

Issue Analysis Form (rev. July 2013)



Date: May 10, 2022
Item: Ordinance Amendment-Battery Storage Facility
Lead Department(s): Planning & Zoning Division, CDCC
Contact Person(s): Julie Walton, DCA - Dir. CDCC

Description and Current Status

Prince George County is requesting a Zoning Ordinance Text Amendment to permit the use of Battery Energy Storage Systems and facilities as a use allowed by Special Exception in the M-1, M-2, and M-3, A-1 and R-A zoning districts. In order for this to be permitted, staff is requesting the proposed Ordinance Text Amendment be approved.

Government Path

- | | | |
|--|---|--|
| Does this require IDA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require BZA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require Planning Commission action? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does this require Board of Supervisors action? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does this require a public hearing? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

If so, before what date?

Planning Commission Public Hearing: March 24, 2022

Board of Supervisors Public Hearing: May 10, 2022

Fiscal Impact Statement

There is not a fiscal impact to the County - Application fees are charged to applicants to assist with covering costs associated with case research, development, and presentation at Public Hearings.

County Impact

Adoption of an Ordinance provides clear guidance to applicants, staff, the Planning Commission and the Board of Supervisors when a case is presented. No negative feedback was received from the community prior to this report. This land use is necessary for utility companies to meet state and federal energy requirements. Staff has prepared appropriate requirements for this land use which are intended to limit any potential impacts on adjacent property owners and the surrounding community.

Notes



PLANNING COMMISSION STAFF REPORT

Public Hearing March 24, 2022

OA-22-01

Applicant: Prince George County

Case Manager: Julie C. Walton

I. Request

Prince George County is requesting a Zoning Ordinance Text Amendment to permit the use of Battery Energy Storage Systems and facilities as a use allowed by Special Exception in the M-1, M-2, and M-3, A-1 and R-A zoning districts. In order for this to be permitted, staff is requesting the proposed Ordinance Text Amendment be approved.

II. Meeting Information

Planning Commission Public Hearing: March 24, 2022
Board of Supervisors Public Hearing: May 10, 2022 (Tentative)

III. Background

Planning staff has received inquiries for “stand alone” battery energy storage use and development.

Battery Energy Storage Facilities store electrical energy that can be used for short periods of time to reduce peak power demand and lessen the likelihood of power outages. Currently, the Prince George County Zoning Ordinance does not permit this use as a “stand alone” use in any zoning district. They are currently only allowed when directly related to, and on site with, a solar energy facility (as an accessory use). This amendment will allow this land use as a primary use in certain districts by Special Exception, defines the use and associated terms, and adds supplemental regulations for the new land use.

The Virginia State Corporation Commission and the Virginia General Assembly have enacted regulations and legislation that require Virginia’s power companies to achieve the deployment of target levels of energy storage in Virginia by 2035. In addition, there are interim target dates for levels of active energy storage in 2025 and 2030. Current state regulations mandate that by 2045, all of Dominion’s electricity used in Virginia is required to be generated from clean energy sources (wind, solar, hydro, bio, etc.).

Battery energy storage facilities typically are located close to power substations and grid lines. However, as technology advances, the facilities may be able to be located separate from substations. The amendment text addresses setbacks from adjoining properties, buffers, and noise levels in an effort to mitigate any potential impacts on surrounding uses/properties.

Staff has developed the proposed Ordinance text amendment in consultation with the County Attorney, other localities, and our consultants with the Rural Solar Development Coalition.

IV. Planning and Zoning Review Comments

1. Expected impacts on adjacent properties and roadways:
Expected impacts (such as noise, sight, access, decommissioning, etc.) are addressed in the Ordinance amendment and mitigated by the requirements.
2. Other zoning approvals/processes required:
A proposed project will be subject to the Special Exception process. If approved, a project would be required to submit site plans for review by all relevant County departments and state agencies.

V. Supplemental Staff Review Comments

Virginia Department of Transportation (VDOT) - Paul Hinson, Area Land Use Engineer

1. Section 8.B. Site Access – Section discussed need to maintain entrance to fire department standards. Did not know if mention needed to VDOT entrance standards or if this is covered by reference to site plan requirements.

The departments below reviewed this request and had no addition comments.

Building Inspections Division – Charles Harrison III, Building Official
Economic Development – Stacey English, Economic Development Specialist
Utilities Department - Frank Haltom, Director of Engineering and Utilities
Real Estate Assessor - Carol Crawford, Real Estate Operations Coordinator
Fire & EMS Department – Chief Paul Beamon
Environmental Division - Angela Blount, Environmental Program Coordinator
Police Department / Sheriff's Department
Prince George County Public Schools – Dr. Lisa Pennycuff, Superintendent
Virginia Department of Health - Alice Weathers, Environmental Health Specialist
Planning and Zoning Division - Andre Greene, Planner II and Tim Graves, Planner I

VI. Public Notice and Community Feedback

1. Staff ran the required legal ads for this request in the *Progress-Index* prior to the public hearing. Copies are included for your reference.
2. Comments from interested parties were received prior to finalizing this report, and copies are included for your review.

VII. Staff Recommendation

APPROVAL

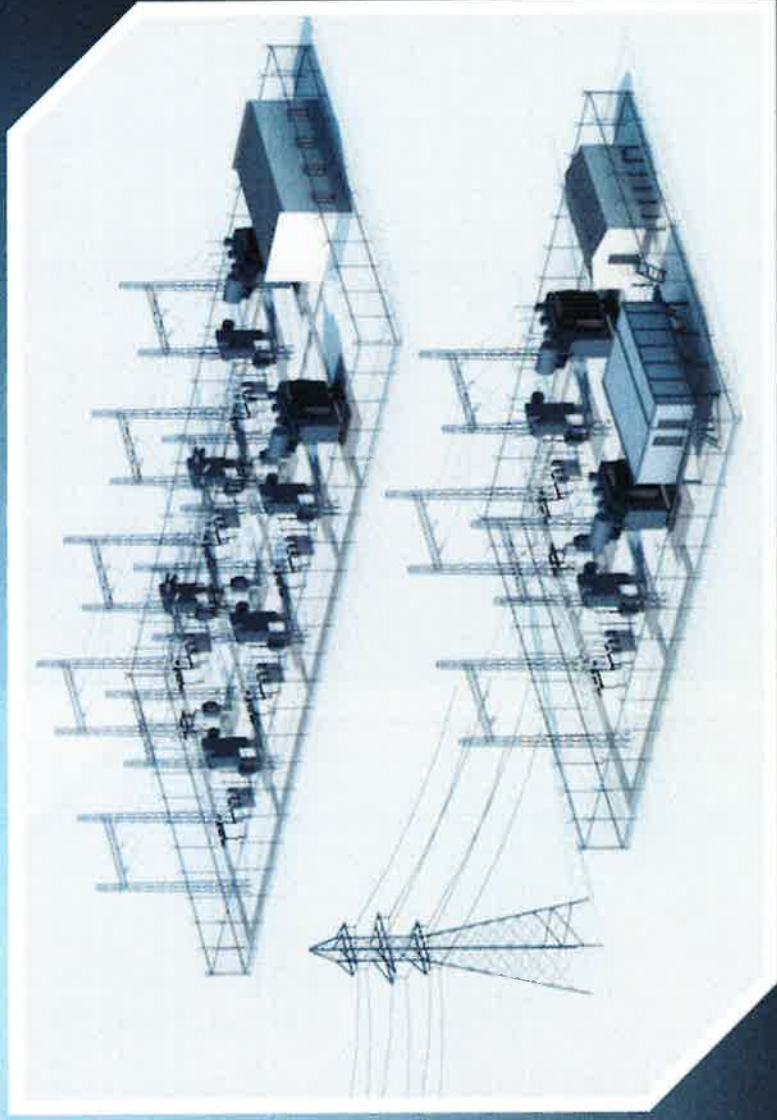
This recommendation is based on the following considerations:

1. No negative feedback was received from the community prior to publishing this staff report.
2. This land use is necessary for utility companies to meet state and federal energy requirements.
3. Staff has prepared appropriate requirements for this land use which are intended to limit any potential impacts on adjacent property owners and the surrounding community.

ORDINANCE AMENDMENT - BATTERY STORAGE FACILITIES

ENERGY STORAGE
FACILITIES

DRAFT ORDINANCE
REVIEW



BATTERY STORAGE FACILITY ZONING USE

- This type of facility is not currently addressed in Prince George County's Zoning Ordinance as a "stand alone" use
- Have received a request to add the use and definition to the Code
- Staff has developed a Draft Ordinance for consideration; defining the Use, Application as Special Exception, Zoning Districts, etc.
- Recommend an internal policy for guidance on application reviews and standard conditions for Special Exception requests

BATTERY STORAGE FACILITY EXAMPLES



BATTERY STORAGE FACILITY EXAMPLES



WHY BATTERY STORAGE?

- Regulations established the requirement of power companies to provide for 3,100 MW of available energy storage in Virginia by 2035, most among states in the nation.
- Energy storage is valued for its rapid response – most battery storage technologies can begin discharging power to the grid very quickly, while fossil fuel sources tend to take longer to ramp up. This rapid response is important for ensuring stability of the grid when unexpected increases in demand occur or temporary outages.

BATTERY STORAGE FACILITY ORDINANCE CONSIDERATIONS

- Proximity to electrical substation or transmission line
- Size of facility ("footprint") and size of lot/property where located (acreage)
- Distance to adjoining properties and structures
- Hazard protections (There are many different types of batteries that have large-scale energy storage potential including sodium-sulfur, metal air, lithium ion, and lead-acid batteries)
- Provider agreement in place with Energy company? (Dominion or PG&E)
- Facility screening and security

WHERE WOULD THEY GO? SUBSTATION LOCATIONS IN PRINCE GEORGE

	Street Name	PIN	Legal Owner	Acres
1	Fine St	11A(01)00-015-0	VIRGINIA ELECTRIC	3.125
2	Heritage Rd	260(0A)00-052-0	PRINCE GEORGE ELI	36.24
3	West Quaker	340(06)00-002-A	PRINCE GEORGE ELI	29.1066
4	Prince George	440(0A)00-078-C	PRINCE GEORGE ELI	5.45
5	Arwood Rd	540(02)00-001-A	VIRGINIA ELECTRIC	1
6	Middle Rd 1	120(0A)00-017-A	PRINCE GEORGE ELI	2.11
7	Middle Rd 2	120(0A)00-017-B	DOMINION VIRGIN	5.663
8	Lamore Dr	340(0A)00-062-G	VIRGINIA ELECTRIC	5.2

BATTERY STORAGE FACILITY ORDINANCE CONSIDERATIONS

- Facilities should be sited to avoid wetlands, floodplains, environmental concerns
- Fire and explosion risk mitigation - Mitigation measures should include: battery testing, failure testing and explosion mitigation, fire testing, and training for First Responders

- Developing a water containment plan as a component of a Battery Fire Action Plan



BATTERY STORAGE FACILITY ORDINANCE REVISIONS TO DRAFT

- Pg. 4: Added clause for removal and disposal of individual units at EOL or if damaged, degraded

C. All battery storage systems which include batteries of various chemistries and types, are classified as hazardous waste upon reaching end-of-life (EOL) or in a condition/state of degradation that requires replacement. Transport and Disposal of all such components and solid and hazardous waste shall be in accordance with local, state, and federal hazardous waste disposal regulations.

- Pg. 5: Amended allowable noise levels, based on stakeholder feedback
- Pg. 9: Added the defined Use to applicable zoning district sections

COMMENTS RECEIVED:

➤ Section 7(H)(1): Setbacks

Comment received concerning 100' setback or zoning district setback, whichever is greatest

Staff's recommendation is to retain current language without modification

➤ Section 7(E): Noise

Comment received to increase the allowable noise decibel level from 20 dBA to 55 or 60 dBA

Staff's recommendation is to retain current 20 dBA level, but revisions made to where measured, and higher levels for non-residential areas.

➤ Section 7(F)(1): Decommissioning Plan

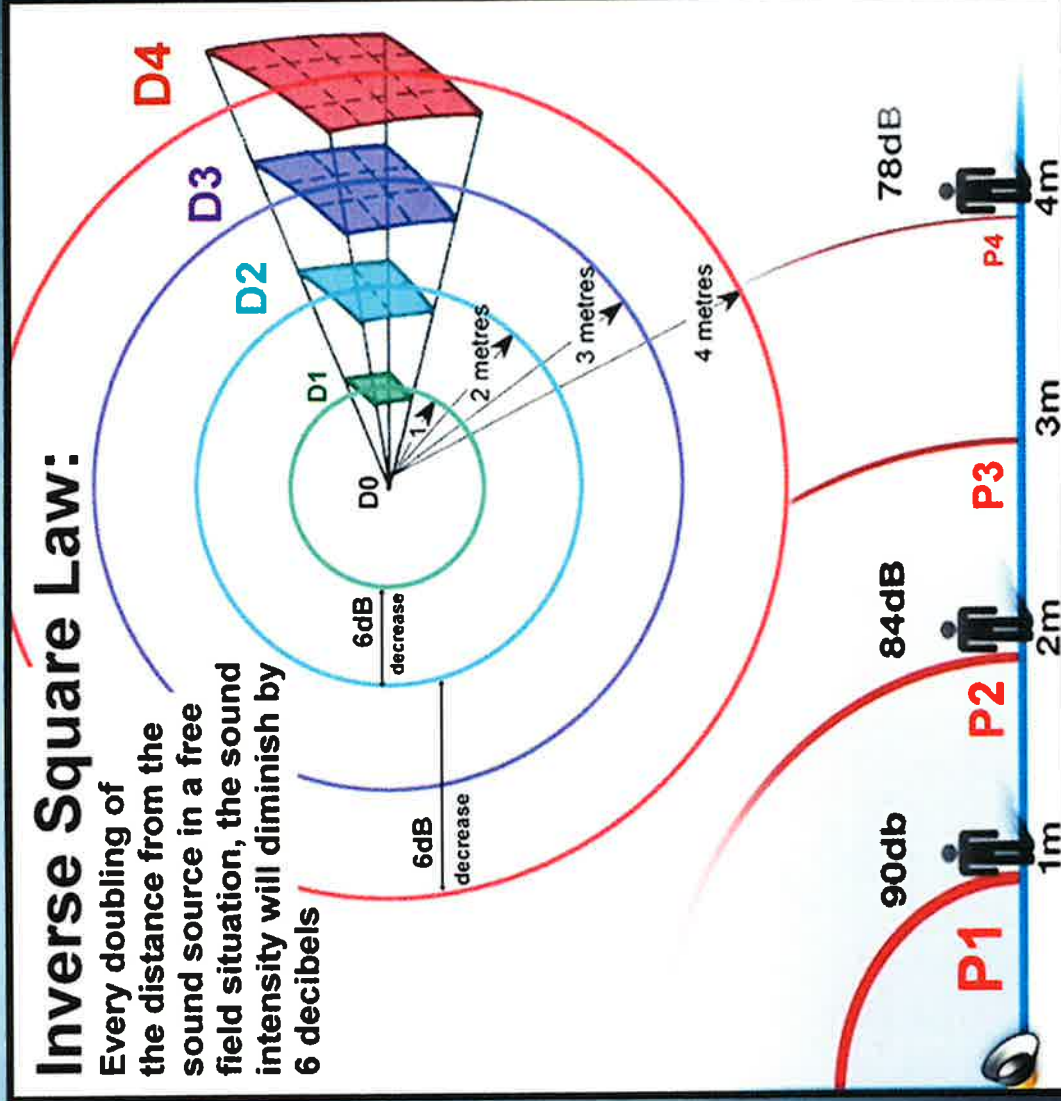
Comment received to include revisiting time frames for the plan

Section 7(F)(1) items (e.) and (f.) address this concern

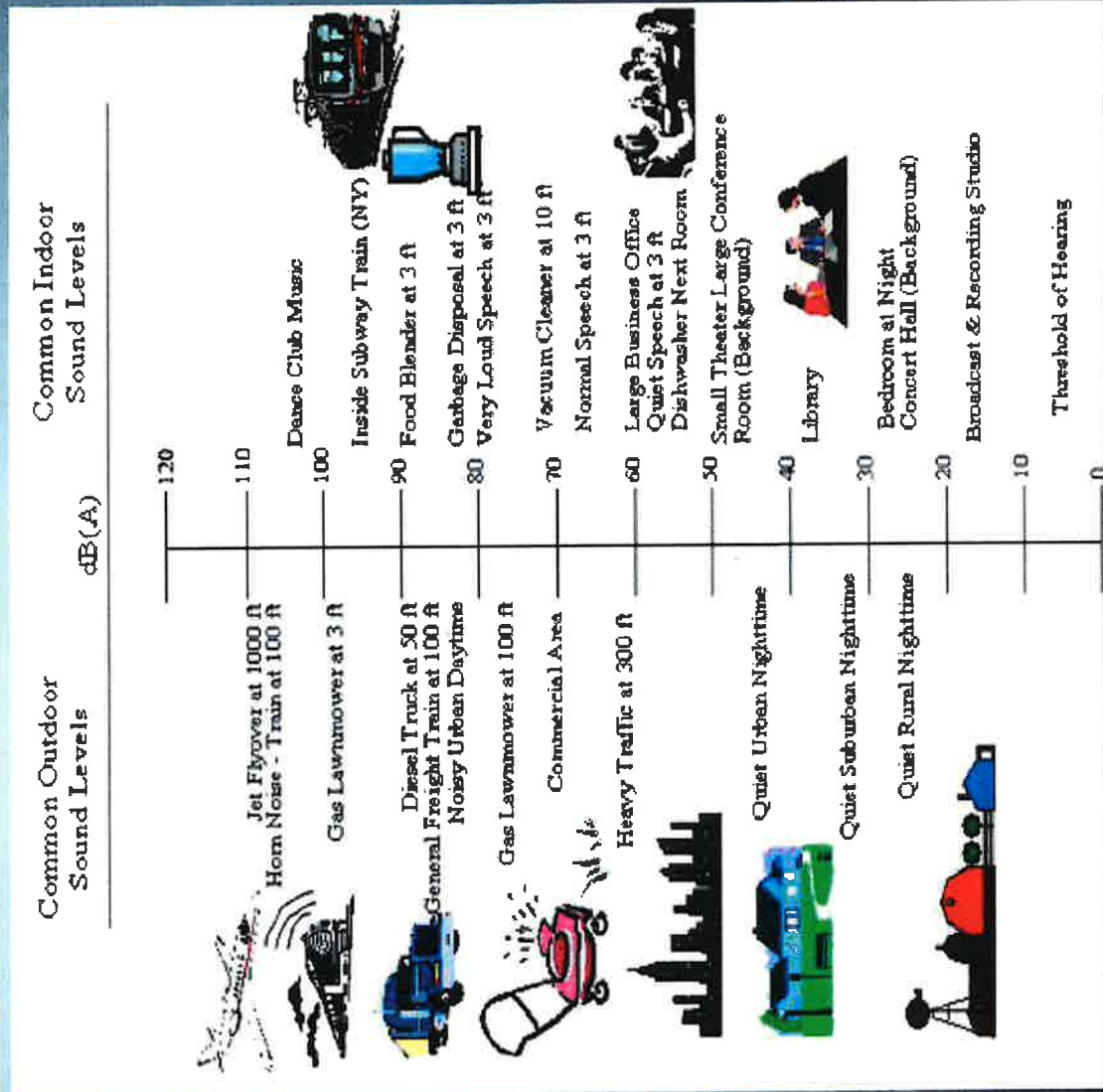
EXAMPLE OF SOUND REDUCTION OVER DISTANCE

Inverse Square Law:

Every doubling of the distance from the sound source in a free field situation, the sound intensity will diminish by 6 decibels



DECIBEL LEVELS FOR COMMON SOUND LEVELS



ORDINANCE AMENDMENT - BATTERY STORAGE FACILITIES

- Received feedback from PC and BOS on Draft Ordinance; revisions and additions made
- Public Hearing for Ordinance Consideration
- Additional revisions based on PC Work Session discussion

Questions?

ORDINANCE TO AMEND "THE CODE OF THE COUNTY OF
PRINCE GEORGE, VIRGINIA", 2005, AS AMENDED, BY
ADDING § ~~↔~~90-1042 TO PROVIDE REQUIREMENTS FOR BATTERY ENERGY
STORAGE SYSTEMS, AND BY MODIFYING § 90-443, § 90-493, § 90-543, § 90-53 AND §
90-103 TO ADD TIER 2 BATTERY ENERGY STORAGE SYSTEMS AS A USE
PERMITTED BY SPECIAL EXCEPTION IN THE M-1, M-2, M-3, A-1 AND R-A ZONING
DISTRICTS. LAW

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BE IT ORDAINED by the Board of Supervisors of Prince George County:

- (1) That The Code of the County of Prince George, Virginia, 2005, as amended, is amended by adding § ~~↔~~90-1042 as follows:

CHAPTER ~~↔~~90 - ZONING

Sec. ~~↔~~90-1042 – Battery Energy Storage Systems

1.– Authority.

This Battery Energy Storage Systems Ordinance is adopted pursuant to the Code of Virginia, § 15.2-2280, of the Commonwealth of Virginia, which authorizes the County of Prince George to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

2.– Statement of Purpose.

This Battery Energy Storage System Ordinance is adopted to advance and protect the public health, safety, welfare, and quality of life of the County of Prince George by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

- A. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;
- B. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;
- C. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and
- D. To create synergy between battery energy storage system development and the surrounding community.

3.– Definitions.

As used in this ~~Chapter~~Section, the following terms shall have the meanings indicated:

~~ANSI~~– American National Standards Institute

~~BATTERY(IES)~~– A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically.– For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

~~BATTERY ENERGY STORAGE MANAGEMENT SYSTEM~~– An electronic system that protects energy storage systems from operating outside their safe operating parameters

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and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM:— One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.— A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

- A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

CELL:— The basic electrochemical unit, characterized by an anode and cathode, used to receive, store, and deliver electrical energy.

COMMISSIONING:— A Systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING:— A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the latest adopted editions of the Virginia Uniform Statewide Building Code (“USBC”) and the International Building Code, and complies with the following:

- 1) The building’s only use is battery energy storage, energy generation, and other electrical grid-related operations.
- 2) No other occupancy types are permitted in the building.
- 3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- 4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
 - a) The areas do not occupy more than 10 percent of the building area of the story in which they are located.
 - b) A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

ENERGY CODE:— The Virginia USBC Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

FIRE CODE:— The fire code sections of the USBC and the Virginia Statewide Fire Prevention Code, as currently in effect and as hereafter amended from time to time.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL):— A U.S. Department of Labor designation recognizing a private sector organization to perform

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certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC:—National Electric Code.

NFPA:—National Fire Protection Association.

NON-DEDICATED-USE BUILDING:—All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

NON-PARTICIPATING PROPERTY:—Any property that is not a participating property.

NON-PARTICIPATING RESIDENCE:—Any residence located on non-participating property.

OCCUPIED COMMUNITY BUILDING:—Any building in Occupancy Group A, B, E, I, R, as defined in the USBC and/or the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

PARTICIPATING PROPERTY:—A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

UNIFORM CODE:—The Virginia Uniform Statewide Building Code adopted pursuant to § 36-98 of the Code of Virginia, as currently in effect and as hereafter amended from time to time.

4.—Applicability.

- A. The requirements of this Ordinance shall apply to all battery energy storage systems permitted, installed, or modified in the County of Prince George after the effective date of this Ordinance, excluding general maintenance and repair.
- B. Battery energy storage systems constructed or installed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance.
- C. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Ordinance.

5.—General Requirements.

- A. All battery energy storage system installations shall comply with site plan requirements in accordance with Section 90-824.

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BC. — All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Code of the County of Prince George.

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C. All battery storage systems which include batteries of various chemistries and types, are classified as hazardous waste upon reaching end-of-life (EOL) or in a condition/state of degradation that requires replacement. Transport and Disposal of all such components and solid and hazardous waste shall be in accordance with local, state, and federal hazardous waste disposal regulations.

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6.—Permitting Requirements for Tier 1 Battery Energy Storage Systems.

Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts, subject to the Uniform Code and are exempt from separate site plan review.

7.—Permitting Requirements for Tier 2 Battery Energy Storage Systems.

Tier 2 Battery Energy Storage Systems are permitted through the issuance of a Special Exception by the Board of Supervisors within the M-1, M-2, M-3, A-1 and R-A zoning districts, and shall be subject to the Special Exception application process, the USBC, and the site plan application requirements set forth in this Section. All applications shall address at a minimum the following items:

A. Utility Lines and Electrical Circuitry.— All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

A.

B. Signage.

1) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.

2) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface.— A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

2)

C. Lighting.—Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

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~~C.~~

D. Vegetation and tree-cutting.—Areas within 20 feet on each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire.—Removal of trees should be minimized to the extent possible.

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~~D.~~

E. Noise.—Noise. The average noise generated from the battery energy storage systems, components, and associated ancillary equipment at any time shall not exceed a noise level of 20 dBA as measured at the outside wall the property line of any surrounding non-participating residence or occupied community building in the R-A and A Zoning Districts. In M Zoning Districts, the average noise shall not exceed a noise level of 60 dBA at adjoining property lines. Applicants may submit equipment and component manufacturers' noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

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~~The average noise generated from the battery energy storage systems, components, and associated ancillary equipment at any time shall not exceed a noise level of 20 dBA as measured at the outside wall of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturers' noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.~~

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~~E.~~

F. Decommissioning.

~~F.~~

1) ~~Decommissioning Plan.~~—The applicant shall submit a decommissioning plan to be implemented upon abandonment and/or in conjunction with removal from the facility.

The decommissioning plan shall include:

- ~~a.~~ ~~a.~~—A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
- ~~b.~~ ~~b.~~—Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- ~~c.~~ ~~e.~~—The anticipated life of the battery energy storage system;
- ~~d.~~ ~~d.~~—The estimated decommissioning costs and how said estimate was determined;

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- ~~e. e.~~—The method of ensuring that funds will be available for decommissioning and restoration;
- ~~f. f.~~—The method by which the decommissioning cost will be kept current;
- ~~g. g.~~—The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
- ~~h. h.~~—A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

2) Decommissioning fund.—The owner and/or operator of the energy storage system shall continuously maintain the fund or bond payable to the County of Prince George, in a form approved by the County of Prince George for the removal of the battery energy storage system, in an amount to be determined by the County of Prince George, for the period of the life of the facility.—This fund may consist of a letter of credit from a State of New York/Virginia-licensed financial institution.—All costs of the financial security shall be borne by the applicant.

~~GH.~~—Site plan application.—For a Tier 2 Battery Energy Storage System requiring a Special Exception /~~Special Use~~ Permit, site plan approval shall be required.—Any site plan application shall include the following information in addition to the items listed in Section 90-824:

- ~~(1.)~~ ~~1)~~ Property lines and physical features, including roads, for the project site.
- ~~(2.)~~ ~~2)~~ Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
- ~~(3.)~~ ~~3)~~ A three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- ~~(4.)~~ ~~4)~~ A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed.—A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- ~~(5.)~~ ~~5)~~ Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system.—Such information of the final system installer shall be submitted prior to the issuance of building permit.
- ~~(6.)~~ ~~6)~~ Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.
- ~~(7.)~~ ~~7)~~ Zoning district designation for the parcel(s) of land comprising the project site.
- ~~(8.)~~ ~~8)~~ Commissioning Plan.—Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per

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requirements set forth in the all applicable codes. Battery energy storage system commissioning shall be conducted by a Virginia Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A report describing the results of the system commissioning and including the results of the initial acceptance testing shall be provided prior to final inspection and approval and maintained at an approved on-site location.

~~9)~~ Fire Safety Compliance Plan.

~~(9)~~

~~(10), (10)~~ Operation and Maintenance Manual.— Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information.

~~(11), (11)~~ Erosion and sediment control and storm water management plans.

~~(12), (12)~~ Emergency Operations Plan.

~~a. a.~~ Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

~~b. b.~~ Procedures for inspection and testing of associated alarms, interlocks, and controls.

~~c. c.~~ Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

~~d. d.~~ Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions.— Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

~~e. e.~~ Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

~~f. f.~~ Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.

~~g. g.~~ Water containment plan.

~~h. h.~~ Other procedures as determined necessary by the County of Prince George to provide for the safety of occupants, neighboring properties, and emergency responders.

~~i. i.~~ Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

~~III.~~ Special Exception / Use Permit Standards.

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~~(1)~~ ~~1~~ Setbacks.—Tier 2 Battery Energy Storage Systems shall comply with the setback requirements of the underlying zoning district for principal structures or 100 feet, whichever is greatest.

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~~(2)~~ ~~2~~ Lot size. Tier 2 Battery Energy Storage Systems shall have a minimum lot size of 5 acres and maximize buffer areas to adjoining properties regardless of lot topography. Facilities shall be sited to avoid wetlands, floodplains, and any other environmental concerns.

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~~(3)~~ ~~2~~ Height.—Tier 2 Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying zoning district.

~~(4)~~ ~~3~~ Fencing Requirements.—Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a 7-foot-high security type fence with a self-locking gate to prevent unauthorized access unless housed in a secure, dedicated-use building and not interfering with ventilation or exhaust ports.

~~(5)~~ ~~4~~ Screening and Visibility.—Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

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~~J~~ ~~I~~ Ownership Changes.—If the owner of the battery energy storage system changes or the owner of the property changes, the special ~~use-exception~~ permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special ~~use-exception~~ permit, site plan approval, and decommissioning plan.—A new owner or operator of the battery storage system shall notify the County Planning Division and County Attorney of such change in ownership or operator within 30 days of the ownership change.—A new owner or operator must provide such notification to the County in writing.—The special exception ~~special-use~~ permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the County in the required timeframe.—Reinstatement of a void special ~~use-exception~~ permit will be subject to the same review and approval process for new applications under this Ordinance.

~~J~~ ~~K~~.—Copy of provider service agreement with energy/utility provider.

8.—Safety

~~A~~ ~~A~~ System Certification.—Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

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- 1) UL1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
- 2) UL 1642 (Standard for Lithium Batteries),
- 3) UL 1741 or UL 62109 (inverters and Power Converters),
- 4) Certified under the applicable electrical, building, and fire prevention codes as required.

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5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

~~B. B.~~ Site Access.- Battery energy storage systems shall be maintained in good working order and in accordance with industry standards.- Site access shall be maintained, including access maintenance, repair, and snow removal at a level acceptable to the local fire department.

~~C. C.~~ Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

9.- Abandonment

The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than 24 months. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the County of Prince George may, as its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.

10.- Enforcement

Any violation of this Battery Energy Storage System shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the building, zoning, or land use regulations of the County of Prince George.

11.- Severability

The invalidity of unenforceability of any section, subsection, paragraph sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

(2) That The Code of the County of Prince George, Virginia, 2005, as amended, is amended by modifying § 90-443 as follows to add a use permitted by special exception in the M-1 zoning district:

(7) Tier 2 Battery Energy Storage System, in accordance with Section 90-1042.

(3) That The Code of the County of Prince George, Virginia, 2005, as amended, is amended by modifying § 90-493 as follows to add a use permitted by special exception in the M-2 zoning district:

(7) Tier 2 Battery Energy Storage System, in accordance with Section 90-1042.

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(4) That The Code of the County of Prince George, Virginia, 2005, as amended, is amended by modifying § 90-543 as follows to add a use permitted by special exception in the M-3 zoning district:

Sec. 90-543. - Uses permitted by special exception/econditional use.
The following uses and structures is are permitted by special exception/econditional use in the M-3 heavy industrial district:

- (1) Sanitary landfills in accordance with the requirements of section 90-1033,
- (2) Tier 2 Battery Energy Storage System, in accordance with Section 90-1042,

(5) That The Code of the County of Prince George, Virginia, 2005, as amended, is amended by modifying § 90-53 as follows to add a use permitted by special exception in the A-1 zoning district:

- (60) Tier 2 Battery Energy Storage System, in accordance with Section 90-1042,

(6) That The Code of the County of Prince George, Virginia, 2005, as amended, is amended by modifying § 90-103 as follows to add a use permitted by special exception in the R-A zoning district:

- (58) Tier 2 Battery Energy Storage System, in accordance with Section 90-1042.

(7) That the Ordinance shall be effective upon adoption.

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PUBLIC NOTICE COUNTY OF PRINCE GEORGE

Public Notice is hereby given to all interested persons regarding the following public meeting: The Prince George County Board of Supervisors will hold a public hearing on Tuesday, May 10, 2022 beginning at 7:30 p.m. to receive public comments on the following proposed through truck restrictions:

- Route 623 Rowanty Road in Prince George and Route 623 Zion Road in Sussex County will be restricted to through trucks from Route 602 Cabin Point Road in Sussex to I-95 in Prince George, VA. Trucks should use Route 602 Cabin Point Road in Sussex to I-95 and Route 623 Rowanty Road to I-95 in Prince George County, as alternate
- Route 675 Lampe Road in Prince George County will be restricted to through trucks from Route 631 Lansing Road to Route 301 S. Crater Road. Trucks should use Route 631 Lansing Road to Route 604 Halifax Road to Route 623 Rowanty Road to Route 301 S. Crater Road as an alternate route.
- Route 638 Templeton Road in Prince George County will be restricted to through trucks from Route 631 Lansing Road in Prince George County to Route 602 Cabin Point Road in Sussex County. Trucks should use Route 638 Templeton Road to Route 35 to Route I-95 in Prince George County and Route 602 Cabin Point Road to I-95 in Sussex County as alternate
- Route 631 Lansing Road/Route 638 Templeton Road will be restricted to through trucks from Route 35 Courtland Road to Route 604 Halifax Road. Trucks should use Route 35 Courtland Road to I-95 and Route 604 Halifax Road to Route 623 Rowanty Road to Route 301 S. Crater Road.
- Route 637 Log Road in Prince George Counties and Route 637 Railroad Bed Road in Sussex and will be restricted to through trucks from Route 35 Courtland Road in Prince George County to Route 602 Cabin Point Road in Sussex County. Trucks should use Route 35 Courtland Road to I-95 in Prince George County and Route 602 Cabin Point Road to I-95 in Sussex County as alternate routes.

The public hearings will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or obtained at the County Administration Office in the County Administration Building between 8:30 a.m.-5:00 p.m., Monday-Friday. All interested persons are invited to participate in the public hearings in person or electronically by Zoom. A live video stream will be available at https://www.princegeorgecountyva.gov/live_stream/. Public comments can be submitted prior to 5:00 p.m. on the public hearing date. Public Comment submittal forms and information on accessing this meeting electronically are available at <https://www.princegeorgecountyva.gov>.

Jeffrey D. Stoke
County Administrator