

## **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"

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~~ 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)

<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

- 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

<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. Its 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.

Boardman Air/Industrial Park "Need" Exception

Devco Aviation

~~(Insert A)~~ Located here

PGE Carty Coal Fired Plant

This parcel of 640 acres is the site of a PGE coal fire plant and is completely developed and no longer available of resource uses (see exception map).

Morrow County Grain Growers

The 18.48 acre parcel contains grain storage and barge dock facilities and has been in existence since 1968.

Tidewater Terminal Company

Two parcels, tax lots 100 and 200, township 5 north, range 26EWM, section 15, consisting of 80.34 acres at the north end of Patterson Ferry road east of Morrow County Grain Growers. This acreage was deeded to Tidewater by the U.S. Army Corps of Engineers in exchange for tax lot 103 for utilization of the bomb docks and docking areas. The area has been designated for industrial use since 1963. This natural deep water facility has been utilized for towboat and barge activities along this reach of the river prior to and after the construction of the John Day Dam. Morrow County has designated this reach of the Columbia River as a natural deep water facility resource, one of the few remaining sites on the Columbia River upstream from the John Day Dam.

Add

MC-C-4-86

to Include Boeings

GI-Zoned land

(6 sections). Also

include map.

SP

m-27124

BEFORE THE MORROW COUNTY COURT  
OF MORROW COUNTY

AN ORDINANCE AMENDING THE COMPREHENSIVE )  
PLAN DESIGNATION AND ZONING ORDINANCE IN )  
THE UNINCORPORATED AREAS OF MORROW ) ORDINANCE NO MC C-3-86  
COUNTY, OREGON, AND DECLARING AN EMER- )  
GENCY )

The County of Morrow does Ordain as follows:

WHEREAS, Morrow County adopted a Comprehensive Land Use Plan on January 15, 1986; and

WHEREAS, Notice of hearing was given in accordance with law; and

WHEREAS, hearing was held pursuant to said notice; and

WHEREAS, Morrow County has found that a need exists to amend the Plan and Zoning Ordinance to permit and control needed uses in a specific area within the unincorporated areas of the County in compliance with ORS 197.732(1)(e) and OAR 660-04-018(3)(a) to allow specific uses not contained in the Zoning Ordinance, the said specific area being Sections 10, 11, 12, 13, 14 and 15 in Township 3 North, Range 24 East W.M. in Morrow County, Oregon;

NOW THEREFORE, Be it ordered by the Morrow County Court that:

1. Amend Page 36 of the Comprehensive Plan to include the following description of this Specific Limited Use Overlay Zone: "Specific Limited Use Overlay Zone".

The purpose of the Specific Limited Use Overlay Zone is to limit the list of permitted uses and activities allowed in the underlying zone applicable to Sections 10, 11, 12, 13, 14 and 15, Township 3 North, Range 24 East W.M. Morrow County Oregon, to only those uses and activities which are justified in the Comprehensive plan 'reasons' exception statement under ORS 197.732(1)(c) as required by OAR 660-04-018(3)(a). When this Specific Limited Use Overlay zone is applied, the uses permitted in the underlying zone shall be limited to those uses and activities specifically referenced in the adopting ordinance applying this Specific Limited Use Overlay Zone. Reasonable conditions may also be imposed by this Specific Limited Use Overlay Zone when necessary to carry out the

provisions of the plan and land use regulations.

2. Amend the Zoning Ordinance to include the following new section: "Specific Limited Use Overlay Zone."

A. Section 3.110: Purpose. The purpose of the Specific Limited Use Overlay Zone is to limit the list of permitted uses and activities allowed in the underlying zone applicable to Sections 10, 11, 12, 13, 14 and 15, Township 3 North, Range 24 East W.M. Morrow County, Oregon, to only those uses and activities which are justified in the Comprehensive Plan 'reasons' exception statement under ORS 197.732.(1)(c). The Specific Limited Use Overlay Zone is intended to carry out the administrative rule requirement for 'reasons' exceptions pursuant to OAR 660-14-018(3)(a).

B. Section 3.110: Procedures. The Specific Limited Use Overlay Zone is to be applied through the plan amendment and rezoning process at the time the underlying plan and zone designation is being changed. The Specific Limited Use Overlay Zone shall be applied in accordance with the following procedures. Findings regarding each of the steps listed below shall be included in the adopting ordinance.

1. The uses and activities subject to the rezoning are required to be limited to those uses and activities justified in the exception OAR 660-04-018(3)(a).

2. A review of all zones in the zoning ordinance determines that none of those zones limit the uses and activities as required by OAR 660-04-018(3)(a).

3. The proposed underlying zone is found to be better suited than any other zone in the zoning ordinance.

C. Section 3.110: Official Plan/Zoning Map. The official plan/zoning map shall be amended to show a SLU suffix on any parcel where the Specific Limited Use Overlay Zone has been applied.

D. Section 3.110: Site Plan Requirement: In addition to limiting the uses in the zone it may be necessary to require County approval of the location of buildings, access and parking, screening and other site planning considerations in order to ensure the compatibility of the permitted uses with the area. The process for reviewing the site plan shall be described at the time of the Specific Limited Use Overlay Zone application. Site plan requirements may be added by specific reference in the adopting ordinance. The ordinance shall indicate any special concerns or locational requirements that must be addressed in the site plan and be approved by the Planning Commission. All other specifications and standards of the underlying zone remain

in effect unless specifically altered by the site plan approval.

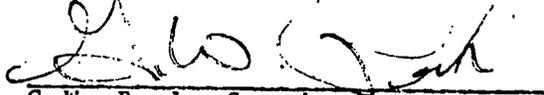
As it is necessary for the health, welfare, convenience and economic well being of the citizens of Morrow County, an emergency exists and this Ordinance shall take affect immediately upon unanimous vote of the County Court and attestation by the County Clerk.

Dated this 2 day of July 1986.

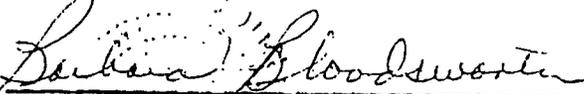
MORROW COUNTY COURT

  
Donald G. J. McElligott, Judge

  
Irvin Rauch, Commissioner

  
G.W. Peck, Commissioner

ATTEST:

  
Barbara Bloodsworth  
County Clerk

STATE OF OREGON } ss. 125015  
County of Morrow } Indexed

I hereby certify that the within instrument was received for record.

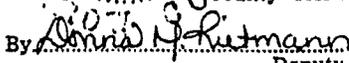
on 07-08-86 at 10:23 Am

and assigned NO 27124

in the Microfilm Records of said county

Witness My Hand and Seal of County Affixed

Barbara Bloodsworth  
County Clerk

By   
Deputy

m-27125

BEFORE THE MORROW COUNTY COURT  
OF MORROW COUNTY

AN ORDINANCE AMENDING THE COMPREHENSIVE )  
[LAND USE PLAN DESIGNATION AND ZONING )  
CLASSIFICATION FOR CERTAIN LAND IN THE ) ORDINANCE NO. MC-C-4-86  
UNINCORPORATED AREAS OF MORROW COUNTY, )  
OREGON, AND DECLARING AN EMERGENCY )

The County of Morrow does ordain as follows:

WHEREAS, Morrow County's Comprehensive Plan was adopted on January 15, 1986; and

WHEREAS, Notice of Hearing on the proposed redesignation thereto were published; and

WHEREAS, Hearings on the proposed redesignation were held; and

WHEREAS, Morrow County has prepared an exception statement for certain land in Morrow County in compliance with Statewide Planning Goals, to-wit: All lands within Sections 10, 11, 12, 13, 14 and 15, in Township 3 North, Range 24 East, W.M. in Morrow County Oregon; and

WHEREAS, the site plan for the remote antenna range, Phase II, has been submitted to the Morrow County Planning Commission in connection with the Plan and Zoning Ordinance amendment application, and the sublessee-occupant has assured this Court that no danger to life or property arises from use as a remote antenna range; and

WHEREAS, IT NOW APPEARS TO THE Court that the Plan and Zoning Ordinance with this amendment are in conformance with ORS Chapter 197.732(1)(c) as required by OAR 660-018(3)(a);

NOW THEREFORE, Be it ordered by the Morrow County Court that:

1. All land within Sections 10, 11, 12, 13, 14 and 15, Township 3 North, Range 24 East, Morrow County, Oregon, be designated General Industrial Morrow County M-G, and:

2. That the zone change from EFU (Exclusive Farm Use) to General Industrial is subject to the Specific Limited Use Overlay Zone. The Specific Limited Use Overlay Zone is applied to limit the permitted uses to "antenna test range, or for electronics, aerospace, aircraft or space vehicle research and/or development." This limitation is necessary because other permitted uses in the General Industrial zone may not be compatible with nearby land uses.

3. In the event any use other than as an antenna test range, and which use is approved by this ordinance, is desired, the owners shall submit a site plan for that use to the Morrow County Planning Commission. The impact of any such specific use shall be determined prior to issuance of any required building or use permits. Any condition Morrow County deems necessary or desirable to preserve and protect the public health, safety and welfare shall be imposed.

4. The site plan review process shall be as follows: Owner shall submit such site plan to the Morrow County Planning Commission (Commission); Commission shall publish notice of public hearing no less than 10 days prior to hearing date; after the hearing has been held, Commission shall make their findings conclusions, and recommendations, and shall submit same to the Morrow County Court; within seven days of receipt of said findings, conclusions and recommendations, the Morrow County Court shall approve or deny the site plan, or may accept the site plan subject to specific conditions.

As it is necessary for the health, welfare, convenience and benefit of the citizens of Morrow County, an emergency exists and this Ordinance shall take affect immediately upon the unanimous vote of the County Court and attestation by the County Clerk.

DATED this 2nd day of July, 1986

MORROW COUNTY COURT

Donald C. J. McMilligott  
Donald C. J. McMilligott, Juddge

Irvin E. Rauch  
Irvin Rauch, Commissioner

G. W. Peck  
G. W. Peck, Commissioner

ATTEST:

Barbara Bloodsworth  
Barbara Bloodsworth  
County Clerk

STATE OF OREGON } ss. 125016  
County of Morrow } Indexed

I hereby certify that the within instrument was received for record.

on 07-08-86 at 10:27 AM

and assigned NC 27125

in the Microfilm Records of said county

Witness My Hand and Seal of County Affixed

Barbara Bloodsworth  
County Clerk

By Donna M. Rietmann  
Deputy

EXHIBIT A-1  
Approved

Insert A

LCDC GOAL EXCEPTION STATEMENT

prepared for  
Port of Morrow  
Boardman, Oregon

August 1985

by

DEVCO Aviation Consultants  
Corvallis, Oregon

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#### Exhibits

##### Exhibit

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B	Industrial Siting Criteria
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## BACKGROUND

This Exception Statement and findings are presented pursuant to O.R.S. 197, Sec. 732, which allows local governments to adopt exceptions to L.C.D.C. Goals when the standards of O.A.R. 660, Division 4 are met. Morrow County is requesting an exception to Goal 3, Agricultural Lands, for a parcel in northern Morrow County, approximately five miles west of Boardman, Oregon, (Township 4N., Range 24 E. Sections 20, 21, 22), (Figures 1, 2). The entire parcel is leased by the Port of Morrow and is currently zoned Industrial. Adjacent lands are zoned Exclusive Farm Use and Industrial. The primary surrounding use is a Naval bombing range. The parcel is bounded on the north by Interstate 84 and on the east by Tower Road, (Figure 3). Access to the site is via the Tower Road interchange with I-84, and the Union Pacific Spur on the west side of the site. The proposed designation, Airport Operations, would provide for the expansion of the existing Boardman Airport with federal state and local funding, and the development of an Air/Industrial Park by the Port of Morrow.

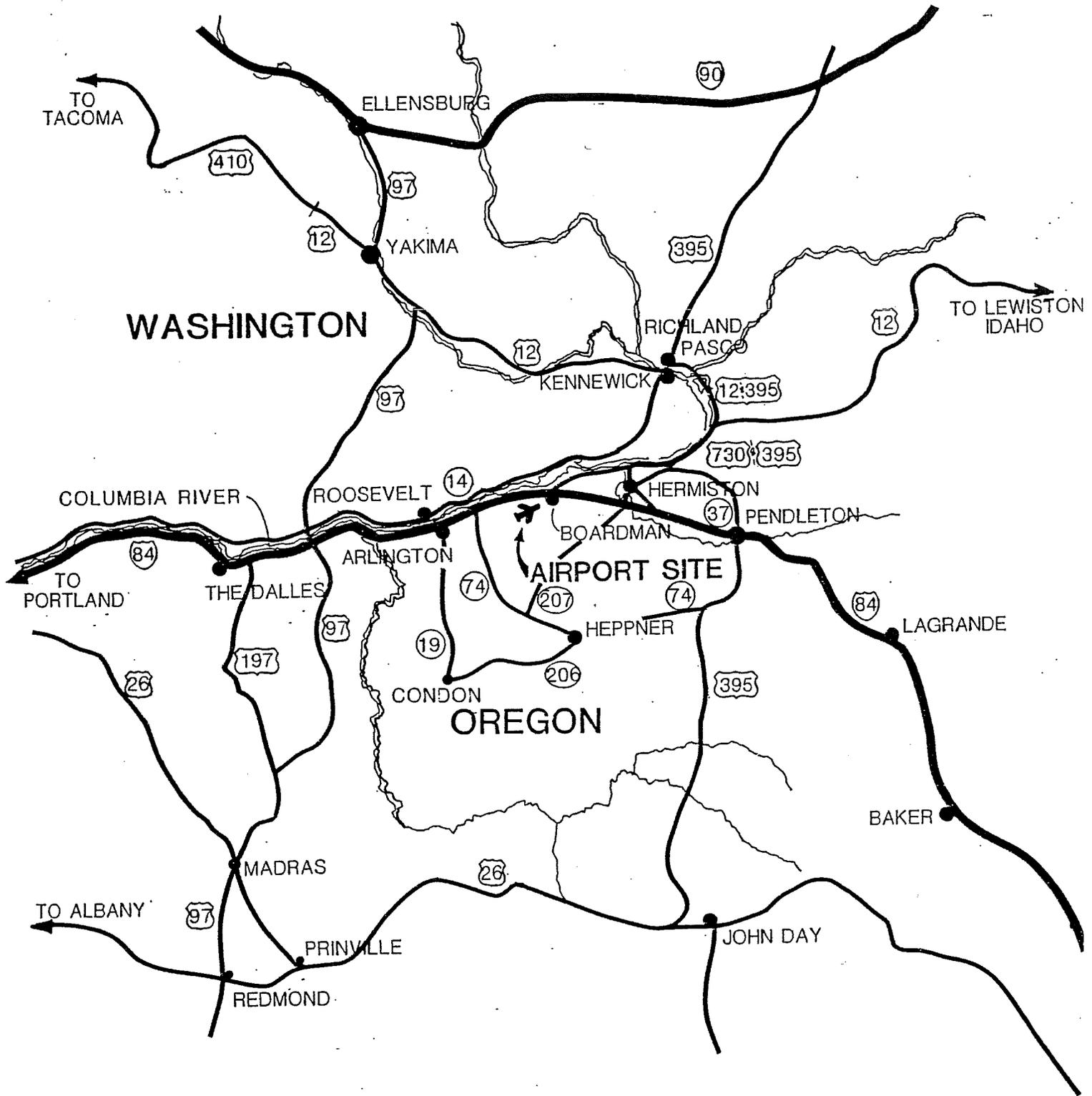
Land use consistency issues involve an exception to Statewide Goal 3 and adopting findings of consistency with Statewide Planning Goals and the Morrow County Comprehensive Plan. The following discussion capsulizes the recognized need for the Boardman Airport expansion and airport industrial park, established as a result of numerous public hearings, extensive background studies the state and regional airport system plans, County economic development policies, Environmental Assessment, and Morrow County Comprehensive Plan. Certain planning documents and studies are cited in this text and are hereby incorporated into the record.

- <sup>1</sup>Morrow County Comprehensive Plan
- <sup>1</sup>Morrow County Economic Statement
- 1985 Draft Environmental Assessment

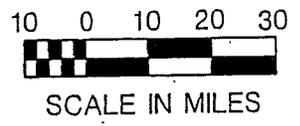
The principal objectives of the proposed development are to provide for the aviation needs and economic development needs of Morrow County. This Exception Statement is being accomplished in conjunction with an Environmental Assessment and Master Plan for the Port of Morrow relative to the subject property, utilizing Federal Aviation Administration funding assistance and Port of Morrow funds. The Port has been investing in interim improvements to the airport facilities. This project will 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.

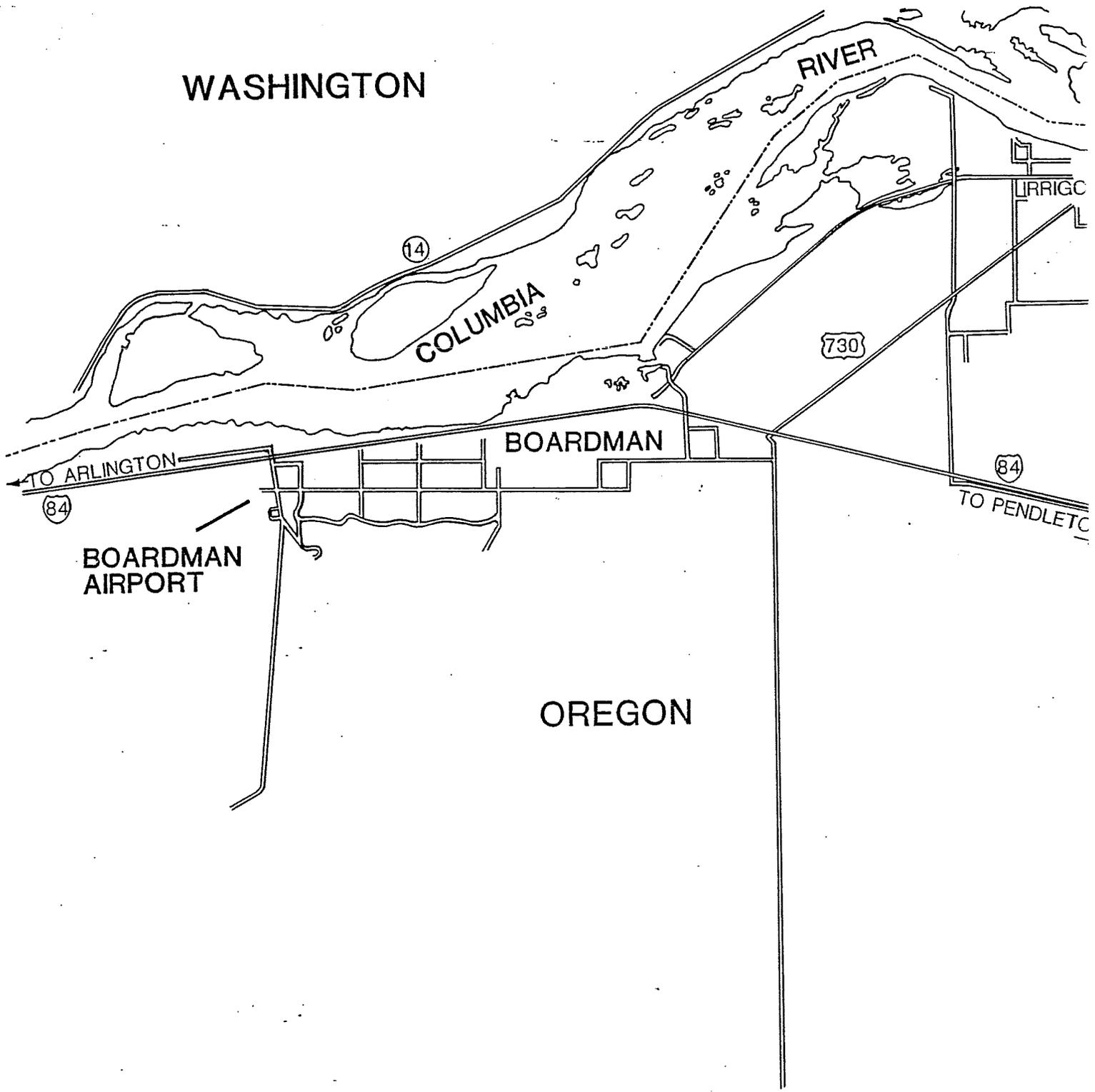
<sup>1</sup> Adopted by local governing bodies.

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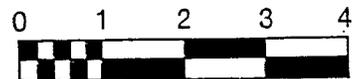
**LOCATION MAP**  
**FIGURE 1**





# VICINITY MAP

FIGURE 2



SCALE IN MILES









The site is part of a 100,000 acre tract which was originally leased by the State Department of Veteran's Affairs to the Boeing Agri-Industrial Corporation in 1963 for purposes of industrial development. Boeing relinquished its lease, and in 1984 the Port of Morrow leased 2,700 acres of the 100,000 acre tract, including Boardman Airport, from the State of Oregon. Deducting land necessary for buffers, rights-of-way, setbacks, approach and clear zones, net developable land is approximately 1,300 acres, (Drawing 4). The Port has a 99 year leasehold interest with an option to purchase the property. No land acquisition would be required for the proposed plan as the Port controls the entire site.

Terms of the Port's lease (Exhibit A) require development of "a public air facility and related support facilities." In addition, the lease requires development consistent with the Master Plan, (Plan currently under preparation) which includes development of "...an airport at Boardman suitable for the safe and efficient operation of general aviation, air cargo, agricultural air services, and commuter services" and "...an industrial park at and around the Boardman Airport which will 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 "providing sites for general industrial/commercial users".

The site is located on Class 6 and 7 soils, dryland farming, and Class 2 and 4 soils if irrigated. Due to extensive rock outcrops and geologic formation, is not economically viable for agricultural use. Soils are subject to severe erosion during frequent windstorms. The site has marginal value for intermittent grazing. Irrigation has not been utilized historically, nor is it contemplated.

Careful planning is necessary to ensure that valuable resources are protected, that potential environmental consequences of proposed development are adequately assessed, that readily available and developable industrial lands and aviation facilities will be adequate to meet the community's needs, and that the land around the airport will be developed in a manner compatible with Statewide Planning Goals and Guidelines, the Morrow County Comprehensive Plan, airport operations, State of Oregon-Port of Morrow Lease Agreement, and State Economic Development goals.

Funding for work completed and work anticipated will continue to come through a cooperative agreement with federal, state, and local agencies. Funds are available at each level and are not expected to be an impediment to the completion of this project.

*Not a...*

*RAY*

Section 1  
REASONS JUSTIFY WHY THE STATE POLICY EMBODIED IN THE APPLICABLE  
STATE GOALS SHOULD NOT APPLY

Demonstrated Need for the Proposed Activity

There is a demonstrated need for the proposed use based upon Goal 9, Economy of the State and Goal 12 Transportation.

Economy

Two documents relative to economic development have been adopted by local governing bodies. The "Morrow County Economic Statement"<sup>1</sup> is the product of a year long project which strongly emphasized citizen participation. The twelve member committee, comprised of representatives from all parts of the Morrow County economy, "was formed to provide a forum for continuous citizen involvement" for the purpose of providing the County "with integrated development direction", and "to meet the planning requirements of Goal 9".

Specific goals for Morrow County identified as a result of this participatory process include:

- o To diversify local businesses, industries and commercial activities and to promote the economic growth and stability of the county.
- o To better coordinate and improve transportation facilities and corridors within the county.
- o To encourage the development of compatible land uses throughout the county.

The Statement further recognizes that improvement of the Boardman Airport "could benefit existing industries already located in the Port's industrial park and could attract new businesses to the area".

The Morrow County Comprehensive Plan<sup>2</sup>, adopted after extensive citizen input and numerous public hearings, documents the need and support for this proposed use and for Port of Morrow economic development activities. The Plan cites as a specific goal, diversification of local business, industries, and commercial activities, and promotion of the economic growth and stability of the county.

The Port of Morrow is an extremely active port district involved in myriad activities including: ownership and operation of marine terminals, municipal utility, operation of a 2,000 acre farm for effluent disposal, land acquisition and development. The Port of Morrow has served as a conduit for \$80 million in Industrial Development Revenue Bonds into the port district.

Business in the Port of Morrow industrial area employs more than 1,800 persons. The existing City of Boardman has approximately 2,300 residents. While there is a commuting element, the significance of Port activity is evident. The Morrow County Comprehensive Plan documents the significant role of the Port "in the overall growth and stability of the County". Not only does the Port provide the basic structure for industrial development, it also "provides the basis for vital support facilities for the agricultural and forestry sectors". The Plan goes on to cite the need for an overall Master Plan for the Port "to insure orderly development and cost-benefit maximization" and further recognizes the necessity of financial assistance for such a Plan. The Federal Aviation Administration has committed nearly \$30,000 to the development of a Master Plan and Environmental Assessment for the proposed project.

The County Comprehensive plan documents that the "proposed airport is considered vital and would, in the future, place the County as one of the most important shipping, processing, manufacturing and distribution centers on the Columbia River".

"Vacant lands in the Port", the Plan states, "are also vitally important to overall economic growth and stability", and there exists "a need to provide for adequate industrial sites throughout the County".

Morrow County's economy, primarily resource-based, has tended, historically, to fluctuate with agricultural and commercial timber markets. Economic advantages are an integral part of the proposed Plan. The project will create additional jobs, provide a port for goods and services, and offer opportunities for the introduction of non-cyclical business and employment into the county's economic base.

Population and economic growth are encouraged and anticipated in this area. In an effort to encourage economic growth and diversification, the City of Boardman, with a current population of 2,300, has planned and zoned sufficient land for a population of 12,000

A survey conducted by the Port of Morrow indicates local business would benefit from and utilize improved facilities at Boardman Airport, (Exhibit C). 58% of the respondents indicated the proposed improvements would save their business transportation time.

Information received from the Oregon Economic Development Department documents a need by certain industries for siting criteria, unique in this area, to the proposed development. Exhibit A tabulates examples of industries requiring location at or adjacent to an airport, plant site sizes ranging from 21 - 100+ acres, and location in a non-metropolitan area. The only other air industrial park in this part of Oregon is in Pendleton, and it is limited to small acreage industrial sites.

Typical examples of users which would be appropriately located at this site include synthetic organic medicinal chemicals, (100+ acres), thermoplastic resins, (51-100 acres), aeronautical and nautical instruments, (21-50 acres), and mineral wool for insulation, (51-100 acres). Exhibit B lists additional industrial users requiring large sites, airport service and a non-metropolitan location. These are examples only, and there are many other business/industrial users with similar siting criteria. Assuming one of each type of user listed in Exhibit B were to locate at Boardman, and each required the high side estimated acreage, 1,500 acres would be required. Thus, the proposed 1,300 developable acres can be justified as reasonable.

The proposed air industrial park is in compliance with the Morrow County Comprehensive Plan, the Morrow County Economic Statement, and Statewide Goal 9 in that its accomplishment will "diversify and improve the economy of the state".

### Transportation

The Morrow County Comprehensive Plan states as a goal, "To better coordinate and improve transportation facilities within the County, and more specifically, to encourage and support the development of an Airport on the Port of Morrow", and cites "interest and support for an additional airport to serve the County to be located at the Port of Morrow".

A significant factor in supporting existing business, and in increasing the diversification of business and industry within a given area; is the quality of available airport facilities.

The Plan further recognizes the Port of Morrow as a "vital resource for" (economic development) "needs" and that a Master Plan "to accommodate such must be developed in the near future. The lack of adequate funding for such a project is considered critical". The county intends to "encourage and endorse" efforts for the development of an airport Master Plan for the Port of Morrow "as an integral part of the County's Overall Comprehensive Plan". As mentioned previously, funding has been committed and work is in progress for the airport Master Plan. Continued federal funding is, however, dependent upon approved compatible land use plans.

The proposed development plan is in compliance with Goal 12. Filling a gap in transportation resources, the proposed development plan will provide a safer, more convenient, and more economical regional transportation system than the existing airport system.

### Special Qualities Necessitating Location at This Site

The airport expansion/air industrial park project has special considerations which reasonably limit its location to a place on or near the proposed exception site. The development of the existing site offers a number of advantages over development of

other potential alternatives. The site at Boardman has economic and community advantages as well as geographic and resource assets. Of prime consideration is the fact that a significant portion of the property (approximately 10%) is committed to airport use, thus a valuable geographic and transportation resource exists at the proposed site. Direct access for air-industrial park tenants to the airport facilities affords a distinct economic advantage with benefits flowing both to the tenants and the community.

Also considered advantageous, the topography of the site and the surrounding area is almost flat with virtually no natural obstructions to aviation. The location is in the center of the Columbia/Snake River market area, with direct access to the Pacific Rim markets.

This site is unique in its ability, upon completion of this project, to provide air service in conjunction with the river, freeway, and rail systems, a multi-modal transportation hub.

The Boardman site is in a prime position relative to energy supplies, specifically hydro and coal fired electric power. An important advantage is the site's compatibility with existing land uses. The nearest dwelling is approximately one mile away. The Naval bombing range, which surrounds most of the proposed development, would continue in its present use, unobstructed. Agricultural use which is directly east, but not contiguous to the site, could continue without interference.

The existing site is unusual in its provision of amenities. It is served by a Union Pacific spur line, upon which the Burlington Northern Railroad has interchange rights, an arrangement that could serve industrial users well.

Interstate 84 borders the site, with an adjacent interchange. Bonneville Power Administration, Portland General Electric, Pacific Power and Light Company, and Umatilla Electric Cooperative Association serve the site, as does an eight-inch high pressure natural gas pipeline. Water and sewer service are available.

An additional exceptional feature of this site is the relationship between the property ownership and sources of funding. The Port of Morrow has the use of Industrial Development Revenue Bonds, Federal Aviation Administration funding, Port revenue bonds, and other public and private capital sources that can be utilized for facility improvements, infrastructure and industrial development.

The cumulative effect of the unique or special qualities of the Boardman site for an airport and air/industrial park uses make it unique to this part of Oregon.

Section 2  
AREAS WHICH DO NOT REQUIRE A NEW EXCEPTION CANNOT REASONABLY  
ACCOMMODATE THE USE

The following discussion is largely excerpted from the 1985 Draft Environmental Assessment<sup>3</sup> for the Boardman Airport Master Plan, "Analysis of Alternatives".

Three reasonable alternatives, including the no-build alternative, were evaluated according to their potential to serve the need for readily available air/industrial sites, the aviation needs of the Port, Morrow County residents and businesses in the Boardman Area, and to meet FAA requirements.

An analysis of nearby airports within reasonable distance of the Boardman Airport was conducted. Two airports were found within reasonable access from the Port of Morrow: Arlington Municipal Airport and Hermiston Municipal Airport. Both airports are included in the Oregon Airport System Plan.<sup>4</sup> Severe limitations exist at each of these airports regarding service to the larger business aircraft. Both have reached their physical limits, so no expansion is possible without imposing significant impacts on the communities they serve. Some aircraft owners at these two sites have indicated that they would base their aircraft at Boardman for reasons of proximity. This would most likely relate to reducing surface travel time, resulting in a savings in fossil fuel.

It is also important to consider the potential of other area sites to accomplish all that the existing site might. In the past five years, the Port of Morrow, supported by other local jurisdictions and local pilots, conducted an airport site selection study. Several sites were assessed in detail including one site north of the existing Port offices along the river as well as another closer to Irrigon. After considerable analysis, each of these sites were eliminated in favor of seeking the transfer of the Boardman Airport to public ownership and development. The analysis and conclusions were accepted and supported by State of Oregon Aeronautics staff and the FAA Northwestern Mountain Regional Office staff contingent upon legal and environmental approvals,--objectives of this Master Plan process.

The only alternative that would not require a Goal Exception is the No-Build alternative. All expansion or relocation alternatives in this area would fall on agricultural or urbanized land. The alternatives discussed in this section cannot reasonably accommodate the use because they do not meet the objectives of Goal 9 and Goal 12.

Equivalent amenities are not available at the alternative sites for the proposed uses. The Boardman site is the only site which has the combination of factors which make it ideal for business/industrial users requiring large acreages for plant location,

relative remoteness from typical urban uses, access to a multi-modal transportation system, and/or an abundance of energy resources to be economically viable. The site is fully served by utilities and is readily available for business location without undue development costs. Additionally, the fact that the property is in the control of the Port of Morrow gives it a high degree of flexibility in terms of financing options for improvements, infrastructure, siting incentives, etc.

This proposal is located in the most appropriate area. Other alternatives were rejected because they had unreasonable adverse impacts on the project area, did not meet FAA requirements, or had prohibitive impacts in terms of land commitment or financial commitment. Existing area industrial sites and airports cannot efficiently or effectively serve the identified demand.

Section 3  
LONG-TERM ENVIRONMENTAL, ECONOMIC, SOCIAL AND ENERGY CONSEQUENCES

The environmental assessment process provides a means for identifying and discussing potential impacts, including environmental, economic, social and energy, as well as any possible mitigations of potential adverse impacts. The 1985 Draft Environmental Assessment for the Boardman Airport has been accomplished in response to the National Environmental Policy Act (NEPA) of 1969, and the 1982 Airport and Airways Improvement Act. The proposed development is consistent with the 1980 National Airport System Plan prepared by the U.S. Department of Transportation, Federal Aviation Administration (FAA) and the Oregon Aviation System Plan, 1982.

Further, the Morrow County Comprehensive Plan states as a county policy, "to insure in the planning process that economic and environmental considerations are balanced."

The following summary discussion of potential impacts demonstrates that development of the proposed use at the Boardman site would not result in more adverse consequences than would typically result from the same proposal being located in other areas requiring a Goal Exception. For a more thorough discussion of potential consequences and mitigations, refer to the 1985 Draft Environmental Assessment, Chapters 3 and 4.

Several prospective sites were identified which lie outside Urban Growth Boundaries, but which could have been possible alternative airstrips. None could have been air industrial parks of the nature of the preferred alternative. These include Morrow County Airport at Lexington; Umatilla Army Depot Airstrip; an undeveloped site on the waterfront at the Port Offices; and, an undeveloped site adjacent to old Highway 730 on Port property. Each had been evaluated and rejected for reasons which make the preferred alternative very attractive by comparison. Each is discussed briefly below:

- a. Morrow County Airport at Lexington has a \_\_\_\_\_ foot runway, but was rejected before detailed analysis because of its distance from the Boardman area--35 miles, a distance which puts it further out of reach than any of the other alternatives.
- b. Umatilla Army Depot Airstrip has a \_\_\_\_\_ foot runway, but was rejected before detailed analysis when it was determined that it is currently unavailable to non-military flights and is not expected to become available in the foreseeable future.
- c. Undeveloped site at Port Office is a nearly level tract at the Boardman City Limits on Port Property. No airstrip or support facilities exist. Though it would have been near the city and industrial park, the site, if developed, would have had a number of disadvantages, any one of which is fatal to the future of the site and makes the site less attractive than the preferred alternative: physical limits on the length of the airstrip; constraints on noise and hours of operation because of flight path over adjacent residential areas; safety concerns; development would usurp waterfront property critically needed for water dependent and water related uses; and, development of the site was generally incompatible and inconsistent with existing and planned adjacent land use.

d. Undeveloped site near Highway 730 has no airstrip, but was reviewed as a prospective site because it is fairly level and close (2 miles) to Boardman. Disadvantages included: location such that the end of any runway would abut a Fish and Wildlife Service refuge; physical limits on runway length; future constraints on types of aircraft useable from the site; requirements to move major transmission lines; disruption and separation of existing effluent disposal fields; and inconsistent and incompatible with existing and planned adjacent land uses.

(Both c) and d) sites lie within the areas identified for port terminal and industrial uses by "A Plan for Development of the Oregon Mid-Columbia River Waterfront" by J.D. Meyers, Oregon Department of Commerce, July, 1966.)

### Noise

Noise due to aircraft flyovers, even in communities immediately adjacent to an airport, does not cause significant auditory fatigue because the noise occurs for a very brief period, followed by relatively long periods of quiet. Additionally, the ambient levels are frequently higher than those created by the small aircraft using Boardman airport.

Over the years, the FAA and acoustical researchers have developed several methods of forecasting the effects of airport noise upon surrounding communities. One of the primary aircraft noise forecasting techniques in the United States is the day/night exposure level (Ldn) methodology which is based upon an Equivalent Sound Level (Leq). An Leq is the equivalent steady noise level which, in a given period of time (24 hours), contains the same noise energy as the intermittent noise sources during the same period. The Ldn is weighted to account for the quieter background noise levels from 10:00 p.m. to 7:00 a.m. The Ldn is a measurable quantity and can be measured directly at existing airports using portable monitoring equipment. Also, Ldn may be used for quantifying other noise sources, such as auto traffic, and for comparing them to airport-generated noise as shown on Table 1. This methodology is required under Oregon law and is one of those acceptable by the federal government.

Table 1  
TYPICAL dBA SOUND LEVELS

<u>Sound Source</u>	<u>dBA Level</u>
50 HP Siren (100')	132
Jet Takeoff (200')	122
Riveting Machine	110
Cut-off Saw	102
Subway Train (20')	90
Pneumatic Drill (50')	82
Freight Train (100')	72
Vacuum Cleaner (10')	70
Speech (1')	70
Small Computer (5')	65
Large Store	60
Light Traffic (100')	50

Source: Peterson and Gross, 1972.

The "worst case", year 2005, 55 and 60 Ldn noise contours for the Boardman Airport are depicted on Drawing 3, Land Use Plan. The existing, year 1985, 55 Ldn are also shown.

Noise due to individual and collective industrial uses will be regulated according to Department of Environmental Quality regulations and buffered in accordance with Morrow County development standards. The remoteness of the site relative to urbanized areas is further assurance of minimal impacts.

A noise problem is not anticipated as a result of the proposed improvement of the Boardman site.

Noise during the construction process will be limited to the construction site. The remoteness of the construction site will generally preclude undesirable effects resulting from construction noise. Truck and other construction vehicle traffic will be largely confined to the immediate site area.

The local populace should experience no adverse effects, and there are no long term environmental impacts to be mitigated.

#### Topography

Areas to be left in a natural state should not be disturbed during construction operations. Areas disrupted for construction will be revegetated with low growing plant material as completion is approached. The Soil Conservation Service will be consulted to ensure that replacement of covering earth and revegetation of disturbed soil is optimized. Debris basins and runoff holding areas are effective methods of erosion and siltation control.

During construction, light sprinkling of exposed soils should be undertaken to minimize the adverse impacts of wind-related erosion and dust. Natural drainage courses, if any, traversing the site should be left in their natural state unless it is absolutely necessary to alter them. Any alteration deemed necessary will be undertaken utilizing sound engineering standards.

### Land Use

Land uses in the vicinity of the proposed site are governed by Morrow County. It is important to protect the public interest by complying with Land Conservation and Development Commission (LCDC) requirements regarding land use planning. The land surrounding the airport is designated Industrial and Exclusive Farm Use. The adjacent land is vacant and the primary use is a U.S. Naval bombing range. County zoning is depicted in Drawing 3. All existing and planned uses surrounding the site, including resource, are considered compatible with the proposed use.

Morrow County is requesting an Exception to Goal 3 to bring the Comprehensive Plan designation and zoning into compliance with the existing and proposed uses of this land. The proposed air/industrial park and airport expansion are not only the most socially and economically viable, but are justifiable considering the carrying capacity of the land relative to resource use.

### Housing

The proposal does not result in a need for relocation of residences, thus no impact in this regard is anticipated.

### Socioeconomic Impacts

The proposed development involves design and construction of an air/industrial park and improvement of Boardman Airport to Basic Transport standards.

It is anticipated that impacts from the proposed development will have positive long term socioeconomic impacts related to employment creation during construction, support of existing business activities, job retention, and the potential for attracting new business interests to the area.

An anticipated objective of this proposal is to attract economic activity to the area, which appears likely, particularly when viewed in conjunction with the Port's economic development activities. The proposal will also accommodate growing aviation demands and larger, business aircraft. Airport development would also support existing business and decrease commute time and expense for those individuals and businesses currently using neighboring airports.

The State of Oregon Economic Development Department (EDD) states that the proposed development plan will be very important to the area and that such a facility is necessary to business: transporting raw and finished goods, parts, and service people and transporting executives in and out. EDD further supports the preferred alternative as completing a natural multi-modal transportation hub in conjunction with the river, freeway, and rail transportation.

Since the socioeconomic impacts of general aviation airports can be debatable, a report which documents the direct economic impact of such airports is very helpful<sup>5</sup>. The authors document that significant amounts of funds flow into the community from general aviation airports in the form of salaries. Substantial funds are derived from outside the community, a significant, positive socioeconomic factor. It is also important to note that, according to the above referenced study, a significant percentage of the aviation activity at an airport is directly related to business purposes. This would, of course, include agribusiness in the Boardman proposal.

By enhancing the area's competitiveness relative to business development and transportation, the proposed development will facilitate significant job retention, and will create jobs during the construction phase. The improved airport and the attraction of new business to the industrial park will create permanent new employment for Morrow County. Considering the economic multiplier effect (secondary economic activity generated) it can be seen that this proposal can have widespread, positive socioeconomic impacts on Morrow County.

The proposal may ultimately include roadway improvements, including access to the industrial park. Related costs are expected to be financed by the Port of Morrow. Negative socioeconomic impacts are not expected from these improvements, rather they will contribute to the smooth flow of vehicular traffic, augmenting and enhancing the existing transportation system.

There do not appear to be any negative socioeconomic impacts to be mitigated relative to this proposal.

### Safety

Morrow County is in the process of adopting protective zoning for county airports and adjacent properties. According to Federal Aviation Administration regulations, an approach surface is an imaginary surface extending from either end of a runway, into which no manmade or natural object should penetrate. These areas should be protected from development in order to provide adequate unobstructed land for aircraft navigation. The Port of Morrow property, due to its proximity to existing and planned airport facilities, will be protected from incompatible development. The Port property acts as a safety buffer that separates airport operations from land uses in proximity to the airport.

## Air Quality

Air quality standards define acceptable containment levels that will have no long-term undesirable effects on health, aesthetic values, or property for all segments of the population. The Clean Air Act Amendments of 1970 established a national program to attain and maintain a minimum standard of air quality throughout the nation. As a result, the Environmental Protection Agency (EPA) drafted a set of National Ambient Air Quality Standards (NAAQS) for those pollutants considered to be a major health problem.

The federal standards are divided into primary standards and secondary standards (to protect the public welfare from effects such as visibility reduction, soil nuisance, and other forms of damage). The State of Oregon has adopted air quality standards based on and essentially equivalent to the national standards. The Oregon Standards will be applicable to activity at Boardman.

Individual and collective industrial uses will be evaluated according to Department of Environmental (DEQ) standards. Aircraft operations usually contribute a relatively small percentage of the ambient air pollution.

Boardman, according to DEQ, is in a fairly good ventilation system and has no known air pollution problems. Before this airport would be subject to a DEQ permit it would have to reach a threshold of 50,000 annual operations or experience an increase of 25,000 or more annual operations within a ten year period. Annual operations at the Boardman Airport are not projected to surpass 18,800 by the year 2005. The Environmental Protection Agency states that if FAA and DEQ standards are met, the EPA has no further requirements related to air quality.

Table 4 summarizes the air pollution which is forecasted for peak-hour aircraft for Boardman Airport. This table includes air pollution forecasts with the airport development plan. The "worst case" emissions are so minimal that the effort to determine the emissions without development was considered insignificant.

Table 2  
NATIONAL AMBIENT AIR QUALITY STANDARDS

<u>Pollutant</u>	<u>Primary</u>	<u>Secondary</u>
Suspended Particulate		
Annual Geometric Mean	75 ug/m <sup>3a</sup>	60 ug/m <sup>3a</sup>
24 hours	260 ug/m <sup>3</sup>	150 ug/m <sup>3</sup>
Carbon Monoxide		
8 hour	10 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>
1 hour	40 mg/m <sup>3</sup>	40 mg/m <sup>3</sup>
Sulfur Oxides		
Annual Arithmetic Average	.03 ppm (80 ug/m <sup>3</sup> )	None
24 hours	.14 ppm (365 ug/m <sup>3</sup> )	None
3 hours	None	.50 ppm 1300 ug/m <sup>3a</sup>
1 hour	None	None
Oxidants		
1 hour	.12 ppm	.12 ppm
Nitrogen Dioxide		
Annual Arithmetic Average	.05 ppm (100 ug/m <sup>3</sup> )	.05 ppm (100 ug/m <sup>3</sup> )
Hydrocarbons (non-methane)		
3 hours	.24 ppm <sup>b</sup> (160 ug/m <sup>3</sup> )	.24 ppm <sup>d</sup> (160 ug/m <sup>3</sup> )
Lead		
Annual Arithmetic Average Calendar year	1.5 ug/m <sup>3</sup> )	1.5 ug/m <sup>3</sup>

Source: Code of Federal Regulations, Chapter 40, 1982

<sup>a</sup> This is not a standard, rather it is to be used as a guide in assessing whether implementation plans will achieve the 24-hour standard.

<sup>b</sup> This is not a standard, rather it is to be used as a guide in devising implementation plans to achieve the oxidant standard.

ug/m<sup>3</sup> = micrograms per cubic meter  
mg/m<sup>3</sup> = milligrams per cubic meter  
ppm = parts per million

Annual standards never to be exceeded, short-term standards may not be exceeded more than once per year unless noted.

Table 3  
 OREGON AMBIENT AIR QUALITY STANDARDS

<u>Pollutant</u>	<u>Averaging Time</u>	<u>Standards</u>
Suspended Particulate Matter	Annual Geometric Mean	60 ug/m <sup>3</sup>
	24 hours	150 ug/m <sup>3</sup>
	Monthly	100 ug/m <sup>b</sup>
Carbon Monoxide	8 hour <sup>a</sup>	10 mg/m <sup>3</sup>
	1 hour <sup>a</sup>	40 mg/m <sup>3</sup>
Sulfur Dioxide	Annual Arithmetic Ave.	60 ug/m <sup>3</sup>
	24 hour	260 ug/m <sup>3a</sup>
	3 hour	1300 ug/m <sup>3a</sup>
Photochemical Oxidants	1 hour <sup>a</sup>	235 ug/m <sup>3</sup>
Nitrogen Dioxide	Annual Arithmetic Ave. <sup>a</sup>	100 ug/m <sup>3</sup>
Hydrocarbons (non-methane)	3 hour <sup>a</sup> (60-0900)	160 ug/m <sup>3</sup>
Lead	Calendar Quarter	1.5 ug/m <sup>3c</sup>

Source: Oregon Department of Environmental Quality, Air Quality Annual Report 1981

<sup>a</sup> Not to be exceeded more than once per year

<sup>b</sup> 24 hour average not more than 15 percent of the time

<sup>c</sup> Adopted federal standards at Environmental Quality Council, January 1, 1983.

ug/m<sup>3</sup> = micrograms per cubic meter

mg/m<sup>3</sup> = milligrams per cubic meter

Table 4  
 HISTORICAL AND FORECASTED PEAK-HOUR AIRPORT RELATED AIR EMISSIONS  
 Boardman Airport Environmental Assessment

<u>Source</u>	<u>Carbon Monoxides</u>	<u>Hydro- Carbons</u>	<u>Nitrogen Oxides</u>
kg	kg	kg	kg
Existing Activity			
Jet	0	0	0
Twin Engine Reciprocating	87.3	1.6	.02
Single Engine Reciprocating	<u>19.56</u>	<u>.36</u>	<u>.03</u>
TOTAL	106.86	1.96	.05
1990			
Jet	21.	6.2	3.16
Twin Engine Reciprocating	182.56	4.0	.17
Single Engine Reciproacting	<u>107.85</u>	<u>1.98</u>	<u>.05</u>
TOTAL	311.41	12.18	3.375
Ultimate Activity - 2005			
Jet	42.	9.3	4.74
Twin Engine Reciprocating	218.25	5.6	.28
Single Engine Reciprocating	<u>305.55</u>	<u>3.4</u>	<u>.07</u>
TOTAL	565.80	18.3	5.09

Note: kg = kilograms

Source: U.S. EPA "Compilation of Air Pollutant Emission Factors", AP-42, February, 1985.

The net impact on the ambient air quality shown above will be the result of an increased level of aviation activity. Table 4 illustrates that, whether the airport improvement plan is implemented or not, the pollution concentrations for all the parameters will be far below national and state standards.

Because of the small amounts of increased pollutants, the proposed development plan would not create a significant impact although total emissions from aircraft and surface vehicles would increase as a result of the increased aviation and industrial activity.

Presently, air quality easily meets state and federal ambient air quality standards. Short term impacts could occur during construction which could temporarily have a negative impact on ambient air quality. Because of surrounding land uses, any discomfort from construction-related effects will be limited primarily to construction personnel. Total emissions from short term

sources during construction can be reduced by adhering to good construction standards and the following mitigating measures:

- o Blowing dust will be minimized by removing the existing vegetative cover only from the areas required to accomplish specific tasks. The cover will be restored at the earliest practical time.
- o Covered haul trucks will be utilized and truck and other construction vehicle traffic will be limited, as much as possible, to the immediate site area.
- o Open burning will be carefully controlled.
- o Drilling apparatus will be equipped with water or chemical dust-control systems.

Projected air traffic and surface vehicular traffic will not produce a significant impact on area air quality.

#### Water And Water Quality

Agricultural spraying operations are planned for the proposed development. The Oregon Department of Environmental Quality (DEQ) regulates the containment of waste pesticide/herbicides under OAR Chapter 340, Hazardous Wastes Management.

A DEQ permit is required for management of an agriculture application operation. Their permit is often a letter of authorization between the operator and the state defining and agreeing to the exact method for waste disposal or containment. The proposed plan identifies a specific area on the airport for all agricultural application operators to use. The plan also depicts a design and will include development cost estimates for a major containment system if and when such a system is needed.

DEQ standards will be enforced relative to agricultural spraying operations. All pesticide or herbicide rinse water will be collected and recycled or hauled to a DEQ approved waste site. No rinse water will be allowed to escape into the environment, thus mitigating any potential impacts.

During the construction phase, there is a potential for temporary surface and water contamination.

Strict measures will be taken in the design and construction of improvements, in accordance with state and federal guidelines, for the mitigation of any potential negative impacts.

Drainage in undeveloped areas usually relates to small amounts of runoff. Rainfall is absorbed by vegetation, dead organic matter, and into the soil. The airport development will increase the area of impervious surfaces, reducing the site's absorption capacity. Due to the low average rainfall, this increase in development will not significantly affect the water quantity and quality of creeks in the general vicinity.

The proposed industrial park and airport expansion will have a significantly less adverse impact on the ground water table than would an agricultural use. The O.S.U. Extension Service representative for Morrow and Umatilla Counties states that the amount of water needed to irrigate crops in this part of the county ranges from 679,000 inches to 869,000 inches per acre per year, depending upon the crop<sup>7</sup>. The Port of Morrow provides nine farms with water from a pump station at the Columbia River. The average annual amount of water recorded for this use is 1.1 billion gallons per year. Even industrial users with high water requirements would have a substantially smaller demand for water.

There are no significant long-term impacts to be mitigated related to surface and subsurface water due to the proposed development.

#### Special Land Uses

No mitigating measures are required in this category as there are no Department of Transportation Act, Section 4(f) lands, managed state or federal lands, wildlife refuges, parks or other recreational facilities involved.

#### Historical, Architectural, Archaeological, and Cultural Resources

An archaeological survey of the proposed development has not been conducted according to the Oregon State Historical Preservation Office (SHPO). SHPO and the Morrow County Planning Office have indicated there are no known historic, architectural, archaeological or cultural resources in the vicinity of the proposal. No mitigating measures are considered necessary at this time, however, there always exists the potential for discovering such resources. Should that happen, all necessary steps would be taken, in coordinating with SHPO, for the evaluation and preservation of the resources.

#### Flora and Fauna

The proposed site does not support any population of threatened or endangered wildlife species according to the Fish and Wildlife Service, Endangered Species Program. The Endangered Species Act of 1973 defines endangered species as "any species which is in danger of extinction throughout all or a significant portion of its range". This act also defines threatened species as "any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range".

The existing site is situated in the sparsely populated, arid, non-forested region of Oregon. The natural vegetation of this region has been designated as "steppe". Most of the undisturbed vegetation would be dominated by big sagebrush and rabbitbrush. Other plants generally found would include a variety of bunch-grasses. Due to grazing, these native grasses have been invaded by othergrasses such as cheatgrass and Kentucky bluegrass.

Unique species nearly always require vegetative cover and natural habitat. The proposed site does not contain any significant natural habitat and the site has little natural value.

Measures to protect water resources would also protect the biological systems supported by those water resources. No ecological changes of significance or permanence should occur.

### Geology and Soils

Geology and soils are discussed in Section 5 of this Exception Statement. That discussion points out the geologic restrictions which make irrigability unfeasible for the subject site. Extensive rock outcroppings occur throughout the site making it unsuitable for cultivation. Marginal intermittent grazing is the only farm-related use for which the site is suited. Loss of productive agricultural lands will be minimal, thus there are no significant impacts to be mitigated.

### Energy Supply and Natural Resources

The airport development plan at the existing site would require consumption of fossil fuels and other natural resources, but the impact is reduced because the airport use is already established and the majority of the land for that use is committed. Consumption of fuel and other energy resources will increase with or without airport development, due to the forecasted number of aircraft operations for the area. Without the proposed airport improvements, more resources would be consumed transporting existing and future local aviation users to and from other airports. Boardman Airport's increased energy consumption, if any, will not be a significant factor in the impact of energy consumption growth.

Likewise, the air/industrial park will not be significant in determining increases in energy consumption. Business growth will occur with or without this proposal, based upon market demand, economic forecasts, monetary supply, etc. Morrow County, by providing well-planned, readily developable tracts with exceptional transportation and utility amenities, in conjunction with the Port's development incentives, can be instrumental in targeting where economic development occurs.

### Light Emissions And Glare

Boardman Airport currently has no runway or taxiway lighting.

The ultimate development proposes Medium Intensity Runway Lights, Visual Approach Slope Indicator Lights, Runway End Identifier Lights, Taxiway Reflectors, and a rotating beacon. The air/ industrial park will involve lighting which will be governed by Morrow County development standards.

Because of the sparsely populated area, (i.e., nearest dwelling approximately one mile in distance) and the land use surrounding the site, no significant impacts to the community are anticipated.

#### Aesthetics

The aesthetic appeal of the proposal is linked in part, to the landscaping materials and techniques used. Aesthetics have, to a certain extent, already been determined, due to the existing commitment to airfield use. All development must respond to the Morrow County Zoning Ordinance relative to landscaping and buffering. There should be no negative impacts to be mitigated.

#### Section 4, Summary

The impact of the proposal at the Boardman site would be less than that expected for an alternate location.

Section 4

**THE PROPOSED USES ARE COMPATIBLE WITH ADJACENT USES**

The project is exceptional in its compatibility with existing and proposed land uses. Adjacent properties are zoned Industrial and Exclusive Farm Use. All adjacent lands are vacant with the vast majority of that zoned EFU being utilized as a U.S. Naval bombing range. Naval Weapons System Training Facility officers and the Port of Morrow are working cooperatively to ensure the continued unobstructed use of both properties. Agricultural use is compatible with industrial and aviation uses. Land to the east, but not contiguous to the proposal, may continue in cultivation without interference.

Morrow County is in the process of adopting appropriate protective zoning for aviation activities. This ordinance is planned to assure environmental compatibility with adjacent uses and is intended to provide further safeguards for land uses near the airport and persons travelling in aircraft. Recommended safeguards include flight safety zones, height limitations, and restrictions pertaining to electrical interference and illumination. The airport property acts as a safety buffer and open space, separating airport operations from land uses in proximity to the airport.

Setbacks, landscaping, vegetative buffers, and other development standards for the air industrial park will be in conformance with the Morrow County Zoning Ordinance and the Master Plan.

Section 5  
THE PROPOSED USE WOULD HAVE A SIGNIFICANT COMPARATIVE ADVANTAGE  
DUE TO ITS LOCATION

Defining soil types, class and capability is important for meeting the requirements of Oregon land use law.

Data on geology and soils have been attained from the U.S.D.A., Soil Conservation Service and from the Multiple Land Use Development Study conducted by CH2M Hill<sup>6</sup>.

The dominant geologic formation at the site is Columbia River basalt which consists of massive lava flows varying in depth from a few feet to tens of feet, layered upon each other for a total thickness of several thousand feet. The CH2M Hill study states that "all evidence indicates inadequate ground water for irrigation".

The Soil Conservation Service defines this site as containing prime agricultural land only if irrigated. As mentioned earlier, the natural geologic formation in the area does not lend itself well to irrigation. The area is under study by Oregon Department of Water Resources as a potential "Critical Ground Water Area". This classification is placed on areas in which ground water levels are declining rapidly. This status curtails use of groundwater and generally prohibits dwelling new wells.

The proposed development is situated on predominantly Class 6 and 7 soils, dryland, or Class 2 and 4 soils, if irrigated. Predominant soils are Prosser Silt Loam and Prosser Rock Outcrop. As can be seen in Figure 4, the majority of the proposal is situated on Prosser Rock Outcrop Complex, the more restrictive for agricultural purposes. The site is marginal in its capability to support intermittent grazing. These soils are subject to severe wind erosion. Many rock exposures occur throughout the site, and portions of resource soils which could otherwise be viably farmed, are not contiguous.

The State of Oregon appraises this site at \$78,000, approximately one fourth the valuation of nearby dryland farms.

The proposed industrial use is significantly dependent upon the planned transportation network which would incorporate the existing aviation resource, rail, river and freeway systems with planned airport facilities improvements.

With the significant business and commercial development along the Columbia in northern Morrow County and northwestern Umatilla County the development of an airport to serve business type aircraft would result in significant savings in surface travel time and fuel. The development of the Boardman Airport to transport standards is a logical completion of the regional transportation system.



The aviation and industrial uses could not be located within an urban growth boundary without significant impacts related to noise, light emissions, safety and air emissions.

The only air industrial park serving Oregon within the subject market area is in Pendleton, approximately 45 miles away. The Pendleton industrial park offers only small lots and could not meet the demand for the types of uses proposed at Boardman.

The proposed use would have a significant comparative advantage at this location due to the cumulative effects of the outstanding transportation system; availability of large tracts; readily available utilities and energy supplies, (specifically hydro and coal-fired electric power); compatibility with surrounding land uses; and the Port's extremely favorable capability in terms of financing facility improvements and industrial development.

The fact that the need exists for economic development and the airport expansion is well documented in the Morrow County Comprehensive Plan and Morrow County Economic Statement. As discussed earlier in this section, the proposed Plan would cause only minimal loss of productive resource lands while opening significant opportunities for additional employment and expansion and diversification of the county's traditionally resource-based economy, which has tended to fluctuate according to agriculture and timber markets. This proposal has the attributes which will contribute to the economic vitality of Morrow County.

The proposed development imposes very few detrimental impacts upon the site and adjacent environs. There does not appear to be any environmental, locational or economic reason to vary from this Plan. The positive impacts of the proposal greatly outweigh potential negative impacts by such a margin as to make it comparatively very advantageous.

## SOURCES OF DOCUMENTATION

1. Morrow County Economic Statement, Association of Counties, East Central Oregon, February, 1979.
2. Comprehensive Plan for Morrow County, Oregon, A.R. Dick Brown, in cooperation with Morrow County Planning Department.
3. Draft Environmental Assessment, DEVCO Aviation Consultants, for The Port of Morrow, 1985.
4. Oregon Aviation System Plan, Executive Summary, Oregon Department of Transportation, Aeronautics Division, 1983.
5. Analysis of the Impacts of General Aviation Airports in Selected Communities, Sandra L. Gleason, Janet M. Thorp, June 1982.
6. The Boeing Company, Multiple Land Use Development Study for the Boeing Boardman Tract, Volume 1, CH2M Hill, May 1971.

## CONTACTS

7. Bob Aldeman, District Conservationist, U.S. Department of Agriculture, Soil Conservation Service, District 3.

## SITE INSPECTIONS

Consultant Inspection, DEVCO Aviation Consultants, Inc., June 20, 1984.

Oregon State Aeronautics Division, August 28, 1984.

STATE OF OREGON  
PORT OF MORROW  
BOARDMAN AIR-INDUSTRIAL PARK  
LEASE AGREEMENT

I. DATE:

The date of this Lease Agreement is October 5, 1984.

II. PARTIES:

The parties to this Lease Agreement are the STATE OF OREGON, acting by and through its Department of Veterans' Affairs ("State"), and the PORT OF MORROW, an Oregon municipal corporation ("Port").

III. LEASED PREMISES:

State, in consideration of the obligation of Port to pay rent and to comply with the other terms and conditions of this Lease Agreement, hereby leases to Port the property described below.

The property which is subject to this Lease Agreement is 2,700 acres, more or less, located in Morrow County, Oregon, and generally located south of Interstate 84 and between Tower Road and the Union Pacific Railroad spur line, said property being described more specifically in Exhibit "A" attached hereto and by this reference incorporated herein ("Property"). This Property presently is subject to a lease executed on July 2, 1963, between the State and the Boeing Company, now Boeing Agri-Industrial Corporation ("Boeing"), and subsequent additions and amendments thereto ("Boeing Lease"), and this agreement is contingent upon the release of the Property from the Boeing Lease and is subject to any condition contained in said release.

IV. TERM:

Except as otherwise provided in this Lease Agreement, the term of this Lease Agreement shall be from October 5, 1984, through December 31, 2040.

However, State shall have the right to review Port's performance in implementing the approved development plan, described in Exhibit "B" attached hereto and by this reference incorporated herein ("Development Plan"), on November 1, 1987. If State finds that Port's actions are consistent and in good faith with the Development Plan, then this Lease Agreement shall continue until December 31, 2040, unless otherwise terminated, amended or canceled as provided in this Lease Agreement. If State finds Port's actions are inconsistent with the Development Plan, or have been executed in poor faith, then this Lease Agreement shall terminate on December 31, 1987. Port may demand that any adverse decision of State be submitted to arbitration in the manner prescribed in Section XV herein. Such demand must be made by Port in writing within 30 days after the adverse decision of State is issued.

V. USE:

Port shall use Property for industrial, commercial and agricultural development, and such other uses as Port is allowed to undertake under Oregon law, except that State hereby reserves unto itself, its representatives, successors and assigns, all water rights, geothermal resources, oil, gas and other mineral rights in and to the Property.

VI. RENT:

1. Basic Rent. Port shall pay to State an annual rent of Three Thousand Nine Hundred Fifteen Dollars (U. S. \$3,915.00). Payment of this annual rent to State shall be made on or before July 31st of each year and shall cover the immediately preceding fiscal year of Port (July 1 through June 30).

2. Adjustments to Basic Rent. The basic rent provided for in paragraph 1 of this Section VI shall be and shall remain effective only until June 30, 1990. In order to cause the basic rent to conform to major trends in the changing purchasing power of the dollar, the dollar amount of the basic rent shall be adjusted in 1990 and every ten (10) years thereafter. The new basic rent, as thus adjusted ("adjusted basic rent"), shall become effective on July 1st of the years 1990, 2000, 2010, 2020, 2030 and 2040 A.D., respectively ("adjustment dates"), and the adjusted basic rent becoming effective as of any adjustment date shall remain effective until the next following adjustment date or until expiration or earlier termination of this Lease Agreement. The annual adjusted basic rent for any 10-year period shall be the amount which bears the same ratio to Three Thousand Nine Hundred Fifteen Dollars (U. S. \$3,915.00) as: (i) the Wholesale Price Index (all commodities) published by the United States Labor Department's Bureau of Labor Statistics for the month of June in the fiscal year immediately preceding any adjustment date bears to (ii) the said same index for October 1984. If said Wholesale Price Index is discontinued, State and Port shall select as nearly comparable statistics, reflecting the purchasing power of the dollar in the hands of a consumer purchasing commodities at wholesale, as then may be published in a responsible financial periodical of recognized authority or is then otherwise available, and such statistics shall be used thereafter in lieu of said Wholesale Price Index in determining the adjusted basic rent. If, prior to the next succeeding adjustment date, the parties hereto are unable to agree upon the statistics to be used in lieu of the discontinued Wholesale Price Index, the matter of the selection of substitute statistics shall be submitted to arbitration in the manner prescribed in Section XV herein.

3. Additional Rent. Upon location of private businesses on the Property, Port shall pay to State one-half of all net revenues paid to Port by said businesses. "Net revenues" means all gross revenues paid to Port by said businesses minus any expenses paid by Port as debt service for any capital improvement. The payments to State required under this paragraph shall be made on or before July 31st of each year and shall cover the net revenues paid to Port during the immediately preceding fiscal year of Port (July 1 through June 30). The payments to State required under this paragraph for any fiscal year shall be reduced by an amount equal to the annual basic rent, or adjusted basic rent, for that year. Upon request of State, Port shall provide an accounting of revenues and expenses.

VII. PORT'S PAYMENTS TO MORROW COUNTY, OREGON:

Port agrees to make annual payments in lieu of property taxes to Morrow County, Oregon ("County"), until such time as annual property taxes collected by County from private businesses locating on the Property equals or exceeds the annual property taxes which would have been due from Boeing had it retained possession of the Property. Such payments in lieu of property taxes shall encompass all property taxes on the Property accruing on or after September 1, 1984. The payment to County required under this Section for any tax year of County shall be reduced by the amount of any property taxes assessed by County against private businesses which have located on the Property.

VIII. AIRSTRIP:

The Property presently includes an airstrip, water and sewer facilities, and related improvements. Port agrees to undertake and develop, as soon as reasonably practicable, a public air facility and related support facilities. Port shall have control over said facilities and may develop the facilities, or sublease the facilities in accordance with the provisions of Section X herein.

IX. DEVELOPMENT PLANS:

Port has prepared a general development plan attached as Exhibit "B," which shall constitute the initial development plan, along with a marketing and promotional section to be prepared by Port no later than April 1, 1985.

State and Port agree that development activities on the Property shall be consistent with the Development Plan.

Port shall prepare and submit to State a revised development plan for Property at least every five years. The revised plan shall (1) designate areas for specific types of development; (2) show proposed locations of capital improvements, such as railroad, sewer and water facilities; (3) develop marketing and promotional materials and plans; and (4) include a budget of proposed expenditures.

Upon submission, State shall have sixty (60) days to return said plan to Port with suggestions for modification. If no suggestions are made, the plan shall control development of the area until a new plan is agreed upon.

Port shall use good faith and its best efforts to implement the plan.

X. SUBLEASES:

The parties recognize that the primary responsibility for the development of the Property, including sublease thereof, shall be Port's, and State will not unreasonably withhold its consent to any sublease. State, however, has an interest in assuring that any and all subleases entered into by Port promote the general development and interests of the area. State and

Port hereby adopt the following guidelines for determining whether a sublease is appropriate under this Lease Agreement:

- 1) Terms of subleases shall not exceed twenty-five (25) years.
- 2) Net annual rent shall not be less than eight (8) percent of the fair market value of the property subleased. "Fair market value" shall be determined in accordance with standards established by the Society of Real Estate Appraisers.
- 3) Capital improvements on all non-agricultural projects shall not be less than \$10,000 per acre subleased.
- 4) All agricultural leases shall be at current Morrow County rates and terms which are in effect at the time such sublease begins. Port agrees to retain documentation of at least three (3) current and comparable leases.

Port shall submit any proposed sublease to State for review, and State shall have thirty (30) days to review it. State shall not unreasonably withhold its consent to any proposed sublease. In the event State believes the proposed sublease is not consistent with these guidelines or the Development Plan, State must respond within thirty (30) days, specifying State's concern with the proposed sublease and indicating which terms would be acceptable to State. If agreement cannot be reached, the dispute shall be submitted to arbitration in the manner prescribed in Section XV herein.

State shall abide by the terms and conditions of each sublease during the term thereof, provided that the sublease is consistent with this Lease Agreement, the Development Plan and the guidelines set forth in Section X herein.

#### XI. SUBLEASES PROPOSED BY STATE:

Port and State recognize that development of the Property may be enhanced by promotion efforts of State. State shall have the right to recruit private businesses to locate on portions of the Property which have not been subleased or reserved for development by Port in the Development Plan. Port shall not unreasonably refuse to sublease the Property to private businesses recruited by State. Such subleases shall be consistent with the Development Plan and the guidelines set forth in Section X herein. In the event Port believes that any sublease proposed hereunder is not consistent with the Development Plan or said guidelines, Port must respond within thirty (30) days, specifying Port's concerns with the proposed sublease and indicating which terms would be acceptable to Port. If agreement cannot be reached, the dispute shall be submitted to arbitration in the manner prescribed in Section XV herein.

Revenues paid to Port by private businesses recruited by State which sublease the Property shall be apportioned between Port and State in accordance with the provisions of Section VI, paragraph 3, herein.

## XII. OPTION TO PURCHASE:

Port and State recognize that development of the Property may be promoted if Port is able to purchase the Property and that State should be fairly compensated for such sale.

Subject to existing statutes, including ORS 273.388, and legislative approval under ORS 273.386 or other legislative actions taken subsequent to the execution of this Lease Agreement, Port shall have the option to purchase the Property or any portion thereof from State until April 1, 1989. In order to execute said option, Port shall notify State in writing of its intent to purchase, specifying the property sought.

Thereafter, the price for the specified property shall be determined by appraisal conducted by qualified members of the Department of Veterans Affairs, or outside appraisers approved by the Department of Veterans Affairs to determine the fair market value of the Property. The cost of the appraisal shall be paid by Port. Thereafter, Port and State shall mutually agree upon the terms of payment, and if agreement is not reached, Port shall within six (6) months of receiving notice of the purchase price as fixed above, pay in full the purchase price; whereupon State shall deliver title to said Property to Port.

## XIII. LIENS:

Port shall pay when due all claims for work done on the Property, services rendered, or material furnished to the Property, and shall keep it free from all liens. Port shall have a period of ninety (90) days to contest any such lien in good faith. Thereafter, Port shall post a bond or other security deposit with State to assure the payment of said claim. Upon the filing of any litigation concerning such lien, Port shall post a bond or cash deposit with the court as allowed by Oregon law so as to free the Property from any claim arising out of the lien. The provision restricting liens is not intended to apply to any bonds issued by Port which would be a lien against the Property. In the event Port subleases the Property to a tenant, Port shall comply with this Section by including a similar provision in said sublease and reasonably enforcing its terms.

## XIV. CANCELLATION:

At any time the legislature determines that it is in the public interest to cancel or amend this Lease Agreement, the legislature may amend or cancel, or authorize State to amend or cancel, this Lease Agreement. In the event this Lease Agreement is canceled pursuant to this Section, Port shall be entitled to be reimbursed for moneys it has directly spent on improvements, provided that the legislature of the State of Oregon has appropriated moneys therefor. Port shall not be entitled to be reimbursed for any expenditures on improvements that were paid for out of federal or state grants.

XV. DISPUTES UNDER LEASE:

In the event the parties hereto do not agree upon the meaning of any provision of this Lease Agreement, either party may submit the matter to arbitration pursuant to the provisions of ORS 190.710 to 190.800.

XVI. INDEMNIFICATION:

Port and Port's tenants shall comply with all federal, state and local laws and ordinances applicable to activities of Port or Port's tenants under this Lease Agreement. Port shall defend, indemnify and hold State harmless from all claims, losses, liabilities, causes of action or suits arising out of or related to any activities of Port or of Port's tenants on the Property, or to any condition of the Property. This provision shall be satisfied upon Port requiring all tenants to comply with this Section.

XVII. QUIET ENJOYMENT:

Subject to Section XVIII of this Lease Agreement, State warrants that it is the owner of the Property and has the right to lease it free of all encumbrances except those referred to in the Boeing Lease. State will defend Port's right to quiet enjoyment of the Property from all lawful claims of all persons during the Lease term except any claim based upon, or arising out of, encumbrances referred to in the Boeing Leases.

XVIII. EXISTING EASEMENTS:

This Lease Agreement is subject to all existing easements applicable to the leased premises at the time the premises are leased to Port.

XIX. DEFAULT:

In the event Port fails to comply with the terms and conditions of this Lease Agreement within sixty (60) days after receiving written notice from State specifying the nature of default with reasonable peculiarity, State may terminate this Lease Agreement by written notice. If the default is of such a nature that it cannot be remedied within the sixty (60) day period, and Port commences to correct said default and thereafter proceeds with reasonable diligence and in good faith to effect a remedy as soon as practical, the time shall be extended for such period as is reasonably necessary to remedy the default. Abandonment of the premises by Port shall be an act of default.

XX. NON-WAIVER:

Waiver by either party of strict performance of any provision of this Lease Agreement shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or to require strict performance of any other provision.

XXI. ATTORNEY FEES:

If suit or action is instituted in connection with any controversy arising out of this Lease Agreement, the prevailing party shall be entitled

to recover, in addition to costs, such amount as the court may determine reasonable as attorney fees, including any such fees on appeal.

XXII. NOTICES:

Any notice required or permitted under this Lease Agreement shall be deemed given when actually delivered, or when deposited in the United States mail as certified mail addressed as follows:

STATE OF OREGON

Director  
Department of Veterans' Affairs

PORT OF MORROW

Port of Morrow  
Box 200  
Boardman, Oregon 97818

or such other address as may be specified from time to time by either of the parties in writing.

XXIII. SUCCESSION:

This Lease Agreement shall be binding upon and inure to the benefit of the parties, their respective successors and assigns.

XXIV. TIME IS OF THE ESSENCE:

The parties acknowledge and agree that time is of the essence with respect to all the terms, conditions and provisions of this Lease Agreement.

XXV. CAPTIONS:

The section headings used herein are for convenience only and are not intended to broaden or limit the meaning of the terms used.

XXVI. LEGISLATIVE APPROVAL:

This Lease Agreement is contingent upon legislative approval under ORS 273.386.

DATED: 18 October 1984

THE STATE OF OREGON,  
Acting by and through its  
Department of Veterans' Affairs

By Staryl C. Austin, Jr.  
Staryl C. Austin, Jr. Director

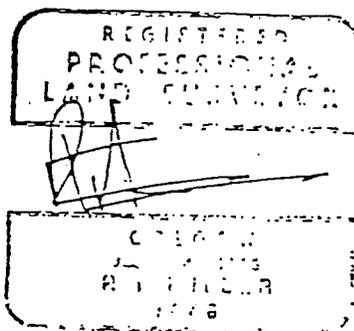
EXHIBIT "A"

LEGAL DESCRIPTION

A tract of land in Section 15, 16, 17, 18, 19, 20, 21, and 22 of Township 4 North, Range 24 East, Willamette Meridian, County of Morrow, State of Oregon and being more particularly described as follows:

Beginning at the S.W. corner of said Section 22, thence Easterly, along the South line thereof, 3,500 feet more or less to the West line of Tower Road (an easement 150 feet in width); thence Northerly, along said West line, 8,100 feet, more or less, to the Southerly line of Interstate Highway No. 84 (State Highway No. 30); thence Westerly, along said Southerly line, 15,500 feet, more or less, to the Easterly line of the "P.G.E. R.R. SPUR" (being 150 feet in width); thence Sourtherly, along said Easterly line, 6,500 feet, more or less, to the South line of aforesaid Section 19, thence East, along the South line of said sections 19, 20, and 21, 17,400 feet, more or less, to the S.W. corner of Section 22 and the Point of Beginning.

Containing 2700 acres, more or less.



Improvements include:

1. Asphalt Airstrip approximately 4200' in length, 150' wide; running diagonally and located in the South 1/2 of NE 1/4 and the North 1/2 of the SW 1/4 of Section 21, Township 4 North, Range 24 East, Willamette Meridian.
2. Block pump house including pump and well.
3. A 40' x 200' Metal Butler Building.
4. Various fencing.

Improvements 2, 3, and 4 are located in the SW 1/4 of NE 1/4 of Section 22, Township 4 North, Range 24 East, Willamette Meridian, approximately 5500' South of the Southern Pacific Railroad right of way on Tower Road.

STATE OF OREGON

County of Marion

)  
) ss.  
)

Personally appeared STARYL C. AUSTIN, JR. who being first duly sworn, did say that he is the Director of the Department of Veterans' Affairs, State of Oregon, and that said instrument was signed and sealed on behalf of said Department by the authority vested in him, and acknowledged said instrument to be the voluntary act and deed of said Department.

Before me:

Sharon R. R. Smith  
Notary Public for Oregon  
My Commission expires: 12-20-84

DATED: 10-5-84

PORT OF MORROW

By Louis A. Carlson  
Chairman

By Leroy Gardner  
Secretary

STATE OF OREGON

County of Morrow

)  
) ss.  
)

Personally appeared Louis A. Carlson

and Leroy Gardner, who, each being first duly sworn, did say that the former is the chairman and that the latter is the secretary of Port of Morrow, a municipal corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said municipal corporation by authority of its ~~Board of Commissioners~~; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

Dorinda Feag  
Notary Public for Oregon  
My Commission expires: 6-25-86

## EXHIBIT "B"

### PORT OF MORROW

#### Boardman Air-Industrial Park

#### Development Plan

### I. Goals

- A. To develop an airport at Boardman suitable for the safe and efficient operation of:
  - General aviation
  - Air cargo
  - Agricultural air services.
  - Commuter services
  
- B. To develop an industrial park at and around the Boardman Airport which will diversify and expand economic activity in the Port of Morrow by:
  - Providing sites for air-direct access industrial/commercial users.
  - Providing sites for large acreage, heavy industrial users requiring relative isolation from population centers and multi-modal transportation services.
  - Providing sites for general industrial commercial users.

### II. Objectives

#### A. Goal 1

1. Undertake an airport master planning process to establish an airport development plan for capital and operations improvement.

#### Task

- a. Port, advisory committee and consultant prepare master plan, environmental assessment and airport layout plan by June 1, 1985.

#### Results-Benefits

Successful completion of this objective will place the airport in the state and federal airway systems, provide means of overcoming any identified environmental problems and create eligibility for further federal and state assistance in the airport's development.

## Resources

- a. FAA planning grant requires 10% match, normally 5% state aeronautics and 5% local. If state funds are not available, Port will provide the 10% match.
- b. Port staff and advisory committee members available on request.

## B. Goal 2

1. Undertake an air-industrial park master planning process to establish a planned unit development within the meaning of the Morrow County Land-Use Zoning Ordinance, including:
  - Land-use designation
  - Site suitability survey
  - Traffic circulation
  - Capital improvement plan
  - Financial analysis
  - Marketing
  - Development standards

## Tasks

- a. Port prepares a request for proposal (RFP) for undertaking the planning for the Planned Unit Development (PUD) at an estimated \$20,000.00 by September 15, 1985.
- b. Port selects a consultant and establishes a planning procedure to utilize the advisory committee and coordinate planning activities with the Airport Master Planning consultant by September 30, 1985.
- c. Consultant completes PUD plan by December 1, 1985.
- d. Morrow County adopts PUD plan as part of its land-use plan by January 1, 1986.

## Results-Benefits

The PUD will establish physical and financial guidelines for development which meet the intent of the lease between the Port and the State of Oregon. In addition, the marketing section will provide a plan for marketing the sites to industries whose location needs meet the PUD's advantages.

## Resources

\$20,000.00 in Port funds and staff assistance. Implementing the marketing section will require additional funds not now identified.



Port of Morrow  
BUSINESS SURVEY

The Port of Morrow has recently acquired interest in the "Boeing Airstrip" west of Boardman. DEVCO Aviation Consultants of Corvallis, Oregon has been commissioned to prepare an airport master plan and federal environmental assessment in accordance with FAA guidelines and standards, with FAA funding assistance. We believe this airport will contribute to the continued economic development of our area. We would sincerely appreciate any input you can provide for our study.

Your information will be utilized in the strictest confidence. All published data will be total values for all businesses responding. Your participation will be appreciated and very beneficial.

1. Does your business use air transportation? -please consider visits of customers and other business representatives. \_\_\_\_\_  
75% - Yes; 25% - No
  2. Does your business own an aircraft(s) (yes or no) 100% - No  
If yes what type(s)? \_\_\_\_\_
  3. Does your firm, parent firm, clients already utilize local area airports? (yes or no) 83% - Yes Which? Hermiston 58%, Boardman 33%, Others (please specify) Pendleton - 33%
  4. With improvements and services will your firm, clients, etc. use the Boardman Airport? (yes or no) 83% - Yes If yes, how often? Monthly - 50%; Weekly - 17%; Occasionally - 17%  
What types of aircraft (please be specific if you can)? \_\_\_\_\_  
Single Engine; Twin Engine
  5. Do you think that the improvement of the Boardman Airport will have a positive impact on your business? (yes or no) Yes - 58% How? Save Transportation Time
  6. What services would you like to see on the airport? Please check:

Passenger	<u>33%</u>	Rental Cars	<u>25%</u>
Air Taxi	<u>67%</u>	Maintenance	<u>42%</u>
Fuel	<u>58%</u>	Hangars	<u>50%</u>
Telephone	<u>67%</u>	Tiedowns	<u>75%</u>
Other?	<u>Security Lighting - 8%; Office Lounge - 8%; Lessons - 8%</u>		
  7. What is your approximate: Number of Employees 3-150  
Gross Income Various Gross Payroll Various
- Optional  
Name:  
Address:  
Telephone #:  
Would you like to be involved in this study? (yes or no) \_\_\_\_\_

## INDUSTRIAL SITING CRITERIA

<u>Industry</u>	<u>Air Passenger</u>	<u>Air Freight</u>	<u>Site Acres</u>	<u>Non- Metro</u>
Aeronautical and nautical instruments	100%	100%	21- 50	14%
Bicycles, motorcycles and parts	71%	71%	21- 50	43%
Railroad equipment	50%	--	21- 50	42%
Ignition harness and cable sets	--	50%	51-100	50%
Telephone and switching equip.	67%	67%	51-100	33%
Arc welding machines	100%	100%	51-100	100%
Typewriters and parts	50%	100%	21-50, 100+	--
Ball and roller bearings	59%	87%	21- 50	60%
Cast iron pressure pipe	60%	--	21- 50	60%
Mineral wool for insulation	50%	--	51-100	100%
Glass containers	54%	--	21- 50	91%
Liquefied refinery gases	100%	83%	21- 50	50%
Synthetic organic medicinal chemicals	--	75%	100+	75%
Noncellulosic synthetic fibers	100%	50%	100+	100%
Thermoplastic resins	89%	56%	51-100	78%
Synthetic ammonia	82%	--	100+	91%
Miscellaneous acrylic chemicals	75%	67%	100+	92%
Cyclic (coal tar) intermediates/ dyes	75%	80%	100+	84%
Paper Mills	74%	83%	100+	100%
Nonwood-face plywood & veneer	60%	--	21- 50	60%

Source: Oregon Department of Economic Development

LOCAL CLEARINGHOUSE REVIEW

Submitted by: EAST CENTRAL OREGON ASSOCIATION OF COUNTIES (ECOAC)  
Name of Local Clearinghouse

PNRS # None Listed

PROJECT: Applicant Port of Morrow

Title Boardman Airport Draft Environmental Assessment

County Morrow

COMMENTS:

Approval

No comment

Project has no adverse effect

Project has adverse effects  
(Explanation attached)

Comments attached

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RETURN TO STATE CLEARINGHOUSE  
155 Cottage St. NE  
Salem, OR 97310