

# Memo



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Date: May 21, 2023  
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 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 “Fiddler on the Roof” 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 13 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 11 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 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

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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 Em 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 Prox, 200 South & 400 East, Midway

### Type and Purpose of Request:

Permit to occasionally exceed max sound levels at prop. / mig.  
for rehearsals & performances of "Fiddler on the Roof" June 18-  
July 20, 2024

(Same as last 13 years)

\* HRAF is a charity (501(c)(3)) and confers a large benefit  
from prox. 10,000 patrons / yr. - so request WAIVER of \$100 fee  
minimal time and effort of staff -

### FOR OFFICE USE ONLY

<b>STAFF:</b> Date Received: _____ Received By: _____ Fee Paid: _____	Application Number: _____ Zone: _____ 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)

13 years of similar approvals without significant complaints - neighbors very supportive -

Other information as requested by Planning Staff:

HUAF is a valued community asset. We have had nearly 100,000 patrons over the years - many visitors to Midway - who have spent money at resorts, restaurants, gas stations, shops, etc. The minor inconvenience is far outweighed by the benefits to the community - Done by 10:30 PM! Excluded days are Sundays + Tuesdays (dark)

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: Shirley Date: 2 May 2024

**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.**