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**SUBSTITUTE SENATE BILL 6507**

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**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on Economic Development & Telecommunications  
(originally sponsored by Senators T. Sheldon, Finkbeiner, Kastama and  
B. Sheldon)

READ FIRST TIME 02/08/2002.

1 AN ACT Relating to siting of facilities for personal wireless  
2 services; amending RCW 35.63.200, 35A.63.220, 36.70.795, and  
3 36.70A.390; and reenacting and amending RCW 35.99.050 and 35A.21.245.

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

5 **Sec. 1.** RCW 35.99.050 and 2000 c 83 s 5 are each reenacted and  
6 amended to read as follows:

7 (1) A city or town ((shall)) may not place ((or—extend)) a  
8 moratorium or interim zoning control on siting facilities for personal  
9 wireless services that exceeds one hundred eighty days. A moratorium  
10 or interim zoning control may be renewed up to an additional one  
11 hundred eighty days if: (a) The city or town and affected companies  
12 seeking to locate personal wireless facilities agree to the renewal; or  
13 (b) the renewal is supported by a work plan that is developed and  
14 agreed upon by the city or town and affected companies seeking to  
15 locate personal wireless facilities. A city or town may not place a  
16 moratorium or interim zoning control, including renewals, more often  
17 than once in a five-year period.

1       (2) Moratoria and interim zoning controls must not be used to  
2 stall, discourage, or otherwise effectively prohibit the placement of  
3 personal wireless facilities within a community.

4       (3) During the time a moratorium or interim zoning control is in  
5 effect, a city or town will continue to process complete applications  
6 for the placement of personal wireless facilities that were filed  
7 before the effective date of the moratorium or interim zoning control.

8       (4) During the time a moratorium or interim zoning control is in  
9 effect, a city or town will continue to accept and process, to the  
10 degree possible, applications for the placement of personal wireless  
11 facilities.

12       (5) Any city or town implementing a moratorium or interim zoning  
13 control will, at the request of any company seeking to locate personal  
14 wireless facilities affected by the moratorium or interim zoning  
15 control, participate with the service provider in the informal dispute  
16 resolution process included within section II of the guidelines for  
17 facilities siting implementation as agreed to on August 5, 1998, by the  
18 federal communications commission's local and state government advisory  
19 committee, the cellular telecommunications industry association, the  
20 personal communications industry association, and the American mobile  
21 telecommunications association.

22       (6) The limitation on moratoria and interim zoning controls in  
23 subsection (1) of this section includes any moratoria or interim zoning  
24 controls concerning the acceptance and processing of applications,  
25 permitting, construction, maintenance, repair, replacement, extension,  
26 operation, or use of any facilities for personal wireless services((  
27 except as consistent with the guidelines for facilities siting  
28 implementation, as agreed to on August 5, 1998, by the federal  
29 communications commission's local and state government advisory  
30 committee, the cellular telecommunications industry association, the  
31 personal communications industry association, and the American mobile  
32 telecommunications association. Any city or town implementing such a  
33 moratorium shall, at the request of a service provider impacted by the  
34 moratorium, participate with the service provider in the informal  
35 dispute resolution process included with the guidelines for facilities  
36 siting implementation)).

37       **Sec. 2.** RCW 35A.21.245 and 2000 c 83 s 10 are each reenacted and  
38 amended to read as follows:

1 Each code city is subject to the requirements and restrictions  
2 regarding facilities and rights of way under (~~this~~) chapter 35.99  
3 RCW.

4 **Sec. 3.** RCW 35.63.200 and 1992 c 207 s 1 are each amended to read  
5 as follows:

6 A council or board that adopts a moratorium or interim zoning  
7 control, without holding a public hearing on the proposed moratorium or  
8 interim zoning control, shall hold a public hearing on the adopted  
9 moratorium or interim zoning control within at least sixty days of its  
10 adoption, whether or not the council or board received a recommendation  
11 on the matter from the commission. If the council or board does not  
12 adopt findings of fact justifying its action before this hearing, then  
13 the council or board shall do so immediately after this public hearing.  
14 A moratorium or interim zoning control adopted under this section may  
15 be effective for not longer than six months, but may be effective for  
16 up to one year if a work plan is developed for related studies  
17 providing for such a longer period. A moratorium or interim zoning  
18 control may be renewed for one or more six-month periods if a  
19 subsequent public hearing is held and findings of fact are made prior  
20 to each renewal.

21 A council or board is also subject to the moratorium and interim  
22 zoning control provisions in RCW 35.99.050.

23 **Sec. 4.** RCW 35A.63.220 and 1992 c 207 s 3 are each amended to read  
24 as follows:

25 A legislative body that adopts a moratorium or interim zoning  
26 ordinance, without holding a public hearing on the proposed moratorium  
27 or interim zoning ordinance, shall hold a public hearing on the adopted  
28 moratorium or interim zoning ordinance within at least sixty days of  
29 its adoption, whether or not the legislative body received a  
30 recommendation on the matter from the planning agency. If the  
31 legislative body does not adopt findings of fact justifying its action  
32 before this hearing, then the legislative body shall do so immediately  
33 after this public hearing. A moratorium or interim zoning ordinance  
34 adopted under this section may be effective for not longer than six  
35 months, but may be effective for up to one year if a work plan is  
36 developed for related studies providing for such a longer period. A  
37 moratorium of interim zoning ordinance may be renewed for one or more

1 six-month periods if a subsequent public hearing is held and findings  
2 of fact are made prior to each renewal.

3 A legislative body is also subject to the moratorium and interim  
4 zoning control provisions in RCW 35.99.050.

5 **Sec. 5.** RCW 36.70.795 and 1992 c 207 s 4 are each amended to read  
6 as follows:

7 A board that adopts a moratorium, interim zoning map, interim  
8 zoning ordinance, or interim official control without holding a public  
9 hearing on the proposed moratorium, interim zoning map, interim zoning  
10 ordinance, or interim official control, shall hold a public hearing on  
11 the adopted moratorium, interim zoning map, interim zoning ordinance,  
12 or interim official control within at least sixty days of its adoption,  
13 whether or not the board received a recommendation on the matter from  
14 the commission or department. If the board does not adopt findings of  
15 fact justifying its action before this hearing, then the board shall do  
16 so immediately after this public hearing. A moratorium, interim zoning  
17 map, interim zoning ordinance, or interim official control adopted  
18 under this section may be effective for not longer than six months, but  
19 may be effective for up to one year if a work plan is developed for  
20 related studies providing for such a longer period. A moratorium,  
21 interim zoning map, interim zoning ordinance, or interim official  
22 control may be renewed for one or more six-month periods if a  
23 subsequent public hearing is held and findings of fact are made prior  
24 to each renewal.

25 A board is also subject to the moratorium and interim zoning  
26 control provisions in RCW 35.99.050.

27 **Sec. 6.** RCW 36.70A.390 and 1992 c 207 s 6 are each amended to read  
28 as follows:

29 A county or city governing body that adopts a moratorium, interim  
30 zoning map, interim zoning ordinance, or interim official control  
31 without holding a public hearing on the proposed moratorium, interim  
32 zoning map, interim zoning ordinance, or interim official control,  
33 shall hold a public hearing on the adopted moratorium, interim zoning  
34 map, interim zoning ordinance, or interim official control within at  
35 least sixty days of its adoption, whether or not the governing body  
36 received a recommendation on the matter from the planning commission or  
37 department. If the governing body does not adopt findings of fact

1 justifying its action before this hearing, then the governing body  
2 shall do so immediately after this public hearing. A moratorium,  
3 interim zoning map, interim zoning ordinance, or interim official  
4 control adopted under this section may be effective for not longer than  
5 six months, but may be effective for up to one year if a work plan is  
6 developed for related studies providing for such a longer period. A  
7 moratorium, interim zoning map, interim zoning ordinance, or interim  
8 official control may be renewed for one or more six-month periods if a  
9 subsequent public hearing is held and findings of fact are made prior  
10 to each renewal.

11 This section does not apply to the designation of critical areas,  
12 agricultural lands, forest lands, and mineral resource lands, under RCW  
13 36.70A.170, and the conservation of these lands and protection of these  
14 areas under RCW 36.70A.060, prior to such actions being taken in a  
15 comprehensive plan adopted under RCW 36.70A.070 and implementing  
16 development regulations adopted under RCW 36.70A.120, if a public  
17 hearing is held on such proposed actions.

18 A county or city governing body is also subject to the moratorium  
19 and interim zoning control provisions in RCW 35.99.050.

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