



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**November 24, 2015**

**Ordinance 18184**

**Proposed No. 2015-0437.2**

**Sponsors von Reichbauer**

1           AN ORDINANCE relating to the development of a  
2           regional motor sports facility demonstration project;  
3           amending Ordinance 17287, Section 3, and K.C.C.  
4           21A.55.105.

5           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

6           **SECTION 1. Findings:**

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

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

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

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

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

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

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

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

42 significance is proposed to be completed through the regional planning unit within the  
43 office of performance, strategy and budget.

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

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

53 K. Since adoption of Ordinance 17287, the county and the property owner have  
54 come to realize that the master planning demonstration project is a large undertaking that  
55 will not occur without interim measures. The project of statewide significance  
56 designation provides an opportunity to evaluate expedited review mechanisms for a  
57 discreet activity within the master planning project.

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

63 M. The 1990 Soos Creek Basin Plan shows the raceway within a recommended  
64 one-quarter mile rural corridor recommended for major streams. The council recognizes

65 the need to protect the water quality of salmon-bearing streams in the vicinity of the  
66 project site, such as Big Soos and Soosette creeks, as well as valuable facilities like the  
67 Soos Creek Hatchery that rely upon the maintenance of water quality in those water-  
68 bodies. In order to ensure that protection, this ordinance requires any proposed  
69 development of the site to comply with surface water retention, infiltration and  
70 monitoring requirements, as well as, to establish a critical area buffer from Soosette  
71 creek.

72 N. The property owner's participation in this demonstration project is voluntary.  
73 The county has had success with demonstration projects in the past. However, in  
74 deciding to initiate the master planning process, the property owner will be taking on  
75 risks associated with an untested process. The property owner has the option of pursuing  
76 development approval through a more traditional process.

77 SECTION 2. Ordinance 17287, Section 3, and K.C.C. 21A.55.105 are each  
78 hereby amended to read as follows:

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

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

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

84 b. executing a development and operating agreement, pursuant to RCW  
85 36.70B.170 that establishes:

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

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

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

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

94           2. Utilize the hearing examiner, as authorized in K.C.C. 20.24.520, to function  
95 as a special master for the purpose of fact finding and reporting on compliance by the  
96 applicant with the executed development and operating agreement, as provided in  
97 subsection S. of this section; and

98           3. Provide for ongoing monitoring of the executed development and operating  
99 agreement by the council to ensure continued future compliance with the executed  
100 development and operating agreement.

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

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

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

- 110           1. A proposed development plan that describes the nature, size and scope and  
111 phasing of all proposed activities;
- 112           2. A proposed site plan that identifies the location and dimensions of proposed  
113 racing surfaces, access roadways, parking areas, buildings, stormwater facilities, sewage  
114 treatment or holding facilities and any off-site traffic improvements;
- 115           3. A proposed master drainage plan under the surface water design manual;
- 116           4. A proposed grading plan that identifies or includes:
- 117               (a) land contours;
- 118               (b) soil types; and
- 119               (c) phasing;
- 120           5. Proposed development conditions relating to:
- 121               (a) on-site vehicle circulation and off-site traffic control measures;
- 122               (b) protection for critical areas, especially adjacent to Soosette creek;
- 123               (c) stormwater flow control and water quality treatment;
- 124               (d) visual screening from adjoining residential properties;
- 125               (e) ongoing monitoring and reporting to measure compliance with the  
126 development and operating agreements;
- 127               (f) fire protection; and
- 128               (g) water supply and service;
- 129           6. Proposed operating conditions that specify:
- 130               (a) days and hours of operation;
- 131               (b) frequency of events;
- 132               (c) types of activities, including types of motor vehicles; and

133 (d) maximum noise levels; and

134 7. Any necessary information identified through the preapplication process.

135 E. The development and operating agreement shall contain development  
136 standards and operating conditions related to the development and operation of the site  
137 and shall include, but shall not be limited to:

138 1. A master site plan and detailed conditions establishing the:

139 a. location and scope of proposed land uses;

140 b. location and size of buildings and structures such as grandstands;

141 c. layout and dimensions of racing surfaces and circulation roadways;

142 d. site elevations and contours established by a master grading plan;

143 e. excavation and processing of materials, including dust control, during  
144 construction of the facilities;

145 f. location and dimensions parking areas;

146 g. location of stormwater facilities, sewage treatment facilities, water, and  
147 related features; and

148 h. vegetative screening required in subsection F.1. of this section;

149 2. A master drainage plan consistent with the surface water design manual;

150 3. A project phasing plan, including threshold requirements that must be met  
151 before approval of the next phase of development;

152 4. Specified types of racing and nonracing activities, and where on the site the  
153 activities can occur;

154 5. Specified days and times for all racing and nonracing uses;

155           6. Specified noise levels for racing and nonracing uses, including but not limited  
156 to, how noise levels will be measured and mitigated;

157           7. Specified on-site vehicle circulation and other traffic control measures to  
158 reduce the impact of congestion on roadways in the vicinity of Pacific Raceways;

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

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

163           10. Specified regular ongoing monitoring and reporting to measure compliance  
164 with the development and operating agreement requirements relating to noise, traffic, air  
165 quality, groundwater quality, stormwater flow control and water quality treatment and  
166 water volume and quality in Soosette creek;

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

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

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

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

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



178 F. All development under the master plan shall be subject to the following  
179 standards relating to screening and building setbacks: as provided in K.C.C.  
180 21A.16.030.F, to the maximum extent practical, buildings and other structures shall be  
181 constructed on the project to be shielded from view from adjoining residential properties  
182 using methods that may include, but are not limited to:

- 183 1. Retention of existing vegetation; and
- 184 2. Placement of new vegetation to augment existing vegetation.

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

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

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

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

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

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

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

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

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

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

209 (3) the alteration is the minimum necessary to accommodate the development  
210 proposal;

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

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

214 (6) the director may only approve an alteration in a category III or IV  
215 wetland; and

216 (7) the alterations to any wetland shall be mitigated in accordance with an  
217 approved mitigation plan by relocating the wetland into a new wetland, with equivalent  
218 or greater functions, or into an existing wetland at the ratios specified in K.C.C.  
219 21A.24.340 based on the type of mitigation measures proposed.

220 H. Uses proposed under the master planning proposal shall comply with the King  
221 County surface water design manual and shall:

222           1. Use enhanced basic water quality measures to treat stormwater and use  
223 stormwater infiltration facilities to manage stormwater to protect aquatic life in Big Soos  
224 and Soosette creeks and operation of the Soos Creek Hatchery, while protecting  
225 groundwater quality. The department shall consider the proposed use in determining  
226 whether spill control or special oil control measures in excess of the King County surface  
227 water design manual requirements are necessary to achieve the required environmental  
228 protections;

229           2. Specify and require facilities and best management practices to insure that  
230 auto-related fluids, brake dust, and other products are properly managed and disposed of  
231 to avoid contamination of soils, surface water and groundwater;

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

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

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

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

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

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

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

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

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

257           K. The department shall:

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

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

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

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

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

273 a. all parties of record, including community groups or organizations,  
274 established during the review of Conditional Use Permit File Nos. A-71-0-81 and  
275 L08CU006, Proposed Ordinance 2010-0189 or Ordinance 17287;

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

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

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

283 7. Conduct one or more public meetings on the master planning proposal  
284 application to gather information and public input on all aspects of the master planning  
285 proposal. The first meeting shall be held within thirty days after the applicant has filed  
286 its master planning proposal application with the department and may be combined with  
287 a public meeting required under Ordinance 17287, Section 5.D.4. At that public meeting,  
288 the applicant shall present its master planning proposal. At each public meeting, the  
289 public shall be provided an opportunity to comment on the master planning proposal.  
290 The department shall record all public meetings and make a written summary of the

291 meetings available on its website within fourteen days after the meeting. The department  
292 may hold additional public meetings as it conducts its review of the master planning  
293 proposal application and shall provide an opportunity for the applicant to respond to  
294 questions at each public meeting;

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

299           9. Not later than thirty days after the final environmental impact state is issued,  
300 propose for public review and comment a development and operating agreement  
301 consistent with this section. The department shall provide notice of the proposed  
302 development and operating agreement in the same manner as it provided the notice of  
303 application under subsection K.5. of this section. The department shall present the  
304 proposed development and operating agreement at a public meeting within fourteen days  
305 after the notice is provided under this subsection K.9; and

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

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

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

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

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

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

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

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

332 2. If the department or the applicant is unable to meet a timeline established by  
333 this section as part of the process for review of the master planning proposal, the  
334 department shall provide written notice to the council within fourteen days after the  
335 missed deadline in the form of a letter to the chair of transportation, economy and

336 environment committee or its applicable successor describing the causes for the delay,  
337 and the steps or actions needed to be taken by the department or the applicant to continue  
338 timely processing of the proposal.

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

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

346 3. When the hearing examiner sets the department's recommended development  
347 and operating agreement for an open record public hearing, the department shall  
348 coordinate and assemble the reviews of other departments and governmental agencies  
349 having an interest in the application and shall prepare a report summarizing the factors  
350 involved and the department's recommendation. At least fourteen calendar days before  
351 the scheduled hearing, the department shall file the report with the hearing examiner and  
352 mail copies to those identified in subsection K.5.a. through c. of section.

353 4. The hearing examiner's recommendation may be to approve or reject the  
354 department's recommended development and operating agreement, or the examiner may  
355 recommend that the council adopt the department's recommended development and  
356 operating agreement with such conditions, modifications and restrictions as the examiner  
357 finds necessary to carry out applicable state laws and regulations and the regulations,  
358 including chapter 43.21C RCW, policies, objectives and goals of the Comprehensive



359 Plan, the zoning code K.C.C. Title 21A and other laws, policies and objectives of King  
360 County.

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

369           6. To appeal the hearing examiner's recommendation, an aggrieved party must  
370 file a notice of appeal with the clerk of the council within fourteen days of the date of the  
371 mailing of the hearing examiner's recommendation. The clerk shall notify the hearing  
372 examiner and the parties of record to the hearing examiner's open record public hearing in  
373 writing of the council's receipt of the appeal. The clerk shall also cause to have posted on  
374 the council's web page the notice of the appeal. The appellant shall file a statement of  
375 appeal with the clerk within twenty-one days of filing its notice of appeal, together with  
376 proof of service of the statement of appeal to the other parties of record. The statement of  
377 appeal must specify the basis for the appeal and any arguments in support of the appeal.  
378 Failure to file a statement of appeal shall result in the dismissal of the appeal. The clerk  
379 shall cause to have the statement of appeal posted on the council's web page. Any  
380 written responsive statements or arguments to the appeal, together with proof of service  
381 on the other parties of record, must be filed with the clerk within fourteen days after the

382 filing of the statement of appeal. The clerk shall cause to have these responsive  
383 statements and arguments posted on the council's webpage.

384           7. At least fourteen days before the closed record hearing by the council of the  
385 appeal, the clerk will provide the parties of record with written notice of the hearing time  
386 and date. The council's consideration of the appeal shall be based upon the record as  
387 presented to the hearing examiner at the open record public hearing and upon written  
388 appeal statements and arguments submitted by the parties that are based on the open  
389 record public meeting. The council may allow the parties to the appeal a period of time  
390 for oral argument based on the record. Consistent with RCW 36.70B.020(1), before or at  
391 the appeal hearing and upon the request of the council, county staff may provide a written  
392 or oral summary, or both, of the appeal record, issues and arguments presented in an  
393 appeal and may provide answers, based on the record, to questions with respect to issues  
394 raised in an appeal asked by council members at the appeal hearing. Nothing in this  
395 subsection shall be construed as limiting the ability of the council to seek and receive  
396 legal advice regarding a pending appeal from the office of the prosecuting attorney or  
397 other county legal counsel either within or outside of the hearing.

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

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

403           b. The recommendation of the hearing examiner is based on an error in  
404 judgment or conclusion, the council may modify or reverse the recommendation of the  
405 hearing examiner.

406           9. a. The council's final action on any recommendation of the hearing examiner  
407 shall be by ordinance, which shall include findings of fact and conclusions from the  
408 record of the hearing examiner's public hearings. The findings and conclusions shall set  
409 forth and demonstrate the manner in which the council's decision is consistent with,  
410 carries out and helps implement applicable state laws and regulations, the regulations,  
411 policies, objectives and goals of the comprehensive plan and Ordinance 17287. The  
412 council may adopt as its own all or portions of the hearing examiner's findings and  
413 conclusions.

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

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

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

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

431           3. The council may either:

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

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

438           4. Any final action by the county council may be reconsidered by the council  
439 pursuant to K.C.C. 20.24.250; and

440           5. Any appeal of the council's final action shall comply with the requirements of  
441 K.C.C 20.24.240.A.

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

446           However, any such development and operating agreement will not have retroactive  
447 effect. Any enforcement actions relating to compliance with the design and operating

448 conditions established under Conditional Use Permit File Nos. A-71-0-81 and L08CU006  
449 regarding activities that occurred before the execution of a development agreement shall  
450 not be affected.

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

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

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

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

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

466           (1) the operating conditions established in the agreement shall remain in  
467 effect; and

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

470 P. During the period a development and operating agreement is in effect, any  
471 subsequent development on the site shall be consistent with the approved development  
472 and operating agreement.

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

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

- 480 a. surface water management standards under K.C.C. Title 9;
- 481 b. public health and safety codes under K.C.C. Title 13;
- 482 c. road standards under K.C.C. Title 14;
- 483 c. building codes under K.C.C. Title 16; and
- 484 d. fire codes under K.C.C. Title 17.

485 R. During the effective period of the development and operating agreement, the  
486 applicant may request in writing and the department may propose a modification of the  
487 development and operating agreement. The applicant's request and the department  
488 initiated proposal shall be made by June 1 of each year for implementation in the  
489 following year. The department shall provide notice of the request or proposed  
490 modification as provided in subsection K.5.a. through c. of this section. The department  
491 shall submit to the hearing examiner its recommendation on the request not later than  
492 August 1.

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

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

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

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

505 b. evaluates compliance with development and operation agreement conditions  
506 during the preceding year;

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

509 d. evaluates proposed modifications to the development and operating  
510 agreement; and

511 e. outlines potential steps to ensure compliance with the development and  
512 operating agreement.

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

516 T. The director shall submit a report on the master planning demonstration  
517 project to the council within sixty days of the council's adoption of the ordinance  
518 approving the development and operating agreement. The report shall evaluate the  
519 efficacy of the master planning process and may include recommended changes to the  
520 master planning process to address problems or deficiencies in the process identified by  
521 the department. The department shall solicit comments from the applicant, the hearing  
522 examiner, and the public, identified in subsection K.5.a. through c. of this section, on the  
523 master planning process and include a synopsis of those comments in the report. A paper  
524 copy and an electronic copy of the report shall be filed with the clerk of the council, who  
525 shall retain the paper original and shall forward electronic copies to each councilmember.

526 U. Before the application for a master planning proposal application, the  
527 applicant shall be permitted to undertake the following activities, subject to an interim  
528 use permit:

529 1. Construct up to four hundred thousand square feet of buildings, including  
530 required excavation and processing of materials, for uses allowed for a regional motor  
531 sports facility as set forth in K.C.C. 21A.06.973C, and associated required site  
532 improvements; and

533 2. Excavation and processing of materials shall be subject to the following limits:

534 a. Under the interim use permit, the amount of materials shall be only as is  
535 necessary to construct the buildings and any required site improvements associated with  
536 the construction of the buildings, subject to review by the department;

537 b. The on-site processing of the extracted materials shall be limited to the  
538 sorting of the materials into separate dirt, sand and gravel components, and crushing and



539 washing of those components that will be used for on-site construction of the buildings

540 and required site improvements; and

541 c. The on-site processing shall be limited to 9:00 a.m. to 5:00 p.m. Monday

542 through Friday.

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

544 applicant shall submit the following information to the department with a request to

545 schedule a preapplication meeting:

546 1. Affidavit of application, on a form approved by the department;

547 2. Project narrative and questions for department staff;

548 3. Preliminary site plan, which shall include:

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

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

551 c. parcel number or numbers;

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

553 e. north arrow and scaled dimensions;

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

555 g. existing and proposed grade contours;

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

557 i. area of either disturbance or development, or both, including utilities, septic

558 and internal circulation, as needed;

559 j. existing and proposed easements, including ingress, egress, utilities or

560 drainage; and

561 k. critical areas and their buffers; and

562 4. Preliminary building plan.

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

566 1. A proposed site plan that identifies the location and dimensions of the  
567 proposed buildings, vehicular circulation and parking areas, critical areas and buffers,  
568 landscaping, stormwater facilities, utilities and fire protection;

569 2. A proposed drainage plan under the surface water design manual for the  
570 improvements proposed under the interim use permit;

571 3. A proposed grading plan that complies with the submittal, operating and  
572 performance requirements in K.C.C. chapter 16.82;

573 4. A proposed restoration plan that complies with this section;

574 5. A deposit as required by K.C.C. 27.02.210 for review of the interim use  
575 permit; and

576 6. Any necessary information identified through the preapplication process.

577 X. The interim use permit shall contain development conditions related to the  
578 grading activities and buildings and shall include, but not be limited to:

579 1. An approved site plan and conditions that establish:

580 a. location, size and proposed uses of the buildings;

581 b. location and dimensions of vehicular circulation and parking, including  
582 required parking for the existing uses;

583 c. location of stormwater facilities, sewage treatment facilities, water, and  
584 related features;

- 585           d. landscaping requirements, as required by K.C.C. chapter 21A.16;
- 586           e. location of on-site critical areas. Development or operations are not allowed
- 587 within critical areas or their buffers, and alterations of critical areas or their buffers are
- 588 not permitted, as part of the activities allowed with the interim use permit or related
- 589 construction permits; and
- 590           f. necessary on-site and off-site traffic control for construction impacts on
- 591 vehicular circulation and on roadways in the vicinity of the project site;
- 592           2. An approved grading plan in compliance with the requirements of K.C.C.
- 593 chapter 16.82;
- 594           3. An approved drainage plan in compliance with the surface water design
- 595 manual;
- 596           4. A restoration plan in compliance with the following requirements:
- 597           a. Final grades shall generally conform to standards in KCC 16.82.100 and the
- 598 following:
- 599           (1) be such so as to encourage the uses permitted within the primarily
- 600 surrounding zone or, if applicable, the underlying or potential zone classification; and
- 601           (2) result in drainage patterns that reestablish natural conditions of aquifer
- 602 recharge, water velocity, volume and turbidity within six months of restoration and that
- 603 precludes water from collecting or becoming stagnant. Suitable drainage systems
- 604 approved by the department shall be constructed or installed where natural drainage
- 605 conditions are not possible or where necessary to control erosion. All constructed
- 606 drainage systems shall be designed consistent with the Surface Water Design Manual;
- 607 and

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

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

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

616 5. A condition requiring that all grading and construction activities be  
617 completed within sixty months of the effective date of this ordinance, except as allowed  
618 to be extended in accordance K.C.C. 20.20.105.

619 Y. For the interim use permit, the executive shall appoint a special project  
620 manager.

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

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

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

630           4. The special project manager shall evaluate, and provide a recommendation to  
631 the executive, regarding the efficacy of options, such as review by another jurisdictions  
632 or using outside staff to complete the substantive review, for expediting the permit review  
633 process. As part of this review, the special project manager shall ensure that any  
634 recommended option will produce a review that complies with this chapter and other  
635 applicable laws, regulations and adopted policies.

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

637           a. process the interim use permit as a Type 3 land use permit. K.C.C. chapter  
638 20.20 shall apply, except as modified by this section;

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

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

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

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

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

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

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

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

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

663 h. complete environmental review on the interim use and activities authorized  
664 by the interim use permit;

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

669 (1) For a determination of nonsignificance or mitigated determination of  
670 nonsignificance, transmit the recommendation within forty five days of the end of the  
671 comment period on threshold determination;

672 (2) For a determination of significance, transmit the recommendation within  
673 forty five days of the end of the appeal period for the final environmental impact  
674 statement; and

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

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

690            AA.1. The hearing examiner shall:

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

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

697 c. conduct an open record public hearing within thirty days of the prehearing  
698 conference;.

699 d. within ten days of the public hearing, issue a decision on the interim use  
700 permit. The examiner's determination may be to grant or deny the application, and may  
701 include any conditions, modifications and restrictions as the examiner finds necessary to  
702 carry out the provisions of this section. The examiner's decision may be appealed to the  
703 council according to K.C.C. 20.24.210.

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

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

715 CC. The applicant shall pay fees to the county to cover the actual cost of



716 providing project management, review and inspection services for the interim use permits  
717 and including environmental review, in accordance with K.C.C. 27.02.100.  
718

Ordinance 18184 was introduced on 10/19/2015 and passed as amended by the Metropolitan King County Council on 11/23/2015, by the following vote:

Yes: 7 - Mr. Phillips, Mr. von Reichbauer, Ms. Hague, Ms. Lambert,  
Mr. Dunn, Mr. Dembowski and Mr. Upthegrove  
No: 2 - Mr. Gossett and Mr. McDermott  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**DEEMED ENACTED WITHOUT  
COUNTY EXECUTIVE'S SIGNATURE.**  
DATED: 12/4/15

Dow Constantine, County Executive

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KING COUNTY COUNCIL

Attachments: None