
HOUSE BILL 2044

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By Representatives Crouse, Pennington, Mastin, McMorris, DeBolt, D. Sommers, Kessler and Delvin

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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))~~ up to three antennas ~~((that))~~, each of which is either: (i)
25 Four feet in height and with an area of not more than five hundred
26 eighty square inches; or (ii) if a tubular antenna, no more than four
27 inches in diameter and no more than six feet in length; and the
28 associated equipment cabinet that is six feet or less in height and no
29 more than forty-eight square feet in floor area.

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

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

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

1 decisions under chapter 43.21C RCW regarding all the microcells in a
2 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 to
6 be sited; and (ii) to render decisions regarding land use permits for
7 all the microcells in a single administrative proceeding.

8 (2) For the purposes of this section:

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

12 (b) "Microcell" means a wireless communication facility consisting
13 of ~~((an))~~ up to three antennas ~~((that))~~, each of which is either: (i)
14 Four feet in height and with an area of not more than five hundred
15 eighty square inches; or (ii) if a tubular antenna, no more than four
16 inches in diameter and no more than six feet in length; and the
17 associated equipment cabinet that is six feet or less in height and no
18 more than forty-eight square feet in floor area.

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

21 (1) The state building code council shall exempt equipment shelters
22 of personal wireless service facilities from building envelope
23 insulation requirements.

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

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

34 (1) The state building code council shall amend its rules under
35 chapter 70.92 RCW, to the extent practicable while still maintaining
36 the certification of those regulations under the federal Americans with
37 disabilities act, to exempt personal wireless services equipment

1 shelters, or the room or enclosure housing equipment for personal
2 wireless service facilities, that meet the following conditions: (a)
3 The shelter is not staffed; and (b) to conduct maintenance activities,
4 employees who visit the shelter must be able to climb.

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

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