

# COUNTY OF PLATTE, STATE OF WYOMING

## OFFICIAL PROCEEDINGS PLANNING & ZONING COMMISSION

---

### **Call to Order – Roll Call**

The Planning & Zoning Commission, Platte County, Wyoming special meeting held on May 13, 2026, in the AgriPlex (4-H Building) 59 Antelope Gap Rd, Wheatland. Those present for the entirety of the meeting were, Marty Shepard, Commission Chairman; Bill Klein, Commission Vice Chairman; Bonnie Lockhart, Planning Commissioner; Jay Collins, Planning Commissioner; Bob Brockman, Planning Commissioner; Laura Bookout, County Planner; Malcolm Ervin, County Clerk, Rex Johnson and Joe Madsen, attorneys for Platte County. Benchmark Torrington for Platte County. Chairman Shepard called the meeting to order at 9:00 AM at the AgriPlex (4-H Building) 59 Antelope Gap Rd, Wheatland, WY.

---

**Declaration of Conflicts of Interest:** Chairman Shepard asked if any board members have a conflict of interest to declare. None were noted. There was a disruption by the audience. Chairman Shepard asked what was said, as it was not clear. Lucinda Houtchens went to the podium sited statues 18.5.503 and 18.5.506 and protested the hearing. Attorney Rex Johnson commented that the notice is adequate to meet the statute and if someone disagrees they could take the appropriate appeal, and in his opinion the hearing was to proceed. Chairman Shepard attempted to get the meeting back on track but was interrupted by the audience once again. "Point of Order" was called over the public microphone by Jill Kauffman. Kauffman continued to read from her prepared speech about how she did not like the proposed Rules for the meeting. Attorney Rex Johnson replied and explained the Board has the authority to impose Rules on their meeting and his recommendation was to take note of the comment and proceed with the hearing.

**Approval of Public Hearing Rules:** Chairman Shepard then continued with the meeting and asked for a motion to approve the Public Hearing Rules. Member Jay Collins moved to approve, and Member Bob Brockman seconded; no further discussion. Vote: Unanimous Approval. Motion carried.

**New Business:** Chairman Shepard moved onto new business. Chugwater Energy Center, LLC and Chugwater Wind, LLC both wholly owned indirect subsidiaries of NextEra Energy Resources, LLC. Chairman Shepard introduced the County Planner, Laura Bookout. Planner Bookout asked the commissioners if they had an opportunity to review all the items sent to them the prior week for this meeting. All acknowledged they had reviewed the items sent.

At that time Planner Bookout presented an introduction of the project and guests available for questions at the meeting for both the Planning Office and for the applicant, then proceeded with an overview of the of three applications that contained a combined total of 7 permits, all of which were submitted by Anthony Bianchini, Project Manager, of the Chugwater Energy Center, LLC and Chugwater Wind, LLC. Planner Bookout made the following recommendation for Application: 25-37-SUP/ReZone BESS-NextEra that contained a Rezone from Ranching, Agricultural and Mining (RAM) to Industrial for the life of the project and a Special Use Permit for Battery Energy Storage System Project (BESS) to operate in Platte County. Approval with the 21 conditions listed below. The decision by the Planning Office was based upon: 1. The applications were in compliance with the Platte County Land Use Rules and Regulations January 21, 2025, 2. Wyoming Industrial Siting Council had issued a permit for the project in Docket No. DEQ/ISC: 25-01, 3. The project aligned with the Platte County Development Plan May 2008. General Conditions: 1. The Applicant/Permittee shall comply with all applicable provisions of the Platte County Land Use Rules and Regulations January 21, 2025, and all other applicable federal, state, and local laws, regulations, and permits. 2. The Applicant/Permittee shall comply with the permit and all conditions imposed by the Wyoming Industrial Siting Council (ISC) for the project in Docket No. DEQ/ISC: 25-01. 3. The Applicant/Permittee shall provide copies to Platte County of all permits issued by any Wyoming state agency, including Wyoming's Industrial Siting Council. 4. The Applicant/Permittee shall provide copies to Platte County of all material filings, reports, and correspondence submitted to the ISC, as well as any notices of violation, enforcement actions, or compliance determinations issued by the ISC, within ten (10) business days of submission or receipt to the ISC. 5. The Applicant/Permittee shall comply with all bonding, financial assurance, and reclamation requirements imposed by the Wyoming Industrial Siting Council and stated in the Platte County Land Use Rules and Regulations January 21, 2025. Additionally, the Applicant/Permittee shall maintain all required financial assurances in full force and effect for the life of the project and shall provide documentation of such assurances to Platte County. Any updates, adjustments, or periodic reviews of financial assurance required by the ISC, including reviews conducted not less than every five (5) years, shall be provided to Platte County within ten (10) business days of submission and final determination to the ISC. 6. The Applicant/Permittee shall obtain a Construction Certificate from the Board of County Commissioners prior to the commencement of construction. All final plans, reports, and required documentation shall be submitted for review at that time. 7. On October 31, 2025, the Applicant/Permittee entered into a Road Use and Maintenance Agreement with Platte County. This agreement will be refined after the Applicant/Permittee determines the final roads and routes they will use prior to construction. 8. All access points and encroachments onto County and State roads shall be approved, and copies provided to the Planning Office, prior to construction. 9. A final site plan, including all project components, setbacks, infrastructure, and haul routes shall be submitted and approved prior to issuance of a Construction Certificate. 10. The Applicant/Permittee shall provide periodic compliance updates to Platte County as requested by the County, summarizing operational status and compliance with permit conditions. 11. The Applicant/Permittee shall ensure that all project-related noise complies with Platte County Land Use Rules and Regulations January 21, 2025, Solar Energy Facilities Section 13.15.050, E. Noise and Wind Energy Siting and Facilities Section 13.20.050, H. Noise. This requirement applies to all facilities and operations associated with the project, including the Battery Energy Storage System (BESS) facility. 12. A development agreement may be required as a condition of the permit and must be approved by the Board of County Commissioners prior to commencing construction. 13. The Applicant shall utilize corten weathered steel structures on the

---

May 13, 2026

# COUNTY OF PLATTE, STATE OF WYOMING

## OFFICIAL PROCEEDINGS PLANNING & ZONING COMMISSION

---

northern transmission route to reduce visual impacts within the viewshed of the Town of Chugwater, where feasible. (The applicant self-imposed this 13<sup>th</sup> condition and presented it to the Planner just prior to the start of this meeting.) **Special Conditions:** 1. International Fire Code (IFC) 1207 to be signed off by the Wyoming State Fire Marshall Office. If there is no authorized state agent, then the IFC 1207 shall be signed off by a Platte County approved 3rd party Risk Manager and paid for by the applicant. The Platte County Planning Office will review the findings. 2. Compliance with the latest version of the National Fire Protection Association (NFPA) 855. 3. Provide Platte County with copies of the Underwriters Laboratories (UL)9540, UL9540A, UL9540A- Large-Scale Fire Testing (LSFT) specific to the BESS being installed. 4. Provide Platte County with copies of the groundwater baseline report and copies of any additional groundwater reports done throughout the life of the project through the end of decommissioning. 5. The Applicant/Permittee shall develop and submit the final Emergency Response Plan, in coordination with local emergency responders, prior to issuance of a Construction Certificate. The county will be immediately notified of any revisions of these plans throughout the life of the project through the end of decommissioning. 6. The Applicant/Permittee shall submit a final Hazardous Materials Management and Spill Response Plan prior to construction. The county will be immediately notified of any revisions of these plans throughout the life of the project through the end of decommissioning. 7. If any contamination attributable to the facility is detected, the Applicant/Permittee shall notify Platte County and all local emergency responders and immediately implement remediation measures. 8. Battery Energy Storage System (BESS) Energy Siting and Facility Permits may not be transferred without the prior approval of the Platte County Board of County Commissioners. The Board of County Commissioners may transfer the BESS Energy Siting and Facility Permits upon receipt of a written request from the current permit holder, accompanied by a written acceptance of all terms and conditions of the BESS Energy Siting and Facility Permits by the prospective transferee. A request for transfer will be reviewed by the Planning Office, the County Attorney's Office, the Planning and Zoning Commission, and the Board of Commissioners. Special Rezoning Notification for the BESS Permit Upon completed decommissioning of the BESS facility, the Industrial zoning will revert to the original zoning classification of Ranching, Agricultural and Mining (RAM). The Platte County Planning Office will do a site inspection when reclamation has been completed as required by the issued state and local permits. The Board of County Commissioners' approval is required to complete this rezoning. The Board of County Commissioner's ruling, accompanied with photo(s) of the completed reclamation will go into the public record files and this permit will terminate.

Planner Bookout presented an overview of the second of three applications submitted by Anthony Bianchini, Project Manager, of the Chugwater Energy Center, LLC and Chugwater Wind, LLC. Planner Bookout made the following recommendation for Application: 25-38-SUP/SEF-NextEra that contained a Solar Energy Facility (SEF) Permit and a Special Use Permit to use Ranching, Agricultural and Mining (RAM) zoned land for Industrial purposes: Approval with the 14 conditions listed below. The decision by the Planning Office was based on the same three reasons as stated in the BESS application above. All 13 General Conditions as stated in the BESS, above, and included this SEF Special Condition: 1. Boundary Line Adjustments by the Landowner(s) for the Solar Facility to be completed with the Planning Office and recorded in the Platte County land records prior to application for construction certificate, if necessary.

Planner Bookout presented an overview of the third of three applications submitted by Anthony Bianchini, Project Manager, of the Chugwater Energy Center, LLC and Chugwater Wind, LLC. Planner Bookout made the following recommendation for Application: 25-39-SUP/VAR/WECS-NextEra that contained a Wind Energy Facility (WECS) Permit, a Special Use Permit to use Ranching, Agricultural and Mining (RAM) zoned land for Industrial purposes and a Variance in reclamation depth and Waiver for setback on specific county roads. The applicant had a Variance to Section 13.20.070.S.d from Platte County Rules and Regulations January 21, 2025, to remove structures, debris, and associated equipment and cabling on and below the surface to a depth of 48 inches or 4 feet *versus* the Platte County requirement of 60 inches or 5 feet. The applicant also requested a Waiver to section 13.20.050 D. f. from Platte County Rules and Regulations January 21, 2025, for "WECS Project structures" that would occur within one-quarter (1/4) mile or 1,320 feet of the following County roads: South County Line Road, North County Line Road, East Hellbaum Road, Range Road, Happy Hollow Road, Windmill Road, Meeker/South Meeker Road, South CS Road, and Lancer Road. Approval with the 18 conditions listed below. The decision by the Planning Office was based on the same three reasons as stated in the BESS application above. All 13 General Conditions as stated in the BESS application above and to include these WECS Special Conditions: 1. In place of individually addressing each WECS tower location, the Applicant/Permittee shall identify each WECS Tower with a specific number and corresponding GPS pin, and shall provide this information to the Planning Office, and all Emergency Services prior to the wind tower being operational. 2. A Waiver of Subdivision Set-Back document to be signed by all applicable landowners in the affected subdivisions and be recorded in the Platte County land records prior to application of Construction Certificate(s). This requirement applies to the following subdivisions: Mid-Point Subdivision, Moxley Subdivision and Moxley Replat subdivision. 3. All applicable redacted Leases and recorded Memo of Leases in the project boundary are to be presented to Planning Office for approval prior to application of Construction Certificate(s). 4. OSLI redacted Lease and recorded Memo of Lease for all affected lands to be provided to the Planning Office for approval prior to application of Construction Certificate(s). 5. Maximum number of wind towers for these permits is 112.

Anthony Bianchini presented a summary presentation for the Chugwater Energy Project as a whole and then broke out specific sections for BESS, SEF and WECS.

---

May 13, 2026

# COUNTY OF PLATTE, STATE OF WYOMING

## OFFICIAL PROCEEDINGS PLANNING & ZONING COMMISSION

After a short break Chairman Shepard continued the meeting for public comment and requested all those who would like to speak to sign in to make a comment. Those speaking against the project were: Wendy Volk, Timothy Bendel, John Burns, Teresa Baker, Jill Kauffman, Earl Wright, Stacey Buchholz, Katherine Stevens and her 4 minor children, Letitia Lane, Dennis Baker, Lucinda Houchens, Morton Tillman. Those speaking in favor of the project were: Josh Hopkins individually and as Mayor of the Town of Chugwater, Eric Jones, attorney on behalf of The Town of Chugwater, Chris Brown representing Powering Up Wyoming, Liz Fiske representing Patriot Properties, Dan Kirkbride, Robert Moxley, Cole Borchardt, Tresha Cancino, Jayen Bohing, Paul Norfleet, LaCynda Fortik, Jim Lerwick. Chairman Shepard asked three times if there was any more public comments. With no response, Chairman Shepard closed the public comment portion of the meeting.

The Board recessed for an hour break at approximately 12:35PM. At 1:35PM Chairman Shepard called the meeting back into session.

Chairman Shepard thanked everyone for their time and comments. The Board would now ask questions. Member Collins asked the applicant about the variance on depth of reclamation, Anthony Bianchini replied. Member Collins also asked the applicant about the groundwater testing, Anthony Bianchini and Jeff Collins replied regarding the groundwater testing, the BESS unit and that the WYDEQ had accepted the plan provided by the applicant. Chairman Shepard inquired about the 150 turbines applied for with ISC and why it is down to 112 turbines today and did it still comply with the ISC permit. Anthony explained that the ISC permitted up to 150 turbines, but the applicant was down to 112 workable turbine locations as of this meeting. Member Lockhart asked what was going on with the aeronautics company. Anthony replied, a week ago was the first time they heard of it, and the individual had received the certified letter last year required by ISC permit process; they have reached out to their airspace experts in Washington DC and were informed of no issues; and they have all their permits from the FAA and the Department of War; they would work with the gentleman moving forward. Chairman Shepard asked would there be any supplemental power from WREA and to please explain. Anthony replied that they were in discussions with WREA and would work with them to some capacity for sure. Member Lockhart and Chairman Shepard asked about the transmission lines. Anthony explained that the alternative material proposed for the transmission line was a rusty colored material and would blend well with the bluffs and that they would still work with the Town of Chugwater on that. Their transmission line was a single pole with a single circuit with three wires and had a very low profile compared to other transmission lines. Member Lockhart asked what the Eagle Take Permit was. Sean Fitzgerald gave a basic explanation of the Eagle Take Permit. Chairman Shepard asked approximately how many acres would be covered by solar panels. Anthony replied approximately 800 acres.

Chairman Shepard asked if there were any more questions from the board, hearing none he entertained a motion to approve the BESS energy storage system. He stopped and said we would entertain this in three motions, and I now entertain a motion for item B on the agenda (Battery Energy Storage System (BESS) Rezoning and Special Use Permit). Member Bill Klein moved to approve with 13 conditions and a due pass. Member Jay Collins seconded. Chairman Shepard voted none opposed all in favor, motion carried. Planner Bookout interrupted and explained that those were just the General Conditions for all the application/permits. Member Klein wanted to amend the motion to include the 8 special conditions for the BESS. Member Lockhart asked to clarify the whole motion. County Clerk Ervin interjected with suggestions as to how to add the 8 special conditions under BESS. Member Klein made a motion to add the 8 special conditions to the BESS, seconded by Member Collins. All in favor, none opposed, Chairman Shepard said motion carried. Chairman Shepard moved onto item C on the agenda (Solar Energy Facility Project (SEF) Special Use Permit and Solar Permit). If there was no further discussion Chairman Shepard would entertain a motion. Member Jay Collins made a motion to approve the 13 General Conditions and the 1 Special Condition a due pass, Member Bill Klein seconded the motion. Chairman Shepard reiterated the due pass for the 13 General Conditions and the 1 Special Condition for the Solar Energy Facility. All in favor, none opposed, Chairman Shepard said motion carried. Chairman Shepard moved onto the last item on the agenda, the Wind Energy Facility System or WECS. With no further questions or discussions, he would entertain a motion. Member Bill Klein entertained a motion for a due pass on the Wind with 13 General Conditions and 5 Special Conditions, Member Bob Brockman seconded. Chairman Shepard had a motion on the floor to approve the Wind Energy System with no further questions or discussions. All in favor, none opposed, Chairman Shepard said motion carried.

**Adjournment** Chairman Shepard thanked everyone for coming and stated that we would move onto the next process. Meeting adjourned at approximately 1:59PM. This proceeding was recorded by Laura Bookout pursuant to Wyoming Statute §18-5-202(a).

  
LAURA BOOKOUT, COUNTY PLANNER

APPROVED:

  
MARTY SHEPARD, CHAIRMAN OF THE BOARD

May 13, 2026