

**WHATCOM COUNTY**  
Planning & Development Services  
5280 Northwest Drive  
Bellingham, WA 98226-9097  
360-778-5900, TTY 800-833-6384  
360-778-5901 Fax



**Mark Personius**  
Director

## Memorandum

DATE: May 26, 2022  
TO: The Honorable County Council  
FROM: Robby Eckroth, Planner II  
THROUGH: Steve Roberge, Assistant Director  
RE: Battery Energy Storage Systems – Lot Coverage Revisions

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### Background

NextEra submitted a Development Regulation Amendment Application on December 29, 2020 to amend Whatcom County Code Title 20 Zoning to allow Battery Energy Storage Systems (BESS) pursuant to WCC 22.10. Staff amended and expanded on the proposal to allow BESS in some additional zones and added some performance and use standards (see Exhibit A). NextEra agreed to these additional amendments. On July 8, 2021 the Whatcom County Planning Commission reviewed the proposal and recommended approval of staff's code amendments to Council (Ayes-7; Nays-0; Abstain-1). On July 27, 2021 Council Planning and Development committee discussed BESS with staff and the applicants and the committee recommended the item be introduced. The item was introduced and Council carried a motion to have the proposed ordinance be introduced for a public hearing. Council heard public testimony and carried a motion to bring the ordinance back to the Planning and Development committee and requested PDS staff to bring a presentation on BESS.

On September 28th staff gave a presentation to the Planning & Development Committee on BESS. Following the presentation the committee had a discussion regarding the proposed amendment to increase the lot coverage limit to 40% of the total lot area, with no limit on structure for BESS with more than 5 MW of energy storage capacity. The Committee expressed concerns to PDS Staff concerning the proposed 40% lot coverage limit and requested that staff work with the applicant and come back to the committee with an amendment with proposed lower percentage. After working with the applicant the proposal was modified as described below and detailed in the attachments.

### Today's Goals

On June 7, 2022 the Council will continue its review of the amendments to Whatcom County Code Title 20 Zoning to allow and regulate BESS. Specifically, the Council will discuss the proposed amendment to the lot coverage limit for BESS in the Rural zone (WCC 20.36.450). Council should decide whether to move the proposed amendments for introduction.

### Attachments

- **Exhibit A** – Proposed BESS Amendments to the Whatcom County Code.

## **Amendments to Exhibit A (Title 20, Zoning)**

### **Revisions to proposed Lot Coverage Limits in the Rural zone for BESS**

Staff has worked with the applicant to find a lot coverage limit for BESS that is more appropriate in the Rural zone. The lot coverage limit in the Rural zone (WCC 20.36.450) is proposed to allow “Battery energy storage systems with more than 5 MW of storage capacity approved pursuant to WCC 20.36.198 shall occupy or cover no more than 20% of the total lot area, with no limitation on structure (or combination of structures) size”. The existing lot coverage limit in the Rural zone also limits a structure or combination of structures to 20% but limits the lot coverage of structures on a site even further to not exceed 25,000 square feet.

This section of the proposed amendment would only apply to BESS that are within one-mile of an existing substation and would require conditional use permit approval. All other BESS proposed in the Rural zone would be subject to the existing lot coverage limit of 5,000 square feet or 20% whichever is greater but not to exceed 25,000 sq ft. Proposed BESS of more than 5 MW storage capacity that are more than one (1) mile from an existing electrical substation will be prohibited.

Planning & Development Services is requesting Council consideration of these amendments on June 7, 2022. The applicant would like to start the meeting by giving a brief presentation which has been included in the packet. Staff and the applicant will be available to address questions and concerns following the presentation.

Thank you for your review and consideration of this matter. We look forward to discussing it with you.