



BOARD OF SUPERVISORS AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Submitted on:
(COB Stamp)

Department Name: Community Services
Department No.: 057
Agenda Date: May 6, 2025
Placement: Administrative Agenda
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director(s): Jesús Armas, Community Services Director 805-568-2647
SUBJECT: Modify Direction Regarding Assembly Bill 303, from Support to Watch Position

DS
JA

County Counsel Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Modify the County's position with respect to Assembly Bill 303, from Support to Watch
- b) Find that the proposed action is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment and is therefore not a project under CEQA Guidelines 14 CCR 15378(b)(5).

Summary Text:

This item seeks Board approval to revise the County's position with respect to Assembly Bill 303, from support to watch.

Background:

At the March 11, 2025 meeting, the Board reviewed information regarding battery energy storage systems (BESS). At that time, staff reported that in 2022 the Governor signed AB 205, enabling certain size battery storage systems capable of storing 200 megawatt-hours (MWh) or more to forego the local land use approval process and instead opt-in to a state review and approval process under the auspices of the California Energy Commission. Staff also reported that Assembly member Dawn Addis, D-Morro Bay, introduced AB 303 which proposes to restore local permitting authority, and establish setbacks of 3,200 feet from sensitive receptors, including schools, hospitals and agricultural land.

Following its deliberations, the Board approved a motion to forward AB 303 to the Legislative Program Committee, with direction to, per the minutes "advocate for AB 303 (to increase local control)."

The Committee considered this direction at its April 7 meeting, at which time it was reported that in addition to AB 303, multiple bills on this issue have been introduced in both the Senate and Assembly, as follows:

- SB 283: Requires a BESS to comply with National Fire Protection Association Standards and require local agencies to certify compliance with such standard if a BESS is approved.
- AB 434: Prohibits local jurisdictions from approving a BESS until January 1, 2028, requires the State Fire Marshal to adopt guidelines and minimum standards for the construction of a BESS, and requires a local agency to require a BESS to meet the guidelines and minimum standards adopted by the Fire Marshal.
- AB 588: Requires the state Fire Marshal to convene a lithium battery working group, specifies its composition, and identifies a funding mechanism. The bill would require the working group to deliver the initial research, findings, and recommendations on or before January 1, 2027.
- AB 1285: Requires the State Fire Marshal, in consultation with the Office of Emergency Services, to develop fire prevention, response, and recovery measures for utility grade lithium-ion battery storage facilities, as specified.

In light of the number of bills seeking to determine how best to regulate a BESS, the Committee discussed whether AB 303 is the appropriate vehicle to achieve this objective. And of course, it is likely the bills may be revised during the various hearings before applicable legislative committees. The Committee determined that rather than take a position on a single bill, it would be more appropriate to monitor all of the bills and defer taking a position on a specific bill until the status of the aforementioned bills becomes clearer.

Accordingly, with regard to AB 303, the Committee supports modifying the County position from support to watch.