



# CITY OF LANDER - PLANNING COMMISSION MEETING

Thursday, August 03, 2023 at 6:00 PM  
City Council Chambers, 240 Lincoln Street

## AGENDA

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### Join Zoom Meeting

<https://us06web.zoom.us/j/81157087616?pwd=cVdhaFBFcGtvUWtUTkZGeENCTjlxZz09>

Meeting ID: 811 5708 7616

Passcode: 026541

### 1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

### 2. APPROVAL OF MINUTES

A. July 20, 2023

### 3. NEW BUSINESS

a. S23.05 Faerber Addition Minor Plat, 552 Amoretti, Faerber

b. S23.06 Gustin Addition Minor Plat, 895 Amoretti, Metscher

### 4. OLD BUSINESS

a. Discuss overall suggested changes for Title 4 residential zones - Continue starting with Conditional Use section

b. Off Street Parking Requirements

c. RV as a permanent residence consistencies

A. EnterTextHere

### 5. ADJOURNMENT

### Upcoming Board Meetings:

Regular Meetings: August 17,

All meetings are subject to cancellation or change.

**CITY OF LANDER MISSION STATEMENT**

To provide a safe, stable, and responsive environment that promotes and supports a traditional yet progressive community resulting in a high quality of life.

**VISION**

Preserving the past, while embracing the future.

The City of Lander is an equal opportunity employer and does not discriminate. Qualified applicants are considered for positions without regard to race, religion, military status, sex, age, national origin, disability, dexual orientation, or other characteristics protected by law.



**MINUTES**  
**BOARD OF ADJUSTMENT**  
**July 20, 2023, 6:00 PM**  
**CITY COUNCIL CHAMBERS, 240 LINCOLN STREET**

**I. CALL TO ORDER / Pledge of Allegiance**

*This meeting is being recorded electronically. All petitioners will receive a written decision 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 a decision may do so through District Court.*

*Anyone wishing to speak tonight, must come to the podium, take the oath and state your name and address prior to speaking. No one is allowed to speak from the audience; you must be recognized and come to the podium prior to speaking.*

Attendance: Chair Zach Mahlum, Members Kristin Yannone, Kara Colovich, Dave Fehringer, Tom Russell and Joe Henry. Rob Newsome Absent. Council Liaison Missy White, Recording Secretary RaJean Strube Fossen.

**I. APPROVAL OF MINUTES**  
July 6, 2023

Kara moved to accept the minutes, seconded by Joe. Motion passed.

**II. NEW BUSINESS**

**a. CU 23.08, Short Term Rental, 521 Washington, Bresson**

Owner Ryan Bresson took the oath and stated that he rents his house out during his travels out of town. He has owned the house for a year and this is their primary residence. Zach confirmed with the owner that on average the rental may be 2 weekends or about 5 days/month. The limit on the number of people will be 7 persons for a 3 bedroom house.

Kara confirmed that they allow pets and asked if they had a pet policy. Zach confirmed that they do not have a written pet policy. They have rented it since December but just found out about the rules for a conditional use permit. It has not been rented for the past two months. They have talked to their neighbors and realized that pets were an issue in the past on the front of the property. Going forward they will require renters to maintain control of their pets. They may have a fenced back yard in the future.

Kristin asked if there is adequate parking. The owner confirmed that there is one paved off-street spot and a two-car garage drive pad in the rear for a total of 3 renter parking spaces. Kristin asked who will be able to enforce pet rules when they are gone. They will be out of state during the rental times. They will rely on issues being reported by the neighbors who they know well. Kara mentioned that Airbnb site does allow for a local manager. They are willing to consider that option with a close neighbor.



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Joe asked if the neighbors are aware of the rental proposal. Yes, because they rented it in the past and then neighbors had the notification for this process.

RaJean read the City staff comments into the record. The City will require a nonconforming use permit to accompany the short-term rental request due to the existing structures built in 1961 not meeting side yard setbacks of the current codes.

There was one email public comment speaking against the allowance due to the stranger element in the neighborhood.

Elizabeth Schuler, 517 Washington Street took the oath. She lives directly to the east and adjacent to the property. Ms. Schuler feels they have a good relationship with the neighborhood, and they did address the dog waste complaint appropriately. She is concerned about how many people and vehicles will be allowed as it is disruptive with their dogs barking at unknown people with unknown schedules.

Members verified that the owner can add parking restrictions and pet restrictions on the owner’s rental on-site application. RaJean stated that the Board can add restrictions to the conditional use permit for the owner’s process and property, but nothing can be restricted on the City Streets where public parking is allowed.

Dave asked Ms. Schuler if she was against the rental. She is not opposed if there are restrictions placed as discussed in this meeting.

Kristin moved to approve CU 23.08 subject to the City requirements read in the letter and also with the condition that the owner list parking limitations. Kara seconded. Kara moved to amend the motion to include a required pet policy and appropriate quiet hours. Kristin seconded. Discussions on the amount of pet restrictions lead to the reasonable restriction of leashes and waste removal being required. The owners are a big proponent of quiet hours. Amendment passed. Motion as amended passed unanimously.

b. CU 23.09, Childcare, 153 N 4<sup>th</sup>, Suite A, Brown

Operator Tara Brown took the oath remotely. She is moving her existing licensed preschool/daycare around the corner to a new location. She has been in business for 10 years. She will have 1-2 classes a day for up to 10 children in each class. She has no employees, and she will be dropped off daily. Parents will shuttle their children in very short timeframes in the shared car park with Dominos. The City staff reported that the DFS licensure has been obtained contingent on this approval and all documents are in order for the transition. There will have to be a new fire inspection of the new location.

Kara verified that there cannot be more than 10 children. Kristin verified that there is no outside area to which the applicant reported that for less than 4 hours of operations none is required.



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RaJean read the city comments. Dave commented that he is a neighbor of the existing operation and has had no issues with the children in the area.

There was no public comment.

Kristin moved to approve CU 23.09 subject to the conditions listed by City Staff and Joe seconded. Motion passed.

Applicants were notified that the Decision Order and inspections will be forthcoming within 30 days.

- III. OLD BUSINESS –
  - a. None

- IV. ADJOURNMENT at 6:49

### Lander Rules for Zoning Districts Allowing Residences

Permitted Use								
	R-1	R-2	R-3	R-5	R-Med	Agricultural	Commercial	Planned Unit development
Single-family dwelling	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
Churches	Allowed	Allowed	Allowed	Allowed	Allowed	Not allowed	Allowed	Allowed suggest not allowed
Schools Elementary/ secondary	Grade schools allowed	Elementary/ secondary allowed	Elementary/ secondary allowed	Elementary/ secondary allowed	Elementary/ secondary allowed	Not allowed	Allowed	Allowed
Public parks	Allowed if approved by City	Allowed if approved by City	Allowed if approved by City	Allowed if approved by City	Allowed if approved by City	Not allowed	Allowed	Allowed required 20% open space. Suggest reducing 20%
Private Parks with maintenance by HOA	Suggest Allowed and counted as open space by 4-9-8	Suggest Allowed and counted as open space by 4-9-8	Suggest Allowed and counted as open space by 4-9-8	Suggest Allowed and counted as open space by 4-9-8	Suggest Allowed and counted as open space by 4-9-8		Allowed	Allowed
Public/private pathways	Allowed by plat and counted as open space by 4-9-8. Allowed by easement	Allowed by plat and counted as open space by 4-9-8. Allowed by easement	Allowed by plat and counted as open space by 4-9-8. Allowed by easement	Allowed by plat and counted as open space by 4-9-8. Allowed by easement	Allowed by plat and counted as open space by 4-9-8. Allowed by easement	Allowed by plat and counted as open space by 4-9-8. Allowed by easement	Allowed	Allowed Requires HOA

	R-1	R-2	R-3	R-5	R-Med	Agricultural	Commercial	Planned Unit development
Two-family dwellings	Not allowed	Allowed	Allowed	Allowed	Allowed	One accessory residential use allowed	Allowed	Allowed
Multi-family dwellings	Not Allowed	Allowed with no limit on number of units Suggest up to 4 units	Allowed up to four units Suggest up to 8 units	Allowed with no limit on number of units Suggest up to 12 units	Allowed up to four units Suggest allowing 12 units like R-5	Not allowed	Allowed	Allowed
Manufactured homes	Not allowed	Not allowed	Allowed	Not allowed	Not allowed	Allowed	Allowed	Not Allowed
Manufactured home parks	Not allowed	Not allowed	Allowed	Not allowed	Not allowed	Not allowed	Not Allowed	Not Allowed
Family day care home	Not allowed unless with CU permit	Not allowed unless with CU permit	Not allowed unless with CU permit	Allowed	Not allowed Suggest allowing w/ CU	Not allowed	Allowed	Not Allowed
Office space for a single user	Not allowed unless with CU permit	Not allowed unless with CU permit	Not allowed unless with CU permit	Allowed	Not allowed suggest allowing w/ CU	Not allowed	Allowed	Not Allowed
Professional structures	Not allowed unless with CU permit	Not allowed unless with CU permit	Not allowed unless with CU permit	Allowed	Not allowed Suggest Allowing w/ CU	Not allowed	Allowed	Allowed
Assisted living facilities	Not allowed	Not allowed	Not allowed	Not allowed Suggest allowing w/ CU	Allowed	Not allowed	Allowed	Not Allowed
	R-1	R-2	R-3	R-5	R-Med	Agricultural	Commercial	Planned Unit development
Public Parking lots	Not allowed	Not allowed	Not allowed	Not allowed	Allowed	Not allowed	Allowed	Not Allowed
Off Street Parking	Required by 4-11-10	Required by 4-11-10	Required by 4-11-10	Required by 4-11-10	Required by 4-11-10	Required by 4-11-10	Required by 4-11-10	Required by 4-9-7-2-B

Needs substantial revision to reduce required parking	1 bed 1 space 2 bed, 1.5 spaces 3 bed, 1.75 space 4 bed+ - 2 spaces							
Agricultural uses such as nurseries	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Allowed	Allowed	Not Allowed

Reviewed Residential districts complete 7/20



	Conditional Uses							
	R-1	R-2	R-3	R-5	R-Med	Agricultural	Commercial	Planned Unit development
Childcare and Fostercare	Allowed	Allowed	Allowed	Allowed	Allowed	Not allowed	Allowed as a CU permit	Allowed Section 4-9-7-1-6
Home business	Allowed	Allowed	Allowed	Allowed	Allowed	Not allowed	N/A	Allowed
B&B and short-term rental	Allowed Suggest not allowing	Allowed	Allowed	Allowed	Not allowed suggest allowing	Not allowed; Suggest allowing	No Restrictions	Allowed
Mortuary, crematory	Allowed	Allowed	Allowed	Allowed	Allowed	Not allowed	Allowed	Allowed
Related types as approved by BOA	Allowed	Allowed	Allowed	Not allowed Suggest allowed	Not allowed Suggest allowed	Not allowed	Allowed	Allowed
	R-1	R-2	R-3	R-5	R-Med	Agricultural	Commercial	Planned Unit development
Group foster home	Not allowed	Allowed	Allowed	Allowed	Allowed	Not allowed	Allowed as a conditional use	Allowed
Clinics and nursing homes	Not allowed	Not allowed	Not allowed	Clinics and nursing homes allowed Suggest including assisted living	Medical clinics and nursing homes allowed Suggest including assisted living	Not allowed	Allowed as a permitted use	Not Allowed
Motels	Not allowed	Not allowed	Not allowed	Allowed	Not allowed	Not allowed	Allowed as a permitted use	Not Allowed
RV and campground district	Not allowed	Not allowed	Not allowed only with CU permit –	Allowed	Not allowed	Not allowed	Allowed as a conditional Use	Not Allowed

			Maverick is in R-3					
Restaurant	Not allowed	Not allowed	Not allowed	Allowed	Not allowed	Not allowed	Allowed as a permitted use	Not Allowed
Civic or community center	Not allowed	Not allowed	Not allowed	Allowed	Not allowed	Not allowed	No Restrictions	Not Allowed
Hospitals	Not allowed	Not allowed	Not allowed	Not allowed	Allowed	Not allowed	Allowed as a permitted use	Not Allowed
Offices and office structures Same as professional structures above?	Not allowed	Not allowed	Not allowed	Not allowed	Allowed	Not allowed	Allowed as a permitted use	Allowed
	<b>Accessory Uses</b>							
	R-1	R-2	R-3	R-5	R-Med	Agricultural	Commercial	Planned Unit development
Permanent Accessory uses as allowed by 4-11-8 Not in front setback	Allowed - 5' setback from sides rear. 10' setback when utilities or easements are in place.	Allowed 5' setback from sides rear. 10' setback when utilities or easements are in place	Allowed - 5' setback from sides rear. 10' setback when utilities or easements are in place	Allowed- 5' setback from sides rear. 10' setback when utilities or easements are in place	Allowed - 5' setback from sides rear. 10' setback when utilities or easements are in place	Yes, with some limits but allows a secondary residential unit	No Restrictions	Allowed may be joint facility owned by HOA
Temporary Accessory uses as allowed by 4-11-8	30-90-days w/permit 5' or 10' side/rear setbacks as listed above	30-90-days w/permit 5' or 10' side/rear setbacks as listed above	30-90-days w/permit 5' or 10' side/rear setbacks as listed above	30-90-days w/permit 5' or 10' side/rear setbacks as listed above	30-90-days w/permit 5' or 10' side/rear setbacks as listed above		No Restrictions	TBD

Lot Configuration								
Lot Size	7,500 square feet	3,750 square feet or 1,875 per dwelling <b>Use 3750 sqft only</b>	At least 3,750 square feet plus multi-family dwelling must also have 1,250 per unit <b>Use 3750 sqft only</b>	3,750 square feet or 1,875 per dwelling <b>Use 3750 sqft only</b>	At least 6,000 square feet. <del>8,000 for the first two units and 3,000 for each extra</del> <b>Use 3750 sqft only</b>	One acre	No Restrictions	Formula Based on density/overall lot size Needs development plan
Lot Width	50 feet	50 feet <b>40 feet</b>	50 feet <b>40 feet</b>	50 feet <b>40 feet</b>	50 feet <b>40 feet</b>	100 feet	30 feet	
Flag lots and pie shaped lots need more work	<b>50 feet</b>							
Setbacks								
	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-5</b>	<b>R-Med</b>	Agricultural	Commercial	Planned Unit development
Front	<del>33 feet</del> <b>28 feet</b>	28 feet <b>23 feet</b>	20 feet <b>15 feet</b>	12 feet	28 feet <b>23 feet</b>	28 feet	8 feet	
Side yard	12 feet <b>10 feet</b>	10 feet except for common wall <b>5' setback OR 10' when utilities or easements are in place</b>	10 feet except for common wall <b>5' setback OR 10' when utilities or easements are in place</b>	5 feet except for common wall <b>5' setback OR 10' when utilities or easements are in place</b>	Side yard: 10 feet; <b>5' setback OR 10' when utilities or easements are in place</b>	10 feet	No Restrictions unless adjoining a residential district and 6' fence required	Based on approved Development plan
Rear yard	<del>20</del> 15 feet or 20% of lot whichever is less	<del>w/o alley-20</del> 15 feet or 20% of lot which-ever is less	<del>w/o alley-20</del> 15 feet or 20% of lot which-ever is less <b>W alley, 5' - 10' if utilities</b>	<del>w/o alley-10</del> 10 feet or 20% of lot which-ever is less	<del>w/o alley-20</del> 15 feet or 20% of lot which-ever is less <b>W alley, 5' - 10' if utilities</b>	20 feet	No Restrictions unless adjoining a residential district and	Based on approved Development plan

		W alley, 5' - 10' if utilities or recorded easement	or recorded easement	W alley, 5' - 10' if utilities or recorded easement	or recorded easement		6' fence required	
Side yard on corner	28 feet	23 feet	23 feet 15 feet	12 feet	23 feet	28 feet	8 feet unless adjoining a residential district	Based on approved Development plan
Delete section Encroachment for porch, etc.	Allowed up to 18 feet	Allowed up to 18 feet	Allowed up to 18 feet	Not allowed	Not allowed	No restrictions	No restrictions	
<b>Structures</b>								
	R-1	R-2	R-3	R-5	R-Med	Agricultural	Commercial	Planned Unit development
Number primary structures allowed	One	One Suggest 2	Two Suggest 3	Two Suggest no limit	One Suggest 2	Three	No Restrictions	Formula Based on density/overall lot size Needs development plan
Number of Accessory structures allowed, Height	# not restricted, Suggest 2/lot Max Height 20' 30 feet	# not restricted, 2/lot Max Height 20' 30 feet	# not restricted, Max Height 3/lot 20' 30 feet	# not restricted, Max Height 20' 30 feet	# not restricted, Max Height 20' 30 feet		No Restrictions	Based on approved Development plan
Height	45 30 feet	45 30 feet Note: 12:12 roof pitches	30 feet 45 feet	Three stories, not to	45 30 feet	45 30 feet	55 45 feet NOLS and CES are 52'	

		are common now		exceed 40 50 feet			to top of mechanical parapet 55 or 60' including mechanical	
Delete section Maximum lot coverage	40%	40% for some uses, 50% for others	Detached SF and manufactured homes, 40%, 50% for other	60%	40% for some, 50% for others but different than R-2	None	No Restrictions	Formula Based on density/overall lot size Needs development plan