



**CITY OF LANDER**  
**SPECIAL MEETING BOARD OF ADJUSTMENT & PLANNING**  
**COMMISSION MEETING**

Thursday, October 24, 2024 at 6:00 PM  
City Council Chambers, 240 Lincoln Street

**MINUTES**

---

Attendance: Chair Zach Mahlum, Members, Tom Russell, Kara Colovich, Kristin Yannone (only the beginning by phone), Dave Fehringer, and Joe Henry. Rob Newsome was excused. Council Liaison Missy White, Assistant Public Works Director Hunter Roseberry, Recording Secretary RaJean Strube Fossen

**1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

This meeting is being recorded electronically. All petitioners to the Board of Adjustments will receive a written decision and order within thirty (30) days of this hearing. The decision will be clearly stated with findings of fact and conclusions of law. Anyone wishing to appeal against a decision and order may do so through District Court.

Anyone wishing to speak tonight, must first be recognized, come to the podium, take the oath, and state your name prior to speaking.

**2. APPROVAL OF MINUTES**

**A. PLANNING COMMISSION MINUTES of October 17, 2024**

Dave moved to approve the minutes. Seconded by Joe. Motion passed.

**3. BOARD OF ADJUSTMENT - NEW BUSINESS**

**4. BOARD OF ADJUSTMENT - OLD BUSINESS**

**5. PLANNING COMMISSION - NEW BUSINESS**

**6. PLANNING COMMISSION - OLD BUSINESS**

**A. Discussion of preparing and amendment to Ordinance 2024-08 to City Council for Second Reading.**

Zach summarized the progress through the 1st reading at Council and awaiting the 2nd reading. The Commission will consider submitting amendments for the second reading based on public comment.

Reduce lot widths public comment. Chad Cassady was at the City Council meeting and felt that Zach was trying to influence the Council decisionmakers. Zach clarified the Commission role is advisory to make recommendations to Council. Zach said that the Commission will take sincere concerns from council and make recommendations to Council. Chad lives in R-5 and agrees with density to achieve a targeted outcome of low income affordable housing. He does not feel either increasing heights or reducing parking have the specific target and measurable goal in

mind and is opposed to both changes as proposed. These changes will not meet the mark of affordable housing.

Judy Legerski does not think the community is against affordable housing but is against substandard housing. She cited examples of winter conditions and snow removal where affordable housing residents need to be able to walk to their parked cars and she wants to propose ample off-street parking. She felt 2 off-street parking spaces per unit is a minimum.

Jennifer Hudson Schaff was formerly on the planning commission. Wants to support affordable housing but asked how the changes for building space and height increase housing in R-1. Zach reported that it doesn't increase the number of families but strikes a balance between existing higher homes and equitable graduation between zones but still offer R-1 owners equity in increasing their home size. Jennifer asked if the Master plan was referenced and followed for these suggestions. Zach replied that they did look at the master plan and also tried to induce a level of flexibility in an owners property. Jennifer stated that tall houses ruin the view-scape of the neighbors. Jennifer stated people want to protect their sun. Jennifer discussed the rules for congruency in neighborhoods and what happens for existing structures that do not meet codes. Jennifer thinks these suggestions are disproportional to R-1 where there is the most land and drastically change R-2 and R-3 where there is already dense housing. She supports temp housing by permit, RV by permit in all zones are great ideas for her point of view.

Tom mentioned that the commission did consider single family R1 needs for mother-in-law suites and flexibility for homeowners for a second dwelling if that is their desire.

Kara acknowledged that they have not had time to make amendments. She reiterated that the commission referenced the master plan for infill and graduated densities and recognizes that workforce and newcomers need the opportunity for housing.

Missy White made a clarification between affordable (HUD definitions) versus attainable. Missy commented on the high cost of infrastructure for annexations and that the City does not bear that cost in a subdivision, but the consumer pays for it in their house prices. Denser subdivisions have a better chance of making an annexation affordable. She made a point that many of our coveted trees around town are ruining the view-scape.

Owen Sweeney reported that the Chamber members are clamoring for attainable workforce housing. and the Chamber asks the commission to decrease or cap the amount of short-term rentals as a part of this discussion. Maybe a lottery system or moratorium could be considered.

Karen Weitzel thinks the only people that can afford to build and rent in Lander are government employees. General workers cant afford to live here and will never afford to build a house.

Juanita Duncan is not in favor of any of the changes and thinks the parking issue needs to be examined along with height. Zach replied that they were tasked to clean up the code, and consider relaxing regulations that may increase housing supply while keeping a graduated zoning structure. She does not think that high density will increase workforce housing and would like commission to slow down this process.

Zach asked that the commissioners consider Height and Parking seriously

Kara moved to talk about lot widths. Seconded by Tom. No discussion, no further action.

Kara verified that The fire chief did not give any R-5 examples of firefighting successes and failures.

Joe asked for verification on building codes to handle building materials for closely built houses regarding fire protection. Hunter and Tom clarified that the adopted codes do account for fire safety for both closeness of structures and building materials.

Kara would be amenable to increasing side setbacks to over 5' as currently proposed but is comfortable with front and rear setbacks. Tom is still in favor of leaving the setbacks as suggested. Dave moved to leave the original code side setback in R2, R3, and RMed at 10 feet and keeping the change in R-1 as 10'. Joe seconded. Motion passed with Zack and Tom voting no.

Kara asked Hunter if the City has enacted any snow route postings and maintenance. The City reported that signs are in the lot and will be posted with notice to residents as the snow removal situation evolves this year. Zach agrees that parking on streets makes snow removal difficult. Hunter read the current code for housing showing the fractional off-street parking spaces based on number of bedrooms and not dwelling units. Members discussed the difference between spaces per unit and spaces per bedroom. Missy thinks that parking for multi units restricts the size of buildable area. Tom moved to keep 1 space per unit, Kara seconded. Motion passed unanimously.

Increase number of multi family dwellings per lot but limiting R-2 to 4. No further discussion.

Increase the number of residential structures allowed per lot. Kara commented that for both residential and accessory structures individually or combined there were comments on increased fire hazard. Zach verified with Hunter that building codes accounted for the safe placement and materials required to meet codes. No changes suggested.

Increase maximum height of structures. Discussions were held on the graduation of heights by looking at surrounding zones.

Karen Weitzel feels most of the city recognizes that all building is unaffordable no matter the height but people want single story homes. Building out and annexing with lower construction prices is what is needed. Tall buildings ruin the small town feel of Lander.

Dave moved to propose the following heights in an amendment to Council: R1 35', R2 35', R3 40', R5 40', RMed 35'. Tom seconded. Discussions were about making numerical arbitrary changes and public pushback for 45-foot height. Motion passed with Kara and Zach voting no.

Accessory structure height. Kara felt that with the height of residential structures lowered, the 30' accessory structures may look too tall. Discussions were held on how accessory residential structures and accessory structures (garages) should be all the same height. Kara moved that we keep the current code height of 20' for residential structures in all zones. Seconded by Dave. Motion passed unanimously.

Short-term rentals. Discussions were held on whether it is constitutional to limit short-term rentals in some zones and not others. The current process to approve Short term rentals by conditional use helps keep the corporations from overbuying housing stock. Joe feels that all unpermitted rentals should be required to come to the planning commission immediately. Kara thinks capping or lottery system is worthwhile to research at a later round. Regina Sweeney asked for a moratorium on short-term rental applications including a sunset on all approved CU's until the commission makes new recommendations. Owen Sweeney said Chamber is in

favor of researching the negative impact to the community at a later date also. No suggestions were made for an amendment.

Tom Motioned to suggest an amendment to Council to keep the original short term rental code with no changes. No second. Motion failed.

Restrict accessory buildings to 2/lot. Discussions were held to clarify that this recommendation further restricts structure in R1 and R2 only and there are no limits on 3 of structures currently. Jennifer Schaff reported that the number of accessory structures was never restricted, but now there may be a need. She feels that in 2016-18 the commission limited accessory structures to four but it is not recorded in municode. Kara moved to amend the number of accessory structures to 4 /lot in all residential zones. Seconded by Dave. Motion passed unanimously.

RV campground by permit in Ag. No further discussions.

**7. ADJOURNMENT** Meeting adjourned at 9:09 PM