

HB 2790-1  
(LC 1584)  
3/8/19 (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;” and  
2 “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 under ORS**  
9 **433.750, or for** any gathering of more than 3,000 persons **any part of which**  
10 **is held outdoors and** which continues or can reasonably be expected to  
11 continue for [*more than 120 hours within any three-month period and any part*  
12 *of which is held in open spaces*] **a period exceeding that allowable for an**  
13 **outdoor mass gathering**, shall be allowed by a county [*planning commis-*  
14 *sion*] if [*all of the following 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 “[*4*] *If a county has not created a planning commission as provided in ORS*  
14 *215.030, the county governing body, or such other person as the governing body*  
15 *designates shall receive the application and make the findings and decision*  
16 *required by this section.*]

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

18 “433.735. As used in ORS 433.735 to 433.770 and 433.990 (7):

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

22 “[*1*] **(2) ‘Outdoor mass gathering,’ unless otherwise defined by county**  
23 **ordinance, means an actual or reasonably anticipated assembly of more than**  
24 **3,000 persons which [continues or can reasonably be expected to continue for**  
25 **more than 24 consecutive hours but less than 120 hours within any three-month**  
26 **period and which] is held primarily in open spaces and not in any permanent**  
27 **structure and within any three month period is expected to continue**  
28 **for more than 24 hours and not more than 120 hours, excluding hours**  
29 **required for ingress to and egress from a gathering that is not located**  
30 **on high-value farmland as defined in ORS 195.300 that is 60 miles or**

1 **farther from the nearest interstate highway.**

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

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

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

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

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

12 Delete lines 40 through 45.

13 On page 4, delete lines 1 through 28.

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

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

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