

Guide to Outdoor Gatherings and Land Use

Hours in a 3-month Period	< 3,000 People Small Gatherings	> 3,000 People Large Gatherings
1 gathering of < 24 hours	County may expand definition of outdoor mass gathering to include these events (ORS 197.015(10)(d) says not a land use decision)	County may expand definition of outdoor mass gathering to include these events (No specific treatment in ORS)
1 gathering of 24-120 hours	County may expand definition of outdoor mass gathering to include these events (ORS (197.015(10)(d) says not a land use decision)	OUTDOOR MASS GATHERING (ORS 433.750 - health & safety only) (ORS 197.015(10)(d) says not a land use decision)
1 gathering of > 120 hours	County may expand definition of outdoor mass gathering to include these events (No specific treatment in ORS)	GATHERINGS SUBJECT TO LAND USE REGULATION (ORS 433.763)

- Red:** These gatherings are subject to land use regulations under ORS 433.763
- Yellow:** These gatherings are subject to health & safety regulations only under ORS 433.750
- Green:** These gatherings may not be reviewed as a land use decision, but may be made subject to health & safety regulations
- Blue:** These gatherings are not treated in ORS; however, they may be made subject to health and safety regulations.

Issues:

1. “Other” outdoor gatherings of < 3,000 persons and up to 120 hours are not land use decisions under ORS 197.015(10)(d).
2. There is no statutory guidance for small outdoor gatherings of >120 hours or large gatherings of < 24 hours.
3. Outdoor gatherings can have significant land use, environmental and other impacts.
4. Some counties permit small outdoor gatherings as temporary uses, applying similar health and safety review criteria as for outdoor mass gatherings. Alternatively, these may be defined as outdoor mass gatherings.

Point of clarification:

1. Both ORS 433.735 and 197.015(10)(d) state that an outdoor mass or “other” gathering that is not anticipated to continue for more than 120 hours in “any three-month period” is permitted. This means that a single outdoor gathering is allowable within this time frame, not that 120 hours can be utilized at more than one gathering. *Landsem Farms, L.P. v. Marion County*, 190 Or App, 2003 and *Cookman v. Marion County*, 190 Or App, 2003 clarified this point by stating that “the text, context, and legislative history of ORS 197.015(10)(d) indicate that it exempts from land use regulation only a single gathering” of the described size and duration within any three-month period.