



King County

**Department of Permitting and Environmental Review
(DPER)**

State Environmental Policy Act (SEPA)

**Mitigated Determination of Non-Significance (MDNS)
for
Pacific Raceways Interim Use Permit LUT417-0003**

Date of Issuance: April 30, 2018

Project: 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 98042. (Parcel number: 102105-9003)

King County Permits: LUT417-0003

DPER SEPA Contact: Ty Peterson, Product Line Manager - Commercial

Proponent: Pacific Raceways LLC,

Zoning: I- Industrial

Community Plan: SE King County Area

Drainage Sub-basin: Duwamish - Green River WRIA 9

Section/Township/Range NE-10-21-5

Notes:

- A. This finding is based on review of the project site plan and environmental checklist dated December 11, 2017 and revised checklist dated April 13, 2018, supplemental materials received and other environmental documents in the file (traffic analysis, geotechnical and hydrogeological report, special reports (noise, air and light), technical information report (TIR), public comment, preliminary grading and excavation, drainage, utility, and landscape plans, and other information).
- B. Issuance of this threshold determination does NOT constitute approval of the requested Interim Use Permit or other related future permits. This proposal will be reviewed for further compliance with all applicable King County codes which regulate development activities, including KCC title 21A (Zoning/Critical Areas), Surface Water Design Manual, and International Building Codes and Health codes.
- C. During the SEPA public review and comment period, comments were received from the Muckleshoot Tribe and from the local community expressing concerns.

- D. DPER, as lead agency, has taken into consideration that the requirements for environmental analysis, protection, and mitigation measures have been partially addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158.

Threshold Determination:

The responsible official finds that the above described proposal with mitigation does not pose a probable significant adverse impact to the environment. This finding is made pursuant to RCW 43.21C, KCC 20.44 and WAC 197-11 after reviewing the environmental checklist and other study documents on file with the Department and considering mitigation measures which DPER or the applicant will implement as part of the proposal. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal.

DPER, as lead agency, has determined that with mitigation, the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158.

Mitigation

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 an 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.

Comments and Appeals:

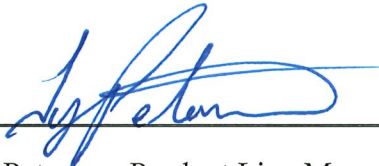
This determination is issued pursuant to the optional DNS/MDNS process in WAC 197-11-355. No further comment period is provided.

Information about the project is available from the project manager listed above. The application, related plans, specifications and environmental documents may be reviewed at the address listed below.

Attachment "A" provides for appeal process and procedures.

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

Responsible Official:



Ty Peterson, Product Line Manager – Commercial
Interim Product line Manager – Resource
SEPA Official

Date

ATTACHMENT A

RIGHT TO APPEAL

This action may be appealed in writing to the King County Hearing Examiner, with a fee of \$250 (check payable to King County Office of Finance).

Filing an appeal requires actual delivery of an appeal statement and an appeal fee to the King County Department of Permitting and Environmental Review prior to the close of business **4:00 p.m., on May 24th, 2018**. The cashier is located near the reception desk. Prior mailing is not sufficient if actual receipt by the Department does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Department is not open on the specified closing date, in which event delivery prior to 4:00 p.m. on the next business day is sufficient to meet the filing requirement.

The appeal statement shall: 1) Include a copy of, or clearly identify, the decision being appealed; 2) Identify the location of the property subject to the appeal, if any; 3) Identify the legal interest of the appellant; 4) Identify the alleged errors in the decision; 5) State specific reasons why the decision should be reversed or modified; 6) State the harm suffered or anticipated by the appellant; and 7) Identify the relief sought.

Failure to submit a timely and complete appeal statement and the appeal fee deprives the Examiner of jurisdiction to consider the appeal. Appeals must be submitted to the Department of Permitting and Environmental Review addressed as follows:

LAND USE APPEAL
Department of Permitting and Environmental Review
35030 SE Douglas St., Suite 210
Snoqualmie, WA 98065-9266

A request for a pre-hearing conference may be made by any party. For more information regarding appeal proceedings and pre-hearing conferences, please contact the Office of the Examiner at 206-477-0860 for a Citizens' Guide to the Examiner hearings and/or read K.C.C. 20.22. The Web address is: http://metrokc.gov/council/HearingExaminer/guide_hearings.htm.