

SHERWOOD PLANNING
COMMISSION

Thursday, June 16, 1983

AGENDA

- I. Reading/Approval of Minutes.
- II. Announcements and Correspondence.
- III. Directors Report.
- IV. New Business
 - A. Special Industrial District Standards
 - B. Adult Business Regulations
 - Review of Milwaukie Ordinance
 - Initiation of Plan Amendment
- V. Next Meeting Agenda.

Industrial Districts Continued

320-2 Development Review and Procedure Types

All uses permitted in the industrial district are subject to the Development Review process through the procedure type indicated and subject to the applicable development standards of Article IV.

320-3 Definition:

Industrial Park - Any planned industrial development designed as a coordinated environment for a variety of industrial and industrially related activities, having a comprehensive development plan, approved through a planned development procedure, that ensures compatibility among uses as well as compatibility of those uses with adjacent properties, which occurs on a parcel or contiguous parcels under single ownership or development control.

→ 320-4 Special Industrial District - Overlay

320-4.1 Intent and Purpose

1. The purpose of the Special Industrial District is to protect and enhance the sites identified in the community plans in order to efficiently accommodate large concentrations of specialized light industrial and related uses.

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These uses:

- a) Have relatively large numbers of employees per acre.
- b) Do not generate offensive external impacts or tolerate noise, pollution, or substantial emissions; and
- c) Require locations near major thoroughfares and non-manufacturing areas.

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Industrial Districts Continued

2. For the above reasons, development is limited to the following three categories of mutually compatible uses requiring park-like settings.
 - a) High-technology manufacturing;
 - b) Freestanding offices; and
 - c) Planned industrial parks containing light manufacturing uses and related service and trade activities.

320-5 Performance Standards320-5.1 Description and Purpose.

The provisions of this section 320-5.1 through 320-5.13, are known as performance standards. All uses and activities of this district shall observe these standards in order to achieve the purpose and objectives of this development code.

320-5.2 Existing Uses.

Activities, uses, equipment and processes existing as of July 1, 1983 that do not meet the standards set forth in this section are subject to the following requirements:

1. No use shall be changed in a manner that would cause a greater degree of nonconformity.
2. Expansions and installations of new equipment or processes shall conform to the applicable standards of this section.
3. All uses not otherwise prescribed by this section shall conform to applicable federal, state, and local laws and regulations.

320-5.3 New Uses.

Activities, uses, equipment and processes established after July 1, 1983 shall observe the following requirements:

1. Applicable standards of this section. When federal or state standards are more strict, they shall apply.
2. Prior to issuance of a building permit or certificate of occupancy, the building official may require:
 - a) Evidence that mandatory federal, state and local permits have been obtained.
 - b) Information demonstrating that the proposed use, activity, process or equipment will comply with applicable standards set forth in this section. This information may be required as a report or findings prepared by qualified engineers or other technical consultants.

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320-5.4 Measurements.

Accurate and representative measurements, as necessary, shall be made according to accepted engineering practice, measurements shall be made at or anywhere beyond the property lines of the property from which the emission is generated.

320-5.5 Air Quality.

All uses in this district shall comply with applicable local, state, and federal laws and regulations regarding contaminants and pollutants. This requirement includes, but is not limited to, emission of suspended particulates, carbon monoxide, and hydrocarbons.

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Emission of odorous gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors, is prohibited.

320-5.6 Noise.

All noise shall be muffled so as not to be objectionable due to intermittance, beat frequency, or shrillness and as measured at any property line shall not exceed the following intensity in relation to sound frequency:

OCTAVE BAND (Frequency In Cycles per Second	MAXIMUM PERMITTED SOUND LEVEL DECIBELS	
0- 75	69	
75- 150	54	
150- 300	47	
300- 600	41	
600- 1,200	37	
1,200- 2,400	34	
2,400- 4,800	31	
4,800- 10,000	28	
10,000- 20,000	26	To avoid Interfer- ence with animal experiments
20,000- 30,000	25	
30,000- 40,000	24	
40,000 and above	23	

Such sound levels shall be measured with a sound level meter and an octave band analyzer approved by the County.

Noise making devices which are maintained and utilized solely to serve as warning devices are excluded from these regulations.

320-5.7 Vibration.

No use in this district shall generate ground vibration which is perceptible without instruments by the building official beyond the property line of origin. Ground vibrations caused by motor vehicles, trains, aircraft, or temporary construction

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work are exempt from these standards. In addition, ground vibrations transmitted between two or more properties owned or controlled by one person are exempt from these standards.

320-5.8 Heat and Glare.

Shall be limited as follows:

1. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.
2. Exterior lighting shall be conducted entirely away from adjacent properties.

320-5.9 Storage.

All materials including wastes shall be stored and all grounds maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

1. No open storage of materials and equipment shall be permitted.
2. Boundary fence. Fencing will be allowed inside of boundary planting screen and where it is necessary to protect property of the use concerned or to protect the public from a dangerous condition with the following provisions:
 - a) No fence shall be constructed in the required setback from the public road right-of-way.
 - b) Fences shall be of open wide mesh or similar open construction.

320-5.10 Drainage.

All drainage permitted to discharge into a street, gutter or caused to enter, allowed to flow into any ^{water} course shall be limited to surface waters or waters having similar characteristics. Amount?

320-5.11 Waste Discharge.

All uses are prohibited from discharging liquid or solid wastes into any public or private sewage disposal system as well as on or into the ground, streams or rivers except when in compliance with applicable local, state, and federal laws and regulations.

320-5.12 Electromagnetic Interference.

No use in any zoning district shall produce electromagnetic interference with properly designed and functioning electromagnetic equipment, radios, or televisions on other properties.

320-5.13 Radioactive Materials.

The handling of radioactive materials, the discharge of radioactive materials into air or water, and the disposal of radioactive waste in connection with all uses shall be in conformance with all applicable local, state, and federal regulations.

320-5.14 Toxic or Noxious Matter.

All uses shall be prohibited from emitting toxic or noxious matter of any type beyond property lines of the property of origin if:

1. The emission exceeds 10% of the concentration considered as the threshold limit for an industrial worker as set forth by the Oregon Workers' Compensation Department, ar.

2. The quantity of emission is not otherwise subject to local, state, or federal laws or regulations.

320-5.15 Determination of Violation.

Alleged violations of the performance standards set forth in this section shall be determined and enforced as provided in this section.

1. County determination. Where a violation can be determined by the building official or other duly authorized county employee using equipment and personnel available to the county, the determination shall be so made and an order of compliance requiring correction of the violation within a reasonable time period shall be issued. If necessary to eliminate a violation found to exist, the building official shall take or cause to be taken, lawful action as provided for in the Washington County Code.
2. Third party determination. Where determination of a violation entails the use of highly skilled personnel or expensive instruments not ordinarily available to the county and when, in the judgment of the building official a violation may exist, the building official shall so notify the person who owns or controls the use in question. The notice shall describe the particulars of the alleged violation and state the reasons why the building official believes the violation exists. The notice shall also require an answer or correction of the alleged violation within a reasonable time limit to be set by the building official.

320-5.16 Conflicting Provisions.

Where standards set forth in this section conflict with provisions elsewhere in the county code, those requiring the higher standards shall govern.

Industrial Districts Continued

320-6 District Standards320-6.1 Special Industrial District

- A. In the Industrial District, a contiguous area of undeveloped land of 30 or more acres may be designated "Special Industrial District" (SID) on the community plan map. Areas are considered contiguous even if separated by streets, roads, easements and natural features. Areas designated SID should also have convenient access to a major traffic way and/or railroad and should have relatively few separate ownerships to facilitate consolidation.
- B. Such areas (SID's) shall conform to the following development requirements, regardless of ownership. Subsequent to the issuance of building permits and initiation of construction of one or two major uses listed in Section (320-7), when those uses require or will ultimately require for their operation, a total of at least 30 contiguous acres, building permits may be issued for the following additional uses:
1. Office building and complexes for uses listed in Section (320-8).
 - Minimum: two acres,
 - Maximum: ten percent of the Special Industrial District.

2. Industrial parks:

Minimum: Ten acres

Maximum: None

3. Other uses listed in Section (320-7):

Minimum: Ten acres

Maximum: None

320-6.2 Lot Requirements for Uses permitted in sections 320-7, 320-8 and 320-9.

A. The minimum lot area shall be 2 acres.

B. The minimum average lot depth shall be 150 feet.

C. The minimum average lot width shall be 100 feet.

1. At the street the street frontage the minimum average lot width shall be 100 feet.

2. Fronting on a cul-de-sac the minimum average lot width shall be 45 feet.

D. The minimum front yard requirement shall be 40 feet.

E. No minimum side or rear yard is required except when abutting a commercial or residential district, then the side or rear yard requirement shall not be less than that required by the abutting district or 20 feet, whichever is more.

1. For corner lots, the yard(s) abutting the street are required to maintain the front yard requirement.

2. The side or rear yard requirement may be eliminated where there is a railroad service to the site on that side of the lot.

- F. The maximum permitted building height shall be 65 feet except when within 100 feet of a more restrictive district, measured in a straight line from the closest point of the structure to the closest portion of the residential district property line, in which case the maximum building height shall be the same as permitted for the abutting district, or 35 feet, whichever is more.
- G. The maximum building coverage shall be limited to 60% of the total lot.

320-6.3 Lot requirements for uses permitted in Section 320-11

- A. Minimum lot area shall be 2 acres.
- B. Minimum average lot depth shall be 200 feet.
- C. Minimum average lot width shall be 200 feet.
1. At the street - 150 feet.
 2. On a cul-de-sac - 75 feet.
- D. Minimum front yard shall be 40 feet from front property line.
- E. Side and rear yards shall not be required except on a side yard abutting a Residential, Commercial, or special Industrial District, in which case there shall be a yard requirement not less than that required by the abutting district or 20 feet, whichever is more.
1. On corner lots street fronting yards shall be required to maintain the front yard requirement.
 2. The side or rear yard may be eliminated where there is a railroad service to the site on that side of the lot.

- F. The maximum permitted building height shall be 65 feet except when within one hundred feet of a more restrictive district, measured in a straight line from the closest point of the structure to the closest portion of the residential district property line, in which case the maximum building height shall be the same as permitted for the abutting district, or 35 feet, whichever is more.
- G. The maximum building coverage shall be limited to 60% of the total lot.

320-7 Uses Permitted Through a Type I Administrative Procedure:

320-7.1 Manufacture (of) assembly of:

- A. Communication equipment, electronic equipment and supplies.
- B. Optical goods, scientific and precision instruments and equipment.
- C. Engineering laboratory, scientific and research instruments.
- D. Electro-medical apparatus, surgical and medical instruments, artificial limbs, hearing aids, dentures, ophthalmic goods, and other medical/dental devices.
- E. Musical instruments, toys, novelties, and metal or rubber stamps.
- F. Pottery and figurines, ceramic products using previously pulverized clay.
- G. Manufacture and maintenance of electric signs, billboards and commercial advertising structures.
- H. Assembly and fabrication of sheet metal products.
- I. Manufacture, compounding, processing, packaging or the treatment of such products as bakery goods, candy, cosmetics,

dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soaps, toiletries, food, and beverage products.

- J. Assembly, manufacture, compounding, or treatment of articles or merchandise from the following previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, lacquer, leather, paper, plastics, precious or semi-precious metals or stones, shall, textiles, tobacco, wood (excluding sawmills, lumber mills, and planing mills), yarns, and paint.

320-7.2 Processing and Storage of:

- A. Spinning or knitting of cotton, wool, flax, or other fibrous materials.
- B. Wholesale business, storage buildings, and warehouses.
- C. Cold storage plants, including storage and office.
- D. Processing uses such as bottling plants, creameries, laboratories, blue printing and photocopying, tire retreading, recapping, and rebuilding.
- E. Storage or sale yard for building materials, contractors equipment, house mover, delivery vehicles, transit storage, trucking terminal, and used equipment in operable condition.
- F. Moving and storage.
- G. Mini-warehouses.
- H. Storage and distribution.
- I. Cafeteria for employees, owned by and contained within same business premise.

320-7.3 Services, retail, amusements, accessory commercial and interim uses.

- A. Cabinet, electrical, plumbing, sheet metal welding, electroplating and similar fabrication shops.
- B. Laundry and rug, drycleaning and dyeing plants.
- C. Parcel delivery service.
- D. Veterinary or dog and/or cat hospital, kennels or boarding places.
- E. Ambulance service.
- F. Office and administrative uses accessory and subordinate to permitted industrial uses on site.
- G. All types of automobile, motorcycle, truck and equipment sales, service repair, and rental.
- H. Boat building, sales and repair.
- I. Fuel oil distributors.
- J. Retail or combination retail/wholesale lumber and building materials yard.

Industrial Districts Continued

- K. Mobile home and trailer manufacture, distribution and sales.
- L. Blacksmith shop.
- M. Existing residential uses as interim uses.
- N. Administrative, educational, or other related activities in conjunction with a permitted use.
- O. Agriculture and silvaculture as an interim use.
- P. Research and development lab.
- Q. Radio and television transmission stations.
- R. Farm equipment and implement dealer.
- S. Uses similar in size, bulk, operating characteristics, locational needs, external impacts and employee patterns to those listed in this section.

320-8 Uses Permitted Through a Type II Administrative Procedure With Notice

- 320-8.1 Limited retail outlets for warehousing or manufacturing plant (industrial activity primary use).
- 320-8.2 Drive-in theaters - as interim uses.
- 320-8.3 Circus, carnival, or other type of temporary outdoor amusement enterprises.
- 320-8.4 Trade, skill or industrial schools.
- 320-8.5 Government and special district facilities.
- 320-8.6 Caretaker residence, including mobile home, in conjunction with allowed use.
- 320-8.7 Bus shelters, transit stations or park and ride lots.
- 320-8.8 Public utility installations.
- 320-8.9 Heliport and airport landing areas.
- 320-8.10 Solid waste transfer station.

Industrial Districts Continued

320-9 Uses Which May be Permitted Through a Planned Development Process
and Type III Procedure Within Industrial Parks

320-9.1 Offices, provided that at least 50 percent of the gross floor area of any such building is occupied by a single tenant.

320-9.2 Restaurant, delicatessen or cafeteria primarily for employees.

320-9.3 Recreation facilities primarily for employees,

320-9.4 Other office and commercial uses related, accessory or serving the industrial uses, when approved as part of an industrial park.

320-10 Uses Permitted Through a Type III Procedure Under Special Standards Outside Industrial Parks

320-10.1 Stadiums, arenas and exhibition halls.

320-10.2 Amusement park.

320-10.3 Race Track, auto or motorcycle, horse or dog.

320-11 Uses Permitted Through a Type III Procedure, Under the Performance Standards and Other Requirements to Insure Reasonable Limitations on Impacts

320-11.1 Manufacture of: Asbestos products, cable and transmission, cans, candles, guns, ammonia, anti-knock compounds for gasoline, carborundum, cellulose and cellulose products, insecticide and fungicide, paper and paper by-products, paint, shallac, linseed oil, turpentine, lacquer or varnish, phenol or phenol products, roofing paper, shingles, asphalt, acid, manufacture and storage of explosives.

Industrial Districts Continued

320-11.2 Processing and storage; brewery, distillery, or winery; junk yards or wrecking yards; grain elevator and flour milling; sawmills, lumber mills, planing mills, and molding plants; animal or boneblack processing; junk, rags, paper, or metal salvage, storage or processing; rolling, drawing, or alloying ferrous and nonferrous metals; rubber, treatment or reclaiming plant; slaughter house; distillation of bones; major petroleum storage and/or refining; fat rendering; incinerator or reduction of garbage offal, dead animals or refuse.

320-11.3 Aggregate products:

Stone, marble, and granite monument works; manufacture of brick, tile, or terra cotta; manufacture of clay products; concrete mixing plant; manufacture of concrete products; crusher, stone, or rock; manufacture of cement, lime, gypsum, or plaster of paris; manufacture of concrete products entirely within an enclosed building; surface mining and quarries.

320-12 Prohibited Uses

320-12-1 Structures or uses of land not specifically mentioned in this Chapter and not having substantially similar use and impact characteristics to those uses mentioned.

320-12.2 The use of a mobile home except as provided by Article IV for temporary construction site use or for use of a caretaker.

320-12.3 New dwellings.

320-12.3 Commercial or retail uses except as provided in Section 320-7.3, 320-8, 320-9 or 320-10.

320-12.5 Structures, or uses of land not specifically mentioned in this chapter and not having substantially similar use and impact characteristics to those uses mentioned.

Milwaukee ORDINANCE

Rec'd 4/26/83
DAD

MEMORANDUM

APR 29 1983

TO: MAYOR AND CITY COUNCIL

FROM: GREG EADES, CITY ATTORNEY *GE*

DATE: MARCH 29, 1983

SUBJECT: ADULT ENTERTAINMENT ORDINANCE

Attached are selected items from the Planning Commission record on this issue for your review prior to the hearing on April 5. I've included only those documents I thought would be the most help. I didn't include other sample ordinances, OLCC rules, state statutes, legal case summaries, and memos addressed to the Council prior to November 16, (except one, requested by the Mayor) when you referred this to the Planning Commission. If you want any of this additional information, please let me know.

As you may know, the Planning Commission discussed adult business regulation at six meetings, from November 23, 1982 to March 8, 1983. Two of the meetings were well attended, and 50-100 people were in the audience for the January 11 meeting.

The Commission started with two assumptions: 1) Adult entertainment uses can't be prohibited or unreasonably restricted, and 2) Any regulations must be related to the protection of surrounding uses and based on demonstrable, factual evidence. The Commission did not initially offer a draft ordinance for public comment. Instead, they requested testimony on whether adult businesses should be regulated by the zoning ordinance and what sort of regulations were necessary. A draft ordinance was prepared after the February 8 meeting and then revised for the meeting on March 8, when it was approved by a 5-2 vote. The Commission should be congratulated for the many hours of thought, hard work and patience on behalf of this issue.

The recommended ordinance is based on the draft reviewed by the Council last fall. The original draft has been changed to include an extensive list of findings, revised definitions, new locational standards, a prohibition of adult uses in the Central Commercial zone and elimination of the requirement for conditional use approval. In addition to the amendments included in this ordinance, the Commission will also propose additional zoning ordinance amendments which will further restrict adult entertainment businesses as well as other commercial uses. These are described in my memo to the Commission dated March 4.

The recommendation of the Planning Commission goes well beyond what I consider to be reasonable regulation of adult uses under

MEMORANDUM

MARCH 29, 1983

ADULT ENTERTAINMENT ORDINANCE

Page 2

the law established by the United States Supreme Court and other federal court cases. We have deviated from the "accepted" practice in several areas:

1. Protected uses normally include only schools and residential property. The draft ordinance also lists churches and parks.
2. Adult businesses are prohibited in the Central Commercial zone, which totally eliminates the obvious location for any type of new business.
3. Most ordinances define adult uses very restrictively. Our definition is very broad and, as yet, untested.
4. Although the ordinance would allow adult uses in three small areas in the city, the conditional use and other regulations proposed by the Commission may severely restrict the location of such business even in these areas.

These factors may make the ordinance unenforceable if it is challenged. Certainly any additional restrictive provisions should be discouraged.

The maps done for the Planning Commission will be available at the meeting, and Commission members will be in attendance to answer your questions. Please let me know if you need any further information.

GE/vk

Recommended by the Planning Commission March 8, 1983

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NO. 1438 BY ADDING ADULT ENTERTAINMENT BUSINESSES PROVISIONS.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings.

A. Currently, Ordinance No. 1438 does not distinguish between adult entertainment businesses and other commercial uses. Adult entertainment businesses are permitted outright in commercial zones and as conditional uses in certain industrial zones.

B. The city has received testimony from city residents that adult entertainment businesses are not compatible with residential, church, public park and school uses.

C. Experience in other communities has shown that the concentration of adult businesses contributes to blight and deterioration in commercial and residential areas.

D. The City of Portland has documented complaints concerning existing adult entertainment businesses showing that these uses adversely affect the quality and stability of nearby residential and commercial areas and it is likely that the same effects would be experienced in Milwaukie if such businesses located here.

E. It is in the best interest of the city to mitigate the adverse impacts of adult entertainment businesses by separating them from each other and from surrounding residential, church, public park and school uses.

F. These uses can be adequately separated by prohibiting adult entertainment businesses within 250 feet of a residential zone, church, public park or school and within 500 feet of another adult entertainment business and by prohibiting them in the downtown commercial area.

G. The proposed regulation supports the following elements of the city's Comprehensive Plan, Ordinance No. 1437:

1. Community Conservation and Development Division, Objective #4, Neighborhood Conservation, page 30. To maximize the opportunities to preserve, enhance and reinforce the identity, pride of existing well defined neighborhoods in order to encourage the long-term maintenance of the city's housing stock.

2. Economic Base and Industrial/Commercial Land Use Element, Objective #1, Economic Development, page 35.
The city will encourage an increase in the overall economic development activity within the city.
3. Economic Base and Industrial/Commercial Land Use Element, Objective #8, Commercial Land Use: Convenience Centers, page 38(a).
To limit intrusion of commercial uses into neighborhood areas, while providing easy accessibility for residents.
4. Recreational Needs Element, Objective #4. Neighborhood and District Parks, page 45.
To develop a city-wide park and recreation system which meets the needs of neighborhoods and the city as a whole.
5. Neighborhood Area 1, Objective #1 - Single Family Character, page 54.
To maintain the single family character of designated single family areas by encouraging maintenance and rehabilitation of older structures, and by improving the quality of new residential development.
6. Transportation Element, Objective #8 - Pedestrian/Bikeway, page 72.
To develop a pedestrian/bikeway system which connects local activity centers such as parks, schools and activity centers.
7. Economic Base and Industrial/Commercial Land Use Element: Goal, page 34.
To continue support and encourage the development of a broad industrial base in the city, and to encourage the expansion of service facilities in the community.
8. Objective #4 - Industrial Land Use, Policy 1, page 36.
New industrial uses will be confined to the three major industrial areas in the city: Milwaukie Industrial Park, Omark Industrial area, and the Johnson Creek Industrial area, as shown on Figure 6.
9. Objective #9 - Downtown Office Center, Policy 1, page 39.
Downtown Milwaukie will be considered a district commercial center, serving primarily the needs of nearby neighborhood residents.

H. The Planning Commission considered these proposed regulations at a public hearing on March 8, 1983 and recommended that the Council adopt them.

Section 2. Definitions. Section 1.03 of Ordinance No. 1438 is amended by adding the following definitions in appropriate alphabetical order:

"Adult entertainment business" means an establishment which, for any form of consideration, provides or exhibits primarily products or performances characterized by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities. "Adult entertainment business" includes, but is not limited to, adult arcades, adult bookstores, adult clubs, adult bars, adult motels or hotels and adult theaters.

"Church" means a structure used by a religious organization having a tax-exempt status.

"Public park" means a park, playground, swimming pool, reservoir, or athletic field within the city which is under the control, operation or management of the Milwaukie Community Services Department.

"Specified anatomical areas" means and includes any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus or female breast below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified sexual activities" means and includes any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) of this definition.

Section 3. Standards. Sections 3.10.3 and 3.12.3 of Ordinance No. 1438 are amended by adding the following at the end, together with the appropriate numbering:

Adult Entertainment Business: The proposed location of an adult entertainment business shall not be within 500 feet of an existing or previously approved adult entertainment business or within 250 feet of either a public park, a church, a day care center, a primary, elementary, junior high or high school or any residentially zoned property, both of which distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the impacted property or the closest structural wall of any pre-existing or previously approved adult entertainment business.

Section 4. Prohibited Uses. Section 3.11 of Ordinance No. 1438 is amended by adding at the end:

4. Prohibited Uses. In a C-C Zone, the following uses and their accessory uses are prohibited:

a. Adult entertainment business.

Read the first time on _____, 198____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____, 198____.

Signed by the Mayor on _____, 198____.

Joy Burgess, Mayor

ATTEST:

Laurie Perkin, Recorder

Approved as to form:

Greg Eades, City Attorney

The development approach planned for the Sherwood Community Planning Area is related directly to its scattered location around the boundary of the City of Sherwood. Development planned for this Planning Area is intended to be a supportive extension of existing and previously planned development within Sherwood. This approach operates to complete the definition of Sherwood as a distinct, increasingly self-sufficient city with a balance of land uses.

The development pattern for the Planning Area consists generally of 1) a filling out of neighborhood units and commercial and industrial areas currently developing in the City of Sherwood, 2) medium density housing at major access points to and along busy trafficways, and 3) an attractive special industrial district planned southwest of the City of Sherwood to fulfill the City's development goals. Road improvements are intended to 1) protect the integrity of the basic development concept of the City of Sherwood, including central business district enhancement and neighborhood protection, and 2) provide for safe access to employment and services, and 3) channel through traffic through the Sherwood area with minimum congestion.

Implicit throughout the Sherwood Community Plan is the assumption that policies in the Comprehensive Framework Plan will be implemented through the Community Development Code, the Unified Capital Improvements Plan, and the Transportation and other functional plans. This is particularly important with regard to the county policies on public facilities, which mandate the provision of adequate services before development is permitted. Adherence to these policies is critical to preserving the livability of the Planning Area over time.

Major development concerns, community design considerations and the land use prescriptions created to address them are enumerated as Community Design Elements in this section of the Plan. The Community Design Elements are central to the Community Plan. They protect what is unique about the Sherwood Community Planning Area and at the same time connect its land uses with the rest of the region.

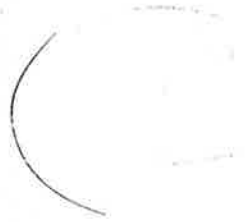
Community Design Elements are first listed which apply to the whole Planning Area. Then, the land use plan for the Sherwood Community is characterized by subarea and design elements specific to each subarea are presented. Sherwood Community subareas include Northeast of Sherwood, North of Sherwood, Southwest of Sherwood and Southeast of Sherwood. All of the design elements in this Plan, both general to the Planning Area and site specific shall guide land use in the Sherwood Community Planning Area.

A Special Industrial District is also defined in this Community Plan. A small area within the Southwest of Sherwood planning subarea presents special opportunities and problems to the Sherwood community. The Plan calls for a creative site design approach to resolve possible land use conflicts and encourage some important amenities in this area.

Special prescriptions for analysis and design and directions for the public review of development proposals are given where this special district is noted. The Special Industrial District is mapped on the Community Plan Map.

General Design Elements

- 1 Existing natural features (100 year flood plains, drainage hazard areas, steep slopes and forested sites) shall be incorporated into site development plans preserved and protected as set forth in the Community Development Code.



- 2 In all proposed developments, removal of trees shall be subject to provisions in the Community Development Code.
- 3 In the design of new development, streams, ravines, crests of hills, existing stands of trees, flood plains, drainage hazard areas, and other natural features shall be used to accent, define and separate areas of differing residential densities and differing planned land uses.
- 4 All new subdivisions, attached unit residential development, and commercial development shall provide for pedestrian pathways which allow public access through, or along, the development and connect with adjacent developments and/or shopping areas, schools, public transit parks and recreation sites.
- 5 Noise reduction measures shall be incorporated into all new residential developments located adjacent to Arterials and Major Collectors. Noise reduction alternatives include vegetative buffers, berms, walls, set backs and structured design techniques, such as the orientation of windows away from the road and insulation.
- 6 Where the impact of noise and lighting associated with commercial development on adjacent residential areas does not meet the standards in the Community Development Code, the commercial development shall be subject to limited hours of operation.

- 7 Consistent with the county growth management policies, new development within the Planning Area, with the exception of construction of detached residences on a lot of record, shall be connected to public water and sewer service.
- 8 New development shall dedicate right-of-way for road extensions and alignments indicated on Washington County's Transportation Plan and the Sherwood Community Plan. New development shall also be subject to conditions set forth in the County's growth management policies during the development review process.
- 9 In the design of road improvements that are required of new developments to meet the County's growth management policies, pedestrian/bicycle pathways identified in the County's Transportation Plan shall be included.
- 10 New access onto Arterials and Major Collectors shall be limited. Shared or consolidated access shall be required when new development or redevelopment is proposed along Arterials and Major Collectors.
- 11 Appropriate flood plains, drainage Hazard areas, areas of steep slope, and power line easements/rights-of-way shall be established and interconnected as part of a park/open space system. Open space shall be used for a variety of recreational activities, the protection of wildlife habitats, scientific research, or aesthetic purposes, such as scenic views.

Subareas

Northeast of Sherwood

This subarea encompasses part of the future Community Business District (CBD) planned by the City of Sherwood. A major objective of the City of Sherwood Comprehensive Plan is to move its central business district to the Pacific Highway location principally because the historic town center is too small and developed to accommodate expected growth. Commercial designations in this subarea are similar to those recommended in the City of Sherwood Plan.

In the eastern portion of this subarea, industrial uses are proposed for several groups of parcels between the Southern Pacific Railroad and Urban Growth Boundary. Similar uses are designated for adjacent land within the city limits of Sherwood.

High medium and medium residential densities of 16-24 and 10-15 units per acre respectively are designated south of Edy Road adjacent to the concentration of shopping and employment at Six Corners and the industrial area immediately to the east of employment and shopping. Low medium residential uses at 6-9 units per acre form a transition to the south, adjacent to existing lower density uses further out from the CBD. Medium density residential uses along Pacific Highway and adjacent to the CBD will take advantage of good access to employment, shopping and the regional transportation system. Moreover, these densities will help encourage public transit in this subarea.

Design Elements:

- 1 Multi-family housing and commercial developments shall include provision for pedestrian access to transit service on North Sherwood Street and Pacific Highway.
- 2 Industrial development shall be designed to include landscaped buffers adjacent to residential areas.
- 3 Traffic circulation associated with industrial development shall be designed to that the impacts of truck traffic on nearby residential and commercial uses are minimal.

North of Sherwood

All of this subarea is designated for residential use supportive of the neighborhood unit envisioned by the City of Sherwood north of Pacific Highway. Designated densities generally diminish with distance from Pacific Highway and the Community Business District. Areas most apt to be served directly by transit service on Pacific Highway and closest to the business district at Six Corners are designated for residential uses at 10-15 units per acre and 6-9 units per acre. The areas to the north and more remote from the activity at Six Corners are designated for low density residential use at 2-6 units per acre.

Design Elements

- 1 Housing development at 10-15 units per acre shall include provision for pedestrian access to transit service on Pacific Highway.
- 2 Cedar Creek, its tributaries and their immediately adjacent riparian uplands shall be retained in their natural condition, including topography and vegetation, for a minimum distance of 10 feet from the channel bottom centerline. This land shall be dedicated as public open space for pedestrian access and recreational purposes whenever possible.

Southwest of Sherwood

This subarea contains the most significant change of designation over that recommended by the City of Sherwood when it adopted its Comprehensive Plan. The parcels west of the Cedar Creek flood plain and south of Wilsonville Road are designated for industrial use primarily because of City of Sherwood goals for industrial development, general suitability of the land, a regional deficiency of large industrial sites, proximity to the Southern Pacific Railroad and Pacific Highway, and the lack of an employment center on the west side of town.

Areas to the north and east of the industrial area are planned for low medium density housing at 6-9 units per acre. Low density housing at 2-6 units per acre is designated for the extreme southwest corner of the subarea and north of the major east-west Cedar Creek tributary adjacent to existing low density housing within the City of Sherwood. Low medium and medium densities of 6-9 and 10-15 units per acre respectively, are designated in the north next to the highway and closer to the town center at Six Corners.

Design Elements:

- 1 Housing development at 10-15 units per acre shall include provision for pedestrian access to transit service on Pacific Highway.
- 2 Cedar Creek, its tributaries and their immediately adjacent riparian uplands shall be retained in their natural condition, including topography and vegetation, for a minimum distance of 10 feet from the channel bottom centerline. This land shall be dedicated as public open space for pedestrian access and recreational purposes whenever possible.

- 3 The approximately 109 acres of land designated for industry south of Wilsonville Road, east of Old Highway 99, north of the Urban Growth Boundary and west of the Cedar Creek flood plain shall be considered a Special Industrial District. This District is proposed in order to efficiently accommodate large ventures of specialized light industrial and related uses, as allowed in the Community Development Code. Industrial development in this subarea shall be planned and reviewed under the Special Industrial District provisions of the Community Development Code which includes Master Planning-Planned Development requirements.

The development of one or two low impact light manufacturing uses, as described in Section 320-7 of the Community Development Code, totaling at least 30 contiguous acres in size must precede approval of other industrial uses and smaller site development in this District. Subsequent to the initiation of approved construction of this major industrial development, additional development of at minimum two acre sites, may be approved for industrial uses permitted through a Type II procedure for up to ten percent of the Special Industrial District. Also, subsequent to the initial major industrial development, other industrial uses allowed under Type II review procedures and Industrial Parks may be approved on lots of a minimum of ten acres.

The impacts of noise, light, odor and dust from these industrial uses shall be buffered from the adjacent residential uses. All borders of industrial development, which are shared with residential uses, shall be landscaped appropriately to be attractive visually. Industrial sites shall be planned so that heavy vehicle access shall not be allowed onto Middleton Road or south of the Special Industrial District, except by means of the Southern Pacific Railroad.

The rolling uplands southeast of the Sherwood city limits are designated for low density residential uses of 2-6 units per acre, except for a small area designated for low medium uses at 6-9 units per acre adjacent to an existing apartment zone within Sherwood. This subarea is planned as an extension of a developing neighborhood within the City of Sherwood mainly because of its distance from major transportation routes, rugged terrain, and proximity to planned neighborhood park and school facilities within the City of Sherwood.

Design Elements:

- 1 Significant features of the Tonquin Scablands geologic area, Rock Creek and its tributaries shall be retained in their natural condition, including topography and vegetation and shall be dedicated, when feasible, as public open space for uses, such as recreation and scientific research.

Both the county-wide development concept and location criteria for development assumed the transportation system as a primary factor in determining composition, orientation and intensity of specific planned uses. For example, increasing costs of roadway improvements were a factor in the self-sufficient, balanced land-use community development concept adopted by the County. Moreover, commercial and medium to high density residential uses are encouraged to locate adjacent to or close to major collector and arterial roads.

In the Sherwood Community Planning Area, existing and planned transportation routes were an important factor in determining its development concept, internal circulation and land use location. The major traffic routes are established in the Planning Area with the exception of a potential extension of 185th Avenue through the Sherwood Community Planning Area to Interstate 5. This potential roadway is under study. A major rail line bisects the Planning Area and helps define the area as a potential industrial center. Major collector roads serve traffic in and out of the developing business district at Six Corners and between that center of activity and the industrial land to the east and outlying rural resource areas. Pacific Highway connects the Planning Area with Portland and the rest of the urban region.

Road Improvements

Road improvements included in the Sherwood Community Plan are consistent with the pattern of development just described and are intended to guarantee basic safety and improve the access of future residents to shopping, employment and services and provide for uncongested through traffic. Road improvements recommended by this Plan are as follows:

- 1 Connection of Schools-Sherwood Road in North of Sherwood south to Meinecke Road forming a new signaled intersection at Pacific Highway.

2. Connection of S.W. Edy Road in Northeast of Sherwood south to Oregon Street. This traffic route separates and provides access to planned medium density and high medium residential uses in the area.
- 3 Redesign the junction of Wilsonville Road with Murdock Road in Southeast Sherwood to provide a safe and efficient traffic.
- 4 An arterial road connection from Interstate 5, along Tonquin Road, across Pacific Highway east of Six Corners, to Elsner Road and the Schamberg Bridge and north should be studied. This road is a segment of a potential arterial road system connecting 185th Avenue at Sunset Highway to Pacific Highway and Interstate 5 south of Tualatin.

Transit Service

Current bus transit service operates along Pacific Highway to the Six Corners intersection in Sherwood. It is anticipated that the densities planned southwest, north and northeast of Sherwood will justify more frequent regular transit service along Pacific Highway to the Meinecke Road intersection and back. Bus connections between the City of Sherwood and the City of Tualatin along Tualatin-Sherwood Road and Edy Road are also anticipated to serve future residents and employees in the Sherwood Community Planning Area.

Pedestrian/Bicycle Pathways

The pedestrian and bicycle path system in general shall be designed and developed to connect major activity and residential centers within the community and with other communities. The system shall include the use of power line easements, rights-of-ways, streams and drainage areas, improved road shoulders and other linear routes both separate from and along automotive traffic routes. Bikeways proposed by the 1975 Washington County Bicycle-Pedestrian Pathway Plan include Pacific Highway. This major bike route will connect with the City of Sherwood's bike and pedestrian system.

NATURAL FEATURES

Natural features were initially identified in the Resource Document and the Community Plan Background Documents. The Natural Features Map generally shows these areas. Additional analysis and citizen review shall be conducted regarding the relationship of these areas to the plan map designations. This work will include the following: determination of significant natural areas, identification of land uses which conflict with natural features, and an assessment of the resulting consequences. This work will ultimately lead to the refinement of policies, design elements, and strategies relating to natural areas.

APPROVED MINUTES

PLANNING COMMISSION

MINUTES

June 16, 1983

Chairman Ron Tobias was absent. Vice Chairman Eugene Stewart called the meeting to order.

The minutes of April 21 were approved with the correction on page 2, from 20' flood plane to 100 year flood plain.

The minutes of May 19 were approved as presented.

Mr. Dugdale announced a June 18 meeting at the Tualatin City Hall concerning the Norwood interchange. The advantages and disadvantages of the Norwood Rd. vs. Stafford Rd. interchange were discussed. Mr. Dugdale said the Washington County rural plan has not yet been acknowledged. The 20 acre minimum lot size is creating an impass. Several City projects are under construction. The Sunset Blvd. project will be bid in a couple of weeks. Cedar Creek Trunk is about 20% complete. Willamett/Lincoln Storm Sewer is about 60% complete. The Old Town Plan will be presented next Tuesday. The action plan portion of the Old Town Plan was presented to the Commission. Final copies of the complete plan will be available at the Library. The City has applied for an Old Town Beautification project through the State Parks jobs bill. The school board has invited Mayor Roy Rogers of Tualatin and Mr. Dugdale to discuss the possibility of new industrial plant locating in Tualatin within the Sherwood school district.

SPECIAL INDUSTRIAL STANDARDS

The Special Industrial Standards for Washington County were mailed out in the packets. The Council's action in recommending that that area be included as industrial in the County's plan included the condition that that area be developed as a nonresidential planned unit development under our code, and that special attention be given to lot size, screening, etc. If the development required water and sewer, they would need to be annexed.

The purpose of a nonresidential PUD is to achieve compatibility with the surrounding areas. Uses permitted would be any light industrial use. The density shall not exceed 60% of the total portion of the total site. There are no conditional uses allow in a light industrial district. There must be a minimum of 20 acres per PUD unitary plan. The Planned Development itself is more or less a conditional use process. The adoption of the site plan could prohibit certain uses.

Various methods for buffering and site obscuring screening were discussed. Mr. Dugdale referred to the community design section standards. The Commission considered more stringent requirements.

Site standards may be valid in approving the PUD.

Many of the uses allowed in the light industrial area were questioned. B, C, E, F, G, and H of the County ordinance were questioned as allowable uses. The possibility of requiring a certain number of employees per acre was considered. Mr. Dugdale will review the Planning Commission comments and revise the design standards for further Planning Commission review.

ADULT BUSINESSES, SITING AND REGULATING

The planning approach doesn't prohibit the use, and determines where it can be sited. Mr. Dugdale related the approach taken by Portland, Multnomah County, and the City of McMinnville. Mr. Dugdale read from the front page of McMinnville's ordinance which set forth the definitions.

The conditional use approach has generally been struck down by the courts. Currently the QT tavern is a nonconforming use. The business could continue; if the business wanted to expand it would not be permitted.

The only commercial zone currently in the plan where this might be considered would be in our general commercial zone. There is no GI zone currently in the city limits.

The Planning Commission continued their discussion regarding the best way to limit this use. The city's profile as a center for adult entertainment was mentioned. This type of use a percent of G.I. zone was mentioned.

The Commission preferred staff prepare a draft ordinance for further review using the land use approach to control adult businesses.

Mr. Jones, Q.T. owner, felt he would have no objection to this type of planning approach as long as his business could continue.

Mr. Stewart suggested a school system development charge. Mr. Dugdale said it had been tested in California. He did not recall it being tried in Oregon.


Polly Blankenbaker, Recorder