



ADDITIONAL MEETING
MATERIALS
KING COUNTY
COUNCIL

1.15.26
PacRac Striker

[J. Tracy]

Sponsor: von Reichbauer

Proposed No.: 2025-0329

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

2 **1**

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

4 **"SECTION 1. Findings:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

157 8. Recreational cycling and running events; and

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

160 1. Uses that are related to racetrack uses;

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

165 3. Automotive educational institutions; and

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

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

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

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

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

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

178 36.70B.170 that establishes:

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

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

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

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

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

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

195 and

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

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

198 with the executed development agreement and operating agreement.

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

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

201 property as described in Attachment A to Ordinance 17287.

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

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

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

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

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

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

224 division;

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

226 3. Preliminary proposed development agreement that incorporates the

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

228 4. Preliminary proposed operating agreement that incorporates the

229 requirements for the operating agreement outlined in this section.

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

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

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

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

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

241 a. existing and proposed land contours;

242 b. soil types; and

243 c. phasing, including proposed contours by phase;

244 5. Proposed development conditions relating to:

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

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

247 c. stormwater flow control and water quality treatment;

248 d. visual screening from adjoining residential properties;

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

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

251 f. fire protection; and

252 g. water supply and service;

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

254 specify:

255 a. days and hours of operation;

256 b. frequency of events;

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

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

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

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

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

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

263 7. A State Environmental Policy Act Checklist; and

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

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

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

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

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

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

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

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

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

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

275 grandstands;

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

277 roadways;

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

279 plan;

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

281 during construction of the facilities;

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

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

284 water, and related features; and

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

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

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

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

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

290 course, unless required by federal or state law;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

664 3. The council may either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 822 1. Affidavit of application, on a form approved by the ((~~department~~))
823 permitting division;
- 824 2. Project narrative and questions for ((~~department~~)) permitting division
825 staff;
- 826 3. Preliminary site plan, which shall include:
- 827 a. location of the property, with a vicinity map showing cross street;
- 828 b. address, if an address has been assigned;
- 829 c. parcel number or numbers;
- 830 d. zoning of parcel or parcels and adjacent parcel or parcels;
- 831 e. north arrow and scaled dimensions;
- 832 f. existing and proposed building footprints, with overhangs and
833 projections;
- 834 g. existing and proposed grade contours;
- 835 h. site area in square feet or acres of the project site;
- 836 i. area of either disturbance or development, or both, including utilities,
837 septic, and internal circulation, as needed;
- 838 j. existing and proposed easements, including ingress, egress, utilities, or
839 drainage; and
- 840 k. critical areas and their buffers; and
- 841 4. Preliminary building plan.
- 842 W. An interim use permit application shall be considered complete when the
843 following information and studies have been submitted and are adequate to review the
844 proposal:

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

868 related construction permits; and

869 f. necessary on-site and off-site traffic control for construction impacts on

870 vehicular circulation and on roadways in the vicinity of the project site;

871 2. An approved grading plan in compliance with the requirements of K.C.C.

872 chapter 16.82;

873 3. A preliminary drainage plan in compliance with the surface water design

874 manual; and

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

876 a. Final grades shall generally conform to standards in K.C.C. 16.82.100

877 and the following:

878 (1) be such so as to encourage the uses permitted within the primarily

879 surrounding zone or, if applicable, the underlying or potential zone classification; and

880 (2) result in drainage patterns that reestablish natural conditions of

881 aquifer recharge, water velocity, volume, and turbidity within six months of restoration

882 and that precludes water from collecting or becoming stagnant. Suitable drainage

883 systems approved by the ((~~department~~)) permitting division shall be constructed or

884 installed where natural drainage conditions are not possible or where necessary to control

885 erosion. All constructed drainage systems shall be designed consistent with the Surface

886 Water Design Manual; and

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

888 (1) be planted with a variety of trees, shrubs, legumes, and grasses

889 indigenous to the surrounding area and appropriate for the soil, moisture, and exposure

890 conditions; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

974 AA.1. The hearing examiner shall:

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

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

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

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

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

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

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

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

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

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

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

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

1030 SECTION 4. The following are hereby repealed:

1031 A. Ordinance 17287, Section 5; and

1032 B. Ordinance 17287, Section 6.

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

1036

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

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

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

TRACK CHANGES VERSION FOR ILLUSTRATIVE PURPOSES ONLY

S1

1.15.26
PacRac Striker

[J. Tracy] Sponsor: von Reichbauer
Proposed No.: 2025-0329

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

2 **1**

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

4 **"SECTION 1. Findings:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

108 T. ~~The council intends that the conditions imposed through the master planning~~
109 ~~process be no more restrictive than what is allowed under the current conditional use~~
110 ~~permit and interim use permit, and intends that conditions not further restrict what is~~

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111 ~~allowed on site~~ Pacific Raceways has operated for many years under a conditional use
112 permit approved by King County after State Environmental Policy Act review. As
113 discussed in subsections A. through S. of this section, an interim use permit was also
114 approved for the site. The conditional use permit contains conditions establishing when
115 the racetrack can operate and whether noise limitations apply to those operations. Where
116 the conditional use permit and interim use permit have specific conditions that apply to
117 the site, such as racing days and noise, the council's intent is that the demonstration
118 project does not impose stricter conditions on those existing, legally established uses and
119 activities. This ordinance is intended not to further restrict existing uses and activities,
120 but instead to allow additional uses to be constructed at the Pacific Raceways site and to
121 allow the track to be brought up to current racing standards, subject to the regulations in
122 this ordinance.

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

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

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

- 131 1. A road course;
- 132 2. A kart course;
- 133 3. A motocross course;

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- 134 4. Five-sixteenth-mile oval track; and
- 135 5. Up to two drag strips;
- 136 B. The following accessory uses, if authorized by the master planning
- 137 demonstration project, shall be subject to the conditions established in the development
- 138 agreement and operating agreement:
- 139 1. Fire station;
- 140 2. Driving school; and
- 141 3. Police and fire safety training; ~~((and))~~
- 142 C. Limited uses accessory to racing activities may be allowed. ~~((Any accessory~~
- 143 ~~uses shall be limited to racing and racing-related vehicle uses and shall be appurtenant to~~
- 144 ~~the facility by providing either a service or product only to the facility or require use of~~
- 145 ~~the facility in connection with the use.))~~ Assembly-line or mass production, including,
- 146 but not limited to, vehicles and vehicle parts~~((;))~~ and permanent lodging facilities ~~((and~~
- 147 ~~general commercial, industrial and manufacturing uses))~~ are not permitted, except as may
- 148 be allowed by subsection D. of this section. Accessory uses are limited to the following,
- 149 and those allowed by subsection D. of this section:
- 150 1. On-site sale of racing- or event-related items;
- 151 2. Repair, service, modification, or storage of motor vehicles ~~((used primarily at~~
- 152 ~~the facility));~~
- 153 3. Custom fabrication of racing motor vehicles, or vehicle parts to be
- 154 incorporated into those vehicles~~((; that will be used primarily at the facility));~~
- 155 4. Motor vehicle fuel sales for event participants;

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156 5. Daycare for people employed at the facility and event participants and
157 spectators;

158 6. Food service and concessions for event participants and spectators; (~~and~~)

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

161 8. Recreational cycling and running events; and

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

164 1. Uses that are related to racetrack uses;

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

169 3. Automotive educational institutions; and

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

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

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

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

178 a. utilizing a concise timeline for project review that incorporates a

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179 process for public outreach and input during project review and facility operation to
180 ensure a timely and efficient review;

181 b. executing a development ~~((and operating))~~ agreement, pursuant to RCW
182 36.70B.170 that establishes:

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

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

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

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

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

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

201 ~~((3-))~~ 4. Provide for ongoing monitoring of the executed development

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202 agreement and operating agreement by the council to ensure continued future compliance
203 with the executed development agreement and operating agreement.

204 B.1. The master planning process demonstration project shall be
205 implemented only for a regional motor sports facility only on the Pacific Raceways
206 property as described in Attachment A to Ordinance 17287.

207 2. The department of local services, permitting division, shall administer the
208 demonstration project.

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

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

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

223 C. The master planning demonstration project shall be initiated by the
224 applicant making a written request to the ((~~department~~)) permitting division for a

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225 preapplication meeting to identify the requirements necessary for a complete application
226 under this section. The applicant shall submit the following information to the permitting
227 division with a request to schedule a preapplication meeting:

228 1. A preapplication request form, on a form approved by the permitting
229 division;

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

231 3. Preliminary proposed development agreement that incorporates the
232 requirements for the development agreement outlined in this section; and

233 4. Preliminary proposed operating agreement that incorporates the
234 requirements for the operating agreement outlined in this section.

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

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

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

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

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

246 a. existing and proposed land contours;

247 b. soil types; and

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- 248 c. phasing, including proposed contours by phase;
- 249 5. Proposed development conditions relating to:
- 250 a. on-site vehicle circulation and off-site traffic control measures;
- 251 b. protection for critical areas, especially adjacent to Soosette creek;
- 252 c. stormwater flow control and water quality treatment;
- 253 d. visual screening from adjoining residential properties;
- 254 e. ongoing monitoring and reporting to measure compliance with the
- 255 development agreement and operating agreement((s));
- 256 f. fire protection; and
- 257 g. water supply and service;
- 258 6. A ((P))proposed operating agreement that includes conditions that
- 259 specify:
- 260 a. days and hours of operation;
- 261 b. frequency of events;
- 262 c. types of activities, including types of motor vehicles; ~~((and))~~
- 263 d. maximum noise levels, except that ~~are~~ noise levels for existing and
- 264 approved uses and activities shall be no more restrictive than noise levels
- 265 ~~permitted~~allowed by Conditional Use Permit Files Nos. A-71-0-81 and Interim Use
- 266 Permit File No. LUT417-0003; if those uses or activities are expanded in scope or size,
- 267 the impacts created by the expanded scope or size may be subject to additional
- 268 conditions;
- 269 7. A State Environmental Policy Act Checklist; and
- 270 8. Any necessary information identified through the preapplication process.

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271 E.1. The development (~~(and operating)~~) agreement shall contain
272 development standards (~~(and operating conditions)~~) related to the development (~~(and~~
273 ~~operation)~~) of the site. The ~~(and)~~. For existing and approved uses and activities, the
274 development standards included in the development agreement shall not be more
275 restrictive than the current permits for the site. ~~and~~. If those uses or activities are
276 expanded in scope or size, the impacts created by the expanded scope or size may be
277 subject to additional conditions. Development standards shall include, but shall not be
278 limited to:

279 ~~((+))~~ a. A master site plan and detailed conditions establishing the:

280 ~~((#))~~ (1) location and scope of proposed land uses;

281 ~~((#))~~ (2) location and size of buildings and structures such as

282 grandstands;

283 ~~((#))~~ (3) layout and dimensions of racing surfaces and circulation

284 roadways;

285 ~~((#))~~ (4) site elevations and contours established by a master grading

286 plan;

287 ~~((#))~~ (5) excavation and processing of materials, including dust control,

288 during construction of the facilities;

289 ~~((#))~~ (6) location and dimensions parking areas;

290 ~~((#))~~ (7) location of stormwater facilities, sewage treatment facilities,

291 water, and related features; and

292 ~~((#))~~ (8) vegetative screening required in subsection F.1. of this section;

293 ~~((2-A))~~ b. a master drainage plan consistent with the surface water design

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294 manual. However, the lower part of the road course, specifically turn 2 through turn 7,
295 which has been in place since 1959, shall be allowed to operate with the existing surface
296 water drainage facilities, as long as no improvements are made to this portion of the road
297 course, unless required by federal or state law;

298 ~~((3.-A))~~ c. a project phasing plan, including threshold requirements that
299 must be met before approval of the next phase of development;

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

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

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

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

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

308 (3) a penalty schedule for violations that recognizes the nature and

309 impact of the violation and is sufficient to deter violations that otherwise result in
310 financial benefit to the facility, including, but not limited to, revocation of the operating
311 agreement and right to operate or loss of specific days of operation; and

312 g. a process to approve modifications to the development agreement
313 requested by the applicant, that includes criteria for when modifications are considered
314 minor and require approval by the permitting division, and when modifications are
315 considered major and require approval by ordinance by the council following a public
316 hearing by the hearing examiner. The process shall also specify any required public

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317 notice for modifications, and an option for the applicant to ask the council to make
318 decisions on minor modifications proposed by the applicant.

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

321 a. shall not be more restrictive than the current permit restrictions for the
322 site; for existing and approved uses and activities, unless an existing or approved use or
323 activity is expanded in scope or size, in which case the impacts created by the expanded
324 scope or size may be subject to additional conditions;

325 b. shall consider flexibility to adapt as the racing industry and other on-site
326 activities evolve in the future; ~~and; and shall include, but shall not be limited to:~~

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

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

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

334 ((6.)) ~~e.~~Specified(3) ((S))specified noise levels for racing and nonracing
335 uses, including, but not limited to, how noise levels will be measured and mitigated ~~that,~~
336 but only if, for existing and approved uses and activities, maximum noise levels are no
337 more restrictive than noise levels ~~permitted~~allowed by Conditional Use Permit Files No.
338 A-71-0-81 and Interim Use Permit File No. LUT417-0003; ~~and~~if those uses or activities
339 are expanded in scope or size, the impacts created by the expanded scope or size may be

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340 subject to additional conditions; and
341 ~~((7.)) (4) ((S))~~ d-specified on-site vehicle circulation and other traffic
342 control measures to reduce the impact of congestion on roadways in the vicinity of
343 Pacific Raceways~~((7.))~~;
344 ~~((8. Specified development conditions to ensure that permitted alterations~~
345 ~~provided for in subsection G. of this section achieve the appropriate level of protections;~~
346 ~~9. Specified development conditions to ensure that stormwater flow control~~
347 ~~and water quality treatment provided for in subsection H. of this section is achieved;~~
348 ~~((10.)) (5) ((S))~~ e-specified regular ongoing monitoring and reporting to
349 measure compliance with the development agreement and operating agreement
350 requirements ~~((relating to noise, traffic, air quality, groundwater quality, stormwater flow~~
351 ~~control and water quality treatment and water volume and quality in Soosette creek)); and~~
352 ~~((11.)) (6) ((S))~~ f-specified process for the receipt and evaluation by the
353 ~~((department))~~ permitting division of inquiries and complaints relating to the operation of
354 the facility, in order to allow for review by the hearing examiner as provided in
355 subsection S. of this section; ~~(and~~
356 ~~12. Specified enforcement mechanisms to address any violations of the~~
357 ~~conditions of the development agreement, including, but not limited to, the following:~~
358 ~~a. a process for monitoring condition violations and for receipt of~~
359 ~~complaints;~~
360 ~~b. a process for expedited review and remedy of possible violations; and~~
361 ~~c. a penalty schedule that recognizes the nature and impact of the violation~~
362 ~~and is sufficient to deter violations that otherwise result in financial benefit to the facility;~~

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363 including, but not limited to, revocation of operating permit and loss of specific days of
364 operation)).

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

368 4. The special project manager shall take the lead to negotiate the
369 development agreement and operating agreement between the county and the applicant.
370 This includes drafting proposals, coordinating the review of the permitting division and
371 other agencies, facilitating all meetings between the county and the applicant,
372 coordinating the development and review of the State Environmental Policy Act process,
373 attending and participating in public meetings and public hearings, ensuring all timelines
374 identified in this section are met, and shall be the point of contact for the applicant and
375 interested parties.

376 F. All development under the master plan shall be subject to the following
377 standards relating to screening and building setbacks: as provided in K.C.C.
378 21A.16.030.F., to the maximum extent practical, buildings and other structures shall be
379 constructed on the project to be shielded from view from adjoining residential properties
380 using methods that may include, but are not limited to:

- 381 1. Retention of existing vegetation; and
- 382 2. Placement of new vegetation to augment existing vegetation.

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

385 2. The ((department)) permitting division may approve alterations to critical

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386 areas, critical areas buffers, and critical area setbacks that are not otherwise allowed as an
387 alteration ((~~exception~~)) under K.C.C. ((~~21A.24.070~~)) 21A.24.045 when the applicant
388 demonstrates that:

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

391 b. ((~~the proposed impacts to critical areas, critical area buffers and critical~~
392 ~~area setbacks shall be controlled and compensated for in accordance with the~~
393 ~~requirements of K.C.C. 21A.24.125;~~

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

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

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

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

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

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

411 ~~((3)))~~ (3) the alteration is the minimum necessary to accommodate the
412 development proposal;

413 ~~((4)))~~ (3) the ~~((alternation))~~ alteration has the least ~~((possible))~~ adverse
414 impact on the critical area and critical area buffer;

415 ~~((5)))~~ (4) the critical area is not used as a salmonid spawning area;

416 ~~((6)))~~ (5) ~~((the director may only approve an alteration in a category III~~
417 ~~or IV))~~ alterations to a category I or II wetland shall not be allowed; and

418 ~~((7)))~~ (6) the alterations to any wetland shall be mitigated in accordance
419 with an approved mitigation plan ~~((by relocating the wetland into a new wetland, with~~
420 ~~equivalent or greater functions, or into an existing wetland at the ratios specified))~~ in
421 accordance with K.C.C. 21A.24.340 based on the type of mitigation measures proposed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

472 ~~((2-P))~~ provide to the applicant a detailed listing of all project issues and
473 necessary information or studies required under subsection D. of this section ~~((within~~
474 ~~thirty days after the date of the preapplication meeting))~~;

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

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478 4. Determine whether the master planning proposal is a complete
479 application under this section and K.C.C. ~~((20-20-050))~~ 20.20.033;

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

483 a. all parties of record, including community groups or organizations,
484 established during the review of Conditional Use Permit File No~~((s))~~. A-71-0-81 ~~((and~~
485 ~~L08CU006))~~, Interim Use Permit File No. LUT417-0003, Proposed Ordinance 2010-
486 0189, ~~((or))~~ Ordinance 17287, Ordinance 18184, or this ordinance;

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

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

491 6. ~~-(Not later than seven days after the applicant has filed with the~~
492 ~~department its master planning proposal, issue a determination of significance and~~
493 ~~proceed with the environmental review of the master planning proposal under Ordinance~~
494 ~~17287, Section 6))~~ Not later than sixty days after notice of a complete application is sent,
495 issue~~Issue~~ a threshold determination under WAC 197-11-310. If a determination of
496 nonsignificance or a mitigated determination of nonsignificance is to be issued, the
497 Optional DNS process in WAC 197-11-355 shall be used as provided in WAC 197-11-
498 310(6)(d). Subject to the requirements and limitations of chapter 197-11 WAC, the State
499 Environmental Policy Act review shall analyze the potential new impacts that may occur
500 over and above those impacts currently allowed under the conditions of CUP File No. A-

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501 71-0-81 and Interim Use Permit File No. LUT417-0003 and potential cumulative
502 impacts;

503 7. Conduct ~~((one or more))~~ two public meetings on the master planning
504 proposal application to gather information and public input on all aspects of the master
505 planning proposal. The first meeting shall be held within thirty days after the applicant
506 has filed its complete master planning proposal application with the ~~((department and~~
507 ~~may be combined with a public meeting required under Ordinance 17287, Section 5.D.4))~~
508 permitting division. At that public meeting, the applicant shall present its master
509 planning proposal. At ~~((each))~~ the public meeting, the public shall be provided an
510 opportunity to comment on the master planning proposal. The ~~((department))~~ permitting
511 division shall record ~~((a#))~~ the public meeting~~((s))~~ and make a written summary of the
512 meeting~~((s))~~ available on its website within fourteen days after the meeting. The
513 ~~((department))~~ permitting division may hold an additional public meeting~~((s))~~ as it
514 conducts its review of the master planning proposal application and shall provide an
515 opportunity for the applicant to respond to questions at each public meeting;

516 8. If a determination of significance is ~~((#))~~ issued, issue the final
517 environmental impact statement within eighteen months of either issuing to the applicant
518 a notice of complete application or the master planning proposal is deemed a complete
519 application under K.C.C. ~~((20.20.050.B))~~ 20.20.033. The consultant for the EIS may
520 request up to three months of additional time to prepare the final environmental impact
521 statement;

522 9. Within one hundred twenty days after issuance of a determination of
523 nonsignificance or mitigated determination of nonsignificance or ~~((#))~~ not later than thirty

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524 days after issuance of the final environmental impact ((state is issued)) statement,
525 depending upon the threshold determination, propose for public review and comment a
526 development agreement and operating agreement consistent with this section. The
527 ~~((department))~~ permitting division shall provide notice of the proposed development
528 agreement and operating agreement in the same manner as it provided the notice of
529 application under subsection K.5.a. through c. of this section. The ~~((department))~~
530 permitting division shall present the proposed development agreement and operating
531 agreement at a public meeting within fourteen days after the notice is provided under this
532 subsection K.9.; and

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

535 a. transmit to the hearing examiner the ~~((department's))~~ permitting
536 division's recommended development agreement and operating agreement, together with
537 a proposed ordinance authorizing the executive to execute the development agreement
538 and operating agreement;

539 b. publish its recommended development agreement and operating
540 agreement on the ~~((department's))~~ permitting division's website. As part of the
541 recommended development agreement and operating agreement, the permitting division
542 shall coordinate and assemble the reviews of other departments and governmental
543 agencies having an interest in the application and shall prepare a report summarizing the
544 factors involved and the permitting division's recommendation; and

545 c. provide notice of its recommended development agreement and
546 operating agreement in the same manner as it provided the notice of application under

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547 subsection K.5.a. through c. of this section and to those governmental agencies listed in
548 K.C.C. 20.20.090.A. The notice shall also advise:

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

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

553 (3) that interested persons may appear as parties at the open record public
554 hearing by filing a notice of appearance with the hearing examiner within fourteen days
555 of the date that the ((department's)) permitting division's recommendation has been
556 transmitted to the hearing examiner. The applicant will be presumed to be a party
557 without having to file a notice of appearance.

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

565 2. If the ((department)) permitting division or the applicant is unable to
566 meet a timeline established by this section as part of the process for review of the master
567 planning proposal, the ((department)) permitting division shall provide written notice to
568 the council within fourteen days after the missed deadline in the form of a letter to the
569 chair of ((transportation, economy and environment)) local services and land use

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570 committee or its ((~~applicable~~)) successor describing the causes for the delay, and the steps
571 or actions needed to be taken by the ((~~department~~)) permitting division or the applicant to
572 continue timely processing of the proposal.

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

576 2.)) Unless otherwise agreed to by those that appear as parties, the hearing
577 examiner shall conduct an open record public hearing within ninety days of issuance of
578 the ((~~prehearing conference~~)) permitting division's recommended development agreement
579 and operating agreement and, if necessary, shall hold the public hearing over consecutive
580 days.

581 ((~~3. When the hearing examiner sets the department's recommended~~
582 ~~development and operating agreement for an open record public hearing, the department~~
583 ~~shall coordinate and assemble the reviews of other departments and governmental~~
584 ~~agencies having an interest in the application and shall prepare a report summarizing the~~
585 ~~factors involved and the department's recommendation. At least fourteen calendar days~~
586 ~~before the scheduled hearing, the department shall file the report with the hearing~~
587 ~~examiner and mail copies to those identified in subsection K.5.a. through c. of section.~~

588 4.)) 2. The hearing examiner's recommendation may be to approve or reject
589 the ((~~department's~~)) permitting division's recommended development agreement and
590 operating agreement, or the examiner may recommend that the council adopt the
591 ((~~department's~~)) permitting division's recommended development agreement and
592 operating agreement with such conditions, modifications, and restrictions as the examiner

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593 finds necessary to carry out applicable state laws and regulations and the regulations,
594 including chapter 43.21C RCW, ~~((policies, objectives, and goals of the Comprehensive~~
595 ~~Plan, the zoning code))~~ K.C.C. Title 21A, and other laws~~((, policies, and objectives))~~ of
596 King County.

597 ~~((5-))~~ 3. Within fourteen days after the conclusion of the open record public
598 hearing, the hearing examiner shall issue a written recommendation and shall, consistent
599 with K.C.C. 20.20.220, transmit a copy thereof to the council and to all persons who
600 appeared as parties in the open record public hearing. The recommendation shall include
601 findings of fact and conclusions from the record that support the decision and the findings
602 and conclusions shall set forth and demonstrate the manner in which the recommendation
603 is consistent with, carries out, and helps implement applicable state laws and regulations,
604 the regulations~~((, policies, objectives))~~ of King County, and ~~((goals of the comprehensive~~
605 ~~plan and Ordinance 17287))~~ this section.

606 ~~((6-))~~ 4. To appeal the hearing examiner's recommendation, an aggrieved
607 party ~~((must))~~ shall file an ~~((notice of))~~ appeal with the clerk of the council within
608 fourteen days of the date ~~((of the mailing of))~~ the hearing examiner's recommendation
609 ~~((The clerk shall notify the hearing examiner and the parties of record to the hearing~~
610 ~~examiner's open record public hearing in writing of the council's receipt of the appeal.~~
611 ~~The clerk shall also cause to have posted on the council's web page the notice of the~~
612 ~~appeal. The appellant shall file a statement of appeal with the clerk within twenty one~~
613 ~~days of filing its notice of appeal, together with proof of service of the statement of~~
614 ~~appeal to the other parties of record. The statement of appeal must specify the basis for~~
615 ~~the appeal and any arguments in support of the appeal. Failure to file a statement of~~

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616 ~~appeal shall result in the dismissal of the appeal. The clerk shall cause to have the~~
617 ~~statement of appeal) posted on the council's web page. A)) is transmitted to the council~~
618 ~~in conformance with K.C.C. 20.20.230, except that~~ any written responsive statements or
619 arguments to the appeal, together with proof of service on the other parties (~~(of record)~~),
620 must be filed with the clerk of the council within fourteen days after the filing of the
621 appeal statement (~~(of appeal)~~). The clerk of the council shall cause to have these
622 responsive statements and arguments posted on the council's webpage.

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

638 ~~((8-))~~ 6. If, after consideration of the record, written appeal statements, and

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639 any oral argument the council determines that:

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

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

646 ~~((9-))~~ 7-a. The council's final action on any recommendation of the hearing
647 examiner shall be by ordinance, which shall include findings of fact and conclusions from
648 the record of the hearing examiner's public hearings. The findings and conclusions shall
649 set forth and demonstrate the manner in which the council's decision is consistent with,
650 carries out, and helps implement applicable state laws, the regulations~~((, the policies,~~
651 ~~objectives, and goals of the comprehensive plan)) of King County, and ~~((Ordinance~~
652 ~~17287))~~ this section. The council may adopt as its own all or portions of the hearing
653 examiner's findings and conclusions.~~

654 b. Any ordinance also may contain reasonable conditions, in accordance
655 with state law and county ordinances, which must be satisfied before the ordinance
656 becomes effective. The ordinance shall also designate the time period within which any
657 such conditions must be satisfied. All authority pursuant to such ordinance shall expire if
658 any of the conditions are not satisfied within the designated time period and the property
659 shall continue to be subject to all laws, regulations, and zoning as if the ordinance had not
660 been adopted. The council may extend the period for satisfaction of the conditions if,
661 after a public hearing by the examiner, the council finds an extension will be in the public

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662 interest and the extension was requested by the applicant within the initial time period.

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

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

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

672 3. The council may either:

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

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

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

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

684 O.1. The ~~((design))~~ development and operating conditions specified in any

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685 development agreement or operating agreement adopted and executed pursuant to the
686 process established in this section shall ~~((prospectively))~~ control the development and
687 operations ~~((and design))~~ for the site and supersede the ~~((design))~~ development and
688 operating conditions established under Conditional Use Permit File No~~((s))~~. A-71-0-81
689 ~~((and L08CU006))~~ and Interim Use Permit File No. LUT417-0003. ~~((However, any such~~
690 ~~development agreement and operating agreement ((will not have retroactive effect. Any~~
691 ~~enforcement actions relating to compliance with)) shall not contain any condition or~~
692 ~~requirement that is more restrictive than the ((design and operating)) conditions~~
693 ~~((established under)) and requirements for Conditional Use Permit File No~~((s))~~. Nos. A-~~
694 ~~71-0-81 ((and L08CU006 regarding activities that occurred before the execution of a~~
695 ~~development agreement shall not be affected)) and Interim Use Permit File No. LUT417-~~
696 ~~0003--))~~

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697 2.a. A master plan development ~~((and operating))~~ agreement approved by
698 the council shall be in effect for a period of ten years from the effective date of the
699 ordinance approving the master plan development ~~((and operating))~~ agreement and
700 authorizing the executive to execute the development ~~((and operating))~~ agreement~~((s))~~.

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

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

706 b. The applicant shall apply to the ~~((department))~~ permitting division for
707 renewal of the development ~~((and operating))~~ agreement at least twelve months before

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708 the agreement expires. The ~~((department))~~ permitting division shall provide a notice of
709 the renewal request under subsection K.5.a. through c. of this section and shall conduct at
710 least one public meeting on the request as provided in subsection K.7. of this section.

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

715 d. If the development agreement is not renewed by the council~~((=~~
716 ~~(1) the operating conditions established in the agreement shall remain in~~
717 ~~effect; and~~
718 ~~(2))~~) any subsequent development permit application shall be subject to
719 laws in effect at the time the subsequent application is filed.

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

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

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

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

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- 731 b. public health and safety codes under K.C.C. Title 13;
732 c. road standards under K.C.C. Title 14;
733 c. building codes under K.C.C. Title 16; and
734 d. fire codes under K.C.C. Title 17.

735 R.1. During the effective period of the development ~~((and operating))~~
736 agreement, the applicant may request in writing ~~((and the department may propose a))~~
737 one or more modifications ~~((of))~~ to the development ~~((and operating))~~ agreement. ~~((The~~
738 ~~applicant's request and the department initiated proposal shall be made by June 1 of each~~
739 ~~year for implementation in the following year. The department))~~ For those requests
740 where the permitting division determines the modification is a major modification to the
741 development agreement that requires council approval, they shall be considered no more
742 than once per year, starting one year after the effective date of this ordinance. On June 1
743 of each year, the permitting division shall consolidate all of the major modification
744 requests into a single proposed modification and within fourteen days shall provide notice
745 of the ~~((request or))~~ proposed modification as provided in subsection K.5.a. through c. of
746 this section. The ~~((department))~~ permitting division shall submit to the hearing examiner
747 its recommendation on the proposed modification requests not later than August 1 of that
748 same year. The hearing examiner shall conduct a public hearing on the proposed
749 modification no later than October 15 of that same year, and make a recommendation to
750 council no later than December 31 of that same year.

751 2. The applicant may request in writing modifications to the operating
752 agreement. For those requests where the permitting division determines it is a major
753 modification to the operating agreement that requires council approval, they shall be

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754 considered no more than once per year, starting one year after the effective date of this
755 ordinance. On June 1 of each year, the permitting division shall consolidate all of the
756 major modification requests into a single proposed modification and within fourteen days
757 provide notice of the proposed modification as provided in subsection K.5.a. through c.
758 of this section. The permitting division shall submit to the hearing examiner its
759 recommendation on the proposed modification not later than August 1 of that same year.
760 The hearing examiner shall conduct a public hearing on the proposed modification no
761 later than October 15 of that same year, and make a recommendation to council no later
762 than December 31 of that same year.

763 3. The proposed modifications to the development agreement and operating
764 agreement described in this subsection R. may be considered as part of one ordinance or
765 as multiple ordinances.

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

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

774 2. Beginning on December 31 of the year after the effective date of the
775 ordinance authorizing the execution of the development agreement and operating
776 agreement, and for each subsequent year, the hearing examiner shall prepare and submit

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777 to the council a report that:

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

779 b. evaluates compliance with development agreement and operation

780 agreement conditions during the preceding year;

781 c. identifies issues and concerns that have been brought forward by the

782 community, (~~(Pacific Raceways)) applicant~~, and the (~~(department)) permitting division~~;

783 d. evaluates proposed modifications to the development agreement and

784 operating agreement; and

785 e. outlines potential steps to ensure compliance with the development

786 agreement and operating agreement.

787 3. The report shall be presented in a briefing by the hearing examiner to the

788 (~~(transportation, economy, and environment)) local services and land use committee~~(~~(~~(~~~~

789 or its (~~(applicable))~~ successor, at which the (~~(department)) permitting division~~ and project

790 operator shall be present.

791 T. The director shall submit a report on the master planning demonstration

792 project to the council within sixty days of the council's adoption of the ordinance

793 approving the development agreement and operating agreement. The report shall

794 evaluate the efficacy of the master planning process and may include recommended

795 changes to the master planning process to address problems or deficiencies in the process

796 identified by the (~~(department)) permitting division~~. The (~~(department)) permitting~~

797 division shall solicit comments from the applicant, the hearing examiner, and the public,

798 identified in subsection K.5.a. through c. of this section, on the master planning process

799 and include a synopsis of those comments in the report. The report shall be filed

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800 electronically with the clerk of the council, who shall retain an electronic copy and
801 provide an electronic copy to each councilmember, the council chief of staff, and the lead
802 staff for the local services and land use committee or its successor.

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

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

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

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

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

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

821 a. The amount of materials shall be only as is necessary to undertake the
822 activities allowed by subsection U.1. of this section, subject to review by the

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823 ~~((department))~~ permitting division;

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

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

830 V. A preapplication meeting shall be required for the interim use permit.
831 The applicant shall submit the following information to the ~~((department))~~ permitting
832 division with a request to schedule a preapplication meeting:

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

835 2. Project narrative and questions for ~~((department))~~ permitting division
836 staff;

837 3. Preliminary site plan, which shall include:

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

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

840 c. parcel number or numbers;

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

842 e. north arrow and scaled dimensions;

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

845 g. existing and proposed grade contours;

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- 846 h. site area in square feet or acres of the project site;
- 847 i. area of either disturbance or development, or both, including utilities,
848 septic, and internal circulation, as needed;
- 849 j. existing and proposed easements, including ingress, egress, utilities, or
850 drainage; and
- 851 k. critical areas and their buffers; and
- 852 4. Preliminary building plan.
- 853 W. An interim use permit application shall be considered complete when the
854 following information and studies have been submitted and are adequate to review the
855 proposal:
- 856 1. A proposed site plan that identifies the location and dimensions of the
857 proposed buildings, structures, and paving, vehicular circulation and parking areas,
858 critical areas and buffers, landscaping, stormwater facilities, utilities, and fire protection;
- 859 2. A proposed drainage plan under the surface water design manual for the
860 improvements proposed under the interim use permit;
- 861 3. A proposed grading plan that complies with the submittal, operating, and
862 performance requirements in K.C.C. chapter 16.82;
- 863 4. A proposed restoration plan that complies with this section;
- 864 5. A deposit as required by K.C.C. 27.02.210 for review of the interim use
865 permit; and
- 866 6. Any necessary information identified through the preapplication process.
- 867 X. The interim use permit shall contain development conditions related to the
868 grading activities and buildings and shall include, but not be limited to:

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- 869 1. An approved site plan and conditions that establish:
- 870 a. location, size, and proposed uses of the buildings;
- 871 b. location and dimensions of vehicular circulation and parking, including
- 872 required parking for the existing uses;
- 873 c. location of stormwater facilities, sewage treatment facilities, water, and
- 874 related features;
- 875 d. landscaping requirements, as required by K.C.C. chapter 21A.16;
- 876 e. location of on-site critical areas. Development or operations are not
- 877 allowed within critical areas or their buffers, and alterations of critical areas or their
- 878 buffers are not permitted, as part of the activities allowed with the interim use permit or
- 879 related construction permits; and
- 880 f. necessary on-site and off-site traffic control for construction impacts on
- 881 vehicular circulation and on roadways in the vicinity of the project site;
- 882 2. An approved grading plan in compliance with the requirements of K.C.C.
- 883 chapter 16.82;
- 884 3. A preliminary drainage plan in compliance with the surface water design
- 885 manual; and
- 886 4. A restoration plan in compliance with the following requirements:
- 887 a. Final grades shall generally conform to standards in K.C.C. 16.82.100
- 888 and the following:
- 889 (1) be such so as to encourage the uses permitted within the primarily
- 890 surrounding zone or, if applicable, the underlying or potential zone classification; and
- 891 (2) result in drainage patterns that reestablish natural conditions of

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892 aquifer recharge, water velocity, volume, and turbidity within six months of restoration
893 and that precludes water from collecting or becoming stagnant. Suitable drainage
894 systems approved by the ~~((department))~~ permitting division shall be constructed or
895 installed where natural drainage conditions are not possible or where necessary to control
896 erosion. All constructed drainage systems shall be designed consistent with the Surface
897 Water Design Manual; and

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

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

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

906 Y. For the interim use permit, the executive shall appoint a special project
907 manager.

908 1. ~~((F))~~ For the initial interim use permit, the special project manager shall
909 either be an employee of, or hired as a consultant by, the regional planning unit of the
910 office of performance, strategy, and budget. For any modifications to the interim use
911 permit, the special project manager, shall be agreed to by the county and the applicant
912 and could either be a consultant hired by the director's office of the department of local
913 services or the permitting ~~division's~~ division's managed account team project manager or
914 equivalent.

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

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

921 4. The special project manager shall evaluate, and provide a
922 recommendation to the executive, regarding the efficacy of options, such as review by
923 another jurisdiction or using outside staff to complete the substantive review, for
924 expediting the permit review process. As part of this review, the special project manager
925 shall ensure that any recommended option will produce a review that complies with this
926 chapter and other applicable laws, regulations, and adopted policies.

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

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

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

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

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

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

944 f. provide a notice of complete application under K.C.C. ~~((20.20.050))~~
945 20.20.033, within seven days of determining that the application is complete;

946 g. provide a notice of application under K.C.C. 20.20.060 within fourteen
947 days of providing the notice of complete application. In addition to the notice required by
948 these two sections, the ~~((department))~~ permitting division shall provide mailed notice to:

949 (1) all parties of record, including community groups or organizations,
950 established during the review of Conditional Use Permit File Nos. A-71-0-81 ~~((and~~
951 ~~L08CU006))~~, Interim Use Permit File No. LUT417-0003, Proposed Ordinance 2010-
952 0189, ~~((or))~~ Ordinance 17287, Ordinance 18184, and this ordinance;

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

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

957 h. complete environmental review on the interim use and activities
958 authorized by the interim use permit;

959 i. transmit to the hearing examiner the ~~((department's))~~ permitting
960 division's recommendation on the interim use permit and provide notice of the

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961 recommendation under K.C.C. 20.20.090. The recommendation shall be based on the
962 conformance of the proposal with the requirements of this section; and:

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

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

969 j. coordinate and assemble the reviews of other departments and
970 governmental agencies having an interest in the application and shall prepare a report
971 summarizing the factors involved and the ~~((department's))~~ permitting division's
972 recommendation. At least seven calendar days before the scheduled hearing, the
973 ~~((department))~~ permitting division shall file the report with the hearing examiner and mail
974 copies to those identified in subsection Z.1.g. of this section.

975 2. The exceptions to permit review timelines described in K.C.C.
976 20.20.100.C. shall apply to the review period deadlines outlined in subsection Z. of this
977 section. If the ~~((department))~~ permitting division is unable to meet the time limits
978 established by this section, it shall provide written notice of this fact to the applicant. The
979 notice shall include a statement of reasons why the time limits have not been met and an
980 estimated date for issuance of the notice of recommendation to the hearing examiner. In
981 no case shall the review of the interim use permit, from the date a complete application is
982 filed through the date the ~~((department))~~ permitting division issues the recommendation
983 to the hearing examiner, excluding the timeframes outlined in K.C.C. 20.20.100.C.,

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984 exceed one hundred twenty days, unless the parties agree to an extension.

985 AA.1. The hearing examiner shall:

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

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

992 c. conduct an open record public hearing within thirty days of the
993 prehearing conference.

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

999 2. When reasonably required to enable the attendance of all necessary
1000 parties at the hearing, or the production of evidence or to otherwise assure that due
1001 process is afforded and the objectives of this chapter are met, the periods in subsection
1002 AA.1. of this section may be extended by the examiner at the examiner's discretion for an
1003 additional thirty days. With the consent of all parties, the periods may be extended
1004 indefinitely. The reason for the deferral shall be stated in the examiner's decision.
1005 Failure to complete the hearing process within the stated time shall not terminate the
1006 jurisdiction of the examiner.

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1007 BB. Issuance of the interim use permit by the county under this section does
1008 not relieve the applicant of its obligations to obtain other approvals required under state
1009 and federal law.

1010 CC. The applicant shall pay fees to the county to cover the actual cost of
1011 providing project management, review, and inspection services for the interim use
1012 permits and including environmental review, in accordance with K.C.C. 27.02.100.

1013 DD. Upon issuance of an interim use permit, the ~~((department))~~ permitting
1014 division may review and approve, in accordance with the code compliance process in
1015 K.C.C. chapter 21A.42, an expansion of, modification to, or addition to the development
1016 authorized by the interim use permit. If the proposed development, taken together with
1017 any previously approved development under the interim use permit, is within the
1018 limitations of subsection U.1. of this section, the development proposal shall be
1019 processed as a Type 1 land use decision, subject to all other applicable state and local
1020 standards. Subject to the requirements and limitations of chapter 197-11 WAC, the State
1021 Environmental Policy Act review shall analyze the potential new impacts that may occur
1022 over and above those impacts currently allowed under the conditions of CUP File No. A-
1023 71-0-81 and Interim Use Permit File No. LUT417-0003 and potential cumulative
1024 impacts.

1025 EE. Establishment of the use or activity authorized by an interim use permit shall
1026 occur within ten years of the effective date of the decision for the interim use permit or
1027 subsequent amendment to the interim use permit under subsection DD. of this section.
1028 Upon written request to the ~~((department))~~ permitting division made by the applicant
1029 before the expiration of an interim use permit or subsequent amendment, the

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1030 ((~~department~~)) permitting division shall extend the permit for one or more one-year
1031 period, up to a total of five consecutive years, if site conditions have not significantly
1032 changed in a manner that would have affected the original permit approval and the
1033 applicant pays applicable permit extension fees. Any use or structure established during
1034 the term of the interim use permit or an extension of the term may continue to operate
1035 after the expiration of the interim use permit, in accordance with K.C.C. chapter 21A.32
1036 and any applicable p-suffix conditions.

1037 FF. The additional uses allowed by the P-suffix condition, in K.C.C.
1038 21A.06.973C, and this section may be allowed in areas over the square footage
1039 limitations in LUT417-0003 if approved via the permit process and environmental review
1040 required by K.C.C. 21A.55.105.

1041 SECTION 4. The following are hereby repealed:

1042 A. Ordinance 17287, Section 5; and

1043 B. Ordinance 17287, Section 6.

1044 SECTION 5. Severability. If any provision of this ordinance or its application to

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1045 any person or circumstance is held invalid, the remainder of the ordinance or the
1046 application of the provision to other persons or circumstances is not affected."

1047

1048 **EFFECT prepared by J. Tracy:** The striking amendment would:

- 1049 • Remove language requiring that all operating agreement conditions, development
1050 agreement conditions, and noise levels be no more restrictive than those allowed
1051 under existing permits, and instead apply this only to existing and approved uses
1052 and activities, with the qualification that if those uses or activities are expanded in
1053 scope or size, the impacts created by the expanded scope or size may be subject to
1054 additional conditions.
- 1055 • Remove a requirement that a SEPA threshold determination be issued within sixty
1056 days of complete application.
- 1057 • During the racing season of May 1 through August 31, limit two-stroke vehicle
1058 usage on the kart track to one weekend (Friday-Sunday) per month.
- 1059 • Add a finding with context on existing permits.
- 1060 • Add a finding that the ordinance is not intended to alter the permanent
1061 conservation easement on site.
- 1062 • Add a finding that it is the Council's intent that the demonstration projects allow
1063 all uses listed in the P-suffix condition that applies to the site, in all buildings and
1064 facilities constructed at the Pacific Raceways property, subject to the permit
1065 process and environmental review.

Proposed Substitute Ordinance 2026-0027.2 Amendment Tracker

March 24, 2026 Full Council Meeting

#	1 st Page & Line #	Sponsor	Amendment Description
S1	Pg. 1, Line 6	Mosqueda, Dembowski, Barón	<p>Would make the following changes:</p> <ul style="list-style-type: none"> • Remove existing references in the code to the term "alien." • Consolidate the definitions of operation base, processing location, and staging area into one new term, called "civil immigration enforcement related area." • Update the definition for "county-owned and controlled property" to "county-owned or controlled property." The definition would also be updated to include "any designated open space lands and public parks, where each is provided for recreational purposes" and to specify that civil immigration enforcement is not a recreational purpose. • Add the definitions for the terms "peace officer" and "public officer" as defined in RCW 9A.04.110. • Update K.C.C. 2.15.010.I. to include "real property assets" in the list of resources that an agent of King County or County employee shall not use to facilitate or participate in civil immigration enforcement operations, except as required by state or federal law or court order. • Specify the King County Sheriff's Office response when public or peace officers attempt or actually use county-owned or controlled property as a civil immigration enforcement related area. • Specify that except where required by state or federal law the use of county-owned or controlled property as a civil immigration enforcement related area is prohibited. Activities and uses in violation of this prohibition may be subject to removal upon issuance of an appropriate court order. • Remove an existing reference in K.C.C. 2.15.020.B.3. to "ICE, CBP, USCIS, or any other federal agency officers" and insert the more universal terms of "public or peace officers."

			<ul style="list-style-type: none"> • Update K.C.C. 2.15.050.A. to include "real property assets" in the list of resources that a contractor shall not use to facilitate or participate in civil immigration enforcement operations, except as required by state or federal law or court order. • Update K.C.C. 2.15.100 to specify that the only remedies against the County, its employees, agents, and contractors under this chapter for injuries or damages as a result of a violation of this chapter are filing a complaint with the King County Office of Equity and Racial and Social Justice (OERSJ), or its successor, in accordance with K.C.C. 12.22.040. This update would also specify that the chapter does not create a private cause of action against a County employee, agent, or contractor in their individual capacity. • Clarify that the requirement for the Executive to develop signage and strategies to increase security measures would apply to properties considered high-risk for being used as civil immigration enforcement related areas. Additionally, agencies may add the required statement to existing signs. • Direct that the Executive shall work with OERSJ, or its successor, and other relevant staff to develop training for County employees on this chapter or incorporate training on this chapter into existing training for relevant staff. • Remove the requirement for the Executive to design a signage template for private property owners, remove the language stating that property owners would use signage at their own discretion and risk, and remove the requirement for the Executive to make "know your rights" materials available to the public. • Make technical edits to renumber subsections where necessary.
<p style="text-align: center;">1 to S1</p>	<p>S1 Pg. 18, Line 403</p>	<p>Barón</p>	<p>Would revert the beginning of subsection A to the existing language in the code; include the additional language from the striking amendment that the chapter does not create a private cause of action against County employees, agents, or contractors in their individual capacity; and make clear that the private cause of action in K.C.C. 12.22 that is referenced in existing code would be an avenue to address violations of K.C.C. 2.15 by allowing claims against the County.</p>

T1	Pg. 1, Line 1	Mosqueda	Would amend the title to comport with the changes made in Striking Amendment S1.
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19 civil immigration enforcement purpose. ICE administrative warrant forms include the
20 U.S. DHS form I-200 (Rev. 09/16) (~~("Warrant for Arrest of Alien")~~) and Form I-205
21 (~~("Warrant Of Removal/Deportation,")~~),² as well as predecessor and successor versions.
22 "Administrative warrant" does not include any criminal warrants issued upon a judicial
23 determination of probable cause and in compliance with the Fourth Amendment to the
24 United States Constitution.

25 B. "Agency" means a King County department, agency, division, commission,
26 council, committee, board, other body, or person, established by authority of an
27 ordinance, executive order, or charter.

28 C. "Agent" means a person acting within the scope of employment by or acting
29 on behalf of an agency.

30 D. "CBP" means the United States Customs and Border Protection agency of the
31 United States Department of Homeland Security and shall include any successor federal
32 agency charged with border enforcement.

33 E. "Citizenship or immigration status" means a person's recorded citizenship or
34 immigration status, as such status is defined in the Immigration and Nationality Act, at
35 the time an agent or agency receives the information.

36 F. "Civil immigration enforcement operation" means an operation that has as one
37 of its objectives the identification or apprehension of a person or persons in order to
38 investigate them for a violation of the immigration laws and subject them to one or more
39 of the following:

- 40 1. Civil immigration detention;
- 41 2. Removal proceedings; and

42 3. Removal from the United States.

43 G. "Civil immigration enforcement related area" includes an area used for:

44 1. An operation base used for the planning, coordinating, and execution of civil
45 immigration enforcement activities;

46 2. A processing location used for the identification, intake, or processing of
47 documentation for people who have been arrested, detained, or temporarily held in
48 connection with civil immigration enforcement operations; and

49 3. A staging area used for the assembly, mobilization, or deployment of
50 vehicles, equipment, or materials, and related personnel, for the purpose of executing
51 civil immigration enforcement operations.

52 H. "Coerce" means to use express or implied threats towards a person or any
53 family member of a person that attempts to put the person in immediate fear of the
54 consequences in order to compel that person to act against the person's will.

55 ~~((H.))~~ I. "Commitment" means confinement in secure detention for a specified
56 amount of time following a determination of guilt. "Commitment" does not include
57 pretrial detention of any persons such as those who are unable to post bail.

58 ~~((H.))~~ J. "Contractor" means a regional coalition or authority, state or local
59 government, tribe, person, firm, corporation, or partnership providing health, housing, or
60 human services in accordance with a contract with King County and including any
61 subcontractor, employee, and agent thereof.

62 K. "County-owned or controlled property" means real property owned or
63 controlled by King County, including nonpublic areas of buildings or a county facility,
64 parking lots, garages, and vacant lots, as well as any designated open space lands and

65 public parks, where each is provided for recreational purposes, not including the public
66 right-of-way used for pedestrian and vehicular traffic or the King County International
67 Airport. For the purposes of this definition, civil immigration enforcement is not a
68 recreational purpose.

69 L. "Employee" means a person who is appointed as an employee by the
70 appointing authority of a county agency, office, department, council, board, commission
71 or other separate unit or division of county government, however designated, acting
72 within the scope of employment by or acting on behalf of the county. "County
73 employee" also includes a county elected official and a member of a county board,
74 commission, committee or other multimember body, but does not include an official or
75 employee of the county's judicial branch, though it does include an employee of the
76 department of judicial administration.

77 ~~((K))~~ M. "ICE" means the United States Immigration and Customs Enforcement
78 agency including Enforcement and Removal Operations and Homeland Security
79 Investigations and shall include any successor federal agency charged with the
80 enforcement of immigration laws.

81 ~~((L))~~ N. "Immigration detainer" means a request by ICE to a federal, state or
82 local law enforcement agency, such as the King County department of adult and juvenile
83 detention, to provide notice of release or maintain custody of a person based on an
84 alleged violation of a civil immigration law. "Immigration detainer" includes a detainer
85 issued under Sections 236 or 287 of the Immigration and Nationality Act or 287.7 or
86 236.1 of Title 8 of the Code of Federal Regulations. "Immigration detainer" includes a

87 detainer issued under DHS form I-274A entitled Immigration Detainer- Notice of Action,
88 as well as predecessor and successor versions.

89 ~~((M.))~~ O. "Interpretation" means the transfer of an oral communication from one
90 language to another.

91 ~~((N.))~~ P. "Limited-English-proficient" means a person who does not speak
92 English as the person's primary language, who has a limited ability to read, speak, write,
93 or understand English.

94 ~~((O.))~~ Q. "Nonpublic" means any area of a county facility, including the secure
95 detention facilities of the department of adult and juvenile detention that is not generally
96 open and accessible to the general public, but instead requires special permission for
97 admittance by a county employee on an individual basis. "Nonpublic" also means any
98 area of a contractor's facility, used to provide services under the county contract, that is
99 not generally open and accessible to the general public, but instead requires the
100 contractor's permission for admittance to that area.

101 ~~((P.))~~ R. "Peace officer" means a duly appointed city, county, or state law
102 enforcement officer.

103 S. "Personal information" means one or more of the following, when the
104 information is linked with or is reasonably linkable, including via analytic technology, to
105 the person's first name or first initial and last name:

- 106 1. Home address;
- 107 2. Work address;
- 108 3. Telephone number;
- 109 4. Electronic mail address;

- 110 5. Social media handle or other identifying social media information;
111 6. Any other means of contacting a person;
112 7. Social security number;
113 8. Driver's license number or Washington identification card number;
114 9. Bank account number or credit or debit card number;
115 10. Information or data collected through the use or operation of an automated
116 license plate recognition system;
117 11. User name that, in combination with a password or security question and
118 answer, would permit access to an online account; and
119 12. Date of birth.

120 ~~((Q-))~~ I. "Public communication materials" means materials that are intended for
121 broad distribution to inform or educate people served by King County. For the purpose
122 of translation, "public communication materials" refers only to printed media such as
123 brochures, posters, booklets, pamphlets, billboards, and advertisements in printed
124 publications.

125 ~~((R-))~~ U. "Public officer" means a person holding office under a city, county, or
126 state government, or the federal government who performs a public function and in so
127 doing is vested with the exercise of some sovereign power of government, and includes
128 all assistants, deputies, clerks, and employees of any public officer and all persons
129 lawfully exercising or assuming to exercise any of the powers or functions of a public
130 officer.

131 V. "Translation" means the transfer of a written communication from one
132 language to another while preserving the intent and essential meaning of the original text.

133 ~~((S.))~~ W. "USCIS" shall mean the United States Citizenship and Immigration
134 Services and any successor agency charged with overseeing United States immigration
135 laws.

136 ~~((F.))~~ X. "Verbal abuse" means the use of a remark which is overtly insulting,
137 mocking, or belittling directed at a person based upon the actual or perceived:

138 1. One or more of the protected classes as defined in K.C.C. chapter 3.12D or
139 English proficiency; or

140 2. Citizenship or immigration status of the person or the person's family
141 member.

142 ~~((U.))~~ Y. "Vital documents" are materials that provide essential information for
143 accessing basic county services and benefits and for which serious consequences would
144 result if the information were not provided.

145 SECTION 2. Ordinance 16692, Section 2, as amended, and K.C.C. 2.15.010 are
146 hereby amended to read as follows:

147 A. Except as otherwise provided in this section or when otherwise required by
148 law, a Reverend Doctor Martin Luther King, Jr., County office, department, employee,
149 agency, or agent shall not condition the provision of county services on the citizenship or
150 immigration status of any person.

151 B. All applications, questionnaires, and interview forms used in relation to the
152 provision of county benefits, opportunities, or services shall be reviewed by each agency,
153 and any question requiring disclosure of information related to citizenship, immigration
154 status, or national origin unless required by state or federal law, or international treaty,
155 shall be deleted. Agencies that are required by state or federal law, or international

156 treaty, to collect immigration status or national origin information must separate that
157 information from personal information in the agencies' records as soon as is practicable.

158 C. The department of public health shall not condition the provision of health
159 benefits, opportunities, or services on matters related to citizenship, national origin, or
160 immigration status. The department of public health may inquire about or disclose
161 information relating to a person's citizenship, national origin, or immigration status for
162 the purpose of determining eligibility for benefits or seeking reimbursement from federal,
163 state, or other third-party payers.

164 D. Except when otherwise required by law, where the county accepts
165 presentation of a state-issued driver's license or identification card as adequate evidence
166 of identity, presentation of a state-issued document marked as not valid for federal
167 purposes or presentation of a photo identity document issued by the person's nation of
168 origin, such as a driver's license, passport, or other consul-issued document, such as a
169 Matricula Consular de Alta Seguridad, shall also be accepted and shall not subject the
170 person to a higher level of scrutiny or different treatment than if the person had provided
171 a Washington state driver's license or identification card. A request for translation of
172 such a document to English shall not be deemed a violation of any provision of this
173 chapter; however, translation services may not be provided by any federal immigration
174 authority. This subsection does not apply to documentation required to complete a
175 federal I-9 employment eligibility verification form. Once the county agency's legitimate
176 purpose in viewing the required documentation is completed, the documentation shall be
177 promptly returned to its owner. Copies of the required documentation shall not be made
178 or maintained by a county agency unless otherwise required by law.

179 E. A county employee or an agent or agency of King County shall not inquire
180 about or request, from a member of the public information about the citizenship, national
181 origin, or immigration status or place of birth of any person unless the inquiry, request, or
182 investigation is required by state or federal law, regulation, or directive or court order or
183 rule, or to ensure compliance with any state or federal law, regulation, or directive or
184 court order. When an inquiry, request, or investigation into nationality, immigration
185 status or citizenship, including place of birth, is required to be or for any reason is made,
186 the King County agent or county employee shall not attempt to coerce a response. All
187 persons to whom the inquiries are made shall be explicitly informed of their right to
188 decline to respond, free from fear or threat of retaliation.

189 F. Agents of King County and county employees are hereby prohibited from
190 conditioning King County services on immigration status, except where required under
191 applicable federal or state law or regulation or directive or court order or rule. Agents of
192 King County and county employees are prohibited from verbally abusing or coercing
193 persons or threatening to report them or their family members to ICE or threatening to
194 take other immigration-related action against them or their family members.

195 G. Except where necessary to provide King County services, for performance
196 measurement purposes including data analysis conducted to ensure services are being
197 provided in an equitable and nondiscriminatory manner, or where otherwise required by
198 state or federal law or regulation or directive or court order, King County agents and
199 employees are not permitted to obtain, maintain, or share information about one or more
200 of a person's protected classes as defined in K.C.C. chapter 3.12D, language proficiency,

201 housing status, financial status, status as a victim of domestic violence, criminal history,
202 or release date from incarceration or confinement in a secure detention or other custody.

203 H. Nothing in this chapter shall be construed as to prohibit any county employee,
204 upon request of the noncitizen, from aiding a noncitizen to obtain immigration benefits
205 pursuant federal immigration law.

206 I. An agent of King County or a county employee shall not expend any time,
207 moneys, real property assets, or other resources on facilitating the civil enforcement of
208 federal immigration law or participating in civil immigration enforcement operations,
209 except where state or federal law, regulation, or court order shall so require. However, a
210 county agency, employee or agent is not prohibited from sending to, or receiving from,
211 federal immigration authorities, information regarding the citizenship or immigration
212 status of a person. Also, nothing in this section prohibits any county agency from
213 sending to, receiving from, requesting from, or exchanging with any federal, state, or
214 local government agency information regarding the immigration status of a person or
215 from maintaining such information.

216 J. Nothing in this section shall be construed to prohibit any county employee
217 from participating in cross-designation or task force activities with federal law
218 enforcement authorities for criminal law enforcement.

219 K. The executive shall ensure that all King County employees and agents receive
220 appropriate training on the implementation of the provisions of this section.

221 SECTION 3. Ordinance 18665, Section 3, and K.C.C. 2.15.015 are hereby
222 amended to read as follows:

223 A. The King County sheriff's office shall not request specific documents relating
224 to a person's civil immigration status from a member of the public, for the sole purpose of
225 determining whether the person has violated federal civil immigration laws. The
226 documents include but are not limited to:

- 227 1. Passports;
- 228 2. ((~~Alien registration~~)) Permanent resident cards; or
- 229 3. Work permits.

230 B. The sheriff's office may use documents relating to a person's civil immigration
231 status if the documents are offered by the person upon a general, nonspecific request.

232 C. The sheriff's office shall not use stops for minor offenses or requests for
233 voluntary information as a pretext for discovering a person's immigration status.

234 D. The sheriff's office shall not initiate any inquiry of, or enforcement action
235 against, a member of the public, based solely on a person's:

- 236 1. Civil immigration status;
- 237 2. Race;
- 238 3. Inability to speak English;
- 239 4. Inability to understand the sheriff's office personnel; or
- 240 5. Hit on the National Crime Information Center database.

241 E.1. Where there is a reasonable opportunity, and when resources allow, upon
242 notification by King County staff or 911 dispatchers of public or peace officers' attempts
243 or actual use of a county-owned or controlled property as a civil immigration
244 enforcement related area, the sheriff's office shall confirm the credentials of public or
245 peace officers.

246 2. The sheriff's office shall document and report that activity in accordance with
247 section 7 of this ordinance.

248 3. The sheriff's office shall advise the public or peace officers of this chapter
249 and request that they leave county-owned or controlled property.

250 4. If public or peace officers refuse to leave county-owned or controlled
251 property, the sheriff's office shall document evidence of violations of this section.

252 5. The sheriff's office may provide evidence of public or peace officers' refusal
253 to leave county-owned or controlled property to the prosecuting attorney's office for
254 appropriate legal action and enforcement.

255 6. If an injunction or other relief is granted, the sheriff's office shall follow
256 standard procedures for enforcing such court orders.

257 7. Activities and uses in violation of this section may be subject to removal
258 upon issuance of an appropriate order. Except where state or federal law, regulation, or
259 court order or rule shall so require, the use of county-owned or controlled property as a
260 civil immigration enforcement related area is prohibited.

261 SECTION 4. Ordinance 17706, Section 2, as amended, and K.C.C. 2.15.020 are
262 hereby amended to read as follows:

263 A. An agent of King County or county employee shall not expend any time,
264 moneys, real property assets, or other resources on facilitating the civil enforcement of
265 federal immigration law or participating in civil immigration enforcement operations,
266 except where state or federal law, regulation, or court order or rule shall so require.
267 However, a county agency, employee, or agent is not prohibited from sending to, or
268 receiving from, federal immigration authorities, the citizenship or immigration status of a

269 person. Also, nothing in this section prohibits any county agency from sending to,
270 receiving from, requesting from or exchanging with any federal, state, or local
271 government agency information regarding the immigration status of a person or from
272 maintaining such information.

273 B. King County and its agents and departments and county employees shall not:

274 1. Enter into any contract, agreement, or arrangement, whether written or oral,
275 that would grant federal civil immigration enforcement authority or powers to King
276 County or its agents or law enforcement officers, including but not limited to agreements
277 created under 8 U.S.C. Sec. 1357(g) or Intergovernmental Service Agreements;

278 2. Honor immigration detainer requests or administrative warrants issued by
279 ICE, CBP, USCIS, or any other federal agency, or hold any person upon the basis of an
280 ICE, CBP, USCIS, or any other federal agency detainer request or administrative warrant
281 unless such request or warrant is accompanied by a criminal warrant issued by a United
282 States District Court judge or magistrate. The sheriff's office or the department of adult
283 and juvenile detention personnel shall not carry out a civil arrest, detain a person after the
284 release date set by a court, or refuse to accept a bond based on an administrative warrant
285 separately or in combination with an ICE, CBP, USCIS, or any other federal agency
286 detainer request;

287 3. For purposes of execution of federal civil immigration enforcement, permit
288 ~~((ICE, CBP, USCIS, or any other federal agency officers, agents, or representatives))~~
289 public or peace officers access to nonpublic areas of King County's facilities, property,
290 equipment or nonpublic databases, or nonpublic portions of otherwise public databases,
291 or people in King County's custody, absent a judicial criminal warrant specifying the

292 information or persons sought unless otherwise required by state or federal law. Any
293 warrantless attempts or requests for access to those facilities, property, equipment, or
294 nonpublic databases shall be immediately sent to the department or agency director or
295 their designee responsible for the operation of the facility, property, database, or
296 equipment. Permission to access any such a facility, property, equipment, or nonpublic
297 database without a judicial criminal warrant may only be provided with the express,
298 written approval of the appropriate person. Any detention facilities, including secure
299 detention facilities, prisons, and halfway houses, that King County contracts with or
300 leases land to for the purposes of criminal or civil detention must include the requirement
301 in this subsection B.3. in any contract with King County; ~~((and))~~

302 4. Authorize the use of any county-owned or controlled property for civil
303 immigration enforcement operations, including as a civil immigration enforcement
304 related area, except where state or federal law, regulation, or court order or rule shall so
305 require, as those actions do not comply with the King County Charter, the King County
306 Code, and policies; and

307 5. Provide personal information to federal immigration authorities for purpose
308 of civil immigration enforcement, except as required by state or federal law, about any
309 person, including place of birth or household members, the services received by the
310 person or the person's next court date or release date, absent a warrant signed by a judge
311 or a law requiring disclosure.

312 C.1. If permission to access a King County detention facility without a judicial
313 criminal warrant is granted to ICE, CBP, USCIS, or any other federal agency in
314 accordance with subsection B.3. of this section for the purpose of conducting an

315 interview that does not relate to civil immigration enforcement with a person who is in
316 the custody of the department of adult and juvenile detention, the department of adult and
317 juvenile detention shall provide the person with an oral explanation and a written consent
318 form that explains the purpose of the interview, that the interview is voluntary, and that
319 the person may decline to be interviewed or may choose to be interviewed only with the
320 person's attorney present. The form shall state explicitly that the person will not be
321 punished or suffer retaliation for declining to be interviewed. The form shall be available
322 in English, Spanish, and any other language identified by the county's language
323 assistance plan as established in K.C.C. 2.15.030.B. and explained orally to a person who
324 is unable to read the form. The requesting officials shall only be permitted to interview
325 persons who have consented in writing to be interviewed, absent a judicial criminal
326 warrant.

327 2. Upon receiving a civil or criminal immigration warrant, detainer, hold,
328 notification, or transfer request, the department of adult and juvenile detention personnel
329 shall provide a copy of the request to the person and inform the person whether the
330 department intends to comply with the request.

331 3. Consistent with Article 36 of the Vienna Convention on Consular Relations,
332 any person in custody or detention shall be informed through the person's attorney of the
333 right to communicate with the consular post of a country of which the person is a
334 national, if other than the United States, and informed that the person's consular officers
335 have the right to visit, converse, or correspond with the person, if the person wishes the
336 communication. If a person chooses to disclose that the person is a foreign national and
337 requests consular notification, the custodian shall contact the appropriate consulate. The

338 informed consent requirements of the Vienna Convention on Consular Relations shall
339 apply to all such inquiries. The same requirements shall apply to inquiries into
340 nationality status for the purpose of complying with mandatory consular notification
341 under any bilateral consular convention. In all cases, identification as a foreign national
342 shall be voluntary and based on informed consent by the person.

343 4. King County shall consider all records relating to ICE, CBP, USCIS, or any
344 other federal agency access to facilities and information, including all communications
345 with ICE, CBP, USCIS, or any other federal agency to be public records for purposes of
346 chapter 42.56 RCW, the state Public Records Act, and King County shall handle all such
347 requests in accordance with the usual procedures for receipt of public records requests.

348 SECTION 5. Ordinance 19963, Section 2, as amended, and K.C.C. 2.15.050 are
349 hereby amended to read as follows:

350 A. Except as otherwise provided in this section, in performing its obligations
351 under its contract with King County, the contractor shall not expend any time, moneys,
352 real property assets, or other resources on facilitating the civil enforcement of federal
353 immigration law or participating in civil immigration enforcement operations, except
354 where a state or federal law, regulation, or court order or rule so requires. However, a
355 contractor is not prohibited from sending to, or receiving from, federal immigration
356 authorities, the citizenship or immigration status of a person. Also, nothing in this
357 section prohibits any contractor from sending to, receiving from, requesting from, or
358 exchanging with any federal, state, or local government agency information regarding the
359 immigration status of a person or from maintaining the information.

360 B. In providing the contracted services, a contractor shall not:

361 1. For purposes of execution of federal civil immigration enforcement against
362 persons receiving services under the contract, permit ICE, CBP, USCIS, or any other
363 federal agency officers, agents, or representatives access to nonpublic areas of the
364 contractor's facilities, real or personal property, equipment, or nonpublic databases or
365 nonpublic portions of otherwise public databases, absent a judicial criminal warrant
366 specifying the information or persons sought, or unless otherwise required by state or
367 federal law. Notice of all attempts or requests for access to those facilities, real or
368 personal property, equipment, nonpublic databases, or nonpublic portions of otherwise
369 public databases, with or without a warrant, shall be immediately sent to King County in
370 accordance with the terms of the contract. Permission given to ICE, CBP, USCIS, or any
371 other federal agency officers, agents, or representatives to access any such a facility, real
372 or personal property, equipment, nonpublic database, or nonpublic portion of an
373 otherwise public database without a judicial criminal warrant may only be provided with
374 the prior express, written approval of the appropriate county employee identified in the
375 contract. All contractors shall make a good faith effort to strictly comply with this
376 subsection; however, inadvertent or mistaken permission giving warrantless access to
377 ICE, CBP, USCIS, or any other federal agency officers, agents, or representatives is not a
378 breach of contract. All contracts subject to this section entered into on or after January 1,
379 2026, shall include as a term of the contract the prohibitions of this subsection B.1. and
380 identify the appropriate county employee;

381 2. Provide personal information relating to persons receiving services under the
382 contract to federal immigration authorities for purpose of civil immigration enforcement,
383 except as required by state or federal law, about any person, including place of birth or

384 household members, the services received by the person or the person's next court date or
385 release date, absent a warrant signed by a judge or a law requiring disclosure. All
386 contracts subject to this section entered into on or after January 1, 2026, shall include as a
387 term of the contract the prohibitions of this subsection B.2.; and

388 3. Inquire about, or request information of, the citizenship, national origin,
389 immigration status, or place of birth, from any person in the furtherance of providing
390 services in accordance with a contract with King County unless the inquiry or request is
391 required by state or federal law, regulation, or court order or rule, or is necessary for the
392 contractor to effectively provide the services under the contract. The contractor may
393 inquire about or disclose information relating to a person's citizenship, national origin,
394 immigration status, or place of birth for the purpose of determining eligibility for benefits
395 or seeking reimbursement from federal, state, or other third-party payers. When an
396 inquiry about or request for information of the citizenship, national origin, immigration
397 status, or place of birth is required or for any reason is made, the contractor shall not
398 attempt to coerce a response. All persons to whom the inquiries or requests are made
399 shall be explicitly informed of their right to decline to respond, free from fear or threat of
400 retaliation.

401 SECTION 6. Ordinance 18665, Section 8, as amended, and K.C.C. 2.15.100 are
402 hereby amended to read as follows:

403 ~~((A))~~ The only remedies against King County, its employees, agents, and
404 contractors under this chapter are that a person who has been injured or otherwise
405 sustained damages as a result of a violation of this chapter may file a complaint with the
406 King County office of equity and racial and social justice, or its successor in carrying out

407 the duties of the office, in accordance with K.C.C. 12.22.040. This chapter does not
408 create a private cause of action against a county employee, agent, or contractor in the
409 employee or contractor's individual capacity.

410 NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 2.15 a
411 new section to read as follows:

412 A.1. The executive shall design clear signage or templates for stating: "This
413 property shall not be used for civil immigration enforcement staging, operations, or
414 processing."

415 2. The executive shall work with county agencies to identify county-owned or
416 county-controlled properties that are at high risk for being used as civil immigration
417 enforcement related areas. Agencies responsible for such properties shall, wherever
418 practicable, post the signage referenced above and develop strategies to increase security
419 measures for such properties, including using physical barriers such as locked gates to
420 limit access. Agencies may add the sign statement referenced above to existing signs.

421 B.1. Within thirty days of the date of enactment of this ordinance, county
422 departments and agencies shall develop the procedures necessary to implement this
423 ordinance. The implementing procedures shall provide that any county employee who
424 becomes aware of the attempted or actual use of a county-owned or county-controlled
425 property as a civil immigration enforcement related area shall immediately report the
426 attempted or actual use to the department or agency director or their designee responsible
427 for the operation of the property who shall report it to the executive. The executive shall
428 notify all councilmembers of reports of the attempted or actual use of a county-owned or
429 county-controlled property as a civil immigration enforcement related area.

430 2. The executive shall work with the office of equity and racial and social
431 justice, or its successor in carrying out the duties of the office, and staff in relevant
432 agencies to implement training for county employees on this chapter or incorporate
433 training on this chapter into existing training for relevant staff in relevant agencies. This
434 requirement is not intended to duplicate existing training.

435 C. This section does not apply to property that is subject to an existing lease or
436 concession agreement to which the county is a party. This section is not intended to, and
437 shall not be interpreted to, interfere with any such lease or agreement.

438 D. Nothing in this section shall be construed as restricting or interfering with the
439 execution of lawful judicial warrants, court orders, or the enforcement of criminal law,
440 nor as limiting the rights of any person or entity under state or federal law. This section
441 does not prohibit the lawful use of county-owned or controlled property for purposes
442 other than a civil immigration enforcement related area, nor does it restrict any person or
443 entity from carrying out functions unrelated to those purposes on such property.

444 SECTION 8. Severability. If any provision of this ordinance or its application to
445 any person or circumstance is held invalid, the remainder of the ordinance or the
446 application of the provision to other persons or circumstances is not affected."

447 **EFFECT prepared by G. Paul: Striking Amendment S1 would make the following**
448 **changes:**

- 449 • **Remove existing references in the code to the term "alien."**
- 450 • **Consolidate the definitions of operation base, processing location, and**
451 **staging area into one new term, called "civil immigration enforcement**
452 **related area."**

- 453 • Update the definition for "county-owned and controlled property" to
454 "county-owned or controlled property." The definition would also be
455 updated to include "any designated open space lands and public parks,
456 where each is provided for recreational purposes" and to specify that civil
457 immigration enforcement is not a recreational purpose.
- 458 • Add the definitions for the terms "peace officer" and "public officer" as
459 defined in RCW 9A.04.110.
- 460 • Update K.C.C. 2.15.010.I. to include "real property assets" in the list of
461 resources that an agent of King County or County employee shall not use to
462 facilitate or participate in civil immigration enforcement operations, except
463 as required by state or federal law or court order.
- 464 • Specify the King County Sheriff's Office response when public or peace
465 officers attempt or actually use county-owned or controlled property as a
466 civil immigration enforcement related area.
- 467 • Specify that except where required by state or federal law the use of county-
468 owned or controlled property as a civil immigration enforcement related
469 area is prohibited. Activities and uses in violation of this prohibition may be
470 subject to removal upon issuance of an appropriate court order.
- 471 • Remove an existing reference in K.C.C. 2.15.020.B.3. to "ICE, CBP, USCIS,
472 or any other federal agency officers" and insert the more universal terms of
473 "public or peace officers."
- 474 • Update K.C.C. 2.15.050.A. to include "real property assets" in the list of
475 resources that a contractor shall not use to facilitate or participate in civil

- 476 immigration enforcement operations, except as required by state or federal
477 law or court order.
- 478 • Update K.C.C. 2.15.100 to specify that the only remedies against the County,
479 its employees, agents, and contractors under this chapter for injuries or
480 damages as a result of a violation of this chapter are filing a complaint with
481 the King County Office of Equity and Racial and Social Justice (OERSJ), or
482 its successor, in accordance with K.C.C. 12.22.040. This update would also
483 specify that the chapter does not create a private cause of action against a
484 County employee, agent, or contractor in their individual capacity.
 - 485 • Clarify that the requirement for the Executive to develop signage and
486 strategies to increase security measures would apply to properties considered
487 high-risk for being used as civil immigration enforcement related areas.
488 Additionally, agencies may add the required statement to existing signs.
 - 489 • Direct that the Executive shall work with OERSJ, or its successor, and other
490 relevant staff to develop training for County employees on this chapter or
491 incorporate training on this chapter into existing training for relevant staff.
 - 492 • Remove the requirement for the Executive to design a signage template for
493 private property owners, remove the language stating that property owners
494 would use signage at their own discretion and risk, and remove the
495 requirement for the Executive to make "know your rights" materials
496 available to the public.
 - 497 • Make technical edits to renumber subsections where necessary.

3/20/26

1 to
S1

Private cause of action
clarification

[G. Paul]

Sponsor: Barón

Proposed No.: 2026-0027

1 **AMENDMENT TO STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE**
2 **2026-0027, VERSION 2**

3 On page 18, beginning on line 403, strike lines 403 through 409 and insert:

4 "A. A person who has been injured or otherwise sustained damages as a result of
5 a violation of this chapter may file a complaint with the King County office of equity and
6 racial and social justice, or its successor in carrying out the duties of the office, in
7 accordance with K.C.C. 12.22.040. This chapter does not create a private cause of action
8 against a county employee, agent, or contractor in the employee or contractor's individual
9 capacity.

10 B. Notwithstanding subsection A. of this section, this chapter does not limit the
11 ability for any person to bring a private cause of action against King County for damages
12 arising from a violation of this chapter."

13 ***EFFECT prepared by G. Paul: Would revert the beginning of subsection A to the***
14 ***existing language in the code; include the additional language from the striking***
15 ***amendment that the chapter does not create a private cause of action against County***
16 ***employees, agents, or contractors in their individual capacity; and make clear that the***

- 17 *private cause of action in K.C.C. 12.22 that is referenced in existing code would be an*
- 18 *avenue to address violations of K.C.C. 2.15 by allowing claims against the County.*

3/18/26

Title Amendment for S1

[G. Paul]

Sponsor: Mosqueda

Proposed No.: 2026-0027

1 **AMENDMENT TO PROPOSED ORDINANCE 2026-0027, VERSION 2**

2 On page 1, strike lines 1 through 5, and insert:

3 "AN ORDINANCE limiting the use of King County-owned
4 or controlled property; amending Ordinance 18665, Section
5 1, as amended, and K.C.C. 2.15.005, Ordinance 16692,
6 Section 2, as amended, and K.C.C. 2.15.010, Ordinance
7 18665, Section 3, and K.C.C. 2.15.015, Ordinance 17706,
8 Section 2, as amended, and K.C.C. 2.15.020, Ordinance
9 19963, Section 2, as amended, and K.C.C. 2.15.050, and
10 Ordinance 18665, Section 8, as amended, and K.C.C.
11 2.15.100 and adding a new section to K.C.C. chapter 2.15."

12 **EFFECT prepared by *G. Paul: Would amend the title to comport with the changes***
13 ***made in Striking Amendment S1.***