# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS Policy Session Worksheet

Presentation Date: 6/25/19 Approx. Start Time: 11:00 Approx. Length: 30

Minutes

Presentation Title: Outdoor Mass Gathering Ordinance

**Department:** County Counsel

Presenters: Stephen Madkour and Scott Ciecko

Other Invitees: Jennifer Hughes, Planning Director

## WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Review of an ordinance adding Chapter 6.12 in the Clackamas County Code to regulate Outdoor Mass Gatherings (gatherings of more than 3,000 persons) in compliance with the requirements of ORS 433.735 and Oregon Administrative Rules Chapter 333, Division 039, and to regulate Limited Gatherings (gatherings of more than 300 persons)

#### **EXECUTIVE SUMMARY (why and why now):**

In the past mass gatherings (often electronic music festivals or "raves") have been held or attempted to be held in Clackamas County. In 2013, the Planning staff was given direction by the BCC to research and develop code language to address Outdoor Mass Gatherings. Currently Outdoor Mass Gatherings, which are defined as an assembly of more than 3,000 persons, are regulated under State law (ORS 433.735 – 433.770) and all health and safety rules associated with Outdoor Mass Gatherings are governed by the Oregon Administrative Rules. Gatherings of less than 3,000 persons are not regulated by state law and may or may not be regulated under the County Zoning and Development Ordinance.

The proposed code amendments will implement current state law which regulates mass gatherings, into the County Code and tailor the process to include more specific review, public notice, agency coordination, decision making, and public hearing procedures.

In addition to adopting state laws governing Outdoor Mass Gatherings, the proposed code amendment would regulate other gatherings of less than 3,000 persons (referred to as Limited Gatherings). These amendments are being considered because Limited Gatherings have the potential to create impacts similar to Outdoor Mass Gatherings. The proposed standards regulate Limited Gatherings for those multiday assemblies that have an attendance greater than 300 persons, or assemblies of any duration that have an attendance greater than 500 persons.

The proposed amendments for Outdoor Mass Gatherings and Limited Gatherings would establish approval standards and criteria to ensure minimum health, safety and welfare

issues are adequately addressed. The amendments are intended to provide a clear and transparent path for permitting these types of events for the event organizers, County, public and service district providers. The proposed amendments include a list of exemptions for certain gatherings that do not generate health, safety and welfare issues and grant the Planning Director discretion to modify the requirements to fit the anticipated impacts of the Gathering.

This mass gathering ordinance was initially presented to the board in 2013 where it received two readings and public hearings but it did not receive board approval.

### FINANCIAL IMPLICATIONS (current year and ongoing):

If adopted, adminis the Planning Depar	•	de provisions	would likely add to the work load of
Is this item in your	current budget?	☐ YES	⊠ NO
What is the cost?	\$	What is the funding source?	

#### STRATEGIC PLAN ALIGNMENT:

- How does this item align with your Department's Strategic Business Plan goals?
- How does this item align with the County's Performance Clackamas goals?
- Build public trust through good government
- Ensure safe, healthy and secure communities

LEGAL/POLICY REQUIREMENTS: Recent amendments to the mass gathering statute were proposed during this year's legislative session. As of this date, HB 2790 (which allows counties to require outdoor mass gathering of more than 3,000 people, except agri-tourism events, to obtain land use permit. Allows counties to charge larger fee for approval of larger outdoor mass gathering); SB 696 (which allows county governing body to require organizer of mass gathering to obtain insurance policy in amount commensurate with risk, but not exceeding limitation for liability of local public body under Oregon Tort Claims Act) have not been signed by the Governor. HB 2977, which expands definition of "outdoor mass gathering" to include gathering that continues beyond 120 hours to provide ingress and egress from gathering provided that gathering is located at least 60 miles away from interstate highway, appears to have stalled.

# **PUBLIC/GOVERNMENTAL PARTICIPATION:**

#### **OPTIONS:**

1. Take no action with respect to regulating mass gatherings;

Direct staff to incorporate all recent legislative changes into this current proposed code amendment and proceed to a public hearing and first reading;

RECOMMENDATION:

Staff has no recommendations.

## **ATTACHMENTS:**

SUBMITTED BY:	Qua /
Division Director/Head Approval	V2/11//
Department Director/Head Approval	1110
County Administrator Approval	

For information on this issue or copies of attachments, please contact Stephen L. Madkour, County Counsel @ 503-655-8362