

CHEROKEE COUNTY RESOLUTION R-27-2025

A RESOLUTION ADOPTING A MORATORIUM ON CONSIDERATION OF SPECIAL REQUESTS TO USE CHEROKEE COUNTY ROADS, RESOURCES, AND/OR INFRASTRUCTURE FOR COMMERCIAL RENEWABLE ENERGY PROJECTS, CRYPTOCURRENCY MINING OPERATIONS, DATA CENTERS, BATTERY ENERGY STORAGE SYSTEMS, NEW AND UNPERMITTED LANDFILLS AND TRANSFER STATIONS, QUARRIES, AND NUCLEAR ENERGY PLANTS

WHEREAS, Cherokee County, pursuant to K.S.A. 19-101 *et seq.*, has the authority to determine their local affairs; and

WHEREAS, before approving special requests to use Cherokee County roads, resources, or infrastructure for commercial renewable energy projects, cryptocurrency mining operations, data centers, battery energy storage systems, new and unpermitted landfills and transfer stations, quarries, and nuclear energy plants, the Board of County Commissioners would like to evaluate the potential cumulative effect of such uses in Cherokee County; and

WHEREAS, the Board of Cherokee County Commissioners deems it to be appropriate going forward to consider the regulation of commercial renewable energy projects, cryptocurrency mining operations, data centers, battery energy storage systems, new and unpermitted landfills and transfer stations, quarries, and nuclear energy plants in Cherokee County through a uniform process applicable to all future potential projects.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY, KANSAS, that a nine-month moratorium on the approval of any requests to use Cherokee County roads, resources, or infrastructure for the purposes of the construction of any commercial renewable energy project, cryptocurrency mining operation, data center, battery energy storage system, new or unpermitted landfill or transfer station, quarry, or nuclear energy plant is hereby adopted. Said moratorium term shall be nine months from the effective date of this resolution.

BE IT FURTHER RESOLVED that, except as provided hereafter, during the term of such moratorium on consideration of special requests to use the roads, resources, and/or infrastructure, construction of any commercial renewable energy project, cryptocurrency mining operation, data center, battery energy storage system, new or unpermitted landfill or transfer station, quarry, or nuclear energy plant within the unincorporated areas of Cherokee County, Kansas is prohibited.

BE IT FURTHER RESOLVED that, for purposes of this resolution, the following definitions shall apply:

1. **"Commercial renewable energy project"** shall include all electricity generation facilities comprised of multiple wind turbines and/or solar panels generating electrical power for sale and off-site use. This prohibition includes any construction activity to install roads, turbine foundations, solar panels, transmission poles and/or wires, or other infrastructure intended to be used for the purposes of a commercial renewable energy project. This prohibition

does not include any soil testing, wind and/or sunlight measurement, weather tests, or other activities in preparation for the commencement of construction of a commercial renewable energy project.

2. **"Cryptocurrency mining operation"** shall include any facility or operation that uses specialized computer equipment to validate cryptocurrency transactions and generate new cryptocurrency units through computational processes, commonly known as "mining," whether operated for commercial purposes or otherwise.
3. **"Data center"** shall include any facility used primarily for the housing of computer systems and associated components, such as telecommunications and storage systems, which typically includes redundant or backup power supplies, redundant data communications connections, environmental controls, and security devices, and which consumes significant electrical power resources.
4. **"Battery energy storage system" or "BESS"** shall include any commercial-scale system consisting of batteries and associated equipment designed to store electrical energy for later use and distribution, typically in connection with renewable energy projects or grid stabilization, but excluding individual residential battery backup systems.
5. **"New and unpermitted landfills and transfer stations"** shall include any solid waste disposal facility or transfer facility that does not currently hold valid permits from the Kansas Department of Health and Environment and all other required governmental authorities as of the effective date of this resolution. This definition shall not apply to landfills and transfer stations currently holding valid permits.
6. **"Quarry"** shall include any open pit or excavation for the extraction of stone, rock, sand, gravel, or other mineral resources for commercial purposes.
7. **"Nuclear energy plant"** shall include any facility designed for the generation of electrical power through nuclear fission or fusion reactions.

BE IT FURTHER RESOLVED that, during the term of this moratorium, the Board of County Commissioners intends to determine the viability of enacting a comprehensive plan and a zoning ordinance as authorized by Kansas statutes, either limited or broad, or other potential regulatory options, for Cherokee County.

BE IT FURTHER RESOLVED that the Board of County Commissioners intends to discuss and debate the overall merits of a comprehensive plan and a zoning ordinance and/or other regulatory options for Cherokee County.

BE IT FURTHER RESOLVED that violations of this resolution shall be punishable by a fine up to \$1,000.00 per day. In addition, Cherokee County may require the cessation and abatement of any violation. In addition to the fine provided for herein, this resolution may be enforced by an action for injunction to prevent or abate any violation or threatened violation, which shall be enforced by the Cherokee County Attorney or Cherokee County Counselor.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon signing.

ADOPTED in regular session on this 22 day of DECEMBER, 2025.

THE BOARD OF COUNTY COMMISSIONERS
OF CHEROKEE COUNTY, KANSAS

Approved:

Myra Carlisle Frazier
Myra Carlisle-Frazier

County Commissioner

Jack Garner
Jack Garner

County Commissioner

Cory Moates
Cory Moates
County Commissioner

Attest:

Taylor Brown
Taylor Brown

County Clerk