

Council Chambers
7:30 PM, Thursday

A Regular Meeting
of the Planning Commission

June 21, 1984
Newberg, Oregon

Members Present:

John Englebrecht
Brian Erickson
Jean Harris, Vice-Chair

Jack Kriz
John Lyda
Joe Young

Members Absent:

David Richards
Arthur Roberts
Roger Veatch

Staff Present:

Clay Moorhead, Planning Director
Rick Faus, City Attorney
Barb Mingay, Recording Secretary

Citizens Present:

Dee Dee Harrington, Newberg Times

The meeting of the Newberg Planning Commission was called to order by Vice-Chairman Jean Harris.

New Commissioners Brian Erickson and Jack Kriz were introduced to the Commission.

Motion: Young-Englebrecht to approve May 17, 1984 Planning Commission minutes. Motion carried unanimously by those present.

Public Hearing A:

A review of proposed regulations relating to the siting of adult entertainment businesses within the City of Newberg

There were no objections as to the jurisdiction of the Planning Commission to hear the above matter.

Clay Moorhead, Planning Director, introduced material into the record as follows:

1. A memo was read from Chief Dave Bishop, Newberg Police Department stating his support of an ordinance regulating adult businesses.
2. An article entitled "Pornography Invades the Suburbs," from the issue of Family Circle magazine dated 6-19-84 was read into the record. Contents of the article covered the effects of an adult bookstore on a residential neighborhood.

Mr. Moorhead briefly reviewed the proposed ordinance requirements. With the use of several maps, he pointed out the areas identified by a 1000 foot limitation, a 700 foot limitation and a 650 foot limitation from certain types of uses. He indicated that the area contained by the 650

foot limitation allowed for approximately 11 sites that could be potential locations of adult entertainment type businesses. He further pointed out that the area under discussion contained no highway frontage and also eliminated locations which were either uptown or in the commercial strip area along Highway 99W. He indicated that the ordinance would effectively control the blighting influences which are caused by the clustering of adult businesses in our community and still uphold the State and federal constitutional requirements regarding freedom of speech.

Mr. Moorhead reviewed the six findings listed in the ordinance under Section 1 - 754 Intent, Purpose and Findings. He indicated Finding 4 should read "...within the Newberg Comprehensive Plan policies" not "framework."

No proponents or opponents wished to speak. A communication from Chehalem Park and Recreation District requested that "Community Centers" be included as a land uses under item 758 - Requirements. No communications or letters have been received other than those already entered into the record.

City Attorney Faus stated that if an ordinance were passed based on land use and it were so restrictive as to not allow establishment of any adult business, that ordinance would probably not be upheld in court. He commented that a 1000 foot restriction could possibly be considered too restrictive but that a 650 foot restriction would allow at least 11 potential sites for such a business.

Mr. Faus indicated that the figures of 1000 ft. and 650 ft. came from the Multnomah County ordinance currently under review.

Further discussion regarding school bus stops and the yearly revision of their locations followed. It was the consensus of the Commissioners that school bus stops should be eliminated as a location listed under 758 Requirements.

Mr. Faus indicated that this ordinance deals with land use restrictions, not with the censorship of the type of material sold or displayed. He further indicated that the 650 ft. restriction would still provide a "choice in the market place" for adult businesses.

Hearing Closed.

The Commission deliberated on the issues in the ordinance. A discussion of the terms "substantial or significant portion of the establishment's activities or merchandise" followed with City Attorney Faus commenting that "substantial" usually indicated more than 50% and that similar language has been upheld in court. Impacts of parking for these facilities was also discussed. It was the consensus of the Commission to include under section 758 - Requirements, item (b.) boundary of a residential zone and areas designated on the Newberg Comprehensive Plan for residential uses, item (f.) kindergartens, colleges or universities, to add (q.) community centers and to delete (o.) school bus stops. In addition, a distance of 650 ft. was recommended for the ordinance instead of the 1000 ft. requirement in order to help insure the ordinance could be upheld if challenged.

Staff Recommendation: Planning Director Moorhead stated that the staff recommends the adoption of the ordinance as revised.

Motion: Young-Englebrecht to recommend to City Council that they adopt the proposed ordinance as revised based on Findings 1-6 under Section 754 of the ordinance. Vote on Motion: Aye: Englebrecht, Erickson, Harris, Kriz, Lyda, Young. Nay: None. Motion carried unanimously by those present.

Motion: Lyda-Englebrecht to recommend to the Yamhill County Commissioners that they enact a similar ordinance for the County. Motion carried unanimously.

Commissioner Englebrecht asked that a copy of the revised ordinance be sent to the City of Dundee Planning Commission at their request.

Mr. Moorhead indicated that the City Council would have a public hearing on the matter at a later date.

Agenda Item 5 - Staff informed the Commission that the 45 day notice period required for a public hearing on mobile street vendors would be enacted. He asked for some direction from the Planning Commission as to what kind of ordinance they would prefer to review. Briefly discussed were current ordinances regarding peddling, vending, etc. Staff was asked to develop several options for presentation to the Planning Commission at their next regular meeting.

Old Business. None

New Business. Staff informed the Commission of new developments in commercial construction and also provided information on current grant applications awarded the City.

He presented the resignation of David Richards from the Planning Commission effective immediately.

Staff was asked about what kind of sign controls Newberg currently had. Mr. Moorhead commented on the past policies of the City regarding sign control. Further discussions regarding sign controls will be considered at a future Planning Commission meeting.

Motion: Kriz-Englebrecht to adjourn. Motion carried unanimously.