

## Chapter 17.11.160 Energy Storage Facilities.

### 17.11.160 Energy Storage Facilities

**A. Intent.** Energy Storage Facility regulations are adopted with the intent of advancing and protecting the public health, safety, and welfare of the City of Beaumont by establishing regulations for the installation and use of energy storage systems. The regulation herein are intended to protect the health, welfare, safety, and quality of life for the general public, to ensure compatible land uses in the areas affected by energy storage facilities and to mitigate the impacts of energy storage facilities on the environment.

**B. Classification of Energy Storage Facilities.** The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section, as follows:

1. **Battery:** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this chapter, batteries utilized in consumer products are excluded from these requirements.

2. **Battery Energy Storage Management System:** An electronic system that protects storage batteries from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected. The system generates an alarm and trouble signal for abnormal conditions

3. **Battery Energy Storage System:** A system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems and associated electrical equipment, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

4. **Cell:** The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

5. **Commissioning:** A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

6. **Decommissioning Plan:** A plan to retire the physical facilities of the Project, including decontamination, dismantlement, rehabilitation, landscaping and monitoring. The plan contains detailed information on the proposed decommissioning and covers the schedule, type and sequence of decommissioning activities; waste management, storage and disposal of the waste from decommissioning; the timeframe for decommissioning and site rehabilitation.

7. **Energy Storage System:** A system which stores energy and releases it in the same form as was input.

8. Renewable Energy: Energy sources that constantly renew themselves or are regarded as practically inexhaustible. Renewable energy includes energy derived from solar, wind, geothermal, hydroelectric, wood, biomass, tidal power, sea currents, and ocean thermal gradients.

**C. Applicability.** The requirements of this ordinance shall apply to all energy storage systems permitted, installed, or modified after the effective date of this ordinance, excluding general maintenance and repair. Energy storage systems constructed or installed prior to the effective date of this ordinance shall not be required to meet the requirements of this chapter. Modifications to, retrofits or replacements of an existing energy storage system that increases the total energy storage system designed discharge duration or power rating shall be subject to this chapter. The continuation of legally established existing energy storage systems shall be subject to the regulations and guidelines of Chapter 17.08, Non-conforming Uses of the Beaumont Municipal Code.

**D. Development Standards.** The following shall apply to all Energy Storage Facilities:

1. Energy storage facilities must meet all applicable standards of the adopted Building and Safety Codes and of the adopted Fire Codes.

2. Energy storage facilities shall comply with the site design requirements set forth below in addition to all other applicable chapters of the Beaumont Municipal Code:

a. The site shall be fully enclosed by a minimum eight-foot, non-scalable solid wall. Walls shall consist of either decorative concrete masonry block or decorative concrete tilt-up walls. Decorative masonry block means neutral colored slump stone block, split-face block, or precision block with a stucco, plaster, or cultured stone finish. Decorative concrete tilt-up wall means concrete with a combination of paint and raised patterns, reveals, and/or trim lines.

b. Solid walls surrounding facilities which are below grade of an adjacent street or property shall incorporate a berm/slope along the entire length of the wall to ensure facilities are not visible from public view.

c. Anti-graffiti coating or equivalent measure to prevent graffiti shall be provided for all solid screen walls.

d. Except as set forth in subparagraph (e), no equipment or appurtenances not in an enclosed structure shall exceed the screen wall height described in subparagraph (a), above. Enclosures for batteries and other systems shall not exceed fifteen feet in height. Buildings shall be subject to height standards of the Manufacturing zone.

e. Accessory structures such as utility poles or utility connection equipment, substation switchyard and similar equipment, necessary for the operation of the facility may exceed the height standards of the Manufacturing zone subject to Planning Commission approval.

f. On-site parking shall be provided as specified below:

1. For sites occupied daily by employees or contractors, one parking space per employee or contractor shall be provided.
2. For unoccupied sites, one on-site parking space shall be provided.
3. All structures, appurtenances, parking and drive aisles shall be paved with asphalt or concrete.
4. All outdoor facilities shall be in compliance with the Chapter 8.50 Outdoor Lighting of the Beaumont Municipal Code.
5. All site landscaping shall comply with Chapter 17.06 Landscaping of the Beaumont Municipal Code.
6. All facilities shall have an approved signage plan including safety signage to be posted at the site.

#### **E. Decommissioning.**

1. Decommissioning Plan. Prior to approval of a building permit, the applicant shall submit a decommissioning plan containing a narrative description of the activities to be accomplished for removing the energy storage system from service, and from the facility in which it is located. The decommissioning plan shall also include:

- a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- c. The anticipated life of the battery energy storage system;
- d. The estimated decommissioning costs and how said estimate was determined;
- e. The method of ensuring that funds will be available for decommissioning and restoration;
- f. The method that the decommissioning cost will be kept current;
- g. The manner in which the battery energy storage system will be decommissioned, and the Site restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
- h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

2. *Decommissioning Fund.* The applicant, or successors, shall continuously maintain a fund or bond payable to the City of Beaumont, in a form approved by the City for the removal of the battery energy storage system, in an amount to be determined by the City, for the period of the life of the facility. This fund may consist of a letter of credit from a licensed-financial institution. All costs of the financial security shall be borne by the applicant.

3. *Ownership Changes.* If the owner of the battery energy storage facility changes or the owner of the property changes, the project approvals shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the project, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage facility shall notify the Planning Department of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Planning department in writing. The project and all approvals for the battery energy storage facilities would be void if a new owner or operator fails to provide written notification to the Planning Department in the required timeframe. Reinstatement of a void project or approvals will be subject to the same review and approval processes for new applications under this chapter.

#### ***F. Performance Measures and Standard Conditions of Approval.***

1. The following measures shall be included as performance measures and standard conditions of approval for all energy storage facilities:

a. Facilities shall not store any products, goods, materials, or containers outside of any building on-site.

b. Facilities shall comply with Chapter 9.02 Noise Control of the Beaumont Municipal Code.

c. Operators shall address any nuisance, safety issues or violations of conditions of approval within forty-eight hours of being notified by the city that an issue exists.

d. Prior to the issuance of a Certificate of Occupancy or Business License, any operator of an energy storage facility shall sign a statement acknowledging acceptance of all operational conditions of approval associated with the approved entitlements for the facility and the decommissioning plan shall be recorded against title to the property as a covenant running with the land.