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MOTION NO. 2609

A MOTION concurring with the recommendation of the Zoning and Subdivision Examiner on the application for an unclassified use permit petitioned by PALMER COKING COAL COMPANY, INC., designated Building and Land Development File No. 142-74-U and modifying conditions and adding a condition thereto.

WHEREAS, the Deputy Zoning and Subdivision Examiner by report dated April 19, 1976 has recommended approval, subject to conditions, of the unclassified use permit petitioned under Building and Land Development File No. 142-74-U; and

WHEREAS, the Deputy Examiner's recommendation has been appealed by property owners residing in the vicinity of subject property; and

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

WHEREAS, the Council finds that evidence of environmental impact relating to the proposed action and reasonable alternatives to the proposed action have been included in the review and consideration of the proposed permit; and

WHEREAS, the Council adopts the findings and conclusions set forth in the Examiner's report and incorporates them here by reference; and

WHEREAS, the Council concludes that a condition should be added to the conditions recommended by the Deputy Examiner in order to implement the Council's intent that appellant property owners be afforded an opportunity to participate in assuring that the permit conditions are adequately enforced; and

WHEREAS, the Council concludes that two of the conditions recommended by the Deputy Examiner should be modified to clarify and make more specific the requirements for cash and performance bond; and

WHEREAS, the Council concludes that the appeal should be denied,

1 NOW THEREFORE, BE IT MOVED by the Council of King County:  
 2 The unclassified use permit petitioned by the PALMER COKING COAL  
 3 COMPANY, INC., designated Building and Land Development File No.  
 4 142-74-U, is approved subject to the conditions recommended by  
 5 the Deputy Zoning and Subdivision Examiner in his report dated  
 6 April 19, 1976 subject to the following additional condition:

7 Condition No. 26

8 A committee is hereby established which shall have the  
 9 authority and responsibility to accept and investigate  
 10 allegations of violations of the terms and conditions of  
 11 this permit. Said committee shall consist of three persons,  
 12 two selected by the permittee from a list of four nominees  
 13 submitted by the Board of Directors of Hilltop Community,  
 14 Inc. and one designated independently by the permittee.  
 15 In the case of vacancies the Board of Directors of Hilltop  
 16 Community, Inc. will provide two nominees for each position  
 17 to be replaced for the permittee's selection. The  
 18 committee may at reasonable times and intervals conduct  
 19 inspections of the property subject to the permit. Any  
 20 alleged violations of conditions not resolved by the  
 21 committee shall be reported to the Seattle-King County  
 22 Department of Public Health for action and to the King  
 23 County Building and Land Development Division for inclusion  
 24 in the file on this permit.

25 and subject to the following modified conditions:

- 26 8. A \$5,000 cash bond in the form of Exhibit A attached  
 27 hereto and made a part hereof shall be provided and main-  
 28 tained at full value at all times, with King County as  
 29 assignee, to assure compliance with the conditions of  
 30 this permit such as, but not limited to, conditions 3 and  
 31 4 above.
- 32 9. A \$50,000 performance bond in the form of Exhibit B  
 33 attached hereto and made a part hereof, countersigned by  
 a corporate surety as defined in R.C.W. 4 8.28 et. seq.,  
 shall be posted to assure compliance with the conditions  
 of this permit. In those cases where it is acceptable  
 to the official responsible this bond may assure more  
 than one activity (e.g. Grading Permit, Surface Mining  
 Permit, etc.).

PASSED at a regular meeting of the King County Council this

2nd day of August, 1976.

KING COUNTY COUNCIL  
 KING COUNTY, WASHINGTON

  
 Chairman

ATTEST:

  
 Clerk of the Council

CASH PERFORMANCE & PAYMENT BOND

The undersigned, PALMER COKING COAL CO., a Washington corporation, holder of unclassified use permit to conduct a sanitary land fill operation as authorized by King County Ordinance No. \_\_\_\_\_ adopted the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, is held and firmly bound and obligated unto King County, a municipal corporation, in the full sum of Five Thousand Dollars (5,000.00) lawful money of the United States, of which sum King County acknowledges receipt; this bond is executed in pursuance of Title 21, Chapter 21.44, King County Code, and King County Council Ordinance No. \_\_\_\_\_ above referred to.

The conditions of this obligation are such that whereas the undersigned has accepted the unclassified use permit authorized by the aforesaid Ordinance of the King County Council, permitting operation of a sanitary land fill subject to the conditions set forth in said resolution.

NOW, THEREFORE, if the undersigned shall enter upon the property and conduct a sanitary land fill operation and maintain the real property during the period specified in said permit, or any renewal or extension thereof, in accordance with each and every condition set forth in said permit without violation, then this obligation shall be void; otherwise to remain in full force and effect; and

The undersigned does hereby pledge, mortgage and lien said \$5,000.00 cash bond unto King County, a municipal corporation, to further secure performance of the obligation herein set forth; and

If it is determined, after notice and order as provided by Chapter 21.69 of the King County Zoning Code that Owner has failed to comply with the terms of said Permits and such violations remain uncorrected within the time provided in such order duly issued and served upon said Owner, then King County may enter upon the property without further notice and perform such work, or take such other action as is necessary, to correct the conditions which constitute a violation of the Permits, performing any such work, either directly or by contract, and all costs thereof (including costs for labor, equipment, material, overhead, attorney's fees and the value of all work performed directly by the County) shall be paid by Owner and shall be a claim hereunder, which County may foreclose in the manner provided for in KCC 21.69, if not otherwise promptly paid by Owner.

PALMER COKING COAL CO.

By \_\_\_\_\_

Its \_\_\_\_\_

PERFORMANCE PAYMENT BOND

The undersigned, PALMER COKING COAL CO., a Washington corporation, holder of unclassified use permit to conduct a sanitary land fill operation as authorized by King County Ordinance No. \_\_\_\_\_ adopted the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, is held and firmly bound and obligated unto King County, a municipal corporation, in the full sum of Fifty Thousand Dollars (\$50,000.00), lawful money of the United States, for the payment of which sum, well and truly to be made, the undersigned does bind itself, and its successors and assigns, jointly and severally, firmly by these presents:

This bond is executed in pursuance of Title 21, Chapter 21.44, King County Code, and King County Council Ordinance No. \_\_\_\_\_ above referred to.

The conditions of this obligation are such that whereas the undersigned has accepted the unclassified use permit authorized by the aforesaid Ordinance of the King County Council, permitting operation of a sanitary land fill subject to the conditions set forth in said Ordinance.

NOW, THEREFORE, if the undersigned shall enter upon the property and conduct a sanitary land fill operation and maintain the real property during the period specified in said permit, or any renewal or extension thereof, in accordance with each and every condition set forth in said permit without violation, then this obligation shall be void; otherwise to remain in full force and effect; and

If it is determined, after notice and order as provided by Chapter 21.69 of the King County Zoning Code, that Owner has failed to comply with the terms of said Permits and such violations remain uncorrected within the time provided in such order duly issued and served upon Owner, then King County may enter upon the property without further notice and perform such work, or take such other action as is necessary, to correct the conditions which constitute a violation of the Permits, performing any such work, either directly or by contract, and all costs thereof (including the cost for labor, equipment, material, overhead, attorney's fees and the value of all work performed directly by the County) shall be paid by Owner and shall be a claim hereunder, which County may foreclose in the manner provided for in KCC 21.69, if not otherwise promptly paid by Owner.

PALMER COKING COAL CO.

By \_\_\_\_\_

Its \_\_\_\_\_