STAFF REPORT
JOSEPHINE COUNTY
COMMUNITY DEVELOPMENT – PLANNING DIVISION

TO: Josephine County Planning Commission
PREPARED BY: James Black,
Deputy Director
AGENDA ITEM: GP Balloon & Kite Festival-2019
DATE: April 19, 2019

GENERAL INFORMATION

Owner: City of Grants Pass

Applicant/Representative: Greater Grants Pass Rotary Club

Requested Action: Approval of Conditional Use Permit for Mass Gathering

Activity: Grants Pass Balloon & Kite Festival to be held
May 31-June 2, 2019 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 30, 2019

BACKGROUND INFORMATION

Application History: On March 14, 2019, Caleb LaPlante, on behalf of the Greater Grants Pass Rotary Club, submitted a Conditional Use application (See Exhibit A) to conduct a mass gathering event on the subject property as required by the Josephine County Code (JCC) Section 19.64.040.Q and ORS 433.763. The application was deemed “technically complete” on April 2, 2019.

Noticing Requirements: Staff mailed public notice of the land use hearing on April 3, 2019 to all owners of properties within 750 feet of the subject properties (Chapter 19.32, JCC). In addition, staff published the notice of land use hearing in the Daily Courier (i.e. a newspaper in general circulation in the County) on April 19, 2019 per ORS 433.750(4). See Exhibit B.
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 (PW/ODOT jurisdiction) and Upper River Road (Josephine County PW jurisdiction). No public facilities improvements are proposed.
Sewage Disposal: A minimum of 20 chemical toilets and 3 ADA chemical toilets are required by the Building Official.

Water: Applicant will provide appropriate number of wash station/sinks and graywater holding tanks as per Building Official.

Irrigation: Not applicable.

Wetlands: None. One irrigation canal runs in a generally east-west direction through the properties, and is located south of the activity areas.

Wildlife Habitat: The property is not located within a protected habitat area (Deer Winter Range).

REVIEW PROCEDURE

• Per Josephine County Code (JCC) Chapter 19.45, 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 JCC Section 19.64.040.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 JCC Section 19.64.060, 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

19.45.030 - 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, Public Health, and the Sheriff’s office;
also noticed were Rural/Metro Fire District, DEQ, State Fire Marshal, County Airports, City of Grants Pass, Oregon Water Resources, ODF&W, and ODOT. Comments received by the responding agencies have been provided in this report (Exhibit C). Staff has proposed conditions of approval to address development standards as applicable.

2. The Josephine County Transportation System 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.


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

B. Criteria

1. All criteria made applicable by the provisions of Chapter 19.69 JCC (Overlays), Division VII of this title (General Development Standards), Division VIII of this title (Public Facility Standards), and Division IX of this title (Special Use Standards).

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. 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 (Adverse) Impact” is defined in JCC 11.210);

Staff Comment: Comments received from Josephine County Public Works are attached as Exhibit C. The Josephine County Sheriff’s Department, Rural/Metro Fire Department, and Josephine County Public Health have all discussed the proposal with the applicant and subsequently signed a Mass Gathering application indicating satisfaction with the information as presented to them. Staff received comments from Dennis Mack at 3396 Lower River Road; comments are attached under Exhibit D.

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 JCC 19.11.050;

**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 systems 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 has 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 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 Chapter 19.69A JCC (Flood Hazard Overlay), Chapter 19.76 JCC (Wildfire and Emergency Safety Standards), and Chapter 19.83 JCC (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.

19.64.060 – 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.

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 Planning staff, or as directed by the Commission.
PUBLIC / AGENCY COMMENTS

Staff received written comments from neighbors during the public comment period. The comments are attached under Exhibit D. The agencies which submitted comments on the application were Jo. Co. Public Works, Jo. Co. Building Safety, Sheriff’s Office, State Fire Marshal, Jo. Co. Airports and ODOT (see Exhibit B).

STAFF RECOMMENDATION

Planning staff recommends the Mass Gathering – Conditional Use Permit for the 2019 Grants Pass Balloon & Kite Festival be APPROVED with the recommended conditions listed in Exhibit E.

IN ADDITION, Conditional Uses are valid for 2 years under Section 19.41.030, JCC; unless, the Planning Commission chooses a one-year limit. Staff recommends the Planning Commission consider an approval for both the 2019 AND 2020 GP Balloon & Kite Festival events. Both 2019 and 2020 events will need to operate within the scope of this land use decision. A Development Permit will be required for both 2019 and 2020 events and will require agency “sign-off” for each event as normal. A courtesy notice to neighbors (mailing list provided by Planning Division) for the 2020 event shall be mailed by the applicant indicating dates, time, etc. for the event. If 2 years is granted, and after 2020 event, the applicant may request a time extension for review and approval by the Planning Commission. The time extension would grant an additional 2 years if approved.
ACTION (for reference)

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

<table>
<thead>
<tr>
<th>Document</th>
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<tr>
<td>MASS GATHERING APPLICATION</td>
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<td>PUBLIC NOTICE</td>
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<td>AGENCY COMMENTS</td>
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<td>COMMENTS RECEIVED FROM NEIGHBORS</td>
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<td>PROPOSED CONDITIONS OF APPROVAL</td>
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<td>ORS 433 FOR REFERENCE</td>
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EXHIBIT "A"

MASS GATHERING APPLICATION
PLANNING APPLICATION FORM

Property Address: 3600 Block, Upper River Road

Assessor’s Map & Tax Lot:
36 -06 -14 -B Tax Lot(s) 600
36 -06 -15 -B Tax Lot(s) 300

Zoning: EF/FR

Size of Project: (# of Units, Lots, Dimensions, Sq. Ft., Etc.)
Approximately 25-40 acres

Application/Permit Type: (Please Check All Applicable)
☐ Address Assignment
☐ New Address
☐ Change of Address
☐ Additional Address
☐ Annual Compliance Certificate (Use Form A)
☐ Appeal (See Sec.19.33.040)
☐ Comp Plan/Zone Map Amendment (See Sec.19.46.030)
☐ Determination of Nonconforming Use (See Sec.19.13.060)
☐ Marijuana Prod. Site on RR (Attach License and Premise Sketch)
☐ Alteration/Expansion of Nonconforming Use/Structure (See Div. 19.13.050)
☐ Final Plat (See Sec.19.56.030)
☐ Partition (See Sec.19.52.040)
☐ Planned Unit Development (See Sec.19.55.030)
☐ Pre-Application (See Chapter. 19.21)
☐ Property Line Adjustment or Vacation (See Sec.19.54.040)
☐ Replat (See Sec.19.53.040)
☐ Riparian Landscape Plan (Attach Plan or Use Form B)
☐ Site Plan Review (See Chapter 19.42)
☐ Subdivision (See Sec.19.51.040)
☐ Text Amendment (See Sec.19.46.030)
☐ Variance (See Chapter.19.44)

☐ Conditional Use Permit (Chapter. 19.45)
☐ Development Permit (See Sec.19.41.020)
☐ Temporary Dwelling (See Chapter. 19.43)
☐ Detached Living Space
☐ Medical Hardship
☐ Other: Mass Gathering

Attachments:
☐ Folded Maps/Site Plan to Scale
☐ 8 1/2x 11” Site Plan
☐ Written Narrative/Response to Criteria
☐ Power of Attorney
☐ Statement of Understanding
☐ Statement of Intended Water Use
☐ Fire Plan/Protection

Exhibit A -01

☐ Access Permit
☐ Proof of Fire Protection
☐ Erosion Control Plan
☐ Other:

Description of Request/Reason for Appeal
(Include name of project and proposed uses):
Grants Pass Balloon & Kite Festival May 31, June 1, June 2 2019

Property Owner: City of Grants Pass
Address: 101 NW A Street, Grants Pass, OR 97526
Phone: __________________________
Email: __________________________

Applicant: Greater Grants Pass Rotary Club
Address: 106 NW A Street, POB 255 Grants Pass, OR 97528
Phone: (541)646-0068
Email: calbiaplante@gmail.com

Authorized Representative/ Surveyor or Engineer:
(If Different From Applicant) (If Applicable)
Address: __________________________
Phone: __________________________
Email: __________________________

CERTIFICATION: I hereby certify that the information on this application is correct and that I own the property or the owner has executed a Power of Attorney authorizing me to pursue this application (attached).

(Signature of Owner or Attorney-in-Fact) __________________________
Date __________________________

(For Office Use) RECEIVED MAR 14 2019
Fees Paid __________________________
JOCO-PLANNING
Initials __________________________

Revised 02/19
Grants Pass will celebrate its 2019 Balloon & Kite Festival with a spectacular aerial show that features:

- MORNING BALLOON FLIGHTS
- TETHERED BALLOON RIDES
- A 10,000 SF AMERICAN FLAG KITE
- COLORFUL GIANT KITES in special shapes
- FOOD VENDORS
- KID-FRIENDLY ACTIVITIES
- MUSIC & ENTERTAINMENT for ALL AGES

BENEFICIARIES

CASA  SAFE FAMILIES FOR CHILDREN  EVERY CHILD

This event supports three incredible organizations that work tirelessly to improve the lives of local children who are abused, neglected or in difficult situations, and are in need of a foster home, host home, or advocacy.

SPONSORS

Rotary of Grants Pass  allcare health  SOUTHERN OREGON Fit Academy

AmeriGas  KAJO  Grants Pass Radio

PORT VANNON FARMS  KLDR

gpballoongest.com
MASS GATHERING

A MASS GATHERING PERMIT WILL BE ISSUED TO (Grants Pass Balloon + Kite Festival) (Greater Grants Pass Rotary Club)

DATE
1) May 26th 2019 THROUGH May 30th 2019
2) May 31st 2019 THROUGH June 2nd 2019
3) June 3rd 2019 THROUGH June 5th 2019

TIME
7am TO 11pm (am/pm)
6am TO 1am (am/pm)
7am TO 11pm (am/pm)

(EVENT)

(Break down)

(PURSUANT TO ORS433.735 AND ARTICLE 43.030B OF THE JOSEPHINE COUNTY RURAL LAND DEVELOPMENT CODE)

ESTIMATED ATTENDANCE 5000

NATURE OF GATHERING Community Event

LOCATION River Road Reserve Prop.

MAP 36-06-14-B Tax Lot 600

PROPERTY OWNER City of GP

CONTACT PERSON Bob Crouse

PHONE (541) 266-5630

Authorization stamps must be obtained indicating each undersigned agency has reviewed the Mass Gathering application and confirms that the application meets state and local law requirements.

SHERIFF’S DEPARTMENT
☐ OFF STREET PARKING
☐ INTERNAL SECURITY
☐ NOISE ABATEMENT
☐ OTHER (identify)

FIRE CONTROL
☐ BLM
☐ STATE
☐ FIRE MARSHAL
☐ OTHER (identify)

HEALTH/ENVIRONMENTAL HEALTH
☐ SANITATION
☐ WATER
☐ FOOD SERVICE
☐ OTHER (identify)

OHA
☐ WATER
☐ SEPTIC
☐ CHEMICAL TOILETS
☐ OTHER (identify)

RPC Exhibit A-03
Grants Pass Balloon & Kite Festival 2019 – Planning Commission Hearing

The Greater Grants Pass Rotary Club – in partnership with Fort Vannoy Farms, AllCare Health, AmeriGas, and the City of Grants Pass – is hosting the Grants Pass Balloon & Kite Festival again from May 31st-June 2nd, 2019, to be held primarily onsite at the River Road Reserve.

The River Road Reserve is 200+ acre property owned by the City of Grants Pass and currently leased to Fort Vannoy Farms. The past two years of the festival have been held there also. This event is a fundraiser for three major nonprofits in our area, Casa, Safe Families, and Every Child.

2019 Grants Pass Balloon & Kite Festival activities taking place at the River Road Reserve:

- Night Glows followed by Firework Show (Friday and Saturday nights)
- Tethered Rides (short balloon rides 75 feet in the air)
- Kite Show (huge kites in all kinds of shapes)
- MegaFlag Show (the world's second largest kite, a 10,000 sf American Flag)
- Concerts (Friday and Saturday; a different band each night)
- Food Vendors (six or more food vendors at all times)
- Family Activities (kids kite making, cow train rides, and much, much more)
- Monster Truck Rides
- Beer & Wine Garden (in contained area)
- Radio Controlled (RC) Airshow
- Merchandise Sales (hats, shirts, kites, etc)
- Pancake Feed (Sunday June 2nd)

MORNING LAUNCHES: 6:00 am at Parkside Elementary (Friday, Saturday, Sunday)

(FRI) OPEN: 4:00 PM at Festival Site
(FRI) CLOSE: 1:00 AM (no later than)

(SAT) OPEN: 8:00 AM at Festival Site
(SAT) CLOSE: 1:00 AM (no later than)

(SUN) OPEN: 8:00 AM at Festival Site
(SUN) CLOSE: 1:00 PM (end of event)

RPC - Exhibit A - 04
MORNINGS: Balloon tethering, Food Vendors, Kites, Kids Activities
AFTERNOON: Kites, MegaFlag, RC Airshow, Big Sprinkler, Sky Diving
EVENINGS: Bands, Kites, Kids Activities
NIGHTS: Balloon Glow, Fireworks (immediately afterward)

Sheriff

We have a 10 acre parcel of public parking within the event site to prevent any roadside parking. We are working with Public Works and ODOT to have roadside signage and cones, as well as the Sheriff’s department patrols along Upper and Lower River Roads to ensure there will be no roadside issues. Overnight security will be contracted through Concierge Home and Business Watch.

Traffic

Ingress: Gates open at 4pm on Friday afternoon, with food vendors, kids activities, kites, and a band, all happening before the Night Glow that will be followed by a Firework Show.

Egress: After the Night Glow events our parking/traffic team will direct cars to two different exits, 1) the main exit (with right turn only) onto Upper River Road, 2) the main entrance on Lower River Road will be turned into an exit. While vehicles will still experience wait times when leaving the property, we expect to cut those times in half, wrapping up activity (and noise) sooner.

Health/Sanitation

The Grants Pass Balloon & Kite Festival has contracted Best Portable Potty’s to provide 20 porta potties, eight wash stations to be set up for public use, in addition to grey water tanks for food vendors. First Aid stations are available in the HQ tent and the Farm Stand Tent.

Beneficiaries

Casa, Safe Families for Children, & Every Child

This event supports three incredible organizations that work tirelessly to improve the lives of local children who are abused, neglected or in difficult situations, and are in need of foster home, host home, or advocacy. In addition to the ticket sale donations we are hosting a “Faith in Action Pancake Feed” on Sunday June 2nd. We have invited church organizations from all over this area to come out and share in the fun. 100% of the pancake feed proceeds will go to our three beneficiaries
To Whom It May Concern-

I have been in discussions with Caleb LaPlante with the Grants Pass Rotary regarding their plans for the Grants Pass Balloon and Kite Festival. They are aware that the following requirements will be required to be met for this gathering under the 2014 Oregon Fire Code:

Section 307:
No open burning or recreational fires will be allowed without an authorized permit from the Josephine County Board of County Commissioners.

Section 3103 (Tents and Canopies):
3103.2 - Tents and membrane structures having an area in excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the Josephine County Board of County Commissioners.

Exceptions:
Tents open on all sides which comply with all of the following:
1. Individual tents having a maximum size of 700 square feet
2. The aggregate area of multiple tents placed side by side without a fire break clearance of 12 feet not exceeding 700 square feet total.
3. A minimum clearance of 12 feet to all structures and other tents.

3103.8.2 - Tents or membrane structures shall not be located within 20 feet of lot lines, buildings, other tents or membrane structures, parked vehicles or internal combustion engines.

3103.9 – Tents or membrane structures and their appurtenances shall be adequately roped, braced and anchored to withstand the elements of weather and prevent against collapsing.

3104.2 – All tents shall meet the flame propagation performance criteria requirements of NFPA 701. All tents shall have a label affixed to them stating such requirements have been met.

3104.6 – Smoking shall not be permitted in tents. Approved “No Smoking” signs shall be conspicuously posted.

3104.7 – Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquids, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within 20 feet of the tent or membrane structure while open to the public.

RPC - Exhibit A - 08
3104.19 – Generators and other internal combustion power sources shall be separated from tents or membrane structures by a minimum of 20 feet and shall be placed on an approved surface. Such equipment shall be isolated from contact with the public by fencing, enclosure or other approved means.

The Office of the State Fire Marshal does not issue permits for enclosed tents or membrane structures that are in excess of 400 square feet or open tents or membrane structures in excess of 700 square feet. Permits for those structures would be handled by the Authority having Jurisdiction for fire at the location of the event. In this case, that would be handled by the Josephine County Board of County Commissioners or their authorized representative since the location of this event is in an area considered unprotected by a public municipal fire department or fire district.

Our office is willing to assist with any fire code related questions for this event.

Sincerely,

Mike Shaw  
Deputy State Fire Marshal  
Douglas, Jackson, Josephine Counties  
Oregon Office of State Fire Marshal  
Oregon State Police  
Cell 541.944.5065  
mike.shaw@state.or.us  
www.oregon.gov/osp/sfm  
Premier Public Safety Services
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<tr>
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EXHIBIT "B"

PUBLIC NOTICE
April 3, 2019

NOTICE OF PUBLIC HEARING

Josephine County Planning Commission

The Josephine County Planning Commission will conduct a public hearing on the land use request described below. This hearing will be fully open to the public and any one interested in testifying or submitting other kinds of evidence may do so. The hearing procedures are governed by Chapter 19.31, Public Hearings, of the Josephine County Code (JCC). Anyone interested in participating in the hearing should examine or purchase a copy of Chapter 19.31 at the Planning Office during business hours without cost. Copies may be purchased. If a staff report is published, it will be available for inspection without cost at least 7 days before the hearing. Copies of the staff report may also be purchased. Consistent with the JCC comments and other pertinent information regarding the application should be submitted within 15 days from the date of this notice to be considered in the review by Planning Staff.

REQUEST AND HEARING INFORMATION

APPLICANT: Greater Grants Pass Rotary Club
LOCATION: 3658 & 4111 Upper River Road
LEGAL: 36-06-14-R0, Tax Lot (TL) 600 & 36-06-15, Tax Lot (TL) 300 & 401
36-06-14-C0, Tax Lot (TL) 800
ZONE: Exclusive Farm (EF) & Farm Resource (FR)
REQUEST: A request to authorize Grants Pass Balloon and Kite Festival 2019 to be held May 31st – June 2nd 2019 at the River Road Reserve located at 3658 Upper River Road. Activities include hot-air balloon rides, kite shows, concerts and various family activities with food/beverage service and merchandise sales.

CRITERIA: The criteria (listed by citation and caption only) applicable to the request: Josephine County Code Section 19.64.040 Q ~ Conditional Uses (Mass Gatherings); Chapter 19.45 ~ Conditional Uses Section 19.64.095 ~ Property Development Standards; ORS 433.760 ~ Compliance with Land Use Regulations Required (For Mass Gatherings); ORS 433.750 ~ Permit Application; City Code 433.755 ~ Additional Information Required before Permit Issued. Link to the Josephine County Code: https://www.codepublishing.com/OR/JosephineCounty/

PLACE: Anne Basker Auditorium Annex of the Courthouse, 600 NW 6th Street, GPO

DATE & TIME: Monday, April 29, 2019 ~ 6:00 p.m.

HEARING: The hearing will be conducted according to Chapter 19.31, Public Hearings, of the JCC. The hearing will use the following format: [1] the Chair will explain the hearing procedures; [2] a planner will summarize the request, identify the applicable criteria and explain the issues; [3] the applicant will make a presentation; [4] others in favor may speak; [5] opponents may speak; [6] the applicant may offer rebuttal; [7] opponents, if allowed, may offer rebuttal; [8] if requested by the Commission the planner will summarize the request, criteria, and evidence; [9] the Commission may question participants and/or involved county staff (participants may question staff with the Commission’s permission); [10] the Commission will close the hearing for deliberation and decision.

CONTACT PERSON: The planner handling the file is James Black (541) 474-5418; Email: jblack@co.josephine.or.us

APPEAL ISSUES: Failure to raise an issue at the hearing, in person or in writing, or failure to provide statements or evidence sufficient to afford the Commission to respond to the issue, precludes a later appeal of that issue. This makes it important to clearly and accurately state your issue when you testify at the hearing.

NOTICE: If you are a mortgagee, lienholder, vendor or seller, state law requires that you promptly forward this notice to the purchaser of the property. (ORS 215.513)
Grants Pass
Daily Courier
P.O. Box 1468, 409 S.E. 7th Street • Grants Pass, Oregon 97528

AFFIDAVIT OF PUBLICATION

State of Oregon ) ss.
County of Josephine )

I, Tamara Stuebing, being first duly sworn, depose and say that I am a manager of Courier Publishing Co., printer of the Grants Pass Daily Courier, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Grants Pass, in the aforesaid county and state; that the LEGAL NOTICE, a printed copy of which is herein enclosed, was published in the entire issue of said paper, for one insertion, on the following date:

April 18, 2019.

Subscribed and sworn to before me this eighteenth day of April, 2019.

Notary Public of Oregon

My commission expires the twenty first day of March, 2023.

RPC - Exhibit B -02
Good morning James, sorry for the delay. They note 20 porta pots and a number of wash stations; I find this to meet the minimum Code requirements with one exception; a minimum of three shall be handicap accessible for the public, I calculate this based on an expectation of 500 participants being on site at any time including staff and vendors. With that said, 2% of the parking spaces provided for the mass gathering are required to be Handicap Accessible; clear path from space to event and clearly marked. I have no other comments. Thanks

Mark O. Stevenson, CBO
Director of Community Development
Building Official
Josephine County, Oregon

---

To: James Black <JBlack@co.josephine.or.us>
Sent: Wednesday, April 17, 2019 2:57 PM
Subject: FW: Agency Transmittal (30 day completeness) - Mass Gathering PC Hearing/GP Rotary-Balloon & Kite Festival/3658 Upper River Road/36-06-14-80, TL 600+
Importance: High

Hello Mark,

Please review and respond with your comments. The staff report is due tomorrow.

Thanks Much,

James Black, CFM
Community Development Deputy Director
Josephine County Community Development - Planning Division
700 NW Dimmick Street, Suite C
Grants Pass, OR 97526
Office (541)-474-5418
Fax (541)-474-5422
jblack@co.josephine.or.us

***CONFIDENTIALITY NOTICE***
This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. It is intended for use solely by the above referenced recipient, and any unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

RPC - Exhibit C - 01
TO: JAMES BLACK: PLANNING
FROM: ERIC HEESACKER: PUBLIC WORKS
RE: 2019 KITE/BALLOON FESTIVAL: UPPER RIVER ROAD/LOWER RIVER ROAD/GRANTS PASS
NOTE: Josephine County and ODOT are currently working on a jurisdictional transference of Lower River Road. Regardless of Lower River Road’s jurisdiction, it is expected that Lower River Road will serve this event as it has in years past, in coordination with the appropriate jurisdiction and even coordinators. The applicant shall be responsible for all onsite activities as may be approved by the Planning Department for the Mass Gathering. The applicant shall be required to ensure sufficient provision of volunteers to keep traffic moving in/out, and away from, event entrances/exits.

1) Upper River Road shall be used for event EXIT ONLY. The applicant shall ensure this happens through adequate signage, markers (candlesticks), and provision of adequate numbers of event staff required to complete the submitted/approved Traffic Control Plan (Attachment “A”).

2) All exiting traffic shall be RIGHT-TURN ONLY. Left-turn/westward movements out of the exit onto Upper River Road shall be prohibited by the applicant using adequate signage, markers (candlesticks), and event staff where noted on the submitted/approved Traffic Control Plan.

3) Left turn movements from Upper River Road into the event shall be prohibited by the applicant through use of adequate signage, markers (candlesticks), and event staff where noted on the submitted/approved Traffic Control Plan.

4) Westbound progression of traffic on Upper River Road shall remain open throughout the event by the applicant through adequate signage, markers (candlesticks), and event staff where noted on the submitted/approved Traffic Control Plan.

5) Eastbound traffic along Upper River Road will likely be slowed but shall not be impeded by event festivities by the applicant through adequate signage, markers (candlesticks), and event staff as noted on the submitted/approved Traffic Control Plan.

6) Lower Road shall be used for event ENTRANCE ONLY. The applicant shall ensure this happens through adequate signage, markers (candlesticks), and provision of adequate numbers of event staff required to complete the submitted/approved Traffic Control Plan (attachment “A”).

7) All entering traffic shall be RIGHT-TURN ONLY. Left-turn/eastward movements into the event from Lower River Road shall be prohibited by the applicant using adequate signage, markers (candlesticks), and event staff where noted on the submitted/approved Traffic Control Plan.

8) Eastbound progression of traffic on Lower River Road shall remain open throughout the event by the applicant through adequate signage, markers (candlesticks), and event staff where noted on the submitted/approved Traffic Control Plan.

9) Westbound traffic along Lower River Road may be slowed but shall not be impeded by event festivities as ensured by the applicant through adequate signage, markers, and event staff where noted on the submitted/approved Traffic Control Plan.

10) Attachment “A” indicates the location of a “Restricted Access” on Lower River Road. Despite jurisdictional responsibility, this “Restricted Access” shall operate as last year: through provision of adequate staffing and required markers, this access shall be utilized as follows: entrance AND exit for event staff and volunteers as needed, and as deemed appropriate by an assigned ‘gatekeeper’ and for Emergency ONLY purposes should the need arise.

11) Josephine County requires the applicant coordinate all Lower River Road traffic control measures, or other mitigation, through discussion with ODOT staff regarding Lower River Road, in the event Lower River Road remains under ODOT jurisdiction at the time of the event. If ODOT retains jurisdiction of Lower River Road at the time of the event, Josephine County Public Works shall not be held responsible for any traffic problems onsite, nor on Lower River Road. The applicant has assured onsite parking and sufficient volunteer staff to prevent vehicular stacking on adjacent roadways. Queueing of traffic on either Upper River Road/Lower River Road shall not occur.

RPC - Exhibit C-02

"Josephine County is an Affirmative Action / Equal Opportunity Employer and complies with Section 504 of the Rehabilitation Act of 1973"
James Black

From: MCDONALD John <John.MCDONALD@odot.state.or.us>
Sent: Thursday, March 21, 2019 2:41 PM
To: James Black
Subject: RE: Agency Transmittal (30 day completeness) - Mass Gathering PC Hearing/GP Rotary-Balloon & Kite Festival/3658 Upper River Road/36-06-14-B0, TL 600+

James,

Josephine County is taking jurisdiction of this section of road and, as such, we have no comments.

However, we do recommend the county require some kind of traffic directing plan for vehicles entering/exitng the property.

Sincerely,

John McDonald
Development Review Planner
ODOT Southwestern Region
541-957-3688

From: James Black <JBlack@co.josephine.or.us>
Sent: Monday, March 18, 2019 12:03 PM
To: Eric Heesacker <EHeesacker@co.josephine.or.us>; Mark Stevenson <MStevenson@co.josephine.or.us>
easter.terri@eq.state.or.us; SHAW Mike <mike.shaw@state.or.us>; ODOT Reg 3 Planning Manager
<ODOTR3PLANMGR@odot.state.or.us>; CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>; 'Glover, Lora'
<lglover@grantspassoregon.gov>; Dave Daniel <DDaniel@co.josephine.or.us>; Holloway, Richard
<Richard.Holloway@ruralmetrofire.com>; STREET Laura E <Laura.E.Street@state.or.us>; Ryan MacLaren
<RMaclaren@rvcog.org>; countyfiredept@gmail.com; Connie Roach <CROach@co.josephine.or.us>; Buck Harms
<BHarms@co.josephine.or.us>
Cc: easter.marty@eq.state.or.us; Denise Montijo <DMontijo@co.josephine.or.us>; Nora Schwartz
<NSchwartz@co.josephine.or.us>; Larry Graves <LGraves@co.josephine.or.us>; Barbara Rodriguez
<BRodriguez@co.josephine.or.us>; Kayla Wallace <KWallace@co.josephine.or.us>; Mark Schexnayder
<MSchexnayder@co.josephine.or.us>; Melissa Older <MOlder@co.josephine.or.us>
Subject: Agency Transmittal (30 day completeness) - Mass Gathering PC Hearing/GP Rotary-Balloon & Kite Festival/3658 Upper River Road/36-06-14-B0, TL 600+

Hello,

Attached you will find an agency transmittal (30-day completeness review; ORS 215.427) for a Mass Gathering (3,000+ attendees). Please review the schedule of events for any new items; I find the following: (1) fireworks display, (2) beer & wine garden, (3) radio controlled -airshow. As such, how do the new items effect your agency requirements (if at all).

Please submit any comments by 5pm Monday, April 1, 2019. Once the application is deemed complete, we will schedule a Planning Commission Hearing and send out Public Notice.

RPC - Exhibit C -04
James Black

From: Dave Daniel
Sent: Monday, March 18, 2019 12:54 PM
To: James Black
Subject: RE: Agency Transmittal (30 day completeness) - Mass Gathering PC Hearing/GP Rotary-Balloon & Kite Festival/3658 Upper River Road/36-06-14-B0, TL 600+

James,

I have no issues with this event and have been in contact with them for services.

Dave

sheriff Dave Daniel
Josephine County Sheriff’s Office
1901 NE F St.
Grants Pass, OR 97526
Ph: (541) 474-5117
Fax: (541) 474-5114

From: James Black
Sent: Monday, March 18, 2019 12:03 PM
To: Eric Heesacker <EHeesacker@co.josephine.or.us>; Mark Stevenson <MStevenson@co.josephine.or.us>; easter.terri@deq.state.or.us; Shaw, Mike W <mike.shaw@state.or.us>; ODOT Reg 3 Planning Manager <ODOTR3PLNMGR@odot.state.or.us>; CECILLIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>; ‘Glover, Lora’ <lglover@grantspassoregon.gov>; Dave Daniel <DDaniel@co.josephine.or.us>; Holloway, Richard <Richard.Holloway@ruralmetrofire.com>; Laura E Street <Laura.E.Street@state.or.us>; Ryan MacLaren <rmaclaren@rvjcog.org>; countyfiredept@gmail.com; Connie Roach <CRoach@co.josephine.or.us>; Buck Harms <BHarms@co.josephine.or.us>
Cc: easter.marty@deq.state.or.us; Denise Montijo <DMontijo@co.josephine.or.us>; Nora Schwartz <NSchwartz@co.josephine.or.us>; Larry Graves <LGraves@co.josephine.or.us>; Barbara Rodriguez <BRodriguez@co.josephine.or.us>; Kayla Wallace <KWallace@co.josephine.or.us>; Mark Schexnayder <MSchexnayder@co.josephine.or.us>; Melissa Older <MOlder@co.josephine.or.us>
Subject: Agency Transmittal (30 day completeness) - Mass Gathering PC Hearing/GP Rotary-Balloon & Kite Festival/3658 Upper River Road/36-06-14-B0, TL 600+

Hello,

Attached you will find an agency transmittal (30-day completeness review; ORS 215.427) for a Mass Gathering (3,000+ attendees). Please review the schedule of events for any new items; I find the following: (1) fireworks display, (2) beer & wine garden, (3) radio controlled -airshow. As such, how do the new items effect your agency requirements (if at all).

Please submit any comments by 5pm Monday, April 1, 2019. Once the application is deemed complete, we will schedule a Planning Commission Hearing and send out Public Notice.

RPC - Exhibit C -05
James Black

From: Shaw, Mike W <MShaw@osp.oregon.gov>
Sent: Monday, March 18, 2019 12:17 PM
To: James Black; Eric Heesacker; Mark Stevenson; easter.terri@deq.state.or.us; Shaw, Mike W; ODOT Reg 3 Planning Manager; CECILIANI Scott C * WRD; 'Glover, Lora'; Dave Daniel; Holloway, Richard; STREET Laura E; Ryan MacLaren; countyfired@osp.oregon.gov; Connie Roach; Buck Harms
Cc: easter.marty@deq.state.or.us; Denise Montijo; Nora Schwartz; Larry Graves; Barbara Rodriguez; Kayla Wallace; Mark Schexnayder; Melissa Older
Subject: RE: Agency Transmittal (30 day completeness) - Mass Gathering PC Hearing/GP Rotary-Balloon & Kite Festival/3658 Upper River Road/36-06-14-B0, TL 600+

The item regarding a fireworks display will be required to have an application for a permit submitted to the Office of the State Fire Marshal. This application will be required to be approved and signed by the head of local law enforcement and the Board of County Commissioners as the area in question is considered unprotected and not serviced by a governmental fire district or municipality. A few years back, the Board of County Commissioners made the decision to not allow public display of fireworks in the county for unprotected lands.

Sincerely,

Mike Shaw
Deputy State Fire Marshal
Douglas, Jackson, Josephine Counties
Oregon Office of State Fire Marshal
Oregon State Police
Cell 541.944.5065
mike.shaw@state.or.us
www.oregon.gov/osp/sfm
Premier Public Safety Services

From: James Black [mailto:JBlack@co.josephine.or.us]
Sent: Monday, March 18, 2019 12:03 PM
To: Eric Heesacker; Mark Stevenson; easter.terri@deq.state.or.us; Shaw, Mike W; ODOT Reg 3 Planning Manager; CECILIANI Scott C * WRD; 'Glover, Lora'; Dave Daniel; Holloway, Richard; STREET Laura E; Ryan MacLaren; countyfired@osp.oregon.gov; Connie Roach; Buck Harms
Cc: easter.marty@deq.state.or.us; Denise Montijo; Nora Schwartz; Larry Graves; Barbara Rodriguez; Kayla Wallace; Mark Schexnayder; Melissa Older
Subject: Agency Transmittal (30 day completeness) - Mass Gathering PC Hearing/GP Rotary-Balloon & Kite Festival/3658 Upper River Road/36-06-14-B0, TL 600+

Hello,

RPC - Exhibit C -06
I welcome this mass gathering as I do all things aviation-related.

I have no objections to this gathering.

Larry Graves
Director
Josephine County Airports
(541) 660-2169 Cell
(541) 955-4535 Office

-------- Original message --------
From: James Black <JBlack@co.josephine.or.us>
Date: 3/18/19 12:03 PM (GMT-08:00)
To: Eric Heesacker <EHeesacker@co.josephine.or.us>, Mark Stevenson <MStevenson@co.josephine.or.us>,
easter.terri@deq.state.or.us, "Shaw, Mike W" <mike.shaw@state.or.us>, ODOT Reg 3 Planning Manager
<ODOTR3PLANMG@odot.state.or.us>, CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>,
"Glover, Lora" <lglover@grantspassoregon.gov>, Dave Daniel <DDaniel@co.josephine.or.us>, "Holloway, Richard" 
<Richard.Holloway@ruralmetrofire.com>, Laura E Street <Laura.E.Street@state.or.us>, Ryan
MacLaren <rmaclaren@rvcog.org>, countyfiredept@gmail.com, Connie Roach <CRoach@co.josephine.or.us>,
Buck Harms <BHarms@co.josephine.or.us>
Cc: easter.marty@deq.state.or.us, Denise Montijo <DMontijo@co.josephine.or.us>, Nora Schwartz
<NSchwartz@co.josephine.or.us>, Larry Graves <LGraves@co.josephine.or.us>, Barbara Rodriguez
<BRodriguez@co.josephine.or.us>, Kayla Wallace <KWallace@co.josephine.or.us>, Mark Schexnayder
<MSchexnayder@co.josephine.or.us>, Melissa Older <MOlder@co.josephine.or.us>
Subject: Agency Transmittal (30 day completeness) - Mass Gathering PC Hearing/GP Rotary-Balloon & Kite
Festival/3658 Upper River Road/36-06-14-B0, TL 600+

Hello,

Attached you will find an agency transmittal (30-day completeness review; ORS 215.427) for a Mass Gathering (3,000+
attendees). Please review the schedule of events for any new items; I find the following: (1) fireworks display, (2) beer &
wine garden, (3) radio controlled -airshow. As such, how do the new items effect your agency requirements (if at all).

Please submit any comments by 5pm Monday, April 1, 2019. Once the application is deemed complete, we will schedule
a Planning Commission Hearing and send out Public Notice.

RPC - Exhibit C -07
EXHIBIT "D"

COMMENTS RECEIVED FROM NEIGHBORS
re: Notice of Public Hearing
Greater Grants Pass Rotary Club
Grants Pass Balloon and Kite Festival 2019 May 31 - June 2

As a close neighbor of the proposed site and reflecting on the past two festivals, I would encourage a condition be attached to limit the sound level from the electronic amplification of the announcer and bands. The open air acoustics and the sound carrying ability of the river corridor create a disturbing caterwauling effect, especially for the droning announcer. Out of respect for the property owners, residents, and wildlife in this Rural Residential area of the county please limit the noise level for this event.

Thank you for your help in this matter,

Dennis Mack
3396 Lower River Road
Grants Pass, OR 97526
541-476-6707

Sent from my iPad
EXHIBIT "E"

PROPOSED CONDITIONS OF APPROVAL
CONDITIONS OF APPROVAL
Grants Pass Balloon and Kite Festival
Mass Gathering

1. Festival activities for the mass gathering shall substantially conform to the approved Site Plan map (Exhibit A).

2. The festival shall meet applicable requirements from all other agencies whom signed the permit application. (see Exhibit A, “Mass Gathering” signoff sheet).

3. The hours of operation related to the festival shall not exceed the following:
   
   2019 Event
   
   Friday, May 31 - 4:00 pm to 1:00 am
   Saturday, June 1 - 8:00 am to 1:00 am
   Sunday, June 2 - 8:00 am to 1:00 pm

4. Prior to the issuance of Development Permit, the applicant shall provide casualty insurance policy up to $1 million with county named as an additional insured. (ORS 433.763)

5. Applicant shall obtain permit from the State Fire Marshal’s office for fireworks display as applicable.

6. Prior to issuance of Development Permit, the applicant shall obtain “special event permit” from County Public Works.

7. Findings of Fact shall be prepared by staff and shall represent the final decision of the Planning Commission. The Findings shall meet the requirements of state law and Section 19.31.130.C of the JCC.

RPC - Exhibit E -01
Regulation of Outdoor Mass Gatherings

§ 433.735 Definitions for ORS 433.735 to 433.770

§ 433.740 Policy

§ 433.745 Outdoor mass gathering without permit prohibited

§ 433.750 Permit application

§ 433.755 Additional information required before permit issued

§ 433.760 Rulemaking authority

§ 433.763 Compliance with land use regulations required

§ 433.765 Effect on county ordinances or regulations adopted under county charter

§ 433.767 Application to gatherings defined by county ordinance

§ 433.770 Enforcement
REGULATION OF OUTDOOR MASS GATHERINGS

433.735 Definitions for ORS 433.735 to 433.770. As used in ORS 433.735 to 433.770 and 433.990 (7):

(1) “Outdoor mass gathering,” unless otherwise defined by county ordinance, 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 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure.

(2) “Organizer” includes any person who holds, stages or sponsors an outdoor mass gathering and the owner, lessee or possessor of the real property upon which the outdoor mass gathering is to take place.

(3) “Permanent structure” includes a stadium, an arena, an auditorium, a coliseum, a fairgrounds or other similar established places for assemblies.

(4) “Temporary structure” includes tents, trailers, chemical toilet facilities and other structures customarily erected or sited for temporary use. [1971 c.597 §1a; 1981 c.82 §3; 1985 c.758 §1; 2001 c.104 §157; 2007 c.445 §32]

433.740 Policy. The Legislative Assembly finds that the uncontrolled outdoor gatherings of large groups of persons for extended periods of time have necessitated a need for the establishment of reasonable health and safety rules to regulate such outdoor mass gatherings. [1971 c.597 §1]

433.745 Outdoor mass gathering without permit prohibited. (1) An organizer may not hold an outdoor mass gathering or allow an outdoor mass gathering to be held on real property that the organizer owns, leases or possesses unless the governing body of the county in which the outdoor mass gathering is to take place issues the organizer a permit to hold the outdoor mass gathering.

(2) A permit issued under this section does not entitle the organizer to make any permanent development to or on the real property. Any permanent development on the real property must be made in accordance with any applicable state or local land use law. [1971 c.597 §2; 1985 c.758 §3; 2015 c.428 §1]

433.750 Permit application; procedure for issuance of permit; fee. (1) The governing body of a county in which an outdoor mass gathering is to take place shall issue a permit upon application when the organizer demonstrates compliance with or the ability to comply with the health and safety rules governing outdoor mass gatherings to be regulated according to the anticipated crowd and adopted by the Oregon Health Authority. The application shall include all of the following:

(a) Name and address of the applicant.
(b) Legal description of the place of the proposed gathering.
(c) Date of the proposed gathering.
(d) Estimated attendance at the proposed gathering.
(e) Nature of the proposed gathering.
(f) Such other appropriate information as the county governing body may require in order to insure compliance with rules of the authority.

RPC - Exhibit F - 02
(2) Notice of the application shall be sent by the county governing body to the county sheriff or county chief law enforcement officer, the local health officer and the chief of the fire district in which the gathering is to be held.

(3) Each officer receiving notice of the application under subsection (2) of this section who wishes to comment on the application shall submit such comment in writing to the county governing body not later than the hearing date. 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.

(4) The county governing body shall hold a public hearing on the issue of compliance with this section. Notice of the time and place of such hearing including a general explanation of the matter to be considered shall be published at least 10 calendar days before the hearing in a newspaper of general circulation in the county or, if there is none, it shall be posted in at least three public places in the county.

(5) Any decision of a county governing body on an application for a permit to hold an outdoor mass gathering may be appealed to a circuit court for the county as provided in ORS 34.020 to 34.100.

(6) A county governing body may charge permit applicants a fee reasonably calculated to reimburse the county for its reasonable and necessary costs in receiving, processing and reviewing applications for permits to hold outdoor mass gatherings. However, a fee authorized by this subsection shall not exceed $5,000 and shall not be charged when the governing body finds, by a preponderance of the evidence presented to the governing body, that the applicant is unable to reimburse the governing body. [1971 c.597 §3; 1985 c.758 §4; 1993 c.779 §1; 2009 c.595 §681; 2015 c.736 §83]

433.755 Additional information required before permit issued; liability of permit holder; casualty insurance; county as additional insured. (1) In reviewing an application for a permit to hold an outdoor mass gathering, the county governing body may require such plans, specifications and reports as it may deem necessary for proper review and it may request and shall receive from all public officers, departments and agencies of the state and its political subdivisions such cooperation and assistance as it may deem necessary. If the county governing body determines upon examination of the permit application that the outdoor mass gathering creates a potential for injury to persons or property, the county governing body may require organizers to obtain an insurance policy in an amount commensurate with the risk, but not exceeding $1 million. The policy of casualty insurance shall provide coverage against liability for death, injury or disability of any human or for damage to property arising out of the outdoor mass gathering. The county shall be named as an additional insured under the policy.

(2) In the event of failure to remove all debris or residue and repair any damage to personal or real property arising out of the outdoor mass gathering within 72 hours after its termination and to remove any temporary structures used at the outdoor mass gathering within three weeks after its termination, the county governing body may file suit against the organizer for financial settlement as is needed to remove debris, residue or temporary structures and to repair such damage to real or personal property of persons not attending the outdoor mass gathering. The organizer shall be wholly responsible for payment of any fines imposed under ORS 433.990 (7). [1971 c.597 §4; 1985 c.758 §5; 1993 c.779 §2; 2001 c.104 §158; 2007 c.445 §33]
433.760 Rulemaking authority. Notwithstanding any other provisions of law, the Oregon Health Authority shall, in accordance with the provisions of ORS chapter 183, make rules regulated according to anticipated crowds with respect to health and safety at outdoor mass gatherings which provide for:
   (1) Adequate water supply, drainage and sewerage facilities;
   (2) Adequate toilet facilities;
   (3) Adequate refuse storage and disposal facilities;
   (4) Adequate food and sanitary food service, if supplied;
   (5) Adequate emergency medical facilities and communication systems;
   (6) Adequate fire protection; and
   (7) Adequate security personnel and traffic control. [1971 c.597 §5; 1981 c.82 §4; 1985 c.758 §8; 2009 c.595 §682]

433.763 Compliance with land use regulations required; criteria for approval. (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.
   (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 apply to any gatherings reviewed or approved under this section.
   (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 as provided in ORS 215.030, the county governing body, or such other person as the governing body designates shall receive the application and make the findings and decision required by this section. [1985 c.758 §7]

433.765 Effect on county ordinances or regulations adopted under county charter. Ordinances or regulations of a county enacted under a county charter adopted pursuant to section 10, Article VI, Oregon Constitution, and not inconsistent with ORS 433.735 to 433.770 and 433.990 (7) or any rules adopted under ORS 433.735 to 433.770 and 433.990 (7), are not superseded by ORS 433.735 to 433.770 and 433.990 (7) or such rules. Nothing in ORS 433.735 to 433.770 and 433.990 (7) or any rules adopted under ORS 433.735 to 433.770 and 433.990 (7) precludes the right of a county to enact ordinances or regulations under a county charter if such ordinances or regulations are not inconsistent with ORS 433.735 to 433.770 and 433.990 (7) or any rules adopted under ORS 433.735 to 433.770 and 433.990 (7). [1971 c.597 §6; 2001 c.104 §159; 2007 c.445 §34]
433.767 Application to gatherings defined by county ordinance. ORS 433.735 to 433.770 and 433.990 (7) apply to outdoor mass gatherings defined by county ordinance as well as to those defined by ORS 433.735 (1). [1981 c.82 §2; 2001 c.104 §160; 2007 c.445 §35]

433.770 Enforcement. (1) In addition to and not in lieu of the maintenance of other actions for any violation of ORS 433.745, the district attorney for the county in which an outdoor mass gathering is to be held may maintain an action in any court of general equitable jurisdiction to prevent, restrain or enjoin any violation of ORS 433.745.

(2) Cases filed under the provisions of this section or an appeal therefrom shall be given preference on the docket over all other civil cases except those given equal preference by statute. [1971 c.597 §6a; 1979 c.284 §143]