

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA,
AMENDING DIVISION 8, CHAPTER 1, ARTICLES 2, 5, 7 AND 11
OF THE VENTURA COUNTY ORDINANCE CODE, NON-COASTAL ZONING
ORDINANCE, PERTAINING TO REGULATION OF OUTDOOR EVENTS AND
DISCRETIONARY PERMIT PROCESSING AND APPROVAL STANDARDS
FOR OUTDOOR EVENTS AND ASSEMBLY USES**

The Board of Supervisors of the County of Ventura (“County”) ordains as follows:

Section 1

ARTICLE 2 – DEFINITIONS

Article 2, Section 8102-0 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended to add the following definition in appropriate alphabetical order:

Hazardous Fire Area – See definition in the Ventura County Fire Code which is incorporated herein by this reference.

Article 2, Section 8102-0 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended to delete the definition “Festivals, Animal Shows, Receptions, and Similar Events, Temporary Outdoor” and to replace it with the definition “Outdoor Events” in appropriate alphabetical order as follows:

~~Festivals, Animal Shows, Receptions, and Similar Events, Temporary Outdoor~~ – ~~Outdoor events such as harvest festivals, amusement rides, historic re-enactments, animal events, art shows, concerts, craft fairs, receptions, and similar events that are not accessory to a principal use. Such events shall be limited to no more than sixty (60) days or fewer per calendar year.~~

Outdoor Events – An outdoor event held on a privately owned parcel at which the primary event activities occur outside of structures, such as harvest festivals; carnivals; historic re-enactments; animal events; art shows; athletic events; concerts; craft fairs; farmer’s markets; receptions; ceremonies; fundraisers; social, political, spiritual or organizational gatherings; and similar events that are not separately regulated under this Chapter or addressed by a permit or entitlement issued under this Chapter. See outdoor event regulations in Sec. 8107-46.

Article 2, Section 8102-0 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended to revise the definition of “Assembly Use” to read as follows:

Assembly Use – A building or structure where groups or individuals voluntarily meet to pursue their common social, educational, religious, or other interests. For the purposes of this definition, assembly uses do not include Outdoor Events, Conference Centers/Convention Centers, Amusement and Recreational Facilities, Equestrian Centers, or Sport and Athletic Recreational Facilities.

Section 2

ARTICLE 5 – PERMITTED USES

Article 5, Section 8105-4 – Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones, is hereby amended to delete the land use category “Festivals, Animal Shows, Receptions, and Similar Events, Temporary Outdoor” and to replace it with the land use category “Outdoor Events” in appropriate alphabetical order as follows:

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE									
	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP
Festivals, Animal Shows, Receptions, and Similar Events, Temporary Outdoor	☐	☐	☐							

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE									
	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP
Outdoor Events										
If Event Meets Criteria And Requirements of Sec. 8107-46.3	E	E	E							
If Event Does Not Meet Criteria And Requirements of Sec. 8107-46.3	☒	☒	☒							

Article 5, Section 8105-5 – Permitted Uses in Commercial and Industrial Zones, is hereby amended to delete the land use category “Festivals, Animal Shows, Receptions, and Similar Events, Temporary Outdoor” and to replace it with the land use category “Outdoor Events” in appropriate alphabetical order as follows:

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE					
	CO	C1	CPD	M1	M2	M3
Festivals, Animal Shows, Receptions, and Similar Events, Temporary Outdoor			☐			

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE					
	CO	C1	CPD	M1	M2	M3
Outdoor Events						
If Event Meets Criteria And Requirements of Sec. 8107-46.3			E			
If Event Does Not Meet Criteria And Requirements of Sec. 8107-46.3			☒			

Section 3

ARTICLE 7 – STANDARDS FOR SPECIFIC USES

Article 7 – Standards for Specific Uses of the Ventura County Ordinance Code is hereby amended by adding a new **Section 8107-46 – Outdoor Events**, to read as follows:

Sec. 8107-46.1 – Purpose

The purpose of this Sec. 8107-46 is to regulate outdoor events to ensure they are compatible with surrounding land uses and are not detrimental to public health and safety or the environment. This Sec. 8107-46 does not apply to any event attended by 50 or fewer total “attendees” (a term which, as used in this Sec. 8107-46, includes guests, staff, vendors, and any other persons in attendance) over the course of an event, or to any event at which the primary event activities occur within dwellings or other structures. Whether or not an outdoor event is regulated by this Sec. 8107-46, the use of fireworks, large tents, bonfires or other structures or activities presenting a fire hazard may require approval by the Ventura County Fire Protection District.

Sec. 8107-46.2 – No Authorization for Installation of Permanent Structures, Equipment or Impervious Surfaces

The construction or installation of permanent structures, equipment or impervious surfaces shall not be authorized under this Sec. 8107-46 in conjunction with an outdoor event use.

Sec. 8107-46.3 – Outdoor Events Exempt from Permitting

No Zoning Clearance or other land use approval or entitlement is required under this Chapter for an outdoor event that meets all of the following criteria. An outdoor event authorized under this Sec. 8107-46.3 shall comply with all requirements set forth below:

- a. Criteria. The event does not exceed the applicable attendee limit set forth below:
 - (1) For a parcel of less than five acres, the total number of attendees over the course of an event is greater than 50 but does not exceed 150, or such larger number if (i) both the event and the number of attendees are such that the use is customarily incidental, appropriate and subordinate to a principal use of the parcel and (ii) no consideration in any form is provided for allowing use of the parcel for the event; or
 - (2) For a parcel of five acres or greater, the total number of attendees over the course of an event is greater than 50 but does not exceed 250, or such larger number if (i) both the event and the number of attendees are such that the use is customarily incidental, appropriate and subordinate to a principal use of the parcel and (ii) no consideration in any form is provided for allowing use of the parcel for the event; and
 - (3) No more than three outdoor events meeting the applicable attendee limit of this Sec. 8107-46.3 are held at the parcel each calendar year, and
 - (4) The event occurs on a legal lot.

- b. Requirements. The event shall comply with all of the following requirements:
 - (1) No vehicle shall be parked within a 15-foot diameter of the trunk of any Protected Tree as defined in Sec. 8107-25.2.
 - (2) Offsite vehicle parking may occur on public roads and rights-of-way only as legally permitted.
 - (3) Each event may only occur between the hours of 8:00 a.m. and 10:00 p.m. in one calendar day. If set up and/or breakdown cannot be completed on the day of the event between 8:00 a.m. and 10:00 p.m., set up may occur the day prior to the event between the hours of 8:00 a.m. and 5:00 p.m., and breakdown may occur the day after the event between the hours of 8:00 a.m. and 5:00 p.m.
 - (4) No amplified noise or music shall occur before 10:00 a.m. or after 9:00 p.m.

- (5) No event shall occur in a Hazardous Fire Area unless and until the event host contacts the Ventura County Fire Protection District and agrees to comply with its fire hazard-related ordinances and policies for the event.
- (6) At least one portable restroom and hand washing station shall be provided for each 50 attendees.
- (7) All temporary lighting for the event, except for market/string lighting, shall be hooded and/or directed downward to prevent spillover.
- (8) Notice of the event and contact information for the event host, including a telephone number at which the event host can be reached before and at all times during the event, shall be provided at least 48 hours before the event to at least one resident of each adjacent lot with a dwelling.
- (9) The event host shall promptly investigate and address all reasonable complaints regarding the event. The event host shall take all reasonable actions to prevent noise from unreasonably affecting area residents including lowering the volume of, or discontinuing, amplified music or sound. The event host shall, within 15 minutes of receiving a reasonable complaint (or within the timeframe as otherwise agreed to by the host and complainant), report back to each complainant regarding the measures that were taken to address it.

Sec. 8107-46.4 – Conditionally Permitted Outdoor Events

A Planning Commission-approved Conditional Use Permit is required to authorize an outdoor event that is not exempt from permitting pursuant to, or does not meet all requirements set forth in, Sec. 8107-46.1 or 8107-46.3. A Conditional Use Permit may authorize up to 90 outdoor events per calendar year on a lot. If granted, a Conditional Use Permit shall have a 10-year term, or such shorter term as requested by the applicant.

Sec. 8107-46.5 – Processing and Consideration of Conditionally Permitted Outdoor Event Permit Applications

- a. No application for a Conditional Use Permit pursuant to Sec. 8107-46.4 shall be accepted for processing if final violations (i.e., violations that were not timely appealed or were confirmed after timely appeal) have been issued for holding two or more outdoor events on the parcel within the previous 24 months without a Conditional Use Permit if required pursuant to Sec. 8107-46.4.
- b. Applications for all Conditional Use Permits under Sec. 8107-46.4, and applications for all discretionary modifications thereto, not involving legislative actions shall be processed in accordance with the time limits set forth in the Permit Streamlining Act (Gov. Code, § 65920 et seq.), regardless of whether or not the proposed outdoor

event use constitutes “development” as defined by Government Code section 65927. Failure to comply with any time limit set forth in the Permit Streamlining Act shall not constitute a basis for the denial of any such permit application.

- c. The permit approval standards set forth in Sec. 8111-1.2.1.1b (Permit Approval Standards for Outdoor Events and Assembly Uses) and, if applicable to the proposed project, additional standards set forth in Sec. 8111-1.2.1.2 (Additional Standards for AE Zone), Sec. 8111-1.2.1.3 (Compliance with Other Documents), Sec. 8111-1.2.1.4 (Additional Standards for Overlay Zones), and Sec. 8111-1.2.1.7 (Additional Standards for Cultural Heritage Sites) shall be applied to all applications seeking a Conditional Use Permit pursuant to Sec. 8107-46.4 and applications for all discretionary modifications thereto.

Section 4

ARTICLE 11:

ENTITLEMENTS – PROCESS AND PROCEDURES

Article 11, Section 8111-1.2.1.1 of the Ventura County Ordinance Code is hereby amended so that the section title reads as follows:

Sec. 8111-1.2.1.1a. – General Permit Approval Standards

Article 11, Section 8111-1.2.1.1b. – Permit Approval Standards for Outdoor Events and Assembly Uses, is hereby added to the Ventura County Ordinance Code to read as follows:

Sec. 8111-1.2.1.1b. – Permit Approval Standards for Outdoor Events and Assembly Uses

Conditional Use Permits authorizing outdoor events and assembly uses shall be granted if all billed fees and charges for processing the application that are due for payment have been paid and if all of the following standards are met. An application for a Conditional Use Permit shall not be denied on the basis of the content of protected expression associated with the proposed use. The applicant shall have the burden of proving to the satisfaction of the appropriate decision-making authority that the following standards can be met. Specific factual findings shall be made by the decision-making authority to support the conclusion that each of these standards, if applicable, can be satisfied.

- a. The proposed use is compliant with applicable provisions of the County’s General Plan and of Division 8, Chapter 1 of the Ventura County Ordinance Code;

- b. The proposed use can coexist in relative proximity, and is not expected to unduly interfere with, the existing land uses of the surrounding area as determined based on the following land use factors:
 - (1) Whether the proposed use would generate offsite noise louder than ambient noise levels by considering: (i) the volume and times of day such noise would be generated; (ii) the proximity of the proposed use to the nearest offsite noise sensitive receptors such as dwellings, schools, hospitals, nursing homes and libraries; (iii) the topography of the surrounding area likely to affect how noise travels; and (iv) the existence of other nearby uses likely to generate offsite noise at similar times; and
 - (2) Whether the proposed use would generate vehicular traffic affecting the level of service of a road segment or intersection located within one mile of the proposed use as determined pursuant to Section 27a(1), “Transportation & Circulation – Roads and Highways – Levels of Service (LOS),” of the County’s Initial Study Assessment Guidelines, as such section may be amended or renumbered;
- c. The proposed use would not be detrimental to public health and safety as determined based on the following land use factors:
 - (1) Whether public and private roads and driveways used to access the site of the proposed use can safely accommodate all vehicular traffic associated with the proposed use, including emergency vehicles, and meet all applicable requirements of the Ventura County Fire Code; and
 - (2) Whether the proposed use or site of the proposed use would create risk of harm to persons, nearby properties, or the environment based on fire hazards, geologic hazards, flood hazards, hazardous materials, or increased risk of vandalism or trespass that cannot be controlled through reasonable event security.
- d. The proposed use will occur on a legal lot; and
- e. The proposed use is approved in accordance with the California Environmental Quality Act and all other applicable laws.

If all standards cannot be satisfied, specific written factual findings shall be made by the decision-making authority to support that conclusion.

Article 11, Section 8111-2.5 – Review and Conditioning of Applications, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8111-2.5 – Review and Conditioning of Applications

Applications and proposed uses shall be reviewed for the appropriate environmental document and also by various County departments as well as interested parties such as cities and special districts which are involved in the review and conditioning of projects.

Article 11, Section 8111-4.2 – Decision Options, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8111-4.2 – Decision Options

The decision-making authority hearing a discretionary matter may approve, deny or modify, wholly or partly, the request being reviewed. The authority may impose such reasonable conditions necessary to ensure that the project satisfies the applicable standards of permit approval. In the absence of any provision to the contrary in a decision granting a request, said request is granted as set forth in the application. All conditions and restrictions applied to a decision on an application request not appealed shall automatically continue to govern and limit the subject use or structure unless the action of the decision-making authority clearly indicates otherwise.

Article 11, Section 8111-6.2 – Modification, Suspension and Revocation for Cause, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8111-6.2 – Modification, Suspension and Revocation for Cause

Any permit or variance heretofore or hereafter granted may be modified or revoked, or its use suspended, by the same decision-making authority and procedure which would normally approve the permit or variance under this Chapter. An application for such modification, suspension or revocation may be filed by any person or entity listed in Sec. 8111-2.1 or by any other aggrieved person. The applicant for such modification, suspension or revocation shall have the burden of proving one or more of the following causes:

- a. That any term or condition of the permit or variance has not been complied with;
- b. That the property subject to the permit or variance, or any portion thereof, is or has been used or maintained in violation of any statute, ordinance, law or regulation;
- c. That the use for which the permit or variance was granted has not been exercised for at least 12 consecutive months, has ceased to exist, or has been abandoned;

- d. That the use for which the permit or variance was granted has been so exercised as to constitute a public nuisance;
- e. That the permittee has failed to pay any fees, charges, fines, or penalties associated with processing or enforcing the permit; or
- f. That the permittee has failed to comply with any enforcement requirement established in Article 14.

**Section 5
Severability**

If any subsection, sentence, clause, phrase or word of the Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Ventura County Board of Supervisors hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

**Section 6
Effective Date**

This Ordinance shall become effective 30 days after adoption.

PASSED AND ADOPTED this XX day of XXXXXX, 2018 by the following vote:

AYES: Supervisors _____

NOES: _____

ABSENT: _____

CHAIR, BOARD OF SUPERVISORS

ATTEST:

MICHAEL POWERS
Clerk of the Board of Supervisors
County of Ventura, State of California

By _____
Deputy Clerk of the Board