Midway City Council
18 June 2019
Regular Meeting

High Valley Arts /
Temporary Use Permit

Memo

Date: June 18, 2019

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 will 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 "Cinderella" from June through 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 eight 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 eight 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 variance, 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: stuwaldrip@me.com

Applicant or Authorized representative:

Name: Stu Waldrip Phone: 435 962 4510

Mailing Address: 817 Double Eagle Dr. City: Midway State: UT Zip: 84049

E-mail Address: stuwaldrip@me.com

Project Location:

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

Type and Purpose of Request:

Permit to occasionally exceed max sound levels at property line for performances of "Cinderella" as part of "Small Town 4th" celebration June - July 2019 (Same as past 8 years)

Please waive $100 fee. High Valley Arts is a 501(c)3 charity and this permit involves minimal expense for City and brings great benefits.

FOR OFFICE USE ONLY

STAFF:
Date Received: _____
Received By: _____
Fee Paid: _____

Application Number: _____
Zone: _____
Tax ID Number: _____

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)

Prior approvals last 8 years for:

1. Sound of Music
2. Fiddler on the Roof
3. Music Man
4. Oklahoma
5. Joseph & the Amazing TDC
6. Wizard of Oz
7. Annie Get Your Gun
8. Willy Wonka

☐ Other information as requested by Planning Staff:

HVAF brings 1000's of visitors each year to Midway that patronize stores, hotels, resorts & restaurants. We have no complaints from neighbors. The benefit to the community far exceeds the minor inconvenience to some residents for a limited time.
Show will be done by 10:30 PM.

Period: 11 June - 13 July, 2019

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: S Nang Date: 27 May 2019

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.