



Deschutes County Board of Commissioners  
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## **AGENDA REQUEST & STAFF REPORT**

### **For Board Business Meeting of December 2, 2015**

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**DATE:** November 19, 2015

**FROM:** Cynthia Smidt                      Community Development Department                      317-3150

**TITLE OF AGENDA ITEM:**

A public hearing on and consideration of approval for Document No. 2015-710, an Outdoor Mass Gathering permit for the 4 Peaks Music Festival on a Tumalo area property. File No.: 247-15-000579-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 19.37-acre parcel owned by Garret A. and Lisa J. Armstrong. The festival would include music, camping, day-use parking, and vendors for an estimated 1,500 people. The proposed dates for the 4 Peaks Music Festival is June 11-20, 2016, 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 written and oral testimony.

**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 *CMS*

**DATE:** November 19, 2015

**HEARING:** December 2, 2015

**RE:** Public Hearing for an Outdoor Mass Gathering, File No. 247-15-000579-OMG

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#### 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. The applicant proposes to hold a music festival in June 2016 on a 19.37-acre parcel owned by Garret A. and Lisa J. Armstrong. The music festival, 4 Peaks Music Festival, would include RV and tent camping, parking, and food and drink for an estimated 1,500 people.

#### PROPOSAL

The applicant, 4 Peaks Presents LLC, is proposing to hold a music festival at the subject property located at 19449 Tumalo Reservoir Road, which is zoned Exclusive Farm Use – Tumalo/Redmond/Bend subzone (EFUTRB).<sup>1</sup> The 4 Peaks Music Festival has occurred on the subject property for eight of the last nine years.<sup>2</sup> The current proposal is a request for an Outdoor Mass Gathering permit that would allow up to 1,500 people, including staff and vendors, in attendance at the festival. This estimated attendance of 1,500 would be an increase of 500 from the 2015 permit 247-15-000086-OMG (DCC 8.16.160(G)(6)).

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<sup>1</sup> This application is not subject to the EFU zoning regulations because it is not a land use application.

<sup>2</sup> For the 2014 and 2015 festivals, the Board approved OMG-13-1 and 247-15-000086-OMG, respectively, allowing each festival to have 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 festivals 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.

The proposed 2016 4 Peaks Music Festival is scheduled to take place primarily on Friday, June 17, 2016 and Saturday, June 18, 2016. However, as clarified in a November 16, 2015 email correspondence, the applicant indicates there are smaller events scheduled on Thursday, June 16 and Sunday, June 19 as noted below. Festival preparation and set-up will begin on Saturday, June 11, 2016 and will conclude by 4:00 p.m. on Monday, June 20, 2016 with breaking down of equipment and clean-up. Debris and rubbish will be removed no later than Monday, June 20, 2016. Camping will be provided Thursday, June 16, 2016, beginning at 1:00 p.m., through Saturday evening, June 18, 2016.<sup>3</sup> There will be a small music venue in the "Tween Stage Tent" on Thursday evening from 7:00 p.m. to 9:00 p.m. The main music festival will go from 12:00 noon to 10:00 p.m. on Friday, June 17, 2016 and from 10:00 a.m. to 10:00 p.m. on Saturday, June 18, 2016. The festival ends with a small music venue in the Tween Stage Tent, which will begin at 9:30 a.m. and go no later than 2:00 p.m.<sup>4</sup> Camping patrons will depart on Sunday, June 19, 2016.

The subject property, as proposed for the Outdoor Mass Gathering, is divided into seven designated areas. The "Music Pasture," or Lot 1, the activity center for the festival, is adjacent to and west of the existing house on the property.<sup>5</sup> The Music Pasture includes the stages, vendors, restrooms, water, first aid, ticket will call, trash collection, and basic operational aspects of the festival. To the east of the Music Pasture is an area designated for authorized personnel only. North of the Music Pasture are two areas that include restrooms, ticket will call, day-use parking, and some camping. Northwest of the Music Pasture is a tent camping area. The applicant proposes two new areas by expanding camping and overflow parking. One area will include a walk-in camping area just west of the Music Pasture (in previous years this area was designated as off-limits). In addition, the applicant is proposing overflow parking on an adjacent parcel (tax lot 404 on map 17-11-01).<sup>6</sup> The proposal indicates that the site will have 22 toilets (two will be ADA compliant), 7 hand-washing facilities, water supply areas, food service, and solid waste collection sites. As with previous permits, the applicant is requesting a waiver from the requirements to maintain an ambulance on-site during the festival. However, the applicant will comply with County Code regarding the first aid station (refer to Exhibit E, Medical Service Plan of the submitted application materials).

The subject property is approximately 19.37 acres and is developed with a single-family dwelling and accessory structures.<sup>7</sup> Tumalo Reservoir Road and High Mowing Lane abut the property along its northern and eastern boundaries, respectively. Access to the property is taken from Tumalo Reservoir Road. The site has varying terrain and vegetated with juniper

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<sup>3</sup> With previous festivals, the applicant had the campground open on Thursday evening prior to the music festival. However, regarding the 2016 festival, the applicant is proposing to open the campground earlier in the day at 1:00 p.m. in order to ease traffic and parking congestion during the evening rush hours.

<sup>4</sup> Sunday morning begins with a yoga session at 8:00 am in the same tent.

<sup>5</sup> Exhibit C submitted with the application identifies this area as "Music Venue." However, Exhibit D identifies this area as the "Music Pasture."

<sup>6</sup> The neighboring parcel is under different ownership, Diana McClaskey Revocable Living Trust. The applicant has not received authorization by the owner at the time of this report to use the parcel for overflow parking.

<sup>7</sup> 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.

trees, pasture grasses, native ground cover, and introduced landscaping. A perimeter white rail fence encloses the property. The surrounding area consists of farm and residential uses. There are EFU-Zoned parcels to the east, west, and south of the subject property that are currently engaged in some form of farm use. Across Tumalo Reservoir Road to the north are developed residential properties zoned Multiple Use Agricultural (MUA-10). 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 November 8, 2015. In addition, the Planning Division sent notice of the proposal to all property owners within 750 feet of the subject property. No written comments were received.

## 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 the exception of obtaining landowner authorization (signature on application) to use the neighboring property located at 64343 High Mowing Lane (tax lot 404 on map 17-11-01) for overflow parking. The applicant has stated they are working with the property owner for such authorization. If authorization is not achieved, the applicant will not use that area for overflow parking as discussed below. 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 general liability of \$1,000,000 and cover against liability for injury or disability of any human, or for damage of

property arising out of this Outdoor Mass Gathering. The applicant indicates that they will provide an insurance certificate and copy of the insurance policy naming the County as an additional insured. As a condition of final approval, staff recommends that the applicant provide this information at least 14 days prior to the first day of the Outdoor Mass Gathering.

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.**
- 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 Public Health Nurse Program Manager, Tom Kuhn, reviewed the proposed sanitary facilities. 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. In a November 10, 2015 email correspondence with Eric Mone, additional information was provided by the applicant. Ranch Country Outhouses will provide the portable toilets and hand washing stations. Bend Garbage and Recycling will provide garbage and recycling services for the festival. The environmental health plan indicates that the first round of water tests for coliform and nitrates will be submitted in December 2015. The second round of water tests (coliform only) will be submitted in May 2016 prior to the festival. To ensure compliance, staff recommends it be made a condition of final approval that the applicant provides adequate supply of water that meets state drinking water standards for chemicals and bacteria and that food service facilities comply with the Oregon Department of Human Services regulations.

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.**

Larry Medina, Deputy Chief/Fire Marshal, reviewed the proposed Outdoor Mass Gathering. In previous years of the festival, the Bend Fire Department provided additional comments. In a November 16, 2015 email correspondence with staff, Larry Medina indicated it would be best to include the same comments and requirements as noted in the 2014 and 2015 permits. The previous permits listed the following requirements.

- *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.*
- *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.*
- *Vendors cooking outdoors shall comply with the Bend Fire Department and the City of Bend "Open Cooking Concession Requirements."*
- *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."*
- *All tents, canopies, and temporary structures shall comply with the Bend Fire Department regulations.*
- *Campfires, bonfires and other recreational open burning are prohibited.*
- *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 4<sup>th</sup> Street, less than 1.5 miles from the event site, or the next available responding ambulance unit.*

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 prior to Outdoor Mass Gathering and obtain final site approval from the department. Similar to the previous Outdoor Mass Gathering permits from 2014 and 2015, staff recommends the site receive final inspection by the fire department no later than the Wednesday (June 15, 2016) 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 submitted a Medical Service Plan, which is Exhibit E of the submitted application materials. The Medical Service Plan is almost identical to the two previous Outdoor Mass Gathering permits of 2014 and 2015 for the 4 Peaks Music Festival, which were both approved by the Board. Located at the main entrance to the Music Pasture, 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  
Edward Han – CPR/MD/EMT  
Mr. Gregg Morris – CPR/EMT – Search and Rescue

In addition to a first aid station, a minimum of one ambulance is required to be located on-site at the festival (see DCC 8.16.240(B)). Similar to previous permits from 2014 and 2015, the applicant is requesting a waiver from these requirements. The Board may waive the permit requirements upon showing good cause by the organizer as noted in DCC 8.16.150(B). 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 4<sup>th</sup> Street, is less than 1.5 miles from the Outdoor Mass Gathering site. As stated in previous permits from 2014 and 2015, the applicant states the travel time from the fire station to the subject property is approximately 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 previously with 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 as Exhibit F of the application materials and an addendum to Exhibit F submitted via email on November 13, 2015. The proposal indicates that a minimum of six traffic control and parking monitors during each shift with two monitors stationed at the entrance of the festival and four monitors placed throughout the parking and camping areas. The applicant contacted Andrew Walters of Northwest Investigative Service regarding providing crowd-control services during the festival. The applicant states that a minimum of six uniformed licensed security personnel will be on duty during the festival with additional on-call staff available. Additional security personnel will be added, if necessary, to maintain the ratio of one security personnel to 100 persons in attendance. 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 expected or reasonably expected to be in attendance at any time during the Outdoor Mass Gathering. To ensure compliance, staff recommends this be made a condition of final approval.

Crowd-control personnel must be on duty the entire time of the festival as required in Section (C) above. The festival will include overnight camping. It is unclear how many people will be camping and thus staff recommends that the applicant provide additional overnight security personnel for the expected or reasonably expected attendance of campers. 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 including parking information (Exhibit F of the application materials). In addition, the designated parking areas are illustrated on Exhibit C of the application materials. The applicant indicates that the existing driveway provides adequate room of more than 100 feet for stacking of vehicles on the property. According to the applicant, the festival has designated camping and parking areas that "can accommodate more than twice as many vehicles as required for an event this size." Staff estimates the day-use parking and car/RV camping areas to be about 11 acres (this does not include the walk-in camping area). The site provides adequate vehicle and emergency vehicle ingress and egress throughout designated parking and camping areas.

In addition to the parking and camping areas the festival has used in previous years, the applicant proposes overflow parking on approximately 2 acres of the neighboring parcel, as illustrated on Exhibit C. The adjacent parcel is located at 64343 High Mowing Lane. At the time of application, the applicant had not received authorization to use the property at 64343 High Mowing Lane. Based on email correspondence dated November 16, 2015, the applicant is currently working with the property owner for such authorization. If authorization is not achieved prior to approval of the Outdoor Mass Gathering permit, the applicant will not use that area for overflow parking. According to DCC 8.16.160(B), an Outdoor Mass Gathering permit shall not be issued unless the landowner of the property signs the application. Staff recommends as a condition of approval that if the applicant has not obtained owner authorization for use of the property located at 64343 High Mowing Lane prior to approval of this Outdoor Mass Gathering permit, the use of the property for overflow parking shall not be allowed.

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 Outdoor Mass Gathering.

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.**

According to the submitted application materials, the applicant grants 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 noted in Section (B) above, 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 proposed Outdoor Mass Gathering dates are June 16-19, 2016. The applicant indicates that the festival will occur during the approved hours and amplification will be used 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 2016 festival dates and hours goes as follows:

- Saturday, June 11 – Preparation of site will begin no earlier than 9:00 a.m.<sup>8</sup>
- Thursday, June 16 – Camping will be provided on-site beginning at 1:00 p.m.
- Thursday, June 16 – Small music venue from 7:00 p.m. to 9:00 p.m.

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<sup>8</sup> 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).

- Friday, June 17 – Music festival will be from 12:00 noon to 10:00 p.m.
- Saturday, June 18 – Music festival will be from 10:00 a.m. to 10:00 p.m.
- Sunday, June 19 – Small music venue from 9:30 p.m. to 2:00 p.m.
- Sunday, June 19 – Camping patrons will depart and clean-up begins of the premises.
- Monday, June 20 – Break down of equipment and site clean-up will conclude by 4:00 p.m.

The applicant proposed starting the festival set-up at 7:00 a.m. on Saturday, June 11. However, in order to satisfy DCC 8.16.290(A), the applicant revised the start time to 9:00 a.m. since the festival 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. In addition, 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.**
- 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. In addition, Jef Hinkle, (541) 977-3266, will be the site manager. Ms. Totland will be on-site during the entire festival. Staff recommends the following be made conditions of final approval.

1. The burden of preserving order of the proposed Outdoor Mass Gathering shall be with 4 Peaks Presents, LLC.
  2. The applicant shall keep reasonable count of persons and vehicles entering the festival.
  3. The estimated number of persons attending the Outdoor Mass Gathering is 1,500. The number of attendees shall not exceed the estimated attendance by 10 percent. Therefore, the total number of attendees including musicians, vendors, staff, patrons, and security shall not exceed 1,650.
  4. Security will be in place at all times.
  5. All debris will be removed within 72 hours after the termination of the Outdoor Mass Gathering. All temporary structures shall be removed within 3 weeks of 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 final 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.

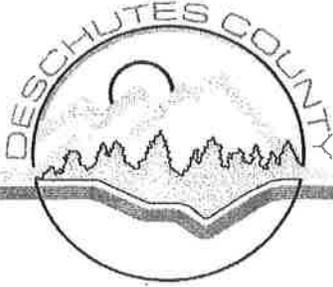
#### **NEXT STEPS**

At the conclusion of the hearing, the Board can choose one of the following options:

1. Continue the hearing to a date certain.
2. Close the hearing and begin deliberation.

#### Attachments

1. 247-15-000579-OMG Application Materials and Supplemental Information
2. Vicinity Map
3. Agency and Public Comments
4. Draft Outdoor Mass Gathering permit, Document No. 2015-710 (one owner/location)
5. Draft Outdoor Mass Gathering permit, Document No. 2015-710 (two owners/locations)



**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: 2760 -

**PLEASE PRINT**

Applicant/Organizer: 4 Peaks Presents LLC Phone: (541) 382-8064

Mailing Address: 1411 NW West Hills City/State/Zip: Bend OR 97703

Property Description: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot 1711010000200

Address: 19449 Tomato Reservoir Rd City/State/Zip: Bend OR 97701

Estimated Attendance: 1500 Date and Time of Gathering: June 17-19, 2016 9am-10pm

Description of Type of Gathering/Purpose (i.e., music, art, etc.) with set up starting on June 11th, clean up June 20th.

A multiday, outdoor family oriented bluegrass/folk/americana 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: \_\_\_\_\_  
ENVIRONMENTAL HEALTH DIVISION (indicates approval of sanitary facilities in accordance with 8.16.220)

\_\_\_\_\_  
FIRE PROTECTION DISTRICT OR STATE FIRE MARSHAL (indicates approval of fire protection devices on-site, in accordance with 8.16.230)

\_\_\_\_\_  
COUNTY HEALTH DEPARTMENT (indicates approval of medical service, in accordance with 8.16.240)

\_\_\_\_\_  
DESCHUTES COUNTY SHERIFF (indicates approval of a public safety plan and parking plan in accordance with 8.16.250 and 8.16.260, respectively)

SCANNED  
OCT 30 2015

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

Applicant's Signature: Stacy Totland Date: 10/23/15

Property Owner's Signature (if different)\*: \_\_\_\_\_ Date: 10-27-15

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)

Signature page received 11/13/15



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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 Howe  
ENVIRONMENTAL HEALTH DIVISION (indicates approval of sanitary facilities in accordance with 8.16.220)

FIRE PROTECTION DISTRICT OR STATE FIRE MARSHAL (indicates approval of fire protection devices on-site, in accordance with 8.16.230)

Tom Kubler, Ambulance Service Area Administrator  
COUNTY HEALTH DEPARTMENT (indicates approval of medical service, in accordance with 8.16.240)

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:

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Applicant's Signature: Stacy Totland Date: 10/23/15

Property Owner's Signature (if different)\*: \_\_\_\_\_ Date: 10-27-15

Agent's Name (if applicable): \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

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- ENVIRONMENTAL HEALTH DIVISION (indicates approval of sanitary facilities in accordance with 8.16.220)
  - [Signature]  
FIRE PROTECTION DISTRICT OR STATE FIRE MARSHAL (indicates approval of fire protection devices on-site, in accordance with 8.16.230)
  - COUNTY HEALTH DEPARTMENT (indicates approval of medical service, in accordance with 8.16.240)
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Property Owner's Signature (if different)\*: [Signature] Date: 10-27-15

Agent's Name (if applicable): \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Mailing Address: 14111 NW West Hills Ave City/State/Zip: Bend OR 97701

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  - Pave B Garrison
  - DESCHUTES COUNTY SHERIFF (indicates approval of a public safety plan and parking plan in accordance with 8.16.250 and 8.16.260, respectively)

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Applicant's Signature: Stacy Totland Date: 10/23/15

Property Owner's Signature (if different)\*: \_\_\_\_\_ Date: 10-27-15

Agent's Name (if applicable): \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

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

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## 4 Peaks 2016 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 17<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup> of 2016 and will be located at 19449 Tumalo Reservoir Road, Bend, OR. 97701.

Setting up for this event is to begin on June 11<sup>th</sup> 2016. Clean up and removal of all signs, temporary structures will be concluded by day's end on June 20<sup>th</sup> 2016 Debris and rubbish will be hauled away no later than June 20<sup>th</sup> 2016.

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.

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 requesting a waiver of a portion of the permit fee.

Due to the fact that;

1. This is a renewal application for an outdoor mass gathering permit.
2. The County has previously reviewed and approved our operational practices.
3. 4 Peaks LLC provides its own security, crowd, and traffic control therefor no County law enforcement or other County services are necessary to maintain a presence on site.
4. 4 Peaks LLC has a history for 8 years of cooperation and compliance with County officials.
5. 4 Peaks LLC feels that a fee equal to that of an appeal should cover the cost of renewal.

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 17-19, 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 17-19, with set up and take down of the event expected to begin on June 11<sup>th</sup>, 2016 and end on June 20<sup>th</sup> 2016

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 11, 2016, with take down being completed no later than 4:00 pm on June 20<sup>th</sup> 2016. The event will begin at 11:00 Am on June 17<sup>th</sup>, and end at 10:00pm. The event will begin at 10:00 am on June 18<sup>th</sup>, and end at 10:00 pm. The patrons will be leaving and crews will begin take down and clean up on June 19, 2016. Camp ground will open at 1:00 pm on June 16<sup>th</sup> for early bird camping arrivals, to help ease traffic and parking congestion during evening rush hour

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 1500 tickets will be sold for the event. With staff, volunteers and musicians coming and going, total attendance will not exceed 1800 at anytime during the weekend.

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 4<sup>th</sup> 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 E 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

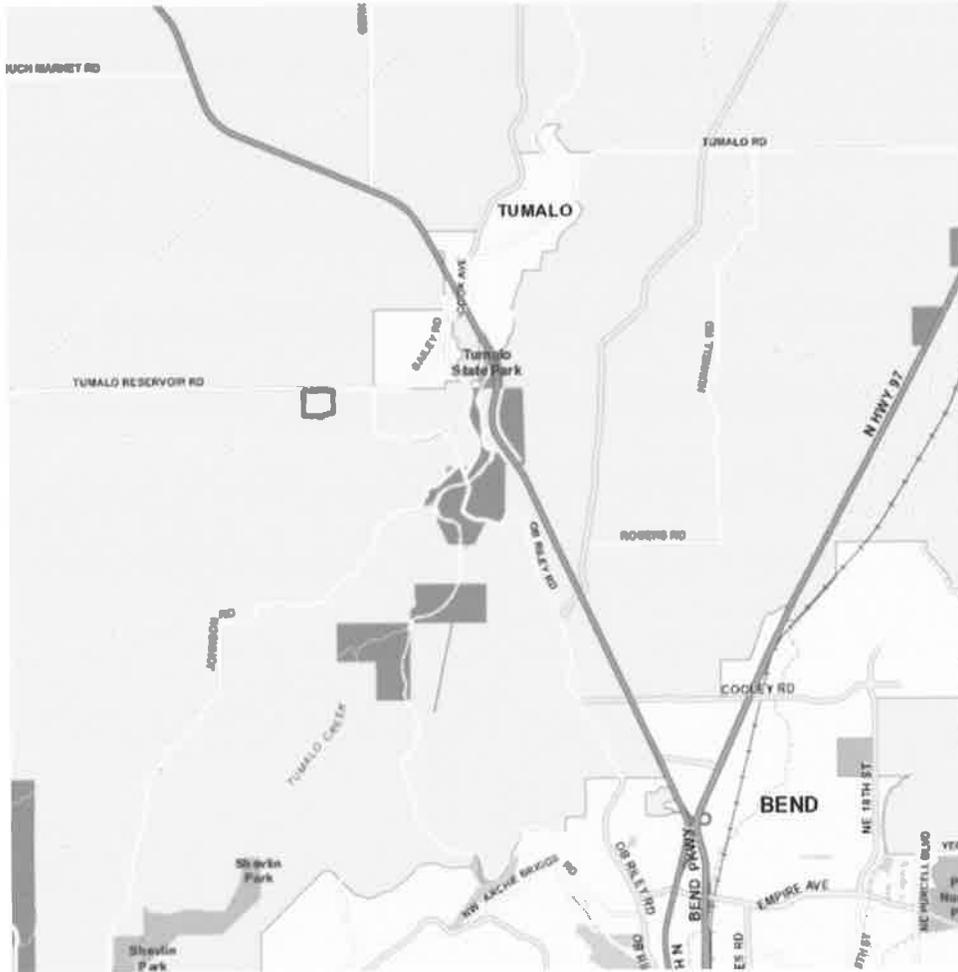
**Situs Address:** \*\*NO SITUS ADDRESS\*\*

**Tax Status:** Assessable

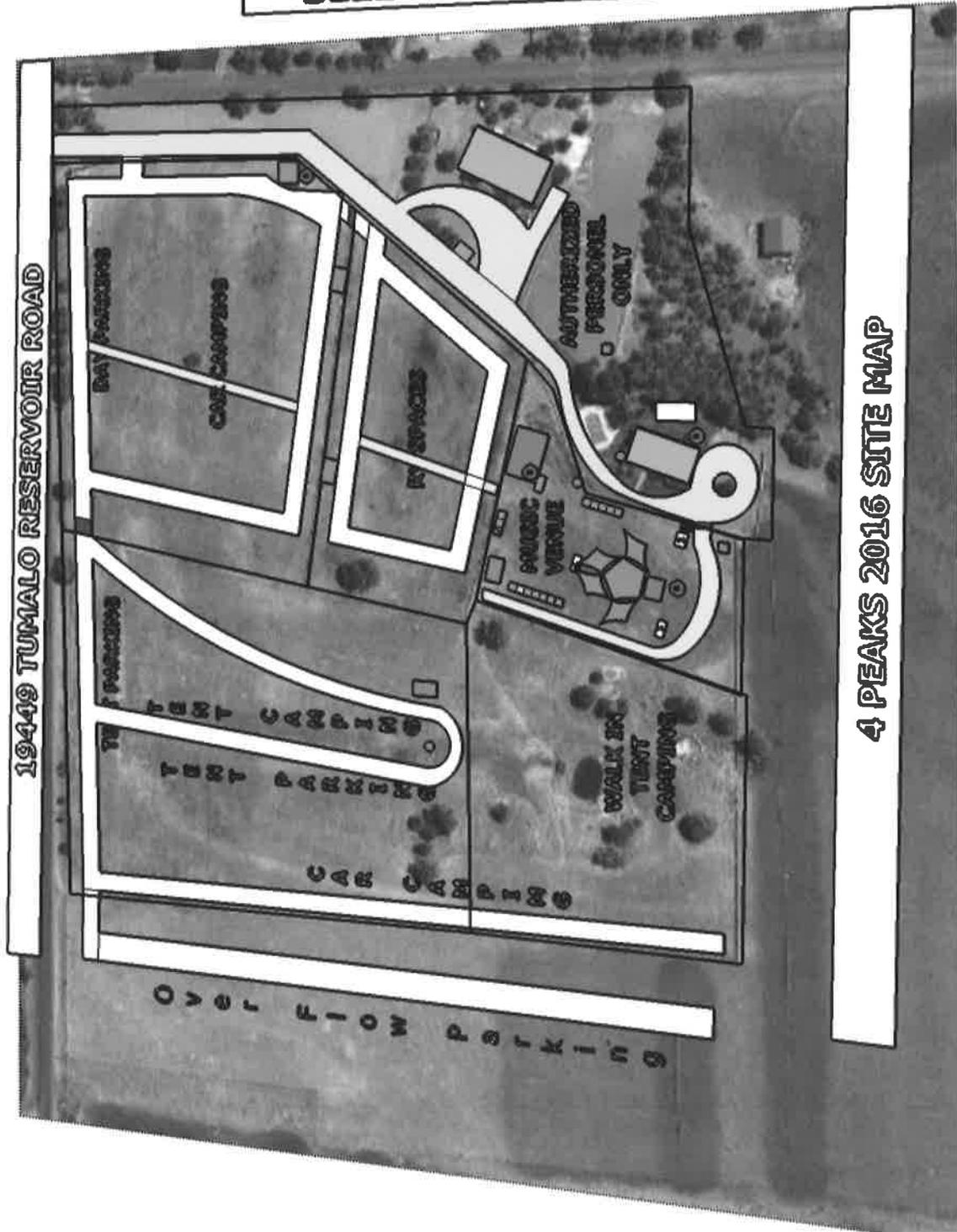
# Exhibit B

4 Peaks Site location

19449 Tumalo Reservoir Road Bend Or 97701



# Exhibit C



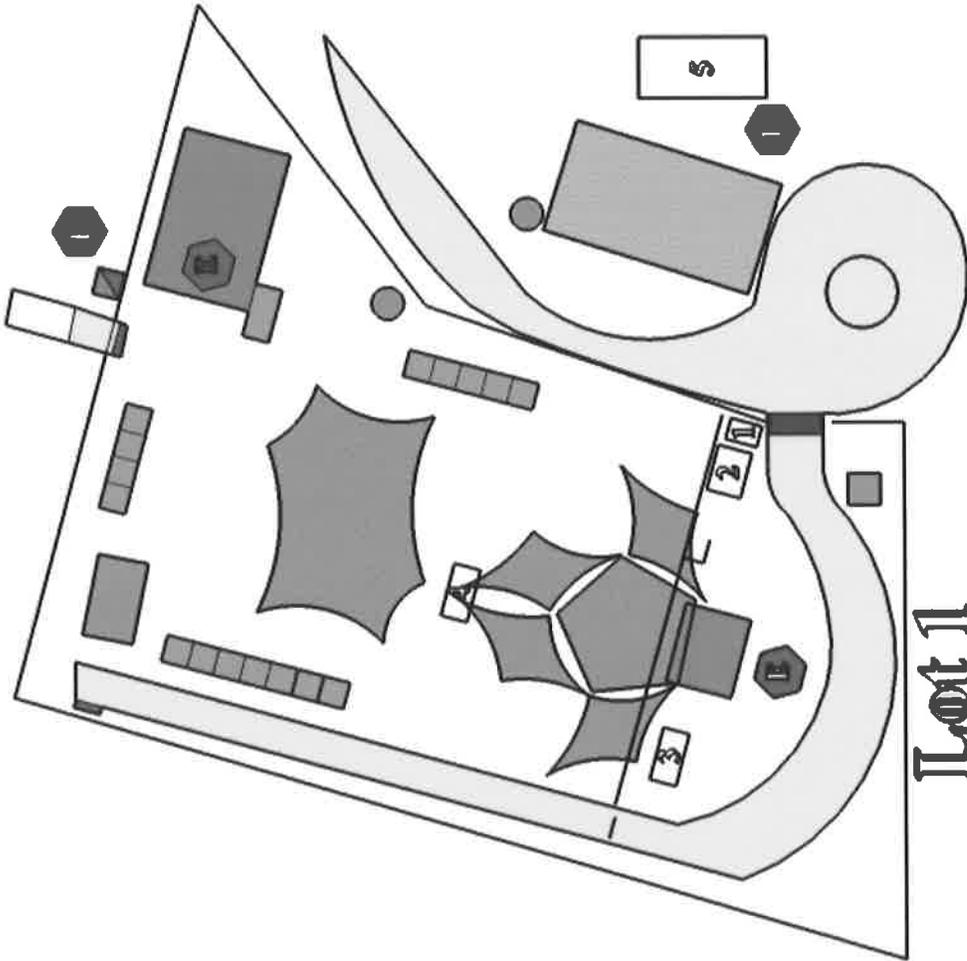
**MAP KEY**

- Ticketing/AMS CM
- MUSIC PASTURE ENTRANCE
- STAGE(6)
- VENDORS
- Restrooms
- WATER
- FIRST AID
- SERVICE ROAD
- ACCESS ROADS
- FIRE ROAD
- SHADE CANOPY
- GENERATOR
- AUDIOVISUAL
- BACK STAGE HOSPITALITY
- SOUND BOOTH
- VIP HOSPITALITY
- HOUSE
- DUMPSTER

● 0 25 100 200  
 SCALE  
 Fire Extinguisher

4 PEAKS 2016 SITE MAP

# Exhibit D



Lot 1

Music pasture

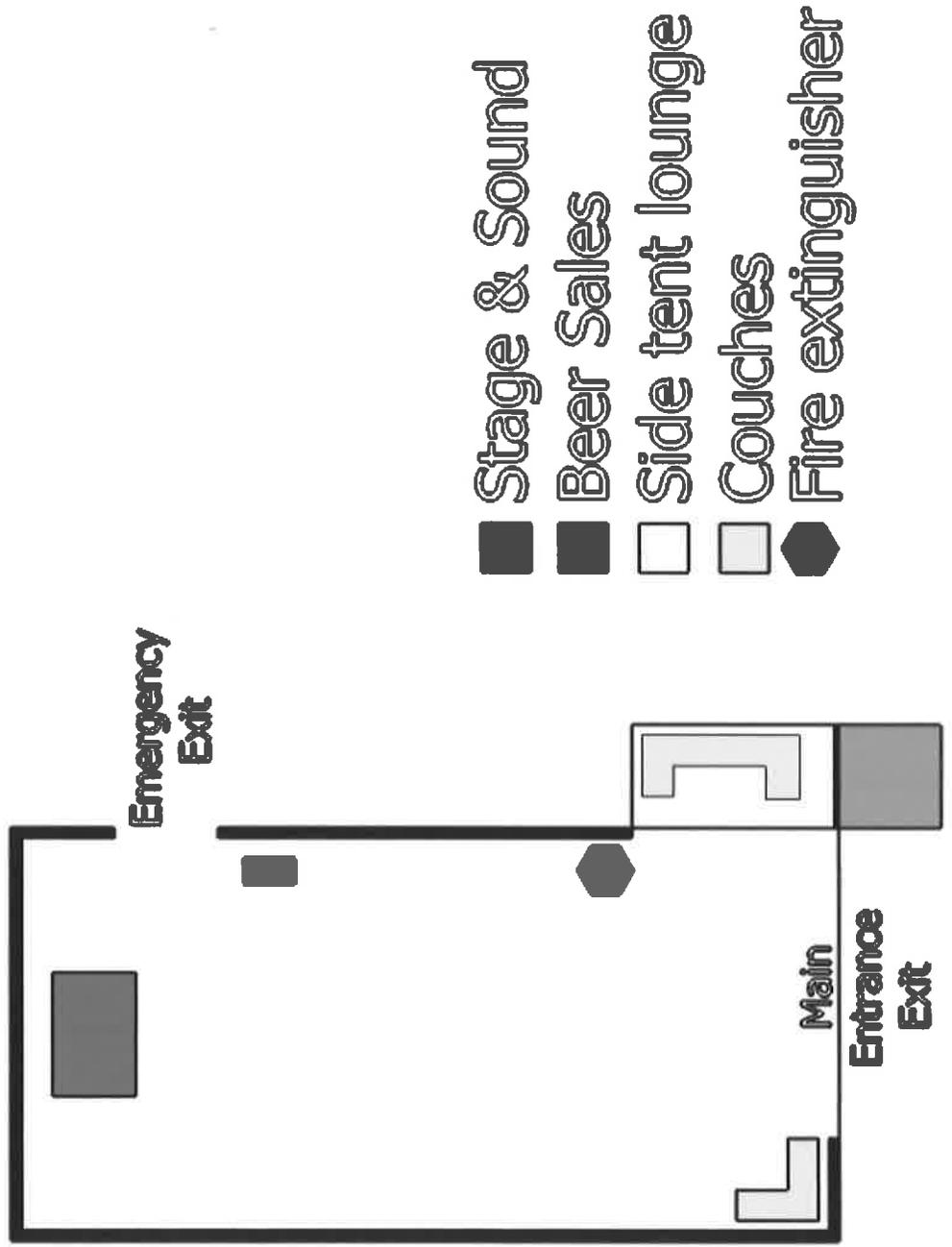
## MAP KEY

	MUSIC PASTURE ENTRANCE
	STAGE(S)
	VENDORS
	Restrooms
	WATER
	W/TH C&M/FIRST AID
	SERVICE ROAD
	ACCESS ROADS
	FIRE ROAD
	SHADE CANOPY
	GENERATOR
	AUDIO/VISUAL
	BACK STAGE HOSPITALITY
	SOUND BOOTH
	VIP HOSPITALITY
	HOUSE
	DUMPSTER

0 50 100 200

SCALE

# 4 Peaks Tweener Stage Tent



## Exhibit E

10/30/2015

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 2016 will take place at 19449 Tumalo Reservoir Road Bend, OR 97701 on June 17th thru 19<sup>th</sup>. with set up starting on June 11<sup>th</sup>. and clean up to be completed on June 20<sup>th</sup> Expected attendance is 1500 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  
Edward Han – CPR/MD/EMT  
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 4<sup>th</sup> Street is preferable. The applicant will supply written confirmation of this determination prior to the public hearing.

October 28<sup>th</sup>, 2015

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.

Based on previous recommendations by Steve O'Malley, EMS Coordinator for Deschutes County, he stated 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

## Exhibit F

10/27/2015

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 2016 will take place at 19449 Tumalo Reservoir Road Bend, OR 97701 on June 11th thru 20<sup>th</sup>. Set up is scheduled to begin on June 11th and clean up to be completed on June 20<sup>th</sup>. Expected attendance is 1500 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 12 noon 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 2016 will take place at 19449 Tumalo Reservoir Road Bend, OR 97701 on June 17th thru 19<sup>th</sup> with set up starting on June 11<sup>th</sup> and clean up to be completed on June 20<sup>th</sup>. Expected attendance is 1500 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](mailto:info@northwestinvestigativeservice.com)

Exhibit G  
10/27/2015

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 2016 will take place at 19449 Tumalo Reservoir Road Bend, OR. 97701 on June 17<sup>th</sup> thru 19<sup>th</sup> with set up starting on June 11<sup>th</sup> and clean up to be completed on June 20<sup>th</sup>. Expected attendance is 1500 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 (26) standard toilets, 2 ADA toilets (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

**3. Hand Washing Facilities**

Six (8) 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. First test results (for coliform and nitrates) will be submitted in December 2015, with second test results (for Coliform only) submitted in May 2016

**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 20<sup>th</sup>

Containers and removal services provided by;  
Bend Garbage and Recycling (541) 382-2263

**6. Food Service Facilities**

(locations shown on maps C and D)

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

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

## Cynthia Smidt

---

**From:** Stacy <stacy4peaks@gmail.com>  
**Sent:** Friday, November 13, 2015 3:26 PM  
**To:** Cynthia Smidt  
**Subject:** Addendum.  
**Attachments:** Addendum to Exhibit F.docx; ATT00001.txt

Hi there I didn't get to print this out before I drop things off to you today. Must be my sick and foggy head. Will this do or do you need a original hard copy? Thank you so much and I'll talk to you soon

## Addendum to Exhibit F

In order to clarify our security plan the third paragraph of Exhibit F should read:

4 Peaks LLC has contracted with Andrew Walters of Northwest Investigative Service to provide security for the event. A minimum Six (6) uniformed DPSST licensed personnel will be on duty during the festival with additional personnel on call, Additional personnel will be added as needed to maintain a ratio of 1 security person to 100 persons attending on site. 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.

## Cynthia Smidt

---

**From:** Totland Stacy <stacy4peaks@gmail.com>  
**Sent:** Monday, November 16, 2015 1:09 PM  
**To:** Cynthia Smidt  
**Subject:** Re: OMG schedule clarification

O, Ok, do you want me to send you the '15 schedule? Thats the only thing I took down..... You can look at previous years line ups etc...

Thursday music is TBD but yes, 7-9pm and Sunday 8am Yoga, music 9:30am - 2pm to be safe!

Thanks and sorry for any confusion.

-Stacy

Stacy Totland  
Owner, 4 Peaks Presents  
Manager, Sagewood Properties  
[stacy4peaks@gmail.com](mailto:stacy4peaks@gmail.com)  
c. 541.350.6474  
h. 541.382.8064

On Nov 16, 2015, at 1:05 PM, Cynthia Smidt <[Cynthia.Smidt@deschutes.org](mailto:Cynthia.Smidt@deschutes.org)> wrote:

Stacy,

Will Thursday eve be the same at 2015 from 7-9pm?

When does the festival (yoga and kids music/events) end on Sunday? 1pm?

Thanks

Cyn

---

**From:** Totland Stacy [<mailto:stacy4peaks@gmail.com>]  
**Sent:** Monday, November 16, 2015 12:52 PM  
**To:** Cynthia Smidt  
**Subject:** Re: OMG schedule clarification  
**Importance:** High

Ok will do. We have acoustic local music in the tent on Thursday eve and then again Sunday morning - Kids are playing in the tent Sunday and yoga happens in the am.

Nothing on the main stage until 11am on Friday and ends at 10pm both nights. Nothing on the main stage on Sunday. Sorry!

Thanks

Stacy

Stacy Totland  
Owner, 4 Peaks Presents  
Manager, Sagewood Properties  
[stacy4peaks@gmail.com](mailto:stacy4peaks@gmail.com)  
c. 541.350.6474  
h. 541.382.8064

On Nov 16, 2015, at 12:48 PM, Cynthia Smidt <[Cynthia.Smidt@deschutes.org](mailto:Cynthia.Smidt@deschutes.org)> wrote:

Stacy,

I was looking at your website at your 2015 schedule. It shows music on Thursday evening 7-10 and Sunday morning/afternoon in the side tent. This is not what was advertised with the previous OMG permits or this 2016 permit. Could you please clarify when the event actually starts. Your burden of proof states the event starts on Friday at 11 am not Thursday eve and it ends on Saturday evening not on Sunday. Please clarify and list all events regardless if in the side tent or main stage. Thanks.

*Cynthia Smidt*

Deschutes County Community Development  
Post Office Box 6005  
117 NW Lafayette Avenue  
Bend, Oregon 97708-6005  
Phone: (541) 317-3150  
Fax: (541) 385-1764  
Email: [Cynthia.Smidt@deschutes.org](mailto:Cynthia.Smidt@deschutes.org)  
Website: <http://www.deschutes.org/cdd/>

**NOTICE:** *This communication may contain privileged or other confidential information. If you are not the intended recipient or believe that you may have received this communication in error, please reply to sender indicating that fact and delete the copy you received. In addition, you should not print, copy, retransmit, disseminate, or otherwise use the information without first receiving authorization from the sender. Thank you.*

## Cynthia Smidt

---

**From:** Totland Stacy <stacy4peaks@gmail.com>  
**Sent:** Monday, November 16, 2015 4:49 PM  
**To:** Cynthia Smidt  
**Subject:** Re: OMG dates and times

**Importance:** High

Sorry - We start at 9am, not sure why we have that on there, maybe because we are allowed to start construction at 7am? Not the event, I know. Is the building code different than the OMG code? Sorry about that.... the site manager (Jef) and myself show up early and plan the day and have coffee with homeowner... workers dont show up until 9am.

thanks  
Stacy

Stacy Totland  
Owner, 4 Peaks Presents  
Manager, Sagewood Properties  
[www.4peaksmusic.com](http://www.4peaksmusic.com)  
[stacy4peaks@gmail.com](mailto:stacy4peaks@gmail.com)  
c. 541.350.6474  
o. 541.382.8064

On Nov 16, 2015, at 4:42 PM, Cynthia Smidt <[Cynthia.Smidt@deschutes.org](mailto:Cynthia.Smidt@deschutes.org)> wrote:

Hi Stacy,

This one we clarified last year. Your narrative statement, however, does not show the change we made last year. So, I need to clarify this again.

Your set-up starts on Saturday, June 11... at 7 a.m.  
The time does not meet the code. Start time cannot occur earlier than 9 a.m.

*Cynthia Smidt*

Deschutes County Community Development  
Post Office Box 6005  
117 NW Lafayette Avenue  
Bend, Oregon 97708-6005  
Phone: (541) 317-3150  
Fax: (541) 385-1764  
Email: [Cynthia.Smidt@deschutes.org](mailto:Cynthia.Smidt@deschutes.org)  
Website: <http://www.deschutes.org/cdd/>

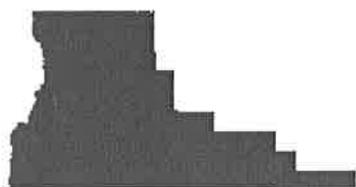
*NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient or believe that you may have received this communication in error, please reply to sender indicating that fact and delete the copy you received. In addition, you should not print, copy, retransmit, disseminate, or otherwise use the information without first receiving authorization from the sender. Thank you.*

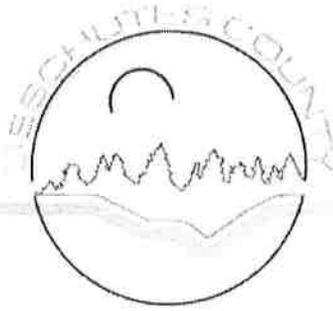
# Deschutes County File 247-15-000579-OMG

19449 Tumalo Reservoir Road, Bend



Deschutes County GIS, Sources: Esri, USGS, NOAA





# 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/>

November 3, 2015

RECEIVED

Deschutes County Road Dept.  
61150 SE 27<sup>th</sup> St.  
Bend, OR 97702

NOV 04 2015

DESCHUTES CO  
ROAD DEPT

The Deschutes County Planning Division has received the attached applications. Your agency may be affected or have concerns about this proposal.

File Number: 247-15-000579-OMG

Applicant: 4 Peaks Presents, LLC

Proposal: Outdoor Mass Gathering permit for the 2016 - 4 Peaks Music Festival on a 19.5-acre parcel. The music festival would include RV and tent camping, parking, and food and drink for an estimated 1,500 people

Location: 19449 Tumalo Reservoir Road, Bend; Tax Map 17-11-1 as Tax Lot 200

In order for the Planning Division to consider your comments they must be received by November 17, 2015. If there are significant questions or problems with this application, a meeting with the applicant and the Planning Division may be necessary. This meeting should be requested as soon as possible.

List facts, adopted policies, or any other comments you feel may apply to this application (feel free to attach a separate sheet or email comments).

*THE ROAD DEPARTMENT HAS NOT RECEIVED ANY COMPLAINTS CONCERNING THIS  
EVENT IN THE PAST*

Suggested action by Deschutes County:

\_\_\_\_\_  
\_\_\_\_\_

No Comments

Check if you would like a copy of the Staff Report or Findings and Decision.

Agent *[Signature]* Date 11/3/15

Please contact Cynthia Smidt, Associate Planner, at (541) 317-3150; email [Cynthia.Smidt@deschutes.org](mailto:Cynthia.Smidt@deschutes.org).

## Cynthia Smidt

---

**From:** Laurie Smith  
**Sent:** Wednesday, November 04, 2015 2:59 PM  
**To:** Cynthia Smidt  
**Subject:** re: 4 Peaks Presents, LLC

Risk has no concerns with this event. Thank you



**Laurie Smith | Claims Coordinator**

**Deschutes County Risk Management**

1300 NW Wall St. 2<sup>nd</sup> Floor | Bend, Oregon 97701

PO Box 6005 | Bend, Oregon 97708-6005

Tel: (541) 385-1749 | Fax: (541) 617-4748



*Enhancing the lives of citizens by delivering quality services in a cost-effective manner.*



# 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/>

November 3, 2015

Deschutes County Assessor  
1300 NW Wall St.  
Bend, OR 97701

The Deschutes County Planning Division has received the attached applications. Your agency may be affected or have concerns about this proposal.

File Number: 247-15-000579-OMG

Applicant: 4 Peaks Presents, LLC

Proposal: Outdoor Mass Gathering permit for the 2016 - 4 Peaks Music Festival on a 19.5-acre parcel. The music festival would include RV and tent camping, parking, and food and drink for an estimated 1,500 people

Location: 19449 Tumalo Reservoir Road, Bend; Tax Map 17-11-1 as Tax Lot 200

In order for the Planning Division to consider your comments they must be received by November 17, 2015. If there are significant questions or problems with this application, a meeting with the applicant and the Planning Division may be necessary. This meeting should be requested as soon as possible.

List facts, adopted policies, or any other comments you feel may apply to this application (feel free to attach a separate sheet or email comments).

*currently under deferral*

Suggested action by Deschutes County:

No Comments

Check if you would like a copy of the Staff Report or Findings and Decision.

Agent *Theresa Orum* Date *11/12/15*

Please contact Cynthia Smidt, Associate Planner, at (541) 317-3150; email [Cynthia.Smidt@deschutes.org](mailto:Cynthia.Smidt@deschutes.org)

## Cynthia Smidt

---

**From:** Larry Medina <lmedina@bendoregon.gov>  
**Sent:** Monday, November 16, 2015 2:30 PM  
**To:** Cynthia Smidt  
**Subject:** RE: 4 Peaks Music Festival

It would be best to add the requirements again that we have used in the past and provided in your email.

Thanks,

Larry Medina  
Deputy Chief/Fire Marshal  
City of Bend Fire Department  
541-322-6308

**From:** Cynthia Smidt [<mailto:Cynthia.Smidt@deschutes.org>]  
**Sent:** Monday, November 16, 2015 1:56 PM  
**To:** Larry Medina <lmedina@bendoregon.gov>  
**Subject:** 4 Peaks Music Festival

Hi Larry,

Re: 4 Peaks Music Festival (June 2016), Outdoor Mass Gathering permit 247-15-000579-OMG

Looks like you signed on the application for the 4 Peaks Music Festival. However, your office usually gives us some run down of requirements and we incorporate them into the Outdoor Mass Gathering permit. I'm currently working on this report to the County Commissioners and want to double check if we should add requirements again (or at least more specific requirements). Below is a list of some of what we required in the last two years.

1. 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.
2. 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.
3. Vendors cooking outdoors shall comply with the Bend Fire Department and the City of Bend "Open Cooking Concession Requirements."
4. 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."
5. All tents, canopies, and temporary structures shall comply with the Bend Fire Department regulations.
6. Campfires, bonfires and other recreational open burning are prohibited.
7. 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 4<sup>th</sup> Street, less than 1.5 miles from the event site, or the next available responding ambulance unit.

*Cynthia Smidt*

Deschutes County Community Development

Post Office Box 6005

117 NW Lafayette Avenue

Bend, Oregon 97708-6005

Phone: (541) 317-3150

Fax: (541) 385-1764

Email: [Cynthia.Smidt@deschutes.org](mailto:Cynthia.Smidt@deschutes.org)

Website: <http://www.deschutes.org/cdd/>

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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 11, 2016 – JUNE 20, 2016, 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 (247-15-000579-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, LLC 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 (1,500) by 10 percent. The total number of attendees, including musicians, vendors, staff, and security, shall not exceed 1,650 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 15, 2016.
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 4<sup>th</sup> 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. Security will be in place at all times.
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.
- 32. Requested overflow parking at 64343 High Mowing Lane is presently DENIED due to the applicant's inability to secure written authorization from the subject property owner.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2015

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
ANTHONY DEBONE, Chair

\_\_\_\_\_  
ALAN UNGER, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
TAMMY BANEY, Commissioner

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

LOCATION (Overflow Parking Site): 64343 HIGH MOWING LANE, BEND

OWNER (Overflow Parking Site): DIANA MCCLASKEY REVOCABLE LIVING TRUST

TYPE, DATES & TIME OF EVENT: MUSIC FESTIVAL, JUNE 11, 2016 – JUNE 20, 2016, 9:00 AM TO 10:00 PM

OPERATOR: 4 PEAKS PRESENTS, LLC PHONE: 541 350-6474

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1. Fourteen days prior to the event, 4 Peak Presents, LLC 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.
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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.
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Dated this \_\_\_\_\_ of \_\_\_\_\_, 2015

BOARD OF COUNTY COMMISSIONERS

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ANTHONY DEBONE, Chair

\_\_\_\_\_  
ALAN UNGER, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
TAMMY BANEY, Commissioner