ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING THE CITY OF BRYAN CODE OF ORDINANCES, CHAPTER 130, ZONING, TO INCLUDE A NEW LAND USE DEFINITION FOR BATTERY ENERGY STORAGE SYSTEMS (BESS), TO PERMIT THE USE CONDITIONALLY ON PROPERTIES ZONED INDUSTRIAL DISTRICT, AND TO PROVIDE SPECIAL AND SUPPLEMENTARY REGULATIONS FOR THE NEWLY DEFINED USE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING A PENALTY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan has adopted Chapter 130, Zoning, of the City of Bryan Code of Ordinances, as amended, which divides the City of Bryan into various zoning districts; and

WHEREAS, permanent zoning changes made after the date of passage of Chapter 130 are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

WHEREAS, the City Council, on behalf of Bryan and its residents, further has determined that the following amendments will promote the public health, safety, and efficient growth of the City; and

WHEREAS, the City Council has held a public hearing on the proposed amendment for which notice was published at least fifteen (15) days prior to the hearing date;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

1.

That the City Council finds and determines the foregoing recitals are true and correct and hereby makes them part of this ordinance.

2.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances is hereby amended by modifying Section 130-3, Section 130-23, and Section 130-34, as follows:

Sec. 130-3. – Definitions.

Battery Energy Storage System (BESS), is a rechargeable, electric battery system including one or more batteries with chargers, controls, and associated electrical equipment, which charges, collects and stores energy from either the grid or a power plant, in order to discharge later when the power/electricity is needed to ensure adequate capacity and grid resiliency.

Sec. 130-23, – I, industrial district.

(c) *Conditional uses.*

- Adult entertainment;
- Battery energy storage systems (BESS);

- Commercial amusement (outdoor);
- Heliport/helistop;
- Municipal services support facilities;
- Recovery facility

Sec. 130-34, – Special and supplementary regulations.

(v) Battery Energy Storage Systems (BESS). The purpose of these special and supplementary regulations is to guide the development of BESS facilities by ensuring the proper precautions are considered in order to maintain the safety and welfare of the public. The following factors shall be considered when determining whether to grant a conditional use permit for BESS:

(1) *Lot size requirements.* BESS shall be located on a lot with a minimum area of one (1) acre.

(2) *Additional setback requirements.* For any property that is occupied by a BESS, all front, side, and rear setbacks shall be a minimum of 50 feet.

(3) *Perimeter fencing required.* All BESS shall be enclosed by a minimum 6-foot tall security fence, and must be equipped with an appropriate anticlimbing device.

(4) *Landscape and screening.* BESS facilities shall be landscaped with plant materials that effectively screen the developed site from view of the public right-of-way. Screening shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facility. It is the responsibility of the BESS owner to maintain any required landscaping.

(5) *Separation requirements.*

a. A BESS shall not be located on a property that is within 500 feet from any other property in which a BESS is located.

b. A BESS shall not be located on a property that is within 1,000 feet from any residential zoning district or detached residential dwelling.

(6) *Decommissioning plan.* Any application for a BESS shall be required to include a decommissioning plan to describe the procedure for dismantling and removing the BESS from service. The decommissioning plan shall include:

a. The anticipated life of the BESS;
b. A description of procedures that will be taken to remove all equipment, components, and structures of the BESS, including a plan for disposal of all solid and hazardous waste, and a description of how the site will be restored to its original condition;
c. A decommissioning cost assessment describing the estimated total cost of decommission and all required expenses; and
d. A projected timeline for decommissioning the BESS.

(7) *Penalty*. In addition to the penalties and other relief provided in this Code, any violation of this article, and any failure to comply with the decommissioning plan upon the closing of the facility or the cessation of consistent operation for more than one year, is an offense and is hereby declared to be a nuisance and may be abated as provided in chapter 50, article IV of this Code.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

4.

That the Code of the City of Bryan, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

5.

That if any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

6.

That it is hereby found and determined that the meeting at which this ordinance was passed was open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of the time, place and purpose of said meeting was given.

7.

It is the intention of the City Council that this ordinance shall become a part of the Bryan City Code and it may be renumbered and codified therein accordingly

8.

That this ordinance shall take effect immediately upon its publication in the newspaper, said date being _____.

PASSED, ADOPTED and APPROVED the 9th day of July 2024, at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of _____yeses and ___ noes.

ATTEST:

_____
Mary Lynne Stratta, City Secretary

CITY OF BRYAN:

_____
Bobby Gutierrez, Mayor

APPROVED AS TO FORM:

_____
Thomas A. Leeper, City Attorney

EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF JUNE 6, 2024:

5. Proposed Amendments to the text of Bryan's Code of Ordinances – A Public Hearing will be held for each item (Commission makes recommendation; City Council has final approval).

A. Proposed amendments to the text of Bryan Code of Ordinances Chapter 130 – Zoning, specifically to include a new land use definition for Battery Energy Storage Systems (BESS), to permit the use conditionally on properties zoned Industrial District (I), and to provide special and supplementary regulations for the newly defined use.

Mr. Johnson presented the staff report (on file in the Development Services Department). Staff recommends approval of this request.

In response to Commissioners' questions, Mr. Johnson stated that there is not a specification to whether the fence is opaque or not. He also stated that staff has met with the Fire Marshalls Office and Bryan Texas Utilities (BTU) to formulate regulations to mitigate possible health and safety concerns.

Commissioner Beckendorf left the meeting at 6:44 pm.

Commissioners discussed separation requirements for Agricultural Open (A-O) District tracts and the possibility of it being misinterpreted as written in the proposed text amendment.

Commissioners discussed the decommissioning process and whether it would be appropriate to include a surety bond for a BESS.

In response to Commissioners' questions, Mr. Johnson stated that a BESS would be required to comply with the International Building Codes (IBC).

The public hearing was opened.

Mr. Gerald Burnett, Assistant Fire Marshall, stated he discouraged the use of specific National Fire Protection Association (NFPA) language to allow the conformance to current and amended regulations from other organizations.

Mr. Luke Marvel, 4100 Rocky Briar Court, College Station, Texas, stated he is currently working on a BESS property where a surety bond in written within the leasing agreement.

The public hearing was closed.

Commissioner Clark moved to recommend approval of the proposed amendment to the text of Bryan's Code of Ordinances Chapter 130 – Zoning, specifically to include a new land use definition for Battery Energy Storage Systems (BESS), to permit the use conditionally on properties zoned Industrial District (I), and to provide special and supplementary regulations for the newly defined use.

Commissioner Rodriguez seconded the motion.
Commissioner Watson moved to amend the motion by removing "any property that is zoned A-O and improved with a detached residential dwelling" from Sec. 130-34 Special and

supplementary regulations (5)(b) of the Separation requirements and insert "detached residential dwelling".

Commissioner Bush seconded the motion to amend.

Commissioners discussed amendments to these regulations and standards can be made as this type of development becomes more frequent. Commissioners discussed the appropriateness for a surety bond and the minor imposition it may have on potential applicants.

The motion to amend passed unanimously.

The motion as amended passed unanimously.

MEMORANDUM TO THE PLANNING AND ZONING COMMISSION DATED MAY 16, 2024:

Development Services

Memorandum

To: Planning and Zoning Commission

From: Benjamin Johnson, Staff Planner

Date: May 16, 2024

Re: Battery Energy Storage Systems (BESS)

In recent years, there has been a rapid expansion of energy storage projects being proposed within cities across the United States, including a dramatic increase in battery energy storage systems (BESS). BESS, as defined below, allows energy to be stored and used at a later date in order to control energy demand peaks and to enhance grid resiliency.

With the rising popularity of these projects, there has been a rise in cities acting to provide specific uses, standards and regulations within their ordinances. Recently, City of Bryan Staff has begun receiving inquiries and interest in projects of these sorts. Currently, the City of Bryan has no specific ordinance or defined use for these projects.

What is a BESS?

A **Battery Energy Storage System (BESS)**, is a rechargeable, electric battery system which charges, collects and stores energy from the grid or a power plant, in order to discharge later when the power/electricity is needed. A BESS may consist of one or more batteries and is typically a stationary device. Existing BESS vary in size and intensity depending on the use and magnitude of the system as well as any existing restrictions/regulations.

Planning and Zoning for BESS

In January 2024, Staff attended a seminar held by the American Planning Association (APA), focused on the planning and zoning for BESS within cities. The seminar provided a background to BESS and its' rise in popularity, contributing this rise to:

- The recent expansion of renewable energy sources;
- Price decreases in battery technology; and
- Varying policies and mandates at both the federal and state level.

Additionally, the seminar highlighted specific examples of BESS projects and cities with impactful ordinances for such projects. Based on these successes, **the following recommendations were provided as the best practices for BESS** text within a city's ordinance:

- Define BESS as a distinct land use;

- Exempt small BESS from zoning standards;
- Permit BESS as an accessory use where it makes sense, with all safety precautions still applied (ex. AU to wind farm);
- Require compliance w/ **National Fire Protection Association (NFPA) 855** - Standard for the Installation of Stationary Energy Storage Systems, including training or communication plan with first responders; and
- Require a Decommissioning Plan.

Case Studies

Yorktown, New York

In the above-mentioned seminar, Yorktown, New York was described as having an example BESS ordinance in conjunction with the recommendations provided. Yorktown, New York currently has a multi-tier BESS ordinance with the following definitions provided:

> **BESS:** A system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems and associated electrical equipment, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.
>
> **Tier 1 Battery Energy Storage Systems** have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. However, battery energy storage systems for one to two family residential dwellings, within or outside the structure, shall not have an aggregate energy capacity that exceeds:
>
> a) 40 kWh within utility closets and storage or utility spaces
> b) 80 kWh in attached or detached garages and detached accessory structures
> c) 80 kWh on exterior walls
> d) 80 kWh outdoors on the ground
>
> **Tier 2 Battery Energy Storage Systems** have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

Yorktown permits both **Tier 1 & 2 BESS** in all zoning districts through issuance of a Special Use Permit, with Tier 2 BESS requiring a more extensive review and standards as described by the APA's recommendations above.

Tomball, Texas

The City of Tomball, Texas is a neighboring city, which has implemented city ordinances to prepare for the development of BESS. The City of Tomball's Code of Ordinances defines BESS as:

> **Electric storage system** means one or more devices assembled together capable of storing energy that allows power system operators and utilities to collect and store energy from the grid and discharge it at a future time to provide electricity when needed, such as to ensure adequate peaking generation capacity and grid resiliency.

Electric storage systems, as defined above, are permitted in Tomball's Light Industrial zoning district only, with approval of a Conditional Use Permit (CUP). Tomball's ordinance does not provide additional requirements or regulations for BESS besides the required CUP.

On June 19, 2023, the Tomball City Council denied a CUP for an electric storage system due to the immense amount of opposition expressed in the public hearing, and for concerns allowing these systems near residential areas. In the case staff report, Tomball City Staff suggested the inclusion of screening, buffers, and additional fire precautions if the CUP is recommended for approval.

League City, Texas

Similar to Tomball, League City has also denied a BESS project from being developed in city limits. However, League City does not have any specific ordinance relating to BESS as a defined use, or have any additional regulations on such uses.

Due to the lack of a defined use, the proposed project was associated with the closest defined use within the ordinance, being a "private utility' use. Private utilities uses are permitted by-right under Heavy Industrial zoning and with a Special Use Permit (SUP) in other zoning districts. The proposed BESS was approved to be rezoned to Limited Industrial District, but did not receive SUP approval.

Recommended Action

Currently, the City of Bryan has no definition or regulations for BESS projects. If staff were to receive a request/plans for a BESS, the use would not be permitted. Based on the information provided in the APA seminar and the before-mentioned case studies, **Staff suggests including the following components of BESS into the Bryan Code of Ordinances**:

- Adopt a definition for BESS;
- Potentially allow this land use via CUP approval in Industrial District (I) only;
- Adopt specific land use standards, including:
    - Compliance with NFPA 855, including necessary training for first responders;
    - Screening standards;
    - Separation requirements between existing BESS (similar to cell tower or tattoo studio separation requirements);
    - A minimum required acreage for this type of land use; and
    - Requiring a demolition plan for the project.

Staff finds that incorporating these items into our ordinance will better prepare Bryan for any future BESS proposals. While including a multi-tier system (like Yorktown) may allow for a wider range of BESS, staff finds that incorporating the "smaller-scaled" BESS systems would require more discussions between BTU and local first responders and an extensive amount of prior detailing. Additionally, staff finds that the example ordinances in Texas have not included this level of detail. Currently, it is not recommended that we extend this use to this level.

MEMORANDUM TO THE PLANNING AND ZONING COMMISSION DATED JUNE 6, 2024:

Development Services

Memorandum

To: Planning and Zoning Commission

From: Benjamin Johnson, Staff Planner

Date: June 6, 2024

Re: proposed amendments to the text of Bryan Code of Ordinances Chapter 130, Zoning, specifically to include a new land use definition for Battery Energy Storage Systems (BESS), to permit the use conditionally on properties zoned Industrial District, and to provide special and supplementary regulations for the newly defined use.

BACKGROUND AND ANALYSIS:

In recent years, there has been a rapid expansion of energy storage projects being proposed within cities across the United States, including a dramatic increase in battery energy storage systems (BESS). BESS, as defined below, allows energy to be stored and used at a later date in order to control energy demand peaks and to enhance grid resiliency.

With the rising popularity of these projects, there has been a rise in cities acting to provide specific uses, standards and regulations within their ordinances. Recently, City of Bryan Staff has received inquiries and interest in these types of projects. Currently, the City of Bryan has no definition or regulations for BESS projects.

What is a BESS?

A **Battery Energy Storage System (BESS)**, is a rechargeable, electric battery system which charges, collects and stores energy from the grid or a power plant, in order to discharge later when the power/electricity is needed. A BESS may consist of one or more batteries and is typically a stationary device. Existing BESS vary in size and intensity depending on the use and magnitude of the system as well as any existing restrictions/regulations.

Incorporating this land use into our ordinance will better prepare Bryan for any future BESS proposals. Some municipalities have multi-tier systems that allow for a wider range of BESS, including “smaller-scaled” BESS. These would require more extensive discussions between BTU and local first responders and an extensive amount of prior detailing. Additionally, staff finds that

the example ordinances in Texas have not included this level of detail. Currently, it is not recommended that we extend this use to this level.

After meeting with the Fire Marshal's Office, staff finds that it would not be appropriate for a BESS to be located in or near areas designated for commercial or residential uses due to the intensity of this land use, and acknowledges that BESS projects need to be separated from these noncompatible areas. The Fire Marshall's Office informed staff that separating BESS projects from adjacent neighborhoods and businesses was their primary concern, as battery fires can be difficult to extinguish and could discharge waste runoff if any burning structure is flooded.

Staff proposes to allow BESS on properties zoned Industrial District (I) only with prior approval of a Conditional Use Permit (CUP) from the Planning and Zoning Commission. Allowing for the review of suitable locations and the proposed special and supplementary regulations will provide additional standards to protect citizens from any potential adverse effects of a BESS.

The following are three (3) sections of Chapter 130 – Zoning, staff proposes to amend providing guidance and regulation of a BESS land use:

Sec. 130-3. Definitions

- To provide a definition for BESS as a land use.

Sec. 130-23. I, Industrial District

- To allow BESS as a land use in the Industrial District (I), with prior approval of a conditional use permit from the Planning and Zoning Commission.

Sec. 130-34. Special and supplementary regulations

- To provide the following development standards for the development of a BESS:
    - Additional lot size requirements;
    - Screening and fencing requirements;
    - Separation requirements from residential areas and other properties in which BESS is the current land use; and
    - Requiring a decommission plan for the BESS to provide estimated timelines, procedures, and costs of any BESS project in the city.

ATTACHMENTS:

1. draft ordinance; and
2. article from the Houston Chronicle, "New technology could stabilize Texas' grid. But Houston-area residents are wary of its expansion", published May 23, 2024.

ARTICLE FROM THE HOUSTON CHRONICLE, "NEW TECHNOLOGY COULD STABILIZE TEXAS' GRID BUT HOUSTON-AREA RESIDENTS ARE WARY OF ITS EXPANSION", PUBLISHED MAY 23, 2024:

New technology could stabilize Texas' grid. But Houston-area residents are wary of its expansion.

By Claire Hao, Staff writer, May 23, 2024

Battery energy storage systems, which have surged in popularity across Texas, are often heralded as a boon to the stability of the state's power grid. But local opposition to utility scale projects is cropping up, much as it did with clean energy technologies that came before, potentially threatening the state's ability to meet fast-growing power demand and decarbonize.

Officials in cities around Houston are concerned battery sites could catch on fire or explode, as they have in other states, in some cases causing injuries or fires that have burned for days. "These things have come in so hot and heavy in the past six months. We need time to figure out what we need to do," League City Mayor Nick Long said. "People are concerned that they're unsafe. At this point, we don't know enough about it and aren't prepared to reassure them."

FINANCIAL INCENTIVES: How do battery storage companies make money? Breaking down Texas' lucrative new industry

League City is among at least three municipalities in the Houston region that have cited the technology's risks in slowing the proliferation of commercial battery storage sites. Battery developers and grid experts, meanwhile, are closely watching how city actions will affect development of a resource they argue is important for Texas' fragile grid system, as demand for power increases along with the state's population and increasing electrification of industry. "Any kind of increase in the cost of doing business or any kind of development risk, it's going to make it harder to build these products, which make it more expensive to meet demand in the future," said University of Texas at Austin energy researcher Joshua Rhodes.

Power must for the most part be generated when it's consumed. Generating that power, traditionally with natural gas or coal-fired power plants, is the second-largest source of climate-warming emissions nationwide. Grid-scale batteries, however, can store electricity and inject it during times of grid strain, giving grid operators more flexibility and a tool to avoid blackouts. They support the integration of renewables onto the grid, storing excess renewable power and sending it to the grid when the sun isn't shining or the wind isn't blowing, and thus help unlock the low energy prices of these resources.

SAFETY CONCERNS: Though Houston grid-scale battery storage stokes fears of some residents, failure is rare

As recently as four years ago, Texas' battery storage capacity was negligible. Now, about 6,300 megawatts of batteries are installed on the Texas grid, enough to power nearly 1.3 million homes on the hottest summer days. And more growth is coming: 141 gigawatts of battery storage projects have applied to potentially connect to the Texas grid, according to the Electric Reliability Council of Texas, the grid operator.

Battery developers are attracted to Texas because of the state's booming solar and wind generation industries and its volatile wholesale electricity market. Batteries charge when prices are low, selling power back to the grid when prices spike during times of scarcity. Houston is especially lucrative for developers because the region regularly sees these price fluctuations.

Some Houston-area cities, however, are wary. Battery storage project requests have been postponed in League City until the city can consult third-party experts and draft an ordinance for these technologies. In Tomball, the City Council denied a conditional use permit for a battery storage project in June 2023 and has received no other applications since.

RAPID EXPANSION: Why are battery storage projects coming to Houston? Behind the new technology's rapid growth

"If there are others that are seeking (to build), they use the experience of (the denial) to say, 'Well, maybe Tomball is not ready for that,'" said Tomball Council Member John Ford, who also called battery storage "probably our best technology for supporting the grid."

And Texas City city staff put forth an ordinance on battery storage, possibly the first of its kind in Texas, for a commission vote. It was tabled for revision after the Advanced Power Alliance, which represents clean energy companies, including numerous battery storage developers, sent a letter outlining its concerns.

Industry groups say enhanced safety regulations have made battery failures increasingly rare. Judd Messer, APA's Texas vice president, said he was worried potential misinformation about battery storage could stymie development as it has with solar and wind projects nationwide. "We'd like to get to a point where we would support something that was based on the science and legitimate infrastructural needs, because I think that this (ordinance) will be replicated in other jurisdictions," he said.

Battery storage risks

Battery storage fires are caused by what is known as thermal runaway, which occurs when a battery cell overheats. Thermal runaway can be caused by internal cell defects, environmental contamination from humidity and dust, too much electricity input, improper voltage and other factors, said Lakshmi Srinivasan, principal team lead for energy storage at the Electric Power Research Institute, an energy research and development nonprofit.

Though failures can be severe, the rate of battery storage failures has dropped 97% from 2018 to 2023, with an average of one failure per 3,000 megawatts of deployment globally, according to EPRI data tracking incidents that were reported in the media, Srinivasan said. That's because

the industry has incorporated lessons from a spate of battery storage failures in 2018 and 2019 into stringent design and safety standards, she said.

FUEL FIX: Sign up for a wrap of oil and gas news from the energy capital of the world
"The top line here is that storage facilities are incredibly safe, and safety-related events are extremely rare. Even when they do occur, they are contained to the secure site," said Noah Roberts, senior director of energy storage for the American Clean Power Association, a renewable energy industry group. Many nearby residents, however, remain unconvinced.

Battery developer Black Mountain Energy Storage applied to build in Tomball in early 2023, Council Member Ford said. The company, which didn't respond to a request for comment, tried to inform residents about technological advances and fire prevention, he said.
"That meeting or meetings was very lightly attended. The citizens had got it in their mind that this is potentially dangerous, and so there wasn't a lot of back and forth after that," Ford said.

Cities weigh options
Texas City, home to numerous oil refineries and chemical facilities, is very much an industry town. It's also seeing an influx of new residents. Amid competing growth – now including battery storage facilities – Planning Director Kim Golden said she's trying to find a balance.
"Definitely in our industrial complex, there's a place for (battery storage)," Golden said. "Definitely a place not for them is going to be near schools, near developing residential areas, near hospitals, nursing homes, apartments."

Golden's office began receiving battery storage project applications in 2022 from developers attracted to Texas City's robust electrical infrastructure, most of which is inside a hurricane levee. The initial applications asked to locate in industrial areas of town. Of the three approved, two are operational and one is under construction, Golden said.

More from Claire Hao: Nearly 9 in 10 Houstonians want the city to lead the world's energy transition, Rice survey finds
Then developers started to propose projects in Texas City's established and developing residential areas. The Planning Board recommended denial of one of them in December; the developer is reviewing its application and has not yet decided to move forward, Golden said. Ten to 12 projects are in various stages of application, prompting Golden to develop an ordinance so the city would have an uniform process for evaluating them.

A proposed ordinance was tabled in March after groups including APA took issue with it, including its language requiring developers establish a compelling need to locate near residential areas and underground power lines. APA was also concerned by a clause granting the city the ability to limit the number of projects.

Those provisions will no longer be in the ordinance because they could tread on the jurisdiction of the Public Utility Commission of Texas, the state's utility regulator, Golden said. Instead, Texas City will use setback requirements and existing discretion to evaluate a project's impact

on public safety, welfare and prosperity to achieve the balance between development and safety, she said.

GROWING INDUSTRY: Texas battery use expected to grow as U.S. storage sector sets new record

"(Battery storage) really is a great tool for stabilizing the grid, and we're going to have more and more of them, and that's just what's going to happen. So, we as cities need to figure out how to make everybody happy," Golden said.

In nearby League City, staff are just starting the monthslong process of creating an ordinance after the City Council voted last month to establish one. A small battery storage project is operating in the city, approved by a former staff member without the knowledge of city management or council, Long, League City's mayor, said. Five pending applications are in different stages, he said.

"These things do have some benefit, and they do come with significant risks. So we need to make sure that we get it as right as possible, and probably initially be as conservative as possible on this and develop a tighter ordinance," Long said.

More time?

Developers say that discouraging battery storage projects near residential areas, hospitals and other buildings housing essential services could undermine the potential for microgrids, localized grids that can disconnect from the main grid in case of a grid failure. Texans voted to approve a $10 billion fund in November meant to bolster grid stability, which included $1.8 billion in grants and loans for microgrid development.

Tomball's Ford said the best solution to local opposition may be more time to convince residents that battery projects are safe.

"There are these banks that are going in, and they're being run very safely without incident. If you develop a track record that shows that – say you have 10 years or five years of a perfect safety record – then I think it would be an easier sell for communities," Ford said.

HISTORY OF HELP: Batteries added to Texas power grid this summer may have helped avert blackouts, companies say

This still concerns industry groups and grid experts, who point to comments from the ERCOT CEO that more battery storage will be needed to meet unprecedented power demand growth in Texas by 2030. "If we're looking to decarbonize the energy system, we don't have the luxury of taking breaks like that," said UT Austin's Rhodes. "Holding the sector up to a perfect record, that's not a record that we hold other parts of society up to. That will stop development, or slow development down at least."