

# Resolution No. 1997-39

[\(Council Minutes 97/12/01\)](#)

RESOLUTION NO. 1997-39

A RESOLUTION of the City Council of the City of Lakewood, Washington, extending and modifying the moratorium adopted through Resolution No. 1997-10A, and extended through Resolution No. 1997-30, pursuant to RCW 35.63.200, relating to land use and to telecommunications, which established and extended a moratorium on the receipt of applications and issuance of permits for certain wireless communications facilities

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 certain 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 wireless telecommunications facilities siting and other land use matters; and,

WHEREAS, such a moratorium was passed by the City Council of the City of Lakewood pursuant to RCW 35.63.200, as set forth in Resolution No. 1997-30, passed on October 6, 1997, which Resolution further provided that the matter was to be brought back and placed on the agenda for the City Council Study Session of November 24, 1997, for consideration of possible amendment or modification of the moratorium; and,

WHEREAS, in the intervening time, an evaluation of the modifications that would be appropriate could be made, including participation of industry participants; and,

WHEREAS, such an evaluation has been made, and the modifications satisfactory to the industry participants and City staff are included in the language set forth below.

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

Section 1. That the moratorium established by Resolution No. 1997-10A, and extended by Resolution No. 1997-30 is modified as follows:

That there is hereby established a moratorium on the acceptance of applications and issuance of permits for certain wireless telecommunications facilities within the City, which moratorium shall be in place for six (6) months from the effective date of Resolution No. 1997-30, unless otherwise modified, extended or terminated by the City Council, provided that the moratorium does not apply to the following facilities: individual components of wireless facilities including antennas and supporting structures and appurtenances that are of a size no larger than thirty-six inches (36") in length or are no larger than twenty-four

inches (24@) in diameter, and individual components of any wireless facility mounted and/or located on those structures owned by the City or mounted and/or located on telecommunications support structures, so long as such structures owned by the City or mounted and/or located on telecommunications support structures are existing as of the date of Resolution No. 1997-30 (October 6, 1997), and so long as the overall height of such individual wireless components does not extend more than three feet above the highest point of the existing structure owned by the City or telecommunications support structure, provided that the installation of any such facilities shall comply with all permit requirements and with all applicable building, health and safety codes.

Section 2. That Resolution shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council this 1st day of December, 1997.

CITY OF LAKEWOOD

Attest:

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Bill Harrison, Mayor

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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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