

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA MARIA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF AMENDMENTS TO TITLE 12, TO ADD A NEW DEFINITION FOR BATTERY ENERGY STORAGE SYSTEMS (“BESS”) TO CHAPTER 12-2, LIMITING THEIR LOCATION TO THE CITY’S GENERAL MANUFACTURING DISTRICT CONTAINED IN CHAPTER 12-17 WITH A CONDITIONAL USE PERMIT AND/OR PLANNED DEVELOPMENT PERMIT, AND ESTABLISHING SPECIFIC DEVELOPMENT STANDARDS FOR CERTAIN BESS USES

WHEREAS, the City of Santa Maria is a California municipal corporation and charter City (“City”); and

WHEREAS, in general, a Battery Energy Storage Systems (“BESS”) facility collects energy from the grid, stores it, and then discharges that energy later to provide electricity or other grid services when needed, typically at times of high demand; and

WHEREAS, the City’s Zoning Ordinance classifies and regulates the uses of land, buildings, and structures within the City in accordance with the City’s General Plan; and

WHEREAS, the provisions of the City’s Zoning Ordinance are necessary to ensure orderly and beneficial development of the City; and

WHEREAS, the City Municipal Code does not have definitions, land use policies or standards in place to regulate the location and operation of BESS facilities within City limits, which would address compatibility with surrounding uses and safety, among other issues; and

WHEREAS, on October 7, 2023, the Governor of California signed into law Senate Bill (“SB 38”), which amends the California Public Utilities Code Section 761.3 to address safety concerns with BESS projects. SB 38 requires every BESS facility in California to establish an emergency response and emergency action plan for the facility to protect surrounding residents, neighboring properties, emergency responders, and the environment. The BESS facility owner or operator must coordinate with local emergency management agencies, unified program agencies, and local first responders to develop the plan, and submit the plan to the county where the facility is located; and

WHEREAS, SB 38 recognizes the many hazards that BESS facilities can create given the fairly new technology, lack of long-term study of the performance and risk associated with these facilities, as well as the ever-increasing megawatt capacity of these projects; and

WHEREAS, there have been several recent fires at BESS facilities both in California and nationwide. BESS facilities that use lithium-ion batteries create particularly unique fire and explosion hazards. Information suggests that lithium-ion batteries are

potentially safe and stable when installed properly, however, certain conditions elevate the risk of fire and thermal runaways, such as impact, puncture, or mechanical damage, overcharging, overheating, and/or short circuits; and

WHEREAS, on January 16, 2025, a major fire broke out at an existing BESS facility in the unincorporated community of Moss Landing, forcing 1,200 area residents to evacuate, caused highway closures, and released smoke plumes that could pose a health threat to humans and wildlife in Monterey County; and

WHEREAS, the Title 12 amendments for BESS projects are in accordance with the provisions of the General Plan, including but not limited to the goals and policies furthering the City interest in reducing potential land use conflicts, promoting quality commercial and industrial development, protecting the community from unreasonable risks, reducing the likelihood of losses, dislocations and other negative Impacts to the community resulting from potential hazards within the Planning Area, and emergency incident prevention and response; and

WHEREAS, the Title 12 amendments for BESS projects are required for the public necessity, convenience and general welfare; and

WHEREAS, the City seeks to adopt these Title 12 appropriate development guidelines for BESS projects in order to ensure the public's health, safety and general welfare;

WHEREAS, on March 19, 2025, the Planning Commission conducted a noticed public hearing and voted to recommend that the City Council adopt the subject amendments; and

WHEREAS, at the public hearing, the Planning Commission heard and considered all evidence, including evidence presented in the staff report and all written and oral testimony; and

WHEREAS, notices of said public hearing were made at the time and in the manner required by law; and

WHEREAS, the Ordinance has been reviewed for compliance with the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.), and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the City's environmental procedures, and pursuant to CEQA Guidelines Section 15060(c)(2), the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. Additionally or alternatively, this Ordinance is exempt from CEQA under CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment, Section 15307 (Class 7, categorical exemption for regulatory activity to assure the protection of natural resources), and Section 15308 (Class 8, categorical exemption for regulatory activity to assure the protection of the environment).

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Santa Maria, that:

- Section 1. The above recitals are true and correct and incorporated herein by this reference.
- Section 2. The Planning Commission recommends that the City Council adopt the attached Ordinance amending Title 12, Chapters 12-2, and 12-17 as shown on Exhibit 1 attached hereto and incorporated herein by reference.
- Section 3. The records of these proceedings are located in the Planning Division of the City of Santa Maria, 110 South Pine Street #101, Santa Maria California 93458.
- Section 4. The Assistant Secretary of the Planning Commission is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance to the intent of this document is maintained. In doing so, the Assistant Secretary of the Planning Commission shall consult with the City Manager and the City Attorney concerning any changes deemed necessary.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Santa Maria, held March 19, 2025, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

ROBERT DICKERSON, CHAIR
Planning Commission

ATTEST:

DANA EADY, SECRETARY
Planning Commission

Exhibit 1 - Ordinance