

# Referral Draft – September 2010

## Event Ordinance - Proposed Amendments

### 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”)

**Events.** 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 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 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, are not subject to land use permit requirements, provided that all requirements of the County Public Works Department 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 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 B. 2. 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.
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.** Events shall provide a minimum of two unobstructed access points, each a minimum of 20 feet wide, from the event site to a publicly maintained road and this access shall be provided with appropriate signage that clarifies the location of exits. Access may require an encroachment permit. This requirement may be reduced or modified through an adjustment provided the applicable fire agency 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 shall be located a minimum of 300 feet from each property line.
    - (2) **All other land use categories.** All event activities 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 are located 600 feet from each property line shall allow 300 attendees

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

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

Event activities are located 1 mile from each property line shall allow 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. **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 provided as follows, with such parking located in 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, and on areas of the site that are not Class I soils as defined by the NRCS.
- a. **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 accessways 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.
- 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. 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 for the event site.

4. **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 for the event site. 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.** All authorized Events shall start no sooner 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 be off 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 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 proposed 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 use of existing structures temporarily during events are limited to existing 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. This requirement may be waived through an adjustment (Section 22.70.030) when the applicable fire agency verifies in writing that the proposed structure is adequate for safe egress and all other fire safety concerns have been addressed.

**b. New Structures.** Event activities may only be allowed in new structures where approved through a Conditional Use Permit. All new structures proposed for events shall be located off 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 water trucks, sprinkler system or other practices acceptable to the Air Pollution Control District, in sufficient quantities to prevent airborne dust.

**C. Application content.**

**1. 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 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 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.

**2. 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.

**3. 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 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, 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 at least 30 days prior to each event occurrence. The following information shall be provided:

1. A complete listing of all scheduled events including dates, times and number of attendees.
2. 24-hour contact information for the operator, including e-mail and phone number, to be used to notify the operator of issues with the operation.
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 the 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.

**H. Guarantee of site restoration.** A bond or cash deposit may be required for approval of an Agricultural, Limited or 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 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.