

**DRAFT**  
**ORDINANCE NO. XXXX**  
**CITY OF SUMNER, WASHINGTON**

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

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

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

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

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

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

**18.04.0162 Battery storage, distribution, and processing business.**

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

*NOTE: THIS DEFINITION TO BE UPDATED TO DISTINGUISH BATTERY PROCESSING & SALES FROM BATTERY ENERGY STORAGE.*

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

**18.04.0163 Battery Energy Storage Systems (BESS)**

“Battery energy storage systems” or BESS is a facility consisting of any combination of electrochemical storage batteries, battery chargers, controls, power conditioning systems and/or associated electrical equipment, including transmission lines, whether assembled together or separately, capable of storing at least 200 megawatt hours of electrical energy in order to supply energy at a future time to the electrical grid of a public utility provider(s).

*NOTE: THIS DEFINITION IS BASED ON INDUSTRY DEFINITIONS AND STANDARDS, AND LIMITS ALLOWED FACILITIES TO THOSE THAT SUPPORT THE PUBLIC ENERGY GRID (PUBLIC BENEFIT).*

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

**18.04.1065 Utility facility, major.**

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

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

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

**18.04.1070 Utility facility, minor.**

“Minor utility facility” means:

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

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

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

**“18.18.020 Principal, administrative, and conditional uses.”**

A. The following table details permitted and conditionally permitted uses in the manufacturing districts. Where a “P” is indicated, the respective use in the same row is permitted in the zone classifications in the same column. Where an “A” is indicated or SMC 18.48.020(B) applies, the respective use in the same row is allowed through an administrative use permit. An administrative use permit shall be required and in full force and effect in order to establish said administrative uses. Where a “CUP” is indicated, the respective use in the same row is conditionally permitted in the zone classification in the same column. A conditional use permit shall be required and in full force and effect in order to establish said conditional uses. Where “-” is indicated, the respective use is not allowed. Where a “1” or “2” is indicated, there are different or supplemental regulations for that particular use within the Sumner manufacturing/industrial core overlay (MICO) pursuant to the notes at the bottom of this table.

		M-1	M-2	MICO (M-1/M-2)
1.	Accessory parks and recreation facilities for use by on-site employees	P	P	P
	[...]			
6.	Battery <del>storage</del> , distribution, and processing business	P	P	P
	[...]			
19.	Food manufacturing, processing or package plants, excluding slaughtering facilities	CUP <sup>1</sup>	P	CUP <sup>1</sup> /P
	[...]			
72.	Essential public facilities not otherwise listed above	CUP	CUP	CUP
<u>73.</u>	<u>Battery Energy Storage Systems<sup>9</sup></u>	<u>CUP<sup>1</sup></u>	<u>CUP<sup>1</sup></u>	<u>CUP<sup>1</sup></u>

<sup>1</sup>Prohibited within 1,000 feet of residentially zoned lands.  
[...]

<sup>8</sup>See performance standards in SMC 18.18.060(W).

<sup>9</sup>See performance standards in SMC 18.18.060(X).

*NOTE: THE REQUIREMENT FOR A 1,000-FOOT DISTANCE BETWEEN A BESS FACILITY AND RESIDENTIAL ZONES IS SIMILAR TO CURRENT STANDARDS FOR CERTAIN INDUSTRIAL USES. ALSO, THERE ARE POTENTIAL FIRE HAZARDS ASSOCIATED WITH BESS; SO THE USE SEPARATION IS NEEDED.*

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

**18.18.060 Performance Standards.**

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

[...]

X. Battery Energy Storage Facilities.

1. The site shall be screened from adjacent properties except those zoned M-2 with at least a three-foot-high earth berm and at least 50 percent evergreen trees at least six feet in height at planting.
2. Outdoor lighting shall comply with SMC 18.18.060(D).
3. Fencing shall comply with SMC 18.18.060(S).
4. The facility shall not create odor, noise, or vibrations that are readily detectable by the human senses beyond the boundaries of the site.
5. Building and equipment surfaces shall have cladding or coating that provides a durable and non-glare surface, such as galvanized metal or powder-coated paint.

NOTE: THE ABOVE STANDARDS ARE SIMILAR TO EXISTING STANDARDS IN THE CODE FOR INDUSTRIAL USES. SCREENING THE MODULAR BATTERY BUILDINGS IS POSSIBLE, BUT IS NOT FEASIBLE FOR THE TALLER TRANSMISSION LINES.

6. An emergency management plan shall be developed for each facility in coordination with the local fire district.
7. 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.

NOTE: THE DISTRIBUTION OF THESE FACILITIES IS A CONCERN, GIVEN THAT THESE HAVE LIMITED DIRECT BENEFIT TO THE COMMUNITY AND POTENTIAL DIRECT IMPACTS (SUCH AS AESTHETICS AND FIRE RISK). THE STANDARD ABOVE IS BASED ON CURRENT CODE CRITERION FOR ESSENTIAL PUBLIC FACILITIES.

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

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

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

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

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Mayor Kathy Hayden

**ATTEST:**

**APPROVED AS TO FORM:**

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City Clerk Michelle Converse, CMC

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Andrea Marquez, City Attorney

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