

ORDINANCE NO. 2574

AN ORDINANCE TO AMEND THE UNINCORPORATED LAKE COUNTY UNIFIED DEVELOPMENT ORDINANCE (UDO) OF LAKE COUNTY, INDIANA, ADOPTED JUNE 13, 2023, AS AMENDED, TO ADD TITLE 154, UNIFIED DEVELOPMENT ORDINANCE 2560; ARTICLE 16, ADDITIONAL REGULATIONS OF GENERAL APPLICABILITY; CHAPTER 110, REGULATIONS FOR BATTERY STORAGE FACILITIES, TO REGULATE THE IMPLEMENTATION OF BATTERY ENERGY STORAGE SYSTEMS THROUGH UNINCORPORATED LAKE COUNTY, INDIANA.

WHEREAS, the Indiana Legislature passed House Enrolled Act No. 1173, providing a mechanism to regulate Utility Scale Battery Energy Storage Systems (BESS), Effective July 1, 2023, and codified in Indiana Code 22-14-8, to create a statutory framework in Indiana.

WHEREAS, in this legislation, the Indiana Department of Homeland Security (IDHS) was charged with enforcement authority and the Indiana Department of Fire Prevention and Building Safety Commission was authorized to adopt rules to implement its requirements.

WHEREAS, companies have expressed an interest in battery energy storage system projects in Lake County, Indiana.

WHEREAS, the Unincorporated Lake County Advisory Plan Commission, herein after "Plan Commission," by and through their ordinances and regulations passed by the legislative body, the Lake County Council, hereinafter "Council," is duly charged with regulating land use for the purpose to protect the health, safety, morals, and general welfare of the public, land owners, and its citizens.

WHEREAS, the Plan Commission and Council desire to implement the following regulations concerning anyone pursuing battery energy storage systems (BESS) under Indiana Code 22-14-8.

BE IT ORDAINED BY THE LAKE COUNTY PLAN COMMISSION AND LAKE COUNTY COUNCIL AS FOLLOWS:

INSERT:

154-16-110 BATTERY ENERGY STORAGE SYSTEMS (BESS)

Battery energy storage facilities are subject to the following regulations:

A. Definitions

1. Battery energy storage facilities: One or more battery cells for storing electrical energy in a battery energy storage system ("BESS") with a battery management system ("BMS").
2. Battery energy storage system: A physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

3. Battery management system: An electronic regulator that manages a battery energy storage system by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and capable of shutting down the system before operating outside safe parameters.
- B. Submittal requirements for battery energy storage facilities are permitted only in the following zoning district classifications: CD (Conditional Development District) by special exception.

All applications for special exception must include the following information in addition to all other requirements approved by the Lake County Plan Commission necessary to make an appropriate application.

1. Preliminary site plan identifying the following:
 - a. Subject property including the property lines, setback lines, and right-of-way lines.
 - b. Physical features including but not limited to roads, special flood hazard areas (if applicable), wetland(s) (if applicable), existing and proposed buildings, equipment, proposed locations of underground or overhead electric lines and utility poles, landscaping, and fencing;
2. Identification of proposed construction and ongoing maintenance routes from the nearest arterial road as detailed on a map;
3. Letter of intent with the Lake County Highway Department that acknowledges the proposed project and a preliminary agreement with the district's requirements or conditions;
4. Proposed product cut-sheets, spec sheets, or data sheets;
5. Visual screening report that includes the following:
 - a. A map of homes within 500 feet of the facility,
 - b. Locations and type of existing vegetation that may provide screening of views of the facility,
 - c. Any topographic features that provide screening of the facility (if any);
6. Interconnection service agreement or evidence of filing required interconnection service applications with the electric utility;
7. Preliminary operation and maintenance plan of the battery energy storage facility, including measures for maintaining safe access to the installation, stormwater controls, landscaping maintenance, as well as general procedures for operation and maintenance of the installation
8. Proof of liability insurance;
9. Preliminary emergency services plan, including but not limited to the project summary, electrical schematic and means of shutting down the battery energy storage facility throughout the life of the installation;
10. Redacted copy of the memorandum of lease for the subject property (if leased).
11. Notice of development letters. In addition to notice provided by the request for special exception, the owner/operator must identify and mail (obtaining a Certificate of Mail from the Post Office or receipts from Certified Mail proving such mailings occurred)

such notice letters to Lake County Board of Commissioners and Lake County Council for the battery energy storage facility and where it is to be built as well as to the respective Township Trustee, Lake County Soil and Water Conservation District, Lake County 911, Lake County Sheriff, any participating fire department or fire district, and to all municipalities located within 1.5 miles of the battery energy storage facility;

- C. 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;
- D. Buildings are subject to the lot and building standards of the underlying zoning district;
- E. Security barrier. Battery energy storage facilities must be enclosed by perimeter security fencing or other county-approved barrier with a minimum height of at least six feet unless housed in a dedicated-use building. The use of barbed wire or razor wire that runs along the top of chain linked fences is permitted. Existing perimeter fencing or county-approved barriers can be used if they meet the requirements above; and,
- F. Conformance with Indiana Code 22-14-8, et seq. which among the requirements, includes an emergency response plan and training for the local fire department.

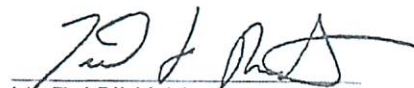
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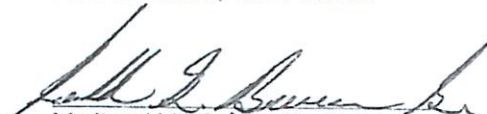
COUNTY COUNCIL OF LAKE COUNTY, INDIANA, THIS 11th DAY OF

June, 2024.

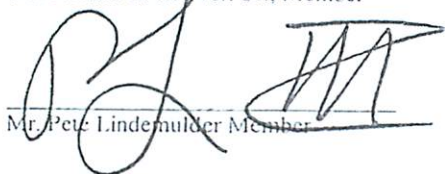

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