

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 as follows:

See Attached Exhibit

SECTION 2: Chapter 22.30 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new section 22.30.202 as follows:

22.30.202- Events - Agricultural: Where allowed by Section 22.06.030, Agricultural Events as defined by Article 8 are subject to the following standards:

A. Permit requirements:

- 1. Zoning Clearance for up to two events per year with each event lasting no more than two consecutive days. Such events may not be located within a structure unless structure is approved for public assembly. The site and events must comply with Subsections B and C. 1 and 2.**
- 2. Site Plan for between two and ten events per year with each event lasting no more than two consecutive days. The site must have a minimum site area of 10 acres and be located within 5 miles of an Urban Reserve Line. The site and events must comply with Subsections B. and C.**
- 3. Minor Use Permit for more than 10 events per year with each event lasting no more than two consecutive days. The site must have a minimum site area of 20 acres and be located within 5 miles of an Urban Reserve Line. The site and events must comply with Subsections B. and C.**

B. Application contents. At the time of application submittal, the following items shall be submitted as part of the application for Zoning Clearance, Site Plan or Minor Use Permit:

- 1. Agriculture Commissioner's Office.** A clearance letter shall be submitted from the Agriculture Department, which verify that the site qualifies as an active farm or ranch (currently having a related agricultural use located on site), and that the proposed events will not have an impact on on-site or off-site agriculture. This could include, but are not limited to, buffers to avoid impacts to area agricultural operations.

2. **Public notice.** The applicant shall submit evidence that the neighboring property owners and the applicable advisory group 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 using the form provided by the Department of Planning and Building. The letter shall be mailed or delivered at least 10 days prior to application submittal to the applicable advisory group and to all owners of real property as shown on the latest equalized assessment roll within 1,000 feet of the subject site.
3. **Parking.** The applicant shall submit a site plan, which shows the designated parking areas that are to be used during the proposed events consistent with Subsection C.2.
3. **Fire Protection.** A fire safety clearance letter shall be submitted with the land use permit application that sets forth adequate fire safety measures for the proposed events. Facilities shall be provided as required by the County Fire Department or applicable Fire Agency.
4. **Water Supply, Sanitation, and Food Preparation.** A clearance letter from the County Health Department shall be submitted with the permit application that sets forth facilities that are required to be provided by the County Health Department.

C. Site design standards. All agricultural events are subject to the following standards, regardless of whether a land use permit is required.

1. **Site Access.** The site must have direct access on an all weather public road minimum width of 20 feet. In addition, the site must have a second unobstructed access point a minimum of 18 feet wide from the event site back to a publicly maintained road.
2. **Parking.** Parking shall be provided for agricultural events as follows, with such parking consisting at a 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.** Where there will be seated spectator events, parking shall be provided at one parking space for each 12 square feet of seating area.
 - b. **Exhibitions.** For events that have exhibitions, parking shall be provided at one parking space for each 75 square feet of exhibit area.
 - c. **Parking on the road.** No parking shall be allowed within any adjoining road right-of-way.
3. **Amplified Sound.** Any event proposing outdoor amplified sound shall only be allowed from 10 a.m. to 5 p.m. and shall comply with the noise standards established by Section 22.10.120.
4. **Lighting.** Any proposed outdoor lighting shall comply with Section 22.10.060 Exterior Lighting.
5. **Use of Structures.** Event activities may not be located within a structure unless the structure has been permitted for commercial and public assembly occupancy and in compliance with American Disabilities Act (ADA).

D. Exceptions. A Minor Use Permit may be used to modify any of the application contents or operational standard as set forth in Subsections B. and C. except the requirement for secondary access listed in C.1.

SECTION 3: Chapter 22.30 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new section 22.30.204 as follows:

22.30.204 - Events - Public Assembly and Entertainment: Where allowed by Section 22.06.030, Public Assembly and Entertainment as defined by Article 8 are subject to the following standards:

A. Notice, design and operational standards.

- 1. In addition to any specific standards set through the Conditional Use Permit, all Public Assembly and Entertainment uses shall also meet the standards as set forth in Subsections 22.30.206 B., C., D. and F.**

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 22.30.206 as follows:

22.30.206 - Events- Special: Where allowed by Section 22.06.030, Special Events as defined by Article 8 are subject to the following standards:

A. Permit requirements. The following special events are exempt from land use permit requirements:

- 1. Admission Free.** 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
- 2. Non-Profit.** Other free admission events that are operated by non-profit organizations. In order to qualify for this exemption, there cannot be a charge for the facility or land where the event is being held, and the standards of Subsection D and E shall be met. Evidence of compliance with these standards shall be provided through completion of a Non-Profit Event application form. This form shall be submitted to the Department and kept on file.

B. Application content.

1. Public notice.

- a. Prior to application submittal.** The applicant shall submit evidence that the neighboring property owners and the applicable advisory group 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 using the form provided by the Department of Planning and Building. The letter shall be mailed or delivered at least 10 days prior to application submittal to the applicable advisory group and to all owners of real property as shown on the latest equalized assessment roll within 1,000 feet of the subject site.
- b. Public hearing notice.** Public notice shall be provided to owners of property

within a minimum of 1,000 feet of the exterior boundaries of the proposed special event 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 for certain applications at the discretion of the Director of Planning and Building.

- 2. Fire Protection.** A fire safety plan shall be submitted with the land use permit application that sets forth adequate fire safety measures for the proposed special events. Facilities to be provided as required by the County Fire Department or applicable Fire Agency.
- 3. Water Supply, Sanitation, and Food Preparation.** Facilities to be provided as required by the County Health Department. The applicant is responsible to assure that the food vendors have proper certification.

C. Minimum site area. 10 acres for events up to 150 people, 20 acres for events from 151 - 999 people, and 40 acres for events of greater than 1,000 people. A smaller minimum parcel size may be approved with a Conditional Use Permit if it can be demonstrated that all Site Design Standards of subsection D can be met.

D. Site Design Standards.

- 1. Site access location.** The principal access driveway to a site with special events, is to be located on or within one mile of an arterial or collector. Outdoor events 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.
- 2. Setbacks.**
 - a. Rural areas.** All special event areas shall be 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 D.2.a.
 - c. Modification.** These setbacks can be modified through Minor Use Permit approval when a Conditional Use Permit is not otherwise required by Subsection A. 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 prime agricultural land (SCS Class I, II and III); (2) the property fronts an arterial or collector street; or (3) the setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation.

- 3. Parking.** Parking shall be provided as follows, with such parking consisting at a 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.** Where there will be seated spectator events, parking shall be provided at one parking space for each 12 square feet of seating area.
 - b. Exhibitions.** For events that have exhibitions, parking shall be provided at one parking space for each 75 square feet of exhibit area.
 - c. Parking on the road.** No parking shall be allowed within any adjoining road right-of-way.
 - d. Off-site parking.** All parking shall be provided on the event site unless off-site parking is provided within 1,000 walking feet of the event site or shuttles are 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. 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 limited is reached.
 - c. Parking lot landscaping.** The parking shall be located and/or landscaped so it is screened as necessary from public roads where topography or existing on-site vegetation does not provide for adequate screening.
- 4. Amplified Sound.** Any special event proposing outdoor amplified sound shall only be allowed from 10 a.m. to 5 p.m. No outside amplified sound shall occur before 10 a.m. or after 5 p.m. The standard relating to amplified sound may only be waived or modified where a finding can be made by the Review Authority that the noise at the property line will not exceed 65dB.
- 5. Lighting.** Any proposed outdoor lighting shall comply with Section 22.10.060 Exterior Lighting.
- 6. Frequency of Events** Special events are limited to 40 days a year with each event lasting no more than three consecutive days.
- E. Guarantee of site restoration.** A bond or cash deposit may be required for approval of a special 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).
- F. Commercial entertainment.** Commercial entertainment activities are subject to the standards of Chapter 6. of the County Code.

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

22.30.610~~208~~ - 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~~ Site Plan approval; ~~except as follows:~~

1. The following events are exempt from land use permit requirements: ~~Public events. No land use permit is required for:~~
 - a. ~~Events occurring in approved theaters, convention centers, meeting halls or other approved permanent public assembly and entertainment facilities; or~~
 - ba. **Admission Free.** 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
 - cb. **Non-Profit.** Other free admission events ~~which are eight hours or less in duration and that~~ are operated by non-profit organizations. In order to qualify for this exemption, there cannot be a charge for the facility or land where the event is being held, and the standards of Subsection D and E shall be complied with. Evidence of compliance with these standards shall be provided through completion of a Non-Profit Event application form. This form shall be submitted to the Department and kept on file.
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).~~
- 3c. **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. Duration and Attendance** A temporary event shall not have the potential to attract more than 2,000 people and shall be held in a single location. A Temporary Event shall only occur one time for no longer than ~~12~~ 3 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: A site that will be used more than once for an event or events, shall be subject to the standards established in Section 22.30.206 (Special Events).

~~C. **Location.** The site of any temporary event other than public events and parades shall be located no closer than 1,000 feet to any Residential Single-Family land use category.~~

DC. 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~~ 20 feet wide, from the event site to a publicly maintained road.

2. **Location.** The site of any temporary event other than public events and parades shall be located no closer than 1,000 feet to any Residential Single-Family or Residential Multi-Family land use category.

3. **Setbacks.**

a. **Rural areas.** All special event areas shall be 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 D.2.a.

24. **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.** Where there will be seated spectator events, parking shall be provided at one parking space for each 12 square feet of seating area.

b. **Exhibitions.** For events that have exhibitions, parking shall be provided at one parking space for each 75 square feet of exhibit area.

c. **Parking on the road.** No parking shall be allowed within any adjoining road right-of-way.

~~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.~~

34. **Fire protection.** Facilities to be provided as required by the ~~County~~ appropriate Fire Department. Authority.

45. **Water supply, and sanitation, and food preparation.** Facilities to be provided as required by the Health Department. The applicant is responsible to assure that the food vendors have proper certification.

6. **Noise Control.** Temporary Events shall comply with the noise standards established by Section 22.10.120.

7. Lighting. Any proposed outdoor lighting shall comply with Section 22.10.060 Exterior Lighting.

D. Agriculture Commissioner's Office. A clearance letter shall be submitted from the Agriculture Department which verifies that the proposed events will not have an impact on on-site or off-site agriculture. This could include buffers to avoid impacts to area agricultural operations.

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

Events - Special (land use). Any use of a structure or land for an event that occurs more than one time on the site or a one time event that has the potential to attract more than 2,000 people. Events include, but are not limited to, outdoor festivals, large parties, and concerts. Does not include “Events - Temporary,” “Events - Agricultural,” “Events - Public Assembly and Entertainment,” and winery special events (as defined in Section 22.30.060D.2.i.).

Temporary Events - Temporary (land use). Any use of a structure or land for an event for a ~~that will occur one time~~ limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities and the event will not have the potential to attract more than 2,000 people. Events include but are not limited to art shows, rodeos, religious revivals, tent camps, outdoor festivals and concerts. Does not include “Events - Special”, “Events - Agricultural”, “Events - Public Assembly and Entertainment,” and winery special events (as defined in Section 22.30.060D.2.i.).

Events - Public Assembly and Entertainment (land use). 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; amphitheaters; meeting halls for rent and similar public assembly uses.

Events - Agricultural (land use). Any use of an active farm or ranch for an event that is open to the public for the purposes of marketing the agricultural product produced on site or for educating the public about on-site agriculture or natural resources. Events include, but are not limited to harvest festivals and planting celebration. Does not include "Events - Temporary", "Events - Special", "Events - Public Assembly and Entertainment" and winery events (as defined in Section 22.30.070 D.2.i.).

SECTION 7. 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 8. 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 9: 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:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____