

BEFORE THE COUNTY COURT
FOR MALHEUR COUNTY

In the Matter of:

Amendment to Malheur County)
Outdoor Mass Gathering Ordinance) ORDINANCE NO. 225
)

WHEREAS, Malheur County’s outdoor mass gathering ordinance requires amendments consistent with legislative changes made in 2019 (HB 2790) to ORS 433.735, ORS 433.763, ORS 433.765 and ORS 433.767 as well as other changes determined necessary for implementation of the ordinance.

NOW, THEREFORE, The Malheur County Court ordains as follows:

Malheur County’s Outdoor Mass Gathering Ordinance set out in the Malheur County Code Title 3 Chapter 2 shall be amended as follows:

3-2-2 DEFINITIONS

B. “Outdoor mass gathering” means an actual or reasonably anticipated assembly of 750 or more persons at any time on land within the unincorporated areas of Malheur County which continues ~~or~~ **and** can reasonably be expected to continue for more than five (5) hours but not more than 120 hours within any three-month period, which is held primarily in open spaces and not in any permanent structure. Included ~~within the 120 hours is any time~~ **are hours** necessary to set up the event **gathering** or clean up afterward. **Excluded are hours required for ingress to egress from a gathering that is located on lands zoned Exclusive Farm Use that are 60 miles or farther from the nearest interstate highway.**

3-2-5 FEE

Before accepting an application for an outdoor mass gathering permit, the County Court shall collect an application fee. The fee shall be set, and may be changed, by order or resolution of the County Court. In setting or changing the fee, the County Court will consider the reasonable and necessary costs incurred by the Sheriff, fire agency, County Health and Environmental Health Officers, Road Supervisor and other agencies and officials, in reviewing and processing the application, inspecting the assembly site and ensuring the safety of persons and property at, and in the vicinity of, the outdoor mass gathering. The fee shall not exceed \$5,000, unless the limit in ORS 433.750 (6) is increased. ~~The fee shall be waived or reduced when the County Court finds, by a preponderance of the evidence presented, that the applicant is unable to reimburse the County.~~

3-2-6 PERMIT PROCESS FOR OUTDOOR MASS GATHERING WHEN GATHERING DOES NOT REQUIRE A LAND USE PERMIT

3-2-14 OTHER TYPES OF ASSEMBLIES DISTINGUISHED

~~C. Outdoor mass gatherings, as defined by this ordinance, are not land uses.~~

~~D. An actual or reasonably anticipated assembly of more than 750 persons on land which continues or can reasonably be expected to continue for more than 120 hours within any three-month period within the unincorporated areas of Malheur County is not an outdoor mass gathering, but is a land use, subject to the provisions of ORS 433.763.~~

~~E. Events conducted on property where a valid land use permit has been issued for the event by the Malheur County Planning Director or Malheur County Planning and Zoning Commission are not outdoor mass gatherings subject to this ordinance.~~

B. Land Use Permit. An actual or reasonably anticipated assembly of more than 3000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is primarily in open spaces and not in a permanent structure requires a land use permit (i.e. conditional use permit in the EFU zone). In addition, the organizer must demonstrate compliance or that it can comply with the requirements of this ordinance; and the requirements set out in ORS 433.750 and 433.755. An outdoor mass gathering requiring a land use permit must be compatible with the existing land uses and cannot materially alter the stability of the overall land use pattern of the area. The conduct of hearings, notice provisions and approval criteria for a land use permit are set in ORS 433.763, ORS 215.402 to 215.438, the Malheur County Code and other applicable state laws and

administrative rules. A separate or additional fee may be established by the planning department for a land use permit for outdoor mass gatherings.

All other provisions of the County's Outdoor Mass Gathering ordinance, except as underlined or stricken above remain the same and are unchanged.

DATED this _____ day of October 2020

MALHEUR COUNTY COURT:

Judge Dan P. Joyce

County Commissioner Don Hodge

County Commissioner Larry Wilson