

**WASCO COUNTY BOARD OF COMMISSIONERS**  
**PUBLIC HEARING / AGENDA FRIDAY, OCTOBER 21, 2016**  
**LOCATION: Dufur School Cafeteria**  
**802 NE 5th St, Dufur, OR 97021**

**Public Comment:** Individuals wishing to address the Commission on items listed on the Agenda please wait for the current speaker to conclude and raise your hand to be recognized by the Chair for direction. Speakers are required to give their name and address. Please limit comments from three to five minutes, unless extended by the Chair.

**NOTE:** With the exception of Public Hearings, the Agenda is subject to last minute changes; times are approximate – please arrive early. **Meetings are ADA accessible.** For special accommodations please contact the Commission Office in advance, (541) 506-2520. TDD 1-800-735-2900. If you require an interpreter, please contact the Commission Office at least 7 days in advance. **Las reuniones son ADA accesibles.** Por tipo de alojamiento especiales, por favor póngase en contacto con la Oficina de la Comisión de antemano, (541) 506-2520. TDD 1-800-735-2900.

Si necesita un intérprete por favor, póngase en contacto con la Oficina de la Comisión por lo menos siete días de antelación.

5:30 p.m.

**CALL TO ORDER**

5:30 p.m.

[Public Hearing for Outdoor Mass Gathering Permit Application](#)

***ADJOURN***

If necessary, an Executive Session may be held in accordance with: ORS 192.660(2)(a) – Employment of Public Officers, Employees & Agents, ORS 192.660(2)(b) – Discipline of Public Officers & Employees, ORS 192.660(2)(d) – Labor Negotiator Consultations, ORS 192.660(2)(e) – Real Property Transactions, ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection, ORS 192.660(2)(g) – Trade Negotiations, ORS 192.660(2)(h) – Conferring with Legal Counsel regarding litigation, ORS 192.660(2)(i) – Performance Evaluations of Public Officers & Employees, ORS 192.660(2)(j) – Public Investments, ORS 192.660(2)(m) – Security Programs, ORS 192.660(2)(n) – Labor Negotiations



WASCO COUNTY BOARD OF COMMISSIONERS  
WHAT THE FESTIVAL OUTDOOR MASS GATHERING APPLICATION  
PUBLIC HEARING  
OCTOBER 21, 2016

PRESENT: Scott Hege, County Commissioner  
Steve Kramer, County Commissioner  
Rod Runyon, Commission Chair  
STAFF: Tyler Stone, Administrative Officer  
Kathy White, Executive Assistant

At 5:30 p.m. Chair Runyon opened the Public Hearing for the purpose of considering PLAOMG-16-09-0002 – a request for an Outdoor Mass Gathering permit for a music and art festival entitled “What the Festival” June 15-19, 2017 with estimated attendance of 6,600-7,100. He explained the procedure for the hearing:

- Staff report and recommendation
- Applicant presentation
- Public Testimony
- Applicant rebuttal
- Board Deliberations and motion for approval or denial

Chair Runyon asked if any Commissioners wished to disqualify themselves for any personal or financial interest in this matter. There were none.

Chair Runyon asked if any member of the audience wished to challenge the right of any Commissioner to hear this matter. There were none.

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Chair Runyon asked if any member of the audience wished to question the jurisdiction of this body to act on behalf of Wasco County of this matter. There were none.

Chair Runyon asked if any Commissioners needed to disclose ex-parte contacts. There were none.

Senior Planner Dustin Nilsen reviewed the staff report included in the packet. He noted that the event was to be held on the same site as it has been held for the last four years. He reported that the applicant submitted an application as required. He stated that the hearing was posted on October 10, 2016 with a courtesy notice mailed to neighbors on October 13, 2016. Partner agencies were also notified. He explained that this process exceeds statutory requirements.

Mr. Nilsen went on to say that this is not a land use decision but has historically been handled through the planning department. He pointed out that ORS 433.750 states that the governing body of a county in which an outdoor mass gathering is to take place shall issue a permit upon application when the organizer demonstrates compliance with or the ability to comply with the health and safety rules governing outdoor mass gatherings to be regulated according to the anticipated crowd and adopted by the Oregon Health Authority.

Mr. Nilsen explained that this event meets the qualifications to be designated as an outdoor mass gathering – an event that lasts over 24 hours with more than 3,000 in attendance. He then reviewed the items with which the applicant needs to comply in order to be approved and stated that the applicant had met or exceeded all requirements. Mr. Nilsen stated that staff recommends approval of the application.

Chair Runyon asked Glen Boyd, site owner and event organizer, if he wished to say anything. Mr. Boyd stated that he was happy to be here and would be available to answer questions.

Chair Runyon asked who on the sign-in sheet was there to speak in support of the application. Dufur Mayor Robert Wallace said that he has worked with the event organizers and staff and found them to be professional and cooperative. He said that it has been a very positive experience. He reported that he has talked to local businesses asking them of all the annual area events, which has the most positive impact on their business. He stated that the business owners overwhelmingly identified What the Festival as bringing the most business to the area – far more than any other single event. He identified the local gas station, hardware store, grocery store, restaurants and hotels and



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seeing the a lot of business during the event. He added that the event organizers also do as much local hiring as possible.

Mayor Wallace went on to outline the community support provided by the event organizers. He described their participation in the lighted tractor parade and a community work day at the local fair grounds. He said that they have also made contributions to the local school, have committed to provide financial support for the restoration of a stage at the fairgrounds and work with the local chamber of commerce.

Mayor Wallace stated that he has read the 2016 WTF After Action Report and feels like any issues therein are minimal and being addressed. He said he would like to see the permit approved.

Commissioner Hege asked if he had learned of any challenges from the local businesses. Mayor Wallace replied that there had been a request for an extra dumpster and restroom at Kramer's market which was put in place last year. He said that his experience has been that any time there is an issue, the organizers work with the community to address it.

Chair Runyon called on Dr. Wherly who read the following statement into the record:

*It is truly unfortunate that this disruption of our rural community is being repeated year after year.*

*The petitioners parade multiple parties, from not only outside the community, but from outside the state. Each with a clear financial interest in flooding a tranquil rural area with thousands of Portlandians. The few beneficiaries who are actually from Wasco county, don't live in the immediate area either, but in communities where such activities and their associated noise pollution are prohibited, and that includes members of this Board.*

*What-The-Festival has become longer every year, with an ever increasing amount of unwanted noise, (if, as I have been told by friends from as much as 10 miles away, they can hear the pounding of the music, you can imagine what we, the immediate neighbors are experiencing). There has also been significant traffic disruptions and littering.*

*This year the petitioners seek approval for 9,000 attendees. That is roughly equivalent to 1/3 of the entire population of the County, 2/3 the population of The Dalles and 15 times the population of Dufur. While on paper the petitioners may claim their facilities are adequate for such attendance, the surrounding public infrastructure is clearly not, especially the two lane, rural, Dufur Valley Road.*

*The number of permitted attendees authorized, must consider the impeding of access and egress, of not only other area residents, but also factors of safety, disruption of traffic flow to and from Route 35 and the national forest and most critically, emergency services throughout the area, especially during the height of the fire season.*



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*Zoned F2, AG and timber, there are existing restrictions, limiting noise to between the hours of 7 a.m. and 10 p.m. and which apply to the conforming land users. But have the Commissioners applied these same noise restrictions on this nonconforming activity? NO.*

*The Board claims to not have the ability to deny a permit under existing Oregon State statutes, but it does have the ability and in this case the obligation, to stipulate noise limits as well as limitations on attendees within such permitting.*

*The 7 a.m. to 10 p.m. restrictions are pervasive across the state, and are not unreasonable. There can be no excuse or justification for not applying them. Such restrictions are also consistent with every incorporated municipality within this and adjacent Counties, in which such restrictions would apply, legally, to an outdoor mass gathering.*

*It is incumbent on the Board to provide equitable protection and, at least a minimum consistency in such protection. Failure to do so only serves as a further testament to the indifference, and a disregard for other residents and property owners of the unincorporated County, and the rural environment that is disrupted.*

*Objections by the petitioners, of how these restrictions will ruin their festival, only serves to both acknowledge the extent of the disruptions, and reinforce such contempt for others.*

Commissioner Hege asked Dr. Wherly if he had noticed any differences in the noise over the years. Dr. Wherly replied that there are differences but no improvements. He stated that his home is located as the nearest residence to the stages. He said that his home is also in the direct pervasive wind pattern. He said that the wind carries the noise through the valley as well. He said that the problem isn't just the time of day but after 10 p.m. it is egregious. He said that he is looking for electronically enhanced noise restrictions. He asked who they would exodus 9,000 people in case of a fire. He added that it is disruptive to traffic patterns for locals and tourists.

Chair Runyon asked if anyone else wished to provide testimony. Rocky Webb said that he has attended the festival to see what it was like. He said that he found it to be well-organized. He said that he is well acquainted with many locals and has talked to them about the festival. He said that none have expressed opposition; they seem to appreciate the economic benefit. He said that he has not talked to any ranchers who have any problems and listed some of the ranchers with whom he has spoken. He said that he has done business with these ranchers and they have not issued any concerns and have said they like to see the community benefits.

Chair Runyon asked Mr. Boyd if he would like to respond to any of the comments. Mr. Boyd said that he is not a traffic expert but the Sheriff comes out many times to monitor the traffic going in and out. He said that he has not heard any concerns of impact to



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getting in or out. He stated that they have a commitment to not back up Dufur Valley Road and take that very seriously.

Mr. Boyd went on to say that they shut down the main stage at midnight – it runs from 11 a.m. to midnight. He said that all the stages are turned away from neighbors whenever possible. He stated that after midnight, the smaller stages are used. He said that they are sensitive to the sound issues; they go out and measure and the sound does not register off-site. He said that you can hear something but you can also hear a dog bark. He stated that they shut down at midnight as they have committed to do.

Commissioner Kramer said that he had an opportunity to visit with Judy who lives on Wolf Run. He said that Judy had complained last year but not until after the event. He stated that he let her know that it is important to report issues at the time of the occurrence. He reported that Judy told him that Mr. Boyd has spoken with her and they are working toward a positive solution. He said that he is convinced that things are working well.

Chair Runyon said that in reviewing the After Action report it appears that contact during the event has been minimal and security has been good. Sheriff Lane Magill reported that they had a walk-through Thursday, meeting with Mr. Boyd and the Moonshine staff. He said that they discussed noise and traffic. He said that he paid more attention to traffic due to the expected increase in attendance. He said that last year there was a snag on Friday night with a back-up of 15 cars; organizers notified the Sheriff's office right away and called back within a few minutes to report that they had solved the problem and did not expect any further issues.

Sheriff Magill continued by saying that there had been 58 traffic stops in the area during last year's event with no citations for speeding although they did receive one complaint about a speeder. He reported that one of the traffic stops resulted in the confiscation of marijuana. In addition there was a report of theft from a vendor which they investigated and an issue with one of the bands; he said that onsite security handled it very effectively and he was quite impressed.

Sheriff Magill said that he makes it a point to sit above the box office – at 12:00 Midnight exactly, the music was shut off. He said that before the music was shut down, he went to an area east of the site. He said that due to the bass noise traveling, the organizers have implemented noise cancelling reverse bass technology. He said that he went to the end of Wolf Run and found that the noise was very low and after midnight was inaudible. He concluded by saying that Dufur Fire and Ambulance had received no calls from last year's event.



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Commissioner Hege commented that the Board had received comments from Ken Thomas and asked if there is anything in the comments that raise concerns. Mr. Nilsen replied that Planning is bound to limit themselves to the OAR requirements and have no additional comments. Mr. Boyd observed that these are the same issues Mr. Thomas raises every year; he stated that repeating an untruth does not make it a truth.

Chair Runyon said that he appreciates the efforts organizers have made to reduce the impacts of noise. Mr. Boyd stated that the noise cancelling technology which creates a reverse sound wave, is expensive – not many other events employ the technology – but they want to do what they can to address local concerns. He said that it does not eliminate noise but greatly reduces it.

Dr. Wherly commented that if they have the technology, they should use it throughout the event rather than using it only after midnight.

Chair Runyon asked if anyone else wished to comment. There being none, he closed the hearing and moved to deliberation.

Commissioner Hege said that he has been involved with this process for a number of years and has taken it seriously. He said that in the early years there were a lot of issues, primarily related to noise, but it is obvious that the applicant is doing all they can to minimize the issues. He said that he has been in government for a long time and this has been one of the best firms to work with; they always do their best to comply with requests. He stated that he has personally heard many, many positive comments. He said the fact that their staff comes and works in the community and provides funding and labor for community projects is exemplary; not many events like this do that – in fact, he is not aware of any others that do. He said that he has been on site a number of times and was incredibly impressed. He stated that he was there at midnight and even though the band was mid-stream, the performance just stopped. He said that he appreciates the fact that the organizers meet their obligations.

Commissioner Hege went on to say that he has been in the neighboring areas and cannot say that there is no noise but he can say that it is very limited. He stated that he appreciates that it may be different if you are there 24 hours a day. He said it is a positive event and there are not a lot of challenges.

Commissioner Kramer stated that Commissioner Hege's comments were well-put and he completely agrees

**{{{Commissioner Kramer moved to approve Order 16-063 approving an outdoor mass gathering for "What the Festival," a music and art festival, June 15-19, 2017,**

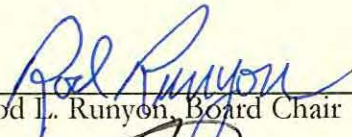
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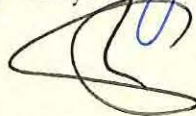
**File # PLAOMG-16-09-0002. Commissioner Hege seconded the motion which passed unanimously.}}**

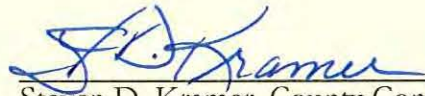
Commissioner Hege expressed the Board's appreciation for all the work done by staff. Chair Runyon added the Board's appreciation for all those who attended the hearing and said that he looks to the organizers to continue best practices.

Chair Runyon adjourned the hearing at 6:22 p.m.

Wasco County  
Board of Commissioners

  
\_\_\_\_\_  
Rod L. Runyon, Board Chair

  
\_\_\_\_\_  
Scott C. Hege, County Commissioner

  
\_\_\_\_\_  
Steven D. Kramer, County Commissioner



## **What the Festival Outdoor Mass Gathering Application**

- Summary
  - Options & Staff Recommendation
  - Recommended Conditions
  - Maps
  - Staff Report
  - Sanitary Food Service Requirements
  - Wildland Fire Protection Plan
- Moonshine Events OMG Permit Application
  - Permit Narrative
  - Sheriff's Approval



# Wasco County Planning Department

*"Service, Sustainability & Solutions"*

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## SUMMARY OF INFORMATION

Prepared for Wasco County Board of Commissioners Hearing

**FILE #** PLAOMG-16-09-0002

**HEARING DATE:**

October 21, 2016

**PUBLISH DATE:**

October 13, 2016

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**REQUEST:** Outdoor Mass Gathering permit for a music and art festival entitled "What the Festival," June 15-19, 2017. Total attendance of participants and staff not to exceed 9,000.

**RECOMMENDATION:** Approval, with conditions

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### APPLICANT/OWNER INFORMATION:

**Applicant:** Moonshine Events, LLC, 25 NW 23<sup>rd</sup> Place, Suite 6, PMB 505, Portland, OR 97210

**Owner:** Wolf Run Ranch, LLC, 25 NW 23<sup>rd</sup> Place, Suite 6, PMB 505, Portland, OR 97210

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### PROPERTY INFORMATION:

The property is located on the north side of Dufur Valley Road, approximately 10 miles southwest of Dufur, OR. More specifically described as:

78889 Dufur Valley Road, Dufur, OR 97021

<u>Existing Tax Lot</u>	<u>Previous</u>	<u>Acct#</u>	<u>Acres</u>
2S 12E 0 1400	2S 12E 0 2000	9603	245

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### ATTACHMENTS:

- A. Options & Staff Recommendation**
- B. Recommended Conditions**
- C. Maps**
- D. Staff Report**
- E. Sanitary Food Service Requirements**
- F. Wildland Fire Prevention Plan**



## ATTACHMENT A – OPTIONS & STAFF RECOMMENDATION

Under ORS 433.750, the Board of County Commissioners is the only body authorized to issue an Outdoor Mass Gathering permit in Wasco County. While Wasco County has exercised its authority to expand the definition of outdoor mass gathering, the only applicable regulations are those contained in ORS 433.735 to 433.770 and OAR 333 Division 39.

The following Staff Report provides background information and addresses the applicable standards. After reviewing the applicable regulations, Staff has identified the following four options for consideration by the Board of County Commissioners.

### Board of County Commissioner Options:

1. **Approve** the application for an Outdoor Mass Gathering, and accept the proposed conditions and findings contained in the Staff Report.
2. **Approve** the application for an Outdoor Mass Gathering with amended findings and conditions.
3. **Deny** the application with amended findings that the request does not comply with the applicable health and safety regulations contained in ORS 433.735 to 433.770 and OAR 333 Division 39
4. **Continue** the hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed.

### Staff Recommendation:

Staff recommends **Option 1** – Approve the application for an Outdoor Mass Gathering, and accept the proposed conditions and findings contained in the Staff Report (**Attachment D**).

## ATTACHMENT B – RECOMMENDED CONDITIONS

The full Staff Report with all proposed findings of fact and conclusions of law is enclosed as **Attachment D** and was available at the Wasco County Planning Department for review one week prior to the October 21, 2016 hearing. The full Staff Report is made a part of the record. This summary does not supersede or alter any of the findings or conclusions in the Staff Report, but summarizes the results of Staff's review and recommendation. The request and subsequent decision do not constitute land use decisions, as governed by Oregon law. All applicable standards are addressed in **Attachment D**.

Subject to the proposed findings contained in **Attachment D**, Staff recommends the following **conditions of approval**:

- A. Applicant and property owners shall comply with the application as reviewed and approved by the Staff Report, which is available at the Wasco County Planning Department. This report details the restrictions on aspects of the proposed event including but not limited to time, location, dimensions and use. This decision does not constitute tacit approval for any other development or use.
- B. **Attendance**: Maximum attendees for What the Festival 2017 shall be 9,000, including staff and volunteers necessary to operate the event safely and effectively, as described in **Attachment D**.
- C. **Insurance**: Applicant shall provide a Commercial General Liability Insurance policy of not less than \$1,000,000 specific to What the Festival, and naming Wasco County, its officers, agents, volunteers, and employees as an additional insured. Applicant shall furnish Wasco County with a Certificate of Insurance including a copy of the Additional Insured Endorsement that is attached to, and part of, the insurance policy by June 1, 2017 or the commencement of setup activities, whichever occurs first.
- D. **Water Supply System Construction, Maintenance, and Design**: The temporary water system shall be inspected by Wasco County or North Central Public Health District (NCPHD) prior to the event for compliance with *OAR 333-039-0015(3)(a) through (3)(l)*.
- E. **Pool Records**: Pool records need to be taken at least every 4 hours by the applicant's agent or contractor. The results shall be recorded and the log sheet needs to be available for inspection.
- F. **Water Hauler**: The potable water hauler shall fill out the form supplied by the State/NCPHD which tracks the chlorine levels when delivered. The chlorine that is being used to increase the chlorine level needs to be NSF certified product. There shall be a copy of the form on hand when the inspection takes place. The form shall detail the volume and chlorine levels at the time and of pickup and delivery
- G. **Greywater**: Greywater tanks shall be located not more than 50 feet from the food vendors and labeled with a sign stating "Waste Water Disposal". The seepage pit shall be constructed and ready for inspection by June 12, 2017 and shall be at least three feet deep covering an area not less than



32 square feet. The pit shall be backfilled with clean, course rock and be protected by a one-fourth inch screen which shall be removed, with any waste being appropriately disposed, and cleaned every 24 hours during the event or more often as needed.

- H. **West Entrance Facilities:** As shown on the 2017 site plan, the applicant shall locate and maintain toilet facilities near the West Entrance during peak arrival times in order to best accommodate attendees who are waiting in line to enter the property and approach the Box Office.
- I. **Food and Sanitary Food Service:** All food vendors shall comply with the applicable food and sanitary food service requirements listed in *OAR 333-039-0035 (Attachment E)*, and make themselves available for inspection during the event. Furthermore, only vendors with valid licenses, as provided by the Oregon Health Authority, shall be contracted to prepare and provide food for the event.
- J. **Oregon Liquor Control Commission (OLCC):** If a Temporary Sales License (TSL) is approved by the OLCC, the applicant shall submit a copy to Wasco County Planning Department.
- K. **Emergency Medical Facilities:**
  - 1) At a minimum one licensed physician and one licensed nurse shall be present during the operating hours of the event (June 15<sup>th</sup>-June 19<sup>th</sup>, 2017).
  - 2) The medical structure shall contain the facilities listed in *OAR 333-039-0040(2)* through (7) and be inspected by Wasco County or partner agencies.
- L. **Fire Protection:** Applicant shall employ its own voluntary open flame and smoking policy and shall comply with the Wildland Fire Prevention Plan detailed in the Oregon Department of Forestry letter (**Attachment F**).
- M. **Traffic:** Each vehicle parking space shall have a minimum width of 10' and minimum width of 20' and parking shall be clearly marked. Furthermore, parking shall be arranged to provide clear access for emergency responders and access to exits at all times.
- N. **Main Stage Hours of Operation:** All amplified noise from the WTF Main Stages shall cease by midnight. The smaller stages may operate after midnight, but applicant and its sound engineers shall direct speakers in a way that minimizes notable off property noise.
- O. **Security and Personnel:** The applicant shall coordinate radio frequencies to be used during the event with the Wasco County Sherriff Department to prevent disruption of local emergency service provider communications.

## ATTACHMENT C – MAPS

### Vicinity Map and 750' Adjacent Property Owner (APO) Curtesy Notification Radius

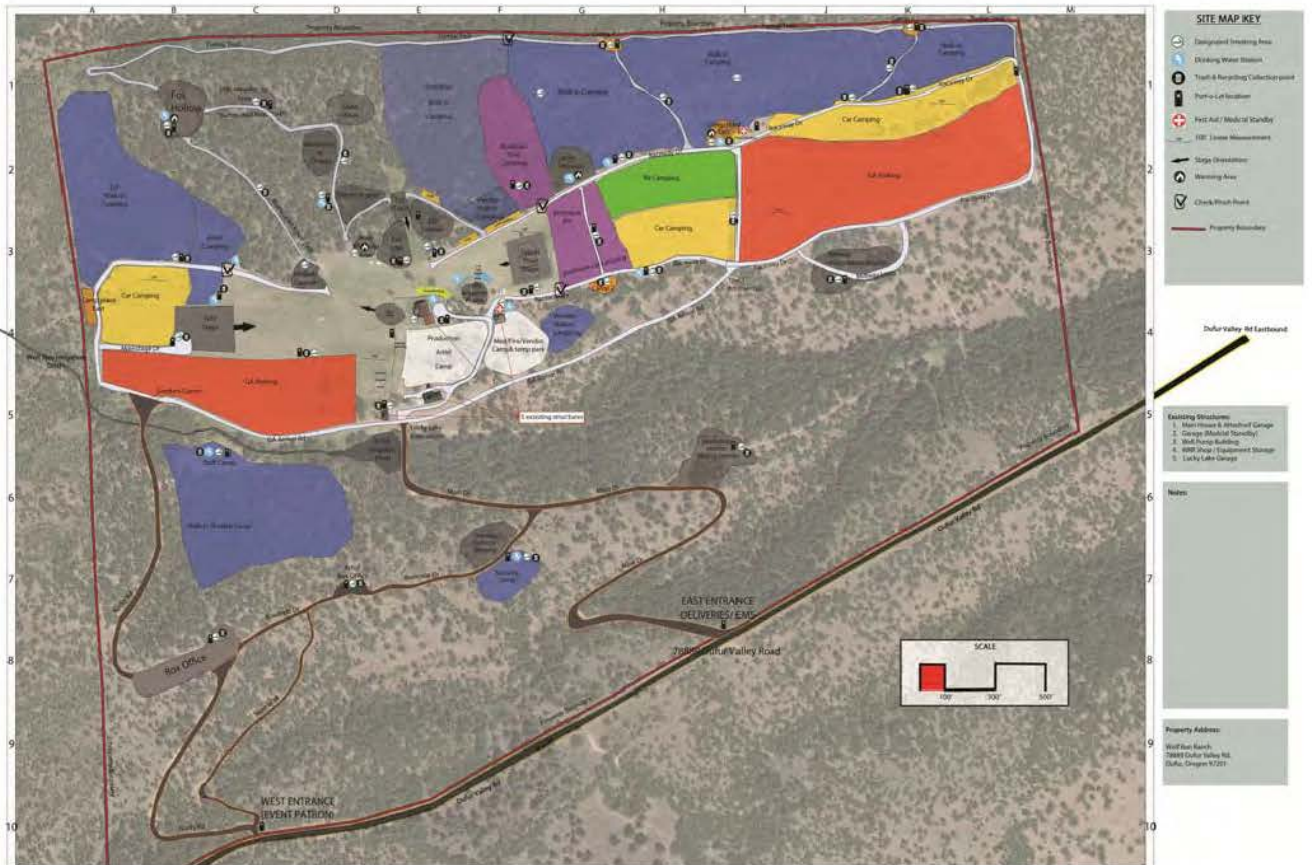


This product is for information purposes only and is not necessarily suitable for legal, engineering, or surveying purposes.



# ATTACHMENT C – MAPS

## Site Plan



## ATTACHMENT D – STAFF REPORT

**File Number:** PLAOMG-16-09-0002

**Applicant:** Moonshine Events, LLC

**Property Owner:** Wolf Run Ranch, LLC

**Request:** Outdoor Mass Gathering for a music and art festival entitled “What the Festival,” June 15-19, 2017. Estimated attendance is 6,600-7,100 attendees with approximately 1,000 volunteers and staff. Total attendance not to exceed 9,000 (attendees and staff/volunteers).

**Staff Recommendation:** Approval, with conditions

**Hearing Date:** October 21st, 2016 (5:30 p.m. Dufur School cafeteria)

**Location:** The north side of Dufur Valley Road, approximately 10 miles southwest of Dufur, Oregon. More specifically described as:

78889 Dufur Valley Road, Dufur, OR 97021

<u>Existing Tax Lot</u>	<u>Previous</u>	<u>Acct#</u>	<u>Acres</u>
2S 12E 0 1400	2S 12E 0 2000	9603	245

**Past Actions:**

PLAOMG-15-10-0001	(Outdoor Mass Gathering)
PLAOMG-14-10-0002	(Outdoor Mass Gathering)
PLAOMG-14-02-0001	(Outdoor Mass Gathering)
PLAOMG-13-03-0001	(Outdoor Mass Gathering)
FFD-05-106	(Forest Farm Dwelling)
TUP-05-105	(Temporary Use Permit)

**Procedure Type:** Public Hearing by Wasco County Board of Commissioners

**Prepared By:** Dustin Nilsen, Senior Planner

## I. APPLICABLE STANDARDS

### Wasco County Land Use & Development Ordinance (WCLUDO)

- |  |  |
|--|--|
| <b>A. Chapter 3</b><br>Section 3.120.C | <b>Basic Provisions</b><br>Uses Permitted Without Review |
|--|--|

### Oregon Revised Statute (ORS)

- |  |   |
|--|---|
| <b>B. ORS 433.735 to 433.770</b><br>ORS 433.750<br>ORS 433.755 | <b>Regulation of Outdoor Mass Gatherings</b><br>Permit application; procedure for issuance of permit; fee<br>Additional information; liability of permit holder; casualty insurance; county as additional insured |
|--|---|

### Oregon Administrative Rules (OAR)

- |   |   |
|---|---|
| <b>C. OAR 330 Division 39</b><br><br>OAR 333-039-0015<br>OAR 333-039-0020<br>OAR 333-039-0025<br>OAR 333-039-0030<br>OAR 333-039-0035<br>OAR 333-039-0040<br>OAR 333-039-0045<br>OAR 333-039-0050<br>OAR 333-039-0055 | <b>Regulations Governing Health and Safety at Outdoor Mass Gatherings</b><br><br>Water Supply<br>Drainage<br>Sewerage Facilities<br>Refuse Storage and Disposal<br>Food and Sanitary Food Service<br>Emergency Medical Facilities<br>Fire Protection<br>Security Personnel<br>Traffic |
|---|---|

## II. BACKGROUND

- A. Legal Parcel:** The subject parcel was created in its current configuration by Deed 72-1438, filed with the Wasco County Clerk on June 22, 1972. It is consistent with the definition of a (Legal) Parcel in Section 1.090 of the WCLUDO. Wolf Run Ranch, LLC is shown as the owner on the current deed.
- B. Site Description:** The 245 acre subject parcel consists of variable terrain and slopes ranging from approximately 2,800 feet to 2,600 feet in elevation. The most uneven slopes are from Dufur Valley Road up to the event site, which is generally flat but slopes down gently (less than 5%) from west to east. The parcel is forested with pockets of denser trees and vegetation in the northwest and southeast. A strip of cleared land approximately 1,000 foot wide runs east to west along the northern half of the parcel.

Improvements include a 2,700 square foot dwelling, two irrigation ponds, several barns, garages and smaller outbuildings. A portion of Wolf Creek Ditch runs through the subject property, and the parcel has a water right for three acre feet of water to be stored in the ponds. A network of internal roads run throughout the property, serving the authorized residential and forest uses, and connecting to Dufur Valley Road in two locations.

- C. Surrounding Land Use:** The subject parcel is located on a winding seam between forest land and farm land. Lands to the west are largely forested including, but not limited to, large tracts of U.S. Forest Service system lands beginning 1.2 miles due west. Adjacent parcels to the southeast



are zoned A-1 (160) Exclusive Farm Use. To the east and northeast adjacent parcels are forested but gradually transition to farmland.

Using Wasco County GIS and aerial photographs, an analysis of surrounding tax lots indicates that there are approximately six dwellings within one mile of the proposed event stages and all but one are located to the east and northeast. The two nearest dwellings are located approximately 3,500 feet (0.66 miles) due east from the nearest proposed stage. The nearest dwelling to the west is approximately 4,700 feet from the main stage location.

**D. Public Notice & Comments:** Per ORS 433.750(4), notice of the public hearing was published 10 days prior to the hearing on October 11<sup>th</sup> in *The Dalles Chronicle*. Additionally, Staff mailed courtesy notices on October 13<sup>th</sup>, 2016 to all owners of property within 750' of the subject parcel. At the time of publication there were no neighborhood comments received.

**E. Agency Comments:** Staff did not coordinate a formal pre-application meeting with the applicants for a number of reasons:

- The event has been held in the same location in 2013-2016. The application for the 2017 event does not alter or significantly deviate from the nature of prior events.
- On July 21st, 2016 a debrief meeting was held to summarize the 2016 event and identify opportunities for improvement. The debrief meeting was attended by representatives from the following agencies and departments: Wasco County Planning, Wasco County Public Works, Wasco County Sheriff's Office, and North Central Public Health..
- A "WTF After Action Report" was prepared by the Wasco County Sheriff. The report summarized observations from the previous year's event and offered guidance and refinements looking forward to 2017.

Upon deeming the Outdoor Mass Gathering application complete, Staff notified partner agencies on October 4th, 2016, provided a copy of the application for review, and invited additional written comments or concerns.

Comments received from Adam Barnes, Oregon Department of Forestry

- 1) The Oregon Department of Forestry provided recommendations for a fire prevention plan for the 2017 event. A copy of the ODF 2017 What the Festival Fire Prevention Plan is included in the application.

Comments received from Chief Deputy Chris McNeel, Wasco County Sherriff's Office

- 1) The Wasco County Sherriff's Office reviewed the traffic control presented by Moonshine Events LLC, for What the Festival (WTF) and per OAR 333-039-0050 and confirmed the proposed arrangements for the security and orderly flow of traffic are compliance with state and locals laws for anticipated traffic and security related to the mass gathering. A letter from the Sheriff's Office from September 14<sup>th</sup>, 2016 is included in the application.

## FINDINGS:

### A. Chapter 3 – Basic Provisions

*Section 3.120.C.13. An outdoor mass gathering as defined in ORS 433.735 (assembly of more than 3,000 people reasonably expected to continue for more than 24 consecutive hours but less than 120 hours within any three month period and which is held primarily in open spaces and not in any permanent structure) **OR** other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period. **NOTE:** A gathering described above is not subject to a land use decision or land use permitting. A Permit is required for outdoor mass gathering. Permit Application, notice, and fee, requirements are outlined in ORS 433.750-755, to protect health and safety.*

**FINDING:** The LUDO text addressing outdoor mass gatherings is more expansive than the language found in ORS 433.735(1) because the statute allows counties to “otherwise define” outdoor mass gatherings. It appears Wasco County expanded the definition of outdoor mass gathering to also include gatherings of “fewer than 3,000 persons” in the course of legislative updates to the LUDO which became effective on January 17, 2006. Consequently, an outdoor mass gathering permit became a pathway for anyone seeking authorization for a gathering of fewer than 3,000 people that is reasonably expected to continue for less than 120 hours. All such gatherings described above are subject to the outdoor mass gatherings regulations found in ORS 433.735 to 433.770.

The applicant is requesting approval for an outdoor mass gathering for a music and art festival entitled, “What the Festival,” June 15th-19th, 2017 on Wolf Run Ranch located at 78889 Dufur Valley Road, Dufur, Oreon. The applicant estimates attendance at 6,600-7,100 people, with a 9,000 maximum for the event, which includes nearly 1,000 event staff and volunteers. Venue box office opens to early arrivals at 3:00pm on Thursday June 15, programming ends and attendees begin to leave at 4:00pm on Sunday June 18th. Attendee exodus continues until 2:00pm on Monday June 19th with traffic control remaining in place until 4:00pm. As stated on the cover of the application, the time from 3:00pm on June 15 to 4:00pm on June 19 constitutes 97 hours. Per the site plan and narrative submitted by the applicant, the event will be held primarily in open spaces and not in any permanent structure.

The applicant proposes several temporary structures spread throughout the festival site including a box office, craft vendors, food vendors, several stages, lounges, and splash pools. The three main festival stages begin running on Friday June 16th. Sound amplification at the main stages is proposed between the hours of 11:00am and 12:00am.

As a **condition** of Approval, all amplified noise from the WTF Main Stages shall cease by midnight. The smaller stages may operate after midnight, but applicant and its sound engineers shall direct speakers in a way that minimizes notable off property noise.

Staff finds that this event – based on event characteristics, estimated number of attendees and schedule – constitutes an Outdoor Mass Gathering as defined in LUDO Section 3.120.C.13 and ORS 433.735. Based on the proposed facilities and services provided, staff recommends a **condition** that attendance is capped at 9,000, including staff and volunteers necessary to operate the event safely and effectively, as described throughout this report.

Applicable rules from ORS 433.750-755 are addressed in **B**, below.

## B. ORS 433.735 to 433.770 Regulation of Outdoor Mass Gatherings

### **433.750 Permit application; procedure for issuance of permit; fee.**

- (1) *The governing body of a county in which an outdoor mass gathering is to take place shall issue a permit upon application when the organizer demonstrates compliance with or the ability to comply with the health and safety rules governing outdoor mass gatherings to be regulated according to the anticipated crowd and adopted by the Oregon Health Authority (\*\*\*)*.

**FINDING:** The Board of County Commissioners is the only body authorized to issue an outdoor mass gathering permit in Wasco County. Furthermore, the use of “shall” in ORS 433.750(1) seems to require issuance of the permit *if* the application demonstrates the ability to comply with the applicable health and safety rules. This interpretation is well-established in case law going back to 1982. Coincidentally, it was 1000 Friends v. Wasco County (LUBA 82-039), which found:

*The legislature’s decision to limit jurisdiction in this manner reflects the narrow range of review criteria and limited discretion available to the county governing body under ORS Chapter 433. (\*\*\*) Land use considerations have no bearing on the decision to grant or deny an outdoor mass gathering permit given the limited criteria to be applied to the permit request.*

Staff is not aware of any case law which explicitly prevents a county governing body from imposing reasonable conditions in conjunction with a permit approval. Therefore, Staff recommends several conditions throughout this report to enhance public health and safety.

The referenced Oregon Health Authority rules (OAR 333 Division 39) are addressed beginning in C, below.

- (2) *Notice of the application shall be sent by the county governing body to the county sheriff or county chief law enforcement officer, the county health officer and the chief of the fire district in which the gathering is to be held.*

**FINDING:** Upon deeming the application for an outdoor mass gathering complete, Staff notified partner agencies on October 4<sup>th</sup>, 2016 of the application and invited written. On July 21st, 2016 a debrief and after action report was conducted with the applicant and partner agencies to discuss last year’s event and incorporate adjustments to refine the 2017 operational planning efforts.

- (3) *Each officer receiving notice of the application under subsection (2) of this section who wishes to comment on the application shall submit such comment in writing to the county governing body not later than the hearing date. The comment may include recommendations related to the official functions of the officer as to granting the permit and any recommended conditions that should be imposed.*

**FINDING:** Good faith coordination between both Applicant and partner agencies has been ongoing in order to address applicable regulations. All partner agencies were invited to submit additional comments once the current application was deemed complete. Comments received have been made part of the record and are addressed throughout this report.



- (4) *The county governing body shall hold a public hearing on the issue of compliance with this section. Notice of the time and place of such hearing including a general explanation of the matter to be considered shall be published at least 10 calendar days before the hearing in a newspaper of general circulation in the county or, if there is none, it shall be posted in at least three public places in the county.*

**FINDING:** A public hearing with the Wasco County Board of Commissioners has been scheduled for October 21<sup>st</sup>, 2016. Notice appeared in *The Dalles Chronicle* on October 11<sup>th</sup>, 2016, and was posted on the Wasco County Planning Department website, at the Wasco County Courthouse, and the public libraries and post offices in Antelope, Dufur, Maupin, Mosier, Shaniko, and The Dalles.

**433.755 Additional information required before permit issued; liability of permit holder; casualty insurance; county as additional insured.**

- (1) *(\*\*) If the county governing body determines upon examination of the permit application that the outdoor mass gathering creates a potential for injury to persons or property, the county governing body may require organizers to obtain an insurance policy in an amount commensurate with the risk, but not exceeding \$1 million. The policy of casualty insurance 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. The county shall be named as an additional insured under the policy.*

**FINDING:** Based on the size and nature of the event the proposed gathering creates a potential for injury to persons or property. Therefore Staff recommends a **condition** that Applicant shall provide a Commercial General Liability Insurance policy of not less than \$1,000,000 specific to What the Festival, and naming Wasco County, its officers, agents, volunteers, and employees as an additional insured. Applicant shall furnish Wasco County Planning with a Certificate of Insurance including a copy of the Additional Insured Endorsement that is attached to, and part of, the insurance policy by June 1, 2017.

**C. Oregon Administrative Rules 333 Division 39**

**333-039-0015 Water Supply**

*(1) Required Amounts:*

- (a) *A minimum of 12 gallons per person per day shall be available for the anticipated assembly;*
- (b) *Storage facilities equal to one day's total water usage shall be provided, unless a greater or lesser amount, with a minimum of five gallons per person per day, is determined by the Division as sufficient or necessary, based on the availability and quantity of the reserve water supply and the required water demands for toilets, food vendors, camping areas and other facilities;*
- (c) *A Division approved well or water system may be used as a source of water, or in addition to Division approved outside sources, to meet all requirements;*
- (d) *An amount of water equal to one day's total usage shall be kept in reserve at all times.*

**FINDING:** Based on maximum attendance of 9,000 people (including attendees and staff/volunteers), 108,000 gallons of water per day would need to be available. Applicant submitted an email dated September 7<sup>th</sup>, 2016 from Jerry Tripp of Tygh Valley Water District, with a will serve letter of a 108,000 gallons/day of municipal water to What the Festival for the event. In addition to Tygh Valley, the applicant provided a will serve letter from K.C. Ferris from the City of The Dalles for 108,000 gallons. The Oregon Health Authority approves municipal water systems and enforces drinking water quality standards. Applicant also submitted a letter of intent dated August 29<sup>th</sup>, 2016 from Bishop Services, Inc. confirming their capability to “meet or exceed the delivery of up to 108,000 gallons of potable water per day” of the event.

Due to the large supply of water able to be provided by Bishop from a municipal source within close proximity to the event, Staff recommends storage facilities be provided to meet the minimum requirement of 5 gallons/person/day. Maximum attendance would require water storage facilities of 45,000 gallons. Applicant proposes temporary facilities to be provided by Bishop, with 60% of total volume located within designated camping areas and 40% in the main festival grounds.

Applicant has interpreted (d) to require that “water must be readily available for use but does not need to be onsite.” Staff agrees that (d) does not explicitly require the reserve, equal to one day’s total usage, to be kept on site. Assuming “one day’s total usage” refers to 5 gallons/person/day (45,000 gallons), it is possible that the Applicant can meet that requirement on site. Regardless, because 108,000 daily gallons are available within 25 miles from the site, Staff finds the reserve requirement of (d) is achieved.

Staff finds the proposed source and supply method can provide the required volume, storage, and reserve of approved water for 9,000 people.

*(2) Bacteriological and Chemical Requirements:*

*(a) All water provided shall give a negative result for the presence of coliform bacteria when subjected to standard laboratory test procedures for detecting the presence of coliform bacteria and shall be from sources and in containers approved by the Division;*

*(b) Water provided shall not contain the following substances in excess of amounts listed. The organizer shall provide a laboratory analysis report as evidence of this: Substance Concentration in mg/1:*

- (A) Arsenic -- 0.1;*
- (B) Cadmium -- 1.0;*
- (C) Chloride -- 250.0;*
- (D) Copper -- 1.0;*
- (E) Cyanide -- 0.01;*
- (F) Fluoride -- 1.7;*
- (G) Iron -- 0.3;*
- (H) Lead -- 0.05;*
- (I) Selenium -- 0.01;*
- (J) Nitrate (NO3) -- 45.0;*
- (K) Total Dissolved Solids -- 500.0;*
- (L) Zinc -- 5.0.*

**FINDING:** Applicant did not explicitly address the bacteriological and chemical standards for provided water listed above. However, the Oregon Health Authority adopted the applicable rules and also administers and enforces drinking water quality standards for public water systems through Oregon Drinking Water Services. Because the Tygh Valley Water District (operating #4100912) and the City of Dalles municipal supply (operating# 4100869) will provide the water for What the Festival is approved by the Oregon Health Authority, Staff finds it reasonable to consider the source safe and in compliance with Oregon Health Authority bacteriological and chemical requirements.

To further ensure water quality standards are met, NCPHD expressed some minor concerns regarding pool records and the potable water hauler records. As such, the following **conditions** are recommended:

- 1) Pool Operation and Records. Moonshine will operate and maintain the splash pools consistent with the public pool permit issued by North Central Public Health District and will provide a copy of the NCPHD permit prior to the festival.
- 2) The potable water hauler shall fill out the form supplied to by the State/NCPHD which tracks the chlorine levels when delivered. The form shall indicate chlorine levels and water volumes at the time of pick-up and delivery. The chlorine that is being used to increase the chlorine level needs to be NSF certified product. There should be a copy of that on hand when the inspection takes place.

*(3) Construction, Maintenance, and Design:*

- (a) All parts of the water supply system shall be constructed of non-toxic materials;*
- (b) All water distribution lines and fittings shall be constructed of galvanized wrought iron, galvanized steel, copper, or NSF approved plastic pipe. All plastic pipe and fittings must bear the NSF seal;*
- (c) Pressure tanks and storage tanks shall be constructed of non-toxic materials. Tanks which have previously been used to contain toxic substances shall not be used;*
- (d) Prior to placing the water supply system into use, all portions of the system including storage tanks and distribution system shall be disinfected by adding a chlorine solution of not less than 50 mg/1 and retaining the mixture within all portions of the system for at least 24 hours. Following disinfection, the system is to be thoroughly flushed of the chlorine solution;*
- (e) Hydrants equipped with self-closing faucets shall be provided at a ratio of not less than one for every 250 persons or fraction thereof anticipated;*
- (f) Each faucet shall be mounted on a minimum 36 inch riser. The riser is to be securely fastened to a supporting structure equal in strength to a four inch by four inch timber which is securely anchored in the ground;*
- (g) Each faucet and riser shall be accompanied by a seepage pit located directly beneath the faucet which shall have a minimum inside diameter of 12 inches and a minimum depth of three feet and shall be backfilled with clean coarse rock;*



- (h) All water distribution lines shall be installed at a minimum depth of 12 inches in the soil and shall be covered;*
- (i) If camping and activity areas are separately designated, 60 percent of the total required faucets shall be located within the area designated for camping, and 40 percent of the total required faucets shall be located in the area designated for activities;*
- (j) A minimum of one faucet shall be located not more than 25 lineal feet from each food service facility and a minimum of one faucet shall be located not more than 25 lineal feet from any emergency medical facility;*
- (k) Garden hoses, flexible hoses, pipes, or similar devices shall not be connected to any faucet or any other portion of the water supply system for personal convenience or any other reason;*
- (l) A minimum pressure of 20 pounds per square inch shall be maintained at all times and at all points within the water distribution system.*

**FINDING:** Applicant proposes storing 45,000 gallons of potable water in two general locations: 60% (27,000 gallons) of total volume within designated camping areas and 40% (18,000 gallons) in the main festival grounds. Staff finds this proposed split conforms to the required ratio of water available to activity areas and camping areas.

Applicant states that all potable water storage materials are NSF approved and bears the NSF seal. Per the submitted site plan, Applicant proposes locating food vendors clustered around the existing dwelling, on relatively flat land, in close proximity to the well. Staff finds it reasonable that the location of the existing water supply and proposed uses will facilitate compliance with the “Construction, Maintenance and Design” standards listed above.

However, Staff recommends a **condition** that the temporary water system shall be inspected by Wasco County or NCPHD prior to the event for compliance standards (3)(a) through (3)(l) listed above.

### **333-039-0020 Drainage**

- (1) The site selected for the outdoor mass gathering shall have good natural drainage. Areas which are swampy, or areas known to be susceptible to flash flooding are not acceptable.*
- (2) Roads at the outdoor mass gathering site shall be provided with culverts, tiles, and ditching wherever needed to protect such roads from erosion due to precipitation.*

**FINDING:** Staff has visited the property a number of times and has not observed any swampy areas. The elevation ranges from 2,800 feet at the western boundary to 2,600 feet at the eastern boundary. The most uneven slopes are from Dufur Valley Road up to the event site, which is generally flat but slopes down gently (less than 5%) from west to east.

The existing driveways from Dufur Valley Rd will provide access to the event. Primary access will be provided by the West Entrance, which was permitted by Wasco County Public Works and constructed by

Crestline Construction. Wolf Run has stated they are implementing best management practices from its Forest Management Plan to maintain its onsite access system.

Staff finds the selected event site provides good natural drainage and roads will be provided with adequate protections from erosion due to precipitation.

### **333-039-0025 Sewerage Facilities**

#### *(3) Number and Location of Toilets and Privies:*

- (a) Seven privies or toilets or any combination thereof shall be provided for each 800 persons or fraction thereof anticipated;*
- (b) If camping and planned activity areas are separately designated, sixty percent of the total required toilets or privies shall be located within the designated camping area and forty percent of the total required toilets or privies shall be located in the designated planned activity area. If areas are not designated, location and spacing of toilets and privies shall be in accordance with anticipated crowd clustering or grouping, or spaced uniformly throughout the entire mass gathering site;*
- (c) All chemical toilets, if provided, shall be located so as to be easily and readily serviced by servicing vehicles.*

**FINDING:** Bishop Sanitation Services will provide one portable toilet per 50 people, which exceeds the Outside Mass Gathering standard of 7 toilets per 800 attendees or 114 attendees per toilet). Toilets shall be clustered throughout the festival grounds and include one handwashing unit for each grouping of toilets. Applicant proposes having each portable toilet and handwashing unit pumped daily, and twice per day at peak attendance on Saturday 6/20 and Sunday 6/21.

Per the submitted site plan, Applicant proposes 60 percent of the toilets in proximity to camping areas with 40 percent of the clusters in the festival activity areas. Because there is no hard delineation between activity areas and camping areas, the entirety of the event site (except for the Box Office and Forest Stage) is open and easily accessible, and Applicant proposes providing toilets at ratios exceeding the standard. Staff finds the location of the toilet facilities meets the standard. As depicted in its application and site plan, staff recommends a **condition** the Applicant locate toilet facilities near the West Entrance during peak arrival times in order to best accommodate attendees who are waiting in line to enter the property and approach the Box Office.

#### *(4) Liquid Wastes not Containing Human Excreta:*

- (a) Facilities shall be provided for the disposal of all liquid wastes not containing human excreta such as, but not limited to, kitchen or cooking waste water, grease, dishwater, wash water, and bath water. These facilities shall be specifically identified by means of a sign which states "**Waste Water Disposal**";*
- (b) Such facilities shall consist of a seepage pit having a minimum depth of three feet and a lateral area of not less than 32 square feet. The pit shall be backfilled with clean, coarse*

*rock and be protected by a one-fourth inch screen which is removable and will effectively trap food particles and prevent other wastes from entering the backfilled rock;*

- (c) All food particles and other waste material shall be removed from the facilities at least once every 24 hours or at more frequent intervals if necessary to prevent fly and insect attraction;*
- (d) Such facilities shall be located or spaced so as to uniformly serve the participants of the outdoor mass gathering;*
- (e) One facility shall be provided for each 3,000 persons or fraction thereof anticipated;*
- (f) At least one facility shall be located not more than 50 lineal feet from each food service facility.*

**FINDING:** Applicant proposes two methods of greywater disposal: 1) Food vendors will be supplied access to five 300 gallon greywater tanks to be pumped by Bishop Services, Inc. and trucked off-site to a licensed dumping facility as needed. Applicant proposes locating these tanks 50 feet from food vendors. 2) Greywater from the temporary shower facility will flow to an on-site seepage pit that will be built to specifications listed in 333-039-0025(4)(b)

Staff recommends a **condition** that greywater tanks shall be located not more than 50 feet from the food vendors and labeled with a sign stating "Waste Water Disposal". The seepage pit shall be constructed and ready for inspection by June 12, and shall be at least three feet deep covering an area not less than 32 square feet. The pit shall be backfilled with clean, course rock and be protected by a one-fourth inch screen which shall be removed, with any waste being appropriately disposed, and cleaned every 24 hours during the event or as needed. The pit shall be monitored by WTF staff for functionality during the event. If flows exceed infiltration rates and alternative measure of removal of shall be employed.

### ***333-039-0030 Refuse Storage and Disposal***

- (1) All refuse and solid waste shall be stored in fly-tight containers constructed of impervious material.*
- (2) Containers for refuse and solid waste storage shall be provided at a minimum ratio of one 30 gallon container for each 16 persons or fraction thereof anticipated or one cubic yard of container capacity for each 125 persons or fraction thereof anticipated.*
- (3) All refuse and solid waste shall be removed from storage containers at least once every 24 hours and transported and disposed of in a manner which is authorized and complies with state and local laws, ordinances and regulations.*

**FINDING:** Applicant proposes collecting solid waste (trash, recycling and compost) throughout the event site at least once every 24 hours. A "Waste Management Team" equipped with a maintenance vehicle and trailer will collect waste from these stations throughout the day and night on an as needed basis. On-site storage is contracted through The Dalles Disposal and will consist of 3 x 30 yard dumpsters for trash, 2 x 30 yard dumpsters for recycling, 2 totes for glass, and 1 x 20 yard dumpster for compost. Fly-



tight containers constructed of impervious material will be used. Staff finds that the proposed 90 yards for trash, 60 yards for recycling, 2 totes for glass and 20 yards for compost exceed the required ratio of one cubic yard of container capacity for each 125 attendees (72 yards required).

**333-039-0035 Food and Sanitary Food Service**

- (1) Food service facilities, if supplied, shall be located in clean surroundings and shall be maintained in a clean and sanitary condition.*
- (2) Food service facilities, if supplied, shall be so constructed and arranged that food, drink, utensils, and equipment will not be exposed to rodents, insects, dust, dirt, or other contamination. If flies are present, screening shall be required.*
- (3) The water supply for food service facilities shall be adequate in amount to serve the requirements of the facility and shall be safe for human consumption. Storage tanks or containers, when used, shall be of smooth, easily cleanable material, and shall be cleaned and sanitized each time they are refilled. Water shall not be dipped from a receptacle for drinking or culinary purposes.*
- (4) Toilet or privy facilities which comply with these rules shall be available within the immediate area for use by the food service facility personnel.*
- (5) Hand washing facilities shall be made available for the food service facility personnel. In lieu of a handwashing sink, there shall be provided a pan with soap and water for washing of hands, and a pan of water containing a bactericidal solution of 50 mg/1 of available chlorine or its equivalent for rinsing of hands. Sanitary paper towels shall be provided. The use of a common-type towel is prohibited. Utensil washing vats shall not be used for handwashing.*
- (6) (a) All multi-use utensils and all display cases or windows, counters, shelves, tables, refrigeration equipment, sinks, and other equipment used in connection with the operation of a food service facility shall be constructed as to be easily cleaned and shall be kept in good repair;*  
*(b) Utensils containing or plated with cadmium or lead shall not be used, provided, however, that solder containing lead may be used for jointing;*  
*(c) Food containers with seams which are not sealed flush with the surface shall not be re-used. Single service containers and utensils shall not be re-used.*
- (7) (a) Single service paper plates, cups, and plastic or wood knives, forks, and spoons are recommended but not required. If multiple use dishes, utensils, or equipment are used, they must be subjected to one of the following methods of bactericidal treatment after cleaning and washing:*
  - (A) Immersion for at least two minutes in clean, hot water at a temperature of at least 170° Fahrenheit. If hot water is used, a dependable thermometer shall be available at all times and shall be used. The pouring of scalding water over washed utensils is not acceptable as a satisfactory bactericidal treatment;*

- (12)Pre-cooked foods or meats must be kept at or below 45° Fahrenheit at all times and subjected to continuously applied heat which will sustain the internal temperature of the food item to not less than 140° until such time as it is served.*

*(13)Bottled soda or fruit drinks may be cooled in tanks with water and ice provided the tanks contain not less than 50 mg/1 available chlorine. The tops of the containers shall not be submerged. Milk and milk products shall be kept at or below 45° Fahrenheit in dry refrigeration.*

*(14)Canned soda or fruit drinks may be cooled in tanks of ice and water provided that the water contains not less than 50 mg/1 available chlorine.*

*(15)All persons within the food service facility shall wear clean outer garments and shall keep their hands clean at all times while engaged in preparing or serving food and drink, or washing and storing utensils and equipment.*

*(16)All persons while within a food service facility shall refrain from any personal action or conduct which would directly or indirectly harm the quality or wholesomeness of the food.*

*(17)No live animals or fowl shall be permitted within the confines of any food service facility.*

**FINDING:** Applicant has not provided details on specific food vendors but continues to work with NCPHD to comply with applicable food safety and service regulations. Staff recommends a **condition** that all food vendors comply with the applicable food and sanitary food service requirements listed in OAR 333-039-0035 (**Attachment E**), and make themselves available for inspection during the event. Furthermore, only vendors with valid licenses, as provided by the Oregon Health Authority, shall be contracted to prepare and provide food for the event.

Applicant proposes serving alcohol in the main festival grounds each day, and shall apply to the Oregon Liquor Control Commission (OLCC) for a Temporary Sales License (TSL). The OLCC requests that an applicant apply at least 30 days prior to an event when an attendance of 1,001 or more is expected. The applicant has stated that it intends to apply three months in advance of the festival. If approved by the OLCC, a **condition** is included that Applicant shall submit a copy of the TSL to Wasco County Planning Department.

### **333-039-0040 Emergency Medical Facilities**

*(1) There shall be present at the outdoor mass gathering site for emergency medical services, physicians and nurses in the following ratios:*

*(a) Daylight Hours -- At least one Oregon physician plus sufficient other physicians (licensed to practice medicine and surgery in any of the 50 states of the United States) to provide a ratio of one for each 10,000 persons attending or fraction thereof and one nurse for each 7,500 persons attending or fraction thereof;*

*(b) Nighttime Hours - (1 a.m. to 7 a.m.) -- At least one Oregon physician plus sufficient other physicians (licensed to practice medicine and surgery in any of the 50 states of the United States) to provide a ratio of one for each 20,000 persons attending or fraction thereof and one nurse for each 15,000 persons attending or fraction thereof.*

**FINDING:** Applicant has contracted with CrowdRx for medical and crises coverage during the event. These services will be available through an on-site medical booth and holding tent, and also through roving teams throughout the property. A letter dated August 9<sup>th</sup>, 2016 from Crowd Rx states that 50 personnel will be utilized, including physicians, mental health professionals, crisis workers, nurses, EMTs and paramedics.

Staff recommends a **condition** that at least one licensed physician and at least one licensed nurse shall be present during the operating hours of the event.

- (2) Facilities shall be provided in which physicians can provide patient care and treatment. The facility shall be enclosed, protected from the elements, and shall have chairs, examining tables with stirrups, and locked cabinets for equipment and medicine. All necessary medicine and instruments for conducting minor surgery and examinations shall be available.*
- (3) Lighting within the emergency medical facilities shall be provided and shall be not less than 200 foot candles in areas where treatment and minor surgery are conducted.*
- (4) Attending physicians shall keep accurate records of patients and treatment, and shall notify the local health officer of all cases involving a communicable disease.*
- (5) Temporary holding facilities shall be provided for the sick and injured while awaiting transport to a hospital. The facility shall be enclosed, protected from the elements, and shall be furnished with one cot or bed for each 1,000 persons anticipated or fraction thereof.*
- (6) Communication, either telephone or radio-telephone, shall be provided to summon aid or notify the nearest hospital, law enforcement, or fire protection agency, as required.*
- (7) Ambulances shall be provided at the outdoor mass gathering for emergency evacuation of sick and injured persons at a ratio of one ambulance for each 10,000 persons anticipated or fraction thereof.*

**FINDING:** The submitted site plan shows centrally located medical facilities east of the existing permanent dwelling. Through CrowdRx, the on-site facilities will be equipped to handle a range of minor care to medical emergencies.

Applicant will employ American Medical Response for ambulance services during the event. The director of CrowdRx will also coordinate Life Flight accessibility and landing coordinates. Staff recommends a **condition** that the medical structure shall contain the facilities listed in 333-039-0040(2)-(7) to be inspected by Wasco County prior to the event.

### **333-039-0045 Fire Protection**

- (1) Each camping space shall be a minimum of 1,000 square feet or large enough to accommodate a parked camping vehicle, tent vehicle or tent, as the case may be, and to maintain at least 15 feet separation from any other camping vehicle, tent vehicle or tent, building, structure, or property line.*



- (2) *The organizer shall secure a written statement from the local fire protection agency having jurisdiction that fire protection complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering.*

**FINDING:** The narrative and site plan submitted by Applicant shows two general categories for camping:

1) Vehicular Camping (1,000 SF/space)

- a. Car Camping at approximately 393,000 SF = 393 spaces
- b. RV Parking at approximately 189,000 SF = 189 spaces
- c. Staff Medical/RV Camping at approximately 111,000 SF = 111 spaces

**TOTAL: 693 Vehicular Camping Spaces**

2) Non-Vehicular Camping (1,000 SF/space)

- a. Walk-In Camping at approximately 1,071,000 SF = 1071 spaces
- b. Vender Camping at approximately 63,000 SF = 63 spaces
- c. Staff/Production/Medical Camp at approximately 281,000 SF = 281 spaces

**TOTAL: 1,415 Non-Vehicular Camping Spaces**

Based on National Park Service methodology and prior festival data, Applicant increased its estimates for number of people per campsite to determine the number of needed campsites relative to attendance. The factors used to establish the methodology include past experience at What the Festival, access to water, transportation, sanitation facilities, placement of onsite management, and the availability of law enforcement. Given an average of 5 people per campsite, available vehicular camping spaces can accommodate up to 3,465 people, and non-vehicular camping spaces can accommodate up to 7,075 people. Using the assumption of 4.5 persons per camp site staff finds that the available camping areas can accommodate at least 9,000 people satisfy the maximum allowed attendance.

Applicant has coordinated additional fire prevention and protection strategies with the Oregon Department of Forestry (ODF), the only agency that provides wildland fire protection in the area around Wolf Run Ranch. ODF submitted a September 13, 2016 letter with an attached fire prevention plan / provisions recommended for What the Festival 2017. The letter contains the following statement in one of the introductory paragraphs: "This proposed fire prevention plan for What The Festival if adhered to should comply with all ODF state fire regulations anticipated to be in effect at the time of this event, and should provide a satisfactory level of fire protection and prevention given the anticipated crowds at Wolf Run Ranch."

Applicant has agreed to follow the Fire Prevention Plan recommended by ODF. Consequently, with the **condition** that Applicant comply with the 2017 What the Festival Wildland Fire Prevention Plan (**Attachment F**), Staff finds the September 13, 2016 ODF letter satisfies the "written statement" requirement in subpart (2), above.

Applicant provided the evacuation plan and a letter of intent from GFP Enterprises Inc with the submitted application.

### **333-039-0050 Security Personnel**

- (1) The organizer shall maintain an accurate count of persons attending the outdoor mass gathering and shall provide adequate security arrangements to limit further admissions to the outdoor mass gathering when the anticipated number of persons have been admitted.*
- (2) The organizer shall secure a written statement from the chief law enforcement officer of the county in which the outdoor mass gathering is to take place that arrangements for security and the orderly flow of traffic to and from the outdoor mass gathering complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering.*

**FINDING:** Applicant has contracted with Starplex CMS to provide as many as 75 security and crowd management personnel throughout the event site. Moonshine will work with a graduate security plan that allows it to increase or decrease the number of personnel depending on final attendance number.

The Oregon Department of Public Safety Standards and Training (DPSST) security staffed with non-DPSST certified security will be provided at a ratio of 1:10. Security personnel will be used to minimize conflicts, secure the event perimeter, and assist with some on-site traffic management. If the event reaches its capacity of 9,000, DSHS personnel will limit further admission to the event. A second tier of security staff will also be on-site to reinforce messaging for patrons throughout the property. This second tier is comprised of volunteer “Guardians,” who will be in radio contact with the security company to report any security issues or incidents.

Applicant has been coordinating with Sheriff Lane Magill and Chief Deputy Chris McNeel. Upon request, the applicant will contract with one off-duty officer to be on site during peak hours and positioned at ingress point near Dufur Valley Road.

As a **condition** of approval, the applicant shall coordinate radio frequencies to be used during the event with the Wasco County Sherriff Department to prevent disruption of local emergency service provider communications.

Applicant submitted a letter from Chief Deputy McNeel confirming that “the proposed arrangements for security and the orderly flow of traffic to and from the outdoor mass gathering complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering, located at 78889 Dufur Valley Rd, Dufur Oregon.”

Staff finds that Applicant has demonstrated compliance, or the ability to comply, with security personnel rules.

### **333-039-0055 Traffic**

- (1) The organizer shall provide easily accessible roads of all-weather construction at the outdoor mass gathering site.*
- (2) All roads shall be graded so as to be self-draining and shall be maintained in such condition that emergency and other required vehicles can move upon them unencumbered and can carry out their functions at all times.*

- (3) An ungraveled dirt road shall not be considered as being an all-weather road.*
- (4) No road or portion of any road constructed shall exceed a maximum grade of 12 percent.*
- (5) The organizer shall acquire approval from the local agency having jurisdiction for fire safety that the minimum width of all roads complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and locations of the outdoor mass gatherings.*

**FINDING:** The existing access system on Wolf Run Ranch appears to support the existing residential and forest uses authorized on the property. Applicant proposes using the existing system for festival traffic and states surfaces are all-weather. Previous visits to the site and throughout the entire property indicated the roads to be all-weather and well-maintained. Staff finds that roads serving the event site meet the standards listed in subparts (1) through (5).

The Applicant has submitted a Traffic Control Plan (TCP) and Operations and Special Events Permit application to Wasco County Public Works, in order to operate within the public right-of-way of Dufur Valley Rd. The TCP summarizes the proposed traffic control measures as the access controls. Subpart (5) is addressed in, and satisfied by, the September 13, 2016 letter from DOF addressed in 333-039-0045 *Fire Protection*, above.

- (6) The organizer shall provide and designate a suitable area at the outdoor mass gathering for parking of motor vehicles:*
  - (a) The total area provided for motor vehicle parking shall be based on the following ratio: 300 square feet for every four persons anticipated;*
  - (b) Each motor vehicle parking space shall have a minimum width of ten feet and a minimum length of twenty feet and shall be clearly marked with lime;*
  - (c) The motor vehicle parking spaces shall be arranged to eliminate blockage of parked vehicles and allow vehicles free access to exits at all times.*

**FINDING:** Based on maximum attendance of 9,000 people, the total area required for motor vehicle parking is 675,000 square feet. The site plan shows 20.5 acres (more than 893,000 square feet) available for parking. Staff finds the total area provided for motor vehicle parking is sufficient.

Staff recommends a **condition** that each vehicle parking space shall have a minimum width of 10 foot and minimum length of 20 foot and parking shall be clearly marked. Furthermore, parking shall be arranged to provide clear access for emergency responders and to exits at all times.

# ATTACHMENT E – SANITARY FOOD SERVICE REQUIREMENTS

## **333-039-0035 Food and Sanitary Food Service**

- (1) Food service facilities, if supplied, shall be located in clean surroundings and shall be maintained in a clean and sanitary condition.*
- (2) Food service facilities, if supplied, shall be so constructed and arranged that food, drink, utensils, and equipment will not be exposed to rodents, insects, dust, dirt, or other contamination. If flies are present, screening shall be required.*
- (3) The water supply for food service facilities shall be adequate in amount to serve the requirements of the facility and shall be safe for human consumption. Storage tanks or containers, when used, shall be of smooth, easily cleanable material, and shall be cleaned and sanitized each time they are refilled. Water shall not be dipped from a receptacle for drinking or culinary purposes.*
- (4) Toilet or privy facilities which comply with these rules shall be available within the immediate area for use by the food service facility personnel.*
- (5) Hand washing facilities shall be made available for the food service facility personnel. In lieu of a handwashing sink, there shall be provided a pan with soap and water for washing of hands, and a pan of water containing a bactericidal solution of 50 mg/1 of available chlorine or its equivalent for rinsing of hands. Sanitary paper towels shall be provided. The use of a common-type towel is prohibited. Utensil washing vats shall not be used for handwashing.*
- (6) (a) All multi-use utensils and all display cases or windows, counters, shelves, tables, refrigeration equipment, sinks, and other equipment used in connection with the operation of a food service facility shall be constructed as to be easily cleaned and shall be kept in good repair;*  
*(b) Utensils containing or plated with cadmium or lead shall not be used, provided, however, that solder containing lead may be used for jointing;*  
*(c) Food containers with seams which are not sealed flush with the surface shall not be re-used. Single service containers and utensils shall not be re-used.*
- (7) (a) Single service paper plates, cups, and plastic or wood knives, forks, and spoons are recommended but not required. If multiple use dishes, utensils, or equipment are used, they must be subjected to one of the following methods of bactericidal treatment after cleaning and washing:*
  - (A) Immersion for at least two minutes in clean, hot water at a temperature of at least 170° Fahrenheit. If hot water is used, a dependable thermometer shall be available at all times and shall be used. The pouring of scalding water over washed utensils is not acceptable as a satisfactory bactericidal treatment;*
  - (B) Immersion for at least two minutes in a lukewarm chlorine bath. This bath shall be made up at a strength of at least 100 mg/1 of available chlorine. The bath shall not be used after its strength has been reduced to 50 mg/1;*
  - (C) Immersion for at least two minutes in an approved quaternary ammonium bath containing at least 25 mg/1 as determined by a suitable field test.*



- (b) In machine dishwashing, the hot water rinse shall be at least 170° Fahrenheit and shall be for a minimum of ten seconds;*
- (c) In hand dishwashing, a three compartment sink shall be required. The first compartment shall be used for washing with a soap or detergent solution. The second compartment shall be used for clear water rinse, and the third compartment shall be used for the bactericidal solution and sanitizing bath.*
- (8) If ice cream or frozen desserts are dipped and served at the food service facility, all scoops and dippers shall be kept in running water dipper wells.*
- (9) (a) All refuse and solid waste shall be stored or collected in tightly covered, water impervious containers until removed from the food service facility. Such containers when emptied shall be washed to prevent them from attracting flies and rodents;*
- (b) All dishwater and liquid wastes not containing human excreta shall be disposed of in accordance with OAR 333-039-0025(4)(a) to (f) of these rules.*
- (10)(a) All readily perishable food shall be kept at or below 45° Fahrenheit except when being prepared or actually served. Readily perishable foods shall be stored in shallow containers under refrigeration until cooled below 45° Fahrenheit. When such foods have been cooled below 45° Fahrenheit, they may be stored in deep containers. Food shall not be served which has been stored, handled, or otherwise cared for in a manner not in compliance with these rules;*
- (b) A dependable indicating thermometer shall be provided in each refrigerator;*
- (c) All ice shall be stored and handled in such a way as to prevent contamination. Ice scoops or tongs shall be used to place ice in glasses or cups. Ice shall be obtained only at sources which are licensed under ORS Chapter 624 or 627.*
- (11) All food products, raw, cooked, canned, or otherwise, shall be wholesome and free of spoilage during storage, preparation, and serving. All milk and milk products shall come from a source which is licensed and approved by the Oregon State Department of Agriculture. Home canned or home processed foods shall not be stored, prepared, or served by the food service facility.*
- (12) Pre-cooked foods or meats must be kept at or below 45° Fahrenheit at all times and subjected to continuously applied heat which will sustain the internal temperature of the food item to not less than 140° until such time as it is served.*
- (13) Bottled soda or fruit drinks may be cooled in tanks with water and ice provided the tanks contain not less than 50 mg/1 available chlorine. The tops of the containers shall not be submerged. Milk and milk products shall be kept at or below 45° Fahrenheit in dry refrigeration.*
- (14) Canned soda or fruit drinks may be cooled in tanks of ice and water provided that the water contains not less than 50 mg/1 available chlorine.*

*(15) All persons within the food service facility shall wear clean outer garments and shall keep their hands clean at all times while engaged in preparing or serving food and drink, or washing and storing utensils and equipment.*

*(16) All persons while within a food service facility shall refrain from any personal action or conduct which would directly or indirectly harm the quality or wholesomeness of the food.*

*(17) No live animals or fowl shall be permitted within the confines of any food service facility.*

# ATTACHMENT F – WILDLAND FIRE PREVENTION PLAN



# Oregon

Kate Brown, Governor

## Department of Forestry

The Dalles Unit

3701 West 13th

The Dalles, OR 97058

541-296-4626

FAX 541-298-4993

[www.oregon.gov/ODF/centraloregon](http://www.oregon.gov/ODF/centraloregon)

September 13, 2016



"STEWARDSHIP IN FORESTRY"

## 2017 What the Festival Wildland Fire Prevention Plan-

The Oregon Department of Forestry (ODF) is the only agency that provides wildland fire protection on privately owned lands in the area of Township 2S Range 12E. ODF does not provide structural fire protection. The U.S. Forest Service provides wildland fire suppression for the adjacent federally owned forestlands to the South and West of the event site.

As per OAR 330-039-0045 (2) and OAR 333-039-0055 (5), ODF recommends the following fire prevention plan for Moonshine Events during What The Festival expected to take place June 15<sup>th</sup> to June 19<sup>th</sup>, 2017. This proposed fire prevention plan for What The Festival if adhered to should comply with all ODF state fire regulations anticipated to be in effect at the time of this event, and should provide a satisfactory level of fire protection and prevention given the anticipated crowds at Wolf Run Ranch.

### Primary ODF point of contact will be:

Adam Barnes  
Protection Supervisor- The Dalles Unit  
(541) 296-4626  
(541) 980-7240  
[adam.m.barnes@oregon.gov](mailto:adam.m.barnes@oregon.gov)

### The following provisions will be adhered to for the duration of the event:

- In the event of a fire Adam Barnes- ODF, will be contacted regardless of incident size or status at (541) 980-7240. GPS location and incident status will be relayed at that time.
- Festival will employ a team of qualified wildland fire responders to be on site and available to respond 24 hours a day. Responders will be centrally located at a designated post or on patrol with suppression equipment.
  - o WTF will contract with a professional contract firefighting entity to provide 24 hour event staffing with a Type-6 wildland engine. This engine will be staffed from Friday, June 15<sup>th</sup> at 10:00 AM till Monday June, 19<sup>th</sup> at 2 PM.
- Suppression UTV to be utilized during the event will have water tank and pump units installed to provide for fire suppression. All UTV's and golf carts will be equipped with a 2.5 lb. extinguisher
- Wolf Run irrigation pond will have operating water pumps stationed at fill sites to provide a water source for fire suppression purposes. These pumps should have a minimum discharge of 1 1/2 inch, contain 50' of discharge hose, suction hose, 1 fill spout, and 3 gallons fuel.
- All pumps and fire equipment will be tested daily to ensure proper operation.



- areas.
- Evacuation plan will be given to each attendee upon arrival by event greeters.
- Roads to be traveled by motorized vehicles will be clear of vegetation.
- Fire extinguishers will be co-located with all internal combustion engines, i.e. generators, ATV's, light plants, etc.
- **No open flame policy:** No campfires (except as identified below under enclosed warming fires), No charcoal BBQ, No candles, No incense, No fireworks. Propane gas stoves or electric griddles are the only permissible cooking equipment allowed and only in the designated cooking areas. No gas stoves inside the camping area or tents.
- Permits for enclosed warming fires may be necessary if regulated use closure is in effect during event. Enclosed warming sites will be inspected and held to the following standard:
  - o Loading doors will be locked to prevent adding of wood by public
  - o Sites will be clear of flammable vegetation on ground for 15 feet and all overhead fuels will be cleared within the same 15 foot perimeter.
  - o Each warming site will have one 5 lb. fire extinguisher
  - o Each warming site will be staffed by event personnel at all times while in use
- All vehicle parking areas will be mowed and thatched before the event. Irrigation will be maintained on fields 3-5 days prior to prevent drying and curing of vegetation.
- Non-irrigated parking areas will be mowed and thatched to remove flammable vegetation. Dry parking will be wetted down the five previous days to using parking area. During times when vehicles are being parked, fire personnel will patrol parking areas with suppression equipment. The dry parking area will have a fire break of no less than 2' wide dug down to bare mineral soil around the perimeter as a fuel break.
- **Smoking fires have been an ongoing problem at this event:** Smoking will be allowed only within designated smoking areas. Ground surface within these designated areas will be free of all combustible materials, example (gravel, sand, or dirt)
  - o Smoking areas should be of adequate numbers to accommodate the crowds and dispersed throughout event grounds.
  - o Designated smoking areas will consist of 15 feet by 20 feet or larger areas clear of flammable vegetation. Each area will have a fire extinguisher and cigarette receptacles at the entrances.
  - o Event staff will provide 24 hour smoking patrols and have an enforcement policy to remove participants in the event of smoking outside designated areas.
- ODF will conduct a pre-event inspection with WTF coordinators to ensure readiness and will have access to festival grounds for periodical inspections during the event.
- If chain saws or heavy machinery is used for preparing the site for use a permit to operate power driven machinery (PDM) will be obtained through the local ODF office to meet requirements regarding internal combustion engines.

The Oregon Department of Forestry thanks the Board of Commissioners in helping to ensure this event occurs in a safe and fire free manner.

Adam Barnes  
 Fire Manager  
 Oregon Department of Forestry  
 The Dalles Unit



## Wasco County Planning Department

"Service, Sustainability & Solutions"

2705 East Second St. • The Dalles, OR 97058  
(541) 506-2560 • [wcplanning@co.wasco.or.us](mailto:wcplanning@co.wasco.or.us)  
[www.co.wasco.or.us/planning](http://www.co.wasco.or.us/planning)

## OUTDOOR MASS GATHERING

PLAOMG - 16-09-0002

FEE: 4500 -

Date Received: 9/27/2016 Planner Initials: DN Date Complete: \_\_\_\_\_ Planner Initials: \_\_\_\_\_

### APPLICANT/ORGANIZER CONTACT:

Name: Moonshine Events, LLC Name of Organization: Moonshine Events, LLC

Mailing Address: 25 NW 23<sup>rd</sup> Place, Suite 6, PMB 505

City: Portland State: OR Zip: 97210

Email: keely@whatthefestival.com Phone: 503-207-6439 x115

### PROPERTY INFORMATION:

Township   Range   Section   Tax Lot(s)	Tax ID	Acres	Owner
25-12E-1300	90-0904622	245	Wolf Run Ranch, LLC

Property Address/Location: 78889 Dufur Valley Road, Dufur, Oregon 97021

### DESCRIPTION OF THE EVENT: (Indicate what will happen and when; attach additional sheets if necessary)

"What The Festival" – Music and Art Festival

☐ Additional pages/maps/pictures attached

### EVENT DETAILS:

Estimated Attendance: Requested Maximum Capacity 9,000 Dates and Times of Event: 6/15 (3PM) – 6/19 (3PM)

First Day of Set-Up: 6/5/2017 Last Day of Tear-Down: 6/23/2017

On-Site Contact: Keely Montgomery 24 HR Phone #: 503-207-6439 x115

Will sound amplification be used? ☒ YES ☐ NO If YES, explain: Will comply with same conditions as last year

Will alcohol be available during the event? ☒ YES ☐ NO If YES, explain (attach OLCC Permit): (See Narrative)

### SITE PLAN

A general site plan is required and MUST show the types, numbers and locations of the following:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Existing Structures            | <input type="checkbox"/> Proposed Temporary Structures     | <input type="checkbox"/> Streams/Bodies of Water |
| <input type="checkbox"/> Water Supply                   | <input type="checkbox"/> Toilets & Washing Facilities      | <input type="checkbox"/> Solid Waste Collection  |
| <input type="checkbox"/> Food Prep & Service Facilities | <input type="checkbox"/> Parking, Ingress & Egress Surface | <input type="checkbox"/> Surrounding Vegetation  |
| <input type="checkbox"/> Camping Areas                  | <input type="checkbox"/> First Aid/Medical Standby         | <input type="checkbox"/> Other: _____            |



**THE APPLICANT/PROPERTY OWNER SHALL CERTIFY THAT:**

1. If the application is granted, Applicant will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
2. Applicant will comply with all health and safety rules governing outdoor mass gatherings as adopted by the Oregon Department of Human Services and implemented through Wasco County's Land Use and Development Ordinance (LUDO) and other applicable regulations.
3. Applicant declares under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements, site plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
4. Applicant and Property Owner hereby grant permission for and consent to Wasco County, its officers, agents and employees, as well as public health and fire control officers to come upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application and/or monitoring the terms and conditions of the permit issued and any other applicable laws or ordinances.
5. Applicant and Property Owner have read the entire contents of the application, including the procedures and criteria, and understand the requirements for approving or denying the application.

**SIGNATURE OF APPLICANT AND EACH OWNER OF THE SUBJECT PROPERTY**

Applicant/Organizer Signature: \_\_\_\_\_ Date: 9/16/2016

Printed Name: W. GLEN BOYD Organization: Moonshine Events, LLC

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT

Legal Parcel

Deed/Land Use Action: 72-1438

☐ NO

☒ YES

Previous Map and Tax Lot: 2S 12E 0 2000 (PREVIOUS)

Past Land Use Actions: If yes, list file #(s) (SEE STAFF REBUT FOR LIST)  
Still subject to previous conditions?

☐ NO

☒ YES

☐ NO

☐ YES

Zoning: F-2(80)

Environmental Protection Districts – List applicable EPDs:

☒ EPD # 8 SENSITIVE WILDLIFE HABITAT

☐ EPD # \_\_\_\_\_

☐ EPD # \_\_\_\_\_

☐ EPD # \_\_\_\_\_

Water Resources

Are there bodies of water on property or adjacent properties?

☐ NO

☒ YES

List: WOLF RUN DITCH

☐ Fish bearing (100 ft buffer) ☐ Non fish bearing (50 ft) ☒ Not identified (25 ft)

☒ Irrigation ditch (50 ft buffer)

Access:

Property has a legal access from: DUEUR VALLEY ROAD

County or ODOT approach permit is required?

☒ NO

☐ YES

Address:

Address exists and has been verified to be correct?

☐ NO

☒ YES

Address needs to be assigned after approval?

☒ NO

☐ YES

Pre-Application Conference Date & Time: AFTER ACTION JULY 21<sup>st</sup>, 2016



## **What the Festival 2017 Outdoor Mass Gathering Permit Narrative**

EVENT: What The Festival  
DATES: June 15<sup>th</sup> – June 19<sup>th</sup> 2017  
LOCATION: Wolf Run Ranch, 78889 Dufur Valley Road

Moonshine Events LLC (Moonshine) provides the following information to demonstrate that What the Festival (Festival) will satisfy all applicable health and safety regulations governing outdoor mass gatherings (OMG).

### **WATER SUPPLY (OAR 333-039-0015):**

There are three requirements set forth in the OMG water supply rule: (1) the required amount of available water; (2) the bacteriological and chemical requirements; and (3) the construction, maintenance and design requirements.

#### **(1) Required Water Supply**

**(a) A minimum of 12 gallons per person per day shall be available for the Festival.**

The requested maximum capacity for the 2017 Festival is 9,000 people per day, including staff and volunteers. Moonshine will make available up to 108,000 gallons of water per day for the Festival. The City of The Dalles and/or Tygh Valley will make available to Moonshine up to 108,000 gallons of potable water per day. See Attachments A and B. Moonshine is contracted with Bishops Services, Inc. (Bishops) to haul the water as needed. See Attachment C. Accordingly, the County may find that Moonshine satisfies the requirement in OAR 330-039-0015(1)(a).



**(b) Storage facilities equal to one day's total water usage shall be provided, unless a greater or lesser amount, with a minimum of five gallons per person per day, is determined by [Wasco County] as sufficient or necessary, based on the availability and quantity of the reserve water supply and demands for toilets, food vendors, camping areas and other facilities.**

The County has previously found that Moonshine can satisfy this rule requirement by storing 5 gallons per person per day onsite because the location of the water source is in close proximity to the Festival and the onsite reserve water supply is only needed for drinking and food vendors. Sanitary facilities, including hand-washing stations, are provided by Bishop. (See Attachment C) This year, Moonshine requests that the County approve storage of 45,000 gallons (9,000 persons at 5 gallons per person). Like in past years, 60 percent of the stored water will be located in areas designated for camping and 40 percent will be located in the main festival grounds. Water is stored in temporary above-ground potable water storage tanks with regulated fixtures that meet NSF standards. For these reasons, the County may find that Moonshine satisfies the requirements in OAR 330-039-0015(1)(b).

**(c) [Wasco County] approved well or water system may be used as a source of water, or in addition to [Wasco County] approved outside sources, to meet all requirements.**

The City of The Dalles and Tygh Valley are County-approved source of water and will provide the Festival with the water required under this rule. OAR 330-039-0015(1)(c) is met.

**(d) An amount of water equal to one day's total usage shall be kept in reserve at all times.**

The County has previously found that OAR 330-039-0015(1)(b) and (1)(d) work together to ensure that adequate water is available for the Festival. OAR 330-039-0015(1)(b) requires storage onsite, which may be less than one day's total usage. OAR 330-039-0015(1)(d), on the other hand, requires that one day's total usage be "in reserve at all time." The County has found that "in reserve at all times" means readily available for use but does not require that the water be stored onsite. Because Bishop can provide up to 108,000 gallons per day on an on-call basis, the County may find that OAR 330-039-0015(1)(d) is satisfied.



## **(2) Bacteriological and Chemical Requirements**

This subsection of the rule requires that all drinking water be subject to testing and meet certain substance concentrations. Moonshine, working with the potable water hauling contractor, will ensure that the Drinking Water Hauling Guidelines designated by Oregon Health Services are followed. This includes documenting each load of water at pick-up and delivery to onsite storage tanks at the ratios outlined within the rules.

## **(3) Construction, Maintenance and Design**

This subsection of the rule requires that the water supply system be constructed in a certain manner and with certain materials. All potable water storage materials are NSF approved (and bear the NSF seal) per the rule requirements. The 2017 Festival will use the same water supply system that was used in 2013, 2014, 2015, and 2016. Each year the County has inspected the water supply system and found that it satisfied the rule requirements. Given that the same system will be used in 2017, the County can find that this rule requirement will be met subject to a condition requiring a County inspection prior to the 2017 event to confirm that all onsite water storage and distribution lines comply.

### **DRAINAGE (OAR 333-039-0020):**

This rule has two requirements. The County previously inspected the property and determined that it had good natural drainage. The County also previously found that the access system through the property is adequate to protect roads against erosion during precipitation. Wolf Run Ranch, the property owner, is implementing the best management practices from its Forest Management Plan to maintain its onsite access system. There have been no changes on the property that would prevent Moonshine from satisfying this rule. Therefore, the County may find that OAR 330-039-0020 is met.

### **SEWERAGE FACILITIES (OAR 333-039-0025):**

The only sections of this rule that apply to the Festival are subparts (3) and (4). Moonshine is contracted with Bishop for onsite sanitary facilities (e.g., portable toilets and hand washing stations); therefore, 333-039-0025(1) and (2) do not apply.

Bishop will meet or exceed the requirement of 7 toilets per 800 people plus one hand washing station for each group of toilets. Toilet placement will be in accordance with anticipated crowd clustering: 60 percent will be located in areas designated for





camping and 40 percent will be located in the main festival grounds. Based on a 9,000 maximum capacity, Moonshine will provide approximately one toilet per 50 people, which exceeds the rule requirement of 7 toilets per 800 people or one toilet per 114 people . Additionally, each portable toilet and hand-washing station will be pumped at least once per day.

Two greywater disposal methods will be used:

1. Food vendors will have access to 300-gallon greywater tanks for disposal. These tanks will be pumped by Bishop and trucked off-site for disposal at a licensed facility. The tanks will be located within 50 feet from food vendors.
2. Greywater from the temporary shower facility will flow to an on-site seepage pit and/or greywater holding tank that will be built to specifications listed in OAR 333-039-0025(4)(b).

For these reasons, the County may find that Moonshine will meet the applicable requirements in OAR 330-039-0025.

**REFUGE STORAGE & DISPOSAL (OAR 333-039-0030):**

This rule imposes three requirements for storing and disposing of refuse and solid waste. Moonshine proposes to use the same waste management measure that it has used in prior years and that the County has found adequate to satisfy the rule requirements. Specifically, Moonshine will have municipal solid waste collected from trash collection stations throughout the Festival on a continual basis (at least once every 24-hours). There will be at least one 30-gallon container per 16 persons, or fraction thereof anticipated.

The Festival's "Waste Management Team" will be equipped with appropriate vehicle(s) and trailer(s) and are capable of collecting trash throughout the day and night on an as needed basis. On-site storage will be contracted through The Dalles Disposal and will meet or exceed the required ratio of one cubic yard of container capacity for each 125 attendees or fraction thereof anticipated. These containers are fly-tight and constructed of impervious material. In addition, Moonshine will be working with Home at Last (a 501-c3, animal humane society in The Dalles) for donations of all cans to their recycling program. See Attachment D for The Dalles Disposal Letter of Intent.



### **FOOD & SANITARY FOOD SERVICE (OAR 333-039-0035):**

Moonshine will use the same protocols for its food vendors as it has in past years, except it will increase the number of food vendors to account for the increase in Festival capacity. All food vendors will be licensed by Oregon Health Authority and will comply fully with the applicable food safety and service regulations listed in OAR 333-039-0035. Food vendors will be located as shown on the site plan included in this application. Moonshine requires through its contracts that all food vendors must make themselves available for inspection during the event.

Moonshine will be applying for a Temporary Sales License through the Oregon Liquor Control Commission (OLCC). Moonshine shall provide the County with a copy of the OLCC TSL prior to the event.

### **EMERGENCY MEDICAL FACILITIES (OAR 333-039-0040):**

Moonshine will use the same emergency medical control plan as it has in past years, except as with other protocols, it will increase the available emergency medical services to account for the increase in capacity. Moonshine has again contracted with CrowdRx for medical/crisis coverage during the Festival. These services will be available through an on-site medical booth and holding tent, one auxiliary tent at camp host east, and also through dispatched roving teams throughout the property. A staff including physicians, mental health professionals, EMT's and paramedics will be utilized, working at Advanced Life Support standards under a doctor's standing orders. Moonshine's contract with CrowdRx will satisfy all requirements set forth in OAR 330-039-0040(1)-(6). See Attachment E for the CrowdRx of Intent.

In order to meet OAR 330-039-040(7), Moonshine will contract with American Medical Response (AMR) for ambulance services during the Festival. In addition, CrowdRx will coordinate accessibility and landing coordinates with Life Flight ahead of the Festival, in the rare incident that it would be needed. See Attachment F for the American Medical Response Purchase Order.

### **FIRE PROTECTION (OAR 333-039-0045):**



This rule has two requirements. OAR 330-039-0045(1) requires that camping spaces meet one of two requirements: (1) each camping space is a minimum of 1,000 square feet, **or** (2) each camping space is large enough to accommodate a parked camping vehicle, tent vehicle or tent, as the case may be, and to maintain at least 15 feet separation from any other camping vehicle, tent vehicle or tent, building structure, or property line. Moonshine demonstrates compliance with subpart (1) using the 1,000 square feet per camping space requirement.

The Festival has two overall categories for camping:

1) Vehicular Camping

- a. Car Camping @ 393,248 sf = 393 spaces (1,000 sf/space)
- b. RV Parking @ 188,874 sf = 189 spaces (1,000 sf/space)
- c. Staff, Medical & Security RV/Car Camping @ 110,995 sf = 111 spaces (1,000 sf/space)

TOTAL: 693 spaces

2) Non-Vehicular Camping

- a. Walk-in Camping @ 1,071,003.50 sf = 1,071 spaces (1,000 sf/space)
- b. Walk-In Staff, Medical & Production @ 281,444.8 sf = 281 spaces (1,000 sf/space)
- c. Walk-In Vendor Camping @ 62,795.60 sf = 63 spaces (1,000 sf/space)

TOTAL: 1,415 spaces

These calculations are based on a ratio of 5 people per campsite. Vehicular Camping can accommodate up to 3,465 people and Non-Vehicular Camping can accommodate up to 7,075 people, equaling a total of 10,540. With a maximum capacity of 9,000



people, the Festival more than meets the applicable camping requirements. On this basis, the County may find that OAR 330-039-0045(1) is met.

The Oregon Department of Forestry (ODF) provided a written statement in the form of a letter per the requirement in OAR 330-039-0045(2). See Attachment G for the ODF letter and the associated 2016 Fire Protection Plan.

In addition to the 2017 Fire Protection Plan, Moonshine has a “No Open Flame Policy” and a “No Smoking Outside Designated Areas Policy.”. These documents are included as Attachment I.

Moonshine’s Evacuation Plan is included as Attachment H. A Letter of Intent from the contracted Fire Suppression Contractors, GFP Enterprises, Inc. is included as Attachment J.

#### **SECURITY PERSONNEL (OAR 333-039-0050):**

This rule has two requirements. To meet these requirements, Moonshine has contracted with CMS (Starplex Corporation) to provide security personnel throughout the Festival, based on a “graduated” security plan. This plan allows an increased or decreased number of personnel depending on final attendance numbers. Oregon Department of Public Safety Standards and Training (DPSST) security staffed with non-DPSST certified security will be provided at a ratio of 1 DPSST security to 10 non DPSST security officers. Security personnel will be used to minimize conflicts, secure the event perimeter, and assist with some on-site traffic management. See Attachment K for CMS (Starplex Corporation) Letter of Intent.

In addition to the security provided by CMS (Starplex Corporation), a second tier of security will be onsite, consisting of staff “Guardians.” These staff members will reinforce public safety messaging and policies throughout the Festival. These “Guardians,” will be in radio contact with the contracted security company to report any observed security issues or incidents.

Moonshine and the lead security personnel will work with the County Chief Deputy Sheriff as in past years, staying in regular communication leading up to the event,



holding a meeting with all parties to review the communications plan and protocol for onsite activity, and then debriefing together following the festival. Moonshine will provide the County with a letter satisfying the requirements of OAR 330-039-0050(2) following submission of this application and prior to approval.

**TRAFFIC (OAR 333-039-0055):**

This rule requires that Moonshine satisfy 6 requirements. As discussed above, there have been no changes to the existing access system on Wolf Run Ranch that would prevent Moonshine from demonstrating compliance. Moonshine will use the same access system for Festival traffic as in past years, which provides adequate access on all-weather surfaces and satisfies each requirement in OAR 33-039-0055 (1)-(4).

To demonstrate compliance with OAR 333-039-0055(5), Moonshine obtained a letter from ODF See Attachment G.

With respect to the parking space requirements in OAR 333-039-0055(6), Moonshine is required to provide a total of 562,500 square feet for parking to accommodate a maximum capacity of 9,000 people (or approximately 12.9 acres). The site plan shows that there is a total of 20.5 acres or 893,659 square feet available for parking across the property. Accordingly, the County may find that this requirement is met.

In addition to the measures above, Moonshine has prepared a 2017 Traffic Control Plan (TCP), which is included as Attachment M. Moonshine plans on using the same traffic control measures as from 2016. The 2017 TCP summarizes, in detail, the proposed traffic control measures as well as the access controls. Moonshine will also obtain an Operations and Special Events Permit from the County Public Works Department prior to the Festival to operating within the public right-of-way of Dufur Valley Road.



## **2017 TRAFFIC CONTROL PLAN**

### **OVERVIEW:**

The event is located at 78889 Dufur Valley Rd, Dufur, OR. Traffic to the event will approach from the town of Dufur off US-197 to the East of the event site. Traffic will be routed to avoid the main part of town. This 2017 Traffic Control Plan is modeled off of the 2016 Traffic Control Plan, which was implemented without problem. There were no traffic concerns noted from last year's festival.

### **ESTIMATED TRAFFIC SCHEDULE:**

With discounted rates offered to those who carpool, the availability of shuttle services, and based upon vehicle counts in years past, no more than 3,800 vehicles are expected on site at any given time. The following table reflects an **estimated** traffic schedule of how many cars will likely be on site per day based on a 9,000 people capacity. The *Estimated Vehicles on Site* reflect the anticipated maximum number of vehicles per day.

<b>Date</b>	<b>Est. Vehicles on Site</b>	<b>Operations</b>
6/15 (Thu)	1000-1500	All staff onsite. Venue Box Office opens to early arrivals at 3PM and closes at 12AM. Highway signage has been placed along US-197, Dufur Bypass Road, and Dufur Valley Road  Parking & traffic control staff in place from 2PM-12AM
6/16 (Fri)	2000 - 3500	Venue Box office open from 10AM-12AM. Bulk of attendees arrive. Parking & traffic control staff in place from 8AM-12AM
6/17 (Sat)	3500-3800	Venue Box Office open from 10AM-10PM. Remaining attendees arrive. Parking & traffic control staff in place from 8AM-11PM
6/18 (Sun)	2500-3000	Programming ends. Attendees begin to leave at 4PM  Traffic control staff in place from 4PM-12AM





6/19 (Mon)	200-300	Exodus of attendees until 2PM. Load out begins. All highway signage removed. Traffic control staff in place from 8AM-4PM.
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**ROUTING:**

All Festival attendees will receive detailed driving directions via a direct email blast the week of the Festival. Directions will also be made available on the Festival website. The majority of vehicular traffic will be arriving from the Portland area.

The following driving directions will be provided to attendees:

***From Portland***

- Head East on I-84E to The Dalles
- Take Exit 87 for US-197 toward Dufur Bend
- Turn Right on to US-197 S off the exit and then Left to US-197 S/The Dalles-California Highway
- Just after Mile Post 14, turn right onto Dufur Bypass Road (*formerly Heimrich Street*) (**Watch for variable message sign that will be within 1 mile of the exit**)
- In approximately 6/10 of a mile, veer left on to Dufur Valley Road
- Continue West for 4.8 miles and stay right on Dufur Valley/Dufur Mill Road at the Y. **Do NOT turn onto Wolf Run Road.** After an additional 5 miles, turn right down the driveway into the signed venue Box Office to receive your credentials and to enter the event site.

***From Bend***

- Head North on US-97N
- Just North of the town of Madras, turn Right on to NE 6<sup>th</sup> St/The Dalles-California Highway
- Continue on US-197N The Dalles-California Highway for 71 Miles then make a slight Left onto Dufur Bypass Road (*formerly Heimrich Street*) (**Watch for variable message sign that will be within 1 mile of the exit**)
- In approximately 6/10 of a mile, veer left on to Dufur Valley Road
- Continue West for 4.8 miles and stay right on Dufur Valley/Dufur Mill Road at the Y. **Do NOT turn onto Wolf Run Road.** After an additional 5 miles, turn right down the driveway into the signed venue Box Office to receive your credentials and to enter the event site.



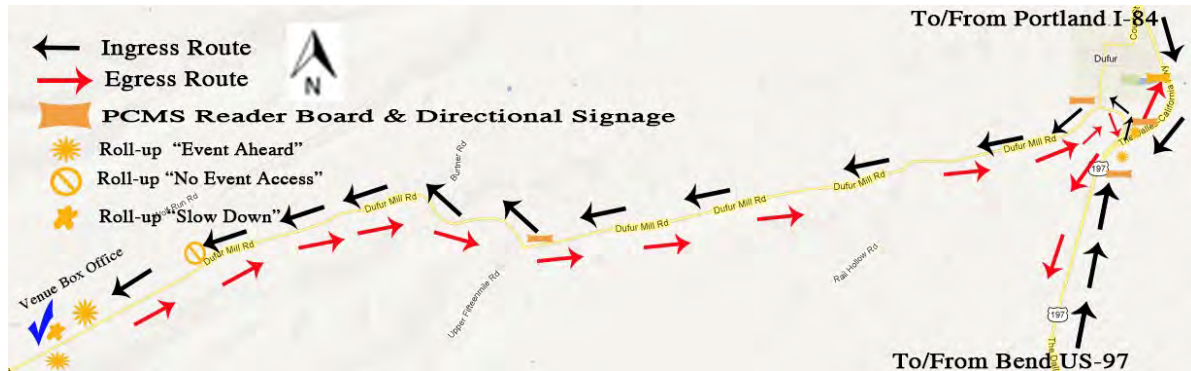
### **SIGNAGE:**

To aid arriving attendees, we will be working with ODOT and Wasco County to position signage in the following locations (see sign placement illustration on next page):

- **(1) Flashing Hwy Reader Board** approximately 1 mile to the North of Dufur Bypass Road on the West side of US-197S
- **(1) Flashing Hwy Reader Board** approximately 1 mile (or ½ mile – depending on ODOT feedback) to the South of Dufur Bypass Road on the East side of US-197N
- **(1) “Event Ahead” Sign** - Orange roll-up highway signage approximately 250’ North of Dufur Bypass Road on the West side of US-197S
- **(1) “Event Ahead” Sign** - Orange roll-up highway signage approximately 250’ South of Dufur Bypass Road on the East side of US-197S
- **(1) Flashing Highway Reader Board** located at the NW side of the intersection of Dufur Bypass Road and Dufur Valley Road.
- **(1) Flashing Highway Reader Board** located at the “Y” on Dufur Valley Rd at South Valley Rd reminding drivers to stay right and drive slow.
- **(1) “No Event Access” sign** at Wolf Run Road
- **(1) “Event Ahead” Sign** - Orange roll-up highway signage will be placed along the North side of Dufur Valley Rd.
- **(1) “Slow Down” Sign** - Orange roll-up highway signage will be placed along the North side of Dufur Valley Rd. 200’ before the turn into the box office
- **(1) Directional Sign**, clearly visible, indicating the need to turn into the box office entrance (placed ahead of the turn into the Box Office driveway).
- **(1) Festival branded Box Office sign (2’x3’)**, plus several highly visible flags will be placed around the entrance to the driveway being used to access the event Box Office.
- **(1) “Event Ahead” Sign**, placed along the South side of Dufur Valley Rd to the west of the event site in case any attendees should attempt to arrive from highway 35. This sign was added to the 2016 Traffic Control Plan based on feedback from the 2015 County Debrief.

All signage type and placement will meet ODOT safety guidelines, consistent with prior festival TCP’s. All signage will be in place prior to the Festival, beginning Tuesday, June 13th at 8 pm. It will be removed by Monday, June 19th at 8 pm.

In addition to the signage, the Festival entrance will be lit via a telescoping light tower and decorated with visible flags to indicate the turn-off. The lights will be appropriately oriented in such a way as to not impair the vision of drivers on Dufur Valley Road or negatively impact adjacent neighbors.



### **BOX OFFICE:**

Attendees will enter the Festival using the access point located on the North side of Dufur Valley Rd at the west end of the property approximately 4/10s of a mile west of the main driveway to the property at 78889 Dufur Valley Rd (referred to as the main entrance). Since the Festival will be routing all attendees from the East, westbound on Dufur Valley Rd, all Festival traffic will be making a right-hand turn off of Dufur Valley Rd into the main entrance. This will ensure that even in the busiest times, attendees will make it safely onto the property with minimal impediment to regular Dufur Valley Rd traffic as no left turns will be necessary. To ensure the safe arrival of any event traffic that could come from the west on Dufur Valley Road, and based on feedback from the 2015 County Debrief, the Festival has added an Event Ahead Sign on the South side of Dufur Valley Road, facing west prior to the festival access point.

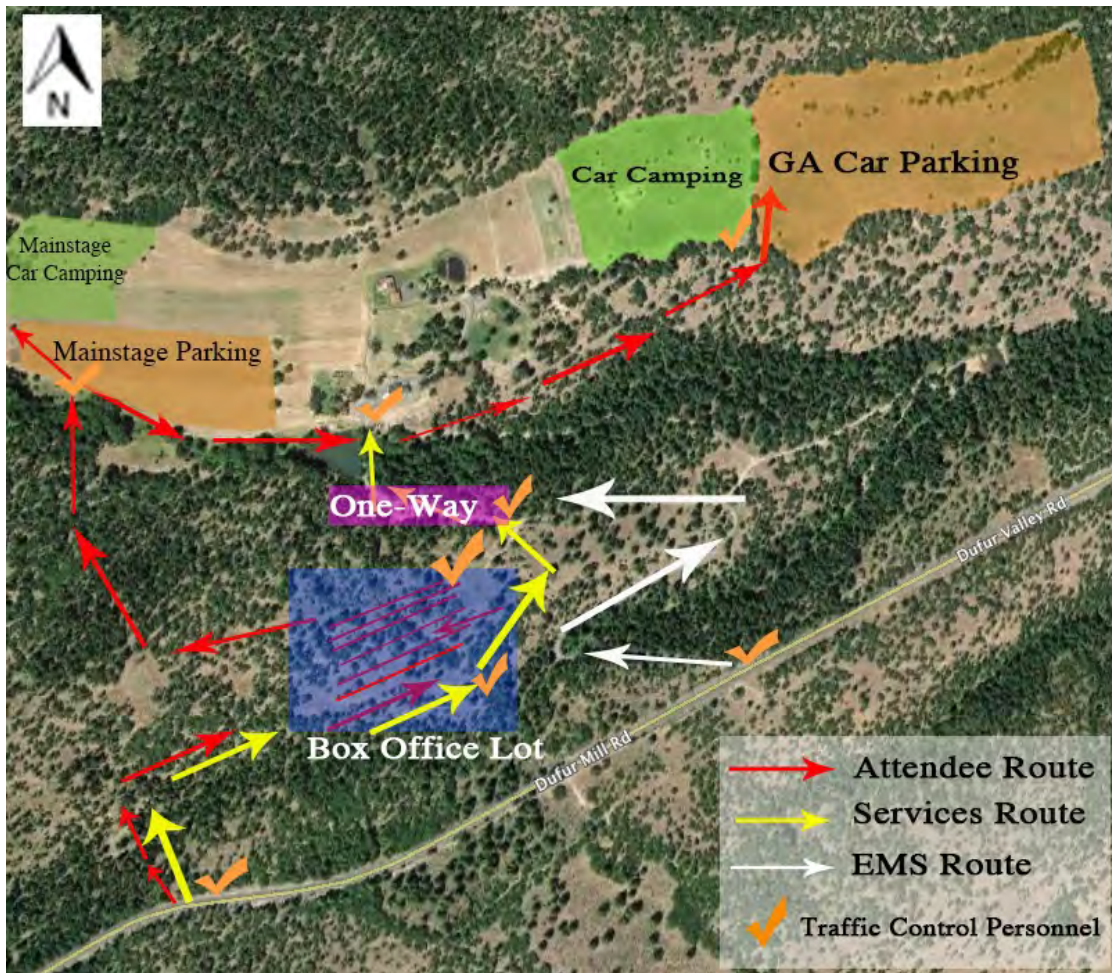
A security staff member will be positioned at the main entrance (not on the County Road) to assist drivers. A maximum of 200 vehicles can be staged between the main entrance and the Box Office, where attendees wait to be processed. Due to this large vehicle staging capacity, vehicle back-up on Dufur Valley Rd is unlikely.

The area of the property being used to stage the Box Office for the event will be configured into 5 lanes of 300' to stage vehicles waiting to be processed. Processing consists of scanning tickets, banding guests and searching vehicles for contraband. At full staffing, the five lanes can handle 300 vehicles per hour.

Once processed, attendees will then head a quarter mile into the site's Greeter Station where they will be routed either left into the main stage parking and camping areas or continue an additional half mile down the existing access road into the eastern area used for general event parking. A team of volunteer flaggers will direct traffic in the event parking areas. During peak times (discussed below) the parking staff and traffic control staff will include up to 45 volunteers and minimum of 4 paid staff members/managers.



Staff and service vehicles will also enter the property through the main entrance. Once staff and service vehicles reach the area being used for the Box Office, they will then be routed toward the east through Artist/Staff/Media Check-In. A team of traffic controllers will regulate the flow of traffic in all access areas.



(Continue to next page)



**EXODUS:**

Attendees will begin leaving the site Sunday evening the 18<sup>th</sup> around 4PM. Traffic flows will be light but may increase from the hours of 8:00PM – 10:00PM. The majority of attendees onsite after 10PM will remain until the next morning. All attendees must be off-site by 2PM on Monday, June 19<sup>th</sup>.

**EMERGENCY & CONTINGENCY PLAN:**

As mentioned, access to the event site via alternate entrance will be reserved for EMS vehicles throughout the duration of the event with minimal outbound traffic, which will be regulated by traffic control personnel. In the event of an emergency in which EMS vehicles will be responding and require access to the site, traffic control personnel will hold all on-site traffic until the EMS vehicle(s) have safely entered and exited the site.

In the event of any hindrance block any part of the main entrance where vehicles are unable to pass, traffic can be redirected out the eastern exit of the Box Office area to the alternate entrance. If the blockage occurs between the main entrance and the Box Office area, traffic will be diverted down the alternate entrance and back into the Box Office area via the staff/services lane. If at any point, processing causes a back-up to any point close to Dufur Valley Rd, security searches will be forgone in the Box Office area and instead occur once vehicles are parked alleviating traffic and speeding up the processing procedure.



# WASCO COUNTY

## SHERIFF

511 Washington St., Suite #102

The Dalles, Oregon 97058

Phone 541-506-2580

Fax 541-506-2581

To: Moonshine Events, LLC

September 14, 2016

Re: Approval Letter for OAR 333-039-0050

To whom it may concern:

The Wasco County Sheriff's Office has reviewed the Traffic Control Plan presented by Moonshine Events, LLC for What The Festival (WTF), taking place June 15<sup>th</sup> – 19<sup>th</sup>, 2017. As per OAR 333-039-0050, this letter confirms that the proposed arrangements for the security and orderly flow of traffic to and from the outdoor mass gathering, complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to the anticipated crowds and location of the outdoor mass gathering, located at 78889 Dufur Valley Rd, Dufur Oregon.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris McNeel".

Chris McNeel-Chief Deputy  
Wasco County Sheriff's Office  
541-506-2580



# **The Past, Present and Future of What the Festival**

A conversation with the founders of Oregon's boutique electronic festival about managing their brand, mitigating bad trips and the EDM bubble.



*A scene from What the Festival 2014. IMAGE: Ryan LaBriere.*

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Print article

By [Nicholas Johnson](#)

Updated June 16

Published June 14

Five years ago, Glen Boyd stood at a crossroads. Should he commit to building the dragon, or start a music festival?

He chose the festival.

Now, [What the Festival](#)—a cross between Burning Man art rave, big-tent bacchanal, Las Vegas pool party and intimate, Pickathon-style campout—is one of the most anticipated annual parties in the state, attracting both bass-chasing college kids and serious electronica aficionados to the woods of Dufur, Ore. Last year, WTF drew its biggest crowd yet, and finally crossed over into financial stability.

Many questions remain, however. Not just about What the Festival, but the future of dance music itself. *WW* spoke to Boyd and festival co-founders Peter Clark and Tiffany Boyd—who is also Glen's wife—about sustaining their brand, mitigating the hazards of "party culture," and, of course, the dragon that got away.

**WW: Why did you start the festival?**

**Glen Boyd:** Having retired a decade-plus before, I did a lot of traveling and finished raising my children. I was ready to get immersed in something again. Both Tiffany and I and Peter had all attended [Burning Man](#) for many, many years and did large art projects and theme camps there. This just seemed like a logical next step for wanting to do more art and more music-related events.

**Do you remember the moment when you made the decision?**

**Glen Boyd:** I was very close to making a commitment to a very large-scale art piece at Burning Man. Something that would have taken a good six to nine months of my life between the fundraising and the architectural design and engineering, and then a month living out there. Of course, at the end, you end up burning it. So there's something very poetic about that, but also final. There had been an opportunity we'd been discussing about starting the festival because of another festival [[Emerge-n-See](#)] in Oregon that decided that they weren't going to be returning. It was a little festival that happened down in Salem, and we saw that as an opportunity. We knew that if we waited another year we might miss the window, so it was really tough for me to decide to give up planning this dragon for almost two years. I guess the joke I said at the time—which wasn't a joke—was, "Well, I know at least I'm not going to be burning it at the end and we'll have the opportunity to get our money back." That hasn't been the case yet.

**Was the Dragon Stage a way for you to finally build the dragon installation you wanted to do at Burning Man?**

**Glen Boyd:** Exactly. An ode to the dragon I never built.

***[Related: "One Small Dubstep: What is the dance music subgenre dubstep, exactly? Depends on who's dancing."](#)***

**You've been around for a while, which isn't necessarily the case for a lot of festivals. Was there a time when you felt like it's going to be around for a while?**

**Glen Boyd:** This past year really gave all of us that feeling. Before that, every year has definitely been a struggle of whether or not we have the financial stamina. We've lost money every year. We're finally at sustainability, to where I'm no longer funding it and we're able to start work on repaying some of the investment and making the festival sustainable over time.

**Some journalists have declared that EDM is dying, [if not already dead](#). How does your festival, at this point focused on electronic music, respond to that?**

**Glen Boyd:** I think there's some truth to that about mainstream EDM. People are bored with it. When you talk about Euro house or [Swedish House Mafia](#) or these very large, mainstream electronic music acts, I would agree with that. There's so much more happening in the electronic music realm. Probably 50 percent of our acts of the last several years had some level of live component mixed in, whether it was our headliner Big Gigantic or Griz or Bonobo or Emancipator. That's a whole area that I don't see going away any time soon.

**Related:** [\*"Emancipator: An electronic festival mainstay escapes the stigma of jam."\*](#)

**Peter Clark:** We really have tried to stay ahead of that language for years. We don't brand ourselves as EDM. We constantly edit to make sure that word doesn't make it into our profile, because it is a buzzword and not something we want to associate with. It's a part of the music scene right now, and we're seeing it really hurt a lot of other events that are associated with it.

**People have preconceived notions about music festivals, especially ones that feature electronic music, of being one long party with lots of drugs. How do you mitigate that?**

**Glen Boyd:** The first thing is to make sure the environment is safe. We have a massive security force onsite. We also have a massive medical and fire team onsite. We joke and say we basically run a city. We have all the major departments. We have a doctor-led medical team. We do free water for all of the participants at dozens of locations. Our goal here is to give everybody a place to hang out with their friends and enjoy the weekend like a summer camp. Be safe about it.

**What would you say to someone who is on the fence about attending but might feel pressure to participate in the "party culture" at the festival?**

**Tiffany Boyd:** It's just getting the message out and letting people know we are so much more than that scene. We have yoga and movement workshops during the day. We have spoken workshops. They're so much more. We have a film festival. There's more to it than the music and the party.

**Glen Boyd:** Burning Man suffered through that same kind of thing for a long time. There's this preconceived idea that everybody who went to Burning Man is a certain type of person.

**Tiffany Boyd:** "Everyone's running around naked!" [Laughs.]

**Glen Boyd:** We like to say that we're proud of growing a little slower. It's allowed for most of our participants to acculturate. What that means is that someone comes because their friends are bringing them, and there's a certain level of built-in training, or a support system. If somebody comes for the first



time with their friend, they're a little less intimidated and they also get a little bit of culture of how to—

**Tiffany Boyd:** —of how to act and not to act.

**What new art installations and acts are you most excited about this year?**

**Glen Boyd:** Where do I begin? The art changes every year. That's always new and exciting, and I'm intimately involved with the curation of that. From a structural side, we're adding a third pool and we're adding an additional late-night stage.

**Who will be the breakout act this year?**

**Clark:** We're really happy with the lineup. It has something for everybody. We're all very excited to see FKJ, Tourist, Thievery Corporation, Bonobo, Lettuce. Once you get further down the list, you may have never heard of some of these artists.

**Where do you see What the Festival going in the next decade?**

**Clark:** As the market gets more and more saturated with music festivals, I think what we're trying to strive for is to separate ourselves from that pack and stay unique, stay different and maintain our own kind of consistency. I would think in 10 or 20 years, if the stars are aligned, we'll continue to be that breakout brand that's still exciting people in ways that many other events are trying to figure out. Maybe we'll have multiple events. Maybe we'll be doing more long-term stuff. It's sort of hard to stay, but I think maintaining the brand feel is what my dream would be.

Wasco County Board of Commissioners  
Suite 302  
511 Washington Street  
The Dalles, Oregon 97058  
C/O Planning Director, Wasco County  
2705 E 2nd St, The Dalles, OR 97058  
Dustin Nilsen  
[dustinn@co.wasco.or.us](mailto:dustinn@co.wasco.or.us)

19 October 2016

BY E-MAIL

Re: Objections to Application for Permit in Matter of  
Outdoor Mass Gathering at Wolf Run Ranch -  
Wasco County PLAOMG-16-09-0002

Commissioners:

Pursuant to the Public Notice recently published in The Dalles Chronicle in this matter. I am submitting my comments to and through Mr. Nilsen of the Wasco County Planning Office.

Accompanying this letter is a copy of an article from the Willamette Week of mid-June 2016 entitled, "**The Past, Present and Future of What the Festival** - A conversation with the founders of Oregon's boutique electronic festival about managing their brand, mitigating bad trips and the EDM bubble."

In that newspaper article Mr. Glen Boyd states:

**What new art installations and acts are you most excited about this year?**

**Glen Boyd:** Where do I begin? The art changes every year. That's always new and exciting, and I'm intimately involved with the curation of that. **From a structural side, we're adding a third pool and we're adding an additional late-night stage.** (emphasis added)

In addition, Mr. Peter Clark states:

**Where do you see What the Festival going in the next decade?**

**Clark:** As the market gets more and more saturated with music festivals, I think what we're trying to strive for is to separate ourselves from that pack and stay unique, stay different and maintain our own kind of consistency. **I would think in 10 or 20 years, if the stars are aligned, we'll continue to be that breakout brand** that's still exciting people in ways that many other events are trying to figure out. (emphasis added)

Both Mr. Clark and Mr. Boyd organized and continue to operate the WTF and speak on behalf of the Applicant in this matter.

ORS 433.745 (2) provides that, "A permit issued under this section does not entitle the organizer to make any permanent development to or on the real property. Any permanent development on the real property must be made in accordance with any applicable state or local land use law."

The Wasco County Land Use & Development Ordinance (July 2016) provides in part that:

"Development - Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of a building or other structure, change in use of a building or structure, land division, establishment, or termination of right of access, storage on the land, tree cutting, drilling, and site alteration such as that due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking, excavation or clearing. Also includes storage of equipment or materials located within the area of special flood hazard."

Thus, as to OMG's in Wasco County we have legal guidance to the meaning of "development" applied to all Wasco County actions where "development" is relevant, as in the case of this Application.

1. The Application, and preceding applications for this event, clearly show continuing, unpermitted permanent development to the site and an expansion of activities, such as the permanent "structural" development referenced by Mr. Boyd in the attached article. In addition, this is now the fifth event on the same site, utilizing unpermitted, permanent developments, including changes in uses of buildings and the fundamental change in the use of the site itself from a farm to a commercial festival site. In particular, previous fire plans of the ODF adopted for this event and its predecessors, specifically require Applicant to engage in removal of trees and vegetation in order to further create permanent transportation development and event site uses on the site that were and are a change to the uses of the site prior to the first WTF event. This permanent development, and permanent change of use, is specifically NOT for any permitted forest or resource use, but has specifically and repeatedly been stated as necessary only to operate the proposed event. Such permanent development, together with all the permanent development associated with movement of soil and new roads and

function sites, specifically contravene ORS 433.745 (2), in that Applicant has made no showing in the Application of the issuance of required permits for such permanent development, which require land use approval. Only the actual occurrence of the event is free of land use law. All permanent development thereon, including changes in uses of the site, remain subject to land use laws.

2. As shown in the attached Willamette Week article, Applicant and those that run and control Applicant have publicly admitted to planning to run this event on a permanent basis, discussing 20-year plans. It is no longer speculative that the prior statements of Applicant and prior Staff Reports from the Planning Office have made clear that Applicant plans this as a permanent, annual event, the recurrence of which creates a permanency of use and development prohibited by the applicable Oregon statutes. (See, *Landsem Farms, L.P v. Marion County*, 190 Or App 120, 78 P3d 103 (2003): "\* \* \* ORS 197.015(10)(d) properly is understood as creating a narrow exemption from land use regulation." In support of this finding of law, the Court cited the legislative history of the outdoor mass gathering statute, "That representative [of the Department of Land Conservation and Development], Ron Eber, told the Senate Rules and Elections Committee that the statute would not "authorize anything \* \* \* that should normally come within the land use statutes," and that the bill would make clear that those activities, the short duration, **temporary kind of activities**, are not subject to zoning regulations." (emphasis added)). As promised by Applicant and openly stated by Clark and Boyd, we are now seeing the fifth of a permanent string of such events, creating a permanent, massive commercial enterprise in the middle of protected resource lands, permanently converting the resource farm-forest use of the site to a commercial event use. The Application, and prior applications for this exact event, show areas that have already been completely cleared of forest cover and not replanted, and again, such actions are now required/enshrined by the ODF fire plan in the Application, all of which violates the Oregon Forest Practices Act, and thus is unpermitted permanent development under State and County zoning laws, and under the OMG statute itself. Importantly, the Staff Report provides no evidence of Applicant's compliance with ORS 433.745(2) or the necessary finding that no permanent developments referenced therein are being made to allow the event. Since the existence of this permanent development is a condition to meeting Oregon law as to health and safety during

the event, this permit application must be denied until Applicant can show that the permanent development involved is "made in accordance with any applicable state or local land use law." ORS 433.745(2).

3. Finally, the Oregon health and safety regulations that the Applicant, the Commission and the Planning Staff all say apply to this event, specifically require that all the water (potable and non-potable) required by Oregon law for the event, must be physically present on the site at all times. The event has morphed to up to 9,000 persons this year, making even more critical that this on-site requirement be adhered to. The staff report even calls for CREATION of some storage, another example of permanent development that is subject to land use laws. Water is not, as required by law, "available" at the site if it has to be loaded first and then hauled substantial distances to the site. The Application is defective on its face in this regard, and no developments to the site are permitted for the storage of the legally required water, even though Staff mandates such development.

Development repeated over and over again on the site is not only "permanent development", but cause a permanent change in use of the site so repeatedly developed. Wasco County Ordinances make clear that such a change in use is subject to land use permitting. The Application should be denied in its entirety, or at a minimum issued upon the specific condition that Applicant show that the permanent development on the site, and the permanent change of use of the site, has been done in compliance with applicable land use laws prior to the permit becoming effective.

Signed,

[CONFORMED]

Kenneth A. Thomas

Cc: Peter Livingston, Esq.