## CITY OF REDMOND ORDINANCE NO. 2609

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING THE HEARING EXAMINER'S JUNE 15, 2011, RECOMMENDATION TO APPROVE WITH CONDITIONS THE BENJAMIN RUSH ELEMENTARY SCHOOL MODERNIZATION CONDITIONAL USE PERMIT (FILE L110133), 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 modernization of the Benjamin Rush Elementary School involving the complete replacement of the existing school buildings with a new 65,000 sq. ft. building, site access and parking improvements, and other landscape and site improvements at 6101 152<sup>nd</sup> Avenue; 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 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 June 6, 2011, the Hearing Examiner conducted an open record hearing to receive and review the application record

and to hear verbal testimony relative to the Conditional Use Permit for the Benjamin Rush Elementary School Modernization proposal (File L110133); and

WHEREAS, on June 15, 2011, the Hearing Examiner recommended approval of the Benjamin Rush Elementary School Modernization Conditional Use Permit (File L110133) subject to conditions.

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

<u>Approval.</u> 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 Benjamin Rush Elementary School Modernization proposal dated June 15, 2011.

Section 2. Approval. The City Council hereby approves the Benjamin Rush Elementary School Modernization proposal, subject to the conditions of approval identified in the Hearing Examiner's recommendation dated June 6, 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 passage and publication of an approved summary thereof consisting of the title, or as otherwise provided by law.

ADOPTED by the Redmond City Council this  $19^{th}$  day of July, 2011.

CITY OF REDMOND

HN MARCHIONE, MAYOR

ATTEST:

MICHELLE M. MCGEHEE, CMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

JAMES HANEY,

ITY ATTORNEY

FILED WITH THE CITY CLERK:

July 13, 2011

PASSED BY THE CITY COUNCIL:

July 19, 2011

SIGNED BY THE MAYOR:

July 19, 2011

PUBLISHED:

July 25, 2011

EFFECTIVE DATE:

July 30, 2011

ORDINANCE NO. 2609

ADOPTED 7-0:

Allen, Carson, Cole, Margeson, Myers, Stilin and Vache