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HOUSE BILL 1183

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State of Washington

63rd Legislature

2013 Regular Session

By Representatives Morris, Smith, Habib, Crouse, Morrell, Magendanz, Freeman, Kochmar, Walsh, Tarleton, Dahlquist, Vick, Zeiger, Maxwell, Hudgins, Upthegrove, Ryu, and Bergquist

Read first time 01/18/13. Referred to Committee on Technology & Economic Development.

1 AN ACT Relating to wireless communications structures; and amending  
2 RCW 43.21C.0384.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

6 (1) Decisions pertaining to applications to site personal wireless  
7 service facilities are not subject to the requirements of RCW  
8 43.21C.030(2)(c), if those facilities meet the following requirements:

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

1 ~~located in a commercial, industrial, manufacturing, forest, or~~  
2 ~~agricultural zone; or (iii))~~ the siting project involves constructing  
3 a personal wireless service tower less than sixty feet in height that  
4 is located in a commercial, industrial, manufacturing, forest, or  
5 agricultural zone. This exemption does not apply to projects within a  
6 designated environmentally sensitive area; and

7 ~~(b) ((The project is not in a designated environmentally sensitive~~  
8 ~~area; and~~

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

12 (2) The department of ecology shall adopt rules to create a  
13 categorical exemption for ~~((microcells and other))~~ personal wireless  
14 service facilities that meet the conditions set forth in subsection (1)  
15 of this section.

16 (3) ~~((For the purposes of this section:))~~ The definitions in this  
17 subsection apply throughout this section unless the context clearly  
18 requires otherwise.

19 (a) "Collocation" means the mounting or installation of equipment  
20 on an existing tower, building, or structure for the purpose of either  
21 transmitting or receiving, or both, radio frequency signals for  
22 communications purposes.

23 (b) "Personal wireless services" means commercial mobile services,  
24 unlicensed wireless services, and common carrier wireless exchange  
25 access services, as defined by federal laws and regulations.

26 ~~((b))~~ (c) "Personal wireless service facilities" means facilities  
27 for the provision of personal wireless services.

28 ~~((c) "Microcell" means a wireless communication facility~~  
29 ~~consisting of an antenna that is either: (i) Four feet in height and~~  
30 ~~with an area of not more than five hundred eighty square inches; or~~  
31 ~~(ii) if a tubular antenna, no more than four inches in diameter and no~~  
32 ~~more than six feet in length.))~~

33 (d) "Substantially change the physical dimensions" means:

34 (i) The mounting of equipment on a structure that would increase  
35 the height of the structure by more than ten percent, or twenty feet,  
36 whichever is greater;

37 (ii) The mounting of equipment that would involve adding an

1 appurtenance to the body of the structure that would protrude from the  
2 edge of the structure more than twenty feet, or more than the width of  
3 the structure at the level of the appurtenance, whichever is greater.

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