

CITY OF SPOKANE HEARING EXAMINER

Re: Conditional Use Permit Application by T-) FINDINGS, CONCLUSIONS,
Mobile & Parallel Infrastructure to allow) AND DECISION
the construction of a wireless)
communication tower at 9001 N. Indian)
Trail Road) FILE NO. Z16-525CEL3

SUMMARY OF PROPOSAL AND DECISION

Proposal: T-Mobile and Parallel Infrastructure (collectively "T-Mobile") seek a conditional use permit in order to allow the construction of a 70' monopole wireless communication tower together with accessory ground support equipment within a fenced and landscaped area in a center and corridor zone located at 9001 N. Indian Trail Road, Spokane, Washington.

Decision: Approved, with conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

Applicant: T-Mobile & Parallel Infrastructure
1813 19th Avenue, Ste. 302
Seattle, WA 98122

Agent: Tom Johnson
c/o Lexcom Development Corporation
1813 19th Avenue, Ste. 302
Seattle, WA 98122

Owner: Sundance Plaza, LLC
12906 Addison Street
Spokane, WA 99208

Property Location: 9001 N. Indian Trail Road, Spokane, WA, 99208. The tax parcel of the property is 26225.0153.

Legal Description: The legal description of the property is included in Exhibit 2C (Sheet T-1).

Zoning: The property is zoned CC2-NC (Center and Corridor 2 – Neighborhood Center).

Comprehensive Plan Map Designation: The property is designated as Center and Corridor in the city's Comprehensive Plan.

Site Description: The site is an irregular-shaped parcel located at the intersection of Barnes Avenue and Indian Trail Road. The topography of the site is relatively flat. The site is improved as a shopping center with associated parking. The property is approximately 12.57 acres in size.

Surrounding Uses: The land to the south is zoned CC2-NC. The land to the west and north is zoned RMF (Residential Multi Family). The land to the east is zoned O-35 (Office with a 35-foot height limitation).

Project Description: The applicant has requested a Type III conditional use permit for the construction of a 70' monopole wireless communication tower along with associated ground equipment. If approved, the tower and associated ground equipment will be constructed within an area approximately 46 feet by 54 feet. The ground equipment and a portion of the tower will be shielded on two sides by the existing building. A fence will be constructed on the other two sides, enclosing the area in which the tower and ground equipment will be installed. A row of trees will be planted on a portion of the western boundary of the property to provide additional screening.

PROCEDURAL INFORMATION

Authorizing Ordinances: Spokane Municipal Code ("SMC") 17C.355A, Wireless Communication Facilities; and SMC 17G.060.170, Decision Criteria.

Notice of Community Meeting: Mailed: March 24, 2016
Posted: March 25, 2016

Notice of Application/Public Hearing: Mailed: July 28, 2016
Posted: July 28, 2016

Community Meeting: April 12, 2016

Public Hearing Date: September 1, 2016

Site Visit: July 8, 2015 & September 7, 2016

SEPA: A Determination of Nonsignificance ("DNS") was issued by the City of Spokane on August 17, 2016. The DNS was not appealed.

Testimony:

Dave Compton, City Planner
City of Spokane Planning & Development
808 West Spokane Falls Boulevard
Spokane, WA 99201

Tom Johnson
c/o Lexcom Development
1813 19th Avenue, Suite 302
Seattle, WA 98122

Exhibits:

1. Planning Services Staff Report
2. Application, including:
 - 2A General application
 - 2B Conditional Use Permit application
 - 2C Coversheet and Overall Site Plans
 - 2D Landscape plan
 - 2E Alternate Locations Explored
 - 2F Illustrations of existing and proposed cell tower
 - 2G Existing Tower Proximity Report from Proposed Site Location
 - 2H Site Location and Nearest Existing Tower Locations
 - 2I Photo Locator Map
 - 2J Transmit frequencies
 - 2K Geographic Coordinates
 - 2L Wireless Communication Facility ground lease agreement with legal description
 - 2M Map of coverage area for Spokane and surrounding area
 - 2N Coverage Predictions for SP01263C – Assumption
 - 2O PCS Broadband License
3. Conditional Use Permit Counter Complete checklist
4. Fire Department comments
5. Development Services comments
 - 5A Eric Johnson
 - 5B Mike Nilsson
6. Spokane Tribe of Indians comments
7. Notice map
8. Parcel listing
9. Notice of community meeting
10. Combined notice of application and public hearing
11. Affidavit of mailings
 - 11A community meeting dated 03-24-16
 - 11B combined application/public hearing dated 07-28-16
12. Affidavit of public notice
 - 12A community meeting dated 03-25-16
 - 12B combined application/ public hearing dated 07-28-16
13. SEPA Determination of Nonsignificance
14. Environmental Checklist
15. Community Meeting sign in sheet
16. Letter dated 11-10-15 to T. Palmquist from Tom Johnson
re: submittal of application and supporting documents
17. Email dated 11-11-15 to T. Palmquist from Tom Johnson
re: application
18. Letter dated 11-19-15 to T. Palmquist from Tom Johnson
re: submittal of additional documents
19. Email dated 12-01-15 to Tom Johnson from Dave Compton
re: North Indian Trail application materials
20. Email dated 01-14-16 to Dave Compton from Tom Johnson
re: inquiries re project
21. Email dated 03-08-16 to Tom Johnson from Dave Compton

- re: permit extension
- 22. Letter dated 03-09-16 to Tom Johnson from Dave Compton
re: community meeting instructions
- 23. Email dated 03-10-16 to Curt from Tom Johnson
re: neighborhood liaison for North Indian Trail Road
- 24. Emails dated 03-15-16 to/from Tom Johnson and Dave Compton
re: extension of building permit
- 25. Email dated 03-22-16 to Terry Deno from Tom Johnson
re: request to post mailer
- 26. Email dated 03-24-16 to Dave Compton from Tom Johnson
re: request to post notices
- 27. Email dated 04-22-16 to Dave Compton from Tom Johnson
re: community meeting presentation .
- 28. Email dated 05-05 and 05-08-16 to/from Dave Compton and Tom Johnson
re: waiving of fees
- 29. Email dated 05-11-16 to Dave Compton from Tom Johnson
re: submitted documentation
- 30. Email dated 06-09-16 to John Halsey from Tom Johnson
re: 90 day extension request on permit
- 31. Email dated 06-13 and 06-14-16 to/from Dave Compton and Tom Johnson
re: documentation still needed
- 32. Letter dated 06-22-16 to Interested Parties from Dave Compton
re: request for comments
- 33. Email dated 06-23-16 to/from Terry Deno and Dave Compton
re: request for comments and response
- 34. Emails dated 06-14-16 & 07-05-16 to/from Tom Johnson and Dave Compton
re: hearing dates and documentation
- 35. Letter dated 07-19-16 to Tom Johnson from Dave Compton
re: combined notice of application/public hearing instructions
- 36. Email dated 07-21-16 to Dave Compton from Tom Johnson
re: request for new building permit
- 37. Email dated 08-05-16 to Dave Compton from Tom Johnson
re: public posting of sign
- 38. Email dated 10-15 and 10-30-15 to/from Dave Compton and Hearing Examiner
re: denial of prior application with SMC 17G.060.230
- 39. Public Comments
- 38A Email dated 08-16-16 from Doug Woodford in favor of project
- A Exhibits received at hearing
- A-1 Planning Services' PowerPoint presentation

FINDINGS AND CONCLUSIONS

To be approved, the proposed conditional use permit must comply with the criteria set forth in Spokane Municipal Code sections 17G.060.170 and 17C.320.080. After considering the matter in detail, the Hearing Examiner concludes that the CUP application cannot be approved because the use is not allowed under the provisions of the land use code. As a result, the CUP application must be denied.

1. *The proposal is allowed under the provisions of the land use codes. See SMC 17G.060.170(C)(1).*

The project site is zoned Center and Corridor, Type 2 ("CC2"). The uses allowed in the Center and Corridor zones are shown on Table 17C.122-1. That table does not reference Wireless Communication Facilities. However, there is a separate chapter in the municipal code that specifically governs Wireless Communications Facilities. See SMC 17C.355A.010 *et seq.* According to SMC 17C.355A.030, wireless communication towers are allowed in various zones as described in Tables 17C.355A-1 and 17C.355A-2. According to Table 17C.355A-2, a 61'-70' wireless communication tower is allowed in the CC zones, so long as a Type III conditional use permit is obtained. See Exhibit 1, p. 6. Therefore, the proposed use is allowed under the land use codes, so long as the conditional use and other development standards are satisfied.

The Hearing Examiner concludes that this criterion is satisfied.

2. *The proposal is consistent with the comprehensive plan designation and goals, objectives, and policies for the property. See SMC 17G.060.170(C)(2).*

The comprehensive plan notes that traditional telephone lines and wireless communication support towers are among the utilities that have the greatest impact on the visual environment. See CP § 5.14 p. 59. It is no doubt because of this that state regulations call for construction on optimal sites and careful design for such facilities. See CP § 5.2, p.7. The limited goals and policies of the comprehensive plan are also directed at such concerns.

Goal CFU 5, Environmental Concerns, seeks to minimize impacts upon the environment through cautious site-selection and use of utilities. See CP § 5.4, CFU 5, p. 18. Policy CFU 5.7, Telecommunication Structures, states the preference to use existing structures to support telecommunications facilities before new towers or stand-alone facilities are constructed. See CP § 5.4, CFU 5.7, p. 20. The policy should be pursued through a number of methods, including encouraging the co-location of multiple carriers on a single support tower, promoting co-location agreement amongst wireless carriers, and the encouraging the use of existing structures (buildings, water towers, etc.) as support sites for telecommunication facilities before new towers are built. See *id.*

Goal DP 3, Function and Appearance, states the following goal: "Use design to improve how development relates to and functions within its surrounding environment." See CP § 8.4, DP 3, p. 12. Policy DP 3.17, Telecommunication Facilities, carries out the goal by seeking to control the visual impact of telecommunications facilities. See CP § 8.4, DP 3.17, p. 16. Therefore, efforts should be made to place support towers as efficiently and effectively as possible, in order to minimize the total number of such sites. See *id.* Again, this policy expresses a desire to co-locate such facilities as much as possible, before any new towers are constructed. See *id.* In addition, the policy encourages the city to require telecommunications sites to utilize visually unobtrusive technology, landscaping and screening techniques whenever possible. See *id.*

In addition, telecommunication facilities play an important role in emergency response. See Exhibit 1, p. 6. Policy CFU 3.4 calls for a regional plan for the provision of public services in the event of natural or man-made disasters. See CP § 5.4, CFU 3.4, pp. 15-16.

The proposed project fulfills the objectives described above. There are no other communication towers within the geographical area of need. See e.g. Exhibits 2H & 2N. The Applicant investigated other properties in the area and found, for various reasons, no suitable alternatives. See Exhibit 2G. The Applicant also did its due diligence regarding the possibilities for co-location, without success. See Exhibit 2N. The nearest sites do not fill the need in the geographical area in question. See Exhibits 2H & 2N. The proposed new tower will not only address the quality and capacity issues identified by T-Mobile, but will also provide a tower that can serve at least two additional carriers as the need arises. See Exhibit 1, p. 7. The new tower will also improve communications for first responders in emergency situations. See Exhibit 1, p. 6.

The project design properly accounts for the visual impacts of a communications tower. The tower will be constructed in a developed shopping center, and will be partially screened by existing buildings. See Exhibit 2F. The applicant will be planting trees along the exposed side to assist with screening. See Exhibit 2D. The tower will be a little over 250 feet from the nearest residential zone. See Exhibit A-1 ("Distance from Residential Zone"). Although the visual impact of the tower is not eliminated, the choice of location and design mitigate those impacts while still achieving the goal of expanding the communication system.

The project serves a documented need, on property that is suitable for the proposal, and in a location that will enable the efficient and effective delivery of communication services. As a result, the Hearing Examiner concludes that the proposal is consistent with the goals and policies of the comprehensive plan.

3. *The proposal meets the concurrency requirements of Chapter 17D.010SMC. See SMC 17G.060.170(C)(3).*

The decision criteria for Type III decisions, such as the conditional use permit under review, require that any proposal satisfy the concurrency requirements under SMC 17D.010. See SMC 17G.060.170(C)(3). All development permit applications are subject to a concurrency test, unless expressly exempted. See SMC 17D.010.020(A). A Type III application for a conditional use permit, such as the proposed project, is not exempt from the concurrency requirements. See SMC 17D.010.030(E) (listing the exempt permits).

On June 22, 2016, a Request for Comments on the application was circulated to all City departments and outside agencies with jurisdiction. See Exhibit 32. The comments received in response to this notice were minimal. See Exhibits 4-6. None of the commenting agencies or departments reported that concurrency was not achieved. See Exhibit 1, p. 7. In addition, there was no testimony at the public hearing or evidence in the record suggesting that the concurrency standards would not be satisfied. The proposal, by its nature, does not place any substantive demands on public infrastructure. See Exhibit 2B. It is an unmanned facility. See *id.* The utilities required are electricity and telephone. See *id.* Because emergency response capabilities will be upgraded a result of the new tower, it could be argued that the facility actually improves public services. See *id.*

The Hearing Examiner finds that the project satisfies the concurrency requirements of the municipal code. Therefore, this criterion for approval of the conditional use permit is met.

4. *If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic or cultural features. See SMC 17G.060.170(C)(4).*

The "site plan" for the project consists of a packet of plans included in the record as Exhibit 2C. These documents show the location, size, shape, and *topography* of the property. See *id.* They also include information about the physical characteristics of the site and details about the proposed project. See *id.*

The property is approximately 12 acres in size, and is sufficient to accommodate the proposed use. See Exhibit 2B, p. 2. The shape of the specific parcel is irregular, but poses no development challenges given the nature of the proposed use. The property is already developed as a shopping center with a large parking area. The proposal is to place the communication facility about 250 from the westerly border of the site, at approximately the midpoint between the northerly and southerly borders of the site. The facility will be placed in a relatively small (approx. 54' x 46'), fenced area, behind an existing building. Thus, the facility is proposed within an existing commercial complex, which certainly appears to be a suitable location for a telecommunications tower.

The property is basically flat. See Exhibit 2B, p. 2. There is no evidence that drainage is a concern or that the soils have problematic characteristics. The site is already covered in impervious surfaces, with no indication that drainage is not properly handled now. See *id.* There are no surface waters on the site and no reason to suspect that groundwater may be affected by this project.

There are no known historic or cultural resources on the property. The Applicant assessed the natural, historic, and cultural feature of the property as part of its due diligence. See Exhibit 2B, p. 2. The Applicant found no significant features on or near the site. See *id.* The Spokane Tribe of Indians apparently agreed with the Applicant's assessment. The Tribe commented only that it had no concerns about the project. See Exhibit 6.

The Hearing Examiner concludes that the property is suitable for the proposed use, given the conditions and characteristics of the site. As a result, this criterion is satisfied.

5. *The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effect or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use. See SMC 17G.060.170(C)(5).*

The record before the Hearing Examiner confirms that the proposed project will not have a significant adverse impact on the environment. To the extent certain impacts occur or may occur, those impacts can be addressed adequately through appropriate mitigation measures.

On or about November 10, 2015, the Applicant prepared an environmental checklist, pursuant to the State Environmental Policy Act, for this project. See Exhibit 14 (Environmental Checklist). The checklist supports the conclusion that this project will not have significant

impacts on the environment or the surrounding properties. For example, there are no wetlands or streams on or near the site, which could be affected by the proposed construction. See Exhibit 14 (Environmental Checklist ¶ B(3)(a)(1)). No waste materials will be discharged into the ground or into surface waters. See Exhibit 14 (Environmental Checklist ¶¶ B(3)(b)(2) & B(3)(c)(2)). No threatened or endangered species were identified as being present on or near the site. See Exhibit 14 (Environmental Checklist ¶¶ B(4)(c) & B(5)(b)). No environmental hazards (e.g. exposure to toxic chemicals, risk of fire or explosion, hazardous wastes, etc.) are anticipated to arise due to this project. See Exhibit 14 (Environmental Checklist ¶ B(7)(a)). There are no indications of significant noise, odor, light or glare, other than some temporary impacts during the construction phase. See Exhibit 14 (Environmental Checklist ¶¶ B(7)(b), B(11) & B(2)(a)). The tower will be painted with a matte paint or non-reflective material to mitigate against possible glare. See Exhibit 1, p. 8.

On August 17 2016, the Department of Planning & Development of the City of Spokane, as lead agency, issued a Determination of Non-significance (“DNS”) for the project. See Exhibit 13. The city did not attach any mitigating measures to the DNS. Any appeal of the DNS was due on August 31, 2016. See *id.* No appeal of the DNS was filed.

There was no testimony or evidence at the public hearing establishing that there were significant impacts overlooked in the SEPA review. Following construction, the project is unlikely to have any significant impacts on the surrounding uses. The facility will be unmanned. See Exhibit 2B, p. 2. Maintenance personnel are likely to visit the property only 1-2 times per month for each carrier. See *id.* Thus, there will be no traffic impacts or any activity that will affect public services. See *id.*

The Hearing Examiner concludes that the project will not have significant impacts on the environment that cannot be adequately addressed through mitigation. Therefore, this criterion for approval of the conditional use permit is satisfied.

6. *The proposed cell tower satisfies the decision criteria listed in SMC 17C.355A, governing Wireless Communication Facilities.*

The municipal code contains additional regulations for cell towers that are subject to a conditional use permit, such as the tower proposed here. See SMC 17C.355A.080. Certain portions of these regulations apply to towers that are in residential zones or within 150 feet of residential zones. See SMC 17C.355A.080(A)(1) & (B). As Staff pointed out, the proposed tower is in a CC zone, so the provision regulating uses in or near residential zones do not apply. *Testimony of D. Compton.* That leaves Section A.2, which states: “The proposed tower satisfies all of the provisions and requirements of this chapter 17C.355A.” See SMC 17C.355A.080(A)(2).

Staff concluded that the proposal satisfied “...all other provisions and development standards outlined in SMC 17C.355A for criteria A.2 above.” See Exhibit 1, p. 9. The Hearing Examiner agrees with the Staff, for at least three reasons.

First, the proposal satisfies the code restrictions related to the location of cell towers. Particularly relevant to this issue is SMC 17C.355A.050(A), which provides as follows:

Tower Sharing and Collocation. New WCF facilities must, to the maximum extent feasible, collocate on existing towers or other structures of a similar height to avoid construction of new towers, unless precluded by zoning constraints such as height, structural limitations, inability to obtain authorization by the owner of an alternative location, or where an alternative location will not meet the service coverage objectives of the applicant. Applications for a new tower must address all existing towers or structures of a similar height within 1/2 mile of the proposed site as follows: (a) by providing evidence that a request was made to locate on the existing tower or other structure, with no success; or (b) by showing that locating on the existing tower or other structure is infeasible.

In this case, the Applicant explored the available options for collocating its facilities on an existing tower or structure. See Exhibit 2E. The Applicant also analyzed the coverage needs in relationship to the collocation options. See Exhibit 2G. The Applicant's due diligence resulted the following conclusion: "There are no existing wireless communication facilities that exist within the required service area in which T-Mobile could co-locate on to provide coverage to the area needed." See Exhibit 2G; see also Exhibit 2H. There were no structures, such as water towers, which had sufficient space or could provide the necessary coverage. See Exhibit 2E. The Applicant also made inquiries regarding collocation with government officials and property owners, without success. See *id.* The only feasible option, on this record, is the tower proposed at 9001 N. Indian Trail Road.

Second, the record in this case demonstrates that the application is complete and addresses the requirements of SMC 17C.355A. Among other things, the Applicant submitted complete site plans, drawn to scale, containing detailed information about the project, as required by SMC 17C.355A.060(B). See Exhibit 2C. The record includes the required photo simulation of the site, with and without the proposed facility, per SMC 17C.355A.060(C). See Exhibit 2F. The Applicant has provided a coverage analysis with maps identifying the proposed site location and the targeted service area, in accordance with SMC 17C.355A.060(D). See e.g. Exhibits 2G-2I, 2K & 2N. The project has been certified as meeting the radio emission exposure limits established by the FCC. See Exhibit 2J. The project satisfies the applicable design requirements for this type of facility. *Testimony of D. Compton.* As noted above, the Applicant conducted the necessary due diligence to justify the chosen location of the facility, including analyzing the collocation opportunities in the targeted area.

Third, the Hearing Examiner is not aware of any way in which the proposal fails to meet any other standards of SMC 17C.355A. The Staff reviewed the application in detail and concluded that all the applicable standards were satisfied. By the Hearing Examiner's review of the record, Staff is correct.

The Hearing Examiner finds that the proposed tower satisfies all the provisions and requirements of SMC 17C.355A. Therefore, this criterion for approval of the conditional use permit is satisfied.

DECISION

Based on the findings and conclusions above, it is the decision of the Hearing Examiner to approve the proposed conditional use permit subject to the following conditions:

1. Approval is for a conditional use permit to allow T-Mobile to construct a wireless communications monopole built to a maximum height of 70 feet, along with related facilities. The project will be developed in substantial conformance with the plans that were submitted at the time of application for this Conditional Use Permit.
2. The applicant shall comply with all other requirements of the Spokane Municipal Code which relate to wireless communication support structures and related facilities, including but not necessarily limited to the provisions of SMC 17C.355A.070(A)-(O) (e.g. setbacks, screening, lighting, landscaping and the continued maintenance of the same).
3. All parking lot striping must be completely removed by sandblasting the striping.
4. Access to this site requires crossing over two parcels from Barnes Avenue. A recorded mutual use and access agreement must be in place with these property owners to allow access to the site.
5. Any wireless communication facility that is no longer needed and its use is discontinued shall be immediately reported by the service provider to the Planning and Development Director. Discontinued facilities shall be completely removed within six months and the site restored to its pre-existing condition.
6. All surface drainage must be disposed of on-site in accordance with the Spokane Regional Stormwater Manual.
7. At the time of application for building permit, the proponent shall provide the City of Spokane with copies of the approved FCC permit application, a visual impact analysis, or other visual representation, and all supporting documents.
8. If any artifacts or human remains are found upon excavation, the Spokane Tribe of Indians and the City of Spokane Planning & Development Services should be immediately notified and the work in the immediate area cease. Pursuant to RCW 27.53.060 it is unlawful to destroy any historic or prehistoric archaeological resources. RCW 27.44 and RCW 27.53.060 require that a person obtain a permit from the Washington State Department of Archaeology & Historic Preservation before excavating, removing or altering Native American human remains or archaeological resources in Washington.
9. This approval does not waive the applicant's obligation to comply with all of the requirements of the Spokane Municipal Code including the International Codes, as well as requirements of City Departments and outside agencies with jurisdiction over land development.
10. This project must adhere to any additional performance and development standards documented in comments or required by the City of Spokane, the County of Spokane, the State of Washington, and any federal agency.

11. Spokane Municipal Code section 17G.060.240 regulates the expiration of this approval, and Table 17G.060-3 sets forth the time frame for the expiration of all approvals.

12. Prior to the issuance of any building or occupancy permits, the applicant shall submit evidence to this file that the property owner has signed and caused the following statement to be recorded with the Spokane County Auditor's Office.

COVENANT

Development of this property is subject to certain conditions on file with the City of Spokane Planning Department and the Office of the City of Spokane Hearing Examiner. The property may not be developed except in accordance with these conditions. A copy of these conditions is attached to this Covenant.

This statement shall be identified as a Covenant. The owner's signature shall be notarized.

13. This approval is subject to the above-stated conditions. By accepting this approval the applicant acknowledges that these conditions are reasonable and agrees to comply with them. The filing of the above required covenant constitutes the applicant's written agreement to comply with all conditions of approval. The property may not be developed except in accordance with these conditions and failure to comply with them may result in the revocation of this approval.

DATED this 7th day of September 2016.



Brian T. McGinn
City of Spokane Hearing Examiner

NOTICE OF RIGHT TO APPEAL

Appeals of decisions by the Hearing Examiner are governed by Spokane Municipal Code 17G.060.210 and 17G.050.

Decisions by the Hearing Examiner regarding conditional use permits and variances are final. They may be appealed by any party of record by filing a Land Use Petition with the Superior Court of Spokane County. **THE LAND USE PETITION MUST BE FILED AND THE CITY OF SPOKANE MUST BE SERVED WITHIN TWENTY-ONE (21) CALENDAR DAYS OF THE DATE OF THE ISSUANCE OF THE DECISION.** Pursuant to RCW 36.70C.040(4)(a), the date of the issuance of the decision is the date the decision is entered into the public record. This decision was entered into the public record on September 7, 2016. **THEREFORE, THE DATE OF THE LAST DAY TO APPEAL IS THE 28th DAY OF SEPTEMBER 2016 AT 5:00 P.M.**

In addition to paying any Court costs to appeal the decision, the ordinance requires payment of a transcript fee to the City of Spokane to cover the costs of preparing a verbatim transcript and otherwise preparing a full record for the Court.

Pursuant to RCW 36.70B.130, affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.