

December 7, 1998  
clerk 10/8/98; 10/15/98  
99mor

Introduced By:

Greg Nickels  
Rob McKenna  
Louise Miller

Proposed No.:

98-657

ORDINANCE NO. **13375**

AN ORDINANCE relating to adult use establishments, extending the moratorium enacted by Ordinance 12946 on applications for permits and licenses concerning adult use establishments; amending Ordinance 11647, Sections 2, 3, and 5, as amended, and K.C.C. 6.08.200 and decodifying K.C.C. 6.08.210.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings.** Based on evidence, information, documents and materials submitted to and reviewed by the King County council and other municipalities and jurisdictions in this region, including but not limited to the record supporting the passage of Ordinance 9915, the King County council makes the following findings of fact:

A. The findings contained in Ordinance 11647, Section 1, Ordinance 11825, Section 1, Ordinance 12085, Section 1, Ordinance 12553, Section 1, Ordinance 12594, Section 1, and Ordinance 12946, Section 1, are incorporated herein by reference.

B. In response to concerns evidenced by those findings, the council adopted Ordinance 12946 to extend a moratorium on the acceptance of applications for or the issuance of building permits or business licenses for adult use establishments, originally

1 enacted by Ordinance 11647. By its terms, the moratorium in Ordinance 12946 is effective  
2 until January 1, 1999.

3 C. Since the enactment of Ordinance 12946, the following steps have been taken:

4 1. King County has continued to work toward enactment of an ordinance that  
5 fulfills the purposes and policies embodied in Ordinance 9915 while safeguarding  
6 constitutionally protected rights to free speech;

7 2. King County has continued its review of zoning issues and ordinances enacted  
8 in other jurisdictions; and

9 3. King County has initiated outreach and discussions with staff from cities to  
10 discuss a regional zoning approach based on the following findings:

11 a. in accordance with the Growth Management Act, the Countywide  
12 Planning Policies and the King County Comprehensive Plan, unincorporated King County  
13 is transforming into a primarily rural and natural resource-based jurisdiction, with services  
14 appropriate to the needs of such areas;

15 b. urban areas, including most commercial and industrial uses, are rapidly  
16 being absorbed into cities;

17 c. The county's ability to produce potential sites for commercial uses is  
18 greatly diminished as land base in the urban areas over which the county has jurisdiction,  
19 i.e., the unincorporated urban areas, continues to decrease due to incorporations and  
20 annexations; and

21 d. the few remaining commercial and industrial areas in unincorporated  
22 King County are frequently located on the outskirts of city limits and will most likely be  
23 annexed into the adjacent city.

1 D. Given these findings, a regional solution that safeguards constitutionally  
2 protected rights to free speech while at the same time focuses growth in the urban areas and  
3 preserves rural and resource lands as directed under the Growth Management Act should  
4 be considered further.

5 E. Substantial discussions with affected communities to develop a regional  
6 approach should be complete by the end of 1998. Additionally, the following work will be  
7 necessary through early 1999:

8 1. The executive must prepare a new report on adult use establishment  
9 regulations and alternative methods of addressing the harmful secondary effects of such  
10 establishments, as required by Ordinance 11647;

11 2. The county must perform a review under the state Environmental Policy  
12 Act and give the state notice of any proposed amendments to the zoning code at least sixty  
13 days before final adoption under the Growth Management Act; and

14 3. Once the executive transmits a proposed ordinance to the council, the  
15 proposed ordinance must proceed through the legislative process, which normally takes a  
16 minimum of forty-five days from the date an ordinance is introduced until the date it  
17 becomes effective. Extensive public comment might extend the normal legislative process.

18 F. There is not sufficient time to complete this work, nor time for proposed  
19 amendments to the zoning code to proceed through the legislative process, before the  
20 expiration of the current moratorium.

21 SECTION 2. Ordinance 11647, Sections 2, 3 and 5, as amended, and K.C.C.

22 6.08.200 are hereby amended as follows:

1           **Moratorium on applications for permits and licenses concerning adult use**  
 2 **establishments.** A. Zoning moratorium. No building permit shall be issued, nor shall  
 3 any building permit application be accepted, for any ~~((“))~~adult use establishment~~((“))~~ or  
 4 “adult use facility” as ~~((those terms are))~~ defined in K.C.C. ~~((21.04.020 and K.C.C.))~~  
 5 21A.06.035~~((, respectively))~~.

6           B. Licensing moratorium. No business license shall be issued, nor shall any  
 7 business license application be accepted, for any place of adult entertainment, panoram or  
 8 peep show as those terms are defined in K.C.C. 6.08.010; provided, however, that this  
 9 licensing moratorium shall not prohibit license renewals for adult use establishments  
 10 lawfully in existence as of ~~((the effective date of this ordinance))~~ January 3, 1995.

11           C. Effective ~~((P))~~periods. The moratorium shall continue in effect until ~~((January~~  
 12 ~~4))~~ July 1, 1999, unless earlier repealed in an ordinance establishing new land use  
 13 regulations governing the location of adult use establishments, whichever is sooner.

14           SECTION 3. K.C.C. 6.08.210 is hereby decodified and the clerk is directed to  
 15 delete it from the King County code.

16           SECTION 4. Effective date. This ordinance takes effect January 1, 1999.

17           SECTION 5. Severability. If any provision of this ordinance or its application to

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any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

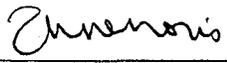
INTRODUCED AND READ for the first time this 19th day of October, 1998.

PASSED by a vote of 13 to 0 this 14<sup>th</sup> day of December, 19 98

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Chair

ATTEST:

  
Clerk of the Council

APPROVED this 16 day of December, 19 98

  
King County Executive

Attachments: None