

**ORDINANCE 2899
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.

WHEREAS, the proposed zoning code text amendments were forwarded on September 18, 2024, to the Washington State Department of Commerce for the agency’s required 60-day review per the Growth Management Act; and

WHEREAS, after study sessions regarding the amendments proposed by this ordinance, the Planning Commission held a public hearing on October 3, 2024, and recommend that the City Council adopt the amendments; and

WHEREAS, the City Council Community Development Committee reviewed the proposed amendments on October 29, 2024 and on November 4, 2024 and recommend a do-pass by the City Council; 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 amendments.

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.

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 (MW) of electrical energy in order to supply energy at a future time to the electrical grid of a public utility provider(s).

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 storage , distribution, and processing business	P	P	P
	[...]			
19.	Food manufacturing, processing or package plants, excluding slaughtering facilities	CUP ¹	P	CUP ¹ /P
	[...]			
72.	Essential public facilities not otherwise listed above	CUP	CUP	CUP
<u>73.</u>	<u>Battery Energy Storage Systems⁹</u>	<u>CUP¹</u>	<u>CUP¹</u>	<u>CUP¹</u>

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

⁸See performance standards in SMC 18.18.060(W).

⁹See performance standards in SMC 18.18.060(X).

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 Systems Facilities.

1. Developments shall comply with by the latest adopted Washington State Buildgin 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 non-glare 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 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 18th day of November 2024.

Signed by:



Mayor Kathy Hayden

ATTEST:

APPROVED AS TO FORM:

DocuSigned by:


City Clerk Michelle Converse, CMC

DocuSigned by:


Andrea Marquez, City Attorney

First Reading: November 18, 2024
Date Adopted: November 18, 2024
Date of Publication: November 19, 2024 / November 27, 2024
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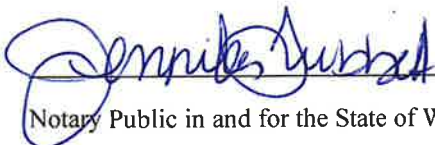
Amanda Kahlke being first duly sworn, upon oath deposes and says: that she is Legals Representative for Sound Publishing, which publishes the Courier Herald, a once-weekly newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a once weekly newspaper in Enumclaw, Bonney Lake, Sumner, and King & Pierce Counties, Washington and is and always has been printed in whole or part in the Courier Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of King & Pierce Counties, Washington. and that the annexed is a true copy **Ords 2899, 2900, 2901, 2912, 2911, 2902, 2913, 2914 , CITY OF SUMNER** as it was published/posted by uploading said document to the legal notices portion of the online version of said newspaper continuously available commencing on **11/20/24** ending on **NEVER** that said newspaper was regularly available to its subscribers and non-subscribers during all of said period.

The amount of the fee for public notice #ECH1005570 \$206.85



Amanda Kahlke
Legals Representative

Subscribed and sworn before me on this 20 day of
November 2024.



Notary Public in and for the State of Washington, residing in Orting



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ORDINANCE NO. 2899

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)."

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Full text of Ordinance No. 2899 will be provided upon request.

ORDINANCE NO. 2900

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING THE FOLLOWING SECTIONS OF SMC CHAPTERS 18.04, 18.16, 18.24, 18.26, 18.29 AND 18.30 RELATING TO MULTIFAMILY RESIDENTIAL INFILL DEVELOPMENTS (MRI).

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November 27, 2024

Effective Date:

February 1, 2025

Full text of Ordinance No. 2900 will be provided upon request

ORDINANCE NO. 2901

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, REPEALING EXHIBITS IN SMC CHAPTER 18.56, AMENDING NEW SECTIONS TO SMC CHAPTER 18.04 AND 18.56 AND ADDING NEW SECTIONS TO CHAPTER 18.56 ALL RELATING TO PERMIT PROCESSING AND TIMELINES.

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Full text of Ordinance No. 2901 will be provided upon request

ORDINANCE NO. 2912

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING SMC 13.08 UTILITY BILLING AND 13.20 SEWER RATES.

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January 1, 2025

Full text of Ordinance No. 2912 will be provided upon request

ORDINANCE NO. 2911

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON AMENDING THE WATER, SEWER, AND STORM UTILITY RATES.

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January 1, 2025

Full text of Ordinance No. 2911 will be provided upon request

ORDINANCE NO. 2902

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING THE FOLLOWING SECTIONS OF SMC CHAPTER 18.35 ESSENTIAL PUBLIC FACILITIES AND BEHAVIORAL HEALTH FACILITIES: 18.35.010.

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Full text of Ordinance No. 2902 will be provided upon request

ORDINANCE NO. 2913

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON AMENDING SUMNER MUNICIPAL CODE CHAPTER 13.16 RELATING TO SEWER FEES.

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Full text of Ordinance No. 2913 will be provided upon request

ORDINANCE NO. 2914

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON AMENDING SUMNER MUNICIPAL CODE CHAPTER 13.24 RELATING TO HYDRANT USAGE, PERMITS, AND PENALTIES FOR UNAUTHORIZED USE AND DELETION OF LID NO. 73 SYSTEM DEVELOPMENT SURCHARGE AREA.

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