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**SUBSTITUTE HOUSE BILL 2828**

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**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 19.27 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 19.27 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. In addition, the department of  
31 ecology shall adopt rules to add an exception to WAC 51-30-1103,  
32 section 1103.1 for equipment shelters that meet the same conditions.

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

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

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

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