

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2044

55th Legislature
1997 Regular Session

Passed by the House March 11, 1997
Yeas 97 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 15, 1997
Yeas 45 Nays 3

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2044** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2044

Passed Legislature - 1997 Regular Session

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Energy & Utilities (originally sponsored by Representatives Crouse, Pennington, Mastin, McMorris, DeBolt, D. Sommers, Kessler and Delvin)

Read first time 03/05/97.

1 AN ACT Relating to revising definitions for personal wireless
2 service facilities; and amending RCW 43.21C.0384, 80.36.375,
3 19.27A.027, and 70.92.170.

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

5 **Sec. 1.** RCW 43.21C.0384 and 1996 c 323 s 2 are each amended to
6 read as follows:

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

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

1 located in a commercial, industrial, manufacturing, forest, or
2 agricultural zone; and

3 (b) The project is not in a designated environmentally sensitive
4 area; and

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

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

12 (3) For the purposes of this section:

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

16 (b) "~~Personal wireless service ((facilities" means facilities for~~
17 ~~the provision of personal wireless services))~~ facility" means a
18 wireless communication facility, including a microcell, that is a
19 facility for the transmission and/or reception of radio frequency
20 signals, and which may include antennas, equipment shelter or cabinet,
21 transmission cables, a support structure to achieve the necessary
22 elevation, and reception and transmission devices and antennas.

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

28 **Sec. 2.** RCW 80.36.375 and 1996 c 323 s 3 are each amended to read
29 as follows:

30 (1) If a personal wireless service provider applies to site several
31 microcells and/or minor facilities in a single geographical area:

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

1 chapter 43.21C RCW regarding all the microcells and/or minor facilities
2 in a single administrative proceeding; and

3 (b) Local governmental entities are encouraged: (i) To allow the
4 applicant, at the applicant's discretion, to file a single set of
5 documents for land use permits that will apply to all the microcells
6 and/or minor facilities to be sited; and (ii) to render decisions
7 regarding land use permits for all the microcells and/or minor
8 facilities in a single administrative proceeding.

9 (2) For the purposes of this section:

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

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

18 (c) "Minor facility" means a wireless communication facility
19 consisting of up to three antennas, each of which is either: (i) Four
20 feet in height and with an area of not more than five hundred eighty
21 square inches; or (ii) if a tubular antenna, no more than four inches
22 in diameter and no more than six feet in length; and the associated
23 equipment cabinet that is six feet or less in height and no more than
24 forty-eight square feet in floor area.

25 **Sec. 3.** RCW 19.27A.027 and 1996 c 323 s 4 are each amended to read
26 as follows:

27 (1) The state building code council shall exempt equipment shelters
28 of personal wireless service facilities from building envelope
29 insulation requirements.

30 (2) For the purposes of this section, "~~personal wireless service~~
31 ~~((facilities" means facilities for the provision of personal wireless~~
32 ~~services)) facility" means a wireless communication facility, including
33 a microcell, that is a facility for the transmission and/or reception
34 of radio frequency signals, and which may include antennas, equipment
35 shelter or cabinet, transmission cables, a support structure to achieve
36 the necessary elevation, and reception and transmission devices and
37 antennas.~~

1 **Sec. 4.** RCW 70.92.170 and 1996 c 323 s 5 are each amended to read
2 as follows:

3 (1) The state building code council shall amend its rules under
4 chapter 70.92 RCW, to the extent practicable while still maintaining
5 the certification of those regulations under the federal Americans with
6 disabilities act, to exempt personal wireless services equipment
7 shelters, or the room or enclosure housing equipment for personal
8 wireless service facilities, that meet the following conditions: (a)
9 The shelter is not staffed; and (b) to conduct maintenance activities,
10 employees who visit the shelter must be able to climb.

11 (2) For the purposes of this section, "personal wireless service
12 (~~facilities" means facilities for the provision of personal wireless~~
13 ~~services)) facility" means a wireless communication facility, including
14 a microcell, that is a facility for the transmission and/or reception
15 of radio frequency signals, and which may include antennas, equipment
16 shelter or cabinet, transmission cables, a support structure to achieve
17 the necessary elevation, and reception and transmission devices and
18 antennas.~~

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