

**STAFF REPORT ON SHORLINE
CONDITIONAL USE PERMIT APPLICATION
FILE NO. Z20-009SCUP**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL: The applicant, Washington State Department of Transportation, has applied for a Hearing Examiner Shoreline Conditional Use Permit. Washington Department of Transportation (WSDOT) is proposing to build two new vehicular bridges over the Spokane River, at Green Street, as part of the North Spokane Corridor 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.

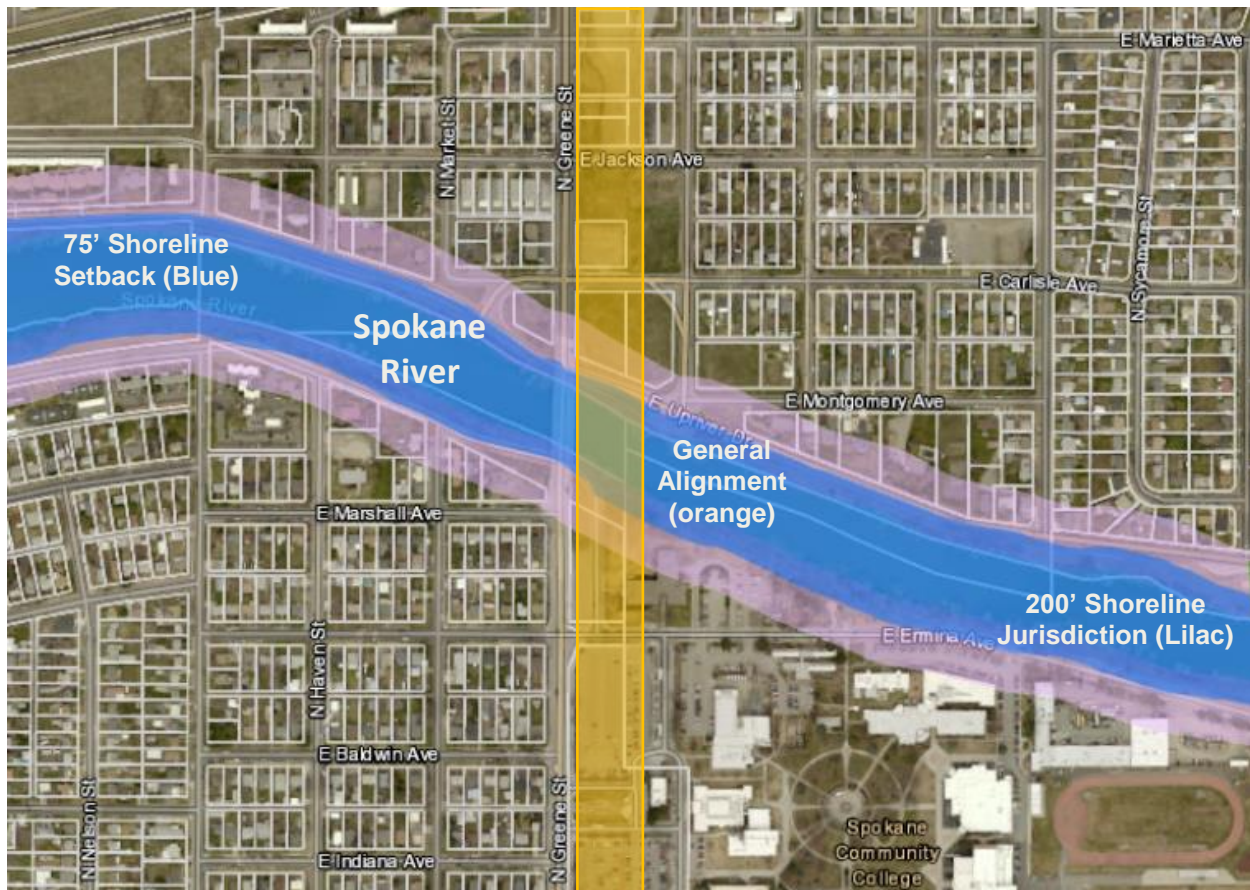
Recommendation: Staff recommends approval of this application, with conditions.

II. GENERAL INFORMATION:

- A. Applicant/Property Owner: Washington State Department of Transportation
Tammie William, WSDOT
2714 N. Mayfair St.
Spokane, WA 99207-2050
williamt@wsdot.wa.gov
(509) 324-6134
- B. Location of Proposal: The project location is parallel to the Greene Street crossing of the Spokane River. SW1/4 Sect. 10, T25N R43EWM
- C. Existing Zoning: Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Two-Family (RTF) and Light Industrial (LI)
- D. Land Use Plan Designation: Conservation Open Space, Residential 15-30, Residential 10-20 and Institutional
- E. Shoreline Designations: North of the Spokane River; Shoreline Upriver District, the Urban Conservancy, Limited Urban and Shoreline Residential Environmental Designations, 75 foot Buffer
- F. Environmental Overlays: Fish & Wildlife Habitat Area (RHA- 1 & 2), 100 Year Flood Zone
- G. SEPA Status: The lead agency was WSDOT, the North Spokane Freeway Final Environmental Impact Statement was adopted on January 13, 1998. Environmental documents were added by addendum on September 17, 2019.
- H. Enabling Zoning: SMC 17C.110 Residential Zones; SMC 17C.130 Industrial Zones; 17E.060 Shoreline Regulations; 17E.030

Floodplain Management; 17E.020 Fish and Wildlife Conservation Areas; and 17G.060.170 Decision Criteria.

- I. Hearing Date: May 7, 2020, at 1:30 pm.
- J. Staff Contact: Tami Palmquist, Principal Planner, 625-6157



III. FINDINGS OF FACT:

1. WSDOT applied for a Shoreline Conditional Use Permit on January 9, 2020. The proposal is to construct two highway bridge structures, one pedestrian bridge structure, and realignment of Riverton Avenue, construct a trail connection to Centennial Trail, retaining wall reconstruction, landscaping, and other work within the shoreline jurisdiction as part of the overall North Spokane Corridor Project (NSC). The NSC is a new 10.5 mile limited access highway from Interstate 90 to US 395 near Wandermere.
2. The project location is parallel to the Greene Street crossing of the Spokane River, with the vehicular bridges and the pedestrian bridge to the east of the existing 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 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.

3. The project falls within the four Land Use Categories of Conservation Open Space, Residential 15-30, Residential 10-20 and Institutional, according to the City of Spokane's Comprehensive Plan, initially adopted by City Council on May 21, 2001 and subsequently amended June, 2017.
4. The project falls within four Zoning Districts. The south side of the river corridor is zoned Light Industrial (LI). The north side of the river corridor is zoned Residential Single Family (RSF), between the shoreline and Upriver Drive the zone is split between RSF and Residential Two-Family (RTF) and then transitions to Residential Multi-Family (RMF) on the west and RSF to the east, north of Upriver Drive.
5. 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 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.
6. The project will span the Spokane River. The Spokane River is designated by the Shoreline Management Act 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 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.
7. The project is also located within the Riparian Habitat Zones 1 and 2 (250-feet from OHWM) as designated in the Spokane Municipal Code Chapter 17E.020, Fish and Wildlife conservation Areas.
8. Shoreline Conditional Use Permits are subject to review by the City of Spokane Design Review Board, however those requirements were waived due to the extensive public input campaign that WSDOT has engaged in over the last year and a half.
9. A Community Meeting was held on December 3, 2019, at 6:00p.m. at the Spokane Community College Lair Building 6 located at 1810 N Green Street, Spokane, WA 99217.
10. The application materials pertaining to the Shoreline Conditional Use Permit were distributed to City Departments and other agencies with jurisdiction for comment on January 13, 2020. These comments are made part of the file.
11. This application was deemed technically complete on March 6, 2020. Notice of Application and Public Hearing was provided to the applicant by email.
12. Notice of the Shoreline Conditional Use Permit application was posted on the north side of the Spokane River in the NW quadrant of Ralph Street and Upriver Drive and on the south side of the Spokane River between Green Street and Riverton Avenue on March 17, 2020. Notice was posted in City Hall on March 16, 2020. Due to the Covid-19 virus the Main Spokane Library and the Hillyard Library branches were closed, the Main Spokane Library

branch posted notice electronically. Electronic notices were sent to the Hillyard, Bemis and Chief Garry Neighborhood chairs and co-chairs requesting their help by posting and or verbally getting word out within their respective neighborhoods. Notice was also posted in the Northeast Community Center located at 4001 N. Cook Street. Notices were also mailed to surrounding property owners, taxpayers and occupants within 400 feet of the project site, as specified on the Notification District Map, on March 13, 2020.

13. The public comment period for this shoreline Conditional Use Permit ended on April 20, 2020. No public comment was received on this proposal.
14. This proposal was reviewed under the State Environmental Policy Act (SEPA). The lead agency was WSDOT and the North Spokane Freeway Final Environmental Impact Statement for this project was adopted on January 13, 1998. Environmental documents were added by addendum on September 17, 2019.

IV. DEPARTMENT REPORTS

Notice of this proposal was sent to City departments and outside agencies for their review and comments on January 13, 2020. Engineering Services, Parks, The Spokane Tribe of Indians and The Department of Ecology were the only departments or agencies that provided comment. Their comments are included with the file and are made part of this application by reference. The Sewer Department is actively engaged in conversations with WSDOT regarding the locations of the proposed bridge footings and the necessary clearances from City sewer infrastructure.

V. CONCLUSIONS

SMC 17G.060.170 Decision Criteria – Type II and Type III permit applications.

1. *The proposal is allowed under the provisions of the land use codes.*

Relevant Facts:

In the City of Spokane, Shoreline Master Program SMC 17E.060.360 Primary Permitted Uses, new utilities or facilities are an example of a Non-Water Oriented Use. Per SMC Table 17E.060-04, in the Urban Conservancy, Limited Urban and Shoreline Residential Environmental Designations, New Construction or Expansion of Existing Utilities or Facilities is classified as “L(2)/CU” (Limited/Conditional Uses). Pursuant to SMC 17E.060.700 (2), new construction or expansion of existing utilities or facilities or any parts of those facilities that are non-water oriented shall not be allowed in the shoreline jurisdiction unless it can be demonstrated that no other feasible alternative is available. If this can be demonstrated, a shoreline conditional use permit is required.

This project has been planned and designed to have the least possible adverse effect on the shoreline. Per SMC 17E.060.490, bridges are defined to be capital facilities. Per SMC 17E.060.690 and 700, new construction or expansion of existing utilities or facilities or any parts of those facilities that are non-water oriented shall not be allowed in the shoreline

jurisdiction unless it can be demonstrated that no other feasible alternative is available. If this can be demonstrated, a shoreline conditional use permit is required. It is not feasible to construct the bridges in a location that is outside of the shoreline jurisdictional area.

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

The project is located in the base zones of Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Two-Family (RTF) and Light Industrial (LI). As these bridges are part of a state or regional transportation facility they are defined to be Essential Public Facilities per SMC 17C.190.530. Essential Public Facilities are a Conditional Use in the Residential Zones under SMC Table 17C.110-1, Residential Zone Primary Uses, and in the Light Industrial Zone under SMC Table 17.C.130-1 Industrial Zone Primary Uses.

Staff Comment:

The proposed project is allowed by conditional use permit.

Staff finds that criterion 1 is met.

2. *The proposal is consistent with the Comprehensive Plan designation and goals, objectives and policies for the property;*

Relevant Facts:

Chapters 4 of The Spokane Comprehensive Plan, adopted May 2001, and subsequently amended June, 2017, states that Spokane will have a well-maintained multi-modal transportation system that provides safe and efficient mobility for all, supports economic and community vitality, and promotes a healthy, livable community that respects property and the environment. Chapter 5 states that Capital Facilities and Utilities are essential to a community and its ability to grow. Capital facilities and utilities are services and facilities that support the physical development and growth of the city.

Specific Comprehensive Plan Policy applicable to and used to review this application:

North Spokane Corridor - The North Spokane Corridor (NSC) is a multi-modal freeway and pedestrian/bicycle corridor that will bring US-395 through metropolitan Spokane to I-90. The vehicular portion of this major infrastructure project will provide an alternative route for freight and vehicles using local arterials travelling North and South through Spokane.

The bulk of the remaining design on the project will occur from 2017 through 2023 with the facilities construction being completed within the Washington State 2027- 2029 biennium, according to the state adopted budget plan.

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.

When fully complete, the North Spokane Corridor is slated to be a 60-mile per hour, 10.5 mile-long north/south limited access facility; that connects to I-90 on the south end (just west of the existing Thor/Freya Interchange) and connects to existing US 2 (at Farwell Road) and US 395 (at Wandermere) on the north end.

Interchanges are located along the corridor from south to north, at: Interstate 90, Trent Avenue (SR 290), Wellesley Avenue, Francis/Freya Street, Parksmith Drive, US 2, and US 395 at Wandermere.

The Children of the Sun Trail is the pedestrian and bicycle trail provided through the North Spokane Corridor that will connect neighborhoods along the corridor to other trails along the route. This trail will connect neighborhoods to other major trails including the Centennial Trail, Tuffy's Trail in the Chief Gary Park neighborhood, the Ben Burr Trail, and the eventual Spokane Valley-Millwood Trail. The facility may also provide connections from the Ben Burr Trail to the west to the east along the I-90 corridor, connecting to new pedestrian and bicycle bridges over I-90.

NE 6.1 Native and Non-Native Adaptive Plants and Trees – Encourage the use of and development of standards for using native and non-native adaptive plants and trees in landscape designs for public and private projects.

NE 15.2 Natural Aesthetic Links - Link local nature views, natural aesthetics, sacred areas, and historic sites with the trail and path system of the city.

NE 15.3 Community Education - Educate the community on the meaning of sacred and historic sites so that they value their protection and enhancement.

NE 15.5 Nature Themes – Identify and use nature themes in large scale public and private landscape projects that reflect the natural character of the Spokane region.

NE 19.6 Downstream Impacts Consideration - Consider the downstream impacts created by development, erosion control devices, and public works projects within or adjacent to rivers and streams.

TR 19 Plan Collaboratively - Work with partner agencies to achieve a regional transportation plan that meets the goals and requirements of the Growth Management Act (GMA) but also reflects the visions and values of the City of Spokane.

TR 20 Bicycle/Pedestrian Coordination - Coordinate bicycle and pedestrian planning to ensure that projects are developed to meet the safety and access needs of all users.

TR 23 Effective and Enhanced Public Outreach - Assess the effect of potential transportation projects on gathering places or destinations such as schools, community centers, businesses, neighborhoods, and other community bodies by consulting with stakeholders and leaders that represent them. These effects are to be mitigated as possible in collaboration with stakeholders.

SMP 1.3 No Net Loss of Ecological Functions - Ensure that all shoreline uses and development are regulated in a manner that guarantees no net loss of shoreline ecological functions that are necessary to sustain shoreline natural resources.

SMP 2.1 Impacts to Shoreline - Assure no net loss of shoreline ecological functions as a result of the improvement, development, expansion, location, design, or maintenance of any facility or utility.

SMP 2.7 Transportation and Parking Facilities - Plan, locate, and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions, or adversely impact existing or planned water dependent uses.

SMP 2.8 Conditions on Construction or Expansion - Allow construction or expansion of any facility or utility within the Shoreline Jurisdiction by conditional use only.

SMP 3.1 Shoreline Access - Improve access to the shoreline by developing, where appropriate, pathways, trails and bikeways along and adjacent to the shoreline.

SMP 3.2 Access System - Ensure that a system of arterials, scenic drives, pathways, public transit routes, and bikeways adjacent to and within the shoreline areas provides appropriate access to the Spokane River and Latah Creek in a way that meets the needs and desires of the community as reflected in the Comprehensive Plan, while also preserving ecological function of the shorelines.

SMP 3.4 Consolidated Transportation Corridors - Encourage the consolidation of transportation corridors crossing the shoreline environment in order to minimize the number of crossings.

SMP 4.6 Mitigation of Adverse Impacts - Require that new development or redevelopment avoid or mitigate negative impacts to steep banks, surface and ground water quality, ecological functions, wildlife habitat, vegetative cover, and erosion of the soil.

SMP 5.4 Provisions for Shoreline Protection - Require that new development provide adequate provisions for the protection of water quality, erosion control, landscaping, aesthetic characteristics, drainage systems, aquatic and wildlife habitat, views, archaeological sites, and normal public use of the water.

SMP 6.1 Shoreline Development - Prohibit development within the shorelines that would intensify flood hazards or result in cumulative significant adverse effects to other properties, as regulated by Chapter 17E.030, Floodplain Management, of the Spokane Municipal Code.

SMP 7.1 Cooperation and Consultation - Ensure constant cooperation and consultation with affected agencies, tribes, and the City of Spokane Historic Preservation Department for projects that could potentially impact cultural and historical resources.

SMP 7.5 Interpretive Signage - Encourage installation of new markers and/or interpretive signage reflecting the history and culture of the shorelines, as well as continued maintenance of existing historical and cultural markers throughout the shoreline area.

SMP 8.10 Access for Utility Corridors and Facilities - Require utility providers to incorporate

public access as part of the design of a utility corridor or facility when it is necessary to build the facility within the Shoreline Jurisdiction.

SMP 9.2 Linkages to Recreation Areas - Link shoreline parks, recreation areas, scenic drives, and public access points through the use of pedestrian and bicycle pathways and trails, open space, and parkways, in accordance with an approved trail plan.

SMP 10.3 Landscaping with Native Plants - Encourage the use of native plant communities for landscaping within the Shoreline Jurisdiction.

SMP 10.6 Best Management Practices - Restore degraded shorelines, arrest the processes of erosion, sedimentation, and flooding, and enhance wildlife habitat through the use of best management practices and techniques.

SMP 11.3 Appropriate Modifications - Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.

SMP 11.8 Mitigation Sequencing - Avoid and reduce significant ecological impacts from shoreline modification activities through mitigation sequencing.

Staff finds that criterion 2 is met.

3. *The proposal meets the concurrency requirements of SMC Chapter 17D.010;*

Relevant Facts:

The application was circulated on January 13, 2020, amongst all City departments and outside agencies with jurisdiction and there were no departments or agencies that reported that concurrency could not be achieved.

Staff finds that criterion 3 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;*

Relevant Facts:

A Draft Habitat Management Plan, dated February 6, 2020, was submitted as a component of the application for this Shoreline Conditional Use Permit. It provides details on the proposed project, assesses the natural resource features of the riparian habitat buffer, discusses the impacts of the project on those resources, and outlines a proposed mitigation plan. The Final HMP will be reviewed by Washington State Department of Ecology and Washington State Department of Fish and Wildlife (WDFW) as part of the City of Spokane's Critical Areas Ordinance.

A Biological Assessment providing information in support of a "may affect, not likely to adversely affect" determination for the bull trout, dated April 24, 2019, was submitted to the

United States Department of the Interior Fish and Wildlife Services Washington Fish and Wildlife Office on April 29, 2019. 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 and that effects to bull trout are considered discountable.

Staff finds that criterion 4 is met.

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.*

Relevant Fact:

The lead agency for environmental review was the Washington State Department of Transportation. The alignment and route of the North Spokane Corridor and its location within the local shoreline jurisdiction of the Spokane River was approved through the NEPA process by completion of a Final Environmental Impact Statement and Record of Decision signed by FHWA in 1997, the North Spokane Freeway Final Environmental Impact Statement was adopted on January 13, 1998. Environmental documents were added by addendum on September 17, 2019.

Staff finds that criterion 5 is met.

SMC 17G.060.170 Decision Criteria – Shoreline Conditional Use Permit. The purpose of a shoreline conditional use permit is to provide a system within the shoreline master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the shoreline master program.

6. *The proposed use is consistent with the policies of RCW 90.58.020 and the shoreline master program.*

Relevant Facts:

This proposal is consistent with 90.58 RCW the Shoreline Management Act. This proposal implements the Shoreline Management Act as enunciated in RCW 90.58.020. This proposal recognizes the interest of the public while minimizing impacts to the shoreline environment and avoiding long term impacts to the existing Centennial Trail and Tuffy's trail. The procedures of Chapter 173-27 of the WAC have been followed.

Staff Comment: Required applications and studies were submitted and reviewed by staff, applicable departments and applicable state agencies. Their recommendations were evaluated and incorporated into the conditions of approval for this proposal.

Staff finds that criterion 6 is met.

7. *The proposed use will not unreasonably interfere with the normal public use of public shorelines.*

Relevant Facts: This project is not proposing to provide physical public access to the Spokane River in this area, although visual public access will be enhanced with the addition of a pedestrian bridge for safe crossing of the river and the linkage of existing trails on either side of the Spokane River. There will be temporary impacts during the construction process.

Staff Comment: This proposal is landward of the Ordinary High water mark and will not interfere with the public's ability to utilize this stretch of the Spokane River for in-water activities.

Staff finds that criterion 7 is met.

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.*

Relevant Facts:

There are very few other Shoreline Conditional Use Permit in this area of the Spokane River, mainly activities associated with the Spokane Community College Campus.

Staff Comment:

The cumulative impact will not have an impact on the public's ability to enjoy the Spokane River in this location. This application will be required to restore the natural character of the shoreline within their project scope.

Staff finds that criterion 8 is met.

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.

Relevant Facts:

The location for the crossing as proposed is adjacent to an existing river crossing, the City of Spokane Greene Street Bridge. The project has been reviewed through an extensive public and agency engagement process. The NSC and Children of the Sun Trail are included in the City's Comprehensive Plan.

Staff finds that criterion 9 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.

Relevant Facts: As mentioned above, this project has undergone the review through the NEPA and SEPA process and all required studies were performed and reviewed by applicable departments and agencies. Their findings and recommendations will be incorporated into the conditions of approval for this proposal. Additionally, this proposal will not have a negative impact on the ability to enjoy the Spokane River, the Centennial Trail or Tuffy's Trail. Although, there will be minor impacts during construction.

This project will be required to use best management practices and shall engage in the restoration, rehabilitation, or enhancement of the shoreline environment in order to offset any impacts resulting from this project.

Staff finds that criterion 10 is met.

VI. RECOMMENDATIONS

TO APPROVE the Shoreline Conditional Use Permit to construct two highway bridge structures, one pedestrian bridge structure, the realignment of Riverton Avenue, construct a trail connection to Centennial Trail, retaining wall reconstruction, landscaping, and other work within the shoreline jurisdiction as part of the overall North Spokane Corridor Project (NSC); substantially in conformance with the plans and application on file in the Development Services Center, and the following conditions of approval:

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 Shoreline Master Program, 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 Habitat Management Plan for the project is required to be reviewed and approved by planning staff, the Department of Ecology and the Washington State Department of Fish & Wildlife 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 Shoreline Master Program 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;

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. Prior to this CUP hearing, engineering requests the following for further review. Please submit a conceptual drainage plan showing proposed drainage facilities, and any geotechnical information that has been acquired;
10. 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 Shoreline Conditional Use Permit;
11. 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;
12. 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;
13. 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;
14. 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;
15. The Spokane Tribe of Indians has required an Inadvertent Discovery plan (IDP) be implemented in the plan of action; and
16. 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 Washington State Department of Archaeology & Historic Preservation before excavating, removing or altering Native American human remains or archaeological resources in Washington.