

RESOLUTION NO. 049-2026

DATE ADOPTED: March 11, 2026

DATE PUBLISHED: \_\_\_\_\_

**A RESOLUTION ESTABLISHING AN INTERIM DEVELOPMENT CONTROL AND PROVIDING FOR THE SUSPENSION OF CERTAIN TYPES OF USE APPLICATIONS AND CONSIDERATION ON ANY LAND WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY; AND DIRECTING THAT POTENTIAL LAND DEVELOPMENT REGULATIONS FOR THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE BE REVIEWED AND DEVELOPED.**

**WHEREAS**, the Wichita-Sedgwick County Unified Zoning Code (“Zoning Code”) presently allows Battery Energy Storage Systems (“BESS”) as a type of Renewable Energy System, subject to Conditional Use review procedures and the regulations and standards in the Zoning Code, including regulations or standards that are specific to Renewable Energy Systems; and

**WHEREAS**, despite the definition and inclusion in the Zoning Code, no specific regulations or standards are uniquely implemented for BESS;

**WHEREAS**, Kansas statutes authorize counties to establish land development regulations to address their local development concerns and needs; and

**WHEREAS**, due to the recent nationwide interest in establishing BESS, a number of impacts that BESS have or might have on both nearby property owners, the region, and also future development, the Board of County Commissioners recognize that a need exists to further consider, and potentially adopt, additional land development regulations and/or standards that may pertain to such property uses; and

**WHEREAS**, the time necessary to complete the task of developing, considering, and potentially adopting any additional or alternative regulations and/or standards for BESS would likely take multiple months; and

**WHEREAS**, the time necessary to adopt any regulations and/or standards for BESS could result in an influx of such Conditional Use applications that may not be in the best interests of Sedgwick County; that could be detrimental to the health, safety, and general public welfare of the citizens of Sedgwick County; and, that might be inspired to occur only in an attempt to become established before any new land development regulations and/or standards are adopted which might limit, restrict, or prohibit such development; and

**WHEREAS**, pursuant to K.S.A. 12-741, *et seq.*, and K.S.A. 19-101, *et seq.*, Sedgwick County has the police power and statutory authority to regulate the conduct of development through this Resolution. This Interim Development Control is a legislative action.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS OF SEDGWICK COUNTY, KANSAS that:

**SECTION 1.**

Within the unincorporated area of Sedgwick County, the consideration and issuance of any Conditional Use Permits or Building Permits is temporarily suspended, as indicated within this resolution, for applications that are submitted after this Resolution’s effective date and include or involve Battery Energy Storage Systems where the Battery Energy Storage System is either: (1) the primary use of the property, or (2) an ancillary use of the property and the BESS has an anticipated energy storage capacity of 600 kWh or greater.

**SECTION 2.**

All Sedgwick County, Metropolitan Area Planning Department (“MAPD”) and Metropolitan Area Building and Construction Department (“MABCD”) officials, agencies, staff, agents, commissions, and/or boards charged with the responsibility to review, hear, approve, license, permit, or otherwise authorize the establishment and/or construction of any BESS on property in the unincorporated area of Sedgwick County are directed to suspend the receipt, review, hearing, or granting of such applications, approval, licenses, permits, or authorization for the period stated within this Resolution.

**SECTION 3.**

MAPD staff and the Wichita-Sedgwick County Metropolitan Area Planning Commission (“MAPC”) (and any applicable sub-committee(s) thereof) are directed to review the existing Zoning Code provisions pertaining to Battery Energy Storage Systems. The MAPC may then bring forward any proposed Zoning Code amendments pertaining to BESS and related matters within the Zoning Code pursuant to K.S.A. 12-741, *et seq.* If deemed appropriate by the MAPC (and any applicable sub-committee(s) thereof), potential amendments pertaining to BESS and related matters may be proposed to be made to the Community Investments Plan 2015-2035 (the comprehensive plan for Sedgwick County and the City of Wichita).

**SECTION 4.**

The Interim Development Control imposed by this Resolution may be extended, amended, or terminated earlier than its expiration date by subsequent resolution approved by the Board of County Commissioners.

**SECTION 5.**

The Director of the MAPD, in conjuncture with the Director of the MABCD on Building Permits, is hereby directed to be the administrator of the provisions of this Resolution.

**SECTION 6.**

If any section of this Resolution shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Resolution as a whole or any part or provision thereof, other than the part so declared invalid or unconstitutional.

**SECTION 7.**

This Resolution shall take effect and be in full force and effect after its adoption and publication in the official county newspaper and shall remain in effect until the earlier occurrence of (a) March 12, 2027, or (b) upon such date as a Sedgwick County resolution for Zoning Code provisions related to Battery Energy Storage Systems has been adopted and published pursuant to K.S.A. 12-757. The County Clerk is directed to publish this Resolution once in the official county newspaper.

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Commissioners present and voting were:

PETER F. MEITZNER  
JEFF BLUBAUGH  
STEPHANIE WISE  
RYAN BATY  
JAMES M. HOWELL

aye  
aye  
aye  
aye

Dated this 11 day of March, 2026.

ATTEST:

*for Kelly B. Arnold*  
KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

*Jeff Blubaugh*  
JEFF BLUBAUGH, Chairman  
Commissioner, Second District

*Stephanie Wise*  
STEPHANIE WISE, Chair Pro Tem  
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Commissioner, First District

*Ryan Baty*  
RYAN BATY  
Commissioner, Fourth District

*James M. Howell*  
JAMES M. HOWELL  
Commissioner, Fifth District

APPROVED AS TO FORM:

*Kirk W. Sponsel*  
KIRK W. SPONSEL  
Deputy County Counselor