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**Agenda Item
Regular Meeting of the
Board of Supervisors
Tuesday, June 23, 2026**

Item Number: 2.2

MEETING DATE: 06/23/2026

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Stephanie Reck

DEPT HEAD/DIRECTOR: Abraham Prado

SUBJECT:

(CONTINUE THE ITEM OFF CALENDAR)

RESOURCE MANAGEMENT AGENCY/PLANNING AND BUILDING - A. PRADO

(To be heard at 9:30 AM or as soon thereafter as the matter may be heard)

1. Open the public hearing and receive a presentation regarding proposed amendments to San Benito County Code Title 25 (Zoning), including Chapters 25.03 (Zoning Map and Districts) and 25.08 (Standards for Specific Uses), adding section 25.08.032 (Battery Energy Storage Systems), and receive the recommendation from the June 17, 2026 first reading of the Planning Commission; and
2. Conduct the public hearing, receive public testimony, and close the public hearing; and
3. Introduce, waive the second reading, and adopt "An Ordinance of the Board of Supervisors of the County of San Benito amending San Benito County Code Title 25 (Zoning), including Chapters 25.03 (Zoning Map and Districts) and 25.08 (Standards for Specific Uses), adding section 25.08.032 (Battery Energy Storage Systems)."

SBC FILE NUMBER: 790

ORDINANCE NO.: 1096

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

Planning Commission June 17, 2026 Public Hearing:

On June 17, 2026, the Planning Commission conducted a public hearing on the proposed Battery Energy Storage System (BESS) ordinance. Following discussion and public testimony, the Commission continued the item to its regular meeting of August 19, 2026, to allow staff additional time to refine the ordinance and prepare supplemental information.

The Planning Commission directed staff to evaluate the inclusion of battery chemistry restrictions, including prohibitions on certain battery technologies such as Nickel Manganese Cobalt (NMC). The Commission also requested additional mapping exhibits illustrating the combined effect of proposed development constraints, including Prime Farmland, Farmland of Statewide Importance, fire severity zones, and the proposed one-half-mile buffer from Spheres of Influence (SOIs) and Census Designated Places (CDPs), to better understand the areas that would remain eligible for BESS development under the proposed regulations.

Background:

Since the moratorium on BESS applications was implemented, in addition to speaking with a Battery Energy Storage Specialist, the County has been in communication with representatives from several other jurisdictions, including Solano County, Santa Cruz County, Ventura County, and others, regarding the development of BESS regulations. Staff has also reviewed Solano County's adopted BESS Ordinance, as well as draft ordinance preparation materials from Santa Cruz County, Ventura County, San Diego County, and other agencies as part of its research and ordinance development process. The County's approach has been to gather information from a wide range of technical experts, public agencies, and existing regulatory models to help inform development of a comprehensive and locally appropriate ordinance.

Pending direction from the Board, staff will present the draft Battery Energy Storage System (BESS) ordinance for consideration at a public hearing before the San Benito County Planning Commission at its regular meeting on June 17, 2026, followed by a public hearing before the San Benito County Board of Supervisors at its regular meeting on June 23, 2026.

The following provides an update on the work completed to date and summarizes the key provisions currently under consideration for inclusion in the County of San Benito's draft BESS ordinance.

Purpose:

The purpose of the BESS ordinance is, in part, to protect the health, safety, and welfare of the public; preserve the quality of life of County residents; ensure compatibility between energy storage facilities and surrounding land uses; and mitigate potential environmental impacts associated with the development and operation of such facilities.

Land Use and Siting Standards:

The draft ordinance will establish where Battery Energy Storage Systems (BESS) may be permitted within the County, including the applicable permit requirements, and identify those land use designations where such facilities will not be allowed. The County's land use classifications include Agricultural, Residential, Commercial, Industrial, and Public/Quasi-Public zoning districts, each of which will be evaluated for compatibility with BESS development.

In addition to establishing permitted locations and permit requirements, the ordinance will include development and operational standards intended to protect public health, safety, welfare, and the environment. These standards will address, among other topics, Fire Hazard Severity Zones as designated by Cal Fire, Federal Emergency Management Agency (FEMA) floodplain areas, minimum setbacks from property lines and sensitive receptors, access road requirements, emergency vehicle access, ingress and egress standards, site security measures, noise limitations, and other applicable design, safety, and operational requirements.

Battery Chemistry Technology:

The draft ordinance will include requirements related to battery technologies and facility design intended to minimize the risk of thermal runaway events. Thermal runaway occurs when a battery cell experiences an uncontrolled increase in temperature, which can lead to a fire, the release of flammable and toxic gases, and the propagation of failure to adjacent battery cells. In addition to fire hazards, thermal

runaway events can present risks associated with air quality, environmental contamination, extended emergency response operations, and public and first responder safety.

Recent incidents involving lithium-ion battery energy storage facilities have highlighted these concerns. For example, one of the world's largest lithium battery storage plants, located in Moss Landing in Monterey County, caught fire on January 16, 2025, marking the fourth reported fire at the facility since 2019. Also, the fire at the Otay Mesa Gateway Energy Storage Facility in San Diego County on May 15, 2024, resulted in a prolonged response that lasted approximately fourteen days. Such incidents have emphasized the unique challenges associated with lithium-ion battery fires and the importance of implementing appropriate siting, design, operational, monitoring, and emergency response requirements for BESS facilities.

When discussing the challenges associated with the Otay Mesa Battery Energy Storage System fire in the County of San Diego, Battalion Chief – Regional Alternative Energy Emergency Response Coordinator San Diego Fire – Rescue Department Robert Rezende explained that lithium-ion battery fires are particularly difficult to extinguish because thermal runaway is a chemical reaction occurring within the battery itself. He noted that such incidents may present explosive hazards associated with hydrogen gas production and that traditional fire suppression methods are often ineffective. According to Battalion Chief Rezende, emergency responders may attempt to cool battery cells to interrupt the thermal runaway process; however, in some circumstances, the safest and most effective response may be to allow the batteries to burn until the available fuel within the cells is consumed. This perspective is reflected in coverage by CBS 8 San Diego regarding the Otay Mesa BESS fire and can be accessed through the following link: <https://www.youtube.com/watch?v=YRnNfFuQwNk>

Battalion Chief Robert Rezende also presented a video titled Building The Plane As We Fly It: Managing Lithium-Ion Battery Emergencies, dated August 27, 2024, through the Naval Postgraduate School in Monterey, California. The presentation discusses lithium-ion battery chemistry, fire risks, and emergency response considerations. While the entire presentation is informative, discussion specific to Battery Energy Storage Systems (BESS) begins at approximately 20 minutes and 37 seconds. The presentation can be accessed through the following link: <https://nps.edu/web/nps-video-portal/-/building-the-plane-as-we-fly-it-managing-lithium-ion-battery-emergencies>

The draft ordinance will also establish responsibility requirements for Battery Energy Storage System (BESS) facility owners and operators in the event of a thermal runaway incident or other facility-related emergency. Such requirements may include reimbursement to public agencies for costs associated with emergency response, fire suppression, environmental assessment, investigation, monitoring, remediation, and other related activities arising from a facility-related incident.

Impact Mitigation Measures:

The ordinance will require that all Battery Energy Storage System (BESS) applicants be subject to applicable mitigation measures, conditions of approval, fees, contributions, or other obligations as determined necessary by the County. Such requirements may include, but are not limited to, funding or provision of fire response equipment, site-specific training for emergency responders, and improvements to emergency communications and emergency communication improvements.

Safety Standards and Certifications:

The BESS ordinance will establish comprehensive safety requirements applicable to all application submittals. Each project will be required to prepare an Emergency Response Plan in coordination with local emergency response agencies. The plan shall address, at a minimum, site access, equipment locations, identification of potential hazards to responders, and any additional requirements identified by emergency response agencies.

The ordinance will also require on-site training for fire service and emergency response personnel, as

well as the preparation of a hazard mitigation analysis consistent with NFPA 855. Additional technical studies, prepared by a California-licensed Fire Protection Engineer, will include fire risk analysis, fire suppression and deflagration protection analysis, water supply evaluation, fire alarm and detection systems, gas detection systems, and a maintenance plan for BESS equipment in accordance with applicable NFPA standards.

Further, the ordinance will require technical studies prepared by qualified third-party subject matter experts selected by the County, with all associated costs borne by the applicant. These studies will evaluate, among other factors, the chemical composition of potential BESS fire emissions and associated human, wildlife, and environmental health impacts, including distance-based exposure thresholds. They will also analyze potential runoff from fire suppression activities and associated impacts to groundwater, wildlife, waterways, and other environmental resources.

In addition, the ordinance will require the preparation and submission of an annual report by BESS operators to the County. The report shall include, at a minimum, any security incidents, hazardous events, fires, law enforcement responses, air quality monitoring data, and other information as determined necessary by the County.

The ordinance will further require that BESS facilities incorporate both active and passive fire and explosion detection systems, including gas detection systems meeting applicable standards. These systems must be capable of detecting hazardous or explosive gases, initiating alarms, and activating ventilation or other mitigation systems to reduce risks associated with thermal runaway events. The Battery Management System shall be required to transmit alerts to an approved monitoring location upon detection of hazardous conditions and shall be monitored on a twenty-four (24) hour, seven (7) day per week basis.

Decommissioning:

The BESS ordinance under consideration by the County of San Benito would include requirements for the preparation and implementation of a decommissioning plan. The plan would be expected to incorporate any agreements between the applicant and the landowner(s) of the property on which the BESS facility is located, and would provide for the restoration of the site to a usable condition following cessation of operations. This would include the removal of all above-surface facilities and infrastructure with no ongoing operational purpose.

The proposed ordinance would also establish financial assurance requirements to ensure adequate funding for decommissioning activities. Such financial assurance would be provided by the applicant and would not be less than the estimated cost of decommissioning the facility, as determined by a third-party cost estimate prepared by a consultant selected by the County and funded by the applicant. In the event the owner or operator fails to complete required decommissioning activities, the County would be authorized to use the financial assurance to complete the work.

In addition, the ordinance would address requirements for the proper recycling and disposal of battery cells and related components as part of the decommissioning process.

Conclusion:

The item before the Board of Supervisors today is a request to continue the item off calendar.

Staff notes that relatively few jurisdictions in California have adopted comprehensive BESS-specific ordinances to date. Several counties, including Santa Cruz and San Diego, are actively developing or considering such regulations. San Benito County staff has been working on the development of a BESS ordinance under direction from the Board of Supervisors since March 2025. By comparison, San Diego County has been engaged in BESS ordinance development since prior to 2024 and is anticipated to conduct public hearings on adoption in late 2026 or 2027. In 2024, the San Diego County Board of Supervisors directed the San Diego County Fire Protection District to collaborate with CalFire and

retained a fire protection engineering firm to complete a BESS Best Practices Study. That effort includes, among other components, evaluation of current fire code requirements and potential revisions to improve BESS facility safety, as well as guidance for technical studies required for individual projects.

FISCAL IMPACT:

\$50 CEQA Notice of Exemption filing fee charged to Planning Department

STAFF RECOMMENDATION:

1. Continue the item off calendar.

ATTACHMENTS:

[Agenda Fact Sheet - BESS](#)

[Free Lance Notice \(BESS\)](#)