



Signature Report

Ordinance

Proposed No. 2023-0267.1

Sponsors von Reichbauer

1 AN ORDINANCE relating to a regional motor sports
2 facility master planning demonstration project; and
3 amending Ordinance 16515, Section 4, as amended, and
4 K.C.C. 20.20.105 and Ordinance 17287, Section 3, as
5 amended, and K.C.C. 21A.55.105.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 **SECTION 1. Findings:**

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

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

21 C. The Pacific Raceways property is located in the Growth Management Act-
22 designated rural area. The property has a Rural land use designation and Industrial
23 zoning. The property has a property-specific development condition, also known as a P-
24 suffix, SC-P02, which restricts the use of the property to racetrack uses, consistent with
25 Comprehensive Plan policy CP-1014. The property is also subject to a conditional use
26 permit, File No. A-71-0-81, which governs, in part, current development and operations.

27 D. The Pacific Raceways property is served by an interchange on SR 18 that
28 allows traffic entering and leaving the Pacific Raceways to travel only a short distance on
29 SE 304th Street.

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

32 F. The letter sent to the Washington state Department of Commerce by the
33 Metropolitan King County council supporting the designation of Pacific Raceways as a
34 project of statewide significance noted the potential for legislative changes to K.C.C.
35 21A.55.105 and the P-suffix governing development of Pacific Raceways.

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

39 H. As a project of statewide significance, the county is authorized to expedite
40 permit processing and environmental review for the project. As a way to expedite permit
41 processing and facilitate open communication between the county and the property
42 owner, project management for review of permits related to a project of statewide

43 significance is proposed to be completed through the director's office of the department
44 of local services.

45 I. Recently, the Pacific Raceways property has been added to the City of
46 Auburn's Urban Center for Innovative Partnerships and Innovative Partnership Zone
47 authorized by RCW 43.330.270. Designated Innovative Partnership zones are intended
48 to "encourage and support research institutions, workforce training organizations, and
49 globally competitive companies to work cooperatively in close geographic proximity to
50 create commercially viable products and jobs."

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

56 K. Specifically, K.C.C. 21A.55.010 states, "Alternative development standards
57 might include standards affecting building and/or site design requirements. Alternative
58 processes might include permit review prioritization, alternative review and revision
59 scheduling, or staff and peer review practices."

60 L. After the enactment of Ordinance 17287, the county and the property owner
61 realized that the master planning demonstration project is a large undertaking that will
62 not occur without interim measures. The project of statewide significance designation
63 provides an opportunity to evaluate expedited review mechanisms for a discreet activity
64 within the master planning project.

65 M. Ordinance 18184 allowed an interim use permit as an opportunity to test the
66 master planning process on a smaller scale, to provide a predictable, expeditious permit
67 review process for a discreet portion of the overall master planning project that stands on
68 its own, and that is otherwise permitted by the underlying zoning and P-suffix condition,
69 while also providing consistency with adopted laws and regulations.

70 N. The property owner has obtained the interim use permit from the county. As
71 part of the review process for the interim use permit, the county and property owner
72 identified areas where the larger master planning demonstration project could be clarified
73 to provide further direction in establishing the development agreement and operating
74 agreement for the master planning demonstration project.

75 O. Due to the COVID-19 pandemic and associated disruptions, the work allowed
76 under the interim use permit did not proceed as quickly as expected, and therefore an
77 extension to the timeframe for work to be completed is warranted.

78 P. This ordinance would streamline subsequent permitting review of
79 development proposals for modifications, expansions, or additions to the approved
80 interim use permit, in recognition of the robust public process already undertaken, as well
81 as Pacific Raceways's status as a project of statewide significance.

82 Q. This ordinance would allow impervious surface to be added to the site,
83 providing paved internal access roads and parking in areas where these activities
84 currently occur on unpaved surfaces. Additional impervious surfaces are intended to
85 provide a net environmental benefit to the property by providing additional groundwater
86 and stormwater protection from uses currently allowed on the property.

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

92 SECTION 2. Ordinance 16515, Section 4, as amended, and K.C.C. 20.20.105 are
93 each hereby amended as follows:

94 ~~((A.))~~ Upon written request to the department made by the applicant before the
95 expiration of a permit for a conditional use, variance, alteration exception or reasonable
96 use exception, the department may extend the period of the permit for one year if:

97 ~~((1.))~~ A. Regulations governing the approval of the land use decision have not
98 changed;

99 ~~((2.))~~ B. Site conditions have not significantly changed in a manner that would
100 have affected the original permit approval; and

101 ~~((3.))~~ C. The applicant pays applicable permit extension fees.

102 ~~((B. Upon written request to the department made by the applicant before the
103 expiration of an interim use permit, the department may extend the permit for one or
104 more one-year period, up to a total of five consecutive years, if:~~

105 ~~1. Regulations governing the approval of the land use decision have not
106 changed;~~

107 ~~2. Site conditions have not significantly changed in a manner that would have
108 affected the original permit approval; and~~

109 ~~3. The applicant pays applicable permit extension fees.))~~

110 SECTION 3. Ordinance 17282, Section 3, as amended, and K.C.C. 21A.55.105

111 are each hereby amended as follows:

112 A. The purpose of the master planning process demonstration project is to:

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

115 a. utilizing a concise timeline for project review that incorporates a process for
116 public outreach and input during project review and facility operation;

117 b. executing a development and operating agreement, pursuant to RCW
118 36.70B.170 that establishes:

119 (1) a clearly defined project through a master development plan, which shall
120 include a master site plan;

121 (2) requirements that must be met before approval of each phase of
122 development; and

123 (3) operating standards governing all aspects of the project's operation,
124 including, but not limited to, noise and traffic, hours and days of operation for racing,
125 nonracing uses, and number and types of events; and

126 c. establishing a process that ensures timely and efficient review;

127 2. Utilize the hearing examiner, as authorized in K.C.C. 20.22.190, to conduct
128 fact finding and reporting on compliance by the applicant with the executed development
129 and operating agreement, as provided in subsection S. of this section; and

130 3. Provide for ongoing monitoring of the executed development and operating
131 agreement by the council to ensure continued future compliance with the executed
132 development and operating agreement.

133 B. The master planning process demonstration project shall be implemented only
134 for a regional motor sports facility only on the Pacific Raceways property as described in
135 Attachment A to Ordinance 17287.

136 C. The master planning demonstration project shall be initiated by the applicant
137 making a written request to the department for a preapplication meeting to identify the
138 requirements necessary for a complete application under this section.

139 D. A master planning proposal application shall be considered complete when the
140 following information and studies have been submitted and are adequate to review the
141 proposal:

142 1. A proposed development plan that describes the nature, size and scope and
143 phasing of all proposed activities;

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

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

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

149 a. land contours;

150 b. soil types; and

151 c. phasing;

152 5. Proposed development conditions relating to:

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

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

155 c. stormwater flow control and water quality treatment;

- 156 d. visual screening from adjoining residential properties;
- 157 e. ongoing monitoring and reporting to measure compliance with the
- 158 development and operating agreements;
- 159 f. fire protection; and
- 160 g. water supply and service;
- 161 6. Proposed operating conditions that specify:
- 162 a. days and hours of operation;
- 163 b. frequency of events;
- 164 c. types of activities, including types of motor vehicles; and
- 165 d. maximum noise levels; and
- 166 7. Any necessary information identified through the preapplication process.
- 167 E. The development and operating agreement shall contain development
- 168 standards and operating conditions related to the development and operation of the site
- 169 and shall include, but shall not be limited to:
- 170 1. A master site plan and detailed conditions establishing the:
- 171 a. location and scope of proposed land uses;
- 172 b. location and size of buildings and structures such as grandstands;
- 173 c. layout and dimensions of racing surfaces and circulation roadways;
- 174 d. site elevations and contours established by a master grading plan;
- 175 e. excavation and processing of materials, including dust control, during
- 176 construction of the facilities;
- 177 f. location and dimensions parking areas;

- 178 g. location of stormwater facilities, sewage treatment facilities, water, and
179 related features; and
- 180 h. vegetative screening required in subsection F.1. of this section;
- 181 2. A master drainage plan consistent with the surface water design manual;
- 182 3. A project phasing plan, including threshold requirements that must be met
183 before approval of the next phase of development;
- 184 4. Specified types of racing and nonracing activities, and where on the site the
185 activities can occur;
- 186 5. Specified days and times for all racing and nonracing uses;
- 187 6. Specified noise levels for racing and nonracing uses, including but not limited
188 to, how noise levels will be measured and mitigated;
- 189 7. Specified on-site vehicle circulation and other traffic control measures to
190 reduce the impact of congestion on roadways in the vicinity of Pacific Raceways;
- 191 8. Specified development conditions to ensure that permitted alterations
192 provided for in subsection G. of this section achieve the appropriate level of protections;
- 193 9. Specified development conditions to ensure that stormwater flow control and
194 water quality treatment provided for in subsection H. of this section is achieved;
- 195 10. Specified regular ongoing monitoring and reporting to measure compliance
196 with the development and operating agreement requirements relating to noise, traffic, air
197 quality, groundwater quality, stormwater flow control, and water quality treatment and
198 water volume and quality in Soosette creek;

199 11. Specified process for the receipt and evaluation by the department of
200 inquiries and complaints relating to the operation of the facility, in order to allow for
201 review by the hearing examiner as provided in subsection S. of this section; and

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

204 a. a process for monitoring condition violations and for receipt of complaints;

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

206 c. a penalty schedule that recognizes the nature and impact of the violation and
207 is sufficient to deter violations that otherwise result in financial benefit to the facility,
208 including, but not limited to, revocation of operating permit and loss of specific days of
209 operation.

210 F. All development under the master plan shall be subject to the following
211 standards relating to screening and building setbacks: as provided in K.C.C.

212 21A.16.030.F., to the maximum extent practical, buildings and other structures shall be
213 constructed on the project to be shielded from view from adjoining residential properties
214 using methods that may include, but are not limited to:

215 1. Retention of existing vegetation; and

216 2. Placement of new vegetation to augment existing vegetation.

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

219 2. The department may approve alterations to critical areas, critical areas buffers
220 and critical area setbacks that are not otherwise allowed as an alteration exception under
221 K.C.C. 21A.24.070 when the applicant demonstrates that:

222 a. the proposal does not pose an unreasonable threat to the public health, safety
223 or welfare on or off the site;

224 b. the proposed impacts to critical areas, critical area buffers and critical area
225 setbacks shall be controlled and compensated for in accordance with the requirements of
226 K.C.C. 21A.24.125;

227 c. for proposed alterations within steep slope or landslide areas:

228 (1) the alterations are necessary to bring existing racing or access road
229 surfaces into compliance with applicable racing association safety standards, or to
230 construct noise barriers or for the placement of spectator seating on the interior portion of
231 the road course; and

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

235 d. for proposed alterations to wetlands or aquatic areas and their buffers:

236 (1) the alterations are necessary to comply with applicable racing association
237 safety standards either for existing racing surfaces or for providing to emergency vehicles
238 access roads to the existing racing surfaces;

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

241 (3) the alteration is the minimum necessary to accommodate the development
242 proposal;

243 (4) the alternation has the least possible adverse impact on the critical area
244 and critical area buffer;

245 (5) the critical area is not used as a salmonid spawning area;

246 (6) the director may only approve an alteration in a category III or IV

247 wetland; and

248 (7) the alterations to any wetland shall be mitigated in accordance with an

249 approved mitigation plan by relocating the wetland into a new wetland, with equivalent

250 or greater functions, or into an existing wetland at the ratios specified in K.C.C.

251 21A.24.340 based on the type of mitigation measures proposed.

252 H. Uses proposed under the master planning proposal shall comply with the King

253 County surface water design manual and shall:

254 1. Use enhanced basic water quality measures to treat stormwater and use

255 stormwater infiltration facilities to manage stormwater to protect aquatic life in Big Soos

256 and Soosette creeks and operation of the Soos Creek Hatchery, while protecting

257 groundwater quality. The department shall consider the proposed use in determining

258 whether spill control or special oil control measures in excess of the King County surface

259 water design manual requirements are necessary to achieve the required environmental

260 protections;

261 2. Specify and require facilities and best management practices to (~~insure~~)

262 ensure that auto-related fluids, brake dust, and other products are properly managed and

263 disposed of to avoid contamination of soils, surface water and groundwater;

264 3. Develop and implement a water quality monitoring plan to assure that copper,

265 other metals, hydrocarbons, and other contaminants are not elevated in ground and

266 surface waters on- site and in Big Soos and Soosette creeks;

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

269 5. Conduct biotic monitoring in Big Soos and Soosette creeks before, during,
270 and after construction;

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

277 7. Develop and implement an adaptive management program to correct any
278 flow, surface or ground water quality, or biotic problem in Big Soos or Soosette creeks
279 caused by the development.

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

282 1. The amount of materials that may be extracted during any specific phase of
283 project construction shall be only as necessary to construct that phase of the project
284 approved for construction; and

285 2. The on-site processing of the extracted materials shall be limited to the
286 sorting of the material into separate dirt, sand, and gravel components.

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

289 K. The department shall:

290 1. Schedule and conduct a preapplication meeting with applicant within thirty
291 days of the request for such a meeting by the applicant in order to identify the full range
292 of potential issues related to the proposed expansion of Pacific Raceways and to
293 specifically list information or studies needed to adequately evaluate the listed issues.

294 2. Provide to the applicant a detailed listing of all project issues and necessary
295 information or studies required under subsection D. of this section within thirty days after
296 the date of the preapplication meeting;

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

300 4. Determine whether the master planning proposal is a complete application
301 under this section and K.C.C. 20.20.050;

302 5. Provide a notice of a complete application under K.C.C. 20.20.060.B. In
303 addition to notice required under K.C.C. 20.20.060.B, the department shall provide
304 mailed notice to:

305 a. all parties of record, including community groups or organizations,
306 established during the review of Conditional Use Permit File Nos. A-71-0-81 and
307 L08CU006, Proposed Ordinance 2010-0189₂ or Ordinance 17287;

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

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

312 6. Not later than seven days after the applicant has filed with the department its
313 master planning proposal, issue a determination of significance and proceed with the
314 environmental review of the master planning proposal under Ordinance 17287, Section 6;

315 7. Conduct one or more public meetings on the master planning proposal
316 application to gather information and public input on all aspects of the master planning
317 proposal. The first meeting shall be held within thirty days after the applicant has filed
318 its master planning proposal application with the department and may be combined with
319 a public meeting required under Ordinance 17287, Section 5.D.4. At that public meeting,
320 the applicant shall present its master planning proposal. At each public meeting, the
321 public shall be provided an opportunity to comment on the master planning proposal.
322 The department shall record all public meetings and make a written summary of the
323 meetings available on its website within fourteen days after the meeting. The department
324 may hold additional public meetings as it conducts its review of the master planning
325 proposal application and shall provide an opportunity for the applicant to respond to
326 questions at each public meeting;

327 8. Issue the final environmental impact statement within eighteen months of
328 either issuing to the applicant a notice of complete application or the master planning
329 proposal is deemed a complete application under K.C.C. 20.20.050.B. The consultant
330 may request additional time to prepare the final environmental impact statement;

331 9. Not later than thirty days after the final environmental impact state is issued,
332 propose for public review and comment a development and operating agreement
333 consistent with this section. The department shall provide notice of the proposed
334 development and operating agreement in the same manner as it provided the notice of

335 application under subsection K.5. of this section. The department shall present the
336 proposed development and operating agreement at a public meeting within fourteen days
337 after the notice is provided under this subsection K.9.; and

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

340 a. transmit to the hearing examiner the department's recommended
341 development and operating agreement, together with a proposed ordinance authorizing
342 the executive to execute the development and operating agreement;

343 b. publish its recommended development and operating agreement on the
344 department's website; and

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

349 (1) that the department's recommendation is subject to an open record public
350 hearing before the hearing examiner;

351 (2) the date that the department's recommendation has been transmitted to the
352 hearing examiner; and

353 (3) that interested persons may appear as parties at the open record public
354 hearing by filing a notice of appearance with the hearing examiner within fourteen days
355 of the date that the department's recommendation has been transmitted to the hearing
356 examiner. The applicant will be presumed to be a party without having to file a notice of
357 appearance.

358 L.1. Before the transmittal of the department's recommended development and
359 operating agreement to the hearing examiner, the transportation, economy and
360 environment committee or its applicable successor may request reports or briefings from
361 the department and applicant regarding how the demonstration project is proceeding.
362 The department shall solicit input from those identified in subsection K.5.a. through c. of
363 section to inform the committee in the report and briefing.

364 2. If the department or the applicant is unable to meet a timeline established by
365 this section as part of the process for review of the master planning proposal, the
366 department shall provide written notice to the council within fourteen days after the
367 missed deadline in the form of a letter to the chair of transportation, economy, and
368 environment committee or its applicable successor describing the causes for the delay,
369 and the steps or actions needed to be taken by the department or the applicant to continue
370 timely processing of the proposal.

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

374 2. Unless otherwise agreed to by those that appear as parties, the hearing
375 examiner shall conduct an open record public hearing within ninety days of the
376 prehearing conference and, if necessary, shall hold the public hearing over consecutive
377 days.

378 3. When the hearing examiner sets the department's recommended development
379 and operating agreement for an open record public hearing, the department shall
380 coordinate and assemble the reviews of other departments and governmental agencies

381 having an interest in the application and shall prepare a report summarizing the factors
382 involved and the department's recommendation. At least fourteen calendar days before
383 the scheduled hearing, the department shall file the report with the hearing examiner and
384 mail copies to those identified in subsection K.5.a. through c. of section.

385 4. The hearing examiner's recommendation may be to approve or reject the
386 department's recommended development and operating agreement, or the examiner may
387 recommend that the council adopt the department's recommended development and
388 operating agreement with such conditions, modifications, and restrictions as the examiner
389 finds necessary to carry out applicable state laws and regulations and the regulations,
390 including chapter 43.21C RCW, policies, objectives, and goals of the Comprehensive
391 Plan, the zoning code K.C.C. Title 21A and other laws, policies, and objectives of King
392 County.

393 5. Within fourteen days after the conclusion of the open record public hearing,
394 the hearing examiner shall issue a written recommendation and shall transmit a copy
395 thereof to all persons who appeared as parties in the open record public hearing. The
396 recommendation shall include findings of fact and conclusions from the record that
397 support the decision and the findings and conclusions shall set forth and demonstrate the
398 manner in which the recommendation is consistent with, carries out, and helps implement
399 applicable state laws and regulations, the regulations, policies, objectives, and goals of
400 the comprehensive plan and Ordinance 17287.

401 6. To appeal the hearing examiner's recommendation, an aggrieved party must
402 file a notice of appeal with the clerk of the council within fourteen days of the date of the
403 mailing of the hearing examiner's recommendation. The clerk shall notify the hearing

404 examiner and the parties of record to the hearing examiner's open record public hearing in
405 writing of the council's receipt of the appeal. The clerk shall also cause to have posted on
406 the council's web page the notice of the appeal. The appellant shall file a statement of
407 appeal with the clerk within twenty-one days of filing its notice of appeal, together with
408 proof of service of the statement of appeal to the other parties of record. The statement of
409 appeal must specify the basis for the appeal and any arguments in support of the appeal.
410 Failure to file a statement of appeal shall result in the dismissal of the appeal. The clerk
411 shall cause to have the statement of appeal posted on the council's web page. Any
412 written responsive statements or arguments to the appeal, together with proof of service
413 on the other parties of record, must be filed with the clerk within fourteen days after the
414 filing of the statement of appeal. The clerk shall cause to have these responsive
415 statements and arguments posted on the council's webpage.

416 7. At least fourteen days before the closed record hearing by the council of the
417 appeal, the clerk will provide the parties of record with written notice of the hearing time
418 and date. The council's consideration of the appeal shall be based upon the record as
419 presented to the hearing examiner at the open record public hearing and upon written
420 appeal statements and arguments submitted by the parties that are based on the open
421 record public meeting. The council may allow the parties to the appeal a period of time
422 for oral argument based on the record. Consistent with RCW 36.70B.020(1), before or at
423 the appeal hearing and upon the request of the council, county staff may provide a written
424 or oral summary, or both, of the appeal record, issues, and arguments presented in an
425 appeal and may provide answers, based on the record, to questions with respect to issues
426 raised in an appeal asked by council members at the appeal hearing. Nothing in this

427 subsection shall be construed as limiting the ability of the council to seek and receive
428 legal advice regarding a pending appeal from the office of the prosecuting attorney or
429 other county legal counsel either within or outside of the hearing.

430 8. If, after consideration of the record, written appeal statements and any oral
431 argument the council determines that:

432 a. An error in fact or procedure may exist or additional information or
433 clarification is desired, the council shall remand the matter to the hearing examiner for
434 further hearing to receive additional information or further consideration; or

435 b. The recommendation of the hearing examiner is based on an error in
436 judgment or conclusion, the council may modify or reverse the recommendation of the
437 hearing examiner.

438 9. a. The council's final action on any recommendation of the hearing examiner
439 shall be by ordinance, which shall include findings of fact and conclusions from the
440 record of the hearing examiner's public hearings. The findings and conclusions shall set
441 forth and demonstrate the manner in which the council's decision is consistent with,
442 carries out, and helps implement applicable state laws (~~(and regulations)~~), the regulations,
443 the policies, objectives, and goals of the comprehensive plan, and Ordinance 17287. The
444 council may adopt as its own all or portions of the hearing examiner's findings and
445 conclusions.

446 b. Any ordinance also may contain reasonable conditions, in accordance with
447 state law and county ordinances, which must be satisfied before the ordinance becomes
448 effective. The ordinance shall also designate the time period within which any such
449 conditions must be satisfied. All authority pursuant to such ordinance shall expire if any

450 of the conditions are not satisfied within the designated time period and the property shall
451 continue to be subject to all laws, regulations, and zoning as if the ordinance had not been
452 adopted. The council may extend the period for satisfaction of the conditions if, after a
453 public hearing by the examiner, the council finds an extension will be in the public
454 interest and the extension was requested by the applicant within the initial time period.

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

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

460 2. No final action to amend or reverse the hearing examiner's recommendation
461 shall be taken at that meeting and notice to parties shall be given before the adoption of a
462 substitute or amended ordinance that amends or reverses the examiner's recommendation;

463 3. The council may either:

464 a. Refer the matter to the transportation, economy, and environment or its
465 successor for further consideration deemed necessary before the council takes final action
466 on the matter or remand the matter to the hearing examiner for further hearing to receive
467 additional information or further consideration; or

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

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

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

474 O.1. The design and operating conditions specified in any agreement adopted and
475 executed pursuant to the process established in this section shall prospectively control the
476 operations and design for the site and supersede the design and operating conditions
477 established under Conditional Use Permit File Nos. A-71-0-81 and L08CU006.

478 However, any such development and operating agreement will not have retroactive
479 effect. Any enforcement actions relating to compliance with the design and operating
480 conditions established under Conditional Use Permit File Nos. A-71-0-81 and L08CU006
481 regarding activities that occurred before the execution of a development agreement shall
482 not be affected.

483 2. A master plan development and operating agreement approved by the council
484 shall be in effect for a period of ten years from the effective date of the ordinance
485 approving the master plan development and operating agreement and authorizing the
486 executive to execute the development and operating agreement;

487 3.a. An approved master plan development and operating agreement may be
488 renewed one time for not more than ten years.

489 b. The applicant shall apply to the department for renewal of the development
490 and operating agreement at least twelve months before the agreement expires. The
491 department shall provide a notice of the renewal request under subsection K.5.a. through
492 c. of this section and shall conduct at least one public meeting on the request as provided
493 in subsection K.7. of this section.

494 c. The department shall make its recommendation to the council on the
495 proposed renewal together with any recommended changes to the agreement not later
496 than ninety days before the development and operating agreement expires.

497 d. If the agreement is not renewed by the council:

498 (1) the operating conditions established in the agreement shall remain in
499 effect; and

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

502 P. During the period a development and operating agreement is in effect, any
503 subsequent development on the site shall be consistent with the approved development
504 and operating agreement.

505 Q.1. Except as otherwise provided in subsection Q.2. of this section, the laws in
506 effect on the date the council adopts the ordinance authorizing the execution of the
507 development and operating agreement shall apply to subsequent permits necessary for the
508 uses authorized by the development and operating agreement.

509 2. The following regulations in effect on the date of a complete application for
510 any permits necessary for a use authorized by the development and operating agreement
511 shall apply:

512 a. surface water management standards under K.C.C. Title 9;

513 b. public health and safety codes under K.C.C. Title 13;

514 c. road standards under K.C.C. Title 14;

515 c. building codes under K.C.C. Title 16; and

516 d. fire codes under K.C.C. Title 17.

517 R. During the effective period of the development and operating agreement, the
518 applicant may request in writing and the department may propose a modification of the
519 development and operating agreement. The applicant's request and the department-
520 initiated proposal shall be made by June 1 of each year for implementation in the
521 following year. The department shall provide notice of the request or proposed
522 modification as provided in subsection K.5.a. through c. of this section. The department
523 shall submit to the hearing examiner its recommendation on the request not later than
524 August 1.

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

527 1. No later than October 15 of each year, the hearing examiner shall conduct a
528 public meeting in the vicinity of the project site for the purpose of gathering community
529 input on the operation of facility during the preceding year and on any modifications to
530 the development and operating agreement. The department shall provide a notice of the
531 meeting as provided in subsection K.5.a. through c. of this section.

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

536 a. describes the current status of the phases of the development;

537 b. evaluates compliance with development and operation agreement conditions
538 during the preceding year;

539 c. identifies issues and concerns that have been brought forward by the
540 community, Pacific Raceways, and the department;

541 d. evaluates proposed modifications to the development and operating
542 agreement; and

543 e. outlines potential steps to ensure compliance with the development and
544 operating agreement.

545 3. The report shall be presented in a briefing by the hearing examiner to the
546 transportation, economy, and environment committee, or its applicable successor, at
547 which the department and project operator shall be present.

548 T. The director shall submit a report on the master planning demonstration
549 project to the council within sixty days of the council's adoption of the ordinance
550 approving the development and operating agreement. The report shall evaluate the
551 efficacy of the master planning process and may include recommended changes to the
552 master planning process to address problems or deficiencies in the process identified by
553 the department. The department shall solicit comments from the applicant, the hearing
554 examiner, and the public, identified in subsection K.5.a. through c. of this section, on the
555 master planning process and include a synopsis of those comments in the report. ~~((A
556 paper copy and an electronic copy of the))~~ The report shall be filed electronically with the
557 clerk of the council, who shall retain ~~((the paper original))~~ an electronic copy and ~~((shall
558 forward))~~ provide an electronic ~~((copies))~~ copy to each councilmember.

559 U.1. Before the application for a master planning proposal application, the
560 applicant shall be permitted to undertake the following activities, subject to an interim
561 use permit:

562 ~~((+))~~ a. ~~((€))~~ construct up to four hundred thousand square feet of buildings,
563 including required excavation and processing of materials, for uses allowed for a regional
564 motor sports facility as set forth in K.C.C. 21A.06.973.C., and associated required site
565 improvements;

566 b. add paved impervious surface area, including, but not limited to, parking, a
567 new vehicular access point to SE 304th Street, and internal access roads, with total
568 impervious surface area not to exceed thirty-three and one-third percent of the site that is
569 subject to the property-specific development condition known as P-suffix SC-P02; and

570 c. add grandstands to accommodate up to twenty-five thousand persons, and
571 replace existing grandstand seating.

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

574 a. ~~((Under the interim use permit, +))~~ The amount of materials shall be only as
575 is necessary to ((construct the buildings and any required site improvements associated
576 with the construction of the buildings)) undertake the activities allowed by subsection
577 U.1. of this section, subject to review by the department;

578 b. The on-site processing of the extracted materials shall be limited to the
579 sorting of the materials into separate dirt, sand and gravel components, and crushing and
580 washing of those components that will be used for on-site construction ~~((of the~~
581 ~~buildings))~~ and required site improvements; and

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

584 V. A preapplication meeting shall be required for the interim use permit. The
585 applicant shall submit the following information to the department with a request to
586 schedule a preapplication meeting:

- 587 1. Affidavit of application, on a form approved by the department;
- 588 2. Project narrative and questions for department staff;
- 589 3. Preliminary site plan, which shall include:
 - 590 a. location of the property, with a vicinity map showing cross street;
 - 591 b. address, if an address has been assigned;
 - 592 c. parcel number or numbers;
 - 593 d. zoning of parcel or parcels and adjacent parcel or parcels;
 - 594 e. north arrow and scaled dimensions;
 - 595 f. existing and proposed building footprints, with overhangs and projections;
 - 596 g. existing and proposed grade contours;
 - 597 h. site area in square feet or acres of the project site;
 - 598 i. area of either disturbance or development, or both, including utilities, septic
599 and internal circulation, as needed;
 - 600 j. existing and proposed easements, including ingress, egress, utilities, or
601 drainage; and
 - 602 k. critical areas and their buffers; and
- 603 4. Preliminary building plan.

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

- 607 1. A proposed site plan that identifies the location and dimensions of the
608 proposed buildings, structures, and paving, vehicular circulation and parking areas,
609 critical areas and buffers, landscaping, stormwater facilities, utilities, and fire protection;
- 610 2. A proposed drainage plan under the surface water design manual for the
611 improvements proposed under the interim use permit;
- 612 3. A proposed grading plan that complies with the submittal, operating and
613 performance requirements in K.C.C. chapter 16.82;
- 614 4. A proposed restoration plan that complies with this section;
- 615 5. A deposit as required by K.C.C. 27.02.210 for review of the interim use
616 permit; and
- 617 6. Any necessary information identified through the preapplication process.
- 618 X. The interim use permit shall contain development conditions related to the
619 grading activities and buildings and shall include, but not be limited to:
- 620 1. An approved site plan and conditions that establish:
- 621 a. location, size, and proposed uses of the buildings;
- 622 b. location and dimensions of vehicular circulation and parking, including
623 required parking for the existing uses;
- 624 c. location of stormwater facilities, sewage treatment facilities, water, and
625 related features;
- 626 d. landscaping requirements, as required by K.C.C. chapter 21A.16;
- 627 e. location of on-site critical areas. Development or operations are not allowed
628 within critical areas or their buffers, and alterations of critical areas or their buffers are

629 not permitted, as part of the activities allowed with the interim use permit or related
630 construction permits; and

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

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

635 3. (~~An approved~~) A preliminary drainage plan in compliance with the surface
636 water design manual; and

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

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

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

642 (2) result in drainage patterns that reestablish natural conditions of aquifer
643 recharge, water velocity, volume, and turbidity within six months of restoration and that
644 precludes water from collecting or becoming stagnant. Suitable drainage systems
645 approved by the department shall be constructed or installed where natural drainage
646 conditions are not possible or where necessary to control erosion. All constructed
647 drainage systems shall be designed consistent with the Surface Water Design Manual;
648 and

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

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

653 (2) except for roads and areas incorporated into drainage facilities, be
654 surfaced with soil of a quality at least equal to the topsoil of the land areas immediately
655 surrounding, and to a depth of the topsoil of land area immediately surrounding six
656 inches, whichever is greater((;

657 ~~5. A condition requiring that all grading and construction activities be~~
658 ~~completed within sixty months of February 27, 2016, except as allowed to be extended in~~
659 ~~accordance K.C.C. 20.20.105)).~~

660 Y. For the interim use permit, the executive shall appoint a special project
661 manager.

662 1. The special project manager shall either be an employee of, or hired as a
663 consultant by, the regional planning unit of the office of performance, strategy, and
664 budget.

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

667 3. The special project manager will coordinate the reviews with the department
668 and other agencies, be the primary point of contact for the applicant and interested
669 parties, and ensure that the timelines established for review of the interim use permit in
670 this section are met.

671 4. The special project manager shall evaluate, and provide a recommendation to
672 the executive, regarding the efficacy of options, such as review by another

673 jurisdiction((s)) or using outside staff to complete the substantive review, for expediting
674 the permit review process. As part of this review, the special project manager shall
675 ensure that any recommended option will produce a review that complies with this
676 chapter and other applicable laws, regulations, and adopted policies.

677 Z.1. In reviewing the interim use permit, the department shall:

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

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

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

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

690 e. determine whether the interim use permit application is complete within
691 seven days of filing by the applicant, pursuant to K.C.C. 20.20.050, and subject to the
692 application requirements in subsection W. of this section;

693 f. provide a notice of complete application under K.C.C. 20.20.050, within
694 seven days of determining that the application is complete;

695 g. provide a notice of application under K.C.C. 20.20.060 within fourteen days
696 of providing the notice of complete application. In addition to the notice required by
697 these two sections, the department shall provide mailed notice to:

698 (1) all parties of record, including community groups or organizations,
699 established during the review of Conditional Use Permit File Nos. A-71-0-81 and
700 L08CU006, Proposed Ordinance 2010-0189, or Ordinance 17287;

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

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

705 h. complete environmental review on the interim use and activities authorized
706 by the interim use permit;

707 i. transmit to the hearing examiner the department's recommendation on the
708 interim use permit and provide notice of the recommendation under K.C.C. 20.20.090.
709 The recommendation shall be based on the conformance of the proposal with the
710 requirements of this section; and:

711 (1) ~~((F))~~for a determination of nonsignificance or mitigated determination of
712 nonsignificance, transmit the recommendation within forty-five days of the end of the
713 comment period on threshold determination;

714 (2) ~~((F))~~for a determination of significance, transmit the recommendation
715 within forty five days of the end of the appeal period for the final environmental impact
716 statement; and

717 j. coordinate and assemble the reviews of other departments and governmental
718 agencies having an interest in the application and shall prepare a report summarizing the
719 factors involved and the department's recommendation. At least seven calendar days
720 before the scheduled hearing, the department shall file the report with the hearing
721 examiner and mail copies to those identified in subsection Z.1.g. of this section.

722 2. The exceptions to permit review timelines described in K.C.C. 20.20.100.C.
723 shall apply to the review period deadlines outlined in subsection Z. of this section. If the
724 department is unable to meet the time limits established by this section, it shall provide
725 written notice of this fact to the applicant. The notice shall include a statement of reasons
726 why the time limits have not been met and an estimated date for issuance of the notice of
727 recommendation to the hearing examiner. In no case shall the review of the interim use
728 permit, from the date a complete application is filed through the date the department
729 issues the recommendation to the hearing examiner, excluding the timeframes outlined in
730 K.C.C. 20.20.100.C., exceed one hundred twenty days, unless the parties agree to an
731 extension.

732 AA.1. The hearing examiner shall:

733 a. within fourteen days of receiving the department's recommendation on the
734 interim use permit, set the date for the prehearing conference and notify the interested
735 parties.

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

739 c. conduct an open record public hearing within thirty days of the prehearing
740 conference.

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

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

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

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

760 DD. Upon issuance of an interim use permit, the department may review and
761 approve, in accordance with the code compliance process in K.C.C. chapter 21A.42, an

762 expansion of, modification to, or addition to the development authorized by the interim
763 use permit. If the proposed development, taken together with any previously approved
764 development under the interim use permit, is within the limitations of subsection U.1. of
765 this section, the development proposal shall be processed as a Type 1 land use decision,
766 subject to all other applicable state and local standards.

767 EE. Establishment of the use or activity authorized by an interim use permit shall
768 occur within ten years of the effective date of the decision for the interim use permit or
769 subsequent amendment to the interim use permit under subsection DD of this section.
770 Upon written request to the department made by the applicant before the expiration of an
771 interim use permit or subsequent amendment, the department shall extend the permit for
772 one or more one-year period, up to a total of five consecutive years, if site conditions

773 have not significantly changed in a manner that would have affected the original permit
774 approval and the applicant pays applicable permit extension fees.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this ____ day of _____, ____.

Attachments: None