PLANNING COMMISSION AGENDA
CITY HALL – 1104 MAPLE STREET
AUGUST 6, 2026 6:00 PM

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, Byrl Eddy, Sharon Fochtman, Rob Healy, Kelly Locke, and Chris Pierce

Pledge of Allegiance

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

1. July 9, 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 ryanw@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

UNFINISHED BUSINESS

NEW BUSINESS

1. Ordinance - Zoning Code Text Amendments - BESS 2.0

CORRESPONDENCE

COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

PLANNING COMMISSION MEETING
DATE: August 6, 2026
AGENDA BILL: 26-526

SUBJECT: July 9, 2026 Minutes

CATEGORY: Motion

BUDGET IMPACT:
Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:
1. July 9, 2026 - PC Meeting Minutes DRAFT

STAFF CONTACT:

SUMMARY BACKGROUND:
Action minutes from a regular Planning Commission meeting held on July 9, 2026.

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

STAFF RECOMMENDATIONS/MOTION:
Move to approve July 9, 2026 minutes.

MEETING MINUTES

CALL TO ORDER

The meeting was called to order at 6:00 pm by Chair Issacs

ROLL CALL

Commissioners Present: Biermann, Eddy, Fochtman, Isaacs, Pierce
Excused Absences: Healy, Locke

APPROVAL OF MINUTES

1. Planning Commission meeting minutes – June 4, 2026

Moved to approve Fochtman, Second Pierce; **passed unanimously.**

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

None.

PUBLIC HEARING

Public hearing opened at 6:03

1. Ordinance No. 2972 – Zoning Code Text Amendment – Food Truck Pods
   Staff member Brayden Shannon gave a presentation on this item.

   No comments from public.

   Public hearing closed at 6:26 PM.

   Discussion ensued.

UNFINISHED BUSINESS

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

Moved to recommend Biermann, Second Fochtman; **passed unanimously.**

NEW BUSINESS

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

   Ryan Windish, Community and Economic Development Director, gave a presentation on this item.

   Discussion ensued. Commissioner Pierce recused himself from the discussion**.**

CORRESPONDENCE
None

COMMISSION COMMENTS

Commissioner Isaacs commented about the band for Music Off Main.
Commissioner Biermann commented on the Chalk Art Festival in August.
Commissioner Fochtman commented on Music Off Main.
Commissioner Eddy had no comment.
Commissioner Pierce had no comment.

STAFF COMMENTS
Ryan and Katie advised about Music Off Main bands and activities coming up.

ADJOURNMENT

Meeting adjourned at 7:14 PM.

PLANNING COMMISSION MEETING
DATE: August 6, 2026
AGENDA BILL: 26-536

SUBJECT: Ordinance - Zoning Code Text Amendments - BESS 2.0 **CATEGORY:** Information Only

BUDGET IMPACT:
Expenditure Required: None Within Budget Allocation: N/A

ATTACHMENTS:
1. Staff Report
2. Exhibit A - Draft Ordinance
3. Presentation - BESS 2.0

STAFF CONTACT: Ryan Windish, Community & Economic Development Director

SUMMARY BACKGROUND:
Battery energy storage systems (BESS) are becoming increasingly important as renewable energy sources are added to the energy mix. The increase in demand for the energy grid continues to rise as State mandates incentivizes toward green electrification, large load users come online and EVs become more popular. Utility providers are responding to the State's Clean Energy Transformation Act (CETA) by adding BESS to its existing utility infrastructure to provide grid efficiency and reduce peak energy prices by stabilizing power supply.

BESS 1.0
In November 2024, following Planning Commission public hearing and recommendation, the City Council adopted Ordinance No. 2899 which regulates in the Zoning Code (Title 18) utility-scale Battery Energy Storage Systems, allowed under a CUP only in industrial zones, and subject to required performance standards to mitigate impacts.

BESS 2.0
The draft ordinance addresses small and mid-scale BESS, indicates where they are permitted and defines what is considered residential (small) scale, mid-scale, and utility scale. BESS are regulated under the International Building Code (IBC) and International Fire Code (IFC), National Fire Protection Association (NFPA) codes, state laws (WAC 51-54L) therefore the ordinances refers to the latest adopted code standards for energy thresholds.

The proposed amendments would create a new Chapter 18.33 in the Sumner Municipal Code (SMC) to establish a regulatory framework for BESS at four tiers: residential, commercial, mid-scale and utility-scale. These changes align local zoning with clean energy objectives while ensuring public safety, compatibility with surrounding uses, and appropriate fire code compliance.

The Planning Commission will be discussing the draft ordinance at the August 6th meeting and holding a public hearing on September 3, 2026.

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

STAFF RECOMMENDATIONS/MOTION:
Discuss draft ordinance. No action at this time.

CITY OF SUMNER WASHINGTON

STAFF MEMO

DATE: August 8, 2026
TO: Planning Commission
FROM: Ryan Windish, Community and Economic Development Director
CC: Katie Baker, Planning Manager
RE: **Zoning Code Text Amendments on Battery Energy Storage System (BESS) 2.0- DISCUSSION**

I. BACKGROUND/ WHY THE AMEDNMENTS ARE BEING PROPOSED

Battery energy storage systems (BESS) are becoming increasingly important as renewable energy sources are added to the energy mix. The increase in demand for the energy grid continues to rise as State mandates incentivizes toward green electrification. Utility providers are responding to the State's Clean Energy Transformation Act (CETA) by adding BESS to its existing utility infrastructure to provide grid efficiency and reduce peak energy prices by stabilizing power supply.

In 2024, the City of Sumner proceeded with land-use review of a large-scale BESS facility, capable of storing 200-megawatt (MW)/800-megawatt hour (MWh) of energy located in the Light-Manufacturing (M-1) zone. The BESS project is designed to provide critical energy storage to the region, while providing reliability for Puget Sound Energy (PSE) customers. The project began construction in 2026 on approximately 8 acres along East Valley Hwy. The project includes a conditional use permit (CUP)-approved new transmission line that will connect from the BESS site to the PSE White River substation facility.

BESS 1.0 – Utility grid-scale BESS
In November 2024, following Planning Commission public hearing and recommendation, the City Council adopted Ordinance No. 2899 which regulates in the Zoning Code (Title 18) utility-scale Battery Energy Storage Systems, allowed under a CUP only in industrial zones, and subject to required performance standards to mitigate impacts.

Ordinance No. 2899, added 10 new performance standards under SMC 18.18.060(X), as follows:

- Prohibiting Utility grid-scale BESS facilities within 1,000 feet of residential zones
- Ensuring safety compliance with IFC and NFPA regulations
- Requiring emergency management planning with local fire district
- Specific site design standards
- 3rd party inspections
- Decommissioning and financial security

The Department of Ecology (DOE) responded to the rise in BESS deployment and issued a programmatic environmental impact statement in June 2025, assisting jurisdictions with the siting of green energy facilities. BESS can be categorized under land use classifications like "major utility" or "associated electrical facilities" when co-

located with green energy facilities, such as wind and solar. BESS are similar in characteristic to other storage and utility land uses yet presents unique considerations in hazardous potential and fire risk. Therefore, limiting the concentration of large-scale and utility-scale BESS and maintaining a safe distance from residential and sensitive uses are a priority in the BESS 2.0 amendments. The proposed amendments address smaller and mid-scale BESS as communities will continue to see BESS associated with electric vehicle (EV) charging, solar panels and on-site backup energy.

II. DESCRIPTION OF PROPOSAL

What is BESS 2.0?

In response to the CETA, utility providers like PSE have issued requests for more grid-connected BESS to balance peak energy demand and store excess energy generated to be used later during non-peak times. Energy load sharing can happen at any point in the electric grid and battery energy storage does not need to always be at the utility-scale.

BESS 2.0 addresses small and mid-scale BESS, indicates where they are permitted and defines what is considered residential (small) scale, mid-scale, and utility or grid-scale. BESS are regulated under the International Building Code (IBC) and International Fire Code (IFC), National Fire Protection Association (NFPA) codes, state laws (WAC 51-54L) therefore the ordinances refers to the latest adopted code standards for energy thresholds.

The proposed amendments would update the Sumner Municipal Code (SMC) to establish a regulatory framework for **BESS** at four tiers: residential, commercial, mid-scale and utility-scale. These changes align local zoning with clean energy objectives while ensuring public safety, compatibility with surrounding uses, and appropriate fire code compliance.

New Chapter 18.33: Battery Energy Storage Systems

The draft BESS 2.0 ordinance creates a new chapter in the Zoning Code (Title 18) that addresses BESS, and is similar other highly technical land uses such as telecommunications. Chapter 18.33 contains details related to allowed zoning districts, permitting, placement, screening, and other requirements specific to BESS. All the other chapters with specific zoning district regulations will refer to this new chapter for BESS development regulations and permitting requirements.

Defining BESS in the Zoning Code

Based on industry standards the proposed definition of BESS under SMC 18.33 is stated as follows:

> *"**Battery energy storage system (BESS)**" means one or more electrochemical devices, assembled together, designed to store energy for future electrical supply to a building or the grid, not to include a stand-alone 12-volt car battery or an electric motor vehicle. They may range in capacity from residential to utility scale, and include public or private application. These systems are used to provide standby or emergency power, store excess electricity from intermittent renewables sources like wind and solar; provide electrical load shedding or sharing; or be used for similar capabilities.*

BESS Tier System

Current code only allows for utility-scale BESS that store 200 MW of energy and the capacity to supply large amounts of energy at one time. With the growing opportunity to disperse BESS in more urban areas, the proposal will amend the current definition of "Battery Energy Storage systems" to fall into Tier-1, Tier-2, Tier-3 and Tier-4 classification of BESS as follows:

Tier-1 BESS Residential Accessory Systems

- **Tier 1-BESS**: Accessory to residential uses, including single-family residential homes, duplexes, etc.
- **Use type:** Single-technology systems intended for excess solar energy backup, load sharing, EV charging.
- **Energy threshold:** up to 100 kWh will require permits; energy limit is fixed by IFC and IBC.
- **Allowed Zones:** Accessory use in all zones.

- **Permit required:** Residential solar permit + BESS; Electrical permit (through L&I).

Tier-2 BESS Commercial /On-site Systems

- **Tier 2-BESS**: Intended for commercial, multifamily, and light industrial businesses
- **Use Type:** accessory to solar panels, intended to provide electricity on-site, with on-site use including net metering and EV charging units, load sharing, or another grid-connected electricity sharing arrangement.
- **Energy threshold:** >100 kWh up to 600 kWh. Allow the IFC to regulate based on occupancy and function. The IFC has requirements for installations over 600 kWh to meet higher safety standards (e.g., IFC Group H-2).
- **Allowed Zones:** Conditional Use Permit (CUP) in residential zones if co-located with an electrical substation; Administrative Use Permit (AUP) for mixed use and multifamily zones and accessory use in all commercial and industrial zones.
- **Permit required:** CUP, AUP as applicable and commercial solar permit + BESS; Mechanical BESS permit and electrical permit (through L&I).

Tier-3 BESS Mid-Scale Systems

- **Tier 3-BESS**: Standalone BESS intended for mid-scale commercial storage applications.
- **Use types**: Co-located with solar panels and onsite electric substations and standalone.
- **Energy threshold:** >600 kWh up to 5 MWh proposal includes an aggregate footprint cap at 3,000 SF gross area. This size limit helps to minimize the size of high-risk BESS, keeping them manageable in an urban context.
- **Allowed Zones:** Residential zones as a CUP if located with electrical substation; AUP if located in mixed-use districts where commercial/residential allowed; Principal or accessory use only in Interchange commercial (IC) zones near 24th Street and all industrial zones.
- **Permit required:** This tier will require a CUP, AUP, and Mechanical BESS permit and electric permit (through L&I).

Tier 4 BESS Utility-Scale Systems

- **Tier-4 BESS**: Utility grid-scale facility capped at maximum 200 MW/800 MWh; remain prohibited within 1,000 feet from residential zones.
- **Use types:** Standalone facilities to supplement the electric utility grid. With the capacity to store megawatts of energy for regional benefit.
- **Energy Threshold:** >5MWh to 800 MWh
- **Allowed Zones:** Industrial zones only
- **Permit required**: CUP; Mechanical BESS permit and electric permit (through L&I).

BESS Performance Standards

The following are performance standards for the various BESS facilities, some of which are currently in the Zoning Code:

Setbacks and height standards:

- Tier-1 BESS: Same as underlying zone
- Tier-2 BESS: 15 feet on all sides
- Tier-3 and Tier-4 BESS: 30 feet on all sides

Distance requirements:

- Tier-4 BESS: Prohibited within 1,000 feet of residential zones and mixed-use zones.
- Tier-3 BESS: Prohibited within 500 feet of sensitive uses: elementary or secondary schools; playgrounds; childcare centers; nursing homes; senior centers; community centers; and food banks.

Minimum Lot size:

- Tier 1 & 2: None
- Tier-3 BESS: 20,000 SF

- Tier-4 BESS: 5 acres, except if co-located with existing substation

Aesthetic standards:

- Screening from adjacent properties using berms and evergreen landscaping (except M-2 zone).
- Non-glare finishes and durable cladding (e.g., powder-coated surfaces).
- Lighting, fencing, and odor/noise controls.

BESS specific standards:

- All BESS tiers are subject to Fire code compliance where applicable (UL 9540, NFPA 855, IFC Section 1207).
- Review decommissioning requirements and financial guarantees that will apply to certain BESS, except Tier 1.
- Tier 4 and larger Tier 3 systems must submit:
  - Emergency Operations Plans (EOPs)
  - Commission Plans (per WAC 51-54A-1207)
  - Decommissioning Plans (per WAC 51-54A-1207)
  - Distribution equity assessments to avoid overconcentration.
  - Safety and Fire Response Plan that includes a reimbursement requirement

III. STAFF RECOMMENDATION

Review and discuss draft ordinances for BESS 2.0 and provide staff direction.

VI. NEXT STEPS

Finalize draft ordinance and prepare notice for a public hearing on September 3, 2026 and complete state and environmental review.

V. EXHIBITS

A. Draft Ordinance

DRAFT

ORDINANCE NO. XXXX

CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING THE SUMNER MUNICIPAL CODE TITLE 18, ZONING CODE PERTAINING TO BATTERY ENERGY STORAGE SYSTEMS (BESS) INCLUDING CREATING TIER CLASSIFICATIONS OF RESIDENTIAL, MID-SCALE AND UTILITY-SCALE BESS AND NEW LAND USE REGULATIONS AND DEVELOPMENT STANDARDS AND CREATING A NEW CHAPTER 18.33, BATTERY ENERGY STORAGE STYSTEMS AND AMENDING CHAPTERS: 18.04 DEFINITIONS; 18.12 LOW DENSITY RESIDENTIAL DISTRICTS; 18.14 MEDIUM AND HIGH DENSITY RESIDENTIAL DISTRCTS; 18.16 COMMERCIAL DISTRICTS; 18.18 MANUFACTURING DISTRICTS; 18.29 TOWN CENTER PLAN; 18.30 EAST SUMNER URBAN VILLAGE OVERLAY DISTRICT; AND AMENDING SECTIONS: 18.04.0163; 18.12.080; 18.14.030; 18.14.080; 18.16.020; 18.16.030; 18.16.080; 18.18.020; 18.18.060; 18.29.030; 18.29.035; 18.29.040; AND 18.30.030.

WHEREAS, Washington State has accelerated its transition to a clean energy future, Battery Energy Storage Systems (BESS) have emerged as a foundational element of the modern energy grid. These systems play a pivotal role in balancing supply and demand, stabilizing intermittent renewable generation, and enhancing grid resilience during peak demand or extreme weather events; and

WHEREAS, technological progress and innovation have not only accelerated the development of BESS but have also led to significant improvements in their efficiency, safety, and scalability—marking a major leap forward in renewable energy storage solutions; and

WHEREAS, the City of Sumner proactively responded to the clean energy transition by adopting a Zoning Code text amendment that defines utility-scale BESS as facilities capable of storing 200 megawatt hour (MWh) or more of electrical energy and subject to review and approval through a Conditional Use Permit process; and

WHEREAS, the intent of the City is to support this evolving energy landscape by modernizing development regulations to accommodate appropriately mitigated small and mid-scale BESS across residential, commercial and industrial zones. These systems enable households, businesses, and communities to increase energy independence, improve reliability during grid disruptions, reduce electricity costs through time-shifting of energy use, and contribute to broader decarbonization goals; and

WHEREAS, the proposed Zoning Code text amendments were forwarded on XXXX, to the Washington State Department of Commerce for the agency's expedited review per the Growth Management Act; and

WHEREAS, after study sessions on date XXX regarding the amendments proposed by this ordinance, the Planning Commission held a public hearing on XXXX, and on date XXX recommended that the City Council adopt the amendments; and

WHEREAS, the City Council Community Development Committee reviewed the proposed amendments on XXX and recommended a do-pass by the City Council; and

WHEREAS, the City Council finds that the relocation of Battery Energy Storage System performance standards into a standalone chapter is intended to improve clarity and consistency and does not reduce or eliminate substantive public health, safety, or environmental protections; and

WHEREAS, the City Council finds the proposed amendments to be consistent with the Sumner Comprehensive Plan and the Sumner Municipal Code criteria for Zoning Code text amendments.

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

Section 1. That Sumner Municipal Code section 18.04.0163 is hereby amended to read as follows:

18.04.0163 Battery Energy Storage Systems (BESS)
"Battery energy storage systems" or "BESS" see definition in SMC 18.33.030 ~~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 2. That Sumner Municipal Code section 18.12.080 "Performance standards," is hereby amended to read as follows:

18.12.080 Performance standards for LDR
The following special requirements and performance standards shall apply to properties located in the LDR districts:

A. Exterior Mechanical Devices. Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices, including accessory BESS devices, shall be screened from surrounding properties and streets and shall be so operated that they do not disturb the peace. Screening applies to ground-mounted ~~A~~apparatus needed for the operation of active or passive solar energy systems, however solar panels need not be screened pursuant to this subsection.

[…]

Section 3. That Sumner Municipal Code section 18.14.030 "Accessory buildings and uses," is hereby amended to read as follows:

18.14.030 Accessory buildings and uses
Accessory buildings and uses permitted in the MDR and HDR districts are those uses customarily incidental or appurtenant to the principal permitted uses.

A. Adult day care home facilities which:
[…]
G. Wireless communication facilities subject to the standards of chapter 18.37 SMC;
H. Accessory dwelling units, subject to 18.12.030(A).
I. BESS, subject to requirements set forth in SMC 18.33

Section 4. That Sumner Municipal Code section 18.14.080 "Performance Standards", is hereby amended to read as follows:

18.14.080 Performance standards for MDR/HDR.
The following special requirements and performance standards shall apply to properties located in the commercial districts:

A. Exterior Mechanical Devices. Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices, including accessory BESS devices, shall be screened from surrounding properties and streets and shall be so operated that they do not disturb the peace. Screening applies to ground-mounted ~~A~~apparatus needed for the operation of active or passive solar energy systems, however solar panels need not be screened pursuant to this subsection.

[…]

Section 5. That Sumner Municipal Code section 18.16.020 "Principal and Conditional Uses," is hereby amended to read as follows:

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 an "A" is indicated, the respective use in the same row is allowed through an administrative use permit per SMC 18.48.020(A). 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 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
1.	Accessory parks and recreation facilities for use by on-site employees	P	P	P
2.	Adult entertainment businesses subject to chapter 18.38 SMC	–	P	P
	[…]			
39.	Public facilities	CUP	CUP	CUP
	[…]			
57.	Utility yard	CUP	CUP	–
	[…]			
75.	Essential public facilities not otherwise listed above	CUP	CUP	CUP
76.	Community gardens	P	P	P
77.	Battery energy storage systems (BESS)	SMC 18.33	SMC 18.33	SMC 18.33

[1]Not involving operations or equipment that would cause excess noise, vibration, light, glare, or odor.

[…]

Section 6. That Sumner Municipal Code, section 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:

A. **Exterior Mechanical Devices.** Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices, including BESS devices, shall be screened from surrounding properties and streets and shall be so operated that they do not disturb the peace. Screening applies to ground-mounted ~~A~~apparatus needed for the operation of active or passive solar energy systems, however solar need not be screened pursuant to this subsection.

[…]

Section 7. That the Sumner Municipal Code section 18.18.020 "Principal, Administrative, and Conditional Uses," is hereby amended to read as follows:

		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 distribution~~,~~ and processing business	P	P	P
	[…]			
19.	Food manufacturing, processing or package plants, excluding slaughtering facilities	CUP[1]	P	CUP[1]/P
	[…]			
69.	Permanent supportive housing8	CUP	CUP	--
	[…]			
72.	Essential public facilities not otherwise listed above	CUP	CUP	CUP
73.	Battery Energy Storage Systems (BESS)[9]	See SMC 18.33 ~~CUP[1]~~	See SMC 18.33 ~~CUP[1]~~	See SMC 18.33 ~~CUP[1]~~

[1]Prohibited within 1,000 feet of residentially zoned lands.
[…]
[8]Subject to performance standards in SMC 18.18.060(W).
[9]~~Subject to performance standards in SMC 18.18.060(X)~~

Section 8. That the Sumner Municipal Code section 18.18.060 "Performance Standards," is hereby amended to read as follows:

18.18.060 Performance Standards.

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

A. **Exterior Mechanical Devices.** In the M-1 zones, air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices, including BESS devices, shall be screened from surrounding properties and streets and shall be so operated that they do not disturb the peace, quiet and comfort of neighboring residents. Screening applies to ground-mounted ~~A~~apparatus needed for the operation of active or passive solar energy systems, however solar panels need not be screened pursuant to this subsection.

[…]

X. **Battery Energy Storage Systems ~~Facilities.~~** Performance standards for BESS shall be permitted and regulated in accordance with Chapter 18.33 SMC.

NOTE: *These performance standards applied to BESS facilities only. The standards pertaining to noise, operation, aesthetics, etc. are now in the new chapter SMC 18.33.*

~~1. Developments shall comply with the latest adopted Washington State Building and Fire Code to include NFPA 855 requirements 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 nonglare 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 fire safety 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.~~

~~10. The applicant shall demonstrate financial responsibility for decommissioning in an amount to carry out all contingencies of the decommissioning plan required by WAC 51-54A-1207, including:~~

~~a. The range of cleanup activities that would be required for site decommissioning as applicable.~~

Section 9. That the Sumner Municipal Code, section 18.29.020 "Principal Use," 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):

…

Z. Battery Energy Storage Systems (BESS) subject to Chapter 18.33 SMC.

Section 10. That the Sumner Municipal Code section 18.29.030 "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. Battery Energy Storage Systems (BESS) subject to Chapter 18.33 SMC.

Section 11. That the Sumner Municipal Code section 18.29.040 "Conditional Uses," is hereby amended to read as follows:

18.29.040. Conditional Uses.

Conditional uses allowed in the town center districts area as follows:

…

V. Battery Energy Storage Systems (BESS) subject to Chapter 18.33 SMC.

Section 12. That Sumner Municipal Code section 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:

1. Apartments and multifamily residential uses are allowed as a permitted principal use in the ESUV/MDR and ESUV/HDR districts;

2. Senior housing may be allowed only through a planned residential development, pursuant to chapter 18.24 SMC;

3. Professional offices and services shall not be allowed in the ESUV/MDR or ESUV/HDR district as a conditional use;

4. Accessory parking for retail and eating and drinking establishments within the NC/ESUV zone may be allowed within the adjacent ESUV/MDR zone; provided, that the portion of the accessory parking within the ESUV/MDR zone is located no more than 100 feet from said use and is no more than 50 percent of the total required parking stalls for said use; and

5. Landscaping, pedestrian amenities and open space as required for a retail and eating

and drinking establishments within the NC/ESUV zone may be allowed within the adjacent ESUV/MDR up to 50 percent of the total required area.

6. Battery energy storage systems (BESS), subject to Chapter 18.33 SMC.

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
1.	Accessory parks and recreation facilities for use by on-site employees or residents	P	P
[…]			
58.	Battery energy storage systems (BESS)	See SMC 18.33	See SMC 18.33

[1]Drive-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(T).

[2]Artist studios shall not exceed 3,000 square feet in gross floor area not counting the retail component.

[3]Health and fitness clubs shall not exceed 3,000 square feet in gross floor area.

[4]Theaters and other enclosed commercial recreation establishments shall not exceed 10,000 square feet in gross floor area.

[5]Accessory uses to an existing mineral use may be allowed as follows:

a. Equipment maintenance, repair and storage;
b. Mineral conveying, sorting, screening, washing, storage, crushing, and loading;
c. On-site mineral processing, including concrete batching, concrete recycling and other mineral recycling, but does not include asphalt batching;
d. Administrative offices and sales of mineral, soil and compost products;
e. Light manufacturing of precast concrete products;
f. The operation shall not create:

i. Noise in violation of chapter 8.14 SMC;

ii. Light, glare or vibration in any amount determined to disturb the peace, quiet, and comfort of neighboring residents, business or properties;

g. All mechanical devices shall be screened from surrounding properties and public streets and shall be so operated that they do not disturb the peace, quiet and comfort of neighboring residents;

h. Consistent with the city's comprehensive plan maps, the property shall continue to be designated a mineral resource land pursuant to chapter 16.44 SMC.

[6]See performance standards in SMC § 18.30.090(G).

[7]See performance standards in SMC § 18.30.090(H).

Section 13. **New Chapter**. That Sumner Municipal Code Title 18, is hereby amended to include a new chapter 18.33 "Battery Energy Storage Systems" as follows:

Chapter 18.33 Battery Energy Storage Systems

Article I General Provisions

18.33.010 Purpose.

18.33.020 Applicability.

18.33.030 Definitions.

18.33.040 General provisions.

18.33.050 BESS Tier Classifications.

Article II Regulations by District

18.33.060 BESS Regulation by District

18.33.070 Permitting for Tier-1 BESS Residential Accessory Systems

18.33.080 Permitting for Tier-2 BESS Commercial /On-site Systems

18.33.090 Permitting for Tier-3 BESS Mid-Scale Systems

18.33.100 Permitting for Tier 4 BESS Utility-Scale Systems

18.33.110 Transmission Interconnection

Article III Development and Operational Standards

18.33.120 Development Standards

18.33.130 Safety & Fire Compliance or Response

18.33.140 Commissioning Plan

18.33.150 Decommissioning Plan

18.33.160 Ownership Changes

Article I General Provisions

18.33.010 Purpose.

The purposes of this chapter are to:

A. Provide a regulatory framework for the designation of properties suitable for the location, construction and operation of battery energy storage systems (BESS);

B. Establish a local policy on tiered BESS based on standards proportional to system size and risk;

C. Protect public health and safety related to BESS;

D. Ensure compatible land uses in the vicinity of the areas affected by BESS;

E. Mitigate the impacts of BESS on environmental resources such as critical areas, wildlife and other protected resources;

F. Minimize potential adverse visual, aesthetic, and noise impacts of BESS facilities

G. Encourage the location of new large-scale BESS to be co-located on existing substations and to help minimize the total distribution of utility-scale BESS and its impact of such structures throughout the community; and

H. Create synergy between battery energy storage system development and electrical grid stability, resiliency of the local Sumner economy to climate change and reduce its carbon emissions where practicable.

18.33.020 Applicability.

A. The requirements of this chapter shall apply to all BESS permitted, installed, or modified in the city of Sumner after the effective date of this Ordinance, excluding general maintenance and repair.

B. BESS constructed or installed prior to the effective date of this Ordinance shall not be required to meet the requirements of this chapter, except where applicable in subsection (C) of this section.

C. Modifications to, retrofits, replacements, refurbishments or recommissioning of an existing battery energy storage system that increases the total energy storage, designed discharge duration, or power rating shall be subject to this chapter.

NOTE: *Language above comes from the model law example and Pierce County Draft Code.*

18.33.030 Definitions.

See **Title 15** and chapter 18.04 SMC for additional definitions utilized in this chapter. In the event of a conflict of definitions, the definitions in this section control the use within this chapter.

"Aggregate Footprint" means the total ground-level area occupied by all buildings, structures, and outdoor mechanical, electrical, and utility equipment on a zoning lot, whether roofed or unroofed, measured by the outermost perimeter at grade.

"Battery/Batteries" means a single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this chapter, batteries utilized in consumer products are excluded from these requirements.

"**Battery energy storage system (BESS)**" means one or more electrochemical devices, assembled together, designed to store energy for future electrical supply to a building or the grid, not to include a stand-alone 12-volt car battery or an electric motor vehicle. They may range in capacity from residential to utility scale, and include public or private application. These systems are used to provide standby or emergency power, store excess electricity from intermittent renewables sources like wind and solar; provide electrical load shedding or sharing; or be used for similar capabilities.

NOTE: *This definition taken from the Pierce County draft Ordinance.*

"Battery Management System (BMS)" means an electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

"Cell" means the basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

"Container/BESS module" means a UL-listed and fire-rated module used to store BESS, this definition does not include shipping, cargo or storage containers as defined in SMC 18.04.0962.

"Commissioning" means a systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

"**Decommissioning**" means a systematic process that provides documentation and procedures that allow a battery energy storage system to be safely de-energized, disassembled, readied for shipment or storage, and removed from the premises in accordance with applicable code requirements.

"**Energy Storage**" means any technology that is capable of absorbing electricity, storing the electricity for a period of time, and redelivering that electricity.

"IBC" means the International Building Code as adopted per SMC 15.08.010.

"IFC" means the International Fire Code, as adopted per SMC 15.24.010.

"IRC" means the International Residential Code as adopted per SMC 15.32.010.

"NFPA" means the National Fire Protection Association.

"Segments" means a group of battery energy storage units limited to certain kilo-watt hours (kWh) per the IFC, unless the limit is specified by this chapter.

"Spacing" is the minimum distance between energy storage segments, walls and landscape buffers to prevent horizontal propagation in the event of BESS failure.

"UL" means Underwriters Laboratories, a global safety certification organization, that is known for testing and certifying the safety of products, particularly in the electronics and construction industries.

18.33.040 General provisions.

A. **Adoption by reference.** WAC 51-54A-1207, applicable National Fire Protection Association (NFPA) 855 standards, International Building Code, International Residential Code, National Electric Code, International Fire Code as currently adopted or hereafter amended, are adopted by reference.

B. BESS facilities shall not be considered nor regulated as major or minor utility facilities as defined in SMC 18.04.

18.33.050 BESS Tier Classification.

A BESS may be operated as an accessory or principal use, may be configured for on-site energy consumption or grid-connected operation, and shall be classified as Tier-1, Tier-2, Tier-3 or Tier-4 based on storage capacity and physical characteristics, as provided in this chapter.

A. Tier-1 BESS means a small-scale battery energy storage system not to exceed 100 kWh of total system capacity, intended as accessory to residential uses and designed to store electricity for on-site residential consumption.

B. Tier-2 BESS means a commercial-scale battery energy storage system greater than 100 kWh up to but not exceeding 600 kWh of energy storage capacity and are accessory to and co-located with an on-site renewable energy system or electrical load, intended primarily for on-site energy management, backup power, load sharing, net metering, electric vehicle charging, or similar grid-connected uses.

C. Tier-3 BESS means a mid-scale battery energy storage system with an energy storage capacity from 600 kWh up to but not exceeding five (5) megawatt-hour (MWh) that is limited in physical size by aggregate footprint.

D. Tier-4 BESS means a utility-scale battery energy storage system designed primarily for a utility provider having an aggregate energy capacity greater than 5 MWh, up to, but not exceeding 200MW/800MWh of energy storage.

NOTE: *Tier-3 provides for a mid-scale BESS that could be accessory to solar arrays in the commercial and industrial zones. Tier-4 is utility-scale with the same maximum limit currently permitted and under construction at 200MW/800MWh.*

Article II Regulations by District

18.33.060 BESS Regulations by District.

A. BESS shall be permitted in zoning districts in a manner that is proportional to system scale, operational characteristics, and potential land use impacts. The review authority and approval process shall escalate with system size and intensity to ensure compatibility with surrounding uses and protection of public health and safety.

B. Table 1 — Battery Energy Storage System Permitting Matrix

NOTE: *P=permitted; AUP=Administrative use Permit; CUP=Conditional use permit; — = not permitted*

Zoning District	Tier-1 Residential	Tier-2 Commercial/ On-site	Tier-3 Mid-scale	Tier-4 Utility-Scale
Low Density Residential (All)	**P** Accessory	**CUP** if accessory to an existing Conditional Use (e.g. substation, school)	—/**CUP** for existing substations in LDR zones	—
Mixed Use/ Multifamily: **TC, MDR & HDR**	**P** Accessory	**AUP** Accessory	—/ **AUP** for existing substations and infrastructure	—
Commercial: GC, NC, IC and GC/ESUV, NC/ESUV	**P** Accessory	**P** Accessory	**AUP** for existing substations and infrastructure[1] **IC at 24th Street only: P** Accessory/ Principal **P** Accessory	—
Industrial	**P** Accessory	**P** Accessory	**P** Accessory / Principal	**CUP** Principal

[1] Includes IC near 166th AVE E

C. **Prohibited Districts.** Unless specified under this Article, BESS are prohibited in the following districts and land uses:

1. Resource Protection;

2. Residential Protection;

3. Conservation easements;

4. Flood hazard areas as set forth in SMC 15.52; and

4. Type I and Type II landslide hazard areas as defined under SMC 16.40.

18.33.070 Permitting for Tier-1 BESS Residential Accessory Systems.

A. **Permitted Districts.** Tier-1 BESS may be permitted as an accessory use to a legally established residential dwelling unit where specified as an allowed use in all zoning districts.

B. **Review Authority.** Tier-1 systems are permitted outright, subject to applicable building, electrical, and fire code review.

1. Applicants shall submit for a residential BESS permit application.

C. **Limitations.** Tier-1 systems shall not be operated as a principal use, utility facility, or for off-site commercial energy sales.

18.33.080 Permitting for Tier-2 BESS Commercial /On-site Systems.

A. **Permitted Districts.**

1. Tier-2 BESS may be permitted only as a conditional use in:
   a. Low Density Residential (LDR) zoning districts as an accessory to a conditional use.
2. Tier-2 BESS may be permitted only as administrative use in:
   a. Mixed use and residential zoning districts: Town Center (TC), Medium Density Residential (MDR) and High Density Residential (HDR) zoning districts; and
3. Tier-2 BESS may be permitted only as accessory use in:
   a. Commercial zoning districts: General Commercial (GC), Interchange Commercial (IC), Neighborhood Commercial (NC); GC/ESUV and NC/ESUV;
   b. Industrial zoning districts: Light Manufacturing (M-1); and Heavy Manufacturing (M-2).

B. **Review Authority.**

1. Applicants shall submit for a commercial BESS permit application on forms provided by the Development Services director.

2. Tier-2 BESS shall be subject to administrative use permit and conditional use permit requirements in accordance with SMC 18.48 and 18.56.

18.33.090 Permitting for Tier-3 BESS Mid-Scale Systems.

A. **Permitted Districts.**

1. Tier-3 BESS may be permitted only as a conditional use in:
    a. Low Density Residential (LDR) zoning districts when co-located with existing electrical substations.

2. Tier-3 BESS may be permitted only as administrative use in:
    a. Mixed use and residential zoning districts: MDR, HDR, Town Center, GC, NC, IC near 166th Ave East, GC/ESUV and NC/ESUV, when co-located with existing electrical substations, transmission infrastructure, or grid-scale renewable energy generation facilities.

3. Tier-3 BESS may be permitted as a principal use in:
    a. IC zoning district in the vicinity of 24th Street
    b. Industrial zoning districts: M-1 and M-2

4. Tier-3 BESS may be permitted as an accessory use in:
    a. IC zoning districts
    b. Industrial zoning districts: M-1 and M-2

B. **Review Authority.**

1. Applicants shall submit for a commercial BESS permit application on forms provided by the Development Services director.
2. Tier-3 BESS shall be subject to administrative use permit and conditional use permit requirements in accordance with SMC 18.48 and 18.56.

C. **Physical Scale Limitation.** Tier-3 BESS shall not exceed an aggregate equipment footprint of three thousand (3,000) square feet as further defined in SMC 18.33.120(B), unless otherwise modified through the administrative variance and review process outlined in SMC 18.56.

D. **Prohibited Locations.** Tier-3 BESS shall be prohibited within 500 feet of the following sensitive uses: elementary or secondary schools; playgrounds; childcare centers; nursing homes; senior centers; community centers; and food banks.

NOTE: *Pierce County draft Ordinance includes these same limitations on BESS locating near sensitive uses.*

18.33.100 Permitting for Tier-4 BESS Utility-Scale Systems.

A. **Permitted Districts.** Tier-4 BESS may be permitted as a conditional use in:
   a. Industrial zoning districts: M-1 and M-2

B. **Review Authority.**

   1. Applicants shall submit for a commercial BESS permit application on forms provided by the Development Services director.
   2. Tier-4 BESS shall be subject to conditional use permit requirements in accordance with SMC 18.48 and 18.56.

C. **Prohibited Locations.** Tier-4 systems shall be prohibited in all residential districts and within 1,000 feet of the following zoning districts: LDR, MDR, HDR, Town Center, GC, NC, IC near 166th Ave East, GC/ESUV and NC/ESUV.

D. **Undue Burden Evaluation.** Applicants for a proposed Tier-4 BESS shall evaluate the overall distribution of other utility-scale 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.

18.33.110 Transmission Interconnection

BESS requiring new transmission infrastructure within public rights-of-way shall obtain a franchise and agreement in accordance with Chapter 12.90 SMC and comply with all applicable utility coordination requirements. Transmission infrastructure shall comply with Title 18 pertaining to a "major utility facility" as defined in SMC 18.04.

Article III Development and Operational Standards

18.33.120 Development Standards.

A. **Applicability.**

The development standards of this section shall apply to all battery energy storage systems (BESS), except Tier-1 systems located entirely within a residential structure, which shall be regulated by applicable building and fire codes.

Where a conflict exists between this section and the underlying zoning district development standards, the provisions of this chapter shall control.

B. **Aggregate Footprint.**

1. **Measurement.** Aggregate footprint shall mean the total combined ground-level area occupied by all battery storage cabinets, containers, inverter units, transformers, switchgear, equipment pads, and associated mechanical and electrical equipment, measured at the outermost perimeter of each unit. Aggregate footprint shall not include:

    a. Required perimeter fencing
    b. Landscaping areas
    c. Stormwater facilities
    d. Access drives or fire lanes
    e. Substation equipment existing prior to BESS installation

2. **Tier Limits.**

    a. Tier-1 BESS: No aggregate footprint limitation.
    b. Tier-2 BESS: Limited to equipment accessory to the primary on-site use.
    c. Tier-3 BESS: Shall not exceed three thousand (3,000) square feet of aggregate footprint.
    d. Tier-4 BESS: No maximum aggregate footprint.

C. **Minimum Lot Size**.

1. Tier-1 BESS: No minimum lot size shall be required beyond what is applicable to the underlying residential use.

2. Tier-2 BESS: No additional minimum lot size shall be required provided the system remains accessory to a permitted primary use and complies with all applicable development standards of the zoning district.

3. Tier-3 BESS: Shall be located on a lot containing not less than twenty thousand (20,000) square feet in area, except in the case where the BESS is co-located within

an existing electrical substation and where all other development standards can be satisfied.

4. Tier-4 BESS: Shall be located on a lot containing not less than five (5) acres in area, except when co-located within an existing substation and where all other development standards can be satisfied.

NOTE: *This requirement is intended to limit the proliferation of mid-scale and utility-scale BESS within the City.*

E. **Setbacks:**

1. Tier-1 BESS: Shall have minimum setbacks equal to those within the applicable zoning district.
2. Tier-2 BESS: Shall have a minimum setback of 15 feet on all sides from property lines.
3. Tier-3 and Tier-4 BESS: Shall have a minimum setback of 30 feet on all sides from property lines.

NOTE: *The 30-foot setback is the same as Pierce County Code and ensures some setback and separation from adjacent uses. It also creates room for additional screening from vegetation. Tier-1 are residential, accessory, small-scale and inside or attached to existing buildings.*

E. **Equipment Height.**

1. Equipment, containers, cabinets, and modules, shall not exceed:

   a. Tier-1 BESS: Subject to the IRC/IFC

   b. Tier-2 BESS: 15 feet

   c. Tier-3 BESS: 20 feet

   d. Tier-4 BESS: 20 feet

2. Height shall be measured from finished grade to the highest point of the equipment, containers, cabinets, or modules.

3. Taller equipment may be approved through a special height exception per SMC 18.50 where necessary for grid interconnection or safety compliance.

4. Equipment height limits do not apply to transmission poles or towers, or other structures used to hold or suspend transmission lines.

F. **Lot Coverage.** Battery energy storage equipment shall be included in lot coverage calculations where required by the underlying zoning district, except where located within an

existing substation. Lot coverage shall be measured at the foundation line of any structures or bases constructed to support cabinets or modules.

G. **Fencing and Security.**

1. All Tier-3 and Tier-4 BESS shall be enclosed by a minimum eight-foot-high security fence.

2. Fencing shall comply with SMC 18.18.060(S) and include the following standards:

   a. Anti-climb design

   b. Locked access gates

   c. Knox Box or emergency access system where required by the fire authority

3. Fencing shall be screened in accordance with subsection (H) where adjacent to non-industrial zones.

H. **Screening and Landscaping.**

1. A landscaped buffer equal to the required 30-foot setback width or the setback width of the underlying zone, whichever is greater, and shall be landscaped consistent with SMC 18.16.080(T)(4) where adjacent to residential zones.
2. Landscape screening can be counted towards onsite landscaping requirements. Landscape site plans shall be submitted per SMC 18.41.
3. Berms**.** Earth berms may be required to mitigate visual impacts unless determined to be infeasible due to drainage, access, or utility conflicts. Berms used as landscape buffers shall meet standards consistent with SMC 18.18.060(C)(2)(d)(iii).

I. **Lighting.** All exterior lighting shall comply with SMC 18.18.060(D).

J. **Access and Circulation.**

1. Sites developed for Tier-4 BESS shall provide fire apparatus access roads in accordance with fire code requirements.

2. Service drive aisles shall be constructed consistent with Sumner's Development Standards and Specification to support heavy equipment delivery and emergency response vehicles.

3. Access shall be gated and secured where required for public safety.

K. **Noise.** The one-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed noise levels established in SMC 8.14.050, as measured at the outside wall of any non-participating residence or occupied building related to a sensitive use as designated in SMC 18.33.090(D). Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level

measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

L. **Utility Lines and Electrical Circuitry**. All on-site utility lines shall be placed underground to the extent reasonably practicable and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

M. **Nonglare Surfacing.** All building and equipment surfaces shall have cladding or coating that provides a durable and nonglare surface, such as galvanized metal or powder-coated paint.

18.33.130 Safety & Fire Compliance or Response.

A. An emergency management plan shall be developed for BESS as required by the NFPA 855 and WAC 51-54A 1207 and in coordination with the local fire district. The fire district shall approve the fire safety plan prior to permit issuance.

B. **Cost Recovery for Emergency Response.**

1. **Recuperation of Costs.** In the event of an emergency, incident, or response related to Tier-3 or Tier-4 BESS, the owner or designated agent shall be responsible for reimbursing all reasonable costs incurred by local fire protection districts and other emergency response agencies.

2. **Eligible Costs.** Eligible costs include, but are not limited to, personnel time, equipment used, materials, hazardous material containment or cleanup, and any contracted emergency services required to mitigate or resolve the incident.

3. **Billing and Payment.** The responding fire district or emergency agency shall provide an itemized invoice to the BESS owner or designated agent within sixty (60) days of the incident. Payment in full shall be remitted within thirty (30) days of receipt unless otherwise agreed in writing by both parties.

4. **Pre-incident Agreements.** Prior to issuance of building or operational permits, the BESS project owner or designated agent shall enter into a written agreement with the local fire protection district specifying cost recovery procedures, emergency coordination protocols, and training support provisions.

18.33.140 Commissioning Plan.

The applicant shall submit a commissioning plan in accordance with WAC 51-54A 1207.2.1 for all newly installed BESS and existing BESS that have been retrofitted, replaced, or previously decommissioned and are returning to service prior to the BESS being placed in service.

18.33.150 Decommissioning Plan.

A. **Decommissioning Plan.** The applicant shall submit a decommissioning plan, to be implemented upon abandonment and/or in conjunction with removal from the facility. In addition to the requirements of WAC 51-54A 1207.2 (12) the decommissioning plan shall include:

1. the anticipated life of the battery energy storage system;

2. the estimated decommissioning costs and how said estimate was determined;

3. the method of ensuring that funds will be available for decommissioning and restoration of the site; and

4. the method by which the decommissioning cost will be kept current.

B. **Financial Responsibility.** The applicant shall demonstrate financial responsibility for all costs associated with decommissioning the site, public liability, and environmental risks. At a minimum the applicant shall provide a financial guarantee that is at least one million dollars ($1,000,000). All costs of the financial security shall be borne by the applicant.

1. A minimum financial responsibility and may be established by:

a. evidence of insurance;

b. a letter of credit from a Washington licensed-financial institution;

c. surety bonds; or

d. other financial instruments deemed acceptable by the department.

18.33.160 Ownership Changes.

If the owner of the BESS changes or the owner of the property changes, the permit shall remain in effect, provided that the successor owner or operator assumes in writing all obligations of the permit and decommissioning plan. A new owner or operator of the BESS shall notify the Building Official of such change in ownership or operator in writing within 30 days of the ownership change. All local approvals for the BESS would be void if a new owner or operator fails to provide written notification to the Building Official in the required timeframe. Reinstatement of a void permit will be subject to the same review and approval processes for new battery energy storage systems.

Battery Energy Storage Systems BESS 2.0

Discussion

Planning Commission Meeting

August 6, 2026

Ryan Windish, Community & Economic Development Director

CITY OF SUMNER WASHINGTON

Background

Utility grid-scale BESS facility

- Battery Energy Storage Systems (BESS) are needed to support the clean energy transition as require by state law.
- In 2024, City Council approved **Ordinance No. 2899** allowing for utility-scale BESS with mitigating performance standards.
- BESS 2.0 addresses small and mid-scale BESS to:
  - Allow for Distributed Energy Resources (solar panels, etc.)
  - Allows for residential scale uses
  - Provides zoning limits to reduce impacts to adjacent residential and sensitive uses.
  - Requires emergency plans and other mitigation

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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

2025

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**

2030

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

2045

100% clean electricity supply

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

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.

PUGET SOUND ENERGY

What does the Amendment do?

Defines different BESS tiers

Adds EV charging and addresses solar energy

Proposes new BESS Performance Standards

This solar array is affixed above a school, but many homes and warehouses in Sumner have solar panels. BESS can often be co-located.

Residential BESS are not the same as EV chargers.

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BESS Tiers

- Tier-1 BESS Residential Accessory Systems
- Tier-2 BESS Commercial /On-site Systems
- Tier-3 BESS Mid-Scale Systems
- Tier 4 BESS Utility-Scale Systems

Residential Use:

Tier-1 BESS

Maximum 100 kWh

Example outdoor battery pack

Example indoor Tesla battery wall charger

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Tier-1 BESS Residential Accessory Systems

- **Use type:** Single-technology systems intended for excess solar energy backup, load sharing, EV charging (e.g. Tesla Power Pack).
- **Energy threshold:** up to 100 kWh energy limit is fixed by IFC and IBC.
- **Allowed Zones:** Accessory use in all zones.
- **Permit required:** Residential solar permit + BESS; Electrical permit (through L&I).

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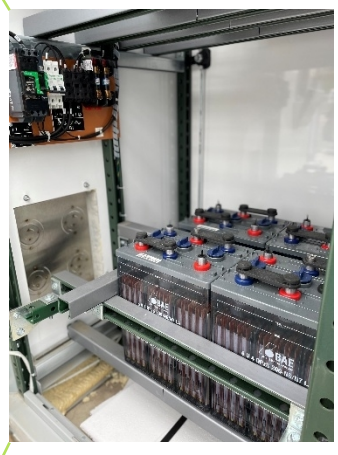
Commercial Use:

Tier-2 BESS
Maximum 600 kWh

PSE installed a solar array and battery at the Samish Island Fire Station in 2023.



Example on-site battery cabinet

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Tier-2 BESS Commercial /On-site Systems

- **Use Type:** accessory to solar panels, provide electricity on-site, incudes net metering and EV charging, load sharing, etc.
- **Energy threshold:** >100 kWh up to 600 kWh.
- **Allowed Zones:**
  - CUP in residential zones within an electrical substation.
  - AUP for mixed use and multifamily zones
  - Accessory Use in all commercial and industrial zones.
- **Permit required:** CUP, AUP as applicable and commercial solar permit + BESS; Mechanical BESS permit and electrical permit (through L&I).

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Industrial Use:

Tier- 3 BESS
Maximum 5 MWh

Tier- 4 BESS
Maximum 800 MWh

PSE Glacier battery storage project.

Tesla MegaPack (5MW each)

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Tier-3 BESS Mid-Scale Systems

- **Use types**: Co-located with solar panels and onsite electric substations and standalone.
- **Energy threshold:** >600 kWh up to 5 MWh
- **Maximum Footprint:** 3,000 SF gross area
- **Allowed Zones:**
  - CUP in Residential zones within electrical substation;
  - AUP if located in mixed-use districts where commercial/residential allowed;
  - Principal or accessory use only in Interchange commercial (IC) zones near 24th Street and all Industrial Zones.
- **Distancing Requirements:** Prohibited within 500 feet of sensitive uses (e.g. daycare)
- **Permit required:** This tier will require a CUP, AUP, and Mechanical BESS permit and electric permit (through L&I).

Tier 4 BESS Utility-Scale Systems

- **Use types:** Standalone facilities to supplement the electric utility grid. With the capacity to store megawatts of energy for regional benefit.
- **Energy Threshold:** >5MWh to 200MW/800 MWh
- **Allowed Zones:** Industrial zones only
- **Distance Restrictions:** Prohibited within 1000 feet of residentially zoned properties and mixed-use zones.
- **Permit required**: CUP; Mechanical BESS permit and electric permit (through L&I).

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Additional Requirements

- **Commissioning Plan:** Tier-3 and Tier-4 BESS required to have plan to begin operations.
- **Emergency Management Plan:** Tier-3 and Tier-4 BESS required to have plan approved by Fire District.
- **Emergency Response Reimbursement:** Required to repay fire district for expenses responding to a large incident at Tier 3 and Tier 4 BESS.
- **Decommissioning Plan:** Required to post a financial guarantee of at least $1M and plan for decommissioning.
- **Aesthetics**: Required screening, fencing, and non-glare surfaces
- **Noise:** Required to meet Sumner Noise Code

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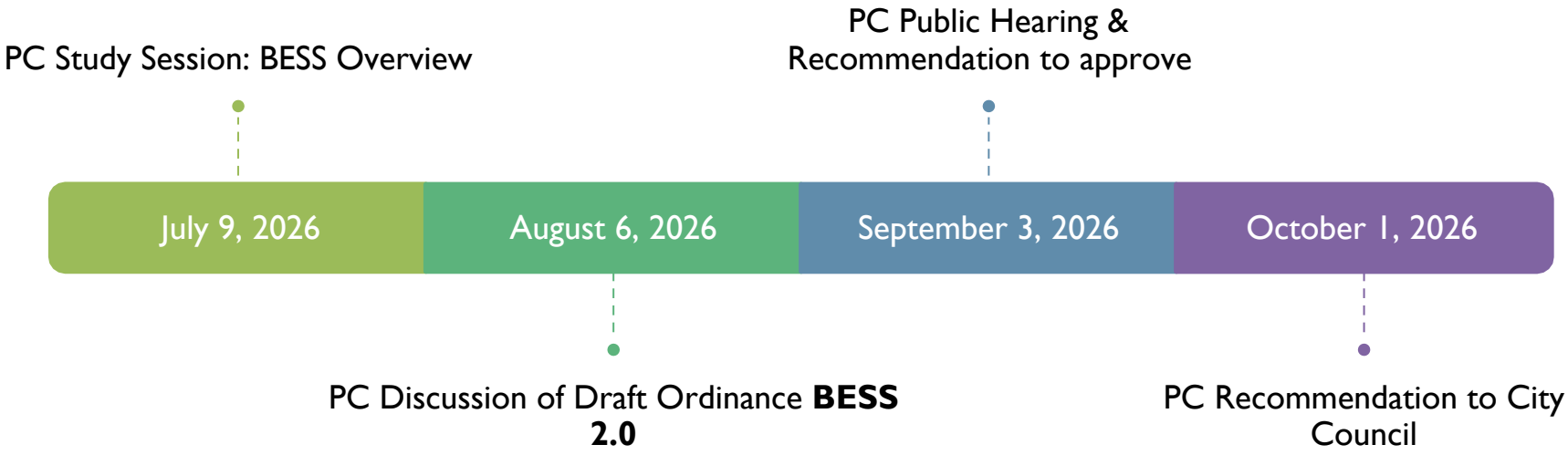
Planning Commission Process



City Council Process