

MOTION NO. 2645

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2 A MOTION concurring with the recommenda-
3 tion of the Deputy Zoning and Subdivision
4 Examiner on the application for an unclassi-
5 fied use permit petitioned by ART MC CANN &
6 SONS, INC., designated Building and Land
7 Development File No. 230-75-U and modifying
8 conditions and adding a condition thereto.

9 WHEREAS, the Deputy Zoning and Subdivision Examiner by report
10 dated June 8, 1976 has recommended approval, subject to conditions
11 of the unclassified use permit petitioned under Building and Land
12 Development File No. 230-75-U; and

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

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

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

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

25 WHEREAS, the Council concludes that a condition should be
26 modified as recommended by the Deputy Examiner in order to imple-
27 ment the Council's intent that appellant property owners be afford-
28 ed an opportunity to participate in assuring that the permit
29 conditions are adequately enforced; and

30 WHEREAS, the Council concludes that two of the conditions
31 recommended by the Deputy Examiner should be modified to increase
32 the permitted loading capacity of trucks leaving the site and pro-
33 portionately reduce the number of permitted truck exits per day;
and

WHEREAS, the Council concludes that it would be advantageous

1 to all parties to allow a greater extraction rate for selected
2 limited periods,

3 NOW THEREFORE, BE IT MOVED by the Council of King County:
4 The unclassified use permit petitioned by ART MC CANN & SONS, INC.,
5 designated Building and Land Development File No. 230-75-U is
6 approved subject to the conditions recommended by the Deputy Zoning
7 and Subdivision Examiner in his report dated June 8, 1976 subject
8 to the following modified conditions:

9 CONDITION NO. 5(t)

10 A \$5,000 rehabilitation-performance cash bond in the form
11 of Exhibit A attached hereto and made a part hereof shall
12 be provided and maintained at full value at all times, with
13 King County as assignee, to assure compliance with the condi-
14 tions of this permit. The Land Rehabilitation Bond shall be
15 said to have been satisfied if after one year from final
16 completion of all landscaping said plantings appear to have
17 become firmly established throughout the subject property.

18 A \$30,000 performance bond in the form of Exhibit B attached
19 hereto and made a part hereof, countersigned by a corporate
20 surety as defined in R.C.W. 4.8.28 et seq., shall be posted
21 to assure compliance with the conditions of this permit. In
22 those cases where it is acceptable to the official responsible
23 this bond may assure more than one activity (e.g. Grading
24 Permit, Surface Mining Permit, etc.).

25 CONDITION NO. 5(aa)

26 No truck or truck and trailer combination exceeding 18 cubic
27 yards capacity shall be utilized in the operation.

28 CONDITION NO. 5(bb)

29 No more than 22 loaded truck exits shall be permitted in any
30 one day, provided that for a two week period between July 1
31 and Labor Day of each of the permit years, the number of truck
32 exits may be waived by the Grading Permit Technical
33 Committee to permit a major contract to be fulfilled.

and the following condition:

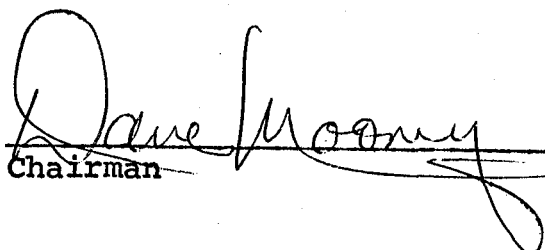
CONDITION NO. 5(ee)

The second and subsequent grading permits shall be considered
on or about July 1 of each year. Prior to the issuance of a
grading permit the Chairman of the Grading Permit Technical
Committee will review the past year's operation with the
Chairperson of the Planning and Community Development
Committee or a designated representative. If Council

1 action is deemed appropriate, a formal permit revocation
2 action will be initiated by the Committee.

3 PASSED at a regular meeting of the King County Council this
4 23rd day of August, 19 76.

6 KING COUNTY COUNCIL
7 KING COUNTY, WASHINGTON

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10 Chairman

11 ATTEST:

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14 Clerk of the Council

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CASH PERFORMANCE & PAYMENT BOND

The undersigned, ART MC CANN & SONS, INC., a Washington corporation, holder of unclassified use permit to conduct a sand and gravel extraction operation as authorized by King County Ordinance No.

_____ adopted the _____ day of _____, 19____, is held and firmly bound and obligated unto King County, as 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 sand and gravel extraction subject to the conditions set forth in said ordinance.

NOW THEREFORE, if the undersigned shall enter upon the property and conduct a sand and gravel 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.

ART MC CANN & SONS, INC.

By _____
Its _____

PERFORMANCE & PAYMENT BOND

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The undersigned, ART MC CANN & SONS, INC., a Washington corporation, holder of unclassified use permit to conduct a sand and gravel extraction 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 Thirty Thousand Dollars (30,000.00), 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 sand and gravel extraction subject to the conditions set forth in said Ordinance.

NOW THEREFORE, if the undersigned shall enter upon the property and conduct a sand and gravel extraction 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.

ART MC CANN & SONS, INC.

By _____
Its _____