

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: July 9, 2013 **Approx Start Time:** 2:30 p.m. **Approx Length:** 30 minutes

Presentation Title: Outdoor Mass Gatherings and Limited Gatherings

Department: Planning and Zoning Division / County Counsel

Presenters: Mike McCallister, Planning Director
Lorraine Gonzales, Senior Planner

Other Invitees: Barb Cartmill, DTD Director
Stephen Madkour, County Counsel
Jeff Davis, County Sheriff Department

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

No action is requested of the Board. This is an informational session to update the Board and answer any questions before the upcoming public hearing and second reading of the outdoor mass gathering code scheduled for July 11, 2013.

EXECUTIVE SUMMARY:

In the past several years a number of mass gatherings (Rave Events) have been conducted or attempted to be held in Clackamas County. The Planning staff was given direction by the BCC to research and develop code language to address outdoor mass gatherings. Outdoor mass gatherings include an assembly of more than 3,000 persons. Currently outdoor mass gatherings are regulated under State law (ORS 433.735 – 433.770). In addition to adopting state laws governing outdoor mass gatherings, staff has proposed code language to regulate other gatherings less than 3,000 persons (referred to as Limited Gatherings). The proposed amendments for outdoor mass gatherings and limited gatherings would establish approval standards and criteria to ensure minimum health, safety and welfare issues are adequately addressed. The amendments are intended to provide a clear and transparent path for permitting these types of events for the County, the public, service district providers and event organizers. The proposed amendments include a list of exemptions for certain gatherings that do not warrant review and / or do not generate potential health, safety and welfare issues.

A Study Session with the Board of County Commissioners was held on Tuesday, June 11, 2013. The BCC directed staff to proceed with a public hearing as soon as possible. A public hearing and first reading of the proposed code was held on June 20, 2013. The BCC directed staff to proceed with a hearing for a second reading and a proposed fee schedule.

Testimony regarding the proposed code amendment was received at the first hearing on June 20 and during the public testimony portion of subsequent business meeting on June 27. A response to

[Type text]

those issues is summarized below.

1. The code applies to unincorporated (urban and rural areas) of the County. The code does not apply to incorporated cities.
2. The code does not apply to activities (parades, organized walks, demonstrations, etc.) on a county road. Those types of activities are regulated by the DTD Transportation Division.
3. The code includes a list of exemptions for certain gatherings including normal and customary activities in the underlying zoning district (family wedding, reunions, etc.).
4. The code exempts uses authorized under a land use permit approval, including agritourism events, farmers markets, hosting of commercial events, etc.
5. The code includes provisions for the Planning Director (i.e. Planning Director discretion) to use his or her discretion to waive the need for a permit when there are no significant health, safety or welfare issues anticipated from an event and to waive the 90 day submittal requirement for limited gatherings when it is deemed feasible to process a permit for a limited gathering in a shorter time period.

FINANCIAL IMPLICATIONS (current year and ongoing):

The proposed code amendments, including the necessary research and outreach on mass gatherings is included as part of the Planning and Zoning Divisions adopted budget. No new funding is sought. The overarching goal of the code amendment is that implementation will be more efficient – for the County, the public and organizers. The staff report and packet for the July 11, 2013 public hearing includes a proposal for application fees for processing permit applications.

LEGAL/POLICY REQUIREMENTS:

This is an information session only.

PUBLIC / GOVERNMENTAL PARTICIPATION:

The Planning and Zoning Division staff organized an eight-member advisory group to discuss issues associated with gatherings and to define parameters that will help coordinate tasks of relevant agencies and county departments to ensure compliance with state regulations. The advisory group included representatives from the County Sheriff, Public Health, Risk Management, and County Counsel Departments and Clackamas County Service District 1 and the Tualatin Fire and Rescue Departments.

Three meetings were held with the advisory group to present the project and receive input on two drafts of the code language.

Public participation included several meetings with County CPOs, Hamlets and Villages to share the project information and ascertain their issues, concerns and feedback on development of the code language. Staff used the public input from the advisory group and public outreach to further develop and refine the draft code language.

OPTIONS:

[Type text]

1. Direct staff to proceed with adopting code amendments to regulate outdoor mass gatherings and limited gatherings at the July 11, 2013 business meeting.
2. Direct staff to proceed with adopting code amendments to regulate outdoor mass gatherings and limited gatherings at the July 11, 2013 business meeting with amendments.
3. Direct staff not to proceed to adopt any code amendments.

RECOMMENDATION:

The Planning and Zoning Division respectfully requests the Board of County Commissioners to proceed with the July 11, 2013 public hearing to consider adoption of the outdoor mass gathering and limited gathering code amendment.

ATTACHMENTS:

None.

SUBMITTED BY:

Division Director/Head Approval *Mike McCallister, Planning Director*
Department Director/Head Approval *Mike McCallister, Acting Director*
County Administrator Approval _____

For information on this issue or copies of attachments, please contact Mike McCallister @ 503-742-4522

[Type text]

Fiscal Impact Form

RESOURCES:

Is this item in your current work plan and budget?

YES

NO

START-UP EXPENSES AND STAFFING (if applicable):

N/A

ONGOING OPERATING EXPENSES/SAVINGS AND STAFFING (if applicable):

N/A

ANTICIPATED RESULTS:

The desired results of amending the County Code as recommended would be an additional enforcement tool for unauthorized events and to establish a clear path and public involvement protocols for CPO's and neighbors to participate in the decision making process.

COSTS & BENEFITS: N/A

Costs:							
	Item	Hours	Start-up Capital	Other Start-up	Annual Operations	Annual Capital	TOTAL
Total Start-up Costs							
Ongoing Annual Costs							
Benefits/Savings:							
	Item	Hours	Start-up Capital	Other Start-up	Annual Operations	Annual Capital	TOTAL
Total Start-up Benefit/Savings							
Ongoing Annual Benefit/Savings							

[Type text]