

EXHIBIT A

Proposed Battery Energy Storage Systems (BESS) Amendments to the Whatcom County Code

WCC Title 20 Zoning

Chapter 20.32 RESIDENTIAL RURAL (RR) DISTRICT

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20.32.130 Administrative approval uses.

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.136 Battery energy storage systems with up to 5 MW of storage capacity, provided:

- (1) The facility shall be no closer than 25 feet from any property line.
- (2) The proposed use shall be compatible with the general appearance and character of the surrounding area. Landscape screening shall be required pursuant to the requirements of WCC 20.80.345.
- (3) Any lights used to illuminate the facility shall be so arranged as to direct the light away from the adjoining properties and the public roads.
- (4) The facility shall comply with state noise level standards under Chapter 173-60 WAC, as amended. The applicant shall provide information detailing the expected noise level and any proposed abatement measures. This may require noise attenuation devices or other mitigation measures to minimize impacts.

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Chapter 20.34 RESIDENTIAL RURAL-ISLAND (RRI) DISTRICT

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20.34.130 Administrative approval uses.

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.135 Battery energy storage systems with up to 5 MW of storage capacity, provided:

- (1) The facility shall be no closer than 25 feet from any property line.
- (2) The proposed use shall be compatible with the general appearance and character of the surrounding area. Landscape screening shall be required pursuant to the requirements of WCC 20.80.345.
- (3) Any lights used to illuminate the facility shall be so arranged as to direct the light away from the adjoining properties and public roads.

(4) The facility shall comply with state noise level standards under Chapter 173-60 WAC, as amended. The applicant shall provide information detailing the expected noise level and any proposed abatement measures. This may require noise attenuation devices or other mitigation measures to minimize impacts.

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**Chapter 20.36
RURAL (R) DISTRICT**

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20.36.130 Administrative approval uses.

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.139 Battery energy storage systems with up to 5 MW of storage capacity, provided:

- (1) The facility shall be no closer than 25 feet from any property line.
- (2) The proposed use shall be compatible with the general appearance and character of the surrounding area. Landscape screening shall be required pursuant to the requirements of WCC 20.80.345.
- (3) Any lights used to illuminate the facility shall be so arranged as to direct the light away from the adjoining properties and public roads.
- (4) The facility shall comply with state noise level standards under Chapter 173-60 WAC, as amended. The applicant shall provide information detailing the expected noise level and any proposed abatement measures. This may require noise attenuation devices or other mitigation measures to minimize impacts.

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20.36.150 Conditional Uses.

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.198 Battery energy storage systems with more than 5 MW of storage capacity, provided:

- (1) The facility is located within one mile of an existing electrical substation.
- (2) The facility shall be no closer than 25 feet from any property line.
- (3) The proposed use shall be compatible with the general appearance and character of the surrounding area. Landscape screening shall be required pursuant to the requirements of WCC 20.80.345.
- (4) Any lights used to illuminate the facility shall be so arranged as to direct the light away from the adjoining properties and the public roads.
- (5) The facility shall comply with state noise level standards under Chapter 173-60 WAC, as amended. The applicant shall provide information detailing the expected noise level and any proposed abatement measures. This may require noise attenuation devices or other mitigation measures to minimize impacts.

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20.36.450 Lot coverage (Adopted by reference in WCCP Chapter 2.)

~~Except as follows, n~~o structure or combination of structures shall occupy or cover more than 5,000 square feet or 20% of the total lot area, whichever is greater, ~~of the total lot area~~, not to exceed 25,000 square feet, except as follows:-

1. Public community facilities that serve a predominantly rural area shall occupy or cover no more than 35% of a lot, with no limitation on structure (or combination of structures) size.
2. 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 40% of the total lot area, with no limitation on structure (or combination of structures) size.
- ~~1-3.~~ Buildings used for livestock or agricultural products shall be exempt from this lot coverage requirement.

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**Chapter 20.66
LIGHT IMPACT INDUSTRIAL (LII) DISTRICT**

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20.66.050 Permitted uses.

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.095 Battery energy storage systems of any storage capacity.

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**Chapter 20.68
HEAVY IMPACT INDUSTRIAL (HII) DISTRICT**

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20.68.050 Permitted uses.

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.109 Battery energy storage systems of any storage capacity.

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**Chapter 20.82
PUBLIC UTILITIES**

20.82.040 Other applicable regulations

- (1) Solid waste facilities and large scale electrical generating plants are not conditional uses under the name “public utilities” but are restricted to where they have been named as uses.
- (2) The provisions of this chapter shall not apply to wireless communications services and facilities which are regulated under Chapter 20.13 WCC.
- (3) The provisions of this chapter shall not apply to Battery Energy Storage Systems (BESS), which are regulated under the applicable zoning district.

Chapter 20.97
DEFINITIONS

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20.97.026 Battery Energy Storage System (BESS).

“Battery energy storage system” (BESS) means an energy storage system that can store and deploy generated energy, typically a group of batteries that charge (i.e., collect energy) and store electrical energy from the grid or energy generation facility and then discharge that energy at a later time to provide electricity or other grid services when needed. BESS generally consist of batteries, battery storage containers, on-site switchyard, inverters, associated interconnection transmission line, and supervisory control and data acquisition system.