

CITY OF SPOKANE HEARING EXAMINER

Re: Application for Shoreline Conditional Use Permit by WSDOT to construct bridge crossings over the Spokane River) FINDINGS, CONCLUSIONS, AND DECISION) FILE NO. Z20-009SCUP)

SUMMARY OF PROPOSAL AND DECISION

Proposal: The applicant, Washington State Department of Transportation (WSDOT), has applied for a Shoreline Conditional Use Permit (SCUP). WSDOT is proposing to build two new vehicular bridges over the Spokane River, at Green Street, as part of the North Spokane Corridor (NSC) Project limited access highway that will begin at I-90 and end in the Wandermere vicinity to the north. The project will also include a pedestrian bridge and the realignment of South Riverton.

Decision: Approved, with conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

Applicant/ Property Owner: Washington State Department of Transportation
c/o Tammie William
2714 N. Mayfair St.
Spokane, WA 99207-2050

Property Location: The project location is parallel to the Green Street crossing of the Spokane River in the Southwest 1/4 of Section 10, Township 25 North, Range 43 East Willamette Meridian, in Spokane, Washington.

Zoning: The property is zoned Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Two-Family (RTF), and Light Industrial (LI).

Comprehensive Plan (CP) Map Designation: The project falls within four Land Use Categories of the Comprehensive Plan: Conservation Open Space; Residential 15-30; Residential 10-20; and Institutional.

Shoreline Designations: Shoreline Upriver District, Urban Conservancy, Limited Urban and Shoreline Residential Environmental Designations, 75-foot Buffer.

Environmental Overlays: Fish & Wildlife Habitat Area (RHA-1 & RHA-2), 100 Year Flood Zone.

Site Description: The site includes the north and south banks of the Spokane River, and upland areas along those banks, to the east of the existing Green Street Bridge. The banks of the river slope steeply down the water.

Project Description: The proposal is to construct two highway bridge structures and one pedestrian bridge structure, to realign Riverton Avenue, to construct a trail connection to Centennial Trail, to reconstruct retaining walls, and to add landscaping and perform other work within the shoreline jurisdiction as part of the overall NSC Project. The NSC Project is a new 10.5-mile limited access highway from Interstate 90 to US 395 near Wandermere.

The vehicular bridges and the pedestrian bridge will be installed east of the Green Street Bridge. There is no proposed physical public access to the shoreline or riparian area within this project area. The proposed bridge footings are anticipated to be placed above the ordinary high water mark (OHWM), but may require scour protection using riprap material that may extend below the OHWM. Currently the Centennial Trail runs along the north bank of the Spokane River and Tuffy's Trail runs along the south bank.

Surrounding Zoning: The project falls within four Zoning Districts. The south side of the river corridor is zoned LI. The north side of the river corridor is zoned RSF, between the shoreline and Upriver Drive the zone is split between RSF and RTF and then transitions to RMF on the west and RSF to the east, north of Upriver Drive.

Adjacent Land Use: On the south side of the Spokane River the uses adjacent to the project are a mix of predominately single-family residential to the west and Spokane Community College (SCC) to the east. North of the Spokane River the uses are a mix of single-family and multi-family to the west and single-family to the east.

Shoreline Management Act: The project will span the Spokane River. The Spokane River is designated by the Shoreline Management Act (SMA) as a shoreline of statewide significance and therefore subject to the requirements of the City of Spokane Shoreline Master Program (SMP) in the Spokane Municipal Code (SMC) Chapter 17E.060. The City of Spokane SMP designates this area as Urban Conservancy, Limited Urban, and Shoreline Residential Environmental Designations with a 75-foot buffer from the Spokane River. The project is also located within the Riparian Habitat Zones 1 and 2 (250 feet from OHWM) as designated in the SMC Chapter 17E.020, Fish and Wildlife Conservation Areas.

PROCEDURAL INFORMATION

Authorizing Ordinances: SMC 17C.110 – Residential Zones; SMC 17C.130 – Industrial Zones; SMC 17E.060 – Shoreline Regulations; SMC 17E.030 – Floodplain Management; SMC 17E.020 – Fish and Wildlife Conservation Areas; and SMC 17G.060.170 – Decision Criteria.

Community Meeting: December 3, 2019

Notice of Application/Public Hearing: Mailed: May 1, 2020
Posted: May 4 & 5, 2020

Public Hearing Date: May 21, 2020

This application was previously scheduled for hearing on May 2, 2020. The City deferred the in-person public hearing in an effort to slow the spread of the coronavirus

(COVID-19) and to protect those most vulnerable. Due to the restrictions on public gatherings arising from the COVID-19 outbreak, this hearing was rescheduled to be heard virtually on May 21, 2020.

Site Visit: May 16, 2020

State Environmental Policy Act (SEPA): The lead agency is WSDOT. The North Spokane Freeway Final Environmental Impact Statement was issued on January 13, 1998. Environmental documents were added by addendum on September 17, 2019.

Testimony:

Tami Palmquist, Principal Planner
City of Spokane, Planning & Development
808 W. Spokane Falls Boulevard
Spokane WA 99201

Tammie Williams
WSDOT
2714 N. Mayfair Street
Spokane WA 99207

Dustin Vaughn
WSDOT
2714 N. Mayfair Street
Spokane WA 99207

Exhibits:

1. Planning Services Staff Report
 - A Email from Tami Palmquist dated 5/8/20 revising condition #5.
 2. Application, including:
 - A General Application
 - B Shoreline Permit Application
 - C Shoreline/Critical Areas Checklist
 - D Habitat Management Plan
 - E Biological Assessment
 - F Notification Map Application
 - G Site Plans and Photographs
 3. SEPA Addendum
 4. Agency Comments
 5. Notices and Affidavits
 6. Community Meeting Materials
- A. Material received at hearing:
- A-1 Hardcopy of Staff's PowerPoint presentation
 - A-2 Mission to Carlisle Public Input Results
 - A-3 Environmental Documents referenced in SEPA Addendum
(<ftp://ftp.wsdot.wa.gov/incoming/NSC%20Shoreline%20CUP%20Documentation/>)

FINDINGS AND CONCLUSIONS

To be approved, the proposed Shoreline Conditional Use Permit (SCUP) application must comply with the criteria set forth in SMC 17G.060.170 and SMC 17E.060, the shoreline regulations. 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).*

To be allowed in the shoreline jurisdiction, a use must be permitted in both the shoreline jurisdiction and in accordance with the applicable zoning of the property. See SMC 17E.060.690(C).

The proposed bridges and associated infrastructure will be installed on a site that crosses multiple zoning categories. The site includes property that is zoned RSF, RMF, RTF, and LI. See Exhibit 1, p. 3. Therefore, to satisfy the decision criteria, the project must be allowed within each of these four zoning classifications.

The bridges are part of a state or regional transportation facility. See Exhibit 1, p. 5. As such, the proposed infrastructure is considered to be an Essential Public Facility (EPF) within the meaning of SMC 17C.190.530. See *id.* EPFs are allowed as a conditional use in the residential zoning categories. See Table 17C.110-1. EPFs are also allowed as a conditional use in light industrial areas. See Table 17C.130-1. In other words, the zoning code allows the proposed use in all the relevant land classifications.

The site also includes land in three shoreline designations. The site includes land designated as Urban Conservancy (UCE), Limited Urban (LUE), as well as Shoreline Residential (SRE). See Exhibit 1, p. 3. Within these shoreline environments, new utilities or facilities are an example of a Non-Water Oriented Use. See Exhibit 1, p. 4. New construction or expansion of existing utilities or facilities is classified as “L(2)/CU” (Limited/Conditional Uses). See *id.*

The shoreline and environmental regulations of the city impose other restrictions on these types of projects. Most notably, new construction of facilities that are Non-Water Oriented shall not be allowed in the shoreline jurisdiction unless it can be demonstrated no feasible alternatives exist. See SMC 17E.060.700(2). If no feasible alternatives exist, a project may proceed, although a SCUP is still required. See *id.*

In addition, pursuant to SMC 17E.020.050(B)(2)(b), roads within riparian habitat areas shall be allowed only when there is no alternative route. Roads within riparian habitat areas shall also be kept to a minimum and shall not run parallel to the water body. See SMC 17E.020.050(B)(2)(b). Crossings, where necessary, shall cross riparian areas at as near right angles as possible. See *id.* Water crossings shall be designed and installed as to allow passage of fish and wildlife using the stream corridor. See *id.* If no alternative exists to placement of a roadway within a riparian area, mitigation will be required. See *id.* Those mitigation measures shall be specified in a habitat management plan (HMP). See *id.*

The proposal is one part of the NSC Project. There is no feasible alternative to constructing the proposed bridges over the Spokane River. *Testimony of T. Williams.* The Final Environmental Impact Statement (FEIS) supports this conclusion, based upon similar

standards found in federal law. See Final FEIS-North Spokane Freeway, Chapter 6. There is no evidence that alternate routes are workable either. The project is one piece of an interdependent puzzle. The crossings are perpendicular to the river and utilize only the amount of shoreline necessary to complete the project. There is no reason to believe that the project will obstruct the passage of fish or wildlife. The bridge will not interfere with the flow of the river, as the structures will be landward of the OHWM. In addition, wildlife will be able to pass under the bridge and along the river corridor. In any event, a reviewed and approved HMP is a condition of approval for this project.

The Hearing Examiner concludes that the proposed use is allowed under the provisions of the land use codes and shoreline regulations, provided a SCUP is obtained and the other development regulations are satisfied. Therefore, this criterion for approval is fulfilled.

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).*

This bridge proposal is one small part of a much larger project known as the NSC Project. The Transportation Element of the City of Spokane Comprehensive Plan (CP) recognizes the NSC Project as a “major infrastructure project” intended to address some of the long-term transportation needs for Spokane. See CP, Chapter 4, p. 4-45. When fully complete, the NSC Project will be a 60-mile per hour, 10.5 mile-long limited access highway running north-south through the city. See *id.* The CP describes the benefits of the project as follows:

This project improves mobility by allowing motorists and freight to move north and south through metropolitan Spokane, from I-90 to US 395 at Wandermere. Once complete, the NSC will decrease travel time, fuel usage, and congestion, while improving safety by reducing collisions on local arterials.

See *id.* Thus, this project is specifically contemplated in the CP and is recognized as providing needed infrastructure to meet Spokane’s long-term transportation needs.

The NSC Project includes plans for a pedestrian and bicycle trail system that connects neighborhoods along the corridor with other trails along the route. See Exhibit 1, p. 6. This particular part of the NSC Project includes a pedestrian bridge across the Spokane River that connects to both the Centennial Trail, on the north side of the river, and Tuffy’s Trail, on the south. *Testimony of T. Palmquist.* This element of the project links local nature views and natural aesthetic sites with the trail and path system in the city, in furtherance of Policy NE 15.2. See CP, Chapter 9, p. 15-17. It is also consistent with other shoreline policies, including SMP 3.1 and 3.2, calling for improved access to shoreline areas through pathways, trails, and bikeways. See CP, Chapter 14, p. 14-27. The pedestrian bridge will have stairs and ramping for bicycles and to satisfy American Disability Act (ADA) requirements. *Testimony of T. Palmquist.*

The project was designed to avoid, as much as possible, impacts to the Spokane River. *Testimony of T. Williams.* The bridges are elevated and will span the river. *Testimony of T. Palmquist.* There will be no piers in the river itself. *Testimony of T. Williams & D. Vaughn.* With the possible exception of some riprap to prevent erosion near an abutment, none of the work on the project will take place below the OHWM. The conditions of approval require WSDOT, in accordance with SMC 17E.060.220, to engage

in the restoration, rehabilitation, or enhancement of the shoreline environment in order to offset the impacts resulting from this proposal. Consistent with that condition, WSDOT will be planting native plants in the shoreline to compensate for any areas that are disturbed by the construction. *Testimony of T. Palmquist*. A final HMP must be reviewed and approved by Washington State Department of Ecology (WSDOE) as well as Washington State Department of Fish and Wildlife (WSDFW). *See id.* Obtaining the approval of the final HMP is a condition of approval for this project. In addition, consistent with the shoreline regulations and the SMP, WSDOT is required to ensure that there is no net loss of shoreline habitat or ecological function. *See e.g.* CP, Chapter 14, Policy SMP 1.3, p. 14-23. This is also a condition of project approval.

There are several other goals and policies that support this project. The Hearing Examiner agrees with the analysis of Staff and the applicant in this regard. *See Exhibits 1, pgs. 5-8.* The Hearing Examiner hereby incorporates those comments as further support for the conclusion that the proposal is consistent with the CP. The Hearing Examiner concludes that this criterion for the approval of the SCUP is satisfied.

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

The application was circulated on January 13, 2020, among all City departments and outside agencies with jurisdiction. *See Exhibit 1, p. 8.* There were no departments or agencies that reported that concurrency could not be achieved. *See id.* The lack of comment from the various departments and outside agencies suggests that there are no unmet concurrency requirements. The Hearing Examiner concludes that this criterion is satisfied.

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 of the project is adjacent to an existing bridge. There was no suggestion that the existing bridge is in an improper or problematic location, for example, or that the lessons learned from constructing that bridge warrant re-thinking this proposal. It appears that this general location along the Spokane River is appropriate for river crossings. And this is the only river crossing in the NSC Project. *See Final FEIS-North Spokane Freeway, Chapter 2, p. 2-54.*

The shoreline at this location is quite steep. However, there is no evidence that the topography cannot be addressed with proper engineering. In any event, the proposed construction will not significantly alter the existing topography. *See Final FEIS-North Spokane Freeway, Chapter 4, p. 4-255.* Properly designed cut and fill sections are not anticipated to create problems with slope stability. *See Final FEIS-North Spokane Freeway, Chapter 4, p. 4-254.* In addition, because the soils at the site infiltrate water rapidly, there is little to no erosion hazard at the site. *See Final FEIS-North Spokane Freeway, Chapter 4, p. 4-42.* No evidence was presented at or prior to the hearing to suggest that the shape of the site, soils, topography, slope, or drainage characteristics make the project infeasible or inadvisable.

There is no evidence in this record that there are historic or cultural features on this site. WSDOT contacted the Washington State Office of Archaeology and Historic Preservation (WSAHP) regarding the entire NSC Project. See Final FEIS-North Spokane Freeway, Chapter 5, p. 5-5. The WSAHP did not identify any sites on the state or national historic registers. See *id.* The Spokane Tribe of Indians requested that an Inadvertent Discovery Plan be prepared, and that request has been incorporated as a project condition. There is also a condition imposing the usual protocol in the event any significant item of historical or archaeological significance is discovered. Based on this record, the need to protect natural, cultural, or historic features has been sufficiently addressed.

The Hearing Examiner concludes that the site is suitable for the project, given all the relevant characteristics of the land. Therefore, 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 effects or interference with the use of neighboring properties or the surrounding area, considering the design and intensity of the proposed use. See SMC 17G.060.170(C)(5).*

The lead agency for environmental review was WSDOT. The alignment and route of the NSC Project and its location within the local shoreline jurisdiction of the Spokane River was approved through the National Environmental Policy Act (NEPA) process by completion of an FEIS and Record of Decision signed by the Federal Highway Administration (FHWA) in 1997. The North Spokane Freeway FEIS was adopted on January 13, 1998. Environmental documents were added by addendum on September 17, 2019.

There was a complete environmental review of the NSC Project, including the proposed project. The environmental analysis included comprehensive consideration of a wide range of environmental concerns, including air quality, water quality, soils and erosion, traffic impacts, aesthetics, and numerous other concerns. The FEIS ultimately determined that the current location of the NSC Project was appropriate.

Based upon this record, the project will not have significant impacts on wildlife or associated habitat. A Biological Assessment was completed to assess the potential impact of the project on bull trout. That assessment, dated April 24, 2019, concluded that the project may affect, but was “not likely to adversely affect” bull trout. In addition, the FHWA and WSDOT have both concluded that the project will have “no effect” on additional listed species and designated critical habitats known to occur in Spokane County.

WSDOT is required to complete the HMP and obtain approval of that plan from the WSDOE and the WSDFW. This is a condition of approval of this project. In addition, this project is conditioned upon adherence to the shoreline regulations, including assuring that there is no net loss of ecological functions of the shoreline.

The Hearing Examiner concludes that this project is not likely to have significant, negative impacts on the environment. To the extent impacts will occur, those impacts will be sufficiently mitigated. As a result, this criterion for approval 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)(a)(i).*

The Hearing Examiner has already concluded that the project is consistent with the policies of the SMP. See Paragraph 2 above. The proposal is also consistent with the broader goals and objectives expressed in Revised Code of Washington (RCW) 90.58.020.

The project includes the construction of a pedestrian bridge. Connections will be made with trails on both the north and south sides of the Spokane River. The shorelines at this site are too steep to provide direct public access. *Testimony of T. Palmquist*. However, the project will provide new viewpoints for the river, connections to the trail system, and new signage to inform the public. These features increase recreational opportunities, enhance public access, and provide additional opportunities for the public to enjoy the shorelines. This is consistent with the objectives stated in RCW 90.58.020.

The project is designed to minimize the impacts to the shoreline. This includes ensuring that the river crossings are perpendicular to the river and utilize the minimum amount of shoreline necessary to complete the project. No piers or abutments will be placed in the river or below the OHWM. The project conditions require that there will be no net loss of ecological functions in the shoreline environment. An approved, final HMP is also required for this project, ensuring that wildlife is protected from the impacts of the project. Moreover, the potential environmental impacts were considered through an FEIS. These project characteristics demonstrate that the proposal is consistent with the intent of RCW 90.58.020.

For the foregoing reasons, the Hearing Examiner concludes that this criterion for approval is satisfied.

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

The shoreline is too steep at this site to reasonably provide direct physical access to the river. *Testimony of T. Palmquist*. As a result, this project will focus on enhancing the visual access to the river. The enhancements include a pedestrian bridge for safe crossing of the river and the linkage of existing trails on either side of the Spokane River. See Exhibit 1, p. 10. In addition, the proposed development is landward of the OHWM and will not interfere with the public's ability to utilize this stretch of the Spokane River for in-water activities. See *id.*

The Hearing Examiner finds 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)(a)(iii).*

The Hearing Examiner concludes this SCUP will not contribute to cumulative impacts on the shoreline. There have been very few SCUPs approved in the general vicinity of this proposal. See Exhibit 1, p. 10. The applications that have been made are associated with activities on the SCC Campus. See *id.* A cumulative impact analysis cannot reasonably be conducted when there aren't several permits to consider. In

addition, there is no evidence in this record that the cumulative effect of multiple SCUPs threatens the integrity of the shoreline. Irrespective of that, WSDOT will be required to restore the natural character of the shoreline within their project scope. See *id.* This criterion is therefore satisfied.

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

The Hearing Examiner has already concluded that the proposal is consistent with the CP and the SMP. See Paragraph 2 above. That discussion applies with equal force to this criterion and need not be repeated. However, it should be reiterated that the NSC Project was the subject of a comprehensive environmental review. An extensive effort was lead by WSDOT to engage with the public on the plans for the NSC Project. The planning process has resulted in the conclusion that this location is appropriate for the proposed river crossings. 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 the physical and visual access suffers no substantial detrimental effect. See SMC 17G.060.170(D)(a)(v).*

The discussion in paragraphs 5 and 7 demonstrates that the proposed use will not have significant adverse effects on the shoreline environment or public access to the shorelines. As stated previously, the NSC Project has been reviewed through the NEPA and SEPA process and all required studies were performed and reviewed by applicable departments and agencies. See Exhibit 1, p. 11. Their findings and recommendations are incorporated into the conditions of approval for this proposal. See *id.* Those project conditions include adherence to an approved HMP, ensuring that there is no net loss of ecological functions along the shoreline, and following proper construction practices to protect the river and shoreline, among other things. The Hearing Examiner concludes that this criterion is satisfied.

DECISION

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

1. The site shall be developed in substantial compliance with the plans on record and comments received on the project from City Departments and outside agencies with jurisdiction.
2. The SMP, SMC 17E.060 and SMC 17E.020, requires no net loss of shoreline ecological functions as a result of the proposal. Pursuant to Section 17E.060.220, the applicant shall engage in the restoration, rehabilitation, or enhancement of the shoreline environment in order to offset the impacts resulting from this proposal. All activities should be in compliance with these regulations.

3. A Final HMP for the project is required to be reviewed and approved by planning staff, the WSDOE, and WSDFW prior to construction.
4. A Floodplain Development Permit will be required to be completed prior to any construction activities.
5. Public access to the Spokane River and river views shall be required as part of the SMP and SMC 17E.060.280 Physical and Visual Public Access. Access required for public projects shall include directional signage to points of interest and interpretive signage that describes shoreline features such as shoreline ecology, cultural history, and other site-specific information. While direct physical access is not practical or feasible at this location due to the type of project, physical constraints, and public input received by WSDOT, the intent of SMC 17E.060.280 should be met with the new visual access and connections to existing trail systems that lead to existing recreational access points up and down stream of the project, which are Upriver Dam, Boulder Beach, and McKinstry at Gonzaga.
6. The contractor is required to have a Construction Stormwater Pollution Prevention Plan (SWPPP) in place prior to and during construction in order to prevent sediment laden stormwater run-off or other pollutants from entering the Spokane River.
7. Per the City of Spokane GIS maps, the project is located within the Critical Aquifer Recharge Area (see page 2 of the Shoreline/Critical Areas Checklist).
8. Compliance to SMC 17D.060 "Storm-water Facilities" for storm water is required and will be reviewed during the Construction Permit process. An approved Drainage Report with supporting geotechnical information will be required.
9. Further comments regarding the design of accesses, water, stormwater, sidewalk, curb/gutter, relationship of piers to sanitary sewers along both sides of the river, etc., will be addressed outside of this SCUP.
10. WSDOT agrees to continue working with the City of Spokane Sewer Department regarding the locations of the proposed bridge footings and the clearance required for maintenance and future replacement of the existing 48-inch sanitary sewer and 20-inch storm sewer located within the project area.
11. The exact location/clearance (horizontally and vertically) shall be determined between the proposed bridge piers and footings from the 48-inch sanitary sewer and 20-inch storm sewer line during the design of the proposed bridges.
12. With the exact location information, WSDOT shall coordinate with the City of Spokane Sewer Department to determine if the existing 48-inch sanitary sewer and 20-inch storm sewer line can remain in place or required to be relocated. Relocation shall be required if the existing 48-inch sanitary sewer and 20-inch storm sewer line cannot be maintained or replaced due to the close proximity of the proposed pier and footing locations at WSDOT expense.
13. The City of Spokane Sewer Department requires full access to the existing 48-inch sanitary sewer and 20-inch storm sewer main at all times during and after construction.
14. WSDOT shall prepare and implement an Inadvertent Discovery Plan (IDP) to protect potential resources of archaeological, cultural, or historical significance at the site.
15. If any artifacts or human remains are found upon excavation, the Spokane Tribe of Indians and the Planning Department 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 (WSAHP) before excavating, removing or altering Native American human remains or archaeological resources in Washington.

SIGNED this 15th day of June 2020.



Brian T. McGinn
City of Spokane Hearing Examiner

NOTICE OF RIGHT TO APPEAL

Appeals of decisions by the Hearing Examiner are governed by SMC 17G.060.210 and 17G.050.

On June 16, 2020 a copy of this decision will be sent by first class mail to the Applicant, the Property Owner, and the Agent and by email or first class mail to other parties of record.

Decisions of the Hearing Examiner regarding SCUPs are reviewed by WSDOE. After review, they may be appealed to the Washington State Shoreline Hearings Board. **All appeals must be filed with the Shoreline Hearings Board within twenty-one (21) calendar days of the date of the Ecology decision.**

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.