



King County

Department of Permitting and Environmental Review
35030 SE Douglas Street, Suite 210
Snoqualmie, WA 98065-9266

LUT417-0003 Interim Use Permit (IUP) **Report and Recommendation**

Date of Transmittal: August 9, 2018

SUBJECT

File No: LUT417-0003 – Pacific Raceways Interim Use Permit (IUP)

Applicant: Race Track LLC
ATTN: Jason Fiorito
31001 144th AVE SE
Kent, WA 98042
206-547-4099

DPER Contact: Ty Peterson, Product Line Manager – Commercial
206-477-0449 / ty.peterson@kingcounty.gov

Proposal: Excavation of 1,000,000 cubic yards of gravel and construction of approximately 205,000 sq. ft. of commercial/industrial space in six buildings ranging in size from 5,000 sq. ft. to 40,000 sq. ft.

Location: 31001 144TH AVE SE, Kent WA 98041
Tax Parcel No's: 1021059003, 1121059035

King County Permit: Interim Use Permit (IUP)

Zoning: I-P Industrial (with P suffix development condition)
Community Plan: Soos Creek
Drainage Basin: Duwamish – Green River WRIA 9
STR: NE-10-21-5
Date Submitted: December 11, 2017
Date Complete: December 18, 2017
Notice of Application
& probable MDNS: January 5, 2018
SEPA MDNS: April 30, 2018
Notice of Hearing: July 25, 2018

INTRODUCTION, BACKGROUND & PROCESS

An application for an Interim Use Permit was made on December 11, 2017 and determined complete on December 18, 2018.

Background: Pacific Raceways operates, or leases to operators, a motorsports racetrack, kart track and motocross dirt track on the approximately 330-acre Pacific Raceways site (consisting of 6 parcels) through Conditional Use Permit (CUP) A-71-0-81. The CUP places restrictions and conditions on various activities, including hours of operation, in order to mitigate several impacts, including noise. These are discussed further in the report under the section on noise.

Interim Use Permit: The Interim Use Permit is part of the Master Planning Demonstration Project regulations under KCC 21A.55.105 and was adopted through Ordinance No. 18184. The IUP is a Type 3 decision (KCC 20.20.020) as modified by 21A.55.105. DPER's position is that the IUP is a land use decision and development approval akin to a Conditional Use Permit, Special Use Permit or Preliminary Plat. Subsequent reviews, approvals and permits are needed for implementation through grading, construction and building permits.

Review: Lacking specific review criteria for an IUP decision, DPER utilizes the Special Use Permit criteria found in KCC 21A.44.050, along with consistency and compliance with KC codes and regulation generally applicable to land use, development and construction. While this application is an IUP under the Master Planning Demonstration Project authority, it is most similar to consideration of a "racetrack" use and / or amendment of the Conditional Use Permit, which requires a Special Use Permit (KCC 21A.08.100.A).

Special Project manager: To implement the requirement under 21A.55.105.y. King County has contracted with a multi-disciplinary consulting firm of Environmental Services Associates (ESA). The consultant group, comprised of ESA staff and sub-consultants, reviewed the project application materials, special studies and reports, and design documents for compliance with King County standards and applicable regulations. The areas of review included:

- Noise
- Air Quality
- Greenhouse Gas (GHG) Emissions
- Light & Glare
- Biological Resources
- Cultural Resources
- Transportation
- Geotechnical & Hydrological Issues
- Surface Water & Drainage
- Land Use & Code Compliance

A summary of the reviews are included in Attachment "A" of the Report.

A Mitigated Determination of Nonsignificance (MDNS) was issued on April 30, 2018. The MDNS included additional mitigation measures concerning noise monitoring and cultural resources. These are discussed more in the SEPA section of this report.

A. REQUEST BY APPLICANT:

Grading: The proposal by the applicant includes grading and excavation of 1,000,000 cubic yards of material, most of which is proposed to be sorted / screened and exported from the primary site. The applicant has not proposed any crushing or washing of material for use on site.

Buildings: Buildings on the primary site consist of four 100 ft. by 400 ft. buildings along the southern and western portions of the site and one 80 ft. by 450 ft. building along the eastern portion of the site. A single 40 ft. by 100 ft. / 4,000 sq. ft. building is proposed at the secondary site near the participant parking area of the racetrack.

Uses: The small building located at the secondary site is identified as retail use. The five buildings located at the primary site are proposed for race-related garage uses such as storage, maintenance, testing, and similar activities. Other potential uses identified include limited associated retail and food service uses.

Other: The proposal includes construction of typical utilities such as power, communications, water, sanitary and industrial waste storage tanks, potential septic drainfields, and surface water treatment and infiltration facilities. A sound wall of 8 ft. to 12 ft. is proposed along the southeastern portion of the site.

B. EXISTING CONDITIONS:

1. General Zoning in the Area: The subject property and the surrounding properties are designated rural area (RA) by the King County Comprehensive Plan. The zoning of the subject site is Industrial with site specific restriction (I-P). The surrounding area is zoned Rural Area 5 (RA-5) with a base density of one residential dwelling unit per five acres.
2. Existing Development on the Subject Property: The entire Pacific Raceways site consists of six parcels totaling approximately 330 acres. The entire site's uses include a racetrack, drag strip, kart track, motocross dirt track, and some associated buildings that have storage, offices, a driving school, and other related uses. The western and southern portion of the site include critical areas – slopes and aquatic areas – and related buffers.

The proposed project area consists of an approximately 42-acre site for the proposed garage / multi-use buildings and an approximately 8,000 sq. ft. area for the retail building. The 42-acre portion is located north of the racetrack and east of the kart track. It is undeveloped, but the majority of it is cleared and utilized for parking for events and for students from Green River Community College as a sort of unofficial park and ride. The smaller, secondary project area is located at the northeast portion of the racetrack. The area is mostly paved with some areas of grass and trees and utilized for race participant parking.

3. Development on Adjoining Property: Lot size and development patterns vary in the vicinity.

To the north of the proposed primary site is a vacant, approximately 40-acre site once intended to be developed as a park, but which remains undeveloped in private ownership with covenants restricting development. Beyond that (approximately 1,300-1,400 feet) are mostly residential properties ranging in size from 9,000 sq. ft. to ten acres.

To the south of the proposed primary site is the racetrack and drag strip. Beyond that are the BNSF rail corridor (still active), and the Big Soos Creek basin, which contains low-density residential development, approximately 1,400 to 1,800 feet away.

To the east is the Kart Track site and to the south east is the motocross site. Beyond that is the Soosette Creek basin, which consists of a park, vacant land, and eventually the Highway 18 corridor over 2,500 feet away.

East-northeast of the primary site is the 148th Ave SE right-of-way, and then 14 to 18 residences. These residential sites are the closest in proximity to the project site and are estimated to be 30 feet. from the project site along the east boundary and 50 to 400 feet to the northeast. There are approximately 33 residential sites within 200 feet of the project's east boundary.

C. APPLICABLE KING COUNTY CODES:

1. The project application is vested to the King County Codes in effect at the time of complete application (KCC 20.20.070). The application was determined complete on December 18, 2017.
2. A list of particularly applicable code sections is included as Attachment "B" to the report.

D. REVIEW AND FINDINGS:

1. Grading & Excavation

The proposal is to remove approximately 1 million cubic yards of material. Rough grading estimates are as follows:

The dimensions of the site area for excavation are roughly 1,370 feet by 1,300 feet, or 1,781,000 sq. ft.

1 cubic yard (cyd) = 27 cubic feet (cft)

1 million cyds = 27,000,000 cft

$27,000,000 \text{ cft} / 1,781,000 \text{ sqft} = 15\text{ft average depth}$

The Preliminary Grading Plan (Exhibit 9) shows two meaningful cross sections, one north / south and one east / west. Cuts would range from approximately six feet near the southwest corner to 25 feet in the northwestern quarter of the site.

KCC 21A.55.105.U.2. Excavation and processing of materials shall be subject to the following limits: *“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”*. The applicant’s explanation and reasoning for effectively lowering the grade of the site includes:

- a) Building placement is key for function, use, marketing, and phasing of the project. Allows better access and visibility when at grade with the street and locating buildings closest to the track allows better operations for getting vehicles to and from the track.
- b) Underground utilities, primarily the waste water systems and surface water system, rely on gravity flow for best function and operation. Buildings located to the west, south and southeast necessitate the centrally (center) located drainage system, and separation requirements for on-site septic system drive that location to the northeast portion of the site, where the deepest cuts are needed.
- c) The lowering the site aids in reducing noise, lighting, and visual / aesthetic impacts. It provides up to 5 dB(A) noise mitigation and reduces potential impacts associated with lighting. This is supported by the noise, air and light study and models.

The preliminary grading plan leaves the interior the site relatively flat for future building and construction. The perimeter areas will have no more than 2:1 slopes ranging in height from approximately 25 ft. near the northeast corner and less than six feet at the southwest corner. A 50-foot landscape buffer will remain atop the slopes to the east, and to the north a 25-foot landscape buffer will remain.

Sites to the north, northwest and west have been graded and excavated through prior permitting to a similar grade elevation as proposed for this site.

The IUP requires conditions for approved grading and restoration plans (KCC 21A.55.105.X). Based upon review of the preliminary grading and landscape plans, geotechnical report, technical information report (TIR) and drainage plan, DPER finds the applicant has demonstrated that, subject to final plan approval under a Grading Permit and compliance with conditions, the project can meet applicable King County grading and restoration standards. Grading and restoration / landscape plans will have to be approved with subsequent permit review.

2. Uses

Uses included in the proposal are limited to those allowed for a “regional motor sports facility” as specified under code and the definition:

21A.06.973.C Regional motor sports facility. – Definition

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. (Ord. 17287 § 9, 2012).*

Subsections A and B above don't apply here, as none are proposed. Subsection C generally limits use of the site and buildings to those limited uses accessory to racing activities. These uses must provide either a service or product to the facility or require use of the facility in connection with the use. General commercial, industrial, manufacturing or permanent lodging facilities are not allowed.

3. Water Service

Water is anticipated to be provided by Covington Water District, subject to water main improvements. A letter and water availability certificate dated June 15, 2017 has been submitted.

4. Sewer / Waste Water

As part of the IUP process, DPER and the Applicant have been in contact with King County Public Health. The Applicant proposal is preliminary and includes a system that separates industrial waste and domestic waste. The industrial waste system (things like floor drains, garage wash tubs, etc.) will be plumbed to carry effluent into holding tanks that will be then pumped onto trucks and transported off-site to be discharged into either an industrial waste facility or sanitary sewer system. This system requires approval from the State Department of Ecology.

The domestic waste will be plumbed to carry effluent to holding tanks and then either pumped onto trucks for disposal in the sanitary sewer system or into an on-site septic system (OSS). Until final grade is achieved and further testing can be completed, septic approval is pending. This requires approval from King County Public Health.

5. Site Development / Building / Landscaping / Parking

A. Setbacks: The industrial use setback requirements are: street – 25 feet and interior – 50 feet from RA-zoned properties when the use requires a CUP. The proposed building setbacks well exceed these setback requirements, at approximately 134 feet from the east, approximately 290 feet from the north and in excess of 60 feet to the streets on the west and south.

- B. Impervious surfaces: Maximum is 90%. The rough estimate of the proposed site plan comes in at about 35%.
- C. Building height: Maximum is 45 feet (plus provision for increasing with increased setbacks). Proposed height is approximately 20 feet from finished grade.
- D. Floor area ratio: max 2.5 / 1. Proposed is .12 / 1.
- E. Landscaping: Per 21A.16.030.F, when a land use isn't listed, the landscape requirement shall be those specified in any applicable review. DPER uses the industrial use grouping to determine landscaping standards, as they are typically the most protective of rural and residential areas. This requires a 20-foot Type I screen adjacent to any residential development and a 10-foot Type II screen along any street. The proposal includes a Type I landscaping screen of 10 feet along the south street and 10 feet of Type I landscaping along the west street. The site plan identifies 25 feet of landscape buffer along the north property line and 50 feet of landscape buffer along the east property line. The north and east buffers are labeled as such so that as much vegetation retention as possible occurs. Subsequent permitting review will have to confirm planting, restoration and vegetation management plans consistent with a Type I landscape screen are accomplished within the labeled buffer areas. The proposed perimeter landscape areas meet or exceed standards. The retail building landscape requirements on the secondary site will be reviewed during subsequent permit review. The landscaping for this portion of the site shouldn't be problematic since it is an internal development area at least 200 feet from the north property line and over 1,000 feet from the east property line.

Parking lot landscaping requires roughly 25 sq. ft. per stall for the primary site, which comes out to 4,825 sq. ft., and 20 sq. ft. per stall for the secondary site, which comes out to 260 sq. ft. The primary site shows approx. 5,200 sq. ft. of parking lot landscaping and the secondary site has plenty of room to show the required 260 sq. ft. required at permit review for that building.

F. Parking: The proposal identifies 195 parking stalls on the primary site and 13 stalls for the retail building on the secondary site. For the primary site this calculates at about .98 stalls per 1,000 sq. ft. of floor area, which is a reasonable basis for the types of uses that the buildings may accommodate. Most industrial type uses calculate at about .9 per 1,000 sq. ft., but other possible related ancillary uses vary. Office area and business uses such as auto repair require 1 stall per 300 sq. ft. and storage could be up to 1 stall per 3,500 sq. ft. Retail requires 1 stall per 300 sq. ft. – so the retail building parking for the secondary site is sufficient. A final parking plan will be needed at building permit submittal based upon a calculation of uses identified for the building(s) and accessibility requirements, but the site appears to be able to accommodate parking for a range of uses.

6. Noise

A. A noise study was performed and reviewed by ESA on behalf of the County. The study and review concluded that normal operations of the buildings would comply with County standards when mitigation is implemented. Mitigation includes lowering the site, vegetative buffering, and a sound wall to be constructed along the east portion of the site. Furthermore, the applicant has proposed, and SEPA mitigation requires, that a sound monitoring system be implemented. Certain race-related and race testing activities, when properly permitted, have an exemption from sound level requirements during the permitted operation times. The current CUP for these activities further mitigate noise impacts by limiting hours of operation. Any of the race or race testing activities would be subject to the CUP conditions / operation limits contained below.

B. CUP A-71-0-81 limits operations at the track to mitigate noise impacts. The hours of track operation shall be limited to 9:00 a.m. to 5:30 p.m., for both testing and racing with the following exceptions:

- SIR will be closed to all race testing and racing on Monday and Tuesday, year-round, provided that these days may be used for racing when a rained out event could not be scheduled for the following weekend, or when a holiday which has a major event associated within it falls on a Monday or a Tuesday. Race testing is not meant to exclude police and emergency vehicle testing and training, or other non-race-related testing functions that are quiet, non-impacting.
- SIR shall provide a minimum of one quiet weekend day (Saturday or Sunday) per month during the May through September racing season. SIR shall notify Building and Land Development in writing of the five designated quiet days prior to May 1st each year. SIR should notify interested community representatives in the interest of community relations.

C. From May 1st to August 31st the tract [sic] operating hours may be extended until 10:00 p.m., on Wednesday, and 11:00pm Friday and Saturday.

D. KCC 12.86.520 contains limitations on noises from normal construction activity. These include limiting hours for weekdays from 7am to 7pm and weekends 9am to 7am. Additionally, KCC 21A.55.105.U.2.c. limits materials processing associated with grading and excavation activities to weekdays from 9am to 5pm. **We lose CUP required "Mon. & Tues. closed" quiet days with no proposed mitigation. These quiet days are required because of the excessive (unlimited) noise we have to contend with on all other days of the week.**

7. Traffic

A traffic impact analysis was prepared by the applicant's consultant and reviewed by ESA's traffic expert. Roadway capacity was determined to be adequate with no issues found. In summary: the grading/excavation and construction activity would

generate approximately 134 daily trips. The buildout would generate approximately 1,366 daily trips with 170 of those as peak hour trips.

The site is served by a private access street on site that connects to the Washington State Department of Transportation (WSDOT) right-of-way interchange onto Highway 18. There may be one small leg (less than 20 feet) of King County right-of-way south of the State facility that is used to get to the site before the road becomes private.

8. Surface Water & Drainage

A preliminary Technical Information Report (TIR) and drainage plan have been proposed and reviewed by ESA and found to comply conceptually with the King County Surface Water Design Manual (KCSWDM). The proposal is to capture runoff, treat it in a vaulted filter system and then infiltrate on site. Infiltration rates will have to be confirmed when final grade is achieved and a final TIR and drainage plan approved prior to permitting and creating any impervious pollution generating surfaces.

9. Geotechnical & Hydrological

Geotechnical and hydrological reports have been prepared by the applicant's consultant and reviewed by ESA's experts. The proposal is found not to pose any problems from these perspectives when proper geotechnical recommendations are followed and compliance with the KCSWDM is achieved.

What "perspectives"?

Do these contain the concerns about loss of water retention volume (1M yds) and more rapid flow thru soil to Soosette Creek?

[This allows higher spikes and deeper valleys in flow rates from seeps following precipitation events.]

10. Environmentally Critical Areas

The only critical area present, or in the immediate vicinity, on the proposed site is a Category 2 Critical Aquifer Recharge Area. As such, certain development restrictions, limitations on uses and development criteria will apply (21A.24.316). These may necessitate for instance that storage tanks for hazardous substances be constructed with secondary containment and that an operating spill prevention and response plan be required. **This whole area is a Cat 2 Critical Recharge Area.**

Critical Area Designations (CADS) were performed along with review of this proposal. File Numbers: CADS17-0419 & CADS17-0420.

11. Public Comments

During the comment period DPER received letters from property owners, concerned people in the vicinity of the subject parcel, Soos Creek Area Response (SCAR), and from the Muckleshoot Tribe. These comments summarily raised the following concerns:

- Traffic: the proposal will exacerbate already problematic event traffic.
- Noise: the proposal will exacerbate existing noise impacts.
- Potential impacts associated with surface and ground water that may impact Soos Creek ecosystem and fish habitat.
- Piecemeal development: The master planning process and EIS should be followed. Cumulative impacts.
- Dust, noise, and fumes from equipment used for the excavation portion of the project.
- Justification for why 1 million cyds is “necessary”.
- Use of the buildings as industrial – should be limited to accessory uses for Racetrack.
- Timing; concern about accuracy of timing proposed and enforcement of 60 month requirement in 21A.55.105 (X)(5).
- Impacts to historic and cultural resources / Soos Creek Botanical Garden and the Neely Mansion
- Additional property value loss and impacts to quality of life.

Insufficient mitigation

12. SEPA

A Mitigated Determination of Nonsignificance (MDNS) was issued on April 30, 2018, which included 2 areas for additional mitigation concerning noise monitoring and cultural resources.

The following mitigations measures shall be required as a condition of applicable permit review and issuance. These mitigation measures are **in addition to and / or in support of mitigation already proposed in the application and /or required by King County code that are sufficient to mitigate potential adverse environmental impacts.**

1. Noise: Construction and operational noises must comply with King County Code 12.86 (noise) subject to applicable exemptions within code. In addition, the following shall be required:

The Applicant or its consultant shall prepare a Sound Control Plan to be implemented for raceway events and daily support operations at Pacific Raceways. The sound control Plan shall include:

- Identification of the appropriate performance standards in terms of A-weighted decibels (dBA) for non-exempt events and operations at Pacific Raceways. Prospective performance standards may include:
 - County Code standards of 57 dBA daytime and 47 dBA nighttime (10pm to 7am) based on commercial source impacting a residential source. Recognizing the

Code exempts motor vehicle racing events and testing, it does so only when conducted within permit conditions.

- 56 dBA and 53 dBA nighttime. These potential standards were developed based on a 5-dBA increase over monitored sound levels at the existing receptors to the east of the facility of 51 dBA (average) daytime and 48 dBA (average nighttime). The Federal Highway Administration identifies a 5-dBA increase as a readily perceptible change to a noise environment.
 - 65 dBA, DNL or less. This is the upper limit of the standard used by the U.S. Department of Housing and Urban development as “Acceptable” for residential uses in an urban environment. The DNL descriptor is a 24-hour noise metric that applies a penalty to noise during nighttime hours. It is roughly equivalent to standards of 65 dBA daytime and 55 dBA nighttime. However, such a daytime standard would be more than 10 dBA over the existing daytime values and would result in more than a perceived doubling of loudness at nearby receptors.
 - Identification of locations to be monitored for sound to determine whether operators are in compliance with the performance standards established. Such monitoring locations would be similar to those established in the applicant’s consultant report.
 - Identification of a monitoring schedule that takes into account racing operation hours and days as outlined in the Pacific Raceways Conditional Use Permit.
 - Identifications of noise reduction measures to be taken if monitoring indicates non-compliance with performance standards. These measures could include temporary deployment of moveable sound barriers to locations of suspected non-compliant noise sources until permanent barriers can be installed or operational changes made to alleviate the non-compliance.
 - Submit to the County a report of monitored noise levels and assessment of compliance with the performance standards established in the Sound Control Plan monthly for the first year of operation and annually, thereafter for the life of the permit.
 - Designate a Noise Disturbance Coordinator who shall be responsible for responding to complaints about noise during operations. The contact information of the Noise Disturbance Coordinator shall be disseminated via website or to surrounding residents and shall be provided to the County. The coordinator shall respond within 48 hours to received noise complaints with a quantitative assessment of noise during the event at issue based on monitoring data and, if warranted, corrective action to be taken.
2. Cultural resources: Have a professional archaeologist formulate an Archaeological Resources Inadvertent Discovery Plan (IDP) for use during construction. The IDP shall establish protocols and procedures to recognize, protect, and resolve inadvertent discoveries of archaeological resources during construction in accordance with relevant regulatory requirements. Construction managers and

personnel should receive a cultural resources orientation, including discussion of the IDP, prior to the beginning of construction.

In the event that cultural resources are observed during implementation of the Project then work should be temporarily suspended at that location and a professional archaeologist should be consulted. Pursuant to RCWs 68.50.645, 27.44.055, and 68.60.055, if ground disturbing activities encounter human skeletal remains during the course of construction, then all activity will cease that may cause further disturbance to those remains and the state regulatory process must be followed.

E. DPER ANALYSIS & CONCLUSIONS:

1. The characteristics of the special use (Regional Motor Sports Facility Interim Use) will not be unreasonably incompatible with the types of uses permitted in surrounding areas;

The property is zoned Industrial with development restrictions that limit use to that of a racetrack or regional motor sports facility. The proposed interim use has negligible impacts when compared to that of the existing racetrack facilities. The site development has a configuration that has increased setbacks, increased landscaping, and reduced noise and lighting impacts. Uses are limited to those only accessory to the racetrack. The surrounding areas are rural with primarily residential uses. Adherence to proposed site-plan and conditions of both this permit and the CUP A-71-0-81 is important to prevent unreasonable incompatibility. The establishment of a noise monitoring system as required under SEPA and recommended as a condition here will aid in assuring the proposal is not unreasonably incompatible. The long term use of the site as designed and limited by code should have negligible impacts to the surrounding areas.

2. The special use will not materially endanger the health, safety and welfare of the community;

The interim use, when implemented through permitting, will have to demonstrate compliance with applicable building, health, safety, fire, aquifer protection, surface water, and related codes. As proposed, and subject to the CUP A-01-0-81 conditions governing operating times for race and race testing activities, noise regulation compliance and monitoring, the interim use will not materially endanger the health safety or welfare of the community. (Findings # 2,4,7,8)

3. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;

The TIA has been prepared and reviewed and determined that traffic generated from the proposal will not affect level of safety or level of service within the area. (Finding #7)

4. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;

Water supply can be provided by Covington Water District with implementation of an agreement for water improvements and extension to the site. A fire district receipt was received making the local fire district (Mountain View Fire / KCFD 44) aware of the proposal. There are no expected adverse impacts to public facilities and services. (Findings # 3,4,7,8)

- E. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties; and

Based upon the review, the proposal generally meets or exceeds King County standards for development including building setbacks, parking, building height and landscaping. The elevation have been lowered to reduce reasonably the visual impacts and to some extent noise and light impacts. (Finding #5). These building will not likely be visible from any surrounding residential areas nor discourage the appropriate development of those areas.

- F. The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title.

Looking to the purpose statements of 21A.55.105 and Ordinance No. 18184, the proposal is implementing the stated intent and policy with development of an interim use as a means to further the Master Plan Demonstration Project. Findings made in Ordinance No. 18184 include:

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

- *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.*

By locating the proposed development at sites furthest from the critical areas and Soosette creek the project implements the following Comprehensive Plan Policy:

CP-314 The operation of Pacific Raceway is expected to continue indefinitely. The area authorized for racetrack use shall be confined to maximize protection of Soosette Creek and its riparian area. Any future consideration of permits for its operation should be consistent with the spirit and intent of the 1991 rules and conditions which regulate operation of the facility.

F. RECOMMENDATION:

DPER recommends APPROVAL of Interim Use Permit LUT417-0003 subject to the following conditions:

CONDITIONS:

1. All grading and construction activities be completed within sixty months of February 27, 2016, except as allowed to be extended in accordance K.C.C. 20.20.105.
2. Grading, building and development shall be in substantial conformance with the 8 page revised site and civil plans dated 03/22/2018, Exhibit #9, and supporting special studies and recommendations within those studies Exhibits # 10,11,12,13,14,15,16,17.
3. Permits must be obtained for Grading, Building and / or site development construction purposes.
4. Materials processing associated with the grading and excavation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday.
5. SEPA MDNS mitigation measures associated with noise and cultural resources identified in Finding 12 are herein incorporated. The SEPA mitigation and IUP condition is intended assure compliance for non-race and race testing activities with the County noise regulations, and that exempt race and race testing activities are compliant with the operational times and standards of the CUP A-71-0-81.

6. Washington State Department of Health and King County Public Health approvals are required for industrial waste water and OSS prior to building permit approval.
7. Any non-exempt noise generated by this proposal shall be in conformance with the provisions contained in King County Code Title 12.
8. Final Landscaping and Parking Plans will have to be reviewed and approved, consistent with King County code, through review of building or site construction permits.
9. A copy of the required NPDES permit from the State Department of Ecology must be provided to King County prior to construction approval (WSDOE).
10. Final approval of the drainage system proposed under this IUP will be conducted and finalized under the subsequent grading and building permits. The TIR and civil engineering plans will be reviewed for compliance with applicable King County Surface Water Design Manual and must be consistent with this approval.
11. Applicant shall submit a detailed photometric lighting plan for the proposed outdoor lighting at the time of building permit application. Lighting shall not exceed 1-foot candle (fc) at any property line.

ATTACHMENTS:

- Attachment A - Codes and regulations
- Attachment B - ESA summary of review
- Attachment C - Exhibit List

Attachment A

LUT417-0003 Staff Report and Recommendation
08/09/18

Particularly applicable King County Code provisions:

1. Ordinance No. 18184 (2015-0437) – Amending KCC 21A.55 adopting Interim Use Permitting for Pacific Raceways Regional Motor Sports Facility – master Planning Process Demonstration Project.
2. 21A.38.030 Property-specific development standards - general provisions.
3. Special Overlay Regulations
 - a. **SC-P02: Seattle International Raceway (SIR)**
 - b. **The site is limited to racetrack uses only; no other industrial uses are allowed.** **Only racing and racing related uses are allowed, no industrial, commercial nor entertainment uses.**
 - c. *Amended by Ord. 14044, 3/12/2001*
 - d. **Description**
 - e. Seattle International Raceway (SIR)
 - f. **Development Condition Text**
 - g. Seattle International Raceway (SIR) (Source: Soos Creek Community Plan Update, p. 166 as revised by Ordinance 11653, Amendment 55)
 - h. The site is limited to racetrack uses only; no other industrial uses are allowed **See note above.** which are not permitted by the SIR Special Use Permit. The Rural land use designation will remain; should the racetrack use be terminated, this property should continue to be designated Rural and the zoning shall revert to RA-5.
 - i. **Ordinance 12824**
 - j. **Effective Date** August 18, 1997
 - k. **Changes:** Amended by Ord. 14044, 3/12/2001
4. 21A.55.010, 21A.55.020, 21A.55.030 – Demonstration projects, authority, purpose, general provisions
5. 21A.55.105 Regional motor sports facility – master planning process demonstration project.
6. 21A.55.105.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

How does removal
of 1 M yds of
gravel meet this
reqm't?

- regional motor sports facility as set forth in K.C.C. 21A.06.973.C., 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. **We lose quiet Mon & Tues for 3+ years without compensation.**

7. 21A.06.973.C Regional motor sports facility. – Definition

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. (Ord. 17287 § 9, 2012).

8. 21A.12.040 Densities and dimensions - resource and commercial/industrial zones.
9. 21A.16.030, 21A.16.060.2, 21A16.70.B.2 – Landscape standards
10. 21A.44.050 Special Use Permit – Decision Criteria
11. 20.20.105 Permit extension
12. 16.18 Clearing and Grading **By definition this does NOT allow 1 M yds of gravel to be removed except with a mining permit.**
13. 21A.24.316 Critical aquifer recharge areas — development standards.



5309 Shilshole Avenue, NW
Suite 200
Seattle, WA 98107
206.789.9658 phone
206.789.9684 fax

www.esassoc.com

Attachment B
LUT417-0003
DPER Staff Report
08/09/18

August 7, 2018

Ty Peterson, Product Line Manager - Commercial
King County DPER
35030 SE Douglas Street, Suite 210
Snoqualmie, WA 98065

Subject: Consultant review of Pacific Raceways application materials - Summary

Dear Ty:

Environmental Science Associates (ESA) was contracted by King County in June 2016 to act as the Special Project Manager for the review of application materials for the Pacific Raceways Permitting and Environmental Review project. This letter serves to summarize the work performed to date by ESA and their subconsultants.

In order to provide a comprehensive and technical review of all materials submitted for the project, the consultant team consisted of:

Environmental Science Associates – Project Management, SEPA review, Land Use, Noise, Air Quality, Greenhouse Gas, Light & Glare, Biological Resources, and Cultural Resources

Robinson Noble, Inc. – Geotechnical and hydrogeological

Exeltech Consulting, Inc. – Stormwater and Drainage

Casseday Consulting – Transportation

Cindy Hoover – Design and Building Code compliance

Sharese Graham, Project Manager for the ESA consultant team, coordinated with the County on information needs and attended several meetings with DPER staff and the applicant. The consultant team performed an initial review of the materials submitted by Pacific Raceways during the pre-application process in June and July 2017. Initial feedback was given to the County, but not formalized. The County determined the application complete in December 2017, at which time the consultant team began a formal, in-depth review of the materials. In February 2018, the consultant team transmitted review comments on the application and supporting documentation to the County. Pacific Raceways submitted responses to those comments, along with amended technical reports, to the County in March 2018. After reviewing the applicant's responses, the consultant team provided the County with additional review comments and recommendations in April 2018 for consideration and inclusion in the State Environmental Protection Act (SEPA) documentation.

The following sections summarize the review process by subject area.

Noise

ESA performed a technical review of the *Environmental Noise, Air Quality, GHG, and Light & Glare Report*, prepared by Ramboll Environ (December 2017). ESA's Chris Sanchez, Senior Technical Associate, reviewed the



Ty Peterson
August 7, 2018
Page 2

report, along with the project site plans, for conformance with professional standard practices and procedures in the assessment of potential noise impacts of construction and operation of similar types of facilities. Mr. Sanchez agreed with the report's determination that the project has the potential for a moderate adverse impact from construction related activities; however, the report was found lacking evidence that identified mitigation measures (in this case, monitoring noise levels) would reduce the impact to a minor or less than significant level. In addition, the report did not provide an analysis of potential noise from truck loading/queuing during excavation, nor of the additional traffic generated by operation of the industrial park.

After reviewing the applicant's responses to the noise comments, ESA recommended two mitigation measures be added to the project. The first recommendation was to prepare a Sound Control Plan for raceway events and daily support operations at the proposed facility. The Sound Control Plan would set criteria and limits for compliance with the County's Noise Ordinance (KCMC 12.86), identify locations of monitoring stations, identify noise reduction measures to be taken in the event of exceedances, and set a schedule for regular reporting to the County. The second recommendation was to designate a Noise Disturbance Coordinator to be responsible for responding to complaints about noise during operations. **Will neighbors be allowed to aid in the development of the SCP? And can the SCP be updated after the project is started? Are KCSO deputies the only ones allowed to enforce these noise complaints?**

Air Quality

ESA's Mr. Sanchez also reviewed the *Environmental Noise, Air Quality, GHG, and Light & Glare Report* prepared by Ramboll Environ (December 2017) for compliance with professional standard practices and procedures in the assessment of potential air quality impacts. For reference, Mr. Sanchez also reviewed the Puget Sound Clean Air Agency's (PSCAA) source review standards, the federal general conformity rule, and the National Ambient Air Quality Standards (NAAQS). Given the substantial excavation and gravel processing proposed, ESA recommended that the annual particulate emissions from construction are estimated and compared to a quantitative standard to verify the results in the report.

After review of the applicant's responses to County comments and amendments to the technical reports, ESA had no further comments or recommendations regarding air quality. **How is this possible? Does the ESA really think this development will not impact neighbors with dust, chemical smells, etc.?**

Greenhouse Gas (GHG)

ESA's Mr. Sanchez also reviewed the *Environmental Noise, Air Quality, GHG, and Light & Glare Report* prepared by Ramboll Environ (December 2017) for compliance with professional standard practices and procedures in the assessment of potential GHG impacts. In addition, Mr. Sanchez reviewed the King County GHG Worksheet submitted by the applicant, as well as Washington State GHG reporting requirements. Mr. Sanchez noted that the applicant's report compared project GHG to statewide emissions in an effort to demonstrate that these emissions would be less than significant. ESA recommended that amortized annual emissions be compared to the State of Washington GHG reporting threshold to further substantiate the less than significant impact.



Ty Peterson
August 7, 2018
Page 3

After review of the applicant's responses to County comments and amendments to the technical reports, ESA had no further comments or recommendations regarding GHG.

Light and Glare

ESA's Mr. Sanchez also reviewed the *Environmental Noise, Air Quality, GHG, and Light & Glare Report* prepared by Ramboll Environ (December 2017) for compliance with professional standard practices and procedures in the assessment of potential Light and Glare impacts. In addition, he reviewed the King County zoning code for light and glare regulations. Mr. Sanchez noted that the applicant's report lacked the specific information to support the conclusion that there would be no off-site glare impacts, and that additional information on the photometric analysis was needed.

After review of the applicant's responses to County comments and amendments to the technical reports, ESA had no further comments or recommendations regarding Light and Glare.

Biological Resources

ESA performed a technical review of the *Assessment of Habitat for Species of Concern*, prepared by Ramboll Environ (December 2017). Bob Sullivan, Senior Fish Biologist, also reviewed the project site plans, geotechnical report and other application materials for information on potential impacts to biological resources. In addition, he cross-referenced the project information with the US Fish and Wildlife Service and Washington Department of Fish and Wildlife databases to verify the likely presence of threatened or endangered species, salmon, and protected habitat on or near the Pacific Raceways site. Mr. Sullivan noted that, although there does not seem to be suitable habitat onsite, several species listed in the databases were not shown in the applicant's report that should at least be mentioned.

Mr. Sullivan noted that Soosette Creek is listed for temperature and bacteria on the Washington Department of Ecology's 303(d) list of impaired waters. Given that the proposed project includes on-site septic and stormwater detention and treatment facilities, this listing should have been identified in the application materials, but was not. In addition, the reports did not identify that the property is located within a Category II Critical Aquifer Recharge Area.

After review of the applicant's responses to County comments and amendments to the technical reports, Mr. Sullivan commented that there should be no surface water runoff from the site and there appears to be adequate surface water control and treatment provided for on-site surface water, pending the results of planned infiltration testing after final grade is achieved (see also Geotechnical comments, below). **Also results of Soosette Creek flow, temperature and biological test data has been studied and determined to be "no change".**

Cultural Resources

In response to a comment letter submitted by the Muckleshoot Tribe, ESA reviewed the Pacific Raceway application materials for potential impacts to cultural resources. ESA also reviewed the Department of

Ty Peterson
August 7, 2018
Page 4

Archaeology and Historic Preservation (DAHP) Statewide Predictive Model, which classifies the project area as Moderate Risk for containing precontact-era cultural resources (DAHP 2010), as well as archaeological and ethnographic data for the area. Geomorphic processes likely preclude the possibility of any archaeological sites. ESA considers the project area to have a Moderately Low to Low Risk for intact precontact archaeological sites. ESA considers the project area to have a low likelihood for historic-era cultural resources based on the absence of former structures; however, materials may be present in association with travel along a known trail and wagon road in the area.

Based upon ESA's preliminary literature review, it was recommended that Pacific Raceways have a professional archaeologist formulate an Archaeological Resources Inadvertent Discovery Plan (IDP) for use during construction. The IDP should establish protocols and procedures to recognize, protect, and resolve inadvertent discoveries of archaeological resources during construction in accordance with relevant regulatory requirements. Construction managers and personnel should receive a cultural resources orientation, including discussion of the IDP, prior to the beginning of construction.

Transportation

Casseday Consulting reviewed the *Transportation Impact Analysis* prepared by Heath & Associates (December 2017). Casseday Consulting reviewed the report, along with the project site plans, for conformance with professional standard practices and procedures in the assessment of potential traffic impacts of construction and operation of similar types of facilities. Although the report covered weekday PM peak hour operation, the analysis needed to reflect the current uses of the combined Pacific Raceways site and traffic for weekday, weekend and event traffic - to fully understand the planned expansion of the site to the proposed land uses. The current park and ride function of the lot, for Green River Community College, was not addressed in the report. Casseday Consulting also noted that traffic safety for the site and surrounding vicinity was not addressed or analyzed in the report, as is standard practice for a traffic impact assessment.

After review of the applicant's amended report and responses to the County's comments, Casseday Consulting noted that most of the previously identified concerns had been adequately addressed, with the exception of how the proposed industrial operations would cause cumulative impacts with existing weekend and event traffic. Casseday Consulting advised the County to clarify the restrictions that would be placed on major events.

Geotechnical and Hydrogeological

Robinson Noble, Inc. reviewed the *Preliminary Technical Information Report* prepared by ESM Consulting Engineers (December 2017), along with the project site plans, for conformance with professional standard practices and procedures in the assessment of potential geotechnical and hydrogeological impacts from the project. Robinson Noble recommended that the appropriate engineering be provided to show there would be no trench effects from the multiple infiltration trenches designed to be adjacent to each other.

After review of the applicant's amended report and responses to the County's comments, Robinson Noble had no further comments, except to note that the "preliminary" groundwater mounding included in the report used a seasonal high groundwater table of 286 feet elevation and it appears that the water table in the planned infiltration



Ty Peterson
August 7, 2018
Page 5

area will be about 290 to 305 feet elevation based on interpolation from measured water readings. It is expected this will be addressed during final design.

Surface Water and Drainage

Exeltech Consulting, Inc. reviewed the *Preliminary Technical Information Report* prepared by ESM Consulting Engineers (December 2017), along with the project site plans, for conformance with professional standard practices and procedures in the assessment of potential surface water and drainage impacts from the project. They noted specific information that should be included in the plan sheets during the project's final design, such as surface water design details and temporary erosion and sediment control measures.

After review of the applicant's responses to County comments and amendments to the technical reports, Exeltech had no further comments or recommendations regarding surface water and drainage.

Land Use and Code Compliance

The Pacific Raceways application materials were reviewed for potential Land Use impacts and compliance with KCMC by Cindy Hoover, an architect and building code consultant. Ms. Hoover recommended that additional noise and photometric modeling be provided to verify the effects of lowering the proposed development site by an average of 15 feet. Additional evidence is needed to demonstrate the long-term beneficial impacts of the proposed amount of excavation.

After review of the applicant's responses to County comments, Ms. Hoover had no further comments or recommendations regarding Land Use and Code Compliance.

Sincerely,

A handwritten signature in blue ink that reads "Sharese Graham". The signature is written in a cursive, flowing style.

Sharese Graham, PMP
Environmental Science Associates

ATTACHMENT C

LUT417-0003 Staff Report

EXHIBIT LIST

PROJECT: Pacific Raceways Interim Use Permit

FILE NO.: LUT417-0003

The following exhibits are part of the official DPER file transmitted to the Hearing Examiner

- Exhibit No. 1 Department of Permitting and Environmental Review (DPER) File LUT417-0003
- Exhibit No. 2 DPER Preliminary Report and Recommendation dated August 9 2018
- Exhibit No. 3 Land Use Application and affidavit of application signed December 8, 2017
- Exhibit No. 4 Project Overview and letter from Donald Marcy, CH& Attorneys at Law dated December 8, 2017
- Exhibit No. 5 Revised SEPA Environmental Checklist received April 12, 2018
- Exhibit No. 6 SEPA Threshold Mitigated Determination of Non-significance issued April 30, 2018
- Exhibit No. 7 Affidavit of Posting indicating a posting date of January 2, 2018
- Exhibit No. 8 Notice of Application and Optional SEPA Notice mailed on January 5, 2018
- Exhibit No. 9 Revised Plan Set, dated March 22, 2018 (8 pages)
- Exhibit No. 10 Technical Information Report dated December 11, 2017
- Exhibit No. 11 Traffic Impact Analysis (TIA) dated December 8, 2017
- Exhibit No. 12 TIA Addendum dated February 28, 2018
- Exhibit No. 13 TIA Addendum dated March 26, 2018
- Exhibit No. 14 Revised Noise, Air Quality, GHG, and Light & Glare Report received March 26, 2018
- Exhibit No. 15 Geotechnical Engineering & Hydrogeologic Report dated November 6, 2017
- Exhibit No. 16 Geotech Report Addendum dated March 20, 2018
- Exhibit No. 17 Preliminary Assessment of Potential Water Quality Impacts dated September 5, 2017
- Exhibit No. 18 Notice of Hearing mailed on July 25, 2018
- Exhibit No. 19 Public Comments (9)

The following Exhibits are additional items not previously transmitted to the Hearing Examiner

- Exhibit No. 20 CADS17-0419 & CADS 17-0420 Critical Area designations
- Exhibit No. 21 Ordinance No. 18184
- Exhibit No. 22 _____