

SHB 1183 - S AMD 326
By Senator Ericksen

ADOPTED 04/25/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 43.21C.0384 and 1996 c 323 s 2 are each amended to
4 read as follows:

5 (1) Decisions pertaining to applications to site ~~((personal))~~
6 wireless service facilities are not subject to the requirements of RCW
7 43.21C.030(2)(c), if those facilities meet the following requirements:

8 (a)~~((i))~~ The ~~((facility to be sited is a microcell and is to be~~
9 ~~attached to an existing structure that is not a residence or school and~~
10 ~~does not contain a residence or a school))~~ collocation of new
11 equipment, removal of equipment, or replacement of existing equipment
12 on existing or replacement structures does not substantially change the
13 physical dimensions of such structures; or ~~((ii) the facility includes~~
14 ~~personal wireless service antennas, other than a microcell, and is to~~
15 ~~be attached to an existing structure (that may be an existing tower)~~
16 ~~that is not a residence or school and does not contain a residence or~~
17 ~~a school, and the existing structure to which it is to be attached is~~
18 ~~located in a commercial, industrial, manufacturing, forest, or~~
19 ~~agricultural zone; or (iii))~~

20 (b) The siting project involves constructing a ~~((personal))~~
21 wireless service tower less than sixty feet in height that is located
22 in a commercial, industrial, manufacturing, forest, or agricultural
23 zone ~~((i and~~

24 ~~(b) The project is not in))~~. This exemption does not apply to
25 projects within a designated ~~((environmentally sensitive))~~ critical
26 area ~~((i and~~

27 ~~(c) The project does not consist of a series of actions: (i) Some~~
28 ~~of which are not categorically exempt; or (ii) that together may have~~
29 ~~a probable significant adverse environmental impact)).~~

1 (2) The exemption authorized under subsection (1) of this section
2 may only be applied to a project consisting of a series of actions when
3 all actions in the series are categorically exempt and the actions
4 together do not have a probable significant adverse environmental
5 impact.

6 (3) The department of ecology shall adopt rules to create a
7 categorical exemption for ((microcells and other personal)) wireless
8 service facilities that meet the conditions set forth in subsections
9 (1) and (2) of this section.

10 ~~((3) For the purposes of this section:)~~

11 (4) By January 1, 2020, all wireless service providers granted an
12 exemption to RCW 43.21C.030(2)(c) must provide the legislature with the
13 number of permits issued pertaining to wireless service facilities, the
14 number of exemptions granted under this section, and the total dollar
15 investment in wireless service facilities between July 1, 2013, and
16 June 30, 2019.

17 (5) The definitions in this subsection apply throughout this
18 section unless the context clearly requires otherwise.

19 (a) "((Personal)) Wireless services" means wireless data and
20 telecommunications services, including commercial mobile services,
21 commercial mobile data services, unlicensed wireless services, and
22 common carrier wireless exchange access services, as defined by federal
23 laws and regulations.

24 (b) "((Personal)) Wireless service facilities" means facilities for
25 the provision of ((personal)) wireless services.

26 ~~((("Microcell" means a wireless communication facility~~
27 ~~consisting of an antenna that is either: (i) Four feet in height and~~
28 ~~with an area of not more than five hundred eighty square inches; or~~
29 ~~(ii) if a tubular antenna, no more than four inches in diameter and no~~
30 ~~more than six feet in length))~~ "Collocation" means the mounting or
31 installation of equipment on an existing tower, building, or structure
32 for the purpose of either transmitting or receiving, or both, radio
33 frequency signals for communications purposes.

34 (d) "Existing structure" means any existing tower, pole, building,
35 or other structure capable of supporting wireless service facilities.

36 (e) "Substantially change the physical dimensions" means:

37 (i) The mounting of equipment on a structure that would increase

1 the height of the structure by more than ten percent, or twenty feet,
2 whichever is greater; or

3 (ii) The mounting of equipment that would involve adding an
4 appurtenance to the body of the structure that would protrude from the
5 edge of the structure more than twenty feet, or more than the width of
6 the structure at the level of the appurtenance, whichever is greater.

7 NEW SECTION. Sec. 2. The code reviser is directed to put the
8 defined terms in RCW 43.21C.0384(5) into alphabetical order."

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9 On page 1, line 1 of the title, after "structures;" strike the
10 remainder of the title and insert "amending RCW 43.21C.0384; and
11 creating a new section."

EFFECT: Replaces the bill with the text of the senate companion bill (SB 5098), as amended by the house of representatives: (1) removes the provision limiting categorical exemptions to two within six-years; (2) removes boundary expansions and the addition of new equipment cabinets from the definition of "substantially change the physical dimensions;" (3) requires wireless service providers granted an exemption to report to the legislature by January 1, 2020; and (4) changes the term "environmentally sensitive area" to "critical area."

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