

March 11, 2025

City of Buckeye  
Planning & Zoning  
530 E. Monroe Ave.  
Buckeye, AZ 85326

RE: City of Buckeye Battery Energy Storage System (BESS) Ordinance (3.2.2 Use-Specific Standards, Battery Energy Storage System (BESS) and Solar Generation Station)

Dear Mr. Wingard and Ms. Woods and Planning and Zoning Staff,

AriSEIA appreciates the opportunity to submit this second set of feedback on the proposed BESS section of the ordinance.

#### Definitions

The applicability section specifying that the ordinance only applies to utility-scale BESS facilities is important; as is the fact that the ordinance is not retroactive. It would be helpful to also make the applicability of the ordinance only to utility scale BESS clear in the definitions section on page 89.

Similarly, the definition of “solar generation station” should be clear that it applies only to utility scale solar arrays. You can have residential and commercial/industrial ground mounted solar systems and they can export their excess power to an “off-site electric utility provider.” You could make this clearer by setting a threshold for the size of the project (for example over 100 MW) or you could make it clear that none of the power from the project is intended for on-site usage.

#### Setbacks

Tying the ordinance to the most recent versions of UL 9540 and NFPA 855 is recommended. The American Planning Association found the national setback average for BESS-specific setbacks used distances of 50-150 feet from property lines.<sup>1</sup> While the NFPA recommends 100’, we recommend no more than 150’ based on the Phoenix Regional Standard Operating Procedures Battery Energy Storage Systems policy.<sup>2</sup> All electricity generation and energy storage creates some amount of risk. However, battery incidents represent only 2% of battery installations.<sup>3</sup> Setbacks for batteries should not be more onerous than setbacks for other energy storage devices, such as those that contain fossil fuels. The setbacks should be measured from the BESS equipment, not the BESS property line.

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<sup>1</sup> American Planning Association, Zoning Practice, P.10 (Mar. 2024), *available here* [https://planning-org-uploaded-media.s3.amazonaws.com/publication/download\\_pdf/Zoning-Practice-2024-03.pdf](https://planning-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Zoning-Practice-2024-03.pdf)

<sup>2</sup> City of Phoenix, Battery Energy Storage Systems, April 2023, *available here* <https://www.phoenix.gov/firesite/Documents/205.20A%20Battery%20Energy%20Storage%20Systems.pdf>.

<sup>3</sup> California Public Utility Commission, Energy Storage Procurement Study: Safety Best Practices, 2023, *available here* [https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/energy-storage/2023-05-31\\_lumen\\_energy-storage-procurement-study-report-attf.pdf](https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/energy-storage/2023-05-31_lumen_energy-storage-procurement-study-report-attf.pdf).

### Height

Both solar and BESS allow height increases to be approved by the P&Z Commission. The height max is set at 55', but it can go up to 120' when set back from the property boundary. Sometimes it is beneficial to have taller poles – that reduces the amount of ground disturbance. We would suggest that the text be changed to state that additional height may be approved as part of the site plan process. We do not recommend creating a separate P&Z approval process solely for height. The height should be considered as part of the site plan. Additionally, site plan approvals should be able to obtain extensions.

### Waiver Provision

The current ordinance draft covers the primary land use matrix for all zoning districts in Buckeye. The ordinance should include a waiver provision in the event a project proposal conflicts with some component of the permitted ordinance uses but is otherwise an ideal site. The City of Eloy Solar and BESS Ordinance includes such a provision.<sup>4</sup> We recommend adding language such as that included in 21-3-1.39(B) of Eloy's ordinance.

### Other

While it is good that the City is looking at ways to specifically permit BESS, it needs to be clarified that the new procedures– in particular the CUP requirement in the AG and R1-43 zoning districts – apply only to “stand-alone” BESS. An approved solar project should be able to include BESS as an accessory use by-right without an additional CUP process.

In the “ownership changes” section, we recommend making the 30 days longer or adding a grace period before voiding all BESS project approvals.

The location of the project should be taken into consideration when it comes to perimeter walls and landscaping. How remote a project is or other attributes of the surrounding environment may reduce the need for a specific wall height, type of wall, or landscaping.

Thank you for your time and consideration and we look forward to continuing to engage with the City on this ordinance as the stakeholder process progresses.

Respectfully,  
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<sup>4</sup> Eloy Ordinance, 21-3-1.39, *available here* [https://codelibrary.amlegal.com/codes/elayaz/latest/elay\\_az/0-0-0-9381](https://codelibrary.amlegal.com/codes/elayaz/latest/elay_az/0-0-0-9381).