

RESOLUTION NO. 113-98

**A RESOLUTION TO EXTEND THE EFFECTIVE PERIOD OF RESOLUTION NO. 58-98 WHICH EXTENDED THE MORATORIUM ON APPLICATIONS FOR LAND USE PERMITS AS THEY RELATE TO SEXUALLY ORIENTED BUSINESSES.**

WHEREAS, on January 13, 1998 the Mason County Board of Commissioners imposed a moratorium on applications for land use permits as they relate to sexually oriented businesses in the unincorporated area of Mason County per Resolution No. 25-98; and

WHEREAS, the moratorium was effective for a six month period (period began on the date the moratorium was approved which was January 13, 1998); and

WHEREAS, the Mason County Board of Commissioners held a public hearing on March 10, 1998 per RCW 36.70A.390; and

WHEREAS, on June 2, 1998 the Board of County Commissioners renewed the moratorium for an additional six months per Resolution No. 58-98; and

WHEREAS, the County Commissioners held a public hearing on July 14, 1998 per RCW 36.70A.390; and

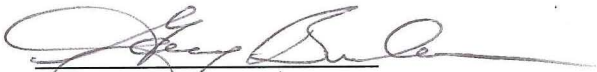
WHEREAS, more time is needed to complete the ordinance and direct it through the public process;

NOW THEREFORE BE IT RESOLVED THAT:

The Mason County Board of Commissioners hereby amend Resolution No. 58-98 to extend by six months the effective period of the moratorium whereby the County shall not process land use permits as they relate to sexually oriented businesses in the unincorporated are of Mason County.

DATED THIS 27<sup>th</sup> Day of <sup>October</sup> ~~September~~, 1998.

APPROVED AS TO FORM:

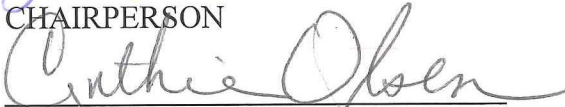
  
DEPUTY PROS. ATTORNEY

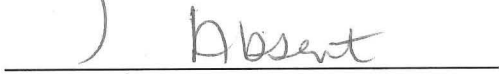
ATTEST:

  
CLERK OF THE BOARD

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

  
CHAIRPERSON

  
COMMISSIONER

  
COMMISSIONER

## MASON COUNTY BOARD OF COUNTY COMMISSIONERS

### INTERIM REGULATIONS SEXUALLY ORIENTED BUSINESSES

#### FINDINGS OF FACT AND CONCLUSIONS

Based upon concerns expressed and inquiries made regarding the possible establishment of sexually oriented businesses in the unincorporated areas of Mason County the Board of County Commissioners make the following findings:

#### FINDINGS:

- A. Certain conduct occurring at sexually oriented businesses creates secondary impacts that are detrimental to the public health, safety and general welfare of the citizens of the county, and therefore such conduct must be regulated.
- B. Regulation of sexually oriented business is necessary because in the absence of such regulation significant criminal activity has historically and regularly occurred.
- C. It is necessary to license entertainers in the erotic entertainment industry to prevent the exploitation of minors; to ensure that each such entertainer is an adult; and to ensure that such entertainers have not assumed a false name, which would make regulation of the entertainer difficult or impossible.
- D. Increased levels of criminal activities occur in the vicinity of sexually oriented businesses.
- E. Regulation of sexually oriented businesses should be developed to prevent deterioration and/or degradation of the vitality of the community before the problem exists rather than in response to an existing problem.
- F. In other entities sexually oriented businesses are increasingly associated with ongoing prostitution, disruptive conduct and criminal activity. Such businesses are not currently subject to effective regulation and therefore constitute an immediate threat to the public peace, health and safety.
- G. On February 13, 1998 the Board of County Commissioners approved a moratorium for six months which prohibited the location of any sexually oriented businesses in unincorporated Mason County. On June 2, 1998 the Board of County Commissioners extended the moratorium. On October 27, 1998 the Board of County Commissioners extended the moratorium.
- H. To avoid problems that may arise during the planning efforts directed toward the development of a sexually oriented business ordinance the moratoriums have been implemented per the contents of RCW 36.70A.390.
- I. Public hearings have been conducted by the Board of County Commissioners on March 10, 1998, July 14, 1998 and December 8, 1998.
- J. Mason County currently has in effect an erotic dance studio ordinance (34-83, Mason County Code Chapter 5.19) that provides for regulations applicable to a fixed place of business which emphasizes and seeks, through one or more dancers, to arouse or excite the patrons' sexual desires. However, the land use regulations

currently in effect in the county do not provide sufficient definitive criteria with which the county can address the concerns of county residents and properly evaluate and condition the siting of sexually oriented businesses such as erotic retail establishments, massage parlors, erotic theater's, erotic arcade's, erotic arcade devices or erotic arcade stations or booths.

- K. 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 sexually oriented businesses to vest to inadequate regulations while the county studies the changes needed in those regulations. This would undermine effective county planning for these businesses.
- L. A moratorium on further processing of applications is necessary while the county studies the issues inherent to the establishment of sexually oriented businesses.

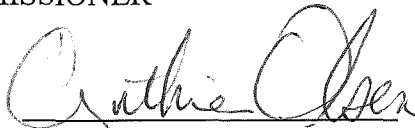
CONCLUSIONS:

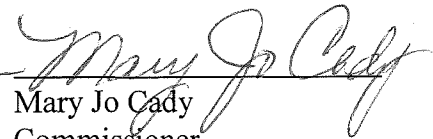
- A. The Board concludes that the county will not process any land use permit applications for sexually oriented businesses for a period of six months beginning October 27, 1998. Unless, the applications were complete and submitted to the Mason County Department of General Services or the Department of Community Development prior to the effective date of the first moratorium (January 13, 1998). The county has the ability to extend the moratorium for additional six month periods in compliance with the contents of RCW 36.70A.390.
- B. The Board concludes that the county shall study the issues inherent in the establishment of sexually oriented businesses and develop appropriate land use controls.

DATED THIS 8th DAY of December, 1998.

BOARD OF COUNTY COMMISSIONER

Excused Absence 12/8/98  
John A. Bolender  
Chairperson

  
Cindy D. Olsen  
Commissioner

  
Mary Jo Cady  
Commissioner