

Planning Commission Meeting

September 2, 2026
6:00 PM



<http://www.bonneylake.gov/>

AGENDA

Location: Public Services Building, 21719 96th Street East, Buckley, WA 98321.

The public is invited to attend Planning Commission Meetings. Options for attending are provided below.

In-Person: Public Services Building, 21719 96th Street East, Buckley, WA 98321

By phone: 1-323-792-6234 (Meeting ID: 429 403 80#)

By internet: Chrome- [TEAMS Meeting Link](#) (Meeting ID: 247 573 653 546 49)

All public online cameras and microphones will be disabled except during citizen comments. Only staff and presenters will be visible and unmuted during the entire meeting.

I. Call to Order

II. Planning Commission Roll Call

Commissioner Grant Sulham, Commissioner Jessica Bennion, Commissioner Brad Doll, Commissioner Sara Hallstead, Commissioner Sarver, Commissioner Ernie Gilmer, and Commissioner Esdaille.

III. Next Meeting Poll - October 7, 2026

IV. Special Meeting Poll - September 23, September 30, October 14, or October 28, 2026

V. Approval of Minutes - August 5, 2026 Planning Commission Meeting Minutes

A. **Review of Draft Minutes:** August 05, 2026, Planning Commission Minutes

VI. Public Comments

Public comments can be made in-person, by phone or virtually during this portion of the meeting. Comments are limited to 5 minutes. All who comment will be asked to state their name for the meeting record.

VII. Public Hearings

Limited to 5 minutes for each speaker.

A. AB26-60 -

AB26-60 - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Regarding Local Amendments To The International Building Code And International Residential Code; Repealing Subsections 15.04.082.Q, 15.04.083.E, And 15.04.083.Q Of The Bonney Lake Municipal Code To Remove The Local Amendments For Residential Accessory Structures And Fire Separation Requirements Between Garages And Dwelling Units; Providing For Severability And Corrections; And Establishing An Effective Date.

VIII. Old / Continuing Business

IX. New Business

A. Energy Storage System (ESS) Facilities

X. For the Good of the Order

A. Correspondence

B. Staff Comments

C. Commissioner Comments

XI. Adjournment

Anything submitted at the Meeting will be added to the end of the packet the next day.

The City of Bonney Lake does not discriminate on the basis of disability, race, color, or national origin in its programs, services, or activities. If you need language assistance, translation, or an auxiliary aid, service, or policy modification to fully participate, please [email the City Clerk's Office](#) or call at 253-862-8062 (TTY 711) at least 5 business days before the event; later requests will be honored when feasible.

Planning Commission Meeting

August 5, 2026

6:00 PM

Minutes



<http://www.bonneylake.gov/>

I. Call to Order

Vice - Chair Bennion, called the meeting to order at 6:00 p.m.

II. Planning Commission Roll Call

Planning Commissioners attending were Chair Sulham, Vice-Chair Bennion, Commissioner Doll, Commissioner Gilmer, Commissioner Esdaille, and Commissioner Sarver.

Commissioner Doll moved to excuse Commissioner Hallstead. Commissioner Sarver seconded the motion.

Motion approved 4 – 0.

Staff members in attendance at the physical location were Public Services Director Jason Sullivan, and Planning Commission Clerk Kennedy Spietz.

III. Next Meeting Poll - September 2, 2026

There is a quorum for the September 2nd, 2026, Planning Commission meeting.

IV. Approval of Minutes - July 1, 2026 Planning Commission Meeting Minutes

A. **Review of Minutes:** June 3, 2026, Planning Commission Minutes.

Commissioner Doll moved to approve the minutes from the June 3rd, 2026, meeting were approved with minor corrections. Commissioner Sarver seconded.

Motion approved 4 – 0.

V. Public Comments

None.

VI. Public Hearings

A. AB26-60 -

AB26-60 - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Regarding Local Amendments To The International Building Code And International Residential Code; Repealing Subsections 15.04.082.Q, 15.04.083.E, And 15.04.083.Q Of The Bonney Lake Municipal Code To Remove The Local Amendments For Residential Accessory Structures And Fire Separation Requirements Between Garages And Dwelling Units; Providing For Severability And Corrections; And Establishing An Effective Date.

Public Services Director Sullivan presented and went over AB26-60.

Vice-Chair Bennion opened the Public Hearing at 6:03pm.

The Commission discussed and shared their concerns, including:

- Commissioner Sarver asked if the fire department's input was brought in.
- Vice-Chair Bennion informed the new commissioner's that the Fire Chief was at the last meeting, but that they had not discussed the sheetrock fire protection.
- Commissioner Esdaille asked for clarification on what exactly the double sheet rock applied too.
- Commissioner Doll likes the amendment and thinks it makes sense.
- Commissioner Esdaille asked about the requirements for windows in the garage.

Vice-Chair Bennion closed the Public Hearing at 6:13pm.

Commissioner Sulham moved to continue the Public Hearing on AB26-60 until the September 2nd, 2026, Planning Commission Meeting, at 6pm.
Commissioner Gilmer seconded the motion.

Motion approved 6 – 0.

VII. Old / Continuing Business

None.

VIII. New Business

None.

IX. For the Good of the Order

A. Correspondence

None.

B. Staff Comments

- Assistant Planner Spietz welcomed the new commissioners.

C. Commissioner Comments

- Commissioner Gilmer asked for the status of the Senior Center remodel.

X. Adjournment

At 6:25 p.m. Commissioner Doll moved to adjourn the meeting. Commissioner Esdaille seconded.

Motion approved 6 – 0.

Lauren Balisky, Development Services
Manager

Commissioner Grant Sulham, Chair

Note: Unless otherwise indicated, all documents submitted at meetings and workshops are added to the back of the packet the next day. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.

City of Bonney Lake, Washington
Planning Commission Agenda Bill (AB)

Agenda Bill Number:	AB26-60 -
Agenda Item Type:	Ordinance
Presenter:	Lauren Balisky, Development Services Manager
City Strategic Goal Category:	Economic Development Vision
Department/Division Submitting:	Public Services Staff
Impacted Departments That Received Notification:	Public Services

Full Title/Motion:

AB26-60 - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Regarding Local Amendments To The International Building Code And International Residential Code; Repealing Subsections 15.04.082.Q, 15.04.083.E, And 15.04.083.Q Of The Bonney Lake Municipal Code To Remove The Local Amendments For Residential Accessory Structures And Fire Separation Requirements Between Garages And Dwelling Units; Providing For Severability And Corrections; And Establishing An Effective Date.

Short Background Summary:

*** This public hearing is continued from the August 5, 2026, public hearing. ***

PURPOSE

The purpose of this item is to hold a public hearing on the proposed code amendments related to residential accessory structures and fire separation in garages. See Draft Ordinance (**Attachment A**) and Draft Findings (Ordinance Attachment A, **AB Attachment B**).

ORDER OF PUBLIC HEARING

1. Chair opens the public hearing.
 2. Brief presentation by staff.
 3. Public testimony.
 4. Commissioner questions.
 5. Chair closes or continues the public hearing.
 6. Commission action.
-

DISCUSSION

City Council requested that staff bring forward this amendment to the Bonney Lake Municipal Code (BLMC) to remove the additional requirements for residential accessory structures and for fire separation between garages and dwelling units that exceed the minimum requirements in Washington State law. This update:

- **Repeals [Subsection 15.04.082.Q BLMC](#)** (see **Attachment C**), which amends International Building Code (IBC) Section 406.3.2.1 related to fire separation between garages and dwelling units for certain occupancies.
- **Repeals [Subsection 15.04.083.E BLMC](#)** (see **Attachment C**), which amends the exemption in International Residential Code (IRC) Section R105.2 for residential accessory buildings.
- **Repeals [Subsection 15.04.083.Q BLMC](#)** (see **Attachment C**), which amends IRC Section R302.6 related to fire separation between garages and dwelling units for certain occupancies and refers the reader to BLMC 15.04.082.Q.

The language will revert to the IBC and IRC currently adopted under Washington State law (See **Attachment D**).

At the public hearing on August 5, 2026, the Chair held the hearing open to obtain clarification on whether the following portion of BLMC 15.04.082.Q is addressed elsewhere in the IBC or IRC: "... *No windows shall be permitted in the garage/house wall. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.*" Staff researched this question and found that:

- **[IBC Section 406.2.5](#)** and **[IRC Section R302.5.1](#)** prohibit openings from a garage to a room used for sleeping purposes.
- IBC Section 406.3.2.1 and IRC Section R302.6 (See **Attachment D**) effectively prohibit windows by only discussing doors as an option for openings between the garage to the dwelling unit.

PUBLIC COMMENT

The public was notified and invited to provide comments before or as part of the public hearing, either in writing or in person.

DEPARTMENT OF COMMERCE COMMENTS

The draft ordinance is not a "development regulation" as defined under **[Revised Code of Washington \(RCW\) 36.70A.030](#)**; therefore, the draft ordinance was not routed to Commerce for review as normally required under **[RCW 36.70A.106](#)**.

STATE ENVIRONMENTAL POLICY ACT (SEPA) REVIEW

The proposed amendment is statutorily exempt from a SEPA threshold determination under **[BLMC 16.08.025.C.4.a](#)**.

POTENTIAL MOTIONS

Adopt as presented:

I recommend that the City Council adopt Ordinance D26-60, repealing subsections 15.04.082.Q, 15.04.083.E, and 15.04.083.Q of the Bonney Lake Municipal Code as presented.

Adopt with amendments:

I recommend that the City Council adopt Ordinance D26-60, repealing subsections 15.04.082.Q, 15.04.083.E, and 15.04.083.Q of the Bonney Lake Municipal Code, with the following amendment(s): [*list amendments*].

Do not adopt:

I recommend that the City Council not adopt Ordinance D26-60 and instead leave subsections 15.04.082.Q, 15.04.083.E, and 15.04.083.Q of the Bonney Lake Municipal Code as existing.

TENTATIVE SCHEDULE

- ~~July 7, 2026 – CDC Discussion~~
- ~~August 5, 2026 – Planning Commission Public Hearing~~
- September 2, 2026 - Planning Commission Public Hearing (Continued)
- September 15, 2026 - City Council Decision

Budget Explanation:

N/A

Committee, Board, Commission, & Hearing Examiner Review

Name Of Committee/Commission/Examiner Meeting: Community Development Committee

Date of Committee/Commission/Examiner Meeting: 7/7/2026

Date of Committee/Commission Public Hearing: 8/5/2026

Committee/Commission/Examiner Meeting Decision: Proceed to the public hearing, then place the Planning Commission recommendation for a decision by Council on the consent agenda.

Council Action

Date of Council Workshop

Date of Council Meeting

Date of Council Public Hearing

8/18/2026

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, REGARDING LOCAL AMENDMENTS TO THE INTERNATIONAL BUILDING CODE AND INTERNATIONAL RESIDENTIAL CODE; REPEALING SUBSECTIONS 15.04.082.Q, 15.04.083.E, AND 15.04.083.Q OF THE BONNEY LAKE MUNICIPAL CODE TO REMOVE THE LOCAL AMENDMENTS FOR RESIDENTIAL ACCESSORY STRUCTURES AND FIRE SEPARATION REQUIREMENTS BETWEEN GARAGES AND DWELLING UNITS; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Washington State Building Code Act (GMA) codified as Chapter 19.27 of the Revised Code of Washington (RCW) requires the City of Bonney Lake adopt state building and fire construction codes; and

WHEREAS, one of the express purposes of Chapter 19.27 RCW is to require minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire and life safety; and

WHEREAS, the City Council wishes to remove the more restrictive requirements for residential accessory structures and fire separation requirements between garages and dwelling units from the Bonney Lake Municipal Code (BLMC); and

WHEREAS, the Public Services Director acting as the State Environmental Policy Act (SEPA) Responsible Official determined that the proposed amendment is statutorily exempt from threshold determination pursuant to BLMC 16.08.025.C.4.a; and

WHEREAS, the City provided public notice of the hearing as required by Bonney Lake Municipal Code (BLMC) 14.140.040; and

WHEREAS, the Planning Commission held a public hearing on August 5, 2026, as required by BLMC 14.140.080 and recommended that the City Council [recommendation], as required by BLMC 14.140.100; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of Facts and Conclusions. The findings of fact and conclusions attached as Attachment A are adopted in full by the City Council in support of its decision. The recitals listed above in this Ordinance are further adopted as legislative findings.

Section 2. **Repealed.** Subsection 15.04.082.Q of the Bonney Lake Municipal Code, Section 406.3.2.1 Separation, is hereby repealed in its entirety.

Section 3. **Repealed.** Subsection 15.04.083.E of the Bonney Lake Municipal Code, Section R105.2 Work Exempt from Permit – Building Item No. 1, is hereby repealed in its entirety.

Section 4. **Repealed.** Subsection 15.04.083.Q of the Bonney Lake Municipal Code, Section R302.6 Separation amended, is hereby repealed in its entirety.

Section 5. **Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. **Publication.** This Ordinance shall be published by an approved summary consisting of the title.

Section 7. **Corrections.** Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto. Provided, however, that nothing in this section allows the city attorney, the city clerk, and/or the code publisher to change the intent of this Ordinance.

Section 8. **Effective Date.** This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Bonney Lake and attested by the City Clerk in authentication of such passage on this ___ day of _____, 20__.

APPROVED by the Mayor this ___ day of _____, 20__.

Terry Carter, Mayor

AUTHENTICATED:

Sadie A. Schaneman, MMC, City Clerk

AB _____
Passed:
Valid:
Published:
Effective Date:
This Ordinance totals _____ page(s)

FINDINGS OF FACT AND CONCLUSIONS

Having considered in detail both the oral and documentary evidence received concerning the update to the City of Bonney Lake Municipal Code (BLMC), the Bonney Lake City Council now makes and adopts the following Findings of Fact and Conclusions:

FINDINGS OF FACT

Public Participation

- 1) The Bonney Lake City Council Community Development Committee held a public meeting to discuss the amendments on July 7, 2026.
- 2) The Bonney Lake Planning Commission held a public hearing August 5, 2026, and recommended that the City Council [recommendation].
- 3) The City issued an official notice of the public hearing on July 22, 2026, as required by BLMC 14.140.040(D).
- 4) The notice of public hearing provided a comment period, which concluded on August 5, 2026.
- 5) Notice of the hearing was also published in the newspaper on April 29, 2026, as required by BLMC 14.140.040(D).

State Environmental Policy Act

- 6) The amendments to the City's Development Code are considered a non-project action as defined in WAC 197-11-704(2)(b) under the State Environmental Policy Act (SEPA).
- 7) Pursuant to WAC 197-11-926, the City of Bonney Lake was designated as the lead agency for the SEPA review of the proposed amendments contained in this ordinance.
- 8) The Public Services Director acting as the SEPA Responsible Official determined that the proposed amendment is statutorily exempt from threshold determination pursuant to BLMC 16.08.025.C.4.a.

State Agency Review

- 9) Development regulations are defined as the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto pursuant to RCW 36.70A.030.

- 10) The proposed amendments are not a development regulation as defined under RCW 36.70A.030, and therefore the City did not submit any notice of intent to adopt the proposed ordinance to the Department of Commerce as otherwise required by RCW 36.70A.106.

Comprehensive Plan Policies

- 11) The City's comprehensive plan, *Envision Bonney Lake*, includes the following goals and policies in the Community Development Element:
- a. Goal CD-H-2 establishes the goal to "Encourage preservation and rehabilitation of the existing housing stock."
 - b. Policy CD-H-2.4 states that the City should "Encourage the rehabilitation and reuse, rather than demolition, of existing housing."
 - c. Goal CD-H-10 establishes the goal to "Take reasonable action to reduce barriers to meeting housing growth targets in development regulations and permit procedures."
 - d. Policy CD-H-10.2 states that the City should "Update development regulations as needed to keep the unit cost of new housing down while providing for a quality living environment for residents."
 - e. Policy CD-H-10.3 states that the City should "Analyze how amendments to development regulations and procedures may impact the cost to permit, construct, repair, and rehabilitate housing."
 - f. Goal CD-PR-1 establishes the goal to "Protect the property rights of landowners."
 - g. Policy CD-PR-1.2 states that the City should "Balance the responsibility to protect the community from the impacts associated with new residential and commercial development with the responsibility to protect property rights."
 - h. Goal CD-LU-6 establishes the goal to "Guide growth and development to ensure that it is orderly and efficient; leverage public investment to address the needs of the underserved areas; ensure the continued availability of infrastructure and public services; reduce adverse impacts on adjacent properties; and to protect the natural environment."
 - i. Policy CD-LU-6.2 states that the City should "Adopt and routinely update development regulations to direct growth, ensure sufficient opportunities for new development, maintain and improve Bonney Lake's quality of life, preserve and rehabilitate existing housing stock, mitigate nuisances, achieve compatibility

between adjacent properties and uses, and protect the health, safety and welfare of residents, workers, and visitors.”

Washington State Law

- 12) The amendments to the City’s Development Code comply with Washington state law, as follows:
 - a. The amendments allow for the continued application of public health, safety, building code, and environmental permitting requirements, consistent with Chapter 36.70A RCW.
 - b. The amendments allow for the continued application of building code requirements, consistent with Chapter 19.27 RCW.

CONCLUSIONS

Based upon the above findings the City Council adopts the following conclusions:

- 1) Notice of the public hearing for this matter has been conducted in accordance with City of Bonney Lake rules and regulations governing such matters for both the Planning Commission and the City Council (FINDINGS 1 – 5).
- 2) The City complied with the requirements to the State Environment Policy Act (Chapter 43.21C) and the implementing regulations found in Chapter 197-11 WAC and Title 16, Division I BLMC (FINDINGS 6 – 8).
- 3) The City was not required to comply with the requirements of RCW 36.70A.106 to notify the Department of Commerce of the City’s intent to adopt an amendment to the City’s development regulations (FINDINGS 9 – 10).
- 4) The proposed amendments are consistent with meet the approval criterion for amendments to a development regulation established in BLMC 14.140.090.B, as the proposed amendments are consistent with the goals and policies of the City’s adopted comprehensive plan, *Envision Bonney Lake*, and consistent with the laws of the State of Washington (FINDINGS 11 – 12).

Title 15. Buildings and Construction

Chapter 15.04. BUILDING CODES

§ 15.04.082. International Building Code amended.

The International Building Code as adopted by BLMC § **15.04.020** is hereby amended as follows:

A. Section 100.1 Title.

These regulations shall be known as the Building Code, hereinafter referred to as "this code."

B. Section 103.1 Creation of Enforcement Agency.

The Public Services Department shall be responsible for the enforcement of this code.

C. Section 104.3 Notice and Orders.

The building official shall issue necessary notice and order to ensure compliance with this code. Service of notice shall be given in the manner prescribed in BLMC § **14.130.050**.

D. Section 104.6 Right of entry.

Refer to BLMC § **14.130.060** regarding right of inspection.

E. Section 105.2 Work exempt from permit – Building item No. 1 is deleted in its entirety.

F. Section 105.2 Work exempt from permit – Building item No. 2.

Fences not over 6 feet (1,829 mm) in height.

G. Section 105.3.1 Action on application.

The building official shall examine or cause to be examined applications for permits and amendments after the complete application has been submitted to the City as determined by BLMC § **14.40.030**. If the application or construction documents do not conform to the requirements of this code and other pertinent regulations, the building official shall provide notice to the applicant stating the deficiencies. Once the building official determines that the proposed work conforms to this code and other pertinent regulations the building official shall issue a permit. Issuance of a permit shall occur within 120 days as calculated pursuant to BLMC § **14.10.070**, unless the applicant and City mutually agree to additional time to issue the permit.

H. Section 105.3.2 Time limitation of application.

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or the permit has been issued; except that the building official is authorized to grant a maximum of two extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

I. Section 105.6 entitled "Suspension or revocation" is deleted in its entirety.

J. Section 107.3.4.1 entitled "Deferred submittals" is deleted in its entirety.

K. Section 109.4 Work commencing before permit issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an Investigation Fee. An investigation fee in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code.

L. Section 111 Certificate of occupancy. The following is added to Section 111:

Section 111.5 Use and Occupancy.

No building or structure of Groups A, B, E, F, H, I, LC, M, R, or S occupancies shall be used or classification of a building or structure or portion thereof, shall be made until the building official has issued a Certificate of Occupancy as provided herein. A Certificate of Occupancy shall be issued only:

1. After compliance with applicable zoning regulations, concomitant agreement articles, construction permit conditions, conformity to the provisions of this code, and all relevant laws, ordinances, rules and regulations; and
2. Upon satisfactory repair of, or payment for, any damage to city property occurring in the course of work done under the provisions of this code; and
3. Electronic media documents of the as-built building has been received and approved by the City of Bonney Lake.

M. Section 111.3 Temporary Occupancy is deleted in its entirety.

N. Section 114 Violations.

Violations of this code shall be subject to the enforcement provisions of Chapter **14.130** BLMC.

O. Section 115 Stop Work Order.

Stop work orders shall be governed by BLMC § **14.130.070**.

P. Section 116 Unsafe structures and equipment.

The abatement of unsafe structures and equipment shall comply with the requirements of BLMC § **14.130.160**.

Q. Section 406.3.2.1 Separation.

Private residential garages attached to a dwelling unit shall be separated from the dwelling unit with one layer of 5/8 inch Type-X sheetrock on the garage side. This sheetrock shall be continuous from the foundation to roof sheathing, or on all walls and ceiling of the garage. When a dwelling unit is located above a garage, all walls and ceilings of the garage shall have minimum one layer of 5/8 inch Type-X sheetrock. When framing members are more than 16" on center two layers of 5/8 inch Type-X sheetrock shall be required. Sheetrock shall be nailed at seven (7) inches on center, on both edge and field with 6d two (2) inch nails. Openings such as doors and attic accesses shall be 1-3/8 inch solid core doors, or a twenty (20)-minute rated assembly and shall be self-closing and self-latching. Penetrations shall be steel, ferrous or copper pipes, or steel conduit, or one-hour listed assemblies. No windows shall be permitted in the garage/house wall. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

R. Section 508.1 General.

508.1 General.

Each portion of a building shall be individually classified in accordance with Section 302.1. Where a building contains more than one occupancy group, the building or portion thereof shall comply with the applicable provisions of Section 508.2, 508.3, 508.4 or 508.5, or a combination of these sections.

Exceptions:

1. Occupancies separated in accordance with Section 510.
2. Where required by Table 415.6.5, areas of Group H-1, H-2 and H-3 occupancies shall be located in a detached building or structure.
3. When a child day care center, as defined in BLMC § **18.04.030**, is operated in a dedicated space within an existing building that has more than one use, the building official must calculate the occupancy load of the child day care center based only on the areas in the building where the child day care services are provided.

(Ord. 1035 § 6, 2004; Ord. 1462 § 3, 2013; Ord. 1643 § 7, 2020; Ord. 1745, 12/9/2025)

§ 15.04.083. International Residential Code amended.

The International Residential Code, as adopted by BLMC § **15.04.020**, is hereby amended as follows:

A. Section R100.1 Title.

These regulations shall be known as the Residential Building Code, hereinafter referred to as "this code."

B. Section R103.1 Creation of Enforcement Agency.

The Public Services Department shall be responsible for the enforcement of this code.

C. Section R104.3 Notice and Orders.

The building official shall issue necessary notice and order to ensure compliance with this code. Service of notice shall be given in the manner prescribed in BLMC § **14.130.050**.

D. Section R104.6 Right of entry.

Refer to BLMC § **14.130.060** regarding right of inspection.

E. Section R105.2 Work Exempt from Permit – Building Item No. 1.

One-story detached structures accessory to a residence used as tool and storage sheds, playhouses and similar uses, shall not require a permit provided the projected roof area does not exceed 120 square feet and complies all with required setbacks.

F. Section R105.2 Work Exempt from Permit – Building Item No. 2.

Fences not over 6 feet (1,829 mm) in height.

G. Section R105.3.1 Action on application.

See BLMC § **15.04.082(G)**.

H. Section R105.3.2 Time limitation of application.

See BLMC § **15.04.082(H)**.

I. Section R105.6 entitled "Suspension or revocation" is deleted in its entirety.

J. Section R106.1 Submittal documents. The following is added to Section R106.1:

Section R106.1.5 Revisions to approved plans are to be submitted and approved three days prior to calling for frame inspection.

K. Section R106.2 Site plan or plot plan. The following is added to Section R106.2:

Section R106.2.1. Sites with slopes greater than fifteen percent (15%) shall indicate slope on the site plan with topography lines in two (2) foot increments.

L. Section R106.3.3 is deleted in its entirety.

M. Section R108.6 Work commencing before permit issuance.

See BLMC § **15.04.082(K)**.

N. Section R111.3 is deleted in its entirety.

O. Section R113 Violations.

Violations of this code shall be subject to the enforcement provisions of Chapter **14.130** BLMC.

P. Section R114 Stop Work Order.

Stop work orders shall be governed by BLMC § **14.130.070**.

Q. Section R302.6 Separation amended.

See BLMC § **15.04.082(Q)**.

R. Section R319.1 Address identification.

Approved addresses assigned by the City consistent with the standards of Chapter **15.32** BLMC shall be provided for all buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Addresses numbers shall be Arabic numbers or alphabetical letters a minimum of 4 inches in height, with a 1 inch minimum stroke and have a highly contrasting background. Numbers shall not be spelled out. Where required by the Fire Official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by the means of a panhandle lot or access easement/tract that does not have a street number and the building address is not visible from the public right-of-way, a monument, pole, other sign, or means containing the building address shall be used in addition to the address attached to the building.

(Ord. 1035 § 7, 2004; Ord. 1066 § 1, 2004; Ord. 1358 § 3, 2010; Ord. 1462 § 4, 2013; Ord. 1643 § 8, 2020; Ord. 1686 § 10, 2023)

2021 Washington State Building Code

CHAPTER 4 SPECIAL DETAILED REQUIREMENTS BASED ON OCCUPANCY AND USE

406.3.2.1 Dwelling unit separation.

The *private garage* shall be separated from the *dwelling unit* and its *attic* area by means of *gypsum board*, not less than $\frac{1}{2}$ inch (12.7 mm) in thickness, applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a $\frac{5}{8}$ -inch (15.9 mm) Type X *gypsum board* or equivalent and $\frac{1}{2}$ -inch (12.7 mm) *gypsum board* applied to structures supporting the separation from habitable rooms above the garage. Door openings between a *private garage* and the *dwelling unit* shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than $1\frac{3}{8}$ inches (34.9 mm) in thickness, or doors in compliance with [Section 716.2.2.1](#) with a *fire protection rating* of not less than 20 minutes. Doors shall be *self-closing* and self-latching.

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2021 Washington State Residential Code

CHAPTER 1 SCOPE AND ADMINISTRATION

R105.2 Work exempt from permit.

Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction*. *Permits* shall not be required for the following:

Building:

1. Other than storm shelters, one-story detached accessory structures, provided that the floor area does not exceed 200 square feet (18.58 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

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2021 Washington State Residential Code

CHAPTER 3 BUILDING PLANNING

R302.6 Dwelling-garage fire separation.

The garage shall be separated as required by Table R302.6. Openings in garage walls shall comply with Section R302.5. Attachment of gypsum board shall comply with Table R702.3.5. The wall separation provisions of Table R302.6 shall not apply to garage walls that are perpendicular to the adjacent *dwelling unit* wall.

TABLE R302.6
DWELLING-GARAGE SEPARATION

SEPARATION	MATERIAL
From the residence and attics	Not less than 1/2-inch gypsum board or equivalent applied to the garage side
From habitable rooms above the garage	Not less than 5/8-inch Type X gypsum board or equivalent
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	Not less than 1/2-inch gypsum board or equivalent
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than 1/2-inch gypsum board or equivalent applied to the interior side of exterior walls that are within this area

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

City of Bonney Lake, Washington
Planning Commission Agenda Bill (AB)

Agenda Bill Number:

Agenda Item Type:

Ordinance

Presenter:

Lauren Balisky, Development Services
Manager

City Strategic Goal Category:

Growth Vision
Water Resource Vision

Department/Division Submitting:

Public Services Staff

**Impacted Departments That Received
Notification:**

Police Department
Public Services
Executive

Full Title/Motion: Energy Storage System (ESS) Facilities

Short Background Summary:

PURPOSE

The purpose of this item is to brief the Planning Commission on the proposed permanent energy storage system (ESS) regulations in the Bonney Lake Municipal Code (BLMC) to replace the moratorium that was adopted and is effective on April 14, 2026. City staff is requesting initial review and comment on the draft Ordinance (see **Attachment A**).

DISCUSSION

On April 14, 2026, City Council adopted a temporary 6-Month Moratorium on the acceptance of applications for new Battery Energy Storage System (BESS) facilities, and on May 19, 2026, City Council held a public hearing on the same and took no action. The current moratorium is set to lapse on October 14, 2026. The City Council must either adopt a permanent ordinance by that date, extend the moratorium by holding a new public hearing and adopting a work plan, or allow the moratorium to lapse by that date.

Staff met with the Community Development Committee on July 7, 2026, and was directed to prepare a permanent ordinance that prohibits utility-scale facilities throughout the city.

The ordinance:

- Adds a definition for "electrochemical energy storage system (EESS)" referencing the definition in the adopted [International Fire Code](#) in [Chapter 13.12 BLMC](#) (sewerage system regulations) and [Chapter 13.18 BLMC](#) (recodified stormwater management chapter; please note that as of the date of this packet, the chapter has not yet been updated in the online municipal code).
-

- Updates the definition of industrial waste in the sewer regulations to include wastewater from EESS systems.
- Adds a new section for how to prevent contamination from EESS in the sewer system.
- Adds alphanumeric numbering to the definitions section in Chapter 13.18 BLMC and updates the definition of "pollutant" to include waste from EESS and batteries.
- Updates the illicit discharge section to specifically address discharges from batteries and EESS.
- Adds new definitions to the zoning regulations in [Chapter 18.04 BLMC](#) for ESS and various types of EESS, including residential, non-residential, and utility-scale.
- Updates the land use matrix in [BLMC 18.08.020](#) to add residential, mobile utility-scale, and non-residential EESS as permitted accessory uses.
- Adds a new section BLMC 18.08.070 addressing location and development criteria for EESS. For a map of parcels within the one-year and five-year time-of-travel to a wellhead, see **Attachment B**.
- Updates [BLMC 18.22.050](#) to clarify that stationary utility-scale EESS is prohibited in residential zoning districts.
- Repeals the moratorium and establishes an immediate effective date.

STAFF AND PARTNER AGENCY REVIEW

A copy of this ordinance was sent to impacted staff in Public Works, Engineering, Police, and Emergency Management, as well as to East Pierce Fire & Rescue and to the City of Sumner for review. Minor clarifications were received from Public Works and Emergency Management and incorporated into this draft. Police had no comment. Staff is still waiting for final comment from the other impacted staff and partner agencies, and will update the draft prior to the public hearing if needed.

ATTORNEY REVIEW

The City Attorney completed the review of the draft ordinance on August 21, 2026.

PUBLIC COMMENT

The public will be notified and invited to provide comments as part of the public hearing, either in writing or in person.

DEPARTMENT OF COMMERCE COMMENTS

The draft ordinance contains "development regulations" as defined under [Revised Code of Washington \(RCW\) 36.70A.030](#); therefore, the draft ordinance was routed to Commerce for review on August 14, 2026, as required under [RCW 36.70A.106](#).

STATE ENVIRONMENTAL POLICY ACT (SEPA) REVIEW

The proposed amendment will be evaluated under SEPA.

PREVIOUS MEETING MATERIALS

- [April 14, 2026, City Council Meeting Materials](#)
-

- [May 19, 2026, City Council Meeting Materials](#)
- [July 7, 2026, Community Development Committee Meeting Materials](#)

TENTATIVE SCHEDULE

- September 1, 2026 - CDC Discussion
- September 2, 2026 - Planning Commission Discussion
- October 7, 2026 - Planning Commission Public Hearing
- October 13, 2026 - City Council Decision

Budget Explanation:

N/A

Committee, Board, Commission, & Hearing Examiner Review

Name Of Committee/Commission/Examiner Meeting: Community Development Committee

Date of Committee/Commission/Examiner Meeting: 9/1/2026

Date of Committee/Commission Public Hearing: 10/7/2026

Committee/Commission/Examiner Meeting Decision:

Council Action

Date of Council Workshop

Date of Council Meeting

Date of Council Public Hearing

10/13/2026

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, REGARDING ENERGY STORAGE SYSTEM (ESS) FACILITIES; AMENDING SECTIONS 13.12.010, 13.12.325, 13.18.020, 13.18.080, 18.04.050, 18.08.020, AND 18.22.050 OF THE BONNEY LAKE MUNICIPAL CODE (BLMC) FOR THE PURPOSE OF REGULATING ESS; ADDING A NEW SECTION 18.08.070 BLMC FOR THE PURPOSE OF REGULATING ESS; PROVIDING FOR SEVERABILITY AND CORRECTIONS; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Energy Storage Systems (ESS), including Electrochemical Energy Storage Systems (EESS) facilities such as Battery Energy Storage System (BESS) facilities, are installations designed to store electrical energy for later use, typically consisting of batteries, power conversion systems, and control equipment; and

WHEREAS, the primary function of EESS facilities is to store excess electricity generated during periods of low demand or high renewable energy production, such as from solar or wind sources; and

WHEREAS, this stored energy can then be discharged when demand is high or when renewable energy generation is low, helping to stabilize the electrical grid and improve overall energy reliability; and

WHEREAS, EESS facilities can also have significant and serious risks, such as thermal runaway situations, fires, explosions, and the release of toxic gases therefrom, as well as noise and low-frequency noise impacts, groundwater impacts, water supply impacts, and impacts to wildlife; and

WHEREAS, EESS facilities may be small and used on a consumer scale for single-family residences or may be large and used on a commercial or utility scale. EESS facilities can take on a variety of designs based on the number of battery modules and the type of batteries used (e.g. lithium-ion, lithium iron phosphate, nickel-cadmium, sodium-sulfur); and

WHEREAS, the City's development regulations, and specifically the definition of "public utility" in BLMC 14.10.030.X and the permitted and conditional uses provided in BLMC 18.08.020, have not been updated to reflect recent technological changes and business models in the energy storage and electric utility industry such as ESS or supporting infrastructure, but are understood to include public regional utility agencies such as Puget Sound Energy (PSE) that provide public electricity services and infrastructure; and

WHEREAS, applying these outdated regulations in Title 18 BLMC to new technologies and business models could lead to approval of EESS facility projects that are undesirable, unsafe, and/or inconsistent with long-term planning goals and objectives of the City, particularly when the existing regulations have not been reviewed and updated for best practices nor reconsidered in light of technological changes and potential effects such facilities have on surrounding areas and community resources; and

WHEREAS, the Bonney Lake City Council adopted a six-month moratorium under Ordinance No. 1754 on April 14, 2026, on siting BESS facilities; and

WHEREAS, to promote public health, safety, and welfare, the City Council deems it necessary and proper to adopt permanent regulations for land use and development permit applications related to EESS facilities; and

WHEREAS, copies of these proposed amendments were filed with the Washington State Department of Commerce on August 14, 2026, not less than sixty days prior to final action, pursuant to RCW 36.70A.106 and WAC 365-196-630; and

WHEREAS, the Public Services Director acting as the State Environmental Policy Act (SEPA) Responsible Official determined the proposal will not have a probable significant adverse impact on the environment, and an environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c) and issued a [determination type] on [Month Day, Year], with a comment period through [Month Day, Year]. This DNS was [appeal status] and the decision [decision status]; and

WHEREAS, the City provided public notice of the hearing as required by Bonney Lake Municipal Code (BLMC) 14.140.040; and

WHEREAS, the Planning Commission held a public hearing on [Month Day, Year], as required by BLMC 14.140.080 and recommended that the City Council [recommendation], as required by BLMC 14.140.100; and

WHEREAS, on [Month Day, Year], City Council held a meeting to consider the Planning Commission recommendation;

WHEREAS, unless it is renewed the moratorium enacted under Ordinance No. 1754 is set to expire on October 14, 2026; and

WHEREAS, the potential adverse impacts on public health, property, safety and welfare of the City and its citizens if this ordinance does not take effect immediately, justifies the declaration of an emergency and the designation of this ordinance as a public health emergency ordinance necessary for the protection of the public health, public safety, public property, or the public peace by the Council; and

WHEREAS, Council finds that the enactment of this ordinance constitutes an emergency due to the need to prevent the community detriment that would occur by allowing an EESS facility proposal to vest under the current land use regulations; and

WHEREAS, RCW 35A.13.190 permits an ordinance to become effective immediately but requires that it must be passed by a majority plus one of the whole membership of Council to have such an effect; and

WHEREAS, the regulations adopted herein promote the public good and are necessary for the protection of public health, property, safety, and welfare. A public emergency exists requiring that this ordinance take effect immediately upon adoption.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of Facts and Conclusions. The findings of fact and conclusions attached as Attachment A are adopted in full by the City Council in support of its decision. The recitals listed above in this Ordinance are further adopted as legislative findings.

Section 2. Amendment. One new definition is added to Subsection “E” of Section 13.12.010 of the Bonney Lake Municipal Code and the definition for “Industrial Waste” in Subsection “I.2” of Section 13.12.010 of the Bonney Lake Municipal Code is amended to read as follows:

13.12.010 Definitions.

...

E. “E”.

~~Reserved.~~

1. “Electrochemical Energy Storage System” or “EESS” means an “energy storage system, electrochemical” as defined in the International Fire Code, adopted in Chapter 15.04 BLMC, and any amendments thereto.

...

I. “I.”

...

2. “Industrial waste” means that portion of wastewater emanating from an industrial user which is not domestic waste or waste from sanitary

Commented [LB1]: Link to: [2021 International Fire Code Definitions](#)

Commented [LB2]: Updated to specifically include wastewater from EESS.

conveniences. “Industrial waste” includes wastewater from Electrochemical Energy Storage System facilities.

...

Section 3. **New Section.** A new Section 13.12.325 is hereby added to the Bonney Lake Municipal Code to read as follows:

13.12.325 Electrochemical energy storage system contamination prevention requirements.

Industrial waste discharged from electrochemical energy storage systems has a reasonable potential for adversely affecting the sewage treatment plant's operation and will result in violations of the pretreatment standards and/or requirements. Therefore, an electrochemical energy storage system shall be classified as a Significant Industrial User (SIU) and shall be regulated as set forth in Chapter 13.14 BLMC. The SIU shall comply with all applicable requirements therein for normal operation. Any discharge resulting any failure of the electrochemical energy storage system, including industrial waste discharged as a result of emergency firefighting activity, shall be prohibited as an illicit discharge under Chapter 13.14 BLMC.

Section 4. **Amendment.** Section 13.18.020 of the Bonney Lake Municipal Code is amended to read as follows:

13.18.020 Definitions.

A. “A”.

1. “AKART” means all known available and reasonable methods of prevention, control, and treatment.

B. “B”.

1. “Best management practice” or “BMP” means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

C. “C”.

Commented [LB3]: New section added to clarify how EESS will be treated for the purpose of sewer pre-treatment review and requirements for installation.

Commented [LB4]: Renumbered for clarity.

Reserved.

D. “D”.

Reserved.

E. “E”.

1. “Electrochemical Energy Storage System” or “EESS” means an “energy storage system, electrochemical” as defined in the International Fire Code, adopted in Chapter 15.04 BLMC, and any amendments thereto.

Commented [LB5]: Link to: [2021 International Fire Code Definitions](#)

F. “F”.

Reserved.

G. “G”.

Reserved.

H. “H”.

1. “Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

- ~~D.~~ 2. “Hyperchlorinated” means water that contains more than 10 mg/liter chlorine.

I. “I”.

- ~~E.~~ 1. “Illicit connection” means any human-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

J. “J”.

Reserved.

K. “K”.

Reserved.

L. "L".

Reserved.

M. "M".

- F. 1. "Municipal separate storm sewer system (MS4)" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
- ~~1.~~ a. Owned and operated by the city of Bonney Lake;
 - ~~2.~~ b. Designed or used for collecting or conveying stormwater;
 - ~~3.~~ c. Which is not part of a publicly owned treatment works (POTW). "POTW" means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned; and
 - ~~4.~~ d. Which is not a combined sewer. "Combined sewer" means a system that collects sanitary sewage and stormwater in a single sewer system.

N. "N".

- ~~G.~~ 1. "Non-stormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.

O. "O".

Reserved.

P. "P".

- ~~H.~~ 1. "Person" means any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner of the premises or an owner's agent.
- I. 2. "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to:
- a. Paints ~~paints~~, varnishes, and solvents;

Commented [LB6]: Converted from paragraph to list form for clarity.

- b. Oil ~~oil~~ and other automotive fluids;
 - c. Nonhazardous ~~nonhazardous~~ liquid and solid wastes and yard wastes;
 - d. Refuse ~~refuse~~, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution;
 - e. Floatables ~~floatables~~;
 - f. Pesticides ~~pesticides~~, herbicides, and fertilizers;
 - g. Hazardous ~~hazardous~~ substances and wastes;
 - h. Sewage ~~sewage~~, fecal coliform and pathogens;
 - i. Dissolved ~~dissolved~~ and particulate metals;
 - j. Animal ~~animal~~ wastes;
 - k. Wastes ~~wastes~~ and residues that result from constructing a building or structure; and
 - l. Industrial waste discharged from an electrochemical energy storage system, including waste discharged as a result of system failure or emergency firefighting activity;
 - m. Noxious ~~noxious~~ or offensive matter or any kind.
- J. 3. "Premises" means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

Q. "Q".

Reserved.

R. "R".

Reserved.

S. "S".

- K. 1. "Source control inventory" means an inventory that identifies publicly and privately owned institutional, commercial, and industrial sites which have the potential to generate pollutants to the MS4 and shall include: (1)

Commented [LB7]: Updated to specifically include discharge from EESS.

businesses and/or sites identified based on the presence of activities that are pollutant generating, and (2) other pollutant generating sources, based on complaint response, such as home-based businesses and multifamily sites.

~~L.~~ 2. “Stormwater” means runoff during and following precipitation or snowmelt events, including surface runoff and drainage.

~~M.~~ 3. “Stormwater drainage systems” means publicly owned facilities, including the city’s municipal separate storm sewer system, by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention or detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

~~N.~~ 4. “Stormwater facility” means a constructed component of a stormwater drainage system, designed or constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catchbasins, oil/water separators, sediment basins and modular pavement. Stormwater facilities are described in the manual.

~~O.~~ 5. “Stormwater management manual” or “manual” means the manual adopted by reference and prepared by Pierce County that contains BMPs to prevent or reduce pollution. The stormwater management manual contains BMPs to prevent or reduce pollution and also includes maintenance provisions for all BMPs.

~~P.~~ 6. “Stormwater pollution prevention plan” means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

T. “T”.

Reserved.

U. “U”.

Reserved.

V. “V”.

Reserved.

W. "W".

Reserved.

X. "X".

Reserved.

Y. "Y".

Reserved.

Z. "Z".

Reserved.

Section 5. **Amendment.** Subsection "A.9" of Section 13.18.080 of the Bonney Lake Municipal Code is amended to read as follows:

13.18.080 Illicit discharges and connections.

A. Prohibited Discharges. No person shall throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain or otherwise discharge into the municipal storm drain system and/or surface and groundwaters any materials other than stormwater. Prohibited contaminants include but are not limited to the following:

...

9. Batteries and discharges from batteries and electrochemical energy storage systems, including waste discharged as a result of system failure or emergency firefighting activity.

...

B. Allowable Discharges. The following types of discharges shall not be considered illegal discharges for the purposes of this chapter unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater: diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, water from foundation drains, air conditioning condensation, irrigation water from agricultural sources that is commingled with urban stormwater, water from springs, uncontaminated water from crawl space pumps, water from footing drains, water from flows

Commented [LB8]: Updated to specifically include discharge from EESS.

from riparian habitats and wetlands, and discharges from emergency fire fighting activities, excluding discharges from emergency firefighting activities associated with batteries and electrochemical energy storage systems.

Commented [LB9]: Updated to specifically exclude discharge from EESS.

....

Section 6. Amendment. Five new definitions are hereby added to Section 18.04.050 of the Bonney Lake Municipal Code to read as follows:

18.04.050 “E”.

Commented [LB10]: Link to: [2021 International Fire Code Definitions](#)

...

“Electrochemical Energy Storage System” or “EESS” means an “energy storage system, electrochemical” as defined in the International Fire Code, adopted in Chapter 15.04 BLMC, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

“Electrochemical Energy Storage System, Residential” means an EESS installed as fixed or stationary electrical equipment in a permanent location on a lot containing a single-family dwelling, townhouse, duplex, and/or accessory dwelling unit(s) for use on that lot.

“Electrochemical Energy Storage System, Non-Residential” means an EESS installed as fixed or stationary electrical equipment in a permanent location on a lot or lots under common ownership containing multi-family, commercial, industrial, public utility facility, or other uses for use on that lot or lots.

“Electrochemical Energy Storage System, Utility-Scale” means a mobile or stationary EESS installed in any combination of electrochemical storage batteries, battery chargers, controls, power conditioning systems, associated electrical equipment, or other components, interconnected with the electrical distribution system of a public utility provider and where the public utility provider has direct or indirect control over the installation.

“Energy Storage System” or “ESS” means an “energy storage system” as defined in the International Fire Code, adopted in Chapter 15.04 BLMC.

....

Section 7. Amendment. The “Communication and Utilities” Subsection of the “Land Use Matrix” in Section 18.08.020 of the Bonney Lake Municipal Code is amended to read as follows:

18.08.020 Land use matrix.

Zone Use	2017 NAICS Code(s)	RC-5	R-1	R-3	C-2	E	MC	DC	DM	PF
...										
Communication and Utilities										
EESS, Residential ^[30]	N/A	A	A	A	A	A	A	A	A	A
EESS, Mobile Utility-Scale ^[30]	N/A									A
EESS, Non-Residential ^[30]	N/A	A	A	A	A	A	A	A	A	A
Public utility facility	N/A	P ^[16]	P ^[16]	P ^[16]	P	P	P	P	P	P
WCF microcell	N/A	P	P	P	P	P	P	P	P	P
WCF mini	N/A				P	P	P	P	P	P
WCF macro	N/A				P	P	P	P	P	P
WCF monopole I	N/A	C	C	C	C	C	C	C	C	C
WCF monopole II and lattice tower	N/A				C	C	C	C	C	C
WCF small cell	N/A	P	P	P	P	P	P	P	P	P
....										

The paragraphs listed below contain specific limitations that correspond with the bracketed [] superscript note numbers from land use matrix:

...

^[30] Subject to compliance with BLMC 18.08.070.

Section 8. New Section. A new Section 18.08.070 is hereby added to the Bonney Lake Municipal Code to read as follows:

18.08.070 Electrochemical energy storage systems.

- A. **This** section shall apply to all new electrochemical energy storage systems (EESS) in all zoning districts, and modifications to, or replacements of, an existing EESS that increases the total energy storage or power rating.
- B. Stationary Utility-Scale EESS is prohibited in all zoning districts.
- C. Development Standards. The following standards shall be applicable to the installation of all other EESS:
 1. Location.
 - a. All EESS shall be located at least 5 feet from all property lines and should be positioned on the site to maximize the distance from combustible vegetation or other combustible materials.

Commented [LB11]: Applicable to new and expanded EESS.

- b. **Non-Residential** EESS is prohibited on any lot that contains a six-month, one-year, or five-year time-of-travel to the approved public drinking water source of a Class A or Class B water purveyor, in accordance with WAC 246-290-135.
 - c. **Mobile** Utility-Scale EESS may be used at any lot owned by a public utility provider in the Public Facilities (PF) zoning district during a proclaimed state of emergency, at either a local or state level. In the event the emergency exceeds the time limitations for a mobile EESS in the International Fire Code, as adopted in Chapter 15.04 BLMC, the public utility provider may operate the mobile EESS for additional time with a temporary use permit, as authorized under Chapter 14.100 BLMC.
- 2. Maximum system size.
 - a. **The** total aggregate rating of a Residential EESS shall not exceed the quantities listed in the International Residential Code, as adopted in Chapter 15.04 BLMC, provided that an individual dwelling unit shall not exceed a total aggregate rating of 80 kWh.
 - b. **The** maximum allowable quantity of Non-Residential EESS shall not exceed the quantities listed in the International Fire Code, as adopted in Chapter 15.04 BLMC, provided that for technologies where the maximum allowable quantity is listed as “unlimited” the maximum allowable quantity shall be 600 kWh.
- 3. Compliance with construction codes required.
 - a. **Permits** required. All Residential, Commercial, and Mobile Utility-Scale EESS shall comply with the applicable requirements for ESS in the International Building Code, International Residential Code, International Fire Code, and NFPA 855, as adopted in Chapter 15.04 BLMC, including obtaining a building permit for stationary EESS and a fire operational permit for all EESS.
 - b. **Decommissioning** plan. In addition to the requirements of the International Fire Code and WAC 51-54A-1207, the applicant shall submit a decommissioning plan, to be implemented upon abandonment and/or in conjunction with removal of the EESS. The decommissioning plan shall include:
 - i. The anticipated life of the components of the EESS;

Commented [LB12]: Discussion: Prohibit for residential and non-residential? See Time of Travel Map for potentially impacted properties.

Commented [LB13]: Mobile utility-scale EESS may be used during a declared emergency. Requires fire operational permitting under the IFC. [Chapter 14.100 BLMC](#) already allows for temporary use permits for emergency responses.

Commented [LB14]: Link to: [2021 International Residential Code Section R328](#). See subsection R328.5 for limitations on installations based on location.

Commented [LB15]: Link to: [2021 International Fire Code Section 1207](#). See Table 1207.5 for limitations on installations based on technology type.

Commented [LB16]: A building and fire operational permit are already required by the International Residential Code, International Building Code, and International Fire Code.

Commented [LB17]: Clarifies the requirements for a decommissioning plan already required in the International Fire Code.

- ii. The estimated decommissioning costs and how said estimate was determined;
 - iii. The method of ensuring that funds will be available for decommissioning and restoration of the site; and
 - iv. The method by which the decommissioning cost will be kept current.
 - c. Hold harmless. Every fire operational permit for a Non-Residential EESS or Mobile Utility-Scale EESS shall provide that the permittee agrees to fully defend, indemnify, and hold harmless the City against all claims, losses, or liabilities arising out of, or in connection with, intentional or negligent acts, errors, or omissions of the permittee, its agents, employees and/or business invitees in the course of enjoyment of the permit privileges granted under this development code.
 - d. **Signage.** All Non-Residential EESS shall have signage posted that:
 - i. Includes the type of technology associated with the EESS, any special hazards associated, the type of suppression system installed in the area of the EESS, and 24-hour emergency contact information, including a phone number.
 - ii. Contains disconnect and other emergency shutoff information, clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed on the face of the EESS.
 - e. **Electrical** permit required. EESS may require an electrical permit from the Washington State Department of Labor & Industries. A copy of the approved electrical permit or documentation that an electrical permit is not required shall be submitted to the city prior to final approval of the issued building permit.
4. **Notification** to fire chief. Copies of EESS fire operational permits, including all approved application materials, shall be transmitted to the fire chief or designee for pre-fire planning purposes.
5. **Compliance** with noise standards required. The one-hour average noise generated from EESS systems, components, and associated ancillary equipment shall not exceed noise levels established in Chapter 9.07 BLMC, as measured at the outside wall of any non-participating dwelling unit. 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

Commented [LB18]: Signage is required under the National Electric Code, as administered by the Washington State Department of Labor & Industries. Reaffirms the requirement for safety signage.

Commented [LB19]: An electrical permit is required under the National Electric Code, as administered by the Washington State Department of Labor & Industries on behalf of Bonney Lake. Reaffirms the requirement to obtain and pass final approval for an electrical permit.

Commented [LB20]: Provides a copy of the approved permit to East Pierce Fire & Rescue to help ensure firefighters can safely respond to an EESS emergency.

Commented [LB21]: Reaffirms requirement for compliance with the minimum noise standards.

number of sampled locations at the perimeter of the lot the EESS is located on to demonstrate compliance with this standard.

6. **Ownership** changes. If the owner of any EESS changes or the owner of the property changes, the fire operational permit shall remain in effect, provided that the successor owner or operator assumes in writing all obligations of the permit and decommissioning plan.

Commented [LB22]: Requires notice to the City if the owner changes.

The new owner of the EESS shall notify the director of such change in ownership or operator in writing within 30 days of the ownership change. In addition, the new owner shall be required to update the signage required in 3.d.i above within 60 days of the ownership change. All local approvals for the EESS shall be void if a new owner or operator fails to provide written notification within the required timeframe. Reinstatement of a void permit shall be subject to the same review and approval processes for new Residential or Non-Residential EESS.

7. **Notice** on title. The property owner of a Residential or Non-Residential EESS shall sign a covenant documenting the existence of a lawfully permitted EESS and any conditions of the building and fire operational permits, agreeing to those conditions and the other requirements of this section, which shall be recorded on the property title with the Pierce County auditor. The permittee is responsible for recording the document with the Pierce County auditor and providing a conformed copy to the city. The form of the covenant shall be specified by the director.

Commented [LB23]: Requires notice on title to ensure prospective buyers are aware of requirements associated with the EESS.

Section 9. Amendment. Section 18.22.050 of the Bonney Lake Municipal Code is amended to read as follows:

18.22.050 Public utility facilities.

The following requirements apply to all public utility uses hereafter established as a permitted or accessory use in a residential zone:

- A. The facilities relate directly to the distribution of services and do not include offices, warehouses, stationary utility-scale EESS, storage or service yards or similar use.
- B. The site shall be landscaped consistent with the surrounding residential area.
- C. Fences or hedges placed on property lines or so close thereto so as to require entry onto adjoining property for maintenance shall require written approval by the affected property owner, said approval to be filed with the city engineer.

Commented [LB24]: Updated to specifically exclude stationary utility-scale EESS in residential zones.

Section 10. Repeal of Moratorium. The Moratorium which was imposed under Ordinance No. 1754 is terminated upon the effective date of this Ordinance.

Section 11. Direction to Clerk. The City Clerk is directed to maintain one copy of this Ordinance and one copy of each of the statutes, regulations, or standards referenced herein on file at the City Clerk's office for use and examination by the public during regular business hours.

Section 12. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 13. Publication. This Ordinance shall be published by an approved summary consisting of the summary attached to this Ordinance.

Section 14. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto. Provided, however, that nothing in this section allows the city attorney, the city clerk, and/or the code publisher to change the intent of this Ordinance.

Section 15. Effective Date. The City Council hereby declares an emergency exists which necessitates that this Ordinance take effect immediately upon passage. Such declaration preserves public health, safety, and welfare. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

ADOPTED by the City Council of the City of Bonney Lake and attested by the City Clerk in authentication of such passage on this ____ day of _____, 20__.

APPROVED by the Mayor this ____ day of _____, 20__.

Terry Carter, Mayor

AUTHENTICATED:

Sadie A. Schaneman, MMC, City Clerk

AB _____
Passed: _____
Valid: _____
Published: _____
Effective Date: _____
This Ordinance totals ____ page(s)

