

CITY OF SPOKANE HEARING EXAMINER

Re: Shoreline Conditional Use Permit)
Application by Mica Moon Zip Tours on) FINDINGS, CONCLUSIONS,
behalf of the City of Spokane for a) AND DECISION
recreational zipline in the Downtown)
General and Residential Zones) FILE NO. Z24-576SCUP

1 SUMMARY OF PROPOSAL AND DECISION

Proposal: The Applicant, Mica Moon Zip Tours, on behalf of the City of Spokane, has applied for a shoreline conditional use permit (SCUP) for the construction of a recreational zipline in downtown Spokane. Site A is the zipline start and will be located at the existing Place of Truth's Plaza north platform, and Site B is the zipline end platform located on the east side of Redband Park. Site B is located within the shoreline jurisdiction and 150-foot shoreline buffer.

Decision: APPROVED, subject to conditions.

2 FINDINGS OF FACT/BACKGROUND INFORMATION

Applicant: Mica Moon Zip Tours
c/o Drew Stewart
23404 E Mission Ave. Suite 111
Liberty Lake, WA 99019

Owner: City of Spokane
808 W Spokane Falls Blvd.
Spokane WA 99201

Property Location: Site A of the project is located at 930 W. Spokane Falls Boulevard (parcel no. 35183.1513); and Site B of the project is located at 1308 W. Main Avenue (parcel no. 35183.2101).

Legal Description: The legal description for the site is provided in Exhibit 2.

Zoning: Site A is located in the Downtown General zone (DTG-150), and Site B is located in the Residential 1 zone (R1).

Comprehensive Plan Map Designation: Site A is designated Conservation Open Space, and Site B is designated Institutional.

Shoreline Designations: Site A is within the Downtown Shoreline District shoreline designation, which is adjacent to the Intense Urban Environment (IUE) shoreline designation with a 50-foot buffer; Site B is within the Great Gorge Park Shoreline District, Urban Conservancy Environment (UCE) with a 150-foot buffer

Environmental Overlays: Fish & Wildlife Habitat Area (RHA-2)

Site Description: The subject property is located adjacent to 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). The City of Spokane SMP designates Site B as being in the Urban Conservancy Great Gorge Park Shoreline District, UCE, with a 150-foot buffer. Site A platform is not in the shoreline jurisdiction, but adjacent to the Downtown Shoreline District, and the IUE, with a buffer of 50 feet.

Surrounding Conditions and Uses: Site A is located in the DTG-70 zone. It is surrounded by CB-150 to the northwest, Downtown Core to the south, and R1 to the east. Site B is located in a park within the Industrial designation and zoned R1. CB-150 borders the zone to the north, multi-family residential to the west, and DTG-70 to the south.

3 PROCEDURAL INFORMATION

Authorizing Ordinances: Spokane Municipal Code (SMC) 17C.124 Downtown Zones; SMC 17C.111 Residential Zones; SMC 17E.060 Shoreline Regulations

Notice of Community Meeting: Mailed: October 31, 2024
Posted: October 31, 2024

Notice of Application/Public Hearing: Mailed: April 1, 2025
Posted: April 3, 2025

Community Meeting: November 15, 2024

Site Visit: May 7, 2025

Public Hearing Date: May 7, 2025

State Environmental Policy Act (SEPA): A determination of nonsignificance (DNS) was issued by the City on April 21, 2025. The DNS was not appealed.

Testimony:

Donna deBit, Principal Planner
City of Spokane Planning & Development
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Dean Feldmeier
General Manager
Spokane Club
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Present but did not Testify or Submitted Comments to the Record:

Danny Maxwell
Mica Moon Zip Tours
danny@micamoon.com

Carol Ellis
2973 S. Waterford Drive
Spokane, WA 99203
carolellisspokane@hotmail.com

Rod Moore
1224 W. Riverside Avenue
Spokane, WA 99201

Vickie Munch
vmunch@icehouse.net

Exhibits:

1. Planning Services Staff Report
2. Application, including:
 - General Application
 - General Application Ownership Attachment
 - Conditional Use Permit Application
 - Shoreline/Critical Areas Checklist
 - Critical Areas Assessment
 - Location Narrative
 - Location Reasoning
 - Counter Completeness Review
 - Easement Documentation
3. SEPA Documentation
4. Request for Comments, including:
 - Washington State Department of Archaeology and Historic Preservation
 - Downtown Spokane Partnership
 - Washington State Department of Ecology (WSDOE)
 - City of Spokane Engineering
 - Spokane Tribe of Indians

Spokane Regional Clean Air Agency

Spokane Transit Authority

Site Visit Summary

5. Notice of Application and Hearing Materials, including:
 - Notice of Application and Public Hearing Instructions
 - Notice of Application and Public Hearing
 - Notification Map
6. Community Meeting Materials, including:
 - Instructions
 - Notice of Community Meeting
 - Attendee List
 - Mailing List
 - Notification Map
 - Recording
7. Plans, including:
 - Preliminary Plans
 - Shoreline Survey
 - Site Plan Take Off and Landing
 - Vegetation Management Plan
8. Reports, including:
 - Geotechnical Report
 - Cultural Resources Letter
 - Glover Field Combined Sewer Overflow (CSO) Cultural Resources Letter
 - Glover Field Archaeological Testing Report
 - Glover Field Testing Report
 - Noise Impact Summary
 - Vegetation Management Plan
9. Public Comments
10. Pre-Application Documentation
11. Noticing Affidavits
12. Staff Presentation

4 FINDINGS AND CONCLUSIONS

To be approved, the proposed SCUP must comply with the criteria set forth in Spokane Municipal Code Section 17G.061.310. The Hearing Examiner has reviewed the proposed SCUP

application and the evidence of record with regard to this section and makes the following findings and conclusions:

- 4.1 The proposal is allowed under the provisions of the land use codes. *SMC 17.G.061.310(C)(1)*.

The subject property is located in the base zone DTG-150 and R1. Commercial Outdoor Recreation uses are permitted through a Conditional Use Permit in the DTG-150 and R1 zones under SMC Table 17C.124.100-1, Downtown Zone Primary Uses and 17C.111.100-1 Residential Zone Primary Uses. See Exhibit 1, p. 5.

In the City of Spokane, the SMP (SMC 17E.060.360) Primary Permitted Uses, improvements facilitating public access to the shorelines are listed as an example of a Water-Enjoyment Use. While not specifically listed as an example, staff determined this recreational zipline shall be considered a Recreation Water-Enjoyment use. The Hearing Examiner agrees with this assessment. Recreational Water-Enjoyment Developments are "CU" Conditional use in the IUE and UCE per SMC Table 17E.060.690-1, Shoreline Primary Uses. Pursuant to SMC 17E.060.310 an SCUP is required. Under both the zoning and shoreline designations, the proposal is allowed, provided the application satisfies the development standards and the criteria for a conditional use. *Id.*

Given that the proposal has been determined to be an allowed conditional use, the Hearing Examiner finds this criterion is satisfied.

- 4.2 The proposal is consistent with the comprehensive plan designation and goals, objectives, and policies for the property. *SMC 17.G.061.310(C)(2)*.

The Comprehensive Plan designates the Site A as "Downtown" and Site B as "Institutional." This proposal is consistent with the intent of several Comprehensive Plan Policies, including LU 1.9 Downtown, LU 2.1 Public Realm Features, LU 4.4 Connections, LU 5.1 Built and Natural Environment, LU 5.5. Compatible Development, ED 2.4 Mixed-Use, PRS 2.3 Urban Open Space Amenities, SMP 1.3 No Net Loss of Ecological Functions, SMP 5.4 Provisions for Shoreline Protection, SMP 8.2 Access and Shoreline Ecological Functions, SMP 8.3 Access in the Central Business District, SMP 8.4 Access Frontage, SMP 10.3 Landscaping with Native Plants, and SMP 11.35 Visual and Physical Access in Development. See Exhibit 1, pp. 5-6.

Because the project is consistent with the designations, goals, and policies of the Comprehensive Plan, the Hearing Examiner finds that this criterion is satisfied.

- 4.3 The proposal meets the concurrency requirements of Chapter 17D.010. *SMC 17.G.061.310(C)(3)*.

The decision criteria for Type III decisions (such as a SCUP) require that these types of applications satisfy the concurrency requirements under SMC 17D.010. See SMC 17G.061.310(C)(3). Accordingly, the application was circulated on December 17, 2024, among all City departments and outside agencies with jurisdiction. See Exhibit 1, p. 6.

The City received various comments regarding the proposal. See e.g. Exhibit 4. None of the commenting departments or agencies reported that concurrency could not be achieved. See Exhibit 1, p. 6. The Spokane Tribe of Indians provided confirmation that after numerous onsite meetings and consultations with the Applicant and the City, that there are no further concerns with the proposed zipline (see email R. Abrahamson to D. deBit 1/14/25). *Id.*

WSDOE submitted comments on three occasions. The Applicant consulted with WSDOE to address their comments, including a site visit held on February 11, 2025, with City staff and WADOE. After the site visit, the Applicant provided the additional documentation needed for the WSDOE to determine the application complete. Additional documentation requested is included in the Vegetation Management Plan provided on February 25, 2025, and subsequently revised and submitted on March 3, 2025. See Exhibit 1, p. 7.

The Hearing Examiner concludes that the project satisfies the concurrency requirements of the municipal code. This criterion is satisfied.

- 4.4 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. *SMC 17.G.061.310(C)(4).*

Site A is proposed outside the Shoreline Jurisdiction at the Place of Truths Plaza, which is an existing viewing platform between North Spokane Falls Boulevard and the Spokane River. The site was developed as part of the Spokane CSO Tank 26 project as a public plaza with art and viewing platforms. The proposed structure will have minimal ground disturbance and will be accessed from the existing plaza. *Id.*

Site B is proposed on the far east end of Redband Park. There are existing concrete blocks and unpaved access trails in the vicinity of the site. Adjacent uses include residential homes (south), Spokane Club (east), and Glover Baseball Field/Peaceful Valley Community Center (west). *Id.*

Known historical and cultural features are being avoided by locating Site B further to the east of Redband Park. The landing platform will have minimal ground disturbance as the structure will utilize the existing concrete blocks that exist on the site. The site area is suitable for development per the site plan submitted with this application. *Id.*

The Applicant lists all physical and environmental elements located on the site, or in the vicinity, in the submitted Environmental Checklist. See Exhibit 3. City departments and other agencies also reviewed this checklist for physical characteristics of the property. See Exhibit 1, p. 5. Based upon the foregoing, the Hearing Examiner concludes that this criterion for project approval is satisfied.

- 4.5 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. *SMC 17.G.061.310(C)(5)*.

As mentioned above, this proposal was routed for review by applicable departments and agencies. Their findings and recommendations are incorporated into the conditions of approval for this proposal. The proposed zipline is designed to prioritize minimal disturbance to the environment, using an existing structure and avoiding sensitive areas. As mentioned above, Site B is located within the shoreline buffer to avoid impacts on tribal cultural resources known to be within Redband Park, the location on the rock outcropping while in the buffer is safe from impacting cultural resources. See Exhibit 1, p. 8.

A primary objective of this proposal is to avoid impacts to the shoreline and ecological functionality consistent with SMC 17E.060.230(D) where avoidance of any impact to shoreline vegetation cover is preferred. The start platform will utilize an existing platform developed during the CSO Tank 26 improvements and the end platform is located on a basalt outcrop and existing concrete blocks where there is no vegetation other than a dead tree. Per the application materials the dead tree has the potential to be a habitat for pests, contribute to erosion, and susceptible to disease spread to living trees in the area. The rock provides a natural barrier against erosion and will remain with the design minimally drilling into the rock, anchoring the platform and zipline end securely. If complete avoidance is not possible during design and construction, a mitigation plan with erosion control will be developed with habitat/ecological restoration measures to mitigate impact. The mitigation plan will be consistent with SMC 17E.060.230 and coordinated with the city. *Id.*

Airspace easements are being negotiated to ensure minimal impact to neighboring properties. The Applicant will be responsible for consulting with neighboring properties if any vegetation disturbance occurs on adjacent properties. *Id.*

The project will be required to meet shoreline design standards found in SMC 17E.060 as well as the Downtown design standards found in SMC 17C.124. For the foregoing reasons, the Hearing Examiner concludes that the project will not have significant impacts on the environment that cannot be adequately addressed through mitigation. Therefore, this criterion for approval of the SCUP is satisfied.

- 4.6 For SCUPs the following additional criteria apply:

- 4.6.1 The proposed use is consistent with the policies of [Revised Code of Washington] RCW 90.58.020 and the Shoreline Master Program. *SMC 17G.061.310(D)(2)(a)(i)*.

The Hearing Examiner agrees with Staff's conclusion that this proposal is consistent with the policies of the SMP. See Exhibit 1, p. 9. In particular, the Staff noted as follows:

The proposal is consistent with the map, goals, and policies of the Shoreline Master Program. The site is designated by the Shoreline Master Program as

within the Intense Urban Environment, Urban Conservancy Environment, as well as being within the Downtown Shoreline District and Great Gorge Park Shoreline District.

Site B is the site that is located within the actual Shoreline Jurisdiction and Buffer. Site B is located within the Urban Conservancy Environment, and the purpose of the "urban conservancy" environment is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses. City staff and the Department of Ecology recognize that while the impact to Site B is minimal, it's in the best interest of the shoreline environment to maintain a revegetation plan in the area to ensure no net loss of ecological functions occur.

Id. In addition, the proposal is consistent with the adopted shoreline policies, as is referenced in Paragraph 4.2 above.

The Hearing Examiner concludes that the project is consistent with the policies of state law and the SMP. Therefore, this criterion for approval is satisfied.

4.6.2 The proposed use will not unreasonably interfere with the normal public use of public shorelines. *SMC 17G.061.310(D)(2)(a)(ii).*

This project complies with SMC 17E.060.280, Physical and Visual Public Access to the shoreline. The project improves and increases public visual access to the shoreline in a unique way, with viewing platforms and recreational activity. As codified, access may include decks or viewpoints. The proposal will be operated through an agreement by the Applicant, Mica Moon Zip Tours with the City of Spokane remaining the owner of the property. The end platform provides a public observation of the water, without obstruction to the views. The site is near the shoreline and allows clear views of the water, especially being located above the water. *Id.*

Both project sites are outside of public and accessible shorelines. Site A is located above the shoreline where there is a steep slope of 22%. Site B is proposed where there is no access to the river and proposes adding public use of the shoreline. *Id.*

Given the foregoing and the fact that the proposal provides a river recreation feature for public use, the Hearing Examiner finds this criterion for approval satisfied.

4.6.3 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. *SMC 17G.061.310(D)(2)(a)(iii).*

There are other Conditional Use Permits in the general vicinity, however, they all work together to improve the Spokane River Shoreline experience and implement the goals and policies outlined in the SMP. Recent redevelopment in the Downtown and the Riverfront Park Renovations have all had a positive impact on our community and worked together to increased

public access to the Spokane River. Huntington Park was renovated and the Gathering Place outside of City Hall was added as a great connection from the falls to the park. All of these activities have worked in harmony to showcase one of our City's most valuable assets. See Exhibit 1, pp. 9-10.

Given the overall mission of the City, the Parks and Recreation Department, and Riverfront Park, the Hearing Examiner believes the proposal adds yet another amenity to the overall offerings of the downtown area that will promote access and use of the Spokane River area and finds this criterion for approval satisfied.

- 4.6.4 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. *SMC 17G.061.310(D)(2)(a)(iv)*.

Site A and Site B are suitable for Commercial Outdoor Recreational uses and will improve public visual access to the Spokane River. The proposal incorporates existing structures where possible utilizing the existing Place of Truths platform for the main decking at the start. Concrete footing dimensions are two 14-foot x 6-foot x 4-foot "deadman" anchors for 20,000 pounds of ultimate capacity. The footings are proposed where shoreline disturbance already occurred during the Spokane CSO Tank 26 project and outside of the vegetation restoration area. For comparison, these footings are smaller than the existing Gondola footings located nearby in Huntington Park. See Exhibit 1, p. 10.

The ending platform at Site B is a new structure with a two level deck proposed with the lower level publicly accessible and higher level with ramp for zipline operations due to safety. The concrete footings are two 14-foot x 6-foot x 4-foot "deadman" anchors that are located in basalt outcroppings, they will be drilled into the rock and will not disturb the soil or shoreline functionality. The landing deck and public viewing platforms will be above ground with up to five concrete footings that are 2 feet x 2 feet x 1 foot with only about 1.5 feet in the ground and within the rock. *Id.*

For these reasons, and for the reasons discussed elsewhere in this decision, the Hearing Examiner concludes that this criterion is satisfied.

- 4.6.5 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. *SMC 17G.061.310(D)(2)(a)(v)*.

The proposal improves views of the shoreline by providing additional public and commercial outdoor recreation access of the Spokane River and the lower Spokane Falls. Ziplines are designed to enhance natural and scenic spaces in harmony with viewsheds. The viewing platform at the landing site provides a safe and accessible vantage point for people of all ages and abilities to enjoy the river's beauty and the excitement of the zipline. See Exhibit 1, p. 11.

The Applicant has submitted a revegetation plan that addresses anticipated impacts to the shoreline (specifically Site B) and how it will be mitigated. This was in coordination with city staff and WSDOE. *Id.*

As with any construction project there will be temporary impacts during the phasing of construction that will create obstructions to the public access and views of the shoreline, however, the long-term effect of the project will be positive. *Id.*

The Hearing Examiner concludes that this criterion is satisfied.

4.7 For variance permits the following additional criteria apply:

4.7.1 That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program regulations precludes, or significantly interferes with, reasonable use of the property. *SMC 17G.061.310(D)(3)(b)(i).*

This proposal is requesting a shoreline variance due to the known potential impacts to historical and cultural resources. As mentioned above in decision criteria 17G.061.310(3), the only area identified by the Spokane Tribe of Indians that would be appropriate for the landing would be the proposed location of Site B. Even with the minimal ground disturbance that the end landing platform would have, the Spokane Tribe of Indians made an unyielding decision to prohibit the landing in the area outside of the shoreline buffer, as the early plans proposed. City Staff, WSDOE, and the Applicant all acknowledge that the protection of these known cultural and historical areas are essential to Spokane's history. See Exhibit 1, p. 12.

The protection of the cultural and historical area in Redband Park does result in a loss of reasonable use of the site, as multiple uses are permitted (either outright or through a conditional use permit) on that site, even within the Shoreline Jurisdiction. *Id.*

The Hearing Examiner finds this variance criterion satisfied.

4.7.2 That the hardship described in (i) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the shoreline master program regulations, and not, for example, from deed restrictions or the Applicant's own actions. *SMC 17G.061.310(D)(3)(b)(ii).*

Staff believes and the Hearing Examiner agrees that the hardship presented with the majority of Redband Park (specifically the area outside of the Shoreline Buffer) to be unbuildable is the result of a unique condition created by historical features that could arguably be considered a natural feature. The hardship presented is not by the Applicant's own actions, but rather a legitimate and tangible resource that our local Tribe has identified to be of value to the City of Spokane. As stated above, the City of Spokane, WSDOE, and the Applicant are all in full support of protecting the culturally sensitive area. Additionally, utilizing the existing Place of Truths platform to minimize shoreline impacts for Site A requires Site B to be located in Redband Park for riders to pass within the Monroe Bridge arch. See Exhibit 1, p. 12.

For these reasons, the Hearing Examiner finds this variance criterion satisfied.

- 4.7.3 That the 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 SMP regulations and will not cause adverse impacts to the shoreline environment. *SMC 17G.061.310(D)(3)(b)(iii).*

The design of the project will be consistent with City of Spokane standards and complement the Place of Truths viewing platform and plaza. The structure itself will be relatively subdued in comparison to the surrounding large structures along the zipline course (City Hall, Spokane Club, Redband Community Center). Other authorized uses in the area that are similar to the zipline include the SkyRide Gondolas, which are also built within the shoreline buffer with large white columns anchoring the ride. To staff's knowledge, no other uses are planned in Redband Park or at the Place of Truths. *Id.*

Given the foregoing, the Hearing Examiner finds this variance criterion satisfied.

- 4.7.4 That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area. *SMC 17G.061.310(D)(3)(b)(iv).*

A variance is a legal mechanism codified in the SMP designed to address specific, unique circumstances relating to the property. The variance will not constitute a grant of special privilege not enjoyed by other properties as the physical limitations of locating the Site B end platform is specific to the Redband Park property, due to cultural resources and archaeological artifacts known to be at the site. The only location on this property that is not known to have cultural artifacts is the end platform location at Site B because of the basalt rock. Nearby properties are either outside of the shoreline buffer or do not possess the same site limitations, as known by the Applicant and city staff. The granting of the variance is consistent with the goals of the SMP to give preference to "increase public access to publicly owner areas of the shoreline" and "increase recreational opportunities for the public in the shoreline" pursuant to RCW 90.58.020. See Exhibit 1, pp. 12-13.

The Hearing Examiner does not find that the proposal would be granted special privileges; therefore, this variance criterion is satisfied.

- 4.7.5 That the variance requested is the minimum necessary to afford relief. *SMC 17G.061.310(D)(3)(b)(v).*

The proposal requests the granting of a variance permit solely for the siting of the Site B platform. Performance standards such as the design, height, and setbacks are consistent with the requirements of the code for the zoning district (R1). The Applicant is only requesting relief for the shoreline buffer requirements, as it pertains to setbacks from a shoreline buffer. The proposal includes a public viewing platform as well to meet public and view access requirements as provided in RCW 90.58.020 and SMC 17E.060.280. The deck platform, viewing platform, and anchors are the minimum required for safety and functional design. No additional relief is being sought. See Exhibit 1, p. 13. Extensive discussions and revisions resulted in this final proposed location for Site B. No reasonable alternatives exist. Therefore, the requested variance is the minimum necessary to afford relief.

The Hearing Examiner finds this variance criterion is satisfied.

4.7.6 That the public interest in enjoying physical and visual access to the shorelines will suffer no substantial detrimental effect. *SMC 17G.061.310(D)(3)(b)(vi)*.

Staff believes and the Hearing Examiner agrees that the public interest in enjoying physical, and primarily visual, access to the shoreline will be enhanced with this project. The proposal is expected to enhance the quality of life for residents by providing an additional form of recreational opportunities. The proposed zipline will also be ADA accessible, advancing the access to the shoreline for those with limited mobility. The Applicant indicates in the application materials that early conversations with the Peaceful Valley Neighborhood Council have indicated support for the zipline and desire to see increased activity at Redband Park. The attached view platform offers a unique perspective of the surrounding landscape, promoting outdoor recreation and nature appreciation. It can become a popular spot for residents to gather, socialize, and enjoy the outdoors. See Exhibit 1, p. 13. There is no evidence in the record that there will be any detrimental effects on the physical and visual access to the shorelines. To the contrary, the record supports a finding that access will be enhanced.

Given the foregoing, the Hearing Examiner finds this variance criterion satisfied.

4.8 Additional decision criteria for institutional and other uses in residential zones also apply:

4.8.1 Proportion of Residential Household Living Uses. *SMC 17C.320.080(F)(1)*.

The zoning of the property where Site B is located is R1, however there are no residential uses neighboring the landing platform area. There are single-family homes located about 500 feet away from the landing site to the west of Redband Park, and a high-rise condo building located about 300 feet south of the site, but at a much higher elevation. The proposed landing at Site B will sit at a lower elevation than W. Main Ave., so will not have a visual impact to the surrounding uses. See Exhibit 1, p. 14.

The Hearing Examiner agrees with Staff's analysis of this criterion and finds it satisfied.

4.8.2 Physical Compatibility. *SMC 17C.320.080(F)(2)*.

The site is currently a City Park and will continue to operate as such. The new platform located at Site B will be required to meet setback standards defined in SMC 17C.111. The Applicant will be required to integrate Institutional Design Standards in Residential Zones, SMC 17C.111.500 where applicable, at time of building permit. The Applicant's qualified wetland biologist prepared a revegetation plan to address the shoreline vegetation to be planted to mitigate the projects impact to the shoreline environment. *Id.*

All told, the new structures will be limited in size relative to the surroundings, and there is no evidence to suggest a physical incompatibility. As discussed at numerous points above, the proposal is likely to enhance the aesthetic character and functional capacities of the affected areas. The Hearing Examiner finds this criterion satisfied.

4.8.3 Livability. *SMC 17C.320.080(F)(3).*

The Applicant submitted a noise impact study that describes the anticipated noise impact in comparison to other surrounding elements that create noise. As the Applicant describes in the noise study, one of the most significant advantages of the zip line's location is its proximity to the Spokane River and the Spokane Falls. These natural features create a continuous ambient sound that acts as a "white noise" barrier, helping to mask and dampen the sounds generated by the zip line. See Exhibit 1, pp. 14-15. The Applicant also intends to use specific materials and equipment designed to minimize noise generation. *Testimony A. Stewart*

Lighting will be limited to the start and end platforms and will be required to be shielded from adjacent properties and the Spokane River. In addition, no late-night operations are anticipated except in an emergency, which would be extremely infrequent. No odor is anticipated, and no litter or garbage will be generated on site. See Exhibit 1, p. 15. In fact, the Applicant has gone so far as to commit assistance to the City of Spokane to help keep the area of operations free from litter and debris. *Testimony A. Stewart & R. Stewart.*

Given the proposed location primarily being at a lower elevation than the adjacent properties as it makes its way down to the end landing, the zipline does not impede on neighboring properties privacy. Safety will be addressed as the time of building permit, to ensure the structure is safe for users and provides security when not in use. See Exhibit 1, p. 15.

For the foregoing reasons, the Hearing Examiner finds the livability criterion satisfied.

4.8.4 Public Services. *SMC 17C.320.080(F)(4).*

The proposal does not decrease the level of service on any adjacent street; no traffic study was required or undertaken for this proposal. The site(s) will not be continually occupied and the number of trips to the site will not increase from current operations. The operators will provide a shuttle to and from the landing sites. It is anticipated that users will be parking in neighboring commercial parking facilities, or public parking available near Riverfront Park and on the street (paid by meters). *Id.* For these reasons, the Hearing Examiner finds this criterion satisfied.

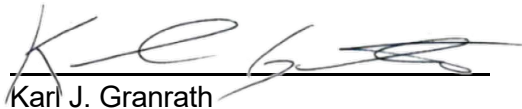
5 DECISION

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

1. This SCUP is subject to the compliance of this proposal with all applicable codes and requirements including shoreline regulations, public access, building height, bulk, setbacks, and site coverage.
2. The site shall be developed in substantial compliance with the plans submitted with this application, as well as comments received on the project from City Departments and outside agencies with jurisdiction.
3. The site mitigation shall follow the Vegetation Management Plan on file with this application. Any changes to the vegetation management plan shall be in consultation with the City of Spokane, WSDOE, and the Washington State Department of Fish and Wildlife.

4. The SMP, SMC 17E.060, and SMC 17E.020 require no net loss of shoreline ecological functions that could result from 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.
5. Public access to the Spokane River and river views shall be maintained and enhanced as part of the SMP and SMC 17E.060.280. The Applicant is proposing to enhance visual access.
6. The contractor is required to have a Construction Stormwater Pollution Prevention Plan 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. Adhere to any additional performance and development standards documented in comment or required by City of Spokane, Spokane County, Washington State, and any federal agency.
8. Per The Spokane Tribe of Indians comment provided on January 14, 2025, the Applicant will need to incorporate an Inadvertent Discovery Plan into their scope of work.
9. If any artifacts or human remains are found upon excavation, the Spokane Tribe of Indians and the Planning & Development 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.

SIGNED this 15th day of May 2025.


Karl J. Granrath
City of Spokane Hearing Examiner

NOTICE OF RIGHT TO APPEAL

Appeals of decisions by the Hearing Examiner are governed by Spokane Municipal Code 17G.061.340 and 17G.050.

Decisions of the Hearing Examiner regarding shoreline conditional use permits are reviewed by the Washington State Department of Ecology. 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 applicant is also responsible for providing a verbatim transcript of the recording by a certified transcriptionist and covering the cost of preparing a full record for the Court.