

**RESOLUTION NO.119-96**

**IMPOSING A MORATORIUM ON APPLICATIONS FOR LAND USE PERMITS FOR  
CELLULAR COMMUNICATION FACILITIES**

WHEREAS, the use of cellular telephones, new wireless communications technologies and increased federal licensing of communication channels has impacted surrounding counties and may create a significant increase in the number of applications for land use permits for the siting of cellular towers, cell sites and antennae, and other facilities necessary for personal wireless services communications facilities (hereinafter "wireless communications facilities"); and

WHEREAS, the unique geographical position of Mason County (hereinafter referred to as "County") makes it a prime location for wireless communications companies to serve the region's boating community, which has further increased the demand for wireless communications facilities within the County; and

WHEREAS, the land use regulations currently in effect in the County do not provide sufficient definitive criteria with which the County can properly evaluate and condition the siting of wireless communication facilities; and

WHEREAS, there are concerns for the siting of such facilities such as, (1) Are they disruptive and a blight on residential and scenic areas of the County, (2) Do they have the potential to adversely affect property values, (3) Do they detract from the natural beauty and resources of the County, which contribute significantly to the social, aesthetic and economic well-being of county residents; and

WHEREAS, Washington State's permissive vested rights doctrine, which allows many land use applications to vest to land use regulations which are in effect early in the application process, could enable applications for wireless communications facilities to vest to inadequate regulations while the County studies the changes needed in those regulations (which would undermine effective County planning for these facilities; and

WHEREAS, a moratorium on the processing of applications is necessary while the County studies the issues inherent in the construction and siting of wireless communications facilities and develops appropriate land use controls for this emerging technology.

NOW, THEREFORE, for a period of six months from the effective date of this resolution, the County shall not process applications for land use permits for personal wireless services communication facilities unless the applications were complete and submitted to the Mason County Department of General Services

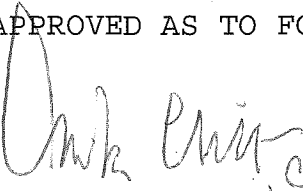
(Building Department) or the Department of Community Development prior to the effective date of this resolution. As used in this resolution:

1. "Land use permit" means any permit required from the County for the construction or siting of any facilities necessary for personal wireless services communications facilities; and
2. "personal wireless services communications facilities: means structures in excess of thirty-five (35) feet in height which are required for cellular or personal communications service(s), specialized mobile radio (SMR) or enhanced specialized mobil radio(ESMR) (also includes radio and TV transmission towers).

SEVERABILITY: If any provision of this resolution, or its application to any person, entity or circumstance is for any reason held invalid, the remainder of the resolution, or the application of the provision to other persons, entities or circumstances is not affected.

DATED this 12th day of November, 1996

APPROVED AS TO FORM:


  
CH. DPA  
DEPUTY PROSECUTING ATTORNEY

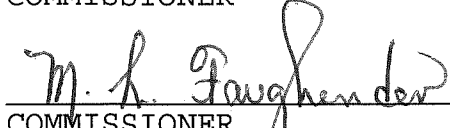
BOARD OF COUNTY  
COMMISSIONERS  
MASON COUNTY, WASHINGTON

  
CHAIRPERSON

ATTEST:

  
CLERK OF THE BOARD

  
COMMISSIONER

  
COMMISSIONER

c: Community Development

WIRELESS