

OFFICIAL PROCEEDINGS

BOARD OF PLATTE COUNTY COMMISSIONERS, WYOMING

THE BOARD OF COUNTY COMMISSIONERS, PLATTE COUNTY, WYOMING, met in a special session on the 2nd day of September 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, as advertised pursuant to W.S. § 16-4-404(b), was to consider approval of the Fahey Simple Subdivision, to consider public hearing rules for adoption, and to accept public comments on land use application #26-26.

Chairman Shockley called the meeting to order at 1:00 PM. Commissioner Jolovich motioned, seconded by Commissioner Baker, to approve the agenda as presented. The motion carried.

Fahey Simple Subdivision: Laura Bookout, County Planner, presented the Fahey Simple Subdivision, located in the SW ¼ of Section 36, Township 24 North, Range 68 West, Platte County, Wyoming. The proposed subdivision would create two parcels, one being approximately 15 acres, and the second being approximately 9.20 acres. Planner Bookout said the request followed all applicable regulations and had been approved by the County Engineer. Pursuant to Platte County Land Use & Regulations, simple subdivisions do not require public hearings. Chairman Shockley brought the matter before the Board, but no comments were received. Commissioner Jolovich motioned, seconded by Commissioner Baker, to approve the Fahey Simple Subdivision as presented. The motion carried.

Public Hearing Rules: Planner Bookout presented proposed rules for adoption to govern conduct during the public hearing. Notably, the rules set a three-minute time limit for each speaker. Chairman Shockley brought the matter before the Board, but no comments were received. Commissioner Jolovich motioned, seconded by Commissioner Baker, to adopt rules for the public hearing as presented. The motion carried.

Land Use Application #26-26: Planner Bookout presented a land use application requesting approximately 5,344 acres be rezoned from a Ranching, Agricultural & Mining (RAM) Zoning District to an Industrial Zoning District. The parcels in question are described as parts of Section 4, 5, 7, 8, 9, 17, 18, 19, 20, 21, & 29 of Township 23 North, Range 65 West; as well as the S ½ of Section 33, Township 24 North, Range 65 West, Platte County, Wyoming. In her presentation, Planner Bookout said Platte County Weed & Pest said the applicant did not address the impact to the Preble’s Jumping Mouse, which according to Weed & Pest is protected by the United States Fish and Wildlife Service. Planner Bookout informed the Board that the applicant had subsequently provided a map showing the project was located outside of the specie’s habitat. Planner Bookout informed the Board that the request was recommended for approval by the Planning & Zoning Commission on August 26, 2026. The Commission did recommend that three conditions be attached to the approval. Those conditions were:

1. The rezoned land will revert to Ranching, Agricultural & Mining (RAM) land if construction of the Site Layer 4 has not commenced within 5 years of the rezoning approval date or upon permanent decommissioning. (This is a Sunset Clause the applicant has requested, and the Planning Office agreed with, based upon the following definition of sunset clause. Sunset Clause: a set part of a law, rule or contract that has an expiration date. It says the rule will stop working on a specific day or when a certain event happens, unless people in charge vote to extend it. In this case, the people in charge would be both the Planning & Zoning Commission and the Board of County Commissioners).;
2. Any Industrial Park subdivision of the land is to be presented to the Board of County Commissioners prior to recording. The County does not have jurisdiction over large acre parcels and as a result will only be reviewing the proposed Industrial Park record of survey (plat) accompanied by any state required approvals. At this time a site plan is to be presented by the applicant/permittee for preliminary review by the Planning Office, Planning & Zoning Commission and the Board of County Commissioners.;
3. Any type of development on the rezoned land must obtain a Special Use Permit.

Planner Bookout turned the floor over to Stephanie Blochowiak. Ms. Blochowiak, a Planner with SWCA Environmental Consultants, presented the application details to the Board. In her presentation, Ms. Blochowiak said the intent of the rezone request was to build a data center. She informed the Board the site was selected due to its proximity to infrastructure and said an industrial zone would allow for the creation of an industrial park, which would be conducive to new industrial uses within Platte County. Ms. Blochowiak also spoke about the potential timeline to construct a data center if the rezone request was approved, which would take about one-and-a-half years from the date permits were secured. In her presentation, Ms. Blochowiak acknowledged a special use permit would be required prior to beginning construction.

Ian Marcus, founder and CEO of Site Layer 4, provided further details on the land use request. In his presentation, Mr. Marcus said there is no corporate structure above him, and as such he was the decision maker at Site Layer 4. Mr. Marcus said the location was selected due to its proximity to high voltage electrical lines and its rural location away from population centers. He also informed the Board that no firm plans had been completed and as such total job creation, tax revenue and infrastructure needs were unclear at the time of the hearing. He did, however, speak about water usage associated with the facility, which he estimated would not exceed 15 acre-feet per year – depending upon the size of the facility. However, Mr. Marcus reassured the Board the water usage figures were for a “closed loop” data center and a gas-fired power plant. Mr. Marcus did say Site Layer 4 was involved in negotiations to obtain water and said they would not be utilizing public water supplies. However, Mr. Marcus could not elaborate on those negotiations.

Chairman Shockley then opened the meeting to public comment. Clerk Ervin began by informing the Board he had received email communication from Kathryn Stevens, Kathryn TePoel, Teresa Baker and Scott Harmon. Clerk Ervin said those emails had also been sent to the Board. Those who provided comment on the application, and a brief description of their remarks, were:

- Juan Reyes, who said a property’s viewshed ended at its property line and believed denial of the request would deprive the landowner of profitability.
- Lynette Belknap-Williams, who expressed appreciation for agricultural operations and asked for a moratorium on the construction of data centers until a 3rd party ecological, geological and wildlife study could be conducted. She also spoke about water and taxation concerning.

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- Barbara Fletcher, who requested a moratorium be in place to allow for “reasonable” growth. Ms. Fletcher requested that the process be slowed down and that everyone regardless of the project’s outcome.
- Amy Miller, who said she owned land on three sides of the property in question. She advocated that the request be denied to ensure any data center development went through the Industrial Siting Council. Mrs. Miller also submitted a letter regarding her concerns about water and roads.
- Steve Sherard, who advocated that the request be approved for economic development. Mr. Sherard also spoke about development agreements.
- Rebecca Fuentes, who spoke against the request for numerous reasons, one of which was its location away from industrialized areas, which she said would not be in the County’s best long-term interest. Ms. Fuentes said steady growth was more favorable to the retention of youth than rapid growth.
- Donald Bailey, who identified himself as a Torrington resident spoke against the construction of a data center due to water usage concerns, which was exacerbated by the power generation component and new housing developments for workers.
- Catherine Tucker, who expressed water consumption concerns and addressed concerns regarding bacteria that was found in Cheyenne’s wastewater system due to a data center flushing its systems. Ms. Tucker also said Site Layer 4 did not have a track record because they had not completed a project to date.
- Michelle Connell, who spoke in favor of the request saying those against the request are using research that was obtained from online searches, which requires data. She also believed job creation would be beneficial. Finally, she also addressed water consumption concerns saying many landowners were actively selling well water.
- Jill Kaufman, who began by objecting and provided a letter to Platte County Attorney Douglas W. Weaver. In the letter, Mrs. Kaufman expressed a desire that Planning Commission Member Marty Shockley recuse himself from deliberation. Mrs. Kaufman continued by saying the application was not complete. She also expressed concern that approving the request would be contrary to the Platte County Development Plan.
- Josh Martines, who said not all business is good business. He expressed concern that the water usage figures were not accurate because the developer did not take into account their power generation.
- Josephine young, who read a letter on behalf of the Platte County Economic Development (PCED) board of directors. In that letter, it encouraged the request be approved because a further process would allow the process to continue. The letter acknowledged that further permitting and public hearings would be required as the project progressed.
- Daniel Tucker, who expressed skepticism in the water usage figures provided by the applicant. He said the power generation would require additional water, which he believed was not accounted for in the applicant’s presentation.
- Matt Teeters, who identified himself as a Goshen County resident and adjacent landowner, said water was a concern for him because he is struggling to provide water to cattle in the area. Mr. Teeters also expressed concerns that the applicant was requesting to rezone a significant number of acres without identifying, precisely, where the development would occur on that land. Mr. Teeters encouraged the application be denied until the applicant defined a more precise area for development.
- Letitia Lane, who spoke against the request and said her opposition to the project was not due to hate or divisiveness. Ms. Lane said she believes industrial development will negatively impact the public at large, especially considering the cumulative effect of numerous industrial projects like NextEra, Repsol and Geronimo. Ms. Lane also expressed concerns of viewshed and pollution.
- Patty Franklin, who spoke in favor of the request said she worked with data centers and encouraged the Board to ask the applicant questions because she believes the applicant will respond. She also addressed concerns of light pollution and encouraged the Board to speak with Commissioners in other counties who have experienced data center construction.
- Rebecca Cochran, who spoke against the request said she believed the water consumption figures were understated because the applicant did not speak about the “flush” and “fill” of data centers. She also expressed concerns that the “flush” cycle will pollute with heavy metals and other toxic materials. Ms. Cochran said by approving a request to rezone, the Board loses its ability to regulate development on the parcel in question.
- Scott Harmon, who encouraged that a monitoring well be required prior to approving the request. Mr. Harmon also spoke about a “data center bubble” saying it could cause 25% to 30% unemployment due to the construction of data centers. He also stated Site Layer 4 was a shell company and questioned who was funding them.
- Mile Stevens, who expressed doubt that job creation would be minimal. In fact, Mr. Stevens believed robotics and automation would replace most permanent jobs. Mr. Stevens also asked how often the closed loop system would be “flushed”.

Chairman Shockley closed the meeting to public comment and asked if the applicant would like to respond to any comments that were made. On the matter of power generation, Mr. Marcus said the intent was to build a natural gas power generation facility. However, he said they would likely purchase power. He said tariffs approved by the Federal Energy Regulatory Commission (FERC) in effect require large power consumers to generate their own electricity. Mr. Marcus said the intent was to build a simple cycle gas generation plant, which he said does not consume as much water as the concerns expressed. He said a “combined cycle” plant would require significant water consumption, but a “simple cycle” plant does not. In fact, he reported to the Board that they were currently progressing through an air permitting process, which would be required to build a gas fired power plant.

Chairman Shockley brought the matter before the Board. Chairman Shockley asked that Jason Wright answer questions about a letter that was sent to the membership of the Wheatland Rural Electric Association (REA). Mr. Wright, who serves as General Manager of the REA, spoke about a tariff that was recently passed by FERC. In short, the tariff is in place to ensure large electric users do not cause rates to increase for rate payors. Chairman Shockley asked how the FERC ruling would be enforced. Mr. Wright clarified how the tariffs are implemented, who implements them and that their purpose is to protect rate payors from heightened utility rates.

The Board then asked a series of questions to the applicant. Commissioner Jolovich’s line of questioning focused on the scope of uses that would be authorized in an industrial zoning district. Through that line of questioning, Commissioner Jolovich expressed concern that the applicant could choose to develop the land for a use, other than the construction of a data center. Commissioner Jolovich said the issue is that the County would have significant financial liability if the applicant chose not to pursue a special use permit for a data center but instead chose to develop an allowable use in an industrial zoning district. Commissioner Jolovich also expressed concern that the applicant did not provide sufficient details on how they intended to develop the parcel.

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Commissioner Jolovich also sought clarification as to whether data center development is exempt from the industrial siting process. Jeff Pope, an attorney at Holland & Hart, informed the Board he was legal counsel for the applicant. He spoke on behalf of the applicant saying W.S. § 35-12-119(a) provides an exemption for non-mineral extractive industries located in industrial parks. He further said the Industrial Siting Council has applied that exemption to data centers in Industrially zoned districts but said the exemption is not automatic and is at the discretion of the director of the Department of Environmental Quality. Mr. Pope also informed the Board that absent a requirement to proceed through the Industrial Siting Council there would still be oversight from state agencies.

Mr. Pope informed the Board that he also serves as chairman of Cheyenne LEADS – an economic development organization for the city of Cheyenne and County of Laramie. He said the impact on public funds are not a concern because the road and fire impacts are minimal. Furthermore, he said a “Community Benefits Agreement” could create tangible benefits for community members.

Commissioner Jolovich explained that the Industrial Siting Council provides funding to communities impacted by industrial development. He asked what tools existed to assist the County in covering its public infrastructure impact if the applicant did not proceed through the Industrial Siting process. Ms. Blochowiak spoke about the requirements outlined in the County’s regulations regarding rezone applications. She said the development would require a special use permit, and as such conditions of approval could be attached to that permit, which she said was a very common practice. Mr. Pope said a special use permit would require site plans and specific information prior to any approval.

Commissioner Baker asked the applicant why they sought for the entire 5,000, plus, acres to be rezoned rather than a few sections. Mr. Marcus informed the Board they had preliminary plans prepared but the plans are likely to have changes throughout the process up to the point of construction. Mr. Marcus said the request for more acreage to be rezoned was simply for flexibility in developing those plans. Commissioner Baker said water usage was not something the Board could regulate, saying it was a function of state agencies. However, he asked the applicant to provide clarification on the amount of water the applicant intends to utilize. Mr. Marcus said their estimate of 15-acre feet per year would include any power generation required but any domestic use could not be accurately determined because the number of full-time personnel who were projected to work at the site was still unknown.

Chairman Shockley reiterated that the number of acres requested was “unprecedented”. Ms. Blochowiak responded by saying the applicant could not demand public improvements to be made, and said the rezone was a planning tool to allow the applicant maximum flexibility. Furthermore, she said every component of the design would be included in future applications, but their preliminary plans required use all acreage they have requested to be in an Industrial zoning district.

A significant discussion took place regarding condition number three, which was recommended by the Planning & Zoning Commission as a condition for approval. The condition would require that a special use permit be obtained prior to any development of the subject property. However, a lengthy discussion of the word “development” ensued. As such, Clerk Ervin suggested language, which provided clarity to the condition. Commissioner Jolovich advocated that 30-days’ notice be provided prior to any the commencement of any construction or prior to any decommissioning. County Attorney Douglas Weaver suggested the Board consider a fourth condition, which would require that the applicant sign an acknowledgement of the conditions attached to approval of the rezone request.

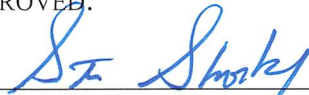
Chairman Shockley asked County Attorney Weaver if he had any concern the applicant would be required to obtain a special use permit for any land use, whereas other industrial zoned parcels do not have the same conditions. County Attorney Weaver said he was not concerned, specifically because the applicant has indicated their willingness to accept that as a condition.

Commissioner Jolovich motioned, seconded by Commissioner Baker, to approve application #26-26 rezone request made by SL4 with the four conditions as discussed. Commissioner Jolovich summarized those conditions. The motion carried. Those conditions were:

1. The rezoned land will revert to RAM land if construction of the Site Layer 4 has not commenced within 5 years of the rezoning approval date or upon permanent decommissioning. The county shall be notified before 30 days of commencement or decommissioning. Commencement of construction is defined as: physical work on-site and continuing on a daily or regular basis until completion;
2. Any Industrial Park subdivision of the land is to be presented to the Board of County Commissioners for review and approval prior to recording. The County does not have jurisdiction over large acre parcels and as a result will only be reviewing the proposed Industrial Park record of survey (plat) accompanied by any state required approvals. At this time a stie plan is to be presented by the applicant/permittee for preliminary review by the Planning Office, Planning & Zoning Commission and the Board of County Commissioners.
3. That any use of land outlined in section 7.05.020 of the Platte County Land Use Rules & Regulations shall require a special use permit in addition to those uses outlined in section 7.05.030 of the Platte County Land Use Rules & Regulations.
4. That the applicant and landowner sign acceptance of these conditions, which shall be recorded in the office of the county clerk.

There being no further business for board consideration, the meeting adjourned at approximately 4:45 PM. This proceeding was recorded by Clerk Ervin pursuant to Wyoming statute §18-3-402(a)(i)(C).

APPROVED:


STEVE SHOCKLEY, CHAIRMAN OF THE BOARD


MALCOLM ERVIN, COUNTY CLERK
& CLERK OF THE BOARD



The seal is circular with a double-lined border. The outer ring contains the text "County Clerk, Platte County" at the top and "State of Wyoming" at the bottom, separated by dots. In the center of the seal, the word "SEAL" is printed in a bold, sans-serif font.

September 2, 2026