



## Legislation Text

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Clerk 08/25/2011

AN ORDINANCE declaring a one-year moratorium on the issuance of public amusement/entertainment licenses required under K.C.C. 6.08.020 for any new music and dance entertainment venues and precluding the establishment of any such venues within the commercial zoned land of North Highline subject to the economic redevelopment special district overlay authorized by K.C.C. 21A.38.090; directing the executive to review the impacts of establishments that operate under such licenses upon the commercial viability of the commercial zoned land within the economic redevelopment special district overlay; and further directing the executive to submit recommendations to preserve or strengthen the commercial viability of these commercial zoned lands for council review and approval; adding a new section to K.C.C. chapter 21A.06; and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

A. The White Center business district is located within the North Highline potential annexation area, which is currently being considered for annexation by the city of Burien.

B. King County supports the annexation of North Highline into an adjacent city and is committed to seeking ways to support that effort. The commercial viability of the commercial districts within the North Highline potential annexation area affects the fiscal impacts of any city considering annexation of North

Highline.

C. Since 1994, King County has sought to reverse a trend of declining economic vitality in the White Center business district that was due in part to perceptions, real or imagined, of ongoing public safety concerns.

D. In Ordinance 11351 in 1994, King County adopted the White Center Community Action Plan to provide incentives for the redevelopment of underutilized commercial properties.

E. Today, the White Center business district is mainly a drive up retail area that includes two ethnic grocery stores, an ethnic butcher and meat market, a small independent drug store, a large regional drug store, ethnic restaurants, beauty and nail salons, American-styled bars and grills and a few office-oriented businesses and spaces.

F. While these businesses represent a modicum of success in King County's effort, the continuing presence of vacant buildings is indicative of a reluctance to locate within the White Center business district due in large measure to lingering concerns about public safety.

G. Over the past several years, specific concerns have been raised within the community related to the operation of music and dance venues that have engendered an environment that keeps customers away from nearby businesses, thereby endangering the economic viability of the entire White Center business district.

J. The investigations of the numerous complaints have required the significant use of ever-diminishing county public safety and code enforcement resources.

K. King County has authority to establish a moratorium under the Growth Management Act, RCW 36.70A.390, to preclude approval of a particular land use. The county may also adopt a moratorium, under its inherent police power, prohibiting approval of new business licenses to facilitate the jurisdiction's interest in studying the impacts of the prohibited activity.

SECTION 2. A. A one-year moratorium commencing upon the date of adoption of this ordinance is declared on the issuance of new public amusement/entertainment licenses required under K.C.C. 6.08.020 and the establishment of new music and dance entertainment venues proposed within the commercial zoned land of

North Highline subject to the economic redevelopment special district overlay authorized by K.C.C.

21A.38.090.

B. Within sixty days of the adoption of this ordinance, the council shall hold a public hearing on the moratorium and, within thirty days of the public hearing, shall adopt an ordinance adopting findings of fact justifying the moratorium.

C.1. Within six-months of the adoption of this ordinance, the county executive shall transmit to the council a work plan that sets a timeline for:

a. review of the impacts of establishments that operate under public amusement/entertainment licenses upon the commercial viability of the commercial zoned land within the economic redevelopment special district overlay;

b. suggestions to preserve or strengthen the commercial viability of these commercial zoned lands within the economic redevelopment special district overlay; and

c.. consideration of whether adoption of an appropriate land use regulation would address the impacts and concerns identified in the council's findings of fact and the executive work plan.

2. A paper copy and an electronic copy of the proposed work plan shall be filed with the clerk of the council, who shall retain the paper copy and forward electronic copies to all councilmembers.

SECTION 3. For the purposes of this ordinance related to public amusement/entertainment licenses:

A. "Music and dance entertainment venue" means a business in which the primary purpose of the business is to provide entertainment to its patrons in the form of dancing and live or electronic music; and

B. The one-year moratorium shall not apply to the renewal of any public amusement/entertainment license that is valid on the effective date of this ordinance.

SECTION 4. There is hereby added to K.C.C. chapter 21A.06 a new section read as follows:

Music and dance entertainment venue: a business in which the primary purpose of the business is to provide entertainment to its patrons in the form of dancing and live or electronic music.

SECTION 5. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.

30 days prior, official paper

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Post outside chamber