

Battery Energy Storage System (BESS) Facilities Ordinance



Planning Commission 2nd Study Session
May 28, 2025

Who Did We Consult With?

Met with the following groups to gain initial feedback:

- **Local Fire Authority** – Orange County Fire Authority
- **Key Energy Stakeholders** – Southern California Edison and San Diego Gas & Electric
- **Private Developers** – The groups who are working with key energy stakeholders to develop BESS facilities
- **Labor Unions** – The teams who have experience in constructions of BESS facilities.



Main Considerations



Feedback received from the teams we have consulted with and from the Planning Commission



Timing of the 2025 California Fire Code updates (expected to be available in July 2025) that will likely include changes related to electrical energy storage systems



Federal and State regulations pertaining to energy storage systems and renewable energy facilities



Public Safety of residences and businesses



Potential hazards, such as Very High Fire Hazard Severity Zones



Safety measures for BESS installations and decommissioning protocols



Aesthetic concerns and noise impacts



Future demands



Key Regulatory Feedback from PC

- Separation Distance – Determine the appropriate distance between BESS facilities and other uses
- Flexibility in Requirements – Allow the Planning Commission to review varying project needs to safeguard communities
- Financial Assurance for Decommissioning – Consider how we might be able to guarantee funds for decommissioning activities
- Economic Benefit – Better identify how communities may benefit from this requirement



How Do We Compare?

- ➔ Consideration of available regulatory framework from nearby jurisdictions
 - Los Angeles County – (In Progress) Updating Renewable Energy Ordinance in Zoning Code to include BESS regulations (in progress)
 - San Diego County – (In Progress) Developing Land Use/Planning Development Standards for BESS Facilities
 - City of Menifee – Has an Adopted Energy Storage Facilities Ordinance
- ➔ County of Orange – First County in the State to release a draft zoning code amendment text for regulating BESS facilities



BESS Facilities Example

- ➔ Key Takeaway – Proximity to existing substations and energy demand



10 Megawatt BESS facility in San Diego

Next Steps



May/June 2025 – Gain feedback from OCFA and other key energy stakeholders on first draft of the proposed zoning code amendment text.



July/August 2025 – Present proposed BESS Facilities Ordinance to the Planning Commission to request recommendation to the Board of Supervisors



Recommended Actions

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



BESS Website

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

OC DEVELOPMENT SERVICES

- Orange County Fire Hazard Severity Zones Map
- 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 Projects

BATTERY ENERGY STORAGE SYSTEM FACILITIES

The County of Orange is the process of developing an ordinance: Battery Energy Storage Systems (BESS) facilities located within unincorporated areas of the County of Orange.

UPCOMING/PREVIOUS ACTIVITIES

Planning Commission Meeting - May 28, 2025

- [Second 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

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
- [Presentation to Planning Commission - March 26, 2025 Study Session](#)

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

OC DEVELOPMENT SERVICES

- Applications and Forms
- Pre-Approved Accessory Dwelling Unit (ADU) Plans
- Codes and Regulations
- Public Notices
- + Hearings & Meetings
- + Current Projects**
- All Districts Projects

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

