



Committee Members: (Chair) Councilmember Elfers, Councilmember Brown, Councilmember Cole,
(Alternate Councilmember Bowman)

Staff: Community & Economic Development Director Ryan Windish

The city is conducting this public meeting using a hybrid model. The public is welcome to attend tonight's meeting in-person at City Hall (First Floor Conference Room), or virtually by using the meeting access link below.

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SPECIAL COMMITTEE BUSINESS

1. Ordinance No. 2899 - Battery Energy Storage Systems Code Amendment

ADJOURNMENT

SUBJECT: Ordinance No. 2899 - Battery Energy Storage Systems Code Amendment

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Updated Ord No. 2899 BESS_20241104
 2. Updated Staff Memo_20241104
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STAFF CONTACT: Chrissanda Walker, Associate Planner

SUMMARY BACKGROUND:

In 2022, the City issued a zoning code interpretation for a proposed Battery Energy Storage System (BESS) project as a Major Utility Facility Use. The application went through SEPA, and the city recently approved an industrial scale 200-megawatt (MW)/800-megawatt hour (MWh) BESS facility to store electrical energy in the Light-Manufacturing (M-1) zone. The BESS facility will store electricity in lithium batteries arranged in modules on about 8 acres. That project includes a new transmission line through an existing utility corridor which connects to the PSE White River power station to provide critical energy storage to the region, while providing reliability for Puget Sound Energy (PSE) customers. Through the current permitting process, it became clear that these large “grid-scale” BESS should be clearly defined in the zoning code and better regulated to manage potential impacts.

This proposal updates regulations in the zoning code pertaining to Battery Energy Storage Systems (BESS) including (1) a new land use definition and clarifying major and minor utilities (2) regulating BESS facilities as conditional use in the industrial/manufacturing zones and (3) adding a new section under SMC 18.18.060 manufacturing district performance standards to address potential impacts.

In April 2024 staff presented the BESS proposed amendments as an item for discussion with the Planning Commission. The zoning code text amendment application (ZCTA-2024-0007) was then noticed for public hearing on September 17, 2024. The Planning Commission reviewed the draft Ordinance 2899 and held a public hearing on the proposal on October 3, 2024. The Commission voted unanimously to recommend to the City Council approval of Ordinance No. 2899 as proposed.

The Ordinance was reviewed by the Community Development Committee on October 29, 2024 with consideration of additional amendments from staff. The committee unanimously moved to take Ordinance No. 2899 to a City Council Study Session on January 13, 2025. A Special Meeting of the Community Development Committee was called to further review the Ordinance.

COUNCIL COMMITTEE/STUDY SESSION:
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MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Move to approve Ordinance No. 2899 amending the zoning code related to Battery Energy Storage Systems.

UPDATED-DRAFT
ORDINANCE NO. 2899
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING THE ZONING CODE PERTAINING TO BATTERY ENERGY STORAGE SYSTEMS INCLUDING DEFINITIONS AND LAND USE REQUIREMENTS AND AMENDING CHAPTERS: 18.04 DEFINITIONS; 18.18 MANUFACTURING DISTRICTS; AND SECTIONS: 18.04.0162; 18.04.1070; 18.18.020; 18.18.060 AND ADDING A NEW SECTION 18.04.0163 “BATTERY ENERGY STORAGE SYSTEMS (BESS).”

WHEREAS, technological progress and innovation have fueled a surge in the development of battery storage facilities, widely known as BESS (Battery Energy Storage Systems), marking a significant leap forward in renewable energy storage solutions; and

WHEREAS, BESS can offer benefits compared to other energy storage solutions, such as improved efficiency and adaptability, quicker reaction times for energizing equipment or devices, and overall reduced expenses; and

WHEREAS, the intent of the City, by making these modifications is to ensure that this new technology is clearly defined and allowed in the municipal code, and that all large, grid-scale, BESS facilities are processed through a Conditional Use Permit to better address potential impacts to the surrounding area, including the heightened risk of fire and environmental contamination, and to provide a flexible process for permitting facilities improvements as technology changes or operational needs change.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amended Section. Sumner Municipal Code Section 18.04.0162 is hereby amended as follows:

18.04.0162 Battery storage, distribution, and processing business.

“Battery ~~storage~~, distribution, and processing business” means a retail or wholesale business engaged in any one or more of the following activities: importation of prepared batteries from either a foreign or domestic source; repackaging, relabeling, or other cosmetic alteration of batteries; shipping, reselling, or otherwise distributing batteries to retail or wholesale customers; minor additions of fluids to batteries to restore their electrical properties; storage of batteries incidental to on-site retail or wholesale operations, related office activities.

Section 2. New Section. Sumner Municipal Code Section 18.04 Definitions is hereby amended to add a new definition, as follows:

18.04.0163 Battery Energy Storage Systems (BESS)

“Battery energy storage systems” or BESS is a facility consisting of any combination of electrochemical storage batteries, battery chargers, controls, power conditioning systems and/or

associated electrical equipment, including transmission lines, whether assembled together or separately, capable of storing at least 200 megawatt hours of electrical energy in order to supply energy at a future time to the electrical grid of a public utility provider(s).

Section 3. Amended Section. Sumner Municipal Code Sections 18.04.1065 and 18.04.1070 are hereby amended as follows:

18.04.1065 Utility facility, major.

“Major utility facility” is a facility for providing service to an area including, ~~but not limited to:~~

- A. Telephone exchanges;
- B. Electrical switching substations;
- C. Natural gas gate stations and regulating stations;
- D. Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple lots or uses from which fuel is directly distributed to individual users, but does not include the storage and distribution by truck or rail transport;
- E. Natural gas transmission pipelines;
- F. Sewage Wastewater treatment plant; and
- G. Utility facilities that are not minor utility facilities.

For the purposes of this title, “major utility facility” does not include utility lines, distribution pipelines, and other related facilities commonly found in street rights-of-way, “Battery Energy Storage Systems,” or uses included in the definition of “public facilities:” or “essential public facilities.”

18.04.1070 Utility facility, minor.

“Minor utility facility” means:

- A. Natural gas distribution lines, not located in a street right-of-way.
- B. Developments within the confines of any electric substation, telephone exchange buildings, reservoir, pump station, well and similar.
- C. Electrical facilities, lines, equipment or appurtenances with an associated voltage of 55,000 volts or less.
- D. Upgrade of existing electrical transmission lines in commercial and industrial districts.
- E. Detention ponds and other similar tracts dedicated to the city.
- F. Wastewater pump or lift stations.

For the purposes of this title, “minor utility facility” does not include utility lines, distribution pipelines, and other related facilities commonly found in street rights-of-way, or uses included in the definition of “public facilities:” “Battery Energy Storage Systems,” or “essential public facilities.”

Section 4. Amended Section. That Sumner Municipal Code 18.18 “Manufacturing Districts (M-1, M-2),” 18.18.020 “Principal, Administrative, and Conditional Uses,” is hereby amended to read as follows:

“18.18.020 Principal, administrative, and conditional uses.”

A. The following table details permitted and conditionally permitted uses in the manufacturing districts. Where a “P” is indicated, the respective use in the same row is permitted in the zone classifications in the same column. Where an “A” is indicated or SMC 18.48.020(B) applies, the respective use in the same row is allowed through an administrative use permit. An administrative use permit shall be required and in full force and effect in order to establish said

administrative uses. Where a “CUP” is indicated, the respective use in the same row is conditionally permitted in the zone classification in the same column. A conditional use permit shall be required and in full force and effect in order to establish said conditional uses. Where “--” is indicated, the respective use is not allowed. Where a “1” or “2” is indicated, there are different or supplemental regulations for that particular use within the Sumner manufacturing/industrial core overlay (MICO) pursuant to the notes at the bottom of this table.

		M-1	M-2	MICO (M-1/M-2)
1.	Accessory parks and recreation facilities for use by on-site employees	P	P	P
	[...]			
6.	Battery storage , distribution, and processing business	P	P	P
	[...]			
19.	Food manufacturing, processing or package plants, excluding slaughtering facilities	CUP ¹	P	CUP ¹ /P
	[...]			
72.	Essential public facilities not otherwise listed above	CUP	CUP	CUP
<u>73.</u>	<u>Battery Energy Storage Systems⁹</u>	<u>CUP¹</u>	<u>CUP¹</u>	<u>CUP¹</u>

¹Prohibited within 1,000 feet of residentially zoned lands.
[...]

⁸See performance standards in SMC 18.18.060(W).

⁹See performance standards in SMC 18.18.060(X).

Section 5. Amended section. That Sumner Municipal Code section 18.18.060 Performance Standards is hereby amended to add new performance standards for Battery Energy Storage Systems, as follows:

18.18.060 Performance Standards.

The following special requirements and performance standards shall apply to properties located in the manufacturing districts:
[...]

X. Battery Energy Storage Systems Facilities.

1. Developments shall comply with NFPA 855 requirements and are subject to site containment, fire protection, testing and other standards deemed necessary by the City's fire plans reviewer.
2. The site shall be fully screened from adjacent properties except those zoned M-2 by a landscaped buffer at least the width of the required setback with at least a three-foot-high earth berm and at least 50 percent evergreen trees at least six feet in height at planting.
3. Outdoor lighting shall comply with SMC 18.18.060(D).

4. Fencing shall comply with SMC 18.18.060(S).
5. The facility shall not create odor, noise, or vibrations that are readily detectable by the human senses beyond the boundaries of the site.
6. Building and equipment surfaces shall have cladding or coating that provides a durable and non-glare surface, such as galvanized metal or powder-coated paint.
7. An emergency management plan shall be developed for each facility in coordination with the local fire district. The fire district shall approve the emergency management plan prior to permit issuance.
8. A qualified third-party inspector shall complete a final electrical inspection of the BESS facility prior to commencement of operations. The costs of the third-party inspection shall be borne by the applicant.
9. Applicants for a proposed facility shall evaluate the overall distribution of other BESS facilities within the county and city, and demonstrate how the proposed facility avoids placing an undue burden on the city over other cities and on any one neighborhood within the city.

Section 6. Severability. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Sumner Municipal Code, this ordinance is deemed to control.

Section 7. Effective date. This ordinance shall take effect five (5) days from the date of publication in the City's official newspaper.

Section 8. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this ____ day of _____

ATTEST:

Mayor Kathy Hayden
APPROVED AS TO FORM:

City Clerk Michelle Converse, CMC

Andrea Marquez, City Attorney

First Reading:
Date Adopted:
Date of Publication:
Effective Date:



STAFF MEMO

DATE: November 4th, 2024
FOR: Community Development Committee
Staff: Chrissanda Walker, Associate Planner Community Development
RE: **Updates to Draft Ordinance 2899 - Battery Energy Storage System (BESS)**

I. BACKGROUND

As discussed previously, energy storage is currently considered a major utility, this is consistent with state statutes. BESS are an emerging land use and a positive development in the energy sector which is why development regulations are important to adopt. As mandated by new federal and state policies, many jurisdictions are tackling innovative ways to align with substantiality and resiliency goals. Updating the zoning code to appropriately regulate this new use helps mitigate impacts and concerns with this land use. Adding BESS to the code today provides a framework for continued inclusion of clean energy uses which helps the community reach climate action goals consistent with the comprehensive plan.

Staff consulted other Washington State jurisdictions and reviewed their approach to establishing performance standards that are consistent with industry standards. Ordinance No. 2899 amends the Sumner Municipal Code Title 18, Zoning Code relevant to BESS, to clearly define large-scale BESS facilities, limit the allowed locations to industrial/manufacturing areas as a conditional use and establish distance from residentially zoned properties.

II. DESCRIPTION OF PROPOSAL

This cover letter is provided for the CD committee's review of minor staff revisions to section 5 of the draft Ordinance, which amends section 18.18.060 under the manufacturing zoning district to establish new performance standards applicable to BESS facilities. See Exhibit A attached herein for these updates under section 5. Each performance standard proposed is described below, with changes reflected in red:

1. BESS Compliance

Developments shall comply with NFPA 855 requirements and are subject to site containment, fire protection, testing and other standards deemed necessary by the City's fire plans reviewer.

The City of Sumner will not need to come up with individual safety standards, however it is important that staff are aware of which requirements are applicable therefore this is added to these performance standards as a reference.

2. Require a landscaped buffer

The site shall be fully screened from adjacent properties except those zoned M-2 by a landscaped buffer at least the width of the required setback with at least a three-foot-high earth berm and at least 50 percent evergreen trees at least six feet in height at planting.

This revision adds some language to achieve a fully landscaped setback, where feasible. This landscape screening standard is similar to the existing standards applied to semi-truck and outdoor trailer storage.

3. Outdoor lighting standards

Outdoor lighting shall comply with SMC 18.18.060(D).

This standard is required for all outdoor lighting in the manufacturing district. This lighting standard prohibits unshielded lighting sources and requires installation of energy efficient outdoor lighting.

4. Fencing standards

4. Fencing shall comply with SMC 18.18.060(S).

The fence standard is referenced to maintain consistency with the existing fencing standards and requirements for all permitted uses in the manufacturing district. The fencing standard has been updated in the last few years to include electric fencing standards for site security.

5. Address odor, noise or vibration

5. The facility shall not create odor, noise, or vibrations that are readily detectable by the human senses beyond the boundaries of the site.

Generally, transformers and substation noise are exempt from the noise ordinance under SMC 8.14. By amending the zoning code, we specify a new use which is not subject to that exemption. Keeping this performance standard allows the city to address noise, odor and vibrations beyond what the code stipulates.

6. BESS design standards

6. Building and equipment surfaces shall have cladding or coating that provides a durable and non-glare surface, such as galvanized metal or powder-coated paint.

These facilities are not regulated by the building code and thus design review isn't triggered. Maintaining exterior design treatment standards for enclosures or other individual battery storage components will encourage BESS facilities to fit aesthetically better with surrounding developments. This standard will prohibit the installation of highly reflective surfaces. Requiring non-glare surfaces is consistent with other standards in the code.

7. Require third-party inspections

7. A qualified third-party inspector shall complete a final electrical inspection of the BESS facility prior to commencement of operations. The costs of the third-party inspection shall be borne by the applicant.

This new standard is a result of industry review and understanding that we do not have staff that are adequately trained or specialized in inspecting these types of facilities (specifically the electrical components). Requiring a final inspection to be provided ensures completion of the permit process.

8. Emergency Management Plan

8. An emergency management plan shall be developed for each facility in coordination with the local fire district. *The fire district shall approve the emergency management plan prior to permit issuance.*

Adding the criteria for local fire district approval prior to operations of any BESS facility ensures adequate safety protocols and fire protections services are in place. Coordination with the local fire district is a top priority for the city and BESS applicants.

9. Siting criteria

9. Applicants for a proposed facility shall evaluate the overall distribution of other BESS facilities within the county and city, and demonstrate how the proposed facility avoids placing an undue burden on the city over other cities and on any one neighborhood within the city.

The distribution of these facilities is a concern, given that these have limited direct benefit to the community and potential direct impacts including fire risk. This standard is based on the current code criterion for essential public facilities, requiring also for the applicant to demonstrate a need.

III. STAFF RECOMMENDATION

Staff recommends that the CD Committee: "Move to approve a DO-PASS recommendation to the City Council for approval of the updated Draft Ordinance No. 2899 for adopting new regulations for large-scale BESS"

IV. EXHIBITS

A. Updated Draft Ordinance No. 2899 – Zoning Code Changes for Battery Energy Storage Systems