

Amendment #14 to Zoning Ordinance L
AN AMENDMENT TO THE ALLAMAKEE COUNTY ZONING
ORDINANCE L TO ADD REQUIREMENTS FOR BATTERY ENERGY STORAGE SYSTEMS

SECTION I. PURPOSE. The Purpose of this ordinance is to establish minimum requirements for and regulation of any applicant/developer/owner engaged in the construction, erection, placement, location, maintenance, modification, operation, and/or decommissioning of battery energy storage systems (BESS) in Allamakee County in a manner that preserves and protects the rights, privileges, and property of the county and its residents, that ensures the protection of the health, safety, and welfare of the county's residents, and that provides an opportunity for economic growth and development

SECTION II. DEFINITION: Battery Energy Storage System, Tier 2 is One or more devices, assembled together, capable of storing energy exclusively for the supply of electrical energy at a future time, not to include a standalone 12-volt battery or an electric motor vehicle; and which have an aggregate energy capacity greater than 1000 kWh or are comprised of more than one energy storage system technology in a room or enclosed area. Battery Energy Storage System, Tier 2 does not include private systems which provide the overflow of energy from a residential, commercial, or industrial home/business back to the grid.

Battery Energy Storage Systems, Tier 2 are allowed as primary use in C-1 Commercial, I-1 Limited Industrial District, and I-2 General Industrial Districts, and are subject to the following conditions:

SECTION III APPLICATION. Applications for a Tier 2 battery energy storage system must identify all owners and leaseholders of the property and the operator of the proposed battery energy storage system site. The applicants shall apply to the Allamakee County Zoning Administrator. The application shall contain the following information:

1. Identity and contact information for all owners/leaseholders/operators
2. **Height.** Battery energy storage systems shall comply with the building height limitations for principal structures of the underlying zoning district.
3. **Setbacks.** Battery energy storage systems shall maintain a minimum 500-foot setback from dwellings, mobile homes, and cabin and comply with NFPA 855 requirements related to setbacks and buffers, whichever is greater. All other setbacks and buffer requirements dictated by NFPA 855 shall be followed/adhered to.
4. **Fencing Requirements.** Battery energy storage systems, including all mechanical equipment shall be enclosed by an eight (8) foot tall chain link fence with a self-locking gate to prevent unauthorized access.

5. **Roads.** Applicants shall avoid damaging public roads and shall be responsible for mitigation of damage to public roads. At the discretion of the Allamakee County Engineer, a Public Roads Damage Avoidance and Mitigation Plan shall be required and be in accordance with the following standards:
 - a. **Identification of Potential Roads Usage.** The applicant shall identify, in consultation with the Allamakee County Engineer, all state and local public roads to be used within Allamakee County to transport equipment, parts and material for construction, operation or maintenance of the battery energy storage system and related components.
 - b. **Documentation of Road Conditions.** Prior to construction, the Allamakee County Engineer shall document the current road conditions of the roads identified for use, with all associated costs paid for by the applicant. The engineer shall document road conditions again within thirty (30) days after construction is complete or as the weather permits.
 - c. **Road Preparation and Damage.** Any road preparation or maintenance necessitated by the proposed battery energy storage system or damage caused by the applicant or its contractors during construction or decommissioning, shall be completed or repaired within a 9-month time period, at the applicant's expense. Emergency repairs will be determined by the Allamakee County Engineer which may be necessary to restore traffic on a daily basis.
 - i. The applicant shall demonstrate that it has appropriate financial resources to ensure repair of damaged roads.
6. **Vegetation and Growth.** Areas within fifty (50) feet on each side of battery energy storage systems site shall be cleared of combustible vegetation and other combustible growth.
7. **Signage.** Signage shall follow ANSI Z535 and shall include the following information: the type of technology associated with the battery energy storage systems, any special hazards associated with the battery energy storage systems; the type of fire suppression system installed in the area of the battery energy storage systems; and 24-hour emergency contact information.
 - a. As required by the National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly and prominently displayed on a light reflective surface where a clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
8. **Noise.** The 1-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of sixty decibels (60 dBA) as measured at the outside wall of any non-participating dwelling, cabin, or mobile home or occupied community building or the property line, whichever is closer. Applicants may submit equipment and component manufacturer noise ratings at the time of application to demonstrate compliance.
 - b. At the discretion of the Zoning Administrator, the applicant may be required to provide Operating Sound Pressure Level measurements from a few sampled locations, to be determined by the Zoning Administrator, at the perimeter of comparable existing battery energy storage systems to demonstrate compliance with this standard.

- c. To document decibel level if there is a complaint on an operational system, at the discretion of the Zoning Administrator, the owner shall commission a report providing Operating Sound Pressure Level measurements from a reasonable number of sampled locations, to be determined by the Zoning Administrator, at the outside wall of any non-participating dwelling, cabin, or mobile home or occupied community building or the property line to demonstrate compliance with this standard.
9. **Site Plan.** A site plan shall be submitted showing preliminary structure details and location, fencing details and location, landscaping plan, signage, location of underground and above ground transmission facilities, project development timeline, and any other pertinent information as required by the Zoning Administrator. Prior to issuance of the building permit(s), the Zoning Administrator may approve minor modifications to the preliminary site plan to account for reasonable engineering optimization and final selection of equipment. The site plan application shall additionally include and conform to the following:
- a. Power and Communications Lines.
 - i. On-site power and communications lines between battery energy storage system units shall be placed underground to the extent feasible and as permitted by the serving utility. The main service connection at the utility company right-of-way, and any new interconnection equipment, may be located above ground.
 - ii. New power and communications lines running from the on-site system(s) to interconnections with structures off-site shall be buried underground to the extent feasible and as permitted by the serving utility.
 - iii. At the discretion of the approving authority, power and communications lines may be allowed to be unburied in the following circumstances:
 - a) When elements of the natural landscape, such as but not limited to shallow bedrock and water courses, interfere with the ability to bury lines.
 - b) When elements of existing infrastructure interfere with the ability to bury lines.
 - c) When distance makes undergrounding infeasible.
 - b. An electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, in compliance with National Electrical Code disconnects and overcurrent devices.
 - c. 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(s).
 - d. Name, address, and contact information of proposed system installer and the owner and/or operator of the battery energy storage system. The identity of the final system installer shall be submitted prior to issuance of the building permit(s).

- g. Battery energy storage systems shall comply with the latest published version of the National Fire Protection Association (NFPA) 855, *Standard for installation of Stationary Energy Storage Systems*, as of the date of the submission of the application.
10. **Fire Safety Compliance Plan.** The applicant shall document and describe how the fire safety system and its associated controls will function and be maintained in proper working conditions.
- a. The applicant is responsible for ensuring that firefighters of the designated area are site-specifically trained and equipped in accordance with current NFPA standards.
 - b. The applicant will have one meeting annually, or as needed, with local fire department(s), Allamakee County Sheriff Department, and Allamakee County Emergency Management to go over updates related to emergency situations, preparedness, and procedures, and any changes to the Operations and Maintenance Manual and Emergency Operations Procedures.
11. **Operations and Maintenance Manual.** The applicant shall provide an ongoing maintenance schedule for the battery energy storage system as well as the general upkeep of the property.
12. **Emergency Operations Plan.** A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department(s), Allamakee County Sheriff's Office, and Allamakee County Emergency Management. A copy shall also be placed in an approved location onsite to be accessible to facility personnel, fire code officials, and emergency responders. The Emergency Operations Plan shall include the following information:
- 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. Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - c. Procedures to be followed in response to alerts from the battery energy storage system.
 - d. Management System 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.

13. **Decommissioning and Site Reclamation Plan.** A Decommissioning and Site Reclamation Plan shall address and/or ensure the following standards:
- a. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - b. The anticipated life of the battery energy storage system.
 - c. The estimated decommissioning costs and method of ensuring funds will be available.
 - d. 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.
 - e. 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.
 - f. That following a continuous one-year period in which no energy is stored, or substantial action on construction or repairs to the project is discontinued, the permit holder will have one year to complete decommissioning of the battery energy storage system. At the discretion of the Zoning Administrator, the continuous one-year period that triggers decommissioning may be extended if the applicant demonstrates ongoing commitment to the project through activities such as but not limited to making lease payments or documentation of ongoing maintenance or repairs.
 - i. Decommissioning shall be completed in accordance with the approved decommissioning plan.
 - ii. The landowner or tenant shall notify the Zoning Administrator both when the project is discontinued and when decommissioning is complete.
 - iii. At the discretion of the Board of Supervisors, financial surety may also be required.
14. **Permits.** Applicant must provide copies of all relevant state and federal permits to include but not limited to DNR NPDES Stormwater permit.

SECTION IV. TIMELINE. Within 45 days following the Zoning Administrator's receipt of a completed application for a battery energy storage system, the Zoning Administrator shall hold a Public Informational Meeting at a regularly scheduled Planning and Zoning meeting. The applicant shall be in attendance to address any questions the public may have. A Public Notice of Informational Meeting for a battery energy storage site will be published in the newspapers of record 4-20 days before the Planning and Zoning Meeting. All public comments regarding the application will be transcribed and combined with the application. At the recommendation of the Planning and Zoning Commission the decision of the application will be added to the Board of Supervisors' agenda for approval/denial.

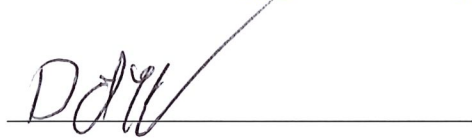
This amendment shall be in effect after its final passage and publication as part of the proceeding of the Board of Supervisors.

First Reading Date: 11/28/24

Second Reading Date: 11/4/24

Third Reading Date: 11/12/24

Amendment #14 to County Ordinance L (the Allamakee County Zoning Ordinance) is hereby approved and adopted on this 12 day of November, 2024



Dan Byrnes, Chairman, Allamakee County Board of Supervisors



Mark Reiser, Member, Allamakee County Board of Supervisors



Dennis Keatley, Member, Allamakee County Board of Supervisors