

County of Caroline
Dept. of Planning & Community Development
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MEMORANDUM

TO: Caroline Planning Commission

FROM: Mike Finchum
Planner Caroline Planning & Community Development

SUBJECT: **TXT-02-2022**

DATE: June 15, 2022

Staff is offering this text amendment to define the terms "Energy Storage Facility", "Energy Storage Project" and "Host Locality". The Commonwealth of Virginia has established these definitions, and, though these definitions are incorporated by reference from the Code of Virginia, staff believes that the definitions should specifically be added into the Zoning Ordinance. The addition of these definitions benefits staff in any future interpretation/BZA appeal related to such definition or use, but does not obligate the County to allow such uses, as staff does not propose to include such use in any zoning district.

The Zoning Administrator has opined that "Energy Storage Facilities" are not authorized uses under the Caroline County Zoning Ordinance, as the ordinance does not identify the use in any zoning district. The Zoning Administrator also previously opined that such facilities were not accessory uses to Solar Energy Projects. These interpretations are consistent with the zoning administrator's previous interpretation that Solar Energy Projects were not permitted uses under the zoning ordinance, until the Board of Supervisors added the use to a specific district(s), which it did in the RP Rural Preservation Zoning District.

However, the solar energy interpretations were specific to third party or commercial solar developers and not to public electrical utilities. Under the zoning ordinance, public utilities have the ability to make application for a solar energy project under the Public Utility Generation designation, defined in Article II as "those facilities used in the manufacture or development of electric power for sale to the public". Public Utility Generation is allowed as a Special Exception in the RP and by-right in the M-1 Industrial districts.

Staff believes that the inclusion of these definitions helps clarify that such uses are not currently allowed in any zoning district and draws an important distinction between this use and the public utility generation definition, thereby mitigating any argument that “battery storage” is authorized under that definition or inferred as accessory thereto.

The text amendments read as follows:

TXT-02-2022 - An Ordinance to amend the Zoning Ordinance of Caroline County by Amending Article II, Definitions, to add the following:

“Energy storage facilities” means the energy storage equipment and technology within an energy storage project that is capable of absorbing energy, storing such energy for a period of time, and redelivering such energy after it has been stored. **For clarity, energy storage facilities are distinct from and not included within (i) major or minor solar energy facilities or (ii) public utility, distribution, generation or transmission facilities, as defined in this ordinance, nor are they an accessory use thereto.**

“Energy storage project” means the energy storage facilities within the project site.

“Host locality” means any locality within the jurisdictional boundaries of which construction of a commercial solar project or an energy storage project is proposed.