
ENGROSSED SUBSTITUTE HOUSE BILL 2828

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Appropriations (originally sponsored by Representative Crouse)

Read first time 02/05/96.

1 AN ACT Relating to personal wireless service facilities; adding a
2 new section to chapter 43.21C RCW; adding a new section to chapter
3 80.36 RCW; adding a new section to chapter 19.27A RCW; adding a new
4 section to chapter 70.92 RCW; and adding a new section to chapter 43.70
5 RCW.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21C RCW
8 to read as follows:

9 (1) Decisions pertaining to applications to site personal wireless
10 service facilities are not subject to the requirements of RCW
11 43.21C.030(2)(c), if those facilities meet the following requirements:

12 (a)(i) The facility to be sited is a microcell and is to be
13 attached to an existing structure that is not a residence or school and
14 does not contain a residence or a school; or (ii) the facility includes
15 personal wireless service antennas, other than a microcell, and is to
16 be attached to an existing structure (that may be an existing tower)
17 that is not a residence or school and does not contain a residence or
18 a school, and the existing structure to which it is to be attached is
19 located in a commercial, industrial, manufacturing, forest, or

1 agricultural zone; or (iii) the siting project involves constructing a
2 personal wireless service tower less than sixty feet in height that is
3 located in a commercial, industrial, manufacturing, forest, or
4 agricultural zone; and

5 (b) The project is not in a designated environmentally sensitive
6 area; and

7 (c) The project does not consist of a series of actions: (i) Some
8 of which are not categorically exempt; or (ii) that together may have
9 a probable significant adverse environmental impact.

10 (2) The department of ecology shall adopt rules to create a
11 categorical exemption for microcells and other personal wireless
12 service facilities that meet the conditions set forth in subsection (1)
13 of this section.

14 (3) For the purposes of this section:

15 (a) "Personal wireless services" means commercial mobile services,
16 unlicensed wireless services, and common carrier wireless exchange
17 access services, as defined by federal laws and regulations.

18 (b) "Personal wireless service facilities" means facilities for the
19 provision of personal wireless services.

20 (c) "Microcell" means a wireless communication facility consisting
21 of an antenna that is either: (i) Four feet in height and with an area
22 of not more than five hundred eighty square inches; or (ii) if a
23 tubular antenna, no more than four inches in diameter and no more than
24 six feet in length.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 80.36 RCW
26 to read as follows:

27 (1) If a personal wireless service provider applies to site several
28 microcells in a single geographical area:

29 (a) If one or more of the microcells are not exempt from the
30 requirements of RCW 43.21C.030(2)(c), local governmental entities are
31 encouraged: (i) To allow the applicant, at the applicant's discretion,
32 to file a single set of documents required by chapter 43.21C RCW that
33 will apply to all the microcells to be sited; and (ii) to render
34 decisions under chapter 43.21C RCW regarding all the microcells in a
35 single administrative proceeding; and

36 (b) Local governmental entities are encouraged: (i) To allow the
37 applicant, at the applicant's discretion, to file a single set of
38 documents for land use permits that will apply to all the microcells to

1 be sited; and (ii) to render decisions regarding land use permits for
2 all the microcells in a single administrative proceeding.

3 (2) For the purposes of this section:

4 (a) "Personal wireless services" means commercial mobile services,
5 unlicensed wireless services, and common carrier wireless exchange
6 access services, as defined by federal laws and regulations.

7 (b) "Microcell" means a wireless communication facility consisting
8 of an antenna that is either: (i) Four feet in height and with an area
9 of not more than five hundred eighty square inches; or (ii) if a
10 tubular antenna, no more than four inches in diameter and no more than
11 six feet in length.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.27A RCW
13 to read as follows:

14 (1) The state building code council shall exempt equipment shelters
15 of personal wireless service facilities from building envelope
16 insulation requirements.

17 (2) For the purposes of this section, "personal wireless service
18 facilities" means facilities for the provision of personal wireless
19 services.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.92 RCW
21 to read as follows:

22 (1) The state building code council shall amend its rules under
23 chapter 70.92 RCW, to the extent practicable while still maintaining
24 the certification of those regulations under the federal Americans with
25 disabilities act, to exempt equipment shelters for personal wireless
26 service facilities that meet the following conditions: (a) The shelter
27 is not located on or otherwise attached to a building or structure
28 subject to barrier-free access requirements; (b) the shelter is not
29 staffed; and (c) to conduct maintenance activities, employees who visit
30 the shelter must be able to climb.

31 (2) For the purposes of this section, "personal wireless service
32 facilities" means facilities for the provision of personal wireless
33 services.

34 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.70 RCW
35 to read as follows:

1 When funds are appropriated for this purpose, the department shall
2 conduct a survey of scientific literature regarding the possible health
3 effects of human exposure to the radio frequency part of the
4 electromagnetic spectrum (300Hz to 300GHz). The department shall
5 submit the survey results to the legislature, prepare a summary of that
6 survey, and make the summary available to the public. The department
7 shall update the survey and summary periodically.

--- END ---