



CITY OF LANDER

BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, September 19, 2024 at 6:00 PM

City Council Chambers, 240 Lincoln Street

MINUTES

Attendance: Chair Zach Mahlum, Members, Tom Russell, Kara Colovich, Kristin Yannone, Rob Newsom, and Joe Henry. Dave Fehringer was excused. Council Liaison Missy White, 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 August 1, 2024

Kara moved to approve the minutes as presented, seconded by Kristin. Motion passed.

3. BOARD OF ADJUSTMENT - NEW BUSINESS

A. CU 24.06 New Union Cellular communication tower at 1305 Main

John Beasley and Christopher Schlax were online (Zoom) to represent SAC wireless, agent for Union, on their conditional use permit. Christopher took the oath and described the Union Cellular tower application for 1305 Main. Union will have 7 initial antennae with expansion space for 2 more co-locates. There is an equipment house and electronics building at the site as well.

Kristin did the planning commission review of the entire package. She verified that the setback off Baldwin Creek was about 126 feet according to the plans. Kristin asked for the distance from Main Street to which the answer was "approximately 300 feet off Main street behind Baileys." She asked if there was any potential for interference between this site and the existing radio tower on the east of main. Chris replied that both towers are licensed by FCC which regulates such matters, and no interference is expected. Kristin asked if anyone checked BLM communications next door. Chris reiterated that the license process ensures that there will be no interference.

Kara verified that the two co-location sites will be on the same tower and not at another location. A new carrier would have to construct modifications to this tower to be able to co-locate.

Joe verified that construction has not started.

Tom asked if any studies have been done about the effect of radio frequencies on society. Chris replied that Union will abide by all regulations for 4G LTE waves. He also stated that 4G waves are common and exist all around us now and there should be no radiation from this activity.

Zach asked for the City comments. RaJean stated that SAC has been working with her and the building department for 6-9 months and all questions have been resolved. The City recommends approval of CS 24.06.

Sky Phifer, from Lander took the oath. He asked if Union will have now had 2 cell towers in Lander. Chris replied that this is a new tower for additional coverage. Sky wanted to verify if any new co-locations will be necessary on the tower at 75 Washakie. Chris replied that they did assess that location however that tower was not structurally sound for additional new equipment.

Tom mentioned visual concerns and the difference between this location and all the visual work we had Union perform at the previous Maven site. Kristin replied that she started the concerns about Maven tower as part of that review and required them to do the extra work. She feels that this location in a commercial zone and not protruding up on a high hill does not warrant a visual test.

There was no prior public comment for this application.

Kara is concerned about what will happen when the towers may be abandoned in the future. Chris reported that as part of the application there is a bond required and a stipulation for tower removal.

Joe asked about the proposed height of the tower for the structure, which is 100 feet and as allowed by the zoning code. Chris reported that the current tower height at 75 Washakie is unknown but seems to be 100'.

There being no further comment Kristin moved to approve CU 24.06. Motion was seconded by Kara. Motion passed unanimously.

RaJean notified SAC representatives that a decision and order will be issued by the City Attorney within 30 days. With decision and order and building permit both received, they can commence construction.

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

A. Title 4 suggested changes Open House

Joe motioned to recess until 6:30 as advertised. Kara seconded. Motion passed.

At 6:30 the meeting resumed, and the format of the presentation and open house meeting was announced again. One written comment was received immediately prior to the meeting which was distributed to all commission members. Kara and Zach gave a prepared presentation.

Dottie Tonkowich, 460 South 3rd, read a prepared statement. She thanked the members for the presentation and work. She is concerned that increased density will affect the city infrastructure under the City street since she recently experienced a sewer backup in their basement. Zach reported that they have heard similar complaints, and the Commission has discussed that with Public Works Staff. He reported that the City has determined that current infrastructure can handle the small increase in development. She reported that City does not take any responsibility for sewer blockages.

Karen Weitzel, Amoretti Street read a prepared statement. The letter stated that this proposal will irreversibly change the character of the city. It acknowledged that the Commission has a duty to follow city council direction but objects to this proposal at this time because the research is incomplete. The letter stated that proof is needed that these sacrifices will increase housing opportunity. The letter stated that the proposed plan does not follow state statutes for adequate fire protection and reducing overcrowding for houses and streets. The letter suggests that the solution is to use the 1/2 cent sales tax for ED and sustainable wages. The request was made that the Commission not propose these changes to the Council until more research is done. This was written by a friend of hers, but she agrees. It was later determined that the letter Karen Weitzel read was the public comment from Kathy Averill, Amoretti Street, that was hand delivered to the commission prior to the meeting.

Juania Duncan, Robbies View asked if this proposal would go onto Council regardless of the comments made tonight. She is not in favor for a long list of reasons but will reserve her comments for the public hearing at the first reading before the City Council on October 8th.

The recorded business meeting was adjourned and went into the open house part of the session. The attendees stayed around to discuss their concerns individually with the commission members and city staff.

6. PLANNING COMMISSION - OLD BUSINESS

7. ADJOURNMENT of the open house occurred at 8:25 pm