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## SnoPUD Advanced Metering Infrastructure – STAFF REPORT – CONDITIONAL USE PERMIT

Staff Report Transmitted: January 4, 2023

Hearing Date: January 18<sup>th</sup>, 2023, at 2:30 PM

<b>Project Name:</b>	SnoPUD Advanced Metering Infrastructure
<b>File Number:</b>	CUP-009979-2022
<b>Location:</b>	7230 Olympic View Drive
<b>Tax Parcel Number(s):</b>	27041700202200
<b>Future Land Use:</b>	Parks, Recreation, and Open Space (PRO)
<b>Zoning:</b>	Public (P-1)
<b>Site Area:</b>	0.59 acres (25,700 square feet)
<b>Property Owner:</b>	Public Utility District No. 1 of Snohomish County
<b>Applicant:</b>	PUD No.1 of Snohomish County c/o Jeff Colon, Project Manager AMI Network <a href="mailto:JSColon@Snopud.com">JSColon@Snopud.com</a> c/o Teresa Gash, David Evans and Associates <a href="mailto:teresa.gash@deainc.com">teresa.gash@deainc.com</a>
<b>Staff Reviewer:</b>	Jesse London, Planning Consultant <a href="mailto:jlondon@lynnwoodwa.gov">jlondon@lynnwoodwa.gov</a>
<b>Applicable Design Guidelines:</b>	Citywide Design Guidelines for all districts and public zones
<b>Related Permits:</b>	None. The project is exempt from SEPA.
<b>Recommendation:</b>	Approve with Conditions

**Project Description:** Teresa Gash (David Evans and Associates), on behalf of Public Utility District No. 1 of Snohomish County (SnoPUD) (c/o Jeff Colon, SnoPUD Project Manager of AMI Network), has applied for a Conditional Use Permit (CUP) to install an Advanced Metering Infrastructure (AMI) base station, including a new 70-foot ductile

iron utility pole (about 61 feet of which will be above-grade), an omnidirectional antenna, and a pole-mounted network base station. The total height for the pole and antenna is approximately 70 feet above grade. This new infrastructure will be added to SnoPUD's existing Perrinville Substation site at 7230 Olympic View Dr., within the Public (P-1) zone (the site is immediately adjacent to Lynndale Park). This project is exempt from SEPA review per Washington Administrative Code (WAC) 197-11-800(23). The addition does not require Project Design Review because the project area is less than 1,000 square feet. The CUP requires a hearing and decision by the City of Lynnwood Hearing Examiner.

## **I. EXHIBITS**

01. Staff Report, transmitted January 4, 2023
02. Application, received May 18, 2022
03. Aerial Map, received May 18, 2022
04. Project Narrative, revised December 8, 2022
05. Site Plan and Elevations, revised December 6, 2022
06. Notice of Complete Application, issued June 14, 2022
07. City Agency Reviewer Comments (Building Division, Development Engineering, and Police combined into one exhibit)
08. Notice of Application and Impending Decision, issued June 29, 2022
09. Email Approving Continued Application Processing, received October 5, 2022
10. Notice of Hearing, issued December 19, 2022

## **II. FINDINGS OF FACT**

### **a. Background**

On May 18, 2022, Teresa Gash, on behalf of SnoPUD, submitted a request for a conditional use permit (CUP) to install an Advanced Metering Infrastructure (AMI) base station at an existing 0.59-acre substation site located at 7230 Olympic View Dr. (Parcel Number 27041700202200). The installation will include a new 70-foot ductile iron utility pole (about 61 feet of which will be above-grade), an omnidirectional antenna, and a pole-mounted network base station. The base station will be installed on the pole at a height of approximately 15 feet above grade. Overhead power and fiber optic lines will be connected to the new pole from an existing pole approximately 35 feet northwest of the new pole. The project will require 10 square feet of soil disturbance, though the resulting pole will have a diameter of roughly 32 inches at ground level. No other land use

decisions are required. This staff report focuses exclusively on information to inform the CUP hearing and decision.

The site is owned by SnoPUD. The property is immediately north of Lynndale Park, south of the intersection of Olympic View Dr. and 73<sup>rd</sup> Ave. W. The existing Perrinville Substation occupies about 4,500 square feet of the property, not including driveways. The substation contains an existing transformer and switchgear enclosure. There are two driveways on the property, one on the north side to access the substation and the other starting on the south side via easement from Lynndale Park to access multiple vaults on the east side.

The entire site is used to support electrical service and the applicant states that it will continue to be used for that purpose. The new AMI installation will necessitate two annual maintenance visits and "rare occasions of troubleshooting if communications are lost," (Exhibit 4).

## **b. Proposal Description**

**Summary of Proposal** – The applicant proposes to install an AMI base station, including a new 70-foot ductile iron utility pole, an omnidirectional antenna, and a pole-mounted network base station. The total height is approximately 70 above grade. This will take place on SnoPUD property, adjacent to an existing substation.

**Use** – Lynnwood Municipal Code (LMC) 21.44.100 (Uses allowed within Public and Semi-Public Zones) indicates that permitted and conditional uses are allowed consistent with those of the RS-8 Zone. To that effect, LMC Table 21.42.01 identifies certain "Public Utility Facilities," including electric, as an allowed use through a CUP.

**Design** – The project consists of a 70-foot ductile iron utility pole, about 61 feet of which is above ground, with a diameter of about 32 inches at the pole's base. The installation includes a base station (approximately 22 x 22 x 11 inches) attached to the pole at a height of about 15 feet above grade, a three-inch PVC conduit running parallel to the pole, and an omnidirectional antenna attached to the top of the pole that extends the installation's total height to 70 feet above grade. The proposed addition occupies less than 1,000 square feet of area and therefore does not require design review.

**Site Information** – The site is a 0.59-acre parcel, roughly trapezoidal in shape, with its longest edge on the north side, curved, and abutting Olympic View Dr. Across this street, to the north, is the City of Edmonds. The other three sides of the parcel abut Lynndale Park, owned by the City of Lynnwood. The parcel has two access points: (1) a gravel driveway off

of Olympic View Dr., in the northwest corner of the parcel; and (2) a gravel driveway coming from the south of the property and easement from Lynndale Park. The fenced area, delineating the Perrinville Substation, is also mostly graveled, save for the concrete footings supporting the substation equipment. The remainder of the parcel is covered in grass, shrubs, or forested area.

**Future Land Use and Zoning** – The Comprehensive Plan future land use designation of this site is Parks, Recreation, and Open Space (PRO). The property is zoned P-1 on the Official Zoning Map. The P-1 zone is identified in the Comprehensive Plan as the sole consistent implementing zone for the PRO future land use designation (Table I-1, page 11.5).

**c. Noticing**

**Notice of Complete Application (Exhibit 6)** – The application was deemed complete on June 14, 2022.

**Notice of Application and Impending Decision (Exhibit 8)** – In accordance with LMC Chapter 1.35, the Notice of Application was posted at City of Lynnwood official posting sites and onsite, on or before June 24, 2022, and notice was also published in the Everett Herald. Owners of property and tenants within a 300-foot radius of the subject property were also mailed a copy. The comment period ended on July 13, 2022. No public comments were received.

**Notice of Public Hearing (Exhibit 10)** – a notice of public hearing was issued on January 18<sup>th</sup>, 2023, in accordance with LMC 1.35.140(B).

**d. Environmental Review (SEPA)**

This project is exempt from SEPA review per WAC 197-11-800(23), which states that “utility-related actions,” except for those taking place on lands covered by water, are exempt, including installation and construction of electric facilities.

**e. Review Time Limit**

LMC 1.35.025 requires a decision within 120 calendar days after the city notifies the applicant that the application is complete, except as provided in subsections LMC 1.35.025(A) through (C). However, the applicant has agreed to extended processing of the application by 90 days to provide City staff and the Hearing Examiner time to render a decision on the CUP (Exhibit 9), and additional time was added for the applicant to address comments.

**f. Zoning Analysis**

**i. Compliance with the Public (P-1) Zone (LMC Chapter 21.44)**

In accordance with LMC Section 21.44.100.C, the Hearing Examiner shall consider all factors relevant to the public interest including, but not limited to:

1. Consistency of the proposal with the comprehensive plan and with the purpose of the P-1 zone as stated in LMC 21.44.050, especially discouraging activities of a commercial or industrial nature, whether public or private;

Comments: The proposed facility (1) does not alter the use of the property or otherwise diminish its ability to minimize the effects of nearby nonresidential uses on single-family zones. The proposal also (2) does not encourage future development in the area to be influenced towards a type of development contrary to the comprehensive plan. Lastly, (3) it is not of a commercial or industrial nature; the request is for enhancement of a public utility.

2. Impact of the proposal on the visual and aesthetic character of the neighborhood.

Comments: The proposed AMI pole and base station will be located on the same parcel as SnoPUD's existing Perrinville Substation and is therefore not anticipated to substantially alter the property's visual aesthetic. For example, the proposed pole is a total of 70 feet above-grade, while the tallest existing component of the substation is a transmission pole within an easement area south of the property, which is about 60 feet above-grade and at a higher elevation than that of the proposed pole (by 20 feet).

3. Impact of the proposal on the distribution, density or growth rate of the population in the neighborhood;

Comments: The proposal is an enhancement of a public facility that will not impact the distribution, density, or growth rate of the population in the neighborhood. The proposed facility will serve the entire city, rather than this specific neighborhood.

4. Orientation of facilities to developed or undeveloped residential areas;

Comments: The proposed ductile iron utility pole is visible from single-family units to the north, across Olympic View Dr., but alternative orientations would not change this fact, due to the pole's height being greater than other structures on the property.

5. Preservation of natural vegetation and other natural features;

Comments: Based on the site plan provided by the applicant and a brief desktop survey, the proposed precise location appears to be currently covered by grass (Exhibits 3, 4, and 5). According to the Project Narrative, the installation will require 10 square feet of disturbance (Exhibit 4). This grass is considered ornamental landscaping with limited habitat value and removal is allowed.

6. Hours of operation;

Comments: The proposed facility will not alter hours of operation or significantly alter current overall operations. It is estimated to add approximately two site visits per year, for regular maintenance.

7. Ability to provide adequate on-site parking;

Comments: The existing substation site has sufficient parking and the proposed addition will not necessitate additional parking.

8. Traffic impacts of the proposal on the neighborhood; and

Comments: The proposed facility is estimated to add approximately two site visits per year, for regular maintenance.

9. Conformance of the proposal with the city noise ordinance, Chapter 10.12 LMC.

Comments: No additional noise will be generated by the completed project. The applicant states, in the Project Narrative, that construction-related noise will be in conformance with the City's noise ordinance (Exhibit 4).

In accordance with LMC Section 21.44.200, all uses permitted in the RS-8 zone (see Section II.b) shall be subject to RS-8 regulations, described in LMC Chapter 21.42.

The proposal complies with LMC 21.42.110.B, Limitations on use as Public Utility Facilities:

1. Such facilities shall not be injurious to the neighborhood or otherwise detrimental to the public welfare;

Comments: The proposed facility does not substantially alter the existing use or aesthetic of the property or vicinity, generates no new noise or odor, and will not significantly impact traffic. The proposal is therefore not anticipated to impact the neighborhood or public welfare.

2. The applicant shall demonstrate the need for the proposed public utility facility to be located in a residential area, the procedures involved in the site selection and an evaluation of alternative sites and existing facilities on which the proposed facility could be located or co-located;

Comments: The proposed facility is not located in a residential zone, but in a zone intended for public facilities. The proposal co-locates a small public utility feature on an existing public utility site with similar infrastructure and that is owned by SnoPUD (the applicant). As described in the applicant's project narrative (Exhibit 4), a more preferable alternative site does not exist, given this site's colocation opportunity, physical conditions, and ability to provide adequate radio frequency system coverage.

3. A site development plan shall be submitted showing the location, size, screening and design of all buildings and structures, including fences, the location, size, and nature of outdoor equipment, and the location, number, and species of all proposed landscaping;

Comments: The applicant has provided a site plan and elevation drawings that illustrate these items, when present.

4. The facility shall be designed to be aesthetically and architecturally compatible with the natural and built environment. This includes, but is not necessarily limited to, building design and the use of exterior materials harmonious with the character of the surrounding neighborhood and the

use of landscaping and privacy screening to buffer the facilities and activities on the site from surrounding properties. Any equipment or facilities not enclosed within a building (e.g., towers, transformers, tanks, etc.) shall be designed and located on the site to minimize adverse impacts on surrounding properties;

Comments: The proposed facility is consistent with the existing and immediately adjacent public utility infrastructure on the site. The existing terrain and vegetation will screen the new facility from Lynndale Park visitors to the west, south, and east. There are no apparent alternative locations within the property that would reduce impacts on surrounding properties. The selected materials are neutral, non-reflective colors that will blend in to the existing facility.

5. All wireless communications facilities shall comply with national, state or local standards, whichever is more restrictive, in effect at the time of application, for non-ionizing electromagnetic radiation;

Comments: The proposed facility is not for the purposes of wireless communications, but rather supportive of electric and water utility infrastructure. However, the applicant has asserted that the proposed wireless antenna included in the proposal complies with Part 15 of the FCC Rules in the Code of Federal Regulations, related to unintentional emissions from electronic devices.

6. The applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. If additional height over that allowed in the zone is justified, it may be approved by the city;

Comments: The applicant asserts that the proposed facility requires its proposed height in order to sufficiently serve the entire city, as intended. The maximum "building height" for a project requiring a CUP in this zone is 35 feet (see relevant standards in the table below). However, given that the proposed facility does not meet the definition a building or structure, these regulations are not applicable. Furthermore, the proposed height will allow the facility to provide sufficient radio frequency system coverage.



7. The applicant shall include an analysis of the feasibility of future consolidated use of the proposed facility with other public utility facilities.

Comments: The proposed facility is collocated with existing public utility infrastructure. Future collocation will be evaluated and accommodated to the extent feasible.

The proposal complies with the Development Standards of LMC Table 21.42.02 for the RS-8 zone:

	<b>RS-8 Standard</b>	<b>Proposal</b>
Minimum lot area	8,400 sf	Existing lot is 25,700 sf
Minimum lot width	70 ft	Existing lot is roughly 200 ft
Minimum frontage at street	30 ft	Proposed facility is not a building. Parcel frontage on street is more than 200 ft
Front yard min. setback	25 ft	Pole is 25 ft from northern property line
Front yard min. setback abutting private road or access easement	15 ft	N/A. Front yard abuts public road
One side yard min. setback	5 ft	Five feet
Both side yards combined min. setback	15 ft	Exceeds 200 ft
Rear yard min. setback	25 ft	Roughly 69 ft
Min. yard setback from principal arterial	25 ft	Setback from only adjacent road is 25 ft
Max lot coverage by building	35%	No building proposed
Max building height	35 ft	No building proposed

**ii. Compliance with Development standards for park facilities (LMC 21.44.250)**

This section confirms that proposals within the PRO future land use designation shall be subject to development standards listed above. It also establishes a regulatory pathway to reducing the setback from a public street, which is not necessary in the proposal's current state (25 ft setback from Olympic View Dr).

**iii. Compliance with Landscaping (LMC 21.08)**

Although Table 21.08.08 indicates that “medium” type landscape buffer is required between a P-1 zone and an abutting RS zone, LMC 21.08.400.B states that such a buffer is not required when the properties are separated by a right-of-way. Therefore, a landscape buffer is not required on the north side of the property, in spite of its adjacency to a residential zone (see aerial map in Exhibit 3).

**iv. Compliance with Outdoor Lighting Standards (21.17 LMC)**

In accordance with LMC 21.17.040, the standards of this chapter are not applicable because the project cannot be described by any of the following:

1. Outdoor lighting undertaken in conjunction with development requiring project design review

Comments: This project is exempt from PDR.

2. Redevelopment or expansion when the redevelopment increases the gross floor area or valuation by the criteria established in LMC 21.12.400(C)

Comments: This project does not add to a building, any floor area, or sufficient assessed value.

3. Minor Modifications, Additions, or New Lighting Fixtures for Nonresidential and Multifamily Dwellings. For nonresidential and multifamily dwellings, all additions, modifications, or replacement of more than 50 percent of outdoor lighting fixtures existing as of the effective date of this chapter shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting shall meet the requirements of this chapter.

Comments: No dwellings are proposed.

4. Resumption of Use after Abandonment. If a property with nonconforming lighting is abandoned for a period of six months or more, then all outdoor lighting shall be brought into compliance with this chapter before any further use of the property occurs.

Comments: This project is not a resumption of use after abandonment.

**v. Compliance with Parking (LMC 21.18)**

Table 21.18.11 requires one parking stall for Utility Establishments without Regular Employment. In its current condition, the property provides one parking stall and, according to the site plan, the proposed facility will not obstruct its use.

### III. CUP Decision Criteria (Chapter 21.24 LMC)

Public utility facilities in the P-1 zone require a CUP. Per LMC 21.24 (Conditional Use Permits) and LMC 1.35.100 to 1.35.740 (Process I Application Processing and Review), the Hearing Examiner shall hold a public hearing and approve, approve with conditions, deny the application, or remand the application for additional information. The Hearing Examiner may allow relaxation of the development standards of this title if he/she/they find(s) that alternative amenities, improvements, proposed location of uses or structures, or other features incorporated into the proposal are in harmony with the general purpose of this title and would provide equal or better protection to the public interest than would the standards proposed to be relaxed. The applicant has not identified or requested a relaxation of development standards of this title.

LMC 21.24.100 provides findings that must be made for the hearing examiner to approve a conditional use permit. These include:

1. That the use for which such a permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
2. It will be in harmony with the general purpose of this title.

Staff analysis of decision criteria and compliance with LMC requirements is discussed in the following section of this report.

#### **a. The use for which a conditional use permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare.**

The P-1 zone is "intended to provide for nonresidential uses of a public or quasi-public nature to be located in or near residential areas and to establish standards which will minimize the impact of the nonresidential use on nearby properties. Whereas nonresidential uses are ordinarily prohibited in single-family residential zones in the public interest, it is the intent of this classification that instead of such nonresidential uses being excluded the public interest will be best served by development standards which minimize or eliminate completely any undesirable effects of the nonresidential uses on existing homes. Also, it is intended that the provisions of this chapter will prevent future development in the area from being influenced towards a type of development contrary to that shown

on the adopted comprehensive plan, with the result that the residential character will be preserved in the neighborhoods where this zone is established." (LMC 21.44.050)

Consistent with this purpose, the proposed facility does not alter the use of the property or otherwise diminish its ability to minimize the effects of the nonresidential uses on nearby single-family zones. The proposal also does not encourage future development in the area to be influenced towards a type of development contrary to the comprehensive plan. The proposal will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**b. The proposed use will be in harmony with the general purpose of this title.**

The general purpose of Title 21 – Zoning provides regulations concerning the use of land and structures and the location, size, and bulk of structures for the purpose of avoiding or abating public nuisances. The title also promotes the protection and promotion of the quality of the natural environment and the health, safety, morals, and other aspects of the general welfare of present and future inhabitants of the city of Lynnwood in accordance with the comprehensive plan and laws.

The proposal has been designed and located in accordance with applicable provisions of Title 21, including being situated in the P-1 zone, location in compliance with setback requirements, and design consistent with height, material, and screening requirements. Staff finds the proposed development meets the needs of the community and is consistent with existing code requirements in Title 21. As submitted, the proposal will meet all development standards for P-1 and RS-8 zones.

In addition to the CUP decision criteria, staff find the proposal is consistent with the Comprehensive Plan. The property is designated on the Future Land Use Plan Map in the Comprehensive Plan as PRO. The PRO category calls for:

(1) Publicly owned parks and open space, (2) located where demand exists and where the recreational use will not significantly impact surrounding land uses, comprised of (3) low-rise structures with onsite landscaping to screen non-residential uses or buildings designed to be compatible with nearby residences (2015 Comprehensive Plan, Page 2.10).

While this proposal is not a publicly owned park or open space, the following policies support the addition of this facility for the purposes of efficient co-location of dissimilar uses and when non-residential activities do not affect the livability of residential properties:

LU-4 – Facilitate the co-location of dissimilar uses where desired and where compatibility can be achieved.

Comments: The proposal co-locates new electric utility infrastructure at an existing electric utility substation.

LU-49 – Non-residential developments that adjoin residential properties shall provide transitional screening so that non-residential activities do not significantly affect the livability of the residential properties.

Comments: The addition of the proposed facility does not substantially alter the current condition of the existing substation property.

Furthermore, Policy LU-43 speaks to the siting and design of public facilities, such as the proposed utility pole:

A. Public facilities should be located in their service area.

Comments: The service area is the City of Lynnwood and the proposed site is within the city.

B. Facilities that serve a single neighborhood should be located in such neighborhoods. Siting and design decisions should support efficient and effective operations and maximize compatibility with the surrounding area.

Comments: The proposed facility does not serve any one particular neighborhood. The subject property, being an existing SnoPUD substation, is ideal for operations and compatibility.

C. Facilities that serve two or more neighborhoods should, where possible, be located near the common boundary(ies) of the neighborhoods.

Comments: The proposed facility will serve many neighborhoods.

D. Facilities that serve the entire City shall be easily accessible from all parts of the City and should minimize and then mitigate use-generated traffic or other impacts to residential neighborhoods.

Comments: The proposed site is within the city that it will serve. It is anticipated to generate roughly two site visits per year and will have a de minimis impact on traffic.

E. Facilities that serve regional needs shall be located in close proximity to regional transportation systems (freeways, arterials, or major public transit lines); such facilities shall minimize and then mitigate use-generated traffic or other impacts to residential neighborhoods.

Comments: The proposed site is located on Olympic View Dr. and is accessible to SnoPUD staff that visit the existing facilities for operations and maintenance as needed. The proposed new facility is anticipated to generate roughly two site visits per year and will have a de minimis impact on traffic.

- F. Regional facilities shall also be located in close proximity to supporting services.

Comments: The AMI base station included in the proposal will, itself, support the functionality of the existing infrastructure on the site and overall electrical system.

- G. Public facilities serving regional needs should also be located near supporting or complementary uses and away from residential areas.

Comments: The proposed facility will be co-located with existing electrical infrastructure.

- H. Public facilities should not generate unmitigated significant adverse impacts on the natural or built environment.

Comments: The proposed facility will disturb roughly 10 square feet of grassed surface during installation. The new pole will also be co-located with an existing electrical substation, thus minimally altering the current built environment.

- I. Public facilities visible from a public right-of-way should exhibit architectural detailing and similar design features that promote land use compatibility and community pride.

Comments: Given its co-location with the existing electrical substation and related infrastructure, the proposed installation will not alter current land use. Its design is standard for a ductile iron utility pole used for these purposes. Materials will blend in with the surrounding infrastructure and are neutral-colored and non-reflective.

- J. The siting and design of public facilities should not result in disproportionate impact upon a single segment of the community.

Comments: The proposed facility will be co-located with existing electrical infrastructure and is therefore consistent with the current use and design present on the subject property. The facility is not anticipated to have any significant impacts and will therefore not have a disproportionate impact on any single segment of the community. The facility will improve utility service throughout the city.

- K. Essential public facilities should be regulated either as a permitted land use, or a use allowed with approval of a conditional use permit.

Comments: The applicant has not indicated that the proposal is an essential public facility.

Elsewhere in the Comprehensive Plan, Policy CC-16.4 (Page 3.22) codifies a preference for “best management practices and energy-saving policies” with regard to utility infrastructure – something that the AMI installation will enhance by providing improved data and utility use efficiency.

#### IV. PUBLIC AND AGENCY COMMENTS

A 14-day public comment period on the proposal ended on July 13, 2022. Referrals were sent to all applicable City Departments, outside agencies, and the public. All comments are available in the project file. A summary of the comments is included below:

- **Building Division** – “IBC 105.2.2 Public Service Agencies: A Building Permit is exempted for the pole installation that is under the ownership and control of public service agencies by established right.”
- **Development Engineering** – The Supervisor recommends approval with conditions, specifically that “any City of Lynnwood infrastructure damaged shall be repaired and meet current City of Lynnwood standards. See the Standard Plans Index for further information.” The Supervisor also states that:
  - Dedication is not required
  - Trip generation is not required
- **Lynnwood Police Department** – The Police Commander providing comments has indicated approval in stating: “In reviewing the proposal, I don’t have any concerns from the perspective of the Police Department that would need further information or require conditions to proceed.”
- **South County Fire** – No Comments.
- **Parks, Recreation, and Cultural Arts Department** – No comments.
- **Public Comments** – No public comments were submitted.

#### V. CONCLUSION AND CONDITIONS OF APPROVAL

##### a. Conclusion

Based on the application materials (exhibits) and the analysis contained in this staff report, staff concludes that the applicant has met the decision criteria for approval of the Conditional Use Permit with the recommended conditions of approval.

**b. Recommended Conditions of Approval**

Staff recommends the Hearing Examiner approve the proposed AMI base station, including a new 70-foot ductile iron utility pole, omnidirectional antenna, and pole-mounted base station (CUP-009979-2022), subject to the following conditions of approval:

1. Prior to any development, all required local, state, and federal permit approvals applicable to the specific proposal must be obtained.
2. The site plans (Exhibit 5) received December 6<sup>th</sup>, 2022 shall be the approved plan.
3. Any changes to the design of the project will require additional review and may delay issuance of subsequent development permits for the proposal and/or inspections during construction. Requests for modification shall be subject to the review fees in LMC 3.104.210.
4. All waste shall be stored in enclosed receptacles. All areas shall be kept free from nuisances, including overflow waste, leaks, or pests.
5. Any City of Lynnwood infrastructure damaged shall be repaired and meet current City of Lynnwood standards. See the Standard Plans Index for further information.