

M I N U T E S

SPOKANE CITY PLAN COMMISSION
WEDNESDAY, NOVEMBER 29, 2000
CITY COUNCIL CHAMBER
AND
PLANNING DEPARTMENT CONFERENCE ROOM 200-2B
SPOKANE, WASHINGTON

MEMBERS PRESENT: Stanley Stirling, President; Phyllis Meyer, Vice-president; David Bray; Candace Dahlstrom (arrive at 10:00 a.m.); Robert Herold; Ted Horobiowski; William Kelley; Phyllis Meyer; George Nachtsheim (arrive at 1:30 p.m.).

MEMBERS ABSENT: Mike Kennedy; Jim Wilson.

LIAISON PRESENT: Al French, Neighborhood Council Liaison.

LIAISON ABSENT: Rob Higgins, City Council Liaison.

President Stanley Stirling called the meeting to order at 9:45 a.m. with a quorum present.

1. PUBLIC HEARING

- A. A public hearing to consider proposed text amendments to the Spokane Municipal Code Section 11.19. (Zoning Code) with regards to the definitions and regulations for 'Adult Use Establishments.'*

Mr. Stirling called on Patti Connolly Walker, Spokane County Prosecuting Attorney's Office for a report on the above described issue.

Ms. Walker said for the record she is also employed by the City as a City Attorney. Her office is in the county building. She went on to say that being presented is an Adult Retail Use Establishment Ordinance which are historically referred to in the city code as 'adult businesses' or 'adult bookstores'. The reason for the change in wording is that in the last several years the City of Spokane has been working with other cities across the state to develop an ordinance essentially working from a model ordinance so that all the cities and counties across the state that are looking at this issue would be 'on the same page.'

Therefore, they are not different terminology, different definitional sections so that when there are challenges to this type of an ordinance, staff can rely on what other entities have done.

Ms. Connelly said she would like to begin by talking about the type of business. People think that because these businesses sell material that is protected by the first amendment that there can be no regulation or zoning of this type of business and that is an incorrect assumption. They proceed when enacting ordinances of this type with the assumption that the material that is being sold, rented, leased, loaned, out of these businesses is protected by the first amendment. Occasionally it is discovered that these businesses do sell material which is considered obscene so it is not just regular adult pornography but it is pornography that crosses the line of protected material and is unprotected obscenity. The attorney's office begin with the assumption that the material that is sold in these facilities is entitled to first amendment protection. That doesn't mean that the business can't be regulated in any way. These businesses are treated essentially, from the court's perspective the same as an adult entertainment establishment that provides on-site viewing of adult activities like nude dance establishments. The other type of facility in the city and county are referred to as adult arcade establishments. Those are facilities that have peep show booths and also sometimes in the peep show booths not just video viewing but live dancing in the peep show booths. Each of these type of facilities do engage in activities are at the periphery of first amendment protection. With book stores they are a little more clear. They are entitled to full first amendment protection. The Courts have looked at this issue and determined that it is permissible for cities and counties to legislate, regulate, license, these types of facilities because of one main issue. That is that these types of businesses have historically been shown to produce as adverse secondary effects. Those adverse secondary effects are well-documented in the case law. There have been numerous studies over the last 25 years which have well-demonstrated the fact that adult entertainment businesses in general cause neighborhood blight, they cause a down-turn in property values, increase in crime and a whole host of other problems. For this reason the courts have determined that it is permissible to zone, regulate or license a book store, an adult entertainment establishment that is essentially a book store because they have been shown to produce similar adverse secondary effects to other adult entertainment establishments. So that the fact that you have a business that does not have on site viewing of adult entertainment activities, so you go into the retail use establishment or the adult bookstore, you merely purchase, rent, borrow, material. You don't actually watch in a arcade peep show booth or look at nude dancing in the establishment. The mere fact that you can purchase that material and take it away has for a variety of reasons caused the adverse secondary effects that has been previously mentioned. Therefore, the courts have determined that cities and counties do have a substantial governmental interest in curbing the adverse secondary effect of those businesses and one of the ways that a city or county can do that is by zoning these facilities.

Some cities and counties have gone to concentration models where they have essentially set up a 'red light district'. They will require that all of the adult entertainment facilities locate in an industrial, for example. The purpose of that is to remove them from

residential areas. For some cities and counties that works well because they have an area that is separated from the rest of their population. Most cities go with a dispersement model. That is what is being proposed to the Commission. The dispersement model is one that requires the facilities not locate within a certain distance of other businesses or residences that might experience adverse secondary effects if they are located in close proximity to one of the adult retail use establishments. The zoning buffers being recommended are the same recommended when the adult arcade ordinance was enacted. It is believed that the adverse secondary effects are very similar. A lot of the same issues are being dealt with and the distancing requirement of 750', in terms of requiring that these businesses not be within 750' is a reasonable distance given the makeup of Spokane and the issues that the Plan Commission determines in terms of planning and preparing for uses in the future. The goal is to keep the businesses as far away as possible from places where children might congregate, such as schools, churches, day cares, parks, residences but allow them to locate within the City of Spokane but require that they not be located in close proximity or within 750' of other adult entertainment establishment. It has been found that where these facilities are allowed to congregate impact on the neighborhood is increased for example along East Sprague.

Ms. Walker said what cannot be done is zone the places out of business. It is not permissible according to state & US Supreme Court. These businesses do have a first amendment right to sell material and they have a right to do it in most communities. Therefore the ordinance being proposed is 'content neutral'. If the ordinance is designed to curb the 'adverse secondary effects' it is considered content neutral. It does not mean that the city can't target a business that sells first amendment protected material. What content neutral means is that the city is dealing with the business that sells first amendment protected material, adult entertainment merchandise in a way that ensures that a substantial government interest, or compelling governmental interests which is to curb the adverse secondary effects. An ordinance needs to be narrowly tailored to achieve that interest. It is done by insuring that there are reasonable alternative avenues of communication for those businesses. The city insures that there are sufficient sites where they can locate within the city. Currently there are six retail use establishments in the City of Spokane.

Spokane does not, as do some cities, require that each adult entertainment use be a single use only. Some cities and counties have limited the use. Those cities that have done that have a great deal of problems. It is also difficult to establish that having a place that has adult material for sale and nude dancing in the same establishment causes more or worse adverse secondary effects. It is very difficult to separate those out. For that reason, staff is recommending the ordinance before the Commission today. It does not state that one cannot have an adult bookstore in the same facility as a adult nude dance establishment or as an arcade facility. What has been done is to ensure that there is sufficient number of alternative avenues for these places to sell their ware or loan their merchandise or trade it in whatever fashion they choose. The Planning Department has insured that there is a sufficient number of sites to which these businesses (the six businesses currently not conforming with what is proposed today) to relocate to.

With regard to relocation, case law has come down to a case by case basis by making an analysis as to whether or not a city or county has provided alternative avenues of communication if they have provided enough sites. Part of the reason for that is that the courts will look at a Planning Department's purpose or a Planning Commission's purpose when they are developing a growth management act or a overall plan for their city or county. When they do that the courts are required to look at each situation on a case by case basis. Some of the courts have said that is permissible if you have a certain percentage of land available for these businesses to locate or if there are a certain amount of sites or a specific type of site. The bottom line is – is there the same number of sites or more sites available for relocation than the number of businesses currently in operation in the community. Staff believes that the 750' dispersement model is a reasonable one for the Plan Commission to recommend adoption on because there is a reasonable alternative avenue of communication for these businesses.

Further, with regard to the relocation aspect, the City in its retail use ordinance indicated that these businesses that are retail use establishments will be required to relocate if they are not in conformance with the 750' dispersement model within one year of the adoption of the ordinance. That is the amortization provision. The amortization provision allows these businesses one year. The intent is that they should be given a sufficient amount of time to recoup any money that they might have expended at that particular location. What the courts have said is that they have a constitutional right to sell the material, to make it available for viewing but they don't have a constitutional right to make a profit. A city has to permit the businesses to locate someplace and have a viable business. To insure that occurs, an amortization period is provided. The recommended amortization period is one which has been adopted by many other cities and counties across the country. Also, built into the amortization provision a hardship provision where a business can demonstrate that they will incur substantial hardship or the facility is not for use for any other purpose they can ask for an additional amortization period (have the amortization period be extended). Spokane County adopted essentially the same ordinance a year ago, being proposed to the Commission today. The County Planning Commission chose to recommend an amortization period of five years. Ms. Walker said it is her opinion that that is overly generous. It delays the time within which the city or county will be sued because it gives the business plenty opportunity to get into other areas or find sites. She said she is recommending the one year amortization period.

Ms. Walker said one of the issues that comes up with this type of ordinance is the language that chosen in relation to the definitional provision. She read that into the record as follows:

An adult retail use establishment is an enclosed building or any portion thereof which for many or any other form of consideration devotes a significant or substantial portion of stock in trade to the sale, exchange, rental, loan, trade, transfer, or viewing of adult oriented merchandise.

Ms. Walker explained to the Commission that adult oriented merchandise is defined the same way as adult arcade businesses is defined and in the County for nude dance

establishments. The adult oriented merchandise definition essentially says that if there is specified sexual activities for specified sexual material then that falls within the category of adult oriented merchandise. Those definitional provisions have been tried over and over again over the last 25 years and always withstood constitutional challenge.

With regard to the “devotes a significant or substantial stock in trade” provision has also been tried over the last several of years. Not just in this area but also having to do with other provisions have to do with other provisions in the United States code.

She said she is proposing the substantial stock in trade definitional provision because she believes it is defensible, reasonable, it is not difficult for adult retail businesses to determine whether in fact they fall within that criteria or not. This does not apply to the 7-11 that has a couple of adult entertainment videos for sale or rent, it doesn't target the kind of business that might have a little risqué lingerie or anything of that nature. It is intended to encompass only businesses that sell adult entertainment material to individuals who go there for that purpose. The way to demonstrate the way she has done her homework is by presenting a very detailed legislative record. Some cities and counties don't have the experience of having a very good local legislative record.

Ms. Walker said she would give a list of the kind of adverse secondary effects that are expected and are well documented in the legislative record. These pop up repeatedly in court cases. Both the US and the State Supreme Court have discussed at length these kind of businesses and what they do to neighborhoods and communities. The kinds of adverse secondary effects seen locally are an impact on the surrounding neighborhoods, in residential neighborhood traditionally crime rates increased, property values decrease and an increase in transiency. The values of residential and commercial properties tend to be diminished dramatically and the closer the distance to the residence or to the business of the adult entertainment establishment the more dramatic the increase or the decrease in property values. The increase tends to be more dramatic where there is a concentration of businesses. So if there is more than one adult entertainment establishment in close proximity to another adult entertainment, historically there is worse adverse secondary effects in that area.

DAVID BRAY asked for a definition of “viable alternative location”.

Ms. Walker said in the State of Washington is the Renton case, which dealt with the same issue. The bottom line is that you can't provide them an alternative location that is under water. You have to insure that it is in an area where there is a sufficient infrastructure, where roads can lead to these facilities. It can't be a remote or unbuildable location that it is not a reasonable alternative. It is not necessary to say there is a certain number sites and show where they are located. All that is necessary is to say that there are sufficient sites available. The city does not have to find those sites for them.

PUBLIC TESTIMONY:

JOE ASTERINO, 4717 N. Market, said he is one of four dentists in downtown. The practice has been there since 1947. He said he has been there 35 years through "thick and thin". Bikers, bars, fights, but the detrimental aspect of the book store right next door to them has financially impacted them. His staff has to go out and pick up books, wrappers, every morning. Female employees have been rudely accosted. Three weeks ago they tried to usher some young men off their property that had been around the book store (Hollywood Boutique) and they proceeded to get a rock and throw it through one of his patients windows. (That's on a police report). A pedodontist in his building sees a lot of children. The patients parents of these children are not happy with them. They will go elsewhere. This is a financial impact that they aren't going to stand for. He is in the process of selling his practice, his part of the practice. There is hundreds of thousands of dollars involved in this. They are the largest employer in downtown Hillyard. Three people have looked at his practice and have all commented on the aspect of an adult bookstore next door to them. This bookstore is within 700' of residential and single dwellings. So they are already illegally located. He said he understands that Ms. Walker has said this cannot be defended but he has obtained legal advice as a result of the violent incident and until a few days my attorney has been in the process of looking for someone who will handle this case on a financial aspect. The new patient load in just this year has dropped 18 percent. This is a practice that has been in existence a long time. They are not according legal counsel, the bookstore would be one of the people they would go after, but so would the city for allowing this with the statute on the book. I understand that the period to move is a year. For him that's too short. Three months to a month, six months is too long.

RON HANSEN, N. 3809 Division, owner of Century 21/Advance said he has been at that location 6 ½ - 7 years. He discovered through several of his agents who saw a sign copy deliver a xxx type sign for the building next door to him on Friday, July 21, that this type of business was trying to open in the building next door to him. Obviously he had grave concerns and immediately contacted everybody he could think of at the city, city council people, code enforcement people, building department people, special prosecutors, the police department and initially was told they would not be allowed to open. They were in violation of the current ordinance and I'm going to make a couple of points today and probably the main one that supports what Ms. Walker has done, and he appreciates the research she has done, she's done an excellent job in preparing what she has, and understands what she has done will not help his business at this point because of things like an amortization period. He wants to give the Commission the facts about the adverse secondary effects on his business. As time insured after July 21 it became apparent the city was not going to stop this place from opening and they did. Since that time he invested a sum of money to put high speed internet to all the desks in his office because he was in the process of expanding, recruiting some new agents. He had five commitments from a

couple of other offices, one that was about to close down on N. Division and a couple of other people from various offices and he was going to be full and he was going to be able to pay back the money he had invested to do the remodel. What happened he invested that money and the place next door began to open. He not only didn't get any of those people, and they were very specific on the reason, they didn't come to work for me and apologized to me, they understood my problem but they didn't want to make it their problem and they didn't want to have to bring their clients into a driveway that was shared with a porn shop. Their words. We can call it an adult bookstore but out there in the street people are a little more colloquial. They didn't want to bring their clients into a porn shop drive way and turn left instead of right and come to the Century 21 office. He did loose a couple of agents that had been with me for some time. One worked with him for 24 years, which was tough but business was effected. He had other reasons, doing some other things, but this hurried his decision. He said he thought he was going to get an agent who was going to overlook this, hopefully the week they could shut the place down or he would move, after an interview process and a couple of phone calls he called and said "Ron, looking at the whole picture, talking to my clients, praying over it with my wife, there is no way I can come to work there right now, and I apologize to you because I really wanted to go to work for your company." In total he has had 8-9 agents that he doesn't have working for him specifically because of that bookstore next door. The incidents that are happening around the neighborhood – there are residential homes directly behind his office, directly behind the porn shop, virtually the porn's parking lot goes right up to their fences. There are children in these homes, there are elderly people. One has been there 54 years, one has been 50 years, they are afraid to go in their back yards especially at night. He has had personal incidents where he has had to call 911 because he was personally threatened by a guy who was inebriated, pulling into his parking lot on a Saturday. He was working about 7:00 – 7:30 in the evening. He just asked him – he didn't even pull into a parking spot in my parking lot, he pulled into the middle of the parking lot, stopped and said you don't want me to park it should be posted. Well, he was standing in front of a 4' x 8' sign that said no parking with the towing and all that. He asked him to please move, because he isn't supporting the parking for the bookstore next door. He came at him and he got into his car and called 911 and it turned into an ugly thing. They have had several of their clients turn around and leave because of some shouting matches going on at the back door. They don't go in their front door, they only have a back door entry and they pull up, see that place and they don't want to come there. He has had clients that he's asked to meet him at the office, and they ask if he's the one that's right next to the bright green porn shop and ask to meet him somewhere else. He said he doesn't know how many clients he's lost that haven't turned in. He doesn't know who drove by and didn't turn in. He said he is in a situation where he's been in the real estate business quite a while and there's been ups and downs in the market since 1976. From 1980 to 1990 there was virtually no increase in values in Spokane but the costs kept going up. The sales were tough to get, but he was able to weather that. Then 1990-1993 Spokane was really on fire in real estate and things were going very well and

things were going great. Right after that he moved into his current building and things have been flat since about 1994 in real estate. You can make a living but not really rolling. All of a sudden, he weathered that, three – four months ago one little bright green porn shop opens up next door and his business is in threat of closing at this point. The money that he could have used to make a move has been eaten up with the lack of income because of that thing being there. It is the only reason. It is the sole reason. He said he was in the best position he had been in in six years to have his business move forward until this happened. He worked with the city very closely, the city manager, the mayor, the mayor's office, Ms. Walker's office has been very very sympathetic but it hasn't helped his business. His last statement is that in relation to the amortization period this new ordinance proposed, says proposed "amendment", because they are amending an existing ordinance, there is an ordinance in place, that disallows that book store to be where it is. They're supposed to be 750' from a park, there about 160' lot line to lot line. They're supposed to be 750' from a residential zone, they are back to back, connected. There are some other violations you could probably find in there but on that point alone, his financial loss as hard as it is for him, kind of pales in comparison to the potential lowering of community standards and the danger to the community. There are children there and there are elderly people. He really feels for the doctor who spoke before because they have a very similar experience. Allowing this place to stay open after the City Council would get this with the Commission's approval, get stamped out and in place and then given a year – she understands from Ms. Walker that the owners of these businesses can wait up to 30 days prior to the end of the amortization period and then file for a stay and start the court actions. The city is going to be in court over this. The owners of the book store have said so in interviews to the newspaper and to the TV stations news, that they will take the city to court. Delaying trying to shut them down is not going to eliminate the court suit. It might leave them in place long enough where instead of the abduction of a couple of students that happened recently, we know there is a tie to it, unless we are intentionally naïve we know there is tie to it. What if it's a little girls, or a lady that has lived there for 54 years and she's abducted or raped. The loss of his business or his income will pale in comparison to the liability the city will have. He thinks they need to go ahead and put their foot down, forget the amortization period. He understands the city will be at risk but they'll be in court anyway. He hopes the Commission will consider the evidences, that legal businesses that have never violated an ordinance, existing or new ordinances, are loosing their businesses. They want to give somebody that has damaged those businesses another year? To damage more businesses? Or the final strangle hold to put those already damaged out of business? That doesn't seem fair.

MRS. MEYER asked why the permit went through. It is semantics in terms of the definition of the ..

Mr. Hanson said that is a matter of opinion. Ms Walker has done a lot of work in conjunction with the County over a year ago to put a County ordinance together.

When that was complete, that work in that completed ordinance, which the Commission sees before them was taken to Jim Sloane, City Attorney, and was told they were ready to go and he thought there were greater priorities in place at the time. He went on to say that he was in the Mayor's office about two weeks ago, with the Mayor, the City Manager, the City Attorney, Ms. Walker, Mr. Mercer and a couple of others. In that meeting, he expressed that he had contacted everybody he could think of at the city on July 21, 22nd, 23rd and 24th and that was 3 ½ weeks prior to the opening of the business. At that time, sometime between when he first contacted the city and the opening of the business, Ms. Walker was made aware of the situation. Ms. Walker had gone to Mr. Sloane at that time and said there was two options, they could do an interim ordinance or do a moratorium and after her research decided that the interim ordinance would be much more defensible by the city and stop this place from opening. For some reason Mr. Sloane decided it wasn't a priority at that time also. The business license itself isn't subject, at the time its applied for to review ordinances and that type of thing. It's an administrative type thing. It's up to the code enforcement and the Legal Dept. of the use to use the laws and powers that be at the city, whatever the process is to shut them down. They should have been shut down before they opened. There's no doubt about that. I have talked to attorneys also. He said he has not talked to the people at the city about litigation or trying to recoup losses or damages. The thoughts have been there though. Because he wanted to be an advocate with the city to try get done what needed to be done through the proper channels and work with them to get the place shut down. He didn't want to have to flee from an illegal business (in his opinion) when he's been operating a business for 24 years legally. It doesn't seem right. But with these amortizations periods is apparently what is going to happen because he can't afford to stay there and he can't afford to move. He said he hopes the Commission considers his testimony, he knows there are legal constraints, but it also has to be considered what the right thing to do is. Adverse effects have obviously been established for this type of business or they wouldn't all be here today. There wouldn't be an old ordinance if they hadn't been established. His question from a personal view is there are adverse effects established why is it necessary to allow them anywhere, if it has been shown that it is bad for the public safety. There are cities that don't and have defended themselves successfully. He guesses it is just community standards and in our city we are saying our standards say in the right place they are OK. That is his personal opinion. If there is a preponderance of community desire to be able to have these kind of businesses, they need to be restricted. The public safety needs to be protected. They need to protect the kids behind this place, those elderly people and selfishly his business. He thinks he is entitled to that too.

ROBERT HEROLD said that as he reads it, Mr. Hansen is right, it is changing the definition. It is establishing the amortization and tightening up language here and there. If this is an enforcement question, as it appears that it was, why wasn't it just enforced? How can you have other priorities? He said he was very confused. Mr. Hanson's particular issue appears to be an enforcement issue not a planning

issue and he frankly doesn't understand why the enforcement didn't take place. Maybe that's an inappropriate question for him to ask.

Mr. Hanson said it is probably an appropriate question. He said they are all pretty much aware that the city has gone through some times when they have been defending themselves in lawsuits over bridges and with the Marks family and a few other issues that have cost the city a lot of money. Apparently they are getting some money back on the bridge issue. That's great. But the city was in a very tender time when this all started. They didn't want to go to court over anything. They were concerned about what it might cost the city. That is from city officials at the highest level. The city did try to shut down (and he's not sure of the exact name) the same ownership of the building, Mr. Barbanti, a building across the street from Northtown. The city did attempt to shut that down. There was a hearing examiner review and based on that the city got a little skittish that they could defend themselves on the current ordinance because of the way it was handled, it was found in favor of Mr. Barbanti and World Wide Novelty. The reason, if you read the material from the Hearing Examiner, had nothing to do, or very little to do, with the ordinance but the fact the city brought no evidence. The Hearing Examiner wouldn't find with prejudice as the plaintiff wanted because the city might want to come again or the neighbors might want to come again that are being violated, the ordinance is being violated obviously. They asked for bookkeeping to show how much of certain items were being sold and then at the time of the hearing waived their request. They hadn't even counted the videos, or books, or square footage. They brought no evidence. So the Hearing Examiner couldn't find for the city because there was no evidence. (That is file #92-90-AP). There are some good people working on this and he appreciates the people that have worked hard. The will of the City Council or the will of the enforcement people, how its effected, maybe Mr. Sloane has other things on his mind and this issue isn't at the top of his mind the last few months. There needs to be a point where the city picked its fight. The city is going to get sued if they are not allowed to open, but that is the right fight to pick. Don't let the city and the people be at risk and the businesses at risk because they are acting lawfully. If the city is going to get sued, pick the fight that supports the laws and the support the public good.

DAVID BRAY said he had a question for Ms. Walker. Relative to what Mr. Hanson said. He is curious about Mr. Hansen's and Mr. Herold's concern relative to enforcement and provide some assurances that if this ordinance is passed today the one year amortization period will be enforced, or anything relative to this situation that could give the community some assurances this would pass.

Ms. Walker said Mr. Hansen is correct. The City does currently have a provision that deals with adult bookstores and zones them very similar to what is being proposed today. The definitional section has been changed and added some information that staff thinks is necessary to change the stock and trade issue a little bit. It is not that dissimilar to what is already on the books. She said it is her position that after studying the issue with respect to retail book establishments or

bookstores separate from other adult entertainment establishments that that provision is not enforceable. It is not enforceable because it is not defensible. The city could enforce it, the city would be sued, and the city would lose. That is her position. It has been her provision that the city should repeal that provision or amend it which has been recommended over a year, which they were unable to do for a variety of reasons. It wasn't here decision to make.

Mr. Bray said with the few changes what makes this more defensible than the old one.

Ms. Walker said the reason she doesn't think the old provision is defensible is because there was not a sufficient legislative record to support. In 1985-86 the city first started looking at these issues. That was before she joined the City Attorney's office on the civil side. She went back through all the records when she first started working in this area and reviewed the legislative record that they had in place to support the bookstore part of the zoning provision. Essentially what they did was say book stores, adult arcade facilities, nude dance facilities, all adult entertainment establishments shall be zoned in this way which is essentially be recommended now. What they didn't do when they created the legislative record and through no fault of the staff that did it, they didn't separate out the adverse secondary effects that occur as a result of retail use establishments. The reason they didn't do that is because nobody else was doing. There hadn't been legal challenges. Nobody knew it would be a problem to not separate these kinds of adult entertainment businesses. It wasn't until subsequent to that the challenges started to occur. There was about a 15 year period where there was a lot of active litigation in this area. A lot of it comes specifically out of Washington State. There is a lot of good case law in this state dealing with these issues. When she started to look at the issue, when she was first brought on to look at these issues, the city was being sued over the adult arcade ordinance. Upon review of that ordinance it was her position that it didn't do anything. It was a two liner. All it said was you had to have the booths all lined up in a row, and you have to keep the lighting at a certain level. That didn't meet the needs of the community. The city revamped that ordinance. They wrote a comprehensive 20 page ordinance that dealt with all the problems attendant to that business. At the same time she studied all the issues with respect to all different types of adult entertainment facilities. Looked at all the case law in the area. There is a lot of case law in this area. It's become a very narrow area to practice in but it also there is a lot of information at there to rely upon from other cities and counties law suits. These businesses do not have a problem spending money defending or challenging ordinances of this type to continue to operate. Many cities and counties back down and they don't enforce. The city didn't want to do that in Spokane. What was done with the arcade provisions in 1993 said they would enforce it and wrote a new ordinance, litigated 5-6 years and were successful every step of the way. Litigated in state court, federal court, multiple challenges from multiple businesses in all different levels. Prosecuted facilities for violating the ordinance and were successful all the way along. They have a good track record both in the

city and the county. The problem why they can't enforce this is because there is not a legislative record that supports. Back in the mid-80's they didn't know what they know now. They didn't know they had to say specific things to have it upheld. The kinds of things she has discussed with the Commission today. So when she looks back at it, when they initially looked at enforcing the ordinance it was determined that all the businesses they had at that time were grandfathered in so the enforcement issue in the early '90s was not an issue with respect to all of the existing businesses. When the city enacted the original 750' for all these businesses it, for whatever reason, grandfathered him. Didn't want to deal with the litigation. And part of that was because amortization was a new thing, and they were getting challenged. Now they know they can put in amortization periods, require relocation and can do it as long as there is a good legislative record. With respect to why the Hillyard business and the Division business have not been enforced, which are both owned by Jim Sicilia, an individual out of California, have had many lawsuits with him over the years. He owns World Wide Video which is litigious all over the state. The reason they didn't enforce the two new businesses was because they didn't feel the ordinance was defensible. If they had enforced they likely would have lost. What they opted to do instead was write a new ordinance. Unfortunately, only the County wanted to proceed that new ordinance. Consequently the Hillyard business opened, the city took another look at the issue, updated all the research that she had done in the past, and presented to the County Commissioners and the County Planning Commission what she believes to be a defensible ordinance. In doing that she has worked with other cities and counties to make sure they are all the same page. The Hillyard business and the Division business were not grandfathered in and they weren't existing when the original provision was enacted. Yes, they are technically in violation of the provision for zoning bookstore but in her opinion it is not defensible. The city was actually sued by Mr. Sicilia in 1996 in the County over the County's adult bookstore ordinance at that time. They knew they were going to be addressing this issue and adopting a new ordinance and were able to get them to agree to dismiss their lawsuit. Now there are additional businesses and they are attempting to deal with those.

STANLEY STIRLING asked Ms. Walker if she thought the year amortization is the least length of time she can defend.

Ms. Walker said she has found no support in the case law to indicate they could go with a lesser period. That is not to say that the courts in reviewing the constitutionality of an ordinance would not look at all of the facts including the facts specific to our community. To answer the question as honestly as possible, if they went with the lesser amortization period that she could defend it successfully. The one year is a sure thing. There are a lot of adverse secondary effects in these cases of two businesses in two communities that have been impacted and are requesting a lesser amortization period.

KAREN REL, 3804 N. Atlantic Street, said her back fence is next to the alley that goes to the XXX store. She is also a small business out of her home. Her husband and she are the sole proprietors. She deals with the public daily. Mostly on the phone, but they do have drop in customers. She works at night doing her bookkeeping. The office she works in faces her back yard and directly into the arcade's parking area, next to the real estate. Last night between 11:30 p.m. and 1:15 a.m. there were 27 cars that pulled in and left. Some went in, some came out, some went to another car that was parked in this lot that they have gone in. She said she has seen limousines pull up. They have come out of the arcade giving them boxes. She isn't sure of all the terminology. That's not her world. She doesn't understand all of it. Is there an escort service going on in her backyard? These aren't people she wants to invite to her barbeques next summer. At night time there is more activity than there will ever be in the daytime. She said she wasn't not trying to pass a moral judgment on anyone. She said she was scared. She no longer can work in her shop, that their garage was converted into by herself. She has gone out to the shop at 8:30 at night when all the other businesses are closed on Division with the exceptions of the restaurants that have bars. They even have to close at 2:00 a.m. in the morning. But this place can go all night long. And they do. They're slamming, they're screaming at each other. They're urinating out in public. In the afternoon when the kids come home from school there is a group of children that come through the alley and there is a scuba diving place that is directly behind her house, right on Division. Scuba diving, real estate, triple X and the cellular phone place. These kids play in this alley. It's a perfect slope for their skateboards. She is in her shop right next to the alley, she hears the kids talking about going and getting some "porn". They discuss what their opinion of "porn" is. These kids are between 8 and 12. There has been impact on their business. She and her husband have struggled very hard to just support themselves, to not be on the roll of the welfare system. Nobody wanted to hire them so they made their own business. Their customers come and soon as they see the triple x will leave because they have their kids with them. She is not a radical. When she is in her shop doing her work an someone beats on the window with their fist and says "Hey bitch do you want to f--". Do I call 911? When the police get there they are gone. Can she give a description? She can't get out to see a license plate number quickly enough. Chief Bragdon is a customer of theirs and he told her that she had to come to these meetings, she needs to call someone and that's why she came today. She doesn't like the year amortization at all. Something needs to be done now. Why are they open 24 hours a day. They came in the night and painted that ugly chartreuse. Nobody did anything when the signed petitions. Nothing was done.

Ms. Meyer said she mentioned several times the sign in the front. The sign bothers her also. It's a large large sign and in the ordinance the signage is addressed as just a regular business sign and she is wondering – if the sign was regulated more closely would we have as much difficulty? She is not trying to dismiss what is already going on. The sign is obviously very large and very colorful. Its purpose is to bring people in. She is wondering is the sign is

regulated. She is wondering if there special regulations for signs of this nature. Also, is there a sign in the back of the building?

Mrs. Rel said there is a sign over their door. And one in front. It is purple and chartreuse.

Ms. Walker said she doesn't know if they specifically looked at the sign issue. At one point it was addressed, there was an addition to the back of the building at the Division and Garland building, there was some indication they were out of compliance with the other zoning provisions. Her relocation is that she doesn't know if the sign issue was one specifically determined but Dave Nakagawara and his staff looked at those issue and her understanding is that they haven't come up with anything that would be a violation sufficient to require a closing of the business at this time.

Mrs. Meyer asked what about sufficient to just redo the sign. Isn't it in the right-of-way?

Ms. Walker said she doesn't know if it is in violation of their general signage ordinances. What she can tell the Commission is that it be in compliance with the sign ordinances that all city businesses are required to be in compliance with. With respect to signage and adult entertainment is that the state supreme court has spoken to that issue. They have indicated they do not want jurisdictions treating these businesses differently from other businesses. Therefore they will be painted in garish, eye-catching colors in an effort to draw in business and there is no violation to have neon signs in your windows. That also could be considered part of the adverse secondary effects. There are reasons that you don't want these businesses located next to residences.

PENNY LANCASTER, 14816 E. Farwell, said on behalf of the citizens she would like to thank Patti Walker for all the work she has done, all the research, to craft such an excellent ordinance. She said she first became concerned about the injustices suffered by businesses and neighbors that were forced to live with adult bookstores in their neighborhoods back in 1992. At that time the city was unwilling to defend their zoning against the retail only outlets but the Hearing Examiner, Greg Smith, made it clear that the concerns of the citizens shouldn't be swept under the rug. He wrote in his decision: "... violations of the ordinance are fundamentally unfair to surrounding property owners and, therefore, if the ordinance is in fact being violated it is much more fair for the property owners to have another opportunity to prove the violation." Well, today testimony from Spokane citizens and other communities has been shared which substantiates the risks that these businesses pose to the public health, safety, morals, and general welfare of the citizens of Spokane. I have interviewed people living near the Erotique Boutique on Wellesley, Garland and Division, and on Market in Hillyard. In every case the comments include complaints about men parking away from the store and walking down the alley to access the store, offensive video

wrappers found in their yards, late night traffic, doors slamming, fear of using their own yards for relaxation or recreation, concern for young people waiting for the bus in front of the bookstore, fear of accessing other businesses nearby at night, and children looking in garbage cans for materials from the store. One resident said, "We are mainly senior citizens. Who'd want to buy our home and move into this area now?"

She continued by saying that at least 10 communities in western Washington are in the process of adopting and enforcing a similar ordinance. They are concerned, as we should be, that these businesses attract prostitution and violence against women.

The economic impact of trying to do legitimate business near one of the bookstores is dramatically illustrated by the problems incurred by Century 21, Dr. Asterino, and retail businesses on Wellesley, next to Erotique Boutique. She suggested the Commission drive down the 4800 block on Market or in the East Central Neighborhood and they will understand what economic divestment means, they will understand what dilapidation and property devaluation means, and why we should prevent an imminent threat of serious environmental degradation. These are serious impacts and the families and businesses should not have to put up with it another day longer. Please do not ask them to wait another year. If the rationale for this ordinance is eliminating the harmful secondary effects of Adult Retail Use Establishments, how can the Commission advocate leaving them in place for another year? The courts have upheld shorter amortization periods. A six month amortization period was upheld in *Hartley v. Colorado Springs, 7250 Corp. v. Bd. Of County Commissioners*, and *Hart Book Stores, Inc. v. Edmisten*. A 90 day waiting period was upheld in *Pennsylvania NW Distributors v. Zoning Hearing Board* and *Northend Cinema, Inc. V. City of Seattle*. The initial investment of these adult retail businesses has no doubt been recovered many times over – especially when you consider the low cost of fluorescent green or pink paint and the generous support of their landlord Marco Barbanti.

The Plan Commission should also recommend a second amendment: restricting their hours of operation to those of most other retail businesses. The security of nearby businesses, patrons, or employees is threatened by the increase in traffic late at night. This ordinance, as you know, is a content-neutral, TIME, place, and manner regulation. Constitutionally, municipalities have the authority to restrict hours of operation for purposes of protecting citizens and property. Please consider amending this ordinance by setting the hours of operations from 10 a.m. to 10:00 p.m.

If Mr. Sicilia, the manager of many of these stores, wants to content that he is not operating an adult bookstore because he sells high heels and lingerie, in addition to hardcore pornographic videos and magazines (according to his interview in the *Spokesman-Review*), then let him take down his triple x neon signs, and shut all

his videos and magazines in a back room with a warning for adults only like they do at Zip Trip convenience stores. Instead, he uses his aesthetically offensive signage to draw in people looking for material that appeals to their prurient interests. His own advertising and any other observer would conclude that his "stock in trade" (we're not talking about stock on the shelf) is substantially adult pornographic material.

She concluded by saying that hopefully, the Commission, the City Council, and the community are all beginning to become aware of the dangerous connection between the materials sold in these stores and the attraction for men who commit sexual crimes against women and children. Because of the recent kidnapping and sexual assault of two Mukogawa students she asked the Commission to recommend that the City Council pass this ordinance after reducing the amortization period to less than six months and restricting their hours of operation from 10:00 a.m. to 10:00 p.m.

Mr. Bray asked Ms. Lancaster regarding the reduced time of amortization, was that also in case of relocation.

Ms. Lancaster, she is not sure. These did not specifically have to do with relocating, rather regulations on the inside of the business and the way the business run. She thinks the main point the courts are looking it do the businesses, have they been compensated for the cost of relocating and does it weigh with the good of the community. She thinks the Commission has evidence before them that these businesses have been in business long enough to recoup any relocation costs and that the good of the community is at stake. Why should the businesses around them and residences have to put up with them one day longer. She thinks six months is too long.

Mr. Bray said the good of the community notwithstanding, he thinks the concern is, if he understood Ms. Walker, was the probable challenges by these businesses to that short of a period. He would add to that the cost to city government and therefore the taxpayers in the long run. This has to be weighed carefully whether this can be done effectively in six months or a year and cost effectively as well.

Ms. Lancaster said she thinks the courts are looking at a balance act. The Commission has plenty of evidence to weigh in favor of the city moving these places and six months is a reasonable time for them to pack up their goods and move, especially when they don't own the property. They're only renting. Its not like there is a major cost that they have to recoup. She said "have courage and do it."

Mr. Stirling advised the audience that there is about ½ hour left and the Commission will not be making a decision today. The citizens will have an opportunity to send in written comments.

GINNY FOSTER, 4810 S. Stark Lane, said she and her husband moved to Spokane four ago by choice. In the process of making a decision they gathered information from the Chamber of Commerce, school districts and realtors. They wanted to know if Spokane would be a good place to bring their family. They spent a full week of wining and dining as guests of their prospective employer and decided to move 2500+ miles away from their nearest relative. Not long after they settled in Spokane they discovered the "dirty little secret." Spokane is a haven for convicted sex offenders and in the four years they have been here the businesses that feed that sickness have continued to invade Spokane virtually unregulated. The Chamber of Commerce, realtors and the Welcome Wagon people neglected to point out the blight this industry has brought on Spokane. Now the nation knows what's been lurking around every corner from U-City to the University campus. It is time to public acknowledge that we are sick and it is up to the elected and appointed officials to begin the remedy of enforcing existing laws and vigorously regulating these industry in accordance with a community standard to be proud of.

KIMBERLY DRAKE, PO BOX 13036-99213, said she is the Executive Director of Citizens for Community Values, but importantly it is important to understand that she is a victim of pornography. Pornography is not a victimless crime. It is not victimless at all. She said she is the ex-dancer that everybody writes about in the newspaper, that came out of DeJ'Vu three years ago. She said she thinks it is important to understand that not only does pornography have secondary adverse effects but it also affects the behavior of the user. It is like advertising. To deny the impact of what we view and read is to deny the impact of the individuals and companies that are willing to pay \$3 ½ million for a 30 second spot on the Super Bowl this year. Fifty-six companies are willing to do that. Those companies are either stupid, charitable or extremely intelligent and she would submit the latter. If pornography is like advertising, what is pornography selling? Pornography is selling lies about relationships, it tells us that women have value from the neck down. That sex is a spectator sport. The more participants the better. And we know from the Mukagawa incident that it is combining sexual arousal with violence. This is very dangerous. The objectification of women in pornography is the key factor in domestic violence. She said she knows Spokane also has a problem with domestic violence that is astronomical. She submits pornography has a part to play in that. She said she would like to tell the Commission how pornography has effected her life.

"When I was 12 years old a man I was baby-sitting for, he was a single father of two daughters introduced me to pornography and inappropriate touch. At 14 years old she was raped by a boy who was a friend of the family, he was the head life guard at the yacht club where my parents belonged and he was the star basketball player at the high school in our neighborhood. He continued to show pornography after the rape and continued to abuse me for a year until he was killed in a car accident. I began to numb the pain of that and self-medicate through drugs and

alcohol. I got married at 20 and six months into my marriage pornography was introduced by a cable television. My husband, I thought would leave me, if I told him this made me jealous, it hurt and it made me angry. And so, instead of telling him what I really felt, with the fear of abandonment and rejection driving my decision, I chose to participate in the pornography that he was looking at. I suffered from what is called "the centerfold syndrome". I tried to become what it was my husband was looking at in order to be loved, and to be the apple of his eye. I wanted to be his centerfold. I wanted to be the one that he loved more than anything. Isn't that what all wives want? Isn't that what all husbands want from their wives? We want to know that we are important, that we are significant and that we matter. In attempt to become it was that my husband was looking at, I made the decision, although I had a background of business management, sales and marketing, I had my own business for 10 years, I made the incorrect decision to become a stripper at the De J'Vu. In December of 1994 I entered an amateur contest. I was just shy of my 32nd birthday and I won \$50. I felt important. By February of '95 I worked in the industry. Now let me tell you as it relates to the hours of operation which is not included in this ordinance. I also do recommend that the hours of operation be regulated. You have the opportunity, by law, to regulate the time, the place, the manner. The how, the when, and the where. The law gives you that ability to do that. I encourage all of you to do that the full extent of the law. I didn't go into sexually oriented businesses to buy pornography, videos, magazines, sex toys and sometimes lingerie but most of my lingerie, ladies and gentlemen, was bought in Nordstroms and the Bon Marche and my high heels were bought in the shoe stores. I didn't go to the porn shops or the sexually oriented businesses or the adult bookstores or whatever you would like to label them. I didn't go there to buy my clothing however sexy or revealing it was. I went there to buy pornography. And I went there late at night. Although I was a porn addict, the shame that surrounds this addiction and it can be classified in some as an addiction, is huge. So that's why the after hour activity. When I worked for DeJ'Vu all of, or most of the experiences that were harmful in nature, the deviant type activity, the grabbing, the drug abuse, the people that came in to harm happened after the bars closed. There is absolutely no reason why these businesses need to stay open 24 hours a day. You have an opportunity today, ladies and gentlemen of the Commission to make a tremendous difference. You have the privilege to minimize the adviser secondary effects to our community. We, the citizens of Spokane believe that you want the best for us. We believe that you want a partner for the good of the community. We have to ask ourselves what kind of city do we want to live. What kind of a city do we want to hand over to our children? What kind of businesses do we want to invite into our community? What are we planning for in our future? Does pornography do good to our citizens and for our community? Or does it cause harmful effects? Not only to the community but to the

individuals involved. If we don't do something to regulate these sexually oriented businesses today, the porn promoters are going to set the standard for us. And ladies and gentlemen we will not like the outcome, I guarantee it. The public health and safety rests in your hands. Thank you very much."

KAREN DAVIS, 6012 N. Cochran said she came to show her support. She believes the previous speakers have said it all and she hopes the Plan Commission is listening. Ms. Walker has done her homework. Ms. Davis said she wished the ordinance could be stronger. She supports the ordinance and wishes it could be implemented immediately.

MERILEE MOSER, N. 4716 Calispel, said she is a concerned citizen who carries very much about the issues being discussed today. She lives really close to where the first Erotique Boutique went in. When these laws first came on 10 years ago, this is before the big internet revolution. That's only happened the last five or six years and she feels the law is obsolete. Many people generate enough business just using the computer and the internet, she feels on that basis they don't have justification to be in the city. She'd like to see lawyers research this and her own feelings is they should address some state legislature to get the law amended. Basically a porn established could be dumped out in a wheat field 90 miles from the city and they could generate as much business. She is not encouraging that but she feels it is an obsolete law and no one is looking at the revolution that has just happening poignantly in even the last three or four years. Mini-malls and strip-malls and a geographic site is almost becoming obsolete. She encourages the Commission to think about that.

BRUCE WAKEMAN, 7616 E. Baldwin Ave., said he has been carrying around in the last few weeks a sign saying "I worship Christ not filth." He said he is getting great public support. He said bad company does corrupt good morals, and there are standards of right and wrong. God has set those standards. If the community wants to keep unity, morality and going by God's standard and showing we are people that can be trusted with one another, and that we will abide by those things that are good and will help build trust among people. When he was at the place in Hillyard, he saw a young woman waiting after her appointment at the dentist office who was afraid. Children are afraid throughout the city. What is lacking is the legislative record, so today the Commission has a chance to make some legislative record and say they do care and don't be concerned about the cost in law suits.

JOANNE MCCANN, 2211 E. 35th, said she strongly support the amended ordinance however she asked the Commission to consider the six month amortization period.

PAUL UNGER, 3328 W. 2nd Ave., said he was appalled at what he has heard regarding the hardships of two decent businessmen in the community. No one has

mentioned the pornography connection in the Yates case. It seems Spokane is becoming the poster child for pornography related crimes. He said he would encourage the City to shorten the amortization period and limit the hours of operation.

MARILYN LAWSON, 4917 E. 17th Ct., asked why the city is trying to zone sexually oriented businesses away from day care, parks, schools and residences. The answer is easy, its children, children, children and families. She said she would give the Commission a picture of the victims. Boys and girls that have lost their innocence by viewing pornography at an early age. Children used for sexual of fathers, stepfathers, and men they trusted; young men exposed to a false image of sexuality; men who can't shop using pornography because they are trapped in a secret life of addiction to pornography; women of men pre-occupied with pornography and the sex industry; women who are being treated with disrespect and sexually abused; young women trapped in an industry that exploits them and uses them as mere sex objects; neighbors that have increased crime and decreased property values because of the proliferation of pornography in their communities; society that has become desensitized to the prurient nature of sexuality; lastly, the very people that own or manage these stores are caught also. These are real people with real faces. The public is unaware that the skyrocketing number of people who are affected in their own neighborhoods by rape, molestation, disrespect is in most part due to the title wave of pornography and sexually oriented businesses in the community. She urged the Commission to adopt the ordinance with an amortization period of no more than six months.

CINDY OMLIN, 4815 E. Pineglen Lane, Mead, said she took a look at the City Charter to view the Commission's task. According to the Charter the Commission is to support and promote the City's health, convenience, safety, and well-being. She encourages and trusts the Commission to do the right thing. She supports the Commission in helping this be a community that lives with and for one another. She thanked the Commission for their service to the community.

FLOYD CONNOR, 3818 N. Atlantic, said he is right across the street from the book store. He was unaware the store was being established at that site until he saw an 18-wheeler pulling in the alley one night. Later, he went and checked and they were unloading. Two or three nights after that there was carpenters, plumbers, electrician to do whatever inside. There are only five parking areas in that lot. Recently, he saw a truck and a car parking in the alley next to one of the residence's garage. To access the garage, it is necessary to use the alley. There is a lot of noise. People have used the cell phone parking lot even going so far as to park right at their back door and then walked to the book store.

President Stirling closed public testimony and called for discussion, or action from the Commission.

Mr. Bray asked Ms. Walker if the Commission can address the hours of operation.

Ms. Walker said they can. No one else has done it yet. Part of the reason that it wasn't included in the Ordinance is because they are already on the cutting edge. The city has already regulated adult arcade facilities to require that they be closed between the hours of 2:00 a.m. and 10:00 a.m. In the County both the arcades and nude dance establishments have those same hours of operation.

Ms. Herold said the state has regulated bars for years. 7-11 stays open all night. He said he finds it odd that it's easy to regulate taverns and bars but we're worried about these places.

Ms. Walker said when she looks at these issues she sometimes tends to be overzealous. In this case she is going slower. She would be happy to prepare some provisions that deal with regulatory issues such as hours of operation. The reason for not including those, when they initially enacted the county's ordinance a years ago it was anticipated there would be some litigation, some very quick litigation (which actually didn't happen) over on the west side. With respect all of the regulatory provisions, part of the problem the city has had in hitting all of the aspects (internet included) is she is spread quite thin in doing all the work that needs to be done in this area. She said if she had the time she would be before the legislature enacting a "harmful to minors" act to protect the state as a whole. She cautioned the Commission that the more provisions they have the more likelihood that they city would be sued. She doesn't have any case law to fall back on. She believes she has a very good legislative record to prove an hours provision.

Ms. Walker said as a community, this community has taken the forefront on a lot of issues in this area, we were the first to do a comprehensive arcade ordinance that is being followed by many cities and counties, not just across the state but across the country.

Mr. Stirling said for the benefit of staff, he would like signage addressed with regard to the existing signage code, to see that it is cross-referenced.

Ms. Walker said it is.

Mr. Stirling said also look at parking standards.

Ms. Walker said it can be included.

Mr. Horobiowski asked if it would mean that all six businesses would be non-conforming and all six would have to relocate.

Ms. Walker said yes. The amortization provision supersedes or replaces the original grandfathering in provision.

Mr. Horobiowski asked about the mention of an amortization period of 90 days in Seattle.

Ms. Walker said that the courts have reviewed the amortization periods as small as 30 days. Several of the cases Ms. Lancaster mentioned, she doesn't recall, she said they are probably lower court decisions as opposed to appellate court decisions, probably in the federal circuits. She is familiar with all of the cases that deal with retail use establishments. None that she could find dealt with less than a one year amortization period.

Ms. Dahlstrom said she would ask Ms. Walker to provide the Commission a summary about the pros and cons of six months, ninety days or one year, also with the hours of operation recommendation so that when they deliberate they can use that information to pass onto City Council so they don't have to go back on square one.

BILL KELLEY, said ask for clarification. The questions about hours of operation, signage and parking, as a legal strategy would it be better that they not be addressed in the ordinance but rather followed up in other municipal ordinances and this ordinance stay, except for the amortization period, stay as Ms. Walker crafted it.

Ms. Walker said with respect to the parking issue she is leaving that to other individuals. With respect to the sign issue Mike Piccolo has looked at that quite definitively. She has looked at it with respect to adult entertainment businesses and doesn't believe the city is in a sound position from a constitutional standpoint to do something different for these businesses. She said she will meet with Mr. Piccolo to make sure the city is doing everything it can with regard to off-site and on-site signage requirements.

M/S P. Meyer, R. Herold, to hold open written testimony for one week (December 6, 2000) , and set deliberation and decision making for two weeks (December 13, 2000). Carried unanimously.

2. COMMISSION WORKSHOP ON DRAFT COMPREHENSIVE PLAN

A. Review and consideration of final edits to draft Land Use Policies

KEN PELTON, City Planner, said he would like to review just a few items from the Land Use Chapter.

3.2

Mr. Pelton directed the Commission's attention to the fifth paragraph under the Discussion section.