## ORDINANCE NO. 2371

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, **ADOPTING** THE **HEARING** EXAMINER'S **SEPTEMBER** 6. 2007 RECOMMENDATION AS MODIFIED BY THE ORDER ON MOTION FOR RECONSIDERATION ISSUED ON OCTOBER 3, 2007 TO APPROVE WITH CONDITIONS THE SHAUGHNESSY HEIGHTS PLANNED RESIDENTIAL DEVELOPMENT (FILE L050181), AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Shaughnessy Heights LLC, herein referred to as applicant, submitted an application to develop a 42-lot, planned residential development (PRD) on 15.1 acres located at NE 85<sup>th</sup> and 169<sup>th</sup> Avenue NE; and

WHEREAS, a planned residential development 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 planned residential development and make a recommendation with findings of fact, conclusions of law, and conditions of approval for the PRD to the City Council for consideration; and

WHEREAS, on March 12, 2007, the Hearing Examiner conducted an open record hearing to receive and review the application record and to hear verbal testimony relative to the Shaughnessy Heights Planned Residential Development (File L050181) and Preliminary Plat (L050180); and

WHEREAS, on April 9, 2007, the Hearing Examiner conditionally approved the Shaughnessy Heights preliminary plat (L050180) and recommended approval of the Shaughnessy Heights PRD (File L050181) subject to conditions; and

WHEREAS, on May 16, 2007, the Hearing Examiner issued a Order on the Motions for Reconsideration that were filed by the applicant and three citizens and amended his conditional approval of the Shaughnessy Heights preliminary plat (L050180); and

WHEREAS, on May 31, 2007, an appeal of the Hearing Examiner's decision on the Shaughnessy Heights preliminary plat (L050180) plat was filed by six citizens; and

WHEREAS, on July 17, 2007, the City Council held a closed record appeal hearing on the appeal of the Shaughnessy Heights preliminary plat and remanded the plat back to the Hearing Examiner to conduct a new public hearing; and

WHEREAS, on August 23, 2007, the Hearing Examiner conducted an open record hearing to receive and review the application record and to hear verbal testimony relative to the City Council's remand of the Shaughnessy Heights Preliminary Plat (L050180); and

WHEREAS, on September 6, 2007, the Hearing Examiner conditionally approved the Shaughnessy Heights preliminary plat (L050180) and re-issued his recommended approval of the Shaughnessy Heights PRD (File L050181) subject to conditions; and

WHEREAS, on October 3, 2007, the Hearing Examiner issued an Order on the Motions for Reconsideration that were filed by the applicant and four citizens and amended his conditional approval of the Shaughnessy Heights preliminary plat (L050180); 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 Shaughnessy Heights PRD dated September 6, 2007.

Section 2. Approval. The City Council hereby approves the Shaughnessy Heights Planned Residential Development, subject to the conditions of approval identified in the Hearing Examiner's recommendation dated September 6, 2007 and as amended by the October 3, 2007 Order on the Motions for Reconsideration.

<u>Section 3.</u> <u>Duties of Planning Director.</u> The Planning Director is hereby authorized and directed to make any appropriate notations on the official zoning map of the city in order to reflect the approval of the PRD as provided in this ordinance.

Section 4. 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 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City's legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

## CITY OF REDMOND

/s/ ROSEMARIE IVES, MAYOR	

ATTEST/AUTHENTICATED:

/s/ MALISA FILES, CITY CLERK

APPROVED AS TO FORM: OFFICE OF THE CITY ATTORNEY:

By:/s/ JAMES E. HANEY

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL:

SIGNED BY THE MAYOR:

PUBLISHED:

EFFECTIVE DATE:

November 2, 2007

November 5, 2007

November 12, 2007

November 17, 2007

ORDINANCE NO.: 2371

REPUBLISHED ON DECEMBER 3, 2007 TO CORRECT A SCRIVENER'S ERROR