

COUNTY DEPARTMENT OF PLANNING AND BUILDING

DRAFT RESPONSE TO DIRECTION PROVIDED
BY THE COUNTY BOARD OF SUPERVISORS
ON JANUARY 12, 2010

AMENDMENTS TO THE
TEMPORARY EVENT ORDINANCE

For additional information please contact:

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DRAFT RESPONSE

1. Ministerial Permit

Your Board suggested using a ministerial or “over the counter” permit to allow for a site to have a limited number of events per year, with a limited number of attendees. The Agricultural Liaison Advisory Board (ALAB) discussed this concept at their March 17, 2010 meeting. ALAB recommends that a ministerial permit be granted for 6 events with 50 to 200 attendees. The Ag Tourism Coalition (ATC) suggests that there be no limit on the number of events held for up to 50 attendees, 2 events per year for 50 to 150 attendees, and 4 additional events per year for 50 to 150 attendees for active farmers and ranchers. The Coalition of Affected Business Owners (CABO) suggests a flexible approach which limits sites to 12 annual events for no more than 2,100 cumulative annual attendees and no more than 300 attendees at any one event. This approach would allow 12 events with up to 175 attendees or events with greater attendees but with less frequency.

After review of the recommendations made by ALAB, ATC and CABO, staff is suggesting the following language:

Permit Requirements:

Ministerial Permit (Zoning Clearance) shall be required for up to 10 one-day events per year with up to 150 attendees. Zoning Clearance approval is valid for one year from the date of issuance.

Minor Use Permit shall be required for 11-20 one-day events per year and/or with 151-200 attendees. The length of time that the permit approval is effective shall be determined by the Review Authority.

Conditional Use Permit shall be required for 20 or more one-day events per year and/or over 200 attendees. The length of time that the permit approval is effective shall be determined by the Review Authority.

2. Revocation and Non-reissuance:

Your Board suggested a clearly defined mechanism for revocation of event permits and non-reissuance of the ministerial permits. The ATC suggests an easily renewable permit provided there are no substantive complaints and suggests following the City of San Luis Obispo’s recently adopted fines for violations of the “unruly gathering ordinance.” CABO supports tracking complaints and revoking or not renewing a permit if there are substantiated complaints. During your Board’s January 12, 2010 meeting, members of CABO demonstrated a proposed website which could be used by the wedding professionals to track complaints.

Staff is suggesting the following language:

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 3 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 three times in any consecutive six month period, this shall be grounds for revocation of the Land Use Permit consistent with this Title.

The ministerial permit (Zoning Clearance) will be effective for one year. If an applicant wants to continue holding events, they will need to reapply annually. A Zoning Clearance is reviewed and approved "over the counter". The current cost (FY 2010-11) of a Zoning Clearance is \$88.00. For sites that have an active enforcement case and/or 3 substantiated complaints have been filed within a 6 months period, a new or renewed Zoning Clearance will not be issued.

3. Non Agricultural Site

Your Board requested information regarding how non-agricultural locations should be addressed. The ministerial permit option treats all sites and all types of events the same. No onsite agriculture will be required to hold events at the ministerial level. A 300 foot setback is suggested from the area used for events to all property lines. This buffer area will help to assure adequate protection for existing and future agriculture. The Agricultural Department, per a letter dated March 17, 2010, recommends a 300 foot buffer to ensure there is an adequate separation between potentially incompatible uses.

4. Site Access

Staff is suggesting the following language for site access:

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.

Your Board suggested a waiver process for sites that are unable to meet the two required access standards. With the suggested language, an applicant would work directly with their specific fire protection agency to reduce or modify the two 20 foot wide accesses. The fire agency will look at each site case by case to assure if the standard is reduced or modified, that there will be safe ingress and egress during events. The Agriculture Department, ALAB and ATC did not comment on site access. CABO agrees with the adjustment approach.

5. Amplified Sound

Staff is suggesting the following language for amplified sound:

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 practices guide for outdoor amplified sound.

ATC suggests that amplified sound cease at 5 p.m. consistent with the winery ordinance. CABO provided a detailed discussion regarding the realistic use and importance of amplified sound at wedding. An outdoor amplified sound timeframe of 10 am-5 pm is simply not realistic for weddings in this County, where most events begin after 4 p.m. during the summer months. CABO is currently working with local DJs to prepare a "best practices" guide and, as demonstrated on January 12, are creating an Events Venue Association (EVA) website. The "best practices" guide would include speaker placement, buffering drum sets in live bands, and separate monitoring of microphones. CABO suggests a standard for outdoor amplified sound that limits it to a duration of 5 hours, but provides flexibility as to which 5 hours within the allowed period with an earlier cut-off time during winter months. CABO has indicated that for the average wedding on rural property, amplified sound is required for a total of about 5 hours. The first 2-1/2 hours is generally unobjectionable background music while the additional 2 - 2'1/2

hours is typically dance music. CABO recommends that between April 1 through October 31, outdoor amplified sound should be no more than a total of 5 hours during the period 10 a.m. to 10 p.m. Amplified sound decibel levels are not to exceed 65 decibels at the property line closest to the nearest neighboring residence. From November 1 through March 31, outdoor amplified sound is to be no more than a total duration of 5 hours during the hours of 10 a.m. to 7 p.m. Amplified sound decibel levels are not to exceed 65 decibels at the property line closest to the nearest neighboring residence. In addition, CABO suggests requiring a decibel meter to be onsite during events to monitor sound.

Staff is suggesting a simplified approach which would require all applicants proposing outdoor amplified sound to document through a noise study that the site can accommodate amplified music without exceeding 65 decibels at all property lines and that all amplified sound be limited to the hours between 10 a.m. to 10 p.m.

6. Use of Structures.

Staff is recommending the following language:

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.

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 prime agricultural land.

ALAB recommends that no new structures be allowed for use during events. ATC suggests no grading, construction or conversion of Ag Exempt buildings be allowed. CABO suggests no new structure be allowed with the ministerial level permit. Your Board suggested clarifying language for the use of structures during events using your Board's October 6, 2009 interpretation of Temporary Events. Staff's recommended language includes that language which only allows interior remodel of existing structures in order to meet building occupancy and ADA requirements with no exterior expansion allowed.

7. Neighbor Notification

Staff is suggesting the following language:

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 of the website address shall be provided by letter 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:

- A complete listing of all scheduled events including dates, times and number of attendees.
- 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.
- Contact information for County Code Enforcement to be used if members of the public have complaints about the operation.

ALAB suggests notification of nearby property owners for ministerial permits. The ATC suggests applicants provide notice to neighbors prior to holding each event. They also suggest the County website have a searchable permit data base. CABO supports a website approach where a venue can post information regarding events.

8. Existing Event Sites

Throughout the County there are a number of sites which have been holding non-profit events that are currently exempt from permits. Some sites may not meet the minimum standards required, including the required secondary access. Staff is suggesting that these sites may continue to hold events for a one year period following the adoption of the revised language. However, during that one year period, the applicant will be required to bring the site into compliance with the new standard and permit requirements. In addition, there are a number of sites holding events that do not have the required Minor Use Permit. Following the adoption of the revised language, all sites will be required to be brought into compliance with the new standards and permit requirements.

Staff is suggesting the following language:

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.