

Battery Energy Storage System (BESS) Facilities Ordinance



Planning Commission Study Session
March 26, 2025

Previous County Actions

- ➔ **October 8, 2024** – Board approved Supplemental Item #S14D directing staff to research and consider drafting an ordinance to adopt development guidelines and standards for Battery Energy Storage System (BESS)
- ➔ **December 11, 2024** – Planning Commission authorized initiation of General Plan Amendment GPA 24-03 and Zoning Code Amendment CA 24-03
- ➔ **January 28, 2025** – Board approved Supplemental Item #S32A, which adopted an interim Urgency Ordinance placing a 45-day moratorium on establishment of large-scale BESS facilities in all unincorporated areas of the County of Orange
- ➔ **March 11, 2025** – Board approved Supplemental Item #S33E extending the interim Urgency Ordinance and moratorium by 10 months and 15 days to allow additional time for staff to consider, study, and assess the various approaches to the regulation of BESS facilities



Key Feedback – OCFA, SCE, SDG&E

- Regulatory consistency with other jurisdictions for more predictable permitting process;
- BESS facilities will more likely be cited where there is easy interconnection to the energy grid (e.g., existing substation) to minimize the need to build additional infrastructure;
- Consider limiting or prohibiting BESS facilities in areas susceptible to wildfires or designated as very high fire hazard severity;
- Consider prohibiting BESS facilities designed to be wholly enclosed in a building and encourage facilities to be mostly outdoors;
- Consider requiring a Hazard Mitigation Analysis and other Fire Code strategies.



Regulatory Framework Considerations

- Location/Citing
- Facility Capacity
- Required Approval
- Aesthetics
- Lighting, Noise, and Signage
- Parking
- OCFA Review
- Decommissioning Plan
- Economic and Public Benefits



Regulatory Considerations

Location/Citing

- ➔ Public Safety of residences and businesses
 - Consider prohibiting BESS facilities within 3,200 feet of sensitive receptors as defined in AB 303.
- ➔ Potential hazards
 - Consider prohibiting BESS facilities to be cited in environmentally sensitive sites as defined in AB 303.
- ➔ Limit BESS to Specific Zoning Districts
 - Agricultural (A1), Commercial (C1, C2) and Light Industrial (M1);
 - Allowable in Specific Plan areas and Planned Communities if permitted use by those community plans.



Regulatory Considerations (cont.)

Facility Capacity

- Consider inclusion of BESS facilities with any capacity, including Utility-Scale/Large-Scale Bess Facilities (generally refers to BESS facilities with storage capacity of 200 megawatt-hours or more).
- Consider exclusion of residential and non-residential energy storage requirements specified by the California Code of Regulations, Title 24, Part 6.

Required Approval

- Use Permit to the Planning Commission



Regulatory Considerations (cont.)

Aesthetics

- ➔ Decorative and non-scalable screening walls and fencing at a maximum height of six (6) feet;
- ➔ Only landscaping on the exterior side of the perimeter screen walls and fencing (will not conflict with any vegetation management required by OCFA);
- ➔ Height limitations of six (6) feet for exposed equipment, 15 feet for enclosed equipment, and height limitations subject to Planning Commission approval for utility connection equipment/utility poles exceeding zoning district standards.

Lighting, Noise, and Signage

- ➔ Consistent with lighting, noise, and signage requirements of the zoning code



Regulatory Considerations (cont.)

Parking

- One (1) off-street parking space per employee or one (1) off-street parking space for unoccupied sites.
- Off-street parking requirements to meet or exceed current zoning code requirements for off-street parking requirements for non-residential uses such as public utility facilities.

OCFA Review

- Subject to a Hazard Mitigation Analysis to be reviewed and approved by OCFA concurrent with any entitlements to allow the appropriate agency to review appropriate fire mitigation measures.



Regulatory Considerations (cont.)

Decommissioning Plan

- ➔ Requirement of a decommissioning plan to be submitted for review and approval prior to issuance of any permits relating to decommissioning activities.



Economic and Public Benefits

- ➔ Consider whether use permit for a BESS facility shall not be granted unless findings can be made that the construction and operation of the facility will have an overall net positive economic benefit to the County consistent with Public Resources Code (PRC) section 25545.9.
- ➔ Consider whether use permit for a BESS facility shall not be granted unless the County of Orange has entered into a legally binding and enforceable community benefit agreement with the facility owner/operator consistent with PRC section 25545.10.



BESS Website

- ➔ Project page link on OCPW website provides ongoing information and transparency to the community



BATTERY ENERGY STORAGE SYSTEM FACILITIES ORDINANCE

The County of Orange is the process of developing an ordinance setting forth development guidelines and standards for Battery Energy Storage Systems (BESS) facilities located within unincorporated areas of the County.

UPCOMING

[Planning Commission Meeting – March 26, 2025](#)

- Study Session for General Plan Amendment GPA 24-03 and Zoning Code Amendment CA 24-03 – County of Orange Battery Energy Storage System Facilities Ordinance

PREVIOUS ACTIONS

Board of Supervisors Meeting – March 11, 2025

- The Board approved [Supplemental Item #S33E](#) (inclusive of the report required by the approval of Supplemental Item #S32A), which extended the Interim Urgency Ordinance and moratorium by 10 months and 15 days to allow additional time for staff to consider, study, and assess the various approaches to the regulation of BESS facilities and ways to address risks associated with such facilities. The extension of the Interim Urgency Ordinance prevents the issuance of any permits, except those specifically exempted including residential and other smaller BESS, for BESS facilities in the unincorporated areas of the County of Orange.

The Interim Urgency Ordinance, which expires on January 26, 2026, does not apply to the residential and non-residential energy storage requirements specified by the California Code of Regulations, Title 24, Part 6, and nothing in the Interim Urgency Ordinance conflicts with the Opt-In Certification Process for BESS facilities established by and under the authority of the California Energy Commission.

Board of Supervisors Meeting – January 28, 2025

- The Board approved [Supplemental Item #S32A](#), which adopted an Interim Urgency Ordinance placing a 45-day moratorium on establishment of large-scale BESS facilities in all unincorporated areas of the County of Orange. The

CURRENT PROJECTS

District	Current Projects	Archived Projects
All	<ul style="list-style-type: none">• Battery Energy Storage System Facilities Ordinance• Comprehensive General Plan Update• Housing Element Update 2021-2029• Orange County Affordable Housing Implementation Program - Ranch Plan	Archived All Districts



Next Steps

Task/Milestone	Date
Coordination: Internal (Building & Safety, Planning, County Counsel) and External (OCFA, SCE, SDG&E)	January – March 2025
Planning Commission - Study Session	March/April 2025
Briefings with Supervisorial Districts	April/May 2025
Planning Commission - Public Hearing/Recommendation to Board of Supervisors	June/July 2025
Board of Supervisors Meeting - Public Hearing/First Reading	August/September 2025
Board of Supervisors Meeting - Public Hearing/Second Reading/Ordinance Approval	September/October 2025
Ordinance Becomes Effective (30 Days from Board of Supervisors approval)	October/November 2025



Recommended Actions

1. Receive staff report and public testimony.
2. Provide feedback to staff as appropriate.

