

Midway City Council  
25 April 2018  
Work Meeting

High Valley Arts /  
Temporary Use Permit

**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 Fedn Phone: 435 657 2732  
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: 435 657 2732  
Mailing Address: 817 Double Eagle Dr. City: Midway State: UT Zip: 84049  
E-mail Address: stuwaldrip@me.com

**Project Location:**

Street Address: Field/Outdoor Theater at ± 200 So. + 400 East, Midway

**Type and Purpose of Request:**

Permit to occasionally exceed max sound levels a property  
line for "Willy Wonka" production as part of "Small Town  
4th" celebration June-July 2018.  
(Same as past 7 years)

Please WAIVE \$100 fee as we trust you do/will for all  
Midway-based charities. HVAF is a 501(c)3 non-profit

**FOR OFFICE USE ONLY**

<b>STAFF:</b>		
Date Received: _____	Application Number: _____	
Received By: _____	Zone: _____	
Fee Paid: _____	Tax ID Number: _____	
<b>PLANNER:</b>		
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 granted past 7 years for:
1. Sound of Music 6. Wizard of Oz
  2. Fiddler on the Roof 7. Annie Get Your Gun
  3. Music Man
  4. Oklahoma!
  5. Joseph and the AT DC

Other information as requested by Planning Staff:

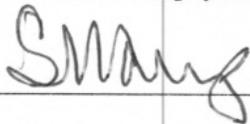
HNAF brings 1000s of visitors to Midway each year that patronize local restaurants, resorts, and other businesses. Although the sound levels occasionally may exceed the ordinance levels, the benefits to the community far outweigh the minor inconvenience to some residents for a limited time - we have broad community support and very few complaints.

**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: 7 APR 2018

**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.**

# Memo



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Date: April 25, 2018  
To: Midway City Council  
From: Michael Henke  
Re: Special Event Temporary Use Permit for Noise

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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 the “Willy Wonka” from June through July. The performances run from about 7PM and will conclude at about 11 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 seven 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 seven 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:

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

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.



N

55 - 60 dBA

52 - 62 dBA

53 - 65 dBA

62 - 68 dBA

72 - 78 dBA

77 - 83 dBA

Speaker

Google

© 2011 Google

Imagery Date: Jun 18, 2010

40°30'34.29" N 111°27'49.92" W elev. 5554 ft

Eye alt 6505 ft