



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

TO: PLANNING COMMISSION

FROM: KAREN NALL, SENIOR PLANNER

VIA: WARREN HOAG, AICP, CURRENT PLANNING DIVISION MANAGER

DATE: JULY, 30, 2009

SUBJECT: LRP 2004-00015 – EVENT ORDINANCE DRAFT AND STATUS REPORT

Background

The proposed events amendments are a combination of two separate directives from the County Board of Supervisors. On November 23, 2004 the Board directed the Tax Collector and Planning staff to simplify Title 6, the Temporary Commercial Outdoor Entertainment regulations. These regulations require the issuance of a Business License following a public hearing process before the County Board of Supervisors for temporary events which are attended by more than 3,000 people. One example of this type of event is the San Luis Obispo Symphony's annual concert at the San Luis Bay Resort. Each year they must go through a public hearing process before the Board. The Board requested county staff to simplify the process for this type of event. The County Planning staff has worked directly with the Tax Collector's Office staff to develop the new proposed regulations.

On August 16, 2005, the Board authorized a number of amendments to the ordinance as part of a larger Ag Tourism amendment package. The Agriculture Department and Planning Departments held a series of listening sessions and formed a Workgroup. The Workgroup consisted of twenty individuals plus a number of alternates who represented diverse community interests (and included various agricultural, neighborhood and environmental viewpoints). The Workgroup met together thirteen times between November 2005 and July 2006. The Workgroup formed smaller committees including an Event Committee to review and make recommendations on the separate agriculture tourism topics. The County Planning Department staff, with the assistance of the County Department of Agriculture, developed a draft of proposed changes and referred them to all the community advisory councils, referral agencies and interested parties in January of 2007. Following a review of the comments received, the proposed ordinance was revised and re-referred to other county departments, advisory groups and other interested parties in October of 2007.

On May 29, 2008, your Commission created a subcommittee to review the proposed changes to the ordinance and continued the amendments to October 23, 2008, November 13, 2008, December 18, 2008 and February 26, 2009. On February 26, 2009, your Commission directed staff to use the proposal provided by the Agricultural Tourism Coalition (ATC) and continued the amendments to July 30, 2009.

Discussion

At the February 26, 2009 meeting, your Commission directed staff to use a proposal provided by the Agricultural Tourism Coalition (ATC). The attached Exhibit A outlines the proposed changes to the definitions for events, where and when events may be allowed and the standards for their establishment. After modifications are made by the Planning Commission at today's hearing, this report will be sent out to all interested parties for comment and then it will be used to develop the formal ordinance amendments to be considered by the Planning Commission and the Board of Supervisors. Exhibit B. is a comparison chart of the existing ordinance language and proposed changes. Exhibit C. is the existing Temporary Event Ordinance.

Your Commission continued this matter to the July 30th meeting to discuss the following issues:

1. Prohibition in the Ag land use category. The draft eliminates the ability to hold events not related to agriculture in the Agriculture land use category (including weddings and concerts). Staff has a number of concerns with this major shift in policy. We continue to receive comments regarding the importance of allowing farmers and ranchers to supplement their income from other temporary or seasonal uses such as events. Events located at wineries are not subject to this proposed ordinance as they are instead subject to the existing ordinance standards for winery special events.

It was your Commission's prior direction to modify the definition for Public Assembly and Entertainment to allow events in the Agriculture category, but only on sites which have a special feature including historical sites or structures. The Octagon Barn, San Luis Lighthouse, and Chapel Hill are examples. Because the ATC version does not include any modifications to Public Facilities and Entertainment, staff will need direction to how to resolve this issue.

2. Permit Table for Commercial Events Special. The permit requirements located on Page 5 of the Agricultural Tourism Coalition (ATC) proposal is missing all of the necessary point breakdown within the table and the total points in order to determine the permit requirements. The table is very complicated and will be difficult to administer. The proposal is in a matrix format which requires the user to calculate points based on a number of factors including number of events per year, number of attendees, type of road, proximately to an urban area, music amplification, setbacks and zoning.

Staff continues to recommend that the permit table be eliminated and that the permit determination be simplified to be based on number of attendees. Staff suggests a Minor Use Permit (MUP) be required for any commercial event with up to 250 attendees and a Conditional Use Permit for over 250 attendees. That way there would be discretion to review requests on a site by site basis and either deny the request or place appropriate conditions on the approval.

3. Limit on the Number of Events per Site. The previous Subcommittee discussed whether to limit the cumulative total number of events per site. The draft limits Public Benefit and Education Events and Agricultural Events to six times per year for no longer than three days per events. No limit is noted for Special Events.

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4. Permit Time Frames. Previous direction from your Commission is to modify the time frames granted to land use permits for temporary events to one year with an annual renewal process. The ATC proposal creates an Events Subsequent. The language is confusing. Staff suggests that clarifying language be added to explain the necessary renewal process in detail. This is a major departure from current business practices and clear implementing language is vital.

Recommendation:

That the Planning Commission:

1. Provide direction to staff relative to the attached report in Exhibit A.
2. Continue the amendments off-calendar and direct staff to re-refer the proposed changes outlined in Exhibit A. to other County Departments, advisory groups and all other interested parties for comments.
3. Review and direct staff to revise the proposed Negative Declaration based on the proposed changes to the Event Ordinance Amendments if necessary.

Attachments:

- Exhibit A. Report on the Ag Tourism Coalition's (ATC) Proposed Modifications to the Temporary Events Section of the Land Use Ordinance July 30, 2009
- Exhibit B. Events Comparison Chart 7/30/09
- Exhibit C Existing Temporary Event Ordinance

Exhibit A
Report on Ag Tourism Coalition's (ATC) Proposed Modifications
To the Temporary Events Section of the Land Use Ordinance
July 30, 2009

This report outlines the ATC's proposed changes to the definitions for events, where and when events may be allowed and the standards for their establishment. After modifications are made by the Planning Commission at today's hearing, this report will be sent out to all interested parties for comment and then it will be used to develop the formal ordinance amendments to be considered by the Planning Commission and the Board of Supervisors.

I. STATEMENT OF INTENT

SLO County as a matter of policy is committed to fostering tourism as an important segment of the local economy. The county recognizes that temporary events are one important component of a tourism program, can function as a tool for education, and can support non-profit organizations. At the same time, tourism presents a real potential for problems affecting other segments of the economy, specifically agriculture, the historic and ongoing basis of much of the county's local economy and culture. When located in rural areas, temporary events can create unwanted burdens to infrastructure and resources, including limited water supplies, and have the potential to negatively affect rural character. While frequently adding to the high quality of life for county residents, temporary events can also adversely impact residents, especially those who live in proximity to event sites. A successful ordinance carefully balances these competing interests.

The purpose of this ordinance is to construct a simple, clear, enforceable set of rules to govern temporary events. The rules should support county land use goals and appropriately balance the interests of the event holder with those of neighbors and neighborhoods. In zoning designations where agriculture is an important or major characteristic the ordinance shall give priority to the beneficial activities of agricultural direct marketing and agricultural education.

II. EVENT USE DEFINITIONS

1. Events-Public Assembly and Entertainment: Gatherings held in permanent facilities approved for public assembly and group entertainment such as: public and semi-public auditoriums; exhibition and convention halls; civic theaters, meeting halls and facilities for "live" theatrical presentations or concerts by bands and orchestras; motion picture theaters; amphitheatres; meeting halls for rent and similar public assembly uses.

2. Events-Winery: Winery events are defined as any of the following events when there is the possibility that 50 people or more individuals will attend: concerts (with or without amplified sound), weddings, advertised events (including fund raising, but not including industry-wide events), and advertised winemaker dinners open to the general public. Does not include normal patronage of the tasting room or non-advertised events. Winery events are subject to LUO section 22.30.070 D.2.i.

3. Events-Temporary: Any single organized activity or gathering to which the public is invited or admitted with or without the payment of an admission charge, held in a place other than a public right of way (road or park), or in a permanent building or outdoor installation that has been constructed and is primarily used for the purpose of conducting public assembly. Examples include, but are not limited to sporting events, educational programs, farm direct marketing, weddings and other celebrations, concerts, fund-raising, and fairs. Private noncommercial events, as well as parades or other events within the public right-of-way and admission free events held at a public park or on other land in public ownership when conducted with approval of the public agency having jurisdiction are not subject to land use permit requirements, provided that all requirements of County Public Works Department and County Sheriff are met. This definition does not include events held in permanent facilities approved for public assembly or Winery Events subject to LUO section 22.30.070 D.2.i.

III. CATEGORIES OF TEMPORARY EVENTS. Any temporary event held in the county must fall within one of the following categories.

A. Category 1 Temporary Events-Minor

1. **Definition.** Any temporary event of 50 or fewer attendees, regardless of theme, purpose, or sponsorship
2. **Where allowed.** This use is permitted in any land use category. No land use permit or notification is required.
3. Article 3, Site Planning and Project Design Standards apply, but event standards do not apply.

B. Category 2 Temporary Events- Public Benefit and Education

1. **Definition.** Any use of a site for a temporary event that is sponsored by a non-profit organization or an accredited educational institution. A non-profit organization is any group or organization registered with the Federal Government as a non-profit corporation and that has a non-profit corporation number, or any group or organization recognized by the County of San Luis Obispo as a local service organization. To qualify as a Public Benefit and Education event, 100 percent of net event proceeds must go to the non-profit or educational event sponsor; there cannot be a charge for the facility or land where the event is being held.
2. **Where allowed.** This use is allowed in the following land use categories: Agriculture, Rural Lands, Residential Rural, Office and Professional, Commercial Retail, Commercial Service, Recreation and Public Facilities.
3. **Permit Requirements.** This use requires no land use permit. Prior to holding any Education and Public Benefit Event, the property owner shall submit a valid Education and Public Benefit Non-Profit Event Application Form signed by both the property owner and the Non-Profit organization. [See application Content.]
4. **Frequency/Duration/Size.** Educational and Public Benefit Events may occur on a single site no more than six times per year, for no longer than three days for each event.

5. **Road Access.** Sites shall have direct access to a public road.
6. **Standards in Section X apply.**

C. Category 3 Temporary Events- Commercial. There are three types of Temporary Events-For Profit. These include agricultural, limited, and special.

1. Agricultural

- a. **Definition.** Any use of an active farm or ranch for a temporary event for the purposes of marketing agricultural products produced either on site or on other sites under the control of the site's owner and/or operator and located within the County of San Luis Obispo. Agricultural events include, but are not limited to, harvest festivals, planting celebrations, or farming demonstrations. The events use shall be secondary and incidental to the on-site commercial production of agricultural commodities.
- b. **Where allowed.** This use is allowed in the following land use categories: Agriculture, Rural Lands, Residential Rural and Recreation.
- c. **Agricultural Verification Letter.** For a site to qualify as an "active farm or ranch", a verification letter confirming that there is an adequate, primary, and on-going commercial agricultural use located on site shall be obtained from the County Agriculture Department. In the event the verified agricultural use is discontinued for more than two years, all use of the site for Agricultural Events shall be terminated.
- d. **Permit Requirement:** This use is subject to a Zoning Clearance in all land use categories where allowed.
- e. **Frequency/Duration/Size.** Agricultural events may occur no more than six times per year for no longer than three consecutive days each and may host no more than 300 people. A site in other than the Agriculture category that will be used for an event[s] not related to the on-site agriculture, or not meeting these requirements shall instead be subject to the requirements established under Event - Special. Events not related to the on site agriculture are not allowed within the Agriculture category.
- f. **Road Access:** An Agricultural Event, when located within a residential category, shall have direct access from a collector or arterial road. When located in other than residential categories, it may be located on a local road or private easement, subject to a valid road maintenance agreement. [See Standards in Section X.]
- g. **Standards in Section X. apply.**

2. Events-Limited

- a. **Definition.** Any use of a site for a temporary event that is open to the public with or without invitation, that will only occur one time within a 10 year period, for no longer than three consecutive days.
- b. **Where allowed.** This use is allowed in Agriculture, Rural Lands, Residential Rural, Office and Professional, Commercial Retail, Commercial Service, Recreation and Public Facilities.
- c. **Permit Requirement.** This use is subject to a site plan in all land use categories where allowed.
- d. **Frequency/Duration/Size.** Limited events may occur no more than once in a 10

year period, last no more than 3 consecutive days, and host no more than 300 attendees.

- e. **Road Access.** Sites shall have direct access to a public road.
- f. **Standards in Section X apply.**

3. Events-Special

- a. **Definition.** Any other use of a site for a temporary event. Special Events include, but are not limited to, outdoor festivals, large parties, weddings, and concerts.
- b. **Where allowed.** This use is allowed in Rural Lands, Residential Rural, Office and Professional, Commercial Retail, Commercial Service, Recreation and Public Facilities. Permit Requirements. Where allowed by Section 22.06.030, Special Events as defined by Article 8 are subject to the following rules.
- c. **Frequency of events.** A Minor Use Permit shall be required for more than 12 events per year. When proposing less than 12 events per year, permit levels are determined by the Table below unless greater permit is required by d or e.
- d. **Number of attendees.**
 - 1. **Rural areas.** For sites located outside of an Urban or Village reserve line. Events proposing between 200 and 400 attendees shall require a Minor Use Permit. Events proposing over 400 attendees shall require a Conditional Use Permit.
 - 2. **Urban areas.** For sites located within an Urban or Village reserve line. Events proposing between 400 and 600 attendees shall require a Minor Use Permit. Events proposing over 600 attendees shall require a Conditional Use Permit.
- e. **Road access.** Where the principal access driveway to a site is located on a private road, a Minor Use Permit is required and use is subject to a valid road agreement. Where the principal driveway to a site is located on a local, collector or arterial road, the table in Subsection (below) determines permits levels, unless greater permit is required by the number of attendees.
- f. **Permit Table.** The following table shall be used to determine permit requirements where the permit requirements are otherwise not specified above. Permit levels for commercial events are based on the points received for proposed number of events, number of attendees, the site access road, proposed amplified music or sound, setbacks to the event site, land use category and the distance the site is to a urban or village reserve line. The points received by each category A through G are multiplied together to determine total points. The following permit levels are required for the total points received.

Site Plan for ___ or less total points

Minor Use Permit for ___ to ___ points

Conditional Use Permit for greater than ___ points

Permit Table for Events Special

A	B	C	D	E	F	G
# of Events	Max # of Attendees	Road Type	Amplification	Setbacks	Land Use Category	Distance from URL/VRL
___ for first event	1 for first 50 attendees	___=arterial	___=no		CR, CS, OP, PF=___	Within URL/VRL = ___
Add ___ for each subsequent event	Add ___ for each additional attendee	___=collector	___=yes		REC=___	Adjacent to URL/VRL = ___
		___=local			RL, IND = ___	Less than 1 road mile to URL/VRL = ___
					RR, RS = _	1 to 4 miles to URL/VRL = ___
					___	Greater than 4 miles to URL/VRL = ___

g. Standards in Section X. apply

Staff notes: Permit Table is missing all necessary point breakdown and point totals.

D. Category 4. Events-Subsequent.

1. **Definition.** Any category of event for which the applicant, location, type and size of activity are substantially the same as and not larger than an event in the same category already permitted or otherwise authorized under this chapter within the previous twenty-four months.
2. **Permit Requirements.** This use is subject to a [type of permit not yet determined] in all land use categories where allowed unless a substantive complaint[s] has been filed and verified, in which case the Department shall require any additional compliance measures as set forth in the Standards.
3. The applicant shall include a report to the Department providing evidence of compliance with any original land use permit conditions of approval and this Title. The report shall provide a complete listing of all events including dates, times and number of attendees for the previous year and evidence that notification occurred if required

Staff notes: The Events Subsequent is confusing. Staff suggest clarifying language be added which explains the necessary renewal process in detail.

IV. RESTRICTIONS APPLICABLE TO TEMPORARY EVENTS

- A. Any temporary event involving dirt bike, enduro, hill climbing or other off-road motorcycle courses are not subject to these requirements and are instead subject to the permit requirements and standards as set forth in Section 22.06.030 for Off-Road Vehicle Courses.
- B. No Temporary Event site may be altered by grading or the construction of accessory facilities.
- C. Temporary Events Land Use Permits are valid for a period of one year. The permit allows a specified set of events to occur during one 12 month period. The permit may be renewed annually.
- D. No permit for a Temporary Event is transferable to another site or another applicant.
- E. Temporary Event permit application may be made for all the temporary events scheduled in a 12 month period at one time. The application, so long as it is made using the highest level of review required.
- F. No Temporary Event shall be held in or shall use a structure constructed after 2000.
- G. No site may hold more than a total of ___ temporary events in any one calendar year.
- H. Prior to issuance of a discretionary permit for temporary events held on or adjacent to agricultural land, the following findings must be made.
 1. The proposed use has been adequately conditioned to avoid impacts to agricultural operations on the project site and area agricultural operations.
 2. The proposed temporary event use has been adequately conditioned to have no detrimental effect upon the establishment of agricultural uses on surrounding properties.
 3. The area proposed for the temporary event use, including but not limited to parking, landscaping and access, has been minimized, to the maximum extent feasible, to minimize impacts to productive agricultural soils and not interfere with current or future agricultural production.

V. VIOLATIONS

- A. It is unlawful for any person to use or allow the use of property in violation of the provisions of this Section. The penalties for violation of this Section are set forth in Chapter 22.74 of this Title (Enforcement).
- B. If the Department receives a substantive complaint that indicates a permit-holder has operated in violation of the standards or other rules, the Department shall notify the permit-holder and subject any future events allowed by the permit, Subsequent Event applications, and/or future event permits, to additional scrutiny.

- C. In the case of Public Benefit and Education Events, signature by the property owner and the Non-Profit organization on the non-profit application form is agreement that the site, and operation of the Event, complies with all applicable standards of the ordinance. All use of the site for Events shall be terminated if the ordinance standards are violated.

VI. PERMIT REVOCATION-SUSPENSION

- A. The board shall have the right to revoke any issued permit following a public hearing held on its own motion or at the request of the Planning Director or County Sheriff after written notice of the revocation hearing is personally served on the licensee or the authorized on-site supervisor or delivered to the licensee's business or residence address as noted in the application at least twenty-four hours prior to such hearing, for any of the following causes:
1. The permittee fails, neglects or refuses to comply with or meet any of the assurances or representations made in the permit application;
 2. The permittee fails, neglects or refuses to fulfill any of the conditions imposed upon the granting of a permit;
 3. The permittee permits the event to be conducted in a disorderly manner or allows any person to remain on the premises while under the influence of intoxicating liquor or any narcotic or dangerous drug after being requested by any law enforcement official to arrange for the safe removal of such person from the premises;
 4. The permittee violates or attempts to violate any law of the state of California or provision of this chapter, or any county ordinance; and/or
 5. The permittee is determined to have made a false, misleading or fraudulent statement of material fact or material omission in the permit application, or in any other document required pursuant to this chapter.

Staff notes: Section 22.74.160 of the Land Use Ordinance has provision for permit revocation. Staff is concerned with the language proposed subsection 3, 4., and 5. and reference to violations of state laws.

VII. FEE SCHEDULE: [TO BE ADDED]

Staff notes: The Fee Schedule of the Department of Planning and Building is adopted by ordinance annually. If fees were incorporated into the Event Ordinance, the ordinance would need to be amended annually. The existing fees schedule for the Planning Department does not have appropriate fees for the proposed permit time limits and annual or subsequent permits. New fees will need to be developed for each proposed category of temporary event. In addition, the Agriculture Department will need to develop fees for the Agriculture Verification Letter.

VIII. APPLICATION CONTENT

1. **Agricultural Verification Letter.** For Agricultural Events a verification letter shall be submitted from the Agriculture Department, which confirms that there is an adequate, primary, and on-going commercial agricultural use located on site.
2. **Education and Public Benefit Event Application Form.** Prior to establishment of any

Education and Public Benefit Event, the property owner shall submit an Education and Public Benefit Non-Profit Event Application Form. The Form shall be signed by both the property owner and the Non-Profit organization. The form will set forth all applicable standards for establishment of Education and Public Benefit Events. Signature by the property owner and the Non-Profit organization is agreement that the site, and operation of the Event, complies with the standards of the ordinance.

3. **Public notice.**

- a. **Prior to application submittal.** Applications for Agricultural and Limited Events or when required for discretionary permit approval shall include evidence that the applicable advisory group and all owners of real property as shown on the latest equalized assessment roll within 1,000 feet of the subject site were notified of the request at least 10 days prior to the submission of the land use permit to the county. This notice shall be provided by the applicant sending a letter using the form provided by the Department of Planning and Building.
 - b. **Public hearing notice.** Public notice, when required for a Minor Use Permit or Conditional Use Permit, shall be provided to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site, instead of in the manner normally required for public hearings by Section 22.70.060. Public notice may be required to be provided to properties greater than 1,000 feet away at the discretion of the Director of Planning and Building.
4. **Fire Protection.** A fire safety plan shall be submitted with the permit application that sets forth adequate fire safety measures for the proposed events. Facilities are to be provided as required by the County Fire Department or applicable Fire Agency.
5. **Water Supply, Sanitation, and Food Preparation.** Approval from the County Health Department shall be submitted with the land use permit application that sets forth required facilities that are required. The applicant is responsible for ensuring that any food vendors have proper certification.
6. **Guarantee of site restoration.** A bond or cash deposit may be required for approval of a event to guarantee site restoration after use, and operation in compliance with the standards of this Chapter. The guarantee shall cover both operation and restoration, and is subject to the provisions of Section 22.02.060 (Guarantees of Performance).
7. **Insurance and Indemnity Requirements.** When a license is required by the Treasurer-Tax Collector's Office, licensee will provide to the County properly executed certificates of insurance clearly evidencing the coverage, limits, and endorsements specified in this license. Further, at the County's request, the licensee will provide certified copies of the insurance policies within thirty days of request. The approval of the insurance required under this section shall not relieve or decrease the extent to which the licensee may be held responsible for payment of damages resulting from the event license. The tax collector shall not issue the license for an Event until the documents described in this subsection have been filed with the tax collector in a form approved by the risk management of the county.

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- a. A signed statement stating the licensee shall defend, indemnify and hold harmless the County, its officers and employees from all claims, demands, damages, costs, expenses, judgments, attorney fees, or other losses that may be asserted by any person or entity, including Licensee, and that arise out of or are made in connection with the Event license. The obligation to indemnity shall be effective and shall extend to all such claims or losses in their entirety. However, this indemnity will not extend to any claims or losses arising out of the sole negligence or willful misconduct of the County, its officers and employees.
- b. Copies of insurance policies, together with certificates of insurance executed by an authorized representative of the insurance carrier, showing coverage in accordance with the following requirements:
 1. Licensee, at its sole cost, shall purchase and maintain the insurance policies required for the event license. Insurance policy types and limits will be established on a case-by-case basis depending on the scope of the license issued. All of the insurance companies providing insurance for Licensee shall have, and provide evidence of, an A.M. Best & Co. rating of A:VII or above, unless an exception is granted by Risk Manager. Generally, all Event licenses will require commercial general liability and business auto liability insurance; and Workers' Compensation insurance if required by law. Other insurance could be required if special circumstances warrant. All commercial general liability policies required in connection with an Event license will include coverage at least as broad as set forth in Insurance Services Office Commercial General Liability Coverage (CG 00 01) and endorsed with the following specific language or contain equivalent language in the policy:
 - i. The County of San Luis Obispo, its officers and employees, is named as an additional insured for all liability arising out of the operations by or on behalf of the named insured in the performance of this Event license.
 - ii. The insurance provided herein shall be considered primary coverage to the County of San Luis Obispo with respect to any insurance or self insured retention maintained by the County. Further, the County's insurance shall be considered excess insurance only and shall not be called upon to contribute to this insurance.
 - iii. The policy shall not be cancelled or materially changed without first giving thirty days prior written notice to the County.
 2. All business automobile policies required in connection with a event license will include coverage at least as broad as set forth in the liability section of Insurance Services Office Business Auto Coverage (CA 00 01). Said insurance shall include coverage for owned, non-owned, and hired vehicles. Policy shall be endorsed with the following specific language or contain equivalent language in the policy:
 - i. The County of San Luis Obispo, its officers and employees, is named as an additional insured for all liability arising out of the operations by or on

behalf of the named insured in the performance of the Event license.

ii. The policy shall not be cancelled or materially changed without first giving thirty days prior written notice to the County.

3. Workers' Compensation insurance, if required by law, will provide statutory limits as required by State of California. Policy shall be endorsed to with the following specific language or contain equivalent language in the policy:

i. Licensee and its insurer shall waive all rights of subrogation against the County, its officers and employees for workers' compensation losses arising out of the event license.

ii. The policy shall not be cancelled or materially changed without first giving thirty days prior written notice to the County.

THE FOLLOWING COULD ALSO RESIDE IN A *STANDARDS MANUAL*—NOT IN THE CODE. [A MECHANISM NAPA USES.]

Staff notes: The County of San Luis Obispo does not have an adopted "Standards Manual". Title 22 the Land Use Ordinance and Title 23 the Coastal Zone Land Use Ordinance are the adopted regulations for land uses within San Luis Obispo County.

X. STANDARDS

- A. Site Design Standards.** Site Design standards apply to all Events except Minor Events [or those hosting fewer than 50 people], which have no standards.

1. **Minimum site area.** No minimum site area.

2. **Site Access**

- a. Event sites shall be provided a minimum of two unobstructed access points, each a minimum of 20 feet wide, from the event site to a publicly maintained road. This access shall be provided with appropriate signage to clarify exit locations.
- b. **Agricultural Events:** An Agricultural Event, when located within a residential category shall have direct access from a collector or arterial road.
- c. **Private Road Agreement:** Agricultural or Commercial Event sites, when access is provided by a private road easement, shall require a road maintenance agreement, signed by the owners of all property on which the access roads are located and binding upon their heirs and assigns. The agreement shall be required to establish an organized and perpetual mechanism to ensure adequate maintenance of the roads, acceptable to the Department of Public Works. Required improvements for the privately-maintained roads shall be based upon recommendations from the applicable fire protection agency.

3. Setbacks.

- a. Rural areas. Events shall be located a minimum of 200 feet from each property line and no closer than 400 feet to any existing residence outside the ownership of the applicant.
- b. Urban and village areas. As required by Section 22.10.140 unless the site is over 20 acres in size. For sites greater than 20 acres in size the setbacks shall be as set forth in Subsection above.

4. Parking and Traffic Control.

- a. **On-site parking.** All categories of temporary events may offer on-site parking. On-site parking must occur in a minimum of an open area with a slope of 10 percent or less, at a minimum ratio of 1 space per 2.5 attendees, on a lot free of combustible material, on areas of the site that are not mapped by the NRCS as Class 1 soils.
- b. **Off-site parking.** In addition to on-site parking, off-site parking may be allowed for Limited, Public Benefit, and Education, and Commercial Events if such parking is provided within 1,000 walking feet of the event site on contiguous parcels or if shuttles are provided. Written consent shall be obtained from owners of all off-site parking areas. A minimum of one parking attendant shall be present at each lot used for off-site parking to assist in parking vehicles. For each off-site parking lot containing 50 or more vehicles, one parking attendant per each 50 vehicles shall be provided. For temporary parking lots, signs and directional signs shall be posted no earlier than the day before the event and shall be removed no later than the day following the event. For events that will require off-site parking, monitors shall be provided to direct traffic at all points of ingress, egress, and forks in private access roads and to turn away vehicles when authorized parking capacity is reached. If off-site parking is proposed, it shall be considered with the review of the land use permit.
- c. **Parking on the road.** No parking shall be allowed within any road right-of-way for 1,000 feet in either direction of any access point or access located on the site. The applicant shall place signs along the interior access and at 300 foot intervals along the road right-of-way indicating the parking restriction. These signs shall be posted no earlier than the day before the event and shall be removed no later than the day following the event.
- d. **Traffic Control.** For any Event of 500 people or greater, the applicant shall prepare a diagram of proposed traffic routing and direction signs, along with an estimate of traffic volume expected for the event. This shall be submitted with the land use permit application. Prior to approval, a letter from the California Highway Patrol shall be provided to the county, verifying that agency's review and approval of this traffic control information.

5. **Hours of Operation.** Agricultural, Limited and Public Benefit Events shall start

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no sooner than 10 a.m. and end by one hour after sunset. Special Events shall start no sooner than 10 a.m. and end at 10 p.m. each day. Facility set up and clean up shall be allowed between the hours of 8 a.m. and 11 p.m.

6. **Amplified Sound.** Outdoor amplified sound shall only be allowed from 10 a.m. to one hour after sunset. No outside amplified sound shall be audible at the property line. The standard relating to amplified sound may only be waived or modified by Minor Use Permit where a finding can be made by the Review Authority that the noise at the property line will not exceed 65dB.
7. **Lighting.** Any proposed outdoor lighting shall comply with Section 22.10.060 (Exterior Lighting).
8. **Use of Structures.** Event activities may not be located within an existing structure unless the structure was constructed prior to 2000, is permitted for assembly occupancy, and is in compliance with the American Disabilities Act (ADA).
9. **Fugitive Dust.** Any proposed Events located on sites with access from unpaved roads and Events which proposed unpaved access roads or parking areas shall require practices acceptable to Air Pollution Control District to prevent airborne dust.
10. **Notification.** All Events shall provide notification to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site, through a website or letter. If a website is used, initial notification shall be provided by letter of the website address and the website shall be maintained and kept current at all times. If a letter is used, it shall be delivered a minimum of 30 days prior to each event occurrence. The following information shall be provided:
 - a. A complete listing of all scheduled events including dates, times and potential maximum number of attendees.
 - b. 24-hour contact information for the operator, including e-mail and phone number, to be used to notify the operator of issues with the Events use.
 - c. Contact information for County Code Enforcement to be used if members of the public have complaints about the Events use.

B. Modification of Site Design Standards.

1. **Modifications for Commercial Events.**
 - a. Setbacks can be modified through Minor Use Permit approval when a Conditional Use Permit is not otherwise required. Approval may be granted only after the Review Authority first determines that the request satisfies any of the following findings: (1) there is no feasible way to meet the required setbacks without creating environmental impacts or impacts to agricultural operations; or (2) the property fronts an arterial or collector street (only the setback facing that street may be modified).

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- b. Except where permit requirements sets a Minor Use Permit for a modification, a Conditional Use Permit may be used to modify the frequency, duration, and size Commercial Events site design standards except those that apply to Site Access and Use of Structures.
2. **No modification is allowed for Agricultural Events, Limited Events, and Public Benefit and Education Events.** The site design standards described above may not be modified. A site which does not meet the design standard described above is, instead, considered a Commercial Event.

Staff notes: The section above is confusing and contradictory. Agriculture and Limited Events are both considered "Commercial Events" This section needs to be revised to clearly state which standards may be modified for which type of events.

Exhibit B - Events - Comparison Chart 7/30/09

	Current Temporary Events	Proposed Public Benefit	Proposed Agricultural	Proposed Limited	Proposed Special
Land Use Category	AG,RL RR,REC,OP, CR, CS, IND, PF	AG, RL, RR, OP, CR, CS, REC, PF	AG,RL RR,REC	AG, RL, RR, OP, CR, CS, REC, PF	RL RR,REC,OP, CR, CS, PF (not allowed in AG)
Frequency Duration and Size	12 cons days, 4 successive weekends, Set by MUP	6 events per year per site	6 events per year per site. No more than 300 people per event.	One event on a site in a 10 year period. No more than 300 people per event	To be determined through use permit
Permit Levels	MUP No LUP for Non- Profit Events	No permit Required	Zoning Clearance	Site Plan	Permit level to be determined by variables
Permit Time Limits	Effective on site indefinitely	One Year	One Year	N/A	One Year
Modification	All standards with CUP	No modifications allowed	No modifications allowed	No modifications allowed	MUP for Setbacks CUP for frequency, duration and size.
Site Design					
Site Access	2 at 18 ft wide	2 at 20 ft wide	2 at 20 ft wide In RR site must be collector or arterial.	2 at 20 ft wide	2 at 20 ft wide
Setbacks	Not required	Rural Areas: 200 ft to p/l 400 ft to sfr Urban: LUO	Rural Areas: 200 ft to p/l 400 ft to sfr Urban: LUO	Rural Areas: 200 ft to p/l 400 ft to sfr Urban: LUO	Rural Areas: 200 ft to p/l 400 ft to sfr Urban: LUO
Parking	Required for Seated and Exhibit areas	On and off site parking standards	On and off site parking standards	On and off site parking standards	On and off site parking standards
Hours of Operation	Standard LUO	10 am to one hour after sunset.	10 am to one hour after sunset.	10 am to one hour after sunset.	10 am to one hour after sunset.
Amplified Sound	Standard LUO 65dB	10 am to one hour after sunset. May not be audible at the property line	10 am to one hour after sunset. May not be audible at the property line	10 am to one hour after sunset. May not be audible at the property line	10 am to one hour after sunset. May not be audible at the property line
Use of Structures	Site may not be altered by grading or accessory structures.	Existing structures only, Building Permit for assembly and ADA compliant	Existing structures only, Building Permit for assembly and ADA compliant	Existing structures only, Building Permit for assembly and ADA compliant	New structures may be permitted, Building Permit for assembly and ADA compliant

	Current Temporary Events	Proposed Public Benefit	Proposed Agricultural	Proposed Limited	Proposed Special
Application Contents					
Public Notice	300 feet	1,000 ft notice Schedule of events, 24 hour contact, enforcement contact	1,000 ft pre-notice	1,000 ft pre-notice	1,000 ft notice
Fire Protection	Yes per CDF	Fire Safety Plan	Fire Safety Plan	Fire Safety Plan	Fire Safety Plan
Health Department	Yes	Clearance letter	Clearance letter	Clearance letter	Clearance letter
Agricultural Clearance	Not required	Not required	Required	Not required	Not required
Insurance and Indemnity	Required for events with more than 3,000 attendees	May be required	May be required	May be required	May be required

Exhibit C**22.30.610 - Temporary Events**

Where allowed by Section 22.06.030, temporary events are subject to the standards of this Section. (Swap meets are subject to the standards of Section 22.30.530 - Sales Lots and Swap Meets.)

- A. Permit requirements.** Minor Use Permit approval, except as follows.
- 1. Public events.** No land use permit is required for:
 - a. Events occurring in approved theaters, convention centers, meeting halls or other approved public assembly facilities; or
 - b. Admission free events held at a public park or on other land in public ownership when conducted with the approval of the public agency having jurisdiction, provided that the event is conducted in compliance with all applicable provisions of this Title; or
 - c. Other free admission events which are eight hours or less in duration and are operated by non-profit organizations.
 - 2. Commercial entertainment.** Commercial outdoor entertainment activities are subject to the permit requirements and standards of Chapter 6.56 of the County Code (Temporary Commercial Outdoor Entertainment Licenses).
 - 3. Parades.** Parades and other temporary events within the public right-of-way are not subject to land use permit requirements, provided that all requirements of the County Public Works Department and County Sheriff are met.
 - 4. Temporary camps.** Temporary camps as a principal use or accessory to another temporary event are subject to the permit requirements and other provisions of Chapter 8.64 of the County Code.
- B. Time limit.** A temporary event shall be held in a single location for no longer than 12 consecutive days, or four successive weekends, except where a different time limit is established by other applicable provisions of the County Code or through Minor Use Permit approval.
- C. Location.** The site of any temporary event other than public events and parades shall be located no closer than 1000 feet to any Residential Single-Family land use category.
- D. Site design standards.** All temporary events are subject to the following standards, regardless of whether a land use permit is required, except where alternate standards are established by Chapters 6.56 or 8.64 of the County Code.
- 1. Access.** Outdoor temporary events shall be provided a minimum of two unobstructed access points, each a minimum of 18 feet wide, from the event site to a publicly maintained road.

2. **Parking.** Off-street parking shall be provided private events as follows with such parking consisting at minimum, of an open area with a slope of 10 percent or less, at a ratio of 400 square feet per car, on a lot free of combustible material.
 - a. **Seated spectator events.** One parking space for each 12 square feet of seating area.
 - b. **Exhibit event.** One parking space for each 75 square feet of exhibit area.
 3. **Fire protection.** Facilities to be provided as required by the County Fire Department.
 4. **Water supply and sanitation.** Facilities to be provided as required by the Health Department.
- E. Guarantee of site restoration.** A bond or cash deposit may be required for approval of a temporary event to guarantee site restoration after use, and operation in compliance with the standards of this Chapter. The guarantee shall cover both operation and restoration, and is subject to the provisions of Section 22.02.060 (Guarantees of Performance).

[Amended 1984, Ord. 2163; 1992, Ord. 2553] [22.08.248]