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Title: AN ORDINANCE relating to the development of a regional motor sports facility; adopting provisions for approval of such a facility through a master planning demonstration project, as authorized under K.C.C. chapter 21A.55; amending Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100; adding a new section to K.C.C. chapter 21A.55; adding a new section to K.C.C. chapter 20.24; adding new sections to K.C.C. chapter 21A.06; and adding a new section to K.C.C. chapter 27.02.

Sponsors: Pete von Reichbauer

Indexes: Regional Planning

Code sections: 20.24 -, 21A.06 -, 21A.08.040 -, 21A.08.050 -, 21A.08.060 -, 21A.08.070 -, 21A.08.080 -, 21A.08.090 -, 21A.08.100 -, 21A.12.040 -, 21A.55 -, 27 -

Attachments: 1. Ordinance 17287.pdf, 2. 2011-0227 Staff Report.doc, 3. 2011- 0227 Staff Report - Attachment 2.pdf, 4. 2011-0227 staff report - PacRac srv3.doc, 5. 2011-0227 Staff Report (8/23/11).doc, 6. 0211-0227 attach 3 - striking amendment.doc, 7. 2011-0227 attach 2 - matrixv2.doc, 8. 2011-0227 Staff report - PAC RAC.doc, 9. 2011-0227 Staff report - attach 2 matrix.doc, 10. 2011-0227 staff report - attach 3 S1.doc, 11. 2011-0227 Staff report - attach 3 T1.doc, 12. 2011-0277 Staff report - attach 4 comparison.doc, 13. Attachment A - Pacific Raceways Project Site, 14. 2011-0227 Hearing Notice.doc, 15. 2011-0227 Revised Staff Report - PAC RAC(9-22-11).doc, 16. 2011-0227 READVERTISED regional motor sports facility 12-5-11.doc, 17. 2011-0227 10-6-11 Affidavit.pdf, 18. 2011-0227 11-4-11 Affidavit.1.pdf, 19. 17287 Amendment Package 3-19-12.pdf, 20. Attachment A - Pacific Raceways Project Site, 21. 2011-0227 - Notice of Adoption, 22. 17287 Affidavit of Publication/Adoption Notice 4-11-12.pdf, 23. AckLetter from State of Wash Dept of Commerce 17287.pdf, 24. FW Pacific Raceway Hearing Comments.msg, 25. The Pacific Raceways.htm, 26. 2011-0227 Pac Raceway Sign-In Sheets (8-23).pdf, 27. 2011-0227 Pac Raceway sign-in sheets.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|--|--|--------|
| 3/19/2012 | 2 | Metropolitan King County Council | Hearing Held | |
| 3/19/2012 | 2 | Metropolitan King County Council | Passed as Amended | Pass |
| 3/5/2012 | 2 | Metropolitan King County Council | Hearing Held | |
| 3/5/2012 | 2 | Metropolitan King County Council | Deferred | |
| 2/21/2012 | 2 | Metropolitan King County Council | Hearing Held | |
| 2/21/2012 | 2 | Metropolitan King County Council | Deferred | |
| 1/9/2012 | 2 | Metropolitan King County Council | Reintroduced | |
| 12/5/2011 | 2 | Metropolitan King County Council | Hearing Held | |
| 12/5/2011 | 2 | Metropolitan King County Council | Deferred | |
| 9/22/2011 | 1 | Transportation, Economy, and Environment Committee | Passed Out of Committee Without a Recommendation | Pass |
| 8/23/2011 | 1 | Transportation, Economy, and Environment Committee | Deferred | |

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|-----------|---|--|-------------------------|
| 6/14/2011 | 1 | Transportation, Economy, and Environment Committee | Deferred |
| 5/24/2011 | 1 | Transportation, Economy, and Environment Committee | Deferred |
| 5/16/2011 | 1 | Metropolitan King County Council | Introduced and Referred |

Clerk 03/20/2012

AN ORDINANCE relating to the development of a regional motor sports facility; adopting provisions for approval of such a facility through a master planning demonstration project, as authorized under K.C.C. chapter 21A.55; amending Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100; adding a new section to K.C.C. chapter 21A.55; adding a new section to K.C.C. chapter 20.24; adding new sections to K.C.C. chapter 21A.06; and adding a new section to K.C.C. chapter 27.02.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

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

C. The Pacific Raceways property is located in the Growth Management Act-designated rural area. The property has a Rural land use designation and Industrial zoning. The property has a property-specific

development condition (SC-P02), also known as a P-suffix, condition restricting the use of the property to racing and race related activities, consistent with comprehensive plan policy CP-1014. It is also subject to two Conditional Use Permits, File Nos. A-71-0-81 and L08CU006, which govern current development and operations.

D. This ordinance allows safety improvements and uses that are accessory to a racetrack. These uses are intended to be subordinate to the primary use of the facility as a racetrack and to primarily provide services to participants in events at the facility and not to provide services to the general public. Any accessory uses shall be limited as necessary to comply with the King County Comprehensive Plan and the zoning conditions that apply to the property. It is not the intent of the council through this ordinance to allow uses that are inconsistent with the spirit and intent of the Growth Management Act or the King County Comprehensive Plan.

E. The owners of Pacific Raceways have indicated that they have invested over five million dollars since 2002 for improvements and are now seeking to move forward with a privately funded one hundred and thirty-five-million-dollar rehabilitation and expansion effort.

F. There are currently no specific zoning or land use provisions provided in the code that easily and efficiently allow for the processing of a complex, multi-year, multi-phased development proposals.

G. The numerous steps currently required for the review of large, complex and long-term development proposals, such as those proposed for Pacific Raceways, make it difficult for the county, the applicant and the public to understand and address the myriad issues that arise during review of these kinds of projects.

H. A demonstration project as provided in K.C.C. chapter 21A.55 is intended to be a mechanism to test and evaluate alternative development standards and processes before amending King County policies and regulations. The amended standards and processes could advance county efforts to support wide-scale economic development.

I. Specifically, K.C.C. 21A.55.010 states, "Alternative development standards might include standards affecting building and/or site design requirements. Alternative processes might include permit review

prioritization, alternative review and revision scheduling, or staff and peer review practices."

J. During the council review of Proposed Ordinance 2010-0189, members of the public testified that the implementation and enforcement of the conditions of Conditional Use Permits File Nos. A-71-0-81 and L08CU006 has been inconsistent over the years.

K. A "master planning" demonstration project is an opportunity to:

1. Implement specific requirements governing the future design and operation of Pacific Raceways;
2. Test a multiphased process that will ensure public opportunity to provide input on the proposed future development and operating standards;
3. Allow the cumulative impacts of a proposed development to be considered and addressed;
4. Better guide the future development of the facility;
5. Institute an ongoing council review and monitoring process to ensure compliance with this ordinance and the executed development and operating agreement; and
6. Institute a process that increases long-term predictability.

L. The 1990 Soos Creek Basin Plan shows the raceway within a recommended one-quarter mile rural corridor recommended for major streams. The council recognizes the need to protect the water quality of salmon-bearing streams in the vicinity of the project site, such as Big Soos and Soosette creeks, as well as valuable facilities like the Soos Creek Hatchery that rely upon the maintenance of water quality in those water-bodies. In order to ensure that protection, this ordinance requires any proposed development of the site to comply with stringent surface water retention, infiltration and monitoring requirements, as well as, to establish a critical area buffer from Soosette creek.

M. The council determines, based on the potential uses that may be included in the master planning proposal, there is likely significant adverse environmental impact necessitating the preparation of an environmental impact statement, in accordance with chapter 43.21C RCW and chapter 197-11 WAC.

N. The property owner's participation in this demonstration project is voluntary. The county has had

success with demonstration projects in the pasts. However, in deciding to initiate the master planning process, the property owner will be taking on risks associated with an untested process. The property owner has the option of pursuing development approval through a more traditional process.

SECTION 2. The King County executive shall conduct a demonstration project to create and evaluate a master planning process as provided for in, and consistent with, section 3 of this ordinance.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 21A.55 a new section to read as follows.

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

1. Create a comprehensive but streamlined process for the review of major land use proposals that will be developed over the course of several years by:
 - a. utilizing a concise timeline for project review that incorporates a process for public outreach and input during project review and facility operation;
 - b. executing a development and operating agreement, pursuant to RCW 36.70B.170 that establishes:
 - (1) a clearly defined project through a master development plan, which shall include a master site plan;
 - (2) requirements that must be met before approval of each phase of development; and
 - (3) operating standards governing all aspects of the project's operation, including, but not limited to, noise and traffic, hours and days of operation for racing, nonracing uses and number and types of events; and
 - c. establishing a process that ensures timely and efficient review;
2. Utilize the hearing examiner, as authorized in section 4 of this ordinance, to function as a special master for the purpose of fact finding and reporting on compliance by the applicant with the executed development and operating agreement, as provided in subsection S. of this section; and
3. Provide for ongoing monitoring of the executed development and operating agreement by the council to ensure continued future compliance with the executed development and operating agreement.

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

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

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

1. A proposed development plan that describes the nature, size and scope and phasing of all proposed activities;
2. A proposed site plan that identifies the location and dimensions of proposed racing surfaces, access roadways, parking areas, buildings, stormwater facilities, sewage treatment or holding facilities and any off-site traffic improvements;
3. A proposed master drainage plan under the surface water design manual;
4. A proposed grading plan that identifies or includes:
 - (a) land contours;
 - (b) soil types; and
 - (c) phasing;
5. Proposed development conditions relating to:
 - (a) on-site vehicle circulation and off-site traffic control measures;
 - (b) protection for critical areas, especially adjacent to Soosette creek;
 - (c) stormwater flow control and water quality treatment;
 - (d) visual screening from adjoining residential properties;
 - (e) ongoing monitoring and reporting to measure compliance with the development and operating agreements;

(f) fire protection; and

(g) water supply and service;

6. Proposed operating conditions that specify:

(a) days and hours of operation;

(b) frequency of events;

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

(d) maximum noise levels; and

7. Any necessary information identified through the preapplication process.

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

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

a. location and scope of proposed land uses;

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

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

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

e. excavation and processing of materials, including dust control, during construction of the

facilities;

f. location and dimensions parking areas;

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

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

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

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

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

- 5, Specified days and times for all racing and nonracing uses;
 6. Specified noise levels for racing and nonracing uses, including but not limited to, how noise levels will be measured and mitigated;
 7. Specified on-site vehicle circulation and other traffic control measures to reduce the impact of congestion on roadways in the vicinity of Pacific Raceways;
 8. Specified development conditions to ensure that permitted alterations provided for in subsection G. of this section achieve the appropriate level of protections;
 9. Specified development conditions to ensure that stormwater flow control and water quality treatment provided for in subsection H. of this section is achieved;
 10. Specified regular ongoing monitoring and reporting to measure compliance with the development and operating agreement requirements relating to noise, traffic, air quality, groundwater quality, stormwater flow control and water quality treatment and water volume and quality in Soosette creek;
 11. Specified process for the receipt and evaluation by the department of inquiries and complaints relating to the operation of the facility, in order to allow for review by the hearing examiner as provided in subsection S. of this section; and
 12. Specified enforcement mechanisms to address any violations of the conditions of the development agreement, including, but not limited to, the following:
 - a. a process for monitoring condition violations and for receipt of complaints;
 - b. a process for expedited review and remedy of possible violations; and
 - c. a penalty schedule that recognizes the nature and impact of the violation and is sufficient to deter violations that otherwise result in financial benefit to the facility, including, but not limited to, revocation of operating permit and loss of specific days of operation.
- F. All development under the master plan shall be subject to the following standards relating to screening and building setbacks: as provided in K.C.C. 21A.16.030.F, to the maximum extent practical,

buildings and other structures shall be constructed on the project to be shielded from view from adjoining residential properties using methods that may include, but are not limited to:

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

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

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

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

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

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

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

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

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

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

(2) there is no feasible alternative to the development proposal with less adverse impact on the

critical area;

- (3) the alteration is the minimum necessary to accommodate the development proposal;
- (4) the alternation has the least possible adverse impact on the critical area and critical area buffer;
- (5) the critical area is not used as a salmonid spawning area;
- (6) the director may only approve an alteration in a category III or IV wetland; and
- (7) the alterations to any wetland shall be mitigated in accordance with an approved mitigation plan

by relocating the wetland into a new wetland, with equivalent or greater functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based on the type of mitigation measures proposed.

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

1. Use enhanced basic water quality measures to treat stormwater and use stormwater infiltration facilities to manage stormwater to protect aquatic life in Big Soos and Soosette creeks and operation of the Soos Creek Hatchery, while protecting groundwater quality. The department shall consider the proposed use in determining whether spill control or special oil control measures in excess of the King County surface water design manual requirements are necessary to achieve the required environmental protections;
2. Specify and require facilities and best management practices to insure that auto-related fluids, brake dust, and other products are properly managed and disposed of to avoid contamination of soils, surface water and groundwater;
3. Develop and implement a water quality monitoring plan to assure that copper, other metals, hydrocarbons and other contaminants are not elevated in ground and surface waters on- site and in Big Soos and Soosette creeks;
4. Conduct flow monitoring in Big and Soosette creeks before, during and after construction to ensure that normal or preexisting flows are being maintained.
5. Conduct biotic monitoring in Big Soos and Soosette creeks before, during and after construction;

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

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

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

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

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

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

K. The department shall:

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

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

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

4. Determine whether the master planning proposal is a complete application under this section and K.C.C. 20.20.050;
5. Provide a notice of a complete application under K.C.C. 20.20.060.B. In addition to notice required under K.C.C. 20.20.060.B, the department shall provide mailed notice to:
 - a. all parties of record, including community groups or organizations, established during the review of Conditional Use Permit File Nos. A-71-0-81 and L08CU006, Proposed Ordinance 2010-0189 or this ordinance;
 - b. persons requesting notification of any county land use action regarding Pacific Raceways; and
 - c. residents or property owners of parcels located within twenty-five hundred feet of the boundaries of the Pacific Raceways site;
6. Not later than seven days after the applicant has filed with the department its master planning proposal, issue a determination of significance and proceed with the environmental review of the master planning proposal under section 6 of this ordinance;
7. Conduct one or more public meetings on the master planning proposal application to gather information and public input on all aspects of the master planning proposal. The first meeting shall be held within thirty days after the applicant has filed its master planning proposal application with the department and may be combined with a public meeting required under section 5.D.4 of this ordinance. At that public meeting, the applicant shall present its master planning proposal. At each public meeting, the public shall be provided an opportunity to comment on the master planning proposal. The department shall record all public meetings and make a written summary of the meetings available on its website within fourteen days after the meeting. The department may hold additional public meetings as it conducts its review of the master planning proposal application and shall provide an opportunity for the applicant to respond to questions at each public meeting;
8. Issue the final environmental impact statement within eighteen months of either issuing to the applicant a notice of complete application or the master planning proposal is deemed a complete application

under K.C.C. 20.20.050B. The consultant may request additional time to prepare the final environmental impact statement;

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

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

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

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

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

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

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

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

L.1. Before the transmittal of the department's recommended development and operating agreement to

the hearing examiner, the transportation, economy and environment committee or its applicable successor may request reports or briefings from the department and applicant regarding how the demonstration project is proceeding. The department shall solicit input from those identified in subsection K.5.a. through c. of section to inform the committee in the report and briefing.

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

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

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

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

4. The hearing examiner's recommendation may be to approve or reject the department's recommended development and operating agreement, or the examiner may recommend that the council adopt

the department's recommended development and operating agreement with such conditions, modifications and restrictions as the examiner finds necessary to carry out applicable state laws and regulations and the regulations, including chapter 43.21C RCW, policies, objectives and goals of the Comprehensive Plan, the zoning code K.C.C. Title 21A and other laws, policies and objectives of King County.

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

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

7. At least fourteen days before the closed record hearing by the council of the appeal, the clerk will provide the parties of record with written notice of the hearing time and date. The council's consideration of the

appeal shall be based upon the record as presented to the hearing examiner at the open record public hearing and upon written appeal statements and arguments submitted by the parties that are based on the open record public meeting. The council may allow the parties to the appeal a period of time for oral argument based on the record. Consistent with RCW 36.70B.020(1), before or at the appeal hearing and upon the request of the council, county staff may provide a written or oral summary, or both, of the appeal record, issues and arguments presented in an appeal and may provide answers, based on the record, to questions with respect to issues raised in an appeal asked by council members at the appeal hearing. Nothing in this subsection shall be construed as limiting the ability of the council to seek and receive legal advice regarding a pending appeal from the office of the prosecuting attorney or other county legal counsel either within or outside of the hearing.

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

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

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

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

b. Any ordinance also may contain reasonable conditions, in accordance with state law and county ordinances, which must be satisfied before the ordinance becomes effective. The ordinance shall also designate

the time period within which any such conditions must be satisfied. All authority pursuant to such ordinance shall expire if any of the conditions are not satisfied within the designated time period and the property shall continue to be subject to all laws, regulations and zoning as if the ordinance had not been adopted. The council may extend the period for satisfaction of the conditions if, after a public hearing by the examiner, the council finds an extension will be in the public interest and the extension was requested by the applicant within the initial time period.

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

1. The clerk of the council shall place a proposed ordinance that implements the examiner's recommended action on the agenda of the next available council meeting for adoption;
2. No final action to amend or reverse the hearing examiner's recommendation shall be taken at that meeting and notice to parties shall be given before the adoption of a substitute or amended ordinance that amends or reverses the examiner's recommendation;
3. The council may either:
 - a. Refer the matter to the transportation, economy and environment or its successor for further consideration deemed necessary before the council takes final action on the matter or remand the matter to the hearing examiner for further hearing to receive additional information or further consideration; or
 - b. Adopt the hearing examiner's recommendation by an ordinance satisfying the requirements of subsection M.9. of this section.
4. Any final action by the county council may be reconsidered by the council pursuant to K.C.C. 20.24.250; and
5. Any appeal of the council's final action shall comply with the requirements of K.C.C 20.24.240.A.

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

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

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

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

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

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

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

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

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

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

Q.1. Except as otherwise provided in subsection Q.2. of this section, the laws in effect on the date the council adopts the ordinance authorizing the execution of the development and operating agreement shall apply

to subsequent permits necessary for the uses authorized by the development and operating agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 20.24 a new section to read as follows:

The hearing examiner shall receive and examine available information, conduct public meetings and prepare records and reports thereof for transmittal to the council, as provided in section 3.M. and S. of this ordinance.

SECTION 5. A. As authorized by WAC 197-11-420, the department and the applicant shall utilize the process in this subsection to select a consultant who will be responsible for preparing the environmental impact

statement required by section 6 of this ordinance.

1. Within sixty days after the effective date of this ordinance, the department shall develop a list of selected consultants, determined by the department to be qualified to prepare the environmental impact statement for a project of the scope and complexity that is allowed under section 3 of this ordinance. As part of that qualification process, the department shall advise the potential consultant candidates of the special circumstances of this demonstration project, including the unique selection and contracting procedures.

2. Within seventy-five days after the effective date of this ordinance, the department shall post on its webpage the names of candidates the department has prequalified in accordance with subsection 5.A.1 of this section.

3. By the latter of either fourteen days of the webpage posting, as required by subsection A.2. of this section, or by the date of the preapplication meeting, the applicant shall notify the department in writing of its selection of a consultant from the posted list. Failure to choose a consultant in accordance with this section shall authorize the department to choose a consultant from the list.

4. The department shall choose a consultant within seven days of receiving authority from the applicant.

5. Within seven days of the consultant selection, the department shall initiate contract negotiations with the selected consultant. If the applicant advises the department that it wants to participate in the contract negotiations, the department shall coordinate with the applicant to ensure that the applicant may have meaningful participation in the contract negotiations. A contract for services with the selected consultant shall include a termination for convenience clause that allows the consultant to terminate the agreement if a notice to proceed is not issued by either the applicant or the department within thirty days of contract execution by the department; provided however, the department is not authorized to execute the services contract if there is an appeal of a code enforcement complaint that is pending before the hearing examiner. Within five days of its execution, the department shall provide the applicant with a copy of the fully executed consultant contract.

B. The selected consultant shall be retained by the department, and all costs for the services of the consultant and subconsultants shall be paid by the applicant.

C. The consultant shall not initiate the state Environmental Policy Act scoping process until the hearing examiner has rendered a decision on any appeal of a code enforcement complaint involving the site.

D. The consultant shall have the following responsibilities:

1. Initiate the scoping process of the state Environmental Policy Act review based on the consultant's determination that the master planning proposal application filed with the department under section 3.D. of this ordinance addresses each of the elements required in section 3.D. of this ordinance with sufficient information upon which the principal features of the master planning proposal and their environmental impacts can be reasonably identified;

2. Coordinate the scoping process, as provided in WAC 197-11-410(1)(c), and prepare the scoping documents in consultation with the department and the applicant in accordance with WAC 197-11-408. The consultant shall hold at least one public meeting as required by subsection D.4. of this section;

3. Select and retain sub-consultants to assist in the preparation of the environmental impact statement;

4. Conduct one or more public meetings on the environmental impact of the master planning proposal, pursuant to WAC 197-11-535. The first meeting shall be held within thirty days after the consultant initiates the scoping process under subsection D.1. of this section. The first meeting may be held jointly with the department's first meeting as required by section 3.K.7. of this ordinance. The consultant shall coordinate with the department to ensure that those persons identified in section 3.K.5.a. through c. of this ordinance receive notice of any public meeting on the environmental impacts of the master planning proposal;

5. Coordinate with the department to ensure that the consultant receives the applicant's master planning proposal submittals in a timely manner;

6. Coordinate with the department to ensure that the consultant receives all public comments in a timely manner;

7. Maintain a log of all oral and written comments received and provide them periodically to the department and applicant;

8. Coordinate with the department in providing any public notice required under the applicable provisions of section 3 of this ordinance, section 6 of this ordinance, this section, chapter 197-11 WAC and K.C.C. chapter 20.44;

9. Present the draft environmental impact statement to the department and the applicant no later than nine months after the first public meeting on the environmental impact of the master planning proposal has been held; and

10. Present the final environmental impact statement to the department and the applicant no later than sixty days after the close of the applicable comment period on the draft environmental impact statement, unless the consultant determines that additional time is needed, based upon the nature and extent of comments received.

SECTION 6. An environmental impact statement shall be prepared for the proposed expansion of Pacific Raceways, subject to the following:

A. The department shall be the lead agency with the responsibility of determining the adequacy of and issuing the draft and final environmental impact statement;

B. In addition to any other studies, a comprehensive noise study shall be required as part of the SEPA review. The noise study shall identify the significant adverse impacts, mitigation measures, and any unavoidable impacts;

C. The "No Action" alternative of the environmental impact statement shall reflect the existing development of the Pacific Raceways site;

D. The environmental impact statement shall review the kart track relocation at the Pacific Raceways site and shall analyze the effectiveness of mitigations and other conditions imposed by the approval, including, but not limited to, mitigations for noise and environmental protection. The effectiveness of this regulatory

decision shall be considered in determining the appropriate mitigations and their potential effectiveness with regard to any new proposal;

E. The public comment period for the draft environmental impact statement shall be limited to thirty days, unless the consultant recommends an extension; and

F. The department and the applicant shall submit only one set of comments to the consultant during the public comment period.

NEW SECTION. SECTION 7. A new section is hereby added to K.C.C. chapter 27.02 to read as follows:

A. The application for a master planning demonstration project under section 3 of this ordinance shall be subject to the provisions of this title applicable to the project management program. King County shall be compensated at the hourly rate in effect when the work is performed and for all costs incurred by King County related to the review and monitoring of the demonstration project, including, but not limited to, costs for the:

1. Review of the master planning application;
2. Review of environmental documents submitted to the department by the consultant selected in accordance with section 5 of this ordinance;
3. Preparation and issuance of the department-recommended development and operating agreement;
4. Issuance of public notices;
5. Conduct of meetings;
6. Response to public inquiries related specifically to such notices and meetings; and
7. Monitoring of the approved development and operating agreement.

B. The review costs for permit applications and studies related to specific development proposals consistent with the development and operating agreement shall be governed by this title.

C. The costs from the consultant selected in accordance with section 5 of this ordinance and billed to the department shall be paid by the applicant and shall be governed by this title.

NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Racetrack: an establishment offering services and uses located in:

- A. SIC Industry No. 7948; or
- B. A regional motor sports facility.

NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

A. Motor vehicle racing and driving, subject to the conditions established by the master planning demonstration project, and shall not exceed the following racing surfaces:

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

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

- 1. Fire station;
- 2. Driving school; and
- 3. Police and fire safety training; and

C. Limited uses accessory to racing activities may be allowed. Any accessory uses shall be limited to racing and racing-related vehicle uses and shall be appurtenant to the facility by providing either a service or product only to the facility or require use of the facility in connection with the use. Assembly-line or mass

production, including but not limited to vehicles and vehicle parts, permanent lodging facilities and general commercial, industrial and manufacturing uses are not permitted. Accessory uses are limited to the following:

1. On-site sale of racing- or event-related items;
2. Repair, service, modification or storage of motor vehicles used primarily at the facility;
3. Custom fabrication of racing motor vehicles, or vehicle parts to be incorporated into those vehicles, that will be used primarily at the facility;
4. Motor vehicle fuel sales for event participants;
5. Daycare for people employed at the facility and event participants and spectators;
6. Food service and concessions for event participants and spectators; and
7. Short-term recreational vehicle parking for persons attending or participating in events at the facility.

SECTION 10. Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100 are each amended

to read as follows:

A. Regional land uses.

| KEY | | RESOURCE | | | RESIDENTIAL | | | | COMMERCIAL/INDUSTRIAL | | | | | | | | |
|-------------------|-------------------|----------|---|---|-------------|----|---|---------|-----------------------|----|----|---|---|---|---|---|---|
| P-Permitted Use | | A | F | M | R | U | R | U | R | N | B | C | B | R | B | O | I |
| C-Conditional Use | | G | O | I | U | R | E | R | E | E | U | O | U | E | U | F | N |
| S-Special Use | Z | R | R | N | R | B | S | B | S | I | S | M | S | G | S | F | D |
| | O | I | E | E | A | A | E | A | I | G | I | M | I | I | I | I | U |
| | N | C | S | R | L | N | R | N | D | H | N | U | N | O | N | C | S |
| | E | U | T | A | | V | | E | B | E | N | E | N | E | E | T | R |
| | | L | | L | | E | | N | O | S | I | S | A | S | | I | A |
| | | T | | | | | | T | R | S | T | S | L | S | | L | |
| | | U | | | | | | I | H | | Y | | | | | | |
| | | R | | | | | | A | O | | | | | | | | |
| | | E | | | | | | L | O | | | | | | | | |
| | | | | | | | | | D | | | | | | | | |
| SIC# | SPECIFIC LAND USE | A | F | M | RA | UR | R | R12-1-8 | NB | CB | RB | O | I | | | | |
| * | Jail | | | | | | S | S | S | S | S | S | S | | | | |
| * | Jail Farm/Camp | S | S | | S | S | | | | | | | | | | | |

| | | | | | | | | | | | | | | | | |
|------|--|-----|-----|-----|-----|-------|-------|-----|----|-----|----|-----|-----|-----|---|-----|
| * | Work Release Facility | | | | S19 | S19 | S | S | S | S | S | S | | | | |
| * | Public Agency Animal Control Facility | | S | | S | S | | | | | S | | P | | | |
| * | Public Agency Training Facility | | S | | S3 | | | | | S3 | S3 | S3 | C4 | | | |
| * | Hydroelectric Generation Facility | | C14 | S | C14 | C14 S | C14 S | | | | | | | | | |
| * | Non-hydroelectric Generation Facility | C12 | S | C12 | S | C12 | S | C12 | S | C12 | S | C12 | S | C12 | S | P12 |
| * | Communication Facility (17) | C6c | S | P | | C6c | S | C6c | S | C6c | S | P | P | P | P | |
| * | Earth Station | P6b | C | P | | C6a | S | C6a | S | C6a | S | P6b | C | P | P | |
| 13 | Oil and Gas Extraction | S | C | P | S | S | S | S | S | S | S | S | C | | | |
| * | Energy Resource Recovery Facility | | S | S | S | S | S | S | S | S | S | S | S | | | |
| * | Soil Recycling Facility | | S | S | S | | | | | | | | C | | | |
| * | Landfill | | S | S | S | S | S | S | S | S | S | S | S | | | |
| * | Transfer Station | | | S | S | S | S | S | S | S | S | | P | | | |
| * | Wastewater Treatment Facility | | | | S | S | S | S | S | S | S | S | C | | | |
| * | Municipal Water Production | S | P13 | S | S | S | S | S | S | S | S | S | S | | | |
| * | Airport/Heliport | S7 | S7 | | S | S | S | S | S | S | S | S | S | | | |
| * | Rural Public Infrastructure Maintenance Facility | | | | C23 | | | | | | | | | | | |
| * | Transit Bus Base | | | | | | S | S | S | S | S | S | P | | | |
| * | School Bus Base | | | | C5 | S20 | C5 | S | S | S | S | S | P | | | |
| 7948 | Racetrack | | | | S8 | S8 | S8 | S8 | S8 | S8 | S8 | S8 | S24 | | | |
| * | <u>Regional Motor Sports Facility</u> | | | | | | | | | | | | P | | | |

| | | | | | | | | | | | | | |
|----------------------------------|------------------------------|--|-----|--|-------------------|-------------------|-------------------------|------------|------------|---|---|---|---|
| * | County Fairgrounds Facility | | | | P21 S22 | | | | | | | | |
| * | Fairground | | | | | | | | | S | S | | S |
| 8422 | Zoo/Wildlife Exhibit(2) | | S9 | | S9 | S | S | S | | S | S | | |
| 7941 | Stadium/Arena | | | | | | | | | | S | | S |
| 8221-8222 | College/University(1) | P10 | P10 | | P10 C11 S18 | P10 C11 S18 | P1 0 C1 1 S | P10 C11 | P10 C11 | P | P | P | P |
| * | Zoo Animal Breeding Facility | P16 | P16 | | P16 | | | | | | | | |
| GENERAL CROSS REFERENCES: | | Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.44; Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific 21A.06. | | | | | | | | | | | |

B. Development conditions.

1. Except technical institutions. See vocational schools on general services land use table, K.C.C. 21A.08.050.
2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.
3. Except weapons armories and outdoor shooting ranges.
4. Except outdoor shooting range.
5. Only in conjunction with an existing or proposed school.
- 6.a. Limited to no more than three satellite dish antennae.
- b. Limited to one satellite dish antenna.
- c. Limited to tower consolidations.
7. Limited to landing field for aircraft involved in forestry or agricultural practices or for emergency landing sites.
8. Except racing of motorized vehicles.
9. Limited to wildlife exhibit.
10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.

12. Limited to cogeneration facilities for on-site use only.
13. Excluding impoundment of water using a dam.
14. Limited to facilities that comply with the following:
 - a. Any new diversion structure shall not:
 - (1) exceed a height of eight feet as measured from the streambed; or
 - (2) impound more than three surface acres of water at the normal maximum surface level;
 - b. There shall be no active storage;
 - c. The maximum water surface area at any existing dam or diversion shall not be increased;
 - d. An exceedance flow of no greater than fifty percent in mainstream reach shall be maintained;
 - e. Any transmission line shall be limited to a:
 - (1) right-of-way of five miles or less; and
 - (2) capacity of two hundred thirty KV or less;
 - f. Any new, permanent access road shall be limited to five miles or less; and
 - g. The facility shall only be located above any portion of the stream used by anadromous fish.

15. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C. 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be prohibited. All other uses, including waste water treatment facilities, shall be subject to the provisions for rural industrial uses in K.C.C. chapter 21A.12.

16. The operator of such a facility shall provide verification to the department of natural resources and parks or its successor organization that the facility meets or exceeds the standards of the Animal and Plant Health Inspection Service of the United States Department of Agriculture and the accreditation guidelines of the American Zoo and Aquarium Association.

17. The following provisions of the table apply only to major communication facilities minor communication facilities shall be reviewed in accordance with the processes and standard outlined in K.C.C.

chapter 21A.26.

18. Only for facilities related to resource-based research.

19. Limited to work release facilities associated with natural resource-based activities.

20. Limited to projects which do not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the school bus base and serving only the school bus base may be used. Renovation, expansion, modernization or reconstruction of a school bus base is permitted but shall not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the school bus base.

21. Only in conformance with the King County Site Development Plan Report, through modifications to the plan of up to ten percent are allowed for the following:

- a. building square footage;
- b. landscaping;
- c. parking;
- d. building height; or
- e. impervious surface.

22. A special use permit shall be required for any modification or expansion of the King County fairgrounds facility that is not in conformance with the King County Site Development Plan Report or that exceeds the allowed modifications to the plan identified in subsection B.21 of this section.

23. The facility shall be primarily devoted to rural public infrastructure maintenance and is subject to the following conditions:

- a. The minimum site area shall be ten acres, unless the facility is a reuse of a public agency yard;
- b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided between any

stockpiling or grinding operations and adjacent residential zoned property;

c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided between any office and parking lots and adjacent residential zoned property;

d. Access to the site does not use local access streets that abut residential zoned property, unless the facility is a reuse of a public agency yard;

e. Structural setbacks from property lines shall be as follows:

(1) Buildings, structures and stockpiles used in the processing of materials shall be no closer than:

(a) one hundred feet from any residential zoned properties, except that the setback may be reduced to fifty feet when the grade where the building or structures are proposed is fifty feet or greater below the grade of the residential zoned property;

(b) fifty feet from any other zoned property, except when adjacent to a mineral extraction or materials processing site;

(c) the greater of fifty feet from the edge of any public street or the setback from residential zoned property on the far side of the street; and

(2) Offices, scale facilities, equipment storage buildings and stockpiles shall not be closer than fifty feet from any property line except when adjacent to M or F zoned property. Facilities necessary to control access to the site, when demonstrated to have no practical alternative, may be located closer to the property line;

f. On-site clearing, grading or excavation, excluding that necessary for required access, roadway or storm drainage facility construction, shall not be permitted within fifty feet of any property line except along any portion of the perimeter adjacent to M or F zoned property. If native vegetation is restored, temporary disturbance resulting from construction of noise attenuation features located closer than fifty feet shall be permitted; and

g. Sand and gravel extraction shall be limited to forty thousand yards per year.

24. The following accessory uses to a motor race track operation are allowed if approved as part of the special use permit:

- a. motocross;
- b. autocross;
- c. skidpad;
- d. garage;
- e. driving school; and
- f. fire station.

30 days prior

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