

The Seattle Times

AFFIDAVIT OF PUBLICATION

Robin Proebsting
KC DLS Permitting
919 SW Grady Way Ste 300
Renton WA 98057

STATE OF WASHINGTON, COUNTIES OF KING AND SNOHOMISH

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09/27/2023

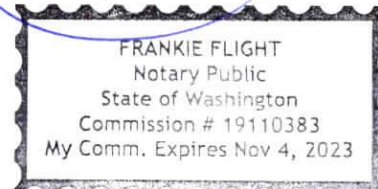
Agent MAUREEN DUGGAN Signature Maureen Duggan

Subscribed and sworn to before me on 09/27/23

Frankie Flight

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

Publication Cost: \$251.99
Order No: 63932
Customer No: 306
PO #: Proposed Ordinance 2023-0263



**KING COUNTY DEPARTMENT OF
LOCAL SERVICES,
PERMITTING DIVISION
919 SW Grady Way, Suite 300,
Renton, WA 98057**

**NOTICE OF: STATE ENVIRONMEN-
TAL POLICY ACT (SEPA) DETERMI-
NATION OF NONSIGNIFICANCE
(DNS) - Non-Project Action**

Proponent: King County

Proposal: Proposed Ordinance 2023-0263 - Battery Energy Storage System (BESS) Regulations

Presently, Battery Energy Storage Systems (BESS) are not specifically named as a use in King County Code (K.C.C) Title 21A. These systems are understood to fall under the definition of "utility facility," as they meet the definition for utility facility as a facility for the distribution or transmission of electric services. Under the current code, utility facilities such as BESS are a permitted use, without any additional zoning conditions or land use permits required.

- Define "BESS" and "Consumer-scale BESS" as distinct uses in K.C.C. Title 21A, with consumer-scale BESS being used only for storage of energy to be used on-site.
- Allow Consumer-scale BESS as an accessory use to a residential, commercial/industrial, or resource use.
- Make BESS a permitted use in all zones except R zones, where they would be a conditional use.
- Limit the size of BESS in A and F zones to 2 acres or 2.5% of the site, whichever is less.
- Subject BESS to the requirements for nonresidential land uses in the RA, UR, or R zones.
- Require all BESS, as well as Consumer-scale BESS over 1 megawatt (MW), to maintain a buffer from vegetation and be separated from vehicle-accessible areas by barriers.
- Require privately owned BESS over 1 MW and privately owned Consumer-scale BESS over 1 MW to demonstrate financial responsibility for explosion and decommissioning, to be verified every five years.
- Specify that BESS and consumer-scale BESS cannot project into setbacks, something that is allowed for other electrical equipment.
- Specify that BESS constitute utility development the purposes of landscaping requirements.

Additional Information may be found here: <https://www.kingcounty.gov/depts/local-services/permits/public-notices.aspx>

COMMENT PROCEDURES: This Determination of Non-significance (DNS) is issued under Washington Administrative Code (WAC) 197-11-340. The Permitting Division has determined after review of the proposed legislation, an environmental checklist and associated documents, that existing State of Washington and King County regulations and codes are sufficient to address potential impacts associated with the proposed legislation. Therefore, An Environmental Impact Statement (EIS) is not required. The issuance of this DNS does NOT constitute approval or adoption of the subject legislation.

You may comment on this DNS by submitting comments to the address or email below. Comments must be received no later than 4:00 pm on October 18, 2023. The King County Council will not act until after the comment period.

King County Department of
Local Services - Permitting Division
919 SW Grady Way, Suite 300
Renton, WA 98057
ATTN: Robin Proebsting
E-mail: rproebsting@kingcounty.gov

PUBLIC HEARING: A public hearing on a proposed ordinance is not yet scheduled but anticipated in the future before the Metropolitan King County Council. Information on the public hearing and how to submit public comment can be found at this website: https://www.kingcounty.gov/council/committees/full_council.aspx.

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 1000 Denny Way
 Seattle, Washington 98109-5340

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Due Date:	10/31/2023

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Ad No.	Date	Description	Position	Format	Net Amount
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