

Agenda

CITY OF BELLEVUE
EAST BELLEVUE COMMUNITY COUNCIL
Special Meeting

Lake Hills Clubhouse
15230 Lake Hills Boulevard, Bellevue WA

Wednesday, June 24, 2015 6:30 - 8:30 PM

1. Call to Order

2. Roll Call

3. Flag Salute

4. Executive Session

(potential litigation, approximately 20 minutes)

5. Resolutions

- (a) Resolution No. 550 re: Consideration of City Council Ordinance No. 6226 granting PSE's Conditional Use Permit and Shoreline Conditional Use Permit Applications (*Continuation of the discussion initiated on June 2, 2015. This matter is scheduled for action tonight.*)

**This is a quasi-judicial matter and therefore a closed record. No additional public comment will be taken.*

6. Adjournment





Memorandum

Date: June 17, 2015

To: Chair Capron, Members of the East Bellevue Community Council

From: Monica A. Buck, Assistant City Attorney
Charmaine Arredondo, Deputy City Clerk

RE: Council's Continued Discussion Regarding Approval or Disapproval of Ordinance No. 6226 granting Puget Sound Energy's Conditional Use Permit and Shoreline Conditional Use Permit Applications

On Wednesday June 24, 2015, the East Bellevue Community Council will continue its discussion from June 2, 2015 regarding approval or disapproval of Ordinance No. 6226 granting Conditional Use (CUP) and Shoreline Conditional Use Permits (SCUP) with conditions to Puget Sound Energy (PSE) to construct a new 115 kV overhead transmission line, a majority of which is within the EBCC jurisdiction.

As noted in the attached memo provided for your June 2 meeting, due to the quasi-judicial status of this matter, no additional evidence or public comment can be considered by Council in rendering a decision on the Ordinance.

Current status of the matter before the Community Council

On June 2, the EBCC heard the Staff Report, had the opportunity to ask staff questions, received responses, and began discussion. The Community Councilmember voted to continue the discussion to a special meeting scheduled for June 24 at 6:30 pm. **The Community Councilmembers have been directed to provide proposed findings and conclusions for either the approval or disapproval of Ordinance No. 6226 prior to the June 24 meeting for consideration of the EBCC. PSE has also been invited to submit proposed findings and conclusions. Any such proposals should be in writing for the EBCC consideration in the June 24 Desk Packet.**

Council decision on the application

The Land Use Code does not specify the burden of proof that is required to support the EBCC's decision. However, because this is a civil matter an appropriate standard of proof would be a preponderance of the evidence. Therefore, if a majority of the EBCC concludes that the Hearing Examiner's recommendation is supported by "sufficient evidence to convince a fair minded person" of the correctness of his Findings of Fact, Conclusions and Recommendation, then the EBCC would vote to approve Ordinance No. 6226. The EBCC can only disapprove Ordinance No. 6226 if it concludes that the Hearing Examiner's recommendation is not supported by material and substantial evidence.

Ongoing Quasi-Judicial Process

As a reminder, this is an ongoing quasi-judicial matter in which the Community Council acts as judges and must maintain fairness and impartiality. Any ex parte communications you have received individually, either in person, via phone, on personal email accounts or via other formats, will need to be disclosed at the introduction of this item on June 24. Disclosures made at the June 2 meeting may be renewed, but any ex parte communications that have occurred since that time or disclosures that may have been overlooked when made at the June 2 meeting must be disclosed at the June 24 meeting. If any ex parte communications are to be disclosed, Councilmembers should be prepared to state the following on the record:

- Names of persons with whom the communications occurred,
- Whether the communications were written or oral, and
- The substance of the communications (if written, include emails or the written documents; if voicemail, include a transcript if one exists).

Status of SE 16th Project

A portion of the project before the EBCC is planned to cross east/west along SE 16th Street from 156th Avenue SE to 164th Avenue SE. The City has identified a Transportation Improvement Project (TIP) that is planned to take place on SE 16th Street between 148th and 156th Avenues SE (Project No. PW-WB-82). At the June 2 meeting, at least one of the Community Councilmembers requested the status of this project in the City's adopted plans. This project is identified in the Transportation Facilities Plan (TFP) and was funded in the 2013-2019 Capital Investment Program Plan (CIP) to complete the following:

This project will complete 60% design plans for the addition of five foot bike lanes, curb, gutter, four foot planter strips, and six foot sidewalks where missing on both sides of SE 16th Street between 148th Avenue SE and 156th Avenue SE. Plans at this design level will provide adequate information for Puget Sound Energy to install planned new electricity transmission system poles along the SE 16th Street corridor without conflict to the future roadway improvements.

Enclosures:

A – June 2 Packet Memo dated May 26, 2015

B – Decision Criteria

A

City of
Bellevue



Memorandum

Date: May 26, 2015

To: Chair Capron, Members of the East Bellevue Community Council

From: Monica A. Buck, Assistant City Attorney
Charmaine Arredondo, Deputy City Clerk

RE: Council's consideration of Ordinance No. 6226 granting Puget Sound Energy's
Conditional Use Permit and Shoreline Conditional Use Permit Applications

On Tuesday June 2, 2015, the East Bellevue Community Council will consider approval or disapproval of Ordinance 6226 granting Conditional Use (CUP) and Shoreline Conditional Use Permits (SCUP) with conditions to Puget Sound Energy (PSE) to construct a new 115 kV overhead transmission line, a majority of which is within the EBCC jurisdiction. The required public hearing on the applications was held on November 20 and the Hearing Examiner issued Findings, Conclusions, and his Recommendation on December 19, 2014. No appeals were filed. The City Council adopted Ordinance No. 6226 on May 4, 2015 granting the CUP and SCUP with conditions. **Because the record on this matter officially closed with the issuance of the Examiner's Recommendation, no additional evidence or public comment can be considered by Council in rendering a decision on Ordinance.**

Project Background

See enclosed Summary from Hearing Examiner Recommendation dated December 19, 2014 for an overview of the history of this project. (Attachment A). Refer to Ordinance No. 6226 (Attachment B) for reference to the procedural background and the now required Community Council review. Both the Hearing Examiner's Recommendation and the Department's Staff Report detail how the application complies with the decision criteria for the CUP, SCUP, and the required Alternative Siting Analysis.

The Appearance of Fairness Doctrine

As a reminder, this is a quasi-judicial matter in which the Council acts as judges and must maintain fairness and impartiality. Any ex parte communications you have received individually, either in person, via phone, on personal email accounts or via other formats, will need to be disclosed at the introduction of this item on June 2. If any ex parte communications are to be disclosed, Councilmembers should be prepared to state the following on the record:

- Names of persons with whom the communications occurred,
- Whether the communications were written or oral, and

- The substance of the communications (if written, include emails or the written documents; if voicemail, include a transcript if one exists).

Enclosures:

A - Summary from Hearing Examiner Recommendation dated December 19, 2014
B - Ordinance No. 6226

SUMMARY

In this item, the City Council is considering the Hearing Examiner's *Recommendation to Approve* two applications submitted by Puget Sound Energy for: 1) a Conditional Use Permit; and 2) a Shoreline Conditional Use Permit. These approvals are needed for PSE to construct a new 115 kV overhead transmission line connecting the existing Lake Hills Substation with the Phantom Lake Substation. The 2.89 mile route and approximately 39 new poles will be in the right-of-way along SE 16th Street, 148th Avenue SE and NE, and NE 8th Street. Work will include upgrades to existing substations and substantial restoration/mitigation measures to address tree removal and associated impacts caused by construction activities that will occur along the route.

1. BACKGROUND

PSE's Electrical Facilities Plan (known as the "System Plan") has included a proposal to link the Phantom Lake and Lake Hills Substations since 1993. The proposed link was reaffirmed in 2006, when PSE updated its System Plan. Under Comprehensive Plan Policy UT-32, the City defers to the serving utility regarding the implementation and sequencing of infrastructure facilities. In 2009, as part of the City's updates to its Comprehensive Plan, the Phantom Lake to Lake Hills transmission line link was specifically identified in the Utilities Element as a proposed new facility, and it is depicted as a facility requiring "Sensitive Siting" in the Utilities Element Figure UT5a.

In recent years, the City undertook a thorough study of electrical infrastructure needed to support current and future residents, businesses, and projected growth patterns throughout the city. The Electrical Reliability Study, prepared for the City by Exponent in February of 2012, specifically recommends additional transmission feeds to the Phantom Lake and Lake Hills substations. The Project File includes application materials, studies, and public hearing testimony, used by PSE to establish that the proposed transmission line is needed to improve system reliability, and reductions in power outages and their duration, which can be achieved with the "looping" provided with the new line.

As part of the City's "Sensitive Siting" requirements, PSE undertook a detailed "alternatives analysis" before submitting the pending applications. The alternatives analysis initially considered far more than three potential routes, exploring many east-west and north-south routes to connect the two substations. After public feedback and review of City policies that generally seek to reduce impacts on the greenbelt running through the center of the impacted area, three routes were thoroughly reviewed: 148th, 156th, and 164th. Ultimately, the 148th route was selected, largely because it would run along the busiest street; had the fewest impacts on residential neighborhoods and affected the fewest number of residential properties; and had better opportunities for mitigation – all factors establishing that the alignment along 148th was most consistent with the City Council's intended outcome derived from the hierarchy of preferred locations found in LUC 20.20.255.D(2)(d).

Between November 2007 and April of 2011, PSE held at least four public meetings/open house events before submitting its applications on December 11, 2011. In 2012-2013 the City (with the participation of applicant PSE) conducted two public meetings regarding the application, and three courtesy meetings with the East Bellevue Community Council.

The Public Hearing on the Conditional Use and Shoreline Conditional Use Permit Applications, and the Director's Recommendation of Approval, were noticed in the *Weekly Permit Bulletin* issued by mail to addresses located within 500 feet of the proposed transmission line on October 30, 2014. Written comments were received from 105 citizens. A summary of the comments and responses can be found on page 45 of the Development Services Department Staff Report.

Given the scale of the project, a number of other City review and approval processes occurred in association with the two permits addressed in this Recommendation. Specifically, the City thoroughly reviewed application materials for, duly noticed, sought and considered public feedback for, and issued:

1. a Mitigated Determination of Non-Significance (MDNS) under SEPA;
2. a Critical Areas Land Use Permit for aspects of the transmission line project; and
3. a Shoreline Substantial Development Permit.

Under the City's code, all three of these associated permits and approvals were Process II Land Use decisions, subject to appeal before the Hearing Examiner. None of these connected approvals were appealed, and stand unchallenged as support for the remaining two permits now before the City Council.

2. APPLICATION BEFORE EXAMINER

On Thursday, November 20, 2014, the Examiner received testimony under oath at the duly noticed public hearing for the underlying application at Bellevue City Hall, Council Chambers. At the hearing, Sally Nichols, Senior Land Use Planner, presented the Director's Recommendation of Approval/Staff Report and representatives for the applicant appeared in support of the application. Thirteen individuals provided testimony under oath at the hearing. Letters from PSE representatives, summarizing their testimony made on record during the public hearing, were admitted into the record as exhibits A-1 through A-7.

On December 19, 2014, the Hearing Examiner issued Findings of Fact, Conclusions and Recommendation that the applications should be approved by the City Council. The deadline for filing an appeal of the Examiner's Recommendation expired on January 2, 2015. No appeals were filed.

3. SITE CHARACTERISTICS and CHANGES TO THE PROPOSAL AS A RESULT OF CITY REVIEW

The transmission runs through multiple land use districts along the proposed alignment. These districts include:

- Single Family Land Use Districts: R-1, R-1.8, R-2.4, R-3.5, R-4 and R-5
- Multi-Family Land Use Districts: R-10, R-15, R-20 and R-30
- Non-Residential Land Use Districts: PO (Professional Office), O (Office), CB (Commercial Business), NB (Neighborhood Business)

As noted in Finding No. 34, on page 21 of the Examiner's Recommendation, a number of substantive changes were made to the initial proposal as a result of City review. These modifications include, without limitation:

- The line was shifted in at least three locations to avoid tree removal;
- The line was shifted to the south side of NE 8th Street to avoid Fire Station 3 and Crossroads Park;
- Proposed chain link fencing at the substations will not be allowed. Instead, PSE will need to provide sight-obscuring fencing and sight-obscuring landscaping at the substations;
- Construction of the SE 16th portion of the line will be deferred until the City constructs the identified Transportation Improvement Project for the street;
- PSE will not be allowed to place overhead lines along the entire southern side of SE 16th Street running from 148th Avenue SE to 156th Avenue SE (existing lines are already located along the north side of the street); and
- PSE will be required to pay the City more than \$850,000 as compensation for the loss of 295 trees along the route for the new transmission line.

4. COMMENTS

As noted in Section 2 above, public comments and testimony were received at the public hearing. A summary of comments are on pages 19 and 20 of the Examiner's Recommendation.

5. HEARING EXAMINER RECOMMENDATION

Based upon detailed Findings and Conclusions, the Hearing Examiner recommends that PSE's two applications for a Conditional Use Permit and a Shoreline Conditional Use Permit to construct a new 115 kV overhead transmission line connecting the existing Lake Hills Substation with the Phantom Lake Substation be **Approved**, subject to Conditions attached to the Examiner's Recommendation.

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6226

AN ORDINANCE granting Conditional Use and Shoreline Conditional Use Permits with conditions, on the Application of Puget Sound Energy (PSE) to construct a new 115 kV overhead transmission line connecting the existing Lake Hills Substation with the Phantom Lake Substation as a 2.89 mile route located in the Right-of-Way along SE 16th Street, 148th Avenue SE, and NE 8th Streets in Bellevue, WA, File Nos. 11-131123 LB and 11-131124 WG.

WHEREAS, Puget Sound Energy (PSE) applied for permits on December 11, 2011 to construct a new 115 kV overhead transmission line connecting the existing Lake Hills Substation with the Phantom Lake Substation as a 2.89 mile route located in the Right-of-Way along SE 16th Street, 148th Avenue SE, and NE 8th Streets in Bellevue, WA, File Nos. 11-131123 LB and 11-131124 WG; and

WHEREAS, a Notice of Application and Public Meeting was first published in the Land Use Bulletin on May 3, 2012; and

WHEREAS, the East Bellevue Community Council held public hearings on June 5 and September 4, 2012 and June 4, 2013; and

WHEREAS, on, November 20, 2014, the Bellevue Hearing Examiner commenced a hearing on the application of PSE for Conditional Use and Shoreline Conditional Use Permits, pursuant to notice as required by law; and

WHEREAS, on December 19, 2014, the Hearing Examiner issued Findings of Fact, Conclusions of Law and Recommendation, recommending that the City Council approve the applications with conditions; and

WHEREAS, no appeal of the Hearing Examiner's Findings of Fact, Conclusions of Law and Recommendation was filed; and

WHEREAS, following discussion on April 20, 2015 the City Council voted to direct staff to return to Council on May 4, 2015 with an Ordinance adopting the Findings, Conclusions and Recommendation of the Hearing Examiner and granting the applications with conditions; and

WHEREAS, the City has complied with the State Environmental Policy Act and the City Environmental Procedures Code, now; therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the Findings of Fact and Conclusions of Law of the Hearing Examiner as set forth in "Findings of Fact, Conclusions of Law and Recommendation" on Application File Nos. 11-131123 LB and 11-131124 WG.

Section 2. Based on the foregoing Findings of Fact and Recommendation, the City Council enters the following decision:

The Application of PSE to construct a 115 kV transmission line is hereby approved, subject to the following conditions:

Conditions of Approval

PSE – Lake Hills to Phantom Lake Transmission Line
Conditional Use Permit – File No. 11-131123-LB
Shoreline Conditional Use Permit – 11-131124-WG

Ongoing Compliance Requirements:

1. The applicant shall comply with the terms and conditions included in any associated permit or approval decision issued by the City of Bellevue for the project, including without limitation the MDNS, the Critical Areas Land Use Permit, and the Shoreline Substantial Development Permit.
2. The applicant shall obtain any associated permit, license, or approval required by any state, federal, or other regulatory body with jurisdiction over aspects of the project; any conditions of regulatory agency permits or approvals shall be considered conditions of approval for this project.
3. The applicant shall comply with all professional report conclusions and recommendations submitted in connection with this Conditional Use Permit and associated approvals issued by the City of Bellevue for this project, as approved, referenced, relied-upon, and/or modified by the City.
4. All construction and other activities undertaken by PSE shall comply with applicable provisions of the Bellevue City Code whether or not such provisions are detailed in the Staff Report or conditions of approval set forth herein. The burden remains on the applicant to show compliance with applicable provisions of the City Code, and for this project, compliance with all applicable codes, standards, regulations and ordinances of the City of Bellevue includes but is not limited to those addressing the following subject matter:
 - a. Clearing and Grading Code – BCC 23.76
 - b. Construction Code – BCC Title 23
 - c. Fire Code – BCC 23.11
 - d. Land Use Code – BCC Title 20
 - e. Noise Control – BCC 9.18
 - f. Right-of-Way requirements –
 - g. Transportation regulations and policies –
 - h. Utility Code – BCC Title 24

the City Council enters the following decision:

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 - f. Right-of-Way requirements –
 - g. Transportation regulations and policies –
 - h. Utility Code – BCC Title 24

General Conditions:

1. Noise & Construction Hours.

Authority: BCC 9.18.020.C & BCC 9.18.040.

- a. Noise related to construction is allowed from 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturday.
- b. Construction noise is prohibited on all Sundays and Washington State holidays.
- c. Exceptions to the construction noise hours limitation contained in the Noise Control Code *may* only be granted pursuant to BCC 9.18.020.C *when necessary to accommodate construction that cannot be undertaken during exempt hours.*
- d. Prolonged exposure to noise created by extended hour construction activity is likely to have a significant impact on construction. In order to minimize detriment on residential uses in the immediate vicinity of the project, the Contractor shall not rely on City issuance of a blanket exemption from the Noise Control Code during the construction period. Instead, allowances for short-term work outside of normal construction hours shall be limited and will be reviewed on a case-by-case basis to verify necessity and ensure appropriate noise mitigation is utilized to protect surrounding uses and properties.
- e. Written requests for exemption from the Noise Control Code must be submitted two weeks prior to the scheduled onset of extended hour construction activity. Such requests may be required to include a noise analysis prepared by a noise consultant, including recommendations for achieving the noise limitations of the Noise Ordinance for new residential construction.
- f. The use of best available noise abatement technology consistent with feasibility is required during construction to mitigate construction noise impacts to surrounding uses.

2. Facility Activation/Completion of Work.

Authority: LUC 20.40.425.

- a. The facility shall not be activated until all work included in the project scope (excluding system test prior to complete activation) and shown on the plans and specifications, as conditioned, is completed.
- b. Mitigation and restoration landscaping shall be seasonally installed for optimal plant success (spring or fall). If planting must occur after facility activation date, the applicant shall enter into a surety device for the remaining mitigation and restoration installation work. All restoration and mitigation work must be completed within six months of activation.

3. Pole Design.

Authority: LUC 20.20.255 and 20.30B.140, Bellevue City Code 14.60.240; Transportation Department Design Manual (TE-1, TE-2, TE-3 and sections 21 and 22).

- a. Poles shall be wooden with wooden davit arms.
- b. Where the alignment is required to turn a corner, the applicant will be allowed to construct a glu-lam pole that doesn't require guying. If steel poles are desired, they must first be reviewed and approved by the City's Land Use Director. Any steel pole will be required to be painted either dark green or dark brown, depending on the adjacent vegetation and neighborhood context.
- c. PSE will be allowed to construct no more than two (2) steel poles in the vicinity of Fire Station 3 and the conductors between these two poles may be facing away from the right-way on the southern side of the poles. The poles shall be painted dark green to better recede against the vegetated background to the south.
- d. All power poles installed under terms of this proposal must meet the City's sight distance criteria.

Conditions to Satisfy Prior to Issuance of Any Engineering / Clearing and Grading Permit for the Project:

1. Right-of-Way Use Permit.

Authority: Bellevue Right of Way Use Code, Chapter 14.30 BCC.

The applicant is required to apply for a Right-of-Way Use Permit before the issuance of any clearing and grading, building, foundation, or demolition permit. In some cases, more than one Right-of-Way Use Permit may be required, such as one for hauling and one for construction work within the right-of-way. A Right-of-Way Use Permit regulates activity within the city right-of-way, including but not limited to the following:

- a. Designated truck hauling routes.
- b. Truck loading and unloading activities.
- c. Hours of construction and hauling.
- d. Continuity of pedestrian facilities.
- e. Temporary traffic control and pedestrian detour routing for construction activities
- f. Street sweeping and maintenance during excavation and construction.
- g. Location of construction fences.
- h. Parking for construction workers.
- i. Construction vehicles, equipment, and materials in the right-of-way.
- j. All other construction activities as they affect the public street system.

In addition, the applicant shall submit for review and approval a plan for providing pedestrian access during construction of this project. Access shall be provided at all times during the construction process, except when specific construction activities

such as public safety, shoring, foundation work, and construction of frontage improvements prevent access. General materials storage and contractor convenience are not reasons for preventing access.

2. Off-Street Parking.

Authority: Bellevue Right of Way Use Code, Chapter 14.30 BCC.

The applicant must secure sufficient off-street parking for construction workers, equipment, and materials storage before the issuance of a Clearing and Grading Permit.

3. Engineering Plans.

Authority: Bellevue Transportation Development Code, Chapter 14.60 BCC;
Transportation Department Design Manual.

A site plan produced by a qualified engineer must be approved by the City prior to Clearing and Grading permit approval. The applicant will be required to restore all city infrastructure impacted by this project (sidewalks, curb and gutter, etc.). Restoration of ADA ramps must be in conformance with the most updated requirements of the Americans with Disabilities Act, the Transportation Development Code, and the provisions of the Transportation Department Design Manual. The engineering plans must correctly show all transportation-related engineering details, including but not limited to, the design of the guardrails and sight distance. Appropriate standard drawings from the Transportation Department Design Manual must be included in the engineering plans.

4. Pavement Restoration.

Authority: BCC 14.60.250 and Transportation Department Design Manual,
Design Standard No. 23.

The applicant will be required to restore all damaged pavement within city right-of-way caused by construction activities related to this project. Limits and extent of pavement restoration shall be at the discretion of the Transportation Inspector. Trench restoration must meet the requirements of Section 21 of the Design Manual and standard drawings ROW-1 through ROW-5. Exact copies of the appropriate trench restoration drawing(s) must be included in the final engineering plans.

5. Safety.

Authority: Bellevue Transportation Code, Chapter 14.60 BCC; and
Transportation Department Design Manual.

The applicant will be required to provide appropriate clearances from existing overhead signal equipment.

6. Utilities.

Authority: Bellevue Utility Codes, BCC Title 24.

To avoid conflicts with existing utilities, the applicant must do the following:

- a. PSE must call for utilities locates prior to any construction (800-424-5555 or 811).
- b. PSE must pothole prior to any work that requires digging in the right-of-way.

7. Disturbance and Restoration.

Authority: LUC 20.25.E.080.U

- a. General: In addition to all landscaping areas delineated on the Conceptual Mitigation Plan, the applicant shall fully restore, with appropriate and approved shrubs and groundcover, to the satisfaction of the City of Bellevue, any areas disturbed as a result of construction activities, including mandatory restoration of the areas around each new pole.
- b. Restoration in Wetland Buffer: ANY understory damaged within the wetland critical area buffer as a result of construction of the poles or installing the wire will need to be replaced with appropriate trees and/or shrubs that will restore the edge condition while discouraging access and use.

8. Final Landscape and Irrigation Plans — Mitigation AND Restoration

Authority: LUC 20.20.255

- a. Final landscape and irrigation plans are required for all required mitigation (including work done in critical areas and critical area buffers) and for restoration of all other construction and tree removal activities along the entire alignment. These plans shall be consistent with the Conceptual Mitigation Plan submitted as part of this application. The final landscape and irrigation plans will be reviewed and approved under the Clearing and Grading Permit.
- b. Final plans for the Substation site upgrades, including fencing and landscaping around each substation, shall also be reviewed and approved under the Clearing and Grading Permit, and shall comply with all standards applicable to Electrical Utility Facilities contained in LUC 20.20.255.
- c. Final landscape and irrigation plans must also be approved by the Parks Department, which will ultimately assume right-of-way maintenance responsibilities after PSE's five-year maintenance period requirement is satisfied.

9. Final Plans for Substation Upgrades.

Authority: LUC 20.20.255

Lake Hills Substation:

- a. Final plans for the Substation upgrade, including landscape plans, review of tree removal/retention, and site changes for equipment installation shall take place under the required Clearing and Grading Permit for the installation of the

entire transmission line. The design shall be reviewed against all the requirements in LUC 20.20.255.

Removal of healthy trees will be allowed only along the northwest corner of the fenced equipment area, where the new line will enter the substation. The remaining existing trees around the Substation are to remain, to ensure compliance with LUC 20.20.255.F.

- b. Any work at the Lake Hills Substation that is required to take place in advance of, and is not necessary for the new transmission line may be reviewed under a Land use Exemption to the Substation's original Conditional Use. This work will be limited to the following:
- i. Replacement of the existing wood fence with a new wood fence or fencing with an alternate material that is site-obscuring per applicable LUC requirements;
 - ii. Cleaning out of overgrown understory and noxious weeds such as ivy, and replanting with appropriate groundcover and shrubs;
 - iii. Redesign of existing driveways and minor relocation of bus stop. Any driveway configuration will be reviewed to ensure that it is as unobtrusive as possible, which may necessitate additional landscaping and angling the driveway(s) off 164th Avenue NE.
 - iv. Removal of dead or unhealthy trees as verified by a certified arborist via a Hazardous Tree Form(s) or trees that PSE has determined, subject to approval by the Development Services Director, pose a risk to the substation. NOTE: Any tree removal of healthy trees to provide clearance for the new transmission lines on either substation site will be reviewed under the Clearing and Grading Permit associated with this Conditional Use Permit application and mitigation shall be provided to ensure that the requirements of LUC 20.20.255 are met. All other trees shall remain in place.

Phantom Lake Substation:

Preliminary review of the design concept for the Substation upgrade shall occur under a Land Use Exemption to this Conditional Use approval and shall be part of the review of the entire SE 16th portion of the alignment. Once the design has been approved, review of the final landscape plans shall take place under a separate Clearing and Grading Permit. The design shall be reviewed against all the requirements in LUC 20.20.255.

Both Substations:

All substation upgrades must meet the requirements of LUC 20.20.255.F, including the provision that any fence replacement material shall be site obscuring. (See NOTE in last bullet under Condition 9(b))

10. Tree Removal and Mitigation Landscaping within Critical Areas and

Critical Area Buffers (Wetlands/Shorelines). Authority: LUC 20.25H.055.C.2

A "Clearing and Grading Permit" will be required for any tree removal, trimming and mitigation landscaping within any Critical Areas.

The following requirements shall be followed when removing trees and/or installing mitigation landscaping in any wetland, wetland buffer and/or shoreline overlay district:

- a. Tree Removal:
 - i. All work shall be done by hand.
 - ii. All trees over 12 inches in diameter shall be made into wildlife snags. Details for the snags shall be included in the Final Landscape Plans.
 - iii. Stumps shall be left in place to reduce soil disturbance.
- b. Landscaping:
 - i. Work shall be implemented using the Parks Department "Environmental Best Management Practices."
 - ii. Work within a wetland and/or shoreline shall be done by hand.
- c. Miscellaneous:
 - i. Machinery needed to place the woody debris and for some hauling shall be done in the dry season and use of mats or fabric-reinforced driving surfaces shall be used where necessary.

11. Pesticides, Herbicides and Fertilizers.

Authority: LUC 20.25H.080

Prior to any use of pesticides, herbicides, and/or fertilizers associated with the proposal, the applicant must receive approval from Land Use under the required Clearing and Grading Permit.

Applicant shall submit written information identifying the pesticide, herbicide and/or insecticide is to be used AND written confirmation that the product used has been reviewed and approved by a consulting arborist. Work shall be done in accordance with the City of Bellevue's "Environmental Best Management Practices."

12. Maintenance and Monitoring Plan for Restoration and Mitigation Work.

Authority: LUC 20.25H.220

The applicant shall hire a qualified professional to design and implement maintenance and monitoring plan for the mitigation required for work in critical areas and/or critical area buffers. The contractor shall submit documentation each year for five (5) years to the Land Use Division under the Critical Areas Land Use Permit #11-131125-LO to demonstrate compliance with the conditions of this report.

- a. There will be 100% survival of all planted species in the enhancement area at the end of the first year.

- b. There shall be a minimum of 80 percent survival rate throughout the monitoring period — years 2-5.
- c. Monitoring stations shall be set up and identified.
- d. Invasive species will not represent more than 15 percent areal cover.
- e. If the applicant can demonstrate an 80 percent survival rate and proper plant establishment, there shall be an option to reduce the monitoring period to three (3) years.

All necessary documentation outlined in the Maintenance and Monitoring Plan shall be sent each year to the following:

City of Bellevue
Development Services Department/Land Use Division
c/o Sally Nichols, Planner
P.O. Box 90012
Bellevue, WA 98009-9012

13. *Landscape Maintenance Assurance Device for Areas of Restoration and Mitigation.*

Authority: LUC 20.20.520.K.1 & 2 and 20.40.490

To ensure plant establishment, the applicant shall provide a separate landscape assurance device that shall cover 20% of the fair market value of labor and materials for the initial landscape installation of all areas of restoration and mitigation required for this Conditional Use approval. This assurance device will cover the landscape maintenance of the project for a period of five (5) years from the date of final inspection.

14. *Fee in Lieu.*

Authority: SEPA – WAC 197-11-350, BCC 22.02.035.

- a. Trees identified for removal are valued at \$856,740. This amount shall be expended as compensation for the removal of 295 City-owned trees (public assets). This money shall be used by PSE exclusively to pay for materials (Plants, soil, irrigation, etc.) needed for the installation of the approved restoration and mitigation landscaping. Verification and all expenditures shall be provided to the City.
- b. Any money remaining from the \$856,740 after completion of the project may be used by the City of Bellevue Parks Department for additional landscape enhancements along the transmission line route.
- c. If any public trees are required to be removed from the SE 16th Street portion of the alignment, an evaluation of the trees using the Trunk Formula Method shall be performed and the City shall be compensated for the loss of this resource.

15. *Alignment on SE 16th Street.*

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Authority: SEPA — WAC 197-11-350, BCC 22.02.035, LUC 20.30.6.175

PSE will not be allowed to run a separate new transmission line down the south side of SE 16th Street. Nor will PSE be allowed to remove trees from this side of the street for this new line. Possible ways to accommodate the second line include but are not limited to co-location of the new line with the existing transmission on the north side of the street or to undergrounding the line in a manner that does not required removal of trees along the south side of the street. The exact methodology for providing the second line and the design of this section of the alignment will be reviewed as a Land Use Exemption to this Conditional Use approval.

16. Development Agreement for SE 16th Street Alignment Vesting

Authority: SEPA - WAC 197-11-350, BCC 22.02.035, Comprehensive Plan Policies UT-43, 51, 53, 71, and 74

In order to extend the vested status of the alignment of SE 16th Street until the City undertakes its Transportation Improvement Project, PSE will need to enter into a Development Agreement with the City of Bellevue. Any development agreement will need to demonstrate public benefit — which in this case will be the co-location of transmission lines, added reliability to the adjacent neighborhoods, and the coordination between the City and PSE regarding streetscape improvements and pole location, as well as location of required mitigation landscaping.

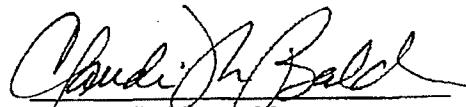
17. Changes to Pole Location and/or Alignment.

Any changes to the pole location and/or alignment submitted as part of this Conditional Use shall be reviewed as a Land Use Exemption to this Conditional Use approval prior to construction. See LUC 20.306.175.

Section 3. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this 4th day of May, 2015 and signed in authentication of its passage this 4th day of May, 2015.

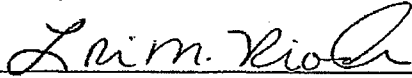
(SEAL)


Claudia Balducci, Mayor

Approved as to form:

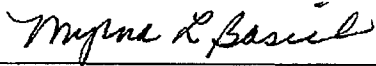
ORIGINAL

1454-ORD
4/29/2015



Lori M. Riordan, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published May 7, 2015,

Applicable Decision Criteria
Conditional Use Permit application by Puget Sound Energy

Conditional Use Permit:

- A. The conditional use is consistent with the Comprehensive Plan.
- B. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity.
- C. The conditional use will be served by adequate public facilities including streets, fire protection and utilities.
- D. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property.
- E. The conditional use complies with the applicable requirements of this Code.

Additional criteria for Electrical Utility Facilities:

- A. The proposal is consistent with Puget Sound Energy’s System Plan.
- B. The design, use, and operation of the electrical utility facility complies with applicable guidelines, rules, regulations or statutes adopted by state law, or any agency or jurisdiction with authority.
- C. The applicant demonstrated that an operational need exists that requires the location or expansion at the proposed site.
- D. The applicant demonstrated that the proposed electrical utility facility improves reliability to the customers served and reliability of the system as a whole, as certified by the applicant’s licensed engineer.
- E. Because the proposal is located on sensitive sites as referenced in Figure UT.5a of the Utility Element of the Comprehensive Plan, the applicant fully complied with the Alternative Siting Analysis requirements of LUC 20.20.255.D.
- F. Where feasible, the preferred site alternative is located within the land use district requiring additional service and residential land use districts are avoided when the proposed new or expanded electrical utility facility serves a nonresidential land use district.
- G. The proposal, as conditioned, will provide mitigation sufficient to eliminate or minimize long-term impacts to properties located near an electrical utility facility.

Shoreline Conditional Use permit:

- A. The proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the Bellevue Shoreline Master Program; and
- B. The proposed use will not interfere with the normal public use of public shorelines; and
- C. The proposed use of the site and design of the project will be compatible with other permitted uses within the area; and
- D. The proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located; and
- E. The public interest suffers no substantial detrimental effect; and
- F. The proposed use complies with all requirements of WAC 173-14-140; and
- G. The proposed use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property; and
- H. The proposed use will be served by adequate public facilities including streets, fire protection, water, stormwater control and sanitary sewer; and
- I. The proposed use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
- J. The proposed use has merit and value for the community as a whole; and
- K. The proposed use is in accord with the Comprehensive Plan; and
- L. The proposed use complies with all other applicable criteria and standards of the Bellevue City Code.

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