

## Resolution No. 1998-13

[\(Council Minutes 98/03/16\)](#)

### RESOLUTION NO. 1998-13

A RESOLUTION of the City Council of the City of Lakewood, Washington, extending and re-establishing the moratorium adopted through Resolution No. 1997-30, and modified through Resolution No. 1997-39, pursuant to RCW 35.63.200, relating to land use and to telecommunications, which established a moratorium on the receipt of applications and issuance of permits for certain wireless communications facilities, and setting a public hearing therefore

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 telecommunications facilities siting and other land use matters; and,

WHEREAS, RCW 35.63.200 further provides that a public hearing shall be held within 60 days of the moratorium in connection with such a moratorium; and,

WHEREAS, a moratorium was initially adopted through Resolution No. 1997-10A of the City Council of the City of Lakewood, and later extended and modified through Resolution Nos. 1997-30 and 1997-39, 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; and,

WHEREAS, a Citizens' Ad Hoc Committee has been working with industry participants to develop proposals for a wireless telecommunications ordinance, and the proposals are being reviewed by the City of Lakewood Planning Advisory Board and a public hearing being held, with a proposed Ordinance anticipated to come to the City Council for consideration of adoption perhaps as soon as early April, 1998; and,

WHEREAS, it is appropriate to extend the moratorium, with modifications, to continue allowing 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, with a provision that the moratorium shall automatically terminate upon the effective date of an Ordinance adoption by the Lakewood City Council to regulate wireless telecommunication facilities in the City.

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

Section 1. That the moratorium established by Resolution No. 1997-30, and modified through Resolution No. 1997-39, is extended and re-established as follows:

That the moratorium previously established by Resolution No. 1997-30, and modified by Resolution No. 1997-39 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 this Resolution, 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 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. It is further provided that, notwithstanding the term of this moratorium extension, this moratorium shall automatically terminate upon the effective date of an Ordinance adoption by the Lakewood City Council to regulate wireless telecommunication facilities in the City.

Section 2. That a Public Hearing on the above moratorium shall be set for 7:00 p.m., or as soon thereafter as the matter can be heard, on the 20th day of April, 1998, at the scheduled meeting place for that day's City of Lakewood City Council Regular Meeting, Oakbrook Elementary School, 7802 83rd Ave S.W., Lakewood, Washington.

Section 3. That Resolution shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council this 16th day of March, 1998.

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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