

Appeals court overturns ruling on Puget Sound Energy project in Bellevue

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A recent reversal in King County Superior Court means that — pending another appeal — Puget Sound Energy will soon continue its efforts on looping an overhead transmission line in the Lake Hills neighborhood of Bellevue.

The project, [which had been opposed by the East Bellevue Community Council](#), had initially been stopped when that council rejected a conditional use permit for the 2.89-mile, 115 kilovolt (kV) line connecting the Lake Hills and the Phantom Lake substations. The project would run along Southeast 16th Street, 148th Avenue Northeast and Northeast Eighth Street. The vast majority of the route is through the community council's territory.

Bill Capron, president of the East Bellevue Community Council, said he was disappointed by the ruling — a majority decision led by King County Justice Ronald Cox with justices Michael Trickey and Ann Schindler concurring.

"I don't know where we are going to go next with it," he said. "To appeal to the state Supreme Court, we'd need funding from the city of Bellevue. So we might have a discussion with the city."

Bellevue's Development Services Department recommended approval of the project in 2014, and in June 2015, the East Bellevue Council passed a resolution disapproving the project.

Puget Sound Energy sued in July 2015, claiming the council had overstepped its bounds in rejecting shoreline decisions previously approved by the Bellevue City Council. The company lost the initial case, with the court ruling the utility company had failed to provide evidence overturning the East Bellevue Council's decision.

The recent ruling in the King County Court of Appeals overturned that decision, seemingly allowing the energy company to begin the project.

Puget Sound Energy released a statement regarding the appeals court ruling, stating: "We are grateful the court ruled in our favor. This is an important step in ensuring PSE can provide reliable service to our customers."

Much of the ruling focuses on the Community Council's lack of evidence in its claims in the resolution, which was written in an "inelegant manner," according to the Community Council's own legal counsel when the case was presented in November.

The Superior Court claimed that the resolution was reason enough to overturn the decision, but posited that by the council's own geographically-limiting charter, future court cases might go against the Community Council.

"[Bellevue] argues that the EBCC's decision, if left standing, would have an extraterritorial affect because it will affect citizens outside the EBCC's area," according to the Superior Court ruling. "As we discussed earlier in this opinion, the area over which EBCC has jurisdiction is bounded on the north by NE 8th Street. The area includes 148th Avenue SE, and the service area for the two substations to be linked by the project are only partially within the EBCC's area."

Don Marsh, president of Coalition of Eastside Neighborhoods for Sensible Energy — a community group opposed to the Lake Hills project as well as the Energize Eastside project — said the project was a loss for the city.

"PSE now has the right to cut down 300 trees and install poles and wires crisscrossing two of east Bellevue's well-loved urban boulevards," Marsh wrote. "People will be shocked as these beautiful streets are turned into an industrial utility corridor."

According to the city of Bellevue's website, the East Bellevue Community Council "is empowered by state law with approval/disapproval authority over certain land-use actions in a part of east Bellevue. The EBCC may also act in an advisory capacity on other land-use issues that directly or indirectly affect its jurisdiction."

The Community Council has 30 days to appeal the decision, which was filed on Jan. 30.

Capron said that he hoped Puget Sound Energy would work with the Community Council on a preferred alternative route that didn't go along urban boulevards like 148th Avenue.