



**AGENDA**  
**CITY OF YAMHILL, CITY PLANNING COMMISSION MEETING**  
**Council Chambers – 155 E 1<sup>st</sup> Street**  
**Tuesday – April 2, 2019**  
**7:00 PM**

**Regular Meeting – Planning Commission**

1. **Call to Order** –Roll Call
2. **Flag Salute:**
3. **Oath of Office:**
  - A. Swearing in of Planning Commissioner: Diana Braddock, Term expires December 31, 2020.
4. **Public Comment:** (This time is provided for persons in the audience on ANY item of Planning Commission business, except those items which appear on this agenda or refer to land use requests, however, the Planning Commission reserves the right to defer any request for action from any persons addressing the Planning Commission who have not been placed on the agenda. Comments shall be limited to two to five minutes, at the Chair's discretion.)
5. **New Business:**
  - A. Commission Vice-Chair Nomination.
6. **Unfinished Business:**
  - A. Review and consider updating City Noise Ordinance.
7.
  - A. Approval of Planning Commission Minutes from March 6, 2019.
  - B. Schedule next Planning Commission Meeting.
8. **Information/Announcements:**
  - A. Vacancies:  
Budget Committee - 1 member -Applications are available at City Hall
  - B. Statement of Economic Interest, required by the Oregon Government Ethics Committee (OGE) must be received electronically by April 15, 2019. If you have any questions contact them at 503-378-5105.
9. **Adjournment**

\*\*\*\*\* Yamhill Planning Commission meetings are accessible for disabled individuals. The City will also endeavor to provide services for persons with impaired hearing or vision and other services, if requested, at least 48 hours prior to the meeting. To obtain services, please call City Hall at (503)662-3511 \*\*\*\*\*

3.A.



BY: .....

### Application for City Council, Committee, or Commission

Name: Diana L. Braddock

Address: 910 E 1<sup>st</sup> St. Yamhill, Or.

Telephone / Email address \_\_\_\_\_

Length of Residency: 14 years

Educational History: Some college

HS Diploma: yes no College Degree: yes no

Employment: Retired

Position applying for \_\_\_\_\_

Planning commission \_\_\_\_\_

#### Government Service History:

Paid (type): None

Position: \_\_\_\_\_

Volunteer (type): Washington co. Jail

Position: Data entry

Length of service: 1.3 years

Explain what background prepares you for this position: Living in Yamhill

Explain why you wish to serve in this position: I would like to get involved more with the city I live in.

Signed: Diana L. Braddock  
1/10/2019

Dated: \_\_\_\_\_

Yamhill Resolution R-233 requires all Council and Committee applicants to be a resident of the

5. **UNFINISHED BUSINESS:**

A. None Scheduled

6. **ORDINANCES:**

**FIRST READING:**

A. None Scheduled

**SECOND READING:**

A. None Scheduled

7. **NEW BUSINESS:**

A. Consider applications to fill the vacant City Council Position. (Term expires 12/31/2020)

Mayor Potter reported that two applications have been received for the open position, and the applicants are Tim Askey and Kara Weber. Askey was in attendance and was asked to introduce himself. Askey and his wife moved to Yamhill in 2015, he completed college recently, was previously in the Navy, now works in Newberg and feels he has time to devote to his community. It was noted that Weber was not in attendance. Disbrow stated that Weber is part of our Economic Development Committee's and is doing a fantastic job. Potter stated that it would be an honor to have either applicant on the Council.

Motion by Disbrow, seconded by Echauri, to nominate and approve the appointment of Tim Askey to fill the vacant Council position, term expiring on December 31, 2020.

Roll call: Ayes: Disbrow, Potter, M. Gilmore and Echauri  
Nays: None

The motion carried.

B. Consider application to fill the vacant Planning Commission Position.  
(Term expires 12/31/2020)

It was noted that one application was received from Diana Braddock to fill the Planning Commission Position.

Motion by Echauri, Seconded by Disbrow, to nominate and approve the appointment of Diana Braddock to fill the vacant Planning Commission position, term expiring on 12/31/2020.

Roll call: Ayes: Disbrow, Potter, M. Gilmore and Echauri  
Nays: None

The motion carried.

6.A.

CITY OF YAMHILL PLANNING COMMISSION  
STAFF REPORT

DATE: April 2, 2019

TO: Planning Commission  
City of Yamhill

FROM: John Morgan,  
City Planner

SUBJECT: Draft noise ordinance

Attached the Commission will find a draft update of the City's existing noise ordinance. This is based on the Planning Commission's discussion of the ordinance on March 6, 2019 and the community's needs late last year.

Briefly, the draft does four things:

- It updates language to be more reflective of current issues and needs.
- It adds more specific noise related criteria for evaluating nuisances. These are somewhat subjective but should be able to be fairly administered and adjudicated.
- It adds specific noise measurement standards for times where specific measured reading are necessary to evaluate a noise or noise source relative to the criteria in the ordinance.
- It establishes a means for the City Council to consider exceptions or variances to the noise standards for extraordinary events, such as community festivals.

This is not a land use or planning issue. The Code language being amended is in the Municipal Code but not in the Development Code chapters. Therefore, the process for considering the changes is different and less stringent than that used by the Commission with past Code amendments.

The Commission's role is to draft proposed revisions and recommend them to the City Council. No hearing is required at the Commission level. The Council may hold a hearing. The Council will adopt the amendments by ordinance.

Tonight, the Commission is asked to review the draft, discuss any proposed changes, and by motion vote on an agreed-upon draft with a recommendation on the draft to the City Council.

## City of Yamhill Municipal Code

### Noise Ordinance Update DRAFT

#### 5.04.160 Unnecessary Noise.

(A) ~~(A)~~ — No person shall make, assist in making, or permit any loud, disturbing or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others including:-

- a. Any unreasonably loud, raucous, disturbing, or injurious noise; or
- b. Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the city; or
- c. Any noise which is so harsh, prolonged, unnatural, or unusual in time or place, regardless if it is a consistent noise or an intermittent noise, as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residence or places of business.

(B) Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:

- a. The proximity of the sound to sleeping facilities, whether residential or commercial;
- b. The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
- c. The time of day or night the sound occurs;
- d. The duration of the sound; and whether the sound is recurrent, intermittent, or constant given that any one of these noise characteristics may be unreasonably loud and raucous.

(C) ~~(B)~~ — The following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter: The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision. Examples of such noises include the following, though this list is not exclusive: but the enumeration shall not be construed to be exclusive:

# City of Yamhill Municipal Code

## Noise Ordinance Update DRAFT

1. ~~(1)~~ — The keeping of any bird or animal, including barking dogs, which causes frequent or long continued noise ~~shall disturb the comfort and repose of any person in the vicinity.~~
2. ~~(2)~~ — The attaching of any bell to any animal or allowing a bell to remain on any animal ~~which is disturbing to any person in the immediate vicinity.~~
3. ~~(3)~~ — The use of any vehicle or engine, either stationary or moving, so operated as to create any loud or unnecessary grating, grinding, rattling or other noise.
- 1.4. ~~(4)~~ — The sounding of any horn or signaling device on any vehicle on any street, public or private place, except as a necessary warning of danger.
- 2.5. — The erection, including excavation, demolition, alteration, or repair of any building, structure, street, sidewalk, or utilities in residential districts, other than between the hours of 7:00 a.m. and 6:00 p.m. In cases of emergency, construction or repair noises are exempt from this provision. In nonemergency situations, the city may issue a permit, upon application, if the city determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings or excavation of streets and highways between the hours of 6:00 p.m. and 7:00 a.m. will not be impaired, and if the city further determines that loss or inconvenience would otherwise result. The permit shall grant permission in nonemergency cases for a period of not more than three days. The permit may be renewed once for a period of three days or less. ~~except upon special permit granted by the City Council.~~
- 3.6. — The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle.
- 4.7. — The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court of justice while the same are in use, or adjacent to any hospital or institution for the care of the sick or infirm, which unreasonably interferes with the operation of such institution, or which disturbs or unduly annoys patients.
- 5.8. — The discharge in the open air of the exhaust of any ~~steam engine,~~ internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and emission of annoying smoke.
- 6.9. — The use or operation of any device producing music or other sounds, including or not limited to automatic or electric pianos, musical instruments,



## City of Yamhill Municipal Code

### Noise Ordinance Update DRAFT

~~phonograph~~ electronic music players including any speakers playing music from a electronic music player, radio, television, loudspeaker of any instrument for sound producing or any sound-amplifying device so loudly as renders the use thereof a nuisance; ~~provided, however, that upon application to the City Council, permits may be granted to responsible person or organizations to broadcast programs of music, news, speeches, or general entertainment.~~

- ~~7.10.~~ 7.10. The making of any noise by crying, calling or shouting, or by any means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for the purpose of advertising goods, wares or merchandise or of attracting attention or of inviting patronage of any person to any business whatsoever; ~~provided that newsboys may sell newspapers and magazines by public outcry, and persons having a valid permit to do so under the regulations of the City may vend merchandise in the streets by public outcry.~~
- ~~8.11.~~ 8.11. The conducting, operating or maintaining of any garage, warehouse, storage space, or other enclosed space within 100 feet of any private residence, apartment, rooming house or hotel in such manner as to cause ~~loud~~ offensive noises to be emitted therefrom between the hours of ~~9:00~~ 11:00 p.m. and 7:00 a.m.
- ~~9.12.~~ 9.12. Blowers and Similar Devices. In residential or noise-sensitive areas, between the hours of 7:00 p.m. and 7:00 a.m., the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids; provided, that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates.
- ~~10.13.~~ 10.13. Commercial Establishments Adjacent to Residential Property. Unreasonably loud and raucous noise from the premises of any commercial establishment, regardless of the zoning of the property, including any outdoor area which is part of or under the control of the establishment, between the hours of 9:00 p.m. and 7:00 a.m. which is plainly audible at a distance of five feet from any residential property.
- ~~14.~~ 14. Loading or Unloading Merchandise, Materials, and Equipment. The creation of unreasonably loud, raucous, and excessive noise in connection with the loading or unloading of any vehicle at a place of business or residence.
- ~~11.15.~~ 11.15. The use of fireworks, either legal or illegal, other than on New Year's Eve or the Fourth of July unless otherwise permitted by the City Council in accordance with (D) Permitted Exceptions, below.

# City of Yamhill Municipal Code

## Noise Ordinance Update DRAFT

### ~~(A)~~(D) Permitted Exceptions.

- a. Upon application to the City Council, a permit may be granted by the city for events held in conjunction with any citywide festival. Such permit may be exempt from the noise requirements of this chapter and any or all official event activities, provided they do not disrupt communications by emergency service providers. Further, all noise shall be restricted between the hours of 11:00 p.m. and 7:00 a.m. if such noise disturbs adjacent occupants in a residential area.
- b. Upon application to the City Council, permits may be granted by the City Council to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches or general entertainment as a part of a national, state or city event, or outside events of a commercial or noncommercial nature, provided they do not disrupt communications by emergency service providers. Further, all noise shall be restricted between the hours of 11:00 p.m. and 7:00 a.m. if such noise disturbs adjacent occupants in a residential area.

### ~~(B)~~(E) Permissible Noise Levels.

- a. A noise measured as provided above from any source, other than as provided in this section, which is equal to or in excess of the dBA established for the time period and zones listed below is declared to be unlawful:
  - i. For the purposes of this section, “residential” means an area of single-family or multifamily dwellings where businesses may or may not be conducted in such dwellings and may include areas containing accommodations for transients such as motels, hotels and residential areas with limited office development. It may also include educational facilities, hospitals, nursing homes, churches and similar institutions.
  - ii. When a noise source can be measured from more than one zone, the permissible sound level of the more restrictive zone shall govern in the more restrictive zone.
  - iii. Periodic, impulsive or shrill noises are declared unlawful when such noises are at a sound level of five dBA less than those listed above.

~~(C)~~(F) Exemptions. The following sounds or noise-producing actions are deemed to be of such importance to the community as to be exempted from the provisions of this section within the limits established below:



**City of Yamhill Municipal Code**  
**Noise Ordinance Update DRAFT**

- a. Sounds produced at sporting events authorized by the appropriate responsible agency that are held within the boundaries of the city.
- b. The use of domestic power tools for lawn care, landscaping and leaf removal and/or collection, and gardening between the hours of 8:00 a.m. and 8:00 p.m. or dusk, whichever comes sooner.
- c. The use of power tools engaged in hobby craft and light household maintenance between the hours of 8:00 a.m. and 8:00 p.m. or dusk, whichever comes sooner.
- d. Sounds produced by the performance of emergency work, vehicles or equipment, including police, fire and ambulance.
- e. Sounds made by warning devices operating continuously for three minutes or less.
- f. Sounds caused by parades, fireworks displays, and other special events for which a permit has been obtained from the city.
- g. Sounds produced by the loading, unloading, opening or otherwise handling of garbage cans or containers by an authorized garbage collection and/or recycling operator.

(D)(G) Any nuisance as described in this section may be abated as provided in Sections 5.04.200 through 5.04.230 of this chapter.

(E)(H) Certain nuisances as described in this section may be classified as an imminent threat to the public health, safety, or property of the citizens of Yamhill by the Chief of Police, and if such imminent threat is allowed to continue by the person or person in charge for a period of more than two hours after citation by the Police Department for violation of this section, the person or person in charge shall be subject to the abatement procedure provided in Sections 5.04.240 through 5.04.260 of this chapter. (Ord. 353 §16, 1985; Ord. 430 §1, 1998)

**City of Yamhill Municipal Code**  
**Noise Ordinance Update DRAFT**

**5.04.160 Unnecessary Noise.**

- (A) No person shall make, assist in making, or permit any loud, disturbing or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others including:
- a. Any unreasonably loud, raucous, disturbing, or injurious noise; or
  - b. Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the city; or
  - c. Any noise which is so harsh, prolonged, unnatural, or unusual in time or place, regardless if it is a consistent noise or an intermittent noise, as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residence or places of business.
- (B) Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:
- a. The proximity of the sound to sleeping facilities, whether residential or commercial;
  - b. The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
  - c. The time of day or night the sound occurs;
  - d. The duration of the sound; and whether the sound is recurrent, intermittent, or constant given that any one of these noise characteristics may be unreasonably loud and raucous.
- (C) following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter: The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision. Examples of such noises include the following, though this list is not exclusive:
- 1. The keeping of any bird or animal, including barking dogs, which causes frequent or long continued noise.

**City of Yamhill Municipal Code**  
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2. The attaching of any bell to any animal or allowing a bell to remain on any animal.
3. The use of any vehicle or engine, either stationary or moving, so operated as to create any loud or unnecessary grating, grinding, rattling or other noise.
4. The sounding of any horn or signaling device on any vehicle on any street, public or private place, except as a necessary warning of danger.
5. The erection, including excavation, demolition, alteration, or repair of any building, structure, street, sidewalk, or utilities, other than between the hours of 7:00 a.m. and 6:00 p.m. In cases of emergency, construction or repair noises are exempt from this provision. In nonemergency situations, the city may issue a permit, upon application, if the city determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings or excavation of streets and highways between the hours of 6:00 p.m. and 7:00 a.m. will not be impaired, and if the city further determines that loss or inconvenience would otherwise result. The permit shall grant permission in nonemergency cases for a period of not more than three days. The permit may be renewed once for a period of three days or less.
6. The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle.
7. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court of justice while the same are in use, or adjacent to any hospital or institution for the care of the sick or infirm, which unreasonably interferes with the operation of such institution, or which disturbs or unduly annoys patients.
8. The discharge in the open air of the exhaust of any internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and emission of annoying smoke.
9. The use or operation of any device producing music or other sounds, including or not limited to electric musical instruments, electronic music players including any speakers playing music from a electronic music player, radio, television, loudspeaker of any instrument for sound producing or any sound-amplifying device so loudly as renders the use thereof a nuisance.

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10. The making of any noise by crying, calling or shouting, or by any means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for the purpose of advertising goods, wares or merchandise or of attracting attention or of inviting patronage of any person to any business whatsoever.
  11. The conducting, operating or maintaining of any garage, warehouse, storage space, or other enclosed space within 100 feet of any private residence, apartment, rooming house or hotel in such manner as to cause loud or offensive noises to be emitted therefrom between the hours of 9:00 p.m. and 7:00 a.m.
  12. Blowers and Similar Devices. In residential or noise-sensitive areas, between the hours of 7:00 p.m. and 7:00 a.m., the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids; provided, that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates.
  13. Commercial Establishments Adjacent to Residential Property. Unreasonably loud and raucous noise from the premises of any commercial establishment, regardless of the zoning of the property, including any outdoor area which is part of or under the control of the establishment, between the hours of 9:00 p.m. and 7:00 a.m. which is plainly audible at a distance of five feet from any residential property.
  14. Loading or Unloading Merchandise, Materials, and Equipment. The creation of unreasonably loud, raucous, and excessive noise in connection with the loading or unloading of any vehicle at a place of business or residence.
  15. The use of fireworks, either legal or illegal, other than on New Year's Eve or the Fourth of July unless otherwise permitted by the City Council in accordance with (D) Permitted Exceptions, below.
- (D) Permitted Exceptions.
- a. Upon application to the City Council, a permit may be granted by the city for events held in conjunction with any citywide festival. Such permit may be exempt from the noise requirements of this chapter and any or all official event activities, provided they do not disrupt communications by emergency service providers. Further, all noise shall be restricted between the hours of 11:00 p.m. and 7:00 a.m. if such noise disturbs adjacent occupants in a residential area.

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- b. Upon application to the City Council, permits may be granted by the City Council to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches or general entertainment as a part of a national, state or city event, or outside events of a commercial or noncommercial nature, provided they do not disrupt communications by emergency service providers. Further, all noise shall be restricted between the hours of 11:00 p.m. and 7:00 a.m. if such noise disturbs adjacent occupants in a residential area.

**(E) Permissible Noise Levels.**

- a. A noise measured as provided above from any source, other than as provided in this section, which is equal to or in excess of the dBA established for the time period and zones listed below is declared to be unlawful:
  - i. For the purposes of this section, “**residential**” means an area of single-family or multifamily dwellings where businesses may or may not be conducted in such dwellings and may include areas containing accommodations for transients such as motels, hotels and residential areas with limited office development. It may also include educational facilities, hospitals, nursing homes, churches and similar institutions.
  - ii. When a noise source can be measured from more than one zone, the permissible sound level of the more restrictive zone shall govern in the more restrictive zone.
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- a. Sounds produced at sporting events authorized by the appropriate responsible agency that are held within the boundaries of the city.
- b. The use of domestic power tools for lawn care, landscaping and leaf removal and/or collection, and gardening between the hours of 8:00 a.m. and 8:00 p.m. or dusk, whichever comes sooner.
- c. The use of power tools engaged in hobby craft and light household maintenance between the hours of 8:00 a.m. and 8:00 p.m. or dusk, whichever comes sooner.



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- d. Sounds produced by the performance of emergency work, vehicles or equipment, including police, fire and ambulance.
  - e. Sounds made by warning devices operating continuously for three minutes or less.
  - f. Sounds caused by parades, fireworks displays, and other special events for which a permit has been obtained from the city.
  - g. Sounds produced by the loading, unloading, opening or otherwise handling of garbage cans or containers by an authorized garbage collection and/or recycling operator.
- (G) Any nuisance as described in this section may be abated as provided in Sections 5.04.200 through 5.04.230 of this chapter.
- (H) Certain nuisances as described in this section may be classified as an imminent threat to the public health, safety, or property of the citizens of Yamhill by the Chief of Police, and if such imminent threat is allowed to continue by the person or person in charge for a period of more than two hours after citation by the Police Department for violation of this section, the person or person in charge shall be subject to the abatement procedure provided in Sections 5.04.240 through 5.04.260 of this chapter. (Ord. 353 §16, 1985; Ord. 430 §1, 1998)

7.A.



**CITY OF YAMHILL  
CITY PLANNING COMMISSION MEETING  
Wednesday – March 6, 2019  
7:00 PM**

**Minutes**

**Regular Meeting – Planning Commission**

**1. Call to Order –Roll Call**

The Yamhill Planning Commission meeting was called to order at 7:00pm by Vice-Chair Prendergast.

**ROLL CALL:**

Members present: Commissioners Moore, Fox and Prendergast  
Excused absence: Commissioner Player  
City staff present: City Recorder Gilmore, Superintendent Howard,  
City Planner John Morgan

**2. Flag Salute:**

Vice-Chair Prendergast led the flag salute with all those present participating.

**3. Public Comment:**

Rocky Losli of Yamhill has a concern regarding the Yamhill/Carlton School District Development Project that was started in early 2017, and the relationship between the City of Yamhill, the Yamhill Fire District and the School District. Losli feels that some of the responsibility for the issues and problems of the project belong to the City Planner. Losli would like to request a public investigation be done to look at the job performance of the City Planner and identify what should have been done to prevent the relationship deterioration between the three entities.

Commissioner Fox responded that he was unclear why this request would be made to the Planning Commission. Vice-Chair Prendergast requested more specific information regarding the events that Losli is questioning and would need facts regarding the issues. Commissioner Moore is not opposed to finding out if the City could have done more during the project and how to do better in the future. The Commissioners will consider a recommendation to the City Council for a review of the City's role in the School Districts project when Losli provides specific justification for the request.

**4. New Business:**

**A. Commission Chair Nomination.**

Vice-Chair Prendergast opened nominations for Planning Commission Chair. Commissioner Moore nominated Prendergast for Chairperson and Fox seconded. Prendergast accepted the nomination.

Motion by Moore, seconded by Fox, to appoint Carol Prendergast for Planning Commission Chair.

Roll Call:       Ayes:    Prendergast, Moore and Fox  
                  Nays:   None

The motion carried.

**5. Unfinished Business:**

**A. Review and consider updating City Noise Ordinance.**

City Planner, John Morgan provided a Staff Report with a draft update of the City's existing noise ordinance. The report was based on the Planning Commission's discussion of the ordinance and the community's needs at the December 4, 2018 Planning Meeting.

Briefly, the draft does four things:

- It updates language to be more reflective of current issues and needs.
- It adds more specific noise related criteria for evaluating nuisances. These are somewhat subjective but should be able to be fairly administered and adjudicated.
- It adds specific noise measurement standards for times where specific measured reading are necessary to evaluate a noise or noise source relative to the criteria in the ordinance.
- It establishes a means for the City Council to consider exceptions or variances to the noise standards for extraordinary events, such as community festivals.

Morgan stated that the Commission's role is to draft proposed revisions and recommend them to the City Council. No hearing is required at the Commission level. The Council may hold a hearing and the Council will adopt the amendments by ordinance.

Morgan asked the Commission to review the draft, discuss any proposed changes, and by motion vote on an agreed-upon draft with a recommendation on the draft to the City Council.

Prendergast questioned how the draft proposal compares to the current Noise Ordinance. Morgan explained that the draft is much more specific, sets more standards for time of day, setting exemptions and providing a process for the City Council to grant exceptions and is much more comprehensive in terms of what is an offensive noise. The commission continued discussion of the draft and requested Morgan change the items that referenced noise time limits as ending by dusk, to be changed to dusk or 8:00pm which ever is sooner.

Commission also recommended to remove the draft section that referenced "Noise Measurement", that would require a calibrated sound level meter measuring dBA. Moore recommended that the discharge of Fireworks be added to the list of noises that are not permitted.

Consensus by the Commission is to direct City Planner Morgan to revise the draft with the discussed changes and bring back to the next scheduled Planning Meeting for final consideration and approval.

- 6. A.** Approval of Planning Commission Minutes from December 4, 2018.  
There were no members in opposition to the minutes.

Fox made motion, seconded by Moore to approve minutes.

Roll Call: Ayes: Prendergast, Moore and Fox  
Nays: None

The Motion Carried.

- B.** Schedule next Planning Commission Meeting.  
The next planning meeting is tentatively scheduled for Tuesday, April 2, 2019.

**7. Information/Announcements:**

- A.** Vacancies: City Councilor – 1 member  
Planning Commission – 1 member  
Budget Committee - 2 members - Applications are available at City Hall

**8. Adjournment: 8:00pm**

Moore made motion to adjourn, Fox seconded.

All in favor, meeting adjourned at 8:00pm

Respectfully Submitted:  
Lori Gilmore  
City Recorder/Treasurer