CITY OF REDMOND ORDINANCE NO. 2628

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING THE HEARING EXAMINER'S OCTOBER 20, 2011, RECOMMENDATION TO APPROVE WITH CONDITIONS THE REDMOND ROAD WIRELESS CONDITIONAL USE PERMIT (FILE L100279), AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Michael Cady, herein referred to as applicant, submitted a conditional use permit application to allow replacement of an existing 61-foot utility pole and a 70-foot wood pole topped by a 10-foot canister containing three wireless antennae, to be located in the right-of-way along NE 40th Street in Redmond; and

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

WHEREAS, the Redmond Zoning Code authorizes the Hearing Examiner to conduct an open record hearing for the conditional use permit and make a recommendation with findings of fact, conclusions of law, and conditions of approval for the conditional use permit to the City Council for consideration; and

WHEREAS, on October 5, 2011, the Hearing Examiner conducted an open record hearing to receive and review the application record and to hear verbal testimony relative to the Redmond Road Wireless proposal (File L100279); and

WHEREAS, on October 20, 2011, the Hearing Examiner recommended approval of the Redmond Road Wireless Conditional Use Permit (File L100279) subject to conditions.

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 Redmond Road Wireless proposal dated October 20, 2011.

Section 2. Approval. The City Council hereby approves the Redmond Road Wireless Conditional Use Permit, subject to the conditions of approval identified in the Hearing Examiner's recommendation dated October 20, 2011.

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 (5) days after publication of an approved summary thereof consisting of the title, or as otherwise provided by law.

ADOPTED by the Redmond City Council this $15^{\rm th}$ day of November, 2011.

CITY OF REDMOND

TOUR MARCHIONE MAYOR

ATTEST:

MICHELLE M. MOGEHEE, MMC, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

FILED WITH THE CITY CHERK:

PASSED BY THE CITY COUNCIL:

SIGNED BY THE MAYOR:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO. 2628

November 7, 2011

November 15, 2011

November 15, 2011

November 21, 2011

November 26, 2011

ADOPTED 7-0: Allen, Carson, Cole, Margeson, Myers, Stilin and Vache