



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: September 11, 2018

DATE: August 10, 2018

TO: Board of County Commissioners

FROM: Bob Webb, Planning Manager, Planning and Building Division,
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THROUGH: Mojra Hauenstein, Arch., Planner, Division Director, Planning &
Building Division, Community Services Dept., 328-3619,
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SUBJECT: Public hearing to approve with conditions, or deny, an Outdoor Festival business license application for The Lantern Fest. The Lantern Fest is described generally by the applicant as a family-oriented outdoor entertainment event and concert that culminates with the release of several thousand sky lanterns (paper lanterns lifted aloft by a small open flame source). If approved, authorize the Director of the Planning & Building Division, Community Services Department, to issue the license when all pre-event conditions have been completed and all required business license fees have been paid.

- Applicant: Spencer Humiston on behalf of Happy Fun Events, LLC
- Event Location: Wild West Motorsports Park; 12005 East Interstate 80 (Exit 23, Mustang, off Interstate 80)
- Dates of Event: Saturday, October 13, 2018 and Sunday, October 14, 2018, with additional clean-up to occur on October 15, 2018; if conditions prevent the event from happening on the planned dates, the applicant requests approval of alternative "delay" dates for the event of Saturday, October 27, 2018, and Sunday, October 28, 2018, with additional clean-up to occur on October 29, 2018
- Estimated attendance: The event organizer estimates between 5,000 and 9,000 persons will take part in the event

Additional details of the event are included in the application.
(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 business license application with conditions, or deny the business license application.

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

AGENDA ITEM # _____

PREVIOUS ACTION

On May 22, 2108, the Board approved an outdoor festival business license application for The Lantern Fest 2018 to be held at the Wild West Motorsports Park on May 26, 2018. The event was cancelled by the applicant on May 25, 2018 because muddy road conditions precluded access by vendors and participants.

The applicant submitted a second outdoor festival business license application for The Lantern Fest 2018 to be held at the Wild West Motorsports Park on June 30, 2018. The application was scheduled to be heard by the Board at their June 26, 2018 meeting; however, the applicant withdrew the application prior to the meeting. The Board opened the public hearing item, stated the application was withdrawn, and closed the hearing.

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 is proposed to be conducted on Saturday, October 13, 2018 and Sunday, October 14, 2018. Should circumstances warrant cancellation of the October 13th and 14th event dates, the applicant has requested that the event be conducted on Saturday, October 27, 2018 and Sunday, October 28, 2018 (the delay dates).

The event will include music, areas to roast marshmallows, vendor provided snacks and drinks, and the release of lanterns. The event organizer estimates that between 5,000 and 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.¹ 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 to this staff report).

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 (safety and fire procedures, and recovery procedures). 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 plus fire extinguishers with communications. This phase will last approximately one hour after the launch. The second phase will last at least 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.). Some of the crew will also search the lantern landing areas to look for warm lanterns. The third phase will start around 6:30 a.m. on October 14 and

¹ Sunset on October 13, 2018 will be at 6:22 p.m.; sunset on October 14, 2018 will be at 6:21 p.m. The lanterns will likely be set afloat after sunset.

15, 2018 (or on October 28th and 29th if the event is delayed) and involves 50 volunteers picking up lanterns from the lantern landing areas 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, and a site display map. Summary information from the applicant and from reviewing agencies is included in Attachment D to this staff report; the complete 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 application is approved by the 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.

Copies of the application were provided to the County Clerk and the following reviewing agencies: Community Services [Planning & Building Division (Building Program, Planning 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 will provide permission for the event to be conducted on the property as one of the proposed pre-event conditions. The applicant has provided a written statement assuring the area will be returned to its original state by noon on October 15, 2018 (or by October 29, 2018 if the event is delayed; 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 the event site and all surrounding properties where lanterns may have landed. Washoe County code compliance staff will verify clean-up.

APPROVAL OR DENIAL OF THE BUSINESS LICENSE APPLICATION

Deputy Fire Chief Lisa Beaver with the Truckee Meadows Fire Protection District (TMFPD) wrote a letter stating that the District is NOT able to approve the use of an open flame device as described in 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 that the proposed use of open flaming devices is not permitted by the 2012 International Fire Code, Section 308. That code section does not allow a person to throw or place flaming/glowing substances/objects on any surface that can cause an unwanted fire. That code section also restricts the handling of handheld candles and prohibits the transfer from one person to another while lit. Additionally, Deputy Fire Chief Beaver also cites the 2015 and 2018 International Fire Codes (section 308) which states that a person shall not release an untethered sky lantern. Deputy Chief Beaver concludes that TMFPD's opinion is that the risk of fire is too great and would have considerable impact to NV Energy transmission lines, Interstate 80, Storey County communities, and Washoe County business partners in the area.

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 (highlighted for reference):

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 approve the Outdoor Festival business license application with associated license conditions (Attachment C), staff recommends that the applicant complete all pre-event conditions, to include paying the required daily license fee and any required booth fees, by October 4, 2018. If approving the license, the Board should be aware that TMFPD did not provide any proposed conditions of approval; therefore, the Board should consider imposing appropriate fire protection and safety related conditions. Washoe County business license staff will issue the Outdoor Festival business license, under the signature of the Planning & Building Division Director, only after all pre-event conditions have been completed and the fees have been paid (WCC Section 25.283).

FISCAL IMPACT

The applicant paid the required non-refundable \$1,000 application fee [WCC section 25.273(1)(a)] on July 23, 2018. The daily business license fee [2 days at \$350 per day, WCC section 25.273(b)] totals \$700. 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 written stance of the Truckee Meadows Fire Protection District to not approve the event based on the risk of fire. The basis of the denial is WCC Section 25.281(1) and specifically that the proposed event will be conducted in a manner not meeting the fire standards established by Washoe County, specifically the proposed uncontrolled release of open flame devices violates the provisions of Section 308 of the 2012 International Fire Code; and, of Section 308 of the 2015 and 2018 International Fire Codes.

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 as Attachment C. The Board should also impose appropriate fire protection and safety related conditions. Approval should further authorize the Director of the Planning & Building Division, Community Services Department, to issue the license when all pre-event conditions have been completed, to include paying the required daily business license fee and any required booth fees.

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 Truckee Meadows Fire Protection District decision to not approve the use of open flame devices as described in the application. 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 standards established by Washoe County, specifically the proposed uncontrolled release of open flame devices violates the provisions of Section 308 of the 2012, 2015 and 2018 International Fire Codes.”

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, to include [*insert appropriate fire protection and safety related conditions*], and to further authorize the Director of the Planning & Building Division, Community Services Department, to issue the license when all pre-event conditions have been completed, to include paying the required daily business license fee and any required booth fees.”

- Attachments:
- A. TMFPD letter, not approve open flame devices
 - B. Outdoor Festival business license
 - C. Outdoor Festival business license conditions for The Lantern Fest 2018
 - D. Summaries of application and agency comments
 - E. The Lantern Fest 2018 Outdoor Festival business license application

cc: Happy Fun Events, LLC, Spencer Humiston, President, 2764 W 479 N, Provo, UT 84601 (spencer@thelanternfest.com)
Eric Brooks, Event Organizer (eric@thelanternfest.com)
Reviewing agencies