

# Battery Energy Storage Systems (BESS) Referral

Board of Supervisors

Item #19

November 18, 2025



# Referral

- Referral from Supervisor Church (2025.15)
  - Interim Ordinance
    - Temporary Moratorium on BESS systems
    - Work on new policies for the regulation of BESS
- Preliminary Response
  - Projected challenges
  - Timing
  - Projected costs

# Interim Ordinance

- An ordinance temporarily prohibiting BESS (4/5ths vote required)
  - Without following the procedures otherwise required for adoption of a zoning ordinance (as an urgency measure)
  - In order to protect the public safety health and welfare
  - May be in conflict with rules intended to be studied within a reasonable time
- Challenges
  - Energy Commission certification process as an alternative to local permitting
  - Must commit to studying new rules for BESS within the timeframe
- Timing
  - Return to Board in January 2025 with ordinance
  - Good for 45 days but may be extended for up to a 2 year period
    - 10 months and 15 days
      - Then extended again by 1 year, if needed; or
    - 22 months and 15 days
- Costs – Minimal/No impact on General Fund\*
  - Orange and Solano County examples

# New Rule Making

- Required in conjunction with adoption of interim ordinance
- Must follow regular procedures for development, review, and adoption
  - Data gathering and analysis
  - Public Outreach
  - Ordinance drafting
  - CEQA determination
  - Public hearings
  - Costal Commission certification (in Coastal Zone)

# Preliminary Responses

- Challenges
  - Ability to circumvent local permitting
  - Inter Department/Agency coordination
  - Evolving science and regulatory landscape
  - County resources and priorities
- Timing
  - No greater than 2 years under interim ordinance
  - Will depend on complexity and consensus around policy decisions
- Costs
  - Difficult to estimate across multiple departments
  - Technical/consultant support rough estimate - \$100k

# HCD Long-range Planning priorities

- 1) Housing Element 6<sup>th</sup> Cycle Update, Rezoning and Implementation
- 2) Permit Process Streamlining
- 3) Castroville Community Plan Update
- 4) Moss Landing Community Plan Update
- 5) Chualar Community Plan
- 6) Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project
- 7) Safety Element Update
- 8) Environmental Justice Element
- 9) Vacation Rental Ordinances (coastal certification)
- 10) Accessory Dwelling Unit Ordinances & Land Use Plans (coastal certification; Inland)
- 11) Big Sur Coast Land Use Plan Update; and
- 12) Fort Ord Habitat Resource Management Plan

# Action

- Receive Preliminary Response to Referral 2025.15 (BESS)
- Provide direction to staff:
  - Proceed with interim ordinance and new rule making