



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

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Item Number: 8.1

MEETING DATE: 08/19/2026

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Abraham Prado

SUBJECT:

RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING - Review and provide recommendation to the Board of Supervisors on proposed text amendments to San Benito County Code Title 25 (Zoning) of the San Benito County Code, said amendments including San Benito County Code Chapters 25.01 (General Provisions and Administration), 25.02 (Permits and Other Planning Actions), 25.03 (Zoning Map and Zoning Districts), 25.07 (General Development Standards), 25.08 (Standards for Specific Uses), and 25.09 (Glossary). SBC FILE NUMBER: 790. RESOLUTION NUMBER 2026-09.

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

The County has been developing a regulatory framework for Battery Energy Storage Systems (BESS) under the direction of the Board of Supervisors since March 2026. During this process, staff has consulted with battery energy storage specialists, representatives from other jurisdictions, and reviewed adopted and draft BESS regulations from other California jurisdictions to assist in developing a comprehensive regulatory framework appropriate for San Benito County.

As background, the Board of Supervisors adopted a moratorium on the processing of new BESS applications on March 10, 2026, while the County evaluated appropriate land use, safety, environmental, and operational regulations for BESS facilities. The Board subsequently extended the moratorium for an additional 45 days on April 28, 2026, and further extended the moratorium on June 9, 2026, for an additional 10 months and 15 days, pursuant to applicable Government Code provisions.

Consistent with the Board's direction, staff presented the draft BESS Ordinance at a public hearing before the Planning Commission on June 17, 2026. The June 17, 2026, staff report provided an overview of the proposed ordinance, including land use and siting standards, battery chemistry technology, safety standards and certifications, impact mitigation measures, monitoring requirements, and decommissioning requirements. The June 17, 2026 staff report is attached for reference.

During its deliberations on June 17, 2026, the Planning Commission directed staff to further evaluate the potential inclusion of restrictions on specific battery chemistries and technologies, including the potential prohibition of Nickel Manganese Cobalt (NMC) batteries. The Commission also requested additional mapping exhibits to better illustrate the effects of the proposed BESS exclusion areas and other proposed sitting restrictions.

Specifically, the Planning Commission requested mapping depicting:

- Prime Farmland;
- Farmland of Statewide Importance;
- Farmland of Local Importance;
- Fire Hazard Severity Zones;
- The proposed one-half-mile setback from the City of Hollister;
- The proposed one-half-mile setback from the City of San Juan Bautista;
- Spheres of Influence (SOIs); and
- Census Designated Places (CDPs)

The Planning Commission further requested a composite map combining these restrictions to better illustrate the cumulative effect of the proposed BESS exclusion areas and provide a clearer understanding of the areas that would remain potentially eligible for BESS development under the proposed ordinance. The Planning Commission continued consideration of the ordinance to the August 19, 2026 Planning Commission meeting for further consideration and potential recommendation to the Board of Supervisors. Pending the Planning Commission's recommendation, the proposed ordinance would be scheduled for consideration by the Board of Supervisors at a future meeting.

August 19, 2026 Update:

In response to the Planning Commission's direction, staff has made the following updates for consideration at the August 19, 2026 San Benito County Planning Commission Meeting:

1. Battery Chemistry - NMC Restriction

The draft BESS Ordinance has been revised to include a specific prohibition on Nickel Manganese Cobalt (NMC) battery chemistry.

The proposed prohibition is located in Section 25.08.032(E)(1) – Battery Chemistry Technology of the attached draft ordinance. Section E.1 provides that BESS facilities regulated under the ordinance shall not utilize NMC battery chemistry or battery technology utilizing Nickel Manganese Cobalt.

This provision was added in response to the Planning Commission's June 17, 2026 direction to evaluate restrictions on specific battery chemistries. The existing battery-technology provisions are intended to minimize the risk of thermal runaway and require documentation evaluating the proposed battery technology's risk of thermal runaway.

2. Updated BESS Exclusion Area Mapping

Staff has prepared additional mapping in response to the Planning Commission's direction. The mapping illustrates the geographic effect of the proposed BESS exclusion criteria, including:

- Prime Farmland;
- Farmland of Statewide Importance;
- Farmland of Local Importance;
- Fire Hazard Severity Zones;
- The proposed one-half-mile setback from the City of Hollister;
- The proposed one-half-mile setback from the City of San Juan Bautista;
- Spheres of Influence (SOIs);
- Census Designated Places (CDPs); and
- Zoning.

A composite map has also been prepared to show the cumulative effect of these proposed restrictions and provide the Planning Commission with a clearer understanding of the areas that would remain potentially eligible for BESS development. Based on the current mapping, there are approximately 164,686 acres, or approximately 22.68 percent of the mapped area, outside of the proposed BESS exclusion zones, and approximately 725,864.77 acres, or approximately 77.32 percent, within the proposed BESS exclusion zones.

3. Continued Consideration of the Draft Ordinance

Other provisions of the draft ordinance remain consistent with the ordinance considered by the Planning Commission on June 17, 2026, including land use and siting standards, setbacks, fire safety requirements, emergency response planning, technical studies, monitoring, impact mitigation, and decommissioning requirements.

The draft ordinance continues to establish standards intended to address thermal runaway, fire and explosion hazards, emergency response, hazardous emissions, environmental impacts, and other potential risks associated with BESS facilities.

Pending approval by the Board of Supervisors, the existing BESS moratorium would be rescinded when the ordinance becomes effective, consistent with the Board's direction and the provisions of the adopted moratorium.

The development of the County's BESS regulatory framework has progressed through the following general schedule:

- March 10, 2026: The Board of Supervisors adopted a moratorium on the processing of new BESS applications while the County evaluated appropriate regulations for BESS facilities.
- April 28, 2026: The Board of Supervisors extended the BESS moratorium for an additional 45 days.
- June 9, 2026: The Board of Supervisors further extended the BESS moratorium for an additional 10 months and 15 days pursuant to applicable Government Code provisions.
- June 17, 2026: The Planning Commission held a public hearing on the draft BESS Ordinance. The Commission provided direction regarding additional battery chemistry restrictions, including consideration of prohibiting NMC battery technology, and requested additional mapping and a composite map showing the cumulative effect of the proposed BESS exclusion areas.
- August 19, 2026: The Planning Commission will consider the updated draft ordinance, including the proposed NMC battery chemistry prohibition and updated BESS exclusion area mapping, and may provide a recommendation to the Board of Supervisors.
- Future Board of Supervisors Meeting: Pending the Planning Commission's recommendation, the proposed ordinance would be scheduled for consideration by the Board of Supervisors. Upon approval and effectiveness of the ordinance, the BESS moratorium would be rescinded consistent with the Board's direction.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

No

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

No

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

STAFF RECOMMENDATION:

1. Staff recommends that the Planning Commission of the County of San Benito approve the attached resolution hereby recommending that the Board of Supervisors adopt the attached proposed ordinance amending San Benito County Code Title 25 (Zoning) including Chapters 25.03 (Zoning Map and Zoning Districts) and 25.08 (Standards for Specific Uses) adding section 25.08.032 (Battery Energy Storage Systems), as identified in **Attachment A** of this resolution; and

2. Direct Staff to present the second reading of the ordinance and drafted amendments to the Board of Supervisors.

ATTACHMENTS:

PC Meeting 8-19-2026 BESS Ordinance PPT
2026-06-17_RESpc 2026-09_Title 25 BESS With Exhibit A Ordinance.pdf
2026-08-19 PC Meeting_BOSord NO_X_Title 25 BESS.pdf
Summary of Changes
Staff Report June 17, 2026 PC Meeting BESS.pdf
COSB BESS FMMP FARMLAND MAP.pdf
COSB BESS FIRE SEVERITY MAP.pdf
COSB BESS ZONING MAP.pdf
COSB BESS COMBINING COMPOSITE MAP.pdf
1. Public Comment_Victor Gomez_Longroad Energy-Allium Email
2.A Public Comment_Jace McQuivey_Property Reserve Inc-Allium Letter
2.B Public Comment_Jace McQuivey_Property Reserve Inc-Allium Email
3.A Public Comment_Leslie Austin_Letter 1
3.B Public Comment_Leslie Austin_Letter 2
3.C Public Comment_Leslie Austin_Email
4.A Public Comment_Laren Cyphers_Longroad Energy-Allium Comment Matrix
4.B Public Comment_Laren Cyphers_Longroad Energy-Allium Letter
4.C Public Comment_Laren Cyphers_Longroad Energy-Allium Email
5.A Public Comment_CESA-ACP_Letter
5.B Public Comment_CESA-ACP_Email
6.A Public Comment_Jessica Ayala_BESS Model Ordinance Guide
6.B Public Comment_Jessica Ayala_Email
7.A Public Comment_Ron Cheshire_IBEW Local 234 Letter
7.B Public Comment_Ron Cheshire_IBEW Local 234 Comments
7.C Public Comment_Ron Cheshire_ESAMTAC White Paper
7.D Public Comment_Ron Cheshire_IBEW Local 234 Email
Free Lance (BESS)