

0106-ORD
09/24/97

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5024

AN ORDINANCE approving a conditional use permit application of Puget Sound Energy (formerly Puget Sound Power and Light Company) for a 115 Kilo Volt Transmission Line, Lakeside to Center, CUDN-95-2383.

WHEREAS, Puget Sound Energy (formerly Puget Sound Power and Light Company) has applied to the City for a conditional use permit for a 115 Kilo Volt Transmission Line from its Lakeside Substation to its Center Substation; and

WHEREAS, on November 2, 1995, a public hearing was held thereon by the Hearing Examiner pursuant to notice required by law; and

WHEREAS, on December 5, 1995, the Hearing Examiner recommended approval, with conditions, of said application and made and entered findings of fact and conclusions based thereon in support of her recommendation; and

WHEREAS, on December 18, 1995, following a Request for Clarification from the Department of Community Development, the Hearing Examiner issued an Order of Clarification; and

WHEREAS, timely appeals of the recommendation of the Hearing Examiner were filed by Puget Sound Energy and Peter Weber; and

WHEREAS, on March 25, 1996, the City Council remanded the matter to the Hearing Examiner to consider certain issues raised by the appeals; and

WHEREAS, remand public hearings were held by the Hearing Examiner on April 24, May 30, June 3, 6, 7 and 13 and July 26, 1996, and May 29 and June 3, 4, 5 and 17, 1997; and

WHEREAS, on August 4, 1997, the Hearing Examiner issued her recommendation that the application be approved, as modified and conditioned for Route 1E-2, and on August 19 and 20, 1997, issued Orders of Clarification related thereto; and

WHEREAS, no appeal of the Hearing Examiner's August 4, 1997, recommendation has been filed and the time to file appeals has expired and all parties to the prior appeal have withdrawn their appeals; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and the Bellevue 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 made and entered by the Hearing Examiner in support of her recommendation to the City Council in this matter as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue, In the Matter of the Application of Puget Sound Power & Light Company For a Conditional Use Permit for a 115 Kilo Volt Transmission Line, Lakeside to Center", File No. CUDN 95-2383, as modified by Orders of Clarification, dated December 18, 1995 and "Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue, In The Matter of Puget Sound Energy (formerly Puget Sound Power and Light Company) for a Conditional Use Permit for a 115 Kilo Volt Transmission Line, Lakeside to Center", dated August 4, 1997, as modified by Orders of Clarification, dated August 19 and 20, 1997. In the event of any conflict between the December 18, 1996 and August 4, 1997, Findings, Conclusions and Recommendation, the August 4, 1997 Findings, Conclusions and Recommendation shall control.

Section 2. The City Council hereby approves the conditional use application, with conditions, of Puget Sound Energy (formerly Puget Sound Power and Light) for a 115 Kilo Volt Transmission Line, Lakeside to Center, described as follows:

Construction of a new 115 kV electrical transmission line starting at the PSE Lakeside Substation at Kamber Road and 136th Avenue S.E., thence South to S.E. 30th Street, West to the East side of Richards Road, then South to the North side of S.E. 32nd Street, then West along S.E. 32nd Street and the vacated S.E. 32nd Street right-of-way to the I-405 right-of-way, then Northwest to the location of the existing I-405 crossing, then West on Henry Bock Road, and North on the Burlington Northern Railroad to the alignment of 19th Street where it turns west and connects to an existing transmission line crossing Mercer Slough.

provided this approval is subject to the following conditions:

1. Approval shall consist of the following facilities related to establishment of the new and rebuilt sections of 115 kV transmission lines:
 - a. From Lakeside Substation to S.E. 30th Street, the line shall consist of a double circuit construction on wood or steel poles with separate wood or steel corner poles on the north and south sides of S.E. 30th Street;
 - b. On S.E. 30th Street, the new line shall consist of a single circuit on wood poles continuing across Richards Road to the existing Lakeside-Lochleven line;
 - c. The existing line on the south side of S.E. 30th Street shall utilize a steel corner pole and proceed south on the east side of Richards Road, crossing to the west side north of the existing Sequoia tree;
 - d. The line shall use a steel corner pole at the northwest corner of Richards Road with S.E. 32nd Street with a vertical arrangement of conductors. The pole shall be as small in diameter as possible and may be guyed;

e. The line on S.E. 32nd Street shall utilize double circuit steel poles, with as compact an insulator configuration as feasible. The existing distribution lines on S.E. 32nd Street shall be placed underground to mitigate visual impacts;

f. The transmission line shall continue to the west along the vacated S.E. 32nd Street right-of-way, where a retained utility easement currently exists, to a pole at the south side of the retained easement at the southwest corner of S.E. 32nd Street and 125th Avenue S.E. as shown on SEIS Figure 2-11. The transmission line shall continue along the WSDOT right-of-way and SCL right-of-way substantially as depicted for Route Option 1E-2 on SEIS Figure 2-11 on rights to be acquired from WSDOT and SCL. The existing transmission line on 125th Avenue S.E. and S.E. 31st Street shall be relocated to the same route for a total of two circuits and six wires on the route. Prior to removing the existing transmission circuit from 125th Avenue S.E. and S.E. 31st Street, PSE shall contact all adjacent property owners by certified letter and outline the procedure and cost for undergrounding the PSE distribution system for the route under established tariffs;

g. The line's alignment design and/or operation on Henry Bock Road (S.E. 32nd Street) shall be determined by staff at the time of review of engineering plans to minimize disturbance of existing vegetation, provide as compact a design and reduce EMF levels;

h. The corner poles at Henry Bock Road and 118th Avenue S.E. shall utilize wood construction and shall be accompanied by an engineering analysis that confirms they will not interfere with radio transmission facilities in the vicinity;

i. The line on the BNRR shall be constructed as close to the eastern edge of the right-of-way as possible and shall use as short a pole height as possible; and

j. The crossing of 118th Avenue S.E. to the Lochleven line across Mercer Slough shall use as compact a configuration as feasible.

(Comp. Plan Policies UT-6 and UT-60; Conditional Use Criteria A-G; SEPA)

2. Prior to issuance of permits for construction, engineering plans shall be submitted to the Department of Planning and Community Development, Transportation Department, and Utility Department incorporating all conditions of approval. Plans must locate all existing utilities and ensure that the location of poles and other facilities does not affect existing utilities. The City shall be reimbursed for all costs of plan review, including the retention of engineering consultants, if necessary. (Conditional Use Criteria A-G)

3. All insulators shall be of 115kV capacity and of a configuration which reduces length and visual prominence to the maximum extent feasible, provided that larger insulators may be utilized for the I-405 crossing if consistent with other conditions and required for the specific configuration approved. (Conditional Use Criteria A, C, D; Comprehensive Plan Utility Goals 1 and 2, Policies UT-6 and UT-60)

4. All lines shall incorporate a configuration consistent with other conditions of this permit, and industry design practices and construction standards which provide the maximum practical potential for magnetic field cancellation.

5. Vegetation management and landscape plans shall be submitted with engineering plans with an assurance device of 150% of the calculated cost to ensure installation within six months of completion. The plans shall:

a. Provide for directional pruning of trees where the growth character of the species allows pruning without compromising the natural growth character of the trees;

b. Incorporate replacement vegetation where existing trees within the wire zone have a height at maturity which exceeds 35 feet and would require radical trimming or topping; and

c. For the section within the BNRR, include a survey of existing trees greater than four-inch diameter, or groups of trees, between the I-405 roadway and the proposed transmission line, designation of trees to be removed, and a planting plan of native trees to provide an effective visual screen between the freeway and the proposed transmission line. If installation is required on State right-of-way, and permits are not issued by time of completion of the transmission line, an extension of the installation period may be granted by the Department of Planning and Community Development.

(Conditional Use Criteria B; Comprehensive Plan Policies UT-41, PA-33, UD-16, 18, 51)

6. Right-of-Way Use Permit: the applicant shall secure a right-of-way use permit from the City of Bellevue, Transportation Department, prior to issuance of a clearing and grading, building, foundation or demolition permit which includes, but is not limited to:

a. Designated truck hauling routes.

b. Truck loading and unloading activities.

c. Location of construction fences.

d. Maintaining required pedestrian continuity.

e. Providing for mechanical street sweeping and maintenance during excavation and construction.

f. Construction signing and pedestrian detour routing.

g. Hours of construction and hauling.

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h. All other construction activities as they affect the public street system.

(Conditional Use Criteria C)

7. Applicant shall design the system to minimize radio and electronic interference.

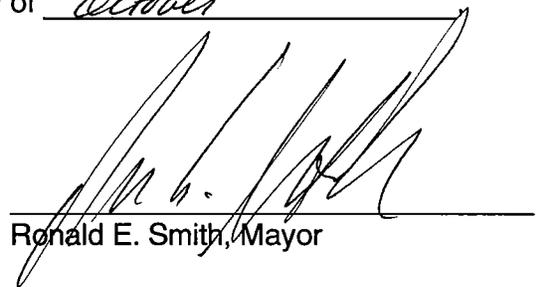
NOTE: Where the term "double circuit" is used, it also means "split-phased". Generally, BCC 22.02.140 on Conditions applies.

Section 3. This ordinance shall be recorded with the King County Department of Records and Elections.

Section 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 6th day of October, 1997, and signed in authentication of its passage this 6th day of October 1997.

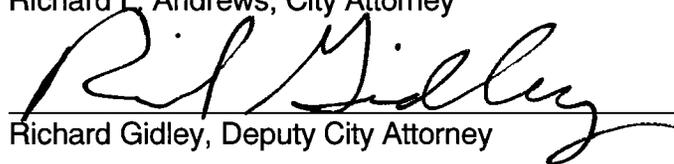
(SEAL)



Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Richard L. Andrews, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published October 10, 1997