

Midway City Council
6 June 2023
Regular Meeting

High Valley Arts /
Temporary Use Permit

Memo



Date: June 6, 2023
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 “Music Man” from mid-June to mid-July. The performances run from about 7 PM and will conclude by 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 12 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 435-654-3223 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: Millstream/High Valley Arts Fdn Phone: 435 962 4510

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

E-mail Address: stuwaldtrip@me.com

Applicant or Authorized representative:

Name: Stu Waldrip (HVAF) 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 ± 206 S. 400 East, Midway

Type and Purpose of Request:

Permit to occasionally exceed max sound levels at prop. line
for rehearsals & performances of "Music Man" Mid-June → Mid-
July, 2023
(Same as last 12 years)

* we're a charity & confer a large benefit on the City - so request
that the \$100- fee be waived. Minimal time and effort by staff.

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)

12 years of similar approvals without complaints —

Other information as requested by Planning Staff:

HVAF is a valued community asset. We have brought 75,000⁺ patrons to Midway over the past 16 years — more than 50% from outside the Valley — they not only come to the shows, but spend at the resorts, restaurants, gas stations & stores. The minor inconvenience is far outweighed by the benefits to the community.

Done by 10:30 PM, excluding Sundays and some week days

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:

SManning

Date: 15 May 2023

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.



55 - 60 dBA

52 - 62 dBA

53 - 65 dBA

62 - 68 dBA

72 - 78 dBA

77 - 83 dBA

Speaker

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