



July 24, 2026

Christina Sexton
Planning Staff
City of Surprise Community Development
16000 N. Civic Center Plaza
Surprise, Arizona 85374

Via email: christina.sexton@surpriseaz.gov

RE: Battery Energy Storage System Text Amendment, Case FS23-1041

Dear Ms. Sexton:

On behalf of the Arizona Public Health Association, I am writing to provide comments about the City of Surprise's proposed Battery Energy Storage System ordinance.

AZPHA supports an ordinance that protects nearby residents, firefighters and other first responders while also allowing responsibly designed and appropriately located energy-storage projects to move forward. Reliable electricity is a public health necessity in Arizona, particularly during periods of extreme heat. Battery energy storage can strengthen the reliability of the electrical grid and allow more effective use of renewable-energy resources.

Surprise has firsthand experience with the potential hazards associated with battery facilities, so careful regulation is clearly called for. However, public safety is best protected through modern engineering, fire-code compliance, emergency planning, equipment testing and enforceable operating standards—not through arbitrary setbacks so large that they effectively prohibit projects regardless of their design or location.

Setbacks

We appreciate the Planning and Zoning Commission's willingness to reconsider the originally proposed 1,500-foot residential setback. Of the three options reportedly being presented—100, 500 and 1,000 feet—we recommend the *100-foot option*.

That distance is consistent with the current Maricopa County Zoning Ordinance, which requires battery energy storage units to be set back at least 100 feet from all lot lines. Clean Air Task Force's April 2026 Southwest zoning guidance identifies 50 to 150 feet as a reasonable range when a BESS-specific setback is used.

The City should also avoid stacking separate setback requirements in a way that creates a substantially larger effective distance. For example, combining a project-boundary setback with an added battery-container-to-perimeter-wall requirement could create a de facto separation of 200 or 250 feet. AriSEIA's May 2026 comments correctly noted that such a combined requirement would exceed both the Maricopa County standard and commonly used planning benchmarks.

We recommend that the ordinance measure from the outermost battery cabinet or enclosure and provide that the total required separation from battery equipment to an adjoining residential property or existing dwelling does not exceed 150 feet, unless a site-specific objective hazard analysis shows more distance is necessary.

Safety standards

The ordinance should incorporate the latest edition of National Fire Protection Association Standard 855 and require compliance with applicable UL 9540 and UL 9540A equipment-certification and fire-testing standards. It should also require a site-specific hazard-mitigation analysis, a commissioning plan, an emergency-response plan developed with Surprise Fire-Medical, proper access for emergency vehicles, first-responder training and an enforceable decommissioning plan.

These requirements address the actual design and operation of a facility and provide stronger protection than an unusually large one-size-fits-all setback. CATF specifically recommends incorporating current national safety standards by reference so that local requirements continue to evolve as battery technology and fire-safety practices improve.

Noise

The City should replace any requirement that BESS operations produce "no perceptible noise" outside the property. "Perceptible" is subjective and will be difficult for applicants, neighbors and enforcement staff to interpret consistently.

Instead, the ordinance should use an objective and measurable acoustic standard, verified through analysis by a qualified acoustical engineer. CATF recommends applying the noise limits of the underlying zoning district or using a defined limit such as a 60 dBA time-weighted average measured at the property boundary. CATF also recommends allowing noise waivers based on informed agreements with adjoining property owners.

Administrative adjustments

The ordinance should include a reasonable adjustment or waiver process. Planning staff should be able to approve minor modifications that do not expand the project footprint, increase its approved capacity, reduce required setbacks or materially alter emergency access and fire-protection features.

For other provisions, the Planning and Zoning Commission should be authorized to approve an alternative when the applicant shows that it will provide equivalent or greater protection for public safety and surrounding properties. Without such a process, an otherwise appropriate project could be denied because of a site-specific circumstance that could readily be addressed through alternative engineering or mitigation.

Finally, the ordinance should clearly apply to utility-scale projects serving the electrical grid and should exclude ordinary residential, commercial, hospital, school and industrial battery systems that primarily provide backup power or serve on-site electricity needs.

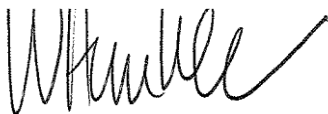
AzPHA urges the Planning and Zoning Commission to recommend the 100-foot setback choice and asks the City Council to adopt an ordinance that:

- Avoids cumulative or stacked setbacks exceeding 150 feet;
- Uses objective and measurable noise standards;
- Incorporates current national fire and equipment-safety standards;
- Provides a reasonable administrative adjustment and waiver process; and
- Clearly limits the ordinance to utility-scale battery energy storage projects.

These provisions would protect the public while giving Surprise a clear, defensible and workable process for evaluating future energy-storage projects.

Please include these comments in the public record and distribute them to the members of the Planning and Zoning Commission and City Council in advance of the currently scheduled September 1, 2026 hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Will Humble', with a stylized flourish at the end.

Will Humble, MPH
Executive Director, Arizona Public Health Association
Director, Arizona Department of Health Services (2009–2015)