

Exhibit 18 Second Completeness Review
Letter_10082024

Community Development Director
Mark Hofman

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October 8, 2024

Via Email: christopher.devoist@taec.net

Via First Class Mail:

Christopher DeVoist
TAEC o/b/o Phoenix Tower International
9725 Third Avenue NE, Suite 410
Seattle, WA 98115

Re: 14-Day Review for Application Completeness Determination for the US-WA-1010 Lake Forest Park Wireless Facility Replacement Project (Active Application Nos: 2022-CU-0001, 2022-WC-0001, 2024-SEPA-0003).

Dear Mr. DeVoist,

The City of Lake Forest Park has completed the review of materials submitted to address the August 14, 2024 items in the city's original 28-day application completeness review of your wireless project. These revised application materials were submitted fully by September 24, 2024, to the city for this 14-day re-review for application completeness. Previously, it was mutually agreed and confirmed that the applicable FCC "Shot Clock" of 150 days for reasonable review of the revised project started on July 17, 2024. For the reasons/items remaining below, the application(s) remain determined incomplete. Please see below for the specific information remaining to complete your application(s):

1. Unmet: Critical Areas. The proposed project site appears on city mapping to be located adjacent to identified steep slope and landslide critical areas within the city. LFPMC 16.16.040 defines critical areas as:

D. "Critical areas" means wetlands; streams; areas with a critical recharging effect on aquifers used for potable water; fish and wildlife habitat conservation areas; frequently flooded areas; and geologically hazardous areas such as erosion hazard areas, landslide hazard areas, seismic hazard areas, and steep-slope hazard areas. "Critical areas" also means and includes any buffers established by this chapter, or any buffer or setback established by state law or other city ordinance that serves to protect critical areas. "Critical areas" also means and includes critical areas that are located on neighboring lots.

Please review the code requirements and site conditions to revise the application materials to reflect critical areas, which includes buffers, setbacks, and critical areas located on neighboring lots. The city will review the updated material to determine if a critical areas permit or exemption is appropriate. If you would like to meet directly to discuss definitions of critical areas, required reporting, buffers and setbacks, and criteria I remain available.

2. Unmet: Clearing and grading. The original project design was revised to include a new access drive with associated grading. The quantities of earth moving and impervious surfaces called out in the submitted SEPA Checklist indicate that a Clear and Grade permit would be required from the city. Please review LFPMC Chapter 16.08, Clearing and Grading and revise your application(s) to address this issue. The described access drive does not appear to be an exemption category and moving earth in that quantity and method (and addition of

impervious surfaces) appears to require a major clear and grade permit pursuant to LFPMC 16.08.050(2). The grading activity would also require drainage review for surface water and infiltration design. Because of the limited time for review afforded by the shot clock requirements, this requirement should be met now to be determined complete and allow full review, public comment, action, and potential for appeal. I am available to discuss in detail as you may need.

3. Unmet: Right of way permit. The new proposed access drive is designed to extend from the 45th Avenue NE street right-of-way onto the project site. LFPMC 12.04.020(A) states:

A. It is unlawful for any person to dig up, break, excavate, tunnel, construct on or adjacent to in the dedicated right-of-way, undermine or, in any manner break up any street or dedicated right-of-way, or to make or cause to be made any excavation or construction in or under the surface of any street or within any dedicated right-of-way for any purpose; to place, deposit or leave upon any street or dedicated right-of-way any earth or other excavated material obstructing or tending to interfere with the free use of the street or dedicated right-of-way; or to rest or operate any type of stationary or mobile construction equipment upon any street or dedicated right-of-way; unless such person has first obtained an excavation permit therefor as provided in this chapter.

Additionally, LFPMC 12.040.020(C) states:

C. Application for a street excavation permit shall not be made until such time as all other applicable permits have been obtained and other requirements met.

Please review LFPMC Chapter 12.04, Street Excavations, and other code sections as may apply, to revise your application(s) to address this issue and to ensure compliance with all required right of way permitting for your project. The Director of Public Works is available to review, discuss, and coordinate these requirements with you. Due to the FCC Shot Clock requirement, it is important at this early point of review to include required application materials to enable a reasonable review by the city or discuss additional time for clear compliance with 12.040.020(C) or other code sections. See also response in #2 above.

4. Partially met: Project Drawings Revisions.

- a. The submitted Title Sheet, Sheet T-1, indicates, "...The Addition of: 85 FT High Monopine..." Please revise to reflect the project narrative and application materials that request ninety (90) feet height.
- b. Critical areas, including associated required buffers and setbacks as mentioned above.
- c. Tree root zones. Please indicate all tree root zones or more clearly indicate on the drawings that no trees will be affected, modified, topped, trimmed, etc.
- d. Add applicable underlying zoning standards, e.g. setbacks, height, etc.

Thank you for the revisions. Additional revisions will be required to address critical areas requirements of the LFPMC.

5. Unmet: Development standards. The project site is currently zoned Residential: RS-9.6 Single-Family Residential, Moderate/High (LFPMC Chapter 18.21). LFPMC 18.68.080, Development standards, includes Section (C)(3) which requires:

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

This specific requirement shall be addressed in revised application materials, drawings, and associated narrative to demonstrate and confirm compliance. LFPMC 18.21.060, Yards, lists the required setbacks for the RS-9.6 zone. The current application materials state the five-foot side yard setback is met from property line to the support structure and ground equipment. Elements of the wireless facility, including the faux tree elements, thus extend into the required setback. LFPMC 18.50.080, Permitted intrusions into required yards, does not specify this type

of intrusion as permissible. Relief from development standards would require a variance.

6. Unmet: Height. Similar to the zoning setback development standard above, the proposed height requires attention and clarification. The existing 42-foot high mono-pole is proposed to be replaced with a 90-foot height mono-pine support structure. LFPMC 18.68.080, Development standards, requires all wireless communication facilities to 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.*

LFPMC 18.21.070, Building height limit, requires that the building height limit in an RS-9.6 zone shall not exceed thirty (30) feet. Wireless communication facilities and support structures are not listed in LFPMC 18.50.085, Permitted height exclusions. Further, LFPMC 18.54.030, Conditional uses in general, includes Section (f) which requires:

- 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;*

The city's wireless communication facilities regulations do not specify an allowed or maximum height for support structures in requiring a conditional use permit for such projects. Please revise the application materials and narrative to clarify height conformance with municipal code standards. The conditional use section requires conformance with underlying zoning standards. An application for variance could reconcile the code sections and address project height for the Hearing Examiner's review and decision. Given the constraint of the FCC's 150-day Shot Clock for local review, there is likely not sufficient time to wait and address the height issue once at the public hearing and decision point. Please clarify how you would like to address this issue or explore a statement agreeing to additional review and processing time pursuant to LFPMC 16.26.040(F)(2)(d) and FCC regulations, finding that additional review time is appropriate.

7. Satisfied/subject to additional revisions to address remaining items in this review: SEPA Checklist revision. Please revise the submitted SEPA Checklist as may be applicable to address the above issues, e.g. critical areas. Additionally, Section D on Page 12 is for Non Project Actions and is not required. Non project action does not relate to the replacement wireless facility project.
8. Unmet: Permitting history. Please revise the application narrative and materials as applicable to include permitting history, initial and existing requirements, decommissioning requirements and planned actions, etc. for the existing 42-foot mono-pole and associated ground equipment area(s).
9. Unmet: LFPMC 16.26.060(A) allows that, at the request of an applicant, whenever a single project includes a combination of Type I, Type II, or Type III applications, the city shall combine review of the type components. A consolidated report setting forth the recommendation and decisions of the code administrator(s) will be issued (in this case the city's Hearing Examiner is the decision maker). Given the FCC Shot Clock constraint, please indicate/clarify in the submittal materials re: combination of applications into a consolidated review with the Hearing Examiner.
10. Satisfied: Owner authorization. Once materials are revised for submittal, please confirm and include a clear property owner authorization for pursuing the project design and obtaining associated permits.

Once you have gathered the information requested above, please contact me directly to schedule a mutually available re-submittal time. I strongly suggest a direct meeting and discussion regarding the remaining items to minimize future review, issues, and time. Per LFPMC 16.26.040(B)(2), if additional information is requested, as it is herein, then within 14 calendar days after such information has been submitted the code administrator shall notify the applicant as

provided in LFPMC 16.26.040(B)(1) or the application shall be deemed complete. A land use application is complete when it meets the submittal requirements established by the code administrator and it is sufficient for continued processing. A determination that an application is complete shall not preclude the code administrator from requesting additional information or studies at any time to facilitate complete review of the application or if substantial changes in the permit application are proposed.

Once complete, we will proceed with a required Notice of Application and a minimum 14-day public comment period. Staff will also conduct an additional site visit and a complete technical review of application materials and supporting reports. Environmental review under the State Environmental Policy Act will be conducted. Pursuant to LFPMC 18.68.030(B), wireless facilities of this proposed category require approval by the city's Hearing Examiner. This would be a Type I decision, requiring a noticed comment period and public hearing. The decision of the Hearing Examiner is the final decision of the city.

Thank you and please contact me when available to discuss the remaining items.

Sincerely,



Mark Hofman, AICP
Community Development Director
City of Lake Forest Park

CC: Elizabeth Talavera, Assistant Planner
Desirae Bearden, Permit Coordinator
Jeff Perrigo, Director of Public Works
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