

RESOLUTION 2023-16

A RESOLUTION AMENDING THE “ZONING RESOLUTION OF JEFFERSON COUNTY, TENNESSEE” BY REGULATING BATTERY ENERGY STORAGE SYSTEMS IN JEFFERSON COUNTY, TENNESSEE

WHEREAS, the Jefferson County Board of Commissioners, in accordance with Section 13-7-105 of the Tennessee Code Annotated, may amend the zoning “Zoning Resolution of Jefferson County, Tennessee”; and

WHEREAS, the Jefferson County Regional Planning Commission, Dandridge Regional Planning Commission, Jefferson City Regional Planning Commission, and White Pine Regional Planning Commission have reviewed and made recommendations regarding the proposed amendment to the “Zoning Resolution of Jefferson County, Tennessee.”

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Jefferson County, Tennessee:

Section 1. ARTICLE 5 DEFINITIONS is hereby amended by adding the definition of Battery Energy Storage System to read as follows:

BATTERY ENERGY STORAGE SYSTEM (BESS). A BESS is a facility or grouping of facilities that capture and store energy for use at a later time.

Section 2. Article 7, Sections 7.17. is hereby established:

7.17. Development Standards and Requirements for Battery Energy Storage Systems.

- A. The minimum property size for a Battery Energy Storage System is five (5) acres and must be adjacent to a TVA Substation.
- B. Site Plan Requirement. A site plan, prepared in accordance with Section 6.6., and complying with all Jefferson County zoning guidelines for site plans. Included at the time of site plan submittal is an Emergency Response Plan that has been developed and approved by the Jefferson County EMA along with a fissure report.
- C. Stamped Engineered plans for the storage units showing compliance with UL9540, UL9540A, and standard 855 of the NFPA are required for any BESS.

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- D. Setback Requirements: A BESS shall be located fifty (50) feet from on the side facing the substation and one hundred (100) feet from all other property lines.
- E. All structures shall be surrounded and secured by an eight-foot-tall security fence.
- F. The Jefferson County Zoning Office and Emergency Management Agency shall be provided with copies of all required federal and state permits.
- G. Maximum noise level at all property lines is 60 DB.
- H. An 'As Built Survey' of all improvements is required to be submitted to the Jefferson County Zoning Office once all improvements are completed.
- I. The Developer/Owner/Operator is to provide training to local emergency personnel before the BESS is commissioned. Specialized equipment may be necessary which can be stored on site for use by First Responders. The cost for training and equipment to be provided by Developer/Owner/Operator.
- J. The BESS site shall have an E911 address, which shall be shown on the site plan.
- K. Decommission Bond. A bond is required for decommissioning the BESS/site. The bond amount is to be determined by the following formula:

Three (3) bids prepared by companies who have experience in decommissioning a BESS development the three bids will be reviewed and based upon the bids a monetary value will be determined and the bond amount will be 1.5 times the determined amount. This bond will be made payable to Jefferson County. The bond will be reviewed every five years and renewal will be subject to an inflation adjustment. If the site sits idle for six (6) months then the owner, operator or developer will be contacted via a letter from the Jefferson County Zoning office by Registered mail to determine if the owner, operator or developer is planning to decommission or restart operations. A response to the letter will need to be provided back to the Jefferson County Zoning Office within thirty (30) days of receipt at which time Jefferson County will determine the action that needs to be taken in regards to the Bond. Prior to the 5-year renewal, a notice will be sent alerting the developer, operator, or owner of pending renewal. At the time of decommissioning or

whenever there is replacement of existing batteries or equipment all materials must be removed and disposed outside of Jefferson County, Tennessee in a hazardous landfill or recycling center.

- L. If a change in ownership or operator occurs, then a third party will be utilized to determine the credibility of the new owner or operator in operating the BESS as per the original design. If a new BESS design or expansion occurs, then a new site plan will be required along with a new commissioning process and a new Emergency Response Plan.
- M. The new owner, operator, or developer must provide contact names, phone numbers, and addresses to the Jefferson County Zoning Office.
- N. A BESS facility shall not be located within a five-mile radius of any Jefferson County School.
- O. A BESS facility shall have fire hydrants installed at the site.

Section 3. Article 9, Subsection 9.3.A. Permitted Uses. is hereby amended by adding:

17. Battery Energy Storage Systems.

Section 4. This resolution shall take effect from and after its passage, the public welfare requiring it.

Section 5. BE IT FURTHER RESOLVED, if any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to that end the provisions of this resolution are declared to be severable.

