

**CITY OF SPOKANE HEARING EXAMINER**

**Re:** Shoreline Conditional Use Permit ) FINDINGS, CONCLUSIONS,  
Application by the City of Spokane ) AND DECISION  
Engineering Department to allow the )  
construction of a Combined Sewer )  
Overflow (CSO) storage tank at 517 N. ) FILE NO. Z1500076-SCUP  
Lincoln )

**SUMMARY OF PROPOSAL AND DECISION**

**Proposal:** The City of Spokane Engineering Department seeks a shoreline conditional use permit in order to allow the construction of a Combined Sewer Overflow (CSO) storage tank, to be installed underground, in a gravel parking lot commonly known as the Bosch Lot.

**Decision:** Approved, with conditions.

**FINDINGS OF FACT**  
**BACKGROUND INFORMATION**

**Applicant:** City of Spokane Engineering Department  
808 West Spokane Falls Boulevard  
Spokane, WA 99201

**Owner:** City of Spokane Parks and Recreation  
808 West Spokane Falls Boulevard  
Spokane, WA 99201

**Agent:** Dan Buller, P.E.  
City of Spokane, Engineering Design  
808 W. Spokane Falls Blvd.  
Spokane, WA 99201

**Property Location:** The proposed site is located at 517 N. Lincoln, in the SW ¼ of Section 18, Township 25 North, Range 42 East, W.M. The proposed site includes five tax parcels: 35183.1435; 35183.1422; 35183.1423; 35183.1434; and 35183.1437.

**Zoning:** The property is zoned DTG (Downtown General).

**Shoreline Designations:** Adjacent to Spokane River (north bank); Shoreline Limited Urban Environmental Designation; 50-foot buffer; Downtown Shoreline District.

**Environmental Overlays:** Habitat and Species

**Comprehensive Plan Map Designation:** The property is designated as Conservation Open Space in the city's Comprehensive Plan.

**Site Description:** The site is approximately 1.3 acres in size.

**Surrounding Conditions and Uses:** The project site is adjacent to the Spokane River. South of the site is Summit Boulevard (n/k/a Bridge Street) and the Spokane River. Southeasterly of the site is the intersection of Summit Boulevard and Lincoln Street, the Spokane River, and the Post Street Bridge. East of the site is Lincoln Street, Anthony’s Seafood Restaurant, and the Spokane River. West of the site is Monroe Street. Farther west, on the opposite side of Monroe Street, is the Kendall Yards development. North of the site consists of parking areas and office buildings. The zoning of the properties to the north, east, south, and along Monroe to the northeast are all zoned DTG. The properties to the west and southwest of the site, on the opposite side of Monroe, are zoned CB-150.

**Project Description:** The City of Spokane Engineering Department is proposing to construct an underground Combined Sewer Overflow (CSO) storage tank with the dimensions of 55 feet in width by 275 feet in length by 30 feet in depth. The tank volume is 0.8-1.0 million gallons, and is being proposed as part of the Department of Ecology’s mandated CSO reduction program. Once the tank is constructed, the site will be returned to a gravel surface, but the grade will be more consistent with the adjacent street.

**PROCEDURAL INFORMATION**

**Authorizing Ordinances:** Spokane Municipal Code (“SMC”) 17E.060, Environmental Standards; and SMC 17G.060.170, Decision Criteria.

**Notice of Community Meeting:** Mailed: September 4, 2015  
Posted: September 4, 2015

**Notice of Application/Public Hearing:** Mailed: October 30, 2015  
Posted: October 30, 2015

**Revised Notice of Application/  
Public Hearing:** Mailed: November 24, 2015  
Posted: November 24, 2015

**Community Meeting:** September 24, 2015

**Public Hearing Date:** December 17, 2015

**Site Visit:** December 17, 2015

**SEPA:** A Determination of Nonsignificance (“DNS”) was issued by the City of Spokane Engineering Department on November 13, 2013. No appeal of the DNS was filed.

**Testimony:**

Ali Brast, Assistant Planner  
City of Spokane Planning & Development  
808 West Spokane Falls Boulevard  
Spokane, WA 99201

Dan Buller, P.E.  
City of Spokane Wastewater Department  
808 W. Spokane Falls Blvd.  
Spokane, WA 99201

**Exhibits:**

1. Planning Services Staff Report
2. Application, including:
  - 2A General application
  - 2B Shoreline/Critical Areas checklist
  - 2C Notification Map application
  - 2D Site Plan
  - 2E Aerial View of site with tank location shown
3. Spokane Tribe of Indian comments
  - 3-A Emailed responses from city staff
4. Avista comments
  - 4A dated 10-15-15
  - 4B dated 11-18-15
5. Notice map
6. Parcel listing
7. Address Listing
8. Notice of Community Meeting
9. Notice of Application
10. Notice of Application for with date for Public Hearing
11. Affidavit of mailings
  - 11A Community Meeting dated 09-04-15
  - 11B Application dated 10-30-15
  - 11C Hearing dated 11-24-15
12. Affidavit of postings:
  - 12A Community Meeting dated 09-04-15
  - 12B Application dated 10-30-15
  - 12C Hearing dated 11-24-15
13. Affidavit of sign postings: 09-11-15
  - 13A Community Meeting dated 09-11-15
  - 13B Application dated 10-30-15
  - 13C Hearing dated 11-25-15
14. Affidavit of sign removal dated 09-25-15
15. SEPA Determination of Nonsignificance dated 11-13-15
16. Environmental checklist
17. Community Meeting sign in sheet
18. Community Meeting presentation
19. Letter dated 08-31-15 to Dan Buller from Ali Brast  
re: community meeting instructions
20. Letter dated 10-02-14 to Interested Parties from Ali Brast  
re: requesting comments

21. Letter dated 11-12-14 to Dan Buller from Ali Brast  
re: notice of application instructions
  22. Letter dated 11-12-14 to Dan Buller from Ali Brast  
re: notice of hearing instructions
- A. Material received at hearing:  
A-1 Hardcopy of Staff's PowerPoint presentation

### **FINDINGS AND CONCLUSIONS**

To be approved, the proposed Shoreline Conditional Use Permit ("SCUP") must comply with the criteria set forth in SMC 17G.060.170 and RCW 90.58.020. The Hearing Examiner has reviewed the proposed SCUP and the evidence of record with regard to the application and makes the following findings and conclusions:

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 Downtown General ("DTG"), a downtown zoning category. The uses allowed in the downtown zones are shown on Table 17C.124-1. The table does not specifically identify a CSO among the regulated uses. See Table 17C.124-1. However, the table does show that "Basic Utilities" are permitted in the DTG zone. See *id.* "Basic Utilities" include water and sewer pump stations, sewage disposal and conveyance systems, water towers and reservoirs, water quality and flow control facilities, water conveyance systems, and stormwater facilities and conveyance systems. See SMC 17C.190.400(C). The proposed project is properly characterized as a Basic Utility, and therefore is outright permitted in the DTG zone.

The project site is also designated as a Limited Urban Environment ("LUE") under the shoreline regulations. The proposed CSO tank fits within the definition of a "Non-Water Oriented Use." See Exhibit 1, p. 4 (citing SMC 17E.060.360). Pursuant to Table 17E.060-04, a "Non-Water Oriented Use" is a Limited or Conditional Use ("L/CU") on LUE-designated property. See Table 17E.060-04. In addition, new construction or expansion of existing utilities or facilities that are Non-Water Oriented shall not be allowed in the shoreline jurisdiction unless it can be demonstrated that feasible alternatives are not available. See SMC 17E.060.700(2); see also Exhibit 1, p. 5.

Although this project is permitted outright in the underlying zone, the shoreline regulations also apply. Pursuant to those regulations, the Applicant is required to obtain a Shoreline Conditional Use Permit for this project. So long as the requirements for the conditional use and the other criteria are satisfied, the project is allowed at this site. As a result, the Hearing Examiner concludes that this criterion for approval is met.

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 project site is designated as Conservation Open Space under the comprehensive plan. While the provisions describing this designation do not directly address utilities, there are various provisions in the comprehensive plan that directly support this premise.

For example, the first goal of the Land Use element of the comprehensive plan memorializes the objective of providing coordinated, efficient, and cost effective public facilities and utility services. See Comprehensive Plan ("CP"), Goal LU 1, Citywide Land Use. Policy 1.12 of the Land Use element recognizes the adequate public facilities and services systems must exist to accommodate proposed development, and must exist before development is permitted to occur. See CP, Policy LU 1.12, Public Facilities and Services.

The Land Use element also contemplates that public facilities will be properly distributed throughout the city. See CP, Goal LU 6, Adequate Public Lands and Facilities. As pertinent here, the City is in the process of installing CSO tanks in multiple locations throughout the city, all as part of a comprehensive effort to protect the Spokane River from overflow events.

The Capital Facilities element calls for the city to provide and maintain adequate public facilities and utility services, as well as to ensure reliable funding is in place to protect the public's investment in this infrastructure. See CP, Goal CFU 1, Adequate Public Facilities and Services (also noting that such investments ensure adequate levels of service). In furtherance of this goal, Policy CFU 1.6 calls for the continuous evaluation of the effect of changes in state and federal regulations, in part to ensure appropriate levels of service. In this case, the project is intended to address Department of Ecology requirements, and thus appears to directly advance this policy.

The project is designed to control the overflow of untreated stormwater and sewage into the Spokane River during storm events, consistent with the mandates of the Department of Ecology. *Testimony of D. Buller*. As a result, while the project does have some environmental impact, from a broader perspective the project serves to protect the environment, in particular the Spokane River. In this fashion, the project protects and preserves a river corridor for the health and enjoyment of the public. See CP, Policy PRS 1.2, River Corridors. This fulfills the intent of Goal CFU 5 of the Capital Facilities Element, which states as follows:

Minimize impacts to the environment, public health, and safety through the timely and careful siting and use of capital facilities and utilities.

See CP, Goal CFU 5, Environmental Concerns.

The policies underlying this goal also demonstrate that the project fulfills the intent of the comprehensive plan by controlling the impacts of runoff and overflows. Policy CFU 5.3, Stormwater, provides: "Implement a Stormwater Management Plan to reduce impacts from urban runoff." In the discussion of that policy, the following objective is stated: "...the City of Spokane should work continuously toward the reduction of existing combined sewer overflows wherever technically, economically, and environmentally appropriate." See CP, Chapter 5, p. 19.

Finally, the project, as designed and conditioned, provides adequate provisions to protect water quality, views, and archaeological sites, as well as guarding against erosion, among other things. See SMP 5.4, Provisions for Shoreline Protection. Given the location, the design of the project, and the preexisting use, the project does not create any loss of shoreline ecological functions. See SMP 1.3, No Net Loss of Ecological Functions.

The Hearing Examiner finds that the project is consistent with the goals and policies of the comprehensive plan, and therefore this criterion is satisfied.

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 a shoreline conditional use permit) mandate that any proposal satisfy the concurrency requirements under SMC 17D.010. See SMC 17G.060.170(C)(3). In addition, under the concurrency standards, facilities for public wastewater (sewer and stormwater) must be evaluated for concurrency. See SMC 17D.010.010(I). Accordingly, on October 2, 2015, a Request for Comments on the application was circulated to all City departments and outside agencies with jurisdiction.

The city received minimal response to its request for comments. See e.g. Exhibits 3, 4A, & 4B. City staff noted that "...there were no departments or agencies that reported that concurrency could not be achieved." See Exhibit 1. To the extent that there was a lack of substantive comments from departments and agencies with jurisdiction, the Hearing Examiner must conclude that concurrency standards are satisfied. The concurrency provisions of the municipal code state that a lack of response by a notified facility or service provider shall be construed as a finding that concurrently is met. See SMC 17D.010.020(B)(1).

A review of the record confirms that there is no substantive evidence that the project transgresses any concurrency requirements. There was no testimony at the public hearing suggesting that the concurrency standards would not be satisfied. The proposal, by its nature, does not place substantive demands on public infrastructure. The project does not have any discernible effect on public services such as fire, police, or schools. See Exhibit 16 (Environmental Checklist ¶ B(15)). If anything, the proposal improves public facilities by increasing the city's capacity to handle wastewater.

The Hearing Examiner finds that the project satisfies the concurrency requirements of the municipal code. Therefore, this criterion for approval of the shoreline 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 is included in the record as Exhibit 2D. The site plan, along with other documents in the record, describes the location, size, shape, and topography of the property. These documents also include information about the physical characteristics of the site and details about the proposed project. A review of this documentation confirms that the project site is suitable for the proposed use.

The site is generally flat and rectangular. It is currently being used as a gravel parking lot. The proposed CSO tank is designed to fit the lot, and will be entirely underground. There is no indication that the project is not appropriate due to soil types, drainage characteristics, the presence of surface or ground water, or other physical conditions. Although the site will be

restored for use as a gravel parking lot after the CSO tank is installed, the grade will be significantly lowered, so that the surface of the new parking area is close to the level of Summit Boulevard (n/k/a Bridge Street). Even so, the site is basically flat now, and will be basically flat once the project is completed.

The historical information presented at the hearing suggested that, decades ago, a railroad track cut through the site. But there are no buildings or other structures on the site today. Thus, there are no historic structures that could be impacted by the project. Finally, there are no known cultural or historic resources on this site that warrant against approval of the proposal. See Exhibit 16 (Environmental Checklist ¶ B(13)(b)). The Spokane Tribe of Indians noted its concerns and asked a series of questions about the project, but did not submit any evidence demonstrating that cultural or archaeological resources were present. See Exhibit 3. In any case, the conditions of approval set forth the procedures in the event something of significance is discovered during development of the site.

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 environmental review process, completed pursuant to the State Environmental Policy Act, demonstrates that the project will not have significant environmental impacts. To the extent certain impacts occur or may occur, those impacts can be addressed adequately through appropriate mitigation measures.

On or about November 6, 2013, the City of Spokane prepared an environmental checklist, pursuant to the State Environmental Policy Act, for this project and other tank installations. See Exhibit 16 (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 the site, although the project is near the Spokane River. The property does not lie within a 100-year or 500-year floodplain. See Exhibit 16 (Environmental Checklist ¶ B(3)(a)(5)). No waste materials will be discharged into ground or surface waters. See Exhibit 16 (Environmental Checklist ¶¶ B(3)(b)(2), B(3)(b)(6) & B(3)(c)(2)). No additional water runoff is anticipated as a result of this project. See Exhibit 16 (Environmental Checklist ¶ B(3)(c)). Other than noise and odor generated during construction, the project will result in no noise or odor impacts on a long-term basis. See Exhibit 16 (Environmental Checklist ¶¶ B(2)(a) & B(7)(b)(2)). The project does not involve above-ground structures, and therefore will not impact views. See Exhibit 16 (Environmental Checklist ¶ B(10)(a)-(b)). There are no lights proposed for this project, so glare is not anticipated. See Exhibit 16 (Environmental Checklist ¶ B(11)(a)). 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 16 (Environmental Checklist ¶ B(7)(a)). No threatened or endangered species were identified on the site. See Exhibit 16 (Environmental Checklist ¶¶ B(4)(c) & B(5)(b)).

On November 13, 2013, the Department of Engineering Services of the City of Spokane, as lead agency, issued a Determination of Non-significance ("DNS") for the project. See Exhibit 15. Any appeal of the DNS was due on November 27, 2013. See id. No appeal of the DNS was filed.

It should be acknowledged that site proximity to the Spokane River does warrant some concern. However, the construction site is on a relatively flat area on the north side of Summit Boulevard (n/k/a Bridge Street) and some distance away from the bank of the river. The distance between the river and the construction work will largely eliminate the risk of significant impacts to the river. The construction work will not be taking place on any steep slopes.

There was no substantive evidence that the project could or may result in significant environmental impacts. The SEPA process clearly supports the conclusion that adverse impacts will not arise from this project. There was no testimony or evidence at the public hearing suggesting that potential, significant impacts overlooked in the SEPA review. And, ultimately, the CSO project will help reduce sewage emissions into the Spokane River, creating a significant environmental benefit.

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

6. *The proposed use is consistent with the policies of RCW 90.58.020 and the shoreline master program. See SMC 17G.060.170(D)(2)(a)(i).*

Pursuant to the Shoreline Master Program, the site is designated as a "Limited Urban Environment" or "LUE." The Staff noted that areas with this designation have certain characteristics:

The "limited urban" environment is assigned to shoreline areas that are intended to accommodate further urban growth and infill development that are appropriate for a mix of water-oriented residential, institutional, and limited commercial uses. This environment may include a range and mix of uses similar to those found in the intensive urban environment, but at a significantly lower scale of intensity.

See Exhibit 1, p. 7.

This site is already developed as a gravel parking lot. The project is not within the bank or slopes of the shoreline and is well above the ordinary high water mark ("OHWM"). There is no native or non-native vegetation on the site, and no known shoreline habitat. The site is this an appropriate location for the proposed institutional use. Further, the proposed use easily fits the characteristics of the LUE designation described above. Finally, given the nature of this project, the future development of the site for recreational or water-oriented uses will not be inhibited.

The Hearing Examiner concludes that the project is consistent with the policies of the Shoreline Management Act and the Shoreline Master Program. As a result, this criterion is satisfied.



7. *The proposed use will not unreasonably interfere with the normal use of public shorelines. See SMC 17G.060.170(D)(2)(a)(ii).*

The CSO tank will be installed entirely underground and the site will be returned to its current use, i.e. a gravel parking area. The use of the shoreline by the public will therefore be unaffected by this project. The Hearing Examiner agrees with the Staff: "Existing public access and views of the river will not change as a result of this application." See Exhibit 1, p. 8. In addition, after the project is completed, the site will be in a suitable condition for future recreational and water-oriented uses planned by the Parks Department. See *id.* As a result, this criterion for approval is satisfied.

8. *The cumulative impact of several additional conditional use permits on the shoreline in the area will not preclude achieving the goals of the shoreline master program. See SMC 17G.060.170(D)(2)(a)(iii).*

There are no known conditional use permits in the vicinity of the site for the proposed CSO tank. See Exhibit 1, p. 8. This project actually promotes the long-term health of the Spokane River and the shoreline environment, for reasons discussed elsewhere in this decision. In addition, once the CSO tank is installed and the site is restored to a gravel parking area, the site will be suitable for future recreation and water-oriented uses planned or anticipated by the Parks Department. See *id.* Given these circumstances, the Hearing Examiner concludes that this criterion for approval has been satisfied.

9. *The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and the shoreline master program. See SMC 17G.060.170(D)(2)(a)(iv).*

There is no evidence in this record that the project will be incompatible with other authorized uses in the area or with uses planned for the area. See Exhibit 1, p. 8. The site is currently used as a gravel parking lot, and will be returned to that use upon completion of the construction of the underground tank. It is difficult to conceive how this project will conflict with any existing uses, and there are no proposed or planned uses that would be impacted by this project, to the knowledge of the Hearing Examiner. As a result, the Hearing Examiner concludes that this criterion is met.

10. *The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located, and the public interest in enjoying physical and visual access suffers no substantial detrimental effect. See SMC 17G.060.170(D)(2)(a)(v).*

The project will not cause any significant adverse effects on the shoreline environment. The site is currently used as a gravel parking lot. There is no vegetation on the site. See Exhibit 1, p. 9. "Since there is no native or non-native vegetation on the site, no impact to shoreline habitat or ecological function will occur." See *id.* The project is above the ordinary high water mark, so no impacts to the river are anticipated. See *id.* There will be some impact from construction, but there will be no temporary or permanent loss of ecological function. See *id.* In fact, the project will result in improvement to the shoreline environment by helping to lower the number of raw sewage discharges into the Spokane River. See Exhibit 1, p. 8.

The project will not impact views or public use or enjoyment of the shoreline environment. The proposed facility will be completely underground and the site will be returned to use as a gravel parking lot. The views of the Spokane River will therefore be unchanged by this project. Public access and enjoyment of the shoreline at this location will be same after the project as before. The Hearing Examiner agrees with Staff that this criterion for approval is satisfied.

### **DECISION**

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

1. Approval is for a Shoreline Conditional Use Permit to allow the City of Spokane Engineering Department to construct an underground tank to be used as a combined sewer overflow tank in furtherance of the Department of Ecology's mandated CSO reduction program. The tank will be constructed substantially as set forth in the General Application submitted and included in the record as Exhibit 2A and the Site Plan submitted and included in the record as Exhibit 2D. If changes are sought to the General Application and Site Plan, they shall be submitted to Planning Services for review and approval. If Planning Services finds that the changes are substantial, than they shall be forwarded to the Hearing Examiner for review and approval.
2. The site will be developed in substantial conformance with the plans that were submitted with the application dated October 2, 2015.
3. The project shall comply with Shoreline Master Program, SMC 17E.060 and SMC 17E.020, which provide that a project shall not result in a net loss of shoreline ecological functions.
4. An Erosion and Sediment Control plan that satisfies the requirements of SMC 17D.090 "Erosion and Sediment Control" will be required for the proposed work.
5. 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.
6. 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 adopted in this jurisdiction), as well as requirements of City Departments and outside agencies with jurisdiction over land development.
7. 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.
8. 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.

9. 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.

10. 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 21<sup>st</sup> day of December, 2015.



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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 December 21, 2015. **THEREFORE, THE DATE OF THE LAST DAY TO APPEAL IS THE 11<sup>th</sup> DAY OF JANUARY 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.