

RESOLUTION NO. 66

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, ADOPTING FINDINGS OF FACT TO JUSTIFY THE CONTINUED IMPOSITION OF A ONE-YEAR MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR USE PERMITS, BUILDING PERMITS AND LICENSES FOR ADULT ENTERTAINMENT USES AND BUSINESSES, AS REQUIRED BY RCW 36.70A.390.

**WHEREAS**, on December 13, 1993, the City Council imposed a one-year moratorium on the City's acceptance and approval of applications for use permits, building permits and licenses for adult entertainment uses and businesses, as provided in Ordinance No. 74; and

**WHEREAS**, RCW 36.70A.390 requires that the City Council hold a public hearing on the moratorium within sixty (60) days of its adoption, and that immediately thereafter, the City Council must adopt findings of fact to justify the continued imposition of the moratorium; and

**WHEREAS**, on January 24, 1994, the City Council held a public hearing on the adult entertainment moratorium during which time it considered testimony from the public, City staff, and Sgt. Krogh from the King County Police Department and reviewed the record; and

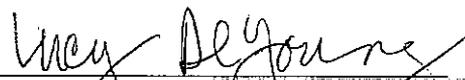
**WHEREAS**, the Council directed staff to prepare this Resolution and Findings of Fact to be adopted by Council at the next scheduled public Council meeting so as to allow full consideration of all public testimony, now, therefore,

**THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON RESOLVES AS FOLLOWS:**

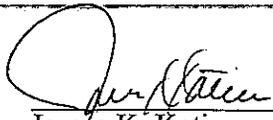
**Section 1.** As a result of the hearing and the information presented to the Council during such, the City Council hereby determines that the moratorium shall continue in effect as outlined in Ordinance No. 74, adopted by the City Council on December 13, 1993.

The City Council hereby adopts the Findings of Fact attached hereto as Exhibit A and incorporated by this reference as if set forth in full.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 7TH DAY OF FEBRUARY, 1994.

  
Mayor Lucy DeYoung

APPROVED AS TO FORM:



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James K. Katica  
City Clerk/Treasurer

CITY COUNCIL OF THE  
CITY OF WOODINVILLE

IN THE MATTER OF THE ESTABLISHMENT OF	)	
THE MORATORIUM ON ACCEPTANCE AND	)	FINDINGS OF FACT
APPROVAL OF APPLICATIONS FOR ADULT	)	FOR CONTINUANCE OF
ENTERTAINMENT BUSINESSES AND LICENSES	)	THE MORATORIUM
AS OUTLINED IN ORDINANCE NO. 74.	)	
	)	

WHEREAS, on December 13, 1993, the City Council imposed a one-year moratorium on the City's acceptance and approval of applications for use permits, building permits and licenses for adult entertainment uses and businesses, all as provided in Ordinance No. 74; and

WHEREAS, RCW 36.70A.390 requires that the City Council hold a public hearing on the moratorium within sixty (60) days of its adoption, and that immediately thereafter, the City Council must adopt findings of fact to justify the continued imposition of the moratorium; and

WHEREAS, on January 24, 1994, the City Council held a public hearing on the adult entertainment moratorium during which time it heard testimony from the public, City staff, Sgt. Krogh from the King County Police Department; and

WHEREAS, the Council directed staff to prepare this Resolution and Findings of Fact to be adopted by Council at the next scheduled public Council meeting so as to allow full consideration of the record, staff comments and public testimony,

NOW, THEREFORE, the City Council, hereby makes and enters the following:

**I. FINDINGS OF FACT**

Pursuant to RCW 36.70A.390, the City Council hereby adopts the following findings of fact to support the continued imposition of the City's one-year moratorium on the acceptance and approval of applications for adult entertainment businesses and licenses, as provided in Ordinance No. 74.

A. Secondary Effects of Adult Entertainment Businesses and Uses. The City Council is not aware of the operation of any adult entertainment use or business in the City of Woodinville, however, other cities in the United States have found that adult entertainment businesses and uses in their jurisdictions have secondary land use impacts which have necessitated the adoption of regulatory ordinances to ameliorate the deleterious effects of these types of uses or businesses. These cities have documented the following non-exhaustive list of secondary land use impacts associated with adult entertainment uses and businesses:

1. Incidence of Crime.

- a. increase in property crimes such as robberies;
- b. increase in crimes against the person such as rapes;
- c. adult businesses require more police response and protection, thereby reducing the availability of police services to other areas of the city;
- d. increase in other types of crimes.

2. Impacts on Property Values.

- a. adult businesses cause "blight;"
- b. adult businesses cause skid-row effect;
- c. residents or shoppers in the City will move or shop elsewhere if adult entertainment uses are allowed to locate in close proximity to residential uses, churches, parks, schools and other public facilities;
- d. location of adult entertainment uses in close proximity to residential uses, churches, parks, schools and other public facilities will reduce retail trade to commercial uses in the vicinity, reducing tax revenues to the City;
- e. increased traffic;
- f. patrons of adult businesses are undesirable;
- g. excessive noise associated with adult businesses;
- h. litter associated with adult businesses;
- i. exposure and visibility of adult businesses to school-age children is detrimental to quality of residential life;
- j. adult businesses adversely affect the family orientation of a neighborhood;
- k. location of adult businesses within walking distance of churches and other religious facilities will have an adverse effect upon the ministry of such churches and will discourage attendance at such churches;
- l. location of adult businesses on the main commercial thoroughfares of the City gives an impression of legitimacy to, and causes a loss of sensitivity to, the adverse effect of pornography upon children, established family relations,

~~respect for the marital relationship and the concept of non-aggressive consensual sexual relations;~~

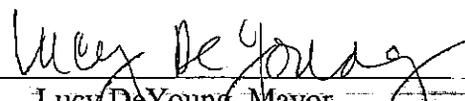
- m. location of adult businesses in close proximity to residential uses, churches, parks, schools and other public facilities will cause a degradation of the community standard of morality, because pornographic material has a degrading effect upon the relationship between spouses.

The Council has also heard public comment that supports the existence of some or all of these secondary impacts. The City Council finds that because the above secondary land use impacts have been associated with adult entertainment businesses and uses in other cities and public comment also supports the existence of these secondary impacts, there is sufficient reason for the Council to believe that these impacts may also accompany the operation of any adult entertainment business or use in the City of Woodinville. Therefore, the Council finds the imposition of a moratorium for the purpose of studying these secondary land use impacts and the manner in which the uses and businesses should be regulated is necessary now, before any adult entertainment use or business either locates or attempts to operate in the City.

B. Existing City Ordinances. At the time of incorporation, the City adopted by reference certain findings and ordinances of King County dealing with adult entertainment. These ordinances do not appear to specifically cover the siting or operation of adult entertainment businesses or uses within the City itself. As a result, if an adult entertainment business were to attempt to locate or operate in the City of Woodinville, the City's existing regulations would not appear to adequately address the above secondary land use impacts, which other cities have found to be associated with such business or use. The City Council finds that in the interests of the public health, safety and welfare, there is a need for the City itself to study these businesses and uses, and to determine the appropriate manner of regulating any secondary impacts. The City finds that the staff, Planning Commission and the Council will need sufficient time to adequately review and study this issue and therefore need the moratorium to continue for one year.

C. Need to Preserve the Status Quo. Since there is a possibility that an adult entertainment business or use could attempt to locate or operate within the City before the City has adequate time to study and adopt the appropriate regulations, the moratorium is necessary to preserve the status quo. The City Council finds that the proper time to develop and adopt adult entertainment regulations is prior to the location and operation of an adult entertainment business or use in the City, so that any vested rights will not be affected.

DATED this 7th day of February, 1994.

  
Lucy DeYoung, Mayor