

EXHIBIT A

Event Ordinance - Proposed Amendments - February 2011

I. Proposed Purpose Statement:

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 countywide tourism, as an educational tool and for support of non-profit organizations. The Board also recognizes that events have the potential to be incompatible with surrounding residential uses and to agriculture. Additionally, events have the potential to create burdens to infrastructure, such as rural roads and add noise which may negatively affect character, the essential quality upon which tourism depends. The specific purpose of this Section is to set standards for events to ensure compatibility with surrounding residential and agricultural uses.

II. Proposed Definition of Event: (“event” to replace the term “temporary event”)

Event. Any use of a site for an organized activity, assembly or event 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 offered by a public agency or valid agricultural non-profit organization and that are *solely and specifically* for the purposes of education about on-site agriculture or natural resources are not subject to the provisions of this Title. 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 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.

III. Events proposed to be allowed in the following Land Use Categories: AG, RL, RR, OP, CR, CS, IND, REC and PF.

IV. Proposed Ordinance Language:

A. Permit Requirements.

1. **Nonprofit Events.** A nonprofit event is defined as an event where all of the following occur: there is no charge for the venue, the event is sponsored by a nonprofit organization and 100% of the proceeds collected on behalf of the event, after operational expenses are met, go to the sponsoring non-profit organization. A ministerial permit shall be required for sites that **only** hold nonprofit events. The number of nonprofit events allowed per year on an individual site are not limited by this ordinance. The number of attendees is limited by Section A.3 and B. 2. a. (3) Setbacks. Nonprofit events are subject to all applicable standards of this section.

2. **For Profit and Nonprofit Events.** Sites holding both nonprofit and for profit events are subject to the permits requirements and all applicable standards of this section.
 3. **Ministerial Permit.** A Zoning Clearance shall be required for up to 12 one-day events per year with 50 to 150 attendees. A greater number of attendees may be allowed per Subsection B.2.a(3) . 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.
 4. **Discretionary Permit**
 - a. **Minor Use Permit** shall be required for 13-20 one-day events per year and/or events with 151-200 attendees. The length of time that the permit approval is effective shall be determined by the Review Authority.
 - b. **Conditional Use Permit** shall be required for more than 20 one-day events per year and/or events with over 200 attendees. The length of time that the permit approval is effective shall be determined by the Review Authority.
 - c. **Time Limits.** Minor Use and Conditional Use Permit time limits shall be determined by the Review Authority. The Review Authority shall consider but shall not be limited to the following in making that determination: site location, neighborhood capacity and compatibility, and the suitability of the site for ongoing events.
- B. Site Design Standards.**
1. **Site access.**
 - a. Events shall provide at least two unobstructed 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 per BOS Resolution 2008-152 A.3.
 - b. All site 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 public 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 thorough 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.** All event activities including parking areas shall be located a minimum of 300 feet from each property line.
- (2) **All other land use categories.** All event activities including parking areas shall be located a minimum of 200 feet from each property line.
- (3) **Adjustment.** In all land use categories where events are allowed, the number of attendees otherwise allowed by Subsection A.3. may be increased as follows:

Event activities located 600 feet from each property line shall allow up to 300 attendees

Event activities located 1,200 feet from each property line shall allow up to 600 attendees

Event activities located 2,400 feet from each property line shall allow up to 1,200 attendees

Event activities located 1 mile from each property line shall allow up to 2,000 attendees.

Any event over 2,000 attendees requires Conditional Use Permit approval.

- 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 B.2.a.
- c. **Riparian/Drainage setback.** All event activities including parking areas shall be located a minimum of 300 feet from any natural drainage swales and from any riparian vegetation. For the purposes of this section, natural drainage swales are defined as any naturally occurring drainage areas.
- 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.** Parking shall be unimproved with a minimum ratio of 1 space per 2.5 attendees and located as follows, 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.** 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). Signage to this effect may be required and shall be done in accordance with B.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.
 - b. **Off-site parking.** All parking for events shall be provided on the event site. 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, 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 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 500 persons or greater the applicant shall submit a temporary events traffic control plan to the appropriate agency (Caltrans or County Public Works) for issuance of an encroachment permit. The traffic control plan 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 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. Facility set up and clean up shall be allowed between the hours of 8 a.m. to 11 p.m. All guests of an Event shall vacate the property by 10:30 p.m.
6. **Amplified Sound.** Outdoor amplified sound may only occur 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 outdoor amplified sound shall only be allowed from 10 a.m. to 10 p.m. and shall be in compliance with the best practice guide for outdoor amplified sound. The requirement for an acoustical analysis may be waived through an adjustment (Section 22.70.030) 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.** Any outdoor lighting used during events shall be downcast and shielded so that neither the lamp nor the reflector interior surface is visible from any off-site location.
8. **Use of Structures.**
 - a. **Existing Structures.** The temporary use of existing structures during events are 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.
 - b. **New Structures.** Event activities may only be allowed in new structures when 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.** Any proposed Events located on sites with access from unpaved dirt roads and Events which proposed unpaved on-site access roads and parking areas shall require the use of a dust control suppressant acceptable to the Air Pollution Control District. Implementation of dust control on a public maintained roadway requires an encroachment permit.

C. Application content. In addition to the application content set forth in Section 22.62.030 - 060, the following shall also be required:

1. **Site Design Standards.** Applications shall show how the requirement of Subsection B. are met including. 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 events requested, number of attendees, hours of operation and if amplified music 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 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, 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 that are required. The applicant is responsible for assuring that the food vendors have proper certification.

D. 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.
- E. Exceptions.** Except where Subsection B. sets a Conditional Use Permit for modification, a Minor Use Permit may be used to modify any of the site design standards.
- F. Neighbor Notification.** All Events applicants shall provide notification to property owners within a minimum of 1,000 feet of the exterior boundaries of the proposed site, with a letter or through a website.. If a website is used, notification shall first be provided by letter containing the website address. The website shall be maintained and kept current at all times. If a letter is used, it shall be delivered at least 30 days prior to the first event scheduled. The following information shall be provided to the property owners:
1. A complete listing of all scheduled events including dates, times and anticipated number of attendees.
 2. 24-hour local contact information for the event operator, including e-mail and phone number. Contact information shall be used to notify the operator of any issues with the event.
 3. Contact information for County Code Enforcement to be used if members of the public have complaints about the operation.
- G. 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. A land use permit including any Zoning Clearance may not be issued if there is an active violation on the site or if two substantiated complaints have been received by any County Department in any consecutive six month period. If substantiated complaints have been received by the Department more than two times 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.
- H. Guarantee of site restoration.** 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 22.02.060 or (Guarantees of Performance).
- I. Effect on existing exempt temporary events.** Any site holding temporary events that were exempt pursuant to Section 22.30.610 may continue to hold 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.

- J. Insurance and Indemnity Requirements.** When a license is required by the Treasurer-Tax Collector's Office, the 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.
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: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:
 - (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 thirty 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.

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]