

CITY OF SHERWOOD

ORDINANCE NO. 797

AN ORDINANCE ADOPTING AMENDMENTS TO THE TEXT OF THE SHERWOOD COMMUNITY DEVELOPMENT CODE (PART 3 COMPREHENSIVE PLAN) ENACTED BY ORDINANCE NO. 726, WITH RESPECT TO AND PROVIDING FOR LOCATION OF ADULT ENTERTAINMENT BUSINESSES, AND SETTING AN EFFECTIVE DATE

WHEREAS, the Sherwood Comprehensive Plan was enacted by city ordinance No. 726, August 27, 1980, and certain text amendment proceedings have been initiated as PTA 83-01 as a result of a public hearing before the City Council on February 22, 1983, and action of the Planning Commission at its meeting of July 21, 1983; and

WHEREAS, the Planning Commission heard the matter of proposed amendments at a public hearing on September 15, 1983 after due and legal notice, received the staff report and recommendations dated July 18, 1983, attached hereto as Exhibit B and by this reference incorporated herein, and has made its recommendations on the proposed amendments to the City Council, as set forth in its Notice of Decision dated October 6, 1983, attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS, the City Council, after due and legal notice, held a public hearing on the matter and proposed amendments on October 12, 1983 whereat the Council received additional testimony, Exhibits A and B, and minutes of prior hearings and meetings concerning the proposed amendments and subject thereof; and

WHEREAS, the Council adopts as its findings those findings set out in the Staff Report and the findings of the Planning Commission recommending changes to the amendments proposed in the Staff Report, and has in addition thereto made the following additional findings:

1. Adult entertainment businesses are not compatible with other areas permitted in Community Commercial, Office Commercial, Neighborhood Commercial, and Light Industrial designation areas and should be prohibited in said zones, but with limitations should be permitted uses in General Commercial planning designation areas.

2. The code amendments hereinafter adopted will not affect the existing adult entertainment businesses located within the City of Sherwood, and will not prevent other such businesses from locating in the city in the general Commercial planning designation areas.

3. Under the proposed amendments and regulations hereinafter adopted there are sites available for use by those businesses defined as adult entertainment businesses therein, which provide reasonable access to such types of material and entertainment, and will not stifle demand for such forms of constitutionally protected communication.

4. There are, in addition to the sites which will be available under the code as amended hereby in the City of Sherwood, sites and outlets for such uses in neighboring jurisdictions within the Portland metropolitan area, including unincorporated Washington County and the nearby cities. It is appropriate and necessary, in order to maintain

the balance of compatible uses envisioned in the city's Comprehensive Plan, that reasonable space and distance limitations be placed on the use so as to prevent undue concentration of that use within the city to the exclusion of other uses competing for the available general Commercial planning designation lands within the city. Since these uses are the subject of attempted outright prohibition and intense regulation in other jurisdictions, there is a genuine risk of undue numbers of said businesses being drawn to or forced into the city if some limitations are not adopted within the city's jurisdiction. The city has no obligation to allow its commercial land use objective to be undone, by becoming a center for one type of commercial activity, serving customers from all over the Portland metropolitan region. Sherwood should provide only its fair share of commercial land for this use and no more, if its land use goal of having a broad spectrum of commercial uses is to be realized. It is noted that even with respect to the one presently existing adult business activity within the city at the present time, a very substantial percentage of the patrons are from outside the city and its immediately surrounding vicinity.

5. The use will be permitted within the general commercial planning designation area. The distance and spacing limitation being placed on the use within the general commercial zone constitute standard requirements which may be the subject of variances in the event it can be shown that owing to special and unusual circumstances related to a specific piece of property, strict application of the ordinance would cause an undue or unnecessary hardship.

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 1 Administrative Provisions, Section 1.02 Definitions, of the Sherwood Community Development Code (Part 3 Sherwood Comprehensive Plan) is hereby amended by inserting therein in alphabetical order the following definitions:

"Church" means a structure used by a religious organizing having tax exemp 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 City of Sherwood.

"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.

2. ORDINANCE NO. 797

Section 2. Chapter 2 Planning Designation Area Standards, Section 2.11 (Community Commercial) of the Sherwood Community Development Code (Part 3 Sherwood Comprehensive Plan) is hereby amended by adding thereto the following subsection:

K. Prohibited Uses

The following uses are expressly prohibited:

Adult Entertainment Businesses

Section 3. Chapter 2, Planning Designation Area Standards, Section 2.13 (Office Commercial) of the Sherwood Community Development Code (Part 3 Sherwood Comprehensive Plan) is hereby amended by adding thereto the following subsection.

K. Prohibited uses

The following uses are expressly prohibited:

Adult Entertainment Businesses

Section 4. Chapter 2, Planning Designation Area Standards, Section 2.14 (Neighborhood Commercial) of the Sherwood Community Development Code (Part 3 Sherwood Comprehensive Plan) is hereby amended by adding thereto the following subsection:

K. Prohibited Uses

The following uses are expressly prohibited:

Adult Entertainment Businesses

Section 5. Chapter 2, Planning Designation Area Standards, Section 2.15 (Light Industrial) of the Sherwood Community Development Code (Part 3 Sherwood Comprehensive Plan) is hereby amended by adding thereto the following subsection:

K. Prohibited Uses

The following uses are expressly prohibited:

Adult Entertainment Businesses

Section 6. Chapter 2, Planning Designation Area Standards, Section 2.12 (General Commercial), subsection B Uses permitted by right, of the Sherwood Community Development Cods (Part 3 Sherwood Comprehensive Plan) is hereby amended by adding thereto the following to the list of permitted uses:

41. Adult Entertainment Business: The proposed location of an adult entertainment business shall not be within 1000 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 to either the closest property line of the impacted property or to the closest structural wall of any pre-existing or previously approved adult entertainment business.

Section 7. This ordinance shall be effective on the 30th day after its enactment by the City Council and approval by the Mayor.

ENACTED: By Unanimous vote of the council this 8 day of February, 1984, after being read in caption three times.

Polly Blankenbaker
Polly Blankenbaker, City Recorder

APPROVED: By the Mayor this 9th day of February, 1984.

Mary A. Tobias
Mary Tobias, Mayor
City of Sherwood

STAFF REPORT
July 18, 1983

CASE NO: PTA-83-01

SUBJECT: Planning Commission initiated amendments to the text of the Sherwood Community Development Code pertaining to the Definition and Regulation of the location of adult businesses.

APPLICABLE STANDARDS FOR REVIEW: Chapter 1, Section 3.00 of the CDC: Procedures and Criteria for amending the Comprehensive Plan. (See attached required findings.)

GENERAL FINDINGS

- A. The need to define and regulate the location of Adult Businesses was first brought to the attention of the City Council in the form of several citizen complaints about the Q.T. Tavern located on Highway 99W southwest of Six Corners in Sherwood. Citizens expressed concern about the effect of such uses (in this case nude dancing) on quality of community life and particularly the effect of particular uses on certain sensitive uses including residential areas, churches, and schools. In response to citizen concerns, the City Council held a Special meeting on Tuesday, February 22, 1983 for the purpose of hearing public testimony concerning the regulation of adult businesses. The minutes of this meeting are included as Attachment A. A petition signed by 133 residents of Sherwood and residents of areas bordering Sherwood urging the constitutional restriction of adult businesses was presented to the Council during the meeting (See Attachment B). After a review of the testimony from February 22, the Council acted on February 23, 1983 to direct the City Attorney to draft an ordinance for discussion regulating adult businesses and directed the Staff to prepare draft revisions to the Comprehensive plan regulating the location of adult businesses.
- B. Currently the Community Development Code does not distinguish between adult businesses and other commercial uses. Adult businesses are permitted outright in the CC (Community Commercial), GC (General Commercial), LI (Light Industrial) and GI (General Industrial) designations and as conditional uses in the OC (Office Commercial) designation.
- C. The City of Portland has documented complaints concerning existing adult 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 Sherwood if such businesses were located in close proximity to similarly sensitive uses and areas.

EXHIBIT A

- D. It is in the best interests of the City to mitigate the adverse impacts of adult businesses by separating them from each other and from surrounding residential, church, public park and school uses. In 1976, the US Supreme Court upheld a Detroit Ordinance which controlled the location of adult theaters and a number of cities in Oregon have enacted similar zoning ordinance amendments which create either adult business zones or conditional use standards to be applied to such uses. In that instance, the court approved use of a 1,000 foot anti-clustering provision for adult uses, finding that the regulation was a sincere attempt to preserve the quality of residential areas and related uses and did not substantially constrict public access by adult business owners to their market.
- E. The appropriate separation of adult businesses from sensitive uses and areas including parks, residential areas, and schools are consistent with the following goals and policies of the Sherwood Comprehensive Plan.

RESIDENTIAL LAND USE

Policy 1 - Residential areas will be developed in a manner which will ensure that the integrity of the community is preserved and strengthened.

Pg. IV-15

Strategy:

- All residential development will be located so as to minimize the impact of nonresidential uses and traffic.
- Buffering techniques shall be used to prevent the adverse effects of one use upon another. These techniques may include varying densities and types of residential use, design features and special construction standards.

COMMERCIAL LAND USE

1. To provide for commercial activities which are suitable to regional, community and neighborhood demand.
2. To locate commercial activities with safe and convenient access by consumers.
3. To encourage the location of commercial uses in well-planned commercial centers.

Pg IV-18

Policy 2 Commercial uses will be developed so as to complement rather than detract from adjoining uses.

COMMERCIAL PLANNING DESIGNATIONS

Pg. IV-20

Community Commercial (CC)

This designation is primarily intended to provide areas for retail and service uses which are of a type and size to serve community wide needs consistent with sound site planning.

Where the creation and/or expansion of planned commercial center(s) will not create undue congestion or produce substantial conflicts with the established land use pattern.

Office Commercial (OC)

This designation is primarily intended to provide for general office, office sales and service uses consistent with sound site planning in the following general areas:

- Where related to community shopping facilities.

Neighborhood Commercial (NC)

This designation is intended to provide for neighborhood serving small scale retail and service uses consistent with sound site planning in the following general areas:

- Areas which are within reasonable walking distance from living areas and/or conveniently access by way of collector or arterial streets.
- Areas where retail or service uses can be adequately screened from adjoining living areas so as to enhance rather than detract from the residential character of the neighborhood. Site review standards relating to set backs, landscaping, buffering, signs, access and architectural features shall assure compatibility with surrounding uses.

General Commercial (GC)

This designation is intended to provide for primarily wholesale commercial uses which may not be appropriate in central retail areas or within residential neighborhoods. This designation is applicable in the following general areas:

- Where uses may be separated from primarily retail and personal service land uses.
- Where impacts on residential uses can be minimized.

INDUSTRIAL LAND USE

General Objectives:

Pg IV-21

1. To encourage the development of non-polluting industries in designated well planned industrial areas.
2. To locate industrial development so as to assure its compatibility with the natural environment and adjoining uses.
3. To establish criteria for the location of designated classes of industrial uses.

Policies and Strategies

Policy 1 - Industrial uses will be located in areas where they will be compatible with adjoining uses, and where necessary services and natural amenities are favorable.

Community Design

General Objectives:

Pg. IV-27

- a. To establish community design and aesthetics as a planning consideration in evaluating new development.
- b. To develop and implement policy which will encourage appropriateness and compatibility of new development with the existing natural and man-made environment, existing community activity patterns, and community identity.
- c. To develop and implement policy which will minimize or eliminate adverse visual effects caused or perpetuated by the design and location of new development including but not limited to effects from:
 - 1) The scale, mass, height, area, and architectural design of buildings and structures.
 - 2) Vehicular and pedestrian ways and parking areas.
 - 3) Existing or proposed alteration of natural topographic features, vegetation and waterways.
 - 4) Other developments or structures including, utility lines, storage, or service areas and advertising features which may result in the interference with sun and light exposure, views, vistas, privacy and general aesthetic value of the neighborhood or area.

Policies

g. IV-28

Policy 2 - The formation of identifiable residential neighborhoods will be encouraged.

Policy 5 - Stabilize and improve property values and increase tax revenues by the prevention of blighting influences including those resulting from noise, heat, glare, air, water and land pollution, traffic congestion, improper site and structure maintenance and incompatible land uses.

PLANNING GOALS: Recreational Resources

Pg. V-2

Work with school boards of the area in the selection of new school sites so that adjoining neighborhood parks can be acquired at the same time.

Develop parks and open spaces in Sherwood in accordance with neighborhood planning principles set forth previously and the standards and guidelines contained in Section E.

Recreational Land Use Policies

Pg. V-8 Policy 4 - Where there are conflicting uses proposed for identified open space natural or scenic resources, the City will permit only those uses justified by analysis of economic social, environmental and energy consequences.

STAFF RECOMMENDATIONS

Based on the above findings, the staff recommends the following amendments to the Community Development Code.

CHAPTER 1 ADMINISTRATIVE PROVISIONS

Section 1.02 Definitions - Add in 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 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 City of Sherwood.

"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.

CHAPTER 2 PLANNING DESIGNATION AREA STANDARDS

1. Add the following at the end of Sections 2.11 (Community Commercial); 2.13 (Office Commercial), ~~2.14 (Neighborhood Commercial)~~ and 2.14 (Light Industrial).

Prohibited Uses

The following uses are expressly prohibited.

Adult Businesses

2. Add the following to Section 2.12 (General Commercial) subsection B with 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 to either the closest property line of the impacted property or to the closest structural wall of any pre-existing or previously approved adult entertainment business.

CITY COUNCIL
February 22, 1983

The Special Meeting was held at the Sherwood Senior/Community Center. Mayor Mary Tobias called the meeting to order. Councilmen Marjorie Stewart, Diane Gothie, Paula Fowler, and Norma Oyler were present.

I. PURPOSE OF THE MEETING -

Mayor Tobias explained the purpose of the meeting was to see whether or not the residents of Sherwood want to enact an ordinance regulating adult entertainment.

II. ISSUE SUMMARY

Mr. Dugdale explained the issue of nude dancing was raised initially by calls to the City Hall and contacts to the Police Chief by citizens offended by that activity. This issue was brought to the attention of the City Council when the Q.T. requested approval for the liquor license. He pointed out the questions of the liquor license renewal and adult entertainment were two separate issues. The statutes dealing with adult entertainment usually refer to dancing, films, or theater. Mr. Dugdale referred to the City ordinance which makes reference to indecency. The County regulation refers to intent to arouse or explicit sexual conduct. The State Constitution prohibits sexual conduct in a live public show. Mr. Dugdale said the ACLU is taking the position that nude dancing is a form of expression. Case law seems to support this position. Other local jurisdictions have realized that a clear prohibition is found to be unconstitutional, but some regulations may be imposed. The emphasis of the hearing should not be on prohibition but on regulation.

Chief Laws related a U.S. Supreme Court case allowing regulations in an establishment serving liquor.

III. PUBLIC HEARING ON CITY REGULATION OF ADULT ENTERTAINMENT ESTABLISHMENTS

Mayor Tobias called for testimony in favor of adult entertainment without regulation.

Mr. Ray Bert, owner of the Q.T. pointed out that he was now breaking any laws.

Mayor Tobias called for testimony against adult entertainment without regulation.

Betsy Korb, SW Division St., said she wanted Mr. Bert to know she was not attacking him personally. She said, my concern is that this is a bedroom community, there is no place for this type of adult entertainment in this community. My concern is that we adopt an ordinance protecting the community from the spread of this type of entertainment. We need to regulate it out of the area. Mr. Bert has commented how much money he is making, that will be a green flag to others.

Peter McReynolds, Norton St., said he agreed with Betsy's comments. He said he was not solely concerned with the Q.T.'s activities; he was concerned about the probable spread of similar activities.

Ken Shannon said he lives across the street from the Q.T. . Over the years he's seen the tavern change hands and he's seen alot of violence. He said if it were not for the signs in front advertising nude dancers, you'd never know what was happening. He said he doesn't object to raising his family across the street from this establishment. He felt it was better than the noise and violence there with the rock'n'roll.

Mayor Tobias reiterated the question is should we enact an ordinance that would regulate, not shut Mr. Bert down.

Mayor Tobias was presented with two petitions. One petition from residents bordering Sherwood, the other from Sherwood residents. Each petition contained approximately 50 names.

Dick Bishop, Kruger Rd., said he was concerned about the trend toward more adult entertainment. He favored the City adopting an ordinance regulating adult entertainment.

Barry Kennedy, Gleneagle Dr., asked if anyone knew why there is such a big turn out for this kind of entertainment.

Mrs. Gothie said she and her husband observed the show at the Q.T. She said she was not condoning or condemning what's happening at the Q.T. She said the customers were clean and neat, all I.D.'s were checked, and the patrons were well behaved. She said she has talked to several men who have been up there. She said we need an ordinance to cover the back door. She would like to see a task force developed to help prepare the ordinances.

Barry Kennedy said he was concerned that Sherwood doesn't become a mecca for adult entertainment.

Mr. McReynolds asked for a show of hands of those in favor of regulation ordinances.

No actual count was taken, the majority show of hands favored regulation ordinances being enacted.

Carl Berger, Glenco Ct., said an ordinance should also include adult book stores. He said he hoped this meeting doesn't reflect on the owner of the Q.T.

Mayor Tobias said the issue of adult entertainment needs to be brought to the general populace.

Mrs. Korb asked if in the interim, if a new application was made, could you put it on hold until a vote. She said she wished the Council would be strong enough to make a statement for decency.

Mel Rowan, Newberg resident, pointed out the lack of available entertainment in Sherwood for adults or juveniles.

Dan Porterscathers, Newberg resident, expressed concern that this type of establishment might spread, and was not in favor of it. He also pointed out the difficulty in defining obscenity. He said the main purpose of the female dancers is to increase the income. It is degrading to the staff and dancers at the Q.T. People should not be degraded. He felt lustful thoughts were also degrading. Attendance at the Q.T. could be damaging to marriages and family life.

Linda Stout, Brookman Rd., asked if a vote would be limited only to the City limits. Mayor Tobias said yes,

Mr. Bert said adult entertainment did not need to be regulated as long as I'm not hurting anyone or breaking any laws.

Mr. Bishop said he felt there was hurt to other people. The difficulty is in deciding where the hurt comes from.

Mr. McReynolds said members of the community as a whole felt a sense of embarrassment and unease whether or not customers. He encouraged the Council to take a stand against yellow front bookstores and nude dancers.

Debby Cortiscathers, Newberg resident, commented she frequently drives by the Q.T. with a bus of children. She said there are hurts that are not related to violence. She said this encourages people to look on women as sex objects. This isn't honoring to the female race.

Mayor Tobias stated she felt the community as a whole should decide the issue.

Mr. Jim Taylor, area resident, pointed out the public has a tendency to overregulate. He was not certain that more stringent controls or overregulation is what you need.

Chief Laws said law enforcement is responsive to its citizenry. Mr. Bert is not in breach of Sherwood ordinances. The Courts are a reflection of mores of the times. He felt we had to stand up and be yeard.

Adolph Eppich said the community should not remain silent on the issue. He felt there would be damage done by the proliferation of establishments such as the Q.T.

Mr. Kennedy requested the Council stand up and make a decision rather than delay.

Mayor Tobias stated this effects the entire community.

Mr. McReynolds said a Task Force does exist, the City Council is it.

Lee waitress
Cindy ~~Lynn, dancer~~ at the Q.T. and Sherwood resident, said she didn't understand why it was such a big deal. She pointed out she didn't feel degraded by performing at the Q.T. and that security was much tighter than it used to be.

Wanda McClelland, E. Division St., pointed out Sherwood was too near the metropolitan area to have the business die out without the City taking a stand to regulate it.

Walt Korb, E. Division St., asked what a task force would do. He said he didn't care what was going on in Park Rose; we want an Ordinance for Sherwood.

Mrs. Fowler said she was not in favor of called an election, she felt the matter could be handled by the City Council.

Miss Oyler said other community also control this through their comp plans.

IV. FUTURE COUNCIL ACTION

Mayor Tobias announced the Council would consider testimony from this hearing at the Council meeting tomorrow night at the City Hall.

Owen Fleming, 2nd St., said the decision should be left up to the City Council and forget the vote.

The meeting was adjourned at 9:00 p.m.

Pallen Blankenbaker

ATTACHMENT B

February 22, 1983

To: The City Council, Sherwood, Oregon.

We, the undersigned residents of the City of Sherwood, hereby:

- (1) Express our objection to the location in Sherwood of establishments presenting so-called "adult entertainment," and specifically nude dancing.
- (2) Express our concern that one such establishment in the city will encourage other businesses of this nature to locate in the area.
- (3) Encourage the City Council to consider a future ordinance, within the legal limits of the U.S. Constitution, restricting such activity in the city.

NAME

ADDRESS

Virginia Nite

995 N. Sherwood Blvd. #1

Donald Nite

995 N. Sherwood Blvd

Donald R. Bryan

400 S. Pine, Sherwood

Kathi Lane

245 SE Sunset Blvd Sher

Donna Clifford

9070 S.W. Apache Dr

Patricia A. Lee

470 Shane Ct. Sherwood

Tessie Adams

Box 3 Ex 2996

Cissie Adams

" "

Katherine Adams

Aileen Harvey

Rt 4 Box 230 Sherwood

Al M. DeGroot

6600 Kialatin 97140

Don McLean

20184 SW 71 Mil. Dr

Al Gassard

8125 N. SHER BLVD

Dancy Pauly

405 N. Sherwood Blvd.

Steve Paason

335 S Pine st.

John Pauly

PO Box 291 Sherwood, Or.

Barbara Tarand

825 N. Sherwood Blvd.

Jacqueline J. Toole

1125 S. E. 1st St.

February 22, 1983

To: The City Council, Sherwood, Oregon.

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NAME

ADDRESS

Elma Podbielan
Pete Podbielan

P.O. Box 365 - Sherwood
P.O. Box 365 - Sherwood

Larry C. Laws

245 SE Sunset Blvd

Harriet C. Abel

445 S.E. Cochran St.

Elizabeth Abel

445 S.E. Cochran St.

Beverly Holt

170 S.E. Hill

Lily T. Holt

Donna Brown

Jacqueline Blum

1115 April Ct. Sherwood

Marianne C. Walker

1075 S.E. Sherwood Blvd. Sherwood

Gladys McBrath

P.O. Box 10 - Sherwood

Cathy N. Nara

600 S.E. Highland St.

Deane R. Bennett

750 New Glenway Dr.

Paul A. Bennett

Margaret Peterson

770 S.E. Williams St.

Miriam Shurby

155 SE Nolan

Jim Peters

170 S. East Street

February 22, 1983

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- (3) Encourage the City Council to consider a future ordinance, within the legal limits of the U.S. Constitution, restricting such activity in the city.

NAME

ADDRESS

Emily Cochran	Box 434 Sherwood, Ore.	9714
Dorothy Dickerson	21800 S.W. Pacific Hwy #63	97140
Neil Dickerson	21800 SW Pacific Hwy #63	97140
Nathan Oberst	575 N. Sherwood Bl. #30	9714
Erma Carson	145 Park	Sherwood
Daniel R. Thompson	335 S Pine #8	Sherwood, OR 97140
Eugene Thompson	" "	" "
Walter Karb	630 E. Dunsmuir	Sherwood, Ore. 97140
Guttrude Karb	630 E. Division St	Sherwood, Ore.
Dennis R Hill	330 NW Glencagle	Sherwood, OR,
Pamela White	330 N.W. Glencagle Dr.	Sherwood, Or. 97140
Esra Dyllie	330 NW. Glencagle Dr	Sherwood, OR
Helen Parrott	430 S. E. Lincoln	Sherwood, OR 97140
Ernie Jensen	25690 S.W. Meadowbrook Dr.	Sherwood 9714
Isley M. Reynolds	210 S. E. 77th St	Sherwood
Ann Hazard	25430 S.W. Meadowbrook	Sherwood 97140
Walter Kemillard	PO Box 64	Sherwood, OR 97140

February 22, 1983

To: The City Council, Sherwood, Oregon.

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- (1) Express our objection to the location in Sherwood of establishments presenting so-called "adult entertainment," and specifically nude dancing.
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- (3) Encourage the City Council to consider a future ordinance, within the legal limits of the U.S. Constitution, restricting such activity in the city.

NAME

ADDRESS

Lara Jandell	120 N.E. Division Sherwood
Lina Mansfield	240 1st N. Sherwood
Dolly V. Kuser	125-810 Franklin Sherwood
Effie Peterson	13985 S.W. Edley Rd Sherwood Ore.
Ann McGill	1225 N.W. Meekin Rd Sherwood Ore.
L. Moore	P.O. Box 309 Sherwood Ore 97120
Jill Wells	1225 N.W. Walker Rd Sherwood Ore
Jill Wells	460 Cochran Sherwood
Barbara Chazy	460 Cochran Sherwood
Blanche Moore	P.O. Box 309 Sherwood

February 22, 1983

To: The City Council, Sherwood, Oregon

We, the undersigned residents of areas bordering the corporate limits of the City of Sherwood, hereby:

- (1) Express our objection to the location in Sherwood of establishments presenting so-called "adult entertainment," and specifically nude dancing.
- (2) Express our concern that one such establishment in the city will encourage other businesses of this nature to locate in the area.
- (3) Encourage the City Council to consider a future ordinance, within the legal limits of the U.S. Constitution, restricting such activity in the city.

NAME

ADDRESS

Carol Ross	Rt. 5, Box 63 Sherwood
Blady Davis	Rt 4 Box 394 Sherwood
Francis J. Davis	4-394 SHERWOOD
Jamie O. Jacob	Rt 4 Box 246 E Sherwood 97114
Norica E. [unclear]	Rt. 3, Box 333 Sherwood, Or 97114
Ken M. [unclear]	Rt 5 Box 716 Sherwood Or 97140
Ronald Elmer	Rt 3 Box 306 Sherwood Or 97140
Carol Elmer	Rt 3, Box 306 Sherwood Or 97140
Loretta W. [unclear]	" " " " " " 97140
Clifford [unclear]	Rt 3 Box 306 " " " " 97140
John Ray [unclear]	24616 SW 1st Hill Rd Sherwood 97140
Adolf [unclear]	24616 SW 1st Hill Rd Sherwood, 97140
Holly [unclear]	27131 SW 147th Sherwood 97140
Elmer [unclear]	27131 SW 147th " " " "

February 22, 1983

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We, the undersigned residents of the City of Sherwood, hereby:

- (1) Express our objection to the location in Sherwood of establishments presenting so-called "adult entertainment," and specifically nude dancing.
- (2) Express our concern that one such establishment in the city will encourage other businesses of this nature to locate in the area.
- (3) Encourage the City Council to consider a future ordinance, within the legal limits of the U.S. Constitution, restricting such activity in the city.

NAME

ADDRESS

Henry C. ...	21800 S.W. Pacific Hwy #61
Robert ...	" " " " "
Elizabeth ...	1310 E. Willamette
Bonnie Villanueva	1310 E. Willamette
Lyde H. Sanders	1190 S.E. Lincoln - Sherwood
John ...	670 E. Ransom
William ...	1350 S.E. Juniper - Sherwood, OR

February 22, 1983

To: The City Council, Sherwood, Oregon

We, the undersigned residents of areas bordering the corporate limits of the City of Sherwood, hereby:

- (1) Express our objection to the location in Sherwood of establishments presenting so-called "adult entertainment," and specifically nude dancing.
- (2) Express our concern that one such establishment in the city will encourage other businesses of this nature to locate in the area.
- (3) Encourage the City Council to consider a future ordinance, within the legal limits of the U.S. Constitution, restricting such activity in the city.

<u>NAME</u>	<u>ADDRESS</u>
Estela Bruner	25675 - S 21 Ladd Hill Rd - Sherwood
Jack Bruner	" " " "
Elean Pitney	24700 S.W. Ladd Hill Rd, Sherwood
Lucille Holmes	Rt. 3 Box 308 Sherwood
Don Holmes	" " "
Charles W. Grubb	Rt 3 Box 247 Sherwood
Olive Ambler	Rt. 3 Box 247 Sherwood
Margaret W. Luccio	12451 S.W. Malloy Way Sherwood
Janet Y. Thurston	15910 S.W. Chest Ln. Sherwood
Nyna Weston	190 SW Willamette 2
Melvina Getman	995 E. Willamette, Sherwood
Lani Bolen	5404 - Pine - Sherwood
Linda Bolen	540 S. Pine - Sherwood
Clara Sanders	1720 S.F. Division Sherwood
Ruth E. Ramsey	10970 S.W. Tongue Ln. Sherwood
Helen B. Neel	10970 S.W. Tongue Ln. Sherwood
Doris M. Shaw	Rt 4 Box 263 Sherwood
Birdie Shaw	" " " "

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NAME

ADDRESS

E.O.E. Dineed	26464 SW McCune L Rd Sherwood, OR
Bob Normandean	7775 SW Frobese Rd Tualatin
Margie Jones	9845 S.W. Coghille Cr., Tualatin, OR
Sharon L. Brun	10205 SW 100 th Ct, Tualatin 97062
Lynika Roszak	Rt. 3, Box 185-B, Sherwood, 97140
Paul Roszak	R-3 Box 185-B SHERWOOD 97140
James R. Normandean	7775 SW Frobese Rd, Tualatin OR 97062
Joseph S. Smith	16963 SW McCune Rd Sherwood OR 97140
Linda Jennings	21502 SW 185 th Ave Tualatin 97062
Delora Kasper	10185 SW Frobese Rd Tualatin 97062
June J. Weber	R 3 Box 219 97140
Joseph S. Weber	R. 3 Box 219 Sherwood 97140
Thomas C. Clifford	9070 SW Apache Dr Tualatin 97062
Mike Adams	Rt 3 Box 219 Sherwood 97140
Mary M. Mandel	18705 SW Kinnaman Rd Sherwood 97140
Steve & Elsie Roszak	Rt 3 Box 185 B Sherwood 97140

February 22, 1983

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NAME

ADDRESS

M. D. Miller	103 Rein Rd	Sherwood 97140
Michael Ross	Rt 1 Box 5	Sherwood 97140
Margaret Mandel	Rt. 3 Box 262	Sherwood 97140
Deborah Crawford	Rt. 2 Box 275B	Sherwood 97140
Marian Garska	24405 SW Ladd Hill Rd	Sherwood 97140
Larry Garska	24405 SW Ladd Hill	Sherwood 97140
Guy Scott	Rt 2 Box 11 C	" 97140
Thomas J. Wolf	14235 SW Terrace Rd	Sherwood 97140

February 22, 1983

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NAME

ADDRESS

Janet Moore	25425 SW Ladd Hill Rd, Sherwood, OR
Ralph D. Entman	15410 Oberlin Lane, Sherwood
J. Johanna Auer	25025 S.W. Ladd Hill Rd.
Eugenia H. Voss	24325 S.W. Baker Rd, Sherwood
Albert A. Voss	24325 S.W. Baker Rd, Sherwood
John E. ...	R15 Box 86 Sherwood, Oregon
George M. ...	24120 ... West ... Rd.

VI. Request by Davis Amusement for a Business License

Mrs. Stewart moved the business license for Davis Amusement be granted. Mrs. Fowler seconded. The motion carried.

VII. Discussion of Testimony Received February 22, Entertainment Issues.

Mrs. Gothie felt the City Attorney should be present to answer citizen questions and answers raised.

Mayor Tobias said the concensus of the group felt the City Council should initiate the drafting of an ordinance to regulate entertainment.

Mrs. Fowler felt the City Council should draft an ordinance regarding the entertainment issues and the Planning Commission should draft an ordinance relating to the land use issues.

Mayor Tobias restated her position that an issue of this magnitude belongs on the ballot. Mrs. Fowler said the Council heard from the people last night. Mrs. Stewart felt the Council should not refer an issue to the voters simply because it was controversial. Mr. Berger commented the City Council should make a decision. Mr. McReynolds asked when an election could be held. The next available election date is May 17. Mrs. Kort commented this community is special, and I want it to remain special. Mrs. Korb asked for clarification of the court decision Chief Laws mentioned at the hearing. Chief Laws said the U.S. Supreme Ct. decision allows regulations of activities in a liquor establishment.

The process for ordinance adoption were discussed.

Mr. Kennedy felt that as a result of all the publicity on the issue, the Council needs to move quickly.

Mr. Bert informed the Council he would resist any efforts to regulate activities in this establishment.

Mrs. Stewart moved the City Attorney be directed to draft an ordinance for discussion regulating nude dancing, adult book stores, massage parlors, etc. Mrs. Fowler seconded the motion. The motion carried.

Staff was directed to prepare revisions to the comp plan addressing land use issues attributable to adult entertainment.

VIII. Proposed Taxicab Ordinance

Since Ms. Banner and Miss Cereghino were unavailable to the staff and had not reviewed the proposed ordinance, Mr. Dugdale recommended this be deferred to the next meeting.

Sherwood Planning Commission
Minutes
September 15, 1983

The meeting was called to order by the Chairman, Gene Stewart. In attendance at the meeting were Cathy Navarra, Arthur J. Horne, Jr., Dwight Minthorne, Sally Howard, Gene Stewart, and Todd Dugdale.

The minutes of the previous meeting of August 25, 1983 were approved as presented.

Mr. Dugdale announced that Washington County was having a growth management conference on September 24, 1983 and any members interested were invited to attend. The city would pay the \$5.00 fee for anyone interested in attending. On September 19, 1983 the city is facilitating a discussion with Tri-Met concerning the possibility of transit services between Sherwood and Tualatin. He explained that the service may be difficult to obtain in view of Tri-Met's announcement of cutbacks. Tri-Met has scheduled a hearing on September 27, 1983 to consider cutbacks of service and in particular, Sherwood service. The city has been successful in its application for grant funding for a new library. The state announced approval of a \$125,000 grant towards the completion of a first phase development on the senior center site. It was announced that 1000 Friends of Oregon is trying to get LCDC to make Washington County not develop its special regulated agricultural areas until 1990, which Sherwood's southwest area is considered to be a part of. There are several public works projects under. The Sunset Blvd. and Cedar Creek sewer projects are under way. They have had trouble with the weather cooperating. The council awarded a bid on the Murdock Road street and sewer improvements. Old World Development is still intending to go ahead with their project but they are having some problems with adequate water service to the site.

A public hearing on Case No. PTA-83-01, Planning Commission Initiated Amendments to the Sherwood Community Development Code Pertaining to the Definition and Regulation of Adult Businesses was opened by the Chairman. Todd Dugdale reviewed the issue with the commission stating that this issue arose with the undertaking of a tavern and business that had nude dancing as part of its entertainment. In response to the public reaction to this use the City Council held a public hearing on February 22, 1983 to hear citizen testimony concerning the need to regulate adult businesses. After the hearing the City Council directed the staff to prepare a draft revision to the comprehensive plan regulating adult business. The staff, with the help of the city attorney, investigated other area efforts prohibiting or regulating adult businesses and made several findings. The first finding was that this type of business was constitutionally protected under the free expression clause of the 14th amendment. The approach then taken was how to regulate those businesses. One approach taken was to regulate what transpired in the building and the other was to regulate where such businesses were allowed to site. The latter approach is what

is presented in the staff report. Mr. Dugdale further described what was being recommended in terms of the zoning approach. The first thing the proposed ordinance would do would be define an adult business and then prohibit its location in the Community commercial zone, office commercial zone, neighborhood commercial zone and light industrial zone. The adult businesses would be permitted in the general commercial zone with several restrictions. Several commission members questioned whether the city had to allow this type of business at all. Mr. Dugdale explained that, yes that was the conclusion they drew from their investigations. Cathy Navarra questioned that if businesses were allowed in this zone would they be allowed to do what they wanted. Mr. Dugdale explained that there was a state obscenity law that could be enforced but that, yes the businesses could do pretty much what they wanted. Mr. Stewart questioned whether the definition of an adult entertainment business was too vague and what about businesses that make more than fifty percent of their money from food, bar, etc. Several members then questioned whether the boundaries could be changed to restrict the number of adult entertainment businesses allowed. A motion was made to accept the staff recommendations except changing the footage to 1000' between businesses and within 500' of sensitive areas. Motion was seconded and passed 4 - 2.

A request for a Unit Type Change of Gregory Park PUD was made. Mr. Dugdale explained that Gregory Park Estates was approved as a planned unit development with manufactured housing. The developer has asked the city for a minor revision allowing stick built houses rather than manufactured, modular homes to be placed on lots 14 through 41. The commission questioned whether any of the other plans would also be changed as pertains to landscaping, open spaces, etc. Mr. Dugdale stated that all they were asking was to allow stick built structures rather than manufactured unites and that the rest of the plans would remain as approved. A motion was made to accept the request by Alpha Engineering, Inc. dated March 25, 1983 to allow stock built units rather than manufactured units on lots 14 through 41. Motion was seconded and unanimously passed.

Mr. Stewart asked that at the next meeting, October 6, 1983 Mr. Dugdale bring what data he has on a historical perspective for Sherwood, any minor language changes, data base for growth management and transportation revisions. He also asked that all commission members read through Book 1 so that they can start on a revision.

Meeting was adjourned.

Mary L. Holland
Minutes Secretary

Sherwood Planning Commission
Minutes
July 21, 1983

In attendance at the meeting were Gene Stewart, Cathy Navarra, Arthur J. Horne, Jr., Dwight Minthorne and Todd Dugdale. The meeting was called to order by the Vice Chairman, Gene Stewart in the absence of the Chairman.

The introduction of Dwight Minthorne as a new member of the commission was made. Mary Holland was also introduced as the new Minutes Secretary.

The minutes of the previous meeting were not available for reading at this meeting. Mr. Dugdale explained that they were still being worked on.

Todd Dugdale went over the following correspondence received:

1. A memorandum from the Department of Land Conservation and Development regarding a request for acknowledgement of compliance and setting a tentative date for action on October 6 and 7, 1983. Mr. Dugdale felt that we should just follow that and didn't feel there would be any major problems.

2. A memo from Metropolitan Service District concerning the bicycle path plan and map now available.

3. A letter from Wilbur Bishop, Mayor of Tigard, in which he is trying to initiate the Regional Transportation Plan and to formalize the Norwood Interchange. There seems to be some misconensus on the location of that interchange with Interstate 5 and the proposed Aloha By-pass at Norwood Road.

Mr. Dugdale received a notice of a meeting by the Advisory Committee on the Metro Transportation Southwest Corridor Study which is studying the Aloha By-pass. The importance of this plan for Sherwood is that it will put Sherwood on the map.

Mr. Dugdale made announcements concerning a water rate increase proposal going to public hearing on July 22, 1983 and there is a proposed increase for a sewer hook-up surcharge for new housing units with a hearing to be held on July 27, 1983. The Old Town Revitalization Plan will be subject to public hearing next Wednesday night and the planning commission members are encouraged to attend. A memo concerning the Oregon Building Permit summarized the situation out on Sunset Blvd. for a house and storage building. There was a controversy in that the storage building was large and substantial and that there was concern that an industrial use was going to be had at that site. We had asked for a letter of clarification from the County and the memo seems self-explanatory.

Discussion was had as to Case No. PTA-83-01, Regulation of Adult Business. Mr. Dugdale went over the Staff Report with the board members. This report does not prohibit nude dancing but regulates where it might be allowed and under what circumstances. The general finding was that the current code does not distinguish between adult business and any other business and that they would be allowed today. It would be in the best interest of the City to mitigate and lessen the adverse impact of these businesses by separating them from each other and from surrounding residential, church, public park and school uses. The main precedent for regulating businesses in this way was the Detroit ordinance. The staff recommendations are that some specific definitions be made as to what an adult business is, specify anatomical areas and activities, Church and Public Park, and what it is we are regulating. The purpose of this would be to prohibit in writing specifically adult businesses in Community Commercial, Office Commercial, Neighborhood Commercial and Light Industrial. The only remaining zone in which it would be allowed would be General Commercial and then with several restrictions.

The only are in the Comp. Plan Area where they would be allowed would be a small area near Six Corners out near the substation.

The attorney for the City feels that we should wait and see what becomes of the Multnomah County cases as far as outright prohibition of adult business.

Gene Stewart brought up the fact of whether or not cable television programs would fall within the terms of a change in the code. Mr. Dugdale is to check into whether or not this would be a problem.

Gene Stewart asked that at the next meeting a line be drawn on the map as to where adult businesses would be allowed if the code were changed. Also can you regulate these businesses as to so many per population as is done with liquor licenses.

A motion was made by Cathy Navarra to initiate a plan and amendment process for the definition and regulation of adult businesses at the meeting on September 15, 1983. Arthur J. Horne, Jr. seconded the motion. Motion was unanimously passed.

Discussion was held as to SW Industrial Area Regulations. It was decided to put this off until the August meeting so that the county planner who drafted the regulations could come out and go over some of the items with the commission members. Gene Stewart also felt that the property owners should also be invited to that meeting so that some of their comments could be included in the draft.

Mr. Stewart asked that at the next meeting the vacancy

in the office of Chairman be filled. Mr. Dugdale will get the update list out for review. The next meeting will be held on August 18, 1983.

Meeting was adjourned.


Mary L. Holland
Minutes Secretary



P.O. Box 167
Sherwood, Oregon 97140
625-5522 625-5523

TAX LOT: N/A

CASE NO: PTA-83-01

DATE: October 6, 1983

NOTICE OF DECISION

TO: City Council

The Planning Commission of the City of Sherwood, Oregon decided to recommend approval of Planning Commission initiated amendments to the Community Development Code relating to the definition and regulation of adult businesses.

The decision was based on the following major findings:

The findings contained in the attached staff report dated July 18, 1983.

The Commission recommends the code amendments contained in the Staff Report with the exception that amendments to Chapter 2, Subsection B, relating to the required separation between existing or previously approved adult businesses and a proposed adult business was increased from 500 feet to 1,000 feet.

Signed *Bob Ruydale*

Title City Administrator

STATUS OF PLAN COMPLIANCE REVIEW

 Final Action

 X Additional Required Action
 Review Body

Date of Meeting

 Planning Commission

October 12, 1983

 X City Council

 Design Review Board

EXHIBIT B