

Senate Bill 665

Sponsored by Senator NELSON, Representative G SMITH

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expands development allowed in conjunction with speedway destination site to include permanent housing units.

Limits time for Department of Land Conservation and Development to review proposed changes to acknowledged comprehensive plan and land use regulations.

Prohibits review by Land Use Board of Appeals and limits review of appellate courts.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to speedway destination site development; creating new provisions; amending ORS 197.432
3 and 197.433; and declaring an emergency.

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

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

6 197.432. As used in ORS 197.432 to 197.434:

7 (1) **“Adjacent residential development” means single or multi-family dwelling units regu-**
8 **larly and customarily provided in conjunction with speedways, marinas or golf courses.**

9 [(1)] (2) **“Associated uses and facilities” means speedway-related and accessory uses and facili-**
10 **ties identified in the findings and facilities that can be included in a destination resort under**
11 **ORS 197.435 to 197.467.**

12 [(2)] (3) **“Findings” means the Morrow County Findings of Fact and Conclusions of Law, dated**
13 **June 21, 2002, and September 24, 2003, in the matter of an application by the Port of Morrow for**
14 **comprehensive plan and zoning amendments to allow the siting of a speedway and related facilities**
15 **at the Port of Morrow.**

16 [(3)] (4) **“Major motor speedway” means a combination of race tracks developed and used for**
17 **premier, high speed automobile races, as identified in section A (3) of the June 21, 2002, findings.**

18 [(4)] (5) **“Speedway destination site” means a site containing a major motor speedway and as-**
19 **sociated uses and facilities.**

20 [(5)] (6) **“Transient lodging” means a unit consisting of a room or a suite of rooms that is**
21 **available for a period of occupancy that typically does not exceed 30 days and for which the lodging**
22 **operator:**

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

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

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

27 197.433. (1) On a site approved for development of a major motor speedway, pursuant **either** to
28 an exception to statewide land use planning goals relating to agricultural lands, public facilities and
29 services and urbanization that was acknowledged before September 2, 2005, **or to the adoption of**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **a master plan under section 4 of this 2007 Act**, if the site is developed and used as a major motor
 2 speedway, the governing body of Morrow County or its designee may authorize the ancillary devel-
 3 opment of transient lodging, *[and]* associated uses and facilities, **and adjacent residential devel-**
 4 **opment:**

5 (a) Without taking further exception to the statewide land use planning goals relating to agri-
 6 cultural lands, public facilities and services and urbanization.

7 (b) *[Primarily]* For the use of users *[and patrons]* of the major motor speedway **and associated**
 8 **uses and facilities, and** *[but available, as well, to]* members of the general public.

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

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

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

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

16 (a) Without taking further exception to the statewide land use planning goals relating to agri-
 17 cultural lands, public facilities and services and urbanization.

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

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

23 (a) Without taking further exception to the statewide land use planning goals relating to agri-
 24 cultural lands, public facilities and services and urbanization.

25 (b) *[Primarily]* For the use of users *[and patrons]* of the major motor speedway **and associated**
 26 **uses and facilities, and** *[but available, as well, to]* members of the general public.

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

33 **(5) Notwithstanding ORS 197.610, the governing body of Morrow County shall forward to**
 34 **the Director of the Department of Land Conservation and Development a proposal to amend**
 35 **a local government acknowledged comprehensive plan or land use regulation or to adopt a**
 36 **new land use regulation affecting development of a speedway destination site at least 21 days**
 37 **before the first evidentiary hearing on adoption.**

38 **SECTION 3. Section 4 of this 2007 Act is added to and made a part of ORS 197.432 to**
 39 **197.434.**

40 **SECTION 4. (1) The Port of Morrow or its designee may apply to the governing body of**
 41 **Morrow County for approval of a proposal to develop a speedway destination site by sub-**
 42 **mission of a master plan as provided in this section.**

43 **(2) The master plan submitted with the application may propose amendments to the ac-**
 44 **knowledged comprehensive plan and land use regulations that are necessary to facilitate de-**
 45 **velopment of a speedway destination site.**

1 **(3) The governing body of Morrow County may approve a master plan pursuant to this**
 2 **section without taking further exception to the statewide land use planning goals relating to**
 3 **agricultural lands, public facilities and services and urbanization if the expanded site area**
 4 **described in the master plan:**

5 **(a) Is contiguous to a site described in ORS 197.433;**

6 **(b) Occupies 15,000 acres or fewer; and**

7 **(c) Includes lands for which an exception to a statewide land use planning goal has al-**
 8 **ready been taken or, if an exception has not been taken, the applicant demonstrates that the**
 9 **lands have low value as productive agricultural lands.**

10 **(4) A master plan submitted pursuant to this section must specify:**

11 **(a) The duration and phasing of development proposed by the plan;**

12 **(b) A general description, including location, of the uses permitted on the site, including:**

13 **(A) The major motor speedway;**

14 **(B) Associated uses and facilities;**

15 **(C) Adjacent residential development and transient lodging;**

16 **(D) Sewage works, including all facilities necessary for collecting, pumping, treating and**
 17 **disposing of sewage;**

18 **(E) Drainage works, including facilities necessary for collecting, pumping and disposing**
 19 **of storm and surface water;**

20 **(F) Street lighting works, including facilities necessary for the lighting of streets and**
 21 **highways;**

22 **(G) Public parks and recreation facilities, including land, structures, equipment, supplies**
 23 **and personnel necessary for acquiring, developing and maintaining public parks and recre-**
 24 **ation facilities and administering a program of supervised recreation services;**

25 **(H) Water supply works, including all facilities necessary for tapping natural sources of**
 26 **domestic and industrial water, treating and protecting the quality of the water and trans-**
 27 **mitting it to the point of sale to any person, city, domestic water supply corporation or other**
 28 **public or private agency for domestic, municipal and industrial water supply service;**

29 **(I) Public transportation, including public depots, public parking and the motor vehicles**
 30 **and other equipment necessary for the transportation of persons together with their per-**
 31 **sonal property; and**

32 **(J) Public and private roads;**

33 **(c) The projected density and intensity of use;**

34 **(d) A schedule and procedure for compliance review;**

35 **(e) The parties responsible for providing infrastructure and services; and**

36 **(f) Proposed zone changes or comprehensive plan amendments.**

37 **(5) A master plan must:**

38 **(a) Set forth all future discretionary approvals, if any, required for the development**
 39 **specified in the plan;**

40 **(b) Specify the conditions, terms, restrictions and requirements for discretionary ap-**
 41 **provals;**

42 **(c) Establish a process for amending the plan; and**

43 **(d) Specify the dates upon which construction to develop or expand a speedway destina-**
 44 **tion site is expected to begin and end.**

45 **(6) Except as otherwise provided in this section, a master plan shall comply with the**

1 **Morrow County comprehensive plan and land use regulations.**

2 **SECTION 5. (1) Proposed development pursuant to a master plan approved as provided**
3 **in section 4 of this 2007 Act is not subject to review by the Land Use Board of Appeals under**
4 **ORS 197.805 to 197.855.**

5 **(2) A party to a proceeding before the governing body of Morrow County may seek judi-**
6 **cial review of the governing body's decision by the Court of Appeals in manner similar to**
7 **that provided by ORS 197.850 and 197.855, except that the court shall reverse or remand the**
8 **decision of the governing body only if it finds:**

9 **(a) The proposed development approved by the governing body does not qualify for ap-**
10 **proval as a speedway destination site master plan under section 4 of this 2007 Act; or**

11 **(b) The decision is unconstitutional.**

12 **SECTION 6. This 2007 Act being necessary for the immediate preservation of the public**
13 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
14 **on its passage.**

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