

MOTION NO. 63309

A MOTION concurring with the recommendation of the Deputy Zoning and Subdivision Examiner on the application for an Unclassified Use Permit petitioned by ART MC CANN & SONS, INC., designated Building and Land Development File No. 217-77-U, and modifying conditions therein.

WHEREAS, the Deputy Zoning and Subdivision Examiner, by report dated September 20, 1977, has recommended that the application of ART MC CANN & SONS, INC., an Unclassified Use Permit, designated Building and Land Development Division File No. 217-77-U, be approved subject to conditions; and

WHEREAS, the Deputy Examiner's recommendation has been appealed by the applicant and by property owners 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 adopts the findings and conclusions set forth in the Examiner's report and incorporates them herein by reference; and

WHEREAS, the Council concludes that two of the conditions recommended by the Deputy Examiner should be modified to increase the number of loaded trucks allowed to leave the site each day and to adjust the allowable hours of departure; and

WHEREAS, the Council concludes that a condition relating to noise emissions is required; and

WHEREAS, the Council concludes that the requirements for notice of intent to employ allowed accelerated excavation during a prescribed period of the summer should be stated more concisely,

NOW THEREFORE, BE IT MOVED by the Council of King County, The Unclassified Use Permit petitioned by ART MC CANN & SONS, INC., designated Building and Land Development File No. 217-77-U is approved subject to the conditions recommended by the Deputy Zoning and Subdivision Examiner in his report dated September 20, 1977 subject to the following modified conditions:

1 Condition bb:

2 No more than 40 loaded truck exits shall be permitted in  
3 any one day.

4 Condition cc:

5 Hours of operation:

6 7:00 A.M., through 6:00 P.M., Monday through Friday

7 Hours for exiting of loaded trucks:

8 8:00 A.M., through 4:30 P.M., September 2 through June 15

9 7:00 A.M., through 5:30 P.M., June 15 through September 2

10 Condition dd(3):

11 The permittee notify affected parties by certified mail at  
12 least 5 days prior to commencement of the waiver period.  
13 Such notices shall indicate the approximate length of the  
14 waiver period and the anticipated volume of extraction.  
15 Certified mail receipts shall be provided to the Building  
16 and Land Development Division upon their request.

17 New Condition ee:

18 In the event of substantial non-compliance with the State  
19 or County noise laws or Ordinances all excavation activities  
20 shall cease until corrective measures have been accomplished  
21 to the satisfaction of the Building and Land Development  
22 Division.

23 PASSED at a regular meeting of the King County Council this

24 12<sup>th</sup> day of December, 1977.

25 KING COUNTY COUNCIL  
26 KING COUNTY, WASHINGTON

27 Mike Lowry  
28 Chairman

29 ATTEST:

30 Randy M. Owens  
31 Deputy Clerk of the Council  
32  
33