



# Battery Energy Storage Systems (BESS)

Update 4/11/24

Information sent from Libby  
Hollingshead, CM Perry's Chief of Staff



*Agricultural and Forest Zone. In the Agricultural (A) and Forest (F) zones, BESS would:*  
Require a special use permit, unless the system meets the definition of a resource accessory use.

**Not be subject to the 2-acre limitation in the initially introduced version of the ordinance.**



REMEMBER BESS?



1ST UPDATE AND  
ACTION SINCE FALL



DIGGING INTO WHAT  
THESE CHANGES MEAN



ANY CONCERNS?

# Information for Ag Commission from Libby Hollingshead, CM Perry's Chief of Staff



Unable to attend tonight's meeting.



Sharing the following information and updates.



Please let know if there any questions from commissioners or if you need any additional information from our office.



Council Staff, Jake Tracy's March 20 briefing is in your packet

# 2023-0263 Battery Energy Storage Systems (BESS)

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After having conversations with the Agriculture Commission earlier in the year and Executive staff on how best to protect and preserve our farm land for farming and provide opportunity for resiliency on our farms, Councilmember Perry arrived at the proposal to remove maximum size requirement and put other protections in place.

- A special use permit is the highest level of scrutiny our Permitting Division has.
- A SUP would require review each proposal on a case by case basis to ensure and would be able to deny a permit if it isn't consistent with our comprehensive plan goals or place conditions and requirements on the permit to mitigate impacts on agriculture, soil, or other factors.
- Additionally, a SUP needs to be approved by the Permitting Division (Executive Branch) and the Hearing Examiner (Legislative Branch).
- Agricultural accessory uses cannot exceed one acre per state law, so anything larger than an acre would need to go through the SUP process.

# 2023-0263 Battery Energy Storage Systems (BESS)

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Lastly, I wanted to share a summary of the changes in the most recent striking amendment. These changes have been informed by stakeholders and experts at the state level. The legislation is very technical so I find the summary to be helpful in understand the impacts of the various changes.

- Accessory-use Battery Energy Storage Sites with a total size of two Megawatts or less (sea cargo container equivalent), which are established for primarily on-site use are Permitted in all zones where accessory uses are allowed.
- Non-accessory use Battery Energy Storage Sites, of any size, which are established for primarily off-site use are Permitted under the following circumstances:
  - Conditional Use Permit would be required in Urban Residential (R) zones
  - Special Use Permit would be required in Agricultural (A) and Forest (F) zones
  - Permitted Use in all other zones
- Vendor Permit Application for a BESS must only demonstrate a financial surety of at least \$1 million (insurance, bonds, etc.) to cover damages from a fire or explosion if:
  - The BESS is more than two Megawatts, AND
  - The BESS technology does not mitigate thermal runaway, AND
  - The BESS individual room, cabinet, container, or other enclosure containing the system has an energy rating greater than two megawatt-hours, or any two enclosures are less than ten feet apart, AND

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## Summary continued

- The BESS is within 100 feet of buildings, lot lines, public ways, stored combustible materials, hazardous materials, high-piled stock, or other exposure hazards.
- Vender Permit Application for a BESS greater than two Megawatts would be required to:
  - submit a decommissioning plan (including soil mitigation) and demonstrate financial responsibility in an amount to carry out the decommissioning plan,
  - share fire and evacuation plans required by state law with the local fire protection district.
- All BESS sites and sizes would be subject to the standard setbacks in each zone, including the standard setbacks for nonresidential uses in the R, RA, and UR zones, except when:
  - BESS for accessory use would be allowed in a street setback, if used solely to supply electricity for electric-vehicle-charging infrastructure also within the setback or adjacent right-of-way.
  - BESS would not be allowed to extend into interior setbacks
- The County Executive would be required to consult with representatives of the energy industry, emergency response community, renewable energy industry, labor, and state and local governments to assist in developing the report.