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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3457

AN ORDINANCE approving the conditional use permit application of the Municipality of Metropolitan Seattle for a new sewer pumping station on the Heathfield pumping station site located on 163rd Avenue S.E., south of S.E. 35th Place, as recommended by the Hearing Examiner; and denying the appeal filed with regard thereto.

WHEREAS, the Municipality of Metropolitan Seattle (Metro) has applied to the City for a conditional use permit for a new sewer pumping station on the existing .68 acre Heathfield pumping station site located on 163rd Avenue S.E., south of S.E. 35th Place in an R-5 zoning district; and

WHEREAS, on July 26, 1984, a public hearing was held thereon by the Hearing Examiner pursuant to notice required by law; and

WHEREAS, on September 24, 1984, the Hearing Examiner recommended approval of said application with conditions, and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, on October 15, 1984, Dwight L. Burns filed an appeal of the recommendation of the Hearing Examiner to the City Council; and

WHEREAS, on December 17, 1984, the City Council conducted a limited public hearing on said appeal at which time all interested parties had an opportunity to be heard; and

WHEREAS, following said hearing the City Council determined to deny the appeal and adopt the findings, conclusions, and recommendation of the Hearing Examiner; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Ordinance; now, therefore

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

Section 1. With regard to the appeal of Dwight L. Burns of the recommendation of the Hearing Examiner herein, the City Council finds that:

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- a. There has been no substantial error;
- b. The proceedings were not materially affected by irregularities in procedure;
- c. The recommendation was supported by material and substantial evidence in view of the entire record as submitted;
- d. The recommendation is not in conflict with the City's Comprehensive Plan;
- e. There was not insufficient evidence as to the impact on the surrounding area.

The Council further finds that:

- a. As conditioned by the recommendation of the Hearing Examiner, the application is in accord with the goals and policies of the Comprehensive Plan of the City of Bellevue.
- b. As conditioned by the recommendation of the Hearing Examiner, the effect of the proposal on the immediate vicinity will not be materially detrimental, and the effect of the proposed development on the community as a whole will not be materially detrimental.
- c. As conditioned by the recommendation of the Hearing Examiner, there is merit and value in the proposal for the community as a whole.
- d. As provided for in the recommendation of the Hearing Examiner, conditions should be placed on the proposal in order to mitigate any significant and adverse impacts from the proposal. An additional condition should also be placed on the proposal requiring the applicant to notify downstream property owners and residents of any overflow at the site and to conduct any necessary inspections and clean up of any such overflow.
- e. The conditional use complies with requirements of the underlying use district.
- f. The conditional use can be constructed and maintained so as to be harmonious and appropriate in design, character and appearance with the existing or intended character of the general vicinity.
- g. The conditional use will be served by existing public facilities such as streets, fire protection, water, storm water control and sanitary sewers and other essential utilities.

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h. The applicant has carried its burden of proof in justifying approval of the application.

i. Approval of the application as conditioned herein will serve the public health, welfare, and safety.

Section 2. The City Council adopts the findings of fact and conclusions made and entered by the Hearing Examiner in support of his recommendation to the Council in this matter, as set forth in "Findings and Recommendation of the Hearing Examiner for the City of Bellevue, In the Matter of the Application of Municipality of Metropolitan Seattle (Metro) for a Conditional Use, File No. HE-D 84-1."

Section 3. The Council hereby approves the conditional use permit application of Metro for a new sewer pumping station on the Heathfield pumping station site located at 163rd Avenue S.E., south of S.E. 35th Place, and more particularly described as:

Lots 5 and 6, Heathfield Country Estates No. 3, according to plat recorded in Volume 72 of Plats, page 10, records of King County, Washington. Subject to an easement for access on the southerly 15 feet of said Lots 5 and 6; TOGETHER WITH an easement on the westerly 30 feet of Lots 3 and 4, and the southerly 30 feet of Lot 4, Heathfield Country Estates No. 3

Provided this conditional use permit is conditioned on full compliance by the owner(s) of the property described herein, their heirs, assigns, grantees and successors in interest, with the terms and conditions of that certain Concomitant Agreement executed by the Municipality of Metropolitan Seattle, which has been given Clerk's Receiving No. 10041, and which by this reference is fully incorporated herein.

Provided further that this approval of said conditional use permit is conditioned on full compliance by the owner(s), developer and developers, and their heirs, assigns, grantees, and successors in interest with the plans and attachments, conditions, commitments, reports and other documents relating to this application, given Clerk's Receiving No. 10042, which are hereby by this reference fully incorporated herein.

Section 4. The conditional use permit granted herein is subject to all federal, state and local laws, rules and regulations, including but not limited to Bellevue Land Use Code Sections 20.30.875, 20.30.880 and 20.30.885.

Section 5. This ordinance shall take effect and be in force five

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days after its passage and legal publication.

PASSED by the City Council this 21st day of January,
1985, and signed in authentication of its passage this 21st day
of January, 1985.

(SEAL)



Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published January 26, 1985