

# SENATE BILL REPORT

## SB 6507

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As Reported By Senate Committee On:  
Economic Development & Telecommunications, February 8, 2002

**Title:** An act relating to siting of facilities for personal wireless services.

**Brief Description:** Revising provisions relating to siting of facilities for personal wireless services.

**Sponsors:** Senators T. Sheldon, Finkbeiner, Kastama and B. Sheldon.

**Brief History:**

**Committee Activity:** Economic Development & Telecommunications: 1/25/02, 2/8/02 [DPS].

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### SENATE COMMITTEE ON ECONOMIC DEVELOPMENT & TELECOMMUNICATIONS

**Majority Report:** That Substitute Senate Bill No. 6507 be substituted therefor, and the substitute bill do pass.

Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Finkbeiner, McCaslin, Rossi and Stevens.

**Staff:** William Bridges (786-7424)

**Background:** Cellular phones and wireless pagers are examples of "personal wireless services." And the equipment used to deliver these services, such as antennas and poles, are examples of personal wireless services facilities. Local zoning moratoria on the siting of these facilities must comply with federal and state law.

Under federal law, zoning moratoria on personal wireless facilities may not prohibit or have the effect of prohibiting the provision of personal wireless services. In addition, guidelines developed by the Federal Communications Commission suggest that zoning moratoria on these facilities last no longer than 180 days. But the guidelines also allow for longer moratoria so long as the deployment of personal wireless facilities are not effectively banned.

Under Washington law, cities and counties may enact general zoning moratoria up to six months long. Moratoria up to one year are permitted if supported by work plans. Cities and counties may extend their zoning moratoria for one or more six-month periods if they hold hearings and make the appropriate findings. Washington law also requires that cities and towns, but not counties, follow the FCC guidelines concerning zoning moratoria on personal wireless facilities.

**Summary of Substitute Bill:** A county, city, or town may not implement a zoning moratorium or interim zoning control for personal wireless services facilities that is longer than 180 days. A moratorium or interim zoning control may be renewed up to an additional

180 days if: (a) the local government and affected companies agree to the renewal, or (b) the renewal is supported by a work plan that is developed and agreed upon by the local government and affected companies. A county, city, or town may not implement more than one moratorium or interim zoning control, including renewals, every five years.

A county, city, or town that implements a zoning moratorium or interim zoning control will continue to process complete applications that were filed before the effective date of the moratorium. In addition, a county, city, or town will continue to accept and process applications, to the degree possible, during the time a moratorium or interim zoning control is in effect.

A county, city, or town may not use a zoning moratorium or interim zoning control to stall, discourage, or effectively prohibit the placement of personal wireless facilities. A county, city, or town that implements a moratorium or interim zoning control will participate in the informal dispute resolution process that is specified in FCC guidelines if requested to do so by an affected company.

**Substitute Bill Compared to Original Bill:** The prohibition against moratoria is expanded to include interim zoning controls. Moratoria that effectively prohibit the placement of personal wireless facilities is prohibited. One renewal of moratoria up to 180 days is allowed if: (a) the local government and affected companies agree to the renewal, or (b) the renewal is supported by a work plan that is developed and agreed upon by the local government and affected companies. Local governments are required to continue processing complete applications that were filed before the effective date of the moratorium. Local governments must continue accepting and processing applications to the degree possible during the time a moratorium is in effect. Local governments that implement moratoria must participate in the informal dispute resolution process that is specified in FCC guidelines if requested to do so by an affected company.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Washington is the third most difficult state to site wireless facilities. The demand for wireless service is growing so fast that the network's capacity is being strained. The future of wireless technologies is so bright, including enhanced 911 capabilities, but the citizens of Washington will not be able to enjoy this future if siting difficulties continue. More sites are needed in residential and rural areas. The bill is in the spirit of the competitiveness council's recommendation concerning the timely siting of telecommunications facilities. Because local ordinances are effectively prohibiting the siting of wireless facilities, multi-million dollar wireless investments in Washington are being jeopardized. The bill should have a provision that prohibits cities from collecting utility taxes from wireless carriers during a siting moratorium. The bill should require a local government to have discussions with wireless carriers before a moratorium is put in place.

**Testimony Against:** Only two counties have wireless moratoria and these moratoria are scheduled to end this spring. There is no evidence that cities have been violating the FCC

siting guidelines. Cities and counties have been actively working with wireless carriers to fashion good wireless ordinances. Siting is a local issue and should stay that way. The bill should at least allow cities and counties to have moratoria if their wireless ordinances are struck down by courts. The FCC siting guidelines should be added back into the bill. It is not clear if the bill covers interim zoning controls.

**Testified:** Laura Altschul, Voicestream (pro); Steve Franks, City of Spokane (con); Steve Gano, Cingular (pro); Karen Kirkpatrick, City of Federal Way (con); Matt Lampe, City of Seattle (con); Paul Parker, WA State Ass'n of Counties (comments); Barb Young, Sprint (pro).