



AGENDA

Lincoln County Board of Commissioners

Board of Commissioners
225 West Olive Street
Room 110
Newport, OR 97365
Phone: 541.265.4100
FAX: 541.265.4176

Wednesday, June 14, 2017

Immediately Following Joint Session with City of Waldport City Council

**Waldport City Hall
125 E. Alsea Hwy
Waldport, OR 97394**

I. CALL TO ORDER

II. ROLL CALL - ESTABLISHMENT OF A QUORUM

III. RECOGNITION/PROCLAMATION

IV. ADOPTION OF CONSENT CALENDAR

A. Minutes of Board of Commissioners Meeting

1. Order #6-17- 155 Board of Commissioners Meeting Minutes March 22, 2017
2. Order #6-17- 156 Board of Commissioners Meeting Minutes May 24, 2017
3. Order #6-17- 157 Board of Commissioners Meeting Minutes May 31, 2017

B. Commission Appointments and Resignations

C. License Applications or Renewals

1. Order #6-17- 158 The Issuance of Five (5) Oregon Liquor Control Commission Temporary Liquor Licenses to the Flying Dutchman Winery
2. Order #6-17- 159 The Issuance of an Oregon Liquor Control Commission Liquor License Olalla Café, LLC

D. Tax Foreclosure, Right-of-Way, Sales and Deeds

E. General Budget Resolutions

1. Resolution#17-14-6 A In the Matter of Adjusting the 2016-2017 Adopted Budget Appropriations for Lincoln County (General Fund)
2. Resolution #17-14-6 B In the Matter of Adjusting the 2016-2017 Adopted Budget Appropriations for Lincoln County Animal Services District

F. Acting as Governing Body of County Wide Service Districts

G. Documents and Recording Matters in the Commissioners Journal

1. Order #6-17- 160 Agreement #31924 between the State of Oregon, acting by and through its Department of Transportation, Rail and Public Transit Division and Lincoln County Transportation Service District for administration and operations funding to support general public transportation. (Terms: Effective 7/1/17 - 6/30/19; not to exceed \$1,110,760)

H. Execution of Documents

1. 2017-2018 Work and Financial Plan for USDA APHIS Wildlife Services

V. PUBLIC HEARING

VI. DECISION/ACTION

VII. DISCUSSION/INFORMATION

- A. Order #6-17-_____ **An Order Concerning the Removal of Homeless Persons from Public Property in Lincoln County – Presented by: Jerry Herbage**
- B. Ordinance # _____ **(First Reading) Relating to Regulation of Organized Events (on County Roads) – Presented by: Jerry Herbage**
- C. Ordinance # _____ **(First Reading) Relating to Small Gatherings, Outdoor Mass Gatherings and Extended Outdoor Mass Gatherings Permits – Presented by: Jerry Herbage**

VIII. BOARD OF COMMISSIONERS AS THE GOVERNING BODY OF COUNTY-WIDE SERVICE DISTRICTS

IX. REPORTS

- A. **Elected Officials/Department Directors/Program Coordinators and Consultants**
- B. **Commissioners**

X. CONSTITUENT INPUT (Limited to five minutes per constituent)

XI. EXECUTIVE SESSION

XII. ADJOURNMENT

XIII. OTHER SCHEDULED MEETINGS AND APPOINTMENTS OF THE BOARD

Monday, June 19, 2017 – 9:00 a.m. – Office Meeting and Board Briefing in the Commissioner’s Small Meeting Room, Lincoln County Courthouse Room #110, 225 West Olive Street, Newport; meeting to cover office priorities, operations, procedures and workflow

Wednesday, June 21, 2017 – 9:30 a.m. – Board of Commissioners Meeting in the Commissioner’s Meeting Room, Lincoln County Courthouse Room #108, 225 West Olive Street, Newport.

For special physical, language or other accommodations at Board's meeting, please contact the Board at 265-4100 (voice) or dial 7-1-1 Relay Service and include e-mail as soon as possible, but at least 48 hours before the meeting.

BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON

1 In the Matter of:

2 An Order Concerning the Removal)
3 Of Homeless Persons from Public) ORDER NO. _____
4 Property in Lincoln County)

5

6 WHEREAS, the State of Oregon requires, under ORS 203.077 through 203.081, that
7 local governments develop and implement a policy relating to the removal of homeless
8 individuals from camping sites on public property; and

9

10 WHEREAS, such policy is required to include specific criteria to ensure the most
11 humane treatment of persons removed from camping sites on public property; and

12

13 WHEREAS, the Lincoln County Counsel’s Office, in collaboration with the Lincoln
14 County Sheriff’s Office, developed a “Policy Regarding Homeless Camping Sites in Lincoln
15 County”, which is attached hereto and incorporated by reference as Exhibit “A”; and

16

17 WHEREAS, the policy outlined in Exhibit “A” is acceptable to the Lincoln County
18 Sheriff, who in cooperation with various social agencies, would be responsible for
19 implementing the policy; and

20

21 WHEREAS, the Board finds that the “Policy Regarding Homeless Camping Sites in
22 Lincoln County” complies with the State legislation and provides for timely, humane and
23 effective action regarding closure of camping sites on public property;

24

25 NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

26

- 27 1. Attachment “A”, the “Policy Regarding Homeless Camping Sites in Lincoln County”,
28 is hereby adopted.

29 2. Copies of this order shall be provided to the Sheriff's Office, the Veterans Department,
30 the Health and Human Services Department and County Counsel.
31

DATED this ____ day of June, 2017.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Terry Thompson, Chair

Doug Hunt, Commissioner

Bill Hall, Commissioner

EXHIBIT "A"

A. Definitions

As used in this policy, unless the context provides otherwise:

- (1) "Camp", "Camps", "Camped" or "Camping" means to set up, or to remain in or at a camping site for the purpose of establishing or maintaining a temporary place to live.
- (2) "Camping Site" means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof. Pursuant to ORS 203.081, "Camping Site" does not include: any public property that is a day use recreational area, and public property that is a designated campground and occupied by an individual under an agreement with a municipality or county.
- (3) "Personal Property" means any property that is movable (a chattel) which is reasonably recognizable as belonging to a person.
- (4) "Public Property" means public lands, premises and buildings, including but not limited to any building used in connection with the transaction of public business or any lands, premises or building owned or leased by the State of Oregon or any political subdivision of the State, including any park, or under any bridge or viaduct.
- (5) "Sheriff" means the Lincoln County Sheriff, or his or her designee.
- (6) "Unlawful Camping Site" means a camping site where notice of unlawful camping has been posted as provided for in this policy, and where persons remain camped, or personal property remains at the camping site, 24 hours after the posting of the notice.
- (7) "Unsanitary Condition" means property is considered unsanitary when it is reasonably feared to harbor hazards or disease, and/or is so dirty that a reasonable person would consider it unusable as found.

B. Unlawful Camping; Removal from Public Property

It is unlawful for any person who camps in or upon public property to remain camped for 24 hours after the Sheriff has provided notice of unlawful camping as set forth in this policy.

The Sheriff may remove any person found to be camping unlawfully on public property in accordance with this policy.

C. Notice of Unlawful Camping

Subject to the exceptions as set forth in this policy, the Sheriff must post notice of unlawful camping before the County removes persons from camping sites on public property, or before the County removes personal property from a camping site on public property. The following provisions apply to this notice:

- (1) It must be posted with text in both English and Spanish and must state:
 - (a) That personal property will be removed 24 hours after the notice is posted.
 - (b) That anyone remaining at the camping site 24 hours after the notice is posted may be subject to removal.
 - (c) The location where personal property can be retrieved if property was removed from the site for storage, and that it must be retrieved within 30 days.
 - (d) The telephone numbers for local agencies that provide social services.
- (2) In addition to the posting, the Sheriff must provide notice in writing to persons present at the camping site, allowing said persons a minimum of 24 hours to vacate the area.
- (3) Where “24 hours” is referenced within this order, it shall be construed as a minimum period of time. The Sheriff can allow more than 24 hours before removing persons or personal property from the public property.
- (4) The Sheriff posting and providing such notice shall notify the Lincoln County Health and Human Services Department and the Veterans Department as well as other local agencies that provide social services when notice is posted that notice has been provided to the persons and/or has been posted on the public property, and the location of the posting.

D. Optional Meeting

Pursuant to ORS 203.079(1)(e), following the removal of homeless individuals from a camping site on public property, law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner and to determine if any changes are needed in the policy.

E. Enforcement

After the notice period provided in the notice of unlawful camping has elapsed, the Sheriff may remove any person from an unlawful camping site on public property, and may remove personal property left at the camping site as outlined in this policy.

F. Exceptions

- (1) The notice described in subsections C and E above is not required:
 - (a) When there are grounds for the Sheriff to believe that illegal activities other than camping are occurring;
 - (b) In the event of an exceptional emergency such as possible contamination by hazardous materials, or when there is immediate danger to human life or safety, or when the Governor has declared an emergency under the provisions of ORS 131.715; or
 - (c) For an area temporarily designated by the County for camping during an emergency or special event.
- (2) Even where notice is not required, all unclaimed personal property shall be given to the Sheriff, pursuant to ORS 203.079 (1)(d). The personal property shall then be handled as described in Subsection G below.

G. Personal Property

Following the 24 hour notice as provided in subsection C, the Sheriff may remove unclaimed personal property from an unlawful camping site on public property. The Sheriff shall photograph and inventory the personal property. Said property shall be stored for a minimum of 30 days during which time it will be reasonably available to any individual claiming ownership. The Sheriff may dispose of any personal property that remains unclaimed for 30 days in accordance with Sheriff's policies for disposing of personal property. Personal property that has no apparent utility or is in unsanitary condition may be immediately discarded. Weapons, drug paraphernalia and items that appear to be stolen or evidence of a crime shall be given to law enforcement officials.

**BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON**

Ordinance # _____

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Relating to Regulation of Organized Events (on County Roads)

Findings:

WHEREAS, ORS 203.035(1) allows the Lincoln County Board of Commissioners the power by ordinance to exercise authority within the County over matters of County concern to the fullest extent allowed by the Constitutions and laws of the United States and of this state; and

WHEREAS, ORS 203.035 and ORS Chapter 368 are the underlying authorities for this ordinance; and

WHEREAS, currently Organized Events (on County Roads) are regulated somewhat informally through the Public Works/Road Department, and sometimes through a road operations permit which is not particularly tailored to address Organized Events; and

WHEREAS, for health and safety reasons, it is appropriate for the Lincoln County Board of Commissioners to adopt specific regulations and a permitting system for Organized Events; and

WHEREAS, a permit issued under this Ordinance is meant to be supplemental; it does not replace other permits that are required by code, law or practice; and

The Lincoln County Board of Commissioners ordains as follows:

SECTION 1.

Page 1 – ORDINANCE # _____

Note: This Ordinance consists of entirely new provisions and does not replace any current provisions of the Lincoln County Code. Since it is not being codified, the usual provision of **boldface** for amendments and ~~strikethrough~~ for deletions does not apply to this Ordinance.

1 Chapter 6 of the Lincoln County Code is amended by adding the following sections
2 6.520 to section 6.575.

3 **6.520 Definitions**

4 As used in LCC 6.520 to 6.575, unless the context requires otherwise:

5 (1) “Bicycle Race or Tour” means any Organized Event involving bicycles and
6 bicycle riders, for which directional signs or road markings and rest stops are provided, and for
7 which registration is required.

8 (2) “Board” is the Board of County Commissioners for Lincoln County, or its
9 designee.

10 (3) “County Road” means any County road, as defined in ORS 368.001(1), in
11 Lincoln County.

12 (4) “County Roadmaster” means the Lincoln County Director of Public
13 Works/Road Department or his or her designee.

14 (5) “Footrace” means an Organized Event run. Athletic competitions sponsored by
15 the Lincoln County School District are not included within this definition.

16 (6) “Motorcade” means an Organized Event procession, except funeral processions
17 and military convoys.

18 (7) “Organized Event” means any parade, foot race, motorcade, walkathon, bicycle
19 race or tour, road rally or other similar event, held on a County road, and sponsored by an
20 organization or other entity, and advertised in advance. “Organized Event” also includes an
21 event, sponsored by an organization or other entity, and advertised in advance, which requires
22 a detour or road closure, partial or complete, or the use of pilot vehicles to guide traffic, and
23 which is expected to exceed 45 minutes of time, either for one period of time, or separate
24 intervals of time which in the aggregate are expected to exceed 45 minutes of time. Road
25 construction and maintenance, utility placement and maintenance, search and rescue activities,
26 and response by law enforcement agencies, fire departments, ambulance companies or public

Page 2 – ORDINANCE # _____

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1 works departments to criminal activities, fires, accidents, landslides or other emergencies are
2 not considered “Organized Events” under this Ordinance.

3 (8) “Parade” means any Organized Event of any march or procession consisting of
4 people, animals or vehicles, or combination thereof, except funeral processions, which do not
5 comply with normal and usual traffic regulations and controls.

6 (9) “Road Rally” means any Organized Event of contest of speed or driving skills
7 utilizing automobiles or motorized vehicles of any kind.

8 (10) “Walkathon” means any Organized Event walk.

9 **6.525 Permit Required for Events**

10 (1) It shall be unlawful for any person to conduct an Organized Event or knowingly
11 participate in any such Organized Event unless and until a permit to conduct such Organized
12 Event has been obtained from the County Roadmaster.

13 (2) It shall be unlawful, and no permit shall be issued, to conduct any Organized
14 Event after sunset and before sunrise, unless the County Roadmaster finds that adequate steps
15 have been taken to provide for the safety of the participants, the spectators, and the residents in
16 the vicinity of the activity.

17 (3) Notwithstanding the above, the County Roadmaster may waive all or part of the
18 permit requirements upon a showing by the applicant of good cause, when no significant public
19 health, safety or welfare issues are involved or when the County Roadmaster determines that
20 no County law enforcement or other County resources are necessary.

21 **6.530 Application for Permit**

22 (1) Any person who wants to conduct an Organized Event shall apply to the County
23 Roadmaster for a permit at least sixty (60) days in advance of the date of the proposed
24 Organized Event. The County Roadmaster may at his or her discretion consider any application
25 for a permit to conduct an Organized Event which is filed less than sixty (60) days prior to the
26 date the Organized Event is to be conducted, but in such case the application fee shall be
27 double. The application for such permit shall be made in writing on a form approved by the

Page 3 – ORDINANCE # _____

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1 County Roadmaster. In order that adequate arrangements may be made for the proper policing
2 of the Organized Event, the application shall contain the following information:

3 (a) The name of the applicant, the name of the sponsoring organization, and the
4 name of the Organized Event chairperson, and the mailing address, email address and
5 telephone numbers of each.

6 (b) The purpose of the Organized Event, the date of when it is proposed to be
7 conducted, the location of the assembly area(s), route(s) to be traveled, the approximate time
8 when the Organized Event will assemble, start and terminate, and the estimated number of
9 participants and spectators.

10 (c) An Organized Event control plan containing information regarding any need for
11 road closures or partial closures, information on proposed flaggers, signage and barriers, and
12 who will be responsible for them.

13 (d) Whether alcohol will be a part of the Organized Event, and if so, in what way,
14 and what arrangements have been made for appropriate licensing.

15 (e) Such other information as the County Roadmaster may deem reasonably
16 necessary.

17 (2) The person or organization applying for the Organized Event permit shall also
18 tender along with the application an application fee. This fee shall be set by Board order or
19 resolution.

20 (3) The person or organization applying for the Organized Event permit shall also
21 tender along with the application an indemnity agreement, and except as may be waived as
22 provided in Section 6.560, proof of insurance coverage in compliance with that Section and
23 that names Lincoln County as an additional insured.

24 **6.535 Issuance or Denial of a Permit**

25 (1) Standards for Issuance. The County Roadmaster shall issue a permit conditioned
26 upon the applicant's written agreement to comply with the terms of such permit unless the
27 County Roadmaster finds that:

Page 4 – ORDINANCE # _____

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1 (a) The time, route and size of the Organized Event will disrupt to an unreasonable
2 extent the movement of other traffic or will endanger the safety of participants or citizens, or
3 cause a safety hazard other than traffic.

4 (b) The Organized Event is of a size or nature that requires the diversion of too
5 many County law enforcement officers, Public Works/Road Department employees or other
6 personnel to properly control the Organized Event or that allowing the Organized Event would
7 deny reasonable law enforcement or other emergency service protection to the citizens of the
8 County.

9 (c) Such Organized Event will interfere with another event for which a permit has
10 been issued.

11 (d) The County Roadmaster determines the Organized Event would damage County
12 roads.

13 (2) Standards for Denial. The County Roadmaster shall deny an application for an
14 Organized Event permit and notify the applicant of such denial where:

15 (a) The County Roadmaster makes any finding contrary to the findings required to
16 be made for the issuance of a permit.

17 (b) The information contained in the application is found to be false or lacking in
18 sufficient material detail.

19 (c) The applicant refuses to agree to or abide by or comply with all conditions of
20 the permit.

21 **6.540 Contents of a Permit**

22 (1) In each permit the County Roadmaster shall specify:

23 (a) The assembly area, and the time of assembly;

24 (b) The date, and starting and ending time for the Organized Event;

25 (c) The minimum and maximum speeds, if applicable;

26 (d) The route of the Organized Event;

1 (e) Which portions of County roads to be traversed may be occupied by such
2 Organized Event;

3 (f) An Organized Event control plan; (This must indicate whether there will be a
4 road closure or a partial closure, what traffic control measures will be used, who is responsible
5 for any flaggers, barriers and signage, etc.)

6 (g) The number and types of vehicles, if any;

7 (h) That permittee shall advise all participants in the Organized Event by written
8 notice of the terms and conditions of the permit prior to the commencement of the Organized
9 Event;

10 (i) Such other requirements as are found by the County Roadmaster to be
11 reasonably necessary for the protection of persons and property.

12 (2) All conditions of the permit shall be complied with so far as reasonably
13 practicable.

14 **6.545 Review Procedure**

15 (1) Approval or denial of an application by the County Roadmaster shall be
16 reviewable only by the Lincoln County Circuit Court for the State of Oregon, and only by writ
17 of review under the provisions of ORS 34.010 to 34.100.

18 **6.550 Reserved**

19 **6.555 Revocation or Restriction of Permit**

20 (1) Any permit for an Organized Event issued pursuant to this Ordinance may be
21 summarily revoked or amended by the County Roadmaster prior to the commencement of the
22 event, at any time by reason of disaster, public calamity, riot or other emergency, if it is
23 determined that the safety of the public or property requires such revocation or amendment.
24 Notice of such action revoking or amending a permit shall be delivered in writing to the
25 permittee by email, personal delivery, or by certified or registered mail, return receipt
26 requested.

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1 (2) If at any time during the Organized Event held under a valid permit, the County
2 Roadmaster believes an unreasonable threat to the health, safety and welfare of the public is
3 present, or the permit holder cannot maintain order and compliance with all applicable state
4 and local laws or refuses or is unable to adhere to the terms and conditions of the permit, the
5 County Roadmaster may terminate the Organized Event or reduce the number of participants,
6 or take any lawful action to remedy the unsafe action.

7 **6.560 Hold Harmless**

8 (1) Applicants shall agree in writing to indemnify, defend and save and hold
9 harmless the County, its Commissioners, boards, officers, employees and agents, from all suits,
10 actions, damages or claims to which the County may be subjected of any kind or nature
11 whatsoever resulting from, caused by, arising out of or as a consequence of such Organized
12 Event and the activities permitted in connection therewith. Applicants shall provide County
13 with evidence of insurance with single limit policy limits of not less than \$2,000,000. The
14 County shall be named as an additional insured. The County Roadmaster may waive proof of
15 insurance if circumstances warrant for Organized Events. Applicants shall also agree to
16 indemnify, defend, save harmless any Public Agency providing services to the Organized
17 Event.

18 **6.565 Compliance with Laws**

19 (1) Issuance of a Permit under this Ordinance shall not relieve applicant of the
20 responsibility to comply with all applicable ordinances and laws, and to obtain all other
21 required permits and licenses necessary to carry out an Organized Event.

22 **6.570 Conditions in Permits**

23 (1) Any permit granted under this Ordinance may contain conditions reasonably
24 calculated to reduce or minimize the dangers and hazards to vehicular or pedestrian traffic and
25 the public health, safety, tranquility and welfare including but not limited to changes in time,
26 duration and number of participants.

27
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1 **6.575 Penalty**

2 (1) This Ordinance is enforceable under, and violators hereof are subject to, the
3 penalties provided for in Chapter 10 of the Lincoln County Code. In addition, Lincoln County
4 shall have such other remedies available to it as are provided in law or equity.

5
6 SECTION 2.

7 Severability.

8 The sections, subsections, paragraphs and clauses of this Ordinance are severable. The
9 invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the
10 remaining sections, subsections, paragraphs and clauses.

11
12 Dated this ___ day of June, 2017.

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16 LINCOLN COUNTY BOARD OF COMMISSIONERS

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18 _____
19 Terry N. Thompson, Chair

20
21 _____
22 Doug Hunt, Commissioner

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24 _____
25 Bill Hall, Commissioner

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28 ATTESTED TO:

29 APPROVED AS TO FORM:

30 _____
31 Tanya Graham, Recorder

32 _____
Wayne Belmont, County Counsel

Page 8 – ORDINANCE # _____

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BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

Ordinance # _____

1 _____

2 **Relating to Small Gatherings, Outdoor Mass Gatherings and Extended Outdoor Mass**
3 **Gatherings Permits**

4 _____

5 Findings:

6 WHEREAS, ORS 203.035(1) allows the Lincoln County Board of Commissioners the
7 power by ordinance to exercise authority within the County over matters of County concern, to
8 the fullest extent allowed by the Constitutions and laws of the United States and of this State;
9 and

10 WHEREAS, ORS 203.035 and ORS 433.735 to 433.770 provides authority for the
11 regulation of Small Gatherings, Outdoor Mass Gatherings and Extended Outdoor Mass
12 Gatherings; and

13 WHEREAS, the uncontrolled outdoor gatherings of large groups of persons for extended
14 periods of time has necessitated a need for the establishment of reasonable health and safety
15 rules.

16 The Lincoln County Board of Commissioners ordains as follows:

17 SECTION 1

18 Chapter 4 of the Lincoln County Code is amended by adding the following sections 4.405
19 to 4.505.

Page 1 ORDINANCE # _____

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1 **4.405 Definitions**

2 As used in LCC 4.405 to 4.505, unless the context requires otherwise:

3 (1) “Assembly of Persons” means any gathering of any person, including but not
4 limited to spectators, attendees, organizers, performers and participants on any given day.

5 (2) “Board” means the Lincoln County Board of Commissioners, or its designee.

6 (3) “Department” means the Lincoln County Planning Department.

7 (4) “Director” means the Director of Lincoln County Planning, or his or her designee.

8 (5) “Extended Outdoor Mass Gathering” (hereinafter “EMG”) means and includes an
9 Assembly of Persons, including but not limited to spectators, for which the actual cumulative
10 number is or is reasonably expected to be more than 3,000 persons for a period that continues to
11 be for more than 120 hours, including set-up, placement, storage and removal or similar action of
12 any equipment, materials, structures, vehicles, supplies and so forth, within any continuous
13 three-month period, and that is primarily held in open spaces and not in any permanent structure
14 within the unincorporated area of Lincoln County. By this definition no more than one EMG
15 may be held at the same location within a three month period.

16 (6) “Hearings Body” means the following:

17 (a) For Outdoor Mass Gatherings, the Board;

18 (b) For EMGs, the County Planning Commission;

19 (c) For appeals of a decision of the County Planning Commission, the Board;

20 (d) For appeals of a decision of the Director or Board, the Lincoln County Circuit
21 Court.

22 (7) “Organizer” includes any person who conducts, stages or sponsors a Small
23 Gathering, Outdoor Mass Gathering or EMG, and the owner, lessee, or possessor of the real
24 property upon which the Small Gathering, Outdoor Mass Gathering or EMG is to take place.

25 (8) “Outdoor Mass Gathering” (hereinafter, “MG”) means and includes an assembly
26 of persons, including but not limited to spectators, and whose number is or is reasonably
27 anticipated to be more than 3,000 persons for a period that continues or can reasonably be
28 expected to continue for more than 24 hours, but less than 120 hours, including set-up,

Page 2 ORDINANCE # _____

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Office of Lincoln County Legal Counsel
225 West Olive Street, Room 110
Newport, Oregon 97365
(541) 265-4108

1 placement, storage and removal or similar action of any equipment, materials, structures,
2 vehicles, supplies and so forth, within any continuous three-month period and which is primarily
3 held in open spaces, but not in any permanent structure within the unincorporated area of Lincoln
4 County. By this definition, no more than one MG may be held at the same location within a
5 three month period.

6 (9) "Permanent Structure" includes a stadium, an arena, an auditorium, a coliseum, a
7 fairground, a commons, or other similar established places for assemblies and public gatherings.

8 (10) "Person" or "Persons" means any individual, firm, partnership, corporation, joint
9 venture, association, social club, fraternal organization, fraternity, sorority, non-profit
10 organization, estate, trust, receiver, trustee, syndicate or other group, organization or
11 combination acting as a unit.

12 (11) "Sheriff" means the Lincoln County Sheriff or his/her designee.

13 (12) "Small Gathering" (hereinafter, "SG") means and includes an assembly of
14 persons, including but not limited to spectators, whose actual cumulative number is or is
15 reasonably anticipated to be less than 3,001 persons but more than 300 persons for a period that
16 continues or can reasonably be expected to continue for more than 6 hours but not more than 120
17 hours, including set-up, placement, storage and removal or similar action of any equipment,
18 materials, structures, vehicles, supplies and so forth within any continuous three month period,
19 and that is held primarily in open spaces and not in any permanent structure within the
20 unincorporated area of Lincoln County. By this definition, no more than one SG may be held at
21 the same location within a three month period.

22 (13) "Spectator" means any person located within, alongside or near the SG, MG or
23 EMG, whether or not that person pays a fee to participate in the SG, MG or EMG.

24 (14) "Sponsor" means any person that allows, promotes or causes a SG, MG or EMG.

25 (15) "Temporary Structure" includes tents, trailers, chemical toilet facilities and other
26 non-permanent structures customarily erected or sited for temporary use.

27 (16) "Traffic Control" means signs, warning markers and other regulatory devices
28 meeting the standards of the Manual of Uniform Traffic Control Devices.

Page 3 ORDINANCE # _____

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1 **4.410 SG, MG and EMG Exclusions**

2 (1) The requirements in this Code for SG's, MGs and EMGs shall not apply to any
3 regularly scheduled religious service or religious organized activity that takes place on
4 institutional property, regularly organized and supervised school district activity or program that
5 takes place on school property, any activities at the Lincoln County Fairgrounds or Commons,
6 any activity at a County park, or any activity of a municipal corporation or governmental agency.

7 (2) The Director or Hearings Body, as applicable, may waive all or part of the permit
8 requirements for certain limited SG's, MGs and EMGs upon a showing by the Organizer of good
9 cause, when no significant public health, safety or welfare issues are involved or when the
10 Director or Hearings Body determines that no County law enforcement or other County
11 resources are necessary.

12 **4.415 SG, MG and EMG Permit Required**

13 (1) No Organizer shall hold, conduct advertise or otherwise promote a SG, MG or
14 EMG or allow a SG, MG or EMG to be held on real property in the unincorporated areas of
15 Lincoln County unless the Organizer obtains a permit to hold such a SG, MG or EMG.

16 (2) No permit for a SG, MG or EMG shall be issued unless the landowner of the
17 property that is the site of the SG, MG or EMG also signs the application.

18 (3) All SGs and MGs are exempt from the requirements of Chapter 1 of the Lincoln
19 County Code, except where noted.

20 (4) One permit shall be required for each SG, MG or EMG.

21 (5) A permit issued under these provisions does not entitle the SG, MG or EMG
22 Organizer to construct any permanent physical alterations to or on the real property which is the
23 site of the SG, MG or EMG.

24 (6) The Organizer of a proposed SG, MG or EMG shall file an application with the
25 Department at least 90 days prior to the SG, MG or EMG.

26 (7) The application shall include the following:

27 (a) Name and mailing address, email address and phone number of the Organizer
28 (and of the Property Owner, Lessee, or Possessor, if different).

Page 4 ORDINANCE # _____

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- 1 (b) Legal description and address, if any, of the location of the proposed SG, MG or
2 EMG.
- 3 (c) A map of the SG, MG or EMG showing access roads and assembling and
4 disbanding points.
- 5 (d) The date or dates of the proposed SG, MG or EMG.
- 6 (e) The proposed starting and ending time(s) of the SG, MG or EMG.
- 7 (f) The estimated number of persons, vehicles and animals that will be attending,
8 participating in or viewing the SG, MG or EMG.
- 9 (g) The nature of the proposed SG, MG or EMG.
- 10 (h) A sketch, and other detailed information showing the type, number and location
11 of all toilets, washing facilities, water supply, food preparation, food service facilities and solid
12 waste collection locations.
- 13 (i) The name and phone number of the contact person who shall be easily identified
14 and who shall remain at the SG, MG or EMG site at all times.
- 15 (j) Approval by the authorized representative of the rural fire protection district
16 under ORS Chapter 478, or State Fire Marshal, or State Forester, as applicable.
- 17 (k) A water supply plan showing compliance with OAR 333-039-0010; a drainage
18 plan showing compliance with OAR 333-039-0020; a sewerage plan showing compliance with
19 OAR 333-039-0025; a refuse storage and disposal plan showing compliance with OAR 333-039-
20 0030; a food and sanitary food service plan showing compliance with OAR 333-039-0035, an
21 emergency medical facilities plan showing compliance with OAR 333-039-0040; a fire
22 protection plan showing compliance with OAR 333-039-0045; a security personnel plan
23 showing compliance with OAR 333-039-0050; and a traffic plan showing compliance with OAR
24 333-039-0055.
- 25 (l) A copy of the proposed participant entry form for the SG, MG or EMG, including
26 a release agreement releasing Lincoln County, its officers, agents, employees or volunteers from
27 liability for any or all injuries.
- 28 (m) A signed indemnity agreement on a form provided by the County.

Page 5 ORDINANCE # _____

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1 (n) Information on whether alcohol will be part of the SG, MG or EMG, and if so, in
2 what way, and what arrangements have been made for appropriate licensing.

3 (o) Such other appropriate information as the Director or Board may require in order
4 to ensure compliance with the provisions of this chapter, as well as the rules of the Oregon
5 Department of Human Services.

6 (8) The application for a SG, MG or EMG shall be accompanied by the appropriate
7 fee pursuant to the County fee schedule. Except as provided in subsection (9) below, no rebate or
8 refund of money paid for a permit shall be made.

9 (9) Incomplete applications shall be denied and the application fee, less County costs,
10 shall be returned to the permit applicant.

11 (10) If the application is submitted fewer than 90 days prior to the event and the
12 Director or Board accepts the application, the processing fee shall be double.

13 (11) The Director shall furnish a copy of the SG, MG or EMG permit to the Sheriff
14 and to any other jurisdiction with regulatory authority in which the SG, MG or EMG takes place.

15 (12) If a permit for a proposed event under this Ordinance cannot be issued because
16 the proposed event does not meet the definition of a SG, MG or EMG, the proposed event shall
17 not be authorized unless it otherwise complies with Chapter 1 of the Lincoln County Code.

18
19 **4.420 SG, MG and EMG Permit Processing/When Hearings Are Required**

20 (1) SG permits shall be processed administratively by the Director without a hearing.

21 (2) No application for an MG permit shall be approved without review by the Board
22 following a public hearing.

23 (3) No application for an EMG permit shall be approved without review by the
24 Planning Commission following a public hearing in accordance with ORS 433.763.

25 (4) Public hearings shall be set at the discretion of the Director, but, in no case, earlier
26 than 10 days from the date of the application.

27
28 **4.425 SG, MG and EMG Departmental and Agency Notice**

Page 6 ORDINANCE # _____

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1 (1) The Director shall send notice of the application to the following officers at least
2 10 calendar days prior to the administrative decision (for the SG) or hearing (for the MG or
3 EMG): Lincoln County Counsel (serving as Risk Manager), County Sheriff, the Director of
4 Lincoln County Health and Human Services, the County Roadmaster, and the Chief of the Fire
5 District, if there is one, in which the SG, MG or EMG is proposed, the State Fire Marshal and the
6 State Forester.

7 (2) The Director shall publish notice of the hearing for a MG or EMG permit at least
8 10 calendar days before the hearing in a newspaper of general circulation in the County. No
9 notice is required in the case of SG administrative decisions.

10 11 **4.430 SG, MG and EMG Approval Criteria**

12 (1) A SG, MG or EMG permit shall be approved upon demonstration by the
13 Organizer of compliance with or the ability to comply with the provisions of this chapter, as well
14 as all health and safety rules adopted by the Oregon Department of Human Services, as
15 applicable.

16 (2) Each public official receiving notice of the application for a SG who wishes to
17 comment on the application shall submit such comment in writing to the Director within 10 days
18 of receiving notice of the application. Each public official receiving notice of the application for
19 a MG or EMG permit who wishes to comment on the application shall submit such comment in
20 writing to the Hearings Body no later than the date and time for the hearing.

21 (3) The comment from any public official regarding a SG, MG or EMG permit may
22 include recommendations related to the official functions of the officer as to granting the permit
23 and any recommended conditions that should be imposed.

24 (4) The Director or Hearings Body shall consider the imposition of any suggested
25 changes submitted by the public officials who received notice of the proposed gathering.

26 (5) The Director or Hearings Body may consider and impose any reasonable
27 condition on a permit under this chapter.

28
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1 **4.435 SG, MG and EMG Appeals**

2 (1) When the County Planning Commission is the Hearings Body, any person who
3 participated in the hearing before the Planning Commission shall be deemed a party and may
4 appeal the decision to the Board.

5 (2) All SG decisions of the Director and MG decisions of the Board shall be
6 reviewable only by the Lincoln County Circuit Court for the State of Oregon only by writ of
7 review under the provisions of ORS 34.010 to 34.100.

8 (3) All EMG rulings of the Board are appealable to the Land Use Board of Appeals.
9

10 **4.440 SG, MG and EMG Insurance**

11 (1) If the Director, Board or Planning Commission, as applicable, determines that the
12 SG, MG or EMG creates a potential for injury for persons or property, they may require
13 Organizers to obtain a commercial general liability insurance policy in an amount commensurate
14 with the risk, with single limit policy limits of not less than \$2,000,000.

15 (2) The insurance policy may not be cancelable and shall provide coverage against
16 liability for death, injury or disability of any human or for damage to property arising out of the
17 SG, MG or EMG.

18 (3) The insurance policy must be an “occurrence” policy, or its equivalent, that
19 provides for payment of claims made during the 180 day period after the scheduled termination
20 of the SG, MG or EMG.

21 (4) The Organizer shall furnish the Director with an insurance certificate and a copy
22 of the insurance policy naming the County as an additional insured under the policy, at least 14
23 days before the first day of the SG, MG or EMG.

24 (5) The permit for a SG, MG or EMG shall be voided by the Director if the Organizer
25 does not file proof of the non-cancelable insurance required by this section with the Director at
26 least 14 days before the first day of the SG, MG or EMG.

27 (6) The Organizer must agree in writing to indemnify, defend and save and hold
28 harmless the County, its commissioners, boards, officers, employees and agents, from all suits,

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1 actions damages or claims to which the County may be subjected to of any kind or nature
2 whatsoever, resulting from, caused by, arising out of or as a consequence of such SG, MG, or
3 EMG and the activities permitted in connection therewith.

4 5 **4.445 SG, MG and EMG Sanitary Facilities and Food Preparation**

6 (1) The County Environmental Health Division shall have the responsibility for
7 approving all sanitation and related facilities required by the Hearings Body for a SG, MG or
8 EMG permit to ensure that reasonable minimum standards have been or will be met by the
9 Organizer, in accordance with the procedures outlined in this chapter and OAR 333-039.

10 (a) Water. An adequate supply of water meeting state drinking water standards for
11 chemicals and bacteria shall be provided.

12 (b) Food Service Facilities. Food service facilities shall comply with the Oregon
13 Department of Human Services regulations that pertain to the operation of temporary restaurants.
14 All food service providers must be validly licensed.

15 (2) Such approval of an SG, MG or EMG permit by the County Environmental
16 Health Department shall indicate the number, type, and location, when appropriate, of the
17 various sanitary facilities and shall include a description of the specific type of food preparation
18 and food service facilities to be provided.

19 20 **4.450 SG, MG and EMG Fire Protection Standards**

21 (1) Unless waived by the Director, or Hearings Body, no SG, MG or EMG permit
22 shall be granted under this chapter unless the Organizer has shown that the authorized
23 representative of the rural fire protection district under ORS Chapter 478 has approved the type,
24 size, number and location of fire protection devices and equipment available at, in or near any
25 location, including outdoor sites, buildings, tents, stadium or enclosure, during the course of a
26 SG, MG or EMG for which a permit is required under this chapter.

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1 (2) If the site for which the permit is applied for is located outside a fire protection
2 district, the Organizer must show approval from the Office of the State Fire Marshal, or State
3 Forester, as applicable.

4
5 **4.455 SG, MG and EMG Medical Service**

6 (1) Sheriff shall have responsibility for approving plans as to medical service
7 required for the SG, MG or EMG.

8
9 **4.460 SG, MG and EMG Public Safety**

10 (1) If required by the Director or Hearings Officer, the Organizer must submit plans
11 for public safety at the SG, MG or EMG demonstrating the following:

12 (a) Adequate traffic control and crowd protection policing shall be contracted for or
13 otherwise provided by Organizer.

14 (A) There shall be provided one traffic control person for each 250 persons expected
15 or reasonably expected to be in attendance at any time during the SG, MG or EMG.

16 (B) Further, there shall be provided one crowd control person for each 100 persons
17 expected or reasonably expected to be in attendance at any time during the SG, MG or EMG.

18 (b) The Organizer shall submit the names and necessary background information as
19 required by the Director or Hearings Officer for all traffic-control and crowd-control personnel
20 to be utilized during the MG or EMG.

21 (c) All such personnel must meet the following minimum standards in order to be
22 approved as suitable:

23 (A) Be at least 18 years of age;

24 (B) Must have the physical capability to perform the traffic control and traffic control
25 responsibilities;

26 (C) Have training or experience acceptable to the County to conduct traffic and or
27 crowd-control duties.

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1 (2) All of the traffic control and crowd control personnel must wear appropriate
2 safety vests or jackets.

3 (3) The required number of crowd-control personnel must be on duty during the
4 entire SG, MG or EMG unless a relief schedule has been planned and approved.

5 (4) A relief schedule will be approved only when sufficient crowd-control strength on
6 duty has been maintained to meet the minimum strength standards set forth in this chapter.

7 (5) It is the duty of the crowd control personnel to report any violations of the law to
8 the Sheriff.

9
10 **4.465 SG, MG and EMG Parking Facilities**

11 (1) If required by the Director or Hearings Body, prior to or on the date of application
12 for an SG, MG or EMG, the Organizer shall provide a scale drawing showing that adequate
13 parking facilities have been made available within or adjacent to the location for which the
14 permit is requested.

15 (2) Such parking facilities shall provide parking space for one vehicle for every four
16 persons expected or reasonably expected to attend.

17 (3) Adequate ingress and egress shall be provided from such parking area to facilitate
18 the movement of any vehicle at any time to or from the parking area of the SG, MG or EMG.

19 (4) Should buses be used to transport the public to the SG, MG or EMG, it shall be
20 shown that adequate parking is available at any site from which buses are scheduled to pick up
21 persons to transport them to the SG, MG or EMG.

22
23 **4.470 SG, MG and EMG Permit Posting**

24 (1) The Organizer of a SG, MG or EMG shall have a copy of the permit available for
25 inspection upon request.

26 (2) Any permit for a SG, MG or EMG shall not be transferrable or assignable without
27 the consent of the Director or Board.

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1 (3) Any permit for a SG, MG or EMG shall be kept posted in a conspicuous place
2 upon the premises of such assembly.

3
4 **4.475 SG, MG and EMG Inspection of Premises**

5 (1) No SG, MG or EMG permit shall be granted unless the Organizer shall, in
6 writing, upon the application for such permit, consent to allow the Director, law enforcement,
7 public health and fire control officers to come upon the premises for which the permit has been
8 granted for the purpose of inspection and enforcement of the terms and conditions of the permit
9 and this chapter and any other applicable laws or ordinances.

10 (2) If any inspections reveal deficiencies in compliance with State or local law, the
11 inspectors may return as often as needed until the deficiencies are cured. If the deficiencies are
12 not cured or cannot be cured, the Sheriff may suspend or terminate the SG, MG or EMG.

13 (3) All the SG, MG or EMG facilities shall be in place a sufficient time, but not less
14 than 2 hours, before the SG, MG or EMG for which an application is submitted and approved,
15 and shall be subject to inspection by the County, provided, however, that such inspection shall
16 not relieve the Organizer of responsibility for proper placement of all facilities.

17
18 **4.480 SG, MG and EMG Restricted Hours of Operation**

19 (1) No SG, MG or EMG shall be conducted, including set-up, placement, storage,
20 staging, removal or similar action of any equipment, materials, structures, vehicles, supplies and
21 so forth, within 1,000 feet of any residence between the hours 12:01 A.M. and 9:00 A.M. and in
22 all other areas between the hours of 2:00 A.M and 8:00 A.M.

23 (2) If written consents for the SG, MG or EMG from neighboring property owners
24 and residents are submitted with the application, the Director or Hearings Body may modify
25 these hours in the permit.

26 (3) The gathering must comply with the Lincoln County Noise Ordinance (Lincoln
27 County Code Sections 2.2000 to 2.2045).

28
Page 12 ORDINANCE # _____

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1 **4.485 SG, MG and EMG Enforcement**

2 (1) The Organizer shall provide a contact person who shall be easily identifiable with
3 readily visible ID and who shall remain at the SG, MG or EMG site at all times.

4 (2) If any Organizer of a SG, MG or EMG violates any provisions of this chapter, the
5 Sheriff may immediately suspend, revoke or terminate any permit for a SG, MG or EMG and
6 may seek any legal remedy available.

7 (3) The SG, MG or EMG Organizer shall keep a reasonable count of persons and
8 vehicles entering and leaving the SG, MG or EMG.

9 (4) If, at any time during the SG, MG or EMG held under a valid permit, the number
10 of persons or vehicles attending the SG, MG or EMG exceeds by 10% or more the number of
11 persons or vehicles estimated in the permit application, the Sheriff has the authority to require
12 the Organizer to limit further admissions until a sufficient number of individuals or vehicles have
13 left the site to bring the actual attendance down to the number estimated by the Organizer.

14 (5) For any SG, MG or EMG held under a valid permit, the Sheriff has the authority
15 to order the crowd to disburse and leave the SG, MG or EMG site if the Organizer cannot
16 maintain order and compliance with all applicable State and local laws or refuses or is unable to
17 adhere to the terms and conditions of the permit.

18 (6) In addition to the State law provisions in ORS Chapter 433, including ORS
19 433.990(7), the County Counsel or District Attorney for Lincoln County may maintain an action
20 in any court of general jurisdiction to restrain or enjoin any violation of ORS 433.745.

21 (7) If persons remain on site after the scheduled end of the permitted SG, MG or
22 EMG or the Organizer fails to remove all debris or residue within 72 hours after termination of
23 the SG, MG or EMG, or if the Organizer fails to remove all temporary structures within three
24 weeks after the termination of the SG, MG or EMG, the County may issue citations to the
25 Organizer, all persons remaining at the site, and/or all persons who have left debris behind.

26 (8) In addition to any other remedies provided, if the SG, MG or EMG site is not
27 restored to its previous condition, or better, the County may arrange for cleanup of the site, and
28 then file an action for damages against the Organizer or successor landowner.

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4.490 SG, MG and EMG Intoxicating Liquor Prohibition

(1) No Organizer, nor any person having charge or control thereof at any time when a SG, MG or EMG is being conducted shall permit any person to bring into such SG, MG or EMG or upon the premises thereof, any intoxicating liquor, nor permit intoxicating liquor to be consumed on the premises, and no person during such time shall take or carry onto such premises or drink thereon intoxicating liquor.

(2) Subsection (1) of this section shall not apply to the sale and consumption of intoxicating liquor from a facility located on the premises of a SG, MG or EMG when validly licensed by the State.

4.495 SG, MG and EMG Unlawful Controlled Substances Prohibition

(1) No firm, person, society, association or corporation conducting a SG, MG or EMG, nor any person having charge or control thereof at any time when a SG, MG or EMG is being conducted shall permit any person to possess any controlled substances that are unlawful under Oregon law.

4.500 SG, MG and EMG Compliance Required

(1) Compliance with the terms and conditions of this chapter shall constitute minimum health, sanitation and safety provisions; and failure to comply with the terms and conditions of this chapter or state laws shall constitute a public nuisance and shall be subject to all criminal, civil and equitable remedies as such.

4.505 SG, MG or EMG Violation Enforcement

(1) For a SG, MG or EMG, violation of this chapter is subject to enforcement pursuant to Chapter 10 of the Lincoln County Code, and other legal remedies available under the law.

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1 SECTION 2

2 Severability

3 The sections, subsections, paragraphs and clauses of this Ordinance are severable. The
4 invalidity of one section, subsection, paragraph or clause shall not affect the validity of the
5 remaining sections, subsections, paragraphs and clauses.

6
7 SECTION 3

8 Repeal of Sections 4.105 to 4.160 (Re Entertainment Assemblies) of the Lincoln County
9 Code

10 On the effective date of this ordinance, Sections 4.105 to 4.160 (regarding Entertainment
11 Assemblies) of the Lincoln County Code are repealed.

12

DATED this ___ day of June, 2017.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Terry N. Thompson, Chair

Doug Hunt, Commissioner

Bill Hall, Commissioner

APPROVED AS TO FORM:

ATTESTED TO:

Wayne Belmont, County Counsel

Tanya Graham, Recorder

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June 14, 2017

Proposed Ordinance Relating to Small Gatherings, Outdoor Mass Gatherings and Extended Outdoor Mass Gatherings Permits

Having been invited to participate in the Lane County process (2014) to establish an effective ordinance in addressing outdoor gatherings, my opinion is that Lincoln County's draft proposal shows greater promise than Lane County's end result. I encourage the Lincoln County Board and the Lincoln County Planning Department to stay the course.

My exposure to outdoor gatherings is anecdotal and would fall under the current Small Gathering proposed regulations. I live in the Five Rivers area (Lincoln County) in the vicinity of a Lane County venue, Prindel Creek Farms. In the past, events there seriously impacted Lincoln County residents, Lincoln County roads and our health and safety, most notably from burn events at the height of fire season. The second venue of note is Tidewater Falls off Hwy 34, the most visible and audible event being the Beloved Festival, even when driving by. These two gatherings are my frame of reference. Oh, I was on the ground floor in the early 1970's of the Oregon Country Fair outside of Veneta and to this day it is embroiled in land use controversy. I draw from these experiences.

Going through the current proposal, I have a few observations, not ranked according to significance:


- “Permanent/Temporary” under Definitions, items (9) and (15) provide examples of both but nowhere do I find “stages”. I am intrigued by the absence of “stages”, often an integral structure in gatherings, and wonder if there is any significance to this omission.
- “Small Gatherings” under Definitions, item (12) addresses gatherings fewer than 3001 persons but more than 400 for a period of more than six hours but not more than 72 hours. What are the permitting requirements for those gatherings exceeding 72 hours?
- Under SG, MG and EMG Exclusions, item (2) allows for discretionary decision making, the parameters being fairly broad. Would, e.g., the Beloved Festival qualify for such a waiver?
- Under SG, MG and EMG Permit Required, item (j) (see also SG, MG and EMG Fire Protection Standards) re applicable rural fire protection agency, the real concerns of neighbors being exposed to fire hazards aren't being best served by after the fact Agency “responses”. There needs to be more engagement up front by any responsible agency to deal with huge bonfires, use of accelerants, fire dancing, effigy burns, and fireworks.
- Under SG, MG and EMG Departmental and Agency Notice, item (2) addresses public

Comment Relating to Proposed SGs, MGs and EMGs Ordinance

notice. There is a bare minimum of notice and none at all for Small Gatherings. EMGs are subject to appeal to LUBA as a land use decision so it would seem prudent to notify property owners/residents within a certain geographical range. To avoid potential conflict, even neighbors of SGs and MGs should receive notice of either Director decision (SGs) or public hearing (MGs). Adequate public notice would tie in better with provisions under SG, MG and EMG Restricted Hours of Operation. Under this provision, item (2) should be changed to read "...(i)f written consents for the SG, MG or EMG from all neighboring property owner and residents..."

I apologize for any missed or misread portions of this draft proposal. I look forward to a final product which allows for celebrations in an outdoor setting while respecting those of us who call rural Lincoln County our home. Lincoln County is to be commended for taking on this task.

Regards,



Mona Linstromberg
831 E. Buck Creek Rd.
Tidewater, OR 97390

*Carol Van Strum
7493 E. Five Rivers Road
Tidewater, Oregon 97390
(541) 528-7151
cvs@peak.org*

June 14, 2017

Re: Comments on Proposed Ordinance Relating to Small Gatherings, Outdoor Mass Gatherings and Extended Outdoor Mass Gatherings Permits

I live in the Five Rivers area of south Lincoln County, downriver of a Lane County venue, Prindel Creek Farms, which in the past held large, ill-managed events that depended solely on our Lincoln County road for access. These events seriously impacted Lincoln County residents, Lincoln County roads, and our health and safety, from excess traffic and accidents; from unsavory visitors leaving trash, burning cigarettes, and excrement on our roadsides; from loud, amplified alleged music that affected people and wildlife ten miles away; from drunk and/or stoned attendees trespassing and breaking in to our homes; from reckless and unlawful use of national forest land, including pollution of our river and construction of a sound stage on a Forest Service fish ladder; and from massive burn events and fireworks at the height of fire season¹. Our experiences attempting to get ANY state or Lane County authority to curtail or regulate those events -- which were only stopped by an appeal to LUBA -- inform my comments here.

Overall, the proposed Lincoln County ordinance, while definitely an improvement over Lane County's woefully inadequate rules, needs far more emphasis on preventive, or proactive, regulation. Most of the mass gatherings in the area occur in rural, relatively remote areas like Five Rivers, far from any emergency response to fire, accident, crime, etc. Here in Five Rivers, for example, it takes an ambulance a minimum of an hour to reach the upper end of the valley; it can take firefighters even longer, and any police (state or county) even longer still. By the time responders arrive, a fire may be raging out of control, an injured or ill person may die, and criminal suspects be long gone. Meanwhile, emergency responders can be seriously impeded by the vastly increased traffic even a "small" event creates on narrow county roads.

The external costs of such emergency services should be borne by the organizers, not by county taxpayers. Because in our experience, private security and other emergency personnel hired by event organizers have little incentive and absolutely no authority to make arrests or shut down an event, organizers should be required to pay the county for such services. For any event more than five miles from the nearest emergency services, organizers should pay for a temporary county response center located within a mile of the event, fully staffed with emergency fire, police, and medical personnel 24/7 for the duration of the event.

¹ Attachment 1 is an example of one such event, a massive accelerant-fueled fire of an "effigy" loaded with commercial firework canisters, in the middle of the Siuslaw National Forest at the height of fire season.

Similarly, because private security staff have little incentive and no authority to make arrests, event organizers should be required to pay the county for 24-hour police presence in the area and on access roads to the event, to ensure that residents and other users of the roads are not endangered by unruly attendees, unlawful camping and trespassing, reckless drivers, and the increased traffic to and from the event.

To avoid the kinds of arbitrary and possibly corrupt decisions made by Lane County planners, the provisions in the proposed ordinance for Exclusions and waivers must be clearly spelled out, *e.g.*, define what constitutes "good cause" for a waiver and define very specifically under what circumstances an application made fewer than 90 days before an event will be accepted. The proposed language, for example, could allow an application to be approved one day or even one hour before an event, giving the public no time to object. Simply doubling the application fee is useless if the public doesn't have adequate notice and time to be informed and object. Above all, to avoid even the appearance of collusion or corruption, **under no circumstances should a single director or other person be authorized to approve any waiver or exemption, which should be subjected to public hearing before any decision is made.**

Similarly, the ordinance and all notice provisions should apply to events with less than 3001 folks and more than 72 hours, and to Small Gatherings, which the current language exempts from notice. Even small gatherings can have dire consequences for neighbors, road conditions, and residents along the affected roads. Based on our experiences, there should be adequate notice **and public hearing in the affected neighborhood** of all mass gatherings, large and small, under this ordinance.

There must also be a more clearly delineated regulation of noise, both traffic and especially amplified noise. Simply saying it should not "interfere" with "normal use" of property is far too vague and basically unenforceable. The amplification levels of any equipment to be used by an event must be determined in advance, inspected beforehand, and organizers should pay the county to have an independent inspector on site for the duration of the event to ensure that amplification does not exceed approved levels at any time.

Finally, the dispatchers of our 9-1-1 system should be alerted well ahead of time and notified of the exact location of the event, to avoid the confusion we encountered in attempting to report fire at Prindel Creek and road accidents leading to it.

If such restrictions seem to discourage such events in our county, I remind you that these gatherings benefit only their organizers to the extreme detriment, discomfort, expense, and endangerment of neighboring residents, properties, roads, and the county itself. Very little if any increased profit to county businesses can be attributed to such events.

As a person seriously affected by such events in the past, I am glad to help Lincoln County prevent the abuse and damage we suffered.



Submitted by:

Carol Van Strum

Lincoln County resident and voter since 1974

Attachment 1



Effigy burn at Prindel Creek Farm, July 21, 2013

