



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: May 22, 2018

DATE: April 19, 2018
TO: Board of County Commissioners
FROM: Bob Webb, Planning Manager, Planning and Building Division,
Community Services Department, 328-3623, bwebb@washoecounty.us
THROUGH: Mojra Hauenstein, Arch., Planner, Division Director, Planning &
Building Division, Community Services Dept., 328-3619,
mhauenstein@washoecounty.us
SUBJECT: Public Hearing: Outdoor Festival Business License Application (The
Lantern Fest)

Applicant: Happy Fun Events, LLC

Public hearing to approve or deny an Outdoor Festival business license application (pursuant to Washoe County Code Chapter 25 and related provisions) and associated license conditions submitted by Spencer Humiston on behalf of Happy Fun Events, LLC for The Lantern Fest, scheduled to be held at the Wild West Motorsports Park.

The Truckee Meadows Fire District is recommending the Board deny the application based on the 2012 International Fire Code and that the proposed event will be conducted in a manner not meeting the fire safety standards established by Washoe County, specifically the proposed uncontrolled release of flaming material. The Board may deny the application or consider approving the application. The Board will be provided information as to whether all pre-event conditions have been completed by the applicant. If the Board deems that pre-event conditions have been completed sufficiently to warrant approval, authorize the Director of the Planning & Building Division, Community Services Department to issue the license when all required business license fees have been paid.

Application Information:

Name and Address of Applicants: Happy Fun Events, LLC, 2764 W 479N, Provo, UT 84601

Description of Event Locations: The event is proposed to be held entirely within the Wild West Motorsports Park, Sparks (12005 East Interstate 80, APN 084-060-13).

Date of event: May 26, 2018

Estimated attendance: The event organizer estimates 9,000 participants and spectators will take part in the event.

Additional details of the event are included in the application.

AGENDA ITEM # _____

(Commission District 4.)

SUMMARY

Consider the Outdoor Festival business license application for The Lantern Fest 2018. Based on the testimony and evidence presented at the hearing, to include the report of reviewing agencies, the Board may approve the issuance of the business license with conditions, or deny the business license application.

Washoe County Strategic Objective supported by this item: Proactive Economic Development and Diversification

PREVIOUS ACTION

No previous action.

BACKGROUND

GENERAL EVENT BACKGROUND

The Lantern Fest 2018 is described by the applicant as a family friendly outdoor concert and festival that culminates in a 20 minute sky lantern launch. The event will include music, areas to roast marshmallows, vendor provided snacks and drinks, and the release of lanterns. The event organizer estimates that 9,000 people will participate in the event. Participants are assigned to specific areas where they can roast marshmallows, enjoy the event festivities and be with family and friends. Lantern launch times are determined by sunset and weather conditions, but lanterns are usually lit and set afloat between the hours of 6:30 p.m. and 9:00 p.m. Only participants aged 16 and older will be allowed to participate in the lighting and launching of lanterns. The lantern launch lasts about 20 minutes and event staff will commence clean-up immediately afterwards. Appendix A of the application contains more general information about the event (see Attachment E).

The event is proposed to be held entirely within the Wild West Motorsports Park at 12005 East Interstate 80, Sparks (APN 084-060-13). The Motorsports Park is accessed off Exit 23, Mustang Exit, from Interstate 80. The application provides information on security and fire protection. The applicant proposes three phases for clean-up of the event site and of the launched lanterns. The first phase is during and immediately after the launch and involves a lantern spotter, and a vehicle with three individuals and fire extinguishers with communications. This phase will last approximately one hour after the launch. The second phase is from two to three hours after the launch and involves the spotter looking for lanterns while clean-up is performed on the overall event site (e.g., participant areas, parking area, etc.). The third phase will start around 6:30 a.m. on May 27, 2018 and involves 50 volunteers picking up lanterns for around five hours.

The application includes 11 Appendixes, to include a report on the flight characteristics of the lanterns used in The Lantern Fest. Summary information from the applicant and from reviewing agencies is included in Attachment D to this staff report; the Outdoor Festival Business License application is provided as Attachment E.

OUTDOOR FESTIVAL BUSINESS LICENSE

Outdoor Festival business licenses are granted under the provisions of Washoe County Code (WCC) Chapter 25 (Business License Ordinance). An Outdoor Festival Business License is granted by the Washoe County Board of County Commissioners (Board) after a public hearing. This event qualifies as an outdoor festival because more than 1,000 people (participants and spectators) will attend the event during a single day [WCC Section 25.265(1)] and the event is being held on private lands in the unincorporated County (WCC Section 25.269). Applications are accepted by Washoe County Business License staff and reviewed for completeness before setting the required public hearing date [WCC Section 25.277(1)] and distributing the application for comment. The applicant waived the 30-day public hearing date requirement, as set forth in State Law and within WCC Section 25.277(1), to allow staff adequate time to complete a comprehensive review of the application (see the *Waiver and Consent* included as part of the application in Attachment E).

Copies of the application were provided to the County Clerk and the following reviewing agencies: Community Services [Planning & Building Division (Building Program, Business License and Code Enforcement), and Engineering & Capital Projects Division (Traffic)], Health District (Air Quality, Environmental and Medical/Health), Risk Management, Sheriff's Office, and the Truckee Meadows Fire Protection District [WCC Section 25.273(3)]. Comments received from reviewing agencies are summarized in Attachment D. Notice of the public hearing was provided to the applicant and affected property owners in accordance with the provisions of WCC Section 25.277(2). Staff will provide a copy of the notice and a list of persons notified if requested.

WCC Section 25.305 requires a performance security from any Outdoor Festival business license applicant. The performance security instrument (i.e., surety bond, letter of credit, certificate of deposit, cash bond or other similar instrument) is to be approved by the District Attorney's Office and the amount is to be determined by business license staff. The amount of the performance security is to cover costs of fulfilling specified conditions of license approval including, without limitation, removing debris, trash, and/or other waste from the tournament sites. The event will be conducted entirely within the Wild West Motorsports Park on private property, and the property owner has provided permission for the event to be conducted on the property. Additionally, the applicant has provided a written statement assuring the area will be returned to its original form by noon on May 27, 2018 (Attachment E, Appendix J). Therefore, staff does not recommend the imposition of a performance security to ensure clean-up of the event site. Staff proposes a pre-event condition to waive the required performance security and a post-event condition to require total clean-up of all tournament sites.

APPROVAL OR DENIAL OF THE BUSINESS LICENSE APPLICATION

Deputy Fire Chief Lisa Beaver with the Truckee Meadows Fire Protection District (TMFPD) recommends that the Board deny the Outdoor Festival business license application. Deputy Fire Chief Beaver's letter is included as Attachment A to this staff report. Deputy Fire Chief Beaver cites the 2012 International Fire Code, Chapter 3, Section 308 as the basis for her recommendation for denial. That section does not permit an uncontrolled release of flaming material.

During the public hearing on the application, the Board should base any decisions on the testimony of witnesses, evidence presented at the public hearing, and this staff report. Should the Board decide to deny the application, that denial should be based on the provisions of WCC Section 25.281 and specifically subsection 1:

25.281 Grounds for denial. The board, the board of adjustment or the director of community development may deny issuance of a license for any of the following reasons:

1. The proposed event will be conducted in a manner or location not meeting the health, zoning, fire, building or safety standards established by Washoe County or state law.
2. The applicant has knowingly made a false, misleading, or fraudulent statement of material fact in the application for a license or in any other document required pursuant to sections 25.263 to 25.305, inclusive.
3. The applicant or any person connected or associated with the applicant as partner, director, officer, associate or manager, or having a financial interest as described in subsection 2(f) of section 25.273 has previously conducted or been interested in the type of event for which a license is being applied for which resulted in the creation of a public or private nuisance.
4. The applicant or any person associated with the applicant as a partner, director, or officer has been convicted within the past ten (10) years of any of the following crimes:
 - (a) Involving the presentation, exhibition or performance of an obscene production, motion picture or place, or of selling obscene matter;
 - (b) Involving lewd conduct;
 - (c) Involving the use of force and violence upon the person of another;
 - (d) Involving misconduct with children; or
 - (e) Involving illegal use of controlled substances or dangerous drugs.
5. The applicant or any person associated with the applicant as a partner, director, or officer has a history of conducting similar events that would not meet the standards established in sections 25.263 to 25.305, inclusive.

Should the Board decide to approve the license application; staff will provide a status on completion of the pre-event conditions contained in Attachment C to the Board. Given that the event is proposed to be held on May 26, 2018, staff recommends that all pre-event conditions be completed by the Board's hearing on May 22, 2018 as there is not sufficient time to complete these conditions between the Board's hearing and the event on the following Saturday. The Board must approve the license application with conditions pursuant to WCC Section 25.277(3). The proposed license conditions are contained as Attachment C to this staff report. As noted earlier, the Board should base its decision to approve the license application on the testimony of witnesses, evidence presented at the public hearing, and this staff report.

Should the Board approve the Outdoor Festival business license application with associated license conditions (Attachment C), staff recommends that the applicant pay the required daily license fee and any required booth fees [pre-event conditions 1(f)(7)&(8)] on May 23, 2018. Washoe County business license staff will issue the Outdoor Festival

business license, under the signature of the Planning & Building Division Director, only after the fees have been paid (WCC Section 25.283).

FISCAL IMPACT

The applicant provided the required non-refundable \$1,000 application fee [WCC section 25.273(1)(a)] upon submission of the partial application on March 19, 2018. The daily business license fee [1 day at \$350 per day, WCC section 25.273(b)] totals \$350. Staff is uncertain of the amount of any required booth fees as the applicant has not provided a total number of booths as of the writing of this staff report. The application fee, the daily business license fee and any booth fees are deposited to the County's General Fund Permits & Licenses fund center and revenue account (105402-421101).

RECOMMENDATION

It is recommended that the Board deny the Outdoor Festival business license application for The Lantern Fest 2018 based on the recommendation of the Truckee Meadows Fire Protection District. The basis of the denial is WCC Section 25.281(1) and that the proposed event will be conducted in a manner not meeting the fire safety standards established by Washoe County, specifically the proposed uncontrolled release of flaming material.

Should the Board decide to approve the Outdoor Festival business license application for The Lantern Fest 2018, staff recommends the Board approve the license application with the license conditions included at Attachment C and further authorize the Director of the Planning & Building Division, Community Services Department, to issue the license when the required daily business license fee and any required booth fees have been paid.

POSSIBLE MOTION FOR DENIAL

Should the Board agree with staff's recommendation, a possible motion would be:

"Move to deny the Outdoor Festival business license application for The Lantern Fest 2018 based on the recommendation of the Truckee Meadows Fire Protection District. The basis of this denial is WCC Section 25.281(1) in that the proposed event will be conducted in a manner not meeting the fire safety standards established by Washoe County, specifically the proposed uncontrolled release of flaming material."

POSSIBLE MOTION FOR APPROVAL

Should the Board desire to approve the application, a possible motion would be:

"Move to approve an Outdoor Festival business license application for The Lantern Fest 2018 substantially in the form attached to the staff report with the license conditions included as part of the staff report for this item and to further authorize the Director of the Planning & Building Division, Community Services Department, to issue the license when the required daily business license fee and any required booth fees have been paid."

Attachments: A. TMFPD letter recommending denial of the application
 B. Outdoor Festival business license

- C. Outdoor Festival business license conditions for The Lantern Fest 2018
- D. Application and agency comments summaries
- E. The Lantern Fest 2018 Outdoor Festival business license application

xc: Happy Fun Events, LLC, Spencer Humiston, President, 2764 W 479 N, Provo,
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Eric Brooks, Event Organizer (eric@thelanternfest.com)