
SENATE BILL 6507

State of Washington 57th Legislature

2002 Regular Session

By Senators T. Sheldon, Finkbeiner, Kastama and B. Sheldon

Read first time 01/18/2002. Referred to Committee on Economic Development & Telecommunications.

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 on siting facilities for personal wireless services that is
9 longer than one hundred eighty days. A city or town may place one
10 moratorium every five years.

11 (2) The limitation on moratoria in subsection (1) of this section
12 includes any moratoria on the acceptance and processing of
13 applications, permitting, construction, maintenance, repair,
14 replacement, extension, operation, or use of any facilities for
15 personal wireless services((, except as consistent with the guidelines
16 for facilities siting implementation, as agreed to on August 5, 1998,
17 by the federal communications commission's local and state government
18 advisory committee, the cellular telecommunications industry
19 association, the personal communications industry association, and the

1 ~~American mobile telecommunications association. Any city or town~~
2 ~~implementing such a moratorium shall, at the request of a service~~
3 ~~provider impacted by the moratorium, participate with the service~~
4 ~~provider in the informal dispute resolution process included with the~~
5 ~~guidelines for facilities siting implementation)).~~

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

8 Each code city is subject to the requirements and restrictions
9 regarding facilities and rights of way under ((this)) chapter 35.99
10 RCW.

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

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

28 A council or board is also subject to the moratorium provisions in
29 RCW 35.99.050.

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

32 A legislative body that adopts a moratorium or interim zoning
33 ordinance, without holding a public hearing on the proposed moratorium
34 or interim zoning ordinance, shall hold a public hearing on the adopted
35 moratorium or interim zoning ordinance within at least sixty days of
36 its adoption, whether or not the legislative body received a

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

11 A legislative body is also subject to the moratorium provisions in
12 RCW 35.99.050.

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

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

33 A board is also subject to the moratorium provisions in RCW
34 35.99.050.

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

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

20 This section does not apply to the designation of critical areas,
21 agricultural lands, forest lands, and mineral resource lands, under RCW
22 36.70A.170, and the conservation of these lands and protection of these
23 areas under RCW 36.70A.060, prior to such actions being taken in a
24 comprehensive plan adopted under RCW 36.70A.070 and implementing
25 development regulations adopted under RCW 36.70A.120, if a public
26 hearing is held on such proposed actions.

27 A county or city governing body is also subject to the moratorium
28 provisions in RCW 35.99.050.

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