

Legislation Details (With Text)

File #:	2015-0437	Version:	2
Type:	Ordinance	Status:	Passed
File created:	10/19/2015	In control:	Transportation, Economy, and Environment Committee
On agenda:	11/23/2015	Final action:	11/23/2015
Enactment date:	12/4/2015	Enactment #:	18184
Title:	AN ORDINANCE relating to the development of a regional motor sports facility demonstration project; amending Ordinance 17287, Section 3, and K.C.C. 21A.55.105.		
Sponsors:	Pete von Reichbauer		
Indexes:			
Code sections:	21A.55.100 -		
Attachments:	1. Ordinance 18184.pdf, 2. 2015-0437 re motor sports facility Hearing Notice - Seattle Times - Publish Oct 23.doc, 3. letter from Department of Commerce, 4. 2015-0437_SR_RegionalMotorSports_110315.docx, 5. Harry Reinert handout.pdf, 6. Larry Worden handout.pdf, 7. Linda Worden handout.pdf, 8. Mark Brady handout.pdf, 9. Sandra Gaither handout.pdf, 10. Affidavit of Pub - Seattle Times 10-23-15, 11. 2015-0437 SEPA Checklist.pdf, 12. Memo initiating SEPA review.docx, 13. 2015-0347 SEPA determination of nonsignificance.pdf, 14. 2015-0437 email.pdf, 15. 2015-0437 reinert letter.pdf, 16. Smith Letter Re 2015-0437.pdf, 17. 18184 Amendment package 11-23-15.pdf, 18. 2015-0437 - Notice of Adoption re regional motor sports facility 18184.doc, 19. 18184 - 2015-0437 re regional motor sports facility - post adop.pdf, 20. 18184 Acknowledgement from State.pdf		

Date	Ver.	Action By	Action	Result
11/23/2015	1	Metropolitan King County Council	Hearing Held	
11/23/2015	1	Metropolitan King County Council	Passed as Amended	Pass
11/3/2015	1	Transportation, Economy, and Environment Committee	Passed Out of Committee Without a Recommendation	Pass
10/19/2015	1	Metropolitan King County Council	Introduced and Referred	

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

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 readopted 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, also known as a P-suffix, SC-P02, which restricts the use of the property to racetrack uses, consistent with Comprehensive Plan policy CP-1014. It is also subject to a conditional use permit, File No. A-71-0-81, which governs current development and operations.

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

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

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

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

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

communication between the county and the property owner, project management for review of permits related to a project of statewide significance is proposed to be completed through the regional planning unit within the office of performance, strategy and budget.

I. 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 the adoption of broadly applicable amendments to King County policies and regulations. The amended standards and processes could advance county efforts to support streamlined project review and regional economic development.

J. 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."

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

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

M. 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 surface water retention, infiltration and monitoring requirements, as well as, to establish a critical

area buffer from Soosette creek.

N. The property owner's participation in this demonstration project is voluntary. The county has had success with demonstration projects in the past. 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. Ordinance 17287, Section 3, and K.C.C. 21A.55.105 are each hereby amended 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 K.C.C. 20.24.520, 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 Ordinance 17287.

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 Ordinance 17287;
 - 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 Ordinance 17287, Section 6;
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 Ordinance 17287, Section 5.D.4. 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. 20.20.050.B. 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 Ordinance 17287.

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 Ordinance 17287. 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.

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

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

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

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

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

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

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

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

2. Project narrative and questions for department staff;

3. Preliminary site plan, which shall include:

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

b. address, if an address has been assigned;

c. parcel number or numbers;

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

e. north arrow and scaled dimensions;

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

g. existing and proposed grade contours;

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

i. area of either disturbance or development, or both, including utilities, septic and internal circulation, as needed;

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

k. critical areas and their buffers; and

4. Preliminary building plan.

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

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

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

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

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

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

6. Any necessary information identified through the preapplication process.

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

1. An approved site plan and conditions that establish:

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

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

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

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

e. location of on-site critical areas. Development or operations are not allowed within critical areas or their buffers, and alterations of critical areas or their buffers are not permitted, as part of the activities allowed with the interim use permit or related construction permits; and

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

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

3. An approved drainage plan in compliance with the surface water design manual;

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

a. Final grades shall generally conform to standards in KCC 16.82.100 and the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) 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 Ordinance 17287;

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

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

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

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

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

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

j. 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 seven calendar days before the scheduled hearing, the department shall file the report with the hearing examiner and mail copies to those identified in subsection Z.1.g. of this section.

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

AA.1. The hearing examiner shall:

- a. within fourteen days of receiving the department's recommendation on the interim use permit, set the date for the prehearing conference and notify the interested parties.
- b. within seven days of the prehearing conference, issue a prehearing order that includes a tentative schedule and order of proceedings for the hearing required under this subsection.
- c. conduct an open record public hearing within thirty days of the prehearing conference;.
- d. within ten days of the public hearing, issue a decision on the interim use permit. The examiner's determination may be to grant or deny the application, and may include any conditions, modifications and restrictions as the examiner finds necessary to carry out the provisions of this section. The examiner's decision may be appealed to the council according to K.C.C. 20.24.210.

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

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

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