

PARK COUNTY PLANNING & ZONING DEPARTMENT

Staff Report – Planning & Zoning Commission

Bar E - Public Hearing

Special Use Permit-262

Staff: Erika Decker and Jennifer Cramer **Hearing Date:** April 10, 2024
Applicant: Emilie Hoffert **PIDN:** 03570203512001
Planning Area: Clark **Zoning District:** General Rural 20-Acre (GR-20)

Application: On March 5, 2024, Emilie Hoffert (applicant) submitted a Special Use Permit Application, including payment, statement of support, site plan (see Figure 4), site map (see Figure 5) and water analysis (attached). Additional information was received on March 29, 2024 and April 1, 2024.

Requested Action: Review and approval of a Special Use Permit for a highway commercial business use that will consist of one (1) existing residence and two (2) newly constructed housing units, each for short-term vacation rental.

Applicable Regulations (portions of which are referenced herein): *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015 (“regulations”).

Use Classification and Definition: Highway Commercial Business: A business that provides a substantial portion of its goods and services to tourists and travelers, including motels, hotels, restaurants, gift shops, automobile service stations, gasoline filling stations, and truck stops.

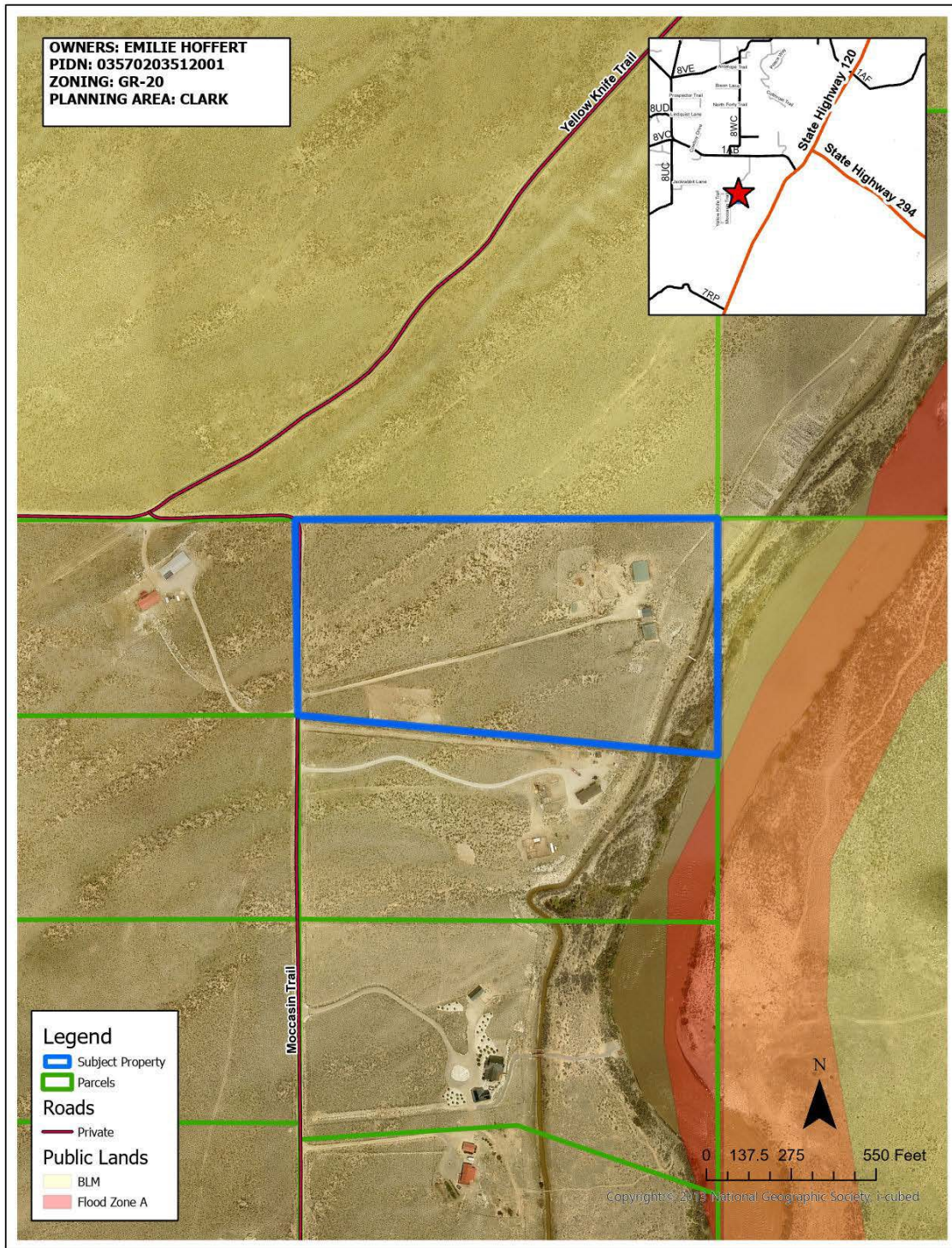
Ownership: Ownership is affirmed to Emilie Hoffert from Susan Tantlinger, by Affidavit Affecting Title to Real Property, dated March 27, 2023 (Document #2023-1254).

Legal Description: The property is 22.26 acres described as the NW1/4NE1/4 of Section 35, also known as Tract 17 of Chief Joseph Estates, Township 57 North, Range 102 West, 6th P.M., Park County, Wyoming.

Location: The property is located approximately 2.2 miles southwest of the intersection of the Belfry Highway and County Road 1AB, in Chief Joseph Estates (see Figure 1). The property is in the Clark Planning Area with an address of 19 Moccasin Trail, Clark, WY.

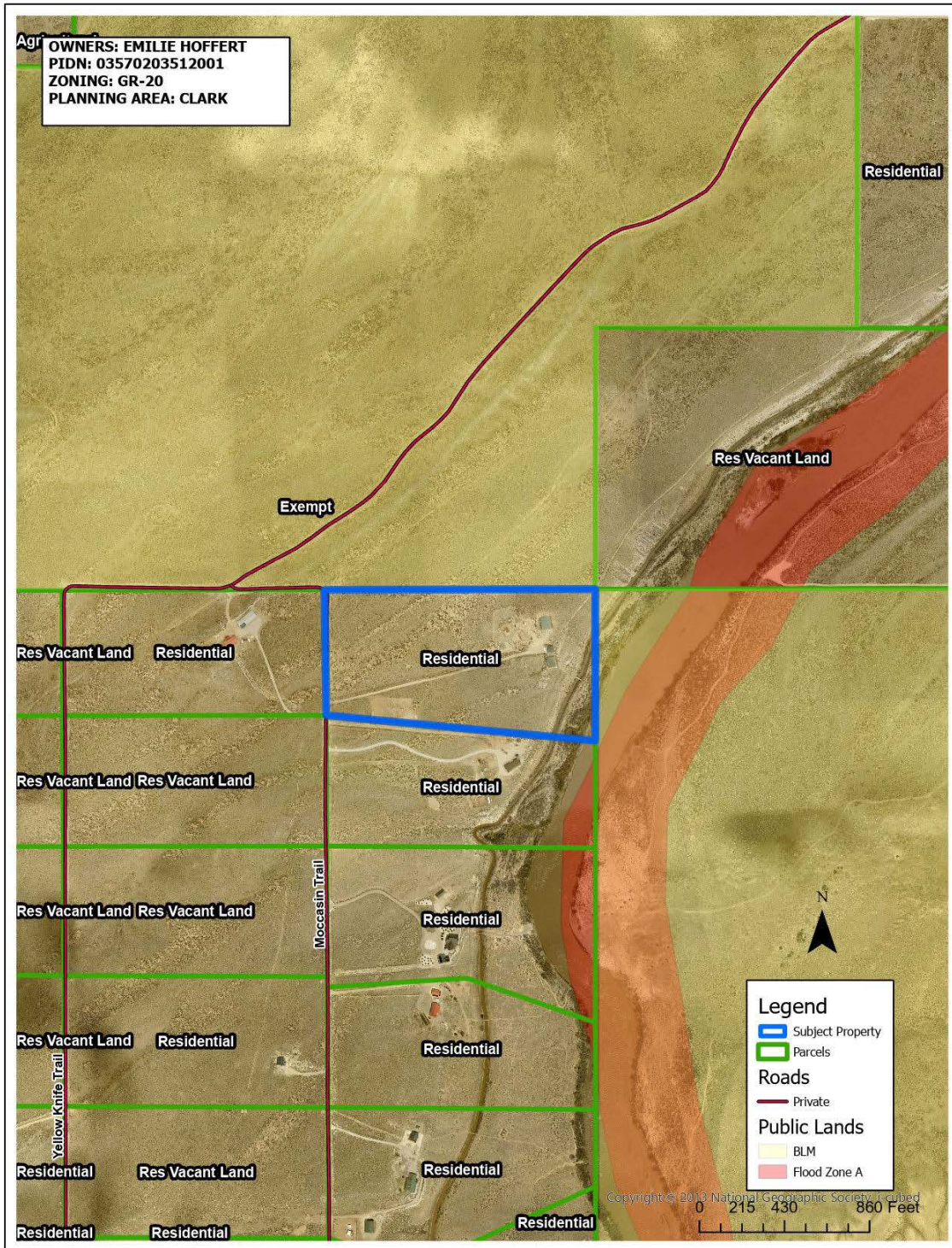
Zoning District and Purpose: **The property is located within a General Rural 20-Acre (GR-20) zoning district.** The GR-20 district allows low-intensity rural land uses in areas that are not well suited for higher intensity development. Conventional subdivisions will average 20 acres per housing unit. A variety of uses is permitted in this district in recognition of the varied land uses typical of rural areas. This district is also intended to promote the retention of open space, agricultural land, wildlife habitat, riparian habitat or scenic areas and prevent development on unstable geologic features.

46 Highway commercial business uses are allowed in a GR-20 zoning district, in the
47 Clark Planning Area, provided an SUP is approved.



48 **Figure 1: Bar E SUP-262 Location Map**
49 **(property outlined in blue, red star indicates proposed use location)**
50

51 **Neighboring Land Use:** As shown in Figure 2, neighboring land uses are primarily a
52 mixture of residential, and residential vacant lands. Land managed by BLM is located
53 directly north and east of the subject property.



54 **Figure 2: Bar E SUP-262 Neighboring Land Uses**

55

56 **Site Characteristics:** There is an existing 1,700-square-foot, 2-bedroom residence on
57 the property that will be included as a rental for the proposed highway commercial
58 business. The physical address shown for the residence is 19 Moccasin Trail. The
59 residence was permitted as a private residence in 1999 (Permit #1999-065, **attached**),
60 and has an existing, permitted septic system (SWW #1929, **attached**) sized for two
61 bedrooms. The residence is served by a water well that is permitted by the State
62 Engineer’s Office (Permit # U.W. 114486, **attached**). The residence is served by electric
63 and propane. On the northeastern portion of the property, there are three unpermitted
64 accessory structures. According to the County Assessor’s records, two of these structures
65 are sheds and the other is a farm utility building (applicant labelled as “arena” on site
66 plan); the structures were built in the late 1990s and early 2000s. Site topography is
67 shown in Figure 3. According to Google Earth, the part of the property proposed for the
68 use slopes downward, mostly gently, from north to south and west to east. To the east of
69 the project site, the property slope increases more sharply (26%) towards an irrigation
70 ditch and the Clarks Fork Yellowstone River.

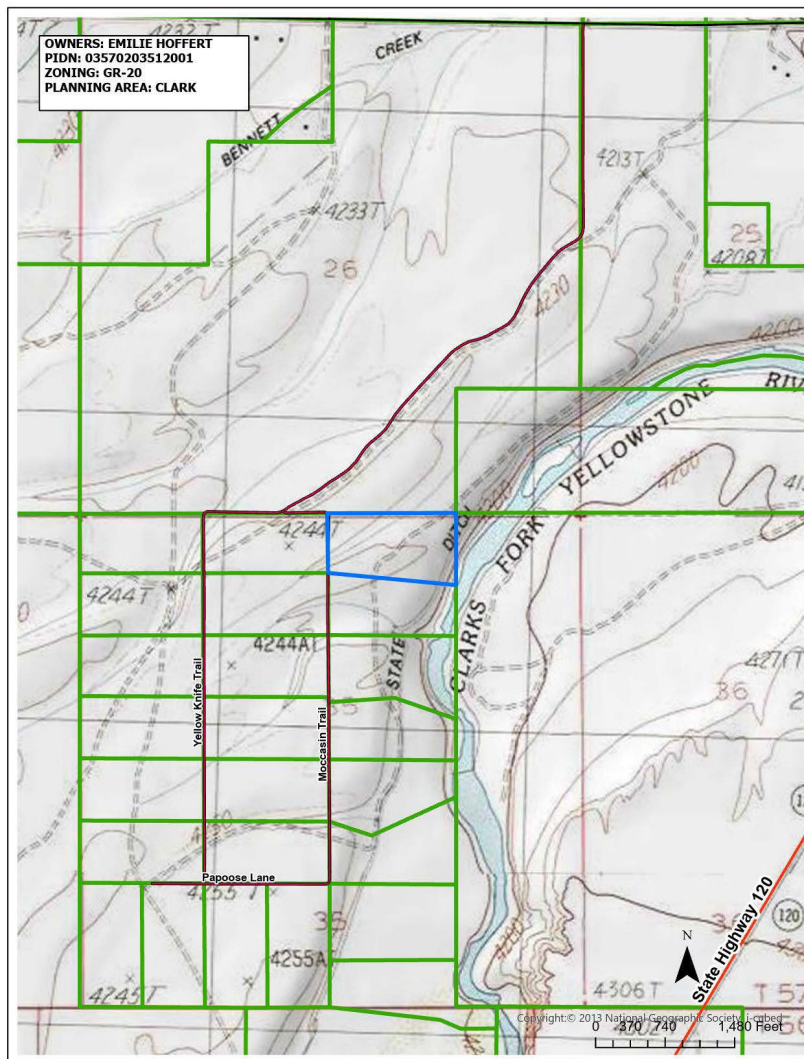
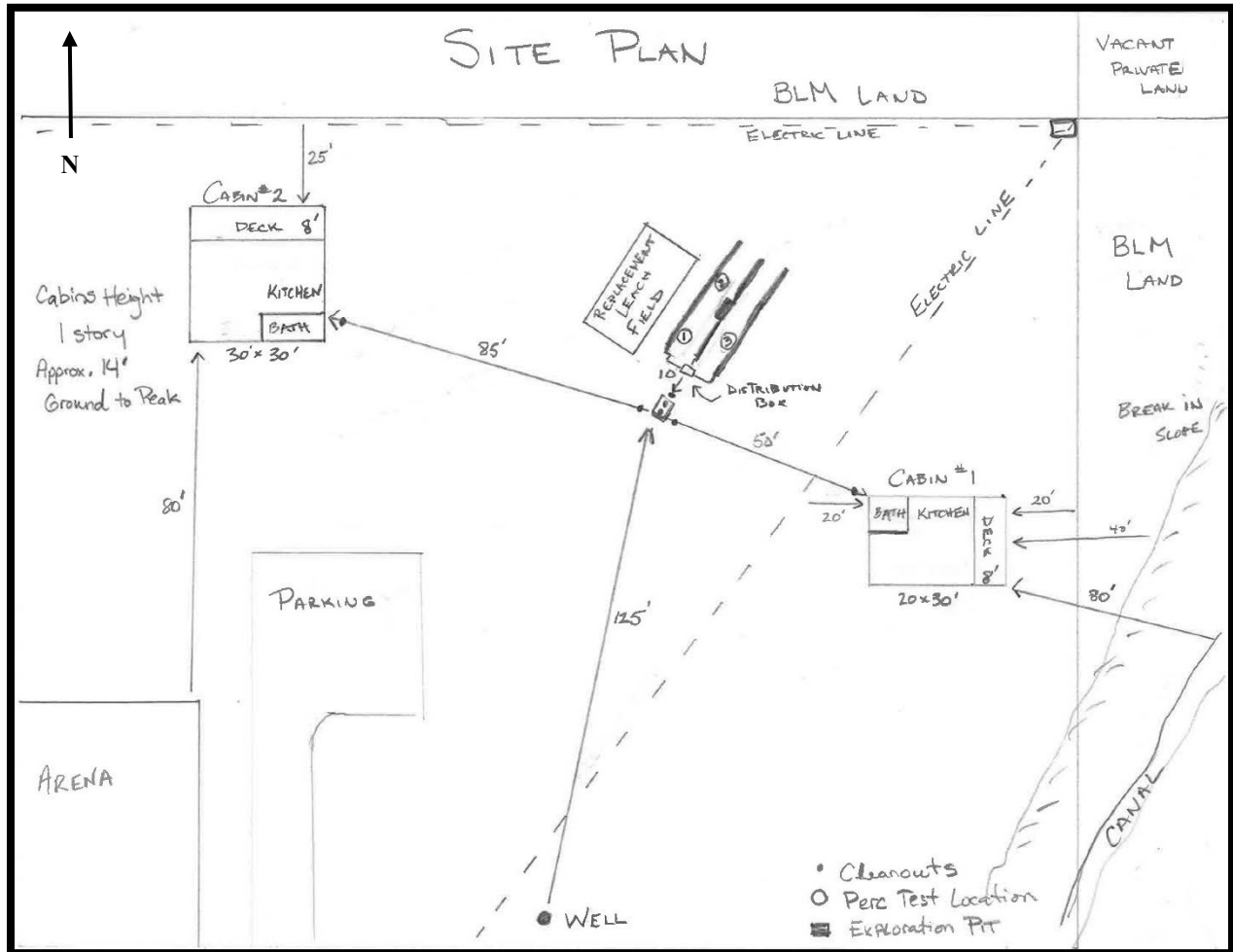


Figure 3: Bar E SUP-262 Topography

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72 **Site Plan:** A site plan and a site map, provided by the applicant, are shown in Figures 4
73 and 5. The site plan illustrates: (1) two proposed rental cabins; (2) the proposed small
74 wastewater system; (3) an existing well; (4) proposed parking area; (5) and existing
75 underground power line; and (6) the access road and parking area. The site map shows
76 the existing residence and driveway. The proposed use is expected to occur on more
77 than an acre of land.



78 **Figure 4. Bar E SUP-262 Site Plan Drawing**
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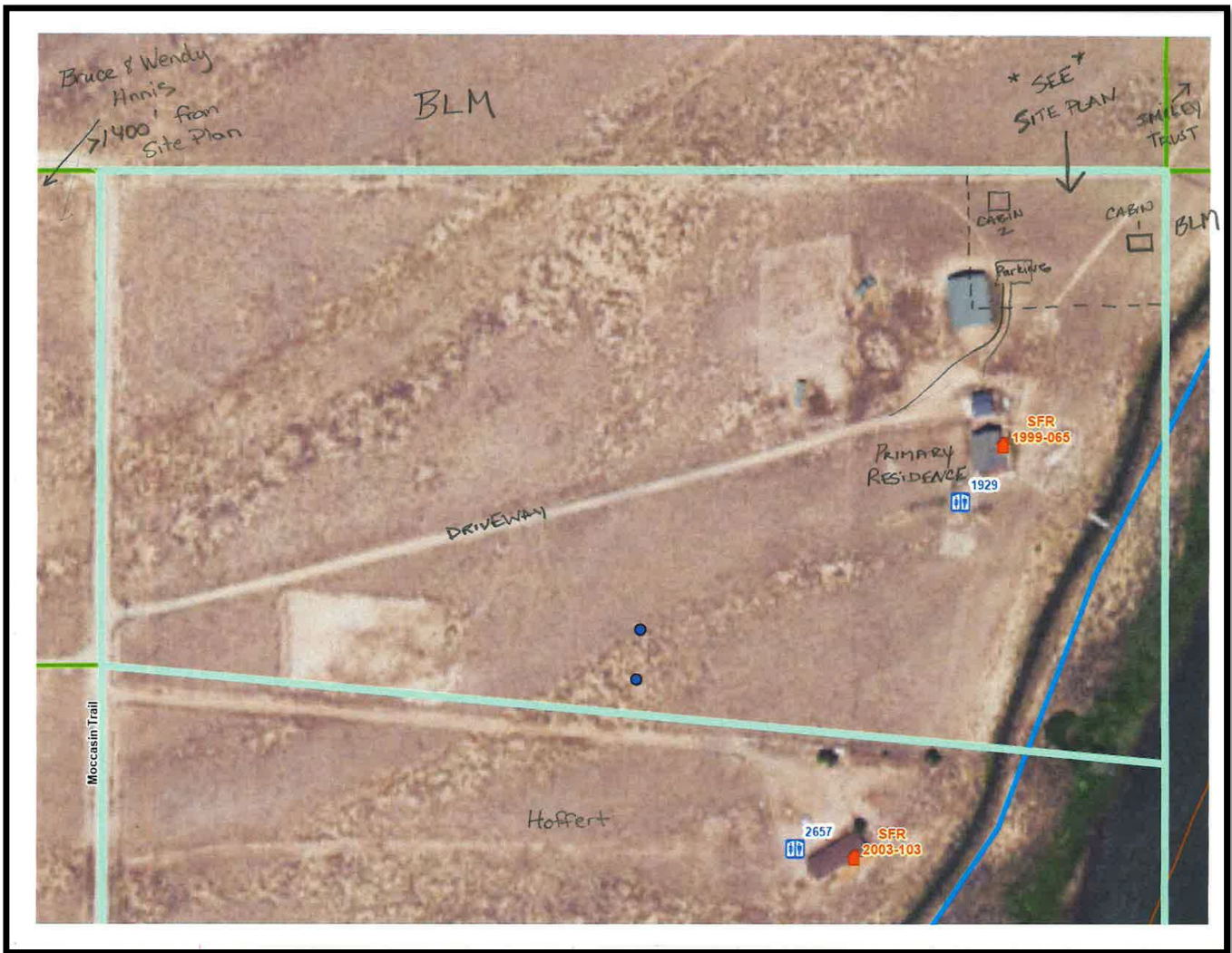


Figure 5. Bar E SUP-262 Site Map

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Project Description: The proposed project includes the use of the existing residence as a rental for the proposed highway commercial business. In addition, the applicant proposes to construct two new, single-level cabins, a new shared septic system to serve the cabins, a parking area, and utilities to serve the cabins. The two new cabins are single-level and will have the following specifications:

- Cabin 1: 600 sf with 2 bedrooms/1 bathroom
- Cabin 2: 900 sf with 2 bedrooms/1 bathroom

Each cabin will have domestic water, electricity, propane for heat, and in-ground septic disposal. The existing residence will continue to be served by an independent septic system. The applicant states that maximum total occupancy for each of the rentals will be as follows: existing residence – nine people; Cabin 1 - four people; and Cabin 2 - four people. The total combined building floor area for the proposed use is approximately 3,200 sf. The applicant did not mention installation of fencing as part of the use.

96 **Legal Notices:** The Planning Department published a Notice of Public Hearing as
97 required in Appendix 1, including the following information: applicant name; proposed
98 project description and location; legal description; public hearing date, time and place;
99 and how additional information can be obtained. The notice was published in the *Powell*
100 *Tribune* on March 26, 2024 and April 2, 2024, with the first notice out more and 14 days
101 before the hearing, as required. Written notice was mailed to the owners of all properties
102 within 660 feet of the subject property on March 25, 2024 as shown in the property
103 ownership records of the County Assessor. The staff report was sent to applicant and the
104 Planning and Zoning Commission prior to the scheduled public hearing as specified in
105 Ch. IV, Sec. 4c.

106
107 **Agency Referrals:** Ch. IV, Sec. 4c specifies that discretionary applications be referred
108 to any local, state, or federal agency with relevant interests or expertise. Relevant
109 agencies were notified on March 15, 2024.

110
111 Beartooth Electric:

- 112 ➤ In an email dated March 5, 2024, the utility stated they currently serve power at
113 the address of 19 and 23 Moccasin Trail. (Attached)
114 ➤ In an email dated April 2, 2024, Beartooth Electric confirmed they have the
115 capacity to serve two additional residences at 19 Moccasin Trail. (Attached)

116
117 Park County Treasurer (PCT): In an email dated March 15, 2024, the PCT stated 1st
118 half property taxes have been paid and 2nd half will be due May 10, 2024. (Attached)

119
120 Wyoming Department of Environmental Quality (DEQ): In an email dated March 15,
121 2024, DEQ provided information regarding procedures for permitting and/or approval
122 of any activities that involve dredging, filling, grading, clearing, stormwater, or runoff.
123 (Attached)

124
125 Department of Fire Prevention/Electrical Safety: In an email dated March 18, 2024,
126 the Big Horn Basin Fire Inspector stated this is a residential property therefore the
127 state does not need to be involved. (Attached)

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129 Wyoming Game and Fish Department (WG&F): In an email dated March 19, 2024,
130 WG&F indicated that they have no wildlife comments on this project. (Attached)

131
132 Park County Weed & Pest: In a letter dated April 2, 2024, Park County Weed & Pest
133 reported no noxious weeds were found within the SUP site and A Long-Term Noxious
134 Weed Management Plan will not be required. (Attached)

135
136 Bureau of Land Management (BLM):

- 137 ➤ In an email dated April 1, 2024, BLM stated that the Chief Joseph Estates HOA
138 group is dissolved, and the ROW will be terminated; however, there are four other
139 right-of-way authorizations for access across the BLM parcel. If the landowner
140 already has a right-of-way for access, no other authorization would be needed.
141 (Attached)

142 ➤ In an email dated April 2, 2024, BLM stated that the owner (Emilie Hoffert) is not a
143 member of the newly formed Chief Joseph Estates Homeowners Road Users
144 Group (HOA). A right-of-way is required, unless she wants to join the new HOA.
145 (Attached)
146

147 Park County Public Works (PW): In a letter dated April 1, 2024, Park County Public
148 Works stated the following:

- 149 - Based on a record of survey, legal access exists from Park County Road 1AB
150 via Yellow Knife Trail and then Moccasin Trail.
- 151 - The property address is 19 Moccasin Trail and additional addresses can be
152 obtained by requesting an address assignment from PW.
- 153 - PW is not aware of an existing homeowners' association or other agreement
154 that address maintenance of Yellow Knife or Moccasin Trail. The proposed use
155 is expected to cause an increase in traffic, however it will not result in a change
156 in classification for the county roadway. However, PW requests the SUP be
157 conditional upon the applicant participating in routine road maintenance efforts
158 or future road maintenance associations related to Yellow Knife and Moccasin
159 Trail.
- 160 - Neither a geotechnical report or a drainage and erosion control plan will be
161 required at this time. However, activities associated with the proposed use shall
162 not result in an increase in storm water runoff to adjacent properties.

163 Note: At the time of their response, Public Works was not aware of the newly
164 formed HOA which was discovered by staff on April 2, 2024 (see BLM response
165 above), and is described under the Covenant section of this staff report. (Attached)
166

167 Clarks Fork Irrigation District: In an email dated April 3, 2024, the District stated the
168 easement at the "Badger Ditch" is defined as "adequate distance to maintain the ditch"
169 on either side, typically 20 feet. The applicant has been in contact with the District
170 regarding an existing footbridge over the ditch, on her property. A footbridge is allowed
171 in "non-critical" areas, however if the bridge causes difficulty in maintaining the ditch,
172 the bridge will be removed and it will be the responsibility of the landowner to repair
173 or replace the bridge. (Attached)
174

175 Powell-Clarks Conservation District: No response has been received.
176

177 Park County Fire Protection District #4: No response has been received.
178

179 **Public Comments:** In an email dated April 2, 2024, a Clark resident submitted an email
180 citing opposition to the proposed use, because she feels the use is commercial and not
181 compatible with the zoning intent and the area. (Attached)

182 **Approval Standards:** The Planning & Zoning Commission shall approve a Special Use
183 Permit only if the following criteria are met:
184

- 185 1. **Compatibility and Impacts:** The use is in harmony and compatible with
186 surrounding land uses and with the neighborhood and will not create a
187 substantial adverse impact on adjacent properties.

188 • **Applicant statement how compatibility will be achieved:**

- 189 ➤ The proposed use is for a short-term lodging vacation rental
190 business.
191 ➤ The proposed use is in harmony with surrounding land use and
192 will have little impact on adjacent properties.
193 ➤ The proposed use will occur in the northeast corner of a 22-acre
194 lot with BLM land on both sides.
195 ➤ The closest neighbor to the use will be the applicant/owner who
196 will also be the manager of the rental business.
197 ➤ Vacation rental use will have less of an impact on the area than
198 full time occupancy.
199 ➤ Guests will be there to rest and enjoy the surrounding views.
200 ➤ House Rules will state no parties involving outside guests and
201 no disturbing noise to neighbors after 10pm.

- 202 • **Building Setbacks:** No building or structure shall be built within 20 feet
203 of county road ROW. The proposed use will not be within 20 feet of
204 a county road right-of-way.

- 205 • **Covenants:** Proposed, if any. Staff discovered a Declaration of
206 Protective Covenants and Restrictions (attached) that appear to be
207 in force on Lots 1 through 22 of Chief Joseph Estates, recorded as
208 Book 267, Page 593, in the records of the Park County Clerk's
209 Office. Paragraph 1 states, "All tracts shall be known and described
210 as residential tracts, and shall be used for residential purposes
211 only and no commercial enterprise or business shall be allowed or
212 conducted thereon. No structure or structures shall be erected,
213 placed or permitted to remain on any tract other than one single
214 family dwelling together with attached or detached garage, and
215 approved out buildings." Paragraph 4 states that homes must have
216 "...a minimum of 980 square feet of living space." An HOA
217 Dissolution (attached) was recorded as 2023-3378. Because the
218 HOA Bylaws were their own section within the covenants
219 document, it appears the remainder of the covenants are still in
220 force. Also, the Chief Joseph Estates Homeowners' Road Users
221 Association was formed (recorded 11/27/23 as Doc. #2023-4960)
222 after the original HOA Bylaws were dissolved, however, the
223 applicant is not listed as a member. (Attached)

224 **Note:** The County does not enforce covenants; however, where a
225 proposed use is clearly in opposition to legal covenants, the
226 County does not ignore the covenants. Staff became aware of the
227 covenants during preparation of the staff report and recommends

228 that the application not be permitted to move forward until 1) the
229 covenants are changed or 2) written evidence is provided
230 indicating that all parties subject to the covenants are in favor of
231 the proposed use. Staff feels issuance of this permit in opposition
232 to the covenants would be unharmonious and potentially
233 damaging to the parties subject to the covenants.

- 234 • **Outdoor Lighting:** Proposed lighting, if any, must comply with County
235 regulations. **Outdoor lighting is proposed, two lantern-style porch**
236 **lights on each building. They will need to be shielded and down-**
237 **directed to comply with county regulations.**
- 238 • **Nonconformities:** Any nonconforming parcels, structures, or uses must
239 comply with County regulations. **It is unclear if the subdivision that**
240 **produced the property was done legally. Therefore, the**
241 **nonconforming status of the parcel is not known. The lack of**
242 **building permits for some of the structures on the property**
243 **suggests that one or more of the structures may not have been in**
244 **conformance with the regulations in place at the time of**
245 **construction; therefore, the nonconforming status of the**
246 **structures is not known.**
- 247 • **Nuisance-related:** County regulations define nuisances as any use or
248 non-use of real or personal property that causes injury to others, or
249 endangers life, health, or safety. **No nuisances have been reported on**
250 **the property.**
- 251 • **Soil Conservation District:** A soil conservation district review,
252 prepared by the local soil conservation district, or a professional soil
253 engineer or geologist, is required when appropriate. **A soils report has**
254 **not been provided by the Powell-Clarks Conservation District.**

255
256 **CONCLUSION:** Based upon the above findings, factors relating to
257 compatibility and impacts of the use have been provided by the applicant
258 with the exception that a soils report has not been provided and existing
259 covenants may prohibit the proposed use.

- 260
- 261 2. **Services and Infrastructure:** Adequate services and infrastructure are
262 available to serve the use, or the applicant has agreed to provide services and
263 infrastructure in sufficient time to serve the proposed use.
- 264 • **Access: All parcels shall have legally enforceable access. Access**
265 **is proposed from Moccasin Trail, which is accessed by Yellow**
266 **Knife Trail, which is accessed directly from County Road 1AB.**
267 **Regarding the BLM-managed portion of Yellow Knife Trail, the**
268 **applicant does not hold, nor does it appear she is part of an HOA**
269 **that holds an active right-of-way. The applicant will be required to**
270 **obtain one from the BLM or become a member of the Chief Joseph**
271 **Estates Homeowners' Road Users Association (who hold an active**
272 **ROW permit) to serve the use.**

- **Domestic Water:** Evidence that an adequate water supply in terms of quantity, quality, and dependability for the use is, or will be available is required. As stated earlier, the applicant proposes to use the existing domestic water well on the property to serve each of the rentals pertaining to the use. The well was permitted in 1999 (U.W. #114486) and produces 10 gallons per minute. The permit states the well will serve one house and the maximum quantity of water to be used is 325,000 gallons per year, which equates to a four-person family. The applicant will be required to provide evidence that an adequate quantity of permitted water is available to serve the use, and to enlarge the permit, if required by the SEO. A permitted spring (U.W. #152477) also serves the property, however the permit notes it is not to be used for human consumption.

An analysis of well water quality found the water was bacteriologically safe because no Total Coliform or E-Coli was detected. (Attached)

- Nitrogen (as nitrate + Nitrite as N) was detected at 0.68 mg/L which is below the maximum contaminant level of 10 mg/L.
 - Arsenic was not detected.
 - Lead was not detected and Sodium was detected at 16.0 mg/L. Both are below respective maximum contaminant levels.
 - Total Dissolved Solids (TDS) were reported at 242 mg/L, which is considered satisfactory.
- **Irrigation District:** If the development is located within the boundaries of an Irrigation District, the applicant shall establish a plan regarding the attached water rights and easements for irrigation facilities. **The proposed use is not located in any irrigation district.**
 - **Parking:** Parking regulations apply to residential and non-residential uses. This commercial business use requires the application of non-residential use parking standards, which requires one parking space for each 400 square feet of floor area. **The following information shows parking spaces (10' x 20') required per housing unit.**

- Cabin 1: 600 sf, 2 parking spaces
- Cabin 2: 900 sf, 3 parking spaces
- Existing Residence: 1,700 sf, 5 parking spaces

The site plan (Figure 4) shows a parking area. The parking plan shows 6 parking spaces for the two new cabins and 4 parking spaces for the existing residence. See attached parking plan (attached).

317 **Sewage and wastewater disposal:** Adequate and sanitary sewage
318 disposal systems must be provided when appropriate. **As stated**
319 **previously, the applicant is proposing a new, shared septic system**
320 **to serve the two new rental cabins and the existing residence will**
321 **be served by the existing septic system. The applicant has**
322 **provided a small wastewater system permit application sized for 4**
323 **bedrooms and appears to be adequate for the use. Should this SUP**
324 **be approved, building permit applications and small wastewater**
325 **permit applications must be approved prior to construction**
326 **commencing.**

- 327 • **Utilities, public services and infrastructure:** Adequate utilities must
328 exist, or be provided, for the proposed use. **Electricity will be provided**
329 **by Beartooth Electric and the heat source will be propane.**
- 330 • **Signs:** Proposed signs, if any, must comply with County regulations. **No**
331 **new signs are proposed to serve the use. Should the applicant opt**
332 **to install signs in the future, sign regulations apply.**
- 333 • **Solid Waste:** Solid waste disposal, if any, must comply with County
334 regulations. **Solid waste disposal services are available through**
335 **private companies.**

336
337 **CONCLUSION:** Based upon the above findings, adequate services and
338 infrastructure are available to serve the use with the exception that the
339 applicant does not have legal access across BLM lands and there is a
340 lack of evidence that an adequate quantity of water is permitted to serve
341 the use.

- 342
- 343 3. **Specific Criteria:** The use complies with all specific criteria stated in these
344 regulations for the use. **No specific criteria are identified for this use.**
- 345
- 346 4. **Overlay Districts:** The use complies with additional requirements of overlay
347 districts, if applicable. **The proposed use is not located in an Overlay**
348 **District.**
- 349

350 **Conditions of Approval:** In approving a Special Use Permit, the Planning & Zoning
351 Commission may impose any reasonable conditions to ensure that the proposed use is
352 compatible with surrounding land uses and the development and operation of the
353 proposed use are performed in a manner consistent with public health, safety, and
354 welfare. Such conditions shall be limited to issues directly related to the impacts of the
355 proposed use and proportional to the impacts.

356 357 **Site Plan Review**

358
359 (1) Intent and Purpose of Site Plan Review: A site plan is a graphical plan, drawn to
360 scale, showing uses and structures proposed for a parcel of land and site development
361 features, both natural and manmade including, where applicable, lot lines, roads,
362 locations of proposed buildings, utility lines, parking areas, reserved open space,

363 steep slopes, floodplains, etc. Site plan review is the process whereby county officials
364 review the plans of a developer to assure they meet the stated purposes and
365 standards of the regulations, provide for the necessary public facilities such as roads
366 and drainage structures, adequate site development including sewage disposal
367 facilities, parking, water supply and other requirements through appropriate siting and
368 design of structures and other improvements.

369
370 (2) Applicability of Review Requirements: **Site Plan Review is required for highway**
371 **commercial business use.**

372
373 (3) Application Requirements: Applicant are required to submit information described
374 in Appendix 18, *Park County Wyoming 2015 Development Standards and*
375 *Regulations*, unless information is waived by planning director.

376
377 (4) Site Plan Standards:

378
379 A. Site Plan Standards Generally: The Board and Commission shall approve site
380 plans meeting the basic site plan standards and the special site plan standards,
381 if applicable. The Board and Commission shall deny approval to any site plan
382 not meeting the standards.

383 B. Basic Site Plan Standards: All site plans shall meet the following basic site plan
384 standards:

385 i. Domestic water supply: Where reliance on individual water supplies is
386 proposed, the proposed development shall provide evidence that an
387 adequate quantity and quality of water is available or can be provided.
388 **See Approval Standards, Paragraph 2: Services and Infrastructure**
389 **– Domestic Water above. Standard applies and has not been met.**

390 ii. Where reliance on a public or central water system is proposed, the
391 proposed development shall demonstrate that the water system can and
392 will serve the development's water supply needs. **Not Relevant.**

393 iii. Sewage disposal: All on-site sewage disposal systems shall be
394 designed in accordance with state and county standards. The proposed
395 development shall demonstrate compliance with such standards, as
396 applicable. Where sewage disposal is proposed via a public or central
397 sewage treatment system, the proposed development shall demonstrate
398 that the sewage treatment system can and will serve the development's
399 sewage disposal needs. **See Approval Standards, Paragraph 2:**
400 **Services and Infrastructure – Sewage and wastewater disposal**
401 **above. Standard applies. Prior to construction and commencement**
402 **of the use, the applicant will be required to obtain the proper permit**
403 **for a small wastewater system from Park County Planning &**
404 **Zoning.**

405 iv. Solid waste disposal: Solid waste shall be stored in enclosed buildings
406 or containers and handled in a manner that minimizes the attraction of
407 rodents, flies, or other animals; minimizes the generation of liquid runoff
408 or odors perceptible off the site; and minimizes wastes blown by the wind

- 409 off the site. Solid waste handling and storage areas for multifamily,
410 commercial or industrial uses shall be effectively screened from view.
411 **See Approval Standards, Paragraph 2: Services and Infrastructure**
412 **– Solid Waste above. Standard applies and has been met.**
- 413 v. Hazardous substances: The proposed development shall demonstrate
414 compliance with state and federal regulations on the handling, storage
415 and disposal of hazardous substances, if applicable. **No hazardous**
416 **substances will be stored, handled, or disposed of on this site.**
417 **Standard does not apply.**
- 418 vi. Utilities: Adequate easements or rights-of-way shall be provided as
419 necessary for all utilities proposed to serve the development. Power,
420 telephone and gas lines necessary to serve the development shall be
421 installed underground except in situations or locations where
422 topography of other factors make underground utilities undesirable as
423 determined by the Planning Director, or by the concerned utility supplier
424 in consultation with Planning Director. The proposed development shall
425 demonstrate arrangements for utilities to comply with the standards of
426 each utility and that the utilities can and will serve the proposed
427 development. **See Approval Standards, Paragraph 2: Services and**
428 **Infrastructure – Utilities, public services, and infrastructure above.**
429 **Standard applies and has been met.**
- 430 vii. Signs: The proposed development shall demonstrate compliance with
431 signage requirements. **See Approval Standards, Paragraph 2:**
432 **Services and Infrastructure – Signs above. Standard applies, if the**
433 **applicant proposes signs a permit may be required.**
- 434 viii. Parking and loading areas: The proposed development shall
435 demonstrate compliance with parking requirements. **See Approval**
436 **Standards, Paragraph 2: Services and Infrastructure - Parking**
437 **above. Standard applies and has been met.**
- 438 ix. Roads and access: The proposed development shall demonstrate that
439 access points on county or state highways conform to county and state
440 highway access requirements, as applicable. **See Approval Standards,**
441 **Paragraph 2: Services and Infrastructure – Access above. Standard**
442 **applies and has not been met.**
- 443 x. Fire protection: The proposed development shall demonstrate
444 compliance with recommendations of the local fire district for emergency
445 vehicle access, firefighting water supply, wildfire mitigation and
446 requirements of the State Fire Marshal, if applicable. **Clark Fire**
447 **Protection District #4 has been notified but no comments have**
448 **been received. A Wyoming State Fire Inspector was notified and**
449 **comments have been received. Standard applies and has not been**
450 **met.**
- 451 xi. Protection of irrigation systems: No development shall divert storm water
452 or snowmelt runoff into any irrigation system without consent of the
453 appropriate irrigation authority. Developments shall not adversely
454 impact the operation of any irrigation system. Any proposed

455 development on or adjacent to irrigated lands or containing irrigation
456 facilities shall demonstrate compliance with the requirements of this
457 paragraph. **An irrigation canal crosses the eastern boundary of the**
458 **property, along with a foot bridge across it. The easement has been**
459 **defined by the Clarks Fork Irrigation District as “adequate distance**
460 **to maintain the ditch” on either side, typically 20 feet. Bridges are**
461 **allowed in non-critical areas, however if the bridge causes difficulty**
462 **in maintaining the ditch, the bridge will be removed by the ditch**
463 **company, and the repair or replacement is the responsibility of the**
464 **landowner.**

465 xii. Water quality: The proposed development shall demonstrate
466 compliance with state and federal water quality regulations, if applicable.

467 **The use is not expected to impact any lakes, reservoirs, or streams.**

468 xiii. Wetlands: The proposed development shall demonstrate compliance
469 with federal wetlands regulations, if applicable. **The use is not**
470 **expected to impact any federal wetlands.**

471 xiv. Runoff and erosion control: A runoff and erosion control plan shall be
472 implemented when a cumulative total on more than one acre of land will
473 be disturbed, or where more than 10,000 square feet of contiguous
474 impervious surfaces will be created. In addition, a runoff and erosion
475 control plan shall be developed, approved and implemented whenever
476 a development will result in an increase in storm water runoff discharging
477 to a public road right-of way maintained by the county. Whenever there
478 are practical difficulties involved in carrying out the provisions of this
479 standard, the County Engineer may approve Administrative Relief.
480 Specifications of runoff and erosion control plans are contained in
481 Appendix 19 Runoff and Erosion Control. **Park County Public Works**
482 **is not requiring an Runoff and Erosion Control Plan.**

483 xv. Air quality: The proposed development shall demonstrate compliance
484 with state and federal air quality regulations, if applicable. **No impacts**
485 **to air quality are expected by this use.**

486 xvi. Nuisances: The proposed development shall not produce a light or
487 reflection of light in excess of the lighting standards defined in Ch. IV
488 Sec. 3b (9) *Standards for All Uses*. The proposed development shall
489 minimize harmful or offensive fumes, vapors, gases, or odors
490 perceptible beyond the property line. Any continuous, regular or frequent
491 sound produced shall not exceed the maximum permissible sound level
492 as specified by Appendix 20 Detailed Standards for Noise. **Nuisance**
493 **regulations shall apply.**

494 xvii. Overlay districts: The proposed development shall demonstrate
495 compliance with all applicable requirements of Ch. IV Sec. 5 Overlay
496 District Regulations. **The use is not in any Overlay District.**

497 xviii. Standards for specific uses: The proposed development shall
498 demonstrate compliance with Standards for Specific Uses, if applicable.
499 **The proposed use is not considered a specific use.**

- 500 xix. Building setbacks along highways: Building setbacks shall be increased
501 20 feet for every 5,000 square feet of floor area for buildings located on
502 properties adjoining a state or county highway. The Board or
503 Commission may reduce the required increase of the setback distance
504 by up to 50 percent provided the site design mitigates the adverse
505 effects of the reduced setback. **The applicant is not proposing**
506 **construction of buildings along any highways.**
- 507 xx. Other zoning requirements: The proposed development shall
508 demonstrate compliance with all applicable zoning requirements,
509 including but not limited to building setbacks, minimum lot sizes, etc.
510 **Standard applies and has been met.**

511 ***CONCLUSION: Based upon the above findings, the applicant has provided***
512 ***material for site plan review, but not all site plan standards have been***
513 ***adequately addressed and met.***

514

515 C. Special Site Plan Standards: The following special site plan standards shall
516 apply to all site plans in the following local planning areas: Clark, Lower
517 Southfork, Middle Southfork, North Fork, Sage Creek, Sunlight, Upper Clark's
518 Fork and Upper Southfork. **The proposed use is in the Clark Planning Area,**
519 **thus special site plan review is required.**

- 520
- 521 i. Stream corridors: The open space use of stream corridors and the
522 retention or restoration of riparian vegetation shall be encouraged. A
523 100-foot setback distance from perennial streams and lakes shall be
524 maintained to the fullest practical extent. **It appears the 100 ft**
525 **setback has been met.**
- 526 ii. Steep slopes: No development shall be permitted on or near steep
527 slopes as identified in Appendix 22 Slope Conditions Warranting
528 Engineering Review, unless an engineer certifies that such
529 development is not subject to a significant hazard due to slope failure
530 or accelerated soil erosion. Open space use of steep slopes (15
531 percent or greater) shall be encouraged. **Standard does not apply.**
532 **No new development is proposed on or near steep slopes.**
- 533 iii. Wildlife habitats: Developments that will disturb more than two acres
534 of crucial big game habitat, as identified on the latest edition of the
535 Wyoming Game and Fish Department's Big Game Seasonal Range
536 Overlays, shall implement a plan for the protection of such habitat
537 that identifies:
- 538 a. crucial wildlife habitat area, the principal species present, and
539 species used as "indicators" of the habitat protection plan;
- 540 b. existing wildlife habitat elements, including sources of water,
541 vegetative cover, and migration routes or other wildlife use
542 areas;
- 543 c. how land disturbance will be minimized in order to maximize
544 retention of wildlife habitat;

- 545 d. how the site plan provides for movement of wildlife through
- 546 and around developed areas and the connection of wildlife
- 547 habitats;
- 548 e. how temporarily disturbed areas will be re-vegetated and how
- 549 re-vegetation will result in a volume, structure, and diversity of
- 550 vegetation similar to that found in the existing wildlife habitat;
- 551 and
- 552 f. how occupants will promote long range maintenance of the
- 553 wildlife habitat and all protection features of the plan.

The development is not expected to disturb more than two acres of land. Standard does not apply.

- 554
- 555
- 556 iv. Designated Scenic Byways: Developments within one mile of state-
- 557 designated Scenic Byways shall prove to the satisfaction of the
- 558 Commission or Board that site design has mitigated significant visual
- 559 impacts of the new development. Each of the following design
- 560 techniques shall be incorporated in the site design unless the
- 561 applicant shows that no significant visual impact will be created, or
- 562 use of the technique is cost-prohibitive or impractical and requiring
- 563 its use would prevent development of the project: **Standard does**
- 564 **not apply. The proposed use is not within one mile of a**
- 565 **designated Scenic Byway.**

- 566 a. Concentrating structures in the least visually obtrusive
- 567 portions of a property;
- 568 b. Locating structures at or below tree lines;
- 569 c. Locating structures below ridgelines;
- 570 d. Installing utilities underground;
- 571 e. Using natural terrain contours to mitigate the visual
- 572 impact of new roads;
- 573 f. Re-vegetating cleared areas with native plants;
- 574 g. Using natural materials such as stone or wood, earth
- 575 tone colors and ranch or lodge type architectural
- 576 structures.
- 577 h. The applicant may use other design techniques as a
- 578 substitute for items a – g, provided they mitigate any
- 579 significant visual impact.

580

581 Exception From Specific Site Plan Standards: The Planning & Zoning

582 Commission or Board of County Commissioners are authorized to grant

583 such exceptions from these site plan approval standards as may be

584 reasonable and within the general purpose and intent of these regulations,

585 if literal enforcement of the standards is impractical or will exact undue

586 hardship because of peculiar conditions pertaining to the land in question.

587 **Staff Findings of Fact:**

- 588 1. On March 5, 2024, Emilie Hoffert (applicant) submitted a Special Use Permit
- 589 Application and supplementary materials;

- 590 2. The applicant provided additional information on March 29, 2024 and April 1, 2024;
- 591 3. The applicant requests approval of a Special Use Permit for a highway commercial
592 business consisting of one (1) existing residence and two (2) newly constructed
593 housing units, each for short-term vacation rental;
- 594 4. Applicable regulations are the *Park County, Wyoming, 2015 Development*
595 *Standards and Regulations*, adopted September 15, 2015;
- 596 5. The use is classified as a highway commercial business;
- 597 6. Ownership is affirmed to Emilie Hoffert by Affidavit Affecting Title to Real Property,
598 dated March 27, 2023 (Document #2023-1254);
- 599 7. The property is 22.26 acres within the NW1/4NE1/4 of Section 35, also known as
600 Tract 17 of Chief Joseph Estates, Township 57 North, Range 102 West, 6th P.M.,
601 Park County, Wyoming;
- 602 8. The property is located approximately 2.2 miles southwest of the intersection of the
603 Belfry Highway and County Road 1AB, in Chief Joseph Estates;
- 604 9. The property is in the Clark Planning Area with an address of 19 Moccasin Trail,
605 Clark, WY;
- 606 10. The property is located in a General Rural 20-Acre (GR-20) zoning district;
- 607 11. Highway commercial business uses are allowed in a GR-20 zoning district, in the
608 Clark Planning Area, provided an SUP is approved;
- 609 12. Neighboring land uses are primarily a mixture of residential, and residential vacant
610 lands. Lands managed by BLM are located directly north and east of the subject
611 property;
- 612 13. The part of the property proposed for the use slopes downward, mostly gently, from
613 north to south and west to east. To the east of the project site, the properly slope
614 increases more sharply (26%) towards an irrigation ditch and the Clarks Fork
615 Yellowstone River;
- 616 14. The applicant provided a site plan and a site map showing existing and proposed
617 site development, including the proposed layout of the cabins and infrastructure to
618 serve the use;
- 619 15. The proposed use is expected to occur on more than an acre of land;
- 620 16. The applicant intends to use the existing 1,700-square-foot, 2-bedroom residence
621 on the property as a rental for the proposed highway commercial business;
- 622 17. The existing residence is served by a permitted small wastewater system, domestic
623 water well, electric and propane;
- 624 18. On the northeastern portion of the property there are three unpermitted accessory
625 structures;
- 626 19. The applicant proposes two new, single-level cabins with the following
627 specifications: Cabin 1: 600 sf with 2 bedrooms/1 bathroom; Cabin 2: 900 sf with 2
628 bedrooms/1 bathroom;

- 629 20. Each cabin will have domestic water, electricity, propane for heat, and in-ground
630 septic disposal;
- 631 21. The applicant states that maximum total occupancy for each of the rentals will be as
632 follows: existing residence – nine people; Cabin 1 - four people; and Cabin 2 - four
633 people;
- 634 22. Total combined building floor area for the proposed use is approximately 3,200 sf;
- 635 23. The applicant did not mention installation of fencing as part of the use;
- 636 24. Legal notice requirements were met;
- 637 25. The application was forwarded to relevant agencies as required;
- 638 26. Beartooth Electric stated they currently serve power at the addresses of 19 and 23
639 Moccasin Trail and have the capacity to serve two additional residences at 19
640 Moccasin Trail;
- 641 27. The Park County Treasurer stated 1st half property taxes have been paid and 2nd
642 half will be due May 10, 2024;
- 643 28. Wyoming DEQ summarized their requirements for various activities that may impact
644 surface or groundwater;
- 645 29. The Big Horn Basin Fire Inspector stated this is a residential property therefore the
646 state does not need to be involved;
- 647 30. The Wyoming Game and Fish Department indicated they have no wildlife comments
648 on this project;
- 649 31. Park County Weed & Pest is not requiring A Long-Term Noxious Weed Management
650 Plan;
- 651 32. Bureau of Land Management stated a right-of way permit is required, unless the
652 applicant joins the recently formed Chief Joseph Estates Homeowners' Road Users
653 Association (HOA);
- 654 33. Park County Public Works reported:
- 655 • Additional addresses can be obtained for the additional cabins by requesting an
656 address assignment from Public Works;
- 657 • The proposed use is expected to cause an increase in traffic, however it will not
658 result in a change in classification for the county roadway;
- 659 • The applicant should participate in routine road maintenance efforts or any existing
660 or future road maintenance associations related to Yellow Knife and Moccasin
661 Trail; and
- 662 • Neither a geotechnical report or a drainage and erosion control plan will be
663 required at this time. However, activities associated with the proposed use shall
664 not result in an increase in storm water runoff to adjacent properties;
- 665 34. Clarks Fork Irrigation District defined the ditch easement and addressed the existing
666 bridge over the ditch on the property;

- 667 35. No responses were received from Powell-Clarks Fork Conservation District, or Park
668 County Fire Protection District #4;
- 669 36. A Clark resident submitted an email dated April 2, 2024 in opposition to the proposed
670 use, because she feels the use is commercial and not compatible with the zoning
671 intent and the area;
- 672 37. The applicant made statements of how compatibility will be achieved:
673 • The proposed use is for a short-term lodging vacation rental business;
674 • The proposed use is in harmony with surrounding land use and will have little
675 impact on adjacent properties;
676 • The proposed use will occur in the northeast corner of a 22-acre lot with BLM
677 land on both sides;
678 • The closest neighbor to the use will be the applicant/owner who will also be
679 the manager of the rental business;
680 • Vacation rental use will have less of an impact on the area than full time
681 occupancy;
682 • Guests will be there to rest and enjoy the surrounding views; and
683 • House Rules will state no parties involving outside guests and no disturbing
684 noise to neighbors after 10pm;
- 685 38. The proposed use will not be within 20 feet of a county road right-of-way;
- 686 39. Staff discovered a recorded Declaration of Protective Covenants and Restrictions
687 which restrict commercial use, number of residences, and minimum square footage
688 of dwellings on the property;
- 689 40. The applicant provided an HOA Dissolution document, but it appears the remainder
690 of the covenants are still in force;
- 691 41. A new HOA has been formed; however, the applicant is not listed as a member;
- 692 42. Staff recommends that the application not be permitted to move forward until 1) the
693 covenants are changed or 2) written evidence is provided indicating that all parties
694 subject to the covenants are in favor of the proposed use;
- 695 43. Outdoor lighting is proposed (two lantern-style porch lights on each building) and
696 lighting standards apply;
- 697 44. The status of nonconformities on the property is unknown;
- 698 45. No nuisances have been reported at this location;
- 699 46. A soils report has not been provided;
- 700 47. Factors relating to compatibility and impacts have been provided by the applicant,
701 with the exception that a soils report has not been provided and existing covenants
702 may prohibit the proposed use;
- 703 48. Access is from Moccasin Trail, which is accessed by Yellow Knife Trail, which is
704 accessed directly from County Road 1AB. Regarding the BLM-managed portion of
705 Yellow Knife Trail, the applicant does not have right-of-way sufficient to access to
706 the property for the proposed use;

- 707 49. The applicant proposes using the existing well on the property to serve each of the
708 rentals, however, the existing well permit states it will serve one house and use a
709 maximum of 325,000 gallons of water per year which equates to a four-person
710 family; therefore, the applicant will be required to provide evidence that an adequate
711 quantity of water is available to serve the use and seek a permit enlargement from
712 the SEO if required;
- 713 50. A permitted spring (U.W. #152477) also serves the property, however the permit
714 notes it is not to be used for human consumption;
- 715 51. Lab results of a water quality test showed the well water was bacteriologically safe
716 because no Coliform or E coli was detected, and nitrogen, lead, sodium, and total
717 dissolved solids were detected at levels below maximum contaminant levels;
- 718 52. The proposed use requires 10 parking spaces and the applicant has identified ample
719 parking to serve each rental;
- 720 53. Evidence regarding size and appropriateness of conventional septic systems has
721 been provided;
- 722 54. No signs are proposed to serve the use;
- 723 55. Solid waste disposal services are available through a private company;
- 724 56. Adequate services and infrastructure are available to serve the use, with the
725 exception that the applicant does not have legal access across BLM lands to serve
726 the proposed use, there is a lack of evidence that an adequate quantity of water is
727 permitted to serve the use;
- 728 57. No specific criteria are identified for this use;
- 729 58. The proposed use is not located in an Overlay District;
- 730 59. Site plan review is required;
- 731 60. No hazardous substances will be stored, handled, or disposed of on the site;
- 732 61. Fire protection standards have not been met;
- 733 62. An irrigation canal crosses the eastern boundary of the property, along with a foot
734 bridge across it. The easement has been defined by Clarks Fork Irrigation District
735 as "adequate distance to maintain the ditch" on either side, typically 20 feet. Bridges
736 are allowed in non-critical areas, however if the bridge causes difficulty in
737 maintaining the ditch, the bridge will be removed by the ditch company, and the
738 repair or replacement is the responsibility of the landowner;
- 739 63. The use is not expected to impact any lakes, reservoirs, or streams;
- 740 64. No federally protected wetlands are expected to be impacted by this use;
- 741 65. A runoff and erosion control plan is not required for this use;
- 742 66. Air quality is not expected to be impacted by this use;
- 743 67. The proposed use is not considered a specific use;
- 744 68. The applicant is not proposing construction of any buildings along any highways;

- 745 69. The applicant has provided material for site plan review, but not all site plan
746 standards have been adequately addressed and met;
- 747 70. Special Site Plan Standards apply;
- 748 71. Stream corridor standards have been met;
- 749 72. Steep slope standards do not apply;
- 750 73. Wildlife standards do not apply; and
- 751 74. Designated scenic byways standards do not apply.

752 **Staff Recommendation:** Staff recommends denial of this Special Use Permit Application
753 subject to the limitations of the covenants alone. While the County does not enforce
754 covenants, the County does not ignore them. If the County were to approve this
755 development proposal, it would be directly in violation of recorded covenants and,
756 therefore, unharmonious and potentially damaging to the other landowners who are party
757 to the covenants.

758 Should the Planning & Zoning Commission recommend approval of this SUP, the
759 Planning & Zoning Department recommends the following conditions:

- 760 1. Prior to review by the Board of County Commissioners, the applicant shall 1)
761 provide sufficient evidence that covenants are no longer in force or have been
762 changed, or 2) provide a notarized statement(s) from the other landowners
763 subject to the covenants stating that they are not opposed to the proposed use;
- 764 2. Prior to review by the Board of County Commissioners, the applicant shall
765 provide evidence of a BLM right-of-way permit to serve the use on the property
766 or evidence of membership in the active Chief Joseph Estates Homeowners'
767 Road Users Association;
- 768 3. Prior to review by the Board of County Commissioners, the applicant shall
769 provide evidence that an adequate, permitted quantity of water is available to
770 serve the use;
- 771 4. Prior to review by the Board of County Commissioners, the applicant shall
772 submit responses from Powell-Clarks Conservation District and Park County
773 Fire Protection District #4 to the Planning and Zoning Department;
- 774 5. Prior to commencing the use, the applicants shall submit building permit
775 applications for each unpermitted structure and each cabin to be constructed;
- 776 6. Prior to commencing the use, the applicant shall obtain an approved small
777 wastewater system permit for the new septic system from the County or DEQ,
778 as applicable;
- 779 7. The applicant shall comply with Park County noise, lighting, and other nuisance
780 regulations;
- 781 8. The applicant shall comply with County sign standards, if applicable; and

782 9. The applicant shall otherwise comply with standards in the Park County
783 Development Standards and Regulations.

784 **Next Step:** Whether the Planning and Zoning Commission recommends approval or
785 denial, the applicant may proceed with the SUP process for review by the Board of County
786 Commissioners.

787 **Photo 1: Access from Moccasin Trail. Photographer facing North.**



788
789 **Photo 2: Access from Moccasin Trail. Photographer facing Southeast.**



790

791 **Photo 3: Existing Structures from Driveway. Photographer facing East.**



792

793 **Photo 4: Existing Structures. Photographer facing West.**



794

795 **Photo 5: Proposed cabin parking area. Photographer facing Southeast.**



796

797 **Photo 6: Proposed cabin parking area. Photographer facing West.**



798

799 **Photo 7: Cabin 2 Location from Drain Field. Photographer facing West.**



800

801 **Photo 8: Cabin 1 Location. Photographer facing South.**



802

660 ft

Bar E SUP-262



Park County Planning & Zoning

1002 Sheridan Ave. Suite 109, Cody, WY 82414
Phone: 307-527-8540 | Fax: 307-527-8515
E-mail: planning@parkcounty-wy.gov

Rec. By:	<u>ELC</u>
Date:	<u>3/5/24</u>
Receipt #:	<u>240301/ck#1478</u>
App. #:	<u>SUPA 20240305-1</u>

SPECIAL USE PERMIT (SUP) APPLICATION* (4 pages) Fee: \$350.00*

This application is required to obtain a Special Use Permit (SUP) within unincorporated areas of Park County. **Submission of this application does not constitute permission to proceed with development or the proposed use. Special Use Permit approval is required from the Board of County Commissioners before commencing or establishing any use specified in Chapter IV, Section 2.e. Table 4-1: Schedule of Uses in the Park County Development Standards and Regulations.**

*The applicant is responsible for paying mailing fees for neighbor notifications and publication fees for public hearing notices.

APPLICANT INFORMATION:	OWNER INFORMATION (if different from applicant):
Name: <u>Emilie Hoffert</u>	Name: _____
Mailing Address: <u>23 Moccasin Trail</u> <u>Clark, WY 82435</u>	Mailing Address: _____
Phone: <u>307-899-6999</u>	Phone: _____
Email: <u>emyk1031@icloud.com</u>	Email: _____

PROPERTY INFORMATION:
Physical Address: <u>19 Moccasin Trail, Clark, WY</u> <input type="checkbox"/> Not addressed
Property ID # or Deed Recording #: <u>0000R0005460</u>
Subdivision Name (if applicable*): <u>Chief Joseph Estates</u> Lot #: <u>17</u>

*Please refer to any covenants/agreements/special conditions that may apply to development within the subdivision.

ANSWER THE FOLLOWING QUESTIONS REGARDING THE PROPOSED USE:			
1. Have any other SUPs been granted for this parcel?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNSURE
2. # of buildings to be utilized for the use	<u>3</u>		<input type="checkbox"/> N/A
3. Total/combined floor area of all floors of all buildings planned to be utilized for the use	<u>3200</u> sq. ft.		
4. # acres to be utilized for the use	<u>20</u> acres		
5. If a business, will it be located in the proprietor's home?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
6. Are living quarters or lodging part of the proposed use?	<input checked="" type="checkbox"/> YES		<input type="checkbox"/> NO
7. # of resident employees	<u>0</u> Full-Time	____ Part-Time	<input type="checkbox"/> N/A
8. # of non-resident employees	<u>0</u> Full-Time	____ Part-Time	<input type="checkbox"/> N/A
9. Term of Use:	<input type="checkbox"/> Single Event	<input type="checkbox"/> Temporary	<input checked="" type="checkbox"/> Permanent
10. Is an increase in traffic expected to result from this use?	<input checked="" type="checkbox"/> YES		<input checked="" type="checkbox"/> NO
11. What are the planned days/hours of operation?	<u>24/7</u>		
12. How much material will be removed (for mines)	____ cu. ft.		<input type="checkbox"/> N/A
13. If tower, antenna or wind turbine, what is the height?	<input type="checkbox"/> <35ft	<input type="checkbox"/> ≥35ft	<input type="checkbox"/> N/A

CATEGORIZE THE PROPOSED USE (check all that apply):

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Residential Business | <input type="checkbox"/> Agricultural | <input checked="" type="checkbox"/> Commercial |
| <input type="checkbox"/> Recreational | <input type="checkbox"/> Temporary | <input type="checkbox"/> Transportation | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> Institutional | <input type="checkbox"/> Large Impact Structure | <input type="checkbox"/> Community/Public/Utility/Quasi-Public | |

WRITTEN DESCRIPTION OF THE PROPOSED USE(S): (Please include a detailed statement about the full scope/extent of the intended use. Quantify the impacts - for example, explain any noise, visual and/or air quality impacts expected to result from the initiation/operation of the use, both onsite and to adjacent properties. Please be thorough as any permit authorized will be based upon facts provided herein.)

I am proposing to use the existing primary home along with two additional accessory housing units that I am requesting to build as vacation rentals. They will be available for use year round but used primarily seasonally. This use will have little impact on adjacent properties due to their location and primarily seasonal use. Traffic will be through BLM easement and less than full time housing. Noise and lighting will be kept to minimum with house rules. Signs will be used to guide guests and housing will be well marked.

PROVIDE WRITTEN STATEMENTS WITH YOUR APPLICATION SUMMARIZING EACH OF THE FOLLOWING TOPICS (IF APPLICABLE). YOU MAY PROVIDE SUPPORTING DOCUMENTATION THAT FURTHER EXPLAINS SUMMARIZED MATERIALS; HOWEVER, STAFF AND THE PLANNING AND ZONING COMMISSION HAVE LIMITED TIME TO REVIEW LENGTHY SUBMISSIONS.

- Evidence that an adequate water supply (quantity, quality and dependability) for the use is or will be available.
- Evidence that an adequate means of sewage and wastewater disposal is or will be available.
- Soils report prepared by the local conservation district, professional soils engineer or geologist when appropriate;
- Proposed covenants, if any; - *NONE*
- Statement of how the approval standards for a Special Use Permit can be met by the proposal;
- If special criteria as defined in *Standards for Specific Uses* have been established for the proposed use, a statement of how these criteria will be met;
- If in an Airport Overlay District, a written recommendation from the appropriate board or official;
- If in an irrigation district, a plan regarding the attached water rights and easement for irrigation facilities.

INCLUDE THE FOLLOWING GRAPHIC MATERIAL WITH YOUR APPLICATION (IF APPLICABLE):

- Vicinity map;
 - Detailed plan-view drawing showing building locations, parking areas, access and circulation, storm water drainage and activity areas (include boundary of entire area impacted by the proposed use);
 - Building floor plans and heights;
 - Map showing topography and natural features
- ← SEE SITE PLAN **

****** BELOW – FOR OFFICE USE ONLY ******

Zoning District (circle one):

GR-M	GR-P	GR-40	GR-35	GR-20	GR-5	RR-2	R-H	C	I	T
------	------	-------	-------	-------	------	------	-----	---	---	---

- In GR-M? NO YES – Referred application to MLPAAC on: _____
- Within one mile of a city? NO YES – Referred application to _____ on: _____
- Planning Area: Clark
- Use Classification: **May require Site Plan Review.

<p><u>Residential Use</u></p> <input type="checkbox"/> Mobile Home <input type="checkbox"/> Mobile Home Park** <input type="checkbox"/> Multi-family housing** <input type="checkbox"/> Single family dwelling <p><u>Residential Business</u></p> <input type="checkbox"/> Major home occupation <input type="checkbox"/> Cottage industry** <p><u>Agricultural Use</u></p> <input type="checkbox"/> Feedlot** <p><u>Public, Utility or Quasi-Public Use</u></p> <input type="checkbox"/> Minor community use** <input type="checkbox"/> Major community use** <input type="checkbox"/> Major utility use** <p><u>Institutional Use</u></p> <input type="checkbox"/> Minor institutional use** <input type="checkbox"/> Correctional facility** <input type="checkbox"/> Minor residential religious use** <input type="checkbox"/> Minor residential school** <input type="checkbox"/> Major institutional use**	<p><u>Temporary Use</u></p> <input type="checkbox"/> Construction staging area, minor** <input type="checkbox"/> Construction staging area, major** <input type="checkbox"/> Special Event <input type="checkbox"/> Temporary heliport <input type="checkbox"/> Highway/road maintenance area <input type="checkbox"/> Work Camp** <p><u>Transportation Use</u></p> <input type="checkbox"/> Bus Terminal** <input type="checkbox"/> Truck terminal** <input type="checkbox"/> Heliport** <input type="checkbox"/> Landing Strip** <input type="checkbox"/> Commercial Airport** <input type="checkbox"/> Rail facility** <input type="checkbox"/> Railroad rights-of-way** <input type="checkbox"/> Transmission pipeline <p><u>Recreation Use</u></p> <input type="checkbox"/> Minor commercial recreation** <input type="checkbox"/> Minor outdoor recreation facility** <input type="checkbox"/> Major recreation facility** <input type="checkbox"/> Campground** <input type="checkbox"/> Dude ranch and resort** <input type="checkbox"/> Parking/outfitting <input type="checkbox"/> Ski center**	<p><u>Commercial Use</u></p> <input type="checkbox"/> Minor commercial business** <input type="checkbox"/> Major commercial business** <input checked="" type="checkbox"/> Highway commercial business** <input type="checkbox"/> Agricultural support business** <input type="checkbox"/> Commercial storage** <input type="checkbox"/> Adult use** <p><u>Industrial Use</u></p> <input type="checkbox"/> Minor industrial use** <input type="checkbox"/> Major industrial use** <input type="checkbox"/> Minor wholesale business** <input type="checkbox"/> Major wholesale business** <input type="checkbox"/> Rock products mine, large** <input type="checkbox"/> Rock products mine, small** <input type="checkbox"/> Rock products mine, minor <input type="checkbox"/> Salvage yard** <input type="checkbox"/> Value-added agricultural** <input type="checkbox"/> Slaughterhouse/Abattoir <input type="checkbox"/> Crematorium <p><u>Accessory Use</u></p> <input type="checkbox"/> Large impact structure**
--	--	--

- Site Plan Review Req'd (p.138)? YES NO If yes: Special Site Plan Review Req'd (p.141)? YES NO
 - Total Building Square Footage > 5,000? YES NO
 - More than one acre impacted? YES NO
- SWW: Adequate (Permit #: _____) New/upgrade req'd (Permit #: _____) N/A
- 20-foot from CR ROW? YES NO - If no, notify applicant of requirement.
- In an ag overlay zone? YES NO - If yes, consult ag overlay regs & notify applicant of dust/noise considerations.
- In a flood overlay zone? YES NO - If yes, contact applicant regarding floodplain development reqs.
 - LOMA _____ FPD PERMIT _____
- In an airport overlay zone? YES NO - If yes, consult airport overlay regs.
- Notes: _____

- PZ Comm Recommended: APPROVAL DENIAL - Reason: _____
- BCC Approved? YES NO If yes, date of BCC decision: _____
 - If no, reason: _____

Staff Initials: _____

99-065



PARK COUNTY LAND USE APPLICATION AND CERTIFICATE

Note: A Land Use Certificate is required to locate, erect, construct, enlarge, change, structurally alter, or use any structure or land in Park County, Wyoming pursuant to Chapter V, Section 2 of the Park County Development Standards and Regulations. Please allow 7 to 10 days for application to be processed.

Planning and Zoning Department
1002 Sheridan Ave.
Cody, Wyoming 82414

Any person seeking a Land Use Certificate shall provide the following information:

PART I

Applicant: JAMES M. WALKER
Mailing Address: 13024 B Vine Court
City: Russellville State: MO Zip: 65074 Phone No. (daytime): 573 782-4927
Property Owner: _____ Same as Applicant

LEGAL DESCRIPTION OF PROPERTIES LOCATED WITHIN A SUBDIVISION

Subdivision Name Chief Joseph Estates Lot No. 17 Block No. _____

LEGAL DESCRIPTION OF PROPERTIES NOT LOCATED WITHIN A SUBDIVISION

Section _____ or Government Survey Lot or Tract _____, Township _____ N., Range _____ W.
Metes and Bounds Legal Description to the Nearest Ten (10) Acres: _____

STRUCTURE OR USE

Description of Structure and Use: Private Residence and 2 car Detached Garage

For New Single Family Residence:

(check one): Site-built Manufactured Home Mobile Home - Dimensions: 28'x44' House 24'x24' Garage

PLEASE NOTE: THERE IS A 20 FOOT SETBACK FROM ALL COUNTY ROAD RIGHTS-OF-WAY

SUBMITTAL REQUIREMENT: Site plan drawn to scale showing planned or existing driveways, existing structures, existing roads, streams, and location of planned structures. (Complete Part II On Back)

I, the undersigned, do hereby certify that I am the owner or agent for the owner seeking a land use certificate for the erection of a structure, addition to a structure, or use of land as herein requested. In consideration of the issuance of a Land Use Certificate, I, the undersigned, hereby consent and agree to comply with the applicable provisions of the "Park County Development Standards and Regulations" with respect to the construction and erection of the proposed structure or the proposed use of lands.

Applicant's Signature: James M Walker Date: 04-26-99

This certificate shall remain valid for one (1) year. If construction is not completed or the use described does not begin within one (1) year a new certificate will be required.

APR 29 1999

FOR OFFICE USE ONLY

PERMIT # 99-065

LAND USE CERTIFICATE

LAND USE CLASSIFICATION: RSF RMF RMH AG CR LIM HIM PUD NON GR

FLOOD ZONE 'A': YES NO Flood plain on property - house site out of flood plain

SPECIAL USE PERMIT: YES NO

LAND USE CERTIFICATE APPROVED: YES NO

SIGNATURE: [Signature] DATE: 4-29-99
Park County Planning Coordinator

NOTES: vacant * NEEDS TO APPLY FOR SEPTIC SYSTEM PERMIT #1929
03570203512001 IN NW CORNER OF NW/4NE/4 SEC 35, T57R102

050499
1999

03570203512001 GR-20 1999-065 19 Mccaslin Trail

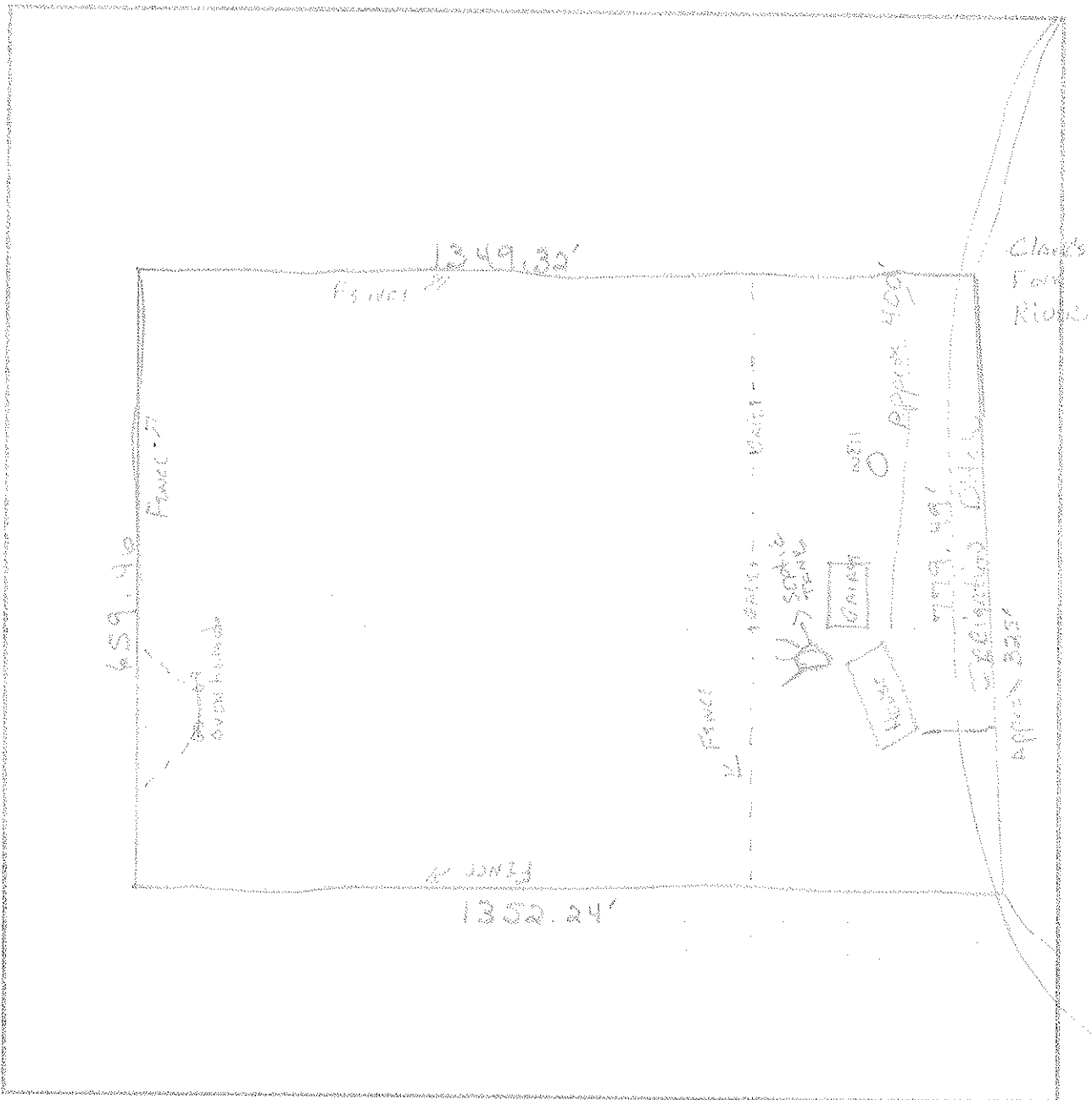
PART II

For all new construction, please complete below a general site plan. Included on the site plan should be:

- distances from rivers and major creeks on or near the property
- distances from property lines
- distances from any County Road (there is a setback of twenty feet from any County Road Right-of-Way)
- location of existing buildings on the property
- approximate location of sewage disposal system (addition of bedrooms to an existing home may require modification of the sewage disposal system)

If there are any questions, please call the Planning Department at (307) 527-8540 or (307) 754-8540.

LAND USE CERTIFICATE APPLICATION SITE PLAN

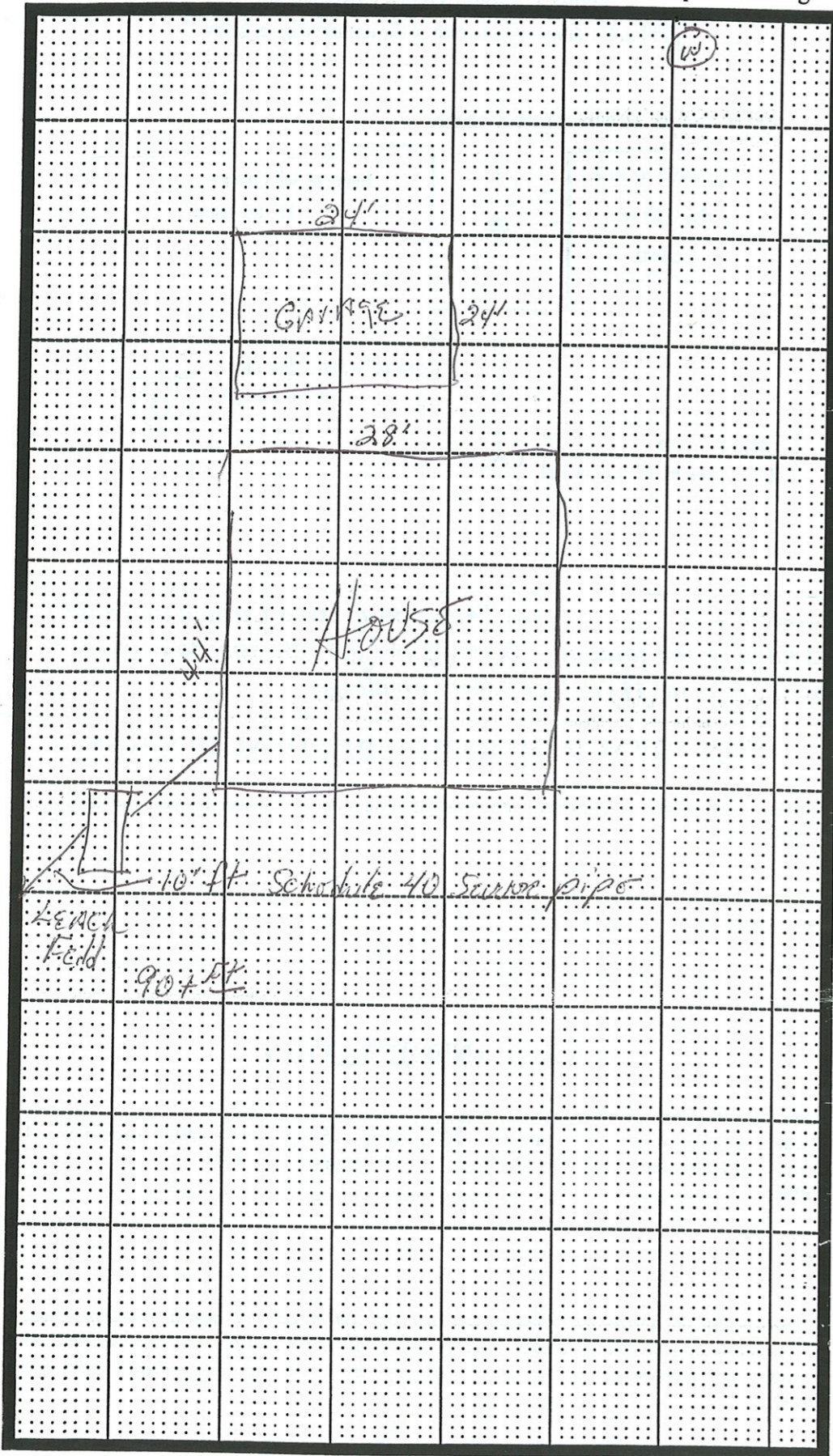


#1929

SITE PLAN DRAWING AREA

(If additional space is needed, please attached separate drawing.)

Use a straight edge and include all required elements in the site plan drawing.



HOW DO I LAY OUT THE SYSTEM?

1. When you choose an area for the leachfield or trench, be sure the area is at least 100 feet from all wells and springs, 10 feet from all property lines, 25 feet from all buildings, 25 feet from water lines, 10 feet from the septic tank, 15 feet from steep slopes, 50 feet from streams and lakes including streams that are seasonal. If all distances cannot be met, contact the Park County Planning Department.
2. The bottom of the leachfield or trench must be at least four (4) feet above high groundwater. If the depth to groundwater is less than required, contact the Park County Planning Department.
4. The slope in the area should not be over 15% or fifteen (15) vertical feet for every one hundred (100) horizontal. If the slope is greater than 15% or the percolation rate is slower than 40 minutes/inch, contact the Park County Planning Department.

DRAWING THE SITE PLAN?

When preparing a site plan, use black ink and a straight edge. The following items must be shown on the site plan drawing:

1. The location of the septic tank and leachfield or trench.
2. The location of all structures on the property, and wells, streams, irrigation ditches, springs, driveways, parking areas within 200 feet of the leachfield or trench, and the distances from each to the septic tank and leachfield or trench.
3. All property lines within 100 feet of the leachfield or leach trench.
4. North Arrow.
5. The lay out of the leach lines and the length of each line, and a location for a replacement area.

CONSTRUCTION

All construction shall meet or exceed the Uniform Plumbing Code and the Park County Sewage Disposal System Regulations. Some general guidelines include (See regulations for more inclusive list):

1. Building sewer line and the sewer lines to 10 feet on the outlet side of the tank must be 4" Schedule 40.
2. Building sewer line shall slope a minimum of 1/4" per foot and the tank must be level.
3. Distribution lines must be layed level.
4. Straw, geo-fabric, or untreated building paper must be placed over gravel prior to backfilling.

INSPECTIONS

1. Inspections are required. Twenty-four (24) hours notice shall be given to schedule an inspection. The inspector shall have a 2-hour grace period from the time of the scheduled inspection prior to the installer backfilling the system without an inspection. If approval is granted to backfill without an inspection or the inspector fails to inspect, the installer shall submit as-constructed drawings and certify that the system was installed in accordance with all regulations. If backfilled without approval or without permitting the inspector an adequate grace period, the system shall be exposed at installer's expense for inspection.
2. The following shall be completed and available for inspection: building sewer, septic tank, effluent line. Leachfield must be complete to the paper/straw/fabric level. Reinspections will be charged at \$25.00 each.

FOR OFFICE USE ONLY

PERMIT TO CONSTRUCT

RECEIPT #: 3159

PERMIT #: 1929

AUTHORIZED BY: [Signature]

DESIGNATED LOCAL OFFICIAL

DATE OF ISSUANCE: 5-4-99

This Permit To Construct shall be effective for a period of one (1) year from the date of authorization and issuance. Nothing in the Permit to Construct constitutes an endorsement of the design or the construction of the sewage disposal system described in the application. The issuance of the Permit to Construct shall not preclude the institution of any legal action or relieve the applicant, their heirs, successors or assigns, from any responsibilities, liabilities or penalties established pursuant to any Wyoming state law or Park County regulations, and does not convey any property rights in either real or personal property, any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, nor any infringement of federal, state or county laws or regulations.

Permit # 1929

PARK ^{Walker} COUNTY SEWAGE DISPOSAL SYSTEM

APPLICATION & PERMIT

Park County Planning Department
Park County Courthouse
1002 Sheridan Avenue
Cody, Wyoming 82414
Telephone No.: 527-8540 or 754-8540

1929

PARK COUNTY SMALL WASTEWATER PROGRAM
INSPECTION CHECKLIST

1929
6861

PERMIT NO.: 1929 ON SITE: Renate Martin
OWNER: Walker, James Larry Theil COUNTY
35 (NW/4 NE/4) 57N 102W CONTRACTOR
SECTION TOWNSHIP RANGE OWNER
Chief Joseph Non-Subdivision Lot 17 NEW OR EXIST. BLDG. New
SUBDIVISION LOT BLOCK

*****CHECKLIST*****

BUILDING SEWER PIPE	Materials <u>30 ft 4in Sch 40</u>	<u>MS</u>	<u>NS</u>	DM
	Slope <u>3/4 in</u> in <u>1 ft</u> (1/8"/1' min.)	<u>MS</u>	<u>NS</u>	DM
	Clean outs. <u>inside</u>	<u>MS</u>	<u>NS</u>	DM
SEPTIC TANK	Mfr. <u>Bighorn (Powell)</u> Size <u>1000 gl.</u>	<u>MS</u>	<u>NS</u>	DM
	5 ft. from BUILDINGS	<u>MS</u>	<u>NS</u>	DM
	50 ft. from WATER WELLS	<u>MS</u>	<u>NS</u>	DM
	50 ft. from WATERWAYS	<u>MS</u>	<u>NS</u>	DM
	25 ft. from WATER LINES	<u>MS</u>	<u>NS</u>	DM
	10 ft. from PROPERTY LINES	<u>MS</u>	<u>NS</u>	DM
	Clean outs to ground surface	<u>MS</u>	<u>NS</u>	DM
PIPE TO LEACH FIELD	Materials <u>4in Sch 40</u>	<u>MS</u>	<u>NS</u>	DM
	Slope <u>3/4 in</u> in <u>1 ft</u>	<u>MS</u>	<u>NS</u>	DM
ABSORPTION SYSTEM	PERC RATE indicative of soil type	<u>MS</u>	<u>NS</u>	DM
	Ground SLOPE	<u>MS</u>	<u>NS</u>	DM
	Seasonally high GROUND WATER depth	<u>MS</u>	<u>NS</u>	DM
	Trench DEPTH (at least 2')	<u>MS</u>	<u>NS</u>	DM
	Trench WIDTH (at least 16") <u>30-36 in</u>	<u>MS</u>	<u>NS</u>	DM
	GRAVEL size <u>1/2 in</u> No. Yds. <u>20 yds</u>	<u>MS</u>	<u>NS</u>	DM
	Depth of gravel UNDER pipe (at least 6") <u>2 ft.</u>	<u>MS</u>	<u>NS</u>	DM
	Depth of gravel OVER pipe (at least 2") <u>6-8 in</u>	<u>MS</u>	<u>NS</u>	DM
	Sq. ft. DISPOSAL AREA per ft. of Pipe <u>7</u>	<u>MS</u>	<u>NS</u>	DM
	Length of pipe installed <u>100 ft</u>	<u>MS</u>	<u>NS</u>	DM
	Bottom of trench level	<u>MS</u>	<u>NS</u>	DM
	Pipe level (max. grade 3"/100')	<u>MS</u>	<u>NS</u>	DM
	<u>Building paper</u> or straw or cloth	<u>MS</u>	<u>NS</u>	DM
	100' from WELLS	<u>MS</u>	<u>NS</u>	DM
	50' from WATERWAYS	<u>MS</u>	<u>NS</u>	DM
	25' from DRINKING WATER LINES	<u>MS</u>	<u>NS</u>	DM
	10'/25' from DWELLING OR BUILDING	<u>MS</u>	<u>NS</u>	DM
	10' from SEPTIC TANK	<u>MS</u>	<u>NS</u>	DM
	10' from PROPERTY LINES	<u>MS</u>	<u>NS</u>	DM
	Trench SEPARATION (3' OR 1.25X depth)	<u>MS</u>	<u>NS</u>	DM
BED SYSTEMS	6" of rock between bed wall & pipe	<u>MS</u>	<u>NS</u>	DM
	10' between leach pipes maximum	<u>MS</u>	<u>NS</u>	DM
CHAMBER SYSTEMS	Length/Width of trench _____ x _____			
	No. of units	<u>MS</u>	<u>NS</u>	DM
	Size of Units	<u>MS</u>	<u>NS</u>	DM

*****CAUTION: Driving over any part of system is not advisable*****

KEY MS - Meets Specifications
NS - Not seen at time of inspection
DM - Does not meet specifications

INSPECTION NOTES: _____

Inspector: Renate Martin Date 7-9-99 Time 2:15 a.m./p.m.

1929

1929

Not to scale

North

Well

Garage

House

Clean out inside

over 100ft

30ft

Clean outs

10ft

100ft perf

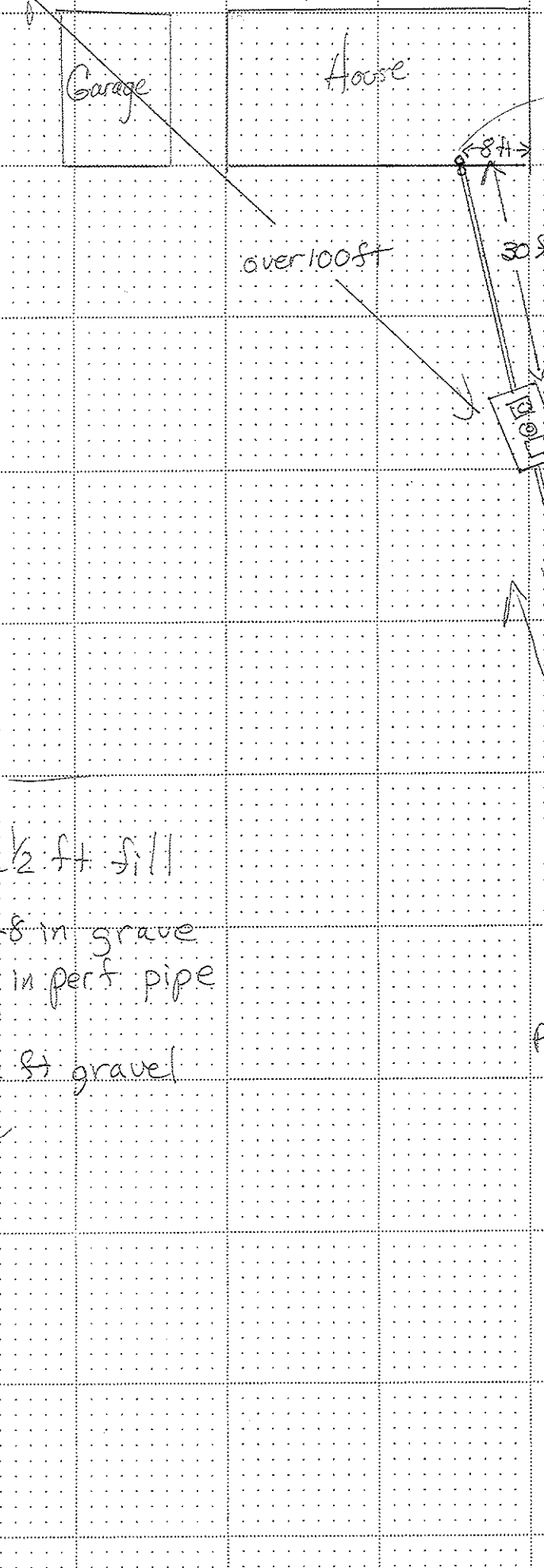
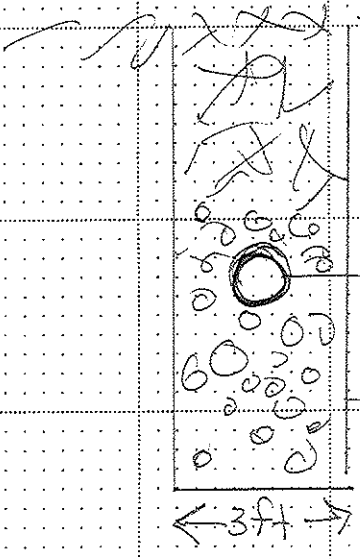
2 1/2 ft fill

6-8 in gravel

4 in perf pipe

2 ft gravel

3ft



11. If spring, how was it constructed? (Some method of artificial diversion, i.e., spring box, cribbing, etc., is necessary to qualify for a water right.) _____

12. PUMP TEST: Was a pump test made? Yes No
If so, by whom _____ Address _____
Yield: _____ gal./min. with _____ foot drawdown after _____ hours.
Yield: _____ gal./min. with _____ foot drawdown after _____ hours.

13. LOG OF WELL: Total depth drilled 150' feet.
Depth of completed well 150' feet. Diameter of well 8 3/4 inches. ^{to 59'} ^{6" from 59' to 150'}
Depth to first water bearing formation _____ feet.
Depth to principal water bearing formation. Top _____ feet to Bottom _____ feet.
Ground Elevation, if known UNKNOWN

DRILL CUTTINGS DESCRIPTION:

From Feet	To Feet	Material Type, Texture Color	Remarks (Cementing, Shutoff)	Indicate Water Bearing Formation & Name	Indicate Perforated Casing Location
0	30	COURSE GRAVEL	From TO		
30	56	GRAVEL	134 138	SHALE	
56	66	BROWN SANDSTONE	138 146	SANDSTONE	
66	69	SOFT SILTSTONE	146 150	SHALE BROWN	60' to 150'
69	72	SANDSTONE			
72	76	SHALE			
76	79	SANDSTONE			
79	94	SHALE			
94	98	SANDSTONE			
98	101	SHALE			
101	108	SANDSTONE			
108	120	SHALE			
120	122	SANDSTONE			
122	125	SHALE			
125	134	SANDSTONE			

14. QUALITY OF WATER INFORMATION:
Does a chemical and/or bacteriological water quality analysis accompany this form? Yes No
It is recommended that chemical and bacteriologic water quality analyses be performed and that the report(s) be filed with the records of this well. (Contact Department of Agriculture, Analytical Lab Services, Laramie, 742-2984.)
If not, do you consider the water as: Good Acceptable Poor Unusable

REMARKS: Grouted to 20' with Bentonite

Under penalties of perjury, I declare that I have examined this form and to the best of my knowledge and belief it is true, correct and complete.

James M Walker
Signature of Owner or Authorized Agent
Date 5-10, 1999

FOR STATE ENGINEER'S USE ONLY

Date of Receipt MAY 12 1999, 19____
Date of Priority March 5, 1999, 19____
Date of Approval Mar. 2, 192000
John R. Hays
for State Engineer

Jennifer Cramer

From: Marty Tomlin <mtomlin@beartoothelectric.com>
Sent: Tuesday, March 5, 2024 1:05 PM
To: Jennifer Cramer
Cc: emyk1031@icloud.com
Subject: Bar E special use Permit

CAUTION: This email originated from outside of Park County Government.

Jennifer,

We currently do serve power at the address of 19 and 23 Moccasin trail in Clark Wyoming.

Let me know if you need any other information.

Respectfully,

Marty Tomlin
Beartooth Electric Staking Tech.
PO box 1110
Red Lodge, Mt. 59068

From: [Marty Tomlin](#)
To: [Erika Decker](#)
Subject: RE: Bar E special use Permit
Date: Tuesday, April 2, 2024 7:37:26 AM

CAUTION: This email originated from outside of Park County Government.

Erika,
Yes.
Thank you.
Marty

From: Erika Decker <Erika.Decker@parkcounty-wy.gov>
Sent: Monday, April 1, 2024 3:36 PM
To: Marty Tomlin <mtomlin@beartoothelectric.com>
Subject: FW: Bar E special use Permit

Marty,
Just to clarify, will Beartooth Electric have capacity to serve two additional residences at 19 Moccasin Trail.

Thank you!

****The Planning and Zoning Department moved to a temporary office space at the Park County Complex: 1501 Stampede Ave., Suite 2201, Cody, WY. We apologize for any inconvenience.****

Erika Decker

Office Assistant
Park County Planning & Zoning
1002 Sheridan Avenue, Suite 109
Cody, WY 82414
Phone: 307-527-8540
Fax: 307-527-8515
Email: Erika.Decker@parkcounty-wy.gov
Website: www.parkcounty-wy.gov

From: Marty Tomlin <mtomlin@beartoothelectric.com>
Sent: Tuesday, March 5, 2024 1:05 PM
To: Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov>
Cc: emyk1031@icloud.com
Subject: Bar E special use Permit

CAUTION: This email originated from outside of Park County Government.

Jennifer Cramer

From: Anne Lawler
Sent: Friday, March 15, 2024 2:36 PM
To: Jennifer Cramer
Subject: RE: Agency Notice - Bar E SUP-262

Good Afternoon,

1st half of this property is paid. 2nd half due May 10th, 2024.

Thank you,

Anne Lawler
1st Deputy
Park County Treasurer
307-527-8630

Please note new e-mail

Anne.Lawler@parkcounty-wy.gov

From: Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov>
Sent: Friday, March 15, 2024 1:34 PM
To: Brost, Jason R <jason.brost1@wyo.gov>; Mary McKinney <Mary.McKinney@parkcounty-wy.gov>; Anne Lawler <Anne.Lawler@parkcounty-wy.gov>; Leslie Barnett <Leslie.Barnett@parkcounty-wy.gov>; Ben McDonald <Ben.McDonald@parkcounty-wy.gov>; Brian Edwards <Brian.Edwards@parkcounty-wy.gov>; Game and Fish - Corey Class <corey.class@wyo.gov>; Game and Fish - Jason Burckhardt <jason.burckhardt@wyo.gov>; Game and Fish - Laura Burckhardt <laura.burckhardt@wyo.gov>; Game and Fish - Sam Hochhalter <sam.hochhalter@wyo.gov>; Game and Fish - Tony Mong <tony.mong@wyo.gov>; Nate Hoffert <nate@wyomingproperty.com>; Powell-Clarks Fork CD - Ann Trosper <ann.trosper@wy.nacdn.net>
Cc: Erika Decker <Erika.Decker@parkcounty-wy.gov>
Subject: Agency Notice - Bar E SUP-262

Good Afternoon,

Attached is an application, narrative and site plans for the Bar E SUP-262, with site plan review. Emilie Hoffert is proposing a highway commercial use to operate the short-term rental of one (1) existing residence and two (2) newly constructed housing units. The use is proposed within a 22.26-acre parcel located approximately 2.2 miles southwest of the intersection of the Belfry Highway and County Road 1AB in Chief Joseph Estates. The parcel is within the NW1/4NE1/4 of Section 35, and is also known as Tract 17 of Chief Joseph Estates, T57N, R102W of the 6th P.M., Park County, Wyoming with an address of 19 Moccasin Trail, Clark, Wyoming and is in a General Rural 20-acre (GR-20) zoning district.

From: [Eric Hargett](#)
To: [Jennifer Cramer](#)
Subject: Re: Agency Notice - Bar E SUP-262
Date: Friday, March 15, 2024 4:13:12 PM

CAUTION: This email originated from outside of Park County Government.

Jennifer,

If the development on this property is anticipated to result in the discharge of dredged or fill material, stormwater, or other pollutant into a surface water (stream, river, wetland, lake, pond, reservoir, ditch), please consult the following information:

For any dredged or fill activity associated with the proposed project that occurs on a water of the United States, the project proponent may need to secure a 404 permit from the U.S. Army Corps of Engineers and a 401 water quality certification from the Wyoming DEQ. For more information on determining whether a 404 permit and 401 water quality certification may be needed, the project proponent can click on 'How to Apply for a 401 Water Quality Certification for USACE Section 404 Permits' at <https://deq.wyoming.gov/water-quality/watershed-protection/cwa-section-401-turbidity-wetland/401-water-quality-certification/>.

If the dredged or fill activity occurs on a stream or wetland that is not considered a water of the United States, then the project proponent would need to work with the Wyoming DEQ to secure proper coverage for the activity.

For activities that will clear, grade or otherwise disturb 1 or more acres of land and there is a potential for discharge of storm water to surface waters of the state, coverage under a stormwater permit must be obtained from the Wyoming DEQ. More information regarding stormwater permits can be found at <https://deq.wyoming.gov/water-quality/wypdes/discharge-permitting/storm-water-permitting/>.

For any point source discharge to surface waters not related to stormwater runoff or dredged/fill material such as discharges from gravel crushing and washing operations, cofferdam or site dewatering, vehicle or machinery washing, drilling fluids or cuttings, or other material processing operations, coverage under a Wyoming DEQ WYPDES temporary discharge permit may be required. More information on temporary discharge permits can be found at <https://deq.wyoming.gov/water-quality/wypdes/discharge-permitting/>.

Eric

On Fri, Mar 15, 2024 at 1:34 PM Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov> wrote:

Good Afternoon,

From: [Jason Brost](#)
To: [Jennifer Cramer](#)
Subject: Re: Agency Notice - Bar E SUP-262
Date: Monday, March 18, 2024 2:03:14 PM

CAUTION: This email originated from outside of Park County Government.

Good afternoon Jennifer, sorry for the late response. This sounds like it is residential property, therefore the state does not need to be involved. Thank you and have a great week.

Jason Brost
Fire Inspector 1 , Big Horn Basin
Department of Fire Prevention/Electrical Safety
307-431-1976
Jason.brost1@wyo.gov

On Fri, Mar 15, 2024 at 1:34 PM Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov> wrote:

Good Afternoon,

Attached is an application, narrative and site plans for the Bar E SUP-262, with site plan review. Emilie Hoffert is proposing a highway commercial use to operate the short-term rental of one (1) existing residence and two (2) newly constructed housing units. The use is proposed within a 22.26-acre parcel located approximately 2.2 miles southwest of the intersection of the Belfry Highway and County Road 1AB in Chief Joseph Estates. The parcel is within the NW1/4NE1/4 of Section 35, and is also known as Tract 17 of Chief Joseph Estates, T57N, R102W of the 6th P.M., Park County, Wyoming with an address of 19 Moccasin Trail, Clark, Wyoming and is in a General Rural 20-acre (GR-20) zoning district.

The Property Tax Identification Number is 03570203512001. Here is a link to the parcel on the Park County Mapserver: [Park County, Wyoming, MapServer \(greenwoodmap.com\)](http://Park County, Wyoming, MapServer (greenwoodmap.com))

This application is scheduled to be heard by the Planning & Zoning Commission on Wednesday, April 10th , and if possible, please send any comments or concerns by March 25, 2024 , by [replying to Jennifer.cramer@parkcounty-wy.gov](mailto:replying.to.Jennifer.cramer@parkcounty-wy.gov)

From: [Corey Class](#)
To: [Jennifer Cramer](#); [Sam Hochhalter](#); [Tony Mong](#); [Luke Ellsbury](#)
Subject: Re: Agency Notice - Bar E SUP-262
Date: Tuesday, March 19, 2024 2:17:23 PM

CAUTION: This email originated from outside of Park County Government.

We do not have any wildlife comments for this proposed project.
Thanks.

Corey Class
Cody Wildlife Management Coordinator
Wyoming Game and Fish Department
NEW 2 Tilden Trail
Cody, WY 82414
NEW Office: (307)586-2858
Cell: (307)399-9241
corey.class@wyo.gov



wgfd.wyo.gov

On Fri, Mar 15, 2024 at 1:34 PM Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov> wrote:

Good Afternoon,

Attached is an application, narrative and site plans for the Bar E SUP-262, with site plan review. Emilie Hoffert is proposing a highway commercial use to operate the short-term rental of one (1) existing residence and two (2) newly constructed housing units. The use is proposed within a 22.26-acre parcel located approximately 2.2 miles southwest of the intersection of the Belfry Highway and County Road 1AB in Chief Joseph Estates. The parcel is within the NW1/4NE1/4 of Section 35, and is also known as Tract 17 of Chief Joseph Estates, T57N, R102W of the 6th P.M., Park County, Wyoming with an address of 19 Moccasin Trail, Clark, Wyoming and is in a General Rural 20-acre (GR-20) zoning district.



Park County Weed & Pest Control District
1067 Road 13
Powell, WY 82435

Phone: 307-754-4521 Powell

Phone: 307-527-8885 Cody

Fax: 307-754-9005

www.parkcountyweeds.org

Park County Planning and Zoning Department
1002 Sheridan Ave. Suite 109
Cody, WY 82414

April 2, 2024

RE: Bar E SUP 262

Dear Park County Planning and Zoning Department,

Park County Weed and Pest Control District (PCWP) has completed the initial inspection of the proposed **Bar E Special Use Permit** submitted by applicant Emilie Hoffert for the use of an existing cabin and 2 (two) addition cabins set in place for the purpose of vacation rentals. Property is located at 19 Moccasin Trail, Powell, WY. During this initial inspection, the following noxious weed species found to be present include (but may not be limited to):

N/A-no noxious species found within SUP site. *(Noxious weeds were found along the irrigation canal and we will be contacting that entity to discuss control measures.)*

The property is a combination of native range and residential in good condition. Much of the disturbance has already occurred with the construction of the existing cabin. The applicants stated it is her desire to have the new cabins set on pillars or a concrete foundation. No crawl space or basements will be dug. The applicant is familiar with the limitations of establishing vegetation once the ground is disturbed in the area and will do everything possible to limit any ground disturbance. Once disturbed (septic/leach field), those areas will be reseeded as soon as possible to a perennial grass seed.

After visiting with the applicant regarding proposed plans, a Long-Term Noxious Weed Management Plan **WILL NOT** be required. We do, however, recommend the applicant follow "*Best Management Practices for Controlling the Spread of Noxious Weeds*" that addresses a control and prevention program to minimize the introduction or spread of any noxious weeds as defined in Wyoming Statutes §11-5-101 inclusive. This includes performing bare ground control in all gravel areas. We have provided the applicant a copy of this document. Park County Weed and Pest Control District staff can provide technical assistance or referrals if necessary. We appreciate your cooperation in this matter.

Sincerely,

Assistant Supervisor

cc: Emilie Hoffert

From: [Blank, Cara C](#)
To: [Jennifer Cramer](#)
Cc: [Erika Decker](#)
Subject: Re: [EXTERNAL] Chief Joseph Estates ROW for Access - WYW-136114
Date: Monday, April 1, 2024 8:42:08 AM

CAUTION: This email originated from outside of Park County Government.

Good Morning,

Yes, the Chief Joseph Estates group is dissolved and the ROW will be terminated, however, there are 4 other ROW authorizations for access across the BLM parcel. If the landowner already has a ROW for access, no other authorization would be needed. Who's the customer? BLM does require a ROW for commercial use on an access road but the use is typically much larger than car traffic to and from a residence. These users would be for oil and gas traffic or bentonite haul roads.

Let me know if you need more information.

thanks,

From: Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov>
Sent: Friday, March 29, 2024 4:13 PM
To: Blank, Cara C <cblank@blm.gov>
Cc: Erika Decker <Erika.Decker@parkcounty-wy.gov>
Subject: [EXTERNAL] Chief Joseph Estates ROW for Access - WYW-136114

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Cara,

We are processing an application for a short-term rental business (we consider it a highway commercial use) on one of the Chief Joseph Estates tracts of land. It looks like Chief Joseph Estates has an authorized BLM ROW for the BLM portion of Yellow Knife Trail under WYW-136114 (SRP is attached).

The applicant is proposing to short-term rent a house and two cabins on the property.

We have a couple of questions for you:

- There is a recorded dissolution of the Chief Joseph HOA (attached). Have the owners of Chief Joseph Estates taken steps to terminate the ROW, or is it still active and authorized?
- For this type of use, does the BLM consider it commercial, and if so, is it allowed under the ROW?

Thank you for your help!

****The Planning and Zoning Department moved to a temporary office space at**

From: [Blank, Cara C](#)
To: [Jennifer Cramer](#)
Cc: [Erika Decker](#)
Subject: Re: [EXTERNAL] Chief Joseph Estates ROW for Access - WYW-136114
Date: Tuesday, April 2, 2024 1:26:39 PM

CAUTION: This email originated from outside of Park County Government.

Hello,

I do not see her name as a member on the new HOA Group.

Scott Conger is the president of the new HOA, Chief Joseph Estates Homeowners Road Users Group.

A right-of-way would be required, unless she wants to join the new HOA.

thanks,

From: Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov>
Sent: Monday, April 1, 2024 9:38 AM
To: Blank, Cara C <cblank@blm.gov>
Cc: Erika Decker <Erika.Decker@parkcounty-wy.gov>
Subject: RE: [EXTERNAL] Chief Joseph Estates ROW for Access - WYW-136114

Good Morning!

The applicant/owner is Emilie Hoffert, her mailing address is 23 Moccasin Trail. Could you let us know if she has a ROW, and if so, does it cover the use? Or if she doesn't have a ROW, would BLM require she gets one in place for the short-term rental use.

Thank you for your help, Cara! I'm sorry we always have these non-typical situations and questions. We appreciate you!

Jenny Cramer

Planner I

Park County Planning & Zoning

1002 Sheridan Avenue, Suite 109

Cody, WY 82414

Phone: 307-527-8540

Fax: 307-527-8515

Email: jennifer.cramer@parkcounty-wy.gov

Website: www.parkcounty-wy.gov

From: Blank, Cara C <cblank@blm.gov>
Sent: Monday, April 1, 2024 8:42 AM
To: Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov>
Cc: Erika Decker <Erika.Decker@parkcounty-wy.gov>
Subject: Re: [EXTERNAL] Chief Joseph Estates ROW for Access - WYW-136114

Brian J. Edwards, P.E.
County Engineer

Louis "Chip" Ash
Cody District Road & Bridge Foreman

Delray Jones
Powell District Road & Bridge Foreman

Travis Ball
Solid Waste Division Manager



PARK COUNTY, WYOMING
ORGANIZED 1911
County Seat – Cody, Wyoming
www.parkcounty.us

Road & Bridge and Engineering
(307) 527-8520

Solid Waste Division
(307) 527-1818

April 1, 2024

Park County Planning & Zoning Department
Attn: Ms. Joy Hill, Director
1002 Sheridan Avenue, Suite 109
Cody, WY 82414

RE: Engineering Review – Special Use Permit Application
SUP 262- Bar E
19 Moccasin Trail– Clark, WY 82435

Joy:

The following comments are hereby provided for your use and consideration in processing the application for a special use permit (SUP-262) for proposed short term rental housing units (3), in the Clark area. These comments are based on the completed application and supporting documents submitted via email from your office dated March 15, 2024.

The proposed use is projected to involve 3200 total sq. ft. consisting of an existing residence and two proposed cabin facilities on a +/- 22.26-acre tract owned by Emilie Hoffert (applicant).

1. The proposed facility has legal access from Park County Road 1AB via Yellow Knife Trail and then Moccasin Trail. The subject parcel is legally described as Tract #17 of the Chief Joseph Estates. A record of survey exists showing the access and easement information.
2. The proposed use consists of an existing residence which has an address off 19 Moccasin Trail. Additional addresses for the proposed facility can be obtained with a request for address assignment from PCPWD.
3. Park County Public Works is not aware of an existing homeowners' association (HOA) or road maintenance association or agreement for issues related to maintaining both Yellow Knife and Moccasin Trail. The

proposed use is expected to cause an increase in use (vehicular traffic) on County Road 1AB, Yellow Knife Trail and Moccasin Trail. The proposed use will not result in a change in classification for the county roadway. The increase in use on Yellow Knife Trail and Moccasin Trail may be minimal, but PCPWD would request that the approval of this SUP be conditional, and that the applicant be required to participate in routine road maintenance efforts and be a part of any future road maintenance associations related to Yellow Knife and Moccasin Trail.

4. A drainage and erosion control plan will not be required at this time. However, in no case shall activities associated with the proposed use result in an increase in storm water runoff to adjacent properties. There will be no further requirements from this office regarding drainage and erosion control.
5. A geotechnical report will not be required due to the type and size of the facility proposed.
6. Any and all improvements shall comply with the latest edition of the *Park County Development Standards and Regulations*, including but not limited to requirements pertaining to setbacks, Right-of-Way (ROW) permitting, and addressing. This review and associated comments contained herein are not intended to address all aspects of the proposed development.

On behalf of Park County Public Works Department, I sincerely appreciate the opportunity to review this application and associated information. If you have any questions or if you require further clarification regarding the above comments, please do not hesitate to call or email me.

Sincerely,

Ben McDonald – Project Manager
Park County Public Works Department
ben.mcdonald@parkcounty-wy.gov
www.parkcounty-wy.gov or “like” us on Facebook

From: [William O'Mara](#)
To: [Jennifer Cramer](#)
Subject: Re: State or Badger Ditch / Chief Joseph Estates - Bar E SUP
Date: Wednesday, April 3, 2024 7:57:46 AM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of Park County Government.

Good morning Jenny!

The easement at the “Badger Ditch” is defined as “adequate distance to maintain the ditch” on either side, typically 20’.

I spoke with Emilie Hoffert on 2/21/24 regarding the foot bridge and the district policy regarding such.

Emilie was informed that foot bridges are allowed, in “non critical” areas, (areas that require regular cleaning, debris catches, etc.) However, it is understood that if the bridge possess difficulty in maintaining the ditch the bridge will be removed, by the ditch company, and that repair and or replacement is the responsibility of the land owner.

Emilie understood and accepted the policy of the ditch company, it was my understanding that she would rebuild the walk bridge in the current location.

Best Regards,

Bill O'Mara

On Apr 1, 2024, at 4:36 PM, Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov> wrote:

Hi Bill,

This property isn't in the Clarks Fork Irrigation District, but we are checking with you to see if you have any information regarding the State or Badger Ditch that runs through the western tracts of Chief Joseph Estates.

Emilie Hoffert is proposing a short-term rental business on the highlighted parcel which includes plans to construct two additional cabins on the property. We would like to know how wide the ditch easement is, and if there is any problem with the existing footbridge a prior owner put in place over the ditch (circled in red below).

Please let us know if you have any information, or if you might know who we should contact. Thank you so much!



Thank you!

****The Planning and Zoning Department moved to a temporary office space at the Park County Complex: 1501 Stampede Ave., Suite 2201, Cody, WY. Please bear with us as we settle into the new office space. We apologize for any inconvenience.****

Jenny Cramer

Planner I

Park County Planning & Zoning

1002 Sheridan Avenue, Suite 109

Cody, WY 82414

Phone: 307-527-8540

Fax: 307-527-8515

Email: jennifer.cramer@parkcounty-wy.gov

Website: www.parkcounty-wy.gov

From: [Ande Cook](#)
To: [Planning](#)
Cc: [Ande Cook](#)
Subject: SUP - - 262 Bar E
Date: Tuesday, April 2, 2024 9:06:48 AM

CAUTION: This email originated from outside of Park County Government.

I am writing in objection to the planned Special Use in Chief Joseph Estates in Clark for the following reasons:

1. The zoning is GR – 20 and the special use proposed is not “rural” or in character with the community, which is largely small ranches, yes, some with rentals in an outbuilding. Clark was particularly outspoken in the Land Use Plan regarding the desire to keep the 20 acre minimum and to preserve the rural aspect, with little to no commercial expansion.
2. The owner can, by right, build ONE additional housing structure and seems to also own the 20 acre parcel next door. Therefore, they can BY RIGHT build the second housing unit to rent on the other 20 acre parcel with no changes to zoning and the same end result.
3. The SUP process is being abused, time and again to end run around zoning. Additional permanent structures are not “special use”. They are forever. In example, the O’Mara SUP of 8 primitive units are all structures that can be loaded on a truck and moved.
4. There is no compelling need evidenced in the application to upend zoning for this development that cannot be easily solved by building the 2nd rental cabin on the other 20 acre lot by right.
5. If Planning and Zoning keeps allowing these SUP nibbles to current zoning, where is this going to end? The resort people are STILL trying to convince landowners to grant access to their parcel to build a hotel in Clark, which the vast majority of residents made it quite clear was not wanted. If that venture fails, because say, A FLOOD..... half build, it is there forever.
6. **I respectfully urge you, the Planning and Zoning Board to clearly define, publish and enforce what exactly a Special Use Permit IS, as opposed to an end run around existing zoning. Which in my understanding would be something like “I want to use my barn to run an auto repair business” as opposed to “I want to build three barns to run a service and dealership operation”. With that definition, a lot of the arguments could end before the application went to process with “I am sorry but that is not a qualified special use”**

Thank you for your time in considering this,

Andrea Cook
Clark, WY

DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS

THIS DECLARATION, made this 15th day of June, 1995, by Northwest Wyoming Properties, Inc., a Wyoming Corporation, hereinafter referred to as "Declarant".

W I T N E S S E T H:

WHEREAS, Declarant is the legal owner of the real property described as follows, to-wit:

T. 57 N., R. 102 W., 6TH P.M., Park County, Wyoming

Section 35: $W\frac{1}{2}$; $W\frac{1}{2}NE\frac{1}{2}$; and $NW\frac{1}{2}SE\frac{1}{2}$ (resurvey)

Which property the Declarant has caused to be surveyed and platted into tracts number 1 through 22, inclusive, and designated same as the Chief Joseph Estates.

NOW, THEREFORE, Declarant hereby declares that all of the above described property and tracts shall be acquired, held, sold, conveyed, used and occupied subject to the provisions of this DECLARATION, which shall run with the real property and be binding on all parties having or hereinafter acquiring any right, title or interest in the said tracts, or any part thereof, their heirs, devisees, personal representatives, successors and assigns, and shall inure to the benefit of each owner thereof.

1. **RESIDENTIAL USE:** All tracts shall be known and described as residential tracts, and shall be used for residential purposes only and no commercial enterprise or business shall be allowed or conducted thereon. No structure or structures shall be erected, altered, placed or permitted to remain on any tract other than one single family dwelling together with attached or detached garage, and approved out buildings.

2. **SUBDIVISION AND SPLITTING:** No Tracts shall be subdivided or split into smaller parcels.

3. **APPROVAL AND AUTHORIZATION OF IMPROVEMENTS:** No residential dwelling, structure, fence, outbuilding or other improvement may be erected, placed or situated on any tract until approved and authorized by the Architectural Control Committee hereinafter provided for.

4. **RESIDENCE RESTRICTIONS:** Only custom built homes, prefabricated or manufactured homes, double wide modular homes or double wide mobile homes which have a minimum of 980 square feet of living space shall be allowed on any tract. All residential dwellings must be attached to a permanent foundation. No prefabricated or manufactured home, double wide modular home or double wide mobile home that is more than five years old shall be allowed on any tract unless specifically authorized and allowed by the Architectural Control Committee.

5. **STORAGE:** Only licensed and operable motor vehicles and recreation equipment, including, but not limited to camper trailers, campers, boats, snowmobiles and snowmobile trailers shall be allowed on the tracts and same shall be situated on the rear portion of the tract in a neat and orderly manner. There shall be no accumulation of junk, trash, rubbish or other unsightly items or materials of any nature on any tract.

6. **LIVESTOCK AND PETS:** Any type of livestock and pets, except swine, shall be allowed on the tracts provided they are controlled and maintained on the owners tract so as not to become a nuisance to the neighbors because of noise, smell or other problems. No livestock or pets shall be permitted to run at large at any time.

7. **FISHING AND RECREATION EASEMENT:** All tract owners shall be entitled to use the road easement between tracts 21 and 22 for access to the Clarks Fork River and to use the fifty (50) foot easement along the west bank of the Clarks Fork River in tracts 17, 18, 19, 20, 21, and 22 for fishing and recreation purposes.

8. **ARCHITECTURAL CONTROL COMMITTEE:** An Architectural Control Committee of 3 persons shall be elected by the owners of a majority of the tracts on a 1 tract 1 vote basis. These individuals shall be elected for a 2 year term and every 2 years an election shall be held and a committee member must be an owner of an interest in the subject tract or tracts. No residence, building, structure, mobile home, modular home, fence or improvements shall be erected, placed or altered on any tract without the prior approval and authorization by a majority of the Architectural Control Committee. The Architectural Control Committee shall review the external design, compare it with existing residences, structures, buildings, fences and improvements in the general area, the location where it will be placed on the property with respect to the topography and the general surroundings of the property. No committee member shall be compensated and in the event of the death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor for the remainder of the dead or retired member's term. At any time, the then record owners of a majority of the tract shall have the power, through a duly, recorded written instrument, to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties. The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representatives, fails to approve or disapprove within thirty (30) days any request, including plans and specifications that has been submitted to it, or in any event, if no suit to enjoin the construction of an improvement has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

9. **MEMBERSHIP IN HOME OWNERS ASSOCIATION:** Each owner of a tract covered by this Declaration of Protective Covenants and Restrictions shall automatically be a member of the Homeowners Association for the Chief Joseph Estates. If the ownership of a tract shall be in the name of two or more persons or entities, the membership in the Homeowners Association shall be held in the same manner. Each such tract owner as a member of said Homeowners Association shall abide by and comply with the following Bylaws.

CHIEF JOSEPH ESTATES HOMEOWNERS ASSOCIATION BYLAWS

ARTICLE I
Name

The name of the Association is Chief Joseph Estates Homeowner Associations and hereinafter referred to as the "Association". Chief Joseph Estates consisting of tracts number 1 through 22, inclusive, is hereinafter referred to as the "Estate".

ARTICLE II
Principal Office

The principal office and address of the Association shall be 802 Canyon Avenue, Cody, Wyoming, until changed by the members.

**ARTICLE III
Purposes**

The purposes for which the association is organized are:

- (a) To maintain the roads within the Estate.
- (b) To construct, operate and maintain any utility systems for the Estate which the Association may approve.
- (c) To do everything necessary, proper or advisable for the accomplishments of the purposes hereinabove set forth, including acquiring, owning or leasing such property as may be necessary or convenient for the fulfillment of said purposes.

**ARTICLE IV
Membership**

1. Eligibility. Every present and future owner of a tract in the Estates and every present and future tenant to whom such owner may have assigned his membership shall be a member in the Association. The Estates consists of tracts 1 through 22, inclusive in the Chief Joseph Estates.

2. Termination. Membership in the Association shall terminate on a member ceasing to be an owner or tenant of a tract in the Estate.

3. Assignment. An owner who is a member of the Association may assign his membership to the tenant occupying his tract in the Estate. Such assignment to be effective must be filed in writing with the Association.

**ARTICLE V.
Meetings of Members**

1. Annual Meetings. An annual meeting of the members of the Association shall be held on the second Monday in January in each year beginning with the year 1996 at the hour of 10:00 A.M. for the purpose of electing officers and the transaction of such other business as may come before the meeting.

2. Special Meetings. It shall be the duty of the President to call a special meeting of the members upon a petition signed by not less than three members. The notice of any special meeting shall state the time and place of such meeting and a purpose therefore. No business shall be transacted at a special meeting except as stated in the notice the same as consented to by a majority of the members of the Association.

3. Place of Meetings. Meetings of the Association shall be held at such suitable place convenient to the members as designated by the President.

4. Notice of Meetings. It shall be the duty of the Secretary to mail a notice of each annual or special meeting to each member, stating the purpose thereof as well as the time and place where the meeting is to be held, at least five days but not more than ten days prior to such meeting.

5. Quorum. Twelve members shall constitute a quorum for the transaction of business.

6. Voting. Each member shall be entitled to one vote for each tract owned on each matter submitted to a vote of the members.

7. Proxies. At any meeting of members, a member entitled to a vote may vote by proxy executed in writing by the member or

his duly authorized attorney-in-fact. No proxy shall be valid after sixty (60) days from the date of its execution, unless otherwise provided in the proxy.

8. Manner of Acting. A majority of the votes entitled to be cast on a matter to be voted upon by the members present or represented by proxy at a meeting at which a quorum is present shall be necessary for the adoption thereof unless a greater proportion is required by these Bylaws.

ARTICLE VI.
Officers

1. Officers. The principal officers of the association shall be President, Secretary and Treasurer, each of whom shall be elected by and from the members of the Association.

2. Election. The officers of the Association shall be elected annually by the members at the annual meeting.

3. Removal. Upon an affirmative vote of a majority of the members, any officer may be removed, either with or without cause, and his successor elected at any annual meeting or at any special meeting of the membership called for such purpose.

4. Duties. The President shall be the chief executive officer of the association. He shall preside at all meetings of the Association, shall have the general powers and duties necessary to carry out the purposes of the Association and shall have the power to appoint committees from among the members from time to time as he may at his discretion decide is appropriate to assist in the conduct of the affairs of the Association. The Secretary shall have the responsibility for taking minutes of all meetings and keeping records regarding the Association and the ownership of tracts in the Estates, and to give all notices required to be given to members. The Treasurer shall have the responsibility for the Associations funds and shall be responsible for keeping a full and accurate account of all receipts and disbursements of Association funds. The Treasurer shall also be responsible for the deposit of all funds of the Association in such depositories as may from time to time be designated by vote of the members.

ARTICLE VII.
Dues and Assessments

1. Annual Dues. At each annual meeting of the membership the annual dues for that year shall be set by the membership. The Association shall review the anticipated activities, maintenance and operation expenses and other anticipated costs and expenses in the carrying out of the purposes of the Association. The total anticipated costs and expenses shall then be divided among the Lots on an equal basis and notice thereof given to each member.

2. Payment of Annual Dues. The dues shall be paid on or before the fifteenth (15) day of February in each year.

3. Special Assessments. Special assessments may be levied on members of the Association only by a vote of the majority of all members.

4. Default in Payment.

(a) If any member shall not make payment of any dues or assessments when they are due and owing he shall not be permitted to vote at any meeting of the Association and shall have no rights of any kind arising out of membership in the Association until the payment of dues and assessments is on a current basis.

(b) If any member shall fail to pay the annual dues and assessments as the same become due, after ten days written notice of such default given by the Association to the member, the amount of the unpaid dues and assessments shall become a lien on such members tract in the Estates in favor of the association, and the Association will have the right to record a notice of claim of lien, and proceed thereon in accordance with the provisions of Wyoming law for the foreclosure and enforcement of liens; or, in the event the Association shall not record a lien, it shall have the right to commence an action against such member for the collection of the unpaid dues and assessments in a court of law and may elect to pursue any other legal remedy that the Association may have pursuant to law.

(c) In addition to the foregoing, if any member shall fail to pay any dues or assessments and is being provided with any utility service the association shall have the right to terminate such utility service, including the right to travel over and upon any roadway.

**ARTICLE VIII.
Use of Funds**

All funds of the Association shall be used for carrying out the purposes thereof, including the payment for supplies, materials, equipment rental, wages and labor. The officers of the Association shall not be paid by the Association for their services. No expenditure of funds in excess of \$500.00 shall be made without the prior consent and approval of the members. All checks and drafts for expenditure of Association funds shall signed by any two of the Associations officers.

**ARTICLE IX.
Rules and Regulations**

The membership may adopt such rules and regulations as may be necessary and appropriate for the accomplishments of the purposes of the Association. Such rules and regulations shall become effective when approved by two-thirds vote of the members of the Association.

10. **OFFENSIVE ACTIVITIES:** No use shall be permitted or allowed which shall render any tract or any part thereof, unsanitary, unsightly, offensive or detrimental to any of the other tracts or to the occupants thereof. No nuisance shall be permitted to exist or operate on any tract, or part thereof, so as to be offensive or detrimental to any other tract in the area or to the occupants thereof.

11. **INVALIDATION:** In the event any one or more of these covenants or restrictions set forth herein is rendered invalid or unenforceable by judgment or decree of any court of competent jurisdiction, the other covenants and restrictions shall, never the less, remain in full force and effect.

12. **AMENDMENT:** This Declaration may at any time be repealed or amended, either increasing or decreasing the burdens or benefits with respect to the tracts or with respect to the owners, by execution of an instrument repealing or amending this Declaration by the owners of a majority of the tracts on a 1 tract 1 vote basis.

13. **NON-WAIVER:** The delay, failure or omission of any owner of any tract, or any part thereof, to enforce the provisions of any restriction or covenant contained in this Declaration, in the event of any breach thereof, shall not constitute a waiver of any right to enforce any such provision at a later time nor a waiver of the right to enforce any other provision of this Declaration.

14. **ENFORCEMENT:** Any violation of these restrictions and covenants may be enjoined in a Court of law or equity by any owner of record of 1 or more tracts and any entity or person violating said restrictions and covenants shall be liable for damages to the remaining owners of any tracts. Any entity or owner or person found to be violating this Declaration, or any part thereof, shall be liable to the prevailing party for attorney's fees and costs. These remedies shall not be exclusive and shall be in addition to each and every other legal remedy available to any tract owner.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has caused this instrument to be executed and its seal affixed hereto as of the day and year first above written.

NORTHWEST WYOMING PROPERTIES

By Clinton J. Schultz
President

ATTEST:

Angela Wudin
Secretary

STATE OF WYOMING)
COUNTY OF PARK) SS

The foregoing instrument was acknowledged before me by Clinton J. Schultz, President of Northwest Wyoming Properties this 26 day of June, 1995.

Witness my hand and official seal.



Cody W. Fisher
Notary Public

May 2, 1998

INST# 349858 BOOK 0267 PAGE 0593
RECORDED 06/27/95 AT 02:16
6 BY: MARY LOU LIVESAY, DEPUTY
FEES: 16.00
MARIE FONTAINE, PARK COUNTY CLERK

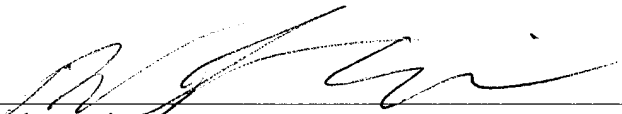
349858

Dan Hunter

Chief Joseph Estates
Home Owners Association

On July 7, 2023 in a vote by the membership of 13 to 3 the dissolution of the Chief Joseph Estates
HOA passed in accordance with the filed by-laws in Park County, Wyoming.

I attest to the best of my knowledge the above statement to be true.



Wendy Annis
Former President
CJE HOA

07-10-23
Dated

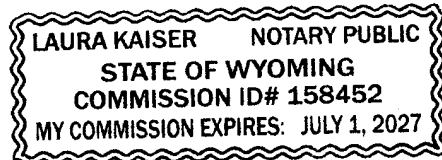


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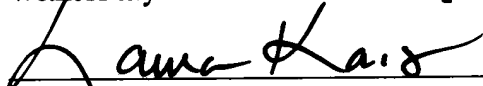
NOTARY ACKNOWLEDGEMENT

State of Wyoming)
)ss
County of Park)

The foregoing instrument was acknowledged before me
by WENDY ANNIS
this 16th day of August
2023.



Witness my hand and official seal.



Notary Public

Articles of Incorporation for The Chief Joseph Estates Homeowners' Road Users Association

Legal Entity

1. The Chief Joseph Estates Homeowners' Road Users Group is a Nonprofit Corporation registered with the State of Wyoming – ID# 2003-001348631 (hereinafter the "Corporation").
2. This corporation is a mutual benefit corporation. *Scott Conger 11-27-23*
3. The Corporation's Fiscal Year shall correspond to the Calendar Year and all filings shall reflect this.
4. The Initial Registered Office shall be McCarty, Reed and Earhart, Attorneys at Law, L. C., 1501 Stampede Ave. Suite 3270, PO Box 1418, Cody, WY. 82414
5. The Initial Registered Agent shall be Andrea Earhart.
6. The Initial Incorporator shall be Scott Conger, 77 Moccasin Trail, Clark, WY. 82435
7. The initial Board of Directors are as follows:
 - a. Scott Conger, 77 Moccasin Trail, Clark, WY 82435
 - b. Althea Conger, 77 Moccasin Trail, Clark, WY 82435
 - c. Clifton Gaddes, 37 Papoose LN, Clark, WY 82435
8. This Corporation shall have members.
9. Dissolution of this Corporation shall require the consent of all Members in good standing, who have not had their rights to vote revoked for non-payment of dues or any other reason.
10. Insofar as funds held by the Corporation represent an accumulation of dues from its members, in the event of dissolution of the Corporation, funds shall be disbursed as follows, and in the following order:
 - a. All debts incurred prior to the vote for dissolution shall be paid
 - b. BLM usage fees occurring and due, before the end of the Fiscal Year will be paid
 - c. Previously planned road maintenance will be performed and paid
 - d. Following the satisfaction of a, b, c, above, remaining funds will be prorated to the number of members in good standing at the time of dissolution and paid out equally on the last day of the Fiscal Year in which Dissolution was approved.

The Chief Joseph Estates Homeowners' Road Users Group exists for the purpose of:

11. Providing those owners of residential units located within the boundary of Chief Joseph Estates (Tracts #1 through #22 inclusive), a legal, reliable and perpetual access to their homes across and over BLM managed land and any associated easements. This shall be accomplished through the annual renewal of the Road Access Agreement maintained in accordance with BLM regulations.
12. Providing, as funds are available, for maintenance to the road spanning BLM land as well as within the boundaries of the Chief Joseph Subdivision. Funds will be planned and spent solely at the discretion of the Corporation and may or may not augment any other individual or organizational efforts for the same purpose.
13. Providing the General Membership with an open forum to discuss any needs or issues with which the Corporation is responsible, which may not necessarily be known to its Officers.



By-Laws

for

The Chief Joseph Estates Homeowners' Road Users Association

Membership:

1. Membership is open to all eligible owners of all Tracts within Chief Joseph Estates, **who have an established Residential Building within the border of said tract and meet the requirements as set forth within this document.** A Residential Building shall be defined by The Declaration of Protective Covenants and Restrictions, issued by Northwest Wyoming Properties, Inc., dated 15 June, 1995, Item 4. To wit:

Only custom-built homes, prefabricated or manufactured homes, double wide modular homes or double wide mobile homes which have a minimum of 980 square feet of living space shall be allowed on any tract. All residential dwellings must be attached to a permanent foundation. No prefabricated or manufactured home, double wide mobile home that is more than five (5) years old shall be allowed on any tract unless specifically authorized and allowed by the Architectural Control Committee.

2. Membership may be applied for subsequent to the establishment of a finished residence and not prior.
3. New members shall cover all expenses related to the re-application and re-filing of paperwork with BLM to include their tract. Subsequent to the satisfaction of those expenses, and a successful filing of paperwork with BLM, regular annual dues shall be due immediately, and annually thereafter.
4. Once a tract owner joins the Corporation AND that tract is registered with BLM by way of a revised right-of-way agreement between BLM and the Corporation, legal access as defined by BLM, across BLM right-of-way shall convey to subsequent owners of that tract, with new owners being eligible for membership so long as all other requirements are met.
5. Membership shall convey the right to cast one (1) vote per parcel owned that meets Membership Requirement as being a Tract containing a Residential Building as listed in (1) above.
6. Dues shall be collected annually at an agreed-upon rate. In the event that dues are not paid, a lien may be placed against the property.
7. Failure to pay dues shall cause that party to lose their voting rights and those rights shall not be reinstated until all back dues, liens or other financial obligations are repaid and settled.
8. Under no circumstances will membership be considered or granted to any individual, corporation or any other legal entity who simply own vacant tract(s).

Payment of Financial Obligations

9. Payment of Access Fees to BLM shall be made on a timely basis to BLM, to ensure continuous access across BLM lands for the Corporation's members. That payment shall never be disputed.
10. Payment of administrative fees for the maintenance and continuation of the Corporation will be made on a timely basis. These payments shall never be disputed.



11. It shall be understood that after annual payment of BLM and any Administrative fees including State or Federal filings or professional services associated with those filings, monies will be spent on maintenance or necessary improvements of the road from time to time as weather and other circumstances dictate, and those monies shall not require specific membership approval unless those expenditures will exceed the lesser of: \$5000 or the total balance of funds less \$200, held by the Corporation.
12. Under no circumstances will any monies or funds be spent, distributed, or other, than in accordance with purposes as stated within this document without express consent and direction from the general membership. All other expenditures must be in accordance with the wishes of the general membership as expressed and approved at an Annual or Special Meeting.
13. No loan or other debt obligation shall be undertaken by the Corporation.
14. Monies may be spent for road maintenance performed at the behest of the Corporation, or where previously agreed upon, may be spent in concert with other individuals or groups. However, under no circumstance will the Corporation or its members be liable for, or induced to support or pay for any effort or contract entered into by any other organization or individual i.e.: Unless work performed is work expressly contracted by and for the Corporation or otherwise authorized prior to commencement of work, there shall be no obligation to make any payments to any individual or business regardless of the work performed or benefit derived by this Corporation's members. Without exception, the Corporation is responsible for its own bills and obligations, and no others.

Meetings and Officers

15. A General Meeting will be held annually in July and the date shall be set to the best advantage to include as many members as possible. A meeting notice will be issued along with an agenda. No topic shall be voted on other than those listed on the pre-distributed agenda.
16. A Special Meeting as necessary may be held for the purpose of closure of items brought up at the General Meeting which could not otherwise be settled at that time. No new business shall be brought before the membership at the Special Meeting. All Special Meetings must have an agenda which has been distributed to the general membership, and agenda topics are the only topics to be covered.
17. Minutes shall be taken for any Regular or Special Meeting and shall become part of the Corporation's permanent record and be available to all members.
18. A Financial Statement shall be provided at each Annual Regular Meeting which shall as a minimum, document all expenditures and revenue for the preceding period and where data exist, a projection of the coming year's expenses shall be included. These records shall become part of the Corporation's permanent record and be available to all members.
19. There shall be a President, Secretary and Treasurer at a minimum. Eligibility for officers is to those members meeting the requirements of membership and who are financially in good standing with the Corporation with no outstanding arrears.
20. Terms for each office shall be for 4 years to maintain continuity, with the initial terms of the Secretary and Treasurer limited to 2 years and every 4 years thereafter, so as to establish an overlap and continuity of officers, meaning, every 2 years there will be a vote for one or more offices, but never for all offices simultaneously unless to fill an unplanned vacancy.
21. Officers serve the Corporation in a voluntary capacity and shall receive no compensation.



22. An officer may be removed for just cause in the event of malfeasance, dereliction of duty, misappropriation of funds or general incompetence, and shall require a minimum 60% margin of the vote to pass. This removal shall not indemnify the individual nor limit the Corporation or any individual from pursuing further action against the former Officer should the situation require it.
23. A Quorum shall consist of 50% or more of the membership AND must include at least two (2) officers i.e., regardless of the count of membership attending either in person or through proxy, there shall be no Quorum without at least 2 officers either physically or connected real-time via electronic methods, in attendance at the meeting.
24. Attendance at a meeting shall be in-person or via electronic communication i.e., telephone, Zoom, MEET, etc. All other participation shall be by Proxy, and that will be limited to defining the Quorum, and recording a vote as stipulated on the Proxy.
25. Proxy ballots received prior to start of meeting shall count towards the establishment of a Quorum. Where so enumerated and clearly defined, a "yea" or "nay" vote will be recorded for the specific topic listed on the form itself. Under no circumstances shall a blank proxy be counted either "yea" or "nay" for the purpose of voting, on any subject, whatsoever.
26. Decisions regarding financial expenditure that require a vote, per (11) above, shall require simple majority including the Treasurer, to pass.
27. Alteration/amending of this document shall require the submission of a request which documents and clearly states the verbiage as it presently exists, which is intended to be changed, and verbiage of what it will be changed to, in the event of passage. Any request to alter/amend this document will be delivered as a hard-copy to the Secretary a minimum of 6 weeks prior to a regularly scheduled general meeting. An email or other electronic submission or any submission requiring printing by the Secretary is not acceptable documentation.
28. Decisions regarding the alteration/amending of this document shall require a supermajority vote of no less than 75% of membership present or attending via proxy, in agreement, for any amendment to pass.
29. If the requirements for a Meeting cannot be met, then terms for officers will be extended for that year, dues shall remain the same and payable as for any year, and existing protocols and authorizations as recorded for the prior period shall carry forward for the coming year.
30. All decisions, amendments, enforcement of responsibilities as described within this document now and into the future pertain to this Corporation and this Corporation alone, and will be consistent with, and in support of, and in no way alter or abolish any portion of the document as detailed within The Declaration of Protective Covenants and Restrictions, issued by Northwest Wyoming Properties, Inc., dated 15 June, 1995.



**Names, Addresses and Tract # of all members of Chief Joseph Estates
Homeowners' Road Users Association**

Audrey Carpenter

Tract #5

Telephone: 307-899-3307

Clifton Gaddes

Tract #6

Telephone: 601-270-6857

Cindy Boccuzzi

Tract #11

Telephone: 406-235-4113

Elena Kosiborod Trust

Tract #21

203-988-3135

Scott and Althea Conger

Tract # 22

Telephone: 727-551-0001



2023-4960 Park County WY 11/27/2023 9:59 AM Fees: \$24.00

Pg: 5 of 5

Scott B Conger Scott B CONGER

NOTARY ACKNOWLEDGEMENT

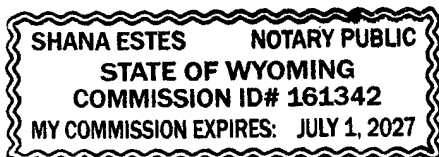
State of Wyoming)

)ss

County of Park)

The foregoing instrument was acknowledged before me

by Scott B Conger
this 27 day of November
2023.



Witness my hand and official seal

Shana Estes
Notary Public



ANALYTICAL SUMMARY REPORT

February 27, 2024

Emilie Hoffert

Work Order: B24021150

Project Name: Not Indicated

Energy Laboratories Inc Billings MT received the following 1 sample for Emilie Hoffert on 2/20/2024 for analysis.

Lab ID	Client Sample ID	Collect Date	Receive Date	Matrix	Test
B24021150-001	Rental	02/20/24 7:35	02/20/24	Drinking Water	Metals by ICP/ICPMS, Drinking Water Bacteria, Private Water Supply Anions by Ion Chromatography Metals pH check by the Laboratory FIRST Nitrogen, Nitrate + Nitrite pH Metals Digestion by E200.2 Solids, Total Dissolved

The analyses presented in this report were performed by Energy Laboratories, Inc., 1120 S 27th St., Billings, MT 59101, unless otherwise noted. Any exceptions or problems with the analyses are noted in the report package. Any issues encountered during sample receipt are documented in the Work Order Receipt Checklist.

The results as reported relate only to the item(s) submitted for testing. This report shall be used or copied only in its entirety. Energy Laboratories, Inc. is not responsible for the consequences arising from the use of a partial report.

If you have any questions regarding these test results, please contact your Project Manager.

Report Approved By:


Technical Data Reviewer

Digitally signed by
Jillian B. Miller
Date: 2024.02.27 14:22:13 -07:00



LABORATORY ANALYTICAL REPORT
Prepared by Billings, MT Branch

Client: Emilie Hoffert
Project: Not Indicated
Client Sample ID: Rental
Sampled By: Not Provided
Lab ID: B24021150-001D

Report Date: 02/27/24
Collection Date: 02/20/24 07:35
Received Date: 02/20/24 13:00
Matrix: Drinking Water

Analyses	Result	Units	Safe/Unsafe	Qualifier	Method	Analysis Date / By
MICROBIOLOGICAL						
Coliform, Total	Absent	per 100ml	SAFE		A9223 B	02/20/24 14:17 / spb
Coliform, E-Coli	Absent	per 100ml			A9223 B	02/20/24 14:17 / spb

Comments: The notation "SAFE" indicates that the water was bacteriologically SAFE when sampled.
The notation "UNSAFE" indicates that the water was bacteriologically UNSAFE when sampled.

Qualifiers:



LABORATORY ANALYTICAL REPORT

Prepared by Billings, MT Branch

Client: Emilie Hoffert
Project: Not Indicated
Lab ID: B24021150-001
Client Sample ID: Rental

Report Date: 02/27/24
Collection Date: 02/20/24 07:35
Date Received: 02/20/24
Matrix: Drinking Water

Analyses	Result	Units	Qualifiers	RL	MCL/ QCL	Method	Analysis Date / By
PHYSICAL PROPERTIES							
pH	8.0	s.u.	H	0.1		A4500-H B	02/20/24 14:34 / njp
pH Measurement Temp	15.8	°C		1.0		A4500-H B	02/20/24 14:34 / njp
Solids, Total Dissolved TDS @ 180 C	242	mg/L		20		A2540 C	02/20/24 16:08 / pmw
INORGANICS							
Chloride	2	mg/L		1		E300.0	02/21/24 08:09 / caa
Sulfate	63	mg/L		1		E300.0	02/21/24 08:09 / caa
Fluoride	ND	mg/L		0.1		E300.0	02/21/24 08:09 / caa
NUTRIENTS							
Nitrogen, Nitrate+Nitrite as N	0.68	mg/L		0.01	10	E353.2	02/21/24 16:12 / krt
METALS, TOTAL							
Arsenic	ND	mg/L		0.001	0.01	E200.8	02/22/24 19:52 / jks
Calcium	42	mg/L		1		E200.7	02/22/24 17:30 / enb
Copper	0.010	mg/L		0.005	1.3	E200.8	02/23/24 22:48 / jks
Iron	ND	mg/L	L	0.04		E200.7	02/22/24 17:30 / enb
Lead	ND	mg/L		0.001	0.015	E200.8	02/22/24 19:52 / jks
Magnesium	13	mg/L		1		E200.7	02/22/24 17:30 / enb
Manganese	ND	mg/L		0.001		E200.8	02/22/24 19:52 / jks
Sodium	16	mg/L		1		E200.7	02/22/24 17:30 / enb
Zinc	0.02	mg/L		0.01		E200.8	02/22/24 19:52 / jks

Report Definitions:
 RL - Analyte Reporting Limit
 QCL - Quality Control Limit
 H - Analysis performed past the method holding time

MCL - Maximum Contaminant Level
 ND - Not detected at the Reporting Limit (RL)
 L - Lowest available reporting limit for the analytical method used and/or volume submitted



QA/QC Summary Report

Prepared by Billings, MT Branch

Client: Residential Testing

Work Order: B24021150

Report Date: 02/27/24

Analyte	Count	Result	Units	RL	%REC	Low Limit	High Limit	RPD	RPDLimit	Qual
Method: A2540 C										
Batch: TDS20240220B										
Lab ID: MBLK		Method Blank								
Solids, Total Dissolved TDS @ 180 C		ND	mg/L	20						
							Run: Bal #30_240220C			02/20/24 16:06
Lab ID: LCS		Laboratory Control Sample								
Solids, Total Dissolved TDS @ 180 C		1010	mg/L	25	101	90	110			
							Run: Bal #30_240220C			02/20/24 16:06
Lab ID: B24021140-007ADUP		Sample Duplicate								
Solids, Total Dissolved TDS @ 180 C		392	mg/L	25				0	10	
							Run: Bal #30_240220C			02/20/24 16:07
Lab ID: B24021163-002BDUP		Sample Duplicate								
Solids, Total Dissolved TDS @ 180 C		1080	mg/L	25				0.3	10	
							Run: Bal #30_240220C			02/20/24 16:09

Qualifiers:

RL - Analyte Reporting Limit

ND - Not detected at the Reporting Limit (RL)



QA/QC Summary Report

Prepared by Billings, MT Branch

Client: Residential Testing

Work Order: B24021150

Report Date: 02/27/24

Analyte	Count	Result	Units	RL	%REC	Low Limit	High Limit	RPD	RPDLimit	Qual	
Method: A4500-H B										Analytical Run: PHSC_101-B_240220A	
Lab ID: pH 8	2	Initial Calibration Verification Standard									02/20/24 09:12
pH		8.0	s.u.	0.1	100	98	102				
pH Measurement Temp		20.8	°C	1.0							
Lab ID: CCV - pH 7										02/20/24 13:44	
	2	Continuing Calibration Verification Standard									
pH		7.0	s.u.	0.1	101	98	102				
pH Measurement Temp		21.4	°C	1.0		0	0				
Method: A4500-H B										Batch: R416850	
Lab ID: B24021144-001ADUP	2	Sample Duplicate									02/20/24 14:25
		Run: PHSC_101-B_240220A									
pH		7.7	s.u.	0.1				0.1	3	H	
pH Measurement Temp		19.2	°C	1.0							

Qualifiers:

RL - Analyte Reporting Limit

ND - Not detected at the Reporting Limit (RL)

H - Analysis performed past the method holding time



QA/QC Summary Report

Prepared by Billings, MT Branch

Client: Residential Testing

Work Order: B24021150

Report Date: 02/27/24

Analyte	Count	Result	Units	RL	%REC	Low Limit	High Limit	RPD	RPDLimit	Qual
Method: E200.7										
Analytical Run: ICP204-B_240222A										
Lab ID: ICV	4	Continuing Calibration Verification Standard								02/22/24 14:33
Calcium		25.8	mg/L	1.0	103	95	105			
Iron		2.60	mg/L	0.040	104	95	105			
Magnesium		26.0	mg/L	1.0	104	95	105			
Sodium		25.8	mg/L	1.0	103	95	105			
Lab ID: CCV	4	Continuing Calibration Verification Standard								02/22/24 17:22
Calcium		25.1	mg/L	1.0	100	90	110			
Iron		2.41	mg/L	0.040	96	90	110			
Magnesium		23.9	mg/L	1.0	95	90	110			
Sodium		24.4	mg/L	1.0	98	90	110			
Method: E200.7										
Batch: R417080										
Lab ID: LFB-7400DIS240222A	4	Laboratory Fortified Blank								02/22/24 15:01
Run: ICP204-B_240222A										
Calcium		55.8	mg/L	1.0	112	85	115			
Iron		5.57	mg/L	0.041	111	85	115			
Magnesium		56.1	mg/L	1.0	112	85	115			
Sodium		56.7	mg/L	1.0	113	85	115			
Lab ID: MB-7400DIS240222A	4	Method Blank								02/22/24 15:31
Run: ICP204-B_240222A										
Calcium		ND	mg/L	0.1						
Iron		ND	mg/L	0.02						
Magnesium		ND	mg/L	0.03						
Sodium		ND	mg/L	0.2						
Lab ID: B24021003-010CMS2	4	Sample Matrix Spike								02/22/24 17:05
Run: ICP204-B_240222A										
Calcium		109	mg/L	1.0	119	70	130			
Iron		11.8	mg/L	0.041	114	70	130			
Magnesium		87.6	mg/L	1.0	115	70	130			
Sodium		73.8	mg/L	1.0	114	70	130			
Lab ID: B24021003-010CMSD2	4	Sample Matrix Spike Duplicate								02/22/24 17:09
Run: ICP204-B_240222A										
Calcium		114	mg/L	1.0	128	70	130	3.9	20	
Iron		12.2	mg/L	0.041	122	70	130	3.5	20	
Magnesium		91.9	mg/L	1.0	124	70	130	4.8	20	
Sodium		78.2	mg/L	1.0	123	70	130	5.9	20	

Qualifiers:

RL - Analyte Reporting Limit

ND - Not detected at the Reporting Limit (RL)



QA/QC Summary Report

Prepared by Billings, MT Branch

Client: Residential Testing

Work Order: B24021150

Report Date: 02/27/24

Analyte	Count	Result	Units	RL	%REC	Low Limit	High Limit	RPD	RPDLimit	Qual
Method: E200.8		Analytical Run: ICPMS207-B_240222A								
Lab ID: QCS	5	Initial Calibration Verification Standard								02/22/24 12:38
Arsenic		0.0525	mg/L	0.0050	105	90	110			
Copper		0.0542	mg/L	0.010	108	90	110			
Lead		0.0497	mg/L	0.0010	99	90	110			
Manganese		0.265	mg/L	0.0050	106	90	110			
Zinc		0.0535	mg/L	0.0050	107	90	110			
Lab ID: CCV	5	Continuing Calibration Verification Standard								02/22/24 19:35
Arsenic		0.0497	mg/L	0.0050	99	90	110			
Copper		0.0512	mg/L	0.010	102	90	110			
Lead		0.0480	mg/L	0.0010	96	90	110			
Manganese		0.0475	mg/L	0.0050	95	90	110			
Zinc		0.0514	mg/L	0.0050	103	90	110			
Lab ID: QCS	5	Initial Calibration Verification Standard								02/23/24 16:33
Arsenic		0.0509	mg/L	0.0050	102	90	110			
Copper		0.0524	mg/L	0.010	105	90	110			
Lead		0.0491	mg/L	0.0010	98	90	110			
Manganese		0.260	mg/L	0.0050	104	90	110			
Zinc		0.0515	mg/L	0.0050	103	90	110			
Lab ID: CCV	5	Continuing Calibration Verification Standard								02/23/24 22:31
Arsenic		0.0484	mg/L	0.0050	97	90	110			
Copper		0.0498	mg/L	0.010	99	90	110			
Lead		0.0493	mg/L	0.0010	99	90	110			
Manganese		0.0478	mg/L	0.0050	96	90	110			
Zinc		0.0486	mg/L	0.0050	97	90	110			
Method: E200.8		Batch: R417062								
Lab ID: LRB	5	Method Blank								Run: ICPMS207-B_240222A 02/22/24 13:02
Arsenic		ND	mg/L	0.00008						
Copper		ND	mg/L	0.0002						
Lead		ND	mg/L	0.00003						
Manganese		ND	mg/L	0.00007						
Zinc		ND	mg/L	0.001						
Lab ID: LFB	5	Laboratory Fortified Blank								Run: ICPMS207-B_240222A 02/22/24 13:20
Arsenic		0.0492	mg/L	0.0050	98	85	115			
Copper		0.0501	mg/L	0.010	100	85	115			
Lead		0.0468	mg/L	0.0010	94	85	115			
Manganese		0.0495	mg/L	0.0050	99	85	115			
Zinc		0.0507	mg/L	0.0050	101	85	115			
Lab ID: B24021233-002CMS	5	Sample Matrix Spike								Run: ICPMS207-B_240222A 02/22/24 20:22
Arsenic		0.102	mg/L	0.0010	102	70	130			
Copper		0.102	mg/L	0.0050	101	70	130			
Lead		0.0969	mg/L	0.0010	97	70	130			
Manganese		0.241	mg/L	0.0010	92	70	130			

Qualifiers:

RL - Analyte Reporting Limit

ND - Not detected at the Reporting Limit (RL)



QA/QC Summary Report

Prepared by Billings, MT Branch

Client: Residential Testing

Work Order: B24021150

Report Date: 02/27/24

Analyte	Count	Result	Units	RL	%REC	Low Limit	High Limit	RPD	RPDLimit	Qual
Method: E200.8										
Batch: R417062										
Lab ID: B24021233-002CMS	5	Sample Matrix Spike								
Zinc		0.105	mg/L	0.010	102	70	130			
Run: ICPMS207-B_240222A 02/22/24 20:22										
Lab ID: B24021233-002CMSD	5	Sample Matrix Spike Duplicate								
Run: ICPMS207-B_240222A 02/22/24 20:27										
Arsenic		0.100	mg/L	0.0010	100	70	130	1.9		20
Copper		0.100	mg/L	0.0050	99	70	130	1.6		20
Lead		0.0945	mg/L	0.0010	94	70	130	2.5		20
Manganese		0.241	mg/L	0.0010	92	70	130	0.0		20
Zinc		0.101	mg/L	0.010	98	70	130	3.6		20
Lab ID: B24021395-001BMS	5	Sample Matrix Spike								
Run: ICPMS207-B_240222A 02/23/24 23:00										
Arsenic		0.0989	mg/L	0.0010	98	70	130			
Copper		0.100	mg/L	0.0050	97	70	130			
Lead		0.0961	mg/L	0.0010	96	70	130			
Manganese		0.175	mg/L	0.0010	91	70	130			
Zinc		0.101	mg/L	0.010	97	70	130			
Lab ID: B24021395-001BMSD	5	Sample Matrix Spike Duplicate								
Run: ICPMS207-B_240222A 02/23/24 23:06										
Arsenic		0.102	mg/L	0.0010	102	70	130	3.4		20
Copper		0.103	mg/L	0.0050	100	70	130	2.6		20
Lead		0.105	mg/L	0.0010	105	70	130	9.1		20
Manganese		0.180	mg/L	0.0010	96	70	130	3.2		20
Zinc		0.104	mg/L	0.010	99	70	130	2.6		20

Qualifiers:

RL - Analyte Reporting Limit

ND - Not detected at the Reporting Limit (RL)



QA/QC Summary Report

Prepared by Billings, MT Branch

Client: Residential Testing

Work Order: B24021150

Report Date: 02/27/24

Analyte	Count	Result	Units	RL	%REC	Low Limit	High Limit	RPD	RPDLimit	Qual	
Method: E300.0		Analytical Run: IC METROHM 2_240220A									
Lab ID: ICV	3	Initial Calibration Verification Standard								02/20/24 12:09	
Chloride		25.1	mg/L	1.0	100	90	110				
Sulfate		101	mg/L	1.0	101	90	110				
Fluoride		1.20	mg/L	0.10	96	90	110				
Lab ID: CCV	3	Continuing Calibration Verification Standard								02/21/24 04:46	
Chloride		25.5	mg/L	1.0	102	90	110				
Sulfate		103	mg/L	1.0	103	90	110				
Fluoride		1.16	mg/L	0.10	93	90	110				
Method: E300.0		Batch: R416950									
Lab ID: ICB	3	Method Blank								Run: IC METROHM 2_240220A	02/20/24 12:26
Chloride		ND	mg/L	0.1							
Sulfate		ND	mg/L	0.5							
Fluoride		ND	mg/L	0.01							
Lab ID: LFB	3	Laboratory Fortified Blank								Run: IC METROHM 2_240220A	02/20/24 12:43
Chloride		24.5	mg/L	1.0	98	90	110				
Sulfate		99.3	mg/L	1.1	99	90	110				
Fluoride		1.17	mg/L	0.10	94	90	110				
Lab ID: B24021151-001AMS	3	Sample Matrix Spike								Run: IC METROHM 2_240220A	02/21/24 09:16
Chloride		61.8	mg/L	1.0	104	90	110				
Sulfate		341	mg/L	1.1	103	90	110				
Fluoride		1.87	mg/L	0.10	99	90	110				
Lab ID: B24021151-001AMSD	3	Sample Matrix Spike Duplicate								Run: IC METROHM 2_240220A	02/21/24 09:33
Chloride		61.6	mg/L	1.0	103	90	110	0.3	20		
Sulfate		340	mg/L	1.1	102	90	110	0.3	20		
Fluoride		1.86	mg/L	0.10	98	90	110	0.7	20		

Qualifiers:

RL - Analyte Reporting Limit

ND - Not detected at the Reporting Limit (RL)



QA/QC Summary Report

Prepared by Billings, MT Branch

Client: Residential Testing

Work Order: B24021150

Report Date: 02/27/24

Analyte	Count	Result	Units	RL	%REC	Low Limit	High Limit	RPD	RPDLimit	Qual	
Method: E353.2											
Lab ID: ICV		Initial Calibration Verification Standard									Analytical Run: FIA203-B_240221B
Nitrogen, Nitrate+Nitrite as N		0.573	mg/L	0.010	101	90	110			02/21/24 14:59	
Lab ID: CCV		Continuing Calibration Verification Standard									
Nitrogen, Nitrate+Nitrite as N		0.983	mg/L	0.010	98	90	110			02/21/24 15:55	
Method: E353.2											
Lab ID: MBLK		Method Blank									Batch: R417000
Nitrogen, Nitrate+Nitrite as N		ND	mg/L	0.008						Run: FIA203-B_240221B 02/21/24 15:00	
Lab ID: LFB		Laboratory Fortified Blank									
Nitrogen, Nitrate+Nitrite as N		1.04	mg/L	0.010	104	90	110			Run: FIA203-B_240221B 02/21/24 15:03	
Lab ID: FILTERLFB		Laboratory Fortified Blank									
Nitrogen, Nitrate+Nitrite as N		1.05	mg/L	0.010	105	90	110			Run: FIA203-B_240221B 02/21/24 15:04	
Lab ID: B24021152-001AMS		Sample Matrix Spike									
Nitrogen, Nitrate+Nitrite as N		1.09	mg/L	0.010	105	90	110			Run: FIA203-B_240221B 02/21/24 16:17	
Lab ID: B24021152-001AMSD		Sample Matrix Spike Duplicate									
Nitrogen, Nitrate+Nitrite as N		1.10	mg/L	0.010	106	90	110	0.9	10	Run: FIA203-B_240221B 02/21/24 16:18	

Qualifiers:

RL - Analyte Reporting Limit

ND - Not detected at the Reporting Limit (RL)

