

RESOLUTION NO. 25-2423

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SALINE COUNTY, KANSAS ADOPTING TEXT AMENDMENT TO THE ZONING REGULATIONS FOR THE UNINCORPORATED TERRITORY OF SALINE COUNTY, KANSAS; ESTABLISHING NEW SECTION 13A-12.17 "BATTERY ENERGY STORAGE SYSTEM"

WHEREAS, the Saline County Planning Commission, after holding a public hearing on October 22, 2024, following due and lawful notice pursuant to K.S.A. 12-757 and the *Zoning and Land Use Regulations for the Unincorporated Territory of Saline County, Kansas*, as codified in Chapter 13, Part A of the Saline County Code and as amended (the "Zoning Regulations"), has recommended that the Board of County Commissioners of Saline County, Kansas (the "Board") make text amendments to the Zoning Regulations, the nature and description of such change being fully set forth below; and

WHEREAS, the Board found that the Zoning Regulations should be amended to develop specific use standards for Battery Energy Storage Systems (BESS) by adopting the text amendments set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SALINE COUNTY, KANSAS THAT NEW SECTION 13A-12.17 "BATTERY ENERGY STORAGE SYSTEM" BE ADOPTED WITH WORDING AS FOLLOWS:

Adoption of Text Amendments. The Board hereby finds that the statutory provisions for the amendment of the Zoning Regulations have been fully complied with and hereby adopts the following text amendments (the "Text Amendments") amending the Zoning Regulations as follows:

Revising Chapter 13, Part A of the Zoning Resolution by adding subsection 12.17 BATTERY ENERGY STORAGE SYSTEMS as follows:

12.17.01. Definitions

- a. Applicability: The requirements of this ordinance shall apply to all BESS with a rated nameplate capacity of equal to or greater than 1,000 kilowatts (1 megawatt).
- b. Site Area: The footprint of the BESS facility including all buildings, whether on property that is commonly owned/controlled or is under separate ownership. This term does not include the wildlife corridors or other features of the battery energy storage system that are not considered part of the facility.
- c. Project Area: The total impacted area including the Site Area along with the accessory or appurtenant structures and equipment, wildlife corridors, and other components of the battery energy storage system.

- d. "Battery Energy Storage System" (BESS): means electrochemical devices that charge, or collect, energy from the grid or a generation facility, store that energy, and then discharge that energy at a later time to provide electricity or other grid services.
- e. Extraordinary Events: Any of the following would be considered an 'extraordinary event': large-scale or facility-wide damage to BESS facilities due to wind, storm, hail, fire, flood, earthquake, or other natural disaster; explosion, grievous injury to any citizen or employee; or similar event.
- f. Grading: The act of excavation or filling or a combination of both or any leveling to a smooth horizontal or sloping surface on a property but not including normal cultivation associated with an agricultural operation.
- g. "International Fire Code" (IFC): is the code establishing standards for the installation of fire and smoke detection systems, fire suppression and design considerations.
- h. "National Fire Protection Association" (NFPA): is a nonprofit organization dedicated to eliminating death, injury, property, and economic loss due to fire, electrical, and related hazards.
- i. "National Electric Code" (NEC): also known as NFPA 70, is a set of standards for the safe installation of electrical wiring and equipment in the United States. Its primary purpose is to ensure the safety of electrical installations by setting forth requirements to protect people and property from electrical hazards. The NEC covers the installation of electrical conductors, equipment, and raceways; signaling and communications conductors and equipment; and fiber optics. It is updated every three years to incorporate new technologies and improve safety measures
- j. UL 9540: is a standard for Energy Storage Systems (ESS) and Equipment. It is designed to ensure the safety of these systems and covers their construction, performance, and testing requirements. UL 9540 certification is essential for verifying that energy storage systems, such as batteries and related equipment, meet rigorous safety standards to prevent hazards related to electrical, mechanical, and environmental conditions. The document also incorporates ESS equipment for control, protection, power conversion, communication, and fire detection and suppression. Any system built in Saline County, Kansas must meet UL9540 standards.
- k. NFPA 855, Chapter 9: is the Standard for the Installation of Stationary Energy Storage Systems, provides comprehensive guidelines for the safe installation of stationary energy storage systems (ESS), including those using lithium batteries. These standard addresses various aspects of installation to mitigate fire and explosion risks associated with energy storage technologies. It covers topics such as system design, construction, operation, and maintenance to ensure safety and reliability. The document considers ventilation, detection, signage, listings, and emergency operations associated with the ESS, and provides extensive requirements for ESS fire safety. Any system built in Saline County; Kansas must meet NFPA 855 standards.
- l. "NFPA 68": is the "Standard on Explosion Protection by Deflagration Venting". This standard addresses the specific use of deflagration venting as a means of explosion protection.
- m. "NFPA 69": Establishes Standards on BESS systems for Explosion Prevention.

- n. “NFPA 72”: is the National Fire Alarm and Signaling Codes. This outlines processes for notification of public agencies including Emergency Services, whenever damage to a BESS facility caused by an extraordinary event takes place.
- o. Net Metering: a system in which BESS facilities or other renewable energy generators are connected to a public-utility power grid and surplus power is transferred onto the grid, allowing customers to offset the cost of power drawn from the utility.
- p. Operator: The party or entity responsible for the construction, operation, maintenance, and decommissioning of the BESS.
- q. Permeable Fencing: Fencing that allows wildlife to pass through. Examples include typical barb-wire fencing or wire fencing with larger holes than a traditional chain link fence, woven wire, with wildlife corridors for larger wildlife.
- r. Wildlife Corridors: A vegetated route or other connection which allows movement of wildlife between areas of habitat. A wildlife corridor may be naturally occurring areas such as stream corridors, or constructed breaks in contiguously fenced areas other than for roads. A wildlife corridor allows animals to travel through a site that may have a BESS facility located on it.

12.17.02 Battery Energy Storage System

- a. Purpose of Regulations. The requirements of this ordinance shall apply to all BESS permitted and installed in Saline County after the effective date of this ordinance. This ordinance does not extend to the general maintenance and repair of BESS permitted, installed, or modified prior to the effective date of this ordinance.
- b. Intent of Regulations. It is the intent of these regulations to address major issues associated with the project; however, issues that are not listed and that are deemed significant during review will be addressed with the review and conditions of each individual conditional use permit.
 - 1) These regulations specify the plans, information surveys, and studies that must be submitted as part of the Conditional Use Permit (CUP) application.
 - 2) Appropriate locational criteria for siting a BESS are provided.
 - 3) Standards are provided to:
 - i. Ensure that land in the vicinity of and not occupied by the BESS facility remains viable for agricultural uses during the life of the facility; and land occupied by the facility is made agriculturally viable after decommissioning.
 - ii. Minimize the impact of the system on nearby properties.
 - ii. Minimize negative environmental impacts.
 - iii. Ensure reclamation of the site; and
 - iv. Provide appropriate decommissioning and disposal measures.
- c. Applicability.

- 1) These standards do not apply to Personal or Accessory Battery Energy Conversion Systems. Personal or Accessory Battery Energy Conversion Systems are authorized and regulated with the most recently adopted Construction Codes of Saline County, Chapter 13 of the Saline County Code and are expressly exempt from the CUP process/requirements.
- 2) These standards and regulations apply to Commercial/Utility Scale BESS proposed in the unincorporated territory of Saline County.

12.17.03 Approvals Required for Revisions

- a. Conditional Use Permit. Any proposed expansion of the facility will require approval of a new conditional use permit. This would include an increase in the Site Area or the area for accessory equipment.
- b. Site Plan. Minor modifications may be approved through the site plan process. A minor modification includes changes which do not increase the Site Area or the area for accessory equipment.

12.17.04 Conditions Required for Approval

In addition to the findings of fact listed in Section 12.17.06, the following considerations shall be evaluated with the review of any application:

- a. The Operator shall demonstrate their ability to strictly conform and monitor all applicable performance standards detailed in these Regulations as well as applicable Local, State, and Federal laws or regulations.
- b. Key issues to be considered with the review of the application include, but are not limited to:
 - 1) Visual impact as provided for in the Comprehensive Plan;
 - 2) Noise requirements;
 - 3) Impact on Wildlife Habitat/ Native Flora and Fauna;
 - 4) Impact on cultural, historical, or archeological features;
 - 5) Impact on critical wildlife habitats, current state-listed threatened and endangered species, and species in need of conservation as defined by Kansas Department of Wildlife and Parks;
 - 6) Impact on environmentally sensitive lands;
 - 7) Impact on water quality and soil erosion;
 - 8) Impact on infrastructure, including roads and bridges for construction access;
 - 9) Conformance with federal guidelines
 - 10) Cumulative Impacts;

- 11) Company experience, reputation, and financial ability must be held for the single entity applying for the permit;
- 12) Decommissioning, removal, reclamation, and disposal;
- 13) Bond agreement or other means of ensuring reclamation, disposal, and decommissioning performance;
- 14) Specific requirements for building and construction;
- 15) Emergency services and training requirements; and
- 16) Degree to which agricultural uses and wildlife habitat are accommodated with the facility layout and design.

12.17.05 Standards

The following standards apply to all BESS, except where specifically noted:

- a. Farmland. As economic development and preservation of prime agricultural land are goals of the comprehensive plan, and Battery Energy Storage Systems (BESS) commonly utilize land for multiple decades, the following standards shall apply:
 - 1) Projects that further enhance climate and food system resilience and preserve agricultural character by enabling the integration of food production into their design are encouraged.
 - 2) BESS may not be located on any NRCS designated Land Capability Class 1 or Land Capability Class 2 soils on any part of the site...
 - i. Grading of Land Capability Class 3 or above shall be limited to maintain the natural topography.
 - ii. Where approved, grading shall not exceed 5% of the site area unless a modification is granted by the Planning Commission. A modification from this grading requirement may be granted if it is found to be necessary to ensure proper drainage or to mitigate unusual site constraints.
- b. Height. Structures shall comply with the height limit for the zoning district.
- c. Location. The system shall be located to:
 - 1) Accommodate the future growth of incorporated cities;
 - 2) Utilize existing terrain, vegetation, and structures to screen the project from off-site view to the extent possible. If this is not possible, additional screening may be required;
 - 3) Avoid slopes of 15% or greater;
 - 4) Make use of brownfield sites, or similar, where possible; and
 - 5) Minimize impact to endangered species as determined by the Kansas Department of Wildlife and Parks.
 - 6) A single BESS site area not to exceed ten (10) acres adjacent per substation (the Planning Commission may approve an additional 10 acres if the Applicant can demonstrate a practical need for additional acreage).

- d Temporary construction barriers. shall be installed along the perimeter of the dripline of a protected stand of mature trees, or 200 feet from the historic trail, or at the boundary of other protected environmentally sensitive lands. This fencing is to be signed with the following requirement: 'Grading, vehicles, equipment, or the storage of materials is not permitted beyond the construction fence line.' This fencing must remain in place until construction is complete.
- e. Vegetation.
- 1) Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the system, access roadways, and other approved site improvements.
 - 2) Removal of stands of mature trees shall be limited.
 - 3) The surface of the project site shall be prepared as shown on the approved Vegetation Management. For the remainder of the Project Area, disturbed soils shall be seeded to prevent erosion and manage runoff. Seed mixes for perennial plantings should include a diversity of grasses and wildflowers; Native plants, wildflowers, and agriculture are preferred.
 - 4) Any pesticides used on the site shall be applied only by a pesticide applicator certified by the Kansas Department of Agriculture. If the vegetation plan has been designed to minimize the use of pesticides or herbicides, those practices should be clearly stated on the site plan and noted in the operation plan.
 - 5) A wildfire mitigation plan will be developed and implemented to ensure protection of the BESS facility.
- f. Soils. All grading and construction activities shall preserve existing topsoil.
- 1) Temporary Displacement or Removal of Soil
 - i. Topsoil may be temporarily displaced where grading has been approved as part of an installation.
 - ii. The amount of topsoil displaced shall be minimized.
 - iii. Topsoil shall be stockpiled on the site
 - iv. After rough grading, the topsoil shall be redistributed uniformly on the surface of all areas to be vegetated.
 - v. Displaced topsoil shall not be removed from the site except as required to remediate contamination per the standards in the following section.
 - 2) Topsoil shall not be removed from the site except as required by Kansas Department of Health and Environment (KDHE) due to contamination, or other applicable Local, State, Or Federal Laws.
 - i. The amount of soil removed shall be reported to KDHE and the Zoning Administrator.
 - ii. The Zoning Administrator may require topsoil to be brought to the site for reapplication and planting, depending on the amount that was removed.

- iii. Contaminated topsoil shall be disposed of in accordance with Local, State or Federal regulations.

g. Setbacks.

- 1) Battery energy storage systems shall comply with at a minimum NFPA 855 requirements related to setbacks and buffer, however the individual CUP may increase buffer distance based on specific location conditions. An applicant may request a waiver of these requirements under circumstances that an engineered solution may satisfy setback requirements outlined in NFPA 855.
- 2) Buffering or screening landscaping (including Berms), fencing, agricultural uses, and access drives may be within this setback.
- 3) Written evidence of the setback agreements, including any additional landscaping, shall be provided to the Planning Office as part of the conditional use permit application and, with the approval of the conditional use permit, shall be filed with the Register of Deeds by Developer.
- 4) No portion of a system may encroach upon the public right-of-way with the exception of distribution or transmission lines (overhead or underground) provided all applicable approvals from the authority having jurisdiction over that portion of the right-of-way have been obtained.
- 5) Additional setbacks may be required to mitigate site specific issues or to provide for frontage roads, cross-access easements, commercial corridors, or other means of egress/ ingress.

h. Fencing/Screening.

- 1) NFPA 70 requires all large electrical installations, including utility-scale energy storage systems, to have a perimeter fence of at least 7 feet to prevent unauthorized access to the facility. NFPA 855 and NFPA 70 includes requirements for security and barriers to enhance the safety and protection of energy storage systems. These requirements are aimed at preventing unauthorized access, as well as containing and securing the site. Security barriers may involve measures such as fencing, gates, locks, access controls.
- 2) As required by Local, State, and Federal regulations, critical electrical and communications equipment, may be fenced with chain-link fence topped with barbed wire when such measures are deemed necessary to ensure public safety and provide additional security for the equipment.

i. Signage.

- 1) Perimeter fencing shall incorporate appropriate safety signage, at a minimum spacing of every 500 feet.
- 2) Signage, including addresses for each fenced area, shall be provided as required by the Emergency 911 dispatch.

j. Lighting Requirements.

- 1) Battery energy storage systems shall comply with NFPA 855 requirements related to lighting. Lighting requirements applicable to other infrastructure within the Saline County, or requirements specified in state statute or code for electrical infrastructure are appropriate to apply to BESS so long as they do not conflict with NFPA 855.
- 2) NFPA 855 and NFPA 70 identifies lighting requirements for energy storage systems. These requirements are designed to ensure adequate visibility for safe operation, maintenance, and emergency response. Lighting provisions typically cover areas such as access points, equipment locations, and signage. The specific lighting requirements may vary depending on factors such as the size and configuration of the energy storage system, as well as the surrounding environment.
- 3) No exterior lighting fixture shall be installed that exceeds fifteen (15) feet in height unless proven necessary by the applicant and approved as part of the conditional use review process.
- 4) No light source shall be directed off-site. All external lighting shall be shielded and downcast such that light does not encroach upon adjacent properties or the night sky.
- 5) All exterior lighting, where used, shall be motion-activated and on a timer, or switch-operated.
- 6) If LED lights are used, the color temperature shall be no more than 3000K (Kelvin).

k. Noise.

- 1). Applicants shall submit noise monitoring test results before the first week of construction to the Director of Planning and Zoning to establish baseline noise levels.
- 2) Auditory Requirements. The average noise generated from the battery energy storage systems, components, and associated ancillary equipment, measured at the nearest building, lot line that can be built upon, or public way, shall not exceed any auditory limits established for each land use zone. Within 100 feet of facility boundary, sound caused by BESS can range from 60 to 80 decibels. Beyond 100 feet, and with the setbacks and screening specifications in NFPA 855, neighboring properties shall experience no more than 60 decibels during the height of facility operation.

l. Electrical Interconnections.

- 1) All electrical interconnection and distribution lines within the subject site shall be located underground, based on the NFPA-70 standards with the following exceptions:
 - i. When site conditions are required. A modification may be granted by the Planning Commission in instances where shallow bedrock, water courses, or other protected environmentally sensitive lands make underground connections detrimental.

- ii. Generation tie-lines from the project substation to a utility substation may be aboveground.
 - 2) Underground cables shall be located at least 3 feet, vertically or horizontally, from existing underground utilities.
 - 3) Off-site, above-ground utility or power lines may only be used for generation tie-lines from the project substation to a utility substation and must be located in public right-of-ways, easements, or other legally dedicated tracts of land.
- m. Maintenance. All structures shall be maintained and kept in good condition by the owner or operator.
- 1) Maintenance shall include, but not be limited to, painting, structural repairs, replacement of damaged or worn parts or cables, and integrity of security measures.
 - 2) Site access shall be maintained to a level acceptable to local emergency personnel. The owner or operator shall be solely responsible for maintaining the subject site, all appurtenant structures, and the installation and maintenance of any access road(s), unless accepted as public right-of-way.
- n. Annual Environmental Testing. With each approved BESS conditional use permit application, water analysis of active wells within one-half mile of the facility area, as well as air and soil testing within a half mile shall be completed by the operator prior to the installation of the equipment and on a recurring annual basis with test results submitted to Planning and Zoning staff.
- 1) This offer shall be provided for all owners of property within 1/2 mile of the Site Area by certified mail, at least one month prior to the installation.
 - 2) A copy of the certified letter and a list of property owners notified shall be provided to the Planning Office along with a list of all property owners who requested the testing and the results of that testing. This must occur prior to the installation of the facility.
 - 3) The test shall analyze the water in the nearby wells for substances such as lead and cadmium, lithium, strontium, nickel, barium, zinc, and copper, as determined with the conditional use permit, and shall include a pesticide panel.
 - 4) The results of groundwater testing shall be provided to the Zoning Administrator and sent by certified mail to the landowner.
- o. Affidavit. Upon issuance of a permit for Conditional Use Permit by the Planning Commission, the Developer shall provide proof of filing an affidavit with the Register of Deeds on all the properties within the Conditional Use Permit, which includes a copy of the Conditional Use Permit and all setback and buffer waivers. Filing fees will be paid by the applicant.
- p. Liability Insurance. Applicants shall provide general liability insurance, showing general liability insurance coverage in the amount of \$1,500,000 per incident for the lifespan of the project. This amount may be increased by the Planning Commission or County

Commission if it is determined the location of a proposed facility may pose health and safety issues for adjacent property. This liability insurance will encompass installation and operation through decommissioning. Additionally, the liability will cover extraordinary events including damage to the water and land impacted by the local community. Evidence shall be provided annually in the form of a certificate of insurance.

- q. Ft. Riley Unmanned Aircraft Overlay Zone and Airport Overlay District. If a system is proposed to be placed within the Ft. Riley Unmanned Aircraft Overlay, or the Salina Airport Overlay District or within 5 miles of any airstrip, the applicant shall provide acknowledgment of location approval or acceptance from the Federal Aviation Administration and Ft. Riley with the conditional use permit.
- r. Other Standards and Codes. All BESS proposals shall be in compliance with all applicable local, state, and federal regulatory standards including, but not limited to, the Endangered Species Act, Clean Water Act, and all codes as specified in 12.17.01 herein.
- s. Modifications. Upon a written request by the applicant, the Board of County Commissioners may approve a modification from the standards upon a determination by the Board of County Commissioners that said modification is necessary and is consistent with the purpose and intent of these regulations. The Planning Commission shall make recommendations to the Board on requested modifications in conjunction with their recommendation on the conditional use permit.
- t. Building Permits and Plan Review. The applicant shall contract with a special inspector and/or Plan Reviewer, approved by the Zoning Administrator, for construction plan review and all required construction inspections, at the operator's expense.
- u. Time Frame. The conditional use permit may be approved within a time frame of up to 25 years from the date of the Planning Commission approval. Continuation of the use beyond that time frame will require the submission and approval of a new conditional use permit.
- v. Transfer of Operator. If the Operator listed on the approved CUP plans to sell or otherwise transfer their responsibilities to an entity not listed on the CUP, the listed Operator shall notify the Zoning Administrator of this proposed change. Furthermore, the new Operator shall notify the Board of County Commissioners and the Zoning Administrator in writing, acknowledging their acceptance of responsibility and intent to comply with all conditions listed in the approved CUP. The Planning Commission may approve the transfer of operator if they find the proposed Operator has demonstrated their ability to strictly conform to all applicable performance standards detailed in these Regulations as well as applicable Local, State, and Federal laws or regulations.
- w. Extraordinary Event. Within 3 days of an extraordinary event, the Operator shall provide written notice of the event to the Zoning Director, noting the cause and the degree of damage associated with the event. Within 30 days of the event, the Operator shall provide the Zoning Administrator with a mitigation plan noting the steps they will take to mitigate any negative impacts. Additional mitigation steps may be required by the Zoning and Codes Office.

- x. Reviews. The BESS facility shall be reviewed for compliance with the standards of the conditional use permit 1 year after project approval and every 5 years thereafter through the life of the conditional use permit. These reviews may be conducted by a third-party firm, selected by the Zoning Administrator, and financed by the Operator.

12.17.06 Application and Required Documents

The following additional notice and materials are required as part of the application submittal:

- a. Additional Public Notice. Prior to submitting an application for a Conditional Use Permit for a BESS, the applicant will be responsible for mailing a notice of the potential development application to property owners within a two-mile radius of the property included in the application. This is in addition to the Planning Office's mailed notification of the Planning Commission public hearing to property owners within 1,500 feet of the subject property.
 - 1) The applicant shall submit a certificate of mailing provided to the Planning Office for this notice, a sample letter, and a list of notified property owners at the time of the application.
 - i. A certified list of property owners within two miles of the subject property within the CUP application shall be obtained from the Saline County Mapping Department, within 30 days of the mailing date.
 - ii. The notice shall be sent by mail and shall include a brief description of the project, proposed construction date, date the application will be submitted to the planning office, the person with contact information (phone, email, address) designated by the applicant to respond to questions concerning the proposed application and the following statement:

This letter is being sent to the owners of the nearby property for the purpose of informing the property owners and other interested parties about the proposed Battery Energy Storage System (BESS) project described further in this letter. This letter does not grant the recipient and/or the property owner any additional legal rights to challenge the proposed development, instead, it is being provided solely to advise the property owner(s) of the pending development. For further information, contact the applicant's designated representative or the Saline County Planning Office at 785-309-5813.
 - iii. The applicant is responsible for mailing notice to all property owners listed on the certified property owner list prior to the submittal of the conditional use permit application.
 - iv. When required notices have been properly addressed and deposited in the mail, failure of a party to receive such notice will not be grounds to invalidate any action taken by the Planning Commission or the Board of County Commissioners.

- b. Existing Conditions. A physical and digital site plan of existing conditions showing the following (digital site plan must be formatted to toggle each layer off and on):
- 1) Existing property lines and property lines extending one mile (5280 feet) from the exterior boundaries, including the names of the adjacent property owners and current use of those properties, as determined by site inspection or from the Saline County Land Use map, which is available from the Planning Office;
 - 2) All recorded easements on the property, with type and recording information, and the location and width of all public roads right-of-way.
 - 3) Existing points of ingress and egress to the property.
 - 4) Location and size of any known wells (oil, water, geothermal, etc.);
 - 5) Existing buildings and any paved or gravel surfaces, with dimensions;
 - 6) Contour lines showing the existing topography of the site at one-foot intervals. The source of the topography must be stated. If the site contains any FEMA mapped floodplain, the topography must be tied to the FIRM datum.
 - 7) Boundaries and designations of any Special Flood Hazard Areas identified on the Flood Insurance Rate Map (FIRM) of Saline County, Kansas;
 - 8) Existing vegetation (list type and percentage of coverage; i.e. grassland, plowed field, wooded areas, etc.);
 - 9) Existing swales, channels, ditches or streams, existing ponds and lakes, and existing culverts;
 - 10) Soil map showing location of soils classified as Land Capability Class 1 and 2 soils as identified in the Natural Resource Conservation Service (NRCS) soil survey;
 - 11) Map of residential uses and structures within 5280 feet of the facility boundary;
 - 12) Presence of any critical habitat for threatened or endangered species as determined by Kansas Department of Wildlife and Parks;
 - 13) The location of any underground pipelines and all utility easements; including but not limited to railroad and drainage easements.
- c. Proposed Conditions. A physical and digital site plan of proposed conditions showing the following:
- 1) An electrical diagram detailing the BESS layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices;
 - 2) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of the building permit.
 - 3) Name and address of Operator; Location and width of access drives;

- 4) Planned location of underground and overhead electric lines connecting the BESS to any building, substation, or other electric load;
- 5) Proposed phasing schedule;
- 6) New electrical equipment other than at the existing building or substation that is the connection point for the Battery Energy Storage System;
- 7) Planned wildlife corridors;
- 8) Environmentally sensitive lands to be protected;
- 9) Clearly delineated limits of proposed land disturbance or vegetation removal for all phases of construction and operation.
- 10) Location and height of any proposed lighting;
- 11) A description of the method of connecting the Array to a building or substation;
- 12) Wiring diagram for the site;
- 13) Locations and size of planned temporary construction laydown yards; and
- 14) Approximate limits of disturbance for all temporary and permanent project components (inverters, access drives, buried electric collection lines, temporary laydown yards, substation, etc.) (Project Area).
- 15) Utility easements including, but not limited to, easements for transmission and interconnection.
- 16) Seismic study identifying any potential threats to the new facility.

d. Additional Materials. The following shall be submitted with the application:

- 1) Public outreach is required for BESS. Information regarding public outreach will include informing community property owners of the potential installation, the facility safety features, how the community will be notified in the event of facility failure, and necessary community reaction to a facility failure;
- 2) Manufacturer's design and recommended installation methods for all major equipment. Emergency response information, including training events provided to all community fire departments,
- 3) Installation methods for foundations;
- 4) Assessment of construction impacts such as, but not limited to, noise, vibration, lights, waste management, water supply, etc., and mitigation measures. Mitigation measures could include, but are not limited to, limited construction hours, reduced scope of work at one time, alternate construction methods, etc.;
- 5) A preliminary equipment specification sheet that documents the proposed BESS components, inverters, and associated electrical equipment to be installed;
- 6) A grading/vegetation removal plan which includes all proposed changes to the topography and vegetation on the site (clearing, grading, topographic changes, tree removal, etc.);

- 7) A stormwater management plan with supporting calculations, documenting how increased runoff will be conveyed throughout the site. The calculations must include the design of open channels and culverts on site. Based on recommendations from the County Engineer, storage and controlled release at points of discharge from the site may be required; if so, the stormwater management plan must be implemented on the final site plan prior to approval.
- 8) Preliminary stormwater management plans may be provided with the original application, as required by the County Engineer, however, engineered or detailed plans must be submitted for the County Engineer's review and evaluation prior to the Planning Commission's final action on the application.
 - i) More detailed information may be required by staff when needed to make informed decisions on the use.
 - a) Changes required by the stormwater plan, such as detention, shall be shown on the final plans for the Planning Commission's consideration.
 - b) A copy of any Interconnection Facilities Studies;
 - c) A copy of the interconnection agreement with the local electric utility shall be provided prior to the release of the conditional use permit plans for building permits;
 - d) A copy of the KDHE-approved SWPPP (Stormwater Pollution Prevention Plan) for the site.
 - ii) An operation and maintenance plan which includes measures for maintaining access drives to provide access for emergency vehicles, as well as general procedures for operation and maintenance of the installation;
- 9) Traffic and Road Maintenance Plan; A traffic and haul route plan based on the recommendations of the County Engineer and Township Trustee, where applicable. The plan shall include, but is not limited to:
 - i). A traffic study estimating the volume and type of traffic generated by the project, both during construction and during normal operations. The study must identify proposed haul routes for construction traffic, trucks, and oversize or overweight loads.
 - a) Based on the traffic study and the County Engineer's recommendations, the following items may be required prior to approval of the conditional use permit:
 - b). Notes on the plan designating haul routes from the site to a paved county or state highway.
 - c). Road maintenance agreement to be executed with the county or township, addressing compensation for road maintenance or dust control on public roadways.

- d). Public improvement agreements to be executed with the county or township, addressing compensation for necessary road, bridge, or culvert improvements on public roadways.
- 10) Landscaping Plan: A landscape plan detailing all proposed changes to the landscape of the site required to accommodate buffering or screening from adjacent properties.
- i. The plan shall include the installation, establishment, and maintenance of buffering or screening landscaping as required.
 - ii. A species list shall be provided for all buffering or screening landscaping. If applicable, by the Kansas Department of Wildlife and Parks.
 - iii. The landscaping plan shall include management methods and schedules noting how the vegetation will be managed on an annual basis, with particular attention given to the establishment period of approximately three (3) years.
- 11) Vegetation Management Plan: A vegetation management plan detailing all proposed changes to the vegetation of the site and outlining all proposed uses, current or future.
- i. The plan shall show where existing vegetation is to be removed and what new vegetation will be planted.
 - ii. The plan shall include the installation, establishment, and maintenance of ground cover and other vegetation to minimize erosion, maintain soil health, and accommodate the proposed use.
 - iii. The plan shall include management methods and schedules noting how the vegetation will be managed on an annual basis, with particular attention given to the establishment period of approximately three (3) years.
 - iv. The plan shall identify the types and locations of intended activities. If the facility is not designed to accommodate, that should be stated in the plan.
 - v. Other elements that may be included in this plan include, but are not limited to:
 - vi. Collaborative research on cropping systems or ecosystems coexisting with BESS facilities, or carbon sequestration; or
 - vii. Land access and/or training for beginning farmers or underrepresented groups in farming.
- 12) Emergency Services, Fire, and Safety Plan: The applicant must consult with Emergency Management and emergency service personnel prior to submittal of an application to devise a public notification and emergency management plan which will provide details including all means of public notification and managing an Extraordinary Event at the BESS installation shall include, but will not be limited to, the following information:

- i. The project summary, electronic schematics, site plans, emergency ingress/egress, with the location of the access drives and the width and load rating of the access drives.
- ii. Emergency contact information, which will also be posted on the site.
- iii. Description of how the fire safety system and its associated controls will function and be maintained in proper working order.
- iv. Fire protection and suppression systems for buildings that store hazardous material, or compressed gases.
- v. Site control measures during and after any emergency. All means of managing an emergency including shutting down the installation shall be noted and clearly marked.
- vi. Procedures for inspection and testing of associated alarms, interlocks, and controls shall be noted on the plan.
- vii. Safety Data Sheet (SDS) unless the facility meets the reporting thresholds of Emergency Planning and Community Right to Know (EPCRA) Act in which case the applicant shall provide to submit a Tier II report if required by the EPA. The EPA requires Tier II reports for facilities that store hazardous chemicals above certain threshold quantities.
- viii. Electrical shock hazards and possible contact with hazardous substances or toxic fumes identified.
- ix. The Operator shall update the Emergency Services and Fire Safety Plan annually in collaboration with Emergency Management, and provide new copies to the system owner, the local fire district, emergency response agencies, Saline County Emergency Management, and the Zoning Office.
- x. Any specialty response equipment required to adequately manage Extraordinary Events will be provided, updated, and/or replaced by the operator, as needed and at the operator's expense.
- xi. Annual Emergency and Extraordinary Event response training will be provided for all emergency response stakeholders (e.g. Emergency Management Staff, Volunteer Fire Department staff, local school staffs) on the manufacturer's emergency management plan, design plan, site, equipment, and processes required to ensure their safety and effective management during an event.
- Xii Provisions for testing of water, air and soil within ½ mile of the facility immediately following an extraordinary event with results submitted to County Planning and Zoning.

13) Abandonment, Decommissioning, and Reclamation Plan; A decommissioning and reclamation plan will be required to ensure that facilities are properly removed after their useful life. Decommissioning of BESS must occur in the event that they do not produce electricity and have no demonstrated plan to restore to operating

condition and before the end of the life span of the conditional use permit. Decommissioning will be completed within a 6-month time frame.

- i. Director of Zoning shall issue a Notice of Abandonment to the owner/operator of the facility. The owner/operator shall have the right to respond to the Notice of Abandonment within 30 days from the Notice receipt date. The Director of Zoning may withdraw the Notice of Abandonment and notify the owner/operator that the Notice has been withdrawn if the owner/operator provides sufficient information to demonstrate that the facility has not been abandoned which may include documentation or certification by the owner/operator of the local electric utility, or that the owner/operator of the facility is actively pursuing a plan, including specified steps and a proposed schedule acceptable to the Director of Zoning and Codes, to bring the facility back into service.
- ii. The decommissioning/reclamation plan shall include provisions for removal of all structures, foundations, and underground wiring, and all materials foreign to the site prior to installation. All cables buried 36 inches or less underground must be removed. Cables that are deeper than 36 inches may remain if the following requirements are met: a map of the buried lines is provided to One Call, and an affidavit is attached to the deed of the property to note that buried cables, deeper than 36 inches, are present on the property.
- iii. The decommissioning/reclamation plan must ensure the site will be reclaimed to a useful, nonhazardous condition without delay including Regrading, with a minimum of ground disturbance, seeding of the land after the removal of equipment, and revegetation of reclaimed soil areas with crops or native seed mixes, excluding any invasive species.
- iv. The decommissioning/reclamation plan must include a description of how any changes to the surrounding areas such as, but not limited to, structural elements, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.
- v. The decommissioning/reclamation plan must provide that soil shall be tested following removal of equipment and compared with preliminary soil testing to evaluate any soil contamination and develop a remediation program, if needed.
- vi. Concrete and other materials used in the construction of the site must be removed. If discarded in Saline County, it must be discarded into an approved landfill: Disposal of all solid and hazardous waste must be in accordance with local, state, and federal waste disposal regulations. A manifest of disposal locations will be provided.
- vii. For any part of the project on leased property, the decommissioning/reclamation plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or repurposed

buildings in place or regarding restoration of agricultural crops or forest resource land. Any use of remaining structures must be in conformance with the regulations in effect at that time.

viii. If the Director of Zoning has issued a notice of abandonment, the permit holder will have one year to complete the decommissioning of the Battery Energy Storage System installation and reclamation of the area.

Decommissioning and reclamation shall be completed in accordance with the approved decommissioning/reclamation plan. The operator shall notify the Zoning and Codes Director when decommissioning and reclamation is complete.

ix. The decommissioning/reclamation plan shall include estimated decommissioning costs in current dollars and the method for ensuring that will be available for decommissioning and reclamation. The applicant shall provide the basis for estimates of net costs for decommissioning the site (decommissioning costs less salvage value). The cost basis shall include a mechanism for calculating adjusted costs over the life of the project.

14) Bond Requirement; The applicant shall post a bond, with the Saline County Clerk, establish an escrow account, or provide such other financial security deemed acceptable by the County, in an amount equal to the estimated decommissioning costs, to ensure proper decommission and reclamation of the site.

i. The County shall contract with an independent third party for estimated decommissioning and reclamation costs, at the applicant's expense.

ii. The bond, or other financial security, shall be posted prior to the commencement of the use.

iii. The bond, or other financial security, shall include a mechanism for adjustment over the life of the project.

(a) The bond, or other financial security, shall be adjusted for inflation annually.

(b) The BESS Facility owner or operator shall engage a qualified individual to recalculate the estimated cost of decommissioning at an interval of every five years, and every year for the final five years of the CUP. If the recalculated estimated cost of decommissioning exceeds the previous estimated cost of decommissioning, then the owner or operator shall adjust their financial security to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than the previous estimated cost of decommissioning, then the County may approve reducing the amount of the security to the recalculated estimate of decommissioning cost.

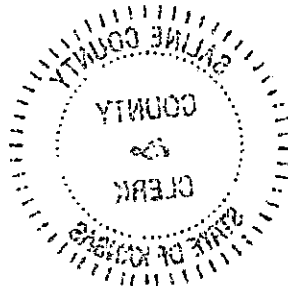
iv. In the event the operator is in non-compliance or default due to non-payment, the County shall have the right to call said bond, or other financial security, and use it for decommissioning purposes. Should there

be any remaining balance; the County shall have the right to withhold payment of any refund until the decommissioning process is completed to the County's satisfaction.


- v. Indemnity – If the Developer fails to abide by any of the requirements and provisions as outlined in the approved Conditional Use Permit, all corrective action by the Developer must be shown to have been resolved, or in the process of being reasonably addressed within thirty (30) days of receipt of certified notice from Saline County. Otherwise, the County has authority to suspend the CUP until the issue(s) or violation(s) have been resolved to the satisfaction of the County. If it is demonstrated that no action has or is being taken on the part of the Developer to resolve the issue, Saline County may either 1.) impose daily penalties of up to \$500.00 per day said violation(s) persist, or 2.) call the bond designated for decommissioning. Saline County shall be held harmless from any claims associated with the project. Developer agrees that if County has to take corrective action, Developer is responsible for all reasonable Attorney fees and costs.

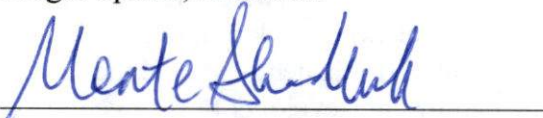
15). Addition to the Zoning Regulations. The Text Amendments made by this Resolution shall be added to the Zoning Regulations, as codified in Chapter 13, Part A of the Saline County Code.


- i. Invalidity. If any section, clause, sentence or phrase of Resolution of the Text Amendments adopted hereby is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Resolution or the Text Amendments adopted hereby, as the case may be.
- ii. Repeal. The Zoning Regulations heretofore adopted that are in conflict with this Text Amendments are amended, repealed, or replaced, as the case may be, to be consistent with the Text Amendments adopted hereby.
- iii. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Board and its publication once in the official County newspaper.

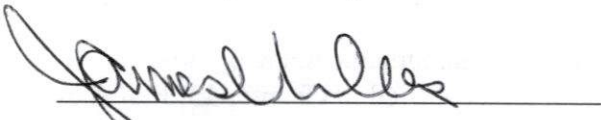


ADOPTED this 5th day of August 2025.
BOARD OF COUNTY COMMISSIONERS
OF SALINE COUNTY, KANSAS

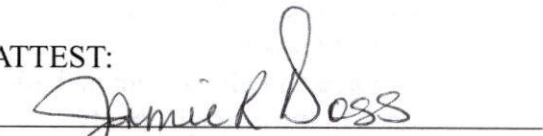

Rodger Sparks, Chairman


Monte Shadwick, Vice Chairman


Annie Grevas, Secretary


James D. Weese, Commissioner


Joe Hay Jr., Commissioner

ATTEST:

Jamie R. Doss, County Clerk

