

## STAFF REPORT to the PLANNING COMMISSION

For the March 5, 2018 Work Session

# OUTDOOR GATHERINGS

(CASE FILE: PC-2016-6021)

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### 1.0 BACKGROUND

Oregon law provides for outdoor gatherings and outdoor mass gatherings. Adopted in 1971 and later amended in 1985 the law applies to events not authorized under ORS 215.283(4) (agri-tourism events and activities). ORS 215.283(6)(c) states that: “outdoor mass gathering” and “other gathering,” as those terms are used in ORS 197.015(10)(d), do not include agri-tourism or farm-stand events and activities.”

Provisions for gatherings are found in ORS 433.735 to 433.770 (Attachment A). Generally, state law allows for property owners to host up to one event within a three month period. These quarterly gatherings are not considered a land use under state law (although they can still be regulated with respect to health, safety and offsite impacts). State law also defines the size, duration, and frequency of gatherings although counties are free to adopt their own local definitions.

The intent of this project is to create definitions, thresholds, standards, and procedures for outdoor gatherings occurring in unincorporated Multnomah County. There is a need to coordinate the permitting and documentation of gatherings between County departments, local and state agencies.

Outdoor gatherings in unincorporated Multnomah County have become more frequent over the past few years and while the events are growing in popularity, nearby community members experience much of the impacts, such as increased noise and traffic.

In 2015, the newly adopted Sauvie Island / Multnomah Channel plan included policy 1.5, which directs staff to create a permitting process for outdoor gatherings. The policy was carried forward to the 2016 Comprehensive Plan (as Policy 3.5) and now applies to all unincorporated Multnomah County (except unincorporated urban pockets that are regulated by cities by way of intergovernmental agreements).

### **Policy 3.5:**

*Develop and adopt a unified permitting process for review of mass gatherings and other gatherings. Establish more restrictive permitting thresholds for the number of visitors and the frequency or duration of events than the maximums authorized by state law.*

**Strategy 3.5-1:** *Provide appropriate public notice of applications for gatherings and coordinate these activities with affected local public agencies.*

**Strategy 3.5-2:** *Require through conditions that noise levels associated with gatherings comply with state and local noise ordinances to maintain the rural character.*

Staff have researched state law and several outdoor gatherings ordinances around the State. Staff has also met with internal partners such as the Health Department and Sheriff's Department to discuss the parameters of a future gatherings ordinance. Before staff prepares an ordinance for consideration by the Planning Commission we wanted to take the opportunity to discuss the parameters and policy considerations for such an ordinance.

Below is a table indicating contemplated ordinance subsections that would likely be contained in an outdoor gatherings ordinance. The second column contains staff notes and, where appropriate policy considerations for discussion purposes. As this is a work session the Planning Commission will not take any official actions on the matter – rather this is an opportunity for discussion around future policy and ordinance recommendations. After the work session staff will begin preparing a draft ordinance in consultation with legal staff, County department liaisons, and community partners. Future hearings on the matter will receive the benefit of public notice and broader community input.

## **2.0 Ordinance and Policy Considerations**

<b>General Areas of Code Development</b>	<b>Staff Notes</b>	<b>Policy Considerations</b>
<b>REGULATION OF OUTDOOR GATHERINGS</b> <b>-DECISION MAKERS-</b>  This section would specify that permits are required for outdoor mass gatherings and would describe the decision making process.	Oregon Counties often give decision making authority on mass gatherings to the Planning Commission with appeals resting at the Board of Commissioners.  ORS 433.750 (5) specifies that County Decisions on mass gatherings may be appealed to circuit court.	What are your thoughts regarding the typical approval authority for outdoor mass gatherings?

<p><b>DEFINITIONS</b></p> <p>This section includes definitions specific to outdoor mass gatherings. Definitions would likely include:</p> <p><b>Approval Authority</b> (Planning Commission + Board of Commissioners)</p> <p><b>Organizer</b> (The person(s) responsible for the gathering.)</p> <p><b>Outdoor Mass Gathering</b> (Along the lines of: either a large gathering or a small gathering that is held on a site primarily in open spaces and/or one or more temporary structures but not in any permanent structure.)</p> <p><b>Large Gathering</b></p> <p>(1. 3,000 or more persons at any time; or</p> <p>2. More than X persons per day...</p> <p>3. Frequency of events)</p>	<p>3,000 or more is the threshold for a large gathering in State Law.</p> <p>We can further define a threshold minimum threshold for the number of people on any given day. For example more than 500 persons on any three days of an event being held for more than five days.</p> <p>ORS 433.763 specifies, "...reasonably be expected to continue for more than 120 hours within any three-month period.</p>	<p>Should the definition of event site be the Lot of Record, contiguous ownership or something else?</p> <p>Should the definition of large gathering include a daily threshold?</p> <p>There could be value in refining this further such as specifying calendar months and/or event spacing not less than 90 days between events.</p>
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<p><b>Small Gathering</b> (This definition would describe a regulated gathering that is less than 3,000 persons and less than 120 hours within a three month period. The definition should also describe the lower limit – where regulation begins).</p> <p><b>Social Gathering</b> (basically any gathering not meeting the definition of large gathering or small gathering)</p> <p><b>Temporary Structure</b> Includes tents, trailers, chemical toilet facilities and other structures customarily erected or sited for temporary use.</p>	<p>The range for the starting threshold among Oregon counties is anywhere from 100 to 500 persons per event. Additionally, many counties define a minimum number of hours for the event for the purposes of requiring a permit – the range is any event exceeding 4 hours up to any event exceeding 24 hours.</p> <p>Unless otherwise regulated by other codes (such as agri-tourism, farm-stands, etc.) social gatherings are those gatherings that would not require a permit. This category is meant to allow for infrequent gatherings such as family reunions and private (non-commercial) weddings and the like.</p> <p>It will be helpful to include this definition from ORS the type of temporary structures allowed for gatherings. Typically includes te</p>	<p>What should be the minimum thresholds for a regulated small gathering? In other words, at what point should we require a permit for gatherings? Note that anything less would be considered an unregulated social gathering. Consider the number of people, duration and frequency.</p> <p>Should the definition include any other concepts?</p>
<p><b>EXCLUSIONS</b> (Events that are not outdoor mass gatherings subject to this future ordinance)</p>	<p>Exclusions from gatherings permits would include those events of less than 3,000 persons that are also any of the following:</p> <ul style="list-style-type: none"> <li>• Approved Agri-tourism, Farm-stand, and Winery Events.</li> </ul>	<p>What are your thoughts about the typical exclusions? Should anything else be to included in this list of exclusions?</p>

	<ul style="list-style-type: none"> <li>• Government Facilities.</li> <li>• Public Schools</li> <li>• Religious Institutions</li> <li>• State Parks and Public Parks.</li> <li>• Permitted businesses operating within the limits (i.e. number of employees and customers permitted on site) specified in their permit.</li> <li>• Responses to an Emergency/Disaster Event.</li> </ul>	
<p><b>PERMIT REQUIRED</b> This section would provide some parameters about the permit potentially including:</p> <p>Number of events contemplated per permit.</p> <p>Permanent structures / alterations.</p>	<p>Need to specify whether each permit is specific to each contemplated event or whether a series of events .</p> <p>Need to specify that no permanent structures allowed to be used for gatherings and no permanent physical alterations to the land.</p>	<p>Should each permit be specific to one contemplated event or allow consideration of multiple event (for example: up to 4 events within a calendar year)?</p>

<p>Amount of time needed to process the application prior to the contemplated event date.</p> <p>Applicant / Organizer Info.</p> <p>Site Information / Site Plan requirements.</p> <p>Date, times, duration, and number of persons.</p> <p>Description of planned activities.</p> <p>Compliance with other codes, such as sound ordinance and health dept.</p> <p>Fire Dist. requirements.</p> <p>Off-street parking.</p> <p>OLCC permit requirement.</p> <p>Insurance coverage.</p> <p>Permit fee.</p>	<p>Staff Recommends at least 120 days prior to contemplated event to allow for scheduling at the Planning Commission and any appeals to the Board of Commissioners.</p> <p>Staff also recommends a maximum time-frame because the standards may change in the future. We recommend two years because that is the time-frame typically given to implement land-use permits.</p>	
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<p><b>PUBLIC NOTICE</b> (who and when)</p>	<p>Staff recommends notice to other county depts. And public agencies within 14 calendar days of receiving a complete application.</p> <p>Need to specify extent of mailed notice.</p> <p>Hearings require newspaper notice at least 10 calendar days prior to hearing.</p>	<p>What should be the extent of mailed public notice? Note that land use applications specify notice to owners of property within 750 feet in all directions around subject property.</p>
<p><b>GENERAL APPROVAL CRITERIA</b>  (These are specific approval standards).</p>		<p>Does this section need to talk about the setup and breakdown?</p> <p>Arrival and departure of event personnel?</p> <p>Hours of the day?</p> <p>Distance from neighboring dwellings and other structures?</p>
<p><b>---OTHER POSSIBLE CODE SECTIONS----</b></p> <p>Would include specifics regarding such things as:</p> <p>Crowd control and parking personnel.</p> <p>Insurance requirements.</p> <p>Sanitary facilities and emergency medical service.</p> <p>Fire protection.</p>		

Public safety.		
Parking.		
Permit Posting.		
Inspections, compliance, and enforcement.		
Events in the Public Right of Way.		

### **3.0 ATTACHMENTS**

Attachment A: Relevant State Statutes

Attachment B: Examples of Oregon Counties Outdoor Gathering Administration (Courtesy of Wasco County).