

HB 2790-2
(LC 1584)
3/28/19 (RLM/ps)

Requested by HOUSE COMMITTEE ON AGRICULTURE AND LAND USE (at the request of Representatives Brian Clem and Barbara Smith Warner)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2790**

1 On page 1 of the printed bill, line 2, delete “creating new provisions;
2 and” and “197.015, 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**
8 **the county decides that a land use permit is required, or for any gath-**
9 **ering of more than 3,000 persons any part of which is held outdoors and**
10 **which continues or can reasonably be expected to continue for [more than**
11 **120 hours within any three-month period and any part of which is held in open**
12 **spaces] a period exceeding that allowable for an outdoor mass gather-**
13 **ing,** shall be allowed by a county [*planning commission*] if [*all of the fol-*
14 *lowing occur*]:

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

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

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

21 “[*(A) (b) [Any] Permits required by the applicable land use regulations*

1 have been granted; and

2 “[*B*] (c) The proposed gathering:

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

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

6 “[*2*] *The provisions of ORS 433.755 apply to any gatherings reviewed or*
7 *approved under this section.*]

8 “[*3*] **(2) A hearings officer, county planning commission or other**
9 **person or body that the county designates may make findings and**
10 **approve or deny an application for a permit under this section.** A de-
11 cision granting or denying a permit under this section may be appealed to
12 the county governing body as provided in ORS 215.402 to 215.438.

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

16 “[*4*] *If a county has not created a planning commission as provided in ORS*
17 *215.030, the county governing body, or such other person as the governing body*
18 *designates shall receive the application and make the findings and decision*
19 *required by this section.*]

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

23 **“433.763. (1) An application for an outdoor mass gathering for which**
24 **the county decides that a land use permit is required, or for any gath-**
25 **ering of more than 3,000 persons any part of which is held outdoors and**
26 **which continues or can reasonably be expected to continue for [more than**
27 **120 hours within any three-month period and any part of which is held in open**
28 **spaces] a period exceeding that allowable for an outdoor mass gather-**
29 **ing, shall be allowed by a county [planning commission] if [all of the fol-**
30 **lowing occur]:**

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

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

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

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

9 “[(B)] (c) *The proposed gathering:*

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

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

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

15 “[(3)] (2) **A hearings officer, county planning commission or other**
16 **person or body that the county designates may make findings and**
17 **approve or deny an application for a permit under this section.** A de-
18 cision granting or denying a permit under this section may be appealed to
19 the county governing body as provided in ORS 215.402 to 215.438.

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

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

1 **an outdoor mass gathering and the owner, lessee or possessor of the**
2 **real property upon which the outdoor mass gathering is to take place.**

3 “[~~(1)~~] (2) ‘Outdoor mass gathering,’ unless otherwise defined by county
4 ordinance, means an actual or reasonably anticipated assembly of more than
5 3,000 persons which [*continues or can reasonably be expected to continue for*
6 *more than 24 consecutive hours but less than 120 hours within any three-month*
7 *period and which*] is held primarily in open spaces and not in any permanent
8 structure **and within any three-month period is expected to continue**
9 **for more than 24 hours and not more than 120 hours, excluding hours**
10 **required for ingress to and egress from a gathering that is located on**
11 **lands zoned for exclusive farm use that are 60 miles or farther from**
12 **the nearest interstate highway.**

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

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

18 “(4) ‘Temporary structure’ includes tents, trailers, chemical toilet facili-
19 ties and other structures customarily erected or sited for temporary use.”

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

21 In line 6, after “(1)” insert “Unless a county decides that a land use per-
22 mit is required,”.

23 Delete lines 40 through 45.

24 On page 4, delete lines 1 through 28.

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

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

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