

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF BELLEVUE**

)	
In the Matter of the:)	
)	
Conditional Use Permit Application for the North Bellevue Segment of the Energize Eastside Project)	DSD File Nos. 21-104989-LO and 21- 104991-LB
)	
PUGET SOUND ENERGY, Applicant)	FINDINGS OF FACT, CONCLUSIONS, AND DECISION
)	

I. SUMMARY OF DECISION.

The applicant has met its burden of proof to demonstrate that a preponderance of the evidence supports the conclusion that its application for a Conditional Use Permit (CUP) merits approval. Accordingly, the pending Conditional Use Permit application is approved, subject to conditions.

II. BACKGROUND AND RELEVANT CODE PROVISIONS.

There is no dispute that a conditional use permit is mandated for this project because the application is for new or expanding electrical utility facilities proposed on sensitive sites described and depicted on Map UT-7 of the Utilities Element of the City of Bellevue Comprehensive Plan. *LUC 20.20.255.C; DSD 000007-9 (Staff Report); DSD 000409 (Comp. Plan Map UT-7 Utilities).*

The Hearing Examiner has jurisdiction to conduct an open record public hearing regarding the CUP application at issue. Under applicable City codes, a CUP is a Process I land use decision processed in accord with LUC 20.35.100-140. Under Process I, the City’s Land Use Director issues a recommendation to the Hearing Examiner; and the Hearing Examiner, after holding a public hearing, issues a decision on the application.

**DECISION APPROVING CONDITIONAL USE PERMIT
FOR THE NORTH BELLEVUE SEGMENT OF THE
ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT –
FILE NOS. 21-10489-LO & 21-104991-LB**

BELLEVUE HEARING EXAMINER’S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1
2 As explained in LUC 20.35.140.A, the Hearing Examiner *shall approve* a project or
3 approve with modifications if the applicant has demonstrated that the proposal complies with
4 the applicable decision criteria of the Bellevue City Code. The applicant carries the burden
5 of proof and must demonstrate that a preponderance of the evidence supports the conclusion
6 that the application merits approval or approval with modifications. In all other cases, the
7 Hearing Examiner shall deny the application. The preponderance of the evidence standard is
8 equivalent to “more likely than not.”¹

9
10 **Conditional Use Permit Decision Criteria:** The decisional criteria for a CUP is found in LUC
11 20.30B.140, which explains that the City may approve or approve with modifications an
12 application for a CUP if:

- 13
- 14 A. The conditional use is consistent with the Comprehensive Plan;
 - 15 B. The design is compatible with and responds to the existing or intended
16 character, appearance, quality of development, and physical characteristics of
17 the subject property and immediate vicinity;
 - 18 C. The conditional use will be served by adequate public facilities including
19 streets, fire protection, and utilities;
 - 20 D. The conditional use will not be materially detrimental to uses or property in
21 the immediate vicinity of the subject property; and
 - 22 E. The conditional use complies with the applicable requirements of the Land
23 Use Code.

24
25 **Additional Criteria for Electrical Utility Facilities:** Because the proposal is to construct or
26 expand electrical facilities, the provisions of the City’s Land Use Code specifically
addressing Electrical Utility Facilities, found in LUC 20.20.255.E must be satisfied. The
applicant must also submit a detailed Alternative Siting Analysis pursuant to LUC
20.20.255.D. In addition to the requirements set forth above for a CUP, all proposals to locate
or expand electrical utility facilities shall comply with the following:

- 1. The proposal is consistent with Puget Sound Energy’s System Plan;

23
24 _____
25 ¹ *In re Pers. Restraint of Woods*, 154 Wn.2d 400, 414 (2005).

2. 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;
3. The applicant shall demonstrate that an operational need exists that requires the location or expansion at the proposed site;
4. The applicant shall demonstrate 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;
5. For proposals located on sensitive sites as referenced in Figure UT.5a of the Utility Element of the Comprehensive Plan, the applicant shall demonstrate:
 - a. Compliance with the Alternative siting analysis requirements of subsection D of this section;
 - b. Where feasible, the preferred site alternative identified in subsection D.2.d of this section 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.
6. The proposal shall provide mitigation sufficient to eliminate or minimize long-term impacts to properties located near an electrical utility facility. See LUC 20.20.255.

III. ASSOCIATED PERMIT.

Given the scale and location of the project, a Critical Areas Land Use Permit (CALUP), which is a Process II Administrative Land Use Decision, was also required. *DSD 000028-36 (Staff Report)*. The Director approved the CALUP as explained in the City’s Staff Report on pages 83 through 86. Under the City’s Code, a CALUP approval is subject to appeal before the Hearing Examiner. The CALUP was not appealed, so it was not on review as part of the Hearing Examiner’s public hearing process. As such, the CALUP stands without modification, as issued, and serves as support for the CUP addressed in this Decision.² All

² As a Process II Decision, the CALUP had a 14-day appeal deadline, which expired on November 2, 2023. See LUC 20.35.250.A.3. Any appeals would have been included in the Hearing Examiner’s public hearing process for the project. There were none. *See Staff Report for details on relevant dates, including date of issuance and appeal deadline listed on page 2.*

1 findings, conclusions and conditions of approval in the CALUP are now beyond review. Any
2 appeal of this Decision cannot be used to collaterally attach any aspect of the CALUP or
3 determinations made therein. *See Wenatchee Sportsmen Ass'n v. Chelan County*, 155 Wn.2d
397, 410-11, 130 P.3d 56 (2005), and *Habitat Watch v. Skagit County*, 155 Wn.2d 397, 410-
11, 120 P.3d 56 (2005).

4 IV. RECORDS AND EXHIBITS.

5 Exhibits entered into evidence as part of the record, as well as a recording of the public
6 hearing, are maintained by the City, and may be examined or reviewed by contacting the
7 Clerk in the Hearing Examiner's Office.

8 The City and the applicant were represented by counsel throughout the hearing
9 process. Matt McFarland from the Bellevue City Attorney's Office represented city staff who
10 generated the Staff Report and oversaw preparation of environmental review documents
11 included in the record. Clara Park, Erin Anderson and Nick Sweeney, from Van Ness
12 Feldman, LLP, and Sara Leverette, in-house counsel for Puget Sound Energy, represented
13 the applicant.

14 **Exhibits:** The Record includes all pre-hearing orders, motions, and briefs filed or issued prior
15 to the public hearing, copies of which are maintained by the Clerk for the Hearing Examiner's
16 Office, and all exhibits described and numbered on the attached Exhibit List.

17 **Hearing Testimony:** The following individuals presented testimony under oath at the duly
18 noticed public hearing for the underlying application held on November 9, 2023. All
19 witnesses for the City and the applicant appeared in person at the designated hearing room,
20 where the Examiner was present with dozens of people filling most of the hearing room seats.
21 Staff coordinated an online hearing platform, so a larger audience could observe the hearing
22 from remote locations and speak if they chose during the public comment portion of the
23 hearing.

24 FOR THE CITY OF BELLEVUE:

25 Reilly Pittman, Environmental Planning Manager and Authorized Representative for
26 Environmental Coordinator;

FOR THE APPLICANT, PSE:

Brad Strauch, PSE's Infrastructure Program Manager for Energize Eastside project,
summarized background of larger project, of which this is final segment; credibly
explained evidence showing that North segment is needed because overloads could still
occur without the North segment, even after opening of the South Bellevue segment and

DECISION APPROVING CONDITIONAL USE PERMIT
FOR THE NORTH BELLEVUE SEGMENT OF THE
ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT -
FILE NOS. 21-10489-LO & 21-104991-LB

BELLEVUE HEARING EXAMINER'S OFFICE

450 - 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1 new Richards Creek substation; recalled and responded to specific issues raised in some
2 public comments.

3 Jens Nedrud, PSE Director for Transmission, summarized how transmission system need
4 to be at 230kv instead of just 115kv; explained how load shedding (as part of corrective
5 action plans (CAP)) are possible until North segment is completed; noted how “heat
6 dome” 100-degree weather event in 2021 almost caused 50,000 customers to go without
7 power; summarized WUTC findings confirming need for project, rejecting credibility of
8 some arguments raised by CENSE opposing the project.

9 David Kemp, Senior Engineer, PSE consultant, addressed co-locating transmission lines
10 near adjacent pipelines, pipeline safety issues; noted how the existing Olympic pipeline
11 has been in place, along the PSE corridor for decades, without incident; explained
12 coordination with Olympic Pipeline to optimize and enhance safety with this project.

13 Jack Middleton, Senior Project Manager with PSE’s consultant firm Tetra Tech,
14 addressed visual impacts and land use consistency; noted how comments seeking a new
15 route would require many miles of land to be condemned, and that lower power line
16 elevations would require more lines, not less, resulting in a wider corridor than proposed
17 with taller poles and higher powerline elevations; showed illustrations confirming that
18 narrower corridor can be used for powerlines with taller poles, as opposed to wider, lower
19 lattice towers.

20 Lowell Rogers, PSE consultant, licensed as a Professional Engineer in Washington and
21 California, performed several roles over about 9 years for the Energize Eastside project,
22 including project manager for preliminary design, alternatives analysis, and ongoing as
23 advisor on safety issues; addressed design and construction safety issues in response to
24 some public comments provided during the hearing;

25 Andrew Thatcher, PSE’s qualified professional consultant (see Ex A-11), Certified
26 Health Physicist, addressed electric and magnetic fields (EMF) issues in response to some
public comments.

PSE’s witnesses provided both oral and written testimony and were made available for
questions from the Examiner.

GENERAL PUBLIC:

1. Bob Gillespie, in-person, expressed concerns with blackouts caused by storms, noted new demand, new customers, urged approval;
2. Ross Jacobson, in-person, longtime Bellevue resident, member of CURE, Bellevue Chamber and Rotary, supports approval;
3. Jennifer Fischer, in-person, longtime Bellevue resident, supports project;

**DECISION APPROVING CONDITIONAL USE PERMIT
FOR THE NORTH BELLEVUE SEGMENT OF THE
ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT –
FILE NOS. 21-10489-LO & 21-104991-LB**

BELLEVUE HEARING EXAMINER’S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

- 1 4. Keri Pravitz, in-person, used to work for PSE, notes that reliable power is not optional, favors using existing corridor, supports project;
- 2 5. Wendy Weiker, in-person, Mercer Island City Councilmember, supports project;
- 3 6. Jodie Alberts, in-person, with Bellevue Chamber of Commerce, expressed concerns
- 4 for consequences of power outages, including risks to patients in hospitals, supports
- 5 project;
- 6 7. Linda Hoffner, in-person, General Manager of Spring District, with Wright Runstad,
- 7 noted how tech employees use multiple devices requiring power, supports project;
- 8 8. Heather Trescases, in-person, Bellevue resident, involved in parks and children's
- 9 programs, wants reliable power, supports project;
- 10 9. Don March, in-person, Bellevue resident, on Sierra Club energy committee, supports
- 11 clean power, does not support or oppose this project, expressed concerns about tree
- 12 removal required for project, questioned whether there is still a need after the South
- 13 Segment and new substation has been energized;
- 14 10. Warren Halverson, in-person, Bellevue resident in Bridle Trails area where North
- 15 Segment will run; believes studies are old now; wants fair value for all trees, notes how
- 16 big trees help reduce noise from adjacent freeways, questioned how replacing trees with
- 17 smaller bushes will help; generally opposes approval;
- 18 11. Dave Townsend, in-person, lived and worked in Bellevue for over 30 years; once
- 19 worked as transmission planner with PSE, helped write Utilities Element of City's
- 20 Comprehensive Plan; believes the project should not be deferred, supports approval.
- 21 12. Patrick Bannon, President, Downtown Bellevue Association, believes project is
- 22 needed, noted the June 2021 Heat Dome event, concerns with serious blackouts, impacts
- 23 on area; strong supporter of project;
- 24 13. John Carlson, with Kemper Freeman, noted growth on Eastside, how Energize
- 25 Eastside Project is a key factor for continued growth and success of business and
- 26 communities on the Eastside; noted how the Heat Dome event was a warning, that reliable
- power is needed; strong supporter of project
14. Loretta Lopez, in-person, Bellevue resident, in Bridle Trails area, questioned if PSE
- needs the North Segment after the South Segment is now complete and supplies power
- to downtown Bellevue; does not believe PSE has satisfied approval criteria, requested
- application be remanded to Staff for further review; opposes approval;
15. Alex Tsimmerman, in-person, Bellevue resident, expressed concerns for people with
- low incomes;

**DECISION APPROVING CONDITIONAL USE PERMIT
FOR THE NORTH BELLEVUE SEGMENT OF THE
ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT –
FILE NOS. 21-10489-LO & 21-104991-LB**

BELLEVUE HEARING EXAMINER'S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1 16. Beth Osborne, virtual, with Symetra, noted recent power outage in October in
2 Bellevue, supports project;

3 17. Russell Joe, virtual, with Master Builders Association, supports project;

4 18. James Dobbs, virtual, Director of Facilities for Overlake Hospital, spoke on behalf
5 of six area healthcare institutions in favor of project;

6 19. Bernie Dochnahl, virtual, former V.P. at PSE, supports project, noted that reliable
7 power is not optional.

8 20. Diann Strom, virtual, Bellevue resident, former PSE employee; pleased project will
9 use existing corridor; noted that tree impacts are less than would be the case if a new
10 corridor was selected; supports approval.

11 21. Norm Hansen, virtual, President of CENSE; expressed concerns with PSE's current
12 ownership, foreign owners, believes they changed things; supports reliability, but
13 generally questioned this proposal, asked if it was prudent at this time.

14 Given the size of the record and the volume of public comments received throughout
15 the process, the Examiner sought to read every exhibit with attention and a fair mind. The
16 Examiner conducted site visits during the CUP hearing process for the South Bellevue
17 segment of the Project, and again for neighborhoods, parks, and properties in or near the
18 proposed North Segment corridor. The Examiner thoroughly reviewed the record relating to
19 PSE's public outreach, public feedback and response, and the SEPA process that resulted in
20 the SEPA Addendum³. The Examiner gave specific attention to reviewing all evidence,
21 testimony and comments pertaining to the areas of greatest public concern, insofar as they
22 related to decision criteria within the Examiner's jurisdiction. Having completed such review
23 and mindful of the legal standards involved and scope of the Examiner's jurisdiction, this
24 Decision is now in order.

25 V. FINDINGS OF FACT.

26 Based on the entire Record, the undersigned Examiner issues the following Findings
of Fact. Any statements contained in previous or following sections of the Decision that are
deemed to be Findings of Fact are hereby adopted as such and incorporated by reference.
Captions are used for the convenience of readers looking for particular topics but should not
be read or construed to modify or diminish the meaning of any finding wherever located in
this Decision.

³ Staff Report, Attachment G, DSD pages 000740-786.

1 ***Project Overview***

2 1. In March 2021, Puget Sound Energy, Inc. (PSE) applied to the City of Bellevue for a
3 Conditional Use Permit and a Critical Areas Land Use Permit for the construction of the
4 North Bellevue Segment of the Energize Eastside project.

5 2. The North Bellevue Segment includes upgrading approximately 5.2 miles of existing
6 115 kilovolt (kV) transmission lines with 230 kV lines from the new Richards Creek
7 Substation to the boundary between Redmond and Bellevue. *DSD 000006 (Staff Report)*.

8 3. The Energize Eastside Project includes the new Richards Creek Substation in
9 Bellevue, and the upgrade of the existing 115 kV transmission lines to 230 kV from Redmond
10 to Renton. *DSD 000006 (Staff Report)*.

11 4. Previously in 2019, PSE applied for a CUP and CALUP for the Project’s South
12 Bellevue Segment, which included the Richards Creek Substation and upgrading 3.3 miles
13 of existing lines. *DSD 000006 (Staff Report)*.

14 5. Project opponents appealed that approval and the environmental review of the
15 Energize Eastside project under State Environmental Policy Act (SEPA) to the King County
16 Superior Court in *CENSE v. City of Bellevue*, Case No. 19-2-33800-8 SEA (September 21,
17 2020). The Superior Court denied the appeal, affirmed the City’s approval, affirmed the
18 adequacy of the project’s Final Environmental Impact Statement (FEIS), and held that the
19 City’s environmental review complied with SEPA. *DSD 000006 (Staff Report)*.

20 6. PSE has also sought and obtained the necessary permits for other segments of the
21 Project in Newcastle, Renton, and Redmond. The North Bellevue Segment is the final land
22 use permitting process for the Project. *DSD 000007 (Staff Report)*.

23 7. The North Bellevue Segment of Energize Eastside is fully addressed and analyzed in
24 the 125-page Staff Report, which includes a detailed summary of public comments received
25 (*DSD 000063-81 (Staff Report)*) and the following attachments:

- 26 A. Project Plans (*DSD 000126-169*);
- B. North Bellevue Segment CUP Analysis, with Alternative Siting Analysis (without Attachments) (*DSD 000170-231*);
- C. Vegetation Management Plan (*DSD 000232-407*);
- D. Map UT-7 Utilities (from Comprehensive Plan) (*DSD 000408-409*);
- E. Watershed March 1, 2023 Response Letter (*DSD 000410-574*);
- F. July 11, 2023, Reliability Certification (LUC 20.20.255.E.4) (*DSD 000575-739*);
- G. 2023 SEPA Addendum (issued October 12, 2023) (*DSD 000740-786*).

27 **DECISION APPROVING CONDITIONAL USE PERMIT
28 FOR THE NORTH BELLEVUE SEGMENT OF THE
29 ENERGIZE EASTSIDE PROJECT,
30 PUGET SOUND ENERGY, APPLICANT –
31 FILE NOS. 21-10489-LO & 21-104991-LB**

BELLEVUE HEARING EXAMINER’S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1 8. The Staff Report, the FEIS, and the 2023 SEPA Addendum evaluate the North
2 Bellevue Segment proposed alignment, which is the same as the preferred alternative
3 identified in the Final EIS. PSE selected the proposed alignment based on the public outreach
and technical review that occurred during Community Advisory Group (CAG) and SEPA
processes. *DSD 000015-16 (Staff Report)*.

4 9. PSE is utilizing its existing 115 kV transmission corridor for the entire Energize
5 Eastside Project. The utility corridor was established in the 1920's and 1930's. It is
6 uncontroverted that current neighboring uses were developed over time adjacent to PSE's
7 facilities. The surrounding area is zoned a mix of single- and multi-family residential,
8 commercial, and industrial districts. *DSD 000006, 000025-27 (Staff Report); DSD 000126-
9 000169 (Project Plans); PSE Exhibit A-07, J. Middleton Presentation; PSE Exhibit A-19,
10 Testimony of J. Middleton; PSE Exhibit A-22, J. Middleton Rebuttal Slides; PSE Exhibit A-
11 01, B. Strauch Presentation; PSE Exhibit A-16, Testimony of B. Strauch*. Many of the
opposition comments came from local residents in the vicinity of the North Bellevue Segment
alignment, and most, if not all, live in homes that appear to have been constructed many years
after the PSE transmission line corridor was established. In fact, many upscale homes and
neighborhoods lie immediately beneath the existing PSE transmission lines. *(Site visits)*.

12 10. By using the existing corridor, PSE avoids needing to acquire additional property
13 rights, minimizes the number of trees removed in Bellevue, and limits adverse site
14 compatibility impacts. *DSD 000015-16 (Staff Report); DSD 000205-231 (Alternative Siting
Analysis); FEIS, Ch. 2; PSE Exhibit A-19, Testimony of J. Middleton; PSE Exhibit A-16,
15 Testimony of B. Strauch*.

16 11. Site visits by the Examiner helped to drive the point home, that development and
17 construction of an entirely new alignment for transmission lines in or along any other route
18 that would connect the Richards Creek Substation with facilities up along the boundary with
the City of Redmond would likely be astronomically expensive, given the values of
properties, homes, businesses, and infrastructure facilities that would be involved in
accomplishing such project. *(Site visits)*.

19 12. PSE began working with residents of Bellevue and City staff early in the design
20 process to determine the best possible route for the transmission lines. This process is
21 described in detail in the Staff Report and PSE's Alternative Siting Analysis (part of
Attachment B to the Staff Report). *DSD 000035-40 (Staff Report); DSD 000205-231
(Alternative Siting Analysis); PSE Exhibit A-16, Testimony of B. Strauch*.

22 13. The new poles supporting the upgraded 230 kV transmission line will generally be in
23 the same locations as the existing poles. The North Bellevue Segment is comprised of double-
circuit monopoles, ranging between 77 feet and 125 feet tall, with an average height of 99

24 **DECISION APPROVING CONDITIONAL USE PERMIT**
25 **FOR THE NORTH BELLEVUE SEGMENT OF THE**
ENERGIZE EASTSIDE PROJECT,
26 **PUGET SOUND ENERGY, APPLICANT –**
FILE NOS. 21-10489-LO & 21-104991-LB

BELLEVUE HEARING EXAMINER'S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1 feet and a median height of 95 feet. The three tallest poles are located near NE Bel-Red Road
2 and NE 20th Street, adjacent to the Richards Creek Substation. The heights are required to
3 meet federal safety regulations regarding clearances. *DSD 000006, 000016-17 (Staff Report);*
4 *DSD000126-169 (Project Plans); PSE Exhibit A-07, J. Middleton Presentation; PSE Exhibit*
5 *A-10, L. Rogers Presentation; PSE Exhibit A-19, Testimony of J. Middleton; PSE Exhibit A-*
6 *22, J. Middleton Rebuttal Slides; PSE Exhibit A-20, Testimony of L. Rogers.*

7 14. The Staff Report includes several depictions of the types of poles that PSE proposed
8 to install, and PSE’s Project Plans (Attachment A to the Staff Report) includes additional
9 detailed information for all pole locations in the North Bellevue Segment. PSE also produced
10 photo simulations depicting the pole types and finishes. *DSD 000016-20 (Staff Report); DSD*
11 *000126-169 (Project Plans); DSD 001712-1716 (Photo Simulations); DSD 001717-1770*
12 *(Pole Finishes Report).*

13 15. The record includes numerous written public comments, reflecting concerns and
14 opposition from some local residents in the project area, but strong support from many other
15 local residents, businesses, and organizations. Many of the supporting comments emphasized
16 the importance of electric service reliability, all needed to support continuing growth on the
17 Eastside, and avoid adverse consequences associated with blackouts (from “load shedding”) that
18 could occur if the current transmission lines are not able to serve peak demand during
19 Summer heat waves or Winter cold spells. Most opposition to the Project was based on
20 claims that the Project was not needed or that PSE had not demonstrated Project need, safety
21 concerns about powerlines located above underground gas pipelines, concerns relating to tree
22 removal, concerns that replacement trees and plants will be inadequate, and general concerns
23 that other options might now be viable, given the time it has taken to move this project
24 forward.

25 16. In the end, none of the opposition comments were supported by credible, expert
26 studies, reports, or analysis of relevant review criteria, that were comparable to or would
rebut the evidence and information included in this record supporting approval of the
requested conditional use permit. In fact, the record includes findings from other entities
with authority over various aspects of this project, which included consideration of comments
substantially similar to those raised by many opposing parties in this hearing process,
explaining how and why comments claiming or questioning if there is truly a need for this
project are not credible. *(See WUTC and FERC decisions included in the record).*

21 ***Environmental Review***

22 17. PSE and the “Partner Cities” of Bellevue, Newcastle, Redmond and Renton
23 conducted two-phase environmental review of the project over the course of several years,
24 with Bellevue serving as the nominal SEPA lead. During Phase 1 of environmental review,

25 **DECISION APPROVING CONDITIONAL USE PERMIT**
26 **FOR THE NORTH BELLEVUE SEGMENT OF THE**
ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT –
FILE NOS. 21-10489-LO & 21-104991-LB

BELLEVUE HEARING EXAMINER’S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1 the Partner Cities evaluated a broad range of potential technological alternatives to address
2 the identified transmission facility deficit. Phase 1 review assessed the feasibility and
3 environmental impacts of wire and non-wire solutions and determined that the only feasible
4 and reasonable project alternative was an overhead wire-based solution. The other
5 alternatives were not viable based on significant environmental impacts, expenses, and other
6 factors. *DSD 000060 (Staff Report)*.

7 18. The Phase 2 review consisted of a project-level evaluation of the potential
8 environmental impacts of the overhead transmission line alternatives through each
9 jurisdiction. Fourteen transmission line routing alternatives were analyzed in the Phase 2
10 Draft EIS, and PSE proposed utilizing the existing transmission line corridor as the route for
11 the Project. *DSD 000060 (Staff Report)*.

12 19. Environmental review culminated in the FEIS issued on March 1, 2018. The Partner
13 Cities conducted a comprehensive environmental assessment of the entire Energize Eastside
14 Project, with discrete sections devoted to the transmission line upgrades in each jurisdictional
15 segment. The adequacy of the Partner Cities' environmental review was upheld in King
16 County Superior Court. *DSD 000060 (Staff Report)*; *DSD 000890-926 (CENSE v. City of
17 Bellevue, Case No. 19-2-33800-8 SEA)*.

18 20. The Staff Report fully incorporated the FEIS, supporting analyses, studies and
19 technical reports pursuant to Bellevue City Code (BCC) 22.02.020 and WAC 197-11-635.
20 The FEIS divided its analysis of the 5.2-mile North Bellevue segment into two segments,
21 which the FEIS referred to as the Bellevue North and Bellevue Central segments. *DSD
22 000060 (Staff Report)*.

23 21. The City prepared the 2023 SEPA Addendum to address changes made to the North
24 Bellevue Segment portion of the Project since the Phase 2 DEIS and FEIS were published.
25 Specifically, the Addendum addresses changes related to the City's updated wetland rating
26 system, the number of trees to be removed, changes to proposed pole heights, and the use of
off-site mitigation. These changes affect the Water Resources, Plants and Animals, and
Scenic Views and Aesthetics elements of environmental review. *DSD 000060 (Staff Report)*;
DSD 000743-749, 000752 (SEPA Addendum).

27 22. The SEPA Addendum confirmed the Phase 2 DEIS and FEIS impact conclusions.
28 The refinements to the Project do not substantially change the analysis of significant impacts
29 and alternatives in the FEIS and do not result in significant unavoidable environmental
30 impacts. Therefore, the conclusion that the Project's impacts in the Bellevue North and
31 Bellevue Central Segments remains the same. *DSD 000060 (Staff Report)*; *DSD 000758-781
32 (SEPA Addendum)*.

33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

DECISION APPROVING CONDITIONAL USE PERMIT
FOR THE NORTH BELLEVUE SEGMENT OF THE
ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT –
FILE NOS. 21-10489-LO & 21-104991-LB

BELLEVUE HEARING EXAMINER'S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1 23. Staff properly concluded that PSE’s current proposal, as described in its 2021 and
2 2023 submittals to the City, and the version of the Project analyzed the FEIS are similar
3 enough to provide a basis for comparison through an Addendum. *DSD 000250 (SEPA
4 Addendum)*.

5 24. Staff also properly concluded that preparation of the Addendum was appropriate in
6 lieu of a Supplemental EIS because the differences between the current proposal and the
7 project analyzed in the FEIS are similar enough to provide a basis for comparison. There is
8 no credible evidence in the record supporting an assertion that the differences analyzed in the
9 Addendum would result in new significant impacts requiring preparation of a Supplemental
10 EIS. *DSD 000251 (SEPA Addendum)*. The Staff Report provides further detail on why a
11 Supplemental EIS was not needed here in its responses to public comment. *DSD 000078-79
12 (Staff Report)*.

13 25. The Examiner concurs with this reasoning and finds that the SEPA Addendum fulfills
14 applicable SEPA review requirements. The Examiner further finds that the evidence in the
15 record supports the SEPA Addendum’s conclusion that changes to the Project will not result
16 in new significant impacts.

17 26. Public comments arguing that a Supplemental EIS is needed are not supported by
18 evidence within the record, statute, or applicable caselaw. In particular, arguments that a
19 Supplemental EIS is needed to reevaluate the need for the Project are unfounded. Project
20 need is not an element of SEPA review. Staff properly noted that the City has a duty to review
21 a project as proposed by the applicant, and can only decide whether that proposed project is
22 consistent with City codes, standards and regulations in effect at the time of receiving a
23 complete application. The City, and the Examiner for that matter, cannot require PSE to build
24 an alternative to the proposed Project. *DSD 000069, 000079 (Staff Report)*.

25 27. In any event, whether opposition arguments fell under questions or challenges to the
26 environmental review, or other aspects of review involved in this project, one key fact was
firmly established as part of this hearing process, and is supported by substantial, un rebutted
evidence included in the record – and that is: Even after completing and energizing the South
Bellevue Segment of the greater Energize Eastside Project, there remains a very serious
NEED for the North Bellevue Segment to be constructed and energized, because until it is
completed, thousands of PSE customers on the Eastside remain at risk of power outages due
to an ongoing transmission capacity deficiency that is still present today during Summer
seasons. (*Testimony of Mr. Nedrud, Ex. A-17*).

27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

DECISION APPROVING CONDITIONAL USE PERMIT
FOR THE NORTH BELLEVUE SEGMENT OF THE
ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT –
FILE NOS. 21-10489-LO & 21-104991-LB

BELLEVUE HEARING EXAMINER’S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1
2 ***Vegetation Management and Tree Removal***

3 28. PSE is required to conduct vegetation management activities, including tree removal
4 pursuant to federally mandated National Electric Safety Code (NESC), Federal Energy
5 Regulatory Commission (FERC), and North American Electric Reliability Corporation
6 (NERC) vegetation management standards for electric transmission lines. *DSD 000021-25*
7 *(Staff Report)*; *DSD 000248-49 (Vegetation Management Plan)*; *DSD 000525-530*
8 *(Watershed March 1, 2023, Response Letter)*; *PSE Exhibit A-07, J. Middleton Presentation*;
9 *PSE Exhibit A-19, Testimony of J. Middleton*; *PSE Exhibit A-22, J. Middleton Rebuttal*
10 *Slides*; *PSE Exhibit A-01, B. Strauch Presentation*; *PSE Exhibit A-16, Testimony of B.*
11 *Strauch.*

12 29. Based on the strict application of these standards, PSE will remove any vegetation
13 that matures to a height of more than 15 feet within the wire zone, unless terrain conditions
14 allow at least 20 feet of clearance between the lowest wires and the mature height of the
15 vegetation. This requirement applies throughout the managed right-of-way. Trees outside of
16 the managed right-of-way, but still within PSE’s easement, may be trimmed or removed
17 based on a combination of height, species, health, and risk of damage to the wires. *DSD*
18 *000025 (Staff Report)*; *DSD 000248-49 (Vegetation Management Plan)*; *PSE Exhibit A-07,*
19 *J. Middleton Presentation*; *PSE Exhibit A-19, Testimony of J. Middleton*; *PSE Exhibit A-22,*
20 *J. Middleton Rebuttal Slides*; *PSE Exhibit A-01, B. Strauch Presentation*; *PSE Exhibit A-16,*
21 *Testimony of B. Strauch.*

22 30. Complying with the federally mandated vegetation management standards will
23 require the removal of approximately 433 significant trees in the North Bellevue Segment, of
24 which 20 are located in the City right-of-way or within City-owned property, 386 are located
25 on private property, and the remaining 27 are on PSE-owned property. *DSD 000025 (Staff*
26 *Report)*; *DSD 000249 (Vegetation Management Plan)*; *DSD 000754 (SEPA Addendum).*

31. The tree removal totals are consistent with the totals analyzed in the Final EIS, Section
4.4.5, though less than the originally estimated 445 significant trees. The change in tree
removal was evaluated in the 2023 SEPA Addendum. *DSD 000025 (Staff Report)*; *DSD*
000754, 000765-781 (SEPA Addendum).

32. The FEIS concluded that application of codes, standards, and regulations would
adequately mitigate potential impacts of vegetation removal. The 2023 SEPA Addendum
confirms this conclusion. *DSD 000025 (Staff Report)*; *DSD 000754, 000756, 000769-770,*
000773, 000775, 000782-783 (SEPA Addendum).

1 33. PSE’s Vegetation Management Report includes tree replacement ratios that exceed
2 City Code requirements, as well as an adaptive tree replacement approach that covers private
3 property along the corridor and secondary planting areas, off-site mitigation, and
4 programmatic mitigation strategies such as in-lieu fees and participation in the City’s Energy
Saving Trees program. *DSD 000253-258 (Vegetation Management Report); DSD 000513-
517 (Watershed March 1, 2023, Response Letter); PSE Exhibit A-01, B. Strauch
Presentation; PSE Exhibit A-16, Testimony of B. Strauch.*

5 34. Mr. Strauch testified that PSE is committed to planting more trees than are removed
6 as part of the project and to exceeding the City’s tree replacement requirements. Mr. Strauch
7 explained that PSE will install over 700 trees, 70% greater than the number of regulated trees
8 that are expected to be removed. Mr. Strauch also explained that many of the trees present in
9 the corridor have already been trimmed or topped over the years, many times, and that 74%
of the regulated trees that are expected to be removed have been classified as being in fair or
poor condition. *PSE Exhibit A-01, B. Strauch Presentation; PSE Exhibit A-16, Testimony of
B. Strauch.*

10 35. PSE provided credible evidence that its adaptive tree replacement approach has been
11 successfully implemented in other segments of the Project. Mr. Strauch testified that for the
12 South Bellevue Segment, PSE has planted more than 3,000 trees in south Bellevue to date,
13 more than double the number of replacement trees that PSE was required to plant per the
14 conditions of the CUP for the South Bellevue Segment. *DSD 000253-258 (Vegetation
Management Report); DSD 000513-517 (Watershed March 1, 2023, Response Letter); PSE
Exhibit A-01, B. Strauch Presentation; PSE Exhibit A-16, Testimony of B. Strauch.*

15 36. Staff properly found and concluded that PSE’s vegetation management approach
16 complies with Bellevue’s Tree Retention and Replacement Code (LUC 20.20.900), including
17 the City’s tree requirements within the R-1 Land Use District in the Bridle Trails Subarea
under LUC 20.20.900.E and -.G.

18 37. On the issue of Tree impacts alone, site visits confirm that the massive scale of
19 impacts that might occur on currently undisturbed portions of forested properties – by cutting
20 an entirely new powerline corridor – weigh heavily in favor of retaining the existing corridor
instead of condemning miles of new property, cutting countless trees, all as part of a decision
to abandon the current route in favor of some other route. *(Site visits).*

21 ***Pipeline Safety Issues.***

22 38. The Olympic Pipeline Company (OPL) has two underground petroleum pipelines that
23 are located within PSE’s existing transmission corridor. These pipelines are a portion of
24 OPL’s system that spans 299 miles. One of the pipelines crosses through the middle of the

25 **DECISION APPROVING CONDITIONAL USE PERMIT
FOR THE NORTH BELLEVUE SEGMENT OF THE
ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT –
26 FILE NOS. 21-10489-LO & 21-104991-LB**

BELLEVUE HEARING EXAMINER’S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1 Richards Creek substation site and continues along the North Bellevue Segment, centrally
2 located within PSE's existing corridor. In the North Bellevue Segment, the minimum pipeline
3 to tower separation is 11.9 feet, and the average separation distance is over 35 feet. *DSD*
4 *000061 (Staff Report); PSE Exhibit A-06, D. Kemp Presentation; PSE Exhibit A-15, D. Kemp*
5 *Supplemental Report; PSE Exhibit A-18, Testimony of D. Kemp; PSE Exhibit A-10, L. Rogers*
6 *Presentation; PSE Exhibit A-20, Testimony of L. Rogers.*

7 39. Pipeline safety issues were evaluated individually in the FEIS, which concluded that
8 the probability of a pipeline release and fire occurring remained low under PSE's proposed
9 alignment, both during construction and over the long term. *DSD 000061 (Staff Report).*

10 40. However, given the impacts if such an event were to occur, the FEIS analyzed the
11 consequences of a pipeline incident and identified mitigation measures for construction and
12 operation of the Project. *DSD 000062 (Staff Report).*

13 41. Staff properly concluded that PSE's current proposal incorporates some of the
14 pipeline safety recommendations made during the SEPA process, such as initially operating
15 both transmission lines at 230 kV, minimizing points of pipeline and transmission line
16 divergence along the corridor, and locating poles and grounds away from the pipelines. *DSD*
17 *000062 (Staff Report); PSE Exhibit A-06, D. Kemp Presentation; PSE Exhibit A-15, D. Kemp*
18 *Supplemental Report; PSE Exhibit A-18, Testimony of D. Kemp.*

19 42. PSE's witness David Kemp, a qualified expert on issues regarding pipeline safety and
20 collocation of transmission lines who has worked on over 100 projects spanning 2,200 miles
21 of collocated pipeline, provided credible testimony at the public hearing. Mr. Kemp provided
22 an overview of AC interference and interactions between high voltage AC transmission lines
23 and pipelines, primarily electromagnetic induction and conductive interference. The former
24 can create a potential shock hazard to pipeline workers and contribute to corrosion of the
25 pipelines over time. The latter affects the potential for electrical system fault conditions that
26 could affect the pipelines. *PSE Exhibit A-06, D. Kemp Presentation; PSE Exhibit A-15, D.*
Kemp Supplemental Report; PSE Exhibit A-18, Testimony of D. Kemp.

43. Mr. Kemp testified how PSE incorporated pipeline safety recommendations into its
final design, relied on conservative estimates in modelling to provide additional safety
assurances, and coordinated with OPL throughout the review and design process, with
continued ongoing coordination throughout the Energize project's permitting and
construction. *Testimony of D. Kemp.*

44. Mr. Kemp also conducted secondary analysis of the final design in the North Bellevue
segment that incorporated updated data that reflected the latest, minor adjustments made
during final engineering review. He concluded that the final configuration proposed by PSE

DECISION APPROVING CONDITIONAL USE PERMIT
FOR THE NORTH BELLEVUE SEGMENT OF THE
ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT –
FILE NOS. 21-10489-LO & 21-104991-LB

BELLEVUE HEARING EXAMINER'S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1 results in AC potential well within industry accepted levels for both pipeline safety and
2 pipeline integrity in shared corridors, even under conservate modeling parameters.
3 Specifically, he concluded that: maximum induced AC potentials would be below the
4 relevant 15-volt safety threshold; there is a low likelihood of accelerated AC corrosion on the
5 pipeline; there is a low likelihood of an arcing incident because the maximum arcing distance
6 is 4 feet; and maximum coating stress voltages will remain similar to today's levels. *PSE*
7 *Exhibit A-06, D. Kemp Presentation; PSE Exhibit A-15, D. Kemp Supplemental Report; PSE*
8 *Exhibit A-18, Testimony of D. Kemp.*

9 45. As it did for the South Bellevue Segment, which is now constructed and energized,
10 the City retained Wolfgang Fieltsch as an independent pipeline safety expert to evaluate Mr.
11 Kemp's report. Mr. Fieltsch has previously prepared his own independent report in support
12 of the FEIS and reviewed Mr. Kemp's analysis for other Project segments. *PSE Exhibit A-*
13 *06, D. Kemp Presentation; PSE Exhibit A-15, D. Kemp Supplemental Report; PSE Exhibit*
14 *A-18, Testimony of D. Kemp.* Based on Mr. Fieltsch's input, City staff proposed a
15 modification to a Condition of Approval recommended in the Staff Report, to ensure
16 grounding resistance standards are satisfied at EACH powerline structure, using actual, on-
17 site field measurements, and employing certain mitigation measures until field measurements
18 show that grounding resistance is 20 ohms or less. (*See Conditions of Approval, item D.23,*
19 *which has been modified to read as follows:*

20 PSE's design standards require that the grounding resistance of each power line
21 structure is a maximum of 20 ohms. Consistent with PSE's standards and practice,
22 PSE shall field-measure the grounding resistance of each power line structure to
23 ensure it meets the target of 20 ohms. If 20 ohms is not initially achieved, PSE will
24 implement mitigation including potentially the use of metal rods until the grounding
25 resistance is 20 ohms or less. (New language added to version of Conditions included
26 as part of Staff Report, based on input from City's pipeline safety consultant, Mr.
Fieltsch, as explained in Mr. McFarland's transmittal email dated Nov. 9, 2023
describing content of Exhibit C-7, without objection from PSE).

27 46. PSE witness Lowell Rogers, project manager for preliminary design of the Project
28 and advisor on detailed design, permitting and construction, credibly testified how NESC
29 safety standards informed the Project's design and how PSE incorporates pipeline safety
30 mitigation measures into Project construction. Mr. Rogers testified that PSE has successfully
31 utilized these same pipeline safety mitigation measures when constructing other segments of
32 the Project. *PSE Exhibit A-10, L. Rogers Presentation; PSE Exhibit A-20, Testimony of L.*
33 *Rogers.*

34 47. PSE witness Andrew Thatcher provided oral and written testimony on the
35 phenomenon known as electric and magnetic fields ("EMF"). Mr. Thatcher gave an overview
36 of the evidence and the FEIS findings on EMF levels and human health effects, concluding

1 that the Project would have EMF levels well below any applicable safety threshold.
2 Significantly, Mr. Thatcher concluded that the Project will result in an overall reduction of
3 EMF levels compared to existing conditions. Mr. Thatcher also testified that he made a site
4 visit to the South Bellevue Segment once it was energized, and confirmed that operational
5 EMF levels were consistent with the modeling done for the SEPA EIS. *PSE Exhibit A-12, A.*
6 *Thatcher Presentation; PSE Exhibit A-21, Testimony of A. Thatcher.*

7 48. Staff notes that the proposed Conditions of Approval, imposing reporting and
8 coordination requirements, are consistent with the Conditions of Approval for the South
9 Bellevue Segment CUP and the mitigation measures identified in the FEIS. *DSD 000062*
10 *(Staff Report).*

11 49. The evidence in the record demonstrates that the combination of Project design,
12 conditions of approval, and mitigation measures prevent, avoid, mitigate, or minimize
13 potential adverse impacts that could arise due to construction and operation of the Project
14 over the OPL pipelines. The Conditions of Approval should serve to enhance, if not improve,
15 public safety by reducing current risks.

16 *Project Need*

17 50. PSE filed a Motion for Partial Summary Judgment Regarding Project Need on
18 October 31, 2023, seeking an order from the Hearing Examiner recognizing that LUC
19 20.20.255.E.3 and -.4 do not apply to the pending application due to the passage of RCW
20 36.70B.260, which the applicant generally asserts to render any local government
21 requirement to demonstrate need as void or unnecessary, because other agencies like the
22 WUTC and FERC are the appropriate entities to make such determinations. The City filed
23 its Response to PSE's motion on November 7, 2023. At PSE's request, the Hearing Examiner
24 issued an expedited, preliminary written ruling issued to the parties by email that same day,
25 denying PSE's motion.

26 51. There is no dispute that City approval criteria included a needs assessment as part of
the application process for this project, when complete application materials were submitted.
There is also no credible dispute that PSE submitted a tremendous volume of expert reports,
studies, reviews, analyses, all of which are included as part of this record, firmly
demonstrating how there is a substantial need for this project, the North Bellevue Segment
of the Energize Eastside Project. Arguments and comments opposing this project based on
allegations that there is no need were not credible and were not supported by any
preponderance of evidence. Thus, the ongoing arguments advanced by the applicant about
whether City Staff was mistaken or somehow wrong to move forward with a hearing process
that applied City codes as written at the time of hearing are puzzling to the Examiner and
without any practical effect for purposes of reaching a decision on this requested Conditional

DECISION APPROVING CONDITIONAL USE PERMIT
FOR THE NORTH BELLEVUE SEGMENT OF THE
ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT –
FILE NOS. 21-10489-LO & 21-104991-LB

BELLEVUE HEARING EXAMINER'S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1 Use Permit. In the end, whether a demonstration of need is included as part of this review
2 process, or if a newly adopted statute is read and applied to eliminate consideration of need,
3 the result is the same. The applicant has submitted far more than a preponderance of evidence
demonstrating that this North Bellevue Segment of the Energize Eastside Project merits
approval, subject to appropriate conditions of approval.

4 52. At hearing, PSE requested that the Examiner take judicial notice of RCW 36.70B.260.
5 RCW 36.70B.260 is appropriately subject to judicial notice as a law not subject to reasonable
6 dispute, *see* ER 201, and as a matter cited and discussed in the Staff Report, *see DSD 000036-*
7 *37, 81, 91 (Staff Report)*, and accordingly, this decision discusses and considers RCW
8 36.70B.260.

9 53. The parties' combined briefing set forth three potential approaches to the subject of
10 project need under LUC 20.20.255.E.3 and -.4. The first approach, advanced by PSE, is a
11 conclusion that RCW 36.70B.260 applies, and that LUC 20.20.255.E.3 and -.4 do not apply
12 to this Project as local ordinance provisions that conflict with state law. Under this approach,
13 issues relating to project need would not be considered decisional criteria for this Project, and
14 the applicant would not be required to prove project need pursuant to LUC 20.20.255.E.3 and
15 -.4.

16 54. The second approach, advanced by the City, is a conclusion that the Hearing
17 Examiner must apply the LUC as written and does not have the authority to disregard any
18 provision of the City code. Under this approach, PSE would have the burden of proving
19 compliance with LUC 20.20.255.E.3 and -.4 by a preponderance of the evidence. Any appeal
20 that might follow, based on the question of need, would likely be rejected out of hand by any
21 court with appropriate jurisdiction, given the newly adopted statute. Lawsuits, including
22 appeals, should only be raised where a party has a good faith basis in fact or law to pursue
23 their claim.

24 55. The third approach, advanced by the City as an alternative position, is a conclusion
25 that RCW 36.70B.260 and LUC 20.20.255.E.3 and -.4 can be harmonized. Under this
26 approach, the LUC is construed to require submittal of publicly available documents required
by the Washington Utility and Transportation Commission (WUTC), the Federal Energy
Regulatory Commission (FERC), or any other federal agency with regulatory authority over
the assessment of electric power transmission and distribution needs as applicable, as
provided under RCW 36.70B.260.

56. PSE argued that RCW 36.70B.260 should be applied as a relevant state law that
supersedes conflicting local provisions. PSE asserted the importance of the statute as
eliminating potentially onerous, costly and time-intensive burden of proving project need for
electric facilities during local government project reviews, and as recognizing the jurisdiction

DECISION APPROVING CONDITIONAL USE PERMIT
FOR THE NORTH BELLEVUE SEGMENT OF THE
ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT –
FILE NOS. 21-10489-LO & 21-104991-LB

BELLEVUE HEARING EXAMINER'S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1 of the WUTC and FERC as agencies with regulatory authority over assessments of electricity
2 needs. PSE argued that the City's position under the second approach puts the applicant in
3 the position of addressing issues that are outside the City's jurisdiction under governing state
4 law, and in particular, imposes a burden on PSE, as well as other project proponents, that
5 should no longer apply as a result of RCW 36.70B.260. At hearing, PSE also made a standing
6 objection to the relevance of any testimony relating to need based on RCW 36.70B.260.
7 PSE's standing objection is preserved and noted on the record. PSE's objection is not waived
8 by the presentation of any evidence relating to need.

9 57. The Hearing Examiner does not have the authority to *sua sponte* rewrite the City's
10 code. For that reason, review of PSE's application will proceed under the third approach
11 described above in which compliance with the existing terms of LUC 20.20.255.E.3 and -.4
12 will be determined based on "submission of any publicly available documentation required
13 by the federal energy regulatory commission or its delegees or the utilities and transportation
14 commission or its delegees, or from any other federal agency with regulatory authority over
15 the assessment of electric power transmission and distribution needs as applicable." RCW
16 36.70B.260. To the extent a future court finds this approach inconsistent with any applicable
17 law, the Examiner also finds that PSE has complied with LUC 20.20.255.E.3 and -.4 under
18 the broader second approach advanced by the City.

19 58. The Examiner's decision here is limited to this North Bellevue Segment Project and
20 this City Code, which does not give the Examiner express authority to invalidate a City Code
21 provision. The decision here should not be considered binding or even persuasive authority
22 in other jurisdictions and under other codes. The Examiner's decision is also informed by the
23 fact that here, the record on Project need has been fully developed and is complete regardless
24 of which approach the Examiner applies. This Project benefits from the extensive, years-long
25 record developed before RCW 36.70B.260 took effect, but should not be subject to appeals
26 that go beyond the scope of review now authorized under state law.

59. Based on the foregoing, the Examiner applied the second approach and reviewed the
record to determine whether PSE met its burden of proving compliance with LUC
20.20.255.E.3 and -.4, as informed by RCW 36.70B.260, by a preponderance of the evidence.

60. Consistent with 20.20.255.E.3, the Project has been the subject of regulatory
proceedings at the WUTC and FERC which issued publicly available documents
appropriately reviewed under both the City's code and RCW 36.70B.260. *DSD 000822-854*
(153 FERC ¶ 61,076, *CENSE v. PSE*, Docket No. EL15-74-000, *Order Dismissing*
Complaint, October 21, 2015); *DSD 000853-854* (March 10, 2021 *Certification of Need*);
DSD 000581-724 (WUTC Final Order 25, Dockets UE-220066 and UG-220067); *DSD*
000726-739 (183 FERC ¶ 61,057, *CENSE v. PSE*, Docket No. EL23-23-000, *Order*
Dismissing Complaint).

DECISION APPROVING CONDITIONAL USE PERMIT
FOR THE NORTH BELLEVUE SEGMENT OF THE
ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT –
FILE NOS. 21-10489-LO & 21-104991-LB

BELLEVUE HEARING EXAMINER'S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1 61. To illustrate the consistent conclusions of agencies with jurisdiction, the WUTC
2 issued a final order in December 2022 that found that PSE sufficiently evaluated the need for
3 the Project and considered alternatives. *DSD 000581-724 (WUTC Final Order 25, Dockets*
4 *UE-220066 and UG-220067)*. The WUTC concluded that the “evidence establishes a need
5 for expanding PSE’s transmission on the Eastside, and this issue does not appear to be in
6 genuine dispute according to any credible evidence.” *DSD 000644*. FERC also issued an
7 order on April 24, 2023 dismissing a complaint filed by the Coalition of Eastside
8 Neighborhoods for Sensible Energy (CENSE), concluding that CENSE had failed to
9 demonstrate that PSE had violated any applicable requirements. *DSD 000726-739 (183*
10 *FERC ¶ 61,057, CENSE v. PSE, Docket No. EL23-23-000, Order Dismissing Complaint)*.

11 62. Consistent with LUC 20.20.255.E.4, PSE also submitted a Certification of Need for
12 the North Bellevue Segment in 2021 signed by PSE’s Director of Transmission, Jens Nedrud.
13 Later, PSE submitted its own 2022 Energize Eastside Needs Assessment Update. PSE
14 updated its application by submitting a Re-certification of Need in 2023, also signed by
15 Nedrud. *DSD 003566-3585 (2022 Energize Eastside Needs Assessment Update)*; *DSD*
16 *000576-579 (July 11, 2023 Recertification of Need)*; *DSD 000853-854 (March 10, 2021*
17 *Certification of Need)*.

18 63. Again, setting aside any potential limiting terms of RCW 36.70B.260, the record on
19 project need is robust, dating back to before the South Bellevue Segment CUP. That prior
20 decision included detailed findings regarding Project need. Those findings are incorporated
21 here, as they provide an effective summary of the evidence supporting Project need in 2019.
22 *PSE Prehearing Memorandum, Exhibit A, City of Bellevue Hearing Examiner, Findings of*
23 *Fact, Conclusions and Decision on the Conditional Use Permit Application for the South*
24 *Bellevue Segment of the Energize Eastside Project (June 25, 2019), pp. 8-15*; *DSD 000822-*
25 *854 (153 FERC ¶ 61,076, CENSE v. PSE, Docket No. EL15-74-000, Order Dismissing*
26 *Complaint, October 21, 2015)*; *DSD 001001-1192 (Exponent, City of Bellevue Electrical*
Reliability Study Phase 2 Report 2012); *DSD 001198-1270 (Quanta Technology, Eastside*
Needs Assessment Report 2013); *DSD 001274-1302 (Quanta Technology, Supplemental*
Eastside Needs Assessment Report 2015); *DSD 001303-1378 (Utility System Efficiencies,*
Independent Technical Analysis of Energize Eastside 2015); *DSD 001380-1389 (Stantec,*
Energize Eastside Project Needs Report); *DSD 001390-1549 (Strategen, Eastside System*
Energy Storage Alternatives Screening Study).

27 64. Since the South Bellevue Segment CUP Hearing, additional evidence of Project need
28 has been generated in other proceedings. In 2022, the City of Newcastle commissioned a
29 third-party study into project need, and Newcastle’s staff and hearing examiner concluded
30 that PSE demonstrated the existence of an operational need. *PSE Prehearing Memorandum,*
31 *Exhibit E (Newcastle CUP Decision)*; *DSD 000856-887 (MaxETA Energy, Assessment of*
32 *Proposed Energize Eastside Project 2020 Update)*.

33 **DECISION APPROVING CONDITIONAL USE PERMIT**
34 **FOR THE NORTH BELLEVUE SEGMENT OF THE**
35 **ENERGIZE EASTSIDE PROJECT,**
36 **PUGET SOUND ENERGY, APPLICANT –**
FILE NOS. 21-10489-LO & 21-104991-LB

BELLEVUE HEARING EXAMINER’S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1 65. The Staff Report provides a detailed recitation of the considerable amount of evidence
2 supporting the need for additional 230 kV transmission capacity on the Eastside. *DSD*
3 *000011-14 (Staff Report)*; *DSD 000822-854 (153 FERC ¶ 61,076, CENSE v. PSE, Docket*
4 *No. EL15-74-000, Order Dismissing Complaint, October 21, 2015)*; *DSD 000853-854*
5 *(March 10, 2021 Certification of Need)*; *DSD 000856-887 (MaxETA Energy, Assessment of*
6 *Proposed Energize Eastside Project 2020 Update)*; *DSD 001001-1192 (Exponent, City of*
7 *Bellevue Electrical Reliability Study Phase 2 Report 2012)*; *DSD 001198-1270 (Quanta*
8 *Technology, Eastside Needs Assessment Report 2013)*; *DSD 001274-1302 (Quanta*
9 *Technology, Supplemental Eastside Needs Assessment Report 2015)*; *DSD 001303-1378*
10 *(Utility System Efficiencies, Independent Technical Analysis of Energize Eastside 2015)*;
11 *DSD 001380-1389 (Stantec, Energize Eastside Project Needs Report)*; *DSD 001390-1549*
12 *(Strategen, Eastside System Energy Storage Alternatives Screening Study)*; *DSD 000581-724*
13 *(WUTC Final Order 25, Dockets UE-220066 and UG-220067)*; *DSD 000726-739 (183*
14 *FERC ¶ 61,057, CENSE v. PSE, Docket No. EL23-23-000, Order Dismissing Complaint).*

15 66. At hearing, Mr. Nedrud credibly summarized the recent assessments of Project need
16 and the WUTC decision. Mr. Nedrud also credibly testified that PSE conducted two
17 verification studies during PSE’s annual transmission planning system assessments to verify
18 that the transmission deficiency still exists without the north segment present, considering
19 the south segment’s energization.

20 67. Again, Mr. Nedrud explained how the north half of the Project provides necessary
21 redundancy to PSE’s transmission system and is therefore still needed even with the south
22 segment now fully constructed, energized, and in operation. Some members of the public
23 generally questioned whether the North Bellevue segment was still needed, but those
24 comments were not based on any credible evidence and ignore or overlook evidence in the
25 record that PSE evaluated the continued need for the Project in light of the energization of
26 the south half. *PSE Exhibit A-04, J. Nedrud Presentation*; *DSD 003566-3585 (2022 Energize*
Eastside Needs Assessment Update); *PSE Exhibit A-17, Testimony of J. Nedrud.*

68. Based on the record and the testimony of Mr. Nedrud, Staff properly concluded that
PSE satisfied the project need criteria in LUC 20.20.255.E.3 and -.4 and as informed by RCW
36.70B.260. *DSD 000087-89.*

69. The record overwhelmingly supports a finding that PSE has demonstrated the Project
is needed to address a transmission deficiency on the Eastside. Without the North Segment,
thousands of customers on the Eastside – including residents, businesses, health care facilities
and their patients, among others – remain at risk of blackouts during peak transmission
demand events. (*Testimony of Mr. Nedrud*).

23
24
25
26
DECISION APPROVING CONDITIONAL USE PERMIT
FOR THE NORTH BELLEVUE SEGMENT OF THE
ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT –
FILE NOS. 21-10489-LO & 21-104991-LB

BELLEVUE HEARING EXAMINER’S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1
2 **Discussion**

3 70. The Staff Report explains that most written comments received during the public
4 comment period voiced opposition to PSE's proposal and Energize Eastside in general. A
5 substantial amount of opposition has come from members of the Coalition of Eastside
6 Neighborhoods for Sensible Energy (CENSE), who have opposed Energize Eastside in
various forums over the years, including the South Bellevue Segment CUP hearing and
subsequent legal challenges. *DSD 000065 (Staff Report)*.

7 71. Written comments and general public testimony provided as part of the public hearing
8 process included a large number of very supportive comments, from longtime Bellevue
9 residents, business leaders, public officials from surrounding jurisdictions, and other
10 interested parties, most all of whom emphasized their desire to see the Eastside served with
reliable electrical service, and avoid blackouts that could occur during peak demand events
unless the PSE transmission line system is improved to include this North Bellevue Segment
project.

11 72. Land use decisions, like approval of a CUP, cannot be based solely on community
12 displeasure. *Maranatha Mining v. Pierce County*, 59 Wn. App. 795, 804 (1990). Land use
13 decisions must be based on relevant policies and standards as the law requires. *Id.* at 805.

14 73. City Staff and consultants have vetted and analyzed the themes and topics raised in
15 opposition from concerned citizens throughout the SEPA and permitting process. Mitigation
measures and design changes have resulted in a Project that minimizes or altogether avoids
significant impacts the public has most vocally raised concerns about.

16 74. None of the individuals opposing the Project offered persuasive testimony or analysis
17 that would rebut the expert reports, certifications and analysis provided by PSE, Staff, or
independent consultants.

18 75. The findings, recommendations and conclusions provided in the environmental
19 documentation submitted on behalf of the applicant, as well as the City's reviewing
20 consultant reports, are credible and well-reasoned summaries of complicated regulations,
21 complex phenomenon, conditions, possible impacts and appropriate mitigation measures
22 associated with the North Bellevue Segment. No person or organization presented
comparable expert witnesses or evidence with power transmission system planning,
engineering, pipeline safety, urban planning, design, or other relevant credentials to support
opposing views.

23
24
25 **DECISION APPROVING CONDITIONAL USE PERMIT**
FOR THE NORTH BELLEVUE SEGMENT OF THE
ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT –
26 **FILE NOS. 21-10489-LO & 21-104991-LB**

BELLEVUE HEARING EXAMINER'S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1 76. The Staff Report includes a number of specific findings and conditions that establish
2 how the North Bellevue Segment CUP application satisfies provisions of applicable law or
3 can be conditioned to comply with applicable codes and policies. Except as modified in this
Decision, all findings in the Staff Report for the pending CUP are incorporated herein by
reference as Findings of the undersigned Examiner.

4 77. City Staff's review was robust, thorough, and challenging to the applicant. Staff did
5 not treat the pending CUP as a foregone conclusion because of the prior approval of the South
6 Bellevue Segment. Instead, Staff thoroughly reviewed the pending CUP application as an
independent project, and carefully evaluated the North Bellevue Segments consistency with
City Code.

7 ***The application satisfies the City's decision criteria for a Conditional Use Permit***

8 78. LUC 20.30B.140 provides the decision criteria for all conditional use permits.
9 Applying facts and evidence in the record to the decision criteria for a CUP, LUC
10 20.30B.140.A-E, the Examiner finds and concludes as follows:

11 **A. The conditional use is consistent with the Comprehensive Plan.** *DSD*
12 *000092-94 (Staff Report discussion of Comprehensive Plan Utilities Policies), 000095 (Land Use, Parks, Urban Design, and Neighborhoods Policies), 000096-*
13 *97 (Bel-Red, Bridle Trails, and Wilburton/NE 8th Street Subarea Plan Policies); DSD 000172-193 (North Bellevue Segment CUP Analysis); DSD 000411-423,*
14 *000519-524 (Watershed March 1, 2023 Response Letter); DSD 001712-1716*
15 *(Photo Simulations); Testimony of J. Middleton; Testimony of L. Rogers;*
Testimony of B. Strauch.

16 **B. The design is compatible with and responds to the existing or intended**
17 **character, appearance, quality of development, and physical characteristics**
18 **of the subject property and immediate vicinity.** *DSD 000097 (Staff Report*
19 *finding that because the Project is sited in an existing corridor shared with*
20 *another utility, the Project will not introduce a change in land use and will reduce*
21 *visual clutter; also finding that PSE's vegetation management will maintain the*
22 *general appearance and character of the corridor); DSD 000772-781 (SEPA*
23 *Addendum finding no significant impacts on scenic views and aesthetics); DSD*
24 *000172-193 (North Bellevue Segment CUP Analysis); DSD 000411-423, 000519-*
25 *524 (Watershed March 1, 2023 Response Letter); DSD 001712-1716 (Photo*
26 *Simulations); Testimony of J. Middleton; Testimony of B. Strauch.*

1 **C. The conditional use will be served by adequate public facilities including**
2 **streets, fire protection, and utilities.** *DSD 000098 (Staff Report); DSD 000194-*
3 *195 (North Bellevue Segment CUP Analysis).*

4 **D. The conditional use will not be materially detrimental to uses or property**
5 **in the immediate vicinity of the subject property.** *DSD 000098-99 (Staff Report*
6 *finding that so long as the Project meets code requirements and complies with*
7 *Conditions of Approval, it will not be materially detrimental to surrounding uses;*
8 *safety and environmental measures will minimize construction and operation*
9 *impacts; preexisting nature as a utility corridor means the Project will not affect*
10 *existing conditions or uses); DSD 000195-196 (North Bellevue Segment CUP*
11 *Analysis); Testimony of B. Strauch; Testimony of J. Middleton; Testimony of D.*
12 *Kemp; Testimony of D. Thatcher; Testimony of L. Rogers.*

13 **E. The conditional use complies with the applicable requirements of this**
14 **Code.** *DSD 000036-42, 000099 (Staff Report finding the Project, as conditioned*
15 *has met all applicable performance standards and requirements under the LUC);*
16 *DSD 000196 (North Bellevue Segment CUP Analysis).*

17 *The application satisfies the City's additional criteria for Electrical Utility Facilities*

18 79. Because the proposal is to construct or expand electrical facilities, the provisions of
19 the City's Land Use Code specifically addressing Electrical Utility Facilities, found in LUC
20 20.20.255, must be satisfied. Prior to submittal of any Conditional Use Permit application, a
21 detailed Alternative Siting Analysis was required. See LUC 20.20.255.D. Applying the facts
22 and evidence in the record to the additional requirements for new or expanding electrical
23 utility facilities, as detailed in LUC 20.20.255.E.1-6 and LUC 20.20.255.F, the Examiner
24 finds and concludes as follows:

25 **E.1 The proposal is consistent with Puget Sound Energy's System Plan.** *DSD*
26 *000086 (Staff Report finding the Project was included in PSE's system Plan as*
early as 1993 and is anticipated in Bellevue's Comprehensive Plan); DSD 000195
(North Bellevue Segment CUP Analysis); DSD 000409 (Map UT-7).

E.2 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 jurisdiction with authority. *DSD 000086-87 (Staff Report);*
DSD 000195-196 (North Bellevue Segment CUP Analysis); Testimony of L.
Rogers.

1 **E.3 The applicant shall demonstrate that an operational need exists that**
2 **requires the location or expansion at the proposed site.** *DSD 000575-739 (July*
3 *11, 2023 Reliability Certification); DSD 000822-854 (153 FERC ¶ 61,076,*
4 *CENSE v. PSE, Docket No. EL15-74-000, Order Dismissing Complaint, October*
5 *21, 2015); DSD 000581-724 (WUTC Final Order 25, Dockets UE-220066 and*
6 *UG-220067); DSD 000726-739 (183 FERC ¶ 61,057, CENSE v. PSE, Docket No.*
7 *EL23-23-000, Order Dismissing Complaint). See also DSD 000011-14, 000036-*
8 *42, 000065-70, 000087-89 (Staff Report); DSD 000197-200 (North Bellevue*
9 *Segment CUP Analysis); DSD 000853-854 (March 10, 2021 Certification of*
10 *Need); DSD 000856-887 (MaxETA Energy, Assessment of Proposed Energize*
11 *Eastside Project 2020 Update); DSD 001001-1192 (Exponent, City of Bellevue*
12 *Electrical Reliability Study Phase 2 Report 2012); DSD 001198-1270 (Quanta*
13 *Technology, Eastside Needs Assessment Report 2013); DSD 001274-1302*
14 *(Quanta Technology, Supplemental Eastside Needs Assessment Report 2015);*
15 *DSD 001303-1378 (Utility System Efficiencies, Independent Technical Analysis*
16 *of Energize Eastside 2015); DSD 001380-1389 (Stantec, Energize Eastside*
17 *Project Needs Report); DSD 001390-1549 (Strategen, Eastside System Energy*
18 *Storage Alternatives Screening Study); DSD 003566-3585 (2022 Needs*
19 *Assessment Update); PSE Exhibit A-14 (Excerpts of J. Nedrud Testimony from*
20 *South Bellevue and Newcastle CUP Hearings); Testimony of J. Nedrud.*

21 **E.4 The applicant shall demonstrate that the proposed electrical utility facility**
22 **improves reliability to the customers served and reliability of the system as a**
23 **whole, as certified by the applicant's licensed engineer.** *DSD 000853-854*
24 *(March 10, 2021 Certification of Need); DSD 000575-739 (July 11, 2023*
25 *Reliability Certification); DSD 003566-3585 (2022 Needs Assessment Update);*
26 *PSE Exhibit A-14 (Excerpts of J. Nedrud Testimony from South Bellevue and*
Newcastle CUP Hearings); Testimony of J. Nedrud. See also DSD 000011-14,
000036-42, 000065-70, 000089 (Staff Report); DSD 000200 (North Bellevue
Segment CUP Analysis); DSD 000822-854 (153 FERC ¶ 61,076, CENSE v. PSE,
Docket No. EL15-74-000, Order Dismissing Complaint, October 21, 2015); DSD
000853-854 (March 10, 2021 Certification of Need); DSD 000856-887 (MaxETA
Energy, Assessment of Proposed Energize Eastside Project 2020 Update); DSD
001001-1192 (Exponent, City of Bellevue Electrical Reliability Study Phase 2
Report 2012); DSD 001198-1270 (Quanta Technology, Eastside Needs
Assessment Report 2013); DSD 001274-1302 (Quanta Technology, Supplemental
Eastside Needs Assessment Report 2015); DSD 001303-1378 (Utility System
Efficiencies, Independent Technical Analysis of Energize Eastside 2015); DSD
001380-1389 (Stantec, Energize Eastside Project Needs Report); DSD 001390-
1549 (Strategen, Eastside System Energy Storage Alternatives Screening Study);
DSD 000581-724 (WUTC Final Order 25, Dockets UE-220066 and UG-

220067); DSD 000726-739 (183 FERC ¶ 61,057, CENSE v. PSE, Docket No. EL23-23-000, Order Dismissing Complaint).

E.5 For proposals located on sensitive sites as referenced in Figure UT.5a of the Utility Element of the Comprehensive Plan, the applicant shall demonstrate:

a. Compliance with the alternative siting analysis requirements of subsection D of this section;

b. Where feasible, the preferred site alternative identified in subsection D.2.d of this section is located in 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. *DSD 000089-90 (Staff Report finding that population and employment growth in Bellevue to be served by the Project is expected to occur in nonresidential zones and mixed-use zones; it is not possible to construct a transmission facility in discrete zones; that the Project would serve the area where the transmission lines are proposed); DSD 000201 (North Bellevue Segment CUP Analysis); DSD 000209-231 (Alternative Siting Analysis).*

E.6 The proposal, as conditioned, will provide mitigation sufficient to eliminate or minimize long-term impacts to properties located near an electrical utility facility. *DSD 000090, 000100- 122 (Conditions of Approval addressing impacts related to aesthetics, tree removal, pipeline safety, historic and cultural resources); DSD 000201-202 (North Bellevue Segment CUP Analysis); DSD 000252-255 (Vegetation Management Report); DSD 000782-783 (SEPA Addendum).*

F. The proposal, as conditioned, complies with the additional design standards that apply to projects to locate or expand electrical utility facilities. *DSD 000040-42 (Staff Report finding proposed heights are the minimum necessary for effective and safe functions of the transmission lines and viewer sensitivity to be low in North Bellevue Segment); DSD 000201-202 (North Bellevue Segment CUP Analysis); DSD 000209-231 (Alternative Siting Analysis); DSD 000525-530 (Watershed March 1, 2023, Response Letter).*

80. The Conditions of Approval included as part of this Decision are reasonable, appropriate, fully supported by testimony and evidence in the record, and capable of accomplishment.

DECISION APPROVING CONDITIONAL USE PERMIT
FOR THE NORTH BELLEVUE SEGMENT OF THE
ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT –
FILE NOS. 21-10489-LO & 21-104991-LB

BELLEVUE HEARING EXAMINER'S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

VI. CONCLUSIONS OF LAW.

1. As explained above, the record includes credible, un rebutted, and substantial proof that the Conditional Use Permit application satisfies all applicable decision criteria specified in LUC 20.30B.140, as conditioned herein.

2. Similarly, the record includes credible, un rebutted, and substantial proof that the proposal satisfies the applicable additional criteria for Electrical Utility Facilities, set forth in LUC 20.20.255, as conditioned herein.

3. As discussed in findings included as part of this Decision, the Examiner is mindful of the applicant's concerns that LUC 20.20.255.E.3 and -.4 must be construed in light of RCW 36.70B.260. The Hearing Examiner does not have authority to *sua sponte* rewrite the City's code. Accordingly, the Examiner reviewed PSE's application to assess compliance with the existing terms of LUC 20.20.255.E.3 and -.4, as determined based on "submission of any publicly available documentation required by the federal energy regulatory commission or its delegees or the utilities and transportation commission or its delegees, or from any other federal agency with regulatory authority over the assessment of electric power transmission and distribution needs as applicable." RCW 36.70B.260. To the extent this approach is inconsistent with any applicable law, the evidence also supports the conclusion that PSE has complied with LUC 20.20.255.E.3 and -.4 as written and without consideration of RCW 36.70B.260.

4. The City of Bellevue only has jurisdiction over segments of the Energize Eastside Project that lie within the Bellevue City Limits. The Hearing Examiner only has jurisdiction to review this pending application, not prior approved applications. Accordingly, the Examiner's review has been limited to the transmission line upgrades that are proposed within the City of Bellevue and known as the North Bellevue Segment.

5. Preparation of a SEPA Addendum was proper in light of the minor refinements made to the Project and the absence of any significant adverse impacts not previously analyzed in the FEIS or other EIS documents. A Supplemental EIS was not warranted under the present facts.

6. Based on the record, and all findings set forth above, the applicant established that more than a preponderance of the evidence supports the conclusion that its permit application merits approval, meeting the burden of proof imposed by LUC 20.35.340(A).

DECISION APPROVING CONDITIONAL USE PERMIT
FOR THE NORTH BELLEVUE SEGMENT OF THE
ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT -
FILE NOS. 21-10489-LO & 21-104991-LB

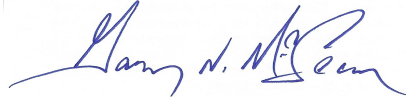
BELLEVUE HEARING EXAMINER'S OFFICE
450 - 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1 7. Any finding or other statement contained in this Decision that is deemed to be a
2 Conclusion of Law is hereby adopted and incorporated by reference.

3 **VII. DECISION.**

4 Based on the record, and for the reasons set forth herein, the requested Conditional
5 Use Permit for the North Bellevue Segment of the Energize Eastside Project should be and
6 is hereby approved, subject to the following conditions of approval, which are incorporated
7 herein by reference.

8 ISSUED this 22nd Day of December, 2023

9 

10 _____
11 Gary N. McLean
12 Hearing Examiner

13 Attachments: Conditions of Approval, 23 pages;
14 Exhibit List.

15
16
17
18
19
20
21
22
23
24 **DECISION APPROVING CONDITIONAL USE PERMIT
25 FOR THE NORTH BELLEVUE SEGMENT OF THE
26 ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT –
FILE NOS. 21-10489-LO & 21-104991-LB**

BELLEVUE HEARING EXAMINER'S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**NOTICE OF RIGHTS
TO REQUEST CLARIFICATION OR RECONSIDERATION,
AND TO APPEAL**

This Decision has been issued by the Hearing Examiner who has specific authority to address Process I quasi-judicial matters, like this Conditional Use Permit application, following a public hearing. *See LUC 20.35.015.B.1 and LUC 20.35.100.*

REQUEST FOR CLARIFICATION OR RECONSIDERATION – As provided in Rule 1.25 and 1.26 of the Bellevue Hearing Examiner Rules of Procedure, a party may file a written request for clarification or reconsideration of this Decision within five (5) working days after the date of issuance. Additional requirements and procedures concerning Requests for Clarification or Reconsideration are found in Rule 1.25 and 1.26 of the Hearing Examiner Rules of Procedure.

RIGHT TO APPEAL – As provided in LUC 20.35.100.C, the decision of the Hearing Examiner on a Process I application is the final City decision on a Process I application. A final decision by the Hearing Examiner on a Process I application may be appealed to Superior Court as set forth in LUC 20.35.070.

**DECISION APPROVING CONDITIONAL USE PERMIT
FOR THE NORTH BELLEVUE SEGMENT OF THE
ENERGIZE EASTSIDE PROJECT,
PUGET SOUND ENERGY, APPLICANT –
FILE NOS. 21-10489-LO & 21-104991-LB**

BELLEVUE HEARING EXAMINER'S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

CONDITIONS OF APPROVAL
For the
North Bellevue Segment
of PSE’s Energize Eastside Project
Conditional Use Permit

File Nos. 21-104989-LO and 21-104991-LB

**(NOTE: Conditions imposed as part of the unchallenged Critical Areas Land Use Permit issued for the project are also included)*

AA. General Conditions added by the Hearing Examiner.

1. The Project addressed in this permit is known as the North Bellevue Segment of PSE’s larger Energize Eastside Project, specifically including upgrading about 5.2 miles of existing 115 kV transmission lines with 230 kV lines from the new Richards Creek Substation at the south end to the boundary between the cities of Bellevue and Redmond on the north end, as described in the Staff Report and depicted in Project Plans, included as Attachment A to the Staff Report.
2. The applicant, PSE, shall be responsible for consulting with all other state, federal, local, or regional agencies, and/or tribal entities with jurisdiction (if any) for applicable permit or other regulatory requirements that pertain to any aspect of the project addressed in this permit. Any conditions of other regulatory agency permits/licenses/approvals issued for any aspect of the project shall be considered conditions of approval for this Project.
3. Compliance with these Conditions of Approval shall be reflected on all plans and supporting documentation submitted for construction permits, clear-and-grade permits, all design components included in PSE’s proposal, and other approvals required by the City in connection with any aspect of this project.
4. PSE shall comply with all applicable Bellevue City Codes, Standards, and Ordinances in effect at the time of filing a complete application for any permit or approval required by the City, including without limitation the following development regulations:

Applicable Codes, Standards, & Ordinances	Contact Person
Clearing and Grading Code – BCC 23.76	Tom McFarlane tmcfarlane@bellevuewa.gov
Fire Code – BCC 23.11	Katherine Baker kbaker@bellevuewa.gov
Land Use Code – BCC Title 20	Reilly Pittman rpittman@bellevuewa.gov
Noise Control Code – BCC 9.18	Reilly Pittman rpittman@bellevuewa.gov
Transportation BCC 14.60	Ian Nisbet, inisbet@bellevuewa.gov
Transportation ROW BCC 11.70 & 14.30	Tim Stever tstever@bellevuewa.gov
Utilities Codes – BCC Title 24	Arturo Chi achi@bellevuewa.gov

A. General Conditions *(based on those recommended in the unrebutted Staff Report).*

1. Changes to Pole Location and/or Alignment:

Changes to pole location and/or pole alignment submitted as part of the Conditional Use Permit application shall be reviewed as a Land Use Exemption to this Conditional Use Permit approval prior to construction.

AUTHORITY: LUC 20.30B.175

REVIEWER: Reilly Pittman, Land Use Development

2. Conceptual Design Utilities:

Utilities Department approval of the subject permits is based on the conceptual design only. Changes to the site layout may be required to accommodate the required utilities after utility engineering is approved.

AUTHORITY: BCC Title 24.02, 24.04, 24.06

REVIEWER: Arturo Chi, Utilities

3. Clear-and-Grade Permit Required:

An application for a clear-and-grade permit must be submitted and approved before construction can begin. Plans submitted as part of any permit application shall be consistent with the activity permitted under this approval. For any tree removal that is not subject to LUC 20.20.900, compliance with the City's Landmark Tree Ordinance, Ordinance 6665, is required.

AUTHORITY: LUC 20.30P.140; BCC 23.76.035 (Clearing & Grading Code)

REVIEWER: Thomas McFarlane, P.E.; Development Services; Clearing & Grading Section

B. Prior to Issuance of Any Construction/Engineering/Clear-and-Grade Permits

1. Right-of-Way Use Permit:

Prior to issuance of the clear-and-grade permit, PSE shall apply for and receive City approval of required right-of-way use permits from the City's Transportation Department, applications for which may include the following required information:

- Designated truck hauling routes
- Truck loading/unloading activities
- Location of construction fences
- Hours of construction and hauling
- Requirements for leasing of right-of-way or pedestrian easements

- Provisions for street sweeping, excavation, and construction
- Location of construction signage and pedestrian detour routes
- All other construction activities, as they affect the public street system

In addition, PSE 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 shoring and construction of frontage improvements prevent access. General materials storage and contractor convenience are not reasons for preventing access. PSE shall secure sufficient off-street parking for construction workers before the issuance of a clear-and-grade permit.

AUTHORITY: BCC 11.70 & 14.30

REVIEWER: Tim Stever, Transportation/Right-of-Way

2. Civil Engineering Plans – Transportation:

Where required, civil engineering plans produced by a qualified licensed engineer must be approved by the Transportation Department prior to issuance of the clear-and-grade permit. The design of all street frontage improvements and driveway accesses must be in conformance with the requirements of the Americans with Disabilities Act (ADA), the Transportation Development Code, the provisions of the Transportation Department Design Manual, and specific requirements stated elsewhere in this Staff Report. All relevant standard drawings from the Transportation Department Design Manual shall be copied exactly into the final engineering plans. Requirements for the engineering plans include, but are not limited to:

- Traffic signs and pavement markings.
- Curb, gutter, sidewalk, and driveway approach design. The engineering plans shall be the controlling document on the design of these features; architectural and landscape plans must conform to the engineering plans.
- Curb ramps and crosswalks constructed per ADA standards.
- Installation or relocation of streetlights and related equipment.
- Show the required sight distance triangles and include any sight obstructions, including those off-site. Sight distance triangles must be shown at all driveway locations and must consider all fixed objects and mature landscape vegetation. Vertical as well as horizontal line-of-sight must be considered when checking for sight distance.
- Landings on sloping approaches are not to exceed a 7 percent slope for a distance of 30 feet approaching the back edge of the sidewalk. Driveway grade must be designed to prevent vehicles from bottoming out due to abrupt changes in grade.
- Driveway aprons must be constructed in accordance with Design Manual Standard Drawings SW-140-1 through SW-190-1.
- Location of fixed objects in the sidewalk or near the driveway approach.
- Trench restoration within any right-of-way or access easement.

The following street and access improvements are required to be designed and shown in the civil engineering plan set:

- No fixed objects, including fire hydrants, trees, and streetlight poles, are allowed within 10 feet of a driveway edge. Fixed objects are defined as anything with breakaway characteristics greater than a 4-inch by 4-inch wooden post.
- Although no street lighting is anticipated in connection with PSE's proposal for the North Bellevue Segment, any street lighting shall meet Bellevue's minimum standards contained in the Transportation Design Manual Appendix A or as amended.
- PSE shall be required to provide appropriate clearances as provided for in the most recent National Electrical Safety Code (NESC) from existing overhead signal equipment for the installation of the overhead transmission lines.
- Construction of all street and access improvements must be completed prior to closing the clear-and-grade permit and right-of-way use permit for this project. A Design Justification Form must be provided to the Transportation Department for any aspect of any pedestrian route adjacent to or across any street that cannot feasibly be made to comply with current ADA standards. Design Justification Forms must be provided prior to approval of the clearing and grading plans for any deviations from standards that are known in advance. Forms provided in advance may need to be updated prior to project completion. For any deviations from standards that are not known in advance, forms must be provided prior to project completion.

AUTHORITY: BCC 14.60, Transportation Department Design Manual, and the Americans with Disabilities Act

REVIEWER: Ian Nisbet, Transportation

3. Turbidity and pH Monitoring Required:

A turbidity and pH monitoring plan must be submitted and approved prior to issuance of the clear-and-grade permit. The plan must be developed in accordance with the Turbidity & pH Monitoring Requirements contained in the Bellevue Clearing & Grading Development Standards, indicating appropriate locations and timing of turbidity and pH sampling and testing. The plan must be implemented during site work and shall be modified as appropriate during construction to reflect the pace and extent of construction activity.

AUTHORITY: BCC 23.76.160 (Clearing & Grading Code)

REVIEWER: Thomas McFarlane, P.E.; Development Services; Clearing & Grading Section

4. Drainage Report Required:

Prior to the issuance of the clear-and-grade permit, PSE shall submit and receive City of Bellevue approval of a final drainage report that documents the storm drainage minimum requirements triggered for the project. In the report, PSE shall include either Figure 2.2 or 2.3 from the Utilities Surface Water Engineering Standards. PSE shall document if the project qualifies as either new development or redevelopment and include a project summary. PSE

Conditions of Approval,

PSE North Bellevue Segment

CUP and CALUP

DCD File Nos. 21-104989-LO and 21-104991-LB

Page 4 of 23

shall document the amount of new, replaced, and pollution-generating impervious surface (PGIS) changes. PSE shall also document any work within any critical area, including wetlands and/or buffers, in the report.

AUTHORITY: Title 24.02, 24.04, 24.06 BCC

REVIEWER: Arturo Chi, Utilities

5. Final Wetland Enhancement Plan:

PSE shall submit Final Wetland Enhancement Plans consistent with the plans submitted as part of this application in the Critical Areas Report. The plans shall be submitted for review and approval by the City of Bellevue as part of the required clear-and-grade permit. All plant species, size, and spacing shall be consistent with the standards found in the City's Critical Areas Handbook (City of Bellevue, undated).

AUTHORITY: LUC 20.25H.220; 20.25H.230

REVIEWER: Reilly Pittman, Land Use Development

6. Final Stream Habitat Improvement Plan:

PSE shall submit Final Stream Habitat Improvement Plans consistent with the plans submitted as part of this application in the Critical Areas Report. The Plans shall be submitted for review and approval by the City of Bellevue as part of the required clear-and-grade permit. All plant species, size, and spacing shall be consistent with the standards found in the City's Critical Areas Handbook. The plans shall include methods for fish exclusion, construction sequencing, monitoring, and maintenance.

AUTHORITY: LUC 20.20H.210, 20.25H.220, 20.25H.230

REVIEWER: Reilly Pittman, Land Use Development

7. Construction-Level Mitigation Plan for Permanent Impacts and Vegetation Conversion in Critical Areas and Critical Area Buffers:

PSE shall update and submit Mitigation Plans for all permanent impacts and vegetation conversion activities consistent with the Critical Areas Report for review and approval by the City of Bellevue prior to issuance of the clear-and-grade permit. The plans shall depict trees and other vegetation to be removed, permanent pole locations, pole work area boundaries, and construction and maintenance access routes in relation to private properties, septic fields (either known or located in the field), and critical areas or critical area buffers. Trees within a critical area or critical area buffer shall be replaced at a minimum of a 3:1 ratio. All other areas of vegetation removal shall be mitigated in an equivalent area consistent with the replacement ratios contained in the Critical Areas Report. Plans submitted by PSE shall show the planting locations of all replacement trees and vegetation in relation to private properties, and PSE shall work with private property owners to identify septic fields. The plans shall also include wildlife snags designed as recommended by WDFW where feasible and in consideration of PSE's Avian Protection Program. The mitigation plans shall include BMPs for construction sequencing and a 5-year mitigation monitoring and maintenance plan, which

Conditions of Approval,

PSE North Bellevue Segment

CUP and CALUP

DCD File Nos. 21-104989-LO and 21-104991-LB

Page 5 of 23

shall be developed consistent with the City’s Critical Areas Handbook (City of Bellevue, undated) for species choice, plant size, and spacing. PSE shall demonstrate in these mitigation plans that the impacts of final pole, pole work area, construction route, and access route locations are not substantially greater than impacts evaluated in the EISs.

AUTHORITY: Part 20.30P LUC

REVIEWER: Reilly Pittman, Land Use Development

8. Construction-Level Restoration Plan for Temporary Impacts in Critical Areas and Critical Area Buffers, and Other Impacted Areas:

Prior to issuance of the clear-and-grade permit, PSE shall update and submit and receive City approval of a restoration plan showing temporary construction impacts. The plan shall show all temporarily impacted areas (including proposed pole locations, pole work area boundaries, and construction and access route boundaries) in relation to private properties and septic fields (either known or located in the field). Restoration of impacts shall be with native plants where native plants are being removed. All other areas of temporary impact shall be re-vegetated unless they are to be improved with impervious surfaces as part of this project. PSE shall monitor these other re-vegetated areas in accordance with the 1-year monitoring and replacement plan outlined in PSE’s Property Owner Engagement for Vegetation Management, submitted by PSE to the City of Bellevue on March 1, 2023. Annual monitoring reports are required to be submitted to document the successful establishment of vegetation in re-vegetated areas. Photos from selected photo points shall be included in the monitoring reports to document successful establishment of vegetation in re-vegetated areas. Inspection is required by City of Bellevue Land Use Development Services Department staff to end the plant monitoring period.

AUTHORITY: LUC 20.25H.220

REVIEWER: Reilly Pittman, Land Use Development

9. Off-Site Mitigation for Permanent Impacts in Critical Areas, in Critical Area Buffers, and in Other Areas:

Prior to issuance of the clear-and-grade permit, PSE shall submit and receive City approval of a Final Off-site Mitigation Plan. The plan shall show critical areas impacted by the project within the North Bellevue Segment and include documentation available to summarize the mitigation for project impacts through the wetland mitigation bank site at Keller Farms Mitigation Bank (KFMB). PSE shall submit a bank use plan and the mitigation bank purchase agreement, or other appropriate documentation for review and approval to the City of Bellevue, verifying that off-site mitigation requirements are met to compensate for project impacts.

AUTHORITY: LUC 20.25H.105

REVIEWER: Reilly Pittman, Land Use Development

10. Avian Protection Program:

PSE shall implement their Avian Protection Program consistent with the Critical Areas Report, including methods and equipment to reduce avian collisions, electrocution, and problem nests. To reduce impacts on birds, the timing and location of construction work shall consider critical time periods such as the nesting season for species of local importance present in the project area. A habitat biologist or other qualified professional shall submit a plan documenting recommended measures to limit impacts.

AUTHORITY: Part 20.30P LUC, LUC 20.20.255.G

REVIEWER: Reilly Pittman, Land Use Development

11. Critical Areas and Critical Area Buffers Maintenance and Monitoring Reports:

Mitigation plans shall include methods for vegetation maintenance and monitoring and shall be submitted as part of the clear-and-grade permit. Mitigation sites are required to be maintained and monitored for 5 years to ensure the plants successfully establish. Annual monitoring reports are required to be submitted to document that the plants are meeting approved performance standards. Photos from selected photo points shall be included in the monitoring reports to document the planting. Land Use inspection is required by City of Bellevue Land Use Development Services Department staff to end the plant monitoring period.

Monitoring reports shall be submitted no later than the end of each growing season or by December 31 and shall include a site plan and photos from photo points established at the time of Land Use inspection. Reports shall be submitted to Reilly Pittman, or the City of Bellevue's successor Environmental Planning Manager, by the above-listed date and can be emailed to rpittman@bellevuewa.gov or mailed directly to:

Environmental Planning Manager
Land Use Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

AUTHORITY: Land Use Code 20.30P.140; 20.25H.220

REVIEWER: Reilly Pittman, Land Use Development

12. Assurance Device – Critical Areas Mitigation:

As part of the clear-and-grade permit, PSE shall submit a cost estimate prepared by a qualified professional for the proposed planting materials and installation costs. An installation security shall be provided to the City of Bellevue in the amount of 150 percent of the total cost. After the final mitigation plans have been implemented and inspected by the City, the installation assurance device will be released, and the City shall request and retain a maintenance assurance device in the amount of 20 percent of the total cost estimate. The

maintenance assurance device shall be kept by the City until the performance objectives have been met.

AUTHORITY: LUC 20.40.490

REVIEWER: Reilly Pittman, Land Use Development

13. Geotechnical Review:

The project geotechnical engineer (see BCC 23.76.030.G) must review and approve the final construction plans, including all foundation, cut, and fill designs. A letter from the geotechnical engineer stating that the plans conform to the recommendations in the geotechnical report and any addenda and supplements must be submitted to the Clearing & Grading Section prior to issuance of the construction and clear-and-grade permit.

AUTHORITY: BCC 23.76.050 (Clearing & Grading Code)

REVIEWER: Thomas McFarlane, P.E.; Development Services; Clearing & Grading Section

14. Seismic Design:

The project geotechnical engineer shall certify that PSE has conducted geotechnical hazard evaluations for all proposed transmission poles and that all geotechnical recommendations have been incorporated into project design. PSE shall provide required certification and supporting documentation to the City of Bellevue. The final geotechnical report shall address all code requirements and provide a discussion of how the design meets or exceeds following:

- The 2012 International Building Code (IBC), or as amended, parameters for short period spectral response acceleration (SS), 1-second period spectral response acceleration (S1), and Seismic Coefficients for acceleration responses to the soil to short period (Fa) and long periods (Fv) of an earthquake.
- Consistent with the project geotechnical engineer's recommendation, use soil input parameters for lateral load design that consider the effects of liquefaction through the application of p-multipliers for LPile parameters (LPile is a computer program used to analyze deep foundations under lateral loading).
- For poles proposed north of the Richards Creek substation, reevaluate the lateral spreading risk to the proposed poles once their final locations have been selected, to determine appropriate foundation dimensions.
- Where areas subject to liquefaction are present, extend foundations below the loose to medium density liquefiable deposits into underlying dense, non-liquefiable soils.
- Reevaluate the axial capacity of the pole foundations and potential downdrag loads for poles in areas subject to liquefaction once final locations are selected and consider these in the structural design.

AUTHORITY: Part 20.30P LUC, LUC 20.20.255.G

REVIEWER: Reilly Pittman, Land Use Development

15. Updated Landscape Plan for Mitigation near Richards Creek Substation:

PSE shall update the landscape plan submitted for the Richards Creek substation as part of the South Bellevue Segment. The updated landscape plan shall include plant species, quantity, spacing, and cost estimate for plant material and installation for the on-site mitigation at Wetland A, near Richards Creek substation. To ensure plant establishment, PSE shall provide an updated landscape assurance device that shall cover 20 percent of the fair market value of labor and materials for the initial landscape installation of all areas of restoration required for the proposed mitigation. This updated assurance device will cover the landscape maintenance of the project for a period of 1 year from the date of final inspection.

AUTHORITY: LUC 20.20.520.K.1 & 2, 20.40.490

REVIEWER: Reilly Pittman, Land Use Development

16. Tree Removal in Non-critical Areas:

PSE shall submit a final tree replacement plan in compliance with the City of Bellevue’s Tree Retention and Replacement Code (BCC 20.20.900) as part of the required clear-and-grade permits consistent with Attachment E (Vegetation Management Plan) submitted as part of this application.

AUTHORITY: LUC 20.20.255.G

REVIEWER: Reilly Pittman, Land Use Development

17. Mitigation for Tree Removal in City of Right-of-Way (Fee in Lieu Plan):

PSE has agreed to mitigate for the loss of trees located in the City right-of-way with a fee in lieu method. Mitigation will be based on a total value of the trees to be removed using the methods outlined in the Council of Tree and Landscape Appraisers, *Guide for Plant Appraisal* (Council of Tree and Landscape Appraisers 2020). The fee will be used for replanting in the City right-of-way or on other City-owned parcels.

PSE shall prepare a final tree removal plan depicting trees to be removed in the right-of-way including their size, species, and location. This plan shall be submitted to the City of Bellevue for review and approval. PSE and the City will identify and agree upon an independent third-party certified arborist to determine the total value of trees removed from the City right-of-way. The arborist shall use the methods outlined in the Council of Tree and Landscape Appraisers, *Guide for Plant Appraisal*. PSE shall pay for the arborist appraisal. Acceptance of the plan, appraisal, and payment to the City of Bellevue must occur prior to issuance of the clear-and-grade permit before any tree removals are allowed.

AUTHORITY: LUC 20.20.255.G

REVIEWER: Reilly Pittman, Land Use Development

18. Installation Surety – Tree Replacement (Non-critical Areas):

As part of the required clear-and-grade permit, PSE shall submit a cost estimate in the amount equal to the cost of the trees proposed for replacement in non-critical areas. The estimate shall be based on the following replacement ratios contained in Table VI-1 of the Staff Report:

Tree Size (dbh)	Replacement Ratio
<6"	As requested by property owner
6" to <12"	1:1
>12" to <30"	2:1
>30"	3:1

The estimate and surety provided by PSE as required by this condition shall be in the amount of 100 percent of the estimated cost of tree replacement (including materials and labor). The surety shall be received by the City prior to issuance of the clear-and-grade permit and will be released 1 year after tree replacement is complete, consistent with the applicable tree replacement plan.

AUTHORITY: LUC 20.20.255.G

REVIEWER: Reilly Pittman, Land Use Development

19. Construction-Level Restoration Plan for Temporary Impacts (Non-critical Areas):

Prior to issuance of the clear-and-grade permit, PSE shall submit and receive City approval of a restoration plan showing temporary construction impacts on non-critical areas. The plan shall show all temporarily impacted areas (including proposed pole locations, pole work area boundaries, and construction and access route boundaries) in relation to private properties and septic fields (either known or located in the field); and shall clearly specify the BMPs PSE intends to implement to minimize ground disturbance and facilitate the re-vegetation of these areas to return them to their pre-construction condition after construction is completed.

Where vegetation has been removed, the impacted areas shall be restored with vegetation consistent with the pre-project condition. Other improvements impacted by construction activities shall be restored in coordination with the underlying property owner. PSE shall monitor these re-vegetated areas in accordance with the 1-year monitoring and replacement plan outlined in PSE’s Property Owner Engagement for Vegetation Management, submitted by PSE to the City of Bellevue on March 1, 2023. Annual monitoring reports are required to be submitted to document the successful establishment of vegetation in re-vegetated areas. Photos from selected photo points shall be included in the monitoring reports to document the successful establishment of vegetation in re-vegetated areas. Inspection is required by City of

Bellevue Land Use Development Services Department staff to end the plant monitoring period.

AUTHORITY: LUC 20.20.255.G

REVIEWER: Reilly Pittman, Land Use Development

20. Pesticides, Herbicides, and Fertilizers:

PSE shall submit written information identifying the pesticide, herbicide, and/or insecticide 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 with the City of Bellevue's *Environmental Best Management Practices & Design Standards* (City of Bellevue 2020). Prior to any use of pesticides, herbicides, and/or fertilizers associated with the proposal, PSE must receive approval from the City of Bellevue Land Use Development Services Department under the required clear-and-grade permit.

AUTHORITY: LUC 20.25H.080, LUC 20.20.255G

REVIEWER: Reilly Pittman, Land Use Development

21. Pole Finishes:

To reduce aesthetic impacts on the surrounding environment and reduce contrast with the surrounding environment, PSE shall implement proposed pole finishes consistent with the recommendations found in Attachment D (Pole Finishes Report, City of Bellevue [North Bellevue Segment]).

AUTHORITY: LUC 20.20.255.G

REVIEWER: Reilly Pittman, Land Use Development

22. Final Pipeline Interaction Assessment and Design Report:

To protect nearby pipelines from interaction with the new transmission lines due to AC current density, faults caused by lightning strikes, mechanical/equipment failure, or other causes, PSE shall continue to coordinate with OPLC and include safeguards in the project design. PSE shall optimize conductor geometry, where a true delta configuration provides the greatest level of field cancellation. PSE shall operate both transmission lines at equivalent voltage ratings. These safeguards shall be certified by an engineer licensed in the State of Washington. PSE shall also install an Optical Ground Wire (OPGW) shield wire or equivalent shield wire recommended by DNV GL (2016) on the transmission line poles.

PSE shall perform an AC Interference Study incorporating the final transmission line route, configuration, and operating parameters to confirm that current densities remain within acceptable levels. PSE shall provide OPLC with the study and provide the City with documentation establishing that the study was performed and submitted to OPLC.

The study shall include a report detailing how the following have been addressed:

- PSE shall obtain and incorporate all of the pipeline parameters required for detailed modeling and study (i.e., locations and details of above-grade pipeline appurtenances/stations, bonds, anodes, mitigation, etc.).
- PSE shall assess the safety and AC corrosion risks under steady-state operating conditions on the transmission lines.
- PSE shall fully assess the safety and coating stress risks for phase-to-ground faults at transmission line structures along the entire area of co-location, including both inductive and resistive coupling.
- PSE shall reassess the safe separation distance at each pole location to minimize arcing risk based on the international standard for mitigating alternating current and lighting effects on metallic structure and corrosion control systems (NACE SP0177-2014) (NACE International 2014).
- PSE shall reassess the safe separation distance at each pole location to minimize arcing risk in consideration of the findings in CEA 239T817 (CEA 1994).
- PSE shall specify appropriate distances for pole grounds from the pipeline to avoid electrical arcing as recommended by the licensed engineer.
- PSE shall incorporate mitigation measures into the project design to prevent or minimize ground fault arcing to the pipelines in areas where the pipelines are within the modeled arcing distance of transmission line pole grounding rods.

AUTHORITY: BCC 22.02.140.B.1, 22.02.140.C

REVIEWER: Reilly Pittman, Land Use Development

23. Construction Management and Access Plan (Pipeline Safety):

PSE shall develop a Construction Management and Access Plan in coordination with OPLC's Damage Prevention Team that is mutually agreed upon by both parties. This plan shall outline the specific actions that PSE will take to protect the pipelines from vehicle and equipment surcharge loads, excavation, and other activities in consideration of OPLC's general construction and right-of-way requirements and in consultation with OPLC on the Energize Eastside project design specifically. The following general measures, at a minimum, shall be included in the Construction Management and Access Plan:

- Notify "one-call" 811 utility locator service at least 48 hours prior to PSE or PSE-designated contractors conducting excavation work. (OPLC's line marking personnel will then mark the location of the pipelines near the construction areas. These procedures are designed to ensure that excavation will not damage any underground utilities and to decrease potential safety hazards.)
- Field-verify the distance between the pipelines and transmission line pole grounds.
- PSE's design standards require that the grounding resistance of each power line structure is a maximum of 20 ohms. Consistent with PSE's standards and practice, PSE shall field-measure the grounding resistance of each power line structure to

ensure it meets the target of 20 ohms. If 20 ohms is not initially achieved, PSE will implement mitigation including potentially the use of metal rods until the grounding resistance is 20 ohms or less. [New language added to version included as part of Staff Report, based on input from City's pipeline safety consultant, Mr. Fieltsch, as explained in Mr. McFarland's transmittal email dated Nov. 9, 2023 describing content of Exhibit C-7, without objection from PSE].

- Add the pipeline location and depth to project plans and drawings and submit to OPLC for evaluation. To the extent that OPLC determines pipeline location and depth is secure or confidential information, this information is not required to be submitted to the City of Bellevue under this condition.
- Arrange for OPLC representatives to be on-site to monitor construction activities near the pipelines.
- Identify demarcation and protection measures as recommended and required by OPLC.
- Provide all necessary information for OPLC to perform pipe stress calculations for equipment crossings and surface loads (surcharge loads). Based on pipe stress calculations and in coordination with OPLC, provide additional cover that may include installing timber mats, steel plating, or temporary air bridging; utilize a combination of these; or avoid crossing in certain identified areas to avoid impacts on the Olympic pipelines.
- Incorporate additional measures related to minimizing surcharge loads included in OPLC's general construction and right-of-way requirements.
- The Construction Management and Access Plan will identify contractor responsibilities, including appropriately sized construction zones to protect the general public, construction timing limits, and other mitigation measures that limit the exposure of the general public to potential pipeline incidents.
- No excavation or construction activity will be permitted in the vicinity of a pipeline until appropriate communications have been made with OPLC's field operations and its Right-of-Way Department. A formal engineering assessment (conducted by OPLC) may be required.
- No excavation or backfilling within the pipeline right-of-way will be permitted for any reason without a representative of OPLC on-site giving permission.
- Coordinate with OPLC regarding excavation and other construction activities to ensure that pipeline operating pressures are reduced prior to these activities when necessary.
- As directed by OPLC, use soft dig methods (e.g., hand excavation, vacuum excavation, etc.) whenever the pipeline(s) are within 25 feet of any proposed excavation or ground disturbance below original grade.
- Coordinate with OPLC to ensure that an OPLC representative, trained in the observation of excavation and pipeline locating, is on-site at all times during excavation and other ground-disturbing activities that occur within 100 feet of the pipelines where the pipelines are co-located with the proposed transmission lines.

- Where excavations are within 20 feet of the Olympic Pipeline system, the project geotechnical engineer shall consider temporary casing to reduce the risk of sloughing under the pipeline.
- As required by OPLC, steel plates or mats will be placed over the pipelines to distribute vehicle loads where construction equipment needs to cross over the pipelines.
- Utility settlement monitoring points will be established on the Olympic Pipeline corridor at the direction of OPLC where drilled shafts will be within 15 feet of a pipeline (or another distance as stipulated by OPLC) to monitor settlement during installation of the drilled shafts. Settlement monitoring points will be installed so that baseline readings of the settlement monitoring points may be completed prior to the contractor mobilizing to the site. Monitoring will continue during construction on a daily basis and twice a week in the 3 weeks following construction. The monitoring readings will be reviewed by the engineer on a daily basis. If measured settlement exceeds 1 inch, or an amount specified by OPLC, the integrity of the utility will be tested and PSE will work with OPLC to repair any damage to the utilities as a result of construction.
- The Construction Management and Access Plan shall include monitoring procedures to ensure that all mitigation measures related to construction activities are followed.

The Construction Management and Access Plan shall be submitted to the City of Bellevue before construction permit issuance. After permit issuance, any revisions or updates to the plan shall be provided to the City in a Final Construction Management and Access Plan before construction commences.

AUTHORITY: BCC 22.02.140.B.1, 22.02.140.C
 REVIEWER: Reilly Pittman, Land Use Development

24. Construction Management and Access Plan (Recreation Uses and Schools):

To reduce impacts on recreation sites as a result of project construction, PSE shall include in their Construction Access and Management Plan the following:

- Steps to coordinate with the City of Bellevue Parks and Community Services Department.
- Phasing plan schedules to avoid construction activity near recreation sites, including but not limited to public parks, during time periods when the sites are most frequently used.
- Plans for alternative access points to recreation sites and trail detours where necessary.
- Notification of local schools, parks, and private owners 60 days in advance of project construction within the recreation sites and again at least 2 weeks in advance of work commencing.
- The location of signs notifying users of any temporary closure of trails or recreations sites and installation of these signs 2 weeks in advance of closure.

The Construction Management and Access Plan shall be submitted to the City of Bellevue prior to the issuance of construction permits.

AUTHORITY: LUC 20.20.255.G

REVIEWER: Reilly Pittman, Land Use Development

25. Public Outreach Plan:

PSE shall submit to the City of Bellevue a public outreach plan that details how PSE will provide information to the public about the types and locations of expected construction impacts and mitigation measures. As part of the plan, a construction outreach team shall work with affected residents and business owners to minimize construction-related impacts throughout the duration of project construction. PSE will provide a contact with whom community members can address specific concerns both prior to and during project construction. Also as part of the plan, PSE shall submit to the City quarterly reports summarizing the status of public outreach efforts, including issues raised by the community and how PSE is addressing concerns. Reports shall be submitted to the Development Services Department Director through project completion.

AUTHORITY: LUC 20.20.255.G

REVIEWER: Reilly Pittman, Land Use Development

C. After Clear-and-Grade Permit Issuance and during Construction

1. State and Federal Permit Compliance:

To reduce indirect and direct water quality impacts associated with construction of the new transmission lines, PSE shall comply with applicable state and federal regulatory requirements. Before any direct wetland impacts occur, PSE shall obtain the necessary state and federal authorizations. PSE shall provide the City of Bellevue copies of all required permits from the WDFW and the U.S. Army Corps of Engineers, including any requirements from the U.S. Fish and Wildlife Service and National Marine Fisheries Service prior to the City of Bellevue's pre-construction meeting.

AUTHORITY: BCC 24.06.015, 24.06.020; LUC 20.20.255.E.2

REVIEWER: Reilly Pittman, Land Use Development

2. Cultural Resources Protection:

Prior to construction, PSE shall conduct archaeological resource surveys for the selected route that include subsurface testing and a second pedestrian and subsurface survey to assess staging areas, laydown areas, stringing sites, and access roads after more information on these locations is available.

Prior to construction, PSE shall develop resource-specific mitigation measures during consultation with the Washington Department of Archaeology and Historic Preservation (DAHP), affected Tribes, King County Historic Preservation Program (KCHPP), and other

appropriate stakeholders if a protected archaeological resource is identified during the pre-construction archaeological survey or historic property inventory.

PSE shall prepare an Inadvertent Discovery Plan (IDP) for the project and discuss the IDP with the contractor during pre-construction meeting(s). PSE shall apply for an archaeological excavation permit from DAHP (WAC 25-48-060) if impacts on a protected archaeological resource cannot be avoided.

If any resources are determined eligible for listing in the National Register of Historic Places (NHRP) by DAHP, mitigation measures specific to those resources shall be developed during consultation with DAHP, affected Tribes, and any other appropriate stakeholders. Any final determination and mitigation measures developed based on this determination shall be reported to the City of Bellevue to the extent allowed by law.

During construction, PSE shall follow outlined procedures in the IDP in the event that archaeological resources are identified during construction activities.

During construction, PSE shall follow the procedures identified for any historic resources through consultation with DAHP.

AUTHORITY: LUC 20.20.255.G

REVIEWER: Reilly Pittman, Land Use Development

3. Drilled Shaft Installation Plan:

Prior to construction PSE shall submit a detailed Drilled Shaft Installation Plan prepared by their construction contractor describing casing and drilled shaft construction methods. The submittal will include a narrative describing the contractor's understanding of the expected subsurface conditions, underground pipelines, the overall construction sequence, access to the pole locations, and the proposed pole foundation installation equipment. The contractor shall submit a detailed direct embedment pole installation plan describing both uncased and temporary casing methods. If drilled shafts are used where groundwater is present, the concrete for drilled shafts will be placed using the "tremie" method, which will be considered and evaluated by an on-site geotechnical engineer (described in the geotechnical report). The plan shall be reviewed by the project geotechnical engineer before construction commences; the plan shall include documentation of this review, which shall be provided to the City of Bellevue Land Use Development Services Department.

AUTHORITY: Part 20.30P LUC, LUC 20.20.255.G

REVIEWER: Reilly Pittman, Land Use Development

4. Geotechnical Inspection:

The project geotechnical engineer must provide geotechnical inspection during project construction when applicable. The geotechnical engineer must monitor and test soil cuts and

fills for pole foundations. The geotechnical engineer also must observe, monitor, and test any unusual seepage, slope, or subgrade conditions.

AUTHORITY: BCC 23.76.050, 23.76.160 (Clearing & Grading Code)

REVIEWER: Thomas McFarlane, P.E.; Development Services; Clearing & Grading Section

5. Rainy Season Restrictions:

Clearing and grading activity may be initiated during, or continue into the rainy season, which is defined as October 1 through April 30, only with written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, as appropriate for the expected rainy season conditions, must be implemented prior to beginning or resuming site work.

AUTHORITY: BCC 23.76.093.A (Clearing & Grading Code)

REVIEWER: Thomas McFarlane, P.E.; Development Services; Clearing & Grading Section

6. Street and Access Improvements:

All street and access improvements and other required transportation elements (including streetlights revisions) must be constructed by PSE and accepted by the Transportation Department inspector.

All areas disturbed (i.e., pavement, curb and gutter, landscaping, driveways, temporary access roads, etc.) by the project shall be restored after construction to its previous or an improved state per City of Bellevue right-of-way standards, including current ADA standards.

AUTHORITY: BCC 14.60, Comprehensive Plan Policy UT-39, and the Transportation Department Design Manual.

REVIEWER: Ian Nisbet, Transportation

7. Pavement Restoration:

Should street cuts prove unavoidable or if the street surface is damaged in the construction process, a half-street or full-street (depending on the extent of street cuts or damage) grind and overlay will be required.

PSE will be required to restore all damaged pavement within the City right-of-way caused by construction activities related to this project. Limits and extent of pavement restoration shall be as required by the right-of-way use permit.

AUTHORITY: BCC 14.60. 250; Design Manual Design Standard #23

REVIEWER: Tim Stever, Transportation/Right-of-Way

8. Helicopter or Large Crane Use:

PSE shall identify any areas where a helicopter or large crane will be used to lift poles over adjacent properties and into place, or to facilitate stringing the new transmission lines. PSE or its contractor shall provide copies of the “congested air” permit from the Federal Aviation Administration (FAA). PSE shall also coordinate with the City of Bellevue to determine where this type of construction is allowed.

AUTHORITY: Part 20.30M LUC

REVIEWER: Reilly Pittman, Land Use Development

9. Construction Stormwater Pollution Prevention Plan (CSWPPP):

The clear-and-grade permit application must include a CSWPPP. The structure and content of the CSWPPP must follow the requirements of the Bellevue Clearing and Grading Code (BCC 23.76) and the Bellevue Clearing and Grading Development Standards (City of Bellevue 2017b). BMPs in the plan include the following:

- Operating procedures to prevent spills.
- Control measures such as secondary containment to prevent spills from entering nearby surface waters.
- Countermeasures to contain, clean up, and mitigate the effects of a spill.
- Construction vehicle storage and maintenance and fueling of construction equipment will be located away from streams and wetlands.

To avoid groundwater contamination, if any pole installation sites are determined to need dewatering, PSE shall prepare and submit a dewatering plan for City approval. The dewatering plan must include provisions for turbidity and pH monitoring of dewatering water. No refueling or staging shall be allowed within critical areas or critical area buffers.

AUTHORITY: Part 20.25H LUC; Chapter 23.76 BCC

REVIEWER: Reilly Pittman, Land Use Development; Thomas McFarlane, P.E.,
Development Services, Clearing & Grading Section

10. Traffic Management:

As part of the right-of-way use permit, PSE shall ensure that access to residential and commercial properties is maintained at all times, except when restricted access is required for safety while work is occurring. At major driveways, flagger control may be needed to facilitate alternating enter and exit traffic. Special treatment will be needed for developments with split driveways (with one driveway serving entering traffic and one serving exiting traffic) if traffic cannot easily be shifted to the other driveway for two-way operation. The

contractor will be required to coordinate with property owners when driveways or alleys are affected by construction.

AUTHORITY: BCC 14.30

REVIEWER: Tim Stever, Transportation/Right-of-Way

11. Pavement Degradation:

As part of the right-of-way permit inspection process, pavement degradation identified by the City that results from increased project-related construction truck traffic or excavation shall be fully restored upon completion of construction activities. This includes restoration of streets, curbs, gutters, sidewalks, parking lots, driveways, and traffic signal induction loops where appropriate.

AUTHORITY: BCC 14.30

REVIEWER: Tim Stever, Transportation/Right-of-Way

12. Coordination with Other Utility Providers Affected by Proposal:

PSE will coordinate with any affected utility providers, as appropriate, to determine how best to avoid or minimize any impacts while project construction is occurring. The City of Bellevue will review project designs prior to permit approval to ensure protection of other utilities. PSE and its contractors will be required to develop construction sequence plans and coordinate schedules for utility work to minimize service disruptions and provide ample advance notice when service disruptions are unavoidable, consistent with utility owner policies. Relocation plans and service disruptions shall be reviewed and approved by the affected utility providers before construction begins. PSE will coordinate with the other utility providers to assist in their planning efforts for public outreach to inform their customers of potential service outages and construction schedules.

AUTHORITY: LUC 20.20.255.G

REVIEWER: Reilly Pittman, Land Use Development

13. Field Verification of Utility Locations:

PSE shall follow regulatory requirements to field-verify utility locations such as gas lines or the Olympic Pipeline system. Field verification of the Olympic Pipeline system may include methods as directed by OPLC, such as potholing using vacuum truck excavation to avoid damage to the pipelines. See also General Condition No. B.23, above.

AUTHORITY: BCC 22.02.140.B.1, 22.02.140.C

REVIEWER: Reilly Pittman, Land Use Development

14. Pipeline Marking Prior to Construction:

PSE shall coordinate with OPLC to ensure that line marking personnel mark the entire length of OPLC's pipeline within 50 feet of any excavation or ground disturbance below original

grade, and not only the location of angle points (points of intersection). See also General Condition No. B.23, above.

AUTHORITY: BCC 22.02.140.B.1, 22.02.140.C
REVIEWER: Reilly Pittman, Land Use Development

15. Grounding System:

A qualified licensed engineer shall verify that separation distances between the transmission grounding system and the pipeline meets the recommendations in the Final Pipeline Interaction Assessment and Design Report after poles are installed. If grounding distances are not consistent with the recommendations, PSE shall reinstall the grounding system to comply with the recommendations. See also General Condition No. B.23, above.

AUTHORITY: BCC 22.02.140.B.1, 22.02.140.C
REVIEWER: Reilly Pittman, Land Use Development

16. OPLC's General Construction Requirements:

PSE shall comply with the approved Construction Management and Access Plan, including the identified measures from OPLC's General Construction and Right-of-Way Requirements for all work proposed near the pipelines.

AUTHORITY: BCC 22.02.140.B.1, 22.02.140.C
REVIEWER: Reilly Pittman, Land Use Development

17. Mitigation and Monitoring Report – Construction Management and Access Plan (Pipeline Safety):

Consistent with the approved Construction Management and Access Plan, PSE shall document all mitigation measures implemented, monitored, and conducted.

PSE will file a mitigation and monitoring report with the City of Bellevue that documents consultations with OPLC and mitigation measures to address safety-related issues. PSE shall file the mitigation and monitoring reports with the City of Bellevue quarterly during construction. The reports shall identify any additional mitigation measures and monitoring that may be required as a result of PSE's coordination with OPLC.

The mitigation and monitoring reports shall demonstrate that sufficient pipeline safety measures have been implemented, and document all consultations with OPLC, including the sharing of modeling, engineering, and as-built information with OPLC to assist OPLC in its ongoing monitoring and mitigation responsibilities. The reports shall identify any additional field surveys and data collection necessary for verifying mitigation measures following project start-up, and any proposed monitoring to ensure that mitigation measures related to operational issues are followed.

AUTHORITY: BCC 22.02.140.B.1, 22.02.140.C

REVIEWER: Reilly Pittman, Land Use Development

18. Required Updates to Construction-Level Mitigation Plan (Condition of Approval B.7), Construction-Level Restoration Plan (Condition of Approval B.8), and Construction-Level Restoration Plan for Temporary Impacts (Condition of Approval B.19):

PSE shall update its construction-level mitigation plan and restoration plans to provide a final accounting of all planting on private property. PSE shall update the construction-level plans to document final vegetation removal, pole locations, pole work area boundaries, and construction and maintenance access routes in relation to private properties, located septic fields, and critical areas or critical area buffers. Such updates shall show changes, if any, proposed by PSE to the construction-level plans based on negotiations with private property owners and shall show continued compliance with approved mitigation monitoring and maintenance requirements and continued consistency with the City's Critical Areas Handbook (City of Bellevue, undated) for species choice, plant size, and spacing. PSE shall demonstrate in these final mitigation and restoration plans that the impacts of final pole, pole work area, construction route, and access route locations are not substantially greater than impacts evaluated in the EISs.

AUTHORITY: Part 20.30P LUC, LUC 20.25H.220

REVIEWER: Reilly Pittman, Land Use Development

D. For the Life of the Project

1. Water Quality Protection:

During maintenance activities (for poles, the transmission line corridor, and access roads), PSE shall prevent spills or leaks of hazardous materials, paving materials, or chemicals from contaminating surface or groundwater.

AUTHORITY: Part 20.25H LUC

REVIEWER: Reilly Pittman, Land Use Development

2. Maintenance and Monitoring Program – Structural Stability:

PSE shall develop a monitoring and maintenance program that includes inspection and reporting on the ability of the transmission line poles to resist seismic disturbances. As part of PSE's regular inspection of the poles, it shall monitor all poles for changes in conditions that could reduce the ability of the structures to resist seismic disturbances. PSE shall submit reporting to the City of Bellevue. If changes are identified during inspection and monitoring of conditions, PSE shall implement additional measures to reduce or minimize those impacts.

AUTHORITY: Part 20.30P LUC, 20.20.255.G

REVIEWER: Reilly Pittman, Land Use Development

3. Telecommunications Facilities:

PSE shall limit the number of telecommunications facilities installed on the 230 kV poles to the number currently installed in the corridor. Reinstalled facilities shall be in approximately the same locations as they were previously. Facilities shall require City approval per current land use regulations before reinstalling telecommunications equipment.

AUTHORITY: LUC 20.20.255.G, 20.20.255.E.6
REVIEWER: Reilly Pittman, Land Use Development

4. Electromagnetic Fields:

In the event that radio frequency interference is found by a radio operator, PSE shall de-tune pole structures by installing hardware (such as arresters).

AUTHORITY: LUC 20.20.255.G, 20.20.255.E.6
REVIEWER: Reilly Pittman, Land Use Development

5. Pipeline Safety during Operation:

PSE shall work with OPLC to evaluate and implement appropriate mitigation measures to reduce electrical interference on the Olympic Pipeline system to safe levels.

PSE shall provide information to OPLC as appropriate or when requested by OPLC for OPLC to record AC pipe-to-soil potentials and DC pipe-to-soil potentials during its annual cathodic protection survey.

PSE shall provide OPLC with as much advance notice as practical of when outages are planned on the individual circuits (i.e., when only one circuit of the double-circuit transmission lines is in operation) to allow monitoring of the AC induction effects on the pipelines.

PSE shall provide OPLC with data on expected maximum loads under peak winter operating conditions on an annual basis and shall provide copies to the City of Bellevue to verify that these data have been provided to OPLC.

After the transmission line is installed and energized, OPLC is expected (due to its federal requirements to protect the pipeline from damage) to measure the actual AC interference with the pipeline to ensure that all AC interference risks have been fully mitigated under steady-state operation of the transmission line. PSE shall cooperate with OPLC in completing a post-energization AC site survey to determine if any adjustments are needed to OPLC's pipeline protection systems. This survey should cover the entire length of the new transmission line in the North Bellevue Segment. PSE shall provide load data for the survey, along with any design or as-built information requested by OPLC.

PSE shall monitor oil insulation for evidence of arcing and gassing, and monitor substations for evidence of overloading, overheating, or malfunctions.

PSE shall submit to the City of Bellevue, upon request by the City, documentation sufficient to show compliance with the provisions imposed by these Conditions of Approval.

AUTHORITY: BCC 22.02.140.B.1, 22.02.140.C

REVIEWER: Reilly Pittman, Land Use Development

**ENERGIZE EASTSIDE NORTH BELLEVUE SEGMENT
CONDITIONAL USE PERMIT
PUBLIC HEARING EXHIBIT LIST**

City of Bellevue Exhibits	
C-1	Project File
C-2	Declaration of Elizabeth Stead
C-3	Staff Report Citations
C-4	Comments submitted after 10/19/2023, mostly emails to Council and CMgr
C-5	Wolfgang Fieltsch Resume
C-6	Development Services Power Point Presentation
C-7	Proposed Revision to Condition of Approval, Staff Report, Section X.B.23, at p. 112

Applicant (PSE) Hearing Exhibits

- A-01 – Bradley Strauch CV
- A-02 – Bradley Strauch Presentation
- A-03 – Jens Nedrud CV
- A-04 – Jens Nedrud Presentation
- A-05 – David Kemp CV
- A-06 – David Kemp Presentation
- A-07 – Jack Middleton CV
- A-08 – Jack Middleton Presentation
- A-09 – Lowell Rogers CV
- A-10 – Lowell Rogers Presentation
- A-11 – Andrew Thatcher CV
- A-12 – Andrew Thatcher Presentation
- A-13 – 2022 Needs Assessment
- A-14 – Excerpts of J. Nedrud Testimony
- A-15 – David Kemp Supplemental Report
- A-16 – Bradley Strauch Testimony – North Bellevue
- A-17 – Jens Nedrud Testimony – North Bellevue
- A-18 – David Kemp Testimony – North Bellevue
- A-19 – Jack Middleton Testimony – North Bellevue
- A-20 – Lowell Rogers Testimony – North Bellevue
- A-21 – Andrew Thatcher Testimony – North Bellevue
- A-22 – Jack Middleton Rebuttal Slides

Written Public Comments

Public comments – Energize Eastside North Segment Hearing 11/9/23 6 PM

	Name	BATES No.	Date Received
1	Christine Hemnes	001	10/28/23
2	Elya Baches	002	10/28/23
3	Pravinder Vrydagh	003	10/30/23
4	Lois and Scott Howell	004	10/30/23
5	Betsi & Jeffrey Hummer	005	10/30/23
6	Iлона Larson	006	10/30/23
7	Joan Nolan	007-008	11/1/23
8	Elizabeth Olson	009	11/1/23
9	Sean Cox	010	11/1/23
10	Lori Elworth	011	11/1/23
11	Michelle Hunt VP Gov Affairs-Seattle Realtors	012-013	11/1/23
12	David May – Pres. Bellevue College	014	11/4/23
13	Nigel Herbig, Mayor, City of Kenmore	015-016	11/4/23
14	Lynette Martin	017-019	11/4/23
15	Amy Faith	020	11/6/23
16	Bernie Dochnahl	021-022	11/6/23
17	Norm Hansen CENSE	023-030	11/7/23
18	Robert Wallace, Wallace Props	031	11/6/23
19	Sierra Club-Don Marsh	032-045	11/7/23
20	Tom Gilchrist-Pres, Sterling Realty	046	11/7/23
21	Qian Hu	047	11/7/23
22	Richard Lauckhart – CENSE	048-077	11/8/23
23	Kristina Hudson, CEO One Redmond	078-079	11/8/23
24	Stacy Graven	080	11/8/23
25	Joel Glass	081	11/8/23
26.	Jim Dobbs, Dir. Overlake Med Center-Clinics	082-085	11/8/23
27	Kalai Socha-Leialoha	086	11/9/23
28	Marcia Naeseth	087	11/9/23
29	Stephen Funk	088	11/9/23
30	Lynn Kaner	089	11/9/23
31	Richard Kaner	090-091	11/9/23
32	Bill Picatti	092	11/9/23
33	Jennifer Keller	093-094	11/9/23
34	Barbara Hughes	095	11/9/23
35	Deron Ferguson	096-097	11/9/23
36	Molly & Peter Pere	098	11/9/23
37	Camille Walton	099-100	11/9/23
38	Jill Sulzberg	101-102	11/9/23
39	Elizabeth Wangerin	104	11/9/23

