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**SPOKANE COUNTY HEARING EXAMINER**

CONDITIONAL USE PERMIT FOR A  
GUN RANGE IN THE RURAL  
TRADITIONAL (RT) ZONE.  
APPLICANT: SPOKANE GUN CLUB  
FILE NO. CUW-06-19

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND INTERIM DECISION**

**I. SUMMARY OF DECISION**

**Hearing Matter:** Conditional Use Permit for a Gun Range in the Rural Traditional (RT) zone pursuant to Section 14.618.240(10) of the Spokane County Zoning Code.

**Summary of Decision:**

The hearing regarding the application for a Conditional Use Permit for a gun range in the Rural Traditional Zone, submitted by the Spokane Gun Club, as identified above is reopened for the limited purpose of allowing additional information requested by the Hearing Examiner as explained hereinafter.

**II. FINDINGS OF FACT**

**A. Procedural Matters:**

On August 22, 2019, Spokane Gun Club (SGC) (a Washington Non-Profit Corporation<sup>1</sup>), represented by Witherspoon Kelley, Attorneys at Law, submitted an application to the Spokane County Building and Planning Department (“Department”) for a Conditional Use Permit to allow a gun range in the Rural Traditional (RT) zone pursuant to Section 14.618.240(10) of the Spokane County Zoning Code on property located north of and adjacent to Thorpe Road, south of and adjacent to McFarlane Road and west of Brooks Road, in Section 36, Township 25 North, Range 40 EWM, Spokane County, Washington. The subject site is also identified as Spokane County Assessor’s Tax Parcel No. 05365.9002.

The following notices were properly prepared, mailed, and posted pursuant to Spokane County Code (SCZC) Section 13.500, Notice of Application, and SCZC Section 13.700, as noted below:

<sup>1</sup> Washington Secretary of State; <https://ccfs.sos.wa.gov/#>.

1 Notice of Application – mailed on September 11, 2019. Certification of Mailing  
2 by Martha Thornton, dated September 11, 2019.

3 Notice of Application – posted on September 13, 2019, at the property line  
4 facing McFarlane Rd. in the vicinity of the NE corner of the property, at the  
5 property line facing McFarlane Road in the vicinity of the center of the subject  
6 property, at the property line facing Thorpe Road in the vicinity of the center  
7 of the property, and at the property line facing Thorpe Road, in the vicinity of  
8 the S.E. property line. Affidavit of Posting by John P. Cushman, dated  
9 September 16<sup>th</sup>, 2019.

10 Notice of Public Hearing – mailed on January 10, 2020 to West Plains  
11 Neighborhood Association, Declaration of Mailing by Martha Thornton, dated  
12 January 10, 2020; mailed on September 16, 2019 to Lance Hills – Heyer Point  
13 Coalition of Southwest Spokane County, Declaration of Mailing by Martha  
14 Thornton, dated September 16, 2019; mailed on January 17, 2020, via United  
15 States Post Office to the recorded real property owners and/or taxpayers  
16 owning property within a four hundred foot (400') perimeter of the subject  
17 property, Affidavit of Mailing by Karina Hammond, dated January 27, 2020.

18 Notice of Public Hearing – Posted on January 16, 2020 at the property line  
19 facing Thorpe Road, across from the Medical Lake Cemetery at 21115 W.  
20 Thorpe Rd., Medical Lake, Washington, and at the property line facing  
21 McFarlane Road, across from 20814 W. McFarlane Rd. Medical Lake,  
22 Washington. Affidavit of Posting by Leon Davis, dated January 23, 2020.

23 Notice of Hearing – published in the Spokesman Review on January 21, 2020.  
24 Affidavit of Publication by E. Jean Robinson, dated January 22, 2020

25 A SEPA threshold Determination of Nonsignificance (DNS) was issued by the  
26 Department on January 21, 2020, with a comment and appeal period ending on  
27 February 4, 2020. The DNS was not appealed.

28 The Hearing Examiner heard the matter as scheduled at 9:00 a.m. on  
February 5, 2020, in the Commissioner's Hearing Room, 1026 East Broadway,  
Spokane, Washington. pursuant to the Spokane County Hearing Examiner  
Ordinance, codified in SCC Chapter 1.46; the County Hearing Examiner Rules of  
Procedure, adopted by County Resolution No. 1996-0294; Spokane County Zoning  
Code, and Spokane County Code Title 13.

The following persons testified at the hearing, under an oath administered by  
the Hearing Examiner:

Tammy Jones

William C. Lenz

1	Building and Planning Department	422 W. Riverside Avenue, Suite 1100
2	1026 W. Broadway Avenue	Spokane, WA 99201-0300
3	Spokane WA 99260	<a href="mailto:wcl@witherspoonkelley.com">wcl@witherspoonkelley.com</a>
4	Howard & Maren Imhof	John Cushman
5	2724 South Ritchey Road,	2913 N. Coleman Rd
6	Medical Lake, WA 99022	Spokane Valley, WA 99212
7	<a href="mailto:howimhof@gmail.com">howimhof@gmail.com</a>	Dave McCann
8	Kirsten Delaney	13317 S. Covey Run
9	20618 W. Penny Ln.	Spokane, WA 99224
10	Medical Lake, WA 990022	Toby Willis
11	<a href="mailto:kirstenrdh@gmail.com">kirstenrdh@gmail.com</a>	21908 W. McFarlane Rd.
12	Christopher Barnobi	Medical Lake, WA 99022
13	Senior Acoustics Consultant	<a href="mailto:Toby@tobysbattery.com">Toby@tobysbattery.com</a>
14	Coffman Engineers	Pam McCollan
15	1939 Harrison St #320	<a href="mailto:Pammccollan188@gmail.com">Pammccollan188@gmail.com</a>
16	Oakland, CA 94612	Ralph Hill
17	LaDonna Schuster	<a href="mailto:hillrt@comcast.net">hillrt@comcast.net</a>
18	<a href="mailto:LaDonnaspokane@yahoo.com">LaDonnaspokane@yahoo.com</a>	Curtis Golden
19	Kassidy Cockrell	<a href="mailto:caglus@gmail.com">caglus@gmail.com</a>
20	<a href="mailto:ckc5312014@gmail.com">ckc5312014@gmail.com</a>	Sarah McAllum
21	Doug Koenig	3814 S. Ritchey Rd.
22	<a href="mailto:douglasakoenig@yahoo.com">douglasakoenig@yahoo.com</a>	Medical Lake, WA 99022
23	Stanley M. Schwartz	James Kotur
24	422 W. Riverside Avenue, Suite 1100	2204 S. Jays Rd.
25	Spokane, WA 99201-0300	Medical Lake, WA 99022
26	<a href="mailto:sms@witherspoonkelley.com">sms@witherspoonkelley.com</a>	<a href="mailto:jkotur@gmail.com">jkotur@gmail.com</a>
27	Robert Larson	Lance S. Gromme
28	<a href="mailto:relarz@me.com">relarz@me.com</a>	<a href="mailto:klgromme@yahoo.com">klgromme@yahoo.com</a>
	Steve Hindley	Louis Huang
	N. 3212 Indian Bluff Road	<a href="mailto:neghua@gmail.com">neghua@gmail.com</a>
	Spokane, WA 99224	Dave Tueller
	<a href="mailto:gshindley@gmail.com">gshindley@gmail.com</a>	6504 N. Wood Road
	Janice and Walt Radmer	Reardon, WA 99029
	P.O. Box 129	

1 Medical Lake, WA 99022  
2 [janiceradmer@gmail.com](mailto:janiceradmer@gmail.com)  
3 Elizabeth Mitchell  
4 20603 W Sunwest Ave.  
5 Medical Lake, WA 99022  
6 [Bemitch65@gmail.com](mailto:Bemitch65@gmail.com)  
7 Carol Whitehead  
8 [carolpinkgreen@yahoo.com](mailto:carolpinkgreen@yahoo.com)  
9 James and Jan Lickliter  
10 4310 S. Ritchey Road  
11 Medical Lake, WA 99022  
12 [janida@wildblue.net](mailto:janida@wildblue.net)  
13 Alan Stevens  
14 [Alanstevens11@gmail.com](mailto:Alanstevens11@gmail.com)  
15 John Whitehead  
16 [johnnbobbie@gmail.com](mailto:johnnbobbie@gmail.com)  
17 Ryan Poole  
18 N. 111 Post Street Suite 300  
19 Spokane, WA 99201  
20 [rpolee@dunnandblack.com](mailto:rpolee@dunnandblack.com)  
21 James Siljevnuee  
22 [ilaje8035@yahoo.com](mailto:ilaje8035@yahoo.com)  
23 Jeremy J. Lund  
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25 James Lajeunesse  
26 2717 S. Jays Road  
27 Medical Lake, WA 99022  
28 Sheri Johnson  
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Eric Olson  
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Robert Bacon  
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[barbit881@gmail.com](mailto:barbit881@gmail.com)  
Anthony Whitehead  
22022 W. Thorpe Rd.  
Medical Lake, WA 99022  
[kadepot@yahoo.com](mailto:kadepot@yahoo.com)  
Cliff Miller  
[Millerce53@hotmail.com](mailto:Millerce53@hotmail.com)

The following exhibits were submitted at the hearing:

1 Exhibit 1 – Spokane Gun Club West Plains Relocation Power Point  
2 Presentation (31 pp.).

3 Exhibit 2 – Spokane Gun Club Briefing Notebook dated Feb. 5, 2020 (138 pp.).

4 Exhibit 3 – Opposing Memorandum dated Feb. 4, 2020 (15 pp.).

5 Exhibit 4 – Audio Recordings of Spangle Gun Club 2 files dated 02/02/2020.

6 Exhibit 5 – EPA Best Management Practices for Lead at Shooting Ranges  
7 (101 pp.).

8 The Hearing Examiner takes notice of the Spokane County Comprehensive  
9 Plan (“Comprehensive Plan”), Spokane County Zoning Code (SCZC), Spokane County  
10 Code (SCC), and other applicable development regulations; recent land use decisions  
11 for the site and area, including those listed in the Staff Report submitted by the  
12 Department.

13 The record includes the documents in the Building and Planning File No.  
14 CUW-06-19 at the time of the hearing, the electronic recording of the hearing by  
15 Hearing Examiner staff, Exhibits 1- 5 referenced above, the sign-in sheet for the  
16 hearing, the items taken notice of by the Hearing Examiner, and the closing briefing  
17 of the parties as allowed by the Hearing Examiner.

18 Following the testimony taken at the hearing, Counsel for SGC requested that  
19 closing argument be made in writing at a time designated by the Hearing Examiner.  
20 Counsel for the parties in opposition to the application agreed to a written closing  
21 argument format. The Hearing Examiner left the record open, solely for the purpose  
22 of counsel for the parties submitting their respective closing argument briefs on the  
23 schedule designated by the Hearing Examiner. The record remained open solely for  
24 “closing argument” briefing, no further testimony or evidence not presented at the  
25 hearing would be accepted. The Hearing Examiner agreed to accept motions for  
26 reopening testimony no later than March 13, 2020. No motions to reopen the hearing  
27 for further testimony were received by the Hearing Examiner. The record closed  
28 without further action on March 6, 2020 at 5:00 pm.

29 The allowed closing argument briefing was timely received by the Hearing  
30 Examiner from each of the respective counsel. That briefing included however  
31 attachments containing materials that were not part of the record or testimony  
32 offered and admitted during the hearing on February 5, 2020. Any materials not  
33 admitted during the hearing are held by the Hearing Examiner for purposes of  
34 preserving those materials, but those materials are not made part of the record and  
35 are not considered by the Hearing Examiner in rendering this decision. At least two  
36 other correspondences were received in the form of public comment after the closing

1 of the hearing on February 5, 2020, those correspondences are also held by the  
2 Hearing Examiner, but are not made part of the record for this decision.

3 Having heard testimony offered by the Department staff, SGC, attorneys  
4 representing SGC and members of the public opposed to the application, and  
5 members of the public in attendance at the hearing and interested in testifying on  
6 the application the hearing adjourned at approximately 4:00 p.m. on Wednesday,  
7 February 05, 2020.

8 The Hearing Examiner visited and viewed the site and the surrounding area  
9 on March 10, 2020.

### 10 **B. Description of Site:**

11 The subject site is generally located north of and adjacent to Thorpe Road,  
12 south of and adjacent to McFarlane Road and west of Brooks Road, in Section 36,  
13 Township 25 North, Range 40 EWM, Spokane County, Washington., Spokane County  
14 Parcel # 05365.9002. The subject property is approximately 451.68 acres in size.  
15 Thorpe Road is unpaved with graveled surfaces and without shoulder improvements.  
16 The site contains an existing single-family residence and several outbuildings. The  
17 topography of the site ranges from generally flat along Thorpe Road with gently  
18 rolling contours throughout the site traveling north and west across the site. The  
19 property slopes down to the north and to the west. Railroad tracks roughly bisect the  
20 site from north east to south west. The north west ¼ of the site (north of the railroad  
21 tracks) is heavily covered with mature Ponderosa Pines and other native vegetation.  
22 The portion of the site lying south of the railroad tracks has areas of heavy  
23 forestation, one area lying in the southwest corner of the sight and another lying  
24 near the center of the site beginning at the railroad tracks and extending east-  
25 southeast into the site ending in a peninsula pointing south in the center of the  
26 southern portion of the property. "Vicinity Site Plan" prepared by Wolfe Architectural  
27 Group (WAG) dated 10.10.2019. The remainder of the site has been cultivated for  
28 growing agricultural crops.

29 Spokane County Critical Areas Maps identify a Type N stream located at the  
30 northwest corner of the subject site extending south and east to a point in the vicinity  
31 of the railroad tracks. A Type N stream and a possible wetland near the south end of  
32 the identified stream and north of the railroad tracks, in the north west portion of  
33 the property are indicated on the "Vicinity Site Plan" prepared by WAG, dated  
34 10.10.2019. See Department File #CUW-06-19. Upon inspection of the area Geo  
35 Engineers was unable to locate the possible wetland and found that no evidence of  
36 the Type N stream was visible on the property. Department File #CUW-06-19 –  
37 Letter Report, Wetland Determination, by Geo Engineers, dated September 23, 2019,

1 p. 2. Jacob McCann, Washington State Department of Ecology, confirmed that the  
2 “riverine wetland” reported to exist on the property by the Critical Areas Map is  
3 “mapped in error and no jurisdictional wetland features are present in the location”.  
4 Department File # CUW-06-19 – E-mail from Jacob McCann to Tammy Jones, dated  
5 December 11, 2019. The Washington State Department of Fish and Wildlife also  
6 concurred with the findings of the Geo Engineers report. Department File #CUW-06-  
7 19 – E-mail from Leslie King to Tammy Jones, dated December 13, 2019.

8 The subject site is located within a Critical Aquifer Recharge Area (CARA)  
9 having Moderate Susceptibility. Staff Report.

10 A “Cultural Resource Survey for the Gun Club Project, Spokane County,  
11 Washington” dated November 2019, in draft form, (hereafter “Cultural Survey”) was  
12 submitted to the Department. Although the Cultural Survey states that the pre-field  
13 research was designed to identify any known historic properties, including  
14 cemeteries located in or near the Project Area, clearly shows the Medical Lake  
15 Cemetery on the map of the Project Area and surrounding properties<sup>2</sup>, and the  
16 survey identifies the Medical Lake Cemetery as being adjacent to and across the  
17 street from the Project Area<sup>3</sup>, the survey concludes that “**No Historic Properties**  
18 **will be affected**”<sup>4</sup> by the proposed gun range. (Emphasis in original) The reason  
19 that the Medical Lake Cemetery is overlooked in the Cultural Survey could possibly  
20 be that the Medical Lake Cemetery was listed on the Washington State Heritage  
21 Register in March 2018<sup>5</sup> and the pre-field research for the Cultural Survey could  
22 have been performed prior to the cemetery being so listed or because the conclusions  
23 of the survey focus within the boundaries of the site of the proposed gun range and  
24 not properties outside of those boundaries. Under the definition provided in the  
25 Cultural Survey (p. 11) of Traditional Cultural Places (TCPs) the Medical Lake  
26 Cemetery is a TCP, “a location where a community has traditionally carried out  
27 economic, artistic, or other cultural practices important in maintaining its historic  
28 identity”.

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27 <sup>2</sup> “Draft” Cultural Resource Survey for the Gun Club Project, Spokane County, Washington” dated  
28 November 2019, Figure 2.

<sup>3</sup> Id., p. 13.

<sup>4</sup> Id., p. ii.

<sup>5</sup> <https://wisarrd.dahp.wa.gov/search/1162>

1 **C. Land Use Designations and Surrounding Conditions for Site and**  
2 **Neighboring Land:**

3 This site is designated as Rural Traditional by the Spokane County  
4 Comprehensive Plan and zoned Rural Traditional Zoning. Properties immediately to  
5 the North, South, East and West of the site are designated as Rural Traditional by  
6 the Spokane County Comprehensive Plan. Other designations surrounding the  
7 subject property are Rural Conservation to the northwest, Large Tract Agriculture to  
8 the southwest, and Mineral Land to the south of the west half of the subject property.  
9 Spokane County Comprehensive Plan Map. Surrounding properties are zoned Rural  
10 Traditional (RT), Rural Conservation (RC), Large Tract Agricultural (LTA), and  
Mining Zone (MZ) matching the Comprehensive Plan designations. Spokane County  
Zoning Map. Zoning of the properties was established by legislative action of the  
Spokane County Board of County Commissioners on January 15, 2005.

11 Several residences on large tracts exist within one half mile of the proposed  
12 site of the gun range, along Thorpe Road to the west. Immediately across Thorpe  
13 Road to the south is the Medical Lake Cemetery. The cemetery was established its  
14 current site in the 1870s and was listed on the Washington State Heritage Register  
15 in 2018. Comment letter from Aubrey and Lahnne Henderson, dated September 23,  
16 2019; Comment letter from Janice Radmer, President of Medical Lake Cemetery  
17 Association, dated September 22, 2019; <https://wisarrd.dahp.wa.gov/search/1162>.  
18 Scattered residential development also exists on large parcels to the west and north  
19 of the site. Other land uses surrounding the subject property include vacant  
undeveloped land to the north, vacant and agricultural lands to the east, mineral  
lands to the south, agricultural lands to the southwest and Fairchild Airforce Base to  
the east.

20 In 1993 the subject site and surrounding parcels to the east and west were  
21 included in an area designated as a “No Shooting Area” based upon a petition from  
22 50% of the property owners in the designated area. The reason stated for the petition  
23 to designate the area as a No Shooting Area was that the subject property was owned  
24 by the Washington State Department of Natural Resources and thus lacked  
25 monitoring of use. In 1993 it was alleged that the property was used by individuals  
26 for firing rifles and fully automatic firearms which resulted in stray bullets entering  
27 the adjacent properties. Building and Planning Department File No. NS-01-19,  
28 Memo to Board of County Commissioners date July 23, 2019; Staff Report re: NS-01-  
19 dated July 22, 2019; File No. NS-01-19 Application for Spokane County ... dated  
May 10, 2019.

On May 10, 2019, an “Application For Spokane County (1) No Shooting Area,  
(2) No Bow and Arrow Area, Or (3) No Shooting and No Bow and Arrow Area” was

1 submitted requesting that the No Shooting designation be removed from the subject  
2 parcel to allow the development of the property as a gun range, subject to application  
3 for a Conditional Use permit and conditions requested by Fairchild Airforce Base.  
4 Building and Planning Department File No. NS-01-19. The application for removal of  
5 the No Shooting area designation was granted by the Board of County  
6 Commissioners by Resolution No. 19-1243 dated August 20, 2019. A Petition for  
7 Declaratory Judgment and Writ of Review of the application for removal of the No  
8 Shooting area designation, Superior Court file number 19203867-32, was filed in the  
9 Court on September 9, 2019. Building and Planning Department File No. NS-01-19.  
10 The Petition for Declaratory Judgment was dismissed by order of the court on  
11 February 10, 2020 on a Motion for Summary Judgment by the Respondent, Spokane  
12 Gun Club, et. al. Spokane County Superior Court file number 19203867-32.

#### 10 **D. Description of Proposed Project:**

11 The requested Conditional Use Permit would allow a gun range in the Rural  
12 Traditional (RT) zone pursuant to SCZC 14.618.240(10). The site plan for the  
13 proposed gun range indicates the location of three combination Trap and Skeet  
14 shooting ranges with spaces for two additional combination Trap and Skeet shooting  
15 ranges, seven Trap shooting ranges with space for three additional Trap shooting  
16 ranges, a 5 – Stand Shooting range, a “fully contained” pistol range, an archery  
17 course, a Sporting Clays course, an associated “club house” and storage building, all  
18 within the portion of the property located south of the railroad tracks. Department  
19 File, Wolfe Architectural Group (WAG) Site Plan, Sheet A0.03, dated 11.05.2019. The  
20 clubhouse will include a kitchen, pro-shop, restroom and storage areas. Exhibit 2,  
21 Tab 4 – Operations Plan. The location of the Trap and Skeet shooting ranges and the  
22 5 – Standing Shooting range is almost directly north across Thorpe Road from the  
23 Medical Lake Cemetery. Id. A future sporting clay course is indicated on the site plan  
24 adjacent to and north of the railroad tracks in the center west area of the site. Id. The  
25 site plan illustrates 144 off street parking stalls on the site for automobiles and an  
26 additional 45 parking stalls to accommodate RV units on the site. Id.; Exhibit 2, Tab  
27 4 – Operations Plan.

24 The gun range will be open for shooting activities from 10:00 am to dusk, with  
25 the understanding that the hours may be extended or contracted depending on  
26 demand. Notwithstanding, the maximum hours of operation will be 9:00 am to 7:00  
27 pm. Exhibit 2, Tab 4 – Operations Plan. The Gun Club could potentially host five  
28 regional competitions per year at the facility with participation varying from 50  
shooters up to 100 shooters for multi-day events. Id. One of the hosted events is a  
multi-day event, the three-day State shoot in June with 120 participants. The State

1 shoot takes place from Friday through Sunday. Id. It is anticipated that the Club  
2 could host, on average, two competitive shoots per month during the months of April  
3 through October, and additional competitive shoots on available weekends,  
4 depending on the demand for such activities. Id.

5 The facility is expected to employ three part time employees, a manager,  
6 maintenance worker, and food service worker. Id. It is undisclosed how many  
7 employees are expected to be working at the site at any specific time. It is also  
8 undisclosed the number of unpaid volunteers who may “work” at the facility at any  
9 given time for the purpose of enforcing the club rules, operating the equipment  
10 needed to throw the clay pigeons, and otherwise attend to the tasks necessary to  
11 cause the facility to perform as it is designed.

12 Assuming a group of 5 participants at a station, a group shooting at a Trap of  
13 Skeet field will shoot a maximum of 250 shots per hour or an average of 4.2 shots per  
14 minute<sup>6</sup>. Assuming a group of 5 participants at a station at the Sporting Clays the  
15 group would shoot a maximum of 500 shots over a period of 1 ½ hours or an average  
16 of 5.5 shots per minute<sup>7</sup>. Exhibit 2, Tab 7, Coffman Engineers – Spokane Gun Club  
17 Relocation Noise Analysis, dated November 14, 2019, Section 6.1.1 pg. 16.

18 The design of the shooting range areas is guided by safety standards developed  
19 by the Amateur Trap Association (ATA), the National Rifle Association (NRA) and  
20 other safety standards. Exhibit 2, Tab 3 – Letter to Tammy Jones, dated August 21,  
21 2019. The proposed gun range area is designed with a 300 yard safety buffer between  
22 any shooting station and property boundaries, road easements, pedestrian walkways,  
23 buildings located on the site, and the railroad easement, the intent of which is to  
24 prevent shooting in any direction where the shotgun shot would travel far enough to  
25 impact occupants of the property outside of the areas where shooting is intended to  
26 take place. Id. The shotgun ammunition used at the gun range will be governed by  
27 the rules for participation at the range and will be limited to shot size #7½ or  
28 smaller. Id. Lead slugs and rifles will not be permitted at the range. Id. In addition,  
negotiations have taken place between the gun club and Fairchild Airforce Base to  
arrive at specific conditions upon operation of the gun range so as to avoid danger or  
conflicts with the Airforce base. Id.

The pistol range will be “fully contained” meaning that it will be bermed and  
fully baffled to contain rounds shot within the pistol range and preclude rounds from  
leaving the pistol range. Id. Although it is undetermined when the pistol range or the

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<sup>6</sup> See footnotes 11 and 12 below.

<sup>7</sup> Id.

1 archery range will be developed on the property, it is suggested that they will add to  
2 the activities allowed at the site and thus increase the utilization of the facilities. Id.

3 Access to the gun range facilities will be controlled by gates and perimeter  
4 fencing that will surround most of the gun club facilities. Exhibit 2, Tab 4 –  
5 Operations Plan. Electronic surveillance and security alarms will also be installed at  
6 the site. Id.

7 Professional “miners” will be employed periodically to clean the lead shot from  
8 the shooting range areas. This is designed to clean the soil of the lead shot and  
9 maintain a lead-free environment at the site to the extent possible. Exhibit 2, Tab 3 –  
10 Letter dated August 21, 2019.

11 In support of the application for a Conditional Use Permit the gun club  
12 obtained a “Relocation Noise Analysis” by Coffman Engineers, dated November 14,  
13 2019. See Exhibit 2, Tab 7. A site noise survey was conducted at the site and “showed  
14 that existing measured daytime Leq averaged around 50 dBA and ranged from 34 to  
15 60 dBA”. Exhibit 2, Tab 7 - Relocation Noise Analysis. “Leq” is defined in the analysis  
16 as “The average A-weighted noise level during the measurement period.” Id. At Table  
17 1. Figure 5 of the analysis shows that at a distance of 67 yards from the point of gun  
18 fire, the discharge of a firearm produces a short burst of noise at the level of  
19 approximately 86 dBA Lmax. Noise in the range of 80 – 90 dBA is the sound  
20 equivalent experienced outside of a diesel truck passing at 50 feet away traveling at a  
21 speed of 50 miles per hour or experienced inside from a food blender or garbage  
22 disposal at a distance of three feet. Exhibit 2, Tab 7 - Relocation Noise Analysis,  
23 Table 2.

24 The analysis reports that “the majority of the northern half of the project  
25 parcel will have noise levels from the gun club below 50 dBA”. The analysis goes on  
26 to report that “At the western-most boundary, the typical hourly noise level is  
27 approximately **50 dBA or less.**” (Emphasis in original.) Id. At the southern-most  
28 boundary, the typical hourly noise level is approximately 63 dBA or less as reported  
by the analysis. Id. The noise analysis does not report any analysis of the future sport  
clay course that may be developed on the northern half of the property, above the  
railroad tracks. The report appears to acknowledge that the instantaneous noise from  
the gun shots may exceed the dBA levels reported as hourly noise levels, but that  
over an hour’s time the noise will sound to the human ear to be the levels reported.  
Exhibit 2, Tab 7 – Relocation Noise Analysis, Table 1 (definition of A-Weighted  
Sound Level, dBA). Figures 7 and 8 of the Relocation Noise Analysis illustrate that  
the noise levels experienced at the Medical Lake Cemetery during shooting events  
held at the gun range at any time will range from a low of 50 dBA to a high of 60 dBA

1 or the equivalent of heavy traffic outside at a distance of 300 feet or the inside noise  
2 of a large business office or a dishwasher in the next room. Exhibit 2, Tab 7 –  
3 Relocation Noise Analysis, Table 1.

4 **E. Agency and Public Comments:**

5 Notice of the application in this matter was provided to the following public  
6 agencies:

- 7 1. Spokane County Public Works,
- 8 2. Spokane County Environmental Services,
- 9 3. Spokane County Building and Planning Department,
- 10 4. Spokane County Fire Protection District #10,
- 11 5. Spokane Clean Air,
- 12 6. Spokane Regional Health District,
- 13 7. Medical Lake School District #326,
- 14 8. Washington State Department of Archaeology and Historic Preservation,
- 15 9. Washington State Department of Ecology,
- 16 10. Washington State Department of Transportation,
- 17 11. Washington State Department of Fish and Wildlife,
- 18 12. Fairchild Airforce Base.

19 Responses were received from eight (8) of the twelve agencies notified. Agency  
20 comments received are generally in the form of recommended conditions of approval.  
21 The agencies' comments are considered and as applicable will be included in  
22 conditions for approval of the requested Conditional Use Permit if approved.

23 Suggested requirements received from Fairchild Air Force Base include no  
24 rifle use except for shotguns for trap and skeet shooting, any pistol use will be fully  
25 baffled and contained, shooting direction shall be to the north, only standard shotgun  
26 shells shall be permitted, and any lighting will be "dark sky" compliant.

27 Public comments were received from neighboring property owners and others  
28 interested in the application. Many comments express strong opposition to the  
29 proposed gun range while several comments in support of the gun range were also  
30 provided. The comments in opposition to the application can be summarized as  
31 opposition to the noise pollution due to the repetitive gun fire anticipated from the  
32 gun range to surrounding properties, residences, livestock, animals, and wildlife in

1 the area; safety of the persons and animals on surrounding properties due to gun fire  
2 at the gun range; potential contamination of wells in the area from lead shotgun  
3 pellets deposited at the gun range site; increased traffic on the local roads in the  
4 area; dust generated by the additional traffic to the site of the gun range; and use of  
5 the site by RV visitors at the site during the multi-day shooting events. Comments in  
6 support of the gun range generally expressed a need for the gun range in the  
7 Spokane area for recreational shooters and competitive shooters from Spokane and  
8 surrounding area schools.

9 Several parties in opposition to the application are represented by attorneys  
10 who provided briefing to the Hearing Examiner. Briefing was also submitted in  
11 support of the application by SGC's attorneys.

### 12 **SGC's Briefing.**

13 Briefing in favor of the application, submitted by Witherspoon Kelley,  
14 Attorneys for SGC, first objects to a tape recording of gun shots recorded at a gun  
15 range by parties in opposition to the application, offered in evidence at the hearing in  
16 opposition to the gun range (Exhibit #4). The objection to the recording is based upon  
17 a lack of foundation regarding the specific parameters of the recording. Memorandum  
18 in Support of CUP Application, dated February 21, 2020 (SGC's Brief).

19 The Hearing Examiner admitted the recording into the record but has  
20 considered the recording not as substantive evidence of what the gunfire will sound  
21 like at the proposed gun range, but only as illustrative of repetitive gun shots from  
22 close proximity to a gun range.

23 SGC's Brief goes on to argue that the scope of the consideration of an  
24 application for a Conditional Use Permit is limited to addressing the conditions of  
25 approval of the project development not the merits of the application. Citing  
26 *Weyerhaeuser v. Pierce County*, 95 Wn. App. 883 (1999). SGC points out that the site  
27 of the proposed gun range was chosen after careful consideration of its location in a  
28 rural area with topography and forestation that would shield surrounding properties  
from noise produced at the gun range. SGC's Brief, pp. 2 – 5. Access to the gun range  
facilities will be limited by landscaping and physical barriers including rocks and a  
swale adjacent to Thorpe Road as well as a fence built along the western property  
line and the eastern property line connecting to the southern boundary of the  
railroad right-of-way. *Id.* at p. 5. Warning signs will also be posted at the south side  
of the railroad tracks to discourage trespassing onto the shooting range. *Id.*

1 SGC points out that there have been several conversations with Fairchild  
2 Airforce Base regarding the gun range and that the conditions of approval provided  
3 by the Airforce Base are acceptable by SGC and will be observed. Id. at p.6. Hours of  
4 operation, security, and employees at the gun range facilities are also addressed and  
5 discussed in SGC's brief. Regarding the Medical Lake Cemetery, SGC suggests that  
6 the Gun Club will consent to a condition that the Gun Club cease operations during a  
7 funeral or memorial service held at the cemetery, provided that the cemetery give the  
8 Gun Club 48 hours' notice of the of the time of the service. Id. at p. 11.

9 Attached to the Memorandum in Support of CUP Application are two Exhibits,  
10 Exhibit A and Exhibit B. Because those exhibits were not submitted to the Hearing  
11 Examiner at the time of the hearing, were not admitted into evidence during the  
12 hearing, and no motion to reopen the record to add testimony or additional evidence  
13 was filed, either by SGC or the parties in opposition to the application, Exhibits A  
14 and B to the Memorandum in Support of CUP Application, dated February 21, 2020,  
15 are not admitted to the record and are not considered by the Hearing Examiner in  
16 this decision.

### 17 **Briefing in Opposition.**

18 A brief, Response In Opposition to Memorandum in Support of Conditional  
19 Use Permit Application (Whitehead Brief), was timely submitted by Winston  
20 Cashatt, Attorneys for Whitehead Family, first argues the propriety of the admission  
21 of the tape recording of gun shots at a gun range (Exhibit #4). As noted above, the  
22 recording lacks sufficient foundation for admission as an accurate example of the  
23 sound of gun shots at the proposed gun range but has been admitted and considered  
24 by the Hearing Examiner as illustrative of repetitive gun shots at a gun range  
25 generally.

26 The Whitehead Brief raised two points in opposition to the proposed gun  
27 range; 1) that the "unlawful noise is not sufficiently mitigated by the conditions  
28 proposed" for the gun range facilities and 2) that "the club is operating an RV park"  
at the gun range facility. Whitehead Brief, p.4. The Whitehead Brief argues that the  
repetitive gun fire at the gun range over a period of 5 days per week throughout the  
late spring and into the early fall, will not be compatible with the Medical Lake  
Cemetery, located directly across Thorpe Road from the gun range facilities, due to  
the lack of sound mitigation measures and the close proximity of the gun range to the  
cemetery. Id.

The argument against the alleged "RV park" is based upon the allegation that  
inviting and/or even allowing participants at events to park and camp in their RVs at

1 the site overnight, during multi-day shoots at the gun range, constitutes a violation  
2 of the zoning code ban on such activities in the Rural Traditional zone. Id.

3 In addition to the Whitehead Brief, Dunn & Black, Attorneys for Medical Lake  
4 Cemetery Association, Jim Lageunesse, and Dave and Julie Tueller, timely  
5 submitted a Memorandum in Opposition and Objection to Conditional Use Permit  
6 Application, dated March 6, 2020 (Association Brief). As with the briefing from SGC,  
7 the Association Brief is also accompanied by several exhibits. The exhibits to the  
8 Association Brief were also not submitted or admitted into the record at the hearing  
9 before the Hearing Examiner. For the reasons stated above, the exhibits to the  
10 Association Brief are not admitted to the record and are not considered by the  
11 Hearing Examiner in this decision.

12 The Association Brief raises issues in objection to the application; 1) that the  
13 Medical Lake Cemetery is an active cemetery visited on a regular and spontaneous  
14 basis by family and others who mourn and grieve their loved ones, with which the  
15 proposed gun club is not compatible; 2) that the gun club's decision to locate at the  
16 proposed site is a result of its own negligence in failing to recognize the existence of  
17 the Medical Lake Cemetery or to communicate with the cemetery association prior to  
18 making its plans to locate at the site; 3) that no mitigation can avoid materially  
19 detrimental harm to the attendees at the cemetery due to the noise impacts  
20 experienced at the cemetery; 4) that the existing gun range east of Brooks Road is  
21 not a comparable gun range to that that is proposed at the subject site; 5) the grant  
22 of the Conditional Use Permit would amount to a regulatory taking from the Medical  
23 Lake Cemetery; 6) that the proposed gun range is actually a commercial and  
24 industrial use that is incompatible with the Rural Traditional zone and is thus  
25 unlawful under the Spokane County Zoning Code; and 7) that allowing RV overnight  
26 parking and camping at the site is a prohibited RV Park. Association Brief.

27 Based on the above findings of fact, the Hearing Examiner enters the  
28 following:

### 29 III. CONCLUSIONS OF LAW

#### 30 A. Consistency with Comprehensive Plan and Zoning Regulations:

##### 31 Spokane County Comprehensive Plan:

32 The application for the Conditional Use Permit proposes that the subject site,  
33 designated in the Comprehensive Plan as Rural Traditional category, be developed  
34 into a gun and archery range where trap, skeet, Sport Clays, and limited pistol  
35 shooting will be allowed. Exhibit 2, Tab 3, Conditional Use Permit and Variance  
36 Application, date August 21, 2019. The Comprehensive Plan does not directly

1 address gun and archery ranges, however the introductory section of Chapter 3 of the  
2 Comprehensive Plan states that, recently recreational and open space uses play an  
3 increasing role in rural areas. Comprehensive Plan p. RL-1. The section addressing  
4 the Rural Traditional category repeats that recreational uses play a role in land uses  
5 in that category. Comprehensive Plan p. RL-1. The other designations in the rural  
6 lands section increase in the allowed residential density in the category, from 1  
7 residence per 10 acres to 1 residence per 5 acres and then 1 residence per 1 acre.  
8 None of the other categories mention recreational uses in the description of allowed  
9 uses.

10 Policy RL.1.4 Non-Residential and Accessory Uses, identifies farming, forestry  
11 and outdoor recreation as uses found within the Rural Traditional category.  
12 Comprehensive Plan p. RL-6. Policy RL.5.4 Commercial Development in Rural Areas,  
13 (a) states that recreation-oriented uses may be allowed provided that the use does not  
14 adversely impact adjoining rural uses and are consistent with rural character.  
15 Comprehensive Plan p. RL-14.

16 Also applicable to the proposed use is Policy T.5.5 – Ensure that the  
17 transportation system in the rural areas and resource lands are consistent with their  
18 rural/resource character. Improvements should emphasize operations, safety and  
19 maintenance.

20 Spokane County Public Works has recommended conditions of approval  
21 requiring mitigation of dust on Thorpe Road. SGC has 2 (two) options for mitigation;  
22 apply a dust palliative during the Spring of each year, or pave Thorpe Road to a  
23 private road standard. The public works department has also determined that the  
24 concurrency requirements of the Spokane County Code have been met and/or the  
25 proposed permit is exempt pursuant to SCC 13.650.104 (2)(c). Staff Report, Public  
26 Works Conditions of Approval, dated November 14, 2019.

27 Based upon a review of the Spokane County Comprehensive Plan, the Hearing  
28 Examiner concludes that a gun and archery range is consistent with the  
29 Comprehensive Plan policies regarding Rural Lands within the Rural Traditional  
30 category, only if the use does not adversely impact adjoining rural uses and is  
31 consistent with rural character. Further, the proposed use is consistent with the  
32 Transportation goals and policies of the Comprehensive Plan as it is conditioned by  
33 the Public Works Department.

34 Fairchild Airforce Base is a significant asset to the Spokane area and the State  
35 of Washington in general. Comprehensive Plan, p.p. T-12 – 13. Comprehensive Plan  
36 Policies that relate directly to consideration of the proposed Conditional Use Permit  
37 include T.3j.2 Compatible Land Use and Densities Policies, T.3j.11 Operational

1 Hazards, T.3j.13 Light and Glare, and T.3j.16 Consultation. As proposed and with  
2 appropriate conditions applied to the proposed use, the requested Conditional Use  
3 Permit can be made consistent with the Comprehensive Plan goals and policies  
4 regarding protection of Fairchild Airforce Base.

4 **Spokane County Zoning Code:**

5 SCZC 14.618.210(3) requires conditional uses identified in Table 618-1 Rural  
6 Zone Matrix, be subject to a public hearing and approval of a Conditional Use Permit,  
7 and states that the conditional use is subject to the standards and criteria stated in  
8 the zoning code for that use. Pursuant to SCZC 14.618.220, Table 618-1, a gun and  
9 archery range is a “Business Use” that is only allowed in the Rural Traditional Zone  
10 as a conditional use. Gun and archery ranges are specifically not allowed in any other  
11 rural zone. SCZC Table 618-1. The standards and criteria for approval of a gun and  
12 archery range within the Rural Traditional zone are identified in SCZC  
13 14.618.240(10).

12 The application for a Conditional Use Permit for a gun and archery range may  
13 only be approved under the requirements of SCZC 14.618.240(10) and SCZC 14.404.

14 SCZC 14.404.000 requires that the Hearing Examiner determine the  
15 conditions under which the requested conditional use will be allowed, which  
16 conditions must assure compatibility of the proposed conditional use with the other  
17 uses allowed within the zone. The conditional use permit may be denied, if the  
18 proposed use is not compatible with the other uses in the zone or if the use is  
19 materially detrimental to the public welfare. A conditional use permit may be  
20 approved if both (a) the special standards set forth for the conditional use in the  
21 underlying zone of the Zoning Code are met, and (b) adequate conditions and  
22 restrictions on the conditional use are adopted to ensure that the conditional use will  
23 be compatible with other permitted uses in the area, and will not be materially  
24 detrimental to the public health, safety or general welfare. SCZC 14.404.100(1).

22 The standards and criteria for a Conditional Use Permit for a gun and archery  
23 range within the Rural Traditional Zone are (a) The minimum lot area is 40 acres; (b)  
24 The Hearing Examiner may prescribe conditions of approval to assure mitigation of  
25 safety and noise impacts; and (c) The use shall be subject to restrictions and  
26 conditions, as may be imposed by the Hearing Examiner under chapter 14.404.  
27 SCZC 14.618.240(10).

27 The site of the proposed use is far in excess of 40 acres. Exhibit 2, Tab 3,  
28 Conditional Use Permit and Variance Application, date August 21, 2019. The  
requirement in paragraph (a) is met by for the Conditional Use Permit application.

1  
2 As discussed more fully hereinafter, compliance with paragraphs (b) and (c)  
3 are the central issues in this matter before the Hearing Examiner.

4 **B. Issues Raised by Testimony, Briefing and Comment:**

5 **Scope of Review by the Hearing Examiner.**

6 SGC's Brief asserts that "[a] CUP only addresses the conditions of project  
7 development, not the merits", citing *Weyerhaeuser v. Pierce County*<sup>8</sup> in support.  
8 SGC's Brief, p. 2. The language quoted from *Weyerhaeuser* reads:

9 A conditional use permit is a permitted exception to zoning  
10 ordinances; it allows the property owner to use his or her property  
11 in a manner that the zoning regulations expressly permit under  
12 conditions specified in the regulations.

13 As stated above, the authority of the Hearing Examiner relative to the review  
14 and approval or denial of a Conditional Use Permit is controlled by Spokane County  
15 Zoning Code, Chapter 14.404. The Hearing Examiner is not simply limited to  
16 approving the requested CUP with any number of conditions that the Hearing  
17 Examiner finds necessary; the Hearing Examiner may either approve or deny the  
18 CUP based upon the criteria given in the code. That is the scope of review that is  
19 applied in this matter before the Hearing Examiner.

20 **Approval of Conditional Use Permit as a Regulatory Taking.**

21 Medical Lake Cemetery Association, et al. allege in their briefing materials  
22 that "[a]ny grant of the pending CUP application will cause a regulatory taking by  
23 Spokane County of Medical Lake Cemetery property". Association Brief, p. 8. As  
24 discussed above the scope of review by the Hearing Examiner is limited to the  
25 specific criteria identified in the Spokane County Code. Whether the allegation is  
26 accurate or not is an issue that is outside of the jurisdiction of the Hearing Examiner  
27 to decide and will thus not be addressed herein. See Spokane County Code Section  
28 1.46.070; Spokane County Zoning Code Chapter 14.404.

**Proposed Gun Range as a Commercial/Industrial Use Prohibited in the  
Rural Traditional Zone.**

The Association Brief asserts that the proposed gun and archery range fails to  
meet the definition of a "gun and archery range" contained within the Spokane  
County Zoning Code but is rather a commercial/industrial enterprise that is

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<sup>8</sup> 95 Wn. App. 883, at 886, Note 1 (1999)

1 prohibited in the Rural Traditional zone. Association Brief, pp. 9 – 11, 14 – 15. The  
2 Association cites as an example of a permitted gun range, one that meets the  
3 definition as posited by the Association, the site located on Brooks Road owned by the  
4 Washington State Department of Corrections that is used for law enforcement  
5 training, including the discharge of firearms. Association Brief, pp. 6 – 7. By  
6 comparison the Association Brief refers to the proposed use at the Spokane Gun Club  
7 site as a commercial sport shooting complex, a commercial enterprise and a Club, and  
8 argues that the proposed use is thus outside of the definition of a “gun and archery  
9 range”. Id., p. 7, 9, 14 – 15. The Association cites to no authority to support its  
10 asserted comparison.

11 The definition of a “gun and archery range” is found in SCZC 14.300.100:

12 A facility or area used for archery and/or the discharging of  
13 firearms including rifles, pistols, or shotguns, for the purpose of  
14 target practice.

15 The interpretation of that definition suggested by the Association is misplaced  
16 and too narrow. The definition in the Code is broad enough to allow either a “facility”  
17 or an “area” to be used for the purpose of discharging firearms for target practice.  
18 Neither of which terms are defined in the code. The disjunctive “or” in the definition  
19 is not intended to be proscriptive but is intended to provide an alternative description  
20 for the same property, in this case – used to facilitate the discharging of firearms for  
21 target practice. The “facility” identified in the definition can be the property (area) on  
22 which discharging firearms for target practice can be done or a building etc. that  
23 facilitates that activity. Webster’s New World Dictionary, 1987. An area, again not  
24 defined in the code, could be a total outside surface, measured in square units or a  
25 part of a house, district, etc. Webster’s New World Dictionary, 1987.

26 The facility to which Spokane Gun Club refers as a gun range, could then be  
27 either the complex, as the Association Brief would refer to it, that serves as the  
28 means by which trap, skeet, sport clay shooting, and shooting of pistols at targets can  
29 be done or the building and associated grounds that facilitates the shooting. The term  
30 area can equally be applied to the property, including the structures proposed at the  
31 site, where the shooting at targets is being proposed. The Association Brief’s  
32 limitation on the definition of gun and archery range is rejected as too narrow and  
33 restrictive.

34 The Association Brief agrees that the zoning code specifically refers to a gun  
35 and archery range as a “Business Use” that is allowed in the Rural Traditional zone  
36 subject to approval of a Conditional Use Permit. Association Brief, p. 10. The  
37 proposed gun and archery range is a rural-oriented recreational use anticipated by

1 the Comprehensive Plan. See Comprehensive Plan, p. RL-1. The Association Brief  
2 cites no authority otherwise. The Association Brief also cites no authority for the  
3 assertion that the facts that the Spokane Gun Club is a corporation, that it collects  
4 fees from its members and others using its facility, that a pro shop will exist at the  
5 site, that food sales will take place at the site, or that multi-day shooting events are  
6 expected to take place at the site would make the proposed gun and archery range a  
7 prohibited use on the property.

8 Finally, even if the gun and archery range definition limits the “gun and  
9 archery range” to the specific area within the property where the discharge of  
10 firearms will literally take place, the clubhouse, the food preparation and sale area,  
11 and the meeting area proposed by SGC, taken in association with the shooting areas  
12 on the property are specifically allowed outright within the Rural Traditional zone as  
13 a Community Recreational Facility. SCZC 14.300, p. 300-6.<sup>9</sup>

14 The Hearing Examiner concludes that the proposed gun range is not a  
15 prohibited commercial/industrial use in the Rural Traditional zone.

16 **Alleged Failure of SGC to Contact Medical Lake Cemetery Association**  
17 **Prior to Hearing on Conditional Use Permit Application.**

18 The Medical Lake Cemetery Association alleges that: “Prior to the public  
19 hearing February 5, 2020, SGC had not even reached out to the MLCA, or any other  
20 party associated with the MLC, to discuss the proposed conditional use”. Association  
21 Brief, p. 3.

22 A Notice of Application relative to a conditional use permit must be mailed to  
23 all property owners whose property is within a four-hundred foot radius of any  
24 portion of the boundary of the subject site by first class mail, including to the Medical  
25 Lake Cemetery Association. SCZC 14.404.040; SCC 13.500.106(b). In addition to the  
26 mailing of the Notice of Application a Notice of Application must also be posted at the  
27 site of the proposed use. SCC 13.500.106(a). No less than 15 days prior to the hearing  
28 on the conditional use permit application, a Notice of Hearing must be posted at the  
29 site and must be mailed, by first class mail, to all property owners whose property  
30 does not abut the subject site but is within a four-hundred foot radius of any portion  
31 of the boundary of the subject site and all property owners whose property abuts the  
32 subject site. SCZC 14.404.040; SCC 13.700.106(a). The notices are to consist only of

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<sup>9</sup> Community Recreational Facility: Any public or private building, structure, or area which provides amusement, relaxation, or diversion from normal activities for persons within the area in which it is located and which is not operated for profit.

1 that information approved and provided by the review authority, Spokane County.  
2 SCC 13.500.106.108; SCC 13.700.108.

3 The record before the Hearing Examiner indicates that the posting and  
4 mailing requirements regarding the Notice of Application and Notice of Hearing  
5 regarding the Application for Conditional Use Permit submitted by SGC were met.  
6 Certification of Mailing, signed by Martha Thornton, dated September 11, 2019;  
7 Affidavit of Posting, signed by John P. Cushman, dated September 16, 2019;  
8 Affidavit of Mailing, signed by Karina Hammond, dated January 27, 2020; and  
9 Affidavit of Posting, signed by Leon Davis, dated January 16, 2020. Notice of Public  
10 hearing regarding the Conditional Use Permit Application was also published, as  
11 required by Spokane County Code, in the Spokesman-Review newspaper on January  
12 21, 2020. Affidavit of Publishing, signed by E. Jean Robinson, dated January 22,  
13 2020.

14 If the Medical Lake Cemetery Association is alleging that SGC did not, as a  
15 courtesy contact the Association for the purpose of discussion of the application and  
16 proposed use and how it might impact the cemetery and its patrons, that is not a  
17 requirement of the code and is not a reason for denial of the application. The  
18 Association along with approximately 50 or more individuals have appeared at the  
19 hearing of this matter and have otherwise provided written comment for  
20 consideration by the Hearing Examiner. As such they are deemed to have received  
21 notice of the application and hearing. Spokane County Board of County  
22 Commissioners' Resolution 1996-0294, Spokane County Hearing Examiner Rules of  
23 Procedure, Rule 9(c).

24 The Hearing Examiner concludes that the notice requirements of the Spokane  
25 County Code and Zoning Code were met regarding the application and hearing  
26 regarding the proposed Conditional Use Permit.

27 **Impact of Activity at the Proposed Gun Range on Thorpe Road.**

28 Several of the public comments submitted against the proposed conditional use  
permit allege that the increased traffic on Thorpe Road, which is a gravel rural road,  
will create an unallowed burden upon the road and will create a dust nuisance on the  
surrounding properties. Notwithstanding the sincere and passionate assertions  
regarding the burden on Thorpe Road in the public comments, no evidence beyond  
the anecdotal allegations was presented to the Hearing Examiner. Upon review of  
the application Spokane County Public Works Department proposes conditions of  
approval of the application including a requirement that dust palliative treatment be  
applied to Thorpe Road from Brooks Road west to the entrance of the gun range  
facilities. No other deficiency is noted by the Public Works Department relative to

1 Thorpe Road. In the absence of any evidence that the anticipated traffic resulting  
2 from the development of the proposed gun range on the property would exceed the  
3 current capacity of Thorpe Road, the allegations of deficiencies are not supported.

4 The Hearing Examiner concludes that the alleged impacts to Thorpe Road of  
5 the activities anticipated at the proposed gun range do not rise to the level of a basis  
6 for denial of the application.

7 **Allowing RV Parking at the Gun Range Allegedly Creates an RV Park**  
8 **that is Not Allowed in the Rural Traditional Zone.**

9 Several public comments including the Whitehead Brief and the Association  
10 Brief allege that the proposed RV parking spaces in the parking lot of the proposed  
11 gun range amount to an RV Park that is prohibited in the Rural Traditional Zone  
12 under the Spokane County Zoning Code. Both SGC and those in opposition to the  
13 application cite the Spokane County Zoning Code in support their assertion that the  
14 proposed RV parking is permitted or prohibited.

15 Recreational Vehicle Park/Campground is defined in SCZC 14.300.100 as:

16 An area where facilities are provided for camping units as  
17 defined herein, utilized by the public for camping for recreation  
18 on a temporary basis and not designed for long term occupancy.  
19 The recreational vehicle park/campground may include  
20 recreational services, facilities, and activities for utilization by  
21 the public that are typical and ordinary to the recreational  
22 vehicle park/campground industry. Recreation vehicle  
23 park/campgrounds shall comply with all applicable State and  
24 County codes.

25 There is no dispute that an RV is a camping unit identified in the  
26 above definition.

27 SGC argues, that the site will only allow “dry” camping, meaning that  
28 there will be no “facilities” for RVs, such as sewer dumping, or water or  
electricity hook up services offered at the site. Without “facilities” for RVs  
provided at the site, SGC argues that they will only be allowing RVs to park  
at the site as a courtesy to participants during the event, which they argue is  
not a Recreational Vehicle Park/Campground. Exhibit 2, Tab 4, Operation  
Plan.

Arguments against the RV parking can be summarized as: by inviting  
and allowing “camping” which appears to be understood as temporarily  
residing in the RVs while parked at the site, the RV parking spaces at the  
site amount to a Recreational Vehicle Park/Campground. In support of their

1 assertions the opponents cite advertisements by the Spokane Gun Club that  
2 invite RVs during the shooting events and state that “camping” is allowed.  
3 The application materials also indicate that facilities at the site for RVs are  
4 anticipated in the future. Comment letter from James & Tracie Lajeunesse,  
5 received September 23, 2019, Attachment #2 (Letter to “Neighbors” from  
6 Spokane Gun Club, dated July 11, 2019).

6 The issue regarding the RV parking at the site comes down to the  
7 definition of “facilities” as contained in the definition of a Recreational  
8 Vehicle Park/Campground. However, that term is not defined in the code.  
9 Camping is also not defined.

9 In the absence of evidence from any party regarding the definition of  
10 the term “facilities” as used in the definition of Recreational Vehicle  
11 Park/Campground, the Hearing Examiner takes notice that that term when  
12 used in reference to RVs and RV parks, is typically used to refer to the ability  
13 to “hook up” the RV to a water source, to a source of electricity, and/or a place  
14 for the disposal of greywater (sewer products) from the RV at the site or in  
15 the RV park complex.

14 Under that definition of “facilities” the parking spaces sized to  
15 accommodate RVs proposed at the proposed gun range do not rise to a  
16 Recreational Vehicle Park/Campground. The availability of prepared food  
17 within the clubhouse or restrooms on the site do not fall within the typical  
18 usage of the term “facilities” as is taken notice of.

18 Forty-Five (45) extended parking places, sized to accommodate RV  
19 units will occupy a significant area within the parking area which will  
20 approximate the size of a parking lot adjacent to a fast food restaurant or a  
21 small strip mall. The fact that occupants of the RVs that park in the parking  
22 spaces at the site will be allowed to occupy the RVs for days at a time during  
23 the events at the gun range does not convert the RV parking spaces to a  
24 Recreational Vehicle Park/Campground. Occupying the RVs temporarily  
25 during a shooting event is camping, however camping alone is not a  
26 prohibited activity.

25 The argument against the existence of the RV parking spaces because  
26 recreational facilities and services, such as the clubhouse and restrooms will  
27 be available at the site is also misplaced. The definition of Recreational  
28 Vehicle Park/Campground only identifies those facilities and services as  
permitted at a Recreational Vehicle Park/Campground and not as criteria for  
the prohibition. Because those services and facilities could be allowed in a

1 Community Recreational Facility, which is an allowed use in the Rural  
2 Traditional zone, they do not prohibit the RV parking places at the gun  
3 range.

4 Conditions of approval can be imposed on the parking of RVs at the  
5 proposed site of the gun range so as to be compatible with the other allowed  
6 uses in the Rural Traditional zone.

7 **Compatibility/Incompatibility of Gun Range with Other Allowed Uses in**  
8 **the Rural Traditional Zone:**

9 Comments in opposition to the proposed gun range include allegations that the  
10 lead shotgun pellets deposited on the ground throughout the site will result in  
11 contamination of the drinking water wells in the surrounding area, that installing a  
12 new well at the site to serve the clubhouse and restrooms will diminish the available  
13 water in the surrounding area and lower the capacity of the existing wells in the  
14 area, the existence of the gun range will pose a danger to humans and animals that  
15 occupy the surrounding properties, and that the noise generated at the gun range  
16 will be excessive and/or at such a frequency and intensity as to make the gun range  
17 incompatible with the other allowed uses in the Rural Traditional zone.

18 1. **Contamination and Diminution of Water Wells in the Area.**

19 In support of allegations of well water contamination evidence is offered in the  
20 record in the form of an article from a publication named *The Trace*, titled “Gun  
21 Ranges Produce Thousands of Tons of Toxic Pollution Every Year”, dated September  
22 11, 2019. The article cites the United States Department of Interior’s **U.S.**  
23 **Geological Survey** as stating that an individual range can go through between 1.5  
24 and 20 tons of lead shot and bullets annually”. Public comment from James & Tracie  
25 Lajeunesse, dated September 20, 2019, Attachment #1. The article goes on to  
26 reference two (2) gun ranges in northern California that operated approximately 46  
27 and 80 years respectively, the cost of clean up of the two sites ranging from \$20  
28 million to \$23 million. Clean up efforts at the Pacific Rod and Gun Club, which  
operated for 80 years, are estimated to require replacement of 4 feet of topsoil over an  
area of 11 acres. Another gun range that has been found to have contaminated the  
environment at the gun club and surrounding area is at Stratford, Connecticut,  
where over a period of 70 years the operation of the gun club facility “deposited 5  
million pounds of lead and 11 million pounds of toxic target fragments on its grounds  
and nearby waters”. Id. The article does not report what, if any, prior efforts had  
been made during the operation of the various gun ranges to extract or “mine” the  
lead from the ground.

1 SGC's response to the allegations of potential lead contamination to the water  
2 wells in the area is a plan to contract with an entity that will mine the lead shot from  
3 the top 4 inches of the trap and skeet shooting range area on a periodic basis as  
4 needed. During his testimony Stan Schwartz, attorney for SGC, explained that  
5 mining of the site of the previous Spokane Gun Club facility took place approximately  
6 each 4 years. The amount of lead shot mined from the previous site was not reported.  
7 Mr. Schwartz also testified that the water quality in the vicinity of the previous gun  
8 range site was periodically monitored from and no contamination of the water from  
9 the gun range was detected.

10 Notwithstanding the allegations of a negative impact on the water wells on  
11 surrounding properties by allowing a new well on the site of the proposed gun range,  
12 no evidence was provided to the Hearing Examiner that a negative impact would in  
13 fact occur. In addition to the lack of evidence of negative impact by a well that may  
14 be drilled at the site of the gun range, SGC will be required to comply with all  
15 applicable codes and statutes relative to the drilling of such a well for the purposes  
16 proposed.

17 Sufficient conditions of approval can be imposed to ensure that the proposed  
18 gun range can be made compatible with the water well use and existence at  
19 properties surrounding the gun range site.

## 20 2. Safety of Humans and Animals on Surrounding Properties.

21 SGC does not argue that discharging firearms is not a dangerous activity. The  
22 firearms that will be discharged at the gun range are going to be primarily shotguns  
23 and the size of shot and gunpowder loads of the shells used at the gun range will be  
24 controlled and monitored by SGC's onsite employees. Exhibit 2, Tab 6, Letter from  
25 Witherspoon Kelley, dated November 20,2019. No rifle fire will be allowed at the site  
26 and all pistol fire will be confined to a "fully contained" pistol range, meaning that  
27 the pistol range will be designed and built with state-of-the-art construction and  
28 baffles, etc. that will ensure that no rounds fired within the pistol range will be  
allowed to leave the pistol range. The pistol range will also include a sound  
suppressing berm immediately behind the area for shooting. Pistol shooting will not  
be allowed at the site outside of the pistol range. Id.; Site Plan, WAG Sheet A0.03,  
dated 11.05.2019.

The safe distance for firing shotguns at the gun range is illustrated on the Site  
Plan for the proposed gun range. WAG drawings, Sheet A0.03, dated 11.05.2019.

All of that being true, it is possible that someone may trespass onto the gun  
range property and discharge a rifle or pistol in a manner that violates the gun range

1 rules. It is up to the gun range owner to take all reasonable steps to avoid violations  
2 of its shooting rules.

3 As designed, assuming that all shooters follow the gun range rules, the gun  
4 range will pose no danger to the trains that are known to regularly cross SGC's  
5 property, to Fairchild Air Force Base airplanes or personnel, or to occupants of any of  
6 the properties surrounding SGC's property.

#### 6 4. Noise Impacts from Repetitive Gun Fire at the Gun Range.

7 The comments against the approval of the proposed gun range relative to noise  
8 pollution center on two issues generally. First, the noise impact on residents of the  
9 surrounding properties, and second, the noise impact on persons visiting the Medical  
10 Lake Cemetery and funeral and internment ceremonies held at the cemetery.

11 A significant number of commenters against the proposed gun range allege  
12 that the repetitive gun shots at the gun range are expected to be almost constant  
13 during the time that the range is open for shooting, up to 5 days per week and into  
14 the evening hours, which will pose a disturbing sound environment for the residents  
15 on the properties that surround the gun range property. Testimony was had from  
16 individuals who live miles from the existing gun range on Brooks Road, asserting  
17 that even at those distances the shooting could be heard and at a volume loud enough  
18 to disturb the residents. One written comment indicated that at least one individual  
19 living on property near the gun range site suffers from PTSD related to his service in  
20 the armed services and that the repetitive shooting at the proposed gun range will  
21 trigger a negative reaction in him due to the PTSD. Comment letter from David J.  
22 Rosenbeck, TSgt. USAF Retired, dated 16 October 2019. Other testimony asserted  
23 that farm animals on nearby properties will be negatively impacted by the repetitive  
24 shooting. Finally, it is reported that the area surrounding the gun range site is still  
25 designated as a no shooting zone, thus the gun range will be incompatible with the no  
26 shooting designation of the surrounding properties.

27 The Hearing Examiner is sympathetic with those who reside on the properties  
28 surrounding the gun range site, with respect to the sound of gun fire that the  
proposed gun range could produce. The Hearing Examiner lived in a farming area as  
a youth and witnessed the sounds of gun shots on surrounding properties. The  
Hearing Examiner has also himself fired a variety of firearms on the farm where he  
lived. The farms and residences on the properties near where the Hearing Examiner  
lived were so far separated that firing a firearm in any of 300 degrees around the  
farmhouse on the property was safe because of the distance between the home farm  
and the other farmhouses in the area. Notwithstanding the distance and safety that

1 it brought with it the Hearing Examiner could clearly hear gun shots originating at  
2 other properties around his.

3 The point being that rural areas are the only areas where the discharge of  
4 firearms can reasonably be allowed outdoors and still ensure a measure of safety to  
5 surrounding properties. In Spokane County the only area where outdoor discharge of  
6 firearms is allowed is in rural areas. Rural zones are, by definition, zones where  
7 residential development is at a minimum, where activities such as farming, ranching,  
8 and similar activities are known and expected to take place. Spokane County  
9 Comprehensive Plan; Spokane County Zoning Code. Coincidentally, in the vicinity of  
10 the proposed gun range is an area zoned as Mining Zone where heavy equipment and  
11 even blasting can occur. All those activities carry with them noises and odors that,  
12 even though distinct from gunfire, are seen as distracting if not disturbing.

13 A gun range is an allowed use in the Rural Traditional zone upon conditions  
14 that ensure that it is not incompatible with the other allowed uses in the area. SCZC  
15 14.618.240(10). The sound of firearms discharge is not incompatible with uses  
16 allowed in rural zones, including residential use. Whether for recreation or for  
17 hunting, the discharge of firearms is a sound that can be expected to occur in rural  
18 zones.

19 The Hearing Examiner concludes that the noise impacts upon allowed  
20 surrounding residential and agricultural uses can be mitigated by conditions that are  
21 available to impose upon the proposed gun range.

22 Compatibility with and mitigation of the noise impacts from the proposed gun  
23 range upon the Medical Lake Cemetery, a use that is allowed in the Rural  
24 Traditional zone, are issues that warrant scrutiny. Testimony was offered at the  
25 hearing that illustrated the perceptions of the persons who do now and expect to  
26 continue to visit the Medical Lake Cemetery from time to time. There was also  
27 testimony of persons who expect to have loved ones interred at the Medical Lake  
28 Cemetery at some point in the future. The cemetery property can be distinguished  
from the residential properties near the proposed site of the gun range.

Regarding the approval of a conditional use permit application for a gun range  
in the Rural Traditional zone, SCZC 14.618.240(10)(b) states that “[t]he Hearing  
Examiner may prescribe conditions of approval to assure mitigation of safety and  
noise impacts”. The language of SCZC 14.618.240(10)(b) differs from the language in

1 SCZC 14.404.100(1)(b)<sup>10</sup> in that SCZC 14.618.240(10)(b) is more specific in adding the  
2 reference to “assure mitigation of noise impacts”.

3 Recognizing that our homes are a place of refuge and a place where we expect  
4 to find and try to create a feeling of safety and respite, a cemetery is a place,  
5 regardless of our religious faith or belief, that is held sacred in a broad sense of that  
6 word. A cemetery is a place that we go to grieve, to heal, or simply to remember and  
7 reminisce those whose remains are laid within its boundary. Specifically, Native  
8 American grave sites are protected by law and enshrined with specific procedures for  
9 the identification, preservation, and when appropriate retrieval when they are  
10 discovered. See 25 USCS Sections 3001 – 3013; Chapter 27.44 RCW; compare also  
11 RCW 27.34.415 & .420. Cemeteries are a unique and revered land use that is  
12 traditionally given a great deal of respect and deference. The location of the Medical  
13 Lake Cemetery should be given careful consideration in determining the  
14 appropriateness of allowing a gun range of this scope and activity level to be located  
15 across the street from the cemetery.

16 The issue becomes, whether the gun range as proposed is incompatible with  
17 the Medical Lake Cemetery and whether sufficient conditions can be imposed upon  
18 the gun range so as to assure the mitigation of noise impacts at the cemetery.

19 The Medical Lake Cemetery was established in 1888. Washington State  
20 Department of Archaeology and Historic Preservation Record SP00612. The earliest  
21 headstone in the cemetery is dated 1864 predating the official plat of the cemetery.  
22 Id. Buried within the cemetery are a total of 62 veterans, including 23 Union soldiers  
23 from the Civil War and others from WWI, WWII, the Korean War, Vietnam, and the  
24 Persian Gulf War. Id. The cemetery has historical significance for not just its being  
25 home to US Veterans, but also for its direct association with the early founding  
26 settlers of Medical Lake and the surrounding communities. Id.

27 Without extensive research it is reasonable to assume that in 1888 the area  
28 surrounding the cemetery was rural in nature and that fewer residential structures  
existed in the area than exist now. Whether the railroad tracks had been laid nearby  
at the time that the cemetery was established or when the railroad came to the area  
is unknown. It is also reasonable to assume that the sound of gunfire in the vicinity  
from hunting and/or other reasons may have taken place from time to time during  
the existence of the cemetery. No evidence has been provided by either of the groups,  
in favor or in opposition to the proposed gun range, regarding the existence of gunfire

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<sup>10</sup> Adequate conditions and restrictions on the conditional use are adopted to ensure that the conditional use will be compatible with other permitted uses in the area, and will not be materially detrimental to the public health, safety or general welfare.

1 on properties surround the cemetery, with the exception of evidence that indicates  
2 that prior to the no shooting zone being declared in the area there was gunfire taking  
3 place from time to time in the forested area on the site of the proposed gun range and  
4 west of the site. Spokane County Building and Planning Department File # NS-01-  
5 19, Staff Summary Shooting Advisory Committee, dated July 22, 2019. The reason  
6 cited for the petition for designation of a no shooting zone in the area was the danger  
7 of injury to the residential development that exists on properties surrounding the  
8 area that shooting appeared to be taking place. Id.

9 The hours of operation of the proposed gun range are reported to be from 9:00  
10 a.m. to dusk, but no later than 7:00 p.m., Wednesday through Sunday, during the  
11 months of April through October. Exhibit 2, Tab 4, Operation Plan. Shooting at the  
12 various stations of the gun range will amount to discharging a firearm every .9  
13 seconds<sup>11</sup> when the site is being used to its full capacity. Coffman Engineers,  
14 Spokane Gun Club Relocation Noise Study, dated November 14, 2019, p.16. (See  
15 Appendix A attached to this decision.) Even if there is only one shooter at the range,  
16 the frequency of discharge of a firearm will be 1.2 shots per minute or 1 shot per 50  
17 seconds<sup>12</sup>. Id. The highest decibel level from the gun shots, at any of the borders of  
18 the gun range site will be 63 dBA. Coffman Engineers, Spokane Gun Club Relocation  
19 Noise Study, dated November 14, 2019, p.17. 63 dBA is within the limitations set by  
20 Washington State statutes and Spokane County code. Id. The decibel level from  
21 gunfire as heard at the Medical Lake Cemetery are reported as 60 dBA – 50 dBA. Id.,  
22 pp. 17 – 23. The sound of gunfire from the gun range would approximate the level of  
23 noise generated by having a busy freeway at 300 feet from the cemetery. Id., p. 8.  
24 Unlike to heavy traffic noise or the sounds of a business office or a dishwasher, the  
25 sounds of gun shots are distinctive and intense at the instant that the shot is fired.

26 Although the noise level limits prescribed by statute and regulations would not  
27 be exceeded by the gunfire at the gun range, as measured within the cemetery  
28 boundaries, the “impacts” of the gunfire upon visitors to the cemetery would still be  
29 significant, especially when considered in the context of the purpose of the visit to the  
30 cemetery and the sensitive nature of the cemetery grounds.

31 The offer of the applicant to prohibit firing of firearms at the gun range during  
32 scheduled funeral, interment, and/or other ceremonies at the cemetery, if the  
33 applicant is given at least 48 hours notice prior to the event, is appreciated, however  
34 that offer is only a partial solution. The offer ignores the random visits to the

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35 <sup>11</sup> Trap & Skeet – 10 stations x 4.2 shots/minute = 42 shots/ minute = 1.4 shots/second.  
36 Sport Clays 12 Stations x 5.5 shots/minute = 66 shots/minute = 1 shot/.9 seconds.

37 <sup>12</sup> 50 shots/hour = 1.2 shots/minute – 1 shot/50 seconds.

1 cemetery by mourners and those who visit the cemetery to pay respect to those  
2 buried there when there are no formal ceremonies scheduled at the cemetery. Even if  
3 the gun club provided a schedule to the cemetery association for the purpose of  
4 ensuring that funerals and ceremonies etc. are not scheduled at the cemetery during  
5 times that would conflict with major gun range events, the other times that the  
6 cemetery may be visited are still ignored.

6 Understanding that it is difficult to predict the level to which the gun range  
7 will be utilized, the operation plan lacks enough specificity for the Hearing Examiner  
8 to envision a realistic prediction of the impact that the gun range will have on the  
9 Medical Lake Cemetery. It is also unclear exactly what events the SGC will  
10 realistically schedule at the gun range and what events it hopes to attract as the  
11 existence of the gun range becomes more widely known to the sport shooting  
12 community. Finally, it was testified at the hearing that there had been no discussion  
13 between the SGC and Medical Lake Cemetery Association until the conversation that  
14 took place during a recess of the hearing.

13 It would be beneficial for the Hearing Examiner to have more and more  
14 specific information about the anticipated level of activity and schedule of  
15 competitive shooting events at the gun range over the season that the range will be  
16 open, a description of how the three employees will be able to control the use of the  
17 gun range, enforce the size and load of shells used at the range, and ensure  
18 trespassers are kept from the gun range shooting areas, and any other information  
19 that will assist the Hearing Examiner in understanding what mitigation measures  
20 would be adequate to ensure mitigation of the noise impacts on the Medical Lake  
21 Cemetery. It may also be productive if the SGC and the Medical Lake Cemetery  
22 Association meet for meaningful negotiations regarding the required mitigation  
23 measures.

21 The Hearing Examiner draws the following additional conclusions of law:

- 22 1. Without more information the Hearing Examiner is unable to determine  
23 whether approval of the proposed conditional use, a gun and archery range,  
24 is appropriate under SCZC 14.404, and SCZC 14.618.240.
- 25 2. Without more information the Hearing Examiner is unable to determine  
26 whether the special standards set forth for the conditional use in the  
27 underlying zone of the Zoning Code are met.
- 28 3. Without more information the Hearing Examiner is unable to determine  
whether adequate conditions and restrictions on the conditional use to  
assure the mitigation of noise impacts that would be experienced at the  
Medical Lake Cemetery by visitors to the cemetery as a result of the

1 anticipated use of the gun range proposed by the application for the  
2 Conditional Use Permit are available.

3 Any conclusion of law above that is a finding of fact is deemed a finding of fact.

#### 4 IV. DECISION

5 Based on the Findings of Fact and Conclusions of Law above, the record  
6 regarding the application for Conditional Use Permit is reopened for the following  
7 narrow and specific purposes:

- 8 1. The applicant shall attempt to conduct meaningful negotiations with the  
9 Medical Lake Cemetery Association to, if possible, agree upon mitigation  
10 measures that may be imposed on the gun range so as to “ensure mitigation  
11 of the noise impacts” upon the Medical Lake Cemetery pursuant to SCZC  
12 14.618.240(10)(b).
- 13 2. The applicant shall submit a memorandum that:
  - 14 • describes in more detail and as accurately as possible the realistically  
15 anticipated level of activity at the gun range during the times that the  
16 gun range is open for use.
  - 17 • describes in more detail and as accurately as possible the realistically  
18 anticipated number of competitive shooting events that will be held at  
19 the gun range during a typical season, the duration of the shooting  
20 competition, the estimated number of participants at the event, the  
21 total number of competitors and spectators at the event.
  - 22 • describes, if possible, the anticipated timetable for construction and use  
23 of the proposed archery range, the proposed pistol range, the proposed  
24 Sporting Clays range, and development and projected use of the portion  
25 of the property to the north of the railroad tracks.
- 26 3. The applicant’s memorandum may include additional evidence in the form  
27 of affidavits and/or declarations, scientific or legal treatises, and/or other  
28 additional evidence that addresses solely the mitigation of noise impacts on  
the Medical Lake Cemetery.
4. The applicant’s memorandum shall be submitted to the Hearing Examiner’s  
office, at 1026 West Broadway Avenue, 3<sup>rd</sup> Floor, Spokane, WA 99260-0245,  
and served upon the Medical Lake Cemetery Association (with proof of  
service) no later than May 8, 2020. Note that due to the limitations resulting  
from the COVID-19 Virus, submission of the memorandum shall be via US  
Mail or commercial courier.

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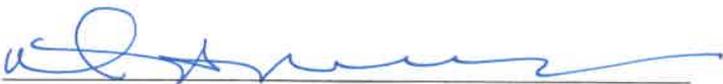
5. The Medical Lake Cemetery Association shall submit a responsive memorandum, with the same limitations on the scope and content as those on the applicant's memorandum, to the Hearing Examiner's office, no later than May 29, 2020.

6. The applicant then shall submit a reply memorandum to the Hearing Examiner's office no later than June 10, 2020.

The record regarding the application for Conditional Use Permit shall then be closed on June 10, 2020 at 5:00 pm for the Hearing Examiner to deliberate and issue a decision on the application.

DATED this 14<sup>th</sup> day of April, 2020

SPOKANE COUNTY HEARING  
EXAMINER



David W. Hubert, WSBA #16488