



# King County

## Department of Local Services – Permitting Division

---

### State Environmental Policy Act (SEPA) Non-Project Action Determination of Non-Significance (DNS)

---

<b>Name of Proposal:</b>	Proposed Ordinance 2023-0263 - Battery Energy Storage System (BESS) Regulations
<b>Description of Proposal:</b>	<p>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.</p> <p>The proposed ordinance would:</p> <ul style="list-style-type: none"><li>• 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.</li><li>• Allow Consumer-scale BESS as an accessory use to a residential, commercial/industrial, or resource use.</li><li>• Make BESS a permitted use in all zones except R zones, where they would be a conditional use.</li><li>• Limit the size of BESS in A and F zones to 2 acres or 2.5% of the site, whichever is less.</li><li>• Subject BESS to the requirements for nonresidential land uses in the RA, UR, or R zones.</li><li>• 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.</li><li>• 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.</li><li>• Specify that BESS and consumer-scale BESS cannot project into setbacks, something that is allowed for other electrical equipment.</li><li>• Specify that BESS constitute utility development the purposes of landscaping requirements.</li></ul> <p>Additional information about the proposal can be found here: <a href="https://www.kingcounty.gov/depts/local-services/permits/public-notices.aspx">https://www.kingcounty.gov/depts/local-services/permits/public-notices.aspx</a></p>
<b>Proponent/Contact:</b>	<b>Jake Tracy, Principal Legislative Analyst</b> <b>King County Council</b> <b>516 3rd Ave Ste 1200</b> <b>Seattle, WA 98104</b> <b>206-263-0875</b> <b><a href="mailto:jtracy@kingcounty.gov">jtracy@kingcounty.gov</a></b>
<b>Location of Proposal:</b>	Unincorporated King County
<b>Lead Agency:</b>	King County Department of Local Services – Permitting Division
<b>Responsible Official:</b>	Robin Proebsting

**Position/Title:**  
**Address/Phone**

Legislative/Policy Analyst  
919 SW Grady Way, Suite 300 Renton, WA 98057  
206-848-0334  
rproebsting@kingcounty.gov

**Threshold Determination: Determination of Non-Significance (DNS)**

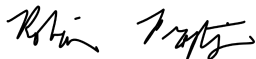
The responsible official finds that the above-described proposal does not pose a probable significant adverse impact to the environment. This finding is made pursuant to RCW 43.21C, KCC 20.44 and WAC 197-11, after reviewing the environmental checklist and other information on file with the lead agency, considering the extent to which the proposed action will cause adverse environmental effects in excess of those addressed by existing regulations, and considering mitigation measures which the agency or the proponent will implement as part of the proposal. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal and conclude the proposed action will not have a significant impact to current or continued use of the environment. THIS INFORMATION IS AVAILABLE TO THE PUBLIC ON REQUEST (for a nominal copying fee or by email).

THIS DETERMINATION OF NON-SIGNIFICANCE (DNS) is issued under Washington Administrative Code (WAC) 197-11-340(2). The lead agency will not act on this proposal until after **October 18, 2023**. Comments must be received by King County Department of Local Services – Permitting Division prior to **4:00 PM** on that date.

For additional information, please contact the proponent’s contact or the responsible official listed above.

**Address for comments:** 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](https://www.kingcounty.gov/council/committees/full_council.aspx).



\_\_\_\_\_  
Robin Proebsting, SEPA Official

9/27/2023

\_\_\_\_\_  
Date effective