



**CITY OF LANDER**  
**BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING**

Thursday, February 15, 2024 at 6:00 PM  
City Council Chambers, 240 Lincoln Street

**AGENDA**

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Join Zoom Meeting

<https://us06web.zoom.us/j/82454660893?pwd=bFO0Eq83EeUUGQfLpcFuhSUHN52AB9.1>

Meeting ID: 824 5466 0893

Passcode: 447167

Attendance: Chair Zach Mahlum, Members, Tom Russell, Kara Colovich, Kristin Yannone, Dave Fehringer, Rob Newsom, and Joe Henry. City Attorney Adam Phillips, Council Liaison Missy White, 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. **PLANNING COMMISSION MINUTES** of January 4, 2024

**3. BOARD OF ADJUSTMENT - NEW BUSINESS**

A. NCU 23.23 690 Evergreen, Zerga

**4. BOARD OF ADJUSTMENT - OLD BUSINESS**

**5. PLANNING COMMISSION - NEW BUSINESS**

A. CS 24.01 County Subdivision, 1979 Baldwin Creek Road, Ebbert

**6. PLANNING COMMISSION - OLD BUSINESS**

A. Update on graphics for Title 4 proposed changes

B. Presentation of Administrative changes

**7. ADJOURNMENT**



222 N. BROADWAY AVENUE, SUITE  
RIVERTON, WYOMING 82501  
PHONE: (307) 857-0300  
FAX: (307) 463-2679

Section 3, Item A.

November 14, 2023

City of Lander  
Building Inspection Department  
240 Lincoln Street  
Lander, WY 82520

Re: Bertha Joan Zerga – Nonconforming Use

Dear Building Inspector:

This Firm represent Bertha Joan Zerga who owns the property at 690 Evergreen Lane, Lander, Wyoming. Mrs. Zerga is requesting that the City of Lander fulfill its duty and obligation to certify the non-conforming uses under the Municipal Code with respect to Mrs. Zerga's property.

Enclosed is Mrs. Zerga's Request Certificate Of Zoning Compliance form and Non-Conforming Use Application form. It is unclear from the City's website which form it would like citizens to use when seeking to have the City certify an historical non-conforming use. The information requested and standards applied are different in each form. To not delay the City's action on Mrs. Zerga's request, both forms are being submitted.

The Non-Conforming Use Application form requires a \$275.00 fee. The Request Certificate Of Zoning Compliance form does not require a fee. Enclosed you will find a check in the amount of \$275. If the correct form is the Request Certificate Of Zoning Compliance form, please return the check to this office. Mrs. Zerga is quite elderly and would appreciate the ability to save any expense she can in getting her request processed. Under the zoning code, the certification should have occurred at the time the zoning code was adopted in the late 1970s.

Please direct all questions and communications concerning this request to me at the Schumacher Law Firm, P.C., 222 N. Broadway Avenue, Suite B, Riverton, WY 82520 or (307) 857-0300.

Please contact this Firm with any questions.

Sincerely,

SCHUMACHER LAW FIRM, P.C.



John C. Schumacher

Enclosures  
cc: client



# NON-CONFORMING USE APPLICATION NONREFUNDABLE FEE \$275.00

WCU 23.23

For Office use only:

Date Received 11/20/23 Date Fee Paid 11/20/23 BOA Hearing Date \_\_\_\_\_ *not deposited*

Existing zone designation R-2 Applicable Section of zoning code 4-12-3-17

Name of Applicant Bertha Joan Zerga Email see attached

Address 690 Evergreen Lane Phone see attached

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)  
see attached

Describe type and size of use at the present time or at the time you acquired the property:  
see attached

Describe how this use does not conform to the current zoning code  
see attached

Note the date use began (or structure was built) as well as the size or intensity of the use when said use began:  
see attached



NON-CONFORMING USE APPLICATION  
NONREFUNDABLE FEE \$275.00

SEE ATTACHED

AFFIDAVIT – nonconforming use

I hereby depose and say that all of the above statements requesting this Nonconforming use certification for the address 690 Evergreen Lander, Wyoming and the statements contained in any papers submitted herewith are true.

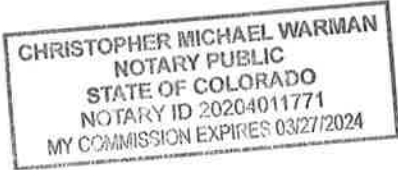
Bertha Joan Zerge  
by [Signature] POA Date 11-8-2023

County of Larimer )  
Fremont ) ss.  
State of Colorado )  
Wyoming )

The foregoing instrument was acknowledged before me by Elizabeth Zerge  
This 8 day of November, 2023.

[Signature]  
Notary Public

My commission expires: 3-27-2024



Approved by City of Lander \_\_\_\_\_ Date \_\_\_\_\_

County of Fremont )  
                                      ) ss.  
State of Wyoming )

The foregoing instrument was acknowledged before me by \_\_\_\_\_  
This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**Attachment To**  
**Non-Conforming Use Application**

**Name of applicant:** Bertha Joan Zerga                      **Email:**                      lizzerga@comcast.net  
by Elizabeth Zerga POA

**Address:**                      c/o Elizabeth Zerga                      **Phone:**                      (307) 631-6287  
1416 Lyndon Lake Road  
Fort Collins, CO 80524

**Do you own this property?** Yes

**Legal description of property:**

A tract of land in the SE¼SW¼ of Section 7, Township 33 North, Range 99 West, 6th P. M., Fremont County, Wyoming, more particularly described as follows:

Beginning at Corner No. 1 of this tract which point is located N. 38°08.8' W. a distance of 956.12 feet, more less from the South quarter section corner of said Section 7, and proceeding thence S. 1°02' E. a distance of 205.0 feet to corner No. 2 of this tract; thence proceeding N. 89°57.7' W. a distance of 320.0 feet, more or less, to corner No. 3 of this tract, thence proceeding N. 1°02' W. a distance of 205.0 feet to corner No. 4 of this tract; thence proceeding S. 89°57.7' E. a distance of 320.0 feet, more or less, to corner No. 1 of this tract, the point of beginning hereinbefore described; the area of which tract is 1.506 acres, more or less

This property has a street address of 690 Evergreen Lane

**Describe the type and size of use at the present time or at the time you acquired the property:**

The description of the property at the time it was acquired by Bertha Zerga is included in the section below entitled: Note the date use began (or structure was built) as well as the size or intensity of the use when said use began. This section will only include information about the present time.

The Zerga property is a compatible mixture of single family dwellings meeting the intent of an R-2 District. The dwellings on the Zerga property are at a density that is lower than even an R-1 District which only allows single family dwellings. Municipal Code § 4-12-3-(A).

The Zerga property is currently within an R-2 District. Municipal Code § 4-12-3 Single And Multi-Family Residential District. There are six single family detached dwellings which are permitted uses under Municipal Code § 4-12-3(B)(1). Each of the dwellings has its own kitchen, bathroom, bedroom, and other spaces which create independent housing units. Municipal Code § 4-2-3(29). The dwelling units are set up for stable, non-transient family living. The use of the property by Bertha Zerga beginning in the 1990s for an art studio is a home business permitted under Municipal Code § 4-12-3(C)(2).

The two accessory structures on the Zerga property meet the requirements of accessory uses under Municipal Code § 4-12-3(D) and § 4-11-8 – Accessory Uses as follows:

- The use of the accessory buildings owned by the Zerga’s for a shop and storage are incidental to the residential use of the dwellings. No business is operated from the outbuildings. Municipal Code § 4-11-8(A)(1), (2), and (3).
- The outbuildings are not used for residential purposes. Municipal Code § 4-11-8(A)(4).
- The outbuildings size is less than the gross floor area of the dwelling units. Municipal Code § 4-11-8(A)(6).
- The accessory buildings meet the lot setback requirements of Municipal Code § 4-11-8(A)(8) and (9). The accessory buildings are less than 20 feet high. Municipal Code § 4-11-8(A)(10).

The lot area of the Zerga property exceeds the 3,750 square foot minimum requirement for a single family dwelling under Municipal Code § 4-11-3(E)(1). The area of permitted accessory uses for the outbuildings exceeds the minimum 3,750 square foot threshold in Municipal Code § 4-11-3(E)(3). The 1.5 acre Zerga property contains 65,340 square feet of lot area or 8,167 square feet on a per structure basis which is well in excess of minimum lot size requirements under the Municipal Code either – collectively or individually. The Zerga property lot width is 320 feet along the front line of the lot which exceeds the 50 foot minimum under Municipal Code § 4-12-3(F).

The Zerga property’s structures meet the setback requirements of Municipal Code § 4-12-3(G).

All of the principal structures on the property are less than 30 feet in height. Municipal Code § 4-12-3-(I).

**Describe how this use does not conform to the current zoning code.**

The Municipal Code describes three separate categories of non-conformance: lots, uses, and structures. Municipal Code § 4-11-1, Board Of Adjustment Rules – Non-conforming Use Application (Existing Or Expansion), § (a).

For the Zerga property, the only potential non-conforming R-2 District category which may not be met under the current zoning code is the number of dwelling structures. The Municipal Code only allows one dwelling permitted use structure. Municipal Code § 4-12-3-(H). The Zerga property currently has six dwelling structures on the property which meet the use requirements for dwellings under the R-2 District.

The Municipal Code does not provide a limit on the number of accessory structures. As discussed above, the accessory buildings are within the maximum size requirements.

The number of structures has not increased since the original adoption of the zoning code around 1979. Since the adoption of the zoning code, the structures have not been enlarged, extended, or structurally altered except for a sun room that was added to the largest single family dwelling. Municipal Code § 4-11-1(B). It is believed this enlargement was permitted by the City of Lander. The properties have had routine maintenance such as new shingles, new steps, and updated electrical service. Nonconforming structures may be repaired provided the degree of nonconformity is not increased. Board Of Adjustment Rules – Non-conforming Use Application (Existing Or Expansion), § (d). The ability to repair is limited if the structures have been damaged to the point of more than 75% percent of their replacement value. Board Of Adjustment Rules – Non-conforming Use Application (Existing Or Expansion), § (e)(2). None of the structures have been damaged to 75% of their replacement value. Board Of Adjustment Rules – Non-conforming Use Application (Existing Or Expansion), § (e)(2) also provides that this percentage of damage provision does not apply on a one-time basis for any structure in existence on the date the zoning code section was adopted. All structures on the property pre-date adoption of the zoning code.

**Note the date use began (or structure was built) as well as the size or intensity of the use when said use began.**

The dwelling structures on the property were built before 1964. The property has been owned by my extended family for over 60 years. An aerial photograph from 1964 shows that the current dwelling structures on the property existed at that time. Exhibit A. The current owner, Bertha Joan Zerga, acquired the property on March 16, 1973, with her husband, Victor George Zerga. My parents, my siblings, and I moved onto the property in 1970.

Six of the structures on the property in 1964 consisted of family dwellings. All these dwellings were used for residential living purposes, each with its own eating, sleeping, and bathroom areas. The various dwellings were used by families on a non-transient basis. In 1964, the property had two accessory structures used for a shop and storage. There has been no change in the number of structures since the property was purchased by the current owner. The use of the dwelling structures has always been residential.

In 1964, the property consisted of approximately 1.5 acres of land. At that time, the property was rural in nature and surrounded by vacant land consisting primarily of horse pasture. It appears that in 1964 the property was located outside the city limits of the City of Lander, Wyoming.

**Other Relevant Information.**

When the zoning code was first adopted in 1977, the City of Lander was required to issue Certificates of Zoning Compliance for non-conforming uses of land, structures, and lots. Ordinance 643, § 8. These certificates were to document exactly why the use was nonconforming. A copy of the Certificate was to be retained by the City.. The City failed in its responsibility to inventory, create a map of nonconforming uses, and issue certificates to nonconforming properties, which would have created a contemporaneous historical record. The City now has two forms for Certificates of Zoning compliance for properties which may be nonconforming under the current code, even though under the zoning code the City is responsible for documenting the non-conforming use of a property and issuing Zoning Compliance certificates. At least one of those City provided forms clearly shifts the burden to the applicant to document their decades of historical use, in spite of contrary zoning code language which makes it the City's burden. Both forms have been completed and submitted with this affidavit.

When there is a non-conformance under the Municipal Code, the presumption is that the conforming activity be permitted to continue. Municipal Code § 4-11-1(A), This presumption has existed since the first zoning code in 1977. Section 5 of Ordinance 643 states that "It is the



intent of this ordinance to permit these nonconformities to continue until they are removed.” The Municipal Code provides that the Code shall not be construed to require removal, changes, or alterations of any non-conforming structure or to otherwise interfere with the continuance of the non-conforming use. Municipal Code § 4-12-15 (A). The only burden of proof placed on the citizen under the zoning code is the requirement to show that the structures, lot, or use was lawfully established. Municipal Code § 4-11-1(F). The discussion above shows the structures were lawfully constructed when they were constructed on the property. There was no applicable zoning code which prohibited their construction at that time. Further, on information and belief, at the time the structures were constructed, the land on which they were constructed had yet to be annexed into the City of Lander.

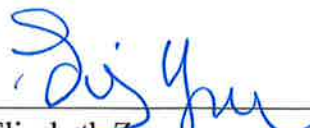
The Applicant has consistently treated the dwellings as residential. In addition to the foregoing information, the Applicant has always insured the dwellings for residential use. Each dwelling is served by city residential water and sewer. The residential gas and electricity for the dwellings are all set up for separate metering and have been billed as separate dwellings.

The Zerga property is accessed by an officially approved location. The access is from Evergreen Lane. On May 24, 1983, the Ninth Judicial District Court granted an easement along Evergreen Lane for the Zerga property and six other properties between the Zerga property and Amoretti Street. Judgment, *Victor Zerga v. Joseph Spriggs et al.*, Civil No. 19776. Exhibit B. The Judgment found that the Zerga property contained the dwelling units that are currently on the property.


I request that the City of Lander issue a Certificate of Zoning Compliance for the eight structures on the property – six residential and two accessory structures.

**AFFIDAVIT**

I hereby depose and say that all of the above statements in support of the City of Lander’s certification of the above-described nonconforming use for 690 Evergreen Lane, Lander, Wyoming and the statements contained in any papers submitted herewith are true.

  
Elizabeth Zerga

POA for  
Joan Zerga

  
Date

STATE OF COLORADO )

) ss:

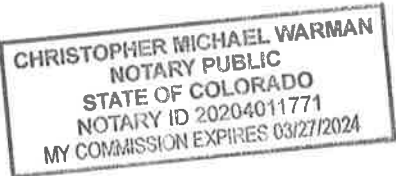
COUNTY OF Laramie )

The foregoing instrument was acknowledged before me on November 8, 2023.



\_\_\_\_\_  
Notary Public

My commission expires: 3-27-2024



690 Evergreen NCU 23.23



Section 3, Item A.



**THE CITY OF LANDER**

240 LINCOLN ST, LANDER WY 82520-2848  
TELEPHONE 307-332-2870

Assistant Mayor

RaJean Strube Fossen

rsfossen@landerwyoming.org

December 7, 2023

Schumacher Law Firm PC  
222N Broadway Ave, Suite B  
Riverton WY 82501

RE: November 14th application for Bertha Joan Zerga – 690 Evergreen Lane Nonconforming Use

The City Planning Department acknowledges receipt of the subject application. City Administration has determined that this matter is not eligible for a zoning compliance certificate because the structures have been abandoned (cessation of residential use) for more than one year. The City will deposit the required \$275 fee to process the nonconforming use application through the Board of Adjustments per City code.

Title 4 of the City Code can be found on our City website at [www.landerwyoming.org](http://www.landerwyoming.org) or at this link:

<https://lander.municipalcodeonline.com/book?type=ordinances#name=TITLE 4 ZONING>

This matter will be addressed at the regularly scheduled Board of Adjustments meeting on January 4, 2023, at 6:00 PM at City Hall, 240 Lincoln Street, Lander WY 82520. A representative of the landowner must be present. As an option for Ms. Zerga, and/or you as her representative, all Board of Adjustment meetings can also be attended virtually. There will be a notice of public hearing published in the Lander Journal a minimum of 15 days prior to the hearing. Additionally, written notice of the meeting will be mailed to all residences within 400 feet of the property. Both public notice requirements are found in City Code 4-5-4.

Please confirm that the nonconforming application submitted is solely for:

City Code section 4-12-3 H. Maximum number of structures containing permitted use per lot: from one per lot; to allowing a nonconformance for 6 residential structures per lot.

Please verify with a survey or other legal means that the most northeastern residential structure meets the side and rear setbacks as set forth in 4-12-3-G. which are 10 feet and 20 feet, respectively. The application can be amended to include nonconforming setbacks for this residential structure if you determine they exist.

Please note that the lot also does not meet the requirement of having 50' of lot width (frontage) adjacent to a street as required in City Code Section 4-2-3-B definition of "Lot" which requires "having its principal frontage on a public street or officially approved place." Private drives are allowed and must be constructed and maintained with a suitable hard surface for fire protection and as approved by City Administration, in accordance with the currently adopted codes.



I have the following information to offer regarding the further notes on the application.

It appears the property was within the City limits when it was acquired by the Zerga family in March of 1973. When the City Codes were adopted in 1977, it was clear that nonconforming uses were not to be perpetuated (grandfathered in). See excerpts from the 1977 code below. The intent of these regulations has continued in some form into the existing Title 4 - Zoning Ordinance 1236.

1977 Section 4.4.A Nonconforming Lots, Nonconforming Uses, Nonconforming Structures

- A. *Within the district established by the ordinance or amendments that may later be adopted, there exist*
    - 1. *Lots*
    - 2. *Uses of Land: and*
    - 3. *Structure,*
- which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance, or future amendments. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.*

The 1977 Code later states in section 4.4 C.3.

- 3. *Termination. Any one of the following acts or conditions shall terminate immediately the right to operate a nonconforming use*
  - a. *Changing to a conforming use*
  - b. *Abandonment*
  - c. *Non-operation or non-use for a period of twelve or more consecutive calendar months.*

Upon adoption of the 1977 Zoning Code, the City Building Inspector was tasked with identifying nonconforming properties. To implement a portion of that task, the Inspector offered a self-reporting period for nonconforming properties caused by the updated City zoning Code. City records show all nonconforming and zoning compliance certificates since the adoption of the zoning districts. These City records show that Ms. Zerga did receive a Certificate of Zoning Compliance in 1980 to run an arts and craft operation from the main residence. There is no mention of compliance for the multiple residential structures in the 1980 compliance certificate nor during the designated nonconforming inventory and reporting period of 1977-78.

For your information, whether the nonconforming use application is approved or not, the Building Department advises that the attached "CHECKLIST FOR UNDEVELOPED PROPERTIES WITHIN CITY LIMITS" will be required upon application of any building permit to demolish, update, modify, or enlarge any of the structures or the existing underground infrastructure. This applies to the current and all future owners of the property and includes but is not limited to the following bulleted requirements.

- Individual water and sewer services to each residence per City Code Section 9-10-4
- Non-permeable off-street parking spaces for each residence in accordance with City Code Section 4-11-10
- Individual residential addressing in accordance with City Code Section 4-11-13
- Adequate fire flow including, but not limited to, adequate fire apparatus access and turnaround criteria, and proximate fire hydrants according to currently adopted 2021 International Fire Code and City Code Section 4-9-10
- Any future subdivision of the 1.5-acre lot will require infrastructure improvements to city standards in accordance with City Code Section 4-9 and the attached Checklist.

December 7, 2021

Questions on the bullet points above should be directed to the Building Department.

I am happy to set up a meeting prior to the scheduled Board of Adjustment meeting to discuss the application, this letter of response, or any other items further. Please contact me to request a meeting, as necessary.

Sincerely,



RaJean Strube Fossen  
Planning Department

CHECKLIST FOR  
UNDEVELOPED PROPERTIES  
WITHIN CITY LIMITS

Prior to obtaining a building permit the following items must be obtained and signed off by the appropriate department head/supervisor:

1. Property has \_\_\_\_\_ feet required street frontage according to zoning code section \_\_\_\_\_ within the \_\_\_\_\_ district.
2. Property is \_\_\_\_\_ square feet, minimum square feet is \_\_\_\_\_ according to zoning code \_\_\_\_\_.
3. A copy of zoning code section \_\_\_\_\_ is attached.
4. Fire Hydrants shall be located within 500 feet of any building structures. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
5. Commercial structures shall be no more than 400 feet to the farthest point of the structure from where fire apparatus has to park. The distance for residential areas shall be no more than 600 feet.
6. New Constructions requires back flow prevention to be installed.
7. Water and Sewer mains must be installed to the far edge of property.
8. When a DEQ permit to construct is required a copy of the permit and approval must be submitted to City Hall. New water service lines shall conform to DEQ policy 14.14.11.
9. Sanitary sewer shall be utilized if a City main is within 300'. If city sewer is not available the owner will be required to get the appropriate permits and meet the Fremont County requirements for a septic system. Sewer service lines shall conform to DEQ policy 13.9.9 Wastewater Service Connections. A copy of the Fremont County Planner's office septic approval must be submitted to City Hall.
10. Ground water shall be drained into a system other than the sanitary sewer system.
11. Before a building permit will be permitted a plot plan or drawing must be submitted to the City of Lander Building Inspector. 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.

----- Forwarded message -----

From: **Liz Zerga** <lizzerqa@comcast.net>  
Date: Mon, Jul 3, 2023 at 11:30 AM  
Subject: RE: 690 Evergreen  
To: Rajean Strube Fossen <rsfossen@landerwyoming.org>  
Cc: <jdailey@wyoming.com>

Hi RaJean,

Thank you for meeting with me, John, and my sister last week to discuss your preliminary thoughts regarding zoning code's restrictions and the checklist for undeveloped property requirements you thought may be applicable to use of the existing residential cottages on my mom's property as residences. I am glad we had the opportunity to discuss the history of the property, exchange thoughts, and raise issues.

My understanding from the meeting is that you plan to consult with the city attorney on the following items/issues I raised at our meeting:

1. the long, long history of residential use of the house and cottages on the property pre-dating annexation of the property into the city and pre-dating the city's adoption of a zoning code;
2. the problems with city zoning code definitions for terms in the portions of the current city zoning code you reference in emails below which would prohibit residential use of any of the multiple residential cottages on the property and which would allow residential use of only one house on the property;
3. concerns regarding lack of specific city code authority to require the infrastructure upgrades you thought might be necessary (as set forth in the checklist for undeveloped property you provided... also no city code definition of undeveloped property) in order for my mom/successor purchasers to utilize existing residential cottages which already have water, sewer, electric and gas infrastructure in place, when no division of property is envisioned and no new structures or buildings are contemplated to be erected, built or expanded on the property; and,
4. The significant material adverse financial impact and taking of property that would occur if the city were to apply an interpretation/construction of ambiguous aspects of the city zoning code to restrict historic vested use.

I understood that after you receive advice from the City attorney on these issues (you indicated it likely would not be until next week given the 4<sup>th</sup> of July city holiday this week) you would get back to me with the City's response and final zoning and use decision pertaining to the use of the multiple residential cottages on this property as residences.

Thank you again RaJean for the discussion, and I look forward to hearing from you on the City's decision.

Liz Zerga



**Rajean Strube Fossen** <rsfossen@landerwyoming.org>

To: Liz Zerga <lizzzerga@comcast.net>

Cc: John Dailey <jdailey@wyoming.com>, Dustin Springston <dspringston@landerwyoming.org>, Hunter Roseberry <hroseberry@landerwyoming.org>, Lance Hopkin <lhopkin@landerwyoming.org>

Liz please see the email response for your questions asked of the City Attorney. Please contact me for questions or next steps if your family would like to subdivide or rezone the property in any fashion.

Appreciation and Optimism. Pass it on!

Rajean 332-2870 x2

----- Forwarded message -----

From: **Adam Phillips** <adam@aep-law.com>

Date: Tue, Jul 18, 2023 at 12:21 PM

Subject: Zerga

To: Rajean Fossen <rsfossen@landerwyoming.org>, Lance Hopkin <lhopkin@landerwyoming.org>

Dear Ms. Zerga,

I was contacted by city staff regarding some concerns that you have expressed about a property owned by your family. Based on what I was told and the information I received, here are my responses:

1. It is my understanding that the property and buildings on the property were placed there prior to the adoptions of the current zoning codes. Because of this, the property was non-conforming in nature at the time the codes were adopted in 1978. Meaning, for example, if it was a residential use at the time of the code was adopted, then it must stay a residential use for the nonconforming nature to remain. If the structures are changed, modified, or remodeled, then it must comply with the current zoning ordinances and building codes.
2. The property currently lies in an R-2 zone, which allows multi-family dwellings but only in one residential structure. So, if the intent is to have more people living in other buildings on the property, then you will have to comply with the zoning ordinances. If you cannot comply, then you can make an application for a variance or non-conforming use permit. If you are denied those permits, then you can appeal the board's decision to the district court. The rules for application of those permits are very specific and found in Ordinance 4-5-4 and 4-11-1. Additionally, it appears that Rajean Fossen has provided a good amount of information regarding the above in prior emails.
3. Finally, you seem to infer that the ordinances act as a taking by the city. This is not true. The ordinances of the city are designed to help regulate building and to ensure safety.



260 Lincoln St.

Lander, Wyoming 82520

(307)-332-2034

[www.adamphillipslaw.com](http://www.adamphillipslaw.com)

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ADAM E.  
**PHILLIPS**  image001.jpg  
ATTORNEY AT LAW, P.C. 3K

**Miller and Fasse, P.C.**  
**Attorneys**

**William L. Miller**  
**Thomas A. Fasse**

710 North 8<sup>th</sup> West, Riverton, Wyoming 82501 Telephone: (307) 856-4459 Fax: (307) 856-4284

City of Lander Board of Adjustments  
c/o RaJean Strube Fossen  
240 Lincoln Street  
Lander Wyoming 82520

Re: Request for a Non-Conforming Use Permit for  
690 Evergreen Lane, Lander, Wyoming

Dear Ms. Fossen,

I represent Kent Simon and Lesli Bartell who own property located at 670 Evergreen Lane in Lander Wyoming. My client's property adjoins the Zerga property for which a non-conforming use permit is being requested.

My clients object to a non-conforming use permit for the reasons set forth below. The present zoning is for residential which does not allow for more than two residential structures. The request for a non-conforming use permit would increase that to six residential structures. The easement for the Zerga property is based on a 1983 judgment which granted the Zergas an easement to their property. A copy of that judgment is attached as Exhibit "A". The easement provided by said judgment is defined by metes and bounds and is somewhere between 37.3 feet to 21 feet in width. The easement is for residential purposes and is not a public right of way. The existing is not adequate for six residences and does not conform to any current code requirements.

The detail of the Fremont County Assessors assessment for the property taxes for the Zerga property is attached as Exhibit "B" indicates that the Zergas are being assessed as for one residential structure and several farm utility buildings. I am also including with this letter, photographs the County Assessor office has taken of these buildings. The buildings being assessed as farm utility buildings do not appear to have been inhabited for a long time. The Zergas have chosen to pay taxes based on this parcel containing one residential building and have not used or paid taxes on the property based on six residential units.

My clients are concerned that the road is too narrow to handle traffic for six residential units. In addition, the road is not a maintained road and has no road base for most of the road that passes across my client's property. It becomes muddy and rutted when there is moisture. In addition, there are trees lining the road which makes it difficult to see oncoming vehicles. The road has trees growing on both sides of it for most of the way. The road is not wide enough for two vehicles to safely pass.

Any use of this property for anything other than a single-family residence was abandoned long ago by the Zergas. The tax assessment shows the structures referred to as farm utility buildings were constructed in 1935. An equipment storage building appears to have been built in 1983 but for the most part these are very old buildings and the Zergas have chosen to not use them or to be taxed on them as residential buildings.

If anyone purchasing this property or the Zergas wanted to upgrade or remodel the existing structures on the property it would require a building permit from the city. The city would require the buildings to meet the present code and that would be very expensive and probably cost prohibitive to bring any of these buildings to code. This is since they were constructed in 1935 and are currently being taxed as a farm utility building.

The existing easement is not a public street and the city would consider it a driveway. If there were any attempt in the future to subdivide this property the city building code and regulation would require that the driveway be brought up to city standard which would be very expensive and cost prohibitive. The Zergas have not submitted any plans to the city as to what improvements if any they are going to do to this property, what work if any would be done on the existing structures, but simply want to obtain a non-conforming use permit without submitting any plans as to how the non-conforming use permit would be used. My clients are concerned about potential impacts the non-conforming use permit might have on the value of their land and their ability to use their land.

In summary, If the buildings on the property that are now classified as farm utility buildings were ever used in the past as residences that use has long been abandoned by the Zergas and it is not realistic to think they will ever be used as residences again. The Zergas do not maintain the road and have not made any attempts to improve it or develop it to make it more passable and durable for increased traffic. The present request for non-conforming use does include any plans to upgrade the old farm utility buildings. It does not appear to be financially realistic for the buildings to be brought to code, for fire and other access to be made available to this project and the Zergas are not presenting any realistic plan for how this might be implemented. They are requesting a blank non-conforming use permit without any detail as to how it may be used in the future.

The request for the non-conforming use permit should be denied at this time for the concerns set forth above until a realistic plan that would conform with the current building code and other requirements is presented to the city.

Sincerely,



WILLIAM L. MILLER  
WLM/dm

CC: Kent Simon and Lesli Bartell

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

VICTOR GEORGE ZERGA and )  
BERTHA JOAN ZERGA, )  
Plaintiffs, )

vs. )

JOSEPH E. SPRIGGS; JANET A. )  
SPRIGGS; JAMES W. SPRIGGS, SR.; )  
HAZEL B. SPRIGGS; S. CONANT )  
PARKS; CLARA H. PARKS; HAROLD )  
H. PARKS; NONA L. PARKS; SAIRUEL )  
PARKS; and the unknown claimants )  
and heirs, et al.; )  
Defendants. )

JUDICIAL NO. 130 PAGE 251

Civil No. 19776

FREMONT COUNTY, WY  
FILED  
IN THE DISTRICT COURT

MAY 24 1983  
*Erna Stephenson*  
Erna Stephenson Clerk of Court

By \_\_\_\_\_  
DEPUTY CLERK

JUDGMENT

This matter came on for hearing before Judge W. J. Nicholas on April 13, 1982 upon Plaintiffs' and Defendants' Motion for Summary Judgment, and the Court at the conclusion of the hearing determined that Spurlock and Associates, Inc. should be engaged to compute the location of the line and curve turning easterly off Evergreen Lane between Plaintiffs' land and Defendants' land, and the Court further permitted both parties to augment the record. The parties thereupon filed additional material with the Court, and Spurlock and Associates, Inc. completed their work in locating and describing the aforesaid curve as requested by the Court.

Judge W. J. Nicholas retired from the Bench on or about December 31, 1982 without rendering a complete decision in the above-captioned matter, and this case is now before Judge Robert B. Ranck for decision. The Court has reviewed the file in its entirety, including all documents and photographs filed therein, and has met in chambers with the Plaintiffs' attorney and Defendants' attorney on March 10, 1983 and again met with both attorneys and surveyor John F. Hart on the premises on March 29, 1983. The Court having reviewed the file in its entirety, having viewed the premises on several occasions, and having considered statements of counsel, who have stipulated that no other evidence would be produced had this matter gone to trial, the Court finds as follows:

1. Plaintiffs are in possession and are the owners of a certain parcel of real property located in Fremont County, State of Wyoming, described as follows:

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Page 1 of 8 Fees: \$33.00  
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Julie A. Freese, Fremont County Clerk

Kopriva  
Logerski



Exhibit  
A-1/8

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Julia A. Freese, Fremont County Clerk

A tract of land in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 7, T. 33 N., R. 99 W., 6th P.M., Fremont County, Wyoming, more particularly described as follows, to-wit:

Beginning at Corner No. 1 of this tract which point is located N. 39° 08.8' W. a distance of 956.12' more or less from the South quarter section corner of Section 7, T. 33 N., R. 99 W., of the 6th P.M., and proceeding thence S. 1° 02' E. a distance of 205.0' to corner No. 2 of this tract; thence proceeding N. 89° 57.7' W. a distance of 320.0', more or less, to corner No. 3 of this tract, thence proceeding N. 1° 02' W. a distance of 205.0 feet to corner No. 4 of this tract; thence proceeding S. 89° 57.7' E. a distance of 320.0', more or less, to corner No. 1 of this tract, the point of beginning hereinbefore described; the area of which tract is 1.506 acres, more or less.

2. Defendants, Joseph E. Spriggs and Janet A. Spriggs, are in possession and are the owners of a certain parcel of real property, adjoining the above-described property of the Plaintiffs on the south which property is described as follows:

The west 170 feet of a tract described as follows:

A tract of land located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 7, Township 33 North, Range 99 West, 6th P.M., Fremont County, Wyoming, more particularly described as follows: Beginning at Point No. 1 which point bears N. 57° 49.6' W. a distance of 688.33 feet from the SW corner of said Section 7; thence N. 89° 57.7' W. a distance of 320 feet to Point No. 2; thence N. 1° 02' W. a distance of 180 feet to Point No. 3; thence S. 89° 57.7' E. a distance of 320 feet to Point 4; thence S. 1° 02' E. a distance of 180 feet more or less, to Point of beginning hereinbefore mentioned. The entire above tract contains 1.32 acres more or less.

3. Defendants, James W. Spriggs, Sr. and Hazel B. Spriggs, are in possession and are the owners of a certain parcel of real property located in Fremont County, State of Wyoming, described as follows:

The East 150 feet of a tract described as follows:

A tract of land located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 7, Township 33 North, Range 99 West, 6th P.M., Fremont County, Wyoming, more particularly described as follows: Beginning at Point No. 1 which point bears N. 57° 49.6' W. a distance of 688.33 feet from the SW corner of said Section 7; thence N. 89° 57.7' W. a distance of 320 feet to Point No. 2; thence N. 1° 02' W. a distance of 180 feet to Point No. 3; thence S. 89° 57.7' E. a distance of 320 feet to Point 4; thence S. 1° 02' E. a distance of 180 feet more or less, to Point of beginning hereinbefore mentioned. The entire above tract contains 1.32 acres more or less.

4. Plaintiffs, Victor George Zerga and Bertha Joann Zerga, together with their predecessors in title, families, guests, tenants, and invitees have used Evergreen Lane (as it presently exists from

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Julie A. Freese, Fremont County Clerk

Judgment  
Zerga vs. Spriggs, et al.  
Page -3-

Amoretti Street to Plaintiffs' south boundary) and they have used that roadway on the northerly portion of Defendants' land turning easterly from Evergreen Lane, all as included in and more particularly described in Exhibit "A" attached hereto and incorporated herein, as a roadway for ingress and egress to Plaintiffs' residence and the six apartments known as the K & L Villa Apartments. Plaintiffs and their families, guests, tenants, and invitees therefore have a roadway easement in and to said Evergreen Lane and the easterly roadway described in Exhibit "A".

5. Defendants, Joseph E. Spriggs, Janet A. Spriggs, James W. Spriggs, and Hazel B. Spriggs, together with their families, guests, and invitees likewise have a roadway easement for ingress and egress to Defendants' residences and for personal use in and to that part included in Exhibit "A" which lies on Defendants' land and along the southerly portion of Plaintiffs' land.

6. Defendants and their families have used as a footpath, bicycle path, and horse path that strip of land extending from Plaintiffs' south boundary to Plaintiffs' north boundary, which strip is described more particularly in Exhibit "B" attached hereto and incorporated herein by this reference. Defendants and their families should be entitled to continue using the path as they have been, however excluding use for any motorized vehicles.

7. Plaintiffs, Defendants, their families, and their heirs, successors and assigns all have a right to maintain the surface of the roadway easement described in Exhibit "A", so long as there is no interference with the use of same by the other parties.

8. The currently used and traveled portions of the easements described in Exhibits "A" and "B" should not be ~~significantly~~ widened or expanded from their present width by any of the parties, or their families, tenants, agents, employees, heirs, successors, assigns, or by anyone acting under their control, authority, or direction.

9. Each party herein should pay their own costs and attorney's fees, and each party should also pay one-half of the survey expenses charged by John P. Hart for his work, as directed by this Court, since March 29, 1983.

10. The claims for damages, whether actual damages or punitive damages, by each of the parties should be dismissed.



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Julia A. Freese, Fremont County Clerk

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11. There are no genuine issues of material fact, and each party is entitled to judgment as a matter of law regarding their respective easement or easements, and to that extent each party's Motion for Summary Judgment should be granted.

IT IS THEREFORE ORDERED, CONSIDERED, ADJUDGED, AND DECREED as follows:

(1) Plaintiffs, Victor George Zerga and Bortha Joan Zerga, their family, tenants, guests, and invitees, and Plaintiffs' heirs, successors, and assigns be and they hereby are granted a roadway easement in Evergreen Lane and the roadway along the northerly portion of Defendants' land turning easterly from Evergreen Lane, said easement being for ingress and egress, and being more particularly described in and as part of Exhibit "A" attached hereto and incorporated herein. Said easement shall be for residential and personal use in connection with Plaintiffs' residence and the K & L Villa Apartments, for guests and invitees of Plaintiffs and their tenants, for ingress and egress by utility companies, and for Plaintiffs' maintenance and improvement of their easement, including but not limited to improvement of the surface thereof, such as grading and/or graveling the easement.

(2) Defendants, Joseph E. Spriggs, Janet A. Spriggs, James W. Spriggs, Sr., and Hazel B. Spriggs, their families, guests, and invitees, and their heirs, successors, and assigns be and they are hereby granted a roadway easement in that part included in Exhibit "A" which lies on Defendants' land and the southerly portion of Plaintiffs' land. Said easement shall be for ingress and egress to Defendants' residences, and for personal use, ingress and egress by utility companies, and for maintenance and improvement of the surface thereof by grading and/or graveling the easement.

(3) Furthermore, Defendants and their families and Defendants' heirs, successors, and assigns be and they are hereby granted an easement to be used as a footpath, bicycle path, and/or horse path in that 4-foot strip of land described more particularly in Exhibit "B" attached hereto and incorporated herein by this reference.

(4) All Plaintiffs and all Defendants, together with their respective families, servants, agents, employees, and all persons acting under their control, authority, and direction, and their respective

Exhibi  
A 4/8

Judgment  
Zerqa vs. Spriggs, et al.  
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Julie A. Freese, Fremont County Clerk

heirs, successors, and assigns be and they hereby are forever enjoined and restrained from interfering with, restricting, or otherwise hindering in any manner whatsoever the usage and/or reasonable maintenance of the easement described in Exhibit "A" or the usage of the easement described in Exhibit "B", by the other parties, their families, guests, invitees, and tenants, and the other parties' heirs, successors, and assigns.

(5) As pertains to the maintenance of Exhibit "A", all parties and their families, tenants, agents, employees, heirs, successors, assigns, and all persons acting under their control, authority, or direction be and they hereby are ordered to exercise due care so as not to ~~signifi-~~  
*B* ~~causally~~ widen or expand from its historic and present width and breadth ~~the~~  
*B* ~~causally~~ alter the grade of same.

(6) Pursuant to the foregoing, both parties be and they are hereby required to relocate any and all fences which may be necessary in order for both parties to comply with the easements as described in Exhibits "A" and "B" incorporated herein, and all such fence relocations be and they hereby are to be completed by the respective parties on or before June 15, 1983.

(7) The Undertaking in Injunction furnished by Plaintiffs and filed October 19, 1979 pursuant to Rule 65(c) W.R.C.P. be and the same is hereby released to Plaintiffs.

(8) Plaintiffs and Defendants shall each pay their own attorney's fee and costs incurred herein, and each party shall pay one-half of the survey expenses of John F. Hart for his work, as directed by this Court, as of March 29, 1983.

(9) The claims for damages, whether actual damages or punitive damages, asserted by each of the parties be and they hereby are dismissed.  
Dated this May 24, 1983.

Approved as to form and content:

*Ron M. Kopriva*  
Ron M. Kopriva  
Attorney for Plaintiffs

Donald L. Legerski  
Attorney for Defendants Spriggs

BY THE COURT:

*Robert B. Kane, Jr.*  
District Court Judge

The State of Wyoming

County of Fremont  
I, Kristi H. Green, Clerk of the Ninth J.  
District Court within and for said Cour  
in the State aforesaid Do Hereby Cert  
Foregoing to be a Full, True and Com

Signed *Mad Legerski*



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A roadway easement located in the SE¼ SW¼ Section 7, and the NE¼ NW¼ Section 18, T33N, R99W, 6th P.M., County of Fremont, WY., more particularly described as follows:

Beginning at Corner No. 1, which bears N38°56'E a distance of 695.52 feet from the SW Corner of said SE¼ SW¼ of Section 7 (a brass cap), thence proceed S0°04'40"E a distance of 721.02 feet more or less to Corner No. 2; thence proceed east a distance of 36.84 feet to Corner No. 3; thence proceed south a distance of 150.55 feet more or less to Corner No. 4, which point is on the northerly boundary of Amoretti Street; thence proceed S73°58'E along said northerly boundary a distance of 37.38 feet to Corner No. 5; thence proceed north a distance of 160.88 feet to Corner No. 6; thence proceed north a distance of 40.00 feet to Corner No. 7; thence proceed S89°13'49"W a distance of 51.94 feet more or less to Corner No. 8; thence proceed N0°10'54"W a distance of 633.37 feet to Corner No. 9; thence proceed around a curve to the right a distance of 30.02 feet to Corner No. 10 (the curve has a radius of 21.19 feet and the chord from Corner No. 9 to Corner No. 10 is 27.57 feet in length and bears N30°48'50"E;) thence proceed N80°59'57"E a distance of 117.80 feet to Corner No. 11; thence proceed N85°07'18"E a distance of 72.20 feet to Corner No. 12; thence proceed N1°02'W a distance of 12.85 feet to Corner No. 13; thence proceed S87°49'42"W a distance of 68.56 feet to Corner No. 14; thence proceed S87°49'42"E a distance of 153.59 feet to Corner No. 15; thence proceed S0°04'40"W a distance of 4.32 feet more or less to Corner No. 1, the point of beginning.

Excepting however that portion of Wood Street, as described in a Warranty Deed, Book 148 of Microfilm, page 74, recorded January 27, 1981, which intersects the above described easement.

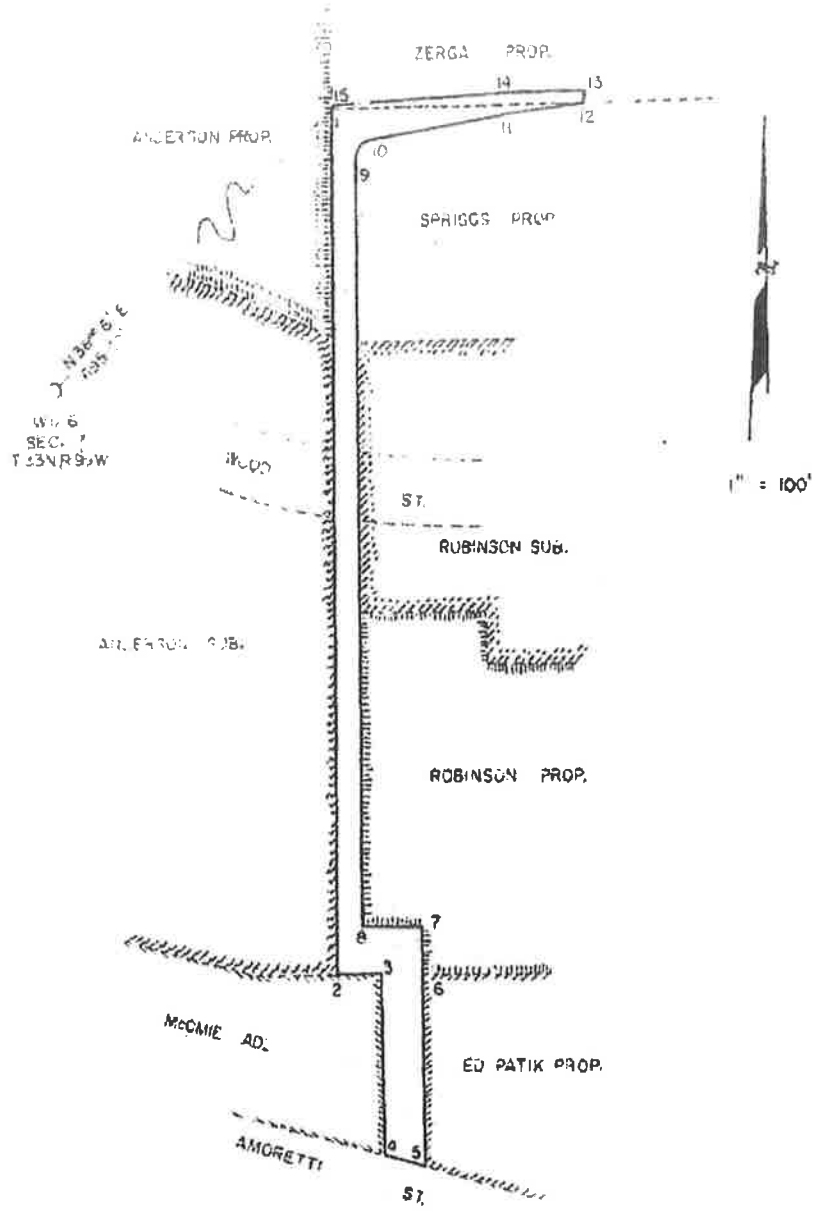
This roadway contains 0.610 acres more or less.

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EXHIBIT "A"

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ROAD EASEMENT EVERGREEN LANE



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 Julie A. Freese, Fremont County Clerk

EXHIBIT "A" (Continued)

Exhibit A - 7/8

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A 4 foot easement located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 7, T33N, R99W, 6th P.M., County of Fremont, Wyoming, being 2 feet on each side of the following described centerline.

Beginning at Point No. 1, which point is on the south boundary of the Zerga tract as described in W.D. Book 120 page 167, and bears N38°56'E a distance of 695.52 feet, thence S89°57'42"E a distance of 2 feet from the southwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 7 (a brass cap), thence proceed N0°04'40"W a distance of 205.0 feet more or less to the northerly boundary of said Zerga tract and end of easement.

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EXHIBIT "B"

Exhibit  
A- 8/8

**Detail of R0005494**

Exhibit B

Parcel 171

PIDN: 33990730006600  
 Tax ID: 000000000005459 Property Taxes  
 Tax District: 0151  
 Property Owner(s): ZERGA VICTOR GEORGE & BERTHA JOAN  
 Mailing Address: 690 EVERGREEN LN  
 LANDER, WY 82520  
 Street Address: 690 EVERGREEN LN  
 Location: TWP 33N RNG 099W SEC 07 TR IN SESW  
 2023 Market Value: \$ 379,320 (\$ 159,283 Land + \$ 220,037 Improvements)  
 2023 Assessed Value: \$ 36,036

Land	Acres	Square Feet	Class
	1.51	65,802	Residential
	1.51	65,802	Total

Residential 1	Stories	Sq Ft	Exterior	Roof Cover	Bedrooms	Year Built	Sketch(s)	Photo(s)
<b>Ranch 1 Story</b>	1.0	1425	Frame Siding	Wood Shake	2	1939	1 sketch(s)	2 photo(s)
2 baths with 3 fixtures								
Add On Heat - Wood Stove		1						
Add On Gazebos EA								
Porch Encl Solid Wall		375						
<b>Out Building 9000</b>	Stories	Sq Ft	Exterior	Roof Cover	Bedrooms	Year Built	Sketch(s)	Photo(s)
<b>Farm Utility Building</b>	1.0	704	Wood Frame		0	1935	1 sketch(s)	1 photo(s)
Add On Slab Roof - Ave		64						
<b>Out Building 9001</b>	Stories	Sq Ft	Exterior	Roof Cover	Bedrooms	Year Built	Sketch(s)	Photo(s)
<b>Prefabricated Storage Shed Buildings</b>	0.0	160	Wood Frame		0	2002	1 sketch(s)	1 photo(s)
<b>Out Building 9002</b>	Stories	Sq Ft	Exterior	Roof Cover	Bedrooms	Year Built	Sketch(s)	Photo(s)
<b>Farm Utility Building</b>	1.0	462	Wood Frame		0	1935	1 sketch(s)	1 photo(s)
Add On Finished in OutBuilding - SF		462						
<b>Out Building 9003</b>	Stories	Sq Ft	Exterior	Roof Cover	Bedrooms	Year Built	Sketch(s)	Photo(s)
<b>Farm Utility Building</b>	1.0	675	Wood Frame		0	1935	1 sketch(s)	1 photo(s)
Add On Canopy Wood Av		80						
Add On Finished In OutBuilding - SF		675						
<b>Out Building 9004</b>	Stories	Sq Ft	Exterior	Roof Cover	Bedrooms	Year Built	Sketch(s)	Photo(s)
<b>Farm Utility Building</b>	1.0	576	Wood Frame		0	1935	1 sketch(s)	1 photo(s)
Add On Finished In OutBuilding - SF		576						
<b>Out Building 9005</b>	Stories	Sq Ft	Exterior	Roof Cover	Bedrooms	Year Built	Sketch(s)	Photo(s)
<b>Farm Utility Building</b>	1.0	286	Wood Frame		0	1935	1 sketch(s)	1 photo(s)
Add On Canopy Wood Av		110						
Add On Finished in OutBuilding - SF		286						
<b>Out Building 9006</b>	Stories	Sq Ft	Exterior	Roof Cover	Bedrooms	Year Built	Sketch(s)	Photo(s)
<b>Equipment Storage</b>	1.0	728	Frame Siding	Composition Shingle	0	1983	1 sketch(s)	1 photo(s)
Add On Heat - Wood Stove		1						
<b>Out Building 9007</b>	Stories	Sq Ft	Exterior	Roof Cover	Bedrooms	Year Built	Sketch(s)	Photo(s)
<b>Farm Utility Building</b>	1.0	1113	Frame Aluminum	Composition Shingle	2	1935	1 sketch(s)	1 photo(s)
Add On Finished in OutBuilding - SF		1113						

Year built may not be original year built due to remodeling and additions.

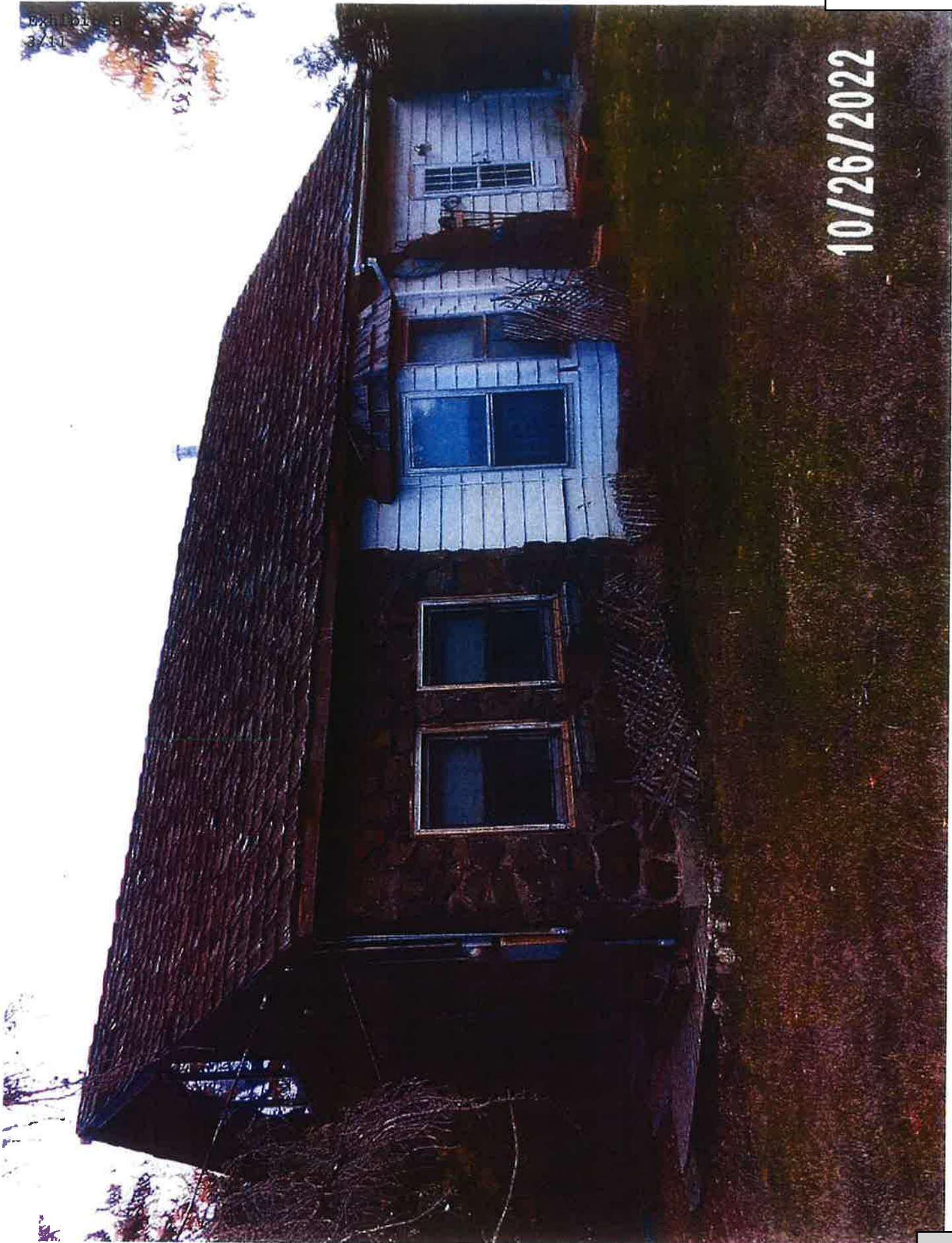




Exhibit B  
2/11







10/26/2022

Exhibit  
4/11

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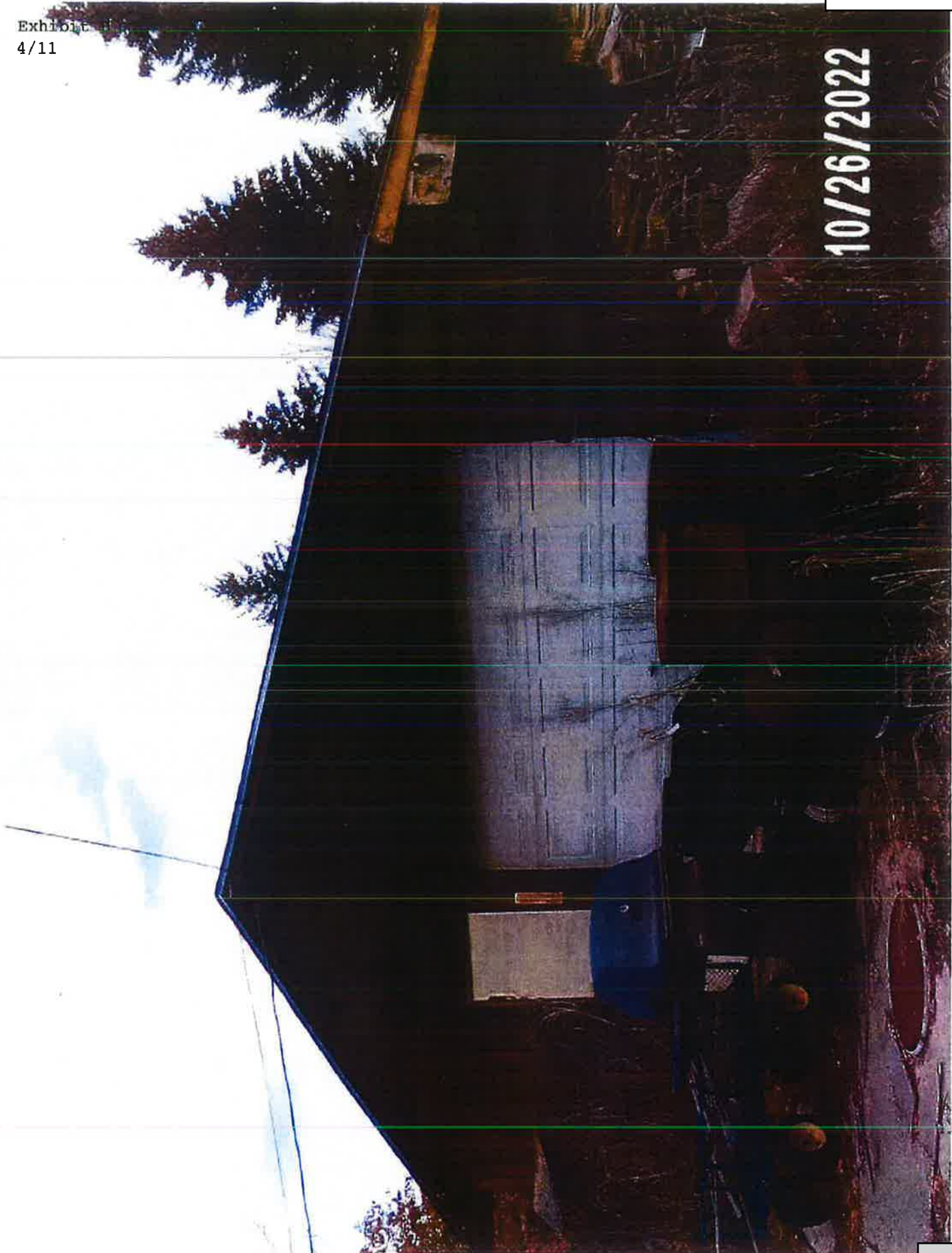
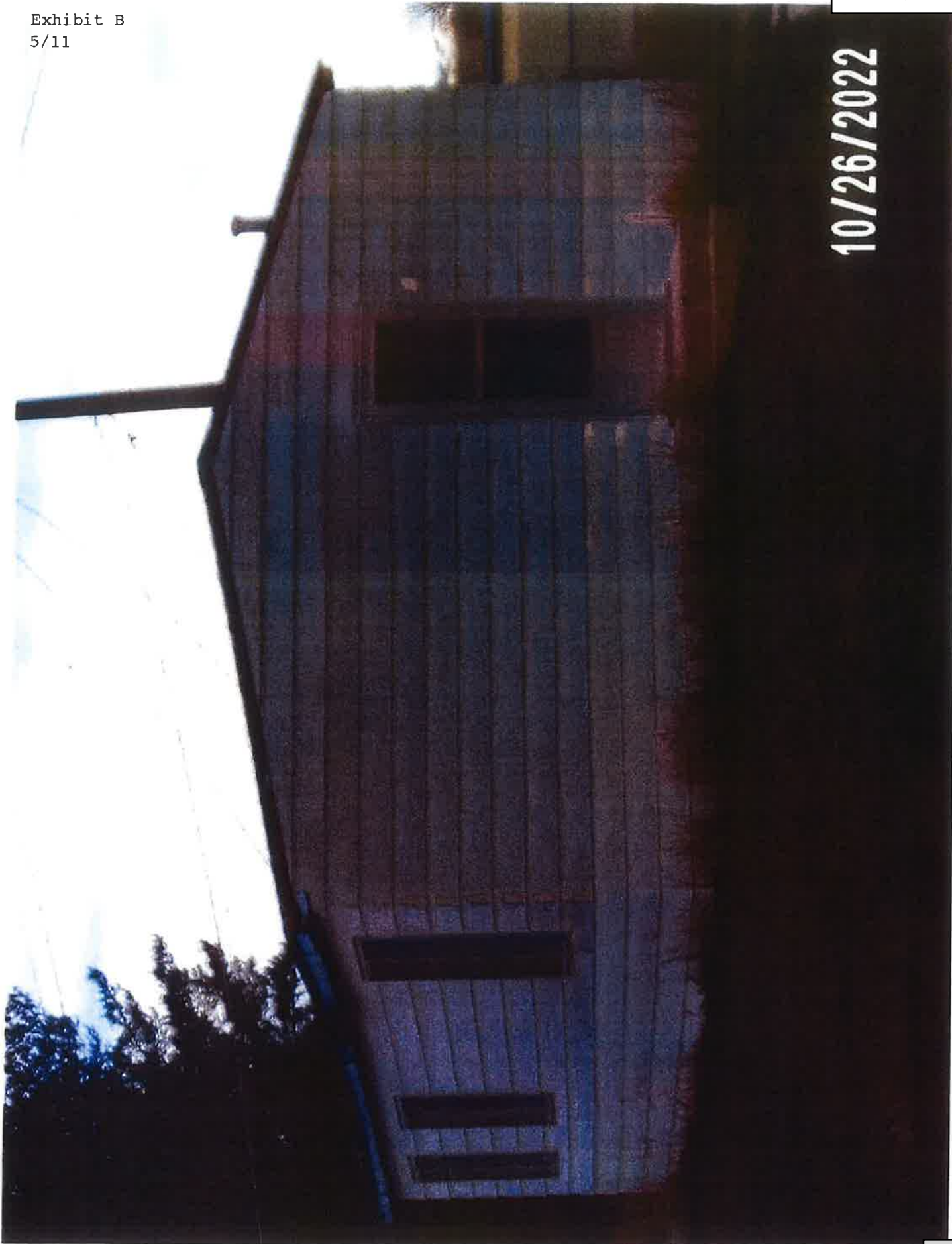




Exhibit B  
5/11



10/26/2022



Exhibit B  
6/11

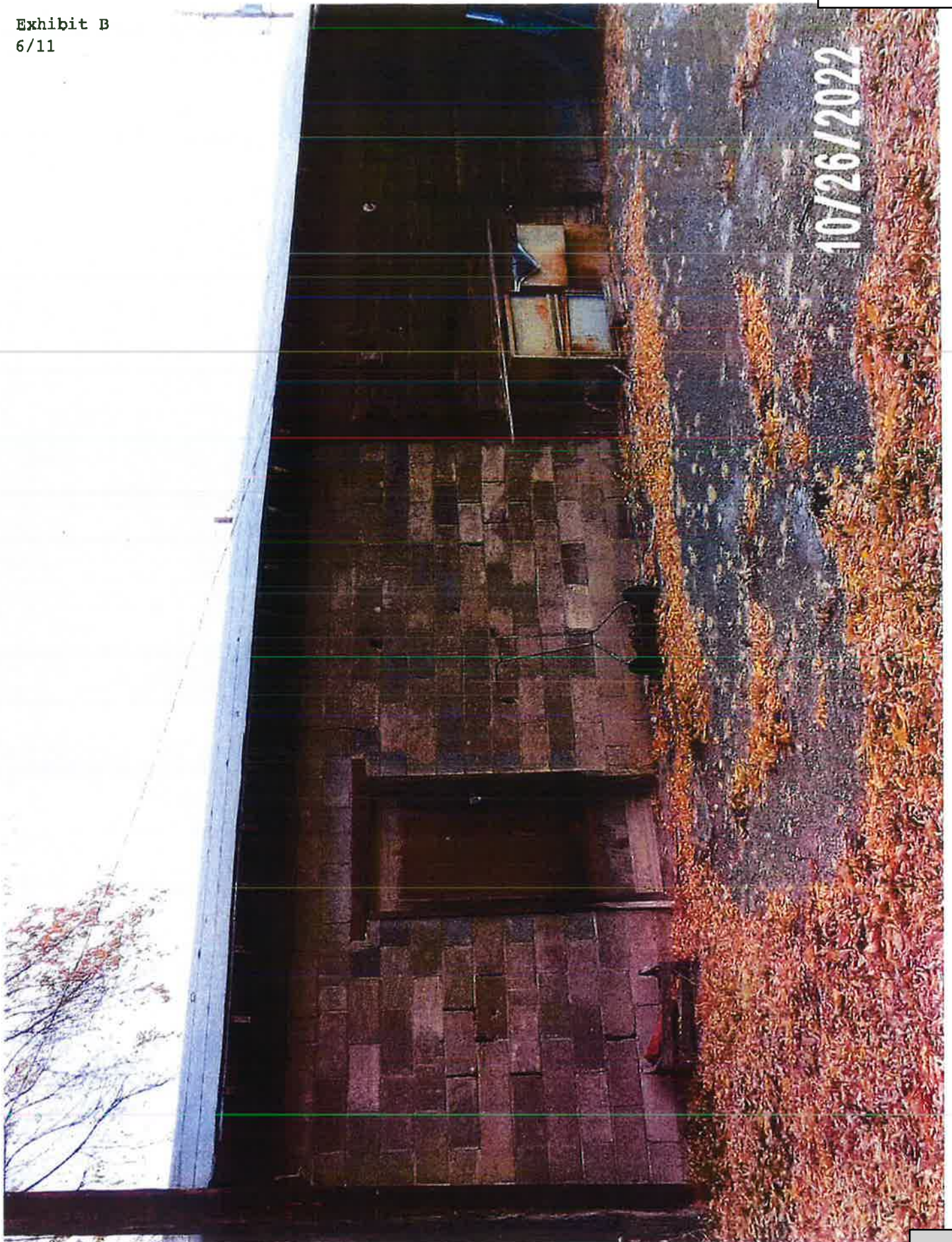




Exhibit B  
7/11

10/26/2022

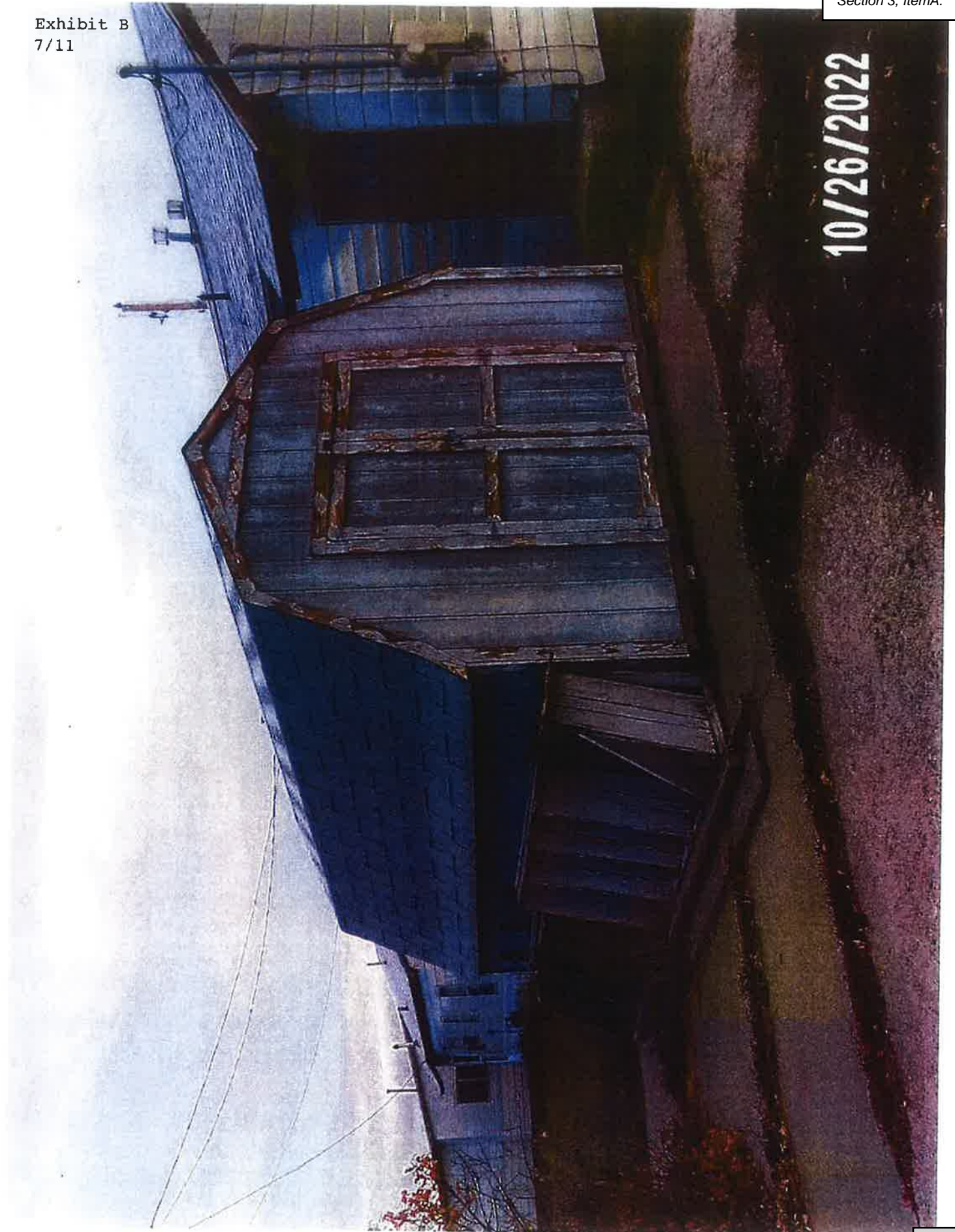


Exhibit B  
8/11

10/26/2022

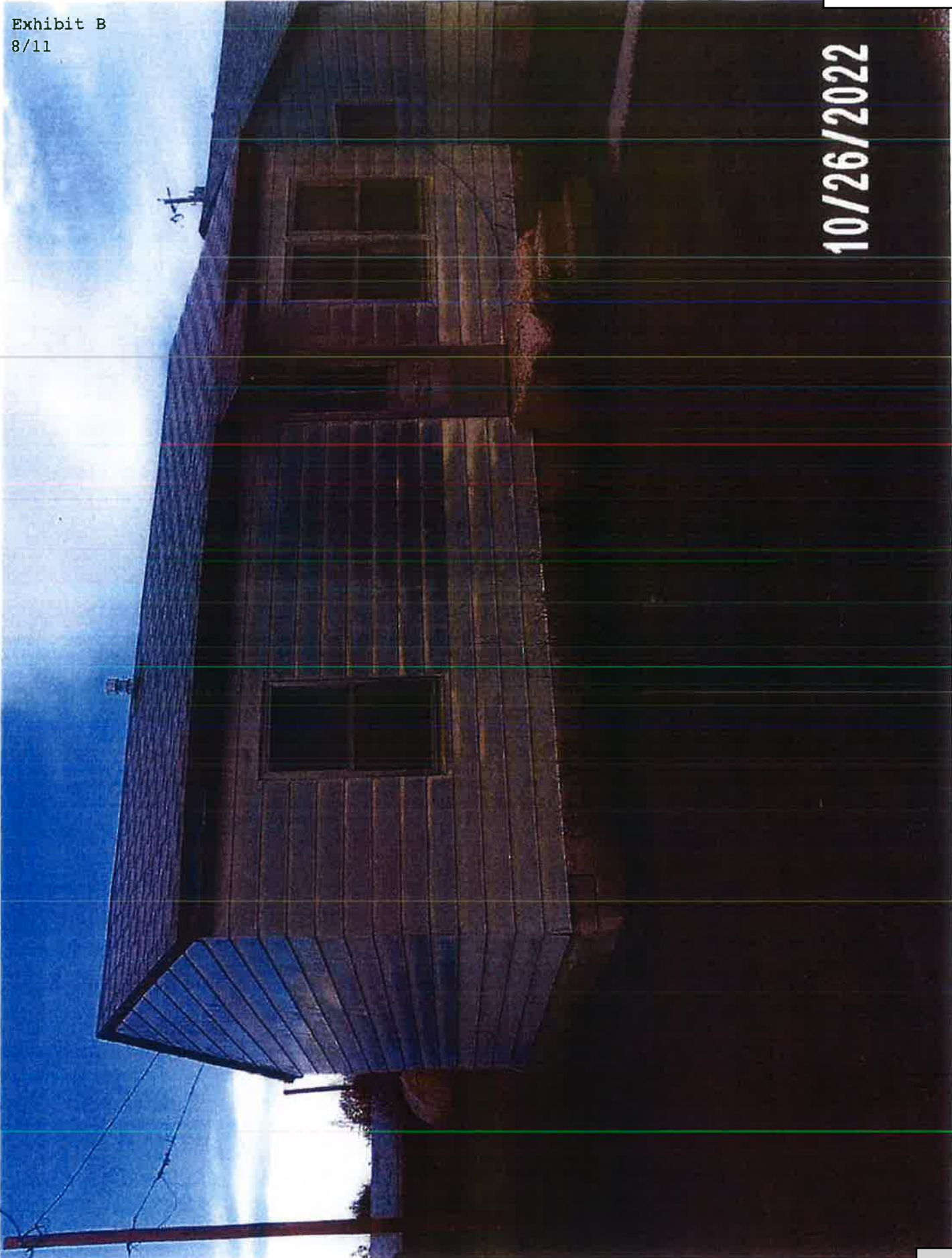




Exhibit B  
9/11

10/26/2022

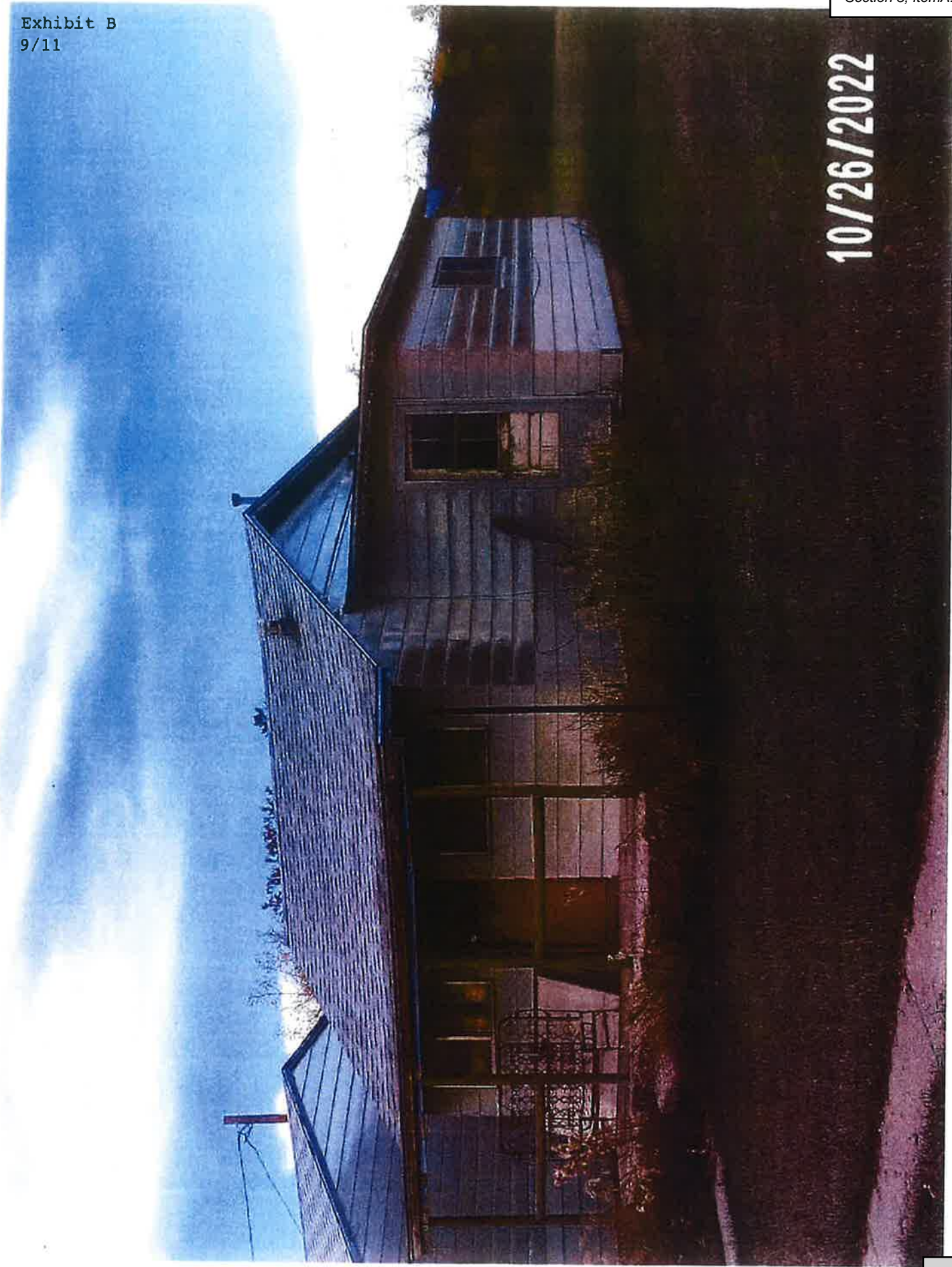
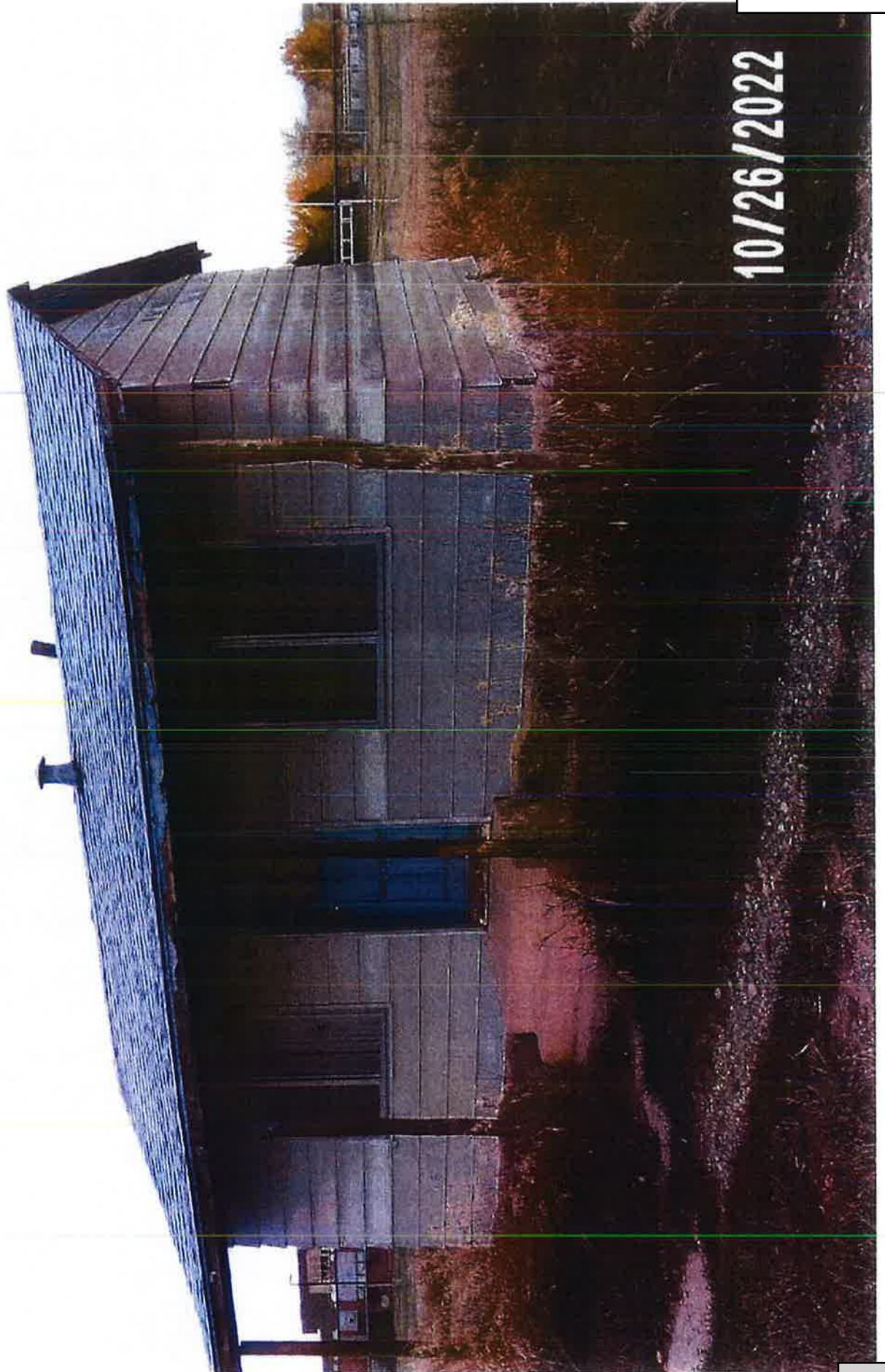




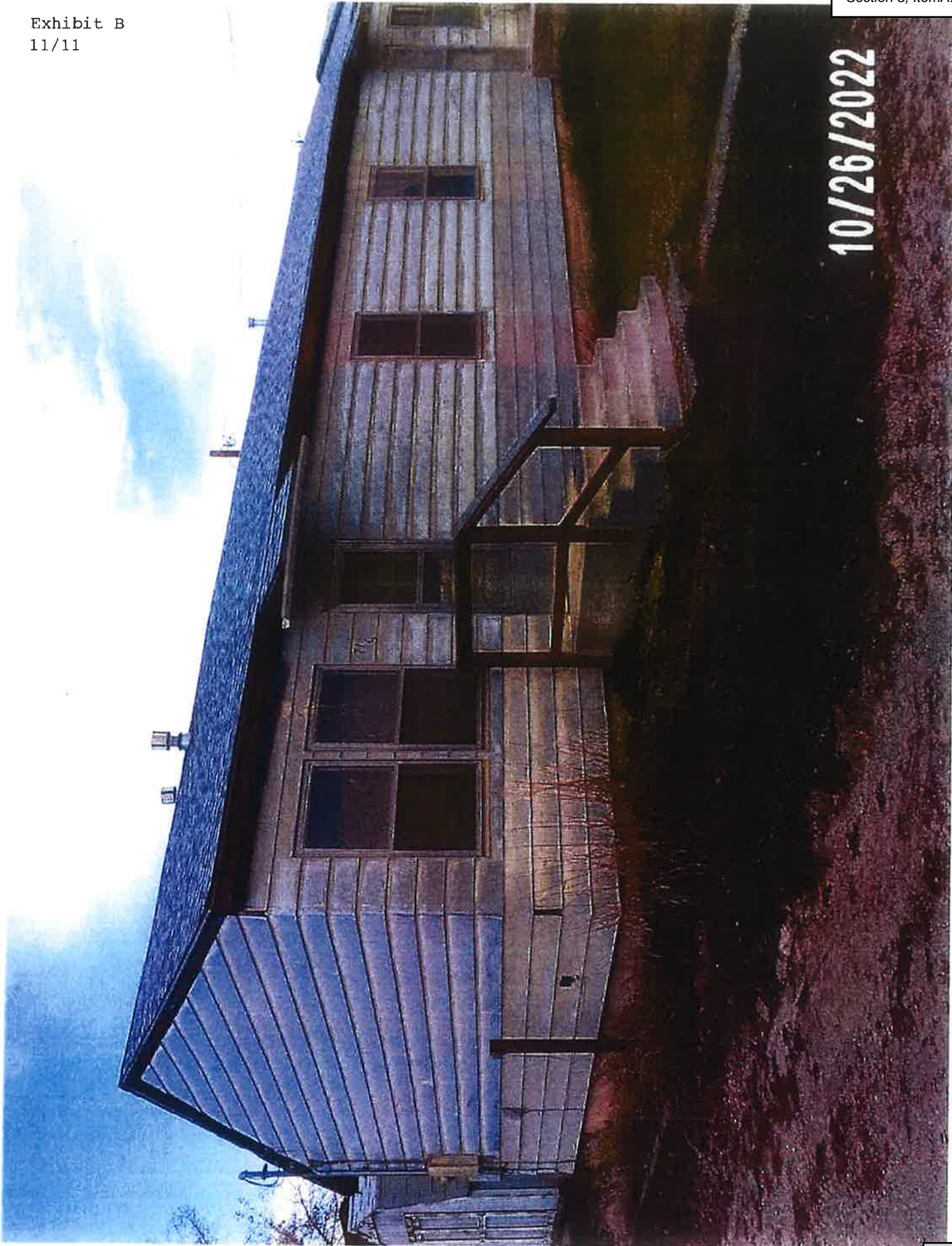
Exhibit B  
10/11



10/26/2022



Exhibit B  
11/11



10/26/2022





**THE CITY OF LANDER**

240 LINCOLN STREET, LANDER, WY 82520  
TELEPHONE 307-332-2870

OFFICE OF  
PLANNING COMMISSION

February 13, 2024

Re: City Staff comments for NCU 23.23, 690 Evergreen, Zerga

City Staff has met with representatives for owner Joan Zerga multiple times last year when the owner listed the property for sale and prior to the nonconforming application was submitted. Those meeting notes and email communications have been entered into the meeting packet.

The owner originally applied for a zoning compliance certificate. City staff denied the zoning compliance request as the structures appear to have been abandoned for more than 12 months. This is pertinent due to the language of 4-11-1-F which states:

F. When a nonconforming use of a structure, or structures and premises in combination, is discontinued or abandoned for one (1) year or more, the structure, or structures and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Abandonment shall include, but not be limited to, cessation of the use for one (1) year or more. The owner, occupant or user shall have the burden to show that the structure, lot or use was lawfully established.

The staff assumption of abandonment was researched by visual inspection of the exterior of the structures, water bill history, past and current photos on Fremont County Map Server, and from testimonials from neighbors. City Staff have not received proof of recent residential use (within 12 months) of the structures to date.

At the most recent meeting with the Zerga representative, John Schumacher, the following nonconforming issues are requested to be deliberated under this application.

1. Permission to retain existing residential structures and have up to 6 structures for single family dwellings where the code only allows one structure per permitted residential use.
2. Permission to record nonconforming setbacks for the northeastern-most structure (#6). See attached map.



As an R-2 Residential District, City Code section 4-12-3 B, the permitted residential uses are as follows.

B. Permitted Uses. The following uses may be operated as permitted uses in the district:

1. single family detached dwellings;
2. two-family dwellings;
3. multi-family dwellings;
4. churches;
5. private or public elementary and secondary schools;
6. public park, playground and other public recreational facilities.

City Code section 4-12-3 H. only allows one structure per permitted use as shown below.

H. Maximum Number of Structures Containing Permitted Use Per Lot: one per lot.

The nonconforming setback for building #6 should be addressed separately if it is allowed to remain as a nonconforming permitted structure. The nonconforming setbacks for structure #6 are reported as being 8-foot side setback where the Code requires 10 feet, and 8-foot rear setback where the code requires 20 feet.

The City received numerous visits from neighbors last fall when the property was listed for sale. The City also received 3 written comments prior that have been added to the packet for consideration by the Board. All three comments were not in favor of having 6 residential structures on the lot citing reasons from extra traffic on a private drive to adequate water, sewer and fire services.

The City has tried to understand the water, sewer, and fire flow services to the property, but private service lines are not under the purview of the City and must be discovered and reported by the owner at the time of a planning or building permit request. It is assumed that all 6 structures are served from private service lines that also serve 670 and 680 Evergreen as well as the manufactured home park at 607 Market Street adjacent to the east.

City Staff recommends denying this nonconforming use permit to allow 6 residential structures where only one is allowed by the current code. There are proposed code changes in the works that may increase the number of residential structures in an R-2 zone to two. City Staff advises that the owner meet the current code or reapply after, and if, the new proposed changes are adopted later in the year.

RaJean Strube Fossen

Lance Hopkin

Hunter Roseberry

CERTIFICATE OF OWNERSHIP AND DEDICATION:  
Know all men by these presents that:

Paul J. Ebbert and Nancy G. Ebbert, are the owners of the real property described as follows:

A parcel of land located in the NW¼NW¼, Section 13, Township 33 North, Range 100 West, 6th P.M., Fremont County, Wyoming. Beginning at the northwest corner of said Section 13; thence S. 00°48'51" E. 1336.78 feet to the southwest corner of the NW¼NW¼, of said Section 13; thence N. 89°08'33" E. along the south line of said NW¼NW¼, 1048.28 feet; thence N. 00°23'00" W. 100.07 feet; thence S. 89°04'36" W., 603.82 feet; thence N. 00°51'04" W. 1236.89 feet to the north line of the NW¼NW¼ said Section 13; thence S. 89°12'32" W. along said north line, 444.42 feet to the point of beginning of this description.

As it appears on this plat it is with free consent, and in accordance with the desires of the undersigned owner, containing 15.04 acres, more or less; have by these presents laid out, platted, and subdivided the same into lots as shown hereon and designated the same as EBBERT SUBDIVISION, Fremont County, State of Wyoming; do hereby reserve perpetual public easements for the installation of utilities and for irrigation and drainage facilities, as are laid out and designated on this plat. The dedication of the road or roads on this plat in no way obligates the Fremont County Commissioners to maintain such roads according to the requirements of the Fremont County Subdivision Regulations.

All rights under and by virtue of the homestead exemption laws of the State of Wyoming are hereby waived and released.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 2024

Paul J. Ebbert

Nancy G. Ebbert

STATE OF \_\_\_\_\_ )  
  ) SS.  
COUNTY OF \_\_\_\_\_ )

The foregoing dedication was acknowledged before me by Paul J. Ebbert and Nancy G. Ebbert this \_\_\_\_ day of \_\_\_\_\_, 2024.

By: \_\_\_\_\_

Witness my hand and official seal

My commission expires \_\_\_\_\_

COUNTY PLANNING COMMISSION CERTIFICATE:

This plat approved by the Fremont County Planning Commission on this \_\_\_\_ day of \_\_\_\_\_, 2024.

Chairman

COUNTY COMMISSIONER'S CERTIFICATE:

This plat of EBBERT SUBDIVISION, Fremont County, State of Wyoming is hereby approved by the Board of County Commissioners of Fremont County, Wyoming this \_\_\_\_ day of \_\_\_\_\_, 2024 for filing with the Clerk and Recorder of Fremont County subject to the provision that approval in no way obligates Fremont County for financing or constructing any of the improvements on lands, streets easements or other public or common areas.  
Dated this \_\_\_\_ day of \_\_\_\_\_, 2024.

Chairman

Witness my hand and seal of the County of Fremont this \_\_\_\_ day of \_\_\_\_\_, 2023.

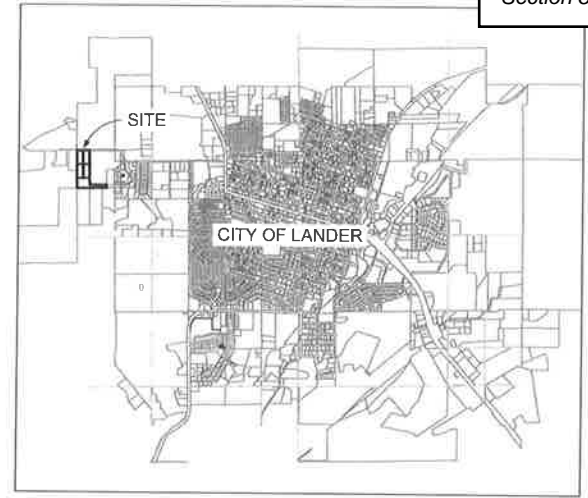
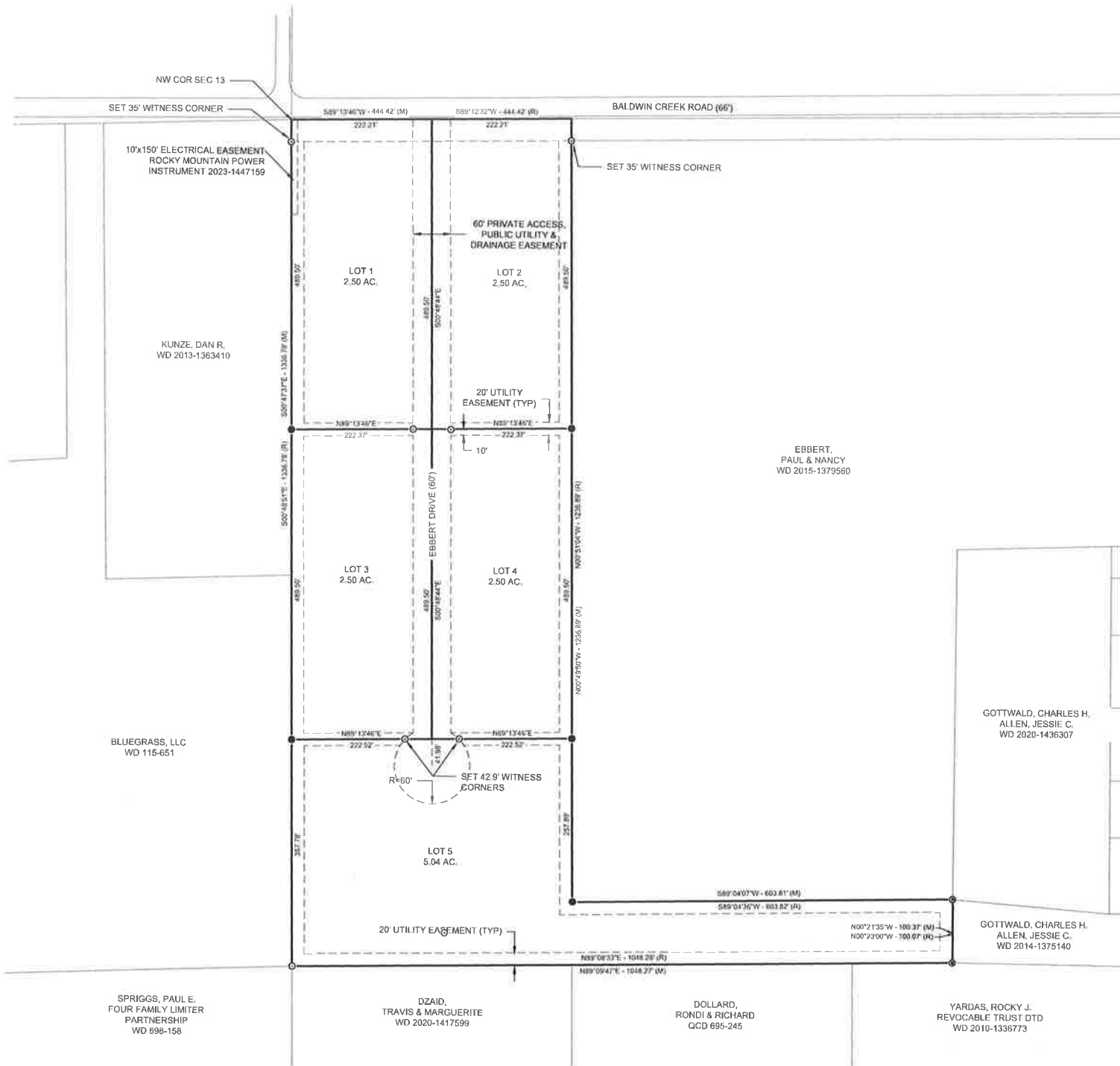
ATTEST: \_\_\_\_\_  
County Clerk and Recorder



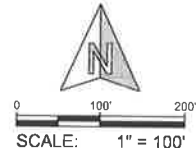
427 LINCOLN ST., STE 1  
LANDER, WY 82520

307.206.1007 | FREMONTSURVEYING.COM

February 6, 2024, R1



VICINITY MAP  
SCALE 1"=3000'



- LEGEND:  
Found 3.5" Brass Cap PLSS Corner  
Found 2" Property Corner  
Set Witness Corner 1-1/2" Aluminum cap marked PELS10052  
Set Property Corner - 1-1/2" Aluminum cap marked PELS10052  
Lot lines  
Easements

IRRIGATION DEVELOPMENT & OPERATION PLAN:  
LANDS WITHIN THIS SUBDIVISION HAVE ADJUDICATED RIGHTS under NORMAN DRAW through the BIG COTTONWOOD DITCH, with Appropriation of May 9, 1960 from Proof No. 27758, Certificate Record No. 67, Page 202 for 33.9 acres in the NW¼NW¼ of Section 13, T33N, R100W, 6th PM, Fremont County, WY  
LOT 1 containing 1.5 acres  
LOT 2 containing 1.5 acres  
LOT 3 containing 1.5 acres  
LOT 4 containing 1.5 acres  
LOT 5 containing 4.0 acres

All lot owners are advised that that a portion of irrigation rights within this subdivision replat are administered by the BIG COTTONWOOD DITCH COMPANY and may be assessed ditch company charges base upon irrigated acres within each lot.  
Normal water delivery may fluctuate due to drought, weather, ditch maintenance, etc.  
No lot may discharge water onto another lot except to drainage easements shown (and existing draws). Wyoming water law requires that any damage by one users water on the property on another creates a liability for the injuring party.

- GENERAL NOTES:  
• No public maintenance of streets or roads are anticipated  
• No public water supply system is proposed.  
• State law does not recognize any riparian water right. You shall have no right to irrigation water flowing past or through this subdivision other than that which is specifically adjudicated or appropriated to your lot via the State Engineers Office or the State Board of Control.  
• No lot owner shall impede, obstruct, divert, or in any way pollute any irrigation on land within this subdivision.  
• Severe soil limitations may exist. Conditions may preclude conventional building practices and the use of conventional septic systems. Engineered small wastewater systems may be required.  
• A Twenty feet (20') Utility Easement is provided along all lot boundaries unless stipulated otherwise on this plat  
• The Bearings on this plat are based upon NAD83 West Central Zone of the Wyoming State Plane Coordinate System.  
• Riverton Valley Electric Association, Inc unto Pacific Power and Light Company instrument recorded March 24, 1966 in Book 63 of Misc., Page 14 is a blanket easement and unplotable.

CITY COUNCIL CERTIFICATE:  
Approved by the City Council of Lander on this \_\_\_\_ day of \_\_\_\_\_, 2024.

Mayor  
City Clerk

CITY PLANNING COMMISSION CERTIFICATE:  
This plat approved by the City Of Lander Planning Commission on this \_\_\_\_ day of \_\_\_\_\_, 2024.

Chairman

CLERK OR RECORDERS CERTIFICATE:  
This plat was filed for record on the Office of the Clerk and Recorder at \_\_\_\_ o'clock \_\_\_\_ M on the \_\_\_\_ day of \_\_\_\_\_, 2024 and is duly recorded in Plat Cabinet \_\_\_\_\_, Page \_\_\_\_\_, and as Document No \_\_\_\_\_

Clerk and recorder      Deputy Clerk

CERTIFICATE OF SURVEYOR  
I, David A. Fehringer, of Lander, Wyoming do hereby certify this plat of EBBERT SUBDIVISION in the county of Fremont, State of Wyoming, is laid out, platted, dedicated and shown hereon, and correctly shows the location and dimension of lots and easements and roads of said subdivision as the same are staked upon the ground, as acknowledged hereon.



Final Plat  
EBBERT SUBDIVISION  
A SIMPLE SUBDIVISION  
LOCATED IN  
NW¼NW¼ SECTION 13,  
T33N, R100W, 6th PM  
FREMONT COUNTY, WY



CITY OF LANDER  
COUNTY SUBDIVISION WITHIN 1 MILE  
REQUIREMENTS/CHECKLIST – TITLE 4-9-2(C)  
NON-REFUNDABLE FEE \$200.00

For Office use only: Case # \_\_\_\_\_  
Date Received \_\_\_\_\_ Date Fee Paid \_\_\_\_\_  
City Planning Commission meeting date \_\_\_\_\_ Date City Council passed \_\_\_\_\_

Name of Applicant Shane Dickinson Email skidstructures@wyoming.com  
Address 586 Washakie St., Lander, WY 82520 Phone 702-813-1634

Do you own this property Yes \_\_\_\_\_ No

If no, Name of Owner Paul J & Nancy G Ebbert Email \_\_\_\_\_  
Address 592 Washakie St, Lander, WY 82520 Phone 801-597-1829

Legal Description of Property (Street address, subdivision lot and block numbers, or attached a Legal description prepared by a surveyor)  
1979 BALDWIN CREEK ROAD  
NW1/4 NW1/4, SEC 13, T33N, R100W, 6TH PM

*WS 18-5-308 (b) states ...if any part of the subdivision lies within one (1) mile of the boundaries of an incorporated city or town the approval of the governing body of the City or town must also be obtained in accordance with WS 34-12-103.*

*WS 34-12-103 ... The Plat shall meet the approval of the board of commissioners if it is of land situated without the boundaries of any city or town or by the governing body of the city or town if situated within the boundaries of such city or town. When thus executed, acknowledged and approved, said plat shall be filed for record and recorded in the office of the clerk of the proper county; provided, however, that any such plat of land adjacent to any incorporated city or town, or within one (1) mile of the boundaries of any such city or town, shall be jointly approved by both the board of county commissioners of said county and the governing body of said city or town before same shall be filed and recorded in the office of the county clerk as aforesaid.*

Name of Subdivision Ebbert Subdivision

Date reviewed by County Planning Commission \_\_\_\_\_



CITY OF LANDER
COUNTY SUBDIVISION WITHIN 1 MILE
REQUIREMENTS/CHECKLIST – TITLE 4-9-2(C)
NON-REFUNDABLE FEE \$200.00

Total area of this subdivision: 15.04 acres.

If part of a proposed larger development, total adjacent area contemplated for future subdivision
\_\_\_\_\_ acres.

Number of Proposed Lots: 5 Typical Lot Size 2.5 (4 lots); 5.4 (1 lot)

Linear feet of proposed streets: Total 1000' Arterial \_\_\_\_\_
Collector \_\_\_\_\_ Local X \_\_\_\_\_

Name of Surveyor David Fehringer Email dave.f@fremontsurveying.com

Address 427 Lincoln St. STE 1, Lander, WY 82520 Phone 307-206-1007

Name of Engineering firm Fremont Engineering & Surveying Email chat@fremontsurveying.com

Address 427 Lincoln St., STE 1, Lander, WY 82520 Phone 307-206-1007

The following are minimum requirements that must be met before any subdivision within one (1) mile of the City of Lander is approved by the governing body of the City of Lander.

(1) The Plat shall be given to the City Hall Administration for the City of Lander. The Plat shall consist of a drawing or drawings and accompanying material and information prescribed as hereinafter:

(2) The Plat drawing shall be prepared on a scale selected to produce an overall plan sheet measuring 24 x 36 inches and electronically. The face of the drawing shall contain the following information:

(a) The name of the subdivision. The name shall not duplicate or too closely resemble the name of any subdivision previously filed in the County.

(b) Date of preparation, scale and north arrow. The top of each sheet shall represent north wherever possible.

(c) A vicinity map drawn at a scale of 1" = 1,000' or 1" = 2,000' showing the location of the proposed subdivision in relation to the City and its relationship to surrounding development.

(d) The names, addresses and phone numbers of the developer or developer, and the individual or firm responsible for the preparation of the Preliminary Plat.

(e) Documentation satisfactory to the board that the developer has adequate financial resources to develop and complete any facility proposed or represented to be the



**CITY OF LANDER  
COUNTY SUBDIVISION WITHIN 1 MILE  
REQUIREMENTS/CHECKLIST – TITLE 4-9-2(C)  
NON-REFUNDABLE FEE \$200.00**

responsibility of the developer, including but not limited to water supply systems, sewage systems, streets and roadways.

- (f) A legal description of the subdivision boundary.
- (g) The boundary lines of the subdivision in a heavy, solid line and referenced to section or quarter section lines.
- (h) A description of all monuments, both found and set, which mark the boundary of the subdivision, and a description of all control monuments used in the survey.
- (i) Existing contours at a minimum interval of twenty (20) feet.
- (j) General location and extent of any significant natural features such as wooded areas, streams, drainage ways, or lakes.
- (k) Floodplains of designated streams as delineated on maps available in the office of the County Planner.
- (l) Location, dimensions, and names of existing roads, streets, alleys, rights-of-ways and structures within and within twenty (20) feet immediately adjacent showing how they relate to the proposed subdivision layout.
- (m) Location, size, and grades of existing sewers, water mains, gas lines, pipelines or other underground utilities or installations within the proposed subdivision or immediately adjacent thereto.
- (n) Location and dimensions of all easements of record.
- (o) Location and width of proposed streets, alleys, pedestrian ways and easements. Proposed streets will be a minimum of 50' right-of-way, depending on the density of the subdivision. Roadways will be all weather surface. Cul-de-sacs must be a minimum of 45° radius, as stated in the City of Lander Standards and Specifications.
- (p) Layout, numbers and approximate dimensions of proposed lots and blocks. Minimum lot dimensions and setbacks will be in accordance with the existing or requested zoning.
- (q) NA Location, dimension and size in acres of all sites proposed to be used for commercial, industrial, multi-family residential, public or quasi-public use with the use noted.
- (r) A summary of the total number of acres, number of lots, acreage of commercial or industrial areas, acreage of open space, amount of land in rights-of-way and other descriptive material useful in reviewing the proposed subdivision.
- (s) NA A statement describing the development and maintenance responsibility for any private streets, ways or open spaces.
- (t) The recommendation of a qualified professional engineer or the affected Soil Conservation District regarding soil suitability, including corrosion hazard, erosion control, sedimentation and flooding problems.
- (u) NA A description of the phasing and scheduling of phases for the development if the Final Plat is to be submitted in separate phases.
- (v) Information as to appurtenant water rights, including but not limited to quantity, source and applicable documents.
- (w) Any exceptions to the subdivision must be noted.





**CITY OF LANDER  
COUNTY SUBDIVISION WITHIN 1 MILE  
REQUIREMENTS/CHECKLIST – TITLE 4-9-2(C)  
NON-REFUNDABLE FEE \$200.00**

- (x) Certification and dedication statement signed by all owners, or others with an equitable interest with their signatures properly acknowledged.
- (y) Signed certification by a registered land surveyor
- (z) Certificates for the City Planning Commission and the City Council as specified in the regulations
  - (aa) Certificate for recording by the County Clerk of Records
  - (bb) Disclosure statement of hazards if required
  - (cc) Plans for elimination or ameliorating natural hazards.
  - (dd) Verification for meeting the County standards for sewage and water.



# THE CITY OF LANDER

240 LINCOLN STREET, LANDER, WY 82520

TELEPHONE 307-332-2870

OFFICE OF  
PLANNING COMMISSION

February 13, 2024

RE: CS 24.01 Ebbert Subdivision, Fremont County Simple Subdivision within 1 Mile of City Limits

The City Planning Commission has the authority to review the subject simple subdivision as required by City Code 4-7-2 C as shown below:

**4-7-2 C. Planning Commission - Powers And Jurisdiction**

The Planning Commission has the following powers and jurisdiction:

- C. To review and recommend to the City Council approval or denial of subdivision plats, both those of which that are within the corporate limits of the City as well as those that are within one mile of said corporate limits.

Furthermore, the Planning Commission is directed to make assessments and recommendations for County subdivisions within one mile of the City Limits in accordance with City Code Section 4-9-2 C which states:

**C. Subdivisions within one (1) mile of City Limits:**

- 1. All Planned Subdivisions within one (1) mile of the City Limits shall be reviewed by the Planning Commission and Certified by the City Council. The Plat shall be reviewed to ensure it:
  - a. Conforms to any adopted street plan of the city, town or county;
  - b. Contains all areas for streets, roads and alleys that are dedicated rights-of-way;
  - c. Contains dedicated easements for all existing and proposed utilities; and
  - d. Contains any additional criteria the governing body of the city or town and the board of county commissioners agree to through a jointly adopted plan or voluntary agreement.

City Council has recently adopted two relevant master planning documents. Considering those guiding documents, City Staff has the following two comments.

- 1. The adopted 2023 Water Master Plan indicates that a future water and sewer mains should extend past the City Limits on Baldwin Creek Road to accommodate future growth and regionalization opportunities. See Exhibit A.

These future utilities will likely be installed under the road surface as is the current practice. Therefore, the utility easements as presented on the North, East and South of the property are adequate and will not have to be dedicated to the City of Lander.

- 2. The adopted 2020 Long Range Transportation plan indicates that a future major collector road will connect Highway 287 to Squaw Creek Road. The suggested alignment of this future collector is situated along Mullins Road south through this property to connect with Spriggs Drive. This is along the alignment at the western most lot line of the Ebbert property. See exhibit B.

Major collectors for the City are 60 feet in width. The City will require one-half of that full easement, or a 30-foot-wide dedicated road easement, on the western lot line for the entirety of the north-south length of the subdivision.

City Staff recommends approval of CS 24.01 be denied and returned to the County Planning Commission to accommodate the permanent road easement on the western lot line of the proposed Ebbert Subdivision.

Lance Hopkin  
Hunter Roseberry  
RaJean Strube Fossen



# Executive Summary

## City of Lander

### Master Plan Level I Study

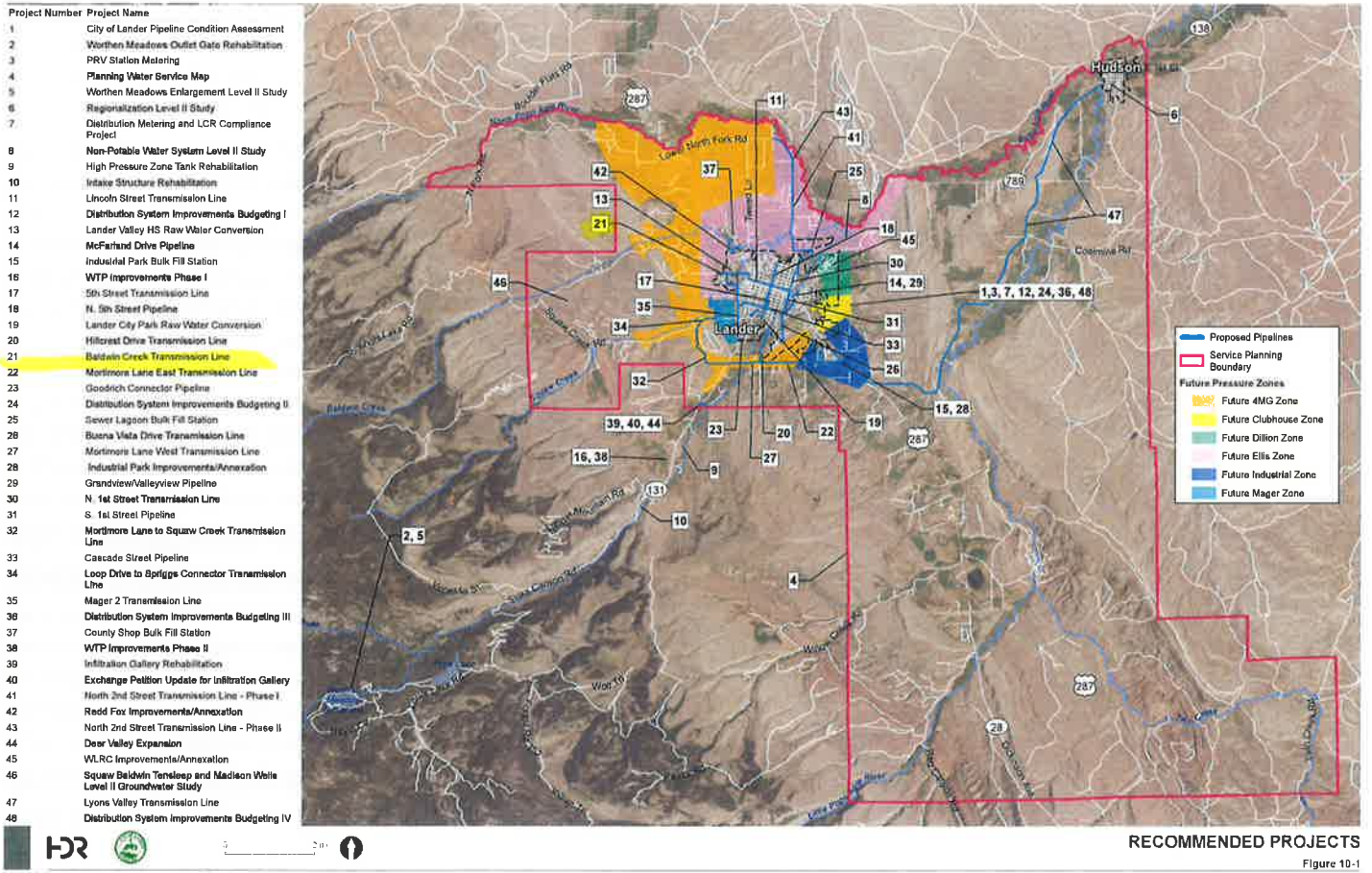
August 2, 2023



**Table 3-1 - Summary of Recommendations**

Project Number	Project Name	Start Year	Baseline Cost	Inflated Cost (assume 3% annually)	Funding Source
1	City of Lander Pipeline Condition Assessment	2024	\$35,000.00	\$36,050.00	cash
2	Worthen Meadows Outlet Gate Rehabilitation	2024	\$100,000.00	\$103,000.00	cash
3	PRV Station Metering	2024	\$85,000.00	\$87,550.00	cash
4	Planning Water Service Map	2025	\$20,000.00	\$21,218.00	cash
5	Worthen Meadows Enlargement Level II Study	2025	\$450,000.00	\$477,405.00	100% grant
6	Regionalization Level II Study	2025	\$650,000.00	\$689,585.00	100% grant
7	Distribution Metering and LCR Compliance Project	2026	\$5,102,001.45	\$5,575,094.74	debt
8	Non-Potable Water System Level II Study	2026	\$150,000.00	\$163,909.05	100% grant
9	High Pressure Zone Tank Rehabilitation	2026	\$1,392,300.00	\$1,521,403.80	debt
10	Intake Structure Rehabilitation	2027	\$1,000,000.00	\$1,125,508.81	67% grant, 33% debt
11	Lincoln Street Transmission Line	2027	\$2,443,225.00	\$2,749,871.26	67% grant, 33% debt
12	Distribution System Improvements Budgeting I	2028	\$1,000,000.00	\$1,159,274.07	debt
13	Lander Valley HS Raw Water Conversion	2028	\$ 734,700.00	\$851,718.66	67% grant, 33% cash
14	McFarland Drive Pipeline	2029	\$682,500.00	\$814,940.69	debt
15	Industrial Park Bulk Fill Station	2029	\$554,872.50	\$662,546.78	debt
16	WTP Improvements Phase I	2030	\$1,379,762.50	\$1,696,933.84	debt
17	5th Street Transmission Line	2030	\$2,443,350.00	\$3,005,012.31	67% grant, 33% debt
18	N. 5th Street Pipeline	2031	\$1,442,805.00	\$1,827,702.21	debt
19	Lander City Park Raw Water Conversion	2031	\$432,250.00	\$547,561.37	67% grant, 33% cash
20	Hillcrest Drive Transmission Line	2032	\$1,162,400.00	\$1,516,668.35	67% grant, 33% cash
21	Baldwin Creek Transmission Line	2032	\$1,771,090.00	\$2,310,870.74	67% grant, 33% debt
22	Mortimore Lane East Transmission Line	2033	\$5,512,150.00	\$7,407,868.67	67% grant, 33% debt
23	Goodrich Connector Pipeline	2033	\$272,625.00	\$366,385.20	cash
24	Distribution System Improvements Budgeting II	2034	\$1,000,000.00	\$1,384,233.87	debt
25	Sewer Lagoon Bulk Fill Station	2034	\$550,000.00	\$761,328.63	cash
26	Buena Vista Drive Transmission Line	2035	\$2,854,700.00	\$4,070,119.60	67% grant, 33% debt





RECOMMENDED PROJECTS

Figure 10-1

LANDER WYOMING MASTER PLAN





# LONG RANGE TRANSPORTATION PLAN

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*Prepared for the City of Lander, Wyoming*

**April 2020**



**Photo 5. Pedestrian Wayfinding Kiosk Examples**



## 9. Future Roadway Connections

As Lander has continued to grow and develop over the past few decades, tentative plans have been made to accommodate this growth through the proposed implementation of arterial roadways outside or adjacent to the current city boundary. The locations of the proposed roadway network expansion are shown in Figure 29. The proposed network consists of six new arterial roadways labeled A through F and a handful of Collector roadways designed to connect the proposed network to the existing transportation system. The primary goals in implementing this proposed network are:

- **Alleviate congestion** on the existing network. In particular, many of the through trips currently using Main Street could use one of the proposed arterials to bypass downtown Lander, reducing traffic volumes through downtown and encouraging a safer transportation system for pedestrian and bicycle users.
- **Promote and support development** outside of Lander's currently developed areas. Future residential and commercial developments outside the current Lander boundary will need direct connections to Lander's transportation system.

The proposed network was created in preparation for continued growth of the city in a scenario where additional housing and commercial developments would be required to accommodate this growth. However, since peaking with a population of 7,870 in 1980, the population of Lander has remained relatively stable. Additionally, the expanded Arterial network runs counter to the stated 2012 Lander Master Plan goals of encouraging infill development and creating a





street system that knits together communities without forming barriers. A public comment relating to alignment “A” was received that discussed the 2012 Master Plan and how these future connections could run counter to the goals of the Master Plan, by creating barriers.

These future connections were originally identified in the 1979 Transportation Plan for Lander. The future connections were carried on in the 2012 Master Plan. However, in the 40 years since that plan was written, none of these future connections have been implemented. It is unclear that a “beltway” system is needed.

These connections may become needed for local connectivity if these areas develop in the future. Bypasses are often very difficult to justify from an environmental need standpoint, without some specific driving factor, or “purpose and need”. The alignment “A” future connection was planned because there is existing right-of-way owned by the City on either side of 2nd Street (in the form of utility easement and old railroad easement). However, this alignment also crosses several wetlands and creek crossings and may not be ideal from a development standpoint.

For these reasons, it is recommended that the proposed future arterial network be implemented where developments are proposed that cannot be accommodated through infill development and which are addressing city growth. These future connections are good preserve as general ideas and placeholders in these general locations in case of future development, so that Lander and Fremont County can help direct how future development occurs so that future roadways provide local connectivity.

However, the specific locations for the alignment of these future connections should not be limited to what is shown in the Master Plan and in Figure 29. If future growth accelerates and corridor alignments are required, it is recommended that individual corridor studies for these connections be completed that identify alternatives.

Additionally, the proposed 5-lane cross sections identified in the 2012 Master Plan should be sized based on the need. Roadways with an ADT less than 10,000 vehicle per day function very well as two-lane roads. Center turn lanes, auxiliary deceleration right turn lanes, and additional travel lanes should be justified through data with proper traffic analysis and only used if actual Level of Service issues are identified.



**Figure 29. Proposed Arterial and Collector Network**

