

CITY COUNCIL STUDY SESSION

Amendments to Chapter 6.02 and 6.08 of the Bellevue City Code addressing purpose-built pole and strand attachment Small Wireless Facilities (SWF) located within the City right-of-way.

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DIRECTION NEEDED FROM COUNCIL

DIRECTION

Staff is seeking direction from Council regarding the proposed amendments to Chapters 6.02 and 6.08 of the Telecommunications Title of the Bellevue City Code. These proposed amendments would establish provisions for purpose-built poles and strand mounted SWFs in the City right-of-way. Staff is specifically seeking Council direction to return on March 18 to pass an Ordinance to implement the proposed amendments.

RECOMMENDATION

Direct staff to return on March 18 with an Ordinance amending Chapter 6.02 and 6.08 of the Bellevue City Code (BCC) to add provisions for purpose-built pole and strand SWF.

BACKGROUND & ANALYSIS

At the January 7 Study Session, Council received a presentation on the City's proactive response to the Federal Communication Commission (FCC) order limiting local control to regulate SWF.

At the January 22 Regular Session, Council approved Ordinance No. 6454 amending Chapter 6.02 BCC, and adopting a new Chapter 6.08 BCC related to SWF deployment in the City right-of-way. Council also passed a Resolution No. 9543 approving the Master License Agreement (MLA) template and authorizing execution of individual MLAs with qualified applicants to attach SWF to City owned poles. Staff also provided an updated schedule regarding the implementation of SWFs in Bellevue, including three separate phases:

Phase 1 (completed): Phase 1 was completed with the Council actions at the January 22 Regular Session, as described immediately above. Phase 1 amended existing and added new code for co-locating SWFs on City-owned street lights and other poles located within the City right-of-way, established SWF design standards, and established policies in the execution and administration of MLAs. These actions were completed within the timelines established by the FCC Order. Additional background on Phase 1 can be found in Attachment B.

Phase 2 (proposed action as described in this agenda memo): Amend code to address purpose-built poles and strand attachment SWF elements within the City right-of-way. These amendments need to be complete by the April 15 deadline per the FCC Order.

Phase 3 (future action): Address SWF on City property that is not right-of-way as well as private property. Also accomplish conformance amendments to Comprehensive Plan Policies and the Land Use Code to reflect the new regulatory framework for SWFs.

Background on staff proposed action to complete Phase 2

The code amendments proposed in Phase 2 are intended to further advance Smart City goals and accessibility to enhanced technology while considering safety, property values, and aesthetics. Specifically:

- BCC 6.02 would be amended to clarify that Strand SWF attachments or SWF attachments to purpose-built poles in the right-of-way are regulated by the provisions of Title 6 BCC (Telecommunications).
- BCC 6.08 would be amended to provide for purpose-built pole SWFs and strand mounted SWFs at permissible locations within the right-of-way, as follows:
 - Purpose-built poles would be permitted only when the applicant establishes through substantial evidence that co-location on a City or utility pole is not feasible and, if necessary, complies with critical areas and State Environmental Policy Act provisions, and:
 - Shall not exceed 55' in height including antenna. If there is an adjacent City or utility owned pole, the purpose-built pole height is further limited to not more than 10 percent greater than the height of such adjacent pole. Example: a standard 39 foot tall street light pole adjacent to a new purpose-built pole would limit the new pole to a maximum height of 43 feet.
 - Shall be located entirely within the right-of-way and not within 20 feet of an adjacent City, utility, or purpose-built pole, unless otherwise approved;
 - Shall be aesthetically compatible with existing utility poles or design district standards for City poles; and,
 - Shall meet other applicable Transportation Design Manual standards including roadway and driveway offsets, and sight distance requirements.
 - Strand mount SWF would be permitted when located between two poles, and:
 - No more than two SWFs, regardless of the number of carriers attached, may be located between two poles and shall be within five feet of the adjacent pole, unless other safety criteria/standards require an increased maximum offset;
 - Strand SWF attachments shall not exceed the structural limits of the span wire loading, pole attachment, or pole design limits;
 - Strand SWF shall not exceed 18 inches in diameter and a maximum volume of three cubic feet;
 - Overlapping of strand, fiber, electrical and all cabling shall be limited to a maximum cumulative dimension of four inches; and,
 - Strand SWF shall not be located on strands that go across a roadway in the right-of-way (as opposed to strands that run parallel and to the side of a roadway).

- Except as amended above, all remaining general standards, minimum requirements, enclosure requirements, permitting, and inspection provisions would remain in effect as previously approved as part of Phase 1.

Coordination with the Carriers

Staff met with the telecommunication carriers on February 20 to discuss the proposed Phase 2 amendments. Based on carrier input from the meeting, staff modified and clarified a couple of the proposed code changes, including allowing two strand attachments between poles instead of just one. Clarifications also included dimensions for antenna and other attachments for consistency across all SWF applications, and that purpose-built pole heights are consistent with other uses and adjacent structures.

The carriers are informed and supportive of the proposed Phase 2 code changes.

POLICY & FISCAL IMPACTS

Policy Impact

The proposed Phase 2 code amendments advance the City's Smart City objectives to advance enhanced wireless services for residents and businesses.

By returning on March 18, the proposed code amendments (if passed by Council) would be completed by the FCC order's April 15 deadline.

Fiscal Impact

No fiscal impact is expected as a result of the proposed Phase 2 code amendments.

OPTIONS

1. Direct staff to return on March 18 with an Ordinance amending Chapters 6.02 and 6.08 of the Bellevue City Code (BCC) to add provisions for purpose-built pole and strand SWF.
2. Provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Draft BCC 6.02 and 6.08 Telecommunications Phase 2 Amendments
- B. January 7, 2019 Study Session Agenda Memo without Attachments

AVAILABLE IN COUNCIL LIBRARY

N/A