CITY OF REDMOND ORDINANCE NO. 2526

AN ORDINANCE OF THE CITY OF REDMOND. WASHINGTON, ADOPTING THE HEARING EXAMINER'S MARCH 18, 2010, RECOMMENDATION, AS MODIFIED BY ORDER onRECONSIDERATION ISSUED MARCH 29, 2010, TO APPROVE WITH CONDITIONS THE T-MOBILE SOUTH KERN CONDITIONAL USE PERMIT (L090455) AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, T-Mobile, herein referred to as 'applicant', submitted a conditional use permit application following the Essential Public Facilities permit process to allow construction of a 120-foot tall telecommunications Glulam pole with associated ground-mounted equipment located at 16610 NE 111th Street; and

WHEREAS, a conditional use permit is a Type IV permit decision; and

WHEREAS, the Redmond Community Development Guide authorizes the Hearing Examiner to conduct an open record hearing for the conditional use permit and make findings of fact, conclusions of law, and conditions of approval for conditional use permit to the City Council for consideration; and

WHEREAS, on March 3, 2010, the Hearing Examiner conducted an open record hearing to receive and review the application record and to hear verbal testimony relative to the T-Mobile South Kern proposal (File no L090455);

WHEREAS, on March 18, 2010, the Hearing Examiner recommended approval of the T-Mobile South Kern Conditional Use Permit (L090455) subject to conditions; and

WHEREAS, on March 29, 2010, the Hearing Examiner issued an Order on Reconsideration that was filed by City staff and amended the conditional approval of the T-Mobile South Kern Conditional Use Permit (L090455).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings, Conclusions, and Conditions of Approval. After carefully reviewing the record and considering the evidence and arguments in the record and in the Hearing Examiner's recommendation, the City Council hereby adopts the findings, analysis, and conclusions in the Hearing Examiner's recommendation for the T-Mobile South Kern proposal dated March 18, 2010.

Section 2. Approval. The City Council hereby approves the T-Mobile South Kern proposal, subject to the conditions of approval identified in the Hearing Examiner's recommendation dated March 18, 2010.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such

invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

ADOPTED by the Redmond City Council this 4th day of May, 2010.

CITY OF REDMOND

OHN MARCHIONE, MAYOR

ATTEST:

(SEAL)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

FILED WITH THE CITY CLERK:

April 28, 2010

PASSED BY THE CITY COUNCIL:

May 4, 2010

SIGNED BY THE MAYOR:

May 4, 2010

PUBLISHED:

May 10, 2010

EFFECTIVE DATE:

ORDINANCE NO. 2526

May 15, 2010

ADOPTED 6-0: Allen, Carson, Cole, Margeson, Stilin and Vache