

An Event Is An Event—An Impact Is An Impact

San Luis Obispo County Proposed Events Ordinance Amendment

2012/2013 San Luis Obispo County Grand Jury

With natural beauty and a temperate climate, San Luis Obispo County (County) has a growing industry of outdoor entertainment; however, the laws governing events have not kept pace with the rapidly changing face of outdoor events. Since 2004, the proposed revision, Events Ordinance Amendment (EOA), has been a work-in-progress. The comprehensive revision prepared by the County Planning and Building Department (Planning Department) staff with input from advisory councils, the public at large and industry groups has been reviewed by both the County Planning Commission and the Board of Supervisors on more than one occasion. The wide array of open-air events at different locations offered every week throughout the County highlights the urgency and justification for adopting a proposed EOA as these events play an integral role in the County's economic vitality plan.

INTRODUCTION

The Grand Jury's investigation revealed that the Planning Department reviews and processes permit applications for events such as art shows, outdoor festivals and concerts, and approval is not automatic. The Planning Department coordinates with other County departments, i.e., Health, Public Works, and Parks. For some events it also coordinates with local law enforcement groups and state and federal agencies, such as Cal Fire, California Highway Patrol (CHP) and Fish and Wildlife, to safeguard the public.

Even though the Planning Department is thorough in reviewing the permit application, the existing two-page Land Use Ordinance for Temporary Events adopted in 1980, is brief, vague and inadequate because it does not address the impacts of 21st century events on the surrounding neighborhoods.

In addition, two inconsistencies exist in the special treatment accorded non-profits and “grandfathered” events. Permits are not required for non-profit events when they are admission-free, eight hours or less in duration and operated by non-profit organizations, those included in the 501 (c) tax categories. The most common type of non-profit is the 501(c) (3). It includes organizations that are religious, educational, charitable, scientific and literary. The 501(c) (5) includes labor, horticultural and agricultural organizations, i.e., the Farm Bureau, that often utilizes an agricultural property for annual meetings and/or fundraisers.

Grandfathered events, also known as non-conforming land use, refer to continuing events that existed prior to 1980 when the current ordinance was adopted. Both non-profit and grandfathered events are exempt from the permit process. These exceptions are allowed to operate without oversight.

During the course of the Grand Jury investigation, it became apparent that without the adoption of proposed revisions, the existing ordinance is ineffectual. All events whether for-profit, non-profit, traditional or new, should comply with the same regulations regarding environmental impacts, public safety and community relations. An event is an event; an impact is an impact.

ORIGIN

This investigation was generated through the initiative of the Grand Jury and in response to two citizen complaints. The County has not systematically resolved ongoing citizen concerns regarding noise and dust pollution, alcohol-related disturbances, access for emergency vehicles, lighting, parking and other environmental impacts related to the staging of large events in their neighborhoods. Irregularities in the permit process were detected. The complainants pursued the matter through various channels and requested that the Grand Jury research the lack of progress. The Grand Jury’s interest was also piqued by the lengthy delay in getting a proposed EOA adopted.

AUTHORITY

Section 925 of the California Penal Code provides statutory authority for Grand Jury reports.

METHOD

The Grand Jury examined the County's policies and practices regarding land use permits specifically for outdoor events, with special attention to impacts on surrounding neighborhoods. The Jury studied the San Luis Obispo County Land Use Ordinance Title 22, Section 22.06.030, Temporary Events Ordinance and corresponding Coastal Zone Land Use Ordinance Title 23. Winery events are subject to a separate Section 22.30.070; therefore, these events are not addressed in this report.

Interviews

During the investigation, the Grand Jurors interviewed numerous people, including the complainants, members of a community advisory council, County Planning and Building Department staff, former and present members of the County Board of Supervisors, members of the Planning Commission, event organizers/sponsors and administrators from the CHP and Cal Fire. The Sheriff's Office was contacted and referred the Jury to other law enforcement agencies.

Documents

The Grand Jurors reviewed documents provided by the Planning Department:

- Event Ordinance—Background and Timeline of Ordinance Update, 11/02/12 (Appendix D);
- Archived Board of Supervisors' Meetings, Agendas and Minutes;
- List with description of complaints filed related to temporary events in 2012;
- Excerpts from the Land Use Ordinance—Title 22 of the County Code Relative to Temporary Events (Appendix A);

- Discretionary Permit Process handout, 09/09/09;
- Draft Response to Direction Provided by the County Board of Supervisors, Amendments to the Temporary Event Ordinance, 01/12/10; and
- Draft Event Ordinance, 11/08/11, including Board Direction.

Also Reviewed

- Department of Planning and Building Website; and
- CAL FIRE, San Luis Obispo County Fire Division, Special Event Requirements and Inspection Checklist for Special Events.

NARRATIVE

Board of Supervisors' Directive

As the elected representatives of the people of San Luis Obispo County, the Board of Supervisors (Board) establishes overall County priorities and sets policy. It is committed to the implementation of such policies and the provision of such services that will enhance the economic, environmental and social quality of life in San Luis Obispo County.¹

On August 16, 2005, the Board directed County staff to simplify the event permit process. The most often heard complaint was the difficulty of obtaining an event permit through the Tax Collector's office for events of greater than 3,000 attendees. The lengthy path from application to approval was considered to be costly and burdensome for owners of small businesses. It was suggested that not all event permits need to be reviewed by the Planning Commission or the Board. In conformance with the Board's instruction, the Planning Department Director proposed an amendment to the existing Temporary Events Ordinance classifying a group of permits as Ministerial Permits that are approved at the department level. A ministerial decision involves only the evaluation of a proposal with respect to fixed standards or objective measurements, without the use of subjective criteria. Staff also proposed a new User Guide (located on the

¹ <http://www.slocounty.ca.gov/clerk/BoardofSupervisors> SLO County Board of Supervisors' *What we do*.

Planning and Building Department website²) to assist applicants in understanding the regulations in the proposed amendments.

Previous to this direction, on August 17, 2004, to acknowledge the fundraising efforts of non-profits supporting various causes throughout the County, the Board declared that one of the biggest non-profit fundraisers, San Luis Obispo County Symphony “Pops by the Sea,” with attendance exceeding 3,000 people, would be exempt from the event permit process at the Avila Golf Course location. Non-profit events of less than 3,000 attendees are exempt from obtaining a land use permit under the existing ordinance.

On November 8, 2011, the Board reviewed the progress made on the proposed EOA and told Planning staff it was going in the right direction. However, the Board concluded that an economic impact analysis was necessary as a final step. Staff was directed to consult with Uniquely SLO County (one of six cluster teams of the Economic Vitality Corporation). The staff was also informed that the proposed EOA would be "off-calendar" until the final draft was submitted.

Temporary Events Ordinance

The permit process concentrates on two aspects of an event— public safety and the environment. Public safety is aptly handled by several different agencies (Health, Public Works, Sheriff’s Office, CAL FIRE and CHP) which operate autonomously, and the environmental issues are protected by the California Environmental Quality Act (CEQA). Possibly due to lack of information, an event organizer who does not go through the proper channels to obtain a permit potentially can fail to take the proper measures to protect the public.

Ideally, all events must comply with the site design standards which address access, parking, fire protection, water supply and sanitation and guarantee of site restoration; however, typically only those event sponsors with approved permits are aware of these standards.

² <http://www.slocounty.ca.gov/planning/Permits.htm>

But what about dust control, traffic control, hours of operation, amplified sound, lighting, use of structures and notification of neighbors?

Permit Application Process

The event permitting process is about more than just completing forms and paying the filing fees. The Planning Department attempts to educate the public and provide event sponsors with guidelines for meeting the infrastructure land use requirements including, but not limited to land use restrictions, traffic plans, parking, sanitation, fire code compliance and notification of neighbors.

Despite the User Guide the proposed EOA application process can still be characterized as daunting, difficult and costly. Coordination with other County agencies (Tax Collector, Health, Sheriff's Department and Public Works) and California agencies (CHP and CAL FIRE) appears to work well by virtue of the fact that each organization is focused and efficient. A routine evaluation by fire, health and public works professionals also serves as a mini-risk assessment review for the County, but only when a permit application has been filed.

It is important to note that a permit is for land use. The "use" runs with the land and permits are not transferable between venues.

The proposed EOA recommends that planning permits fall into two categories based on scale and complexity:

1. Ministerial Permits are required for small events, up to 12 event days per year with 50 – 175 attendees. An evaluation based on fixed standards or objective measurements without the use of subjective criteria is made. Ministerial Permits are not reviewed by the Planning Commission or Board of Supervisors. This would be an "over-the-counter," fast-track permit.
2. Discretionary Permits involve a larger number of attendees or a greater number of event days per year and require an individualized evaluation by the Planning staff. Generally, a Discretionary Permit requires a decision to 1) approve, 2) approve with conditions or 3)

disapprove, based on the judgment of the Planning Commission after a hearing. There are two tracks within this category:

- a. Minor Use Permits (MUPs) are required for 13-20 event days per year and/or events with 176-250 attendees;
- b. Conditional Use Permits (CUPs) are required for more than 20 event days per year and/or events with over 250 attendees.

Because of the customized nature of the process, Discretionary Permits can take up to 6-12 months to process. Some permits will be renewed annually and others may be renewed once every three years.

Initial filing fees include charges for Public Works, Health Department, CAL FIRE evaluations and a CEQA Environmental Impact Report, if required.

Range of Minimum Filing Fees (Refer to Appendix E for details.):

- Minor Use Permits (MUPs): \$3,679 to \$10,918
- Conditional Use Permits (CUPs): \$11,071 to \$17,889

Permit Exemptions/Inconsistencies

Legal Non-conforming Use, also known as “grandfathering,” means that under certain circumstances, events or activities that are not permitted under current law are allowed because they have been conducted at the same location continuously since before the prohibiting law was codified.

Non-profit events³ are not required to obtain a land use permit (ministerial or discretionary). The same venue could hold a commercial (for-profit) and a non-profit event on the same weekend. Both events could potentially have an impact on local residents and the environment, yet one

³ The 2004 Board of Supervisors’ direction to exempt non-profit events from needing Temporary Events Permits has been interpreted by the Planning Department to include all non-profit events regardless of admission policy.

complies with the current ordinance and the other is not required to do so. This irregularity has people questioning the exemption. An event is an event. An impact is an impact whether it is a non-profit or for-profit event.

The Grand Jury is aware that there are always exceptions to rules and regulations. For example, when the closest neighbors are five miles away, the requirement to notify them of potential impacts of dust, light, noise, traffic and parking becomes irrelevant. The Planning Department has the expertise and experience to recognize that not all regulations apply to each venue.

Public Safety

Concerns for public safety are already being addressed by the respective agencies. If additional staff is needed to ensure public safety, the appropriate agencies would make recommendations to the event organizer/sponsor to 1) better utilize existing event personnel and/or 2) contract for additional assistance from public agencies at cost.

The Grand Jury learned from an experienced event organizer for both commercial and non-profit events that this organizer follows the same procedures for each event without being required to do so. It was explained as just good business practice. The organization's events staff draws upon their knowledge of what is required for permitted events and voluntarily applies the same standards to their non-profit events even though the event is exempt from the permit process. This staff actually initiates contact for inspections by Public Works, CAL FIRE, Health Department and CHP as needed and may also notify local law enforcement. The organization has installed video cameras on the road leading to the venue to monitor traffic flow. While not all event organizers may be as conscientious, the Grand Jury was encouraged to know that a major event sponsor does and, by example, sets a high standard for non-profit events.

Code Enforcement

Unlike the County health inspectors, CAL FIRE and CHP who make site evaluations on the day of an event, the Planning Department Code Enforcement division, operating with only seven

employees, is unavailable to cover all events in the entire County. Code Enforcement staff works four 10-hour shifts between 6:30 am to 6:30 pm, Monday through Friday. Most events occur at night and on the weekends when staff is off-duty; therefore, event code compliance is generally not monitored. When the code enforcement staff responds to a citizen's complaint regarding an alleged event violation, it is most likely after the fact. For example, a noise complaint made on Saturday night cannot be substantiated until Monday morning when the event is over.

Neighbors are in the unenviable position of monitoring for violations. This unofficial role is fraught with ongoing stress. Code compliance should be handled through Planning Department staff rather than community members haphazardly alerting officials of violations.

Code enforcement appears to be neither preventive nor proactive, but randomly reactive. Without enforcement, regulations are weakened. Without relevant ordinances, enforcement is pointless. In the extreme, no permit means no code compliance as in the case of non-profits.

Complaint Process

The number of complaints is statistically small and often from the same people year after year. According to the Planning Department, there were only six recorded event-related complaints countywide in 2012. In order for the Code Enforcement staff to better understand the scope of the problems, formal complaints need to be recorded, investigated and responded to in a timely manner by Code Enforcement staff.

The Planning Department Code Enforcement "Question or Complaint" form is not readily accessible on their website. Once found, the form simply asks for the name, contact information and the question or complaint. No information is provided as to how the citizen will be contacted, by whom or the expected response time. A separate search for a department staff directory provides the listing for code enforcement officers. The Grand Jury was informed that many neighbors just give up after attempts to negotiate directly with the event sponsor. Complaints are made, but possibly not formally to the Planning Department.

In 2007, a focus group including members of Ag-Tourism and Direct Marketing reviewed an earlier draft of the revised ordinance. In a letter to the Planning Department, this work group listed what they believed should be included in a revised events ordinance quoted as follows:

1. Adequate, consistent implementation of ordinance standards and enforcement of those standards was critical to the success of allowing visitor uses in rural agricultural areas.
2. Relevant ordinance standards and permit conditions for each event site should be publicly available and easily retrievable (e.g., available online). Requiring advance notice of events to neighboring properties or the use of a website.
3. A process should be developed to record complaints about event sites, substantiate or deny the presence of a violation, and respond to violations. The nature of the complaint and code enforcement staff findings about actual violations should be publicly available and retrievable.
4. Full disclosure: For a site that generates multiple substantiated complaints in any 12-month period, the site owner/applicant should be required to respond in writing to the specific complaint(s) and submit a revised plan with the goal of ensuring land use compatibility. The response should be made publicly available to the neighborhood. Any successive substantiated complaint should require the commencement of permit revocation as outlined in the land use ordinance.

Stakeholders simply want the event organizers/sponsors to be considerate of the adjacent neighbors.

Voice

Neighboring residents have been vocal about their concerns for over ten years. Individuals and representatives of community groups were resolute in telling the Grand Jury that their opinions carried little weight against the input of industry groups, economic clusters and businesses. Asked to comment on the most effective method for the public to express their concerns, the Grand Jury was advised that there are multiple ways to communicate with the Planning staff, Planning Commissioners and Board of Supervisors: by mail, email, phone or at community

meetings, advisory councils meetings and public hearings. For several years, the interviewees have tried these methods, but still feel their complaints are not being addressed.

The proposed EOA, by design, has had broad-based input from the very beginning. Nevertheless, those against its adoption make their case for less government, less regulation and more economic growth.

The Proposed Events Ordinance Amendments (EOA)

Residents are not opposed to events but feel reasonable measures can be followed so that event organizers can mitigate the impacts on the residential areas. Their primary concerns are noise, parking, dust, traffic control, lighting, access for emergency vehicles and long-lasting environmental impacts. The proposed EOA codifies many of those issues which are not covered in the existing ordinance.

Comparison of Current and Proposed Events Ordinance
(Refer to Appendix C for complete Comparison Chart.)

Topic	Current Temporary Events Ordinance (1980)	Proposed Events Ordinance Amendment(as of 11/08/12)—abridged
Traffic Control	None	500 attendees, submit a traffic control plan to appropriate agency (Caltrans, CHP and/or Public Works) for issuance of an encroachment permit. >500 attendees—submit a report/plan prepared by a California registered engineer and a Roadway Safety Analysis (RSA)

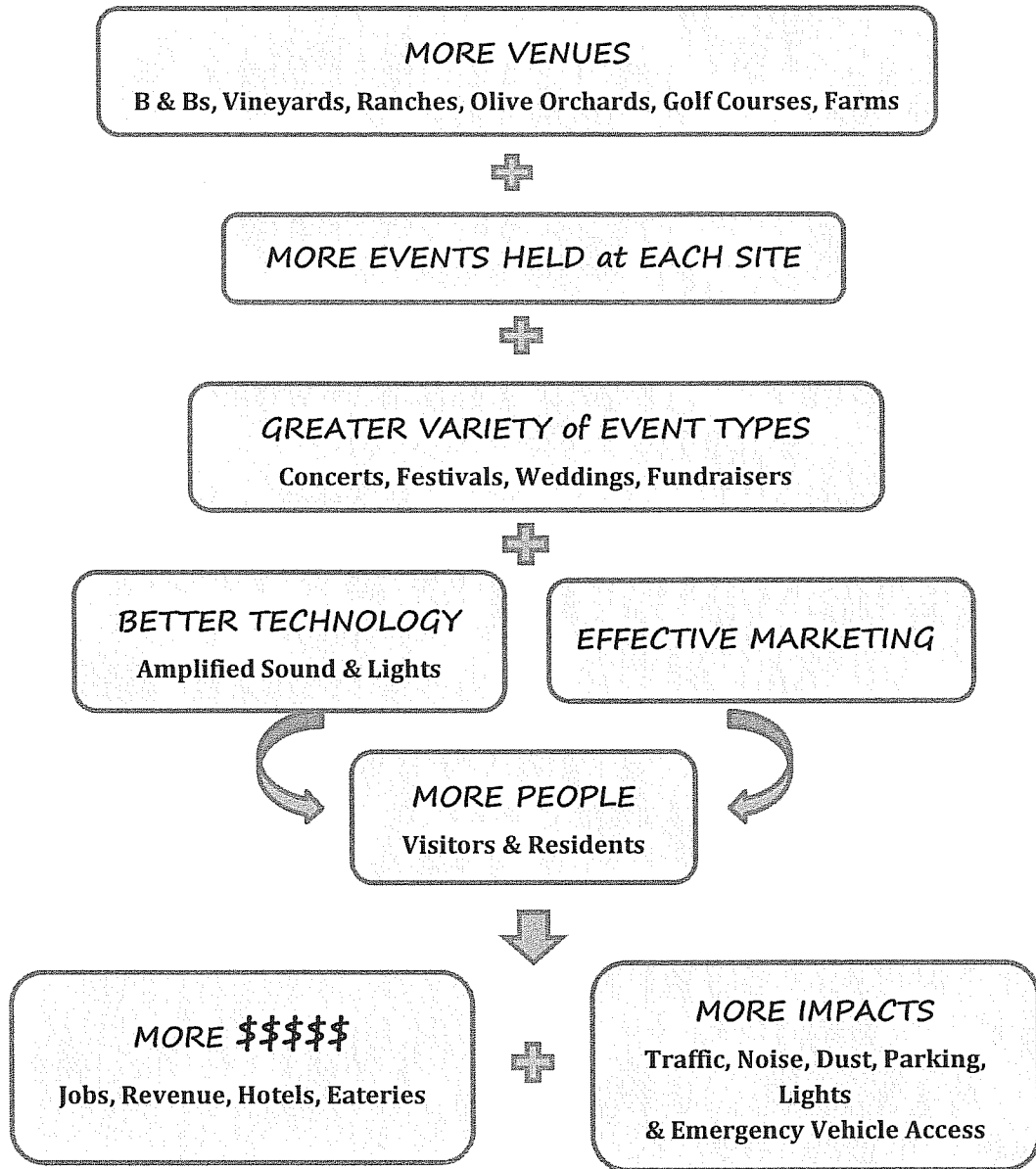
Parking	Off-street parking consisting of a minimum open area with a slope of < 10%; 400 sq. feet per car, free of combustible material, on a lot free of combustible material	One parking space per 2.5 attendees; open area with a slope of < 10%; free of combustible material and not on Class I soils. Parking on public roads and off-site parking restrictions
Notification	None	Mail or website notification of the event to Planning, Sheriff's offices, Air Pollution Control District, property owners, occupants w/in a 1000 ft. of the exterior boundaries of the proposed site. Provide full disclosure of events and contact numbers.
Hours of Operation	None	10 am - 10 pm
Amplified Sound	None	65 dB when measured at the property line
Lighting	None	Outdoor lighting shall be downcast and shielded so that neither the lamp nor the reflector interior surface is visible from any off-site location.
Use of Structures	None	ADA compliance for commercial and public assembly occupancy. Existing structures used <15 days per year does not require a permit for conversions. Consideration given to historic buildings (> 50 years old). Guidelines provided for proposed new structures.
Fugitive Dust	None	Dust control monitor on duty at events
Non-profit Events	No permit required for non-profit events w/ less than 3K attendees and for events >3K at Avila Beach Golf Resort	Non-profit event is defined as an Event where all of the following occur: there is no fee or charge for the use of the venue/event site, the event is sponsored by a non-profit org and 100% of the proceeds collected after operational expenses are met go to the sponsoring non-profit Non-profit events: ministerial permit—comply with all standards in the ordinance; unlimited number of events of < 175 attendees/day

		For-profit and non-profit events are subject to the permit requirements and all applicable standards of the ordinance.
Grandfather Clause	Exempt	May continue to hold such exempt events for one year from the effective date of this Section; within one year of the effective date of the adoption of the revised ordinance, all event sites shall be brought into compliance with the standards and permit requirement.
Violation	None	Revocation of land use permit upon receipt of 2 or more substantiated complaints in any consecutive six month period.

The Planning Department is attempting to write a “one-size-almost-fits-all” events ordinance. One of their many challenges is to write guidelines for a “good neighbor” policy—not an easy task when so many people have conflicting interests. Some of the proposed revisions are very reasonable. For example, residents should not find out from the *New Times* publication or other local media that a rock concert/band competition will be held in their neighborhood the following weekend. The proposed EOA requires that homeowners in the vicinity receive advance notification.

The Planning Commission reviewed the proposed EOA and determined that the term “temporary” was inaccurate. The term “temporary” was removed from the title of the proposed EOA and the draft, because many of the events were well established and could not be referred to as “temporary.” They argued that, regardless of the event sponsor’s tax status, for-profit or non-profit, the impact of the event on the environment and community is identical. In the proposed EOA, all events are subject to the permit requirements and all applicable standards of the ordinance.

“Times They Are A Changin’”



Entertainment events supplement the incomes of the agriculture community, i.e., ranchers, farmers and vintners. The events industry also supports a number of small businesses, e.g., restaurants, motels/hotels, caterers, musicians, wedding planners, photographers, florists, etc. Increased attendance at events is viewed as an indicator of a healthier countywide economy.

Uniquely SLO County is working “ ... to position, brand and promote San Luis Obispo County as a choice destination for regional, national, and global visitors.”⁴ Their goal is to grow the number of year-round visitors.

Uniquely SLO County addresses strategies to capitalize on the opportunities in the County: “In addition, to enable more people to experience these unique products and experiences, some changes in local policies would be beneficial, such as creating less restrictive rules for events and sales to encourage ag-tourism, working with wineries proactively on facility and other changes that will improve competitiveness and enrich the experience of visitors and residents alike, and improving regulatory processes that make it difficult for agricultural production and processing to adopt innovations (including adding missing infrastructure, such as a shared facility for nut shelling).”⁵ [*Underlining by Uniquely SLO County*]

At the same time, some residents who live, work, and/or retire in SLO County have been negatively impacted by the ever increasing number of events in their neighborhoods and are frustrated that it is taking too long a time to address their concerns. Some of the impacts, noise, dust, traffic and parking can be mitigated by the adoption of a revised events ordinance. It should also deal fairly and equitably with all event applicants.

CONCLUSIONS

Seems Like a Really Long Time

The existing Temporary Events Ordinance originated in 1980. Although it has been revisited for a couple of amendments, it has not been overhauled for 33 years during which time there has been an increase in the variety of outdoor events, the number of venues and attendees as well as

⁴ Uniquely SLO Vision Statement, website: <http://www.sloevc.org/slo-county-business/uniquely-slo-county-.php>

⁵ Uniquely SLO, June 6, 2010, Report No. 2, *Highlights from Cluster Employer Meetings*, Economic Strategy for San Luis Obispo County prepared for Economic Vitality Corporation of San Luis Obispo County prepared by Collaborative Economics, Inc., p. 5.

the corresponding impacts on neighboring communities. The existing Temporary Events Ordinance is outmoded, brief, vague and obsolete. It also does not address many of the specific issues that affect neighbors who reside near properties where outdoor events are held. The fact that a revised events ordinance has taken over eight years to produce and is still not adopted, is testament to its complexity.

The Planning Department staff took advantage of the opportunity to thoroughly update the ordinance by addressing past and current concerns and incorporating “best practices” in their field while continuing to gather input from a wide variety of stakeholders.

Major contributing factors for the delay in revising the events ordinance are 1) turnovers in elected officials, their appointees and staff and 2) shifts in the priorities of the stakeholders.

Moreover, the ordinance review process itself is lengthy, accounting for some of the delay.

The Grand Jury appreciates the challenges facing the Board of Supervisors as they attempt to balance the economic benefits of popular events to the County as a whole while recognizing the impacts these events have on surrounding communities.

As requested by the Board, on February 22, 2012, Planning Department staff met with Uniquely SLO and reviewed the proposed EOA. The Planning Department is optimistic that a proposed EOA will be presented to the Board in summer 2013.

FINDINGS

Finding F1: The existing temporary events ordinance is outdated (1980). The Planning Department is operating and making decisions based on decades-old guidelines that have not kept pace with the changing realities and technologies of commercial (for-profit) and non-profit outdoor events.

Finding F2: The current permit process needs to be streamlined.

Finding F3: The Planning Commission and Board of Supervisors have received input from public groups, individuals, industry groups and special interest groups about the Events Ordinance Amendments over the last eight years.

Finding F4: All events have the potential of adversely impacting the community and environment.

Finding F5: Events are presently not equitably regulated. There are three types of events, (1) permitted (2) exempted or (3) those events where sponsors fail to apply for a permit.

Finding F6: Code enforcement pertains only to permitted events. Events that are exempt from the permit process or where sponsors fail to apply for a permit are not subject to code enforcement.

Finding F7: There can be no code enforcement without specific event guidelines defined in the ordinance.

Finding F8: On the Planning Department's website, the "Questions and Complaints" link fails to specify how the complaint will be handled, i.e., the response time and subsequent follow up contact information.

Finding F9: The Planning Department does not maintain a log of all code enforcement complaints received nor how and when they were resolved along with a description of actions taken.

Finding F10: The Planning Department does not have a policy as to how long it takes to initially respond to a complaint.

Finding F11: During the day of permitted events, several County and State agencies, i.e., Public Works, Health Department and CAL FIRE, make on-site inspections. Event sponsors who do not go through the permit process (exempted events and those who fail to apply for a permit) have no required on-site safety inspections.

Finding F12: In the absence of specific guidelines, some event sponsors have taken on the responsibility to mitigate public concerns and public safety as a priority in their event planning.

Finding F13: Not all regulations can be applied equally to all venues.

RECOMMENDATIONS

Recommendation R1: The Planning Department should finalize an Events Ordinance Amendment and the County Board of Supervisors should adopt it in 2013.

Recommendation R2: The Planning Department needs to streamline the permit process.

Recommendation R3: The Planning Department should be able to exercise professional judgment in waiving permit conditions on a case-by-case basis.

Recommendation R4: An Events Ordinance Amendment adopted by County Board of Supervisors should define specific guidelines to mitigate event impacts, for example noise, dust, traffic and parking.

Recommendation R5: In an Events Ordinance Amendment adopted by the County Board of Supervisors, the same regulations regarding environmental impacts, public safety and community relations should apply to all events (for-profit, non-profit, traditional or new).

Recommendation R6: The Planning Department should hire additional code enforcement staff.

Recommendation R7: The Planning Department code enforcement division should conduct on-site monitoring of large-scale events, particularly during the nights and on weekends.

Recommendation R8: The Planning Department should add a nominal fee to the initial permit application fees for code compliance.

Recommendation R9: The Planning Department should establish a system to recover from the event sponsors the actual costs for additional expenses related to enforcement of code violations.

Recommendation R10: The Planning Department website should clearly describe the complaint procedure for an event and identify a specific code enforcement staff member and phone number.

Recommendation R11: The Planning Department should have a policy for how long it takes to initially respond to a complaint.

Recommendation R12: The Planning Department should maintain a log of all code enforcement complaints received that includes how and when they were resolved and a description of the actions taken.

REQUIRED RESPONSES

The Board of Supervisors is required to respond to Findings F1 – F13 and Recommendations R1- R12. The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by September 5, 2013

The County Planning Department is required to respond to Findings F1 – F13 and Recommendations R1, R2, R3 and R6 - R12. The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by August 1, 2013.

.Please provide a paper copy and an electronic version of all responses to the Grand Jury. The email address for the grand jury is: grandjury@co.slo.ca.us

The mailing addresses for delivery are:

Presiding Judge Barry T. LaBarbera Superior Court of California 1050 Monterey Street San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93402
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APPENDIX A

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE Standards for Specific Land Uses 22.30.610

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.

Article 4 - Standards for Specific Land Uses September 2010
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SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE
Standards for Specific Land Uses 22.30.610

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]*

APPENDIX B

Glossary

(Excerpts from the current Temporary Events Ordinance, Section 22.30.610 of Title 22, the Land Use Ordinance)

Discretionary Permit. An entitlement that may be issued under the provisions of this Title, but requires the exercise of judgment and the resolution of factual issues to determine if the application and requested entitlement conform with the provisions of this Title. Generally, a discretionary permit consists of any entitlement that requires a decision to approve, approve subject to conditions or disapprove, based on the judgment of the Planning Commission after a hearing. (See "Ministerial Permit").

Enforcement Officer. The Director of Planning and Building of San Luis Obispo County or employee designated by the Director as being responsible for the enforcement of this Title in compliance with Chapter 22.74 (Enforcement).

Land Use Permit or Entitlement. A ministerial or discretionary permit that grants an applicant the authority to establish a use of land only after obtaining additional building or grading permits, as required. For the purposes of this Title, land use permits are Zoning Clearance, Site Plan Review, Minor Use Permit, and Conditional Use Permit established by Article 6. [Amended 1986, Ord. 2250]

Light Source. A device that produces illumination, including incandescent bulbs, fluorescent and neon tubes, halogen and other vapor lamps, and reflecting surfaces or refractors incorporated into a lighting fixture. Any translucent enclosure of a light source is considered to be part of the light source.

Ministerial Permit. Any permit that may be issued under the provisions of this Title without review by the Planning Commission or Board of Supervisors. A ministerial decision involves only the evaluation of a proposal with respect to fixed standards or objective measurements, without the use of subjective criteria.

Noise or Sound Level. The quantity of sound in decibels, and as specified by Section 22.10.120.

Permit. Any formal authorization or entitlement from, or approval by the County, the absence of which would preclude establishment of a land use, activity, construction project, grading or surface mining operation.

Public Safety Facilities (land use). Facilities operated by public agencies including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities (not including jails, which are defined under "Correctional Institutions").

Review Authority. The individual or group identified by this Title as having the authority to take action to approve, approve subject to conditions or disapprove a land use permit application in compliance with this Title; either the Director of Planning and Building, Subdivision Review Board, Planning Commission, or Board of Supervisors. [Added 1992, Ord. 2553]

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.

Use, Allowable. The purpose for which a parcel of land, a premises or building is designed, arranged or intended, or for which it is or may be occupied or maintained. These uses are identified by Section 22.06.030 (Allowable Land Uses and Permit Requirements) as being possible to establish in a given land use category subject to the standards of this Title with either a ministerial or discretionary permit. [Amended 1992, Ord. 2553]

Use, Approved. A use of land authorized to be constructed and/or established through issuance of an approved land use permit in compliance with Article 6 (Land Use and Development Permit Procedures). [Amended 1992, Ord. 2553]

APPENDIX C

SLO County Land Use Ordinance: Comparison Chart of Current Temporary Events and Proposed Events Ordinance Revisions (as of 11/8/12)

Proposed Events Ordinance Amendments

ORDINANCE STANDARDS

22.30.205 Event

Where allowed by Section 22.06.030, Event as defined by Article 8 is subject to the standards of this Section. 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 is considered an Event. Activities and/or programs that are not subject to the provisions of the proposed events ordinance amendments 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 historical or agricultural non-profit organization (solely and specifically for the purposes of education about history, agriculture or natural resources).
- (4) Private gatherings of family and friends on private property that is owned, leased or rented by the host. Private gatherings of family and friends on a Residential Vacation Rental sit are limited to four times per year. More than four private gatherings on a Vacation Rental site are subject to the provisions of this Section.
- (5) Swap meets are subject to the standards of Section 22.30.530 – Sales Lots and Swap Meets.
- (6) Any activity 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.

COMPARISON OF CURRENT AND PROPOSED EVENTS ORDINANCE

Topic	Current Temporary Events Ordinance	Proposed Events Ordinance Amendments (as of 11/08/12—abridged)
At application—Site Design	None	Detailed project description
At application—Public Notice	None	Evidence of community input; public hearing
At application—Fire Protection	As required by the County Fire Department	Fire safety plan
At application—Water supply, sanitation, food preparation	As required by the Health Department	Approval from County Health re: potable water, toilet facilities, solid waste disposal, vector control, food service
At application—Dust Control	None	Dust control/monitoring Plan
Agricultural land use	None	Approved providing the event does not interfere with current or future productive agricultural use/production
Ministerial Permit	Single location; no longer than 12 consecutive days, or four successive weekends	12 event days/year + 3 non-profit events; 50-175 attendees; no site alteration; granted by Planning staff
Discretionary Permits		
1. Minor Use Permit (MUP)	Required for: Public events (except for public assembly facilities; admission free events on public land; admission free, <8 hours, run by non-profit organization); Commercial entertainment; Parades; Temporary camps	13-20 event days/year; 175-250 attendees; approval by Planning Director or designee
2. Conditional Use Permit (CUP)		>20 event day/year; >250 attendees; approval by Planning Commission

Grandfather Clause	Exempt	May continue to hold such exempt events for one year from the effective date of this Section; within one year of the effective date of the adoption of the revised ordinance, all event sites shall be brought into compliance with the standards and permit requirement.
Non-profit Events	No permit required for non-profit events w/ less than 3K attendees and for events >3K at Avila Beach Golf Resort	<p>Non-profit event is defined as an Event where all of the following occur: there is no fee or charge for the use of the venue/event site, the event is sponsored by a non-profit org and 100% of the proceeds collected after operational expenses are met go to the sponsoring non-profit</p> <p>Non-profit events: ministerial permit—comply with all standards in the ordinance; unlimited number of events of < 175 attendees/day</p> <p>For-profit and non-profit events are subject to the permit requirements and all applicable standards of the ordinance.</p>
Time Limit	Case-by-case	MUP and CUP time limits not less than 3 years; determination based on site location; neighborhood capacity and compatibility; the suitability of the site for ongoing events; and the investment made in the property to meet requirements
Location	Site no closer than 1000 feet to any residence	Meticulous setback conditions for rural, urban/village and riparian areas

Site Access	Minimum of 2 unobstructed access points, minimum 18' wide to a public road	2 unobstructed vehicle access points, 20' wide to a public road; meet current County Public Works standards for driveway approaches and sight distance; site vehicle circulation with signage must meet Fire Agency requirement
Parking	Off-street parking consisting of a minimum open area with a slope of < 10%; 400 sq. feet per car, free of combustible material, on a lot free of combustible material	One parking space per 2.5 attendees; open area with a slope of < 10%; free of combustible material and not on Class I soils. Parking on public roads and off-site parking restrictions
Traffic Control	None	>500 attendees, submit a traffic control plan to appropriate agency (Caltrans, CHP and/or Public Works) for issuance of an encroachment permit. >500 attendees—submit a report/plan prepared by a California registered engineer including a Roadway Safety Analysis (RSA)
Notification	None	Mail or website notification of the event to Planning, Sheriff's offices, Air Pollution Control District, property owners, occupants w/in a 1000 ft. of the exterior boundaries of the proposed site. Provide full disclosure of events and contact numbers.
Hours of Operation	None	10 am – 10 pm
Amplified Sound	None	65 dB when measured at the property line
Lighting	None	Outdoor lighting shall be downcast and shielded so that neither the lamp nor the reflector interior surface is visible from any off-site location.

Use of Structures	None	ADA compliance for commercial and public assembly occupancy. Existing structures used <15 days per year does not require a permit for conversions. Consideration given to historic buildings (> 50 years old). Guidelines provided for proposed new structures
Fugitive Dust	None	Dust control monitor on duty at events
Site Restoration Guarantee	Bond or cash deposit. Guarantee shall cover both operation and restoration.	Bond or cash to guarantee site restoration after use and operation in compliance with the standards of the ordinance.
Violation	None	Revocation of land use permit upon receipt of 2 or more substantiated complaints in any consecutive six month period.
Insurance and Indemnity Requirements	None	Business License may be required by the Treasurer-Tax Collector's Office >3000 attendees—Proof of required insurance coverage and County indemnification; business automobile insurance; Workers' Compensation

APPENDIX D Event Ordinance Timeline

(provided by the Planning Department)

November 23, 2004	Board of Supervisors (Board) directs the Tax Collector and Planning staff to simplify Title 6, the Temporary Commercial Outdoor Entertainment regulation.
August 16, 2005	Board authorizes Ag Tourism amendment package.
November 2005-July 2006	13 meetings of the Planning and Agriculture Department staffs and diverse community workgroups making recommendations on agriculture tourism topics
January 16, 2007	Release of Public Review Draft of Events Ordinance
October 31, 2007	Release of the Revised Event Ordinance
May 22, 2008	Planning Commission Hearing continued to May 29, 2008
May 29, 2008	Planning Commission Hearing—Commission creates a subcommittee
August 14, 28; September 11, 25; October 9, 2008	Planning Commission subcommittee meetings
October 23, 2008	Planning Commission Hearing
October 31, 2008	Planning Commission subcommittee meeting
November 13, 2008	Planning Commission Hearing
December 18, 2008	Planning Commission Hearing
February 26, 2009	Planning Commission Hearing
July 30, 2009	Planning Commission Hearing—Requests that the Board clarify the Board's intent and direction to the Planning staff and the Commission.
January 12, 2010	Board Hearing—Board provides clarification to staff and Commission.
August 10, 2010	Board Hearing
September 9, 2010	Release of Revised Referral Draft Event Ordinance
March 30, 2011	Planning Commission Hearing
June 9, 2011	Planning Commission Hearing
June 30, 2011	Planning Commission Hearing
July 28, 2011	Planning Commission Hearing
October 4, 2011	Board Hearing
November 8, 2011	Board Hearing—Board action to continue ordinance amendments off calendar and directs staff to forward the ordinance amendments to the Uniquely SLO Economic Cluster Group
February 22, 2012	Planning staff met with Uniquely SLO Economic Cluster Group
Summer 2013	Board Hearing—Return with Uniquely SLO findings and with revisions to the Draft Event Ordinance Revisions

APPENDIX E

LAND USE PERMIT APPLICATION FEES

San Luis Obispo County Department of Planning and Building As of July 1, 2012
(from LAND USE PERMIT APPLICATION PACKAGE pages 15-16. SLOPLANNING.ORG or PLANNING@CO.SLO.CA.US)

HOW MUCH WILL IT COST TO PROCESS MY LAND USE PERMIT APPLICATION?

The following are estimated filing fees for land use permits that are set by the county fee ordinance each year. They are based on what it costs to process your application. Fees vary depending on the complexity of the permit. The following worksheet is a summary of possible estimated application fees.

MINOR USE PERMIT

Minor Use Permit, Tier I with Categorical Exemption (CE)	\$1,936
Minor Use Permit, Tier I with General Rule Exemption (GRE)	\$1,936
Minor Use Permit, Tier I with previously issued environmental document	\$1,936
Minor Use Permit, Tier II with Categorical Exemption (CE)	\$3,148
Minor Use Permit, Tier II with General Rule Exemption (GRE)	\$3,148
Minor Use Permit, Tier II with previously issued environmental document	\$3,148
Minor Use Permit, Tier II with Initial Study	\$4,899
Minor Use Permit, Tier III with Categorical Exemption (CE)	\$4,449
Minor Use Permit, Tier III with General Rule Exemption (GRE)	\$4,449
Minor Use Permit, Tier III with previously issued environmental document	\$4,449
Minor Use Permit, Tier III with Initial Study	\$9,175
Public Works Review	\$728
CAL FIRE Review	\$603
Health Dept. Review	\$412
Ag Commissioner Referral	\$526
Airport Land Use Commission Review	\$1,399
Coastal Add-on for Minor Use Permits (All)	\$1,037
Geological Review (GSA designation) (higher if major review required)	\$2,671
Resource Conservation District Review (plus Real Time Billing Agreement)	\$275

SITE PLAN

Site Plan with Categorical Exemption (CE)	\$2,066
Site Plan with General Rule Exemption (GRE)	\$2,066
Site Plan with previously issued environmental document	\$2,066
Site Plan with Initial Study	\$3,839
Coastal Add-on for Site Plans	\$456
CAL FIRE Review	\$381
Ag Commissioner Referral	\$520

VARIANCE

Variance with Categorical Exemption (CE)	\$3,916
Variance with General Rule Exemption (GRE)	\$3,916
Variance with previously issued environmental document	\$3,916
Variance with Initial Study	\$9,009
Health Department Review	\$412
Coastal Add-on for Variances	\$1,037

DEVELOPMENT PLAN/CONDITIONAL USE PERMIT (CUP)

Development Plan/CUP; Categorical Exemption (CE)	\$7,785
Development Plan/CUP; General Rule Exemption (GRE)	\$7,785
Development Plan/CUP; previously issued environmental document	\$7,785
Development Plan/CUP; Initial Study	\$14,603
Public Works Review	\$2,083
CAL FIRE Review	\$603
CAL FIRE Review for oil wells/mines (all projects will be cost accounted)	\$603
Health Dept. Review	\$600
Ag Commissioner Referral	\$753
Airport Land Use Commission Review	\$1,399
Coastal Add-on for Development Plan/CUP	\$1,037
Geological Review (GSA designation) (higher if major review required)	\$2,671
Resource Conservation District Review (plus Real Time Billing Agreement)	\$375