



CITY OF LANDER

BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, May 07, 2026 at 6:00 PM
City Council Chambers, 240 Lincoln Street

MINUTES

Attendance: Chair Zach Mahlum, Members, Kara Colhoff, Jonathan Rensch, Mary Greene, and Joe Henry. City Attorney Adam Phillips, Council Liaison Dan Hahn and Chad Cassady, Recording Secretary RaJean Strube Fossen

1. CALL TO ORDER

An amended agenda was presented by RaJean. Zach asked for another amendment to move the planning commission items before the BOA items. Mary moved to amend, Kara seconded. Amended agenda passed.

2. APPROVAL OF MINUTES

A. BOARD OF ADJUSTMENT MINUTES of April 16, 2026

Joe moved to accept the minutes, Jonathan seconded. Motion passed with Kara abstaining due to absence.

3. BOARD OF ADJUSTMENT - NEW BUSINESS

- A. Non- action item - Discussion of CU 26.05 STR application for a Commercial Property, 240 N 8th Allen Kerkhove, owner took the oath. RaJean explained that his application payment was processed before it was determined that his property is in a commercial zone and he is not required to get a CU permit. Mr. Kerkhove asked about the STR fire inspection requirements as he would like to have that done.
- RaJean will process a refund and get with the owner regarding a voluntary fire inspection. There are other commercial STR properties that have asked for and received inspections.
- RaJean asked the Board if they would like to consider adding requirements to STR in commercial zones and the discussions are reflected in a later agenda item under Planning old business.

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

- A. Boundary Revision of S 26.01 Riverwood Estates Phase 2A replat approved April 16, 2026

Dave Fehringer agent for the owner took the oath. He described the proposed boundary changes for Phase 2A. Cottonwood Drive is paved and ready to go with all the utility infrastructure also complete. Dave told the Board that a Certificate of occupancy can't be granted for the two existing residences until all the infrastructure is inspected and accepted by the City.

Kara asked if there were any negative ramifications with the shorter length of Cottonwood and traffic due to dead end. Dave replied that there will be a graveled road installed to connect to Poor Farm Road.

Jonathan asked if the 3 lots at the end that are not complete are the only thing stopping the commercial sale of the lots. Dave replied yes.

Kara asked if Phase 3 includes mitigation measures for those Phase 3 lots. She and Dave noted that the developer has been filling those lots. An engineer will have to do a letter of map revision prior to phase 3 approvals. Kara asked if the flood map shown is the updated version or the old version. (she is referring to the Corps of engineers 2020 floodplain data versus the existing FEMA NFIP floodplain data). Dave replied that all designs are based on the FEMA published version.

RaJean read the City letter stating that the boundary changes do not affect the infrastructure already built but an approved gravel road will have to be provided from the northern boundary to Poor Farm Road to meet subdivision fire access requirements. City S approval of the new version of S26.01 contingent on the future pathway be noted on the drawings. City Staff recommends approval of S26.01 as revised.

There was no public comment from the audience. Kara moved to approve S 26.01 revisions with the City stipulations from the recommendation letter. Mary seconded. Motion passed.

B. S 26.02 Final Plat, Gannett Peak Phase 2

Dave Fehringer, agent for the owner, is already under oath. Phase 2 was originally going to complete the subdivision but increasing development costs makes it so that it is only workable at this time to develop all lots along Robinson Street and finish the remainder in a third phase at a later date.

Zach confirmed the phase one boundary and that those lots are already built out.

Jonathan asked if there are wetlands to the North. Dave replied that they were already dedicated to the city during Phase 1.

Kara asked if any lands would have to be drained to build out phase 3. Dave replied that Phase 3 area not in the perceived wetland area and it was approved at the first phase long ago.

Mary asked if wetland designations ever need to be revisited. She is observing the lands as very wet when she walks. RaJean clarified the "wetlands" are defined by national inventories and what you see on the ground may not warrant local or federal controls.

Janet Loyka took the oath to ask how many lots are in phase 2 and other basic layout questions. She took a proposed plat map with her.

Pete Loyda took the oath. He is concerned about the location of where Sinks Canyon Road turns from 25 to 40 to 55 mph. He thinks it makes sense to extend the slower speed to the South with all the additional traffic. He has talked to WYDOT (who controls the State Road)

about speed limit changes but noted that it is the in City of Lander and should be requested. Zach stated that the speed limits are outside the planning commission's capacity. RaJean stated that she will pass on the concern to Lance so he can pass it on to WYDOT. Mr. Loyka also asked if there are HOA regulations that will be enforced. Dave responded that the HOA is in effect but enforcement is by the private entity and not the planning commission or the City.

Kara would like to table the vote to research her wetlands questions. Dave clarified that the concerns are in phase 3 which is not on this agenda for approval.

Jonathan asked what happened in 2012 for wetland delineations. Dave responded that he worked on the original plat but not the wetland delineation.

Joe asked what effects the developer would have in the event the motion to table is passed. Dave said the infrastructure is in the bid process right now and it could delay the construction process.

RaJean read the City Staff recommendations. She described to the Board about wetland delineations during the subdivision process. Since the wetlands were approved in the first phase and are now owned by the City of Lander, she does not feel that requests or conditions on the wetlands are within the purview of this phase 2 deliberation.

Motion to table to the next meeting was made by Kara, Joe seconded. In the discussions RaJean noted that she is gone and there are currently no agenda items for the May 21st meeting. Jonathan asked what the the table would accomplish. Kara wants to personally dig into the wetland designation and see what this board can recommend as an approval for this Phase 2 plat. Dave reiterated that the topic for tabling is not appropriate because this was approved by a previous planning commission and is on City owned land. Kara wants to look at the NWI and familiarize herself with the area.

Zach took a moment to read section 4-9-8 Dedication of Public Lands. where item F. states that any land dedications shall be taken in Phase 1 and not future phases. He interprets that this to mean that this current Planning Commission does not have a mechanism to revisit that. This Board does not generally overturn decisions of previous boards.

Joe feels a table would be pointless based on Zach's interpretation. Kara does not feel the discussions during this meeting are sufficient to make a clear decision tonight. Discussions were held on options to table the item, approve it with contingencies, approve it as presented, and not approve it but still take the recommendation to City Council.

Mary is comfortable with a longer timeframe for research.

Zach called for the question. Kara Aye, Mary Aye, Joe Aye, Jonathan Nay, and Zach Nay. Motion passed to table the vote until May 21st.

In later discussions, Chad complimented the Board on deliberating on tough issues because the Council will likely have the same questions. Also later in the discussions Dan relayed a concrete business story about how the public perception of "harm" and damaging the environment is not always correct.

6. PLANNING COMMISSION - OLD BUSINESS

A. Update on Title 4 STR proposed changes

1. Discussion STR to all zones?

RaJean started by stating that past discussions of the commission reflected how STRs should be allowed in all zones including R-Med and Ag. Zach and Kara stated that they are in favor of all zones including R-Med and Ag. Discussion on commercial zone centered around if the overall intent was to provide safe, health and welfare for citizens during their stay in a STR. It was suggested that the commission propose a license or STR by right in commercial zones but still make owners demonstrate compliance with collecting taxes and fire safety inspections. The members talked about what enforcement for non compliance would look like and then how to revoke permissions if deemed necessary. The consensus was to allow STR with a Conditional Use Permit in all zones except Commercial and then draft a Registration option for commercial zones so that owners still comply with collecting taxes and getting a fire inspection.

Chad asked if the "Owner occupied" requirement is still a part of the ordinance to present to council. Zach felt that it will be presented to council as such.

2. Azora contract services update

RaJean made an Azora data presentation of the STR software the City purchased. The data presented was based on a single data search and is not final but she compared it with what has already been permitted by the commission. Discussions followed based on the accuracy of the data, how to show proof of STR operations, and ultimate enforcement avenues should a permission need to be revoked or someone is in violation of the City Code. The consensus was that the process is useful and will save a lot of staff resources.

7. ADJOURNMENT

at 7:30 pm