



CITY OF LANDER

BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, July 16, 2026 at 6:00 PM
City Council Chambers, 240 Lincoln Street

MINUTES

Attendance: Chair Zach Mahlum, Members, Jonathan Rensch, and Joe Henry. Kara Colovich and Mary Green were excused. City Attorney Adam Phillips, Council Liaison Dan Hahn and Chad Cassidy, 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. BOARD OF ADJUSTMENT MINUTES of June 23, 2026

Joe moved to accept the June 23rd minutes. Seconded by Jonathan. Motion passed.

3. BOARD OF ADJUSTMENT - NEW BUSINESS

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

A. S 26.04 Preliminary Plat McKinney Subdivision

Kim McKinney, owner, took the oath.

Owner described their plans to make a 3-lot agricultural subdivision. They had rezoned the land years ago from R-5 to Ag. The lots will be serviced by a private drive and have covenants for upkeep of the drive and architectural restrictions. Water will be from the City Main in Smith Creek Road and Septic systems are being proposed.

Zach asked about any commercial use as indicated on the application. The owner stated the entire subdivision will be ag and the owner corrected the typo on the application during the meeting. Joe noted that the application also mentions 5 lots where only 3 are indicated. The owner and RaJean announced that during the City review a lot of changes were suggested and accommodated that do not exactly reflect the application. Changes will be reflected on the final plat and there is no need to adjust this application before the board.

Zach asked if there would be adequate fire access to lot 3. RaJean and the owner reported that the private road access will be 50' wide all the way across the north boundary of the lot 3 property line. there will also be an approved fire truck access in the Northwest corner of lot 3. These changes will be reflected on the final plat.

Joe asked if each lot will have one or two residences. The owner and RaJean were under the impression that a second residence was allowed in Ag. Discussions were held on the ambiguity of the code as written and the code was searched to confirm that a second residence is allowed in accordance with 4-12-1 C 4. It was pointed out that while 2 residences are allowed, it is not a requirement of this plat nor of the covenants.

Robbie Zuspan, neighbor, took the oath. He asked how this will affect the necessary upgrades on Smith Creek Road. It was explained that the roads within the subdivision will be private gravel roads. The City Street access of Smith Creek Road is not the owner's responsibility. During the final plat process the City and the developer will negotiate and create a schedule for the Smith Creek Road improvements outside of this subdivision. RaJean reported that the long-term plan is to have a 24-foot asphalt surface with adequate borrow ditch drainage.

RaJean read the city staff recommendations stating there were 3 requests for the plat map but no comments logged in regarding the subdivision itself. Staff recommended approval of S 26.04 listing the stipulations of including DEQ approved water delivery, road designs, fire access and covenants to describe the long-term maintenance of the private drive be for approving the final plat.

Joe moved to approve S 26.04 with the City stipulations for the final plat. Seconded by Jonathan. Motion carried.

Next steps for the final plat were given to the owner.

6. PLANNING COMMISSION - OLD BUSINESS

A. Proposed language updates for Title 4 Appeals

RaJean and Adam described the appeals language that will meet State Statutes and clear up the 3 appeal opportunities in Title 4 being:

1. Appeal against city administration making Title 4 determinations and recommendations.
2. Appeal against a BOA determination going to District Court and
3. Appeal against the Planning commission for a recommendation going to City Council.

Adam said he need to make some last minute language corrections. No action is required tonight. The consensus of the board was to address these changes in more detail at the next meeting.

Joe asked if we could clarify Ag secondary residence language in the new proposed changes. Zach read the code and members agreed that it needs to be clarified. RaJean will add the discussion for proposed clarifications the July 6th meeting.

7. ADJOURNMENT

There being no more business to come before the commission the meeting was adjourned at 6:35 pm.