

MINUTES
Planning Commission
County of Prince George, Virginia

March 24, 2022

County Administration Building, Board Room, Third Floor
6602 Courts Drive, Prince George, Virginia 23875

This meeting was held in person and electronically in accord with Virginia Code Section 15.2-1413. The meeting was accessible by:

Zoom: <https://zoom.us/j/5053851421?pwd=V2pjSHFneFRLUUE2bjNqQnR3emZoUT09>

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MEETING CONVENED. The Regular Meeting of the Prince George County Planning Commission was called to order at 6:30 p.m. on Thursday, March 24, 2022 in the Board Room, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Mr. Alex W. Bresko, Chairman.

ATTENDANCE. The following members responded to Roll Call:

Mr. Simmons	Present
Mrs. Elder	Present
Mr. Bresko	Present
Mr. Joyner	Present
Mrs. Anderson	Present
Mr. Brown	Absent
Mr. Brockwell	Absent

Also present: Julie C. Walton, Deputy County Administrator, Dan Whitten, County Attorney, Tim Graves, Planner I and Missy Greaves-Smith, Administrative Support Specialist II

INVOCATION. Mrs. Anderson provided the Invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG. Mr. Bresko led in the Pledge of Allegiance to the United States flag.

ADOPTION OF THE AGENDA. Mr. Bresko asked the Commissioners for a motion to approve the meeting Agenda for the March 24, 2022 Planning Commission. Mr. Simmons made a motion to approve the meeting Agenda and Mrs. Elder seconded the motion.

Roll Call:

In favor: (5) Simmons, Elder, Anderson, Bresko, Joyner

Opposed: (0)

Absent: (2) Brown, Brockwell

PUBLIC COMMENT PERIOD. At 6:33 p.m., Mr. Bresko opened the Public Comment Period to anyone who wished to come forward to speak to the Commissioners on topics that were not on the Agenda as a Public Hearing item. Citizens were asked to limit their comments to three (3) minutes.

With no one present or on Zoom indicating they wished to speak, the Public Comment Period was closed at 6:33 p.m.

ORDER OF BUSINESS. Mr. Bresko asked the Commissioners to review the Minutes of the February 23, 2022 Work Session of the Planning Commission. Mr. Joyner made a motion to approve the February 23, 2022 Work Session Minutes. The motion was seconded by Mrs. Elder.

Roll Call:

In favor: (5) Simmons, Elder, Anderson, Bresko, Joyner

Opposed: (0)

Absent: (2) Brown, Brockwell

Mr. Bresko asked the Commissioners to review the Minutes of the February 24, 2022 Planning Commission meeting. Mrs. Anderson made a motion to approve the meeting Minutes of the February 24, 2022 meeting as written. The motion to approve and the Minutes was seconded by Mrs. Elder.

Roll Call:

In favor: (5) Simmons, Elder, Anderson, Bresko, Joyner

Opposed: (0)

Absent: (2) Brown, Brockwell

Mrs. Walton discussed the training opportunity for the Planning Commission members hosted by Dr. Mike Chandler. The commissioners were given dates to review at the Monday night Work Session. After a brief discussion, the Commissioner agreed upon Thursday, May 5, 2022.

PUBLIC HEARING.

P-1. ORDINANCE AMENDMENT – OA-22-01: 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.

Mrs. Walton presented to the Commissioners the Ordinance Amendment for Battery Storage Facilities. This type of facility is not currently addressed in Prince George County's Zoning Ordinance as a "stand alone" use. Staff has received a request to add the definition and the use to the Code as a "stand alone" facility. Staff has developed a Draft Ordinance for consideration defining the Use, Application as Special Exception and identifying which Zoning Districts it would be allowed in. Staff is also recommending development of an internal policy for guidance on application reviews and standard conditions for Special Exception requests, similar to the Solar Siting Policy.

Mrs. Walton's presentation included example photos of battery storage facilities, which are typically sited close to a sub-station to help support the power grid.

Regulations established the requirement of power companies to provide for 3,100 MW of available energy storage in Virginia by 2035, the most among states in the nation. Battery storage allows backup for any type of incident, power failure, or high demand. This is for temporary back-up energy similar to a home generator.

Mrs. Walton highlighted locations throughout the County that are potential properties to have a battery storage facility. Locations would need to be adjacent or on the same property as the substations. The current stations located in Prince George are: Fine Street, Heritage Road, West Quaker Road, Prince George Drive, Arwood Road, Middle Road and Lamore Drive.

Considerations that have been discussed with the Board of Supervisors and the Commissions:

- Proximity to electrical substation or transmission line
- Size of the facility and the size of lot/property where located
- Distance to adjoining properties and structures
- Hazard protections
- Provider agreement in place with Energy company
- Facility screening and security
- 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

Mrs. Walton discussed a concern from one of the Board of Supervisors in reference to the removal and disposal of individual units at End of Life (EOL) or if damaged or degraded. The following changes were made:

- 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

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. 9: Added the defined Use to applicable zoning district sections

Mrs. Walton stated that the County did not receive any comments from citizens but the department did receive comments from one of the pre-applicants. The comments received were concerns with the 100' setback or zoning district setback, a suggestion to increase the allowable noise decibel, and to include a section regarding revisiting time frames for the Decommissioning Plan. Staff's recommendation is to retain current language without modification for the setbacks. Staff is in agreement to modify the allowable noise level section to reference at the property line rather than at the structure wall, and to add separate allowable noise levels for the M Zoning District. Mrs. Walton noted Section 7(F)(1) items (e.) and (f.) already address the Decommissioning Plan concern and no revisions are needed.

Mrs. Walton concluded her presentation by reviewing with the Commissioners the steps that had been taken so far: receiving feedback from the Planning Commission and BOS on Draft Ordinance, revisions and additions made, scheduling the Public Hearing and additional revisions based on the Work Session discussion.

Mrs. Anderson asked Mrs. Walton if any of the current substations are in the M-Zoning Districts. Mrs. Walton noted that the substations on West Quaker Road and Fine Street are in the M-Zoning Districts.

Mr. Simmons asked if any of the current substation locations are large enough to add a battery storage facility onsite and would they still need to meet the five (5) acre requirement. Mrs. Walton explained that if they are already on a lot less than five (5) acres, unless you specify that there is a minimum of five (5) acres, it would go with the current zoning requirement. For example, in R-A currently, lot sizes are a minimum of five (5) acres. The County has three (3) substations currently that are located on parcels smaller than five (5) acres.

Mrs. Walton recommended that the Commissioners consider adding a five (5) acre specific lot size for the R-A and A-1 and not an acreage requirement for the M districts. She also recommended having the 20 dBA for R-A and A-1 and something higher for the M districts.

Mr. Bresko opened the Public Hearing at 7:03 p.m. to anyone that wished to speak for or against OA-22-01.

Paul Cozus, 210 Randolph Circle, Ashland, VA, addressed the Commission representing ECOPLEXUS, Inc. He stated that ECOPLEXUS is an industry leader in development of renewable energy systems for commercial, government and utility markets. ECOPLEXUS is currently working to develop solar facilities and stand alone battery storage facilities in Prince George County.

Mr. Cozus reviewed the comments that ECOPLEXUS submitted to the County that were discussed earlier in Mrs. Walton’s presentation. Mr. Cozus expressed his concerns with the 100’ setbacks, stating it would be “too restrictive”. He agreed with the proposed revised noise restriction levels.

With no one else wishing to speak and no one on Zoom indicating they wished to speak, the Public Hearing was closed at 7:11 p.m.

Mrs. Walton reviewed the options for the motion with the Commissioners and asked if they had any additional questions.

Mr. Bresko asked the Commissioners if they had any additional questions. Mr. Simmons stated that there is a lot of uncertainty. The BOS could also address some of these things and could send it back to the Planning Commission for additional review.

Mr. Simmons made a motion to forward request OA-22-01 to the BOS with the recommendation of approval subject to the revised Section 7(E): Noise. Mr. Bresko asked Mr. Simmons if he wanted to include the M Zoning revision to his motion. Mr. Whitten stated Mr. Simmons would need to amend his motion.

Mr. Simmons amended his motion to move forward request OA-22-01 to the BOS with a recommendation for approval, subject to the following changes:

- Revise Section 7(E): Noise
 - To be the average noise generated to be 20 bDa at the property line of subject property line at in R-A and A-1 and 60 bDa at property line at M Zoning

The motion was seconded by Mr. Joyner.

Roll Call:

In favor: (5) Simmons, Elder, Anderson, Bresko, Joyner

Opposed: (0)

Absent: (2) Brown, Brockwell

DRAFT ORDINANCE TO AMEND “THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA”, 2005, AS AMENDED, BY ADDING § < > BATTERY ENERGY STORAGE SYSTEM LAW

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 § < >, as follows:*

CHAPTER < >

Sec. < >

1. Authority

This Battery Energy Storage System 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. State 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, 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 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 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.
- C. 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.

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.
- 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.
- 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.
- 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.
- E. 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~~ **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.
- F. Decommissioning.
- 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 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. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - c. The anticipated life of the battery energy storage system;
 - d. The estimated decommissioning costs and how said estimate was determined;
 - e. The method of ensuring that funds will be available for decommissioning and restoration;
 - f. The method by which the decommissioning cost will be kept current;
 - 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. 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 licensed-financial institution. All costs of the financial security shall be borne by the applicant.
- H. 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) Property lines and physical features, including roads, for the project site.
 - 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
 - 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) 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) 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) 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) Zoning district designation for the parcel(s) of land comprising the project site.
 - 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 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.
 - 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) Erosion and sediment control and storm water management plans.

12) Emergency Operations Plan.

- a. Procedures for safe shutdown, deenergizing, 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 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. 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. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- 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. Water containment plan.
- 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. 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.

I. Special Exception / Use Permit Standards.

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

J. Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use 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 permit will be subject to the same review and approval process for new applications under this Ordinance.

K. Copy of provider service agreement with energy/utility provider.

8. Safety

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:

- 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.
- 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. 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. 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 Ordinance shall be effective upon adoption.*

PLANNER'S COMMUNICATION TO THE COMMISSION. Mr. Graves presented to the Commissioners the following updates:

1. Actions of the Board of Zoning Appeals (BZA)
 - a. One case is scheduled for April 25, 2022
 - i. Special Exception to the BZA for multiple dogs at a residence
2. Actions of the Board of Supervisors (BOS)
 - a. Approved the Special Exception for Brightview – Special Care Hospital
 - b. Approved the Rezoning Amendment SI Virginia – change of conditions
3. Planning Commission Communications
 - a. Upcoming Cases for April
 - i. Special Exception – SE-22-01 – Fung Assembly Hall
 - ii. Special Exception – SE-22-02 – Powell Creek Solar Facility
 - iii. Special Exception - SE-22-03 – Krenicky Solar Facility

ADJOURNMENT. At 7:22 p.m., Mr. Bresko asked the Commissioners if they had any additional questions. If not, he would entertain a motion to adjourn. Mrs. Elder made a special motion to adjourn until Monday, April 25, 2022 in the Kines' Breakroom and Mr. Joyner seconded the motion. Roll was called on the motion.

Roll Call:

In favor: (5) Simmons, Elder, Anderson, Bresko, Joyner

Opposed: (0)

Absent: (2) Brown, Brockwell