

Midway City Council
15 September 2020
Regular Meeting

High Valley Arts /
Temporary Use Permit

Memo



Date: September 15, 2020
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 “Adams Family” from September through October. 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 nine 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 nine 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: stuwaldmp@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 S. 400 East, Midway

Type and Purpose of Request:

Permission to perhaps exceed max sound levels at prop. line for
rehearsals & performances of "Adams Family" weeks of Oct 19-31,
2020, similar to previous performances over past 10 yrs.
Performances will end before 10 PM.

Please waive \$100 fee - HNAF is a 501(c)(3) local charity
that brings a lot of collateral business to Midway and is
scratching out an existence in this difficult time. THX!

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 many times over last 10 yrs -

☒ Other information as requested by Planning Staff:

HVAF has entertained 1000's of visitors over the years, was contributed to improvements in the Town Hall and community center, and is a local charity in Midway. Neighbors are supportive and do not complain -

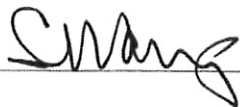
Please help us help you and all of Midway!

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: 3 Sep 2020

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.

Michael Henke

From: Michael Henke
Sent: Tuesday, September 8, 2020 8:24 AM
To: Brad Wilson
Subject: FW: Sound Permit for Addams Family
Attachments: Untitled.pdf

From: Stuart Waldrip <stuwaldrip@me.com>
Sent: Friday, September 4, 2020 11:07 AM
To: Michael Henke <mhenke@midwaycityut.org>
Cc: Susan Waldrip <suewaldrip@me.com>
Subject: Sound Permit for Addams Family

Michael

Please process this permit for us again.

We have applied for a waiver of the fee again. We are "special," in that we are a Midway charity and bring a lot of business to merchants and benefit the City with our performances. Like others, the Covid situation has put a lot of stress on our finances.

This performance is for local teens and will correspond with the Halloween season, ending on Halloween night at the Outdoor Theater. We will secure permission from the Health Department (as we have before) and follow the Covid guidelines.

Please let me know if there are Qs or concerns.

Thanks!

Stu

HIGH VALLEY ARTS FOUNDATION
highvalleyarts.org
stuwaldrip@me.com
435 962 4510