



**AGENDA**  
**CITY OF YAMHILL, CITY PLANNING COMMISSION MEETING**  
**Council Chambers – 155 E 1<sup>st</sup> Street**  
**Wednesday – March 6, 2019**  
**7:00 PM**

**Regular Meeting – Planning Commission**

1. **Call to Order** –Roll Call
2. **Flag Salute:**
3. **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.)
4. **New Business:**
  - A. Commission Chair Nomination.
5. **Unfinished Business:**
  - A. Review and consider updating City Noise Ordinance.
6.
  - A. Approval of Planning Commission Minutes from December 4, 2018.
  - B. Schedule next Planning Commission Meeting.
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**

**\*\*\*\* 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 \*\*\*\***

CITY OF YAMHILL PLANNING COMMISSION  
STAFF REPORT

5.A.  
—

DATE: March 6, 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 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) ~~(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;
- The duration of the sound; and whether the sound is recurrent, intermittent, or constant.
- (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 which causing frequent or long continued noise ~~ee 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 7:00 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 pianomusical 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~~ or offensive noises to be emitted therefrom between the hours of ~~9:00~~ 9:00 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.
- ~~11.14.~~ 11.14. 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.

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



## City of Yamhill Municipal Code Noise Ordinance Update DRAFT

- 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 emergency service communications. "Disruption of emergency service communications" is defined as any noise so loud as to be audible from within the public safety answering point (PSAP), and which is distracting or disrupting to emergency communications personnel. 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, public festivals, or outstanding events of a commercial or noncommercial nature, provided they do not disrupt emergency service communications. "Disruption of emergency service communications" is defined as any noise so loud as to be audible from within the public safety answering point (PSAP) and which is distracting or disrupting to emergency communications personnel. Further, all noise shall be restricted between the hours of 10:00 p.m. and 7:00 a.m. if such noise disturbs adjacent occupants in a residential area.
- c. Upon application to the city, permits may be granted by the city 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, public festivals, or outstanding events of a noncommercial nature. The broadcast or amplification shall not be audible for a distance of more than 200 feet from the instrument, speaker or amplifier; and in no event shall a permit be granted where an obstruction to the free and uninterrupted traffic, both vehicular and pedestrian, will result. Further, such amplification or broadcast shall be restricted between the hours of 10:00 p.m. and 7:00 a.m. if such noise disturbs adjacent occupants in a residential area.
- d. The city council may grant a variance of limited duration from the particular requirements of this chapter for a specific event or activity if the city council determines that not granting the variance would produce hardship without equal or greater benefit to the public. Any person requesting a variance shall make the request in writing to the city manager or designee and state in a concise manner the facts to show why such variance should be granted. The city manager or designee will place the application on the city council's agenda for the next regular meeting after the date the city manager or designee receives the application. A variance granted may be revoked by the city manager or

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

designee in the case of an emergency or safety hazard, or if the conditions of the variance granted are violated. The person whose variance is revoked may appeal the revocation to the city council. Nothing in this chapter affects the city’s ability to protect the public against harmful effects of noise under remedies supplied in other sections of this code or other applicable provisions of law.

~~(B)~~(E) Noise Measurement. For the purpose of determining and classifying any noise as unreasonably loud, raucous, disturbing, or injurious as declared to be unlawful and prohibited by this section, the following test measurements and requirements may be applied; provided, however, that a violation of this section may occur without the following measurements being made:

<u>Zone</u>	<u>7:00 a.m. to</u>	<u>7:00 p.m. to</u>
	<u>7:00 p.m.</u>	<u>7:00 a.m.</u>
<u>Residential</u>	<u>55 dBA</u>	<u>50 dBA</u>
<u>Commercial</u>	<u>60 dBA</u>	<u>55 dBA</u>
<u>Light industrial</u>	<u>70 dBA</u>	<u>65 dBA</u>
<u>Industrial</u>	<u>80 dBA</u>	<u>75 dBA</u>

- a. Noise occurring within the jurisdiction of the city shall be measured at least 25 feet from a noise source located within a public right-of-way, and if the noise source is located on private property or property other than a public right-of-way, at least 25 feet from the property line of the property on which the noise source is located. When the location or distance prescribed for the measurement of noise is impractical or would provide misleading or inaccurate results, measurements may be taken at other locations and distances using any appropriate correction factors.
- b. Measurements shall be made with a calibrated sound level meter of standard design and quality that meets specifications established by the American National Standards Institute (ANSI).
- c. In all sound measurements consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement.

~~(C)~~(F) Permissible Noise Levels.

## City of Yamhill Municipal Code Noise Ordinance Update DRAFT

- 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.

~~(D)~~(G) 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:

- 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 dusk.
- c. The use of power tools engaged in hobby craft and light household maintenance between the hours of 8:00 a.m. and dusk.
- 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.



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- 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.
- h. Sounds produced by a public utility, its agents or contractors, in the act of construction, repair, or maintenance of a public improvement or utility.

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

~~(F)~~(I) 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)

## CURRENT MUNICIPAL CODE

### Yamhill Municipal Code

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[Title 5 OFFENSES](#)

[Chapter 5.04 NUISANCES](#)

#### **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.

(B) The following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter but the enumeration shall not be construed to be exclusive:

(1) The keeping of any bird or animal which causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity.

(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) 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 blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger, or upon request of proper City authorities.

(6) The use of any mechanical device operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled.

(7) The erection, including excavation, demolition, alteration, or repair of any building in residential districts, other than between the hours of 7:00 a.m. and 6:00 p.m. except upon special permit granted by the City Council.

(8) The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle.

(9) 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.

(10) 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.

(11) The use or operation of any automatic or electric piano, phonograph, 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.

(12) 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.

(13) The conducting, operating or maintaining of any garage within 100 feet of any private residence, apartment, rooming house or hotel in such manner as to cause load or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.

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

(D) 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)

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6.A.  
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**CITY OF YAMHILL  
CITY PLANNING COMMISSION MEETING  
Tuesday – December 4, 2018  
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 Chair Mitchell.

**ROLL CALL:**

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

**2. Flag Salute:**

Chair Mitchell led the flag salute with all those present participating.

**3. Public Comment:**

None Received.

**4. New Business:**

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

City Planner, John Morgan provided a Staff Report to consider looking at the City's Current noise ordinance (Section 5.04.160) and review for possible updates. Morgan suggests using Yamhill County's Code as an example, but also included the noise ordinances from the City of Carlton, Dayton and Lafayette.

Joe Padberg of Ash Street, Yamhill, asked for the Planning Commission to consider updating the City of Yamhill noise Ordinance to include something more specific to addressing unreasonable or unnecessary noises and vibrations that disturbs or endangers the comfort of any person of normal sensitivity in a noise sensitive unit and referenced the Yamhill County's Ordinance 822, Section 7. (a.). Padberg had filed a complaint report with City Hall on October 1, 2018 detailing that approximately four days a week and twice a day loud boom noises are heard all through his house causing the windows and wall hangings to rattle. The neighbors garage is set up as a training gym

for Cross Fit Competition and when the weights are dropped it causes loud booms. City Staff determined at the time of the complaint, that the current noise ordinance does not address this type of nuisance.

Alise Enriquez of Ash Street, Yamhill, was in attendance and stated that it is her residence that the complaint was about. Enriquez stated that the training does not occur late at night or early in the morning and does not feel that any violations are being broken with having a gym in their garage.

Retta Carl of Ash Street, Yamhill, stated that she lives near by and can hear the noise but has never heard it late at night or early in the morning.

Connie Padberg of Ash Street, Yamhill, stated that she has asked Enriquez numerous times over the last three years to not make so much noise and they have been unable to resolve the issue.

It was noted that the Planning Commission's responsibility is to consider whether to review the current noise ordinance and not make a determination or any decision on the previously received complaint. Morgan stated that the current noise ordinance hasn't been reviewed for probably decades and recommends updating.

Prendergast made motion, seconded by Fox to direct City Staff to provide a draft of recommended noise ordinance updates for consideration at the next scheduled Planning Meeting.

Roll Call:     Ayes: Prendergast, Moore, Player and Fox  
                  Abstain: Mitchell  
                  Nays: None

The Motion Carried.

**5.     Unfinished Business:**

**A.     None Scheduled.**

**6.     A.     Approval of Planning Commission Minutes from August 7, 2018.**

There were no members in opposition to the minutes.

Prendergast made motion, seconded by Moore to approve minutes.

Roll Call:     Ayes: Prendergast, Moore, Player and Mitchell  
                  Nays: None

The Motion Carried.

**B.     Schedule next Planning Commission Meeting January 8, 2019.**

The next planning meeting is tentatively scheduled for Tuesday, January 8, 2019.



**7. Information/Announcements:**

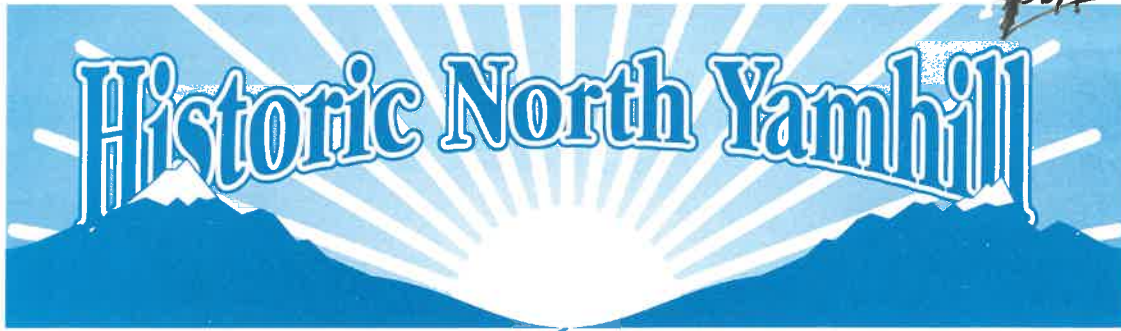
- A.** 10th Annual Christmas Tree Lighting Ceremony – Friday, December 7th, 2018 @ 6:00 pm. Refreshments to follow ceremony.
- B.** Vacancies: City Council – 1 member  
Budget Committee - 1 members - Applications are available at City Hall.
- C.** Certified 2018 Population Estimate – 1,090.

**8. Adjournment: 7:45pm**

Prendergast made motion to adjourn, Fox seconded.

All in favor, meeting adjourned at 7:45pm

Respectfully Submitted:  
Lori Gilmore  
City Recorder/Treasurer



Post Office established 1851  
City incorporated 1891  
Name changed to Yamhill 1908  
Post Office Box 9, 205 S. Maple St., 97148

Yamhill A Small Taste of Oregon  
TDD 800 735-2900  
Fax 503 662-4589  
503 662-3511

*Equal Opportunity Employer and Provider*

## Application for City Council, Committee, or Commission

Name: \_\_\_\_\_

Address: \_\_\_\_\_

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

Length of Residency: \_\_\_\_\_

Educational History: \_\_\_\_\_

HS Diploma: yes no College Degree: yes no

Employment: \_\_\_\_\_

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

### Government Service History:

Paid (type): \_\_\_\_\_

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

Volunteer (type): \_\_\_\_\_

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

Length of service: \_\_\_\_\_

**Explain what background prepares you for this position:**

**Explain why you wish to serve in this position:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

**Yamhill Resolution R-233 requires all Council and Committee applicants to be a resident of the City for a minimum of one (1) year prior to appointment. Yamhill Ordinance O-507 requires not more than one member of the Planning Commission be a nonresident of the City. Proof of residency may be required at time of application.**