

December 10, 1980

Introduced by: Councilman Laing
Proposed No. 80-1204

MOTION NO. 5112

A MOTION amending pre-effective Condition No. 4 of the recommendation of the Zoning and Sub-division Examiner regarding the application of Raging River, File No. 134-74-R. As approved by Motion No. 5075

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

WHEREAS, Pre-effective Condition No. 4 states that 'Additional grading permits shall not be issued until the rezoned becomes effective'.

WHEREAS, THE RESULT OF Pre-effective Condition No. 4 is that effective noise-attenuating structures or berms must be constructed prior to issuance of additional grading permits, and

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

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

WHEREAS, the County Council has reconsidered pre-effective Condition No. 4 and determined that additional grading permits should be issued for the existing non-conforming use on the site so long as the substantial development is being pursued, provided that berms should be placed promptly after completion of the substantial development permit and appeal process.

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


2 Pre-effective Condition No. 4 as set out in the Examiner's
3 report on this case and adopted by reference by the Council, is
4 deleted and replaced by the following:

5 4. Additional grading permits for the non-conforming use
6 on the site may only be issued after approval of a
7 substantial development permit by King County for
8 placement of the berms; provided that no additional
9 grading permits may be issued after all appeals relative
10 to the substantial development permit and any other related
11 permits have been taken, unless the berms which are the
12 subject of the substantial development permit are in place
13 and demonstrated to comply with the noise standards for
14 private property. This rezone shall not be effective
15 until the berms are in place.

16 AND BE IT FURTHER MOVED that the pre-effective conditions
17 must be met within three years of Council adoption of this
18 motion, or the rezone shall become ineffective.

19 PASSED this 15th day of December, 1980.

20
21 KING COUNTY COUNCIL
22 KING COUNTY, WASHINGTON

23 
24 Chairman

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26 ATTEST:

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28 
29 Clerk of the Council Deputy

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