



CITY OF LANDER
BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, October 16, 2025 at 6:00 PM
City Council Chambers, 240 Lincoln Street

MINUTES

As of October 1, 2025, Meeting agenda packets are no longer posted on the City website due to the frequency of scams generated from the applicant's name and address required on the application.

Attendance: Chair Zach Mahlum, Members, Kara Colovich, Chris Savan, Mary Greene, Rob Newsom. Joe Henry was online and Tom Russell was absent. Recording Secretary RaJean Strube Fossen

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

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, 2025

Kara moved to accept the minutes. Seconded by Chris. Motion passed.

3. BOARD OF ADJUSTMENT - NEW BUSINESS

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

A. S 25.09 Capital Hill Addition, Blk 129, lots 11-12 replat, Yargas

Chris recused himself from the vote as his engineering firm is the representative for the owner. Chris Savan, agent for Rocky Yargas, took the oath and explained that the lot line changes match what was built on the two lots.

Discussions were held on the sidewalk requirements from the City. Chris indicated that the owner is willing to provide the walks and HC ramp as requested by the City Staff.

RaJean read the City review letter recommending approval of S 25.09 provided the landowner is willing to make the sidewalk improvements.

Kara moved to recommend approval of S 25.09 to City Council including the contingency that the sidewalks are accepted by the building department prior to recording the plat. Seconded by Rob. Motion passed unanimously with an electronic yes vote from Joe submitted by text to RaJean.

RaJean let the applicant know that the plat will be on the Nov 12th City Council meeting for approval.

B. S 25.10 Highland Estates, Block 1, Lots 4-5 replat, Dyer

Joe Dyer, Owner took the oath and explained his proposal to make 2 large lots into 4 smaller lots. Chris recused himself from the vote as his firm is the engineer of record for the plat. The owner reported that he has already worked with the City and he is aware of the request for more soils information. The owner feels he is being responsible to the character of the neighborhood as he would like to build single family residences on each lot where multifamily housing is currently allowed in this R-5 zone.

Mary verified that the owner will build his personal house on one lot and build, for rental or sale, single family houses on the other lots. He verified that he is not intending to build duplexes.

Kara asked the owner to address the public concern for the steep slope. Chris answered that a 3:1 slope is the maximum slope for general engineering practices and feels the lots are buildable with pylons or retaining walls. He characterizes the lots as buildable with the added expense to accommodate for steep slope construction. There will be an engineers stamp for the foundation and or retaining infrastructure at the building permit stage. While he understands the City Engineers request for geotechnical information, Chris does not think the geotechnical requirement should be needed until the building permit process.

Zach asked if there is an HOA for the subdivision to which no one had knowledge of one. Chris is a proponent of having an HOA at the building permit phase if appropriate. The owner has considered an HOA but feels they are generally good for the short term but an unreliable mechanism for future owners

Rob confirmed the existing R-5 zoning. The lots do meet the 3750 sqft lot size minimum.

Kara asked if a geotech report was common. RaJean cited the codes including an NRCS or geotech report on a new subdivision. Joe Dyer is familiar with NRCS reports and can provide that information to add to the application.

RaJean further addressed the Geotech and conversation that Lance, Chris and herself had earlier in the day. Chris noted that there are added costs with a report this early in the game. He feels that a full geotech report is premature and should be submitted at the time of the building permit. Chris stated that there can simply be a note added to the final plat regarding the difficult slope conditions in accordance with 4-9-7 4.3K

RaJean read the City review letter that asked the owner to submit geotechnical soils and slope information and a drainage plan to the application. City staff recommends tabling the application until the pertinent information is received for City Engineer Review.

Discussions were held on the code requirements for a geotech or NRCS soil survey. RaJean restated the ask for a full geotech report from the City Engineer. Chris restated that the City can ask for additional information as they see fit but feels that is more appropriate for the building permit process.

Judy Legerski, Lander, took the oath. Her husband Don and her are opposed and own the adjacent lot to the North down hill from the lots. They have seen the current excavation and are concerned that the slope is unstable and how that may affect their lot below. She stated that they are in agreement with the letter Bob Tipton wrote which was presented in the agenda packet.

John Hamilton, Lander, adjacent landowner to the South and West took the oath. He wants to ensure that the existing access easement remains in place and still allows for buildable area without encroachment on their access easement. Chris stated that no access easement was discovered in drafting the plat. The easement should be discoverable with the title commitment and it will have to be recorded at the courthouse and included on the Plat drawing for the final application.

Brittany Kail, neighbor, took the oath. She is at the end of the shown ditch. She would like to reiterate and agree with the City and neighborhood concerns about the slope integrity. She likes the idea of requiring the appropriate slope infrastructure now with all lots under one owner of the subdivision, instead of waiting for 4 separate lot owners.

Mike Murdock, Buena Vista, directly behind this subdivision took the oath. He is concerned about the relative small lots and the slope constraints. He proposed that the lot splits be done after Dyer builds his personal residence in order to build on the information gained with the first house construction.

Becky Murdock, Buena Vista, directly behind this subdivision took the oath. She stated that they originally purchased and built in the neighborhood with the large lots in place and now the proposed change for smaller lots and denser housing is not welcomed by her. She is worried about limited off-street parking and house access making people park in the street.

Zach asked the owner to clarify the soils information. The owner is willing to get the required information requested by the city but noted that it comes with increased cost. He is currently getting an engineered retaining wall for his personal residence. The wall, when designed, will provide adequate off street parking on all the lots per the building and zoning codes. He reiterated that duplexes and multifamily residences are allowed by code and his plan is much less dense than that for the good of the neighborhood. He is under the impression that the ditch has not been used in 40 years and thinks the rights are invalid.

Mary asked if the geotech report would encompass all the lots or just one at a time. The owner is sure the soils are consistent throughout all the lots. Mary is a proponent for an HOA if a structure is needed across all lots. The owner has some reservations about the value of HOAs and would like to have the retaining structure(s) in place before he sells the lots.

Chris thanked the public who had submitted comments, as they are reputable people, but felt that the designs for erosion/soils controls should be addressed at the time the building permit is issued.

Kara addressed public comment on road improvements, densities, and zoning, stating that those past decisions and installations are not issues that the current commission needs to address. Kara verified with the owner and agent that the access easement reported by John Hamilton must be added to the plat. She feels an NRCS report is adequate for the application phase and then leaves the geotech report, if appropriate, for the building permit phase. Zach agrees with that opinion. Given the public comment and legitimate concerns he feels that more information may be necessary on the application prior to approval. Zach thinks an HOA can be a tool for the neighborhood to make desired restrictions in the subdivision.

Kara moved to approve S 25.10 conditional upon the city receiving the NRCS soils information requested by the City. Seconded by Rob. Mary asked if they motion could include the stipulation that the geotech info be received. Zach reiterated that is likely under the purview of

the building department. The consensus was that the requirement for a geotech report will be silent and not added to the motion. There being no more discussion the motion passed unanimously with Joe submitting his yes vote electronically.

RaJean explained the next steps to the owner. Upon receipt and review of the additional information, the City Engineer will make a new recommendation. If the supplemental information is in order, then the contingency in the motion is met. At that time approval of S 25.10 can be sent to the council. There will not be another public hearing required.

6. PLANNING COMMISSION - OLD BUSINESS

A. Continued Discussions on Short-term Rental Code changes

RaJean verified that the Commission wanted to be on the Oct 28th Council work session. They will present their idea to make proposed changes to Title 4 in two areas of concern being 1. appeals process to match state statutes, and 2. better define regulations for Short-term rentals.

RaJean discussed the idea that appeals of the BOA can be required to have a council hearing prior to a District Court hearing. The additional layer is common in other towns and meets state statutes. This process would make appeals of both the planning commission and the BOA afforded a hearing before Council prior to any further court action. Only decisions of the BOA can be elevated to the District Court per state statute.

The consensus was that the definitions proposed by Zach and the STR decision matrix table created at the last meeting could both be presented during the Council work session. There will be clarifications added to the table. There may be additional definitions needed to clearly identify the terms for "owner occupied" and "primary residence". The hope is to get an informal agreement from the Council that these two items are approved to move ahead for proposed Title 4 changes.

7. ADJOURNMENT

There being no more business, the meeting was adjourned at 8:05 pm.