

OFFICIAL PROCEEDINGS  
BOARD OF PLATTE COUNTY COMMISSIONERS, WYOMING

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THE BOARD OF COUNTY COMMISSIONERS, PLATTE COUNTY, WYOMING, met in a special session on the 20<sup>th</sup> day of January 2026 in the county seat of Wheatland. Notice of this special session was provided by the Office of the County Clerk pursuant to Wyoming Statute §16-4-404(b). Those present for the meeting were Steve Shockley, Commission Chairman; Ian Jolovich, Commissioner; John “Jeb” Baker, Commissioner; and Malcolm Ervin, County Clerk.

The purpose of the meeting was to accept public comments on recommended changes to the Platte County Land Use Rules & Regulations. The Planning & Zoning Commission (“Commission”) held a public hearing on December 22, 2025 to accept comments on proposed changes to Chapter 13.15, Solar Energy Facilities, and Chapter 13.20, Wind Energy Conversion Systems. At that meeting, the Commission certified its recommendations, which were published on the County website beginning December 30, 2025 and were advertised in the Platte County Record-Times pursuant to W.S. § 18-5-202(c).

The notice of the special meeting first established that the Board would consider the adoption of rules of conduct for the public hearing. Those rules would only apply to the meeting at hand and would not be a rule applied to future hearings unless specifically adopted by the Board. Those rules, in short, established that the Board would consider the two chapters – 13.15 and 13.20, respectively – at the same time and would not make each its own agenda item. Therefore, the rules provided each commenter with one opportunity to comment and will be limited to a total of five minutes. The rules also established required decorum. Commissioner Jolovich motioned, seconded by Commissioner Baker, to adopt the rules as presented. The motion carried.

Chairman Shockley called a public hearing to order at approximately 1:35 PM for the purpose of accepting public comment on the changes to Chapter 13.15, Solar Energy Facilities, and 13.20, Wind Energy Conversion Systems, which were recommended for approval by the Planning & Zoning Commission. Chairman Shockley asked that Laura Bookout, County Planner, begin by giving an overview of the Commission’s recommendations. Planner Bookout also spoke about written comments she received during the notification period. Among those were comments submitted by Keith Miller, who requested the removal of language from the purpose section from each chapter, which he believed broadened the scope of the Board in violation of state statute. Planner Bookout said Clerk Ervin sought legal advice on the matter. The legal advice of County Attorney Doug Weaver was provided to the Board, and in short said the last sentence of each purpose section should be removed. Planner Bookout informed the Board that Planning & Zoning Commission Member Bonnie Lockhart submitted comments after the Commission hearing. Those comments contained a series of grammatical and formatting issues, which Planner Bookout requested be addressed by the Board.

Below are the individuals who provided public comments and a summary of their comments:

- Tambrea Martin advocated an increased setback distance saying the setbacks in the regulations were inadequate.
- Scott Harmon advocated an increased setback distance citing a decision by the Industrial Siting Council to require a minimum 1¼ mile setback from a specific dwelling as a condition of the permit granted for the Chugwater Energy Project. Mr. Harmon expressed concerns that a ¼ mile setback from dwellings was inadequate.
- Michael Kelley provided specific suggested changes. First, Mr. Kelley requested that subsection (b) on page 6, lines 13-15, of Chapter 13.20 be struck and under subsection (c) insert “property lines contiguous or adjacent to a WECS tower”, which would increase setbacks from adjacent property lines to a minimum of ¼ mile. Second, Mr. Kelley requested that the words “reasonably feasible” be struck on page 13, lines 21 and 25, of Chapter 13.20 citing a concern that “reasonably feasible” allows too much “wiggle room”. Finally, Mr. Kelley requested clarification be provided in subsection (b)(iii) on page 13, lines 24 and 25, of Chapter 13.20 suggesting that the word “clearance” be inserted prior to the words “light impact” on line 24. Mr. Kelley expressed concern that without clarification the section indicates “light impact” on communications are acceptable, rather than making clear that the clearance light impacts to nearby residences should be mitigated.
- Teresa Baker began by asking whether the Board believed the regulations provided sufficient protection to County residents. On Chapter 13.15 (Solar), Mrs. Baker requested that the setback distance be increased to one mile, which she said would match Goshen County’s setback requirement for solar development. Mrs. Baker also requested that any references to “Concentrating Solar Thermal Devices” be removed throughout as she believed that was the intent of the Planning & Zoning Commission. On page 6, line 5, Mrs. Baker requested that the words “or to pilots flying in the area” be inserted at the end of the sentence. On Chapter 13.20 (Wind), Mrs. Baker requested that the 30-day timeframe to respond to complaints on page 13, line 21, be reduced but did not offer a suggestion for a replacement. Next, Mrs. Baker advocated that setback distances be increased to reduce potential impacts to health. In general, Mrs. Baker asked that the phrase, “Whenever the provisions of these regulations are found to be inconsistent with state regulations, the regulations imposing the more restrictive standard shall apply” be added to both chapters. Mrs. Baker also requested clarification of the language contained in the decommissioning standards of both chapters that would allow landowners to accept lower decommissioning standards than those required in the County’s rules and regulations. Furthermore, Mrs. Baker indicated there were multiple sections with incomplete sentences and said the regulations were not ready to be ratified.
- Dennis Baker spoke against NextEra Energy citing his opinion of potential impropriety and litigation. Mr. Baker said the regulations were insufficient and would allow future expansion of the project, which he said believed would be detrimental to area residents. Finally, Mr. Baker spoke about property rights saying shadow flicker, flashing red lights, and sounds of turbine blades will travel onto adjoining lands. As such, Mr. Baker said property rights do not necessarily end at the property line.
- Junie, a minor child, withheld her last name due to her age. Junie requested that the setback distance from wind turbines be increased citing the same decision that Mr. Harmon cited as justification.
- Kathryn Stevens cited the condition approved by the Industrial Siting Council to require a 1¼ mile setback from any wind turbines to the Stevens’ residence for the Chugwater Energy Project. Mrs. Stevens advocated that the Board consider the decision of the Council and uniformly apply the 1¼ mile setback of wind turbines from adjacent property lines. Mrs. Stevens cited infrasound as a health concern, which she said could be mitigated with greater setback distances.
- Brenna Faris reported to the Board that she and her husband are area landowners. Mrs. Faris encouraged the Board to increase setback distances for wind development to 1¼ mile from adjacent property lines due to safety and health concerns.

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- A. Keith Miller requested that the last sentence of the purpose statement in each chapter – specifically sections 13.15.010 and 13.20.010, respectively – be removed. Mr. Miller alleged the sentence expanded the County’s authority beyond the authority granted to it in W.S. § 18-5-202. Mr. Miller also submitted written comments to the Board expressing the same.
- Letitia Lane requested that the setback distance from wind turbines to adjacent property lines be increased to 1¼ mile, citing the same decision that Mr. Harmon cited as justification.
- Jill Kaufman spoke against the development of “green” energy saying it is a lie and a hoax and claimed the Board was forcing wind and solar development onto County residents. Mrs. Kaufman expressed concerns that wind and solar development were subsidized with taxpayer money through the Inflation Reduction Act, and their development resulted in a rise in utility costs. Furthermore, Mrs. Kaufman expressed her opinion that development of agricultural land for these purposes should not be allowed. Mrs. Kaufman said the proposed regulations should be denied.
- Tresha Cancino, who spoke as a resident of the County and as CEO of the Chamber of Commerce, said wind and solar development are economic drivers. She further expressed a belief that the County needs sustainable growth. Ms. Cancino cited the same decision that Mr. Harmon cited saying if the Council granted the 1¼ mile setback from one residence due to health or safety concerns that the Council should have applied the same setback requirement throughout the project. Ms. Cancino said she had positive relations with NextEra Energy, who proposed the Chugwater Energy Project. Finally, Ms. Cancino advocated that the Board remember their decision impacts every resident of the County.
- Cherie Rinker requested that the setback distance from wind turbines to adjacent property lines be increased to 1¼ mile. Ms. Rinker advocated that the Board remember the regulations effect development in other parts of the County – like the Cooney Hills or west of Wheatland – and should not be focused on the Chugwater Energy Project.
- Earl Wright requested that the setback distance from wind turbines to his home be increased citing health concerns. On solar regulations, Mr. Wright expressed concerns that lithium-ion batteries and solar panels would increase the risk of fire and leaking from those systems may impact the quality of his well water. Mr. Wright expressed his opinion that the Chugwater Energy Project would not be an economic driver because NextEra Energy would not be required to pay electrical generation taxes for a period of three years and the number of full-time jobs created due to the project would be minimal.
- Josphine Young, who spoke as Executive Director of Platte County Economic Development (PCED), expressed her appreciation for the Board’s willingness to serve in their roles and make tough decisions. Director Young said she believed responsible growth was important to business owners and residents, as a whole, of the County. Furthermore, she said projects needed to be reviewed fairly to allow an opportunity for responsible growth. Director Young informed the Board that the Chugwater Energy Project was projected to generate a projected \$180 million in tax revenue. She also spoke against increasing setback distances due to the number of acres that would be excluded from potential development.
- Anthony Bianchini, Project Manager for NextEra Energy, requested several specific refinements to Chapter 13.15 and Chapter 13.20, respectively. On Chapter 13.20 (Wind) Mr. Bianchini requested that page 10, lines 20-21, be clarified. Mr. Bianchini said the Federal Aviation Administration (FAA) determines whether Aircraft Detection Lighting Systems (ADLS) are required – in some instances the FAA specifically requires constant illumination rather than intermittent ADLS systems. As such, Mr. Bianchini provided a written clarification for that section acknowledging the FAA’s potential to disallow the use of ADLS systems. On page 17, line 26, Mr. Bianchini requested the words “private airstrip” be removed. On Chapter 13.15 (Solar), Mr. Bianchini requested that solar development be allowed within RAM zoning districts – the proposed regulations require land to be rezoned if a solar development does not concurrently allow for the grazing of livestock. Mr. Bianchini also provided suggestions applicable to both chapters. Specifically, he requested that the requirement to provide an unredacted safety manual as part of the Emergency Management plan be removed from both chapters due to concerns of proprietary information being disclosed as a result. Additionally, Mr. Bianchini requested that references to “parent company” be removed in both chapters because the State of Wyoming’s laws regarding business formations generally protect that information. As such, references to parent company may be in violation of state policy regarding business formations.
- Will de Ryk, who spoke as Chief of the Palmer Canyon Fire Department, expressed appreciation for NextEra Energy for hosting classes for firefighters. Chief de Ryk also spoke about the impact assistance funding that was awarded to the 2F Fire District as a result of the Chugwater Energy Project. Chief de Ryk said the funding, and future tax revenue from wind and solar development, allow his department to provide service year-round.
- Jim Lerwick spoke about agriculture in the Chugwater-area, which he said is not sustainable farm ground. Mr. Lerwick spoke about subsidies that were introduced to ensure area agriculture producers were able to retain their property. One of those efforts was the Conservation Reserve Program (CRP), which Mr. Lerwick said is prolific on the Iowa Flats, which means numerous acres are not available for agricultural purposes. Overall, Mr. Lerwick contended the area was not prime farm ground and opportunities like solar and wind development provide needed revenue. As such, Mr. Lerwick spoke against increasing setback distances, which would reduce the number of available acres for revenue generation.
- Jeremy Haroldson, who spoke as House Representative in District #4 and as a County resident, spoke about property rights citing the 4<sup>th</sup> plank of the Wyoming Republican Party platform. Mr. Haroldson said the ¼ mile setback is not very far from a home saying he understands the concerns of those adjacent landowners. However, Mr. Haroldson said he also understood the concerns of landowners who wished to build wind turbines on their property. Mr. Haroldson said the matter of safety should be considered saying debris from wind turbines could be harmful. Mr. Haroldson said he respected and appreciated the Board for the difficult decisions they faced, saying the balance between the property rights of landowners who wished to develop and those adjacent to them was difficult.
- Chuck Gray, who spoke as Wyoming Secretary of State, said wind and solar developers were required to obtain a permit from the Board prior to construction of their facilities citing Wyoming Statute § 18-5-502 through 504. Secretary Gray said W.S. § 18-5-504 allowed the Board to adopt regulations of wind and solar facilities, and those regulations cannot be less stringent than those in statute. Secretary Gray requested that the Board generally apply a 1¼ mile setback, citing the decision by the Industrial Siting Council to apply that setback from a single home. Secretary Gray also expressed safety concerns about the Battery Energy Storage Systems (BESS) and said regulations should be adopted prior to construction of a BESS facility.
- Paul Norfleet said he believed the county has done their due diligence for many years and he supports the Chugwater Energy Project. Furthermore, Mr. Norfleet asked that the regulations do not change from their current state, or those proposed by the Planning & Zoning Commission.

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- Barb Fletcher said she does not support changing agriculture lands to industrial lands and expressed concerns that wind turbines may impact pollinators and migratory birds and said wind and solar development would negatively impact the water table. Furthermore, Ms. Fletcher said wind farms do not promote tourism, which she said is a major economic driver in Wyoming. Ms. Fletcher also said she has concerns that solar and BESS development The solar and BESS projects have the potential to leech into groundwater and said there were currently no safety regulations for BESS projects.

Chairman Shockley closed the meeting to public comment and brought the matter before the Board. Chairman Shockley spoke about the duty of the Board to balance the rights of all landowners when the uses of their land were in conflict. Chairman Shockley said the decision is difficult and their duty was to ensure any regulations promulgated by the County are fair to all landowners.

Commissioner Jolovich spoke about the request of Mr. Miller to strike the last sentence in Chapter 13.15 and Chapter 13.20 saying he agreed the sentence should be stricken, saying the sentence was not in line with the goals, or duties, of the Board. Chairman Shockley echoed that saying the decision to strike that sentence was in line with the advice of County Attorney Weaver.

The Board then discussed the grammatical and formatting issues raised by Commission Member Lockhart. Commissioner Jolovich said he favored incorporating the following changes as highlighted by Commission Member Lockhart:

- Inserting the definition of “Parent Company” – as defined in Chapter 13.15 – into Chapter 13.20;
- A formatting issue on page 6 of Chapter 13.15; and,
- Correcting incorrect citations in Chapter 13.15, which were found on pages 21, 27 and 29.

Commissioner Jolovich spoke about the difficulty in weighing the concern of property rights on both sides saying the first step is to ensure there is not a big imbalance, which could lead to lawsuits. Commissioner Jolovich said there are other options aside from rules and regulations that provide protection. He also said it was too much to allow a 40-acre parcel to control nearly 2,000 acres of property that surrounded the parcel, which is why he did not support increasing setback distances. Commissioner Baker echoed those sentiments and said he believed the Planning & Zoning Commission invested significant time on the matter, as did the Board. Furthermore, Commissioner Baker said land use regulations, and the question of where property rights end, can set precedent. He said overly restrictive regulations could lead landowners to seek regulations to eliminate corn stalks from blowing onto their property. As such, Commissioner Baker favored leniency for landowners.

Commissioner Jolovich motioned, seconded by Commissioner Baker, to approve changes to Chapters 13.15 and 13.20 of the Land Use Rules & Regulations as recommended by the Planning & Zoning Commission, with grammatical and formatting corrections as discussed and the deletion of the final line in the purpose statement of both chapters. The motion carried.

There being no further business for board consideration, the meeting adjourned at approximately 3:20 PM. This proceeding was recorded by County Clerk Ervin pursuant to Wyoming statute §18-3-402(a)(i)(C).

APPROVED:

  
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STEVE SHOCKLEY, CHAIRMAN OF THE BOARD



  
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MALCOLM ERVIN, COUNTY CLERK  
& CLERK OF THE BOARD