



CITY OF LANDER
BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, August 07, 2025 at 6:00 PM
City Council Chambers, 240 Lincoln Street

AGENDA

Join Zoom Meeting

Join Zoom Meeting

<https://us06web.zoom.us/j/85768470104?pwd=NDFJZ01nTlZwMEYvSTFiS2lMYzB4QT09>

Meeting ID: 857 6847 0104

Passcode: 339483

Attendance: Chair Zach Mahlum, Members, Tom Russell, Kara Colovich, Chris Savan, Rob Newsom, and Joe Henry. \Council Liaisons Dan Hahn, John Larsen, 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.](#) **BOARD OF ADJUSTMENT MINUTES** of July 17, 2025

[B.](#) **SPECIAL MEETING MINUTES OF JUNE 25, 2025**

3. BOARD OF ADJUSTMENT - NEW BUSINESS

[A.](#) **CONSENT AGENDA** 3 each STR NORTHSIDE DRIVE

A. CU 25.06, 151 Northside Drive

B. CU 25.07, 123 Northside Drive

C. CU 25.08, 119 Northside Drive

[B.](#) CU 25.10 STR 484 N 4th, Wittek

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

[A.](#) Z 25.02 569 Garfield, Schultejann

B. Z 25.03 765 Garfield, Piplica/Bregar

6. PLANNING COMMISSION - OLD BUSINESS

A. Recommendation for new board member to City Council

B. Discussion of future work session for Title 4 administrative changes

7. ADJOURNMENT



BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

CITY OF LANDER

Thursday, July 17, 2025 at 6:00 PM

City Council Chambers, 240 Lincoln Street

MINUTES

Attendance: Chair Zach Mahlum, Members, Tom Russell, Kara Colovich, Chris Savan, and Joe Henry. Rob Newsome was excused. Tom Russell was absent. Council Liaison 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 June 5, 2025

Joe moved to accept the minutes. Chris seconded. Motion passed.

B. SPECIAL MEETING MINUTES of June 25, 2025

Joe moved to accept the minutes. Kara noted that there were no minutes posted in the packet. Motion to accept died for lack of second. Chris Moved to table as the minutes until the next meeting and they can be reviewed in the packet. Kara Seconded. Motion passed.

3. BOARD OF ADJUSTMENT - NEW BUSINESS

A. CU 25.05 Short Term Rental, 445 Amoretti, Ellis

Julie Ellis Owner attended virtually and took the oath.

She described the current use that she would like to codify with this application. The zoom meeting was compromised so the remainder of the meeting was not recorded virtually and she attended through RaJean's cell phone.

Her 2 sons and a granddaughter all live locally and run the operation in her absence. Zach verified that their information is posted onsite. Zach verified that there have been no complaints.

Owner confirmed to Kara the there has been almost year of operation. There are no posted quiet hours but she uses the standard Airbnb protection language.

Karen Wetzel took the oath. She lives across the street and feels this operation does not present any neighborhood issues.

Chris asked board members if they would consider adding a 10-guest limit on Short-term rentals to be in concert with the adopted building codes. RaJean discussed that the City Attorney warned the commission that they may not be able to enforce building codes. RaJean suggest limits could be added to the application or motion process. The consensus was that they like the idea of putting guest limits on the application or conditions. RaJean and Kara suggest the topic be on a future work session.

RaJean read the City staff comments recommending approval provided the requirements for an annual inspection and WY state sales tax collection are met.

Kara moved to approve CU 25.05 with the stipulation that the city conditions are met and there is a maximum of 4 guests. Seconded by Chris. Motion passed.

Owner was notified that a decision and order would be mailed within 30 days. RaJean will get her the information to schedule a fire inspection.

B. CU 25.09 Short term rental, 965 N 1st, Winkler

Andrew Winkler, owner took the oath. 965 N 1st is a secondary residence and they live in NC. He rents the home in the interim until his son graduates from high school

He described the current use that he would like to codify with this application.

Kara go a verification that there has been 3 years of operation. He gave several positive written comments that were provided to the commissioners.

The owner confirmed for Zach that they do have a housekeeper and 2 neighbors that watch the place in his absence.

Chris verified that this is a 2 bedroom place and he lists it for a maximum of 4 guests.

Coleman Griffith, across the street from this property. He compliments the operation of this short term rental and the owner is very involved with no neighborhood problems.

Kara asked the commissioners if they wanted to set an occupancy limit condition. The consensus was that 4 occupants was reasonable.

RaJean read the City staff comments recommending approval provided the requirements for an annual inspection and WY state sales tax collection are met.

Kara moved to approve CU 25.09 with the stipulation that the city conditions are met and with an additional condition that the occupants be restricted to 4 guests.. Seconded by Chris . Motion passed.

RaJean notified owner that she has record of passing the fire inspection today and Airbnb registration for taxes. Upon receipt of Decision and Order within 30 days and then he is allowed to resume operations.

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

A. Interview applicants for open Board Member

A. Averill

B. Greene

Make a recommendation to Council for filling the Vacancy

Applicants were asked a rotating set of questions presented by the members. Each applicant was provided time to answer each question individually. Zach Mahlum recused himself from the vote on Ms. Averill as she is a former employee of his law practice.

Board consensus was to allow the two other commissioners some input before making a recommendation to Council for the appointment. It will be on the next agenda as a voting item.

6. PLANNING COMMISSION - OLD BUSINESS

7. ADJOURNMENT

at 7:16 pm



CITY OF LANDER

SPECIAL MEETING OF THE BOARD OF ADJUSTMENT & PLANNING COMMISSION

Wednesday, June 25, 2025 at 6:00 PM
City Council Chambers, 240 Lincoln Street

MINUTES

Attendance: Chair Zach Mahlum, Members, Tom Russell, Chris Savan, Rob Newsom, Joe Henry. and Kara Kolovich. City Attorney Adam Phillips, Council Liaisons Dan Hahn and John Larsen, Assistant Public Works Director Hunter Roseberry, Recording Secretary Rajeane Strube Fossen, City Clerk Rachelle Fontaine

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.

6:03 called to order by Zach. 30 days for decision appeal to district court.

2. APPROVAL OF MINUTES

3. BOARD OF ADJUSTMENT - NEW BUSINESS

A. Appeal 2025-01 - Certificate of zoning compliance issued April 21, 2025

Board of Adjustment Chair, Zach Mahlum, called the hearing to order at 6:00 PM. He explained that Mr. Zuspan had filed a timely appeal concerning the City's approval of Kim McKinney and William Bayless's Certificate of Zoning Compliance for a sawmill. Mr. Zuspan's appeal contends the activities are industrial, not agricultural, and should not be allowed on land zoned for agriculture. Mr. Mahlum explained that Mr. Zuspan would present first, then Mr. Bayless would have an opportunity to present followed by the City Staff. Mr. Zuspan would then be given an opportunity to respond to Mr. Bayless and the City Staff. Mr. Mahlum announced that any decision made was appealable to the District Court.

Mr. Zuspan presented arguments against a proposed sawmill near his home, citing Lander City Code and Wyoming state statutes which define agricultural activities as involving soil cultivation, raising, or harvesting of commodities, none of which apply to the sawmill. He emphasized that the sawmill would operate only 108 yards from his front door. He expressed concerns about noise, traffic, and the potential for the operation to expand, arguing that there are better locations for a sawmill within the city.

He referenced specific Wyoming statutes and federal regulations, emphasizing that taxation and revenue laws should take precedence over local powers due to their connection to land use and taxation. The board asked questions about noise considerations and traffic concerns, and Mr. Zuspan explained that the operation would affect his property value and potential future sales. The Board was asked to grant the appeal thereby denying the zoning compliance certificate

William Bayless the original applicant, presented his perspective. He and his father-in-law filed a zoning compliance application on behalf of the landowner McKinney for their agricultural property at 29 Smith Creek Road, seeking to construct a shop and residence. He argued that the portable sawmill operation, which would be used intermittently, was compatible with agricultural zoning under local code, citing examples from other Wyoming communities. Bayless referenced his commitment to transparency and compliance, noting he had already communicated his plans to the city and addressed concerns about noise and road impact. He explained their small-scale, intermittent business that processes approximately 20,000 board feet of timber annually, primarily during winter months. The applicant clarified that while they currently lease a residence, they plan to build both a home and a facility on the property, with operations being accessory to the primary residential use. The Board was asked to uphold the certificate of zoning compliance, as there was no legal or practical basis to overturn it.

The city staff Fossen presented evidence that the operation complies with agricultural zoning regulations, noting that similar activities are permitted in the area without requiring planning commission approval. The Board was reminded that noise and traffic concerns cannot be used to overturn zoning compliance for otherwise permitted uses. Fossen explained that the city code lacks definitions for agriculture, agricultural, milling, and processing, and staff identified Wyoming State Statute 16-6-105 as a more relevant legal reference for defining farm operations and agricultural products. She concluded that the applicant's timber processing, when used in conjunction with ranching and farming operations, qualifies as an agricultural use and is a permitted use under the agricultural zoning district. The city's agricultural zoning code is flexible and not strictly limited to the listed activities, allowing for semi-public services.

The city staff requested the Board of Adjustment uphold the zoning compliance granted to the applicant and deny the appeal.

The Board explored legal authorities regarding agricultural definitions and zoning restrictions, with questions raised about the difference between this operation and larger-scale facilities like meat packing plants. The Board called for public comment.

Elissa Bayless explained that her husband's business is a small-scale, mobile operation primarily used for forestry work and fire mitigation, not a fixed manufacturing facility.

Kimberly McKinney expressed a desire to address the board; however, as she and her husband are the property owners and were named on the application the board decided allowing her to speak would be unfair to the applicant as Mr. Bayless had already addressed the board on the applicant's behalf.

Spring Lord stated that the concern is the limitation of how big this potential sawmill could grow. If the application zoning compliance is approved with no restrictions, what door does that open in the future? She stated as an underwriter, land value is impacted.

Elisa Hoffman spoke on behalf of the Bayless family. Her previous job was as a natural resources' specialist inspector. The Bayless sawmill is accessory and complimentary to the agricultural business, as well as making improvements to their residence. It falls under the current leasing structure on the state level, which is a State public record.

Attorney Phillips clarified that the Board will need to take a motion. The motion will have to be in the affirmative. The Board can deny, grant, or table the appeal..

The Board debated whether to table the decision for further research into state statutes and federal codes, or proceed with voting based on the available information. After discussion, the Board decided against tabling the issue.

MOTION: Chris Savan moved to grant the appeal and reverse the grant of Certificate of Zoning Compliance. The Motion was Seconded by Kara Kolovich. Board members voting Aye: Savan, Kolovich and Henry. Board members voting Nay: Russell and Newsom. Board Chair Zach Mahlum commented he was not required to vote as there was no tie; however, he was in favor of granting the appeal. Motion carries 3-2.

The board members voting to grant the appeal expressed concerns that the operation did not fit within the agricultural zone's intended uses and was more appropriately classified as commercial activity since there was product offered for sale that was not produced on the land. The board emphasized that while they were not setting a precedent for future uses, they were making a decision based on the specific case and existing code language.

- 4. BOARD OF ADJUSTMENT - OLD BUSINESS**
- 5. PLANNING COMMISSION - NEW BUSINESS**
- 6. PLANNING COMMISSION - OLD BUSINESS**
- 7. ADJOURNMENT**

adjourned 8:10 PM



CITY OF LANDER
CONDITIONAL USE APPLICATION – TITLE 4-6-1
NON-REFUNDABLE FEE \$500.00

For Office use only: Case # CU 25.07
 Date Received 6/2/25 Date Fee Paid _____ BOA Hearing Date _____
 Existing zone designation R-3 Applicable Section of zoning code 4-12-4, 4-6-1

Name of Applicant Bentbrook Capital, LLC Email [REDACTED]
 Address 1914 E 9400 S #219, Sandy, UT 84093 Phone [REDACTED]

Do you own this property Yes ☒ No ☐

If no, Name of Owner _____ Email _____

Address _____ Phone _____

Legal Description of Property (Street address, subdivision lot and block numbers, or attached a Legal description prepared by a surveyor)

123 Northside Drive, which is a mobile home located in the Riverbend Mobile Home Community.

Present Zoning District of Property R-3 Current zoning use of the property R-3

Proposed Zoning District N/A Proposed zoning use of property N/A

Legal Description of Property (Street address, subdivision lot and block numbers, or attached a Legal description prepared by a surveyor)

Check Conditional Use Type below

☐ Child Care/preschool	☐ RV campground	☐ Restaurant
☐ Home Business	☐ Clinic/nursing home	☐ Gaming
☐ Bed/Breakfast	☐ Professional office	☐ Communication tower
☒ Short term Rental	☐ Mortuary/crematory	☐ Junkyard
☐ Group/foster home	☐ Motel	☐ Other, Explain _____

Describe your conditional request (Hours of operation, off-street parking, traffic patterns, fencing, etc.)

Parking is all on our internal private roads. Lot has dedicated parking space to allow up to two (2) vehicles.

Unit is a 3 bedroom consisting of 3 queen beds, with a maximum guests of 7 - to include use of air mattress provided.

Community Rules and Regulations of the park are communicated with with all guest and must be adhered to.

Explain why your conditional use will not adversely affect your neighborhood

Our furnished mobile home unit rentals are primarily used by travel nurses, government workers and others in Lander for longer than 30 days.

Marketing for the longer term rentals is done online through furnished finder, zillow, facebook, and AirB&B.

From time to time, in the summer months, we will have gaps in our leases and shorter stays will be accomodated.

The use of our units the shorter stays is consistent with the manner in which the Riverbend Mobile Home Community is used. Guests are subject to established rules for the community.



CITY OF LANDER
CONDITIONAL USE APPLICATION – TITLE 4-6-1
NON-REFUNDABLE FEE \$500.00

INSTRUCTION SHEET

1. A Conditional Use Permit application must be submitted along with a plot plan or drawing. The graphic must be a straight-edged drawn plan (a drawing to scale is preferred but not necessary) delineating the property lines and dimensions, adjacent street(s) and name(s) of that/those street(s), a north arrow, the location of existing/proposed building(s) on the parcel and if applicable off-street parking and/or loading layout. Aerial photographs of your property can be found on the Fremont County map server at <https://maps.greenwoodmap.com/fremontwy/>.
2. The following are the procedures required for a conditional use permit application:
 - (a) Review the request with the City Planning Staff. Application forms are available on the City Website www.landerwyoming.org on the homepage under the "Documents and Forms" tab.
 - (b) The City ordinance 4-6-1 states the rules for Conditional uses. The City Zoning code can be found on the City website www.landerwyoming.org on the homepage under the "City Code Book" tab.. Allowed conditional uses are listed in each separate zoning district 4-12-2 through 4-12-9.
 - (c) For a Home Business Conditional Use additional information is required per City ordinance 4-11-4 and as listed on an addendum to the Conditional Use application.
 - (d) For a Childcare/daycare/group home Conditional Use additional information is required on an addendum to the Conditional Use application.
 - (e) The Board of Adjustment meets the First Thursday of the month. By ordinance, a legal notice regarding the case must be published in a newspaper of general circulation at least fifteen (15) days prior to the public hearing. Our office requires submission of all completed material at least twenty-one (21) days prior to the meeting date in order to meet this publication requirement. There will be no exceptions from the twenty-one (21) day filing deadline date.
 - (f) The petitioner and/or a designated representative must be present at the public hearing to give testimony and answer questions regarding the request.
 - (g) All public hearings are held in the City Council Chambers, 240 Lincoln Street, Lander, Wyoming 82520 starting at 6:00 p.m. unless otherwise posted.
3. Within 30 days of the public hearing and vote of the Board of Adjustments you will receive a letter of determination signed by the City Attorney. If granted, you will have to abide by any and all conditions set forth in the conditional use permit. The permit will be in effect as long as you own the property and CANNOT be transferred to future property owners.

Conditional Use Case number: 25.07

Your meeting will be held: _____

Return forms by: _____



CITY OF LANDER
CONDITIONAL USE APPLICATION – TITLE 4-6-1
NON-REFUNDABLE FEE \$500.00

 X Attached is a plot plan or drawing of all buildings and outside areas used for the conditional use.

 Attached is additional information for Child Care, Group Home, or Home Business, as required

Signature of applicant Adam Thorpe Date 5/30/2025

Signature of owner _____ Date _____

RIVERBEND MOBILE HOME COMMUNITY RULES AND REGULATIONS

The following rules and regulations apply to all residents of the Riverbend Mobile Home Community. All residents will receive a copy of these rules and regulations. A tenant's residency in the community is expressly subject to these rules and regulations, as may be modified by management from time to time. Any questions should be directed to the Riverbend Mobile Home Community's management.

I. TENANT PORTAL. Riverbend Mobile Home Community has a tenant portal where essential information related to the community is posted, tenants can pay monthly rent electronically, and tenants can communicate with management. The tenant portal may be found at <https://riverbendmhc.managebuilding.com/Resident/> and an invite to activate a tenant profile will be sent when a lease commences.

We encourage all tenants to activate their profile on the tenant portal and confirm their contact information. Additionally, tenants should outline communication preferences and authorize communication with management via text message. Any questions related to the tenant portal should be directed to management.

II. RENT PAYMENTS. Management expects rent to be paid on time. For tenant's convenience, the tenant portal provides many ways to pay monthly rent, including by electronic check and credit card. Management is always happy to help tenants set up electronic payments through the tenant portal. Please ask if you need help.

In all cases, lot rent must be paid in advance by the 1st of each month. Unless otherwise stated in the tenant's lot lease agreement, if tenant's monthly rent payment is not received by the 10th of the month, late fees of \$5 per day will be charged for each day until the monthly rent is paid. Late fees compound for each unpaid month. By way of example, if a tenant fails to pay September rent, late fees of \$5 per day will be applied. If the tenant misses October rent (and September rent remains unpaid), late fees of \$5 per day will then be applied for October's unpaid rent. In that case, with September and October rent unpaid, late fees will be \$10 per day.

Rent payment terms and deadlines for park owned mobile home units will be detailed in the lease agreement for such unit. Unless otherwise stated in the lease agreement, rent is due before the 5th of the month. A \$75 late fee is applied on the 7th day of the month. Late fees compound for unpaid months.

In the event of nonpayment or any other term of a lot lease or unit lease must be enforced by management, tenants shall be responsible for all costs of collection, including court costs and reasonable attorney's fees.

III. HOME CONDITION AND MAINTENANCE. Proper care and maintenance of units is important to ensuring the community is enjoyed by all tenants and guests. As such, Tenants are responsible for ensuring their individual lots and units are kept clean and appropriately maintained. Windows must be cleaned, lots kept free of garbage and exterior paint must be appropriately maintained. If a tenant fails to maintain their lot or unit after receiving reasonable notice from management, management reserves the right to have the work performed and charge tenant, as additional rent, the actual cost of the work plus a \$50 service fee. Any such maintenance charge shall be due on the next date monthly rent is due.

IV. INSPECTIONS. Management reserves the right to access any rented spaces (exterior) to inspect and maintain the rented spaces, all utility connections, and common areas. The interior of any mobile homes owned by the park may be inspected during normal business hours on reasonable notice to the tenant occupying the unit.

V. LOSS OR DAMAGE. Management and ownership assume no responsibility for any loss or damage to any vehicles, personal property or mobile homes parked on the premises, whether owned by park tenants or the guests of park tenants. Tenants are responsible for all loss and damage that may occur to their vehicles, personal property or mobile homes at the premises, or to the vehicles and personal property of their guests.

VI. CHILDREN. Riverbend Mobile Home Community is a family friendly property. Parents and guardians are responsible for their children and guests and must ensure they are always appropriately supervised. Parents and guardians are responsible for any damage caused by their children and guests, including any damage to the park, to mobile homes and/or to any personal property of any other tenant or guest.

VII. NOISE & DISTURBANCES. Excessive noise and disturbances are not allowed in the park at any time. The park maintains quiet hours from 8:00 PM to 7:00 AM. Tenants should report any concerns related to noise and disturbances to management through the tenant portal.

VIII. BUSINESS ACTIVITIES. Riverbend Mobile Home Community is a residential area. No peddling, soliciting, commercial enterprise or business activities of any kind are allowed in the park without the prior written approval of park management. No for sale or for rent signs shall be displayed without the prior written approval of park management.

IX. SUBLEASING. Tenants **may not** sublease all or any portion of their unit or lot without the prior written approval of management, which approval may be withheld, conditioned, or delayed at management's sole and absolute discretion. Management's consent to any proposed sublease must be in writing. **Absent management's written consent, subleases are prohibited.**

Any tenant requesting to sublease their unit or lot will be required to sign an amendment to their underlying lease setting forth any additional terms or conditions required by management to facilitate the proposed sublease. If consent is granted by management, the tenant will remain primarily responsible for the lease, including the payment of monthly lot rent. In addition, the subleasing tenant will be responsible for all actions and liabilities of the sublessee, including but not limited to any damage

to the property, nonpayment of rent, and eviction procedures. In the event of an eviction, the tenant shall be responsible for all court filing fees, legal representation, management's costs and expenses, and any other fees associated with removing the sublessee. The express written consent from management for one sublet agreement shall not authorize consent for any subsequent sublet agreements, and in such case, the tenant must seek consent from management for the subsequent sublet agreement. Additionally, if any sublease is approved, the rent under the lease shall be adjusted to market rent (as determined by management).

In consideration of our great tenants, management takes great care to ensure all prospective tenants in the park meet certain established criteria. As part of management's assessment of a prospective subtenant, criminal background checks, credit reports and rental history will be reviewed by management. For this reason, any proposed subtenant will be required to complete an application through the tenant portal (including paying an application fee), undergo routine background checks, enter into an occupancy agreement with management, and sign a copy of these rules. Understandably, management reserves the right to reject any proposed subtenant based on the results of the routine background, credit and occupancy checks and other application procedures.

X. STORAGE. No awnings, carports, or exterior storage units may be placed on a unit without the prior written approval of park management. In the event any exterior storage units are placed on a unit, the storage unit must be locked and appropriately maintained.

XI. PARKING. All motor vehicles must be parked in driveways, parking pads and/or designated parking areas. Parking on roadways is not permitted. Large trucks (i.e., trucks more than 1 ton), RVs, trailers, motorcycles and UTVs are only allowed with the prior written approval of park management. Tenants may not park or store unregistered vehicles, inoperable vehicles, parts for vehicles, machinery, or any equipment on property. Repairing vehicles on park property is expressly prohibited.

XII. LANDSCAPING & MAINTENANCE. Each tenant may arrange and maintain the flowers and shrubs and at their individual unit in an attractive way. Lawns must be watered, mowed, and appropriately maintained. No sprinklers or running hoses shall be left unattended. Trees, shrubs, masonry, and concrete may not be installed without prior approval of park management. No landscaping may be removed or relocated without the prior written approval of park management. If a tenant fails to maintain their lawn or landscaping, management reserves the right to have the landscaping cleaned/maintained and charge tenant, as additional rent, the actual cost of the work plus a \$50 service fee. Any such landscaping maintenance charge shall be due on the next date monthly rent is due.

XIII. GARBAGE & DUMPSTERS. The park provides dumpsters for park tenants to use for the disposal of regular household garbage. The dumpsters are not to be used by anyone who is not a park tenant. The dumpsters are also not intended for large garbage items such as TVs, furniture, appliances, construction materials/waste, other non-household garbage or toxic waste such as paint, cleaners, etc. Should a tenant discard any large garbage items into the dumpsters, including TVs, appliances, furniture, construction materials/waste, non-household items or toxic waste, tenants shall be charged a fee of \$50 plus the actual cost incurred by the park to properly discard the items.

XIV. STORAGE OF TOXIC MATERIALS. Tenants are not permitted to store toxic, flammable, or dangerous materials on the property, including in storage sheds and in or under mobile home units. Each tenant is responsible for any spills, accidents, fires, disturbances, or other issues caused by materials stored in violation of this rule.

XV. PEST & LIVESTOCK. Pets are only allowed as provided in a tenant's lease. All pets must be disclosed and preapproved. Unless preapproved by management in writing, tenants may not have more than two pets (inclusive of dogs and cats). Additionally, unless preapproved by management, dogs more than 25 pounds are prohibited and may not be kept at the park. Approved pets must be kept on leashes when outside. Owners must clean up after pets. If we are forced to clean up after a resident's pet, a \$50 fee for each instance will be applied. Unruly and noisy pets will not be allowed to remain on the property. Livestock of any kind are expressly prohibited and may not be kept at the park.

XVI. FENCES & DOG RUNS. Tenants may not install fences or dog runs without the prior written approval of park management. Management may allow a dog run to be installed (with prior written approval of park management); provided however, the dog run must be installed by a vendor approved by park management and all costs of the installation covered by the tenant.

XVII. MOVING. Tenants must notify park management at least sixty (60) days before moving their mobile home from the park. Management will charge tenants for all reasonable fees and expenses incurred by the park in connection with the tenant's move, including all expenses related to disconnecting utilities and any damage to common areas or services.

XVIII. SEWERS & CLOGS. Tenants must notify management immediately in the event of a sewer line clogs, becomes partially obstructed or if it is disconnected. No wastewater may be discharged onto the ground or into park drains. Tenants should not dispose of grease, leaves, sanitary napkins, garbage, or other household garbage or debris into the toilets or drains. The cost of remediating any clogs resulting from a violation of this rule plus a service fee of \$250 will be charged back to the offending tenant.

XIX. UTILITY CONNECTIONS. Management strongly recommends tenants apply and use heat tape during cold weather months to prevent freezing. Heat tape should be tested annually prior to winter. Regarding tenant-owned units (i.e., a mobile home owned by a tenant and placed in the community per a lot lease), management and ownership are not responsible for any frozen pipes, drains or other utility connections. Management's responsibilities for the condition and maintenance of utility connections for mobile homes owned by the park will be set forth in the unit lease.

XX. SIGNS & SAFETY. Tenants must obey all posted speed limits, parking signs and other safety signs and notices. Tenants understand the speed limit within the park is 15 miles per hour. At managers discretion, persistent violations, unsafe behavior, or driving may result in eviction.

XXI. ILLEGAL & OTHER UNDERSIABLE CONDUCT. As a family friendly residential community, we are keenly focused on maintaining a positive environment for all tenants. Accordingly, illegal activity, violations of privacy, public intoxication, and/or disturbing the peace may result in eviction.

XXII. REPORTING EMERGENCIES. Tenants should immediately call 911 to report any medical emergencies, fires, suspected illegal activity or other conditions or events that pose imminent harm to life or property. Once the authorities have been notified the tenant should notify management of the event. Understandably, management will do its best to assist, but the authorities are the first point of contact and ultimately responsible for addressing the issues.

XXIII. COMPLAINTS. Management will attempt to deal with all complaints in a timely manner. Complaints should be submitted to management in writing, ideally through the tenant portal. Management is solely responsible for determining whether park rules are being observed and for determining the appropriate corrective action.

XXIV. QUESTIONS & RULE CHANGES. Management is focused on ensuring Riverbend Mobile Home Community is a family friendly community and all tenants and guests can safely enjoy the property. These rules are designed to facilitate this positive and safe environment. Tenants should contact Management with any questions or concerns about these rules. Management reserves the right from time to time to change, amend, or supplement these rules. Tenants shall be given 30 days' notice if there is a change, amendment, supplement, or new rules implemented by management.

I have read the above rules and regulations for the Riverbend Mobile Home Community. I understand the rules and regulations, and I agree to abide by them.



CITY OF LANDER
CONDITIONAL USE APPLICATION – TITLE 4-6-1
NON-REFUNDABLE FEE \$500.00

For Office use only: Case # CU 25-08
 Date Received 6/2/25 Date Fee Paid _____ BOA Hearing Date Aug 7
 Existing zone designation R-3 Applicable Section of zoning code _____

Name of Applicant Bentbrook Capital, LLC Email _____
 Address 1914 E 9400 S #219, Sandy, UT 84093 Phone _____

Do you own this property Yes ☒ No _____

If no, Name of Owner _____ Email _____

Address _____ Phone _____

Legal Description of Property (Street address, subdivision lot and block numbers, or attached a Legal description prepared by a surveyor)

119 Northside Drive, which is a mobile home located within the riverbend mobile home community.

Present Zoning District of Property R-3 Current zoning use of the property R-3

Proposed Zoning District NA Proposed zoning use of property NA

Legal Description of Property (Street address, subdivision lot and block numbers, or attached a Legal description prepared by a surveyor)

Check Conditional Use Type below

☐ Child Care/preschool	☐ RV campground	☐ Restaurant
☐ Home Business	☐ Clinic/nursing home	☐ Gaming
☐ Bed/Breakfast	☐ Professional office	☐ Communication tower
☒ Short term Rental	☐ Mortuary/crematory	☐ Junkyard
☐ Group/foster home	☐ Motel	☐ Other, Explain _____

Describe your conditional request (Hours of operation, off-street parking, traffic patterns, fencing, etc.)

Parking is all on our internal private roads. Lot has dedicated parking space to allow up to two (2) vehicles.

Unit is a 2 bedroom consisting of 2 queen beds, with a maximum guests of 5 - to include use of air mattress provided.

Community Rules and Regulations of the park are communicated with with all guest and must be adhered to.

Explain why your conditional use will not adversely affect your neighborhood

Our furnished mobile home unit rentals are primarily used by travel nurses, government workers and others in Lander for longer than 30 days.

Marketing for the longer term rentals is done online through furnished finder, facebook, zillow and AirB&B.

From time to time, in the summer months, we will have gaps in our leases and shorter stays will be accomodated.

The use of our units the shorter stays is consistent with the manner in which the Riverbend Mobile Home Community is used. Guests are subject to established rules for the community.



CITY OF LANDER
CONDITIONAL USE APPLICATION – TITLE 4-6-1
NON-REFUNDABLE FEE \$500.00

INSTRUCTION SHEET

1. A Conditional Use Permit application must be submitted along with a plot plan or drawing. The graphic must be a straight-edged drawn plan (a drawing to scale is preferred but not necessary) delineating the property lines and dimensions, adjacent street(s) and name(s) of that/those street(s), a north arrow, the location of existing/proposed building(s) on the parcel and if applicable off-street parking and/or loading layout. Aerial photographs of your property can be found on the Fremont County map server at <https://maps.greenwoodmap.com/fremontwy/>.
2. The following are the procedures required for a conditional use permit application:
 - (a) Review the request with the City Planning Staff. Application forms are available on the City Website www.landerwyoming.org on the homepage under the "Documents and Forms" tab.
 - (b) The City ordinance 4-6-1 states the rules for Conditional uses. The City Zoning code can be found on the City website www.landerwyoming.org on the homepage under the "City Code Book" tab.. Allowed conditional uses are listed in each separate zoning district 4-12-2 through 4-12-9.
 - (c) For a Home Business Conditional Use additional information is required per City ordinance 4-11-4 and as listed on an addendum to the Conditional Use application.
 - (d) For a Childcare/daycare/group home Conditional Use additional information is required on an addendum to the Conditional Use application.
 - (e) The Board of Adjustment meets the First Thursday of the month. By ordinance, a legal notice regarding the case must be published in a newspaper of general circulation at least fifteen (15) days prior to the public hearing. Our office requires submission of all completed material at least twenty-one (21) days prior to the meeting date in order to meet this publication requirement. There will be no exceptions from the twenty-one (21) day filing deadline date.
 - (f) The petitioner and/or a designated representative must be present at the public hearing to give testimony and answer questions regarding the request.
 - (g) All public hearings are held in the City Council Chambers, 240 Lincoln Street, Lander, Wyoming 82520 starting at 6:00 p.m. unless otherwise posted.
3. Within 30 days of the public hearing and vote of the Board of Adjustments you will receive a letter of determination signed by the City Attorney. If granted, you will have to abide by any and all conditions set forth in the conditional use permit. The permit will be in effect as long as you own the property and CANNOT be transferred to future property owners.

Conditional Use Case number: CU 25.08

Your meeting will be held: _____

Return forms by: _____



CITY OF LANDER
CONDITIONAL USE APPLICATION – TITLE 4-6-1
NON-REFUNDABLE FEE \$500.00

X Attached is a plot plan or drawing of all buildings and outside areas used for the conditional use.

X Attached is additional information for Child Care, Group Home, or Home Business, as required

Signature of applicant Adam Thorpe Date 5/30/2025

Signature of owner _____ Date _____

RIVERBEND MOBILE HOME COMMUNITY RULES AND REGULATIONS

The following rules and regulations apply to all residents of the Riverbend Mobile Home Community. All residents will receive a copy of these rules and regulations. A tenant's residency in the community is expressly subject to these rules and regulations, as may be modified by management from time to time. Any questions should be directed to the Riverbend Mobile Home Community's management.

I. TENANT PORTAL. Riverbend Mobile Home Community has a tenant portal where essential information related to the community is posted, tenants can pay monthly rent electronically, and tenants can communicate with management. The tenant portal may be found at <https://riverbendmhc.managebuilding.com/Resident/> and an invite to activate a tenant profile will be sent when a lease commences.

We encourage all tenants to activate their profile on the tenant portal and confirm their contact information. Additionally, tenants should outline communication preferences and authorize communication with management via text message. Any questions related to the tenant portal should be directed to management.

II. RENT PAYMENTS. Management expects rent to be paid on time. For tenant's convenience, the tenant portal provides many ways to pay monthly rent, including by electronic check and credit card. Management is always happy to help tenants set up electronic payments through the tenant portal. Please ask if you need help.

In all cases, lot rent must be paid in advance by the 1st of each month. Unless otherwise stated in the tenant's lot lease agreement, if tenant's monthly rent payment is not received by the 10th of the month, late fees of \$5 per day will be charged for each day until the monthly rent is paid. Late fees compound for each unpaid month. By way of example, if a tenant fails to pay September rent, late fees of \$5 per day will be applied. If the tenant misses October rent (and September rent remains unpaid), late fees of \$5 per day will then be applied for October's unpaid rent. In that case, with September and October rent unpaid, late fees will be \$10 per day.

Rent payment terms and deadlines for park owned mobile home units will be detailed in the lease agreement for such unit. Unless otherwise stated in the lease agreement, rent is due before the 5th of the month. A \$75 late fee is applied on the 7th day of the month. Late fees compound for unpaid months.

In the event of nonpayment or any other term of a lot lease or unit lease must be enforced by management, tenants shall be responsible for all costs of collection, including court costs and reasonable attorney's fees.

III. HOME CONDITION AND MAINTENANCE. Proper care and maintenance of units is important to ensuring the community is enjoyed by all tenants and guests. As such, Tenants are responsible for ensuring their individual lots and units are kept clean and appropriately maintained. Windows must be cleaned, lots kept free of garbage and exterior paint must be appropriately maintained. If a tenant fails to maintain their lot or unit after receiving reasonable notice from management, management reserves the right to have the work performed and charge tenant, as additional rent, the actual cost of the work plus a \$50 service fee. Any such maintenance charge shall be due on the next date monthly rent is due.

IV. INSPECTIONS. Management reserves the right to access any rented spaces (exterior) to inspect and maintain the rented spaces, all utility connections, and common areas. The interior of any mobile homes owned by the park may be inspected during normal business hours on reasonable notice to the tenant occupying the unit.

V. LOSS OR DAMAGE. Management and ownership assume no responsibility for any loss or damage to any vehicles, personal property or mobile homes parked on the premises, whether owned by park tenants or the guests of park tenants. Tenants are responsible for all loss and damage that may occur to their vehicles, personal property or mobile homes at the premises, or to the vehicles and personal property of their guests.

VI. CHILDREN. Riverbend Mobile Home Community is a family friendly property. Parents and guardians are responsible for their children and guests and must ensure they are always appropriately supervised. Parents and guardians are responsible for any damage caused by their children and guests, including any damage to the park, to mobile homes and/or to any personal property of any other tenant or guest.

VII. NOISE & DISTURBANCES. Excessive noise and disturbances are not allowed in the park at any time. The park maintains quiet hours from 8:00 PM to 7:00 AM. Tenants should report any concerns related to noise and disturbances to management through the tenant portal.

VIII. BUSINESS ACTIVITIES. Riverbend Mobile Home Community is a residential area. No peddling, soliciting, commercial enterprise or business activities of any kind are allowed in the park without the prior written approval of park management. No for sale or for rent signs shall be displayed without the prior written approval of park management.

IX. SUBLEASING. Tenants **may not** sublease all or any portion of their unit or lot without the prior written approval of management, which approval may be withheld, conditioned, or delayed at management's sole and absolute discretion. Management's consent to any proposed sublease must be in writing. **Absent management's written consent, subleases are prohibited.**

Any tenant requesting to sublease their unit or lot will be required to sign an amendment to their underlying lease setting forth any additional terms or conditions required by management to facilitate the proposed sublease. If consent is granted by management, the tenant will remain primarily responsible for the lease, including the payment of monthly lot rent. In addition, the subleasing tenant will be responsible for all actions and liabilities of the sublessee, including but not limited to any damage

to the property, nonpayment of rent, and eviction procedures. In the event of an eviction, the tenant shall be responsible for all court filing fees, legal representation, management's costs and expenses, and any other fees associated with removing the sublessee. The express written consent from management for one sublet agreement shall not authorize consent for any subsequent sublet agreements, and in such case, the tenant must seek consent from management for the subsequent sublet agreement. Additionally, if any sublease is approved, the rent under the lease shall be adjusted to market rent (as determined by management).

In consideration of our great tenants, management takes great care to ensure all prospective tenants in the park meet certain established criteria. As part of management's assessment of a prospective subtenant, criminal background checks, credit reports and rental history will be reviewed by management. For this reason, any proposed subtenant will be required to complete an application through the tenant portal (including paying an application fee), undergo routine background checks, enter into an occupancy agreement with management, and sign a copy of these rules. Understandably, management reserves the right to reject any proposed subtenant based on the results of the routine background, credit and occupancy checks and other application procedures.

X. STORAGE. No awnings, carports, or exterior storage units may be placed on a unit without the prior written approval of park management. In the event any exterior storage units are placed on a unit, the storage unit must be locked and appropriately maintained.

XI. PARKING. All motor vehicles must be parked in driveways, parking pads and/or designated parking areas. Parking on roadways is not permitted. Large trucks (i.e., trucks more than 1 ton), RVs, trailers, motorcycles and UTVs are only allowed with the prior written approval of park management. Tenants may not park or store unregistered vehicles, inoperable vehicles, parts for vehicles, machinery, or any equipment on property. Repairing vehicles on park property is expressly prohibited.

XII. LANDSCAPING & MAINTENANCE. Each tenant may arrange and maintain the flowers and shrubs and at their individual unit in an attractive way. Lawns must be watered, mowed, and appropriately maintained. No sprinklers or running hoses shall be left unattended. Trees, shrubs, masonry, and concrete may not be installed without prior approval of park management. No landscaping may be removed or relocated without the prior written approval of park management. If a tenant fails to maintain their lawn or landscaping, management reserves the right to have the landscaping cleaned/maintained and charge tenant, as additional rent, the actual cost of the work plus a \$50 service fee. Any such landscaping maintenance charge shall be due on the next date monthly rent is due.

XIII. GARBAGE & DUMPSTERS. The park provides dumpsters for park tenants to use for the disposal of regular household garbage. The dumpsters are not to be used by anyone who is not a park tenant. The dumpsters are also not intended for large garbage items such as TVs, furniture, appliances, construction materials/waste, other non-household garbage or toxic waste such as paint, cleaners, etc. Should a tenant discard any large garbage items into the dumpsters, including TVs, appliances, furniture, construction materials/waste, non-household items or toxic waste, tenants shall be charged a fee of \$50 plus the actual cost incurred by the park to properly discard the items.

XIV. STORAGE OF TOXIC MATERIALS. Tenants are not permitted to store toxic, flammable, or dangerous materials on the property, including in storage sheds and in or under mobile home units. Each tenant is responsible for any spills, accidents, fires, disturbances, or other issues caused by materials stored in violation of this rule.

XV. PEST & LIVESTOCK. Pets are only allowed as provided in a tenant's lease. All pets must be disclosed and preapproved. Unless preapproved by management in writing, tenants may not have more than two pets (inclusive of dogs and cats). Additionally, unless preapproved by management, dogs more than 25 pounds are prohibited and may not be kept at the park. Approved pets must be kept on leashes when outside. Owners must clean up after pets. If we are forced to clean up after a resident's pet, a \$50 fee for each instance will be applied. Unruly and noisy pets will not be allowed to remain on the property. Livestock of any kind are expressly prohibited and may not be kept at the park.

XVI. FENCES & DOG RUNS. Tenants may not install fences or dog runs without the prior written approval of park management. Management may allow a dog run to be installed (with prior written approval of park management); provided however, the dog run must be installed by a vendor approved by park management and all costs of the installation covered by the tenant.

XVII. MOVING. Tenants must notify park management at least sixty (60) days before moving their mobile home from the park. Management will charge tenants for all reasonable fees and expenses incurred by the park in connection with the tenant's move, including all expenses related to disconnecting utilities and any damage to common areas or services.

XVIII. SEWERS & CLOGS. Tenants must notify management immediately in the event of a sewer line clogs, becomes partially obstructed or if it is disconnected. No wastewater may be discharged onto the ground or into park drains. Tenants should not dispose of grease, leaves, sanitary napkins, garbage, or other household garbage or debris into the toilets or drains. The cost of remediating any clogs resulting from a violation of this rule plus a service fee of \$250 will be charged back to the offending tenant.

XIX. UTILITY CONNECTIONS. Management strongly recommends tenants apply and use heat tape during cold weather months to prevent freezing. Heat tape should be tested annually prior to winter. Regarding tenant-owned units (i.e., a mobile home owned by a tenant and placed in the community per a lot lease), management and ownership are not responsible for any frozen pipes, drains or other utility connections. Management's responsibilities for the condition and maintenance of utility connections for mobile homes owned by the park will be set forth in the unit lease.

XX. SIGNS & SAFETY. Tenants must obey all posted speed limits, parking signs and other safety signs and notices. Tenants understand the speed limit within the park is 15 miles per hour. At managers discretion, persistent violations, unsafe behavior, or driving may result in eviction.

XXI. ILLEGAL & OTHER UNDERSIABLE CONDUCT. As a family friendly residential community, we are keenly focused on maintaining a positive environment for all tenants. Accordingly, illegal activity, violations of privacy, public intoxication, and/or disturbing the peace may result in eviction.

XXII. REPORTING EMERGENCIES. Tenants should immediately call 911 to report any medical emergencies, fires, suspected illegal activity or other conditions or events that pose imminent harm to life or property. Once the authorities have been notified the tenant should notify management of the event. Understandably, management will do its best to assist, but the authorities are the first point of contact and ultimately responsible for addressing the issues.

XXIII. COMPLAINTS. Management will attempt to deal with all complaints in a timely manner. Complaints should be submitted to management in writing, ideally through the tenant portal. Management is solely responsible for determining whether park rules are being observed and for determining the appropriate corrective action.

XXIV. QUESTIONS & RULE CHANGES. Management is focused on ensuring Riverbend Mobile Home Community is a family friendly community and all tenants and guests can safely enjoy the property. These rules are designed to facilitate this positive and safe environment. Tenants should contact Management with any questions or concerns about these rules. Management reserves the right from time to time to change, amend, or supplement these rules. Tenants shall be given 30 days' notice if there is a change, amendment, supplement, or new rules implemented by management.

I have read the above rules and regulations for the Riverbend Mobile Home Community. I understand the rules and regulations, and I agree to abide by them.



CITY OF LANDER
CONDITIONAL USE APPLICATION – TITLE 4-6-1
NON-REFUNDABLE FEE \$500.00

For Office use only: Case # 75.06
 Date Received 6/2/25 Date Fee Paid _____ BOA Hearing Date _____
 Existing zone designation R-3 Applicable Section of zoning code 4-12-4, 46-1

Name of Applicant Bentbrook Capital, LLC Email [REDACTED]
 Address 1914 E 9400 S #219, Sandy, UT 84093 Phone [REDACTED]

Do you own this property Yes ☒ No ☐

If no, Name of Owner _____ Email _____

Address _____ Phone _____

Legal Description of Property (Street address, subdivision lot and block numbers, or attached a Legal description prepared by a surveyor)

151 Northside Drive, which is mobile home situated on a lot in the Riverbend Mobile Home Community.

Present Zoning District of Property R-3 Current zoning use of the property R-3

Proposed Zoning District N/A Proposed zoning use of property N/A

Legal Description of Property (Street address, subdivision lot and block numbers, or attached a Legal description prepared by a surveyor)

Check Conditional Use Type below

☐ Child Care/preschool	☐ RV campground	☐ Restaurant
☐ Home Business	☐ Clinic/nursing home	☐ Gaming
☐ Bed/Breakfast	☐ Professional office	☐ Communication tower
☒ Short term Rental	☐ Mortuary/crematory	☐ Junkyard
☐ Group/foster home	☐ Motel	☐ Other, Explain _____

Describe your conditional request (Hours of operation, off-street parking, traffic patterns, fencing, etc.)

Parking is all on our internal private roads that are owned and maintained by Riverbend. Lot has dedicated parking space to allow up to two (2) vehicles.

Unit is a 3 bedroom consisting of 3 queen beds, with a maximum guests of 7 - to include use of air mattress provided.

Community Rules and Regulations of the park are communicated with with all guest and must be adhered to.

Explain why your conditional use will not adversely affect your neighborhood

Our furnished mobile home unit rentals are primarily used by travel nurses, government workers and others in Lander for longer than 30 days.

Marketing for the longer term rentals is done through furnished finder, zillow and AirB&B.

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CITY OF LANDER
CONDITIONAL USE APPLICATION – TITLE 4-6-1
NON-REFUNDABLE FEE \$500.00

INSTRUCTION SHEET

1. A Conditional Use Permit application must be submitted along with a plot plan or drawing. The graphic must be a straight-edged drawn plan (a drawing to scale is preferred but not necessary) delineating the property lines and dimensions, adjacent street(s) and name(s) of that/those street(s), a north arrow, the location of existing/proposed building(s) on the parcel and if applicable off-street parking and/or loading layout. Aerial photographs of your property can be found on the Fremont County map server at <https://maps.greenwoodmap.com/fremontwy/>
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3. Within 30 days of the public hearing and vote of the Board of Adjustments you will receive a letter of determination signed by the City Attorney. If granted, you will have to abide by any and all conditions set forth in the conditional use permit. The permit will be in effect as long as you own the property and CANNOT be transferred to future property owners.

Conditional Use Case number: CU 25.06

Your meeting will be held: _____

Return forms by: _____



CITY OF LANDER
CONDITIONAL USE APPLICATION – TITLE 4-6-1
NON-REFUNDABLE FEE \$500.00

 X Attached is a plot plan or drawing of all buildings and outside areas used for the conditional use.

 Attached is additional information for Child Care, Group Home, or Home Business, as required

Signature of applicant Adam Thorpe Date 5/30/2025

Signature of owner _____ Date _____

RIVERBEND MOBILE HOME COMMUNITY RULES AND REGULATIONS

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In all cases, lot rent must be paid in advance by the 1st of each month. Unless otherwise stated in the tenant's lot lease agreement, if tenant's monthly rent payment is not received by the 10th of the month, late fees of \$5 per day will be charged for each day until the monthly rent is paid. Late fees compound for each unpaid month. By way of example, if a tenant fails to pay September rent, late fees of \$5 per day will be applied. If the tenant misses October rent (and September rent remains unpaid), late fees of \$5 per day will then be applied for October's unpaid rent. In that case, with September and October rent unpaid, late fees will be \$10 per day.

Rent payment terms and deadlines for park owned mobile home units will be detailed in the lease agreement for such unit. Unless otherwise stated in the lease agreement, rent is due before the 5th of the month. A \$75 late fee is applied on the 7th day of the month. Late fees compound for unpaid months.

In the event of nonpayment or any other term of a lot lease or unit lease must be enforced by management, tenants shall be responsible for all costs of collection, including court costs and reasonable attorney's fees.

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IV. INSPECTIONS. Management reserves the right to access any rented spaces (exterior) to inspect and maintain the rented spaces, all utility connections, and common areas. The interior of any mobile homes owned by the park may be inspected during normal business hours on reasonable notice to the tenant occupying the unit.

V. LOSS OR DAMAGE. Management and ownership assume no responsibility for any loss or damage to any vehicles, personal property or mobile homes parked on the premises, whether owned by park tenants or the guests of park tenants. Tenants are responsible for all loss and damage that may occur to their vehicles, personal property or mobile homes at the premises, or to the vehicles and personal property of their guests.

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VIII. BUSINESS ACTIVITIES. Riverbend Mobile Home Community is a residential area. No peddling, soliciting, commercial enterprise or business activities of any kind are allowed in the park without the prior written approval of park management. No for sale or for rent signs shall be displayed without the prior written approval of park management.

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Any tenant requesting to sublease their unit or lot will be required to sign an amendment to their underlying lease setting forth any additional terms or conditions required by management to facilitate the proposed sublease. If consent is granted by management, the tenant will remain primarily responsible for the lease, including the payment of monthly lot rent. In addition, the subleasing tenant will be responsible for all actions and liabilities of the sublessee, including but not limited to any damage

to the property, nonpayment of rent, and eviction procedures. In the event of an eviction, the tenant shall be responsible for all court filing fees, legal representation, management's costs and expenses, and any other fees associated with removing the sublessee. The express written consent from management for one sublet agreement shall not authorize consent for any subsequent sublet agreements, and in such case, the tenant must seek consent from management for the subsequent sublet agreement. Additionally, if any sublease is approved, the rent under the lease shall be adjusted to market rent (as determined by management).

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X. STORAGE. No awnings, carports, or exterior storage units may be placed on a unit without the prior written approval of park management. In the event any exterior storage units are placed on a unit, the storage unit must be locked and appropriately maintained.

XI. PARKING. All motor vehicles must be parked in driveways, parking pads and/or designated parking areas. Parking on roadways is not permitted. Large trucks (i.e., trucks more than 1 ton), RVs, trailers, motorcycles and UTVs are only allowed with the prior written approval of park management. Tenants may not park or store unregistered vehicles, inoperable vehicles, parts for vehicles, machinery, or any equipment on property. Repairing vehicles on park property is expressly prohibited.

XII. LANDSCAPING & MAINTENANCE. Each tenant may arrange and maintain the flowers and shrubs and at their individual unit in an attractive way. Lawns must be watered, mowed, and appropriately maintained. No sprinklers or running hoses shall be left unattended. Trees, shrubs, masonry, and concrete may not be installed without prior approval of park management. No landscaping may be removed or relocated without the prior written approval of park management. If a tenant fails to maintain their lawn or landscaping, management reserves the right to have the landscaping cleaned/maintained and charge tenant, as additional rent, the actual cost of the work plus a \$50 service fee. Any such landscaping maintenance charge shall be due on the next date monthly rent is due.

XIII. GARBAGE & DUMPSTERS. The park provides dumpsters for park tenants to use for the disposal of regular household garbage. The dumpsters are not to be used by anyone who is not a park tenant. The dumpsters are also not intended for large garbage items such as TVs, furniture, appliances, construction materials/waste, other non-household garbage or toxic waste such as paint, cleaners, etc. Should a tenant discard any large garbage items into the dumpsters, including TVs, appliances, furniture, construction materials/waste, non-household items or toxic waste, tenants shall be charged a fee of \$50 plus the actual cost incurred by the park to properly discard the items.

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XV. PEST & LIVESTOCK. Pets are only allowed as provided in a tenant's lease. All pets must be disclosed and preapproved. Unless preapproved by management in writing, tenants may not have more than two pets (inclusive of dogs and cats). Additionally, unless preapproved by management, dogs more than 25 pounds are prohibited and may not be kept at the park. Approved pets must be kept on leashes when outside. Owners must clean up after pets. If we are forced to clean up after a resident's pet, a \$50 fee for each instance will be applied. Unruly and noisy pets will not be allowed to remain on the property. Livestock of any kind are expressly prohibited and may not be kept at the park.

XVI. FENCES & DOG RUNS. Tenants may not install fences or dog runs without the prior written approval of park management. Management may allow a dog run to be installed (with prior written approval of park management); provided however, the dog run must be installed by a vendor approved by park management and all costs of the installation covered by the tenant.

XVII. MOVING. Tenants must notify park management at least sixty (60) days before moving their mobile home from the park. Management will charge tenants for all reasonable fees and expenses incurred by the park in connection with the tenant's move, including all expenses related to disconnecting utilities and any damage to common areas or services.

XVIII. SEWERS & CLOGS. Tenants must notify management immediately in the event of a sewer line clogs, becomes partially obstructed or if it is disconnected. No wastewater may be discharged onto the ground or into park drains. Tenants should not dispose of grease, leaves, sanitary napkins, garbage, or other household garbage or debris into the toilets or drains. The cost of remediating any clogs resulting from a violation of this rule plus a service fee of \$250 will be charged back to the offending tenant.

XIX. UTILITY CONNECTIONS. Management strongly recommends tenants apply and use heat tape during cold weather months to prevent freezing. Heat tape should be tested annually prior to winter. Regarding tenant-owned units (i.e., a mobile home owned by a tenant and placed in the community per a lot lease), management and ownership are not responsible for any frozen pipes, drains or other utility connections. Management's responsibilities for the condition and maintenance of utility connections for mobile homes owned by the park will be set forth in the unit lease.

XX. SIGNS & SAFETY. Tenants must obey all posted speed limits, parking signs and other safety signs and notices. Tenants understand the speed limit within the park is 15 miles per hour. At managers discretion, persistent violations, unsafe behavior, or driving may result in eviction.

XXI. ILLEGAL & OTHER UNDERSIABLE CONDUCT. As a family friendly residential community, we are keenly focused on maintaining a positive environment for all tenants. Accordingly, illegal activity, violations of privacy, public intoxication, and/or disturbing the peace may result in eviction.

XXII. REPORTING EMERGENCIES. Tenants should immediately call 911 to report any medical emergencies, fires, suspected illegal activity or other conditions or events that pose imminent harm to life or property. Once the authorities have been notified the tenant should notify management of the event. Understandably, management will do its best to assist, but the authorities are the first point of contact and ultimately responsible for addressing the issues.

XXIII. COMPLAINTS. Management will attempt to deal with all complaints in a timely manner. Complaints should be submitted to management in writing, ideally through the tenant portal. Management is solely responsible for determining whether park rules are being observed and for determining the appropriate corrective action.

XXIV. QUESTIONS & RULE CHANGES. Management is focused on ensuring Riverbend Mobile Home Community is a family friendly community and all tenants and guests can safely enjoy the property. These rules are designed to facilitate this positive and safe environment. Tenants should contact Management with any questions or concerns about these rules. Management reserves the right from time to time to change, amend, or supplement these rules. Tenants shall be given 30 days' notice if there is a change, amendment, supplement, or new rules implemented by management.

I have read the above rules and regulations for the Riverbend Mobile Home Community. I understand the rules and regulations, and I agree to abide by them.



City of Lander Board of Adjustments and Planning Commission

July 31, 2025

City Staff Comments on CU 25.06, 25.07, 25.08, Short-term rental, Northside Drive

City staff received no written public comment on this conditional use request as of the date of this letter. This application was generated in response to the owner receiving a letter from the planning department inquiring if the owner was operating a short-term rental.

Owner states this property is used both as long-term and short-term rentals. The short-term rental application includes a set of rules and regulation. The application is in order and all three units meet the requirements for off-street parking.

Owner is aware of the requirement to pay WY lodging taxes, and the annual fire inspection required to maintain the Conditional Use permit.

City staff recommend approval of permits CU 25.06, 25.07, 25.08 conditional on the following.

- owner receiving the required annual inspections.
- owner can show proof of capacity to collect WY lodging tax receipts.

RaJean Strube Fossen

the lot is a corner lot, directly across the street from a commercial building which is currently a gym. My maximum expected occupancy during the hiking season (July-September) will be 15.

Section 3, Item B.

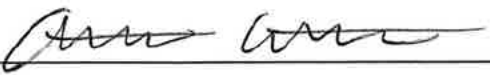


CITY OF LANDER
CONDITIONAL USE APPLICATION – TITLE 4-6-1
NON-REFUNDABLE FEE \$500.00

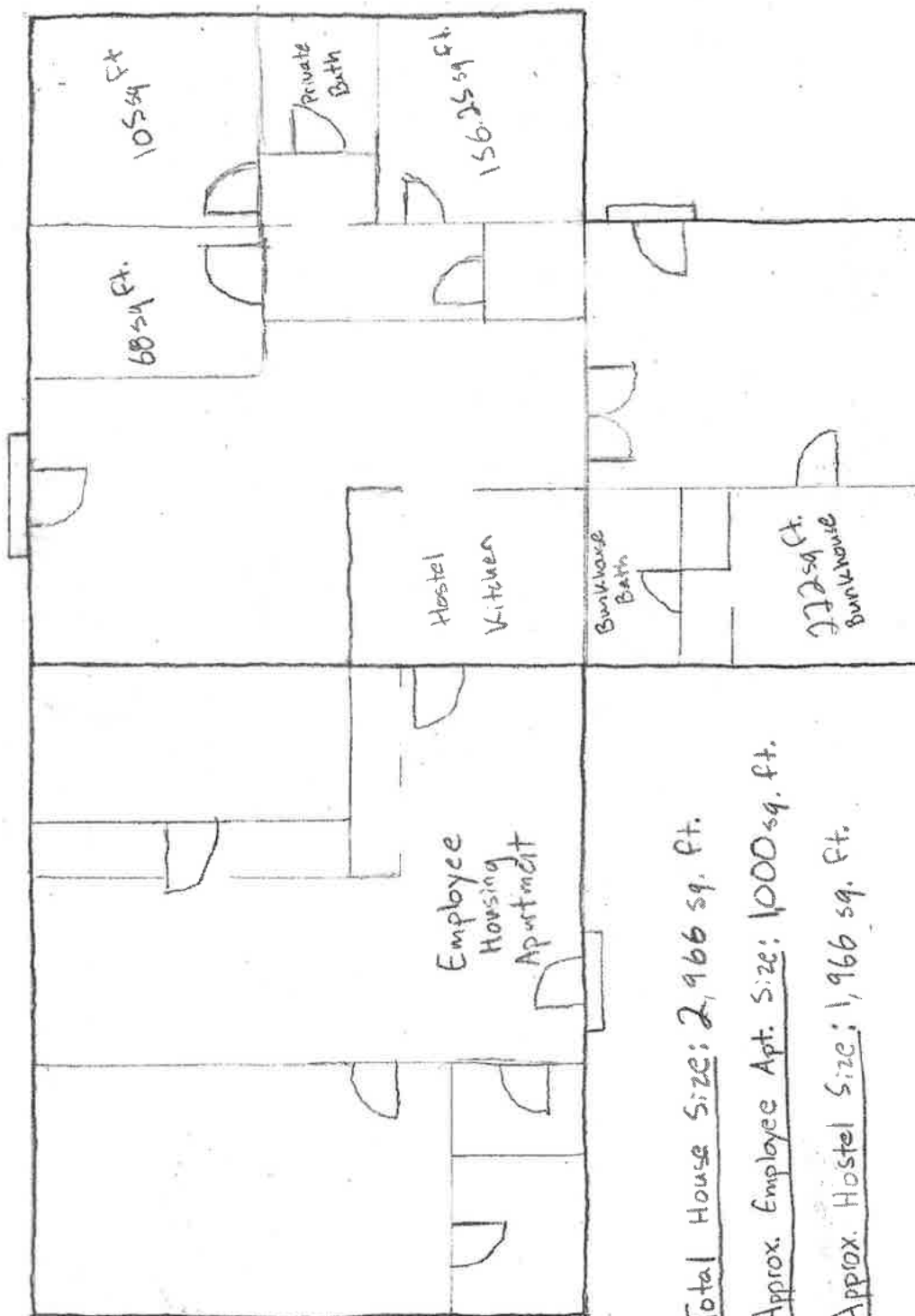
Section 3, Item B.

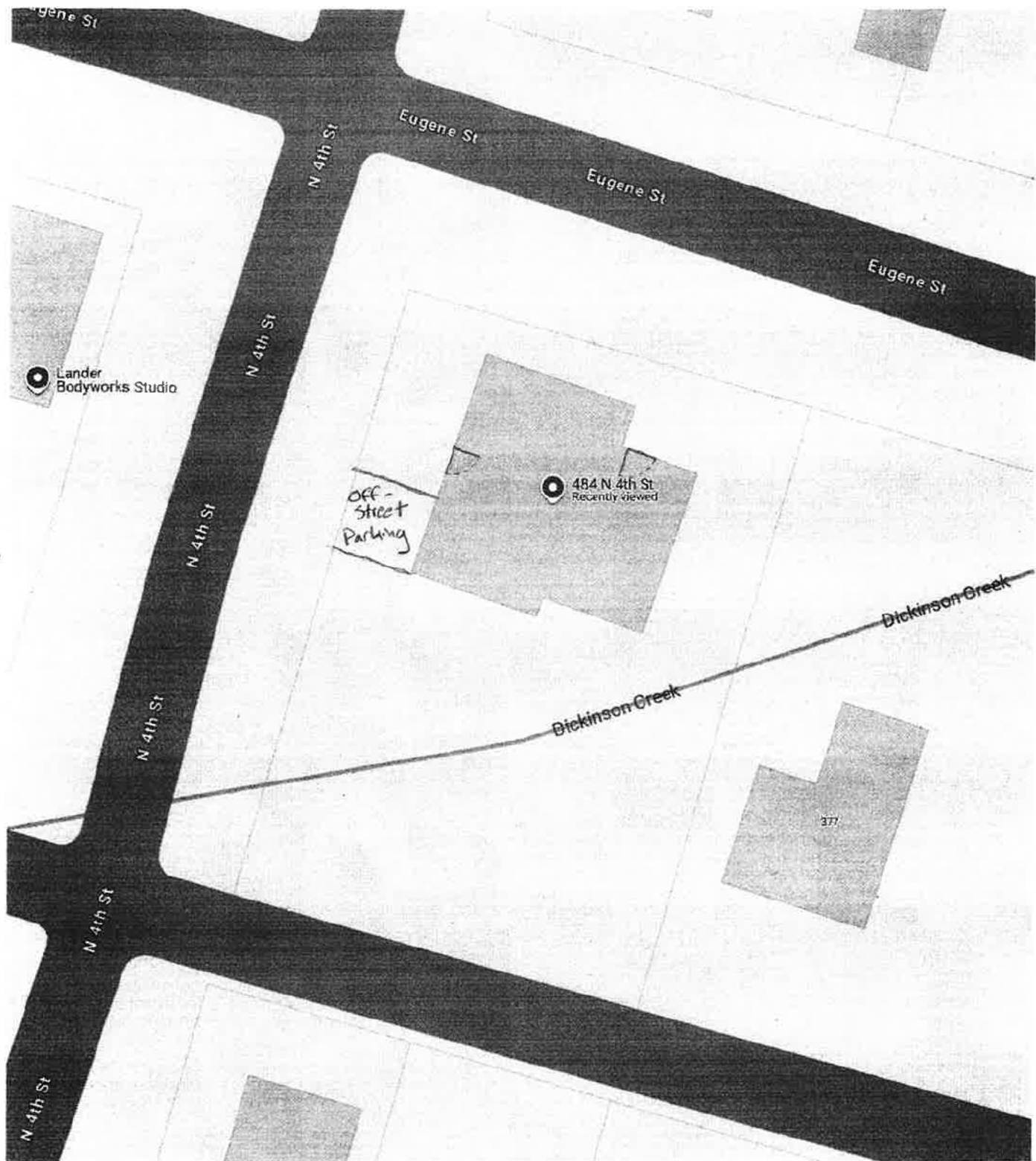
X Attached is a plot plan or drawing of all buildings and outside areas used for the conditional use.

_____ Attached is additional information for Child Care, Group Home, or Home Business, as required

Signature of applicant  Date 6/27/25

Signature of owner 11 Date _____







Triple Crown Hostel - Mission Statement

At Triple Crown Hostel, our mission is to serve as a welcoming, supportive, and essential hub for long-distance hikers traveling the Continental Divide Trail (CDT), while deepening the connection between the trail community and the city of Lander, Wyoming.

Hostels along long trails are more than just a place to rest - they are the heart of trail towns. They offer comfort, community, and a reliable place for hikers to regroup, resupply, rest, and connect with the local culture. A good hostel becomes known far beyond town limits, passed from hiker to hiker for hundreds of miles. In many cases, hikers plan their "zero days"(days with zero trail-miles hiked) around these hostels, which results in direct economic benefit to local businesses and services.

Lander already holds a beloved place in the hearts and minds of the CDT community, known for its charm, generosity, and access to nature. Not only is it the home of the CDTC, but the presence of NOLS, and it's proximity to the Wind River Range and the Great Basin set it apart from almost any other community along the trail. The absence of a dedicated hostel here is not only surprising but a missed opportunity to enrich that legacy.

Having personally experienced the profound generosity of the trail community, I am committed to giving back in the most meaningful way I know - by opening a hostel rooted in hospitality, respect, and service. With 12+ years of experience in the hospitality industry, I'm excited to create a space that reflects the spirit of both the CDT and the city of Lander: welcoming and unforgettable.

Triple Crown Hostel aims to be more than a business - it will be a symbiotic bridge between hikers and the community, a boost to local tourism, and a new chapter in Lander's already stellar reputation among adventurers.

Triple Crown Hostel - Terms of Service

1. Parking Policy

We allow a maximum of six (6) guest vehicles on-site at any given time. To help us manage space and avoid issues with our neighbors, all guests must indicate whether they will be bringing a vehicle at the time of booking. There will be a required checkbox during the reservation process to confirm this.

Failure to disclose your intention to bring a vehicle may result in cancellation of your reservation without refund. Please be honest and help us keep things running smoothly.

2. Quiet Hours

Our quiet hours run from 9:00 PM to 9:00 AM daily.

Affectionately known as "Hiker Midnight," 9:00 PM is when we all wind down for the night. During these hours, we ask all guests to keep noise to a minimum both inside and outside the building. This helps ensure that everyone gets the rest they need, especially our long-distance hikers.

3. Substance Policy

We maintain a strict no drugs or illicit substances policy on hostel property.

Alcohol is permitted only under our "brown bag policy"-meaning it must be kept discreet, respectful, and within moderation. Open intoxication, loud behavior, or drinking games are not allowed.

4. Respecting the Rules

Failure to follow any of the above terms may result in immediate removal from the property without refund.

In serious or repeated cases of disruption, we reserve the right to contact law enforcement to protect the peace, safety, and comfort of our guests and neighbors. We appreciate your understanding and cooperation.

CITY OF LANDER
NOTICE OF PUBLIC HEARING
Conditional Use Permit

A public hearing will be held by the Planning Commission & Board of Adjustments on Thursday August 7, 2025, at 6:00 pm in Lander City Hall, 240 Lincoln Street, Lander, Wyoming on a Conditional Use request for 484 N 4th Street. The request is for a conditional use permit to run a short-term rental as a hostel in a portion of the owner's private residence. This request complies with the requirements of City Code 4-12-4 C which allows for a short-term rental in an R3 residential zone.

The public hearing affords anyone the opportunity to appear and speak for or against the short-term rental application. Testimony may be given in person on the date of the hearing, or by written comment to RaJean Strube Fossen rfossen@landerwyoming.org by close of business on August 3, 2025.

Additional information may be obtained by contacting RaJean Strube Fossen at City Hall 307-332-2870 x117.

Rachelle Fontaine
City Clerk

PUB: Lander Journal
July 23, 2025

Planning Commission
Board of Adjustments

No to 484 North 4th St request
Conditional use permit For hostel
~~No~~ more Short-term rental in
lander wy.

Helen Morris
670 East Ln
lander wy 82520

25FT-NIP

Planning Commission
Board of Adjustments

No more Short term rental in
lander, wy. All ready to many.

Rachelle Strube Fossen

Helen Morris
670 East lane
lander wy 82520

Helen Morris

25 July 2025

To Planning Commission and Board of Adjustments:

I am writing as a citizen in the area of the proposed hostel 484 N. 4th Street.

I live at 391 Amoretti Street (one block from 484). I am in favor of the hostel in this neighborhood and highly recommend that the city permit this application.

Lander is on the biking, walking routes for many tourists and an excellent stopping point for rest, showers, supplies, and so much more. This would be a boost for our economy and an asset to many businesses. The people staying here are serious hikers and bicyclists, they are looking for a place to rest and clean-up before continuing their journey.

I know there was an issue about parking but there are few motorized vehicles as the majority of these hikers hitchhike into town or message for rides.

Please allow this hostel to move forward.

Sincerely,

Claudia L. Elzay

A handwritten signature in cursive script that reads "Claudia L. Elzay". The signature is written in dark ink and is positioned below the printed name.



Rajeane Strube Fossen <rsfossen@landerwyoming.org>

Conditional Use Permit for 484 N 4th. St.

2 messages

Mel Ferguson <melferg13@gmail.com>

Sun, Jul 27, 2025 at 1:24 PM

To: "rsfossen@landerwyoming.org" <rsfossen@landerwyoming.org>

Ms. Fossen,

I am a Lander resident and homeowner writing to share my support for the proposed hostel at 484 N. 4th St. My home is just down the street from the proposed hostel at 336 N 4th St, and I believe this hostel will be a great addition to both our neighborhood and the city of Lander. We are fortunate to be located so close to the iconic thru-hiking trail, the CDT. I think this hostel in combination with the new laundromat in town will be incredible for the thru-hiking community that draws so many interesting people to our town every summer.

Thank you so much,
Melanie Ferguson

Rajeane Strube Fossen <rsfossen@landerwyoming.org>

Tue, Jul 29, 2025 at 7:02 AM

To: Mel Ferguson <melferg13@gmail.com>

Thank you Mel. I will add your comments to the meeting packet for the Board to consider.

Please attend the meeting if you would like to speak in person. August 7, 2025, 6:00 pm at Lander City Hall, 240 Lincoln Street.

Have a great day!
RaJean

[Quoted text hidden]



Rajeane Strube Fossen <rsfossen@landerwyoming.org>

Hostel at 484 N 4th

2 messages

Annie Heninger <abejfamily@gmail.com>

Wed, Jul 30, 2025 at 11:57 AM

To: "rsfossen@landerwyoming.org" <rsfossen@landerwyoming.org>

Ms. Fossen,

I am speaking in favor of the hostel that has applied for a permit in our city. Being a resident of this neighborhood, I am very aware of the parking available for those who are traveling by walking, and by bicycle. Being a corner lot, the Hostel has a double car garage and double parking for all those bicycles and walkers.

Watching the renovation take place since the purchase of this house, I've often wondered what was happening there. It's a beautiful place where travelers can sit on the benches outside, listen to the creek running through the property, follow the current family of deer wander through the neighborhood, or just relax and revive before their next exhausting travel section.

In previous years, the Methodist Church hosted travelers seeking refuge for a night or a few days. Lander wants to encourage visitors to stay, experience its hospitality and what we have to offer those who may want to live here. What better way to welcome those who are challenging themselves physically by walking or cycling across our beautiful country to a nice bed, shelter, food, water and safety. Isn't that what a loving city wants to have available?

Please consider to give the Hostel request your blessing. He will have the right to refuse housing those he feels would not be safe. It is his home also.

Respectfully submitted,

Annie Heninger
455 N 3rd Street

Rajeane Strube Fossen <rsfossen@landerwyoming.org>

Wed, Jul 30, 2025 at 12:14 PM

To: Annie Heninger <abejfamily@gmail.com>

Thank you. I will add your comments to the Board informational packet.
Please still join in person if you wish. Aug 7, 6:00 pm at Lander City Hall.

Have a great day!
RaJean

[Quoted text hidden]



City of Lander Board of Adjustments and Planning Commission

August 1, 2025

City Staff Comments on CU 25.10, Short term rental, 484 N 4th, Wittek

City staff received 4 written public comments on this conditional use request. One comment was not in favor of the conditional use stating there are too many short-term rentals in Lander. Three comments were in favor of the conditional use stating community and economic benefits and no substantial change in the neighborhood.

The short-term rental application is in order and meets all the requirements for off-street parking. The application is accompanied by written terms of service citing limits on parking, quiet hours, and substance use. Guests will likely be on a bicycle or transported to the site, and minimal vehicular traffic is expected. Owner will live on site as a primary residence.

The owner states that they will register with a rental vendor and will pay the required WY State Lodging taxes. Owner is aware of the annual fire inspection required to maintain the Conditional Use permit. Owner is aware that the remodel of the residence will have to meet all City of Lander building codes and occupancy limits.

City staff recommends approval of permit CU 25.10 conditional on the following.

- owner receiving the required annual inspections.
- owner can show proof of capacity to collect WY lodging tax receipts.

RaJean Strube Fossen

WYOMING LEGAL ASSISTANTS

CARLY J. SCHRINAR
KIM SETTLEMIRE

ATTORNEYS AT LAW

JOHN R. VINCENT
ADMITTED IN MONTANA & WYOMING

AARON J. VINCENT
ADMITTED IN WYOMING

ANN E. DAVEY
ADMITTED IN MONTANA & WYOMING

MONTANA LEGAL ASSISTANT

MARCIE HAINES

July 3, 2025

City of Lander Board of Adjustment
City Council Chambers
240 Lincoln Street
Lander, WY 82520

Re: *Wittek v. City of Lander Board of Adjustment*

Dear Board:

Enclosed please find a copy of the *Verified Petition for Review*

Thank you,



Sam Hollingshead
Legal Assistant

Enclosures

FILED

**IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT
FREMONT COUNTY, WYOMING**

AUSTIN WITTEK,	)	
	:	
Petitioner,	)	
	:	
vs.	)	Docket No.
	:	
CITY OF LANDER BOARD OF	:	
ADJUSTMENT,	)	
	:	
Respondent	)	

VERIFIED PETITION FOR REVIEW

COMES NOW, Petitioner Austin Wittek by and through his undersigned attorney, Aaron J. Vincent of Vincent Davey Law Firm, and pursuant to W.S. § 15-1-609, hereby, petitions this Court for judicial review of the *Decision and Order* of the City of Lander Board of Adjustment, which was issued on June 5, 2025. As grounds for the Petition, Petitioner states as follows:

1. Petitioner, Austin Wittek, is and at all relevant times a resident of Lander, Fremont County, Wyoming. Pursuant to W.S. § 16-3-114, Petitioner states he has exhausted all administrative remedies prior to filing this petition. Respondent's decision, attached as Exhibit 1, is a final decision by the agency. Pursuant to W.S. § 15-1-609, Petitioner is entitled to judicial review.

2. The Respondent, City of Lander Board of Adjustment, hereinafter “Board” or “Respondent,” is an agency within the City of Lander, Fremont County, Wyoming. The board members of the Board of Adjustment are Kara Colovich, Rob Newsom, Chris Savan, Joe Henry and Chairman Zach Mahlum.
3. Venue is proper in this Court because the underlying decision for which review is sought involves a Petitioner and Respondent who are both located in Lander, Wyoming. The real property is also located within the city limits of Lander, Wyoming. This Court has subject matter jurisdiction of this review pursuant to W.S. § 15-1-609. *See also*, WRAP 12.03.
4. On April 24, 2025, at the public hearing before the Respondent, the Petitioner sought a Conditional Use Permit pursuant to Lander Municipal Code § 4-9-4 to allow the operation of a short-term hostel at his residence in Lander, Fremont County, Wyoming. Petitioner’s real property is located in the R-3 Medium Density Residential Zone of the City of Lander. Petitioner’s property is approximately 2,900 sq. ft. residence. Petitioner proposed a hostel-type short-term rental with three separate sleeping quarters which would accommodate up to 18 guests. Petitioner’s application included two off street parking spaces. The Petitioner also offered to restrict vehicle numbers and provide shuttle services. In addition to his application, the Petitioner submitted written operational policies, including quiet hours, alcohol guidelines, conduct rules, and maximum vehicle numbers during the

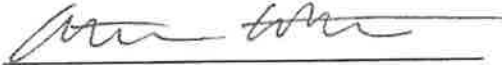
May 15, 2025 hearing. The Petitioner's hostel would primarily serve hikers on the Continental Divide Trail, who typically hike from July through October. The use of the hostel would be seasonal.

5. The Petitioner's permit was un-tabled and heard on May 15, 2025. During the hearing, the Board reviewed Petitioner's supplemental documentation and heard additional public comment.
6. The Respondent acknowledged Petitioner's plan was arguably a short-term rental which is permitted according to Lander's R-3 Medium Density Code and Lander Municipal Code § 4-12-4, but Respondent nevertheless denied the permit because the Respondent believed the use did not meet the intent of the R-3 Medium Density Residential Zone as set forth in LMC § 4-12-4.
7. Petitioner alleges the issues on appeal are whether or not the Respondent's decision was contrary to Lander's R-3 Medium Zone as well as LMC § 4-12-4. Petitioner further alleges the decision of the agency was arbitrary and capricious or that Respondent's decision was unsupported by substantial evidence.
8. Petitioner alleges this is not a related petition for review that is pending in this court or any other court.

WHEREFORE, Petitioner respectfully requests review of the *Decision and Order*, with Case No. 25.02 CU Conditional Use, issued on June 5, 2025, and an order from the Court reversing said *Decision and Order*, and order finding Respondent's decision was

arbitrary, capricious, an abuse of discretion or otherwise not in accordance with the law, in excess of statutory authority and unsupported by substantial evidence.

DATED this 2nd day of July, 2025.

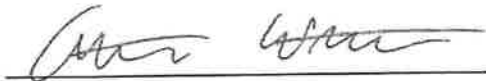
Respectfully submitted,

AUSTIN WITTEK
Petitioner

By: AARON J. VINCENT
Wyoming Attorney No. 6-4110
Vincent Davey Law Firm
301 E. Adams Ave.
P.O. Box 433
Riverton, Wyoming 82501
(307) 857-6005
(307) 857-6192 Telefax
aaron@vincentdaveylaw.com

/s/ Aaron J. Vincent
AARON J. VINCENT

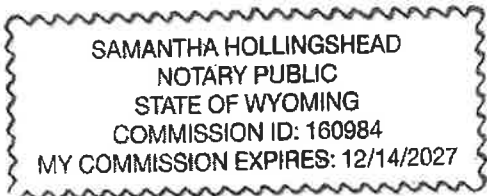
STATE OF WYOMING)
:SS
COUNTY OF FREMONT)

I, Austin Wittek, being first duly sworn upon my oath, depose and state that I have read the above and foregoing document and the contents therein and that the same are true and correct to the best of my knowledge and belief.


Austin Wittek

Subscribed and sworn before me this 2nd day of July, 2025, by Austin Wittek.

Witness my hand and official seal.




Notary Public
My commission expires:
12/14/27

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 3rd day of July, 2025, a copy of the foregoing was duly served upon the following *via* US Mail:

Adam Phillips
Adam Phillips Law Office
260 Lincoln Street
Lander, WY 82520
adam@aep-law.com

Board of Adjustment
City of Lander
City Council Chambers
240 Lincoln Street
Lander, WY 82520

/s/ Aaron J. Vincent
AARON J. VINCENT

BEFORE THE LANDER BOARD OF ADJUSTMENT

In the matter of
AUSTIN WITTEK,

Applicant.

)
)
)
)

Case No. 25.02 CU
Conditional Use

DECISION AND ORDER

THIS MATTER came before the City of Lander Board of Adjustment ("Board") for consideration on April 24, 2025, and again for further deliberation on May 15, 2025, in accordance with the procedures established by the Lander Municipal Code ("LMC") and applicable Wyoming law. Applicant Austin Wittek sought a Conditional Use Permit ("CUP") pursuant to LMC § 4-9-4 to allow the operation of a short-term rental in the form of a hostel in the R-3 Medium Density Residential Zone at 484 N 4th Street, Lander, Wyoming.

I. PROCEDURAL HISTORY

1. The application was submitted and scheduled for public hearing before the Board of Adjustment.
2. Public notice was provided in accordance with LMC requirements, including mailed notice to property owners within 400 feet.
3. A public hearing was conducted on April 24, 2025, during which the applicant, city staff, and multiple members of the public were heard. Due to the number of questions and proposed conditions, the Board tabled the matter to its next regular meeting on May 15, 2025, for further review and submission of additional materials.
4. At the May 15, 2025, meeting, the Board voted to un-table the matter, heard additional public comment, reviewed supplemental documents submitted by the applicant, and deliberated on proposed conditions.

II. FINDINGS OF FACT

The Lander Board of Adjustment, having heard the testimony, reviewed the exhibits and the application on file, and heard arguments, makes the following findings of fact:

5. The subject property is located in an R-3 Medium Density Residential Zone where short-term rentals may be permitted as a conditional use under LMC § 4-12-4.
6. Applicant resides on-site in a 900 sq. ft. portion of a 2,900 sq. ft. residence and proposed a hostel-type short-term rental with three sleeping areas, accommodating up to 18 guests.



7. The application includes two existing off-street parking spaces, and the applicant indicated willingness to restrict vehicle numbers and provide shuttle services if needed.
8. Following concerns from commissioners and the public during the April 24th meeting, the applicant submitted written operational policies, including quiet hours, alcohol guidelines, conduct rules, and maximum vehicle numbers during his May 15th testimony.
9. Neighbor testimony was divided. Several nearby residents, including immediate neighbor Sally Watt, expressed support for the application, citing confidence in the Applicant's quiet and respectful approach. Other neighbors, including Collin Crawford, Karen Wetzal, and Sandy Bidler, voiced opposition, raising concerns about neighborhood safety, the commercial character of the proposed use, potential for increased traffic and noise, and the overall compatibility of a high-occupancy hostel within a residential district.
10. From the testimony and the materials submitted by the Applicant, the Board finds:
 - a. The Applicant resides on-site and intends to remain present during the peak season (July–October). If necessary, he is willing to appoint a responsible person to manage the property in his absence.
 - b. The Applicant estimates that up to 18 guests could be accommodated at one time, based on comparisons to similar operations in Wyoming. His proposed rates range from \$30.00 to \$50.00 per night.
 - c. The subject home is approximately 2,900 square feet, of which the Applicant proposes to reserve 2,000 square feet for guest accommodations and 900 square feet for his personal residence.
 - d. Guest accommodations consist of three separate sleeping areas: two rooms with two beds sharing one bathroom, a family room, and a bunk room with a separate bath. All guest spaces are physically within the home but separated from the Applicant's private quarters.
 - e. The proposed use is seasonal in practice, though not formally limited. The primary user group, hikers on the Continental Divide Trail, typically passes through from July through October.
 - f. The Applicant currently provides two off-street parking spaces and acknowledges the importance of parking limitations in the neighborhood. He agreed to a maximum of six vehicles on-site and has stated a willingness to shuttle guests to and from designated parking areas if necessary. A garage construction for the applicant's private use is also planned.

- g. To promote safety and accountability, the Applicant intends to require credit card payment from guests to enable traceability in the event of problems. He does not conduct formal background checks.
 - h. Prior to the May 15, 2025 meeting, the Applicant submitted a policy document addressing quiet hours, alcohol use, and vehicle limits, along with site sketches showing the lot layout and interior guest configuration.
 - i. The Applicant testified that he spoke with neighbors, including adjacent property owner Sally Watt, who testified that she was initially concerned but was satisfied with the Applicant's plans and supports the proposal.
 - j. Neighbor Collin Crawford opposed the application, expressing concern that high rental density in the neighborhood has already weakened community cohesion and that the proposed operation would worsen this trend.
 - k. Neighbor Karen Wetzel presented a prepared statement expressing concern that transient guests could compromise safety, and that permitting a commercial-style hostel in a residential neighborhood would erode its residential integrity. She advocated for placing such uses in commercial zones. The Applicant responded that many of her concerns had been anticipated and addressed in his written policies.
 - l. The Applicant acknowledged the concerns of neighbors and stated he believed he had adequately responded to those concerns through his policies. He emphasized that his proposed use would contribute to the local economy by drawing tourism dollars into the community.
 - m. While the Applicant primarily targets Continental Divide Trail hikers, he acknowledged that the rental would not be exclusively limited to hikers and may be used by other travelers.
11. Multiple commissioners expressed concern that the proposed scale and nature of the use more closely resembled a commercial hotel or boarding house, which may be inconsistent with the intent of the R-3 zone.
 12. Building and fire code concerns were discussed but were determined to fall outside the purview of the Board of Adjustment.
 13. The Board discussed imposing conditions such as maximum occupancy, parking limits, quiet hours, and a six-month operational review, but could not reach consensus on enforceable and legally appropriate conditions.
 14. A motion to approve the CUP with conditions limiting occupancy to eight (8) persons and requiring a six-month review failed.

15. A subsequent motion to approve the CUP without modification also failed on a vote of 4-0, with one abstention (Chair did not vote as the motion failed).
16. The Board determined the proposed use, as presented and without enforceable restrictions, is not consistent with the intent of the residential zoning district.

III. CONCLUSIONS OF LAW

Based upon the findings of fact, the Lander Board of Adjustment has reached the following conclusions of law:

17. Pursuant to LMC § 4-12-4, a conditional use may be granted if the proposed use is consistent with the purpose and intent of the zoning district and will not adversely affect adjacent properties.
18. The Board may impose conditions on a CUP to mitigate potential negative impacts and ensure compatibility with the surrounding neighborhood.
19. The proposed use—while arguably a short-term rental—was determined by the majority of Board members to be commercial in nature, given its intended occupancy of 18 guests, structured sleeping arrangements, and business model.
20. The Board finds that the proposed use does not meet the intent of the R-3 Medium Density Residential Zone as set forth in LMC § 4-12-4 and is incompatible with the character of the surrounding neighborhood.
21. The Board concludes that the conditional use permit must be denied, as no reasonable set of conditions were approved that would bring the proposed use into conformity with the zoning district.

IV. DECISION

Member Kara Colovich moved to approve Application No. 25.02 CU to allow the Applicant, Austin Wittek, to operate a hostel-style short-term rental at his property located at 484 N 4th Street, Lander, Wyoming 82520. Member Rob Newsom seconded the motion.

The motion failed by the following roll call:

- **Kara Colovich** – No (believes 8 clients is acceptable but no time limit is needed; hostel still not appropriate in this zone)
- **Rob Newsom** – No (views the proposal as a commercial venture unsuited to residential zoning)
- **Chris Savan** – No (due to the scale and commercial nature exceeding typical residential STRs)
- **Joe Henry** – No (concerned with the open-ended occupancy and setting precedent)
- **Chair Zach Mahlum** – Did not vote, as the motion failed without his tie-breaking input.

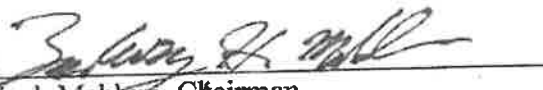
V. ORDER

IT IS HEREBY ORDERED that the application for Conditional Use Permit Case No. 25.02 CU, submitted by Austin Wittek, seeking approval to operate a short-term rental hostel at 484 N 4th Street, Lander, WY, is **DENIED**.

The Applicant is hereby advised that this decision constitutes a final administrative action and may be appealed to the District Court of Fremont County, Wyoming, pursuant to Wyo. Stat. Ann. § 15-1-609, within thirty (30) days of the date of this order.

DATED this 5th day of June, 2025.

LANDER BOARD OF ADJUSTMENT

By: 
Zach Mahlum, Chairman

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Decision and Order was served upon the applicant by mailing the same, postage prepaid, on the 5th day of June, 2025, addressed to the following:

Austin Wittek
484 N 4th Street
Lander, WY 82520


Zach Mahlum, Chairman

IN THE DISTRICT COURT OF FREMONT COUNTY, WY
NINTH JUDICIAL DISTRICT

FREMONT COUNTY, WY
FILED
IN THE DISTRICT COURT
Amanda Sanchez
JUL - 3 2025

AUSTIN WITTEK,

Plaintiff,

vs.

CITY OF LANDER BOARD OF
ADJUSTMENT,

Defendant.

Amanda R. Sanchez Clerk of Court
By *Yvona Pagnoni*
DEPUTY CLERK

No. 2025-CV-0044151

NOTICE OF ASSIGNMENT

The above captioned case has been assigned to District Judge
Jason M. Conder. Copies of this notice have been provided as indicated
below.

DATED this 3rd day of July, 2025.

Amanda Sanchez
Clerk of the District Court

Yvona Pagnoni
Deputy Clerk of the District Court

Copies To:

A. Vincent – via mail
City of Lander Board Of Adjustment – via service



CITY OF LANDER
ZONING AMENDMENT/REZONING REQUEST – TITLE 4-6
INSTRUCTIONS AND APPLICATION
NON-REFUNDABLE FEE \$500.00

A Zoning amendment/rezoning request application must be submitted along with a plot plan or drawing. The graphic must be a straight-edged drawn plan (a drawing to scale is preferred but not necessary) delineating the property lines and dimensions, adjacent street(s) and name(s) of that/those street(s), a north arrow, the location of existing/proposed building(s) on the parcel and if applicable off-street parking and/or loading layout. Aerial photographs of your property can be found on the Fremont County map server at <https://maps.greenwoodmap.com/fremontwy/>

1. The following are the procedures required for a zoning amendment/rezoning application:

- a. Review the request with the City Planning Staff. Application forms are available on the City Website www.landerwyoming.org on the homepage under the "Documents and Forms" tab.
- b. The City ordinance 4-8 states the rules for Zoning amendments. There are only two reasons for rezoning property: 1) to correct an obvious error or oversight in the regulations; or 2) to recognize the promotion of the public health, safety and general welfare. The City Zoning code can be found on the City website at this link [Title 4 Zoning Code](#).
- c. Prior to the City Council's public hearing, the Board of Adjustment (BOA) reviews the request and render's a recommendation to the Council. The Board of Adjustment meets the First Thursday of the month. Our office requires submission of all completed material at least twenty-one (21) days prior to the meeting date. There will be no exceptions from the twenty-one (21) day filing deadline date. The petitioner and/or a designated representative must be present at the Board of Adjustment meeting to give testimony and answer questions regarding the request.

2. If approved and recommended for a zoning amendment by the Board of Adjustments, the City Council, by ordinance, must have three readings on any rezoning request. Thus, the public hearing is also the first reading with two others following only if the request receives an affirmative vote.

3. The petitioner and/or a designated representative must be present at the public hearing and City Council meeting to give testimony and answer questions regarding the request.

4. By ordinance, a legal notice regarding the case must be published in a newspaper of general circulation at least fifteen (15) days prior to the public hearing and a letter describing your request will be mailed to all residents within 400' of the property under application.

5. All public hearings are held in the City Council Chambers, 240 Lincoln Street, Lander, Wyoming 82520 starting at 6:00 p.m. unless otherwise posted.

Zoning amendment Case number: 2-25,02

Your BOA meeting will be held: 8/7/25 6pm

Return forms by: _____



CITY OF LANDER
ZONING AMENDMENT/REZONING REQUEST – TITLE 4-6
INSTRUCTIONS AND APPLICATION
NON-REFUNDABLE FEE \$500.00

For Office use only:

Date Received 7/18/25 Date Fee Paid 7/18/25 BOA Hearing Date 8/7/25

Existing zone designation RS Applicable Section of zoning code _____

Name of Applicant SCHULTEJANN PROPERTIES LLC Email _____

Address 276 WILLOW CREEK RD LANDER Phone _____

Do you own this property Yes ☒ No _____

If no, Name of Owner _____ Email _____

Address _____ Phone _____

Legal Description of Property (Street address, subdivision lot and block numbers, or attached a Legal description prepared by a surveyor)

569 GARFIELD BLOCK 29 LOTS 5-10 ORIGINAL
TOWN OF LANDER

Present Zoning District of Property RS Current zoning use of the property COMMERCIAL

Proposed Zoning District C Proposed zoning use of property C

Will this zoning (check one):

_____ correct an obvious error or oversight in the regulations.

_____ recognize the promotion of the public health, safety and general welfare.

Describe the Proposed use of property and why a zoning request is needed.

OWNED PROPERTY SINCE 2023 AS COMMERCIAL
PROPERTY. TAXED AS COMMERCIAL PROPERTY, PURPOSE
TO SELL OR REDEVELOP AS COMMERCIAL PROPERTIES.

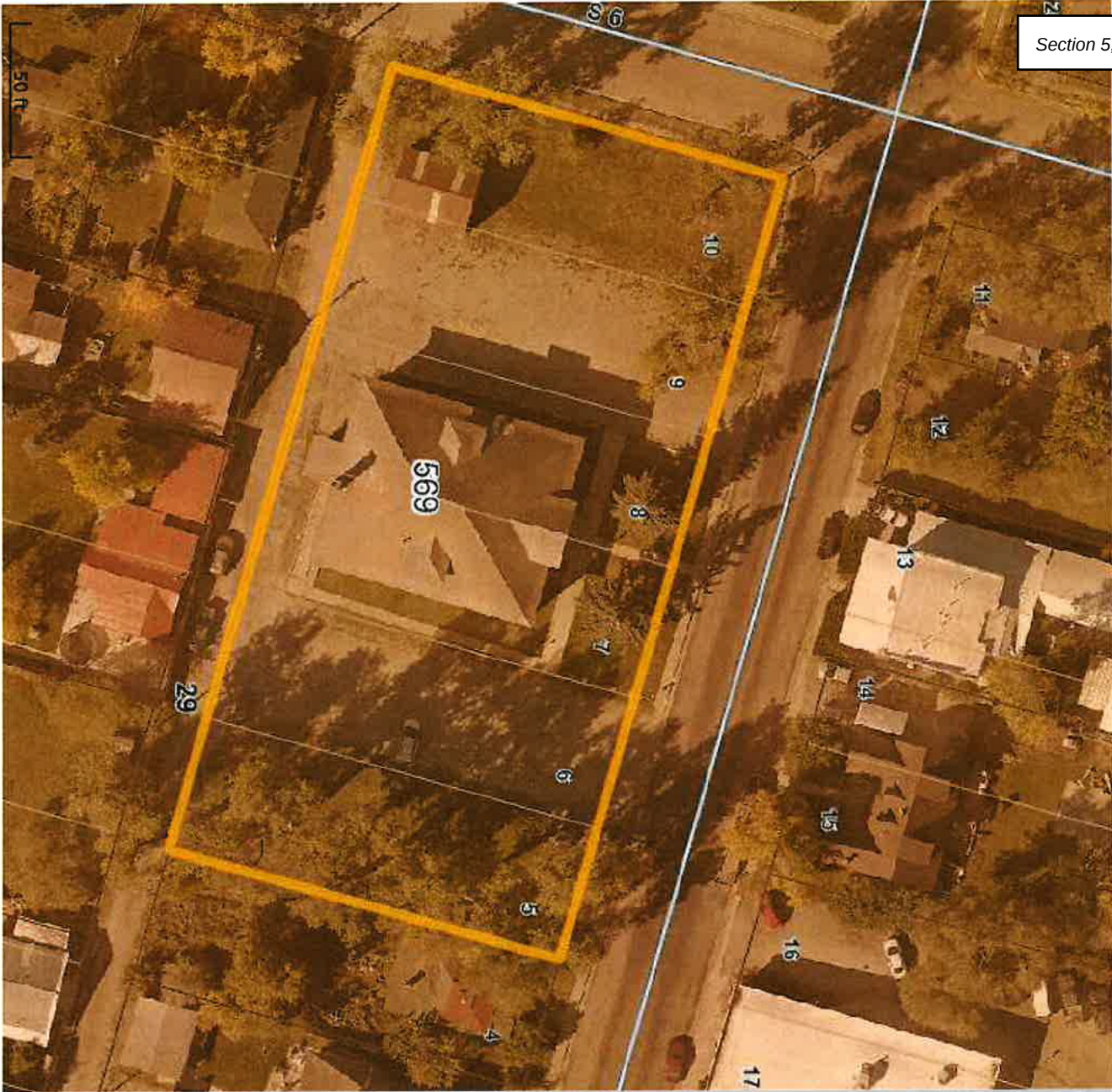
Describe why the zoning amendment will NOT have an adverse effect on the surrounding properties and is in keeping with the existing uses of the neighborhood

WE ARE DIRECTLY ADJACENT ON THE NORTH
AND EAST OF COMMERCIAL ZONE
IN THE PAST USED AS COMMERCIAL AS MASONIC
LODGE.

☒ Attached is a plot plan or drawing of all lots and buildings that request a zoning amendment showing the adjacent properties and their existing zoning designation.

Signature of applicant P. Alexander Schultejann Date 7/18/2025

Section 5, ItemA.



Layers Info

1 Parcel(s) [Zoom to parcel\(s\)](#)

- Parcel: 33991824700400
- Account#: R0007218 [Property Detail](#)
- Tax ID: 0000000R0007218 [Property Taxes](#)
- Plat: ORIGINAL TOWN OF LANDER
- Lot: 05-10
- Owner: SCHULTEJANN PROPERTIES LLC
- Mail Addr: 276 WILLOW CREEK RD
- Mail Addr: LANDER, WY 82520-9020
- St Addr*: 569 GARFIELD ST
- Deed: 1447296 (05/012023)
- Location: ORIGINAL TOWN OF LANDER BLOCK 29
- LOTS 5-10 WD 2023-1447296
- Tax Classification: Commercial
- 1.03 acres

*** Where more than one Site Address exists within a parcel, we cannot guarantee the Primary Site Address will be displayed.**





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5. All public hearings are held in the City Council Chambers, 240 Lincoln Street, Lander, Wyoming 82520 starting at 6:00 p.m. unless otherwise posted.

Zoning amendment Case number: 2 25 03
Your BOA meeting will be held: Aug 7
Return forms by: _____

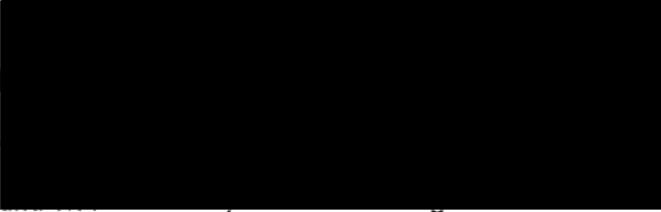


CITY OF LANDER
ZONING AMENDMENT/REZONING REQUEST – TITLE 4-6
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NON-REFUNDABLE FEE \$500.00

For Office use only:
Date Received 7/11/25 Date Fee Paid 7/11/25 BOA Hearing Date 8/7/25
Existing zone designation R-5 Applicable Section of zoning code C

Name of Applicant Piplica Family Trust and or assigns Email gpiplica@wyoming.com
Address 1828 Prairie Road Riverton, Wy. 82501 Phone 307-851-9627

Do you own this property Yes ☒ No ☐
If no, Name of Owner North Fork Rentals LLC Email _____
Address 74 Lower North Fork Rd Lander Phone _____



Legal Description of Property (Street address, subdivision lot description prepared by a surveyor)
Earl & Farlow Addition Block 110, Lot 5 & 6

Present Zoning District of Property R-5 Current zoning use of the property vacant lots
Proposed Zoning District Commercial Proposed zoning use of property warehouses

Will this zoning (check one):
☐ correct an obvious error or oversight in the regulations.
☒ recognize the promotion of the public health, safety and general welfare.

Describe the Proposed use of property and why a zoning request is needed.
Buyer wants to build two warehouses for storage

Describe why the zoning amendment will NOT have an adverse effect on the surrounding properties and is in keeping with the existing uses of the neighborhood
Four lots to the east are zoned commercial and the indoor gun range on the west side.
Across the street is the back of Mr D's Grocery store also commercial.
The two lots on the east side was just zoned commercial last year.

☒ Attached is a plot plan or drawing of all lots and buildings that request a zoning amendment showing the adjacent properties and their existing zoning designation.

Signature of applicant George D. Piplica Date 7-8-2025
Theresa Berger



Layers Info

1 Parcel(s) [Zoom to parcel\(s\)](#)

- Parcel: 33991824411000
- Parent Parcel
- Account#: R0040296 [Property Detail](#)
- Tax ID: 00000000R0040296 [Property Taxes](#)
- Plat: EARL & FARLOW ADDITION
- Lot: 5 6
- Owner: PIPPLICA FAMILY TRUST DTD 9/24/09
- Mail Addr: 1828 PRAIRIE RD
- Mail Addr: RIVERTON, WY 82501-2228
- Location: EARL & FARLOW ADDN BLK 110: LOTS 5 & 6 QCD 2023-1447110
- Tax Classification: Res Vacant Land
- 0.34 acres, 15,000 square feet

* Where more than one Site Address exists within a parcel, we cannot guarantee the Primary Site Address will be displayed.

Lat / Lon N: 42.83390°, W: 108.74076°
NAD83 UTM Zone 12 X: 684646,
Y: 4744846
NAD83 Wyoming West Central USft
N: 850402, E: 1970978

Section 5, ItemB.



**CITIZEN BOARD EXPRESSION OF INTEREST FORM**

Name: Kathleen Averill Date: 07/01/2025
Street Address: 830 Amoretti Street
Mailing Address (if different): PO Box 437
Business Phone: N.A. Home Phone: 307.332.1636
Email Address: ask2004@charter.net
Years as a Resident of Lander : 58
Occupation: Legal Assistant Employer: N.A.
What board/committee are you applying for? Planning Commission/Board of Adjustment

Please list any current/previous civic or professional organizations and in what capacity:

Currently the Secretary & member of the board of the Lander Valley Sportman's Association which supports and encourages participation in the shooting sports, provides youth shooting instruction to younger generations, and sponsors state & regional shooting events as well as sending competitors to same.

Please list any City boards/committees (if any) that you currently serve on:

None

Why would you like to serve? (Please discuss specific interest.)

To provide the citizens of Lander a voice in how their town is to be developed.
To make sure that the growth & development of Lander does not unnecessarily detract from Lander's character and uniqueness, nor runs afoul of code & state statutes.
To make sure that all planning decisions, changes to code, and long-range goals are carefully thought out & presented in a transparent and truthful manner to the public at large.

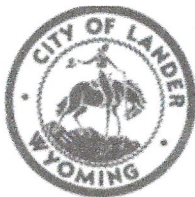
What special skills, training, or experience do you have that would be pertinent to this board position?

I have been interacting with the Planning Commission/Board of Adjustment for over a decade & have determined that there is room for improvement & a change in direction. I can read the English language with comprehension and, after eighteen years as a legal assistant I have developed an ability to read the law and understand it without crossing that fine line of interpreting it, in violation of the "unlawful practice of law."

Please return the form to: 240 Lincoln St, Lander, WY 82520

This is considered public information and may be requested by news media and/or discussed in public meetings. Wyoming Public Records Act, W.S. § 16-4-201 et seq.

Signature: Kathleen Averill



CITIZEN BOARD EXPRESSION OF INTEREST FORM

Name: Mary Greene Date: June 27, 25Street Address: 377 Cliff St, Lander, WY 82520

Mailing Address (if different): _____

Business Phone: 438-9247 Home Phone: 332-1313Email Address: maryjoynergreene@gmail.comYears as a Resident of Lander : 14Occupation: Executive Director Employer: Lander Community FoundationWhat board/committee are you applying for? Planning Commission

Please list any current/previous civic or professional organizations and in what capacity:

I have served on the boards of the Lander Art Center, Lander Womentum, Lander Presents, and am an active volunteer in Lander for many events taking place year-round. I was recently on the LIFT committee.

Please list any City boards/committees (if any) that you currently serve on:

None

Why would you like to serve? (Please discuss specific interest.)

I love this town and the vibrant community that calls Lander home. The diverse experiences, ages, and walks of life that make up our population are what give this place its unique character. I care deeply about how we can best support both current and future residents—with appropriately scaled housing, ample green spaces, and thoughtful economic development that helps sustain our shared prosperity.

What special skills, training, or experience do you have that would be pertinent to this board position?

When I commit to serving on a board or committee, I take the role seriously. I show up as an active participant, an engaged listener, and a thoughtful leader within the community. In my professional life, I regularly navigate difficult conversations and bring experience in finding solutions and common ground across sectors.

Please return the form to: 240 Lincoln St, Lander, WY 82520

This is considered public information and may be requested by news media and/or discussed in public meetings. Wyoming Public Records Act, W.S. § 16-4-201 et seq.

Signature:

Mary Greene

Title 4 administrative summary

1. Definitions – refined ROW, Parking, and setback to foundation, and storage structures.
2. 4-4-1 Zoning compliance and NCU permits, consistent with current use?
3. 4-4-3 Appeals of BOA to District Court, Appeals of Planning to Council. No Board of Appeals.
4. 4-5-4 Remove Board of Appeals from Title 4
5. Throughout the code we notify neighbors withing 400' (about one block) but state statute is 150'
6. 4-5-4 6. Should variances be recorded in the courthouse
7. 4-6-1 E Conditional Use permit petition on a form provided by City Admin.
8. 4-9-2-3 Building permits in unfinished subdivisions
9. 4-9-3-A 3 City services outside City Limits. Silent on annexation agreements in Title 4
10. 4-9-3-D 3 partial vacation of plat by other recorded plats
11. 4-9-3 E Lawsuit for City admin acting in title 4 goes to City attorney. Board of Appeals?
12. 4-9-4 1 So we want preapplications required? Right now they are optional. Include minor plats and lot line changes?
13. 4-9-2 remove all details from prelim plat and put that in the application packet
14. 4-9-2 C 4 Geotech required, excepting minor plat, replats?
15. 4-9-4 D Subdivision plats to Wy SEO, water rights requirements
16. 4-9-4 I appeal planning decisions directly to Council
17. 4-9-4-3 remove all detail on final plats and put them in the application packet
18. 4-9-4-3-J check Items for final plat submittal
19. 4-9-4-3-J 9 Add/create a form for mortgage approval.
20. 4-9-4-3 J 10 Do we want to allow subdivision guarantee or bank LOC?
21. 4-9-4-M Building permits before completion
22. 4-9-7 PUD, what the heck??
23. 4-9-7-11 Density bonuses
24. 4-9-7-12 remove development standards? Put them where?
25. 4-10 what are our Public lands and open space pathway dedication goals? Review fee in lieu
26. 4-11 need to research new water right requirements through SEO
27. 4-12 Design and Engineering standards here, other title or create a separate document. There are references to the Subdivision rules and regs but they are obscure and never referenced
28. 4-13 2,3 as-builts, inspection and acceptance requirements
29. 4-16 are NCU planning or BOA. Added H for setbacks and utilities
30. 4-11-3 Temporary Dwellings
31. 4-11-4 Private drives
32. 4-11-5-B Landscape permits added, here or another title section
33. 4-11-6 Setbacks for accessory structures
34. 4-11-6 10 RV as temporary dwelling during construction.
35. 4-11-7 need a better description of this or a drawing. Is this in planning or building purview?
36. 4-11-8 off street parking reduces to 1/dwelling and not listed for commercial
37. 4-11-13 Communication towers need a revision to current Federal regs.
38. 4-12 all districts setback, heights, # dwellings, # structures suggested chages.