

November 6, 1997
L:\ADULT\98MOR5.DOC

Introduced By:

MAGGI FIMIA
GREG NICKELS
JANE HAGUE
KENT PULLEN

Proposed No.:

97-667

ORDINANCE NO. **12946**

1
2 AN ORDINANCE relating to adult use
3 establishments, extending the moratorium
4 enacted by Ordinance 12594 on
5 applications for permits and licenses
6 concerning adult use establishments,
7 amending Ordinance 11647 and K.C.C.
8 6.08.200 and repealing Ordinance 12085
9 and K.C.C. 6.08.205.

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

17 A. The findings contained in Section 1 of Ordinances
18 11647, 11825, 12085, 12553 and 12594 are incorporated herein
19 by reference.

20 B. In response to concerns evidenced by those findings,
21 the council adopted Ordinance 12594 to extend a moratorium,
22 originally enacted by Ordinance 11647, on the acceptance of
23 applications for or the issuance of building permits or

1 business licenses for adult use establishments. By its
2 terms, Ordinance 12594 is effective through December 31,
3 1997.

4 C. Since enactment of Ordinance 12594, the following
5 steps have been taken:

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

10 2. King County has continued its review of zoning
11 issues and ordinances enacted in other jurisdictions.

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

15 a. In accordance with the Growth Management
16 Act, the Countywide Planning Policies and the King County
17 Comprehensive Plan, unincorporated King County is
18 transforming into a primarily rural and natural resource-
19 based jurisdiction, with services appropriate to the needs of
20 such areas.

21 b. Urban areas, including most commercial and
22 industrial uses, are rapidly being absorbed into cities.

23 c. King County's ability to produce potential
24 sites for commercial uses is greatly diminished as its land

1 base continues to decrease due to incorporations and
2 annexations.

3 d. The few remaining commercial and industrial
4 areas in unincorporated King County are frequently located on
5 the outskirts of city limits, and will most likely be annexed
6 into the adjacent city.

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

12 E. Substantial discussions and work are necessary in
13 1998 to develop a regional approach. Additionally, the
14 following must occur:

15 1. The executive must prepare a new report on adult
16 use entertainment regulations and alternative methods of
17 addressing the harmful secondary effects of such
18 establishments, as required by Ordinance 11647.

19 2. The county must perform a review under the
20 State Environmental Policy Act and give the state notice of
21 any proposed amendments to the zoning code at least sixty
22 days prior to final adoption pursuant to the Growth
23 Management Act.

24 3. Once the executive transmits a proposed
25 ordinance to the council, the proposed ordinance must proceed

1 through the legislative process, which normally takes a
2 minimum of forty-five days from the date an ordinance is
3 introduced until the date it becomes effective. Extensive
4 public comment may extend the normal legislative process.

5 4. If a comprehensive plan amendment is necessary,
6 due to policy changes resulting from the executive's proposed
7 zoning code amendment, the executive must develop and
8 transmit such amendment to the council. This amendment would
9 then need to proceed through the legislative process. All
10 comprehensive plan amendments are adopted by the council once
11 a year, typically in late November, along with the adoption
12 of the County's budget.

13 F. There is not sufficient time to complete this work,
14 nor time for proposed amendments to the zoning code to
15 proceed through the legislative process, prior to the
16 expiration of the current moratorium.

17 Section 2. Ordinance 12085 and K.C.C. 6.08.205 are
18 hereby repealed.

19 SECTION 3. Ordinance 11647 and K.C.C. 6.08.200 are
20 hereby amended as follows:

21 **Moratorium on applications for permits and licenses**
22 **concerning adult use establishments.** A. Zoning moratorium.
23 No building permit shall be issued, nor shall any building
24 permit application be accepted, for any "adult use
25 establishment" or "adult use facility" as those terms are

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

defined in K.C.C. 21.04.020 and K.C.C. 21A.06.035,
respectively.

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

C. Effective Periods. The moratorium shall continue in effect (~~for 180 days from the effective date of Ordinance 11647 (January 3, 1995))~~) until January 1, 1999 unless earlier repealed in an ordinance establishing new land use regulations governing the location of adult use establishments, whichever is sooner.

~~((D. Moratorium Extension. The moratoria on the issuance of building permits, the acceptance of building permit applications, the issuance of business licenses, and the acceptance of business license applications established through Ordinance 11647 shall continue in full force and effect through January 3, 1996 or until new land use regulations governing the location of adult use establishments take effect, whichever occurs sooner.))~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

NEW SECTION. SECTION 4. This ordinance takes effect on
January 1, 1998.

SECTION 5. Severability. If any provision of this
ordinance or its application to 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 17th
day of November, 1997.

PASSED by a vote of 11 to 0 this 15th day of
December, 1997.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Jane Hayes
Chair

ATTEST: [Signature]
Clerk of the Council

APPROVED this 17 day of December, 1997.

[Signature]
King County Executive

Attachments: None