

# WASHINGTON STATE BOARD OF HEALTH

**Date:** October 8, 2024

**To:** Washington State Board of Health Members

**From:** Patty Hayes, Board Chair

**Subject:** Variance Request (Cheney) – WAC 246-262-060(5)(b)(vi) Diving Envelope Requirements

## Background and Summary:

[RCW 70.90.120](#) authorizes the State Board of Health (Board) to adopt rules governing safety, sanitation, and water quality of water recreation facilities. [WAC 246-262-160](#) sets the process for variance requests. The Board has the sole discretion to approve variance requests, if the Board determines the data and research provides sufficient evidence that the variance will adequately protect public health and safety.

On July 17, 2024, the Board received a variance request from Brooke Hanley of NAC Architecture requesting a variance approval of three separate pieces of equipment as they relate to diving envelope requirements, as defined in [WAC 246-262-010\(21\)](#), definition of diving envelope, and as regulated under [WAC 246-262-060\(5\)\(vi\)](#). The equipment includes a NinjaCross Obstacle Course, AquaZip'n Rope Swing, and a climbing wall.

On August 7, 2024, Board and Department of Health staff introduced the variance requests to the Board. Due to the large size of supporting documentation, staff needed additional time to complete the review and consider whether a variance would adequately protect public health and safety, in order to provide the Board with complete information for their determination.

Staff has completed a review of the variance requests. Board Policy Advisor Shay Bauman will introduce the topic and set expectations for reviewing the materials. Dave DeLong with the Department of Health will present the Board with additional engineering information related to the requests and recommendations.

## Recommended Board Actions:

The Board may wish to consider and amend, if necessary, the following motions:

### Aquaclimb

The Board moves to grant a variance to WAC 246-262-060(5)(b)(vi), diving envelope requirements, to install a climbing wall as specified by the variance request at the Cheney Aquatic Center, subject to the conditions recommended by the Department of Health and Spokane Regional Health District.

OR

The Board moves to deny the variance request to WAC 246-262-060(5)(b)(vi), diving envelope requirements to install a climbing wall, as specified by the variance request, at the Cheney Aquatic Center.

### **AquaZip'N Rope Swing**

The Board moves to grant a variance to WAC 246-262-060(5)(b)(vi), diving envelope requirements, to install an AquaZip'N Rope Swing as specified in the variance request at the Cheney Aquatic Center, subject to the conditions recommended by the Department of Health and Spokane Regional Health District.

OR

The Board moves to deny the variance request to WAC 246-262-060(5)(b)(vi), diving envelope requirements to install an AquaZip'N Rope Swing as specified in the variance request at the Cheney Aquatic Center.

### **Ninja Cross**

The Board determines that the installation of a Ninja Cross obstacle course as specified in the variance request does not require a diving envelope and therefore does not require a variance for installation.

OR

The Board moves to grant a variance to WAC 246-262-060(5)(b)(vi), diving envelope requirements, to install a Ninja Cross obstacle course as specified in the variance request at the Cheney Aquatic Center, subject to the conditions recommended by the Department of Health and Spokane Regional Health District.

OR

The Board moves to deny the variance request to WAC 246-262-060(5)(b)(vi), diving envelope requirements to install a Ninja Cross obstacle course as specified in the variance request at the Cheney Aquatic Center.

### **Staff**

Shay Bauman, Policy Advisor

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[wsboh@sboh.wa.gov](mailto:wsboh@sboh.wa.gov). TTY users can dial 711.

PO Box 47990 • Olympia, WA 98504-7990  
360-236-4110 • [wsboh@sboh.wa.gov](mailto:wsboh@sboh.wa.gov) • [sboh.wa.gov](http://sboh.wa.gov)