

PLANNING COMMISSION RECOMMENDED DRAFT JULY 28, 2011

EXHIBIT LRP2004-00016:B

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, CHAPTER 22.30 RELATIVE TO EVENTS

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 22.06.030 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by replacing “Temporary Events” with “Event” in Table 2-2 and changing the Specific use Standards reference from 22.30.610 to 22.30.205.

SECTION 2: Section 22.20.040B.20 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- 20. Temporary sales and events.** Banners, signs, decorative materials, or helium or other air filled objects in conjunction with an event conducted in compliance with Sections 22.30.350 (Outdoor Retail Sales), 22.30.610 **205** (~~Temporary~~ Events), or grand openings. Banners, signs, decorative materials and helium or other air filled objects shall not be posed more than 30 days preceding the event, shall be removed within seven days following the event, and are limited to a maximum aggregate area of 100 square feet per site.

SECTION 3: Section 22.30.070D.2.i.(4) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- (4) Design and operational standards:** All special events shall also meet all the applicable standards set forth in Subsection D.2. and the standards set forth in Subsections ~~22.30.610 D.1-4 and E~~ **205 C.1, C.3., D.3., and D.4.**, in addition to the specific standards of this Subsection.

SECTION 4: Chapter 22.30 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new section 22.30.205 as follows:

22.30.205 - Event

Where allowed by Section 22.06.030, Event as defined by Article 8 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. Any event involving dirt bike, enduro, hill climbing or other off-road motorcycle courses are not subject to these standards and are instead subject to the standards and permit requirements as set forth in Section 22.06.030 for Off Road Vehicle Courses.

A. Purpose. The purpose of this section is to establish a set of regulations applicable to the various

types of events held throughout the County. The Board of Supervisors through adoption of these standards recognizes the important role that events play including promoting countywide tourism, providing a source of additional income to agriculturalists and landowners, as an educational or recreational tool for the public and for support of non profit organizations. The Board also recognizes that, even as they provide economic, educational and recreational benefits, events also have the potential to negatively impact surrounding residential or agricultural uses by increasing burdens to infrastructure, such as rural roads and add noise or other impacts that may negatively affect the rural and neighborhood character, the essential quality upon which tourism and the County's economy depends. The specific purpose of this Section is to set standards for events to promote compatibility with surrounding residential and agricultural uses.

B. Permit requirements. Permit requirements for Events are based on numbers of attendees (this includes only those individuals attending the event). For the purposes of Subsection B., multiple events held in a single day shall be considered an event day.

1. Nonprofit Events. A nonprofit event is defined as an Event where all of the following occur: there is no fee or charge for the use of venue/event site, the event is sponsored by a nonprofit organization (a valid 501c3) and 100 percent of the proceeds collected on behalf of the event, after operational expenses are met, go to the sponsoring non-profit organization

a. Where a site holds **only** nonprofit events, a ministerial permit shall be required.

b. Except as listed in this Subsection, nonprofit events are subject to all applicable standards of this section.

c. The number of nonprofit events allowed shall be limited to a maximum of three event days per year.

d. The number of attendees per event day is limited to a maximum of 500 attendees. For any nonprofit event greater than 175 attendees, alternate transportation (shuttle service in buses or vans) from the nearest urban or village area shall be provided for attendees such that no more than 70 attendee vehicles are allowed to be parked on the event site.

e. Setbacks for sites outside of urban and village reserve line shall be a minimum of 200 feet from each property line.

2. For-Profit and Nonprofit Events. Sites holding both nonprofit and for profit events are subject to the permit requirements and all applicable standards of this section.

3. Ministerial Permit. A Zoning Clearance shall be required for up to 12 event days per year with 50 to 175 attendees. Zoning Clearance approval is valid for one year from the date of issuance. The site of any ministerial event permit shall not be permanently altered by grading which would require a grading permit, or construction other than construction needed for ADA compliance. Site disturbance shall be minimized and no removal of native trees or any other sensitive or special status plant species allowed. Ministerial permits are subject to all applicable standards of this section.

4. Discretionary Permit.

a. Minor Use Permit shall be required for 13-20 event days per year and/or events

with 176-250 attendees.

- b. Conditional Use Permit shall be required for more than 20 event days per year and/or events with over 250 attendees.
- c. **Time Limits.** Minor Use and Conditional Use Permit time limits shall be determined by the Review Authority. Such time limit shall not be less than three years from the establishment of the use. The Review Authority shall consider but shall not be limited to the following in making that determination: site location, neighborhood capacity and compatibility, the suitability of the site for ongoing events, and the investment made in the property in order to meet the required site design standards in Subsection C.

C. Site Design Standards.

1. Site access.

- a. Events shall provide at least two unobstructed vehicle access points, each a minimum of 20-feet wide, from the event site to a public maintained road. Sites not fronting a public maintained road are required to submit a road maintenance agreement signed by all property owners along the private road pursuant to Board of Supervisors Resolution 2008-152.
- b. All site vehicle access points shall meet current County Public Works standards for driveway approaches and sight distance. An encroachment permit will be required for any work done within the publically maintained right-of-way.
- c. Internal (site) vehicle circulation shall be provided which meets the Fire Agency requirements and is provided with the appropriate signage that clarifies the location of site parking and exits. No signage shall be allowed within the public right-of-way without an encroachment permit.
- d. These requirements may be reduced or modified through an adjustment provided the applicable agency (Fire Agency and/or County Public Works) verifies in writing that the proposed access is adequate for safe ingress and egress of the site during events.

2. Setbacks.

a. Rural areas.

- (1) **Sites located in the Agriculture land use category.** On existing parcels of greater than ten acres, all event activities including parking areas but not including existing on site access shall be located a minimum of 300 feet from each property line. Existing parcels of ten acres or less, all event activities including parking areas but not including existing on site access shall be located a minimum of 100 feet from each property line or 200 feet from any residence outside of the ownership of the applicant whichever is greater.

- (2) All other land use categories.** All event activities including parking areas shall be located a minimum of 30 feet from each property line or 200 feet from any residence outside of the ownership of the applicant whichever is greater.
- 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 above in Subsection C.2.a.
- c. Riparian/Drainage setback.** All event activities including parking areas shall be located a minimum of 100 feet from the centerline of a blue line stream or the edge of any riparian vegetation, whichever is greater.
- d. Modification.** These 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 including additional grading, tree removal or impacts to on or off-site agricultural land that is Natural Resource Conservation Service (NRCS) Classes I, II and III or currently in agricultural production; or (2) the setbacks are not practical or necessary due to existing topographic conditions or existing on-site vegetation.
- 3. Parking.** All personnel and attendee parking shall be on the event site except as set forth in Subsections C.3.a. and b. Parking on the event site shall be unimproved with a minimum ratio of one space per 2.5 attendees and located in an open area with a slope of 10 percent or less, free of combustible material, and not on Class I soils as defined by the NRCS.
- a. Parking on public road.** If the site is located outside of an urban or village reserve line, no parking shall be allowed within any public maintained road right-of-way or private road easement for 1,000 feet in either direction of any site access point(s) unless approved through a traffic control plan in compliance with Subsection C.4. “No parking” signs may be required and shall be executed in accordance with Subsection C.4. 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. For sites located within an urban or village reserve line, parking is allowed within the public right-of-way in compliance with the vehicle code.
- b. Off-site parking.** Off-site parking may be allowed only through Minor Use Permit approval when a Conditional Use Permit is not otherwise required. Off-site parking must be located outside of a road right-of-way and within 1,000 walking feet of the event site or shuttles must be provided. Written consent shall be obtained from the 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. 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, attendants 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 for the event site. No flag-persons, signs, etc may

occupy the public maintained right-of-way without first securing an encroachment permit from the appropriate agency (Caltrans or County Public Works).

4. Traffic Control.

a. For any Event of over 500 persons or greater the applicant shall submit a traffic control plan to the appropriate agency (Caltrans, Highway Patrol, and/or County Public Works) for issuance of an encroachment permit. The traffic control plan shall apply to all approved events on site and shall identify the location and type of event signage and type of Manual on Uniform Traffic Control Devices (MUTCD) compliant traffic control devices being requested and/or required to be placed within the public maintained right-of-way.

b. For any Event of over 500 persons or greater the applicant shall submit a report and plans prepared by a California registered engineer for County review and approval. The report shall include a Roadway Safety Analysis (RSA), estimate the number of vehicle trips expected, provide an analysis of applicable traffic warrants and provide project specific mitigation recommendations including event signage and MUTCD compliant traffic control. The plans shall provide the construction details and specifications associated with the recommended mitigation measures for implementation and/or construction. An encroachment permit issued by the appropriate agency (Caltrans or County Public Works) is required prior to performing any work in the public maintained right-of-way.

5. Hours of Operation. Events shall start no earlier than 10 a.m. and end by 10 p.m. each day. Breakfast events (where no event continues during the day) may start no earlier than 8 a.m. and must end by 12 p.m. Facility set up and clean up shall be allowed between the hours of 8 a.m. to 11 p.m. and may occur on the day before or the day after the event. All guests of an Event shall vacate the property by 10:30 p.m.

6. Amplified Sound. Amplified sound is allowable only on sites which demonstrate through an acoustical analysis that noise generated during proposed events will not exceed a maximum sound level of 65dB when measured at the property lines. Any Event proposing amplified sound shall only be allowed from 10 a.m. to 9 p.m. and shall be in compliance with best management practices for amplified sound.

a. **Waiver.** The requirement for an acoustical analysis may be waived through an adjustment (Section 22.70.030) for: (1) Events proposing amplified sound entirely within an enclosed structure where the doors and windows will remain closed (except to allow for normal entry and exit of the structure); or (2) for ministerial permits where only three events propose outdoor amplified sound and the remaining events do not, and when the distance from the event site to property line and any neighboring residence outside the ownership of the event site is greater than one-half mile.

7. Lighting. Outdoor lighting shall be downcast and shielded so that neither the lamp nor the reflector interior surface is visible from any off-site location. Temporary decorative lighting is allowable only during the event.

8. Use of Structures.

- a. Existing Structures.** The use of existing structures for Events is limited to structures that are permitted for commercial and public assembly occupancy and are in compliance with American Disabilities Act (ADA) where applicable. Any interior remodeling of an existing structure is limited to that needed to meet building occupancy and ADA requirements without expansion of the footprint. For any structure proposed for conversion which is more than 50 years old, the applicant shall submit a Historic Evaluation conducted by a qualified consultant. If the Historic Evaluation identifies the structure or site as Historic, a Minor Use Permit shall be required unless a Conditional Use Permit is otherwise required.
- b. Proposed New Structures.** Events are allowed in new structures only when permitted for commercial and public assembly occupancy, in compliance with American Disabilities Act (ADA) where applicable, and approved through a Conditional Use Permit. All new structures proposed for events shall not be located on Class I and II soils as defined by the NRCS.

9. Fugitive Dust. Events located on sites with access from unpaved dirt roads or which propose to use unpaved on-site access roads, driveways, parking areas and event areas shall implement Dust Control and Monitoring Plan for the duration of the event such that airborne dust is minimized. The plan shall comply with Air Pollution Control District Rules 401 and 402 relative to opacity limits and impacts to off-site areas. At a minimum the plan shall address the following:

- a.** Unpaved roads, driveways, parking areas and event areas shall be treated with a dust suppressant (see Technical Appendix 4.3 of the Air Pollution Contract District California Environmental Quality Act Handbook).
- b.** Vehicle speeds on unpaved surfaces shall not exceed 15 mph. This speed limit shall be posted on unpaved areas of the site where vehicle traffic will occur.
- c.** Adjacent paved roads shall be swept at the end of each day if visible soil material is carried onto such roads. Water sweepers with reclaimed water should be used where feasible.
- d.** Designation of a dust control plan monitor who is on-site during all events.

Implementation of dust control on any public maintained roadway requires an encroachment permit.

D. Application content. In addition to the application content set forth in Chapter 22.62, the following shall also be required:

- 1. Site Design Standards.** Applications shall show how the requirements of Subsection C. will be met. This shall include providing a site plan with the location of all proposed event activities, setbacks to all property lines, a detailed parking plan and a lighting plan. The application shall also include a detailed project description with the proposed number of event days requested, number of attendees, hours of operation and if amplified sound is requested.

2. Public notice.

a. Prior to application submittal. Applications for Minor Use Permits and Conditional Use Permits shall include evidence that the applicable community advisory group and all owners of real property as shown on the latest equalized assessment roll within 1,000 feet of the subject site (as defined by Article 8) were notified of the request prior to the submission of the land use permit to the county. This notice shall be provided by the applicant sending a letter accompanied by the form provided by the Department of Planning and Building.

b. Public hearing notice. Public notice 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 (as defined by Article 8), 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 for certain applications at the discretion of the Director of Planning and Building.

3. Fire Protection. A fire safety plan shall be submitted with the land use permit application form that sets forth adequate fire safety measures for the proposed events. Facilities are to be provided as required by the applicable Fire Agency.

4. Water Supply, Sanitation, and Food Preparation. Approval from the County Health Department shall be submitted with the land use permit application that sets forth facilities specifications and requirements. The applicant **may** be required to comply with any or all of the following conditions:

a. Potable Water. An adequate and safe supply of water assured through current quality testing, establishment of a public water system, and/or production tests (as applicable).

b. Toilet Facilities. Enclosed toilets meeting all state and local specifications sufficient to provide healthful facilities for the maximum number of persons allowed at an event.

c. Solid Waste Disposal. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste produced by the maximum number of persons allowed at any single event.

d. Vector Control. A plan indicating how insects, rodents and other vermin will be controlled by proper sanitary practices, extermination or other safe and effective control methods.

e. Food Service. Food vendors must have proper certification as required including the use or establishment of permitted food facilities (as applicable).

5. Dust Control and Monitoring Plan. Submit a plan that complies with Subsection C.9.

E. **Required findings.** In addition to the findings of fact required by Section 22.62.060.C.4, all Minor Use Permit and Conditional Use Permit applications for sites located in the Agriculture land use category, or on or adjacent to lands currently in agricultural production, shall be approved only where the Review Authority first finds that:

1. Where an agricultural use exists on site, the proposed use will not affect the continuing use of the site as a productive agricultural unit providing food or fiber; and
2. The proposed use will result in no detrimental effect upon the continuance or establishment of agricultural uses on surrounding properties.
3. The area proposed for the event use, including parking, structures, access, etc., has been minimized to the maximum extent feasible, so as to not interfere with agricultural production.

F. **Exceptions.** Except where Subsections B. or C. specify a different permit level, a Minor Use Permit may be used to modify any of the site design standards as set forth in Subsection C.

G. **Additional Notification.** All Event applicants shall provide notification of scheduled events to the Planning and Building Department, local Sheriff Substation, the main county Sheriff's Office, Air Pollution Control District (APCD), property owners and occupants within a minimum of 1,000 feet of the exterior boundaries of the proposed site. This shall occur through notification by mail or through a website. If a website is used, notification shall first be provided by mail and must contain the website address, the 24 hour local contact information and the approved number of events and attendee numbers. The website shall be maintained and kept current at all times. If mail notification is used in place of a website, such notification shall be delivered at least 30 days prior to the first event scheduled and as often as is necessary to keep neighbors informed of events that are scheduled to occur on the site. The following information shall be provided to the property owners and occupants:

1. A complete listing of all scheduled events including dates, times and anticipated number of attendees.
2. 24-hour local contact information for the designated responsible party, including e-mail and phone number. Contact information shall be used to notify the designated responsible party of any issues with the event. 24-hour phone number for the dust control plan monitor.
3. Contact information for County Code Enforcement, the County Sheriff's office and the APCD to be used if members of the public have complaints about the operation.

H. **Violation.** 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). Additional penalties for violation of this section may include revocation of the land use permit (Zoning Clearance, Minor Use Permit, Conditional Use Permit). A substantiated complaint, for the purposes of this Section, is one that is confirmed by investigation by the Sheriff, County Code Enforcement or the Air Pollution Control District. A Zoning Clearance shall not be issued if there is an active violation on the site or if more than one substantiated complaint has been received by any County Department in any consecutive six month period. A Minor Use Permit or Conditional Use Permit may not be issued if there is an active violation on the site or if more than one substantiated complaint has been received by any County Department in any consecutive six month period. If substantiated complaints have been received

by the Department more than once in any consecutive six month period, this shall be grounds for revocation of the Land Use Permit consistent with this Title. Violation of any encroachment permit shall result in Public Works Department issuing a complaint. Failure to comply with the dust control plan may result in enforcement action by the Air Pollution Control District.

I. Guarantee of site restoration. For Minor Use Permit and Conditional Use Permit applications, a bond or cash deposit may be required for approval of an 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 22.64.040 (Performance Guarantees).

J. Effect on existing exempt temporary events. Any site holding Temporary Events that were exempt pursuant to Section 22.30.610 as it existed prior to the effective date of this section, may continue to hold such exempt events for one year from the effective date of this section (_____, 20____). Within one year of the effective date specified above, all event sites shall be brought into compliance with the standards and permit requirements set forth in this Section. Event sites which are not in compliance with the standards and permits of this Section after the effective date specified above, shall be in violation and shall be subject to the penalties of Chapter 22.74 (Enforcement) of this Title.

K. Insurance and Indemnity Requirements. A Business License may be required by the Treasurer-Tax Collector's Office pursuant to the adopted County Business License Ordinance. When a Business license is not required, certificates of insurance must still be provided in accordance with this section. The applicant 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 applicant will provide 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 applicant 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.

1. 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 indemnify 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.

2. 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:

a. 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:III 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:

- (1) 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.
- (2) 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.
- (3) The policy shall not be cancelled or materially changed without first giving thirty days prior written notice to the County.

b. 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:

- (1) 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.
- (2) The policy shall not be cancelled or materially changed without first giving ten days prior written notice to the County.

c. 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:

- (1) 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.
- (2) The policy shall not be cancelled or materially changed without first giving thirty days prior written notice to the County.

SECTION 5: Chapter 22.30 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by deleting section 22.30.610 as follows:

~~**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).~~

SECTION 6: Section 22.30.330B of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- B. Art and craft sales.** The temporary outdoor sale of handcrafted items and artwork is allowed only in conjunction with an temporary event Event (Section 22.30.610 205), except as otherwise provided by this Section.

SECTION 7: Article 8 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

Event (land use). Any use of a site for an organized activity, assembly or gathering that is *open to the public* either with or without invitation involving fifty or more people that is not sponsored by a government entity. Events and or programs that are not subject to the provisions of this Title are those that are: (1) sponsored by an incorporated or unincorporated community (such as Pinedorado, Days of the Dons, Founder's Days, etc), (2) offered by a public agency, (3) sponsored by a valid agricultural non-profit organization (*solely and specifically* for the purposes of education about on-site agriculture or natural resources), and/or (4) private gatherings of family and friends on private property that is owned, leased or rented by the host. Parades and other temporary events within the public right-of-way and events held at a public park or on other land in public ownership when conducted with the approval of the public agency having jurisdiction, are not subject to land use permit requirements, provided that all requirements of the County Public Works Department, County Health Department, County General Services and County Sheriff are met. Temporary Camps are subject to Chapter 8.64 of the County Code. Events located at wineries in the inland portion of the county are considered Special Events and are subject to Section 22.30.070.

Public Assembly and Entertainment (land use). ~~Permanent facilities approved~~ Facilities 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; amphitheaters; meeting halls for rent and similar public assembly uses.

Temporary Events (land use). Any use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Events include but are not limited to art shows, rodeos, religious revivals, tent camps, outdoor festivals and concerts.

SECTION 8. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its

consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 9. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 10: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 20____, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 20____, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

WARREN R. JENSEN
County Counsel

By: _____
Deputy County Counsel

Dated: _____