

**BEFORE THE BOARD OF COMMISSIONERS
FOR MORROW COUNTY, OREGON**

AN ORDINANCE AMENDING THE MORROW)	Ordinance Number
COUNTY ZONING ORDINANCE MOVING ARTICLE)	ORD-2017-6
4 SUPPLEMENTARY PROVISIONS SECTION 4.170 SITE)	
DEVELOPMENT REVIEW TO ARTICLE 3 USE ZONES)	
SECTION 3.130 SPEEDWAY LIMITED USE OVERLAY)	
ZONE)	

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, the Port of Morrow did submit an application requesting changes to the process used for Site Development Review; and

WHEREAS, the Morrow County Planning Commission held a hearing to review the request on June 27, 2017 at Port of Morrow Riverfront Center in Boardman, Oregon; and

WHEREAS, the Morrow County Planning Commission considered the request, including a letter of opposition from the Oregon Department of Transportation, and after discussion recommended approval of the request as presented by Planning staff, and adopted Planning Commission Final Findings of Fact; and

WHEREAS, the Morrow County Board of Commissioners held a hearing to consider the recommendation of the Morrow County Planning Commission on August 16, 2017, also at the Port of Morrow Riverfront Center in Boardman, Oregon; and

WHEREAS, the Morrow County Board of Commissioners did receive new written testimony from the Oregon Department of Transportation withdrawing their opposition; and

WHEREAS, the Morrow County Board of Commissioners accepted the Planning Commission recommendation and approved the request.

NOW THEREFORE BE IT ORDAINED THAT THE MORROW COUNTY BOARD OF COMMISSIONERS ADOPTS THE FOLLOWING CHANGES TO THE MORROW COUNTY ZONING ORDINANCE: REMOVE ARTICLE 4 SUPPLEMENTARY PROVISIONS SECTION 4.170 SITE DEVELOPMENT REVIEW, RELOCATING THOSE PROVISIONS TO ARTICLE 3 SECTION 3.130 SPEEDWAY LIMITED USE OVERLAY ZONE.

Section 1 Title of Ordinance:

This Ordinance shall be known, and may be cited, as the "2017 Site Development Review Amendment."

Section 2 Affected and Attached Documents:

- Article 4 Supplementary Provisions (as amended)
- Article 3 Speedway Limited Use Overlay Zone (as amended)

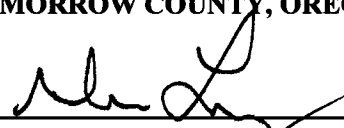
Section 3 Effective Date:

This ordinance shall be effective on February 1, 2018, meeting the 90 day requirement.


Date of First Reading: October 11, 2017
 Date of Second Reading: October 25, 2017

ADOPTED BY THE MORROW COUNTY BOARD OF COMMISSIONERS THIS 25TH DAY OF OCTOBER 2017.

BOARD OF COMMISSIONERS OF MORROW COUNTY, OREGON



 Melissa Lindsay, Chair




 Don Russell, Commissioner

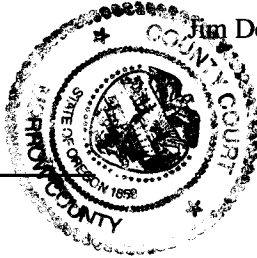
Absent

 Jim Doherty, Commissioner

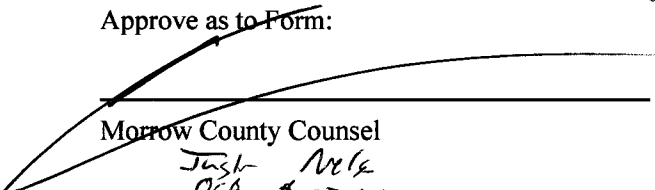
Attest:



 Bobbi Childers, County Clerk



Approve as to Form:



 Morrow County Counsel
 Just Nyle
 OSB # 07446

MORROW COUNTY, OREGON **CJ2017-0160**
 Commissioners' Journal **10/26/2017 2:10:01 PM**



I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Bobbi Childers - County Clerk



ARTICLE 4. SUPPLEMENTARY PROVISIONS

SECTION 4.010. ACCESS. Intent and Purpose: The intent of this ordinance is to manage access to land development while preserving the flow of traffic in terms of safety, capacity, functional classification, and level of service.

Major roadways, including highways, arterials, and collectors serve as the primary network for moving people and goods. These transportation corridors also provide access to businesses and homes and have served as the focus for commercial and residential development. If access points are not properly designed, these roadways will be unable to accommodate the needs of development and retain their primary transportation function. This ordinance balances the right of reasonable access to private property with the right of the citizens of Morrow County and the State of Oregon to safe and efficient travel.

This ordinance shall apply to all public roadways under the jurisdiction of Morrow County and to application for development for any property that abuts these roadways.

This ordinance is adopted to implement the land access and access management policies of Morrow County as set forth in the Transportation System Plan. Access shall be provided based upon the requirements below:

A. Minimum Lot Frontage Requirement. Every lot shall abut a street, other than an alley, for at least 50 feet, except on cul-de-sacs where the frontage may be reduced to 30 feet.

B. Access Permit Requirement. Where access to or construction on a county road is needed, an access permit or right-of-way permit from Morrow County Public Works department is required subject to the requirements in this Ordinance. Where access to a state highway is needed, an access permit from ODOT is required as part of the land use application. Where access is needed to a road managed by the Forest Service or other entity, an access permit or other authorization from the appropriate entity shall be required as part of the land use application.

C. Emergency Vehicle Access. It is the responsibility of the landowner to provide appropriate access for emergency vehicles at the time of development. A dead-end private street exceeding one hundred-fifty (150) feet in length shall have an adequate turn around facility approved by the appropriate Fire Marshal or, if the Fire Marshal fails to review the private street, approval by the Building Official or his designee.

D. Easements and Legal Access: All lots must have access onto a public right of way. This may be provided via direct frontage onto an existing public road, a private roadway, or an easement. Minimum easement requirements to provide legal access shall be as follows:

1. 1000' or less, a minimum easement width of 20'
2. More than 1000', a minimum easement width of 40'
3. Parcels where 3 or more lots share an access (current or potential), a minimum easement of 60'.

E. Access Spacing Requirements for Development Accessing State Highways. Applications for development with access onto state highways shall be provided to ODOT for review, to

ensure consistency with adopted ODOT Access Management Standards shown in Table 4.010-1. These standards apply only to unsignalized access points. Where a right of access exists, a property shall be allowed to have access onto a state highway at less than adopted access spacing requirements only if all the following conditions are met:

1. The property does not have reasonable access via an alternative to the state highway;
2. There are no other possible access options along the parcel's highway frontage; and
3. The access spacing standards cannot be accomplished.

When a proposed access onto a state highway does not meet the access spacing standards in Table 4.010-1, a deviation from standard will be considered by the ODOT Region Manager, subject to requirements in OAR 734-051-0135.

TABLE 4.010-1
ACCESS MANAGEMENT STANDARDS FOR MORROW COUNTY
NON-INTERSTATE HIGHWAYS

Highway	Classification	Access Spacing Standards for Public or Private Unsignalized Access (ft) for Posted Speed Indicated (mph)				
		>55	50	40 & 45	30 & 35	<25
US 730, OR 74	Regional	990	830	750	600	450
OR 206, OR 207	District	700	550	500	400	400

REFERENCE: OREGON ADMINISTRATIVE RULES SECTION 734-051 (2004)

F. Access within the Influence Area of an Interchange Access within the influence area of existing or proposed state highway interchanges is regulated by standards in OAR 734-051, which are included as Appendix F of the 2005 Morrow County Transportation System Plan Update. These standards do not retroactively apply to interchanges existing prior to adoption of the 1999 Oregon Highway Plan, except or until any redevelopment, change of use, or highway construction, reconstruction or modernization project affecting these existing interchanges occurs. It is the goal at that time to meet the appropriate spacing standards, if possible, but, at the very least, to improve the current conditions by moving in the direction of the spacing standard.

G. Signalized Intersection Spacing on State Facilities. New traffic signals proposed for state facilities, whether the intersecting facility is a public or private road, shall meet the requirements for installation of a traffic signal on a state highway in OAR 734-020-0400. New traffic signals on state facilities must be approved by the State Traffic Engineer. For approval of a new traffic signal on a County facility as part of a condition of development approval, the applicant shall be required to show, through analysis prepared by a qualified professional engineer registered in the State of Oregon, that the signal is warranted to improve traffic operations, address safety deficiencies, or a combination, based upon traffic signal warrants in the current version of the *Manual on Uniform Traffic Control Devices*.

H. Access Spacing Requirements for Development Accessing County Facilities. All developments shall have legal access to a County or public road. Except for interim access as provided in Section 4.010 H [Interim Access], access onto any County road in the unincorporated or incorporated urban area shall be permitted only upon issuance of an access permit upon demonstration of compliance with the provisions of the County road standards and the standards of Section 4.010.

For County roadways designated as major collector or arterial in the Transportation System Plan, the standards in Table 4.010-2 apply for intersections created by a new public roadway, new private roadway or new private driveway. For County roadways designated as minor collectors or local access roads, intersections created by a new public roadway, new private roadway or new private driveway shall meet minimum County traffic safety and operational requirements, including sight distance, as determined by the County Engineer.

TABLE 4.010-2
ACCESS MANAGEMENT STANDARDS FOR MORROW COUNTY ROADWAYS

Classification	Access Spacing Standards for Public or Private Access (ft)		
	Public Roadway	Private Roadway	Private Driveway ^a
Arterial	600	600	300
Collector	300	300	100
Local	200	200	Access to each lot

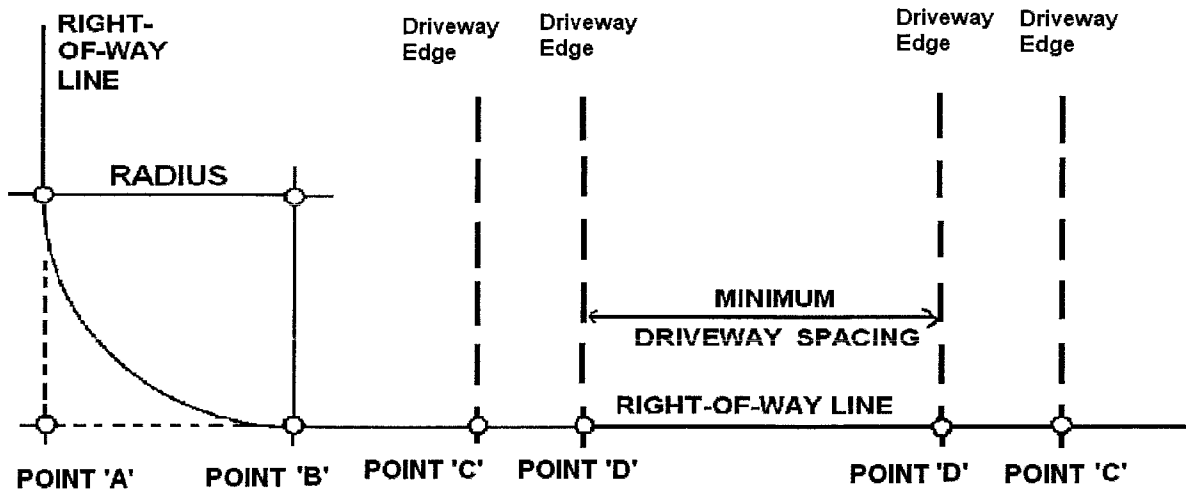
a. For most roadways, at-grade crossings are appropriate. Also, allowed moves and spacing requirements may be more restrictive than those shown to optimize capacity and safety. Any access to a state highway requires a permit from the district office of ODOT and is subject to the access spacing standards in Table 4.010-1 in this section.

No use will be permitted to have direct access to a street or road except as specified below, or as provided in Section 4.010.H (Interim Access). Access spacing shall be measured from existing or approved accesses on either side of a street or road. Measurements shall be made from easement or right-of-way line to easement or right-of-way line. (See following access diagram where R/W = Right-of-Way; P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines, and 'C' and 'D' = each side of adjacent accesses to private property.

1. All minimum distances stated in the following sections shall be governed by sight distance requirements according to this Ordinance and applicable County Road Standards.
2. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.
3. The minimum curb radius shown in the diagram below (i.e., distance from Point "A" to Point "B") shall be 15 feet. In areas zoned for industrial uses, the minimum curb radius shall be 30 feet. At intersections between facilities classified as major collector, arterial or highway, any new or modified intersection shall be designed to accommodate a WB-50 Semitrailer Design Vehicle. If either route is designated by the County as a truck route, the intersection shall be designed to accommodate a WB-65 Interstate Semitrailer Design Vehicle. The curb alignment shall be designed

so that the design vehicle can complete a right turn without entering a lane used by opposing traffic.

4. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.
5. Minimum spacing between driveways shall be measured from Point "D" to Point "D" as shown below (i.e., the edges of adjacent driveways closest to each other).
6. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. Additionally, access shall be located beyond the back of any left turn refuge either existing on the affected road or required to accommodate the proposed development. This requirement may result in an access spacing greater than one hundred (100) feet in the case of a collector, or 300 feet in the case of an arterial.
7. Access onto local roads will not be permitted within ten (10) feet of Point "B" as shown below. If no radius exists, access will not be permitted within twenty-five (25) feet of Point "A".
8. Access onto collector roads will not be permitted within fifty (50) feet of Point "B" as shown below. If no radius exists, access will not be permitted within sixty-five (65) feet of Point "A". Where a common or shared access is available it shall be used, provided that such use will not result in operational or safety problems. Minimum spacing between driveways shall be one-hundred (100) feet.
9. Direct access to an arterial will be permitted provided that Point 'C' of such access is more than three hundred (300) feet from any intersection Point 'A' or other access to that minor arterial.



I. Interim Access onto County Facilities. No development with sole access onto a County arterial or major collector shall be denied based only on an inability to provide an access that meets applicable access spacing standards. In such an event, the use may be issued an interim access permit which shall expire when access as required under this Ordinance becomes available. An interim access permit may be granted based upon the following:

1. The site is situated such that adequate access cannot otherwise be provided in accord with the access spacing requirements of this Code.
2. The interim access shall meet minimum County traffic safety and operational requirements, including sight distance.
3. Alternate access shall **not** be deemed adequate and connections to alternate access shall **not** be required if the resulting route of access would require a trip in excess of one (1) block or five-hundred (500) feet out of direction (whichever is less).
4. The property owner signs a consent to participate agreement for the formation of a Local Improvement District or similar financing mechanism for the primary purpose of constructing a public road or right-of-way providing access to the arterial or collector road; such access shall meet the minimum applicable County standard.
5. The property owner records an agreement to participate in any project that would consolidate access points where such project would not result in new or more severe traffic operation or safety problems.
6. The property owner records an agreement to abandon use of the existing private access way when an adequate alternative access becomes available.

SECTION 4.020. SIGHT DISTANCE. In all zones, adequate sight distance shall be maintained at the intersection of two roads (public or private), a road intersecting a private driveway, or a road crossing a railroad.

A. Sight Distance Requirements for New Accesses. It is the intent of this section to ensure that each new access point or each new lot or parcel created or development in the County will have a safe access to a public road, with the exception of development actions listed in Section 4.020.B. but are subject to improvements to maximize sight distance to the extent practicable by the County Operations Division through an Access Permit or Right-of-way Permit:

1. Existing access points that do not satisfy the sight distance standards and are on property included with a development action which will not add any additional vehicle trips to that access, are exempt from this Section. Improvements at these existing access points may be required of the applicant to maximize sight distance to the extent practicable through an Access Permit application.
2. The minimum intersectional sight distance shall be based on the vehicular speeds of the road. The vehicular speeds for the purpose of determining intersectional sight distance shall be the greater of the following, to be selected by the County Engineer or designee.
 - a. Design Speed - A speed selected by a registered engineer (Oregon) for purposes of design and correlation of those features of a road, such as curvature, superelevation, and sight distance, upon which the safe operation of vehicles is dependent.
 - b. Posted Speed - That speed which has been established by the Oregon State Speed Control Board and is posted by the County.

- c. Eighty-fifth Percentile Speed - That speed as certified by a registered engineer (Oregon) below which 85 percent of all traffic units travel, and above which 15 percent travel. The eighty-fifth percentile speed shall be measured at the point where the sight restriction occurs.
3. The intersectional sight distance shall:
- a. Be based on an eye height of 3.5 feet and an object height of 4.25 feet above the road; and
 - b. Be assumed to be 10 feet from the near edge of pavement or the extended curb line or the near edge of the graveled surface of a gravel road to the front of a stopped vehicle.
4. Minimum intersectional sight distance shall be equal to ten (10) times the vehicular speed of the road such as in the table below.

INTERSECTIONAL SIGHT DISTANCE	
MPH	DISTANCE ALONG CROSSROAD (FT)
25	250
30	300
35	350
40	400
45	450
50	500
55	550

5. Intersectional sight distance values shall conform to (3) above. For significant road improvement projects, the above intersectional standards shall be met in addition to the applicable AASHTO roadway sight distance standards.
6. In those instances where there are no access locations available to the site that meet or can meet the sight distance requirements, a written request for modification may be submitted to the County Engineer or designee. The request for modification of the sight distance requirements shall be subject to the following requirements:
- a. Submitted and certified by a registered engineer (Oregon);
 - b. Nationally accepted specifications or standards are documented and referenced;
 - c. Certification that the modification will not compromise safety or the intent of the County's transportation standards;
 - d. Agreement that the cost of any modifications agreed to must be borne by the applicant; and
 - e. Statement that there is no location available to provide an alternative access location which currently meets the sight distance requirements, or which can

be altered to meet the sight distance requirements. Alterations needed to provide adequate sight distance include but are not limited to grading and the removal of vegetation. For the purpose of this subsection alternative access location means:

- i. Any location on the proposed development site which meets or can meet the sight distance requirements; or
- ii. Any location off the proposed development site which can provide access to the site by an existing access easement or through an access easement which will be provided to the site as part of the development application. Such an off-site access must be shown to meet or be able to meet sight distance requirements.

B. Accesses Exempt from Sight Distance Requirements. Accesses for the following development actions are exempt from the Sight Distance standards (Section 4.020.A), but are subject to improvements to maximize sight distance to the extent practicable by the County Operations Division through an Access Permit or Right-of-way Permit:

- 1. Replacement dwellings;
- 2. Nonbuildable parcels;
- 3. Applications for one dwelling on an existing vacant parcel;
- 4. Home Occupation applications in the EFU, FU, SF-40, FR-2 and RR-1 zones; or
- 5. Applications which will not add additional vehicle trips to an existing access which does not meet the sight distance standards.

SECTION 4.035 PERMIT REQUIREMENTS FOR LAND USE DEVELOPMENT. Except where otherwise noted, all proposed projects should meet the following Plot Plan Requirements as described in Table 4.035-1 below. A common threshold for a TIA (traffic impact analysis) applying to all types of development is 400 daily trips (e.g., 40 houses). Trip generation should be estimated using the current edition of *Trip Generation* by the Institute of Transportation Engineers, other similar published resources, or actual driveway counts of similar land uses. The County Planning Commission, County Planning Director or County Public Works Director or designee may require a TIA for any level of development. TIA requirements are described in the Appendix.

TABLE 4.035-1
PERMIT REQUIREMENTS BY TYPE OF LAND USE DEVELOPMENT

Permit Type	Plot Plan Requirements		Conditions				Review/Approval Type	
	<u>Footprint (setbacks)</u>	<u>Access*</u>	<u>Transportation Improvements</u>	<u>DEQ Site Suitability</u>	<u>Parking</u>	<u>Sign</u>	<u>Review</u>	<u>Action</u>
Zoning Permit								
Residential	Yes	Designated access.	Frontage improvements.	Yes	N/A	N/A	Staff	Bldg. permits Road approach permit
Commercial	Yes	Legal	Under 400 trips:		Yes	Yes	Staff	Bldg. permits

TABLE 4.035-1
 PERMIT REQUIREMENTS BY TYPE OF LAND USE DEVELOPMENT

Permit Type	Plot Plan Requirements	Conditions					Review/Approval Type
Industrial	Yes	access via r/w or easement.	Frontage improvements. Over 400 trips: TIA.				Road approach permit
		Legal access via r/w or easement.	Under 400 trips: Frontage improvements. Over 400 trips: TIA.	Yes	Yes	Staff	Bldg. permits Road approach permit
Farm Exempt	Yes	Yes	N/A	N/A	N/A	Staff	County issues a Farm Agriculture Bldg Exemption Certificate
Land Partition							
1 to 3 Lots		Legal access via r/w or easement.	Frontage improvements.			Planning Comm.	Approval Road Approach permit
Subdivision							
4 to 39 lots		Legal access via r/w.	Frontage improvements.			Planning Comm.	Approval Road Approach Permit
40 or more lots		Legal access via r/w.	Frontage improvements, TIA.			Planning Comm.	Approval Road Approach Permit
Conditional Use Permit							
	Yes	Legal access via r/w or easement.	Under 400 trips: frontage improvements. Over 400 trips: TIA.	Review	Review	Planning Comm.	Approval, Bldg. permit Road Approach

*1000' or less, 20' easement; 1000' or more 40' easement; . 3 or more lots (current or potential), 60' easement.

r/w = Right-of-way.

TIA = Traffic Impact Analysis.

N/A = not applicable.

A. Consent to Participate Agreement Required. For those Local roads which are not improved in accordance with Morrow County Road Standards or maintained by the County, and which abut the property owner's proposed development or which do not abut the development but provide direct access to the development, the property owner shall sign a consent to participate agreement for the potential formation of a local improvement district or other mechanism to improve and maintain these roads to County standards, per the Morrow County standard Consent to Participate Agreement. Applications for property line adjustments, nonbuildable parcels, temporary housing permits, land partitions in resource zones, and one dwelling on an existing vacant parcel, are not subject to this requirement.

For those Arterial and Collector roads which are not improved in accordance with Morrow County Road Standards and which abut the development site or those roads which do not abut the development site but provide access to the site, the property owner shall sign a

consent to participate agreement for the potential formation of a local improvement district or other mechanism to improve the base facility of this road(s) to County standards, per the Morrow County standard Consent to Participate Agreement. Applications for property line adjustments, nonbuildable parcels, temporary housing permits, land partitions in resource zones, and one dwelling on an existing vacant parcel, are not subject to this requirement.

SECTION 4.040. OFF-STREET VEHICLE PARKING REQUIREMENTS. Because vehicle parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. At the time of construction, reconstruction, or enlargement of a structure, or at the time a use is changed in any zone, off-street parking space shall be provided as follows unless greater requirements are otherwise established. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area. The County may allow credit for "on-street parking", as provided in Section 4.050. For uses not specified in Table 4.040-1, parking requirements shall be determined by the use in Table 4.040-1 found to be most similar in terms of parking needs.

TABLE 4.040-1

MINIMUM PARKING REQUIREMENTS

USE	MINIMUM VEHICLE PARKING REQUIREMENTS
A. Residential 1. One, two, and three family dwelling 2. Residential use containing four or more dwelling units 3. Rooming or boarding house	Two spaces per dwelling unit One and one-half spaces per dwelling unit One space per guest room
B. Commercial Residential 1. Hotel or Motel	One space per guest room, plus one space for the manager
C. Public and Institutional Uses 1. Welfare or correctional institution 2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged 3. Hospital 4. Church	One space per six beds One space per four beds Two spaces per bed One space per four seats at maximum occupancy
5. Library, reading room 6. Daycare, pre-school or kindergarten 7. Elementary or junior high school 8. High school, college, commercial school for adults	One space per 400 gross square feet Two spaces per FTE staff One and one-half spaces per classroom or one space per four seats or eight feet of bench length in the auditorium or assembly room whichever is greater. One and one-half spaces per classroom plus one space for each 10 students the school is designed to accommodate, or one space for four seats or eight feet of bench length in the main auditorium or assembly room, whichever is greater.

MINIMUM PARKING REQUIREMENTS

USE	MINIMUM VEHICLE PARKING REQUIREMENTS
9. Other auditorium or meeting room	One space per six seats or 12 feet of bench length, whichever is greater, or one space for each 75 gross square feet of assembly room not containing fixed seats.
D. Commercial Amusement	
1. Stadium, arena, theater	One space per four seats or eight feet of bench length, whichever is greater.
2. Bowling Alley	Five spaces per alley
3. Dance hall, skating rink	One space per 100 gross square feet
E. Commercial	
1. Retail store except as provided in subsection (f)(2) of this section	One space per 350 gross square feet
2. Service or repair shop, retail store handling exclusively bulky merchandise, such as automobiles and furniture	One space per 750 gross square feet
3. Bank, office (except medical and dental)	One space per 350 gross square feet
4. Medical and dental clinic	One space per 300 gross square feet
5. Eating or drinking establishment	One space per 100 gross square feet or one space per four seats, whichever is less.
6. Mortuaries	One space per six seats or eight feet of bench length in chapels
F. Industrial	
1. Storage warehouse, manufacturing establishment, rail or trucking freight terminal	One space per employee on the largest shift.
2. Wholesale establishment	One space per employee on the largest shift plus one space per 700 square feet of patron-serving area.

SECTION 4.045. BICYCLE PARKING REQUIREMENT.

This chapter also provides standards for bicycle parking, because children as well as adults need safe and adequate spaces to park their bicycles throughout the community. All uses subject to Design Review that are located within an Urban Growth Boundary shall provide bicycle parking in conformance with the following guidelines. Uses outside an Urban Growth Boundary are encouraged to provide bicycle parking based on these guidelines.

A. Number of Parking Spaces. A minimum of two bicycle parking spaces is recommended for each use with greater than 10 vehicle parking spaces. The following additional standards apply to uses within an Urban Growth Boundary, and are recommended for other areas of the County:

1. **Multi-family residences:** At least one sheltered bicycle space per four dwelling units, for uses of four or more units. Bicycle spaces may be located within a garage, storage shed, basement, utility room, or other similar area. If a residential development use has no such protected areas, bicycle parking spaces can be located under an eave, overhang or similar cover to be protected from rain and sun.

2. **Parking Lots:** At least one bicycle parking space for every ten vehicle spaces at commercial and public parking lots.
 3. **Schools:** One bicycle parking space for every 10 vehicle spaces, at public or private elementary and middle schools. High schools should provide one bicycle space for every five students.
 4. **Colleges and trade schools:** One bicycle space for every 10 motor vehicle spaces. At least half of the spaces should be sheltered under an eave, overhang or similar cover.
 5. **Multiple Uses:** For buildings with multiple uses, such as a commercial building or mixed use development, one bicycle space for every 10 motor vehicle spaces is recommended.
- B. **Exemptions.** This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than 10 vehicle parking spaces.
 - C. **Location and Design.** Bicycle parking should be conveniently located no farther away than the closest parking space.
 - D. **Visibility and Security.** Bicycle parking should be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
 - E. **Options for Storage.** Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
 - F. **Lighting.** Bicycle parking should be least as well lit as vehicle parking for security.
 - G. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards in Section 4.020.

SECTION 4.050. OFF-STREET PARKING AND LOADING. Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to handle adequately the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to care for parking needs. General provisions are as follows:

- A. The provisions and maintenance of off-street parking and loading space is a continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be a violation of this Ordinance to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.
- B. Requirements for types of buildings and uses not specifically listed in this Ordinance shall be determined by the Planning Commission based upon the requirements for comparable use listed.

C. In the event multiple uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of each use computed separately.

D. Owners of two or more uses, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the County in the form of deeds, leases, or contracts to establish the joint use.

E. Off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. Other required parking spaces for residential uses shall be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.

F. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

G. Parking designated exclusively for people with disabilities shall be provided in conformance with the Americans with Disabilities Act.

H. The Director may, upon request, allow a reduction in the number of required off-street parking spaces in housing developments for elderly or disabled persons if such reduction is deemed appropriate after analysis of the size and location of the development, resident auto ownership, number of employees, possible future conversion to other residential uses and other similar relevant factors.

SECTION 4.060. DESIGN AND IMPROVEMENT STANDARDS - Parking Lots

A. Except for single-family and duplex dwellings, areas used for parking for more than two vehicles shall have durable and dustless surfaces adequately maintained.

B. Except for parking in connection with single-family and duplex dwellings, parking and loading areas adjacent to or within a residential zone or adjacent to a dwelling shall be designed to minimize disturbance to residents by the erection between the uses of a sight-obscuring fence or planted screen of not less than six (6) feet in height except where vision clearance is required.

C. Parking spaces along the outer boundaries of a parking lot shall maintain a minimum setback from the property line of five feet, unless a greater setback is specified for a structure in the zoning district, and shall be contained by a bumper rail or by a curb which is at least four inches high.

D. Artificial lighting which may be provided shall not shine or create glare in any residential zone or on any adjacent dwelling.

E. Access aisles shall be a minimum of 24 feet wide for two-way traffic. The minimum aisle width for emergency vehicle access (with one-way traffic) is 20 feet.

F. Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

G. Service drives to off-street parking areas shall be a minimum of 24 feet wide for two-way traffic flow, and 20 feet wide for one-way traffic flow. The number of service drives shall be limited to the minimum that will accommodate anticipated traffic.

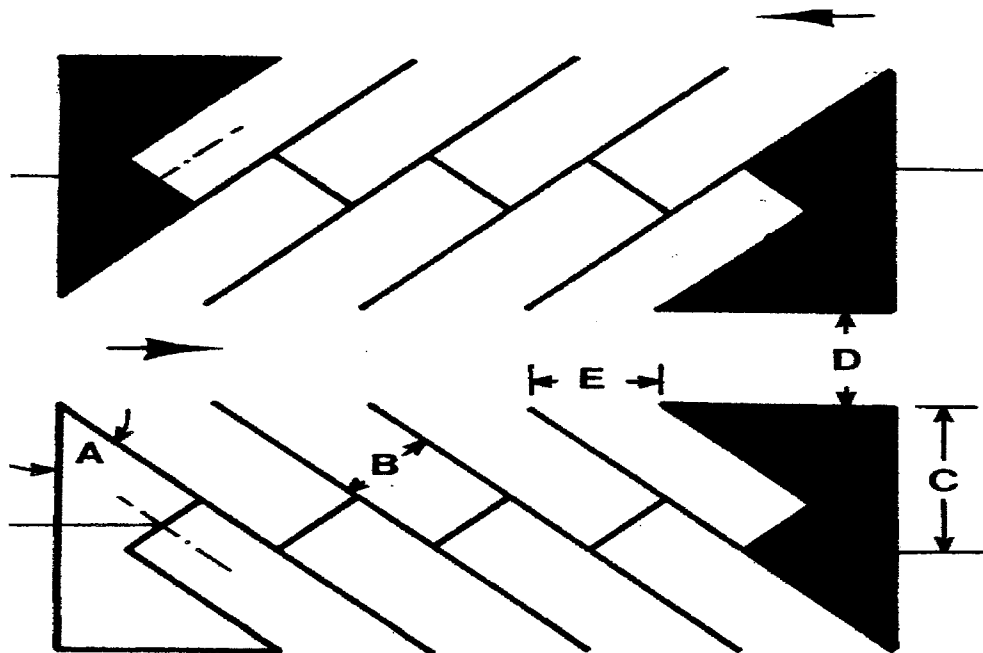
H. Driveways shall maintain minimum sight distance per the standards of Section 4.020 of this Ordinance.

I. The standards set forth in the table below shall be the minimum for parking lots approved under this Ordinance (all figures are in feet except as noted). The letters in the first row of the table correspond to the letters in the following diagram.

TABLE 4.060-1
OFF-STREET PARKING DESIGN STANDARDS

A	B	C	D	E
parking angle degree	stall width	stall to curb (19' long stall)	aisle width	curb length per car
0	8.5	8.5	12.0	23.0
45	8.5	19.4	12.0	12.0
60	8.5	20.0	15.0	9.8
75	8.5	19.6	24.0*	8.8
90	8.5	19.0	24.0*	8.5

*Two-way circulation



SECTION 4.070. SIGN LIMITATIONS AND REGULATIONS. In addition to sign limitations and regulations set forth in a specific zone, the following limitations and regulations shall apply to any sign hereafter erected, moved or structurally altered within the jurisdiction of the County.

In addition to the standards and limitations set forth in this Ordinance, signs shall be installed in accordance with applicable regulations of state and federal agencies. No sign will hereafter be erected, moved or structurally altered without being in conformity with the provisions of this Ordinance. Official traffic control signs and instruments of the state, county or municipality are exempt from all provisions of this Ordinance.

A. All outdoor advertising signs shall be in compliance with the provisions of this Ordinance and the provisions of ORS Chapter 377 when applicable.

B. No outdoor advertising sign permitted by ORS Chapter 377 shall be erected within 300 feet of a residential dwelling without written consent of the owner and/or occupant of said dwelling.

C. No sign shall be placed so as to interfere with visibility or effectiveness of any permanent traffic control device.

D. No sign shall be placed so as to impede the sight distance triangle at any access point or intersection as specified in Section 4.020 of this Ordinance.

E. No sign shall cause glare, distraction or other driving hazards within a street or road right-of-way.

F. No sign shall shine directly upon a residential dwelling or otherwise create a nuisance.

G. In addition to the limitations on signs as provided by (1) through (5) above, additional sign restrictions may be required as determined by the Planning Commission in approving conditional uses, as provided by Article 6.

H. Signs erected along Scenic Byways or other roads with similar designations must meet applicable criteria for sign placement.

I. Residents may request specific cautionary signage for individual resident(s) to be installed within County right-of-way. All costs including materials, installation, maintenance, and removal, shall be borne by the requestor, and shall otherwise conform with Morrow County Policy M-43674.

J. Installation of Regulatory Signs in Public Right-of-Way. Developers are to install street name, posted speed, and other traffic control signage required for private developments, per applicable standards from Morrow County and the Manual on Uniform Traffic Control Devices (MUTCD).

SECTION 4.110. MINIMUM STANDARDS FOR A MANUFACTURED HOME ON INDIVIDUAL LOTS OR PARCELS AS A SINGLE-FAMILY DWELLING. (Amended 10/28/06 MC-05-2006)

A. Manufactured Homes in a Farm or Forest Use Zone: A manufactured home permitted to be sited as a single-family dwelling on an individual lot or parcel in farm and forest use zones shall be in compliance with the following standards and regulations as a minimum. If the manufactured home is placed within one half mile of a residential zone (Rural Residential, Farm Residential or Suburban Residential) the standards of subsection B of this section shall apply. The distance of one-half mile will be measured from the site of the home to the boundary of the residential zone in a direct line and not specifically along roads or streets.

1. The manufactured home shall be a 14-foot single-wide, at a minimum, or a multi-sectional unit and shall contain at least 745 square feet of space as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device.

2. The manufactured home unit shall be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department and bear the Oregon Department of Commerce 'Insignia of Compliance.' All pre-owned and pre-occupied units (i.e. used) shall be inspected by a certified Building Official prior to installation and occupancy to insure compliance with applicable standards required for the 'Insignia of Compliance' and to insure that such units are in such a condition as to not be detrimental to the public health, safety and general welfare or to adjoining properties.

3. The manufactured home shall be installed according to the specifications outlined in the Oregon Manufactured Dwelling and Park Specialty Code in effect at the time of installation and as utilized by the Morrow County Building Official. (See ORS 446 and OAR 918 Division 500.)

4. All manufactured home accessory buildings and structures shall comply with state and local construction and installation standards. Roofing and siding materials shall be of similar material and color and complementary to the existing manufactured home unit. Manufactured home accessory structures include porches and steps, awnings, cabanas, or any other structure or addition that depends in part on the manufactured home for its structural support, or in any manner is immediately adjacent to or attached to the manufactured home. Such structures or additions shall not total more than 40 % of the total living space of the manufactured home. Garages and carports, either attached or detached, are not counted in this percentage. Ramadas, as defined in ORS 446, shall not be permitted.

5. When removing a manufactured home the owner of the property shall remove the foundation and all accessory structures and additions to the manufactured home and permanently disconnect sewer, water and other utilities if the manufactured home is removed from its foundation unless otherwise authorized by the County. In the event the owner fails to accomplish said work within 30-days from the day on which the manufactured home is moved from its foundation, the County may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the manufactured home is replaced on the original foundation, or on the original foundation as modified, or by another approved manufactured home within 30-days of the original unit's removal. Said lien may be initiated by the County Court.

B. Manufactured Homes in a Rural Residential Zone: A manufactured home permitted as a single-family dwelling on an individual lot or parcel in a residential zone (Rural Residential, Farm Residential or Suburban Residential) shall be in compliance with the following standards and regulations as a minimum.

1. Be multi-sectional (double-wide or larger); be a minimum of 1000 square feet; and be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department.

2. Placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
3. Have a pitched roof with a nominal slope of at least three feet in height for each 12 feet in width.
4. Certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code.
5. Have exterior siding and roofing materials which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Planning Department.
6. Have a garage or carport sited on the same lot or parcel of at least 180 square feet in size of like materials constructed before occupancy.
7. All manufactured home accessory buildings and structures shall comply with state and local construction and installation standards. Roofing and siding materials shall be of similar material and color and complementary to the existing manufactured home unit. Manufactured home accessory structures include porches and steps, awnings, cabanas, or any other structure or addition that depends in part on the manufactured home for its structural support, or in any manner is immediately adjacent to or attached to the manufactured home. Such structures or additions shall not total more than 40% of the total living space of the manufactured home. Garages or carports, either attached or detached, are not counted in this percentage. Ramadas, as defined in ORS 446, shall not be permitted.
8. When removing a manufactured home the owner of the property shall remove the foundation and all accessory structures and additions to the manufactured home and permanently disconnect sewer, water and other utilities if the manufactured home is removed from its foundation unless otherwise authorized by the County. In the event the owner fails to accomplish said work within 30-days from the day on which the manufactured home is moved from its foundation, the County may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the manufactured home is replaced on the original foundation, or on the original foundation as modified, or by another approved manufactured home within 30-days of the original unit's removal. Said lien may be initiated by the County Court.

C. Manufactured Homes and other uses: Manufactured homes are to only be used as single-family dwellings as stated in ORS 446.245. Any changes to a use of a manufactured home requires approval of the Planning Commission and compliance with ORS 446.245.

SECTION 4.160 STANDARDS FOR TRANSPORTATION IMPROVEMENTS. The intent of these provisions is to provide clear directions and guidelines when considering installation of transportation facilities in Morrow County.

A. Although some zone designations may address certain uses listed below, these provisions generally apply to all zones in the County. Thus, except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright:

1. Normal operation, maintenance, repair, and preservation of existing transportation facilities (roadways, bridges, etc.) including the use of stockpile sites in support of operation, maintenance, repair and preservation. (MC OR-1-2013)
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property.
6. Acquisition of the right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except those that are located in exclusive farm use or forest zones.
7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.
8. Establishment or continuation of no spray zones on private property.
9. Cattle guards to be installed per Morrow County Court Policy M-43673.
10. Pavement aprons to be installed at intersections of gravel roads or driveways with paved roads per Morrow County Court Resolution R-29-2000.
11. Any excavation within Morrow County right-of-way shall conform to Morrow County Ordinance MC-PW-1-81, the Road and Street Excavation Ordinance.

B. Uses Permitted by Conditional Use Permit.

1. Construction, major reconstruction, or widening of highways, roads, bridges, or other transportation projects that are not designed and constructed as part of a subdivision or planned development shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
 - a. The project is designed to be compatible with existing land use patterns, noise generation, safety, and zoning.
 - b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

- c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - d. The project includes provision for bicycle and pedestrian circulation as consistent with the Transportation Element of the Comprehensive Plan and other requirements of this Ordinance.
2. Construction of rest areas, weigh stations, temporary aggregate storage, and aggregate processing sites.
 3. If review under this Section indicates that the use or activity is inconsistent with the Transportation Element of the Comprehensive Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional use permit review.

C. Private Streets Outside an Urban Growth Boundary. All private streets providing access from a public roadway to a proposed land division shall meet the following standards:

1. Have a minimum sight distance in compliance with adopted County Standards at any intersection with a public road. Additional sight distance or advance warning signage or other devices may be required where known safety hazards exist.
2. For each private street, there shall be a legal recorded document which includes:
 - a. A legal description of the proposed easement;
 - b. Ownership of the street;
 - c. Use rights; and
 - d. A maintenance and construction agreement which includes Fire Marshal approved street specifications and turn around area (if required) and the allocation and/or method of determining liability for maintenance.
3. Where drainage conditions require it, a private street shall be ditched in conformance with the County Road Standards.
4. Private streets which access public or County roads shall be located, designed and constructed (within the public right-of-way) in accordance with adopted standards for County roads.
5. Prior to establishing a private driveway or a private street, the owner shall obtain an access permit for access to the intersecting public road. As a condition of granting access to a public road, the County may require the applicant to clean the ditch serving the parcel and remove sight obstructing vegetation in the vicinity of the access.

SECTION 4.165 SITE PLAN REVIEW

Site Plan Review is a non-discretionary or “ministerial” review conducted without a public hearing by the County Planning Director or designee. Site Plan Review is for less complex

developments and land uses that do not require site development or conditional use review and approval through a public hearing.

A. Purpose. The purpose of Site Plan Review (ministerial review) is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as building setbacks, lot coverage, maximum building height, and similar provisions. Site Plan review also addresses conformity to floodplain regulations, consistency with the Transportation System Plan, and other standards identified below.

B. Pre-application review. Prior to filing its application for site plan review, the applicant shall confer with the County Planning Director or designee, who shall identify and explain the relevant review procedures and standards.

C. Applicability. Site Plan Review shall be required for all land use actions requiring a Zoning Permit as defined in Section 1.050 of this Ordinance. The approval shall lapse, and a new application shall be required, if a building permit has not been issued within one year of Site Review approval, or if development of the site is in violation of the approved plan or other applicable codes.

D. Review Criteria.

1. The lot area shall be adequate to meet the needs of the establishment.
2. The proposed land use is permitted by the underlying land use district.
3. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any sub-district(s) are met.
4. Development in flood plains shall comply with Section 3.100 Flood Hazard Overlay Zone of the Ordinance.
5. 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.
6. Off-street parking and loading-unloading facilities shall be provided as required in Section 4.040 and 4.050 of the Morrow County Zoning Ordinance. Safe and convenient pedestrian access to off-street parking areas also shall be provided as applicable.
7. County transportation facilities shall be located, designed and constructed in accordance with the design and access standards in the Morrow County Transportation System Plan.
8. 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, with the exception of noxious or invasive species, such as Russian olive trees.
9. Development shall comply with Section 3.200 Significant Resources Overlay Zone or 3.300 Historic Buildings and Sites protecting inventoried significant natural and historic resources.

10. The applicant shall determine if compliance is required with Oregon Water Resources Department water quantity and/or Oregon Department of Environmental Quality water quality designations.
11. The applicant shall determine if previous Code Enforcement violations have been cleared as applicable.
12. The applicant shall determine the method of disposal for solid waste, with staff providing information to the applicant about recycling opportunities.
13. The applicant shall obtain the necessary access permit through the Public Works Department as required by Morrow County Resolution R-29-2000.

E. Submittal Requirements. A site plan shall be submitted including all of the following information except for specific items determined at the pre-application review not to be applicable. All site plans shall have dimensions clearly indicated. An applicant may provide the information on separate sheets, if necessary or desirable for clarity.

1. North arrow and scale.
2. Location of property boundaries, including adjacent public or private streets and rights of way.
3. Location of existing structures and natural features.
4. Areas affected by the proposed development with slopes in excess of 10 percent.
5. Location of utilities and facilities, or proposed locations (sewer, water, fire hydrants, septic system, storm water facilities, etc.).
6. Proposed landscaping.
7. Exterior lighting.
8. Circulation plan for vehicles, pedestrians, and bicyclists, including existing and proposed points of access and sidewalks.
9. Parking lot layout, with circulation plan and striping details.
10. Sign location and details.

F. Application Completeness/Request for Additional Information. The County Planning Director or designee shall determine the application to be complete based on the above standard criteria within 14 days of the application submittal. If the application is found to be incomplete or additional information is needed it may be requested from the applicant. A request for additional information beyond the standard review criteria cannot be used to rule an application incomplete.

G. Minimum Standards for Roadway Design Plans Submitted for County Review. Any transportation facility or transportation improvement to be constructed as part of a private development and subsequently dedicated to the County must first receive design approval by the Morrow County Public Works Department, based on applicable design criteria and

the rationale for establishing the criteria to be provided by the County. Design approval shall also include all other pertinent issues related to roadway construction and operations, including but not limited to drainage, maintenance, serviceability, and pavement design. Street design plans submitted for County approval shall be stamped by a registered professional engineer with appropriate experience.

H. Conditions Requiring Variance Application. In the case of transportation improvement plans that do not meet the above minimum standards, the Morrow County Public Works Department may work with the applicant to determine whether an alternate design standard is appropriate (design modification). Design modifications are reviewed and approved by Morrow County Public Works Department staff. If upon mutual agreement it is determined that an alternate design standard cannot be met, an application for a design variance will be required, subject to review and approval by the Morrow County Planning Commission.

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.

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.