

ORDINANCE NO. 2025-01

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SANTA MARIA, CALIFORNIA,
AMENDING TITLE 12, TO ADD A NEW DEFINITION
FOR BATTERY ENERGY STORAGE SYSTEMS
TO CHAPTER 12-2, LIMITING BATTERY ENERGY
STORAGE SYSTEM FACILITY 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 BATTERY ENERGY
STORAGE SYSTEM 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 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 City seeks to adopt appropriate development guidelines for BESS projects in order to ensure the public's health, safety and welfare; and

WHEREAS, the Planning Commission of the City of Santa Maria held a duly noticed public hearing on March 19, 2025, for the purpose of receiving evidence and considering the proposed Title 12 BESS Amendments; and

WHEREAS, on a 4-0 vote, the Planning Commission of the City of Santa Maria made its recommendation in writing that the City Council amend Santa Maria Municipal Code Title 12 as proposed on Exhibit 1 (BESS Ordinance) of the passed and adopted Planning Commission Resolution No. 2841, with recommendations of modification to selected provisions of the Ordinance shown in strike-out and underline text; and

WHEREAS, a duly noticed public hearing was held for the purpose of considering the proposed Title 12 BESS Amendments by the City Council of the City of Santa Maria on April 15, 2025; and

WHEREAS, the City Council of the City of Santa Maria made no modification of the proposed Title 12 BESS Amendments which had not been previously considered by the Planning Commission.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the City Council of the City of Santa Maria, State of California, as follows:

SECTION 1. A new Section 18A, of Chapter 12-2, of Title 12 of the Santa Maria Municipal Code is hereby added to read as follows:

"Section 12-2.18A Battery Energy Storage Systems.

"Battery Energy Storage Systems" ("BESS") means a facility in part consisting of rechargeable electro-chemical storage batteries, battery chargers, controls and associated electrical equipment designed to collect energy from the grid or an associated distributed generation system and then discharge that energy at a later time to provide electricity or other grid services when needed."

SECTION 2. A new Subsection (j) is added to Section 05, of Chapter 12-17, of Title 12 of the Santa Maria Municipal Code, to read as follows:

“(j) Battery Energy Storage Systems (“BESS”) as a primary or ancillary use, that are a “Front-of-the-Meter” facility, meaning the energy storage collection systems are connected to the distribution system on the utility side of the meter. (For the purposes of this Title, BESS is a unique use from a Substation, Utility Substation, Electrical Substation, Public Utility Structures, Distribution Plant, Utility Distribution Station, Utility Yard, Public Service Facility, or any other Public or Private utility use cited in this Title);”

SECTION 3. A new Section 15, of Chapter 12-17, of Title 12 of the Santa Maria Municipal Code is hereby added to read as follows:

“Section 12-17.15 Battery Energy Storage Systems Standards.

The following are special standards for the development of Battery Energy Storage Systems (BESS) facilities as defined in Section 12-17.05(j) above:

(a) The BESS project owner shall work with the City Fire and Police Departments to develop an Emergency Response and Emergency Action Plan in conformance with the provisions of Section 761.3(g) of the Public Utilities Code and Section 3220 of Title 8 of the California Code of Regulations. Additionally, the plan must:

- a. Consider responses to potential offsite impacts, including, but not limited to, poor air quality, threats to municipal water supplies, water runoff, and threats to natural waterways; and
- b. Include procedures for the local emergency response agency to establish shelter-in-place orders and road closure notifications when appropriate.

The Plan’s provisions shall be to the satisfaction of the City, and a copy of the completed plan provided to the City prior to the commencement of facility operation.

(b) BESS facilities shall not be located within 1,320 feet (1/4 mile) of a residential district and/or mixed-use residential district, or school, or hospital, or land used and/or zoned for agricultural cultivation whether within or outside of the City or in active production or fallow, as measured from the BESS property boundary.

(c) Any public hearing for a proposed BESS facility shall provide written notice to owners and tenants of properties located within 10,560 feet (two miles) of the proposed BESS facility property. If the number of property owners and tenants to whom written notice would be provided is greater than 1,000, the Community Development Director shall place a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the City, in lieu of the written

notice, and shall post the notice in at least three public places within the City.

SECTION 4. This 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. 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).

SECTION 5. Severability. If any sections, subsections, sentences, clauses, phrases, or portions of this Ordinance are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase, or clause of this Ordinance whether or not any one or more sections, subsections, phrases, or clauses may be declared invalid or unconstitutional on their face as applied.

SECTION 6. Clerical Errors. The Chief Deputy City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the Chief Deputy City Clerk shall consult with the City Manager and City Attorney concerning any changes deemed necessary.

SECTION 7. Publication. This Ordinance shall be in full force and effect thirty days after its passage. Within fifteen days following its passage, the City Clerk shall cause this Ordinance to be published in a newspaper of general circulation in accordance with State Law; or when deemed necessary due to the length or complexity of the Ordinance, cause a summary of the Ordinance to be prepared and published at least five days prior to the City Council meeting at which the proposed Ordinance is to be adopted. If a summary is published at least five days prior to the City Council meeting at which the proposed Ordinance is to be adopted, then within 15 days after adoption of the Ordinance the City Clerk shall publish a summary of the Ordinance with the names of those City Council Members voting for and against the Ordinance and shall post a certified copy of the full text of such adopted Ordinance along with the names of those City Council Members voting for and against the Ordinance.

INTRODUCED at a regular meeting of the City Council held on the 15th day of April 2025, and **PASSED AND ADOPTED** at a regular meeting held on the 6th day of May 2025, by the following roll call vote:

AYES: Councilmembers Aguilera-Hernandez, Flores, Soto, Mayor Pro Tem Escobedo, and Mayor Patino

NOES: None

ABSENT: None

ABSTAINED: None



Mayor

ATTEST:



Chief Deputy City Clerk

APPROVED AS TO FORM:

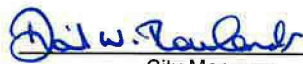


City Attorney

APPROVED AS TO CONTENT:



Department Director



City Manager



STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF SANTA MARIA)

I, **Donna G. Schwartz**, Chief Deputy City Clerk of the City of Santa Maria, **hereby certify** that the foregoing Ordinance, being **Ordinance No. 2025-01** which was duly and regularly introduced by the City Council of the City of Santa Maria at a regular meeting of said Council held on the **15th day of April 2025**, on motion by Councilmember Aguilera-Hernandez, seconded by Mayor Pro Tem Escobedo, and carried on the following vote:

AYES: Councilmembers Aguilera-Hernandez, Flores, Soto, Mayor Pro Tem Escobedo, and Mayor Patino

NOES: None

ABSENT: None

ABSTAINED: None

and which was adopted by the City Council of Santa Maria at a regular meeting of said Council held on the **6th day of May 2025**, on motion by Mayor Pro Tem Escobedo, seconded by Councilmember Aguilera-Hernandez, and carried on the following vote:

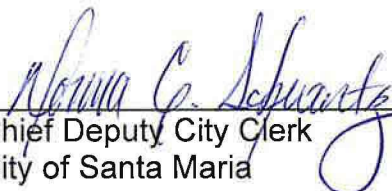
AYES: Councilmembers Aguilera-Hernandez, Flores, Soto, Mayor Pro Tem Escobedo, and Mayor Patino

NOES: None

ABSENT: None

ABSTAINED: None

I further certify that said **Ordinance No. 2025-01** was duly published in accordance with the law and order of said City Council in the SANTA MARIA TIMES, a newspaper printed and published in said City on the **30th day of April, 2025**, and **15th day of May, 2025**.



Chief Deputy City Clerk
City of Santa Maria