

ORDINANCE NO. **11825**

1  
2 AN ORDINANCE relating to adult use  
3 establishments, and extending the  
4 moratorium on applications for permits  
5 and licenses concerning adult use  
6 establishments.

7 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

8 SECTION 1. Findings. Based on evidence, information,  
9 documents and materials submitted to and reviewed by the  
10 Metropolitan King County Council, including the record  
11 supporting passage of Ordinance 9915, the Metropolitan King  
12 County Council makes the following findings of fact:

13 A. The findings contained in Ordinance 11647, Section  
14 1 are incorporated herein by reference.

15 B. In response to the concerns evidenced by these  
16 findings, the Council enacted Ordinance 11647 to impose  
17 temporary moratoria on the issuance of building permits, the  
18 acceptance of building permit applications, the issuance of  
19 business licenses, and the acceptance of business license  
20 applications for adult use establishments and facilities. By  
21 its terms, Ordinance 11647 expires on July 2, 1995.

22 C. Since enactment of Ordinance 11647, King County has  
23 undertaken extensive review of existing zoning and licensing  
24 requirements and has taken the following steps toward  
25 enactment of an ordinance that fulfills the purposes and  
26 policies embodied in Ordinance 9915 while safeguarding  
27 constitutionally-protected rights to free speech:

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(1) The Department of Development and Environmental Services, (DDES) has conducted studies to ascertain the current uses of the approximately 4,600 acres in unincorporated King County which, absent the moratorium, would be available for adult establishments or facilities.

(2) DDES has studied how best to ensure that separation is maintained between adult use establishments and the gathering places of minors.

(3) DDES has consulted with the Licensing Section of the Department of Executive Administration and with the Department of Public Safety in an attempt to determine whether the purposes of Ordinance 9915 are best addressed by set-back requirements, by dispersing adult use establishments, by concentrating them, or by other appropriate regulation.

(4) DDES has employed its GIS mapping system to identify potential locations for adult use establishments and facilities. Using GIS, DDES is evaluating the effects of various distance and use setback scenarios on the total number of eligible sites to achieve separation from minors and minimize harmful secondary effects while providing ample alternative channels for constitutionally protected expression.

(5) The Law, Justice and Human Services Committee of the Council held an open public meeting on April 18, 1995, to consider the regulatory scheme governing adult use establishments and facilities.

D. Several work items have not yet been completed by King County that must be performed prior to the council considering adoption of changes to its zoning ordinance.

1           (1) DDES has not yet finished its work evaluating  
2 the effects of various distance and use setback scenarios on  
3 the total number of available sites for adult use  
4 establishments to achieve separation from minors and minimize  
5 harmful secondary effects while providing ample alternative  
6 channels for constitutionally protected expression.

7           (2) Once DDES completes its work, the county  
8 executive must develop and transmit to the council an  
9 ordinance with his recommended changes to the zoning code  
10 that have been reviewed by the office of the prosecuting  
11 attorney. The executive must also notify the state of any  
12 proposed amendments to the zoning code at least sixty days  
13 prior to final adoption pursuant to the Growth Management  
14 Act, RCW 36.70A.106(3).

15           (3) The proposed ordinance must then proceed  
16 through the legislative process. This process normally takes  
17 approximately 45 days from the date of introduction of an  
18 ordinance until the date it becomes effective, due to the  
19 time limits required by the county charter and council rules.  
20 The proposed ordinance is introduced and referred to a  
21 council committee for review. After the committee has acted  
22 on the proposed ordinance it is forwarded to the full council  
23 for review and action. Ten days notice must be given of the  
24 public hearing on the proposed ordinance pursuant to RCW  
25 36.32.120(7). After council adoption of the ordinance, it is  
26 presented to the executive for his signature.

27           E. The county performed substantial work necessary to  
28 develop an ordinance that will replace regulations struck  
29 down by the court in *Hon's Entertainment Inc. v. King County*.  
30 There is not sufficient time, however, to complete the work

1 to develop an ordinance, nor time for the ordinance to  
2 proceed through the legislative process prior to the  
3 expiration of the current moratorium.

4 SECTION 2. Moratorium Extension. The moratoria on the  
5 issuance of building permits, the acceptance of building  
6 permit applications, the issuance of business licenses, and  
7 the acceptance of business license applications established  
8 through Ordinance 11647 shall continue in full force and  
9 effect through January 3, 1996 or until new land use  
10 regulations governing the location of adult use  
11 establishments take effect, whichever occurs sooner.

12 SECTION 3. Severability. If any provision of this  
13 ordinance or its application to any person or circumstance is  
14 held to be invalid by a court of competent jurisdiction, the  
15 remainder of the ordinance or the application of the  
16 provision to other persons or circumstances is not affected.

17 INTRODUCED AND READ for the first time this 8<sup>th</sup>  
18 day of May, 1995.

19 PASSED by a vote of 12 to 0 this 19<sup>th</sup> day of  
20 June, 1995.

21 KING COUNTY COUNCIL  
22 KING COUNTY, WASHINGTON

23 Kent Pullen  
24 Chair

25 ATTEST:

26 Arnold A. Peterson  
27 Clerk of the Council

28 APPROVED this 20<sup>th</sup> day of June, 1995.

29 Doug Lohme  
30 King County Executive