

# Conditional Use Permit Application for Greenwater Battery Energy Storage System (GREE bn, LLC)

February 26, 2024

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## PROJECT APPLICANT

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## PROJECT ADDRESS

2005 Cottage Road East (Parcel 0520072004)

## PROPERTY OWNER

Cascade Water Alliance  
Chris Paulucci  
cpaulucci@cascadewater.org

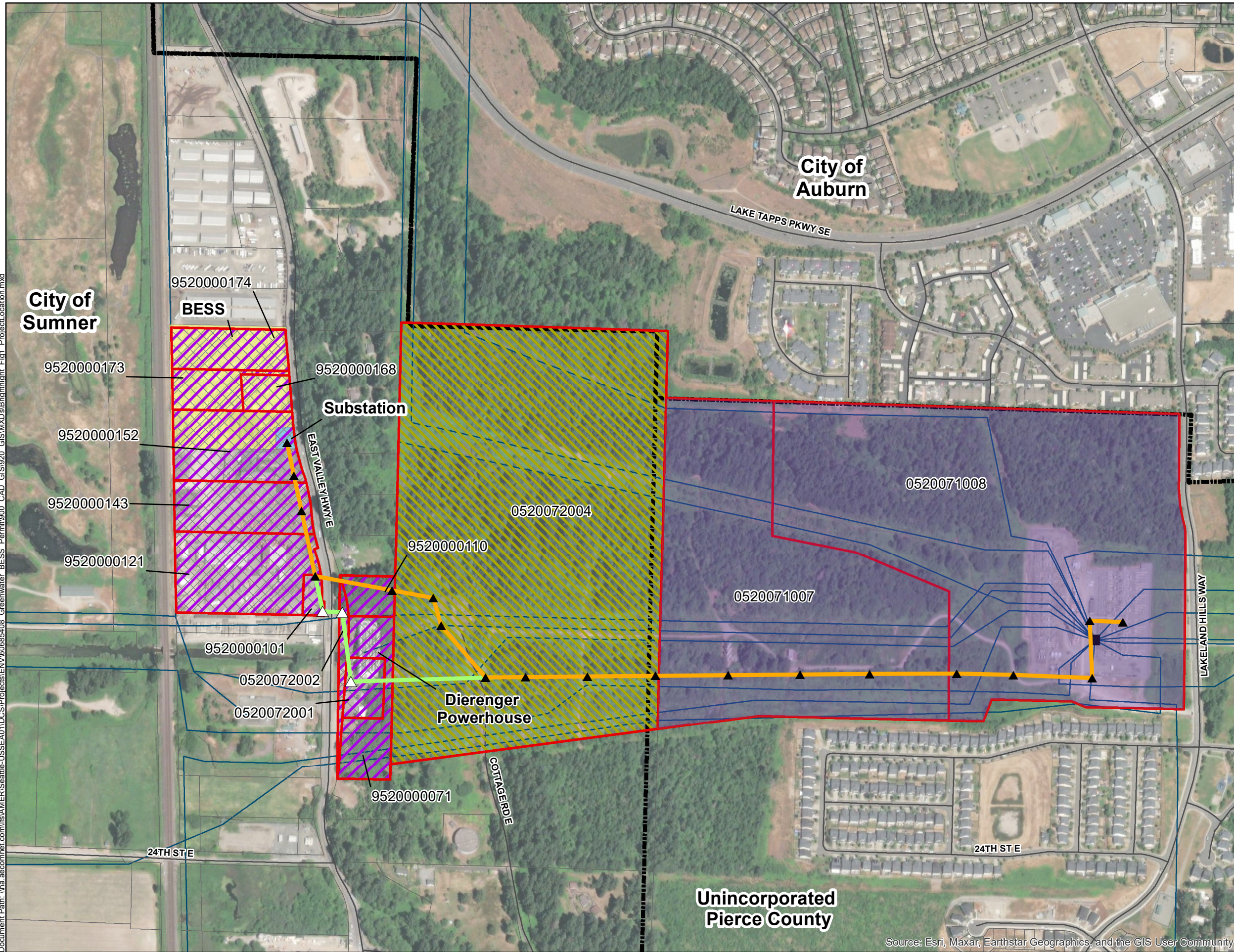
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## INTRODUCTION

BrightNight, LLC, (BrightNight) is proposing to construct a 200-megawatt/800 megawatt hour Greenwater Battery Energy Storage System (BESS) (GREE bn, LLC) on 8 contiguous acres on four tax parcels (Parcels 9520000174, 9520000173, 9520000168, and 9520000152) in the City of Sumner, Washington. To support the BESS BrightNight is proposing to construct a generation-intertie (gen-tie) overhead electrical transmission line connecting the BESS in Sumner to the Puget Sound Energy (PSE) White River Substation in unincorporated Pierce County (**Figure 1**). The primary site address for the BESS is 1808 East Valley Highway East, Sumner, Washington. The proposed gen-tie will extend from the BESS substation south across tax parcels 9520000152, 9520000143, 9520000121, and 9520000101, then east across East Valley Highway East, then east across tax parcels 0520072002 and 9520000110 (alternatively east across 0520072001, 0520072001, and 9520000071), and then across 0520072004, 0520071007, and 0520071008 to the PSE White River Substation in unincorporated Pierce County, Washington.

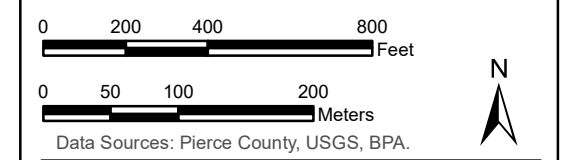
Within Sumner, the project parcels are all zoned Light Industrial (referred to as Light Manufacturing District [M-1] in the Sumner Municipal Code [SMC]) with a Manufacturing Industrial Core (MIC) Overlay, except Parcel 0520072004, which is zoned Low Density Residential 12000 (LDR-12). Per SMC 18.04.1065 and 18.04.1070, electrical facilities, lines, equipment, and appurtenances with an associated voltage of greater than 55 kV are classified by Sumner as a major utility facility. Major utilities are a permitted use in the M-1 zone (SMC 18.18.020[A]) but require a Conditional Use Permit (CUP) in the LDR-12 zone (SMC 18.12.040[F]). The section of the proposed gen-tie across Parcel 0520072004 on the east side of East Valley Highway East in Sumner that is zoned LDR-12 is the subject of this CUP application. However, a project description is provided below for the overall project to provide context for the proposed gen-tie on Parcel 0520072004 that requires a CUP.

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**GREENWATER BATTERY ENERGY STORAGE SYSTEM (GREE bn, LLC, a subsidiary of BrightNight, LLC)**

- Project Parcels
  - Battery Energy Storage System (BESS)
  - BESS Substation
  - Proposed Gen-tie
  - Alternative Proposed Gen-tie
  - Proposed Structure
  - Alternative Proposed Structure
  - PSE White River Substation
  - PSE Transmission Lines
  - CityLimits
- City of Sumner Zoning (Shown for Project Parcels Only)**
- Light Industrial
  - Low Density Residential 12000
  - MIC Core Overlay
- Pierce County Zoning (Shown for Project Parcels Only)**
- Public Institutional



**FIGURE 1**  
**Project Location**

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

## PROJECT DESCRIPTION

### Battery Energy Storage System (BESS)

The proposed BESS would consist of a minimum of 150 modular energy units in rows. The module energy units would be placed next to one another and would accommodate access for operations and maintenance (O&M) and emergency services (similar to **Photo 1**). Each modular energy unit is 20 to 40 feet long and 8.5 to 9.5 feet tall, depending on the selected design/model. The modular energy units would be connected via underground electrical cables to a small substation on the BESS site. The substation would increase voltage from 34.5 kV to 230 kV, to match PSE's White River Substation voltage. The BESS substation would include a voltage transformer, six to nine circuit breakers (depending on the BESS technology selected), and metering equipment. A Preliminary Site Plan is provided in **Attachment A. Appendix B** contains standard specifications for the proposed modular energy units, including height and other dimensions.

BrightNight anticipates employing two permanent O&M staff for the project. However, the project would not include an on-site office/control room. An office/control room for the project would be located off-site in a nearby location still to be determined. O&M staff would visit the site daily, conducting daily operations and maintenance activities. The BESS site would have 10 parking spaces for O&M staff. It is anticipated that every 5 years, BrightNight would conduct a large maintenance event that would involve a small team of staff to perform upgrades to the BESS facility over a period of 1 to 2 months.

On-site utilities required for the BESS facility would include station power and potable and fire water. A 6-foot-tall chain link perimeter security fence (similar to adjacent facilities) would be installed around the entire BESS facility. Primary access to the BESS site would be located at the northeast corner of parcel 9520000152, owned by Dieringer School, utilizing an existing driveway.

Construction of the BESS and substation would require earthwork (e.g., excavation, fill, grading), site preparation, surfacing and concrete work, and installation of the modular energy units, access platforms, and substation.



*Photo 1. Example of BESS module energy units in rows*

## Generation-Intertie Overhead Transmission Line

The proposed gen-tie would consist of three transmission line cables and a tension cable mounted on a total of 19 structures: 11 structures in Sumner and 8 structures in unincorporated Pierce County. Six structures would be on Parcel 0520072004 (the subject of this CUP application). The gen-tie structures would have insulators and wire conductor designed to carry 230 kV. The towers would be approximately 90-100-foot-tall steel single-pole vertical-aligned structures (**Figure 2**). For the towers, each structure foundation would need to be excavated to approximately 7 feet below the ground surface. BrightNight does not intend to grade the right-of-way (ROW) easement; however, some grading would be required at the base of new structures. BrightNight would utilize industry-standard foundations and pole design for crossing step slopes. A Preliminary Site Plan is provided in **Attachment A. Appendix B** contains additional diagrams and typical elevations for the proposed gen-tie structures.

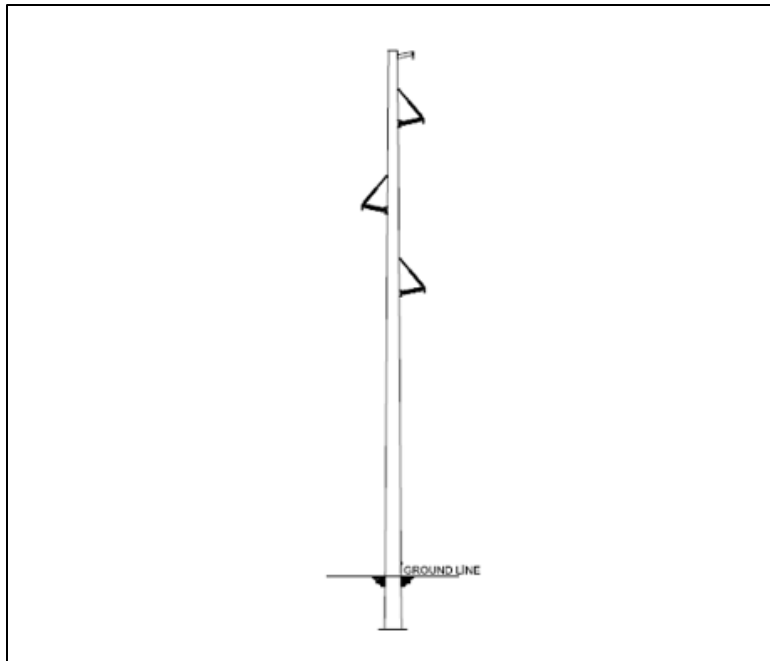


Figure 2. A sample steel pole gen-tie structure. Structures would be approximately 90-100 feet tall with insulators and wire conductor designed to carry 230 kV. See Appendix B for additional structure typical diagrams.

Construction of the proposed gen-tie on the east side of the highway (including on the subject parcel) would require improvements to existing access roads, vegetation clearing and construction of temporary access roads to some structure locations, and excavation, fill, and grading for new structure foundations. Trees and other vegetation that present a safety risk to the proposed gen-tie would be cleared. Temporary access roads would be restored and replanted with native plants appropriate to site conditions following construction.

Vegetation within the proposed gen-tie easement would be managed for safety purposes and to minimize fire hazard, as well as to manage access to the gen-tie for operations and maintenance.

## PROJECT COMPLIANCE WITH SMC 18.48.050

This section discusses the proposed project's compliance with SMC 18.48.050.

**SMC 18.48.050(A).** The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated;

**RESPONSE:** The proposed use that is the subject of this CUP application is a 230 kV transmission line supported on six 90-foot-tall single-pole structures connecting the proposed new BESS and associated substation on the west side of East Valley Highway East, on land zone M-1 and not requiring a CUP, to PSE's White River Substation to the east in unincorporated Pierce County.

The subject property contains existing transmission line corridors crossing steep slopes, with several transmission lines extending west–east down the hillslope toward East Valley Highway East. Below ground, a series of parallel pipelines in underground penstock tunnels carry water diverted from the west side of Lake Tapps downhill and west through the Dieringer Powerhouse adjacent to East Valley Highway East to the White River.

BrightNight is coordinating with both Cascade Water Alliance (the property owner) and PSE in siting and designing the proposed gen-tie to prevent potential impacts to the existing below- and above-ground infrastructure on the property. Geotechnical studies will be prepared for work in steep slope areas and will identify design and mitigation measures to control erosion on steep slopes. The transmission line and all structures will be designed and constructed according to strict engineering standards to maintain slope stability and infrastructure safety.

[SMC 18.48.050\(B\). The proposed use shall meet or exceed the performance standards that are required in the district it will occupy;](#)

**RESPONSE:** Performance standards for the Low Density Residential zone are contained in SMC 18.12.080. However, none of the performance standards contained in SMC 18.12.080 are applicable to the transmission lines. SMC 18.12.080 contains performance standards for exterior mechanical devices (e.g., air conditioners, heating/cooling/ventilating equipment, swimming pole pumps and heaters and other mechanical devices); landscaping for front and side yards; outdoor storage and parking of vehicles; detached accessory structures; setbacks from alleys; yard projections; residential antennas, including ground- and roof-mounted satellite dish antennas and amateur radio towers; swimming pools; building height exceptions; fences; sight distance requirements; school and church height exceptions; expansion of specified existing uses; manufactured homes; minimum percent landscape cover for front and side yards; professional offices; mineral extraction; and permanent supportive housing and transitional housing. None of the performance standards contained in this section are applicable to the gen-tie (transmission lines or transmission towers).

[SMC 18.48.050\(C\). The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;](#)

**RESPONSE:** The proposed development site on Parcel 0520072004 is currently accessed from the west via a gated private access road on Cottage Road East via Forest Canyon Road East and East Valley Highway East. The site can also be accessed from the east via a PSE and Cascade Water Alliance shared private access gate on the south side of the PSE White River Substation. This shared gate is accessed via Cottage Road East off Lakeland Hills Way. The proposed development site for the gen-tie on Parcel 0520072004 that is the subject of this CUP, and on the parcels to the east in unincorporated Pierce County, would be accessed via the same existing private access road and public roads. The proposed development would not alter existing traffic circulation on the private access road or connecting public roads. The proposed development would also not alter existing pedestrian circulation, as the site is not accessible to the public and contains no pedestrian traffic.

The proposed development, a 230 kV transmission line, and associated structures, is generally compatible with surrounding land uses in terms of building and site design. The subject parcel contains transmission line corridors for several PSE transmission lines extending west from the

PSE White River Substation. The proposed development would be of similar design, with overhead transmission lines and supporting transmission line structures.

SMC 18.48.050(D). The proposed use shall be in keeping with the goals and policies of the Sumner comprehensive plan;

**RESPONSE:** The following section demonstrates that the proposed use is consistent with the applicable Sumner Comprehensive Plan (SCP) goals and policies. The SCP is divided into 11 elements of the natural and built environment (e.g., land use, economic development, etc.), each with its own goals and policies. Some policies include specific objectives intended to support those policies and are included where applicable. Only comprehensive plan elements, goals, and policies directly relevant to the proposed use are evaluated in this discussion. Elements of the SCP with no direct relevance to the proposed use are not addressed further in this CUP application. These include Economic Development, Housing, Transportation, Family and Human Services, and Shoreline Master Program.

## Land Use

The Land Use Element is divided into sub-elements. Those sub-elements directly relevant to the proposed use, along with their applicable goals and policies, are addressed below. Sub-elements not directly relevant to the proposed use and not addressed further in this CUP application are Essential Public Capital Facilities, Commuter Rail/Regional Transit, Permit Process, Plan Monitoring and Amendment, and Governance.

### Land Use Sub-Element

1. *Provide for orderly development within the Sumner community.* Applicable policies under this goal are:

1.1 Ensure that appropriate transitions so that more intensive uses do not adversely impact adjacent uses.

1.1.1 Maintain the design guidelines and ordinances to achieve compatible and attractive new residential, commercial, and industrial uses.

1.1.2 Maintain zoning and subdivision regulations to ensure adequate setbacks, landscaping, and buffering are required where land use conflicts and impacts may occur.

**RESPONSE:** SMC 18.12.070 contains property development standards for the LDR-12 zone. These pertain to lot area, lot width, yard setbacks, building height, lot coverage, off-street parking, and street frontage. Only lot coverage is applicable to the proposed use. The maximum lot coverage allowed in the LDR-12 zone is 35 percent. Lot coverage on the subject parcel is well under the allowed 35 percent lot coverage without and with the proposed gen-tie.

Per SMC 18.40.040, the City has adopted design guidelines applicable to developments listed in SMC 18.40.020, which does not include transmission lines and transmission line structures.

### 1.7 Ensure new development is consistent with the policies of the Plan through implementation of regulations, programs, and project specific review.

**RESPONSE:** The project would comply with the City's State Environmental Policy Act (SEPA) procedures and policies pursuant to SMC 16.04, critical areas regulations pursuant to SMC 16.40 through 16.56, and zoning regulations pursuant to SMC Title 18. A project-specific SEPA Checklist and critical areas report have been prepared and submitted to the City for review as part of this CUP application. See response to SMC 18.48.050(B) above regarding project compliance with performance standards and response to Land Use Sub-Element Goal 1 regarding development standards and design guidelines. See additional information provided in subsequent sections of this application regarding project compliance with applicable regulations.

### Historic and Cultural Resources Sub-Element

*Goal 1. Identify, preserve, and enhance the historic and prehistoric cultural resources of Sumner.*

Applicable policies under this goal are:

#### 1.2 Through the environmental review process, consider potential impacts to archaeological resources.

**RESPONSE:** The online Washington Department of Archaeology and Historic Preservation Washington Information System for Architectural and Archaeological Records (WISAARD) database was reviewed within a 1-mile radius of the project area. No archaeological sites were identified in the WISAARD database within 1 mile of the project area. Twenty-six historic resources were identified within 0.5 mile of the project area, including five historic resources within the project area. Please refer to the SEPA checklist for findings related to cultural resources.

### Community Character

*Goal 5. Provide for open space and recreation and protect sensitive areas from degradation.* Applicable policies under this goal are:

#### 5.2 Promote the preservation of the natural terrain, drainage, and vegetation of the community.

**RESPONSE:** Geological studies will be prepared for work in steep slope areas on the subject parcel and all project parcels with steep slopes and will identify design and mitigation measures to control erosion on steep slopes. Recommended mitigation measures will be implemented, as well as general construction best management practices that include, but are not limited to, marking clearing limits, installing temporary erosion and sediment control (TESC) measures (e.g., straw wattles, silt fences), stabilizing soils during and after completion of the work, and replanting temporary construction disturbance areas. All structures will be designed and constructed according to strict engineering standards to maintain slope stability and infrastructure safety.

Existing sources of runoff along the proposed gen-tie easement on the subject parcel are limited to existing gravel roadways and transmission tower foundations. Stormwater runoff sheet flows to adjacent areas and infiltrates on-site. No stormwater management facilities are present. New impervious surfaces



associated with the proposed gen-tie are limited to concrete foundations for the proposed project towers. These would not generate stormwater runoff requiring collection and disposal. Similar to existing conditions, stormwater runoff would sheet flow to adjacent areas and infiltrate on-site. The proposed gen-tie would not alter existing drainage on the site.

Vegetation disturbance would be limited to clearing vegetation for the proposed structures and temporary access areas. Temporary access areas would be restored and replanted with native vegetation following construction.

## Parks and Open Space

*Goal 2. Preserve, protect and enhance significant open space.* Applicable policies under this goal are:

- 2.1 Control development and activity on hillside areas in order to preserve their aesthetic qualities, reduce impacts on the valley, protect habitat, and protect sensitive areas from degradation.
  - 2.1.1 Adopt regulations to protect the hillside areas, including limitations on development on steep slopes, provisions for buffering and clustering, requirements for replanting, limitations on tree cutting, restrictions on ridgeline development, site design standards to protect viewsheds and screen structures and mining areas.
- 2.4 In conjunction with other jurisdictions, implement land use and other techniques to ensure the protection of environmentally sensitive lands, provide permanent protection of agricultural lands of long-term commercial significance, and protect the open space character of the valley between Sumner and Orting.
- 2.9 Work with other jurisdictions to establish open space corridors and linkages with other significant regional open spaces including the valley hillsides, Puyallup/White River corridors, stream corridors and the valley south of the City.

**RESPONSE:** Geological studies will be prepared for work in steep slope areas on the subject parcel and all project parcels with steep slopes and will identify design and mitigation measures to control erosion on steep slopes. Recommended mitigation measures will be implemented, as well as general construction best management practices that include, but are not limited to, marking clearing limits, installing TESC measures (e.g., straw wattles, silt fences), stabilizing soils during and after completion of the work, and replanting temporary construction disturbance areas. All structures will be designed and constructed according to strict engineering standards to maintain slope stability and infrastructure safety.

- 2.10 Establish an open space standard of 35% for the entire City. Land use regulations and other programs should be developed to maintain this standard on a city-wide level. Open space includes areas that are public parks, cemeteries, critical areas and buffer areas, restricted steep slope areas, public lands such as watersheds, excess right-of-way, floodway, and river and buffers.

**RESPONSE:** The maximum lot coverage allowed in the LDR-12 zone is 35 percent. Lot coverage on the subject parcel is well under the allowed 35 percent lot coverage without and with the proposed gen-tie.

#### 2.14 Through implementation of the State Shoreline Management Act and City environmental regulations, protect wetlands, riparian corridors, streams and wildlife areas.

**RESPONSE:** A wetland delineation and critical areas report was prepared for the project to identify wetlands, streams, and other critical areas on the project parcels that could potentially be impacted by the proposed gen-tie (AECOM 2024). No wetlands or streams or other sensitive or special-status wildlife areas were identified on Parcel 0520072004, which is the subject of this CUP application. One wetland and one stream were delineated in the westernmost portion of Parcel 9520000110, an abutting parcel to the west. However, the proposed gen-tie on that parcel would have no direct or indirect impact on the wetland or stream.

## Environment

*Goal 1. Practice environmental stewardship by protecting, enhancing and promoting the natural environment in and around the City of Sumner.* Applicable policies under this goal are:

### 1.1 Protect air quality from adverse impacts.

**RESPONSE:** The proposed gen-tie would not create an ongoing source of air emissions during operation. Construction of the gen-tie would include appropriate measures to control vehicle exhaust and dust. All construction vehicles and equipment would be properly maintained to minimize air emissions and turned off when not in use. The construction contractor would be required to properly maintain all construction vehicles and equipment to minimize air emissions, turn off vehicles/equipment when not in use, and implement dust control measures as necessary.

### 1.2 Encourage a reduction in noise impacts associated with human activity.

1.2.1 Require new developments which could generate substantial levels of noise or could expose people to substantial levels of noise from existing noise generators to submit an analysis of potential noise impacts and propose mitigation.

1.2.2 Maintain the noise ordinance to address various noise sources and require mitigation of noise impacts if they are sufficient to cause environmental health problems or will exceed recognized health standards.

**RESPONSE:** The gen-tie would not be a significant source of noise. Noise levels from the gen-tie would be similar to existing transmission line noise on the property and would not extend to adjacent non-project properties.

### 1.4 Protect surface water quality and quantity from significant degradation as required by state and federal law.

**RESPONSE:** A wetland delineation was conducted for the proposed project on September 6–7 and November 30, 2023 (AECOM 2024). No wetlands or other surface waters were observed on the subject parcel.

Existing sources of runoff along the proposed gen-tie easement on the subject parcel are limited to existing gravel roadways and transmission tower foundations. Stormwater runoff sheet flows to adjacent areas and infiltrates on-site. No stormwater management facilities are present. New impervious surfaces associated with the proposed gen-tie are limited to concrete foundations for the proposed project towers. These would not generate stormwater runoff requiring collection and disposal. Similar to existing conditions, stormwater runoff would sheet flow to adjacent areas and infiltrate on-site. The proposed gen-tie would not contribute to degradation that would affect surface water quality.

#### 1.5 Protect groundwater quality within the aquifer recharge area from substantial degradation.

**RESPONSE:** The proposed gen-tie is not located in a sensitive aquifer recharge area.

*Goal 2. Protect life and property in areas of natural hazards.* Applicable policies under this goal are:

#### 2.2 Minimize the potential for loss of life and damage to public and private investments resulting from flooding along the White (Stuck) and Puyallup Rivers.

##### 2.2.4 Continue to implement wetland protection and stormwater management regulations to help mitigate flooding impacts to the community.

**RESPONSE:** See response to Goal 1, Policy 1.4 above.

#### 2.4 Take measures to reduce risk and hazard from earthquakes and associated effects through disaster preparedness and public education, and facility design.

**RESPONSE:** The proposed gen-tie on Parcel 0520072004 is not in a seismic hazard area.

#### 2.5 Take measures to protect hillsides and hillside development from landslide failures and the impacts associated with building on steep slopes.

#### 2.6 Take measures to reduce erosion in all areas, particularly in areas with high risk of erosion, and the associated impacts.

**RESPONSE:** Type 1 (≥25%) and Type 2 (15 to 25%) steep slopes were identified on Parcel 0520072004 (AECOM 2024). The proposed transmission line structures on Parcel 0520072004 are all on Type 1 or Type 2 steep slope areas, as mapped by City of Sumner. Steep slopes/steep slope hazard areas were also identified on the abutting project parcels to the west in Sumner and to the east in unincorporated Pierce County. A geological evaluation is being conducted to identify steep slopes on the site in the vicinity of the proposed gen-tie, and a geotechnical report identifying steep slopes and active or potential landslide areas in the project vicinity, and measures to minimize possible adverse impacts, will be submitted to both Sumner and Pierce County for review. The proposed project will incorporate design and impact minimization measures resulting from this review process into the project.

*Goal 3. Protect and enhance unique, valuable, and critical plant and wildlife habitat and promote biodiversity.* Applicable policies under this goal are:

- 3.1 Implement regulations and programs to protect unique, valuable and critical plant and wildlife areas, including flexible design standards.
- 3.2 Protect shorelines and wetlands through appropriate regulations, acquisition, and non-regulatory policies related to education, stewardship, density credits, restoration, etc.

**RESPONSE:** A wetland delineation and critical areas report was prepared for the project to identify wetlands, streams, and other critical areas on the project parcels that could potentially be impacted by the proposed gen-tie (AECOM 2024). No wetlands or streams or other sensitive or special-status wildlife areas were identified on Parcel 0520072004, which is the subject of this CUP application. One wetland and one stream were delineated in the westernmost portion of Parcel 9520000110, an abutting parcel to the west. However, the proposed gen-tie on that parcel would have no direct or indirect impact on the wetland or stream.

- 3.4 Take measures to protect hillside areas from the impacts of development.

**RESPONSE:** See response to Goal 2, Policies 2.5 and 2.6 above.

- 3.8 Give special consideration to conservation and protection measures necessary to preserve and enhance of anadromous fisheries and listed or threatened endangered species.

**RESPONSE:** A wetland delineation and critical areas report was prepared for the project to identify wetlands, streams, and other critical areas, including habitats for listed threatened or endangered species, on the project parcels that could potentially be impacted by the proposed gen-tie (AECOM 2024). No wetlands or streams or other sensitive or special-status fish or wildlife areas were identified on Parcel 0520072004, which is the subject of this CUP application. One wetland and one stream were delineated in the westernmost portion of Parcel 9520000110, an abutting parcel to the west. However, the proposed gen-tie on that parcel would have no direct or indirect impact on the wetland or stream.

## Utilities

*Goal 2. Plan and allow for regional and local improvements to electric facilities and coordinate service plans for facility development.* Applicable policies under this goal are:

- 2.1 Make decisions with respect to electric utility facilities so that safe, adequate and efficient availability of electrical service in other jurisdictions is not negatively affected.
- 2.2 Accommodate additions and improvements to electric utilities in a manner consistent with the needs and resources of Sumner as well as other jurisdictions. In addition, the City recognizes that decisions regarding utility corridors and facilities cannot be made solely on the basis of local considerations if multi-jurisdictional or regional interests would be affected.

2.3 Encourage Puget Sound Energy to make additions to and improvements of electric utility facilities that provide adequate capacity for future planned growth.

2.4 Recognize the need for electric utility facilities that are sufficient to support economic development.

**RESPONSE:** The proposed BESS would provide PSE with additional energy storage and contribute to its overall capacity to meet ongoing and future needs of Sumner and other jurisdictions in PSE's service area, so that the availability of electrical service is not negatively affected. The proposed gen-tie is a component of the overall project, connecting the PSE White River Substation to the proposed BESS. Therefore, the project is consistent with these goals of the SCP.

2.6 Coordinate and seek to cooperate, with other jurisdictions in the implementation of multi-jurisdictional electric facility additions and improvements. Such coordination and cooperation should include efforts to coordinate the procedures for making specific land use decisions to achieve consistency in timing and substantive requirements.

**RESPONSE:** The proposed project is a multi-jurisdictional project, as the proposed gen-tie crosses parcels in both Sumner and unincorporated Pierce County. The City has agreed to act as SEPA lead agency and coordinate with Pierce County Planning during the SEPA review process. Pierce County Planning has agreed with the City being designated as SEPA lead agency, as the gen-tie in Pierce County jurisdiction does not require a land use permit (though it will require a Pierce County Site Development permit, which requires SEPA review). Therefore, the project is consistent with this goal of the SCP.

2.7 Encourage the joint use of utility corridors, provided that such joint use is consistent with limitations as may be prescribed by applicable law and prudent utility practice.

**RESPONSE:** The proposed gen-tie would be within a new BrightNight utility easement on Peterson Brothers and Cascade Water Alliance parcels in Sumner, and on Cascade Water Alliance and PSE parcels in unincorporated Pierce County. The new utility easement is within, crosses, or is immediately adjacent to existing utility corridors for PSE transmission lines on the parcel that is the subject of this CUP, and other project parcels. Therefore, the project is consistent with this goal of the SCP.

2.8 Provide timely and effective notice to utilities of the construction, maintenance or repair of streets, roads, highways or other facilities, and coordinate such work with the serving utilities to ensure that utility needs are appropriately considered.

**RESPONSE:** This policies guides City actions and is not applicable to the proposed project and CUP application.

2.9 Work with the utility to appropriately place electric utility facilities on public rights-of-way.

**RESPONSE:** While not the subject of this CUP, the proposed gen-tie will require a ROW permit to cross East Valley Highway East.

2.10 Encourage underground utility networks in new developments in the City. In addition, where significant work in existing rights-of-way will occur, the City could investigate with service

provides the possibility of buried lines where existing overhead lines are presently located. Undergrounding of distribution lines would be in accordance with Puget Sound Energy applicable tariffs on file with the WUTC [Washington Utilities and Transportation Commission].

**RESPONSE:** While not the subject of this CUP, the proposed gen-tie crossing East Valley Highway East would not require significant work within public ROW.

2.11 Coordinate with the utility provider to determine if a Memoranda of Understanding outlining expectations of the provider as well as the City would be beneficial.

**RESPONSE:** The project proponent is not a utility provider. This policy is not applicable to the proposed project.

SMC 18.48.050(E). All measures have been taken to minimize the possible adverse impacts which the proposed use may have on the area in which it is located. (Ord. 2715 § 5, 2019; Ord. 1694 § 1, 1995)

A wetland delineation and critical areas report was prepared for the project to identify wetlands, streams, and other critical areas on the project parcels that could potentially be impacted by the proposed gen-tie (AECOM 2024). No wetlands or streams were identified on Parcel 0520072004, which is the subject of this CUP application. One wetland and one stream were delineated in the westernmost portion of Parcel 9520000110, an abutting parcel to the west. However, the proposed gen-tie on that parcel would have no direct or indirect impact on the wetland or stream.

Type 1 ( $\geq 25\%$ ) and Type 2 (15 to 25%) steep slopes were identified on Parcel 0520072004 (AECOM 2024). The proposed transmission line structures on Parcel 0520072004 are all on Type 1 or Type 2 steep slope, as mapped by City of Sumner. Steep slopes/steep slope hazard areas were also identified on the abutting project parcels to the west in Sumner and to the east in unincorporated Pierce County. A geological evaluation is being conducted to identify steep slopes on the site in the vicinity of the proposed gen-tie, and a geotechnical report identifying steep slopes and active or potential landslide areas in the project vicinity, and measures to minimize possible adverse impacts, will be submitted to both Sumner and Pierce County for review. The proposed project will incorporate design and impact minimization measures resulting from this review process into the project.

## REFERENCES

AECOM. 2024. Wetland Delineation and Critical Areas Report, Greenwater Battery Energy Storage System. Prepared for GREE bn, LLC, a subsidiary of BrightNight, LLC.

# Attachment A

## Preliminary Site Plan

# Attachment B

## Structure Elevation