

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6494

AN ORDINANCE denying appeals of the Hearing Examiner's decision approving a Conditional Use Permit with conditions, on the application of Puget Sound Energy for the South Bellevue Segment of the Energize Eastside Project located at 13625 SE 30th Street and south to the Bellevue city limits at 6927 128th Place SE, Application No. 17-120556-LB; approving said Conditional Use Permit; and establishing an effective date.

WHEREAS, on September 8, 2017 Puget Sound Energy (PSE) submitted an application for a Conditional Use Permit (CUP) for the construction of a new substation and 230 kilovolt (kV) transmission lines located within the Bellevue City limits (the "South Bellevue Segment of the Energize Eastside Project"); and

WHEREAS, a Notice of Application was published on October 12, 2017 and public meetings were held on November 14, 2017 and September 6, 2018; and

WHEREAS, on January 24, 2019, the City's Land Use Director recommended approval of PSE's CUP application; and

WHEREAS, on March 28, 2019, March 29, 2019, April 3, 2019, and April 8, 2019, the Bellevue Hearing Examiner conducted a public hearing on the CUP application, pursuant to notice as required by law; and

WHEREAS, on June 25, 2019, the Hearing Examiner issued his Findings of Fact, Conclusions, and Decision approving the CUP for the South Bellevue Segment of the Energize Eastside Project with conditions, on July 3, 2019 issued an Errata correcting typographical errors, and on August 13, 2019, issued an Errata Correcting Exhibit List (hereafter collectively referred to as the "Hearing Examiner's Decision"); and

WHEREAS, on July 9, 2019 Citizens for Sane Eastside Energy (CSEE), Coalition of Eastside Neighbors for Sensible Energy (CENSE), Norm Hansen, Lorretta Lopez, and Warren Halverson filed appeals of the Hearing Examiner's Decision; and

WHEREAS, following a limited appeal hearing in front of the City Council on October 16, 2019, and further discussion and deliberation by Council, at its November 14, 2019 meeting, the City Council directed staff to draft an ordinance denying the appeals, incorporating and adopting the findings of fact and conclusions of law from the Hearing Examiner's Decision, and approving PSE's CUP application, as approved by the Hearing Examiner, now, therefore,

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

Section 1. The City Council concludes that appellants CSEE, CENSE, Norm Hansen, Lorretta Lopez, and Warren Halverson have failed to meet their burden to prove that the Hearing Examiner's Decision was not supported by material and substantial evidence in the record and their appeals are hereby denied.

Section 2. The City Council concludes it has no jurisdiction to decide the constitutional due process claims, claims of bias by the Hearing Examiner, or challenges to the adequacy of the SEPA Environmental Impact Statement raised in the appeals.

Section 3. The City Council concludes that the City's Land Use Code does not require PSE to submit one CUP application for both the North and South segments and that the only CUP application before the Hearing Examiner was for the South Bellevue Segment.

Section 4. The City Council adopts the Hearing Examiner's Findings of Fact and Conclusions.

Section 5. Based on the foregoing Findings of Fact and Conclusions, and as conditioned by the Hearing Examiner, the City Council hereby approves the Conditional Use Permit application of PSE for the South Segment of the Energize Eastside Project, Application No. 17-120556-LB.

Section 6. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 2nd day of December, 2019
and signed in authentication of its passage this 2nd day of December,
2019.



John Cheliniak
John Cheliniak, Mayor

Approved as to form:
Kathryn Gerla, City Attorney

Kathleen Kline
Kathleen Kline, Assistant City Attorney

Attest:

Chamique Arredondo
Chamique Arredondo, City Clerk

Published December 5, 2019