

2002 - 4951

Filed 7-11-02  
Barbara Bloodworth  
Morrow County Clerk

BEFORE THE MORROW COUNTY COURT  
OF MORROW COUNTY

AN ORDINANCE AMENDING THE MORROW )  
COUNTY COMPREHENSIVE PLAN, THE )  
MORROW COUNTY TRANSPORTATION )  
SYSTEM PLAN, AND THE MORROW COUNTY )  
ZONING ORDINANCE TO ALLOW FOR THE )  
SITING OF A SPEEDWAY AND RELATED )  
FACILITIES AT THE BOARDMAN AIRPORT )

ORDINANCE NUMBER MC-C-2-02

The County of Morrow does ordain as follows:

WHEREAS, the Port of Morrow has applied to Morrow County for amendments to the Morrow County Comprehensive Plan and the official Morrow County Plan/Zoning Map to authorize a speedway and related uses on approximately 1400 acres of land located at the Boardman airport; and

WHEREAS, the Port of Morrow also has applied to Morrow County for amendments to the Morrow County Transportation System Plan to authorize roadway improvements that are needed in conjunction with the proposed speedway and its related uses; and

WHEREAS, following public notice, the Port's application came before the Morrow County Planning Commission for public hearings on January 24, 2002, March 7, 2002, April 4, 2002 and May 2, 2002; and

WHEREAS, the Morrow County Planning Commission forwarded a recommendation to the Morrow County Court that the application be approved with modifications and with conditions, and forwarded findings and conclusions in support of its recommendation; and

WHEREAS, following public notice, the Morrow County Court held public hearings on the application and the Planning Commission's recommendation on May 16, 2002 and May 29, 2002; and

WHEREAS, the Morrow County Court has considered the evidence and testimony in the record and the recommendations of the Planning Commission and its staff; and

WHEREAS, the Morrow County Court, on May 29, 2002, voted to accept the recommendation of the Planning Commission and approve the application with conditions of approval;

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

SECTION 1. MORROW COUNTY COMPREHENSIVE PLAN AMENDMENTS.

The exceptions to Goals 11 and 14 authorizing a speedway and speedway related uses, as set out in Section VII of the Port's application as modified to include changes recommended by the Planning Commission, are hereby incorporated within and made a part of the Morrow County Comprehensive Plan. Section VII of the application is attached.

SECTION 2. MORROW COUNTY TRANSPORTATION SYSTEM PLAN AMENDMENTS.

The Morrow County Transportation System Plan is hereby amended to include the following:

- A. The transportation improvements identified in Section IV of the Port's application as modified to include changes recommended by the Planning Commission.
- B. The exceptions to Goals 11 and 14 authorizing a new Speedway Interchange on Interstate 84 and a new four lane roadway within the airport property, as set out in Section VIII of the Port's application as modified to include changes recommended by the Planning Commission. Section VIII of the application is attached.
- C. The transportation system plan policies identified in Section IV of the Port's application as modified to include changes recommended by the Planning Commission. Section IV of the application is attached.

SECTION 3. MORROW COUNTY OFFICIAL PLAN/ZONING MAP AMENDMENTS.

The Morrow County Official Plan/Zoning Map is hereby amended to apply the Limited Use Overlay Zone to the approximately 1400 acres identified for speedway and speedway related uses at the Boardman airport, as indicated in Figure 1 of the Port's application as modified by the Planning Commission.

SECTION 4: FINDINGS OF FACT AND CONCLUSIONS OF LAW; SUBJECT CONDITIONS OF APPROVAL

The Findings of Fact and Conclusions of Law of the Morrow County Court dated June 21, 2002, are hereby incorporated into this Ordinance. Amendments contained in this Ordinance are subject to the conditions contained in the Findings of Fact and Conclusions of Law dated June 21, 2002.

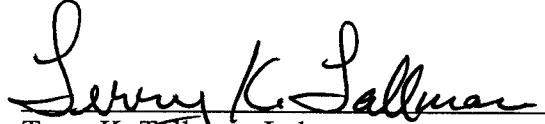
SECTION 5: EFFECTIVE DATE.

This ordinance shall become effective thirty (30) days after the date of its adoption by the Morrow County Court.

DATE OF FIRST READING: June 21, 2002

DATE OF SECOND READING July 10, 2002


DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 10th DAY OF July, 2002.


  
Terry K. Tallman, Judge

  
John E. Wenholz, Commissioner

  
Dan Brosnan, Commissioner

ATTEST:

  
County Clerk



APPROVED AS TO FORM

  
County Counsel

- Expand the office building by up an additional 5,000 square feet when the number of full time track and tenant employees exceeds 40
- Expand the square footage for restaurants by up to 5,000 square feet when the number of full time track and tenant employees exceeds 200

The principal use of the Speedway would, of course, be motorsport racing and racing-associated activities such as the industrial park, supporting office use and the gift shop selling Speedway memorabilia. The facility would also be used for other activities, such as concerts, rodeos, mass gatherings, food and wine shows, dances, community events or gatherings, and lower intensity recreational uses like athletic fields or courts, but these activities would occur only in conjunction with Speedway events and activities, as described in more detail below. . It is not the intent of this application to seek authorization to engage in these other activities as stand-alone uses operating independently of racing-related activities and events at the Oregon Motor Speedway, and this application does not seek approval to engage in such activities as stand-alone activities.

### **C. Comprehensive Plan Policies.**

In conjunction with its application to allow construction of racetracks and speedway-related uses at the Boardman airport, the Port recommends that Morrow County amend its Comprehensive Plan to include the following new policies:

- Recreation Policy 21: Establish a site development review process and standards to ensure that a speedway at the Boardman airport is supported with timely and adequate transportation facilities and public services.<sup>11</sup>
- Economic Policy 16: To work cooperatively with the Port of Morrow to encourage the siting of a major speedway at the Boardman airport.
- Transportation Policy 29. Ensure that a speedway at the Boardman airport is supported by adequate transportation facilities and transportation system management and event management measures.

## **IV. Proposed Morrow County Transportation System Plan Amendments.**

### **A. Transportation Facility Improvements.**

The Port requests Morrow County's approval of amendments to its Transportation System Plan (TSP) to authorize the following transportation improvements, which are or may be needed to accommodate Speedway-related traffic.

- Modifications to the I-84/Tower Road Interchange, including dual lane ramps, a four-lane bridge across I-84, and improved turning radiuses at the beginnings and ends of the on/off ramps

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<sup>11</sup> Morrow County already has done so, but a plan policy still would be appropriate.

- Stacking or merge lanes (acceleration/deceleration lanes) extending approximately 1.5 miles in each direction from the I-84/Tower Road Interchange
- Widening of Tower Road to ~~four to five~~five lanes between I-84 and the southernmost entrance to the speedway on Tower Road ~~end of the airport property~~
- A new I-84/Speedway Interchange 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
- Stacking or merge lanes (acceleration or deceleration lanes) extending approximately 1.5 miles in each direction from the I-84/Speedway Interchange
- An additional (third) eastbound and westbound travel lane on I-84 between Highway 730 and the Speedway Interchange and from 1200 meters west of the Army Depot Interchange to the I-82/I-84 Interchange
- Bridge widening or modification as necessary along I-84
- Extended ramps and taper lanes on I-84 westbound between I-82 and a point west of the I-84/Army Depot Interchange
- Merge/diverge lanes eastbound on I-84 between a point west of the I-84/Army Depot Interchange and the I-84/I-82 Interchange
- Modifications to the connector ramps at the I-84/I-82 Interchange to provide two-lane on or off ramps
- A four-lane surface road system within and encircling the perimeter of the Speedway
- Realignment of the Kunze Road/Tower Road interconnection southward to meet Division 51 spacing standards~~minimize conflicts with the Speedway~~
- Improvements to the I-84/Army Depot Interchange to facilitate I-82/I-84 merge/diverge lanes

See Figure 5.

Some of these transportation improvements are allowed outright on rural lands without the need to take goal exceptions. Others, however, require exceptions to Goals 11 and 14. All are addressed in Section VIII of this application, addressing TPR compliance.

During the past year the Port, working closely with ODOT, identified different transportation alternatives that appear capable of reasonably meeting the transportation need created by the Speedway without unduly burdening Interstate 84 and other affected roadways. These alternatives, described in Section VIII of this application, include (1) construction of a new I-84/Speedway Interchange west of Tower Road; (2) construction of a new road providing access to the Speedway from the I-84/Three Mile Canyon Interchange to the west; (3) construction of a new road providing access to the Speedway from the I-84/Army Depot Interchange to the east via Frontage Road, Bombing Range Road and a new "Cross Bombing Range Road"; and (4) combinations and variations thereof.

The improvements for which the Port here seeks approval include a new Speedway Interchange on I-84 located several miles west of Tower Road, a third eastbound and westbound travel lane on I-84 between the Speedway and the Highway 730 interchanges and from 1200 meters west of the Army Depot Interchange to I-82, and extended ramps and taper lanes to merge traffic onto I-84 from I-82. As described in Section VIII of this application, these proposed improvements, when combined with traffic and event management measures, are adequate to accommodate the traffic occurring during premier events at the Speedway and to render this application in compliance with applicable Transportation Planning Rule (TPR) and Oregon Highway Plan (OHP) requirements.

As noted, the Port pursued acquisition of a road right-of-way across the US Navy Bombing Range, but the Navy denied that request. The Port also is assessing its ability to acquire properties owned by the State of Oregon that are located to the west and to the north of the airport. If (1) Port acquisition of land for new roadways proves feasible and reasonable, (2) one or more of those roadways better meets ODOT's needs, and (3) ODOT expresses a strong preference for that roadway alternative, the Port will support and apply for Morrow County TSP amendments to approve the new roadway(s) and associated transportation improvements in lieu of transportation improvements no longer required. However, if such acquisition does not prove feasible, or if NEPA analysis shows that such improvements do not better serve ODOT's needs, then the Port would continue to rely on the improvements contained in this application to accommodate Speedway-generated traffic during premier events. Again, these improvements are adequate to meet the transportation needs generated by the Speedway, as discussed in Section VIII of this application.

#### **B. Amendments to Transportation System Plan Policies.**

The Port requests that the Morrow County TSP be amended to include the following new transportation policies specific to the Oregon Motor Speedway:

- As required by the National Environmental Policy Act, the Port of Morrow, in coordination with the Oregon Department of Transportation and the Federal Highways Administration, shall examine and analyze transportation network alternatives that might reasonably accommodate traffic generated by the Speedway during peak events. The study shall determine whether reasonable transportation alternatives exist that are feasible to develop and meet the needs of the Department of Transportation better than the transportation improvements authorized by this plan. If such alternatives exist and are desired by the Department of Transportation, the Port shall apply to Morrow County for Transportation System Plan amendments, including goal exceptions if necessary, to substitute those transportation improvements for authorized improvements that would no longer be required.
- Required transportation improvements may be developed in stages as authorized by the Oregon Department of Transportation.

- As part of the site development review process for the Oregon Motor Speedway, the Speedway owner or operator shall prepare and submit to Morrow County detailed traffic management and event management plans identifying traffic management measures, including access, circulation and parking management measures, and event management measures to be employed during mid-sized and peak Speedway events. Those measures shall be designed to ensure reasonable roadway access, circulation and movement for non-Speedway generated traffic traveling within or through the Boardman area before and after Speedway events. The traffic management plan shall be prepared by a licensed traffic engineering firm in coordination with the Oregon Department of Transportation, the City of Boardman, Morrow County and the Port of Morrow.
- Unless otherwise agreed to by federal, state or local transportation providers, the Oregon Motor Speedway operator or any successors in interest shall be responsible for payment of all costs associated with implementing the traffic management plan for the Speedway.
- Unless otherwise agreed to by federal, state or local transportation providers, the Oregon Motor Speedway operator or any successors in interest shall be responsible for payment of all costs associated with implementing the specific transportation improvements required for compliance with the Transportation Planning Rule.
- Implementation of the Speedway's traffic management plan shall be an ongoing condition of approval for the Speedway. Failure to substantially comply with the traffic management plan or to pay the costs associated with implementation of that Plan shall be a basis for enjoining operation of the Speedway.
- The Oregon Motor Speedway operator or any successor in interest shall work cooperatively with emergency service providers and affected state and local governments and agencies on the development of one or more interagency agreements to prepare and implement a traffic management plan.

## **V. Airport Planning History.**

The 2,700-acre Boardman airport property is located approximately five miles west of the City of Boardman and three miles west of the City's urban growth boundary. The site was previously part of a 100,000 acre tract that the State Department of Veteran's Affairs originally leased to the Boeing Agri-Industrial Corporation in 1963 for purposes of industrial development. Boeing later relinquished its lease, and in 1984 the Port of Morrow leased 2,700 acres of the original tract, including the Boardman Airport, from the State of Oregon, with an option to purchase. In 1991 the Port exercised its purchase option and bought the property outright.

The terms of the 1984 lease required the Port to provide a public air facility and related support facilities. It further required an industrial park at and around the airport to "diversify and expand economic activity in the Port of Morrow by providing sites for

air-direct access industrial commercial users; by providing sites for large acreage, heavy industrial users requiring multi-modal transportation services and relative isolation from population centers" and by "providing sites for general industrial/commercial users". Exception, page vii. Consistent with those terms, the Port prepared a goal exception statement which Morrow County adopted in 1985 and LCDC acknowledged one year later.

According to the exception document, "the principal objectives of the proposed development are to provide for the aviation needs and economic development needs of Morrow County." The exception was proposed to "enhance the safety of the airport, improve and augment the existing facilities in accordance with state and federal standards, provide unique industrial sites, provide for diversification and expansion of the county's economic base, and strengthen the regional transportation system." Exception, Page i.

These objectives were intended to help carry out policies set out in the "Morrow County Economic Statement" and the Morrow County Comprehensive Plan, including goals "to diversify local businesses, industries and commercial activities and to promote the economic growth and stability of the county". Exception, 1-1. The exception document noted, in particular, the need to diversify from the County's historic resource-based economy, and it identified the airport property as one of the few non-metropolitan sites in the state capable of accommodating large acreage uses.

The exception identified the availability of public facilities to serve the site, including water, sewer, electricity and natural gas. The Port's ability to use special funding sources, such as Industrial Development Revenue Bonds, FAA funding, Port revenue bonds and other public and private capital sources also was noted.

To implement the exception, Morrow County developed, adopted and applied to this property an Air/Industrial Park Zone. The AI Zone, which is set out in Section 3.071 of the Morrow County Zoning Ordinance, provides "areas for activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require a location within or immediately adjacent to primary flight operations and cargo service facilities." Uses allowed in the AI zone include customary airport uses authorized by ORS 836.616(2) and OAR 660-013-0100, as well as industrial and manufacturing uses permitted under ORS 836.616(3) and OAR 660-013-0110. When the Land Conservation and Development Commission (LCDC) acknowledged the goal exception and AI zone, it did so with an express finding that allowed development must be limited to uses dependent and related to the airstrip. LCDC Order in Response to Continuance Order of May 23, 1985, amended Staff Report (1/30/1986), pp. 18-25.

The airport exception was identified as an exception to LCDC Goal 3, Agricultural Lands. Morrow County did not then purport to take goal exceptions to Goals 11 and 14, as its action preceded the Oregon Supreme Court's decision in *1000 Friends of Oregon v. LCDC (Curry County)*, 301 Or 447 (1986), that clearly established the requirement for Goal 11/14 exceptions to allow urban development on rural lands. Still, while the



exception did not expressly address Goals 11 or 14, it is plain from the text of the exception that it authorized both urban scale development and services. For instance, the exception noted that the proposed airport industrial uses were intended to serve the City of Boardman's urban population, which then numbered 2,300 people but was planned for growth to 12,000. Exception at 1-2. The exception also identified the availability of water and sewer services to the site. Exception at 1-4. While sewer services may be either rural or urban, sewer facilities serving urban uses generally are considered to be urban in scale. Similarly, development serving an urban population generally is considered urban in nature. See *Hammack & Associates, Inc. v. Washington County*, 16 Or LUBA 75, *aff'd* 89 Or App 40 (1987). Accordingly, despite the absence of express exceptions taken to Goals 11 and 14 in 1985, the County reasonably may conclude, through LCDC's subsequent acknowledgment of the 1985 goal exception, that the airport property is urban land authorized for urban-scale development and services. *Murray v. Marion County*, 23 Or LUBA 268 (1992).

Because the airport had been approved for urban scale development and services, the question arises as to whether it is necessary now to adopt new exceptions to Goals 11 and 14. Ordinarily, a new exception might not be needed to allow for a change in the nature of the permitted urban uses. Here, however, that is not so. Because LCDC's acknowledgment order expressly limited development of the airport property to only airport related or dependent uses, and because the proposed speedway and its associated uses are neither airport related nor dependent (although they will take advantage of proximity to the airport), it is necessary to amend the previous goal exception to authorize these uses. Given the urban nature of the proposed development (see *Hammack*), plus the fact that the airport property is no longer agricultural land, the exceptions are taken to Goals 11 and 14.

In addition to the Goal 11/14 exceptions taken to justify the speedway and its related uses, this application also takes exceptions to Goals 3, 11 and 14 to allow transportation improvements necessary to serve the speedway and its associated uses. Because the exception standards applicable to urban-scale transportation improvements on rural lands differ significantly from those for other urban uses on rural lands, the transportation improvement exceptions are addressed below in a separate section of this application.

## **VI. Motorsports Industry Overview.**

To better understand the goal exceptions set out in this application, it helps to understand the motorsports industry. The purpose of this section is provide an overview of the industry to assist the County, reviewing agencies, area residents and the general public. What follows is mostly a summary of a lengthier analysis set out in the feasibility analysis prepared for the Port by Hobson Ferrarini Associates (the "Hobson Ferrarini report"), which is an attachment to this application.<sup>12</sup>

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<sup>12</sup> See also memorandum from Steve Ferrarini to Ron McKinnis dated March 19, 2002.

## A. Introduction.

Motorsports is among the most popular and fastest growing spectator sports in the United States. According to Championship Auto Racing Teams, Inc. (CART), it is the second-most watched sport worldwide after soccer.

Motorsport racing consists of several distinct categories, each with its own organizing body and racing events. Internationally, the most recognized form of motorsport racing is **open-wheel racing**, utilizing an aerodynamically designed chassis and technologically advanced equipment. The most established international open-wheel racing series are:

- Formula One
- CART Championship
- Formula 3000
- Indy Lights

In addition to these more established open wheel series, the U.S.-based Indy Racing League (IRL) was formed in 1995. This oval-racing series (i.e., races run exclusively on oval tracks) includes the Indianapolis 500.

In the United States, the largest motorsports category in terms of attendance and media exposure is **stock car racing**. Stock car racing utilizes equipment similar in appearance to standard passenger automobiles, and races are typically staged on oval courses. The most prominent organizing body in stock car racing is the National Association for Stock Car Auto Racing (NASCAR).

Another motorsports category that is popular in the United States is **drag racing**. Drag racing is organized by the National Hot Rod Association (NHRA).

Other less prominent racing segments include various types of sports car racing and club racing. Examples include:

- The United States Auto Club (USAC)
- The Sports Car Club of America (SCCA)
- The Professional Sports Car Racing (PSCR)
- The Automobile Racing Club of America (ARCA)
- The World of Outlaws Series (WoO)

Motorsports events are generally heavily promoted, with a number of supporting events surrounding the main event. Examples of supporting events include

- Qualifying trials
- Secondary racing events
- Driver autograph sessions
- Automobile and product expositions

- Catered parties

and other events designed to maximize the entertainment value of the events. These events are typically spread out over a period of several days to a week. The primary participants in motorsports are spectators, corporate sponsors, track owners, drivers, team owners and sanctioning bodies. Sanctioning bodies endorse events at various racetracks in exchange for fees from race promoters and track owners. They are responsible for all aspects of race management necessary to stage a racing event.

## **B. Motorsports Leagues – Auto Racing.**

The most widely recognized auto racing series are CART, Formula One, IRL and NASCAR.

The **Championship Auto Racing Teams, Inc. (CART)** is considered the premier open-wheel motorsports series in North America. CART events are held on four different types of tracks: superspeedways, ovals, temporary street courses and permanent street courses. CART's three 2001 annual racing series include:

- The Atlantic Series (12 races)
- The Dayton Indy Lights (12 races)
- The FedEx Championship Series (22 races)

The **Formula One** Championships events consist of open-wheel races on road courses typically held in Europe, South America, Canada, Australia and Japan. The **Federation Internationale de l'Automobile (FIA)** sanctions the events. There is just one Formula One event staged in the United States. It is held at Indianapolis Motor Speedway, and it became part of the series in the year 2000.

The **Indy Racing League (IRL)** was formed in 1995 as a rival US open wheel racing series, competing with CART. The IRL's first season of racing began in 1996 and consisted of five races, including the Indianapolis 500. IRL's 2001 schedule consists of 13 races.

The **National Association for Stock Car Auto Racing (NASCAR)** has been associated with stock car racing since it began in the southeastern United States in the 1930s. NASCAR has been notably influential in the growth and development of auto racing. It is the most recognized sanctioning body of professional stock car racing in North America. It's large-scale 2001 annual series include the:

- Winston Cup Series (39 races)
- Busch Series (33 races)
- Craftsman Truck Series (24 races)

In addition, NASCAR sanctions nine regional touring series that are often staged as companion events to the national races. These series include:

- Winston West Series (12 races)
- Busch North Series (20 races)
- Slim Jim All Pro Series (16 races)
- Featherlite Modified Series (18 races)
- Goody's Dash Series (18 races)
- Raybestos NW Series (17 races)
- O'Reilly All-Star Series (18 races)
- RE/MAX Challenge Series (16 races)
- Weekly Racing Series (competition with 10 geographic regions)

Besides these more prominent motorsports leagues, there are many other leagues which specialize in other types of vehicle racing. These include the **American Motorcyclist Association** (motorcycle racing); **World of Outlaws** (sprint car racing); **National Hot Rod Association** (drag racing); and leagues featuring various types of truck racing. In all, there are over 50 motorsports racing series held annually in the United States.

### C. Popularity of Motorsports Racing Events.

Motorsport racing events rapidly gained popularity in the 1990s, and that popularity continues to grow. As reported by Goodyear, in 1998 NASCAR Winston Cup races averaged attendances exceeding 190,000 per event. That same year, CART Champ Cars averaged over 133,000 per event, IRL Indy Cars averaged over 117,000, and NHRA drag cars averaged over 100,000 per event. However, these figures can be somewhat misleading, as nearly half of the total reported attendance for the IRL consists of attendance at the Indianapolis 500 weekend.<sup>13</sup> Still, major events, such as a NASCAR Winston Cup race, are capable of attracting 100,000 people or more over a weekend, and many will attract crowds in the tens of thousands.

The popularity of motorsports is reflected in television viewing statistics. As relevant to this application, Pacific Region viewers are well represented among national viewers, despite the absence of major raceway facilities in the Pacific Northwest. This suggests that interest in motorsports in the region is strong, relative to other regions in the United States, despite having fewer racing facilities and large motorsports events.

Motorsports attract many different kinds of people. According to the Hobson Ferrarini report, while the sport is male dominated, women make up at least one-quarter of racing fans among most motor sport leagues. For all motor sports, nearly two-thirds of racing fans are married. Fans experience a wide range in annual household income, and they cover a wide range of age groups. They also range broadly in educational background, exhibiting distribution patterns similar to the United States population as a whole.

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<sup>13</sup> According to the Hobson-Ferrarini report, the Indianapolis 500 attracts as many as 400,000 people over the course of a weekend. Everywhere else, however, Indy car races attract, on average, 30,000 to 60,000 fans.

#### **D. Major Racing Facilities in the United States.**

The Hobson Ferrarini report divides the United States into five competitive market areas. The Northeast region, with a population exceeding 58 million people, has seven major race tracks. The South region, with a population over 61 million, has five major tracks. The Midwest region, with a population exceeding 66 million, has 5 major speedways. The Southwest region, including California, has 12 major tracks serving a population over 66 million.

Then there is the Northwest/Mountain region, consisting of Oregon, Washington, Idaho, Montana, Wyoming, Utah and Colorado. There are no major race tracks to serve this region's population of nearly 20 million people. As described in more detail in the exception statement below, this Northwest/Mountain region is clearly the most underserved in terms of large motorsports facilities and events. A major auto racing facility at Boardman would serve population centers in Oregon, Washington and Idaho, while attracting visitors from more outlying areas like northern California and British Columbia. Demographic information shows that the market area for a major speedway at Boardman would be comparable to market areas for successful major speedways located elsewhere in the United States.

### **VII. Compliance with Goal Exceptions Criteria (Speedway and Associated Uses)**

#### **A. Identification and Overview of the Exceptions Standards.**

Development of the proposed Speedway and its associated and ancillary uses at Boardman airport first requires County adoption of "reasons" exceptions to Goals 11 and 14. The requirements for statewide planning goal "reasons" exceptions are set out in ORS 197.732(1)(c), LCDC Goal 2 (Land Use Planning) Part II (Exceptions), and in administrative rules adopted by LCDC to implement these statutory and goal requirements. For this application, the relevant rule provisions are found in OAR 660, Division 4 and OAR 660, Division 14.

Under ORS 197.732(1)(c) and Goal 2 Part II, a local government may adopt a "reasons" exception to a goal if the following standards are met:

"(1) Reasons justify why the state policy embodied in the applicable goals should not apply.

"(2) Areas which do not require a new exception cannot reasonably accommodate the use.

"(3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed

site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

"(4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

To allow urban uses on rural lands, exceptions to Goals 11 and 14 are required. An exception to Goal 14 is required because the proposed uses, by their nature, are urban in scale and intensity, and Goal 14 prohibits urban uses outside of urban growth boundaries or unincorporated communities. *Hammack, supra*. An exception to Goal 11 is needed because the proposed urban uses require urban-scale public facilities, including urban scale sewer and water services, and Goal 11 otherwise prohibits the establishment or extension of sewer and water systems outside of urban growth boundaries.

In *DLCD v. Umatilla County*, 39 Or LUBA 715 (2001), LUBA explained how LCDC's administrative rules for exceptions, OAR 660, Divisions 4 and 14, apply to proposed urban uses and public facilities on rural lands.<sup>14</sup> LUBA stated in pertinent part:

"OAR 660-004-0020(2) implements Goal 2, Part II(c) and ORS 197.732(1)(c), and elaborates on the four ultimate criteria for adopting a reasons exception. OAR 660-003-0022 prescribes '[t]he types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands,' for purposes of Goal 2, Part II(c)(A) and OAR 660-004-0020(2)(a). OAR 660-004-0022(1) provides three criteria for determining whether reasons justify uses not allowed on resource lands. These three criteria apply where adopting a reasons exception for all uses, except for those specifically provided for in subsequent sections of OAR 660-004-0022 or in OAR chapter 660, division 14. \* \*

\*

"Under this framework, determining which criteria apply requires that the local government identify the character of the use for which a reasons exception is proposed. If the proposed exception involves circumstances or uses not governed by OAR 660-004-0022(2) through (10) or OAR chapter 660, division 14, then OAR 660-004-0022(1)(a)-(c) provides the applicable criteria for determining whether

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<sup>14</sup> *DLCD v. Umatilla County* involved a comprehensive plan amendment to allow residential development on agricultural land next to a golf course.

reasons justify the proposed exception. If, on the other hand, the proposed exception is intended to allow urban development, then OAR 660-004-0022(1) directs the county to OAR 660-014-0040. \* \* \*

" \* \* \* "

"Assuming that the proposed use is for urban residential development, the county must satisfy OAR 660-004-0022(2)(a) by addressing the requirements of OAR 660-014-0040. \* \* \*. Assuming, for the sake of discussion, that the proposed development complies with OAR 660-014-0040, there would then be no need to address the requirements of either OAR 660-004-0022(1) or (2) with respect to either Goal 3 or Goal 11. This is because reasons that justify a Goal 14 exception under OAR 660-014-0040 also must be sufficient to justify exceptions to Goals 3, 4 and 11, if exceptions to those goals are required. \* \* \*. In this context, no additional reasons for purposes of OAR 660-004-0020(2)(a) are necessary to establish exceptions to Goals 3, 4 and 11 once the local government demonstrates reasons to justify new urban development under OAR 660-014-0040." 39 Or LUBA at 719-724 (footnotes omitted; emphasis added (underlined) and in original (*italics*)).

It follows that an exception justifying urban uses and facilities under OAR 660-014-0040 is adequate to meet the requirements of OAR 660-004-0020(2)(a) and 0022. OAR 660-014-0040 provides:

"(1) As used in this rule, 'undeveloped rural land' includes all land outside of acknowledged urban growth boundaries except for rural areas committed to urban development. This definition includes all resource and nonresource lands outside of urban growth boundaries. It also includes those lands subject to built and committed exceptions to Goals 3 or 4, but *not* developed at urban density or committed to urban level development.

"(2) A county can justify an exception to Goal 14 to allow incorporation of a new city or establishment of new urban development on undeveloped rural land. Reasons which can justify why the policies in Goals 3, 4, 11 and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity which is dependent upon an adjacent or nearby natural resource.

"(3) To approve an exception under this rule, a county must also show:

"(a) That Goal 2, Part II(c)(1) and (c)(2) are met by showing the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development at existing rural centers;

"(b) That Goal 2, Part II(c)(3) is met by showing the long-term environmental, economic, social and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other undeveloped rural land, considering:

"(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate; and

"(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.

"(c) That Goal 2, Part II(c)(4) is met by showing the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:

"(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and

"(B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured.

"(d) That an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner;

"(e) That incorporation of a new city or establishment or new urban development of undeveloped rural land is coordinated



with comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for incorporation." (Emphasis added (underlined) and in original (*italics*)).

**B. Reasons to Support the Proposed Goal Exceptions (OAR 660-014-0040(2)).**

**1. Speedway Facilities.**

In 1986 LCDC acknowledged an exception for the 2,700-acre Boardman airport property to allow airport related and dependent industrial and commercial uses. As stated in the exception document, the exception was intended to implement specific goals for Morrow County set out in the Morrow County Economic Statement and the Morrow County Comprehensive Plan, including goals to "diversify local business, industries and commercial activities and to promote the economic growth and stability of the county."

In its 1986 order acknowledging this exception, LCDC found that there was a "demonstrated need" for the airport property exception based on Goal 9, Economy of the State, and Goal 12, Transportation. The order referenced the exception document's discussion of economic benefits that improvements made to the airport could bring to existing industries at the Port as well as attracting new businesses, and it noted several references to the County's Comprehensive Plan recognizing the importance of the airport for economic growth and stability of the County. LCDC Order in Response to Continuance Order of May 23, 1985, page 18.

The order also discussed reasons why industrial and commercial development at the airport would have a significant comparative advantage which would benefit the County economy and cause only minimal loss of productive resource lands. Among those reasons, it found:

- That the property, consisting of non-irrigated Class VI and VII agricultural soils, was appraised by the State of Oregon at only one quarter the valuation of nearby dryland farms.
- That proposed industrial uses would incorporate aviation, rail, river and freeway system resources.
- That development of the Boardman airport to transport standards is a logical completion of the regional transportation system.
- That aviation and industrial uses could not be located within a UGB without significant impacts related to noise, light emissions, safety and air emissions.
- That the only air industrial park serving Oregon within the subject market area is in Pendleton, approximately 45 miles away, and that park lacks large acreage sites.

- That industrial uses would have significant comparative advantages at this location due to the cumulative effects of the outstanding transportation system, the availability of large tracts, readily available utilities and energy supplies, compatibility with surrounding land uses, and the Port's favorable capability in terms of providing financing facility improvements and industrial development.
- That Morrow County needs economic development, and this proposal would cause only minimal loss of productive resource lands while opening significant opportunities for additional employment and expansion and diversification of the County's traditional resource-based economy, which has tended to fluctuate with agricultural and timber markets.
- That industrial development imposes few detrimental impacts upon the site and adjacent environs. Order at 22-23.

Since that goal exception was taken, little airport related or dependent development has occurred near the Boardman airport. Despite the availability of large tracts, utilities and energy supplies, the 2,700 acre exception area has remained underutilized, and the economic benefits sought by the exception remain largely unrealized.

However, the reasons used to justify the 1985 exception provide much of the basis for this requested Goal 11/14 exception amendment. Many of the special features that Morrow County identified in 1985 to attract industrial users to the site attracted Racing Unlimited to this site. These include, specifically:

- The transportation network, including the airport and the interstate network, which provides four-lane highway access to the site from major Northwest metropolitan areas via Interstate 84 with connections to Interstates 5, 82, and 90.
- Reasonable separation from the urban growth area, to avoid significant impacts associated with noise, lighting and traffic.
- The availability of a large tract of land to accommodate the speedway, the grandstands, and associated and ancillary uses.
- The comparative advantages this site provides due to the availability of water, sewer, electricity and natural gas.
- The absence of incompatible development near the proposed speedway site, which reduces potential adverse impacts upon the site and the surrounding area.
- Morrow County's need for economic development, combined with only minimal loss of resource lands.

Additionally, other features unique to the Boardman airport property but not mentioned in the previous exception have attracted this user to the site. These include:

- The significant comparative advantage this site offers because of its central location among major metropolitan areas in Oregon, Washington and Idaho,

in a region underserved in terms of large motorsports facilities and events. The central location truly allows this facility to serve and benefit all of the State of Oregon.

- Dry and mild weather conditions, which allow for an extended racing season from February through November of the calendar year and which improve the quality and safety of motorsport races and the conditions for viewing those races

Like the airport related commercial and industrial uses that were authorized by the 1985 exception, the proposed Speedway, with its racing and associated uses, will provide economic development and diversity that Morrow County badly needs. The Speedway will open up significant opportunities for additional employment and diversification of the County's traditional resource-based economy, not just at the airport but in Boardman and in urban communities in nearby counties. It also will bring new customers to existing businesses in Boardman and other cities and communities throughout the region. By providing new jobs and attracting visitors people to the area, the Speedway will support existing and new commercial development in Boardman and enhance the recreational and tourist industries of northcentral Oregon. And by locating on nonresource land, the Speedway will help meet the recreational and entertainment needs of Oregon residents without any significant impacts on properties zoned for exclusive farm use.

Concurrently, the Speedway will significantly increase airport flight activity and help generate funds to improve the airport. The Speedway should significantly increase the number of annual air operations at Boardman. According to Racing Unlimited, NASCAR, CART and IRL data shows that on average, 35 drivers out of 60 or 70 who attempt to qualify for events fly into major speedways from all over the country, either by private or chartered planes. Each league also brings 50 to 70 event coordinators to their events, who are always flown to the nearest airport. Moreover, team sponsors (on average, 15 to 20 per team, with over 40 teams competing), send corporate representatives to every event, sometimes sending company employees and their families. Major corporations that advertise at the track fly their representatives in for each event. And recently, Indy car race teams have starting shipping cars and equipment via FedEx air to the closest suitable airport. Consequently, a major speedway at Boardman will significantly expand the volume of air travel at the Boardman airport.<sup>15</sup> Increased air flight activity justifies airport improvements, which are good for the airport, Boardman, and Morrow County, and good for Oregon's air transportation network.

To accommodate these trips, the Port plans to expand and improve the airport runway, taxiways and hangar/tie-down areas. Runway expansion and improvements will allow the airport to accept the types of jets typically associated with racing events. These airport improvements, in turn, will make the airport much more attractive to other

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<sup>15</sup> The Boardman Airport 50 Year Aviation Demand Evaluation dated November, 2001 and prepared by Century West Engineering and Aron Faegri & Associates identifies a 50-year need for 93 acres to accommodate air traffic associated with Speedway events.

industrial and commercial users and help attract new airport related and dependent industrial and commercial uses to Boardman. In short, the Speedway should move the airport in a direction that allows it finally to achieve the goals identified in the 1985 goal exception.

On this point, it is noteworthy that while the Speedway can provide these benefits to the airport and the Boardman community, the airport will retain sufficient land in large tracts to serve airport related and airport dependent industrial uses closer to the runway. As earlier noted, the airport area consists of 2700 acres. This proposal will utilize approximately 1,400 acres. Consequently, at least 1,300 acres of airport property will remain available for customary and usual aviation-related activities and for airport related and dependent uses, including industrial and commercial uses, and the improvements to the airport supported in part by this proposal should make the airport more attractive to such uses.

OAR 660-014-0040(2) provides that one means by which a county can justify a Goal 14 exception is by showing that an urban population and urban levels of facilities and services are necessary to support an economic activity which is dependent on an adjacent or nearby natural resource. However, the rule does not make this the only basis by which a county can justify a Goal 14 exception.<sup>16</sup>

Here, urban populations and urban levels of facilities and services are required to support the Speedway, which is both an economic activity and a recreational activity encouraged by Goal 8. The primary audience of the proposed use includes residents of major population centers in Oregon, Washington and Idaho. This urban population is critical to the success of the Speedway. And urban sewer and water systems will be necessary to serve these people, who could number over 100,000 on a given day.

However, a major speedway is not dependent upon an adjacent or nearby "natural" resource. It's dependence rests, instead, on other critical locational factors, including a centralized location within its market area, an adequate road and transportation access system, a large tract of land for the proposed use and associated parking and ancillary uses, separation from noise sensitive sources, relative isolation from incompatible uses, and reliably dry and generally favorable weather conditions. A major speedway also is dependent on a market sufficiently large to sustain the facility.

It is these factors, and the availability of nonresource land, that explain and justify locating the Oregon Motor Speedway near Boardman. It is these factors, together with Morrow County's continued need to improve its airport and expand and diversify its economy, that warrant exceptions to Goals 11 and 14 to allow the siting of a speedway and its associated and ancillary uses at Boardman airport. It is noteworthy that since at least 1963, when the airport property was leased to Boeing, the subject property has been identified for airport improvement and economic development purposes. Indeed,

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<sup>16</sup> This conclusion is supported by testimony provided at the April 4, 2002 Morrow County Planning Commission hearing by DLCD regional representative Jon Jinings, who stated that DLCD did not intend to make proximity to a nearby natural resource an exclusive test for justifying an exception under this rule provision.

the terms of the 1984 State of Oregon lease of this property to the Port directed the Port to provide "sites for general commercial/industrial users" in order to "diversify and expand economic activity in the Port of Morrow". This Speedway proposal is the first serious proposal since 1984 to provide a very real opportunity for airport improvement and economic diversity and expansion at this site. And it is badly needed, given that as of July 1, 1998, the Oregon Economic and Community Development Department continued to identify Morrow County as "distressed".

The Speedway furthers the objectives of LCDC Goal 8, Recreational Needs. The goal directs local governments to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities. As explained below, this proposal will satisfy underserved motorsport-related recreational needs of citizens of Oregon and residents of Washington and Idaho, at a location that is virtually ideal for the use. Indeed, the centralized Boardman location allows the Oregon Motor Speedway truly to satisfy the recreational needs of the "citizens of the state", as opposed to the citizens of a locality or a region such as the Willamette Valley or northcentral Oregon.

Goal 8 also calls for recreational planning "(1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements." This exception, to allow for development of the proposed major speedway and its associated uses, is fully consistent with these standards. It is proposed in coordination with private enterprise (Racing Unlimited, Inc.). It is appropriately proportioned, based on analysis demonstrating that there is no similar facility of this nature in the Pacific Northwest and that the market area can support such a facility.<sup>17</sup> Finally, its size and quality are justified based on market analysis and can easily fit within the proposed location without creating significant adverse land use effects.

The Speedway also furthers the objectives of Goal 12, Transportation, to provide a safe, convenient and economic transportation system. Airport improvements generated in part by this proposal will help the County and City of Boardman reduce reliance on the automobile. More importantly, they will greatly improve the air transportation network serving Boardman and its surrounding community. ORS 836.600 and OAR 660, Division 13 encourage and promote the continued operation and vitality of Oregon's airports. Today, Boardman's airport is anything but "vital", with few annual operations, on average, compared to most other public use airports in Oregon. ORS 836.600(2) recognizes the link between the vitality of Oregon's airports and the vitality of the local economy and "the interdependence between transportation systems and the communities on which they depend." The Speedway would give a much needed "shot in the arm" for the Boardman airport, propelling it into the 21<sup>st</sup> century.

The Speedway also further Goal 14's objective to promote livability. For a great many people, "major league" sports venues significantly enhance the livability,

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<sup>17</sup> There are other speedways scattered throughout the Pacific Northwest, but none have the capacity to accommodate a NASCAR Winston Cup.

attractiveness and reputation of a state or a region. For example, the Portland Trail Blazers have fans throughout the state, and indeed, throughout the Pacific Northwest. While basketball is played in schools and playgrounds throughout the state, having a National Basketball Association professional team is different and special. It is an amenity unique unto itself. It instills interest and excitement. It attracts thousands of people to events. Likewise, attracting a Major League Baseball or National Hockey League team to Oregon would please many people throughout the state, even if the stadium were located near Portland. People from all over Oregon would travel to the arena or stadium to see a game, just as many Oregonians travel to Seattle to watch the Seattle Mariners play baseball at Safeco Field, and just as many people throughout Oregon travel to Portland to watch the Trail Blazers. Similarly, an Oregon Motor Speedway attracting major NASCAR, CART and similar motorsports events will please the many hundreds of thousands of Oregonians who enjoy major auto racing events but cannot practicably attend them for lack of proximity to appropriate venues. For motor racing fans, this facility, within easy driving distance of nearly all corners of the state, will make Oregon a better place to live. And the Speedway's location in Boardman will make it truly feel like the facility belongs to all Oregonians.

These reasons justify why a major speedway should be permitted to locate on undeveloped exception land at the Boardman airport. The Speedway not only will enhance recreational opportunities and livability for very large numbers of Oregonians, but it will go far to achieve many of the economic development objectives contained in the County's comprehensive plan, including economic diversification and airport improvement and expansion.<sup>18</sup> This is particularly important in a traditionally resource-based community identified as economically distressed by the state. However, the inquiry does not stop here. It is also necessary to consider whether a speedway in Boardman will attract sufficient numbers of fans to be economically feasible. Because the Oregon Motor Speedway will be able to attract attendees in numbers similar to other successful major speedways around the country, the answer is "yes."

As earlier noted, the Boardman airport is centrally located among major population centers in Oregon, Washington and Idaho upon which the Speedway primarily will rely for attendees at major and mid-sized events. Together, Portland, Seattle, Spokane, Tri-Cities and Boise had year 2000 metropolitan area populations totaling nearly 6,000,000 people. By the year 2020, their populations are projected to reach nearly 8,000,000. Within a four to six hour driving distance, the current estimated 2000 population is over 10,000,000 and should exceed 10.5 million in the first year of operation (2004). This population base is similar to population bases identified as adequate to support major speedways elsewhere in the United States.

Population considerations, together with proximity to major highways, are very important to the Speedway's ultimate success. The Pacific Northwest currently is unserved by a major speedway facility. Based on Hobson-Ferrarini's survey of eleven speedways nationally, there is an identified and real market for a major speedway in the

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<sup>18</sup> Compliance with the County's economic policies is discussed below. That analysis is incorporated into this section of the exception document by reference.

Pacific Northwest that is comparable with existing major speedways in other locations. Further, based on population projections, characteristics of racing fans, and other relevant factors analyzed in conjunction with ESPN Sports Poll data (which determines the number of likely attendees), the Boardman site is favorably located to attract attendees from all directions and in sufficient numbers to make the facility economically viable. Stated another way, the Speedway's primary market areas for large and mid-sized events is sufficiently large in terms of potential and likely fan base to sustain the facility at the scale proposed, and given the lack of competition in the Pacific Northwest, together with the competitive advantages of the Speedway, it is reasonable to conclude that those fans can and will be attracted to the Speedway. The Boardman's site centralized location, and its combination of favorable features (described above and in the alternatives analysis) are ideal to meet the specific needs for a speedway in Oregon.

With two asphalt ovals, a road course, a drag strip, pit areas, plus grandstand seating for up to 145,000, the Speedway will be of a scale to accommodate any size racing event, including a NASCAR Winston Cup. With these facilities, the Speedway would be comparable in its capacity to major speedways in Michigan, Kansas, Nashville, Atlanta, Texas and elsewhere around the country.<sup>19</sup>

Initially, it is anticipated that the Speedway will hold four to eight mid-size (15,000 to 80,000) or large (over 100,000) events annually. These could include NASCAR Winston Cup, Busch Cup and Craftsman Truck series, Indy Car series, Super Sport motorcycle racing, and GT and Northwest Regional Championship races. FIA races are also a possibility, as are regional championship events like Sprint Car, Sportsman and Enduro. This estimate is supported by Hobson-Ferrarini's speedway survey, which show that major speedways annually attract four to six of the above-type races.<sup>20</sup>

Additionally, Racing Unlimited proposes to establish the Semi-Racing League (SLR), which would consist of semi-truck cabs racing at speeds over 180 miles per hour. Already, semi truck racing is a popular and profitable sport in Europe, and major semi manufacturers, such as Kenworth, Peterbilt and Freightliner, have expressed interest for this proposal. The effort would increase racing activity not only at Boardman, but also at other speedways around the country.

Because it would serve an underserved market and attract new fans to motorsports racing, the Oregon Motor Speedway would be an attractive expansion location for NASCAR and other sanctioning bodies. As noted, the Northwest currently has no large motorsports facilities. While this underserved status does not guarantee a prized Winston Cup race, NASCAR often tests new markets with smaller events like

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<sup>19</sup> The overall size of the Speedway (1,400 acres) is consistent with the sizes of other tracks surveyed, which generally range between 1,200 and 1,500 acres. For example, Sears Point contains approximately 1,500 acres. Michigan International Speedway contains between 1,200 and 1,400 acres.

<sup>20</sup> As discussed below, the Hobson Ferrarini report indicates that only one racing event, a Winston Cup race, currently has the ability to attract more than 100,000 people in a single day.

NASCAR Craftsman Truck or Busch Series races, which may be followed in a few years time with a Winston Cup race.

Currently, only a handful of tracks in the area host mid-sized events such as the NASCAR Craftsman Truck series, CART and NHRA Drag Racing: Portland International Raceway (PIR), Portland Speedway, Seattle International Raceway, and Evergreen Speedway. Compared to a proposed seating capacity of 145,000 for the Speedway, these facilities have permanent seating capacities ranging only from 7,500 (Evergreen Speedway) to 26,000 (Portland International Raceway). These seating capacities limit both the scope of races these tracks can attract, and the ability to combine and promote events

The proposed Oregon Motor Speedway would have significant competitive advantages over these existing speedways. Those advantages include:

- **Extended season.** Facilities near Portland and Seattle have short seasons due to poor racing weather conditions such as rain and cool temperatures during much of the year. Although some road races can run in the rain, it is not highly desirable and is a major detriment to attracting race fans. Boardman, in contrast, receives significantly less rain than Portland or Seattle. The average annual rainfall in Boardman over the past 20 years is 9.14 inches, compared to 37.51 in Portland.
- **Expanded track use.** Of the four identified speedways sized to host mid-sized events, three have only one race track, compared to three at the proposed site. Fewer tracks limits the types of racing leagues that can be accommodated at a facility. Conversely, more tracks creates more opportunities for racing.
- **Age.** The existing facilities are all decades old, which is reflected in relatively poor quality amenities compared to newer and larger facilities.
- **Size.** A larger facility can draw attendees from a larger area
- **Viewing:** A large oval track provides superior lines of sight that allow racing fans to view the entire race from one location. In contrast, the road courses at PIR and Seattle International have limited and less desirable viewing options for racing fans (i.e., they can see only part of the track).

Favorable weather conditions are particularly important. The NASCAR Craftsman Truck series, for example, had race dates that included both PIR and Evergreen Speedway in 2000. Both races were relatively unsuccessful in terms of attendance numbers, and as a result, were not scheduled for 2001. An overwhelming reason noted was adverse weather conditions, due to the events being scheduled during the rainy spring season in Portland and the Puget Sound area. Indeed, the 2001 Budweiser/G.I. Joes 200, held at PIR in June as part of annual Portland Rose Festival, took place under rainy conditions that reduced racing speeds and increased safety



concerns. The comparative lack of rainfall at Boardman, combined with mild temperatures, makes Boardman a much more favorable locations for these races.<sup>21</sup>

The Speedway also can accommodate small events. Only two tracks within 50 miles of the site host small regional and local races: Race City USA in Hermiston, Oregon, and Tri-City Raceway in Richland, Washington. Race City can support only small, local races that typically attract 1,000 to 2,000 fans. The Tri-City Raceway attracts a few regional events that can draw up to 5,000 fans.

Typically, a major speedway will have two to four major racing weekends a year. Major racing weekends involve a series of events that can, in the aggregate, attract more than 100,000 fans over the course of the weekend. Typically a major racing weekend will include up to three large and/or medium size events and potentially several small ones. For example, the California Speedway in Fontana, California, scheduled two major racing weekends for the 2001 season, the second of which included a NASCAR Craftsman Truck event, a CART Dayton Lights Series event, and a CART Fed-Ex Series event. In Portland, the 2000 Freightliner/GI Joes CART race attracted about 130,000 total racing fans during its three day run in June, including about 65,000 racing fans for the championship race. Other weekends feature regional and local races. It also is important to note that most speedways have other uses occurring throughout the year.

For the Oregon Motor Speedway at Boardman, the only event that initially is likely to attract more than 100,000 fans on a single day is a NASCAR Winston Cup race. Indeed, across the country, this is the only auto race that consistently attracts more than 100,000 fans to a single race.<sup>22</sup> As noted, it may take several years to attract such a race. In the long run, an Indy Car event or NHRA Drag Race also might have that potential, but this is not anticipated any time soon. For events of this size, people will drive four to six hours to attend. According to International Speedway Corporation, NASCAR Winston Cup races usually attract racing fans from a 400-mile radius. For such races at Boardman, major markets would include Portland, Seattle, Spokane, Tri-Cities and Boise. Vancouver BC is also a possible market, although delay time associated with border crossings could make this a harder market to penetrate.

Other well-known auto races are considered to be mid-sized events and typically attract between 30,000 and 75,000 fans. Examples include NASCAR Craftsman Trucks (25,000 to 40,000); Indy Racing League (30,000 to 60,000); NASCAR Busch Series (50,000 to 75,000); and CART Series (40,000 to 80,000). During premier racing weekends not involving a Winston Cup event, the largest race typically will attract between 40,000 to 80,000 fans. On these weekends, fans typically attend many of the

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<sup>21</sup> This is not to say Boardman has perfect weather. For example, wind storms can occur in the summer, and temperatures can reach 100 degrees. However, temperatures also can reach the high 90s and 100s in western Oregon, where the humidity on a 90+ degree day can make the air feel hotter and less pleasant than 100 degrees with low humidity east of the Cascades. Overall, Boardman's weather conditions should be much more pleasant and reliable than west of the Cascade mountains over the course of 10 months.

<sup>22</sup> The Indianapolis 500 also attracts more than 100,000 fans to a single race, but it is the only IRL race that does this.

events, with many staying on-site in RVs or at campgrounds. Because large numbers of people arrive early for events prior to the biggest race, the number of fans arriving on the last day is a fraction of the total.<sup>23</sup>

For mid-sized events, the markets would include Portland, Pendleton, Spokane, Tri-Cities and Yakima. The estimated driving time of 2.5 to 3.0 hours respectively from Portland and Spokane to Boardman, together with an excellent freeway system, makes Boardman likely to attract attendees from these locations. Again, improved weather conditions in Boardman make it a more desirable location to visit for racing than speedways located in wet areas.

In summary, a major racing facility at Boardman will have enough racing fan support to be feasible. Based on attendance projections, the Speedway reasonably can expect to attract up to 145,000 visitors for a Winston Cup event. This proposal provides for a grandstand to accommodate that number of visitors. A facility this size, and with its identified supporting uses, also will require an urban level of supporting public facilities and services, including sewer and water service. This exception is taken to Goal 11 as well as Goal 14 to allow the provision of urban-scale services to support urban uses.

Economically, the Speedway is expected to have a major positive economic impact on Boardman and Morrow County. Construction alone is estimated to have a direct economic impact of over \$57 million. At full buildout, the Speedway is expected to create 25 to 40 permanent jobs, apart from jobs created at the industrial park. This does not include secondary impacts. Surveys show that fans attending major sporting events will spend \$40-\$65 per fan on average in communities outside of the "ballpark" on the day of the event. The Speedway also will contribute significant tax dollars to Morrow County and local service districts.

The primary and secondary impacts of the Sears Point Raceway in Sonoma County north of the San Francisco Bay area have been estimated at \$60 million annually. As the Oregon Motor Speedway becomes more established, it could have a similar impact. As of January, 2001, Morrow County was posting an unemployment rate of approximately 14 percent. As noted, OECDD has identified the County as "economically distressed". The additional jobs created and additional tourism attracted would provide Boardman and Morrow County with a much needed stimulus for growth.

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<sup>23</sup> Hobson Ferrarini estimates that on a premier weekend not including a Winston Cup race, the largest event of the weekend (consisting of 2-3 mid-size events over several days) would not attract more than 17,500 to 44,000 fans on the day of the race.

## **2. Racing-Associated Uses.**

To succeed, speedways require more than just ovals, drag strips and grandstands. They need supporting racing related land uses as well.

To determine the identity and appropriate size and scale of racing related land uses, Hobson-Ferrarini surveyed eight comparable racing facilities throughout the United States. It identified two criteria to determine if land uses associated with speedways should be allowed to locate at the Speedway and outside the Boardman UGB. The first criterion is "need": is physical proximity to the Speedway needed to support either the operation of the land use under consideration or the Speedway itself? Areas within about 0.5 miles from the Speedway are considered adjacent. The second criterion is "practicality": would the absence of the land use cause significant adverse impacts to the development or to the larger community in which it is located.

### **Racing Related Uses.**

All major speedways have in common a number of **racing-related facilities** that are necessary for staging races at the track. For these facilities, the "reasons" justifying why they should be allowed are the same as those justifying the racetrack itself. These racing-related facilities, which must be located on site, include but are not limited to:

- Pit stop areas
- Garage areas for racers
- Scoring and timing facilities
- Security and maintenance office and VIP suites
- Storage
- Fueling tankers and stations
- Building with kitchen facilities for catering
- Space for concessions and vendors
- Restroom facilities
- Medical facilities
- Parking facilities

Proposed racing related facilities at Boardman include two pit areas with a total of approximately 73 spaces, two approximately 7,500 gallon fueling tankers, approximately 73 auxiliary garage spaces for racing vehicles, and scoring and timing facilities.. These facilities are needed to run the races, to fuel and service the race cars during racing events, and to store the vehicles at other times.

A two-story infield building is needed to provide space for storage, maintenance and on-track security. The building also would contain a driver's lounge, kitchen and restroom facilities, a tire storage area, an office for the sanctioning body, racing team meeting rooms, a press room and dark room, and VIP suites for sanctioning bodies and major sponsors and guests viewing the races. An appropriate size for this building is in the range of 10,000 square feet.

The VIP suites included in the infield building are important to the success of the racing facility. They are the functional equivalent of corporate luxury suites that are now standard fare in new baseball and football stadiums and basketball and hockey arenas. These types of suites contribute heavily to the financial success of the enterprise.

Typically, concessionaires and vendors bring their own trailers to larger racing events to provide food and drink for attendees. Accordingly, this exception provides for portable hospitality and chalet tents to accommodate concessions and vendors. The amount of space needed for this purpose will vary according to the size of the event.

Restroom facilities also are necessary to serve the needs of employees, racing teams, sponsors and spectators. The facility will provide some permanent restrooms. However, these will not be adequate to accommodate premier events. For larger events, temporary restroom facilities also would be required.

Medical facilities are needed in the event of a racing accident and to serve emergency medical needs of spectators and guests. The proposed medical building would accommodate up to 10 beds. It is expected that a facility of this capacity will require between 3,000 and 5,000 square feet. Space also is needed for a helipad to accommodate emergency medical evaluations, and four first aid stations located in or around the grandstands.

Altogether, the racetracks, infield, grandstand, medical facilities and other racing related uses and facilities are expected to require approximately 400 acres of land. This acreage is identified on the conceptual site plan.

Finally, the facility must include adequate parking for visitors to the facility. While most events will attract fewer than 20,000 spectators, mid-size events may attract up to about 60,000 visitors on the day of the biggest race, and an event like a Winston Cup race could attract up to 145,000 people on race day by the year 2020. For events of this magnitude, approximately 40,000 parking spaces will be needed to accommodate cars and recreational vehicles traveling to the Speedway.<sup>24</sup>

This exception proposes to allow racing-related parking at multiple locations within the airport property. Much of this parking can and will be accommodated in the RV parks and campgrounds provided at the Speedway. Initially, approximately 3,500 recreational vehicles will be accommodated in an approximately 100 acre improved RV park identified for location between the Speedway site and Tower Road. The Speedway infield will accommodate another 1,500 RVs. An unimproved camping area for tents, campers and RVs will accommodate another 5,000 vehicles. Using a conservative 4.5 fans per vehicle estimate, the RV and tent spaces will accommodate 45,000 fans.

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<sup>24</sup> The actual need is slightly less than 40,000 parking spaces. The number has been rounded up to 40,000 to ensure adequate space for parking.

This leaves a remaining need for parking to accommodate approximately 55,000 additional fans (100,000 total) for the peak 2020 anticipated non-Winston Cup event, and 100,000 additional fans for a Winston Cup event in 2020. However, in the event the Speedway secures a Winston Cup or Federation Internationale de l'Automobile race, this application provides for an additional combined 10,000 RV/camping spaces, which at 4.5 people per vehicle can accommodate another 45,000 fans.<sup>25</sup> Accordingly, with or without a Winston Cup race, the remaining parking need is for space to accommodate 55,000 additional vehicles. At a conservative estimate of three (3) fans per vehicle for these vehicles, approximately 20,000 parking spaces are needed.

For purposes of determining land needs, it is assumed that 100 cars will be parked on each acre designated for parking. This density of parked cars per acre is somewhat lower than one normally would find at a shopping mall or office building. However, the more generous spacing and access corridors this density provides for are justified to keep traffic flowing smoothly without creating backup onto the freeway. The need to park cars in an efficient and expeditious manner is discussed in more detail in the Goal 12 exception set out below.

At 100 cars per acre, approximately 200 acres of land will be needed for automobile parking. This acreage is separate from the land needed to accommodate the cars, campers and RVs that will park in the RV parks and campgrounds. The site plan provides approximately 235 acres for RV parking, and 150 acres for camper/tent parking. The 235 acres for RV parking and the 150 acres for camper/tent parking includes space both for the initial 3,500 RV spaces not located in the infield and the initial 5,000 tent camping sites, as well as land needed to accommodate 5,000 additional RV and 5,000 additional tent sites in the event a contract for a Winston Cup race or Federation Internationale de l'Automobile race is obtained.<sup>26</sup>

As explained in the traffic report, to promote and facilitate accessibility and efficient traffic flow to and from Interstate 84 during premier events, multiple parking areas are needed. The site plan provides for parking in multiple areas. See **Figure 61**.

Other areas located outside the airport property also could potentially provide parking for the Speedway, including parking for RVs or campers. Those potential parking areas located outside of the airport property include approximately 240 acres located north of the airport property between I-84 and the railroad right of way; another 696 acres located farther north between the railroad right of way and the Columbia River; and approximately 310 acres located west of the PGE railroad spur that is located west of the speedway site. See **Figure 7**. However, because the Port currently lacks ownership or control over these properties, they are not part of this application.

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<sup>25</sup> The additional 5,000 RV spaces may or may not be improved.

<sup>26</sup> This plan assumes 1200 square feet per RV site and 650 square feet per tent/camper site. These numbers are consistent with numbers used at the Michigan speedway. Some additional acreage is included for circulation, restrooms and open space.

This exception application seeks authorization to locate racing-related parking areas only within the airport property. However, should NEPA analysis indicate that one or more of the potential parking areas located outside airport property would better accommodate efficient traffic movement, and if the Port can reasonably acquire ownership or use of those areas for Speedway parking, then the Port would apply to amend this exception to use those areas for parking in lieu of approximately equivalent acreage inside the airport property.

### **Accessory Speedway Related Uses.**

**Accessory speedway related uses** are uses not directly linked to the staging of races that are supported by the operation of the track or by demand from fans, track users or employees. These uses include:

- Permanent Housing
- Overnight Accommodations
- Restaurants
- Food stores and gasoline stations
- Office space
- Industrial space
- Other retail uses

For some accessory speedway related uses, a location at or very near the Speedway is necessary. For other such uses, a location at or near the Speedway might not be necessary but may be practical, desirable or important for other reasons. For these uses, the question was asked: "Does a location away from the Speedway create an inconvenience or adverse impact so significant that it warrants its location at the airport property?" Still other uses do not require a location at or near the Speedway, and should instead be located inside urban growth boundaries.

All of these types of accessory speedway related uses are identified and addressed below.

In considering accessory speedway related land uses, the Port scrutinized land uses at eight other major speedways to profile the type of development that needs to be at the track or in its immediate vicinity. The Port assumed that if these facilities did not have the specific land uses within approximately 0.5 miles of the speedway property, then barring other factors, the uses do not need to be on site and can reasonably be accommodated within Boardman's UGB. The Port also estimated demand based on the median number of annual visitors expected at the Speedway and published statistics and recognized industry methods. It felt that median averages, rather than peak events, provided a better baseline with which to judge need and demand.

Projected attendance at the Speedway was based on operations at the Sears Point and Watkin's Glen speedways located respectively in northern California and upstate New York. Attendance assumptions were based on interviews with racing

schools and clubs. Figures show that, except for the 4 to 5 weeks a year when major racing events are held, well under 10,000 people visit those facilities on any given week. For Sears Point and Watkin's Glen, weekly attendance is 1,878 and 800 respectively.

Attendance at Boardman is expected to fall somewhere between these two speedways. Sears Point should perform better than Boardman because, at an approximate distance of 35 miles from San Francisco/Oakland and 78 miles from Sacramento, Sears Point is located closer to major metropolitan areas than Boardman. Watkin's Glen is expected to perform worse than Boardman because of its distance 80 miles from Syracuse and 144 miles from Buffalo.

Assumptions used to determine the need for and scale of accessory speedway related uses included a 10-month operating season at the Speedway. While the track would not operate in December and January, when temperatures average below 32 degrees, it would operate in November and February, when average temperatures are 40 and 38 degrees respectively, although premier events are not likely to be scheduled in these months. During this time, racing schools and testing are likely types of events.

The remainder of the year, Boardman has a moderate, dry climate that is more conducive to motorsports racing than the much wetter climate west of the Cascades. Portland, for example, receives nearly five times the annual amount of rainfall that Boardman receives. Indeed, for each month from February to October, Boardman receives 0.7 inches or less in average monthly rainfall. This means drier and safer track conditions, and better viewing conditions for spectators.

Based on the analysis of uses at other raceways, the following accessory speedway related uses are or are not warranted at the Speedway.

### ***Office Space.***

Most comparable speedways have employment-driven office space.<sup>27</sup> Case studies indicate that tracks require approximately 6,000 to 10,000 square feet of office space to support administrative, ticketing and operations staff. One surveyed speedway (Atlanta) also provides about 6,000 square feet of leased office space for two tenants associated with the motorsport industry. The office space often is located in a one or two story, free-standing building located adjacent to the speedway or the grandstands.

Demand for office space tends to be a function of the number of full-time employees expected at the facility and the amount of space a typical office employee occupies. For this proposal, the Port's professional consultant advises that up to 10,000 square feet of office space will be needed to accommodate ticketing, operations and administrative staff. Another 2,000 square feet of office space is needed for on-site banking facilities to safely secure revenues received at events, and to accommodate the

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<sup>27</sup> To a certain extent, this use might more appropriately be deemed a racing-related use, because the ticketing, marketing and administrative aspects of office use are essential to the staging of racing events. The use is listed here as a speedway related use only because some office uses are not connected with the staging of races.

media and employees of an Internet racing service proposed to be located at the Speedway. This "virtual raceway" will allow people to simulate races at the Oregon Motor Speedway on-line.

If the Speedway attracts long-term tenants such as auto manufacturers or racing schools, as expected, then the applicant anticipates that another approximately 3,000 square feet will be needed to accommodate the lessees. Accordingly, this exception seeks authorization to construct up to 15,000 square feet of office space associated with the Speedway and Speedway related uses.

The estimate of office spaces needs in the Hobson-Ferrarini report is based on an assumption that the facility will employ 16 to 28 people full-time. While this number of employees is consistent with figures for Sears Point Raceway, it is small compared to the number of full-time employees at Kentucky Speedway (50-55), Talladega Superspeedway (50-55), Michigan Motor Speedway (57), and Las Vegas Motor Speedway (45-50). Hence, the total number of full-time employees could significantly exceed the estimated 16-28 persons. While the proposed square footage for office space likely would include some room for employee growth, it could fall below what is needed if employment exceeds initial estimates and there is also leased office space for tenants. To avoid having to take another goal exception in that event, this exception requests authorization to add up to an additional 5,000 square feet of office space at such time as the number of full-time track and tenant employees exceeds 40.

This proposal does not provide for office space to serve enterprises unrelated to the Speedway. Those businesses can and should locate inside the UGB's of Boardman or other cities.

### ***Gift Shop.***

Many comparable tracks provide space for small gift shops to sell racing-related clothing, souvenirs and other paraphernalia. These gift shops support speedway operations and enhance the marketability of the facility and the sport.

Siting small gifts shops of this nature at the Speedway is appropriate. Small gift shops routinely are found at facilities like Safeco Field (selling Seattle Mariners souvenirs) and the Portland Rose Garden (selling Portland Trail Blazers and Portland Fire clothing and memorabilia). The Oregon Supreme Court has recognized the appropriateness of wineries selling wine glasses, T-shirts and similar items at wineries located on rural lands. *Craven v. Jackson County*, 308 Or 281 (1989). It makes similar good sense to allow for the siting of a gift shop at the Oregon Motor Speedway selling motorsports and Speedway-related clothing and other items.

For this facility, the Hobson-Ferrarini report recommends an on-site gift shop ranging between 3,000 to 6,000 square feet in size. Consistent with that analysis, this exception seeks authorization to provide a gift shop selling Speedway clothing, souvenirs and memorabilia that is up to 6,000 square feet in size to serve Speedway



visitors and to enhance the marketability of auto racing and the Oregon Motor Speedway.

### ***Other Retail.***

Except for small convenience stores associated with the gasoline station and the RV park and campground (discussed below), other kinds of retail facilities generally are not found at speedways. Instead, such retail uses typically are sited inside urban areas, such as Boardman. As described elsewhere in this application, there is a large surplus of vacant land inside Boardman's UGB designated for commercial development. Accordingly, this exception does not propose or provide for the siting of other retail outlets at the Speedway.

### ***Industrial Space.***

While all speedways include space to accommodate the maintenance and operations needs of the speedway, several also provide space for businesses that are speedway related or dependent. For example, Michigan Motor Speedway provides land for a tire company and a catering/concession enterprise. Sears Point Raceway contains a 157,000 square foot industrial park that is leased only to racing-related businesses and is 100 percent occupied. Some of the tenants include auto repair businesses and racing teams that are based at Sears Point. Land also is provided to store cars that are tested at the racetrack and to house the racing school.

Providing land for racing-related manufacturing businesses appears to be an emerging trend in speedway development. The experiences at Michigan and Sears Point indicate there are industries that want to be next to a race track and would not otherwise locate in the town where the track is sited. The speedway-related industrial park concept is relatively new to racing facilities and appears to provide good supporting income for the track.

At Boardman, attracting companies of this nature may be feasible once the Speedway is successfully operating. Companies likely to locate at the site include racing schools, race car testing, wind tunnel testing, engine manufacturing, and similar racing-related industrial activities. Because these uses could generate noise levels significant enough to warrant separation from developed urban areas, and because the 2,700 acre Boardman site already is zoned to allow *airport*-related industrial uses in order to expand, improve and diversify the local economy, it makes sense to expand that zoning to allow a small portion of the overall airport site to be available for uses that are *racing*-related or dependent.

This proposal seeks authorization to allow the construction of manufacturing buildings containing up to 208,000 square feet of floor space, to be leased only to racing-related businesses. To avoid the need to take another goal exception, this exception provides that once that space is 80 percent occupied, then the industrial park

could expand to add up to an additional 100,000 square feet of racing-related industrial floor space.

### ***Residential.***

There is no need to provide permanent housing at the Speedway. The housing needs of permanent and temporary employees can be met in Boardman and in other cities within reasonable driving distance of the facility. As described elsewhere in this application, there is a very large surplus of vacant land zoned for residential uses in Boardman. Those lands are more than adequate to meet the needs of all anticipated full-time employees at the facility.

### ***RV Park/Tent Campground***

Many racetrack facilities provide spaces for RVs, trailers, campers and tents. This is especially important for facilities that are long distances from major urban areas. Both the Talladega Superspeedway and Michigan Motor Speedway report that an estimated 25 percent of fans arrive and stay in RVs or campers or camp in tents during the large races.<sup>28</sup> This is due principally to the lack of hotels near the speedway. To accommodate the need, the Michigan speedway is licensed for up to 7,000 RV/camping sites.

Similarly, Watkin's Glen reports a large number of campers due to the absence of hotels and motels in the area. And although the Las Vegas Motor Speedway is located just 15-20 minutes from Las Vegas, which offers an abundance of overnight accommodations, an estimated 16 percent of fans still use the RV park on large event weekends.

As explained in detail in the Goal 12 exception and the supporting traffic technical reports, it is important to attract a large percentage of attendees to the site in advance of race day, in order to avoid significant adverse traffic impacts to I-84. For large events especially, the more people who come to the site prior to race day, the less congestion there will be on the roadway system.

Because Boardman is located even farther from large urban areas than speedways like Michigan and Talladega, getting people to the Speedway and off the roadway system prior to race day is particularly important. Also because of this distance, the Boardman area is likely to experience higher percentages of people camping or using RVs during major race weekends. Accordingly, it is important that adequate RV and tent/camper spaces be available for attendees.<sup>29</sup>

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<sup>28</sup> The Michigan Motor Speedway is located approximately 73 miles from Detroit, Michigan; 65 miles from Lansing, Michigan; and 63 miles from Toledo, Ohio. The Talladega Superspeedway is located approximately 55 miles from Birmingham, Alabama and 107 miles from Atlanta, Georgia.

<sup>29</sup> Many of the people using tent sites sleep in campers and RVs.

There are several RV campgrounds along I-84 within an hour's drive of Boardman. However, these campgrounds are not adequately sized to meet the need created by major Speedway events, and they will not take cars off the highway on race day. It is necessary to provide additional spaces at the Speedway.

To accommodate the need for RV spaces and to reduce race-day roadway congestion to and from the Speedway, this exception seeks initial authorization to provide approximately 5,000 RV spaces on the airport property. About 3500 improved RV spaces would be located in an RV park/campground built to meet State of Oregon RV park standards. Another 1500 unimproved RV spaces would be located in the infield.

Additionally, this exception seeks authorization to provide up to 5,000 tent/camper camping sites. Permanent bathroom and shower facilities would be provided to serve a portion of these sites. For the remainder, temporary water and toilet facilities would be made available as required to meet needs and public health requirements.

Should the Speedway obtain a contract to host a major race, like a Winston Cup race, then this application provides for an additional 5,000 improved or unimproved RV spaces and 5,000 unimproved tent/camper sites. These types of races attract the largest crowds, not only on the day of the main event but also on the days leading up to the main event. For these events, demands for accommodations are greatest. Additional space for RVs and camping is needed to reduce traffic impacts on the day of the main event, and to accommodate expected crowds arriving prior to the day of the main event. The lack of significant numbers of permanent overnight facilities near Boardman, and Boardman's distance from major population centers, makes these additional spaces particularly appropriate at this location to accommodate people attending these major speedway events.

Many RV parks around Oregon contain small convenience store/snack bar facilities. These stores are typically about 2000 to 3000 square feet in size. This exception proposes to include a similarly sized store at the improved RV park/campground to provide for the needs of park/campground users and to discourage such visitors from entering onto the roadway system during race day. While convenience store/snack bar items can be sold in Boardman, their sale also at the Speedway is needed to avoid or minimize potentially significant adverse effects to the roadway system serving the Speedway.

The applicant notes that parks and campgrounds are statutorily permitted uses on lands zoned for exclusive farm use. Consequently, the needs for an RV park and tent campground could be met, at least in part, on agricultural lands without the need for this goal exception, provided that such parks are rural in their scale. However, meeting RV and tent camping needs through an approach that results in the loss of farm land is not generally consistent with state policy to protect agricultural lands. With this Goal 11/14 exception, the need for these uses can be met on nonresource land, which helps

to preserve the agricultural base of Morrow County. The protection of farm land warrants authorizing needed RV and tent camping spaces at the airport.

### ***Other Overnight Accommodations.***

A speedway holding 4 to 8 premier racing events in a year<sup>30</sup> requires convenient and easily accessible overnight accommodations to serve racing teams members, owners, sponsors, sanctioning body representatives, racing officials, the media, and other participants at speedway events. Particularly for team members and their owners, a location at the Speedway, near the equipment, and not requiring commuting into a town and dealing with traffic, works best.

A survey of speedways reveals that motel and hotel accommodations generally are not provided at speedways. Instead, they are typically available within about a 10-20 minute drive from the facility. For example, hotels and motel accommodations are located about 15-20 minutes away from the Kentucky Speedway; 2-3 miles from the Michigan Motor Speedway and the Watkin's Glen International Speedway; 10 minutes away from the Sears Point Raceway; 8-10 miles away from the Atlanta Motor Speedway, and 15-20 minutes (under normal driving conditions) from the Las Vegas Motor Speedway, in Las Vegas. A 240-room hotel complex is located at Dover Downs International Speedway in conjunction with a casino.

This information indicates that hotel and motel uses generally do not require a location on-site. For the Boardman facility, it is anticipated that for major events, most hotel/motel needs can and will be met at overnight accommodation facilities located inside cities like Boardman, Pendleton, Hermiston, and Tri-Cities, all of which are within reasonable driving distances of the Speedway. For the Oregon Motor Speedway, a survey of communities within a 90 mile radius shows identifies many thousands of hotel, motel and RV spaces available in all directions from the Speedway. These facilities can expand, or new ones can be built as warranted to accommodate additional need for overnight accommodations generated by the Speedway.

A feasibility analysis was done to determine how many new hotel/motel rooms could be supported by the proposed facility at the Speedway or in Boardman. The analysis was based not on major events, but on the smaller events that are expected to occur at the Speedway for 10 months of each year, since it is these events that impact the occupancy levels of overnight accommodation facilities. The analysis identified a need for 77-185 new rooms, depending on the average median weekly attendance at the racing facility (for non-major event weekends).

While overnight hotel/motel accommodations can be located in Boardman and other urban areas, this exception seeks authorization to locate "speedway lodging" containing up to 250 rooms on the airport property to serve race drivers, racing team members, team owners, sanctioning body representatives, the media, and others participating in Speedway events. This Speedway lodging is not intended to operate as

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<sup>30</sup> The reader is reminded that a single racing weekend might include two or three premier racing events.

a stand-alone use or to attract or serve passby motorists traveling on I-84. It is not intended to compete with motels and other overnight accommodations elsewhere for the business of people not attending Speedway events. Rather, it is intended for use only in conjunction with events and activities at the Speedway. As such, approval conditions could be imposed during site development review to prevent freeway advertising or signage visible from I-84 indicating the availability of overnight accommodations.

Typically, 82 racing teams comprised of 30 members arrive on a Wednesday to begin qualifying for the Sunday racing event. Of those 30 team members, usually five per team would seek rooms, while the remainder stay in RVs. This yields a total of 410 team members seeking lodging for at least Wednesday through Friday of race week. For the main event on Sunday, 42 teams would qualify and seek lodging on Saturday night, utilizing up to 210 rooms. Additionally, team owners and members of the press would use this lodging. Owner participation averages 1.5 per team, or about 123 for 82 teams. The press for these events runs from 15 to 20 persons. Neither owners nor press typically utilize RV facilities. In short, during the first three nights, upwards of 550 people would normally seek overnight accommodations at this type of facility. At two people per room, 275 rooms would be needed. This application seeks approval only for 250 rooms.

### ***Gas Station/Convenience Store.***

A combination gas station/convenience store typically does not require a location outside of an urban growth boundary. Indeed, of the eight speedways surveyed, only the Michigan facility has a gas station/mini-mart located on site. That facility is located in the RV park, which as previously noted is licensed for up to 7,000 camping sites due to its significant distance from major population centers. On the other hand, three other tracks report the nearest gas station/convenience store within one-half mile of the speedway.

The Oregon Motor Speedway is expected to attract many thousands of people to major and mid-sized events. It is estimated that events attracting 145,000 spectators will generate over 48,000 vehicle trips to the facility, including as many as 20,000 trips by people in campers and RVs wishing to stay at the Speedway for several days. Many of these vehicles will need gasoline fill-ups while at or near the Speedway. Consequently, as with the Michigan facility, it is important to have adequate gasoline service station facilities nearby.

Currently, gas station/convenience store facilities are available in Boardman, approximately five miles east of the Speedway. To the west, however, the nearest facilities are in Arlington, about 20-25 miles west of Tower Road along I-84. Twenty to 25 miles can be a long distance to travel without service station facilities. That long distance can result in potentially serious traffic problems during large events, especially on race day, should a vehicle run out of gas before returning to Arlington.

For vehicles arriving from or leaving to westbound locations, one option is to drive easterly to Boardman, to purchase gas there. However, because I-84 already will be heavily traveled during major events, with most of the traffic coming from or leaving to the east, this option is neither desirable nor practical. Traffic management measures will be used to minimize vehicle trips between the Speedway and Boardman on race days. Those measures will be less effective if westbound traffic must head east to get gasoline. To avoid this circumstance, and to maximize a smooth and efficient traffic flow, it is very important to provide trips having westward origins or destinations with convenient opportunities to purchase gasoline without having to travel out of direction.

Accordingly, this exception proposes the siting of a gasoline service station/convenience store with up to 8 bays (24 pumps) at the Speedway. As with other uses identified in this section of this goal exception, this service station/ convenience store is not intended to operate as a stand-alone use to serve passby traffic on I-84. Instead, it is intended to serve people attending Speedway events. Appropriate conditions of approval can be imposed addressing signage and location so that the station does not attract passby traffic.

### ***Restaurant.***

A number of speedways have restaurant facilities either at or within walking distance of the facility. For example, the Sears Point Raceway, which is open year-round, includes a snack bar also open year round. The Las Vegas Motor Speedway has a snack bar/grill at the track and a small sandwich shop in the industrial park which adjoins it. The sandwich shop is supported by employees who work in the industrial park and by facing fans on race weekends. Dover Downs International Speedway includes a fine-dining restaurant in a hotel, plus two casual restaurants and two bars. These dining facilities are also associated with the casino. Watkin's Glen International Speedway has a private club that is available for renting with in-house catering. There is a Taco Bell restaurant associated with a gasoline station across from the Kentucky Speedway. The Atlanta Motor Speedway has a Wendy's and a Waffle House across the street. However, these fast food restaurants are also located right off a freeway interchange and serve drive-by traffic.

Typically, fans attending large racing events buy food inside the track, either at concession stands or at booths operated by national chains (e.g., McDonalds, Burger King, Subway). For small events, food may be brought in (brown-bag) or catered. In some instances, people will drive to restaurants typically located 2-10 miles away. On-site restaurants are more common when associated with industrial parks. As noted, both Sears Point and Las Vegas have on-site restaurant facilities to serve industrial park employees as well as racing fans.

The proposed Oregon Motor Speedway will include both racing facilities and an industrial park. While most racing spectators will rely on concessions for food, Hobson-Ferrarini has determined that the site can support up to about 7,000 square feet of restaurant space. Although it is not necessary to locate a full-service restaurant on site, some type of on-site food service will be needed and is desirable at the track on a daily basis when it is operating. Employees, racing school attendants, industrial park workers, other facility users and daily track patrons will generate demand. Accordingly, this proposal initially includes a restaurant facility not to exceed 5,000 square feet in floor space.

It is important to recognize, however, that the number of full time employees could increase with the success of the operation and Speedway-related industrial uses. If so, additional restaurant space may be needed to meet increased demand. Accordingly, this application provides for expansion of restaurant facilities by up to 5,000 more square feet if and when the number of full time track and tenant employees working at the site reaches 200.

This restaurant is not intended to compete with restaurant facilities in Boardman and elsewhere along the I-84 corridor. It is not intended to serve passby traffic. Conditions of approval addressing signage and location can be imposed to achieve that result.

***Go Cart Track, Miniature Golf Course, Arcade, Bike Track, and other Low Intensity Outdoor Recreational Facilities.***

Motorsport activities are often family affairs. It is common for families to arrive early and spend time at the grandstand or at an RV park or campground. Getting people to speedways early is also very important in order to maintain acceptable levels of traffic and minimize traffic congestion.

To encourage people to arrive early and stay late, the Speedway must provide them with activities and events that will occupy them and keep their interest during their stay. In a location lacking on-site natural amenities, this can be done by providing low intensity recreational activities. These activities also serve to occupy the interests of those family members present at the Speedway who may not enjoy motorsports activities or wish to attend racing events.

Clearly, some types of recreational uses, including higher intensity uses like a cinema or bowling alley, can and should go in Boardman. These uses serve urban needs and are generally found in cities. However, lower intensity recreational uses that require comparatively little infrastructure or investment often are found in rural areas or at camping destinations, and these types of uses would be appropriate at the Speedway.

This exception seeks authorization to provide lower intensity recreational facilities at the Speedway, including but not limited to a go-cart track, and a BMX bike track, a miniature golf course, an arcade, and a facility to accommodate rodeos, concerts, wine or beer tasting events, car shows, dances and the like. It also seeks authorization to provide small parks and/or athletic fields or basketball courts, playground-type amenities, and perhaps a swimming pool, water slide and/or spray park. These facilities would help serve the needs of visitors to the Speedway without unduly interfering with Boardman's ability or interests in providing more urban type recreational facilities like movie theaters and bowling alleys. It is anticipated that approximately 25-50 acres of land will be needed to accommodate these recreational uses. The go-cart track and BMX bike track would be considered racing related uses that are consistent with the theme of the Speedway. All other uses would be accessory uses. These other uses are not intended to operate as stand-alone uses serving traffic not otherwise associated with Speedway events. For example, it is not intended that concerts or rodeos would be held independent of Speedway events. In the event Morrow County, the City of Boardman or the Speedway owner wishes to allow one or more of these events as freestanding events, then an amendment to this exception would be required.

The Speedway site plan provides approximately 60 acres for the industrial park and open space. It provides approximately 75 acres for the multi-purpose recreational facility, the outdoor recreational facilities, speedway lodging, the restaurant, the gift shop, the gas station, and the other accessory uses, including space for circulation and open space. In addition, the site includes 176 acres under power lines (BPA easement), and approximately 100 additional acres for roads, open space and circulation. Together with the land needed for the racetrack (400 acres) and



parking/camping (585 acres), the total Speedway acreage comes to just about 1400 acres.

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

ORS 197.732(1)(c)(B) and Goal 2, Part II(c)(2) require an explanation why areas which do not require a new exception cannot reasonably accommodate the use. OAR 660-014-0040(3)(a) interprets these provisions to require a county to show that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensifying development at existing rural centers.

As described in the "reasons" section of this exception statement, the locations that potentially could accommodate a major speedway of this nature are limited by a number of factors. Specifically, a major speedway serving the Pacific Northwest requires the following characteristics:

- A central location within recognized (four to six hour) driving distances of major population centers in the Pacific Northwest.
- A transportation network capable of transporting tens of thousands of vehicles to the site for a major event.
- A very large tract of flat, undeveloped land to accommodate the use.
- Separation from noise-sensitive uses.
- Surrounding compatible uses.
- Dry, reliable weather conditions.

Given these characteristics, the proposed racetrack and associated racing uses cannot "reasonably" be accommodated within existing or expanded UGBs, for the following reasons. First, few cities currently have urban growth boundaries large enough to accommodate a use requiring over 1,000 acres of land. While the Portland, Salem, Corvallis and Eugene metropolitan area UGBs might include this amount of vacant buildable acreage, they are located west of the Cascades, in areas that are too wet to support a major, nearly year-round racing facility. For the facility to succeed, it needs climatic conditions that are reliable and favorable nearly year-round.

Second, the noise-generating aspects of auto racing renders speedways a use that generally is not compatible with intensive urban development in any event, unless it can be substantially separated from residential areas and other noise-sensitive uses by industrial or undeveloped lands. This factor eliminates virtually every urban growth boundary, including Boardman's UGB.

Third, while larger cities with large urban growth boundaries located within the Willamette Valley may have adequate transportation access via Interstate 5, the volume of non-raceway generated traffic using those roadways during race days would be much greater than the volume of non-raceway related traffic on I-84 in northcentral Oregon, to

the point that the roads could not accommodate that traffic plus the speedway-generated traffic. The system would be overwhelmed. This factor further eliminates sites along the I-5 corridor.

For some of these same reasons, larger cities in eastern and central Oregon, like Hood River, The Dalles and Pendleton, cannot reasonably accommodate a major speedway within their UGBs. Both Hood River and The Dalles lack adequate vacant industrial land to accommodate a major speedway. These cities would need to expand their urban growth boundaries to accommodate the use. However, the areas around Hood River and The Dalles adjoining their UGBs are hilly. Those areas also are surrounded by valuable agricultural lands, including about 6000 acres in cherry orchards next to The Dalles.<sup>31</sup> Similarly, Pendleton lacks sufficient land inside its UGB to accommodate a speedway. The City's vacant industrial land is identified and needed for light industrial uses, and vacant lands designated for other uses (like housing or commercial) are needed for those purposes.<sup>32</sup>

The Dalles, Hood River and Pendleton also lack a transportation network sufficient to reasonably accommodate speedway-generated traffic. Visitors traveling to The Dalles or Hood River from the greater Seattle area would likely travel to the site via either Highway 97 from Yakima, which is a curvy two-lane facility in many places, or I-5, I-205 and I-84. While Highway 97 could accommodate some Speedway-related traffic, it lacks sufficient travel lanes to accommodate the amount of traffic it would receive were the facility located in The Dalles or Hood River. Similarly, while I-84 has adequate capacity to accommodate traffic from Portland, western Oregon and southwestern Washington, it does not have adequate capacity also to accommodate many thousands of additional vehicles originating from the Seattle metropolitan area. SR 14 in Washington could provide some relief, but that two-lane roadway would not provide enough relief to avoid significant traffic impacts.

Similarly, Pendleton lacks a transportation network adequate to accommodate premier racing events. Beginning at the I-84/I-82 interchange and continuing eastward to the City of Pendleton, a distance of over 20 miles, traffic from Portland, western Oregon, western Washington, Seattle and Spokane all would get merged together on I-84. This traffic would greatly overwhelm freeway capacity, causing I-84 to malfunction. Even a third travel lane would be inadequate to accommodate the traffic.

The Boardman site works well because it more evenly divides the traffic arriving from the east and from the west. With a Boardman location, traffic from Seattle,

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<sup>31</sup> For example, the City of Hood River has only about 25 acres of vacant buildable industrial land inside the city, and surrounding Hood River County has no buildable industrial site over 100 acres in size. The City of The Dalles has about 295 vacant buildable industrial acres inside its UGB, plus another 368 vacant acres zoned for other uses. The industrial lands could not expand to accommodate a speedway, and lands outside the UGB are too hilly for that purpose. (Telephone conversations with Cindy Walbridge, City of Hood River Planning Director; and Michael Benedict, Hood River County Planning Director, on July 11, 2001, and with Dan Durow, City of The Dalles Planning Director, on August 2, 2001.)

<sup>32</sup> Telephone conversation with Richard Ullian, City of Pendleton Planning Director, on July 16, 2001.

Spokane and Boise would arrive primarily via I-82 southbound and I-84 westbound,<sup>33</sup> while traffic from Portland, western Oregon and southwestern Washington would arrive primarily via I-84 eastbound. As explained in the applicant's traffic analysis, the split is approximately 40% from the west and 60% from the east. This split will require significant roadway improvements, including a new Speedway interchange and a third travel lane on I-84 between the Speedway Interchange and Highway 730 and from 1200 meters west of the Army Depot Interchange to I-82. But these improvements, combined with traffic management measures, are feasible to accommodate the use.

Two years ago, Racing Unlimited looked into siting the Oregon Motor Speedway in the Prineville area. While the Crook County Court identified several reasons why a speedway should not locate in Prineville, the biggest reason was the inadequacy of the transportation network serving Prineville and Central Oregon. Simply stated, a network relying primarily on two-lane highways, such as Highway 26 from approximately Government Camp to Redmond and Prineville, is grossly inadequate to accommodate the amount of traffic generated by a use of this proposed scale. As the traffic report indicates, a major speedway accommodating up to 145,000 visitors on a single day requires a network of predominantly four-lane roads to the site, with as many as six lanes required in some areas to avoid unacceptable congestion.

The identified transportation deficiencies associated with locating a major speedway near Prineville equally prevent other Central Oregon locations from siting a speedway. Like Prineville, the urban areas of Bend, Redmond and Madras lack transportation networks connecting those cities to large metropolitan areas that are adequately sized to accommodate the use. The costs of widening and improving roadways serving these cities, such as Highways 26 and 97, would be prohibitive. Locations farther to the south or east do not work for similar reasons and because their distance from major markets like Seattle or Portland would significantly reduce the primary market area for large or mid-sized events.<sup>34</sup>

In summary, only a very limited area along the I-84 corridor contains the characteristics necessary to reasonably support a major speedway. That area begins somewhere near Boardman and extends to the intersection of I-84 and I-82. No cities in that area have urban growth boundaries sufficiently large to accommodate a major speedway. There are no existing rural centers in that area that could accommodate the use through intensification of development. Moreover, because of its significant noise impacts, the proposed use is not consistent with urban or rural residential development, rendering the expansion of existing UGBs impracticable.

It should be noted that the Port of Morrow, and quite possibly the City of Boardman, would like to expand Boardman's UGB to include the airport property and speedway site. However, such a UGB expansion would not be considered

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<sup>33</sup> A portion of this traffic would take Highway 730 from the I-82 bridge over the Columbia River to I-84. Some additional traffic would take Highway 97 from Yakima to Biggs Junction.

<sup>34</sup> Pendleton, located about 45 miles east of the Tower Road Interchange, also may be too far east to include Portland within its market for mid-size events.

"reasonable", as that term is used in OAR 660-014-0040(3)(a), because the airport, at its closest point, is located approximately three miles from the current UGB. This conclusion finds substantial support in actions previously taken by DLCD opposing efforts by the City of La Grande to expand its UGB by a distance of approximately 1.5 miles to include the La Grande airport. Given DLCD's position in that matter, it is very unlikely DLCD would approve efforts here to expand the Boardman UGB by twice that distance, particularly given the rural character of the unincorporated land. And indeed, during coordination discussions with DLCD prior to the filing of this application, DLCD Regional Representative Jon Jinings informed the Port that the agency would object to any effort to expand Boardman's UGB to include the airport.<sup>35</sup>

Similarly, the UGBs of other cities cannot reasonably be expanded to accommodate the use. The need to separate a speedway from incompatible residential and other noise-sensitive uses inside those UGBs would require too much land, far more than otherwise can be justified. The proposed site would place the racetrack approximately 2.5 miles from the nearest residence. Similar separations would be required elsewhere as well.

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<sup>35</sup> The question has been raised whether the Speedway could be located in the Port of Morrow Industrial Park property that is located northeast of Boardman, outside Boardman's urban growth boundary. This property is somewhat closer to Boardman's urban growth boundary than the airport, and it could be served by the existing Boardman and Port of Morrow Interchanges on I-84, and potentially by Highway 730. It also would have a wide range of public facilities and services available to it.

. While there is undeveloped land on the Port's property that is adequately sized to accommodate a Speedway, this alternative is not desirable for a number of reasons. First, moving the Speedway location to a site east of the currently developed portion of the Port's Industrial Park would force significant volumes of traffic through the City of Boardman and the Industrial Park. Because these traffic volumes would occur at locations experiencing much higher background traffic volumes than Tower Road or a new Speedway Interchange, they can interfere with and be detrimental to businesses in Boardman; to businesses transporting raw materials to processing plants at the Industrial Park or finished products to their final destinations; and to local residents seeking to get from one place to another. These adverse traffic impacts can be avoided with a location like the Boardman airport. Second, the area north of Boardman is close to a US Fish and Wildlife Refuge. A speedway at this location would likely raise concerns from the Department of Fish and Wildlife regarding adverse impacts on fish and wildlife species. Third, the areas where a speedway potentially could locate are currently in productive farm use. Some of those areas, zoned for industrial development, are being used in conjunction with the disposal of processed wastewater pursuant to DEQ wastewater permits. These areas, irrigated and producing crops, are needed for this purpose and for future industrial development. Other Port property that is not being used for wastewater disposal is zoned agricultural, under circle irrigation, and in agricultural use. Converting these lands to speedway uses would remove agricultural land from production, which is a significantly more adverse impact than would occur at the Boardman airport site. Fourth, this location is much closer to, if not within, the response zones of the Umatilla Army Depot within which travel can be restricted in the event of chemical leakage. Consequently, there could be a greater public safety hazard. Fifth, the affected property is currently in productive economic use, while the property at the airport has not been put to such productive use for many decades. While the area north of Boardman has experienced significant industrial growth and development over the past decade, and more is anticipated, virtually no growth has occurred at the airport, despite favorable land use designations and zoning and the availability of services. With a speedway, the airport property provides not only an opportunity to make productive economic use of land that has long been in disuse, but also provides an opportunity for airport improvements that will enhance the viability and attractiveness of the airport for airport related and dependent uses. These results go far towards achieving long-time goals and objectives in the Morrow County Comprehensive Plan. Sixth, there may be noise sensitive uses like dwellings at closer distances than with the airport property. Finally, the areas in question remain a significant distance (several miles) from the Boardman urban growth boundary. As with the airport, expansion of the boundary this distance is very unlikely and not justified.

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

OAR 660-014-0040(3)(b) provides that "Goal 2, Part II(c)(3) is met by showing the long-term environmental, economic, social and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other undeveloped rural land" considering the appropriateness of the amount of land included within the boundaries of the proposed development and impacts to or limitations associated with the air, water, energy and land resources of the surrounding area.

The Boardman airport provides extremely favorable conditions that are very difficult to match elsewhere. These include:

- A central location to major Northwest metropolitan areas, including Portland, Seattle, Spokane, Tri-Cities and Boise. All of these major population centers are within recognized (four to six hour) driving distances for major events, and Portland, Spokane and Tri-Cities are within recognized driving distances for mid-sized events.
- Immediate access to Interstate 84, with direct connections to Interstates 5, 82 and 90. All of these facilities contain at least four travel lanes.
- A very large tract of flat, undeveloped land to accommodate the use.
- Isolation from other properties. There is virtually no development to the north, west and south of the site. The nearest dwelling is approximately 0.4 miles east of Tower Road and 2.4 miles from the proposed racetrack location. The Boardman urban growth boundary is about three miles from Tower Road, which itself is about two miles east of the proposed speedway site. The developed portion of the city lies about two miles east of the UGB.
- Compatible uses nearby. Immediately surrounding uses include I-84, the Columbia River, an airport, a bombing range, vacant industrial land, and unirrigated pastureland.
- Dry, reliable weather conditions that attract and facilitate racing events from February through November. The average annual rainfall in Boardman over the past 20 years is 9.14 inches, much of which falls in December and January. Daytime temperatures during the fall and late winter also tend to be cool to mild, but under dry conditions, even cool days are favorable for racing events.

The Boardman location also involves land that is nonresource land. Hence, siting a speedway at Boardman will not remove land from the agricultural base.

## **1. Economic Consequences.**

The economic consequences of the Speedway would generally be positive wherever it locates, provided the location is within a sufficiently large market area to support major and mid-sized racing events. The Speedway will attract thousands of people to its events, which will contribute substantially to the economy of the local community and region where it is located.

For the Boardman site, the economic benefits may exceed those that other undeveloped rural locations might experience, both because of the site's reasonably close proximity to Boardman and because of its location next to an airport. Because the airport is located three miles from Boardman, activities at the site will provide jobs to people in the Boardman area and increase business at stores and businesses in and near Boardman. Visitors can eat at Boardman restaurants, stay in Boardman overnight accommodations, and buy goods and supplies from Boardman businesses. Other more rural locations might not provide such benefits to nearby cities.

Other cities in the region also will benefit from the Speedway. While Boardman can offer some overnight accommodations and services, it is too small to accommodate all of the visitors who are likely to travel to the Speedway to attend premier events. Consequently, motels, restaurants, gas stations and providers of other services catering to the motoring public located in places like Pendleton, Hermiston, Umatilla, The Dalles and Tri-Cities should benefit from business generated by Speedway events.

Because the Speedway would be located near the Boardman airport, airport improvements are being planned to accommodate racetrack-generated air travel. These improvements, including extension of the runway, in turn should attract other airport related and dependent industrial uses to the airport, further benefiting Boardman's economy and enhancing related commercial development in Boardman. These benefits would not likely occur at other locations lacking public use airports.

Economic costs associated with the Speedway include the costs of providing necessary facilities and services and the costs of transportation improvements. Generally, the farther the distance from a four-lane highway, the greater the required transportation improvement costs will be, as a minimum of four travel lanes are needed to get the anticipated numbers of attendees to major events. Because the Boardman site adjoins I-84, transportation improvement expenses can be held down. Only rural sites similarly located in reasonably close proximity to I-84 would avoid significantly more adverse transportation cost impacts.

As the 1985 Boardman airport exception indicates, the Boardman site also is blessed with available public facilities and services. The site has electrical power and access to natural gas. A well on the airport property produces 2220 gallons of water per minute, which is sufficient water capacity to serve a major speedway. The Port's municipal permit allows this water to be used for Speedway events. The site can be served through a lagoon treatment system or by connection to a City of Boardman

sewage treatment plant. The City currently is considering building a new sewage treatment facility on property it owns along Tower Road immediately east of the airport, and the Speedway could connect up with it at an appropriate time.

While other rural sites could also build on-site water and sewer facilities, it is unlikely that the costs of providing those services would be less than for the Boardman airport site, unless they are very close to other urban areas. However, they could be much more. This is because of the current availability of many services to the Boardman airport site. Perhaps more significantly, Morrow County's acknowledged 1985 goal exception for the Boardman airport already authorizes the provision of public facilities and services at the airport to serve planned airport related and dependent industrial and commercial uses. Accordingly, sooner or later, these facilities will be provided here anyway. Since already authorized airport industrial and commercial uses are intended to serve Boardman's urban population, their supporting services likely would be deemed urban in scale. The provision of these services to the Boardman airport can serve both Speedway and airport related uses. Since these services are already anticipated at this location, duplication is avoided, and significant money is saved over other sites.

While the economic impacts associated with a Speedway at Boardman are generally positive, there are adverse impacts that would occur. Adverse economic impacts resulting from a major speedway facility at Boardman are generally access related. The Tower Road interchange and Tower Road currently support a number of farming or industrial uses. These uses, including their accesses to the local transportation network, will need to be maintained as the Speedway develops. The greatest challenge will exist when a peak event is held at the Speedway. Events attracting over 60,000 people in a weekend are expected to occur one to three times annually by the year 2020.

Facilities currently located on or near Tower Road include PGE's coal-fired power plant, dairies and other farming interests, and the Port's airport and industrial park. For the power plant, maintaining access by maintenance and operational personnel will be important. Feasible alternatives include preserving local access routes (e.g., limiting Kunze Road to local traffic only, and maintaining access to the Tower Road Interchange) and providing emergency helicopter transport on peak days. The developer and PGE can coordinate in developing an access plan to meet the needs of the coal-fired plant.

Dairies ultimately comprising a total of 28,000 cows are currently sited with access from South Tower Road. These dairies produce milk for a cheese processing factory that the Tillamook Cheese Company constructed on Port of Morrow property located northeast of Boardman. The Tillamook Creamery will be responsible for transporting milk from the dairies to the cheese plant. Conceivably, conveyance of milk to the factory will take place hourly on a daily basis. During peak events, alternative routes may be required to transport the milk to the factory. One solution would be to limit Kunze Road only to local and emergency vehicle traffic prior to, during and

following premier events at the Speedway. Another would be to maintain a travel lane to the Tower Road Interchange to serve local travel.

Similarly, other farming enterprises along Tower Road may need access to I-84 or Boardman during peak events. Again, a local transportation system can be developed to ensure that local access is preserved. During peak events, traffic management will be required to keep Speedway-generated traffic off of these local roads.

The Port of Morrow airport is designated and zoned for airport uses, including airport related commercial and industrial uses. To avoid interference with airport uses, a fence can be built separating the Speedway from the remainder of the airport. As with nearby farming uses and the PGE plant, access to Boardman and to I-84 can be maintained by designating certain roads or travel lanes for local use only, and by blocking Speedway traffic access to such roads through barriers and/or traffic management.<sup>36</sup>

The access issues posed by this proposal would not be unique to the Boardman site. At any potential speedway site, traffic generated by major events would create access problems for nearby farms, businesses and residences. In all instances, traffic management measures and plans would need to be devised to ensure adequate access for local businesses and residents during peak events.

Finally, locating the Speedway in Boardman might result in the following additional adverse economic impacts. First, the excavation of land for the racetrack will generate significant quantities of rock, since the track is expected to be built 25-30 feet below ground level. While some of the excavated material might be used on the site to construct roads and other hard surfaces, some also may require removal off-site. Any sale of this rock could adversely affect businesses in the area that are engaged in the excavation and sale of rock. On the other hand, the Speedway will require roadway improvements to I-84 that might generate additional business for rock providers in the region.

The Speedway also could impact local and regional businesses that rely on the freeway for fast transport of goods and services. However, any such impacts should be minor, because the required performance standards that the Speedway must meet to comply with the Transportation Planning Rule are intended to ensure adequate mobility. This standard includes Level of Service C on local roads and a volume to capacity ratio of 0.70 or better on state highways for the 60,000 person event. This level of service may result in some minimal reduction in speed for through traffic traveling on I-84 through the Boardman area, but it will not significantly slow that traffic or bring it to a halt. Similarly, the Speedway may require traffic generated by uses near Tower Road to detour to Boardman via Kunze Road rather than access the City via I-84, but again, the resulting delay is not significant. For events attracting 100,000 or more fans during

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<sup>36</sup> For example, law enforcement personnel can be placed near the Boardman Interchange and Tower Road at its intersection with Kunze Road to ensure that Speedway traffic does not use Kunze Road.



a weekend, roadway improvements combined with event and traffic management techniques will ensure that traffic volumes along the freeway do not exceed the capacities of affected roadways.

It is unlikely that economic impacts resulting from placing the Speedway at other rural locations would be less adverse. The availability of freeways and state highways to access the Boardman airport, together with the availability of local roads to serve local traffic, means that disruptions to local traffic patterns should be minimal. While placing the racetrack 25-30 feet below ground will yield rock material that might be sold in competition with other gravel or rock producers, this could potentially happen at any rural site. And because no significant disruptions to local business practices are anticipated, these impacts would not be significantly (if at all) worse than at other rural locations. Finally, locating a Speedway at the Boardman airport will not convert agricultural land to nonresource uses, fragment property, eliminate jobs, alter accepted farming or forest practices, impact irrigation or drainage, or displace any dwellings. It is unlikely that other rural locations would avoid these adverse impacts to the extent this location avoids them.

## **2. Social Consequences.**

A major speedway will generate adverse social consequences regardless of where it chooses to locate. Those consequences relate primarily to noise, traffic, access, visual impacts, litter, and security and safety. For some, they also might include "quality of life" concerns, since a major speedway periodically brings very large numbers of people into relatively unpopulated rural areas.

For two reasons, noise should not pose a problem at the Boardman site. First, the racetrack portion of the Speedway will be situated far enough away from any noise sensitive properties that noise impacts should be minimal at those properties. Indeed, the Speedway is exempt from the Department of Environmental Quality's noise control regulations for motor sports vehicles and facilities (OAR 340-35-040) because those regulations exempt "any motor sports facility whose racing surface is located more than 2 miles from the nearest noise sensitive property", and the racing surface for this Speedway will be located approximately 2.4 miles from the nearest residence. An RV park and tent campground are proposed for the Speedway, and such uses have at times been considered to be noise sensitive property under Department of Environmental Quality (DEQ) noise regulations (due to the fact that a campground is a location where sleeping will occur when campers are present). However, in the case of the proposed Speedway, the DEQ noise regulation allows the RV park and campground to be considered non-noise sensitive property, because the owner of the noise source is also the owner of the noise sensitive property, and also because the use of the RV site and campground is so closely connected to the use of the racetrack. Stated another way, the people who use the RV park and tent campground generally will be those people who have come to attend races at the Speedway, and they will be present at the racetrack when noise is generated there. Thus the nearest existing noise-sensitive use is a residence located about 2,100 feet (0.4 miles) away from Tower Road and 12,700 feet (2.4 miles) away from the east end of the proposed racetrack.

Second, even though there is already the large separating distance between the racetrack and the nearest noise sensitive use, the development will incorporate design measures that will further reduce noise levels reaching the noise sensitive uses. For example, the racetrack will be constructed so that cars will be running on the track approximately 25 to 30 feet below grade at the site.<sup>37</sup> This feature will provide a natural noise barrier between the cars (the noise sources) and the noise sensitive uses. In addition to the natural barrier provided by the terrain, a 10 feet high wall will be constructed along the perimeter of the track to act as a safety barrier. The wall will increase the effectiveness of the natural noise barrier between the racetrack and the nearest noise sensitive uses to the east.

While alternative locations might also be able to incorporate measures to reduce noise impacts, it would be difficult to find other sites that are so well separated from incompatible noise-sensitive uses and would experience such a small level of noise impact. The lack of noise-sensitive uses near the Boardman airport site distinguishes the Boardman site from other sites and makes it an ideal location for this use.

The foregoing analysis does not mean there would never be audible noise from the Speedway. While most of the time Speedway-generated noise would not be heard at the nearest residence, there would be audible noise on occasion. However, the resulting noise levels would not rise to a level that will cause any significant adverse impact. For example, under a "worst case" scenario involving 40 Indy cars all rounding the far corner of the track at the same time and at maximum revolutions per minute (RPM), and racing under weather conditions most conducive to carrying sound, the level of noise at the nearest residence would compare to a single vehicle driving past the residence. But even this level of noise would occur very rarely if at all.<sup>38</sup> Accordingly, even if other sites could be found that are equally or better separated from noise sensitive uses, the noise impacts at this site are so minor that one reasonably could and would conclude that they would not be "significantly more adverse" than would occur at any other site.

During major events, increased traffic can create problems at any rural location, particularly with respect to local access. A major benefit of the Boardman site is that it effectively divides traffic between east and west, thus avoiding any significant overloading of I-84. Heavy traffic on race day of major events may create problems for people in the area because it may require local travel to use detours (e.g., Kunze Road) and result in some lowering of traffic speeds on I-84 and I-82. These types of problems would occur at any major speedway location during premier events. However, as described in the economic analysis and in the applicant's traffic reports, measures can

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<sup>37</sup> Well logs indicate that the most common depth to reach ground water in this area is 84 feet, so building the racetrack 25-30 feet below grade is feasible.

<sup>38</sup> As described by the applicant's noise expert, Daly Standlee & Associates, the noise generated under this worst case circumstance would be audible, but not loud. Moreover, to achieve this worst case requires weather conditions that involve cool temperatures, high humidity and west winds. These conditions are not common in Boardman in the summer.

be taken to ensure adequate local access to area residents in Boardman and to preserve mobility at reasonable speeds along I-84 through Boardman for drivers traveling through the area. These measures include designating certain roads for local traffic only and adding a third travel lane on I-84 between the Speedway Interchange and Highway 730 and from 1200 meters west of the Army Depot Interchange to I-82. Similar measures may not be reasonably available at other locations due to less favorable east-west traffic splits. It also merits repetition that, contrary to how some might perceive this project, Speedway generated traffic will not bring local or through travel to a standstill. Speedway traffic will operate within ODOT and Morrow County roadway performance and capacity standards, as required by the Transportation Planning Rule. This issue is discussed in greater detail below in the analysis of compliance with the Transportation Planning Rule.

Perceived quality of life impacts are subjective and difficult to quantify. Still, it is likely that some Boardman area residents will dislike the urban-scale crowds that the Speedway will attract to this rural area. These people very much enjoy a rural way of life, and they will not want or like activities that could significantly impact that rural atmosphere. Of course, this impact would occur at other rural locations as well, so the impact here would not be not significantly more adverse than in other rural locations. But while the use is likely to attract 10,000 or more people to Boardman about four or five times each year, the facility's location along the I-84 corridor approximately five miles west of the center of Boardman, amongst industrially zoned lands that have long been undeveloped, should help to minimize perceived quality of life impacts. The site's location alongside a freeway, an airport, undeveloped industrial property and a bombing range, and its distance of approximately 2.5 miles from the closest residence, means the site is extremely well separated from other potentially incompatible uses. Given this separation from developed areas, it is unlikely that other rural locations would have better separation from residential uses or other incompatible uses.

Conversely, many people in Boardman and Morrow County may look at the Oregon Motor Speedway as a social positive, bringing a new and exciting recreational activity into the area, bolstering the area's economy, creating job opportunities, improving the local tax base, increasing property values, and generally improving the standard of living and the social well-being of community residents. Overall, it is expected that the social benefits of locating near a city like Boardman should cancel out any social adverse impacts. Again, this same result could happen at other rural locations.

Public health is another social concern. The primary threat to public health in the area is the possibility of a chemical leak from the Umatilla Army Depot, located east of Boardman approximately 18 miles from the Boardman airport. Because of its distance away from the Army Depot, and its direction away from the prevailing winds, the airport site should be safe in the event of chemical leakage. Indeed, the site is outside the response zones to the Army Depot within which travel could be restricted. See **Figure 8**. The same cannot be said for locations east of Boardman, including Hermiston, Stanfield and Echo. Those areas lie within the response zones, and thus pose potential

safety dangers to inhabitants should a leak occur. For those sites, potential gas leaks from the Depot would create a more serious potential health and safety problem, as it would be difficult to evacuate everyone safely in a short time period. This safety concern renders the potential social impacts at those more easterly locations significantly more adverse than at the Boardman airport.

Security and nuisance also are social concerns. Regardless of where a speedway locates, these concerns can be mitigated through the use of security and law enforcement personnel stationed at and around the facility during racing events. For the airport, the absence of residences nearby, together with the general absence of development in the area, should make security and nuisance less of a problem than it might be at other rural locations located nearer to housing.<sup>39</sup>

To minimize both on and off-site security and nuisance problems, management plans can be developed and implemented. These issues can be addressed during the site development review process. Typically, law enforcement and security plans involve a coordinated effort among local and state law enforcement personnel. This would include, for example, the Oregon State Police, Morrow County Sheriff, and the Boardman Police Department, as well as police and sheriff departments in nearby counties and cities. These types of agreements are used at other speedways and for events like the Pendleton Round-Up, for which officers from the surrounding area are hired to help with the event. They can and will be implemented for the Oregon Motor Speedway. With such plans and programs in place and implemented, security and nuisance impact should not rise to a level of significance. Of course, the need for such plans and implementation would arise at any rural location where a speedway is located, and it would be speculative to say that impacts would be any worse or any better at any other location.

Likewise, emergency service agreements and plans can and will be developed among emergency service providers in the region, including ambulance, fire and 911 dispatching, to ensure the safety of both local residents and persons attending Speedway events. Helicopters will be present at the Speedway, and when necessary, will be used to airlift people to hospitals or medical clinics. Local access will be provided to ensure that emergency services can be provided to persons residing or working near Tower Road and south of the Speedway. While a project the size of the Speedway creates unique emergency planning concerns for an area like Boardman, these concerns can be satisfied through careful planning, exercises and limited enhancements to existing facilities and capabilities. It may be that a speedway located on rural land closer to a larger urban population area would find it easier to develop emergency service plans, but the ability to prepare and implement the plan here means that any adverse impact associated with the Speedway in Boardman would not be significantly more adverse.

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<sup>39</sup> It also is noted that major events at the Speedway are generally held on evenings and weekends, when schools are not in session. Of course, the separation of the Speedway site from residential areas means that conflicts between the Speedway and the safety of school children are minimized.

Because the Speedway will be located within the airport property, any adverse visual impacts should be minor. The Speedway will be visible from I-84, and Speedway associated uses will be visible from Tower Road, but generally, the use will be well contained within the airport property. Traffic safety can and will be handled through on and off-site security and traffic personnel and through development and implementation of traffic management plans and coordination agreements with local and state sheriff and police agencies. As part of traffic management, tow trucks and emergency vehicles can be placed along all significant routes to the event, and helicopters can be used when appropriate to contact police or emergency service providers in event of a problem. Once again, the ability to adequately manage traffic impacts here means that adverse traffic impacts here would not be significantly more adverse than in other rural locations, which also would require traffic management. Although the Boardman area is not heavily populated, sufficient personnel can be found to implement traffic, security and emergency services plans.

Finally, speedway visitors are likely to generate trash and litter, regardless of where a speedway locates. This impact can be controlled with fencing around the perimeter of the property and with development and implementation of a litter control plan to ensure prompt cleanup following speedway events. The trash and litter effects resulting from siting the Speedway at Boardman should be no different than siting the Speedway at any other rural location and, accordingly, not significantly more adverse.

### **3. Environmental Consequences.**

Environmental consequences include the loss of farmland or rangeland, impacts to natural resources, and air and water quality impacts.

Air and water quality impacts at the Boardman site should not be significantly different than at other rural sites in northcentral Oregon. The air is generally clean in northcentral Oregon, and most areas have safe drinking water. The airport property has a municipal well with adequate capacity to accommodate Speedway usage. The Speedway would be located within the Lower Umatilla Basin Groundwater Management Area. Within this area, water quality can and will be protected through the acquisition of storm water permits, DEQ review and approval of the proposed sanitary system design, application and compliance with DEQ regulations pertaining to hazardous waste storage and spill response, and compliance with other DEQ permitting programs. These kinds of permits would similarly be required at other sites.

Likewise, the Speedway must comply with noise permits. As noted above, the Speedway is exempt from DEQ noise regulations because of the considerable distance of over two miles between the racetrack and the closest noise sensitive use.

While air and water quality impacts would likely be similar among different sites, the same cannot be said about impacts to resource production and management. Impacts to resource production and management would be significantly different for the airport site as compared to other rural sites. The entire airport property consists of

nonresource land that has been designated and zoned for industrial uses. Consequently, racing-related development at the airport would not diminish the agricultural land resource. In contrast, the same facility, located elsewhere, would likely require the conversion of approximately 1400 acres of farmland for nonfarm speedway uses. This represents a significantly greater adverse impact at other properties and renders the Boardman site much more desirable from an environmental standpoint.

The airport site also contains no inventoried Goal 5 resources. There are no inventoried wetlands or significant wildlife habitats on the site. While areas in the region have been identified as containing habitat for the protected Washington ground squirrel, no squirrel habitat has been identified at the airport, and the Oregon Fish and Wildlife Department has indicated that the rocky, shallow soils present at the airport render "minimal" the chances of the squirrel occupying this area. Also according to ODFW, the airport does not have adequate habitat for the protected sage grouse, and it is highly questionable that sage grouse have ever used this tract. Consequently, it is highly unlikely that environmental impacts at this site would be more adverse than at any other site. Indeed, compared to other sites containing significant natural resources, the Boardman site likely has significantly fewer adverse impacts.<sup>40</sup>

#### **4. Energy Consequences.**

Motorsport racing consumes large quantities of gasoline. However, that will occur regardless of where a major speedway locates. Large quantities of gasoline also are consumed by motorists traveling to speedway events.

Locating a speedway at Boardman has positive energy consequences compared to other locations for a number of reasons. First, the roadway network connecting the Boardman airport with Portland, Seattle, Spokane, Boise and Tri-Cities provides travel opportunities for event attendees that are less likely to result in severe congestion as compared to locations farther to the east, west or south. Reducing congestion helps to conserve energy. Second, the site's close proximity to Boardman and I-84 may help reduce the distances traveled by employees working at the site. Third, developing the Boardman airport site for this use makes efficient use of land already identified, acknowledged and approved for industrial development and a network of supporting public facilities and services. This likely contrasts with other potential rural sites for which the extension of public facilities and services has not already been approved. Fourth, the Boardman site has electric, telephone and natural gas resources available at or near the site. There is no need to extend them long distances, as may be the case elsewhere.

Overall, from an energy standpoint, the Boardman location is an excellent location for a major speedway facility, just as it is an excellent site for other industrial

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<sup>40</sup> Before the Port acquired the deed to the airport property, there was some clean up of a buried fuel tank and materials containing asbestos, but these were on a portion of the property outside that identified for speedway use. The site is not a brownfield site, and there is no known presence of unexploded ordnance on the site.

uses. The positive features of the site are such that any adverse impacts here would not be significantly more adverse than at other rural locations.

This does not mean there would not be negative energy consequences. Locating a speedway east of the Cascades generally requires greater travel both by visitors and employees compared to a location west of the Cascades. However, as noted above, locations west of the Cascades suffer from unreliable weather conditions for much of the year. It has been suggested that a more appropriate location might be nearer to Boise or Spokane. While the distance traveled by employees would likely be shorter at those locations, the distances traveled by visitors from Portland, Seattle, and the I-5 corridor would be substantially longer. In any event, because of their lack of a central location within the market area, both Spokane and Boise would significantly adversely affect the Speedway's ability to attract fans to premier events, and in particular, mid-sized events.

## **5. Amount of Land Included in Proposed Development**

The above considerations of ESEE consequences take into account the racetrack and the associated uses at their proposed scale of development, identified earlier in this exception statement. As previously stated, the scale of each proposed use, as well as the Speedway as a whole, was carefully considered to achieve compliance with applicable statewide planning goal requirements. The amount of land included in this proposal is appropriate, given the justification for the uses as set out in the reasons analysis above, and given amount of land identified as needed for racetracks, grandstands, concession areas, RV and tent spaces, parking, speedway-related industrial uses, office space, recreational activities, and the like. Overall, the proposed size of the Speedway, including its associated uses, is commensurate with the sizes of major Speedways at other locations throughout the United States.

In all, the proposal envisions a compact development, with the racetrack centrally located within the site and ancillary uses, including parking, spread around it. While this exception includes land for accessory speedway related uses, those uses are limited in size and scale to what can reasonably be justified. Economically, the Speedway should complement Boardman and other cities, rather than compete with them. Socially, the Speedway maintains an adequate land buffer from incompatible uses. The use of multiple parking areas will facilitate more efficient parking that in turn will help minimize delay and avoid energy consumption. As noted, the exception does allow for a somewhat less dense parking ratio of cars per acre, but this is justified to avoid backup onto Interstate 84.

## **6. Air, Water, Energy and Land Resource Limitations.**

The air, water, energy and land resources at the airport do not limit the proposed urban development of the site, and the proposed uses will not significantly adversely affect the air, land and water resources of the surrounding area.

The Boardman airport has a clean airshed that can accommodate a speedway facility. While automobile exhausts contain pollutants, premier racing events will not occur on a daily basis, and the volume of activity should not be such as to have any significant effect on air quality such as to limit other industrial uses. It should be noted that the Department of Environmental Quality does not regulate racing facilities under its air quality regulations.

The large quantity of vacant developable and serviceable land at the Boardman airport renders a major speedway feasible at this location without unduly sacrificing land needed and desired for airport related industrial uses. Even with the Speedway, there is more than adequate land to meet 50 year need projections for the airport and for airport related industrial and commercial uses. Moreover, converting this land from airport-related industrial uses to speedway-related uses will not impact the City of Boardman's ability to provide adequate land to meet housing and commercial development needs. As discussed below, the City's UGB contains very large surpluses of vacant developable residentially and commercially zoned lands.

The water resources at the airport do not limit development of the Speedway. Adequate amounts of drinking water can be provided through a municipal well at the airport that produces 2200 gallons of water per minute. Under the terms of the permit to appropriate water, this well water is available for Speedway usage. And while the Speedway may place significant demands on water facilities during peak events, the water supply is so substantial that water quantity impacts will be minimal. The water quality of the aquifer can and will be protected through best management practices employed to ensure that pollutants (such as fuel or motor oil) do not enter the groundwater. Such practices include, but are not limited to, oil and water separation, biofiltration, and sediment trapping. Moreover, storage will be added for fire flow demand, further reducing the impact to the aquifer, and the use of portapotties as authorized by DEQ will reduce water consumption. As noted above, DEQ storm water and other permits can and will be obtained as required by that agency to protect water quality.

Allocating approximately 1400 acres at the Boardman airport for a racetrack and related uses should have no significant adverse economic, social, environmental or energy impacts on the airport property. Economically, it will spur airport expansion, which in turn will enhance opportunities to attract airport related and dependent development on remaining lands zoned Air/Industrial Park. Socially, the Speedway will provide more permanent and part-time jobs for Boardman residents and more business and income to businesses in Boardman and elsewhere in the region. Environmentally, the Speedway should have no more significant adverse impacts than other commercial and industrial uses that are currently permitted at the site. From an energy standpoint, the form of recreation (motor sports) does consume a lot of energy, but the site's location near Boardman requires only a short commute for persons residing in the area, and the airport has available electricity on-site.



Overall, the Boardman airport location merges a combination of features that work very well for the proposed use. The flat land, the availability of services, an adequate transportation system, ideal climate, and separation from incompatible uses make Boardman an excellent site. While there will be adverse impacts, it is unlikely that those impacts would be significantly worse than would result from locating the proposed Speedway and its associated uses at any other rural site.

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

OAR 660-014-0040(3)(c) requires a demonstration that "the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts" considering (1) whether the proposed urban development will detract from the ability of existing cities and service districts to provide services; and (2) whether the potential for continued resource management of nearby land at current levels is assured.

The proposed urban uses are described in the "reasons" portion of this exception. The uses adjacent to the Speedway include the following:

- To the north and west, a freeway, railroad lines and right-of-way, and vacant industrial lands owned primarily by the State of Oregon. These lands are characterized by sagebrush and poor soils. A portion of these lands are leased to Three Mile Farms (R.D. Offset) for limited seasonal grazing, but these lands are neither irrigated nor in active farm use. Farther to the west, beyond Six Mile Canyon, there are irrigated farm lands in cultivation. There is also a private storage shed between I-84 and the railway line located near the Tower Road/I-84 interchange.
- To the south, airport uses and potato and onion storage buildings within the airport property, and farther south, farming activities on industrially and EFU-zoned lands and computer-simulated aerial bombing activities on the bombing range. Some of the lands south of the airport runway are irrigated and planted through a lease between Inland Land Farms and the State of Oregon. Crops include wheat and possibly onions. Other lands are or will be used for dairy production. There are no residences in close proximity to the airport.
- To the east, airport and industrial uses (within the larger airport property), and vacant industrial land, some hobby farms and some rural residential development farther to the east towards the City of Boardman.

Except at its very southwestern corner, the 2,700 acre Boardman airport property is surrounded by lands that are zoned for industrial development. Adjoining lands to the north, between I-84 and the Columbia River, are zoned General Industrial. Adjoining lands to the west and south are zoned Space Age Industrial, except for one small area south of the southwest corner of the airport that is zoned EFU (160 acre minimum lot size). Adjoining lands to the east are zoned Space Age Industrial. However, farther to the east are lands zoned EFU and Farm Residential 2 acre.

The potential incompatibilities resulting from the Speedway involve primarily racing-related noise and traffic. While racing and related activities, such as engine testing and racing schools, involve sources that generate high noise levels, noise generated by those sources at the Boardman airport site should not be a problem because the property surrounding the racetrack is generally either associated with high noise levels itself or its use is not noise sensitive. For instance, to the east, the Boardman airport runway (oriented northeast/southwest) is approximately 7700 feet long (1.5 miles). Noise from aircraft taking-off and landing on the runway can often be as high as the noise generated at the racetrack. Property immediately surrounding the runway is zoned for non-noise sensitive industrial uses and thus the proposed racetrack will be compatible with the property at and around the airport.

Power transmission lines occupy land located immediately west of and north of the proposed racetrack site. The transmission lines are not sensitive to the noise that will be generated at the racetrack. Thus, there should be no noise impacts from the racetrack on that property.

I-84, a major highway connecting Portland and points to the east, lies north of the power transmission lines which are north of the proposed racetrack site. Immediately north of I-84, the Union Pacific has a major railroad that connects the west coast with points to the east. North of the railroad, the Columbia River supports tugboat and barge traffic. All of these land uses generate noise levels that influence the ambient noise levels in the area. Interstate 84 is used by a significant number of trucks that transport goods to and from the west coast, along with a significant volume of automobile traffic that changes with the seasons. The railroad is used to transport a significant volume of goods during all seasons between the west coast and the rest of the country. Tugboats can be heard traveling up and down the Columbia River at all hours of the day and night.

Noise from trucks on I-84 and trains on the Union Pacific Railroad, along with the automobile traffic on I-84, typically will be at their maximum (the summer vacation months) when racetrack related noise will be the greatest. Since traffic on I-84 and trains on the Union Pacific Railroad influence the ambient noise levels at properties located within 1,000 feet of the freeway (including those properties east and west of the racetrack), in many cases, racetrack noise should blend in with the freeway noise at noise sensitive properties located more than 3 miles from the racetrack. Thus, existing noise sources in the area will help to minimize the impacts from the proposed activities.

West of the Speedway, a spur track of the Union Pacific Railroad runs along the west side of the power transmission lines. Again, the railroad will be a source of noise and a use that is not sensitive to the noise that will be generated by activities at the racetrack. Beyond the railroad is vacant industrial land, and beyond that, extending for more than four miles, is vacant irrigated and unirrigated agricultural land that is used for growing crops or seasonally for grazing. These lands will not be impacted by racing noise from the racetrack.

South of the Speedway, the property is unoccupied land acting as a buffer between the airport property and the bombing range farther to the south. There are no noise sensitive uses in that area to be impacted by the racetrack.

In addition to the minimization of noise impacts provided by the large distances between the racetrack and noise sensitive properties, the racetrack will be constructed approximately 25 to 30 feet below grade at the racetrack site. The track will be constructed with slopes that cause the sound to be reflected up rather than out to the sides of the site. In addition, a 10 feet high wall will be constructed around the top of the sloped track and this wall will further reduce noise radiating from the track to properties around the track.

Traffic should be an issue on only a few weekends each year when major events would bring tens of thousands of spectators to the facility. Because these major events draw big crowds just on weekends, there should be very little interference with weekday business traffic. However, Speedway-generated traffic could impact efforts by dairy producers to deliver milk to the Tillamook Creamery facility in Boardman in a timely manner. As earlier noted, dairies with a combined capacity of about 20,000 cows are located south of the airport site along and west of Tower Road. It is estimated that a tanker-load of milk from these dairies to the cheese factory is possible every hour. Similarly, Speedway-generated traffic could impact the ability of maintenance and operational personnel of PGE's Coal-fired power plant to access the plant. These impacts can be mitigated by identifying local roads (such as Kunze Road) for local traffic only, and by utilizing traffic management measures on premiere event race days to ensure that such roads are used only for local trips.

Except for noise and traffic, the proposed uses should not create potential incompatibilities with adjacent uses. The racetrack and racing-related activities are not incompatible with the growing of crops on the EFU-zoned lands south of the airport. While potato sheds at the airport will need to be relocated, this is due to their location too close to the Tower Road Interchange rather than impacts associated with racing and related events. Similarly, the racetrack and racing-related activities are not incompatible with industrial uses. While lighting during evening events may closely simulate daylight conditions, that lighting will be directed onto the racetrack only and will not affect other properties, although reflected light may be visible in the direction of the Speedway. Moreover, for safety and attendance reasons, most racing events occur during daylight hours.

A potential exists for incompatibility with airport uses, in the sense that separation is needed between speedway events, participants and spectators on the one hand and customary and usual aviation uses on the other hand. However, compatibility is or can be achieved through the location of the Speedway outside the imaginary surfaces of the airport, and through the construction of a security fence separating the Speedway from the airport. Also, security personnel can and will be used at Speedway events to ensure that members of the public do not wander on to the airport.

The proposed Speedway will not detract from the ability of the City of Boardman or service districts to provide services to its residents. The Speedway has access to a municipal well that does not infringe upon the delivery of water to the city or adjoining unincorporated areas. The City of Boardman provides its residents with sewer services using facilities that are separate from those which will be used at the Speedway as authorized by the Goal 11/14 exception. While the City would like to expand its sanitary sewer facilities to serve future growth and, eventually, the airport, such expansion is not necessary at this time. When the City does expand its facilities, the airport and Speedway can hook up to them.

Fire service is provided by the Boardman Rural Fire District. An on-site water storage and delivery system, including fire hydrants, can and will be developed to provide for fire flow and domestic use, and additional engines can be provided if necessary to accommodate premier events at the Speedway. Because this water storage system relies on an on-site water supply from the municipal well, the Speedway will not detract from the provision of fire service to Boardman, which derives its water supply from the Columbia River.

Regarding police and emergency services, additional security personnel can and will be hired by the facility operator to handle major events at the Speedway, and medical and helicopter service will be available on site to handle emergency situations. Management plans can and will be prepared to minimize conflicts with adjacent and nearby uses. According to emergency service providers in the area, agreements can be reached and plans developed that will ensure the availability of adequate security and emergency service personnel to the Speedway and the surrounding communities.

The Speedway also will have no adverse impact upon resource management at present levels of lands surrounding and nearby the site. As noted, the immediately surrounding lands are not in resource uses. South of the airport, there are lands in commercial farm use that are used principally for wheat and other crops. Farther away, there are lands used for dairy production. East of the airport are other properties, predominantly hobby farms, that are being used primarily as pasture for horses, cattle or goats, or for crop production. The Speedway will not interfere with resource use on those properties, primarily because of its significant separation from those properties. But the nature of the uses at the Speedway itself are not incompatible with resource management of farm lands. Stated another way, agricultural activities can occur on lands adjoining a speedway. Here, however, the nearest resource lands are generally a mile or farther away.

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

OAR 660-014-0040(3)(d) requires a demonstration "that an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner." OAR 660-014-0040(3)(e) requires in pertinent part that the " new urban development of

undeveloped rural land is coordinated with the comprehensive plans of affected jurisdictions."

The Oregon Motor Speedway will require public facilities and services, including sanitary sewer and water services, storm water service, fire and police services, and electricity, natural gas and telephone service. Most of the time, the facility will require a level of service adequate to accommodate only several thousand people. However, for special events, the site will require temporary facilities and services to handle crowds that could reach as high as 145,000 by the year 2020.

These facilities can be provided as follows. Sanitary sewer can be accommodated through an on-site lagoon treatment system with land application areas located within the Port property. For the largest events, where expected crowds exceed peak loads, portapotties or alternative temporary devices will be used as authorized by the Department of Environmental Quality. Domestic and drinking water will be provided through a municipal well on the airport property that produces 2,220 gallons per minute. Storm water facilities can be provided on-site as part of the speedway development. Fire service will be provided by the Boardman Rural Fire District. An on-site water delivery system, including water storage and fire hydrants, will be developed to provide for fire flow and domestic use. Police services can and will be provided through the Morrow County sheriff's office, the Oregon State Police, and event security personnel provided by the Speedway operator. City of Boardman police also might participate in event control. This kind of service typically is handled through agreements between the developer and law enforcement agencies. Electricity, already on site, is provided by the Umatilla Electric Cooperative. Telephone service, also already on site, is provided by Century Telephone, which also can provide cable access. Cascade Natural Gas maintains natural gas lines in the Boardman area that can be extended to the site if needed.

Most of these services will be provided by the Speedway developer, at its own cost, during development of the Speedway. Necessary permits, including DEQ permits, will be obtained during Speedway construction. Security, fire and emergency services will be provided through cooperative agreements with sheriff and police departments and with fire departments and emergency service providers. These kinds of agreements are common for facilities of this nature, and these agencies and providers have indicated that they will be able to handle the situation and accommodate the need. The Speedway can cover the costs of these services.

Additionally, an adequate transportation network will be needed, not only to transport racing event participants and attendees to the Speedway, but also to ensure that the transportation needs of persons not attending the races are met. This issue is addressed below, in the analysis of compliance with the Transportation Planning Rule.

The proposed racing-related development on undeveloped land at the airport has also been coordinated with the comprehensive plans of affected jurisdictions. The local government with planning jurisdiction over the airport is Morrow County. For reasons

explained later on in this application, the plan and zoning ordinance amendments included in this proposal are consistent with the applicable Morrow County Comprehensive Plan policies. Consistency also is achieved through the County's adoption of the exceptions contained herein as part of its Comprehensive Plan. Moreover, the applicant has coordinated with other affected jurisdictions, including the City of Boardman and other cities, with regard to this application. The application will not result in inconsistencies with the comprehensive plans of those jurisdictions. It is noted, however, that a transportation system plan amendment will be required from Umatilla County to allow certain improvements to I-84 and I-82 in that County, including additional lanes on certain ramps at the I-82/I-84 Interchange. This can and will be done in conjunction with the NEPA process if Morrow County acts favorably on this application.

As noted, the Morrow County Comprehensive Plan currently designates the airport property and immediately surrounding lands for airport-related industrial uses or other industrial uses. These amendments allow a portion of the airport property to be used for racing uses and other uses directly or indirectly related to racing, including racing-related manufacturing uses. Given that the existing industrial designations were adopted primarily to stimulate, expand and diversify the local economy, and further given that the Speedway proposal will have these effects, there is no loss of consistency with the County Comprehensive Plan. It is also noted that throughout the process of preparing this application, the applicant has maintained contacts with the County Planning Department to help ensure that whatever land use actions are taken would be consistent with the County's Comprehensive Plan.

Further, this proposal is consistent with the City of Boardman's Comprehensive Plan. The Speedway will generate full time and part time employment opportunities, which may help businesses in Boardman. It may stimulate more housing or commercial development in Boardman. However, Boardman can accommodate these demands, should they arise. According to a 1997 study of land needs and supply for the Boardman UGB, the City contains approximately 676 acres of vacant, undeveloped land zoned for residential uses, and 236.8 acres of vacant, undeveloped land zoned for commercial uses. This acreage is three to four times the amount of buildable acreage identified as needed to accommodate City 20-year housing and commercial needs. Accordingly, the Speedway should in no way impede the City's ability to implement its comprehensive plan.

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

### **A. Introduction.**

This portion of this application addresses compliance with LCDC's Transportation Planning Rule (OAR 660, Division 12). Principal attention is given to OAR 660-012-0060, which requires that land uses allowed by plan amendments be "consistent with"

explained later on in this application, the plan and zoning ordinance amendments included in this proposal are consistent with the applicable Morrow County Comprehensive Plan policies. Consistency also is achieved through the County's adoption of the exceptions contained herein as part of its Comprehensive Plan. Moreover, the applicant has coordinated with other affected jurisdictions, including the City of Boardman and other cities, with regard to this application. The application will not result in inconsistencies with the comprehensive plans of those jurisdictions. It is noted, however, that a transportation system plan amendment will be required from Umatilla County to allow certain improvements to I-84 and I-82 in that County, including additional lanes on certain ramps at the I-82/I-84 Interchange. This can and will be done in conjunction with the NEPA process if Morrow County acts favorably on this application.

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the function, capacity and performance standards of impacted transportation facilities; 660-012-0065, which identifies transportation improvements that are permitted on rural lands without goal exceptions; and 660-012-0070, which identifies the criteria for taking goal exceptions to allow transportation improvements on rural lands.

As explained below, compliance with OAR 660-012-0060 is determined based on traffic impacts occurring during the 30<sup>th</sup> highest annual hour. For the Oregon Motor Speedway, this is an event attracting 60,000 visitors. But satisfaction of OAR 660-012-0060 requirements does not excuse the Speedway from planning and providing an adequate transportation network to accommodate larger "peak" events. The unique nature of a speedway demands such planning and implementation, not only to maintain an adequate roadway system, but also to ensure that people will come to the events. This can be achieved through implementation of event and traffic management measures over and above those appropriate for the 60,000 person event.

This application contains policies and procedures that together will ensure that an adequate transportation network is in place prior to the holding of premier events at the Speedway. These include new site development review procedures and standards (which the County may be adopting through separate action), and proposed new Morrow County Transportation System Plan policies.

This application identifies and requests approval of a combination of transportation improvements intended to accommodate the 60,000 person event and the peak event serving up to 145,000 people. The application and its supporting documents demonstrate that these improvements are feasible and adequate to serve both Speedway and non-Speedway generated traffic traveling in the Boardman area during premier events.

The Port currently is assessing its ability to acquire properties owned by the State of Oregon that are located west and north of the airport. If Port acquisition of land for new roadways proves feasible and reasonable, and if such roadways would better meet ODOT's needs and ODOT exhibits a strong preference for that roadway, then the Port will apply for Morrow County TSP amendments to authorize those roadways and associated improvements in lieu of adopted improvements that are no longer needed. However, if such acquisition does not prove feasible; if any required NEPA analysis should show that such improvements do not better serve ODOT's needs; or if ODOT exhibits no strong preference for the alternative improvement, then the Port would continue to rely on the improvements contained in this application to accommodate Speedway-generated traffic during premier events. As noted earlier, the Port considered the possibility of a new Cross Bombing Range Road as an alternative to provide roadway access from the east. However, that alternative is not feasible, because the US Navy has indicated that it will not make land available to the Port across the Bombing Range.

**B. Transportation Improvements Needed to Comply with OAR 660-012-0060.**



OAR 660-012-0060(1) provides that amendments to acknowledged comprehensive plans and land use regulations that "significantly affect" a transportation facility must "assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g., level of service, volume to capacity ratio, etc.) of the facility." As relevant to this application, this can be achieved by (1) limiting allowed land uses to be consistent with the planned function, capacity and performance standards of the proposed facility; (2) amending the adopted transportation system plan (TSP) to provide transportation facilities adequate to support the proposed land uses; or (3) altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

For state transportation facilities, including Interstate 84, compliance with OAR 660-012-0060(1) is determined based on traffic impacts occurring during the 30<sup>th</sup> highest annual hour.<sup>41</sup> The 30<sup>th</sup> highest annual hour at the Oregon Motor Speedway is expected to occur during a mid-sized event attracting a projected 60,000 daily visitors. Accordingly, the transportation system needs to be adequate to accommodate a 60,000 visitor event at the Speedway.

What the transportation network serving the Oregon Motor Speedway should include is a matter that has involved lengthy and on-going discussion between the applicant and ODOT. The system of improvements contained in this application represents the result of traffic analysis prepared by the Port's traffic consultant, Tetra Tech MPS, following consultation with ODOT. That traffic analysis indicates that traffic from the west and east will approach the Speedway via I-84, while traffic from the north and from the Seattle area will use I-82, Highway 730 and Highway 97 (in Washington) to access I-84 and the Speedway. Moreover, it indicates that traffic can and will be distributed in such a way to ensure that ODOT's performance standard of a 0.70 volume to capacity ratio is met for all affected roadway segments, including the I-82 Bridge over the Columbia River and the I-82/Highway 730 Interchange. In some instances, this will require physical improvements to the roadway network. With proposed improvements compliance with Morrow County performance standards will also be achieved.

Based on analysis by the Port's traffic consultant, traffic associated with a 60,000 person Speedway event will "significantly affect" four transportation facilities.<sup>42</sup>

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<sup>41</sup> Certain premier events at the Speedway will generate traffic at levels that exceed the identified performance standards of certain transportation facilities. It is anticipated that over a twenty year period, the facility may attract 100,000 or more visitors up to two times annually on a single day, although only one such event (a Winston Cup race) per year is more likely. However, land use consistency with ODOT and local roadway function, capacity and performance standards is not based on the peak hour event. Rather, it is based on the 30<sup>th</sup> peak hour. 1999 Oregon Highway Plan, Page 80, Table 6 ("Maximum volume to capacity ratios for peak hour operating conditions through a planning horizon for state highway sections located outside the Portland metropolitan area urban growth boundary").

<sup>42</sup> This analysis reflects the ongoing discussions between the Port's traffic consultant (Tetra Tech MPS) and ODOT, and between Tetra Tech MPS and Morrow County's traffic consultant. The supporting information can be found in documents and analysis submitted by Tetra Tech MPS in February, 2002 and revised in part in April, 2002, and in testimony provided in March and April, 2002, also revised in part later in April 2002.

- The I-84/Tower Road Interchange
- Tower Road
- Interstate 84
- Connector ramps at the I-82/I-84 Interchange

The traffic will significantly affect the I-84/Tower Road Interchange because traffic levels will exceed ODOT's volume to capacity performance standard of 0.70 for the on and off ramps of that interchange in each direction. Currently, the intersections of the I-84 ramps and Tower Road are stop sign controlled, with the ramps stopping for Tower Road. This is sufficient to accommodate existing peak hour traffic volumes consisting of approximately 20 vehicles going to and coming from the west and approximately 60 vehicles going to and coming from the east through the Tower Road Interchange. However, it is not sufficient to accommodate traffic volumes going to or coming from the west or the east during a 60,000 person event. The existing configuration of the interchange would not be able to accommodate and maintain an adequate volume to capacity ratio of 0.70.

The traffic will significantly affect Tower Road because Tower Road lacks capacity to accommodate traffic volumes generated by a 60,000 person Speedway event. The existing road is a two lane road from its intersection with I-84 south along the airport property. Two travel lanes are insufficient to move anticipated volumes of traffic between I-84 and the Speedway. With only two lanes, Tower Road's level of service "C" standard would not be met.

Traffic generated by a 60,000 person event also will significantly affect I-84. Both to the west and east of the airport property, I-84 consists of two travel lanes in each direction (east and west). ODOT's performance standard applicable to I-84 in this area is a volume to capacity ratio of 0.70. Even with improvements to the Tower Road Interchange, a 0.70 volume to capacity ratio cannot be maintained on I-84. A second interchange serving the Speedway is needed to allow I-84 to function within its performance standard. And even with a new Speedway Interchange, two lanes in each direction on I-84 between the Speedway Interchange and Highway 730 is insufficient to accommodate anticipated traffic volumes at a level consistent with ODOT's performance standard for the facility.

Traffic generated by a 60,000 visitor event also will significantly affect the ramps connecting I-82 and I-84 and the weave patterns between I-82 and approximately the I-84/Army Depot Interchange.<sup>43</sup> The I-82 ramps currently are single lane ramps. Anticipated traffic volumes will exceed what a single ramp lane can handle. Such traffic also will complicate weaving and merging patterns on I-84 between the I-84/I-82 Interchange and a distance west the I-84/Army Depot Interchange, due to the short distance between those interchanges.

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<sup>43</sup> The affected ramps are I-82 southbound to I-84 westbound and I-84 eastbound to I-82 northbound.

Because the 60,000 visitor event would significantly affect these existing transportation facilities, OAR 660-012-0060(1)(b) requires the adoption of transportation system plan (TSP) amendments "to provide transportation facilities adequate to support the proposed land uses". The following roadway improvements, combined with the transportation system management measures required through application of new Morrow County TSP policies, achieve that result. The Port asks that the County amend the Morrow County Transportation System Plan (March 1998) to authorize these Speedway-related roadway improvements:

- Modifications to the I-84/Tower Road Interchange, including dual lane ramps, a four-lane bridge across I-84, and improved turning radiuses at the beginnings and ends of the on/off ramps
- Stacking or merge lanes (acceleration/deceleration lanes) extending approximately 1.5 miles in each direction from the I-84/Tower Road Interchange
- Widening of Tower Road to ~~four to five~~ five lanes between I-84 and the southernmost entrance to the speedway on Tower Road ~~end of the airport property~~
- A new I-84/Speedway Interchange 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
- Stacking or merge lanes (acceleration or deceleration lanes) extending approximately 1.5 miles in each direction from the I-84/Speedway Interchange
- An additional (third) eastbound and westbound travel lane on I-84 between the Speedway Interchange and Highway 730 and from 1200 meters west of the Army Depot Interchange to the I-82/I-84 Interchange.
- Bridge widening or modification as necessary along I-84
- Extended ramps and taper lanes on I-84 westbound between I-82 and a point west of the I-84/Army Depot Interchange
- Merge/diverge lanes eastbound on I-84 between a point west of the I-84/Army Depot Interchange and I-82
- Modifications to the connector ramps at the I-84/I-82 Interchange to provide two-lane on or off ramps<sup>44</sup>
- A four-lane surface road system within and encircling the perimeter of the Speedway
- Realignment of the Kunze Road/Tower Road interconnection southward to meet Division 51 spacing standards~~minimize conflicts with the Speedway~~
- Improvements to the I-84/Army Depot Interchange to facilitate I-82/I-84 merge/diverge lanes
- Transportation system management measures that impact the chosen route to the Speedway, thereby leveling traffic from the east and west

<sup>44</sup> This improvement requires an amendment to the Umatilla County TSP. The Port will seek that amendment as part of a refinement plan following completion of NEPA analysis.

- Associated event management measures, including parking improvements, special activities, earlier racing events and other incentives aimed at encouraging early arrival at the Speedway

Some of these transportation improvements are allowed outright on rural lands under OAR 660-012-0065 without the need to take goal exceptions. Others, however, require exceptions to Goals 11 and 14.<sup>45</sup> All are addressed later in this Section.

ODOT has advised the Port that it may be possible to phase in a portion of these improvements when the "significant affects" are not immediate or can be delayed through traffic management measures. However, ODOT has stated that in order to hold events at the Speedway prior to completion of all improvements needed for the 60,000 person event, the Port first must demonstrate that the proposed level of activity (e.g., 20,000 person event, 40,000 person event) would comply with ODOT performance standards for the affected facilities.

Also, the applicant can and will undertake activities that expand the window of time during which people would arrive at the Speedway. These activities, known as "event management measures", are routinely practiced at major speedways across the country. They include:

- Providing early arrivals with "enhanced parking", *i.e.* parking that is paved, well lighted, closer to the Speedway, and offers advantages in departing the Speedway through earlier departure times or more convenient freeway access
- Offering, for early arrivals only, facilities and a promotional package to encourage "tailgating"
- Offering an early breakfast providing early arrivals with the opportunity to meet drivers or members of their racing teams and obtain autographs
- Scheduling live music shows featuring different styles of music both before and after the race, thus necessitating early arrival and delayed departure
- Scheduling motorcycle or stunt racing events before and after the race to encourage early arrivals and delayed departures
- Scheduling Friday and/or Saturday events that are lesser in nature but will draw in a portion of the fan base<sup>46</sup>
- Providing fixed static displays of racing machines and/or aircraft
- Other promotional events specific to the attributes of the Speedway

According to the applicant's traffic consultant, these activities can create as much as a seven- hour window of time for arrival at the race, with the peak hour accounting for 25% of total traffic volumes.<sup>47</sup>

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<sup>45</sup> Goal exceptions take the form of amendments to comprehensive plans. Consequently, the request for the goal exception is a comprehensive plan amendment request. Here, the exception is taken to comply with Goals 11 and 14.

<sup>46</sup> Some events attracting fans may even begin earlier in the week, such as on Wednesday or Thursday.

Besides the above-identified roadway improvements, traffic management plans can and will be developed for different size events containing temporary traffic control procedures and measures to ensure that I-84 and the local roadway network function adequately during events ranging in size from 60,000 fans to 145,000 fans. To ensure that the traffic management plan(s) will be fully and properly implemented when conditions so warrant, this application includes proposed Morrow County TSP text amendments. Morrow County also has adopted a site development review process and standards to achieve that objective.<sup>48</sup>

While the Port seeks authorization to construct these transportation improvements via amendments to the Morrow County TSP, NEPA requires the Port to examine whether other feasible alternatives could reasonably accommodate the transportation need. As previously noted, the Port and ODOT were interested in an alternative that would provide access from and to the east via a "Cross Bombing Range Road" across the Navy's Bombing Range, but the Navy has denied consent to provide road right of way through its property. Accordingly, this alternative is not feasible.

Finally, it is noted that the proposed improvements do not affect or invalidate the assumptions upon which the Morrow County TSP is based. Because they are intended to ensure an adequate flow of traffic through the area, and because they would be privately financed, they should not preclude implementation of the remainder of the Morrow County TSP.

### **C. Transportation Improvements Needed to Accommodate Peak Event Traffic.**

By the year 2020, the Oregon Motor Speedway may attract over 60,000 visitors on a single day two or three times each year, thereby creating demands on the roadway system that exceed established roadway performance standards. Should the Speedway secure an annual Winston Cup race, the Speedway could attract up to 145,000 visitors for that event by the year 2020. However, no other current racing event attracts such large traffic volumes. According to the Port's economic consultant, Hobson-Ferrarini, a Winston Cup event is the only racing event that currently has the potential to attract over 100,000 fans to the Speedway in a single day.

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<sup>47</sup> According to the applicant's transportation engineering consultant, transportation system and event management measures have been employed successfully by other speedways around the country to expand the window of time for arrival, including Michigan Motor Speedway, Rockingham, and Homestead.

<sup>48</sup> ODOT has indicated that for the occasional larger events, event management, combined with transportation system improvements, is the appropriate method to handle traffic congestion issues. Because the largest anticipated event could significantly impede through traffic along I-84 and on local roads in Boardman, ODOT will require significant roadway improvements and event management measures that go well beyond anything needed to accommodate normal traffic levels. Those measures, identified below, are discussed in the analysis of compliance with OAR 660-012-0065 and 660-012-0070. However, except as identified above, those measures are not required to satisfy OAR 660-012-0060, because OAR 660-012-0060 compliance is not based on the peak Speedway event.

For the 145,000 person event, the physical roadway improvements identified herein as needed to accommodate 30<sup>th</sup> highest hour traffic will be adequate to accommodate peak event traffic when combined with traffic and event management. For portions of an approximately seven hour period of time once or twice a year, I-84 and I-82 may not operate within the identified performance standards applicable to the 30<sup>th</sup> highest hour event, but even so, through-traffic should be able to move steadily at slower speeds.<sup>49</sup> Traffic management measures also will be utilized to minimize the impact during this time frame and enable reasonable local access to and traffic flow on local roads.

Elements of a Race Event Traffic Management Plan (TMP) would include:

- Multi-Agency Coordination involving, at a minimum, the Speedway operator, ODOT, Morrow County road agencies, the City of Boardman, other affected local governments, local and state policy, and fire and emergency services
- Conceptual Routing Scheme Development to identify acceptable routes to and from the Speedway in an attempt to minimize vehicle conflicts, reduce congestion and promote vehicle and pedestrian safety. This effort includes producing traffic detour plans consistent with ODOT standards and the use of temporary traffic control devices before, during and after events
- Advance Notice to Spectators, including early notice of parking area locations and advance notice of road closures, detours, traffic routing schemes and routes to avoid
- Race Day Communications to manage parking and traffic impacts, including use of helicopters and airplanes to provide early identification of bottlenecks and to identify underutilized facilities

The details of traffic management would be spelled out during site development review.

#### **D. Compliance with OAR 660-012-0065**

OAR 660-012-0065(3) identifies the types of transportation improvements "which may be permitted on rural lands consistent with Goals 3, 4, 11 and 14 without a goal exception." Those improvements include

- Reconstruction or modifications of public roads and highways where no new land parcels would result (ORS 215.283(1)(L) or (2)(q); OAR 660-012-0065(3)(b))
- Climbing and passing lanes within the right-of-way existing as of July 1, 1987 (ORS 215.283(1)(k); OAR 660-012-0065(3)(b))
- Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels (ORS 215.283(2)(p); OAR 660-012-0065(3)(b))

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<sup>49</sup> Even for the 145,000 events, affected roadway facilities will operate within their capacities.

- Roadway channelizations (ORS 215.283(1)(L), (2)(q) or (3)(b); OAR 660-012-0065(3)(c))
- Roadway realignments maintaining the function of the existing road segment (ORS 215.283(3)(b); OAR 660-012-0065(3)(d))
- New access roads, not exceeding two lanes, where the function of the road is to reduce local access to or reduce local traffic on a state highway (ORS 215.283(3)(b); OAR 660-012-0065(3)(g))
- Other transportation facilities, services or improvements that serve local rural travel needs (ORS 215.283(3)(b); OAR 660-012-0065(3)(o))

However, they do not include

- New roads serving urban travel needs
- New roads that are wider than two lanes
- New freeway interchanges
- Road realignments not maintaining the function of the existing road segment

for which goal exceptions are required. See ORS 215.283(3)(a), OAR 660-012-0065(3) and OAR 660-012-0070.

Many of the transportation improvements identified above as needed or potentially needed fall into one or more categories of transportation improvements that are allowed under OAR 660-012-0065(3) on rural lands without goal exceptions. Those improvements include:

- Modifications to the I-84/Tower Road Interchange to provide two-lane on and off ramps and improve turning radiuses (allowed as reconstruction or modification of public highways where no new land parcels result, construction of additional travel lanes within existing right-of-way, and/or channelization).
- Modifications to and/or management of the I-84/I-82 Interchange to provide two-lane on and off ramps (allowed as reconstruction or modification of public highways, construction of additional travel lanes, and/or channelization).
- Widening of I-84 between Highway 730 and the new Speedway Interchange and from 1200 meters west of the Army Depot Interchange to I-82 to add a third eastbound and westbound travel lane (allowed as construction of additional travel lanes within existing right-of-way).
- Widening of the I-84/Port of Morrow Interchange bridge deck to accommodate a third travel lane (allowed as reconstruction or modification of public highways).
- Ramp extensions and stacking or merge/diverge lanes (acceleration/deceleration lanes) along I-84 (allowed as modifications of public highways and/or channelization)
- Widening of existing Tower Road to ~~four~~ or five lanes (allowed as construction of additional travel lanes within existing right-of-way).

- Realignment of Kunze Road (allowed as a road realignment)
- Bridge modifications, other merge/diverge lanes, and extended ramps and taper lanes (allowed as modifications of public highways and/or channelization).

For those improvements authorized under ORS 215.283(2) or (3), compliance with ORS 215.296 must be demonstrated. ORS 215.296 provides in pertinent part:

"(1) A use allowed under ORS 215.213(2) or ORS 213.283(2) may be approved only where the local governing body or its designee finds that the use will not:

"(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

"(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use."

The only identified improvement subject to compliance with ORS 215.296 is the realignment of Kunze Road. Because the widening of Tower Road and the improvements to I-84 can occur within existing right-of-way, they are not subject to ORS 215.296.

The realignment of Kunze Road complies with ORS 215.296 because it does not directly affect agricultural lands. The realignment would occur entirely on property owned by the City of Boardman that is designated and zoned for industrial uses. A roadbed for the realignment already exists on the subject property. The purpose of the realignment is to relocate southward the intersection of Kunze Road and Tower Road, thus reducing conflicts with speedway-related traffic and improving access for local travel, including dairy-related vehicles, during peak events. Those segments of Kunze Road that are relocated would be abandoned to further minimize conflicts.

#### **E. Compliance with OAR 660-012-0070.**

OAR 660-012-0070 contains the requirements and standards for taking goal exceptions to justify transportation facilities and improvements on rural lands. These standards, set out in OAR 660-012-0070(1) through 660-012-0070(8), are addressed below.

For this project, the following proposed transportation improvements require goal exceptions:

- A new four lane surface road system looping around the speedway property
- A new I-84/Speedway Interchange



### 1. OAR 660-012-0070(1)

OAR 660-012-0070(1) requires an exception for siting transportation facilities on rural lands that do not meet the requirements of OAR 660-012-0065. This requirement is met because this application includes exceptions for those proposed transportation improvements that do not meet the requirements of OAR 660-012-0065.

### 2. OAR 660-012-0070(2)

OAR 660-012-0070(2) provides that where exceptions to Goals 3, 4, 11 or 14 are required, "the exception shall be taken pursuant to ORS 197.732(1)(c), Goal 2, OAR 660, Division 4 and this division." Because OAR 660, Divisions 4 and 12 implement Goal 2 and ORS 197.732(1)(c), a demonstration of compliance with these administrative rule requirements demonstrates compliance with all of these review standards.<sup>50</sup>

This application provides the findings of fact and reasons demonstrating compliance with the applicable exception standards, as required by Goal 2 and ORS 197.732.

### 3. OAR 660-012-0070(3)

OAR 660-012-0070(3) requires that "an exception adopted as part of a TSP or refinement plan shall, at a minimum, decide need, mode, function and general location for the proposed facility or improvement." Because the proposed transportation improvements would be adopted as amendments to the Morrow County TSP, this section applies.

The need for the identified transportation improvements is to ensure that significantly affected transportation facilities remain consistent with their identified function, capacity and performance standards during the 30<sup>th</sup> highest hour (60,000 person) event. This is required by OAR 660-012-0060(1). These improvements also are needed to ensure that the transportation system can function adequately during those occasional peak Speedway events that, by the year 2020, may attract as many as 145,000 people.

For the proposed improvements, the identified transportation mode is roadway. The general locations of these proposed improvements are shown in **Figure 5** and on maps attached to the traffic consultant's report, incorporated herein by this reference. In terms of function, the new I-84/Speedway Interchange would be an element of a principal arterial (interstate freeway). The new surface road system within the airport property would function as a collector.

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<sup>50</sup>The language in ORS 197.732(1)(c) is identical to the Goal 2 exception language set out above in the analysis of compliance with statewide planning goal 2.

**4. OAR 660-012-0070(4), ORS 197.732(1)(c)(A), Goal 2 Part II(c)(1), OAR 660-004-0020(2)(a) and OAR 660-004-0022**

OAR 660-012-0070(4) states:

"To address Goal 2, Part II(c)(1) the exception shall demonstrate that there is a transportation need identified consistent with the requirements of 660-012-0030 which cannot reasonably be accommodated through one or a combination of the following measures not requiring an exception:

"(a) Alternative modes of transportation.

"(b) Traffic management measures; and

"(c) Improvements to existing transportation facilities."

***Transportation Need***

A motor speedway is a type of facility that generates differing volumes of traffic depending on the nature and popularity of the racing event(s) being held during a particular week or weekend. As described in the Goal 11/14 "reasons" exception (Section VII) and in the Hobson Ferrarini Report, a major speedway typically will experience one or two major events a year that may attract more than 100,000 people on a single day, and a few mid-sized events that may attract 20,000 to 80,000 spectators on race day. The remainder of the time, the Speedway is more likely to attract, at most, only about 10,000 people over the course of a week, as indicated by information collected for the Sears Point and Watkin's Glen raceways.

Manufacturing and office uses associated with a speedway are small traffic generators that, absent the racetrack, would not require improvements to the roadway system. Other speedway related uses, such as an RV park, a tent campground, associated recreational activities, and uses like a gas station or restaurant, are associated with Speedway events and consequently will not generate large numbers of vehicle trips warranting roadway improvements except in conjunction with large or mid-sized racing events occurring at the raceway. Consequently, these uses do not by themselves warrant additional transportation system improvements.

Accordingly, the need for transportation improvements requiring goal exceptions is not necessitated by the smaller, everyday occurrences that will take place at the Speedway. Rather, these improvements are needed to accommodate larger events that will bring many thousands of vehicles to the raceway, ranging from the 30<sup>th</sup> highest hour 60,000 person event to events like a NASCAR Winston Cup series race, that could attract about 48,000 vehicles by the year 2020. A combination of transportation facility

improvements and traffic management techniques is required to accommodate traffic generated by these events.

According to the traffic report prepared for the Port by Tetra Tech MPS, the existing roadway system will require a combination of roadway improvements to accommodate a mid-sized Speedway events attracting up to 60,000 attendees. These transportation improvements are identified above in the analysis of compliance with OAR 660-012-0060. Most of these improvements do not require goal exceptions. However, a new I-84/Speedway Interchange requires an exception, as does a new four-lane roadway providing circulation within the airport property.

The transportation need for these improvements is to accommodate vehicles traveling from other parts of the state, and from other states, to attend racing activities at the Speedway during peak events. The need results because existing roadway facilities lack sufficient capacity to accommodate the volume of traffic associated with a 60,000 visitor event. To accommodate this traffic, need exists for multiple freeway exits from I-84 with off-system roadway connections to multiple parking lots to accommodate this traffic and channel it into and out of parking areas in a smooth and efficient manner. The new Speedway Interchange provides a second freeway exit off I-84. The new surface road system within and encircling the perimeter of the Speedway provides access to parking areas and circulation through the Speedway.<sup>51</sup>

### ***Consistency with 660-012-0030***

To comply with OAR 660-012-0070(4), the identified transportation need must be consistent with the requirements of OAR 660-012-0030.

OAR 660-012-0030(1) requires that a TSP identify transportation needs relevant to the planning area and the scale of the transportation network being planned, including state, regional and local transportation needs, the needs of the transportation disadvantaged, and needs for movement of goods and services. Morrow County's acknowledged TSP already does this. This exception constitutes an amendment to that TSP to authorize the additional transportation improvements identified in this application, including both those improvements requiring exceptions and those permitted under OAR 660-012-0065.

The improvements identified in the exception reflect statewide, regional and local transportation needs. The TPR defines state transportation needs as needs to move people and goods between and through regions of the state and between the state and other states. The proposed improvements are intended primarily to accommodate people traveling to the Speedway from other parts of Oregon and from other states. This is consistent with policies in the 1999 *Oregon Highway Plan* (OHP) to serve the needs for movement of people and goods and to provide adequate highway access. Compliance with OHP policies is addressed below.

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<sup>51</sup> The volume of anticipated traffic for peak events requires a four lane, as opposed to two lane, roadway circulation system within the Speedway site. If only two lanes were needed, a goal exception probably would not be required.

The TPR defines regional transportation needs as needs for movement of people and goods between and through communities and accessibility to regional destinations within a county or a group of counties. Besides being a statewide destination, the Oregon Motor Speedway will be a regional destination serving residents of Morrow, Gilliam, and Umatilla counties. The proposed improvements will serve those needs by improving the mobility of area residents attending Speedway events and by providing adequate access for those events.

The TPR defines local transportation needs as needs for movement of people and goods within communities and portions of counties and the need to provide access to local destinations. The identified improvements are needed in part to help keep Speedway-generated traffic off of local roadway facilities that are needed to serve local travel needs during large events.

**OAR 660-012-0030(2)** requires that counties preparing regional TSPs rely on the analysis of state transportation needs in adopted elements of the state TSP, and that local governments preparing local TSPs rely on the analyses of state and regional transportation needs in adopted elements of the state TSP and adopted regional TSPs. Morrow County did so when it adopted the Morrow County TSP in 1999. However, the adopted analyses of statewide and regional transportation needs contained in Morrow County's TSP did not take into account a major speedway near Boardman that could attract many thousands of vehicles to the area on an episodic basis. This is why amendments to the County TSP are needed. This proposal is consistent with OAR 660-012-0030(3) because the proposed Morrow County TSP amendments have been and continue to be carefully coordinated with ODOT to ensure they are consistent with the Oregon Highway Plan.

**OAR 660-012-0030(3)** requires that within urban growth boundaries, the determination of local and regional transportation need determinations be based on 20-year population and employment forecasts and distributions which are consistent with acknowledged comprehensive plans and Goal 14 urbanization policies. Because the Oregon Motor Speedway is situated several miles outside Boardman's UGB, this section does not apply.

Under **OAR 660-012-0030(4)**, calculations of local and regional transportation needs in metropolitan planning organization (MPO) areas are to be based upon accomplishment of the requirements in OAR 660-012-0035(4) to reduce reliance on the automobile. Because Boardman is not in an MPO area, this provision does not apply.

### ***Inadequacy of Alternative Modes, Traffic Management Measures, and Improvements to Existing Transportation Facilities***

OAR 660-012-0070(4) requires consideration of whether the identified transportation need can be reasonably accommodated through one or a combination of measures not requiring goal exceptions, considering (1) alternative modes of transportation, (2) traffic management measures, and (3) improvements to existing transportation facilities.

The Oregon Motor Speedway will encourage travel by **other transportation modes**. As noted in Section VII of this application, some racing team members, sponsors, sanctioning body members and spectators will arrive by air. The Boardman airport will be improved to accommodate these flights. However, while the airport undoubtedly has the capacity to handle more air traffic than it will receive, and thus relieve impact to the roadway system, the great majority of visitors either will not want to travel by air, or air travel will not be convenient or cost effective for them, or they will not want to pay the costs of air travel.

The Speedway also will encourage travel by rail or bus, and it is likely that opportunities will arise for travel via these modes. A rail line travels through Boardman. Organized bus trips to the Speedway from Portland, Seattle, Spokane and other metropolitan areas are feasible and can be encouraged. Busing also could be used to transport people from hotels and other overnight accommodations in Boardman, Pendleton, Hermiston, Tri-Cities and other communities within the region, and from destinations such as the Wild Horse Casino and Hotel just east of Pendleton.

Even with excellent rail and bus ridership, most people still will arrive by automobile, many from areas that lack convenient bus or rail service to Boardman. Based on analysis of speedway related traffic elsewhere in the United States, it is conservatively estimated that automobile occupancy will average approximately three (3) persons per vehicle.<sup>52</sup> This means, in effect, that people will carpool to the Speedway. This is consistent with OAR 660-012-0070(4), since carpooling is a form of traffic demand management recognized and encouraged by the TPR to improve performance of transportation facilities and to reduce the need for additional road capacity. See OAR 660-012-0005(6) and 60-012-0035(1)(d).

However, even with travel by air, rail, bus, and carpooling, roadway facility improvements are needed. They are needed to provide adequate access onto and off of I-84, and adequate access to Speedway parking areas. They are needed to ensure that interstate freeways serving the area can continue to move traffic through the area during peak events. And they are needed to ensure that an adequate local transportation network remains for use by Boardman area residents, visitors and businesses that are not traveling to or from Boardman to attend racing events during peak events.

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<sup>52</sup> Many people travel to major racing events in RVs. RV occupancy ranges from about four to as many as eight passengers per vehicle.

The Speedway also will incorporate **traffic and event management measures** to maintain an adequate transportation system during peak events. As noted, except on a handful of occasions each year, the roadway system will be more than adequate to accommodate daily traffic, including Speedway-generated traffic. At those time, traffic and event management measures will not be necessary to ensure a properly functioning roadway system.

Transportation system management measures will be needed to accommodate mid-sized and large events at the Speedway. Proposed traffic management measures include event control measures to limit use of Highway 730 between I-82 and I-84 for inbound and outbound Speedway-generated traffic; to prevent use of Kunze Road by Speedway-generated traffic during peak events; and to ensure that other improvements identified to serve local traffic remain available to serve local travel needs. Event control measures will include parking management measures to move traffic from roadways into parking spaces in a timely and smooth manner. Signage also will be used along I-84, I-82 and elsewhere to direct Speedway-related traffic to the Speedway and to keep it off of local streets.

**Improvements to existing transportation facilities** are included within the overall list of identified "needed" transportation improvements. These include improvements to I-84 and Tower Road, which are permitted without goal exceptions, and improvements to I-84 interchanges at Tower Road and I-82, which also are permitted as channelization or as modifications to existing roadways. These identified improvements reduce in part the need for new facilities.

However, improvements to existing transportation facilities do not and cannot accommodate the need for an adequate on-site parking and circulation system to accommodate traffic during peak events. A new four-lane on-site perimeter road is required to ensure smooth and efficient circulation of vehicles at the Speedway and efficient access to parking areas. No existing roads are available that, through improvements, could serve this need.

Improvements to existing transportation facilities also cannot avoid the need for a new Speedway Interchange. For the Speedway to function properly, it needs at least two separate Speedway accesses off I-84. With Tower Road accommodating westbound traffic, need arises for an interchange handling eastbound traffic. The nearest interchange to the west is Three Mile Canyon. With modifications, that interchange would work to handle Speedway-generated traffic, but it would require construction of a new road requiring goal exceptions because there is no existing roadway connection between Three Mile Canyon and the airport property.

In conclusion, a combination of alternative modes, traffic management measures and improvements to existing facilities can go far to serve transportation needs generated by the Speedway. However, the combination is not sufficient in itself to "reasonably accommodate" the identified need to accommodate traffic during peak

racing events. Accommodating that traffic requires a combination of roadway improvements, some of which require goal exceptions. Because improvements to Kunze Road through Boardman would bring tremendous volumes of traffic into the heart of Boardman, thereby significantly adversely impacting roadway access and circulation for local businesses and residents, the widening of Kunze Road to accommodate westbound traffic is not deemed an acceptable alternative.<sup>53</sup>

**Compliance with ORS 197.732(1)(c)(A), Goal 2 Part II(c)(1), OAR 660-004-0020(2)(a) and OAR 660-004-0022**

ORS 197.732(1)(c)(A), Goal 2 Part II(c)(1) and OAR 660-004-0020(2)(a) and -0022 parallel OAR 660-012-0070(4). ORS 197.732(1)(c)(A) and Goal 2, Part II(c)(1) require an exception to include reasons which justify why the state policy embodied in the applicable goals should not apply.<sup>54</sup> OAR 660-004-0020(2)(a) interprets these requirements by explaining that the exception should set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to a specific property or situation, including the amount of land for the use being planned and why the use requires a location on resource land. OAR 660-004-0022 expands on OAR 660-004-0020(2)(a) by giving examples of the types of reasons which may justify exceptions, including demonstrated need for the activity based on one or more requirements of Goals 3 to 19 and special features of the proposed use or activity that necessitate its location on the proposed exception site. For urban level uses such as those proposed here, these requirements are met through a demonstration of compliance with OAR 660-014-0040.

The reasons which justify locating a speedway and accessory uses at the Boardman airport are set out in Section VII of this application. The proposed transportation improvements are those needed to serve those proposed uses, as determined following consultation and coordination with ODOT. These transportation improvements are necessary to ensure that the Speedway can operate in a manner that is consistent with the functions, capacities and performance standards of affected roadway facilities, including but not limited to I-84 and Tower Road.

**5. OAR 660-012-0070(5), ORS 197.732(1)(c)(B), Goal 2 Part II(c)(2) and OAR 660-004-0020(2)(b)**

OAR 660-012-0070(5) provides that to address Goal 2 Part II(c)(2), the exception must demonstrate that non-exception locations cannot reasonably accommodate the proposed transportation improvement or facility. Similarly, OAR 660-004-0020(2)(b)

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<sup>53</sup> Some minor widening or repaving of Kunze Road may be required to accommodate traffic diverted off of Tower Road and onto Kunze Road. If so, such improvements are permitted without goal exceptions under the TPR, and their costs can be handled by the Speedway developer.

<sup>54</sup> For this matter, the relevant state policies are found in Goal 11 (to allow only rural levels of public facilities on rural lands), and Goal 14 (to permit urban scale development and uses only inside urban growth boundaries and urban unincorporated areas). Proposed improvements requiring goal exceptions do not impact agricultural or forest lands.

requires justification why "areas which do not require a new exception cannot reasonably accommodate the use."

To accommodate the traffic generated by peak events, the Oregon Motor Speedway will require many improvements to the local and regional transportation network. Some of those improvements could occur in the form of improvements to existing roadways, many of which are allowed under OAR 660-012-0065(3) without the need for goal exceptions. However, these improvements are not sufficient in themselves to fully accommodate the identified transportation need. Additional improvements, including a new I-84/Speedway interchange and a new roadway providing circulation and access within the airport property, are also necessary.

These additional improvements cannot be accommodated on lands not requiring new goal exceptions because (1) these improvements need to be at or connect to the Speedway site; (2) the Speedway site is located in on rural land located about five miles from the nearest urban growth boundary; and (3) this necessarily requires that these improvements be located, at least in part, on rural lands. Because none of the potentially impacted rural lands has previously been approved for urban uses under Goal 14 exceptions, new goal exceptions are necessary.

The only non-exception location near the Speedway is the Boardman UGB. However, because that UGB is three miles from the Boardman airport, improvements limited to lands inside the UGB would not accommodate the identified need to provide adequate vehicle access to the Speedway. Arguably, improvements could be located in part in Boardman, to limit the need for new exceptions. For instance, Kunze Road and other local roads within the city could be widened to accommodate Speedway-related traffic. However, this alternative is unreasonable because Kunze Road, and the local road system in Boardman, is needed to serve the non-Speedway related transportation needs of Boardman residents, businesses and visitors during peak events. Keeping Speedway-related traffic off of local roads is necessary to ensure the compatibility of the Speedway with surrounding uses, including the PGE coal fired plant and the Tillamook dairy operation.

While the identified transportation need cannot be met on lands not requiring new goal exceptions, it is worth noting that the improvements requiring Goal 11/14 exceptions that are identified in this exception statement would be located wholly within existing road rights-of-way or on lands for which Goal 3 exceptions previously were taken and acknowledged.

## **6. OAR 660-012-0070(6)**

OAR 660-012-0070(6) requires the exception to justify the thresholds chosen to judge whether an alternative method or location identified under OAR 660-012-0070(4) or (5) cannot reasonably accommodate the proposed transportation need or facility. These thresholds include cost, operational feasibility, economic dislocation and "other relevant factors".



Alternative methods, including alternative modes, traffic management measures and improvements to existing transportation facilities, can and will be utilized in conjunction with this project. The great bulk of identified transportation improvements involve improvements to existing transportation facilities. Moreover, the Speedway will rely heavily on implementation of a traffic management plan to move vehicles to and from the Speedway, and on event management to spread out the time during which vehicles arrive and depart. However, those modes, measures and improvements, alone and in combination, are not sufficient in themselves to accommodate the traffic generated during peak events. From an operational standpoint, they simply won't work to accommodate anticipated traffic.

Similarly, locations not requiring goal exceptions will not work because the Speedway requires a rural location which necessitates travel on rural land. The need to get vehicles to a rural location cannot be met operationally by improvements located entirely inside Boardman's urban growth boundary, three miles distant from the Speedway.

In considering thresholds, cost is not a significant threshold. Cost factors include costs for right of way acquisition, sub-grade preparations, drainage features, surfacing, structures, and roadside amenities. There is no real viable option to use land inside the Boardman urban growth boundary, as that would create significant traffic conflicts with existing uses in the City.

On the other hand, economic dislocation is an important factor. Economic dislocations can occur indirectly, in the sense that Speedway-generated traffic at large events could clog local roads and significantly impede the ability of residents, businesses and visitors in Boardman to get around. In considering alternatives, it is important to ensure adequate movement of people and goods within the City of Boardman itself and in surrounding areas. For businesses, this includes movement of people and goods to the PGE coal-fired plant and dairy farms located south of the Boardman airport.

Retaining adequate local access during premier events is also important from a social standpoint. People in and around Boardman need to be able to get around Speedway-generated traffic without substantial inconvenience. Alternatives that do not support this result would not be reasonable.

Operational feasibility is very important. Given the very large numbers of vehicles that will come to the Speedway for premier events, alternatives must be able to handle those vehicles in a manner that maintains adequate vehicle movement. Also important is the ability to move non-Speedway generated traffic through the Boardman area on I-84. Alternatives that fail to provide reasonable roadway access, circulation and movement to or past the Speedway are not considered reasonable.

Another critical threshold is the ability to implement an alternative. As earlier noted, two transportation alternatives involving the construction of new roads across properties owned by the Navy or the State of Oregon have been identified. These alternatives work from an operational standpoint. They also may provide greater protection to I-84 because they move traffic off the freeway onto access roads. That said, the Navy alternative is not feasible because the Navy has refused to make its land available for a new roadway accessing the Speedway. Also, to date, land currently owned by the State of Oregon is not yet available to the Port for right-of-way purposes. Unless the Port gains permission to place roadways through these lands, these alternatives cannot be implemented.

**7. OAR 660-012-0070(7), ORS 197.732(1)(c)(C), Goal 2 Part II(c)(3) and OAR 660-004-0020(2)(c)**

OAR 660-012-0070(7) provides that to comply with Goal 2 Part II(c)(3), the exception must compare the economic, social, environmental and energy consequences of the proposed location with other locations requiring exceptions. The exception must discuss "whether the net adverse impacts associated with the proposed exception site are significantly more adverse than the net impacts from other locations which would also require an exception." The proposed exception would fail only if the impacts associated with it are "significantly more adverse" than the other identified exception sites. Under OAR 660-012-0070(c), the evaluation of consequences may be generalized.

OAR 660-004-0020(2)(c) is very similar to OAR 660-012-0070(7). It requires a general description of the character of each alternative area and discussion of the advantages and disadvantages of the various alternatives, including positive and negative consequences. Like OAR 660-012-0070(7), the exception must explain why the use at the chosen site is not "significantly more adverse" than would typically result from the same proposal being located at one of the other exception sites. Considerations include which resource lands are most productive; the ability to sustain resource uses near the proposed use; and long-term economic impact on the general area resulting from removal of land from the resource base.

For the surface road system within the airport property, no alternative locations requiring exceptions are under consideration. Accordingly, no ESEE analysis is necessary to authorize this improvement.

However, the proposed new I-84/Speedway Interchange (which could be located along I-84 either east or west of the PGE spur tracks) does require an ESEE analysis, because preliminary traffic analysis has identified another alternative requiring goal exceptions. That alternative involves a new access road connecting the Speedway to the I-84/Three Mile Canyon Interchange. If a new Speedway Interchange is built, then a new access road connecting the Speedway to Three Mile Canyon would not be needed

to accommodate traffic coming from or departing to the west. Consequently, these alternatives must be compared.<sup>55</sup>

For the purposes of this discussion, it is assumed that the Port may be able to obtain right-of-way across the publicly owned lands west of the airport. If that cannot happen, then a new access road to Three Mile Canyon would be infeasible and require no further analysis.

### **Three Mile Canyon Access Road v. New Speedway Interchange**

A new access road connecting Three Mile Canyon to the Speedway would parallel I-84 on its south side from Three Mile Canyon to Six Mile Canyon, then turn south to a narrow point in Six Mile Canyon where it would cross over towards the Speedway. In all, the road would cover a distance of approximately five to six miles. The roadway would extend through undeveloped lands that are either vacant or used seasonally for grazing. Although these lands are zoned mostly for exclusive agricultural use (there is some industrial zoning just west of the Speedway), they are unirrigated lands of low agricultural quality that are characterized by sagebrush. According to SCS Soil Classification Maps, the only soil type in this area is Prosser-Rock outcrop complex, whose capability subclass is Class VI dryland. This soil is used mainly as rangeland, but livestock grazing should be limited mainly to winter. Because significant racing events at the Speedway will not be held during winter months, converting a portion of these lands for a new roadway to access the Speedway would have minimal adverse economic effect.

Similarly, building a new Speedway Interchange would have little adverse economic impact. Directly affected lands are vacant lands zoned for industrial use. If anything, the economic effect would be positive, providing better access to the airport and the Speedway.

Social impacts include visual impacts, impacts to property values, impacts to quality of life, and the like. Neither a new freeway interchange nor a new access road would have any significant adverse social impacts, because of the lack of any dwellings or businesses in the affected areas. Likewise, neither would cause any significant environmental impact because the affected areas do not contain inventoried significant natural resources. In terms of energy, whether cars travel to the Speedway along a new access road or along I-84 via a new interchange, they would be traveling about the same distance. Some additional energy costs would be required to build the new access road, but additional costs also would be required for stacking lanes west of a new interchange.

In conclusion, neither alternative accommodating traffic originating from points west has net impacts that are significantly more adverse than the other. While a new access road would impact agricultural lands, the affected properties are of very low

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<sup>55</sup> Because a new road across the Bombing Range is not feasible because of the Navy's decision not to allow a road easement across its property, this potential alternative need not be addressed.

value and used only for seasonal grazing. For this reason, removal of some land for a new access roadway would have no significant long-term economic impact. Accordingly, either alternative is justified under this exception.<sup>56</sup>

**8. OAR 660-012-0070(8), ORS 197.732(1)(c)(D), Goal 2 Part II(c)(4) and OAR 660-004-0020(2)(d)**

OAR 660-012-0070(8) provides that to comply with Goal 2 Part II(c)(4), the exception must describe the adverse effects that the proposed transportation improvement is likely to have on the surrounding rural lands and land uses, including increased traffic and pressure for nonfarm or highway oriented development on areas made more accessible by the transportation improvement. This section also requires, as part of the exception, facility design and land use measures which minimize accessibility of rural lands from the proposed transportation facility and support continued rural use of surrounding lands.

Similarly, OAR 660-004-0020(2)(d) requires the exception to explain how the proposed use is compatible with other adjacent uses or will be rendered compatible through measures designed to reduce adverse impacts. As used in this section, "compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

Because a new I-84/Speedway Interchange would provide access only to lands designated and zoned for industrial development, and because those lands, through this exception, will be authorized to accommodate speedway-related urban scale uses, a new Speedway interchange will not adversely impact rural lands and land uses. This new connection to the airport property will not make other rural lands more accessible. Neither will it increase pressure for nonfarm or highway oriented development in areas outside the Speedway site. For these reasons, design or mitigation measures are not needed.

Similarly, a new roadway located entirely within airport boundaries will not adversely impact rural lands and land uses, as it will provide access only to lands approved for Speedway and industrial uses. Again, no design or mitigation measures are needed.

**F. Refinement Plan.**

OAR 660-012-0025(3) authorizes local governments to defer decisions regarding function, general location and mode to a "refinement plan" upon the adoption of certain findings. In this instance, decisions regarding the general location of a new Speedway Interchange will need to be deferred to a refinement plan due to the need for the Port to

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<sup>56</sup> Additional analysis would occur during the NEPA process.

obtain a "deviation" from the Oregon Transportation Commission (OTC) to allow that interchange to be sited at a distance of less than six miles from another interchange.

The proposed location of the Speedway Interchange is just east of the PGE rail spur, approximately 2.9 miles west of the Tower Road Interchange. This location meets ODOT *minimum* standards for rural areas along an interstate highway, but not ODOT's *desired* "crossroad to crossroad" spacing standard of six miles. See Oregon Highway Plan (OHP), Appendix C, Tables 12 and 17. Accordingly, the Port must request a "deviation" to the six mile standard from the OTC, as authorized by the OHP. This requires preparation of a major deviation study. The appropriate time to file that request would be during preparation of the alternatives analysis required by the National Environmental Policy Act. The refinement plan can be completed with the preparation of the major deviation study once the requirements of NEPA have been met and the location of the interchange has been determined.

A second interchange serving the Speedway is needed to comply with ODOT performance standards. One interchange alone cannot handle the traffic associated with a 60,000 person event and still maintain consistency with ODOT performance standards on I-84. The deferral of this matter to a refinement plan will not invalidate the assumptions upon which the proposed TSP amendments are based, since the assumptions provide for two freeway accesses to the Speedway and, one way or another, this can happen. The nature of the findings adopted in the refinement plan would be to address why the proposed location (east of the railroad spur) is appropriate and needed, and to compare the economic, social, environmental and energy consequences of the proposed location with other locations requiring exceptions. It is noted that all identified alternative locations would require exceptions. It is expected that the NEPA analysis will commence following a decision by Morrow County to approve this land use application. These analyses typically take about a year or two, depending on whether the project requires an environmental assessment or an environmental impact statement. This provides time to complete the refinement effort within three years.

## **IX. Compliance with 1999 Oregon Highway Plan.**

The 1999 Oregon Highway Plan (OHP) identifies 15 policies with which local and regional transportation system plans must be consistent.

Policy 1A requires the State to develop and apply the state highway classification system to guide ODOT priorities for system investment and management. Roadways affected by the Speedway include Interstate 84 and Interstate 82, both of which are classified as interstate highways. The principal functions of interstate highways are to provide connections to major cities, regions of the state and other states, and to provide connections for regional trips. The management objective of this classification is to

STATE OF OREGON

County of Morrow

} SS

I certify that this instrument was received and recorded in the book of records of said county.

BARBARA BLOODSWORTH,  
Morrow County Clerk

by:  Deputy.

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