



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

## AMENDED NOTICE OF ADOPTED AMENDMENT

January 30, 2008

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Morrow County Plan Amendment  
DLCD File Number 011-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 15, 2008**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative  
Carla McLane, Morrow County

<paa> ya

**FORM 2**

**D L C D NOTICE OF ADOPTION**

**DEPT OF**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18

**JAN 28 2008**

(See reverse side for submittal requirements)

**LAND CONSERVATION  
AND DEVELOPMENT**

Jurisdiction: Morrow County Local File No.: AZ-007-07  
(If no number, use none)  
Date of Adoption: 1/23/2008 Date Mailed: 1/25/2008  
(Must be filled in) (Date mailed or sent to DLCD)  
Date the Notice of Proposed Amendment was mailed to DLCD: 11/21/2007

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: Amend "Speedway" Decision  
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Amended the final decision of June 2002 and the remand decision of October 2003 for the development of a speedway based upon Senate Bills 1094(2005) and 665(2007). Also codified the 'decision' into the Morrow County Zoning Ordinance.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

The proposed language is almost identical. The county did, however, incorporate the final 'decision' as amended into the Morrow County Zoning Ordinance as Article 3 Use Zones Section 3.130 Speedway Overlay Zone.

Plan Map Changed from: N/A to \_\_\_\_\_  
Zone Map Changed from: Speedway Overlay Zone over current A/I Park  
Location: 4N24 TL110' Acres Involved: 1482  
Specify Density: Previous: N/A New: N/A  
Applicable Statewide Planning Goals: 1, 3, 11, 12, 14 (waived by legislation)  
Was an Exception Adopted? Yes: \_\_\_\_\_ No: X

DLCD File No.: 011-07 (16545)

Did the Department of Land Conservation and Development **receive** a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: ODOT,

DLCD, OWRD, ODEQ, ODA (aviation), FAA

Local Contact: Carla McHane Area Code + Phone Number: 541 922 4624

Address: PO Box 40 City: Irrigon

Zip Code+4: 97844. Email Address: cmc@lane@co.morrow.or.us

### ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.

6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Mara.Ulloa@state.or.us](mailto:Mara.Ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.



## PLANNING DEPARTMENT

P. O. Box 40 • Irrigon, Oregon 97844  
(541) 922-4624 or (541) 676-9061 x 5503  
FAX: (541) 922-3472

### NOTICE OF DECISION

January 25, 2008

Morrow County Zoning Ordinance Amendment  
Speedway Limited Use Overlay Zone

This notice is to inform you that on January 23, 2008, the Morrow County Court adopted Ordinance Number MC-02-2008 amending the Morrow County Zoning Ordinance. This ordinance accomplished three items: 1) Adopted a new use zone to be added to the Morrow County Zoning Ordinance as Article 3 Section 3.130 Speedway Overlay Zone; 2) Accepted the Findings of Fact with attachments and exhibits; and 3) Approved a zoning map identifying the subject property to which the Speedway Overlay Zone will be applied. Based on the State Legislation an emergency was declared the changes became effectively immediately.

The requirements for filing an appeal of the decision to the Land Use Board of Appeals (LUBA) are set forth in ORS 197.830 to 197.845. State law and associated administrative rules promulgated by LUBA describe the period within which any appeal must be filed and the manner in which such an appeal must be commenced. Presently, ORS 197.830(9) requires that a notice of intent to appeal plan or land use regulation amendments adopted pursuant to ORS 197.610 to 197.625 "shall be filed not later than 21 days after notice of the decision sought to be reviewed is mailed or otherwise submitted to parties entitled to notice under ORS 197.615." Notice of this decision was mailed on January 25, 2008. The deadline to appeal is February 15, 2008.

Cordially,

A handwritten signature in cursive script, appearing to read "Carla McLane".

Carla McLane  
Planning Director

I certify that on January 25, 2008, I mailed a copy of this Notice of Decision by first class mail to all persons entitled to notice of this decision.

A handwritten signature in cursive script, appearing to read "Stephen Lee".

Signature

1-25-08

Date

BEFORE THE MORROW COUNTY COURT  
OF MORROW COUNTY

AN ORDINANCE ADOPTING CHANGES TO  
THE SPEEDWAY LIMITED USE OVERLAY  
ZONE AND TO INCORPORATE THE  
'DECISION' INTO THE MORROW COUNTY  
ZONING ORDINANCE AS PART OF ARTICLE  
3 USE ZONES CREATING SECTION 3.130  
SPEEDWAY OVERLAY ZONE.

COUNTY ORDINANCE  
NO. MC-C-2-2008

WHEREAS, ORS 203.035 authorizes Morrow County to exercise authority within the county over matters of County concern; and

WHEREAS, Morrow County adopted a Comprehensive Land Use Plan which was acknowledged by the Land Conservation and Development Commission on January 15, 1986; and

WHEREAS, Morrow County adopted Ordinance MC-C-2-02 amending the Morrow County Comprehensive Plan, the Morrow County Transportation System Plan, and the Morrow County Zoning Ordinance to allow for the Siting of a Speedway and Related Facilities at the Boardman Airport; and

WHEREAS, Morrow County Ordinance MC-C-2-02 established a Limited Use Overlay Zone for the Siting of a Speedway and Related Facilities but was not codified as part of the Morrow County Zoning Ordinance; and

WHEREAS, Morrow County adopted Ordinance MC-C-1-03 amending the Morrow County Comprehensive Plan on Remand from the Land Use Board of Appeals Acknowledging an Exception to Goal 3 to allow for the Siting of a Speedway and Related Facilities at the Boardman Airport; and

WHEREAS, the Oregon State Legislature passed and the Governor approved Senate Bill 1094 (Chapter 842, 2005 Oregon Laws) during the 2005 session, codified at ORS 197.432 - 197.435; and

WHEREAS, the Oregon State Legislature passed and the Governor approved Senate Bill 665 (Chapter 819, 2007 Oregon Laws) during the 2007 session, which amended ORS 197.432- 197.433; and

CERTIFIED TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL  
MORROW COUNTY, OREGON RECORD

Dated 1/23, 2008

By A. Childers, County Clerk

By [Signature]  
County Clerk



Speedway Overlay Zone Adoption  
January 23, 2008  
Page 1

WHEREAS, Morrow County Ordinance MC-05-2007 adopted a 2007 Update to the Morrow County Transportation System Plan which incorporated Transportation Projects and Policies originally part of Ordinance MC-C-2-02; and

WHEREAS, Partition Plat 2007-8, recorded on May 25, 2007, and approved by the Planning Commission on January 25, 2007, creating the parcel that is subject to the Speedway decision; and

WHEREAS, Oregon International Motor Speedway, LLC requested Morrow County complete necessary amendments as allowed by Senate Bills 1094 and 665; and

WHEREAS, the requested amendments were sent to all required State agencies at least 45 days prior to the first evidentiary hearing on this matter; and

WHEREAS, Morrow County finds the requested amendments are consistent with and implement changes allowed by Senate Bills 1094 and 665; and

WHEREAS, Morrow County finds it is desirable to codify the Limited Use Overlay Zone Related to Siting of a Speedway and Related Facilities, as amended herein, as Article 3, Section 3.130: Speedway Overlay Zone; and

WHEREAS, Morrow County finds it is desirable to amend the Morrow County Zoning map to reflect the boundaries of the Speedway Overlay Zone; and

WHEREAS, the Morrow County Court held hearings to consider the proposed amendments on January 9, 2008, at the North Morrow County Annex Building CSEPP Safe Room in Irrigon, Oregon, and on January 16, 2008, at the Port of Morrow Riverfront Center Wells Springs Room in Boardman, Oregon; and

WHEREAS, the Morrow County Court received and accepts as credible the testimony and evidence presented by Applicant; and

WHEREAS, the Morrow County Court received from Oregon Department of Transportation, Region 5 Planning Manager, Teresa Penninger, a January 9, 2008 letter requesting clarification of required traffic improvements; and

WHEREAS, the Morrow County Court received from Oregon Department of Transportation, Region 5 Planning Manager, Teresa Penninger, a January 15, 2008 letter setting forth ODOT's agreement to address the concerns raised in its January 9, 2008 letter through the site development review process; and

WHEREAS, the Morrow County Court received from Applicant, Oregon International Motor Speedway, LLC a January 16, 2008 letter setting forth Applicant's agreement with the terms and conditions contained in the January 15, 2008 letter from ODOT, including specifically an agreement that the traffic analysis and studies for transportation improvements to Federal facilities comply with Federal and State standards, including the required 20-year horizon ; and

WHEREAS, the Morrow County Court finds the agreement by ODOT and Applicant to address the stated concerns during Site Development Review is reasonable and appropriate; and

WHEREAS, the Morrow County Court received from Burke O'Brien, Morrow County Public Works Director, a memo dated January 8, 2008 with attached roadway design standard for Tower Road; and

WHEREAS, for the sake of clarity and consistency the Morrow County Court declines to remove paragraphs 30(J) and 58 as requested in the January 8, 2008 memo of Burke O'Brien; and

WHEREAS, the Morrow County Court adopts the Morrow County Preliminary Findings of Fact for Amendment AZ-007-07 with Attachments and Exhibits, signed by Morrow County Judge Terry K. Tallman as its Findings in support of this Ordinance.

NOW THEREFORE THE COUNTY COURT OF MORROW COUNTY ORDAINS AS FOLLOWS:

Section 1 Title of Ordinance:

This Ordinance shall be known, and may be cited, as the "Speedway Overlay Zone 2008 Adoption."

Section 2 Affected Documents

1. Morrow County Zoning Ordinance Article 3 Use Zones Section 3.130 Speedway Overlay Zone
2. Morrow County Court Findings of Fact for Amendment AZ-007-07 with Attachments and Exhibits, signed by Morrow County Judge Terry K. Tallman
3. Zoning Map identifying the subject property to which the Speedway Overlay Zone will be applied

Section 3 Effective Date


Given that it is the policy of the State of Oregon that time is of the essence in deciding Land Use matters and that the language in Senate Bill 665 provides for an expedited hearings process an emergency is declared to exist and this ordinance shall be effective immediately upon execution.

First Reading: January 23, 2008

Second Reading: January 23, 2008

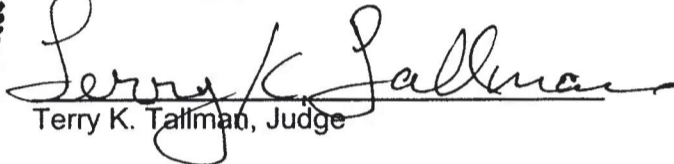
DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 23<sup>rd</sup> DAY OF JANUARY, 2008.

ATTEST:

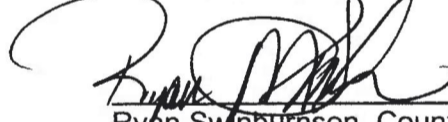
  
Bobbi Childers, County Clerk

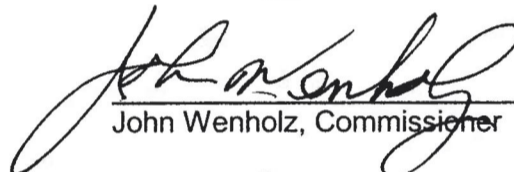


MORROW COUNTY COURT:

  
Terry K. Tallman, Judge

APPROVED AS TO FORM:

  
Ryan Swinburnson, County Counsel

  
John Wenholz, Commissioner

  
Ken Grieb, Commissioner



# DOCUMENT 1

### Section 3.130 Speedway Limited Use Overlay Zone (SO)

Purpose: The purpose of the Speedway Overlay Zone is to provide guidance concerning the development of speedways and associated uses on property approved for speedway development. This section provides the requirements to be followed relative to any speedway development, including but not limited to, transportation improvements, a variety of event plans, and associated and related uses.

1. A speedway and the related and associated speedway uses and facilities identified in the goal exception are permitted uses at the Boardman airport property as provided in the goal exception subject to a demonstration of compliance with the site development review requirements of the Morrow County Zoning Ordinance. A speedway and its related and associated uses and facilities, hereafter referred to collectively in these conditions as "a speedway", shall not exceed the size, scale or nature of use authorized in the goal exception and this Ordinance without first obtaining a new goal exception. The capacity of a speedway grandstand seating shall not exceed 145,000.

2. A speedway shall hold no more than two events per year that attract more than 100,000 persons to a speedway site on a single day.

3. The associated racing related uses identified in Paragraph A.4 of the findings shall be designed and located in a manner that makes them an integral part of a speedway development. so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.

4. A speedway may include office space, so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.

5. A speedway may include a restaurant, so long as it is primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.

6. A speedway may include a gift shop, so long as it is primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public. These uses may be approved without regard to the limitations on size or occupancy of speedway related and accessory uses and facilities specified in the previous findings and decisions.

7. A major motor speedway may include "high-end" speedway lodging not to exceed 250 rooms. The speedway lodging shall be operated as an integral part of the speedway, so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.

8. A speedway may include an industrial park, so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public. Any use that, as part of its regular operations, would cause emissions of smoke, dust or steam that would obscure visibility within airport approach corridors shall be prohibited.

9. Development of improved RV and unimproved camper/tent/RV spaces may be approved so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.

10. A speedway may include a multi-purpose recreational facility so long as it is primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public..

11. A speedway may include outdoor recreational facilities, such as a BMX bicycle track, a go cart track, a miniature golf course, and athletic fields and courts., so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.

12. A speedway may include one gasoline service station with attached convenience store not exceeding eight bays (24 pumps), so long as it is primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.

13. Major motor speedways and racetracks authorized in the previous findings and decision may be developed without taking further exception to the statewide land use planning goals relating to agricultural lands, public facilities and services and urbanization and without regard to the specific sizes and configurations of the tracks specified in the previous findings and decision.

14. An Emergency Management Plan shall be developed for a speedway. In preparing the Emergency Management Plan, the speedway owner or operator shall coordinate at a minimum with the Boardman Rural Fire Protection District, Morrow County Emergency Services, Morrow County Public Works, the Morrow County Sheriff's Department and the Umatilla Electric Cooperative. The Emergency Management Plan shall ensure that there are adequate fire fighting personnel and equipment to protect attendees at the speedway during all racing events, and that emergency services are adequate to accommodate the needs of area residents, racing team members and visitors to the speedway during all racing events. The Emergency Management Plan shall incorporate utilization of medical facilities at the speedway and helicopter transport capability for serious medical or other emergency conditions. A demonstration of adequate public safety measures is required to obtain site development review approval. If additional personnel or equipment are required beyond the resources of fire districts or emergency service providers in order to provide an adequate level of protection for the speedway complex and its attendees, then the speedway owner or operator shall provide funds to pay for the additional personnel and equipment, including a new fire station (subject to land use approval) and equipment at or near the speedway if required. The Emergency Management Plan shall be reviewed annually and revised and updated as appropriate. The Emergency Management Plan shall be subject to approval by the Morrow County Emergency Management Director, who may appoint a committee to assist in review of the plan.

15. A Security Plan shall be developed for a speedway. In preparing the Security Plan, the speedway owner or operator shall coordinate with affected law enforcement personnel serving the area, including but not limited to the Morrow County Sheriff, the City of Boardman Police Department and the Oregon State Police. The Security Plan shall address speedway safety and security on-site and at points of access adjoining the

speedway. The plan shall ensure that law enforcement and public safety and security services are adequate to accommodate the needs of area residents and speedway visitors during all racing events. A demonstration of adequate law enforcement and public safety and security measures is required to obtain site development review approval. The speedway owner or operator shall be responsible for payment of the additional costs incurred by law enforcement, public safety and emergency service providers associated with servicing a racing event at the speedway. The Security Plan shall be reviewed annually and revised and updated as appropriate. The Security Plan shall be subject to approval by the Morrow County Sheriff, who may appoint a committee to assist in review of the plan.

16. Prior to a major motor speedway being used for sanctioned, high speed automobile racing, the speedway owner or operator shall prepare and submit a Litter Control Plan, acceptable to the Morrow County Planning Department, demonstrating how litter and trash will be controlled and cleaned up following speedway racing events. The Litter Control Plan shall encourage the collection, reuse and recycling of solid waste. The speedway owner or operator shall construct a fence around the perimeter of any major motor speedway prior to the major motor speedway being used for premier, high speed automobile racing both to control litter and to provide separation from I-84 and from the exercise of customary and usual aviation activities at the Boardman airport.

17. The speedway owner or operator shall obtain all required state agency permits, including but not limited to DEQ water quality permits, permits for wastewater, stormwater and air contaminants and, if required, hazardous materials permits, and such permits as may be required by the Oregon Health Department and Oregon Water Resources Department. All required agency permits shall be obtained prior to occupancy of a facility.

18. The speedway owner or operator shall identify water storage improvements needed to maintain an adequate on-site water supply for drinking, domestic and fire fighting purposes during speedway events and for other speedway uses.

19. To protect water quality, a speedway development shall apply best management practices when constructing a speedway, including its related and associated uses, and when constructing the road improvements identified in the application.

20. The speedway owner or operator shall pay all costs associated with relocating utility facilities, should that prove necessary as a result of required roadway improvements.

21. Outdoor lighting at a speedway shall be aimed to prevent light from projecting directly onto existing runways or taxiways at the Boardman airport or into existing airport approach corridors. The speedway owner or operator shall coordinate with the Oregon Department of Aviation to avoid the creation of potential safety problems through radio, radiotelephone or television transmission facilities or electrical transmission lines that might be placed at the speedway. Development of a speedway shall be in compliance with the Airport Planning Rule.

22. The speedway developer shall not construct any open water impoundment in a manner that would create a potential safety hazard to the airport by increasing bird flight or wildlife activity across runways or approach corridors. Should the speedway

developer desire to construct an open water impoundment at a speedway, including lagoons to facility sanitary sewer service, then prior to constructing the water impoundment, the speedway developer shall coordinate with the Oregon Department of Aviation and shall comply with any conditions required by the Department of Aviation to prevent an increase in the level of air navigational hazard. Any new water impoundment constructed at a speedway shall be consistent with and not violate any contractual obligations between the Port of Morrow and the Federal Aviation Administration, and shall be consistent with the Airport Planning Rule.

23. The speedway developer shall be prohibited from constructing accessory uses identified in Paragraph A.4 of the findings prior to commencement of construction of a speedway and speedway related uses identified in Paragraph A. 3 of the findings, provided that the speedway developer may first commence construction of a portion of the RV park in order to accommodate workers involved in the construction of a speedway and its related uses. The speedway developer may, in conjunction with the development of a major motor speedway, commence construction on 250 road course garage units and 100 units of transient lodging with associated restaurant.

24. Except with respect to the RV Park, 250 road course garage units and 100 units of transient lodging with associated restaurant, Morrow County shall not issue occupancy permits for any of the uses identified in Paragraph A.4 prior to the completion of a major motor speedway and a grandstand seating capacity of 20,000 or more persons.

25. No permanent housing shall be allowed at a speedway. No temporary housing shall be allowed at the speedway other than at the 250 room speedway lodging facility, the 100 units of transient lodging with associated restaurant and public facilities necessary to support those uses and at areas designated as RV and tent camping areas.

26. A speedway may utilize signage on the site and on and within viewing distance of I-84 or I-82 advertising the presence and location of the speedway. Signage shall be in compliance with Zoning Ordinance Section 4.070 (Sign Limitations and Regulations) and OAR Chapter 734.

27. In the event that a speedway ceases operations, all accessory uses to that speedway, other than industrial uses at the industrial park shall also cease operation at the same time.

28. The Morrow County Public Works Director and Engineer shall develop a roadway design standard for Tower Road that is appropriate for construction of a five lane roadway.

29. Prior to a major motor speedway being used for premier, high speed automobile racing expected to attract 60,000 or more persons, the owner or operator of the speedway shall demonstrate that Umatilla County has amended its transportation system plan to authorize roadway improvements within that county's jurisdictional boundaries, including merge/diverge lanes and ramp improvements associated with the I-84/I-82 interchange, that are necessary to accommodate a 60,000 person event at the speedway.

30. Transportation Improvements. To ensure that the proposed land uses are in compliance with the functions, capacities and performance standards of affected transportation facilities, a major motor speedway owner or operator shall construct the following roadway improvements:

- A. Modifications to the I-84/Tower Road Interchange, including two-lane ramps for all ramps of the interchange, a four-lane bridge across I-84, and improved turning radiuses at the beginnings and ends of the on/off ramps. These modifications will be further defined in a refinement study to be completed prior to completion of the Final Environmental Assessment (EA) or Environmental Impact Statement (EIS) required by the National Environmental Policy Act
- B. Stacking and merge lanes extending approximately 1.5 miles in each direction from the I-84/Tower Road Interchange, the precise length to be defined in a refinement study
- C. Widening of Tower Road to five lanes between I-84 and the southernmost entrance to a speedway on Tower Road.
- D. A new Speedway Interchange on I-84 located east of PGE's north/south rail spur crossing of I-84 and including two-lane on and off ramps and a four lane bridge over I-84
- E. Stacking or merge lanes extending approximately 1.5 miles in each direction from the I-84/Speedway Interchange
- F. A third travel lane on I-84, both eastbound and westbound, extending from the new Speedway Interchange to the Oregon Highway 730 Interchange, and also extending both eastbound and westbound from approximately 1200 meters west of the Army Depot Interchange to the I-82/I-84 Interchange, the precise length to be defined in a refinement study to be completed prior to the issuance of the Final EA or EIS. A length of 1200 meters west of the Army Depot Interchange shall be required for both east and westbound I-84 unless a shorter length is agreed to by ODOT during the refinement study process.
- G. Bridge widening or modifications as necessary along I-84
- H. Modifications to the off-ramp connecting I-82 southbound to I-84 westbound and the on-ramp connecting I-84 eastbound to I-82 northbound to provide two-lane ramps
- I. Construction of a four-lane speedway circulatory road within and encircling the perimeter of a speedway
- J. Relocation and realignment of the Kunze Lane connection with Tower Road to meet Division 51 spacing standards (so that the intersection is no less than 1320 feet from the ramp terminus of the I-84/Tower Road ramps)
- K. Improvements to the I-84/Army Depot Interchange to facilitate I-82/I-84 merge/diverge lanes

31. Transportation improvements identified in Paragraph 30 of these approval conditions shall be permanent structural improvements and shall be constructed to meet all applicable design standards. No listed improvements shall be provided for through temporary, non-structural means, such as traffic management techniques.

32. Phased Development. The transportation improvements required in Paragraph 30 of these approval conditions shall be constructed and operational prior to the holding of races or other events at a speedway that are open to the general public, except as follows:

- A. Interim Racing Events. If authorized pursuant to Paragraph E of this condition:
  - 1. Prior to the construction of any of the roadway improvements required by Paragraph 30, racing events may be held at a speedway that attract fans in numbers not exceeding 3,000 people in attendance.
  - 2. Following completion of the widening of Tower Road to five lanes and construction of all required improvements to the Tower Road Interchange and ramps as provided in this decision, and following completion of the realignment of Kunze Lane and making safety improvements to Kunze Lane as provided for in this decision, but prior to the completion of the other roadway improvements identified in Paragraph 30, racing events may be held at a speedway that attract fans in numbers not exceeding 23,000 in attendance; provided, however, that the 23,000 person attendance figure may be adjusted upward or downward as provided under Paragraph C of this condition. Such events shall be accompanied by event management measures provided on the day of the race that are intended to attract traffic to the speedway prior to the main racing event over a period of at least four hours.
- B. Rate of Exiting Traffic. Except as otherwise permitted under Paragraph 36, for all racing events authorized under Paragraphs A or C of this condition, the speedway owner or operator shall control the rate of traffic leaving the speedway to ensure that traffic volumes of 3750 vehicles per hour are not exceeded.
- C. Interim Traffic Monitoring Plan. For all racing events authorized under this condition, the speedway owner or operator shall monitor the flow of traffic to and from the racing events in coordination with ODOT Region 5 and the Morrow County Public Works Director. For events authorized under Paragraph A.2 of this condition, if event experience indicates that a somewhat larger event can be held that would be consistent with ODOT and Morrow County roadway performance standards, then upon agreement by ODOT's Region 5 Manager and the Morrow County Public Works Director, the Morrow County Public Works Director may authorize a larger racing event, not to exceed 30,000 people in attendance. If event experience indicates that a smaller sized racing event is required to ensure consistency with ODOT and Morrow County roadway performance standards, then the Morrow County Public Works Director shall reduce the maximum attendance size of the event to an appropriate number.

1. Prior to the scheduling of any races authorized under this condition, the speedway owner or operator shall develop an Interim Traffic Monitoring Plan in coordination with ODOT Region 5 and Morrow County. The Interim Traffic Monitoring Plan shall be reviewed and approved by the Morrow County Public Works Director and ODOT's Region 5 Manager and shall be applied to all races held pursuant to this condition as stated in the monitoring plan. The Interim Traffic Monitoring Plan shall provide for the timely gathering and submittal of information to ODOT and Morrow County, including advance notification of events that are subject to this condition.
2. Unless ODOT's Region 5 Manager and the speedway owner or operator agree otherwise, the Interim Traffic Monitoring Plan shall require, at a minimum, vehicle counts calculated on an hourly basis on the day or days of any events expected or likely to attract 2,500 or more people to the facility under Paragraph A.1 of this condition or 10,000 or more people under Paragraphs A.2 or C of this condition. These vehicle counts shall be taken consistent with the Interim Traffic Monitoring Plan developed in Paragraph C.1 of this condition, which shall include the following unless otherwise agreed to by ODOT's Region 5 Manager and the speedway owner or operator:
  - a. For events under Paragraph A.1, vehicle counts taken at all speedway entrances off of and exits onto Tower Road.
  - b. For events under Paragraphs A.2 and C, vehicle counts taken at the I-84/Tower Road Interchange (all ramps) and at all speedway entrances off of and exits onto Tower Road.
3. The vehicle counts taken pursuant to Paragraph C.2 of this Condition shall be provided by the speedway owner or operator to ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees, within two weeks following the day of the counts. The speedway owner or operator concurrently shall provide ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees, with attendance figures for each racing event held on the days for which counts are taken.
4. The speedway owner or operator shall be responsible for payment of all expenses incurred in preparing and executing the Interim Traffic Monitoring Plan. This does not include costs for agency staffs and other parties to participate in the development, modification or updating of the Interim Traffic Monitoring Plan.
5. The Interim Traffic Monitoring Plan shall provide for the discontinuation of traffic monitoring for racing events authorized under Paragraph A.1 of this condition if after two consecutive events subject to monitoring, the traffic monitoring indicates that



the racing events are meeting both the 3,750 vehicle/hour standard in Paragraph B of this condition and ODOT and Morrow County roadway performance standards. The Interim Traffic Monitoring Plan also shall provide for the discontinuation of traffic monitoring for racing events authorized under Paragraph A.2 and under Paragraph C of this condition if, after two monitored events under each of those paragraphs, the traffic monitoring indicates that such racing events are meeting both the 3,750 vehicle/hour standard and ODOT and Morrow County roadway performance standards. In the event that racing events authorized under Paragraphs A.1, A.2 or C are not meeting the 3,750 vehicle/hour standard and ODOT and Morrow County roadway performance standards, then traffic monitoring shall continue for racing events under the relevant paragraph until these standards are met for two consecutive racing events.

6. The Interim Traffic Monitoring Plan shall provide criteria upon which traffic monitoring of speedway racing events authorized under this condition may be resumed. Should resumed traffic monitoring indicate that the 3,750 vehicle/hour standard or ODOT or Morrow County roadway performance standards are being exceeded, then traffic monitoring shall continue on an event by event basis until the racing events again are shown to be meeting the 3,750 vehicle/hour standard and ODOT and Morrow County roadway performance standards.
- D. Interim Traffic and Event Management Plan. Prior to a speedway being used for sanctioned, premier, high speed automobile racing an Interim Traffic and Event Management Plan shall be developed that is designed to comply with both the 3,750 vehicle/hour standard and ODOT and Morrow County roadway performance standards. The Interim Traffic and Event Management Plan shall be developed in coordination with and obtain the concurrence of ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees. The Interim Traffic and Event Management Plan shall be updated and modified as necessary during the course of the racing season to ensure compliance with ODOT and Morrow County performance standards. Plan updates and modifications shall be prepared by a licensed engineering firm experienced in speedway events, in coordination with ODOT Region 5 and Morrow County.
- E. Completion of NEPA and Site Development Review and Agency Approval.
1. Prior to the improvement of any Federal or State traffic facility, the owner or operator of a speedway shall complete the NEPA process and the issuance of a final land use decision approving site development review for the speedway; and

2. Prior to a speedway being used for sanctioned, premier high speed automobile racing, a speedway owner or operator shall obtain advance approval from ODOT and the Federal Highway Administration.

33. Prior to operation of speedway for events other than those permitted under Condition 32, all mitigation required as a condition of the site development review process shall be completed.

34. The Port of Morrow or its designee shall be responsible for the completion of a refinement plan as defined in OAR 660-012-0025. The refinement plan shall address the following infrastructure needs: deviation from the spacing standards related to the Speedway Interchange, which shall include the types and levels of information necessary to obtain Oregon Transportation Commission approval of a major deviation study; modifications to the Tower Road interchange and the length of stacking and merge lanes serving that interchange; and the precise length of the third lane on I-84, both eastbound and westbound, in the vicinity of the Army Depot Interchange. The refinement plan shall be completed and adopted as an amendment to the Morrow County Transportation System Plan prior to issuance of a final Environmental Assessment or Environmental Impact Statement.

35. In coordination with ODOT Region 5 and the Federal Highway Administration, the Port shall study alternative roadway improvements to a new Speedway Interchange as required by the National Environmental Policy Act. If Port acquisition of land for new roadways identified during that analysis proves feasible and reasonable; and if such roadways would better meet ODOT's needs and ODOT exhibits a strong preference for those roadways; and if identified roadway alternatives are demonstrated to comply with all relevant requirements of the Transportation Planning Rule, including OAR 660-012-0070, then the Port shall apply to Morrow County for transportation system plan amendments to authorize those improvements in lieu of improvements approved by this decision that would no longer be required.

36. The speedway owner or operator shall manage the outbound flow of traffic from a speedway in a manner that ensures that outbound traffic does not exceed a volume of 3750 vehicles per hour; provided, however, that higher outbound volumes may be allowed if the speedway owner or operator and ODOT Region 5 Manager agree that the volume of background traffic permits higher rates of traffic to leave a speedway consistent with ODOT performance standards. This condition is intended to recognize that the 3750 figure is based on traffic impacts in the year 2020, and that the level of background traffic in that year will be higher than in prior years leading up to 2020. Agreements between ODOT's Region 5 Manager and the speedway owner or operator shall be filed with the Planning Director and shall specify the volume of traffic that may exit a speedway per hour during any given year. The speedway owner or operator shall manage the inbound and outbound flow of traffic from a speedway for events of any size so that the relevant performance standards are not exceeded for any state or county facility.

37. When the speedway owner or operator contracts for a premier racing event expected to attract 60,000 attendees on a single day, the owner or operator shall hold preliminary speedway events on prior days and shall utilize event management techniques, including but not limited to ticket packaging, in a manner that is likely to

attract at least 35 percent of those attending the 60,000 person event to a speedway at least one day in advance of that race. For premier racing events expected to attract 100,000 or more people to a speedway in a single day, the speedway owner or operator shall hold preliminary speedway events and engage in event management that is likely to attract 50 to 60 percent of fans to the speedway at least one day prior to the peak event. As used in these conditions, "premier" racing events are large and mid-size racing events, including but not limited to NASCAR sanctioned races, Indy car races, Super Sport Motorcycle races, GT Championships, and CART and NHRA races, that are expected to attract 20,000 or more attendees on the day of the racing event. As used in these conditions, "preliminary speedway events" includes smaller premier events, time trials, and other activities that are expected to attract fans in numbers sufficient to comply with this condition.

38. Traffic Management Plan. Prior to holding sanctioned, premier, high speed automobile racing events open to the general public at a speedway, the speedway owner or operator shall prepare a detailed Traffic Management Plan identifying traffic management measures proposed for implementation during speedway racing events and providing for traffic monitoring as described in condition 40.

- A. The Traffic Management Plan shall be a graduated plan covering a spectrum of different event sizes.
- B. The Traffic Management Plan shall identify traffic management needs and address how these needs will be implemented. The Traffic Management Plan shall be designed to maintain compliance with ODOT and Morrow County roadway performance standards as described in these findings, and shall address, among other things, parking and circulation within the speedway; access routes to the site and detour routes for through traffic; point control with police officers; the availability and location of tow trucks and emergency vehicles along access routes to the speedway; the use of variable message signs; traffic coordination from helicopters; closure of RV and camping areas for up to the first four hours following a premier event; traffic route map and traffic/parking information mailed with race tickets; and the use of nonstructural techniques to improve and facilitate speedway access and roadway mobility.
- C. The Traffic Management Plan shall be prepared by a licensed traffic engineering firm experienced in speedway events, in coordination with ODOT Region 5, the Washington Department of Transportation, the Morrow County Public Works, Planning and Emergency Management Directors, the Umatilla County Public Works Director, and representatives of the cities of Boardman, Umatilla and Irrigon and the Port of Morrow. The Traffic Management Plan also shall be subject to review and comment by other affected state and local agencies, local governments, and stakeholders such as PGE, Threemile Canyon Farms and Umatilla Electric Cooperative, whose identity shall be determined jointly by the speedway owner or operator and the Morrow County Planning Director.

- D. The Traffic Management Plan shall be updated on an annual basis and modified as necessary during the course of the racing season. Plan updates and modifications shall be prepared by a licensed engineering firm experienced in speedway events, in coordination with ODOT Region 5, Morrow County and other affected agencies and local governments.
- E. The Traffic Management Plan, and updates and modifications to that plan, shall be reviewed and approved by the Morrow County Public Works Director, Emergency Management Director and Planning Director and the ODOT Region 5 Manager, or their designees. The speedway owner or operator shall reimburse Morrow County for the cost of a traffic engineer to assist in evaluation of the Traffic Management Plan. The initial Traffic Management Plan shall be submitted to Morrow County prior to a speedway being used for sanctioned, premier, high speed automobile racing.

39. Event Management Plan. Prior to holding sanctioned, premier, high speed automobile racing events open to the general public at a speedway, the speedway owner or operator shall prepare a detailed Event Management Plan identifying event management measures proposed for implementation during racing events.

- A. The Event Management Plan shall be a graduated plan covering a spectrum of different event sizes.
- B. The Event Management Plan shall identify, among other things, the types of activities and events that the speedway could hold and that would be appropriate to attract persons attending larger racing events to the speedway in advance of those events, and shall provide strategies for holding such events and activities to achieve that result. These events shall include smaller races held earlier during the week whenever a race attracting 60,000 or more fans is held at the speedway. The plan shall address how the strategies will be implemented.
- C. The Event Management Plan shall be reviewed on an annual basis and updated as necessary. The plan shall include provisions addressing when plan updates are required. The Event Management Plan, and updates or modifications to that plan, shall be reviewed and approved by the Morrow County Public Works Director, Emergency Management Director and Planning Director and the ODOT Region 5 Manager, or their designees. The initial Event Management Plan shall be submitted to Morrow County prior to a major motor speedway being used for sanctioned, premier, high speed automobile racing.

40. Traffic Monitoring of Premier Events. Following completion of construction of the roadway improvements identified in Paragraph 30, the major motor speedway owner or operator shall monitor the flow of traffic to and from premier racing events as provided for in this condition.

- A. Rate of Exiting Traffic. Except as otherwise permitted under Condition 36, the speedway owner or operator shall control the volume of traffic leaving the speedway to ensure that traffic volumes of 3750 vehicles per hour are not exceeded.
- B. Traffic Monitoring Plan. The speedway owner or operator shall prepare a detailed Traffic Monitoring Plan to monitor the effectiveness of the Traffic Management Plan and the Event Management Plan to maintain consistency with both the 3,750 vehicle/hour standard in Paragraph A of this condition and ODOT and Morrow County roadway performance standards during premier racing events at the speedway. The Traffic Monitoring Plan shall be developed in coordination with ODOT Region 5 and the Morrow County Public Works Director and shall have the approval of ODOT's Region 5 Manager or his/her designee. The Traffic Monitoring Plan shall be submitted to the County prior to a speedway being used for sanctioned, premier, high speed automobile racing.
- C. The Traffic Monitoring Plan shall provide for traffic monitoring during premier racing event weekends when single day attendances of 20,000 or more are expected. The Traffic Monitoring Plan shall provide for the timely gathering and submittal of information to ODOT Region 5 and Morrow County, including advance notification of events that are subject to this condition, and shall provide for the following:
  - 1. During the first year following completion of all transportation improvements required by Paragraph 30, traffic monitoring of all premier racing events. If only one premier event is held during that first year, then traffic monitoring also shall be required for the next premier racing event held at a speedway.
  - 2. Traffic monitoring of the first two premier racing events expected or likely to attract 60,000 people to a speedway on a single day.
  - 3. Traffic monitoring of the first two premier racing events expected or likely to attract 100,000 or more people to a speedway on a single day.
  - 4. Traffic monitoring of additional 60,000 or 100,000 person events, if attendance at these events falls short respectively of 60,000 or 100,000 people by more than 5 percent.
- D. Unless ODOT's Region 5 Manager and the speedway owner or operator agree otherwise, the Traffic Monitoring Plan shall require, at a minimum, vehicle counts calculated on an hourly basis on the following days: the days when premier racing events are held; the day prior to the holding of the first premier racing event of the weekend; and the day following the holding of the final premier racing event of the weekend. These vehicle counts shall be taken consistent with the Traffic Monitoring Plan developed under this condition, which shall include the following unless otherwise agreed to by ODOT's Region 5 Manager and the speedway owner or operator:

1. Vehicle counts taken at all speedway entrances off of and exits onto Tower Road and on Kunze Lane immediately east of Tower Road.
  2. Vehicle counts taken at the following interchanges: I-84/Speedway Interchange (all ramps); I-84/Tower Road Interchange (all ramps); I-84/Highway 97 Interchange (SB 97 to EB I-84 and WB I-84 to NB 97 ramps); I-84/I-82 Interchange (SB I-82 to WB I-84 and EB I-84 to NB I-82 ramps); and I-82/Highway 730 Interchange (SB I-82 to SB 730 and NB 730 to NB I-82 ramps).
  3. Vehicle counts taken on the main line of I-84, I-82 and Highway 730 in both directions at the following locations: on I-84 west of the Speedway Interchange; on I-84 east of the Tower Road Interchange; on I-84 west of the I-84/I-82 Interchange; on I-82 north of the I-84/I-82 Interchange; and on Highway 730 just northeast of I-84.
- E. The vehicle counts taken pursuant to Paragraph D of this condition shall be provided to ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees, within two weeks following the final day of the counts. The speedway owner or operator concurrently shall provide ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees, with attendance figures for each racing event held on the days for which counts are taken.
- F. The Traffic Monitoring Plan shall provide for the discontinuation of traffic monitoring for events identified in Paragraphs C.1, C.2 and/or C.3 of this condition if the traffic monitoring required by Paragraph C of this condition indicates that events at those attendance levels are meeting the 3750 vehicle/hour standard (or alternative Condition 36 standard) and ODOT and Morrow County roadway performance standards.
- G. The Traffic Monitoring Plan shall provide criteria upon which the monitoring of speedway events identified in Paragraphs C.1, C.2 or C.3 of this condition may be resumed. This may include a provision requiring the monitoring of certain racing events at periodic intervals (e.g., every five years). Should resumed monitoring indicate that the 3750 vehicle/hour standard (or Condition 36 alternative) or ODOT or Morrow County roadway performance standards are being exceeded for events at those attendance levels, then traffic monitoring shall continue for such events until the racing events again are shown to be meeting the 3750 vehicle/hour standard (or Condition 36 alternative) and ODOT and Morrow County roadway performance standards, unless otherwise provided for in the Traffic Monitoring Plan.

H. The speedway owner or operator shall be responsible for payment of all expenses incurred in preparing and executing the Traffic Monitoring Plan. This does not include costs for agency staffs and other parties to participate in the development, modification or updating of the Traffic Monitoring Plan.

41. The speedway owner or operator and any successors in interest shall work cooperatively with emergency service providers and affected state and local governments and agencies, including ODOT Region 5, Morrow County and the Oregon State Police, in developing one or more interagency agreements to prepare and implement the Traffic Management Plan required by Condition 38. The interagency agreement shall be submitted prior to a speedway being used for sanctioned, premier, high speed automobile racing.

42. Unless otherwise agreed to by ODOT and the Federal Highway Administration for state highways, or by Morrow County for County roadways, the speedway owner or operator, or any successors in interest, shall be responsible for payment of all construction costs of the transportation improvements required in Paragraph 30 of this decision.

43. Unless otherwise agreed to by federal, state or local transportation providers, the speedway owner or operator, or any successors in interest, shall be responsible for payment of all expenses incurred in executing the Traffic Management Plan and the Event Management Plan for the speedway, including costs incurred for emergency services required for speedway events. This does not include costs for agency staffs and other parties to participate in the development, modification or updating of the Traffic Management and Event Management Plans.

44. Implementation of the required Traffic Management, Event Management and Traffic Monitoring Plans shall be an ongoing condition of approval for a speedway. Failure by the speedway owner or operator to substantially comply with those plans, including the 3750 vehicle per hour standard in Paragraph 40.A of these conditions and the ODOT and Morrow County roadway performance standards that those plans are intended to achieve, or to pay the costs of executing those plans shall be a basis for enjoining operation of the speedway. Morrow County agrees in good faith to diligently enforce these plans and all other conditions of this decision.

45. Prior to staging any racing event at a speedway, the owner or operator of the speedway shall obtain all permits from ODOT and Morrow County that are required to implement the Traffic Management Plan for the speedway. Renewal of such permits may be required on an annual basis. This condition anticipates that Morrow County may adopt an annual permitting process for the use.

46. Unless otherwise agreed to by a representative of the Washington Department of Transportation during development or revision of the traffic management plan, the speedway owner or operator, as part of that plan, shall provide for the placement of signage on eastbound I-82 in Washington in advance of Oregon Highway 730 and for the use of uniformed officers to provide traffic control at the I-82/Highway 730 ramp terminal and at Brownell Avenue on a sanctioned, premier, high speed automobile racing event day. The plan also shall provide that the speedway owner or operator maintain a towing service/incident response team to monitor the bridge and other major

roadways serving a speedway on sanctioned, premier, high speed automobile racing event days.

47. Only informational or directional signage will be allowed on state highways. Any such signage shall conform with the Manual of Uniform Traffic Control Devices.

48. Unless ODOT or the Federal Highway Administration require otherwise, the rest area facilities located on I-84 a few miles east of Tower Road shall remain open during premier speedway racing events to serve both speedway generated traffic and others traveling on I-84.

49. In addition to the attendance requirements required in Conditions 32 and 40, the speedway owner or operator shall maintain daily counts of all persons attending all other speedway events involving the use of the racetracks. The monitoring system shall provide that the owner or operator submit attendance count information to ODOT Region 5 and the Morrow County Public Works Director on at least a quarterly basis.

50. The speedway owner or operator shall provide for monitoring and analysis of the effectiveness of traffic management measures that were utilized during each racing event weekend requiring traffic management measures. The analysis shall occur promptly following the weekend. Where racing events are held on two or more consecutive days over a weekend, review and appropriate revisions to the Traffic Management Plan to minimize adverse traffic impacts are encouraged after each racing day. A professional traffic engineer shall oversee implementation of the Traffic Management Plan and coordinate the traffic monitoring and analysis that occurs following racing events. To the extent feasible and practical, review and revision of the Traffic Management Plan shall involve ODOT Region 5, the Oregon State Police, the Morrow County Sheriff's Department and affected local law enforcement agencies.

51. A full traffic analysis shall be provided for all event size traffic, to enable ODOT to issue final approvals and permits and to gain approval from the Federal Highway Administration for interchange modifications. The traffic study shall be prepared in accordance with OAR Chapter 734, Division 51 and federal requirements for interchange modifications contained in the Federal Register.

52. The speedway owner or operator shall provide either an irrevocable letter of credit or a bond in favor of ODOT that shall provide adequate funding to construct all of the transportation improvements to state transportation facilities required by this decision. Additionally, the speedway owner or operator shall provide either an irrevocable letter of credit or a bond in favor of Morrow County that shall provide adequate funding to construct all of the transportation improvements to county transportation facilities required by this decision. All bonds or letters of credit required by this condition shall be in place prior to the scheduling or holding of any sanctioned, premier, high speed automobile racing events at a speedway and prior to commencement of construction of the transportation improvements required by Condition 30. These security instruments in favor of ODOT and Morrow County shall be maintained, respectively, until all construction required by Condition 30 to state or county roadway facilities is completed.

53. The applicant shall demonstrate compliance with the conditions set out in this approval either during or as a condition of site development review.



54. Applications to modify these conditions shall require review and approval by Morrow County following public notice and opportunity for hearing. Notice of any proposed amendments to conditions shall be mailed in a timely manner to ODOT's Region 5 Manager and to DLCD.

55. All speedway and speedway related uses authorized by this decision shall be constructed entirely within the subject site. Should land on adjoining properties not currently owned by a speedway owner or operator or the Port of Morrow become available to a speedway owner or operator or the Port, and should the speedway owner or operator or the Port desire the use of those lands for speedway related parking, RV sites or similar uses, then the speedway owner or operator or the Port shall apply to Morrow County for comprehensive plan amendments to utilize those properties for speedway uses. This may require additional goal exceptions and/or master planning.

56. During site development review, a speedway developer shall demonstrate that the proposed site plan provides for safe and convenient pedestrian access connecting the parking lots, RV and camping areas with the racetrack and the other authorized speedway related uses.

57. In addition to service of notice on those persons required by law to receive written notice of a land use application, written notice of the application for site development review for a speedway shall be served on ODOT's Region 5 Manager, DLCD, DEQ, Oregon Department of Aviation, the City of Boardman, and the Umatilla Electric Cooperative.

58. A speedway developer shall coordinate with the Morrow County Road Department to identify and provide safety improvements to Kunze Lane between Tower Road and Toms Camp Road in the form of shoulder and lane widening and associated paving. The improvements shall be made at the developer's expense.

59. Prior to issuance of a building permit, a speedway owner or operator or the Port shall submit the appropriate paperwork and obtain the necessary approvals from the Federal Aviation Administration, as required of all development within 20,000 feet of a runway.

60. A land partition application shall be filed and approved by the Planning Commission before the land owner may sell or deed speedway property as a separate parcel (ORS 92.010, MCSO 5.010).

61. The Tri-Oval Super Speedway, Asphalt Road Course, Asphalt Oval, Drag Strip and Dirt Track all shall be located a minimum of 2.4 miles from the location of the nearest residential dwelling as identified in the Daly-Standlee & Associates report dated November 12, 2001 and entitled "Noise Study for a Proposed International Raceway Facility in Morrow County."

62. A speedway shall include water storage capacity in an amount deemed appropriate by the Oregon Water Resources Department. Initial on-site storage capacity shall not be less than one million (1,000,000) gallons. A storage facility containing a minimum storage capacity of two million (2,000,000) gallons shall be provided on site

prior to the holding of any event attracting more than 75,000 people to the site on a single day.

63. The speedway owner or operator shall cooperate with the Bureau of Reclamation and the West Extension Irrigation District regarding impacts to irrigation easements and facilities that might be impacted by speedway related transportation improvements on Kunze Lane.

64. Morrow County retains authority to enforce conditions of this land use decision utilizing resources including but not limited to the Code Enforcement Officer and associated enforcement ordinances. This enforcement authority shall apply to all uses at a speedway.

65. In the event a speedway is constructed in whole or in part and then abandoned, the use of speedway related and associated uses shall cease, except as otherwise provided for in these findings or authorized by new goal exceptions.

66. The speedway owner or operator shall coordinate with the Bonneville Power Administration (BPA) with regard to the power line easements on the property prior to submitting an application for site development review. As part of its site development review application, the speedway owner or operator shall show evidence that the proposed site plan is acceptable to the BPA given the terms of the existing easement.

67. Morrow County reserves the right to review and require changes to the traffic management, event management and security plans at any time in the future to ensure continued compliance with Morrow County performance standards.

68. These conditions are intended to ensure consistency with ODOT and Morrow County roadway performance standards based on a 20 year traffic analysis extending through the year 2021. These conditions are not intended to require the applicant to make structural improvements to the state or county roadway systems based on increases in traffic volumes beyond currently estimated year 2021 levels. Increases in background traffic volumes beyond currently estimated year 2021 levels shall not provide a basis for enjoining activities at the speedway under Condition 44 or any other Condition, provided that the speedway owner or operator continues to implement traffic, event and security management measures and traffic monitoring as required by this decision.



# **DOCUMENT 2**

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**Morrow County Court  
Preliminary Findings of Fact  
AZ-007-07: Amendment of Speedway Limited Use Overlay Zone  
Amended January 16, 2008**

**REQUEST:** The request is to amend the Speedway Limited Use Overlay Zone, as adopted in June 2002 and amended on remand in October 2003, to reflect the changes authorized by Senate Bills 1094 (2005) and 665 (2007). Specifically, changes are requested to the portion of the Findings identified as the "H. Decision."

Planning staff also request that this decision further clarify and make the "Decision" part of the Morrow County Zoning Ordinance as a new Use Zone - Speedway Destination. This will clarify what the June 2002 decision was relative to the Morrow County Zoning Ordinance.

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**APPLICANT AND OWNER:** Oregon International Motor Speedway, LLC  
2 Marine Drive  
PO Box 1299  
Boardman OR 97818

**PROPERTY DESCRIPTION:** Assessor's Map 4N 24 tax lot 110

**PROPERTY LOCATION:** At the southwest corner of the Interstate 84/Tower Road Interchange approximately five miles west of Boardman

**I SUMMARY OF APPLICATION AND PROCESS:**

This request seeks to modify an earlier request that was completed with the adoption of Morrow County Ordinance MC-C-2-02 in June 2002 and is often referred to as the speedway decision. That decision was based upon an application; a record that included multiple Planning Commission and County Court hearings as well as a large number of exhibits; and a final decision on June 21, 2002. That decision was appealed to the Land Use Board of Appeals and was modified on October 15, 2003, taking an Exception to Goal 3 and removing the approval for speedway lodging.

Since October 2003 a number of steps have been taken by the Port of Morrow, the original applicant, and the new owners of the project, Oregon International Motor Speedway, LLC. During the past two legislative sessions Senate Bills have been passed - SB 1094 (2005) and SB 665 (2007). These bills, taken together, remove several restrictions and requirements of the developer and provide for an expedited hearings process for the local government to amend the previous decisions based on the legislation.

Planning staff also want to achieve more clarity as to what was intended with the Decision. Ordinance MC-C-2-02 clearly states what was to happen with the Transportation System Plan, but is unclear as to what was to become of the Findings and Decision. It is the intent of Planning staff to have the final outcome of this action be clear as to its placement and incorporation into current Morrow County planning documents.

The process required, as amended by SB 665, is for an expedited hearing process bypassing the Planning Commission and requiring only one evidentiary hearing. That hearing is scheduled for January 9 and, if needed, can be continued to January 16, 2008.

*Testimony was received at the January 9, 2008, hearing from the applicant. Also entered into the record were two letters, a map and a recommended five lane road standard for consideration by the County. The first letter was from the Oregon Department of Transportation (ODOT) dated January 9. The second was a memorandum dated January 8 received from Burke O'Brien, Public Works Director. He also submitted a design standard for a five lane road. The final exhibit was a map used as a visual aid by the applicant of the site clearly defining the border of the subject property. These items were identified as Exhibits and will be attached to the Final Findings of Fact.*

*Prior to the January 16 hearing a meeting was held with attendance by Carla McLane, Planning Director; Michael Runyon and David Allen, representing the applicant; and Teresa Peninger and Tom Kuhlman, both with ODOT. The substance of the January 9 ODOT letter was discussed and agreement reached by all parties. Based on that meeting a January 15 letter was received from ODOT followed by a response letter from the applicant. Both of those letters will also be entered into the record. An outcome of that meeting was to incorporate certain aspects of ODOT's requests into the adopting ordinance that will conclude this specific process to update the 'Decision,'*

- II SUMMARY OF APPLICABLE CRITERIA** To approve the requests the County Court will need to make findings to show that the requests meet the necessary criteria in the Morrow County Zoning Ordinance, specifically Article 8 Amendments Section 8.050 Burden and Criteria. Those criteria are presented below in **bold** print with responses in regular print.

**Morrow County Zoning Ordinance Article 8 Amendments Section 8.050 Burden and Criteria:** The proponent of the application or permit has the burden of proving justification for its approval. The more drastic the request or the greater the impact of the application or permit on the neighborhood, area, or county, the greater is the burden on the applicant. The following criteria shall be considered by the Planning Commission in preparing a recommendation and by the County Court in reaching their decision.

**A. That conditions have changed since the adoption of the Comprehensive Plan and zoning map that warrant an amendment, or that there was a mistake in the original designation.**

It does not appear that this set of criteria was applied to the original 2002 or remand 2003 decisions. Planning staff would conclude, however, that the issues around what has changed in Morrow County since adoption of the Comprehensive Plan and zoning map were discussed in Sections XII - XIV of the original application. The original application also discusses and makes findings that conclude that the identified location is appropriate for the siting of a major motor speedway. The criteria that was utilized in 2002 was Article 3 Use Zones Section 3.110 Limited Use Overlay Zones. Planning staff would conclude that the necessary criteria has been met.

**B. That public services and facilities are sufficient to support a change in designation, including but not limited to, streets and roads (refer to the Transportation System Plan and Transportation Planning Rule).**

This criteria was discussed at length in the original application and is adequately addressed in the original findings and decision. This request is seeking to modify the original decision based on allowances granted by the Legislature. Planning staff would conclude that this criteria has been met.

**1. Amendments to the zoning ordinance or zone changes which significantly affect a transportation facility shall assure that land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**

- a. Limiting allowed land uses to be consistent with the planned function of the transportation facility or roadway;**
- b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,**
- c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel to meet needs through other modes.**

See previous comment.

**2. A plan or land use regulation amendment significantly affects a transportation facility if it:**

- a. Changes the functional classification of an existing or planned transportation facility;**
- b. Changes standards implementing a functional classification;**
- c. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or**
- d. Would reduce the level of service of the facility below the minimal acceptable level identified in the Transportation System Plan. (MC-C-8-98)**

See previous comment.

*The January 9 ODOT letter identified that provisions need to be addressed for the 250 garage units and the 100 units of transient lodging. It was agreed that those uses and their potential impacts can and will be considered, as necessary, through the Site Development Review process. The applicant can begin Site Development Review once these changes are complete and adopted.*

**C. That the proposed amendment is consistent with unamended portions of the Comprehensive Plan and supports goals and policies of the Comprehensive Plan, that there is a public need for the proposal, and that the need will be best served by allowing the request. If other areas in the county are designated for a use as requested in the application, then a**

**showing of the necessity for introducing that use into an area not now so zoned and why the owners there should bear the burden, if any, of introducing that zone into their area.**

The proposed changes to the Decision are consistent with the legislation passed in 2005 and 2007. Only one location is proposed for the speedway, therefore Planning staff would find that the second portion of the criteria does not apply. Planning staff do find that the balance of the request does comply with this criteria.

**D. The factors listed in ORS 215.055 or others which relate to the public need for healthful, safe and aesthetic surroundings and conditions.**

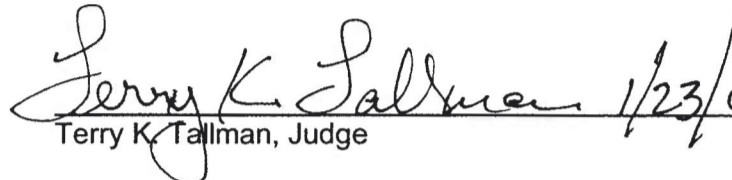
ORS 215.055 was repealed in 1977. Other factors to consider here are health, safety and aesthetics. Many of these factors will be discussed at length in the Site Development Review process. Planning staff would conclude that SDR will adequately address any of these issues.

- III **DLCD 45 DAY NOTICE:** November 21, 2007
- IV **PROPERTY OWNER NOTICE:** December 21, 2007
- V **LEGAL NOTICE:** Heppner Gazette Times and East-Oregonian  
December 26, 2007
- VI **AGENCIES NOTIFIED:** Joni Hammond, Department of Environmental Quality; Jim Johnson, Oregon Department of Agriculture; Jon Jinnings, Bob Rindy and Mara Ulloa, Department of Land Conservation and Development; Oregon Department of Fish and Wildlife; Oregon Department of Aviation; Teresa Penninger and George Ruby, Oregon Department of Transportation; Scott Fairley, Governor's Economic Revitalization Team; Mark Rogelstad, Boardman Fire Protection District; Karen Pettigrew, City of Boardman; Jerry Breazeale, City of Irrigon; Larry Clucas, City of Umatilla; Corps of Engineers - Portland; Eugene Goff, Corps of Engineers - The Dalles; Don Larson, Federal Aviation Administration; Rich Malaas, U.S. Navy; U.S. Army; Greg Sweek, Morrow County Assessor; Brett Cook, Building Official; Ken Matlack, Morrow County Sheriff; Casey Beard, Morrow County Emergency Management Director; Burke O'Brien, Morrow County Public Works; Tony Justus, Watermaster; Gary Neal, Port of Morrow; Tamra Mabbott, Umatilla County Planning; CTUIR; Washington Department of Transportation; BPA; John Trumball, Union Pacific Rail Road; Benton County (Washington) Planning
- VII **HEARING DATES:** January 9, 2008  
North Morrow County Annex Building  
CSEPP Safe Room  
Irrigon, Oregon  
  
January 16, 2008  
Port of Morrow Riverfront Center  
Boardman, Oregon



**IX RECOMMENDATION OF THE MORROW COUNTY PLANNING DEPARTMENT:**

To approve the changes to the "H. Decision." And to codify the amended "Decision" into the Morrow County Zoning Ordinance as a part of Article 3 Use Zones as Section 3.130 Speedway Overlay Zone.

 1/23/08  
Terry K. Tallman, Judge Date

**Attachments:**

Vicinity Map  
Partition Plat 2007-8  
Senate Bill 1094  
ORS 197.432 - 197.434 (Senate Bill 1094 as codified)  
Senate Bill 665  
Burden of Proof Statement provided by the applicant  
Proposed H. Decision  
Original H. Decision

**Exhibits:**

1. ODOT January 9 letter
2. Public Works January 8 Memorandum
3. Proposed Five Lane Road Standard
4. Site map (as presented by the applicant) outlining the subject property
5. ODOT January 15 letter
6. Applicants January 16 response letter
7. "Purpose" language proposed for Article 3 Section 3.130 Speedway Limited Use Overlay Zone



**PARTITION PLAT 2007-8**

Parcel 3 of Partition Plat 2001-05, being:  
All or Portions of Sections 15, 16, 17, 18, 19, 20, 21, & 22  
Township 4 North, Range 24, East of the Willamette Meridian  
Morrow, County, Oregon

Port of Morrow  
P.O. Box 200, #2 Marine Drive  
Boardman, Oregon 97818

**PROPERTY DESCRIPTION:**

The plat described in Parcel 3 of Partition Plat 2001-05 and is a portion of the plat described in Morrow County Deed Records, microfilm M-23623 as a tract of land in Section 15, 16, 17, 18, 19, 20, 21, and 22 of Township 4 North, Range 24, East of the Willamette Meridian, County of Morrow, State of Oregon and being more particularly described as follows: Northwest corner of said Section 22; Thence, easterly along the South line of said Section 22 a distance of 5,500.00 feet, more or less, to the West line of Tower Road (an easement a distance of 8,100.00 feet, more or less, to the Southerly line of Interstate No. 84 (State Route No. 30); Thence, westerly along the Southerly line of Interstate No. 84 a distance of 150.00 feet, more or less, to the East line of the "I.O.E. RR. Spur" (being a distance of 6,500.00 feet, more or less, to the South line of said Section 19; Thence, East along the South line of said Sections, 19, 20, and 21 a distance of 17,500.00 feet, more or less, to the Southeast corner of said Section 22; Thence, East a distance of 2,700 acres, more or less.

**PARCEL DESCRIPTIONS:**

**PARCEL 1**  
All That Portion of Parcel 3 of Partition Plat 2001-05, in Township 4 North, Range 24, E.W.M. lying North of the line that begins at right angle and parallel to the Center Line of the Boardman Airport Runway, Township 4 North, Range 24, E.W.M. lying both South and North of the Southerly right of way of Interstate No. 84 and West of the Westerly right of way of Tower Road.

**PARCEL 2**  
All That Portion of Parcel 3 of Partition Plat 2001-05, in Township 4 North, Range 24, E.W.M. lying South of a line that is 175.00 feet North at right angle and parallel to the Center Line of the Boardman Airport Runway, Township 4 North, Range 24, E.W.M. lying both South and North of the Southerly right of way of Interstate No. 84 and West of the Westerly right of way of Tower Road. Excluding Parcel 3 as described below.

**PARCEL 3** of Parcel 3 of Partition Plat 2001-05 as described in Morrow County Deed Records, Microfilm M-2000-1445 as:  
That portion of the North Half of Section 22, in Township 4 North, Range 24, East of the Willamette Meridian, in the County of Morrow, State of Oregon, being described as follows:  
Beginning at 2nd point which lies South 89° 07' 13" East parallel with the North line of said Section 22 a distance of 434.94 feet to a point on the Westerly right of way line of Tower Road; said point lies 75.00 feet West of the Centerline of said Tower Road when measured at right angles; Thence South 8° 04' 06" East along said right of way line 598.56 feet; Thence at right angle South 10° 04' 15" East along said fence corner; Thence North 27° 10' 01" West along said fence line 348.03 feet to a point which lies South 27° 10' 01" East 30.00 feet from a P.K. nail in the centerline of a paved road; Thence North 62° 06' 54" East parallel with said road centerline 552.24 feet; Thence continuing parallel with said road centerline, along 177.27 foot radius curve to the right 791.84 feet; Thence along said fence corner, along 175.00 feet to the East line of said Section 19; Thence North 27° 43' 57" West at right angle to the centerline of the Boardman Airport Runway a distance of 232 feet to the Boardman Airport Facility and terminus of this dedicated roadway.

**Dedicated Roadway to the Public:**

Centerline description of 60' wide roadway for ingress, egress, and utilities to the Boardman Airport, commencing at the intersection of centerline of Tower Road and the South line of Section 15. Thence South 08° 05' 38" East 1047.12' to Point of Beginning; Thence South 81° 54' 02" West 1931.00' to point of curve; Thence along 167.10' radius curve to the right 170.40' to Point of Beginning; Thence North 27° 43' 57" West at right angle to the centerline of the Boardman Airport Runway a distance of 232 feet to the Boardman Airport Facility and terminus of this dedicated roadway.

**Access / Egress Easement for Parcel 1, Parcel 2, & Parcel 3**

Access / Egress Easement for Parcel 1, Parcel 2, & Parcel 3  
All parcels for ingress and egress, as previously described, in deed M-2000-1445 and Parcel 3 of Partition Plat 2001-05, shall have access and egress to the South line of Section 15 to the West right of way line of Tower Road and Point of Beginning, Thence North 89° 08' 54" West 75.93 feet along said South line of Section 15 to the West right of way line of Tower Road and Point of Beginning; Thence continuing North 08° 05' 38" West 430.73 feet along said South line of Section 15 to the South line of Section 22; Thence North 89° 07' 49" West 35.60 feet along the South line of Section 16 to a Point of Curve; Thence along an arc 141.12' radius curve to the right 791.84 feet; Thence South 62° 06' 54" West parallel to the centerline of the Boardman Airport Runway a distance of 560.25 feet to a fence line and its point of terminus at said easement.

**SURVEYOR'S CERTIFICATE & NARRATIVE:**

I, Ronald V. McKinnis, being a Registered Professional Land Surveyor of the State of Oregon, certify that I have personally surveyed and staked the lands as shown and portrayed on this Plat according to all standards set forth by the Oregon State Board of Land Surveyors. This survey is based on a number of surveys performed in this portion of the Township. The Basis of Bearing of this survey was not according to any specific one but was generated by many development surveys for the Port of Morrow on their Airport Property. My Bearing Base was the monuments found for the center line of U.S. Interstate No. 84 (Monuments M8 - M9). All bearings were taken from the same monument. The monument used was a 10 inch diameter iron pipe with a minimum diameter of 10 inches to maintain a 10 centimeter accuracy. The original recorder boundaries shown on the Plat are all of the bearings of the John Day Dam and were established from the found section corners and projected by the original GLO measurer backwaters of the John Day Dam and were established from the found section corners and projected by the original GLO measurer to the airport facilities. The Port Airport Property and its future developments is also depicted in the Port Airport Master Plan that is on file with the Morrow County Surveyor. In addition to the Port of Morrow's efforts for land uses associated to other non-industrial activities, Parcel 3 was originally created as a result of an Option to Purchase for Bogfoot Industries. This plat separates and substantiates that purchase from other Port Properties.

**DEDICATION / ACKNOWLEDGEMENT:**

We, the undersigned owners of the lands shown on this plat, do hereby acknowledge that we have caused this plat to be created and we recognize this Plat as the Official Plat and Map of the Partition as filed in the County of Morrow, State of Oregon. We also Dedicate the Roadways and Easements depicted on the face of the Plat to the intent indicated on the face of the Plat.

Gray Ellis (Managing Partner, Blue Heron Development Company)  
On this 9th day of February, 2007, the above individuals appeared before me and acknowledged that they did so freely and voluntarily.

My Commission Number is 410879  
My Commission Expires 12/16/2010

**APPROVALS:**

I certify that I have examined and approved this Partition Plat on this 22 day of February, 2007.  
Morrow County Planning Director

I certify that I have examined and approved this Partition Plat on this 22 day of February, 2007.  
Morrow County Surveyor

I certify that I have examined and approved this Partition Plat on this 22 day of February, 2007.  
Morrow County Assessor

I certify that this instrument was received and recorded in the book of records of said county.  
BOBBI CHILDEERS  
Morrow County Clerk

By: \_\_\_\_\_ Deputy  
Doc # 2007-19413  
05/25/07 2:29 P.M.

**MONUMENT TABLE**

Monument	Description	A Part of Survey #
B1	3" Brass Cap in GROUT #1637	C-644-K-488
B2	5/8" Rebar w/Plast. Cap #951	C-1266-E-1039
B3	Brass Cap	Ref. in
B4	3" Alum. Cap #1637	C-644-K-488
B5	3" Brass Cap in GROUT #1637	C-644-K-488
B6	3" Alum. Cap #1637	C-644-K-488
B7	ACOE 1" IP W/BSS&W	ACOE JL-1956
B8	ACOE 1" IP W/BSS&W	ACOE JL-1956
B9	ACOE 1" IP W/BSS&W	ACOE JL-1956
B10	ACOE 1" IP W/BSS&W	ACOE JL-1956
B11	ACOE 1" IP W/BSS&W	ACOE JL-1956
B12	ACOE 1" IP W/BSS&W	ACOE JL-1956
B13	3" Iron Pipe w/ Brass Cap WC	Unknown
B14	2.5/8" Rebar	Unknown
B15	5/8" Rebar w/ Ribbon	C-644-K-488
M1	ACOE 3" Alum. Cap # 1637	C-644-K-488
M2	ACOE 3" Alum. Cap # 1637	C-644-K-488
M3	ACOE 3" Alum. Cap # 1637	C-644-K-488
M4	ACOE 3" Alum. Cap # 1637	C-644-K-488
M5	ACOE 3" Alum. Cap # 1637	C-644-K-488
M8	ODOT Brass Cap	None
M9	ODOT Brass Cap	None

I do hereby certify that this is a true and exact copy of the Original Subdivision as filed for record in the County of Morrow, Oregon.



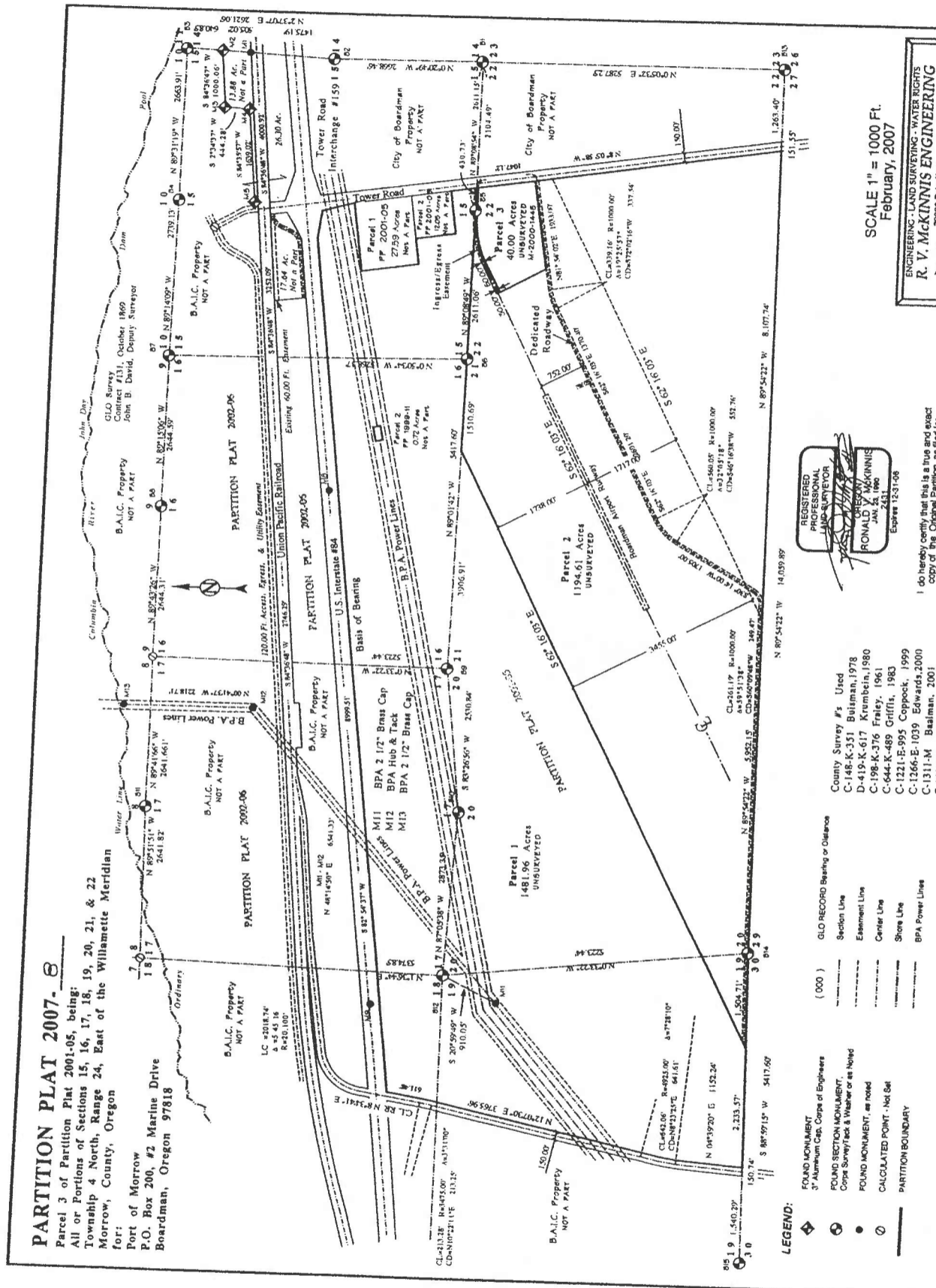
SCALE 1" = 1000 Ft.  
February, 2007

ENGINEERING - LAND SURVEYING - WATER RIGHTS  
**R. V. MCKINNIS ENGINEERING**  
77980 Prindle Loop Road  
Hermiston, Oregon 97838  
(541) 569-2017

# PARTITION PLAT 2007-8

Parcel 3 of Partition Plat 2001-05, being:  
 All or Portions of Sections 15, 16, 17, 18, 19, 20, 21, & 22  
 Township 4 North, Range 24, East of the Willamette Meridian  
 Morrow, County, Oregon

for:  
 Port of Morrow  
 P.O. Box 200, #2 Marine Drive  
 Boardman, Oregon 97818



**LEGEND:**

- ◆ FOUND MONUMENT  
3" Aluminum Cap, Corps of Engineers
- FOUND SECTION MONUMENT,  
Copper Survey/Tag & Washer or as Noted
- FOUND MONUMENT, as noted
- CALCULATED POINT - Not Set
- PARTITION BOUNDARY
- (000) GLO RECORD Bearing or Distance
- Section Line
- Easement Line
- Center Line
- Shore Line
- BPA Power Lines

County Survey #'s Used

- C-148-K-331 Bluisman, 1978
- D-419-K-617 Krumboltz, 1980
- C-198-K-376 Finley, 1961
- C-644-K-489 Griffith, 1983
- C-1221-R-995 Coppock, 1999
- C-1266-E-1039 Edwards, 2000
- C-1311-M Bluisman, 2001
- C-1373-M McKinnis, 2002

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

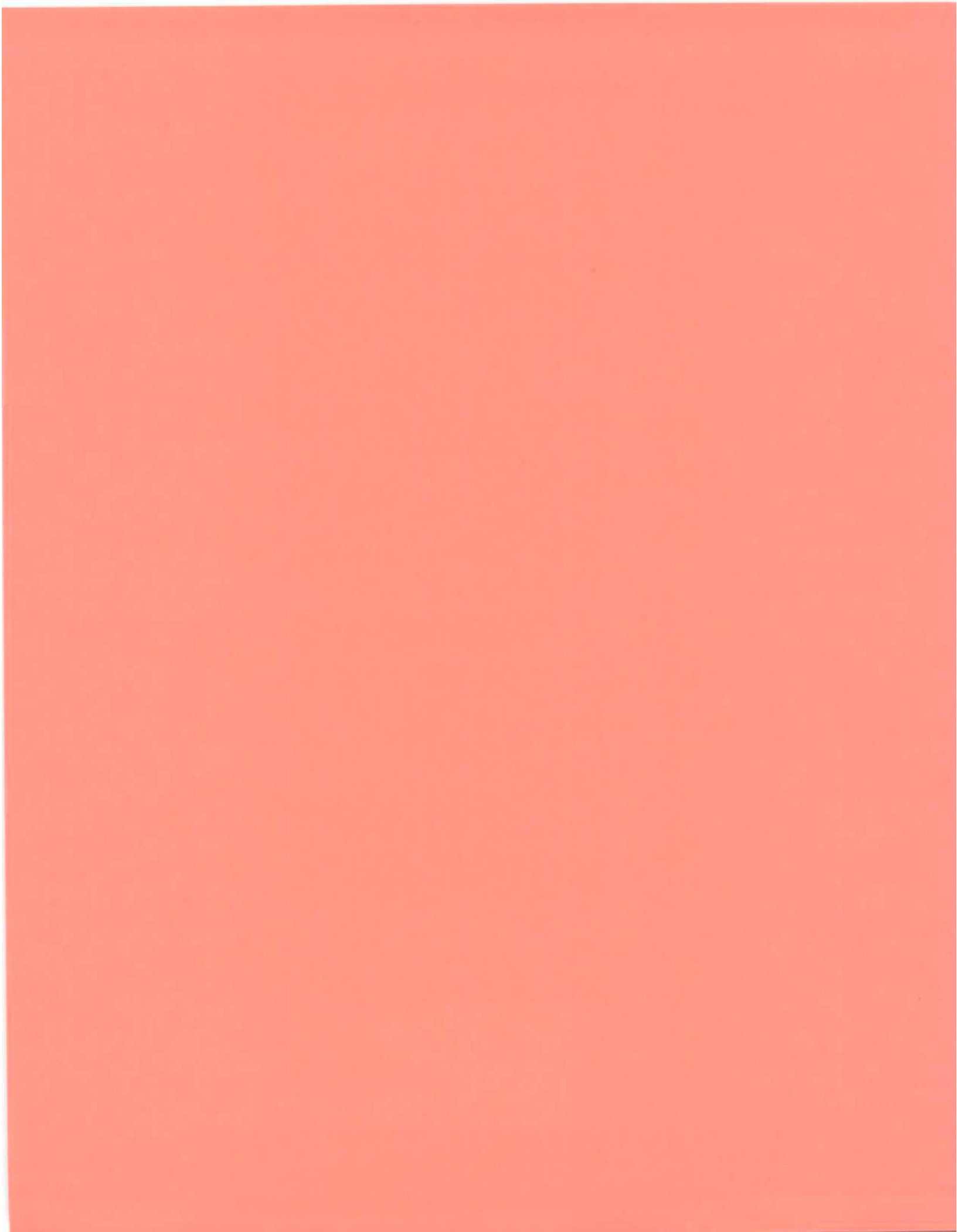
**RONALD R. MCKINNIS**  
 JAN. 24, 1960  
 EXPIRES 12-31-08

I do hereby certify that this is a true and exact  
 copy of the Original Partition as filed for  
 Port of Morrow in Morrow County

SCALE 1" = 1000 Ft.  
 February, 2007

ENGINEERING - LAND SURVEYING - WATER RIGHTS  
**R. V. MCKINNIS ENGINEERING**  
 75980 Private Loop Road  
 Hermiston, OR 97838  
 (541)-567-3017

Page 2 of 2  
 Rev. 04-19-07



**Enrolled  
Senate Bill 1094**

Sponsored by Senator NELSON

CHAPTER .....

AN ACT

Relating to speedway destination site in Morrow County; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. As used in sections 1 to 3 of this 2005 Act:**

(1) "Associated uses and facilities" means speedway-related and accessory uses and facilities identified in the findings.

(2) "Findings" means the Morrow County Findings of Fact and Conclusions of Law, dated June 21, 2002, and September 24, 2003, in the matter of an application by the Port of Morrow for comprehensive plan and zoning amendments to allow the siting of a speedway and related facilities at the Port of Morrow.

(3) "Major motor speedway" means a combination of race tracks developed and used for premier, high speed automobile races, as identified in section A (3) of the June 21, 2002, findings.

(4) "Speedway destination site" means a site containing a major motor speedway and associated uses and facilities.

(5) "Transient lodging" means a unit consisting of a room or a suite of rooms that is available for a period of occupancy that typically does not exceed 30 days and for which the lodging operator:

(a) Charges on a daily basis and does not collect more than six days in advance; and

(b) Provides maid and linen service daily or every two days as part of the regularly charged cost of occupancy.

**SECTION 2. (1) On a site approved for development of a major motor speedway, pursuant to an exception to statewide land use planning goals relating to agricultural lands, public facilities and services and urbanization that was acknowledged before the effective date of this 2005 Act, if the site is developed and used as a major motor speedway, the governing body of Morrow County or its designee may authorize the ancillary development of transient lodging and associated uses and facilities:**

(a) Without taking further exception to the statewide land use planning goals relating to agricultural lands, public facilities and services and urbanization.

(b) Primarily for the use of users and patrons of the major motor speedway but available, as well, to members of the general public.

(c) Without regard to the limitations on the size or occupancy of speedway-related and accessory uses and facilities specified in the findings.

(d) Without regard to use limitations specified in section H (10) of the June 21, 2002, findings for a multipurpose recreational facility.

(e) Without regard to the limitation on hours of operation specified in the findings for outdoor recreational facilities.

(2) The major motor speedway authorized in the findings and by this section may be developed:

(a) Without taking further exception to the statewide land use planning goals relating to agricultural lands, public facilities and services and urbanization.

(b) Without regard to the specific sizes and configurations of the tracks specified in the findings.

(3) In addition to the associated uses and facilities authorized by the findings and this section, if the site described in this section is developed and used as a major motor speedway, the governing body of Morrow County or its designee may authorize the ancillary development of a golf course and theme park on the site:

(a) Without taking further exception to the statewide land use planning goals relating to agricultural lands, public facilities and services and urbanization.

(b) Primarily for the use of users and patrons of the major motor speedway but available, as well, to members of the general public.

(4) Notwithstanding the local process for review and approval of a proposal to amend the acknowledged comprehensive plan and land use regulations that is contained in an acknowledged comprehensive plan and land use regulations, the governing body of Morrow County may review and approve a proposal to make the changes to the acknowledged comprehensive plan and land use regulations authorized by this section through an expedited local review and approval process in which the final approval of the county is granted after only one evidentiary hearing.

**SECTION 3.** (1) The private developer of the speedway destination site is financially responsible for addressing, through traffic infrastructure improvements and upgrades, adverse traffic impacts that cannot be adequately mitigated, in the judgment of road authorities, through the use of temporary traffic management measures.

(2) The private developer, or the organizer of a specific event or activity at the speedway destination site, is financially responsible for temporary traffic management measures required to mitigate the adverse traffic impacts of events or activities at the speedway destination site.

(3) Notwithstanding subsections (1) and (2) of this section, transportation infrastructure projects required by the establishment and use of the major motor speedway may receive funding from any source of moneys for transportation infrastructure projects.

**SECTION 4.** This 2005 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect on its passage.

**Passed by Senate August 3, 2005**

.....  
Secretary of Senate

.....  
President of Senate

**Passed by House August 4, 2005**

.....  
Speaker of House

**Received by Governor:**

.....M.,....., 2005

**Approved:**

.....M.,....., 2005

.....  
Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2005

.....  
Secretary of State



#### SITING SPEEDWAY DESTINATION

197.432 Definitions for ORS 197.432 to 197.434. As used in ORS 197.432 to 197.434:

(1) "Associated uses and facilities" means speedway-related and accessory uses and facilities identified in the findings.

(2) "Findings" means the Morrow County Findings of Fact and Conclusions of Law, dated June 21, 2002, and September 24, 2003, in the matter of an application by the Port of Morrow for comprehensive plan and zoning amendments to allow the siting of a speedway and related facilities at the Port of Morrow.

(3) "Major motor speedway" means a combination of race tracks developed and used for premier, high speed automobile races, as identified in section A (3) of the June 21, 2002, findings.

(4) "Speedway destination site" means a site containing a major motor speedway and associated uses and facilities.

(5) "Transient lodging" means a unit consisting of a room or a suite of rooms that is available for a period of occupancy that typically does not exceed 30 days and for which the lodging operator:

- (a) Charges on a daily basis and does not collect more than six days in advance; and
- (b) Provides maid and linen service daily or every two days as part of the regularly charged cost of occupancy. [2005 c.842 §1]

Note: 197.432 to 197.434 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 197 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

#### 197.433 Development of major motor speedway.

(1) On a site approved for development of a major motor speedway, pursuant to an exception to statewide land use planning goals relating to agricultural lands, public facilities and services and urbanization that was acknowledged before September 2, 2005, if the site is developed and used as a major motor speedway, the governing body of Morrow County or its designee may authorize the ancillary development of transient lodging and associated uses and facilities:

- (a) Without taking further exception to the statewide land use planning goals relating to agricultural lands, public facilities and services and urbanization.
- (b) Primarily for the use of users and patrons of the major motor speedway but available, as well, to members of the general public.
- (c) Without regard to the limitations on the size or occupancy of speedway-related and accessory uses and facilities specified in the findings.
- (d) Without regard to use limitations specified in section H (10) of the June 21, 2002, findings for a multipurpose recreational facility.
- (e) Without regard to the limitation on hours of operation specified in the findings for outdoor recreational facilities.

(2) The major motor speedway authorized in the findings and by this section may be developed:

- (a) Without taking further exception to the statewide land use planning goals relating to agricultural lands, public facilities and services and urbanization.
- (b) Without regard to the specific sizes and configurations of the tracks specified in the findings.

(3) In addition to the associated uses and facilities authorized by the findings and this section, if the site described in this section is developed and used as a major motor speedway, the governing body of Morrow County or its designee may authorize the ancillary development of a golf course and theme park on the site:

(a) Without taking further exception to the statewide land use planning goals relating to agricultural lands, public facilities and services and urbanization.

(b) Primarily for the use of users and patrons of the major motor speedway but available, as well, to members of the general public.

(4) Notwithstanding the local process for review and approval of a proposal to amend the acknowledged comprehensive plan and land use regulations that is contained in an acknowledged comprehensive plan and land use regulations, the governing body of Morrow County may review and approve a proposal to make the changes to the acknowledged comprehensive plan and land use regulations authorized by this section through an expedited local review and approval process in which the final approval of the county is granted after only one evidentiary hearing. [2005 c.842 §2]

Note: See note under 197.432.

197.434 Traffic impacts of speedway destination.

(1) The private developer of the speedway destination site is financially responsible for addressing, through traffic infrastructure improvements and upgrades, adverse traffic impacts that cannot be adequately mitigated, in the judgment of road authorities, through the use of temporary traffic management measures.

(2) The private developer, or the organizer of a specific event or activity at the speedway destination site, is financially responsible for temporary traffic management measures required to mitigate the adverse traffic impacts of events or activities at the speedway destination site.

(3) Notwithstanding subsections (1) and (2) of this section, transportation infrastructure projects required by the establishment and use of the major motor speedway may receive funding from any source of moneys for transportation infrastructure projects. [2005 c.842 §3]

Note: See note under 197.432.

Enrolled  
**Senate Bill 665**

Sponsored by Senator NELSON, Representative G SMITH; Representative WITT

CHAPTER .....

AN ACT

Relating to speedway destination site development; creating new provisions; amending ORS 197.432 and 197.433; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 197.432 is amended to read:

197.432. As used in ORS 197.432 to 197.434:

(1) "Associated uses and facilities" means:

- (a) Speedway-related and accessory uses and facilities identified in the findings; and
- (b) **Road course garage units.**

(2) "Findings" means the Morrow County Findings of Fact and Conclusions of Law, dated June 21, 2002, and September 24, 2003, in the matter of an application by the Port of Morrow for comprehensive plan and zoning amendments to allow the siting of a speedway and related facilities at the Port of Morrow.

(3) "Major motor speedway" means [a combination of] **one or more** race tracks [developed and used for premier, high speed automobile races, as identified in section A (3) of the June 21, 2002, findings.] **including, at a minimum:**

- (a) **An asphalt oval super speedway of at least seven-eighths mile with grandstand seating capacity of 20,000 or more; or**
- (b) **An asphalt road course of least two miles with grandstand seating capacity of 20,000 or more.**

(4) "Premier, high speed automobile racing" means automobile racing that is projected to attract 20,000 or more spectators to a race.

(5) "Road course garage unit" means a facility consisting of garages and residential spaces not intended for overnight use.

(6) "Sanctioned" means subject to contractual agreements with one or more major professional automobile racing organizations that may include, but are not limited to:

- (a) Champ Car;
- (b) Indy Racing League (IRL);
- (c) National Association for Stock Car Auto Racing, Inc. (NASCAR);
- (d) World of Outlaws (WoO);
- (e) National Hot Rod Association (NHRA);
- (f) International Hot Rod Association (IHRA);
- (g) Sports Car Club of America (SCCA);
- (h) Grand American Road Racing Association (Grand Am);
- (i) Automobile Club de l'Ouest (American Le Mans); and

(j) Fédération Internationale de l'Automobile (FIA).

(7) "Speedway destination resort" means a destination resort within the boundaries of the speedway destination site that is approved under ORS 197.435 to 197.467 and section 4 of this 2007 Act.

[(4)] (8) "Speedway destination site" means a site containing a major motor speedway, [and] associated uses and facilities and **speedway supporting uses and facilities**.

(9) "Speedway supporting uses and facilities" means transient lodging, restaurants, meeting facilities and other commercial uses limited to the types and levels of use necessary to meet the needs of users and patrons of a major motor speedway.

(10) "Speedway theme park" means an amusement park associated with a major motor speedway and based on a speedway theme that:

(a) Is developed and operated primarily for the purpose of entertaining users and patrons of the major motor speedway, but available, as well, to the general public; and

(b) Consists of a collection of entertainment uses and facilities commonly associated with outdoor fairs and theme parks:

(A) Including mechanical rides, games, go-cart tracks, miniature golf courses, BMX bicycle tracks, water parks and athletic fields; and

(B) Not including cinemas, bowling alleys, theaters, concert halls or similar recreational or entertainment uses commonly allowed inside urban growth boundaries.

[(5)] (11) "Transient lodging" means a unit consisting of a room or a suite of rooms that is available for a period of occupancy that typically does not exceed 30 days and for which the lodging operator:

(a) Charges on a daily basis and does not collect more than six days in advance; and

(b) Provides maid and linen service daily or every two days as part of the regularly charged cost of occupancy.

**SECTION 2.** ORS 197.433 is amended to read:

197.433. (1) On a site approved for development of a major motor speedway, pursuant to an exception to statewide land use planning goals relating to agricultural lands, public facilities and services and urbanization that was acknowledged before September 2, 2005, if the site is developed and used as a major motor speedway with **sanctioned, premier, high speed automobile racing within five years after the county issues a certificate of occupancy for the major motor speedway**, the governing body of Morrow County or its designee may authorize the ancillary development of transient lodging, [and] associated uses and facilities **and a speedway theme park that were not previously authorized under subsection (4) of this section**:

(a) Without taking further exception to the statewide land use planning goals relating to agricultural lands, public facilities and services and urbanization.

(b) Primarily for the use of users and patrons of the major motor speedway but available, as well, to [members of] the general public.

(c) Without regard to the limitations on the size or occupancy of speedway-related and accessory uses and facilities specified in the findings.

(d) Without regard to use limitations specified in section H (10) of the June 21, 2002, findings for a multipurpose recreational facility.

(e) Without regard to the limitation on hours of operation specified in the findings for outdoor recreational facilities.

(2) The major motor speedway authorized in the findings and by this section may be developed:

(a) Without taking further exception to the statewide land use planning goals relating to agricultural lands, public facilities and services and urbanization.

(b) Without regard to the specific [sizes and configurations] **size, placement or configuration** of the tracks specified in the findings.

[(3)] *In addition to the associated uses and facilities authorized by the findings and this section, if the site described in this section is developed and used as a major motor speedway, the governing body*

of Morrow County or its designee may authorize the ancillary development of a golf course and theme park on the site:]

*[(a) Without taking further exception to the statewide land use planning goals relating to agricultural lands, public facilities and services and urbanization.]*

*[(b) Primarily for the use of users and patrons of the major motor speedway but available, as well, to members of the general public.]*

**[(4)] (3) Subject to the requirements of ORS 197.610 to 197.625, notwithstanding the local process for review and approval of a proposal to amend the acknowledged comprehensive plan and land use regulations that is contained in an acknowledged comprehensive plan and land use regulations, the governing body of Morrow County may review and approve a proposal to make the changes to the acknowledged comprehensive plan and land use regulations to allow the uses authorized by this section on the site described in subsection (1) of this section through an expedited local review and approval process in which the final approval of the county [is] may be granted after only one evidentiary hearing.**

**(4) Notwithstanding subsection (1) of this section, the governing body of Morrow County may approve the development, in conjunction with the development of the major motor speedway, but prior to the establishment of sanctioned, premier, high speed automobile racing at the major motor speedway, of up to 250 road course garage units, 100 units of transient lodging with an associated restaurant and public facilities necessary to support those uses.**

**(5) Impacts of a speedway destination site, adjacent residential development and transient lodging on the transportation system must be mitigated to the satisfaction of the Department of Transportation at the time of development.**

**SECTION 3.** Section 4 of this 2007 Act is added to and made a part of ORS 197.432 to 197.434.

**SECTION 4. (1) If the site described in ORS 197.433 (1) is developed and used as a major motor speedway with sanctioned, premier, high speed automobile racing within five years after the county issues a certificate of occupancy for the major motor speedway, the site may be expanded to include additional lands that are adjacent to the site if the additional lands are:**

**(a) Located in Morrow County within township 4 north, range 24 east of the Willamette Meridian, sections 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21 and 22 and the northeast quarter section of section 27; and**

**(b) Approved as part of a master plan as provided in this section.**

**(2) After the major motor speedway is developed and used for sanctioned, premier, high speed automobile racing, the governing body of Morrow County may authorize inclusion of the following uses on the speedway destination site that are proposed in a master plan:**

**(a) Speedway supporting uses and facilities.**

**(b) Associated uses and facilities not previously authorized pursuant to ORS 197.433 (4).**

**(c) A speedway theme park not previously authorized pursuant to ORS 197.433 (4).**

**(d) A speedway destination resort, if the speedway destination resort is approved by Morrow County, subject to the requirements of ORS 197.435 to 197.467, except that the proposed speedway destination resort site need not be included on a map of eligible lands for destination resorts within the county otherwise required under ORS 197.455, but the proposed speedway destination resort site must meet the siting criteria of ORS 197.455.**

**(3) The Port of Morrow or its designee may apply to the governing body of Morrow County for approval to expand the site described in ORS 197.433 (1) or to amend the uses allowed on the speedway destination site by submission of a master plan as provided in this section. A master plan must:**

**(a) Set forth the discretionary approvals, if any, required for completion of the development specified in the plan;**

(b) Identify the conditions, terms, restrictions and requirements for discretionary approvals;

(c) Establish a process for amending the plan;

(d) If the proposed development of the speedway destination site is to be constructed in phases, specify the dates on which each phase of phased construction is projected to begin and end;

(e) Except as otherwise provided in this section, comply with the Morrow County comprehensive plan and land use regulations in existence at the time of the application; and

(f) Identify proposed comprehensive plan amendments or zone changes that are necessary to authorize development of a speedway destination site and uses proposed as part of the plan.

(4) The governing body of Morrow County shall review a master plan and proposed changes to the acknowledged comprehensive plan and land use regulations that are necessary to implement a proposed master plan as provided in ORS 197.610 to 197.625 and may approve the master plan and the proposed changes if at the time of approval:

(a) The major motor speedway is used for sanctioned, premier, high speed automobile racing; and

(b) The master plan conforms to the requirements of this section and other applicable laws and specifies:

(A) The duration and phasing of development proposed by the plan.

(B) A description, including location, of the proposed uses on the site, including:

(i) The proposed changes to the major motor speedway;

(ii) The proposed associated uses and facilities;

(iii) The proposed speedway supporting uses and facilities;

(iv) A speedway destination resort;

(v) A speedway theme park;

(vi) Sewage works for the speedway destination site, including all facilities necessary for collecting, pumping, treating and disposing of sewage;

(vii) Drainage works for the speedway destination site, including facilities necessary for collecting, pumping and disposing of storm and surface water;

(viii) Water supply works and service for the speedway destination site, including the facilities necessary for tapping natural sources of domestic and industrial water, treating and protecting the quality of the water and transmitting it to the site;

(ix) Public parks and recreation facilities, including land and facilities that are necessary for administering and maintaining the public parks, recreation facilities and recreation services;

(x) Public transportation, including public depots, public parking, storage and maintenance facilities and other equipment necessary for the transportation of users and patrons of the major motor speedway and their personal property; and

(xi) Public and private roads.

(C) A description, including location, of additional uses that are not specified in this section, if the additional uses are proposed and approved in accordance with applicable laws, statewide land use planning goals and the provisions of the comprehensive plan and land use regulations implementing the comprehensive plan.

(D) The density and intensity of proposed uses.

(E) A schedule and plan for obtaining local government review of permits and other authorizations required for the development of allowed uses.

(F) The parties responsible for providing speedway destination site infrastructure and services.

**SECTION 5.** This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

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Passed by Senate May 8, 2007

Repassed by Senate June 27, 2007

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Secretary of Senate

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President of Senate

Passed by House June 27, 2007

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Speaker of House

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

.....  
Governor

Filed in Office of Secretary of State:

.....M,....., 2007

.....  
Secretary of State





**Burden of Proof Statement for Zoning  
Amendments to Allow the Siting of a  
Speedway and Related Facilities  
Morrow County File#: AZ-007-07**

**I. Overview**

This document is presented by Oregon International Motor Speedway, LLC, a Delaware limited liability company ("OIMS"), as support for amendments to the Morrow County Zoning Ordinance and the Morrow County Limited Use Overlay Zone. The document provides a review of the adopted Findings of Fact and Conclusions of law and Morrow County Ordinance No. MC-C-2-02 which amended the Morrow County Comprehensive Plan, Zoning Ordinance and established a Limited Use Overlay Zone, to allow the siting of a speedway complex, including multiple racetracks, associated uses and facilities, speedway-related and accessory uses and facilities. In addition the document reviews and interprets two recent legislative measures passed by the Oregon legislature to expand the allowable on a speedway destination site of approximately 1482 acres of property. Finally, the document addresses the applicable criteria for approval.

**II. Background History**

Follows is a discussion of the County Court's initial 2002 findings and ordinance in support of the Speedway approval, the decision at the Land Use board of Appeals (LUBA) in *Doherty v. Morrow County* and the findings adopted by the County on remand. The LUBA decision and County's findings went to great lengths to show the accessory uses would not compete with surrounding businesses or become "stand alone" uses. In 2005 the Oregon legislature passed Senate Bill 1094 which removed restrictions regarding limitations on hours of operation, signage, etc. for accessory uses and eliminated the concern over whether these uses would become "stand alone" uses. In 2007 the Oregon legislature passed Senate Bill 665 which, among other things, specifically authorized 250 garage suite lots around the road course and 100 units of transient lodging on the original site..

A. *The Port's Application*

In late 2001/early 2002 The Port of Morrow requested approval of comprehensive plan and zoning amendments that would allow future development of the "Oregon Motor Speedway", consisting of racetracks and speedway related uses on approximately 1400 acres of property located at the Boardman airport.<sup>1</sup> Requested Comprehensive Plan amendments included the adoption of exceptions to statewide planning goals relating to Public Facilities and Services (Goal 11) and Urbanization (Goal 14). The application sought to allow the speedway and speedway related and accessory uses, and to allow certain associated transportation improvements on rural lands, including a new Speedway Interchange west of Tower Road and a new four lane roadway within the speedway site. Requested comprehensive plan amendments

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<sup>1</sup> Throughout the remainder of this Burden of Proof Statement the Port's 2001/2002 application is referred to as the "previous application".

also included the adoption of new comprehensive plan policies associated with development of the speedway, and new transportation system plan policies specific to the Oregon Motor Speedway. The Port also requested a zoning map amendment to apply the Limited Use Overlay Zone to the property identified for the speedway and its related uses.

**B. Morrow County's June 21, 2002 Decision**

The Port's application was approved by the Morrow County Court on June 21, 2002 after review by the Morrow County Planning Commission. The County adopted an 81 page decision (hereinafter the "Previous Decision"). The findings and conclusions supported a number of comprehensive plan amendments and approved the creation of a Limited Use Overlay Zone to allow specific uses on the proposed site.

**1. The Comprehensive Plan Amendments**

The relevant Comprehensive Plan amendments affected the transportation element contained in the Morrow County Transportation System Plan. The requested amendments to the Morrow County Transportation System Plan (TSP) to accommodate the speedway and its associated land uses were adopted as part of the Previous Decision and codified by Morrow County on December 12, 2007, effective January 1, 2008. The relevant projects that were added are found at Tables 5-6 and 6-8. The relevant goal is TSP Goal 10 and policies 10-1 through 10-7.

**2. The Limited Use Overlay Zone**

The purpose of the Limited Use (LU) Overlay Zone, described in Section 3.110 of the Morrow County Zoning Ordinance, is to limit the use of permitted uses and activities allowed within the area subject to the zoning to only those uses which are justified in a comprehensive plan "reasons" exception statement. The County Court found that the Port's application for this zoning was consistent with the purpose of the Port's requested goal exceptions and appropriate to allow future development of the requested uses. The County Court approved the Limited Use Overlay Zone as an "overlay" zone. The underlying Air/Industrial Park zoning also remained in place and in effect. The Limited Use Overlay Zone authorized Morrow County to impose reasonable conditions that it deemed necessary to carry out the provisions of the Comprehensive Plan and Zoning Ordinance. The Decision, specifically Section H, contained numerous conditions intended to carry out relevant comprehensive plan and zoning policies.

**3. The Previously Allowed Uses**

**a. The Speedway and Racetracks**

The application and findings supported a speedway of sufficient size to accommodate "premier" auto racing series sponsored by, among others, CART, IRL, NASCAR, AMA, World of Outlaws, NHRA, and Formula One, expected to attract 20,000 or more attendees on the day of the racing event. The proposed speedway facility was to include an approximately 1.95 mile

asphalt tri-oval super speedway, an asphalt road course, a smaller asphalt oval, a drag strip, and possibly a dirt track, all contained in one stadium surrounded by prefabricated all metal grandstands with seating capacity for up to 145,000 fans.

**b. Racing Related Facilities and Uses**

The previously approved racing related facilities and uses (pit areas, control towers, fueling islands, medical facilities, infield building, office building, and media) were approved with specific size limitations related to the proposed speedway stadium, with many of the facilities to be shared amongst the various tracks.

**c. Associated Racing Related Facilities and Uses**

The previously approved associated uses (restaurant, gift shop, lodging, industrial park, RV/campgrounds, recreational facility, gas station, arcade, and outdoor recreational facilities) were to be designed and located in a manner that made them an integral part of the speedway development. Further, the associated uses were not to operate as stand-alone uses operating independently of the speedway, but were instead to operate in conjunction only with racing events and activities at the speedway. None were intended to serve as stand-alone uses aimed at seeking or attracting business from passerby traffic on I-84 that was not otherwise coming to the speedway to attend racing related events.

**d. The Matrix**

A matrix of uses was included as part of the previous application and findings. The matrix was created as a summary guide for ease of use and understanding of the findings and Previous Decision. Accordingly, changes to the matrix are not necessary and are not requested as part of this process. The matrix was a guidance document which should not be relied upon for site development review purposes.

C. *Doherty v. Morrow County* (LUBA 2002-097)

Despite the operational limitations discussed above, the State Department of Land Conservation and Development (DLCD) objected to the urban nature of the associated uses, specifically the speedway lodging. DLCD appealed the County's approval to LUBA. Another party, Kelly Doherty, also appealed on separate grounds. While the appeal was pending, the County, Port and State reached an agreement whereby the County could agree to a remand on the issue of hotel lodging and the State would dismiss their appeal in exchange for modified approvals regarding the associated uses. This agreement ended the State's appeal and resulted in the County's remand findings discussed below.

In its March 11, 2003 decision, LUBA remanded the case back to the County Court to address the two sustained assignments of error: 1) the County and Port conceded that the Hotel/Lodging part of the Goal 11 and Goal 14 exceptions were not adequate and conceded to the remand so that the exception for the hotel could be adequately justified or eliminated from

the proposal; and 2) a requirement that the County take a new Goal 3 (Agricultural Lands) exception rather than rely on the 1986 exception when the land was zoned Air/Industrial Park..

D. *Morrow County's September 24, 2003 Findings on Remand*

The *Doherty* decision resulted in the matter being returned or "remanded" back to Morrow County for further proceedings to address the to sustained assignments of error. On remand and re-hearing, the Morrow County Court addressed the two errors (hotel lodging and goal exception) with additional findings (the "remand findings"). The County Court's remand findings went to great length to re-justify a Goal 3 exception. The remand findings also withdrew the hotel/lodging component of the application. The findings stated:

"the applicant withdrew its requested exceptions to Goals 11 and 14 to allow speedway lodging at the Boardman airport property. With regard to speedway lodging, the applicant believes that Goal 3, 11 and 14 exceptions can be justified for marketing and operational reasons. However, the applicant has chosen not to pursue those exceptions at this time."

These remand findings were not challenged, effectively ending the appeals process and resulting in a final decision of the Morrow County Court. Ultimately, Senate Bill 1094 restored the lodging component and removed many of the operational limitations on the associated uses.

E. *Senate Bill 1094*

Senator David Nelson introduced SB1094 on July 11, 2005. The bill passed the Senate 28-1 and the House 56-3. Governor Ted Kulongoski signed the bill which became effective September 2, 2005. (Chapter 842, 2005 Oregon Laws). The bill was codified at ORS 197.432-197.434. The bill restored the County's ability to approve speedway lodging, so long as it was operated as an integral part of the speedway. Further, the law removed the burdensome restrictions on size, occupancy and hours of operation that had been placed on the racing related and associated uses. All of the speedway related and associated uses could be approved "without regard to the limitations on size or occupancy of speedway related and accessory uses and facilities specified in the County's previous Decision so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public."

Senate Bill 1094 also removed any requirement for the County to take further exception to the Statewide landuse planning goals related to agriculture, public facilities and urbanization.

F. *The Changing Vision*

In 2006, the Port entered into an agreement with Oregon International Motor Speedway, LLC, a Delaware limited liability company ("OIMS"). OIMS had a different vision for the project. The previous project approved by the Decision envisioned a "super bowl" style stadium,

with all of the various venues and uses contained therein. This stadium would only be used a few days per year. This business model proved economically unfeasible. OIMS envisioned a development with the separate venues “broken out” and developed in phases. These venues would still hold sanctioned racing, but more year round utilization was needed to fully develop the economic opportunities, job creation and support the development. OIMS created a vision that called for a motorsports country club to be developed. The club would be centered around a road course capable of holding sanctioned events, but available to the general public and club members as well. This change in vision, has generated the need to modify the current conditions of the LU Zone. It also required further legislative changes.

G. Senate Bill 665

The required legislative changes took the form of Senate Bill 665, carried again by Senator David Nelson, approved by the 2007 legislature passed the Senate 24-4 and the House 51-8. The bill became effective when Governor Ted Kulongoski signed it on July 17, 2007. (Chapter 819, 2007 Oregon Laws). . The bill amends the provisions of ORS 197.432 - 197.434 established by Senate Bill 1094 two years earlier. The bill allows Morrow County to approve the requested changes to its LU Zone. Amongst other things not relevant to this effort, Senate Bill 665 provides for the following:

- A. Changes the definition of “**major motor speedway**”. The amended definition acknowledges the changing vision of the project from the previously approved “super bowl speedway” with a seating capacity for 145,000 (Previous Decision A.3) to “one or more tracks including, at a minimum:
  - i. an asphalt oval super speedway of at least seven-eighths of a mile with grandstand seating capacity of 20,000 or more; or
  - ii. an asphalt road course of at least two miles with grandstand seating capacity of 20,000 or more. “
- B. Defines “**premier high speed automobile racing**” as racing likely to attract at least 20,000 spectators.
- C. Allows Morrow County to approve the development of **250 “road course garage units”** and **100 units of transient lodging with an associated restaurant and public facilities** prior to the establishment of premier high speed automobile racing at the venue. These road course garage units are an integral part of the country club model.
- D. Continues Senate Bill 1094 requirement that associated commercial uses be primarily for the use of users and patrons of the major motor speedway, but available as well to members of the general public.

**III. The Need for the Requested Amendments to the Limited Use Overlay Zone (LU)**

Morrow County’s current Limited Use Overlay Zone for the Speedway Siting (LU) needs to be amended to incorporate the changes provided by the passage of Senate Bills 1094 and 665.

The current LU was adopted by the Morrow County Court on June 21, 2002 and amended in response to the LUBA remand on September 24, 2003. The previous adoption process of the LU was also somewhat unclear, leaving some doubt as to the actual application of the LU. The requested changes seek to make clear the current geographic application and conditions of the LU zone.

*A. The Adoption Process*

Senate Bills 1094 and 665 provide that Morrow County may adopt the provisions of the bills into their land use regulations. Senate Bill 665 states:

“Section 2: (3) Subject to the requirements of ORS 197.610 to 197.625, notwithstanding the local process for review and approval of a proposal to amend the acknowledged comprehensive plan and land use regulations that is contained in an acknowledged comprehensive plan and land use regulations, the governing body of Morrow County may review and approve a proposal to make the changes to the acknowledged comprehensive plan and land use regulations to allow the uses authorized by this section on the site. . . through an expedited local review and approval process in which the final approval of the county may be granted after only one evidentiary hearing.”

The requested amendments to the LU are the required legislative amendments for Morrow County to implement the changes provided by Senate Bills 1094 and 665.

The ordinance which adopted the LU Zone for the speedway was not codified. This has created some confusion on how to cite to the relevant provisions of the LU zone specific to speedway siting. To remedy this, applicant requests the Morrow County Court codify the Limited Use Overlay Zone-Speedway Siting, as amended by the requested changes and amend its zoning map to reflect the application of the Limited Use Overlay Zone- Speedway Siting

*B. Geographic Application of the LU*

The adopting ordinance for the LU indicated the LU zone extended to “approximately 1400 acres”. The Previous Decision, paragraph H.60 required a partition to be approved prior to the Port selling the 1400 acre speedway property. The Port of Morrow successfully partitioned the speedway property as Parcel 1 in Morrow County Partition Plat #2007-08, attached hereto as Exhibit 1 and by this reference incorporated herein. Thereafter, Parcel 1 was purchased by the Applicant.

Applicant request the Morrow County zoning map be amended to reflect the LU designation on Parcel 1 of Partition Plat 2007-08.

### *C. Conditions of the LU Zone*

The requested amendments to the LU ensure Morrow County may approve the full spectrum of uses allowed under Senate Bills 1094 and 665 by removing the restrictions on sizes and configurations of the tracks, racing related facilities and associated uses.

## **IV. Applicable Criteria**

### **A. Compliance with Goal Exceptions**

The Previous Decision stated “The speedway and its related and associated uses and facilities, hereafter referred to collectively in these conditions as “the speedway”, shall not exceed the size, scale or nature of use authorized in the goal exception without first obtaining a new goal exception. “ (Decision, Sec. 1.) The current requested changes to the LU Zone do not exceed the size, scale or nature of the uses previously authorized. Accordingly, no further Goal exceptions are required.

Ordinarily, to allow urban uses on rural lands, exceptions to Goals 11 and 14 are required. An exception to Goal 14 is required because the proposed uses, by their nature, are urban in scale and intensity, and Goal 14 prohibits urban uses outside of urban growth boundaries or unincorporated communities. An exception to Goal 11 is needed because the proposed urban uses require urban-scale public facilities, including urban scale sewer and water services, and Goal 11 otherwise prohibits the establishment or extension of sewer and water systems outside of urban growth boundaries. ORS 197.432-.434, as amended by Senate Bill 665 (Chapter 819, 2007 Oregon Laws) removes the requirement to take any further exception to Goals 11 and 14.

Further, no new Goal 3 exception is required because the Goal 3 exception accomplished by the *Doherty* remand findings continue to apply (see discussion above). Because Applicant does not request a zone change or change in use, no new Goal 3 exception is required.

### **B. Alternative Locations for Speedway and Associated Uses (OAR 660-014-0040(3)(a))**

Nothing in the requested amendments require additional findings past those contained in the Previous Decision. The findings in the Previous Decision support the requested changes.

### **C. Analysis of ESEE Consequences (OAR 660-014-0040(3)(b)).**

Nothing in the requested amendments require additional findings past those contained in the Previous Decision. The findings in the Previous Decision support the requested changes. No new ESEE analysis is required for the requested changes.

**D. Compatibility with Adjacent Uses (OAR 660-014-0040(3)(c)).**

Nothing in the proposed changes to the LU Zone create any new incompatibility with adjacent uses. Nothing in the requested amendments require additional findings past those contained in the Previous Decision. The findings in the Previous Decision support the requested changes.

**E. Compliance with OAR 660-014-0040(3)(d) and (e).**

OAR 660-014-0040(3)(d) requires a demonstration "that an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner." OAR 660-014-0040(3)(e) requires in pertinent part that the " new urban development of undeveloped rural land is coordinated with the comprehensive plans of affected jurisdictions." Nothing in the requested amendments require additional findings past those contained in the Previous Decision. The findings in the Previous Decision support the requested changes.

**F. Compliance with the Transportation Planning Rule and TPR Goal Exceptions Criteria.**

No new traffic improvements not previously approved are needed or proposed. The only changes to the previously approved traffic improvements are related to the timing and traffic mitigation for interim racing events. The proposed transportation network can operate in a manner that maintains safe and reasonable traffic movement through Boardman and to and from the site, consistent with ODOT roadway performance standards and the Transportation Planning Rule. Morrow County has amended its TSP to be consistent with the projects and policies required by the siting of a speedway. (See II(B)(1) above). Nothing in the requested amendments require additional findings past those contained in the Previous Decision. The findings in the Previous Decision support the requested changes.

**G. Compliance with Airport Planning Rule (OAR 660, Division 13).**

The Airport Layout Plan is in the process of being adopted as required by the Previous Decision (approx Feb 2008). The Speedway will be consistent with ORS 836.623 and OAR 660-013-0080(1)(f). Nothing in the requested amendments require additional findings past those contained in the Previous Decision. The findings in the Previous Decision support the requested changes.

**H. Compliance with Morrow County Comprehensive Plan.**

The requested changes are consistent with the Morrow County Comprehensive Plan policies. Nothing in the requested amendments require additional findings past those contained in the Previous Decision. The findings in the Previous Decision support the requested changes.

**I. Compliance with Morrow County Transportation System Plan.**



Morrow County has amended its TSP to be consistent with the projects and policies required by the siting of a speedway. (See II(B)(1) above). Nothing in the requested amendments to the LU creates any need for new projects or policies. Nothing in the requested amendments require additional findings past those contained in the Previous Decision. The findings in the Previous Decision support the requested changes.

#### **J. Compliance with Morrow County Zoning Ordinance**

Nothing in the requested amendments require additional findings past those contained in the Previous Decision. The findings in the Previous Decision support the requested changes.

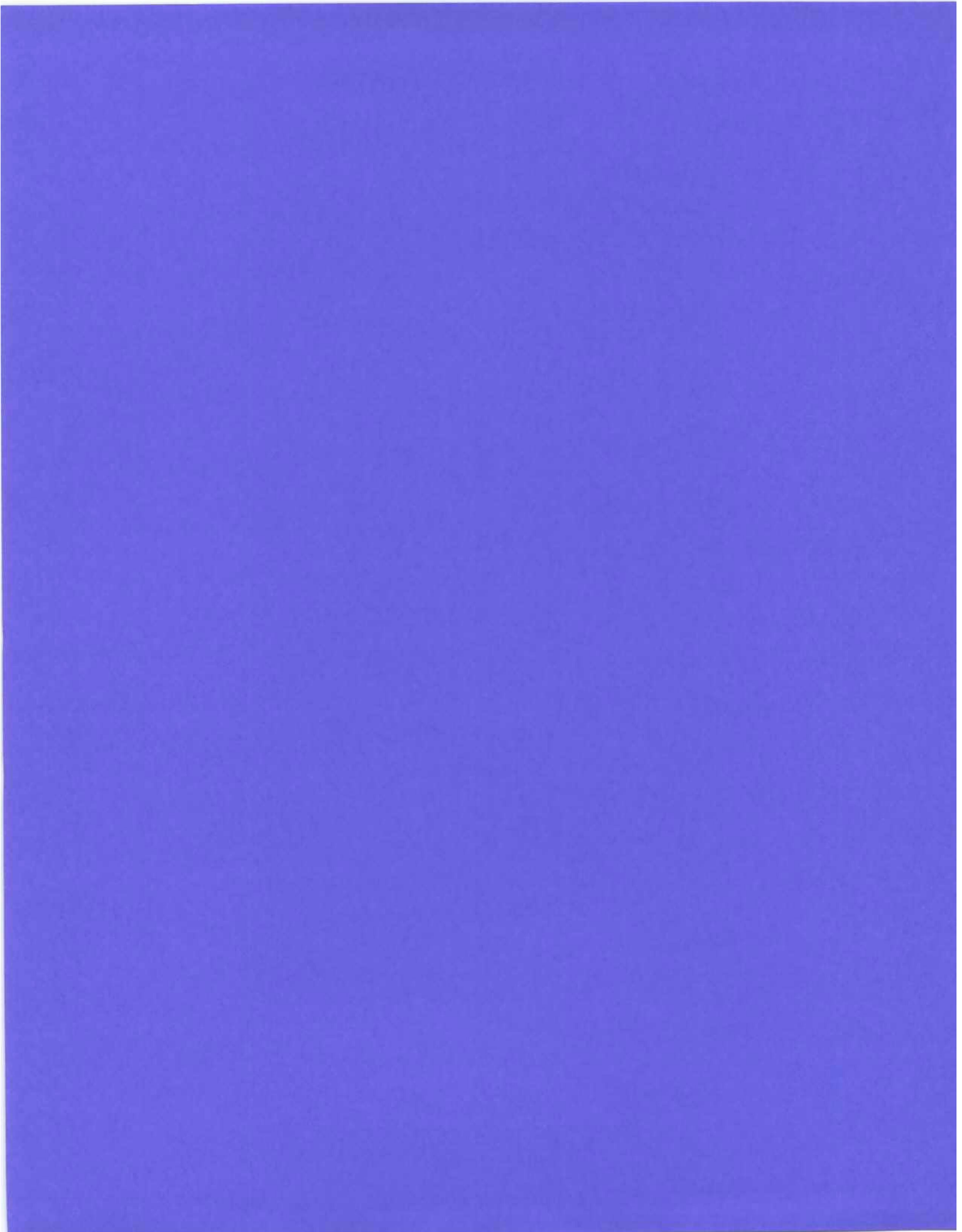
Morrow County Zoning Ordinance Section 8.050 applies to the requested amendments to the Limited Use Overlay Zone. Section 8.050(A)-(C) requires the County Court to consider a variety of factors in making its decision, including: (A) public need for the proposal and that the need is best served by allowing the request; (B) whether other lands are designated for the use; and (C) whether there is a mistake in the original Comprehensive Plan or a change in the character of the neighborhood.

There is a public need for the proposed changes to ensure Morrow County's governing documents and zoning are consistent with and provide everything that is allowed under State law. This need is best met by allowing the Limited Use Overlay Zone to be amended to allow full productive and economic use of industrial lands that have long been vacant. There are no other lands designated for the requested use. The speedway and speedway related uses are not permitted in other zones, although some of the supporting speedway uses (like hotels and restaurants) are permitted in other zones. No mistake was made in the original Comprehensive Plan designation, but the original designation has proven ineffective to achieve its intended results.

Morrow County Zoning Ordinance Section 3.110 also applies to the requested amendments to the LU zone. The requested amendments to the LU zone are necessary in this instance because no other existing Morrow County zoning designation allows a racetrack or speedway-related industrial and commercial uses. Applying existing commercial zones either would enable other uses to locate at the airport that cannot be justified by a reasons exception, or prohibit urban-scale uses. This result would be inconsistent with the goal exception, and it might also violate the statewide goals. A zone limiting uses to those identified in the exception is best suited to serve the very specialized needs of a speedway.

#### **V. Conclusion**

Applicant respectfully requests the Morrow County Court adopt the requested amendments to the Limited Use Overlay Zone Related to Speedway Siting.



## H. Decision.

1. A speedway and the related and associated speedway uses and facilities identified in the goal exception are permitted uses at the Boardman airport property as provided in the goal exception subject to a demonstration of compliance with the site development review requirements of the Morrow County Zoning Ordinance. A speedway and its related and associated uses and facilities, hereafter referred to collectively in these conditions as "a speedway", shall not exceed the size, scale or nature of use authorized in the goal exception and this Ordinance without first obtaining a new goal exception. The capacity of a speedway grandstand seating shall not exceed 145,000.
2. A speedway shall hold no more than two events per year that attract more than 100,000 persons to a speedway site on a single day.
3. The associated racing related uses identified in Paragraph A.4 of the findings shall be designed and located in a manner that makes them an integral part of a speedway development. so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.
4. A speedway may include office space, so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.
5. A speedway may include a restaurant, so long as it is primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.
6. A speedway may include a gift shop, so long as it is primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public. These uses may be approved without regard to the limitations on size or occupancy of speedway related and accessory uses and facilities specified in the previous findings and decisions.
7. A major motor speedway may include "high-end" speedway lodging not to exceed 250 rooms. The speedway lodging shall be operated as an integral part of the speedway, so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.
8. A speedway may include an industrial park, so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public. Any use that, as part of its regular operations, would cause emissions of smoke, dust or steam that would obscure visibility within airport approach corridors, shall be prohibited.

9. Development of improved RV and unimproved camper/tent/RV spaces may be approved so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.

10. A speedway may include a multi-purpose recreational facility so long as it is primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public..

11. A speedway may include outdoor recreational facilities, such as a BMX bicycle track, a go cart track, a miniature golf course, and athletic fields and courts., so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.

12. A speedway may include one gasoline service station with attached convenience store not exceeding eight bays (24 pumps), so long as it is primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.

13. Major motor speedways and racetracks authorized in the previous findings and decision may be developed without taking further exception to the statewide land use planning goals relating to agricultural lands, public facilities and services and urbanization and without regard to the specific sizes and configurations of the tracks specified in the previous findings and decision.

14. An Emergency Management Plan shall be developed for a speedway. In preparing the Emergency Management Plan, the speedway owner or operator shall coordinate at a minimum with the Boardman Rural Fire Protection District, Morrow County Emergency Services, Morrow County Public Works, the Morrow County Sheriff's Department and the Umatilla Electric Cooperative. The Emergency Management Plan shall ensure that there are adequate fire fighting personnel and equipment to protect attendees at the speedway during all racing events, and that emergency services are adequate to accommodate the needs of area residents, racing team members and visitors to the speedway during all racing events. The Emergency Management Plan shall incorporate utilization of medical facilities at the speedway and helicopter transport capability for serious medical or other emergency conditions. A demonstration of adequate public safety measures is required to obtain site development review approval. If additional personnel or equipment are required beyond the resources of fire districts or emergency service providers in order to provide an adequate level of protection for the speedway complex and its attendees, then the speedway owner or operator shall provide funds to pay for the additional personnel and equipment, including a new fire station (subject to land use approval) and equipment at or near the speedway if required. The Emergency Management Plan shall be reviewed annually and revised and updated as appropriate. The Emergency Management Plan shall be subject to approval by the Morrow County Emergency Management Director, who may appoint a committee to assist in review of the plan.

15. A Security Plan shall be developed for a speedway. In preparing the Security Plan, the speedway owner or operator shall coordinate with affected law enforcement personnel serving the area, including but not limited to the Morrow County Sheriff, the City of Boardman Police Department and the Oregon State Police. The Security Plan shall address speedway safety and security on-site and at points of access adjoining the speedway. The plan shall ensure that law enforcement and public safety and security services are adequate to accommodate the needs of area residents and speedway visitors during all racing events. A demonstration of adequate law enforcement and public safety and security measures is required to obtain site development review approval. The speedway owner or operator shall be responsible for payment of the additional costs incurred by law enforcement, public safety and emergency service providers associated with servicing a racing event at the speedway. The Security Plan shall be reviewed annually and revised and updated as appropriate. The Security Plan shall be subject to approval by the Morrow County Sheriff, who may appoint a committee to assist in review of the plan.

16. Prior to a major motor speedway being used for sanctioned, high speed automobile racing, the speedway owner or operator shall prepare and submit a Litter Control Plan, acceptable to the Morrow County Planning Department, demonstrating how litter and trash will be controlled and cleaned up following speedway racing events. The Litter Control Plan shall encourage the collection, reuse and recycling of solid waste. The speedway owner or operator shall construct a fence around the perimeter of any major motor speedway prior to the major motor speedway being used for premier, high speed automobile racing both to control litter and to provide separation from I-84 and from the exercise of customary and usual aviation activities at the Boardman airport.

17. The speedway owner or operator shall obtain all required state agency permits, including but not limited to DEQ water quality permits, permits for wastewater, stormwater and air contaminants and, if required, hazardous materials permits, and such permits as may be required by the Oregon Health Department and Oregon Water Resources Department. All required agency permits shall be obtained prior to occupancy of a facility.

18. The speedway owner or operator shall identify water storage improvements needed to maintain an adequate on-site water supply for drinking, domestic and fire fighting purposes during speedway events and for other speedway uses.

19. To protect water quality, a speedway development shall apply best management practices when constructing a speedway, including its related and associated uses, and when constructing the road improvements identified in the application.

20. The speedway owner or operator shall pay all costs associated with relocating utility facilities, should that prove necessary as a result of required roadway improvements.

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21. Outdoor lighting at a speedway shall be aimed to prevent light from projecting directly onto existing runways or taxiways at the Boardman airport or into existing airport approach corridors. The speedway owner or operator shall coordinate with the Oregon Department of Aviation to avoid the creation of potential safety problems through radio, radiotelephone or television transmission facilities or electrical transmission lines that might be placed at the speedway. Development of a speedway shall be in compliance with the Airport Planning Rule.

22. The speedway developer shall not construct any open water impoundment in a manner that would create a potential safety hazard to the airport by increasing bird flight or wildlife activity across runways or approach corridors. Should the speedway developer desire to construct an open water impoundment at a speedway, including lagoons to facility sanitary sewer service, then prior to constructing the water impoundment, the speedway developer shall coordinate with the Oregon Department of Aviation and shall comply with any conditions required by the Department of Aviation to prevent an increase in the level of air navigational hazard. Any new water impoundment constructed at a speedway shall be consistent with and not violate any contractual obligations between the Port of Morrow and the Federal Aviation Administration, and shall be consistent with the Airport Planning Rule.

23. The speedway developer shall be prohibited from constructing accessory uses identified in Paragraph A.4 of the findings prior to commencement of construction of a speedway and speedway related uses identified in Paragraph A. 3 of the findings, provided that the speedway developer may first commence construction of a portion of the RV park in order to accommodate workers involved in the construction of a speedway and its related uses. The speedway developer may, in conjunction with the development of a major motor speedway, commence construction on 250 road course garage units and 100 units of transient lodging with associated restaurant.

24. Except with respect to the RVpark, 250 road course garage units and 100 units of transient lodging with associated restaurant, Morrow County shall not issue occupancy permits for any of the uses identified in Paragraph A.4 prior to the completion of a major motor speedway and a grandstand seating capacity of 20,000 or more persons.

25. No permanent housing shall be allowed at a speedway. No temporary housing shall be allowed at the speedway other than at the 250 room speedway lodging facility, the 100 units of transient lodging with associated restaurant and public facilities necessary to support those uses and at areas designated as RV and tent camping areas.

26. A speedway may utilize signage on the site and on and within viewing distance of I-84 or I-82 advertising the presence and location of the speedway. Signage shall be in compliance with Zoning Ordinance Section 4.070 (Sign Limitations and Regulations) and OAR Chapter 734.

27. In the event that a speedway ceases operations, all accessory uses to that speedway, other than industrial uses at the industrial park shall also cease operation at the same time.

28. The Morrow County Public Works Director and Engineer shall develop a roadway design standard for Tower Road that is appropriate for construction of a five lane roadway.

29. Prior to a major motor speedway being used for premier, high speed automobile racing expected to attract 60,000 or more persons, the owner or operator of the speedway shall demonstrate that Umatilla County has amended its transportation system plan to authorize roadway improvements within that county's jurisdictional boundaries, including merge/diverge lanes and ramp improvements associated with the I-84/I-82 interchange, that are necessary to accommodate a 60,000 person event at the speedway.

30. Transportation Improvements. To ensure that the proposed land uses are in compliance with the functions, capacities and performance standards of affected transportation facilities, a major motor speedway owner or operator shall construct the following roadway improvements:

- A. Modifications to the I-84/Tower Road Interchange, including two-lane ramps for all ramps of the interchange, a four-lane bridge across I-84, and improved turning radiuses at the beginnings and ends of the on/off ramps. These modifications will be further defined in a refinement study to be completed prior to completion of the Final Environmental Assessment (EA) or Environmental Impact Statement (EIS) required by the National Environmental Policy Act
- B. Stacking and merge lanes extending approximately 1.5 miles in each direction from the I-84/Tower Road Interchange, the precise length to be defined in a refinement study
- C. Widening of Tower Road to five lanes between I-84 and the southernmost entrance to a speedway on Tower Road.
- D. A new Speedway Interchange on I-84 located east of PGE's north/south rail spur crossing of I-84 and including two-lane on and off ramps and a four lane bridge over I-84
- E. Stacking or merge lanes extending approximately 1.5 miles in each direction from the I-84/Speedway Interchange
- F. A third travel lane on I-84, both eastbound and westbound, extending from the new Speedway Interchange to the Oregon Highway 730 Interchange, and also extending both eastbound and westbound from approximately 1200 meters west of the Army Depot Interchange to the I-82/I-84 Interchange, the precise length to be defined in a refinement study to be completed prior to the issuance of the Final EA or EIS. A length of 1200 meters west of the Army Depot Interchange shall be required for both east and westbound I-84 unless a shorter length is agreed to by ODOT during the refinement study process.

- G. Bridge widening or modifications as necessary along I-84
- H. Modifications to the off-ramp connecting I-82 southbound to I-84 westbound and the on-ramp connecting I-84 eastbound to I-82 northbound to provide two-lane ramps
- I. Construction of a four-lane speedway circulatory road within and encircling the perimeter of a speedway
- J. Relocation and realignment of the Kunze Lane connection with Tower Road to meet Division 51 spacing standards (so that the intersection is no less than 1320 feet from the ramp terminus of the I-84/Tower Road ramps)
- K. Improvements to the I-84/Army Depot Interchange to facilitate I-82/I-84 merge/diverge lanes

31. Transportation improvements identified in Paragraph 30 of these approval conditions shall be permanent structural improvements and shall be constructed to meet all applicable design standards. No listed improvements shall be provided for through temporary, non-structural means, such as traffic management techniques.

32. Phased Development. The transportation improvements required in Paragraph 30 of these approval conditions shall be constructed and operational prior to the holding of races or other events at a speedway that are open to the general public, except as follows:

- A. Interim Racing Events. If authorized pursuant to Paragraph E of this condition:
  - 1. Prior to the construction of any of the roadway improvements required by Paragraph 30, racing events may be held at a speedway that attract fans in numbers not exceeding 3,000 people in attendance.
  - 2. Following completion of the widening of Tower Road to five lanes and construction of all required improvements to the Tower Road Interchange and ramps as provided in this decision, and following completion of the realignment of Kunze Lane and making safety improvements to Kunze Lane as provided for in this decision, but prior to the completion of the other roadway improvements identified in Paragraph 30, racing events may be held at a speedway that attract fans in numbers not exceeding 23,000 in attendance; provided, however, that the 23,000 person attendance figure may be adjusted upward or downward as provided under Paragraph C of this condition. Such events shall be accompanied by event management measures provided on the day of the race that are intended to attract traffic to the speedway prior to the main racing event over a period of at least four hours.
- B. Rate of Exiting Traffic. Except as otherwise permitted under Paragraph 36, for all racing events authorized under Paragraphs A or C of this



condition, the speedway owner or operator shall control the rate of traffic leaving the speedway to ensure that traffic volumes of 3750 vehicles per hour are not exceeded.

- C. Interim Traffic Monitoring Plan. For all racing events authorized under this condition, the speedway owner or operator shall monitor the flow of traffic to and from the racing events in coordination with ODOT Region 5 and the Morrow County Public Works Director. For events authorized under Paragraph A.2 of this condition, if event experience indicates that a somewhat larger event can be held that would be consistent with ODOT and Morrow County roadway performance standards, then upon agreement by ODOT's Region 5 Manager and the Morrow County Public Works Director, the Morrow County Public Works Director may authorize a larger racing event, not to exceed 30,000 people in attendance. If event experience indicates that a smaller sized racing event is required to ensure consistency with ODOT and Morrow County roadway performance standards, then the Morrow County Public Works Director shall reduce the maximum attendance size of the event to an appropriate number.
1. Prior to the scheduling of any races authorized under this condition, the speedway owner or operator shall develop an Interim Traffic Monitoring Plan in coordination with ODOT Region 5 and Morrow County. The Interim Traffic Monitoring Plan shall be reviewed and approved by the Morrow County Public Works Director and ODOT's Region 5 Manager and shall be applied to all races held pursuant to this condition as stated in the monitoring plan. The Interim Traffic Monitoring Plan shall provide for the timely gathering and submittal of information to ODOT and Morrow County, including advance notification of events that are subject to this condition.
  2. Unless ODOT's Region 5 Manager and the speedway owner or operator agree otherwise, the Interim Traffic Monitoring Plan shall require, at a minimum, vehicle counts calculated on an hourly basis on the day or days of any events expected or likely to attract 2,500 or more people to the facility under Paragraph A.1 of this condition or 10,000 or more people under Paragraphs A.2 or C of this condition. These vehicle counts shall be taken consistent with the Interim Traffic Monitoring Plan developed in Paragraph C.1 of this condition, which shall include the following unless otherwise agreed to by ODOT's Region 5 Manager and the speedway owner or operator:
    - a. For events under Paragraph A.1, vehicle counts taken at all speedway entrances off of and exits onto Tower Road.
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- b. For events under Paragraphs A.2 and C, vehicle counts taken at the I-84/Tower Road Interchange (all ramps) and at all speedway entrances off of and exits onto Tower Road.
3. The vehicle counts taken pursuant to Paragraph C.2 of this Condition shall be provided by the speedway owner or operator to ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees, within two weeks following the day of the counts. The speedway owner or operator concurrently shall provide ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees, with attendance figures for each racing event held on the days for which counts are taken.
4. The speedway owner or operator shall be responsible for payment of all expenses incurred in preparing and executing the Interim Traffic Monitoring Plan. This does not include costs for agency staffs and other parties to participate in the development, modification or updating of the Interim Traffic Monitoring Plan.
5. The Interim Traffic Monitoring Plan shall provide for the discontinuation of traffic monitoring for racing events authorized under Paragraph A.1 of this condition if after two consecutive events subject to monitoring, the traffic monitoring indicates that the racing events are meeting both the 3,750 vehicle/hour standard in Paragraph B of this condition and ODOT and Morrow County roadway performance standards. The Interim Traffic Monitoring Plan also shall provide for the discontinuation of traffic monitoring for racing events authorized under Paragraph A.2 and under Paragraph C of this condition if, after two monitored events under each of those paragraphs, the traffic monitoring indicates that such racing events are meeting both the 3,750 vehicle/hour standard and ODOT and Morrow County roadway performance standards. In the event that racing events authorized under Paragraphs A.1, A.2 or C are not meeting the 3,750 vehicle/hour standard and ODOT and Morrow County roadway performance standards, then traffic monitoring shall continue for racing events under the relevant paragraph until these standards are met for two consecutive racing events.
6. The Interim Traffic Monitoring Plan shall provide criteria upon which traffic monitoring of speedway racing events authorized under this condition may be resumed. Should resumed traffic monitoring indicate that the 3,750 vehicle/hour standard or ODOT or Morrow County roadway performance standards are being exceeded, then traffic monitoring shall continue on an event by

event basis until the racing events again are shown to be meeting the 3,750 vehicle/hour standard and ODOT and Morrow County roadway performance standards.

D. Interim Traffic and Event Management Plan. Prior to a speedway being used for sanctioned, premier, high speed automobile racing an Interim Traffic and Event Management Plan shall be developed that is designed to comply with both the 3,750 vehicle/hour standard and ODOT and Morrow County roadway performance standards. The Interim Traffic and Event Management Plan shall be developed in coordination with and obtain the concurrence of ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees. The Interim Traffic and Event Management Plan shall be updated and modified as necessary during the course of the racing season to ensure compliance with ODOT and Morrow County performance standards. Plan updates and modifications shall be prepared by a licensed engineering firm experienced in speedway events, in coordination with ODOT Region 5 and Morrow County.

E. Completion of NEPA and Site Development Review and Agency Approval.

1. Prior to the improvement of any Federal or State traffic facility, the owner or operator of a speedway shall complete the NEPA process and the issuance of a final land use decision approving site development review for the speedway; and
2. Prior to a speedway being used for sanctioned, premier high speed automobile racing, a speedway owner or operator shall obtain advance approval from ODOT and the Federal Highway Administration.

33. Prior to operation of speedway for events other than those permitted under Condition 32, all mitigation required as a condition of the site development review process shall be completed.

34. The Port of Morrow or its designee shall be responsible for the completion of a refinement plan as defined in OAR 660-012-0025. The refinement plan shall address the following infrastructure needs: deviation from the spacing standards related to the Speedway Interchange, which shall include the types and levels of information necessary to obtain Oregon Transportation Commission approval of a major deviation study; modifications to the Tower Road interchange and the length of stacking and merge lanes serving that interchange; and the precise length of the third lane on I-84, both eastbound and westbound, in the vicinity of the Army Depot Interchange. The refinement plan shall be completed and adopted as an amendment to the Morrow County Transportation System Plan prior to issuance of a final Environmental Assessment or Environmental Impact Statement.

35. In coordination with ODOT Region 5 and the Federal Highway Administration, the Port shall study alternative roadway improvements to a new Speedway Interchange as required by the National Environmental Policy Act. If Port acquisition of land for new roadways identified during that analysis proves feasible and reasonable; and if such roadways would better meet ODOT's needs and ODOT exhibits a strong preference for those roadways; and if identified roadway alternatives are demonstrated to comply with all relevant requirements of the Transportation Planning Rule, including OAR 660-012-0070, then the Port shall apply to Morrow County for transportation system plan amendments to authorize those improvements in lieu of improvements approved by this decision that would no longer be required.

36. The speedway owner or operator shall manage the outbound flow of traffic from a speedway in a manner that ensures that outbound traffic does not exceed a volume of 3750 vehicles per hour; provided, however, that higher outbound volumes may be allowed if the speedway owner or operator and ODOT Region 5 Manager agree that the volume of background traffic permits higher rates of traffic to leave a speedway consistent with ODOT performance standards. This condition is intended to recognize that the 3750 figure is based on traffic impacts in the year 2020, and that the level of background traffic in that year will be higher than in prior years leading up to 2020. Agreements between ODOT's Region 5 Manager and the speedway owner or operator shall be filed with the Planning Director and shall specify the volume of traffic that may exit a speedway per hour during any given year. The speedway owner or operator shall manage the inbound and outbound flow of traffic from a speedway for events of any size so that the relevant performance standards are not exceeded for any state or county facility.

37. When the speedway owner or operator contracts for a premier racing event expected to attract 60,000 attendees on a single day, the owner or operator shall hold preliminary speedway events on prior days and shall utilize event management techniques, including but not limited to ticket packaging, in a manner that is likely to attract at least 35 percent of those attending the 60,000 person event to a speedway at least one day in advance of that race. For premier racing events expected to attract 100,000 or more people to a speedway in a single day, the speedway owner or operator shall hold preliminary speedway events and engage in event management that is likely to attract 50 to 60 percent of fans to the speedway at least one day prior to the peak event. As used in these conditions, "premier" racing events are large and mid-size racing events, including but not limited to NASCAR sanctioned races, Indy car races, Super Sport Motorcycle races, GT Championships, and CART and NHRA races, that are expected to attract 20,000 or more attendees on the day of the racing event. As used in these conditions, "preliminary speedway events" includes smaller premier events, time trials, and other activities that are expected to attract fans in numbers sufficient to comply with this condition.

38. Traffic Management Plan. Prior to holding sanctioned, premier, high speed automobile racing events open to the general public at a speedway, the speedway owner

or operator shall prepare a detailed Traffic Management Plan identifying traffic management measures proposed for implementation during speedway racing events and providing for traffic monitoring as described in condition 40.

- A. The Traffic Management Plan shall be a graduated plan covering a spectrum of different event sizes.
  - B. The Traffic Management Plan shall identify traffic management needs and address how these needs will be implemented. The Traffic Management Plan shall be designed to maintain compliance with ODOT and Morrow County roadway performance standards as described in these findings, and shall address, among other things, parking and circulation within the speedway; access routes to the site and detour routes for through traffic; point control with police officers; the availability and location of tow trucks and emergency vehicles along access routes to the speedway; the use of variable message signs; traffic coordination from helicopters; closure of RV and camping areas for up to the first four hours following a premier event; traffic route map and traffic/parking information mailed with race tickets; and the use of nonstructural techniques to improve and facilitate speedway access and roadway mobility.
  - C. The Traffic Management Plan shall be prepared by a licensed traffic engineering firm experienced in speedway events, in coordination with ODOT Region 5, the Washington Department of Transportation, the Morrow County Public Works, Planning and Emergency Management Directors, the Umatilla County Public Works Director, and representatives of the cities of Boardman, Umatilla and Irrigon and the Port of Morrow. The Traffic Management Plan also shall be subject to review and comment by other affected state and local agencies, local governments, and stakeholders such as PGE, Threemile Canyon Farms and Umatilla Electric Cooperative, whose identity shall be determined jointly by the speedway owner or operator and the Morrow County Planning Director.
  - D. The Traffic Management Plan shall be updated on an annual basis and modified as necessary during the course of the racing season. Plan updates and modifications shall be prepared by a licensed engineering firm experienced in speedway events, in coordination with ODOT Region 5, Morrow County and other affected agencies and local governments.
  - E. The Traffic Management Plan, and updates and modifications to that plan, shall be reviewed and approved by the Morrow County Public Works Director, Emergency Management Director and Planning Director and the ODOT Region 5 Manager, or their designees. The speedway owner or operator shall reimburse Morrow County for the cost of a traffic engineer to assist in evaluation of the Traffic Management Plan. The initial Traffic Management Plan shall be submitted to Morrow County prior to a
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speedway being used for sanctioned, premier, high speed automobile racing.

39. Event Management Plan. Prior to holding sanctioned, premier, high speed automobile racing events open to the general public at a speedway, the speedway owner or operator shall prepare a detailed Event Management Plan identifying event management measures proposed for implementation during racing events.

- A. The Event Management Plan shall be a graduated plan covering a spectrum of different event sizes.
- B. The Event Management Plan shall identify, among other things, the types of activities and events that the speedway could hold and that would be appropriate to attract persons attending larger racing events to the speedway in advance of those events, and shall provide strategies for holding such events and activities to achieve that result. These events shall include smaller races held earlier during the week whenever a race attracting 60,000 or more fans is held at the speedway. The plan shall address how the strategies will be implemented.
- C. The Event Management Plan shall be reviewed on an annual basis and updated as necessary. The plan shall include provisions addressing when plan updates are required. The Event Management Plan, and updates or modifications to that plan, shall be reviewed and approved by the Morrow County Public Works Director, Emergency Management Director and Planning Director and the ODOT Region 5 Manager, or their designees. The initial Event Management Plan shall be submitted to Morrow County prior to a major motor speedway being used for sanctioned, premier, high speed automobile racing.

40. Traffic Monitoring of Premier Events. Following completion of construction of the roadway improvements identified in Paragraph 30, the major motor speedway owner or operator shall monitor the flow of traffic to and from premier racing events as provided for in this condition.

- A. Rate of Exiting Traffic. Except as otherwise permitted under Condition 36, the speedway owner or operator shall control the volume of traffic leaving the speedway to ensure that traffic volumes of 3750 vehicles per hour are not exceeded.
- B. Traffic Monitoring Plan. The speedway owner or operator shall prepare a detailed Traffic Monitoring Plan to monitor the effectiveness of the Traffic Management Plan and the Event Management Plan to maintain consistency with both the 3,750 vehicle/hour standard in Paragraph A of this condition and ODOT and Morrow County roadway performance standards during premier racing events at the speedway. The Traffic

Monitoring Plan shall be developed in coordination with ODOT Region 5 and the Morrow County Public Works Director and shall have the approval of ODOT's Region 5 Manager or his/her designee. The Traffic Monitoring Plan shall be submitted to the County prior to a speedway being used for sanctioned, premier, high speed automobile racing.

- C. The Traffic Monitoring Plan shall provide for traffic monitoring during premier racing event weekends when single day attendances of 20,000 or more are expected. The Traffic Monitoring Plan shall provide for the timely gathering and submittal of information to ODOT Region 5 and Morrow County, including advance notification of events that are subject to this condition, and shall provide for the following:
1. During the first year following completion of all transportation improvements required by Paragraph 30, traffic monitoring of all premier racing events. If only one premier event is held during that first year, then traffic monitoring also shall be required for the next premier racing event held at a speedway.
  2. Traffic monitoring of the first two premier racing events expected or likely to attract 60,000 people to a speedway on a single day.
  3. Traffic monitoring of the first two premier racing events expected or likely to attract 100,000 or more people to a speedway on a single day.
  4. Traffic monitoring of additional 60,000 or 100,000 person events, if attendance at these events falls short respectively of 60,000 or 100,000 people by more than 5 percent.
- D. Unless ODOT's Region 5 Manager and the speedway owner or operator agree otherwise, the Traffic Monitoring Plan shall require, at a minimum, vehicle counts calculated on an hourly basis on the following days: the days when premier racing events are held; the day prior to the holding of the first premier racing event of the weekend; and the day following the holding of the final premier racing event of the weekend. These vehicle counts shall be taken consistent with the Traffic Monitoring Plan developed under this condition, which shall include the following unless otherwise agreed to by ODOT's Region 5 Manager and the speedway owner or operator:
1. Vehicle counts taken at all speedway entrances off of and exits onto Tower Road and on Kunze Lane immediately east of Tower Road.

2. Vehicle counts taken at the following interchanges: I-84/Speedway Interchange (all ramps); I-84/Tower Road Interchange (all ramps); I-84/Highway 97 Interchange (SB 97 to EB I-84 and WB I-84 to NB 97 ramps); I-84/I-82 Interchange (SB I-82 to WB I-84 and EB I-84 to NB I-82 ramps); and I-82/Highway 730 Interchange (SB I-82 to SB 730 and NB 730 to NB I-82 ramps).
  3. Vehicle counts taken on the main line of I-84, I-82 and Highway 730 in both directions at the following locations: on I-84 west of the Speedway Interchange; on I-84 east of the Tower Road Interchange; on I-84 west of the I-84/I-82 Interchange; on I-82 north of the I-84/I-82 Interchange; and on Highway 730 just northeast of I-84.
- E. The vehicle counts taken pursuant to Paragraph D of this condition shall be provided to ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees, within two weeks following the final day of the counts. The speedway owner or operator concurrently shall provide ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees, with attendance figures for each racing event held on the days for which counts are taken.
- F. The Traffic Monitoring Plan shall provide for the discontinuation of traffic monitoring for events identified in Paragraphs C.1, C.2 and/or C.3 of this condition if the traffic monitoring required by Paragraph C of this condition indicates that events at those attendance levels are meeting the 3750 vehicle/hour standard (or alternative Condition 36 standard) and ODOT and Morrow County roadway performance standards.
- G. The Traffic Monitoring Plan shall provide criteria upon which the monitoring of speedway events identified in Paragraphs C.1, C.2 or C.3 of this condition may be resumed. This may include a provision requiring the monitoring of certain racing events at periodic intervals (e.g., every five years). Should resumed monitoring indicate that the 3750 vehicle/hour standard (or Condition 36 alternative) or ODOT or Morrow County roadway performance standards are being exceeded for events at those attendance levels, then traffic monitoring shall continue for such events until the racing events again are shown to be meeting the 3750 vehicle/hour standard (or Condition 36 alternative) and ODOT and Morrow County roadway performance standards, unless otherwise provided for in the Traffic Monitoring Plan.
- H. The speedway owner or operator shall be responsible for payment of all expenses incurred in preparing and executing the Traffic Monitoring Plan. This does not include costs for agency staffs and other parties to



participate in the development, modification or updating of the Traffic Monitoring Plan.

41. The speedway owner or operator and any successors in interest shall work cooperatively with emergency service providers and affected state and local governments and agencies, including ODOT Region 5, Morrow County and the Oregon State Police, in developing one or more interagency agreements to prepare and implement the Traffic Management Plan required by Condition 38. The interagency agreement shall be submitted prior to a speedway being used for sanctioned, premier, high speed automobile racing.

42. Unless otherwise agreed to by ODOT and the Federal Highway Administration for state highways, or by Morrow County for County roadways, the speedway owner or operator, or any successors in interest, shall be responsible for payment of all construction costs of the transportation improvements required in Paragraph 30 of this decision.

43. Unless otherwise agreed to by federal, state or local transportation providers, the speedway owner or operator, or any successors in interest, shall be responsible for payment of all expenses incurred in executing the Traffic Management Plan and the Event Management Plan for the speedway, including costs incurred for emergency services required for speedway events. This does not include costs for agency staffs and other parties to participate in the development, modification or updating of the Traffic Management and Event Management Plans.

44. Implementation of the required Traffic Management, Event Management and Traffic Monitoring Plans shall be an ongoing condition of approval for a speedway. Failure by the speedway owner or operator to substantially comply with those plans, including the 3750 vehicle per hour standard in Paragraph 40.A of these conditions and the ODOT and Morrow County roadway performance standards that those plans are intended to achieve, or to pay the costs of executing those plans shall be a basis for enjoining operation of the speedway. Morrow County agrees in good faith to diligently enforce these plans and all other conditions of this decision.

45. Prior to staging any racing event at a speedway, the owner or operator of the speedway shall obtain all permits from ODOT and Morrow County that are required to implement the Traffic Management Plan for the speedway. Renewal of such permits may be required on an annual basis. This condition anticipates that Morrow County may adopt an annual permitting process for the use.

46. Unless otherwise agreed to by a representative of the Washington Department of Transportation during development or revision of the traffic management plan, the speedway owner or operator, as part of that plan, shall provide for the placement of signage on eastbound I-82 in Washington in advance of Oregon Highway 730 and for the use of uniformed officers to provide traffic control at the I-82/Highway 730 ramp terminal and at Brownell Avenue on a sanctioned, premier, high speed automobile racing

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event day. The plan also shall provide that the speedway owner or operator maintain a towing service/incident response team to monitor the bridge and other major roadways serving a speedway on sanctioned, premier, high speed automobile racing event days.

47. Only informational or directional signage will be allowed on state highways. Any such signage shall conform with the Manual of Uniform Traffic Control Devices.

48. Unless ODOT or the Federal Highway Administration require otherwise, the rest area facilities located on I-84 a few miles east of Tower Road shall remain open during premier speedway racing events to serve both speedway generated traffic and others traveling on I-84.

49. In addition to the attendance requirements required in Conditions 32 and 40, the speedway owner or operator shall maintain daily counts of all persons attending all other speedway events involving the use of the racetracks. The monitoring system shall provide that the owner or operator submit attendance count information to ODOT Region 5 and the Morrow County Public Works Director on at least a quarterly basis.

50. The speedway owner or operator shall provide for monitoring and analysis of the effectiveness of traffic management measures that were utilized during each racing event weekend requiring traffic management measures. The analysis shall occur promptly following the weekend. Where racing events are held on two or more consecutive days over a weekend, review and appropriate revisions to the Traffic Management Plan to minimize adverse traffic impacts are encouraged after each racing day. A professional traffic engineer shall oversee implementation of the Traffic Management Plan and coordinate the traffic monitoring and analysis that occurs following racing events. To the extent feasible and practical, review and revision of the Traffic Management Plan shall involve ODOT Region 5, the Oregon State Police, the Morrow County Sheriff's Department and affected local law enforcement agencies.

51. A full traffic analysis shall be provided for all event size traffic, to enable ODOT to issue final approvals and permits and to gain approval from the Federal Highway Administration for interchange modifications. The traffic study shall be prepared in accordance with OAR Chapter 734, Division 51 and federal requirements for interchange modifications contained in the Federal Register.

52. The speedway owner or operator shall provide either an irrevocable letter of credit or a bond in favor of ODOT that shall provide adequate funding to construct all of the transportation improvements to state transportation facilities required by this decision. Additionally, the speedway owner or operator shall provide either an irrevocable letter of credit or a bond in favor of Morrow County that shall provide adequate funding to construct all of the transportation improvements to county transportation facilities required by this decision. All bonds or letters of credit required by this condition shall be in place prior to the scheduling or holding of any sanctioned, premier, high speed automobile racing events at a speedway and prior to commencement of construction of the transportation improvements required by Condition 30. These security instruments in

favor of ODOT and Morrow County shall be maintained, respectively, until all construction required by Condition 30 to state or county roadway facilities is completed.

53. The applicant shall demonstrate compliance with the conditions set out in this approval either during or as a condition of site development review.

54. Applications to modify these conditions shall require review and approval by Morrow County following public notice and opportunity for hearing. Notice of any proposed amendments to conditions shall be mailed in a timely manner to ODOT's Region 5 Manager and to DLCD.

55. All speedway and speedway related uses authorized by this decision shall be constructed entirely within the subject site. Should land on adjoining properties not currently owned by a speedway owner or operator or the Port of Morrow become available to a speedway owner or operator or the Port, and should the speedway owner or operator or the Port desire the use of those lands for speedway related parking, RV sites or similar uses, then the speedway owner or operator or the Port shall apply to Morrow County for comprehensive plan amendments to utilize those properties for speedway uses. This may require additional goal exceptions and/or master planning.

56. During site development review, a speedway developer shall demonstrate that the proposed site plan provides for safe and convenient pedestrian access connecting the parking lots, RV and camping areas with the racetrack and the other authorized speedway related uses.

57. In addition to service of notice on those persons required by law to receive written notice of a land use application, written notice of the application for site development review for a speedway shall be served on ODOT's Region 5 Manager, DLCD, DEQ, Oregon Department of Aviation, the City of Boardman, and the Umatilla Electric Cooperative.

58. A speedway developer shall coordinate with the Morrow County Road Department to identify and provide safety improvements to Kunze Lane between Tower Road and Toms Camp Road in the form of shoulder and lane widening and associated paving. The improvements shall be made at the developer's expense.

59. Prior to issuance of a building permit, a speedway owner or operator or the Port shall submit the appropriate paperwork and obtain the necessary approvals from the Federal Aviation Administration, as required of all development within 20,000 feet of a runway.

60. A land partition application shall be filed and approved by the Planning Commission before the land owner may sell or deed speedway property as a separate parcel (ORS 92.010, MCSO 5.010).

61. The Tri-Oval Super Speedway, Asphalt Road Course, Asphalt Oval, Drag Strip and Dirt Track all shall be located a minimum of 2.4 miles from the location of the nearest residential dwelling as identified in the Daly-Standlee & Associates report dated November 12, 2001 and entitled "Noise Study for a Proposed International Raceway Facility in Morrow County."

62. A speedway shall include water storage capacity in an amount deemed appropriate by the Oregon Water Resources Department. Initial on-site storage capacity shall not be less than one million (1,000,000) gallons. A storage facility containing a minimum storage capacity of two million (2,000,000) gallons shall be provided on site prior to the holding of any event attracting more than 75,000 people to the site on a single day.

63. The speedway owner or operator shall cooperate with the Bureau of Reclamation and the West Extension Irrigation District regarding impacts to irrigation easements and facilities that might be impacted by speedway related transportation improvements on Kunze Lane.

64. Morrow County retains authority to enforce conditions of this land use decision utilizing resources including but not limited to the Code Enforcement Officer and associated enforcement ordinances. This enforcement authority shall apply to all uses at a speedway.

65. In the event a speedway is constructed in whole or in part and then abandoned, the use of speedway related and associated uses shall cease, except as otherwise provided for in these findings or authorized by new goal exceptions.

66. The speedway owner or operator shall coordinate with the Bonneville Power Administration (BPA) with regard to the power line easements on the property prior to submitting an application for site development review. As part of its site development review application, the speedway owner or operator shall show evidence that the proposed site plan is acceptable to the BPA given the terms of the existing easement.

67. Morrow County reserves the right to review and require changes to the traffic management, event management and security plans at any time in the future to ensure continued compliance with Morrow County performance standards.

68. These conditions are intended to ensure consistency with ODOT and Morrow County roadway performance standards based on a 20 year traffic analysis extending through the year 2021. These conditions are not intended to require the applicant to make structural improvements to the state or county roadway systems based on increases in traffic volumes beyond currently estimated year 2021 levels. Increases in background traffic volumes beyond currently estimated year 2021 levels shall not provide a basis for enjoining activities at the speedway under Condition 44 or any other Condition, provided that the speedway owner or operator continues to implement traffic, event and security management measures and traffic monitoring as required by this decision.



### **G. Conclusion.**

Based on the above findings and analysis, the County Court of Morrow County concludes that the Port of Morrow's application requesting comprehensive plan and zoning amendments to allow future speedway uses on property located at the Boardman airport should be approved, because the application does or will comply with the applicable review standards, provided that it is subject to conditions of approval warranted to ensure such compliance occurs in fact consistent with the foregoing discussion.

### **H. Decision.**

Based on the findings, analysis and conclusions provided or incorporated herein and the public record in this matter, the County Court hereby approves the Port's application, with the exception of the proposed plan amendments in Section III.C which it does not adopt. The County Court's decision to approve the application is subject to the following conditions:

1. A speedway and the related and associated speedway uses and facilities identified in the goal exception are permitted uses at the Boardman airport property as provided in the goal exception subject to a demonstration of compliance with the site development review requirements of the Morrow County Zoning Ordinance. The speedway and its related and associated uses and facilities, hereafter referred to collectively in these conditions as "the speedway", shall not exceed the size, scale or nature of use authorized in the goal exception without first obtaining a new goal exception. The capacity of speedway grandstand seating shall not exceed 145,000.
2. The speedway shall hold no more than two events per year that attract more than 100,000 persons to the speedway site on a single day.
3. The associated racing related uses identified in Paragraph A.4 of the findings shall be designed and located in a manner that makes them an integral part of the speedway development. Except as provided in these conditions of approval, these uses shall not operate as stand-alone uses operating independently of the speedway, but shall instead operate in conjunction with racing events and activities at the speedway.
4. The speedway may include office space not exceeding 15,000 square feet in size, which shall be occupied only by speedway employees, employees of speedway related uses approved by this decision, and employees of speedway related racing and motorsports businesses. Should the number of full time track and tenant employees at the speedway exceed 40, then the speedway may expand the amount of office space by up to an additional 5,000 square feet, provided that the speedway owner or operator first demonstrates compliance with this requirement to the satisfaction of the Morrow County Planning Director and obtains a permit from the County for the expansion. The plot plan submitted for site development review shall include both the initial 15,000 square feet and the additional 5,000 square feet.

5. The speedway may include a restaurant up to 5,000 square feet in size. The restaurant shall be operated as an integral part of the speedway and not as an independent, stand-alone use. Towards that end, the restaurant shall not be located within one-half mile driving or air distance of a freeway interchange, and no signage advertising the restaurant that is visible to and likely to attract passby traffic on I-84 to the restaurant shall appear on the restaurant, on the speedway site, or on or within viewing distance of persons traveling on I-84 or I-82. In addition, no media advertising (e.g., newspaper, radio, television, billboards) shall be used to solicit business to the restaurant. The restaurant may be expanded by an additional 5,000 square feet at such time as the number of permanent speedway and tenant employees reaches 200, subject to the same conditions applicable to the original restaurant facility, and provided that the speedway owner or operator first demonstrates compliance with this requirement to the satisfaction of the Morrow County Planning Director and obtains a permit from the County for the expansion. The plot plan submitted for site development review shall include both the initial 5,000 square feet and the additional 5,000 square feet.

6. The speedway may include a gift shop not exceeding 6,000 square feet in size. Sales items shall consist primarily of speedway and racing-related clothing, souvenirs, memorabilia and paraphernalia.

7. The speedway may include "high-end" speedway lodging not to exceed 250 rooms. The speedway lodging shall be operated as an integral part of the speedway. Use of the speedway lodging shall be limited to racing team members, team owners, sponsoring bodies, track officials, the media, persons involving in the testing of racing vehicles, and others directly involved in organizing, financing and/or participating in racing events at the speedway, as well as students attending racing schools at the speedway, and sponsors and patrons of speedway teams and events who are the racing equivalent of people who purchase luxury boxes at sports stadiums and arenas. The approved speedway lodging is not and shall not be operated as a hotel or motel serving the public at large or as permanent housing. The approved speedway lodging is not and shall not be operated as an independent, stand-alone use serving passby traffic along I-84, the public at large, or speedway visitors other than those for whom the lodging is expressly intended to serve as stated in this paragraph. Towards that end, the speedway lodging facility shall not be located within one-half mile driving or air distance of a freeway interchange, and no signage advertising the lodging facility that is visible to and likely to attract passby traffic on I-84 to the lodging facility shall appear on the lodging facility, on the speedway site, or on or within viewing distance of persons traveling on I-84 or I-82. In addition, no media advertising (e.g., newspaper, radio, television, billboards) shall be used to solicit business to the speedway lodging facility. During site development review, additional conditions may be imposed on speedway lodging to ensure that it is used only for the purposes expressed in this paragraph.

8. The speedway may include an industrial park not exceeding 208,000 square feet in size. The industrial park may expand by up to an additional 100,000 square feet upon achieving 80 percent occupancy, provided that the speedway owner or operator first demonstrates compliance with this requirement to the satisfaction of the Morrow County Planning Director and obtains a permit from the County for the expansion. Industrial tenants at the park shall be limited to racing related businesses and activities including, but not limited to, racing schools, race car testing, wind tunnel testing, engine manufacturing, and similar racing related industrial activities. The

plot plan submitted for site development review shall include both the initial 208,000 square feet and the additional 100,000 square feet. The racing related uses permitted at the industrial park shall be of a nature that does not cause interference with customary and usual aviation activities at the airport. Only those racing-related industrial uses that are shown to comply with OAR 660-013-0080 shall be allowed. Any use that, as part of its regular operations, would cause emissions of smoke, dust or steam that would obscure visibility within airport approach corridors, shall be prohibited.

9. Improved RV and unimproved camper/tent/RV space located outside the infield area of the speedway shall not exceed 3,500 and 5,000 spaces respectively, provided that up to an additional 5,000 improved or unimproved RV spaces and 5,000 unimproved camper/tent/RV spaces shall be provided and made available in the event the speedway owner or operator secures a contract to hold a Winston Cup race or a Federation Internationale de l'Automobile race. Prior to constructing the additional RV and camping space sites, the speedway owner or operator shall demonstrate compliance with this requirement to the satisfaction of the Morrow County Planning Director. The plot plan submitted for site development review shall include both the initial 8,500 RV and camper/tent/RV spaces as well as the additional 5,000 RV and 5,000 camper/tent/RV spaces. The RV facility shall be allowed for use in conjunction with speedway events only. The approved RV and camper/tent/RV spaces are not and shall not be operated as independent, stand-alone uses serving the general public. Towards that end, no signage advertising the RV and camper/tent/RV spaces that is visible to and likely to attract passby traffic on I-84 to those spaces shall appear within the RV and camping areas, on the speedway site, or on or within viewing distance of persons traveling on I-84 or I-82. In addition, no media advertising (e.g., newspaper, radio, television, billboards) shall be used to solicit business to the RV and camper/tent/RV spaces.

10. The speedway may include a multi-purpose recreational facility not exceeding 100,000 square feet in size to accommodate car shows, rodeos, fairs, concerts, wine and food tasting events, dancing and similar activities. This multi-purpose recreation facility shall be used only in conjunction with racing events and activities at the speedway, unless a new exception is first applied for and approved allowing the use of this facility in other circumstances. The multi-purpose recreational facility shall not include a cinema, bowling alley, or theater, nor shall it include other recreational or entertainment uses that are typically found inside urban growth boundaries except as expressly authorized by this condition.

11. The speedway may include outdoor recreational facilities, such as a BMX bicycle track, a go cart track, a miniature golf course, and athletic fields and courts. These outdoor recreational facilities shall be used only in conjunction with racing events and activities at the speedway, unless a new exception is first applied for and approved allowing the use of these facilities in other circumstances. Towards this end, the hours of operation of outdoor recreational facilities shall be limited to those times when visitors are gathering at the speedway to attend racing related events, provided, however, that the BMX bicycle track and go-cart facility may operate longer hours because they fit the racing theme of the speedway.

12. The speedway may include one gasoline service station with attached convenience store not exceeding eight bays (24 pumps). The service station/convenience store shall be operated as



an integral part of the speedway and not as an independent, stand-alone use. Towards that end, the service station/convenience store shall not be located within one-half mile driving or air distance of a freeway interchange, and no signage advertising the service station/convenience store that is visible to and likely to attract passby traffic on I-84 to the service station/convenience store shall appear on the service station/convenience store, on the speedway site, or on or within viewing distance of persons traveling on I-84 or I-82. In addition, no media advertising (e.g., newspaper, radio, television, billboards) shall be used to solicit business to the gas station/convenience store.

13. All racetracks constructed at the speedway site shall be located approximately 25-30 feet below grade level.

14. An Emergency Management Plan shall be developed for the speedway. In preparing the Emergency Management Plan, the speedway owner or operator shall coordinate at a minimum with the Boardman Rural Fire Protection District, Morrow County Emergency Services, Morrow County Public Works, the Morrow County Sheriff's Department and the Umatilla Electric Cooperative. The Emergency Management Plan shall ensure that there are adequate fire fighting personnel and equipment to protect attendees at the speedway during all racing events, and that emergency services are adequate to accommodate the needs of area residents, racing team members and visitors to the speedway during all racing events. The Emergency Management Plan shall incorporate utilization of medical facilities at the speedway and helicopter transport capability for serious medical or other emergency conditions. A demonstration of adequate public safety measures is required to obtain site development review approval. If additional personnel or equipment are required beyond the resources of fire districts or emergency service providers in order to provide an adequate level of protection for the speedway complex and its attendees, then the speedway owner or operator shall provide funds to pay for the additional personnel and equipment, including a new fire station (subject to land use approval) and equipment at or near the speedway if required. The Emergency Management Plan shall be reviewed annually and revised and updated as appropriate. The Emergency Management Plan shall be subject to approval by the Morrow County Emergency Management Director, who may appoint a committee to assist in review of the plan.

15. A Security Plan shall be developed for the speedway. In preparing the Security Plan, the speedway owner or operator shall coordinate with affected law enforcement personnel serving the area, including but not limited to the Morrow County Sheriff, the City of Boardman Police Department and the Oregon State Police. The Security Plan shall address speedway safety and security on-site and at points of access adjoining the speedway. The plan shall ensure that law enforcement and public safety and security services are adequate to accommodate the needs of area residents and speedway visitors during all racing events. A demonstration of adequate law enforcement and public safety and security measures is required to obtain site development review approval. The speedway owner or operator shall be responsible for payment of the additional costs incurred by law enforcement, public safety and emergency service providers associated with servicing a racing event at the speedway. The Security Plan shall be reviewed annually and revised and updated as appropriate. The Security Plan shall be subject to approval by the Morrow County Sheriff, who may appoint a committee to assist in review of the plan.

16. The speedway owner or operator shall prepare a Litter Control Plan demonstrating how litter and trash will be controlled and cleaned up following speedway racing events. The Litter Control Plan shall encourage the collection, reuse and recycling of solid waste. The plan shall be reviewed and approved as part of the site development review. As a condition of site development review, Morrow County shall require the speedway owner or operator to construct a fence around the perimeter of the property both to control litter and to provide separation from I-84 and from the exercise of customary and usual aviation activities at the Boardman airport.

17. The speedway owner or operator shall obtain all required state agency permits, including but not limited to DEQ water quality permits, permits for wastewater, stormwater and air contaminants and, if required, hazardous materials permits, and such permits as may be required by the Oregon Health Department and Oregon Water Resources Department. All required agency permits shall be obtained prior to occupancy of the facility.

18. The speedway owner or operator shall identify water storage improvements needed to maintain an adequate on-site water supply for drinking, domestic and fire fighting purposes during speedway events and for other speedway uses.

19. To protect water quality, the speedway development shall apply best management practices when constructing the speedway, including its related and associated uses, and when constructing the road improvements identified in the application.

20. The speedway developer shall pay all costs associated with relocating utility facilities, should that prove necessary as a result of required roadway improvements.

21. Outdoor lighting at the speedway shall be aimed to prevent light from projecting directly onto existing runways or taxiways at the Boardman airport or into existing airport approach corridors. The speedway owner or operator shall coordinate with the Oregon Department of Aviation to avoid the creation of potential safety problems through radio, radiotelephone or television transmission facilities or electrical transmission lines that might be placed at the speedway. Development of the speedway shall be in compliance with the Airport Planning Rule.

22. The speedway developer shall not construct any open water impoundment in a manner that would create a potential safety hazard to the airport by increasing bird flight or wildlife activity across runways or approach corridors. Should the speedway developer desire to construct an open water impoundment at the speedway, including lagoons to facility sanitary sewer service, then prior to constructing the water impoundment, the speedway developer shall coordinate with the Oregon Department of Aviation and shall comply with any conditions required by the Department of Aviation to prevent an increase in the level of air navigational hazard. Any new water impoundment constructed at the speedway shall be consistent with and not violate any contractual obligations between the Port of Morrow and the Federal Aviation Administration, and shall be consistent with the Airport Planning Rule.

23. The speedway developer shall be prohibited from constructing the accessory uses identified in Paragraph A.4 above prior to commencement of construction of the speedway and speedway related uses identified in Paragraph A. 3 above, provided that the speedway developer

may first commence construction of a portion of the RV park in order to accommodate workers involved in the construction of the speedway and its related uses.

24. Except with respect to the RV park, Morrow County shall not issue occupancy permits for any of the uses identified in Paragraph A.4 prior to the completion of the uses identified in Paragraph A.3, including but not limited to a minimum grandstand seating capacity of 60,000 persons. The occupancy permit for the RV park that is issued prior to completion of the uses identified in Paragraph A. 3 shall be issued for construction workers only.

25. No permanent housing shall be allowed at the speedway. No temporary housing shall be allowed at the speedway other than at the 250 room speedway lodging facility and at areas designated as RV and tent camping areas.

26. The speedway may utilize signage on the site and on and within viewing distance of I-84 or I-82 advertising the presence and location of the speedway. However, the speedway shall not use such signage to advertise any use authorized in Paragraph A.4 of these findings. Signage shall be in compliance with Zoning Ordinance Section 4.070 (Sign Limitations and Regulations) and OAR Chapter 734.

27. In the event that the speedway ceases operations, all uses identified in Paragraph A.4 of these findings other than industrial uses at the industrial park shall also cease operation at the same time.

28. The Morrow County Public Works Director and Engineer shall develop a roadway design standard for Tower Road that is appropriate for construction of a five lane roadway.

29. Prior to submission of an application for site development review approval, the applicant shall demonstrate that Umatilla County has amended its transportation system plan to authorize roadway improvements within that county's jurisdictional boundaries, including merge/diverge lanes and ramp improvements associated with the I-84/I-82 interchange, that are necessary to accommodate a 60,000 person event at the speedway.

30. Transportation Improvements. To ensure that the proposed land uses are in compliance with the functions, capacities and performance standards of affected transportation facilities, the applicant shall construct the following roadway improvements:

- A. Modifications to the I-84/Tower Road Interchange, including two-lane ramps for all ramps of the interchange, a four-lane bridge across I-84, and improved turning radiuses at the beginnings and ends of the on/off ramps. These modifications will be further defined in a refinement study to be completed prior to completion of the Final Environmental Assessment (EA) or Environmental Impact Statement (EIS) required by the National Environmental Policy Act
- B. Stacking and merge lanes extending approximately 1.5 miles in each direction from the I-84/Tower Road Interchange, the precise length to be defined in a refinement study

- C Widening of Tower Road to five lanes between I-84 and the southernmost entrance to the speedway on Tower Road.
- D. A new Speedway Interchange on I-84 located east of PGE's north/south rail spur crossing of I-84 and including two-lane on and off ramps and a four lane bridge over I-84
- E. Stacking or merge lanes extending approximately 1.5 miles in each direction from the I-84/Speedway Interchange
- F. A third travel lane on I-84, both eastbound and westbound, extending from the new Speedway Interchange to the Oregon Highway 730 Interchange, and also extending both eastbound and westbound from approximately 1200 meters west of the Army Depot Interchange to the I-82/I-84 Interchange, the precise length to be defined in a refinement study to be completed prior to the issuance of the Final EA or EIS. A length of 1200 meters west of the Army Depot Interchange shall be required for both east and westbound I-84 unless a shorter length is agreed to by ODOT during the refinement study process.
- G. Bridge widening or modifications as necessary along I-84
- H. Modifications to the off-ramp connecting I-82 southbound to I-84 westbound and the on-ramp connecting I-84 eastbound to I-82 northbound to provide two-lane ramps
- I. Construction of a four-lane speedway circulatory road within and encircling the perimeter of the speedway
- J. Relocation and realignment of the Kunze Lane connection with Tower Road to meet Division 51 spacing standards (so that the intersection is no less than 1320 feet from the ramp terminus of the I-84/Tower Road ramps)
- K. Improvements to the I-84/Army Depot Interchange to facilitate I-82/I-84 merge/diverge lanes

31. The transportation improvements identified in Paragraph 30 of these approval conditions shall be permanent structural improvements and shall be constructed to meet all applicable design standards. No listed improvements shall be provided for through temporary, non-structural means, such as traffic management techniques.

32. Phased Development. The transportation improvements required in Paragraph 30 of these approval conditions shall be constructed and operational prior to the holding of races or other events at the speedway that are open to the general public, except as follows:

- A. Interim Racing Events. If authorized pursuant to Paragraph E of this condition:
  1. Prior to the construction of any of the roadway improvements required by Paragraph 30, racing events may be held at the speedway that attract fans in numbers not exceeding 3,000 people in attendance.
  2. Following completion of the widening of Tower Road to five lanes and construction of all required improvements to the Tower Road Interchange and ramps as provided in this decision, and following completion of the realignment of Kunze Lane and making safety improvements to Kunze

Lane as provided for in this decision, but prior to the completion of the other roadway improvements identified in Paragraph 30, racing events may be held at the speedway that attract fans in numbers not exceeding 23,000 in attendance; provided, however, that the 23,000 person attendance figure may be adjusted upward or downward as provided under Paragraph C of this condition. Such events shall be accompanied by event management measures provided on the day of the race that are intended to attract traffic to the speedway prior to the main racing event over a period of at least four hours.

- B. Rate of Exiting Traffic. Except as otherwise permitted under Condition 36, for all racing events authorized under Paragraphs A or C of this condition, the speedway owner or operator shall control the rate of traffic leaving the speedway to ensure that traffic volumes of 3750 vehicles per hour are not exceeded.
- C. Interim Traffic Monitoring Plan. For all racing events authorized under this condition, the speedway owner or operator shall monitor the flow of traffic to and from the racing events in coordination with ODOT Region 5 and the Morrow County Public Works Director. For events authorized under Paragraph A.2 of this condition, if event experience indicates that a somewhat larger event can be held that would be consistent with ODOT and Morrow County roadway performance standards, then upon agreement by ODOT's Region 5 Manager and the Morrow County Public Works Director, the Morrow County Public Works Director may authorize a larger racing event, not to exceed 30,000 people in attendance. If event experience indicates that a smaller sized racing event is required to ensure consistency with ODOT and Morrow County roadway performance standards, then the Morrow County Public Works Director shall reduce the maximum attendance size of the event to an appropriate number.
1. Prior to the scheduling of any races authorized under this condition, the speedway owner or operator shall develop an Interim Traffic Monitoring Plan in coordination with ODOT Region 5 and Morrow County. The Interim Traffic Monitoring Plan shall be reviewed and approved by the Morrow County Public Works Director and ODOT's Region 5 Manager and shall be applied to all races held pursuant to this condition as stated in the monitoring plan. The Interim Traffic Monitoring Plan shall provide for the timely gathering and submittal of information to ODOT and Morrow County, including advance notification of events that are subject to this condition.
  2. Unless ODOT's Region 5 Manager and the speedway owner or operator agree otherwise, the Interim Traffic Monitoring Plan shall require, at a minimum, vehicle counts calculated on an hourly basis on the day or days of any events expected or likely to attract 2,500 or more people to the facility under Paragraph A.1 of this condition or 10,000 or more people under Paragraphs A.2 or C of this condition. These vehicle counts shall be

taken consistent with the Interim Traffic Monitoring Plan developed in Paragraph C.1 of this condition, which shall include the following unless otherwise agreed to by ODOT's Region 5 Manager and the speedway owner or operator:

- a. For events under Paragraph A.1, vehicle counts taken at all speedway entrances off of and exits onto Tower Road.
  - b. For events under Paragraphs A.2 and C, vehicle counts taken at the I-84/Tower Road Interchange (all ramps) and at all speedway entrances off of and exits onto Tower Road.
3. The vehicle counts taken pursuant to Paragraph C.2 of this Condition shall be provided by the speedway owner or operator to ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees, within two weeks following the day of the counts. The speedway owner or operator concurrently shall provide ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees, with attendance figures for each racing event held on the days for which counts are taken.
  4. The speedway owner or operator shall be responsible for payment of all expenses incurred in preparing and executing the Interim Traffic Monitoring Plan. This does not include costs for agency staffs and other parties to participate in the development, modification or updating of the Interim Traffic Monitoring Plan.
  5. The Interim Traffic Monitoring Plan shall provide for the discontinuation of traffic monitoring for racing events authorized under Paragraph A.1 of this condition if after two consecutive events subject to monitoring, the traffic monitoring indicates that the racing events are meeting both the 3,750 vehicle/hour standard in Paragraph B of this condition and ODOT and Morrow County roadway performance standards. The Interim Traffic Monitoring Plan also shall provide for the discontinuation of traffic monitoring for racing events authorized under Paragraph A.2 and under Paragraph C of this condition if, after two monitored events under each of those paragraphs, the traffic monitoring indicates that such racing events are meeting both the 3,750 vehicle/hour standard and ODOT and Morrow County roadway performance standards. If the event that racing events authorized under Paragraphs A.1, A.2 or C are not meeting the 3,750 vehicle/hour standard and ODOT and Morrow County roadway performance standards, then traffic monitoring shall continue for racing events under the relevant paragraph until these standards are met for two consecutive racing events.

6. The Interim Traffic Monitoring Plan shall provide criteria upon which traffic monitoring of speedway racing events authorized under this condition may be resumed. Should resumed traffic monitoring indicate that the 3,750 vehicle/hour standard or ODOT or Morrow County roadway performance standards are being exceeded, then traffic monitoring shall continue on an event by event basis until the racing events again are shown to be meeting the 3,750 vehicle/hour standard and ODOT and Morrow County roadway performance standards.

D. Interim Traffic and Event Management Plan. Prior to site development review, an Interim Traffic and Event Management Plan shall be developed that is designed to comply with both the 3,750 vehicle/hour standard and ODOT and Morrow County roadway performance standards. The Interim Traffic and Event Management Plan shall be developed in coordination with and obtain the concurrence of ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees, and shall be reviewed and approved as part of site development review. The Interim Traffic and Event Management Plan shall be updated and modified as necessary during the course of the racing season to ensure compliance with ODOT and Morrow County performance standards. Plan updates and modifications shall be prepared by a licensed engineering firm experienced in speedway events, in coordination with ODOT Region 5 and Morrow County.

E. Completion of NEPA and Site Development Review and Agency Approval.

1. No racing event authorized under this condition shall be held prior to completion of the NEPA process and the issuance of a final land use decision approving site development review for the speedway; and
2. No racing event authorized under this condition shall be held without first obtaining advance approval from ODOT and the Federal Highway Administration.

33. Prior to operation of the speedway for events other than those permitted under Condition 32, all mitigation required as a condition of the site development review process shall be completed.

34. The Port of Morrow or its designee shall be responsible for the completion of a refinement plan as defined in OAR 660-012-0025. The refinement plan shall address the following infrastructure needs: deviation from the spacing standards related to the Speedway Interchange, which shall include the types and levels of information necessary to obtain Oregon Transportation Commission approval of a major deviation study; modifications to the Tower Road interchange and the length of stacking and merge lanes serving that interchange; and the precise length of the third lane on I-84, both eastbound and westbound, in the vicinity of the Army Depot Interchange. The refinement plan shall be completed and adopted as an amendment

to the Morrow County Transportation System Plan prior to issuance of a final Environmental Assessment or Environmental Impact Statement.

35. In coordination with ODOT Region 5 and the Federal Highway Administration, the Port shall study alternative roadway improvements to a new Speedway Interchange as required by the National Environmental Policy Act. If Port acquisition of land for new roadways identified during that analysis proves feasible and reasonable; and if such roadways would better meet ODOT's needs and ODOT exhibits a strong preference for those roadways; and if identified roadway alternatives are demonstrated to comply with all relevant requirements of the Transportation Planning Rule, including OAR 660-012-0070, then the Port shall apply to Morrow County for transportation system plan amendments to authorize those improvements in lieu of improvements approved by this decision that would no longer be required.

36. The speedway owner or operator shall manage the outbound flow of traffic from the speedway in a manner that ensures that outbound traffic does not exceed a volume of 3750 vehicles per hour; provided, however, that higher outbound volumes may be allowed if the speedway owner or operator and ODOT Region 5 Manager agree that the volume of background traffic permits higher rates of traffic to leave the speedway consistent with ODOT performance standards. This condition is intended to recognize that the 3750 figure is based on traffic impacts in the year 2020, and that the level of background traffic in that year will be higher than in prior years leading up to 2020. Agreements between ODOT's Region 5 Manager and the speedway owner or operator shall be filed with the Planning Director and shall specify the volume of traffic that may exit the speedway per hour during any given year. The speedway owner or operator shall manage the inbound and outbound flow of traffic from the speedway for events of any size so that the relevant performance standards are not exceeded for any state or county facility.

37. When the speedway owner or operator contracts for a premier racing event expected to attract 60,000 attendees on a single day, the owner or operator shall hold preliminary speedway events on prior days and shall utilize event management techniques, including but not limited to ticket packaging, in a manner that is likely to attract at least 35 percent of those attending the 60,000 person event to the speedway at least one day in advance of that race. For premier racing events expected to attract 100,000 or more people to the speedway in a single day, the speedway owner or operator shall hold preliminary speedway events and engage in event management that is likely to attract 50 to 60 percent of fans to the speedway at least one day prior to the peak event. As used in these conditions, "premier" racing events are large and mid-size racing events, including but not limited to NASCAR Winston Cup, Craftsman Truck and Busch Series races, Indy car races, Super Sport Motorcycle races, GT Championships, and CART and NHRA races, that are expected to attract 20,000 or more attendees on the day of the racing event. As used in these conditions, "preliminary speedway events" includes smaller premier events, time trials, and other activities that are expected to attract fans in numbers sufficient to comply with this condition.

38. Traffic Management Plan. The speedway owner or operator shall prepare a detailed Traffic Management Plan identifying traffic management measures proposed for implementation during speedway racing events and providing for traffic monitoring as described in condition 40.



- A. The Traffic Management Plan shall be a graduated plan covering a spectrum of different event sizes.
- B. The Traffic Management Plan shall identify traffic management needs and address how these needs will be implemented. The Traffic Management Plan shall be designed to maintain compliance with ODOT and Morrow County roadway performance standards as described in these findings, and shall address, among other things, parking and circulation within the speedway; access routes to the site and detour routes for through traffic; point control with police officers; the availability and location of tow trucks and emergency vehicles along access routes to the speedway; the use of variable message signs; traffic coordination from helicopters; closure of RV and camping areas for up to the first four hours following a premier event; traffic route map and traffic/parking information mailed with race tickets; and the use of nonstructural techniques to improve and facilitate speedway access and roadway mobility.
- C. The Traffic Management Plan shall be prepared by a licensed traffic engineering firm experienced in speedway events, in coordination with ODOT Region 5, the Washington Department of Transportation, the Morrow County Public Works, Planning and Emergency Management Directors, the Umatilla County Public Works Director, and representatives of the cities of Boardman, Umatilla and Irrigon and the Port of Morrow. The Traffic Management Plan also shall be subject to review and comment by other affected state and local agencies, local governments, and stakeholders such as PGE, Threemile Canyon Farms and Umatilla Electric Cooperative, whose identity shall be determined jointly by the speedway owner or operator and the Morrow County Planning Director.
- D. The Traffic Management Plan shall be updated on an annual basis and modified as necessary during the course of the racing season. Plan updates and modifications shall be prepared by a licensed engineering firm experienced in speedway events, in coordination with ODOT Region 5, Morrow County and other affected agencies and local governments.
- E. The Traffic Management Plan, and updates and modifications to that plan, shall be reviewed and approved by the Morrow County Public Works Director, Emergency Management Director and Planning Director and the ODOT Region 5 Manager, or their designees. The speedway owner or operator shall reimburse Morrow County for the cost of a traffic engineer to assist in evaluation of the Traffic Management Plan. The initial Traffic Management Plan shall be submitted to Morrow County for approval as part of the site development review process.

39. Event Management Plan. The speedway owner or operator shall prepare a detailed Event Management Plan identifying event management measures proposed for implementation during racing events.

- A. The Event Management Plan shall be a graduated plan covering a spectrum of different event sizes.
- B. The Event Management Plan shall identify, among other things, the types of activities and events that the speedway could hold and that would be appropriate to attract persons attending larger racing events to the speedway in advance of those events, and shall provide strategies for holding such events and activities to achieve that result. These events shall include smaller races held earlier during the week whenever a race attracting 60,000 or more fans is held at the speedway. The plan shall address how the strategies will be implemented.
- C. The Event Management Plan shall be reviewed on an annual basis and updated as necessary. The plan shall include provisions addressing when plan updates are required. The Event Management Plan, and updates or modifications to that plan, shall be reviewed and approved by the Morrow County Public Works Director, Emergency Management Director and Planning Director and the ODOT Region 5 Manager, or their designees. The initial Event Management Plan shall be submitted to Morrow County for approval as part of the site development review process.

40. Traffic Monitoring of Premier Events. Following completion of construction of the roadway improvements identified in Paragraph 30 of these approval conditions, the speedway owner or operator shall monitor the flow of traffic to and from premier racing events as provided for in this condition.

- A. Rate of Exiting Traffic. Except as otherwise permitted under Condition 36, the speedway owner or operator shall control the volume of traffic leaving the speedway to ensure that traffic volumes of 3750 vehicles per hour are not exceeded.
- B. Traffic Monitoring Plan. The speedway owner or operator shall prepare a detailed Traffic Monitoring Plan to monitor the effectiveness of the Traffic Management Plan and the Event Management Plan to maintain consistency with both the 3,750 vehicle/hour standard in Paragraph A of this condition and ODOT and Morrow County roadway performance standards during premier racing events at the speedway. The Traffic Monitoring Plan shall be developed in coordination with ODOT Region 5 and the Morrow County Public Works Director and shall have the approval of ODOT's Region 5 Manager or his/her designee. The Traffic Monitoring Plan shall be submitted to the County during site development review as an element of the Traffic Management Plan for the speedway.
- C. The Traffic Monitoring Plan shall provide for traffic monitoring during premier racing event weekends when single day attendances of 20,000 or more are expected. The Traffic Monitoring Plan shall provide for the timely gathering and submittal of information to ODOT Region 5 and Morrow County, including

advance notification of events that are subject to this condition, and shall provide for the following:

1. During the first year following completion of all transportation improvements required by Paragraph 30, traffic monitoring of all premier racing events. If only one premier event is held during that first year, then traffic monitoring also shall be required for the next premier racing event held at the speedway.
2. Traffic monitoring of the first two premier racing events expected or likely to attract 60,000 people to the speedway on a single day.
3. Traffic monitoring of the first two premier racing events expected or likely to attract 100,000 or more people to the speedway on a single day.
4. Traffic monitoring of additional 60,000 or 100,000 person events, if attendance at these events falls short respectively of 60,000 or 100,000 people by more than 5 percent.

D. Unless ODOT's Region 5 Manager and the speedway owner or operator agree otherwise, the Traffic Monitoring Plan shall require, at a minimum, vehicle counts calculated on an hourly basis on the following days: the days when premier racing events are held; the day prior to the holding of the first premier racing event of the weekend; and the day following the holding of the final premier racing event of the weekend. These vehicle counts shall be taken consistent with the Traffic Monitoring Plan developed under this condition, which shall include the following unless otherwise agreed to by ODOT's Region 5 Manager and the speedway owner or operator:

1. Vehicle counts taken at all speedway entrances off of and exits onto Tower Road and on Kunze Lane immediately east of Tower Road.
2. Vehicle counts taken at the following interchanges: I-84/Speedway Interchange (all ramps); I-84/Tower Road Interchange (all ramps); I-84/Highway 97 Interchange (SB 97 to EB I-84 and WB I-84 to NB 97 ramps); I-84/I-82 Interchange (SB I-82 to WB I-84 and EB I-84 to NB I-82 ramps); and I-82/Highway 730 Interchange (SB I-82 to SB 730 and NB 730 to NB I-82 ramps).
3. Vehicle counts taken on the main line of I-84, I-82 and Highway 730 in both directions at the following locations: on I-84 west of the Speedway Interchange; on I-84 east of the Tower Road Interchange; on I-84 west of the I-84/I-82 Interchange; on I-82 north of the I-84/I-82 Interchange; and on Highway 730 just northeast of I-84.

- E. The vehicle counts taken pursuant to Paragraph D of this condition shall be provided to ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees, within two weeks following the final day of the counts. The speedway owner or operator concurrently shall provide ODOT's Region 5 Manager and the Morrow County Public Works Director, or their designees, with attendance figures for each racing event held on the days for which counts are taken.
- F. The Traffic Monitoring Plan shall provide for the discontinuation of traffic monitoring for events identified in Paragraphs C.1, C.2 and/or C.3 of this condition if the traffic monitoring required by Paragraph C of this condition indicates that events at those attendance levels are meeting the 3750 vehicle/hour standard (or alternative Condition 36 standard) and ODOT and Morrow County roadway performance standards.
- G. The Traffic Monitoring Plan shall provide criteria upon which the monitoring of speedway events identified in Paragraphs C.1, C.2 or C.3 of this condition may be resumed. This may include a provision requiring the monitoring of certain racing events at periodic intervals (e.g., every five years). Should resumed monitoring indicate that the 3750 vehicle/hour standard (or Condition 36 alternative) or ODOT or Morrow County roadway performance standards are being exceeded for events at those attendance levels, then traffic monitoring shall continue for such events until the racing events again are shown to be meeting the 3750 vehicle/hour standard (or Condition 36 alternative) and ODOT and Morrow County roadway performance standards, unless otherwise provided for in the Traffic Monitoring Plan.
- H. The speedway owner or operator shall be responsible for payment of all expenses incurred in preparing and executing the Traffic Monitoring Plan. This does not include costs for agency staffs and other parties to participate in the development, modification or updating of the Traffic Monitoring Plan.

41. The speedway owner or operator and any successors in interest shall work cooperatively with emergency service providers and affected state and local governments and agencies, including ODOT Region 5, Morrow County and the Oregon State Police, in developing one or more interagency agreements to prepare and implement the Traffic Management Plan required by Condition 38. The interagency agreement shall be submitted prior to application for site development review.

42. Unless otherwise agreed to by ODOT and the Federal Highway Administration for state highways, or by Morrow County for County roadways, the speedway owner or operator, or any successors in interest, shall be responsible for payment of all construction costs of the transportation improvements required in Paragraph 30 of this decision.

43. Unless otherwise agreed to by federal, state or local transportation providers, the speedway owner or operator, or any successors in interest, shall be responsible for payment of all

expenses incurred in executing the Traffic Management Plan and the Event Management Plan for the speedway, including costs incurred for emergency services required for speedway events. This does not include costs for agency staffs and other parties to participate in the development, modification or updating of the Traffic Management and Event Management Plans.

44. Implementation of the required Traffic Management, Event Management and Traffic Monitoring Plans shall be an ongoing condition of approval for the speedway. Failure by the speedway owner or operator to substantially comply with those plans, including the 3750 vehicle per hour standard in Paragraph 40.A of these conditions and the ODOT and Morrow County roadway performance standards that those plans are intended to achieve, or to pay the costs of executing those plans shall be a basis for enjoining operation of the speedway. Morrow County agrees in good faith to diligently enforce these plans and all other conditions of this decision.

45. Prior to staging any racing event at the speedway, the owner or operator of the speedway shall obtain all permits from ODOT and Morrow County that are required to implement the Traffic Management Plan for the speedway. Renewal of such permits may be required on an annual basis. This condition anticipates that Morrow County may adopt an annual permitting process for the use.

46. Unless otherwise agreed to by a representative of the Washington Department of Transportation during development or revision of the traffic management plan, the speedway owner or operator, as part of that plan, shall provide for the placement of signage on eastbound I-82 in Washington in advance of Oregon Highway 730 and for the use of uniformed officers to provide traffic control at the I-82/Highway 730 ramp terminal and at Brownell Avenue on event day. The plan also shall provide that the speedway owner or operator maintain a towing service/incident response team to monitor the bridge and other major roadways serving the speedway on event days.

47. Only informational or directional signage will be allowed on state highways. Any such signage shall conform with the Manual of Uniform Traffic Control Devices.

48. Unless ODOT or the Federal Highway Administration require otherwise, the rest area facilities located on I-84 a few miles east of Tower Road shall remain open during premier speedway racing events to serve both speedway generated traffic and others traveling on I-84.

49. In addition to the attendance requirements required in Conditions 32 and 40, the speedway owner or operator shall maintain daily counts of all persons attending all other speedway events involving the use of the racetracks. The monitoring system shall provide that the owner or operator submit attendance count information to ODOT Region 5 and the Morrow County Public Works Director on at least a quarterly basis.

50. The speedway owner or operator shall provide for monitoring and analysis of the effectiveness of traffic management measures that were utilized during each racing event weekend requiring traffic management measures. The analysis shall occur promptly following the weekend. Where racing events are held on two or more consecutive days over a weekend, review and appropriate revisions to the Traffic Management Plan to minimize adverse traffic

impacts are encouraged after each racing day. A professional traffic engineer shall oversee implementation of the Traffic Management Plan and coordinate the traffic monitoring and analysis that occurs following racing events. To the extent feasible and practical, review and revision of the Traffic Management Plan shall involve ODOT Region 5, the Oregon State Police, the Morrow County Sheriff's Department and affected local law enforcement agencies.

51. A full traffic analysis shall be provided for all event size traffic, to enable ODOT to issue final approvals and permits and to gain approval from the Federal Highway Administration for interchange modifications. The traffic study shall be prepared in accordance with OAR Chapter 734, Division 51 and federal requirements for interchange modifications contained in the Federal Register.

52. The speedway owner or operator shall provide either an irrevocable letter of credit or a bond in favor of ODOT that shall provide adequate funding to construct all of the transportation improvements to state transportation facilities required by this decision. Additionally, the speedway owner or operator shall provide either an irrevocable letter of credit or a bond in favor of Morrow County that shall provide adequate funding to construct all of the transportation improvements to county transportation facilities required by this decision. All bonds or letters of credit required by this condition shall be in place prior to the scheduling or holding of any racing events at the speedway and prior to commencement of construction of the transportation improvements required by Condition 30. These security instruments in favor of ODOT and Morrow County shall be maintained, respectively, until all construction required by Condition 30 to state or county roadway facilities is completed.

53. The applicant shall demonstrate compliance with the conditions set out in this approval either during or as a condition of site development review.

54. Applications to modify these conditions shall require review and approval by the Planning Commission following public notice and opportunity for hearing. Notice of any proposed amendments to conditions shall be mailed in a timely manner to ODOT's Region 5 Manager and to DLCD.

55. All speedway and speedway related uses authorized by this decision shall be constructed entirely within the subject site. Should land on adjoining properties not currently owned by the Port of Morrow become available to the Port, and should the Port desire the use of those lands for speedway related parking, RV sites or similar uses, then the Port shall apply to Morrow County for comprehensive plan amendments to utilize those properties for speedway uses. This may require the Port to apply for additional goal exceptions. Where land is added to the speedway development as a result of a requested plan amendment, an approximately equivalent amount of land shall be removed from the current speedway site unless the need for additional land is justified by the Port.

56. During site development review, the speedway developer shall demonstrate that the proposed site plan provides for safe and convenient pedestrian access connecting the parking lots, RV and camping areas with the racetrack and the other authorized speedway related uses.

57. In addition to service of notice on those persons required by law to receive written notice of a land use application, written notice of the application for site development review for the speedway shall be served on ODOT's Region 5 Manager, DLCD, DEQ, Oregon Department of Aviation, the City of Boardman, and the Umatilla Electric Cooperative.

58. The speedway developer shall coordinate with the Morrow County Road Department to identify and provide safety improvements to Kunze Lane between Tower Road and Toms Camp Road in the form of shoulder and lane widening and associated paving. The improvements shall be made at the developer's expense.

59. Prior to site development review, the Port shall obtain approval from the Federal Aviation Administration for the final speedway design and for the modified Airport Layout Plan. Also prior to site development review, the Port shall submit the revised Airport Layout Plan to the Planning Commission and County Court for review and approval.

60. A land partition application shall be filed and approved by the Planning Commission before the land owner may sell or deed the 1400 acre speedway property as a separate parcel (ORS 92.010, MCSO 5.010).

61. The Tri-Oval Super Speedway, Asphalt Road Course, Asphalt Oval, Drag Strip and Dirt Track all shall be located a minimum of 2.4 miles from the location of the nearest residential dwelling as identified in the Daly-Standlee & Associates report dated November 12, 2001 and entitled "Noise Study for a Proposed International Raceway Facility in Morrow County."

62. The speedway shall include water storage capacity in an amount deemed appropriate by the Oregon Water Resources Department. Initial on-site storage capacity shall not be less than one million (1,000,000) gallons. A storage facility containing a minimum storage capacity of two million (2,000,000) gallons shall be provided on site prior to the holding of any event attracting more than 75,000 people to the site on a single day.

63. The Port is encouraged to conduct actual counts of both vehicles and persons occupying RV and camper spaces at a Winston Cup race to be held at the Michigan International Speedway during the summer of 2002. If such counts are taken, the Port is encouraged to provide the results of the counts to ODOT's Region 5 Manager and the Morrow County Public Works Director.

64. The speedway owner or operator shall cooperate with the Bureau of Reclamation and the West Extension Irrigation District regarding impacts to irrigation easements and facilities that might be impacted by speedway related transportation improvements on Kunze Lane.

65. Morrow County retains authority to enforce conditions of this land use decision utilizing resources including but not limited to the Code Enforcement Officer and associated enforcement ordinances. This enforcement authority shall apply to all uses at the speedway.


66. In the event the speedway is constructed in whole or in part and then abandoned, the use of speedway related and associated uses shall cease, except as otherwise provided for in these findings or authorized by new goal exceptions.

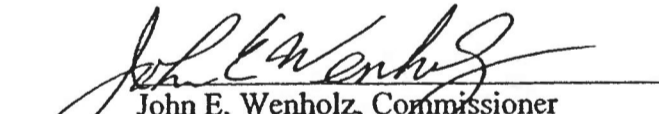
67. The speedway owner or operator shall coordinate with the Bonneville Power Administration (BPA) with regard to the power line easements on the property prior to submitting an application for site development review. As part of its site development review application, the speedway owner or operator shall show evidence that the proposed site plan is acceptable to the BPA given the terms of the existing easement.

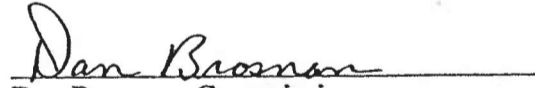
68. Morrow County reserves the right to review and require changes to the traffic management, event management and security plans at any time in the future to ensure continued compliance with Morrow County performance standards.

69. These conditions are intended to ensure consistency with ODOT and Morrow County roadway performance standards based on a 20 year traffic analysis extending through the year 2021. These conditions are not intended to require the applicant to make structural improvements to the state or county roadway systems based on increases in traffic volumes beyond currently estimated year 2021 levels. Increases in background traffic volumes beyond currently estimated year 2021 levels shall not provide a basis for enjoining activities at the speedway under Condition 44 or any other condition of this decision, provided that the speedway owner or operator continues to implement traffic, event and security management measures and traffic monitoring as required by this decision.

Approved and adopted by the Morrow County Court this 21<sup>st</sup> day of JUNE, 2002.

  
Terry K. Tallman, Judge

  
John E. Wenholz, Commissioner

  
Dan Brosnan, Commissioner

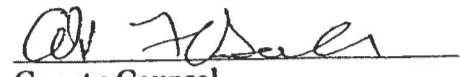
ATTEST:

  
County Clerk





APPROVED AS TO FORM

  
County Counsel



# Oregon

Theodore R. Kulongoski, Governor

Department of Transportation  
Region 5  
3012 Island Avenue  
La Grande, OR 97850  
541-963-3177  
FAX 541-963-9079

January 9, 2008

Carla McLane  
Morrow County Planning Director  
P.O. Box 40  
Irrigon, OR 97844

## Exhibit 1

**Regarding: AZ-007-07: Amendment of Speedway Limited Use Overlay Zone**

Dear Ms. <sup>Carla</sup> McLane:

We appreciate the opportunity to comment on the on the proposed amendment to the Speedway Limited Use Overlay Zone. In response, we have reviewed the proposed changes to June 21, 2002 conditions of approval - Section "H" of the Findings and Decision - to allow the siting of a speedway and related facilities at the southwest corner of the Interstate 84/ Tower Road Interchange approximately five miles west of the City of Boardman.

Based on our review, the proposed amendment appears to reflect the changes authorized by SB 665 (2007) with the exception of identification of transportation impacts and mitigation of the 250 garage units and the 100 units of transient lodging. Those permitted uses were added by SB 665. The accessory uses have to be developed in conjunction with the development of the speedway, but the transportation improvements, monitoring and management only come into play when there is a racing event. Presumably, the housing and garages will bring in people and that may have an impact on the transportation system even without a racing event. Section 2 (5) of SB 665 states that "*Impacts of a speedway destination site, adjacent residential development and transient lodging on the transportation system must be mitigated to the satisfaction of the Department of Transportation at the time of development.*" Therefore, it is reasonable to request that impacts to the transportation system for these uses be identified at this time to assure that mitigation is completed at the time of development.

In addition, we agree with the County that there needs to be more clarity as to what was intended with the Decision. The following comments are from our District Manager, Traffic Engineers and Assistant Attorney General on the June 2002 conditions of approval - Section "H". These comments are summarized by general categories with reference to paragraphs in Section "H" of the proposed amendment.

### Speedway Development

#### Paragraph 2

- This places a limit of 2 events per year that attract more than 100,000 persons. This is defined later but it is important to note that - does this mean arrive in a single day or over several days for the total event? The consequences are significantly different.

**Supporting Uses and Facilities**

**Paragraph 26**

- Not sure I-82 should be mentioned here (none of the Speedway property is visible to I-82, and none of I-82 is in Morrow county). Off premise signing should comply with ODOT's Outdoor Advertising program.

**Transportation Improvements**

**Paragraph 30A**

- Clarify what is meant by the use of the term "two lane ramps". Depending on what you assume, this could mean different things. A full two lane entrance ramp, for example, easily can be over 4000' feet long when everything is said and done. Paragraphs 30B and 30E both talk about merge lanes. It's possible that is what they mean, but it is not clear.
- Tower Road is supposed to be built to a 5-lane cross-section, yet the bridge is only four lanes? The 5-lane section needs to be consistent across the bridge unless and until study shows otherwise.
- New or modified access to the Interstate system requires FHWA approval. The issues to be addressed are listed at this website: <http://www.fhwa.dot.gov/programadmin/fraccess.cfm>. FHWA approval is necessary before a NEPA ROD can be issued. ODOT does not have approval authority on the Interstate System in this issue.

**Paragraph 30B**

- Clarify what is meant by the term "stacking" lanes. We normally would strongly object to stopping traffic along the freeway mainline, and if this means storage for stopped vehicles, this would be a substantial safety concern.

**Paragraph 30D**

- New or modified access to the Interstate system requires FHWA approval. The issues to be addressed are listed at this website: <http://www.fhwa.dot.gov/programadmin/fraccess.cfm>. FHWA approval is necessary before a NEPA ROD can be issued. ODOT does not have approval authority on the Interstate System in this issue.
- Same comment as 30A re: "Two-lane ramps"

**Paragraph 30E**

- Same comment as 30B re: "stacking lanes"

**Paragraph 30F**

- This refers to a third travel lane on I-84 from the Speedway interchange to the Hwy 730 interchange, this should include Tower Road Interchange as well. Clarify that the third lane includes all interchanges between the new Speedway Interchange and Hwy 730- which would include Tower Road, Boardman, and the Port of Morrow interchanges.

**Paragraph 30G**

- This may be a very substantial issue. Some structures can probably be widened, etc but there are others (particularly those going over the top of the freeway) which may not accommodate the widened section and also provide for the necessary vertical clearance/mobility. Some of these may be located at interchanges.

**Paragraph 30H**

- At least one of the existing I-82 connecting ramps are on structures that may not be widenable at a reasonable cost. If they have to be replaced it will add a lot of cost and complications.

**Paragraph 31**

- The phrase "all applicable design standards" should be replaced with "ODOT Highway Design Manual standards and applicable AASHTO criteria on ODOT facilities". Other disciplines (including, but not limited to, Traffic and Bridge) have criteria that should be specifically referenced as well. For those specific issues where the HDM or other resources are silent, there needs to be a means of reaching agreement on what ODOT can accept. Local agencies may have their own standards they want to specify as well – possibly they use AASHTO.
- There should be reference to meeting FHWA requirements and approvals in this paragraph. This is identified later, but would be good to show this here as well. This is especially important for Paragraph 30D, the new Speedway Interchange.

**Planning Requirements**

**Paragraph 34**

- Once again, the Federal policy on Interstate Access needs to be mentioned as part of the refinement work.

**Paragraph 35**

- This paragraph is unclear on intent.
- This paragraph is mixing up the NEPA process with a local decision making process to determine an alternative to the new Speedway Interchange. If the project will require a NEPA analysis, the alternative has to come out of that analysis, not predecided in this county decision.
- These issues have to be specifically addressed as part of the Interstate Access modification

**Paragraph 36**

- In this location and several others it refers to a maximum exiting volume from the speedway of 3750 vehicles per hour. It doesn't refer to each interchange, i.e Tower Road and Speedway, but believe it is referring to total. This should be clarified.

**Paragraph 37**

- This paragraph should specify that the management plan is in addition to construction of facilities listed in Paragraph 30.

### **Implementation of Conditions of Approval**

#### **Paragraph 38-40**

- There does not appear to be any consequence for having inadequate traffic management or monitoring plan. Assuming that the monitoring plan shows that the management plan is not working what is the consequence? How can ODOT and the County require changes?

#### **Paragraph 44**

- “Substantially comply” is vague and subject to disagreement. Also not sure that the County can “enjoin” the speedway without a court order.

#### **Paragraph 48**

- It has always been the Districts conception that on big events, the Boardman SRA would need to be closed WB in the am prior to the event, and EB in the pm after the event. With the addition of the third lane and queuing on the Interstate, it will be impractical to exit into the SRA or merge back out. In addition, the SRA is not designed for such large events and does not have the capacity to handle a big influx.

#### **Paragraph 51**

- This work is incidental to doing the work for the Interstate Access modification approval (which, again, comes from FHWA). The biggest issue here is that FHWA (and Title 23 USC) will require that the traffic study address a 20-year horizon.

#### **Paragraph 52**

- This paragraph is referring to Letters of Credit and Bonding to ensure the needs are met. We, recently received notice that letters of credit were no longer acceptable. It should only be bonding.

#### **Paragraph 64**

- Is local enforcement the only option?

#### **Paragraph 67**

- Add “ODOT performance standards”.

#### **Paragraph 68**

- The wording in Paragraph 51 is pretty clear about the analysis needing to meet the requirements for FHWA approval. If it takes say 18-24 months from now to get through all the studies, assuming a design year of 2030 or later seems appropriate. This is a pretty big difference from the wording about what will be constructed and what will be managed by other means after the 2021 threshold is reached. Title 23 USC (which includes the Interstate Access modification policy) has requirements regarding a minimum 20-year study horizon.

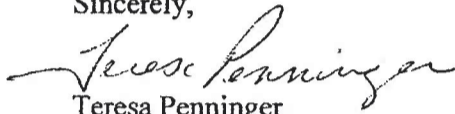
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AZ-007-07: Amendment of Speedway Limited Use Overlay Zone  
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As a minimum, any Interstate Access modification request will have to address those impacts before FHWA approval and thereafter a ROD can be issued.

Thank you again for the opportunity to comment on this proposed amendment. We understand that the process required, as amended by SB 665, is for one evidentiary hearing. We would appreciate the opportunity to further discuss our comments for your consideration and would be available to attend on January 16, 2008.

Sincerely,



Teresa Penninger  
Region 5 Planning Manager

CC: Monte Grove, Region 5 Manager  
Frank Reading, Northeast Area Manager  
George Ruby, District 12 Manager

## Exhibit 2

### MEMO

Date: January 8, 2008

To: Carla McLane  
Morrow County Planning Department Director

From: Burke O'Brien  
Morrow County Public Works Director

Re: Morrow County Amendment of Speedway Limited Use Overlay Zone

In Section H Decision. Paragraph number 28. It states The Morrow County Public Works Director and Engineer shall develop a roadway design standard for Tower Road that is appropriate for Construction of a five lane roadway.

We have in fact done this and will furnish this to Planning at the hearing on the 8<sup>th</sup>.of January 2008.

Further in Paragraph 30 Transportation Improvements paragraph J.

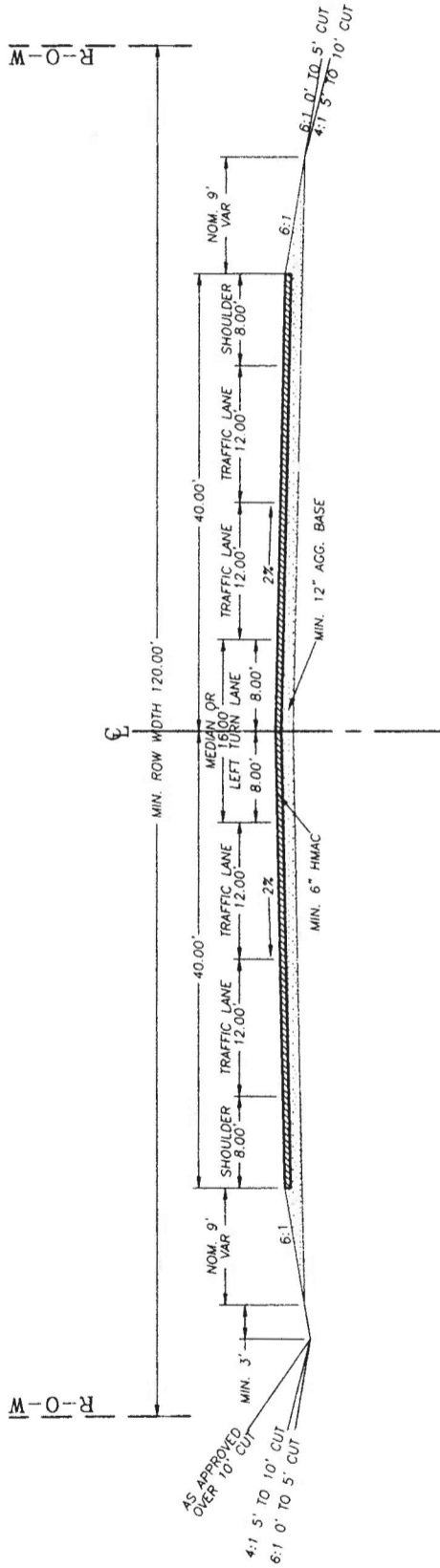
This paragraph refers to relocation and alignment of Kunze Road. I believe this has been done. Thus this paragraph becomes irrelevant and should be removed from this section.

Paragraph number 58 becomes irrelevant due to the fact that Kunze Road has been funded and is currently under construction. I believe it is more critical to establish that Kunze is not intended as access to Speedway Events but rather as a route to insure access to the Coal Fire Plant and the Farms that require a secure route that can remain open for local traffic.

Burke O'Brien  
Morrow County Public Works Director

# Exhibit 3

Morrow County  
 Design Standard for High Volume Roadway (DHV over 700)  
 SCALE 1"=10'



Ferguson Surveying  
 Engineering

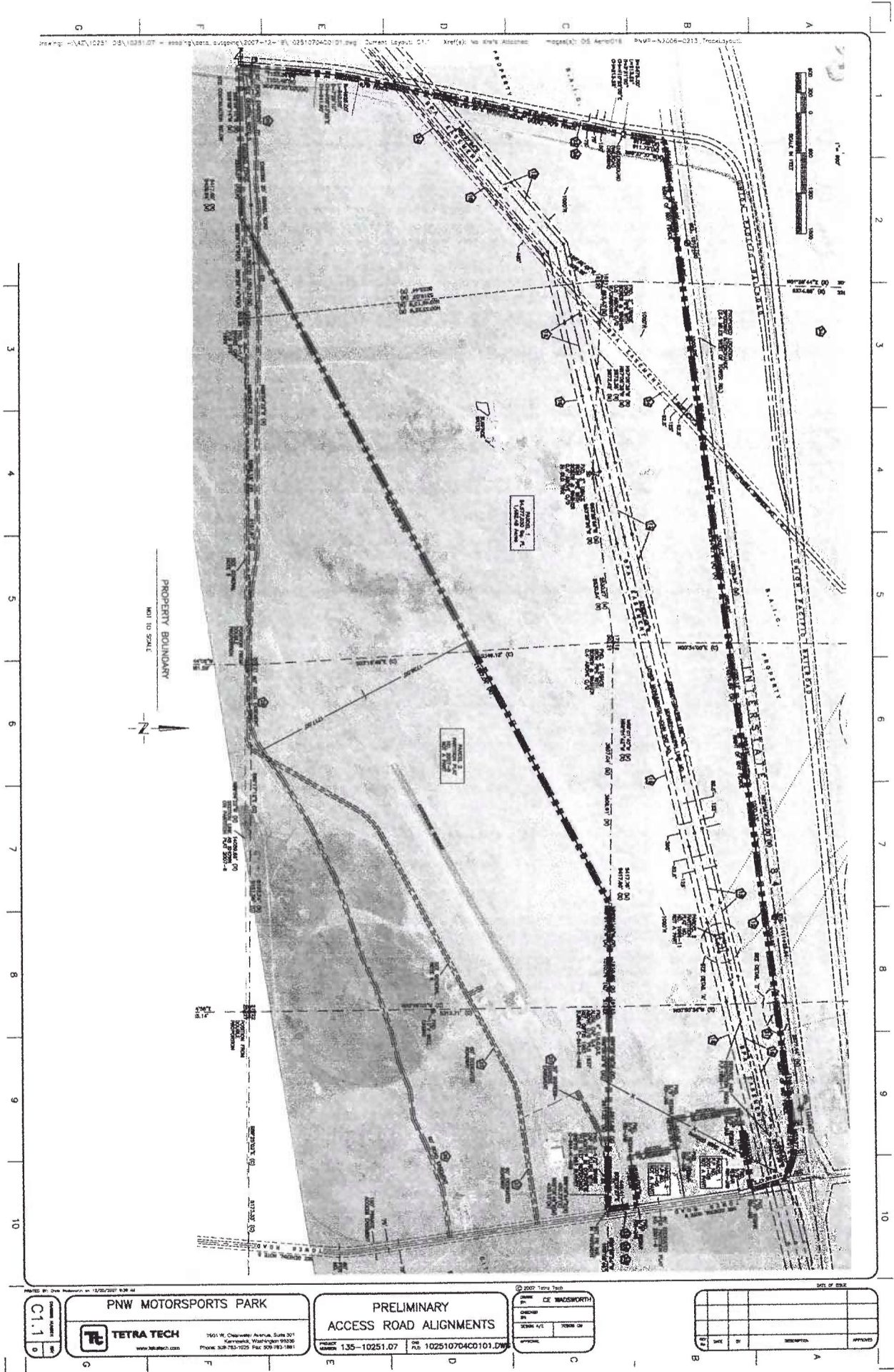
P.O. BOX 519, 210 E. MAIN  
 MT. VERNON, OR 97865  
 PHONE (541) 832-4520  
 FAX (541) 832-4430  
 EMAIL [dfse@oretelco.net](mailto:dfse@oretelco.net)

NOTES:

- 1) SURFACING SECTION (PAVEMENT - BASE COMBINATION) SHALL BE APPROVED BY THE MORROW COUNTY PUBLIC WORKS DEPARTMENT.
- 2) MAXIMUM GRADE 3%
- 3) MAXIMUM J' CURVE (NOMINAL 1900' RADIUS) STANDARD HIGHWAY SPIRALS OF APPROPRIATE LENGTHS SHALL BE USED
- 4) SUPER RATE AND APPLICATION SHALL BE APPROVED BY THE MORROW COUNTY PUBLIC WORKS DEPARTMENT
- 5) INTERSECTION DESIGN SHALL CONFORM TO THE APPROPRIATE ODOT OR AASHTO STANDARDS, AND BE APPROVED BY THE MORROW COUNTY PUBLIC WORKS DEPARTMENT.
- 6) DRAINAGE DESIGN SHALL BE APPROVED BY THE MORROW COUNTY PUBLIC WORKS DEPARTMENT.
- 7) CONSTRUCTION SHALL CONFORM TO "2002 (OR CURRENT EDITION) OF "OREGON DEPARTMENT OF TRANSPORTATION, OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION"



# Exhibit 4





**Oregon**

Theodore R. Kulongoski, Governor

**Department of Transportation**  
Region 5  
3012 Island Avenue  
La Grande, OR 97850  
541-963-3177  
FAX 541-963-9079

## Exhibit 5

January 15, 2008

Carla McLane  
Morrow County Planning Director  
P.O. Box 40  
Irrigon, OR 97844

**Regarding: AZ-007-07: Amendment of Speedway Limited Use Overlay Zone**

Dear Ms. <sup>Carla</sup>McLane:

Thank you for taking the time to speak with Tom Kuhlman, Region 5 Traffic Engineer, and me on Monday, January 14, 2008. The purpose of this letter is to confirm the results of our conversation with you and representatives for the applicant, Oregon International Motor Speedway, LLC.

First, we agree that the comments in our letter dated January 9, 2008 are helpful in identifying areas that will need to be addressed as development of the Speedway proceeds. More specifically, we agree that the identification of traffic impacts and mitigation of the 250 garage units and the 100 units of transient lodging can be addressed during Site Development Review as required by Article 4.170 of the Morrow County Zoning Ordinance.

We also agree that transportation improvements to the Interstate system will require Federal Highway Administration (FHWA) approval and that federal requirements and approvals will be addressed and met as part of the planning requirements identified in the County's June 21, 2002 Conditions of Approval. This includes the requirement that the traffic analysis address a 20-year horizon. The County's comprehensive plan amendments adopted for this application anticipate the necessity of a refinement plan and/or NEPA process to determine the location of a new interchange or to determine what other major improvements may be needed (paragraphs 34 and 32 E). In the event that either of these processes are initiated, the traffic studies will be based upon appropriate projections of traffic from that date to ensure that any facilities constructed as a result of the studies will meet federal and state standards.

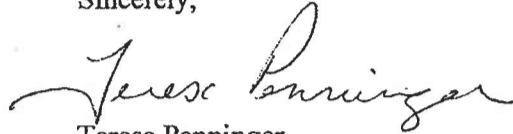
Finally, we agree to work together on the proposed ordinance language to ensure that above mentioned items are adequately addressed. Thank you again for the opportunity

Morrow County  
AZ-007-07: Amendment of the Speedway Limited Use Overlay Zone  
January 15, 2008

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to discuss our comments and we look forward to continuing to work with you and the applicant.

Sincerely,



Teresa Penninger  
Region 5 Planning Manager

Cc: Monte Grove, Region 5 Manager  
Frank Reading, Northeast Area Manager  
George Ruby, District 12 Manager



## Exhibit 6

January 16, 2008

Carla McLane  
Morrow County Planning Director  
P.O. Box 40  
Irrigon, OR 97844

HAND DELIVERED

RE: AZ-007-07: Amendment to Speedway Limited Use Overlay Zone  
January 15, 2008 ODOT Letter

Dear Carla:

Oregon International Motor Speedway, LLC, the applicant in the above-referenced matter has received, reviewed and is in agreement with the terms and conditions contained in the January 15, 2008 letter from Teresa Penninger, Oregon Department of Transportation, Region 5 Planning Manager. We further agree to include appropriate language in adopting ordinance Findings of Fact and Conclusions of Law.

OIMS would like to thank ODOT and your staff for their valuable time and consideration in this matter.

Sincerely,

David C. Allen  
General Counsel  
Oregon International Motor Speedway, LLC

Cc: Teresa Penninger  
File

**Oregon International Speedway™**

Portland Office: 1001 SW Fifth Avenue - Suite 1100 - Portland, OR 97204  
Boardman Office: Two Marine Drive Boardman, OR 97818  
Portland Phone: 503-228-9000 Boardman Phone: 541-481-7000

## Exhibit 7

### Section 3.130 Speedway Limited Use Overlay Zone (SO)

**Purpose:** The purpose of the Speedway Overlay Zone is to provide guidance concerning the development of speedways and associated uses on property approved for speedway development. This section provides the requirements to be followed relative to any speedway development, including but not limited to, transportation improvements, a variety of event plans, and associated and related uses.

1. A speedway and the related and associated speedway uses and facilities identified in the goal exception are permitted uses at the Boardman airport property as provided in the goal exception subject to a demonstration of compliance with the site development review requirements of the Morrow County Zoning Ordinance. A speedway and its related and associated uses and facilities, hereafter referred to collectively in these conditions as "a speedway", shall not exceed the size, scale or nature of use authorized in the goal exception and this Ordinance without first obtaining a new goal exception. The capacity of a speedway grandstand seating shall not exceed 145,000.
2. A speedway shall hold no more than two events per year that attract more than 100,000 persons to a speedway site on a single day.
3. The associated racing related uses identified in Paragraph A.4 of the findings shall be designed and located in a manner that makes them an integral part of a speedway development. so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.
4. A speedway may include office space, so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.
5. A speedway may include a restaurant, so long as it is primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.
6. A speedway may include a gift shop, so long as it is primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public. These uses may be approved without regard to the limitations on size or occupancy of speedway related and accessory uses and facilities specified in the previous findings and decisions.
7. A major motor speedway may include "high-end" speedway lodging not to exceed 250 rooms. The speedway lodging shall be operated as an integral part of the speedway, so long as they are primarily for the use of users and patrons of a major motor speedway but available as well to members of the general public.

# **DOCUMENT 3**

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**W COUNTY PLANNING DEPT.**  
P.O. BOX 40  
IRRIGON, OR 97344



Attn: Plan Amendment Specialist  
DLCD  
635 Capitol Street NE, Suite 150  
Salem OR 97301