

ORDINANCE NO. 1417-25

AN ORDINANCE OF THE CITY OF VALLEY CENTER, KANSAS, INCLUDING NEW PROVISIONS OF THE VALLEY CENTER CITY CODE BOOK CHAPTER 17.02.09 and 17.03.35, AND ALL CONFLICTING ORDINANCES, AND AMENDING CHAPTER 17.03 SECTIONS 36-99 NUMBERING.

NOW THEREFORE, BE IT ORDAINED, by the Governing Body of Valley Center, Kansas:

Section 1. 17.02.09 Definitions. The following definition shall be included in the zoning regulations and used in the interpretation and construction of the regulations:

SOLAR ENERGY CONVERSION SYSTEM (SECS): Any device or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property on which the device or devices reside.

Section 2. 17.03.35 Solar Energy Conversion Systems.

- A. **Statement of Purpose.** It is the purpose of these regulations to provide a regulatory scheme for the construction and operation of Solar Energy Conversion Systems (SECS) in the City of Valley Center and the surrounding three-mile jurisdiction area, subject to reasonable restrictions, which will promote the conversion of solar energy to electricity, while preserving the public health and safety.
- B. **Findings.** Valley Center finds that solar energy is an abundant renewable and nonpolluting energy resource and that its conversion to electricity will help to reduce dependence on nonrenewable energy resources and thereby decrease the air and water pollution that results from the use of conventional energy sources. Solar energy systems also enhance the reliability and power quality of the power grid, reduce peak power demands and help diversify the state's energy supply portfolio. It is also recognized that issues related to aesthetics, safety, noise, and effects on nearby property values are important in the siting and installation of SECS in Valley Center and the surrounding area. Therefore, it is necessary to standardize and streamline the proper issuance of permits for SECS so that this clean renewable energy resource can be utilized in a cost-effective and timely manner.
- C. **Definitions.** The following definitions should be used in the interpretation of this article:

ABANDONMENT: means, without limitation to have ceased to be maintained, discarded, left deserted, or control of a SECS being given up.

ACCESSORY USE: A subordinate use which serves as an incidental function to the main use of the premises.

AGRIVOLTAICS: The use of land for both agriculture and solar energy production.

BATTERY ENERGY STORAGE SYSTEM (BESS): One or more devices, assembled together, capable of storing electrical energy from renewable sources to supply electrical energy at a future time and has some form of fire suppression built in.

BATTERY ENERGY STORAGE FACILITY (BESF): Is a dedicated facility that houses a BESS and all the necessary infrastructure to operate at a utility-level scale, including transformers, cooling systems and safety equipment.

FEEDER LINE: Any power line that carries electrical power from one or more solar arrays or electric storage facility, or individual transformers associated with individual solar arrays or electric storage facilities to the point of interconnection with the electric power grid. In the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the SECS.

FORB: A herbaceous flowering plant other than a grass, which is a vascular plant that does not have persistent woody stems above ground. Many perennials, and nearly all annuals and biennials would qualify and native forbs of Kansas would be recommended.

OPERATOR: The person(s) claiming ownership to the SECS and all associated equipment exclusive of the real estate upon which it is sited.

OWNER: The person(s) having title to the real property upon which a SECS is sited.

SOLAR ENERGY CONVERSION SYSTEM (SECS): An electrical generating facility comprised of one or more devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property on which the device or devices reside. The following facilities are included as permitted as part of a SECS: storage for generated electricity and all appurtenant facilities of such systems, including, but not limited to, roads, transformers, substations and operations or maintenance buildings as specified in the permit application.

D. Solar Energy Conversion System Requirements Solar Energy Conversion Systems (SECS) are allowed in I (Industrial) zoned districts, subject to the following requirements:

1. Compliance with all I zone regulations in Section 17.04.11.
2. Six-foot fencing around the entire SECS is required, in addition to compliance with all screening and landscaping requirements in Section 17.03.36.
3. Site Plan Review – A site plan must be submitted for review in accordance with Section 17.12.05. In addition to the requirements of Section 17.12.05, please include;
 - a. Location and spacing of solar devices
 - b. Planned location of underground and overhead lines
 - c. Location of substation facilities, BESF and other facilities
 - d. Disposition plan for panels; when they are damaged, at end of life, or if the facility closes
4. Engineered Drawings - Building permit applications for SECS, BESS and BESF shall be accompanied by standard drawings of the solar devices and stamped engineered drawings of the device structure, base, footings, and/or foundation as provided by the manufacturer and any building.

5. Compliance with the National Electric Code (NEC) - Applications for SECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the most current NEC and article 690, as well as NEC article 706 for a BESS.
6. Compliance with Fire Code— Applications for SECS shall comply with all local, state and federal fire code regulations. SECS that include a BESS shall be accompanied by plans compliant with National Fire Protection Association (NFPA) Standard 885 in addition to all other local, state and federal regulations. At minimum, the following standards apply to the battery energy storage facilities of a system:
 - a. Battery energy storage facility (BESF), including all mechanical equipment, shall be enclosed by a fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated use building;
 - b. The area within 10 feet of each side of a BESF shall be cleared of combustible vegetation and surfaced with gravel or other non-combustible surfacing; and
 - c. Meet the Underwriters Laboratories (UL) 9450A Test Method.
7. Signage for the BESF shall comply with American National Standards Institute Z535 and shall include the type of technology associated with the BESF, whether there are any special hazards, the type of suppression system installed in the area of the BESF and 24-hour emergency contact information. As required by the NEC, disconnection and other emergency management information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
8. Utility Notification - No SECS shall be installed until the utility company has been informed of the customer's intent to install an interconnected customer-owner generator.
9. Insurance - Additional insurance beyond the property owners' or homeowners' coverage shall not be required by this regulation.
10. Abandonment – A decommissioning and reclamation plan should be submitted to the City during the permitting process to ensure that facilities are properly removed after their useful life. The plan shall include the following conditions and requirements:
 - a. The decommissioning of a solar array may occur in the event any solar array is not in use for 12 consecutive months unless the City Council approves a request to maintain the facility. If a solar array has not been in use for 12 consecutive months, the City Code Enforcement Officer may issue a notice of abandonment to the owner and the operator. The owner or operator shall have the right to respond to the notice of abandonment within 30 days from the receipt of such notice. The City Code Enforcement Officer may withdraw a notice of abandonment if the owner or the operator provides sufficient information to demonstrate that the system has not been abandoned. Such information may include documentation or certification by the local electric utility, or that the owner or the operator is actively pursuing a plan, including specified steps and a proposed schedule to bring the system back into service. If the City Code Enforcement Officer does not withdraw a notice of abandonment, the owner or the operator shall have one year to complete decommissioning of the system in accordance with the decommissioning and reclamation plan;

- b. the decommissioning and reclamation plan shall include provisions for removal of all structures, foundations, underground wiring and all materials foreign to the site prior to installation of the system, except that any cables that are buried deeper than 36 inches underground may remain on the site if a map of the buried lines is provided to Kansas one-call, and is recorded with the deed of the property containing the buried cables;
 - c. the decommissioning and reclamation plan shall ensure the site will be reclaimed to a useful, nonhazardous condition without delay by providing for the regrading and seeding of the land and revegetation of reclaimed soil areas with crops or native seed mixes;
 - d. the decommissioning and reclamation plan shall include a description of how any changes to the surrounding areas and systems adjacent to the battery energy storage facility, including, but not limited to, structural elements, means of egress, and required fire detection suppression systems, will be protected during decommissioning and approved after the system is removed;
 - e. the decommissioning and reclamation plan shall provide that soil shall be tested following removal of equipment and compared with preliminary soil testing to evaluate any soil contamination to determine whether a remediation program is needed;
 - f. the decommissioning and reclamation plan shall require all concrete and other materials used in the construction of the site to be removed and appropriately discarded in accordance with all solid and hazardous waste regulations;
 - g. the decommissioning and reclamation plan may incorporate agreements with the landowner regarding the decommissioning requirements of such system relating to access roads, fences, gates or repurposed buildings or restoration of agricultural crops or forest resource land; and
 - h. the decommissioning and reclamation plan shall include estimated decommissioning costs and the method for ensuring that financing will be available for such decommissioning and reclamation. The applicant shall provide the basis for the cost estimates and shall include a mechanism for calculating adjusted costs over the life of the project.
11. Concurrent use of Land – A system shall be designed to accommodate concurrent use of the land for livestock grazing, row crops or other agrivoltaics uses or shall contain a diverse array of native grasses and forbs for native habitat under and between the rows of solar devices. The ground around and under the solar devices and the ground in designated buffer areas shall be planted and maintained with perennial vegetated ground cover or agricultural plants that are managed to prevent erosion and runoff.
12. Whenever the SECS and/or the property upon which the WECS is sited are transferred to new ownership, all requirements and responsibilities pertaining to the SECS are transferred to the new ownership.

Section 3. 17.03.36-17.03.40 Updated numbering to existing regulations, moving each section to the next numerical number after inserting Solar Energy Conversion Systems into 17.03.35.

Section 4. 17.03.41-17.03.99 Reserved.

Section 5. This Ordinance shall take effect and be in force from and after its passage, approval, and publication once in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Valley Center, Kansas, this 4th day of February 2025.

First Reading: January 7, 2025

Second Reading: February 4, 2025

James E. Truman, Mayor

ATTEST:

Kristi Carrithers, City Clerk

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