

RESOLUTION 25-98

IMPOSING A MORATORIUM ON APPLICATIONS FOR LAND USE PERMITS AS THEY RELATE TO SEXUALLY ORIENTED BUSINESSES

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 establishment of sexually oriented businesses; and

WHEREAS, there has been concern expressed and inquiries made regarding the possible establishment of sexually oriented businesses in the unincorporated area of Mason County; 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 sexual oriented businesses to vest to inadequate regulations while the County studies the changes needed in those regulations (which would undermine effective county planning for these businesses); and

WHEREAS, a moratorium on the processing of applications is necessary while the County studies the issues inherent with the establishment of sexually oriented businesses; and

WHEREAS, 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.

NOW THEREFORE, for a period of six months beginning on January 13, 1998 (date moratorium was approved by the Board of County Commissioners) the county shall not process applications for land use permits as they relate to sexually oriented businesses 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 the moratorium.

SEVERABILITY

If any provision of this resolution, or its application to any person, entity or circumstance is for

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any reason held invalid, the remainder of the resolution, or the application of the provision to other persons, entities or circumstances is not effected.

DATED THIS 10th day of March, 1998.

APPROVED AS TO FORM:

Chris Pratt, CHIEF DPO

DEPUTY PROS. ATTORNEY

ATTEST:

Rebecca D Rogers
CLERK OF THE BOARD

BOARD OF COUNT COMMISSIONERS
MASON COUNTY, WASHINGTON

John Boland
CHAIRPERSON

Cynthia Olsen
COMMISSIONER

Absent
COMMISSIONER