

MOTION NO. _____

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2 A MOTION to reconsider the final action of the
3 King County Council regarding Building and Land
4 Development Division File No. 134-74-R
reclassification request of Raging River Mining
Company.

5 WHEREAS, the County Council has approved the application of
6 Raging River Mining Company, subject to conditions, by Motion
7 No. 5075, and

8 WHEREAS, Pre-effective Condition No.4 states that "Additional
9 grading permits shall not be issued until the rezone becomes ef-
10 fective", and

11 WHEREAS, the result of Pre-effective Condition No. 4 is that
12 effective noise-attenuating structures or berms must be construct-
13 ed prior to issuance of additional grading permits, and

14 WHEREAS, the construction of such sound-attenuating devices
15 requires issuance of a Substantial Development Permit which may
16 be issued prior to the expiration of the existing grading permit,
17 but such substantial development is likely to be the subject of
18 litigation which could stay its issuance and thereby prevent con-
19 struction of the sound-attenuating devices, and

20 WHEREAS, the Examiner for this case did not contemplate this
21 result because the hearing on the substantial development occurred
22 after issuance of the Examiner's report and recommendation on the
23 application of Raging River Mining Company, and

24 WHEREAS, K.C.C. 20.24.220 permits the Council to "reconsider
25 any action after it has become final if....(T)he action was based
26 in whole or in part on erroneous facts or information", and

27 WHEREAS, K.C.C. 20.24.220 requires that the matter be refer-
28 red to the land use appeal committee for review pursuant to
29 K.C.C. 20.24.190, which section describes the appeal process be-
30 fore the Council, and

31 WHEREAS, the entire Council now acts as the appeal body in
32 lieu of a land use appeals committee;

NOW, THEREFORE BE IT MOVED by the Council of King County:

A. That the Council will reconsider the application of Pre-effective Condition No. 4, to determine whether the condition should be applied absolutely, or whether additional grading permits should be permitted to be issued if the Substantial Development Permit has been issued by King County, regardless of any appeal that may stay the issuance of the Substantial Development Permit, and,

B. That this issue will be considered during the appeal meeting of the Council, December 1, 1980, at 2:30 p.m..

PASSED this 24th day of November, 19 80.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Bill Reams

Chairman

ATTEST:

Dorothy M. Owens DEPUTY
Clerk of the Council

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