

1.15.26
PacRac Striker

Sponsor: von Reichbauer

[J. Tracy]

Proposed No.: 2025-0329

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2025-0329, VERSION**

2 **1**

3 On page 1, beginning on line 8, strike everything through page 46, line 1019, and insert:

4 **"SECTION 1. Findings:**

5 A. Pacific Raceways, formerly operated as Seattle International Raceways, is on
6 a three-hundred-twenty-seven-acre site located east of Kent and a quarter mile off of
7 State Highway 18, and has historically served as a racetrack, consisting of a two and a
8 quarter-mile road course, a drag strip, a dirt motocross track, and a kart track.

9 B. A racetrack has operated on the Pacific Raceways property for over fifty
10 years. Throughout the various iterations of King County land use planning and
11 regulation, the existence and operation of the racetrack has been recognized. While no
12 longer in effect, both the 1979 Soos Creek Community Plan and its 1991 update provide
13 valuable information about the racetrack. These past Soos Creek Community Plans
14 acknowledged the challenges of the racetrack being located in a rural area. In 1998, King
15 County readopted the Soos Creek Community Plan policy F-18, pertaining to what was
16 then referred to as Seattle International Raceway, or "SIR," in Comprehensive Plan
17 policy CP-314. King County's current land use plans and regulations continue to
18 recognize the historic racetrack use.

19 C. The Pacific Raceways property is located in the rural area. The property has a
20 Rural land use designation and Industrial zoning. The property has a property-specific
21 development condition, also known as a P-suffix, SC-P02, which restricts the use of the
22 property to racetrack and related uses, consistent with Comprehensive Plan policy CP-
23 314. It is also subject to a conditional use permit, File No. A-71-0-81, which governs, in
24 part, current development and operations.

25 D. The Pacific Raceways property is served by an interchange on State Route 18,
26 which allows traffic entering and leaving the Pacific Raceways site to travel only a short
27 distance on local access street SE 304th Street.

28 E. Ordinance 17761 authorized the transmittal of a letter from King County
29 supporting the designation of Pacific Raceways as a project of statewide significance.

30 F. The letter sent to the Washington state Department of Commerce by the
31 Metropolitan King County council supporting the designation of Pacific Raceways as a
32 project of statewide significance noted the potential for legislative changes to K.C.C.
33 21A.55.105 governing development of Pacific Raceways.

34 G. Pacific Raceways has been designated by the Washington state Department of
35 Commerce as a project of statewide significance in accordance with chapter 43.157
36 RCW.

37 H. As a project of statewide significance, the county is authorized to expedite
38 permit processing and environmental review for the project. As a way to expedite permit
39 processing and facilitate open communication between the county and the property
40 owner, project management for review of permits related to a project of statewide
41 significance is proposed to be completed through the director's office of the department

42 of local services and with the use of a special project manager to facilitate permit review.

43 I. A demonstration project as provided in K.C.C. chapter 21A.55 is intended to
44 be a mechanism to test and evaluate alternative development standards and processes
45 before the adoption of broadly applicable amendments to King County policies and
46 regulations. The amended standards and processes could advance county efforts to
47 support streamlined project review and regional economic development.

48 J. Specifically, K.C.C. 21A.55.010 states, "Alternative development standards
49 might include standards affecting building and/or site design requirements. Alternative
50 processes might include permit review prioritization, alternative review and revision
51 scheduling, or staff and peer review practices."

52 K. The county and the property owner have realized that the master planning
53 demonstration project is a large undertaking that will not occur without interim measures.
54 The project of statewide significance designation provides an opportunity to evaluate
55 expedited review mechanisms for discrete activities within the master planning project.

56 L. Ordinance 18184 allowed an interim use permit as an opportunity to test the
57 master planning process on a smaller scale, to provide a predictable, expeditious permit
58 review process for a discrete portion of the overall master planning project that stands on
59 its own, and that is otherwise allowed by the underlying zoning and P-suffix condition,
60 while also providing consistency with adopted laws and regulations.

61 M. The property owner has obtained an interim use permit from the county for a
62 portion of the square footage allowed. It is expected that a modification to the interim
63 use permit will be completed to allow construction up to the total square footage allowed
64 under the interim use permit, prior to the master planning demonstration project

65 commencing. As part of the review process for the interim use permit, the county and
66 property owner identified areas where the larger master planning demonstration project
67 could be clarified to provide further direction in establishing the development agreement
68 and operating agreement for the master planning demonstration project.

69 N. One success of the interim use permit review process was the use of a special
70 project manager to aid in review and coordination of the permit process. This ordinance
71 would continue the work of the special project manager for the entire master planning
72 demonstration project.

73 O. As part of this ordinance, additional allowances for alterations within
74 specified critical areas are adopted. These are limited to the interior road course.

75 P. As part of Ordinance 19146, which adopted the 2020 Comprehensive Plan
76 update to the 2016 Comprehensive Plan, the P-suffix for the Pacific Raceways property
77 was revised. This revision allows additional uses on the site. This ordinance updates the
78 demonstration project to reflect those changes and is intended to allow all uses listed in
79 the P-suffix condition in all buildings and facilities constructed at the Pacific Raceways
80 property, subject to the permit process and environmental review. The council further
81 intends that the p-suffix language regarding "uses that could benefit from colocation with
82 the existing racetrack for testing of [innovative] technologies" includes uses that
83 showcase or collaborate with the technologies.

84 Q. The revisions to the P-suffix in 2020 also included requirements for a
85 permanent conservation easement to include Soosette Creek and its associated buffers,
86 landslide hazard areas and steep slope hazard areas, and the RA-5 property that is part of
87 the same ownership. This permanent conservation easement was recorded against the

88 property in February 2021. Nothing in this ordinance is intended to impact the provisions
89 of the recorded permanent conservation easement. In addition to the permanent
90 conservation easement, on-site revegetation with native tree and shrub species was
91 required, within six months of the effective date of Ordinance 19146. The revegetation
92 was completed to the satisfaction of the permitting division of the department of local
93 services within the six-month timeframe. With the recording of the permanent
94 conservation easement and the revegetation of the site, as well as updates to the
95 regulations since Ordinance 17287 was first adopted, some of the need for on-site
96 monitoring of water quality is no longer necessary, and this ordinance reflects that the
97 standard critical area and surface water regulations will apply to the site.

98 R. The property owner's participation in the demonstration project is voluntary.
99 The county has had success with demonstration projects in the past. However, in
100 deciding to initiate the master planning process, the property owner will be taking on
101 risks associated with an untested process. The property owner has the option of pursuing
102 development approval through a more traditional process.

103 S. The county recognizes that the property's ongoing racetrack use and associated
104 impacts on the site predate the Growth Management Act and it is the Council's intent for
105 the existing impacts to be acknowledged as part of any State Environmental Policy Act
106 analysis and subsequent threshold determination associated with proposed new
107 development.

108 T. Pacific Raceways has operated for many years under a conditional use permit
109 approved by King County after State Environmental Policy Act review. As discussed in
110 subsections A. through S. of this section, an interim use permit was also approved for the

111 site. The conditional use permit contains conditions establishing when the racetrack can
112 operate and whether noise limitations apply to those operations. Where the conditional
113 use permit and interim use permit have specific conditions that apply to the site, such as
114 racing days and noise, the council's intent is that the demonstration project does not
115 impose stricter conditions on those existing, legally established uses and activities. This
116 ordinance is intended not to further restrict existing uses and activities, but instead to
117 allow additional uses to be constructed at the Pacific Raceways site and to allow the track
118 to be brought up to current racing standards, subject to the regulations in this ordinance.

119 SECTION 2. Ordinance 17287, Section 9, and K.C.C. 21A.06.973C, are hereby
120 amended to read as follows:

121 Regional motor sports facility. A racetrack established through a master planning
122 demonstration project that may include only the following uses:

123 A. Motor vehicle racing and driving including, but not limited to, two-stroke
124 engine vehicles, four-stroke engine vehicles, and drifting, subject to the conditions
125 established by the master planning demonstration project or K.C.C. 21A.55.105.U., and
126 shall not exceed the following racing surfaces:

- 127 1. A road course;
- 128 2. A kart course;
- 129 3. A motocross course;
- 130 4. Five-sixteenth-mile oval track; and
- 131 5. Up to two drag strips;

132 B. The following accessory uses, if authorized by the master planning
133 demonstration project, shall be subject to the conditions established in the development
134 agreement and operating agreement:

- 135 1. Fire station;
- 136 2. Driving school; and
- 137 3. Police and fire safety training; ~~((and))~~

138 C. Limited uses accessory to racing activities may be allowed. ~~((Any accessory
139 uses shall be limited to racing and racing-related vehicle uses and shall be appurtenant to
140 the facility by providing either a service or product only to the facility or require use of
141 the facility in connection with the use.))~~ Assembly-line or mass production, including,
142 but not limited to, vehicles and vehicle parts~~((;))~~ and permanent lodging facilities ~~((and
143 general commercial, industrial and manufacturing uses))~~ are not permitted, except as may
144 be allowed by subsection D. of this section. Accessory uses are limited to the following,
145 and those allowed by subsection D. of this section:

- 146 1. On-site sale of racing- or event-related items;
- 147 2. Repair, service, modification, or storage of motor vehicles ~~((used primarily at
148 the facility))~~);
- 149 3. Custom fabrication of racing motor vehicles, or vehicle parts to be
150 incorporated into those vehicles~~((, that will be used primarily at the facility))~~);
- 151 4. Motor vehicle fuel sales for event participants;
- 152 5. Daycare for people employed at the facility and event participants and
153 spectators;
- 154 6. Food service and concessions for event participants and spectators; ~~((and))~~

155 7. Short-term recreational vehicle parking for persons attending or participating
156 in events at the facility; and

157 8. Recreational cycling and running events; and

158 D. Uses consistent with a designation as a project of statewide significance under
159 chapter 43.157 RCW, including:

160 1. Uses that are related to racetrack uses;

161 2. Uses that research, develop, test, manufacture, and distribute new technology
162 in the transportation industry, such as those with an emphasis on projects and innovative
163 technology development, testing, and production that reduce greenhouse gas emissions in
164 the automotive and combustion engine sectors;

165 3. Automotive educational institutions; and

166 4. Uses that could benefit from colocation with the existing racetrack for testing
167 of such technologies.

168 SECTION 3. Ordinance 17287, Section 3, as amended, and K.C.C. 21A.55.105
169 are hereby amended to read as follows:

170 A. The purpose of the master planning (~~process~~) demonstration project is
171 to:

172 1. Create a comprehensive but streamlined process for the review of major
173 land use proposals that will be developed over the course of several years by:

174 a. utilizing a concise timeline for project review that incorporates a
175 process for public outreach and input during project review and facility operation to

176 ensure a timely and efficient review;

177 b. executing a development (~~and operating~~) agreement, pursuant to RCW

178 36.70B.170 that establishes:

179 (1) a clearly defined project through a master development plan, which
180 shall include a master site plan; and

181 (2) requirements that must be met before approval of each phase of
182 development; ~~((and))~~

183 ~~((3)) c. executing an operating agreement that establishes operating
184 standards governing all aspects of the project's operation~~((, including, but not limited to,~~
185 ~~noise and traffic, hours and days of operation for racing, nonracing uses and number and~~
186 ~~types of events; and~~~~

187 ~~e. establishing a process that ensures timely and efficient review;)~~

188 2. Utilize a special project manager to oversee the master planning
189 demonstration process from negotiation of the development agreement and operating
190 agreements through monitoring of and reporting on the executed agreements;

191 3. Utilize the hearing examiner, as authorized in K.C.C. 20.22.190, to
192 conduct fact finding and ~~((reporting on compliance by the applicant with the executed~~
193 ~~development and operating agreement, as provided in subsection S. of this section)) make
194 recommendations on the development agreement and operating agreement to the council;~~

195 and

196 ~~((3-)) 4. Provide for ongoing monitoring of the executed development~~

197 agreement and operating agreement by the council to ensure continued future compliance

198 with the executed development agreement and operating agreement.

199 B.1. The master planning process demonstration project shall be

200 implemented only for a regional motor sports facility only on the Pacific Raceways

201 property as described in Attachment A to Ordinance 17287.

202 2. The department of local services, permitting division, shall administer the
203 demonstration project.

204 3.a. The executive shall appoint a special project manager for the master
205 planning demonstration project, who shall be agreed to by the county and the applicant,
206 and could be a consultant hired by the director's office of the department of local services
207 or the permitting division's managed accounts team project manager or equivalent.

208 b. The special project manager will lead the negotiation of the
209 development agreement and operating agreement, coordinate reviews of the agreements
210 and subsequent land use and construction permit application review with the permitting
211 division and other agencies, be the primary point of contact for the applicant and
212 interested parties, ensure that the timelines established for review in this section are met;
213 and oversee monitoring of the executed development agreement and operating agreement
214 over time.

215 4. The hearing examiner assigned to the master planning demonstration
216 project shall have experience reviewing development agreements and large, complex
217 projects developed over several phases.

218 C. The master planning demonstration project shall be initiated by the
219 applicant making a written request to the ((~~department~~)) permitting division for a
220 preapplication meeting to identify the requirements necessary for a complete application
221 under this section. The applicant shall submit the following information to the permitting
222 division with a request to schedule a preapplication meeting:

223 1. A preapplication request form, on a form approved by the permitting

224 division;

225 2. Project narrative and questions for county review staff;

226 3. Preliminary proposed development agreement that incorporates the

227 requirements for the development agreement outlined in this section; and

228 4. Preliminary proposed operating agreement that incorporates the

229 requirements for the operating agreement outlined in this section.

230 D. An ~~((master planning proposal))~~ application for a master planning
231 demonstration project shall be considered complete when the following information and
232 studies have been submitted and are adequate to review the proposal:

233 1. A proposed development ~~((plan))~~ agreement that incorporates the
234 requirements for the development agreement outlined in this section and describes the
235 nature, size, and scope and phasing of all proposed activities;

236 2. A proposed site plan that identifies the location and dimensions of
237 proposed racing surfaces, access roadways, parking areas, buildings, stormwater
238 facilities, sewage treatment or holding facilities, and any off-site traffic improvements;

239 3. A proposed master drainage plan under the surface water design manual;

240 4. A proposed grading plan that identifies or includes:

241 a. existing and proposed land contours;

242 b. soil types; and

243 c. phasing, including proposed contours by phase;

244 5. Proposed development conditions relating to:

245 a. on-site vehicle circulation and off-site traffic control measures;

246 b. protection for critical areas, especially adjacent to Soosette creek;

247 c. stormwater flow control and water quality treatment;

248 d. visual screening from adjoining residential properties;

249 e. ongoing monitoring and reporting to measure compliance with the

250 development agreement and operating agreement(~~(s)~~);

251 f. fire protection; and

252 g. water supply and service;

253 6. A ~~(P)~~ proposed operating agreement that includes conditions that

254 specify:

255 a. days and hours of operation;

256 b. frequency of events;

257 c. types of activities, including types of motor vehicles; ~~((and))~~

258 d. maximum noise levels, except that noise levels for existing and

259 approved uses and activities shall be no more restrictive than noise levels allowed by

260 Conditional Use Permit Files Nos. A-71-0-81 and Interim Use Permit File No. LUT417-

261 0003; if those uses or activities are expanded in scope or size, the impacts created by the

262 expanded scope or size may be subject to additional conditions;

263 7. A State Environmental Policy Act Checklist; and

264 8. Any necessary information identified through the preapplication process.

265 E.1. The development ~~((and operating))~~ agreement shall contain

266 development standards ~~((and operating conditions))~~ related to the development ~~((and~~

267 ~~operation))~~ of the site ~~((and))~~. For existing and approved uses and activities, the

268 development standards included in the development agreement shall not be more

269 restrictive than the current permits for the site. If those uses or activities are expanded in

270 scope or size, the impacts created by the expanded scope or size may be subject to
271 additional conditions. Development standards shall include, but shall not be limited to:

272 ~~((1-))~~ a. A master site plan and detailed conditions establishing the:

273 ~~((a-))~~ (1) location and scope of proposed land uses;

274 ~~((b-))~~ (2) location and size of buildings and structures such as

275 grandstands;

276 ~~((c-))~~ (3) layout and dimensions of racing surfaces and circulation

277 roadways;

278 ~~((d-))~~ (4) site elevations and contours established by a master grading

279 plan;

280 ~~((e-))~~ (5) excavation and processing of materials, including dust control,

281 during construction of the facilities;

282 ~~((f-))~~ (6) location and dimensions parking areas;

283 ~~((g-))~~ (7) location of stormwater facilities, sewage treatment facilities,

284 water, and related features; and

285 ~~((h-))~~ (8) vegetative screening required in subsection F.1. of this section;

286 ~~((2-A))~~ b. a master drainage plan consistent with the surface water design

287 manual. However, the lower part of the road course, specifically turn 2 through turn 7,

288 which has been in place since 1959, shall be allowed to operate with the existing surface

289 water drainage facilities, as long as no improvements are made to this portion of the road

290 course, unless required by federal or state law;

291 ~~((3-A))~~ c. a project phasing plan, including threshold requirements that

292 must be met before approval of the next phase of development;

293 d. specified development conditions to ensure that alterations provided for
294 in subsection G. of this section achieve the appropriate level of protections;

295 e. specified development conditions to ensure that stormwater flow control
296 and water quality treatment provided for in subsection H. of this section is achieved;

297 f. specified enforcement mechanisms to address any violations of the
298 conditions of the development agreement, including, but not limited to, the following:

299 (1) a process for monitoring conditions and for review of complaints;

300 (2) a process for expedited review and remedy of possible violations; and

301 (3) a penalty schedule for violations that recognizes the nature and
302 impact of the violation and is sufficient to deter violations that otherwise result in
303 financial benefit to the facility, including, but not limited to, revocation of the operating
304 agreement and right to operate or loss of specific days of operation; and

305 g. a process to approve modifications to the development agreement
306 requested by the applicant, that includes criteria for when modifications are considered
307 minor and require approval by the permitting division, and when modifications are
308 considered major and require approval by ordinance by the council following a public
309 hearing by the hearing examiner. The process shall also specify any required public
310 notice for modifications, and an option for the applicant to ask the council to make
311 decisions on minor modifications proposed by the applicant.

312 2. The operating agreement shall contain operating conditions related to the
313 operation of the site. The operating conditions included in the operating agreement:

314 a. shall not be more restrictive than the current permit restrictions for the
315 site for existing and approved uses and activities, unless an existing or approved use or

316 activity is expanded in scope or size, in which case the impacts created by the expanded
317 scope or size may be subject to additional conditions;

318 b. shall consider flexibility to adapt as the racing industry and other on-site
319 activities evolve in the future; and

320 c. shall include, but shall not be limited to:

321 ~~((4. Specified))~~ (1) types of racing and nonracing activities, and where on
322 the site the activities can occur;

323 ~~((5. Specified))~~ (2) days and times for all racing and nonracing uses,
324 including that, during the racing season of May 1 to August 31, two-stroke vehicles on
325 the kart track shall be operated only one weekend, defined as Friday through Sunday, per
326 month;

327 ~~((6.))~~ (3) ((S))specified noise levels for racing and nonracing uses,
328 including, but not limited to, how noise levels will be measured and mitigated, but only
329 if, for existing and approved uses and activities, maximum noise levels are no more
330 restrictive than noise levels allowed by Conditional Use Permit Files No. A-71-0-81 and
331 Interim Use Permit File No. LUT417-0003; if those uses or activities are expanded in
332 scope or size, the impacts created by the expanded scope or size may be subject to
333 additional conditions; and

334 ~~((7.))~~ (4) ((S))specified on-site vehicle circulation and other traffic control
335 measures to reduce the impact of congestion on roadways in the vicinity of Pacific
336 Raceways;

337 ~~((8. Specified development conditions to ensure that permitted alterations~~
338 ~~provided for in subsection G. of this section achieve the appropriate level of protections;~~

339 ~~9. Specified development conditions to ensure that stormwater flow control~~
340 ~~and water quality treatment provided for in subsection H. of this section is achieved;~~

341 ~~10.)) (5) ((S))~~specified regular ongoing monitoring and reporting to
342 measure compliance with the development agreement and operating agreement
343 requirements ~~((relating to noise, traffic, air quality, groundwater quality, stormwater flow~~
344 ~~control and water quality treatment and water volume and quality in Soosette creek)); and~~

345 ~~((11.)) (6) ((S))~~specified process for the receipt and evaluation by the
346 ~~((department))~~ permitting division of inquiries and complaints relating to the operation of
347 the facility, in order to allow for review by the hearing examiner as provided in
348 subsection S. of this section; ~~((and~~

349 ~~12. Specified enforcement mechanisms to address any violations of the~~
350 ~~conditions of the development agreement, including, but not limited to, the following:~~

351 ~~a. a process for monitoring condition violations and for receipt of~~
352 ~~complaints;~~

353 ~~b. a process for expedited review and remedy of possible violations; and~~

354 ~~c. a penalty schedule that recognizes the nature and impact of the violation~~
355 ~~and is sufficient to deter violations that otherwise result in financial benefit to the facility,~~
356 ~~including, but not limited to, revocation of operating permit and loss of specific days of~~
357 ~~operation)).~~

358 3. Uses, activities, or conditions that the permitting division determine are
359 development and operational in nature may be placed in both the development agreement
360 and operating agreement.

361 4. The special project manager shall take the lead to negotiate the

362 development agreement and operating agreement between the county and the applicant.
363 This includes drafting proposals, coordinating the review of the permitting division and
364 other agencies, facilitating all meetings between the county and the applicant,
365 coordinating the development and review of the State Environmental Policy Act process,
366 attending and participating in public meetings and public hearings, ensuring all timelines
367 identified in this section are met, and shall be the point of contact for the applicant and
368 interested parties.

369 F. All development under the master plan shall be subject to the following
370 standards relating to screening and building setbacks: as provided in K.C.C.
371 21A.16.030.F., to the maximum extent practical, buildings and other structures shall be
372 constructed on the project to be shielded from view from adjoining residential properties
373 using methods that may include, but are not limited to:

- 374 1. Retention of existing vegetation; and
- 375 2. Placement of new vegetation to augment existing vegetation.

376 G.1. Except as otherwise provided in this subsection G.2. of this section, all
377 development under the master plan shall comply with K.C.C. chapter 21A.24.

378 2. The ~~((department))~~ permitting division may approve alterations to critical
379 areas, critical areas buffers, and critical area setbacks that are not otherwise allowed as an
380 alteration ~~((exception))~~ under K.C.C. ~~((21A.24.070))~~ 21A.24.045 when the applicant
381 demonstrates that:

- 382 a. the proposal does not pose an unreasonable threat to the public health,
383 safety, or welfare on or off the site;
- 384 b. ~~((the proposed impacts to critical areas, critical area buffers and critical~~

385 ~~area setbacks shall be controlled and compensated for in accordance with the~~
386 ~~requirements of K.C.C. 21A.24.125;~~

387 ~~e.)~~) for proposed alterations within steep slope or landslide hazard areas:

388 (1) the alterations are necessary to bring existing racing or access road
389 surfaces into compliance with applicable racing association safety standards, ~~((or))~~ to
390 construct noise barriers, ~~((or))~~ for the terracing and placement of spectator seating, or to
391 create or improve sight lines on the interior portion of the road course; and

392 (2) the alterations can be constructed to maintain the stability of the
393 hazard area through the use of structural mitigations identified through a geotechnical
394 analysis by a licensed and qualified geotechnical professional; and

395 ~~((d.))~~ c. for proposed alterations to wetlands, ~~((or))~~ aquatic areas, wetland
396 ~~((and their))~~ buffers, and riparian areas:

397 (1) the alterations are necessary to comply with applicable racing
398 association safety standards either for existing racing surfaces, ~~((or))~~ for providing ~~((to))~~
399 access for emergency vehicles ~~((access roads))~~ to the existing racing surfaces, for the
400 terracing and placement of spectator seating, or to create or improve sight lines on the
401 interior portion of the road course;

402 (2) ~~((there is no feasible alternative to the development proposal with less~~
403 ~~adverse impact on the critical area;~~

404 ~~((3))~~) the alteration is the minimum necessary to accommodate the
405 development proposal;

406 ~~((4))~~ (3) the ~~((alternation))~~ alteration has the least ~~((possible))~~ adverse
407 impact on the critical area and critical area buffer;

408 ~~((5))~~ (4) the critical area is not used as a salmonid spawning area;
409 ~~((6))~~ (5) ~~((the director may only approve an alteration in a category III~~
410 ~~or IV))~~ alterations to a category I or II wetland shall not be allowed; and
411 ~~((7))~~ (6) the alterations to any wetland shall be mitigated in accordance
412 with an approved mitigation plan ~~((by relocating the wetland into a new wetland, with~~
413 ~~equivalent or greater functions, or into an existing wetland at the ratios specified))~~ in
414 accordance with K.C.C. 21A.24.340 based on the type of mitigation measures proposed.

415 H. ~~((Uses proposed under the master planning))~~ The proposal shall comply
416 with the King County surface water design manual, including allowed adjustments,
417 deviations, or waivers from the requirements, and shall~~((:~~

418 1. ~~Use enhanced basic water quality measures to treat stormwater and use~~
419 ~~stormwater infiltration facilities to manage stormwater to protect aquatic life in Big Soos~~
420 ~~and Soosette creeks and operation of the Soos Creek Hatchery, while protecting~~
421 ~~groundwater quality. The department shall consider the proposed use in determining~~
422 ~~whether spill control or special oil control measures in excess of the King County surface~~
423 ~~water design manual requirements are necessary to achieve the required environmental~~
424 ~~protections;~~

425 2. ~~Specify and require facilities and best management practices to ensure~~
426 ~~that auto-related fluids, brake dust, and other products are properly managed and~~
427 ~~disposed of to avoid contamination of soils, surface water and groundwater;~~

428 3. ~~Develop and implement a water quality monitoring plan to assure that~~
429 ~~copper, other metals, hydrocarbons, and other contaminants are not elevated in ground~~
430 ~~and surface waters on-site and in Big Soos and Soosette creeks;~~

431 4. ~~Conduct flow monitoring in Big and Soosette creeks before, during and~~
432 ~~after construction to ensure that normal or preexisting flows are being maintained.~~

433 5. ~~Conduct biotic monitoring in Big Soos and Soosette creeks before,~~
434 ~~during and after construction;~~

435 6. ~~If the department determines it to be environmentally beneficial and if it~~
436 ~~is in compliance with the surface water design manual requirements for discharge to the~~
437 ~~natural location and is approved through an adjustment, channel surface water from~~
438 ~~impervious surfaces, including buildings, structures, pit areas, or raceways to drain away~~
439 ~~from Soosette creek and evaluate any impacts to Big Soos and Soosette creeks and to the~~
440 ~~alternative discharge location; and~~

441 7. ~~Develop and implement an adaptive management program to correct any~~
442 ~~flow, surface or ground water quality, or biotic problem in Big Soos or Soosette creeks~~
443 ~~caused by the development)) develop and implement a water quality monitoring plan for~~
444 ~~the points of discharge for on-site surface water drainage, groundwater discharges, and~~
445 ~~infiltration points to determine that copper, other metals, hydrocarbons, and other~~
446 ~~contaminants are not elevated in down gradient groundwater on-site and in Big Soos and~~
447 ~~Soosette creeks.~~

448 I. Site development that entails extraction and grading of soils to achieve the
449 final site contours for development shall be subject to the following limits:

450 1. The amount of materials that may be extracted during any specific phase
451 of project construction shall be ~~((only as))~~ the minimum necessary to ~~((construct))~~
452 achieve final grades for that phase of the project approved for construction; and

453 2. The on-site processing of the extracted materials shall be limited to the

454 sorting and crushing of the material into separate dirt, sand, and gravel components.

455 J. The master planning proposal shall include site designs and features to
456 reduce the level of noise impacts upon nearby residential neighborhoods.

457 K. The ~~((department))~~ permitting division shall, in close coordination with
458 the special project manager:

459 1. ~~((Schedule and conduct a))~~ Complete the preapplication ~~((meeting))~~
460 conference with applicant within thirty days of the request for such a meeting by the
461 applicant in order to identify the full range of potential issues related to the proposed
462 ~~((expansion))~~ modernization of Pacific Raceways and to specifically list information or
463 studies needed to adequately evaluate the listed issues. At the preapplication conference,
464 the permitting division shall:

465 ~~((2. P))~~ provide to the applicant a detailed listing of all project issues and
466 necessary information or studies required under subsection D. of this section ~~((within~~
467 ~~thirty days after the date of the preapplication meeting))~~;

468 3. Accept for filing a master planning proposal application submitted by the
469 applicant only if it provides the information and studies required by subsection K.2. of
470 this section;

471 4. Determine whether the master planning proposal is a complete
472 application under this section and K.C.C. ~~((20.20.050))~~ 20.20.033;

473 5. Provide a notice of a complete application under K.C.C. 20.20.060.B. In
474 addition to notice of application required under K.C.C. 20.20.060.B., the ~~((department))~~
475 permitting division shall provide mailed notice to:

476 a. all parties of record, including community groups or organizations,

477 established during the review of Conditional Use Permit File No((s)). A-71-0-81 ((and
478 L08CU006)), Interim Use Permit File No. LUT417-0003, Proposed Ordinance 2010-
479 0189, ((or)) Ordinance 17287, Ordinance 18184, or this ordinance;

480 b. persons requesting notification of any county land use action regarding
481 Pacific Raceways; and

482 c. residents or property owners of parcels located within twenty-five
483 hundred feet of the boundaries of the Pacific Raceways site;

484 6. ~~((Not later than seven days after the applicant has filed with the
485 department its master planning proposal, issue a determination of significance and
486 proceed with the environmental review of the master planning proposal under Ordinance
487 17287, Section 6))~~ Issue a threshold determination under WAC 197-11-310. If a
488 determination of nonsignificance or a mitigated determination of nonsignificance is to be
489 issued, the Optional DNS process in WAC 197-11-355 shall be used as provided in WAC
490 197-11-310(6)(d). Subject to the requirements and limitations of chapter 197-11 WAC,
491 the State Environmental Policy Act review shall analyze the potential new impacts that
492 may occur over and above those impacts currently allowed under the conditions of CUP
493 File No. A-71-0-81 and Interim Use Permit File No. LUT417-0003 and potential
494 cumulative impacts;

495 7. Conduct ~~((one or more))~~ two public meetings on the master planning
496 proposal application to gather information and public input on all aspects of the master
497 planning proposal. The first meeting shall be held within thirty days after the applicant
498 has filed its complete master planning proposal application with the ~~((department and
499 may be combined with a public meeting required under Ordinance 17287, Section 5.D.4))~~

500 permitting division. At that public meeting, the applicant shall present its master
501 planning proposal. At ~~((each))~~ the public meeting, the public shall be provided an
502 opportunity to comment on the master planning proposal. The ~~((department))~~ permitting
503 division shall record ~~((all))~~ the public meeting~~((s))~~ and make a written summary of the
504 meeting~~((s))~~ available on its website within fourteen days after the meeting. The
505 ~~((department))~~ permitting division may hold an additional public meeting~~((s))~~ as it
506 conducts its review of the master planning proposal application and shall provide an
507 opportunity for the applicant to respond to questions at each public meeting;

508 8. If a determination of significance is ~~((F))~~issued, issue the final
509 environmental impact statement within eighteen months of either issuing to the applicant
510 a notice of complete application or the master planning proposal is deemed a complete
511 application under K.C.C. ~~((20.20.050.B))~~ 20.20.033. The consultant for the EIS may
512 request up to three months of additional time to prepare the final environmental impact
513 statement;

514 9. Within one hundred twenty days after issuance of a determination of
515 nonsignificance or mitigated determination of nonsignificance or ~~((N))~~not later than thirty
516 days after issuance of the final environmental impact ~~((state is issued))~~ statement,
517 depending upon the threshold determination, propose for public review and comment a
518 development agreement and operating agreement consistent with this section. The
519 ~~((department))~~ permitting division shall provide notice of the proposed development
520 agreement and operating agreement in the same manner as it provided the notice of
521 application under subsection K.5.a. through c. of this section. The ~~((department))~~
522 permitting division shall present the proposed development agreement and operating

523 agreement at a public meeting within fourteen days after the notice is provided under this
524 subsection K.9.; and

525 10. Within sixty days after the public meeting required by subsection K.9.
526 of this section:

527 a. transmit to the hearing examiner the ~~((department's))~~ permitting
528 division's recommended development agreement and operating agreement, together with
529 a proposed ordinance authorizing the executive to execute the development agreement
530 and operating agreement;

531 b. publish its recommended development agreement and operating
532 agreement on the ~~((department's))~~ permitting division's website. As part of the
533 recommended development agreement and operating agreement, the permitting division
534 shall coordinate and assemble the reviews of other departments and governmental
535 agencies having an interest in the application and shall prepare a report summarizing the
536 factors involved and the permitting division's recommendation; and

537 c. provide notice of its recommended development agreement and
538 operating agreement in the same manner as it provided the notice of application under
539 subsection K.5.a. through c. of this section and to those governmental agencies listed in
540 K.C.C. 20.20.090.A. The notice shall also advise:

541 (1) that the ~~((department's))~~ permitting division's recommendation is
542 subject to an open record public hearing before the hearing examiner;

543 (2) the date that the ~~((department's))~~ permitting division's recommendation
544 has been transmitted to the hearing examiner; and

545 (3) that interested persons may appear as parties at the open record public

546 hearing by filing a notice of appearance with the hearing examiner within fourteen days
547 of the date that the ~~((department's))~~ permitting division's recommendation has been
548 transmitted to the hearing examiner. The applicant will be presumed to be a party
549 without having to file a notice of appearance.

550 L.1. Before the transmittal of the ~~((department's))~~ permitting division's
551 recommended development agreement and operating agreement to the hearing examiner,
552 the ~~((transportation, economy and environment))~~ local services and land use committee or
553 its ~~((applicable))~~ successor may request reports or briefings from the ~~((department))~~
554 permitting division and applicant regarding how the demonstration project is proceeding.
555 The ~~((department))~~ permitting division shall solicit input from those identified in
556 subsection K.5.a. through c. of section to inform the committee in the report and briefing.

557 2. If the ~~((department))~~ permitting division or the applicant is unable to
558 meet a timeline established by this section as part of the process for review of the master
559 planning proposal, the ~~((department))~~ permitting division shall provide written notice to
560 the council within fourteen days after the missed deadline in the form of a letter to the
561 chair of ~~((transportation, economy and environment))~~ local services and land use
562 committee or its ~~((applicable))~~ successor describing the causes for the delay, and the steps
563 or actions needed to be taken by the ~~((department))~~ permitting division or the applicant to
564 continue timely processing of the proposal.

565 M.1. ~~((No sooner than fourteen days after receiving the department's~~
566 ~~recommended development and operating agreement, the hearing examiner shall set the~~
567 ~~date for the prehearing conference and notify the parties of interest.~~

568 2.)) Unless otherwise agreed to by those that appear as parties, the hearing

569 examiner shall conduct an open record public hearing within ninety days of issuance of
570 the ~~((prehearing conference))~~ permitting division's recommended development agreement
571 and operating agreement and, if necessary, shall hold the public hearing over consecutive
572 days.

573 ~~((3. When the hearing examiner sets the department's recommended~~
574 ~~development and operating agreement for an open record public hearing, the department~~
575 ~~shall coordinate and assemble the reviews of other departments and governmental~~
576 ~~agencies having an interest in the application and shall prepare a report summarizing the~~
577 ~~factors involved and the department's recommendation. At least fourteen calendar days~~
578 ~~before the scheduled hearing, the department shall file the report with the hearing~~
579 ~~examiner and mail copies to those identified in subsection K.5.a. through e. of section.~~

580 4.) 2. The hearing examiner's recommendation may be to approve or reject
581 the ~~((department's))~~ permitting division's recommended development agreement and
582 operating agreement, or the examiner may recommend that the council adopt the
583 ~~((department's))~~ permitting division's recommended development agreement and
584 operating agreement with such conditions, modifications, and restrictions as the examiner
585 finds necessary to carry out applicable state laws and regulations and the regulations,
586 including chapter 43.21C RCW, ~~((policies, objectives, and goals of the Comprehensive~~
587 ~~Plan, the zoning code))~~ K.C.C. Title 21A, and other laws ~~((, policies, and objectives))~~ of
588 King County.

589 ~~((5.))~~ 3. Within fourteen days after the conclusion of the open record public
590 hearing, the hearing examiner shall issue a written recommendation and shall, consistent
591 with K.C.C. 20.20.220, transmit a copy thereof to the council and to all persons who

592 appeared as parties in the open record public hearing. The recommendation shall include
593 findings of fact and conclusions from the record that support the decision and the findings
594 and conclusions shall set forth and demonstrate the manner in which the recommendation
595 is consistent with, carries out, and helps implement applicable state laws and regulations,
596 the regulations(~~(, policies, objectives)~~) of King County, and (~~(goals of the comprehensive~~
597 ~~plan and Ordinance 17287)~~) this section.

598 ~~((6.))~~ 4. To appeal the hearing examiner's recommendation, an aggrieved
599 party (~~(must)~~) shall file an (~~(notice of)~~) appeal with the clerk of the council within
600 fourteen days of the date (~~(of the mailing of)~~) the hearing examiner's recommendation
601 (~~(.The clerk shall notify the hearing examiner and the parties of record to the hearing~~
602 ~~examiner's open record public hearing in writing of the council's receipt of the appeal.~~
603 ~~The clerk shall also cause to have posted on the council's web page the notice of the~~
604 ~~appeal. The appellant shall file a statement of appeal with the clerk within twenty one~~
605 ~~days of filing its notice of appeal, together with proof of service of the statement of~~
606 ~~appeal to the other parties of record. The statement of appeal must specify the basis for~~
607 ~~the appeal and any arguments in support of the appeal. Failure to file a statement of~~
608 ~~appeal shall result in the dismissal of the appeal. The clerk shall cause to have the~~
609 ~~statement of appeal) posted on the council's web page. A)) is transmitted to the council
610 in conformance with K.C.C. 20.20.230, except that any written responsive statements or
611 arguments to the appeal, together with proof of service on the other parties (~~(of record)~~),
612 must be filed with the clerk of the council within fourteen days after the filing of the
613 appeal statement (~~(of appeal)~~). The clerk of the council shall cause to have these
614 responsive statements and arguments posted on the council's webpage.~~

615 ~~((7-))~~ 5. At least fourteen days before the closed record hearing by the
616 council of the appeal, the clerk of the council will provide the parties of record with
617 written notice of the hearing time and date. The council's consideration of the appeal
618 shall be based upon the record as presented to the hearing examiner at the open record
619 public hearing and upon written appeal statements and arguments submitted by the
620 parties that are based on the open record public meeting. The council may allow the
621 parties to the appeal a period of time for oral argument based on the record. Consistent
622 with RCW 36.70B.020(1), before or at the appeal hearing and upon the request of the
623 council, county staff may provide a written or oral summary, or both, of the appeal
624 record, issues, and arguments presented in an appeal and may provide answers, based on
625 the record, to questions with respect to issues raised in an appeal asked by council
626 members at the appeal hearing. Nothing in this subsection shall be construed as limiting
627 the ability of the council to seek and receive legal advice regarding a pending appeal
628 from the office of the prosecuting attorney or other county legal counsel either within or
629 outside of the hearing.

630 ~~((8-))~~ 6. If, after consideration of the record, written appeal statements, and
631 any oral argument the council determines that:

632 a. ~~((A))~~ an error in fact or procedure may exist or additional information or
633 clarification is desired, the council shall remand the matter to the hearing examiner for
634 further hearing to receive additional information or further consideration; or

635 b. ~~((F))~~ the recommendation of the hearing examiner is based on an error in
636 judgment or conclusion, the council may modify or reverse the recommendation of the
637 hearing examiner.

638 ((9-)) 7.a. The council's final action on any recommendation of the hearing
639 examiner shall be by ordinance, which shall include findings of fact and conclusions from
640 the record of the hearing examiner's public hearings. The findings and conclusions shall
641 set forth and demonstrate the manner in which the council's decision is consistent with,
642 carries out, and helps implement applicable state laws, the regulations(~~(, the policies,~~
643 ~~objectives, and goals of the comprehensive plan))~~ of King County, and (~~(Ordinance~~
644 ~~17287))~~ this section. The council may adopt as its own all or portions of the hearing
645 examiner's findings and conclusions.

646 b. Any ordinance also may contain reasonable conditions, in accordance
647 with state law and county ordinances, which must be satisfied before the ordinance
648 becomes effective. The ordinance shall also designate the time period within which any
649 such conditions must be satisfied. All authority pursuant to such ordinance shall expire if
650 any of the conditions are not satisfied within the designated time period and the property
651 shall continue to be subject to all laws, regulations, and zoning as if the ordinance had not
652 been adopted. The council may extend the period for satisfaction of the conditions if,
653 after a public hearing by the examiner, the council finds an extension will be in the public
654 interest and the extension was requested by the applicant within the initial time period.

655 N. If the hearing examiner's recommendation is not appealed pursuant to
656 subsection M. of this section:

657 1. The clerk of the council shall place a proposed ordinance that implements
658 the examiner's recommended action on the agenda of the next available council meeting
659 for adoption;

660 2. No final action to amend or reverse the hearing examiner's

661 recommendation shall be taken at that meeting and notice to parties shall be given before
662 the adoption of a substitute or amended ordinance that amends or reverses the examiner's
663 recommendation;

664 3. The council may either:

665 a. Refer the matter to the ~~((transportation, economy and environment))~~
666 local services and land use committee or its successor for further consideration deemed
667 necessary before the council takes final action on the matter or remand the matter to the
668 hearing examiner for further hearing to receive additional information or further
669 consideration; or

670 b. Adopt the hearing examiner's recommendation by an ordinance
671 satisfying the requirements of subsection M.9. of this section.

672 4. Any final action by the county council may be reconsidered by the
673 council pursuant to K.C.C. 20.22.280; and

674 5. Any appeal of the council's final action shall comply with the
675 requirements of K.C.C 20.22.270.A.

676 O.1. The ~~((design))~~ development and operating conditions specified in any
677 development agreement or operating agreement adopted and executed pursuant to the
678 process established in this section shall ~~((prospectively))~~ control the development and
679 operations ~~((and design))~~ for the site and supersede the ~~((design))~~ development and
680 operating conditions established under Conditional Use Permit File No~~((s))~~. A-71-0-81
681 ~~((and L08CU006))~~ and Interim Use Permit File No. LUT417-0003. ~~((However, any such~~
682 ~~development and operating agreement will not have retroactive effect. Any enforcement~~
683 ~~actions relating to compliance with the design and operating conditions established under~~

684 Conditional Use Permit File Nos. A-71-0-81 and L08CU006 regarding activities that
685 occurred before the execution of a development agreement shall not be affected.)

686 2.a. A master plan development (~~((and operating))~~) agreement approved by
687 the council shall be in effect for a period of ten years from the effective date of the
688 ordinance approving the master plan development (~~((and operating))~~) agreement and
689 authorizing the executive to execute the development (~~((and operating))~~) agreement(~~(;)~~).

690 b. A master plan operating agreement approved by the council shall govern
691 on-site operations, so long as the operating conditions have been met by the applicant,
692 property owner, and operator.

693 3.a. An approved master plan development (~~((and operating))~~) agreement
694 may be renewed one time for not more than ten years.

695 b. The applicant shall apply to the (~~((department))~~) permitting division for
696 renewal of the development (~~((and operating))~~) agreement at least twelve months before
697 the agreement expires. The (~~((department))~~) permitting division shall provide a notice of
698 the renewal request under subsection K.5.a. through c. of this section and shall conduct at
699 least one public meeting on the request as provided in subsection K.7. of this section.

700 c. The (~~((department))~~) permitting division shall make its recommendation
701 to the council on the proposed renewal together with any recommended changes to the
702 development agreement not later than ninety days before the development (~~((and~~
703 ~~operating))~~) agreement expires.

704 d. If the development agreement is not renewed by the council(~~(;~~

705 ~~(1) the operating conditions established in the agreement shall remain in~~
706 ~~effect; and~~

707 (2)) any subsequent development permit application shall be subject to
708 laws in effect at the time the subsequent application is filed.

709 P. During the period a development (~~(and operating)~~) agreement is in effect,
710 any subsequent development on the site shall be consistent with the approved
711 development (~~(and operating)~~) agreement.

712 Q.1. Except as otherwise provided in subsection Q.2. of this section, the laws
713 in effect on the date the council adopts the ordinance authorizing the execution of the
714 development (~~(and operating)~~) agreement shall apply to subsequent permits necessary for
715 the uses authorized by the development (~~(and operating)~~) agreement.

716 2. The following regulations in effect on the date of a complete application
717 for any permits necessary for a use authorized by the development (~~(and operating)~~)
718 agreement shall apply:

- 719 a. surface water management standards under K.C.C. Title 9;
- 720 b. public health and safety codes under K.C.C. Title 13;
- 721 c. road standards under K.C.C. Title 14;
- 722 c. building codes under K.C.C. Title 16; and
- 723 d. fire codes under K.C.C. Title 17.

724 R.1. During the effective period of the development (~~(and operating)~~)
725 agreement, the applicant may request in writing (~~(and the department may propose a)~~)
726 one or more modifications (~~(of)~~) to the development (~~(and operating)~~) agreement. (~~(The~~
727 ~~applicant's request and the department initiated proposal shall be made by June 1 of each~~
728 ~~year for implementation in the following year. The department)~~) For those requests
729 where the permitting division determines the modification is a major modification to the

730 development agreement that requires council approval, they shall be considered no more
731 than once per year, starting one year after the effective date of this ordinance. On June 1
732 of each year, the permitting division shall consolidate all of the major modification
733 requests into a single proposed modification and within fourteen days shall provide notice
734 of the ((request or)) proposed modification as provided in subsection K.5.a. through c. of
735 this section. The ((department)) permitting division shall submit to the hearing examiner
736 its recommendation on the proposed modification requests not later than August 1 of that
737 same year. The hearing examiner shall conduct a public hearing on the proposed
738 modification no later than October 15 of that same year, and make a recommendation to
739 council no later than December 31 of that same year.

740 2. The applicant may request in writing modifications to the operating
741 agreement. For those requests where the permitting division determines it is a major
742 modification to the operating agreement that requires council approval, they shall be
743 considered no more than once per year, starting one year after the effective date of this
744 ordinance. On June 1 of each year, the permitting division shall consolidate all of the
745 major modification requests into a single proposed modification and within fourteen days
746 provide notice of the proposed modification as provided in subsection K.5.a. through c.
747 of this section. The permitting division shall submit to the hearing examiner its
748 recommendation on the proposed modification not later than August 1 of that same year.
749 The hearing examiner shall conduct a public hearing on the proposed modification no
750 later than October 15 of that same year, and make a recommendation to council no later
751 than December 31 of that same year.

752 3. The proposed modifications to the development agreement and operating

753 agreement described in this subsection R. may be considered as part of one ordinance or
754 as multiple ordinances.

755 S. The hearing examiner shall conduct the following annual monitoring and
756 reporting activities for the council:

757 1. No later than October 15 of each year, the hearing examiner shall
758 conduct a public meeting in the vicinity of the project site for the purpose of gathering
759 community input on the operation of facility during the preceding year ~~((and on any~~
760 ~~modifications to the development and operating agreement))~~. The ~~((department))~~
761 permitting division shall provide a notice of the meeting as provided in subsection K.5.a.
762 through c. of this section.

763 2. Beginning on December 31 of the year after the effective date of the
764 ordinance authorizing the execution of the development agreement and operating
765 agreement, and for each subsequent year, the hearing examiner shall prepare and submit
766 to the council a report that:

- 767 a. describes the current status of the phases of the development;
- 768 b. evaluates compliance with development agreement and operation
769 agreement conditions during the preceding year;
- 770 c. identifies issues and concerns that have been brought forward by the
771 community, ~~((Pacific Raceways))~~ applicant, and the ~~((department))~~ permitting division;
- 772 d. evaluates proposed modifications to the development agreement and
773 operating agreement; and
- 774 e. outlines potential steps to ensure compliance with the development
775 agreement and operating agreement.

776 3. The report shall be presented in a briefing by the hearing examiner to the
777 ~~((transportation, economy, and environment))~~ local services and land use committee~~((,))~~
778 or its ~~((applicable))~~ successor, at which the ~~((department))~~ permitting division and project
779 operator shall be present.

780 T. The director shall submit a report on the master planning demonstration
781 project to the council within sixty days of the council's adoption of the ordinance
782 approving the development agreement and operating agreement. The report shall
783 evaluate the efficacy of the master planning process and may include recommended
784 changes to the master planning process to address problems or deficiencies in the process
785 identified by the ~~((department))~~ permitting division. The ~~((department))~~ permitting
786 division shall solicit comments from the applicant, the hearing examiner, and the public,
787 identified in subsection K.5.a. through c. of this section, on the master planning process
788 and include a synopsis of those comments in the report. The report shall be filed
789 electronically with the clerk of the council, who shall retain an electronic copy and
790 provide an electronic copy to each councilmember, the council chief of staff, and the lead
791 staff for the local services and land use committee or its successor.

792 U.1. Before the application for a master planning proposal application, the
793 applicant shall be ~~((permitted))~~ allowed to undertake the following activities, subject to
794 an interim use permit:

795 a. construct up to four hundred thousand square feet of buildings, including
796 required excavation and processing of materials, for uses allowed for a regional motor
797 sports facility as set forth in K.C.C. 21A.06.973.C., and associated required site
798 improvements;

799 b. add paved impervious surface area, including, but not limited to,
800 parking, a new vehicular access point to SE 304th Street, modifications to the road
801 course, and internal access roads, with total impervious surface area not to exceed thirty-
802 three and one-third percent of the site that is subject to the property-specific development
803 condition known as P-suffix SC-P02; ~~((and))~~

804 c. add grandstands to accommodate up to twenty-five thousand persons,
805 and replace existing grandstand seating; and

806 d. conduct any of the uses allowed under KCC 21A.06.973C, including
807 that nonracing driving schools may operate on Mondays and Tuesdays.

808 2. Excavation and processing of materials under an interim use permit shall
809 be subject to the following limits:

810 a. The amount of materials shall be only as is necessary to undertake the
811 activities allowed by subsection U.1. of this section, subject to review by the
812 ~~((department))~~ permitting division;

813 b. The on-site processing of the extracted materials shall be limited to the
814 sorting of the materials into separate dirt, sand, and gravel components, and crushing and
815 washing of those components that will be used for on-site construction and required site
816 improvements; and

817 c. The on-site processing shall be limited to 9:00 a.m. to 5:00 p.m.
818 Monday through Friday.

819 V. A preapplication meeting shall be required for the interim use permit.

820 The applicant shall submit the following information to the ~~((department))~~ permitting
821 division with a request to schedule a preapplication meeting:

822 1. Affidavit of application, on a form approved by the ((~~department~~))
823 permitting division;

824 2. Project narrative and questions for ((~~department~~)) permitting division
825 staff;

826 3. Preliminary site plan, which shall include:

827 a. location of the property, with a vicinity map showing cross street;

828 b. address, if an address has been assigned;

829 c. parcel number or numbers;

830 d. zoning of parcel or parcels and adjacent parcel or parcels;

831 e. north arrow and scaled dimensions;

832 f. existing and proposed building footprints, with overhangs and
833 projections;

834 g. existing and proposed grade contours;

835 h. site area in square feet or acres of the project site;

836 i. area of either disturbance or development, or both, including utilities,
837 septic, and internal circulation, as needed;

838 j. existing and proposed easements, including ingress, egress, utilities, or
839 drainage; and

840 k. critical areas and their buffers; and

841 4. Preliminary building plan.

842 W. An interim use permit application shall be considered complete when the
843 following information and studies have been submitted and are adequate to review the
844 proposal:

- 845 1. A proposed site plan that identifies the location and dimensions of the
846 proposed buildings, structures, and paving, vehicular circulation and parking areas,
847 critical areas and buffers, landscaping, stormwater facilities, utilities, and fire protection;
- 848 2. A proposed drainage plan under the surface water design manual for the
849 improvements proposed under the interim use permit;
- 850 3. A proposed grading plan that complies with the submittal, operating, and
851 performance requirements in K.C.C. chapter 16.82;
- 852 4. A proposed restoration plan that complies with this section;
- 853 5. A deposit as required by K.C.C. 27.02.210 for review of the interim use
854 permit; and
- 855 6. Any necessary information identified through the preapplication process.
- 856 X. The interim use permit shall contain development conditions related to the
857 grading activities and buildings and shall include, but not be limited to:
- 858 1. An approved site plan and conditions that establish:
- 859 a. location, size, and proposed uses of the buildings;
- 860 b. location and dimensions of vehicular circulation and parking, including
861 required parking for the existing uses;
- 862 c. location of stormwater facilities, sewage treatment facilities, water, and
863 related features;
- 864 d. landscaping requirements, as required by K.C.C. chapter 21A.16;
- 865 e. location of on-site critical areas. Development or operations are not
866 allowed within critical areas or their buffers, and alterations of critical areas or their
867 buffers are not permitted, as part of the activities allowed with the interim use permit or

868 related construction permits; and

869 f. necessary on-site and off-site traffic control for construction impacts on
870 vehicular circulation and on roadways in the vicinity of the project site;

871 2. An approved grading plan in compliance with the requirements of K.C.C.
872 chapter 16.82;

873 3. A preliminary drainage plan in compliance with the surface water design
874 manual; and

875 4. A restoration plan in compliance with the following requirements:

876 a. Final grades shall generally conform to standards in K.C.C. 16.82.100
877 and the following:

878 (1) be such so as to encourage the uses permitted within the primarily
879 surrounding zone or, if applicable, the underlying or potential zone classification; and

880 (2) result in drainage patterns that reestablish natural conditions of
881 aquifer recharge, water velocity, volume, and turbidity within six months of restoration
882 and that precludes water from collecting or becoming stagnant. Suitable drainage
883 systems approved by the ((department)) permitting division shall be constructed or
884 installed where natural drainage conditions are not possible or where necessary to control
885 erosion. All constructed drainage systems shall be designed consistent with the Surface
886 Water Design Manual; and

887 b. All areas subject to clearing, grading, or backfilling shall:

888 (1) be planted with a variety of trees, shrubs, legumes, and grasses
889 indigenous to the surrounding area and appropriate for the soil, moisture, and exposure
890 conditions; and

891 (2) except for roads and areas incorporated into drainage facilities, be
892 surfaced with soil of a quality at least equal to the topsoil of the land areas immediately
893 surrounding, and to a depth of the topsoil of land area immediately surrounding six
894 inches, whichever is greater.

895 Y. For the interim use permit, the executive shall appoint a special project
896 manager.

897 1. ((F)) For the initial interim use permit, the special project manager shall
898 either be an employee of, or hired as a consultant by, the regional planning unit of the
899 office of performance, strategy, and budget. For any modifications to the interim use
900 permit, the special project manager, shall be agreed to by the county and the applicant
901 and could either be a consultant hired by the director's office of the department of local
902 services or the permitting division's managed account team project manager or
903 equivalent.

904 2. The Pacific Raceways property has been designated as a project of
905 statewide significance under chapter 43.157 RCW.

906 3. The special project manager will coordinate the reviews within the
907 ~~((department))~~ permitting division and other agencies, be the primary point of contact for
908 the applicant and interested parties, and ensure that the timelines established for review of
909 the interim use permit in this section are met.

910 4. The special project manager shall evaluate, and provide a
911 recommendation to the executive, regarding the efficacy of options, such as review by
912 another jurisdiction or using outside staff to complete the substantive review, for
913 expediting the permit review process. As part of this review, the special project manager

914 shall ensure that any recommended option will produce a review that complies with this
915 chapter and other applicable laws, regulations, and adopted policies.

916 Z.1. In reviewing the interim use permit, the (~~department~~) permitting
917 division shall:

918 a. process the interim use permit as a Type 3 land use permit, except as
919 provided in subsection DD. of this section. K.C.C. chapter 20.20 shall apply, except as
920 modified by this section;

921 b. conduct a mandatory preapplication meeting within fourteen days of the
922 applicant's request for a preapplication meeting;

923 c. within twenty one days of the preapplication meeting, provide a detailed
924 listing of the required information or studies required for review of the interim permit, in
925 conformance with this section, the other building, construction, and environmental
926 permits that will be required, and an estimate of cost for review of the interim use permit;

927 d. accept the interim use permit application if the applicant provides the
928 information and studies required by the detailed listing provided in subsection Z.1.c. of
929 this section;

930 e. determine whether the interim use permit application is complete within
931 seven days of filing by the applicant, pursuant to K.C.C. (~~20.20.050~~) 20.20.033, and
932 subject to the application requirements in subsection W. of this section;

933 f. provide a notice of complete application under K.C.C. (~~20.20.050~~)
934 20.20.033, within seven days of determining that the application is complete;

935 g. provide a notice of application under K.C.C. 20.20.060 within fourteen
936 days of providing the notice of complete application. In addition to the notice required by

937 these two sections, the ((department)) permitting division shall provide mailed notice to:

938 (1) all parties of record, including community groups or organizations,
939 established during the review of Conditional Use Permit File Nos. A-71-0-81 ((and
940 ~~L08CU006~~)), Interim Use Permit File No. LUT417-0003, Proposed Ordinance 2010-
941 0189, ((or)) Ordinance 17287, Ordinance 18184, and this ordinance;

942 (2) persons requesting notification of any county land use action
943 regarding Pacific Raceways; and

944 (3) residents or property owners of parcels located within twenty-five
945 hundred feet of the boundaries of the Pacific Raceways site;

946 h. complete environmental review on the interim use and activities
947 authorized by the interim use permit;

948 i. transmit to the hearing examiner the ((department's)) permitting
949 division's recommendation on the interim use permit and provide notice of the
950 recommendation under K.C.C. 20.20.090. The recommendation shall be based on the
951 conformance of the proposal with the requirements of this section; and:

952 (1) for a determination of nonsignificance or mitigated determination of
953 nonsignificance, transmit the recommendation within forty-five days of the end of the
954 comment period on threshold determination;

955 (2) for a determination of significance, transmit the recommendation
956 within forty-five days of the end of the appeal period for the final environmental impact
957 statement; and

958 j. coordinate and assemble the reviews of other departments and
959 governmental agencies having an interest in the application and shall prepare a report

960 summarizing the factors involved and the ((~~department's~~)) permitting division's
961 recommendation. At least seven calendar days before the scheduled hearing, the
962 ((~~department~~)) permitting division shall file the report with the hearing examiner and mail
963 copies to those identified in subsection Z.1.g. of this section.

964 2. The exceptions to permit review timelines described in K.C.C.
965 20.20.100.C. shall apply to the review period deadlines outlined in subsection Z. of this
966 section. If the ((~~department~~)) permitting division is unable to meet the time limits
967 established by this section, it shall provide written notice of this fact to the applicant. The
968 notice shall include a statement of reasons why the time limits have not been met and an
969 estimated date for issuance of the notice of recommendation to the hearing examiner. In
970 no case shall the review of the interim use permit, from the date a complete application is
971 filed through the date the ((~~department~~)) permitting division issues the recommendation
972 to the hearing examiner, excluding the timeframes outlined in K.C.C. 20.20.100.C.,
973 exceed one hundred twenty days, unless the parties agree to an extension.

974 AA.1. The hearing examiner shall:

975 a. within fourteen days of receiving the ((~~department's~~)) permitting
976 division's recommendation on the interim use permit, set the date for the prehearing
977 conference and notify the interested parties.

978 b. within seven days of the prehearing conference, issue a prehearing order
979 that includes a tentative schedule and order of proceedings for the hearing required under
980 this subsection.

981 c. conduct an open record public hearing within thirty days of the
982 prehearing conference.

983 d. within ten days of the public hearing, issue a decision on the interim use
984 permit. The examiner's determination may be to grant or deny the application, and may
985 include any conditions, modifications, and restrictions as the examiner finds necessary to
986 carry out the provisions of this section. The examiner's decision may be appealed to the
987 council according to K.C.C. 20.22.220.

988 2. When reasonably required to enable the attendance of all necessary
989 parties at the hearing, or the production of evidence or to otherwise assure that due
990 process is afforded and the objectives of this chapter are met, the periods in subsection
991 AA.1. of this section may be extended by the examiner at the examiner's discretion for an
992 additional thirty days. With the consent of all parties, the periods may be extended
993 indefinitely. The reason for the deferral shall be stated in the examiner's decision.
994 Failure to complete the hearing process within the stated time shall not terminate the
995 jurisdiction of the examiner.

996 BB. Issuance of the interim use permit by the county under this section does
997 not relieve the applicant of its obligations to obtain other approvals required under state
998 and federal law.

999 CC. The applicant shall pay fees to the county to cover the actual cost of
1000 providing project management, review, and inspection services for the interim use
1001 permits and including environmental review, in accordance with K.C.C. 27.02.100.

1002 DD. Upon issuance of an interim use permit, the ~~((department))~~ permitting
1003 division may review and approve, in accordance with the code compliance process in
1004 K.C.C. chapter 21A.42, an expansion of, modification to, or addition to the development
1005 authorized by the interim use permit. If the proposed development, taken together with

1006 any previously approved development under the interim use permit, is within the
1007 limitations of subsection U.1. of this section, the development proposal shall be
1008 processed as a Type 1 land use decision, subject to all other applicable state and local
1009 standards. Subject to the requirements and limitations of chapter 197-11 WAC, the State
1010 Environmental Policy Act review shall analyze the potential new impacts that may occur
1011 over and above those impacts currently allowed under the conditions of CUP File No. A-
1012 71-0-81 and Interim Use Permit File No. LUT417-0003 and potential cumulative
1013 impacts.

1014 EE. Establishment of the use or activity authorized by an interim use permit shall
1015 occur within ten years of the effective date of the decision for the interim use permit or
1016 subsequent amendment to the interim use permit under subsection DD. of this section.
1017 Upon written request to the ~~((department))~~ permitting division made by the applicant
1018 before the expiration of an interim use permit or subsequent amendment, the
1019 ~~((department))~~ permitting division shall extend the permit for one or more one-year
1020 period, up to a total of five consecutive years, if site conditions have not significantly
1021 changed in a manner that would have affected the original permit approval and the
1022 applicant pays applicable permit extension fees. Any use or structure established during
1023 the term of the interim use permit or an extension of the term may continue to operate
1024 after the expiration of the interim use permit, in accordance with K.C.C. chapter 21A.32
1025 and any applicable p-suffix conditions.

1026 FF. The additional uses allowed by the P-suffix condition, in K.C.C.
1027 21A.06.973C, and this section may be allowed in areas over the square footage

1028 limitations in LUT417-0003 if approved via the permit process and environmental review
1029 required by K.C.C. 21A.55.105.

1030 SECTION 4. The following are hereby repealed:

1031 A. Ordinance 17287, Section 5; and

1032 B. Ordinance 17287, Section 6.

1033 SECTION 5. Severability. If any provision of this ordinance or its application to
1034 any person or circumstance is held invalid, the remainder of the ordinance or the
1035 application of the provision to other persons or circumstances is not affected."

1036

1037 **EFFECT prepared by J. Tracy:** The striking amendment would:

- 1038 • Remove language requiring that all operating agreement conditions, development
1039 agreement conditions, and noise levels be no more restrictive than those allowed
1040 under existing permits, and instead apply this only to existing and approved uses
1041 and activities, with the qualification that if those uses or activities are expanded in
1042 scope or size, the impacts created by the expanded scope or size may be subject to
1043 additional conditions.
- 1044 • Remove a requirement that a SEPA threshold determination be issued within sixty
1045 days of complete application.
- 1046 • During the racing season of May 1 through August 31, limit two-stroke vehicle
1047 usage on the kart track to one weekend (Friday-Sunday) per month.
- 1048 • Add a finding with context on existing permits.
- 1049 • Add a finding that the ordinance is not intended to alter the permanent
1050 conservation easement on site.

- 1051 • Add a finding that it is the Council’s intent that the demonstration projects allow
- 1052 all uses listed in the P-suffix condition that applies to the site, in all buildings and
- 1053 facilities constructed at the Pacific Raceways property, subject to the permit
- 1054 process and environmental review.
- 1055 •