

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT
TO CITY OF LAKE FOREST PARK HEARING EXAMINER

The following review by the City of Lake Forest Park Community Development Department is based on information contained in the application and supplemental correspondence, information in the file, comments and letters received on-site investigation, applicable scientific reports, applicable codes, development standards, adopted plans, and other information on file with the City.

Pursuant to Lake Forest Park Municipal Code (LFPMC) 18.68.030.B, the subject WCF application requires a conditional use permit review and approval by the city hearing examiner due to the proposed facility type and height.

The report is organized as follows:

- I. Summary Information
- II. Background Information
- III. Code Analysis
- IV. Summary, Conclusion, and Recommended Conditions of Approval

I. SUMMARY INFORMATION

City File Numbers: 2022-WC-0001 (Wireless Communication Facility), 2022-CU-0001 (Conditional Use Permit), 2024-SEPA-0003 (SEPA Review)

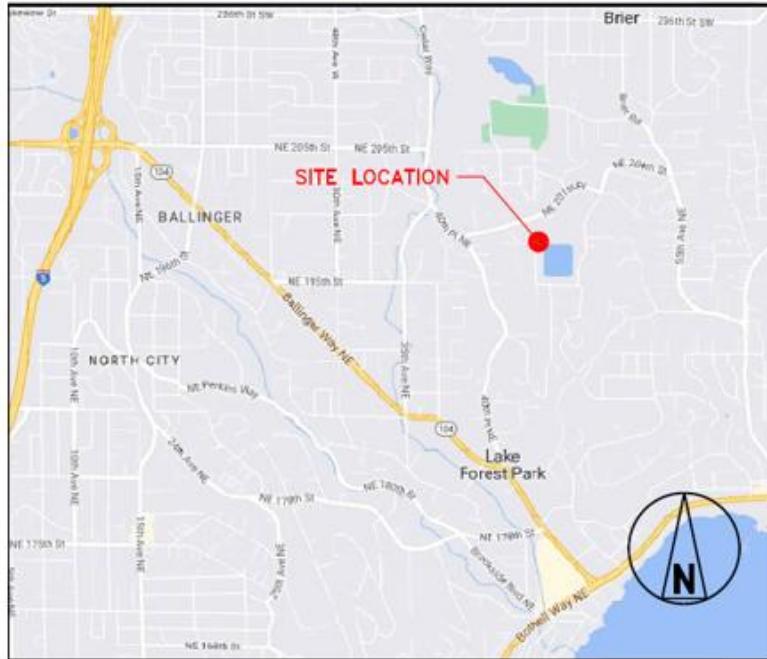
Hearing Date: February 11, 2026

Proposed Action: Phoenix Tower International is proposing to replace an existing 42-foot high monopole with a 90-foot high mono-pine with faux branches, along with supporting equipment. A new access road is proposed off 45th Ave NE with a 12-foot wide paved driveway approach.

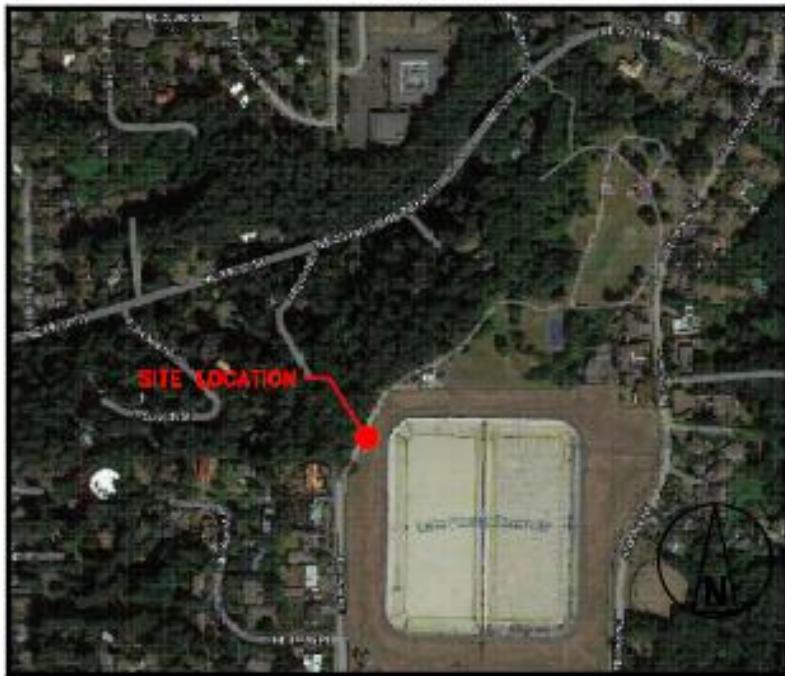
Permittee: TAEC on behalf of Phoenix Tower International

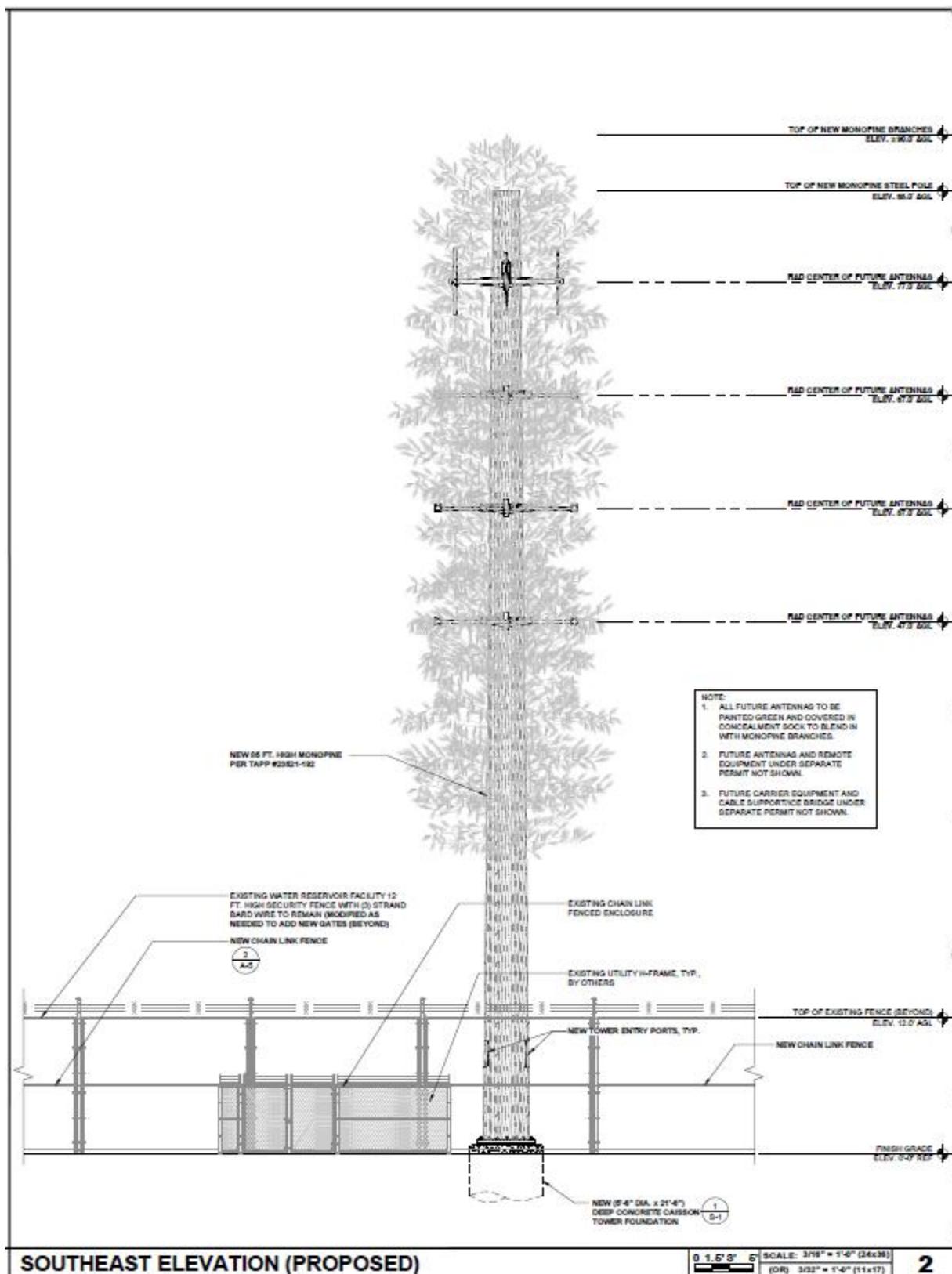
Site Location: 19701 47th Ave NE, parcel No. 4027700066, Lake Forest Park. (Seattle Public Utilities water reservoir parcel)

VICINITY MAP



LOCATION MAP





Comprehensive Plan Public Institution/Facility
Designation:

Zoning Classification: RS-9.6, Single-Family Residential, Moderate/High

Municipal Code Sections Applicable to the Proposal (list may not be exhaustive):

- LFPMC 18.68 – Wireless Communication Facilities
- LFPMC 18.54 – Conditional Uses
- LFPMC 18.21 - RS-9.6 Single-Family Residential, Moderate/High
- LFPMC 16.14 - Tree regulations
- LFPMC 16.26.030(A) – Establishes the authority of the Hearing Examiner to issue quasi-judicial decisions on Conditional Use Permit applications (Type I application)
- LFPMC 16.26.040(D), .090, and .110(C) – Establishes the public notification requirements associated with Type I applications

II. BACKGROUND INFORMATION:

Description of the Proposal:

Replace existing 42-foot high monopole wireless communication facility with a 90-foot high mono-pine, along with associated access drive and supporting equipment. The proposed design will simulate a conifer tree to reduce aesthetic impacts. The lease area will increase to accommodate additional carriers.

The existing 42-foot monopole was originally approved administratively in 2006 as a Wireless Communication Facilities (WCF) application (File# 05-01).

A conditional use permit review is required due to the proposed 90-foot height in a residential zone and the fact that the facility doesn't qualify as a "microcell" or "minor facility" per LFPMC 18.68.020.

Site Characteristics:

The project area is in the northwest corner of a 16.64 acre water reservoir parcel owned by Seattle Public Utilities Water Division (see location map, p. 2 above). The reservoir site and surrounding areas have a zoning designation of RS-9.6 Single-Family, Moderate/High.

The project site consists primarily of the existing monopole infrastructure within the larger, open setting of the reservoir parcel; however, two existing trees occur within the planned access drive and are proposed for removal with appropriate replanting (Tree Replanting Plan, Exhibit 15).

The nearest mapped critical areas are steep slope and landslide hazard areas offsite to the northwest. Per LFPMC 16.16.050 the adopted critical area maps are intended as

guidance for reference and do not provide a final critical area designation or delineation, however City staff has observed a descending offsite slope area to the northwest during previous site visits. A standard 50-foot top of slope buffer and an additional 15-foot construction setback are depicted on the site plans in accordance with LFPMC 16.16, Environmentally Critical Areas. The area within the slope buffer is currently developed with a park access trail/drive and the existing monopole infrastructure (see Viewshed Exhibit 08 for photos of existing developed condition).

Pursuant to LFPMC 16.16.060 the Director is authorized to determine whether any proposed alteration to the critical area is necessary. In the subject case, the critical area slopes are offsite, and the Director has determined that the proposed modifications within the existing, developed top of slope buffer most closely fit within operation, maintenance, or repair of existing structures, and that the proposed activity would not alter or increase the impact to the critical area or buffer. In such cases, structural modification of, addition to, or replacement of existing legally constructed structures may be authorized (LFPMC 16.16.230.C).

In summary, the Director finds that the monopole replacement project, as proposed, complies with the purpose and intent of the environmentally critical area protection standards at LFPMC 16.16.

Adjacent Land Use Characteristics:

The site is surrounded by a mix of single family development and larger publicly owned properties, including Lake Forest Park Water District and City owned park properties to the north/northeast, and Northshore Utility District owned property to the east/southeast.

Project Notice and Review Timeline:

- Land use permit applications for a Wireless Communication Facility and associated Conditional Use Permit were originally submitted in 2022 but were stopped early in the review process to allow the applicant to revise the project to address access, site, and other issues with the property owner (City of Seattle - Seattle Public Utilities).
- Revised application materials were submitted on June 17, 2024, and associated review fees were paid on July 17, 2024 (see Exhibit 07 for the current plan set).
- The City subsequently conducted a completeness review and sent information requests on August 14, 2024 (Exhibit 17) and October 8, 2024 (Exhibit 18).
- The applicant provided responsive information on March 26, 2025 (Exhibit 19).
- The application was deemed complete on April 9, 2025.

- While a notice of application (NOA) was issued for the original application in 2023, a new NOA was required to reflect project revisions. The new NOA (including completeness determination) was issued on May 6, 2025 (Exhibit 20).
- A SEPA determination of nonsignificance utilizing the Optional DNS process at WAC 197-11-355 was issued on July 16, 2025 (Exhibit 22). No appeals were received.
- Following completion of the SEPA process, the City initiated a series of additional requests for site plan clarifications, primarily related to plan sheet corrections and the required replanting plan for proposed tree removal.
- The City accepted the revised plan set for purposes of initiating the public hearing process on December 11, 2025 and proceeded to coordinate with the Hearing Examiner and applicant on a hearing date workable for all parties.
- The application was tolled for FCC “shot clock” purposes each time the City requested additional information from the applicant. Including tolled periods, the revised WCF application has been under review for approximately 18 months.

Public Comments

In response to the 2025 notice of application, five commenters expressed concerns about the project, including long-term health effects associated with radio frequency radiation exposure from cell towers, the environment, aesthetics and property values. One commenter expressed support for the project (Combined NOA Comments, Exhibit 21).

The Duwamish Tribe's comments included a recommendation for a cultural resources survey. City staff subsequently provided the Tribe with a copy of the applicant's existing cultural resources assessment (Exhibit 13), and no further comments were received (the cultural resources survey didn't identify any areas of concern on the project site).

Comments regarding potential aesthetic and environmental impacts from the proposal (and presumably preservation of property values) are addressed in the Code Analysis section below. No supporting expert documentation was provided by commenters with regard to potential health impacts from radio frequency exposure, however the application has submitted a report indicating that the proposed WCF will be within FCC standards for such exposure (Exhibit 12.c).

III. CODE ANALYSIS

The following is excerpted from the Lake Forest Park Municipal Code. The Permittee has the burden of meeting all the conditional use and permit requirement criteria (represented in ***bolded italics***) for an approval of Wireless Communication Facility siting.

Lake Forest Park Municipal Code (LFPMC) 18.54

18.54.030 Conditional uses in general.

The conditional uses contained in this chapter, or other such uses as may be compatible with the intent of this title, may be authorized by the hearing examiner, following a public hearing, and procedures established for conditional use permits. Conditional uses existing at the time of adoption of the ordinance codified in this title will not require approval after adoption of that ordinance. A conditional use may be authorized upon a finding that the proposal conforms to specific development criteria established for that use, if any, and that it meets the following minimum criteria:

A. The proposed use is consistent with the policies and goals of the comprehensive plan;

FINDINGS: The facility is an existing use on a water reservoir site currently designated as Public Institution/Facility. The proposed replacement WCF is on a relatively small, leased portion of the overall site and serves as a secondary use to provide wireless coverage to the public of the surrounding area. The proposed replacement facility is not anticipated to have any detrimental impact to the existing primary use as a public facility.

CONCLUSIONS: This standard is met.

B. The proposed use is not materially detrimental to other property in the neighborhood;

FINDINGS: The secondary use as a wireless facility is a proposed continuation of an existing use. The modification will improve the coverage and service to the surrounding area and is designed to avoid detrimental impacts to other property in the neighborhood via the mono-pine design, which is designed to present as an additional evergreen tree on the leased portion of the reservoir site.

CONCLUSIONS: This standard is met.

C. The proposed use will supply goods or services that will satisfy a need of the community;

FINDINGS: The facility is an existing use. The facility will continue to provide wireless telephone and internet services to the surrounding community. The proposed upgrade of the facility is intended to allow for additional carriers, which will increase the choice in providers' quality of the service available to the local community.

CONCLUSIONS: This standard is met.

D. The proposed use is designed in a manner which is compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property;

FINDINGS: The facility is an existing use. The replacement wireless facility is designed to blend into the surrounding viewshed to the greatest extent feasible. While significantly taller than the existing wireless facility, the project design will likely be more compatible in character and appearance as the existing monopole will be replaced with a mono-pine presenting as an evergreen tree.

CONCLUSIONS: This standard is met.

E. The proposed use is designed in a manner that is compatible with the physical characteristics of the subject property;

FINDINGS: The facility is an existing use. The increase in the facility height is proposed to be mitigated by changing it to a stealth tree design (aka “mono-pine”) intended to blend in with the adjacent tree stand. The proposed access drive will generally occur in an existing grassy area and be separated from the off-site critical areas (steep slope) by the existing approximate gravel path connecting 45th Ave NE with Horizon View Park.

CONCLUSIONS: This standard is met.

F. Any requested modifications to the standards of the underlying zoning shall require a variance and be subject to mitigation to minimize or remove any impacts from the modification;

FINDINGS: The proposed facility does not require modifications to the underlying zoning. While the proposed mono-pine “branches” will likely overhang the minimum five-foot side setback for the RS 9,600 zone, the Director has determined that the branches are not a building and are not subject to side yard setbacks under the definition of “Yard” (LFPMC 18.08.690).

CONCLUSIONS: This standard is met.

G. The proposed use is not in conflict with the health and safety of the community;

FINDINGS: The facility is an existing use. The modified facility will remain in compliance with all FCC guidelines associated with RF exposure as demonstrated in the included Non-Ionizing Radiation Report. There are no health or safety risks associated with the proposal.

CONCLUSIONS: This standard is met.

H. The proposed use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;

FINDINGS: The facility is an existing use. The facility is unmanned and does not create vehicle or pedestrian traffic beyond the occasional visit by a technician. This proposal will not change this status or increase any vehicular or pedestrian traffic. The facility is secured within a locked security fence and is not accessible to the public.

CONCLUSIONS: This standard is met.

I. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area, or conditions can be established to mitigate adverse impacts on such facilities;

FINDINGS: The facility is an existing use, is unmanned, and will remain unmanned with this proposal. The facility does not create impact on any public facilities or services.

CONCLUSIONS: This standard is met.

J. The applicant's past performance regarding compliance with permit requirements and conditions of any previously issued land use permit, including building permits, conditional uses, or variances, shall be considered before approving any new permit. (Ord. 924 § 7, 2005; Ord. 773 § 3, 1999)

FINDINGS: There is no history, to the best of our knowledge, of any issues of non-compliance with building or land use codes associated with this facility or with the applicant.

CONCLUSIONS: This standard is met.

LFPMC 18.68

18.68.030 Permit Requirements.

A wireless communication facility (WCF) permit shall be required for the location, installation or construction of any WCF or modification to an existing WCF.

A. The city planning department may grant permit approval for:

- 1. A microcell, minor facility or collocation located in a nonresidential zone that does not exceed the maximum height of the zone; or***
- 2. A collocation in a nonresidential zone on an existing building or support structure that does not increase the height or visual impact of the existing building or structure; or***

- 3. A microcell or minor facility in a multifamily, business, commercial, or town center zone on an existing building or structure; provided, that the microcell or minor facility is no higher than 12 feet above the existing building or structure or the permitted height for the zone, whichever is higher; or**
- 4. A microcell or minor facility in a residential zone on a nonresidential building or structure; provided that the microcell or minor facility is no higher than 12 feet above the permitted height in the zone.**

B. All other WCFs require a conditional use permit review and approval by the city hearing examiner.

FINDINGS: The proposal doesn't qualify for administrative review pursuant to criterion A.4. Specifically, the proposed 90-foot high monopole doesn't qualify as a microcell or minor facility (LFPMC 18.68.020 Definitions) and is also more than 12 feet above the 30-foot height limit allowed in the RS 9,600 residential zone. Conditional use review is required in accordance with Criterion B.

CONCLUSIONS: The applicant has submitted a Conditional Use Permit application for review by the city hearing examiner; therefore, applicable permit requirements are met.

16.68.080 Development Standards

All WCFs shall be constructed or installed according to the following development standards.

A. Applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA), state and city regulations and standards.

FINDINGS: The applicant has submitted exhibits demonstrating compliance with FAA (Exhibit 11) and FCC (Exhibits 12.a-c.) standards. Recommended project conditions are included to ensure compliance with applicable FCC, FAA, and City standards (conditions 7 and 8, below).

CONCLUSIONS: This standard is met.

B. Antennas shall be located, mounted and designed so that visual and aesthetic impacts upon surrounding land uses and structures are minimized, and so that they blend into the existing environment. Panel and parabolic antennas shall be screened from residential views and public rights-of-way.

FINDINGS: The proposed WCF is designed to minimize visual and aesthetic impacts by camouflaging the antennas within the mono-pine “tree” structure (see Photographic Simulations Exhibit 09).

CONCLUSIONS: This standard is met.

C. WCFs shall be screened or camouflaged employing the best available technology, such as compatible materials, location, color, artificial trees and hollow flagpoles, and other tactics to minimize visibility of the facility from public streets and residential properties.

- 1. A freestanding WCF shall not be allowed whenever an existing structure can meet technical and network location requirements.***

Response: The property is currently used as a reservoir. There are no existing structures that meet technical requirements.

- 2. Monopoles shall be the only freestanding support structures allowed in the city, and they are the preferred structure where any support structure is necessary.***

Response: The proposal is for a freestanding monopole (mono-pine).

- 3. A freestanding WCF shall comply with all required setbacks of the zoning district in which it is located.***

Response: The Design shows a setback of 5' on page A-2 of the plan set and complies with 18.21.060 Yards and 18.50.060 Accessory structures and buildings.

- 4. A WCF shall be designed and placed or installed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures by:***

- a. Using existing site features to screen the WCF from prevalent views; and***
- b. Using existing site features as a background in a way that the WCF blends into the background.***

Response: The structure is located at the northwest corner of the property and blends into the backdrop of a forested area with similarly sized trees.

- 5. As a condition of permit approval, the city may require the applicant to supplement existing trees and mature vegetation to screen the facility.***

Response: See Condition 13 below for replanting requirements.

6. A WCF shall be painted either in a nonreflective color or in a color scheme appropriate to the background against which the WCF would be viewed from a majority of points within its viewshed, and which must be approved by the city.

Response: The structure is designed to look like a pine tree and is placed in the least visually intrusive location.

FINDINGS: The applicant has submitted Photo simulations per LPPMC 18.68.040 (Application Requirements) to demonstrate how the proposed mono-pine is sited to blend with existing trees from various points within the viewshed (Exhibits 08 and 09). The photo simulations also demonstrate that the monopole will stand out more distinctly from the adjacent trees from other viewpoints. This is mitigated by the mono-pine design, which presents the appearance of a native tree rather than a WCF in accordance with LPPMC 18.68.080, development standards C-F.

The applicant has also submitted an arborist report (Exhibit 14) and tree replanting plan (Exhibit 15) for the associated ministerial Tree Removal permit. The Tree Removal permit will be conditioned for compliance with the tree planting plan to mitigate for the two trees that will be removed to accommodate the proposed access drive.

The wireless facility needs to be expanded upward to 90 ft to be effective in its service area. It is located next to a heavily wooded area and a park and is away from existing single-family homes. It is outside of the required setbacks.

CONCLUSIONS: The proposed mono-pine design will result in a WCF that will appropriately blend with the background against which the WCF would be viewed from a majority of points within its viewshed. This standard is met.

D. Equipment facilities shall:

- 1. Be placed underground if practicable; or**
- 2. If above ground, equipment facilities shall be screened from any street and adjacent property with fencing, walls, landscaping, structures or topography or a combination thereof; and**
- 3. They shall not be located within required building setback areas.**

FINDINGS: The replacement equipment facility is located next to a heavily wooded slope area and near a park, and is away from existing single-family homes. It is outside of the required building setbacks.

CONCLUSIONS: This standard is met.

E. Security fencing shall:

- 1. Not exceed six feet in height;***
- 2. Be screened from view through the use of appropriate landscaping materials; and***
- 3. Be camouflaged with appropriate techniques and painted or coated with a nonreflective color, if it is a chain-link fence.***

FINDINGS: The proposal is conditioned for compliance with this standard (see Condition 10, below).

CONCLUSIONS: This standard is met.

F. The city shall consider the cumulative visual effects of WCFs mounted on existing structures and/or located on a given permitted site in determining whether the additional permits can be granted so as not to adversely affect the visual character of the city.

FINDINGS: The proposal is for the replacement of an existing monopole on a permitted site, resulting in a reduced cumulative visual effect vs. siting a new facility in addition to the existing facility.

CONCLUSIONS: This standard is met.

G. A WCF shall not be used for mounting signs, billboards or message displays of any kind.

FINDINGS: The project is conditioned for compliance with this standard (condition 9, below).

CONCLUSIONS: This standard is met.

IV. CONCLUSIONS AND RECOMMENDED CONDITIONS OF APPROVAL

For the above-described reasons, with the following conditions, the Community Development Department recommends the conditional **APPROVAL** of the Phoenix Tower International request for a Wireless Communication Facility expansion.

Recommended Conditions of Approval:

1. Proposed development shall occur in compliance with the approved plan set (Exhibit 07), except as may be modified by this decision and specific building permit requirements.
2. The permit shall expire 10 years after the effective date of the permit approval, subject to renewal for additional 10-year periods; provided that application for renewal is submitted six months before the permit expires, and that approval of the renewal application is subject to then applicable city ordinances.
3. Construction or installation of the WCF must commence within one year from the date of the permit (i.e., Hearing Examiner decision), with opportunity for a one-year extension; otherwise, the permit shall be revoked without further action of the city, and the rights and privileges appurtenant to the permit shall be void.
4. The permittee shall allow collocation of proposed WCFs on the permittee's site, unless the permittee establishes to the city's satisfaction that collocation will technically impair the existing permitted use(s) to a substantial degree.
5. The permittee shall maintain the WCF in a state of good repair and to maintain or replace, if necessary, vegetation and landscaping required as a condition of approving the permit.
6. The permittee shall notify the city of any sale, transfer, or assignment of a site or WCF within 60 days of such event.
7. The permittee shall comply with the provisions of this title and all other applicable city ordinances, rules, and regulations.
8. The WCF shall be constructed in accordance with applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and state standards, including but not limited to the site compliance recommendations of the Non-Ionizing Radiation Report (Exhibit 12.c, part 4).
9. The WCF shall not be used for mounting signs, billboards, or message displays of any kind.

10. Security fencing shall: a) be limited to six feet in height, b) be appropriately screened landscaping, and c) be camouflaged with appropriate techniques and painted or coated with a nonreflective color, if it is a chain-link fence. Future Building permits must include a landscaping plan to screen the 6 ft. security fencing in accordance with LFPMC 18.68.080, development standards E 1-3.
11. Associated ministerial permits, including but not limited to building, Clearing and Grading, Right-of-Way, and Tree Removal permits, shall be obtained prior to construction.
12. Prior to the issuance of a building, clearing and grading, or critical area permit, the applicant shall provide documented proof of a legally recorded non-exclusive perpetual easement for ingress and egress over the designated driveway area. The recorded assessor number shall be included on all site plans.
13. Replacement tree planting shall be required in accordance with LFPMC 16.14.090 and the submitted Tree Replanting Plan (Davey Associated, September 3, 2025, Exhibit 15). Specific replanting and monitoring standards will be established upon issuance of the associated tree removal permit.
14. The permittee is responsible for complying with applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and state standards.
15. The director of the planning department, or that officer's designee, may issue a citation to a permittee for failure to comply with the conditions of the permit pursuant to LFPMC 18.68.060, or as hereafter amended.

Submitted: *Mark Hofman* Date: 1/30/2026
Mark Hofman
Community Development Director