

Policy applicable to proposed Code changes and Master License Agreement:

FCC Order – on September 26, 2018 the FCC issued an order interpreting the preemptive scope of the Telecommunications Act of 1996 as further described in this agenda memo.

Section 332(c)(7) of the Federal Telecommunications Act requires the City to not prohibit provision of personal wireless service.

Revised Code of Washington (RCW) 35.99.040(2) states that although the City can regulate the placement of small cell facilities through local zoning, such regulation may not result in an outright prohibition of all wireless facilities.

Bellevue City Code (BCC) Chapter 6.04.010 requires a telecommunications provider to obtain a Right-of-Way Use Agreement to occupy City rights-of-way for purposes of providing telecommunications services.

The City Council Vision describes Bellevue as a “Smart City” with a clean, high-quality environment and excellent and reliable infrastructure that supports our vibrant and growing city, including high-tech connectivity.

The Bellevue Comprehensive Plan states that we are to “maintain Bellevue’s competitive advantage and attraction as a highly connected community” (Policy UT-51).

The Bellevue Comprehensive Plan also recognizes that wireless communication facilities will be deployed in all areas of the City to provide coverage and capacity consistent with the changing use of wireless technology. However, the plan also supports the minimization of attendant visual impacts by utilizing criteria for the design and location of such facilities (Policy UT-83).

Other Bellevue Comprehensive Plan policies:

UT-45: Coordinate with providers to ensure growth plan.

UT-51: Maintain City advantage as highly connected community.

UT-53: Ensure permitting process balancing telecom deployment and protects neighborhood character.

UT-79: Require placement/design of wireless telecom minimizing adverse impact on adjacent land uses.

UT-83: Minimize telecom impact with design and location criteria that balances needs of telecom and impact of facilities.

UT-84: Minimize visual impact of wireless facilities by encouraging deployment in the following preferred order considering provider’s coverage needs: (i) Nonresidential land use districts, except Transition; (ii) Transition Areas; (iii) Multifamily (R-20 and R-30) districts, and (iv) Park and Residential districts.

UT-85: Minimize visual impact of wireless facilities by encouraging system design in the following preferred order: (1) attached to public facility structures, or integrated with utility poles, light standards, and signal supports; (2) co-located on utility poles, light standards, signal supports, and (3) free standing towers.

UT-90: Periodically review and update wireless regulations to respond to changes in technology to balance impacts with the need for service.