



Legislation Text

File #: 24-0330, Version: 1

Consider and take action on Ordinance No. 2024-23, an ordinance amending Chapter 125 of the Code of Ordinances of the City of League City entitled, "Unified Development Code", creating regulations related to Battery Energy Storage Systems (BESS) - Second Reading (Director of Planning)

On June 17, 2023, the Planning and Zoning Commission held a public hearing and recommended approval by a vote of 5-0-0 with 3 members absent.

On June 25, 2024, the City Council held a public hearing and approved the first reading, 8-0-0.

Approval of this item will approve an ordinance establishing regulations for Battery Energy Storage Systems (BESS) sites within the City of League City.

Project Timeline:

March-April 2024- The Planning and Zoning Commission heard two requests for BESS systems to locate within League City.

April 23, 2024 - The City Council held a public hearing and postponed a request to approve a BESS site at the corner of FM 646 and Caroline St. (Stella). At this meeting, the City Council directed staff to create an ordinance regulating BESS sites and hold a work session on the proposed regulations.

June 11, 2024 - The City Council held a work session and directed staff to move forward with the proposed ordinance amendments.

June 17, 2024 - The Planning and Zoning Commission held a public hearing and made a recommendation to approve the request, 5-0-0.

June 25, 2024 - The City Council held a public hearing and approved the first reading, 8-0-0.

July 9, 2024 - The City Council will consider the request on second reading.

Over the last two years, City staff has met with numerous companies interested in developing B.E.S.S. sites within League City and its ETJ. All the facilities we have spoken with, to date, have proposed a lithium-ion battery system within a series of storage “modules” which are in a grid pattern and interlinked into one system. The proposed locations of these facilities have been near public utility substations. Currently, League City has only one, 10 MW facility, located on Floyd Road on the west side of League City.

The proposed ordinance aims to establish comprehensive regulations for the placement, construction, and operation of Battery Energy Storage Systems (BESS) to ensure the health, safety, and welfare of the community. The objectives include:

1. Ensuring community health, safety, and welfare.
2. Providing a regulatory framework for suitable property designation for BESS.
3. Mitigating negative impacts of BESS sites.

4. Regulating both new and existing BESS installations.

Summary:

The proposed ordinance creates the following regulations:

- Use Classification and SUP Requirements
- 3rd Party Inspection and reviews
- Fire and Life Safety
- Emergency Response Plan
- Setbacks and Location
- Landscaping and Screening
- Noise
- Remote Monitoring
- Listing and Testing of Site
- Supervision of Site
- Event Response
- Insurance
- Flood Risks
- Decommissioning
- On-Site Signage
- Plume Modeling
- Property Tax Agreement
- Transfer of Ownership.

On June 11, 2024, the City Council held a work session to discuss the proposed ordinance. No changes were proposed during the meeting. The Council instructed staff to engage with the residents present at the meeting to gather any best practices they might want to include in the ordinance. An email consolidating residents' comments on the proposed ordinance was received. A letter detailing the City's responses to these requests is attached to the public hearing data sheet. Several requests resulted in changes to the ordinance, as noted in the attachment. Additionally, five emails from League City residents have been received in support of the proposed ordinance.

On June 17, 2023, the Planning and Zoning Commission held a public hearing. The Planning and Zoning

Commission recommended approval by a vote of 5-0-0 with 3 members absent.

On June 25, 2024, the City Council held a public hearing and approved the first reading, 8-0-0 with two changes: 1) the minimum set back requirement will be the greater of 200 feet from the nearest single-family residence/school or a distance determined by Plume modeling, and 2) the BESS operator will enter into a PILOT agreement (or similar agreement) to deal with cost of specialized city services and/or loss in city revenue due to tax depreciation.

Attachments:

1. Ordinance No. 2024-23

Origination:

Planning Department

FUNDING

{X} NOT APPLICABLE

STRATEGIC PLANNING

{X} Addresses Strategic Planning Critical Success Factor # 8: Quality Built Environment