

Enrolled
Senate Bill 665

Sponsored by Senator NELSON, Representative G SMITH; Representative WITT

CHAPTER

AN ACT

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

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

SECTION 1. ORS 197.432 is amended to read:

197.432. As used in ORS 197.432 to 197.434:

(1) "Associated uses and facilities" means:

(a) Speedway-related and accessory uses and facilities identified in the findings; **and**

(b) **Road course garage units.**

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

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

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

(b) **An asphalt road course of least two miles with grandstand seating capacity of 20,000 or more.**

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

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

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

(a) **Champ Car;**

(b) **Indy Racing League (IRL);**

(c) **National Association for Stock Car Auto Racing, Inc. (NASCAR);**

(d) **World of Outlaws (WoO);**

(e) **National Hot Rod Association (NHRA);**

(f) **International Hot Rod Association (IHRA);**

(g) **Sports Car Club of America (SCCA);**

(h) **Grand American Road Racing Association (Grand Am);**

(i) **Automobile Club de l'Ouest (American Le Mans); and**

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. ORS 197.433 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Speedway supporting uses and facilities.

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

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

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

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

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

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

(c) Establish a process for amending the plan;

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

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

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

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

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

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

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

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

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

(ii) The proposed associated uses and facilities;

(iii) The proposed speedway supporting uses and facilities;

(iv) A speedway destination resort;

(v) A speedway theme park;

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

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

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

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

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

(xi) Public and private roads.

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

(D) The density and intensity of proposed uses.

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

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

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

Passed by Senate May 8, 2007

Repassed by Senate June 27, 2007

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Secretary of Senate

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President of Senate

Passed by House June 27, 2007

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Speaker of House

Received by Governor:

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

Approved:

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

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Governor

Filed in Office of Secretary of State:

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

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Secretary of State