



Members - Nick Biermann, Bryl Eddy, Sharon Fochtman, Rob Healy, Mark Isaacs (Chair), Kelly Locke, and Chris Pierce

The City is conducting this public meeting using a hybrid model. The public is welcome to attend tonight's meeting in-person at Sumner City Hall Council Chambers (1104 Maple Street) or virtually by using the meeting access link below:

<https://sumnerwa-gov.zoom.us/j/88655116217>

Or by phone: 253 215 8782 (Tacoma)

Webinar ID: 886 5511 6217

CALL TO ORDER

Roll Call: Mark Isaacs (Chair), Nick Biermann, Bryl Eddy, Sharon Fochtman, Rob Healy, Kelly Locke, and Chris Pierce

Pledge of Allegiance

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

1. June 4, 2026 Minutes

PUBLIC COMMENT

The public may comment on topics that are not on the meeting agenda, virtually or in person. The public is strongly encouraged to submit comments via email to katieb@sumnerwa.gov no later than 5pm on the day prior to the meeting. Your comments will be read into the record and limited to 3 minutes.

PUBLIC HEARING

1. Ordinance No. 2972 - Zoning Code Text Amendment — Food Truck Pods

UNFINISHED BUSINESS

1. Ordinance No. 2972 - Zoning Code Text Amendment — Food Truck Pods — *ACTION*

NEW BUSINESS

1. Battery Energy Storage Systems (BESS) Ordinance 2.0 - Background Presentation

CORRESPONDENCE

COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

SUBJECT: June 4, 2026 Minutes

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. June 4, 2026 - PC Meeting Minutes-DRAFT
-

STAFF CONTACT:

SUMMARY BACKGROUND:

Action minutes from a regular Planning Commission meeting held on June 4, 2026.

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Move to approve June 4, 2026 minutes.



MEETING MINUTES

CALL TO ORDER

The meeting was called to order at 6:00 PM by Chair Isaacs

ROLL CALL

Commissioners Present: Nick Biermann, Sharon Fochtman, Rob Healy, Mark Isaacs, Kelly

Locke, Byrl Eddy, and Chris Pierce

Excused Absences: None

VOTE TO AMMEND AGENDA

Moved to approve by Fochtman, Seconded by Healy; **passed unanimously**

APPROVAL OF MINUTES

1. Planning Commission meeting minutes-April 2, 2026

Moved to approve by Fochtman, Seconded by Healy; **passed unanimously**

PUBLIC COMMENT *(The public may provide comments that are not on tonight's agenda)*

No written comments.

PUBLIC HEARING

None.

UNFINISHED BUSINESS

None appearing before the commission.

NEW BUSINESS

1. Food Truck Pod Draft Ordinance

Presentation on the item by staff. Discussion ensued.

CORRESPONDENCE

None

COMMISSION COMMENTS

Commissioner Isaacs thanked staff for the presentation and welcomed new commissioners. Commissioner Biermann commented on the appointment of new members. He thanked past members of the commission including Amy Huo.

Commissioner Healy had no comments.

Commissioner Locke had no comments.

Commissioner Fochtman had no comments.

Commissioner Eddy had no comments.

Commissioner Pierce had no comments.

STAFF COMMENTS

Staff introduced Katie Baker and advised Ryan Windish will be leaving the City.

ADJOURNMENT

Meeting adjourned at 7:06 PM.

Minutes submitted by: Maria Parisot

SUBJECT: Ordinance No. 2972 - Zoning Code Text Amendment — Food Truck Pods

CATEGORY: Public Hearings

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Staff Memo
2. Exhibit A - Draft Ordinance No. 2972 - Code Changes for Food Truck Pods
3. Exhibit B - Draft Food Truck Program Guidelines
4. Exhibit C - Staff PowerPoint Presentation

STAFF CONTACT: Brayden Shannon, Associate Planner

SUMMARY BACKGROUND: The draft ordinance contains proposed amendments to Sumner Municipal Code Title 5, Business Licenses and Regulations, Title 10, Vehicles and Traffic, and Title 18, Zoning Code to implement regulations for food truck pods, including adding and amending definitions and implementing performance standards for food truck pod site development.

New and Amended Definitions:

- Adds definitions for “Food truck pod” to the zoning code.
- Amends and relocates the definitions of “food truck” and “food truck vending”; repeals “food truck vendor”.

Performance Standards

- Food trucks will be required to meet certain performance standards such as setbacks and utility connections.
- Limitations on number of truck operators as an accessory use.
- Additional threshold requirement for allowing the accessory use of food truck pods in the MDR/HDR for multifamily development.
- Add exemption language for *temporary* food truck operators to not require asphalt or concrete paving to operate on a temporary basis from a site.

The Planning Commission met on June 4, 2026, and were introduced to the food truck pod item and discussed items such as the alternative parking ratios and surfacing requirements for food truck pods. Tonight on July 9, 2026, a public hearing is being held by the Planning Commission to receive public input on draft Ordinance No. 2972.

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Move to recommend that the City Council approve Ordinance No. 2972 amending the Zoning Code to allow food truck pods and implement development standards.



MEMORANDUM

DATE: July 09, 2026
TO: PLANNING COMMISSION
CC: Ryan Windish, Community and Economic Development Director; Katie Baker, Planning Manager
FROM: Brayden Shannon, Assistant Planner
RE: **Zoning Code Text Amendment – Food Truck Pods**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

The food truck business model has various levels, and these businesses serve to expand community options. Per the MRSC, city/town level jurisdictions have a broad discretion to issue permits for placing a food truck, with special concerns towards agency right-of-way and private property. Recently, there has been community interest expressed and internal review of current regulations indicating that an update to Sumner's standards for food trucks is necessary to support the business model.

Current Sumner code does not incorporate food truck business models and contains relatively confusing language with little to no clear regulations as compared to neighboring jurisdictions. Presently, food trucks within city limits looking to operate on private property must obtain a Temporary Use permit, in which there is no direct codified language for food truck operation. Inclusion of food truck business models within city code would provide clarity, direct allowance of a growing business model, and establish specific regulations. Additionally, this provides the opportunity for the new land use type "food truck pod" to be implemented in applicable zonings as either a principal or accessory use.

The Planning Commission discussed draft Ordinance No. 2972 on June 4, 2026, and this discussion included topics such as:

- Surfacing requirements for temporarily operating food trucks.
 - Included within **Section 15** of the draft ordinance is an exemption for temporary food truck operators to allow access to the site to only meet the requirements of a "dustless, hard surfaces" as presently defined within SMC 18.04.0355.
- Potential alternative parking ratio standards.
 - Per SMC 18.42.060 "Cooperative parking facilities," two or more uses that occupy the same off-street parking facility may apply to be considered a cooperative parking facility. This allows the total requirement for off-street parking and loading facilities to be the sum of the requirements

for the **greater** of the uses, provided the criteria within the code section are met such as a demonstration that there will not be a conflict with operating hours.

II. DESCRIPTION OF PROPOSAL

The draft ordinance contains proposed amendments to Sumner Municipal Code Title 5, Business Licenses and Regulations, Title 10, Vehicles and Traffic, and Title 18, Zoning Code to implement regulations for food truck pods, including adding and amending definitions and implementing performance standards for food truck pod site development. **See EXHIBIT A.**

Key changes are:

A. New and Amended Definitions:

- Adds definitions for “Food truck pod” to the zoning code.
- Amends and relocates the definitions of “food truck” and “food truck vending”; repeals “food truck vendor”.

B. Performance Standards

- Food trucks will be required to meet certain performance standards such as setbacks and utility connections.
- Limitations on amount of truck operators as an accessory use.
- Additional threshold requirement for allowing the accessory use of food truck pods in the MDR/HDR to multi-family development.
- Add exemption language for **temporary** food truck operators to not require asphalt or concrete paving to operate on a temporary basis from a site.

III. SUPPLEMENTAL STAFF ADMINISTRATIVE COMPLIANCE GUIDELINES

Staff has drafted Food Truck Program Guidelines to provide compliance guidelines to food truck operators that intend to operate only on a temporary basis within Sumner city limits. The intent of these guidelines is to have a straightforward means for the city to ensure proper documentation is maintained, such as licensing and insurance, while minimizing the level of preliminary effort for food truck operators to conduct business within Sumner. **See EXHIBIT B.**

Key inclusions are:

A. Agreement Documentation Requirements:

- State of Washington business license.
- Public liability and property damage insurance.
- Health Department approval and Fire Department inspection.

B. Compliance Information

- Citations of applicable code sections, such as distancing from curbs, signage, noise control, and trash disposal.
- Time and location limitation information, such as from special events or on public property between the hours of 10:00 p.m. to 7:00 a.m.

IV. SEPA ENVIRONMENTAL REVIEW

The State Environmental Policy Act (SEPA) application was submitted on June 12th, 2026, (SEPA-2026-0006). Analysis of the checklist was completed on the proposed amendments, and a Determination of Non-Significance (DNS) was issued on June 24th, 2026, with a 15-day comment period.

V. PUBLIC & AGENCY COMMENT

The comment period for the SEPA and Code Text Amendment (CTA) concludes on July 8th, 2026. As of upload of this memorandum there have been no public comments received.

VI. STAFF RECOMMENDATION

Move to recommend that the City Council approve Ordinance No. 2972 amending the Zoning Code to allow food truck pods.

VII. PLANNING COMMISSION RECOMMENDATION

Planning Commission recommendation pending public hearing on July 9, 2026.

VIII. EXHIBITS

- A. Draft Ordinance No. 2972 - Code Changes for Food Truck Pods
- B. Draft Food Truck Program Guidelines
- C. Staff PowerPoint Presentation

**ORDINANCE NO. 2972
CITY OF SUMNER, WASHINGTON**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING CHAPTER 5.04 “BUSINESS LICENSES” AND CHAPTER 10.36 “PARKING”; AND TITLE 18 “ZONING CODE” OF THE SUMNER MUNICIPAL CODE TO ADD DEFINITIONS AND REGULATIONS FOR FOOD TRUCK PODS, AND TO PERMIT FOOD TRUCK PODS IN ALL ZONES THAT ALLOW FOOD SERVICE USES INCLUDING GENERAL COMMERCIAL, INTERCHANGE COMMERCIAL, AND NEIGHBORHOOD COMMERCIAL (CHAPTER 18.16), LIGHT AND HEAVY INDUSTRIAL (CHAPTER 18.18), THE TOWN CENTER CODE (CHAPTER 18.29), AND THE EAST SUMNER URBAN VILLAGE OVERLAY DISTRICT (CHAPTER 18.30); AND ADDS NEW DEFINITIONS (CHAPTER 18.04) FOR: FOOD TRUCKS, FOOD TRUCK VENDING, AND FOOD TRUCK POD AND REPEALS DEFINITIONS (CHAPTER 10.36) FOR FOOD TRUCK, FOOD TRUCK VENDING, AND FOOD TRUCK VENDOR; AMENDS SECTIONS 5.04.070, 10.36.005, 10.36.087, 10.36.116.5, 18.04, 18.16.020, 18.16.080, 18.18.020, 18.18.060, 18.22.040, 18.29.030, 18.29.035, 18.30.030, 18.30.090, 18.36.020, 18.42.030 AND 18.42.040.

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

Section 1. SMC 5.04.070 “Exemptions” is hereby amended to read as follows:

5.04.070 Exemptions.

Upon approval of the director and further provided that all other provisions of this chapter are complied with, including without limitation the requirement to obtain and maintain a current business license, the requirement to pay license fees shall not apply to the following:

...

- I. Food trucks parked on public property or a private parcel, with the permission of the property owner, for less than 24 consecutive hours are exempt from the general business license requirements of this chapter.

Section 2. SMC 10.36.005 “Definitions” is hereby amended to read as follows:

10.36.005 Definitions.

For purposes of this chapter, the following terms shall be defined as follows, unless a different meaning is expressly provided:

...

- ~~K. “Food truck” See SMC 18.04.0394. an operable motor vehicle used to serve, vend, or provide ready to eat food or nonalcoholic beverages for immediate consumption, with or without charge, and is operated from a temporary location on a public way.~~

- ~~L. “Food truck vending” See SMC 18.04.0394.1. means the sale of primarily food and/or nonalcoholic beverages from a food truck upon public ways of the city. Other items may be sold in conjunction with food truck vending items.~~

- ~~M. “Food truck vendor” means a person who engages in the activity of food truck vending.~~

Section 3. SMC 10.36.087 “Food truck parking” is hereby amended to read as follows:

10.36.087 Food truck parking.

~~Parking shall only be allowed for food trucks and food truck customers between the hours of 10:00 a.m. and 3:00 p.m., Monday through Friday, in the following locations:~~

- ~~A. Parking shall only be allowed for food trucks and food truck customers between the hours of 10:00 a.m. and 3:00 p.m., Monday through Friday, in the following locations: On the south side of 45th Street East beginning from a point 600 feet east of Tacoma Avenue to the end of the road.~~

- i. On the south side of 45th Street East beginning from a point 600 feet east of Tacoma Avenue to the end of the road.
- B. Food trucks may not locate within 100 feet of another restaurant business or food truck pod without property owner permission.

Section 4. SMC 10.36.116.5 “Parking for certain purposes unlawful” is hereby amended to read as follows:

10.36.116.5 Parking for certain purposes unlawful.
 No person shall park any automobile, truck, or other vehicle or trailer on any public street, alley, or right-of-way for the purpose of:

...

C. Selling merchandise from such automobile, truck, or other vehicle or trailer, except for the selling of products from a food truck between the hours of 7:00 a.m. and 10:00 p.m. or when otherwise authorized.

Section 5. SMC 18.04 “Definitions” is hereby amended to add the following new definitions, and to amend existing definitions where necessary:

18.04 Definitions.

...

18.04.0394 – Food truck.
“Food truck” means an operable motorized vehicle or trailer vending unit used to prepare and serve food or vend prepackaged food.

18.04.0394.1 – Food truck vending.
“Food truck vending” means the sale of primarily food and/or nonalcoholic beverages from a food truck.

18.04.0394.2 – Food truck pod.
“Food truck pod” means a semi-permanent collection of two or more food trucks that operate together on privately owned property under an agreement with the property owner.

Section 6. SMC 18.16.020 “Principal and Conditional Uses” is hereby amended to read as follows:

18.16.020 Principal and Conditional Uses
 The following table details permitted and conditionally permitted uses in the commercial districts. Where a “P” is indicated, the respective use in the same row is permitted in the zone classification in the same column. 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 the conditional uses. Where a “PRD” is indicated, the respective use in the same row is permitted through a planned residential development. A planned residential development shall be required and in full force and effect in order to establish the use.

		NC	GC	IC
...				
<u>77.</u>	<u>Food truck pods¹⁶</u>	<u>P</u>	<u>P</u>	<u>P</u>
...				

¹⁶See performance standards in SMC 18.16.080(AA).

Section 7. SMC 18.16.080 “Performance standards” is hereby amended to read as follows:

18.16.080 Performance standards.
 The following special requirements and performance standards shall apply to properties located in the commercial districts:

...

AA. Food truck pods where allowed shall meet the following provisions:

1. An application for a food truck pod as either principal use or accessory use must be submitted and contain the following:
 - a. A completed application form, including signed consent by the subject property's owner(s) or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory must be included with the application. The owner's name(s) and address(es), and the applicant's name, address and signature (if different than the owner) must also be provided;
 - b. A scaled site plan of the proposed area for food trucks to be located, with dimensions shown and to include the following:
 - i. Total square footage area of proposed new and/or redeveloped impervious surfaces;
 - ii. Total number and locations of food trucks on the site, to include a numbering/identification scheme for each proposed unit location (i.e., Space 1, Space 2, etc.);
 - iii. For each proposed food truck space, dimensions showing the largest potential extent of each individual food truck;
 - iv. Location, size, and number of seats for all proposed customer seating areas, if proposed;
 - v. Location and dimensions for all existing and proposed permanent and temporary structures on the site (such as permanent or portable restrooms, covered seating areas, bike parking areas, etc.);
 - vi. Consistency with all setback and separation requirements as specified within this section.
 - vii. ADA clearances into and throughout affected areas of the property;
 - viii. Existing and proposed vehicle and pedestrian access points and ways, including surfacing for each;
 - ix. Number and location of trash receptacles; and
 - x. Location of utilities and details on how food trucks will utilize/connect to utilities (electric, water, sewer, etc.)
 - c. An itemized narrative demonstrating compliance with the location rules and review criteria outlined in the following sections below.
2. Food trucks that orient the service window toward the public right-of-way or an alley must maintain a minimum setback of 2 feet from the public right-of-way or alley. Additionally, a minimum 5-foot-wide sidewalk must exist along the subject street frontage.
3. Food trucks must maintain a minimum separation of 10 feet between other food trucks on the property as well as structures including decks, patios, park/picnic benches, and permanent or temporary seating areas.
4. Accessory Use. Food truck pods allowed as an accessory use may reduce the minimum amount to one (1) food truck pod per development site and may not exceed four (4) trucks per development site.
5. Awnings may be provided subject to the following:
 - a. Awnings must be fully attached to the food truck and have a minimum of seven (7) feet of vertical clearance, with the ability to be closed or removed.
 - b. Awnings are not subject to setback requirements, however, in no case shall an awning extend over adjacent sidewalk or public right-of-way.
6. Utilities. Food trucks that are fully contained (i.e., units that provide their own water, power, and waste disposal) are permitted with no additional utility considerations beyond the permitting process. Units that require a water source, power source, or waste disposal location are permitted only where the City Engineer or designee has approved that show safe access and location. Such provisions are subject to all applicable building and development code. All food trucks that connect to public sanitary sewer lines must utilize a grease interceptor.
 - a. Water Connection. Water connection will require that the water service be protected by a Reduced Pressure Backflow Assembly (RPBA).
 - b. Noise. If self-provided mechanical equipment is utilized, ensure it abides by SMC 8.14 for Noise Control.
7. Trash Disposal. Trash receptacles must be provided on site at a rate of one (1) receptacle for every two (2) food trucks or fraction thereof. For seating areas, an additional trash receptacle must be provided for every 16 seats or fraction thereof.

- All trash receptacles must be emptied and maintained and must be located a minimum of ten (10) feet from combustible fuel tanks.
8. Restrooms. Restroom facilities shall be provided in compliance with Tacoma – Pierce County Health Department requirements and the following:
 - a. If temporary public restrooms are used, they must be provided in an enclosed area to provide screening and safety.
 - b. For sites containing more than ten (10) food trucks, permanent restroom facilities must be provided on-site.
 9. Food truck pods with more than 10 food trucks:
 - a. The public improvement standards and street tree standards must be met for the development site.
 - b. All food trucks on the subject site must directly connect to public sanitary sewer lines and must utilize a grease interceptor.
 10. All new and reconfigured parking and permanent structures shall meet the City’s Design and Development Guidelines.

Section 8. SMC 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 or 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 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)
...				
74.	Food truck pods ¹⁰	P	P	P
...				

...
¹⁰See performance standards in SMC 18.16.080(AA).

Section 9. SMC 18.22.040 “Permitted uses” is hereby amended to read as follows:

18.22.040 Permitted uses.

A. Restaurants, cafes, coffee houses, bakeries, food truck pods, and similar food services.

Section 10. SMC 18.29.030 “Principal uses” is hereby amended to read as follows:

18.29.030 Principal uses.

The following are permitted uses in the Town Center districts, except in the IDEA overlay (see subsection Y of this section):

...
Y. Food truck pods subject to the performance standards set forth in SMC 18.16.080(AA).

Section 11. SMC 18.29.035 “Accessory allowed uses in the Town Center” is hereby amended to read as follows:

18.29.035 Accessory allowed uses in the Town Center.

...
B. Food truck pods subject to the performance standards set forth in SMC 18.16.080(AA).

Section 12. SMC 18.30.030 “Principal and conditional uses” is hereby amended to read as follows:

18.30.030 Principal and conditional uses.

- A. Residential Districts. Permitted principal, accessory, and conditional uses in the ESUV shall be the same as those specified in the underlying zoning districts for the LDR, MDR, and HDR districts, except that:
- ...
6. Food truck pods may be permitted as an accessory use to multifamily residential uses in MDR/HDR zonings and shall meet the provisions of SMC 18.30.090(J).
- B. Commercial Districts. Those uses listed below shall govern the uses permitted and conditionally permitted where the base designations GC and NC are combined with the ESUV overlay district. Where a “P” is indicated, the respective use in the same row is permitted in the zone classification in the same column. 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 the conditional uses. Where a “PRD” is indicated, the respective use in the same row is permitted through a planned residential development. A planned residential development shall be required and in full force and effect in order to establish the use.

		NC/ESUV	GC/ESUV
...			
58.	Food truck pods ⁸	P	P
...			

¹Drive-through businesses and drive-through espresso/coffee businesses within the area defined as East Main Street in SMC 18.43.020 and in the GC district within the Town Center Plan area shall meet the provisions of SMC 18.16.080(R~~F~~).

...
⁸Food truck pods shall meet the provisions of SMC 18.30.090(J).

Section 13. SMC 18.30.090 “Performance standards” is hereby amended to read as follows:

18.30.090 Performance standards.

- ...
D. Banks, vehicle repair, drive-in businesses, car washes, gas stations, automotive sales, and other auto-oriented uses are not permitted in the ESUV/NC zone and, where allowed, shall meet the following provisions:
- ...
2. Drive-in businesses that are not adjacent to a principal arterial shall meet the performance standards set forth in SMC 18.16.080(R~~F~~). Regardless of location, all drive-up windows and queuing of cars shall be located behind buildings and obscured from the primary pedestrian street; and
- ...
J. Food truck pods:
- Where allowed, food truck pods shall meet the performance standards set forth in SMC 18.16.080(AA).
 - ESUV/MDR and ESUV/HDR Districts. In the ESUV/MDR and ESUV/HDR districts food truck pod uses are solely allowed as an accessory use to multifamily residential developments that meet or exceed 100 units.

Section 14. SMC 18.36.020 “Temporary uses in permitted zones” is hereby amended to read as follows:

18.36.020 Temporary uses in permitted zones.

...

E. Food trucks that remain on private property for less than 24 hours are exempt from the temporary use permit requirements.

Section 15. SMC 18.42.030 “Design and construction standards” is hereby amended to read as follows:

18.42.030 Design and construction standards.

Any required off-street parking and loading facilities shall be developed in accordance with the following standards:

...

D. Surface.

...

6. Food trucks parked on a public or private parcel for less than 24 consecutive hours and are not operating as part of a food truck pod shall only require parking spaces and access drives to be improved with a dustless, hard surface.

Section 16. SMC 18.42.040 “Required number of parking spaces” is hereby amended to read as follows:

18.42.040 Required number of parking spaces.

The minimum number of off-street parking spaces shall be as follows for the listed uses:

...

W. Food truck pods: two per food truck on-site;

Section 17. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make the 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.

Section 18. 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, the provisions of this ordinance shall control.

Section 19. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 20. Effective Date. This ordinance shall be in full force and effect on [redacted].

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this [redacted] day of [redacted], 2026.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

First Reading: [Click here to enter a date.](#)
Date Adopted: [Click here to enter a date.](#)
Date of Publication: [Click here to enter a date.](#)
Effective Date: [Click here to enter a date.](#)



City of Sumner Food Truck Program Guidelines

Food trucks that comply with the following regulations are exempt from SMC 18.36 Temporary Uses. Other local and state laws may apply. Peddlers and Solicitors are subject to the guidelines found within SMC 5.28 and Food truck pods are subject to development requirements within applicable zones.

“Food truck” means an operable motor vehicle or trailer vending unit used prepare and serve food or vend prepackaged food.

1. Program Guidelines

Food trucks operating within the regulations of this program shall be exempt from a temporary use permit but must obtain the following:

- State of Washington business license;
- Certificate of Insurance showing the food truck is carrying the following minimum amounts of insurance: (1) public liability insurance in an amount of not less than \$1,000,000 for injuries, including those resulting in death, resulting from any one occurrence, and on account of any one accident; and (2) property damage insurance in an amount of not less than \$75,000 for damages on account of any one accident or occurrence;
- Tacoma-Pierce County Health Department approval;
- Approved inspection by the Pierce County Fire Prevention Bureau or any participating fire department in the WSAFM’s Statewide Food Truck Inspection Program; and
- Any required State Labor and Industry regulations.

2. Operating Conditions and Regulations

Food trucks shall not be parked more than 12 inches from curb nor any place where official signs prohibit parking. Distance requirements are measured in a straight line from the closest point of the proposed food truck location to the closest point from the buffered object.

Food trucks shall comply with all parking time limits and location limitations per SMC 10.36, including sight distance established in SMC 18.32, and shall not be located on the same parcel for more than 24 consecutive hours.

Food trucks operating on private property as authorized shall comply with SMC 18.42.030(D)(6) that requires surfaces to be constructed with a dustless, hard surface.

Signage: One sandwich board sign allowed, placed within the same block the truck is parked; sign shall not impede the sidewalk or ADA access.

The food truck operator is responsible for disposing of all trash and waste associated with the operation of the food truck. City trash receptacles may not be used to dispose of trash or waste, and waste disposal and spill prevention regulations must be followed. All areas within 5 feet of the food truck must be kept clean.

Be advised to Sumner Municipal Code 8.14 regarding Noise Control.

Prohibitions: Food trucks operating in the right-of-way shall not utilize tables, chairs, audio amplification, or other furnishings or equipment in conjunction with the food truck. All equipment shall be contained within or on the food truck.

3. Allowable Locations and Times

Food trucks shall be allowed to operate on any on-street parking rights-of-way, subject to the following prohibitions; and any private property with property owner approval. Vendor shall not park and operate the truck within 100 feet of another restaurant business or food truck pod without owner permission.

The south side of 45th Street East beginning from a point 600 feet east of Tacoma Avenue to the end of the road shall be parking only for food trucks and food truck customers between the hours of 10:00 a.m. and 3:00 p.m., Monday through Friday, per SMC 10.36.087.

The following locations are **prohibited** unless authorized under a valid Special Event permit; see the Food Truck Information packet for more details:

- City parks;
- Within 300 feet of public events in public parks or right-of-way that include food vendors or food sales, except when authorized in writing by the event organizer. Examples include Rhubarb Days, Daffodil Festival Parade, Santa Parade, etc.
- Restricted parking zones (RPZ) exceeding the maximum time allowed without a permit or any 15-minute parking areas.
- Any location that causes obstruction for the passage of any pedestrian or vehicle on any sidewalk, street, fire lane, or any parking area.
- On public property between the hours of 10:00 p.m. and 7:00 a.m.

4. Operator Signature and Contact Information

By signing this informational agreement, you acknowledge your understanding of the regulations and agree to abide by their requirements.

Applicant signature

Date

Print name

Contact (Phone number/email)

Applicant address

Food Trucks and Food Truck Pods Draft Ordinance No. 2972 *Public Hearing and PC Recommendation* Planning Commission Meeting July 9, 2026

What is proposed?

Code amendments and additions to support the new land use category for “Food truck pods”.

What else is happening?

Staff is drafting program guidelines for temporary food trucks seeking to operate within city limits.

Why are changes being proposed?

1. Current regulations are minimal and confusing.
2. A Temporary Use permit is presently required for a private property owner to host a temporary food truck use.
3. No land use designation or performance standards to support the growing business model of “Food truck pods”.

What are the Program Guidelines?

Temporary Food Trucks

Operators who intend to operate on a temporary basis will only need to meet and agree to the guidelines.

- Required documentation (insurance, health department approval, fire inspection, etc.).
- Operating conditions, allowable times/locations, and prohibitions.
- Signed acknowledgement of the applicable regulations and standards.
- All regulations and standards are either already codified or in the proposed draft ordinance.
- Ordinance includes relevant implementations for Temporary operators such as a surfacing exemption and temporary use exemption.

What are Food Truck Pods?

Food Truck Pods

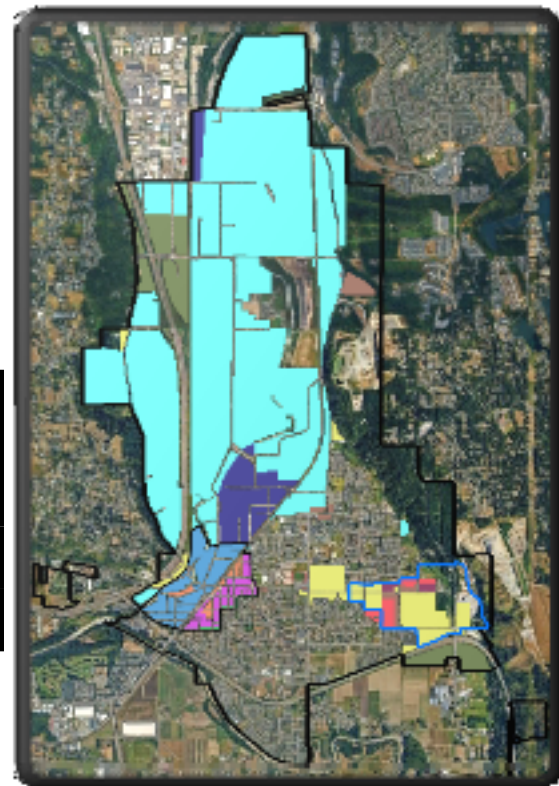
Sites seeking to implement the food truck pod land use type will be subject to permit review against applicable performance standards.

- Semi-permanent placement of more than one food truck on a site.
- Operates together under agreement with property owner.
- Can be an accessory use or principal use.
- Site development and building permits required – major distinction between semi-permanent and temporary.
- Utilization of existing code section SMC 18.42.060 of cooperative parking facilities.
- Parking ratio requirement of 2 spaces per food truck pod on-site.

Where will food truck pods be?

Use Type	Commercial	Industrial	Town Center	ESUV Overlay MDR/HDR
Principal	✓	✓	✓	x
Accessory	✓	✓	✓	✓

*Multi-family developments with 100+ units in the East Sumner Urban Village overlay district.



Food Truck Pods – Principal Use Example

- Oak Tree Station in Camas, WA.
- Development features a food truck pod that hosts 20+ vendors, a 7,000 square foot park, and 130+ parking spaces.
- Semi-permanent mobile food trucks that utilize provided hook-ups.

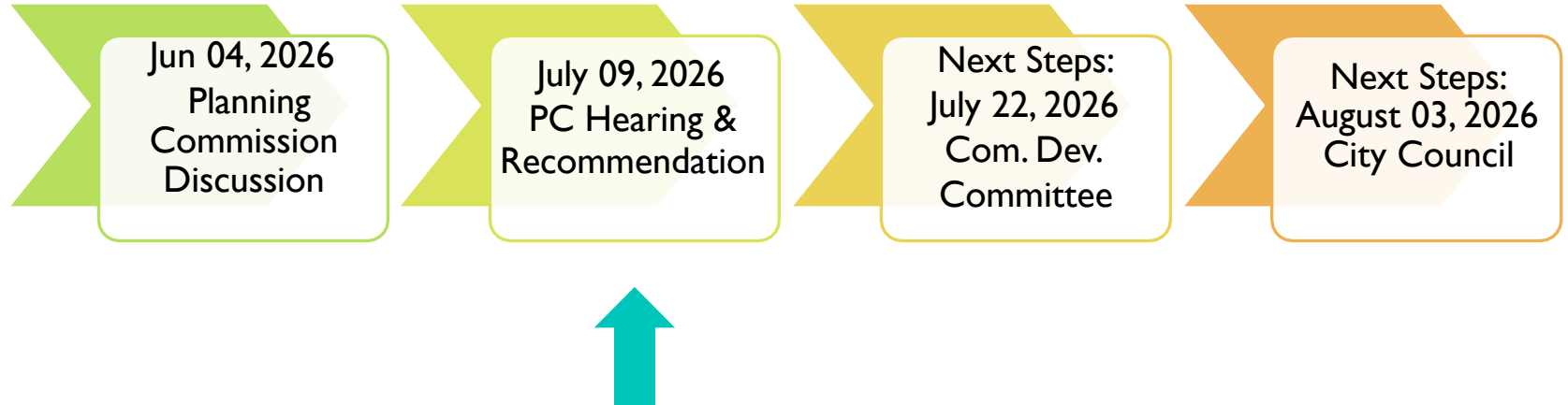


Food Truck Pods - Accessory Use Example

- Midtown Yacht Club in Bend, OR.
- Food truck pods are an accessory use to the tap room on-site.
- 6-8 food trucks on-site.



Where are we at in the process?



Questions or Comments for staff?

Thank you!

Contact staff via email for follow up:

○ braydens@sumnerwa.gov



SUBJECT: Ordinance No. 2972 - Zoning Code Text Amendment — Food Truck Pods
— *ACTION*

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

STAFF CONTACT: Brayden Shannon, Associate Planner

SUMMARY BACKGROUND: The draft ordinance contains proposed amendments to Sumner Municipal Code Title 5, Business Licenses and Regulations, Title 10, Vehicles and Traffic, and Title 18, Zoning Code to implement regulations for food truck pods, including adding and amending definitions and implementing performance standards for food truck pod site development.

New and Amended Definitions:

- Adds definitions for “Food truck pod” to the zoning code.
- Amends and relocates the definitions of “food truck” and “food truck vending”; repeals “food truck vendor”.

Performance Standards

- Food trucks will be required to meet certain performance standards such as setbacks and utility connections.
- Limitations on number of truck operators as an accessory use.
- Additional threshold requirement for allowing the accessory use of food truck pods in the MDR/HDR for multifamily development.
- Add exemption language for *temporary* food truck operators to not require asphalt or concrete paving to operate on a temporary basis from a site.

The Planning Commission met on June 4, 2026, and were introduced to the food truck pod item and discussed items such as the alternative parking ratios and surfacing requirements for food truck pods. Tonight on July 9, 2026, a public hearing is being held by the Planning Commission to receive public input on draft Ordinance No. 2972.

COUNCIL COMMITTEE/STUDY SESSION:
--

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Move to recommend that the City Council approve Ordinance No. 2972 amending the Zoning Code to allow food truck pods and implement development standards.

SUBJECT: Battery Energy Storage Systems (BESS) Ordinance 2.0 - Background Presentation

CATEGORY: Information Only

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Presentation Slides
 2. BESS 1.0-Summary Memo
-

STAFF CONTACT: Ryan Windish, Community & Economic Development Director

SUMMARY BACKGROUND:

This is a presentation that was originally given as a joint agency presentation to the City Council at a study session on April 27, 2026 and included representation from various stakeholders. Staff will be presenting the information to the Planning Commission as background material for an upcoming ordinance amending regulations as it pertains to small and medium-scale Battery Energy Storage Systems (BESS). The presentation discusses the importance and value of BESS in supplementing the electric grid.

The Council adopted Ordinance No. 2899 in November 2024 to regulate utility-scale BESS facilities that have the capacity to store a minimum of 200 Megawatts (MW) of power for the sole purpose of deploying stored energy onto the electric grid by Puget Sound Energy (PSE).

In January 2025, at a Council study session, PSE shared how BESS is an important component of renewable energy, because it enables reliability on the electric grid and serves to provide back-up power. Staff will re-introduce the topic on BESS to provide background on BESS Ordinance No. 2899 ("BESS 1.0") and give context for new Commissioners on this important topic.

The intent of the presentation:

- Learn more about why BESS is important to the electrical grid for our partner PSE and how smaller scale BESS will be needed in the future;
- Learn about the Energy Facility Siting Evaluation Council (EFSEC) and the state's review process;
- Learn how East Pierce Fire and Rescue (EPFR) plans for and responds to BESS fires and their role in project review;
- Learn how staff will approach BESS Ordinance 2.0 and address community compatibility.

The Planning Commission will be presented a draft ordinance for discussion at the August 6, 2026 meeting and then anticipate a public hearing in September and action in October.

COUNCIL COMMITTEE/STUDY SESSION:
--

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

None at this time. This is for informational purposes only.

Battery Energy Storage Systems (BESS)

Background Information Presentation

Planning Commission – July 9, 2026

(Presentation adapted from City Council Study Session – April 27, 2026)



Meeting Agenda & Introductions

- Puget Sound Energy: State clean energy goals
- Background information on BESS Ordinance 1.0 & project review
- East Pierce Fire & Rescue: Emergency planning & response
- Energy Facility Siting Evaluation Council: State review process
- Overview on BESS Ordinance 2.0 & Next Steps

PSE's Clean Energy Transformation

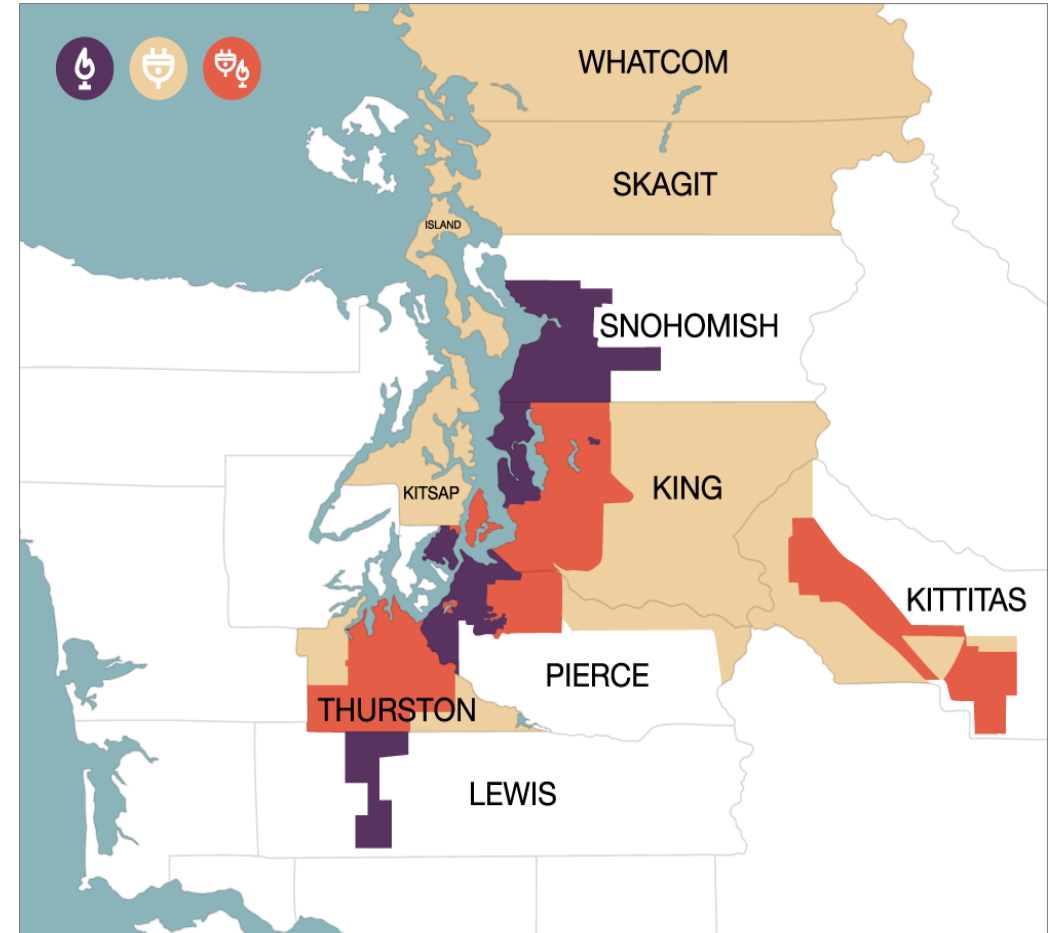
Christine Nhan
Anne Marshall
April 27th, 2026



About PSE

- Washington State's **oldest and largest utility.**
- Regulated utility serving approximately **1.7 million customers** in 10 counties in Western Washington
- **Undergoing the most significant transformation in our 150+ year history** as we strive to meet some of the most ambitious clean energy laws in the nation.
- Our core mission is to deliver **safe, reliable, and affordable** energy to our customers, under all conditions.

Service Territory



Washington State Climate Policies

Clean Energy Transformation Act (SB 5116)

Passed in 2019 and commits WA state to a carbon-neutral electric supply by 2030 and 100% clean electricity by 2045

Clean Buildings Act (HB 1257)

Passed in 2019 and adopts a new energy performance standard for existing commercial buildings over 50,000 sq. ft.

Climate Commitment Act (SB 5126 – “Cap and Invest”)

Passed in 2021 and establishes a program aimed at capping and reducing GHGs from the largest emitting sources and industries, to work towards the state's greenhouse gas limits set in state law

Clean Fuel Standard (HB 1091)

Passed in 2021 to curb pollution from the transportation sector, which accounts for almost 45% of state GHG emissions

Decarbonization bill (HB 1589)

Passed in 2024, it streamlines planning processes, supporting the future energy choices of our customers in alignment with the state's clean energy goals

Clean Energy Transformation Act Milestones



Coal-free electricity

- PSE has eliminated coal-fired resources from our allocation of electricity to Washington retail electric customers at the end of 2025, **750 MW total capacity removed**



Carbon-neutral electric supply

- PSE is committed to achieving a **net zero carbon emissions** electric supply for our customers by 2030, consistent with Washington State's CETA



100% clean electricity supply

- PSE is committed to achieving a **100% non-emitting electric supply** by 2045, consistent with Washington State's CETA



Battery Energy Storage Systems (BESS)

- Battery storage systems allow us to get the **most value from existing renewables** and **offset the need to build additional generation resources** that are used only at times of high demand.
- We estimate we will need approximately **1,500 MW of storage by 2030** (Distributed Energy Resources, hybrid, utility scale combined).
- We're exploring a mix of **PSE and developer-owned agreements** for battery storage projects.



Distributed Energy Resources (DERs)

- Customer adoption of **DERs** (rooftop solar panels, batteries, EVs, and other smart appliances) is **growing rapidly**.
- DERs promote **two-way flows of energy** and offer opportunities for utilities and customers to **work together** and innovate to meet rising demand.
- PSE envisions its role in this new landscape as a “**conductor**” within the energy ecosystem, empowering customer choice and flexibility, enhancing controls and automation, and optimizing interactions to achieve our clean energy targets.

Distributed Batteries on PSE's Grid

Why

Peak Load Management

- Store energy for use during times of highest demand
- Defer infrastructure upgrades

Renewable Energy Integration

- Store excess solar / wind energy for later use
- Support CETA targets

Community Resiliency

- Microgrids can island to provide back-up power during grid outages
- Distributed batteries at customer sites provide individuals back-up power

How

Distributed Solar and Storage RFPs

- Front-of-the-meter solar and storage up to 6 MW
- Developer or PSE-owned
- System-wide and targeted substation sections

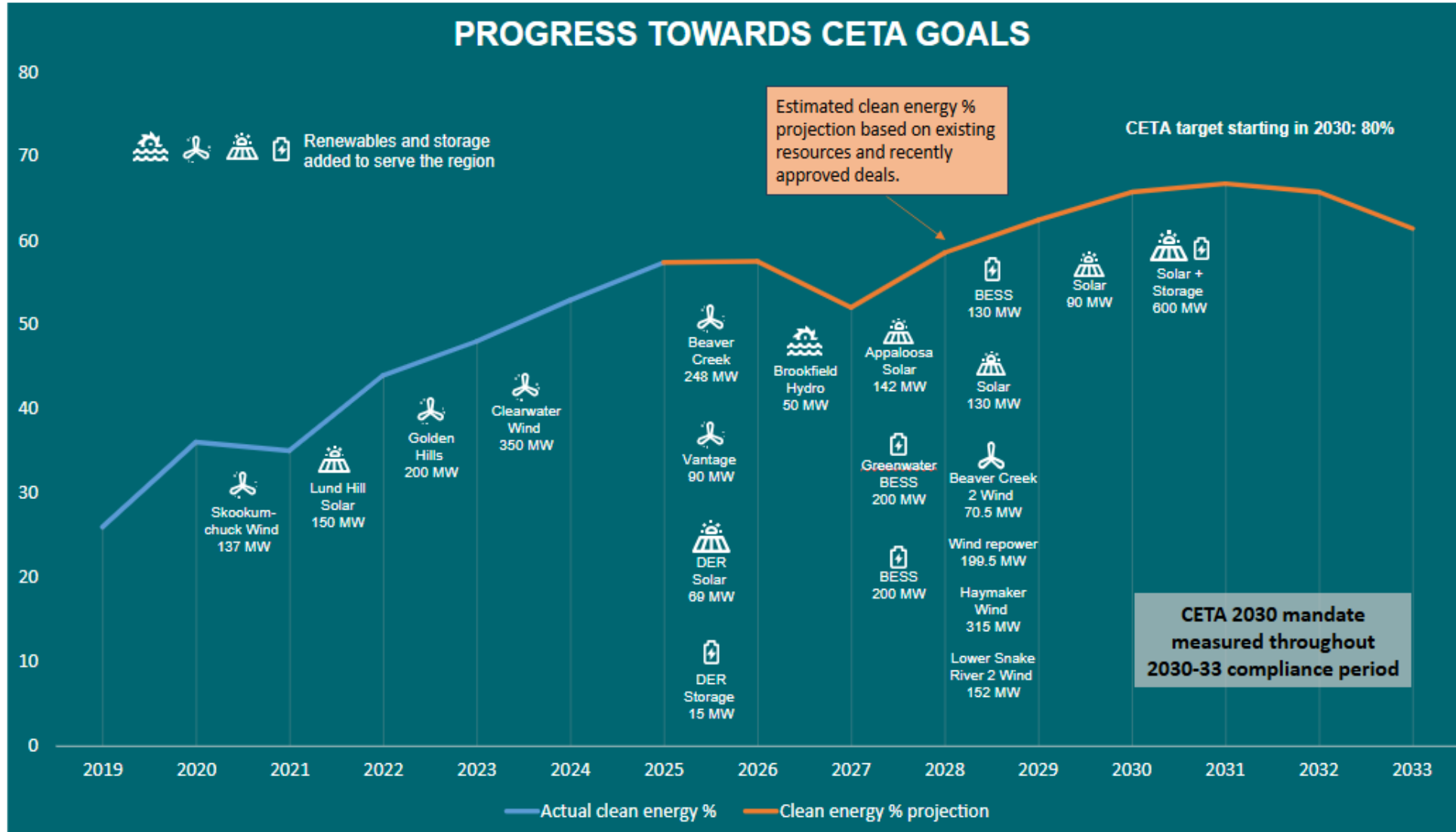
Flex Batteries

- Residential customers receive an incentive from PSE to enroll their battery
- PSE dispatches the battery during times of highest demand

New Product Development

- Exploring and developing new offerings to enable more customers to benefit from batteries

We Are Making Progress



- Since 2019, we've added **22 long-term clean energy resources** totaling more than **4,000 MW**.
- Achieving these goals requires balance: keeping our **electric and gas system strong and dependable**, investing in **cleaner energy resources**, and doing so **responsibly and thoughtfully**.

Sumner's Battery Energy Storage Systems (BESS) Code

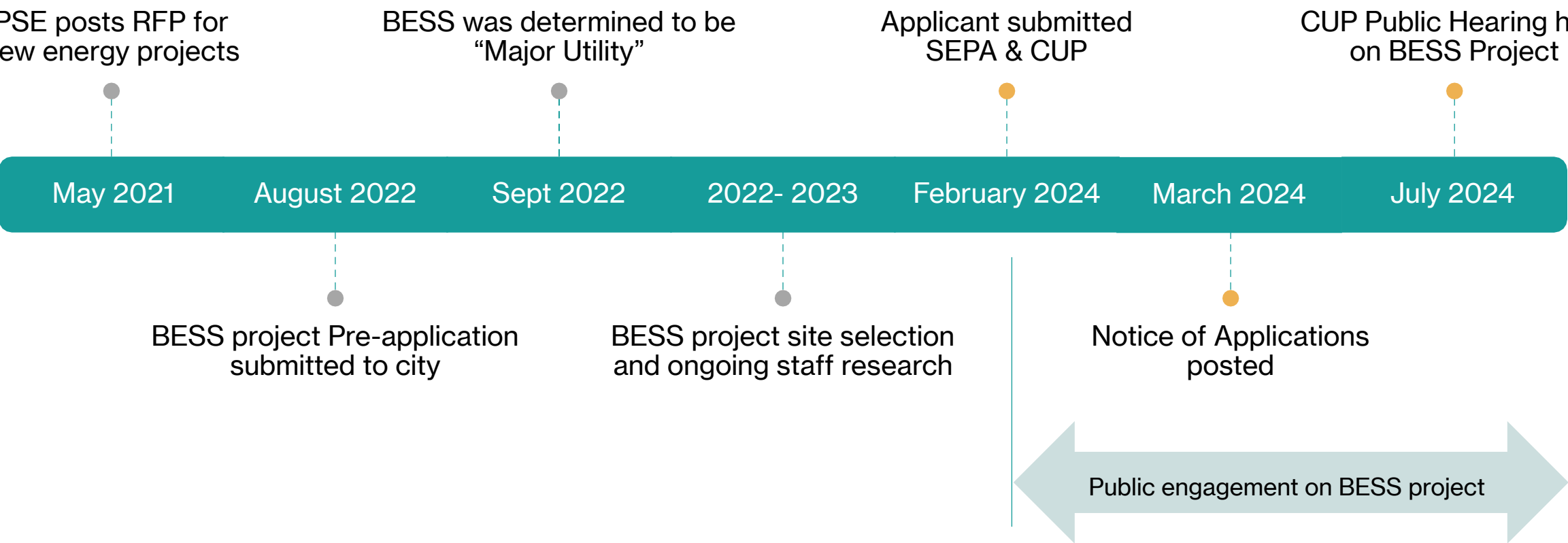
Staff Presentation

City Council Study Session – April 27, 2026

Chrissanda Waker, Associate Planner

Ryan Windish, Community and Economic Development Director

BESS Project Background



BESS Project Review

Zoning

- Light & Heavy Industrial (M1/M2)
- Major Utility permitted

Site

- Vehicle storage site along East Valley HWY
- Approximately 8 acres

Location

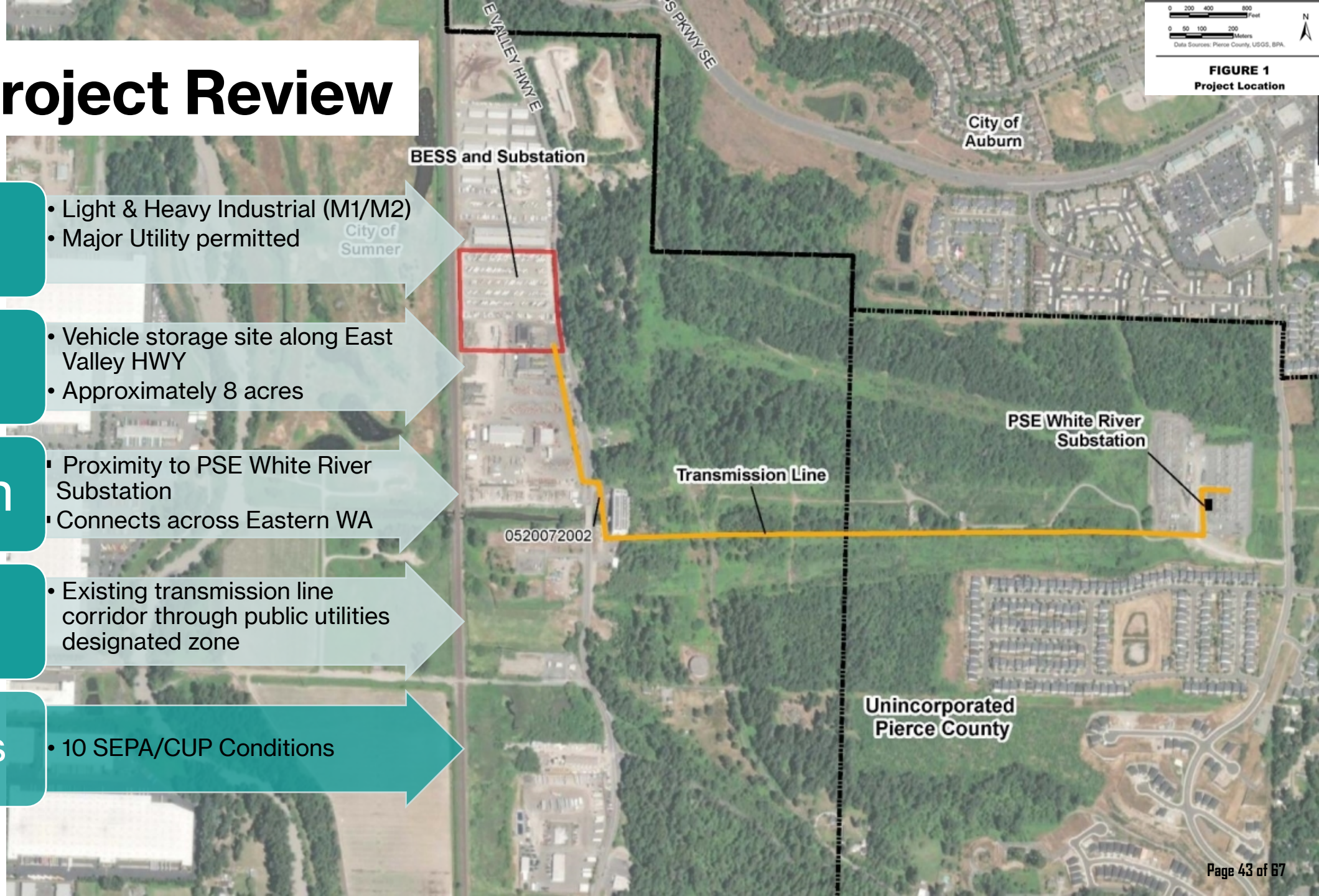
- Proximity to PSE White River Substation
- Connects across Eastern WA

Utility

- Existing transmission line corridor through public utilities designated zone

Conditions

- 10 SEPA/CUP Conditions



BESS Project Public Engagement

1

Public Notices

- SEPA & CUP Notice of Applications
- Post cards mailed to properties within 1,000-foot distance from entire project site
- Notice of Decisions
- Notice of Public Hearings

2

Community Outreach

- BESS Project applicant attended the city Spring Open House and Community Summit in 2024

3

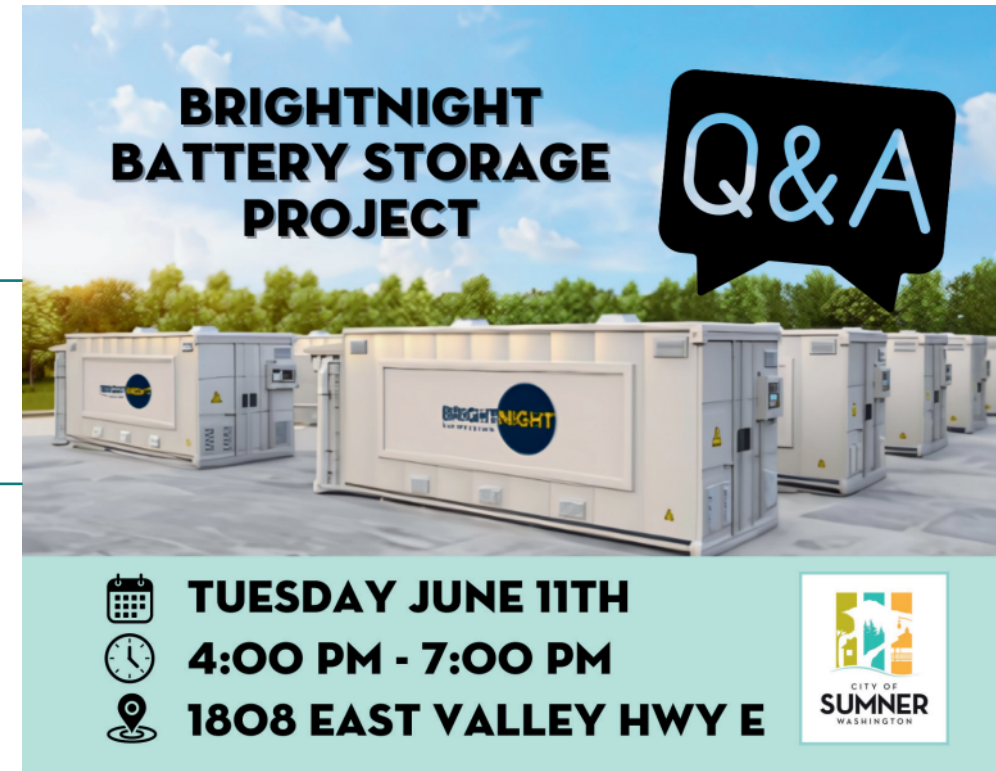
Project Information Night

- Mailed notice of Community Information Night June 11, 2024
- Joint Agency attendance (PSE, East Pierce Fire & Rescue)
- Applicant presentation from fire and battery technical experts
- BESS Project Information event was published in the city weekly newsletter May 16, 2024

4

Public Hearings

- Public Hearing with the Hearing Examiner on project CUP
- Held public hearings on the ZCTA BESS 1.0 with Planning Commission



**BRIGHTNIGHT
BATTERY STORAGE
PROJECT**

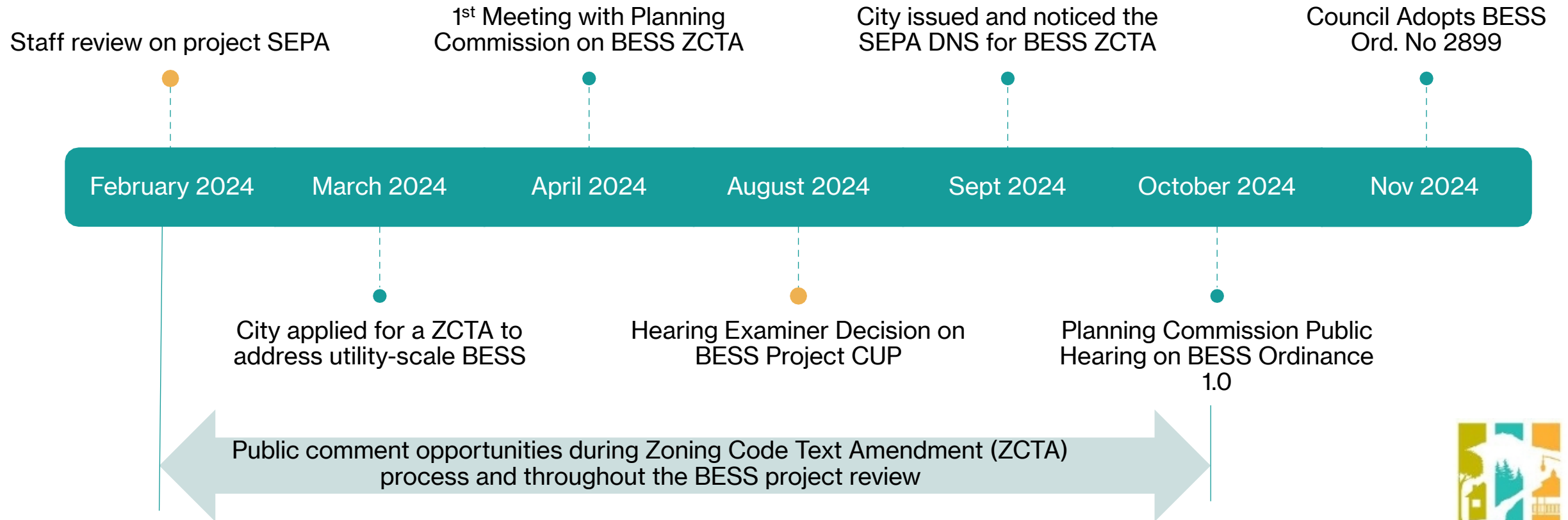
Q&A

**TUESDAY JUNE 11TH
4:00 PM - 7:00 PM
1808 EAST VALLEY HWY E**

**CITY OF SUMNER
WASHINGTON**

The graphic features a row of white battery storage units with the 'BRIGHTNIGHT' logo. A large black speech bubble with 'Q&A' in white is positioned to the right. The event details are listed in a teal box at the bottom, accompanied by icons for a calendar, clock, and location pin. The City of Sumner logo is in the bottom right corner.

BESS Ordinance 1.0 Background



BESS Ord 2899 Definition

SMC 18.04.0163 “Battery energy storage systems” or “BESS”:

- Refers to a large site facility
- Consists of electrochemical batteries, battery chargers, controls, associated electrical equipment and transmission lines.
- Minimum capacity at least 200 megawatt hours
- Intended to supply utility-scale energy at a future time to the electrical grid of a public utility provider.



BESS site facility. Credit: Plus Power

BESS Ord. 2899 Zoning Regulations

	LDR	MDR/HDR	Commercial	Industrial M-1/M-2
Battery Energy Storage System Facilities	--	--	--	CUP
Performance Standards	--	--	--	10 requirements in SMC 18.18.060(X)
Residential Protections				Prohibited within 1,000 feet of residential zones



The role of East Pierce Fire & Rescue

- Fire Safety Plan review (site specific)
- Pre-incident planning and training
- Fire response protocols
- Post-incident



Credit: North American Clean Energy

The leading provider of battery analytics software, **Electric Power Research Institute (EPRI)** and **Pacific Northwest National Laboratory (PNNL)** published their [joint study](#): the most recent, comprehensive publicly available analysis of the root causes of battery energy storage system (BESS) failure incidents.



Why is BESS Ordinance 2.0 needed?



**The code does not allow
mid-scale or small-scale
BESS**



**Safely regulate
BESS as Accessory
Uses**



**Support Regional
energy storage needs
and state energy goals**



Scalable TESLA Megapack Credit: Photon Energy



Overview of EFSEC and its Processes

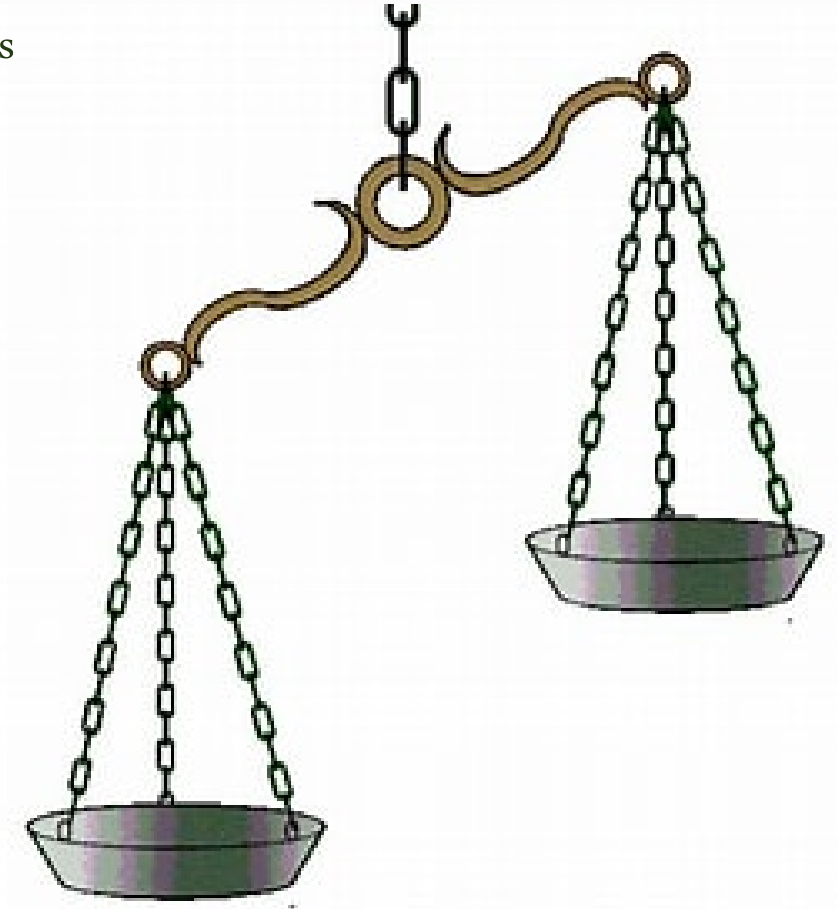
Presentation to Sumner City Council

April 27, 2026



Brief History

- Formed in 1970 to provide centralized siting & permitting for energy facilities
 - Intended as a regulatory agency, not a policy-making agency
 - Process involved multiple layers of government
 - Required balancing of interest of various interests
 - Created single decision-making table
- Facilities required to site through EFSEC
 - Large-scale thermal power plants (>350,000 KW)
 - Fission Nuclear facilities
 - Natural gas and oil pipelines
 - Oil refineries
 - Underground natural gas storage fields
- All other facilities may elect to use EFSEC





Basic Process



- Application review: EFSEC conducts environmental review, evaluates consistency, & develops required permits
- Develop recommendation: Council develops recommendation for Governor. Positive recommendation includes a site certification agreement (SCA) that lays out all conditions for construction, operation, decommissioning, and site restoration
- Oversee life of project: If SCA approved, EFSEC will oversee construction, operation, decommissioning, & site restoration
- Preemption: Final decision preempts other state & local government decisions
- Direct appeal of decisions to State Supreme Court (see RCW 80.50.140)

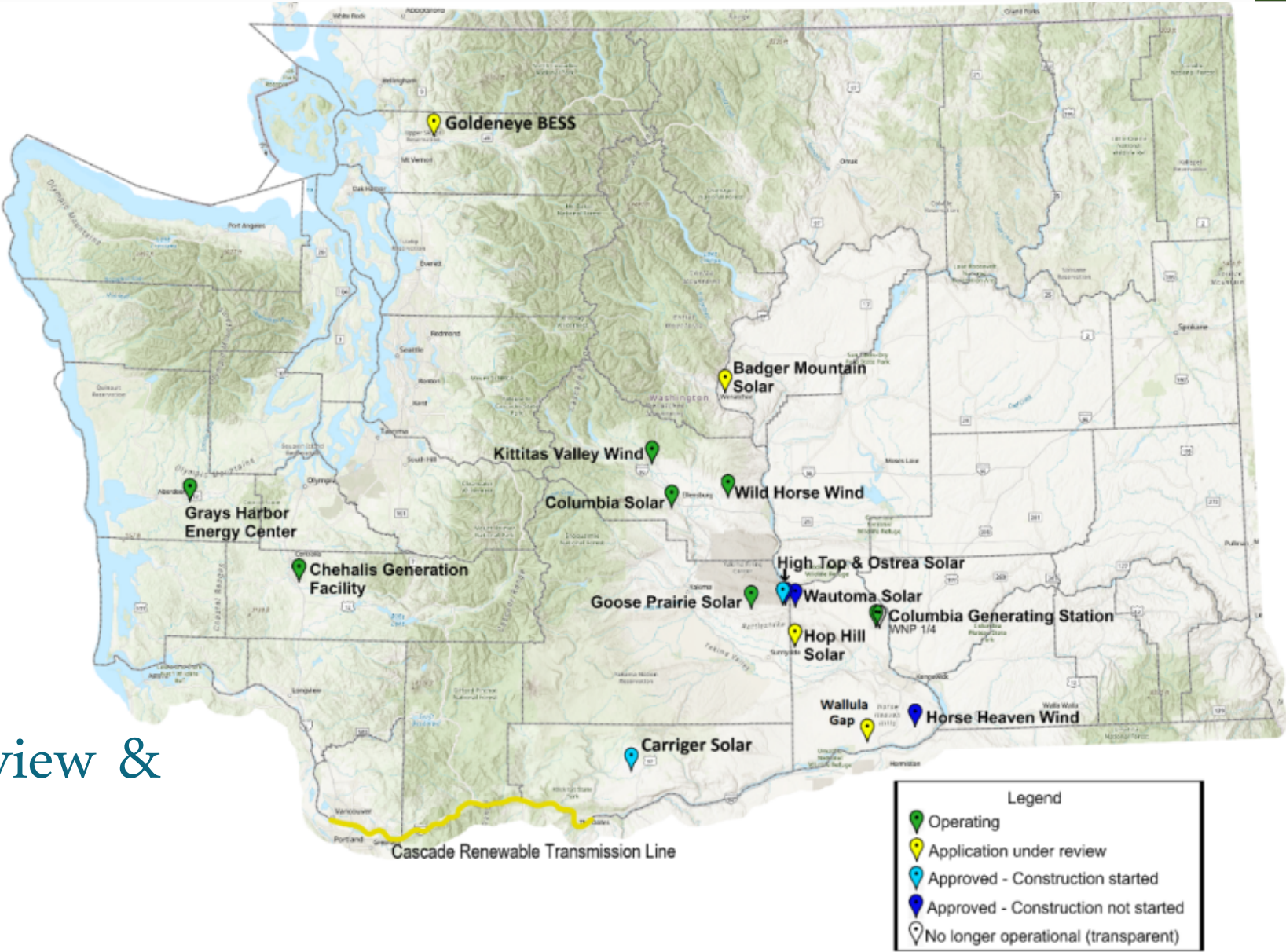


Council Membership Structure

- **Chair** – *Governor Appointee*
 - Kurt Beckett
- **Department of Ecology**
 - Blake Nelson
- **Department of Fish & Wildlife**
 - Nate Pamplin
- **Department of Commerce**
 - Elizabeth Osborne
- **Department of Natural Resources**
 - Kate Dean
- **Utilities & Transportation Commission**
 - Brian Rybarik
- **Optional application review members**
 - Department of Agriculture
 - Department of Transportation
 - Department of Health
 - Military Department
- **Local Government application review (City and County)**
- **Port District application review—nonvoting**



Supported by a **staff** of **10 siting and SEPA specialists**, a **10-person administrative services division**, & **4-person administrative support team**



Facilities under review & operating



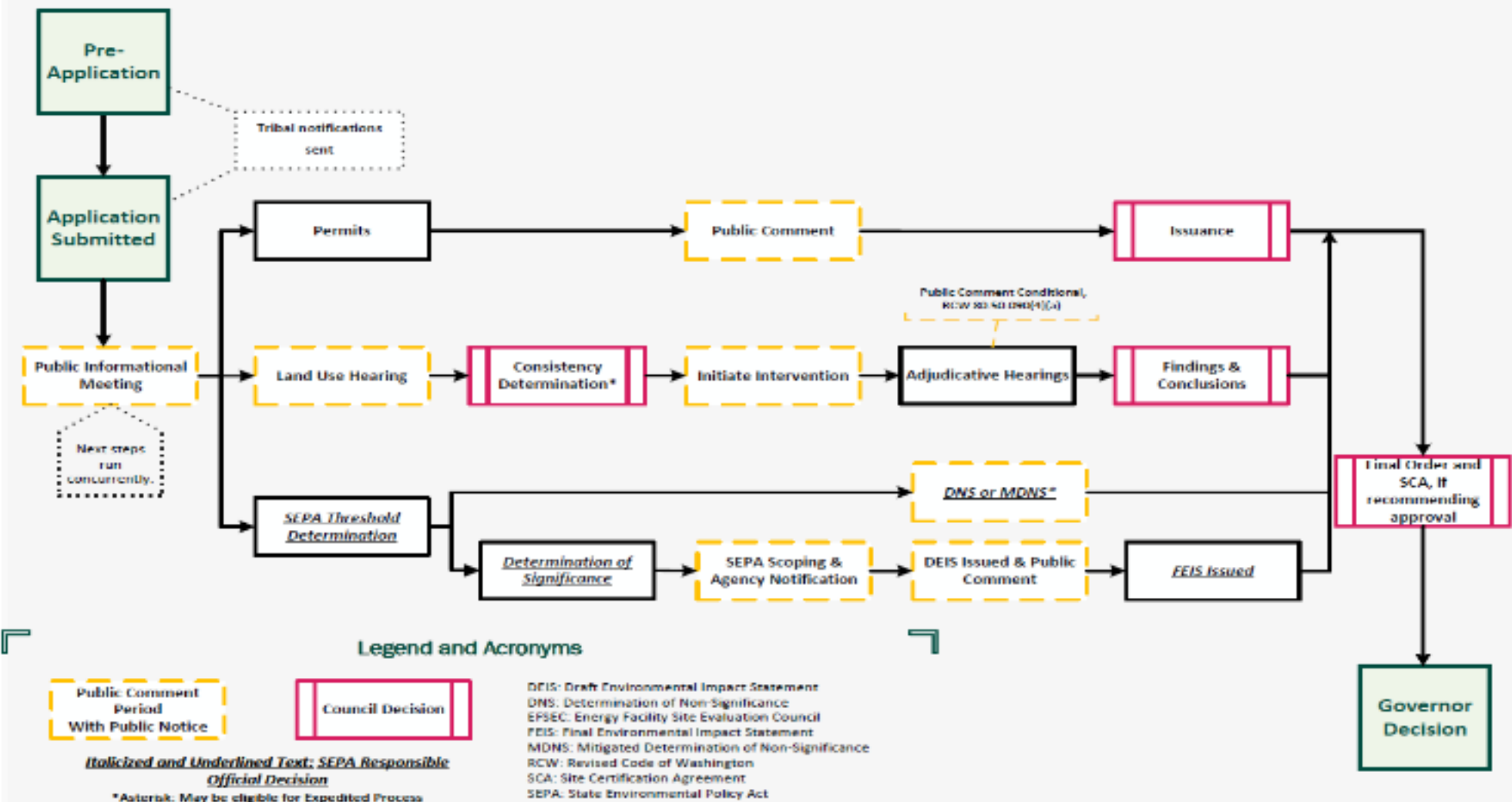
Fundamental Principles of Process

- EFSEC does not propose facilities. It reviews applications from private companies.
- “It is the policy of the state of Washington to:
 - recognize the pressing need for increased energy facilities, and
 - to ensure through available and reasonable methods that the location and operation of all energy facilities ...
 - will produce minimal adverse effects on the environment, ecology of the land and its wildlife, & the ecology of state waters and their aquatic life.” (RCW 80.50.010)
- All projects:
 - Undergo SEPA environmental review.
 - Offer tribal consultations to affected Tribes
 - Provide opportunity for public comment throughout
- Required to make recommendation to governor within 12 months of “a 80.50.100(1)(a)]





EFSEC Pre-Application through Site Certification Process



Version 1.7, June 2025



Local Government Engagement

- Staff engages as early as possible with local government & encourages developers to do the same
- Multiple bodies within local government may have interest
 - Planning department
 - Fire districts
 - Conservation districts
 - Utilities
- Interagency agreements available to support local government during application review and construction & operational oversight
- Capacity & political pressures can impact local government engagement



Recommendation to the Governor

- Council makes recommendation to approve or reject an application
- Recommendation explains in detail Council deliberation process

If for approval includes draft Site Certification Agreement (SCA) with proposed conditions for construction, operation, & decommissioning

- Within 60 days of receiving Council recommendation, Governor must:
 1. Approve the application and execute the draft certification agreement;
 2. Reject the application; or
 3. Remand the recommendation to the council for reconsideration.
- Any application rejected by the Governor is FINAL





Public Input Pathways

- **Provide comments**
 - Email comments@efsec.wa.gov
 - Mail to:
621 Woodland Square Loop SE
PO Box 43172
Olympia, WA 98503-3172
 - Call 360-664-1345
- **During comment periods, online portal will be prominent on website**
 - <https://comments.efsec.wa.gov>
- **Subscribe for updates on facility webpage**
- **Attend a public media – in-person/virtual**





Questions?

Amí Hafkemeyer

Director of Siting & Compliance

ami.hafkemeyer@efsec.wa.gov

Summary Background

PSE Clean Energy Transformation Act

Increasing battery storage across the region.

EFSEC Review Process

How utility-scale BESS projects can be approved at the state level.

City Adopted BESS Ordinance 1.0

Ord 2899 regulates utility-scale BESS as a CUP in the industrial zones. Under SMC 18.18, 10 performance standards were codified to regulate site, design, location and performance and decommissioning.

Next Steps: BESS Ordinance 2.0

Address small and mid-scale BESS in all other zoning districts, and propose new standards to regulate size, quantity, location, and community impacts.

Safeguard Compatibility:



**East Pierce Fire
& Rescue
coordination &
Fire code
compliance**



**SEPA to mitigate
environmental
impacts &
concerns**



**Adopt standards
to address light
and glare, noise,
location &
aesthetics**

Proposed BESS Tier Classifications

	Tier-1	Tier-2	Tier-3	Tier-4
	Residential	Commercial	Infrastructure	Utility- Scale
Use Case	Accessory residential uses only.	Intended as accessory for on-site energy use and/or co-located with solar.	Intended for accessory to substations or standalone BESS in only IC and industrial zones.	A “major” BESS utility facility requires CUP.

Next Steps

**BESS ZCTA Discussion with
Planning Commission**



January 5, 2026

**Complete SEPA review and draft
BESS Ordinance 2.0**



March-May

**Planning Commission discussion
BESS Ordinance 2.0**



July 9, 2026

**August-
September**

**Council SS: BESS Information
Meeting**



**Upcoming Public Notice on SEPA
Decision**



**Notice for and hold Public
Hearing with Planning
Commission**





DATE: April 15, 2026
TO: Mayor Carla S. Bowman
FROM: Ryan Windish, Community & Economic Development Director
CC: Jason Wilson, City Administrator
RE: **Battery Energy Storage Systems (BESS) 1.0 Background**

This memo is intended to provide background and history on the development of a Battery Energy Storage System (BESS) in the City of Sumner. We refer to this as “BESS 1.0” because it only pertains to the larger, “utility-scale” systems. This memo will provide a chronological summary of the steps that the City went through to permit the first BESS facility in Sumner and the subsequent Zoning Code Text Amendment (ZCTA) that followed after the first facility was permitted.

The memo also moves into “BESS 2.0” which are Zoning Code amendments that will address small, mid-scale, and large-scale BESS that might be used to charge a Tesla, or support a solar panel array on the roof of a building or even be used for back-up power. This discussion is going to resume in June 2026 with the Planning Commission.

Date	Action/Comment
May 2021	First contacted by BrightNight Power, a developer of BESS and expressing interest in locating in the City of Sumner. BrightNight was responding to an RFP issued by Puget Sound Energy (PSE) for construction of a BESS facility near the substation on the east hill above Sumner.
May 2021-2022	Ongoing discussions with BrightNight regarding potential locations and understanding of the BESS facility and needs. Other BESS developers (Tenaska) also met with the city and were looking for locations within the City. They too were responding to the PSE RFP for a BESS.
August 2022	BrightNight submits a Pre-Application Form with documentation and questions.
September 2022	City of Sumner responds to BrightNight and determines that the facility would be permitted as a “Major Utility Facility” and is outright Permitted in the M-1, Light Manufacturing zone. A CUP would be required for the connecting transmission lines that would run up the hill from the facility to the substation. The transmission lines would transect Low-Density Residential zoning and therefore requires a CUP.
September 2022 – February 2024	BrightNight names the facility Greenwater and continues to search for a site for the facility.
February 2024	BrightNight applies for a CUP and SEPA for the facility.

May 16, 2024	City includes a Notice of Application announcement in the in the City E-news on BrightNight proposal along with other formal notices and posting on the website.
April 2024	BrightNight attends two community events: April 16, 2024-Public Open House hosted by the City of Sumner and had 20-30 attendees. April 30, 2024-Community Summit an event with over 300 community members including elected officials, and school district officials. Summer 2024 BrightNight noticed and held a public open house on site at 1808 East Valley Hwy which was well attended.
April 2024	First meeting with the Planning Commission to introduce a Zoning Code Text Amendment for regulating utility-scale BESS. Proposal includes regulating BESS including conditions and performance standards similar to those in the BrightNight SEPA. Recommended 1,000 foot buffer from residentially zoned property.
August 2024	BrightNight goes through the permitting process and is issued a SEPA Mitigated Determination of Non-Significance (MDNS) on August 1, 2024 for the project with numerous detailed conditions related to this project and potential environmental impacts.
August 2024	Conditional Use Permit was issued following a public hearing on August 26, 2024 The public hearing was advertised and included houses beyond households on the hill above the site and in closer proximity to the transmission lines. The Hearing Examiner held the public hearing and rendered a decision on the CUP. 8 people signed up at the public hearing in person and from the transcript it looks like there were 2 other people attending virtually but did not speak. In person, only one person out of the 8 was not affiliated with the applicant. The only public testimony was an attorney who spoke on behalf of the applicant.
October 2024	Planning Commission holds Public Hearing on BESS Ordinance (Ordinance No. 2899) and recommended the City Council approve the ZCTA
October 2024 and November 2024	Community Development Committee (CD) of the City Council reviews the Planning Commission recommendation and votes in favor of “Do Pass” with amendments.
November 18, 2024	City Council adopts Ordinance No. 2899 allowing utility-scale BESS facilities as a CUP (200MW or more) within the M-1 and M-2 zones and to remain at least 1,000 feet from residentially zoned properties. The ordinance includes numerous conditions and requirements around safety, screening, and coordination with the fire district for emergency management and safety plan. BESS facilities also have to have a decommissioning plan and financial guarantee to pay for decommissioning. The code allows ONLY large utility-scale systems. The City had been receiving inquiries from developers to do smaller scale systems throughout the industrial area, but staff had concerns with the proliferation of these smaller systems, regulating them, and bringing potential hazards too close to residential uses. Therefore, the BESS 1.0 was limited to utility-scale systems.

January 2025	City staff along with representatives from PSE, EPFR, presented to the City Council on the “BESS 2.0” proposal to make further Zoning Code amendments to allow for small, medium, and large-scale BESS within the City.
April 2025	City staff begins discussions with the Planning Commission about “BESS 2.0” which is further Zoning Code amendments to allow for and regulate smaller and mid-scale BESS facilities. The reason for bringing this back is that it is consistent with PSE’s mission and vision to have a dispersed battery storage capability across the landscape, and that it would also support the installation of solar panels for generating electricity on the roofs of buildings (especially the large warehouses in the MIC). BESS 2.0 is intended to address: 1) residential uses less than 80KW, 2) mid-scale: 80KW to 600KW, 3) Larger-scale 600KW to 1MW and keep the Utility Scale from 1MW to 200MW with a 200MW maximum.
May 2025	A third BESS developer (US Solar & Storage) contacted the city to inquire about another BESS facility in Sumner. They informed the city that if the City Codes were too restrictive they could (though it wasn’t the preferred option) go to the Energy Facility Siting Evaluation Council (EFSEC) which is a state agency that can review and permit a BESS facility with approval by the Governor and preempt local regulations and control.
January 2025 -January 2026	Staff was busy with other projects that took priority during the rest of 2025 and began a new discussion with the Planning Commission in January 2026 regarding BESS 2.0. At this time staff is working on a draft ordinance, coordinating with PSE on definitions, etc.
April 27, 2026	Staff along with other stakeholders (PSE, EFSEC, and EPFR) will be presenting to City Council on April 27 th to bring them up to speed on the background of BESS in Sumner and to understand the regulatory requirements driving these changes, etc. EPFR will speak to how they plan to address fires at these types of facilities.