

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Study Session Worksheet

**Presentation Date:** June 11, 2013 **Approx Start Time:** 2:00 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  
Rhett Tatum, County Counsel

**Other Invitees:** Barb Cartmill, DTD Director  
Jeff Davis, County Sheriff Department

### WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Staff requests Board direction on potential amendments to the County Code to address outdoor mass gatherings and other limited gatherings.

### EXECUTIVE SUMMARY:

In the past several years a number of mass gatherings (often electronic music festivals or "raves") have been held 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. Currently outdoor mass gatherings, which are defined as an assembly of more than 3,000 persons, are regulated under State law (ORS 433.735 – 433.770) and all health and safety rules associated with outdoor mass gatherings are governed by the Oregon Administrative Rules. Gatherings that have less than 3,000 persons in attendance are not regulated by state law.

The proposed code amendments will implement current state law that regulates mass gatherings, into the County Code and tailor the process to include more specific review, public notice, agency coordination, decision making and public hearing procedures.

In addition to adopting state laws governing outdoor mass gatherings, staff has proposed code language to regulate other gatherings that involve an assembly of less than 3,000 persons (referred to as Limited Gatherings). These amendments are being considered because Limited Gatherings have the potential to create impacts similar to outdoor mass gatherings. Staff has proposed standards to regulate Limited Gatherings for those assemblies that have an attendance between 300 to 3000 persons. 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 event organizers, County,

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public and service district providers. The proposed amendments include a list of exemptions for certain gatherings that do not warrant review because they do not generate health, safety and welfare issues.

**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 effective – for the County, the public and organizers. The County can establish fees to cover the cost of processing applications for gatherings.

**LEGAL/POLICY REQUIREMENTS:**

The proposed amendments regulating outdoor mass gatherings will implement state law. The County has the discretion to define outdoor mass gatherings and regulate other types of gatherings. To the extent the Board agrees to adopt amendments to the County Code to regulate outdoor mass gatherings, the primary policy issues are:

1. Should the County regulate gatherings less than 3,000 persons? The staff has recommended a minimum floor of 300 persons. Gatherings less than 300 persons would not be regulated by this code amendment.
2. For outdoor mass gatherings, should a deposit be considered in addition to the application fee to cover staffing associated with complaints or enforcement of the event by the County sheriff or other agencies?

**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 fire districts (Clackamas County Service District #1 and the Tualatin Fire and Rescue).

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:**

1. Direct staff to proceed with adopting code amendments to regulate outdoor mass gatherings and limited gatherings.
2. Direct staff to proceed with adopting code amendments to regulate outdoor mass gatherings, but not limited gatherings.
3. Direct staff not to proceed to adopt any code amendments.

**RECOMMENDATION:**

The Planning and Zoning Division respectfully requests the BCC to direct staff to proceed with adopting amendments to the County Code to address outdoor mass gatherings and limited gatherings.

**ATTACHMENTS:**

- Appendix 1 - Draft Gatherings Code
- Appendix 2 - Gatherings Table
- Appendix 3 - Agency Issues & Concerns
- Appendix 4 - Consolidated CPO's Hamlet's & Villages Comments – Summary
- Appendix 5 - Gatherings Handout

**SUBMITTED BY:**

Division Director/Head Approval *M. J. McQuillan*  
Department Director/Head Approval *M. D. Carfroll 6-4-13*  
County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Lorraine Gonzales @ (503) 742-4541

## 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:**

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

**Appendix 1**

**Chapter 6.12 - OUTDOOR MASS GATHERINGS AND LIMITED GATHERINGS**

**Subtitles:**

6.12.010	Purpose
6.12.020	Definitions
6.12.030	Permit requirements
6.12.040	Prohibitions
6.12.050	Exemptions
6.12.060	Permit fees
6.12.070	General application requirements
6.12.080	Application submittal deadlines
6.12.090	Notice requirements
6.12.100	Review & appeal procedures
6.12.110	Approval Criteria
6.12.120	Contact, insurance and clean-up requirements
6.12.130	Inspection Requirements
6.12.140	Enforcement

**6.12.010 Purpose**

The purpose of this chapter is to allow gatherings while protecting the health, safety and welfare of the surrounding community, participants and organizers of the gatherings.

**6.12.020 Definitions**

For the purposes of this title, unless otherwise apparent from the context, certain words and phrases used in this title are defined as follows and where appropriate shall include their plural form:

- A. ADEQUATE means that the requirement:
  - 1. accommodates the gathering counts for the duration of the gathering;
  - 2. meets the standards required for that level of gathering; and
  - 3. accommodates the location and nature of the gathering.
- B. APPLICANT means a person who seeks a permit authorizing a gathering.
- C. COUNTY OFFICIAL means any employee of Clackamas County, whether elected, employed, or appointed, conducting official business on behalf of Clackamas County.
- D. EXTENDED OUTDOOR MASS GATHERING (EOMG) means an actual or reasonably anticipated assembly of more than 3,000 persons, which continues, or can reasonably be expected to continue, for more than 120 hours (more than five days) within any three-month period and any primarily held in open spaces.
- E. GATHERING means an Extended Outdoor Mass Gathering (EOMG), an Outdoor Mass Gathering (OMG), or a Limited Gathering.

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- F. LIMITED GATHERING means an actual or reasonably anticipated assembly of more than 300 persons that does not qualify as an Extended Outdoor Mass Gathering or an Outdoor Mass Gathering, which continues, or can reasonably be expected to continue, for up to 72 hours (three days) within any three-month period.
- G. ORGANIZER includes any person who holds, stages, sponsors, promotes, organizes, or advertises a gathering. Organizer also includes the applicant for a permit under this title, the owner, lessee, possessor, or lessor of the real property upon which the gathering is to take place and the agent designated to conduct the gathering.
- H. OUTDOOR MASS GATHERING (OMG) means an actual or reasonably anticipated assembly of more than 3,000 persons, which continues or can reasonably be expected to continue for more than twenty-four consecutive hours but less than 120 hours (five days), within any three-month period and which is held primarily in open spaces and not in any permanent structure.
- I. OWNER includes the owner, lessee, or possessor of the real property upon which the gathering is to take place.
- J. PERSON, for purposes other than determining attendance at a gathering, means any individual or group of individuals, corporation, partnership, or organization. For purposes of determining attendance at a gathering, "person" means an individual regardless of age.
- K. PLANNING COMMISSION means the Clackamas County Planning Commission.
- L. PLANNING DIRECTOR means the director of the Clackamas County Planning and Zoning Division.
- M. PUBLIC HEALTH SERVICES means the Clackamas County Public Health Division employees and representatives thereof.
- N. SHERIFF the Sheriff of Clackamas County or the Sheriff's designee.
- O. TEMPORARY STRUCTURE includes tents, trailers, portable chemical toilet facilities, stages, concession booths and other similar structures customarily erected or sited for temporary use and removed after a gathering.

## 6.12.030 Permit requirements

- A. A permit is required to hold, conduct, advertise or otherwise promote any gathering.
- B. Each gathering shall require a separate permit.

## 6.12.040 Prohibitions

- A. A permit issued under this title shall not allow the construction of any permanent structures or allow for any other permanent physical alterations to or on the real property where the gathering will be held.
- B. Structures or parking associated with the gathering shall not be located off-site or include right-of-way areas of the premises that have been approved for the gathering.

## 6.12.050 Exemptions

This chapter shall not apply to:

- A. Any normal and customary activity or program that takes place on property lawfully developed with a school, church or other institutional use.

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- B. Any gathering under the auspices of any local, state or federal agency conducted in response to an emergency or to conduct training to meet such emergencies.
- C. Any gathering in a local, county, or regional park authorized by the park district authority.
- D. Any gatherings conducted on federal or state lands that are authorized by the state or federal regulating authority.
- E. Any gathering approved under the Clackamas County Zoning Development Ordinance.
- F. Any gathering that is allowed as a permitted use in the underlying zoning district.
- G. Any gathering where the Planning Director, in his or her discretion and in consultation with the Sheriff, County Health Department and other affected agencies, determines that there are no significant health, safety and welfare issues.

## 6.12.060 Permit fees

- A. The permit fee for a gathering shall be set by the Board of County Commissioners.
- B. The permit fee shall be paid by the organizer upon filing the application with the Planning and Zoning Division.
- C. An additional deposit fee is required for gatherings to cover the costs of services by the Sheriff, Fire District, Health Department and Oregon Department of Forestry in response to alleged violations of the permit or other violations of the law. If violations do not occur as a result of the event then the deposit is reimbursed to the applicant.
- D. The Planning Director or Board of County Commissioners may reduce or waive fees upon a showing of just cause to do so.

## 6.12.070 General application requirements

- A. The following information shall be submitted for all gatherings on forms provided by the County:
  - 1. Name, address, phone numbers and email of all owners.  
Name, address, phone numbers and email of all organizers.
  - 2. The name and contact information for the designated contact person who has decision making authority and will be present at the gathering site at all times.
  - 3. Map number and address of all the properties proposed for use as part of the gathering, including any property used for parking, staging of equipment and supplies.
  - 4. Beginning and end dates of the gathering, including set-up and clean-up days.
  - 5. Hours of operation for the gathering.
  - 6. Estimated event count and daily attendance.
  - 7. Description of planned gathering activities.
  - 8. A detailed site plan map showing the permanent and temporary structures, activity areas, stages, driveway access, parking and circulation areas.
  - 9. Information necessary to demonstrate compliance with the applicable approval criteria for the type of proposed gathering.
  - 10. Other appropriate information as the county may require to ensure compliance with this chapter.

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11. Application fee.

## 6.12.080 Application submittal deadlines

- A. An application for an Extended Outdoor Mass Gathering or Outdoor Mass Gathering shall be submitted no less than 180 days prior to the date of the gathering.
- B. An application for a Limited Gathering shall be submitted no less than ninety days prior to the gathering unless a reduced time period is approved by the Planning Director based on the size and characteristics of the gathering and anticipated time to process the permit.

## 6.12.090 Notice requirements

- A. Written notice of the gathering shall be sent by mail at least thirty days prior to the public hearing or Planning Director decision to the following parties:
  1. All property owners of record within 500 feet of the subject property and any contiguous properties under the same ownership if the property is located within an urban growth boundary or within 2,000 feet of the subject property and any contiguous properties if the property is located outside an urban growth boundary.
  2. Recognized and active CPO, Hamlet or Village.
  3. Sheriff.
  4. County and State Health Departments.
  5. Local Fire District.
  6. County Department of Transportation and Development, Transportation Division.
  7. Oregon Department of Forestry.
  8. Oregon Liquor Control Commission if alcohol will be served or permitted onsite.
  9. Other affected service districts and agencies which may have jurisdiction over the gathering, including the water district, sewer district, and the Oregon Department of Transportation.
- B. Notice of Extended Outdoor Mass Gatherings and Outdoor Mass Gathering shall be published in a newspaper of general circulation at least ten days prior to the public hearing.
- C. Notices of the hearings shall contain the following information:
  1. The date, time and place of the hearing, the application file number, and the staff representative and telephone number where additional information may be obtained.
  2. Identification of the organizers and owners, a description of the subject property by tax map designation of the County Assessor, the address of the property if available and approximate location on county roads.
  3. An explanation of the nature of the proposed gathering which could be authorized by the decision.
  4. A list of the criteria from this code.
  5. A statement that interested parties may appear and be heard and that failure to raise an issue by the close of the record at or following the final evidentiary hearing, in person or by letter, or failure to provide sufficient specificity to afford the Planning Commission or



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Board of County Commissioners an opportunity to respond to an issue may preclude appeal to the circuit court based on that issue.

6. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
7. A statement that the application, all documents and evidence relied upon by the applicant, and the applicable criteria are available for inspection at the Planning Division at no cost and copies will be provided at a cost established by the Board of County Commissioners.
8. A statement that at least seven days prior to the hearing a copy of the staff report for the hearing will be available for inspection at the Planning Division and copies will be provided at a cost established by the Board of County Commissioners.

## 6.12.100 Review and appeal procedures

- A. A Limited Gathering Permit shall be reviewed by the Planning Director. The Planning Director's decision to grant or deny the permit may be appealed to the Board of County Commissioners by any person. An appeal must be filed within seven days of the Planning Director's final decision. It is the Board of County Commissioner's discretion to hear or not hear the appeal. If the Board of County Commissioners does not hear the appeal, then the Planning Director's decision shall stand.
- B. An Outdoor Mass Gathering Permit shall be reviewed at a public hearing by the Board of County Commissioners.
- C. An Extended Outdoor Mass Gathering Permit shall be reviewed at a public hearing by the Planning Commission. The Planning Commission's decision to grant or deny the permit may be appealed to the Board of County Commissioners by the applicant or any person who attended or testified at the Planning Commission Hearing. The appeal must be filed within seven days of the Planning Commission's final decision. If no appeal is filed, the Board of County Commissioners may review the decision of the Planning Commission at its discretion. The Board of County Commissioners shall have twenty-one days to decide whether to review the decision of the Planning Commission.

## 6.12.110 Approval criteria

- A. Limited Gatherings: At a minimum, the applicant must provide evidence that for the duration of the Limited Gathering, the following agency and departmental standards will be met:
  1. Local and State Fire Districts
    - a. Provision of adequate fire protection, emergency vehicle access, fire fighting water supply, emergency medical personnel and facilities.
    - b. Provision of adequate wildfire protection, smoking areas, firefighting equipment, and supplies.
  2. Sheriff's Department
    - a. Provision of adequate and approved security personnel.
    - b. Provision of adequate staff to direct and monitor traffic control.
    - c. Compliance with Chapter 6.05 - Noise Control.
  3. County Engineering Division

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- a. Provision of adequate traffic safety monitoring staff, driveway access, traffic control plan and setup, drainage and erosion control.
  - b. Provision of adequate off-street parking and circulation.
  4. County and State Public Health
    - a. Provision of adequate facilities to accommodate sewage disposal such as port-a-potties or other approved sources.
    - b. Provision of adequate water supply, food and sanitary food services.
  5. County Sustainability Division
    - a. Provision of adequate refuse storage and disposal facilities.
  6. Oregon Liquor Control Commission (OLCC)
    - a. Compliance with the OLCC regulations if alcohol service is proposed.
  7. The Planning Director may, in his or her discretion, waive any of the requirements listed in Subtitle 6.12.110(A) if the requirement is not applicable to the nature of or activities associated with the approved gathering.
- B. Outdoor Mass Gatherings: At a minimum, the applicant must provide evidence that for the duration of the Outdoor Mass Gathering, the standards provided for in OAR, Ch. 333, Div. 39 and the following agency and departmental standards will be met:
1. Local and State Fire Districts
    - a. Provision of adequate fire protection, emergency vehicle access, fire fighting water supply, emergency medical personnel and facilities.
    - b. Provision of adequate wildfire protection, smoking areas, firefighting equipment, and supplies.
  2. Sheriff's Department
    - a. Provision of adequate and approved security personnel.
    - b. Provision of adequate staff to direct and monitor traffic control.
    - c. Compliance with Chapter 6.05 - Noise Control.
  3. County Engineering Division
    - a. Provision of adequate traffic safety monitoring staff, driveway access, traffic control plan and setup, drainage and erosion control.
    - b. Provision of adequate off-street parking and circulation.
  4. County and State Public Health
    - a. Provision of adequate facilities to accommodate sewage disposal such as port-a-potties or other approved sources.
    - b. Provision of adequate water supply, food and sanitary food services.
  5. County Sustainability Division
    - a. Provision of adequate refuse storage and disposal facilities.
  6. Oregon Liquor Control Commission (OLCC)
    - a. Compliance with the OLCC regulations if alcohol service is proposed.
  7. The Planning Director may, in his or her discretion, waive any of the requirements listed in subsection 6.12.110(B) if the requirement is not applicable to the nature of or activities associated with the approved gathering.
- C. Extended Outdoor Mass Gatherings: At a minimum, the applicant must provide evidence that for the duration of the Extended Outdoor Mass Gathering, the standards provided for in OAR Ch. 333, Div. 39 and the following agency and departmental standards will be met:

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1. Local and State Fire Districts
  - a. Provision of adequate fire protection, emergency vehicle access, fire fighting water supply, emergency medical personnel and facilities.
  - b. Provision of adequate wildfire protection, smoking areas, firefighting equipment, and supplies.
2. Sheriff's Department
  - a. Provision of adequate and approved security personnel.
  - b. Provision of adequate staff to direct and monitor traffic control.
  - c. Compliance with Chapter 6.05 - Noise Control.
3. County Engineering Division
  - a. Provision of adequate traffic safety monitoring staff, driveway access, traffic control plan and setup, drainage and erosion control.
  - b. Provision of adequate off-street parking and circulation.
4. County and State Public Health
  - a. Provision of adequate facilities to accommodate sewage disposal such as port-a-potties or other approved sources.
  - b. Provision of adequate water supply, food and sanitary food services.
5. County Sustainability Division
  - a. Provision of adequate refuse storage and disposal facilities.
6. Oregon Liquor Control Commission (OLCC)
  - a. Compliance with the OLCC regulations (if alcohol service is proposed).
7. The Planning Director may, in his or her discretion, waive any of the requirements listed in Subtitle 6.12.110(C)(1) through (6) if the requirement is not applicable to the nature of or activities associated with the approved gathering.
8. Obtain any land use approvals and permits that are required by the Clackamas County Zoning and Development Ordinance.
9. The proposed use is compatible with existing land uses and does not materially alter the stability of the overall land use pattern of the area.

## 6.12.120 Contact, insurance and clean-up requirements

- A. Any permit issued pursuant to this chapter shall be kept by the organizer, and a copy shall be posted in a conspicuous place upon the premises of the gathering site. The posting shall also include a description of the gathering, date, duration, on-site twenty-four hour contact information for the organizer with the authority to make decisions, and sheriff, fire control, public health, and other appropriate agencies.
- B. At least one onsite organizer shall have twenty-four hour radio frequency access to the Sheriff and all onsite security staff.
- C. Insurance in accordance to the regulations outlined in ORS 433.755(1) may be required for any gathering. The Planning Director shall consult with the county's Risk Manager to determine the amount and scope of the insurance coverage.
- D. All lingering residue, debris, or damage to personal or real property resulting from the gathering shall be removed and or repaired from the gathering premises within seventy-two hours after termination of the gathering, and all temporary structures associated with the gathering shall be

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removed from the premises within three weeks after termination of the gathering.

## 6.12.130 Inspection requirements

All approved gatherings are subject to inspections prior, during and after the gathering by a county official and other reviewing public officials and agencies to insure the gathering is in and maintains compliance with the requirements of section 6.12.110. The organizer and owner shall provide written consent allowing law enforcement, public health, fire control, and other appropriate public officers or officials to come onto the premises of the approved gathering.

## 6.12.140 Enforcement

- A. It is the intention of this chapter to put the burden of preserving order upon the organizer of the gathering. If a gathering is not being operated in accordance with the rules and regulations prescribed in this chapter, as set forth in state law, and as provided for in the permit, the organizers and owners shall be subject to revocation of the permit and other sanctions as the law and this title provides.
- B. The organizers shall keep a count of persons and vehicles entering and leaving the gathering. If at any time during a gathering held under a valid permit the number of persons or vehicles attending the gathering exceeds the number of persons or vehicles estimated in the permit application, the Sheriff, or any of his or her deputies, may 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. The county may bring an action in any court of general or equitable jurisdiction to prevent, restrain or enjoin any violation of this title or ORS 433.745.
- D. For any gathering held under a valid permit, the Sheriff shall have the authority to order the crowd to disperse and leave the gathering site if the organizer cannot maintain order and compliance with all applicable state or local laws, or refuses or is unable for any reason to adhere to the terms and conditions of their permit, and the Sheriff determines that there is an immediate threat to public health or safety.
- E. The county may file suit to either compel compliance with, or seek compensation for its own actions related to, the clean-up requirements in subsection 6.12.130(D).
- F. If any organizer violates any provisions of this title or any permit issued hereunder, the Board of County Commissioners or Planning Director may immediately revoke any permit for a gathering and may seek any legal remedy available.
- G. The county may impose a fine of up to \$10,000 on each organizer and owner for each violation of this title, the terms of their permit, or ORS 433.735.

## Appendix 2: GATHERINGS TABLE

TYPE	# of Participants	Duration	# of Events (w/1 Calendar Year)	Review Process
Extended Outdoor Mass Gathering (EOMG)	Greater than 3,000	120 hrs or more [5 days or more]	1 per 3 months	OMG Permit Land Use Review  Planning Commission (PC)
Outdoor Mass Gathering (OMG)	Greater than 3,000	Less than 120 hours [less than 5 days]	1 per 3 months	OMG Permit  Board of County Commissioners (BCC)
Limited Gathering (LG)	Greater than 300 but, not qualifying as a Level 1 or 2 gathering,	No more than 120 hours [5 days]	1 per 3 months	Permit or Registration
<p><b>** All other gatherings that exceed the above regulations may require a Land Use Review and are subject to review by the Planning Director to determine the appropriate review process.</b></p>				

### Appendix 3: AGENCY ISSUES & CONCERNS

AGENCY	CONCERNS	RECOMMENDATIONS	PAST EXAMPLES
<b>Sheriff</b>	<ul style="list-style-type: none"> <li>• Noise</li> <li>• Drugs</li> <li>• Defecating on surrounding properties</li> <li>• Trespassing</li> <li>• Coordination with Sheriff department's and other agencies and jurisdictions is essential –</li> <li>• Notification</li> <li>• Traffic control</li> <li>• Access on site</li> <li>• OLCC violations</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Noise</u> Need hours of operation for noise – consistent with noise limitations for construction crews Reduce allowed noise levels in rural areas.</li> <li>• <u>Penalties</u> Develop penalties for both the landowners &amp; promotion groups</li> <li>• <u>Notification</u> - build on communication – computer notice when an event/OMG is processed?</li> <li>• <u>Pre-Application Meetings</u> Require property owner to attend initial review/pre-app with organizer OLCC violations</li> <li>• Suspension list?</li> <li>• Work with OLCC – meet with OLCC to address preventative measures for violation of new code language.</li> <li>• Send electronic notices to alert agencies and neighboring jurisdiction of a proposed OMG</li> </ul>	<ul style="list-style-type: none"> <li>• Agri-tourism events – illegal rodeos</li> <li>• Soccer event – improper notification to fire district, sheriff and planning –</li> <li>• Tools uses to control events: Used restraining order to have promoter/landowner cease and desist event/OMG</li> <li>• Raves in County forest lands</li> </ul>
<b>Fire</b>	<ul style="list-style-type: none"> <li>• Access/circulation on site</li> <li>• Emergency provisions on site (EMT &amp; medical services &amp; supplies)</li> <li>• Inspections for:               <ul style="list-style-type: none"> <li>○ Tents</li> <li>○ Permanent structures</li> <li>○ Apparatus connections</li> <li>○ Generators</li> </ul> </li> </ul>		

## Appendix 4: CONSOLIDATED CPO'S, HAMLET'S & VILLAGE'S COMMENTS - SUMMARY

Comments	Questions	Recommendations
<ul style="list-style-type: none"> <li>• There is already too much regulation (over-regulated) and another code is excessive.</li> <li>• Find a way to better enforce existing state law (ORS 433.735-433.770)</li> <li>• ALC – All events need to be regulated otherwise the code will set the county up for a law suit.</li> <li>• Insurance coverage for one million dollars is an insignificant amount of coverage.</li> <li>• Concerned about the number of participants and time frame allowed for Level 3. The number of participants (greater than 500) can be equally problematic in comparison to Level 2.</li> <li>• Level 4 maximum of 500 acceptable</li> <li>• Kevin Laying (Sheriff) – code will serve as a good tool for Sheriff Office and help to avoid other mechanisms like restraining orders.</li> <li>• It does not take 3,000 people to cause impacts – example used was noise impacts.</li> <li>• Lt. James Rhodes stated the code language will address the illegal gatherings or give leverage to stop them before they happen.</li> <li>• Sheriff's office relies on resources (website, youths) to alert them when an event is to occur.</li> <li>• Illegal gatherings typically drawn in people from out of the county.</li> <li>• Most OMG have been known to be riddled with problems (drugs, sexual assaults, drinking, noise and fights)</li> <li>• Do not restrict family gatherings or create a financial burden to conduct family gatherings on property.</li> <li>• Last thing on mind of a landowner in preparation of a big family event is to contact the county.</li> <li>• 500 guests/participants is a lot of people.</li> </ul>	<ul style="list-style-type: none"> <li>• How will code language be regulated and will the code language have enough “teeth” to effectively regulate the code?</li> <li>• How far in advance does an application for a gathering or event need to be submitted?</li> <li>• What is considered commercial use?</li> <li>• Is the event or landowner required to have insurance?</li> <li>• Will the code require the landowner to be responsible?</li> <li>• What are the fees and will they effectively serve as a deterrent for illegal gatherings or events?</li> <li>• Sheriff's office does not currently respond to large events, so how will a new code improve their ability to respond?</li> <li>• Is it beneficial to have the CPOs participate at the hearings?</li> <li>• Who is notified of events/gatherings?</li> <li>• Will the CPO have enough lead time to respond to the notice – Question if the state requirement from a 10-day notice is adequate time to submit a response?</li> <li>• Will the code apply to commercial property events (i.e. farmers market, event shows &amp; sales), or for church events?</li> <li>• Will it address airspace?</li> <li>• Is there a cost associated with the proposed code?</li> <li>• Does the process turn into a penny bank?</li> <li>• Will the code prove more effective than existing law?</li> <li>• What are the criteria used to evaluate/review a OMG application?</li> <li>• Is there a required site size to accommodate an gathering event of 500 or more people?</li> <li>• Will there be buffers required from neighboring properties?</li> <li>• Will a result of the OMG code be an increase in OMG activity?</li> <li>• Can the county recoup costs to have the Sheriff, fire district on site?</li> <li>• How about spontaneous protests on private property?</li> </ul>	<ul style="list-style-type: none"> <li>• Noise</li> <li>• Dust Control</li> <li>• Dogs/Animals</li> <li>• Sanitation</li> <li>• Trash/Litter</li> <li>• Insurance – liability</li> <li>• Firearms</li> <li>• Enforcement</li> <li>• Lightening</li> <li>• Security</li> <li>• Provide a penalty for not getting a permit</li> <li>• Instead of allowing the gatherings and events once every three months consider restricting events to once or twice a year.</li> <li>• Add a fifth level that omits the need to go through the process or add a minimum to level 4.</li> <li>• Reduce the number of participants in Level 4 to 200-500 rather than “Less than 500”.</li> <li>• Add another Level : Level 5 less than 100</li> <li>• Use the website to provide a “tip link” to inform County of a pending RAVE event.</li> <li>• Consider empowering citizens to use/rent noise meters provided by the County to help with enforcement of existing noise regulations.</li> <li>• Determine who should be reviewing parties.</li> <li>• Use twelve month duration for the time frame as opposed to “calendar year”.</li> <li>• A criteria list should be available to CPO and other parties identify how the OMGs and Events will be evaluated.</li> <li>• Use commercial vs noncommercial as the trigger point for requiring a permit/application review.</li> <li>• Require a deposit to cover cost incurred as a result of the event.</li> </ul>

## **Appendix 5: GATHERINGS HANDOUT**

(Extended Outdoor Mass Gatherings, Outdoor Mass Gathering & Limited Gatherings)  
**Project Description & Purpose**

### **Description & Purpose**

The purpose of the project is to consider adopting language in the Clackamas County Code to implement state law relating to outdoor mass gatherings (Oregon Revised Statutes 433.735 to 433.770) in State law and to allow other gatherings that do not fall under the state regulations.

### **Applicable Areas**

All lands within the unincorporated Clackamas County.

### **Exemptions:**

The following areas and uses would be exempt from the gatherings code:

- Properties within a city;
- Public Parks;
- Regular organized events and activities at schools;
- Those normal and accessory to a residential use;
- Properties that have land use approvals authoring events; and
- Federal land.

### **Definitions & Review Process of Events and Gatherings**

*Appendix 1, the Gatherings Table* identifies three proposed types of gatherings, as well as the number of allowable participants, duration of event, number and frequency of gatherings, and the review process to authorize a gathering.

### **Safety, Health and Welfare**

On October 30, 2012 and on April 2, 2013 staff met with several service providers (Sheriff, Fire Districts, State Forestry, and Public Health representatives) to discuss their concerns and get input on this project. There were a number of issues identified at the meetings that addressed the health, safety and welfare of gathering participants, nearby neighbors, and emergency and agency service providers.

Below is an initial list of issues collected from the Sheriff, Fire, Public Health, and State Forestry representatives:

- Noise;
- Fire and wildfire;



- Trespass;
- Traffic Control;
- On-site parking and circulation;
- Consumption of drugs and alcohol;
- Emergency services (EMT and medical service);
- Overnight camping;

Staff anticipates the code language will include application and review procedures for all gatherings that do not meet the “exemption criteria”. The threshold for review and compliance would be commensurate with the size of the gathering. Review and notice procedures for consideration include:

- Notice to the appropriate CPO, Hamlet and / or Village
- Notice to all affected agencies (fire district, sheriff, etc.);
- Notice to nearby property owners;
- Require the property owner and event organizer to attend a pre-application conference that outlines the standards and requirements;
- Work with Oregon Liquor Control Commission (OLCC) to prevent violations.

**Next Steps**

Within the past months since January 2013 staff has met with different community groups (CPO’s, Hamlets, Villages, and interested parties) to share the project’s purpose and schedule. We intend to include the relevant input received at these meetings in the draft code language and/or present the input at future public hearings. If you would like to submit comments or concerns relating to this project, please mail / email your input to Lorraine Gonzales at Clackamas County Planning & Zoning Division 150 Beaver Creek Rd, Oregon City, Or 97045 / [lorrainego@clackamas.us](mailto:lorrainego@clackamas.us), or call her at (503) 742-4541.

Below is the preliminary project schedule.

<b>Outdoor Mass Gatherings &amp; Events Process</b>				
Public Meetings	Prepare Draft Code document	BCC Hearings (1-2)	Adoption	Effective Date
<i>January-April</i>	<i>April-May</i>	<i>May</i>	<i>June</i>	<i>July</i>