

Midway City Council
1 June 2021
Regular Meeting

High Valley Arts /
Temporary Use Permit

Memo



Date: June 1, 2021
To: Midway City Council
From: Michael Henke
Re: Special Event Temporary Use Permit for Noise

High Valley Arts Foundation (HVAF) is requesting a special event temporary use permit. The reason for the request is because decibel levels may exceed the approved amounts in the Municipal Code. Special events may apply for the permit at the discretion of the City Council.

The Code currently allows the following in Section 5.02.010:

Table 1 Noise Limit Chart

| Maximum sound pressure level in decibels as measured on the A. Scale | |
|---|---------------------|
| 6:00 AM to 10:00 PM | 10:00 PM to 6:00 AM |
| 70 dBA | 55 dBA |

HVAF is currently planning the on-site rehearsals and performance of “7 Brides for 7 Brothers” from mid-June to mid-July. The performances run from about 7 PM and will conclude at about 10:30 PM and will be held at on 10-acre property just south of the commercial buildings located on the corner of 400 E and Main Street. Planned attendance will be about 300 for each performance. For the last ten years the City Council has approved the sound variance and the readings taken at the performance found the sound level to be just slightly more than what is allowed. No complaints were received from neighboring residents.

Staff has worked with HVAF and discussed at length the requirements of the Municipal Code which include nuisance abatement (noise) and the Special Events Code. Two potential issues have been identified in those discussions. The first is traffic (HVAF had a traffic plan that worked well for the last ten years and they will have that same plan this year) and the second is potential noise created from the performances. For this reason, staff and the applicant held a “sound test” and measured the noise levels on-site.

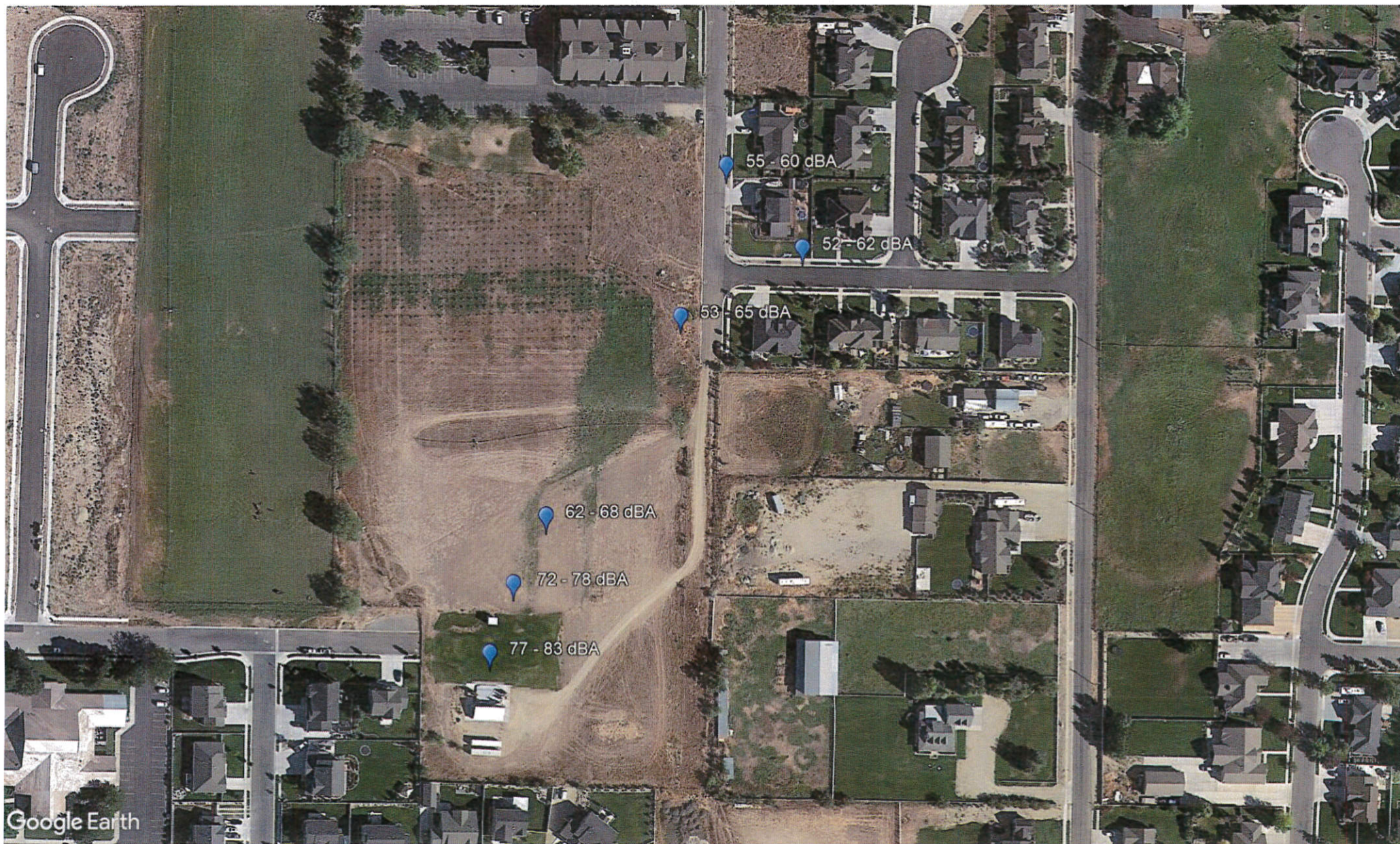
A speaker was positioned above ground by about 20’ at the site of the stage for the performance. The speaker was also positioned to the northeast on the same angle that it will be set for the performance. Music from the production was then played and measured in six separate positions with a digital sound level meter or also known as a decibel meter. The ambient sound was also measured at each location. Here is a chart of the decibel levels:

| Location | Measured Music dBA | Measured Ambient dBA |
|---|---------------------------|-----------------------------|
| Next to speaker | 77-83 | 61-62 |
| 100’ from speaker | 72-78 | 54-57 |
| 200’ from speaker | 62-68 | 51-54 |
| Property line | 53-65 | 53-58 |
| Home to the north | 55-60 | 55-58 |
| Home to the east | 52-62 | 52-58 |
| | | |
| Allowed by Code at Property Line | 6am – 10 pm 70dBA | 10 pm – 6 am 55dBA |

It appears that the decibel levels at the property line will not be much more than what is allowed by the code for the 10pm – 6am requirements of 55dBA.

If the City Council decides to grant the special use permit, then the approval will only be for the aforementioned months. Staff will take some measurements during a performance if required by the City Council or if we receive complaints.

Please contact Michael at 654-3223 ext 105 if you have any questions.



MIDWAY CITY

Planning Office

75 North 100 West
Midway, Utah 84049

Phone: 435-654-3223 x105
Fax: 435-654-2830
mhenke@midwaycityut.org

Application for Miscellaneous Services - (General or otherwise not listed)

Application Fee: \$100.00 + Costs

(Cost may include Legal and Engineering Review expenses, legal noticing or mailings)

Owner(s) of Record:

Name: High Valley Arts Fdn. Phone: 435 962 4510
Mailing Address: 817 Double Eagle Dr. City: Midway State: UT Zip: 84049
E-mail Address: StuWaldrup@me.com

Applicant or Authorized representative:

Name: Stu Waldrup Phone: 435 962 4510
Mailing Address: 817 Double Eagle Dr. City: Midway State: UT Zip: 84049
E-mail Address: StuWaldrup@me.com

Project Location:

Street Address: Outdoor Theater at ± 200 S. 400 East, Midway

Type and Purpose of Request:

Permit to occasionally exceed max sound levels at prop.
line for rehearsals + performances of "7 Brides for
7 Brothers" as part of "Small Town 4th" Celebration.
Mid-June - Mid Jul 2021 (same as past 10 years)

* Please waive \$100 fee. HVAF is a 501(c)(3) charity that
brings much in revenues to City. Permit involves minimal
expense to City -

FOR OFFICE USE ONLY

| | | | |
|------------------------|--|---------------------|--|
| STAFF: | | Application Number: | |
| Date Received: | | Zone: | |
| Received By: | | Tax ID Number: | |
| Fee Paid: | | | |
| PLANNER: | | | |
| Complete / Incomplete: | | | |
| Date: | | | |
| Reviewed by: | | | |

The following information must be included with your submittal

- ☒ Prior Approvals: (list any prior Midway City approval/permits issued for the subject property)

over last 10 years: Sound of Music, Fiddler on the Roof,
Music Man, Oklahoma!, Joseph..., Wizard of Oz,
Annie Get Your Gun, Willy Wonka, Cinderella,

- ☒ Other information as requested by Planning Staff:

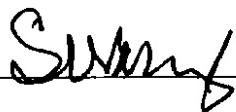
HVAF has entertained over 60,000 patrons over the past
14 years, bringing business to the gas stations, stores,
restaurants and resorts — and thus — revenues to the City.
We have no complaints from neighbors. The benefit to
the community far exceeds the minor inconvenience to
some residents for a limited time — Done by 10:30 PM.
June 15 — July 17, excluding July 3, Mondays & Sundays

Please read and sign before application submittal

I declare under penalty of perjury that I am the owner or authorized agent of the property subject to this request and the foregoing statements, answers and attached documents are true and correct. As the applicant for this proposal, I understand that my application is not deemed complete until the Planning Office has reviewed the application. I further understand I will be notified when my application has been deemed complete. At that time I expect that my application will be processed within a reasonable time, considering the work load of the Planning Office.

I fully understand that I am responsible for the payment of any back taxes and declare that I am responsible for all fees incurred.

Signature of Owner or Agent:



Date: 8 May 2021

IMPORTANT: Your application cannot be processed until determined complete by the Planning Staff. An application shall be considered complete when all applicable fees are paid (such as Midway Water Board, Midway Sanitation District, out-of-pocket expenses, etc.) and all items listed herewith are provided or considered not applicable by the Planning Office. All application fees are non-refundable.