

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

MINUTES

July 8, 2015

The Columbia County Board of Commissioners met in scheduled session with Commissioner Henry Heimuller, Commissioner Anthony Hyde and Commissioner Earl Fisher, together with Robin McIntrye, Assistant County Counsel and Jan Greenhalgh, Board Office Administrator.

Commissioner Heimuller called the meeting to order and led the flag salute.

MINUTES:

Commissioner Hyde moved and Commissioner Fisher seconded to approve the minutes of the July 1, 2015 Board meeting and July 1, 2015 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

None.

HEARING: APPLICATION FOR MASS GATHERING PERMIT - RAINIER:

Robin McIntyre stated that this is the time set for the public hearing, "In the Matter of the Application for a Permit for a Mass Gathering Event Outside Rainier, Oregon". Commissioner Heimuller noted that Deputy Goodwin is present and wearing a body cam.

Robin explained that this hearing is being held as required by the Mass Gathering Event Ordinance. She entered the following into the record: Notice of Public Hearing as **Exhibit "1"**; Staff Report dated 6/23/15 as **Exhibit "2"**; and Supplemental Staff Report as **Exhibit "3"**.

Todd Dugdale, LDS Director, was present to review the staff report. Applicants Danny Petrella and Frank Upham have applied for an outdoor mass gathering permit for a two day wedding/music event entitled "Danny and Shelley's Field of Dreams Wedding", to be held on Friday 7/17/15 thru 7/18/15 on an approximately 112 acre site owned by Kenney and Linda Gregory of St. Helens. The property is located at 29604 Gregory Road in the Rainier area. Attendance at the 2 day event is expected to be about 1200 persons. The promotional website for the event describes it as a "festival" over 3 days, 7/17/15 thru 7/19/15, with over 40 bands playing on two stages. In the web promotion, vendors are invited to come and use the site to sell items. There would be overnight camping on Friday and Saturday nights. The application form states that it must be submitted 60 days prior to the event, but in fact was filed approximately 3 weeks into that time. Because it is not detailed in the ordinance, the application was accepted. It was received 6/8/15 and review forms and application were submitted to the Sheriff, Fire Chief and Health Inspector for comment. Todd reviewed the applicable criteria and what has and has not been met. The Sheriff has denied this permit because of security, sound and fire concerns. Originally, Jay Tappen, CRF&R Chief approved it with conditions, however, he has since re-reviewed and is now recommending denying the permit due to the extreme fire danger. Insurance requirement has not yet been met. Based on the findings, Todd would recommend that this permit application be denied.

Robin stated that Sheriff Dickerson and Chief Tappen are present and perhaps the Board would like to hear from them because these recommendations are pivotal in this application.

Sheriff Dickerson read his prepared statement into the record. He took into consideration the issues of security, previous events at this property, the application saying it's a wedding, but really a RAVE and promoting this event before permit approval.

Chief Jay Tappen, CRF&R, originally recommended a conditional approval because it was portrayed as simply a wedding, but because of how this event has changed and the current weather conditions, he would now recommend denial.

Kelly Niels, Department of Forestry, his job is to provide forest protection. He is very concerned with the fire danger out there because even a cigarette can start a fire. He concurs with the Fire Chief and would recommend denial.

The hearing was opened for public testimony.

PROPONENTS:

Frank Upton, Co-Applicant. He submitted a prepared statement into the record. Basically, they applied to the county in good faith to obtain a permit to put this event on. They contacted all entities that were necessary. The Sheriff would not return his calls. They have a licensed and bonded security company, 2 water trucks for any fire concerns, plans to water the entire site down, porta potties, wash stations, not alcohol/drugs on the site and anyone with that will be turned away. There is a clean up crew for after the event. They have done a great deal of planning to make sure this event is safe for everyone.

Commissioner Hyde asked about the 1,200 people but website says 12,000 - please explain. Frank stated that with direct marketing you can expect 1% turnout, but they are really only expecting about 500. It's been promoted as a music event, not a wedding which is what it is. Frank noted that the 60 day permit application was not on the website but Todd told him to submit it and it would be processed.

Nickalous Goodroad, 1916 NE 57th, Portland: He is a performing DJ and has seen RAVE's grow into what they are today - dance music. It's not the same monster we used to see in the news. The top music today is dance music. These types of festival events are a way for people to get together, dance and celebrate. He has been invited to perform in this event and has been to a couple of their planning meetings and with the wedding couple. They have been planning for a long time and they are wanting this to be a safe event. Maps, security, cleanup crew, closed gate times, parking people, etc. He knows there are some concerns about the event that took place two years ago and he was there. That was a larger event with 5 stages, a more loose event. This application is for a more structured and planned event with only 3 stages, pointing towards each other to address noise concerns.

Commissioner Fisher has noticed that a lot of these events are held out in the rural areas and the people attending are not from around here. Why not go to Forest Park that is closer and available. Nick stated there are too many rules in Portland and no camping.

Torry Gregory (Ken Lee Gregory) - His family has owned this property for many years. Torry was gone for many years and when he came home, the property was not being taken care of. There are a lot of rumors about the last event. He has been in the music industry for years. The people that are putting this event on have been out working the property, cleaning and clearing brush.

Commissioner Heimuller stated that he, his daughter and Commissioner Fisher went out to the last event and was there until the wee hours of the night. He witnessed people who were turned away, going around and coming in through the back access, camp fires, etc. The Sheriff, Road Department staff and others were out there and all witnessed these things. Commissioner Hyde stated that during the last event, he received phone complaints throughout the night during the entire event. Torry explained that one stage was pointed the wrong way and there were some things that happened that were beyond his knowledge.

Kris Hubbard, Private Event Security, he has been licensed since 2012 . He has done these types of events before. One was a wedding event in Vernonia. All events he has provided security for, there have been no serious incidents. He has been talking with the event coordinator for at least 4 months on this. He knows how to keep conditions healthy and how to pull the plug if necessary. He is prepared for up to 1,000 people per day. If it goes beyond that, people would be turned away.

Ericia Farlow, 8729 N. Barried, Portland, OR 97217: She has heard a lot of reference to the past event. She would remind the Board that this is a different group. This group of people have taken great care to make sure they are meeting all criteria. This is a place where people can come together, camp, listen to music and dance. She looks forward to this time to celebrate with friends. These are responsible people who have made attempts to contact all those necessary agencies to ensure everything is above board.

OPPONENTS:

David Teuscher, 68642 Whitney Road, Rainier: He believes the site plan and directional map is in error. It doesn't show entry and exit roads, camp sites, etc. He also

commented on the search and seizure and that could be a violation in itself, and what happens to anything that's confiscated. What about those underage kids. He is also concerned with the "quiet time" and if that is planned, the neighbors should have the event schedule. On the website, it says that Dance Safe will be attending. For those who don't know, this group comes in to protect people by determining the drugs their taking are safe. Also doesn't see anything about the insurance requirement. His question is, why not use sites that are already prepared for these types of events, such as the Fairgrounds. He thinks the promoter should be offered the opportunity to withdraw their application.

Ray Laughlin, 29755 Barker Road, Rainier. He lives just down the hill from this pasture. The field has been watered down, but not the tree line. He would not be as concerned if they watered down the trees too. If a fire started, it would be disastrous with people getting trapped up above. They need to increase their bond.

Gregory Latinie, 29525 Barker Road, Rainier: He was also at the last event. He witnessed a lot of drug use, but his big concern is with fire. He doesn't even let his kids ride their quads right now because of the fire danger. He is a realtor and sold some homes on Gregory Road and he is still hearing complaints about people still camping up there, petty crime, etc. If a fire does start, he and his family can be trapped.

Richard Keith, 29796 Gregory Road, Rainier: He read a prepared statement into the record. He is opposed to this event for many reasons, such as security, fire danger, insurance, etc. As a reminder, the Board promised that they would never approve a permit on this site again.

REBUTTAL:

Frank Upton: He does occupational safety for a living. There is nothing more important than the safety of the concert goers and neighbors. He doesn't want to see any fires or loss of life. That's why they got professionals for security, sanitation, etc. He is sorry about the last event, but they had nothing to do with that and had no knowledge of the past event. A lot of the judgement here today has to do with that event but again, that was someone else. They are not a promotion company, just a group of people that want to have a great time.

When a poll was taken of the audience, there were 6 in favor and about 20 opposed to this application.

With no further testimony coming before the Board, the hearing was closed for deliberation. Commissioner Fisher appreciates the comments that this is a different event and not the same people from the prior event. During the recent 4th of July, fireworks were banned in most areas in the county because the fire danger is so high right now. He is very concerned about the fire danger and the Board would be remiss if they allowed this to go on and put our county at risk. Our forests are as dry as they were during the time of the Tillamook Burn.

Commissioner Hyde understands that what you do on your own property is your business, to a point. When it starts effecting others, that could be a different story. Even though this is a different group, it's the same property and there are many of the same concerns. That said, the fire danger in this county is extremely high. Our Road Department has ceased mowing because of this danger. To have that many concert goers at that site, could be devastating. He is totally opposed to this application.

Commissioner Heimuller agrees with Mr. Upton that it was a different group last year. He believes that it comes down to the property owner and it appears that he isn't considering his neighbors. As for the water trucks, who has the permits to draw water from whatever water source - that's not identified. It's important to note that, the county has fairground property that is established for such type of events. It already has power, restrooms, sanitation services, etc. There are other venues out there that would more suited for this event.

After discussion, Commissioner Hyde moved and Commissioner Fisher seconded to deny the "Field of Dreams Wedding" application for a Mass Gathering Permit at property located at 29604 Gregory Road, Rainier. The motion carried unanimously.

When asked what would happen if the event goes forward without a permit. Robin explained that there is a fine established of up to \$10,000 per day for the property owner and any of those involved with organizing the event (which has a very broad definition). Commissioner Hyde noted that the Board will be aggressive about this should there be any attempts to put this event on.

CONSENT AGENDA:

Commissioner Heimuller read the consent agenda in full. With no changes/additions, Commissioner Fisher moved and Commissioner Hyde seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for week of 7/6/15.
- (B) Final Order 37-2015, "In the Matter of an Application by Marilyn Shober for the Renewal of a Temporary Health Hardship Mobile Home Dwelling in the Rural Residential (RR-5) Zone [Application No. TR 15-34]".

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (C) Approve Collective Bargaining Agreement with AFSCME Local 697 effective 7/1/15 - 6/30/20.
- (D) 2015 ODOT Fund Exchange Agreement #30822 for Scappoose-Vernonia Highway Pavement Preservation Project.
- (E) ODOT Grant Agreement #30801 for 5311(f) Intercity Public Transportation.

The motion carried unanimously.

COMMISSIONER HEIMULLER COMMENTS:

Commissioner Heimuller wanted to mention that Clatskanie put on a great 4th of July parade and Heritage Days last week. This Saturday is Rainier Days in the Park, their parade and fireworks display. Next Wednesday will be the opening celebration of the 100th Annual Columbia County Fair.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde wanted to clarify some issues with the closure of some of the Weyerhauser property. He recently joined a blog for the Pacific Northwest Hunters who are opposed to the Weyerhauser closure. As he understands it, Weyerhauser purchased all of Hancock's property and all of what used to be Longview Fibre property.

This is a very big deal to the citizens of Columbia County, mostly the hunters in the county. Let it be known that the County is working on this concern. It's been said that the Commissioners all took money from Weyerhauser and therefore in their pocket.

This is not true and unfortunate that someone put that on the radio. It was also stated that the county conveyed land and roads to Weyerhauser. This also in untrue.

There was one road that the county vacated and given to the State, but the county is now working to get that back.

COMMISSIONER FISHER COMMENTS:

Commissioner Fisher wanted to thank the citizens of this county for their willingness to cooperate with the fire districts with regards to lighting off fireworks. He has not been hearing any fireworks since the 4th, which is usually the norm for weeks afterwards.

To all of those who can hear the noise in the background, the courthouse is having a new roof put on.

EXECUTIVE SESSION UNDER ORS (2)(h):

The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(2)(h). It was held in the Commissioner's Office Meeting Room because of the noise generated by the roofing project. Upon coming out of Executive Session, no action was taken by the Board.

The Board recessed the meeting and reconvened at 12:00 noon in the Courthouse Extension Meeting Room.

JOINT MEETING WITH THE COUNTY PARKS ADVISORY COMMITTEE:

The Board met with members of the Columbia County Parks Advisory Committee for a general update on county parks.

There was no Executive Session held.

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With nothing further coming before the Board, the meeting was adjourned.

Dated at St. Helens, Oregon this 8th day of July, 2015.

NOTE: A tape of this meeting is available for purchase by the public or interested parties.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____

Henry Heimuller, Chair

By: _____

Anthony Hyde, Commissioner

BOC Meeting

7/8/15

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By: _____

Jan Greenhalgh

Board Office Administrator

By: _____

Earl Fisher, Commissioner