

Written comments for
Conditional Use 17-043/Gross
(Bi-Mart Country Music Festival)
received December 1 - 7, 2017
(copy is posted on Planning website).

Brandon Reich - Proposed Country Music Festival in Jefferson/Talbot/Sidney

From: Tina Jahn <tjahn@live.com>
To: "planning@co.marion.or.us" <planning@co.marion.or.us>, "kcameron@co.mari...
Date: 12/1/2017 10:14 AM
Subject: Proposed Country Music Festival in Jefferson/Talbot/Sidney

Good Morning!

As some of you know I was born and raised in Jefferson Oregon and currently live on Talbot Road. I have parents that also live in Talbot in our family farm. In addition I have two children that also live in their own homes located on Talbot Road.

My family attends The Oregon Jamboree yearly in Sweet Home (we have 16 VIP tickets and 7 camp sites) and I am telling you this so you realize I am stating facts from experience not just from theory or gut feelings.

The proposal of a concert at the location off Talbot Road and Ankeny is extremely unsafe and can not be allowed for many reasons which I will attempt to list in this letter while trying not to bore you or repeat myself! This area is located within feet of the National Wildlife Refuge which is extremely concerning but I will not expound on all those issues as there are far too many others.

First off the area has only one SMALL road for access on each side of the proposed venue and camping areas. These roads are very narrow without safety shoulders and normal traffic on them especially in the summer is dangerous due to the size and condition of the small farming roads and normal daily walkers, bicyclists (recently designated for Oregon Scenic Bicycling), joggers, visitors, cars, trucks, farm trucks, farm implements, farming machines in general. This is designated as Prime Willamette Valley Farm Land (I know this because our family has a small farm there) and the activities year round but mostly during harvest which is during this concert time period are focused on The local Dairy and all the manure trucks (note, these manures are spread year round on the same grounds these campers will be setting up on) and milk trucks required to keep our groceries on the table AND the Many Many farmers in the area that live and produce foods for all of us to enjoy.....this Concert will PLUG the roads not only with traffic but with thousands (40 to 60 thousand according the Anne Hankins during an interview with The Albany Democrat Herald). Please also NOTE Chapter 8 Roadway System Needs in The Marion County Public Works publications as well as The Talbot Road Safety Study and I am sure many other county documents about this area. These ALL speak to the dangerous roadways in this area. (Not to mention the last few years and the murders/mysterious deaths in this area, yes it is true. Please research this if you are not aware of them)

The next huge issue is the proximity to I5. The interstate in that area is one of the prime vehicle accident areas in Oregon. It seems to be from Sunnyside or Salem to Albany that the accidents happen for some reason unknown and at anytime with no particular reason. Adding this amount of traffic in the very busy summer traffic season is going to cause major issues and in my opinion is classified as negligent and harmful to the general population. It is known by ALL of us how dangerous this area is and allowing an event of this size in an already hazardous area is where I claim negligence. It is left up to our higher authorities to attempt all processes possible to protect our greater population and allowing this event would contradict this.

One of the biggest issues besides safety of those attending is the safety of those trying to enjoy a peaceful and quiet farm lifestyle. We all move to these areas to get away from these types of chaos. Having 40 to 60 THOUSAND or more people loitering in this Small farm area is going to cause pure chaos. Jefferson does not have stores, emergency services (I am a retired Registered Nurse), gas stations, activities, etc to manage this amount of people. Our normal population is growing to larger numbers than what our local community can serve let alone an added network of people here for drinking and pleasure without concern of LOCAL RESIDENTS. Remember that I attend one of these 3 day (which is actually 5 days as we are allowed in on Thursday and leave Monday) events and I see with my own eyes what happens. The majority of folks are not bad but anytime you get that many people in one area without close resources to other options you get trouble. Just a fact of human nature.

If any of you read the articles and know what happened over the years to cause this event to be searching desperately for another venue location you would know there is and has been and will always be activities that are harmful to the general

local population like drinking, under age drinking, drugs, theft, chaos, fighting, etc. My parents have had their generators stolen at the event we attend (please do contact the local police stations of the past events to see this impact) and that is with massive security present. There are always fights and drunken brawls. I believe last year there was even a rape at one of the events similar to this in Scio. (If you also would look up the recent event held in Jefferson on the Baker private property which caused much legal issues you will note the small size and the negative impact this event caused and this was nothing in comparison)

It has also been brought to my attention from several people with major concerns and in opposition to this event that years back the Jefferson sewer system was adversely effected by over use at the rest area close to the event. (this rest area within a few miles of the venue proposed is crowded from normal flow of I5 traffic throughout the summer months and is "home" to hundreds of people who raft the Santiam River during the summer but especially on week ends) It is an area that was overwhelmed with people during the eclipse and had our Oregon TV stations reporting on that congestion and chaos and that was only for a day during eclipse and will not be in any comparison to the amount of people and congestion caused by this concert.

In reading and following the overall "reason" people are wanting this event in our area it is based on Money they will receive or that they perceive that they will receive....monetary gains for people SHOULD never ever outweigh the greater good and safety of the community as a whole! No amount of money will never heal the wounds that could be permanent to our lovely farm community.

Overall, in the opinion of myself and others, I hope you do understand the negative impact this concert will cause. I am out of town for the meeting but really feel it necessary for my voice to radiate deep into the hearts of those deciding the fate of this event. The BiMart Country Music Festival (and any and all large events) should find a more user friendly venue site with all the amenities needed for the safety of not only the festival attendees but the local residents of that area as well.

Tina Jahn

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Murphy & Buchal

3425 SE Yamhill Street, Suite 100
Portland, Oregon 97214

James L. Buchal

telephone: 503-227-1011
fax: 503-573-1939
e-mail: jbuchal@mbllp.com

December 4, 2017

BY FIRST CLASS MAIL AND E-MAIL (breich@co.marion.or.us)

Brandon Reich, Senior Planner
Marion County Planning Division
5155 Silverton Rd NE
Salem, OR 97305

Re: *CU-17-043*

Dear Mr. Reich,

I write on behalf of my client Harold Miller and other local farmers opposed to the Conditional Use Application of Willamette Country Music Concerts LLC. While I anticipate that they will make additional submissions on the proposed Bi-Mart Country Music Festival, urging Marion County not to make what Linn County ultimately recognized was a serious mistake, this letter explains why the existing zoning ordinances and other authority do not permit Marion County lawfully to grant a Conditional Use Permit in this case.

We understand that there is some belief that a Conditional Use Permit can be obtained for a "temporary use" pursuant to MCC § 17.126.030. That section contains a catchall provision stating temporary uses "may be approved as a conditional use as provided in Chapter 17.119 MCC" if a finding can be made that:

- "1. The temporary use is compatible with the purpose of the zone and adjacent land uses.
- "2. The temporary use will have adequate public services to maintain the public health and safety.
- "3. The operator of the temporary use has signed an agreement with the planning division regarding termination of the use consistent with the time limitations established in the conditions of approval."

MCC 17.126.030(E).

The first problem with invoking this provision is that the application does not seek a *temporary* use. The application posted on the County's website refers to an *annual* festival, with permanent improvements to facilitate annual operations.

The application discloses a total event duration of at least from August 5th-14th (providing a schedule of activities). Staff needs to find more information about the actual total duration of non-farming activities on the property in question, which will provide further evidence that the event cannot be considered “temporary” even if the application were limited to a one-time event. The extended duration of the event also ensures that it falls outside of ORS 197.015(10)(d)’s exclusion of certain mass gathering permits as being “land use decisions”. Here it can be reasonably anticipated that a gathering of more than 3,000 people will persist for more 120 hours, because, among other things, 10,000 camping slots are to be provided for the four days of performances.

The second fatal problem is that Marion County cannot, as a matter of law, make the findings required to issue a CUP. MCC 17.126.030 requires that even if the activity were deemed temporary, a CUP can only be approved “as provided in Chapter 17.119 MCC”. This requires, among other things, the use be “basically similar to other uses permitted in the zone”. MCC 17.119.010. That is not remotely the case here.

The zone, EFU, has a set of permitted uses in MCC 17.136.020, the closest of which to the Festival is a “single agri-tourism or other commercial event” subject to limitations set forth in MCC 17.125.130.

That section provides:

“A farming operation may obtain a permit for a single agri-tourism or other commercial activity in a calendar year, subject to the following requirements:

“A. *The event or activity shall be incidental and subordinate to the existing farm use on the tract;*

“B. The event or activity may not begin before 6:00 a.m. or end after 10:00 p.m.;

“C. The event or activity may not involve more than 100 attendees or 50 vehicles;

“D. Sound amplification may not be used before 8:00 a.m. or after 8:00 p.m.;

“E. The event or activity may not involve the construction or use of new permanent structure;

“F. The event or activity must be located on a tract of at least 10 acres unless the owner or residents of adjoining properties consent in writing to the location;

“G. The event or activity must comply with all health and fire and life safety requirements;

“H. *Any event or activity is personal to the applicant and is not transferable;* and

“I. The applicant and property owner shall sign an agreement that acknowledges the requirements of this section.”

(Emphasis added.)

Quite apart from problems with size, duration and sound, what makes this application dissimilar to permitted uses is that is not “incidental and subordinate to the existing farm use,” and indeed, is not really being sought by for the benefit of the farmer at all, but a large entertainment enterprise.

MCC 17.136.050, establishing the rules for conditional uses in EFU zones, plainly controls the County’s decisionmaking here. It might allow the conditional permitting of larger events, but again only as “commercial activities in conjunction with farm use” (17.136.050(D)(2)), or “[a]gri-tourism events and activities . . . subject to the requirements in MCC 17.120.090” (17.136.050(D)(9)).

The application cannot qualify under these standards, because MCC 17.120.190 provides standards and limitations the applicants can meet because they parallel those discussed above in MCC 17.125.130 that require a subordinate character to the farming. This is confirmed beyond doubt by MCC 17.120.090(G), which provides:

“. . . the term ‘agri-tourism’ means a common, *farm-dependent activity* that promotes agriculture, *any income from which is incidental and subordinate to the income of a working farm operation*. Such activities may include hay rides, corn mazes and other similar uses that are directly related to on-site agriculture. Any assembly of persons shall be for the purpose of taking part in agriculturally based activities such as animal or crop care, tasting farm products or learning about farm or ranch operations. Agri-tourism may include farm-to-plate meals and similarly small, farm-themed parties. Regularly occurring celebratory gatherings, weddings, parties or similar uses that cause the property to act as an event center or that take place in structures specifically designed for such events are not agri-tourism.

In short, a review of all these provisions confirms that a multi-day country music festival for 60,000 attendees is not remotely “similar to other uses permitted in the zone”. MCC 17.119.010. The County “may hear and decide only those applications for conditional uses, their expansion or alteration, that are listed in this title [—that being Title 17]”. MCC 17.119.030. The power to grant the CUP is at all times “subject to the restrictions and provisions of this title”. *Id.* The County “may not reduce any requirement or standard specified by this title as a condition to the use” (MCC 17.119.060), which, even if the application could be reframed as some kind of

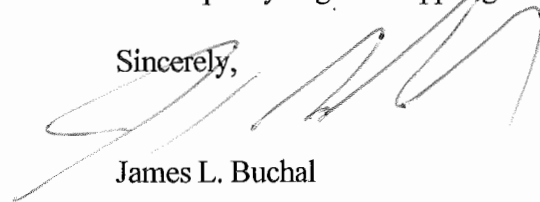
agri-tourism, would necessarily include the limitation in the CUP context, for example, to 500 participants. MCC 17.120.090.

More generally, the detailed review of the requirements applicable to the EFU zone set forth above makes it clear that the applicants cannot demonstrate that the “use is compatible with the purpose of the zone and adjacent land uses” within the meaning of MCC 17.126.030(E). *See also* MCC 17.119.070(B) (conditional use must be “in harmony with the purpose and intent of the zone”); ORS 433.763 (similar requirements). If Marion County wishes to hold stadium-level music events in EFU zones, it must amend its zoning code to do so.

We are also very concerned about the procedures the County is employing for the mass gathering permit pursuant to ORS 433.750, and the required approvals by “the county sheriff or county chief law enforcement officer, the local health officer and the chief of the fire district in which the gathering is to be held”. We have heard that the event organizers have, in substance, promised to make very large payments for assistance from local public officials for the operation of the concert which may influence their decisionmaking and the comments they are required to make pursuant to ORS 433.750(4). The application itself reports that substantial payments will be made to Marion County Deputies. Staff should make inquiries of each such public official offering testimony on the event whether and to what extent their office expects to receive compensation from the event, and strongly recommend that the County make inquiries of other officials, as for example officials in Linn County, without underlying financial conflicts of interest on the relevant public safety questions.

Finally, the application refers to a traffic management plan to be developed. Please provide me a copy of this plan at your earliest opportunity. As a practical matter, the existing roads are inadequate to handle 60,000 visitors without paralyzing and crippling local businesses.

Sincerely,

A handwritten signature in black ink, appearing to read 'James L. Buchal', is written over the typed name below.

James L. Buchal

11/28/17

Marion County Planning

Attn: Brandon Reich

I am writing in support of the proposed location of the Bi-Mart Country Music Festival. I have lived in the Jefferson community my entire life, and in fact, on various locations on Talbot Road for over 30 years. I have been involved in many aspects of agriculture, having grown up working on our family's dairy, currently raising cattle, as well as helping out during grass seed harvest, straw harvest, and working for a fertilizer and chemical company. I believe that I have a very fair understanding of multiple types of agriculture, and thus an understanding of the time, effort, and labor it takes to harvest those commodities. It is my opinion, that albeit an inconvenience, the festival will not negatively impact the income of the businesses in the Talbot and Jefferson areas to the extent of causing uncontrollable losses.

I attended the informational meeting that the festival committee members organized at the Jefferson Fire Station. The committee members were very professional, informative, and friendly in their explanations of the festival, and, in my opinion, clear in stating their willingness to work with the community to make the festival a positive experience that would create a limitless amount of opportunities that would benefit this small community, particularly in forms of monies going to the schools and other non-profit organizations. They were also clear that there would be some costs involved, not monetary costs, but costs associated with the influx of traffic and people. However, they stated that they are continually striving to ease the negative impact of these issues each year, by hiring and consulting professionals in multiple areas (traffic engineers, medics, policing, etc.) as well as analyzing the input from the community.

In the meeting, there were a few major issues brought up regarding the effects on the livelihoods of the farmers in the Talbot area that I would like to address. It seems like several people were concerned about the traffic, on Talbot Road in particular. The festival is four days long, and of those four days, the first and last days would be the busiest. The festival committee has worked with a professional traffic coordinator/engineer to come up with traffic routes that would minimize the backup onto the freeways as well as allow local traffic on the roadways. The Talbot area has 10+ miles of roads to divert traffic, this takes into account utilizing Ankeny Road and Talbot Road. There are other routes that could also be used to divert traffic even more. Each route would have one lane of traffic, freeing up the other lane of traffic for necessary use by locals, trucks, tractors, etc. The committee also mentioned that, given enough heads up, they could make a clear right of way for traffic. Planned traffic, such as the milk trucks that service the dairies in the area, should be able to schedule their deliveries to where there would not be much of a delay. The committee mentioned that there would be peak times when the traffic would be bad. Early mornings, for example, should not have an overabundance of traffic. Again, farmers should be able to plan to move the larger equipment down the roads without issue in the early mornings. Considering that the traffic was the biggest issue that would threaten the livelihood of the farmers in the area, I believe that this could easily be remedied through careful and considerate coordination of the farmers and the festival committee. I, personally, would much rather plan for a scheduled event such as the music festival, rather than an unexpected event, such as a major accident on the freeway, a four-day rain shower, or some other random occurrence, that farmers contend with on a yearly basis.

11/28/17

At the meeting at the fire station, the delay in harvest was brought up, again effecting livelihoods. I am going to assume, for the purpose of argument, that the farmers in the area would not be able to harvest crop for all four days of the festival. As mentioned in the previous paragraph, agricultural traffic will not stop completely, thus crops will continue to be harvested, irrigated, etc. it just might take a few minutes longer to get from point A to point B. For the majority of the crops grown in the area, filberts, mint, grass seed, milk, corn silage, and straw, a four-day delay would not affect the quality, thus the price of the commodities. There are many other factors that affect the quality of a commodity. In the case of grass seed, the crop is already harvested by the time the festival takes place. There may be some specialty grass seed that isn't harvested, but those would be small acreages, and again, the quality of the crop would not be affected by a four-day delay. It is the same case for straw, corn silage, filberts, and other commodities. There may be a delay in delivery, but the quality, thus the monetary value, should not be affected to the detriment of the producer. There would have to be another unspecified issue on top of the planned traffic delay, that would cause a loss of quality, and this issue would not be caused by anything related to the festival.

Another major topic of conversation during the meeting was money. Several of the opposing parties were concerned about the loss of income that the festival would cause. Again, I was confused by this argument. A four-day delay should not cause any loss of profit due to the delay of harvest. I could see that it may increase labor costs due to the increase of time it would take to get from one place to another, but that cost could be minimized with proper planning and coordinating with the festival committee, as I mentioned earlier. The loss of income would be caused by opportunity costs, which at this point, is hard to quantify. And again, it would affect a small amount of people.

The benefits, however, would be far ranging in the community. Schools and non-profit organizations would benefit through employment and sales at the festival. The businesses in Jefferson will see an increase of traffic. Not everyone will want to drive all the way into Albany or Salem to grab a handful of items or grab a bite to eat. These small businesses also have an opportunity to sell items at the festival. This does not take into account advertising, small tasks such as collecting and returning bottles and cans, raffles, etc. that could increase profits in the community.

To touch on the topic of crime, I am very confident that the Marion County Sheriff's Department will police the area extensively. I also believe that the community can work together to come up with other alternatives like a neighborhood watch party. We can cooperate with each other to eliminate the opportunity for thievery, trespassing, and property damage.

In summation, I believe that the benefits to the community far outweigh the inconveniences. I believe that we, as a community, can work together to overcome some of the inconveniences that will come with hosting a music festival. I will happily deal with traffic delays, longer lines at the convenience stores, lack of seating at a restaurant, and many other small things to see a boost in our little community. One weekend of increased traffic will have a major and mostly favorable impact on the schools, non-profits, and family-owned businesses in the area.

Respectfully,


Amanda Kamlade

REC'D DEC 04 2017

JUDY CELLERINI

12/02, 2017

JEFFERSON, OR.

I HAVE LIVED IN JEFFERSON FOR 73 YEARS. OUR FARM HAS BEEN IN THE FAMILY FOR 137 YEARS. IT'S NOT GOING TO BE A PROBLEM HAVING THE WILLAMETTE COUNTRY MUSIC FESTIVAL IN OUR AREA FOR FOUR DAYS. IN THE 50'S AND 60'S, WE HAD THE MINT FESTIVAL IN JEFFERSON AND HAD THOUSANDS OF PEOPLE COME TO ENJOY THE FESTIVAL. HAVING A PROBLEM MOVING FARM MACHINERY AROUND IN THE MIDDLE OF THE FESTIVAL

THIS FESTIVAL WOULD BE A BIG BOOST FOR OUR SCHOOLS, FIRE DEPARTMENT, PARK & RECREATION DEPT, LIBRARY, BOOSTER CLUB, CITY BUSINESS AND BUSINESS AROUND SALEM AND ALBANY

NEIL SENSEN PUT A ROAD INTO A FIELD THAT FOR YEARS MR. HENNINGSON HAS TOLD NO. IT WAS TOO CLOSE TO THE OVERPASS AND THE COUNTY WAS RIGHT. NEIL PUT THE DRIVEWAY IN ON A WEEKEND MAKING IT TOO DANGEROUS FOR TRUCKS COMING OUT OF THE DRIVEWAY LOADED WITH A MINT. IT IS TOO CLOSE TO THE OVERPASS SO

Judy Cellerini

VINCE & JUDY CELLERINI
442 HENNINGSON LN SE
JEFFERSON, OR 97352-9636

Brandon Reich - Willamette Country Music Festival, Jimmy A. Gross and Kristine Gross Properties

From: Jimmy Gross <jimmygross25@gmail.com>
To: <breich@co.marion.or.us>
Date: 12/5/2017 10:23 AM
Subject: Willamette Country Music Festival, Jimmy A. Gross and Kristine Gross Properties

Brandon Reich
Senior Planner
Marion County Public Works/Planning

Dear Mr. Reich,

We are a family farm that has resided on Jorgenson Rd. for more than 25 years. Grass seed is our main crop, but we also grow silage corn and have had many other crops in the past. We own approximately 700 acres adjacent to Jorgenson Rd., Talbot Rd. and Wintel Rd. and were approached by Willamette Country Music Festival officials about hosting the event here. Grass seed is the largest crop in this area and harvest begins late June or early July with most if not all harvest completed prior to mid August, including straw baling and removal from the fields. Our fields are sitting idle waiting for fall tillage to begin, so seems to be a good fit as far as timing. Most other crops mentioned in letters addressed to you are small acreage and the impact to them would be minimal if any at all. Silage, Hazelnuts and most specialty crops are not harvested until after September 1, much later than the proposed event.

I have seen a letter signed by 11 different farms, makes it seem like it affects many in the area. Willamette Valley Storage LLC, Neils Jensen Farms Inc., J2 Farms Inc., and J3 Farms Inc. are all run out of the same location and the same is true for GM Meyer Farms LLC, Blue Lace Farms LLC and Oswald Farms LLC. So, as you see , with only two locations being impacted the numbers are misleading. I believe many of the statements made by some of these folks are exaggerated and simply not true. Mr. Meyer for example does not bring his equipment home every night for safe keeping and the trips up and down Talbot Rd. mentioned by Mr. Jensen are greatly over stated. I know that the roads are not the personal right of ways for my farm or the surrounding farms and as such we must accommodate the needs of the general public. The other local dairy milks 1,000 cows and have no problem with the Festival being held here. Many members of these opposed families attended the Festival last year. Festival staff seems more than willing to work with these guys for flagging or whatever it takes to keep their operations running. The ones that benefit the most are the School District, Fire Department, and the many small businesses located in our community and surrounding area.

We urge the commissioners to approve the Conditional Use Permit for this event.

Thanks,
Jimmy A. Gross
Kristine Gross
Justin Gross
Jory Gross
Jeremy Gross

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Brandon Reich - Bimart Country Music Festival

From: Shawn & Paul Jacobsen <spjacobsens@hotmail.com>
To: "planning@co.marion.or.us" <planning@co.marion.or.us>
Date: 12/5/2017 4:22 PM
Subject: Bimart Country Music Festival

I would like you to NOT approve the Bimart Country Music Festival that is being discussed. The festival is to be located very close to the Ankeny Wildlife Refuge and would have a negative on the refuge and its inhabitants. Further, the roads in this area are small and narrow, and not meant for the volume of traffic this festival would draw. Lastly, I have great concerns about sanitation from such large crowds. Please do not permit this festival to locate in this area.

Sincerely,

Paul Jacobsen
Corvallis, OR

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Murphy & Buchal LLP

3425 SE Yamhill Street, Suite 100
Portland, Oregon 97214

James L. Buchal

telephone: 503-227-1011
fax: 503-573-1939
e-mail: jbuchal@mbllp.com

December 6, 2017

BY FIRST CLASS MAIL AND E-MAIL (PWDirector@co.marion.or.us)

Alan Haley, Public Works Director
Marion County Planning Division
5155 Silverton Rd NE
Salem, OR 97305

Re: *CU-17-043*

Dear Mr. Haley,

As you may know, the Willamette Country Music Festival, having worn out its welcome in Linn County, is seeking to expand its operations substantially and operate in Marion County with the applications before the County scheduled for hearing on December 20, 2017. The Festival caused severe problems in Linn County. We have an aerial photograph showing an 8.3 mile backup at one point, and the proposed Marion County location has fewer ways in than the Linn County location.

We are convinced that the number one adverse impact presented by the application is traffic congestion so severe that it will shut down local businesses and all others who rely upon the afflicted highways and roads. I am transmitting herewith our preliminary traffic analysis, based on the Linn County experience, which shows miles-long backups on I-5 and a complete filling of the Ankeny, Buena Vista, Wintel, Talbot loop the organizers have proposed to hold traffic.

While the system at <https://gis.odot.state.or.us/transgis/> is not entirely clear to us, both Ankeny Hill Road and Talbot Road appear to be classified as Rural Minor Collector and Major Collectors, respectively, with a portion of Talbot Road classified as an Urban Collector; all these roads are likely to be blocked for hours on end.

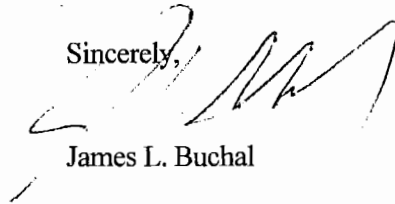
Approval of the application will result in shockingly-large traffic disruptions, the cost of which to Marion County residents far exceeds any gain from the Festival. Worse still, we are informed by multiple ODOT sources (*e.g.*, e-mail transmitted herewith) that *even though ODOT has already offered to be part of the scoping and review of a traffic impact analysis*, Marion County has requested no such analysis. ODOT believes that any such request must come from Marion County, because the organizers do not propose to close state highways under their jurisdiction, only County roads.

December 6, 2017

MCC 9.25.040(F)(14) empowers the Marion County Public Works Director to require "such other appropriate information" as the Director "may require" in support of the application. We urge you to immediately require the Festival proponents to supply Marion County with a traffic impact analysis to ensure that the Commissioners are fully apprised of the enormous adverse impacts of the application. In our experience, such traffic impact analyses are routinely required for small "mom and pop" business expansions; this application involves upwards of 60,000 festival attendees descending upon rural Marion County.

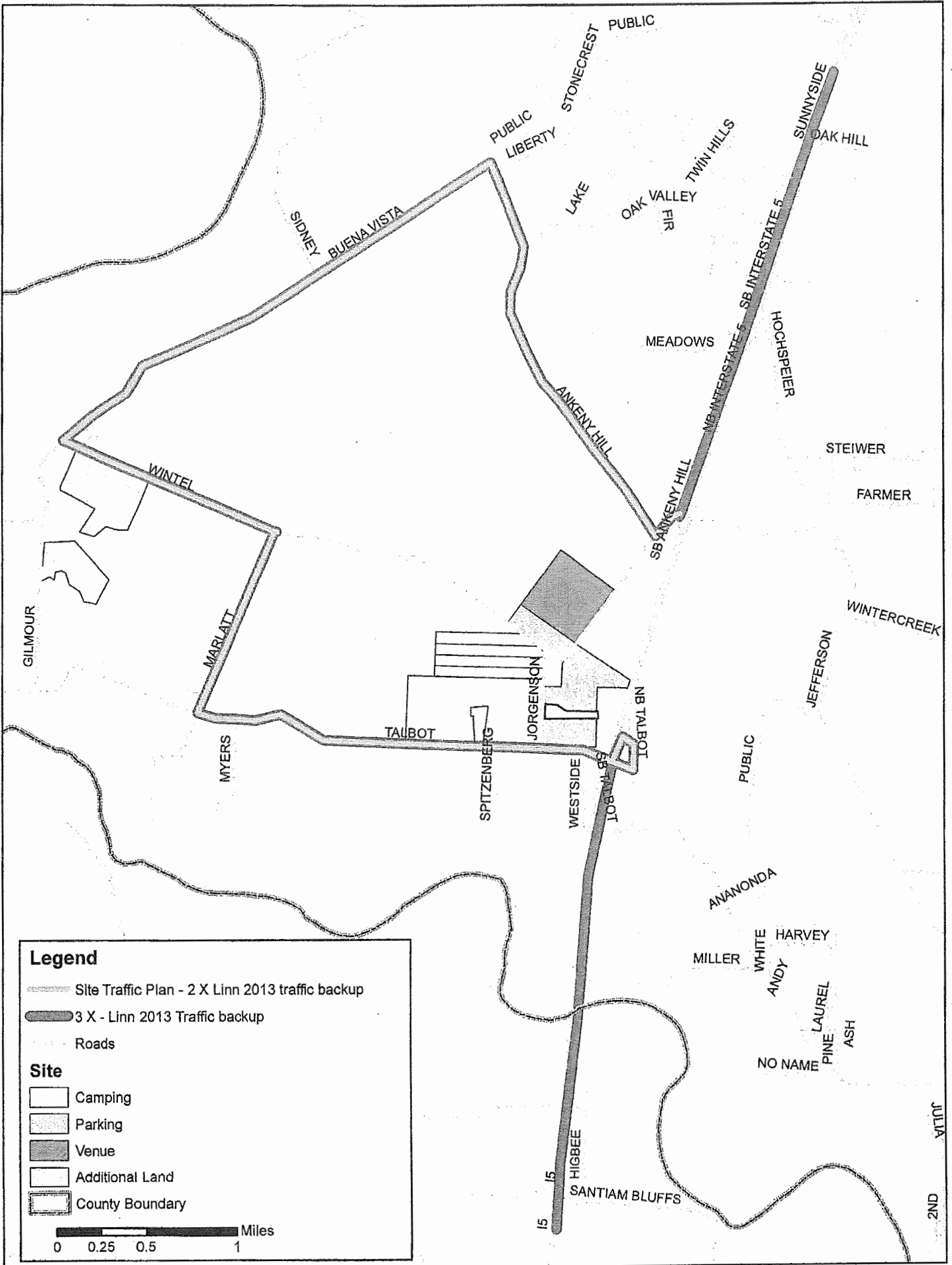
Please act on this request at your earliest opportunity and advise us of your decision. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'James L. Buchal', is written over the word 'Sincerely,'.

James L. Buchal

Copy w/encl. to Mr. Brandon Reich, Marion County (e-mail only)
Julia Uravitz, Marion County (e-mail only)
Mr. Keith Blair, ODOT (e-mail only)
Ms. Carla Wahl, ODOT (First Class mail only)



TrafficBAckup2X_3X.pdf - Shows what the traffic backup would be if it was 2x and 3x the festival backup in 2013 (5.3 mile backup)
The Marion county county traffic plan has 10.7 miles of roads being used to que traffic. Nearly identical to 2X the 2013 backup (10.6)
3X is 15.9 miles

5pm_traffic_que.pdf - The original document from Linn county showing the 2013 backup created in August of 2013

Traffic_2013.pdf - New version of Linn County 2013 traffic pattern adding scale bar and highlighting traffic que.

James Buchal

From: BLAIR Keith P <Keith.P.BLAIR@odot.state.or.us>
Sent: Wednesday, December 6, 2017 12:21 PM
To: James Buchal
Cc: JUSTER Gerard P *Gerry; 'Julia Uravich' (juravich@co.marion.or.us); 'breich@co.marion.or.us'
Subject: RE: CU-17-043 (Willamette Country Music Festival)

Mr. Buchal:

I believe that same traffic control plan is the only information any ODOT offices have received for initial comments, to date. We have offered to be a part of the scoping and review of a traffic impact analysis, if one will be required by the County. Please contact Gerry Juster, Development Review Coordinator, at (503) 986-2732 if you have additional questions. Thanks!

Keith P. Blair, P.E.

Senior Transportation Analyst | ODOT Region 2
455 Airport Road SE, Bldg. A | Salem, Oregon 97301
(503) 986-2857 | Keith.P.Blair@odot.state.or.us

From: James Buchal [<mailto:jbuchal@mbllp.com>]
Sent: Wednesday, December 06, 2017 11:20 AM
To: BLAIR Keith P
Subject: FW: CU-17-043 (Willamette Country Music Festival)

Dear Mr. Blair,

I am told (through the e-mail chain below) that your office may have some sort of more detailed traffic analysis prepared in connection with the Festival's application to expand in size and move to Marion County. The only traffic plan I have seen (attached) has no information about estimated delays and blockages. My clients are concerned because, among other things, there have been traffic backups over eight miles long when this thing was operating down in Linn County on a much smaller scale.

Do you have any information on this you could e-mail to me?

Thanks!

James L. Buchal
Murphy & Buchal LLP
3425 SE Yamhill Street, Suite 100
Portland, OR 97214

Phone: 503-227-1011
Fax: 503-573-1939

From: Brandon Reich [<mailto:BReich@co.marion.or.us>]
Sent: Wednesday, December 6, 2017 9:36 AM
To: James Buchal <jbuchal@mbllp.com>

Cc: Julia Uravich <JUravich@co.marion.or.us>

Subject: RE: CU-17-043

I don't know the answer to your question. I'm cc'd Julia Uravich, the county Traffic Engineer, to see if she can respond.

You might also contact ODOT to see any plans that ODOT is reviewing that ODOT will provide comments on to the county.

Thank you,

Brandon

>>> James Buchal <jbuchal@mblip.com> 12/6/2017 9:30 AM >>>

Thanks! Would it be correct to assume that no analysis has been presented or prepared concerning delays and backups?

(I have an aerial photo of an 8.3 mile backup on a two-lane road down in Linn County from this thing when it was a lot smaller, and we have reason to believe that this event will back up I-5 for miles.)

James L. Buchal
Murphy & Buchal LLP
3425 SE Yamhill Street, Suite 100
Portland, OR 97214

Phone: 503-227-1011

Fax: 503-573-1939

From: Brandon Reich [<mailto:BRreich@co.marion.or.us>]

Sent: Wednesday, December 6, 2017 9:24 AM

To: James Buchal <jbuchal@mblip.com>

Subject: RE: CU-17-043

The traffic plan under review is posted on our website: <http://www.co.marion.or.us/PW/Planning/Pages/default.aspx>

Brandon

>>> James Buchal <jbuchal@mblip.com> 12/5/2017 12:02 PM >>>

Can you provide the name of the County Counsel who is working on this?

Also, my clients are under the impression that the organizers are hiring engineers to prepare and file a traffic plan beyond the bare outline provided in the application. Do you know when/if this traffic plan will be filed? My clients would like an opportunity to comment on it before the hearing.

James L. Buchal
Murphy & Buchal LLP
3425 SE Yamhill Street, Suite 100
Portland, OR 97214

Phone: 503-227-1011

Fax: 503-573-1939

From: Brandon Reich [<mailto:BRreich@co.marion.or.us>]

Sent: Monday, December 4, 2017 2:05 PM

To: Carole Caldwell <ccaldwell@mbllp.com>; James Buchal <jbuchal@mbllp.com>
Subject: RE: CU-17-043

I forwarded your email to county counsel.

Thank you,

Brandon

>>> James Buchal <jbuchal@mbllp.com> 12/4/2017 2:02 PM >>>

You are welcome.

I would appreciate the opportunity to speak with the County's counsel about this. There are some additional arguments of importance relating to MCC Chapter 9.25 of which he may not be aware. Can you ask him to give me a call after he looks it over?

James L. Buchal
Murphy & Buchal LLP
3425 SE Yamhill Street, Suite 100
Portland, OR 97214

Phone: 503-227-1011
Fax: 503-573-1939

From: Brandon Reich [<mailto:BReich@co.marion.or.us>]
Sent: Monday, December 4, 2017 10:20 AM
To: Carole Caldwell <ccaldwell@mbllp.com>
Cc: James Buchal <jbuchal@mbllp.com>
Subject: Re: CU-17-043

Thank you. I will make sure your comments are included in the record. Information about the upcoming hearing is on the Planning webpage here: <http://www.co.marion.or.us/PW/Planning/>

Brandon Reich
Senior Planner
Marion County Public Works/Planning
5155 Silverton Rd NE
Salem, Oregon 97305
(503) 566-4175
breich@co.marion.or.us

>>> Carole Caldwell <ccaldwell@mbllp.com> 12/4/2017 10:02 AM >>>

Dear Mr. Reich:

In regards to the above referenced matter, please see the attached correspondence from this office. A copy is following by mail.

Sincerely,

Carole Caldwell

Assistant to James L. Buchal
Murphy & Buchal LLP
3425 SE Yamhill Street, Suite 100
Portland, OR 97214
Tel: 503-227-1011
Fax: 503-573-1939

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Brandon Reich - Bi-Mart Country Music Festival Mass Gathering Application

From: Margaret Stephens <mlstep@msn.com>
To: "planning@co.marion.or.us" <planning@co.marion.or.us>
Date: 12/6/2017 4:59 PM
Subject: Bi-Mart Country Music Festival Mass Gathering Application

I am opposed to the site for this proposed mass gathering/music festival.

It is too close to Ankeny Wildlife Refuge. As a frequent visitor to the Refuge, I have seen that there are already problems with vandalism and litter at the Refuge and other abuses of regulations. To bring thousands of people nearby will exacerbate the problem. The noise and traffic will disturb wildlife and disrupt the remainder of the nesting season for birds.

The traffic on the adjacent roads will inhibit the necessary access of farmers to their fields during a critical time in the farming season.

Please do not approve this permit application.

Margaret Stephens
Salem, OR

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Brandon Reich - Bi-mart festival

From: Mark Krautmann <mark@heritageseedlings.com>
To: "planning@co.marion.or.us" <planning@co.marion.or.us>, "stephaniehazen17...
Date: 12/7/2017 8:34 AM
Subject: Bi-mart festival

Planning people, respectfully:

A large music festival will compromise the essential character of Ankeny as a refuge invasion, disrupting all creatures there that enjoy the refuge as a tiny fragment of their original habitat unmolested except for occasional daytime visitors who are not disruptive with traffic, pre- and post-concert setup, takedown, and the NOISE.

I guess we could round up all the wild songbirds, the deer and elk, ducks and geese, raptors and reptiles and have ODFW and USFW pen them up like domestic farm animals at the Fairgrounds, and provide 24 hour vet care. Then once these are gone we will no longer need to rationalize commercialization of a Federal refuge, will we?

That Oregonians would even consider such an invasion of or within earshot of Ankeny Wildlife REFUGE defies any logic other than simple greed.

There are other locations for such, including the OS Fairgrounds, MODA Center, and many appropriate concert locations throughout the state that are not at a wildlife refuge. For these, zoning and permits are routine and normal. So why stretch the limits of any common sense by considering this for more than a moment?

Let's respect the wildlife as occupants of their habitat, just as we expect they will not be a nuisance in our permitted concert areas.

Has our common sense become so uncommon that black and white issues are up for serious debate? Country music festivals and Bi-Mart are great, in their proper places.

It is particularly alarming that this permit, if issued, may become a matter of unquestioned routine practice - a very poor precedent to set because it removes any sort of annual accountability.

What value do we place on wildlife?

What has the public invested in Ankeny to date? Compromise that\$?

For my family, if BM stages this in/adjacent to the WILDLife refuge, I will mail my green membership card to corporate HQ with a copy of this note and never purchase from them again.

Mark Krautmann & family
 4194-71st Ave., SE
 Salem, OR. 97317
 Cell 503-932-3920
 Sent from my Sprint Samsung Galaxy S8.

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