



CITY OF LANDER
BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, October 17, 2024 at 6:00 PM
City Council Chambers, 240 Lincoln Street

MINUTES

Join Zoom Meeting

<https://us06web.zoom.us/j/87154391826?pwd=1mibI3jp0YjiZ2Mk4txbBcBYrHibjg.1>

Meeting ID: 871 5439 1826

Passcode: 600238

-

Attendance: Chair Zach Mahlum, Members, Tom Russell, Kara Colovich, Kristin Yannone, Dave Fehringer, Rob Newsom, and Joe Henry. City Attorney Adam Phillips, 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 2, 2024

Joe Moved to approve the minutes. Seconded by Kara 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. Review Council Comments from First Reading and make adjustments to Title 4 if any.

Zach recommended that the commission look at items one category at a time. He stated that the goal of the changes suggested will reduce regulations and create more flexibility and mixed uses for owners.

Change of Lot widths. No public or commissioner comments were posed.

Reduce Building setbacks.

City Council member Dan Hahn is a fireman and thinks that closer building increase the fire danger and reduce fire fighting capabilities.

Fire Chief Erik Siwik agrees that close buildings diminish their current fire fighting capabilities. When Zack asked for a suggested distance Erik reported that his preference was 20' but there was no requirement for that.

Joe verified with Erik that fire fighting is harder now even though building materials are more fire resistant. Erik reported that because of the flashpoint of some house content is 4 minutes the firemen cannot respond that fast.

Nick Hudson, State Fire Marshall is also a proponent of keeping the larger setback and height restrictions for easier and more efficient fire suppression.

Reduce off street parking. This concerns Dan the most because it pushed more vehicles onto the streets and that will make neighbors not happy. Erik and Nick agree that more vehicles in the street further restrict fire suppression activities as to overhead power lines and utilities in the alleys. Nick commented that there are virtually no one-car families today.

Remove Max lot coverage. No comments from the public or commissioners.

Adjust the number of multifamily dwellings. Zach stated that the new limit for R-2 is more restrictive and aides in the graduation of densities.

Dan stated that nobody wants a multifamily unit next to their house. Kara Stated that there are apartment buildings now in many zones without issue or changing the character of the neighborhood.

Increase the number of residential structures on a lot. Dan feels this creates a fire hazard with multiple buildings on small lots, including shed and outbuildings. This will create overcrowding especial when combined with the increased heights.

Dan asked if the commission had a specific number of housing units in mind. Dan does not believe that more housing stock decreases pricing because there are too many cost factors like construction, insurance etc. Zach reiterated that the suggested changes are to increase flexibility and allow for a mix of used and not to reach a preferred number of living units.

Coleman thinks there is a place for additional dwellings on large lots where setbacks can be met.

Increase Maximum height. Zach stated that this height increase allows for more multifamily stories but also allows for the trend of steep roof pitches.

Dan does not believe that increasing density and housing stock will make housing affordable because there are too many other issues to consider like cost of construction, insurance, etc. He asked if the commission had a target number of living units for our town. Zach replied the commission never considered a target number and reiterated that the goal of the changes is to create flexibility and mixed uses for owners.

Bruce Campbell stated that this suggested change worries him the most. He suggested that all residences be restricted to two stories to preserve views and prevent over crowding.

Coleman suggested that higher building exist without issue now. He suggests a taller building may be allowed depending on a larger setback or larger lot. The commissioners have just

recently learned of Bulk Plane regulations that other towns use that preserve open space with a number of variables. Kara stated that prior to amending the codes to include bulk plane regulations the commission should do some more research.

Short term rentals Zach stated that this change increases the restrictions because it now requires short term rentals in R-Med, and commercial to register and meet the safety inspections, off street parking and any other conditions that the commission puts on them.

Dan has heard that large corporations are buying up rentals and first-time homes and reducing the housing stock in towns. Zach replied that this would be difficult with our conditional use permit process. Dan encourages the commission to put a cap on short term rentals in town.

Coleman remarked that short term rentals in R-med may be appropriate for travelling healthcare staff and clients. He has one across from his house and many are seasonal forest crews, and temp contract staff.

Zach stated that there may be constitutional issues regarding restricting private property owner rights. Corporations reducing the housing stock would be difficult here because of the conditional use application and permit process.

Nick asked what happens for safety inspections for these short term rentals. RaJean reported that Code enforcement and neighbors telling on neighbors is how the City finds unpermitted operations. The City writes compliance letters a couple of times a year with positive results. Annual fire safety inspections are required with all permits and performed through the fire administrator staff. Kara thinks restricting the number of short term rentals may be a legitimate issue to address in a future round of code changes.

Missy reported that member Kristin Yanonne frequently researches the numbers of short term rentals listed on sponsored sites. RaJean reported that when around 125 are shown on the zip code site that if you look at those inside the city limits there were actually about 25 to 30 units in town needing a permit. About 60% of those have already been permitted.

Restrict accessory buildings. Coleman commented that this may not be equitable regulation on areas on the fringes of town that operate similar to ag uses and this would restrict barns, chicken coops, etc. He advocates a more discerning definition of accessory structure because two garages is different than two barns. He suggests accessory structures could be restricted based on the maximum buildable size or different for lots over an acre.

Hunter replied that there is a minimum where sheds under 120 sqft do not need a permit.

Allow RV campgrounds in Ag. No public or commissioner comments.

Zach asked if public would like to request specific suggestions. There were none.

Zach stated that the general comments from council were: height too high, side yards too close, retain higher level of off-street parking.

Zach addressed the idea of taking no action. This does not accomplish the Council priorities and risks the town having some significant aberrations in R-2 and R-5 zones under the existing codes. Taking no action may result in lesser housing opportunity as he experienced in his home town.

Zach asked the if the Planning commission's role is to make new recommendations based on generalizations or should the commissioners wait for the council to make specific recommendations. RaJean stated there are two paths forward. Typically the Council makes specific amendments between readings up through the final (third) reading where the ordinance becomes law. There is also a path where the Commissioner's can bring an amendment to the Council for deliberation at second reading. Kara and Joe thinks it is appropriate for the commission to make recommendations and let council decide.

Dan stated that he lives on the north side and many people do not know what is going on. His feedback is from people that will be affected in R-5 and hopes the commissioners take the comments seriously and make conscientious recommendations.

Zach stated that one of the structures on Popo Agie that people are complaining about are in his back yard and they are allowed under the existing codes. Kara reminded people that there are already apartments in town and the changes here are not a big change.

Dave was on the commission in 2020 for the first round of changes. This round the commissioners talked at multiple venues with much higher outreach.

Janelle wanted all documents and meeting published on County 10. RaJean noted it was published on County 10 multiple times, and on our website and social media, and in the Lander Journal. Zach stated that while media is useful, concerned citizens know how to get the information and all citizens should be responsible for their own research and awareness

Missy was concerned that if the commissioners made amendments they would assume the duties of a legislative body by presenting policy, because the Council did not ask for the amendments.

The consensus was to discuss an amendment at the next Nov 7th meeting with all members present in order to suggest an amendment before second reading. It was also suggested that a special meeting can be called if needed. October 24th is a good time for most members.

Motion to adjourn by Kara, seconded by Dave. Meeting adjourned at 7:47

7. ADJOURNMENT