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# The Seattle Times

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448249	8/23/2024	METROPOLITAN KING COUNTY COUNCIL NOTICE OF PUBLIC HEARING Battery Energy Storage System Regulations Proposed Ordinance 2023-02	Seattle Times - CL- Legals	1.65 x 11.40 in x 1.0000 col.	\$ 738.00

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## AFFIDAVIT OF PUBLICATION

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Seattle WA 98104

STATE OF WASHINGTON, COUNTIES OF KING AND SNOHOMISH

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The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

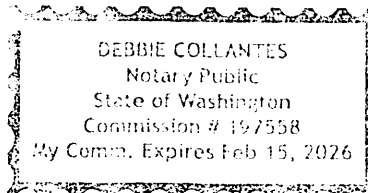
08/23/2024

Agent Frankie Flight Signature Frankie Flight

Subscribed and sworn to before me on 08/23/2024  
Debbie Collantes Debbie Collantes

(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

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**METROPOLITAN  
KING COUNTY COUNCIL  
NOTICE OF PUBLIC HEARING  
Battery Energy Storage System  
Regulations  
Proposed Ordinance 2023-0263**

NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Metropolitan King County Council on the 24th day of September, 2024, at 1:30 p.m. to consider adoption of Proposed Ordinance 2023-0263, an ordinance establishing regulations for battery energy storage systems. The public hearing will be held at the King County Courthouse, 516 3rd Avenue, Room 1001, Seattle; remote public testimony on Zoom will also be accepted. Written public testimony will be accepted from 9 a.m. on August 23rd, 2024 through 10 a.m. on September 24, 2024, by sending such public testimony to [clerk.council@kingcounty.gov](mailto:clerk.council@kingcounty.gov). Please include the legislation number and related agenda item in the subject line. More information on the public hearing and how to participate in public testimony can be found at this website: [https://www.kingcounty.gov/council/committees/full\\_council.aspx](https://www.kingcounty.gov/council/committees/full_council.aspx).

It is expected that the Council will take action on this Proposed Ordinance at the September 24, 2024 meeting following the public hearing.

**SUMMARY:**

The Proposed Ordinance would adopt regulations for battery energy storage systems in unincorporated King County. The Proposed Ordinance would do the following:

**Zoning Conditions**

- Allow BESS for residential, commercial/industrial, and resource accessory use, in all zones where those accessory uses are allowed. BESS over 2 MW would not qualify as accessory uses.
  - Allow accessory BESS to be used for load sharing and for electric vehicle charging in the right-of-way.
- For non-accessory BESS:
- A conditional use permit would be required in the Residential (R) zones
  - A special use permit would be required in Forest (F) zones
  - BESS would not be allowed in the Agricultural (A) zones
  - Would be a permitted use in all other zones.

**Public Liability**

Applicants for construction of a BESS would be required to demonstrate at permit application that they have at least \$1 million of financial responsibility (insurance, bonds, etc.) that would cover damages from a thermal event, ONLY IF:

- The BESS is over 2 MW; AND
- The battery technology requires thermal runaway protections under state law; AND
- Any individual room, cabinet, container, or other enclosure containing the system has an energy rating greater than two megawatt-hours, or any two enclosures are less than ten feet apart; AND
- The system does not qualify as a "remote facility" under the International Fire Code – in other words, it is within one hundred feet of buildings, lot lines, public ways, stored combustible materials, hazardous materials, high-piled stock or other exposure hazards

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price stock, or other exposure hazards.

**Decommissioning**

Applicants for construction of a BESS greater than 2 MW would be required to demonstrate financial responsibility in an amount to carry out the decommissioning plan required under state law.

**Periodic Confirmation**

BESS operators would be required to submit confirmation to the Permitting Division every five years that their financial responsibility is still in place.

**Sharing of Emergency Plans**

The applicant would be required to share state-required emergency plans with the local fire district in both draft and final forms.

**Report Requirement**

The King County Executive would be required to convene a workgroup and undertake a follow-up report within information on any BESS applications received/permits issued, research on advancement of battery technologies and associated international/state/local codes, and any recommendations for changes to King County's BESS regulations. The report would be due one year after the first BESS in unincorporated King County is given final inspection approval, or three years after enactment of the ordinance, whichever comes first.

**FINAL ACTION:**

Prior to final action, Councilmembers may offer amendments for consideration by the Council. Persons wishing to testify on the Proposed Ordinance should attend the public hearing in person or remotely on September 24, 2024, or provide testimony in writing prior to the hearing. Amendments that may be considered for adoption by the Council include, but are not necessarily limited to:

- Any amendment offered, or relating to topics discussed, during the review of the subject legislation in committee.
- Any matter preserved for consideration by the Council by a member during previous committee meetings.

**For More Information:**

A copy of Proposed Ordinance 2023-0263 is available on the internet at <https://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=6294909&GUID=CA2000B8-B2F9-4F69-9055-0C2D381EAF9F&Options=Advanced&Search=&FullText=1> You may also view this notice at the Clerk's page at [https://www.kingcounty.gov/council/clerk/ordinances\\_advertised.aspx](https://www.kingcounty.gov/council/clerk/ordinances_advertised.aspx)

DATED at Seattle, Washington, this 23rd day of August, 2024.

**METROPOLITAN  
KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON**

Melani Hay  
Clerk of the Council