

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 DLCDC.

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, DLCDC, 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.

69. SITE DEVELOPMENT REVIEW

- A. Purpose. The purpose of site development review is to encourage site planning in support of development that is permitted under Morrow County's Comprehensive Plan and land use regulations for speedway development; assure that speedway development is supported with appropriate types and levels of transportation improvements and public facilities and services; and implement the Morrow County Comprehensive Plan and land use regulations with respect to development standards and policies.

- B. Preapplication review. Prior to filing its application for site development review, the applicant shall confer with the Planning Director, who shall identify and explain the relevant review procedures and standards.
- C. When required.
 - 1. Site development review shall be required for all aspects of speedway development in the Speedway Overlay Zone. When development is proposed in phases, site development review shall apply to each phase of the development.
 - 2. No building permit shall be issued prior to site development review approval. Site development review shall not alter the type and category of uses permitted.
 - 3. As used in this Section, "development" means any man-made change to improved or unimproved real property associated with a speedway, including but not limited to construction or installation of a building or other structure; major site alterations such as those due to grading, paving, and improvements for use as parking. However, site development review shall not apply to any interior remodeling of any existing building or structure or any modification to an existing building or structure that does not substantially change its exterior appearance.
- D. Plans required. A complete application for site development review shall be submitted. The application shall include the following plans and information:
 - 1. A site plan or plans, drawn to scale, containing the following information:
 - a. A vicinity map covering an area 250 feet from the boundary of the development site and showing general information about the location, dimensions and names of all existing and proposed streets, County roadways and state highways, access points on both sides of the road when applicable, sidewalks, bicycle routes, and easements and utility locations. The map also shall indicate distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on all sides of the property.
 - b. The site size, dimensions, and zoning, including dimensions and gross area of the lot(s) or parcel(s) and tax map and tax lot number(s) for the development site.
 - c. Contour lines at two foot contour intervals for grades 0 to 10 percent, and five-foot intervals for grades over 10 percent.

- d. The location of the following hazard areas on and within 100 feet of the boundaries of the site:
 - i. Areas indicated on National Flood Insurance Rate maps as being within the 100-year floodplain;
 - ii. Areas subject to erosion as identified in the Morrow County Comprehensive Plan.
 - iii. Other hazard areas identified in the Morrow County Comprehensive Plan.
 - e. The location of inventoried significant natural resource areas on and within 100 feet of the boundaries of the site, including big game habitat areas, fish and riparian habitat areas, mineral and aggregate resource areas, significant natural areas, wetlands, water resources, and historic resources. As used in this Section, "significant inventoried" means a resource area identified as significant in Morrow County's acknowledged inventory of Goal 5 resource sites.
 - f. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within 25 feet of the site, and the current and proposed uses of the structures.
 - g. The location, dimensions, square footage and setback distances of proposed structures, improvements, and utilities, and the proposed uses of the structures by square footage.
 - h. The location, dimension and names, as appropriate, of all existing and proposed streets, other public ways, sidewalks and easements on and within the development site.
 - i. All motor vehicle parking, circulation, loading and servicing areas.
 - j. Site access points for automobiles and pedestrians.
 - k. On-site pedestrian circulation.
 - l. Outdoor areas proposed as open space.
2. A landscaping plan, drawn to scale, showing the location and types of existing trees (eight inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of

landscaped areas, the varieties, sizes and spacing of trees and plant materials to be planted on the site, the proposed types and locations of irrigation systems to maintain plant materials, and other pertinent landscape features.

3. Architectural elevations and floor plans for all proposed structures, drawn to scale, with elevations accurately reflected to grade.
4. A description of materials, referenced to UBC class codes, to be used on proposed structures.
5. An erosion control and grading plan.
6. A drainage plan, developed in accordance with County standards or with Oregon Department of Environmental Quality standards if no County standards have been adopted. The drainage plan shall identify the location of drainage patterns and drainage courses on and within 100 feet of the boundaries of the site.
7. An exterior lighting plan, drawn to scale, showing type, height, and lighting levels on and at the edge of the site.
8. A written statement identifying:
 - a. The nature of the proposed use(s).
 - b. Plans for the treatment and disposal of sewage and industrial wastes and any on-site disposal of wastes.
 - c. Plans for handling traffic, noise, glare, air pollution, fire, or safety hazard.
9. The following technical reports:
 - a. For developments expected to generate 400 or more vehicle trips on a single day, a traffic report, prepared by a licensed traffic engineer, demonstrating the ability of affected transportation facilities including highways, roads and intersections to accommodate the anticipated amount of traffic that would be generated by the proposed development over 20 years. The report shall identify existing traffic conditions and the safety and capacity improvements that are needed to accommodate the anticipated traffic, including facility reconstructions, modifications or widenings, additional travel or passing lanes, intersection or interchange improvements, realignments, channelization improvements, or other needed facility improvements, including possible new transportation facilities. The analysis shall demonstrate consistency with the applicable performance standards of the affected facilities. The Morrow County Transportation

System Plan provides the applicable standards for county transportation facilities. The Oregon Highway Plan provides the applicable standards for state transportation facilities.

When a traffic management plan is required by the Morrow County Transportation System Plan, the application shall not be deemed complete until the applicant has filed with the Planning Director a traffic management plan (TMP) including transportation system management (TSM) and transportation demand management (TDM) measures that have been coordinated with and address the reasonable concerns of affected transportation providers (e.g., Morrow County, affected cities, Oregon Department of Transportation, Federal Highway Administration) and traffic safety and emergency service providers (e.g. County sheriff, State Police, fire district, ambulance). The TMP shall be prepared by a licensed traffic engineer with established experience in the type of event for which the TMP is being developed. Unless otherwise agreed to by affected local governments or agencies, the costs of paying for necessary transportation improvements and implementation of the TMP shall be borne by the developer or its successors.

The TMP shall include, but not be limited to: ingress and egress from parking areas; deployment of personnel at ramps, intersections and highway locations; plans for rerouting of traffic in the event of accident or other cause of traffic delay; coordination with state police, County sheriff and emergency service providers; use of temporary signage, reader boards and similar visual aids; estimates of numbers and types of personnel to be employed; and other appropriate information.

- b. If located within 5000 feet of a runway or approach surface of a public use airport, a technical report explaining how the development is compatible with customary aviation-related activities, including airport takeoffs and landings. The report shall explain how the proposed uses, including measures to minimize conflicts, do not: cause emissions of smoke, dust or steam that would obscure visibility within airport approach surfaces; project light directly onto existing airport runways or taxiways; or interfere with airport radio, radiotelephone, television and electrical transmissions.

- 10. Within 14 working days following receipt of a site development review application, the Planning Director may waive the submission of information for specific provisions of this Section or may require

information in addition to that required by a specific provision of this Section, as follows:

- a. The Planning Director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the Planning Director shall, in the staff recommendation, identify the waived requirement and briefly explain the reasons for the waiver.
- b. The Planning Director may require information in addition to that required by a specific provision of this Section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance. If additional information is required, the Planning Director shall, in the decision, briefly explain the reasons for requiring the additional information.

E. Standards.

1. All development shall comply with the following standards:
 - a. Retaining walls shall be provided and designed consistent with Uniform Building Code requirements. Grading and contouring shall take place with particular attention to minimizing the possible adverse effects of grading and contouring on the natural vegetation and physical appearance of the site.
 - b. Development in flood plains shall not increase the flood plain elevation unless the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain elevation. Development in hazard areas identified in the Morrow County Comprehensive Plan shall safely accommodate and not exacerbate the hazard and shall not create new hazards.
 - c. Drainage shall be provided in accordance with Oregon Department of Environmental Quality standards. The Planning Commission may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality.
 - d. Off-street parking and loading-unloading facilities shall be provided as required in Article IV of the Morrow County Zoning Ordinance. Safe and convenient pedestrian access to off-street parking areas also shall be provided.

- e. County transportation facilities shall be located, designed and constructed in accordance with the design and access standards in the Morrow County Transportation System Plan.
- f. Circulation provided by public streets and by private streets, accessways and maneuvering areas within the boundary of the site shall facilitate safe and convenient motor vehicle and pedestrian access. Access for emergency services (fire, ambulance and police) shall be provided consistent with the requirements of the Fire Marshal and emergency service providers.
- g. Illumination resulting from outdoor lighting shall not exceed one foot-candle at the property line.
- h. Site planning, including the siting of structures, roadways and utility easements, shall provide, wherever practicable, for the protection of trees eight inch caliper or greater measured four feet from ground level.
- i. Development shall comply with applicable County regulations protecting inventoried significant natural and historic resources.
- j. Development shall maintain continuous compliance with applicable federal, state and County air and water quality standards. Prior to issuance of a building permit, the Building Official may require submission of evidence of compliance with such standards from the applicable federal or state agencies or the receipt of the necessary permits for the development from these agencies.
- k. Development shall be designed to comply with applicable Oregon Department of Environmental Quality noise standards.
- l. Sewer, water and storm drainage facilities shall be adequate to serve the proposed or permitted level of development. For uses like a speedway that engage in activities that on occasion attract unusually large numbers of people to the site, the development may rely on temporary sewer (e.g., portapotties, lagoon storage) and water facilities to accommodate the excess demand. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. All facilities shall be designed to comply with applicable state and local standards.

- m. Law enforcement, public safety and security measures shall be adequate to serve the proposed or permitted level of development. For land uses involving activities that may attract many thousands of visitors to a site at one time on an occasional or episodic basis, adequate safety, law enforcement and security measures may include, but are not limited to, the use of on-site security service personnel and availability of police, fire and emergency medical services. For such uses, the Planning Commission may require the applicant to develop a public safety and security plan, which shall be coordinated with appropriate local and state public safety providers.
- n. The transportation system shall be adequate to accommodate the proposed or permitted level of development.
 - i. Rights-of-way and roadway and sidewalk improvements shall be provided consistent with applicable County or State design, access management and highway performance standards, including applicable Oregon Highway Plan standards. Access points to County roadways and state highways shall be properly placed in relation to sight distance, driveway spacing and other related considerations including opportunities for joint and cross access. Any application that involves access to or significantly impacts the state highway system shall be reviewed by the Oregon Department of Transportation. Such applications shall demonstrate compliance with the Oregon Highway Plan and shall be conditioned on state issuance of access permits where required.
 - ii. In determining the adequacy of the transportation system to accommodate the proposed development, consideration shall be given to the need for roadway reconstructions, modifications or widenings, additional travel or passing lanes, intersection or interchange improvements, road realignments, channelization improvements, or other needed roadway improvements, including possible new roads. Consideration also shall be given to the need for right-of-way improvements such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation. For uses necessitating preparation of a transportation management plan, a

decision approving a site development review application shall include a condition requiring implementation of the transportation system management measures and transportation demand management measures that are determined to be needed to accommodate the traffic generated by the development and to comply with the Oregon Highway Plan. Unless otherwise agreed to by affected local governments or agencies or limited by constitutional constraints, the costs of paying for necessary transportation improvements and implementation of the traffic management plan shall be borne by the developer or its successors.

- iii. Nothing in this or any other provision of this Chapter shall be construed to replace, alter or otherwise affect the applicability of the Transportation Planning Rule, OAR 660, Division 12, to any development or action that would otherwise be subject to that Rule.
 - o. Access and facilities for physically handicapped people shall be incorporated into the site and building design, consistent with applicable federal and state requirements.
 - p. Development located within 5000 feet of a runway or approach surface of a public use airport shall not cause emissions of smoke, dust or steam that would obscure visibility within airport approach surfaces; project light directly onto existing airport runways or taxiways; or interfere with airport radio, radiotelephone, television or electrical transmissions.
 - q. Uses and improvements, including all land uses and improvements, including but not limited to traffic management plans, proposed on exception lands shall be consistent with the acknowledged goal exceptions taken for those lands.
2. The Planning Commission may impose such conditions as deemed necessary to ensure compliance with these standards.
- a. When a transportation management plan is required, the Planning Commission may impose conditions providing for monitoring and reporting on the effectiveness of the traffic management measures and providing opportunity for a hearing to consider modifications to the TMP if deemed appropriate by the Planning Commission following its implementation. Any hearing that is held to consider TMP modifications shall be noticed and processed in the manner set out in Section VI.A of this Chapter and shall

include notice to the Oregon Department of Transportation and Federal Highway Administration.

- b. Required road dedications and other exactions shall comply with constitutional limitations.
- c. To ensure compliance with this Section, the Planning Commission may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the County's legal counsel.

F. Review and Enforcement.

- 1. Applications for site development review shall be reviewed by the Planning Commission in the manner provided by ORS Chapter 197 for land use decisions following review and recommendation by the Planning Director. Public notice and an opportunity for hearing shall be provided in the manner provided by ORS Chapter 197 for land use decisions.
 - a. In addition to the public notice described above, timely notice of public hearing also shall be mailed to ODOT and the Federal Highway Administration if the Planning Director determines that the use may impact state or federal transportation facilities, and to the Oregon Department of Aviation and Federal Aviation Administration if the use is located within 5000 feet of a runway or approach surface of a public use airport.
 - b. The decision of the Planning Commission may be appealed to the County Court in the manner provided in Article 9, Section 9.030 of the Morrow County Zoning Ordinance.
- 2. The County building official may issue a certificate of occupancy only after the Planning Director has determined that the improvements required by site development review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the County and by ODOT for required improvements to the state highway system.
 - a. Implementation of traffic management, public safety and/or security plans, when required, shall be made ongoing conditions of approval of the use, and failure to substantially comply with those plans may be a basis for the Planning Director or Building Official to suspend or revoke the occupancy permit and for the County, DLCD or ODOT (when a state Transportation Facility is affected) to petition a court of competent jurisdiction to issue a

temporary restraining order and permanent injunction against further use of the property for the purposes approved in the site development review.

- b. Prior to or concurrent with the suspension of any site development review permit, the County shall provide the permittee with notice and an opportunity to be heard in accordance with the process set out in Morrow County Ordinance No. MC-C-7-92.

G. Expiration and Extension of Permit.

- 1. A site development review permit shall expire automatically two (2) years from the date of issuance unless one of the following occurs first:
 - a. The development has commenced; or
 - b. An application for an extension is filed as provided in this section; or
 - c. The permit is appealed to a body of competent jurisdiction following final approval by the County, in which case the two-year period shall be tolled until a final, unappealed or unappealable decision is made by a court or other body of competent jurisdiction.
- 2. As used in subsection 1 of this Section, a development has "commenced" when:
 - a. The permit holder has physically altered the land or structure or changed the use thereof through actions such as preliminary grading for roads, driveways or building sites, installation of utilities, construction of required off-site improvements or construction of buildings, and
 - b. The alteration or change is directed toward completion of the development; and
 - c. The permit holder has spent at least \$50,000 in expenditures related to completion of the development. Expenditures that could apply to various other uses of the land or structure shall be excluded including the cost of purchasing land.
 - d. The provisions of subsection 1 of this Section shall apply independently to each discrete phase of a phased development. The commencement requirement for a subsequent phase cannot be satisfied by commencement activities conducted under an approval for an earlier phase of the development.

3. If an extension is desired, the holder of the site development review permit must file an application for an extension prior to the expiration of the permit. The application shall be filed in writing with the Planning Director. A maximum of two extensions are permitted. Unless approved, the extension does not extend the expiration date. The Planning Director shall grant an initial two year extension upon the timely filing of the extension application. Following notice and hearing, the Planning Commission shall grant a second two-year extension only upon demonstration by the permit holder that:
 - a. In terms of time, labor or money the permit holder has been making a good faith effort to commence the development or has been precluded from doing so for reasons beyond the permit holder's reasonable control;
 - b. Commencement of the development is likely during the second two year extension; and
 - c. There has been no change in circumstance or the law likely to necessitate significant modification of the development approval or conditions of approval.