

ORDINANCE NO. 1322

AN ORDINANCE OF THE CITY OF SNOQUALMIE ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR LAND USE AND BUILDING PERMIT APPROVALS FOR NEW BATTERY ENERGY STORAGE SYSTEM FACILITIES; ESTABLISHING A WORK PROGRAM FOR PREPARATION AND CONSIDERATION OF DEVELOPMENT REGULATIONS; **REQUIRING A PUBLIC HEARING; ADOPTING FINDINGS OF FACT; AND PROVIDING SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

Section 1. Findings

The City Council of the City of Snoqualmie hereby adopts the following findings of fact:

1. Battery energy storage system (BESS) facilities are an emerging land use that raise siting, safety, and operational considerations.
2. The City's current development regulations do not specifically address BESS facilities.
- 3.** The City is undertaking the preparation and consideration of appropriate development regulations addressing:
 - siting and location
 - safety standards
 - design and operational characteristics
 - compatibility with surrounding land uses
4. Establishing a temporary moratorium will allow the City to complete this work and adopt regulations that provide clear standards for future consideration of such facilities.
5. A temporary moratorium is necessary to ensure that land use and building permit approval decisions made during the moratorium enacted by this Ordinance are consistent with the City's goals for public safety and land use compatibility.
6. The City is authorized by Art. XI, Section 11 of the Washington Constitution, RCW 35A.63.220 and RCW 36.70A.390 to impose a moratorium upon the acceptance, processing and approval of applications for land use approvals and building permits to be issued pursuant to City of Snoqualmie development regulations.

7. For purposes of this Ordinance, the following terms shall have the specific meaning set forth below:

Battery Energy Storage System (“BESS”) Facility means a principal-use or utility-scale installation utilizing batteries, containers, transformers, inverters, and switchgear and designed to store electrical energy for later discharge to the electrical grid or other utility-distribution purpose. The term does not include battery or energy-storage equipment accessory to a lawful residential, commercial, or institutional use existing on the effective date of this Ordinance.

“Development regulations” shall have the meaning set forth in RCW 36.70A.030(14).

Section 2. Moratorium Established

A moratorium is hereby established on the acceptance, processing, and approval of applications for land use and/or building permit approval for any new Battery Energy Storage System Facility proposed to be located within the City of Snoqualmie.

Section 3. Duration

This moratorium shall take effect immediately upon adoption and shall remain in effect for a period of twelve (12) months, unless earlier repealed or extended by the City Council. Any renewal shall comply with RCW 35A.63.220 and RCW 36.70A.390.

Section 4. Exceptions

This moratorium shall not apply to:

- ordinary maintenance, repair or in-kind replacement of existing facilities, or emergency repair, outage restoration, or other work necessary to maintain safe and reliable existing utility service;
- any construction, improvement, work or other activity for which City development regulation or permitting oversight is preempted by operation of federal or state law or regulation;
- legally established uses existing as of the effective date of this ordinance;
- require the City to deny or regulate any activity for which no City land use or building permit approval is required; or

Section 5. Work Program

During the moratorium period, the City shall undertake a work program to draft appropriate development regulations addressing battery energy storage system facilities, including:

1. Review of regulatory approaches used by other jurisdictions;
2. Consideration of applicable state and regional standards for BESS Facilities;
3. Evaluation of:
 - siting criteria;
 - safety and emergency response considerations;

- development and performance standards;
 - compatibility with surrounding land uses;
4. Consideration of public input; and
 5. Preparation of proposed code amendments for City Council consideration

Section 6. Public Hearing

A public hearing shall be held within sixty (60) days of adoption of this ordinance, in accordance with applicable law.

Section 7. Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

Section 8. Declaration of Emergency Corrections.

Upon approval of the City Attorney, the City Clerk and codifiers are authorized to make clerical, numbering, cross-reference, and similar non-substantive corrections to this ordinance.

~~Due to the absence of current City of Snoqualmie development regulations regulating BESS Facilities, and the emergent nature of the BESS Facility land use and its attendant siting, location, safety, design and operation and compatibility considerations, this moratorium constitutes a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace.~~

Section 9. Effective Date

This ordinance shall take effect five (5) days after passage and publication, as provided by law. A summary may be published in lieu of publishing the ordinance in its entirety. immediately upon adoption.