

1st Reading
10-15-24

Presented to County Board

Date 11 - 06 - 2024

Action by County Executive

Approved 11 - 7 - 2024

Vetoed _____

Vetoed in part _____

Effective without signature

By Sandra Lee

County Executive

Action by County Board

Adopted as presented _____

Adopted as amended 11 - 6 - 2024

Referred to _____

Defeated _____

Withdrawn _____

County Board Chairman

Maria M. Gutierrez

Veto action by County Board

Overridden _____

Vote _____ to _____

Sustained _____

Vote _____ to _____

Presented to County Executive 11 - 06 - 2024

By Steph A. Delgado

County Clerk



KENOSHA COUNTY BOARD OF SUPERVISORS
ORDINANCE NO. 13

Subject: Proposed amendments to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance pertaining to the addition of Battery Energy Storage Systems (BESS) as a Conditional Use Permit.

Original Corrected 2nd Correction Resubmitted

Date Submitted: October 15, 2024 Date Resubmitted:

Submitted by: Planning, Development & Extension Education Committee

Fiscal Note Attached: Legal Note Attached:

Prepared by: Andy M. Buehler, Director
Division of Planning & Development
(Name, Title, Department or Division)

Signature:

DocuSigned by:
Andy M. Buehler
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AN ORDINANCE TO AMEND CHAPTER 12 OF THE "KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE"

WHEREAS, Kenosha County proposes to amend Chapter 12 of the "Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance" as set forth in the attached Exhibit "A, pertaining to the addition of Battery Energy Storage Systems (BESS) as a Conditional Use Permit.

WHEREAS, the Kenosha County Planning, Development & Extension Education Committee held a public hearing on the request October 9, 2024






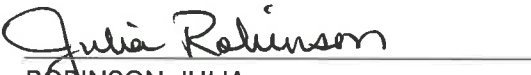
NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors approve the proposed amendments to Chapter 12 of the "Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance" as set forth in the attached Exhibit "A".

Ordinance Regarding Amendments to Chapter 12 of the Kenosha County Municipal Code Pertaining to Battery Energy Storage Systems (BESS) as a Conditional Use Permit
Page 2

Approved by:

PLANNING, DEVELOPMENT & EXTENSION EDUCATION COMMITTEE

ONE BOX MUST ALWAYS BE CHECKED

	AYE	NAY	ABSTAIN	EXCUSED	UNEXCUSED
 BROWN, GUIDA, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 BROOKHOUSE, FREDERICK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 DECKER, ERIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 GEERTSEN, DAVID	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 KAROW, AARON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ MEADOWS, ERIC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 ROBINSON, JULIA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**KENOSHA COUNTY
BATTERY ENERGY STORAGE SYSTEMS (BESS)
ORDINANCE AMENDMENT**

DEFINITIONS (to be added to Appendix A of Chapter 12)

Battery Energy Storage Systems or BESS". An electrochemical devices that charge, or collect, energy from the electric grid or a generation facility, store that energy, and then discharge that energy at a later time to provide electricity or other electric grid services.

Battery Energy Storage System – Utility Scale. A Battery Energy Storage System (BESS) that is designed and built to connect to the transmission grid with an aggregate nameplate capacity of 5MW or greater and is considered a conditional use

Battery Energy Storage System - On-Site. A Battery Energy Storage System (BESS) that is intended to primarily serve the needs of the consumer on-site with a nameplate capacity of less than 5MW and is considered an accessory use. Uses 5MW or greater is a conditional use.

DISTRICTS

12.33.020 B-2 Community Business District

- (c)1 Battery Energy Storage System – On-Site less than 5MW
- (d)3 Battery Energy Storage System – On-Site 5MW or greater

12.33.030 B-3 Highway Business District

- (c)1 Battery Energy Storage System – On-Site less than 5MW
- (d)4 Battery Energy Storage System – On-Site 5MW or greater

12.33.040 B-4 Planned Business District

- (c)1 Battery Energy Storage System – On-Site less than 5MW
- (d)1 Battery Energy Storage System – On-Site 5MW or greater

12.33.050 B-5 Wholesale Trade and Warehousing District

- (c)1 Battery Energy Storage System – On-Site less than 5MW
- (d)3 Battery Energy Storage System – On-Site 5MW or greater

12.34.010 M-1 Limited Manufacturing District

- (c)1 Battery Energy Storage System – On-Site less than 5MW
- (d)2 Battery Energy Storage System – On-Site 5MW or greater

12.34.020 M-2 Heavy Manufacturing District

- (c)1 Battery Energy Storage System – On-Site less than 5MW
- (d)3 Battery Energy Storage System – On-Site 5MW or greater

12.34.030 M-3 Mineral Extraction District

(c)1 Battery Energy Storage System – On-Site less than 5MW

(d)1 Battery Energy Storage System – On-Site 5MW or greater

12.34.040 M-4 Sanitary Landfill and Hazardous Waste Disposal District

(c)1 Battery Energy Storage System – On-Site less than 5MW

(d)1 Battery Energy Storage System – On-Site 5MW or greater

12.35.010 I-1 Institutional District

(c)1 Battery Energy Storage System – On Site less than 5MW

(d)2 Batter Energy Storage System – Utility Scale

(d)3 Battery Energy Storage System – On-Site 5MW or greater

12.35.020 PR-1 Park-Recreational District

12.35.010(d) 2.

(c)1 Battery Energy Storage System – On Site less than 5MW

(d)5 Battery Energy Storage System – On-Site 5MW or greater

12.40.080(b) CONDITIONAL USE

15. Battery Energy Storage System (BESS) – Utility Scale in the I-1 Districts

- a. Minimum lot size: 10 acres.
- b. Minimum setbacks, as measured from BESS equipment (excluding any perimeter fencing and sound barrier), to the property line shall be 25 feet from any agricultural, commercial, industrial, government and institutional land use and 100 feet from any residential land use
- c. Shall not be located within the 100-year floodplain.
- d. Shall not be located within a designated wetland.
- e. Lighting of the BESS shall comply with NFPA 855 and the requirements of Section 12.15 of this ordinance so long as they do not conflict with NFPA 855.
- f. Security fencing shall enclose the BESS area with a minimum of a seven (7) foot high fence consistent with requirements established in NFPA 70, but no higher than ten (10) feet according to Section 12.19.
- g. Signage shall meet the requirements of Section 12.14
- h. Screening/Landscaping shall meet the requirements of Section 12.16.

- i. Stormwater Management and Erosion Control shall meet the requirements of Chapter 17, Municipal Code of Kenosha County and requirements imposed by the Wisconsin Department of Natural Resources (WDNR) including but limited to fire suppression runoff.
- j. On-site power and communications lines between BESS units shall be placed underground to the extent feasible and as permitted by the serving utility. The main service connection at the utility company right-of-way, and any new interconnection equipment, may be located above ground.
- k. Submit a Joint Development Agreement (JDA) to cover the absence of any Utility Tax collected by the State.
- l. Replacement of Lost Property Tax Revenue.

If county and local municipal tax revenues are anticipated to decrease, as mutually agreed upon by developer, the county, and local municipality, then developer and/or party responsible for performance of obligations (for example: Developer, Owner, Operator, or other) agrees to replace such lost tax revenues in a manner and timing similar to that in place in the absence of the project. The developer's obligation to make such payments shall be suspended if the State adopts or implements a mechanism to replace the lost taxes, to the extent that the State payment system provides payments equal or greater than the payments provided herein. In such case of suspension of payments, the owner's payment obligations as set forth herein will only be reinstated if such new payment system from the State is eliminated by the Legislature. Nothing in this section precludes a developer from providing additional monies voluntarily to the county, local municipalities, and/or local school districts.

m. Insurance

a. Owner.

- 1) At all times during construction and operation owner shall maintain commercial general liability – \$1,000,000 per occurrence; \$2,000,000 general aggregate; \$1,000,000 personal and advertising injury; \$2,000,000 products-completed operations aggregate; \$10,000 medical expense.
- 2) Coverage shall include Kenosha County as additional insured.
- 3) Coverage shall be primary and noncontributory to the insurance of Kenosha County.
- 4) Coverage shall provide a waiver of subrogation in favor of Kenosha County.
- 5) Umbrella/Excess Liability – \$10,000,000 each occurrence; \$10,000,000 annual aggregate; \$10,000,000 completed operations aggregate.

- 6) The policy shall follow form to the commercial general liability policy.
- 7) Limits of insurance can be met by any combination of primary and excess liability coverage.

b. Contractor.

- 1) At all times during construction and/or maintenance the general contractor and any subcontractor shall maintain insurance policies with the following listed minimum insurance coverages and minimum limits of liability from insurers licensed to do business in the State of Wisconsin and having at least an A.M. Best rating of A-.
- 2) Any subcontractor is required to provide insurance with limits in accordance with the subcontractor's usual practice with insurance carriers authorized to do business in the state where the project is located.
- 3) Commercial General Liability– \$1,000,000 per occurrence; \$2,000,000 general aggregate (on a per project basis); \$1,000,000 personal and advertising injury; \$2,000,000 products-completed operations aggregate; \$10,000 medical expense.
- 4) Coverage shall include the owner and Kenosha County as additional insureds.
- 5) Coverage shall be primary and noncontributory to the insurance of owner and Kenosha County.
- 6) Coverage shall provide a waiver of subrogation in favor of owner and Kenosha County.
- 7) The products-completed operations coverage shall be maintained for the combined period of the limitation and repose statutes of the State of Wisconsin.
- 8) Automobile Liability – \$1,000,000 combined single limit.
- 9) Coverage shall include the owner and Kenosha County as additional insureds.
- 10) Workers' Compensation and Employers Liability. Workers' compensation as required and amended from time to time by the Wisconsin statutes (Chapter 102 Wisconsin Statutes). \$1,000,000 employers liability for each bodily injury by accident, bodily injury by disease and annual aggregate.
- 11) Coverage shall provide a waiver of subrogation in favor of owner and Kenosha County.
- 12) Umbrella/Excess Liability – \$10,000,000 each occurrence; \$10,000,000 annual aggregate; \$10,000,000 completed operations aggregate.
- 13) The policy shall follow form to the employer's liability, commercial general liability and commercial auto liability policies.
- 14) Pollution Liability – \$2,000,000 per claim and \$2,000,000 annual aggregate.

- 15) Coverage shall include the owner and Kenosha County as additional insureds.
- 16) Coverage shall provide a waiver of subrogation in favor of owner and Kenosha County.
- 17) Professional Liability. If architectural or engineering services are being performed by contractor or subcontractor coverage shall include limits of at least \$2,000,000 per claim and \$2,000,000 annual aggregate.
- 18) Unmanned Aircraft/Drone Liability. If drone is used with respect to construction and/or maintenance of the system coverage shall include a limit of at least \$1,000,000.
- 19) Coverage shall include owner and Kenosha County as additional insured.

n. Safety

- a. A Hazard Mitigation Analysis (HMA) shall be completed, approved and shared by the local fire department, Kenosha County Sheriff Department, and all local emergency responders prior to the issuance of zoning/construction permit.
- b. An Emergency Response Plan (ERP) is to be prepared and approved by the local Fire Chief and Kenosha County Sheriff Emergency Management Team prior to the issuance of a zoning/construction permit. This shall include but not be limited to an evacuation plan, firefighting techniques, and responsibility assignments for each scenario in the ERP.
- c. Local first responders are to be trained and equipped to the extent current equipment is insufficient to respond appropriately to the selected battery technology for the BESS project, at the Developer's commercially reasonable expense, prior to the commencement of operation. Refresher training to local first responders shall be required, at the Developer's commercially reasonable expense, at reasonable intervals, at least annually or as requested by the jurisdictionally proper Fire Chief, Kenosha County and Kenosha County Sheriff's Department throughout the life of the project.
- d. The ERP shall be reviewed annually by local emergency responders throughout the project's lifespan and modified for best safety practices if necessary.
- e. Developer shall be responsible for the commercially reasonable costs of local first responders for any emergency event at the facility.
- f. The facility is to be designed, constructed, operated, maintained and decommissioned to meet NFPA 855. NFPA 855 are National Fire Protection Association standards for installation of Stationary Energy Storage Systems.

They are designed to mitigate hazards associated with energy storage systems.

- g. The facility is to be designed to meet local, Wisconsin and/or national construction industry standards.
- h. All batteries integrated within the shall be listed under UL 1973. The BESS shall be listed in accordance with UL 9540 (certification by a Nationally Recognized Testing Laboratory to meet safety requirements outlined in UL 9540).
- i. Confirmation that there will be remote monitoring of the BESS 24 hours daily, 7 days a week.
- o. Noise
 - a. A noise study is to be conducted pre and post construction to verify the BESS is in compliance with the County noise ordinance.
- p. Operation and Maintenance
 - a. The project shall be constructed, operated and maintained in compliance with standard industry utility practice. The County will have a third party-reviewer to assist with the review of BESS design (see condition r).
 - b. Routine maintenance shall be performed on the BESS equipment by the party responsible for performance obligations (Developer, Owner and/or Operator) to ensure proper performance of the technology. The County and local emergency responders are to be contacted if there are concerns of failure to meet any ERP standards in the BESS performance.
- q. Decommissioning
 - a. The Developer is responsible for the removal of the Project at the end of its useful life. The site is to be restored to its pre-construction condition to the maximum extent possible, within 12 months of ceasing operations.
 - b. A decommissioning plan must be developed, submitted, and approved by the County prior to the issuance of the zoning/construction permit. The County shall not unreasonably withhold, delay, or condition such approval. In summary the decommissioning plan is to identify:
 - i. Steps for restoring the site of the project to pre-construction environmental and physical condition to the maximum extent possible;
 - ii. Estimated cost for restoration less the project's estimated salvage value ("Net Cost for Restoration");

- iii. The decommissioning plan is to be reviewed every 5 years for the purpose of updating the costs for decommissioning and, if applicable, updating the financial agreement identified in condition q. Such updates shall be subject to approval by the County. The County shall not unreasonably withhold, delay, or condition such approval.
 - c. An assurance in the form of a bond, letter of credit, or other form, to be established in an agreement between the County and Developer to cover the cost of decommissioning as defined in the decommissioning plan and any updates. The cost of the project's estimated salvage value will be identified in the decommissioning plan.
- r. Third Party Reviewer
 - a. The County (noting ultimate reimbursement in c. below) will be seeking the services of a third-party reviewer with expertise in the BESS technology field to assist with the following services (if the CUP is approved by the County Board):
 - i. Review of the site and architectural plan, battery technology compliance with NFPA 855 and with other applicable regulatory standards and codes not specifically identified;
 - ii. Assist with review of the ERP, completed noise study, decommissioning plan and review of decommission financial security agreement.
 - iii. Other items the County deems necessary related to BESS technology and project-related questions.
 - iv. Project inspection for compliance with applicable codes and standards.
 - v. Review of decommissioning plan updates.
 - b. In the event that the Developer and the County disagree on any estimate produced for the "Net Cost for Restoration", and cannot resolve such disagreement, then the Developer and County agree that the updated "Net Cost for Restoration" will be the mean of the estimate produced by the Developer's third party consultant and the estimate produced by County's third party consultant.
 - c. Developer shall be responsible for reimbursing the County for its reasonable costs incurred for the services of said Third Party Reviewer, that is commercially reasonable that must be mutually agreed upon by the County and Applicant prior to the County's commencement of plan review for the building permit. The County shall make best effort that the Third Party review does not unreasonably delay the project's permitting or construction process.

- s. Following initial completion of the project and the project being put into operation, Developer shall notify the County, in writing, of any battery enclosures being removed or installed at the project. Such notification shall be at least 30 days in advance of the removal or installation, except in cases of emergency, when Developer shall notify the County as soon as practicable. No batteries shall be stored on the premises outside of battery enclosures, with the exception of batteries stored for future use. Any batteries on the premises stored for future use shall be stored to NFPA 855 standards.
- t. It is the responsibility of the applicant to assure and guarantee that the above conditions are fully complied with. This includes, but is not necessarily limited to, meeting conditions established herein, providing any applicable letters of credit, providing and following approved plans, obtaining permits prior to construction, making improvements, participating in coordination meetings with governmental officials, following established time frames, meeting deadlines, and providing additional information where deemed necessary. Any unauthorized deviation from the approved plans and conditions shall result in the issuance of a citation and/or applicable stop work order by the Town, County or other applicable agencies until the conditional use permit is brought back into compliance. Continued violation of the conditions as set forth herein shall result in a recommendation for revocation of the Conditional Use Permit.
- u. Any substantial change or expansion of the submitted plan of operation, change in use, and/or proposed addition(s) to any existing principal building(s) or proposed new principal building(s), other than battery augmentation, shall require the property owner and/or tenant to reapply for a Conditional Use Permit for its review and approval.
- v. If property ownership and/or tenant change then such new owner/tenant shall agree in writing to accept and to conform to all provisions of this Conditional Use Permit issued pursuant to this ordinance. Prior notice to the County of the intent to sell or transfer ownership shall be done in a timely manner. Further any new owner and/or tenant must contact the Planning and Development to discuss use and obtain a certificate of compliance.
- w. Any subcontractor working with/for the property owner shall be properly certified/registered per applicable Federal, State of Wisconsin, and local requirements to operate or work on the property. Subcontractors are also bound by the Ordinance requirements. Proof of certification/registration shall be provided to the County and applicable municipality before subcontracting/work begins.

12.40.080(b) CONDITIONAL USE

16. Battery Energy Storage System (BESS) – On-site in the B-2, B-3, B-4, B-5, M-1, M-2, M-3, M-4, PR-1 & I-1 Districts

- a. Minimum setbacks, as measured from BESS equipment (excluding any perimeter fencing and sound barrier), to the property line shall be 25 feet from any agricultural, commercial, industrial, government and institutional land use and 100 feet from any residential land use
- b. Shall not be located within the 100-year floodplain.
- c. Shall not be located within a designated wetland.
- d. Lighting of the BESS shall comply with NFPA 855 and the requirements of Section 12.15 of this ordinance so long as they do not conflict with NFPA 855.
- e. Security fencing shall enclose the BESS area with a minimum of a seven (7) foot high fence consistent with requirements established in NFPA 70, but no higher than ten (10) feet according to Section 12.19.
- f. Signage shall meet the requirements of Section 12.14
- g. Screening/Landscaping shall meet the requirements of Section 12.16.
- h. Stormwater Management and Erosion Control shall meet the requirements of Chapter 17, Municipal Code of Kenosha County and requirements imposed by the Wisconsin Department of Natural Resources (WDNR) including but limited to fire suppression runoff.
- i. On-site power and communications lines between BESS units shall be placed underground to the extent feasible and as permitted by the serving utility. The main service connection at the utility company right-of-way, and any new interconnection equipment, may be located above ground.
- j. Safety
 - a. A Hazard Mitigation Analysis (HMA) shall be completed and shared with the local fire department, Kenosha County Sheriff Department, and all local emergency responders prior to the issuance of zoning/construction permit.
 - b. An Emergency Response Plan (ERP) is to be prepared and approved by the local Fire Chief and Kenosha County Sheriff Emergency Management Team prior to the issuance of a zoning/construction permit. This shall include but not be limited to an evacuation plan, firefighting techniques, and responsibility assignments for each scenario in the ERP.

- c. Local first responders are to be trained and equipped to the extent current equipment is insufficient to respond appropriately to the selected battery technology for the BESS project, at the Owner's commercially reasonable expense, prior to the commencement of operation. Refresher training to local first responders shall be required, at the Owner's commercially reasonable expense, at reasonable intervals, at least annually or as requested by the jurisdictionally proper Fire Chief, Kenosha County and Kenosha County Sheriff's Department throughout the life of the project.
 - d. The ERP shall be reviewed annually by local emergency responders throughout the project's lifespan and modified for best safety practices if necessary.
 - e. Owner shall be responsible for the commercially reasonable costs of local first responders for any emergency event at the facility.
 - f. The facility is to be designed, constructed, operated, maintained and decommissioned to meet NFPA 855.
 - g. The facility is to be designed to meet local, Wisconsin and/or national construction industry standards.
 - h. All batteries integrated within the shall be listed under UL 1973. The BESS shall be listed in accordance with UL 9540 (certification by a Nationally Recognized Testing Laboratory to meet safety requirements outlined in UL 9540).
 - i. Confirmation that there will be remote monitoring of the BESS 24 hours daily, 7 days a week.
- k. Noise
- a. A noise study is to be conducted pre and post construction to verify the BESS is in compliance with the County noise ordinance.
- l. Operation and Maintenance
- a. The project shall be constructed, operated and maintained in compliance with standard industry utility practice. The County will have a third party-reviewer to assist with the review of BESS design (see condition n).
 - b. Routine maintenance shall be performed on the BESS equipment by the party responsible for performance obligations (Developer, Owner and/or Operator) to ensure proper performance of the technology. The County and local emergency responders are to be contacted if there are concerns of failure to meet any ERP standards in the BESS performance.

m. Decommissioning

- a. The Owner is responsible for the removal of the Project at the end of its useful life. The site is to be restored to its pre-construction condition to the maximum extent possible, within 12 months of ceasing operations.
- b. A decommissioning plan must be developed, submitted, and approved by the County prior to the issuance of the zoning/construction permit. The County shall not unreasonably withhold, delay, or condition such approval. In summary the decommissioning plan is to identify:
 - i. Steps for restoring the site of the project to pre-construction environmental and physical condition to the maximum extent possible;
 - ii. Estimated cost for restoration less the project's estimated salvage value ("Net Cost for Restoration");
 - iii. The decommissioning plan is to be reviewed every 5 years for the purpose of updating the costs for decommissioning and, if applicable, updating the financial agreement identified in condition q. Such updates shall be subject to approval by the County. The County shall not unreasonably withhold, delay, or condition such approval.
- c. An assurance in the form of a bond, letter of credit, or other form, to be established in an agreement between the County and Owner to cover the cost of decommissioning as defined in the decommissioning plan and any updates. The cost of the project's estimated salvage value will be identified in the decommissioning plan.

n. Third Party Reviewer

- a. The County will be seeking the services of a third-party reviewer with expertise in the BESS technology field to assist with the following services (if the CUP is approved by the County):
 - i. Review of the site and architectural plan, battery technology compliance with NFPA 855 and with other applicable regulatory standards and codes not specifically identified in this memo;
 - ii. Assist with review of the ERP, completed noise study, decommissioning plan and review of decommission financial security agreement.
 - iii. Other items the County deems necessary related to BESS technology and project-related questions.
 - iv. Project inspection for compliance with applicable codes and standards.
 - v. Review of decommissioning plan updates.

- b. In the event that the Owner and the County disagree on any estimate produced for the “Net Cost for Restoration”, and cannot resolve such disagreement, then the Owner and County agree that the updated “Net Cost for Restoration” will be the mean of the estimate produced by the Owner’s third party consultant and the estimate produced by County’s third party consultant.
- c. Owner shall be responsible for reimbursing the County for its reasonable costs incurred for the services of said Third Party Reviewer, that is commercially reasonable that must be mutually agreed upon by the County and Applicant prior to the County’s commencement of plan review for the building permit. The County shall make best effort that the Third Party review does not unreasonably delay the project’s permitting or construction process.
- o. Following initial completion of the project and the project being put into operation, Owner shall notify the County, in writing, of any battery enclosures being removed or installed at the project. Such notification shall be at least 30 days in advance of the removal or installation, except in cases of emergency, when Owner shall notify the County as soon as practicable. No batteries shall be stored on the premises outside of battery enclosures, with the exception of batteries stored for future use. Any batteries on the premises stored for future use shall be stored to NFPA 855 standards.
- p. It is the responsibility of the applicant to assure and guarantee that the above conditions are fully complied with. This includes, but is not necessarily limited to, meeting conditions established herein, providing any applicable letters of credit, providing and following approved plans, obtaining permits prior to construction, making improvements, participating in coordination meetings with governmental officials, following established time frames, meeting deadlines, and providing additional information where deemed necessary. Any unauthorized deviation from the approved plans and conditions shall result in the issuance of a citation and/or applicable stop work order by the Town, County or other applicable agencies until the conditional use permit is brought back into compliance. Continued violation of the conditions as set forth herein shall result in a recommendation for revocation of the Conditional Use Permit.
- q. Any substantial change or expansion of the submitted plan of operation, change in use, and/or proposed addition(s) to any existing principal building(s) or proposed new principal building(s), other than battery augmentation, shall require the property owner and/or tenant to reapply for a Conditional Use Permit for its review and approval.

- r. If property ownership and/or tenant change then such new owner/tenant shall agree in writing to accept and to conform to all provisions of this Conditional Use Permit issued pursuant to this ordinance. Prior notice to the County of the intent to sell or transfer ownership shall be done in a timely manner. Further any new owner and/or tenant must contact the Planning and Development to discuss use and obtain a certificate of compliance.
- s. Any subcontractor working with/for the property owner shall be properly certified/registered per applicable Federal, State of Wisconsin, and local requirements to operate or work on the property. Subcontractors are also bound by the Ordinance requirements. Proof of certification/registration shall be provided to the County and applicable municipality before subcontracting/work begins.

Organizational Meeting November 6, 2024

District	Last Name	Roll call	Motion to Amend O13	O13 Amended	O15
1	Grady				
2	Knezz	1	1	1	1
3	Gentz	1	1	1	1
4	Belsky	1	1	1	1
5	Robinson	1	1	1	1
6	Gama	1	1	1	1
7	Gaschke	1	1	1	1
8	Kirby	1	1	1	1
9	Morrissey	1	1	1	1
10	Garcia	1	1	1	1
11	Brown	1	1	1	1
12	Nudo	1	1	1	1
13	Franco	1	1	1	1
14	Stocker	1	1	1	1
15	Geertsen	1	1	1	1
16	Brookhouse	1	1	1	1
17	Yuhas	1	1	1	1
18	Meadows	1	1	1	1
19	Gray	1	1	1	1
20	Poole	1	1	1	1
21	Nordigian				
22	Decker	1	1	1	1
23	Karow	1	1	1	1

