

MOTION NO. 2340

A MOTION indicating the Council's approval, subject to conditions, of an Unclassified Use Permit petitioned by Martin and Upjohn Partnership, under Land Use Management File No. 156-74-U.

WHEREAS, the Zoning and Subdivision Examiner by report dated December 24, 1974 has recommended that the King County Council deny an Unclassified Use Permit for the removal and processing of sand and gravel petitioned by Martin and Upjohn Partnership under Land Use Management File No. 156-74-U; and

WHEREAS, the recommendation of the Examiner has been appealed; and

WHEREAS, the Council has reviewed the record and the written appeal arguments in this matter; and

WHEREAS, the Council makes the following findings:

1. The facts presented in the Environmental Assessment, pages No. 1 to No. 11 of Division of Land Use Management Addendum I report dated July 22, 1975, are incorporated here by reference.
2. The Director, Division of Land Use Management, determined that approval of this Unclassified Use Permit, subject to conditions, would not constitute a major action significantly affecting the quality of the environment, and that an environmental impact statement is not required. His determination was based on responses from reviewing agencies, site inspection, information submitted by the applicant, and evaluation of natural, physical and social systems affected, as identified in Section 5, Ordinance 1700.
3. The Division of Land Use Management concluded that the operations proposed by the applicant would not be unreasonably incompatible with or detrimental to surrounding properties, provided the operation is conducted in accordance with the conditions listed on pages 8 to 10 of the Division's Addendum I report dated July 22, 1975.
4. Approval of this application, subject to conditions, would carry out and help to implement Comprehensive Plan Policy D-10 in that it would allow the applicant to phase out an existing gravel pit and to rehabilitate the property during a limited time period; and

1 WHEREAS, the Council makes the following conclusions:

- 2 1. The Examiner erred in concluding that the adverse
3 impacts of the proposed operation outweigh the
4 benefits to the applicant and the public,
5
6 2. The extraction and processing of sand and gravel
7 proposed by the applicant will not be unreasonably
8 incompatible with the type of uses permitted in
9 surrounding areas, if the conditions stipulated
10 below are satisfied.

11 NOW THEREFORE BE IT MOVED by the Council of King County:
12 the Unclassified Use Permit for the removal and processing of
13 sand and gravel petitioned by Martin and Upjohn Partnership
14 under Division of Land Use Management File No. 156-74-U shall be
15 approved, subject to the following conditions:

- 16 1. The term of the permit shall be two years from the
17 effective date of the ordinance granting the un-
18 classified use permit. All stockpiled material shall
19 be removed from the property prior to the expiration
20 of the two year period. Reclamation of the property
21 shall be completed within 60 days following the ex-
22 piration of the two year time period of the permit.
23 The filing of an application for unclassified use
24 permit during the term of the permit issued under
25 File No. 156-74-U shall not constitute cause for the
26 applicant or the Division of Building to delay the
27 reclamation required under this permit.
- 28 2. The activities conducted on the property and reclama-
29 tion of the property shall conform to the applicant's
30 plans, identified as Exhibit No. 2 and No. 6 at the
31 public hearing on this application, as modified by
32 the conditions stipulated in this motion.
- 33 3. Prior to resuming excavation or processing, the
applicant shall obtain a grading permit from the
King County Division of Building in accordance
with the provisions of Chapter 16.82 King County
Code. The plans submitted by the applicant pursuant
to Section 16.82.060 shall include the following
modifications and additions to Exhibit No. 2 and
No. 6:
- a. Excavation of the non-overflow filtration pond
shall not extend below an elevation of 325 feet.
The southeast area of the property, which has
been rehabilitated, shall not be disturbed. No
excavation or stockpiling shall occur in that
rehabilitated area. Upon completion of reclama-
tion, the area of the site lying east of the B-B

1 cross section line (Exhibit #2-2) shall approxi-
2 mate the existing terrain shown on Exhibit No. 6.
3 Excavations west of the B-B cross section line shall
4 be conducted in a manner which will result in a
5 westerly extension of the slopes which now exist
6 east of that line. The elevations of the existing
7 topographic contours (Exhibit No.6) shall be shown
8 on the revised plans.

6 b. No area of the property, except working slopes,
7 shall have a slope which exceeds a ratio of two
8 feet horizontal to one foot vertical. Working
9 slopes shall not exceed the angle of repose of
10 the material being worked. The height of working
11 slopes shall not exceed 25 feet and the length of
12 working slopes shall not exceed 200 feet. Existing
13 slopes on the property shall be reduced to a state
14 which conforms to these limitations within six
15 months from the effective date of the ordinance
16 granting the unclassified use permit.

13 c. No excavation or removal of trees shall occur
14 within 50 feet of the west and south boundaries
15 of the property except that which is required for
16 the installation of approved drainage systems and
17 that which is required to remove overburden stock-
18 piled adjacent to the south boundary of the site.
19 The Division of Building shall determine by field
20 investigation whether or not a solid fence six
21 feet high, or a planting screen six feet high
22 and ten feet wide, along the east boundary of the
23 site would obscure the view of operations on the
24 site from the residences lying east of Van
25 Brocklin Road. If the Division of Building finds
26 that such a fence or screen would provide view
27 obscuration for those residences, the fence or
28 screen shall be required.

23 d. The revised plans shall include a landscaping plan
24 approved by the Division of Land Use Management.
25 The plan shall illustrate the phasing of rehabili-
26 tation of the property. The plan shall include
27 hydroseeding of the entire excavated area of the
28 site with grass seed, planting of the entire
29 excavated area with fir seedlings at a density
30 of 400 seedlings per acre and planting of areas
31 having a 2:1 slope with brush, such as scotch
32 broom, on four foot centers.

29 e. The revised plans shall include a drainage plan
30 approved by the Division of Hydraulics. The
31 plan shall conform to the provisions of Chapter
32 20.50 King County Code.
33

1 f. The revised plans shall include a noise control
2 plan approved by the Division of Environmental
3 Health Services, King County Department of
4 Health. The plan shall identify the type and
5 location of all equipment which will operate
6 at the site and the types of trucks which will
7 travel to and from the site. The plan shall
8 identify the methods by which the applicant
9 proposes to limit maximum noise levels.

10 4. Activities conducted under this unclassified use permit
11 shall comply with the "Maximum Environmental Noise
12 Levels" set forth in W.A.C. 173-60, W.A.C. 173-62 and
13 all applicable noise regulations adopted by King County
14 during the term of the permit. Within 30 days following
15 the commencement of operations on the property, the
16 applicant shall submit to the King County Division of
17 Environmental Health Services a noise report which
18 demonstrates compliance with W.A.C. 173-60 and 173-62.
19 The report shall be prepared by a person qualified by
20 training and experience to conduct sound pressure level
21 studies. The applicant shall notify the Division of
22 Environmental Health Services before scheduling sound
23 pressure level tests. Under the terms of W.A.C. 173-60,
24 the applicants' property and the King County property
25 lying north and west of the applicants' property are
26 "Class-C EDNA".

27 5. Prior to resuming excavation or processing, the applicant
28 shall eliminate the erosion which has occurred in the
29 reclaimed area at the southeast corner of the property.

30 6. Operations on the property, including normal maintenance
31 and repair of equipment shall be conducted only during
32 the hours from 7:00 A.M., to 4:00 P.M. on Monday through
33 Friday of each week. Emergency repairs are not limited
to the above stated hours.

7. The applicant shall control dust and other air pollutants
generated by activities conducted under this permit.
Prior to commencing extraction or processing, the appli-
cant shall:

a. Provide a paved surface on the access road from
Van Brocklin Road for a distance of 150 feet;

b. Obtain approval of a "Notice of Construction
Application" from the Puget Sound Air Pollution
Control Agency.

1 8. Fencing shall be installed with lockable gates which
2 shall be closed and locked when work is not being con-
3 ducted at the site. The fence shall be no less than
4 five feet in height and the fence material shall have
5 no horizontal opening larger than two inches. The
6 fence shall be placed at the boundary of the site or,
7 upon approval by the Division of Building, at the
8 perimeter of the operating area within the site.
9 Gates and fencing on the King County pit may be ac-
10 cepted in lieu of gates and fencing at the north
11 boundary of the site, provided the Division of Building
12 finds the gates and fencing on the County pit adequate
13 to protect life, limb and property.

14 9. The applicant shall obtain a rental agreement from
15 King County to utilize the adjacent County property
16 to the north for access, stockpiling, and placement
17 of processing equipment. The rental agreement shall
18 stipulate that the applicants' use of the County
19 property is subject to the conditions of this unclassi-
20 fied use permit.

21 10. The applicant shall provide signs indicating truck
22 operations, such as "Caution - Truck Crossing". The
23 specific haracter and location of the signs shall
24 be determined by the King County Department of Public
25 Works. A flag shall be affixed to the signs when
26 operations are being conducted at the site and removed
27 when operations are not being conducted. The King
28 County Division of Building will require the applicant
29 to provide flagmen when the volume of truck traffic
30 at the site would interfere with the normal traffic
31 flow on Van Brocklin Road. If the King County Depart-
32 ment of Public Works determines that widening of the
33 shoulder of Van Brocklin Road in the vicinity of the
entrance/exit gates is required in order to accommo-
date turning and merging movements by trucks, the
applicant shall provide such shoulder widening.
Trucks, traveling to and from the site shall not
travel on 148th Avenue S.E.

11. The applicant shall obtain written approval from the
King County Health Department for a sewage disposal
system to be utilized during the life of this permit.

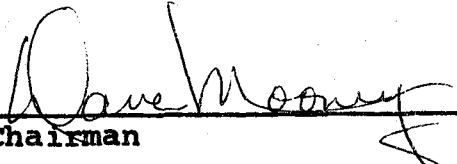
12. The applicant shall maintain a liability policy in
the amount of \$100,000 per individual, \$300,000 per
occurrence; and \$50,000 property damage and shall
name King County as an additional insured as their
interests may appear.

- 1 13. The applicant shall provide the following bonds:
- 2 a. A cash operating bond in the amount of \$1000.00;
- 3 b. A reclamation and landscaping bond in an amount
- 4 equal to the Division of Building estimates of
- 5 the cost of reclaiming and landscaping the site
- 6 in accordance with the conditions of the permit.
- 7 14. If for any reason the conditions of the unclassified
- 8 use permit or the required grading permit are violated,
- 9 operations on the subject property shall cease and
- 10 work shall not resume until remedial action has been
- 11 accomplished to the satisfaction of the King County
- 12 Division of Building.
- 13 15. Prior to approving a grading permit for this property,
- 14 the Division of Building shall determine by field
- 15 inspection whether or not material has been placed
- 16 across the south boundary of the site onto the pro-
- 17 perty to the south. The Division may require the
- 18 applicant to provide such information, including
- 19 staking of the south property line, as is necessary
- 20 for this determination. The conditions of the grading
- 21 permit shall require the removal of material stock-
- 22 piled along the south boundary including such material
- 23 as has been placed on the adjoining property to the
- 24 south. The applicants' property shall not have a
- 25 greater elevation along the south property line than
- 26 the elevation which existed under natural conditions
- 27 prior to grading activities at the site.
- 28 16. The Division of Building and Land Development shall
- 29 not transmit Proposed Ordinance No. 74-848 to the
- 30 Council for final action until the following condi-
- 31 tions have been satisfied:
- 32 a. The applicant shall present to the Division of
- 33 Building and Land Development a deed restriction
- stipulating that sand and gravel will not be
- excavated or processed on the subject property
- after the expiration of this unclassified use
- permit.
- b. The form of the deed restriction shall be approved
- by the Hearing Legal Council.

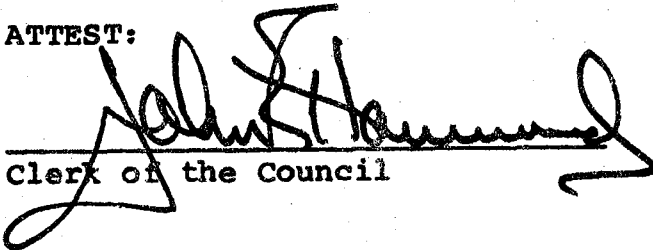
1 17. After Proposed Ordinance No. 74-848 has been adopted
2 by the Council, the Division of Building and Land
3 Development shall cause the deed restriction des-
cribed in Condition No. 16 to be recorded.

4 PASSED at a regular meeting of the King County Council
5 this 1st day of March, 1976.

6 KING COUNTY COUNCIL
7 KING COUNTY, WASHINGTON

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9 _____
10 Chairman

11 ATTEST:

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13 _____
14 Clerk of the Council

15 *John F. Hanning*

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