Appendix A

Narrative

Mountain Peak Energy Storage
Conditional Use Permit Application
September 2025

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Table of Contents

List of Figures

List of Tables

List of Appendices

Please see list of appendices attached to the CUP Application

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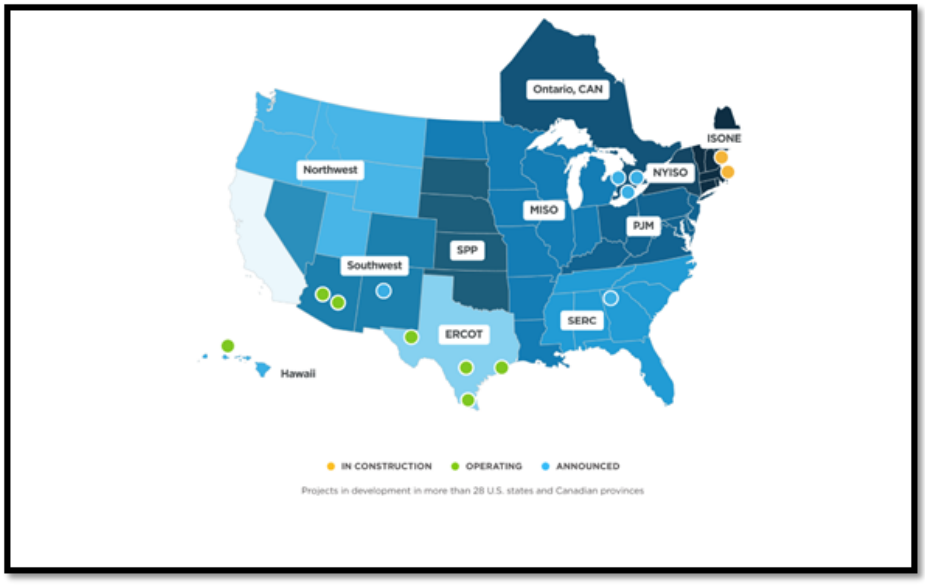
Conditional Use Permit Application
Narrative

1 Introduction

Mountain Peak Energy Storage, LLC ("Mountain Peak" or the "Applicant") is submitting a Conditional Use Permit application to request approval of a new Conditional Use Permit from Saline County to develop a 350-Megawatt (MW)/ 1400-Megawatt Hour (MWh) Battery Energy Storage System ("Project") pursuant to the County's Battery Energy Storage System Ordinance at County Code Section 13A-12.17 (hereinafter "BESS Ordinance") The Project is proposed to encompass approximately 15 acres of developed land (the "Project Area") within a larger approximately 39.44-acre parcel ("Parcel" or "Property") at the southwestern corner of the intersection of S Simpson Road and E McReynolds Road.

The Applicant is an affiliate of Plus Power Services LLC, – a U.S.-owned and operated energy storage company with a development history built on in-depth diversified market experience and commitment to local engagement ("Plus Power"). Plus Power has leveraged its deep experience in standalone energy storage to develop a diversified portfolio of energy storage facilities throughout the United States including 7 operating developments and 10 gigawatts currently in development across 25+ states. Its facilities help to relieve regional grid congestion, increase transmission efficiency, and support the reliability and stability of the electric grid.

Figure 1. *Plus Power Development Portfolio*



The power grid, in all regions of the United States, needs grid stabilizers, which the Applicant is delivering with standalone BESS facilities. Standalone BESS facilities uniquely offer both types of grid stabilization: ancillary services provided over milli-seconds to maintain grid performance, and stored energy over 4 hours to deliver energy during scarcity events.

The Project is sited immediately adjacent to the existing Evergy Summit Substation (see Figure 1 below) to which the Project will interconnect into the regional transmission grid. This Project will utilize state-of-the-art battery technology to store electric energy supplied from the Evergy Summit Substation (via the electrical grid) during periods of excess energy generation at times of low demand, allowing that energy to be redeployed to the grid during times of high demand or emergency needs, enhancing the reliability and stability of the regional grid and providing a tool to help manage delivery of energy to the residents of Saline County and the local region. Redeploying energy in this manner avoids using higher-cost energy generation during periods of high demand, reducing energy bills for Kansas consumers.

Figure 2. *Project Location* - Outlined in blue, immediately adjacent to and south of existing Evergy Summit Substation

The Summit Substation is a strategic and important location on the regional transmission system with regard to overall electricity supply and management. The Summit Substation experiences high transmission congestion associated with power flows from intermittent generation to load centers. Placement of a Battery Energy Storage System ("BESS") facility at this location would help alleviate this congestion and support the existing electrical grid and reliability of energy supply.

2 Project Description / Proposed Use

The Project will include technologically advanced and best-in-class BESS units, an access road, equipment storage, an operations and maintenance facility (including office trailer, shaded outdoor area, and parking), storm water management features, a temporary construction/equipment laydown area, electrical transformers and related on-site substation equipment. The on-site substation equipment will include circuit breakers, a transformer, a static/lightning mast 86' in height, and an A-frame tower (approximately 80' in height, excluding the attached taller lightning rod), and an overhead transmission tie-line to connect to the Evergy Summit Substation. One benefit of constructing the Project immediately adjacent to the existing Summit Substation is to reduce the length of the overhead transmission line to make the connection and thereby minimize potential land disturbance and visual impacts. The on-site substation equipment will appear similar in nature to the existing equipment at the Summit Substation but smaller in scale.

To maintain the Project's energy storage capacity and efficiency throughout its lifetime, future augmentation of the Project's battery enclosures will be necessary and would include repair, replacement and installation of new battery enclosures, as required over time. The exact specifications and dimensions of the new enclosures and associated equipment used for augmentation will vary and be determined at the time of installation to utilize the current technology at that time. The site plan included as Appendix B includes both the initial build-out and the augmentation area, all enclosed within the perimeter security barrier. [*Note that appendices noted throughout this Narrative are appended to the CUP application, thus numbering starts with B, as the Narrative is considered Appendix A.*]

It is the Applicant's intent that following the useful life of the proposed facility, the Property either be returned to as close to its approximate pre-construction condition as possible or redeveloped into another appropriate use consistent with any necessary approvals from the County.

2.1 Access

The Project will be accessed from the east by a new access drive extending approximately 1,000 feet from S Simpson Rd to the Site. The access driveway will be constructed to accommodate construction, operation, maintenance, and emergency response access. This access drive is shown in Appendix B.

Daily Operations and Traffic

The BESS units will be remotely monitored by staff 24/7 and managed on site by three to five technicians depending on the needs of the Project during operation. A self-contained office trailer will be located on the Site. The expectation is that the workers will be on-site each weekday during normal business hours, with only occasional night-time or weekend work depending on the needs of the system. The Project will operate on a 24/7 schedule to meet regional electric needs.

2.2 Construction

During construction of the Project, a temporary secure staging area on site will accommodate equipment, laydown area, construction parking, and temporary construction trailers. The construction period is intended to be approximately 12 to 18 months in duration; however, the last several months are typically limited to testing and commissioning of equipment.

2.3 Security

The Site will be enclosed by a chain link fence and secured with a gate. The facility will be minimally illuminated, and security lighting will be designed to minimize light pollution and take into consideration dark sky initiatives. Security lighting would be manually operated, and lights would generally not be on at night unless a specific operation or maintenance event is required. Security cameras will be installed to monitor the facility remotely 24 hours a day. BESS equipment is also monitored remotely 24/7 for proper operation and safety.

2.4 Water and Sewer

The Project will not require any municipal water or sewer facilities for operations or maintenance and will not be connected to any water or wastewater infrastructure. The sanitary needs of the operation and maintenance trailer will be serviced by a local third-party provider. The limited amount of revegetation planned within the BESS will be native vegetation with no irrigation.

2.5 Fire and Safety

The Project will comply with applicable local fire code, the National Fire Protection Association ("NFPA") 855 and the Occupational Safety Health Administration ("OSHA") 1926 standards, and the BESS units installed will be certified by the Underwriters Laboratories under 9540A.

The Applicant has consulted with the Saline County Emergency Management Department and Emergency Service Personnel regarding the Project generally, and the Emergency Services, Fire and Safety Plan (Appendix C) in particular. The public notification and emergency management information in this plan was developed in consultation with these local authorities and national experts.

Representatives of the Applicant have met with multiple Fire Districts in Saline County, including Fire District 2, regarding the design and safety protocols for the Project. The Applicant will continue to collaborate with the Emergency Management personnel to refine the Emergency Services, Fire and Safety Plan ("ERP") as the project design develops and the project nears construction and operation. The Applicant will also provide training to local first responders at or prior to the time of Project commissioning and will provide regular re-training. The Applicant's Emergency Services, Fire and Safety Plan is provided in Appendix C.

3 Conditional Use Request – Chapter 13 Part A Section 13.06.04 Compliance

The Saline County Code of Ordinances at Chapter 13 Part A Section 13.06.04, General Use Permit Criteria, sets out three criteria to be met for issuance of a Conditional Use Permit. On August 5, 2025, the Saline County Board of County Commissioners adopted its BESS Ordinance at Chapter 13 Part A Section 12.17. Section 3 addresses the Project's adherence to each of the generally applicable standards and criteria set out in the Saline County Code of Ordinances and Section 4 of this Narrative addresses the specific requirements of the BESS Ordinance. For ease of review, Appendix H provides a reference table which summarizes compliance with Key Issues (12.17.04) and Required Documents (12.17.06). The BESS Standards (12.17.05) are addressed directly in text in this narrative, with appropriate references to other appended documents. Note that where this narrative quotes from the Ordinances it does so in italics.

Section 5 identifies several conditions of approval requested by the Applicant, which the reviewing bodies (the Board of County Commissioners and the Planning Commission) are empowered to approve under Chapter 13 Part A Sections 13.06.08 and 13.06.06.

3.1 General Use Permit Criteria, 13A-13.06.04

The Site consists of vacant and undeveloped land which is currently uncultivated and located in the unincorporated portion of Saline County. The Property is zoned AG (agricultural). A Conditional Use Permit may be granted only if the proposal conforms to the general use permit criteria listed in Section 13.06 of the Zoning Resolution. As requested on the application form, the following description demonstrates how the Project meets each of these criteria:

a. That the location, size, design and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density, to the availability of public facilities, utilities, to the harmful effect, if any, upon desirable neighborhood character; the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

Response:

The proposed use is similar in character to the existing Summit Substation which directly abuts the Property on the north side. The battery enclosures themselves are low profile and minimally visible, especially at a distance. The facility is intentionally proposed to be set back over 1,000

feet from S Simpson Road and will have a footprint that is approximately equal to or less than the existing electric substation. Co-locating critical electric infrastructure the way Mountain Peak has been co-located with the Summit Substation helps preserve the surrounding viewsheds and avoids placing new critical infrastructure in a location that has not already adjusted to infrastructure of a similar size. The proximity between the two facilities also reduces the length of the overhead interconnection line required to be installed between the two facilities.

Adequate electricity service is available for the Project immediately along S Simpson Road and is needed for Project elements such as lights, sensors, and the operation and maintenance office.

No additional utilities (including water and wastewater) are expected to be needed because the Project will contract with a local third party to provide these services.

The Project will generate minimal traffic when construction is complete. Similar BESS facilities generate less than two dozen trips per week, typically in the form of small vehicles or light trucks performing routine maintenance activities or delivery trucks for spare parts. In summary, there will be minimal to no impact on the abutting properties and surrounding neighborhood's enjoyment or use of their land. The Applicant has included technical appendices which support this conclusion.

b. That the location, design, and site planning of the proposed development will provide a convenient and functional living, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.

Response:

The Project would interconnect to Evergy's 345kV Summit Substation, which is a directly adjacent use. This existing transmission substation provides electricity supply throughout Saline County, portions of which support the local electrical distribution grid in Saline County and reduce the cost of electricity in the region. The electrical reliability and affordability delivered by the Project directly benefits the living, shopping, and civic environment of the County. The Project is aesthetically compatible in the area as it would be adjacent to the existing Summit Substation, resulting in a minimally visible impact. As noted above, co-locating critical electric infrastructure the way Mountain Peak has been co-located with the Summit Substation helps preserve the surrounding viewsheds and avoids placing new critical infrastructure in a location that has not already adjusted to infrastructure of a similar size.

c. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions or will provide an essential service to the community or region.

Response:

The Project would provide an essential service to the surrounding area by supporting continued reliable and affordable electricity that homes, businesses, schools and hospitals constantly rely on. The Project would invest hundreds of millions of dollars in Saline County with the development of the Project, spurring growth in the local economy. The County would receive substantial tax revenue or similar-type payments that would directly support the operation of basic community functions that are deemed important to the County. Additionally, the Saline County 2022 Comprehensive Plan Update identifies a goal to "efficiently provide adequate public facilities and services", which would certainly include electrical infrastructure.

4 Chapter 13 Part A Section 12.17 Compliance

Saline County Code of Ordinances Chapter 13 Part A Section 12.17.04 identifies the conditions required for approval of a Conditional Use Permit for BESS facilities. Chiefly that:

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.

4.1 Standards from Section 12.17.05

In the following section, the Applicant demonstrates conformance with the BESS standards currently set out in Section 12.17.05.

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.

Response:

The Property is not currently used for agricultural activities or food production and therefore would not have an adverse effect on food system resilience or the preservation of agricultural character. Given the Site will only encompass a portion of the larger area outside of the planned Parcel, the remaining acreage within the Parcel could still be leased in the future for agricultural activities. Moreover, as an energy storage facility intended to improve grid reliability and stability, the Project could help avoid the need for new, large-scale power generation and transmission facilities that may otherwise displace other agricultural lands.

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.*

Response:

The proposed BESS facility is not located on NRCS Class 1 or 2 soils. Soils at this site are entirely Class 3 and Class 4. Refer to the USDA Web Soil Survey map provided as Appendix D.

i. *Grading of Land Capability Class 3 or above shall be limited to maintain the natural topography.*

Response:
The site is a mix of Class 3 and Class 4 soils. Grading for the facility has been designed to limit soil disturbance and associated topographic changes to the greatest extent possible. It is in the Applicant's interest to limit grading to limit cost and simplify construction, and to maintain current stormwater flows as much as possible (Grading & Stormwater Maintenance Plan, Appendix G).

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.*

Response:
The Applicant is requesting a modification from this requirement. The Site Area, as defined by the BESS Ordinance, will need to be approximately 100% graded to provide stable and safe structural foundations for the installation of the BESS units and related facilities, and to maintain safe, functional internal spacing and access between BESS units. The requested modification is reasonable to ensure the safe construction and operation of the Project. The Site Area is approximately, but less than, 10 acres in total comprising approximately one-quarter of the entire Property on which the Project is proposed. Grading is proposed to occur across other areas of the Project Area, outside of the Site Area; however, the final Project is anticipated to encompass less than 40% of the Property.

b. Height. *Structures shall comply with the height limit for the zoning district.*

Response:
The proposed structures are compliant with the height limit for the zoning district, which is 35 feet for principal buildings and 25 feet for accessory buildings. The Project will comply with this height limit.

c. Location. The system shall be located to:

1) Accommodate the future growth of incorporated cities;

Response:
According to the 2022 Update to the Saline County Comprehensive Plan, the Property is not identified as a growth area for incorporated cities. Electrical reliability provided by the Project to the County and surrounding region will accommodate future growth of incorporated cities by improving energy reliability at an affordable rate.

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;

Response:
The Site was selected, in part, to avoid or minimize visual impacts to the surrounding area. The Project is not proposing to set any BESS or electrical equipment within approximately 1000' of the nearest road. Additionally, the existing terrain at the Site rises slightly from Simpson Road before sloping downhill to the west. This means that the BESS enclosures will be set downhill from the road and on the other side of a slight rise in terrain. Additionally, the Project was sited to be as close to the existing Summit Substation infrastructure as possible, as grouping like features in the landscape reduces the impact to the view. Visual renderings provided in Appendix E demonstrate the minimal visual impact of the facility on its surroundings.

3) Avoid slopes of 15% or greater;

Response:

The siting of the BESS facility avoids existing slopes of 15% or greater.

4) Make use of brownfield sites, or similar, where possible; and

Response:

Brownfield sites are not available close to the Summit Substation, which is the necessary interconnection point for the Project. Therefore, the use of brownfield sites was not possible.

5) Minimize impact to endangered species as determined by the Kansas Department of Wildlife and Parks.

Response:

Environmental risk and impacts to endangered species are critical factors which are considered when siting Projects. The Applicant has conducted environmental surveys and diligence for the Site, which demonstrate that there is no critical habitat for federal or state listed species at the Site. See Appendix I. Therefore,

any impact to endangered species determined by KDWP from the Project is unlikely to occur.

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).*

Response:

The BESS "Site Area" is defined in 12.17.01.b as "the footprint of the BESS facility including all buildings . . . [which] does not include the wildlife corridors or other features of the battery energy storage system that are not considered part of the facility." The area of the battery enclosures and foundations as well as above-ground supporting electrical equipment for the Project is within the BESS Ordinance's 10-acre requirement. The Applicant proposes to develop an additional approximately five acres to contain the access road, perimeter fence, buffer/setback areas, stormwater management system, operations and maintenance area, and other appurtenances within the overall Property: however, these are not part of the "Site Area" as defined under the BESS Ordinance and would not result in the Project exceeding the 10-acre limit.

d. Temporary construction barriers. *shall be installed along the perimeter of the drip-line 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.*

Response:
The Project design complies with this Standard (Appendix G). The Project will ensure that barriers and signage are installed and maintained throughout construction.

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.*

Response:
The Project design complies with this Standard, and the Project will comply with this Standard during construction and commercial operation. Further information is provided in the attached Landscaping and Vegetation Management Plan (Appendix F).

2) *Removal of stands of mature trees shall be limited.*

Response:

The Project design complies with this Standard, and the Project will comply with this Standard during construction and commercial operation. Few or no mature trees will be impacted by this project, the site is predominantly grassland.

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.*

Response:
The Project design complies with this Standard. Further information is provided in the attached Landscaping and Vegetation Management Plan, (Appendix F), which discusses erosion prevention, runoff management, and specifics regard the diversity of grasses and other flora to be used in the seeding process.

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.*

Response:
The Project design complies with this Standard. Further information regarding herbicide use is provided in the attached Landscaping and Vegetation Management Plan (Appendix F). Application of herbicide treatments shall only be performed by individuals with a current Commercial Pesticide Applicator certification and license through the state of Kansas and in accordance with all applicable laws, regulations, and herbicide label instructions.

5) *A wildfire mitigation plan will be developed and implemented to ensure protection of the BESS facility.*

Response:
The Project design complies with this Standard. The BESS facility will be protected from wildfires through a series of design features, including minimization of a fuel source, namely vegetation, near the battery enclosures. Access driveways and a security perimeter fence separate the battery enclosures from the vegetation. Wildfire mitigation is primarily achieved through site design, setbacks, and compliance with relevant standards (particularly NFPA 855), and certification of technology for fire safety (particularly UL 9540A).. The Project is therefore designed to passively mitigate wildfires and the measures to address such events (should they occur) will be addressed in the Emergency Services, Fire and Safety Plan in Appendix C.

f. Soils. *All grading and construction activities shall preserve existing topsoil.*

1) Temporary Displacement or Removal of Soil

Response:
The Project design complies with Standards i-v below and the Project will comply during construction. Applicable notes to the construction contractor can be found in the Grading & Stormwater Maintenance Plan provided in Appendix G.

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.

Response:
The Applicant will comply with Standards i-iii below. Applicable notes to the construction contractor can be found in the Grading & Stormwater Maintenance Plan provided in Appendix G.

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.

Response:

The Project design complies with NFPA 855, including requirements related to setbacks and buffers.

2) *Buffering or screening landscaping (including Berms), fencing, agricultural uses, and access drives may be within this setback.*

Response:

Noted.

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.*

Response:

The Applicant has provided information on NFPA 855 setbacks on the Site Plan in Appendix B. There are no other relevant setback agreements.

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.*

Response:

The Project design complies with this Standard and the Project will be constructed in a manner that complies with this Standard.

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.*

Response:

Noted. The Applicant does not believe there to be any site-specific circumstances requiring additional setbacks.

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.*

Response:

The Project design complies with both NFPA 855 and NFPA 70. The Project will construct and maintain a perimeter fence exceeding the 7 feet requirement, including 1'

of barbed wire, to prevent unauthorized access to the facility and will implement any additional security and barrier measures related to fencing required by NFPA 855 and NFPA 70.

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.*

Response:

Noted. The Applicant is proposing an 8' chain-link fence with 1' barbed wire. This is typical for utility substations and other energy infrastructure.

i. Signage.

1) *Perimeter fencing shall incorporate appropriate safety signage, at a minimum spacing of every 500 feet.*

Response:

The Project design complies with this Standard, and the Applicant will ensure that the Project meets this requirement.

2) *Signage, including addresses for each fenced area, shall be provided as required by the Emergency 911 dispatch.*

Response:

The Project design complies with this Standard, and the Applicant will ensure that the Project meets this requirement.

j. Lighting Requirements.

Response:

The Project design complies with Standards 1-6 below, and the Project will comply with these standards during operation.

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.*

Response:

The Applicant will submit noise monitoring test results to the Director of Planning and Zoning before the first week of construction 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.*

Response:

The Project design complies with this Standard, and the Project will comply with this Standard during commercial 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.

Response:

The Project design complies with this Standard, and the Applicant will ensure that the Project complies with this Standard during commercial operation.

ii. Generation tie-lines from the project substation to a utility substation may be aboveground.

Response:

Noted.

2) Underground cables shall be located at least 3 feet, vertically or horizontally, from existing underground utilities.

Response:

The Project design complies with this Standard, and the Applicant will ensure that the Project complies with this Standard during commercial operation.

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.

Response:

The Project design complies with this Standard. The Applicant intends to utilize distribution voltage lines to run station services, lighting, and other ancillary equipment

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.

Response:

The Project design complies with this Standard. There will be a dedicated maintenance crew onsite regularly to maintain equipment in working order and ensure compliance with this Standard during commercial operation of the Project.

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.

Response:

The Project design complies with this Standard. An access road and gates will be maintained throughout the life of the Project to ensure adequate accessibility for local emergency response personnel.

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.

Response:

The Applicant can commit to compliance with this Standard.

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.

Response:

The Applicant can commit to compliance with this Standard.

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.

Response:

The Applicant can commit to compliance with this Standard.

4) The results of groundwater testing shall be provided to the Zoning Administrator and sent by certified mail to the landowner.

Response:

The Applicant can commit to compliance with this Standard.

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.*

Response:

The Applicant can commit to compliance with this Standard.

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.*

Response:

The Applicant can commit to compliance with this Standard. The Applicant proposes to provide proof of liability insurance prior to issuance of the building permit and will annually provide evidence of proof of insurance to Saline County.

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.*

Response:

The Applicant can commit to compliance with this Standard. The nearest Airstrip is over 6 miles away.

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.*

Response:

The Applicant can commit to compliance with this Standard and will comply with all applicable Federal, State, and Local laws and regulations.

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.*

Response:

Noted, the Applicant has included specific requested modifications. The Applicant requests that any approval of a Use Permit for this Project contain the requested modifications as conditions of approval.

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.*

Response:

The Applicant can commit to compliance with this Standard.

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.*

Response:

Noted, given that the Applicant expects to operate the project for approximately 25 years **following construction** the Applicant requests that the time frame be modified **to commence following the start of commercial operation of the facility.**

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.*

Response:

The Applicant can commit to compliance with this Standard.

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.*

Response:

The Applicant can commit to compliance with this Standard. Additionally, the initial response to an extraordinary event is described in the Applicant's Emergency Response Plan (Appendix C).

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.*

Response:

The Applicant can commit to compliance with this Standard if the fees for the third-party review are capped at a reasonable amount. The Applicant would request that a reasonable cap on review costs be part of any resolution.

4.2 Additional Information Required (12.17.06)

Please see the table provided in Appendix H (Required Documents - Reference Table) for a complete summary of the location of each application requirement in Section 12.17.06. Those items that warranted additional narrative are further addressed in the remainder of this section.

4.2.1 Wildlife, including Critical Species Habitat; Cultural Resources

Given the relatively compact layout of the facility and necessity of maintaining security of the facility, no wildlife corridors are planned. Note that the BESS area, inclusive of all equipment and fenced-in areas, is not proposed to take up the entirety of the Property; therefore, wildlife will have the ability to move across the property unimpeded outside of the security fence.

The Applicant conducted a habitat assessment of the Site, and the results are contained within the Habitat Assessment provided in Appendix I. The Habitat Assessment considers data from both the Kansas Department of Wildlife and Parks, as well as data from the US Fish and Wildlife Service and information from a field survey of the Site conducted by a qualified biologist. One state and federally listed species, the American Burying Beetle (ABB), was identified to have the potential to occur on the Site. The Applicant plans to conduct specialized beetle surveys prior to project financing and construction to identify the presence or absence of ABBs and, if present, mitigate impacts to the ABB. As the project nears construction, the Applicant plans to consult with the US Fish and Wildlife Service and Kansas Department of Wildlife and Parks (KDWP) to discuss any recommended mitigations

or best practices. However, according to the USFWS, outside of defined conservation lands, incidental take is not prohibited because the Southern Plains Analysis Area currently has low risks to the species associated with land development. Mountain Peak is not proposed within defined conservation lands, and thus incidental take is not prohibited (50 CFR 17.47(d)(1)(i)(B)). This site is outside of KDWP designated critical habitat for ABB.

The Applicant consulted publicly available state and federal databases and other sources of information to assess the likelihood of cultural resources on the site. Overall, the historic documentation indicates a low potential for substantive historic structures and features within the Project Area and a low potential for historic cultural resources within the Project Area. As a standard practice, the Applicant prepares an Unanticipated Discoveries Plan prior to the start of construction to have procedures in place for unexpected finds, human remains, and other archaeological remains. The Applicant expects the potential for impacts on cultural, historical, or archeological features to be low.

4.2.2 Project Schedule and Phasing

The Applicant currently expects construction to begin in late-2029. The exact date of mobilization may change due to factors outside of the Applicant's control, including equipment procurement timelines and timelines of any necessary upgrades at the Summit Substation. Construction is anticipated to be completed in just one phase given the small footprint of the Site and the construction period is expected to be approximately 18 months. Procurement of major equipment, weather conditions, and other factors may influence the construction schedule. Commencement of commercial operations is anticipated in early 2031. More information on construction is provided in 4.2.7 Construction Impacts.

4.2.3 Environmentally sensitive lands to be protected

Information regarding the environmental conditions at the property has been provided in the Habitat Assessment and Wetland Delineation Report (Appendices I and J). As shown in the Site Plan (Appendix B), potential impacts to environmentally sensitive lands have been considered evaluated and avoided to the extent possible in designing the Project.

4.2.4 Seismic Study

Information regarding the seismic risk of the site is included in Appendix K, the Geotechnical Report. Overall, the Geotechnical Report indicates that the Site is at low risk from seismic activity. This low seismic risk designation is supported by Saline County's Emergency Operations Plan dated September 7th, 2021. The Hazard Profile Summary

indicates that countywide risks from earthquakes are of "Low" planning significance, defined as "Low probability of occurrence or low threat to population; minor physical impacts." Regardless, the results of the geotechnical report and seismic risk assessment were used to inform the site design, including foundation design and BESS installation methods.

4.2.5 Public Outreach

Since early 2023, the Applicant has engaged in outreach to community property owners and organizations in the local community. Table 1 provides a summary of actions taken directly with community members. In addition, the Applicant hosts an online website (www.mountainpeakenergystorage.com) that has been available continuously to the public since early 2023. The website includes details such as an overview of the proposed project, community benefits of a BESS in Saline County, frequently asked questions, news, and an opportunity to contact Mountain Peak Energy Storage via email and online "contact us" form.

Table 1. *Public Outreach Activities*

Date	Action Taken and Recipient	Topic
Winter 2022 to Present	Regular meetings with Mitch Robinson, Executive Director of Salina CEDO.	Regular updates about project development, deep dives into safety features and community benefits.
January 2023	BESS overview presentation and preapplication meeting with County Staff including representatives of County Planning, County Administration, County Engineering, Road & Bridge, Emergency Management	Discussion of Planning / Permitting pathway, general introduction to the project and the team, discussion of safety.
May 2023	Mailed a neighborhood letter to property owners within 1500' feet of project	Proposed BESS overview, information on benefits, site selection, and safety.
June 2023	In-person meeting with the District 2 Fire Department and other Mutual Aid Departments (District 3, District 6, Saline Co Emergency Management, possibly other districts) in the Salina Police Department basement. Applicant brought firefighter experts who sit on battery fire safety code writing bodies.	Proposed BESS overview, applicable federal safety standards for BESS, overview of emergency response procedures
June 2023	Public Hearing properly noticed and advertised on Saline	Conditional Use Permit

	County website, and individual mailed notices to property owners within notice radius.	
September 2023	Public Hearing, as announced during June 2023 hearing	Conditional Use Permit
October 2023	In-person discussions with the general public at Saline County Building at 300 W Ash St following a public hearing	Replied to questions regarding BESS
Summer 2023 to Present	Superintendent of Southeast of Saline USD 306	Regular updates about project development, deep dives into safety features and community benefits.
June 2024	In-person meeting with local community member, Paul Finnell	Review of BESS projects and overview of safety standards
June 2024	In-person meeting with local community member, Kathleen Crouch	Review of BESS projects and overview of safety standards
October 2024	Presentation to the Salina Community Economic Development Organization at the Visit Salina Annex.	Presented project overview and community benefits, answered questions regarding BESS
October 2024	In person participation at BESS Ordinance hearing followed by informal discussions with the general public at Saline County Building.	BESS Ordinance, general discussions re: BESS.
November 2024	Virtual participation in BESS ordinance hearings at the Planning Commission. Interfaced with and answered questions from the Board and public.	BESS safety, site design, and community benefits. BESS Ordinance.
February 2025	In person attendance of County Commission hearing on BESS Ordinance.	BESS Ordinance.
April 2025	Virtually attended the Saline County BOCC meeting to hear discussions relating to the proposed BESS Regulations	BESS Ordinance
April 2025	Physically attended Saline County BOCC meeting to make public comment regarding the previous week's decision to	BESS Ordinance

	continue revising the BESS Regulations at the PZ level.	
April 2025	Meeting with Superintendent Stumpf to discuss local economic impacts	Economic Development
May 2025	Meeting with Phillip Smith-Haynes to discuss potential revenues generated for Saline County by the presence of the Project, as directed by the BOCC	Economic Development & Road Use Agreement
June 2025	Physically attended the P&Z public meeting to hear the discussion regarding the proposed BESS regulations and be available to answer any general questions regarding BESS technology	BESS Ordinance
July 2025	Follow up meeting with Phillip Smith-Haynes on County benefits	Economic Development, Real Estate Agreement, & Road Use Agreement
August 2025	Planning Department	Pre-application page turn and general project discussion
August 2025	Emergency Management Director, Deputy Emergency Management Director, Salina Fire Marshal, Salina Fire Chief	Discussion of project safety & Emergency Services, Fire, and Safety Plan.
August 2025	Emergency Management Director	Additional discussion of Emergency Services, Fire, and Safety Plan.
September 2025	Application notice, as required	CUP Application

The Applicant intends to construct and operate the BESS as a positive and contributing neighbor in Saline County for decades into the future. Therefore, active engagement with the public will continue and the Applicant is and will be available to meet with any interested party regarding the project.

Specific outreach to the emergency responders in the County will continue regularly, including training for local first responders in advance of the commencement of operations and well as at regular intervals throughout the life of the Project.

In addition, as stated above, we met with the Fire Department on June 5, 2023, to discuss the Project. These discussions included applicable federal safety standards for BESS and an

overview of emergency response procedures applicable to the Project. The Applicant delivered a presentation, along with national experts in emergency response management with respect to BESS, and answered questions regarding safety of the facility and emergency response protocols.

4.2.6 Foundation Design

The battery enclosures are anticipated to be installed on deep or shallow helical piles based on preliminary geotechnical site assessments, though alternative methods such as driven piles, cast-in-place grade beams, or reinforced concrete slab-on-grade foundations may be considered during final engineering and facility design. The selected approach will conform to applicable codes, site-specific geotechnical recommendations, and structural requirements.

4.2.7 Construction Impacts

The Project is proposed within a remote location and the nearest residential dwelling is over one-quarter mile to the east, and the second nearest resident is located approximately 0.5 mile to the west, measured from the location of the proposed facility fence line. Impacts from construction noise, vibration, and lights are anticipated to be minor. Construction is anticipated to be conducted between the hours of 7:00AM and 6:00PM during weekdays and 8:00AM and 5:00 PM on Saturdays or holidays. No work is planned for Sundays; however, if a specific work activity requires continuous activity, such as pouring concrete, then work for that selected activity will occur 24 hours a day until it is complete, regardless of the day. Pouring concrete is a relatively quiet activity, so no negative impacts are anticipated during that type of activity occurring outside the normal construction working hours.

The Applicant intends to minimize the scope of construction-related work occurring at any one time to the greatest extent possible.

4.2.8 Emergency Services, Fire and Safety Plan

The Applicant has consulted with Emergency Management and Emergency Service Personnel. The Applicant can commit to meeting with Emergency Personnel on a regular and ongoing basis. The Applicant's Emergency Services, Fire and Safety Plan is provided in Appendix C. This Plan includes commitments to regular engagement and training with local first responders and emergency response personnel. Additionally, a Notification Plan has been provided as an Annex to Appendix C. The Notification Plan describes the plans for notifying County Emergency Management personnel and, by extension, the Public about emergency events or maintenance activities that may occur at the site. A representative product SDS is provided in Appendix R. Additionally, the Applicant will provide for testing of water, air and soil within ½ mile of the facility as soon as practicable following an extraordinary event with results submitted to County Planning and Zoning.

While not strictly required by ordinance, the Applicant is providing the following information to emphasize the safety of the facility. The BESS enclosures themselves are rated up to wind speeds of 157 mph, equivalent to wind speeds created by a Category 5 hurricane or EF3 tornado. The wind loads are considered in the design of the foundations and the methods of affixing the enclosures to the foundations.

Additionally, the Applicant is proposing to install storm shelters at the site that would be accessible by employees and members of the public who may be nearby during a severe storm event.

Lightning poses a minimal threat to a facility of this type. A lightning mast will be installed on the site on the tallest structure which will redirect any potential strikes directly to ground without adverse impact to equipment on the site. This type of lightning protection is typical of electrical infrastructure.

4.2.9 Project Decommissioning

In brief, the Applicant intends to restore the site to allow for the pre-project land use at the end of its useful life. The Applicant has prepared a detailed Abandonment, Decommissioning, and Reclamation Plan which is provided in Appendix T. This plan provides an estimated cost of decommissioning and addresses the financial mechanisms and assurances that the County will have that the Project will be decommissioned satisfactorily. Additionally, the soil at the property 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.

5 Requested Conditions of Approval and Modifications

The Applicant respectfully requests the following conditions of approval; with each requested condition, the Applicant has provided context for the request:

1) **The Applicant respectfully requests that any Conditional Use Approval granted by the Planning Commission be valid for a period of 5 years (per the procedure outlined in the Saline County Ordinances 13A-13.06.10)**. The Applicant makes this request to accommodate the construction and procurement timelines which are somewhat unique to this type of facility. Much of the electrical equipment required to build this project requires multiple years to manufacture and receive. Additionally, the Project must coordinate with Evergy and SPP during the interconnection process which is a multi-year process that cannot be accelerated. As it stands, construction is anticipated to begin no sooner than mid-to-late 2029. Therefore, the Applicant expects that a 5-year period between conditional use permit approval and building permit issuance &

construction start should be sufficient and allow some buffer for potential delays which may be outside of the Applicant's control.

2) **The Applicant respectfully requests that minor modifications in accordance with 12.17.03(b) be approved if the new plans are compliant with the General Use Standards, BESS specific standards, and any project specific conditions of approval.** The Applicant would be willing to submit minor modifications to Planning Staff for an administrative review for compliance with applicable standards. The Applicant requests this condition given that the Project is still several years away from construction and facility design will be further refined as development proceeds. As the Applicant begins to work with an Engineering, Procurement, and Construction contractor, it is conceivable that some minor adjustments to the Project design will be necessary. Additionally, it is possible that coordination with Evergy and equipment manufacturers may require some minor adjustments to the locations and types of equipment to facilitate interconnection to the Summit substation.
3) **The Applicant respectfully requests that the standard in 12.17.05(u) be modified to begin the 25-year effective period for the Conditional Use Permit at the commencement of facility operations. Currently, the standard makes a Conditional Use Permit effective for 25 years following Planning Commission Approval**. As discussed in Section 4.1(u) above, given that the Applicant expects to operate the project for 25 years following construction, and that construction is not expected to begin for a period of years, the Applicant requests that the time frame be modified to begin following operation of the project.
4) **The Applicant respectfully requests that the limitations on grading in 12.17.05(a)(2)(ii) be modified to accommodate the grading needs of this project according to the procedures in 12.17.05(s).** The limitations on grading would make it impossible to safely and securely construct a BESS facility with appropriate attention given to accessibility and stormwater drainage and without using an unduly large property footprint. Limits on grading of this nature are more appropriate to other types of energy infrastructure such as generating facilities but not BESS or similar energy storage facilities.
5) **The Applicant respectfully requests that the cost of compliance reviews, as required in 12.17.05(x), which are to be conducted 1 year after approval, and every 5 years thereafter, be capped at no more than $10,000 per review.** As discussed in Section 4.1(x) above, as the standard is written, there is no requirement that the cost of these reviews, which is to be borne by the Operator, be commercially reasonable.