1) Welcome & Introductions

The meeting was called to order by Chair John Helmer at 6:00 p.m. Chair Helmer asked the group and guests to introduce themselves. Mr. Russell began by introducing Holly Stanley, who was appointed to the Task Force by the County Administrator to replace Josh Messer, representing the Lodging industry. The other members and those present introduced themselves.

2) Public Comment

Ellen Otani was concerned about the accuracy and transparency regarding the minutes of the meetings. She suggested that one of the members of the committee transcribe them. She related that on July 9 she requested that an value be placed on the extra volunteer hours spent safeguarding the harvest of the seed nursery at Emerald Meadows. The minutes stated that “the costs of the event owners should be included”. She said she did not believe that and did not say those words. Also, Bruce Newhouse’s disclosure that he had done work for the County was omitted from the June 23 minutes. She felt this was significant information that the public should be aware of.

Ms. Otani was concerned that there are no Buford Park patrons or volunteers on the committee. She stated that in 2013 volunteers donated 8,442 hours of labor valued at $186,906, but volunteer's voting rights have been given to several event organizers whose industry stands to gain financially from commercial events within the park system, which is against park rules. Ms. Otani questioned the role of Randy Hledick, indicating that she understood that he is representing Wildish.

She also stated the Revenue Enhancement Options Report produced by the Park Division omits volunteer labor contributions entirely.

Helmer said the minutes for this meeting would reflect Ms. Otani’s comments. He further objected to any implied criticism of the role of Task Force members, noting that Mr. Newhouse had been forthright in disclosing his association with the County and that Mr. Hledik is not representing Wildish but rather serving as an interested individual and park user.
Jim Evonuk stated he is here to hear the explanation from County Counsel for how they approved the events in Buford Park. He wants to know how the events can happen as it relates to the restrictions on the deed. He also wants to hear County Counsel's response to the letter they sent to Land Watch regarding their suit with Land Use Board of Appeals (LUBA) since the County is admitting they had no permits, how that going to affect the task force's work going forward.

Pat Hoover is curious how the 1982 deed and the 1992 Master Plan support large events when they use specific words like low intensity, low density, recreation and education. She asked if there are unwritten rules are being used to advise the Park Manager that he is in compliance.

3) Review and Adoption of Minutes
   Chair Helmer presented his revisions in an email handout.
   • Page 3, Keep 1,000 “for discussion purposes”
   • Page 4, Clarification that it is “Emerald Meadows that nets $10,000 per year”
   • Regarding talking with County communications staff for the informational piece for the Register Guard.

   MOTION: Mr. Newhouse moved to adopt the minutes as amended. Mr. Dunlap seconded. Motion passed. Ms. Stanley abstained.

4) Agenda additions/changes/modifications
   Chair Helmer suggested moving Item #8 – First Public Input Session, to right after the break.

5) Legal Aspects of Hosting Large Events in County Parks
   Chair Helmer stated that he has been looking forward to this topic. This will be the first of two sessions where we invite experts to talk about legality, but legality as it moves into appropriateness. He asked the presenters today to address applicable law, deeds, master plans, permits, policies, etc. He said that the group is not being asked to make decisions of law; rather this is background for the committee.

   He asked Mr. Clark and Mr. Laird to introduce their background and qualifications and their role.

   Mr. Russell passed out a handout of notes for what Mr. Laird and Mr. Clark would be discussing for the task force. He said it would be posted on the task force website. Mr. Russell explained that we will be discussing the recurring issues surrounding large events that have been heard since September 2013.

   Matt Laird said that he understands the Task Force is talking about all Lane County parks, but that he was asked to concentrate on issues raised around Emerald Meadows. Mr. Russell said that many of the issues can translate to other parks.

   Mr. Laird introduced himself as Lane County's Planning Director and Land Management Division Manager; been involved in land use planning in Oregon since 1995, ten years at Lane County.

   Mr. Laird reviewed the notes in his handout regarding issues of concern. (attached)

   For issues related to the deed and LUBA case regarding Emerald Meadows, Mr. Laird deferred to Andy Clark.
Mr. Clark introduced himself. He said he represents several departments and divisions within the County; graduated from University of Oregon Law School in 1988; been at Lane County since 2007.

He said that he cannot give advice to the committee or to any committee members or divulge any County secrets, so his statements will be general in nature. He is happy to answer any questions though, realizing his role and limitations.

He said the ultimate question for attorneys is are there any legal impediments which prohibits the County from holding some sort of event at a public park, specifically Howard Buford Park? The ultimate answer, he said, is no, there are not any. He said everything after that really is a policy consideration whether it is what traffic impacts can we live with, how much noise do we want to make, what time of day do we want them to happen, are all ultimately policy decisions to be made, ultimately, by the Board of County Commissioners.

With respect to the deed language for Buford Park, he said, interpretation of restriction on conveyances is generally interpreted very narrowly. He said they need to be very specific if they are going to be enforceable. He said this deed says the uses of the land are limited to “scenic uses, public park, public forest, and recreational purposes.” He said of those four, two appear to fit easily for events of the nature we are discussing.

He said, as Mr. Laird had said, the Buford Park Master Plan lists festivals and large gatherings as uses associated with this park. He said that there is nothing in the deed that he sees would restrict the types of events going on in the park. He said the language is far too general to call out what can and cannot happen at this park without any specificity.

With respect to the LUBA case, Mr. Clark said that, initially, an approval for a permanent campground was granted to Parks. That approval was not appealed. More recently, Parks proposed not to construct the permanent campground in favor of establishing temporary camping related to events. There was uncertainty if any approval was necessary for this, but, ultimately, Land Management granted an amendment to the initial approval to allow it. This approval was appealed to LUBA for lack of notice of a land use decision. This was resolved and dismissed by agreement with Land Watch that the County was not going to rely on either approval going forward associated with any events at the park.

Mr. Clark said there are not any unwritten rules relied upon to determine whether an event should be held in a park or not. If there is not something specifically prohibited by law, it is at the discretion of the Parks Manager to determine whether something should be allowed or not.

Chair Helmer quoted from the Howard Buford Recreation Area (HBRA) Master Plan the definition of regional parks on page 1, paragraph 2. He quoted from page 2, paragraph 2, the purpose of the Howard Buford Recreation Area. He quoted from page 4, paragraph 2 related to the use of the North Bottomlands, which is the Emerald Meadows area of the park. Related to sound, Chair Helmer quoted page 21, paragraph 2. Mr. Helmer quoted from page 23, paragraph 5. Chair Helmer asked the group to consider how a large, loud, multiday musical event fit the tone and intent presented in the Master Plan.

Mr. Laird stated that there are apparently conflicting goals and management objectives within the plan. In one area it says protect it, in another it says limit festivals to this area. So if there are questions to how to interpret these, that is a management and policy issue for the Parks Manager, not a land use issue.

Mr. Clark said that the Master Plan generally tries to accommodate a number of uses. Where parts are discussing large festivals and others are talking about potential conflicts between hikers and mountain bikers. He said, by their nature, master plan documents are broad and it is left to staff and policy choices
to implement. If the Task Force thinks more specificity is needed or policies need to be modified, then that is within your charge.

Mr. Russell said that, as Parks has managed these events, the balance of the natural values of the place and the appropriate recreation uses is always in play. He said a festival like the Mushroom Festival or Faerieworlds are more appropriate than a Kaleidoscope. He said, as a manager, he is seeking to find that balance of meeting our mission in providing diverse recreational experiences while maintain the natural values that are important at that park.

Ms. Scott asked to clarify the purpose of the installation of electrical service in providing electricity and an irrigation pump. She wanted to know what the irrigation pump provided. Mr. Russell responded that the pump is intended to irrigate the fields, provide water to grazing cattle, and service some Fire Wise educational installations related to fire suppression around the barn and the house. Ms. Scott asked if it would be able to irrigate all four fields. Mr. Russell responded yes.

Mr. Hledik asked about the noise impacts identified in Lane Code 5.600. He said 50 and 60 db is not that loud and wondered if there were exceptions. Mr. Laird said that there is a variance process and he usually sees variance requests for night work construction projects. Mr. Hledik asked if those come to Mr. Laird or someone else. Mr. Laird said under the code, yes, but, in the future, if Parks wanted to manage that within their parks that could be an option. Mr. Hledik also clarified that the exception for Parks is just to let the 60 db go until 11 p.m. Mr. Hledik asked Mr. Russell if Kaleidoscope indicated how loud they were going to be. Mr. Russell said that Parks staff had a measuring device on site and performed measurements consistent with Lane Code. He said they measured, at one point, 48 db after 11:00 p.m. and it was still too loud practically.

Ms. Lawrence said she was standing on the property line during Kaleidoscope and the decibel meter before 11:00 p.m. was between 80 and 85 decibels, which we were told was in compliance with Lane County Code.

Mr. van Appel said that there are different ways to interpret the Master Plan. It is his understanding that this group will be able to make recommendation based on how we feel the Master Plan should apply to the parks. In the end, we will be able to say what we feel the intent was and how does that shape our recommendation to Parks.

Mr. Gaulton said he is not totally sure of that in light of having to look at parks as a whole system and not get bogged down in a single park. He said if, in looking at the whole system, we can address specifics that are adaptable to the whole system, that would be what we are looking to do.

Mr. van Appel asked if there are other master plans for other parks. Mr. Russell said that he believes HBRA is the only park that has a master plan.

Mr. Clark cautioned that group has to be careful to distinguish between interpreting the plan and recommendations for amending the plan. How this group may interpret the plan may not matter to LUBA in the case of an appeal.

Mr. Newhouse asked for the status of the existing Parks and Open Space Master Plan and if it has any sideboards that should be considered. Mr. Russell said the 1980 plan is very broad and general and does not provide any specific guidance regarding large events. He said Parks is currently updating the plan.

Ms. Moore expressed concern for consistency through time when things are left for interpretation. She said she does not see parks accommodating increased use, she see Parks creating increased use.
Ms. Lawrence was concerned that there was no Lane County personnel available on weekends for these issues. She said it is not fair to the people that are effected by these events. She also asked what kind of responsibility does Parks have for the illegal drug use that occurs at events. Mr. Russell said that Parks tries to minimize those liabilities through the contract process with minimum insurance requirements, identifying risks and managing them.

Ms. Moore asked if the County is liable for anyone who dies on County property. Mr. Clark said there is the potential for liability.

Chair Helmer asked for those on the committee that have not had a chance to speak, to speak.

Mr. Murphy commented that using the east end of the park as a place to direct when the west end is plugged up with an event is very impractical. He noted that the east side of the park can only accommodate 2-3 horse trailers.

Chair Helmer asked what the legal definition of low intensity recreation is. Mr. Clark said he was not sure there was one, and that is why it becomes mostly policy decisions that define what that is. He said Mr. Laird’s examples are just examples and that the Board of Commissioners will ultimately have to balance the interests of folks who want a quiet, contemplative use of the park against many who want to attend these outdoor events.

Mr. Hledik asked if this group makes recommendations about lowering noise levels as a matter of policy would that be a land use decision or a code change. Mr. Clark said that it would probably not be a land use decision, but it would require amending the code. Mr. Russell said it could also just be a policy decision that Parks decides this is the level of noise we will allow. Mr. Laird agreed saying that if Parks wanted to take a more restrictive stance on noise, it would not be a land use issue.

Ms. Stanley asked how many applications for gatherings Parks had in 2014. Mr. Russell said they had just two; Faerieworlds and Dirty Dash. She asked if Parks denied any. Mr. Russell said that none had been denied, but that when Parks is approached by potential event organizers, they are informed of the task force process and that Parks is not accepting applications until that process is complete. Mr. Russell said that there has been up to six applications in for use of the park. Chair Helmer said he has heard as high as 8 events have been discussed. Mr. Russell clarified that Parks has had up to six organizations approach parks about holding events there.

Mr. Hansen said Mr. Laird’s notes appear to be making excuses after you know what you did. He said it looks like bits and pieces of the Master Plan were chosen rather than the intent of the Master Plan. He said it is the group’s task to determine the intent of the Master Plan not the legal basis. Mr. Clark responded that he does not see it as a matter of interpretation of the Master Plan for this group; rather this group gets to recommend what policies ought to apply. Then the County can implement that in whatever way makes sense, whether it be an amendment to the Master Plan, change in code, or policy. Mr. Helmer said the Mr. Clark seems to be suggesting that the group’s work could actually drive a Master Plan revision rather than looking to the Master Plan to drive recommendations. Mr. Russell said that he believes that could be one outcome of the group’s work and that the Board anticipated it. Mr. Dunlap said that these documents are general for a purpose as times change, interpretations change. He said the general idea for the park is a beautiful natural area for people to enjoy, but how that comes about is going to be a matter of policy.

Chair Helmer thanked Mr. Laird and Mr. Clark for coming to the meeting.

6) BREAK
7) **Action Item: First special public input session**

Chair Helmer asked the group how many members were able to make it to the Faerieworlds event. Three members indicated.

Mr. Newhouse wanted to clarify that he has never worked for Lane County, but has done some contract work. He said it ended several months ago and the Friends of Buford Park did not find a problem with it.

Mr. Helmer asked for a report on the work Mr. Hledik and Mr. Russell had done on the specifics of the first public input session.

A) **Timing, Place, & Format**

Mr. Hledik summarized the recommendations developed.

- Promote this session to be a “brainstorming” session
- Hold the session from 7:00 - 9:00 p.m. the week of September 22
- Hold the session at the County Public Works campus
- Fill the room with maps of parks and pictures of events
- Invite people to come and speak

Chair Helmer questioned the timing, but is supportive of the proposed format. Ms. Scott asked that the group be facing those that would be addressing the group.

The group discussed the timing of the event. Chair Helmer asked Mr. Russell to send out a Doodle Poll for dates the week of October 13th. Chair Helmer reminded the group that there was not a need for quorum at this meeting.

Mr. Russell said that the proposed public comment form can be made available and placed online for the public to use.

B) **Approval of news release and PSA**

The group reviewed the draft Public Service Announcement (PSA).

C) **Approve Online Public Comment Form**

Mr. Hledik said that he appreciated the email sent by Mr. Newhouse on the statistical validity of public surveys. He said at the last meeting the group talked about Mr. Russell pursuing funds to complete a professional survey. He said he hoped, in light of the update of the Parks Master Plan, that the group would not discourage Parks from doing a professional survey that incorporates questions related to both the master plan update and issues related to large events. Chair Helmer said he would not discourage it, that he was not sure it was a task force function, but that if it is then the Task Force should be fully engaged in the development of questions. Mr. Russell said that was his intent; to engage the task force in developing questions related to large events. Chair Helmer indicated that it should be talked about later because of time.

Mr. Gaulton asked Chair Helmer if he was available for a morning radio interview. Chair Helmer indicated positively.
Ms. Moore suggested posting the notice of the public input session within parks. Mr. Russell said Parks could post the PSA on kiosks in affected parks. She offered to have it at her business as well.

Mr. van Appel finalized the draft press release.

8) **Review Updated Task Force Work Plan**

Chair Helmer wanted to review the work plan. He reviewed his revisions and the chart that lays out the key tasks. He suggested revising the date of the first public information session to after the October meeting. Mr. van Appel said that he thinks the Chair did a good job on it and wanted to point out a couple scary points coming up where the group will be asked to develop position statements, but that they are necessary to get to the work that needs to be done.

Ms. Scott said that she has heard over and over tonight that legality may not be the purview of the task force and that it should be policy. She said she does not see policy anywhere in the document. Chair Helmer said that it will be part of adopting the position statements and that he does not feel that legality can be taken off without having the discussion. Ms. Scott said that she thinks we should have the discussion now. Chair Helmer said that he does not think we can have it now as we have not heard from the other invited guests. Ms. Stanley agreed with Ms. Scott and suggested that it may be listed too many times and is too prominent in the work plan. Mr. Dunlap suggested amending the plan to indicate “Legality/Rules”. Ms. Lawrence suggested “Legality/Policy”.

**MOTION:** Chair Helmer formalized Ms. Lawrence’s suggestion to replace “Legality” with “Legality/Policy” within the Work Plan. Mr. van Appel seconded. Motion passed. Mr. Gaulton abstained.

Mr. Gaulton suggested the November 12th meeting be used to determine whether legality is part of what we are doing or not. Chair Helmer agreed.

**MOTION:** Mr. van Appel moved to adopt the Work Plan as amended. Ms. Lawrence seconded. Motion passed unanimously.

9) **Analysis of Park Capacity for Large Events**

Mr. Russell presented the analysis of parks within the County Park System of parks that could host events of over 1,000 attendees. He said there are 13 parks that meet criteria for holding large events. He said there are 11 parks that potentially could hold large events, but some issue or factor needs to be addressed before that can happen. He said the rest of the list of parks are those that are not candidates for large events, mostly because they are too small to be considered.

Chair Helmer asked if the capacity of each park to host large events is known. Mr. Russell said each event is different and depends on if they are using shuttling service, space needs, etc.

Mr. Gaulton said the first thing to look at is need for parking and space for that. Mr. Stockdale said that some of these parks could host a large event, but might need significant development to get there. Mr. Gaulton said that may be true, but the group is looking for policy as a whole, so that if the policy fits, but the space doesn’t, it is a moot point.

The group continued to discuss the relative capacity of each park depending on the event.

10) **Public Comment**

Chair Helmer opened the public comment period.
Pat Hoover said she agrees with Mr. Dunlap that times change and all the more reason to make sure we follow the letter of the deed and master plan for Buford Park where citizens come to be peaceful and quite, hike, have a restorative experience. She said we have lost some of that with putting large events here. She asked that all the volunteer work be considered.

Chris Orsinger expressed appreciation for Mr. Russell and Lane County for putting the task force together. He wanted to emphasize that while the charge is heavy on what policies should be in place for large events in Lane County parks, you need to consider what other uses could be in the North Bottomlands in addition to, or instead of, large events in Buford Park. He said there are other kinds of recreational uses that could be consistent with the master plan and if you chose one, you may be foreclosing the opportunity to do the others. He said this area could be the gateway to the eventual reopening of The Nature Conservancy property to the public.

11) **Adjourn**

The meeting ended at 8:06 p.m.

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Minutes Recorder

Mike Russell, Parks Manager