Lincoln-Lancaster County
PLANNING AND
DEVELOPMENT

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT
FROM THE LINCOLN/LANCASTER COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER
Special Permit #25046

FINAL ACTION?
Yes

DEVELOPER/OWNER
SP Resilient Power 10, LLC/Brownie Family Farms, Inc.

PLANNING COMMISSION HEARING DATE
January 7, 2026

RELATED APPLICATIONS
None

PROPERTY ADDRESS/LOCATION
N 120th Street and Highway 6

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST
This is a request for a Special Permit for a Battery Energy Storage System (BESS) on approximately 41 acres. The project is generally located north of Highway 6 on the east side of N 120th Street. The parcel is split zoning jurisdiction between Lincoln 3 mile and Waverly, but the project area will be entirely within the Lincoln jurisdiction.

JUSTIFICATION FOR RECOMMENDATION
The Special Permit request is justified as an appropriate use in the AG zoning district, subject to the conditions of approval, and in alignment with the Comprehensive Plan. There should be no negative impact to the neighboring properties and the community as a whole with the conditions provided.

APPLICATION CONTACT
Juan Mayoral, (305) 469-4118 or jmayoral@sofospower.com

STAFF CONTACT
George Wesselhoft, (402) 441-6366 or gwesselhoft@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN
The project is compatible with the Comprehensive Plan as it will increase efficiency with respect to energy supply and demand and help toward energy conservation. The project will provide for greater energy grid reliability and resiliency. The project is also consistent with the Lincoln Climate Action Plan which supports grid reliability, energy efficiency and reduced emissions.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

> Figure GF.b: 2050 - this site is designated for future Agricultural and Agricultural Stream Corridor on the 2050 Lincoln Area Future Land Use Plan.
>
> Land Use Plan – Agricultural- Land principally in use for agricultural production and compatible industries like solar and wind energy production. Agricultural land may be in transition to more diversified agribusiness ventures such as growing and marketing of products (e.g., horticulture, silvaculture, aquaculture) on site. Some land in the Agricultural category may be enrolled in voluntary preservation programs such as the USDA Conservation Reserve Program (CRP).

Goals Section:

> G7 – Environmental Stewardship and Sustainability.
>
> Energy use, supply, and conservation are topics of global as well as local concern. PlanForward includes an assessment of energy use, evaluates the utilization of renewable energy sources, and describes efforts to conserve energy in the community. The relationship between land use patterns and energy consumption has been widely researched and is an ongoing topic of national and global conversations. The transportation sector is the nation's leading source of greenhouse gas (GHG) emissions, and total emissions have steadily grown within our region as daily vehicle miles traveled and congestion levels have increased. Decisions within the region will address threats to transportation infrastructure and human health anticipated to result from climate change. As Lincoln and Lancaster County continue to plan for the future, the need to consider the impacts of energy supply and demand will continue to increase in importance.

Policies Section:

> P49 – Conservation of Energy
>
> Because of the limited amount of nonrenewable energy sources on Earth, and the impact that nonrenewable resource consumption has on the Earth, it is important to both reduce consumption of resources and substitute non-renewable resources with renewable ones, so that our natural resources will be available for future generations. When fossil fuels such as oil, coal, and gas, are burned to produce energy, carbon dioxide, nitrous oxides, and methane are emitted into Earth's atmosphere. These "greenhouse gases" trap the Sun's heat around Earth's surface, acting as a transparent blanket that warms the Earth. In the last 100 years, the level of carbon dioxide from human activities have skyrocketed in the Earth's atmosphere causing global temperatures to rise. At the local level, energy conservation saves money and energy which benefits both homeowners and businesses.

CLIMATE ACTION PLAN SPECIFICATIONS:

Strategic Vision
Lincoln will reduce net greenhouse gas emissions 80% by 2050 (relative to 2011 levels)-
This ambitious goal will serve as a guiding target for municipal operations, the Lincoln Electric System, local businesses and institutions, and our entire community in the years to come. Lincoln joins scores of cities across the country who have set a similar "80x50" goal to reduce emissions. A myriad of strategies in the plan speak to achieving this target, from increasing energy efficiency, generating more electricity from renewable energy,

switching to electric vehicles and active commuting modes, and employing natural climate solutions. The goal is a net reduction in emissions because it will allow for an accounting of carbon sequestration activities— where plants or systems naturally absorb greenhouse gases—against the amount of greenhouse gases that are emitted into the atmosphere.

Transition to Low-Carbon Energy-

11 -Increase energy efficiency and the use of renewable energy in municipal operations. Achieve 100% net renewable/ carbon neutral by 2035.

ANALYSIS

1. Battery Energy Storage System (BESS) was added to the Lincoln Zoning Regulations in July of 2025. Battery energy storage systems are a recent land use type that have come about as part of changes in the electrical energy system. They often will take the shape of a shipping container or small storage building in appearance. They are utilized as part of energy transmission, substations and/or solar or wind energy projects.
2. This is a request for a Battery Energy Storage System per LMC 27.63.840 on approximately 41 acres located in the Lincoln 3 Mile jurisdiction next to the City of Waverly. The zoning is AG Agriculture. The site is generally north of Highway 6 on the east side of North 120th Street. The property is split Lincoln 3 Mile/Waverly zoning jurisdiction, but the project area is completely within the Lincoln 3 Mile jurisdiction.
3. The project is proposed to interconnect to the LES transmission system using existing transmission infrastructure, a new substation, and utility easements and will connect to the Waverly-Alvo 115 kV line. The applicant has discussed the project with LES and will enter into Generator Interconnection Agreements with the Southwest Power Pool (SPP) and LES.
4. The project will include BESS enclosures, batteries, safety monitoring equipment, access driveways, stormwater measures, and associated electrical infrastructure for energy storage, conversion, monitoring and interconnection. The project will store energy during periods of low demand and discharge energy during periods of high demand or grid stress, supporting system reliability, resiliency and operational flexibility. The project area will encompass approximately 28.3 acres within the 41-acre special permit boundary. The proposed development includes an electric power output of 170 MWac (Megawatt alternating current) with 206 BESS containers. The BESS containers will be 24 feet by 8 feet.
5. A Battery Energy Storage System per Lincoln Municipal Code 27.63.840 may be allowed in the AG zoning district by special permit under the following conditions:

    i) The system is used in association with energy transmission, substations, and/or solar or wind energy conversion systems.

    The project is designed to support the energy grid reliability in association with energy transmission. The project will be immediately adjacent to and directly associated with the existing Lincoln Electric System (LES) transmission lines near the intersection of N 120th Street and Highway 6 and will interconnect to the transmission system.

    ii) Must meet setback and height requirements of the district unless adjusted by the Planning Commission.

    The project will meet the setback and height requirements of the AG zoning district. No adjustments to the requirements are requested by the applicant.

iii) The Planning Commission may require additional screening to address site related impacts of the Battery Energy Storage System.

To mitigate visual impacts, it is appropriate to add landscaping since the project is close to the City of Waverly and near Highway 6. The applicant in response to the initial review comments of the project proposed a 25' wide perimeter landscape buffer will include 6 trees per each 100 linear feet. This will provide screening for N 120th Street and to the south facing the direction of Highway 6. 3 of the 6 trees shall be evergreen, at least one tree shall be ornamental (a small flowering tree), and at least 1 tree shall be a large deciduous shade tree. Exact location of large trees shall be subject to LES overhead utility lines approval.

The City of Waverly submitted a letter (attached) which asks for consideration of additional screening. Specifically, they have asked the developer to screen the entire eastern and southern borders of the site and the southern half of the western border of the site. In addition, they worked with a landscape architect that is recommending screening of the entire site.

iv) Each Battery Energy Storage System must have an emergency action plan approved by the Lincoln Bureau of Fire Prevention or Rural Fire District as applicable that includes pertinent information in case of fire or other emergency on site, including but not limited to, 24-hour contact information, access to lock boxes, access points, the location of shut offs and circulation patterns.

The application included an emergency action plan. The comments by Waverly Fire & Rescue, as of November 17, 2025, noted concern with having the necessary resources, including personal protective equipment, to respond to an incident. They mentioned a specific contract with Lincoln Fire & Rescue (LFR). However, LFR has not expressed any interest in specifically entering into an agreement for service outside their area.

The applicant's response to the Waverly Fire & Rescue comments are attached to this report and include letters from both Sofos Power and ESRG. The latter consultant provides project review, public safety training and emergency response planning and incident testing and investigation. The letter information notes that the projects still have 3-4 years of additional permitting, and this will allow sufficient time to finalize safety planning and training.

It is a condition of approval before building permit that the emergency action plan is approved by the Waverly Fire & Rescue as required by 27.63.840 (iv).

v) Safety data sheet information is provided to the Health Department for the battery chiller systems.

The application included project equipment specifications, including safety data sheet information on the battery chiller systems. The Health Department reviewed and approved the safety data sheet information.

vi) 'The Planning Commission may impose such other conditions as are appropriate and necessary to protect the health, safety, and general welfare of the public.

As the applicant's information shows a net decommissioning cost of over $7 million, a surety is an appropriate additional condition. The owner of the BESS will have to provide the decommissioning cost guarantee no later than the end of the fifteenth (15th) year of operation

and shall maintain the financial security thereafter for as long as the BESS is in existence or upon discontinuance, decommissioning, or abandonment of the BESS. Such financial security will be updated every five (5) years to cover the costs associated with the updated decommissioning cost estimates.

6. The applicant provided a noise impact study which was reviewed by the Health Department. This was reviewed per the noise regulations which apply to the City of Lincoln and Lincoln 3 mile. The Health Department as part of their review worked with the applicant on clarification of the noise information to assure that it will meet all sound requirements.

7. It should be noted that the applicant submitted multiple supplemental documents which were not required for the Special Permit including a decommissioning plan, viewshed analysis and wetlands delineation report.

   -The decommissioning plan indicates that the decommissioning cost will be $13,187,900 with the salvage value at $6,141,100 and a new decommissioning cost of $7,046,800. The Lincoln Municipal Code does not require a decommissioning plan specifically under the BESS Special Permit.

   -The viewshed analysis included viewshed before and after illustrations from seven different vantage points, including locations along Highway 6, N 120th and from the northeast.

   -The wetlands delineation report included findings that the project area does not include any Waters of the U.S. under the jurisdiction of the U.S. Corps of Engineers. The project area is comprised of an agricultural field used for corn production.

8. The site plan and application letter documents are attached to this report. The various additional application documents submitted with this application can be found at PATS (Planning Application Tracking Service) at https://app.lincoln.ne.gov/aspx/city/pats/. Type in SP25046 for the application number and look at Related Documents for the information.

9. The County Engineer as part of their review noted that a Road Maintenance Agreement will be required and improvements to N 120th Street to gravel this street to the entrance will be required. These are conditions of approval before building permit. N 120th Street is currently a dirt roadway.

10. An informational community open house meeting was held on November 20, 2025, at the Waverly Community Foundation building on the battery energy storage project. Approximately two dozen people attended this meeting, which included landowners, Waverly Fire & Rescue, and other staff and officials from the City of Waverly.

11. The City of Waverly was involved in the review of the project from the time of initial application. This given the proximity of the project area to their city limits and Highway 6 corridor. In general, they had two overall areas of concern as part of their initial review. The first being the fire service resources of Waverly Fire & Rescue to respond to an incident for the specific type of project. The second concern being the need for proper design, including landscaping, for the project relative to the highway corridor. It is a condition of approval before building permit that the Waverly Fire & Rescue approve the Emergency Action Plan. The applicant has indicated their willingness toward training and equipment to meet their needs. In addition, the site plan incorporates landscaping which is not otherwise required under the zoning regulations for both N 120th Street and the south property line facing Highway 6. The City of Waverly along with the Waverly Fire & Rescue Department, in their letter to the Planning Commission, note that they are neutral with respect to the project. As noted above, they submitted additional screening and landscaping provisions for the consideration of the Commission.

12. The proposal is consistent with the Comprehensive Plan and meets the requirements of the Special Permit for Battery Energy Storage System.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Agriculture, AG Agricultural District

SURROUNDING LAND USE & ZONING

North:	Agriculture	AG Agriculture District
South:	Rail Line, City of Waverly	AG (Rail Line), GC (City of Waverly)
East:	Agriculture	AG (Waverly 1 Mile)
West:	Agriculture, Farm Utility Building	I-2 Industrial Park District

APPROXIMATE LAND AREA: 41 acres

LEGAL DESCRIPTION: All of that certain parcel described as Lot 5 I.T. located in the SW ¼ of Section 20, Township 11 North, Range 8 East, Lancaster County, Nebraska, lying westerly of the creek roughly bisecting the parcel from northwest to southeast

Prepared by George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov

Date: December 23, 2025

Applicant: SP Resilient Power 10, LLC

Contact: Juan Mayoral

Owner: Brownie Family Farms, Inc.

https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/25000/SP25046 Cornhusker Resilient Power Project.gjw.docx

CONDITIONS OF APPROVAL – SPECIAL PERMIT #25046

Per LMC 27.63.840, this approval permits a Battery Energy Storage System.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning and Development Services Department a revised and reproducible final plot plan including **2** copies with all required revisions and documents as listed below:

    1.1 Show overall lot boundary information with the Lincoln 3 Mile/Waverly zoning jurisdiction line.

    1.2 Identify the boundary of the Special Permit area based on the property description.

    1.3 Label setbacks, property boundary bearings and dimensions, fence and driveway details.

    1.4 Identify improvement which appears in Burlington Northern Railroad property as "Not Part of Special Permit" or remove from drawing.

    1.5 Change project area from striping to outline area only.

    1.6 Clarify Note 2 under the Landscaping Buffer notes specific requirement subject to Planning and Development Services Department Director approval.

    1.7 Submit drainage information per 11/14/25 LTU-Watershed comments.

    1.8 Add an existing and proposed drainage plan and add a statement in the General notes stating the datum used.

    1.9 Add statement, “Lancaster County Engineering will gravel the roadway of N 120th Street. The Applicant shall pay for roadway improvements to N 120th Street.”

    1.10 Add a statement “If during construction, excavation near structures, stock piling of bulk materials, or additional grading is necessary near the LES transmission lines, LES shall be contacted for review. Contractors working near any power lines should follow all applicable safety requirements. Ready access to the lines shall be always maintained for LES crews”

    1.11 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by the Planning and Development Services Department prior to installation".

2. Before receiving building permits provide the following documents to the Planning and Development Services Department:

    2.1 Applicant shall enter into a “Road Maintenance Agreement” with Lancaster County.

    2.2 Confirmation from the Lancaster County Engineering that the applicant paid for all roadway improvements for the County to gravel N 120th Street from Cornhusker Highway to the entrance driveway.

2.3 Receive approval of the Emergency Action Plan by Waverly Fire & Rescue as required by 27.63.840 (iv).

2.4 Applicant shall provide a surety for the review by the City Attorney in the amount which shall include estimated decommissioning cost, less any resale and salvage value, shall be guaranteed in one of the following forms: (i) surety bond, (ii) cash to be held in escrow by the City at a Bank, or (iii) a letter of credit from a financial institution reasonably acceptable to the City which shall be irrevocable unless replaced with cash or other form of security reasonably acceptable to City. The owner of the BESS shall provide the decommissioning cost guaranty no later than the end of the fifteenth (15th) year of operation and shall maintain the financial security thereafter for as long as the BESS is in existence or upon discontinuance, decommissioning, or abandonment of the BESS. Such financial security shall be updated every five (5) years to cover the costs associated with the updated decommissioning cost estimates.

Standard Conditions:

3. The following conditions are applicable to all requests:

3.1 Before occupying the buildings or starting the operation all development and construction shall substantially comply with the approved plans.

3.2 All privately-owned improvements, including landscaping, shall be permanently maintained by the Permittee.

3.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

3.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

2024 aerial

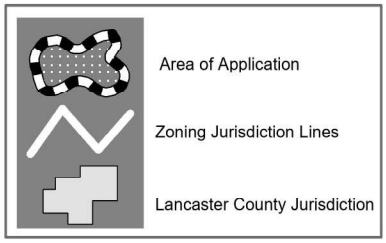
Special Permit #: SP25046
N 120th St & Highway 6

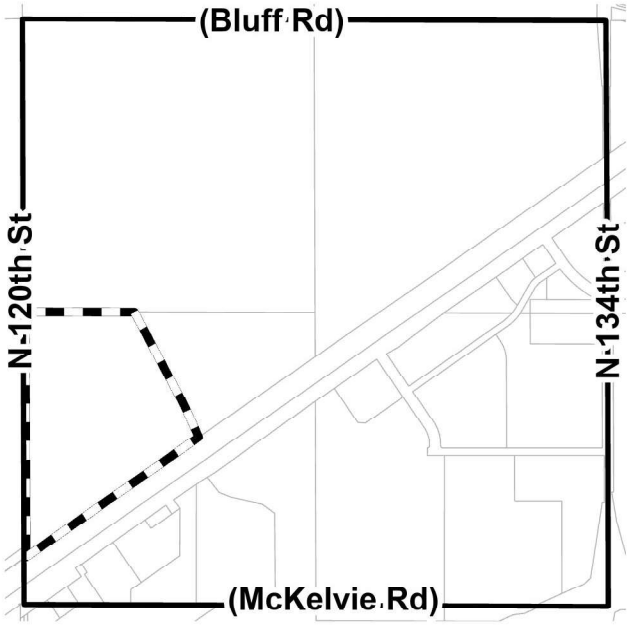
N
W E
S

Zoning:

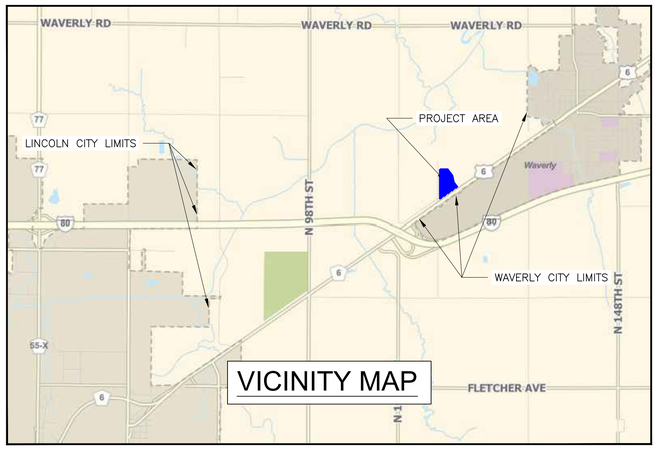
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

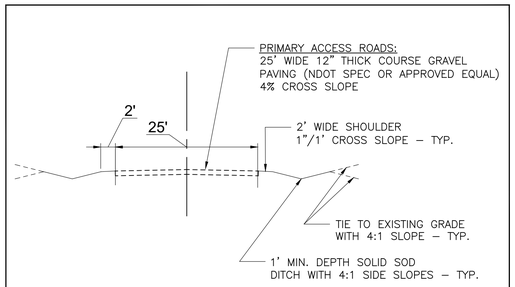
One Square Mile:
Sec.20 T11N R08E



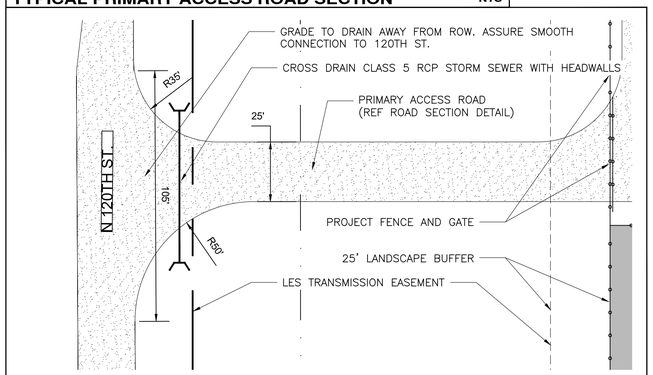


PDF: F:\Boards\PC\Internet\out\ (SP25046)
File: D:_GIS\Projects\DevReview\AgendaDrawings\AgendaDrawings\AgendaDrawings_SDE.aprx (SP25046)

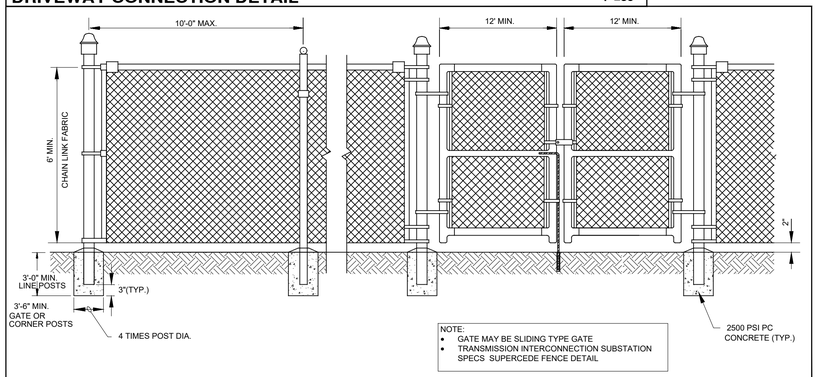




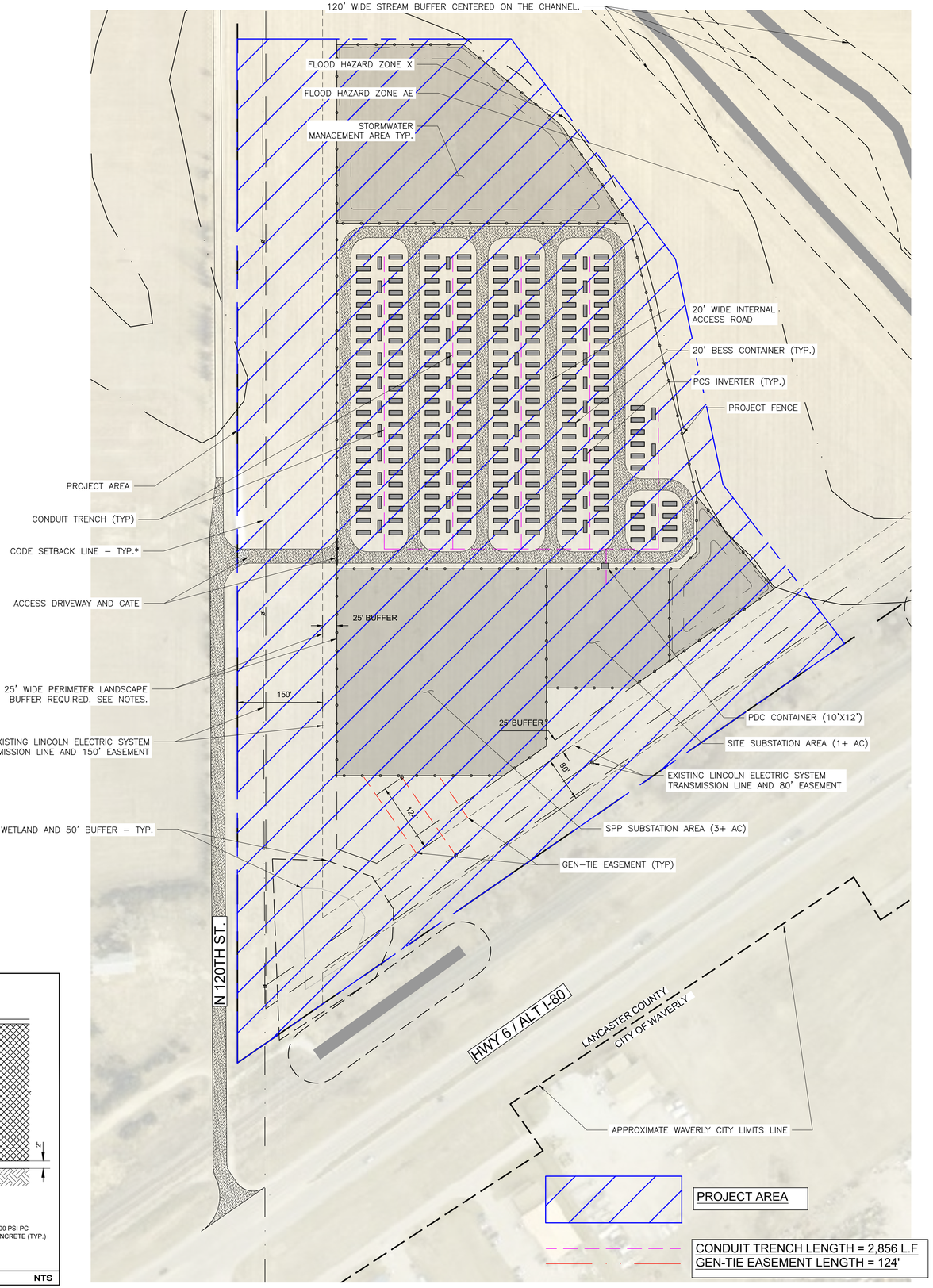
TYPICAL PRIMARY ACCESS ROAD SECTION NTS

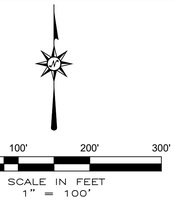


DRIVEWAY CONNECTION DETAIL 1"=30'



TYPICAL PROJECT PERIMETER FENCE NTS





BESS LAYOUT GUIDELINES:

21.3' X 6.5' PCS UNITS
24' X 8' BESS CONTAINERS
20' INTERNAL ROAD WIDTH
13.12' (4M) BETWEEN BESS CONTAINERS
13.12' (4M) BETWEEN CONTAINERS AND INVERTERS
10' MIN. BETWEEN EQUIPMENT AND INTERNAL ROADS
30' MIN. INTERNAL ROAD TURN RADIUS
25' MIN. SETBACK FROM PROPERTY LINES, OR PER CODE

SITE DATA TABLE:

OWNER: BROWNIE FAMILY FARMS INC.

LANCASTER COUNTY, NE

ZONING REVIEW:

PROPERTY IS ZONED AG, AGRICULTURE DISTRICT.

SURROUNDING PROPERTY ZONING:

NORTH AND EAST: AG, AGRICULTURE DISTRICT

WEST: I-2, INDUSTRIAL PARK

SOUTH: LI, CITY OF WAVERLY LIMITED INDUSTRIAL DISTRICT

BESS is an allowed use in the Zoning Ordinance of the City of Lincoln within the AG district by Special Permit. Site is within the City of Lincoln Extraterritorial District. Refer to the Zoning Ordinance of the City of Lincoln Section 27.63.840 for the Special Permit requirements.

*BUILDING SETBACKS AND DIMENSION REQUIREMENTS (additional setbacks and buffers may be required to obtain the Special Permit):

Min lot size = 20 ac, ave lot width 550', min, frontage 550'

FRONT 50'

REAR 100'

SIDE 60'

PROPERTY DESCRIPTION:

All of that certain parcel described as S20, T11, R8, 6th Principal Meridian, LOT 5 SW in Lancaster County, Nebraska, lying westerly of the creek roughly bisecting the parcel from northwest to southeast and comprising approximately 41 acres.

PROJECT AREA = 28.3 AC.

INCLUDES A 1 AC SITE SUBSTATION AREA AND A 3 AC SPP SUBSTATION AREA

WETLANDS AND STREAMS SHOWN ARE APPROXIMATE AND ARE SCALED FROM THE NATIONAL WETLAND INVENTORY MAP. A JURISDICTIONAL DETERMINATION IS NEEDED TO DETERMINE THE ACTUAL WETLAND BOUNDARY

TRANSMISSION LINE INFORMATION IS SCALED FROM AERIAL PHOTOGRAPHY

FLOOD ZONE AE AND FLOOD ZONE X ARE SCALED SCALED FROM FLOOD PLAIN PER FEMA PANEL 31109C0218G EFF 4/16/2013. IT IS ANTICIPATED THAT PROJECT IMPROVEMENTS WILL AVOID IMPACTS TO FLOOD ZONE A

PROPOSED DEVELOPMENT:

170 MWac
206 BESS CONTAINERS
52 PCS

LANCASTER COUNTY NOTES:

1. ALL CULVERTS SHALL HAVE A FLARED-END SECTION OR CONCRETE HEADWALL ON THE INLET END.
2. ACCESS ONTO N. 120TH STREET SHALL BE LIMITED TO ONE LOCATION ONLY.
3. LOADING OR UNLOADING OF MATERIAL SHALL NOT TAKE PLACE ON LANCASTER COUNTY ROADWAYS.
4. NO GRADING ACTIVITIES SHALL TAKE PLACE WITHIN THE FEMA EFFECTIVE FLOODPLAIN OR AREAS IDENTIFIED AS POTENTIAL WETLANDS.
5. PROPER EROSION CONTROL AND DRAINAGE SHALL BE MAINTAINED AT ALL TIMES TO PREVENT DAMAGE TO LANCASTER COUNTY ROADWAYS.
6. ANY WORK DONE WITH LANCASTER COUNTY RIGHT-OF-WAY WILL BE COMPLETED IN ACCORDANCE WITH LANCASTER COUNTY DESIGN STANDARDS.
7. THE CONSTRUCTION OR LOCATION OF ANY FENCE OR OTHER IMPROVEMENT WHICH OBSTRUCTS DRAINAGE SHALL BE PROHIBITED OVER, UPON, OR UNDER ANY DRAINAGE EASEMENT SHOWN THEREON.

LANDSCAPE BUFFER NOTES:

1. PERIMETER LANDSCAPE BUFFER: 6 TREES PER 100 LINEAR FEET; 3 OF THE 6 TREES SHALL BE EVERGREEN, AT LEAST ONE TREE SHALL BE ORNAMENTAL (A SMALL FLOWERING TREE), AND AT LEAST 1 TREE SHALL BE A LARGE DECIDUOUS SHADE TREE (EXACT LOCATION OF LARGE TREES SHALL BE SUBJECT TO LES OVERHEAD UTILITY LINES APPROVAL)
2. INTERIOR PROPERTY LINES: 10' MIN. LANDSCAPED BUFFER

REVISION:	DATE:
ISSUED FOR REVIEW	9-20-24
ADDED CONDUIT TRENCH AND GEN-TIE LENGTHS	10-11-24
GEN TIE LINE TAP AND SUBSTATIONS	7-28-25
DATA TABLE AND ROAD LABEL EDITS	11-3-25
ADDRESS STAFF COMMENTS	12-10-25

AML ENGINEERING & DEVELOPMENT SERVICES
P.O. BOX 43881 VESTAVIA, AL 35243
205-329-3934, AMLENG.COM

CONCEPT SITE PLAN

CORNHUSKER RESILIENT POWER
SPECIAL PERMIT SP25046
PARCEL ID 24-20-300-001-000
LANCASTER COUNTY, NE
SOFOS POWER

CONCEPTUAL NOT FOR CONSTRUCTION

PROJECT NO: SOFO-SPP01

DATE: 9-20-24

DWG. NO. - REV.

C1-R4

sofos power

VIA HAND DELIVERY

Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, Nebraska 68508
plan@lincoln.ne.gov

11/5/2025

Dear Lincoln-Lancaster Planning Department,

SP Resilient Power 10, LLC ("Applicant") respectfully submits this application for a Special Permit for the Waverly Resilient Power Project ("Project"). The Project is a proposed battery energy storage system ("BESS") in Lancaster County, Nebraska. Applicant is held under partnership with Sofos and our financial sponsors.

Founded in 2004, Sofos began as a residential and industrial solar developer. In over 20 years, we've expanded to over 10 countries, growing our expertise and global presence. We have had presence in the United States market since 2017. We now continue with the development of utility-scale BESS in the ERCOT and SPP markets. Backed by a $250,000,000 investment fund, our team includes professionals in transmission, siting, real estate, permitting, finance, and engineering who collectively have led the development of thousands of megawatts of renewable energy generation and storage capacity. This depth of experience enables Sofos to ensure responsible project siting, strong stakeholder engagement, and compliance with applicable regulations.

Sofos has a successful track record of selecting reputable technology partners who provide reliable equipment ensuring the Project uses proven, safe, and reliable technologies that are compatible with site conditions, while supporting schedule certainty and long-term, performance.

A complete Project narrative and accompanying exhibits, prepared in accordance with Zoning Ordinance of the City of Lincoln ("Ordinance"), are included with this application.

The Project is designed to support local and regional grid reliability, improve energy efficiency, and enhance system resiliency. As a dispatchable resource, the BESS will store energy during periods of low demand and release it when demand is higher, helping to balance the grid and reduce stress on existing infrastructure. The Project will have minimal environmental impact and is expected to generate meaningful long-term tax revenue for the community.

Applicant is committed to meeting or exceeding all applicable standards and permitting requirements. We appreciate the Planning Commission's consideration of this application and look forward to working collaboratively to advance a safe, compliant and beneficial energy project for the community.

Thank you for your consideration.

Sincerely,

Juan Mayoral
CEO, Sofos Power

Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, Nebraska 68508
plan@lincoln.ne.gov

12/10/2025

Dear Lincoln-Lancaster Planning Department,

Thank you for the staff comments received on SP25045 and SP25046. The Applicant has carefully reviewed these comments and remains committed to meeting or exceeding all applicable standards and permitting requirements. The Applicant would like to respond to the initial Volunteer Fire & Rescue Departments' reviews and feedback with the intent of providing clarification and written information. To this same end, please also find the enclosed letter by Energy Safety Response Group ("ESRG"), the selected project safety consultant for each project.

ESRG, founded in 2013 as a group of "firefighters working for firefighters" who specialize in project review, public safety training and emergency response planning, and incident testing and investigation. The Applicant hired ESRG to enable the Applicant to provide Fire & Rescue Services all planning and training required to work with Fire & Rescue to complete the drafting and approval of an Emergency Action Plan.

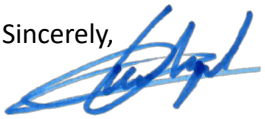
It's important to remark that the projects have 3-4 years of additional state, federal, and local permitting and interconnection study prior to being placed in operation. That will allow sufficient time to Volunteer Fire & Rescue Departments, and other relevant emergency response entities, for proper safety planning and training, as well as procurement of any required equipment.

As stated by ESRG, the chances of a BESS related incident are less than from commercial buildings. When the exceptional incident occurs, modern BESS systems, including that proposed by the Applicant, provide "inherent fire protection design to keep all possible worst-case fires relatively small and contained to a single unit without propagating." Notably, ESRG spells out material differences in modern BESS systems and older, early BESS systems without containment structures and less stable technology. Incidents, which would usually encompass one single unit, rarely require local evacuation, rather, they primarily require incident monitoring to ensure that they do not expand to neighboring units.

To reiterate, the Applicant is committed to ensuring that a full Emergency Action Plan is developed and approved by local Fire & Rescue Departments and looks forward to the opportunity to do so. Any training – prior to service and ongoing annually - will be paid for and provided by the projects. In addition, the Applicant is open to collaborating with the Fire & Rescue Departments to identify any required equipment and to participate in its funding.

We appreciate the Planning Commission's consideration of this application and look forward to working collaboratively to advance a safe, compliant and beneficial energy project for the community.

Sincerely,



Juan Mayoral
CEO, Sofos Power

ESRG
ENERGY SAFETY
RESPONSE GROUP

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Columbus, OH 43212

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To whom this may concern,

On behalf of ESRG, thank you for your vested interest in the project proposed by SOFOS for Lancaster County. As of December 9, 2025, SOFOS has proposed using Hithium as the selected technology. It is imperative to highlight the safety features of current technologies, and how they differ from earlier legacy sites (i.e., Moss Landing 300, a.k.a., Moss Landing).

Modern BESS facilities like the ones proposed by SOFOS are significantly different and inherently safer than earlier legacy facilities like Moss Landing, with important advances in fire protection design, installation, operation, and regulatory oversight. Moss Landing is a unique site, and no other site in the world is its equivalent. Moss Landing was a large occupiable structure (the old power plant building) that was retrofitted to house lithium-ion batteries in specific racking systems throughout its footprint in 2020. The initial integration of those lithium-ion batteries within the structure were nickel-manganese cobalt (NMC), as this was the chemistry of lithium-ion batteries that were widely used at that time. January 16, 2025, Moss Landing experienced a thermal event, causing a fire that consumed the entirety of the building. Some takeaways from the incident:

- Moss Landing was one of the largest power plants on the West Coast with initial operations in the 1950's, prior to its inception as a battery energy storage system in 2018 where PG&E gained approval from the California Public Utilities Commission to purchase the building.
- Regulatory codes and standards for BESS were evolving at the time Moss Landing was designed and constructed, i.e., NFPA 855 (Standard for the Installation of Stationary Energy Storage Systems) and the International Fire Code were just starting to address BESS and not enforceable during the initial set-up for Moss Landing (Moss Landing was approved in 2019 by the planning commission in Monterrey County and came online in December 2020).
- Moss Landing was a fully occupiable, non-compartmentalized structure. The open floor plan inside the building allowed for all exposed battery units to be consumed by fire.

In contrast, the Hithium enclosures are designed as non-occupiable, exterior, independent electrical cabinets, installed outside and not within any structure, which is the inherent fire protection design to keep all possible worst-case fires relatively small and contained to a single unit without propagating. This is a fundamental and critical design difference.

Battery Energy Storage Systems (BESS) must meet stringent testing requirements such as UL 9540 and UL 9540A. UL 9540 is a testing requirement that focuses on all safety features integrated for that technology. UL9540A is a testing data collection standard used by the regulatory codes to assure all fires will not propagate. Propagation means cell to cell, module to module, rack to rack, or enclosure to enclosure. UL9540A is used to determine the offset of enclosures through third-party testing performed at a Nationally Recognized Testing Lab (NRTL). Notably, BESS fire protection is required to have large-scale fire tests like UL 9540A, and this is not typical in today's fire protection infrastructure which normally requires only small and mid-scale fire testing of equipment and materials. Further, Hithium utilizes LFP battery chemistry

rather than the NMC batteries like had been installed at Moss Landing, and the UL 9540A test show that LFP batteries are much more difficult to achieve fire spread and thus are safer.

Under UL9540, there are specific systems that are tested as it pertains to each technology. ESRG refers to these systems as either life-safety systems, or non-life safety systems. Life-safety systems include, for example, traditional fire protection systems such as smoke detectors, heat detectors, gas detectors and infrared detection, all of which must be listed for the intended purpose and must be compliant with NFPA 72 (National Fire Alarm and Signaling Code). NFPA 72 compliance means meeting robust detection and alarm requirements, such as supervised circuits, central station monitoring, on-site annunciation, proper signaling (e.g., horn, strobe and/or remote panel), and appropriate backup power.

Other life-safety systems are focused on exhaust and deflagration control. These systems must meet either NFPA 68 (Standard on Explosion Protection by Deflagration Venting) or NFPA 69 (Standard on Explosion Prevention Systems). NFPA 68 addresses passive, built-in venting to control possible deflagrations, where NFPA 69 addresses active deflagration control systems. The Hithium system proposed by SOFOS utilizes the NFPA 68 system. Furthermore, each Hithium enclosure is equipped with smoke and gas detectors which are directly linked to the NFPA 72 compliant fire alarm control panel.

In addition to life-safety systems, the BESS non-life safety systems (such as the battery management system or other systems controllers) are focused on battery and facility performance. Despite not being specifically listed for fire protection purposes, these systems are in use at all times and provide valuable supporting data for emergency response. Grid-scale BESS facilities like the one proposed by SOFOS are monitored 24/7 closely by the site operator's Network Operation Center (NOC) but also by another off-site center for safety redundancy. Their focus is on equipment performance and to keep the facility fully operational at peak capacities, and this has the additional benefit of providing additional early warning of all possible problems and anomalies, including a fire. As a specific example, the battery management system continuously monitors every cell characteristic such as voltage, temperature, moisture, state-of-charge, and other details. The NOCs are able to see BESS performance well in advance of traditional fire protection detection.

Today's fire protection for modern BESS facilities like the one proposed by SOFOS is significant, far beyond what was provided for the legacy facilities like Moss Landing and includes multiple layers of passive and active fire protection features that provide a robust defense-in-depth fire protection. The requirements used today for the one proposed by SOFOS (e.g., NFPA 855 and related fire codes) are rigorous, relevant, and appropriate, and have been generated through nationally recognized consensus update processes involving a wide range of applicable fire protection professionals.

To re-emphasize the key fire protection and safety points between today's BESS facilities like the one proposed by SOFOS and earlier legacy facilities like Moss Landing:

- Today's fire protection approach for grid-scale BESS focuses on non-occupiable, exterior, independent electrical cabinets, installed outside and not within any structure, providing

an inherent fire protection design to keep all possible worst-case fires relatively small and contained to a single unit without propagating.

- NFPA 855 and other Fire Codes (e.g., IFC) have significantly evolved to allow better fire protection enforcement (More robust codes and standards).
- UL9540 and UL9540A equipment testing requirements are mandatory (Large-scale fire testing and the validation of fire spread & propagation characteristics).
- Battery chemistries have shifted from NMC batteries to LFP batteries (shown in UL 9540A testing to have superior resistance to fire spread between cells)
- Remote Operation Center (ROC) or Network Operation Center (NOC) provide 24/7 monitoring with early notification to first responders, in addition to other traditional fire alarm requirements.
- An outdoor containerized BESS fire would likely have no environmental impact, distinct from a residential or commercial building fire. Further, given that the vast majority of BESS are in small, modular containers designed to prevent propagation, any emissions generated by a fire would naturally be less than those produced by a large commercial or industrial fire.
- BESS fires are exceptionally rare, and a modern BESS properly installed and maintained should present no additional workload for first responders. There is a far greater risk of fire from commercial buildings' electrical systems than a BESS system. For context, in 2022, 12,600 fires were caused by electrical failures in U.S. commercial buildings, while there were only six (6) BESS fire incidents in the U.S. Should an event occur, proper training and planning will help make the response more efficient, and, if necessary, fire departments may utilize mutual aid as needed to support operations until the incident can be turned over to a third-party organization that can manage it.
- ESRG does not typically recommend automatic evacuations during BESS fires. As emissions are comparable to other fires, and as fire services' best practices include monitoring fire events, ESRG recommends BESS incidents be managed in the same manner, with monitoring air quality and weather patterns so incident commanders can make informed decisions as needed to protect communities, life and property. In numerous containerized battery fire events where air quality data was available, no offsite emissions were detected, though ESRG will always recommend the fire service monitor these events and make decisions as they would with any other comparable event.
    - Field experience to date has not found air quality impacts beyond the property on which a BESS container is located, and onsite smoke emissions dissipate quickly.
    - Along with these considerations, it is important to note that many of the battery fires or failures in the U.S. have been limited in scale and are unlikely to even be noticeable offsite due to the regulatory codes and standards implemented.

In conclusion, ESRG has found that technologies continue to evolve, risks may change, but the current slate of systems installed in the field today if implemented responsibly should not pose risks beyond what ESRG has identified at their own test site.

Respectfully,

Eric Wood

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December 29, 2025

Dear Members of the Lincoln–Lancaster County Planning Commission,

On behalf of the City of Waverly and the Waverly Fire & Rescue Department, I am writing to formally notify you that the City is withdrawing its previous opposition to the proposed Cornhusker Battery Energy Storage System project currently before the Commission. This communication is intended solely to clarify the City's and Fire & Rescue Department's positions. The City of Waverly is not submitting a statement of support for the project; rather, we are confirming that the City will no longer oppose the project in an official capacity.

In conjunction with this update, the City is providing screening and landscaping provisions for the Commission's consideration. These provisions reflect the City's interest in ensuring appropriate buffering and visual mitigation for the surrounding area and are submitted for review as part of the attached materials.

The City appreciates the Commission's time and consideration as it continues its review of this matter. Should the Commission require any neutral, factual information from the City as part of its deliberations, we will respond as requested.

Thank you for your attention and service.

Sincerely,

Mayor Abbey Pascoe

City of Waverly, Nebraska

Landscape Architectural Services, 3845 Apple Street, Lincoln, NE 68503 (402) 309-0341

rsutton131@GMAIL.COM

December 18, 2025

City of Waverly Attn: Stephanie A. Fisher, City Administrator Waverly, NE 68462

RE: Landscape Buffer Analysis and Site Interpretation for the NE 120th & McKelvie Roads BESS Project

Stephanie--

I am pleased to submit the enclosed Landscape Buffer Analysis, Interpretation, and Conceptual Example for the proposed Battery Energy Storage System (BESS) located at the northeast corner of NE 120th Road and McKelvie Road.

As this project represents a significant utility improvement adjacent to the City of Waverly and lies within the I-80 Corridor, I have conducted a thorough site assessment to ensure the development respects the visual character and environmental standards of the area and prepared a professional interpretation of the I-80 Corridor Design Guidelines as they apply to this unique light-industrial land use. I have also prepared and attached an example of location, species and configuration for the site.

The enclosed report outlines a comprehensive strategy to mitigate aesthetic impacts through:

- **Strategic Vegetative Buffers:** Utilizing native species and adjusted planting scales to work within existing LES power line easements.
- **Visual Screening:** Enhancing the BNSF right-of-way and upgrading security fencing to maintain the corridor's visual integrity.
- **Innovative Sustainability:** Incorporating vegetated roofs and biochar-amended soils to manage stormwater and site temperatures.
- **Long-Term Management:** Establishing a three-year maintenance plan to ensure the success of all live plantings.

I believe this plan not only meets but exceeds the intent of the local design guidelines, providing a functional and visually screened facility that serves the region's energy needs.

I look forward to discussing this analysis with you during the upcoming project review. Should you have any questions or require additional technical documentation, please do not hesitate to contact me.

Sincerely,

Richard K. Sutton

Richard K. Sutton, PhD PLA (NE-131)

NE 120th & McKelvie Roads Battery Energy Storage System (BESS)

Landscape Buffer Analysis, Interpretation, and a Conceptual Example

Introduction

SoFos Power and Cornhusker Resilient Power propose a Battery Energy Storage System (BESS) located on 28 acres within a 41-acre agriculturally zoned parcel. The site is situated at the northeast corner of NE 120th Road and McKelvie Road, adjacent to the City of Waverly boundary and north of the BNSF Railway right-of-way. To mitigate aesthetic impacts, the applicants propose utilizing natural topography and vegetative screening.

The project's special permit application intends to meet all site and design standards in the I-80 Corridor Ordinance, including visual screening, setbacks, height limits, and noise restrictions. Due to its unique location (within 0.5 miles of I-80), land use type, and internal layout, the project requires a specific interpretation of the I-80 Corridor Design Guidelines for landscape buffers. This analysis was conducted by Richard Sutton, PhD, PLA, DBA Landscape Architectural Services, in December 2025. A conceptual landscape buffer plan is also included.

Proposed Structures and Layout

Proposed site development includes surfacing upgrades to NE 120th Road, a new culvert at the site entrance, and intensive use of the 28 buildable acres. Improvements include a small emergent wetland, approximately 250 BESS enclosures, security fencing, safety monitoring equipment, access driveways, and stormwater detention. Electrical infrastructure includes energy storage and conversion equipment, an LES Substation, and point-of-interconnection hardware.

The southern and western perimeters contain LES 345 kV power lines, with the western line occupying a 150-foot easement and the southern line an 80-foot easement. It remains unclear what landscape treatment applicants propose for the north and east sides of the parcel, which are currently adjacent to row crops.

Site Assessment

The site is currently used for row crops and is relatively flat. The center of the 28-acre buildable area is slightly mounded, with drainage moving outward in all directions. While no formal grading plan was provided, the applicants propose directing runoff to detention ponds at the northeast and southeast corners. The southwest corner contains a small emergent wetland with poor soil drainage.

Visual analysis identified several key observation points. Before-and-after simulations indicate the most critical view is looking north and east from the intersection of US Highway 6 and NE 120th Road. While woody vegetation along the BNSF right-of-way screens much of the site from US Highway 6, the gap at the railroad crossing presents the strongest visual impact. From this vantage point, the low, dense BESS structures resemble a parking lot, industrial storage yard, or mobile home park.

Interpretation of I-80 Corridor Requirements

The I-80 Corridor Design Guidelines supersede Waverly's Highway 6 Entrance Corridor Guidelines and were used to determine appropriate buffering. Industrially zoned parcels typically require buffers on all sides. Given the light-industrial nature of the use and its single public road frontage (west), a 25-foot "streetyard" was used in the conceptual plan. This requires one tree every 40 feet along street frontages using approved ornamental varieties.

While a 25-foot minimum buffer was shown along the south side, no buffers were indicated for the north or west. Internal, 10-foot bufferyards should be waived due to the distance from the road. To reduce heat buildup and manage precipitation runoff, the guidelines require at least one tree (minimum 2-inch caliper) for every 500 square feet of required landscaped area.

Standard Minimum Sizes:

- **Deciduous Shade/Ornamental Trees:** 2-inch caliper
- **Evergreen Trees:** 5 feet high
- **Shrubs:** 5-gallon container
- **Groundcovers/Perennials:** 1-gallon container

Because the facility resembles a service yard, the screening must remain effective during both winter and summer months.

Concerns and Suggested Revisions

- **BNSF Right-of-Way:** The most critical screen is the wooded BNSF right-of-way to the south. The applicant should pursue a planting easement with BNSF to preserve existing vegetation and add a supplemental row of spruce trees.
- **Easement Constraints:** The LES power line easements on the west and south limit tree height in any landscape buffer. To compensate for the inability to plant large trees directly under lines, it is suggested that the adjacent 25-foot buffer use a higher quantity of smaller stock (1-inch caliper trees, 3–4 foot evergreens, and 2-gallon shrubs) and native wildflower/grass seed mixes.
- **Internal Surfaces:** Non-driving areas near battery structures should be planted with buffalograss. Utilitarian surfaces (crushed rock) should be managed with flame treatmenyts or low-toxicity herbicides rather than soil sterilants.
- **Soil Enhancement:** All seeded and planted areas should be amended with a biochar and compost mix at a rate of 4 tons per acres from the City of Lincoln's solid waste program.
- **Security Fencing:** The proposed 6-foot chain-link fence should be increased to 8 feet, topped with a 3-strand outward-leaning barbed wire band. Slats should be inserted into entry gates and the adjacent panels for better screening.
- **Access:** A second entrance should be added to ensure adequate emergency vehicle access.

- **Future Land Use:** The applicant should clarify the intent for the areas north and east of the development. It is suggested the northern area remain in row crops, while the eastern area be seeded with native grasses and interplanted with deciduous trees.
- **Vegetated Roofs:** To lower site temperatures and provide insulation, BESS containers should feature vegetated roofs utilizing 12-inches of lightweight media consisting of recycled crumb rubber, biochar, and compost. This would support blue and hairy grama grasses.

Planting Establishment and Management Plan

Live plantings should be initially fenced, mulched, and watered monthly. Weeds and roots must be removed monthly via careful digging or targeted herbicide application for an establishment period of three growing-seasons. In late spring and early fall, the site should be inspected and volunteer woody plants removed, particularly along fencelines.

Areas seeded with native grasses should be mowed to a height of 6 inches on July 1 and August 15 for the first three years. Thereafter, a single mowing (or haying) should occur around September 1.

Tech, Summary: NE 120th & McKelvie BESS Landscape Analysis

Project Overview

SoFos Power and Cornhusker Resilient Power propose a **28-acre Battery Energy Storage System (BESS)** within a 41-acre agricultural parcel at NE 120th and McKelvie Road. The site sits adjacent to the Waverly city limits and a BNSF Railway corridor. The primary objective is to harmonize the industrial nature of the BESS with I-80 Corridor Design Guidelines through topography and vegetative screening.

Site Conditions & Visual Impact

- **Topography:** The site is a central mound with radial drainage toward proposed detention ponds in the NE and SE corners. A small emergent wetland exists in the SW corner.
- **Critical Viewshed:** The primary visual impact is the gap at the BNSF railroad crossing viewed from US-6 and NE 120th Road. The facility's profile currently resembles an industrial storage yard or parking lot.
- **Easements:** Large LES power line easements (150' west; 80' south) restrict the use of tall canopy trees in key buffer zones.

Buffer & Planting Specifications

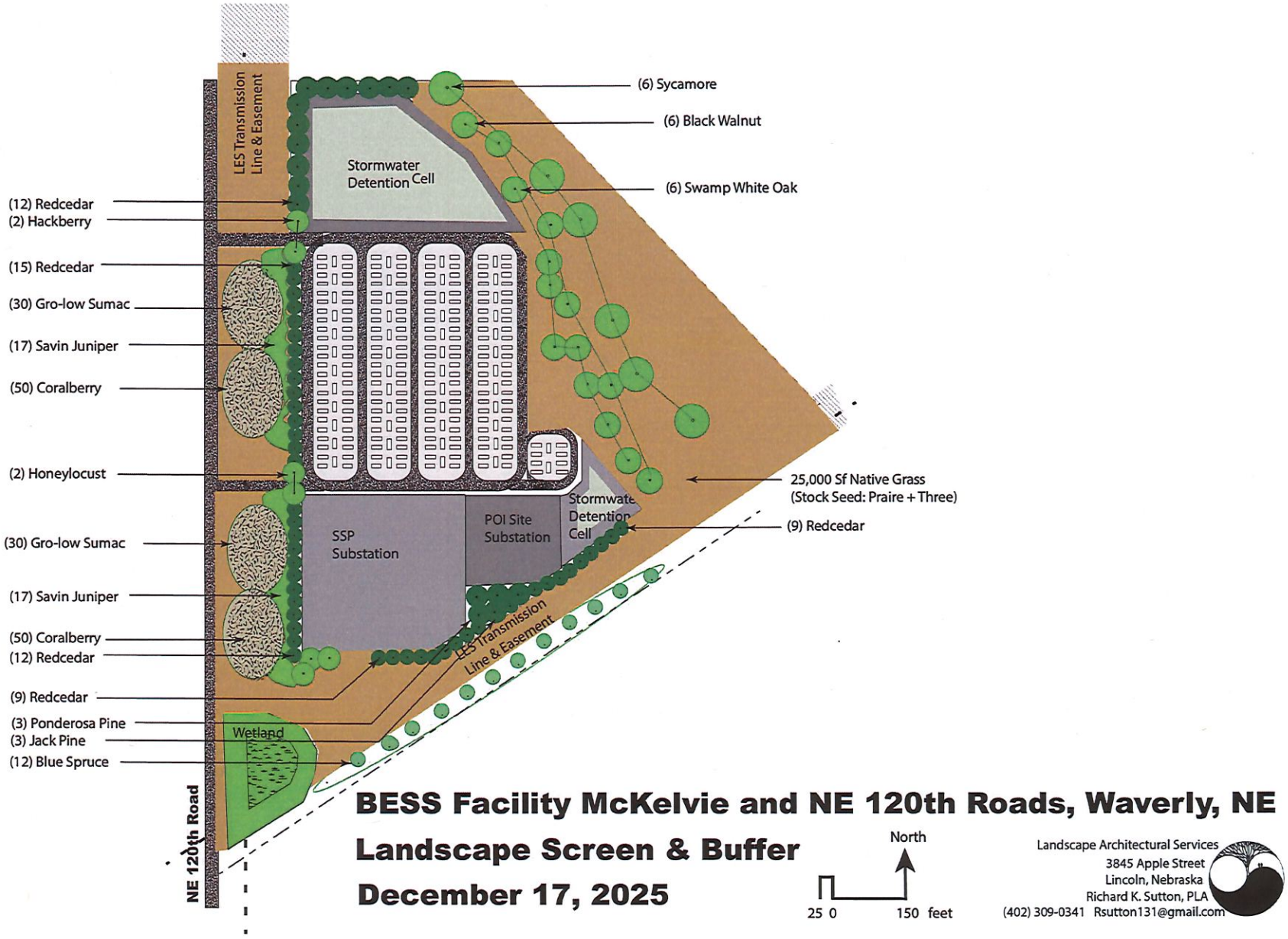
To meet I-80 Corridor standards while accounting for easement height restrictions, the following planting adjustments are recommended:

Plant Category	I-80 Standard Size	Recommended Adjusted Size
Deciduous Trees	2" Caliper	1" Caliper (increased density)
Evergreen Trees	5' Height	3' – 4' Height (Spruce)
Shrubs	5 Gallon	2 – 3 Gallon
Groundcover	1 Gallon	Native seed mix (Buffalo/Grama grass)

Key Technical Recommendations

- **BNSF Buffer:** Secure a planting easement along the BNSF north side to supplement existing screening with a permanent row of spruce.
- **Infrastructure & Security:** * Increase security fencing from 6' to **8'** with outward-leaning barbed wire.
    - Install privacy slats in and adjacent to all entry gates.
    - Add a **second entrance** for redundant emergency access.

- **Environmental Integration:**
    - **Soil:** Amend all landscape buffers & seeded areas with a biochar/compost mix.
    - **Vegetated Roofs:** Implement 12" lightweight media (crumb rubber/biochar) on BESS units to reduce heat island effects and improve insulation.
    - **Maintenance:** A **3-year establishment period** is required, including monthly watering/weeding and specific mowing cycles (July 1/Aug 15) to favor native grasses.
- **Land Use Clarification:** Define future use for the remaining 13 acres; specifically, maintaining row crops to the north and native meadows interplanted with deciduous stands to the east.



BESS Facility McKelvie and NE 120th Roads, Waverly, NE

Landscape Screen & Buffer

December 17, 2025

North

25 0 150 feet

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