



Deschutes County Board of Commissioners
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AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of March 16, 2015

DATE: March 10, 2015

FROM: Cynthia Smidt Community Development Department 317-3150

TITLE OF AGENDA ITEM:

A public hearing on and consideration of approval for Document No. 2015-144, an Outdoor Mass Gathering permit for the 4 Peaks Music Festival on a Tumalo area property. File No.: 247-15-000086-OMG.

PUBLIC HEARING ON THIS DATE? Yes

BACKGROUND AND POLICY IMPLICATIONS:

Before the Board of County Commissioners (Board) is an Outdoor Mass Gathering application by 4 Peaks Presents, LLC (Stacy Totland) requesting to hold a music festival on a 19.5-acre parcel owned by Garret A. and Lisa J. Armstrong. The festival would include music, camping, day-use parking, and vendors for an estimated 1,000 people. The proposed dates for the 4 Peaks Music Festival is June 13-23, 2015, which includes set-up and removal of equipment, structures, and similar materials used for the festival. The request is not a land use application and not subject to zoning regulation. The request is subject to Deschutes County Code Chapter 8.16 and the Hearings Body to review this application is the Board.

See attached staff memo for further background information.

FISCAL IMPLICATIONS:

None.

RECOMMENDATION & ACTION REQUESTED:

Hold a de novo public hearing and make a decision based on the existing record and the written and oral testimony presented at the hearing.

ATTENDANCE: Cynthia Smidt

DISTRIBUTION OF DOCUMENTS:

Cynthia Smidt



Community Development Department

Planning Division Building Safety Division Environmental Soils Division

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STAFF REPORT

TO: Board of County Commissioners
FROM: Cynthia Smidt, Associate Planner
DATE: March 10, 2015
HEARING: March 16, 2015
RE: Public Hearing for an Outdoor Mass Gathering, File No. 247-15-000086-OMG

PURPOSE

The Deschutes Board of County Commissioners ("Board") will hold a public hearing to consider a proposal by the 4 Peaks Presents LLC for an Outdoor Mass Gathering (OMG) application to hold a music festival on a 19.5-acre parcel owned by Garret A. and Lisa J. Armstrong. The music festival would include RV and tent camping, parking, and food and drink for an estimated 1,000 people.

PROPOSAL

The applicant, 4 Peaks Presents, is proposing to hold a music festival at the subject property located at 19449 Tumalo Reservoir Road. The subject property is zoned Exclusive Farm Use – Tumalo/Redmond/Bend subzone (EFUTRB).¹ The applicant has held a music festival at this site for seven of the last eight years.² The current proposal is a request for an outdoor mass gathering permit that would allow up to 1,000 people, including staff and vendors, in attendance at the event.³

¹ This application is not a land use application; therefore, it is not subject to the EFU zoning regulations.

² For the 2014 festival, the Board approved OMG-13-1, allowing no more than 1,000 patrons including staff and vendors. Prior years include the Board granting approval in 2007 and 2008, respectively, of OMG-07-1, which allowed no more than 2,950 patrons, and OMG-08-1, allowing no more than 3,000 patrons (the 2007 and 2008 events occurred on multiple properties). For the years of 2010, 2011, 2012, and 2013, respectively, the County granted approval of Event permits 2010-28, 2011-02, 2012-01, and 2013-02, all of which allowed no more than 500 patrons and occurred on the subject property.

³ In the submitted Burden of Proof Statement (page 3), the applicant estimated an attendance of 1,500, which would be an increase of 500 from the 2014 OMG-13-1 permit (DCC 8.16.160(G)(6)). However, the rest of the application materials states 1,000 people. The applicant clarified this information in a March 3, 2015 email correspondence indicating the event will have an estimated capacity at 1,000 people.

The proposed 2015 music festival is scheduled to take place on Friday, June 19, 2015 and Saturday, June 20, 2015. Festival preparation and set-up for the event will begin on Saturday, June 13, 2015 and will conclude by 4:00 p.m. on Monday, June 22, 2015 with breaking down of equipment and clean-up. Debris and rubbish will be removed no later than Tuesday, June 23, 2015. The actual music festival will go from 12:00 noon to 10:00 p.m. on Friday, June 19, 2015 and from 10:00 a.m. to 10:00 p.m. on Saturday, June 20, 2015. Camping will be provided from Thursday evening, June 18, 2015 through Saturday evening, June 20, 2015 (patrons departing on Sunday, June 21, 2015).

As proposed for the outdoor mass gathering, the subject property is divided into six specific areas. Adjacent to the house is the "Music Pasture," or Lot 1, which is the activity center for the festival. The Music Pasture includes the stages, vendors, restrooms, water, first aid, ticket will call, trash collection, and basic operational aspects of the festival. Lots 2, 3, and 4 include camping, restrooms, and some day-use parking. Lot 5 is off-limits and Lot 6 is for authorized personnel only. According to the applicant, there will be 22 toilets (two will be ADA compliant), 7 hand-washing facilities, several water supply areas, food service, and solid waste collection sites. The applicant is requesting a waiver from the requirements to maintain an ambulance on-site during the festival. However, no waiver is sought for the first aid station and will comply with County Code (refer to Exhibit E, Medical Service Plan for the festival).

The subject property is approximately 19.5 acres and is developed with a single-family dwelling and accessory structures.⁴ Tumalo Reservoir Road and High Mowing Lane, respectively, abut the property along its northern and eastern boundaries. The property is accessed from an existing driveway off Tumalo Reservoir Road. The site topography is relatively level and is vegetated with juniper trees, pasture grasses, native ground cover, and introduced landscaping. The perimeter of the property is enclosed with white rail fencing. The area surrounding the subject property consists of farm and residential uses. To the east, west, and south are properties zoned EFU and currently engaged in some form of farm use. To the north, across Tumalo Reservoir Road are properties zoned Multiple Use Agricultural (MUA-10) that are developed with single-family dwellings. To the northwest is land zoned Surface Mining (Surface Mine Site No. 357). Based on County records, the surface mine is no longer in operation.

PUBLIC NOTICE

The Planning Division mailed notice to several agencies. Comments received are noted below in the Requirements/Criteria section of this report. Public notice was published in the Bend Bulletin on February 26, 2015. In addition, the Planning Division sent notice of the proposal to all property owners within 750 feet of the subject property. As of the date of this memorandum, one written comment in opposition was received. Jacqueline Hook, owner of property across Tumalo Reservoir Road at 64411 Coyote Run Lane, submitted a comment regarding the noise levels and traffic in the area.

OUTDOOR MASS GATHERING REQUIREMENTS / CRITERIA

Deschutes County Code (DCC) Chapter 8.16 provides approval criteria for an Outdoor Mass Gathering permit. The applicant has satisfied the requirements addressed in Section 8.16.160 with

⁴ County records indicate one lawfully established single-family dwelling is located on the property, near the south property boundary. Staff only references the lawfully established home in this report. The applicant's site plan illustrates two homes on the property, one of which is located along the eastern property boundary.

the exception of obtaining final approval by the Bend Fire Department.⁵ As required, the applicant obtained signatures on the application form from the following agencies: Bend Fire Department, County Health Department, County Environmental Health Division (EH), and County Sheriff. The proposed application can comply with the applicable standards and criteria outlined in Chapter 8.16 below if conditions of approval are met.

1. Section 8.16.210. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Insurance.

- A. After consultation with the County Risk Manager, if the Board determines that the Outdoor Mass Gathering or Extended Mass Gathering creates a potential for injury to persons or property, the Board may require organizers to obtain a commercial general liability insurance policy in an amount commensurate with the risk, but not exceeding \$1 million per occurrence.***
- B. The insurance policy may not be cancelable and shall provide coverage against liability for death, injury, or disability of any human or for damage to property arising out of the Outdoor Mass Gathering or Extended Mass Gathering.***
- C. The insurance policy must be an "occurrence" policy, or its equivalent, that provides for payment of claims made during the 180-day period after the scheduled termination of the Outdoor Mass Gathering or Extended Outdoor Mass Gathering.***
- D. The Organizer shall furnish the Director with an insurance certificate and a copy of the insurance policy naming the County as an additional insured under the policy.***
- E. The permits for an Outdoor Mass Gathering or Extended Outdoor Mass Gathering shall be voided by the Director if the Organizer does not file proof of the non-cancelable insurance required by this section with the Director at least fourteen days before the first day of the [Outdoor Mass Gathering].***

The applicant intends to obtain a special event insurance policy that will provide the following:

- *Provide general liability of \$1,000,000*
- *Cover against liability for injury or disability of any human, or for damage of property arising out of this outdoor mass gathering event*

The applicant provided a certificate of liability insurance with the application materials. Fourteen days prior to the outdoor mass gathering, the applicant will provide an insurance certificate and copy of the insurance policy naming the County as an additional insured. After review of the documents, the Risk Management Division found the insurance acceptable for approval.

2. Section 8.16.220. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Sanitary Facilities.

- A. The County Environmental Health Division shall have the responsibility for approving all sanitation and related facilities required by the Hearings Body for an Outdoor Mass Gathering or Extended Mass Gathering permit to ensure that reasonable minimum standards have been or will be met by the Organizer, in accordance with the procedures outlined in DCC 8.16 and OAR 333-039.***

⁵ Although the subject property is within the Deschutes County Rural Fire Protection District #2 boundaries, all physical services (fire, EMS, transport, prevention, education, and hazardous materials response) are provided by the City of Bend Fire Department. Therefore, submitted comments are from the Bend Fire Department.

- 1. Water. An adequate supply of water meeting state drinking water standards for Chemicals and Bacteria shall be provided.**
- 2. Food Service Facilities. Food service facilities shall comply with the Oregon Department of Human Services regulations that pertain to the operation of temporary restaurants.**
- B. Such approval of an Outdoor Mass Gathering or Extended Mass Gathering permit by the County Environmental Health Division shall indicate the number, type, and location, when appropriate, of the various facilities and shall include a description of the specific type of food preparation and food service facilities to be provided.**

Eric Mone, Environmental Health (EH) Supervisor, and EH staff, Jeff Freund reviewed the proposed sanitary facilities. The applicant provided a letter from the EH Division dated February 12, 2015. The following are the comments and requirements provided in the letter.

Thanks to Jeff and Gary for showing me around the well/water system on Wednesday February 4, 2015. Please find the enclosed report and well log. The well, which is located on the adjacent property (64343 High Mowing Lane), was evaluated by the Oregon Drinking Water Program and found to be adequately constructed and drilled into a confined aquifer. My site visit did not reveal any obvious sanitary deficiencies and the well is therefore approved for use for the public with ongoing water quality monitoring.

Requirements:

- Collect one coliform bacteria sample prior to each event (w/in 60 days) and minimum of two samples per calendar year. Submit copy of results.*
- Take one annual nitrate sample and submit a copy of results*
- Use only food grade hoses for conveying drinking water to the sink basin for guests.*

Recommendations:

- Install a non-frost free standpipe faucet for drinking water purposes in the Gully as discussed. Frost-free hydrants are not allowed for drinking water.*
- Clean the interior of the wellhouse and seal the outer openings to preclude insects, rodents and other contaminants.*

The applicant provided an environmental health plan (Exhibit G of the application materials) documenting contact persons, number of toilets and hand washing facilities, water supply, and waste collection and disposal, and food service facilities. Ranch Country Outhouses will provide the portable toilets and hand washing stations. Bend Garbage and Recycling will provide garbage and recycling services to the event. Staff recommends the above listed requirements be made conditions of final approval of the outdoor mass gathering permit.

3. Section 8.16.230. Outdoor Mass Gathering and Extended Outdoor Mass Gathering – Fire Protection Standards.

- A. Unless waived by the Hearings Body pursuant to DCC 8.16.030(H), no Outdoor Mass Gathering or Extended Mass Gathering permit shall be granted under DCC 8.16 unless the Organizer has shown that the appropriate Fire Protection District Officer has approved the type, size, number and location of fire protection devices and equipment available at, in or near any location, including outdoor sites, buildings, tents, stadium or enclosure, wherein or whereupon more than 10 persons may be expected to congregate at any time during the course of an Outdoor Mass Gathering or Extended Mass Gathering for which a permit is required under DCC 8.16.**

B. If the site for which the permit is applied for is located outside a fire protection district, the Organizer must show approval from the office of the State Fire Marshal.

Comments were submitted by Larry Medina, Deputy Chief/Fire Marshal, on March 10, 2015. Final approval will be determined after inspection of the site prior to the outdoor mass gathering. The Bend Fire Department requires the following.

Fire Apparatus Access Roads:

- **Approved vehicle access for fire fighting shall be provided to all construction or demolition sites.** Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent access roads are available. **2014 OFC 3310.1**
- **Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building** as measured by an approved route around the exterior of the building or facility. **2014 OFC 503.1.1**
- **Fire apparatus roads shall have an unobstructed width of not less than 20 feet,** exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where a fire hydrant is located on a fire apparatus road, the minimum width shall be 26 feet, exclusive of shoulders. Traffic calming along a fire apparatus road shall be approved by the fire code official. Approved signs or other approved notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire apparatus roads to prohibit parking on both sides of fire lanes 20 to 26 feet wide and on one side of fire lanes more than 26 feet to 32 feet wide. **2014 OFC 503.2.1, D103.1, 503.4.1, 503.3**
- **Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (60,000 pounds GVW) and shall be surfaced (asphalt, concrete or other approved driving surface) as to provide all weather driving capabilities.** Inside and outside turning radius shall be approved by the fire department. All dead-end turnarounds shall be of an approved design. Bridges and elevated surfaces shall be constructed in accordance with AASHTO HB-17. The maximum grade of fire apparatus access roads shall not exceed 10 percent. Fire apparatus access road gates with electric gate operators shall be listed in accordance with UL325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. A Knox® Key Switch shall be installed at all electronic gates. **2014 OFC D102.1, 503.2.4,**

Other Fire Service Features::

- **In other than Group A or E occupancies, where the fire code official determines that an indoor or outdoor gathering of persons has an adverse impact on public safety through diminished access to buildings, structures, fire hydrants and fire apparatus access roads or where such gathering adversely affect public safety of any kind, the fire code official shall have the authority to order the development of, or prescribe a plan for, the provision of an approved level of public safety. 2014 OFC 403.2 Provide a public safety plan addressing emergency vehicles ingress and egress, emergency egress, emergency**

medical services, public assembly areas the directing of both attendees and vehicles (including the parking of vehicles), vendor and food concession distribution.

- ***All temporary tents shall comply with the 2014 OFC Chapter 31 Sections 3103 & 3104.***
- ***Contact the Bend Fire Department at 541-322-6309 at least 2 weeks prior to the event to schedule a site inspection.***

To ensure compliance, staff recommends the requirements of the Bend Fire Department be made conditions of final approval of the outdoor mass gathering permit. In addition, the applicant shall contact Bend Fire Department at least two weeks prior to outdoor mass gathering and obtain final site approval from the department. Similar to the 2014 outdoor mass gathering permit OMG-13-1, staff recommends the site receive final inspection by the fire department no later than the Wednesday (June 17, 2015) before the festival.

4. **Section 8.16.240. Outdoor Mass Gathering and Extended Outdoor Mass Gathering – Medical Service.**

- A. The County Health Department shall have responsibility for approving plans as to medical service required for the Outdoor Mass Gathering or Extended Mass Gathering.***
- B. Each Outdoor Mass Gathering or Extended Mass Gathering shall have as a minimum one ambulance and a first aid station staffed by two adult individuals trained in first aid techniques.***

The applicant proposes the following Medical Service Plan (Exhibit E of the application materials).⁶ Located at the main entrance to the Music Pasture (Lot 1), there will be a first aid station that will include an AED Device. Medical staff will include the following individuals.

Dr. Linda Nordus – CPR/EMT/DC
Dr. Alice Long – Registered Nurse/CPR/EMT
Dr. Kari Tyne – MD/CPR/EMT
Alyssa Abbey, PA-C – CPR
Mr. Gregg Morris – CPR/EMT – Search and Rescue

In addition to a first aid station, DCC 8.16.240(B) requires a minimum of one ambulance at the event. The applicant is requesting a waiver from the requirements to maintain an ambulance on-site during the festival. Under DCC 8.16.150(B), the Board may waive the permit requirements upon showing good cause by the event organizer. In particular, if the Board determines no County law enforcement or other services are necessary and no significant public health, safety, or welfare issues are involved, the Board may waive a requirement.

The Tumalo Fire Station #302, a Deschutes County Rural Fire Protection District #2 station, located at 19850 4th Street, is less than 1.5 miles from the event site. The travel time to the subject property, according to the applicant, is about four minutes. The applicant believes “an ambulance arriving from off-site will be better able to arrive at the required location on the property” compared to an on-site ambulance traversing the property. Based on discussions the applicant had with

⁶ The proposed Medical Service Plan is identical to the plan proposed and ultimately approved by the Board for the 2014 4 Peaks Music Festival (permit OMG-13-1).

Steve O'Malley, Deputy Chief of EMS, it was determined that positioning an ambulance at the Tumalo Fire Station is the preferred option.

5. Section 8.16.250. Outdoor Mass Gathering and Extended Outdoor Mass Gathering – Public Safety.

- A. If required by the Hearings Body pursuant, the Organizer must submit plans for public safety at the Outdoor Mass Gathering or Extended Outdoor Mass Gathering for approval demonstrating the following:***
- 1. Adequate traffic control and crowd protection policing must have been contracted for or otherwise provided by the Organizer.***
 - a. There shall be provided one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time during the Outdoor Mass Gathering or Extended Outdoor Mass Gathering.***
 - b. Further, there shall be provided one crowd control person for each 100 persons, expected or reasonably expected to be in attendance at any time during the Outdoor Mass Gathering or Extended Outdoor Mass Gathering.***
 - 2. The Organizer shall submit the names and necessary background information for all traffic-control and crowd-control personnel to be utilized during the Outdoor Mass Gathering or Extended Mass Gathering.***
 - 3. All such personnel must meet the following minimum standards in order to be approved as suitable:***
 - a. Be at least 18 years of age;***
 - b. Be in good physical health;***
 - c. Have training or experience acceptable to the County to conduct traffic and or crowd-control duties.***
- B. All of the traffic control and crowd control personnel must wear an appropriate identifying uniform and all traffic control uniforms must be accordance with the current edition of the Manual of Uniform Traffic Control Devices.***
- C. The required number of crowd-control personnel must be on duty during the entire Outdoor Mass Gathering or Extended Outdoor Mass Gathering unless a relief schedule has been planned and approved.***
- D. A relief schedule will be approved only when sufficient crowd-control strength on duty has been maintained to meet the minimum strength standards set forth in this chapter.***
- E. It shall be the duty of the crowd control personnel to report any violations of the law to the Sheriff, his deputies or representatives..***

The applicant provided a security and traffic control plan (Exhibit F of the application materials). The proposal includes a minimum of six traffic control and parking monitors during each shift, two of which will be at the entrance of the festival and four placed throughout the parking and camping areas. The applicant has contacted Northwest Investigative Service (Andrew Walters, Manager) to provide crowd-control services. The applicant indicates that the service will be identical to the 2014 festival contract. Staff recommends that the applicant submit to the Community Development Director and County Sheriff, the names and necessary background information for all traffic-control and crowd-control personnel to be utilized during the outdoor mass gathering.

In section (A) above, it is required that adequate protection includes providing one crowd control person for each 100 persons. Since the expected attendance of the event is 1,000 people, the applicant needs to provide four additional crowd control personnel. To ensure compliance, staff recommends this be made a condition of final approval.

In Section (C), crowd-control personnel must be on duty during the entire event. The event will include overnight camping. However, staff is unclear how many people will be camping and recommends that the applicant provide additional overnight security personnel for the expected or reasonably expected attendance of campers. In addition, staff recommends traffic control and crowd protection personnel have training or experience acceptable to the County to conduct traffic and or crowd-control duties.

6. Section 8.16.260. Outdoor Mass Gathering and Extended Outdoor Mass Gathering – Parking Facilities.

- A. If required by the Hearings Body, prior to or on the date of application for an Outdoor Mass Gathering or Extended Outdoor Mass Gathering, the Organizer shall provide a scale drawing showing adequate parking facilities have been made available within or adjacent to the location for which the permit is requested.***
- B. Such parking facilities shall provide parking space for one vehicle for every four persons expected or reasonably to be expected to attend such.***
- C. Adequate ingress and egress shall be provided from such parking area to facilitate the movement of any vehicle at any time to or from the parking area of the Outdoor Mass Gathering or Extended Mass Gathering.***
- D. Should buses be used to transport the public to the Outdoor Mass Gathering or Extended Mass Gathering, it shall be shown that public parking or parking is available at any site from which buses are scheduled to pick up persons to transport them to the .***

The applicant provided a traffic control plan, which includes parking information. Exhibit C of the application materials illustrates the designated parking areas. According to the applicant, the existing driveway provides adequate room of more than 100 feet for stacking of vehicles on the property. In addition, the applicant indicates that the event site, in particular the designated camping and parking areas, “can accommodate more than twice as many vehicles as required for an event this size.” Staff estimates the parking and camping areas to be about 11 acres. The site provides adequate vehicle and emergency vehicle ingress and egress throughout designated parking and camping areas.

7. Section 8.16.270. Outdoor Mass Gathering and Extended Outdoor Mass Gathering – Permit Posting.

- A. The Organizer of an Outdoor Mass Gathering or Extended Outdoor Mass Gathering shall have a copy of the permit available for inspection upon request.***
- B. No permit for an Outdoor Mass Gathering or Extended Outdoor Mass Gathering shall be transferable or assignable without the consent of the County Administrator.***
- C. Any permit for an Outdoor Mass Gathering or Extended Mass Gathering shall be kept posted in a conspicuous place upon the premises of such assembly.***
- D. No permit for an Outdoor Mass Gathering or Extended Mass Gathering shall be transferable or assignable without the consent of the Board.***
- E. Except as authorized elsewhere in this chapter, no rebate or refund of money paid for a permit shall be made.***

Upon approval by the Board, Deschutes County will provide the applicant with permits and conditions of approval to be posted in a conspicuous locale on the subject property during the course of the event.

8. Section 8.16.280. Inspection of Outdoor Mass Gathering and Extended Outdoor Mass Gathering Premises.

- A. No Outdoor Mass Gathering or Extended Outdoor Mass Gathering permit shall be granted unless the Organizer shall, in writing upon the application, for such permit consent to allow law enforcement, public health and fire control officers to come upon the premises for which the permit has been granted for the purpose of inspection and enforcement of the terms and conditions of the permit and DCC 8.16, and any other applicable laws or ordinances.***
- B. If any inspections reveal deficiencies in compliance with State or local law, the inspectors may return as often as needed until the deficiencies are cured. If the deficiencies are not cured or cannot be cured, the Board, County Administrator, County Engineer or the Sheriff may suspend or terminate the Outdoor Mass Gathering or Extended Outdoor Mass Gathering.***
- C. All the Outdoor Mass Gathering or Extended Mass Gathering facilities shall be in place a sufficient time, but not less than two hours, before the Outdoor Mass Gathering or Extended Outdoor Mass Gathering for which an application is submitted and approved, and shall be subject to inspection by the County, provided, however, that such inspection shall not relieve the Organizer of responsibility for proper placement of all facilities.***

The applicant and/or property owner will provide access to the premises for inspection purposes by law enforcement, public health, and fire control officers based on the terms and conditions of approval of the permit. As stated in the application, the applicant, 4 Peaks Presents, gives consent for access of such personnel. If deficiencies are identified following an inspection, the inspector may return as often as needed until deficiencies are resolved. If deficiencies are not resolved, the County Sheriff may terminate the outdoor mass gathering.

9. Section 8.16.290. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Restricted Hours of Operation.

- A. No Outdoor Mass Gathering or Extended Mass Gathering shall be conducted, including set-up, placement, storage, staging, removal or similar action of any equipment, materials, structures, vehicles, supplies and so forth, in the unincorporated areas of the County within 1,000 feet of any residence between the hours of 12:01 a.m. and 9:00 a.m. and in all other areas between the hours of 2:00 a.m. and 9:00 a.m.***
- B. If written consents for the Outdoor Mass Gathering or Extended Mass Gathering from neighboring property owners and residents are submitted with the application, the Hearings Body may modify these hours in the permit.***
- C. The use of amplification for the Outdoor Mass Gathering or Extended Mass Gathering shall be regulated so that it will not interfere with the normal use of any school, church, residence or other permanent place of human habitation unless prior written consent is obtained from all affected persons. A sound level in excess of 70 decibels prior to 10:00 p.m. and in excess of 50 decibels after 10:00 p.m. (as measured upon the A scale of a standard sound level meter on affected property) shall constitute interference.***

The applicant states the event dates are June 19-21, 2015. The applicant indicates that the festival will occur during the approved hours. Furthermore, the festival will not be amplified in a

manner that would violate sound standards of this section (a sound level in excess of 70 decibels prior to 10:00 p.m.). Specific event dates and hours goes as follows:

Saturday, June 13 – Preparation of site will begin no earlier than 9:00 a.m.⁷
Tuesday/Wednesday, June 16/17 – Preparation and set-up of temporary structures.
Thursday, June 18 – Camping will be provided beginning on Thursday evening.
Friday, June 19 – Music festival will be from 12:00 noon to 10:00 p.m.
Saturday, June 20 – Music festival will be from 10:00 a.m. to 10:00 p.m.
Sunday, June 21 – Camping patrons will depart and clean-up begins of the premises.
Monday, June 22 – Break down of equipment and site clean-up will conclude by 4:00 p.m.
Tuesday, June 23 – Any remaining debris and rubbish will be removed.

As noted above, the applicant originally proposed starting the event set-up at 7:00 a.m. However, in order to satisfy DCC 8.16.290(A), the applicant revised the start time to 9:00 a.m. since the event will be conducted within 1,000 feet of a residence. To ensure the outdoor mass gathering is conducted in compliance with DCC 8.16.290(A), staff recommends this be made a condition of final approval. Furthermore, staff recommends it be made a condition of final approval that the sound level not exceed 70 decibels prior to and 50 decibels after 10:00 p.m., as noted in this section.

10. Section 8.16.300. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Enforcement.

- A. The Organizer shall provide a contact person who shall be easily identified and who shall remain at the Outdoor Mass Gathering or Extended Outdoor Mass Gathering site at all times.**
- B. If any Organizer of an Outdoor Mass Gathering or Extended Outdoor Mass Gathering violates any provisions of this chapter, the Board, County Administrator, County Engineer, or Sheriff may immediately suspend, revoke or terminate any permit for an Outdoor Mass Gathering or Extended Outdoor Mass Gathering and may seek any legal remedy available.**
- C. The Outdoor Mass Gathering or Extended Mass Gathering Organizer shall keep a reasonable count of persons and vehicles entering and leaving the Outdoor Mass Gathering or Extended Outdoor Mass Gathering.**
- D. If at any time during the Outdoor Mass Gathering or Extended Outdoor Mass Gathering held under a valid permit, the number of persons or vehicles attending the Outdoor Mass Gathering or Extended Outdoor Mass Gathering exceeds by 10 percent or more the number of persons or vehicles estimated in the permit application, the Sheriff, or any of his deputies, has the authority to require the Organizer to limit further admissions until a sufficient number of individuals or vehicles have left the site to bring the actual attendance down to the number estimated by the Organizer.**
- E. For any Outdoor Mass Gathering or Extended Outdoor Mass Gathering held under a valid permit, the County Sheriff has the authority to order the crowd to disperse and leave the Outdoor Mass Gathering or Extended Outdoor Mass Gathering site if the Organizer cannot maintain order and compliance with all applicable State and local laws or refuses to maintain order and compliance with State and local laws or refuses or is unable to adhere to the terms and conditions of the permit.**

⁷ The applicant revised the start time from 7:00 a.m. to 9:00 a.m. in order to satisfy the requirements of DCC 8.16.290(A).

- F. In addition to State law provisions in ORS Chapter 433, including ORS 433.990(7), the County Counsel, or District Attorney for Deschutes County may maintain an action in any court of general jurisdiction to restrain, or enjoin any violation of ORS 433.745. Cases filed in Deschutes County under this section or under ORS 433.770 shall be given preference on the docket to all other civil cases except those given equal preference by statute.**
- G. If persons remain on the site after the scheduled end of the permitted Outdoor Mass Gathering or Extended Mass Gathering, fail to remove all debris or residue within 72 hours after termination of or fails to remove all temporary structures within three weeks after the termination of the Outdoor Mass Gathering or Extended Outdoor Mass Gathering, the County code enforcement officers may issue citations to the Organizer, the landowner, all persons remaining at the site, and to all persons who have left debris behind.**
- H. The Outdoor Mass Gathering or Extended Mass Gathering Organizer shall be wholly responsible for payment of any fines imposed under this Chapter or ORS 433.**
- I. In addition to any other remedies provided, if the Outdoor Mass Gathering or Extended Outdoor Mass Gathering site is not restored to its previous condition, or better, the County may arrange for clean up of the site, and then file an action for damages against the Organizer and the landowner or successor landowner.**

The designated contact person for the outdoor mass gathering is Stacy Totland, (541) 350-6474, of 4 Peaks Presents, LLC. An additional contact person is Jef Hinkle, (541) 977-3266, who will be the site manager. Ms. Totland will be on-site during the entire event. Staff recommends the following be made conditions of final approval.

- 1. The burden of preserving order of the proposed event shall be with 4 Peaks Presents, LLC.
- 2. The applicant shall keep reasonable count of persons and vehicles entering the event.
- 3. The number of attendees shall not exceed the estimated attendance by 10 percent. The total number of attendees including musicians, vendors, staff, patrons, and security shall not exceed 1,000.
- 4. Security will be in place at all times.
- 5. All debris will be removed within 72 hours after the event termination. All temporary structures shall be removed within 3 weeks of event termination.

11. Section 8.16.310. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Intoxicating Liquor Prohibition.

- A. No Organizer, landowner nor any person having charge or control thereof at any time when an Outdoor Mass Gathering or Extended Outdoor Mass Gathering is being conducted shall permit any person to bring into such Outdoor Mass Gathering or Extended Outdoor Mass Gathering 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.**
- B. In accordance with ORS 670.220(5)(a), this provision shall not apply to the sale and consumption of intoxicating liquor from a facility located on the premises of an Outdoor Mass Gathering or Extended Outdoor Mass Gathering when licensed by the State.**

No person shall be permitted to bring alcohol onto the premises. This shall not apply to the sale and consumption of alcohol from a State of Oregon licensed facility located on the premise. To ensure compliance, staff recommends this be made a condition of final approval.

12. Section 8.16.320. Narcotic and Dangerous Drugs Prohibited at Outdoor Mass Gatherings or Extended Mass Gatherings.

No firm, person, society, association or corporation conducting an Outdoor Mass Gathering or Extended Mass Gathering, nor any person having charge or control thereof at any time when an Outdoor Mass Gathering or Extended Mass Gathering is being conducted shall permit any person to bring into such Outdoor Mass Gathering or Extended Mass Gathering, or upon the premises thereof, any narcotic or dangerous drug, nor permit narcotic or dangerous drugs to be used on the premises.

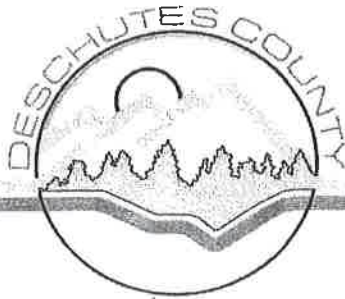
No person shall be permitted to bring onto the premises any narcotic or dangerous drug, nor will it be permitted to use narcotic or dangerous drugs on the premises. Staff recommends this be made a condition of approval.

CONCLUSION

Staff believes that 4 Peaks Presents, LLC has met or can meet through conditions of approval the approval criteria outlined in Chapter 8.16 for Outdoor Mass Gatherings.

Attachments

1. 247-15-000086-OMG Application Materials
2. Vicinity Map
3. Agency and Public Comments
4. Draft Outdoor Mass Gathering permit, Document No. 2015-144



Community Development Department

Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

OUTDOOR MASS GATHERING APPLICATION

FEE: 3385

PLEASE PRINT

Applicant/Organizer: 4 Peaks Presents LLC Phone: (541) 382-8064
Mailing Address: 1411 NW West Hills Ave City/State/Zip: Bend OR 97701
Property Description: Township _____ Range _____ Section _____ Tax Lot 1711010000200
Address: 19449 Tomato Reservoir Rd City/State/Zip: Bend OR 97701
Estimated Attendance: 1000 Date and Time of Gathering: June 19-21 10am-10pm with set up starting June 13th and take down June 22.
Description of Type of Gathering/Purpose (i.e., music, art, etc.) _____
A multi day, outdoor, family oriented Bluegrass / Folk music Festival
Contact person who will be available onsite during gathering:
Name: Stacy Totland Phone: (541) 350 6474 Email: Stacy@4peaksmusic.com

AGENCY APPROVALS: Please have the following agencies/departments review your proposal before submitting this application.

Signatures:

Eric Mone 2/19/15
ENVIRONMENTAL HEALTH DIVISION (indicates approval of sanitary facilities in accordance with 8.16.220)

Deputy Chief 2/3/15
FIRE PROTECTION DISTRICT OR STATE FIRE MARSHAL (indicates approval of fire protection devices on-site, in accordance with 8.16.230)

Actual Director 2/7/15
COUNTY HEALTH DEPARTMENT (indicates approval of medical service, in accordance with 8.16.240)

Captain 2/2/15
DESCHUTES COUNTY SHERIFF (indicates approval of a public safety plan and parking plan in accordance with 8.16.250 and 8.16.260, respectively)

On a separate sheet, please provide a plot plan showing the types, numbers and locations of the following items. If color exhibits are submitted, black and white copies with captions or shading delineating the color areas shall also be provided.

- | | |
|-----------------------|---|
| a. Toilets | d. Food preparation and/or food service |
| b. Washing facilities | e. Solid waste collection |
| c. Water supply | |

Applicant's Signature: Stacy Totland Date: 1/28/15

Property Owner's Signature (if different)*: M.A. Ay Date: 2/19/15

Agent's Name (if applicable): _____ Phone: () _____

Mailing Address: 1411 NW West Hills Ave City/State/Zip: Bend, OR 97701

*If this application is not signed by the property owner, a letter authorizing signature by the applicant must be attached. By signing this application, the applicant understands and agrees that Deschutes County may require a deposit for hearings officers' fees prior to the application being deemed complete; and if the application is heard by a hearings officer, the applicant will be responsible for the actual costs of the hearings officer. (Rev. 6/14)

4 Peaks OMG Application Narrative

4 Peaks LLC shall to comply with all applicable ordinances and provisions pertaining to this Outdoor Mass Gathering permit. This year's event is scheduled to take place on June 19th, 20th, and 21st of 2015 and will be located at 19449 Tumalo Reservoir Road, Bend, OR. 97701.

Setting up for this event is to begin on June 13th 2015. Clean up and removal of all signs, temporary structures will be concluded by day's end on June 22nd 2015. Debris and rubbish will be hauled away no latter than June 23rd 2015.

Site shall be restored to pre-event conditions when 4 Peaks LCC relinquishes premises back to owner.

Chapter 8.16. EVENTS, PARADES, FUNERAL PROCESSIONS AND OUTDOOR MASS GATHERINGS

8.16.150. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Exclusions.

- A. The requirements in this chapter for Outdoor Mass Gatherings and Extended Outdoor Mass Gatherings shall not apply to any regularly scheduled religious service, regularly organized and supervised school district activity or program that takes place on school property, any activities at the Deschutes County Fairgrounds, or to any activity of a municipal corporation or government agency.

Response: 4 Peaks LLC is aware that the provisions of this section apply to the permit request.

- B. The Board may waive the permit requirements for certain limited Outdoor Mass Gatherings and Extended Outdoor Mass Gatherings upon a showing by the Organizer of good cause, when no significant public health, safety or welfare issues are involved and when the Board determines that no County law enforcement or other County services are necessary.

Response: As discussed in greater detail below, 4 Peaks LLC is requesting that the Board modify the requirement to provide an on-site ambulance. No other waivers are being requested.

- C. The Board may waive part or all of the permit fee for an Outdoor Mass Gathering or Extended Outdoor Mass Gathering upon a showing by the Organizer of good cause to reduce or waive the fee

Response: 4 Peaks LLC is not requesting a waiver of the permit fee.

8.16.160. Outdoor Mass Gathering or Extended Outdoor Mass Gathering Permit Required.

The following responds to the general permit application requirements.

- A. No Organizer shall hold, conduct, advertise or otherwise promote an Outdoor Mass Gathering or Extended Outdoor Mass Gathering or allow an Outdoor Mass Gathering or Extended Outdoor Mass Gathering to be held on real property the Organizer owns, leases or possesses outside the limits of any city unless the Organizer obtains a permit to hold such an Outdoor Mass Gathering or Extended Mass Gathering.

Response: By submitting this application, the applicant has demonstrated that it will not proceed with the Outdoor Mass Gathering until a permit is issued by the County.

B. No permit for an Outdoor Mass Gathering or Extended Mass Gathering shall be issued unless the landowner of the property that is the site of the Outdoor Mass Gathering or Extended Outdoor Mass Gathering also signs the application.

Response: As shown on the application form, the property owner has signed the application.

C. All Outdoor Mass Gatherings as defined in this Chapter are exempt from the requirements of Deschutes County Code Titles 17 through 23, except where noted.

Response: The applicant is aware that the cited provisions will not apply to this application.

D. One permit shall be required for each Outdoor Mass Gathering or Extended Mass Gathering.

Response: Only one mass gathering permit is requested because only one event will be held.

E. A permit issued under this section does not entitle the Outdoor Mass Gathering or Extended Mass Gathering Organizer to construct any permanent physical alterations to or on the real property which is the site of the Outdoor Mass Gathering or Extended Mass Gathering.

Response: No permanent physical alterations will be made to the property. All improvements are temporary and will be removed at the end of the event.

F. The Organizer of a proposed Outdoor Mass Gathering or Extended Outdoor Mass Gathering shall file an application with the Department more than 90 days prior to the Outdoor Mass Gathering or Extended Mass Gathering.

Response: The event is planned for June 19-21, consequently, the applicant has met the 90-day filing deadline.

G. The application shall include the following:

1. Name and address of the Organizer.

Response: The application form includes the name and address of the applicant, 4 Peaks Presents, LLC.

2. Legal description of the location of the proposed Outdoor Mass Gathering or Extended Mass Gathering.

Response: A copy of the legal description of the subject property, as disclosed by the most recent property tax statement, is attached as Exhibit A.

3. A map of the Outdoor Mass Gathering or Extended Outdoor Mass Gathering desired route, including assembling and disbanding points.

Response: A copy of the map of the event, including the desired route to the property and the relevant operational locations is attached as Exhibit B.

4. The date or dates of the proposed Outdoor Mass Gathering or Extended Mass Gathering.

Response: As discussed above, the proposed dates of the event are June 19-21, with set up and take down of the event expected to begin on June 13th, 2015 and end on June 23rd 2015

5. The proposed starting and ending time(s) of the Outdoor Mass Gathering or Extended Outdoor Mass Gathering.

Response: Set up will begin no earlier than 7:00 am on June 13, 2015, with take down being completed no later than 4:00 pm on June 23rd, 2015. The event will begin at 12:00 on June 19th, and

end at 10:00pm. The event will begin at 10:00 am on June 20th, and end at 10:00 pm. The patrons will be leaving and crews will begin take down and clean up on June 21, 2015.

6. The estimated number of persons, vehicles and animals that will be attending, participating in or viewing the Outdoor Mass Gathering or Extended Mass Gathering.

Response: No more than 1000 tickets will be sold for the event. With staff, volunteers and musicians, total attendance will not exceed 1500.

7. Nature of the proposed Outdoor Mass Gathering or Extended Mass Gathering.

Response: The event will be a family friendly music festival, with local and national touring acts scheduled to play.

8. A sketch, and other detailed information showing the type, number and location of all toilets, washing facilities, water supply, food preparation, food service facilities and solid waste collection locations.

Response: Exhibits C, D and D.1 are maps of the festival site showing all components of the event.

9. The name and phone number of the contact person who shall be easily identified and who shall remain at the Outdoor Mass Gathering or Extended Outdoor Mass Gathering site at all times.

Response: The names and contact information of the primary contact person is:

Stacy Totland, Event Promoter – (541) 350-6474
Jef Hinkle, Site Manager – (541) 977-3266

10. A sketch, and other detailed information showing the type, number and location of all toilets, washing facilities, water supply, food preparation, food service facilities and solid waste collection locations.

Response: Exhibits C and D are maps of the festival site showing all components of the event. In total there will be 22 toilets (2 of which are ADA compliant) and 7 hand washing facilities for event patrons. Water supply is provided by Private well and will be available in the locations shown on the map attached as Exhibit D. Food service will be provided by a variety of food cart providers and will be concentrated in the area shown on Exhibit D. Solid waste collection sites will be in areas shown on Exhibit C.

11. Approval by the appropriate Fire District Officer or State Fire Marshall in accordance with DCC 8.16.230.

Response: Approval has not been obtained at the time of filing of this application. However, the applicant fully anticipates that such approval will be in place by the time the event is approved

12. A medical services plan demonstrating compliance with DCC 8.16.240.

Response: Attached as Exhibit E. is the medical services plan **which was approved last year that demonstrates compliance with DCC 8.16.240.** As discussed above, the applicant is requesting a waiver from DCC 8.16.240(B), which requires the event to have one ambulance on site. No waiver is sought for the first aid station, and the proposed aid station is in full compliance with DCC 8.16.240. We also will have an AED Device on site at the medical tent in the unlikely event that it will be needed

Under DCC 8.16.150(B), the Board may waive any standards upon a showing of good cause, and when the request does not involve any significant public health, safety or welfare issues involved, and when the Board determines that no law enforcement or other County services are involved. The

primary reason that a waiver is being requested is that the North fire station is less than 1.5 miles away from the property. Total travel time to the property is less than 4 minutes. The expense associated with having an ambulance on site is significant, and there is no meaningful delay between having an ambulance on site and having one stationed less than 1.5 miles away. In fact, an ambulance arriving from off-site will be better able to arrive at the required location on the property than would an ambulance having to traverse from one side of the property to the other. The applicant has discussed this issue with Steve O'Malley, the County's EMS Coordinator for Deschutes County, and 4 Peaks LLC. has concluded that stationing the ambulance at the Tumalo Fire Station #302 located at 19850 4th Street is preferable. The applicant will supply written confirmation of this determination prior to the public hearing.

13. A public safety plan in accordance with DCC 8.16.120.

Response: Attached as Exhibit F, is the public safety plan which demonstrates compliance with DCC 8.16.120.

14. A parking plan demonstrating compliance with DCC 8.16.250.

Response: Attached as Exhibit C is the parking plan which demonstrates compliance with DCC 8.16.120.

15. A copy of the proposed participant entry form for the Outdoor Mass Gathering or Extended Mass Gathering, including a release agreement releasing Deschutes County, its officers, agents, employees or volunteers from liability for any or all injuries.

Response: No entry form is proposed; however, the applicant will sign the waiver and release agreement when provided by the County.

16. A signed indemnity agreement on a form provided by the County.

Response: the applicant will sign the waiver and release agreement when provided by the County.

17. Such other appropriate information as the Director or Board may require in order to insure compliance with the provisions of this chapter, as well as rules of the Oregon Department of Human Services

Response: No additional information has been requested.

H. Any application for an Outdoor Mass Gathering or Extended Mass Gathering lacking any requirement of DCC 8.16.160(G) shall, unless waived by the Board, be deemed incomplete and the permit shall be denied except that, if additional information requested pursuant to DCC 8.16.030(G)(17) is not supplied within two weeks of the Board's request, the application shall be deemed incomplete and the permit shall be denied.

Response: The applicant believes that all required information has been provided and will, at the request of the County, supply any missing information.

I. The application for an Outdoor Mass Gathering and Extended Outdoor Mass Gathering shall be accompanied by the appropriate fee pursuant to the County fee schedule.

Response: Included with this application is the fee required by the County.

J. Incomplete applications shall be denied and the application fee, less County costs, shall be returned to the permit applicant.

Response: The applicant believes that all required information has been provided and will, at the request of the County, supply any missing information.

K. The Director shall furnish a copy of the Outdoor Mass Gathering or Extended Mass Gathering permit to the Sheriff and to any other jurisdiction in which the Outdoor Mass Gathering or Extended Mass Gathering takes place.

Response: The applicant believes that this is an obligation of the County.

L. If the application is submitted fewer than 90 days prior to the event and the Board accepts the application, the processing fee shall be double.

Response: The applicant has filed this application outside the 90-day period.

8.16.170. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Hearing Required.

Response: 4 Peaks LLC is aware that a public hearing will be held for this request. Because the event is not an Extended Mass Gathering, no hearing before the Planning Commission is required.

8.16.180. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Departmental and Agency Notice.

Response: The applicant believes that the requirements of this section are an obligation of the County.

8.16.190. Outdoor Mass Gathering and Extended Outdoor Mass Gathering General Approval Criteria.

A. An Outdoor Mass Gathering or Extended Mass Gathering permit shall be approved upon demonstration by the Organizer of compliance with or the ability to comply the provisions of this chapter, as well as all health and safety rules governing all Outdoor Mass Gatherings, Extended or otherwise, adopted by the Oregon Department of Human Services.

Response: As shown in this application as well as the supporting documentation, the applicant has demonstrated that it meets or exceeds all applicable standards for the event and requests approval from the County.

B. Each public official receiving notice of the application for an Outdoor Mass Gathering or Extended Mass Gathering permit who wishes to comment on the application shall submit such comment in writing to the Hearings Body no later than the date and time for the hearing.

Response: The applicant believes that the requirements of this section are an obligation of the County or those wishing to comment on the application.

C. The comment from any public official regarding an Outdoor Mass Gathering or Extended Mass Gathering permit may include recommendations related to the official functions of the officer as to granting the permit and any recommended conditions that should be imposed.

Response: The applicant believes that the requirements of this section are an obligation of the County or those wishing to comment on the application.

D. The Hearings Body shall consider the imposition of any suggested conditions submitted by public officials who received notice of the proposed Outdoor Mass Gathering or Extended Mass Gathering.

Response: The applicant believes that the requirements of this section are an obligation of the County.

E. The Hearings Body may consider and impose any reasonable condition on a permit for an Outdoor Mass Gathering or Extended Outdoor Mass Gathering recommended that is submitted at or prior to the public hearing by a member of the public or public official.

Response: The applicant believes that the requirements of this section are an obligation of the County.

8.16.210. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Insurance.

Response: 4 Peaks intends to obtain a special event insurance policy that will:

- Provide general liability of \$1,000,000
- Cover against liability for injury or disability of any human, or for damage of property arising out of this outdoor mass gathering event

4 Peaks LLC shall provide the Director with an insurance certificate and copy of the insurance policy naming the county as an additional insured. This will be provided prior to 14 days before the event and will comply with all requirements of this section.

8.16.220. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Sanitary Facilities.

Response: Exhibit G includes the applicant's sanitary plan for the event. The plan shows the location of all water facilities, food service area, toilets, water sources and solid waste disposal.

8.16.230. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Fire Protection Standards.

Response: Exhibits C and D show the locations of all fire protection devices for the event. The event is within the Rural Fire District #2 Bend fire protection district, consequently, approval from the State Fire Marshall is not required.

8.16.240. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Medical Services.

Response: Exhibit __ is the Medical Service Plan for the event. It demonstrates that the applicant will have a first aid station staffed by at least two adult individuals who are trained in first aid techniques. As discussed above, the applicant has requested a waiver from the on-site ambulance requirement due to the fact that the Tumalo Fire Station #302 fire station is within 1.5 miles of the event site.

8.16.250. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Public Safety.

Response: Exhibit F is the event Public Safety Plan. The plan demonstrates compliance with all requirements of this section. Both traffic control and crowd control staff will meet the numeric requirements of this section. All necessary background information regarding the crowd control and traffic control personnel has been or will be submitted to the County.

8.16.260. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Parking Facilities.

Response: Exhibit C is a site map that illustrates the designated areas for day parking and overnight camping with this application. The event site can accommodate more than twice as many vehicles as required for an event of this size. As the exhibit demonstrates, there are adequate areas for ingress and egress to into the site and throughout the parking and camping areas.

8.16.270. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Permit Posting.

Response: 4 Peaks LLC is aware of, understands, and intends to comply with this provision.

8.16.280. Inspection of Outdoor Mass Gathering and Extended Outdoor Mass Gathering Premises.

Response: 4 Peaks grants permission and gives consent for any law enforcement, public health or fire control officers to come upon the premises for which this permit has been granted for the purposes of inspecting and enforcement of the terms and conditions of this permit and DCC 8.16. and any other applicable laws or ordinance.

8.16.290. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Restricted Hours of Operation.

Response: 4 Peaks LLC is aware of, understands, and intends to comply with this provision. No event performances will occur during the prohibited hours, nor will amplification be used in a manner which would violate the sound standards of this section.

8.16.300. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Enforcement.

Response: The applicant has designate Stacy Totland as the primary contact person for the event and provided the contact number. (541)350-6474 will stay on the event premises during the entire event.

8.16.310. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Intoxicating Liquor Prohibition.

Response: As with past events on the premises, the applicant will apply for the required permits for the sale of beer and wine with OLCC and intends to comply with all regulations and requirements that pertain. Event patrons will not be permitted to bring any intoxicating liquors onto the premises, in compliance with this section.

8.16.320. Outdoor Mass Gathering and Extended Outdoor Mass Gathering Narcotic and Dangerous Drugs Prohibition.

Response: Event patrons will not be permitted to bring upon the premises or use any narcotic or dangerous drugs at the event. Illegal drugs are prohibited at all 4 Peaks LLC Events.

Conclusion

For the reasons stated above, the applicant, 4 Peaks LLC, requests that the County approve the Mass Gathering Permit.

Exhibit A

**Location and legal description of the subject property where 4 Peaks Music Festival
is to be held in June of 2014**

Mailing Name: ARMSTRONG,GARRET ALAN & LISA JEAN

Map and Taxlot: 1711010000200

Account: 133658

Situs Address: 19449 TUMALO RESERVOIR RD, BEND, OR 97701

Tax Status: Assessable

Mailing Name: ARMSTRONG,GARRET ALAN & LISA JEAN

Map and Taxlot: 1711010000200

Account: 249146

Situs Address: **NO SITUS ADDRESS**

Tax Status: Assessable

Exhibit B

4 Peaks Site location

19449 Tumalo Reservoir Road Bend Or 97701

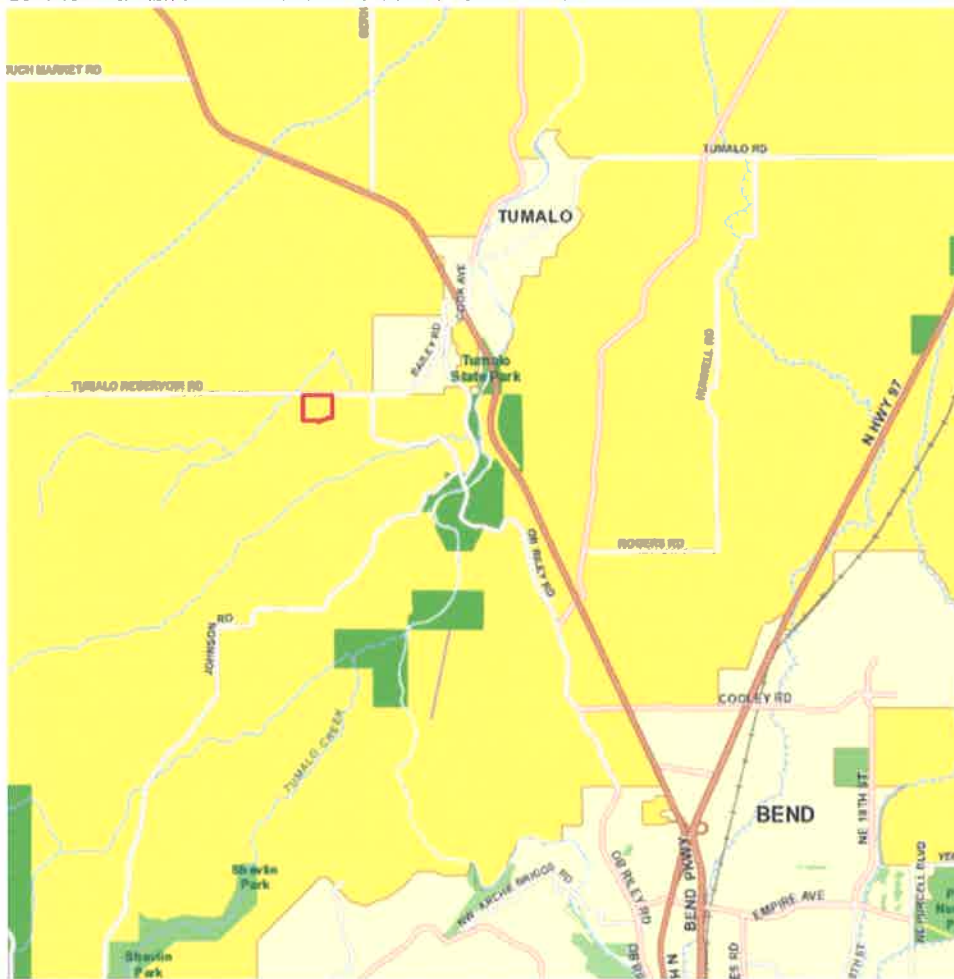


Exhibit C

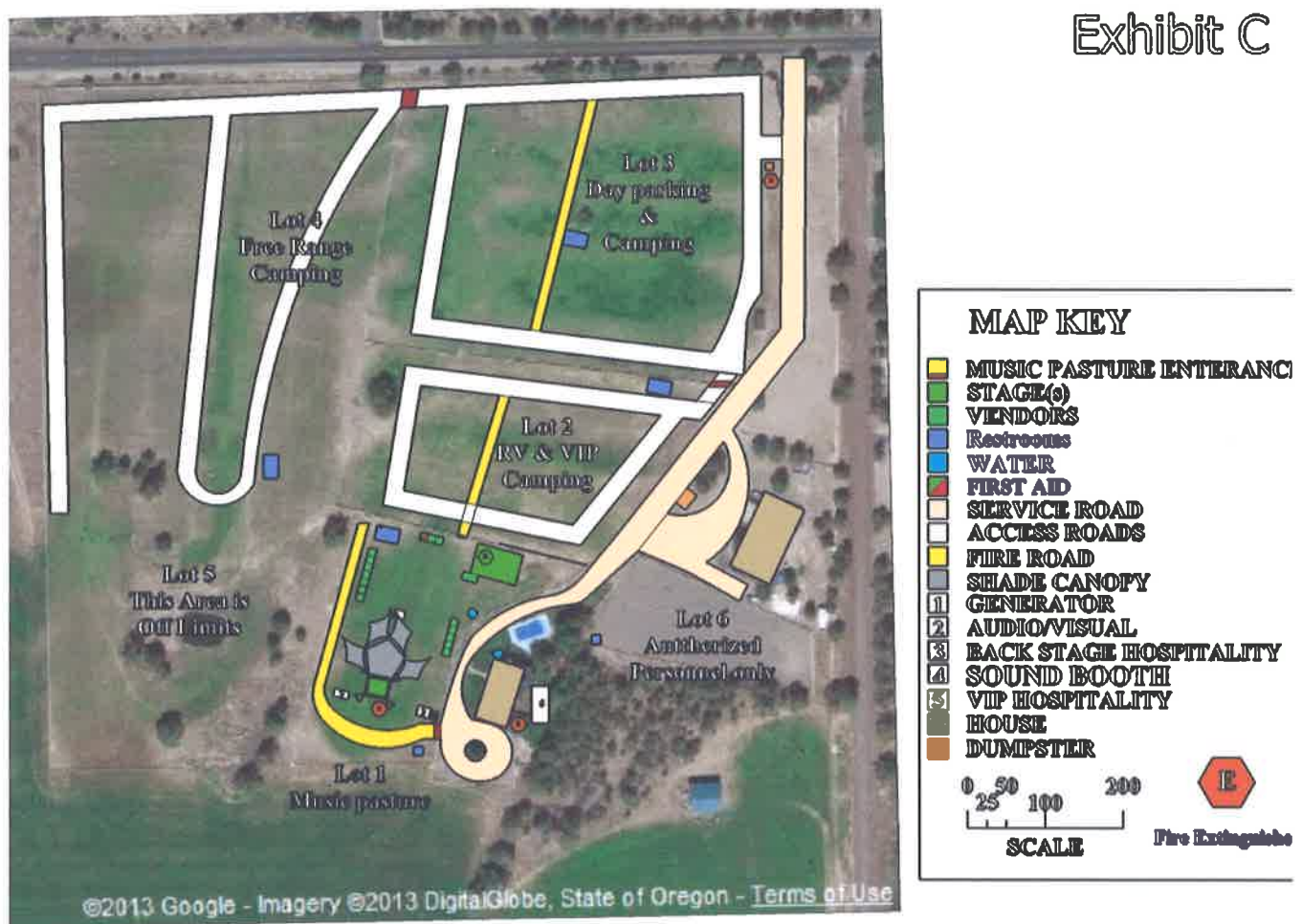
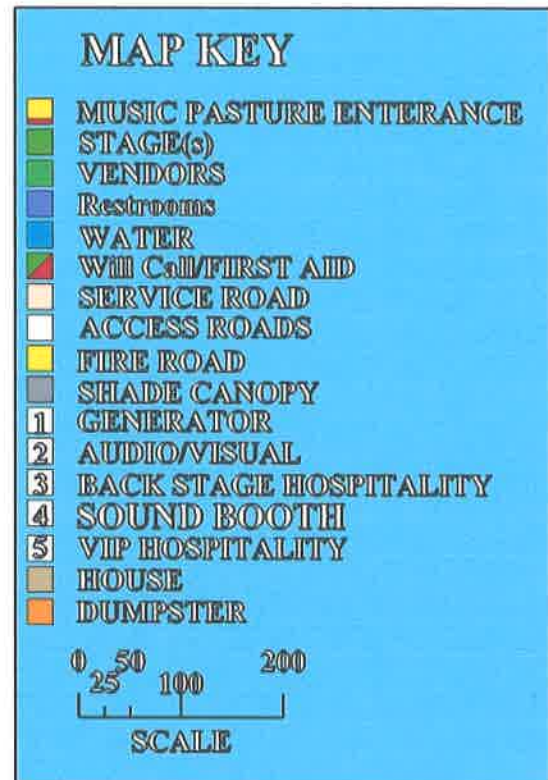
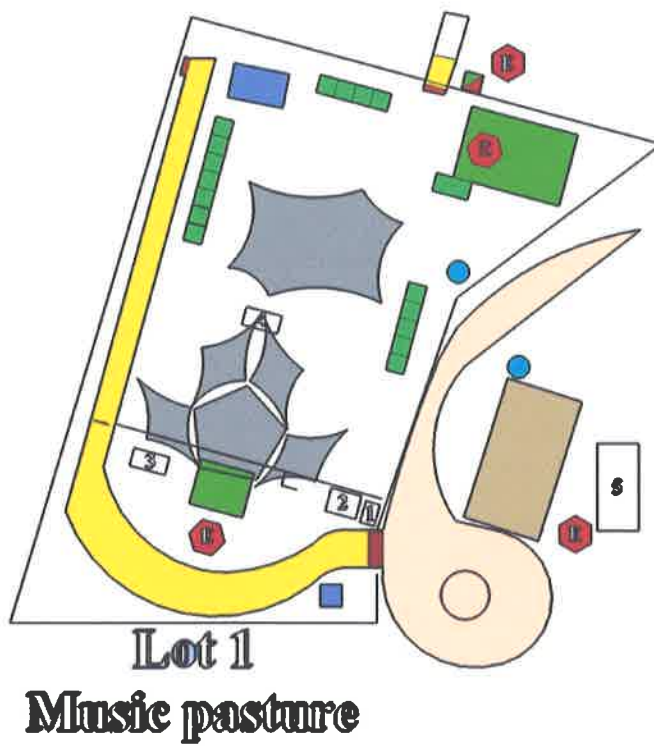
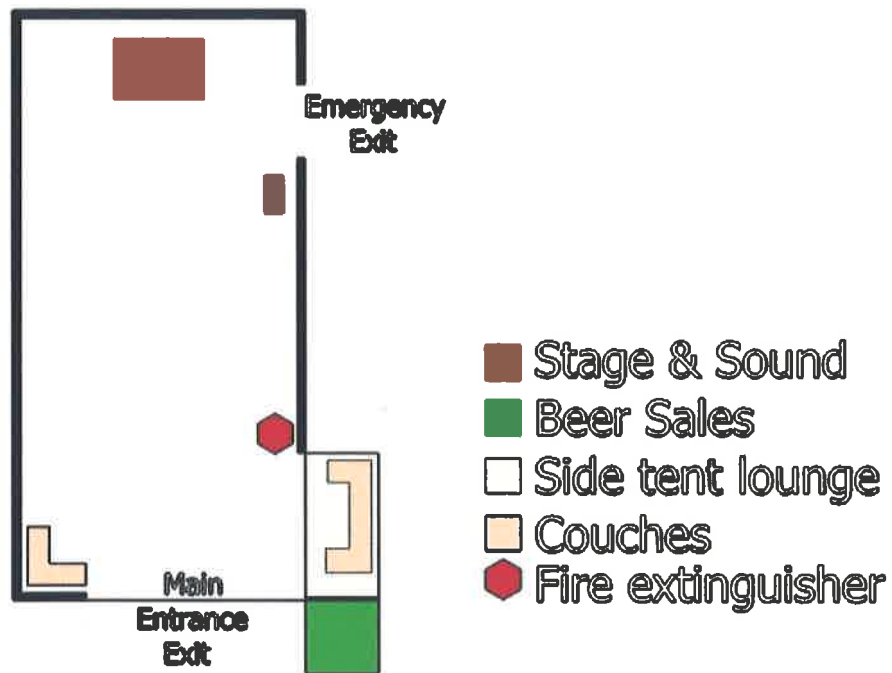


Exhibit D



4 Peaks Tweeners Stage Tent





HEALTH SERVICES

2577 NE Courtney Drive, Bend, Oregon 97701
Public Health (541) 322-7400, Fax (541) 322-7465
Behavioral Health (541) 322-7500, Fax (541) 322-7565
www.deschutes.org

OUTDOOR/EXTENDED OUTDOOR MASS GATHERING HEALTH SERVICES CHECKLIST

Event: 4PEAKS MUSIC FESTIVAL
Date(s): JUNE 19, 20, 21, 2015
Event Location: 19449 TUMALO RESERVOIR ROAD
Contact Person: STACY TOTLAND Phone: 541 350-6474
Email Address: STACY@4PEAKSMUSIC.COM

Medical Service Plan: Deschutes County Ordinance 8.16.240 (copy contained in this packet).

Narrative description of Medical Service Plan: Indicate a minimum of one on-site ambulance and a first aid station staffed by at least two adult individuals trained in first aid techniques. List names and qualifications of aid station workers:

- Attach map showing location of aid station(s) and ambulance.
- Attach letter from ambulance service or Fire Department verifying service to this event.

Exhibit E

1/29/2015

Community Development Department
117 NW Lafayette Ave.
Bend, OR 97701-1925
(541)388-6575
ATTN: Health Department

Re; 4 Peaks Outdoor Mass Gathering Application
Medical Service Plan

4 Peaks festival 2015 will take place at 19449 Tumalo Reservoir Road Bend, OR 97701 on June 19th thru 21st. with set up starting on June 13th. and clean up to be completed on June 23rd. Expected attendance is 1000 persons on site in the event the festival is sold out.

In order to comply with **Deschutes County Health Ordinance 8.16.240, Outdoor Mass Gathering Medical Service Plan**, 4 Peaks LLC shall make available the following;

A first aid station located at the main entrance to the Music Pasture (Refer to map exhibit D)

Names and qualifications of medical staff:

Dr. Linda Nordus CPR/EMT/DC
Dr. Alice Long - Registered Nurse/CPR/EMT
Dr. Kari Tyne -- MD/CPR/EMT
Alyssa Abbey -PA-C/CPR (worked the 2007, 2008 event)
Mr. Gregg Morris - CPR/EMT -- Search and Rescue

4 Peaks LLC. Is again requesting a waiver As approved last year from DCC 8.16 .240(b) which requires the event to have one ambulance on site. No waiver is sought for the first aid station and proposed aid station is in full compliance with DCC 8.16.240. We also will have an AED Device on site at the medical tent in the unlikely event that it will be needed

Under DCC 8.16.150(B), the Board may waive any standards upon a showing of good cause, and when the request does not involve any significant public health, safety or welfare issues involved, and when the Board determines that no law enforcement or other County services are involved. The primary reason that a waiver is being requested is that the North fire station is less than 1.5 miles away from the property. Total travel time to the property is less than 4 minutes. The expense associated with having an ambulance on site is significant, and there is no meaningful delay between having an ambulance on site and having one stationed less than 1.5 miles away. In fact, an ambulance arriving from off-site will be better able to arrive at the required location on the property than would an ambulance having to traverse from one side of the property to the other. The applicant has discussed this issue with Steve O'Malley, the County's EMS Coordinator for Deschutes County , and 4 Peaks LLC. has concluded that stationing the ambulance at the Tumalo Fire Station #302 located at 19850 4th Street is preferable. The applicant will supply written confirmation of this determination prior to the public hearing.

December 17th, 2014

To the Deschutes County Commissioners:

4 Peaks Presents, LLC requests that the County Commissioners waive the requirements for the following sections of the Outdoor Mass Gathering code:

8.16.240 Medical Service

4 Peaks Presents asks that the Commissioners waive the requirement for having an ambulance on the festival site.

We are submitting a recommendation from Steve O'Malley, EMS Coordinator for Deschutes County, stating that it is safer and easier for an ambulance to get to where it is needed if it comes from Tumalo Fire Station, located 1.5 miles away. We also will have an AED Device on site at the medical tent in the unlikely event that it will be needed.

We hope that the County of Deschutes and 4 Peaks Presents will have a long relationship that will be beneficial to all involved: the music loving community, local business owners, and the county tax rolls.

Thanks you for your consideration on these matters.

Sincerely,

Stacy Totland
Director/Owner, 4 Peaks Presents, LLC



DESCHUTES COUNTY SHERIFF OFFICE CHECKLIST

OUTDOOR MASS GATHERING
OR
EXTENDED MASS GATHERING
EVENTS

Event: 4 PEAK MUSIC FESTIVAL
Date(s): JUNE 19, 20, 21, 2015
Location: 19449 TUMALO RESERVOIR ROAD
Event Contact Person: STACY TOTLAND Ph: 541 350-6474

Traffic Control Plan:

☒ A narrative description of the traffic control plan.
(One Traffic Control for each 250 persons expected.)

☒ Name and qualifications of persons providing Traffic Control.

Traffic Control Name: Kevin Ganey Cell Ph: 603-498-7954
(Should also provide information on name and number to contact with concerns during event.)

Crowd Control/Security Plan:

☒ A narrative description of crowd security and control.
(One Crowd Control for each 100 person expected.)

☒ Name and qualifications of persons or firm providing such control.

Crowd Control Name: Andrew Walters Cell Ph: 541-280-0965
(Should also provide information on name and number to contact with concerns during event.)

Exhibit F

1/29/2015

Deschutes County Sheriff
63333 W. Hwy 20
Bend, OR 97701
541-388-6655

ATTN: Deputy in charge of community events

Re; 4 Peaks Outdoor Mass Gathering Application
Event Public Safety and Crowded Control plan

Deschutes County Ordinance 8.16.060

Traffic Control plan - Details and descriptions

4 Peaks festival 2015 will take place at 19449 Tumalo Reservoir Road Bend, OR 97701 on June 19th thru 21st. Set up is scheduled to begin on June 13th and clean up to be completed on June 23rd. Expected attendance is 1000 persons on site in the event the festival is sold out.

Traffic Control Plan

Entry and access to 4 Peaks Festival will be from Tumalo Reservoir Road. Signs will be posted along the roadway to alert drivers as they approach. The existing driveway provides more than one hundred (100) foot of space for vehicles to line up, after pulling off roadway, Temporary parking will be provided for ticketing and parking instructions.. The event site can accommodate more than twice as many vehicles as required for an event of this size. As the exhibit demonstrates, there are adequate areas for ingress and egress to into the site and throughout the parking and camping areas.

A minimum of six (6) traffic control and parking monitors will be on duty during each shift. Two (2) will be stationed at entrance, with the remaining four (4) assigned to parking and camping areas. Safety vests will be worn by all traffic and parking staff while on duty and equipped with flags for signaling drivers.

Traffic is expected to be very light, with attendee's arrivals spread out over time, starting Thursday after 4:00PM and late arrivals trickling in until Saturday midday. Departures will occur throughout the day on Sunday, after the festival is over. We feel this extended time frame for arrivals and departures will prevent any traffic congestion or hazards on what is normally a low traffic rural roadway.

Contact person; Kevin Ganey, Parking and Volunteer Coordinator (603) 498-7954

Crowd Control/Security Plan - Details and descriptions

4 Peaks festival 2014 will take place at 19449 Tumalo Reservoir Road Bend, OR 97701 on June 19th thru 21st with set up starting on June 13th and clean up to be completed on June 22nd. Expected attendance is 1000 persons on site in the event the festival is sold out.

To ensure for the comfort and safety of our patrons 4 Peaks LLC is committed to meet or exceed Deschutes County requirements.

4 Peaks LLC has contracted with Andrew Walters of Northwest Investigative Service to provide security for the event. Six (6) uniformed DPSST licensed personnel will be on duty during the festival. One (1) stationed at each of three (3) gates and three (3) patrolling the festival grounds. In addition 4 Peaks will have certified alcohol monitors and paid security roaming the crowds at all times beer and wine are to be sold.

Contact info:

Security will be provided by;
Andrew Walters
Northwest Investigative Service
P.O. Box 8371
Bend, OR 97708
ph: 541-280-0965
fax: 1-888-806-9877
info@northwestinvestigativeservice.com

Exhibit G
1/29/2015

Community Development Department
117 NW Lafayette Ave.
Bend, OR 97701-1925
(541)388-6575
ATTN: Environmental Health Division

Re; 4 Peaks Outdoor Mass Gathering Application
Environmental Health Checklist

4 Peaks festival 2015 will take place at 19449 Tumalo Reservoir Road Bend, OR. 97701 on June 19th thru 21nd with set up starting on June 13th and clean up to be completed on June 23rd. Expected attendance is 1000 persons on site in the event the festival is sold out.

To ensure for the comfort and safety of our patrons 4 Peaks LLC is committed to meet or exceed Deschutes County standards.

In order to comply with **Deschutes County Health Ordinance 8.16.220, Outdoor Mass Gathering Sanitary Facilities**, 4 Peaks LLC shall provide the following;

1. Contact persons

Jef Hinkle, Site Manager (541) 977-3266
Kevin Ganey Volunteer coordinator (603) 498-7954

2. Toilets

Twenty (22) standard toilets, 2 ADA toilets (locations shown on map)

Toilets and hand washing facilities Provided by;
Shanna, at Ranch Country Outhouses - Bathrooms
541-480-9058 - georges@bendbradband.com

3. Hand Washing Facilities

Six (7) hand washing stations (locations shown on map Exhibit C)

Toilets and hand washing facilities Provided by;
Shanna, at Ranch Country Outhouses - Bathrooms
541-480-9058 - georges@bendbradband.com

4. Water supply

One (1) Private water supply (locations shown on map)
Test results pending

5. **Waste Collections and Removal**

One (1) -- 10yd dumpster, fifteen (15) rolling bins, five (5) commingle recycle bins, 5 glass bins

Bins to be emptied twice daily by Volunteer staff

10 yd dumpster to be hauled away End of day Monday, June 23rd

Containers and removal services provided by;

Bend Garbage and Recycling (541) 382-2263

6. **Food Service Facilities**

(locations shown on map)

Vendors will be licensed and permitted no latter than ~~two-2~~ *SEVEN 7 DAYS* prior to event

7. Refer to attached site maps Exhibits C and D for facilities locations

Addendum to Exhibit G – Environmental Health Checklist

As requested by Eric Mone REHS the deadline for all food vendors to register with the County of Deschutes for this year's festival will be 7 days prior to event, not 2 days as written in ordinance.

Exhibit G – Environmental Health Checklist Item 6 should read

Food Service Facilities

(locations shown on map)

Vendors will be licensed and permitted no later than two 7 days prior to event.

Thank You,

Stacy Totland
Stacy Totland



HEALTH SERVICES

Environmental Health Division

2577 NE Courtney Drive, Bend, Oregon 97701

Office (541) 322-7400, Fax (541) 322-7604

www.deschutes.org

February 12, 2015

Stacy Totland
1411 NW West Hills Ave.
Bend, OR 97701

Re: Four Peaks Music Festival water supply
19449 Tumalo Reservoir Rd. Bend, OR 97701

Dear Ms. Totland,

Thanks to Jeff and Gary for showing me around the well/water system on Wednesday February 4, 2015. Please find the enclosed report and well log. The well, which is located on the adjacent property (64343 High Mowing Lane), was evaluated by the Oregon Drinking Water Program and found to be adequately constructed and drilled into a confined aquifer. My site visit did not reveal any obvious sanitary deficiencies and the well is therefore approved for use for the public with ongoing water quality monitoring.

Requirements:

Collect one coliform bacteria sample prior to each event (w/in 60 days) and minimum of two samples per calendar year. Submit copy of results.

Take one annual nitrate sample and submit a copy of results

Use only food grade hoses for conveying drinking water to the sink basin for guests.

Recommendations:

-Install a non-frost free standpipe faucet for drinking water purposes in the Gully as discussed. Frost-free hydrants are not allowed for drinking water.

-Clean the interior of the wellhouse and seal the outer openings to preclude insects, rodents and other contaminants.

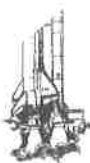
Our Mission: To Promote and Protect the Health and Safety of Our Community.

Please contact me at 541-388-6563 if you have any questions.

Thanks again for your cooperation and assistance.

Jeff Freund, RS

Encl.
JEF/jef



UMPQUA Research Company

738 SE Glenwood Dr.
Bend, Oregon 97702
541) 312-9454 Fax: (541) 312-9456
E-mail: BendLab@URCmail.net
Internet: <http://ChemLab.cc>
ORELAP ID# OR100052

ANALYSIS REPORT

URC # B5B0901

4 Peaks Presents, LLC

1411 NW West Hills Ave

Bend, OR 97701

Project: No Project

Project #: No Project

Client Contact: Stacy

Date Reported: 02/16/15

Date Sampled: 02/09/15 09:10

Date Received: 02/09/15 09:50

Sampled By: Jeff Hinkle

Sample Location: 64343 High Mowing Ln

URC Sample #: B5B0901-01

Matrix: Drinking Water

Coliforms By 9223B - Colilert-18

Analyte	Result	Sampled	Received	Prepared	Analyzed	Analyst	Notes
Total Coliform (‡)	Absent	02/09/15 09:10	02/09/15 09:50	02/09/15 17:50	02/10/15 12:40	JLD	
E. Coli (‡)	Absent	02/09/15 09:10	02/09/15 09:50	02/09/15 17:50	02/10/15 12:40	JLD	

Sample Point:

Chlorinated?:

UMPQUA Research Company

Janine Drgastin, Client Services

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

**UMPQUA Research Company**

738 SE Glenwood Dr.
Bend, Oregon 97702
541) 312-9454 Fax: (541) 312-9456
E-mail: BendLab@URCmail.net
Internet: http://ChemLab.cc
ORELAP ID# OR100052

ANALYSIS REPORT**URC # B5B0901**

4 Peaks Presents, LLC

1411 NW West Hills Ave

Bend, OR 97701

Project: No Project

Project #: No Project

Client Contact: Stacy

Date Reported: 02/16/15

Date Sampled: 02/09/15 09:10

Date Received: 02/09/15 09:50

Sampled By: Jeff Hinkle

Sample Location: 64343 High Mowing Ln

URC Sample #: B5B0901-02

Matrix: Drinking Water

Inorganics

Analyte	Method	Code	Result	Units	MRL	MCL	Prepared	Analyzed	Analyst	Qualifier
Nitrate as N (N)	4500-NO3 D		ND	mg/L	1.00	10	02/10/15 13:20	02/10/15	JLD	

Sample Point:

Chlorinated?:

UMPQUA Research Company

Janine Drgastin, Client Services

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.



UMPQUA Research Company

738 SE Glenwood Dr.
Bend, Oregon 97702
541) 312-9454 Fax: (541) 312-9456
E-mail: BendLab@URCmail.net
Internet: <http://ChemLab.cc>
ORELAP ID# OR100052

ANALYSIS REPORT

URC # B5B0901

Qualifiers and Definitions

DET	Analyte DETECTED
ND	Analyte NOT DETECTED at or above the MRL (minimum reporting limit)
NA	Not Applicable
NR	Not Reported
dry	Sample results reported on a dry weight basis
RPD	Relative Percent Difference
MRL	Minimum Reporting Limit
MDL	Minimum Detection Limit
MCL	Maximum Contamination Level
(‡)	ORELAP Accredited Analyte
(~)	Due to rounding of individual analytes, the "total" may vary slightly from the sum of the individual analyte values.

No Samples in Work Order B5B0901 were SubContracted to an outside Laboratory.

UMPQUA Research Company

Janine Drgastin, Client Services

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.



February 2, 2015

To whom it may concern;

Bend Garbage & Recycling will provide the garbage and recycling services for the 4 Peaks 2015 Music Festival June 18 – 21, 2015. A 10 yard drop box, recycling carts and glass bins will be provided for the event. Delivery will be June 17, 2015 and removal on June 22, 2015.

If you have any questions, I can be reached at 541.323.4069.

Sincerely,

Susan Baker
Marketing Manager

❧ RANCH COUNTRY OUTHOUSES ❧

541-480-9058
220 W CASCADE AVE
SUITE F
PO Box 867
SISTERS OR 97759

2015 - 4 PEAKS MUSIC FESTIVAL

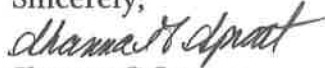
Ranch Country Outhouses agrees to provide 2 ADA Portable Toilets
20 Standard Portable Toilets and 6 Hand wash Stations to 19449 Tumalo
Reservoir Rd June 16, 2015 - June 21, 2015.

Units to be serviced 6/19/15 PM

6/20/15 AM & PM

6/21/15 AM

Sincerely,



Shanna G Sproat

Sec/Treasurer



Deshutes County Risk Management Department

Conditions of Insurance Outdoor Mass Gatherings/Extended Outdoor Mass Gatherings

After consultation with the County Risk Manager, if the Board determines that the Outdoor Mass Gathering or Extended Mass Gathering creates a potential for injury to persons or property, the Board may require organizers to obtain a Commercial General Liability insurance policy with Endorsement in an amount that is proportionate with the risk, but not less than \$1,000,000 per single claimant and incident, and \$2,000,000 for all claimants arising from a single incident.

The insurance policy may not be cancelable and shall provide coverage against liability for death, injury, or disability of any human or for damage to property arising out of the Outdoor Mass Gathering or Extended Mass Gathering.

The insurance policy must be an "occurrence" policy, or its equivalent, that provides for payment of claims made during the 180-day period after the scheduled termination of the Outdoor Mass Gathering or Extended Outdoor Mass Gathering.

The Organizer shall furnish the Director with an insurance certificate and a copy of the insurance policy naming the County as an additional insured under the policy.

The Director shall void the permits for an Outdoor Mass Gathering or Extended Outdoor Mass Gathering if the Organizer does not file proof of the non-cancelable insurance required by this section with the Director at least fourteen days before the first day of the Outdoor Mass Gather or Extended Outdoor Mass Gathering.

REVIEWED

LEGAL COUNCIL

For Recording Stamp Only

INDEMNITY AGREEMENT

_____, its officers, employees and members shall, through the signing of
(Event Organizer)
this agreement by an authorized party or agent, hereby agrees, for and in consideration of the approval of the
_____, to be held on _____

(Event Name) (Date of Event)
and to be held within Deschutes County, to indemnify, defend and hold harmless Deschutes County, Oregon, a
political subdivision of the State of Oregon, its officers, agents and employees, herein called "County" from any and
all suits and claims, losses and liability, including attorney's fees, arising from injury or death to persons or damage to
property occasioned by any act or omission arising out of or any way related to the Outdoor Mass Gathering as
described above, or participation in the event as a participant, spectator, sponsor, promoter, agent or official.

In addition, _____ agrees to furnish Deschutes County with a certificate of
(Event Organizer)
insurance with endorsement for general liability insurance with a combined single limit of not less than \$1,000,000
per single claimant and incident, and \$2,000,000 all claimants, arising from a single incident, specific to the
_____, naming Deschutes County, its officers, agents, volunteers and
(Event Name)
employees as an additional insured.

DATED this _____ day of _____, 20__

By: _____
(Authorized Signature, Title)

APPROVED:

DATED this _____ day of _____, 20__

By: _____
Nick Lelack, Community Development Director



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
2/17/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
MOMENTOUS INSURANCE BROKERAGE, INC.
5990 SEPULVEDA BLVD STE 550
VAN NUYS, CA 91411-2536
(818) 933-2751

CONTACT NAME:

PHONE (A/C, No, Ext): (818) 933-2751 FAX (A/C, No): (818) 933-2271

E-MAIL ADDRESS:**INSURER(S) AFFORDING COVERAGE****NAIC #****INSURER A:** United States Fire Insurance 21113**INSURER B:****INSURER C:****INSURER D:****INSURER E:****INSURER F:**

INSURED SPORTS AND RECREATION PROVIDERS ASSOCIATION (PURCHASING GROUP) AND ITS PARTICIPATING MEMBERS:

4 Peaks Presents, LLC
1411 NW West Hills Avenue
Bend, OR 97701

COVERAGES**CERTIFICATE NUMBER:** USS270620**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE		ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS			
A	GENERAL LIABILITY		X		SRPG-101-0415	06/18/2015 12:01 AM	06/22/2015 12:01 AM	GENERAL AGGREGATE	\$2,000,000.00		
	X	COMMERCIAL GENERAL LIABILITY						PRODUCTS - COMP/OP AGG	\$2,000,000.00		
	<input type="checkbox"/>	CLAIMS-MADE						<input checked="" type="checkbox"/>	OCCUR	PERSONAL & ADV INJURY	\$1,000,000.00
								EACH OCCURRENCE	\$1,000,000.00		
								FIRE DAMAGE (Any one fire)	\$300,000.00		
								MED EXP (Any one person)	\$5,000.00		
	GEN'L AGGREGATE LIMIT APPLIES PER:										
X	POLICY	<input type="checkbox"/>	PRO-JECT	<input type="checkbox"/>	LOC						
	AUTOMOBILE LIABILITY							COMBINED SINGLE LIMIT (Ea accident)	\$		
	<input type="checkbox"/>	ANY AUTO						BODILY INJURY (Per person)	\$		
	<input type="checkbox"/>	ALL OWNED AUTOS	<input type="checkbox"/>	SCHEDULED AUTOS				BODILY INJURY (Per accident)	\$		
	<input type="checkbox"/>	HIRED AUTO	<input type="checkbox"/>	NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident)	\$		
	<input type="checkbox"/>		<input type="checkbox"/>								
	<input type="checkbox"/>		<input type="checkbox"/>								
	<input type="checkbox"/>	UMBRELLA LIAB	<input type="checkbox"/>	OCCUR				EACH OCCURRENCE	\$		
	<input type="checkbox"/>	EXCESS LIAB	<input type="checkbox"/>	CLAIMS-MADE				AGGREGATE	\$		
	<input type="checkbox"/>	DED	<input type="checkbox"/>	RETENTION \$							
	<input type="checkbox"/>										
								EACH OCCURRENCE	\$		
								GENERAL AGGREGATE	\$		
								EACH OCCURRENCE	\$		
								GENERAL AGGREGATE	\$		

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Music festival

CERTIFICATE HOLDER

4 Peaks Presents, LLC
1411 NW West Hills Avenue
Bend, OR 97701

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE*Momentous Insurance Brokerage, Inc.*



ADDITIONAL INTEREST SCHEDULE

DATE (MM/DD/YYYY)
2/17/2015

ACY

CARRIER
United States Fire Insurance Company

NAIC CODE
21113

POLICY NUMBER
SRPG-101-0415/USS270620

EFFECTIVE DATE
06/18/2015
12:01 AM

NAMED INSURED(S)
4 Peaks Presents, LLC

ADDITIONAL INTEREST (Not all fields apply to all scenarios – provide only the necessary data)

INTEREST	NAME AND ADDRESS	RANK:	EVIDENCE:	CERTIFICATE	POLICY	SEND BILL	INTEREST IN ITEM NUMBER	
<input checked="" type="checkbox"/> ADDITIONAL INSURED	Gary & Lisa Armstrong 19449 Tumalo Reservoir Road Bend, OR 97701						LOCATION:	BUILDING:
<input type="checkbox"/> BEACH OF WARRANTY							VEHICLE:	BOAT:
<input type="checkbox"/> CO-OWNER							AIRPORT:	AIRCRAFT:
<input type="checkbox"/> EMPLOYEE AS LESSOR							ITEM CLASS:	ITEM:
<input type="checkbox"/> LEASEBACK OWNER							ITEM DESCRIPTION	
<input type="checkbox"/> LIENHOLDER	REFERENCE / LOAN #:	INTEREST END DATE:						
	LIEN AMOUNT:	PHONE (A/C, No, Ex):		FAX (A/C, No):				

REASON FOR INTEREST:

INTEREST	NAME AND ADDRESS	RANK:	EVIDENCE:	CERTIFICATE	POLICY	SEND BILL	INTEREST IN ITEM NUMBER	
<input checked="" type="checkbox"/> ADDITIONAL INSURED	Deschutes County, its officers, agents, employees and volunteers 1300 NW Wall Street Bend, OR 97701						LOCATION:	BUILDING:
<input type="checkbox"/> BEACH OF WARRANTY							VEHICLE:	BOAT:
<input type="checkbox"/> CO-OWNER							AIRPORT:	AIRCRAFT:
<input type="checkbox"/> EMPLOYEE AS LESSOR							ITEM CLASS:	ITEM:
<input type="checkbox"/> LEASEBACK OWNER							ITEM DESCRIPTION	
<input type="checkbox"/> LIENHOLDER	REFERENCE / LOAN #:	INTEREST END DATE:						
	LIEN AMOUNT:	PHONE (A/C, No, Ex):		FAX (A/C, No):				

REASON FOR INTEREST:

INTEREST	NAME AND ADDRESS	RANK:	EVIDENCE:	CERTIFICATE	POLICY	SEND BILL	INTEREST IN ITEM NUMBER	
<input checked="" type="checkbox"/> ADDITIONAL INSURED							LOCATION:	BUILDING:
<input type="checkbox"/> BEACH OF WARRANTY							VEHICLE:	BOAT:
<input type="checkbox"/> CO-OWNER							AIRPORT:	AIRCRAFT:
<input type="checkbox"/> EMPLOYEE AS LESSOR							ITEM CLASS:	ITEM:
<input type="checkbox"/> LEASEBACK OWNER							ITEM DESCRIPTION	
<input type="checkbox"/> LIENHOLDER	REFERENCE / LOAN #:	INTEREST END DATE:						
	LIEN AMOUNT:	PHONE (A/C, No, Ex):		FAX (A/C, No):				

REASON FOR INTEREST:

INTEREST	NAME AND ADDRESS	RANK:	EVIDENCE:	CERTIFICATE	POLICY	SEND BILL	INTEREST IN ITEM NUMBER	
<input checked="" type="checkbox"/> ADDITIONAL INSURED							LOCATION:	BUILDING:
<input type="checkbox"/> BEACH OF WARRANTY							VEHICLE:	BOAT:
<input type="checkbox"/> CO-OWNER							AIRPORT:	AIRCRAFT:
<input type="checkbox"/> EMPLOYEE AS LESSOR							ITEM CLASS:	ITEM:
<input type="checkbox"/> LEASEBACK OWNER							ITEM DESCRIPTION	
<input type="checkbox"/> LIENHOLDER	REFERENCE / LOAN #:	INTEREST END DATE:						
	LIEN AMOUNT:	PHONE (A/C, No, Ex):		FAX (A/C, No):				

REASON FOR INTEREST:

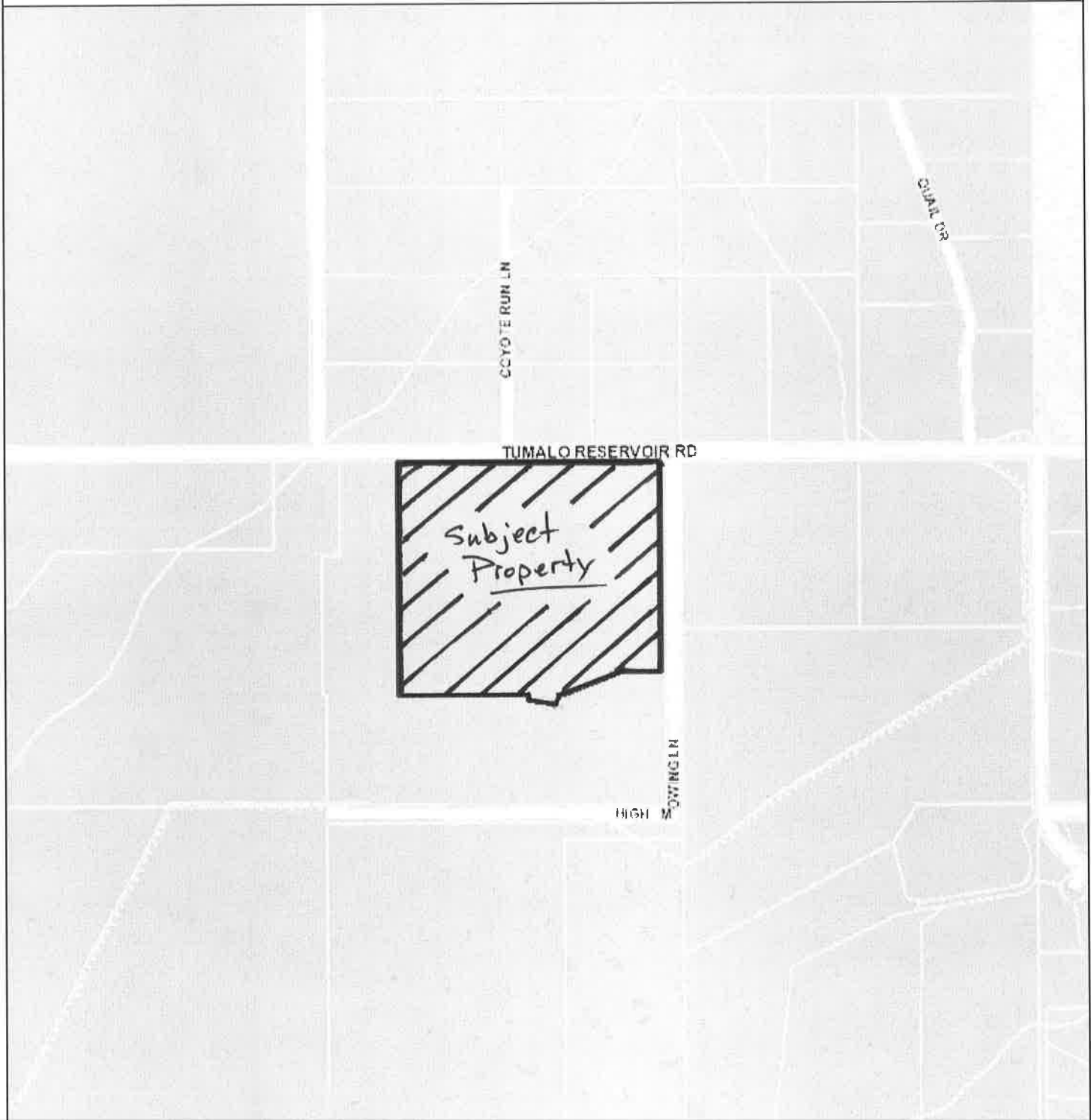
INTEREST	NAME AND ADDRESS	RANK:	EVIDENCE:	CERTIFICATE	POLICY	SEND BILL	INTEREST IN ITEM NUMBER	
<input checked="" type="checkbox"/> ADDITIONAL INSURED							LOCATION:	BUILDING:
<input type="checkbox"/> BEACH OF WARRANTY							VEHICLE:	BOAT:
<input type="checkbox"/> CO-OWNER							AIRPORT:	AIRCRAFT:
<input type="checkbox"/> EMPLOYEE AS LESSOR							ITEM CLASS:	ITEM:
<input type="checkbox"/> LEASEBACK OWNER							ITEM DESCRIPTION	
<input type="checkbox"/> LIENHOLDER	REFERENCE / LOAN #:	INTEREST END DATE:						
	LIEN AMOUNT:	PHONE (A/C, No, Ex):		FAX (A/C, No):				

REASON FOR INTEREST:

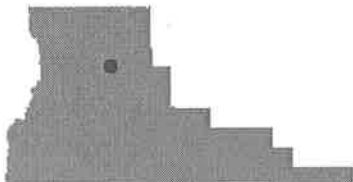
The above are added as additional insured but only with respect to liability arising out of operations of the named insured during the policy period.

Deschutes County File 247-15-000086-OMG

19449 Tumalo Reservoir Rd



Deschutes County GIS, Sources: Esri, USGS, NOAA





Road Department

61150 SE 27th St. • Bend, Oregon 97702
(541) 388-6581 • FAX (541) 388-2719

MEMORANDUM

Date: 02/26/2015

To: Cynthia Smidt, Associate Planner

From: George Kolb, County Engineer

RE: 247-15-000086-OMG; 4 Peaks Presents LLC, Tumalo Reservoir Road

Road Department comments:

1. Tumalo Reservoir Road is a County Road (rural collector classification) with an ADT of 739 (2008 count).
2. There have been no traffic issues with the past events that we have been aware of. This application states there will be an estimated 1000 people at this event. The applicant states that the existing driveway will provide 100 feet of space for vehicles to line up. Applicant will need to make sure that no traffic backs up out onto Tumalo Reservoir Road during the event.
3. Any flaggers working within the public right of way that are directing/stopping traffic have to be state certified flaggers.



Date: March 9, 2015
To: Cynthia Smidt, Associate Planner
From: Erik Kropp, Deputy County Administrator/Risk Manager
Re: 4-Peaks Musical Festival Insurance for 2015 Event

ek

I have reviewed the "Certificate of Liability Insurance" provided by the organizer of the 4 Peaks Music Festival. The certificate meets the County's insurance requirement for events in that the policy provides commercial general liability insurance in the amounts of \$1 million for each occurrence; \$2 million in general aggregate; and names Deschutes County, its officers, agents, employees and volunteers as an additional insured.

The insurance covers the time period of June 18, 2015 through June 22, 2015.

Please contact me at 541-388-6584 if you have additional questions.

Project #: 247-15-000086-OMG
Subject: 4 peaks Outdoor Mass Gathering
From: Larry Medina
Date: March 10, 2015



FIRE APPARATUS ACCESS ROADS:

- **Approved vehicle access for fire fighting shall be provided to all construction or demolition sites.** Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent access roads are available. **2014 OFC 3310.1**
- Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. **The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building** as measured by an approved route around the exterior of the building or facility. **2014 OFC 503.1.1**
- **Fire apparatus roads shall have an unobstructed width of not less than 20 feet**, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where a fire hydrant is located on a fire apparatus road, the minimum width shall be 26 feet, exclusive of shoulders. Traffic calming along a fire apparatus road shall be approved by the fire code official. Approved signs or other approved notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire apparatus roads to prohibit parking on both sides of fire lanes 20 to 26 feet wide and on one side of fire lanes more than 26 feet to 32 feet wide. **2014 OFC 503.2.1, D103.1, 503.4.1, 503.3**
- **Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (60,000 pounds GVW) and shall be surfaced (asphalt, concrete or other approved driving surface) as to provide all weather driving capabilities.** Inside and outside turning radius shall be approved by the fire department. All dead-end turnarounds shall be of an approved design. Bridges and elevated surfaces shall be constructed in accordance with AASHTO HB-17. The maximum grade of fire apparatus access roads shall not exceed 10 percent. Fire apparatus access road gates with electric gate operators shall be listed in accordance with UL325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. A Knox® Key Switch shall be installed at all electronic gates. **2014 OFC D102.1, 503.2.4,**

OTHER FIRE SERVICE FEATURES:

- In other than Group A or E occupancies, where the *fire code official* determines that an indoor or outdoor gathering of persons has an adverse impact on public safety through diminished access to buildings, structures, fire hydrants and fire apparatus access roads or where such gathering adversely affect public safety of any kind, the *fire code official* shall have the authority to order the development of, or prescribe a plan for, the provision of an *approved* level of public safety.
2014 OFC 403.2 Provide a public safety plan addressing emergency vehicles ingress and egress, emergency egress, emergency medical services, public assembly areas the directing of both attendees and vehicles (including the parking of vehicles), vendor and food concession distribution.
- All temporary tents shall comply with the 2014 OFC Chapter 31 Sections 3103 & 3104.
- Contact the Bend Fire Department at 541-322-6309 at least 2 weeks prior to the event to schedule a site inspection.

Cynthia Smidt

From: Lori Furlong
Sent: Monday, March 09, 2015 6:46 AM
To: Cynthia Smidt
Subject: FW: NOTICE OF PUBLIC HEARING - 247-15-000086-OMG

From the webmaster account.

From: Jacqueline Hook [<mailto:jhook2001@bendbroadband.com>]
Sent: Saturday, March 07, 2015 5:08 PM
To: cdd-webmaster
Subject: NOTICE OF PUBLIC HEARING - 247-15-000086-OMG

Attn: Cynthia Smidt, Associate Planner

I'd like to go on record – once again – as being strongly opposed to the 4 Peaks Music Festival, which is held directly across the street from my property at 64411 Coyote Run Lane. Residential farmland is not the appropriate venue for an outdoor mass gathering like this, which will likely draw more than 1,000 people (as estimated in your Notice of Public Hearing). Although sponsors of the event – and musicians and attendees – are always given a cutoff time each night for noise abatement, that deadline is never observed, and hard-thumping bass noises go on long into the early morning hours.

Not only is this festival an inconvenience to residents (due to excessive traffic), but it creates unwanted noise as well as a disturbing presence with regard to the safety and security of those of us who live nearby. Who knows what types of people are wandering around drunk or high on the neighboring properties in the middle of the night? I am also offended by the fact that the ticket money collected from this event goes directly into the pockets of the property owners and does nothing to support our community or any nonprofit or charitable organizations. It's just a private profit-making business.

I'm wondering why the City Council members keep approving this event. Apparently, they don't live nearby. Or perhaps they are "friendly" with the property owners? Other than occasional weddings on farm properties in Central Oregon, I know of no other "overnight" events like this festival that are held on similar residential/farm properties.

How did we get so lucky along Tumalo Reservoir Road to have to endure this atrocity?

Jacqueline Hook

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

**OUTDOOR MASS GATHERING PERMIT
DESCHUTES COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
BEND, OREGON 541/388-6575**

LOCATION: 19449 TUMALO RESERVOIR ROAD, BEND

OWNER: GARRET A. AND LISA J. ARMSTRONG

TYPE, DATES & TIME OF EVENT: MUSIC FESTIVAL, JUNE 13, 2015 – JUNE 23, 2015, 9:00 AM TO 10:00 PM

OPERATOR: 4 PEAKS PRESENTS, LLC

PHONE: 541 350-6474

1. PERMIT BECOMES NULL AND VOID IF EVENT OR GATHERING HAS NOT STARTED ON THE APPROVED DATE.
2. THE APPROVED PERMIT SHALL BE RETAINED ON-SITE UNTIL THE EVENT OR GATHERING IS COMPLETE.
3. BY ACCEPTANCE OF THIS PERMIT, OWNER OPERATOR CONSENT TO ALLOW LAW ENFORCEMENT, PUBLIC HEALTH AND FIRE CONTROL OFFICERS TO COME ON THE PREMISES FOR WHICH THE PERMIT HAD BEEN GRANTED FOR THE PURPOSE OF INSPECTION AND ENFORCEMENT OF THE TERMS AND CONDITIONS OF THE PERMIT AND DCC 8.16, AND ANY OTHER APPLICABLE LAWS OR ORDINANCES.

FILE NUMBER (247-15-000086-OMG)

The Board of County Commissioners approves the 4 Peaks Presents, LLC application for an Outdoor Mass Gathering permit based upon the attached requirements incorporated by reference herein and subject to the following conditions.

CONDITIONS OF APPROVAL

1. Fourteen days prior to the event, 4 Peak Presents shall obtain and provide the Community Development Director for approval a Special Events Insurance policy that provides general liability of \$1,000,000 per occurrence naming the County as an additional insured on the endorsement. The policy shall provide payment of claims within the 180-day period after the scheduled termination of the event.
2. The number of attendees shall not exceed the estimated attendance by 10 percent. The total number of attendees, including musicians, vendors, staff, and security, shall not exceed 1,000 during the course of the event.
3. The applicant shall keep reasonable count of persons and vehicles entering the event.
4. The applicant shall provide one (1) toilet per every 100 attendees. The applicant has contracted with Ranch Country Outhouses to provide the required facilities.

5. Hand washing facilities shall provide running water, adequate soap, and paper towels. The applicant has contracted with Ranch Country Outhouses to provide the required facilities.
6. Drinking water shall be provided via private well. The water system shall meet all Drinking Water Program requirements.
7. Waste collection and removal shall be provided by Bend Garbage and Recycling.
8. Food service shall be provided by licensed vendors and restaurateurs. Each food vendor shall apply to the County Health Department at least one week in advance of the event.
9. The applicant shall receive final approval by the Bend Fire Department after inspection no later than June 17, 2015.
10. All fire hydrants, fire sprinkler, and/or standpipe system connections are to remain readily visible, accessible, and unobstructed and shall be accessible with an unobstructed circumferential distance of three feet.
11. Fire and emergency access roads shall have an unobstructed width of not less than 20 feet and a vertical clearance of not less than 13 feet, 6 inches. Barricades shall be approved prior to erecting. The emergency access roads shall remain open at all times.
12. Vendors cooking outdoors shall comply with the Bend Fire Department and the City of Bend "Open Cooking Concession Requirements."
13. Non-fixed food concession such as enclosed trailers, buses, and vans shall comply with the Bend Fire Department and the City of Bend "Non-Fixed Food Concession Requirements."
14. All tents, canopies, and temporary structures shall comply with the Bend Fire Department regulations.
15. Campfires, bonfires and other recreational open burning are prohibited.
16. The Outdoor Mass Gathering shall have at least one first aid station staffed by two adult individuals trained in first aid techniques for the duration of the event. The first aid station shall include an Automated External Defibrillator (AED) device with AED device trained staff. Ambulance service shall be provided by Tumalo Fire Station #302 located at 19850 4th Street, less than 1.5 miles from the event site, or the next available responding ambulance unit.
17. Security for the event will be provided by Oregon Detective Agency with clearly marked security officers.
18. The applicant shall provide one crowd control person for each 100 persons, expected or reasonably expected to be in attendance at any time during the Outdoor Mass Gathering.
19. Traffic control and crowd protection personnel shall show certification of training or experience acceptable to the County to conduct traffic and or crowd-control duties.
20. Thirty days prior to the event, the applicant shall submit to the Community Development Director and County Sheriff, the names and necessary background information for all traffic-control and crowd-control personnel to be utilized during the Outdoor Mass Gathering.
21. Applicant shall adhere to the proposed site plan that shows approximately 11 acres of parking area.
22. This permit shall be posted in a conspicuous spot on the property during the course of the event.
23. The applicant and/or property owner will provide access to the premises for inspection purposes by law enforcement, public health, and fire control officers based on the terms and conditions of the permit. If deficiencies are identified following an inspection, the inspector may return as often as needed until the deficiencies are cured. If the deficiencies are not cured and cannot be cured then the County Sheriff may terminate the Outdoor Mass Gathering.
24. The burden of preserving order to the proposed event shall be with 4 Peaks Presents, LLC.
25. All debris will be removed within 72 hours after the event termination. All temporary structures shall be removed within 3 weeks of event termination.
26. No person shall be permitted to bring alcohol onto the premises. This shall not apply to the sale and consumption of alcohol from a State of Oregon licensed facility located on the premise.
27. No narcotic or dangerous drug use will be permitted at the premises.
28. The applicant shall meet the requirements of DCC 8.16.250, Public Safety.
29. Parking services will be provided by 4 Peaks Presents, LLC and will include a minimum of six (6) traffic control and parking monitors for each shift.

30. The amplified music shall meet the requirements of DCC 8.16.290. A sound level in excess of 70 decibels prior to 10:00 p.m. and in excess of 50 decibels after 10:00 p.m. (as measured upon the A scale of a standard sound level meter on affected property) shall constitute a violation of the Deschutes County Code.
31. The Outdoor Mass Gathering shall not be conducted, including set-up, placement, storage, staging, removal or similar action of any equipment, materials, structures, vehicles, supplies and so forth, in the unincorporated areas of the County within 1,000 feet of any residence between the hours of 12:01 a.m. and 9:00 a.m. and in all other areas between the hours of 2:00 a.m. and 9:00 a.m.

Dated this _____ of _____, 2015

BOARD OF COUNTY COMMISSIONERS

ANTHONY DEBONE, Chair

ALAN UNGER, Vice Chair

ATTEST:

Recording Secretary

TAMMY BANEY, Commissioner