AN ORDINANCE of the City of Kent, Washington, approving a Special Use Combining District to allow the movement and extraction of approximately 80,000 cubic yards of earth at a site south and east of Reith Road, and west of Lake Fenwick Road; providing for conditions upon permit approval. [Wasson, Wasson and Prater Application, No. CD-SU-85-1]

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals.


1.2 A Declaration of Nonsignificance was filed on June 14, 1985.

1.3 The City of Kent Planning Department issued its staff report on October 2, 1985.

1.4 The Hearing Examiner conducted a public hearing on October 16, 1985.

1.5 The findings and recommendation of the Hearing Examiner for the City of Kent were issued on October 30, 1985.

1.6 The City Council considered the recommendation of the Hearing Examiner for approval of the application with conditions at a regular open public meeting on Monday, November 18, 1985.

1.7 The Council accepted the recommendation of the Hearing Examiner, and further determined to add additional conditions to the Special Use Combining District Permit to assure satisfactory completion of the project, and to provide for the general public health, safety and welfare during the ongoing operation of the project.

Section 2. Permit Approval. Application CD-SU-85-1, an application by Wasson, Wasson and Prater for a Special Use Combining District for the purpose of extraction and movement of certain materials from an area of the City of Kent, here and after described, be and the same hereby is granted.
Section 3. Property Description. The property upon which said Special Use Combining District is imposed, currently zoned MRM, Medium Density Multifamily Residential, is described as follows:

That portion of the north one-half of the southeast quarter of Section 22, Township 22 North, Range 4 East, W.M., in King County, Washington lying westerly of State Highway 5A (more commonly known as Lake Fenwick Road) and lying southerly and easterly of Kent Road A (more commonly known as Reith Road).

Section 4. Findings and Conclusions. The Kent Planning Department staff report for the Hearing Examiner meeting of October 16, 1985, and the FINDINGS AND RECOMMENDATION OF THE HEARING EXAMINER FOR THE CITY OF KENT, dated October 30, 1985, be and the same are hereby adopted as the findings and conclusions of the City of Kent.

Section 5. Conditions Upon Application. The approval of the application and the grant of authority to Wasson, Wasson and Prater to conduct the grading and extraction operations on the above-described properties are conditioned on the following.

5.1 The applicants shall execute a no protest L.I.D. covenant for the future widening and improvement of Lake Fenwick Road to full City standards.

5.2 The applicant shall provide storm water erosion, sedimentation, and detention systems in accordance with City standards. The applicant shall submit detailed plans for review and approval by the Engineering Division of the Public Works Department.

5.3 The applicant shall construct a guardrail along Reith Road in accordance with Washington State Department of Transportation standards.

5.4 An ingress and egress plan shall be submitted to the Traffic Division of the Public Works Department for review and approval by the Transportation Engineer. This ingress and egress plan shall include the closure of all unapproved driveways along Reith Road. Driveway openings shall be replaced with standard curb and gutter and sidewalks, as necessary, to match existing improvements.
5.5 All movement of soils and earth are to be under the supervision of a qualified soils engineer, with the soils analysis from Pacific Testing to be strictly followed.

5.6 The applicant shall hydoseed disturbed portions of the site pursuant to the State Department of Transportation hydoseeding standards. In addition, trees shall be provided on all perimeter slopes which exceed eight percent. Such vegetation shall comply with a Type V landscaping as outlined in the Kent Zoning Code; provided, however, that some consideration shall be taken for the protection of views of neighboring property. The applicant shall submit a landscape plan which depicts the required landscaping, to the Planning Department for review and approval.

5.7 Along the west side of Lake Fenwick Road a six foot earth berm shall be provided, with hydoseeding, to visually screen this excavation operation from the neighboring single family residents. This earth berm shall not extend closer than 250 feet to the intersection of Lake Fenwick Road and Reith Road to insure traffic safety.

5.8 The site shall be improved to the elevation shown on the site map submitted with the application, within two years of the effective date of this ordinance. The site map is attached to the FINDINGS AND RECOMMENDATION OF THE HEARING EXAMINER FOR THE CITY OF KENT, dated October 30, 1985, and is incorporated herein by this reference.

5.9 The applicant shall continuously keep the streets and storm drain system free from all debris attributed to the work performed under this combining district approval. The Director of Public Works or designate may without advance notice and by posting the work site, suspend or revoke the combining district approval granted hereunder. Such suspension or revocation of work will not be lifted until the conditions of this section have been met. Where the Director of Public Works or designate determines that no immediate action to comply with the conditions of this section is to occur, and shall further determine that it is in the best interest of the City to take immediate action, the Director shall order the work done by the City of Kent, or by contract. The cost of such work shall be deducted from the indemnity bond provided in Section 5.10, below, at actual cost plus 15 percent.

5.10 The applicant, before commencement of work on the site, shall post a bond, bonds, or other surety in an amount to be
approved by the Public Works Department, upon consultation with the Planning Department, to provide for completion of the excavation and recontouring work approved herein, and also sufficient to provide for the landscaping required in the conditions above stated. The Director of Public Works is directed, upon the applicant's failure to satisfy the conditions of this Special Use Combining District within the two years provided, to proceed against the bond, and to complete the work authorized herein. The authority to proceed against the bond shall not be exclusive, and the City shall proceed under such other means and to pursue such other remedies as are necessary and appropriate to complete the excavation and recontouring work, and related conditions provided for herein, and to recover any costs and expenses, including reasonable attorney's fees, incurred by the City in the enforcement of the provisions of this approval.

Section 6. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law, and upon receipt in writing by the City Clerk of Wasson, Wasson and Prater's acknowledgment of receipt of a certified copy of this ordinance together with the applicant's written acceptance of all the terms and conditions herein.

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY
PASSED the ___ day of ____, 1985.
APPROVED the ___ day of ____, 1985.
PUBLISHED the ___ day of ____, 1985.

I hereby certify that this is a true copy of Ordinance No. ___ , passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK