



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

AGENDA

Join from PC, Mac, iPad, or

Android: <https://us06web.zoom.us/j/87464648975?pwd=OlgoBltfbj1lxj3a1tUxZr7Ew40do.1> Passcode: 608302

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

2. BOARD OF ADJUSTMENT - NEW BUSINESS

[A.](#) Appeal 2025-01 - Certificate of zoning compliance issued April 21, 2025

3. ADJOURNMENT



City of Lander
Planning Department
240 Lincoln Street

REQUEST CERTIFICATE OF ZONING COMPLIANCE

Use this form to request a Certificate of Compliance when needed for title research or real estate transaction. **Submit all materials to the City Administrator for the planning department.** This form documents use that is appropriate for the Lander Municipal Code adopted in 1979 as amended. The use can remain when it is determined that it is in keeping with the current character of the neighborhood.

Date of Request: 4/07/2025Contact Phone Number: 307-349-2825Applicant of Record: Kim & Kimberlee McKinneyName of Agency requesting the Certificate if not the Property Owner William BaylessProperty Address: Tract of land adjacent to 35 Smith Creek Road in T33N, R99W, Sec 20Is this certificate needed for a real estate transaction? Yes/No If yes, note date required by:

Please describe the condition of the property that does with Title 4:

Crosscut Lumber and Timberworks, LLC will have a Small scale, portable saw mill for the purpose of wood processing and wood products for retail sale.This production falls under the Department of Agriculture and is located in an Agriculture District and complies with all the zoning rules of the City of Lander Codes

I hereby affirm that the information shown by my attached documentation is true and correct and request that a Certificate of Zoning Compliance be issued.

Current Owner of Record (print): Kim McKinneyCurrent Owner of Record Signature: *Kim O. McKinney*

Sign and submit this form to the Building Inspector WITH the following if they are not on file with the Building Inspector:

If Applicable <i>N/A</i>	
Drawing of Property layout <i>See attached</i>	
Other Documents Required in Conditional Approval	<u>See attached Home Business application</u>

NOTES:

The City of Lander processes Certificate of Zoning Compliance requests in the order they are received. The City Hall Staff will research the property and conduct an inspection and issue the Certificate as permitted.

This zoning certificate verifies that operations of processing timber products are a permitted use on a lot zoned Agricultural in Lander City Code 4-12-1.

The attached Home Business application was not processed as there is no residential structure on this property at this time.



Certificate of Zoning Compliance

Property Address 35 Smith Creek Road, a tract of land in T33N, R99W section 20

[Signature]
Approved by City Administration, Planning Department

4/21/25
Date

County of Fremont)
) ss.
State of Wyoming)

The foregoing instrument was acknowledged before me by Rajean Strube Fossen
This 21 day of April, 2025

[Signature]
Notary Public

My commission expires: 07/26/2027

RACHELLE A. FONTAINE
NOTARY PUBLIC
STATE OF WYOMING
COMMISSION ID: 165829
MY COMMISSION EXPIRES: 07/26/2027



CITY OF LANDER

CONDITIONAL USE APPLICATION

ADDENDUM FOR HOME BUSINESS

For Office use only:

Case number _____

Name of Applicant William Bayless Email williambayless@rocketmail.com

NOTE: The Board of Adjustment can grant or reject all applications in accordance with City Code 4-11-4. Home Businesses may be inspected by the City building inspector at any time to insure compliance. If three or more written complaints from property owners within 400' are filed with the City of Lander, a public hearing before the Board of Adjustment shall be required to determine the continuance of the home business which may result in termination of the permit or additional conditions/restrictions. Any expansion or alteration of existing uses must come before the Board of Adjustment for approval.

Brief description of business name and type of business and number of employees

Crosscut Lumber + Timberworks LLC, Wood Products / Forestry, Fire Mitigation, Forest Products, no living residence at this time, but of later date

Will this use change the residential character of the neighborhood? Why or why not?

No, this business falls under the Department of Agriculture and this area is zoned agricultural. Wood Processing and staging of forest products will be main use.

Will there be exterior storage required? If yes, explain.

Yes, log decks and processed material. Kiln Drying capabilities will be a small outbuilding

operations will be standard operating hours M-F 8-5

Brief description of any signage (location and size).

none now

Check all Conditions below that apply to your business use.

☒ Traffic, customer parking

☐ Smoke or exhaust

☐ Heat output

☒ Noise level

☒ Dust/ air quality

☐ Sun glare

☐ Motor vibrations

☐ Odors

☐ Other, Explain _____

None outside of operation

Give a brief description of how to address or reduce the effects of each condition marked above.

Traffic - log trucks up to 3-5 times per year, semi/self loader, otherwise truck and trailer traffic

Noise level - Sawmill has 25 horsepower gas engine, will be open air until later building added for it, chainsaws intermittently

Dust - Sawdust will be managed by dust collection hoses directly into covered container/dump trailer for disposal at landfill

X or private farmers/crop use

☒ Attached is a plot plan or drawing of all buildings and outside areas used for the home business including location, percentage of the gross area used for the home business, location of accessory buildings and/or storage, location of off-street parking.

Signature of applicant Wm Bayless Date 04/07/25



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

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

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

Signature of applicant *W. L. [Signature]* Date 04/07/25

Signature of owner *K. O. [Signature]* Date 04/07/25



0 FEET 200
SCALE

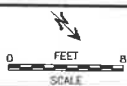
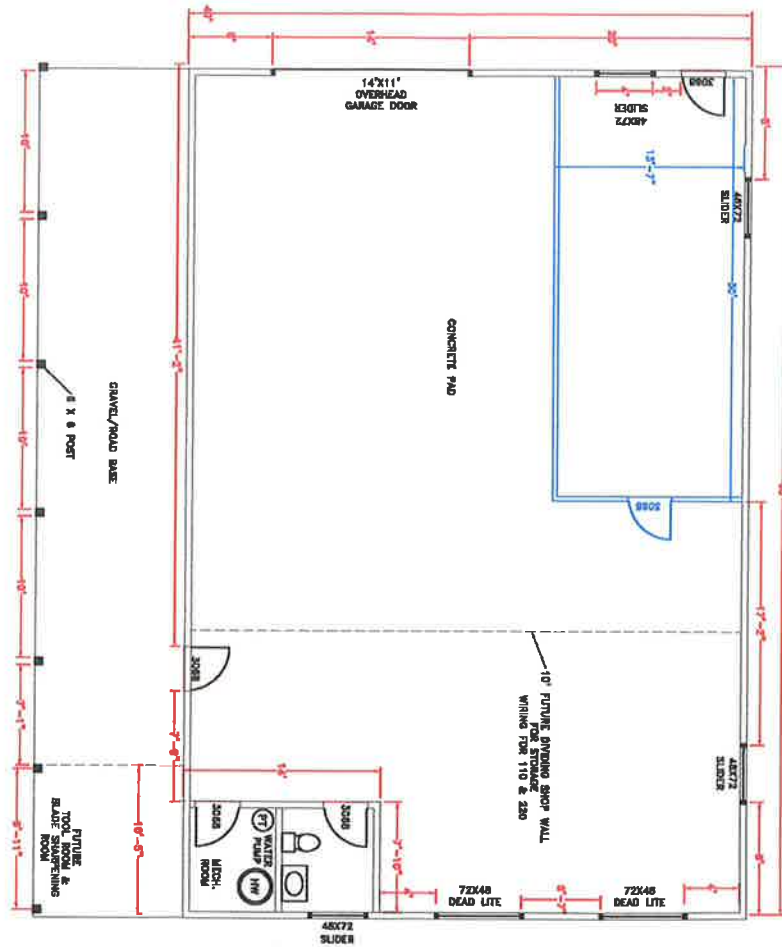
WILLIAM & ELISSA BAYLESS
SAW MILL PROPOSAL A MAP
SMITH CREEK RD., LANDER, WY 82520
1-307-349-2825

DATE:

4/2025

PREPARED BY:

J. OLSON
307-349-9885



WILLIAM & ELISSA BAYLESS
SHOP FLOOR PLAN
SMITH CREEK RD., LANDER, WY 82520

DATE: 2/2025

PREPARED BY:
J. OLSON
307-349-9695

May 20, 2025

City of Lander
240 Lincoln St.
Lander, WY

RE: Appeal of Zoning Compliance Certificate
filed April 21, 2025

To Whom It May Concern:

I am writing this letter as an official appeal, as allowed by Lander city statute 4-4-3 – Appeals (Exhibit A), of a Certificate of Zoning Compliance filed with and approved by the city of Lander on April 21, 2025 (Exhibit B). The approved Certificate of Zoning is for the property with a legal of TWP 33N RNG 099W SEC 20 TR in NE/4. This property is adjacent to my property TWP 33N RNG 99W SEC 20 TR in NE/4, also known as 23 Smith Creek Rd, Lander.

The referenced certificate certifies the applicant’s proposed business, a sawmill, is a permitted use on the proposed lot which is zoned “Agriculture.” My appeal of this certificate is based on federal, state, and local statutes and regulations that lend to support a sawmill is not an agricultural activity; but rather, an industrial one. In the paragraphs to follow I will reference laws, regulations, and simple definitions which support my position and appeal.

The first layer defining uses permitted within Agricultural zoning is defined in Lander city code 4-12-1 District Regulations – Agriculture District (A) (Exhibit C). Section B, in part, states “The following uses may be operated as permitted uses in the district.” (Part B(3)) “Agriculture (shall include horticulture uses, nurseries and the production of crops and livestock.)” A sawmill, by its definition, action, and purpose does not fit within the city code’s definition of “permitted use” in Lander city statute.

Stepping up to the state level as further support how a sawmill is not considered “agriculture” in the context of zoning and purpose, I would like to reference two Wyoming Statutes. First, Wyoming Statute (W. S.) 39-17-101-Definitions (Exhibit D). W. S. 39-17-101(a)(i) “Agricultural Purpose” means the cultivation of soil, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, grazing, training and management of livestock, bees, poultry, furbearing animals and wildlife for gain, sale or profit, but excluding a custom operation.” Second, Wyoming Statute (W.S.) 39-11-101 (Exhibit E) – W.S 39-11-101(a)(xiv), in part, reads “Property used for industrial purposes” includes (A) “Manufacturing, milling, converting, producing, processing or fabricating materials”. Based on the state of Wyoming’s definition of Agricultural Purpose, and the states definition of Industrial Purposes it would be reasonable to believe a sawmill does not fit within the definition or purpose of agricultural.

In the preceding paragraphs, I have cited city and state codes and statutes which have highlighted the fact a sawmill is not considered agriculture or an agricultural endeavor. A review of the Code of Federal Regulations (CFR) 780.200 and CFR 780.203 provides further evidence, on the federal level, a sawmill is neither agriculture nor an agricultural endeavor. CFR 780.200 (Exhibit F), states, in part, “forestry or lumbering operations is expressly included in agriculture *if* the operations are performed “by a farmer or on a farm as an incident to or in conjunction with such farming operation.” The land on which the proposed sawmill will be installed is NOT a farm and the sawmill operations are not incident to or in conjunction with the non-existent farming operations. Additionally, CFR 780.203 (Exhibit G) states “Logging or sawmill operations on a farm undertaken on behalf of the farmer or on behalf of the buyer of the logs or the resulting lumber by a contract logger or sawmill owner are not within the scope of agriculture unless it can be shown that these logging or sawmill operations are clearly incidental to farming operations on the farm on which the logging or sawmill operations are being conducted. For example, the clearing of additional land for cultivation by the farmer or the preparation of timber for construction of his farm buildings would appear to constitute operations incidental to “such farming operations.” Again, the proposed sawmill is not being placed on a farm and is not incidental to farming operations.

The Oxford English Dictionary defines a sawmill as “A factory in which logs are sawed into lumber by machine.”

The Oxford English Dictionary defines agriculture as “The science or practice of farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other products.”

The Oxford English Dictionary defines industry as “Economic activity concerned with the processing of raw materials and manufacture of goods in factories.”

A certificate of zoning compliance was approved and filed wherein the applicant seeks to place a sawmill, an industrial and commercial activity, on land zoned as agriculture.

The basis of this appeal is simple. With facts presented in this appeal I believe there was an oversight in approving the Certificate of Zoning Compliance and another layer of review should have been completed to provide the full deserved due diligence. I do understand the situation did not fit a perfect mold to render a clear decision initially. As stated by a city staff member the certificate was approved as there is nothing in the city code which expressly prohibits a sawmill on land zoned as agricultural. With local code not providing direct guidance additional research should have been completed at state and federal levels. When putting together the Lander City Codes, Wyoming State Statute, and Federal Code of Regulations it is fully supported the proposed sawmill is NOT an agricultural activity. With the facts shown here in this appeal I believe it would be prudent for the city to reverse its decision to approve the zoning compliance.

I look forward to participating in the public hearing on this matter and the discussions to be presented

Respectfully:

Robert K. Zuspan
23 Smith Creek Rd
Lander, WY

Exhibits

- Exhibit A – Copy of Lander City Code 4-4-3 Appeals
- Exhibit B – Copy of Request for Zoning Compliance and Certificate of Zoning Compliance.
- Exhibit C – Copy of Lander City Code 4-12-1
- Exhibit D – Copy of Wyoming Statute 39-17-101
- Exhibit E – Copy of Wyoming Statute 39-11-101
- Exhibit F - Copy of CFR 780.200
- Exhibit G – Copy of CFG 780.203

4-4-3 Appeals

- A. Any order or decision of the City of Lander may be appealed to the Board of Adjustment by any person or agency affected by any such order or decision. Any such appeal shall be filed within 30 days from the date of the action appealed from by filing a written notice of appeal specifying the grounds for the appeal with the City of Lander. Forms shall be provided for this purpose by the City of Lander. Upon receipt of a notice of appeal, the City of Lander shall transmit to the Board of Adjustment the notice of appeal and all of the original documents, or true copies thereof, constituting the record upon which the action being appealed from was filed.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City of Lander certifies to the Board of Adjustment after notice of appeal has been filed that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. The Board of Adjustment after receipt of the certificate and after a public hearing may allow the original order or decision to stand or the Board of Adjustment may stay the original order or decision appealed. If the Board reaffirms the order or decision of the City of Lander, proceedings shall not be stayed except by a restraining order which may be granted by a court of record after giving due notice to the City of Lander.

HISTORY

Amended by Ord. 1152 on 1/13/2009

EXHIBIT A



City of Lander
Planning Department
240 Lincoln Street

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Applicant of Record: Kim & Kimberlee McKinney

Name of Agency requesting the Certificate if not the Property Owner William Bayless

Property Address: Tract of land adjacent to 35 Smith Creek Road in T33N, R99W, Sec 20

Is this certificate needed for a real estate transaction? Yes/No No If yes, note date required by: _____

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Current Owner of Record Signature: Kim O. McKinney

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If Applicable <i>N/A</i>	
Drawing of Property layout <i>See attached</i>	
Other Documents Required in Conditional Approval	<u>See attached Home Business application</u>

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The attached Home Business application was not processed as there is no residential structure on this property at this time.

Created 04/2018

EXHIBIT B

Property Address 35 Smith Creek Road, a tract of land in T33N, R99W section 20

Samuel Johnson

4/21/25

County of Fremont

1

152

State of Wyoming

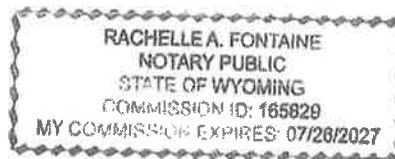
1

The foregoing instrument was acknowledged before me by

This 21 day of April, 2025

Roculita Fontana
Notary Public

My commission expires: 07/26/2027



4-12-1 District Regulations - Agricultural District (A)

- A. Intent. This district is intended to provide for a compatible mixture of single family residential dwellings and agricultural uses at a density slightly lower than that for single family districts alone, plus accessory public and semi-public uses offering services to the surrounding areas. This zone encourages animal husbandry, agriculture, viniculture, horticulture, aquaculture and family or small commercial farming. Such areas will by nature be on the outer fringes of the City.
- B. Permitted Uses. The following uses may be operated as permitted uses in the district:
1. single family detached dwellings;
 2. manufactured homes;
 3. agricultural (shall include horticultural uses, nurseries and the production of crops and livestock).
- C. Permitted Accessory Uses: Any use which complies with all of the following conditions may be operated as an accessory use:
1. is clearly incidental and customary to and commonly associated with the operation of the permitted use;
 2. is operated and maintained under the same ownership and on the same lot as the permitted use;
 3. does not include structures or structural features inconsistent with the permitted use;
 4. to include one secondary residential unit;
 5. if operated wholly or partly within a structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed 30% of the gross floor area of the permitted use;
- D. Minimum area of lot: 1 acre.
- E. Minimum width of lot: 100 feet.
- F. Minimum setback requirements for structures:
1. front yard: 33 feet;
 2. side yard: 12 feet;
 3. rear yard: 20 feet;
 4. side yard on flanking street or corner lot: 28 feet;
 5. When a lot or parcel of ground in the district adjoins a residential district, the setback requirements that apply to the yard area of that residential district shall be required.
- G. Maximum Number of single family or manufactured homes per lot: one per lot. Maximum number of agricultural structures: three per acre.
- H. Maximum Height of Structures: 30 feet.

HISTORY

Amended by Ord. 1152 on 1/13/2009

EXHIBIT C

39-16-310. Statute of limitations.

There are no specific applicable provisions for a general statute of limitations for this article.

39-16-311. Distribution.

There are no specific applicable provisions for distribution for this article.

CHAPTER 17 - FUEL TAX

ARTICLE 1 - GASOLINE TAX

39-17-101. Definitions.

(a) As used in this article:

(i) "Agricultural purposes" means the cultivation of soil, raising or harvesting any agricultural or horticultural commodity including the raising, shearing, feeding, caring for, grazing, training and management of livestock, bees, poultry, furbearing animals and wildlife for gain, sale or profit, but excluding a custom operation;

(ii) "Bulk gasoline" means thirty-five (35) gallons or more purchased and delivered at one (1) time, excluding gasoline delivered into the attached gasoline tanks or auxiliary tanks of a licensed motor vehicle;

(iii) "Bulk plant" means a fuel storage and distribution facility, other than a terminal, from which accountable product may be removed at a rack;

(iv) "Custom operation" means any agricultural purpose done for hire;

(v) "Dealer" means any person who sells or offers to sell gasoline at a specific location in the state, including any person selling or offering to sell aviation gasoline or aviation fuel at Wyoming airports;

(vi) "Department" means the department of transportation;

- 39-6-903. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-904. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-905. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-906. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-907. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-908. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-909. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-910. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-911. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-912. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-913. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-914. Repealed By Laws 1998, ch. 5, § 4.

ARTICLE 10 - TAXPAYER REVENUE ACCOUNTS

- 39-6-1001. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-1002. Repealed By Laws 1998, ch. 5, § 4.

ARTICLE 11 - COMMUNITY COLLEGE PROPERTY TAX

- 39-6-1101. Repealed By Laws 1998, ch. 5, § 4.

CHAPTER 7 - INCOME TAXES

- 39-7-101. Repealed By Laws 1998, ch. 5, § 4.

CHAPTER 8 - [RESERVED]

CHAPTER 9 - [RESERVED]

CHAPTER 10 - [RESERVED]

CHAPTER 11 - ADMINISTRATION

- 39-11-101. Definitions.

(a) As used in this act unless otherwise specifically provided:

(i) "Assessed value" means taxable value;

(ii) "Assessment roll" means the official list of taxable property for the ensuing tax year and may include taxes due thereon;

(iii) "Board" means the state board of equalization or its authorized agent;

(iv) "Department" means the department of revenue or its authorized agent;

(v) "Director" means the director of the department of revenue;

(vi) "Fair market value" means the amount in cash, or terms reasonably equivalent to cash, a well informed buyer is justified in paying for a property and a well informed seller is justified in accepting, assuming neither party to the transaction is acting under undue compulsion, and assuming the property has been offered in the open market for a reasonable time, except, fair market value of agricultural land shall be determined as provided by W.S. 39-13-103(b) (x) and fair market value of mine products shall be determined as provided by W.S. 39-14-103(b), 39-14-203(b), 39-14-303(b), 39-14-403(b), 39-14-503(b), 39-14-603(b) and 39-14-703(b);

(vii) "Intangible personal property" means personal property that lacks mass and cannot be seen, felt, weighed, measured or otherwise perceived by the senses; property that has no physical existence beyond merely representational. Intangible property's value lies chiefly in what it represents, and its existence may be evidenced by a document;

(viii) "In transit property" means manufactured goods, wares, seed, feed, fertilizer, tools, supplies and merchandise which is in interstate commerce, or, Wyoming assembled or manufactured products being held for out-of-state sale, which are consigned or placed in any storage area in Wyoming for storage, repackaging, processing, fabricating, milling, disassembly or assembly in transit to a final destination outside Wyoming whether the destination is specified before or after the transportation begins;

(ix) "Inventories" means any personal property held for resale consisting of goods, wares or merchandise including stocks of raw or finished material, unassembled parts, work in progress or finished products constituting the inventory of a merchant or manufacturer;

(x) "Livestock" means horses, cattle, mules and asses, sheep, swine, goats and all other animals commonly thought of as livestock;

(xi) "Manufacturer" means any person who purchases, receives or holds personal property for the purpose of adding to the value thereof, by any process of manufacturing, refining, purifying, or by the combination of different materials, and with a purpose to make a gain or profit by sale thereof;

(xii) "Merchant" means any person owning, possessing or controlling personal property with a purpose to sell the property at an advanced price or profit, or any person controlling personal property which has been consigned to the person from outside Wyoming to be sold within Wyoming;

(xiii) "Person" means an individual, partnership, corporation, company or any other type of association and any agent or officer of any partnership, corporation, company or other type of association;

(xiv) "Property used for industrial purposes" means those properties valued under W.S. 39-13-102(m) (ii) through (x), excluding W.S. 39-13-102(m) (vi) and (ix), and those properties used or held for use for:

(A) Manufacturing, milling, converting, producing, processing or fabricating materials;

(B) The extraction or processing of minerals;

(C) The mechanical, chemical or electronic transformation of property into new products.

(xv) "Real property" means land and appurtenances, including structures, affixed thereto, and any intangible characteristic which contributes to the fair market value thereof;

This content is from the eCFR and is authoritative but unofficial.

Title 29 – Labor**Subtitle B – Regulations Relating to Labor****Chapter V – Wage and Hour Division, Department of Labor****Subchapter B – Statements of General Policy or Interpretation Not Directly Related to Regulations****Part 780 – Exemptions Applicable to Agriculture, Processing of Agricultural Commodities, and Related Subjects Under the Fair Labor Standards Act****Subpart C – Agriculture as It Relates to Specific Situations****Forestry or Lumbering Operations**

Authority: Secs. 1-19, 52 Stat. 1060, as amended; 75 Stat. 65; 29 U.S.C. 201-219. Pub. L. 105-78, 111 Stat. 1467.

Source: 37 FR 12084, June 17, 1972, unless otherwise noted.

§ 780.200 Inclusion of forestry or lumbering operations in agriculture is limited.

Employment in forestry or lumbering operations is expressly included in agriculture if the operations are performed "by a farmer or on a farm as an incident to or in conjunction with such farming operation." While "agriculture" is sometimes used in a broad sense as including the science and art of cultivating forests, the language quoted in the preceding sentence is a limitation on the forestry and lumbering operations which will be considered agricultural for purposes of section 3(f). It follows that employees of an employer engaged exclusively in forestry or lumbering operations are not considered agricultural employees.

This content is from the eCFR and is authoritative but unofficial.

Title 29 — Labor

Subtitle B — Regulations Relating to Labor

Chapter V — Wage and Hour Division, Department of Labor

Subchapter B — Statements of General Policy or Interpretation Not Directly Related to Regulations

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Source: 37 FR 12084, June 17, 1972, unless otherwise noted.

§ 780.203 Performance of operations on a farm but not by the farmer.

Logging or sawmill operations on a farm undertaken on behalf of the farmer or on behalf of the buyer of the logs or the resulting lumber by a contract logger or sawmill owner are not within the scope of agriculture unless it can be shown that these logging or sawmill operations are clearly incidental to farming operations on the farm on which the logging or sawmill operations are being conducted. For example, the clearing of additional land for cultivation by the farmer or the preparation of timber for construction of his farm buildings would appear to constitute operations incidental to "such farming operations."

CITY OF LANDER
240 LINCOLN STREET
LANDER WY 82520
307-332-2870

Receipt No: 3.000200221
May 20, 2025

ROBBIEVZUSPAN

Previous Balance:	.00
MISC. REVENUE - MISCELLANEOUS-APPEAL	500.00
10-362-8800 MISCELLANEOUS	
Total:	500.00
CHECK	500.00
Check No: 2053	
Payor: ROBBIE VZUSPAN	
Total Applied:	500.00
Change Tendered:	.00

05/20/2025 9:30 AM

June 18, 2025

City of Lander
240 Lincoln Street
Lander, Wyoming

RE: Statement Regarding Appeal #2025-01

Valued Members of the Board of Adjustment,

My name is William Bayless, son-in-law of legal property owners of 29 Smith Creek Road, Kim and Kimberlee McKinney, as part of Killebrew Ranches Family Trust.

I write to you today as a member of a working ranch family and as a land steward, seeking your support in recognizing my small-scale timber processing and forest management activities as a legitimate extension of agricultural use. I also seek to validate the decision made by the City of Lander Zoning Commission in approving our zoning compliance for this property. My family's livelihood is rooted in Wyoming's rural traditions, and I believe our ranching, forestry, and portable sawmilling activities reflect these values and align with both local and state land use policy. The primary purpose of our development of this property is to establish an agricultural accessories building for storing and maintaining our forestry and ranching equipment, creating a space for processing the timber salvaged through my forestry and land management operations, and building a permanent residence for our growing family.

Agriculture Encompasses Forestry and Incidental Processing

My wife, Elissa, and I are year-round employees of Killebrew Ranch, a multi-generational agricultural operation where we manage livestock, irrigate fields, and maintain a large family garden. In addition, I own and operate Crosscut Lumber and Timberworks LLC, specializing in timber stand improvement, fire mitigation, forest management services, noxious weed removal, and custom carpentry and sawmilling. These services are rooted in forest health and land management best practices, and I hold certificates and licenses through the Wyoming Department of Agriculture and other entities to conduct aspects of my work.

Lander City Code 4-12-1 defines agriculture broadly, including "plant production" such as nurseries and the cultivation of crops and livestock. This code also defines what operations are permitted on agriculturally zoned land. This code is included here for reference. Forestry, the growing and harvesting of trees naturally fits within this definition. Trees are a renewable crop, even if they grow over decades rather than seasons. Using the timber I harvest to create sustainable products for farms and ranches is a logical, traditional extension of agricultural practice. Excluding forestry from agriculture would limit responsible use of our local natural resources by those who work the land.

Even federal policy, which Mr. Zuspan has cited in prior discussions, recognizes forestry work performed by a farmer on their land as qualifying agricultural activity. This understanding is fundamental to how we live and operate.

The Portable Sawmill Revitalizes Undervalued Local Resources

The portable sawmill is not an industrial enterprise as defined in Mr. Zuspan's appeal. The portable sawmill I own is operated intermittently, and is but a tool used to process timber, secondary to our core agricultural and forestry work. I strive to better utilize the raw material salvaged through my services in sustainable and mindful ways. This includes post and pole fencing, saw timber, firewood, animal bedding, and soil amendments for local farmers and ranchers. These forest products are much needed in our rural area, and being sourced locally they offer affordable building material options as primary dollars valued added products that promote economic development in our community.

To process these materials, I own a small hobby-scale portable sawmill which has a twenty-five horsepower Kohler gasoline engine, equivalent to that of a common residential riding lawnmower. We have made a video comparing the engine capacity and volume of the sawmill to a standard lawnmower as an example. This portable sawmill is a but a tool that supports our ability to ethically use the resources around us in sustainable ways, in keeping with Wyoming's traditions of self-reliance and stewardship. Like other tools used in agriculture my sawmill is used intermittently, and there are weeks at a time I where I do not operate it. I have no intention of creating a factory or large retail operation as defined by Mr. Zuspan with this simple and non-commercial type sawmill. This is a modest, rural operation, that might best be described as a cottage industry, complementary to our ranching life.

Precedent Supports Small Sawmills in Agricultural Zones

There is clear precedent in Wyoming for small sawmills operating in agricultural zones. For instance, a similar in capacity portable sawmill is currently active at 930 North Lane within Lander city limits on unincorporated land. This mill is used to process timber for agricultural uses as well as to supplement a furniture and cabinetry business, and is in a less rural setting than our property. Platte County also provides another strong example, allowing sawmills that produce under 50,000 board feet per year in agricultural districts, recognizing the difference between small rural operations and industrial facilities (cited below). I mill far less than that annually and operate well within responsible, small-scale definitions.

The City of Lander could adopt a similar approach in its proposed revisions to Title 4. Clarifying that small-scale sawmills or other similar tools integrated with forestry and ranching activities are permitted or conditionally permitted in agricultural zones would support rural livelihoods like mine and uphold Wyoming's agricultural heritage.

A Reasonable Path Forward

The concerns made by neighbors about noise and impacts along Smith Creek Road have been carefully considered throughout our planning and design process, well before breaking ground. Elissa and I have made a point of communicating openly with nearby property owners, offering reasonable solutions including limited operating hours, assistance with road maintenance (both physically and financially), and installing fencing to reduce noise and visual impacts at our own expense.

Our land use will not further damage Smith Creek Road. Our driveway begins just past where city maintenance ends at the Blue Ridge Apartments. We receive approximately three to five log

truck deliveries per year tied to our fire mitigation work in Dubois. These deliveries are not part of our regular and daily operations, and we plan to notify neighbors in advance to maintain transparency. Aside from these, we experience only occasional passenger vehicle traffic, comparable to other rural properties. We've taken steps to improve the road by filling potholes during our initial dirt work. Since we rely on a well-maintained road, we are committed to continuing to take care of it moving forward.

Additionally, I want to emphasize that our agricultural activities will be separate from children's play areas and are as far separated from neighboring structures as possible. We have intentionally placed the building location as far away from other structures as the topography and adjacent property boundaries will allow. The Blue Ridge apartments have a dedicated playground away from Smith Creek Road and well away from our property. We have mindfully considered these as well as other aspects of the surrounding area in determining where the building site will be located. We are committed to ensuring safety and minimizing any disruption to our community.

Other communities have found constructive solutions to similar concerns. For instance, in Dunn County, Wisconsin, a small sawmill was approved by [special exception](#) with conditions on noise and hours of operation. This balanced approach allowed the landowner to continue their work while addressing neighbor concerns.

In Conclusion

Based on the factual scope of operations, the small scale of production of timber products to be done on this property, and not only City Codes but State and Federal Statutes, I believe that the City of Lander Zoning Commission rightfully and correctly granted a zoning compliance to operate a small scale portable sawmill for the purpose of wood processing on this agriculturally zoned property. The activities to take place on this property will by no means be industrial in scale, and will be incidental not only our family farm and ranching operation but many others across our local community. This zoning decision directly affects not only my livelihood, but those within this community that depend upon my services and goods.

To prohibit the processing of forest products on our property and to classify this small portable sawmill as "industrial" would not only contradict policies in other Wyoming counties but would also disregard the reality of land use, management, and sustainability in agricultural communities like ours. Throughout this building process my family and I have considered many aspects of this location and neighborhood to best fit in with the surroundings. I am not seeking to establish a disruptive commercial operation, but rather to continue a traditional, small-scale practice that reflects our values and contributes meaningfully to the community. By better utilizing local raw materials and timber, we are practicing responsible land stewardship, enhancing the local economy, and supporting Landers rural way of life.

I appreciate your consideration and respectfully request your support in recognizing our ranching and forestry operation as a legitimate extension of our agricultural use.

Respectfully,
William Bayless

Lander City Code 4-12-1: which defines what an Agricultural District is and what is permitted within:

1. Intent. This district is intended to provide for a compatible mixture of single family residential dwellings and agricultural uses at a density slightly lower than that for single family districts alone, plus accessory public and semi-public uses offering services to the surrounding areas. This zone encourages animal husbandry, agriculture, viticulture, horticulture, aquaculture and family or small commercial farming. Such areas will by nature be on the outer fringes of the City.
2. Permitted Uses. The following uses may be operated as permitted uses in the district:
 1. single family detached dwellings;
 2. manufactured homes;
 3. agricultural (shall include horticultural uses, nurseries and the production of crops and livestock).

Platte County Wyoming Zoning Rules and Regulations
Chapter VIII – Class V – AGRICULTURAL CLASSIFICATION

Section 1. Purpose These regulations serve to help define and control development in the Agricultural District and may include multiple family occupation in either separate accessory structures or incorporated within the business structure for property owner/manager families and employees. When additional uses are requested, but not listed in sections 2 or 3, the Planning Commission and the Board of Commissioners will determine whether the use meets the intent of either Section 2 or 3 below.

Section 2. Allowed uses

Allowed uses, which may include associated outbuildings, such as, but not limited to, garages, shops, barns and storage buildings. When additional uses are identified but not listed below, the Planning Commission and the Board of Commissioners will make a determination of whether the use meets the intent of Section 2 or 3 below.

- A. Farming/ranching;
- B. Hunting camps;
- C. Dude ranches, fish hatcheries, wild game refuges, fish and game farms, and bed and breakfast facilities;
- D. Agricultural support business;
- E. Seasonal sales stand for products produced on the premises;
- F. Agricultural research and development;
- G. Sawmills producing fewer than 50,000 board feet per year;

TIMELINE - ZONING COMPLIANCE 29 SMITH CREEK ROAD

DATE, 2025	ACTION	NOTES	EXHIBIT
April 7	Owner Mr. McKinney asked for meeting for building and Home Occupation permit for future improvements on their lot at 29 Smith Creek Road.	Attendees: Kim McKinney (owner), William Bayless (operator), Lance Hopkin (Public Works Director), Dustin Springston (Building Official, RSFossen (Planning Official)	
April 7	Home Business request submitted	Permit application addresses traffic, noise, dust and operating hours of timber processing inside a 40'x60' shed.	A
April 10	Planning review staff meeting	Attendees: Lance Hopkin, Hunter Roseberry (Assistant Public Works Director), Dustin Springston, RSFossen	
April 17	Email to applicant stating Home Business request denied - processing application as a zoning compliance	While agriculture is a permitted use per City Code 4-12-1 B, there is no current residence on the lot as required by 4-11-4 A.2	B
April 21	Zoning compliance issued to applicant.	Dustin copied as a building permit cant be issued unless zoning compliance and address are issued	C
April 20-25	Mr. Bayless talks to neighbors and begins Road improvements.		
April 25	Return call to Mr. Zuspan sets up meeting		
April 28	Mr. Zuspan request meeting with RSFossen stating worries of extra traffic on Smith Creek, Large trucks.	Attendees: Robbie Zuspan, Mike Coyle, RSFossen	
May 1	Mr. Zuspan discusses in person with RSFossen the Federal CFR definitions and asks to be on Planning Commission agenda	RSFossen shows Mr. Zuspan State Statutes that support timber processing as an agricultural activity.	D
May 1	Mr. Zuspan shows up at planning commission meeting and he is amended into the agenda as a general concern discussion	See meeting notes. I have no record of what was read or handed out to the board members	E
May 1	Mr. Zuspan and RSFossen discussed appeal process at several unscheduled meetings at City Hall		
May 2	Owner given notice of Zuspan on BOA agenda and sent the link for the meeting minutes and recording		
May 5-6	City Attorney Adam Phillips, City Clerk Rachelle Fontaine, RSFossen discuss appeal process finding Title 4 does not explicitly match this situation.		F

TIMELINE - ZONING COMPLIANCE 29 SMITH CREEK ROAD

May 5	Owner hand delivers additioanl information in response to Mr. Zuspan's BOA testimony		G
May 6-8	Mr. Zuspan given verbal and email directions on how to appeal the decision with a deadline of May 20th.	Attendees: Robbie Zuspan, RSFossen	H
May 6-8	RSFossen visits with Councilwoman Stuble and then took a self quided tour of current operations on 8669 Hwy 287.	RSFossen sent photos to Councilwoman Stuble at her request	I
May 20	Appeal request hand delivered to the City Clerk at City Hall		J
May 20	Mr. McKinney, Mr. Bayless informed of appeal and They notified RSFossen that they stopped construction a few weeks ago after talking to Mr. Zuspan in person.		
May 29	Owner, Planning Commission, RSFossen notified of appeal and set date for June 25		
June 3	Formal appeal document created by City Clerk and sent to Mr. Zuspan. Public notice emailed to		J
June 5	Mr. Zuspan signs appeal document issued by City Clerk		K
June 7	Public notice published in Journal		L
June 16	Additional information provided by owner on operations	Photos, videos, letter of support, Operators statement of intent for operations.	M

EXHIBIT A



CITY OF LANDER CONDITIONAL USE APPLICATION ADDENDUM FOR HOME BUSINESS

Section 3, Item A.

For Office use only:

Case number _____

Name of Applicant William Bayless Email williambayless@rocketmail.com

NOTE: The Board of Adjustment can grant or reject all applications in accordance with City Code 4-11-4. Home Businesses may be inspected by the City building inspector at any time to insure compliance. If three or more written complaints from property owners within 400' are filed with the City of Lander, a public hearing before the Board of Adjustment shall be required to determine the continuance of the home business which may result in termination of the permit or additional conditions/restrictions. Any expansion or alteration of existing uses must come before the Board of Adjustment for approval.

Brief description of business name and type of business and number of employees

Crosscut Lumber + Timberworks LLC, Wood Products / Forestry, Fire Mitigation, Forest Products, no living residence at this time, but of later date

Will this use change the residential character of the neighborhood? Why or why not?

No, this business falls under the Department of Agriculture and this area is zoned agricultural. Wood Processing and staging of forest products will be main use.

Will there be exterior storage required? If yes, explain.

Yes, log decks and processed material. Kln Drying capabilities will be in small outbuilding

operation will be standard operating hours M-F 8-5

Brief description of any signage (location and size).

none now

Check all Conditions below that apply to your business use.

☒ Traffic, customer parking

☐ Smoke or exhaust

☐ Heat output

☒ Noise level

☒ Dust/ air quality

☐ Sun glare

☐ Motor vibrations

☐ Odors

☐ Other, Explain _____

None outside of operation

Give a brief description of how to address or reduce the effects of each condition marked above.

Traffic - log trucks up to 3-5 times per year, semi/self loader, otherwise truck and trailer traffic

Noise level - sawmill has 25 horsepower gas engine, will be open air until later building added for it, chainsaws intermittently

Dust - Sawdust will be managed by dust collection hoses directly into covered container/dump trailer for disposal at landfill

or private farmers/crop use

☒ Attached is a plot plan or drawing of all buildings and outside areas used for the home business including location, percentage of the gross area used for the home business, location of accessory buildings and/or storage, location of off-street parking.

Signature of applicant Will Bayless Date 04/07/25

Updated July 2021



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

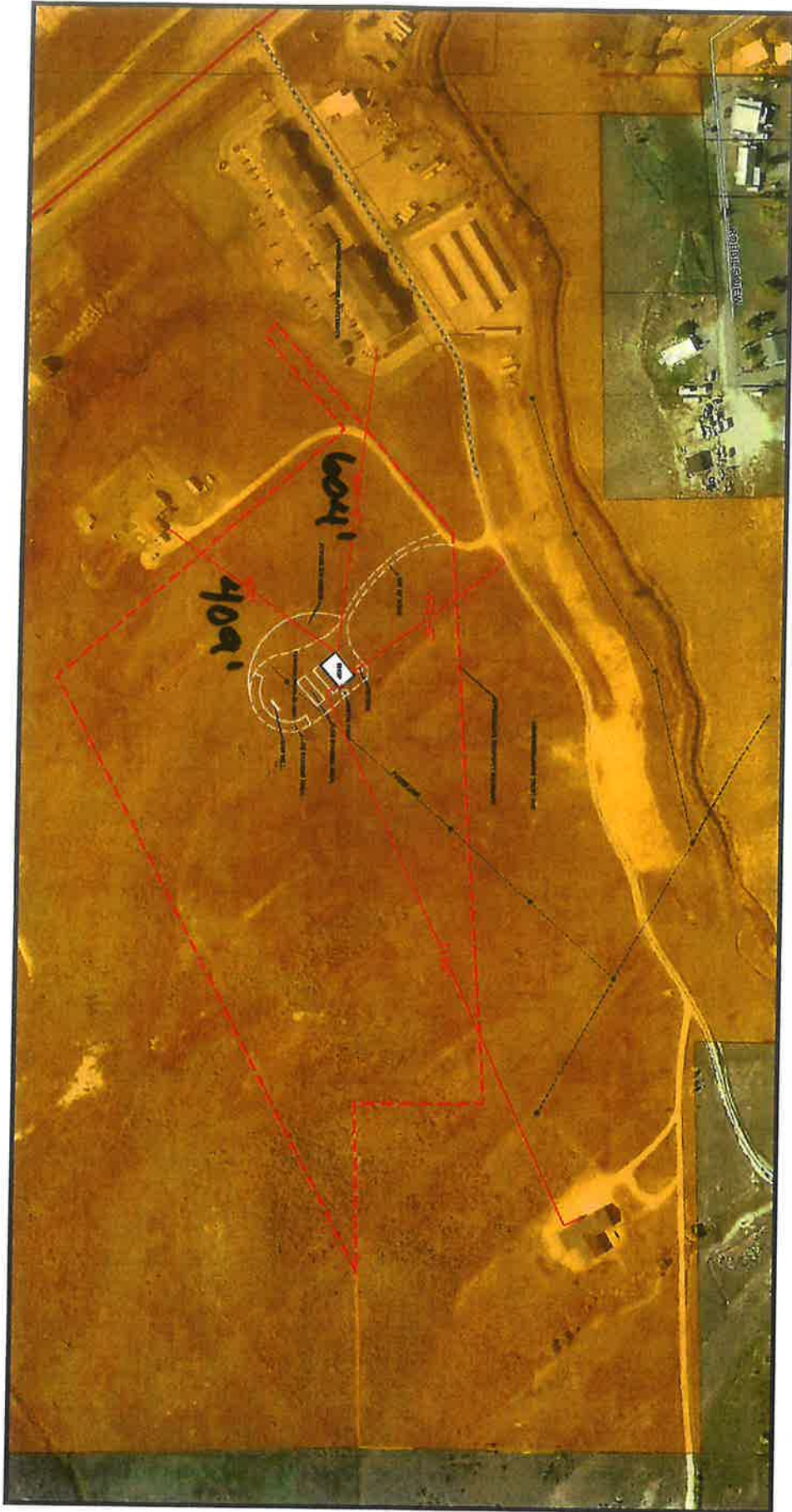
Section 3, Item A.

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

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

Signature of applicant *W. J. [Signature]* Date 04/07/25

Signature of owner *Ken O'Malley* Date 04/07/25



0 FEET 200
SCALE

WILLIAM & ELISSA BAYLESS
SAW MILL PROPOSAL A MAP
SMITH CREEK RD., LANDER, WY 82520
1-307-349-2825

DATE:

4/2025

PREPARED BY:

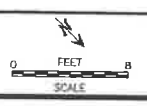
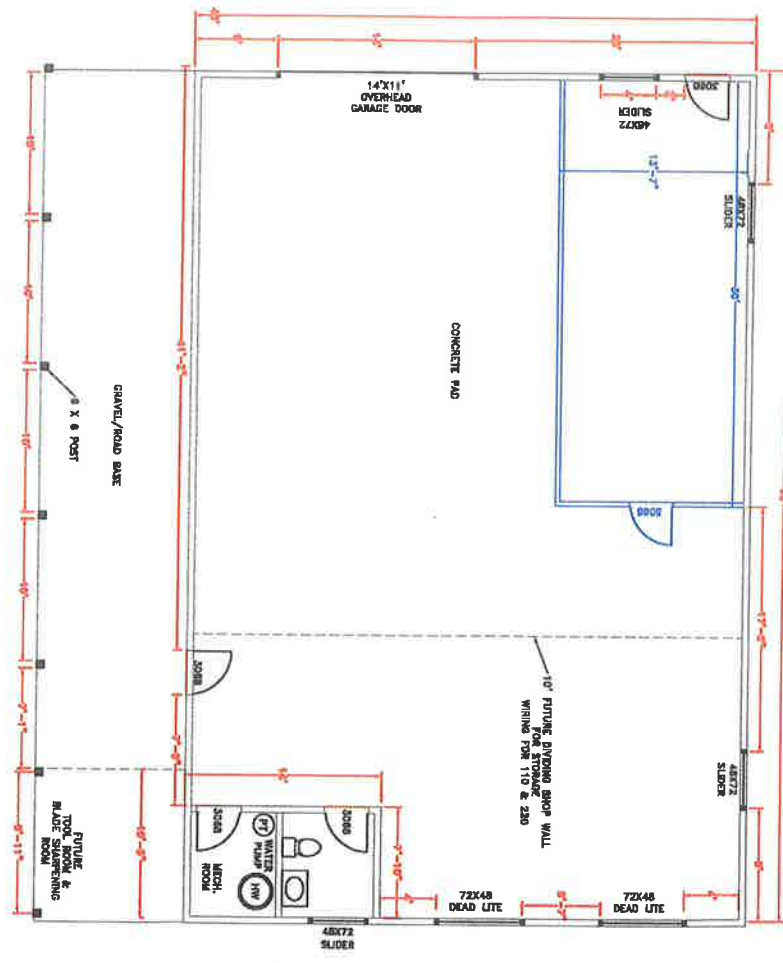
J. OLSON
307-349-9895

revised



307-349-9895
J. OLSON
307-349-9895

	WILLIAM & ELISSA BAYLESS PROPOSED SHOP, SAW MILL SITE MAP SMITH CREEK RD., LANDER, WY 82520 1-307-349-2825	DATE: 3/2025	PREPARED BY: J. OLSON 307-349-9895
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WILLIAM & ELISSA BAYLESS
SHOP FLOOR PLAN
SMITH CREEK RD., LANDER, WY 82520

DATE: 2/2025
PREPARED BY: J. OLSON 307-349-9895

EXHIBIT B



Rajeane Strube Fossen <rsfossen@landerwyoming.org>

Zoning Compliance for Timberworks

2 messages

Rajeane Strube Fossen <rsfossen@landerwyoming.org>

Thu, Apr 17, 2025 at 8:58 AM

To: "williambayless@rocketmail.com" <williambayless@rocketmail.com>

William, I have processed your request as a zoning certificate since there is no residence on the property at this time. I am waiting for Kim or Kimberlee to come in and sign the attached form. Kim mentioned he may be in tomorrow. Then you will have full permissions to start your building permit and timber processing on the land.

I suggest (but cannot require) that you move the processing farther from the road. As we discussed, moving farther back on the lot may alleviate future neighbor complaints and may allow you easier personal access if you plan on a future residence on the same parcel.

If you would like a new address for your operations, please fill out the attached form and email it back to me. If you address off of the Zuspan dirt entry the address will likely be 15 Smith Creek Road.

Optimism is contagious. Pass it on!
RaJean

2 attachments

**Change of Address Request.pdf**

8K

**Zoning Certificate of Compliance- McKinney 35 Smith Creek Road.pdf**

565K

William Bayless <williambayless@rocketmail.com>

Mon, Apr 21, 2025 at 7:33 AM

To: Rajeane Strube Fossen <rsfossen@landerwyoming.org>

Good morning RaJean,

Thank you for your work on this with Kim and myself. We will complete the address request and return that over to you and have begun to put together our pertinent permitting documents for plan review.

We do like your suggestion to move a bit further off the road and are planning to do so, it will be a better option for the time to come. We have some topography and existing power lines to consider but will push further off the road to allow for more of a buffer off the road.

Thank you again for your assistance in this process, I look forward to working with you and it was great to meet you the other day!

William Bayless

4-12-1 District Regulations - Agricultural District (A)

Section 3, Item A.

- A. Intent. This district is intended to provide for a compatible mixture of single family residential dwellings and agricultural uses at a density slightly lower than that for single family districts alone, plus accessory public and semi-public uses offering services to the surrounding areas. This zone encourages animal husbandry, agriculture, viniculture, horticulture, aquaculture and family or small commercial farming. Such areas will by nature be on the outer fringes of the City.
- B. Permitted Uses. The following uses may be operated as permitted uses in the district:
1. single family detached dwellings;
 2. manufactured homes;
 3. agricultural (shall include horticultural uses, nurseries and the production of crops and livestock).
- C. Permitted Accessory Uses: Any use which complies with all of the following conditions may be operated as an accessory use:
1. is clearly incidental and customary to and commonly associated with the operation of the permitted use;
 2. is operated and maintained under the same ownership and on the same lot as the permitted use;
 3. does not include structures or structural features inconsistent with the permitted use;
 4. to include one secondary residential unit;
 5. if operated wholly or partly within a structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed 30% of the gross floor area of the permitted use;
- D. Minimum area of lot: 1 acre.
- E. Minimum width of lot: 100 feet.
- F. Minimum setback requirements for structures:
1. front yard: 33 feet;
 2. side yard: 12 feet;
 3. rear yard: 20 feet;
 4. side yard on flanking street or corner lot: 28 feet;
 5. When a lot or parcel of ground in the district adjoins a residential district, the setback requirements that apply to the yard area of that residential district shall be required.
- G. Maximum Number of single family or manufactured homes per lot: one per lot. Maximum number of agricultural structures: three per acre.
- H. Maximum Height of Structures: 30 feet.

HISTORY

Amended by Ord. 1152 on 1/13/2009

4-11-4 General Requirements - Home Business**Section 3, ItemA.**

A. Home business is defined in City Code 4-14-1.AD. The City of Lander may issue Home Business Permits upon the following conditions:

1. Such use shall be conducted entirely within a dwelling unit or accessory structure and carried on by the inhabitants living there and no others;
2. Such use shall be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and shall not change the residential character thereof.
3. The total area used for such purposes shall not exceed twenty (20) percent of the gross floor area of either the dwelling or up to 600 sq ft of an accessory structure.
4. There shall be no exterior storage on the premises of material or equipment used as a part of the home business.
5. There shall be no offensive noise, vibration, smoke, dust odors, heat or glare noticeable at or near the property line.
6. There shall be no traffic generated by the home business that would adversely affect the residential character more than would normally be expected in a residential neighborhood.
7. There shall be at least one off-street parking space provided for clientele.
8. No sign shall be allowed except for one non-illuminated name plate attached to the wall of the dwelling unit, showing name/occupation only, no larger than a square foot in area.

B. APPLICATION PROCEDURE: Those individuals that meet these requirements shall make application to the City Administration. If the applicant meets all the conditions in Section 4-11-4.A, above, the City Administration may grant or reject the permit without forwarding to the Board of Adjustments for action.

If the applicant does not meet all of requirements in Section 4-11-4.A. , they may apply for a Conditional Use Home Business permit through the Board of Adjustment with an application providing the following:

1. Where will such use be conducted?
2. How many employees are proposed?
3. Will this use change the residential character of the neighborhood? If not, why?
4. What is the percentage of the gross square footage of the area to be used for such?
5. Will there be exterior storage, if so please describe.
6. Will there be any of the following:

offensive noise;
vibration;
smoke;
dust;
odors; or
heat or glare noticeable at or near the property line.

7. What is the expected traffic for the home business?
8. Will there be a sign, please give location and dimensions of the sign.

EXHIBIT C



REQUEST CERTIFICATE OF ZONING COMPLIANCE

Use this form to request a Certificate of Compliance when needed for title research or real estate transaction. **Submit all materials to the City Administrator for the planning department.** This form documents use that is appropriate for the Lander Municipal Code adopted in 1979 as amended. The use can remain when it is determined that it is in keeping with the current character of the neighborhood.

Date of Request: 4/07/2025Contact Phone Number: 307-349-2825Applicant of Record: Kim & Kimberlee McKinneyName of Agency requesting the Certificate if not the Property Owner William BaylessProperty Address: Tract of land adjacent to 35 Smith Creek Road in T33N, R99W, Sec 20Is this certificate needed for a real estate transaction? Yes/No No If yes, note date required by: _____

Please describe the condition of the property that does with Title 4:

Crosscut Lumber and Timberworks, LLC will have a Small scale, portable saw mill for the purpose of wood processing and wood products for retail sale.This production falls under the Department of Agriculture and is located in an Agriculture District and complies with all the zoning rules of the City of Lander Codes

I hereby affirm that the information shown by my attached documentation is true and correct and request that a Certificate of Zoning Compliance be issued.

Current Owner of Record (print): Kim McKinneyCurrent Owner of Record Signature: Kim O. McKinney

Sign and submit this form to the Building Inspector WITH the following if they are not on file with the Building Inspector:

If Applicable N/A	
Drawing of Property layout See attached	
Other Documents Required in Conditional Approval	<u>See attached Home Business application</u>

NOTES:

The City of Lander processes Certificate of Zoning Compliance requests in the order they are received. The City Hall Staff will research the property and conduct an inspection and issue the Certificate as permitted.

This zoning certificate verifies that operations of processing timber products are a permitted use on a lot zoned Agricultural in Lander City Code 4-12-1.

The attached Home Business application was not processed as there is no residential structure on this property at this time.



Certificate of Zoning Compliance

Property Address 35 Smith Creek Road, a tract of land in T33N, R99W section 20

[Signature]

Approved by City Administration, Planning Department

Date 4/21/25

County of Fremont)
) ss.
State of Wyoming)

The foregoing instrument was acknowledged before me by Rafaela Strube Fessen
This 21 day of April, 2025

[Signature]
Notary Public

My commission expires: 07/26/2027

RACHELLE A. FONTAINE
NOTARY PUBLIC
STATE OF WYOMING
COMMISSION ID: 165829
MY COMMISSION EXPIRES: 07/26/2027



Rajeane Strube Fossen <rsfossen@landerwyoming.org>

Zoning Compliance

3 messages

Rajeane Strube Fossen <rsfossen@landerwyoming.org>

Mon, Apr 21, 2025 at 7:23 AM

To: williambayless@rocketmail.com, "pillarelectric@wyoming.com" <pillarelectric@wyoming.com>

Cc: Dustin Springston <dspringston@landerwyoming.org>

Kim and William, attached is your zoning compliance.

We need Kim to fill out the attached address request form so that you have a formal address attached for the building permit, loans, utilities, etc. You can email it to me if that is convenient.

This certificate and the new address will allow you to get your building permit when you are ready. Dustin is copied on this email.

Thank you for doing your research. William, congratulations for being a finalists in the Boot Strap Collaborative. Good Luck.

Happy Spring!
RaJean

2 attachments

 **Zoning Compliance - SMith Creek Road, McKinney.pdf**
342K **CITY ADDRESS REQUEST FORM.docx**
15K**William Bayless** <williambayless@rocketmail.com>

Wed, Apr 23, 2025 at 8:38 AM

To: Rajeane Strube Fossen <rsfossen@landerwyoming.org>

Good morning RaJean,

Thanks again for your work on this project with us. Kim is going to fill out that paperwork and return it to your office or email it over. We would address off of the Zuspan drive and would use that 15 Smith Creek address.

I am excited and honored to be considered by the Bootstrap Collaborative and see it as a great opportunity for my business!

Have a wonderful day,
William Bayless

On Apr 21, 2025, at 07:24, Rajeane Strube Fossen <rsfossen@landerwyoming.org> wrote:

EXHIBIT D

16-6-103. Limitation on subcontracting by resident contractors.

A successful resident bidder shall not subcontract more than thirty percent (30%) of the work covered by his contract to nonresident contractors.

16-6-104. Preference for Wyoming materials required in contracts.

Wyoming made materials and products, and Wyoming suppliers of products and materials of equal quality and desirability shall have preference over materials or products produced or supplied outside the state and any contract let shall so provide. The preference created by this section shall be applied in a manner identical to the preference for residence contractors in W.S. 16-6-102.

16-6-105. Preference for Wyoming materials and Wyoming agricultural products required in public purchases; exception; cost differential; definition.

(a) A five percent (5%) materials preference for Wyoming materials shall be applied in public purchases, subject to the following:

(i) The preference requirement shall apply to all public entities;

(A) Repealed by Laws 2020, ch. 31, § 2.

(B) Repealed by Laws 2020, ch. 31, § 2.

(C) Repealed by Laws 2020, ch. 31, § 2.

(ii) As used in this section, "materials" means supplies, material, agricultural products, equipment, machinery and provisions to be used in a public work, including the regular maintenance and upkeep of a public work;

(iii) The preference shall be applied in favor of materials that are produced, manufactured or grown in this state, or that are supplied by a resident of the state who is competent and capable to provide the materials within the state of Wyoming;

39-1B-103

39-11-101 XIV Taxation

35-4-202

Processing content of water.

of rehabilitation, demolition or other displacing activity as the agency may prescribe under a program or project undertaken by a displacing agency in which the displacing agency determines that the displacement is permanent.

(B) Solely for the purposes of W.S. 16-7-103(a) and (b), and 16-7-106, any person who moves from real property or moves his personal property from real property:

(I) As a direct result of a written notice of intent to acquire or the actual acquisition of other real property in whole or in part for a program or project undertaken by a displacing agency; or

(II) As a direct result of rehabilitation, demolition or other displacing activity as the agency may prescribe under a program or project undertaken by a displacing agency where the displacing agency determines that the displacement is permanent.

(C) "Displaced person" does not include:

(I) A person who has been determined according to criteria established by the agency to be either unlawfully occupying the displacement dwelling or to have occupied the dwelling for the purpose of obtaining assistance under this act; and

(II) Any person, other than a person who was an occupant of the property at the time it was acquired, who occupies the property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project.

(v) "Displacing agency" means an agency carrying out a program or project with federal or state financial assistance which causes a person to be a displaced person;

(vi) "Farm operation" means any activity conducted solely or primarily for the production of one (1) or more agricultural products or commodities, including timber, produced in sufficient quantity to be capable of contributing materially to the operator's support as determined by the agency;

(vii) "Federal financial assistance" means a grant, loan, any interest reduction payment to an individual in

(iv) Preference shall not be granted for materials of inferior quality to those offered by competitors outside of the state.

(b) As used in this section, "agricultural products" means any horticultural, viticultural, vegetable product, livestock, livestock product, bees or honey, poultry or poultry product, sheep or wool product, timber or timber product.

16-6-106. Statement of Wyoming materials preference in requests for bids and proposals.

All requests by a public entity for bids and proposals for materials, supplies, agricultural products, equipment, machinery and public works shall contain the words "preference is hereby given to materials, supplies, agricultural products, equipment, machinery and provisions produced, manufactured or grown in Wyoming, or supplied by a resident of the state, quality being equal to articles offered by the competitors outside of the state".

16-6-107. Wyoming materials preference required in public works; exception.

All public works in this state shall be constructed and maintained using materials produced or manufactured in Wyoming if Wyoming materials are suitable and can be furnished in marketable quantities. Preference shall not be granted for materials of an inferior quality to those offered by competitors outside of the state, but a differential of five percent (5%) shall be allowed in cost of materials produced or manufactured in Wyoming.

16-6-108. Governing of federal funds by federal law.

The operation of this act upon the letting of any public works contract above mentioned, in connection with which, funds are granted or advanced by the United States of America, shall be subject to the effect, if any, of related laws of the United States and valid rules and regulations of federal agencies in charge, governing use and payment of the federal funds.

16-6-109. Use of insurance for rebuilding state structures.

When buildings belonging to the state are destroyed, the insurance on the buildings shall be collected by the state

EXHIBIT E

CITY OF LANDER



BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, May 01, 2025 at 6:00 PM

City Council Chambers, 240 Lincoln Street

MINUTES

Attendance: Chair Zach Mahlum, Members, Tom Russell, Kara Colovich, Chris Savan, Rob Newsom, and Joe Henry. Council Liaisons John Larsen and Dan Hahn, Recording Secretary RaJean Strube Fossen

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

At RaJean's request Kara moved to amend the agenda to add an item for a zoning compliance question from a citizen who is in attendance. Rob Seconded. Motion passed to amend the agenda.

2. APPROVAL OF MINUTES

A. BOARD OF ADJUSTMENT MINUTES of March 20, 2025

No quorum on April 17, 2025 therefore no business was conducted

Chris asked to amend the March 20 minutes to remove the verb confirmed and replace with "asked" in the 4th paragraph.

Chris moved to accept the minutes as amended. Kara seconded. Motion passed.

3. BOARD OF ADJUSTMENT - NEW BUSINESS

A. CU 25.02 Short term rental, 484 N 4th, Wittek

CU25.02 Austin Wittek, owner, described that he would like to have a hostel for 18 persons a night for 30-50 bucks. He stated that this will relieve City Park campers. His clients are hikers on the Continental Divide (CD) trail and don't have cars, but he has 2 off street parking spaces. He will live in the residence and respects the residential neighborhood with quiet hours and operations.

Zach asked for the size of the rental. Mr. Wittek believes the total house is 2900 sqft of which 2000 sqft would be used by the renters. He will live on property in about 900 sqft. Zach asked about rules the owner might impose. Owner stated he will have quiet hours, and drinking won't be prohibited but will not allow drinking parties.

Kara asked where he will advertise. Owner would prefer word of mouth advertising along the trail users, but there is a hiker website called Far-out that he has assessed. Kara is worried about the potential for a large number of vehicles to which the owner agreed that would not be good for the neighborhood.

Joe asked how many rooms there are. Owner replied that there are 3 total sleeping areas; 2 rooms with 2 beds that share a bath, one family room and one bunk house with a separate bath. All these are within the house but separate from his living quarters. Joe asked if it is a seasonal operation. Owner replied that it is not advertised that way, but July-Oct is the common hiker season on the CD trail.

Kara asked about fire codes for a hostel in a residence. RaJean answered that any building permits would require the structure be brought up to the current adopted codes.

Zach asked if he could restrict cars in the area. He is willing to shuttle people to and from City park or other designated parking if required.

Kara confirmed that he had talked to neighbors. The owner replied that he has talked to neighbors and his immediate neighbor Sally is in the audience.

Sally Watt 377 Eugene took the oath and resides on east fence of the property. She would normally be worried about noise, but Austin has answered all her concerns to her satisfaction. She is comfortable with the proposed operations and thinks it will be nice.

Karen Weitzel took the oath and asked why she did not get a postcard. RaJean verified that her address is outside the 400' required notification area by code. Ms. Weitzel asked why the city would allow a hostel in a residential neighborhood and how will the city control noise and safety. She read an article from a 3rd party source citing the negative impact of hostels. She believes that the free camping at City Park has a drug problem associated with it and feels this may be similar. She felt that she is speaking for a larger population than herself and ran through a list of questions from her phone from other concerned citizens. Zach suggested that concerned citizens come and speak for themselves as allowed by the process.

Zach verified that the owner has insurance on the property. He stressed his concerns for crowded parking. Discussions were held on the logistics of background checks on quests. The owner stated that his preference is to get credit card payment so he can track people if there are reported problems. Details will be worked out after all approvals are given. He stressed that all these are good questions because he wants to feel safe for himself as this is his primary residence.

Kara asked if he will keep it open if he is out of town. He does not intend to be gone during peak season, but he could find a caretaker if required.

Zach did not see any conditions that this board could put on property damage but suggested there be a policy statement for activities that may spur police involvement.

Rob asked if the codes allow for two dwellings in this structure. RaJean said the proposal meets all codes. Rob asked if this is truly a short-term rental or bed and breakfast. RaJean noted that "hostel" is not specifically mentioned in the code but there are references to bed and breakfast and boarding houses.

Chris asked if the proposal for 18 maximum quests could be lowered. Owner is basing this number of clients on both the price point for paying for the business and national experiences and data. The house will accommodate 18 beds, but he has no control over the occupancy rate. He has had conversations with other CD trail hostels who have had up to 500 clients/year.

Tom asked if 6 vehicles would be a reasonable maximum condition. The owner felt that was reasonable as there are already two off street parking spaces now and he intends to build a private garage.

Joe asked if the vehicle count will be included on the reservation information so it could be restricted. The owner is willing to add that.

Chuck Deeds, took the oath, He reported that 18/day could add up to over 2000 guests in a season. The owner reported that the realized occupancy numbers will more likely match the 500-person projection from CD trail statistics.

RaJean read the City Staff comments, recommending approval with the conditions that WY lodging taxes are paid, and the annual fire inspections are recorded.

Kara commented that R3 is medium density and not meant to be overloaded. Owner reported that he intentionally sought out R3 for the medium density neighborhoods.

Zach summarized a list of conditions for the members that could be put on the permit based on public comment and commissioners' questions.

Kara suggested adding conditions for noise/drug/quiet hour policy, 6 cars maximum tied to the booking applications. Tom suggested adding the conditions that required a statement of what actions would cause law enforcement involvement to the rental policies. Discussions were held that the owner or designated agent be required to be on site during occupancy by clients.

Chris discussed his preference for more information and would prefer to table the vote until specifics can be deliberated. The owner is willing to provide the sketch of the rooms and lot configuration if needed. Joe and Zach also feel it would be prudent to table the decision in favor of more information in order to craft the conditions. Chris moved to table the application to the May 15th meeting pending more specific information. Seconded by Kara. Motion passed. The members will be forwarded information as RaJean and the owner craft responses to member questions.

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

A. S 25.03 Earl & Farlow Block 103, Lots 18-20 Replat, Alexander

Dave Fehringer, agent, and Wade Alexander, owner, took the oath and described the plat. Chris recused himself from the matter as he works for the firm that is the agent for the owner. This minor plat is to take 3 existing commercial lots and make 5 lots with the intent of higher residential use.

Kara verified that this will be for residential use and the owner intends to individually sell the lots. Tom asked if the lot sizes meet the zoning codes. Owner and RaJean said yes.

Matthew Fowler, who lived east across the street, took the oath. He questions how the small lots can accommodate off street parking. He does not want a lot of vehicles and trailers in the area on the street around the corner in front of his residence. Wade stated that these housing units will be similar to 780 Lincoln, and he has not witnessed any parking issues in that area. Mr. Fowler stated that he is already experiencing crowded parking conditions in the neighborhood from a nearby rental. Fehringer stated that the building plans currently show 2 off-street parking spaces for each unit at code regulation size which meets City codes. Zach verified that parking requirements will be set at the building phase and not the purview of this commission.

RaJean read the Staff comments recommending approval if all sidewalks and infrastructure requirements are met. The city received one written comment by email today which was in favor of the project as it provides additional housing opportunities.

Discussions were held on considering changing this to an R-5 zone, however, single and multi-residential are permitted uses for this commercial zone. Zach stated that a zoning change could be made at the request of the owner but was not part of this application.

Mr. Fowler asked if there were any other avenues for him to voice his concerns about overcrowded parking in the streets. Zach suggested he go to City Council should the recommendation for approval be made.

Kara moved to approve 25.03. Seconded by Tom. Motion passed with Chris Savan abstained.

6. PLANNING COMMISSION - OLD BUSINESS

Amended agenda item: Citizen concern regarding zoning compliance issued by City staff.

Robbie Zuspan, 23 Smith Creek Road, took the oath. He read a statement regarding a City of Lander Decision made for zoning compliance which determined a sawmill could operate on the neighboring property. He stated the land is zoned ag and not commercial or industrial. City Administration earlier stated to him that there is nothing in code to deny the compliance for wood processing in the Ag zone. He cited 29 CFR 708 that states timber processing is not an agricultural product. He is asking how this can be approved by staff without coming before the Board.

Zach said this is new ground for the Board and he is not aware of the appeal process available to Mr. Zuspan. It was noted that City Attorney Adam Phillips was not in attendance. The Owner's argument is basically that a sawmill is not agricultural, but he believes it will add disturbance to the neighborhood and devalue his property.

Zach read the code intent and permitted uses and stated that he does not feel that a sawmill is clearly incidental nor fits the permitted use and does not meet the intent of the code language. However, he does not know if he or the board has the power to overrule the city staff decision for issuing zoning compliances.

Chris stated that there is an appeal process in code 4-4-3. He feels the Board may have authority if the process is followed and it may be appropriate for the BOA to review the decision. It was the consensus that more discussion was needed with City Attorney.

Mr. Ward also resides at 23 Smith Creek and is Mr. Zuspan's father in law, took the oath. He wanted to make sure that while deliberations take place between the Board and the City Attorney that the 30-day time limit for appeals will not pass.

RaJean summarized the appeal process from the code. The current application only refers to Building Official matters. She stated that Mr. Zuspan was delivered an appeal form today and told him that if he submitted a letter of intent to appeal without paying the fee, the city would honor the 30-day time limit as satisfied. RaJean has offered to reconvene the original decision team and bring in additional information from City Staff and the City Attorney.

Discussions were held on what zoning compliance is. Chris stated it is common practice for zoning compliances to be the purview of planning staff. RaJean will communicate with Adam, Mr. Zuspan, and members about additional deliberations and determinations by the city staff and the matter may be on the May 15th agenda. Mr. Zuspan may not be available for May 15th.

A. Finalize priorities for planning commission 2025 tasks

No action was taken

B. Suggested 2025 Title 4 Changes - Finalize list

No Action was taken.

C. Short term memo assignment to Chris

Chris is not presenting one tonight members did discuss items that could be in a future memo or future regulations for short-term rentals.

Discussions were held on the memo assignment. Joe asked if the memo would perhaps clarify some actions to be taken on the application that was tabled. Zach suggests that there is a gap in our codes for when a short-term rental is a hostel. Zach asked Dan if there were any fire codes on the number of occupants in a single house. Dan will get that information back to the board. Dan believes that there is a big difference between a short-term rental and a hostel. Dan asked if an approval will set a precedent. He has taken calls where people are excited about the topic.

John mentioned that there are numerous places that house 18 family members just like this for July 4th and other holidays.

7. ADJOURNMENT

RaJean mentioned as a point of order that the conversation has turned back to a previous agenda item that has been closed. While the entire conversation is recorded and available to the public the discussion is best for a future session agenda item with due notice.

Kara asked about advertising the open position. RaJean has notified two interested parties that there is a slot but has no applications. The opening will be advertised on the city website.

Adjournment at 8:00 pm

EXHIBIT F

4-4-3 Appeals

Section 3, ItemA.

- A. Any order or decision of the City of Lander may be appealed to the Board of Adjustment by any person or agency affected by any such order or decision. Any such appeal shall be filed within 30 days from the date of the action appealed from by filing a written notice of appeal specifying the grounds for the appeal with the City of Lander. Forms shall be provided for this purpose by the City of Lander. Upon receipt of a notice of appeal, the City of Lander shall transmit to the Board of Adjustment the notice of appeal and all of the original documents, or true copies thereof, constituting the record upon which the action being appealed from was filed.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City of Lander certifies to the Board of Adjustment after notice of appeal has been filed that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. The Board of Adjustment after receipt of the certificate and after a public hearing may allow the original order or decision to stand or the Board of Adjustment may stay the original order or decision appealed. If the Board reaffirms the order or decision of the City of Lander, proceedings shall not be stayed except by a restraining order which may be granted by a court of record after giving due notice to the City of Lander.

HISTORY

Amended by Ord. 1152 on 1/13/2009

EXHIBIT G

Good afternoon, I have compiled a list of sources and statutes that we have taken the time to research to help support our belief that William's shop, and residence build is agricultural by definition. I also wanted to take the opportunity to explain a few more elements of our business and shop design, as well as attach some photos of our small, portable sawmill for reference in this process.

In Wyoming, timber and wood products are considered agricultural products under state law. This is defined in various ways within the state's statutes and regulations. For example, Wyoming defines "agricultural products" to include the management and harvest of timber for commercial purposes. Furthermore, timber is also included in the definition of "agricultural commodity" for legislative purposes.

Wyoming Statutes – Title 39

cont. <https://wyoleg.gov/InterimCommittee/2016/06-0523APPENDIXG.PDF>

' (B) Contiguous or non-contiguous parcels of land under one (1) operation owned or leased shall qualify for classification of agricultural land if the land meets each of the following qualifications;

' (I) The land is presently being used and employed for an agricultural purpose.

WS 39-13-101(a)(viii) "Agricultural purpose" means the following land used when conducted consistent with the land's capability to produce:

(A) Cultivation of the soil for production of crops; or (B) Production of timber products or grasses for forage; (C) Rearing, feeding, grazing or management of livestock

According to Wyoming statute **34-15-201**

"Farming" means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing or the production of livestock. "Farming" includes the production of timber, forest products, nursery products or sod.

Wyoming statute 39 it defines agricultural land as: ' The land is presently being used and employed for an agricultural purpose. WS 39-13-101(a)(viii) "Agricultural purpose" means the following land used when conducted consistent with the land's capability to produce: (A) Cultivation of the soil for production of crops; or (B) Production of timber products or grasses for forage; (C) Rearing, feeding, grazing or management of livestock.

- Wyoming Department of Revenue: Includes timber harvesting as a qualifying agricultural use when determining agricultural land classification for property tax assessment.

Wyoming Statute § 29-8-101: Defines "farm products" broadly enough to include plants and plant products, which can encompass timber and forest products depending on interpretation.

Agricultural vs. Industrial: In many places, agriculture generally refers to the cultivation of crops and raising of livestock. However, some wood processing activities (like sawmills, or small-scale wood product manufacturing) could be considered a form of "agricultural processing" if they involve raw materials derived from forestry or timber farming, which is often seen as an extension of agriculture. This is especially true in areas where forestry is managed in a way that focuses on sustainability, much like crop farming.

In short, small-scale wood processing is seen as part of agricultural operations, particularly if it is integrated with sustainable forestry practices.

I reached out to state forester Kelli Norris because included in these Wyoming statutes they are stating that the agricultural use applies to "forest products", or "Timber Products".

Here is her defining what that means for me:

Re: State Forestry's List of Timber Products

Fullscreen



From: Kelly Norris

3:49 PM 5/12/2025

Good morning Elissa,

Apologies for a slow response, I found your email in my spam folder.

State Forestry believes any product that can be sold from a tree is a forest product. For example, we have sold trees to be made for sawlogs, houselogs, posts, tee-pee poles, christmas trees, and stumps (root wads). There are numerous special products that a tree can provide at a commercial value.

Forestry and timber management is considered under the agriculture sector. For example, the US Forest Service is under the United States Department of Agriculture. State Forestry manages trees for production on State Trust Lands. Even though our rotations are over a human lifetime, we still consider managing trees as a crop for the State Trust lands.

Hope that helps.

Thank you,
Kelly

Kelly Norris, CF
Wyoming State Forester
Wyoming State Forestry Division
5500 Bishop Blvd.
Cheyenne, WY 82002
Kelly.Norris@wyo.gov
Phone: (307) 777-7586
Cell: (307) 620-2295

On Mon, May 12, 2025 at 11:54 AM Elissa Bayless <ElissaJean@mail.com> wrote:

Hi Kelli, thank you for speaking with me earlier.

William and I are seeking some clarification on what Wyoming State Forestry would consider to be a "Forest Product" or "Timber Product".

Additionally, I just want to confirm that forestry and timber management falls into the agricultural sector.

Thank you for your help and clarification.

-Elissa Bayless

While William does mill some lumber with his small 25 horsepower portable sawmill, much of what we are providing to the community through his professional work in timber management are posts and poles for agricultural fences, house logs, as well as just the raw logs themselves.

Through professional approaches to forest management and working in compliance with Firewise Fire Mitigation recommendations, we thin timber to improve defensible space around homes and private properties.

This not only helps protect against wildfire but improves forest health by allowing room for sunlight dependent species to grow. This practice also removes unhealthy or hazardous trees that spread diseases and create risks to life and property.

The shop is going to be a place to store our tools and materials for the timber management work that the business focuses on, as well as a living residence, and a place to park our portable sawmill that has an engine no larger than a riding lawn mower.

Additionally, the sawmill is manual and not hydraulic, this is an important note because the capacity for producing lumber to an industrial scale is nonexistent.

Additionally, a very large portion of our business is professional Russian Olive removal from watersheds and agricultural property. Cutting and treating the cut stump with a systemic herbicide is the most effective way to remove this species. Crosscut Lumber and Timberworks holds a valid Commercial Pesticide Applicators License through the Wyoming Department of Agriculture and responsibly handles herbicides.

One of the City of Lander's listed uses for agricultural land includes horticulture and this is another element of our business that complies with that use.

I am going to add some photos of the business focus, as well as the portable sawmill, which you will see is not only quite small, but also not a fixed addition to the property.

William and I are very appreciative of the City of Landers' time and consideration that went into the zoning compliance.

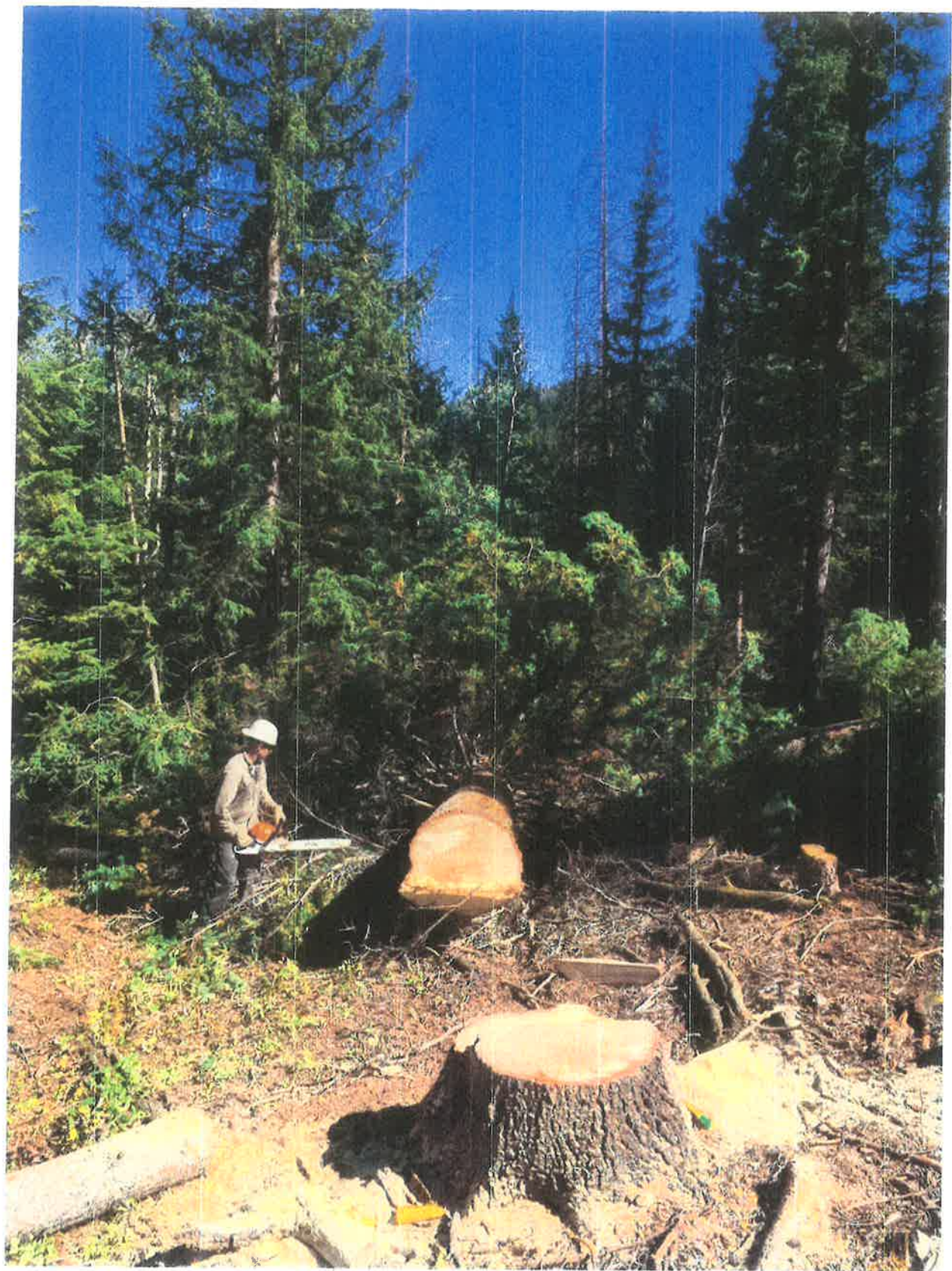
If you have any further questions regarding the business, our operations, or our plans for the shop / residential space please reach out at any time.

Respectfully, Elissa & William Bayless

Elissa: elissajean@mail.com 307-44-0287

William: williambayless@rocketmail.com 307-349-2825









From Kelly Norris kelly.norris@wyo.gov
Subject Re: State Forestry's List of Timber Products
Date May 19, 2025 at 8:01:32 AM
To Elissa Bayless elissajeane@mail.com

Section 3, ItemA.

Good morning Elissa,

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Hope that helps.

Thank you,
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-Elissa Bayless

EXHIBIT H



Rajeane Strube Fossen <rsfossen@landerwyoming.org>

Section 3, Item A.

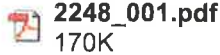
Attached Image

2 messages

City of Lander <landercopier@gmail.com>

Tue, May 6, 2025 at 12:28 PM

To: Rajeane Strube Fossen <rsfossen@landerwyoming.org>



Rajeane Strube Fossen <rsfossen@landerwyoming.org>

Tue, May 6, 2025 at 12:35 PM

To: rzuspan1990@gmail.com

Robbie, please see attached WY state statutes regarding recognizing timber products produced for market as an "agricultural product". I have had several conversations with additional City staff and the City Attorney regarding your complaint. There will not be a change in the zoning compliance that was already given to the McKinney/Bayless family.

If you would like to talk about the matter further with this new information. Please call or email to set up an appointment before May 20th. I am out this Friday but typically here from 7 am to 2:30 pm daily.

Happy Spring!
Rajeane

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

From: **City of Lander** <landercopier@gmail.com>

Date: Tue, May 6, 2025 at 12:28 PM

Subject: Attached Image

To: Rajeane Strube Fossen <rsfossen@landerwyoming.org>



16-6-103. Limitation on subcontracting by resident contractors.

A successful resident bidder shall not subcontract more than thirty percent (30%) of the work covered by his contract to nonresident contractors.

16-6-104. Preference for Wyoming materials required in contracts.

Wyoming made materials and products, and Wyoming suppliers of products and materials of equal quality and desirability shall have preference over materials or products produced or supplied outside the state and any contract let shall so provide. The preference created by this section shall be applied in a manner identical to the preference for residence contractors in W.S. 16-6-102.

16-6-105. Preference for Wyoming materials and Wyoming agricultural products required in public purchases; exception; cost differential; definition.

(a) A five percent (5%) materials preference for Wyoming materials shall be applied in public purchases, subject to the following:

(i) The preference requirement shall apply to all public entities;

(A) Repealed by Laws 2020, ch. 31, § 2.

(B) Repealed by Laws 2020, ch. 31, § 2.

(C) Repealed by Laws 2020, ch. 31, § 2.

(ii) As used in this section, "materials" means supplies, material, agricultural products, equipment, machinery and provisions to be used in a public work, including the regular maintenance and upkeep of a public work;

(iii) The preference shall be applied in favor of materials that are produced, manufactured or grown in this state, or that are supplied by a resident of the state who is competent and capable to provide the materials within the state of Wyoming;

of rehabilitation, demolition or other displacing activity as the agency may prescribe under a program or project undertaken by a displacing agency in which the displacing agency determines that the displacement is permanent.

(B) Solely for the purposes of W.S. 16-7-103(a) and (b), and 16-7-106, any person who moves from real property or moves his personal property from real property:

(I) As a direct result of a written notice of intent to acquire or the actual acquisition of other real property in whole or in part for a program or project undertaken by a displacing agency; or

(II) As a direct result of rehabilitation, demolition or other displacing activity as the agency may prescribe under a program or project undertaken by a displacing agency where the displacing agency determines that the displacement is permanent.

(C) "Displaced person" does not include:

(I) ~~A person who has been determined according to criteria established by the agency to be either unlawfully occupying the displacement dwelling or to have occupied the dwelling for the purpose of obtaining assistance under this act; and~~

(II) Any person, other than a person who was an occupant of the property at the time it was acquired, who occupies the property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project.

(v) "Displacing agency" means an agency carrying out a program or project with federal or state financial assistance

(vi) "Farm operation" means any activity conducted solely or primarily for the production of one (1) or more agricultural products or commodities, including timber, produced in sufficient quantity to be capable of contributing materially to the operator's support as determined by the agency;

(vii) "Federal financial assistance" means a grant, loan, any interest reduction payment to an individual in

(iv) Preference shall not be granted for materials of inferior quality to those offered by competitors outside of the state.

(b) As used in this section, "agricultural products" means any horticultural, viticultural, vegetable product, livestock, livestock product, bees or honey, poultry or poultry product, sheep or wool product, timber or timber product.

16-6-106. Statement of Wyoming materials preference in requests for bids and proposals.

All requests by a public entity for bids and proposals for materials, supplies, agricultural products, equipment, machinery and public works shall contain the words "preference is hereby given to materials, supplies, agricultural products, equipment, machinery and provisions produced, manufactured or grown in Wyoming, or supplied by a resident of the state, quality being equal to articles offered by the competitors outside of the state".

16-6-107. Wyoming materials preference required in public works; exception.

All public works in this state shall be constructed and maintained using materials produced or manufactured in Wyoming if Wyoming materials are suitable and can be furnished in marketable quantities. Preference shall not be granted for materials of an inferior quality to those offered by competitors outside of the state, but a differential of five percent (5%) shall be allowed in cost of materials produced or manufactured in Wyoming.

16-6-108. Governing of federal funds by federal law.

The operation of this act upon the letting of any public works contract above mentioned, in connection with which, funds are granted or advanced by the United States of America, shall be subject to the effect, if any, of related laws of the United States and valid rules and regulations of federal agencies in charge, governing use and payment of the federal funds.

16-6-109. Use of insurance for rebuilding state structures.

When buildings belonging to the state are destroyed, the insurance on the buildings shall be collected by the state

EXHIBIT I



Layers Info

1 Parcel(s) Zoom to parcel(s)

- Parcel: 33991812700100
- Account#: R0006647 Property Detail
- Tax ID: 000000000006641 Property Taxes
- Plat: E AMORETTI ADDITION
- Lot: 01FR,02FR,03FR
- Owner: ZIMMER CRISTIN E & THOMAS J
- Mail Addr: PO BOX 1402
- Mail Addr: LANDER, WY 82520-1402
- St Addr*: 455 N 3 ST
- Deed: 1433516 (10/082021)
- Location: E AMORETTI ADDN BLK 58 S50 OF LOTS 1-3 WD 2021-1433516
- Tax Classification: Residential
- 0.17 acres, 7,500 square feet

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



EXHIBIT J

May 20, 2025

City of Lander
240 Lincoln St.
Lander, WY

RE: Appeal of Zoning Compliance Certificate
filed April 21, 2025

To Whom It May Concern:

I am writing this letter as an official appeal, as allowed by Lander city statute 4-4-3 – Appeals (Exhibit A), of a Certificate of Zoning Compliance filed with and approved by the city of Lander on April 21, 2025 (Exhibit B). The approved Certificate of Zoning is for the property with a legal of TWP 33N RNG 099W SEC 20 TR in NE/4. This property is adjacent to my property TWP 33N RNG 99W SEC 20 TR in NE/4, also known as 23 Smith Creek Rd, Lander.

The referenced certificate certifies the applicant's proposed business, a sawmill, is a permitted use on the proposed lot which is zoned "Agriculture." My appeal of this certificate is based on federal, state, and local statutes and regulations that lend to support a sawmill is not an agricultural activity; but rather, an industrial one. In the paragraphs to follow I will reference laws, regulations, and simple definitions which support my position and appeal.

The first layer defining uses permitted within Agricultural zoning is defined in Lander city code 4-12-1 District Regulations – Agriculture District (A) (Exhibit C). Section B, in part, states "The following uses may be operated as permitted uses in the district." (Part B(3)) "Agriculture (shall include horticulture uses, nurseries and the production of crops and livestock.)" A sawmill, by its definition, action, and purpose does not fit within the city code's definition of "permitted use" in Lander city statute.

Stepping up to the state level as further support how a sawmill is not considered "agriculture" in the context of zoning and purpose, I would like to reference two Wyoming Statutes. First, Wyoming Statute (W. S.) 39-17-101-Definitions (Exhibit D). W. S. 39-17-101(a)(i) "Agricultural Purpose" means the cultivation of soil, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, grazing, training and management of livestock, bees, poultry, furbearing animals and wildlife for gain, sale or profit, but excluding a custom operation." Second, Wyoming Statute (W.S.) 39-11-101 (Exhibit E) – W.S 39-11-101(a)(xiv), in part, reads "Property used for industrial purposes" includes (A) "Manufacturing, milling, converting, producing, processing or fabricating materials". Based on the state of Wyoming's definition of Agricultural Purpose, and the states definition of Industrial Purposes it would be reasonable to believe a sawmill does not fit within the definition or purpose of agricultural.

In the preceding paragraphs, I have cited city and state codes and statutes which have highlighted the fact a sawmill is not considered agriculture or an agricultural endeavor. A review of the Code of Federal Regulations (CFR) 780.200 and CFR 780.203 provides further evidence, on the federal level, a sawmill is neither agriculture nor an agricultural endeavor. CFR 780.200 (Exhibit F), states, in part, “forestry or lumbering operations is expressly included in agriculture *if* the operations are performed “by a farmer or on a farm as an incident to or in conjunction with such farming operation.” The land on which the proposed sawmill will be installed is NOT a farm and the sawmill operations are not incident to or in conjunction with the non-existent farming operations. Additionally, CFR 780.203 (Exhibit G) states “Logging or sawmill operations on a farm undertaken on behalf of the farmer or on behalf of the buyer of the logs or the resulting lumber by a contract logger or sawmill owner are not within the scope of agriculture unless it can be shown that these logging or sawmill operations are clearly incidental to farming operations on the farm on which the logging or sawmill operations are being conducted. For example, the clearing of additional land for cultivation by the farmer or the preparation of timber for construction of his farm buildings would appear to constitute operations incidental to “such farming operations.” Again, the proposed sawmill is not being placed on a farm and is not incidental to farming operations.

The Oxford English Dictionary defines a sawmill as “A factory in which logs are sawed into lumber by machine.”

The Oxford English Dictionary defines agriculture as “The science or practice of farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other products.”

The Oxford English Dictionary defines industry as “Economic activity concerned with the processing of raw materials and manufacture of goods in factories.”

A certificate of zoning compliance was approved and filed wherein the applicant seeks to place a sawmill, an industrial and commercial activity, on land zoned as agriculture.

The basis of this appeal is simple. With facts presented in this appeal I believe there was an oversight in approving the Certificate of Zoning Compliance and another layer of review should have been completed to provide the full deserved due diligence. I do understand the situation did not fit a perfect mold to render a clear decision initially. As stated by a city staff member the certificate was approved as there is nothing in the city code which expressly prohibits a sawmill on land zoned as agricultural. With local code not providing direct guidance additional research should have been completed at state and federal levels. When putting together the Lander City Codes, Wyoming State Statute, and Federal Code of Regulations it is fully supported the proposed sawmill is NOT an agricultural activity. With the facts shown here in this appeal I believe it would be prudent for the city to reverse its decision to approve the zoning compliance.

I look forward to participating in the public hearing on this matter and the discussions to be presented

Respectfully:

Robert K. Zuspan
23 Smith Creek Rd
Lander, WY

Exhibits

- Exhibit A – Copy of Lander City Code 4-4-3 Appeals
- Exhibit B – Copy of Request for Zoning Compliance and Certificate of Zoning Compliance.
- Exhibit C – Copy of Lander City Code 4-12-1
- Exhibit D – Copy of Wyoming Statute 39-17-101
- Exhibit E – Copy of Wyoming Statute 39-11-101
- Exhibit F - Copy of CFR 780.200
- Exhibit G – Copy of CFG 780.203

4-4-3 Appeals

- A. Any order or decision of the City of Lander may be appealed to the Board of Adjustment by any person or agency affected by any such order or decision. Any such appeal shall be filed within 30 days from the date of the action appealed from by filing a written notice of appeal specifying the grounds for the appeal with the City of Lander. Forms shall be provided for this purpose by the City of Lander. Upon receipt of a notice of appeal, the City of Lander shall transmit to the Board of Adjustment the notice of appeal and all of the original documents, or true copies thereof, constituting the record upon which the action being appealed from was filed.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City of Lander certifies to the Board of Adjustment after notice of appeal has been filed that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. The Board of Adjustment after receipt of the certificate and after a public hearing may allow the original order or decision to stand or the Board of Adjustment may stay the original order or decision appealed. If the Board reaffirms the order or decision of the City of Lander, proceedings shall not be stayed except by a restraining order which may be granted by a court of record after giving due notice to the City of Lander.

HISTORY

Amended by Ord. 1152 on 1/13/2009

EXHIBIT A



City of Lander
Planning Department
240 Lincoln Street

REQUEST CERTIFICATE OF ZONING COMPLIANCE

Use this form to request a Certificate of Compliance when needed for title research or real estate transaction. **Submit all materials to the City Administrator for the planning department.** This form documents use that is appropriate for the Lander Municipal Code adopted in 1979 as amended. The use can remain when it is determined that it is in keeping with the current character of the neighborhood.

Date of Request: 4/07/2025 Contact Phone Number: 307-349-2825

Applicant of Record: Kim & Kimberlee McKinney

Name of Agency requesting the Certificate if not the Property Owner: William Bayless

Property Address: Tract of land adjacent to 35 Smith Creek Road in T33N, R99W, Sec 20

Is this certificate needed for a real estate transaction? Yes/No If yes, note date required by: _____

Please describe the condition of the property that does with Title 4:

Crosscut Lumber and Timberworks, LLC will have a Small scale, portable saw mill for the purpose of wood processing and wood products for retail sale

This production falls under the Department of Agriculture and is located in an Agriculture District and complies with all the zoning rules of the City of Lander Codes

I hereby affirm that the information shown by my attached documentation is true and correct and request that a Certificate of Zoning Compliance be issued.

Current Owner of Record (print): Kim McKinney

Current Owner of Record Signature: Kim McKinney

Sign and submit this form to the Building Inspector WITH the following if they are not on file with the Building Inspector:

If Applicable N/A	
Drawing of Property layout <u>See attached</u>	
Other Documents Required in Conditional Approval	<u>See attached Home Business application</u>

NOTES:

The City of Lander processes Certificate of Zoning Compliance requests in the order they are received. The City Hall Staff will research the property and conduct an inspection and issue the Certificate as permitted.

This zoning certificate verifies that operations of processing timber products are a permitted use on a lot zoned Agricultural in Lander City Code 4-12-1.

The attached Home Business application was not processed as there is no residential structure on this property at this time.

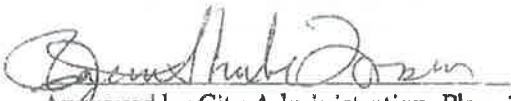
Created 04/2018

EXHIBIT B



Certificate of Zoning Compliance

Property Address 35 Smith Creek Road, a tract of land in T33N, R99W section 20

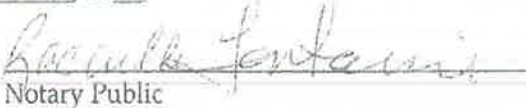


Approved by City Administration, Planning Department

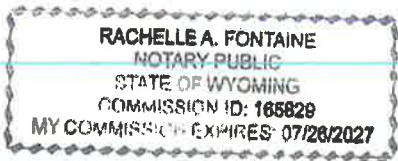
Date 4/21/25

County of Fremont)
) ss.
State of Wyoming)

The foregoing instrument was acknowledged before me by Rafaela Strickland
This 21 day of April, 2025


Notary Public

My commission expires: 07/26/2027



4-12-1 District Regulations - Agricultural District (A)

- A. Intent. This district is intended to provide for a compatible mixture of single family residential dwellings and agricultural uses at a density slightly lower than that for single family districts alone, plus accessory public and semi-public uses offering services to the surrounding areas. This zone encourages animal husbandry, agriculture, viniculture, horticulture, aquaculture and family or small commercial farming. Such areas will by nature be on the outer fringes of the City.
- B. Permitted Uses. The following uses may be operated as permitted uses in the district:
1. single family detached dwellings;
 2. manufactured homes;
 3. agricultural (shall include horticultural uses, nurseries and the production of crops and livestock).
- C. Permitted Accessory Uses: Any use which complies with all of the following conditions may be operated as an accessory use:
1. is clearly incidental and customary to and commonly associated with the operation of the permitted use;
 2. is operated and maintained under the same ownership and on the same lot as the permitted use;
 3. does not include structures or structural features inconsistent with the permitted use;
 4. to include one secondary residential unit;
 5. if operated wholly or partly within a structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed 30% of the gross floor area of the permitted use;
- D. Minimum area of lot: 1 acre.
- E. Minimum width of lot: 100 feet.
- F. Minimum setback requirements for structures:
1. front yard: 33 feet;
 2. side yard: 12 feet;
 3. rear yard: 20 feet;
 4. side yard on flanking street or corner lot: 28 feet;
 5. When a lot or parcel of ground in the district adjoins a residential district, the setback requirements that apply to the yard area of that residential district shall be required.
- G. Maximum Number of single family or manufactured homes per lot: one per lot. Maximum number of agricultural structures: three per acre.
- H. Maximum Height of Structures: 30 feet.

HISTORY

Amended by Ord. 1152 on 1/13/2009

EXHIBIT C

39-16-310. Statute of limitations.

There are no specific applicable provisions for a general statute of limitations for this article.

39-16-311. Distribution.

There are no specific applicable provisions for distribution for this article.

CHAPTER 17 - FUEL TAX**ARTICLE 1 - GASOLINE TAX****39-17-101. Definitions.**

(a) As used in this article:

(i) "Agricultural purposes" means the cultivation of soil, raising or harvesting any agricultural or horticultural commodity including the raising, shearing, feeding, caring for, grazing, training and management of livestock, bees, poultry, furbearing animals and wildlife for gain, sale or profit, but excluding a custom operation;

(ii) "Bulk gasoline" means thirty-five (35) gallons ~~or more purchased and delivered at one (1) time, excluding~~ gasoline delivered into the attached gasoline tanks or auxiliary tanks of a licensed motor vehicle;

(iii) "Bulk plant" means a fuel storage and distribution facility, other than a terminal, from which accountable product may be removed at a rack;

(iv) "Custom operation" means any agricultural purpose done for hire;

(v) "Dealer" means any person who sells or offers to sell gasoline at a specific location in the state, including any person selling or offering to sell aviation gasoline or aviation fuel at Wyoming airports;

(vi) "Department" means the department of transportation;

- 39-6-903. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-904. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-905. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-906. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-907. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-908. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-909. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-910. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-911. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-912. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-913. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-914. Repealed By Laws 1998, ch. 5, § 4.

ARTICLE 10 - TAXPAYER REVENUE ACCOUNTS

- 39-6-1001. Repealed By Laws 1998, ch. 5, § 4.
- 39-6-1002. Repealed By Laws 1998, ch. 5, § 4.

ARTICLE 11 - COMMUNITY COLLEGE PROPERTY TAX

- 39-6-1101. Repealed By Laws 1998, ch. 5, § 4.

CHAPTER 7 - INCOME TAXES

- 39-7-101. Repealed By Laws 1998, ch. 5, § 4.

CHAPTER 8 - [RESERVED]

CHAPTER 9 - [RESERVED]

CHAPTER 10 - [RESERVED]

CHAPTER 11 - ADMINISTRATION

- 39-11-101. Definitions.

EXHIBIT E

(a) As used in this act unless otherwise specifically provided:

(i) "Assessed value" means taxable value;

(ii) "Assessment roll" means the official list of taxable property for the ensuing tax year and may include taxes due thereon;

(iii) "Board" means the state board of equalization or its authorized agent;

(iv) "Department" means the department of revenue or its authorized agent;

(v) "Director" means the director of the department of revenue;

(vi) "Fair market value" means the amount in cash, or terms reasonably equivalent to cash, a well informed buyer is justified in paying for a property and a well informed seller is justified in accepting, assuming neither party to the transaction is acting under undue compulsion, and assuming the property has been offered in the open market for a reasonable time, except, fair market value of agricultural land shall be determined as provided by W.S. 39-13-103(b) (x) and fair market value of mine products shall be determined as provided by W.S. 39-14-103(b), 39-14-203(b), 39-14-303(b), 39-14-403(b), 39-14-503(b), 39-14-603(b) and 39-14-703(b);

(vii) "Intangible personal property" means personal property that lacks mass and cannot be seen, felt, weighed, measured or otherwise perceived by the senses; property that has no physical existence beyond merely representational. Intangible property's value lies chiefly in what it represents, and its existence may be evidenced by a document;

(viii) "In transit property" means manufactured goods, wares, seed, feed, fertilizer, tools, supplies and merchandise which is in interstate commerce, or, Wyoming assembled or manufactured products being held for out-of-state sale, which are consigned or placed in any storage area in Wyoming for storage, repackaging, processing, fabricating, milling, disassembly or assembly in transit to a final destination outside Wyoming whether the destination is specified before or after the transportation begins;

(ix) "Inventories" means any personal property held for resale consisting of goods, wares or merchandise including stocks of raw or finished material, unassembled parts, work in progress or finished products constituting the inventory of a merchant or manufacturer;

(x) "Livestock" means horses, cattle, mules and asses, sheep, swine, goats and all other animals commonly thought of as livestock;

(xi) "Manufacturer" means any person who purchases, receives or holds personal property for the purpose of adding to the value thereof, by any process of manufacturing, refining, purifying, or by the combination of different materials, and with a purpose to make a gain or profit by sale thereof;

(xii) "Merchant" means any person owning, possessing or controlling personal property with a purpose to sell the property at an advanced price or profit, or any person controlling personal property which has been consigned to the person from outside Wyoming to be sold within Wyoming;

(xiii) "Person" means an individual, partnership, corporation, company or any other type of association and any agent or officer of any partnership, corporation, company or other type of association;

(xiv) "Property used for industrial purposes" means those properties valued under W.S. 39-13-102(m)(ii) through (x), excluding W.S. 39-13-102(m)(vi) and (ix), and those properties used or held for use for:

(A) Manufacturing, milling, converting, producing, processing or fabricating materials;

(B) The extraction or processing of minerals;

(C) The mechanical, chemical or electronic transformation of property into new products.

(xv) "Real property" means land and appurtenances, including structures, affixed thereto, and any intangible characteristic which contributes to the fair market value thereof;

This content is from the eCFR and is authoritative but unofficial.

Title 29 — Labor**Subtitle B — Regulations Relating to Labor****Chapter V — Wage and Hour Division, Department of Labor****Subchapter B — Statements of General Policy or Interpretation Not Directly Related to Regulations****Part 780 — Exemptions Applicable to Agriculture, Processing of Agricultural Commodities, and Related Subjects Under the Fair Labor Standards Act****Subpart C — Agriculture as It Relates to Specific Situations****Forestry or Lumbering Operations**

Authority: Secs. 1-19, 52 Stat. 1060, as amended; 75 Stat. 65; 29 U.S.C. 201-219. Pub. L. 105-78, 111 Stat. 1467.

Source: 37 FR 12084, June 17, 1972, unless otherwise noted.

§ 780.200 Inclusion of forestry or lumbering operations in agriculture is limited.

Employment in forestry or lumbering operations is expressly included in agriculture if the operations are performed "by a farmer or on a farm as an incident to or in conjunction with such farming operation." While "agriculture" is sometimes used in a broad sense as including the science and art of cultivating forests, the language quoted in the preceding sentence is a limitation on the forestry and lumbering operations which will be considered agricultural for purposes of section 3(f). It follows that employees of an employer engaged exclusively in forestry or lumbering operations are not considered agricultural employees.

This content is from the eCFR and is authoritative but unofficial.

Title 29 — Labor

Subtitle B — Regulations Relating to Labor

Chapter V — Wage and Hour Division, Department of Labor

Subchapter B — Statements of General Policy or Interpretation Not Directly Related to Regulations

Part 780 — Exemptions Applicable to Agriculture, Processing of Agricultural Commodities, and Related Subjects Under the Fair Labor Standards Act

Subpart C — Agriculture as It Relates to Specific Situations

Forestry or Lumbering Operations

Authority: Secs. 1-19, 52 Stat. 1060, as amended; 75 Stat. 65; 29 U.S.C. 201-219, Pub. L. 105-78, 111 Stat. 1467.

Source: 37 FR 12084, June 17, 1972, unless otherwise noted.

§ 780.203 Performance of operations on a farm but not by the farmer.

Logging or sawmill operations on a farm undertaken on behalf of the farmer or on behalf of the buyer of the logs or the resulting lumber by a contract logger or sawmill owner are not within the scope of agriculture unless it can be shown that these logging or sawmill operations are clearly incidental to farming operations on the farm on which the logging or sawmill operations are being conducted. For example, the clearing of additional land for cultivation by the farmer or the preparation of timber for construction of his farm buildings would appear to constitute operations incidental to "such farming operations."

CITY OF LANDER
240 LINCOLN STREET
LANDER WY 82520

307-332-2870

Receipt No: 3.000200221

May 20, 2025

RODDICVZUSPAN

Previous Balance:	.00
MISC. REVENUE - MISCELLANEOUS-APPEAL	500.00
10-362-8800 MISCELLANEOUS	
Total:	500.00
CHECK	500.00
Check No: 2053	
Payor: ROBBIE VZUSPAN	
Total Applied:	500.00
Change Tendered:	.00

05/20/2025 9:30 AM

EXHIBIT K

COPY

BOARD OF ADJUSTMENT
LANDER, FREMONT COUNTY, WYOMING

ROBERT K. ZUSPAN,
Appellant,

APPEAL No. 2025-01

vs.
THE CITY OF LANDER
Appellee.

NOTICE SETTING HEARING

Pursuant to Lander City Code § 4-4-3, an appeal was duly filed on May 20, 2025, regarding the Certificate of Zoning Compliance issued by the City of Lander on April 21, 2025, permitting the processing of timber products on a parcel zoned Agricultural under Lander City Code § 4-12-1.

NOTICE IS HEREBY PROVIDED, that a Board of Adjustment Hearing shall be held in the Courtroom of the Lander Municipal Court at 250 Lincoln Street, Lander Wyoming on the 25th day of June, 2025 at 6:00 p.m., for the purpose of:

Appealing the decision made by the City of Lander, the Certificate of Zoning Compliance issued by the City of Lander on April 21, 2025, permitting the processing of timber products on a parcel zoned Agricultural under Lander City Code § 4-12-1, located at 25 Smith Creek Road, Lander, WY 82520.

One hour has been set aside for this hearing.



Dated this 3 day of June 2025.

[Signature]
City Clerk

RETURN OF SERVICE

STATE OF WYOMING)
)
COUNTY OF FREMONT.)

I hereby certify that I received the above NOTICE SETTING HEARING on the 5 day of June 2025 at 4:27 AM/PM and executed the same by serving Robert K. Zuspan personally and in person at City Hall on the 5 day of June 2025 at 4:27 AM/PM.

[Signature]
Officer _____ Title / Agency _____

EXHIBIT L

PUBLIC NOTICE
CITY OF LANDER BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Lander Board of Adjustment will hold a public hearing to consider an appeal of the Certificate of Zoning Compliance issued on April 21, 2025, permitting the processing of timber products on a parcel of land located at 29 Smith Creek Road, Lander WY, zoned Agricultural, under Lander City Code 4-12-1.

Date of Hearing: Wednesday, June 25, 2025
Time: 6:00 PM
Location: City Council Chambers,
240 Lincoln Street, Lander, WY 82520

All interested parties are encouraged to attend.

Rachelle Fontaine,
City Clerk

Pub: Lander Journal June 7, 2025

EXHIBIT M

June 18, 2025

City of Lander
240 Lincoln Street
Lander, Wyoming

RE: Statement Regarding Appeal #2025-01

Valued Members of the Board of Adjustment,

My name is William Bayless, son-in-law of legal property owners of 29 Smith Creek Road, Kim and Kimberlee McKinney, as part of Killebrew Ranches Family Trust.

I write to you today as a member of a working ranch family and as a land steward, seeking your support in recognizing my small-scale timber processing and forest management activities as a legitimate extension of agricultural use. I also seek to validate the decision made by the City of Lander Zoning Commission in approving our zoning compliance for this property. My family's livelihood is rooted in Wyoming's rural traditions, and I believe our ranching, forestry, and portable sawmilling activities reflect these values and align with both local and state land use policy. The primary purpose of our development of this property is to establish an agricultural accessories building for storing and maintaining our forestry and ranching equipment, creating a space for processing the timber salvaged through my forestry and land management operations, and building a permanent residence for our growing family.

Agriculture Encompasses Forestry and Incidental Processing

My wife, Elissa, and I are year-round employees of Killebrew Ranch, a multi-generational agricultural operation where we manage livestock, irrigate fields, and maintain a large family garden. In addition, I own and operate Crosscut Lumber and Timberworks LLC, specializing in timber stand improvement, fire mitigation, forest management services, noxious weed removal, and custom carpentry and sawmilling. These services are rooted in forest health and land management best practices, and I hold certificates and licenses through the Wyoming Department of Agriculture and other entities to conduct aspects of my work.

Lander City Code 4-12-1 defines agriculture broadly, including "plant production" such as nurseries and the cultivation of crops and livestock. This code also defines what operations are permitted on agriculturally zoned land. This code is included here for reference. Forestry, the growing and harvesting of trees naturally fits within this definition. Trees are a renewable crop, even if they grow over decades rather than seasons. Using the timber I harvest to create sustainable products for farms and ranches is a logical, traditional extension of agricultural practice. Excluding forestry from agriculture would limit responsible use of our local natural resources by those who work the land.

Even federal policy, which Mr. Zuspan has cited in prior discussions, recognizes forestry work performed by a farmer on their land as qualifying agricultural activity. This understanding is fundamental to how we live and operate.

The Portable Sawmill Revitalizes Undervalued Local Resources

The portable sawmill is not an industrial enterprise as defined in Mr. Zuspan's appeal. The portable sawmill I own is operated intermittently, and is but a tool used to process timber, secondary to our core agricultural and forestry work. I strive to better utilize the raw material salvaged through my services in sustainable and mindful ways. This includes post and pole fencing, saw timber, firewood, animal bedding, and soil amendments for local farmers and ranchers. These forest products are much needed in our rural area, and being sourced locally they offer affordable building material options as primary dollars valued added products that promote economic development in our community.

To process these materials, I own a small hobby-scale portable sawmill which has a twenty-five horsepower Kohler gasoline engine, equivalent to that of a common residential riding lawnmower. We have made a video comparing the engine capacity and volume of the sawmill to a standard lawnmower as an example. This portable sawmill is a but a tool that supports our ability to ethically use the resources around us in sustainable ways, in keeping with Wyoming's traditions of self-reliance and stewardship. Like other tools used in agriculture my sawmill is used intermittently, and there are weeks at a time I where I do not operate it. I have no intention of creating a factory or large retail operation as defined by Mr. Zuspan with this simple and non-commercial type sawmill. This is a modest, rural operation, that might best be described as a cottage industry, complementary to our ranching life.

Precedent Supports Small Sawmills in Agricultural Zones

There is clear precedent in Wyoming for small sawmills operating in agricultural zones. For instance, a similar in capacity portable sawmill is currently active at 930 North Lane within Lander city limits on unincorporated land. This mill is used to process timber for agricultural uses as well as to supplement a furniture and cabinetry business, and is in a less rural setting than our property. Platte County also provides another strong example, allowing sawmills that produce under 50,000 board feet per year in agricultural districts, recognizing the difference between small rural operations and industrial facilities (cited below). I mill far less than that annually and operate well within responsible, small-scale definitions.

The City of Lander could adopt a similar approach in its proposed revisions to Title 4. Clarifying that small-scale sawmills or other similar tools integrated with forestry and ranching activities are permitted or conditionally permitted in agricultural zones would support rural livelihoods like mine and uphold Wyoming's agricultural heritage.

A Reasonable Path Forward

The concerns made by neighbors about noise and impacts along Smith Creek Road have been carefully considered throughout our planning and design process, well before breaking ground. Elissa and I have made a point of communicating openly with nearby property owners, offering reasonable solutions including limited operating hours, assistance with road maintenance (both physically and financially), and installing fencing to reduce noise and visual impacts at our own expense.

Our land use will not further damage Smith Creek Road. Our driveway begins just past where city maintenance ends at the Blue Ridge Apartments. We receive approximately three to five log

truck deliveries per year tied to our fire mitigation work in Dubois. These deliveries are not part of our regular and daily operations, and we plan to notify neighbors in advance to maintain transparency. Aside from these, we experience only occasional passenger vehicle traffic, comparable to other rural properties. We've taken steps to improve the road by filling potholes during our initial dirt work. Since we rely on a well-maintained road, we are committed to continuing to take care of it moving forward.

Additionally, I want to emphasize that our agricultural activities will be separate from children's play areas and are as far separated from neighboring structures as possible. We have intentionally placed the building location as far away from other structures as the topography and adjacent property boundaries will allow. The Blue Ridge apartments have a dedicated playground away from Smith Creek Road and well away from our property. We have mindfully considered these as well as other aspects of the surrounding area in determining where the building site will be located. We are committed to ensuring safety and minimizing any disruption to our community.

Other communities have found constructive solutions to similar concerns. For instance, in Dunn County, Wisconsin, a small sawmill was approved by special exception with conditions on noise and hours of operation. This balanced approach allowed the landowner to continue their work while addressing neighbor concerns.

In Conclusion

Based on the factual scope of operations, the small scale of production of timber products to be done on this property, and not only City Codes but State and Federal Statutes, I believe that the City of Lander Zoning Commission rightfully and correctly granted a zoning compliance to operate a small scale portable sawmill for the purpose of wood processing on this agriculturally zoned property. The activities to take place on this property will by no means be industrial in scale, and will be incidental not only our family farm and ranching operation but many others across our local community. This zoning decision directly affects not only my livelihood, but those within this community that depend upon my services and goods.

To prohibit the processing of forest products on our property and to classify this small portable sawmill as "industrial" would not only contradict policies in other Wyoming counties but would also disregard the reality of land use, management, and sustainability in agricultural communities like ours. Throughout this building process my family and I have considered many aspects of this location and neighborhood to best fit in with the surroundings. I am not seeking to establish a disruptive commercial operation, but rather to continue a traditional, small-scale practice that reflects our values and contributes meaningfully to the community. By better utilizing local raw materials and timber, we are practicing responsible land stewardship, enhancing the local economy, and supporting Landers rural way of life.

I appreciate your consideration and respectfully request your support in recognizing our ranching and forestry operation as a legitimate extension of our agricultural use.

Respectfully,
William Bayless

Lander City Code 4-12-1: which defines what an Agricultural District is and what is permitted within:

1. Intent. This district is intended to provide for a compatible mixture of single family residential dwellings and agricultural uses at a density slightly lower than that for single family districts alone, plus accessory public and semi-public uses offering services to the surrounding areas. This zone encourages animal husbandry, agriculture, viticulture, horticulture, aquaculture and family or small commercial farming. Such areas will by nature be on the outer fringes of the City.
2. Permitted Uses. The following uses may be operated as permitted uses in the district:
 1. single family detached dwellings;
 2. manufactured homes;
 3. agricultural (shall include horticultural uses, nurseries and the production of crops and livestock).

Platte County Wyoming Zoning Rules and Regulations
Chapter VIII – Class V – AGRICULTURAL CLASSIFICATION

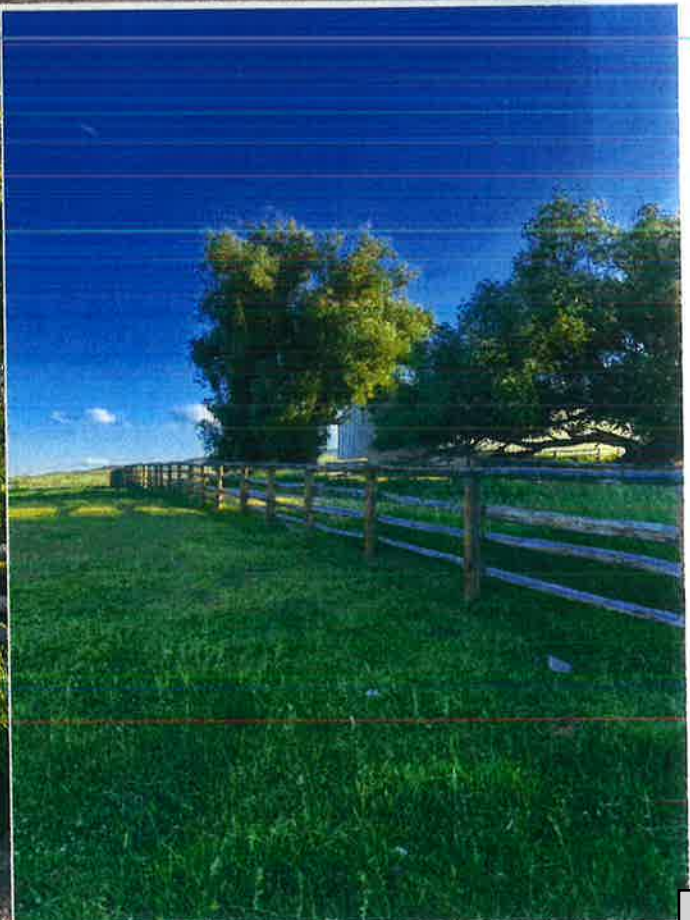
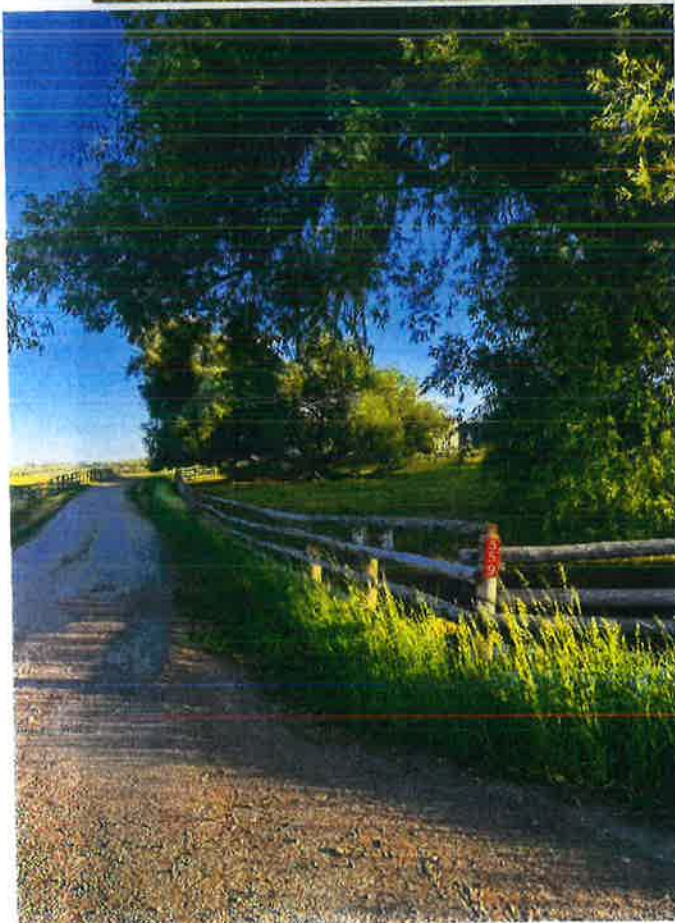
Section 1. Purpose These regulations serve to help define and control development in the Agricultural District and may include multiple family occupation in either separate accessory structures or incorporated within the business structure for property owner/manager families and employees. When additional uses are requested, but not listed in sections 2 or 3, the Planning Commission and the Board of Commissioners will determine whether the use meets the intent of either Section 2 or 3 below.

Section 2. Allowed uses

Allowed uses, which may include associated outbuildings, such as, but not limited to, garages, shops, barns and storage buildings. When additional uses are identified but not listed below, the Planning Commission and the Board of Commissioners will make a determination of whether the use meets the intent of Section 2 or 3 below.

- A. Farming/ranching;
- B. Hunting camps;
- C. Dude ranches, fish hatcheries, wild game refuges, fish and game farms, and bed and breakfast facilities;
- D. Agricultural support business;
- E. Seasonal sales stand for products produced on the premises;
- F. Agricultural research and development;
- G. Sawmills producing fewer than 50,000 board feet per year;





To whom it may concern:

I am writing this letter in support of the City of Landers zoning decision, which was approved on April 21, 2025, of said property: TWP 33N RNG 099W Sec 20 TR in NE/4. The purpose of this zoning approval is to allow Crosscut Lumber and Timberworks LLC to conduct business on said property.

The owner of Crosscut Lumber and Timberworks LLC, William Bayless, is intending to erect a primary residence and small-scale portable sawmill for the purpose of wood processing. As a nearby neighbor for the last several years, I have witnessed the operations being conducted by Crosscut Lumber and Timberworks LLC at its current location and have not once noticed any disruptive behavior, unsettling noise from daily operations, or any negative impact to the quality of life of the surrounding residences. I have not witnessed any safety concerns regarding the sawmill's operations. There has not been excessive log truck traffic or customer traffic in the area because of the business. Mr. Bayless has been mindful of the surrounding environment, has always kept his area of operation looking clean and tidy and I believe that he will carry those same business ethics and professionalism with him no matter where his place of business is located.

Mr. Bayless's entrepreneurial spirit and vision for his business reflect his drive to succeed and provide a service for the surrounding area exemplifying the type of business the City of Lander and Fremont County can appreciate and embrace.

Respectfully,

Dustin Smiley
35 Valley Springs Dr.
Lander, Wyoming
(360) 770-9138