



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

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

**MINUTES**

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

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

This meeting is being recorded electronically. All petitioners to the Board of Adjustments will receive a written decision and order within thirty (30) days of this hearing. The decision will be clearly stated with findings of fact and conclusions of law. Anyone wishing to appeal against a decision and order may do so through District Court.

Anyone wishing to speak tonight, must first be recognized, come to the podium, take the oath, and state your name prior to speaking.

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

**2. APPROVAL OF MINUTES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**5. PLANNING COMMISSION - NEW BUSINESS**

**6. PLANNING COMMISSION - OLD BUSINESS**

**7. ADJOURNMENT**

adjourned 8:10 PM