

HOUSE AMENDMENTS TO HOUSE BILL 2790

By COMMITTEE ON AGRICULTURE AND LAND USE

April 11

1 On page 1 of the printed bill, line 2, delete “creating new provisions; and” and delete “197.015,
2 215.213, 215.283.”

3 In line 3, delete “433.755, 433.760.”

4 Delete lines 5 through 27 and delete page 2.

5 On page 3, delete lines 1 through 4 and insert:

6 “**SECTION 1.** ORS 433.763 is amended to read:

7 “433.763. (1) **An application for an outdoor mass gathering for which the county decides**
8 **that a land use permit is required, or for** any gathering of more than 3,000 persons **any part of**
9 **which is held outdoors and** which continues or can reasonably be expected to continue for *[more*
10 *than 120 hours within any three-month period and any part of which is held in open spaces]* **a period**
11 **exceeding that allowable for an outdoor mass gathering,** shall be allowed by a county *[planning*
12 *commission]* if *[all of the following occur]:*

13 “[*(a) The organizer makes application for a permit to the county planning commission.*]

14 “[*(b) (a) [The applicant demonstrates to the county planning commission that]* The applicant has
15 complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS
16 433.750[.] **and 433.755;**

17 “[*(c) The county planning commission shall make findings that:*]

18 “[*(A) (b) [Any]* Permits required by the applicable land use regulations have been granted; and

19 “[*(B) (c)* The proposed gathering:

20 “[*(i) (A)* Is compatible with existing land uses; and

21 “[*(ii) (B)* Does not materially alter the stability of the overall land use pattern of the area.

22 “[*(2) The provisions of ORS 433.755 apply to any gatherings reviewed or approved under this*
23 *section.*]

24 “[*(3) (2) A hearings officer, county planning commission or other person or body that the*
25 **county designates may make findings and approve or deny an application for a permit under**
26 **this section.** A decision granting or denying a permit under this section may be appealed to the
27 county governing body as provided in ORS 215.402 to 215.438.

28 “**(3) Notwithstanding subsection (1) of this section, a county may not require a permit**
29 **under ORS 433.750 for events otherwise permitted under ORS 215.213 (11), 215.283 (4), 215.451**
30 **or 215.452.**

31 “[*(4) If a county has not created a planning commission as provided in ORS 215.030, the county*
32 *governing body, or such other person as the governing body designates shall receive the application*
33 *and make the findings and decision required by this section.*]

34 “**SECTION 1a.** If Senate Bill 287 becomes law, section 1 of this 2019 Act (amending ORS
35 **433.763) is repealed and ORS 433.763 is amended to read:**

1 “433.763. (1) **An application for an outdoor mass gathering for which the county decides**
2 **that a land use permit is required, or for** any gathering of more than 3,000 persons **any part of**
3 **which is held outdoors and** which continues or can reasonably be expected to continue for [*more*
4 *than 120 hours within any three-month period and any part of which is held in open spaces*] **a period**
5 **exceeding that allowable for an outdoor mass gathering,** shall be allowed by a county [*planning*
6 *commission*] if [*all of the following occur*]:

7 “[*(a) The organizer makes application for a permit to the county planning commission.*]

8 “[*(b) (a) [The applicant demonstrates to the county planning commission that]* The applicant has
9 complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS
10 433.750[.] **and 433.755;**

11 “[*(c) The county planning commission shall make findings that:*]

12 “[*(A) (b) [Any]* Permits required by the applicable land use regulations have been granted; and

13 “[*(B) (c)* The proposed gathering:

14 “[*(i) (A)* Is compatible with existing land uses; and

15 “[*(ii) (B)* Does not materially alter the stability of the overall land use pattern of the area.

16 “[*(2) The provisions of ORS 433.755 apply to any gatherings reviewed or approved under this*
17 *section.*]

18 “[*(3) (2) A hearings officer, county planning commission or other person or body that the*
19 **county designates may make findings and approve or deny an application for a permit under**
20 **this section.** A decision granting or denying a permit under this section may be appealed to the
21 county governing body as provided in ORS 215.402 to 215.438.

22 **“(3) Notwithstanding subsection (1) of this section, a county may not require a permit**
23 **under ORS 433.750 for events otherwise permitted under ORS 215.213 (11), 215.283 (4), 215.451**
24 **or 215.452 or section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill 287).**

25 “[*(4) If a county has not created a planning commission as provided in ORS 215.030, the county*
26 *governing body, or such other person as the governing body designates shall receive the application*
27 *and make the findings and decision required by this section.*]

28 **“SECTION 2.** ORS 433.735 is amended to read:

29 “433.735. As used in ORS 433.735 to 433.770 and 433.990 (7):

30 **“(1) ‘Organizer’ includes any person who holds, stages or sponsors an outdoor mass**
31 **gathering and the owner, lessee or possessor of the real property upon which the outdoor**
32 **mass gathering is to take place.**

33 “[*(1) (2) ‘Outdoor mass gathering,’ unless otherwise defined by county ordinance, means an ac-*
34 *tual or reasonably anticipated assembly of more than 3,000 persons which [continues or can reason-*
35 *ably be expected to continue for more than 24 consecutive hours but less than 120 hours within any*
36 *three-month period and which]* is held primarily in open spaces and not in any permanent structure
37 **and within any three-month period is expected to continue for more than 24 hours and not**
38 **more than 120 hours, excluding hours required for ingress to and egress from a gathering**
39 **that is located on lands zoned for exclusive farm use that are 60 miles or farther from the**
40 **nearest interstate highway.**

41 “[*(2) ‘Organizer’ includes any person who holds, stages or sponsors an outdoor mass gathering and*
42 *the owner, lessee or possessor of the real property upon which the outdoor mass gathering is to take*
43 *place.*]

44 **“(3) ‘Permanent structure’ includes a stadium, an arena, an auditorium, a coliseum, a fairgrounds**
45 **or other similar established places for assemblies.**

1 “(4) ‘Temporary structure’ includes tents, trailers, chemical toilet facilities and other structures
2 customarily erected or sited for temporary use.”.

3 In line 5, delete “5” and insert “3”.

4 In line 6, after “(1)” insert “Unless a county decides that a land use permit is required,”.

5 Delete lines 40 through 45.

6 On page 4, delete lines 1 through 28.

7 In line 29, delete “8” and insert “4”.

8 Delete lines 32 through 45 and delete pages 5 through 41.

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