

**Okanogan County Commissioners  
Ordinance No. 2014 - 15**

**AMENDING THE FESTIVAL PERMIT APPLICATION PROCESS**

**Whereas:** At the direction of the Board of County Commissioners, the Office of Planning and Development processed an amendment to OCC 5.24 "Public Assemblies and Festivals" in order to make the application review process more efficient and predictable.

**Whereas:** The amended regulations, identified as OCC 5.25 "Assemblies and Festivals", will consolidate application requirements for large scale festivals with a minimum of 3,000 attendees (festival permit), and smaller festivals which include overnight camping (temporary use permit).

**Whereas:** The Office of Planning and Development organized two workgroups which reviewed various issues and regulations surrounding administration of festival permits. Workgroups included County Departments involved in the festival permit application process and commercial vendors expecting to utilize the festival permit process.

**Whereas:** The Okanogan County Regional Planning Commission conducted an open record public hearing at which time they considered all written comments and verbal testimony. The Planning Commission offered a recommendation to the Board of Okanogan County Commissioners.

**Whereas:** The Board of Okanogan County Commissioners conducted an open record public hearing at which time they considered all written comments and verbal testimony.

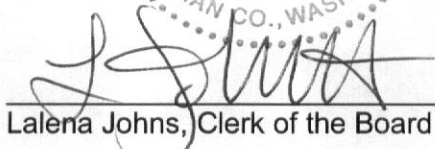
**Be it Therefore Ordained:** The Board of Okanogan County Commissioners approves amendments to festival permit regulations by adoption of new code section 5.25 "Assemblies and Festivals" (attachment C). This decision is supported by findings of fact (attachment A) and conclusions of law (attachment B).

**Be it Further Ordained:** The Board of Okanogan County Commissioners repeals existing code section OCC 5.24 "Public Assemblies and Festivals".

DATED at Okanogan, Washington this 10<sup>th</sup> day of October, 2014.




**ATTEST:**

  
Lalena Johns, Clerk of the Board

**BOARD OF COUNTY COMMISSIONERS  
OKANOGAN, WASHINGTON**

  
Ray Campbell, Chairman

  
Sheilah Kennedy, Member

  
Jim DeTro, Member

## **Attachment A**

The following are findings of fact:

1. OCC 5.24 "Public Assemblies and Festivals" was adopted in 1994 in order for Okanogan County to regulate recreational events with 3,000 or more attendees.
2. The Board of Okanogan County Commissioners (BOCC) administers OCC 5.24 "Public Assemblies and Festivals" including application review and issuance of permits.
3. The BOCC determine the festival permit application review and permit process could be more efficient and predictable with amendments made to OCC 5.24 "Public Assemblies and Festivals".
4. Due to the comprehensive scope of the amendments, the BOCC will repeal OCC 5.24 "Public Assemblies and Festivals" and replace it with OCC 5.25 "Assemblies and Festivals".
5. On June 12, 2013, the Planning Department hosted a meeting with various Departments in order to clarify what requirements the individual departments felt were necessary in order to mitigate impacts which are common to most festivals.
6. On January 14, 2014, notice of the proposed code amendment and Okanogan County Regional Planning Commission (PC) public hearing was forwarded to various public agencies for their respective review and comment.
7. On January 14, 2014, notice of the proposed code amendment and PC public hearing was forwarded to various members of the public, whom frequently apply for either festival permits or temporary use permits, for their respective review and comment.
8. On January 15, 2014, notice of the proposed code amendment and PC public hearing was published in the legal notice sections of the Omak Chronicle (Okanogan County's legal periodical of record).
9. On February 24, 2014, the PC conducted a public hearing for this code amendment. At this time, the PC considered all written comments and testimony. The PC determined that additional input from common commercial event venders would produce useful information the PC could consider while making a decision. The PC ordered the Planning Department to facilitate a workgroup consisting of common commercial event venders. The hearing was continued to April 28, 2014.
10. On March 24, 2014, the Office of Planning and Development facilitated a workgroup in order to solicit feedback for the PC's consideration. The workgroup discussed the proposed code amendment and suggested numerous changes thereto. Following the meeting, a revised draft of proposed code 5.25 was produced and then forwarded to the PC for review and consideration.
11. On April 28, 2014, the PC reconvened the public hearing for this code amendment. At this time, the PC considered all written comments and testimony, and the revised draft code 5.25 produced by the vender's workgroup. The PC listened to additional testimony from the public and the workgroup members. The PC discussed the code amendment in detail and made various amendments thereto. After considering all information in the record for this code amendment, the PC motioned to offer a recommendation of approval to the BOCC.

12. On July 14, 2014, The BOCC met with representatives from the Tonasket EMS District. The District requested the Commissioners to include requirements in the new code for contracting EMS services for all festivals permitted in accordance with the new code 5.25.
13. On July 28, 2014, the BOCC conducted a public hearing for this code amendment. At this time, the Commissioners considered all information in the record and opened the hearing to additional comments and testimony. The BOCC determined that additional input from Okanogan County's EMS districts should be considered prior to making a decision; then the BOCC ordered the Planning Department to facilitate dialog with the EMS districts. The hearing was continued to August 25, 2014.
14. On August 19, 2014, staff from the Office of Planning and Development attended a regular meeting of Okanogan County's EMS Board consisting of EMS district representatives. During this meeting, the EMS Board motioned to recommend that Okanogan County should not include provisions to require contracts for EMS services and further acknowledged that such service contracts could be pursued privately between the EMS districts and the commercial venders, as needed.
15. On August 25, 2014, the BOCC reconvened the public hearing for this code amendment. At this time, the BOCC discussed new information regarding Okanogan County's EMS districts. The BOCC determined this code amendment will not require service contracts with EMS districts. The BOCC also discussed the applicability of RCW 70.108 "Outdoor Music Festivals" and determined that additional input regarding RCW 70.108 should be considered prior to making a decision. The BOCC ordered the Planning Department to facilitate study sessions with the BOCC prior to the next hearing. The hearing was continued to September 29, 2014.
16. On September 8, 2014, and again on September 22, 2014, the Planning Department facilitated study sessions with the BOCC in order to define the applicability of RCW 70.108 "Outdoor Music Festivals". The BOCC determined this regulation is within RCW Title 70 "Public Health and Safety" and the provisions of this RCW are administered by Okanogan County's Public Health District.
17. On September 29, 2014, the BOCC reconvened the public hearing for this code amendment. At this time, the BOCC considered all written comments, testimony, and information provided by the Office of Planning and Development, local EMS districts, and the organized workgroups consisting of commercial venders and County Departments. Resolution of various issues brought up during the review process was confirmed, such as the code amendment does not require EMS service contracts, the code amendment only references RCW 70.108 "Outdoor Music Festivals" while administration of that regulation is the responsibility of Okanogan County Public Health, and the code amendment does not include an exemption from OCC 9.16 "Noise Disturbances". The BOCC discussed the code amendment, considered all information in the record, then motioned to order staff to prepare an ordinance approving code amendment 2014-1 which repeals OCC 5.24 and adopts OCC 5.25. The hearing was then continued to October 6, 2014.
18. On October 6, 2014, the BOCC reconvened the public hearing for this code amendment in order to approve an ordinance approving code amendment 2014-1 which repeals OCC 5.24 and adopts OCC 5.25.

## **Attachment B**

The following are conclusions of law:

1. This code amendment process results in the adoption of new Okanogan County Code section 5.25 "Assemblies and Festivals" and repealing existing Okanogan County Code section 5.24 "Public Assemblies and Festivals".
2. The proposed amendment applies to unincorporated areas of Okanogan County.
3. The proposed amendment applies to those lands designated under the "Okanogan County Comprehensive Plan", the "Methow Valley Addendum to the Okanogan County Comprehensive Plan", and the "Upper Methow Valley Comprehensive Plan". The proposed code amendment is consistent with the goals and policies of these plans.
4. The SEPA Responsible Official determined this process is categorically exempt from SEPA review in accordance with WAC 197-11-800(19) "Procedural Actions".
5. Approval of the proposed code amendment is in the interest of public health, safety and general welfare of the citizens of Okanogan County.
6. All comments received have been reviewed by staff, reviewed by the hearing bodies, and considered in analysis of the proposed amendment. All public testimony has been considered for this code amendment.
7. A meeting consisting of effected Okanogan County Departments and the Okanogan County Public Health District was conducted on June 12, 2013 in order to help focus the scope of the first draft of the proposed code amendment.
8. On March 24, 2014, the Office of Planning and Development facilitated a meeting with a workgroup consisting of common commercial venders in order to review the draft code and to offer feedback and amendments to the Okanogan County Regional Planning Commission.
9. On July 14, 2014, the Board of Okanogan County Commissioners met with the Tonasket EMS District at which time the EMS District requested the Commissioners to consider requiring event venders to contract with EMS districts for permitted festivals. On August 19, 2014, staff from the Office of Planning and Development attended a regular Board meeting of Okanogan County's EMS district representatives. The EMS Board discussed pros and cons of regulating service contracts with commercial venders of festivals. The EMS Board would like to work closely with commercial festival venders although such stipulations should not be regulated by Okanogan County. This was approved by motion on vote of the EMS Board.
10. OCC 5.24 "Public Assemblies and Festivals" is an outdated regulation that should be amended in order to accommodate review practices consistent with current, similar land use actions.
11. Adoption of OCC 5.25 "Assemblies and Festivals" will offer an efficient and predictable application review process for the public and Okanogan County.



### **Attachment C**

The following is new code section OCC 5.25 "Assemblies and Festivals":

**Chapter 5.25**  
**ASSEMBLIES AND FESTIVALS**

Sections:

5.25.010	Purpose
5.25.020	Assemblies and festivals – defined
5.25.030	Festival permit required
5.25.040	Application
5.25.050	Review Process
5.25.060	Conditions
5.25.070	Insurance
5.25.080	Access to premises
5.25.090	Revocation
5.25.100	Deviations
5.25.110	Compliance and penalties

**5.25.010 Purpose**

Okanogan County finds it is necessary to protect and preserve public peace, safety, and welfare by regulation of assemblies and festivals because there is a danger to the public if proper sanitation, police, and other health and safety measures are not adequately provided for.

**5.25.020 Assemblies and festivals – defined**

For the purpose of this chapter, assemblies and festivals are defined as organized events of temporary duration in which 250 or more persons gather for entertainment, celebration, deliberation, or other similar purposes. Activities often include but are not limited to music, overnight camping, various organized recreational activities, and presentations.

A. Assemblies and festivals shall not include weddings, family reunions, estate sales or auctions, yard or garage sales, farmers markets, County fairs (RCW 36.37), emergency fire camps and other emergency camps, or organized events occurring within a permitted permanent facility

1. A permitted permanent facility includes but is not limited to public fair grounds or parks, rodeo grounds, grange halls, auditoriums, professional offices, meeting halls, fraternal lodges, churches, and other similar types of common gathering places and facilities, all of which must be adequately permitted.

B. Activities that anticipate attendance exceeding 250 persons that include overnight camping, commercial food service, alcohol service that requires permitting from the Washington State Liquor Control Board or music provided by bands or DJ's under contract or hire will be considered festivals for purposes of this section.

C. Throughout this chapter, the term "festival" shall be used to include both assemblies and festivals.

**5.25.030 Festival permit required**

A permit shall be required for any festival as defined by this chapter. Such a permit shall

1 be required regardless of the status of other permits or approvals which have been  
2 obtained from other public agencies. It shall be unlawful to allow, conduct, or permit any  
3 festival unless a valid permit has been obtained prior to the operation of the specific  
4 event.

5 A. One permit shall be required for each individual event and shall not permit multiple  
6 consecutive events. A single event continuing for two or more consecutive days shall  
7 require only one permit. The permit shall be valid for the duration of a single event.

8 B. An event which is repeated annually for up to five years under the same conditions  
9 may be permitted by development agreement (OCC 18.05) and would include SEPA  
10 review (OCC 14.04).

11 C. A temporary use permit (OCC 17.24) shall not be required for festivals permitted in  
12 accordance with this chapter.  
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#### 15 **5.25.040 Application**

16 Applications shall be filed with Okanogan County's Office of Planning and Development.  
17 Supplemental materials may be needed depending on the scope of the specific festival. A  
18 complete application includes the following:

19 A. Application fee: As identified by Okanogan County's fee schedule.

20 B. Application form: The application form shall identify the type of event, tax parcel  
21 number, physical address, and signature of the applicant.

22 C. Consent and authorization: The landowner shall consent to terms and conditions of  
23 the festival permit by signing the landuse permit application form or signing a consent  
24 form identifying an authorized agent of the landowner. The landowner is ultimately  
25 responsible for compliance with the terms and conditions of the festival permit (see  
26 OCC 5.25.110).

27 D. Project description: The project description should include the following information:

- 28 1. A description explaining the type of event, purpose, activities (music, seminars,  
29 classes, etc.), duration (dates of operation), maximum number of attendees, hours  
30 of daily operation, security, type of food service, type of alcoholic beverages,  
31 facilities, restrooms, solid waste and wastewater disposal, outdoor burning; and
- 32 2. Description of compliance with conditions (OCC 5.25.060); and
- 33 3. Description of expected impacts to the surrounding area, if any, which may be  
34 caused as a result of the event. Describe voluntary mitigation measures, if any, to  
35 offset such expected impacts (i.e. traffic control, security, dust control, etc.).

36 E. Site plan: The site plan should be drawn to scale and include the following  
37 information:

- 38 1. Areas of activities, special events, vendors, facilities, eating areas, camping areas,  
39 etc.; and
- 40 2. Parking areas and access roads (internal and external) for ingress and egress  
41 connecting to a public road; and
- 42 3. Improvements such as structures, shelters, stages, restrooms, wells; and
- 43 4. Natural features (lakes, rivers, streams, wetlands, etc.).  
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#### 46 **5.25.050 Review process**

47 Applications shall be filed a minimum of 30-days prior to the first day of operation but may  
48 be submitted in advance, up to one year prior to operation of said event. Additional time

1 may be needed for complex festival applications (OCC 5.25.050(d)). Okanogan County is  
2 not bound to expedite applications which are not submitted in a timely manner. Approval  
3 is not guaranteed. The application review process shall be conducted in the following  
4 manner.

5 A. Verification: An application shall be accompanied by verification of compliance with  
6 the conditions identified by this chapter prior to the granting of any festival permit.

7 B. Circulation: An application shall be circulated to various agencies for their review and  
8 input in order to determine whether the standard conditions identified by this chapter  
9 are appropriate for the specific application or whether additional conditions should be  
10 considered.

11 C. Review: Within 5 working days, the Office of Planning and Development shall inform  
12 the applicant whether the application is complete or whether additional information  
13 must be submitted. The Office of Planning and Development shall review the  
14 application for compliance with the terms and conditions of this chapter. The Planning  
15 Director, or designee, may require additional conditions in order to offset impacts not  
16 contemplated by this chapter.

17 D. Approval and denial: Within 21 calendar days from the date of verification of a  
18 complete application (OCC 5.25.050(C)), the Office of Planning and Development  
19 shall either approve or deny the application. The permit may be denied by the  
20 Planning Director if impacts of the specific festival are unable to be offset by imposition  
21 of appropriate conditions. Denial does not entitle the applicant to a refund. Refunds  
22 may be requested in accordance with refund policies of Okanogan County's fee  
23 schedule.

24 E. Appeals: Decisions of the Planning Director may be appealed in accordance with the  
25 "Administrative Appeals" chapter of Okanogan County Code (OCC 2.67).

## 26 27 28 **5.25.060 Conditions**

29 The following conditions are typical for large festivals and may be required for any festival.  
30 Additional conditions may be required in order to mitigate impacts identified during the  
31 application review process. The permit shall identify each condition which is required for  
32 operation of the festival.

33 A. Security: If alcoholic beverages are available to guests then security shall be  
34 required at the point of service. Security person(s) shall be an agent(s) of the event  
35 organizer, clearly identified through uniform, badge, armband, or similar insignia, who  
36 has the immediate capability of summoning law enforcement or medical assistance in  
37 the event of an emergency. Security stationed at any location where alcohol is served  
38 will be familiar with the regulations controlling the sale and service of alcohol.

39 B. Emergency first aid: Adequate provisions shall be made for administering  
40 emergency first aid. Adequate provisions includes but is not limited to:

41 1. A reliable means of communication shall be available at all times for purposes of  
42 calling an ambulance or other emergency services.

43 2. An emergency first aid station shall be available on-site to all attendees and  
44 employees at all times and shall include a first aid kit containing a minimum of  
45 sterile bandages for control of bleeding. At least one agent of the event organizer  
46 shall have a current CPR and First Aid card. Such agent may also serve as a  
47 security person (OCC 5.25.060 (A)).

48 3. Comply with "Rules and Regulations of the Okanogan County Health District for



Outdoor Events, Section First Aid".

- C. Noxious weed control: The spread of noxious weeds shall be controlled. Prior to the event, noxious weeds shall be eradicated along on-site and off-site access roads and within all parking areas. The applicant shall have established a weed control plan, approved by the Noxious Weed Department prior to submission. This requirement may be satisfied by requesting an on-site inspection or consultation with the Okanogan County Noxious Weed Department prior to issuance of the permit.
- D. Dust control: Throughout the duration of the event, dust from roadways or other disturbed areas must be controlled to prevent dust from drifting onto adjoining properties where residential structures are located, or if the site is located in proximity to livestock, tree fruit, or row crops. Dust from roadways must be adequately controlled if it interferes with the visibility of motorist and pedestrian traffic.
- E. Access and parking areas: The event shall designate parking areas of sufficient size to accommodate the size of the event, which should include approximately one vehicle space per every three guests.
1. A minimum of 2%, and no less than 1, of the parking spaces shall be designated for handicap parking and shall be located nearest to the event concessions areas.
  2. All primary access roads shall be kept clear from vehicle parking.
  3. All parking spaces and access lanes shall be located so that any vehicle is able to enter or exit the event at any time.
  4. Signs shall be clearly posted in order to direct traffic to and from designated parking areas.
  5. Primary access roads shall be open for emergency service vehicles (police, ambulance, fire, etc.) at all times.
- F. Fire safety: If campfires or bonfires are allowed on-site, the event organizer will inform any attendees who light a fire that they must have immediately available fire suppression equipment of no less than a 5 gallon bucket full of water and a shovel.
1. If an application proposes outdoor fires while a burn ban is in effect, then the application shall include a waiver from the appropriate agency with jurisdiction (i.e. Fire District, Department of Natural Resources, Municipality, etc.). The terms of the waiver must be met, in whole, throughout the duration of the event.
- G. Sanitary conditions: Adequate and sanitary services must be available to guests for Water, Food, Solid Waste Disposal, and Sewage Disposal in compliance with "Rules and Regulations of the Okanogan County Health District for Outdoor Events, Sections Water, Food, Solid Waste Disposal, and Sewage Disposal". Also, the following provisions must be met:
1. All persons serving food to the public shall have a valid food handlers permit issued by Okanogan County Public Health.
  2. Drinking water must be available to the public at all times and must be provided from a legal source.
  3. Sanitary restrooms must be available to the public at all times.
  4. Wastewater must be disposed of in a legal and approved manner.
  5. Solid waste must be disposed of in a legal manner. Collection areas and garbage cans must be clearly marked and placed in various locations throughout the event area.
- H. Maximum admissions: No more persons shall be admitted to the festival at any given time than stated in the permit issued.
- I. Those "Outdoor Music Festivals" as defined by RCW 70.108.020 shall comply with the

provisions of RCW 70.108 as administered by Okanogan County Public Health.

#### **5.25.070 Insurance**

The Planning Director may require insurance in order to protect the County and or the Public from any and all expense and/or damage arising out of the operation of the festival. The applicant shall be required to furnish evidence of primary and non-contributory liability insurance policy providing for a minimum of \$1,000,000 per person for bodily injury per occurrence.

#### **5.25.080 Access to premises**

Only for the purpose of inspection and supervision to enforce the rules, regulations and conditions under which said permit is or may be granted, all law enforcement officers of the state of Washington on legitimate business; and any official of any agency with jurisdiction may enter the premises during festival dates and times of operation to ensure compliance with conditions of approval and all applicable laws and regulations.

#### **5.25.090 Revocation**

Any permit granted herein to conduct a festival may be summarily revoked by the Planning Director after finding that by reason of disaster, public calamity or other emergency the public peace, health, safety, or welfare can only be preserved and protected by such revocation.

#### **5.25.100 Deviations**

The Planning Director, or designee, may waive conditions that are unnecessary or inappropriate to a particular festival. A request for deviation must be initiated by the applicant.

#### **5.25.110 Compliance and penalties**

- A. Any person who violates any provision of this chapter, or who shall, having obtained a permit herein, willfully fail to comply with the rules, regulations and conditions herein, or who shall aid or abet such a violation or failure to comply, shall be deemed guilty of a class 1 civil infraction.
- B. The landowner is ultimately responsible for compliance with the terms and conditions of the permit. Any re-assignment of responsibility shall be made in writing by private contract of which Okanogan County shall not be party thereto.