



CITY OF LANDER BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

**Thursday, June 05, 2025 at 6:00 PM
City Council Chambers, 240 Lincoln Street**

MINUTES

Attendance: Chair Zach Mahlum was excused. Present was Tom Russell, Kara Colovich, Chris Savan, Rob Newsom, and Joe Henry. City Attorney Adam Phillips, Council Liaisons John Larsen, 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 May 15, 2025

Tom moved to accept the minutes. Seconded by Joe. Motion passed.

3. BOARD OF ADJUSTMENT - NEW BUSINESS

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

A. Public Comment on Title 4 Ordinance - Chuck Johnson

Chuck Johnson, Lander, Took the oath. He stressed to the Board that he would like to see changes to the existing ordinance. 377 Canyon is a two story house on a narrow lot. He feels that a 2-story house should not be allowed that close to a 1 story house. He has concerned with the off-street parking at new multiplexes at 644 Popo Agie. Much of the parking for the unit is in the alley and he thinks that is unacceptable. He cites that winter conditions and snow buildup may push the cars to the street in the winter months resulting in crowded streets in a school zone. He hopes all the parking on the new subdivision on 9th and Lincoln will have off street parking from the streets and not the alley.

B. Z 25.01 Rezone a 12.14 acre parcel on Smith Creek Road from R-5 Residential to A Agricultural Zone - Leafgreen

Jeff Leafgreen took the oath and described that he would like to rezone his property Ag in lieu of the existing R-5. The intent is to sell the entire 12.14 acre parcel to one new owner that does

not have housing development in mind. He has an interested buyer for a single home and to grow trees.

Kara asked if the future use would be a nursery. Jeff speculated that it will be like the owners operations currently in South Industrial Park. Kara asked the owner to describe the existing road. He stated that this is a single lane, unpaved road, right through the middle of his property.

RaJean explained two handouts to the commissioners. One showed the zoning districts directly adjacent to the Leafgreen property showing it is bordered by commercial, Ag, R-3 districts. The second handout showed the suggested Master Plan future growth areas. The proposed property is mostly in Priority area 3 which indicates that it may have more difficulty in making all water, sewer and street infrastructure improvements required for subdivisions.

Robbie Zuspan, 23 Smith Creek, took the oath. He stated that the neighbors have had problems with the road maintenance. Neighbors try to maintain the end past the apartments and the City provides minimal assistance to maintain the first section up past the apartment complexes.

Jerome Lord, 23 Smith Creek, took the oath. He appreciates the need for the owner to sell property but doesn't know that it is necessary to rezone a property for an individual owner. Any future change in the area increases the traffic on Smith Creek Road.

RaJean read the written comment from Michael Coyne stating concerns on the road for overcrowding and minimal maintenance. He would like a better explanation of the proposed future use of the Land. The owner responded that he could not speculate on the final uses from a new owner.

Rob asked the City if the area could support R-5 level of density for infrastructure. RaJean noted that it can support higher density but that the infrastructure cost is all the responsibility of the owner. She verified with the owner that he withdrew his original subdivision application due to the increasing cost of his proposed development.

Rob asked if it is common for the city to not make a recommendation. RaJean discussed that is has been done both ways in the past. City staff did not comment due to the fluctuations in the new Master plan recommendations and the evolving City Council priorities while they are working on a new strategic plan. John said housing opportunity is still a priority for him but could not speak for the entire council.

Tom verified with Leafgreen why he withdrew his original plat. He stated that rising cost was the main factor.

Chris moved to approve Z 25.01, seconded by Tom. Motion carried to 3 to 1 with Kara not voting (as is the Chair's prerogative). Rob stated that he voted no due to his priority for retaining housing opportunity.

RaJean informed the owner that the re-zoning request will be recommended for approval to City Council at a future meeting. A rezoning request will take 3 readings before council and another public hearing to be approved.

C. S 25.06 Skiba Addition and V 25.01 Variance request, 1498 Sinks Canyon Road, Skiba

Andy and Jill Skiba took the oath and described their plans to take two parcels and reconfigure them into 3 lots with City water and sewer services. They would like to keep their existing

house and then sell lots to the north and south. They have requested a variance from putting in Streets, Curb and Gutter.

Charles Plymale took the oath. He owns adjacent lots down gradient of the lots. They have had drainage problems with sandstone ditch and is worried that this subdivision will make the problem worse. Water flows across the proposed lot 2 and makes it to Wendy Street, which doesn't currently drain properly. Wendy street ponds and they have winter icing problems. He would like proper drainages put in place.

Jill commented that she has not noticed ponding water on their property during their ownership.

Mathew Graf, Wendy street, took the oath. He also mentioned the problem on Wendy Street where the road is breaking up and the existing drainage easement is not very functional. He asked if extra drainage will be added to address the existing problems.

Larry Laguardia, Wendy Street, took the oath and asked if there has been an Environmental study. RaJean replied that applicants have to attest that there are no hazardous materials and no hazardous activities, but an environmental report is not required of an applicant.

Clark Hanson, Goodrich, took the oath. He noted that the existing ditch and ditch culvert in the area has overflowed and flooded local basements. He said a local contractor built a berm at the back of Goodrich subdivision and further changed the natural flow. The same contractor then put in a French drain that compounds the problem for the pavement on Goodrich. He suggests something should be done with the ditch.

Larissa Plymale, neighbor, took the oath. They own an empty lot with existing infrastructure taps and wants to make sure there is enough capacity to serve their holdings and additional homes. RaJean responded for Hunter Roseberry. She stated that during the pre-plat meetings the City took elevation and pressure readings on the existing water supply lines determining there was adequate pressure for all services. Ms. Plymale also cited the NRCS soils report indicating that additional fill on these lots may increase the sedimentation on their private lots.

Andy responded that he does not have knowledge of the future building permit requirements based on soil types. Jill and Andy reported that they are trying to be mindful with putting in only the one 1.25-acre lot where the current zone will allow 4 lots with 4-plexes. The subdivision will have a homeowners organization with guidelines for restricted development. The owners stated that they do not want real dense housing in their current neighborhood either. Ms. Plymale restated that she is concerned about the 35% sandy soils and steep slopes where future structures may result in putting sediment on their lots. Member Chris Savan reported that DEQ regulates drainage issues if the speaker is interested in looking further into the regulations.

Marcia Roundtree, Wendy Street, took the oath. The irrigation ditch mentioned earlier goes across their lot. The City Engineer has been contacted about the issue and she believes that the cul-de-sac has subsided 2" in the last year. She attributes that movement to the bentonite clay in the soil profile. She feels that everyone in the cul-de-sac will suffer with any changes in the drainage or development in the area. She reported that her and the neighbors have consulted with the City Engineer and got some ideas for a local remedy from storm flows and rain and snow melt events. Ms. Graf is also worried about adding pipes to old infrastructure that will further tax the system and reduce water pressure. She reiterated that there are no (storm)

drains in the subdivision on Wendy Street. Ms. Graf asked the City what is allowed in an R-2 district? RaJean responded that currently there can be an unrestricted number of families under one roof. The proposed ordinance changes that failed last fall were meant to restrict the number of families under one roof to 4 but that did not pass. She verified that the owner will have covenants from the homeowners organization that will restrict the development to less than what is allowed in R=2.

Mary Graf, Wendy Street, took the oath. When they purchased their property they were informed that the property had flooded in the past and been remediated. She is concerned that this could happen again. They have talked to Public Works Staff but have not seen any changes. Joe asked if the drainage problems is an engineering problem or a City problem. RaJean reported that the City Public Works staff acknowledges that a drainage problems exists but she would not speculate as to the root of the problem. Chris agrees that drainage issues on Wendy Street is not a problem that the owners of the Skiba subdivision can address.

RaJean read the City recommendation letter stating that there needed to be some label and easement changes made to the plat for County and City approval. City recommends the approval of the variance because the City cannot require improvements on a State Highway.

Chris moved to approve S 25.06 with the City recommendations. Rob seconded. Motion passed 5-0 with the chair not voting. RaJean explained to the owners that this subdivision will be recommended for approval on the June 10th City Council agenda. If approved it will take a few weeks to get the final plat and deeds before they could sell a lot.

D. S 25.07 Amorettis 2nd addition, Blk 95, lots 3-5 replat, Scott, lot line adjustment

Dave Fehringer, agent for the Scotts, took the oath. Member Chris recused himself from the vote as the plat is represented by his employer. The agent described the reason for the lot line change between the owner's property and the mother's property is because the owner is planning on making improvements to the existing house that will only meet setbacks if the lot line is changed.

Tom verified if the house is on one or two lots. The agent stated that the second lot is currently vacant. Tom asked why there is a dog-leg in the lot line. Dave responded that the current line meets the ordinance for a 50-foot lot frontage. There are currently no buildings over the lot lines.

Discussion were held to clarify if the subdivision is keeping 3 lots or if one of the lot lines can be abandoned. RaJean confirmed that owners can either abandon a lot line by building over it (which deems it vacated and taxable as a single lot) or an owner can simply abandon an existing lot line within a subdivision plat.

RaJean read city recommendation to approve the plat with some changes that the engineer has already made.

Joe moved to approve S 25.07, Tom seconded. Motion passed 4-0-1 with one abstention by Chris and the chair not voting. RaJean updated the agent that the recommendation for approval will be on June 10th council meeting.

6. PLANNING COMMISSION - OLD BUSINESS

7. ADJOURNMENT

Meeting was adjourned at 7:15 pm.