## CITY OF REDMOND ORDINANCE NO. 2622

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING THE HEARING EXAMINER'S AUGUST 22, 2011, RECOMMENDATION TO APPROVE WITH CONDITIONS THE ROSE HILL MIDDLE SCHOOL VARIANCE (FILE L110221), AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Lake Washington School District, herein referred to as applicant, submitted a Conditional Use Permit application to allow for the construction of a new 143,000 square foot middle school at 13505 NE 75<sup>th</sup> Street; and

WHEREAS, the Lake Washington School District also submitted a variance application to allow for increased building height; and

WHEREAS, a Conditional Use Permit is a Type IV permit and a variance is a Type III permit decision; and

WHEREAS, the Redmond Zoning Code states that when two or more applications are submitted that a consolidated review shall be conducted using the highest level process to any of the applications; and

WHEREAS, the Redmond Zoning Code authorizes the Hearing Examiner to conduct an open record hearing for the variance 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, City staff has been coordinating with regional Federal Emergency Management Agency (FEMA) staff to ensure compliance of Redmond's floodplain policies and regulations with the National Marine Fisheries Service's (NMFS) Biological Opinion issued for threatened species in September 2008; and

WHEREAS, the Washington State Department of Ecology will ultimately issue an approval letter on this Limited Shoreline Master Program Amendment; and

WHEREAS, on August 1, 2011, the Hearing Examiner conducted an open record hearing to receive and review the application record and to hear verbal testimony relative to the Rose Hill Middle School variance proposal (File L110221); and

WHEREAS, on August 22, 2011, the Hearing Examiner recommended approval of the Rose Hill Middle School variance (File L110221) 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 Rose Hill Middle School variance proposal dated August 22, 2011.

Section 2. Approval. The City Council hereby approves the Rose Hill Middle School Variance, subject to the conditions of approval identified in the Hearing Examiner's recommendation dated August 22, 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 five (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 4th day of October, 2011.

CITY OF REDMOND

ATTEST

(SEAL)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

JAMES E. HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK: September 28, 2011

PASSED BY THE CITY COUNCIL:

SIGNED BY THE MAYOR:

PUBLISHED:

EFFECTIVE DATE: ORDINANCE NO. 2622

October 4, 2011

October 4, 2011

October 10, 2011

October 15, 2011

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