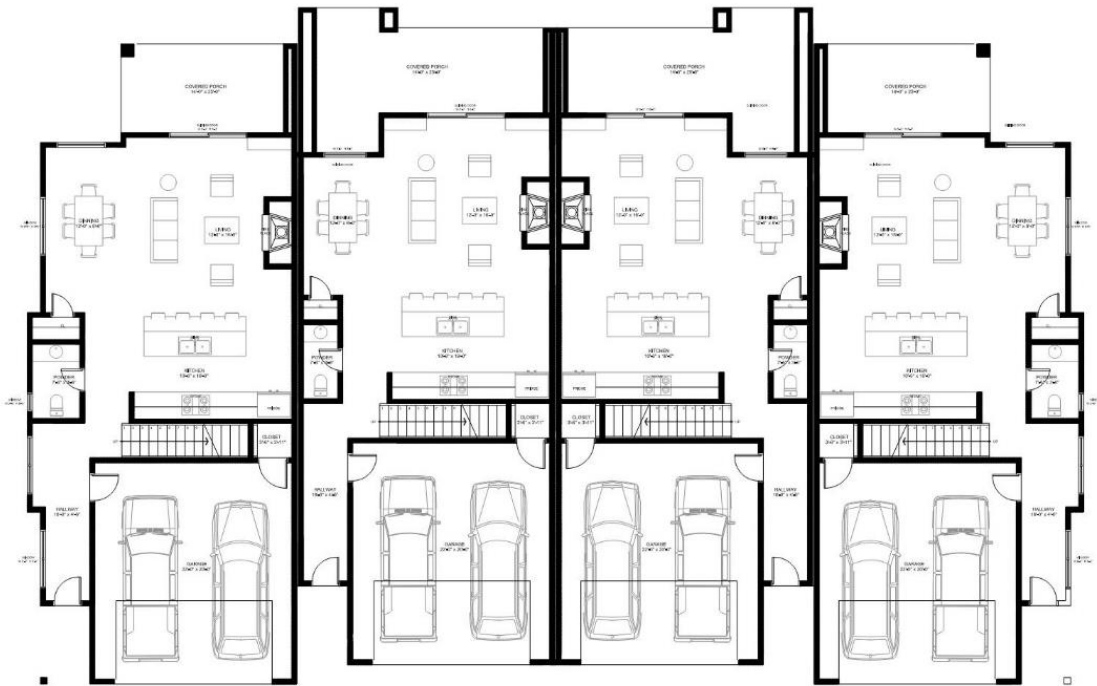


Updated Staff Report
Moonrise at Yellowstone
Commercial Zoning Permit Application
March 12, 2024













12-Plex Building Floor Plan Levels 1-3





Updated Staff Report
Moonrise at Yellowstone
Commercial Zoning Permit Application
March 12, 2024



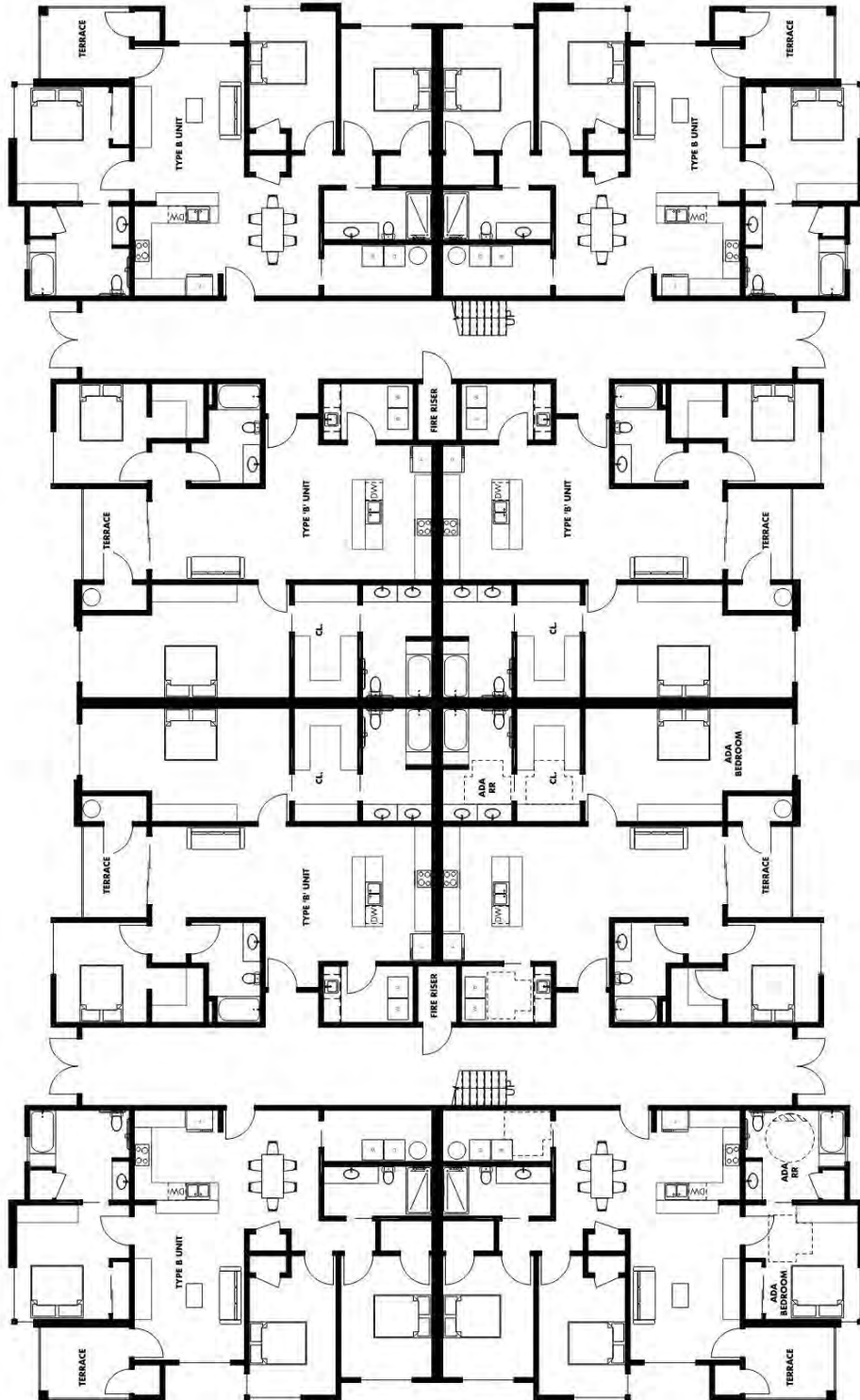


Updated Staff Report
Moonrise at Yellowstone
Commercial Zoning Permit Application
March 12, 2024





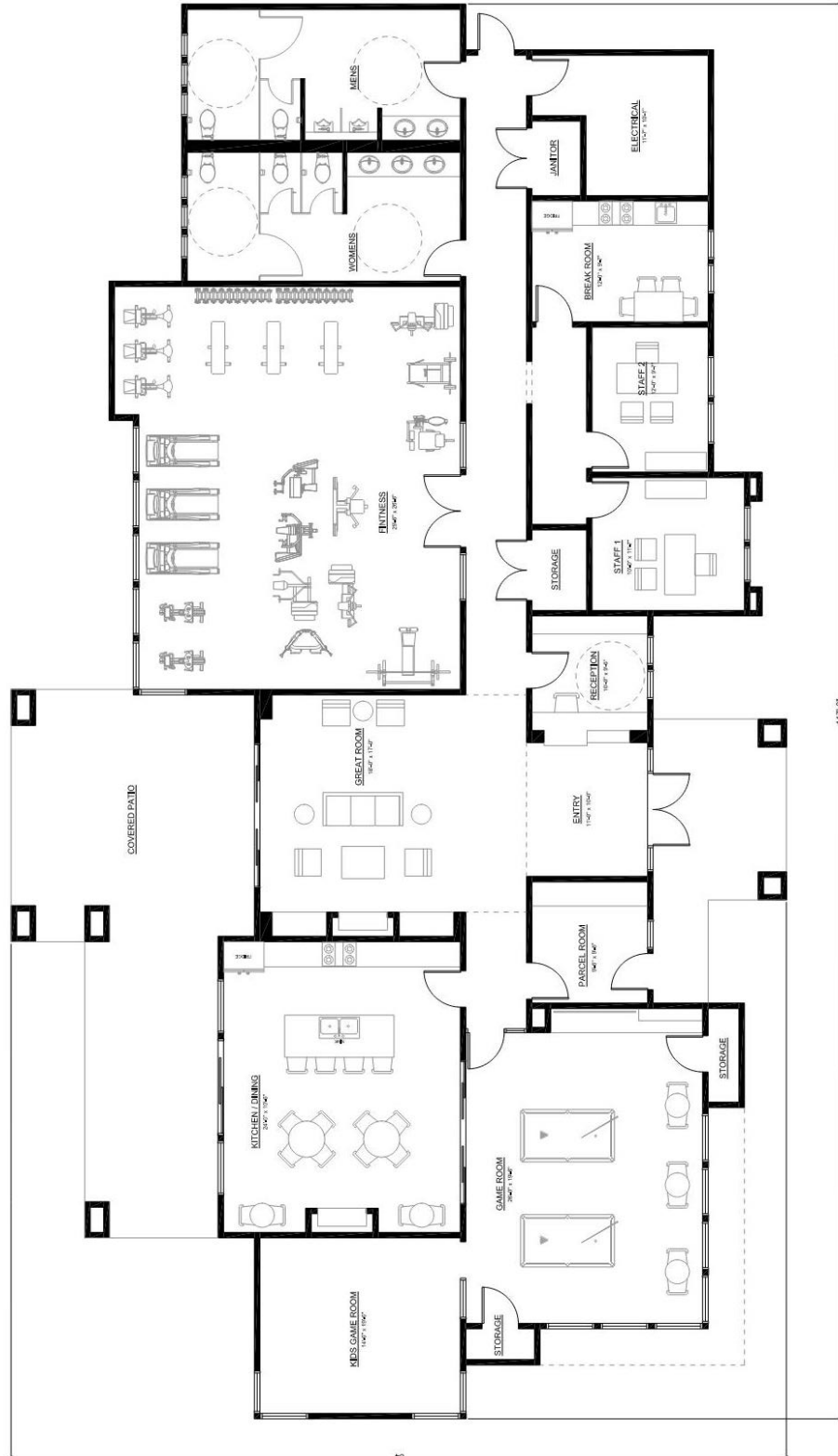
24-Plex Building Floor Plans Level 1-3







Clubhouse Floor Plan



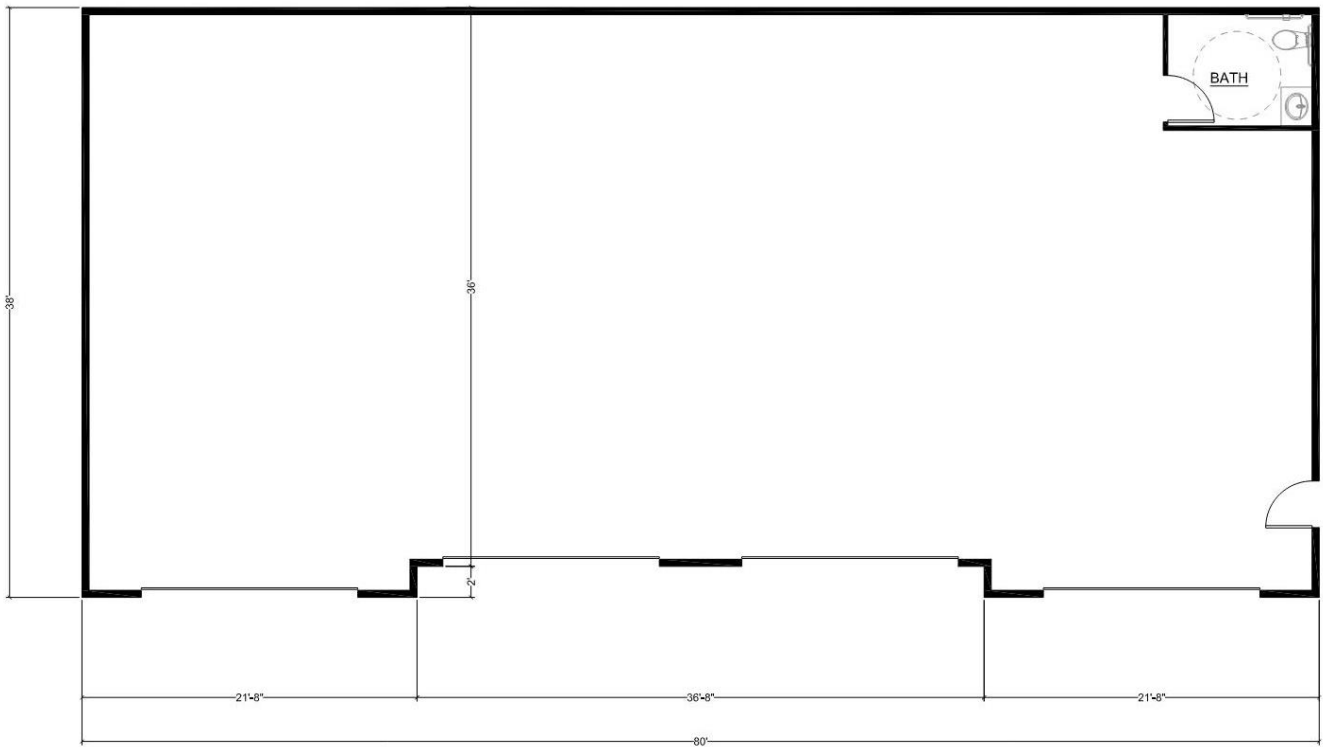


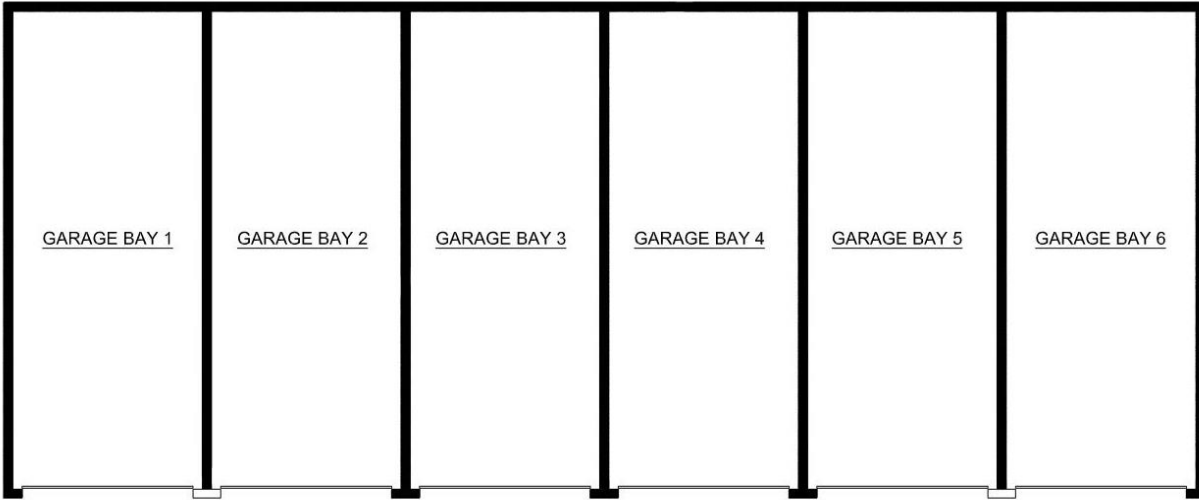
Updated Staff Report
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Updated Staff Report
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March 12, 2024







Conditions of Approval

1. All garbage and refuse containers shall be kept in bear-proof containers designed to make such containers resistant to entry by bears or shall otherwise made unavailable to bears.
2. 17.42.042 - Size and Surfacing requirement for off-street parking facilities - A bond for an amount equal to the cost of those improvements shall be provided, before the start of building construction, to the town to be held until such time as the required improvements are completed and approved. If parking lot improvements are not completed, the bond shall be forfeited, and bond proceeds shall be used to complete the project.
3. All water, and sewer connection fees shall be paid prior to the start of construction.
4. All accessory buildings must 14' or less in height. The Clubhouse building must be resubmitted with a height of 14' prior to the Town Engineer signing any DEQ Application forms.
5. Development and construction shall substantially comply with all plans submitted with the application, including building designs, heights, structural setbacks and other zoning requirements. Any modifications proposed through construction will need to be reviewed and considered under a new zoning application.
6. Town of West Yellowstone is in the process of designing and building a new sewer treatment facility. The best-case scenario for the completion of this project is sometime in 2025. As you are aware there is currently no capacity in the sewer system for this project and as such the town will not sign any Municipal Facilities Exclusion or DEQ Engineering Review Applications. Please be advised that the Town Engineer will only sign the DEQ applications after the completion of the sewer treatment plant and additional capacity is available.
7. All storm water facilities shall be installed as a part of the overall phase 1 infrastructure.
8. All water, sewer and stormwater utilities shall be provided by the developer according to the Town of West Yellowstone specifications.
9. The applicant recognizes the financial obligation of the 1982 Development Agreement recorded at Film 73 Page 1337 and agree and acknowledges applicant is responsible for the costs of construction and installation of all streets, water and sewer lines interior to the property subject to the present application.
10. The included Traffic Impact Study analyses the proposed traffic generated from this project as well as the continued growth in the area. The result of this study shows a drop in level of service at the intersection with HWY 20 and Hayden Street. Prior to final Zoning Permit Approval, the Applicant must identify a plan (and timeline) to restripe the Hayden Street section to allow for a left turn lane. Graphic included as Appendix A.
11. The applicant shall submit an approved Storm Water Pollution Prevention Plan Permit (SWPPP) from Montana Department of Environmental Quality prior to starting construction.
12. The Developer and future unit owners shall be responsible for maintenance of all landscaping, snow storage, open spaces, private street/accesses, water, sewer and stormwater facilities. These maintenance responsibilities shall be incorporated into the private covenants or declaration of unit ownership and submitted with any future condominium declaration. Final documents for final review and approval, must be submitted to the Town prior to them being recorded.



13. The “Removal from the Montana Unit Ownership Act” document shall be recorded with the county clerk and recorded prior to the Town Engineer signing off on the DEQ applications. Please submit a copy of the recorded documents.
14. Prior to any construction or obstructions occurring in a publicly dedicated right-of-way, permission shall be obtained from the Town Council according to Town codes and policies.
15. All construction of public improvements, grading and drainage, parking areas and residential buildings shall be conducted with oversight by a geotechnical firm to ensure the assumptions and recommendations of the Geotechnical Investigation Report are observed. Evidence of compliance and status reports pertaining to this condition is required by the Town of West Yellowstone at any time during construction and prior to any certificate of occupancy being issued for any buildings.
16. It is required that either the Town of West Yellowstone’s Engineer or Public Works Departments be present onsite prior to connecting to any public infrastructure.
17. Following the completion of all infrastructure as-builts or record drawings shall be submitted to the Town Engineer for their review and approval.
18. The method of mail delivery for subdivision residents shall be determined and approved by the US Postal Service prior to Certificate of Occupancy.
19. No signage was proposed with this Zoning Application. All signage will be required to be reviewed under a subsequent and separate sign permit application.
20. Administration and enforcement of zoning permits shall be handled pursuant to WYMC 17.48. Conformance with all permit requirements and conditions of approval is required for all development within the Town of West Yellowstone.

Recommended future actions

The Design Review Group (DRG) determined that the application is adequate for continued review and found that the application conforms to standards and it sufficient for approval with conditions and code provisions on 01/05/2024.

The Planning Board held public meetings on February 16th and March 1st and made a recommendation to the town Council for the Zoning Permit. After consideration of all materials and matters they recommended approval of the Zoning Permit Application. The meetings began at 12:00 pm and were held in the Council Chambers and on Zoom.

Town Council, March 19, 2024 at 7:00 pm in person and via Zoom. A Zoom link will be provided with the Town Council agenda.

Staff analysis and findings

Analysis and resulting recommendations based on the entirety of the application materials, municipal codes, standards, plans, public comment, historical data, and all other materials available during the review period. Collectively this information is the record of the review. The analysis in this report is a summary of the completed review.



In considering application for Plan approval, the Planning Board and/or Town Council shall consider the following:

1. Conformance with the adopted growth policy		Meets Code?		
Growth Policy Land Use designation	Residential	Yes		
Zoning	R-4 – Residential – medium density apartments	Yes		
<p>Comment: The project conforms to the requirements of R-4 as outlined below. The Community Plan distinguishes areas zoned as R-4 to be areas intended for a wide range of housing types including multi-household apartment buildings. The proposed project conforms to this designation by providing urban density homes within the correlated zoning district at acceptable densities.</p>				
2. Conformance with Chapter 17.08 – Application of District regulations		Meets Code?		
Current Violations	None	Yes		
<p>Comment: There are no current known violations on the property.</p>				
3. Conformance with Submittal Requirements for applicable permit type		Meets Code?		
Commercial Zoning Permit		Yes		
Submittal Requirements		Yes		
<p>Comments: The zoning permit criteria are met with this project. The proposal is compatible and sensitive to the immediate environment of the site and the adjacent neighborhood. Architectural design, building mass and character are compatible with the immediate environment of the site and neighborhood.</p> <p>The Zoning Permit Application form requests that approval from the Madison Addition HOA be submitted with a Zoning Permit Application. While the applicant did not submit approval from the HOA the Town of West Yellowstone does not enforce the private HOA covenants and therefore, does not require this item in the application. The subject property is part of the Madison Addition and the applicant will likely need to get approval from the HOA design committee, but such approval is not required to gain approval from the Town of West Yellowstone.</p>				
4. Conformance with Chapter 17.16 – R-4 Residential – medium density apartment standards		Meets Code?		
Permitted Use 17.16.020.	Apartments	Yes		
<p>Lot Area & Width 17.16.030.</p>				
Required Area	124,400 SF 2.86 AC	Provided Area	950,716SF 21.82 AC	Yes
Required Width	50'	Provided Width	530' +	Yes
<p>Lot Coverage & Floor Area Ratio 17.16.040.</p>				
Max Lot Coverage	40%	Provided Lot Coverage	13%	Yes
<p>Yards 17.16.050.</p>				
Required Setbacks	Provided Setbacks			



Front	25'	Front	30'+	Yes
Rear	20'	Rear	30'+	
Side	8' Each Side	Side	30'+	
Building Height 17.16.060.				
Maximum Allowed Height	32'	Provided Height	32'	Yes
<p>Comment: Building height is measured from the vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof, and the mean height between eaves and ridge for gable, hip, and gambrel roofs.</p> <p>All of the residential buildings fall under the apartment use and are allowed to be a maximum height of 32'. The clubhouse building, detached garages and maintenance buildings all fall into the accessory building category. There are supplemental criteria for accessory buildings including limiting the height of the structures to 14'.</p> <p>All the proposed residential buildings have flat roofs. The 4-plex building has a height of 27', the 12-unit & 24-unit buildings have a height of 32'. With the exception of the clubhouse building, all of the accessory structures comply with the 14' maximum height regulation. A condition of approval has been added to the staff report to require the applicant to resubmit the plans for the clubhouse to show compliance with this 14' max height standard.</p>				
Off Street Parking 17.16.070. & 17.42				
Required Number of Parking Spaces	300 Total Spaces (1.5 Ratio)	Provided Number of Parking Spaces	461 Total Spaces 212 Garage 249 Surface	Yes
<p>Comment: The applicant is providing an adequate number of parking spaces. These spaces are located within 100' of the proposed buildings they are serving. The parking takes the form of surface level spaces, and individual garages. The drive isles and parking stall also appear to meet the design requirements. The lighting proposed for the parking lots is not proposed within 150' of the adjacent properties. The photometric plan shows that there will be no light trespassing onto adjacent properties.</p>				
Off-Street Loading 17.16.080. & 17.44				
Required Number of Berths	1	Provided Berths	1	Yes
<p>Comment: The proposed loading berth is located adjacent to Building B. This loading area is approximately 12' x 80' and is located over 80'+ away from any residential zoned property. These loading areas are not counting towards the required number of parking spaces.</p>				
Outdoor Lighting 17.30.080				
<p>Comment: Outdoor lighting is shown on the photometric plan and specification sheet. No light will be illuminated or reflect on to an adjacent property.</p>				Yes
Fences, Walls, & Hedges 17.30.120.				



Max Fence Height	8'	Proposed Fence height	6'	Yes
Comment: The applicant is proposing a 6' wire fence along the property boundaries with the Forest Services (west & north sides). This 6' fence complies with the fence regulations.				
Signs 17.47				
Comment: There are no signs proposed with this application. A sign permit application will be required prior to the installation of any project signage. Address signs as well as project signage will require a sign permit.				NA

From: healingart@baymoon.com
To: info
Subject: Correction re Moonrise Permit
Date: Monday, March 11, 2024 6:30:09 PM

To: West Yellowstone Town Council
Date: March 12, 2024
Re: Correction

Dear Town Council,

I am submitting a correction to my letter of March 8 (found below). Upon review with a friend, I have been given clarity on the use, meaning and application of "Commercial Zone" and a better understanding of the history of the MadAdd's agreement with the Forest Service and Town. My previous letter reflects my confusion.

If the Town Council would kindly disregard my misuse of "Commercial Zone" and any other inaccuracies, the gist of my letter holds firm: changing rules for one, changes rules for all; allowing "conversion into timeshares" sets a precedence and opens the door for a fundamental shift in the whole of the neighborhood, and timeshares are already clearly not permitted under the ordinances because they are not among a lengthy list of permitted uses.

Thank you for your time and consideration, Lynette West

----- Original Message -----

Subject: Moonrise Meadows Permit
Date: 2024-03-08 15:46
From: healingart@baymoon.com
To: Info <info@townofwestyellowstone.com>

To: West Yellowstone Town Council
From: Lynette West, homeowner/resident 325 Bechler Ave., Madison Addition
Date: March 8, 2024
Re: Moonrise Meadows Permit Application

Dear Town Council,

As I understand it, if the Town Council approves the Moonrise Meadows Permit as it is now with the use of "Commercial Zone" language, timeshares become an "Allowable Use" in the Madison Addition. The Developer has already indicated that a conversion into timeshares is part of the larger plan for the Project and that would establish a precedence. I fear setting such a precedence would create changes that extend beyond the Project and into the whole of the Madison Addition neighborhood. If a change is made for one, it must be made for all. If rules and regulations are meant to apply to all, they must apply to each and every one.

In my mind, this application of "Commercial Zone" also means that the Town Council is changing the "original deal" between the Forest Service, the Town and the Madison Addition. That deal, the contract that each and every one of us Property Owners knowingly agreed to and signed on for when we purchased, the one in which "No Timeshares" and "No Commercial Zones" were stated as fundamental rules, is therefore being canceled.

A "green light" would be on, and I suspect some Homeowners would take opportunity and do their own timeshares and/or short term rentals. With the cancellation of the "original deal," there would also be the subsequent elimination of the CC&Rs and the Homeowner's Association would have no enforcement power as a result.

In my opinion, I feel it is unfair for the Town Council to make such a significant change to the very foundation of the rules and regulations of the Madison Addition's "original deal." It is one thing to say that there is nothing "illegal" about what the Developer wants to do or what is in the Permit, as the Planning Board had noted as part of its decision to advise acceptance, but I believe the long-term consequences need to be taken more seriously. I offer the following action as a means to a solution:

If the Town Council wanted to add very specific and crystal clear language into this Permit that would eliminate a "Timeshare Conversion" from happening, that could be done. As well, simply deny the "Commercial Zone" component of the Permit Application, as the project can still be built without being labeled commercial. I am asking the Council to do just this, to add any and all necessary legal language to this Moonrise Meadows Permit that "disallows the conversion into Timeshares of any part of the project now or in the future," and to deny the "Commercial Zone" designation. After adding this language, only then to approve it.

In summary, the Developer accepts the "elimination of any Timeshare Conversion" along with the "removal of any Commercial Zone language,"

and the Madison Addition Homeowners accept the challenges that arise from the consequences of the Project. Consequences include, but are not limited to, traffic concerns, fire safety evacuation logistics, and Hayden intersection issues. Then the Developer gets to move ahead with the Project and the Homeowners get to begin formulating solutions to the resulting challenges. Most importantly, the Madison Addition keeps its "original deal" intact, and is itself not fundamentally changed, and all of the rules and regulations remain and continue to apply equally to each and every one of us.

This could be a solution in which we end up working together instead of fighting each other. I request the Town Council to consider this action as a good option to move forward more fairly.

Thank you, Lynette West (831-345-9292)

Dear West Yellowstone Town Council,

- Yellowstone 1988 - 2 dead, 793,880 acres burned.
- Oakland, California firestorm 1991 - 25 dead & 3,400 homes destroyed.
- Paradise, California the Camp Fire 2018 - 85 dead, 18,804 buildings destroyed.
- South Lake Tahoe, Angora Fire 2007 - 329 buildings destroyed.
- Lāhainā Maui, Hawaii 2023 - over 100 dead, over 2,200 structures destroyed.
- Texas Smokehouse Fire, 2024 - ongoing - 2 dead, so far, over 1,000,000 acres burned, so far.

Many of these tragedies were intensified by limited ingress/egress. Imagine not being able to escape a fire. You and your loved ones are in your vehicle, but traffic is at a standstill. Many of the dead listed above died in this grim scenario. Let's not join those ranks, let's not look back and wish we hadn't allowed this sizable Moonrise project to be built in the Madison Addition.

We have very limited ingress and egress in the Madison Addition. In adding ~200 2-3 bedroom residences, there is no evacuation plan that makes sense. Never mind the homes, how many lives would be on the line during a fire in West Yellowstone? No one wants to become one of the above statistics because we felt obliged to let this specific Moonrise project go forward.

The Madison Addition was never intended to support the kind of influx of cars that this Moonrise project would bring. I am not only worried about all of us getting out in the event of a fire, I'm extremely worried about the fire department getting in to fight a fire! Adding the proposed density to a closed neighborhood endangers the safety of all.

This subdivision was structured to be a quiet neighborhood for families and retirees to live peacefully, send their kids to school, walk their dogs, ride their bikes, and feel safe on our streets away from the busyness of downtown. This Moonrise project would bring traffic congestion, noise, unsafe roads for our kids, additional burden to our resources and, most importantly, unsafe evacuation conditions. We must be clear-eyed about the reality of fire evacuation. There are no take backs or redos! Please do not allow this plan to move forward as is.

Sincerely,
Michelle West
516 Gallatin Ave
Madison Addition



Madison Addition
Owners' Association

P.O. Box 212
West Yellowstone, MT 59758
madisonaddition@gmail.com
website: madadd.org

March 15, 2024

Honorable West Yellowstone Town Council Members:

The process that has brought us here tonight has been deeply flawed. It is no wonder the staff report before you - the product of that process - is likewise deeply flawed. We urge you to return the report to your staff and Planning Board so that issues of critical importance to members of our community can be resolved.

“

TOWN FAILURE TO PROVIDE IMPORTANT RECORDS

Despite numerous attempts by the Board of the Madison Addition Owners Association (the MAOA) to obtain copies of Moonrise's latest application and the Town's staff report, most of that information was not made available to us until a week before the first Planning Board hearing on Feb. 16. The attached Exhibits A and B document this failure to provide the MAOA community a meaningful opportunity to participate in the hearing process. The Town cannot justify this failure especially because the MAOA community will be the most affected by the proposed development.

THE STAFF REPORT AND NOTICES OF HEARING WERE (AND ARE) MISLEADING

The notices of hearing, including this hearing before the Town Council, are misleading about the nature of the Moonrise proposal. The notices refer to 200 proposed "apartments" while the proposal is for 168 apartments and 32 timeshares. We were incredulous to see and hear at both Planning Board hearings that the Town's planning consultant equated timeshares with apartments. He referred to a handbook of generic real estate terms that defined timeshares as apartments. He might as well have taken a definition of timeshares from Sharia law since the only *relevant* definitions of timeshares are in the Town's ordinances and Montana statutes.

West Yellowstone Municipal Code (WYMC) Title 5.04.010(G) defines timeshares as "lodging facilities" which must obtain business licenses, renew them annually and pay a local resort tax based on sales.

Montana Code Title 15 Chapters 65 and 68 impose lodging facility sales and use taxes on what are defined as "accommodations". Timeshares are accommodations pursuant to MCA 15-

68-101 (1)(b). MCA 68-101(18) further defines “timeshares” as “any facility for which multiple parties or individuals own a right to use the facility for lodging purposes, and these parties or individuals do not hold claim to ownership of the physical property”.

In short, a timeshare operation in West Yellowstone must buy and maintain a business license, pay a resort tax to the Town, and pay a lodging facility use tax and lodging facility sales tax to the State of Montana. Both the WYMC and Montana statutes clearly differentiate between apartments and timeshares. Guests paying resort taxes, lodging facility use taxes, and sales taxes to the Town and State of Montana when paying their lodging bills would rightfully understand that those taxes were typical of commercial transactions.

The planning consultant’s failure to differentiate between timeshares and apartments has left us wondering what did the Planning Board actually approve?

WHAT TYPE OF OPERATION IS THE PLANNING BOARD RECOMMENDING- AN APARTMENT COMPLEX OR A COMBINATION OF APARTMENTS AND TIMESHARES?

We have not seen any evidence that Moonrise has amended its application to eliminate a request for 32 timeshares on its R-4 Madison Addition property. In fact, Mr. Yeakey has been very clear that he intends to turn more of his apartments into timeshares in the future.

The Town Council must acknowledge that its own ordinances differentiate between apartments and timeshares. Timeshares are a commercial use prohibited in Madison Addition residential areas based on an agreement your predecessors had with the United States Forest Service. Your predecessors agreed to regulate land in the Madison Addition so that the “only permissible uses thereon will be for residential purposes and for a future site for a school”. (See EX.C attached) We believe you have a duty to honor that commitment. Our zoning ordinances have always prohibited commercial, resort and tourist-oriented operations like timeshares in residential zones, and specifically in the Madison Addition.¹

THE 1982 DEVELOPMENT AGREEMENT

Both Mr. Steinway and Ms. Mersen referred to language in Mr. Robinson’s 1982 development during the March 1 hearing. They believe language in it defining timeshares as residences is still relevant. We urge the Council to read EX. D and reject that belief.

¹ Even though there are currently no “PUD” zoned properties in the Madison Addition, the WYMC specifically prohibits commercial development in the Madison Addition: WYMC 17.34.030 (B)(2) “That no commercial or industrial use is permitted in the town expansion area provided through trade with the United States Forest Service.” (Ord. 93 §1(17.3), 1982)

One of the main points made in EX. D is that when a zoning regulation lists a number of permitted uses, courts routinely find that uses that are not *specifically listed* are prohibited. Since timeshares are not specifically listed as permitted uses anywhere in the Town's "R" zones they should be deemed *prohibited* uses.

Ms. Merson herself seems to have agreed with this principal of law. On April 17, 2018, while discussing the issues of short-term rentals in the "R" zones, she said this according to the Town's minutes of the meeting:

"Sabolsky asks Mersen to address whether short-term or nightly rentals are currently allowed in the Madison Addition as well as living in an RV. Mersen says that under the current zoning, every "R" zone in the Madison Addition has a list of permitted uses and conditional uses and nightly or short-term rentals are not permitted uses." Residing in an RV is also not a permitted use."

You will find many other reasons why the development agreement language equating timeshares with residential uses is not relevant if you read EX. D. The Planning Board seems to have ignored it completely – we expect the Town Council will review EX. D more carefully.

Your duty is to apply the WYMC zoning ordinances in this case. Timeshares are nowhere to be found as a permitted use in "R" zones of those ordinances. If you are tempted to read timeshares into the "allowable" use category in this case of an R-4 zone what's to stop those living in R-1, R-2, and R-3 zones from converting their homes to timeshares? Are vacation rentals and Airbnb's next?

BY: RAKULA V.P.

Madison Addition Owners Association

These comments are submitted to the West Yellowstone Planning Board and the West Yellowstone Town Council in the matter of the pending application by Moonrise Partners, LLC's for a zoning permit to build a 200 unit building complex in the Madison Addition. The comments are those of the Board (the "Board") of the Madison Addition Owners Association whose members may be submitting their own individual comments.

As a preliminary matter the Board believes that the process that led to the scheduling of the Feb. 16 hearing before the Planning Board was flawed to the point that it must be rescheduled. In spite of our ongoing efforts to obtain copies of the application as far back as Oct. 30, 2023 we received nothing until Feb. 8th. (A chronology of our requests for information is summarized below) What we received on Feb 8th was an obviously incomplete part of the application so we contacted the Town offices on Feb. 9th to obtain a more complete application. We were told to find what we were looking for on the Town website because the remaining part of the application was too large to email.

There is an obvious factual inconsistency in the material we received on Feb. 8th (a copy of the Town staff report) and what we obtained on Feb. 9th (Moonrise's traffic study). The staff report discusses Moonrise's proposed 200 unit "apartment" project while the traffic study discusses a 168-unit condominium and 32-unit timeshare project. We also believe what we were able to find on the website is still an incomplete version of the documents we have been seeking since October of last year. In other words, we get a week to review incomplete and conflicting information in the package of documents "too large to email", digest it, summarize it so that we could inform our member property owners, and then somehow inform our members about the contents of the application so they can participate in the process? It appears that the Town has been withholding information we could have had months or even weeks ago hindering our homeowner's association's members' ability to participate in this process.

The obvious discrepancy between the staff report and the traffic study is another reason our board urges the Town to reconsider the schedule for the Planning Board and Town Council hearings. If we as a board and our members don't know if the Moonrise proposal is for apartments or a combination of condominiums and timeshares, how can we be expected to prepare an adequate response to the proposal?

10-30-23 Email to Liz Roos: "Consider this a public records request for.... "Copies of Moonrise's latest application for a building permit, zoning permit or any other type of permit Moonrise is seeking from the Town"

11-2-23 Response from Ms. Roos: "A revised application for Moonrise meadows is under review by staff and has not been released. We will post public notices when the application goes to the Planning board."

12-10-23 Email to Ms. Roos: "I am submitting this "ongoing" public records request for all documents that are contained in the latest proposed development by the Moonrise folks. I'm doing an "ongoing" request so I don't have to do one every week or so. If you think I should do repetitive ones (i.e. once a week or so) to guarantee our group gets the information in a timely manner, I'll do that...just let me know".

12-12-23 Response from Ms. Roos with Town form for public records request: "Attached is the form we require for records requests. This form will need to be completed and submitted to the town, detailing the specific records you are seeking. The Town cannot respond to on-going or open-ended requests. Please let me know if you have any questions...."

12-12-23 Completed form is had delivered to Ms. Roos requesting "Copy of Moonrise Partner's LLC recently filed application (and related documents) for a proposed development in the Madison Addition"

Late Dec. 2023 a verbal request made to Liz for any response to my public records request.

1-2-24 Response from Ms. Roos: "We have been in communication with Moonrise Meadows and Intrinsik about the status of their application, please refer to the emails below. We will let you know when the public meetings are scheduled."

One of the "emails below" dated Dec. 29,2023 was from Tyler Steinway of Intrinsik- the Town's planning consultant- to Dan Walker and Rob Yeakey of Moonrise: "I wanted to check in and let you know that collectively we have decided that another DRG Meeting is not necessary. We are going to meet internally next week to outline next steps in the process (planning board meeting, town council meetings) and discuss the staff report".

1-5-24 Email from Dan Walker (Town Manager): "Our staff team met this morning to discuss the Moonrise application. Barring any significant changes, we are aiming to bring the item to the Planning Board on February 16th, and the Town Council on March 5th. These are subject to change, but that is the plan for now.

Tyler will be putting together the staff report and it will be released prior to the Planning Board meeting. We will try to get that out to the public with as much advanced notice as possible. We will let you know if things change...."

Town officials have told us on several occasions that they would not release copies of the application or related documents before the application was "complete". We don't see anything in Montana's public records law that excuses the Town from releasing the information for that reason.

Madison Addition Owners Association

GALLIK & BREMER, P.C.

Attorneys
777 East Main
PO Box 70
Bozeman, MT 59771-0070
(406) 404 1728

February 15, 2024

Town of West Yellowstone
Planning Board
Town Council
440 Yellowstone Avenue
West Yellowstone, MT 59758
info@townofwestyellowstone.com

BY EMAIL AND POST

RE: Moonrise Partner's Revised Application for a Zoning Permit.

Honorable Members of the West Yellowstone Planning Board and Town Council

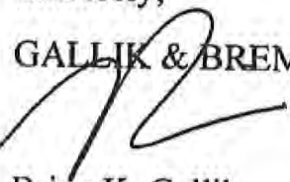
As you may know, this firm represents the Madison Addition Owners' Association. The Moonrise property at issue is within the boundaries of the Madison Addition. It is my understanding that my Client, or members of my Client, did not receive information about the revised Moonrise Application until approximately February 8, 2024, (despite requests for the ability to review the application dating back to October 30, 2023) and when they received information, it appeared to be incomplete. When this fact was brought to the Town's attention, representatives of my Client were advised to go to the Town's website apparently because the missing portion(s) of the Application were too large to email. Even then, there appears to be contradictions in the information about what is applied for and information in the staff report and what I understand is a revised traffic study.

Because of the untimeliness of the production of the information, which still appears incomplete and contradictory, we respectfully request that the Town vacate the current hearings on this Application and provide a complete and accurate copy of the application and all related information to allow my Client the right, consistent with the Montana Constitution and MCA §§ 2-3-101 -2-3-201, et. seq. and consistent with their rights to *meaningful* notice and opportunity to be heard.

EXHIBIT B

P.1

Thank you.

Sincerely,

GALLIK & BREMER, P.C.
Brian K. Gallik

C: client
Jane Mersen (by email)

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE THAT WHEN PROPERTY IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 13 SOUTH, RANGE 5 EAST IS EXCHANGED FROM THE UNITED STATES FOREST SERVICE TO PRIVATE OWNERSHIP THE TOWN OF WEST YELLOWSTONE WILL ANNEX SUCH PROPERTY AND ZONE IT FOR RESIDENTIAL AND SCHOOL PURPOSES ONLY.

WHEREAS, it appears to be the intention of the United States Forest Service, Department of Agriculture, Gallatin National Forest, to exchange certain of its property to the end that the Southwest Quarter of Section 27, Township 13 South, Range 5 East shall be placed in private ownership;

WHEREAS, said parcel of property adjoins a substantial portion of the northern boundary line of the Town of West Yellowstone;

WHEREAS, the Town of West Yellowstone has expressed its desire in the past to annex such property to the end that it will be developed and utilized for residential and future school purposes; and,

WHEREAS, the Forest Service requires an affirmative statement of policy by the Town of West Yellowstone with respect to annexation and future use of said property.

NOW, THEREFORE, be it resolved by the Town Council of the Town of West Yellowstone:

RESOLVED, that at such time as the Southwest Quarter of Section 27, Township 13 South, Range 5 East is transferred into private ownership, it is the intention of the Town council of the Town of West Yellowstone to annex such property into the incorporated boundaries of the Town of West Yellowstone, a Montana municipal corporation.

BE IT FURTHER RESOLVED that it is the intention of the Town council of the Town of West Yellowstone to regulate the use of such property through its planning and zoning ordinances so that the only permissible uses thereon will be for residential purposes and for a future site for a school.

PASSED AND APPROVED by the Town Council of the Town of West Yellowstone this 15th day of January, 1981.

James W. Bigler
MAYOR

John Hostillo

Kary P. Warner

David G. Rio

Clarence M. Hunter

ATTEST:

[Signature]
Town Clerk

The Madison Addition Homeowners Association (MAOA) submits these comments for the hearing record in the matter of Moonrise LLC's ("MR's") application for a 168 unit condominium and 32 unit timeshare project proposed for development in the Madison Addition (MadAd) in the Town of West Yellowstone (TOWY).

Timeshares are not permitted under TOWY Zoning rules or MadAd Protective Covenants

As mentioned above, the TOWY has zoned the MadAd into four residential zones: R-1 through R-4. Each of those zones has a very extensive and carefully drawn list of permitted uses along with a statement of purpose behind the establishment of the zone. Apartments are allowed, clinics, hospitals and nursing homes are allowed. Efficiency units are allowed. Home occupations are allowed but under strict limits. There's no mention of "timeshares" being a permitted use. The TOWY ordinances do mention the word "timeshare" in Title 5.04.010.B, defining them as "lodging facilities" and requiring timeshare operators to obtain and maintain business licenses on an annual basis.

There is a legal maxim that judges in Montana and across the U.S. apply when interpreting the intent of laws (in this case ordinances and protective covenants) where there might be need for interpretation. The maxim is called *expressio unius est exclusio alterius* meaning that if there's mention of one thing in an ordinance, it usually implies the exclusion of other things. Applied to this case, where the TOWY zoning ordinance contains a comprehensive and exhaustive list of permitted uses in R-1 to R-4 zones, and timeshares are nowhere to be found in the list, it's reasonable to conclude that timeshares are excluded and not permitted in R-1 to R-4 zones. They should be considered an unlawful use under the zoning ordinance through application of the maxim.

To be sure, courts don't always have to use a maxim like the one above when interpreting ordinances (or contracts or any number of other written documents) for the "intent" expressed. In this case, the TOWY zoning ordinance is very clear what the intent of the R-4 zone is: "TOWY ordinance 17.16.010: Intent. The intent of this district is to provide for the development of medium density apartments. The district should provide for a variety of housing types to serve the varied housing needs of area residents. (Ord. 93 §1(8.1), 1982)" (*Italics and underline added*).

MR's timeshare proposal serves MR's partners' needs, not the needs of area residents where there is, for instance, a critical need for employee housing.

If there is still any doubt that timeshares are permissible in the R-4 zone and the TOWY Planning Board or Council feel the need to "interpret" its ordinance, consider

this: the TOWY's zoning ordinance has its own guidance where there might, for the sake of argument, be a need for interpretation:

"Sec.17.06.050 Interpretation of Uses:

- A. If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the town council shall determine the appropriate classification for that use.
- B. In interpreting use classification, the town council shall determine:
 - 1. That the use and its operation are compatible with the uses permitted in the district wherein the use is proposed to be located;
 - 2. That the use is similar to one or more uses permitted in the district wherein it is proposed to be located;
 - 3. That the use will not cause substantial injury to values of property in the neighborhood or district wherein it is proposed to be located;
 - 4. That neither the intent of this title nor the intent of the district will be abrogated by such classification."

Taking the above criteria in order we contend that the correct determinations concerning the criteria 1 through 4 above should be:

- 1. The MadAd residents are a mix of full-time residents and seasonal recreational home residents, not tourists spending a week or so with a constant turnover and unfamiliarity with our road system.
- 2. There are no uses similar to timeshares in the MadAd. In fact, short term rentals are strictly prohibited by the covenants and TOWY zoning rules. Over the past 28 years, AC members have consistently rejected such prohibited uses in the MadAd.
- 3. There will be substantial injury to the values of property in the MadAd caused by the substantially increased traffic, noise, congestion, etc., throughout the neighborhood.
- 4. The clearly expressed intent of the R-4 zone is to "serve the varied housing needs of area residents", not timeshare resort developers or timeshare resort guests. Housing needs of area residents are not currently being met. Businesses, the K-12 school, a day-care center, law enforcement agencies, government bodies - the list goes on - are all facing critical challenges when hiring and retaining employees due to a lack of affordable housing in the area. Adding a MR size project requiring a sizable staff to function can only make

housing shortages worse. Local residents will most likely never schedule vacations at the MR timeshare resort.

In short, not a single criterion listed in TOWY zoning ordinance Sec.17.06.050 can be satisfied.

The reason why the word “timeshare” does not appear in the TOWY zoning ordinance governing R-1 to R-4 residential zones became abundantly clear after reviewing documents the U.S. Forest Service (“USFS”) provided concerning the 1981 deed that transferred the MadAd property to West Associates, Ltd. The principal document is the “Environmental Analysis Report” (the “EA”) that was required prior to the transfer to justify releasing the property to private development. Portions of the EA are attached as EX.2.

There are numerous references in the EA to the purposes and objectives of the transfer. One of the transfer’s main goals was to provide the residents of the TOWY with land adjacent to the existing Town to build residences and a school. In fact, another specific objective of the transfer was to “provide for segregation of commercial uses within the town-site into commercial core”. (EX. 2, p.2) The EA documents a decades-long history of a lack of affordable residential land near Town leading to a 1967 “Land Classification Study - West Yellowstone Montana Townsite”. (EX. 2. pp.3-7) That study focused on determining “what course the Forest Service should follow as a neighbor to the city”. (EX. 2, p.6) The study concluded: “The best way to meet our objective of providing homesites for **permanent residents** is through land exchange” (EX. 2, p.7, emphasis added). The study also recommended that there was no need for additional National Forest land for commercial expansion. (EA, p.7) In an effort to “reduce tourist traffic into the proposed residential area” the study recommended that only three streets in the existing town site be connected to the proposed residential area. (EX.2, p.19. Presumably N. Electric St., Geysers, and N. Hayden St.)

West Yellowstone Mayor E.L.”Dutch” Spainhower confirmed the Town’s willingness to follow the USFS Land Classification Study in a letter to the District Ranger of the Hebgen Lake Ranger Station dated March 29, 1977. (EX.1 to EX. 2) On January 15, 1981, the TOWY passed resolution No. 128 committing to annex the MadAd property into the Town and “regulate the use of such property through its planning and zoning ordinances so that the only permissible uses thereon will be for residential purposes and for a future site for a school”. (EX 3) The USFS Director of Lands, Richard Hull, made annexation and those zoning conditions part of his approval letter concerning the land transfer in his letter of April 7, 1981: “The City must annex the land being conveyed to FLEX and zone it for residential and school purposes as declared in its January 15,1981 resolution”. (EX. 4) The USFS land transfer would never have occurred had the zoning ordinance governing the MadAd allowed timeshares within its border. Timeshares are short term occupancies marketed as tourist oriented

commercial operations that require business licenses in West Yellowstone. This history behind the development of the Town's zoning ordinance should leave no doubt that the TOWY zoning ordinance was never intended to and does not now allow timeshares on the Moonrise property.

So, what possible basis can MR point to supporting its claim that it can build timeshares on an R-4 zoned lot in the MadAd?

The first is a development agreement (the "DA") between the MadAd developer - Mr. Lewis Robinson - and the TOWY signed in December 1982. The DA basically committed the TOWY to pay a portion of MadAd infrastructure development costs and to zone the MadAd according to a proposed zoning plan. The TOWY's approval of the zoning plan was "approval only of the general concept of development" shown in the plan. The DA stated that the Town could also "impose additional requirements on final plats for any portion of land (in the MadAd) consistent with the general scheme of development shown on the zoning plan".

One section of the DA suggests that "timeshares" are to be considered residential uses. This is the "Trojan Horse" clause MR claims gives it the right to build a timeshare project on an R-4 residential lot. But by that logic, anyone could build a timeshare on any R-1 to R-4 lot in the MadAd. This "Trojan Horse" clause never made it into the TOWY zoning ordinance as explained above.

Mr. Robinson and his MR partners have a similar problem if they try to point to the MadAd protective covenants for their claim that timeshares are an allowed residential use. Mr. Robinson, then president of the MadAd's development group, authored and recorded the covenants in October 1984. While the covenants contain a definition section that defines the word timeshare (among 48 other definitions) the covenants do not define timeshares as residences or dwellings. We contend that the mere definition of the word timeshare in the covenants is meaningless for a couple of reasons.

First, the covenants go on to comprehensively describe what kind of uses are to be allowed in R-1 to R-4 residential MadAd zones. But, just like in the TOWY zoning ordinance regarding R-1 to R-4 residential zones, counting up the number of places in the MadAd where the covenants allow timeshares as a permitted use ... you will get a big zero. The *expressio unius est exclusio alterius* maxim comes into play here concerning the covenants.

Second, and just for the sake of argument, if defining the word "timeshare" does create an ambiguity whether or not they are allowed under the covenants, that ambiguity has to be resolved against Mr. Robinson and the Moonrise group. That is because:

- A. Montana courts look at protective covenants like the one Mr. Robinson had drafted in this case just like they would when looking at contracts and - for some reason - find a need to do some interpretation. See Micklon v. Dudley, 2007 MT 264: “When interpreting documents containing restrictive covenants, we apply the same rules of construction as are applied to contracts”.
- B. Montana courts also use a rule of contract (covenant) interpretation called *contra proferentum*, meaning that any ambiguity in a contract (or covenant) should be interpreted **against** the drafter.

The E5 Engineering Traffic Study

The project is described in E5's study as consisting of 168 apartments and 32 timeshares. The Study is dated Sept. 2023 and appears to have underestimated the traffic volume the Moonrise project will generate and otherwise seems to make statements about the traffic that are unreasonable and conceal traffic bottlenecks the project will create.

One example of the traffic underestimate (purposeful?) is the study's use of a category of land use called “Multifamily housing- low-rise” from the Institute of Traffic Engineers handbook to estimate that the 200 units will generate 1,350 vehicle trips per day. (EX. 5 attached) That's an average of 6.75 vehicle trips per /unit per/ day. In a previous E5 traffic study where the “timeshare” category from that Institute's handbook was used, the average trips per timeshare unit was determined to be 8.63 vehicle trips per day. (E5 Dec. 2021 study, p.4, EX. 6 attached)

We also question the study's prediction that 270 of the 1,350 trips per day generated by the project will be using DeLacy. It looks like the study is trying to minimize expected traffic away from the more likely bottleneck at N. Hayden and Gibbon. (See EX.7, attached)

The study estimates that there are currently either 600 or 800 trips per day between Delacy Ave. and Gibbon Ave. (See EX.8 attached) Even that low estimate seems wildly high according to those who live on that stretch of N. Hayden. We believe that the study's diversion of trips away from the bottleneck at N.Hayden and Gibbon via Delacy or N. Electric St. seriously underestimates the additional 880 trips per day that stretch is projected to experience as a result of the project. The projected 880 additional trips will more than double present day traffic.

The study' s statement that “N. Hayden St. has 2 travel lanes in each direction” north of 'D' Parkway is plainly false. (See EX. 9, attached) N. Hayden St. has one lane in each direction north of the parkway.

The Town's Planning Board and Town Council have previously considered a somewhat smaller 180 condominium unit proposal from Moonrise in 2019. Records of the Board's and Council's review of that proposal should be reviewed by the current Board and Council especially because Moonrise is for the second time proposing a single access/exit to its development. That configuration, again at the present Moonrise access, was a serious traffic and fire safety concern of many. Concerns expressed about line-of-sight issues on the N. Hayden St. curve where the single access/exit exists and occupant evacuation and access for firefighting were so serious that the Planning Board recommended two points of access and exits. (See attached EX. 10 and EX. 11)

With a somewhat larger project on the table this time, we don't understand why those same concerns seem to have been downplayed in the current Town staff report. At full occupancy, how are residents going to escape a potential incident involving police and/or firefighting crews needing access to the property with only a single point of entry and exit? We see on the E5 Study that it proposes an all-way stop at the Moonrise-North Hayden Street-Grayling Street intersections to supposedly address traffic safety issues. That does nothing to address the fire and/or potential incident safety issue(s) mentioned above. Recent wildfires in Hawaii and California are vivid catastrophic examples. The spread of a fire beyond the Moonrise property should be a major concern for all Town decision makers.

Background

The MAOA is a non-profit homeowners association incorporated in Montana which all property owners in the MadAd are members of. The MadAd is comprised of 365 lots on about 160 acres zoned R-1, R-2, R-3, and R-4 pursuant to the zoning regulations of the TOWY. Land use in the MadAd is also governed by protective covenants that were recorded in 1984 when the MadAd was established. In many ways the covenants are more restrictive of land use in the MadAd than applicable TOWY zoning regulations.

The MadAd is not yet fully developed. In mid-2023 the following mix of residential uses existed: 208 single family homes (plus 4 under construction), 17 duplexes, 1 triplex, 1 fourplex, an apartment building occupied by employees of a local business, two churches, a K-12 school, some public open space, one derelict condominium project consisting of a concrete foundation only. While the MadAd has many full-time residents, an estimated one quarter of the residences are occupied only on a seasonal basis or intermittent weekender basis. There are well over 100 lots in the MadAd that are not developed, primarily covered by stands of lodge pole pine. Roadways serving the MadAd are delineated on official plat maps and are, at most, a single lane of traffic

in each direction. A copy of a plat map showing existing roadways is attached for reference. (EX.1)

Property tax records obtained from the Montana cadastral in 2023 indicate that the assessed value of all private property in the MadAd is approximately \$111,464,000. In 2023, tax assessment values in the MadAd increased significantly.

The covenants establish the authority of both the MAOA governing board (the “board”) and an architectural committee (the “AC”). Although it took about 11 years after the MadAd was established to get the MAOA board and AC functioning, volunteer property owners in the MadAd have served on one or both the board and AC since 1995.

The covenants task the AC with reviewing plans for construction in the MadAd. The AC evaluates proposed construction plans for compliance with standards and prohibitions the covenants spell out. The AC has no authority to approve plans that are inconsistent with covenant standards or violate prohibitions in the covenants. The AC cannot “waive” any rules. The AC acts as an agent for the board when the AC reviews and either approves or rejects building plans.

Br. Bunker V.P.

Madison Addition Owners’ Association



II. DESCRIPTION

A. Introduction

1. Objectives of the Report

- a. Consolidate existing documentation regarding the exchange.
- b. Recommend a proposed course of action regarding the City of West Yellowstone's request of March 29, 1977.
- c. Document the environmental impacts of exchanging 160 acres of National Forest land for townsite expansion.
- d. Develop mitigating measures for adverse environmental impacts.
- e. Develop management requirements and constraints needed to implement the proposal, including criteria to be used for selection of offered land.
- f. Comply with Forest Service Manual policy (8310.3).

2. Objectives of the Proposal

- a. Satisfy a local public need for residential living and school district expansion. (See Appendix, Exhibit 1.)
- b. Provide for segregation of commercial uses within townsite into commercial core.
- c. Consolidate National Forest land ownership patterns elsewhere on this District or Forest.
- d. Help solve problems of management, protection, and use of National Forest lands around the City of West Yellowstone.
- e. Remain consistent with existing management plans and planning efforts.
- f. Facilitate conservation of Forest and watershed lands and resources under principle of multiple use.

3. Location

- a. Specific legal description of selected lands -- The City of West Yellowstone desires to acquire the following lands: southwest one quarter of Section 27, Township 13 South, Range 5 East, PMM, consisting of approximately 160 acres.

b. General description of offered lands -- No firm offer has been made by the city or FLEX. Ronald N. Stickney, representing the Federal Land Exchange of Nevada, Inc. (FLEX), has been working with the city and has agreed, ". . . to acquire land designated on the Gallatin Canyon Recreation Composite or the other area designated by the Forest Service" (See Appendix, Exhibit 2.) The resultant exchange would be consummated through FLEX, who would act as exchange proponent.

Other possibilities of offered lands include:

(1) Hebgen Lake Ranger District - The land adjustment plan, last updated in 1970, shows land in Sections 7 and 8, T12S, R5E, and land in Sections 7 and 8, T12S, R4E planned for priority II acquisition. (See Appendix, Exhibit 3.) The District is still desirous in acquiring these lands because of their moose, grizzly bear, and fisheries habitat.

In addition to the lands shown on the land acquisition plan, the following private parcels within the Hebgen Lake District boundary are desirable acquisitions: Sections 17 and 18, T12S, R5E, PMM, and Sections 25 and 36 adjacent to the South Fork of the Madison River in T13S, R4E, PMM. These lands, like those in the acquisition plan, are desirable moose, waterfowl, grizzly bear, and fisheries habitat. They would provide tangible benefits from hunting and fishing and intangible benefits from management of classified species and wildlife sightseeing.

(2) The Gallatin River Recreation Composite was approved by the Bureau of Outdoor Recreation on November 21, 1975. This composite plan indicates those lands proposed for acquisition within the Gallatin Canyon. Any lands listed in the composite which FLEX could acquire, and of similar value to the selected lands, would be suitable for exchange.

(3) Other private lands in the Gallatin National Forest which may be available for acquisition by FLEX are six parcels known as the B-Bar Ranch. These lands are in the upper Yellowstone drainage and are valuable as bighorn sheep, elk, and grizzly bear habitat. The lands also have livestock grazing potential and would aid in gaining public access to the National Forest. Petrified wood exists on at least one parcel. (See Appendix, Exhibits 4, 5, and 6 for more detailed description and location.)

B. Background

President Woodrow Wilson, on December 5, 1919, signed Executive Order No. 3195, that excluded from the Madison National Forest 339.73 acres of land in Montana for townsite purposes. (See Exhibit 7.) This tract of land was adjacent to the western boundary of Yellowstone National Park at the terminus of the Yellowstone Park Railroad. This railroad, a

branch of the Oregon Short Line Railroad, had been completed in the fall of 1907. Prior to that time, travelers to the west entrance of Yellowstone National Park had arrived via stagecoach from Monida, Montana. State stops and accommodations had been located about six miles west of the Park along the South Fork of the Madison River. The completion of the rail line, however, presented an opportunity for the creation of a new community that would be oriented towards servicing the needs of the travelers visiting Yellowstone National Park.

In 1908 the Madison National Forest began issuing special use permits to individuals for the business and residential lots. A six-block area was surveyed for this purpose. This plat was revised in 1910. The six-block area covered some 53 acres including streets and alleys. Each block was divided into fourteen 100 X 150-foot lots arranged around 200 X 250-foot public parks with a 50-foot east-west alley. At the time the official survey was completed in 1920, 64 of the 84 original lots were under special use permit, and the Madison National Forest found itself responsible for the day-to-day administration of a town. By the year 1922 the lots under special use were sold to the permittees under preemption or squatters rights. On August 25 and 26, 1924, the U.S. Land Office held an auction sale at which several more lots were sold, bringing the total of lots now in private ownership to about 150.

On August 5, 1929 another auction sale was conducted by the U.S. Land Office and the remaining lots were sold.

In 1911 the road from Bozeman to West Yellowstone was opened to traffic. The first automobile traveled the road in 1913. As roads improved and automobile use increased, the number of tourists and travelers who needed facilities that were not furnished by the railroad nor the Park transportation companies had increased significantly. New services that were oriented to the auto traveler such as service stations, garages, cabin camps, theaters, cafes, grocery stores, and tackle shops began to proliferate. The influx of people to run the service industries created a need for services to cater to the "servers," and then came drycleaning shops, laundrys, hardware stores, sawmills and building supplies shops, a drug store, a fuel supplier, a bakery, an icehouse, a veterans meeting house, and a lodge hall. There is no indication that a need for more land was evident for the period of 20 years from 1924 to 1944.

On October 5, 1945 Gallatin National Forest Supervisor B.A. Anderson reported to the Regional Forester that a petition was being circulated in West Yellowstone to extend the town's boundaries so that more lots could be added to the townsite. (See Exhibit 8.)

The Regional Forester requested a survey to include the number of lots developed, the number of yearlong residents, and the number of seasonal employees. Also requested was the average daily number of guests who were accommodated for meals and lodging. In the same letter, the

Regional Forester said, "I don't see that the Forest Service appropriately could insist on incorporation of the town or betterment of existing conditions as a requirement to be met before making a favorable report on any proposed further withdrawal."

As a result of the request for a survey, Ranger McConnell reported that as of November 13, 1945 there were 144 unimproved lots and 201 lots having some sort of improvements. The yearlong residents were estimated at 180 persons. The seasonal resident population was estimated to be 350 persons. The itinerant population was estimated to be 2,000.

In January, 1946 Gallatin National Forest Supervisor J.C. Urguhart said in a letter to the Regional Forester, ". . . There is a land boom on, and land within the present townsite is in demand at high prices. It is reported that two relatively isolated lots recently sold for \$1,000 each."

The need for more land for residential purposes was recognized as early as 1946. The Forest Service began to examine the ways and means of getting public land into private ownership.

In 1949 the local veteran's organization submitted a formal inquiry into the possibility of getting land set aside for veterans. Meetings were held, letters written, and proposals and counter proposals made. All possibilities from outright grants to land exchanges and lottery drawings were considered.

Special use permits, which would give the veterans preemption rights after the land was withdrawn, seemed to be the most expeditious and the only way the veterans could be served exclusively. However, this proposal quickly lost favor when it was determined that the Federal Housing Authority, the Veteran's Administration, and most of the private money-lending institutions would not loan money for construction unless the veteran held free title to the lots. A subsequent proposal by the American Legion was considered impractical by both the Forest Service and the attorneys for the American Legion. An official poll and review of the needs and desires of the veterans revealed that only about 16 veterans were financially able to construct homes. Then the townsite expansion issue remained relatively quiescent until 1965 when the county commissioners began an inquiry into the status of the Park reserves. In the original withdrawal, Block 13 and an area in the center of each of the other blocks had been reserved as public parks.

Block 13, however, was being operated as a trailer park and campground by the deputy sheriff, with full approval of the county commissioners. Local residents had begun to pressure the county commissioners to sell these parcels of public land to private interests and the commissioners were considering doing just that as a solution to the land boom.

In a letter to Mr. E.L. Romney on February 19, 1965, Chief of the Forest Service Ed Cliff explained in some detail the Forest Service requirements that would have to be met before land could be eliminated from the National Forest and made available for private homesites.

Clyde Blake, the District Ranger, made a request for special funds to initiate a multiple use study of the problem. The Regional Forester's reply indicated that multiple use funds could not be used for that purpose but that a land classification study of the area could include data pertinent to future expansion of the townsite.

A land classification study was initiated in 1966 and completed in 1967. This study recognized the need for additional residential housing in West Yellowstone. (The Hebgen Lake Planning Unit, prepared in November of 1976, reiterates the findings of this land classification study.)

Following the publication of the land classification study, the first mayor of the newly incorporated City of West Yellowstone responded in a letter dated December 22, 1967: "The City Council is in agreement with the general recommendations of your study and that the Land Exchange would provide the best opportunity for expansion, holding speculation to a minimum." Since this letter, various other correspondence and meetings between the Forest Service and the City of West Yellowstone have continued to bring the land exchange issue to its present status, resulting in this environmental analysis report.

For further background information, see the Land Classification Study - West Yellowstone, Montana Townsite.

C. Relationship to Other Studies, Plans, and Authority

1. Land Classification Study

The "Land Classification Study - West Yellowstone, Montana Townsite" was approved by the Regional Forester on October 30, 1967. The purpose of the study was to determine what course the Forest Service should follow as a neighbor to the city. Of immediate concern to this analysis are two conclusions:

- (1) Residential land adjacent to the townsite is needed.
- (2) Land adjacent to the townsite is needed for a high school.

With regard to residential expansion, the study recommended that a ten-acre tract of National Forest land north of the present townsite be made available because, (1) building sites in the townsite are priced beyond the reach of most local residents, (2) the number of residences in the townsite is decreasing as commercial development expands, (3) population

growth is estimated at 8.0% per year for 1967-1985, (4) interviews with knowledgeable people substantiate the need for homesites, and (5) between 1967 and 1985, 160 lots are needed.

The study concluded: "The best way to meet our objective of providing homesites for permanent residents is through land exchange." This alternative was chosen over the Townsite Act and special use permit alternatives for several reasons, which are documented on pages 105-109 of the land classification study.

The land classification study also recommended a 20-acre tract of National Forest land be made available northwest of the existing townsite for a high school and other school needs. Three alternatives were studied to accomplish the objectives -- the Townsite Act, special use permit, or land exchange. The study concluded that the local school board be given a choice as to the method they wish to use, whether it be special use permit or land exchange. The Townsite Act alternative was discounted for several reasons, which are documented on page 111 of the study.

In addition to the recommendations regarding residential and school needs, the study recommended the following:

- (1) Commercial expansion - no additional National Forest land is needed.
- (2) Industrial expansion - additional land is needed but private land is available to meet the need.
- (3) Highway 191 relocation - the study recommended any relocation follow alternative Route B. (See Appendix, Exhibit 9.)
- (4) Trailer parks - the study concluded a special issue permit should be used to establish two trailer courts, one west of town (which has since been established) and another north of town.
- (5) Cemetery - the study concluded that National Forest land should be made available for this use. A land exchange for this purpose is nearly complete.

2. Supplemental Land Classification Study

This study, approved by the Regional Forester in April, 1970, is a continuation of the 1967 study. The supplemental land classification study did not alter the recommendations regarding residential area or school needs.

ultimate development of the proposed area will be seriously affected by this route. The Forest Service feels that Route B, the bypass bordering the north boundary of the present townsite, is the best alternative. This alternative is favored because: (1) It would keep truck traffic out of the congested commercial area of the town; (2) It would separate the proposed residential area from the existing townsite without interfering with traffic between the two areas; (3) It provides good access to the proposed school area; and (4) It does not cut the old airport with a diagonal road, making it impossible to develop in an orderly manner at a later date.

The old airport has been set aside as a snow-play area for snowmachines.

(2) Proposed Expansion Area Roads

The land classification study, page 102, recommended that all streets in the proposed residential area be 100 feet wide to provide for snow storage and all alleys be 50 feet wide to provide for additional storage. The study also recommended that a 100-foot wide street surround both the residential and school areas, thus providing a firebreak between the proposed addition and the National Forest. The north-south streets of the proposed addition are to be kept in line with those of the present townsite to allow for orderly expansion of sewers, power lines, etc. Only three of these streets will be connected, however, in an effort to reduce tourist traffic into the proposed residential area.

(3) Airport Expansion

The Montana Aeronautics Commission (MAC) believes that by 1980 there will be a need to extend the present runway to 13,500 feet. There is room to expand to 14,000 feet within the State's property without consideration for approach or take-off zones. Any extension beyond 12,000 feet will require relocating U.S. 191, power lines, telephone lines, and the sewer lagoon. The Forest Service feels that there is no demonstrated need at this time for expansion of the airport beyond the State's ownership. The Forest Service will continue to manage the contiguous National Forest land recommended for future airport expansion so no possible conflict could occur which would be adverse to such expansion, should the need arise. The airport and its runway would be no closer than one-half mile to the selected land.

The MAC would like to plan for year-round operation of the Yellowstone Airport. At least one of the commercial airlines has announced a willingness to serve West Yellowstone year-round once sufficient need for winter air service arises.

E HBIT NO. 1
CITY OF WEST YELLOWSTONE
Box 579
WEST YELLOWSTONE, MONTANA 59758

JULIE VANFOSSAN
City Clerk

WM. L. NELSON
Chief of Police

LARRY D. WHITMAN
City Attorney

E. L. "Dutch" Spainhower, Mayor
Telephone 406 646-7795

Councilmen
CAL DUNBAR
JERALD SCHMIER
IRVIN E. DELLINGER
MIKE MATTSON

FOREST SERVICE
Hobgen Lake Ranger District
West Yellowstone, Montana

29 March, 1977

District Ranger
Hobgen Lake Ranger District
West Yellowstone, Montana 59758

APR 6 1977

ACT.

Return *[Handwritten signature]*
Fire
Clt.

Dear Mr. Hoskins:

In accordance with the March 9, 1977 meeting regarding the Townsite Expansion and the outline of Steps Towards Consummating the West Yellowstone Exchange the Town of West Yellowstone submits the following:

1. Enclosed is a photographic map of the area the subject of the land exchange, outlined in red on said map is the area the Town desires to acquire, the description of the area is the South st one quarter (1/4) of Section 27, Township 13 South Range 5 East consisting of approximatley 160 acres. Included within that description will be a site location for a proposed school. The exact location of which will be decided at a later date after consulation with School officials, but it will consist of approximatley 20 acreas.

2. The future development of the above described site will be in accordance with the Forest Service Classification Study dated in March, 1967, as much as and where possible. Naturally with the incorporation of the school within the proposed area some changes will be made as to the actual use of the land, as opposed to appendix/exhibit D of the above described Classification Study. However, the land will be used strictly for residential and school purposes.

3. Attached hereto is also a letter from the Gallatin County Commissioners which indicates that they are in accordance with the above and give their tentative approval to the proposed land exchange.

We trust that this letter and the attachments hereto complete the Town's initial input into the exchange process and complies with the steps numbered 1 and 2 in the Steps Towards Consummating West Yellowstone Exchange as put forth in the 9 March, 1977 meeting.



EX. 1 TO EX. 2, P. 1

"SNOWMOBILE CAPITAL OF THE WORLD"

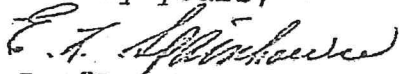
District Ranger
Hebgen Lake Ranger District
29 March, 1977, Page 2

If the contents hereof do not meet your initial requirements please inform the Town immediately in writing so we may act accordingly.

The Town further understands that at this time nothing else is expected from it until step 13, but in the interval between steps 3 and 13 the Town shall proceed to develop such zoning and land use restrictions that it deems necessary and will meet with Forest Service approval. Once again if the above is not the understanding of the Forest Service please notify use immediately.

The Town would also like to take this opportunity to request a further meeting with those Forest Service Personnel involved in the 9 March, 1977 meeting, to discuss possible refinement and review of the Steps to consummate the exchange, in the hopes that the time frame allowed and set forth in the Steps can be shortened considerably. We would suggest any early May date for said meeting and the Representative from the Town will invite Ron Stickney from FLEX to be in attendance, and attend at your convenience.

Sincerely yours,



L. "Dutch" Spainhower
Mayor, Town of West Yellowstone

cc
Ron Stickney FLEX
Forest Supervisor Gallatin National Forest

RESOLUTION NO. 158

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE THAT WHEN PROPERTY IN THE SOUTH-WEST QUARTER OF SECTION 27, TOWNSHIP 13 SOUTH, RANGE 5 EAST IS EXCHANGED FROM THE UNITED STATES FOREST SERVICE TO PRIVATE OWNERSHIP THE TOWN OF WEST YELLOWSTONE WILL ANNEX SUCH PROPERTY AND ZONE IT FOR RESIDENTIAL AND SCHOOL PURPOSES ONLY.

WHEREAS, it appears to be the intention of the United States Forest Service, Department of Agriculture, Gallatin National Forest, to exchange certain of its property to the end that the Southwest Quarter of Section 27, Township 13 South, Range 5 East shall be placed in private ownership;

WHEREAS, said parcel of property adjoins a substantial portion of the northern boundary line of the Town of West Yellowstone;

WHEREAS, the Town of West Yellowstone has expressed its desire in the past to annex such property to the end that it will be developed and utilized for residential and future school purposes; and,

WHEREAS, the Forest Service requires an affirmative statement of policy by the Town of West Yellowstone with respect to annexation and future use of said property.

NOW, THEREFORE, be it resolved by the Town Council of the Town of West Yellowstone:

RESOLVED, that at such time as the Southwest Quarter of Section 27, Township 13 South, Range 5 East is transferred into private ownership, it is the intention of the Town council of the Town of West Yellowstone to annex such property into the incorporated boundaries of the Town of West Yellowstone, a Montana municipal corporation.

BE IT FURTHER RESOLVED that it is the intention of the Town council of the Town of West Yellowstone to regulate the use of such property through its planning and zoning ordinances so that the only permissible uses thereon will be for residential purposes and for a future site for a school.

PASSED AND APPROVED by the Town Council of the Town of West Yellowstone this 15th day of January, 1981.

James W. Bigler
MAYOR

John Hostillo

Kary P. Wanner

David G. Rio

Celvin M. Hunter

ATTEST:

[Signature]
Town Clerk

5430 Exchanges

APR 7 1981

R-1, Gallatin (Montana)
FLEX, City of West Yellowstone - #W-12504

Regional Forester, R-1

The reports and appraisals submitted in support of this land-for-land exchange have been reviewed. The exchange is proposed under the authority of the Act of March 20, 1922, as amended, and the Act of October 21, 1976.

The appraisals are approved.

Your Environmental Assessment Report supports a conclusion that it is not necessary to file an environmental impact statement. The enclosed Finding of no Significant Impact and Decision Notice is documentation of this determination.

As indicated in the EA, the transmission line of the Fall River REA, Inc., must be protected by escrow easement or relocated. The city must annex the land being conveyed to FLEX and zone it for residential and school purposes as declared in its January 15, 1981 resolution.

One of the advantages of involving FLEX in land exchanges is their ability to prepare multiparcel exchange packages that will result in a balance environmentally and economically. This includes adding and deleting properties to minimize cash equalization. The EA states that additional lands will be included in another FLEX exchange. It appears that in the present period of budget constraints, FLEX exchanges could be negotiated so it would not be necessary to use limited land exchange dollars to equalize appraised values.

The case will be submitted to the House Subcommittee on Forests, Family Farms, and Energy for their oversight review. You will be advised when the oversight period has expired.

Copies of the review letters are also enclosed.

RICHARD D. HULL
RICHARD D. HULL
Director of Lands

Enclosures

Proposed Study Area Development

Proposed Development Plan

Moonrise Partners, LLC is proposing the Moonrise Meadows development comprised of 200 total units, including 168 condominium units and 32 timeshare units. Access to the development would be provided via North Hayden Street at its intersection with Grayling Avenue. The proposed development is located on primarily vacant land with some limited residences and outbuildings on Tract 1 and Lots 1 and 2 in Block 2 of the Madison Addition to the Town of West Yellowstone. The project is bounded by residential development to the south and east plus United States Forest Service land to the north and west. The area offers a mixture of moderate density residential uses, a K-12 school, and forested lands as well as the West Yellowstone airport to the northwest of the proposed development. The proposed site plan is shown in Figure 1 on the following page. The site location and study area is shown in Figure 2 on page 6.

Development Horizon

It is assumed that the Moonrise Meadows development will achieve full build-out and occupancy by the fall of 2026.

Transportation Elements of the Proposed Development

Trip Generation

Estimated trip generation for the proposed development was derived utilizing rates published by the Institute of Transportation Engineers (ITE) in the *Trip Generation Manual, 11th Edition*. The rates were based on the multifamily housing (low-rise) land use with a general urban/suburban setting or location and the proposed number of dwelling units as the independent variable. Based on the ITE trip generation rates, the proposed project is estimated to generate a total of 1,350 average weekday vehicular trips.

Table 1: Estimated Project Trip Generation

Land Use	ITE Code	Quantity	Average Weekday Trip Ends			Weekday, AM Peak Hour Trip Ends			Weekday, PM Peak Hour Trip Ends		
			Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Multifamily Housing (Low-Rise) 4-, 12-, and 24-Plex	220	200 DU									
Total Estimated Vehicle Trip Ends			675	675	1,350	19	63	82	65	38	103
Total Estimated Walk and/or Bike Trip Ends						2	5	7	5	2	7
Total Units = 200 DU											
Total Estimated Vehicle Trip Ends =			675	675	1,350	19	63	82	65	38	103
Total Estimated Walk and/or Bike Trip Ends =						2	5	7	5	2	7

DU = Dwelling Units

As shown in Table 1, peak hour traffic generation for the weekday, AM and PM periods is estimated at 82 and 103 vehicular trips, respectively, at full build-out. Pedestrian and/or bicyclist related trips were also estimated at 7 trips during both the weekday, AM and PM peak hours at full build-out. The estimated project trip generation for the proposed development is also presented in Appendix C.

Proposed Study Area Development

Proposed Development Plan

Moonrise Partners, LLC is proposing the Moonrise Meadows development in two phases that is to include 242 timeshare units in Phase 1 and 174 timeshare units in Phase 2. Access to the development would initially be provided via North Hayden Street at its intersection with Grayling Avenue with Phase 1 development. Subsequently, additional access would be provided via development of an additional access to North Hayden Street and an access to Iris Street from the western boundary of Moonrise Meadows through a proposed easement across United States Forest Service land then south to Iris Street.

The proposed development is located on primarily vacant land with some limited residences and outbuildings on Tract 1 and Lots 1 and 2 in Block 2 of the Madison Addition to the Town of West Yellowstone. The project is bounded by residential development to the south and east plus United States Forest Service land to the north and west. The area offers a mixture of moderate density residential uses, a K-12 school, and forested lands as well as the West Yellowstone airport to the northwest of the proposed development. The proposed site plan is shown in Figure 1 on the following page. The site location and study area is shown in Figure 2 on page 6.

Development Horizon

It is assumed that the proposed development of Moonrise Meadows will achieve full build-out and occupancy of Phase 1 by the fall of 2023 and Phase 2 by the fall of 2024.

Transportation Elements of the Proposed Development

Trip Generation

Estimated trip generation for the proposed development was derived utilizing rates published by the Institute of Transportation Engineers (ITE) in the *Trip Generation Manual, 11th Edition*. The rates were based on the timeshare land use with a general urban/suburban setting or location and the proposed number of dwelling units as the independent variables. Based on the ITE trip generation rates, the proposed project is estimated to generate a total of 3,592 average weekday vehicular trips with 2,090 during Phase 1 and 1,502 projected with Phase 2.

Table 1: Estimated Project Trip Generation

Land Use	ITE Code	Quantity	Average Weekday Trip Ends			Weekday, AM Peak Hour Trip Ends			Weekday, PM Peak Hour Trip Ends		
			Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Timeshare	265	242 DU	<i>Phase 1 Development</i>								
		Total Estimated Vehicle Trip Ends	1,045	1,045	2,090	58	39	97	61	92	153
		Total Estimated Walk and/or Bike Trip Ends				9	6	15	7	10	17
Timeshare	265	174 DU	<i>Timeshare</i>								
		Total Estimated Vehicle Trip Ends	751	751	1,502	42	28	70	44	66	110
		Total Estimated Walk and/or Bike Trip Ends				4	3	7	3	5	8
		Total Units =	416 DU								
		Total Estimated Vehicle Trip Ends =	1,796	1,796	3,592	100	67	167	105	158	263
		Total Estimated Walk and/or Bike Trip Ends =				13	9	22	10	15	25

DU = Dwelling Units

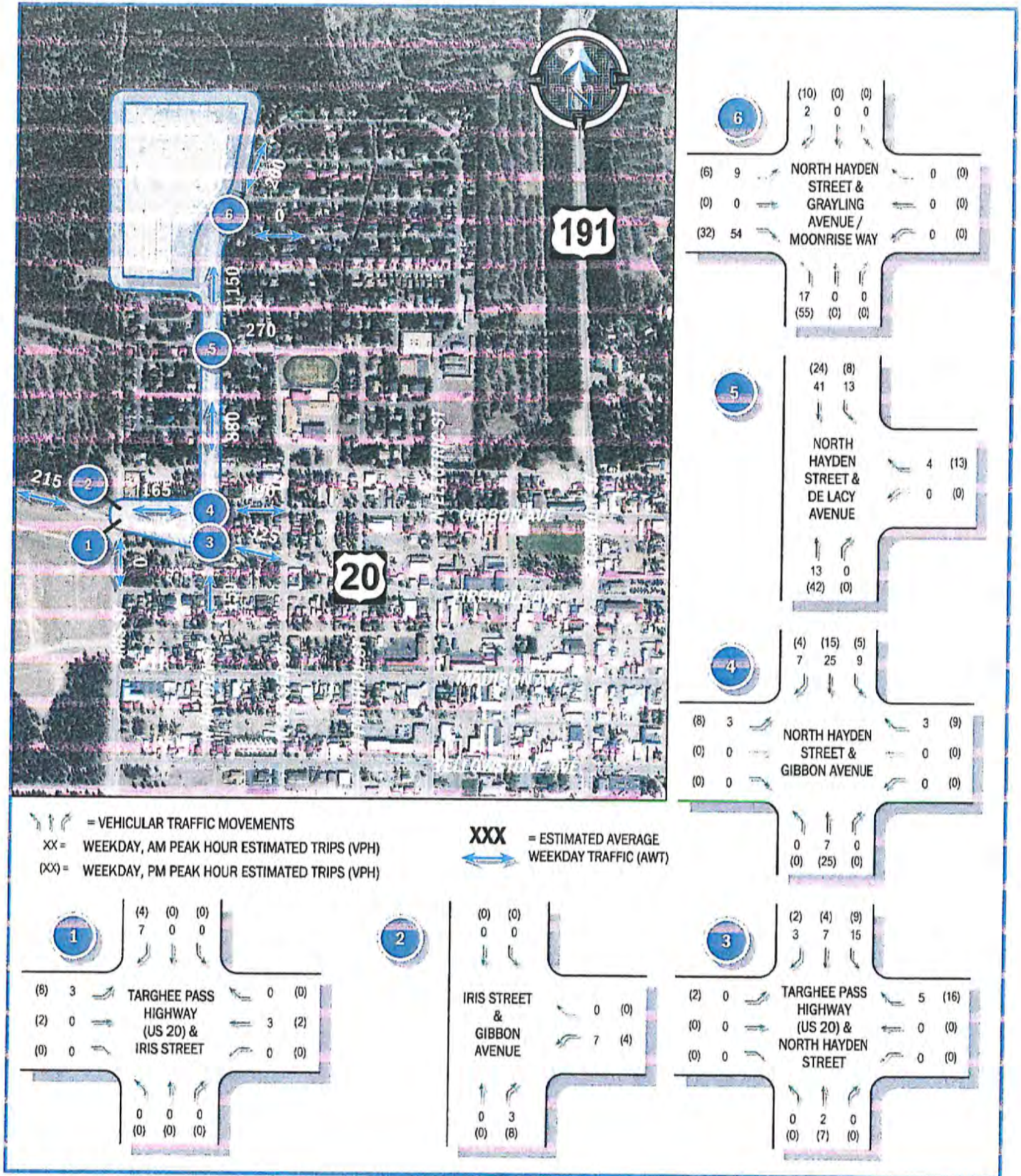


Figure 4: Site Traffic Assignment

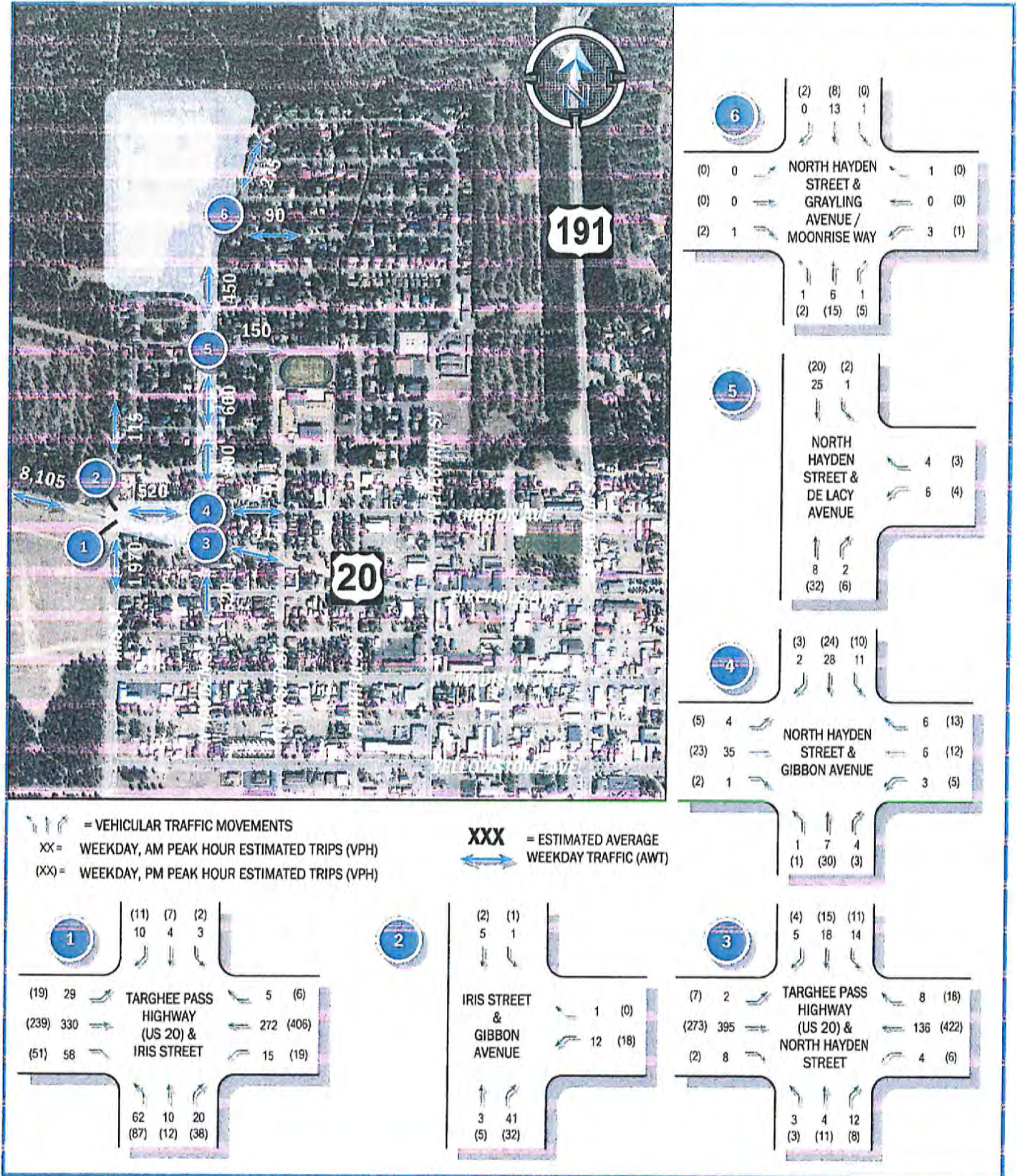


Figure 5: 2021 Existing Traffic Volumes

Within the study area, the Targhee Pass Highway (US 20) is a divided highway with two travel lanes in each direction. Sidewalks are provided on both sides of the roadway east of Iris Street. The posted speed limit on the Targhee Pass Highway (US 20) is 35 miles per hour (35 mph) west of and 25 mph east of Iris Street, within the study area.

North Hayden Street

North Hayden Street (C007909) is considered a local roadway by MDT standards. It serves as a north-south link on the Town of West Yellowstone's grid roadway system, connecting Yellowstone Avenue to the south with the Madison Addition Subdivision residential area on the north end of town. Presently, North Hayden Street has two travel lanes in each direction with no curb and gutter north of D Parkway and curb, gutter, and sidewalk on both sides of the roadway south of D Parkway. Land uses along North Hayden Street within the study area are mostly residential with some hospitality uses. The currently posted speed limit on North Hayden Street is 25 miles per hour; however, it should be noted that at the time of platting and development of the Madison Addition Subdivision the Town of West Yellowstone design standards utilized a design speed of 20 miles per hour for local roadways.

Study Area Intersections

The existing intersections evaluated as a part of this study and their current traffic control plus configurations are summarized in Table 2 on the following page.

Alternative Modes of Transportation

As noted in the descriptions of the study area roadways and intersections, sidewalks are available for pedestrians within the study area on both sides of North Hayden Street south of D Parkway and on both sides of the Targhee Pass Highway (US Highway 20) east of Iris Street. No dedicated bicycle facilities are currently included within the study area. There is not currently a public bus system within the Town of West Yellowstone. The West Yellowstone Foundation does offer twice weekly round trip service between Bozeman and West Yellowstone on a reservation basis. There has been interest within the community for development of a transit/shuttle system to help ease traffic congestion.

Traffic Volumes

Count Locations & Data

To determine current vehicle, pedestrian, and bicycle conditions within the study area, peak period traffic, pedestrian, and bicycle counts were utilized for the following intersections based on averages taken for two weekdays on August 4 and 5, 2021 (Wednesday and Thursday):

- Targhee Pass Highway (US Highway 20) & Iris Street
- Iris Street & Gibbon Avenue
- Targhee Pass Highway (US Highway 20) & North Hayden Street
- North Hayden Street & Gibbon Avenue
- North Hayden Street & De Lacy Avenue
- North Hayden Street & Grayling Avenue / Moonrise Way

WEST YELLOWSTONE TOWN COUNCIL
Town Council Work Session & Meeting
February 27, 2019

COUNCIL MEMBERS PRESENT: Jerry Johnson, Brad Schmier, Pierre Martineau, Chris Burke, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie Gospodarek, Chief of Police Scott Newell, Social Services Director Kathi Arnado

The meeting is called to order by Mayor Brad Schmier 5:30 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting are being recorded.

The Treasurer's Report with corresponding banking transactions is on file at the Town Offices for public review during regular business hours.

WORK SESSION

Mayor Schmier calls the meeting to order. The purpose of the work session is to discuss the Moonrise Meadows Development subdivision proposal. Dave DeGrandpre, contract planner from Land Solutions and Dave Noel, Town Engineer, are both present at the meeting by speaker phone. Due to an extended winter storm, neither consultant was able to make to West Yellowstone to attend the meeting in person. DeGrandpre explains that next week, the Council will conduct a public hearing on the preliminary plat application and conditional use application for the subdivision. DeGrandpre directs the Council to the staff reports he prepared for Council to review. He directs the Council to the section of his report that outlines how the public hearing needs to be conducted. The Council asks DeGrandpre to summarize the project. DeGrandpre explains that the proposal from the developer is to construct 180 condominium units in the area zoned R-4 at the northwest corner of the Madison Addition. He explains that the developer is asking for one "relaxation" for height, the zoning code limits height to 32' and the developer is requesting permission to build up to 37' for architectural reasons. DeGrandpre says that probably the biggest concern that came out of the public hearings held before the Planning Board is increased traffic. He explains that International Fire Code only requires one ingress/egress to the subdivision, but the Council has the discretion to require more than one ingress and egress to the subdivision. DeGrandpre encourages the Council to review and become familiar with the staff report and the recommendations contained therein. He explains that if the Council disagrees and wants to go a different direction, that needs to be conveyed so the report can be amended. The Council discusses the two options presented by the developer's engineer for ingress and egress. One option provides one ingress/egress that is very wide, the other option provides two ingress/egress that are only separated by less than 150'. The group discusses whether either option addresses the health and safety concerns that will be created by the increased traffic. Dave Noel recommends consulting the Fire Chief and Police Chief as to whether these options provide adequate safety considerations. Fire Chief Shane Grube explains that the exemption in the International Fire Code that allows for a singular ingress/egress at this occupancy is based on the fact that the buildings will be water sprinkled. Noel points out that the water demand for sprinkled fire suppression is not included in the calculations in their plans. DeGrandpre explains that a developer will typically put together preliminary calculations to determine that water demand, and it appears they missed that part. Sabolsky points out that it was made pretty clear at the previous meetings that the developer's engineer needed to contact

Noel expresses concerns about both of the ingress/egress options and says a better option would be an ingress on Cascade and an egress on Gallatin Avenue. The Council addresses that option briefly but points out that the affected lots are owned by a private individual and a house is built on one of them. He says that of the two options, the second option which provides one wide ingress/egress is probably preferable. Noel also expresses concerns about the traffic study and the fact that negative results were averaged in with other results and covered up somewhat. The group discusses an earlier proposal to build one ingress/egress between Grayling Avenue and Cascade. Noel explains that may be an option, but Sabolsky notes that option would require a variance and the developer preferred to avoid that. Johnson says that pedestrian safety in this area really needs to be considered, and DeGrandpre notes that was brought up in both of the planning board hearings. The group discusses the recommendation from the Planning Board to encourage the Town to apply for a second ingress/egress out the west side of the subdivision to connect to Iris Street. The discussion returns to the first ingress/egress side option, which provides an entrance to the subdivision off of Grayling and an exit to Cascade. Noel says that the biggest problem is the blind corner coming from the south and the potential liability to the Town if the intersection doesn't meet standards. The Council points out that there is liability with the other option and agrees the real problem is that intersection needs to be redesigned and they discuss whether the developer can share in the cost of that. DeGrandpre says that a developer cannot be held responsible to correct an existing problem, but they shouldn't be allowed to make an existing problem worse. Noel says that he will not recommend approval of the first option based on the lack of geometric site design. He says that the second option is marginally better and the group discusses straightening out the singular wide entrance to align with Cascade. The Council recommends asking Noel to contact the developer's engineer to discuss the options and possibly developing one that straightens out Cascade. Schmier asks Noel to explain to the developer's engineer why the first option will not work and the problems with the second option as well. The group briefly discusses pedestrian traffic and how long it is expected to build the entire development, which is up to ten years. Dave Noel points out that he has concerns with water demands and points out that they are only estimating based on domestic usage and not including irrigation or other uses. He also points out that the storm water drainage is also a concern and the intent of the developer to turn that over to the Town, but DeGrandpre points out that is one of the conditions of approval is that the developer maintain the storm drainage system. Noel also expresses concerns about the stormwater holding pond capacity. The council and consultants agree to meet again on Monday, March 4, 2019 to discuss the project again prior to the public hearings.

ACTION TAKEN

- 1) Motion carried to approve the claims, which total \$164,471.71. (Martineau, Burke) Burke abstains from #45376 to Morning Glory Coffee & Tea for \$33.75. Schmier abstains from #45372 to Jerrys Enterprises for \$6.99.
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the February 5, 2019 Town Council Meeting. (Martineau, Forsythe)
- 3) Motion carried to approve the new business license application for Mountain Moon Services, LLC to provide bookkeeping and professional services made by Kaitlin Johnson. (Martineau, Burke)

7. The final plat shall include the easements and dedications depicted on the preliminary plat. Easements shall include open space easements in favor of the lot owners and/or condominium unit owners. Access and utility ~~easements~~ rights-of-way shall be dedicated to the public and include acceptance of the dedications by the Town Council of the Town of West Yellowstone. *(Staff Report IV.C and WYSR III.A.13)*
8. Easements shall be placed on the final plat for snow storage. The easements shall either encompass all areas shown on the preliminary plat for snow storage and be dedicated to the Town of West Yellowstone and unit or lot owners associations for snow storage purposes, OR the subdivider shall demonstrate sufficient snow storage exists on each lot for snow from the respective lots' roadway and parking improvements, as well as the lots' street frontage. If the subdivider can demonstrate each lot can contain its own snow as well as snow from the street frontage, no snow storage easements are required. *(Staff Report IV.C)*
9. All construction shall adhere to the recommendations of the Fire Hazard Analysis and related plans including all structures to be sprinklered as per the International Fire Code, at least 30 feet of cleared defensible space shall be provided around all structures, fire resistant building materials shall be used for roofs, siding, decking, vents, eaves and gutters, and fire hydrants shall be provided with locations and spacing approved by the Hebgen Basin Fire District. *(Staff Report IV.G)*
10. The developer shall provide a second developed ingress/egress ~~for the subdivision within a minimum 30-foot publicly dedicated easement. At a minimum, the roadway shall be 12 feet wide with 13 feet of vertical clearance, built to municipal construction standards with a gravel surface, emergency access signage and a breakaway gate. The road must connect the subdivision to a Town or State roadway built to Town of West Yellowstone standards within a minimum 60-foot right-of-way and approved the Town Engineer.~~ *(Staff Report IV.G)*
11. ~~To address sight distance and intersection safety, either Lots one and two of Block 2 of the Madison Addition, located directly to the north of the subdivision entrance, shall be made a part of the subdivision, and easements shall be provided so that the Town of West Yellowstone shall have the right to remove snowbanks from the lots along Hayden Street to improve sight distance, OR the subdivision entrance shall be placed directly across from Cascade Avenue.~~ *(Staff Report IV.C and WYSR III.A.7)*
12. Prior to any construction or obstructions occurring in a publicly-dedicated right-of-way, permission shall be obtained from the Town Council according to Town codes and policies. *(Chapter 12.24 WYMC and ARM 24.183.1107(5)(g))*
13. Prior to final plat approval the subdivider shall build the streets as proposed in the preliminary plat application and in accordance with the Town of West Yellowstone Subdivision Regulations, except as proposed with higher standards and possible relocation of the subdivision entrance street, which are added mitigation for subdivision impacts. All street improvements shall be certified by a registered engineer, with all improvements subject to approval by the Town Council. *(Staff Report IV.H.2 and WYSR III.A.7)*
14. Roadway surfaces shall be constructed on a suitable base. Roadway subgrades shall be free of sod, vegetative or organic matter, soft clay, or other objectional materials, properly rolled, shaped and compacted and certified by a registered engineer, with all improvements subject to approval by the Town Council during final plat approval. *(WYSR III.A.4 and III.A.7(c)(15 & 16))*
15. Electrical, telephone and natural gas utilities shall be installed underground to each lot in the subdivision according to the local service provider requirements and Section III.A.12 of the WYSR. *(WYSR III.A.12)*

TOWN OF WEST YELLOWSTONE

NOTICE OF PUBLIC HEARING

The Town Council of the Town of West Yellowstone will hold a formal amended budget hearing for the fiscal year 2023-2024. Said hearing will be held during the regular Town Council meeting, Tuesday, March 19, 2024, which begins at 7:00 PM, The hearing will be held in the Town Hall Council Chambers, located at 440 Yellowstone Avenue.

The public hearing will review the sewer fund regarding the revenue expected. The public is invited to attend, and any taxpayer or resident may be heard, for or against, the proposed amended budget.

The proposed amended budget is available for public review at the Town Offices, located at 440 Yellowstone Avenue, West Yellowstone, Montana. Personnel at the Town Offices can be reached at 406-646-7795.



RESOLUTION NO. 798

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, IN THE COUNTY OF GALLATIN AND STATE OF MONTANA TO AMEND THE TOWN'S BUDGET FOR THE FISCAL YEAR 2023-2024

WHEREAS, the Town is required to reflect changes to the budget by resolution and,

WHEREAS, the Sewer Operating Enterprise Fund has collected more than budgeted for the sewer user fees revenue as a result of the Town's adoption of a new SFE calculator on September 20, 2022, and implementation on July 1, 2023; and

WHEREAS, for bonding purposes, it is necessary and appropriate to amend the budget to accurately reflect the revenue received;

BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA:

1. That the fiscal year 2023-2024 Sewer Operating Enterprise Fund revenue budget be amended to reflect \$1,444,357 in revenue.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA, THIS 19th DAY OF MARCH 2024 AND APPROVED BY THE MAYOR OF THE TOWN OF WEST YELLOWSTONE.

Mayor Travis Watt

Council Member Brian Benike

Council Member Jeff McBirnie

Council Member Lisa Griffith

Council Member Jeff Mathews

ATTEST:



Town Clerk Elizabeth Roos

APPLICATION TO MAINTAIN AN ENCROACHMENT

Town of West Yellowstone
Gallatin County, Montana

DATE: MARCH 13, 2024
APPLICANT: Westmart Building Center
ADDRESS: 100 South Faithful; PO Box 50; West Yellowstone, MT 59758
PHONE: (406) 646-9578
INTEREST IN PROPERTY: 100% Owner

OWNER OF RECORD'S SIGNATURE: Greg W. Forsythe

1. LEGAL DESCRIPTION:
Subdivision: Grizzly Park Addition
Block: 5 Lot: 1
Zoning District Number: _____

2. Please describe specifically the construction and size of the proposed encroachment. On the reverse of this application, please provide a sketch of the proposed encroachment.

Encroachment of 25 feet for greenhouse
during the months of MAY, JUNE, JULY

Greg W. Forsythe
for
WESTMART Building Center
Signature of Applicant
MARCH 13, 2024
DATE

For Office Use Only:
DECISION BY TOWN COUNCIL

Approved Disapproved

Mayor/Operations Manager

DATE



MINOT BUILDERS SUPPLY
 MINOT, ND • 701-852-1301
 800-437-8038 • FAX 701-852-8929

EVERGREEN BUILDERS SUPPLY
 BILLINGS, MT • 406-652-3610
 800-548-7170 • FAX 406-652-6375

BUILDERS SUPPLY CO.
 BISMARCK, ND • 701-223-7212
 800-223-7212 • FAX 701-223-7982

BUILDERS SUPPLY CO.
 GREAT FALLS, MT • 406-761-7530
 800-847-0125 • FAX 406-761-1416

