



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 20047

**Proposed No.** 2025-0329.2

**Sponsors** von Reichbauer and  
Dembowski

1 AN ORDINANCE relating to the development of a  
 2 regional motor sports facility demonstration project;  
 3 amending Ordinance 17287, Section 9, and K.C.C.  
 4 21A.06.973C, and Ordinance 17287, Section 3, as  
 5 amended, and K.C.C. 21A.55.105, and repealing Ordinance  
 6 17287, Section 5, and Ordinance 17287, Section 6.

**SECTION 1. Findings:**

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

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

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20 policy CP-314. King County's current land use plans and regulations continue to  
21 recognize the historic racetrack use.

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

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

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

33 F. The letter sent to the Washington state Department of Commerce by the  
34 Metropolitan King County council supporting the designation of Pacific Raceways as a  
35 project of statewide significance noted the potential for legislative changes to K.C.C.  
36 21A.55.105 governing development of Pacific Raceways.

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

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

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43 owner, project management for review of permits related to a project of statewide  
44 significance is proposed to be completed through the director's office of the department  
45 of local services and with the use of a special project manager to facilitate permit review.

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

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

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

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

64 M. The property owner has obtained an interim use permit from the county for a  
65 portion of the square footage allowed. It is expected that a modification to the interim

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66 use permit will be completed to allow construction up to the total square footage allowed  
67 under the interim use permit, prior to the master planning demonstration project  
68 commencing. As part of the review process for the interim use permit, the county and  
69 property owner identified areas where the larger master planning demonstration project  
70 could be clarified to provide further direction in establishing the development agreement  
71 and operating agreement for the master planning demonstration project.

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

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

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

87 Q. The revisions to the P-suffix in 2020 also included requirements for a  
88 permanent conservation easement to include Soosette Creek and its associated buffers,

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89 landslide hazard areas and steep slope hazard areas, and the RA-5 property that is part of  
90 the same ownership. This permanent conservation easement was recorded against the  
91 property in February 2021. Nothing in this ordinance is intended to impact the provisions  
92 of the recorded permanent conservation easement. In addition to the permanent  
93 conservation easement, on-site revegetation with native tree and shrub species was  
94 required, within six months of the effective date of Ordinance 19146. The revegetation  
95 was completed to the satisfaction of the permitting division of the department of local  
96 services within the six-month timeframe. With the recording of the permanent  
97 conservation easement and the revegetation of the site, as well as updates to the  
98 regulations since Ordinance 17287 was first adopted, some of the need for on-site  
99 monitoring of water quality is no longer necessary, and this ordinance reflects that the  
100 standard critical area and surface water regulations will apply to the site.

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

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

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

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

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

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

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

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

138 1. Fire station;

139 2. Driving school; and

140 3. Police and fire safety training; ~~((and))~~

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

149 1. On-site sale of racing- or event-related items;

150 2. Repair, service, modification, or storage of motor vehicles ~~((used primarily at  
151 the facility));~~

152 3. Custom fabrication of racing motor vehicles, or vehicle parts to be  
153 incorporated into those vehicles~~((, that will be used primarily at the facility));~~

154 4. Motor vehicle fuel sales for event participants;

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

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- 157           6. Food service and concessions for event participants and spectators; (~~and~~)
- 158           7. Short-term recreational vehicle parking for persons attending or participating
- 159 in events at the facility; and
- 160           8. Recreational cycling and running events; and
- 161           D. Uses consistent with a designation as a project of statewide significance under
- 162 chapter 43.157 RCW, including:
- 163           1. Uses that are related to racetrack uses;
- 164           2. Uses that research, develop, test, manufacture, and distribute new technology
- 165 in the transportation industry, such as those with an emphasis on projects and innovative
- 166 technology development, testing, and production that reduce greenhouse gas emissions in
- 167 the automotive and combustion engine sectors;
- 168           3. Automotive educational institutions; and
- 169           4. Uses that could benefit from colocation with the existing racetrack for testing
- 170 of such technologies.

171           SECTION 3. Ordinance 17287, Section 3, as amended, and K.C.C. 21A.55.105

172 are hereby amended to read as follows:

- 173           A. The purpose of the master planning (~~process~~) demonstration project is
- 174 to:
- 175           1. Create a comprehensive but streamlined process for the review of major
- 176 land use proposals that will be developed over the course of several years by:
- 177           a. utilizing a concise timeline for project review that incorporates a
- 178 process for public outreach and input during project review and facility operation to
- 179 ensure a timely and efficient review;

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

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

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

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

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

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

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

199 ~~((3-))~~ 4. Provide for ongoing monitoring of the executed development  
200 agreement and operating agreement by the council to ensure continued future compliance  
201 with the executed development agreement and operating agreement.

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

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203 implemented only for a regional motor sports facility only on the Pacific Raceways  
204 property as described in Attachment A to Ordinance 17287.

205 2. The department of local services, permitting division, shall administer the  
206 demonstration project.

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

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

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

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

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226 1. A preapplication request form, on a form approved by the permitting  
227 division;

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

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

231 4. Preliminary proposed operating agreement that incorporates the  
232 requirements for the operating agreement outlined in this section.

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

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

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

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

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

244 a. existing and proposed land contours;

245 b. soil types; and

246 c. phasing, including proposed contours by phase;

247 5. Proposed development conditions relating to:

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

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- 249                   b. protection for critical areas, especially adjacent to Soosette creek;
- 250                   c. stormwater flow control and water quality treatment;
- 251                   d. visual screening from adjoining residential properties;
- 252                   e. ongoing monitoring and reporting to measure compliance with the
- 253 development agreement and operating agreement(~~(s)~~);
- 254                   f. fire protection; and
- 255                   g. water supply and service;
- 256                   6. A ~~(P)~~proposed operating agreement that includes conditions that
- 257 specify:
- 258                   a. days and hours of operation;
- 259                   b. frequency of events;
- 260                   c. types of activities, including types of motor vehicles; (~~and~~)
- 261                   d. maximum noise levels, except that noise levels for existing and
- 262 approved uses and activities shall be no more restrictive than noise levels allowed by
- 263 Conditional Use Permit Files Nos. A-71-0-81 and Interim Use Permit File No. LUT417-
- 264 0003; if those uses or activities are expanded in scope or size, the impacts created by the
- 265 expanded scope or size may be subject to additional conditions;
- 266                   7. A State Environmental Policy Act Checklist; and
- 267                   8. Any necessary information identified through the preapplication process.
- 268                   E.1. The development (~~and operating~~) agreement shall contain
- 269 development standards (~~and operating conditions~~) related to the development (~~and~~
- 270 ~~operation~~) of the site (~~and~~). For existing and approved uses and activities, the
- 271 development standards included in the development agreement shall not be more
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272 restrictive than the current permits for the site. If those uses or activities are expanded in  
273 scope or size, the impacts created by the expanded scope or size may be subject to  
274 additional conditions. Development standards shall include, but shall not be limited to:

275 ((1-)) a. A master site plan and detailed conditions establishing the:

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

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

278 grandstands;

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

280 roadways;

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

282 plan;

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

284 during construction of the facilities;

285 ((f-)) (6) location and dimensions parking areas;

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

287 water, and related features; and

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

289 ((2-A)) b. a master drainage plan consistent with the surface water design

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

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

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

293 course, unless required by federal or state law;

294 ((3-A)) c. a project phasing plan, including threshold requirements that

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

296 d. specified development conditions to ensure that alterations provided for

297 in subsection G. of this section achieve the appropriate level of protections;

298 e. specified development conditions to ensure that stormwater flow control

299 and water quality treatment provided for in subsection H. of this section is achieved;

300 f. specified enforcement mechanisms to address any violations of the

301 conditions of the development agreement, including, but not limited to, the following:

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

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

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

305 impact of the violation and is sufficient to deter violations that otherwise result in

306 financial benefit to the facility, including, but not limited to, revocation of the operating

307 agreement and right to operate or loss of specific days of operation; and

308 g. a process to approve modifications to the development agreement

309 requested by the applicant, that includes criteria for when modifications are considered

310 minor and require approval by the permitting division, and when modifications are

311 considered major and require approval by ordinance by the council following a public

312 hearing by the hearing examiner. The process shall also specify any required public

313 notice for modifications, and an option for the applicant to ask the council to make

314 decisions on minor modifications proposed by the applicant.

315 2. The operating agreement shall contain operating conditions related to the

316 operation of the site. The operating conditions included in the operating agreement:

317 a. shall not be more restrictive than the current permit restrictions for the

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318 site for existing and approved uses and activities, unless an existing or approved use or  
319 activity is expanded in scope or size, in which case the impacts created by the expanded  
320 scope or size may be subject to additional conditions:

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

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

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

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

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

337 ~~((7.))~~ (4) ((S))specified on-site vehicle circulation and other traffic control  
338 measures to reduce the impact of congestion on roadways in the vicinity of Pacific  
339 Raceways;

340 ~~((8. Specified development conditions to ensure that permitted alterations~~

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341 provided for in subsection G. of this section achieve the appropriate level of protections;

342 ~~9. Specified development conditions to ensure that stormwater flow control~~

343 ~~and water quality treatment provided for in subsection H. of this section is achieved;~~

344 ~~10.) (5) ((S))~~specified regular ongoing monitoring and reporting to

345 measure compliance with the development agreement and operating agreement

346 requirements ~~((relating to noise, traffic, air quality, groundwater quality, stormwater flow~~

347 ~~control and water quality treatment and water volume and quality in Soosette creek)); and~~

348 ~~((44.)) (6) ((S))~~specified process for the receipt and evaluation by the

349 ~~((department))~~ permitting division of inquiries and complaints relating to the operation of

350 the facility, in order to allow for review by the hearing examiner as provided in

351 subsection S. of this section; ~~(and~~

352 ~~12. Specified enforcement mechanisms to address any violations of the~~

353 ~~conditions of the development agreement, including, but not limited to, the following:~~

354 ~~a. a process for monitoring condition violations and for receipt of~~

355 ~~complaints;~~

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

357 ~~c. a penalty schedule that recognizes the nature and impact of the violation~~

358 ~~and is sufficient to deter violations that otherwise result in financial benefit to the facility,~~

359 ~~including, but not limited to, revocation of operating permit and loss of specific days of~~

360 ~~operation)).~~

361 3. Uses, activities, or conditions that the permitting division determine are

362 development and operational in nature may be placed in both the development agreement

363 and operating agreement.

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

372                   F. All development under the master plan shall be subject to the following  
373 standards relating to screening and building setbacks: as provided in K.C.C.  
374 21A.16.030.F., to the maximum extent practical, buildings and other structures shall be  
375 constructed on the project to be shielded from view from adjoining residential properties  
376 using methods that may include, but are not limited to:

- 377                   1. Retention of existing vegetation; and  
378                   2. Placement of new vegetation to augment existing vegetation.

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

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

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

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

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

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

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

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

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

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

407                   ~~((3))~~ the alteration is the minimum necessary to accommodate the  
408 development proposal;

409                   ~~((4))~~ (3) the ~~((alternation))~~ alteration has the least ~~((possible))~~ adverse

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410 impact on the critical area and critical area buffer;

411 ~~((5))~~ (4) the critical area is not used as a salmonid spawning area;

412 ~~((6))~~ (5) ~~((the director may only approve an alteration in a category III~~  
 413 ~~or IV))~~ alterations to a category I or II wetland shall not be allowed; and

414 ~~((7))~~ (6) the alterations to any wetland shall be mitigated in accordance  
 415 with an approved mitigation plan ~~((by relocating the wetland into a new wetland, with~~  
 416 ~~equivalent or greater functions, or into an existing wetland at the ratios specified))~~ in  
 417 accordance with K.C.C. 21A.24.340 based on the type of mitigation measures proposed.

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

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

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

431 ~~3. Develop and implement a water quality monitoring plan to assure that~~  
 432 ~~copper, other metals, hydrocarbons, and other contaminants are not elevated in ground~~

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433 ~~and surface waters on site and in Big Soos and Soosette creeks;~~

434 ~~4. Conduct flow monitoring in Big and Soosette creeks before, during and~~

435 ~~after construction to ensure that normal or preexisting flows are being maintained.~~

436 ~~5. Conduct biotic monitoring in Big Soos and Soosette creeks before,~~

437 ~~during and after construction;~~

438 ~~6. If the department determines it to be environmentally beneficial and if it~~

439 ~~is in compliance with the surface water design manual requirements for discharge to the~~

440 ~~natural location and is approved through an adjustment, channel surface water from~~

441 ~~impervious surfaces, including buildings, structures, pit areas, or raceways to drain away~~

442 ~~from Soosette creek and evaluate any impacts to Big Soos and Soosette creeks and to the~~

443 ~~alternative discharge location; and~~

444 ~~7. Develop and implement an adaptive management program to correct any~~

445 ~~flow, surface or ground water quality, or biotic problem in Big Soos or Soosette creeks~~

446 ~~caused by the development)) develop and implement a water quality monitoring plan for~~

447 ~~the points of discharge for on-site surface water drainage, groundwater discharges, and~~

448 ~~infiltration points to determine that copper, other metals, hydrocarbons, and other~~

449 ~~contaminants are not elevated in down gradient groundwater on-site and in Big Soos and~~

450 ~~Soosette creeks.~~

451 I. Site development that entails extraction and grading of soils to achieve the

452 final site contours for development shall be subject to the following limits:

453 1. The amount of materials that may be extracted during any specific phase

454 of project construction shall be ~~((only as))~~ the minimum necessary to ~~((construct))~~

455 achieve final grades for that phase of the project approved for construction; and

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

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

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

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

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

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

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

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

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- 479                   a. all parties of record, including community groups or organizations,  
480 established during the review of Conditional Use Permit File No((s)). A-71-0-81 ((and  
481 ~~L08CU006~~)), Interim Use Permit File No. LUT417-0003, Proposed Ordinance 2010-  
482 0189, ((or)) Ordinance 17287, Ordinance 18184, or this ordinance;
- 483                   b. persons requesting notification of any county land use action regarding  
484 Pacific Raceways; and
- 485                   c. residents or property owners of parcels located within twenty-five  
486 hundred feet of the boundaries of the Pacific Raceways site;
- 487                   6. ((Not later than seven days after the applicant has filed with the  
488 department its master planning proposal, issue a determination of significance and  
489 proceed with the environmental review of the master planning proposal under Ordinance  
490 ~~17287, Section 6~~)) Issue a threshold determination under WAC 197-11-310. If a  
491 determination of nonsignificance or a mitigated determination of nonsignificance is to be  
492 issued, the Optional DNS process in WAC 197-11-355 shall be used as provided in WAC  
493 197-11-310(6)(d). Subject to the requirements and limitations of chapter 197-11 WAC,  
494 the State Environmental Policy Act review shall analyze the potential new impacts that  
495 may occur over and above those impacts currently allowed under the conditions of CUP  
496 File No. A-71-0-81 and Interim Use Permit File No. LUT417-0003 and potential  
497 cumulative impacts;
- 498                   7. Conduct ((one or more)) two public meetings on the master planning  
499 proposal application to gather information and public input on all aspects of the master  
500 planning proposal. The first meeting shall be held within thirty days after the applicant  
501 has filed its complete master planning proposal application with the ((department and
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502 ~~may be combined with a public meeting required under Ordinance 17287, Section 5.D.4))~~  
503 permitting division. At that public meeting, the applicant shall present its master  
504 planning proposal. At ~~((each))~~ the public meeting, the public shall be provided an  
505 opportunity to comment on the master planning proposal. The ~~((department))~~ permitting  
506 division shall record ~~((all))~~ the public meeting~~((s))~~ and make a written summary of the  
507 meeting~~((s))~~ available on its website within fourteen days after the meeting. The  
508 ~~((department))~~ permitting division may hold an additional public meeting~~((s))~~ as it  
509 conducts its review of the master planning proposal application and shall provide an  
510 opportunity for the applicant to respond to questions at each public meeting;

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

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

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525 permitting division shall present the proposed development agreement and operating  
526 agreement at a public meeting within fourteen days after the notice is provided under this  
527 subsection K.9.; and

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

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

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

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

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

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

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

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

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

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

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

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

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

592           ~~((5.))~~ 3. Within fourteen days after the conclusion of the open record public  
593 hearing, the hearing examiner shall issue a written recommendation and shall, consistent

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594 with K.C.C. 20.20.220, transmit a copy thereof to the council and to all persons who  
595 appeared as parties in the open record public hearing. The recommendation shall include  
596 findings of fact and conclusions from the record that support the decision and the findings  
597 and conclusions shall set forth and demonstrate the manner in which the recommendation  
598 is consistent with, carries out, and helps implement applicable state laws and regulations,  
599 the regulations(~~(, policies, objectives)~~) of King County, and (~~goals of the comprehensive~~  
600 ~~plan and Ordinance 17287~~) this section.

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

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617 responsive statements and arguments posted on the council's webpage.

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

633           ~~((8-))~~ 6. If, after consideration of the record, written appeal statements, and  
634 any oral argument the council determines that:

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

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

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640 hearing examiner.

641           ~~((9-))~~ 7.a. The council's final action on any recommendation of the hearing  
642 examiner shall be by ordinance, which shall include findings of fact and conclusions from  
643 the record of the hearing examiner's public hearings. The findings and conclusions shall  
644 set forth and demonstrate the manner in which the council's decision is consistent with,  
645 carries out, and helps implement applicable state laws, the regulations~~((, the policies,~~  
646 ~~objectives, and goals of the comprehensive plan))~~ of King County, and ~~((Ordinance~~  
647 ~~17287))~~ this section. The council may adopt as its own all or portions of the hearing  
648 examiner's findings and conclusions.

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

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

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

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

667                   3. The council may either:

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

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

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

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

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

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686 ~~actions relating to compliance with the design and operating conditions established under~~  
687 ~~Conditional Use Permit File Nos. A-71-0-81 and L08CU006 regarding activities that~~  
688 ~~occurred before the execution of a development agreement shall not be affected.)~~)

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

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

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

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

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

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

708           ~~(1) the operating conditions established in the agreement shall remain in~~

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709 ~~effect; and~~

710 ~~(2))~~ any subsequent development permit application shall be subject to

711 laws in effect at the time the subsequent application is filed.

712 P. During the period a development ~~((and operating))~~ agreement is in effect,

713 any subsequent development on the site shall be consistent with the approved

714 development ~~((and operating))~~ agreement.

715 Q.1. Except as otherwise provided in subsection Q.2. of this section, the laws

716 in effect on the date the council adopts the ordinance authorizing the execution of the

717 development ~~((and operating))~~ agreement shall apply to subsequent permits necessary for

718 the uses authorized by the development ~~((and operating))~~ agreement.

719 2. The following regulations in effect on the date of a complete application

720 for any permits necessary for a use authorized by the development ~~((and operating))~~

721 agreement shall apply:

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

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

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

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

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

727 R.1. During the effective period of the development ~~((and operating))~~

728 agreement, the applicant may request in writing ~~((and the department may propose a))~~

729 one or more modifications ~~((of))~~ to the development ~~((and operating))~~ agreement. ~~((The~~

730 applicant's request and the department initiated proposal shall be made by June 1 of each

731 ~~year for implementation in the following year. The department))~~ For those requests

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

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

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

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

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

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

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

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778 agreement and operating agreement.

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

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

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

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

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801 improvements;

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

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

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

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

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

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

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

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

823 The applicant shall submit the following information to the ~~((department))~~ permitting

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824 division with a request to schedule a preapplication meeting:

825 1. Affidavit of application, on a form approved by the ((~~department~~))

826 permitting division;

827 2. Project narrative and questions for ((~~department~~)) permitting division

828 staff;

829 3. Preliminary site plan, which shall include:

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

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

832 c. parcel number or numbers;

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

834 e. north arrow and scaled dimensions;

835 f. existing and proposed building footprints, with overhangs and

836 projections;

837 g. existing and proposed grade contours;

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

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

840 septic, and internal circulation, as needed;

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

842 drainage; and

843 k. critical areas and their buffers; and

844 4. Preliminary building plan.

845 W. An interim use permit application shall be considered complete when the

846 following information and studies have been submitted and are adequate to review the

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847 proposal:

848 1. A proposed site plan that identifies the location and dimensions of the  
849 proposed buildings, structures, and paving, vehicular circulation and parking areas,  
850 critical areas and buffers, landscaping, stormwater facilities, utilities, and fire protection;

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

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

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

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

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

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

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

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

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

865 c. location of stormwater facilities, sewage treatment facilities, water, and  
866 related features;

867 d. landscaping requirements, as required by K.C.C. chapter 21A.16;

868 e. location of on-site critical areas. Development or operations are not  
869 allowed within critical areas or their buffers, and alterations of critical areas or their

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870 buffers are not permitted, as part of the activities allowed with the interim use permit or  
871 related construction permits; and

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

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

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

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

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

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

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

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

891 (1) be planted with a variety of trees, shrubs, legumes, and grasses  
892 indigenous to the surrounding area and appropriate for the soil, moisture, and exposure

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893 conditions; and

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

898 Y. For the interim use permit, the executive shall appoint a special project  
899 manager.

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

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

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

913 4. The special project manager shall evaluate, and provide a  
914 recommendation to the executive, regarding the efficacy of options, such as review by  
915 another jurisdiction or using outside staff to complete the substantive review, for

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916 expediting the permit review process. As part of this review, the special project manager  
917 shall ensure that any recommended option will produce a review that complies with this  
918 chapter and other applicable laws, regulations, and adopted policies.

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

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

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

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

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

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

936 f. provide a notice of complete application under K.C.C. ~~((20.20.050))~~  
937 20.20.033, within seven days of determining that the application is complete;

938 g. provide a notice of application under K.C.C. 20.20.060 within fourteen

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939 days of providing the notice of complete application. In addition to the notice required by  
940 these two sections, the ~~((department))~~ permitting division shall provide mailed notice to:

941 (1) all parties of record, including community groups or organizations,  
942 established during the review of Conditional Use Permit File Nos. A-71-0-81 ~~((and~~  
943 ~~L08CU006))~~, Interim Use Permit File No. LUT417-0003, Proposed Ordinance 2010-  
944 0189, ~~((or))~~ Ordinance 17287, Ordinance 18184, and this ordinance;

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

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

949 h. complete environmental review on the interim use and activities  
950 authorized by the interim use permit;

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

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

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

961 j. coordinate and assemble the reviews of other departments and

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962 governmental agencies having an interest in the application and shall prepare a report  
 963 summarizing the factors involved and the ((department's)) permitting division's  
 964 recommendation. At least seven calendar days before the scheduled hearing, the  
 965 ((department)) permitting division shall file the report with the hearing examiner and mail  
 966 copies to those identified in subsection Z.1.g. of this section.

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

977           AA.1. The hearing examiner shall:

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

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

984           c. conduct an open record public hearing within thirty days of the

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985 prehearing conference.

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

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

999           BB. Issuance of the interim use permit by the county under this section does  
1000 not relieve the applicant of its obligations to obtain other approvals required under state  
1001 and federal law.

1002           CC. The applicant shall pay fees to the county to cover the actual cost of  
1003 providing project management, review, and inspection services for the interim use  
1004 permits and including environmental review, in accordance with K.C.C. 27.02.100.

1005           DD. Upon issuance of an interim use permit, the ~~((department))~~ permitting  
1006 division may review and approve, in accordance with the code compliance process in  
1007 K.C.C. chapter 21A.42, an expansion of, modification to, or addition to the development

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1008 authorized by the interim use permit. If the proposed development, taken together with  
1009 any previously approved development under the interim use permit, is within the  
1010 limitations of subsection U.1. of this section, the development proposal shall be  
1011 processed as a Type 1 land use decision, subject to all other applicable state and local  
1012 standards. Subject to the requirements and limitations of chapter 197-11 WAC, the State  
1013 Environmental Policy Act review shall analyze the potential new impacts that may occur  
1014 over and above those impacts currently allowed under the conditions of CUP File No. A-  
1015 71-0-81 and Interim Use Permit File No. LUT417-0003 and potential cumulative  
1016 impacts.

1017 EE. Establishment of the use or activity authorized by an interim use permit shall  
1018 occur within ten years of the effective date of the decision for the interim use permit or  
1019 subsequent amendment to the interim use permit under subsection DD. of this section.  
1020 Upon written request to the ~~((department))~~ permitting division made by the applicant  
1021 before the expiration of an interim use permit or subsequent amendment, the  
1022 ~~((department))~~ permitting division shall extend the permit for one or more one-year  
1023 period, up to a total of five consecutive years, if site conditions have not significantly  
1024 changed in a manner that would have affected the original permit approval and the  
1025 applicant pays applicable permit extension fees. Any use or structure established during  
1026 the term of the interim use permit or an extension of the term may continue to operate  
1027 after the expiration of the interim use permit, in accordance with K.C.C. chapter 21A.32  
1028 and any applicable p-suffix conditions.

1029 FF. The additional uses allowed by the P-suffix condition, in K.C.C.  
1030 21A.06.973C, and this section may be allowed in areas over the square footage

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1031 limitations in LUT417-0003 if approved via the permit process and environmental review  
1032 required by K.C.C. 21A.55.105.

1033 SECTION 4. The following are hereby repealed:

1034 A. Ordinance 17287, Section 5; and

1035 B. Ordinance 17287, Section 6.

1036 SECTION 5. Severability. If any provision of this ordinance or its application to  
1037 any

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1038 person or circumstance is held invalid, the remainder of the ordinance or the application  
1039 of the provision to other persons or circumstances is not affected.


Ordinance 20047 was introduced on 10/7/2025 and passed as amended by the Metropolitan King County Council on 3/24/2026, by the following vote:

Yes: 9 - Balducci, Barón, Dembowski, Dunn, Fain, Lewis, Mosqueda, Perry and von Reichbauer


KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Signed by:  
  
062AC77E76FB49B...  
Sarah Perry, Chair

ATTEST:

DocuSigned by:  
  
8DE1BB375AD3422...  
Melani Hay, Clerk of the Council

APPROVED this \_\_\_\_\_ day of 4/3/2026, \_\_\_\_\_.

Signed by:  
  
B7B9CFF6992F49A...  
Girmay Zahiray, County Executive

**Attachments:** None

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Melani Hay

melani.hay@kingcounty.gov

Clerk of the Council

King County Council

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Girmay Zahilay

execzahilay@kingcounty.gov

Security Level: Email, Account Authentication (None)

Signed by:

*Girmay Zahilay*  
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## Agent Delivery Events

## Status

## Timestamp

## Intermediary Delivery Events

## Status

## Timestamp

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- Until or unless you notify King County-Department of 02 as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by King County-Department of 02 during the course of your relationship with King County-Department of 02.