

# STAFF REPORT

JOSEPHINE COUNTY

COMMUNITY DEVELOPMENT – PLANNING DIVISION

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**TO:** Josephine County Planning Commission

**PREPARED BY:** Nora Schwartz  
Planner

**AGENDA ITEM:** Grants Pass Balloon & Kite Festival

**DATE:** April 6, 2018

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## ***GENERAL INFORMATION***

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**Owner:** City of Grants Pass

**Applicant/Representative:** Greater Grants Pass Rotary Club

**Requested Action:** Approval of mass gathering

**Activity:** 2<sup>nd</sup> Annual Grants Pass Balloon & Kite Festival to be held  
June 1-3, 2018 at the River Road Reserve.

**Existing Zoning:** Farm Resource (FR) and Exclusive Farm (EF)

**Comprehensive Plan:** Agricultural

**Legal Description:** 36-06-14.B0 tax lot 600, 36-06-15.00 tax lots 300 and 401

**Property Location:** 3658 and 4111 Upper River Road

**Property Size:** Approximately 200 acres

**Existing Land Use:** Agricultural (Fort Vannoy Farms, leasee)

**Surrounding Zones/Use:** ABUTTING PROPERTIES – the parcel is surrounded on three sides by Exclusive Farm (EF) properties. The North property lines abut Upper River Road. To the East, a series of four tax lots abut tax lot 600; three are privately owned and residentially developed. The fourth tax lot is owned by the City of Grants Pass and is not developed. To the South, one EF property is owned by the City of Grants Pass and is not developed. Two additional tax lots are under a single private ownership and zoned EF; one lot is residentially developed. To the West is another EF property owned by the City

of Grants Pass, undeveloped. Parcel sizes range from less than one acre to 54 acres.

VICINITY – the properties to the north of Upper River Road are primarily Rural Residential; the vast majority are residentially developed. One exclusion is the portion of 3658 Upper River Road which lies north of the road; it is zoned Farm Resource (FR) and is extensively developed for farm use with dwellings and outbuildings. This is the portion of River Road Reserve operated by the Josephine County Food Bank. Further out to the East and West are numerous EF properties, most under private ownership and developed, with two additional EF properties owned by the City of Grants Pass; one is developed with a residence.

**Statutory 150-day**

**Time Limit Expires:** August 20, 2018

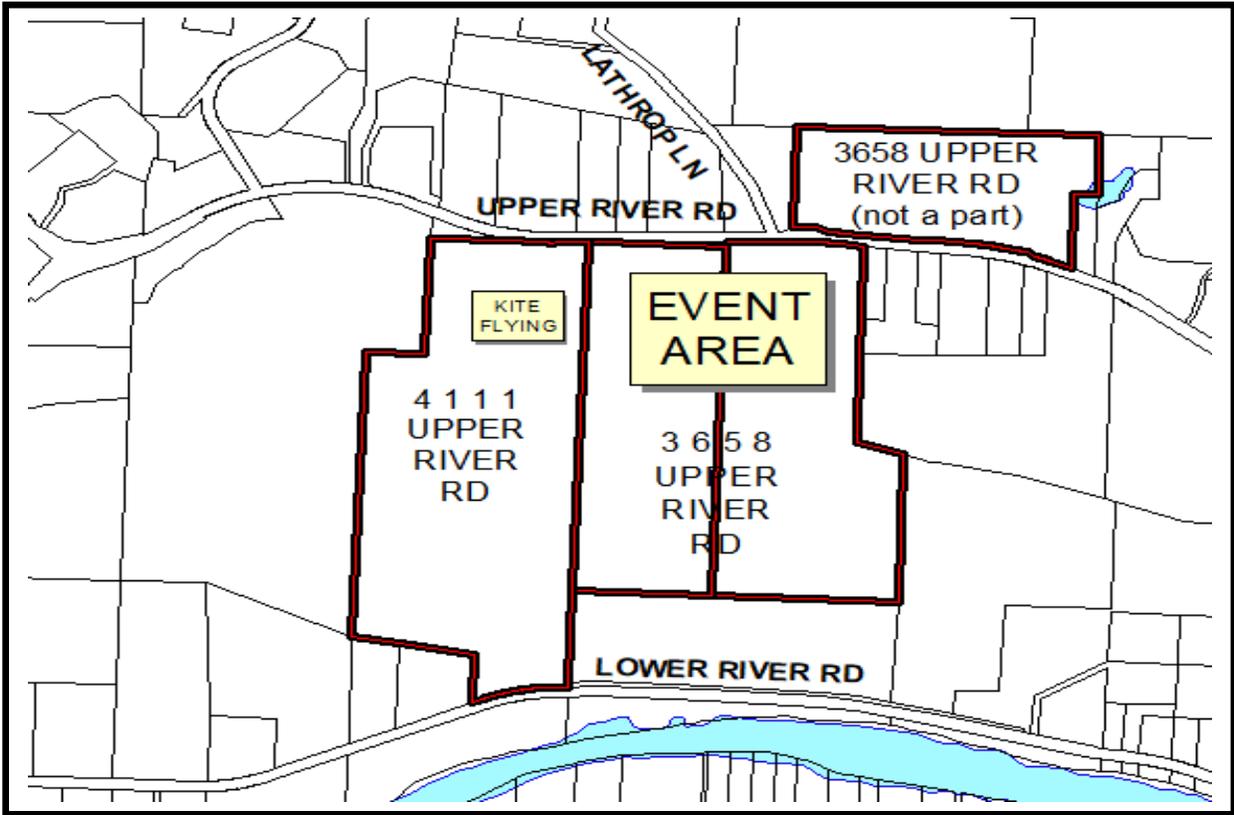
***BACKGROUND INFORMATION***

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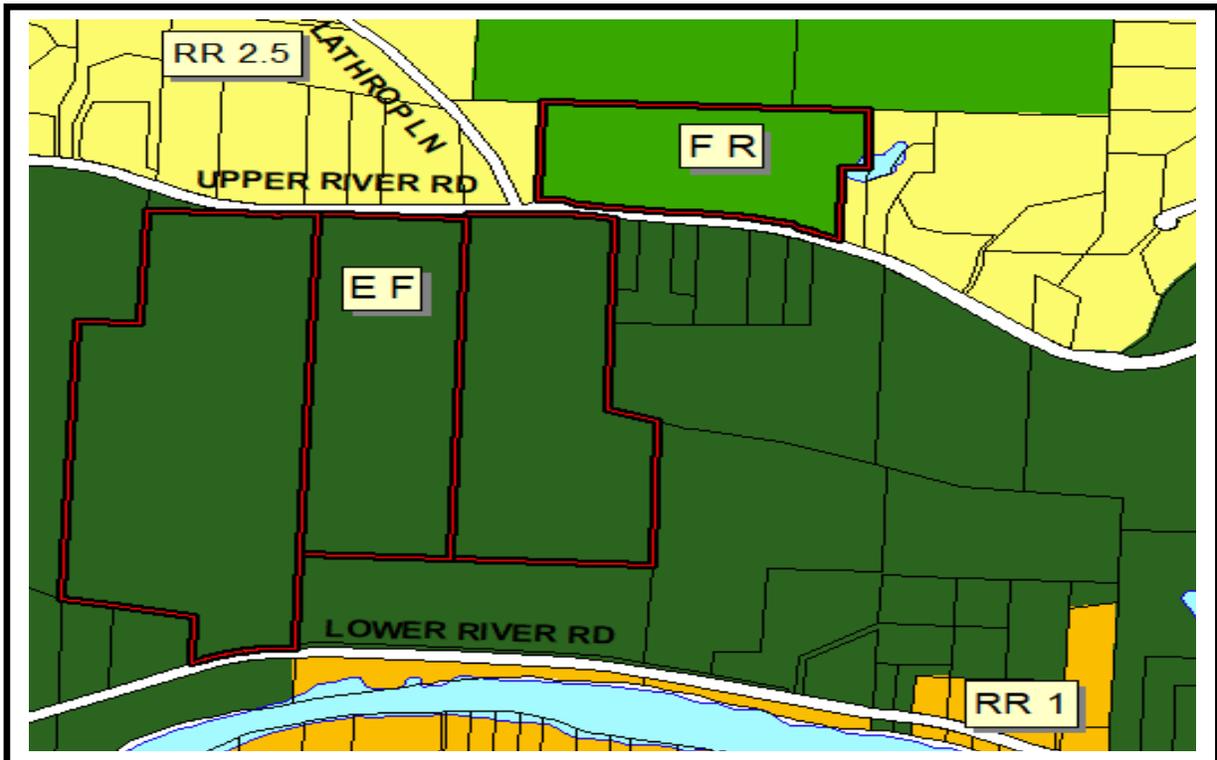
**Application History:**

On March 1, 2018 Caleb LaPlante, on behalf of the Greater Grants Pass Rotary Club, submitted a preliminary application for a mass gathering. Due to the number of projected attendees, and number of hours connected to the event, a concern was raised by Planning staff regarding the appropriate level of review required to process the request. A full site plan application for a mass gathering was subsequently submitted on March 22, 2018 as required by the Josephine County Rural Land Development Code (RLDC) Section 64.040.Q and ORS 433.763. The application was deemed “technically complete” on March 23, 2018.

**PROPERTY LOCATION**



**ZONING OF SURROUNDING AREA**



## 2016 AERIAL PHOTOGRAPH OF THE PROPERTY



**Physical Characteristics:** The property is located between Upper River Road and Lower River Road. The ground has no significant slope, as is characteristic of farm property. An irrigation canal is located across the properties, and lies south of the area proposed for festival activities.

**Soils:** Not applicable.

**Hazards:** Not applicable.

**Public Services:** The property is protected by Rural/Metro Fire Department and by the Josephine County Sheriff's Office.

**Transportation:** The properties are bordered to the north by Upper River Road, and to the south by Lower River Road. Access to the event is proposed by Lower River Road (ODOT jurisdiction) and Upper River Road (Josephine County jurisdiction). No public facilities improvements are proposed.

<b>Sewage Disposal:</b>	A total of 28 chemical toilets are required by DEQ.
<b>Water:</b>	A total of six 2-station sinks and one graywater holding tank are required by DEQ.
<b>Irrigation:</b>	Not applicable.
<b>Wetlands:</b>	None. One irrigation canal runs in a generally east-west direction through the properties, and is located south of the activity areas.
<b>Wildlife Habitat:</b>	The property is not located within a protected habitat area (Deer Winter Range).

## ***REVIEW PROCEDURE***

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- Per Josephine County *Rural Land Development Code (RLDC)* Article 45, a comprehensive “conditional use” review is required to consider land uses which involve both significant benefits to the community and may result in significant adverse impacts on nearby properties and public facilities.
- Per RLDC Section 64.040.Q, the Planning Commission shall review “...mass gatherings that are outdoor and...involve more than 3,000 persons or are anticipated to last more than 120 hours in any 3-month period.”
- Per RLDC Section 64.060, the application shall be reviewed to determine whether the activities associated with the use will not negatively affect accepted farm or forest practices on surrounding lands devoted to farm or forest use (as specified in this section).
- Per Oregon Revised Statutes (ORS) 2017 Section 433.763, “any gathering of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours...in open spaces shall be allowed by a county planning commission” if all criteria are met.

## ***ORDINANCE REVIEW***

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### 45.030 - REVIEW STANDARDS & CRITERIA

Conditional use permit requests shall comply with the following standards and criteria:

A. Standards

1. Development standards contained within this code and all other applicable master plans, rules, resolutions, ordinances, codes, technical manuals and policies of the county or the state or federal governments;

Staff Comment: The application was sent to the following agencies for comment: Josephine County departments of Building Safety, Public Works, Environmental Health, and the Sheriff’s

office; also noticed were Rural/Metro Fire District, DEQ and ODOT. Any comments received by the responding agencies (Josephine County Public Works and ODOT) have been provided in this report. Staff has proposed conditions of approval to address development standards as applicable.

2. The Josephine County Roadway and Traffic Management Plan, including the Official Street Map;

Staff Comment: Public Works has reviewed the application and did not indicate any conflicts with the official street map or that it would prohibit the extension of streets or roads.

3. Standards for construction of required infrastructure and public facilities; and

Staff Comment: No improvements to infrastructure or public facilities are required.

4. Access standards contained in Section 11.030.

Staff Comment: Comments received from Josephine County Public Works and ODOT are attached as **Exhibit C**.

#### B. Criteria

1. All criteria made applicable by the provisions of Article 69 (Overlays), Chapter 7 (Development Standards), Chapter 8 (Public Facilities), and Chapter 9 (Special Uses).

Staff Comment: There are no flood hazards, deer winter range, airport overlay areas which would affect this proposal. Development standards of Chapter 7 do not apply as these are reserved for new development and division of property. Public Facilities have been addressed by comments from Josephine County Public Works and ODOT. Chapter 9 is not applicable as this is a temporary use only.

2. The location, size, design and operating characteristics of the proposed use will not result in significant impacts on the neighborhood (“significant impact” is defined in Article 11 of this code);

Staff Comment: Comments received from Josephine County Public Works and ODOT are attached as **Exhibit C**. The Josephine County Sheriff’s department, Rural/Metro Fire Department, Josephine County Public Health, and Oregon DEQ have all discussed the proposal with the applicant and subsequently signed a Mass Gathering application indicating satisfaction with the information as presented to them. The Deputy State Fire Marshal, Mike Shaw, was also included in such discussion.

The definition per Section 11.030 of the RLDC is as follows:

**SIGNIFICANT (ADVERSE) IMPACT.** A criterion used to determine whether proposed land use activities will inappropriately affect the use or quality of other properties or public facilities.

Impacts are significant when they cause serious adverse effects to, or conflict with, other properties in ways that cannot be reasonably mitigated through the imposition of conditions of development or operation. The review body shall judge the significance of impacts based on what a reasonable person would consider serious given the facts and circumstances of the application.

3. The use will not exceed the carrying capacity of the land as defined in Section 11.030;

Staff Comment: Not applicable; this is a temporary use only.

4. Existing and proposed infrastructure and public facilities are adequate to serve the proposed development. Pursuant to a requirement contained in the county's Transportation System Plan, or any other official document containing county road standards, the review body may control the location and number of vehicular access points, establish new streets, increase right-of way and road width, require curbs, sidewalks and traffic circulation features.

Staff Comment: Public Works and ODOT have reviewed the proposal and have not indicated any improvements for this temporary use.

5. The development is designed so that it coordinates efficiently with surrounding development patterns and existing and planned utilities, facilities and streets in the vicinity;

Staff Comment: Comments received from Josephine County Public Works and ODOT are attached as **Exhibit C**.

6. Any development that includes lands that are subject to flooding, wildfire, or erosion hazards shall present a plan or plans that satisfy the requirements of Article 69.1 (Flood Hazard Overlay), Article 76 (Wildfire and Emergency Safety Standards), and Article 83 (Erosion Control & Storm Drain Facilities). The approved provisions of the mitigation plan or plans shall become conditions of development for the site.

Staff Comment: Not applicable; this is a temporary use only.

#### 64.060 – GENERAL REQUIREMENTS FOR CONDITIONAL USES AND NEW DWELLINGS

- A. The use or activities associated with the use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Staff Comment: There will be no negative impact on accepted farm or forest practices on surrounding lands for several reasons. This is a temporary use only. The surrounding lands are primarily owned by the owner of the properties involved in the activity. The leaseholder (Bob Crouse, Fort Vannoy Farms) of the properties involved in the proposed use has expressed to

Planning staff that he supports the use. No comments were received during the public comment period opposing the use.

#### ORS 433.763 – COMPLIANCE WITH LAND USE REGULATIONS

1. Any gathering of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces shall be allowed by a county planning commission if all of the following occur:
  - a. The organizer makes application for a permit to the county planning commission.
  - b. The applicant demonstrates to the county planning commission that the applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750 (permit application).
  - c. The county planning commission shall make findings that:
    - (A) Any permits required by the applicable land use regulations have been granted; and
    - (B) The proposed gathering:
      - (i) Is compatible with existing land uses; and
      - (ii) Does not materially alter the stability of the overall land use pattern of the area.
2. The provisions of ORS 433.755 (additional information required before permit issued) apply to any gatherings reviewed or approved under this section. (1-additional plans or specifications or reports as deemed necessary; 2-casualty insurance policy up to \$1 million with county named as an additional insured);
3. A decision granting or denying a permit under this section may be appealed to the county governing body as provided in ORS 215.402 to 215.438.
4. If a county has not created a planning commission...(this portion not applicable).

Staff Comment: Upon conclusion of the hearing, the Josephine County Planning Commission shall make a determination if all requirements have been satisfied, or shall set additional conditions of approval to ensure all requirements will be satisfied. Findings of Fact shall then be prepared by the applicant, or Planning staff, as directed by the Commission. Historically, preparation of Findings of Fact have been the responsibility of the applicant.

## ***PUBLIC / AGENCY COMMENTS***

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Staff received no written comments from neighbors during the public comment period. The agencies which submitted comments on the application were Josephine County Public Works and ODOT (**Exhibit C**).

## ***STAFF RECOMMENDATION***

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Planning staff recommends the Mass Gathering – Conditional Use Permit for the 2018 Grants Pass Balloon & Kite Festival be APPROVED with the recommended conditions listed in **Exhibit D**.

## ***ACTION (for reference)***

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At the conclusion of the presentations, the Planning Commission may take any one of the following actions on the request:

1. At the specific request of any participant to present additional evidence, arguments or testimony made prior to closing of the record, take one of the following actions:
  - a. Continue the hearing for at least 7 days to a date, time and place certain to allow participants to present and rebut new evidence and testimony at the continued hearing; or
  - b. Determine to leave the record open for at least 7 days to receive additional written evidence and testimony only, and also set a date, time and place certain for deliberations and final decision; or
2. At the specific request of the applicant, hold the record open for at least 7 days after the record closes for all other participants, to allow the applicant to submit final written arguments only (no new evidence may be submitted or argued), and also set a date, time and place certain for deliberations and final decision; or
3. Apart from any action made pursuant to items 1 and 2 above, the Planning Commission may grant any other continuance, or leave the record open, subject to whatever reasonable guidelines and time limits it deems necessary or helpful to accomplish its fact finding and deliberations; or
4. In the event continuances are not made or the time for continuances has expired and the record is officially closed, the hearing body shall deliberate and make its final decision. The final decision may be approval of the request with or without conditions or it may deny the request. As a part of the deliberations and the motion for decision, the Planning Commission shall briefly state the facts relied upon, the criteria and standards considered, and explain how the decision is justified.

***EXHIBITS***

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MASS GATHERING APPLICATION	Exhibit “A”
TENTATIVE PLAN MAP (Figure E-2 of Application)	Exhibit “B”
JO. CO. PUBLIC WORKS and ODOT COMMENTS	Exhibit “C”
PROPOSED CONDITIONS OF APPROVAL	Exhibit “D”