

# Resolution No. 1997-10A

[\(Council Minutes 97/04/07\)](#)

## RESOLUTION NO. 1997-10A

A RESOLUTION of the City Council of the City of Lakewood, Washington, adopting, pursuant to RCW 35.63.200, a moratorium relating to land use and to telecommunications, establishing the moratorium for a period of up to six (6) months upon the receipt of applications and issuance of permits for wireless communications facilities, and adopting findings of fact

WHEREAS, increased use of cellular phones has created a significant increase in the number of applications for communications facilities; and,

WHEREAS, additional incentives or regulations appear to be necessary in order to encourage applicants to share available sites and communication facilities and to take additional measures, to be determined, to address the impacts of such facilities on the community; and,

WHEREAS, consistent with the Findings of Fact adopted with this Resolution, citizens of the City of Lakewood have expressed concerns regarding the number, siting and technology of wireless communication facilities within the City and with their unregulated siting within the City of Lakewood; and,

WHEREAS, the City needs a reasonable period of time to study these concerns, how they are impacted by new state and federal legislation, and the impacts of such facilities on the visual aesthetic and safety concerns of the citizens of the City of Lakewood, and how the state and federal legislation interfaces with right-of-way regulations; and,

WHEREAS, Washington State Law in RCW 35.63.200, authorizes the City to adopt moratoriums on such land uses as telecommunications facilities siting and other land use matters; and,

WHEREAS, RCW 35.63.200 further provides that a public hearing shall be held in connection with such a moratorium; and,

WHEREAS, a moratorium would be valuable to allow the City the opportunity to develop consistent regulations to interface zoning and land use regulations with comprehensive planning for the siting of wireless telecommunications facilities in the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. That the City Council makes the following findings of fact:

A. The City of Lakewood is growing, diverse community with approximately 63,000 citizens, incorporated as of February 28, 1996. The City is currently evaluating its relationship with surrounding areas and with its own geographic composition to determine how it can best fit within the regional community and best serve the citizens who depend upon it for commercial, government and community services.

B. The City of Lakewood has yet to identify potential sites that would be acceptable for the installation of wireless communications facilities within its urban area.

C. The Federal Telecommunications Act was signed into law in February 1996. The affects of this act upon the City's ability to

regulate wireless communications facilities requires study by the City.

D. Changes in wireless telecommunications technology, additional licenses granted by the Federal Communications Commission, and the increase in the demand for wireless communications services, have lead to a significant increase in demand for wireless communications facilities within the City. There have been at least four (4) applications for the location of commercial antennas, monopoles, antenna panels and/or cell sites throughout the City since of Lakewood since its incorporation. Additional requests are anticipated, including at least two (2) potential applications who have already indicated interest in applying to the City for siting of telecommunications facilities in the City of Lakewood.

E. The citizens of Lakewood have expressed significant concern regarding the location of wireless communication facilities within the City. Primary concerns relate to safety hazards and the visual and aesthetic effects of such facilities on neighboring and residential properties and the community as a whole.

F. The City of Lakewood also recognizes the desire of its citizens to receive adequate wireless telecommunication services, provided that the facilities are designated and located so as to minimize visual, aesthetic and safety concerns.

G. The City of Lakewood further recognizes that competition in the telecommunications field should benefit its citizens through improved services and reduced costs.

H. Information received from other governmental agencies that have studied current technology, establishes that wireless communication facilities can be designed and installed in a way that minimizes visual, aesthetic and safety concerns.

I. The City of Lakewood requires time to consult with representatives of the wireless telecommunications industry to identify potential sites that meet the needs of the industry and that are acceptable to the City.

J. The City requires time to study the feasibility of requiring co-location of wireless communications facilities among the suitable sites within the City to help reduce their impact.

K. The Federal Communications Commission has developed rules regarding environmental effects of radio frequency emissions which may impact locations or configuration of wireless communication facilities.

L. With the assistance of current and future wireless communications providers, the City can make significant progress during a moratorium in learning about necessary technical issues relating to facility siting and related impacts.

M. This moratorium could be extended if more time is needed at the end of the six month to complete the needed study and evaluation, and conversely, it could be canceled sooner if the needed regulations and process are developed as to the siting of telecommunications facilities, although it is hoped that an early cancellation could be achieved.

Section 2. That there is hereby established a moratorium on the acceptance of applications and issuance of permits for wireless telecommunications facilities within the City, which moratorium shall be in place for a period of six (6) months from the effect date of this Resolution, unless otherwise modified, extended or terminated by the City Council.

Section 3. That the City Council finds that this Resolution is immediately necessary for the preservation of public, peace, health, safety and welfare and declares this Resolution to be an emergency Resolution, to be in full force and effect immediately upon adoption of the Resolution by a majority plus one of the City Council.

PASSED by the City Council this 7th day of April, 1997.

CITY OF LAKEWOOD

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Bill Harrison, Mayor

Attest:

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Alice M. Bush, CMC, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

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