

AGENDA

PLANNING COMMISSION OF DICKINSON COUNTY

June 18, 2026; 7:00 p.m.

Dickinson County Courthouse Basement Meeting Room, 109 E. 1st Street, Abilene, Kansas

1. Meeting called to order (Justin Volkman, Chair);
2. Roll Call (staff): Volkman, Hedstrom, Fink, Barrett, Schneider, Wolfe, Griffis.
3. Approval Minutes from May 21, 2026.
4. New Business:

Action Item: Consideration of a time extension and/or modification to Resolution #060624 approving a moratorium on alternative energy sources currently not addressed in the zoning regulations due to expire on July 1, 2026.

- a. Discussion among the Planning Commission and Staff.
 - b. Chair may open to public comment following initial discussion (please keep all comments confined to the question of the moratorium, and no other issue on or off the agenda at this time).
 - c. Commission to make final recommendation.
5. Old Business: TXT26-02: Consideration of the feasibility of a potential amendment to Article 21 of the zoning regulations to address Data centers as a conditional use.
 - a. Discussion and review of materials on data centers among the Commissioners and staff (No public input at this time. Please do not interrupt any presenter or you will be removed from the building).
 - b. Planning Commission gives direction to staff on whether to compose a draft Resolution to include data centers in the zoning regulations based on the discussion and the options provided.
 - c. Planning Commission then tables the hearing to consider the draft Resolution at the following hearing.
 - d. Planning Commission reviews the draft Resolution with staff to verify it is worded correctly.
 - e. Chairman then opens the public comment period.
 - f. After hearing no further comments, public comment is closed, and Planning Commission makes final recommendation on whether to approve or deny the Resolution.
 6. Miscellaneous: None.
 7. Adjourn. Next meeting is tentatively scheduled for July 16, 2026.

Minutes
Dickinson County Planning Commission
May 21, 2026

- I. Meeting was called to order by Chairman Volkman at 7:00 p.m.
- II. Roll was called by Tim Hamilton, Zoning Administrator.
- o Members present were: Martin Schneider, Barb Barrett, James Hedstrom, Kelly Fink, Justin Volkman and Kyle Griffis.
 - o Members of the public present: Annabelle Eaton, 908 S. Bridge Street, Enterprise; Patrick Erwin (Applicant's representative); Greg Wilson, 2201 S. Washington; Daniel McDonnell, 515 NW 5th St.; Allen & Teresa Hudson, 745 1100 Ave.; Cevin & Anne Rose, 1404 Key Rd.; Christopher Miller, 3146 Trail Rd; Ken King, 1675 HWY 15; Mike Hanson (Applicant Representative); Jorge Miranda, 1565 3100 Ave.; Loel & Shannen Garrison, 614 Sheeran Ave.; Levi Mast (Applicant's representative); JoAnna Simoneau, 305 N. Rogers Ave.; Mosie Shetler, 3500 Mink Rd.; Deborah Diehl Nelson, 2042 Rain Rd.; Emilee Morgan, 401 E. 3rd, Hope; Steven & Sherry Johnson, 1536 Nail Rd.; Matthew Hock, 1690 3100 Ave.; Robert Wyman, 2 Willow Ct, Salina
- III. Approval of Minutes, From April 16, 2026
- Commissioner Schneider made a motion to approve the minutes as submitted,
 - Commissioner Barrett seconded the motion.
 - Motion passed 6-0.
- IV. New Business:
- a. CUP26-06: Construction of an approximately 200-foot self-supporting telecommunications tower generally located on a parcel of land in Section 35, Township 13S, Range 04E at the request of Tillman Infrastructure.
- After staff presented their report, Patrick Erwin of Tillman Infrastructure clarified for an attendee the location of the tower. No additional public comment was received.
- Commissioner Barrett made a motion to approve CUP26-06 as submitted, Commissioner Kelly seconded. Motion passed 6-0.
- b. CUP26-07: Establishment of a woodworking/cabinet making shop open to the public on a property located on the southeast corner of 3100 Avenue and Nail Road in Section 3, Township 12S, Range 3E at the request of Ray Mast.
- After staff provided the background in the staff report, Levi Mast (Applicant's representative) provided additional information.
- Chairman Volkman opened the public hearing. Main topics of concern for this proposal were: Noise, setbacks and waste disposal.

With regard to Noise (from the diesel generator), Commissioner Hedstrom asked if the County had any noise ordinance in effect for unincorporated areas of the County. Staff stated there is no regulation in place for noise.

Staff was asked if Hayes Township was informed of this proposal. Staff indicated that Wally Wolfe was aware of the proposal and has been working with the Applicant.

Commissioner Hedstrom also stated it would be better to table this case until the applicant could address the concerns over environmental conditions, including noise and setback issues, especially pertaining to the location of the generator relative to the well.

Commissioner Schneider pointed out that currently there is no noise regulation on farm equipment in use by right in farming operations.

Both Levi Mast and staff indicated the Applicant would be willing to locate the generator further to the southeast corner of the proposed building to aid in noise reduction.

Staff also stated that exhaust and air emissions may be regulated by KDHE since the generator would be in a separate accessory structure.

Other concerns raised by the public were proximity of the generator to the well water, and how the applicant would address waste products, including excess sawdust and wood finishing product.

Staff indicated that all environmental issues, including setback from well and disposal of waste may be addressed by either KDHE or Environmental Services.

Commissioner Schneider made a motion to approve CUP26-07 with staff conditions, as well as:

written confirmation from KDHE on conformance for generator exhaust and sound, diesel storage containment/well setback requirement, hazardous waste material plan to include varnish and industrial fumes disposal. These are all to be submitted and approved by staff. If a restroom is proposed, this must be approved by Environmental Services.

Commissioner Griffis seconded. Motion Passed 6-0.

- c. CUP26-08: Consideration of establishment of a guided outfitting business, including lodging of clients and placement of sign generally located in Section 9, Township 13S, Range 3E at the request of Robert Babbitt (King Whitetails, LLC).

After staff made their report, Mike Hanson (King Whitetails representative) explained that the company owns significant acreage in multiple states and the lodge being proposed is to function as a base for clients that arrive and stay overnight before heading to the hunting site.

Chairman Volkman opened the public hearing.

One issue that came up was the location of railroad tracks near the Applicant's site, and how that may impact vehicles entering the facility if they go too fast.

Staff was asked by the Commission if a sign could be placed near the property to bring attention to the tracks. Staff indicated this would need to be considered by either Road and Bridge Department or the Township, but that the Applicant could still place a sign on their own property as well.

After hearing no additional comment, Commissioner Fink moved to approve CUP26-08 as submitted with staff conditions. Commissioner Griffis seconded. Motion passed 6-0.

V. Old Business: None.

VI. Miscellaneous: Staff reminded the Commission that the alternative energy moratorium will expire on July 1. Staff was directed to place the moratorium as an action item allowing for public comment on the June 18 hearing. Staff was also asked by Commissioner Barrett if public comment would be allowed on the data center discussion in June. Staff indicated that public comment may be allowed. Staff also reminded the public present that they may submit their comments and concerns in writing or via email to the Zoning Administrator's office before the June 18 hearing, and these comments would be entered into the record once public comment period was opened by the Chair.

VII. A motion to adjourn passed 6-0. Hearing concluded at 9:28 p.m.

Chair or Vice Chair

June 18, 2026

To: Planning Commission

From: Tim Hamilton, Zoning Administrator

Re: Possible extension of moratorium as allowed under Resolution #060624 to include, or consider as a separate Resolution, data centers.

Date: June 18, 2026

Please find the approved Resolution #060624 establishing a two-year moratorium on alternative energy projects scheduled to expire on July 1. The Planning Commission may recommend an extension, and/or modification of the current language to include data centers. The County Commission recently indicated that there may be a separate moratorium on data centers to function as a strategic pause while the Planning Commission considers possible alternatives for that use.

Staff is recommending approval of a moratorium on data centers to function as a pause while the Planning Commission considers options for this use.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF DICKINSON COUNTY, KANSAS**

RESOLUTION # 060624

A resolution providing for a temporary moratorium on commercial solar, and other large-scale renewable energy technology development, with the exception of those currently defined and enabled in Article 21 of the zoning regulations, within the unincorporated area of Dickinson County, Kansas.

WHEREAS, the current Dickinson County Comprehensive Plan would generally allow incorporating provisions for solar and other alternative energy technology within the zoning regulations in the unincorporated areas of Dickinson County; and

WHEREAS, due to the number of impacts that a Commercial Renewable Energy Project might have on that property for both current and future property owners, the Board of County Commissioners recognize that a need exists to review, consider potential changes and potentially adopt land development regulations and/or standards that may pertain to such property uses; and

WHEREAS, the Board of County Commissioners desires to provide adequate time for the Dickinson County Planning and Zoning Board to properly evaluate and implement the aforementioned actions by providing for the suspension of applications for Conditional Use Permits for Commercial Renewable Energy Projects and for the suspension of construction and erection of Commercial Renewable Energy Projects in the interim, except those currently defined and addressed in Article 21; and

WHEREAS, the Board of County Commissioners desires to provide adequate time to determine, whether, where and how commercial solar energy and other renewable energy technology projects, except those defined and addressed in Article 21 of the zoning regulations, should be allowed in Dickinson County; and

WHEREAS, in accordance with K.S.A. 12-741 et seq. and K.S.A. 19-101 et seq., the County has police power and statutory authority to regulate the conduct of rural development through Zoning Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DICKINSON COUNTY, KANSAS, that

1. The Dickinson County Planning and Zoning Board is hereby directed to suspend acting upon any application received for the issuance of a Conditional Use Permit or for permits for the erection and construction of any Commercial Solar Energy Project, or any renewable energy project or component thereof, except those as currently defined and addressed in Article 21, until this moratorium has concluded.
2. The establishment of any Commercial Solar Energy Project, or other renewable energy technology except those defined under Article 21 of the zoning regulations in the unincorporated area of Dickinson County is hereby suspended and prohibited and the same is hereby declared to be a violation of the public interest of Dickinson County so long as this Resolution shall remain in effect.

To: Planning Commission

From: Tim Hamilton, Zoning Administrator

Re: TXT 26-02 Data Centers as part of the broader Discussion on potential amendment to Article 21 addressing alternative energy sources and accessory uses not currently addressed in the regulations.

Date: June 18, 2026

At the November Planning Commission meeting, staff indicated that an all-inclusive Resolution amending Article 21 and establishing provisions for any facility producing or relying on electrical power derived from alternative energy sources may be possible. Due to increasing publicity, and multiple Counties currently investigating amendments to their regulations, the County Commission is directing the Planning Commission to initially consider the possibility of an amendment to Article 21 involving data centers. The County Commission has stated they would like both data centers and battery energy storage systems to be considered apart from the discussion on alternative energy. Battery energy storage will be considered at a later date.

Staff has included information for the Commission to consider assisting in determining what, if any, provisions for data centers could be included in the zoning regulations. At the May hearing, it was expressed by the Commission that guest speakers familiar with data centers should be invited to give the Commission additional perspective on what data centers are and the issues around them. The Commission also mentioned Virginia as a source of information, since data centers are prolific in that State. Staff has invited Chris Lloyd with McGuire Woods (a Virginia-based Consulting group) to present information the Commission and the public may find helpful.

Staff has also included the draft language proposed at the January Commission meeting which the Commission may modify should you direct staff to compose a Resolution. There is also a short-form or abridged version which may reflect the permitting realities of potential Applicants from that industry.

Please note that this evening will be for the Planning Commission to consider all the information presented and possibly direct staff on whether or not to compose a draft Resolution. Public comment will be heard if a draft Resolution is presented to the Planning Commissioners at the next public hearing. No public comment will be received this evening.

Once the Commission has considered the information presented by staff and the consultant, Commissioners must come to a consensus on whether or not to address data centers in Article 21. The options available for the Commission this evening are:

1. Direct staff to compose a draft Resolution with provisions allowing for data centers as determined by the Commission to be considered at the next Planning Commission meeting (must be published as consideration of a Resolution which will allow for public comment).
2. Recommend no change to Article 21 at this time.
3. Recommend a Resolution banning data centers (this would involve the County Commission directing staff to compose a draft Resolution to be advertised and considered by the Planning Commission at their next hearing for public comment).
4. Table for additional information or deliberation amongst Commissioners.

Bottom line: A data center is a highly specialized building that houses computer servers, networking equipment, power systems, and cooling systems so digital services can run continuously. For Kansas counties, the case for allowing a data center is usually economic-development driven: large capital investment, construction activity, possible long-term tax base, stronger utility/fiber infrastructure, and positioning the county for future technology investment. The tradeoff is that data centers can place very large demands on electricity, land, water, roads, and emergency planning, so counties should allow them only with clear zoning standards and enforceable development conditions. (energy.gov)

1) What a data center is

A data center is a facility that centralizes computing infrastructure for storing, processing, and managing digital data. In practical terms, it is where servers and related systems operate so people and organizations can use cloud applications, websites, streaming, AI tools, records systems, email, and other digital services. Kansas local planning materials note that these facilities can range from large “hyperscale” campuses to smaller “edge” facilities, and they often require significant power, cooling, security, and telecommunications infrastructure. (wichita.gov)

Kansas law defines a “qualified data center” as one or more connected buildings in Kansas that house networked computer servers and are linked by fiber and related equipment for redundancy and resiliency. The statute also makes clear that a data center includes not just servers, but routers, backup generators, monitoring and security systems, cabling, software, and water-conservation systems essential to operations. (sos.ks.gov)

2) How data centers work

At a high level, a data center works by combining five core systems in one secure facility:

1. **IT equipment** – servers, storage, and network devices process and move data.
2. **Power supply** – utility power is stepped down and distributed through electrical systems, typically with UPS systems and backup generators for resilience.
3. **Cooling** – mechanical systems remove heat from servers so equipment can operate reliably.
4. **Connectivity** – fiber and carrier connections move data in and out of the site.
5. **Security and monitoring** – physical access controls, cybersecurity tools, and facility monitoring keep operations secure and continuous. (sos.ks.gov)

These facilities are designed for uptime. That is why they often include redundant power and fiber paths, backup power, and detailed emergency/continuity planning. Kansas’ SB 98 implementation materials specifically require applicants to provide information on backup power, resiliency specifications, transmission and substation needs, emergency management, and continuity plans during review. (kansascommerce.gov)

3) Why counties are hearing more about them now

Data centers are expanding because demand for cloud computing, AI, and digital services is growing quickly. DOE reported that U.S. data centers consumed about **4.4% of total U.S. electricity in 2023**, up from **58 TWh in 2014 to 176 TWh in 2023**, and projected usage could rise to **325–580 TWh by 2028**, or roughly **6.7% to 12%** of total U.S. electricity. ([energy.gov](https://www.energy.gov))

For local governments, this means data centers are no longer a niche land use. NACo's 2026 county primer notes that counties increasingly have to evaluate zoning, land use, water, power, traffic, and long-term operational impacts as part of siting decisions. ([naco.org](https://www.naco.org))

4) What benefits a Kansas county could see

A. Very large capital investment

Data centers are capital-intensive projects. In Kansas, the state incentive program is aimed only at projects that commit to at least **\$250 million** in eligible data center investment and create and maintain at least **20 new jobs** within two calendar years after operations begin. That threshold alone signals the scale of projects counties may be asked to host. (kslegislature.gov)

For a county, that can mean:

- new private investment in land and buildings,
- utility extensions or substation upgrades,
- possible road improvements,
- demand for local engineering, excavation, concrete, steel, electrical, HVAC, and security contractors. ([naco.org](https://www.naco.org))

B. Construction jobs and local business activity

A major economic benefit is usually during the construction phase. A Virginia state audit found that a typical **250,000-square-foot** data center may employ about **50 full-time workers** in operations, but construction of an individual building usually takes **12 to 18 months** and supports a much larger workforce. The same audit found that construction is the main channel through which data-center investment benefits the state economy. ([jlarc.virginia.gov](https://www.jlarc.virginia.gov))

That finding is not Kansas-specific, but it is useful for county zoning discussions because it reflects the common industry pattern:

- **high capital investment,**
- **strong construction demand,**
- **relatively modest permanent staffing compared with manufacturing or logistics.** ([jlarc.virginia.gov](https://www.jlarc.virginia.gov))

C. Potential long-term local tax base

The long-term fiscal case depends on how Kansas and local incentives are structured. Kansas' current targeted incentive is a **20-year sales tax exemption** for qualified data centers, not a blanket exemption from all local taxes. The law and Department of Commerce guidance focus on sales/use tax relief, water conservation obligations, job creation, and security review. (sos.ks.gov)

That matters for counties because the potential local benefit may still include:

- real property valuation on land/buildings, unless separately abated,
- franchise or utility-related local benefits in some settings,
- indirect fiscal benefits from supplier activity and workforce spending,
- improved utilization of industrial-zoned land.

But counties should **not assume** a data center automatically produces a strong local tax yield; they should model it carefully based on any local abatements, site-specific valuation, and infrastructure costs. That caution is consistent with the Virginia audit, which found local tax outcomes vary widely depending on local tax structure and incentive design. (jlarc.virginia.gov)

D. Utility and fiber infrastructure improvements

Because data centers need substantial power and connectivity, they can trigger upgrades to substations, transmission, fiber routes, and site-serving infrastructure. NACo recommends counties specifically define responsibility for those upgrades and maintenance in permits or development agreements. (naco.org)

This is especially relevant in Kansas. Sedgwick County/Wichita's current local planning work on data centers includes mapping of **existing fiber routes, electric substations, transmission lines, water districts, flood zones, and growth areas**, which is exactly the type of infrastructure-focused review counties should do before permitting these facilities. (wichita.gov)

E. Positioning the county for additional tech-related growth

A county that can host a data center may become more attractive for other digital or advanced industries that value reliable power, fiber, and secure facilities. The Virginia audit found that clustering of data centers can create "knock-on" effects by attracting related technology businesses and strengthening a skilled regional IT workforce. That is not guaranteed, but it is a realistic secondary benefit when counties tie the project into a broader economic-development strategy. (jlarc.virginia.gov)

F. Alignment with Kansas state economic-development policy

Kansas has clearly signaled that it wants to compete for this industry. State law now offers the 20-year sales tax exemption, requires large minimum investment, requires job creation, mandates water-conservation commitments, requires a 10-year electricity purchase commitment, and adds a Kansas Intelligence Fusion Center review before public benefits are awarded. (kslegislature.gov)

For counties, that means allowing well-sited data centers can align local land-use policy with current state recruitment policy—provided the county is comfortable with the infrastructure and environmental implications. (kslegislature.gov)

5) Why a county would consider allowing one

A county would typically consider allowing a data center if it wants to:

- **attract major private capital investment** without waiting for labor-intensive industry recruitment, (kslegislature.gov)
- **activate industrial land** that may not be ideal for housing or retail, (naco.org)
- **capture construction-period employment and supplier spending**, (jlarc.virginia.gov)
- **strengthen long-term utility/fiber infrastructure**, if the agreement places upgrade costs on the developer, (naco.org)
- **diversify the local economy** toward digital infrastructure and technology-supporting uses, (jlarc.virginia.gov)
- **take advantage of state-level Kansas incentives** that may improve the county's competitiveness versus other states. (kslegislature.gov)

In short, counties allow data centers for the same reason they allow other large-scale industrial or utility-type uses: they can bring investment and infrastructure with a smaller daily workforce footprint than many other major facilities. The county's job is to decide whether that trade is favorable for the specific site and community. (naco.org)

6) The main concerns counties should address in zoning

Electricity demand

DOE states data centers are among the most energy-intensive building types, using **10 to 50 times** the energy per floor space of a typical commercial office building. NACo notes that large data centers can require power comparable to a **medium-sized city**. (energy.gov)

For a Kansas county, that means zoning review should not stop at building size. It should ask:

- Is transmission/substation capacity available?
- Who pays for upgrades?
- What is the project's peak demand and ramp-up schedule?
- What backup generation is proposed?
- What emergency-management coordination is needed? (naco.org)

Water demand and wastewater

EPA states that the primary use of water in data centers is cooling and that usage varies significantly by facility size, cooling technology, geography, and processor design. EPA also recommends early coordination with the local water utility, use of water audits and metrics,

minimizing peak water demand, using reuse/reclaimed water where feasible, and considering utility support to offset community impacts. ([epa.gov](https://www.epa.gov))

EPA further explains that data centers may implicate construction stormwater permits, drinking-water supply agreements, pretreatment requirements for discharge to municipal sewer systems, and sometimes NPDES or other state permitting depending on how water is sourced and discharged. ([epa.gov](https://www.epa.gov))

Noise, setbacks, and compatibility

NACo reports that jurisdictions are increasingly treating data centers more like industrial/factory uses than office buildings for zoning purposes. The primer notes:

- setbacks often range from **200 to 500 feet** from residential property or zoning districts,
- noise limits are often set around **65 dB at the property line** and **55 dB in quieter or residential areas**,
- backup generator testing is often restricted to daylight hours. ([naco.org](https://www.naco.org))

Traffic, roads, and emergency services

The biggest traffic effects are often during construction, not routine operation. NACo recommends counties address construction traffic routing, road wear, emergency preparedness, and eventual repowering/reuse/decommissioning in site plans or development agreements. ([naco.org](https://www.naco.org))

7) Kansas-specific points that matter for zoning discussions

Kansas already created a recruitment framework

Kansas law now offers a specialized data center incentive with these core features:

- **minimum \$250 million investment,**
- **minimum 20 new jobs,**
- **20-year sales tax exemption,**
- **10-year electricity purchase commitment,**
- **water conservation/reuse commitments,**
- **security review by the Kansas Intelligence Fusion Center / Oversight Board.** (kslegislature.gov)

Kansas also limited one major concern about utility subsidies

The 2025 Kansas law expressly states that public utilities are prohibited from authorizing discounted economic-development electric rates for new or expanded facilities that are data centers. That is relevant politically because it means the state did **not** allow these projects to use

the same discounted economic-development electric rate tool available to some other large users. (sos.ks.gov)

Kansas counties are already moving toward more explicit regulation

Sedgwick County imposed an interim development control in 2026 while it studied data-center standards and reviewed issues such as fiber routes, substations, transmission, water districts, flood zones, and growth areas. That is a strong signal that Kansas counties do not need to treat data centers as ordinary office uses; they can create tailored standards before approving projects. (wichita.gov)

8) Key statistics and data points

| Data point | Finding | Why it matters |
|--|--|---|
| U.S. electricity use by data centers in 2023 | About 4.4% of total U.S. electricity use | Confirms data centers are a major infrastructure load. (energy.gov) |
| U.S. data center electricity use | 58 TWh in 2014 to 176 TWh in 2023 | Shows rapid growth in demand. (energy.gov) |
| 2028 projection | 325–580 TWh , or about 6.7%–12% of U.S. electricity use | Suggests county siting issues will intensify, not fade. (energy.gov) |
| Energy intensity | Data centers use 10 to 50 times the energy per floor area of a typical office building | Supports treating them differently in zoning. (energy.gov) |
| Kansas qualifying threshold | At least \$250 million investment and 20 new jobs | Shows Kansas is targeting only very large projects. (kslegislature.gov) |
| Kansas incentive term | 20-year sales tax exemption | Important for fiscal analysis. (sos.ks.gov) |
| Example operating workforce | A typical 250,000 sq. ft. data center may have about 50 full-time workers | Helps set realistic expectations about permanent employment. (jlarc.virginia.gov) |
| Typical construction duration per building | About 12–18 months | Indicates construction impacts and construction-related economic activity may be substantial. (jlarc.virginia.gov) |
| Sample zoning benchmarks from NACo | 200–500 ft setbacks; 65 dB property-line noise limit and 55 dB in quieter/residential areas | Useful starting points for local standards. (naco.org) |

9) Recommendations for Kansas county zoning regulations

Recommendation 1: Define data centers as a separate use

Do not rely on general office or utility categories alone. Create a specific definition and use category for:

- hyperscale campuses,
- colocation facilities,
- edge facilities,
- containerized/mobile computing installations if applicable. (wichita.gov)

Recommendation 2: Require conditional use approval or planned industrial review

Use a discretionary approval path so the county can evaluate:

- electric load,
- substation and transmission impacts,
- fiber needs,
- water source and wastewater disposal,
- backup generation,
- noise,
- setbacks,
- lighting,
- emergency response and security,
- road impacts and haul routes. (naco.org)

Recommendation 3: Require infrastructure studies up front

Before approval, require the applicant to submit:

- power availability and upgrade study,
- water/wastewater capacity study,
- drainage/stormwater analysis,
- traffic and construction logistics plan,
- noise study,
- emergency management plan,
- decommissioning or reuse plan. (naco.org)

Recommendation 4: Put cost responsibility on the developer

Development agreements should clearly assign responsibility for:

- electric upgrades,
- water/wastewater extensions,
- roadway repairs,
- stormwater controls,
- off-site improvements,
- monitoring and reporting. (naco.org)

Recommendation 5: Protect nearby residential and agricultural areas

For rural Kansas counties, compatibility will be critical. Consider:

- industrial-only siting,
- larger setbacks from residential zoning and homes,
- vegetative buffering and berms,
- generator-testing hour limits,
- glare and lighting controls,
- noise performance standards. (naco.org)

Recommendation 6: Require water-management commitments

Given Kansas' water sensitivity, require:

- identification of water source,
- peak and average water-demand estimates,
- water-reuse/reclaimed-water evaluation,
- discharge or pretreatment plan,
- curtailment triggers during drought or system stress,
- annual reporting of water use metrics. EPA and Kansas both point toward conservation and reuse as core expectations. (epa.gov)

Recommendation 7: Perform a project-specific fiscal analysis before approval

The county should model:

- expected assessed value,
- any local tax abatements or IRB-related impacts,
- county service costs,
- road maintenance and emergency-response costs,
- likely construction and operations employment,
- utility and water system cost exposure.

This is especially important because data centers can bring major capital investment without proportionally large permanent employment. (jlarc.virginia.gov)

10) Practical framing language for your zoning discussion

You could frame the policy rationale this way:

Data centers are essential digital infrastructure facilities that house servers, networking, power, and cooling systems needed to store, process, and transmit data. They can bring significant capital investment and construction activity to a county, and in some cases can strengthen utility and fiber infrastructure. At the same time, they can create unusually large demands on electricity,

water, land, and supporting infrastructure. For that reason, data centers should be regulated as a distinct land use with site-specific standards addressing power, water, noise, setbacks, traffic, emergency planning, and long-term community impacts. (wichita.gov)

Sources and references

Primary and high-value sources used:

- U.S. Department of Energy – data center energy use and electricity-demand outlook. (energy.gov)
- U.S. EPA – water use, reuse, and permitting considerations for data centers. (epa.gov)
- National Association of Counties – county siting and zoning considerations primer. (naco.org)
- Kansas Legislature / Kansas Secretary of State / Kansas Department of Commerce – SB 98 statutory and program requirements. (kslegislature.gov)
- Wichita/Sedgwick County planning materials – Kansas local-government example of active data center zoning review. (wichita.gov)
- Virginia JLARC audit – useful audited example of economic/fiscal and land-use impacts in an established data center market. (jlarc.virginia.gov)

DICKINSON COUNTY, KANSAS

BOARD OF COUNTY COMMISSIONERS

AGENDA MEMORANDUM

TO: Board of County Commissioners

FROM: County Administration / Planning and Zoning

DATE: May 22, 2026

RE: Consideration of Zoning Regulations for Data Centers

ACTION REQUESTED

Review and discuss potential amendments to the Dickinson County Zoning Regulations to address data centers as a distinct land use, and provide direction to staff regarding preparation of formal draft text for Planning Commission review.

BACKGROUND

Interest in data center development has increased nationally and within Kansas due to growth in cloud computing, artificial intelligence, digital storage, and related technology infrastructure. Kansas has adopted a state incentive framework for qualifying data center projects, indicating that counties may increasingly receive inquiries regarding these facilities.

A data center is a specialized facility used to house computer servers, data storage systems, networking equipment, backup power systems, cooling systems, and related infrastructure necessary to process, store, and transmit digital information. Data centers differ from typical office, commercial, or warehouse uses because they operate continuously and may require substantial electrical capacity, backup generation, telecommunications connectivity, cooling infrastructure, and security measures.

The County's current zoning regulations do not specifically address data centers as a separate use. As a result, it is appropriate for the County to consider whether data centers should be defined and regulated through specific zoning standards before any such project is proposed or reviewed.

DISCUSSION

Potential Benefits

Potential benefits associated with data center development may include:

- significant private capital investment;
- construction activity supporting local contractors, suppliers, and service businesses;
- upgrades to electric, telecommunications, roadway, and other infrastructure;
- potential long-term property tax base, depending on valuation and any local incentives;
- economic diversification through attraction of digital infrastructure and technology-related investment.

Potential Concerns

Potential concerns associated with data center development may include:

- unusually high electrical demand and related utility infrastructure needs;
- water demand, depending on cooling system design;
- noise from mechanical equipment and backup generators;
- visual impacts associated with large buildings, equipment yards, lighting, and screening;
- construction traffic, road wear, and drainage impacts;
- relatively low long-term employment compared to other industrial uses.

Planning and Zoning Considerations

Because of these characteristics, data centers are typically better addressed as a distinct land use rather than treated as a standard office or commercial use. Common local government approaches include:

- defining data centers within zoning regulations;
- permitting them only in limited industrial districts;
- requiring approval through a Conditional Use Permit or Special Use Permit process;
- requiring site-specific review of utility demand, water use, traffic, drainage, noise, lighting, and emergency access;
- requiring buffering, setbacks, and performance standards to protect nearby residential and agricultural properties;
- using development agreements for large projects to allocate responsibility for off-site improvements and other project obligations.

RECOMMENDATION

Staff recommends that the Board provide direction to prepare formal zoning text amendments to:

1. establish a definition for data centers;
2. classify data centers as a separate principal use;
3. limit such use to appropriate zoning districts;
4. require discretionary review through a Conditional Use Permit process;
5. establish minimum application materials and performance standards; and
6. authorize use of development agreements where warranted by project scale or infrastructure demands.

FISCAL IMPACT

There is no immediate fiscal impact associated with discussion of this item. Future fiscal impacts related to any specific project would depend on the scope of development, infrastructure demands, assessed valuation, and any local incentive or improvement agreement.

ATTACHMENTS

1. Draft summary of proposed zoning approach for data centers
2. Draft text amendment for discussion purposes

DRAFT FOR DISCUSSION PURPOSES ONLY

DICKINSON COUNTY, KANSAS

A RESOLUTION AMENDING THE DICKINSON COUNTY ZONING REGULATIONS
TO DEFINE AND REGULATE DATA CENTERS AS A SEPARATE LAND USE

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DICKINSON COUNTY, KANSAS:

SECTION 1. PURPOSE AND INTENT.

The Dickinson County Zoning Regulations are hereby amended to establish standards for data centers as a distinct land use. The purpose of these regulations is to provide for the orderly siting and development of data centers in a manner that supports economic development while protecting public infrastructure, public health and safety, water resources, and the character of surrounding properties and neighborhoods.

Data centers are recognized as infrastructure-intensive facilities with operational characteristics distinct from general office, warehouse, commercial, and customary accessory uses. Such characteristics may include substantial electrical demand, backup generation, cooling systems, telecommunications infrastructure, security features, and specialized site design requirements. These regulations are intended to ensure that such facilities are reviewed with due consideration of their site-specific and off-site impacts.

SECTION 2. DEFINITIONS.

The Definitions Article of the Dickinson County Zoning Regulations is hereby amended to add the following definitions:

Data Center:

A building, group of buildings, or campus used primarily for the housing, operation, maintenance, or support of computer servers, data storage systems, network and telecommunications equipment, power supply and backup power systems, cooling equipment, and associated monitoring, control, security, and support infrastructure used for the processing, storage, transmission, or management of digital data.

Hyperscale Data Center:

A large-scale data center campus or facility designed to provide extensive computing, cloud, network, or enterprise data services, typically characterized by substantial electrical demand and supporting infrastructure.

Edge Data Center:

A smaller-scale data center facility located to provide computing or network services closer to end users or regional service areas.

Backup Power Generation Equipment:

Generators, switchgear, fuel tanks, associated piping, and related equipment used to provide emergency or supplemental power to a data center facility.

SECTION 3. USE CLASSIFICATION.

Data Center is hereby established as a separate principal use within the Dickinson County Zoning Regulations and shall not be interpreted solely as a general office, warehouse, utility substation, telecommunications facility, or similar use unless specifically provided by these regulations.

SECTION 4. PERMITTED DISTRICTS.

A. A Data Center may be allowed only upon approval of a Conditional Use Permit within the following zoning districts:

1. Heavy Industrial District, if established by the Dickinson County Zoning Regulations;
 2. General Industrial District, if established by the Dickinson County Zoning Regulations;
- or
3. Other nonresidential district as expressly authorized by the Board of County Commissioners following recommendation by the Planning Commission and a finding that the proposed site is appropriate for the use.

B. A Data Center shall not be permitted by right in any district unless and until expressly authorized by these regulations.

C. A Data Center shall not be permitted in any Agricultural, Rural Residential, Urban Residential, Neighborhood Commercial, or similar district intended primarily for agricultural production, low-density dwelling use, or neighborhood-serving commercial activity, except as may be specifically approved through an amendment to these regulations.

SECTION 5. CONDITIONAL USE PERMIT REQUIRED.

Any person proposing to establish, construct, enlarge, or materially expand a Data Center shall obtain approval of a Conditional Use Permit in accordance with the procedures of these regulations and any additional requirements set forth herein.

SECTION 6. APPLICATION REQUIREMENTS.

In addition to any materials otherwise required for a Conditional Use Permit application, an application for a Data Center shall include, at a minimum:

A. A site plan showing property boundaries, existing and proposed structures, equipment yards, substations, transmission connections if applicable, access drives, parking, loading areas, fencing, berms, landscape buffers, drainage facilities, and adjacent land uses;

B. Building elevations and a general description of the proposed operational characteristics of the facility;

C. A utility service analysis identifying projected electrical demand, the proposed source of electric service, and any required off-site utility improvements;

- D. A backup power plan identifying the number and location of generators, associated fuel storage, anticipated testing schedule, and emergency operating procedures;
- E. A water supply and wastewater management plan identifying projected average and peak demand, source of water supply, cooling method, wastewater generation, and proposed discharge or disposal method;
- F. A stormwater and drainage plan prepared in accordance with County standards and other applicable law;
- G. A traffic impact and construction routing plan addressing anticipated construction traffic, access points, truck routes, and proposed roadway improvements or repairs;
- H. A noise study addressing routine operation, mechanical equipment, and backup generator testing and operation;
- I. A lighting, screening, and landscaping plan addressing visual mitigation and on-site security lighting;
- J. An emergency response and fire protection plan prepared in coordination with appropriate emergency service providers;
- K. A decommissioning, site restoration, or adaptive reuse plan sufficient to address long-term site conditions in the event the use is discontinued; and
- L. Any additional studies, plans, or information reasonably required by the Zoning Administrator, Planning Commission, or Board of County Commissioners to evaluate the impacts of the proposed use.

SECTION 7. DEVELOPMENT AND PERFORMANCE STANDARDS.

Any approved Data Center shall comply with the following minimum standards, together with any additional conditions imposed through the Conditional Use Permit process:

A. Setbacks.

The Board of County Commissioners may establish increased setbacks from adjacent residential uses, dwellings, public rights-of-way, and agricultural operations where necessary to mitigate noise, visual impacts, or operational conflicts.

B. Screening and Buffering.

Data centers shall provide screening, fencing, berming, landscaping, or other buffering sufficient to reduce adverse visual impacts upon adjoining properties and public roads.

C. Noise.

Mechanical equipment, cooling systems, and backup generators shall be designed and operated so as to comply with any applicable County noise standards and any specific noise limitations imposed as part of Conditional Use Permit approval. The County may restrict hours for routine generator testing, except during emergencies or reliability events.

D. Lighting.

Site lighting shall be arranged and shielded to minimize glare and light trespass onto adjacent property and public rights-of-way while maintaining adequate safety and security.

E. Access and Roads.

The applicant shall provide adequate access for employees, service vehicles, emergency vehicles, and construction traffic. The County may require roadway improvements, turning

lanes, access controls, haul route restrictions, or repair agreements as a condition of approval.

F. Utilities and Infrastructure.

The applicant shall demonstrate the availability of adequate utility infrastructure to serve the proposed use and may be required to construct or fund off-site improvements necessary to avoid undue burden on public infrastructure or service providers.

G. Water Use and Wastewater.

Where water is used for cooling or related operations, the County may require conservation measures, reporting, use limitations, or other conditions reasonably related to public water supply, wastewater capacity, and drought resilience.

H. Stormwater and Drainage.

All improvements shall be designed to avoid adverse drainage impacts on adjacent property, public roads, and downstream drainage facilities.

I. Security and Emergency Access.

Security measures shall be designed to protect the facility while maintaining adequate access for emergency responders and compliance with applicable fire and safety requirements.

J. Ongoing Compliance.

The Board may require periodic reporting or operational verification reasonably necessary to confirm continued compliance with permit conditions and approved plans.

SECTION 8. APPROVAL CRITERIA.

In addition to other applicable Conditional Use Permit criteria, the Planning Commission and Board of County Commissioners shall consider whether:

A. The proposed site is suitable for a Data Center due to parcel size, access, surrounding land use pattern, and compatibility with the Comprehensive Plan;

B. Adequate electric, telecommunications, water, wastewater, drainage, and roadway infrastructure exists or will be provided;

C. The proposed use will not impose unreasonable direct or indirect costs on Dickinson County or other public service providers;

D. Adverse impacts upon nearby residential, agricultural, civic, or commercial uses have been reasonably mitigated;

E. Emergency services, fire protection, and public safety needs have been adequately addressed;

F. The project includes appropriate measures for buffering, screening, lighting control, noise mitigation, and infrastructure coordination; and

G. The public convenience, safety, and general welfare will be served by approval of the proposed use subject to stated conditions.

SECTION 9. DEVELOPMENT AGREEMENT.

As a condition of approval for any Data Center, the Board of County Commissioners may require the property owner and/or applicant to enter into a development agreement addressing one or more of the following:

- A. Responsibility for on-site and off-site utility improvements;
- B. Roadway improvements, haul route requirements, and repair obligations;
- C. Water use commitments and infrastructure extensions;
- D. Timing and phasing of development;
- E. Drainage and stormwater improvements;
- F. Ongoing reporting obligations;
- G. Emergency management coordination;
- H. Site restoration, decommissioning, or reuse obligations; and
- I. Any other matter reasonably related to mitigation of project impacts or implementation of permit conditions.

SECTION 10. NONCONFORMING OR EXPANDED USES.

Any existing use meeting the definition of Data Center that was lawfully established prior to adoption of this amendment shall be treated in accordance with the nonconforming use provisions of the Dickinson County Zoning Regulations. Any material expansion or intensification of such use shall be subject to review under this Section unless otherwise exempted by law.

SECTION 11. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this amendment is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this amendment.

SECTION 12. EFFECTIVE DATE.

This amendment shall take effect upon adoption and publication as provided by law.

ADOPTED by the Board of County Commissioners of Dickinson County, Kansas, on _____, 2026.

Short answer: For counties, data centers can bring major private investment, construction activity, infrastructure upgrades, and some tax-base growth, but they also can create very high power demand, potential water and road impacts, compatibility issues, and fewer permanent jobs than many people expect. The right answer for a county usually depends on **site suitability, infrastructure capacity, and whether the county can require strong conditions and cost recovery.**

Pros for counties

1. Large capital investment

Data centers are typically very large projects, often involving hundreds of millions of dollars in land, buildings, electrical equipment, cooling systems, and network infrastructure. Kansas' state incentive framework applies only to projects with at least **\$250 million** in investment, which illustrates the scale counties may be asked to evaluate.

2. Construction jobs and local spending

A major benefit is usually during construction. These projects can create demand for local excavation, concrete, trucking, electrical, mechanical, fencing, security, and engineering services, along with spillover spending at hotels, restaurants, and suppliers. Audited research from Virginia found that construction is a primary channel through which data center development generates economic activity.

3. Possible expansion of the tax base

Depending on the state and local tax structure, a county may benefit from taxable land and buildings, utility-related investment, and indirect economic activity. The actual value varies significantly based on abatements, exemptions, and how equipment is taxed, so the benefit can be real but should be modeled carefully.

4. Utility and broadband/fiber improvements

Because data centers need reliable electricity and telecommunications capacity, a project may trigger upgrades to substations, transmission, fiber routes, and access infrastructure. If a county structures approvals well, these upgrades can improve the area's long-term development readiness.

5. Economic diversification

For counties that want to broaden their economic base, data centers can position the community as a place for digital infrastructure and related technology-supporting uses. In some markets, clusters of data infrastructure can help attract other businesses that value high-capacity power and fiber.

6. Smaller day-to-day traffic footprint than some other large industrial uses

Once operational, most data centers have less daily employee and truck traffic than manufacturing or large distribution facilities of similar size. That can make them more compatible in some industrial locations if the construction phase and utility impacts are properly managed.

Cons for counties

1. Extremely high electricity demand

This is often the biggest issue. DOE reports that data centers are among the most energy-intensive building types and can use **10 to 50 times** the energy per floor area of a typical commercial office building. Nationally, U.S. data centers consumed about **4.4% of total U.S. electricity in 2023**, and DOE projects that share could rise materially by 2028. For counties, that can mean major substation, transmission, and reliability questions.

2. Potentially high water demand

Some data centers use large amounts of water for cooling, though this varies by design and climate. EPA notes that water use can be a major issue and recommends early utility coordination, water-efficiency planning, and reuse/reclaimed water strategies where feasible. In water-sensitive areas, this can be a major county concern.

3. Fewer permanent jobs than expected

Data centers often create fewer long-term jobs than manufacturing, warehousing, or other large industrial projects. For example, one state audit found a typical **250,000-square-foot** data center may employ about **50 full-time workers** in operations. Counties that focus only on project size can overestimate the long-term employment payoff.

4. Noise, visual, and land-use compatibility issues

Cooling equipment, electrical yards, and backup generators can create persistent noise and visual impacts. Counties may also face concerns about large building mass, lighting, fencing, and compatibility with nearby homes or rural/agricultural uses. NACo notes that many jurisdictions now regulate data centers more like industrial uses than office uses for this reason.

5. Construction traffic and road wear

The construction phase can be intense, with heavy truck traffic, roadway wear, staging needs, and drainage disruption. Even if operations are relatively quiet afterward, counties still need to address haul routes, road repair responsibility, and construction management.

6. Public service and infrastructure costs

If a county does not negotiate carefully, it may end up dealing with off-site infrastructure burdens, emergency planning obligations, road repair costs, or utility coordination issues without adequate cost recovery. That is why counties often use conditional use permits and development agreements for these projects.

7. Fiscal benefits may be less than assumed

Even when the project is very large, local fiscal benefits may be reduced by state tax exemptions, local abatements, or the limited number of permanent employees. Counties should not assume “big building = big net public benefit” without project-specific analysis.

What this means for a Kansas county

For a county such as Dickinson County, the **best arguments in favor** of data centers are:

- large private investment,
- construction-period economic activity,
- possible infrastructure upgrades,
- and strategic economic diversification.

The **biggest reasons for caution** are:

- electrical demand,
- water use,
- limited permanent employment relative to project size,
- and compatibility with rural or residential areas.

Practical county takeaway

A county should usually view data centers as a **specialized industrial/infrastructure land use**, not as a normal office project. The practical question is not simply whether data centers are “good” or “bad,” but whether the county can ensure:

- the site is appropriate,
- utilities can serve it,
- nearby land uses are protected,
- the developer pays for necessary improvements,

- and the fiscal outcome is positive for the county.

Simple board-level framing

| Pros | Cons |
|--------------------------------------|------------------------------------|
| Major capital investment | Very high power demand |
| Construction jobs and local spending | Potential water demand |
| Possible tax-base growth | Fewer permanent jobs than expected |
| Utility/fiber upgrades | Noise and visual impacts |
| Economic diversification | Construction traffic and road wear |
| Lower daily traffic once operating | Fiscal benefits can be overstated |

Recommendation

For county policy discussions, the most balanced position is:

Data centers can be beneficial if they are located in appropriate industrial areas, supported by adequate power and water infrastructure, and subject to enforceable zoning and development agreement conditions. Without those safeguards, the county may assume substantial land-use and infrastructure burdens for a project with limited long-term employment benefits.

One-page pros/cons handout

Dickinson County, Kansas

**Data Centers: County Pros and Cons Overview
For Discussion Purposes**

What is a data center?

A data center is a specialized facility that houses computer servers, networking systems, backup power equipment, cooling systems, and related infrastructure used to store, process, and transmit digital information. These facilities support cloud services, business systems, online platforms, and other digital operations.

Why counties are discussing them

As demand for cloud computing, AI, and digital storage grows, counties may receive inquiries about siting data centers. These facilities can bring substantial private investment, but they also place unusual demands on land, utilities, and infrastructure. For that reason, counties often treat data centers as a distinct zoning use.

Potential benefits for counties

- **Large private investment**
Data centers are often major capital projects, sometimes involving hundreds of millions of dollars in land, buildings, and infrastructure.
- **Construction jobs and local spending**
The strongest economic impact is often during construction, when local contractors, suppliers, lodging, and service businesses may benefit.
- **Potential tax base growth**
Depending on valuation and any incentives, a data center may contribute to the local property tax base and related economic activity.
- **Infrastructure improvements**
Projects may lead to upgrades in electric service, substations, fiber connectivity, roads, or other supporting infrastructure.
- **Economic diversification**
A data center may help position a county for future technology-supporting investment and digital infrastructure growth.
- **Lower daily traffic after construction**
Compared with some other large industrial uses, data centers often generate less routine employee and truck traffic once operating.

Potential concerns for counties

- **Very high electric demand**
Data centers can require substantial power capacity and may trigger major substation or transmission upgrades.
- **Possible water demand**
Depending on the cooling system, a project may use significant water and require careful review of supply and wastewater impacts.
- **Fewer permanent jobs than expected**
Data centers usually create fewer long-term operating jobs than many manufacturing or distribution projects.
- **Noise and visual impacts**
Cooling equipment, generators, lighting, fencing, and large building mass can affect nearby properties if not properly regulated.
- **Construction traffic and road wear**
Heavy truck traffic during site development and construction can affect county roads and nearby properties.
- **Need for careful fiscal review**
Counties should not assume that a large project automatically means a large net public benefit. Infrastructure costs and incentives matter.

County policy takeaway

Data centers may be a good fit in the right location if the county has clear zoning standards and requires the developer to address infrastructure, buffering, and impact mitigation. The key issue is not simply whether to allow data centers, but under what conditions.

Suggested county approach

- Define data centers as a separate use in the zoning regulations.
- Limit them to appropriate industrial locations.
- Require conditional use approval and site-specific review.
- Evaluate power, water, traffic, drainage, noise, and emergency response.
- Require the developer to fund needed off-site improvements where appropriate.
- Protect nearby residential and agricultural properties through setbacks, buffering, and performance standards.

Public-facing FAQ

Dickinson County, Kansas Data Centers: Frequently Asked Questions

1. What is a data center?

A data center is a specialized building or campus that houses computer servers and related equipment used to store, process, and transmit digital information. These facilities support internet services, cloud computing, online business systems, government technology systems, and similar digital operations.

2. Why is Dickinson County discussing data centers?

Counties across Kansas and the United States are seeing increased interest in data center development. Because these facilities have different impacts than typical office or commercial buildings, counties often review whether their zoning regulations should specifically address them.

3. Are data centers the same as office buildings?

No. While a data center may look like a large industrial or office-style building from the outside, its internal use is very different. A data center typically operates around the clock and requires substantial electrical service, backup power, cooling systems, security, and telecommunications infrastructure.

4. Why would a county consider allowing a data center?

A county may consider allowing a data center because it can bring significant private investment, construction activity, infrastructure improvements, and potential tax base growth. It may also support long-term economic diversification.

5. What are the main concerns with data centers?

The main concerns usually include:

- high electrical demand,
- possible water use,
- noise from equipment and generators,
- construction traffic and road wear,
- visual impacts,
- and fewer long-term jobs than some other large developments.

6. Do data centers create jobs?

Yes, but most of the job impact is often during construction. Permanent operating employment is typically lower than for many manufacturing or warehousing projects of similar size.

7. Do data centers use a lot of electricity?

Yes. Data centers generally require large amounts of electricity because they run computer servers and cooling systems continuously. For that reason, utility capacity is one of the most important issues in siting and reviewing a proposed facility.

8. Do data centers use water?

Some do, especially if they use water-based cooling systems. Water use varies depending on the facility's design and cooling method. Any proposal should be reviewed for water supply, wastewater handling, and conservation measures.

9. Are data centers noisy?

They can be. Cooling equipment and backup generators may create noise if not properly designed and buffered. Counties commonly address this through setbacks, noise standards, landscape screening, and restrictions on generator testing hours.

10. Where would a data center typically be located?

If allowed, data centers are usually best suited to industrial areas or other locations with strong utility access, sufficient land area, and separation from residential uses. They are generally not considered ideal for residential or small-scale neighborhood commercial areas.

11. Would a data center affect nearby roads?

It may, especially during construction. A county may require traffic studies, haul route planning, roadway improvements, or repair agreements as part of project approval.

12. Would a data center benefit the county financially?

Potentially, yes, but the answer depends on project size, taxable value, infrastructure costs, and any incentives or abatements. Each project should be evaluated individually rather than assuming all large projects will have the same fiscal impact.

13. How can the county regulate data centers?

A county can regulate data centers by:

- creating a clear zoning definition,
- limiting them to appropriate districts,
- requiring conditional use approval,
- adopting standards for setbacks, screening, lighting, and noise,
- requiring utility, water, traffic, and drainage review,
- and using development agreements where necessary.

14. Has Dickinson County approved any data center project?

This FAQ should be updated based on current County records. If no project is pending or approved, the County may state that it is reviewing zoning policy in advance so clear regulations are in place if a proposal is submitted.

15. What is the County's goal in reviewing this issue?

The goal is to make sure the County has clear and predictable zoning regulations that balance potential economic development benefits with infrastructure capacity, public safety, neighboring land uses, and long-term community interests.

Data Centers

The purpose of these regulations is to establish provisions for the establishment of commercial alternative energy facilities and related uses which produce or rely on electrical energy derived from but not limited to solar, natural gas, nuclear, hydrogen, battery energy storage, crypto currency mining, data processing/storage centers.

21.113.01. Definitions

- a. Applicability: The requirements of this ordinance shall apply to all AES with a rated nameplate capacity of equal to or greater than 1,000 kilowatts (1 megawatt).
- b. Site Area: The footprint of the AES 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 Alternative energy 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 Alternative energy system.
- d. "Commercial alternative energy facility": An energy facility that consists of and or incorporates one or more systems to produce energy from alternative energy sources, or other such devices and their related or supporting facilities that produces electric power from alternative sources, some or all of which is to be distributed to an off-site customer or customers. Alternative energy sources include but are not limited to: solar, hydrogen, nuclear, hydroelectric and natural gas. This shall include additional facilities which rely on alternative or conventional energy sources for their operation, including but not limited to: battery energy storage systems (BESS), crypto currency mining, data storage and processing centers.
- e. Extraordinary Events: Any of the following would be considered an 'extraordinary event': large-scale or facility-wide damage to AES 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 Dickinson 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 Dickinson 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 AES 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 AES facility caused by an extraordinary event takes place.
- o. Net Metering: a system in which AES 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 AES.
- 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 AES facility located on it.

21.113.02 Commercial Alternative energy facility

- a. Purpose of Regulations. The requirements of this ordinance shall apply to all AES permitted and installed in Dickinson County after the effective date of this ordinance.

This ordinance does not extend to the general maintenance and repair of AES 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 AES are provided.
 - 3) Standards are provided to:
 - i. Ensure that land in the vicinity of and not occupied by the AES 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 alternative energy systems serving individual residential or commercial properties.
 - 2) These standards and regulations apply to Commercial/Utility Scale AES proposed in the unincorporated territory of Dickinson County.

21.113.03 Approvals Required for Revisions

- a. Conditional Use Permit. Any proposed expansion of the facility after initial approval will require approval of a new conditional use permit. This would include an increase in the Site Area or the area for accessory equipment, or increase in capacity.
- b. Site Plan. Minor modifications not exceeding 10% may be administratively approved. A minor modification includes changes which do not increase the Site Area, the area designated for accessory equipment.

21.113.04 Conditions Required for Approval

In addition to the findings of fact listed in Section 21.113.06, 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 by staff, the Planning Commission and County Commission 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 completed system will have on water quantity and 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.

21.113.05 Standards

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

- a. Farmland. As economic development and preservation of prime agricultural land are goals of the comprehensive plan, and Alternative energy systems (AES) 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) AES 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 AES site area not to exceed ten (10) acres (the Planning Commission may approve additional acreage if the Applicant can demonstrate a practical need for this 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 AES 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) Alternative energy 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) Alternative energy systems shall comply with NFPA 855 requirements related to lighting. Lighting requirements applicable to other infrastructure within the Dickinson County, or requirements specified in state statute or code for electrical infrastructure are appropriate to apply to AES 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 Alternative energy 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 AES 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 AES 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 AES 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 21.113.01 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 AES 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.

21.113.06 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 AES, 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 Dickinson 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 Alternative energy system (AES) 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 Dickinson 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 Dickinson 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 Dickinson 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 AES 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 Alternative energy 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 AES 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 Alternative energy 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 AES. 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 AES 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 AES 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 AES 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, Dickinson 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 AES 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 Dickinson 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 Alternative energy 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 Dickinson 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 AES 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 Dickinson 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, Dickinson 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. Dickinson 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

Abridged language

The following language is based on experience staff had recently with Developers involved in the energy sector on projects both in Dickinson and other counties related to either renewable energy, or other use closely associated with renewable energy (i.e. data centers, etc.). Due to the multiple State and Federal agency reviews ahead of a major energy or industrial infrastructure project, a developer will approach the local jurisdiction first for initial approval through a C.U.P. for a specific site or sites to establish the use. Due to the extended time for Federal and State compliance review and approval for a project, the time frame from approval of a C.U.P. to pulling a building permit may run anywhere from 3 to 5 years. Furthermore, upon submittal of an application for Conditional Use Permit, the Applicant may not be able to start engineering or site studies to provide a detailed site plan until the Federal and State review has begun, which would follow the approval of the C.U.P.

Article 21, Section 21-105, item 62 which states a conditional use permit is required for:

“Any other use not specifically listed as a permitted and/or accessory use in any district in these Regulations, or as a prohibited use”.

The language that follows may be incorporated into the zoning regulations as general guidance to complement item #62 quoted above, or be modified to refer to a specific use such as data centers.

Large-scale Commercial or Industrial use – Any use whose planning and construction timelines are dictated by multiple State and Federal agency permitting processes or inter-industry agreements which could delay the issuance of a building permit upon approval of a Conditional Use Permit by more than twenty-four (24) months.

For large-scale commercial and industrial uses not listed as defined herein, the following minimum documentation must be submitted prior to an application being scheduled for public hearing with the Planning Commission. The Planning Commission may table a public hearing if additional information is requested, or the submitted documentation is determined to be inadequate for review.

1. General preliminary site plan prepared by a licensed surveyor or engineer to include details as outlined in Article 14, with the understanding that a final (complete) site plan must be submitted with the application for building permit.
2. If a site plan for the specific site under consideration is not feasible due to pending engineering studies, or Federal/State agency review which may affect site layout, Applicant must provide details of an existing facility which is similar in scale and scope as what is being proposed.
3. Any correspondence from all State and Federal environmental and transportation agencies that they are aware of the Applicant’s proposal, and documentation has been submitted to them for initial review.
4. Written statement from the Applicant explaining the fiscal benefit of this use to the County and its residents.

5. Explanation of the local infrastructure and resource demands of the proposed use, along with any planned mitigation measures to conserve local resources.
6. Statement expressing a willingness to work with the County on interlocal agreements, such as Road Maintenance and decommissioning.

Data Centers in Kansas

Paul Hughes

Headquarters & Megaprojects

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KANSAS

C O M M E R C E

Data Center Type & Size

| Size Metric | Rack Yield | Compute Space | | |
|-------------|------------|-------------------------|----------------------|----------------|
| | | SQFT (ft ²) | SQM(m ²) | |
| 250-700 MW | Mega | > = 9,001 | >= 225,001 | >= 22,501 |
| | Massive | 3,001 – 9,000 | 75,001 – 225,000 | 7,501 – 22,500 |
| | Large | 801 – 3,000 | 20,001 – 75,000 | 2,001 – 7,500 |
| | Medium | 201 – 800 | 5,001 – 20,000 | 501 – 2,000 |
| | Small | 11 – 200 | 251 – 5,000 | 26 – 500 |
| 5-10 MW | Mini | 1 – 10 | 1 – 250 | 1 – 25 |

Hyperscale:



Enterprise:



Co-Located:



Why the Surge in Projects?

- Infrastructure takes time
 - Wichita IXP
 - Broadband
 - 365kv – 765kv (SPP)
- Passage of SB98 in previous session
- Improved tech opens smaller markets
- Going from 10 DCs to 20 feels “big”
- Speculative development

Source: <https://www.visualcapitalist.com/mapped-us-states-with-the-most-data-centers-in-2025/>



Community Benefits of Data Centers



- Large construction budgets boost hospitality, retail and restaurant tax collections.
- Taxes paid on energy consumption can be a huge boost for smaller communities.
- Responsible operators want to become part of the community.
- Willing to train and hire local talent.
- Hiring pattern doesn't overwhelm housing or cause traffic congestion.

Why the reaction to Data Centers in Kansas?

- Many people are unaware of Kansas law requiring data centers to pay for their own power infrastructure and blame Data Centers for rising energy rates.
- People are fearful that “the floodgates are opening.” Virginia wanted to be a Data Center mecca.
- Speculative developers are tying up power availability, land and other resources when they don’t have a signed customer.
 - This makes it very difficult for energy providers to ascertain whether demand is real or not.
- Confidentiality requirement is no different for this industry, but people don’t like it.
- Communities are realizing they don’t have a master development plan but want to have say in who/how a data center enters.



Data Centers and Water Use

| <u>Technology</u> | <u>Suitability</u> | <u>Key Benefits</u> | <u>Drawbacks</u> | <u>100MW</u> |
|-----------------------------|-----------------------------|-------------------------------|---------------------------------------|------------------------------|
| Water cooling (evaporative) | Low/Medium density | Low equipment cost | Heaviest water use | 1-3M gal/day ~4 acre-feet |
| Air Cooling | Low-density racks | Familiarity, low initial cost | Higher energy use | 12,000 gal/day |
| Direct-to-Chip (liquid) | High performance | Efficiency, high rack density | Higher cost, complex infrastructure | Nearly zero |
| Immersion Cool (liquid) | High density/edge computing | Most efficient, silent | Complex maint. & specialized hardware | Nearly zero |

Important note: in conversation, water cooling and liquid cooling are very different!



Kansas Data Center Opportunity Pipeline

20 Open projects of varying sizes
\$12M Smallest defined project scope
\$7+B Largest defined project scope

\$25.4B TOTAL

What Advice Can Be Offered to Communities

- Leverage cost-benefit analysis tools from Commerce
 - <https://www.kansascommerce.gov/program/taxes-and-financing/tax-abatement/>
- Get cozy with your energy provider's Economic Development office. They often know about these projects before Commerce does.
- Remind people of SB98 requirement for Intelligence Fusion Center review is under the Office of the Attorney General.
- Consider leveraging the Fusion Center review as a requirement to gain other approvals or permits in your community.
- Data Centers don't "swarm in." Suitable sites are few and Virginia, Texas and California worked hard to achieve what they have.
- If zoning change is the answer, consider scaling based on acreage requirements.



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News Release

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November 6, 2025

KCC approves large load rate plan with consumer protections

TOPEKA - Today, the Kansas Corporation Commission approved a unanimous settlement agreement creating a Large Load Power Service (LLPS) rate plan that is designed to serve electric customers requiring greater than 75 megawatts of peak power consumption.

The settlement was a collaborative effort focused on meeting the growing needs of the state's largest electric users, including data centers and large manufacturers, while protecting other ratepayers from bearing an unfair portion of any incremental associated costs.

Participants in the negotiations included consumer interests (KCC Staff, Citizens Utility Ratepayer Board, Kansas Industrial Consumers), large company interests (Data Center Coalition, Google), the utility (Eversource), conservation interests (Sierra Club, National Resources Defense Council) and several school districts.

The new LLPS rates will apply to any new facility beginning service with a peak load forecast at 75 megawatts (75 MW) or more, or an existing customer expecting to expand by 75 MW. The contract term will be a minimum of 12 years, plus an optional load ramp period of up to 5 years, which most customers are expected to use, for a total contract length of 17 years.

Customers on the plan will pay a minimum monthly bill based on 80% of their contract demand, regardless of actual usage. They will also be required to provide collateral equal to two years of minimum monthly bills. If the contract is terminated early, an exit fee will apply that will require the customer to pay all minimum bills that would have been billed had the customer continued service.

Demand and energy rates in the LLPS plan are designed to cover Eversource's incremental cost to serve large load customers, so existing customers are not subsidizing those users. In addition, any system upgrades that are necessary solely to serve the new/expanded customers will be directly assigned to the new/expanded customer. Network upgrades to the transmission system needed to bring the large loads online will be directed by the Southwest Power Pool, as regulated by the Federal Energy Regulatory Commission, which is responsible for ensuring that wholesale transmission costs are allocated in a fashion that is at least roughly commensurate to the benefits being received by those transmission upgrades.

Efforts were also made to design a plan that was competitive with other Large Load Tariffs throughout the country, so that Kansas can properly compete for the economic development

benefits that these loads represent.

[View today's order](#)

View the Unanimous Settlement Agreement [here](#).

A recording of today's Business Meeting featuring comments by Commissioners, is available [here](#).

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