



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: July 19, 2017

Department: Public Works Agenda Planning Date: July 13, 2017 Time required: 10 min

Audio/Visual aids: None

Contact: Brandon Reich Phone: 503-566-4175

Department Head Signature:

TITLE: Consideration of an ordinance amending the Marion County mass gathering code.

Issue, Description & Background: At a management update meeting on April 17, 2017, the board directed staff to prepare an amendment to the county's mass gathering code for its consideration. The amendment would permit the board to issue a permit for a small mass gathering for the first year that is renewable by the Planning Director for up to four additional years (a total of five years). Planning staff contacted the other agencies the county coordinates with when issuing a mass gathering permit to solicit feedback about the proposed amendment. No comments were received.

Financial Impacts: None.

Impacts to Department & External Agencies: None.

Options for Consideration: 1. Adopt the ordinance as provided. 2. Direct staff to make changes to the ordinance and return for the board's consideration. 3. Take no action at this time.

Recommendation: Staff recommends that the board of commissioners adopt the ordinance as provided.

List of attachments: Ordinance

Presenter: Brandon Reich

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to: Brandon Reich - breich@co.marion.or.us

BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON

An ordinance amending chapter 9.25)
of the Marion County Code, and)
declaring an emergency.)

ORDINANCE NO. _____

THE MARION COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

SECTION 1. PURPOSE

The purpose of this ordinance is to amend chapter 9.25 of the Marion County Code ("MCC") so that applicants for a small outdoor mass gathering permit may apply for a one-time, one year permit, or a renewable permit, which is renewable for up to four years.

SECTION 2. AMENDMENTS TO CHAPTER 9.25 OF THE MARION COUNTY CODE

A. Section 9.25.010 is amended to read as follows:

This chapter is adopted in accordance with ORS 433.735 through 433.770.

B. Section 9.25.020 is amended to read as follows:

An outdoor mass gathering of people in the unincorporated areas of Marion County shall only be allowed by permit issued by the board of commissioners ("the board") following a public hearing; or, in the case of an annual small gathering permit issued by the board, by a yearly renewal permit issued by the Planning Director based upon the original permit applicant's application for renewal. The board may impose reasonable conditions on the outdoor mass gathering in the permit. Except in cases for which this chapter provides a different standard, procedure or definition, the board shall issue permits for outdoor mass gatherings in accordance with the procedures and regulations established by ORS 433.735 through 433.770.

C. Section 9.25.040(F) is amended to read as follows:

F. For any outdoor mass gathering, the application shall be filed at least 45 days prior to the event and shall include the following:

1. Name and address of the organizer.
2. Legal description of the location of the proposed outdoor mass gathering.

3. The date or dates of the proposed outdoor mass gathering, including the beginning time and termination time of the event.
4. Estimated attendance at the outdoor mass gathering.
5. If the outdoor mass gathering is a small gathering, whether the small gathering is for a one-time event or an annual event.
6. Nature of the proposed outdoor mass gathering and whether or not sound amplification will be used.
7. A site plan, drawn to scale, and other detailed information showing the type, number and location of all toilets, washing facilities, water supply, food preparation, food service facilities and solid waste collection sites.
8. A contact person who shall be easily identified and who shall remain at the outdoor mass gathering site at all times.
9. A fire protection plan demonstrating compliance with MCC 9.25.090.
10. Information indicating that the organizer will comply with all health and safety rules governing outdoor mass gatherings as adopted by the Oregon Department of Human Services and demonstrating compliance with MCC 9.25.100.
11. A public safety plan in accordance with MCC 9.25.110.
12. A parking and traffic control plan and, if appropriate, a dust control plan, demonstrating compliance with MCC 9.25.120.
13. A statement of whether alcohol will be made available and, if so, by whom and at what location, along with a copy of the Oregon Liquor Control Commission permit.
14. Such other appropriate information as the public works director may require in order to ensure compliance with the provisions of this chapter, as well as rules of the Oregon Department of Human Services. If such additional information is not supplied within two weeks of the public works director's request, the application shall be deemed incomplete.

D. Section 9.25.050 is amended to read as follows:

No application for an outdoor mass gathering permit shall be approved without review by the board following a public hearing, except for a renewal of an annual small gathering permit as set forth in this chapter.

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- E. Section 9.25.070 is amended to read as follows:
- A. The organizer shall demonstrate that it can comply with the provisions of this chapter.
 - B. An outdoor mass gathering permit shall be approved upon demonstration by the organizer of compliance with or the ability to comply with the provisions of this chapter, as well as all health and safety rules governing all outdoor mass gatherings, adopted by the Oregon Department of Human Services.
 - C. If the application is for a large gathering, the applicant must obtain a conditional use permit for a temporary use in accordance with Marion County Zoning Ordinance Chapters 119 and 126 before the large gathering permit application will be approved. The procedure to obtain a conditional use permit will be independent of the procedure to obtain an outdoor mass gathering permit under this chapter, except that the board may, at its discretion, elect to consider applications for both permits at one public hearing. If the board does not elect to consider applications for both permits at one hearing, the application for the outdoor mass gathering for a large gathering shall not be processed until the conditional use permit has been obtained.
 - D. If the application is for a one-time small gathering, the application must be considered by the board following a public hearing. If the application is for an annual small gathering, the application in the first year must be considered by the board following a public hearing. For either a one-time or annual permit, the board may impose reasonable conditions in the permit. If an annual small gathering permit is issued, it is renewable for up to four additional consecutive years, as established by board order. In order to renew an annual small gathering permit, the applicant shall submit an application annually consistent with the requirements of this chapter. The Planning Director is vested with authority to grant a renewal of an annual small gathering permit or refer the proposed renewal to the board for consideration following a public hearing. A renewal permit is subject to all permit requirements set forth in this chapter as well as any conditions imposed by the board in the permit for the first year. In the event that there are complaints about the annual small gathering in the prior year, or the applicant failed to satisfy the conditions in the annual small gathering permit in the prior year, the Planning Director may refer the renewal to the board for a public hearing consistent with the requirements of this chapter. In the event that the Planning Director renews an annual small gathering permit, the Planning Director shall send notice to neighboring property owners consistent with the policy developed pursuant to MCC 9.25.060(B) notifying neighbors of the date or dates of the event, any permit conditions originally imposed by the board, and inviting the neighbors to contact the Planning Director with any complaints or concerns.
 - E. The board, in its discretion, may approve a subsequent small gathering that is within three months of a prior small gathering on the same property. If a second small gathering is approved, no third small

gathering shall be allowed to occur within six months of the first small gathering.

F. Each public official receiving notice of the application who wishes to comment on the application shall submit such comment in writing to the board no later than the date and time for the hearing. The comment may include recommendations related to the official functions of the officer as to granting the permit and any recommended conditions that should be imposed. The board may consider and impose any reasonable condition the board deems necessary including any suggested condition submitted by a public official who received notice of the outdoor mass gathering application or any suggested condition submitted by a member of the public.

G. The board may deny an application or impose reasonable conditions if evidence is provided to the board indicating that an organizer has previously violated any provision of this chapter.

H. The board may impose a permit condition requiring compliance with all or portions of Chapter 8.45 MCC, Noise, as set forth in MCC 9.25.150(C).

SECTION 3. SEVERABILITY

Should any section or portion of this ordinance be held unlawful or unenforceable by any court of competent jurisdiction, that decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections or portions of this ordinance shall remain in full force and effect.

SECTION 4. DECLARATION OF EMERGENCY

This ordinance being necessary for the preservation of the health, safety, and welfare of the community, an emergency is declared to exist and this ordinance will take effect immediately.

Adopted this _____ day of _____ 20____.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary