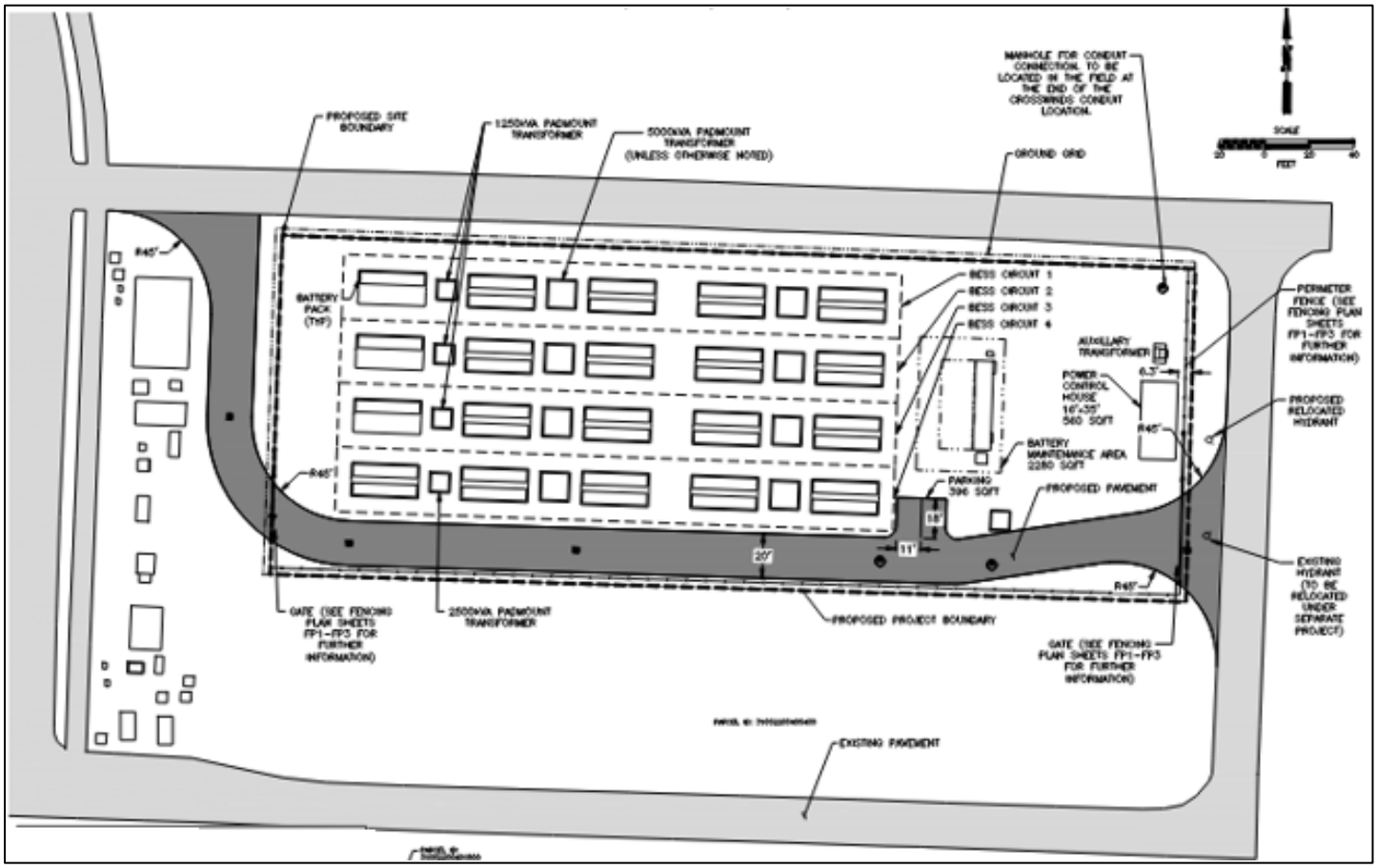
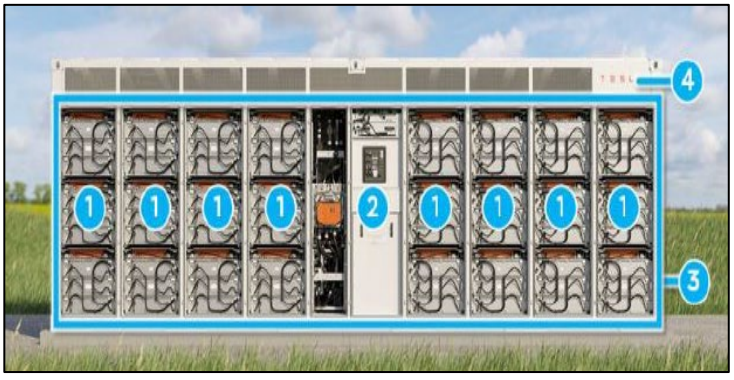
Community and Economic Development
Planning Division
18204 59th Avenue NE, Arlington, WA 98223

# STAFF REPORT & RECOMMENDATION
# Snohomish County PUD Battery Energy Storage System
# Conditional Use Permit – PLN #1311



## A. PROJECT DESCRIPTION AND REQUEST

The applicant is proposing to construct a 25-megawatt Battery Energy Storage System (BESS) on approximately 1.5 acres of a 12.39-acre partially developed parcel located at 17601 63rd Avenue NE. The total Snohomish County PUD site consists of 25.69 acres on two parcels (31052200405400 and 310522005500). The battery energy storage system is proposed to be constructed within an area that was formerly occupied by the four northernmost rows of the existing solar array. The utility-scale battery energy storage system will provide stored electrical energy for the Snohomish County Public Utility District to use as additional capacity to the Arlington electrical grid. The project will connect to the Crosswinds substation, currently under construction in the southeast corner of the site.

The BESS system is comprised of 38 Tesla Megapack 2XL batteries with 12 associated transformers, an auxiliary transformer, and a Power Control House, located east of the 63rd Avenue public right-of-way. To create the BESS, each battery measuring 28.87 feet (W) x 9.14 feet (H) x 5.41 feet (D) will be installed in groups of one, two, and four. Each group will have its own transformer and concrete pad and will be spaced 15 feet between groupings.

The site improvements include grading, trenching, and concrete pad installation to support the installation and interconnection of the BESS system. Installation of security fencing, cameras, monitoring systems, pole-mounted lighting, and stormwater and spill containment infrastructure for the batteries and transformers. The grading work includes approximately 353 cubic yards of cut and 1,703 cubic yards of fill and will be performed for proper function of the stormwater/spill containment infrastructure and the trenching activities will facilitate the electrical duct bank, controls and communications cabling, power, security, and interconnection requirements for the project.

The BESS includes the Power Control House, which is a small, single-wide manufactured building to accommodate BESS monitoring, controls, SCADA, and maintenance activities for the life of the BESS. An additional auxiliary transformer will be installed next to the Power Control House. A second manufactured building will be dedicated to Tesla for battery and inverter maintenance activities.

### PROJECT HISTORY

The application for a Binding Site Plan and Preliminary Major Unit Lot Subdivision – Conditional Use Permit was received on February 4, 2025. The application was deemed complete on March 4, 2025. The city issued review comment letters on March 27, 2025. The applicant submitted revised plans and requested information on May 1, 2025.

The Conditional Use Permit Notice of Application was issued on March 5, 2025 and was published in the city's official newspaper (The Herald), posted on site, mailed to required parties, and posted on the City's website on March 7, 2025. The public comment period ended on March 21, 2025.

The City issued a SEPA Mitigated Determination of Non-significance (MDNS) on March 5, 2025. The notice was published in The Herald, posted on site, mailed to required parties, and posted on the City's website on March 7, 2025. The public comment period ended on March 21, 2025.

A Neighborhood Meeting was held March 25, 2025 at 5:00 pm. Notice for the Neighborhood Meeting was published in The Herald, posted on site, mailed to required parties, and posted on the City's website on March 7, 2025.

A Public Hearing is to be held before the Hearing Examiner on June 5, 2025. The city issued the Notice of Public Hearing on June 15, 2025. Notice of Public Hearing was posted on the site, mailed to required parties, posted on the City's website, and published in The Herald on June 20, 2025.

## B. GENERAL INFORMATION

1. **Property Owner:** Public Utility District No. 1 of Snohomish County
2. **Applicant/Contact**: Jason Griffin, Ameresco
3. **General Location:** Southeast of the 180th Street NE and 63rd Avenue Intersection.
4. **Address of Property:** 17601 63rd Avenue NE
5. **Legal Description (Abbreviated):** Section 22 Township 31 Range 05 Quarter SE Lot 1 CITY ARL BSP FILE NO SPUD00000142 REC AFN 202105145008 BEING A PTN NE1/4 SE1/4 SD SEC
6. **Property Tax ID Numbers:** 31052200405400
7. **Topographical Description:** Relatively flat
8. **Soil Type:** Lynnwood loamy sand, 0 to 3 percent slopes
9. **Acreage:** 1.5 acres of a 12.39 acre site
10. **Comprehensive Plan Land Use Designations, Zoning Designations, and Existing Land Uses of the Site and Surrounding Area:**

| Area | Land Use Designation | Zoning | Existing Use |
|---|---|---|---|
| Project Site | General Industrial | GC | Snohomish County PUD Campus |
| North of Site | General Industrial | GC | Industrial Businesses |
| South of Site | General Industrial | GC | Industrial Businesses |
| East of Site | General Industrial | GC | Burlington Northern Santa Fe RR Industrial Businesses |
| West of Site | General Industrial | GC | Snohomish County PUD Campus |

11. **Public Utilities and Services:**

| | | | |
|---|---|---|---|
| Water: | City of Arlington | Gas: | Cascade Natural Gas |
| Sewer: | City of Arlington | Cable: | Ziply |
| Garbage: | Waste Management NW | Police: | City of Arlington |
| Storm Water: | On-Site | Fire: | North County Regional Fire |
| Telephone: | Ziply | School: | Arlington School District #16 |
| Electricity: | Snohomish County PUD #1 | Hospital: | Cascade Valley Hospital |

12. **Applicable Zoning Code Regulations:**
    - AMC Chapter 20.16 Permits and Final Plat Approval
    - AMC Chapter 20.24 Hearing and Pre-Hearing Procedures for Appeals and Applications
    - AMC Chapter 20.36 Zoning Districts and Zoning Map
    - AMC Chapter 20.38 Airport Protection District
    - AMC Chapter 20.40 Permissible Uses
    - AMC Chapter 20.44 Supplemental Use Regulations
    - AMC Chapter 20.48 Density and Dimensional Regulations
    - AMC Chapter 20.56 Streets and Sidewalks
    - AMC Chapter 20.60 Utilities
    - AMC Chapter 20.76 Screening and Trees
    - AMC Chapter 20.93 Critical Areas Ordinance
    - AMC Chapter 20.98 State Environmental Policy Act
    - AMC Chapter 20.114 Alternative Energy Systems and Technology
    - AMC Chapter 13.28 Stormwater Utility

13. **Proposed Use:** Tier 3 – Battery Energy Storage System

14. **Surrounding Land Uses and Land Use Permits:** Surrounding properties of the subject parcel are zoned General Industrial to the north, east, south, and west. The properties include a variety of industrial and commercial uses. The site is located between 59th Avenue NE and 67th Avenue NE, with access from the west through 63rd Avenue NE and 180th Street NE from the 59th Avenue NE public right-of-way and Burlington Northern Santa Fe Railroad borders the property to the east.


The project site is located southeast of the 180th Street NE and 63rd Avneue Intersection
(yellow outline is entire parcel and blue outline is the project site)

15. **Compatibility and Impacts on Existing Development:** The proposed battery energy storage system is surrounded by industrial uses on all sides of the property and the project is located over 500 feet from the nearest residential zone to the east. The project completes the Snohomish County PUD Campus, which includes offices, training center, solar array, and a substation.

16. **Compatibility with the City of Arlington Comprehensive Plan, County Planning Policies, and Multi-County Planning Policies:**

| **2024 Comprehensive Plan Goals and Policies** | |
|---|---|
| E-4 | Mitigate climate impact by reducing greenhouse gas emissions and prepare for climate change impacts. |
| E-4.4 | Pursue the development of energy management technology as part of meeting the city's energy needs. |
| LU-5 | Minimize the adverse impacts of industrial uses to adjacent and abutting incompatible uses, including residential properties. |
| LU-5.1 | Concentrate manufacturing, industrial, and warehouse/distribution uses in the vicinity of the Arlington Airport and the Cascade Industrial Center to ensure appropriate services for the use are provided and to reduce impact on existing residential and commercial areas. |
| LU-5.2 | Support industrial development proposals that are consistent with the Arlington-Marysville Manufacturing Industrial Center Subarea Plan. |
| ED-3 | Actively cooperate with other agencies and local businesses to support economic development. |
| ED-3.2 | Collaborate with businesses to identify specialized infrastructure, building design, transportation, or other needs required to maintain business operations. |
| PS-6 | Minimize health and safety impacts related to the use, storage, manufacture, transport, and disposal of hazardous materials. |
| PS-6.4 | Promote responsible energy use and energy facilities that do not significantly affect public safety or the natural environment. |
| CFU-5 | Promote demand management and the conservation of natural resources, services, and facilities prior to developing new facilities. |
| CFU-5.2 | Strive to reduce the rate of energy consumption and increase energy efficiency through conservation and alternative energy forms to extend the life of new and existing facilities and infrastructure. |
| CFU-5.4 | Partner with Snohomish County Public Utilities District No. 1 to promote and support programs designed to decrease load on the power grid during times of peak use. |
| CFU-6 | Promote the use of renewable energy resources to meet Arlington's energy needs. |
| CFU-6.2 | Promote the use and investment in renewable and alternative energy sources to meet energy needs. |
| CFU-6.5 | Support permitting processes related to energy efficiency upgrades. |
| CFU-6.7 | Partner with Snohomish County Public Utilities District No. 1 to effectively meet rapidly increasing electrical demand by adopting codes that support siting existing and new technologies and maintain grid capacity and reliability. |

| Countywide Planning Goals and Policies | |
|---|---|
| CPP-ED-8 | Jurisdictions should collaborate with businesses and organizations to develop economic development plan elements and analyze the land use designations, infrastructure and services needed to support businesses. |
| CPP-ED-17 | The County and cities shall support the Cascade Industrial Center as a Manufacturing/Industrial Center (MIC), recognizing that it is a major, existing regional employment area of intensive, concentrated manufacturing and industrial land uses. |
| CPP-PS-12 | Jurisdictions should promote the use and investment in renewable and alternative energy sources to meet the local and countywide energy needs. |
| **Multi-County Planning Policies** | |
| MPP-CC-5 | Pursue the development of energy management technology as part of meeting the region's energy needs. |
| MPP-PS-13 | Promote the use of renewable energy resources to meet the region's energy needs. |
| MPP-PS-14 | Reduce the rate of energy consumption through conservation and alternative energy forms to extend the life of existing facilities and infrastructure. |

**17. Public Notification:**

| Notice Type | Issuance Date | Meeting Date | Distribution |
|---|---|---|---|
| Notice of Complete Application | 3/4/2025 | N/A | Property Owner/Applicant |
| Notice of Application & Neighborhood Meeting | 3/5/2025 | 3/25/2025 | Property Owner/Applicant<br>Property Owners (within 500 ft)<br>On-Site & Website<br>Affected Agencies<br>The Herald-published – 3/7/2025 |
| SEPA MDNS Adoption of Existing Document Determination | 3/5/2025 | N/A | Property Owner/Applicant<br>Property Owners (within 500 ft)<br>On-Site & Website<br>Affected Agencies<br>The Herald-published – 3/7/2025 |
| Notice of Public Hearing | 5/15/2025 | 6/5/2025 | Property Owner/Applicant<br>Property Owners (within 500 ft)<br>On-Site & Website<br>Party of Record<br>The Herald-published –5/20/2025 |

**18. Public Comments:** The city received comments during the Notice of Application and Notice of SEPA Mitigated Determination of Non-Significance Decision public comment periods for the subject project. After reviewing the comments, city staff forwarded the comments to the applicant for their review. The public comments are summarized in Section E.

## C. ENVIRONMENTAL REVIEW

The city issued a SEPA Mitigated Determination of Non-Significance on March 5, 2025. The 14-day comment period lasted until March 21, 2025 The public comments are summarized in Section E. After reviewing the initial comments, city staff forwarded the comments to the applicant for their review.

## D. FINDINGS OF FACT

Sections "A" through "D" are incorporated into the Finding of Fact, Applicable Review Criteria, and Process: The Conditional Use Permit request is subject to review for conformity with the Arlington Municipal Code (AMC), including but not limited to the following:

| Regulation | Analysis | Meets |
|---|---|---|
| **Chapter 20.16 AMC, Permits and Final Plat Approval** | | |
| 20.16.100 Permits Required.<br>(a) (3) A conditional use permit is issued by the hearing examiner.<br>(b) Conditional use permits are issued under this title only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this title if completed as proposed. | The applicant submitted a Conditional Use Permit for Site Plan Review. The Hearing Examiner is responsible for the permit decision and the decision is appealable to Snohomish County Superior Court. | Yes |
| 20.16.110 Who May Submit Permit Applications.<br>(a) Applications for zoning will be accepted only from persons having the legal authority to take action in accordance with the permit or the subdivision plat approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this title. | The owner of the property, Maureen Barnes of Public Utility District #1 of Snohomish County, signed the Conditional Use Permit application for site plan review that was submitted to the city. | Yes |
| 20.16.120 Official Representative of the Applicant. The applicant for each land use permit shall designate an official representative, which may be himself, to receive all correspondence, determinations, and notices regarding the application. | The owner, Maureen Barnes of Public Utility District #1 of Snohomish County, has designated Jason Griffin of Ameresco, Inc, as the official representative for the subject permit. | Yes |
| 20.16.130 Staff Consultation Before Formal Application. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this title, a general information meeting between the developer and the planning staff is encouraged as provided in this section. | The City held a General Information Meeting with the project applicant on February 22, 2023 and May 10, 2023. | Yes |

| Regulation | Analysis | Meets |
|---|---|---|
| 20.16.140 Submittal of Application.<br>(a) To minimize development planning costs, avoid misunderstanding or misinterpretations, and ensure compliance with the requirements of this title, a submittal intake appointment is required between the developer and the Community Development staff as provided in this section. | The project applicant scheduled a submittal intake appointment with the Community and Economic Development Department and submitted the application on February 4, 2025. | Yes |
| 20.16.150 Vesting of Permits.<br>(a) Land use permit applications shall be considered vested on the date that an application is deemed complete pursuant to 20.16.205 and applications shall be processed under the land use regulations in effect on that date. However, subsequent permits on the same property are not vested on this date.<br>(b) Filing of a permit application does not vest the payment of fees. Fees due, including impact mitigation fees, application fees, or other charges, shall be those fees in effect on the date the fee is paid in accordance with the most current city council fee resolution. | The proposed application for Snohomish County PUD Battery Energy Storage System site plan review vested on March 4, 2025 with the issuance of the complete application. | Yes |
| 20.16.200 Applications to Be Complete.<br>(a) All applications for zoning, special use, conditional use, or sign permits must be complete before the permit-issuing authority is required to consider the application. | The applicant submitted a complete application for Snohomish County PUD Battery Energy Storage System Conditional Use Permit. | Yes |
| 20.16.205 (c) Complete Application. Within 28 days of receiving the permit application, the Community Development Director shall mail or provide in person a written determination to the applicant. | The application was submitted on February 4, 2025. The City issued a Notice of Complete Application on March 4, 2025. The Notice was issued within the 28-day timeframe. | Yes |
| 20.16.215 Distribution of Application. Upon receipt of a zoning, special use or conditional use permit application, the Planning Official shall, in addition to all interested City Departments, send a copy of the application to the authorities and agencies reviewing or furnishing water, fire, school, and sanitary sewer service to the proposed project. | The application was routed to all affected city departments on February 5, 2025. | Yes |
| 20.16.225 Conditional Use Permits. (a) An application for a conditional use permit shall be submitted to the Hearing Examiner by filing a copy of the application with the Community and Economic Development Director in the planning department. | The conditional use permit was submitted to city staff and reviewed for compliance with the Arlington Municipal Code. The project application documents were sent to the Hearing Examiner on May 20, 2025 for review prior to the public hearing. | Yes |

| Regulation | Analysis | Meets |
|---|---|---|
| 20.16.230 Notice of Application Filed. The Community and Economic Development Director shall give public notice of any application filed for a special use permit by issuing, distributing, and advertising a "Notice of Application Filed". | The city issued a Notice of Application on March 5, 2025. The notice was advertised in the Everett Herald, posted on the site, city website, post office, city hall, Arlington library, and mailed to all property owners within 500 feet of the property on March 7, 2025. The comment period ran from March 7, 2025 to March 21, 2025. | Yes |
| 20.16.235 Neighborhood Meetings for Conditional Use Permits Required. All applications for conditional use permits shall be publicly scoped through a public neighborhood meeting. | The city issued a Notice of Neighborhood Meeting on March 5, 2025. The notice was advertised in the Everett Herald, posted on the site, city website, post office, city hall, Arlington library, and mailed to all property owners within 500 feet of the property on March 7, 2025. The Neighborhood Meeting was held on March 25, 2025. | Yes |
| 20.16.245 Recommendations on Special Use or Conditional Use Permit Applications.<br>(a) When presented to the hearing examiner at a hearing, the application for a conditional use permit shall be accompanied by a report setting forth:<br>(1) The planning staff's proposed findings concerning the application's compliance with Section 20.16.200 and the other requirements of this title;<br>(2) All decisions and recommendations made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record pre-decision hearing;<br>(3) A statement referencing the responsible official's threshold determination;<br>(4) Any mitigation required or proposed under the city's SEPA authority;<br>(5) As well as any staff recommendations for additional requirements to be imposed by the permit-issuing authority. | City staff has created this staff report with findings that shows compliance with AMC 20.16.200 – Applications to be Complete and with all applicable code sections of Title 20 – Zoning.<br>Staff has provided all dates for decisions to date within this staff report showing the Notice of Complete Application, Notice of Application, Notice of Neighborhood Meeting, along with Review Comments Sent and Received.<br>Staff has provided the responsible official's threshold determination under AMC Chapter 20.98 and as Exhibit #26. The conditions listed in the staff report have included any SEPA mitigation requirements of the applicant.<br>Staff has provided a recommendation to the Hearing Examiner. | Yes |

<table>
<tr><th>Regulation</th><th>Analysis</th><th>Meets</th></tr>
<tr><td>20.16.270 Time Limitations for Permit Processing.<br>(a)(3) A notice of final decision for conditional use permits shall be issued within 170 days of the determination of complete application.<br>(b) The number of days an application is in review with the city shall be calculated from the day completeness is determined under RCW 36.70B.070 to the date a final decision is issued on the project permit application.<br>(1) Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information.</td><td>The proposed conditional use permit was reviewed and issued within the 170 day timeframe per the following dates:<table><tr><th>Action</th><th>Date</th></tr><tr><td>Date of Application</td><td>2-4-2025</td></tr><tr><td>Notice of Complete Application</td><td>3-4-2025</td></tr><tr><td>Review Comments</td><td>3-27-2025</td></tr><tr><td>1st Resubmittal</td><td>5-1-2025</td></tr><tr><td>Public Hearing Date</td><td>6-5-2025</td></tr></table>Total Process Days: 58 Days to Hearing</td><td>Yes</td></tr>
<tr><td colspan="3">Chapter 20.24 AMC, Hearing and Pre-Hearing Procedures for Appeals and Applications</td></tr>
<tr><td>20.24.010 Hearing Required on Appeals and Applications. (a) Before making a decision on an application for a conditional use permit, a hearing shall be held on the matter by the appropriate hearing body.</td><td>The proposed Snohomish County PUD Battery Energy Storage project is subject to a Public Hearing before the Hearing Examiner for the conditional use permit.</td><td>Yes</td></tr>
<tr><td>20.24.020 Public Notice. The Community and Economic Development Director shall give public notice of any hearing required by 20.24.010 or 20.16.230 for special use permits, conditional use permits or variances, or any other required public notices.</td><td>The city issued a Notice of Public Hearing on May 15, 2025. The notice was advertised in the Everett Herald, posted on the site, city website, post office, city hall, Arlington library, mailed to all property owners within 500 feet of the property, and emailed Party's of Record on May 20, 2025. The Public Hearing is scheduled for June 5, 2025.</td><td>Yes</td></tr>
<tr><td colspan="3">Chapter 20.36 AMC, Zoning Districts and Zoning Map</td></tr>
<tr><td>20.36.030 Manufacturing Districts Established. The general industrial (GI) and light industrial (LI) districts are hereby established primarily to accommodate enterprises engaged in manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment. The performance standards set forth in Chapter 20.44 place limitations on the characteristics of uses located in these districts. The general industrial district allows more resource-based manufacturing has a greater tolerance of the nuisances that typically accompany such manufacturing. Furthermore, the limitations in the light industrial district are more restrictive than those in the general industrial district.</td><td>The subject property for the proposed conditional use permit is zoned General Industrial. The proposed use of the new battery energy storage system falls within the expected uses within the general industrial zone.</td><td>Yes</td></tr>
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<tr><th>Regulation</th><th>Analysis</th><th>Meets</th></tr>
<tr><td colspan="3">Chapter 20.38 AMC, Airport Protection District</td></tr>
<tr><td>20.38.060 Airport Protection District Boundaries.<br>(a) Airport Protection Subdistrict A<br>(b) Airport Protection Subdistrict B<br>(c) Airport Protection Subdistrict C<br>(d) Airport Protection Subdistrict D</td><td>The property is located under Airport Protection Subdistrict C. The property owner is required to file and record an avigation easement with the Arlington Municipal Airport.</td><td>Yes</td></tr>
<tr><td colspan="3">Chapter 20.40 AMC, Permissible Uses</td></tr>
<tr><td>20.40.010 Table of Permissible Uses. The Tables of Permissible Uses sets forth the permissible uses within the respective zoning classifications in the city, subject to other applicable provisions in this title. It should be read in close conjunction with the definitions of terms set forth in section 20.08 and the other interpretative provisions set forth in this article.</td><td>The proposed Tier 3 battery energy storage system is an allowed use per the permissible use table listed below, with a conditional use permit per Chapter 20.114.</td><td>Yes</td></tr>
<tr><td colspan="3">Chapter 20.40.140 Industrial Zones Permissible Use Table<table><tr><th>Use</th><th>LI</th><th>GI</th></tr><tr><td>Utility Facility – Alternative Energy System [7]</td><td>ZS</td><td>ZSC</td></tr></table><ul><li>Z = Zoning Permit</li><li>ZS = Zoning or Special Use Permit</li><li>[7] Subject to Chapter 20.114 – Alternative Energy Systems and Technologies</li></ul></td></tr>
<tr><td colspan="3">Chapter 20.44 AMC, Supplemental Uses Regulations, Part III. Performance Standards</td></tr>
<tr><td>20.44.208 Obligation to Comply.<br>(a) All uses in any zoning district must continually comply with the performance and operational standards of this Part.<br>These include Noise, Vibration, Odors, Smoke and Air Pollution, Disposal of Liquid or Hazardous Wastes, Water Consumption, Electrical Disturbance or Interference, and Lighting.</td><td>The battery energy storage system as proposed does not impact the performance standards listed within this section per the documents provided to the city and include BESS Statement of Compliance, BESS NFPA 68-69 Compliance, BESS Hazard Mitigation Analysis, BESS Cx and Dx Plan, BESS O & M Manual, and BESS Fire and Explosion Testing.</td><td>Yes</td></tr>
<tr><td>20.44.290 Site and Building Maintenance. All exteriors of all buildings and other structures shall be maintained in a clean and well-maintained condition. All outside space, including landscaped and open space areas shall be kept free of litter and debris. All plant material shall be kept free of disease, dead material, and weeds that may constitute a health or fire nuisance.</td><td>The owner will keep the site and building maintained in keeping with jurisdictional requirements.</td><td>Yes</td></tr>
</table>

| Regulation | Analysis | Meets |
|---|---|---|
| **Chapter 20.48 AMC, Density and Dimensional Regulations** | | |
| **Table 20.48-1 Density and Dimensional Standards** | | |
| Minimum Lot Size: 10,000 square feet | Overall Site: +/- 539,708 sf<br>Project Site: +/- 65,340 sf | Yes |
| Minimum Lot Width: 70 feet | +/- 667 ft | Yes |
| Arterial/Non-Arterial Street Right-of-Way Line: 25 feet | +/- 93 ft | Yes |
| Rear Lot Boundary Line – Primary: 20 feet / Accessory: 5 feet | +/- 300 ft | Yes |
| Side Lot Line or Alley Building Setback: 5 feet | +/- 120 and +/- 375 ft | Yes |
| Building Height Limitation: 50 feet | 10 ft | Yes |
| Maximum Lot Coverage: 100% | Project Site: 100% (including cabinets, buildings, pavement, concrete, and gravel) | Yes |
| **Chapter 20.56 AMC, Streets and Sidewalks** | | |
| 20.56.030 Access to Lots. Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use. Access includes vehicular, pedestrian, bicycle, and other common forms of transportation. | The proposed project provides vehicular, pedestrian, and bicycle access to the property from the public streets 63rd Avenue NE to the internal private drive aisles. | Yes |
| 20.56.050 Entrances to Streets. (a) All driveway entrances and other openings onto streets within the city's planning jurisdiction shall be constructed so that:<br>1. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets, and<br>2. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.<br>3. Driveway cuts shall be limited so the narrowest width necessary to provide safe ingress and egress onto and from the property.<br>4. Driveways shall not be located adjacent to one another in such a manner as to create a "double width" driveway without any landscaping between the driveways. | The proposed battery energy storage system project provides driveway access from 63rd Avenue to internal private drive aisles. The proposed project complies with the following City of Arlington Standards and Specifications:<br>• The proposed drive aisle for the proposed battery energy storage system does not pose a danger to vehicles, pedestrians, and bicyclists ingress or egress from the site.<br>• The proposed driveway entrances is in an area that does not interfere with surrounding streets.<br>• The proposed drive aisles from the public right-of-way to the private drives are 36'6" at the entrance from 63rd Avenue.<br>• There are no double width driveways proposed with the project. | Yes |

| Regulation | Analysis | Meets |
|---|---|---|
| 20.56.130 Construction Standards and Specifications. Construction and design standards and specifications for streets, sidewalks, and curbs and gutters are contained in the "Public Works Construction Standards and Specifications," and all such facilities shall be completed in accordance with these standards. | The proposed project is subject to a Civil permit meeting the Public Works Construction Standards and Specifications prior to the installation of improvements on the site. | Yes |
| **Chapter 20.60 AMC, Utilities** | | |
| 20.60.400 Lighting Requirements.<br>(a) All public streets, sidewalks, and other common areas or facilities shall be sufficiently illuminated to ensure security of property and the safety of persons using such streets, sidewalks and other common areas or facilities.<br>(d) All outdoor lights shall be low sodium or similar lamp type and be down shielded to prevent light pollution. | The proposed project shall provide sufficient lighting throughout the site.<br>The proposed project requires LED or similar lamp type outdoor lighting to be down shielded to prevent light pollution.<br>The final lighting plans is required to be submitted, reviewed, and approved with the Civil permit. | Yes |
| 20.60.410 Excessive Illumination. Lighting within any lot that unnecessarily illuminates any other lot or public right-of-way and substantially interferes with the use or enjoyment of such other lot or public right-of-way is prohibited. | The proposed project requires down-shielded lighting that illuminates the site but does not shine onto neighboring properties or public rights-of-way. The final lighting plans is required to be submitted, reviewed, and approved with the Civil permit. | Yes |
| 20.60.450 Underground Utilities.<br>(a) All existing, extended, new electrical power lines, telephone, gas distribution, cable television, and other communication and utility lines shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the Public Works Construction Standards and Specifications.<br>(d) Nothing in this section nor any other section in relation to underground utilities shall apply to power lines carrying a voltage of 115 kV or more, nor shall it be construed to prohibit the placement of said mounted transformers, terminal pedestals, or other electrical and communications devices above ground, as determined by the appropriate utility service provider involved. | All proposed utilities to and on the site shall be located underground (except the transmission lines and connections to the substation, which are exempt from this requirement).<br>All utility lines are required to be shown on the plans and shall be approved by the City of Arlington prior to construction activities on the site. | Yes |

| Regulation | Analysis | Meets |
|---|---|---|
| **Chapter 20.76 AMC, Screening and Trees** | | |
| 20.76.020 General Screening Standard. Developments shall provide sufficient screening so that:<br>1. Neighboring properties are shielded from any adverse external effects of that development.<br>2. The development is shielded from the negative impacts of adjacent uses such as streets and railroads. | The project is in the General Industrial zone and surrounding by existing Snohomish County PUD facilities on all sides and does not front a public street. The training facility site is to the north, the Crosswinds Substation is to the east, a portion of the solar array is to the south, and private internal roadway and existing battery energy storage cabinet to the west.<br>The property owner is not required to provide screening due to the location of the battery energy storage system. | Yes |
| **Chapter 20.93 AMC, Critical Area Ordinance** | | |
| 20.93.230 Compliance. All land uses or development applications shall be reviewed to determine whether an environmentally critical area exists on the property for which the application is filed, what the action's impact to any existing environmentally critical area would be, and what actions are required for compliance with this chapter. | The city concludes that there are no critical areas on or near the site. | Yes |
| **Chapter 20.98 AMC, State Environmental Policy Act** | | |
| 20.98.110 (a) Environmental Checklist. A completed environmental checklist in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this ordinance. The City shall use the environmental checklist to determine the lead agency and for determining the responsible official and for making the threshold determination. | The applicant provided an environmental checklist with the application. The City of Arlington was determined to be the lead agency. A Mitigated Determination of Non-Significance was issued for the proposal on March 5, 2025. The comment period for the MDNS was from March 7, 2025 to March 21, 2025. The city received comments during the public comment period, which are listed under Section F. The SEPA Mitigated Determination of Non-Significance was not appealed. | Yes |

| Regulation | Analysis | Meets |
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| **Chapter 20.114 AMC, Alternative Energy Systems and Technologies** | | |
| **Part I. Energy Storage Systems** | | |
| 20.114.020 General Requirements.<br>(a) All proposed energy storage systems (ESS) shall be designed, manufactured, and tested to meet the criteria required by UL 9540, NFPA 111 or the most current accepted certification process, and UL 9540A, if the energy storage system utilizes batteries as part of its operation.<br>(b) Energy storage system capacities, including array capacity and separation, are limited to the thresholds contained in NFPA 855.<br>(c) A land use permit, building permit and electrical permit shall be required for installation of all energy storage systems. | The applicant has applied for a Conditional Use Permit for the project.<br>The applicant has provided the documentation that certifies the energy storage system meeting the criteria of UL 9540, NFPA 111, and UL9540A in the executive summary submitted by Ameresco from the 2003 Fisher Engineering, Inc report. | Yes |
| 20.114.025 Plan and Specification Submittal Requirements.<br>(a) Location and layout diagram of the room or area in which the ESS is to be installed.<br>(b) Details on hourly fire-resistant-rated assemblies provided or relied upon in relation to the ESS.<br>(c) The quantities and types of ESS units.<br>(d) Manufacturer's specifications, rating, and listings of ESS.<br>(e) Description of energy storage management systems and their operation.<br>(f) Location and content of required signage.<br>(g) Details on fire suppression, smoke or fire detection, gas detection, thermal management, ventilation, exhaust, and deflagration venting systems, if provided.<br>(h) Support arrangement associated with the installation, including any required seismic support. | The proposal is for a Tesla Megapack 2 XL battery energy storage system, which provides an all-in-one system that contains the battery modules, bi-directional inverter, thermal management system, and AC main breaker all pre-installed and pre-tested within a single enclosure.<br>The applicant has provided a site plan, location and layout diagram of the area for the energy storage system, along with manufacturers specifications, ratings, signage, fire suppression through the submitted site plans, operation manual, and manufacturer's specifications. | Yes |
| 20.114.030 Additional Required Information.<br>(a) Fire and explosion testing data in accordance with Section 20.114.100.<br>(b) Hazard mitigation analysis (HMA) in accordance with Section 20.114.095.<br>(c) Calculations or modeling data to determine compliance with NFPA 68 and NFPA 69 in accordance with Section 20.114.100.<br>(d) Other test data, evaluation information or calculations as required elsewhere in this standard.<br>(e) If modeling data is provided, validation of the modeling results shall also be included. | The applicant has provided fire and explosion testing data, a hazard mitigation analysis, data meeting compliance with NFPA 68 and NFPA 69, and testing data in the submittal documents. | Yes |

| Regulation | Analysis | Meets |
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| 20.114.035 Operation and Maintenance Manual Requirements.<br>(a) An operations and maintenance manual shall be provided to both the ESS owner or their authorized agent and system operator before the system is put into operation.<br>(b) Submittal data stating the ESS size and selected options for each component of the system.<br>(c) Manufacturer's operation manuals and maintenance manuals for the entire ESS or for each component of the system requiring maintenance that clearly identify the required routine maintenance actions.<br>(d) Contact information for a contracted service agency or responsible in-house personnel.<br>(e) A narrative of how the ESS and its components and controls are intended to operate, including recommended operational set points.<br>(f) A service record log that lists the schedule for all required service and maintenance actions with space for logging such actions that can be completed over time.<br>(g) The operation and maintenance documentation.<br>(h) Safety data sheet (SDS) for hazardous materials contained in the ESS shall be posted within sight of the disconnecting means of any ESS or at a location approved by the City of Arlington.<br>(i) Where the operations and maintenance documentation calls for detailed procedures to be used for specific scheduled operational checks or assessments, an operations record that includes data associated with configurable system settings, system start-up, system shutdown, and long-term shutdown shall be maintained by the system owner or their designated agent and be made available to the City of Arlington upon request.<br>(j) The operations record shall be kept in a readily accessible location, or a sign indicating where the record is located shall be posted adjacent to the system. | The applicant submitted a narrative of the how the ESS and its components and controls are intended to operate and the Tesla Megapack 2XL Commissioning and Decommissioning Plan.<br><br>The applicant or authorized agent and systems operator is required to have the manual before the system is put into operation and maintain a service record log that lists the schedule for all required service and maintenance actions.<br><br>The applicant is required to post all Safety Data Sheets for hazardous materials within sight of the disconnecting means of the energy storage system. | Yes |
| 20.114.035 Operation and Maintenance Manual Requirements - Continued<br>(k) The operations and maintenance manual shall be prepared prior to final approval of the ESS and be readily accessible to personnel responsible for the ESS.<br>(l) A copy of the operations and maintenance manual shall be placed in an approved location to be accessible to the Fire Department, emergency responders, and the City of Arlington. | The operations and maintenance manual has been approved with this permit decision and documentation shall be made available to the City of Arlington and North County Fire & EMS upon request. | Yes |

| Regulation | Analysis | Meets |
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| 20.114.040 System Maintenance.<br>(a) The ESS shall be maintained in accordance with the system manufacturer's instructions.<br>(b) The maintenance documentation shall include a detailed maintenance schedule covering all affected equipment and the activities to be performed.<br>(c) Maintenance documentation indicating the maintenance action taken, the date of the action, who implemented the action, and the results associated with the action shall be maintained as required by Section 20.114.035.<br>(d) Maintenance documentation shall record information on any repair, renewal, or renovation made to the ESS. | The applicant shall comply with the system manufacturer's instructions and maintenance documentation shall include a detailed maintenance schedule covering all affected equipment. The maintenance documentation shall record information on repairs, renewal, or renovations made to the energy storage system. | Yes |
| 20.114.045 System Training.<br>(a) Training shall be provided to all those responsible for system operations and maintenance.<br>(b) Training in system operation and maintenance shall be provided by the system owner or their designated agent.<br>(c) If any recommissioning of the system is conducted, training on any changes to the operation and maintenance documentation shall be provided.<br>(d) Training records of site operations and maintenance personnel shall be retained and accessible to the City of Arlington, indicating the training taken, the name(s) of those taking the training, and the training date. | The applicant is required to provide training from the system owner or their designated agent to all personnel responsible for the operations and maintenance of the energy storage system. | Yes |
| 20.110.050 System Testing.<br>(a) System testing shall be performed when required by the operating instructions or maintenance documentation in accordance with testing procedures by the ESS manufacturer.<br>(b) A record of all testing shall be maintained in accordance with the requirements in Section 20.114.035.<br>(c) Testing records shall be permitted to be made available electronically. | The applicant shall perform system testing as required per the battery energy storage system manufacturer, keep a record of all tests, and make the tests available electronically. | Yes |

| Regulation | Analysis | Meets |
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| 20.114.055 Commissioning Plan.<br>(a) The system installer or commissioning agent shall prepare a written commissioning plan that provides a description of the means and methods necessary to document and verify that the system and its associated controls and safety systems, as required by this standard, are in proper working condition.<br>(b) The commissioning plan shall include, but not be limited to, the following information:<br>(1) An overview of the commissioning process developed specifically for the ESS to be installed and narrative description of the activities to be conducted.<br>(2) Roles and responsibilities for all those involved in the design, commissioning, construction, installation, or operation of the system(s).<br>(3) Means and methods whereby the commissioning plan will be made available during the implementation of the ESS project(s).<br>(4) Plans and specifications necessary to understand the operation of the ESS and all associated operational controls and safety systems.<br>(5) A detailed description of each activity to be conducted during the commissioning process, who will perform each activity, and at what point in time the activity is to be conducted.<br>(6) Procedures to be used in documenting the proper operation of the ESS and all associated operational controls and safety systems.<br>(7) Testing for any required fire detection or suppression and thermal management, ventilation, or exhaust systems associated with the installation and verification of proper operation of the safety controls.<br>(8) The following documentation:<br>i. Commissioning checklist.<br>ii. Relevant operational testing forms.<br>iii. Necessary commissioning logs.<br>iv. Progress reports.<br>(9) Means and methods whereby facility operation and maintenance staff will be trained on the system.<br>(10) Identification of personnel who are qualified to service and maintain the system and respond to incidents involving each system.<br>(11) A decommissioning plan meeting the provisions of Section 20.114.070 that covers the removal of the system from service and from the facility in which it is located and information on disposal of materials associated with each ESS. | The applicant has provided a written commissioning plan that provides a description of the means and methods to document and verify that the battery energy storage system is in proper working condition. | Yes |

| Regulation | Analysis | Meets |
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| 20.114.060 Commissioning Test.<br>(a) ESS shall be evaluated for their proper operation by the system installer in accordance with the manufacturer's instructions, the commissioning plan, and the requirements of this section after the installation is complete but prior to final approval.<br>(b) System testing shall be conducted as a component of the commissioning process and include functional performance testing of the ESS that demonstrates that the installation and operation of the system and associated components, controls, and safety-related systems are in accordance with approved plans and specifications and that the operation, function, and maintenance serviceability for each of the commissioned ESS is confirmed. | The applicant is responsible for the adequate commissioning testing per the manufacturer's specifications prior to becoming operational on the site. | Yes |
| 20.114.065 Commissioning Report.<br>(a) The commissioning report shall be provided by the system installer or commissioning agent to the system owner and the City of Arlington prior to final inspection and approval.<br>(b) The commissioning report shall document the commissioning process and the results in accordance with Section 20.114.065(c), (d) and (e).<br>(c) A commissioning report shall summarize the commissioning process and verify the proper operation of the system and associated operational controls and safety systems.<br>(d) The report shall include the final commissioning plan, the results of the commissioning process, and a copy of the plans and specifications associated with the as-built system design and installation.<br>(e) The report shall include any issues identified during commissioning and the measures taken to resolve them. | The applicant shall provide the City of Arlington with a commissioning report prior to becoming operational on the site. This report is required to be submitted to the Building Official. | Yes |
| 20.114.070 Decommissioning Plan.<br>(a) Prior to decommissioning, the owner of an ESS or their designated agent shall prepare a written decommissioning plan complying with Section 20.114.070 (d) that provides the organization, documentation requirements, and methods and tools necessary to indicate how the safety systems as required by this standard and the ESS and its components will be decommissioned, and the ESS removed from the site. | The applicant has provided a written decommissioning plan that provides a description of the means and methods to document and verify that the battery energy storage system is in proper working condition. | Yes |

| Regulation | Analysis | Meets |
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| 20.114.070 Decommissioning Plan.<br>(d) The decommissioning plan shall be provided to the city of Arlington and include the following information:<br>(1) An overview of the decommissioning process developed specifically for the ESS that is to be decommissioned.<br>(2) Roles and responsibilities for all those involved in the decommissioning of the ESS and their removal from the site.<br>(3) Means and methods in the decommissioning plan submitted during the permitting process to be made available at a point in time corresponding to the decision to decommission the ESS.<br>(4) Plans and specifications necessary to understand the ESS and all associated operational controls and safety systems, as built, operated, and maintained.<br>(5) A detailed description of each activity to be conducted during the decommissioning process and who will perform that activity and at what point in time.<br>(6) Procedures to be used in documenting the ESS and all associated operational controls and safety systems that have been decommissioned.<br>(7) Guidelines and format for a decommissioning checklist and relevant operational testing forms and necessary decommissioning logs and progress reports.<br>A description of how any changes to the surrounding areas and other systems adjacent to the ESS, including, but not limited to structural elements, building penetrations, means of egress, and required fire detection and suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed. | The applicant has provided a written decommissioning plan that provides a description of the means and methods to document and verify that the battery energy storage system is in proper working condition. | Yes |
| 20.114.075 Decommissioning Process.<br>(a) The City of Arlington shall be notified prior to decommissioning an ESS.<br>(b) The ESS shall be decommissioned by the owner of the ESS or their designated agent in accordance with the decommissioning plan. | The applicant shall notify the City of Arlington Community and Economic Development Department prior to decommissioning the energy storage system and follow the decommissioning plan instructions. | Yes |

| Regulation | Analysis | Meets |
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| 20.114.080 Decommissioning Report.<br>(a) A decommissioning report shall be prepared by the ESS owner or their designated agent and summarize the decommissioning process of the system and associated operational controls and safety systems.<br>(b) The report shall include the final decommissioning plan and the results of the decommissioning process.<br>(c) The report shall include any issues identified during decommissioning and the measures taken to resolve them.<br>(d) The decommissioning report shall be retained by the owner and provided to the City of Arlington upon request. | The applicant shall prepare a decommissioning report that summarizes the decommissioning process, results of the decommissioning process, and provide the report to the City of Arlington upon request. | Yes |
| 20.114.085 Recommissioning of Existing Systems<br>(a) Recommissioning shall meet the provisions of Section 20.114.065 and include the entire system with issuance of a new commissioning report, identification of any new issues and resolutions documentation, and identification of any revisions to the operations and maintenance documentation. (b) When alterations, additions, repositioning, or renovations to the system or any of its components are warranted, they shall be permitted in accordance with Sections 20.114020 – 20.114.050 and be performed by qualified entities and the system recommissioned in accordance with Sections 20.114.055 – 20.114.065.<br>(c) Repairs and renewals to systems utilizing identical components shall not require recommissioning.<br>(d) Listed ESS that has been modified in the field beyond the field-installed options that are part of the listing shall be investigated and found suitable by the organization that listed the equipment. | The property owner, applicant, and/or the system owner shall submit an application for a new building permit with the City of Arlington prior to recommissioning an existing system. The application shall include the entire system, commissioning report, identification of any new issues and resolutions, any revisions, alterations, additions, repositioning, or renovations to the system. | Yes |
| 20.114.090 Emergency Planning and Training<br>(f) The emergency operations plan shall include the following:<br>(1) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.<br>(2) Procedures for inspection and testing of associated alarms, interlocks, and controls.<br>(3) Procedures to be followed in response to notifications of system alarms or out-of-range conditions that could signify potentially dangerous conditions, including shutting down equipment, summoning service or repair personnel, and providing agreed-upon notification to fire department personnel, if required. | The application has provided a description of emergency planning and training in the Tesla Megapack 2XL, Operations and Maintenance Manual, Commissioning and Decommissioning Plan, and Hazard Mitigation Analysis that was submitted with the application for the battery energy storage system. | Yes |

| Regulation | Analysis | Meets |
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| 20.114.090 Emergency Planning and Training – Continued.<br>(4) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions.<br>(5) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.<br>(6) Procedures for dealing with ESS equipment damaged in a fire or other emergency event, including contact information for personnel qualified to safely remove damaged ESS equipment from the facility.<br>(7) Other procedures as determined necessary by the City of Arlington to provide for the safety of occupants and emergency responders.<br>(8) Procedures and schedules for conducting drills of these procedures. | The application has provided a description of emergency planning and training in the Tesla Megapack 2XL, Operations and Maintenance Manual, Commissioning and Decommissioning Plan, and Hazard Mitigation Analysis that was submitted with the application for the battery energy storage system. | Yes |
| 20.114.095 Installation.<br>(a) Maximum Stored Energy: ESS in the following locations shall comply with 20.114.095 as follows:<br>(1) Fire areas within non-dedicate-use buildings containing ESS shall not exceed the maximum stored energy values in table 20.114.095T except as permitted by Section 20.114.095(i).<br>(2) Outdoor ESS installations in locations near exposures shall not exceed the maximum stored energy values in table 20.114.095T except as permitted by 20.114.105(ii).<br>(3) ESS installations in open parking garages and on rooftops of buildings shall not exceed the maximum stored energy values in table 20.114.095T except as permitted by 20.114.095(ii).<br>(4) Mobile ESS equipment as covered by NFPA 855 Chapter 9 Section 9.5.3.2 shall not exceed the maximum stored energy values in table 20.114.095T except as permitted by Section 20.114.095 (ii). | The proposed project is not providing the battery energy storage system within a building. The battery energy storage system will be contained within a cabinet.<br><br>The battery energy storage system is not within an open parking garage or on a rooftop of a building. | Yes |

<table>
<tr><th>Regulation</th><th>Analysis</th><th>Meets</th></tr>
<tr>
<td>20.114.095 Installation.<br>(b) Table 20.114.095T: Maximum Stored Energy
<table>
<tr><th>ESS Type</th><th>Maximum Stored Energy [a]</th></tr>
<tr><td>Lead-acid batteries, all types</td><td>Unlimited</td></tr>
<tr><td>Nickel batteries [b]</td><td>Unlimited</td></tr>
<tr><td>Lithium-ion batteries, all types</td><td>600</td></tr>
<tr><td>Sodium nickel chloride batteries</td><td>600</td></tr>
<tr><td>Flow batteries [c]</td><td>600</td></tr>
<tr><td>Other battery technologies</td><td>200</td></tr>
<tr><td>Storage capacitors</td><td>20</td></tr>
<tr><td colspan="2">[a] For ratings in amp-hrs, kWh should equal maximum rated voltage multiplied by amp-hr rating divided by 1000.<br>[b] Nickel battery technologies include nickel cadmium (Ni-Cad), nickel metal hydride (Ni-MH), and nickel zinc (Ni-Zn).<br>[c] Includes vanadium, zinc-bromine, polysulfide, bromide, and other flowing electrolyte-type technologies.</td></tr>
</table>
(1) Where approved by the City of Arlington, fire areas in non-dedicated-use buildings containing ESS that exceeds the amounts in table 20.114.095T shall be permitted based on a hazard mitigation analysis in accordance with Section 20.114.100 and fire and explosion testing complying with Section 20.114.105.<br>
(2) Where approved by the City of Arlington, outdoor ESS installations, ESS installations in open parking garages and on rooftops of buildings, and mobile ESS equipment that exceed the amounts in table 20.114.095T shall be permitted based on a hazard mitigation analysis in accordance with Section 20.114.100 and fire and explosion testing in accordance with Section 20.114.105.<br>
(3) Where a single fire area within a building or walk-in unit contains a combination of energy systems covered in table 20.114.095T, the maximum stored energy per fire area shall be determined based on the sum of percentages of each type divided by the maximum stored energy of each type.<br>
(4) The sum of the percentages calculated in Section 20.114.095 (iii) shall not exceed 100 percent except as permitted in Section 20.114.095(i) or Section 20.114.095 (h).</td>
<td>The proposed project is for Lithium-Ion Battery energy storage system.<br><br>The proposed battery energy storage system does not exceed the maximum amount of stored energy, per the Mega Pack 2 Data Sheet.</td>
<td>Yes</td>
</tr>
</table>

| Regulation | Analysis | Meets |
|---|---|---|
| (c) Size and Separation.<br>(1) ESS shall be comprised of groups with a maximum stored energy of 50 kWh each.<br>(2) Each group shall be spaced a minimum of 3 feet from other groups and from walls in the storage room or area.<br>(3) The AHJ shall be permitted to approve groups with larger energy capacities or smaller group spacing based on performance criteria from fire and explosion testing complying with Section 20.114.105(e). | The proposed battery energy storage system does not exceed the maximum level of stored energy and are proposed in groups of one, two, and four. Each group will have its own transformer and concrete pad and will be spaced 15 feet between groupings per the Commissioning and Decommissioning Plan. | Yes |
| 20.114.100 Hazard Mitigation Analysis (HMA).<br>(a) A hazard mitigation analysis shall be provided to the City of Arlington for review and approval where any of the following conditions are present:<br>(1) Technologies not specifically addressed in this Chapter are provided.<br>(2) More than one ESS technology is provided in a single fire area where adverse interaction between the technologies is possible.<br>(3) Where allowed as a basis for increasing maximum stored energy as specified in 20.114.095 (b)(i) and 20.114.095 (b)(ii).<br>(4) Where required by the City of Arlington to address a potential hazard with an ESS installation that is not addressed by existing requirements.<br>(5) Where required for existing lithium-ion ESS systems that are not UL 9540 listed.<br>(6) Where required for outdoor lithium-ion battery ESS systems.<br>(7) The hazard mitigation analysis shall evaluate the consequences of the following failure modes and others deemed necessary by the City of Arlington:<br>i. A thermal runaway or mechanical failure condition in a single ESS unit.<br>ii. Failure of an energy stage management system or protection system that is not covered by the product listing failure modes and effects analysis (FMEA).<br>iii. Failure of a required protection system including, but not limited to, ventilation (HVAC), exhaust ventilation, smoke detection, fire detection, fire suppression, or gas detection. | The applicant provided a hazard mitigation analysis for the project.<br>(1) The project proposes technologies that are specifically addressed in this chapter.<br>(2) The project proposes 38 Tesla Megapack 2XL batteries with 12 associated transformers, an auxiliary transformer and a Power Control House.<br>(3) The proposal does not exceed the maximum stored energy as specified in 20.114.095.<br>(4) All potential hazards associated with the installation have been addressed through these requirements, the HMA, and the executive summary of the Fischer Report.<br>(5) This is a new project with no existing lithium-ion ESS systems on the site.<br>(6) The proposal includes an outdoor lithium ESS system for the use in conjunction with the power grid.<br>(7) The HMA has provided an analysis that evaluates all failure modes and the product has been tested under UL9540A for thermal runaway or mechanical failure. | Yes |

| Regulation | Analysis | Meets |
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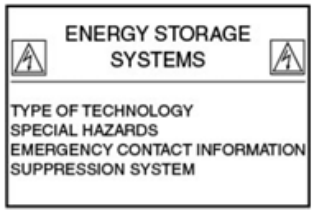
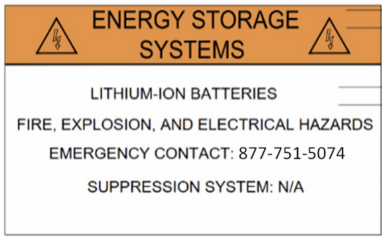
| 20.114.115 Signage.<br>(a) Approved signage shall be provided in the following locations:<br>(1) On the front of doors to rooms or areas containing ESS or in approved locations near entrances to ESS rooms.<br>(2) On the front of doors to outdoor occupiable ESS containers.<br>(3) In approved locations on outdoor ESS that are not enclosed in occupiable containers or otherwise enclosed.<br>(b) The required signage shall be in compliance with ANSI Z535 and include the following information as shown below:<br>(1) "Energy Storage Systems" with symbol of lightning bolt in a triangle.<br>(2) Type of technology associated with the ESS.<br>(3) Any special hazards associated with the specific type of ESS.<br>(4) type of suppression system installed in the area of the ESS.<br>(5) Emergency contact information.<br>(c)  | The applicant has provided the following appropriate signage for the ESS project. All lithium-ion batteries of the completed ESS project will be sited inside outdoor-rated containers devoid of occupiable spaces. If any ESS is placed in a maintenance area or room, the sign will also be placed at the entry to such spaces. The emergency contact number on the proposed sign connects to Ameresco's 24/7 call center. The suppression system is marked "N/A" because suppression will not be used at this installation.<br>  | Yes |
| **Part II. Battery Energy Storage Systems** | | |
| 20.114.135 General Requirements.<br>(a) A Battery Energy Storage System (BESS) permit, in conjunction with a building permit, issued by the City of Arlington, an electrical permit, issued by the Washington State Department of Labor and Industries shall be required for the installation of all battery energy storage systems. In addition, a land use permit, issued by the City of Arlington, shall be required for the installation of all Tier 2 and Tier 3 battery energy storage systems.<br>(b) All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (a) contain or are otherwise associated with a battery energy storage system and (b) subject to the requirements of the most current editions of the Internation Codes (IBC, IFC, IRC) including applicable state amendments, and the most current editions of both the National Electrical Code (NEC). All battery energy storage systems shall comply with NFPA 855, the standard for the installation of Stationary Energy Storage Systems, and all equipment shall be UL 9540 listed. | The applicant has submitted a land use permit for the Tier 3 battery energy storage system. The applicant is required to obtain an electrical permit from the Washington State Department of Labor and Industries.<br>The proposed Tier 3 battery energy storage system is not within a building but is located outside within cabinets as shown on the approved site plan sheet. The system is required to meet all IBC, IFC, and NEC regulations. | Yes |

| Regulation | Analysis | Meets |
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| (c) An approved energy storage management system shall be provided for battery technologies other than lead-acid and nickel cadmium for monitoring and balancing cell voltages, currents, and temperatures within the manufacturer's specifications. The system shall transmit an alarm signal to an approved location if potentially hazardous temperatures or other conditions such as short circuits, over voltage or under voltage are detected. | The proposed battery energy storage system meets all fire control and suppression as provided in the executive summary Fischer Engineering, Inc Report, titled Fire and Explosion Testing Data for Tesla Megapack 2XL and the Hazard Mitigation Analysis<br>The Tesla Megapack 2XL is equipped with a number of protection systems (e.g., deflagration control system consisting of overpressure vents and sparker system, Battery Management System (BMS) control, electrical shutdowns and disconnects, etc.) that are anticipated to effectively manage all applicable fault conditions required per NFPA 855 4.1.4 and IFC 1207.1.4.1. | Yes |
| 20.114.150 Permitting Requirements for Tier 3 Battery Energy Storage Systems.<br>(a) Tier 3 Battery Energy Storage Systems are allowed only in General Industrial (GI) zones, in conjunction with a conditional use permit. Tier 3 systems shall be set back five hundred fee from any residentially zoned property, provide security fencing, and be screened from view from adjacent property and the public right-of-way. All Tier 3 battery energy storage systems shall adhere to the most current edition of the following codes, standards and test methods;<br>(1) 2021 International Fire Code®(IFC).<br>(2) 2021 NFPA 1, Fire Code (NFPA 1).<br>(3) 2023 NFPA 855, Standard for the Installation of Stationary Energy Storage Systems (NFPA 855).<br>(4) 2018 NFPA 68, Standard on Explosion Protection by Deflagration Venting (NFPA 68).<br>(5) 2018 NFPA 69, Standard on Explosion Prevention Systems (NFPA 69).<br>(6) IEC 60529, Degrees of Protection Provided by Enclosures, 2.2 Edition, January 2019 (IP Code).<br>(7) IEC 62619, Secondary cells and batteries containing alkaline or other non-acid electrolytes – Safety requirements for secondary lithium cells and batteries, for use in industrial applications, Edition 1.0, 2017 (IEC 62619). | The applicant has submitted a conditional use permit for the Tier 3 battery energy storage system located in the general industrial zone.<br>The footprint of the battery energy storage system is located a minimum of 550 feet from residentially zoned property.<br>The proposed Tier 3 battery energy storage system has complied with all listed code per the documents received from the applicant with the permit application. | Yes |

| Regulation | Analysis | Meets |
|---|---|---|
| 20.114.150 Permitting Requirements for Tier 3 Battery Energy Storage Systems. Continued.<br>(8) IEC 626933-5-2, Electrical energy storage (EES) systems – Part 5-2: Safety requirements for grid-integrated EES systems – Electrochemical-based systems, April 15, 2020 (IEC 626933-5-2).<br>(9) UL 1642, Lithium Batteries, Edition 6, September 29, 2020 (UL 1642).<br>(10) UL 1973, Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power, and Light Electric Rail (LER) Application, Edition 2, February 7, 2018 (UL 1973).<br>(11) UL 9540, Standard for Safety of Energy Storage Systems and Equipment, Edition 2, February 27, 2020 (UL 9540).<br>UL 9540A, Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems, Edition 4, November 12, 2019 (UL 9540A). | The proposed Tier 3 battery energy storage system has complied with all listed code per the documents received from the applicant with the permit application. | Yes |
| 20.114.155 Definitions.<br>Battery Energy Storage System: A rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls and associated electrical equipment designed to provide electrical power to a building. The system is typically used to provide standby or emergency power, an uninterruptable power supply, load shedding, load sharing or similar capabilities. A battery energy storage system is classified as a Tier 1, Tier 2, or Tier 3 battery energy storage system as follows:<br>(3) Tier 3 (industrial-scale/public utility) battery energy storage systems having an aggregate energy capacity greater than six hundred kWh, up to, but not exceeding two hundred mega-watt hours (MWh), or battery energy storage systems with more than one storage battery energy technology is provided in a room or enclosed area. An HMA shall be required for lithium-ion ESS that exceeds six hundred kWh (two thousand one hundred sixty MJ) for outdoor ESS installations, ESS installations in open parking garages and on rooftops of buildings, and mobile ESS equipment. | The project proposes a Tier 3 battery energy storage system that is part of the PUD No. 1 of Snohomish County public utility system and has included a Hazard Mitigation Analysis with the documents submitted with the application. | Yes |

| Regulation | Analysis | Meets |
|---|---|---|
| **Chapter 13.28 AMC, Stormwater** | | |
| 13.28.070 Applicability of the Utility. The following actions or applications for the following permit and/or approvals will require submittal for approval by the utility: site plans, design drawings, and operations and maintenance plans. Submittals shall be consistent with the provisions of this Code, and shall comply with the stormwater manual and engineering standards:<br>(3) New Development | The proposed project is subject to meeting the required stormwater regulations for the site. The project has received conceptual approval for the stormwater design. A Civil Permit shall be required for all site improvements. All stormwater systems shall comply with the City of Arlington Public Works Standards and Specifications and the most recent Department of Ecology Stormwater Manual for Western Washington. | Yes |

## E. PUBLIC COMMENTS

| Public Comment | Response |
|---|---|
| Public comments received during the Notice of Application and SEPA MDNS comment periods, along with the Neighborhood Meeting for the Snohomish County PUD Battery Energy Storage System PLN #1311. | The city received comments from the following agencies.<br>▪ Washington State Department of Transportation – Aviation Division<br>▪ The Stillaguamish Tribe of Indians<br>A summary of these comments is provided below. |
| The Stillaguamish Tribes of Indians provided comments requesting notification about when ground disturbance will be occurring to have the opportunity to send a tribal monitor and recommend that an Inadvertent Discovery Plan be in place. Exhibit #23 | Snohomish County PUD responded to the Stillaguamish Tribe of Indians via email and provided a Notice of Construction timeline and Unanticipated Discover Plan for the project. Exhibit #21 |
| WSDOT Aviation provided comments regarding Airport Compatibility Zone 6. Within this zone, utilities developments are permitted. Based on our assessment, the project would be compatible with the Arlington Airport. However, plans should be reviewed to ensure they will not create height hazard obstruction, smoke, glare, electronic interference, wildlife attractants, or any other airport hazard. The site needs to meet the FAA obstacle notification requirements. Also given the proximity to the airport, it should be noted that the property may experience low-flying aircraft, aircraft and propeller noise, vibrations, and exhaust fumes, which may be perceived as a nuisance to future users. Exhibit #24 | Snohomish County PUD responded to the WSDOT Aviation Division via email with answers to the questions asked in the comment letter. Exhibit #22 shows no further action is necessary to resolve any of the comments. |

## F. CONCLUSIONS & RECOMMENDATIONS

(a) The applicant has applied for a Conditional Use Permit as required under AMC 20.16.

(b) City staff recommends approval of the Snohomish County PUD Battery Energy Storage System Conditional Use Permit, per the staff report listed as Sections A-F and subject to the conditions listed in Section G

(c) Under AMC 20.16.225 (c), subject to subsection (d), the designated decision-maker shall issue the requested permit unless it concludes, based on upon the information submitted at a hearing, if there is a hearing, or by signed letter, if there is not, that:

| Regulation | Analysis | Meets |
|---|---|---|
| **Chapter 20.16.225(c)** | | |
| (1) The requested permit is not within its jurisdiction according to the table of permissible uses. | The property is within the city limits and the City of Arlington Zoning Map identifies the subject property as General Industrial. Battery Energy Storage Systems are a permissible use per AMC 20.40.140 – Industrial Zones Permissible Use Table. | Yes |
| (2) The application is incomplete. | The City determined the subject application complete on March 4, 2025. | Yes |
| (3) If completed as proposed in the application, the development will not comply with one or more of the requirements of this title. | The proposed battery energy storage system and accompanying site plan complies with all required sections of AMC Title 20 per this staff analysis. | Yes |
| (4) The proposed project has not complied with SEPA | The City issued a SEPA MDNS on March 5, 2025. No parties appealed the MDNS and public comments received are addressed in Section E. | Yes |
| (5) The proposed project is not in conformance with the Comprehensive Plan, Transportation Plan, or other adopted plans, regulations, or policies. | The requested Conditional Use Permit, as conditioned, is consistent with all adopted plans, regulations, policies, and AMC Title 20 requirements. | Yes |

Under AMC 20.16.225(d) even if the permit-issuing authority finds that the application complies with all other provisions of this title, it may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not will not meet the requirements of AMC 20.16.260 (a), shown below.

(d) Under AMC 20.16.260(a), subject to Subsection (b), in granting a conditional use permit, the hearing examiner may attach to the permit such reasonable requirements in addition to those specified in this title as will ensure that the development in its proposed location:

| Regulation | Analysis | Meets |
|---|---|---|
| **Chapter 20.16.260(a)** | | |
| (1) Will materially endanger the public health or safety. | The proposed project will not materially endanger public health or safety. The application provides specific manufacturing documents that show the Tier 3 battery energy storage system has been tested for compliance. | Yes |

| Regulation | Analysis | Meets |
|---|---|---|
| (2) Will materially harm adjoining or abutting property. | The proposed Tier 3 battery energy storage system will not materially harm adjoining commercial properties per the approved site plan. | Yes |
| (3) In terms of design and use will not be compatible with the area in which it is located. | The proposed project is allowed per AMC 20.40 permissible uses within the General Industrial zone. | Yes |
| (4) Will be in conformity with the land-use plan, transportation plan, or other plan officially adopted by the council. | The proposed project is in conformity with the Zoning Map and AMC Title 20, along with city plans officially adopted by the city council. | Yes |

(e) Under AMC 20.114.015, the permitting for battery energy storage systems is required to meet the following objectives:

| Regulation | Analysis | Meets |
|---|---|---|
| **Chapter 20.114.015** | | |
| (a) To ensure the public health, safety, welfare and quality of life of citizens is maintained. | The proposed Tier 3 battery energy storage system and does not impact public health, safety, welfare, or quality of life for citizens. The project provides increased electrical power sources for customers within the City of Arlington and Snohomish County. | Yes |
| (b) To provide for the correct designation of properties allowing for the construction, operation and maintenance of energy storage systems. | The proposed project is allowed per AMC 20.40 permissible uses within the General Industrial zone. | Yes |
| (c) To ensure compatible land uses in the vicinity of the areas that may be affected by energy storage systems. | The proposed site plan shows that the energy storage system will not affect neighboring property owners and is a compatible land use with the surrounding industrial uses. | Yes |
| (d) To mitigate the potential impacts of energy storage systems on environmental resources such as aquafers, critical areas, forests, wildfire or other protected resources. | The proposed project does not impact aquafers, critical areas, forests, wildfire, or other protected environmental resources. | Yes |
| (e) To support the transition of renewable energy sources. | The proposed Tier 3 battery energy storage system supports renewable energy sources by storing electricity to operate the Arlington and Snohomish County electrical grid. | Yes |

## G. CONDITIONS

**Conditional Use Permit:**

1. All development shall be in substantial conformance with the approved site plan received on February 4, 2025 and signage information received on May 1, 2025. The project shall also comply with the Hazard Mitigation Analysis, Operations and Maintenance Manual, Fire and Explosion Testing Data, Calculations or Modeling Data to Determine Compliance with NFPA 68 and NFPA 69, Commissioning and Decommissioning Plan and Megapack 2 Data Sheet also submitted on February 4, 2025, subject to any conditions or modifications that may be required as part of the permit review or product installation.
2. The applicant shall meet all local, state, or federal code requirements. Please refer to the Arlington Municipal Code for a complete list of code requirements for your project type.
3. The applicant shall comply with all permits and conditions thereof from the City of Arlington and other government agencies with jurisdiction.
4. The property owner or authorized agent and systems operator is required to have the manual before the system is put into operation and maintain a service record log that lists the schedule for all required service and maintenance actions.
5. The property owner shall keep the operations and maintenance documentation onsite and it shall be made available to the City of Arlington and North County Fire & EMS upon request.
6. The property owner shall comply with the system manufacturer's instructions and maintenance documentation shall include a detailed maintenance schedule covering all affected equipment. The maintenance documentation shall record information on repairs, renewal, or renovations made to the energy storage system.
7. The property owner is required to provide training from the system owner or their designated agent to all personnel responsible for the operations and maintenance of the energy storage system.
8. The property owner shall perform system testing as required per the battery energy storage manufacturer, keep a record of all tests, and make the tests available electronically.
9. The property owner is responsible for the adequate commissioning testing per the manufacturer's specifications and shall provide the City of Arlington a commissioning report prior to becoming operational on the site. This report is required to be submitted to the Building Official.
10. The property owner shall notify the City of Arlington Community and Economic Development Department prior to decommissioning the energy storage system and follow the decommissioning instructions. The property owner shall also prepare a decommissioning report that summarizes the decommissioning process, results of the decommissioning process, and provide the report to the City of Arlington upon request.
11. The property owner shall submit an application for a new building permit with the City of Arlington prior to recommissioning an existing system. The application shall include the entire system, commissioning report, identification of any new issues and resolutions, any revisions, alterations, additions, repositioning, or renovations to the system.

**SEPA MDNS Conditions**

The applicant or developer shall comply with all conditions of the SEPA MDNS issued on March 5, 2025.

12. **(B)(1) Earth:** The applicant proposes an estimated 353 cubic yards of cut and 1,703 cubic yards of fill. To mitigate for potential earth impacts, the Applicant shall implement Best Management

Practices per Department of Ecology for Stormwater Pollution Prevention and TESC Controls to prevent erosion during and after construction.

13. **(B)(2) Air:** To mitigate for potential air impacts, the Applicant shall implement dust control measures to reduce fugitive dust emissions during construction. A Construction Management Plan shall be submitted to the City prior to commencement of construction to ensure these measures. Construction equipment emissions shall comply with all State and Federal regulations for emissions.

14. **(B)(3)(b) Ground Water:** To mitigate potential impacts to ground water the Applicant shall follow a Spill Prevention, Control, and Countermeasure Plan developed for the site as part of the Clean Water Act section 401 compliance and employ best design practices meeting the current Department of Ecology's Stormwater Management Manual for Western Washington.

15. **(B)(3)(c) Water Runoff:** To mitigate for potential impacts to water runoff the Applicant shall follow an approved Stormwater Pollution Prevention Plan and the current edition of the Department of Ecology's Stormwater Management Manual for Western Washington and Best Management Practices used to protect groundwater. Stormwater shall be controlled by routing surface runoff to vegetated areas designed to treat and infiltrate runoff into the existing subgrade. Secondary and/or additional containment shall be provided for any battery or transformer contaminants.

16. **(B)(7)(A) Environmental Health:**
    - BESS Facility: The Applicant shall provide security fencing with warning signs and locked entry gates to prevent access by unauthorized persons. System remote surveillance equipment shall be installed to reduce hazards from battery thermal runaway. Regular monitoring, inspections, and maintenance shall be performed, which will help prevent hazardous conditions. The stations grounding system shall be installed to protect people within or adjacent to the fence from shock or explosion.
    - Oil and Hazardous Material Spills: The applicant shall provide a facility that is designed to contain the release of non-toxic transformer oil, battery coolant, and electrolyte during routine operations and emergency conditions. Spill response procedures shall be developed to address spill situations in the Spill Prevention, Control and Countermeasures Plan, required by federal oil use regulations and shall in accordance with all local, State and Federal policies. The Plan shall provide response procedures, and utilization of an emergency spill response contractor if initial response resources are not sufficient.

17. **(B)(7)(b) Noise:** City of Arlington noise standards found in AMC 9.20.060 shall be complied with. Specifically, in section 9.20.060(8) noises resulting from any construction or development activity or the operation of heavy equipment from 7:00 pm to 7:00 am Monday through Saturday shall be prohibited. The project will generate short term noise associated with construction activities. Construction hours will conform to City requirements. Low noise transformers will be utilized in the facility with the project completion.

18. **(B)(10)(c) Aesthetics:** The applicant shall provide a security/screening wall to obscure ground-level visibility of the system from the 63rd Avenue NE public right-of-way.

19. **(B)(11)(a) Light and Glare:** To mitigate potential light pollution the Applicant will be required to install light fixtures that are down shielded. The property is located within the Arlington Airport Protection District – Subdistrict C.

20. **(B)(13) Historic and Cultural Preservation:** The applicant submitted an Unanticipated Discovery Plan. If historical, cultural, or archaeological sites or artifacts are discovered in the process of development, work on that portion of the site shall be stopped immediately, the site secured, and the find reported as soon as possible to the community and economic development

director. The property owner also shall notify the Washington State Department of Archaeology and Historic Preservation and affected tribes. The applicant shall provide ground disturbance notification to the Stillaguamish Tribe of Indians and allow for monitoring on the site.

21. **(B)(16)(a) Utilities:** The applicant shall receive approval and connect to the City of Arlington water system, extend utility lines as necessary, and pay water and sewer connection fees. All improvements shall be installed during the Civil Construction phase of the project.

**Civil Construction:**

22. Prior to any construction activities, the applicant shall file and receive approval of a Civil Construction Permit which comply with all requirements of the Land Use Code, International Building Code, International Fire Code and Public Works Construction Standards and Specifications. Said plans shall address all site improvements, either required or voluntarily provided.
23. All stormwater is required to meet the most Department of Ecology's 2024 Stormwater Management Manual for Western Washington and Chapter 3 of the City's Design and Construction Standards and Specifications manual. The final drainage plan shall be approved with the Civil permit.
24. The applicant is required to obtain a Department of Ecology Construction Stormwater General Permit.
25. The applicant shall submit a Stormwater Pollution Prevention Permit (SWPPP) with the Civil Construction Permit.
26. The applicant is required to obtain utility permits from the City of Arlington for water and sanitary sewer connections.
27. The applicant shall fulfill all performance and maintenance bond requirements of the subject project.
28. The applicant shall provide As-builts of water, sanitary sewer, and storm systems installed with the subject project.

**Building Permit:**

29. A building permit application shall be reviewed and approved prior to building construction on the site.
30. The battery energy storage system shall meet the most current edition of the International Building Code, International Fire Code, and the National Electrical Code regulations.
31. The applicant is required to obtain an electrical permit from the Washington State Department of Labor and Industries.

**Other:**

32. All contractors working on the site are required to obtain a Washington State Business License and a City of Arlington Endorsement.

## H. DECISION

(a) The decision whether to approve or deny this proposal shall be made by the Hearing Examiner.
(b) Per AMC 20.16.280 (a), Conditional Use Permits shall expire automatically if, within two years after the issuance of such permits:
  (1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use, or
  (2) Less than ten percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site.

## I. RECONSIDERATION OF PERMIT – ISSUING AUTHORITY'S ACTION

Reconsideration of permits shall follow the requirements of AMC 20.16.300.

(a) Except as pursuant to Subsection (b), whenever (i) the hearing examiner disapproves a conditional use permit application, or (ii) the community and economic development director or hearing examiner disapproves an application for a special use permit or a variance, on any basis other than the failure of the application to submit a complete application, such action may not be reconsidered by the respective permit-issuing authority at a later time unless the applicant clearly demonstrates that:
  (1) Circumstances affecting the property that is the subject of the application have substantially changed, or
  (2) New information is available that could not with reasonable diligence have been presented at a previous hearing.

(b) Whenever the permit-issuing authority approves or disapproves a permit application or variance the respective permit-issuing authority may reconsider such action if either the applicant or a party of record clearly demonstrates that in the written decision for the permit or variance either a finding of fact or testimony has been incorrectly recorded.

(c) A request to be heard for reconsideration on this basis must be filed with the Community and Economic Development Director within the time period for an appeal to superior court (see section 20.28.060, judicial review). However, such a request does not extend the period within which an appeal must be taken.

(d) Notwithstanding Subsection (a), the hearing examiner or community and economic development director may at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered.

## J. APPEALS

AMC 20.20.020 Appeals of Hearing Examiner Decisions.

(a) Appeals from the final decision of the hearing examiner, or other city board or body involving the city's land use code and for which all other appeals specifically authorized have been timely exhausted, shall be made to Snohomish County Superior Court pursuant to the Land Use Petition Act, Chapter 36.70C RCW, within twenty-one days of the date the decision or action became final, unless another applicable appeal process or time period is established by state law or local ordinance.

(b) Upon motion for reconsideration, the date of the decision is the date of entry of the decision on the reconsideration motion by the hearing examiner and not the original decision date by the city.

(c) Notice of the appeal and any other pleadings required to be filed with the court shall be served as required by law within the applicable time period. This requirement is jurisdictional.

(d) The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The record of proceedings shall be prepared by the city or such qualified person as it selects. Prior to the preparation of any records the appellant shall post with the city community and economic development department an advance fee deposit in the amount specified by the city's planning division. Any overage will be promptly returned to the appellant.

## K. EXHIBITS

File PLN #1311 – Snohomish County PUD Battery Energy Storage System Conditional Use Permit (on file at City of Arlington Community and Economic Development Office and viewable on the City of Arlington website).

Distributed to the Following Parties:

- Peregrin Sorter of Laminar Law, Hearing Examiner
- Maureen Barnes of Public Utility District No. 1 of Snohomish County, Owner
- Jessica Spahr of Public Utility District No. 1 of Snohomish County, Owner
- Jason Griffin of Ameresco, Applicant
- Jessica Georgescu of Ameresco, Applicant
- Scott Wentworth of Ameresco, Applicant