

SEPA¹ Environmental Checklist

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use “not applicable” or “does not apply” only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal**, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in “Part B: Environmental Elements” that do not contribute meaningfully to the analysis of the proposal.

¹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Checklist-guidance>

A. Background

[Find help answering background questions](#)²

1. Name of proposed project, if applicable:

Legislative Action: Zoning Code Text Amendment: Battery Energy Storage Systems (BESS)
2.0

2. Name of applicant:

City of Sumner

3. Address and phone number of applicant and contact person:

1104 Maple Street
Sumner, WA 98390

4. Date checklist prepared:

08/04/2026

5. Agency requesting checklist:

Department of Ecology (ECY)

6. Proposed timing of schedule (including phasing, if applicable):

Planning Commission Public Hearing, Sept. 2026 (tentative)
Planning Commission Recommendation, Oct. 2026
City Council adoption of Ordinance, Nov/Dec 2026

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

- 2024 Comprehensive Plan, March 2024 and Final EIS, January 2025 – Addresses BESS as alternative energy options and new policies around Community Resiliency.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None

10. List any government approvals or permits that will be needed for your proposal, if known.

- Council approval of Ordinance on Zoning Code text amendments.
- Review and approval by Department of Commerce.

² <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background>

- 11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)**

The Zoning Code Text Amendment would create a new chapter (SMC 18.33) pertaining to Battery Energy Storage Systems (BESS) including a tiered BESS framework, based on energy thresholds and regulated by zone. The Zoning Code Text Amendment would: 1) Promote the siting of small-scale, mid-scale and large-scale BESS in a manner that is compatible with existing zoning districts, land uses and character of the surrounding area; 2) Support the Clean Energy Transformation Act (CETA) with the use of alternative energy and technology to increase resiliency and reliability of the energy grid; 3) and Establish a local policy concerning public safety and the operations, installations and decommissioning of BESS; and 4) Require a commissioning and decommissioning plan and financial guarantees and emergency response reimbursement. See draft Ordinance, Exhibit A.

- 12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

The area of affect would be City-Wide in Sumner, WA.

B.Environmental Elements

1. Earth

[Find help answering earth questions³](#)

a. General description of the site:

City of Sumner City Limits (approx. 7.2 square miles)

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

N/A

b. What is the steepest slope on the site (approximate percent slope)?

N/A

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any

³ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-earth>

agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

N/A

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

N/A

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

N/A

- f. Could erosion occur because of clearing, construction, or use? If so, generally describe.**

N/A

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

N/A

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.**

Future project-level action shall disclose earth conditions and address any impacts. The new Chapter 18.33 does not permit BESS development within “Type II landslide hazard areas” which are 15% slope or greater but less than 25%, or “Type I landslides hazard areas” which are steep slopes which exceed 25% slope grade, pursuant to chapter 16.40 SMC.

2. Air

[Find help answering air questions](#)⁴

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

Because this proposal is a non-project legislative action and does not authorize a specific development site, however, for future battery energy storage system projects enabled by these code amendments, off-site emissions could occur in the event of a thermal runaway incident, which may generate smoke and odors that could extend beyond the facility site.

⁴ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-Air>

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

N/A

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

The proposed regulations address this potential risk through siting restrictions, setbacks, and required safety and emergency response measures.

3. Water

[Find help answering water questions](#)⁵

- a. Surface:**

[Find help answering surface water questions](#)⁶

- 1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

N/A

- 2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

N/A

- 3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

N/A

- 4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**

N/A

- 5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

Proposed code amendments prohibit BESS from locating within the 100-year floodplain.

⁵ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water>

⁶ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Surface-water>

6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No routine discharges are proposed. For future BESS projects enabled by these code amendments, potential discharges could occur under limited and atypical circumstances. In the event of a thermal runaway incident, fire suppression activities could generate contaminated water or runoff containing battery-related constituents. Similarly, during decommissioning, improper handling of batteries or site disturbance could pose a risk of material release. Such discharges are not expected during normal operation and would be subject to existing state and local regulations, including fire code requirements, hazardous materials handling standards, and stormwater controls designed to prevent impacts to surface waters.

b. Ground:

[Find help answering ground water questions](#)⁷

- 1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.**

N/A

- 2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

N/A

c. Water Runoff (including stormwater):

- 1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

Tier-4 BESS, which are utility-scale facilities at least 5 acres in size, may require stormwater controls to manage runoff during construction and operation.

- 2. Could waste materials enter ground or surface waters? If so, generally describe.**

No routine discharges are proposed. For future battery energy storage system (BESS) projects enabled by these code amendments, potential discharges could occur under limited and atypical circumstances. In the event of a thermal runaway incident, fire suppression activities could generate contaminated water or runoff

⁷ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Groundwater>

containing battery-related constituents. Similarly, during decommissioning, improper handling of batteries or site disturbance could pose a risk of material release. Such discharges are not expected during normal operation and would be subject to existing state and local regulations, including fire code requirements, hazardous materials handling standards, and stormwater controls designed to prevent impacts to ground or surface waters.

3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Future utility-scale BESS projects enabled by these code amendments could affect site-specific drainage patterns, where grading, access roads, or vegetation clearing may occur.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Potential impacts and mitigation would be addressed through project level stormwater review and compliance with applicable stormwater regulations.

4. Plants

[Find help answering plants questions](#)

a. Check the types of vegetation found on the site:

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☐ grass
- ☐ pasture
- ☐ crop or grain
- ☐ orchards, vineyards, or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

BESS projects may require vegetation removal or clearing, particularly around utility-scale BESS facilities, including removal of combustible vegetation. The type and amount of vegetation removal would vary by site and would be subject to project-specific review, critical areas regulations, and applicable mitigation requirements to minimize environmental impacts.

c. List threatened and endangered species known to be on or near the site.

N/A

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.**

Landscaping for any BESS facilities would be based on the current Landscaping Code and any changes based on the code amendment proposed.

- e. List all noxious weeds and invasive species known to be on or near the site.**

N/A

5. Animals

[Find help answering animal questions⁸](#)

- a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.**

Examples include:

- **Birds:** hawk, heron, eagle, songbirds, other:
- **Mammals:** deer, bear, elk, beaver, other:
- **Fish:** bass, salmon, trout, herring, shellfish, other:

N/A

- b. List any threatened and endangered species known to be on or near the site.**

Bull Trout; Spring Steelhead; Spring Coho Salmon

- c. Is the site part of a migration route? If so, explain.**

Yes, Pacific Flyway

- d. Proposed measures to preserve or enhance wildlife, if any.**

N/A

- e. List any invasive animal species known to be on or near the site.**

N/A

6. Energy and natural resources

[Find help answering energy and natural resource questions⁹](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

⁸ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-5-Animals>

⁹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-6-Energy-natural-resou>

N/A

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

N/A

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.**

The proposal establishes a regulatory framework for battery energy storage systems (BESS), which support energy conservation and grid efficiency by storing excess electricity during periods of low demand and releasing it during peak demand. This can be small, mid-scale, and utility scale systems that improve overall system efficiency, supports integration of intermittent renewable energy sources, and reduces energy losses associated with peak generation.

7. Environmental health

[Health Find help with answering environmental health questions](#)¹⁰

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.**

BESS typically use lithium-ion batteries, which present potential hazards if a failure occurs. These hazards may include thermal runaway events that can result in intense fires, smoke containing toxic gases, explosion risks, and the release of hazardous materials. Additional concerns include the handling and disposal of batteries at end of life. The proposed code amendments address these potential risks by requiring conditional use permit review for utility-scale BESS, establishing setbacks from sensitive uses, residential zones, requiring vegetation management for fire safety, mandating emergency signage and contacts, and relying on compliance with the International Fire Code and NFPA standards. Further restrictions include limiting overall energy storage levels and aggregate footprint of systems to size BESS according to appropriate land uses. These measures are intended to reduce the likelihood and severity of environmental health impacts associated with BESS facilities.

- 1. Describe any known or possible contamination at the site from present or past uses.**

N/A

- 2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

N/A

¹⁰ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-7-Environmental-health>

3. **Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

N/A

4. **Describe special emergency services that might be required.**

For future BESS projects enabled by this code, special emergency services could be needed in the event of thermal runaway, fire, or chemical release from lithium-ion batteries. Local fire departments may need:

- Fire suppression support for battery fires, which can be difficult to extinguish.
- Emergency response planning for evacuation or hazardous smoke exposure.
- Coordination with utility staff for emergency shutoffs and isolation of electrical hazards.

5. **Proposed measures to reduce or control environmental health hazards, if any.**

The proposed regulations include required emergency signage, 24-hour contact information, and setbacks from sensitive uses and residential areas to help first responders safely manage potential incidents, thereby reducing risks to the public and emergency personnel. Larger systems (over 600kWh) will be required to have an emergency management plan and annual training for first responders.

b. Noise

1. **What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

N/A

2. **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?**

Potential project-related noise is expected to be minimal. For BESS facilities, operational noise primarily comes from cooling systems, inverters, or transformers, and is generally low. Temporary construction noise may occur during installation of solar panels or BESS equipment.

3. **Proposed measures to reduce or control noise impacts, if any:**

Proposed code standards, setbacks, and permitting review would help mitigate noise impacts on adjacent properties. Noise levels would be required to meet City Noise Ordinance (SMC 8.14).

8. Land and shoreline use

[Find help answering land and shoreline use questions](#)¹¹

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

The proposal would create opportunities for new BESS facilities to be located within residential, mixed-use, and commercial zones and are intended to be sized and located in such a manner as to minimize impacts with adjacent properties and nearby land uses. Individual projects based on the proposed code amendments will be evaluated for impacts and addressed at the project level.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

N/A

- 1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**

N/A

- c. Describe any structures on the site.**

N/A

- d. Will any structures be demolished? If so, what?**

N/A

- e. What is the current zoning classification of the site?**

N/A

- f. What is the current comprehensive plan designation of the site?**

N/A

- g. If applicable, what is the current shoreline master program designation of the site?**

N/A

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

N/A

- i. Approximately how many people would reside or work in the completed project?**

¹¹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-8-Land-shoreline-use>

N/A

- j. Approximately how many people would the completed project displace?**

N/A

- k. Proposed measures to avoid or reduce displacement impacts, if any.**

N/A

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.**

N/A

- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:**

N/A

9. Housing

[Find help answering housing questions](#)¹²

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

N/A

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

N/A

- c. Proposed measures to reduce or control housing impacts, if any:**

N/A

10. Aesthetics

[Find help answering aesthetics questions](#)¹³

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

BESS facilities would be required to meet height, fencing, landscaping, setbacks, and screening requirements set forth in the proposed code amendments.

- b. What views in the immediate vicinity would be altered or obstructed?**

N/A

¹² <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-9-Housing>

¹³ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-10-Aesthetics>

c. Proposed measures to reduce or control aesthetic impacts, if any:

Code amendments for future BESS facilities require fencing, screening, landscaping, setbacks, height restrictions, and non-glaring paint and finishes to minimize visual impacts.

11. Light and glare

[Find help answering light and glare questions](#)¹⁴

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A

b. Could light or glare from the finished project be a safety hazard or interfere with views?

Lighting of future BESS facilities when required or desirable will be down projected lighting that must meet the current code requirements and not project onto adjacent properties or roadways.

c. What existing off-site sources of light or glare may affect your proposal?

N/A

d. Proposed measures to reduce or control light and glare impacts, if any:

Code amendments for future BESS facilities require fencing, screening, landscaping, setbacks, height restrictions, and non-glaring paint and finishes to minimize visual impacts.

12. Recreation

[Find help answering recreation questions](#)

a. What designated and informal recreational opportunities are in the immediate vicinity?

N/A

b. Would the proposed project displace any existing recreational uses? If so, describe.

N/A

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

N/A

¹⁴ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-11-Light-glare>

13. Historic and cultural preservation

[Find help answering historic and cultural preservation questions](#)¹⁵

- a. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

N/A

- b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

Future BESS facilities developed based on the proposed code amendments would address any historical or archeological aspects of a project site at the time of permit approval.

- c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

N/A

- d. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

Future BESS facilities developed based on the proposed code amendments would address any historical or archeological aspects of a project site at the time of permit approval.

14. Transportation

[Find help with answering transportation questions](#)¹⁶

- a. **Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

N/A

- b. **Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

N/A

¹⁵ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-13-Historic-cultural-p>

¹⁶ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-14-Transportation>

- c. **Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

N/A

- d. **Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

N/A

- e. **How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

N/A

- f. **Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

N/A

- g. **Proposed measures to reduce or control transportation impacts, if any:**

N/A

15. Public services

[Find help answering public service questions¹⁷](#)

- a. **Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

Future utility-level BESS facilities would require increased training for fire services.

- b. **Proposed measures to reduce or control direct impacts on public services, if any.**

Code amendments contain a requirement for reimbursement of the fire district in the event of a fire at a Tier-3 or Tier-4 BESS facility.

16. Utilities

[Find help answering utilities questions¹⁸](#)

- a. **Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:**

¹⁷ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-15-public-services>

¹⁸ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-16-utilities>

N/A

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

BESS facilities developed as a result of the code amendment would benefit the overall efficiency of the electric grid.

C. Signature

[Find help about who should sign](#)¹⁹

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.



Type name of signee: Katie Baker

Position and agency/organization: Planning Manager

Date submitted: 08/10/2026

D. Supplemental sheet for nonproject actions

[Find help for the nonproject actions worksheet](#)²⁰

Do not use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

Mid-scale and utility-scale BESS projects may increase stormwater runoff due to site disturbance, soil compaction, or equipment pads. Solar energy systems do not generate air emissions during operation. In rare cases, BESS facilities could emit smoke or gases during a thermal runaway or fire event, potentially affecting air quality beyond the site

¹⁹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-C-Signature>

²⁰ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-d-non-project-actions>

boundary. BESS involve the storage of lithium-ion batteries, which contain hazardous materials. Potential risks include chemical release during thermal runaway or improper handling during decommissioning. BESS facilities may produce low-level noise from cooling systems, inverters, or transformers, and temporary noise during construction. Noise impacts would be evaluated and mitigated during project-level permitting and be required to meet city Noise Code (SMC 8.14).

- **Proposed measures to avoid or reduce such increases are:**

Any such impacts would be addressed through project-specific stormwater permits and compliance with city and state requirements. Risks related to BESS are mitigated through fire code requirements, hazardous materials regulations, and the proposed siting, setback, and permitting standards. Overall, the proposed amendments include regulatory controls intended to minimize these potential impacts while supporting renewable energy development.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Potential indirect effects may include temporary construction disturbance or changes in land cover.

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

Impacts would be evaluated on a project-by-project basis through applicable environmental review and permitting processes. The proposal may also have long-term beneficial effects by supporting renewable energy generation and energy storage, which contribute to reducing greenhouse gas emissions and mitigating climate change impacts that affect ecosystems, fish, and wildlife over time.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal is not expected to significantly deplete energy or natural resources. It primarily facilitates the use of renewable energy sources and energy storage technologies.

- **Proposed measures to protect or conserve energy and natural resources are:**

Future BESS projects may require materials such as metals, batteries, and construction resources; however, these impacts occur at the project level and are regulated through existing codes and disposal requirements. Over the long term, the proposal supports energy conservation and reduced reliance on fossil fuels, resulting in a net reduction in natural resource depletion.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

This proposal does not directly authorize development within any specific environmentally sensitive or protected areas. Proposed code amendments prohibit BESS construction within landslide hazard areas, resource conservation zones, and floodplains.

- **Proposed measures to protect such resources or to avoid or reduce impacts are:**

Future project-level action shall disclose earth conditions and address any impacts. The new Chapter 18.33 does not permit BESS development within “Type II landslide hazard areas”, which are 15% slope or greater but less than 25%, or “Type I landslides hazard areas,” which are steep slopes which exceed 25% slope grade, pursuant to chapter 16.40 SMC. Future projects permitted under this proposal will be required to meet all critical areas regulations and other environmental requirements at the time of permitting.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Future BESS developments will be subject to Shoreline Master Program regulations and requirements.

- **Proposed measures to avoid or reduce shoreline and land use impacts are:**

Future BESS developments will be subject to any mitigation required to reduce impacts to shorelines.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal is not expected to substantially increase demands on transportation or public services. Over time, increased grid reliability may reduce strain on utility services during peak demand or emergency conditions.

- **Proposed measures to reduce or respond to such demand(s) are:**

The proposal is not expected to increase demands on transportation or public services and utilities, and therefore no measures are proposed.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal is not expected to conflict with local, state, or federal environmental laws. It is consistent with the Growth Management Act, Vision 2050, and applicable Countywide Planning Policies and City Comprehensive Planning policies. The proposed code amendments to allow small, mid-scale, and commercial scale BESS is consistent with state laws requiring transitions to clean energy to address the impacts of climate change.

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 SYSTEMS AND AMENDING CHAPTERS: 18.04 DEFINITIONS; 18.12 LOW DENSITY RESIDENTIAL DISTRICTS; 18.14 MEDIUM AND HIGH DENSITY RESIDENTIAL DISTRICTS; 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 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 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 <u>18.38</u> 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
<u>77.</u>	<u>Battery energy storage systems (BESS)</u>	<u>SMC</u> <u>18.33</u>	<u>SMC</u> <u>18.33</u>	<u>SMC</u> <u>18.33</u>

¹Not 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 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 housing ⁸	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 ⁺	See SMC 18.33 CUP ⁺	See SMC 18.33 CUP ⁺

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

⁸Subject 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 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.	<u>Battery energy storage systems (BESS)</u>	<u>See SMC 18.33</u>	<u>See SMC 18.33</u>

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

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

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

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

⁵Accessory 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.

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

⁷See 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

<u>Zoning District</u>	<u>Tier-1 Residential</u>	<u>Tier-2 Commercial/ On-site</u>	<u>Tier-3 Mid-scale</u>	<u>Tier-4 Utility-Scale</u>
<u>Low Density Residential (All)</u>	<u>P Accessory</u>	<u>CUP if accessory to an existing Conditional Use (e.g. substation, school)</u>	<u>—/CUP for existing substations in LDR zones</u>	<u>—</u>
<u>Mixed Use/ Multifamily:</u> <u>TC, MDR & HDR</u>	<u>P Accessory</u>	<u>AUP Accessory</u>	<u>—/ AUP for existing substations and infrastructure</u>	<u>—</u>
<u>Commercial:</u> <u>GC, NC, IC and GC/ESUV, NC/ESUV</u>	<u>P Accessory</u>	<u>P Accessory</u>	<u>AUP for existing substations and infrastructure¹</u> <u>IC at 24th Street only: P Accessory/ Principal</u> <u>P Accessory</u>	<u>—</u>
<u>Industrial</u>	<u>P Accessory</u>	<u>P Accessory</u>	<u>P Accessory / Principal</u>	<u>CUP Principal</u>

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.