

CITY OF SPOKANE HEARING EXAMINER

Re: Shoreline Conditional Use Permit)
Application by GVD Commercial for a)
new public recreational dock on the) FINDINGS, CONCLUSIONS,
Spokane River) AND DECISION
)
) FILE NO. Z25-419SCUP
)
)

I. SUMMARY OF PROPOSAL AND DECISION

Proposal: The Applicant, GVD Commercial, has applied for a shoreline conditional use permit (SCUP) to build a 2,200 square foot public recreational dock to be used for non-motorized watercraft, sightseeing, and other recreational activities, on the Spokane River. This project is located within the Spokane River Shoreline Jurisdiction. This Type III application is proposed within the Shoreline Buffer and the 200' Shoreline Jurisdiction

Decision: APPROVED, subject to conditions.

**II. FINDINGS OF FACT
BACKGROUND INFORMATION**

Applicant/Owner: GVD Commercial
c/o Jerry Dicker
909 W 1st Ave, STE B
Spokane WA 99201

Agent: Facet NW
c/o Hillary Hahn
601 W Main Ave
Spokane WA 99201

Property Location: On the Spokane River, adjacent to 700 N Division St. – Parcel No. 35175.0031

Legal Description: See Exhibit 8, General Application, p. 2.

Zoning: Community Business (CB-150)

Comprehensive Plan Map Designation: Conservation Open Space, Commercial

Shoreline Designations: Campus/U-District Shoreline District; Limited Urban Environment, 75' buffer

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

Site Description: The subject property is on the Spokane River, proposing to add a 2,200 square foot public dock to be used for non-motorized watercraft, sightseeing, and other recreational activities on the Spokane River. The dock would be accessed by the publicly available trail that runs adjacent to the Spokane River, and by the adjacent property to the north of the proposed dock's location. This project is located within the 200' Shoreline Jurisdiction, and 75' Shoreline buffer.

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 Shoreline Master Program designates this site as being located within the Campus/U-District Shoreline District, Limited Urban Environment, with a 75' buffer.

Surrounding Conditions and Uses: The Applicant owns the Ruby River Hotel, which is immediately adjacent to the site. The proposed location is east of the Division Street Bridge, and generally just east of downtown Spokane and Riverfront Park. The proposed location sits at the western edge of the designated reservoir area between Division Street and the Kardong Bridge.

III. PROCEDURAL INFORMATION

Authorizing Ordinances: SMC 17C.120 Downtown Zones; SMC 17E.060 Shoreline Regulations; 17E.020 Fish and Wildlife Conservation Areas

Notice of Community Meeting: Mailed: May 27, 2025
Posted: May 28, 2025

Notice of Application/Public Hearing: Mailed: January 23, 2026
Posted: January 23, 2026

Community Meeting: June 12, 2025

Site Visit: February 26, 2026

Public Hearing Date: February 26, 2026

State Environmental Policy Act (SEPA): A determination of nonsignificance (DNS) was issued by the City on February 10, 2026. The DNS was not appealed.

Testimony:

Donna deBit, Principal Planner
City of Spokane Planning & Development
ddebit@spokanecity.org

Hilary Hahn
Facet NW
hhahn@facetnw.com

Dan Zimmerer
Ruby River Hospitality

Greg Gordon
Fightingbull63@gmail.com

dzimmerer@rubyhospitality.com

Sunni Mace
Sunni.mace@gmail.com

Kara Odegard
Kara@measurepnw.com

Nick Hamad
Nhamad@spokanecity.org

Brent McDaniel
brent.mcdaniel@avistacorp.com

Rene Wiley
rene.wiley@avistacorp.com

Katelyn Scott
Katy@spokaneriver.org

Adam Gebauer
agebauer@landscouncil.org

Jeff Lambert
ecojeff@me.com

Gayne Sears
Gayne@spokanerowing.org

Present, But Did Not Provide Testimony:

Linda Hahn
Lindahahn0919@gmail.com

Ryan McNair
rmen461@ecg.wa.gov

Karen Mobley
Karen@karenmobley.com

Exhibits:

1. Planning Services Updated Staff Report dated February 24, 2026
2. Application Materials
3. SEPA Documentation
4. Request for Comment and Comments
5. Notice of Application and Hearing Materials
6. Community Meeting Materials
7. First Resubmittal Documentation
8. Second Resubmittal Documentation
9. Applicant Presentation
10. Staff Presentation

IV. FINDINGS AND CONCLUSIONS

To be approved, the proposed SCUP must comply with the criteria set forth in Spokane Municipal Code Section (SMC) 17G.061.310(C)&(D)(2). The Hearing Examiner has reviewed the proposed applications and the evidence of record with regard to these sections and makes the following findings and conclusions:

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

SMC Title 17 Land Use Standards does not prohibit new public docks. The subject property is in the base zone CB-150 (Community Business) Zone. SMC 17C.190 does not explicitly list a public dock as a use. Staff made a determination that the proposed use best fits in the use category of Parks and Open Areas as it relates to the Land Use Standards (see SMC 17C.190.460). See Exhibit 1, p. 5. This designation was not challenged, nonetheless the Hearing Examiner agrees. Parks and Open Areas uses are permitted outright in the Community Business (CB) zone under Spokane Municipal Code (SMC) Table 17C.120-100-1, Commercial Zone Primary Uses. *Id.*

It is true that this proposal is being facilitated by an adjacent private property owner, but the final version of this proposal before the Hearing Examiner is not a commercial use. The initial concept did include commercial-like features, but those have been removed based on early feedback from staff and the Department of Ecology. *Id.* The dock will be a publicly available and can be accessed via a public trail or through the adjacent property owner. Access to the dock via the Applicant's property will be memorialized via conditions of this SCUP, and/or one or more anticipated agreements between the City and the Applicant. The applicant is aware that new docks are only permitted for water-dependent uses for public access with no commercial activity.

As proposed, a publicly available dock, the Hearing Examiner finds this criterion satisfied.

IV.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 subject area is located in the Land Use Category of *Conservation Open Space* and *Commercial* (directly north) according to the City of Spokane's Comprehensive Plan. See Exhibit 1, p. 6-7. This proposal is consistent with the intent of several Comprehensive Plan Policies, including:

- LU 4.4 Connections - Form a well-connected network which provides safe, direct and convenient access for all users, including pedestrians, bicycles, and automobiles, through site design for new development and redevelopment.
- LU 5.1 Built and Natural Environment - Ensure that developments are sensitive to the built and natural environment (for example, air and water quality, noise, traffic congestion, and public utilities and services), by providing adequate impact mitigation to maintain and enhance quality of life.
- 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 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 8.2 Access and Shoreline Ecological Functions - Assure that public access improvements result in no net loss of shoreline ecological functions.

- SMP 10.3 Landscaping with Native Plants - Encourage the use of native plant communities for landscaping within the Shoreline Jurisdiction.
- SMP 11.35 Visual and Physical Access in Development - Ensure that shoreline development includes, when feasible, visual and physical public access to the shorelines, while avoiding, minimizing, or mitigating negative impacts to the shoreline.

Staff provided a more extensive list and analysis, ultimately finding that the project is consistent with the designation, goals, and policies of the Comprehensive Plan. See Exhibit 1, p. 6-7. The Hearing Examiner agrees and finds that this criterion is satisfied.

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

The Application was first circulated on July 15, 2025, then again on October 20, 2025, and lastly on December 16, 2025, among all City departments and outside agencies with jurisdiction. *Exhibit 1, p. 4*. The City received various comments regarding the proposal. See Exhibit 4. None of the commenting departments or agencies reported that concurrency could not be achieved. *Id.* A thorough analysis of the agency comments was provided by staff, outlining input and subsequent changes to the proposal that occurred through these commenting cycles. See Exhibit 1, p. 7-8. Many local, state, and federal agencies were consulted and commented on the project as it evolved into this proposed final form. *Id.* See also Exhibit 4. With respect to concurrency, no agency with jurisdiction identified an inability of the project to meet concurrency requirements. *Id.* Other factors beyond concurrency will be addressed elsewhere.

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

IV.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)*.

A site plan was required to be submitted for the SCUP per *SMC 17E.060.250*. Staff's review of the Site Plan found compliance with all applicable standards for the SCUP. See Exhibit 1, p. 9. The Hearing Examiner concurs. Key factors integrated into the site plan include a requirement to memorialize access, a reduction of the dock size from what was originally proposed, specific construction materials, and other design features intended to minimize ecological effects. *Id.* The site area is suitable for development per the site plan submitted with this application. See Exhibit 8, Updated Site Plan.

Based on the evidence in the record, the property is suitable for the proposed use. The Hearing Examiner finds that this criterion for approval is satisfied.

IV.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)*.

An Environmental Checklist dated June 30, 2025, was submitted by the Applicant for review. As a part of the agency commenting period, the application materials, including the SEPA checklist, were reviewed by applicable departments and agencies. No agency or department concluded that the proposal would have a significant adverse effect on the environment. See Exhibit 1, p. 10. See also Exhibits 3 & 4. Many of the comments were either incorporated into revised plans and submittals or were incorporated into the conditions of approval for this proposal. The Final DNS was issued on February 10, 2026. See Exhibit 1, p. 10; Exhibit 3. No appeal was submitted.

The Applicant's representative (Facet NW) has prepared a Habitat Management Plan (HMP), that was subsequently revised during applicant review to better address existing conditions and proposed mitigation. *Exhibit 1, p. 10. See also Exhibit 8, HMP.* As a condition of approval, the Habitat Management Plan and a Revegetation Placement Plan are required to be reviewed and approved prior to any building permits being issued for this project. *Exhibit 1, p. 10.* The Habitat Management Plan identifies measures that will be taken to avoid or minimize the direct impacts to the environment as a result of the proposed project. *Id.*

Per the HMP, the shoreline is currently degraded with large outpourings of concrete and riprap from past developments, along with trash and abandoned items. *Id.* The project proposes to plant native vegetation in the riparian area to enhance the ecological functions of the shoreline from its current conditions. *Id.* Mitigation measures taken by the adjacent property owner will include cleaning any existing debris at the site and planting native vegetation at a 1:1.5 ratio in areas where survivability will be at its highest potential. *Id.* The project will be required to meet shoreline design standards found in SMC 17E.060 as well as the Commercial design standards found in SMC 17C.120, when applicable. *Id.*

The Hearing Examiner concludes that the proposal will not have a significant adverse impact on the environment or the surrounding properties, and all reasonably anticipated negative effects have been mitigated by proposal modifications and the conditions of approval. The Hearing Examiner finds that this criterion for approval of is satisfied.

IV.6 For SCUPs the following criteria apply:

IV.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 reasoning and conclusion that this proposal is consistent with the policies of the SMP. See Exhibit 1, p. 10-12. In particular, the Staff noted:

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 physical shoreline and ecological functions. The proposal increases public

physical access to the shoreline, and increases passive recreational opportunities for the public in the shoreline. The procedures of Chapter 173-27 of the WAC have been followed.

Given the unique nature of the proposed project and the absence of a comparable project locally, staff relied heavily on the policies and intent of the Shoreline Management Act (SMA) in conducting their analysis. The SMA provides authority for local jurisdictions to administer their Shoreline Management Programs (SMPs) and serves as the framework upon which the SMP is based. Accordingly, in areas where the SMP lacked clarity or could be interpreted multiple ways, staff consulted the SMA for guidance on intent.

Id. at 11. Staff thoroughly analyzed the proposal and explained their decision making process and conclusion with regards to the SMP. *Id.* The Hearing Examiner agrees with and hereby incorporates that analysis herein. Therefore, the Hearing Examiner concludes that the project is consistent with the policies of state law and the SMP. This criterion for approval is satisfied.

IV.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).*

Staff concluded that this project complies with 17E.060.280, Physical and Visual Public Access to the shoreline. *Exhibit 1, p. 12.* The Hearing Examiner agrees. The project improves and increases public physical access to the shoreline in a unique way, with viewing opportunities and recreational activity. *Id.* That is, the current normal public use of the shoreline here is an existing trail slightly above the river. The actual water edge here is largely inaccessible and strewn with a mix of concrete, trash, and invasive species. *See, e.g. Exhibit 9, p. 19.* To this Hearing Examiner's knowledge, few, if any, members of the public access the river here. So, the Hearing Examiner agrees with Staff that this project will improve and enhance the access to the shoreline and river.

Further, Per 17E.060.280.P, "Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority." *Exhibit 1, p. 13.* Nevertheless, Staff concluded that the proposal would not cause a net loss of visual public access to trail users or neighboring properties. *Id.* The Hearing Examiner agrees. If anything, this public dock will provide an opportunity to view and enjoy the river from a unique vantage point. Given the foregoing, the Hearing Examiner finds this criterion for approval satisfied.

IV.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 Shoreline Master Program. *Id.* Recent redevelopment in the Downtown, Riverfront Park, and Peaceful Valley have all had a positive impact on our community and worked together to increased public access to the Spokane River. *Id.* The Hearing Examiner

believes the proposal adds yet another complementary opportunity to the overall offerings of the Spokane River area. As stated above, the proposed use is consistent with the policies of RCW 90.58.020 and the SMP. This area is designated as reservoir with an identified possibility for public docks. See SMC 17E.060.430. Nothing in this proposal interferes with achieving the other goals within the SMP. The Hearing Examiner finds this criterion for approval satisfied.

IV.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)*.

Given the limited publicly owned land on this stretch of the river, it is very unlikely that this proposed dock would eventually work in harmony with another dock. *Id.* To the Hearing Examiner's estimation, it is exceedingly unlikely that any other public docks will be contemplated or constructed in the foreseeable future. In this regard, the unique factor enabling this public project is that it is being privately funded by the Applicant. There is considerable interest by the Spokane Parks and Recreation Department ("Parks") and others in establishing multiple river access points upstream that would undoubtedly benefit from what one could call an "end or start point" to the accessible portion of the Spokane River. *Id.* Parks generally believes that this project is complementary to the Iron Bridge. *Testimony N. Hamad.* For this and other reasons, including especially the private funding source, Parks is in support of the proposal from their Departmental perspective. *Id.*

17E.060.430.C2 requires docks to be engineered and constructed to withstand the seasonal high-water flows within the reservoir in which it is located. *Exhibit 1, p. 13.* The applicant has expressed that they understand this requirement, especially given the proximity to the Dam operation downstream. A comprehensive engineering plan for the construction of the dock will be required as part of the building permit review. *Id.* This will include the hiring of a specialized third party engineer to review plans on the City's side, along with significant input from Avista. *Testimony D. deBit.* More generally, the project will be required to meet shoreline design standards found in SMC 17E.060 as well as the Commercial design standards (where applicable) found in SMC 17C.120 at the time of building permit. *Exhibit 1, p. 14.*

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

IV.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)*.

This criterion has been largely addressed in the sections above, including especially IV.6.2. As previously mentioned, the Applicant has prepared and will be required to implement a Habitat Management Plan and a revegetation plan that will serve to reestablish native, beneficial species. As also mentioned, the physical shoreline here is currently in a highly disturbed state, and the implementation of these plans should significantly improve the quality and functionality of the physical shoreline. The record reflects that this proposal will cause no significant adverse effects to the shoreline environment, and that the public interest in enjoying the physical and visual access

will suffer no substantial detrimental effect. Therefore, the Hearing Examiner finds this criterion is satisfied.

V. 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. This Shoreline Conditional Use Permit is subject to the compliance of this proposal with all applicable codes and requirements including shoreline regulations, dock design, 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. A Habitat Management Plan (HMP) was prepared by Facent NW for the GVD Commercial. A HMP and a Vegetation Replacement Plan are required to be reviewed and approved prior to any activity being permitted on the site. As requested by Avista Utilities, the HMP should include additional information to address debris management strategies. After approval, any changes to the vegetation management plan or HMP shall be in consultation with the City of Spokane, Department of Ecology, and the Department of Fish and Wildlife;
4. If the dock is not open to the public 24/7, approved signs that indicate the public's right of access and hours of access shall be installed and maintained by the owner. These signs shall be directly adjacent to or located on the dock.
5. A Public access easement and permit conditions shall be recorded on the deed of title as a condition running with the authorized land use. Such easement, or other legal instrument evidencing the public access conditions shall be recorded with the Spokane County auditor's office;
6. Dedicated public parking shall be made available to users of the dock, and shall be developed in substantial compliance with the plans submitted with this application. Revisions to the parking plan shall be in consultation with the City of Spokane and the Department of Ecology;
7. Maintenance of the public access shall be the responsibility of the owner or developer over the life of the use or development unless otherwise accepted by public or private agency through a formal agreement recorded with the County auditor's office. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided;
8. The Shoreline Master Program, 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;
9. Public access to the Spokane River and river views shall be maintained and enhanced as part of the Shoreline Master Program and SMC 17E.060.280. The applicant is proposing to enhance visual access;
10. 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;

11. Best Management Practices (BMPs) for erosion and sediment control must be used on the construction site and adjacent areas to prevent upland sediments from entering surface water. Refer to the 2024 Stormwater Management Manual for Eastern Washington. All ground disturbed by construction activities must be stabilized. When appropriate, use native vegetation typical of the site.
12. 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;
13. 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 12th day of March 2026.



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 Ecology's review and decision, 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.