

MARION COUNTY PLANNING DIRECTOR'S OUTDOOR MASS GATHERING REPORT

Application of Willamette Country Music
Concerts, LLC on property owned by
Jimmy and Kristine Gross

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Case Nos. Mass Gathering 17-004,
Noise Variance 17-001, and
Conditional Use 17-043

APPLICATION

Mass Gathering 17-004/Noise Variance 17-001/Conditional Use 17-043: Application of Willamette Country Music Concerts, LLC on land owned by Jimmy and Kristine Gross for a large mass gathering permit, a noise variance and a conditional use on August 15-18, 2019 on 692 acres in an EFU (Exclusive Farm Use) zone located at 13054 Jorgenson Road S, Jefferson (T9S; R3W; Section 19; tax lot 400; Section 21; tax lot 700; Section 28; tax lots 100, 300, 400, 500, 600 and 700; Section 28D; tax lot 800, 1000 and 1100).

BACKGROUND

The Marion County Planning Division has reviewed the above-referenced application and offers the following comments:

1. The subject properties consist of twelve tax lots on the north and south side of Wintel Road SE, Jefferson, and the north and south side of Talbot Road S, Jefferson, all west of Interstate 5. The applicant states the acreage is approximately 692 acres. Staff determined the acreage may be approximately 718 acres. The properties are designated Primary Agriculture in the Marion County Comprehensive Plan and zoned EFU (Exclusive Farm Use).

The properties are largely undeveloped and in farm use, although some parcels contain dwellings, accessory structures and farm related buildings. Portions of the most western subject property, 09S 3W Section 19 Tax lot 400, are in the floodplain of Santiam and Willamette rivers. It appears that at the hearing on the conditional use portion of the application, the applicant modified its application to remove those portions of the most western property from consideration. The applicant should indicate in writing that that parcel is no longer part of the application, or the Board should condition any approval on that property to prohibit development in the portions of the property in the floodplain.

2. Surrounding properties are mostly zoned EFU and in various types of farm use. Property to the north of the most western subject property is zoned AR (Acreage Residential) and developed with residences. Property to the south of 09S 3W Section 28 Tax lot 100 is zoned AR (Acreage Residential) and developed with residences. Property to the east and southeast of that same parcel is zoned ID (Interchange District) and undeveloped.
3. The applicant is requesting a large mass gathering. According to information submitted with the application: a) sound amplification will be used; b) alcohol will be available; and c) fireworks will not be used or shown.

AGENCY COMMENTS

Comments on the subject application received from various governmental agencies are summarized in the section below. The full comments can be reviewed in the planning file.

4. Marion County Health Department commented on well and water facilities requirements and other standards that the sanitation plan must include.

Marion County Public Works commented on access and roadway safety requirements.

Oregon Department of Transportation commented that a more detailed traffic control plan needs to be developed and a permit from ODOT be obtained.

Marion County Sheriff's Office expressed support for the plan pending an approved traffic plan.

Marion County Building Inspection commented that building permits would be required for temporary structures and existing system evaluations would be required for the septic systems on affected parcels.

Jefferson Fire District approved the fire protection and emergency services plan.

All other contacted agencies either failed to respond or stated no objection to the proposal at the time this report was prepared.

Written comments were received on both the conditional use case and mass gathering permit expressing concerns over the amount of traffic associated with the event, the impact of the event on the Ankeny Wildlife Refuge, and potential issues with crime and trespass during the event. Comments also expressed support for the event as an economic benefit for the area and as a volunteer opportunity.

MARION COUNTY CODE CHAPTER 9.25 FINDINGS

5. Section 9.25.030 of the Marion County Code (MCC) contains the definition of large and small outdoor mass gatherings:

“Small gathering” means any assembly of persons whose actual number is, or reasonably can be anticipated to be, less than or equal to 3,000 but more than 750 persons at any time, for a period that continues or can reasonably be expected to continue for more than six hours but not more than 120 hours within any continuous three month period, and that is held primarily in open spaces and not in any permanent structure in the unincorporated areas of Marion County. Included in the six to 120 hours is any time in excess of 48 hours necessary to set up the event or any time in excess of 48 hours necessary to clean up afterward.”

“Large gathering” means an assembly of persons whose actual number is, or reasonably can be anticipated to be:

- i) more than 3,000 persons at any time; or*
- ii) more than 750 persons at any time on each of three calendar days during an assembly that continues or can reasonably be expected to continue for more than 120 hours;*

and is held primarily in open spaces and not in any permanent structure within Marion County. Included within the calculation of hours is any time in excess of 48 hours necessary to set up the event or any time in excess of 48 hours necessary to clean up afterward.”

The applicant indicates this event will take place from August 15, 2019 to August 18, 2019. Daily hours are between 11 am and 3 pm starting each day until approximately 11:00 pm and overnight camping will be allowed. Estimated attendance is 30,000 people per day. Based on this information, the proposed event meets the definition of a “large gathering.”

The applicant proposes to install a well for potable water on the site. The applicant has applied for a limited license from the Oregon Water Resources Department, which may permit a license to be issued for no more than five consecutive years for the same use. If the well were able to be used for another use, such as farming, a license would also have to be obtained from Oregon Water Resources Department for that use. In a phone conversation with Jerry Sauter of the Oregon Water Resources Department on May 7, 2018, staff confirmed that only a permit to use the well for potable water has been submitted.

In addition, the applicant intends to install an underground distribution system for the water. If used for potable water, the system requires a permit from Marion County Building Inspection. Such a permit would not be required if the system were used solely for farming.

Based on the evidence in the record, it appears that the well and distribution system are being installed solely for potable water for the event. Because no permanent structures are permitted in conjunction with a mass gathering, the event does not meet the definition of a mass gathering and the permit should be denied.

6. MCC 9.25.070 through 9.25.200 contains the following criteria for reviewing an outdoor mass gathering application:

MCC 9.25.070:

C. If the application is for a large gathering, the applicant must obtain a conditional use permit for a temporary use in accordance with Chapters 17.119 and 17.126 MCC 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 ordinance, 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.

The applicant submitted a Conditional Use application on November 2, 2017. On November 29, 2017, the Board adopted Order 17-144 which elected to consider both the conditional use and the mass gathering permit at one public hearing, calling up the conditional use for consideration by the Marion County Board of Commissioners, and directing the Marion County Hearings Officer to hold a hearing on the conditional use application and make a recommendation to the Marion County Board of Commissioners. The application was reviewed by a Marion County hearings officer after public hearings held on December 20, 2017 and February 21, 2018. On June 7, 2018 the hearings officer issued a recommendation to the Board of Commissioners for Conditional Use Case #17-043 to deny the Conditional Use application.

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.

The application and pertinent information was sent to various governmental agencies and public officials. Comments received were summarized in #4 above and the full comments can be reviewed in the planning file. Recommendations have been included as conditions of approval listed at the end of this report for consideration by the Board of Commissioners.

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.

The organizer and property owner are not known to have previously violated MCC 9.25.

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).

Noise and recommended conditions are discussed below.

MCC 9.25.080: Insurance

- (A) *After consultation with the Marion County Risk Manager, the Board may require an organizer to obtain a commercial general liability policy in an amount commensurate with the risk and in compliance with standards established by the Marion County Risk Manager.*
- (B) *The Marion County Risk Manager shall establish standards for commercial general liability policies*

required for outdoor mass gatherings that include: minimum coverage amounts, policy type, minimum financial ratings for carriers, required additional coverage, requirements for naming additional insured parties, policy duration and any other requirement that the Marion County Risk Manager deems necessary.

- (C) *The Organizer shall furnish the Public Works Director with an insurance certificate and a copy of the insurance policy complying with the insurance requirements imposed by the Board pursuant to subsection (A) of this section at least seven days before the first day of the outdoor mass gathering.*
- (D) *Any permits for an outdoor mass gathering may be voided by the Public Works Director if the Organizer fails to comply with subsection (C) of this section.*
- (E) *Any insurance premiums that must be paid to meet the requirements of this section are the responsibility of the Organizer.*

The applicant has agreed to provide proof of adequate insurance prior to the event. As conditioned, MCC 9.25.080 is satisfied.

MCC 9.25.090: Fire Protection Plan.

- (1) *No permit shall be granted under this ordinance unless the Organizer has a fire protection plan approved by the Fire Protection District Officer for the type, size, number and location of fire protection devices and equipment available at, in or near any location, including outdoor sites, building, tents, stadium or enclosure, wherein or whereupon more than 10 persons may be expected to congregate at any time during the course of an outdoor mass gathering.*
- (2) *If the site for which the permit is applied for is located outside a fire prevention district, the Organizer must show approval from the office of the State Fire Marshal or a fire prevention district that would respond in the event of an emergency.*

The Jefferson Fire District reviewed and approved the fire protection plan. The applicant and all other vendors must comply with the Technical Advisory No. 11-09 (Statewide Guidelines for Fairs, Trade Shows, Carnivals or Common Venue Events). MCC 9.25.090 can be satisfied through conditions of approval.

MCC 9.25.100: State Health Rule Compliance and Medical Service.

The County Environmental Health Division shall have responsibility for approving plans relating to water supply, sewerage facilities, refuse storage and disposal, food and sanitary service, and emergency medical facilities in compliance with this ordinance and rules governing outdoor mass gatherings, adopted by the Oregon Department of Human Services. Each outdoor mass gathering shall have no less than one first aid station staffed by two adult individuals trained in first aid techniques.

The County Environmental Health Division requires temporary restaurant licenses that must be obtained at least one week prior to the event. The applicant indicates that sanitary and disposal facilities as well as a staffed first aid booth will be provided. The County Environmental Health Division provided standards with which the sanitation plan must comply. MCC 9.25.100 can be satisfied through conditions of approval.

MCC 9.25.110: Public Safety.

- (A) *Prior to or on the date of application submittal, the Organizer must submit plans for public safety at the outdoor mass gathering to the Sheriff for approval demonstrating the following:*
 - 1. *Adequate parking control and crowd protection policing must have been contracted for or otherwise provided by the Organizer. There shall be provided one parking control person for each 250 persons expected or reasonably expected to be in attendance at any time during the event. Further, there shall be provided one crowd control person for each 100 persons, expected or reasonably expected to be in attendance at any time during the event. The Sheriff may approve plans that provide for a lesser number of parking control or crowd protection personnel than set forth above, if in the Sheriff's discretion, adequate safety and security can be maintained under the circumstances. The Organizer shall submit the names of the proposed parking control personnel to the Sheriff.*

2. *The Organizer shall submit the names and necessary background information, on forms provided by the Sheriff, for all crowd control personnel to be used during the outdoor mass gathering for investigation by the Sheriff as to fitness. Crowd control personnel must meet the following minimum standards in order to be approved as suitable by the Sheriff:*
 - a. *Be 21 years of age or older;*
 - b. *Be in good physical health;*
 - c. *Never have been convicted of a felony and must not have been convicted of a misdemeanor involving moral turpitude in the last five years; and*
 - d. *Either have received reasonable minimum training in law enforcement, security or relevant on-the-job experience.*
- (B) *All of the policing personnel must wear an appropriate identifying uniform and must be on duty during the entire outdoor mass gathering unless a relief schedule has been planned and approved. A relief schedule will only be approved by the Sheriff when sufficient policing strength on duty has been maintained.*
- (C) *It shall be the duty of the policing personnel to report any violations of the law to the Sheriff, the Sheriff's deputies or representatives and to take whatever action as can be reasonably expected of them to enforce the law.*

The applicant submitted a Safety Plan, which was reviewed by the Marion County Sheriff's Office, which expressed support pending an approved traffic plan. The applicant shall continuously comply with the requirements in MCC 9.25.110 above. MCC 9.25.110 can be satisfied through the conditions of approval mentioned above.

MCC 9.25.120: Parking and Traffic Control.

Prior to or on the date of application the Organizer shall provide the Public Works Director with a parking and traffic control plan acceptable to the Public Works Director. The plan shall include a scale drawing showing the parking facilities within or adjacent to the location for which the permit is requested. Ingress and egress shall be shown on the plan and provide for safe movement of any vehicle at any time to or from the parking area. The Public Works Director may require that flaggers, traffic control devices or dust control measures be used during the outdoor mass gathering to ensure the safe and efficient flow of vehicles. If flaggers, traffic control devices or dust control measures are required, the plan must include details showing their expected use and placement. The use of flaggers, traffic control devices or dust control measures must comply with standards established by the Marion County Department of Public Works.

The Public Works Department traffic section reviewed the information for the event and provided suggested conditions of approval through which MCC 9.25.120 would be satisfied.

MCC 9.25.130: Permit Posting

Any permit issued as provided in this ordinance shall be kept posted in a conspicuous place upon the premises of the assembly. No permit shall be transferable or assignable without the consent of the Board. No rebate or refund of money paid for a permit shall be made.

This can be made a condition of any approval.

MCC 9.25.140: Inspection of Premises

- (A) *No application shall be granted under this ordinance unless the Organizer agrees and consents, in writing as part of the application for the permit, to allow law enforcement, public health and fire control officers to come upon the premises for which the permit has been granted for the purpose of inspection and enforcement of the terms and conditions of the permit issued pursuant to this ordinance, and any other applicable laws or ordinances.*
- (B) *If any inspections described above reveal deficiencies in compliance with State or local law, the inspectors may return as often as needed until the deficiencies are cured. If the deficiencies are not cured or cannot be cured, the county Sheriff may terminate the outdoor mass gathering or extended outdoor mass gathering as provided in Section 17(3).*

The applicant consented to allow inspections as outlined above. MCC 9.25.140 is satisfied.

MCC 9.25.150: Restricted Hours of Operation.

- (A) *When sound amplification is used, no outdoor mass gathering shall be conducted within 1,000 feet of any neighboring residence between the hours of 11:00 p.m. and 9:00 a.m.*
- (B) *If written consent from neighboring property owners and residents are submitted with the application, the Board may modify these hours in the permit.*
- (C) *The Board, in its discretion, may require that an outdoor mass gathering comply with all or portions of the Marion County Noise Ordinance if the Board determines that doing so is necessary to preserve the comfort and repose of neighboring residents.*

The applicant states sound amplification will be used from the main stage at the venue location at the bend in the road of Wintel Road near Jorgenson Road. Sound amplification from the main stage will occur between 8 am and 11 pm each day. Morning amplification would generally be sound checks, though there would be a fundraiser concert on the sunrise stage at 7 am each day of the event. The nearest houses are within 780 feet of the boundary of the venue location. The applicant did not provide written consent from neighboring property owners and residents; instead, the applicant applied for a noise variance.

The criteria for granting a variance to county noise standards are found in Marion County Code 8.45.090(E):

- 1. The variance will provide a substantial benefit to the public generally;*
- 2. Denial would significantly delay, increase the cost, or impact the utility of the project or event; and*
- 3. Effective measures will be implemented to mitigate, to the extent feasible, significant noise impacts.*

The applicant describes its organization as working with community organizations and providing donations to community partners. The event has a 3.5 million dollar economic impact on the local economy and provides marketing benefits to tourism and business. A denial of a variance to the noise standards means the event would not be able to serve its audience adequately and the event would lose revenue. And causing the event to find a different location would cause it an economic hardship. The applicant proposes to mitigate the effects of sound amplification using a quality sound system that concentrates music to the venue site, a field with a natural tree boundary to mitigate the impact of noise beyond, ending performances by 11 pm nightly, positioning the stage toward the southeast away from the most sensitive noise areas, and monitoring sound levels at a distance of 1000 feet from the venue location so that noise levels do not exceed 55 dBA.

It appears to staff that the applicant has satisfied the criteria for a variance to the county's noise standards, and, conditioned to limit sound amplification between the hours of 7 am and 11 pm, would meet the criteria in the mass gathering code regarding sound amplification.

MCC 9.25.160: Organizer Responsible for Preserving Order

It is the intention of this ordinance to put the burden of preserving order upon the organizer of the outdoor mass gathering, and if any outdoor mass gathering in the County is not being operated in accordance with the rules and regulations prescribed in this ordinance and as set forth in state law, the organizer shall be subject to revocation of the permit, and the organizer or other individual responsible subject to such other sanction as the law and this ordinance provide.

MCC 9.25.160 can be satisfied through conditions of approval.

MCC 9.25.170: Enforcement.

- (A) *The Organizer shall keep a reasonable count of persons and vehicles entering and leaving the outdoor mass gathering.*
- (B) *If at any time during the outdoor mass gathering held under a valid permit, the number of persons or*

vehicles attending the outdoor mass gathering exceeds by 10 percent or more the number of persons or vehicles estimated in the permit application, the Sheriff, or any Sheriff's deputy, has the authority to require the Organizer to limit further admissions until a sufficient number of individuals or vehicles have left the site to bring the actual attendance down to the number estimated by the Organizer.

- (C) For any outdoor mass gathering held under a valid permit, the County Sheriff has the authority to order the crowd to disperse and leave the outdoor mass gathering site if the Organizer cannot maintain order and compliance with all applicable state and local laws or refuses to maintain order and compliance with state and local laws or refuses or is unable to adhere to the terms and conditions of the permit.
- (D) In addition to state law provisions in ORS Chapter 433, including ORS 433.770(1), Marion County Legal Counsel may maintain an action in any court of general jurisdiction to prevent, restrain, or enjoin any violation of ORS 433.745.
- (E) If the organizer fails to remove all debris or residue from the event site or adjacent property within 72 hours after termination time of the event, or fails to remove all temporary structures within three weeks after the termination time of the event, any county code enforcement officer may issue citations to any organizer of the event. The county code enforcement officers may also issue citations to any persons who have left behind debris at the site or on adjacent property.
- (F) In addition to any other remedies provided, if the outdoor mass gathering site is not restored to its previous condition, or better, the County may arrange for clean up of the site, and then file an action for damages against the organizer and the landowner or successor landowner.
- (G) If any organizer violates any provisions of this ordinance, the Board may immediately revoke any permit for an outdoor mass gathering and may seek any legal remedy available.

MCC 9.25.170 can be satisfied through conditions of approval.

MCC 9.25.180: Intoxicating Liquor Prohibited

- (A) Except as provided in subsection (B) of this section, no Organizer, landowner or any person having charge or control thereof at any time when an outdoor mass gathering is being conducted shall permit any person to bring into such outdoor mass gathering or upon the premises thereof, any intoxicating liquor, or permit intoxicating liquor to be consumed on the premises, and no person during such time shall take or carry onto such premises or drink thereon intoxicating liquor.
- (B) Subsection (A) of this section shall not apply to the sale and consumption of intoxicating liquor from a facility located on the premises of an outdoor mass gathering section if the express approval of the Oregon Liquor Control Commission has been obtained in the form of a temporary license or letter of authority.

The applicant states intoxicating liquor will be available at the event and only from a licensed vendor. Therefore, as conditioned, MCC 9.25.180 is satisfied.

MCC 9.25.190: Use or Possession of Illegal Drugs Prohibited

No firm, person, society, association or corporation conducting an outdoor mass gathering, nor any person having charge or control thereof at any time when an outdoor mass gathering is being conducted shall permit any person to bring into the outdoor mass gathering, or upon the premises thereof, any illegal drugs, nor permit illegal drugs to be used on the premises.

MCC 9.25.190 can be satisfied through conditions of approval.

MCC 9.25.200: Compliance Required

The terms and conditions of this ordinance constitute minimum health, sanitation and safety provisions; and failure to comply with the terms and conditions of this ordinance or state law shall constitute a public nuisance and shall be subject to all civil and equitable remedies as such.

MCC 9.25.200 can be satisfied through conditions of approval.

APPEAL PROCEDURE

7. MCC 9.25.210 contains the following procedure for appealing the Marion County Board of Commissioners' decision:

MCC 9.25.210: Review of Board's Action.

All decisions of the Board concerning the issuance of a permit for an outdoor mass gathering shall be subject to review by the Circuit Court of the State of Oregon in Marion County only by writ of review under the provisions of ORS 34.010 to 34.100. Decisions of the Board concerning the issuance of a conditional use permit under Marion County Zoning Ordinance chapters 119 and 126 are subject to review as land use decisions.

VIOLATIONS

8. MCC 9.25.220 outlines procedures for violations of this ordinance:

MCC 9.25.220: Public Nuisance and Violations.

- (A) *Except as provided in subsection (B) of this section, violation of any provision of this ordinance or the erection or construction of a permanent physical alteration to the real property that is the site of the outdoor mass gathering shall constitute a Class A violation as provided in ORS Chapter 153.*
- (B) *Any violation of MCC 9.25(040)(A) is punishable upon conviction by a fine of not more than \$10,000.00 as provided for in ORS 433.990 (2005).*
- (C) *Enforcement shall be accomplished through Chapter 125 MCC.*

CONCLUSION

9. Based on the above findings, the Planning Director recommends denial of this application.

RECOMMENDED CONDITIONS OF APPROVAL

10. If the Board of Commissioners chooses to approve this application, the Planning Director recommends including the following conditions of approval:

A. Marion County Public Works:

1. No less than five (5) months prior to the scheduled event, submit to MCPW Engineering for review and approval, a Traffic Impact Analysis / traffic study (TIA) that also includes a detailed site plan.
2. No less than four (4) months prior to the scheduled event, submit to MCPW Engineering for review and approval, a comprehensive Temporary Traffic Control Plan (TTCP) that addresses both vehicular and pedestrian traffic within the public right-of-way for the proposed event, along with a copy of the TTCP plan that was approved for use at the 2017 Willamette Country Music Festival held in Brownsville, Oregon.
3. No less than three (3) months prior to the scheduled event, submit to MCPW Engineering for review and approval, that portion of ticket holder information packet related to traffic routing, directions, and traffic control.
4. No less than two (2) months prior to the event, submit to MCPW Engineering for review and approval, a draft detailed notice to all property owners and affected stakeholders within the vicinity of the event. No less than 14-days prior to the scheduled event, prepare and mail an approved notice to all property owners within a geographic expanse to be specified by Public Works staff.
5. At the time the TIA is submitted for review, Applicants shall execute a MCPW Work Order agreeing to pay for all costs assumed by the Department of Public Works for such activities related to the event

including, but not limited to, formal review of the TIA, TTCP and related event material; event planning activities; event traffic monitoring by Public Works staff during the festival; required response activities during the festival; and any post-event repairs or required actions.

6. Applicants are required to restore the state and county road right-of-ways impacted by the event to the same or better condition as existed prior to the event or as specified in individual permits. This may include closing temporary accesses, restoring road shoulders and ditches, removing temporary traffic control devices, litter and debris pickup, etc.
7. The approval is limited to a single event with a cap on ticket sales and attendance to 30,000 attendees per day.
8. The applicant shall provide additional information to the Marion County Traffic Engineering Supervisor as a supplement to the revised TIA within timeframes discussed in the commentary or as applicable as event preparation progresses. The TIA and TTCP will not be approved until all requested information is provided and approved by the Public Works Traffic Engineering supervisor or designee.
9. The primary routes and contingency routes illustrated in Figures 44 and 45 of the revised TIA shall be established as the official routes for ingressing event traffic, contingent upon approval by ODOT Region 2 Traffic, ODOT District 3 and 4, and the ODOT Rail and Public Transit Division, as well as approval of a TTCP that supports these routes. The routes illustrated in Figure 49 of the April 6, 2018 revised TIA shall be established as the official routes for egressing traffic, contingent upon approval by ODOT Region 2 Traffic, ODOT District 3 and 4, and ODOT Rail and Public Transit Division, as well as approval of a TTCP that supports these routes. If the needed approvals cannot be obtained, the routes will need to be modified and submitted to the referenced agencies for reviews.
10. Execution of the work order described in Condition A5 has not yet occurred. Execution of the work order shall occur within a timeframe to be determined by Public Works Engineering staff after its reviews are substantially completed.
11. Two weeks prior to the event, the applicant shall prepare and furnish a traffic control contact list to the Marion County Public Works Traffic Engineering section. The contacts shall consist of but not be limited to: Traffic control supervisor(s), key Festival coordination staff with decision making abilities and primary representatives from ODOT District 3, ODOT District 4, Marion County Sheriff's Office, Marion County Traffic Engineering, Marion County Road Operations supervisor, and Marion County Dispatch. The contact list shall be composed on a card and be distributed to all listed parties.
12. The applicant shall work in coordination with ODOT and Marion County Traffic Engineering staff to develop an agreement that specifies conditions and procedures in which contingency routing plans and any unanticipated traffic control changes will be implemented during the event. Elements of the agreement shall include who has the authority to implement those plans and changes and under what circumstances. The agreement shall be executed as part of the TTCP approval process.
13. Pedestrian containment and properly signed designated crossing locations shall be provided to and approved by the Marion County Traffic Engineering Supervisor or designee as part of the TTCP review process.
14. The content of the informational packets provided to attendees with camping and parking passes shall be submitted to and approved by the Marion County Traffic Engineering Supervisor or designee one month prior to distribution.
15. Premium and General Parking traffic shall be routed into the General Admission parking fields to encourage driver decision making on-site, rather than on the public roadways.

16. Detailed event and traffic routing notification shall be furnished to all property owners and residents located along and in the general vicinity of the primary and contingency event ingress and egress routes. The proposed notification materials and mailing list shall be approved by the Marion County Traffic Engineering Supervisor or designee two weeks prior to distribution. Distribution shall occur no later than two weeks prior to the event.
17. The applicant shall operate a Festival Command Center and provide a conference phone number to area farmers for scheduled early morning coordination calls on each morning of the event. A neighbor liaison(s) shall also be available throughout the event. Marion County Traffic Engineering staff shall be provided with name(s) of the neighbor liaison(s) and their contact information prior to the event, in conjunction with Condition A11.
18. The applicant shall work with Public Works staff to review and approve the “ticketing platform build” (ticket allocation plan) in an effort to ensure compliance with the 30,000 attendee cap. This shall occur no later than one month prior to the beginning of ticket sales.
19. The applicant shall provide, on a daily basis during the event, the hourly real-time person counts within the gated venue area to Public Works staff during the event. A mechanism for this information exchange to occur shall be in place prior to the start of the event.
20. In accordance with Marion County Code chapter 11.10, driveways must meet sight distance, design, spacing, and safety standards. Access Permits shall be required to install and/or remove temporary and/or intermittent use permanent accesses as approved and determined by the Marion County Public Works Engineering Division. Permits shall also be required for any modifications to existing accesses.
21. Applicant shall provide evidence of meeting ODOT, railroad, and other agency requirements, including obtaining any required permits.
22. In addition to the parameters set forth in Conditions A5 and A10, Marion County Public Works staff shall be provided with the appropriate credentials for unencumbered access to the event for all event monitoring purposes.
23. The applicant shall provide evidence of a coordinated written plan that the Marion County Sheriff’s Office has agreed to concerning impound activities.
24. The collection of “baseline” 24-hour traffic volume and vehicle classification counts shall be required on key roadways identified by the Marion County Traffic Engineering Supervisor or designee in July 2019. The collection of 24-hour traffic volume and vehicle classification counts on the same key roadways shall be required throughout the duration of the event as a means to more accurately gauge the traffic impacts resulting from the event. Traffic counts shall be collected by Public Works Traffic Engineering staff, and related costs will be borne by the applicant through a private work order as described in Conditions A5 and A10.
25. Applicant will be required to get any applicable Marion County permits.
26. A Road Closure (Detour) Permit will be required for any road related closures.
27. Utility work within the public right-of-way necessary to provide for temporary onsite services requires permits from MCPW Engineering.
28. No event signs or entrance gates shall be placed within the public right-of-way. Only Temporary Traffic Control Signs identified in an approved TTCP are allowed within the R/W and event gates must be set a minimum of 50 feet back from the edge-of-pavement. Any other signing must be located on private property, with appropriate property owner permission and must comply with any Marion County zone

code requirements and engineering standards, including those related to sight distance.

29. The applicant is advised that there are jurisdictional waters present on and around the site, including the possibility of wetlands, and applicant is responsible for securing any environmental permits associated with the proposed pedestrian bridge(s) as well as any new accesses or existing access modifications in the area. Applicant is directed to the Department of State Lands and the Sidney Irrigation Co-op to pursue any permit requirements.

B. Marion County Health Department:

1. OAR 333-039-0015 specifies the water requirements for outdoor mass gatherings (more than 3,000 persons for more than 24 consecutive hours). The amount of water required to be available is 12 gallons per person per day with storage equal to one day's supply shall be kept in reserve at all times.
2. The onsite well and distribution shall be constructed per OAR 333-039-0015(3). The well shall be tested for bacteriological and chemical contaminants specified in OAR 333-039-0015(2) and results of the test submitted to Marion County Environmental Health prior to the event.
3. The submitted sanitary facilities plan shall specify the amount of potable water that will be available onsite since the yield of the onsite well is unknown and there is no mention of onsite reserve storage amounts.
4. All food vendors shall secure a temporary restaurant license from the Marion County Health Department prior to operating at the event or be operating from a mobile unit licensed in Marion County.

C. Marion County Sheriff: The applicant shall follow the safety plan.

D. Insurance: The Organizer shall furnish the Public Works Director with an insurance certificate and an endorsement naming Marion County as an additional insured at least seven days before the first day of the outdoor mass gathering.

E. Jefferson Fire District: The applicant shall follow the fire protection plan. The applicant and all other vendors must comply with the Technical Advisory No. 11-09 (Statewide Guidelines for Fairs, Trade Shows, Carnivals or Common Venue Events).

F. Permit Posting: Any permit issued as provided in this ordinance shall be kept posted in a conspicuous place upon the premises of the assembly.

G. Noise Restricted Hours of Operation: Sound amplification shall **NOT** be used between the hours of 11:00 p.m. and 7:00 a.m. Quiet periods shall be enforced by on-site security.

H. Responsible for Order: The organizer shall be subject to revocation of the permit, if the outdoor mass gathering is not being operated in accordance with the rules and regulations prescribed in Chapter 9.25 MCC as presented in this report and as set forth in state law.

I. Enforcement:

- o The Organizer shall keep a reasonable count of persons and vehicles entering and leaving the outdoor mass gathering. If at any time during the outdoor mass gathering, the number of persons or vehicles attending the outdoor mass gathering exceeds by 10 percent or more the number of persons or vehicles estimated in the permit application, the Organizer shall limit further admissions until a sufficient number of individuals or vehicles have left the site to bring the actual attendance down to the number estimated by the Organizer.

- If the Organizer cannot maintain order and compliance with all applicable state and local laws or refuses to maintain order and compliance or is unable to adhere to the terms and conditions of this permit, the County Sheriff has the authority to order the crowd to disperse and leave the outdoor mass gathering site.
 - If the organizer fails to remove all debris or residue from the event site or adjacent property within 72 hours after termination time of the event, or fails to remove all temporary structures within three weeks after the termination time of the event, any county code enforcement officer may issue citations to any organizer of the event. The county code enforcement officers may also issue citations to any persons who have left behind debris at the site or on adjacent property.
- J. Intoxicating Liquor: The sale and consumption of intoxicating liquor from a facility located on the premises of this outdoor mass gathering must receive the express approval of the Oregon Liquor Control Commission and obtain a temporary license or letter of authority.
- K. Illegal Drugs:
- The Operator of the mass gathering shall not permit any person to bring into the outdoor mass gathering, or upon the premises thereof, any illegal drugs, nor permit illegal drugs to be used on the premises.
 - The applicant shall notify the Marion County Sheriff Department of the use of any illegal substances on the property and identify the individuals to the responding Officer.
- L. Compliance:
- Failure to comply with the terms and conditions of this application shall constitute a public nuisance and shall be subject to all civil and equitable remedies as such.
 - At least seven days before the event occurs, the applicant shall be in compliance with all conditions that are required prior to the opening date.
 - If any organizer violates any provisions of this ordinance, the Board may immediately revoke any permit for an outdoor mass gathering and may seek any legal remedy available.
- K. Floodplain: No development shall occur in the floodplain. Development is defined in MCC 17.178.020 (G) as any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, fencing, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Brandon Reich
Senior Planner - Planning Division

Date: June 8, 2018