

**CITY OF SPOKANE HEARING EXAMINER
ANNUAL REPORT FOR 2013**

<i>LID Hearings Held In 2013</i>			
Date	File Number	Description	Decision
06-04-13	2010134	This project resulted in street improvements in Oak Street from Inland Empire Way to 28 th Avenue. The net project cost was \$102,031.11. The LID included 10 parcels of property. The Engineering Services Department prepared an assessment roll to distribute the net project costs among the benefited parcels.	Confirmed the final assessment roll as presented.
06-04-13	2010135	The LID resulted in paving of the alley between Marshall Avenue and South Crescent Avenue and from Lacey Street to Nelson Street. The net project cost was \$44,080.67. The LID included 12 parcels of property. The Engineering Services Department prepared an assessment roll to distribute the net project costs among the benefited parcels.	Confirmed the final assessment roll as presented.
06-04-13	2011082	The LID resulted in street improvements in 15 th Avenue from Chestnut Street to Inland Empire Way and 14 th Avenue from Chestnut Street to Inland Empire Way. The net project cost was \$98,256.50. The LID included 20 parcels of property. The Engineering Services Department prepared an assessment roll to distribute the net project costs among the benefited parcels.	Confirmed the final assessment roll as presented.
07-09-13	2010042	The LID resulted in street improvements in 14 th Avenue from Cuba Street to Havana Street and in Cuba Street from 14 th Avenue to 13 th Avenue. The net project cost was \$166,930.10. The LID included 22 parcels of property. The Engineering Services Department prepared an assessment roll to distribute the net project costs among the benefited parcels.	Confirmed the final assessment roll as presented.

07-09-13	2009163	The LID resulted in street improvements to Dalke Avenue from Freya Street to Florida Street and street improvements in Myrtle Street from Dalke Avenue to Francis Avenue. The net project cost was \$381,637.03. The LID included 20 parcels of property. The Engineering Services Department prepared an assessment roll to distribute the net project costs among the benefited parcels.	Confirmed the final assessment roll as presented.
08-13-14	2013080	A hearing was conducted regarding the proposed formation of an LID to pay for paving the alley between Princeton Avenue and Heroy Avenue from Addison Street to Standard Street. This LID was proposed for 21 parcels. Owners representing 54.17% of the district's total assessment petitioned in favor of the formation of this LID. One property owner in opposition to the LID testified that his property would not directly benefit from the formation of this LID. The Hearing Examiner conducted a site visit and agreed with the property owner. The LID was modified to exclude this property owner and the LID was formed as modified to 20 parcels.	LID as modified was formed
08-13-13	2013113	A hearing was conducted regarding the proposed formation of an LID to pay for construction of storm, sewer, water and street improvements in Poplar Street from 16 th Avenue to 15 th Avenue and in 15 th Avenue from U.S. 195 to Latah Creek Park. Owners representing 55.3% of the district's total assessment opposed the formation of the LID. As a result, Engineering Services recommended the LID not be formed and the Hearing Examiner's office did not send this LID on to the City Council.	LID not formed

10-22-13	2013114	A hearing was conducted regarding the proposed formation of an LID to pay for Street, Storm and Water Improvements in Central Avenue, from Freya Street to Myrtle Street; Columbia Avenue and Joseph Avenue from Julia Street to Myrtle Street and in Julia Street from Joseph Avenue to Central Avenue. Due to opposition numbers Engineering Services recommended that the district be reduced in size and that new notices be sent to parcel owners contained within the reduced district.	Hearing Continued until 11-26-13
11-05-13	2013079	A hearing was conducted regarding the proposed formation of an LID to pay for street and storm improvements in Thor Street from Grace Avenue to Cleveland Avenue. Owners representing 67.39% of the district's total assessment opposed the formation of the LID. As a result, Engineering Services withdrew its recommendation to form the LID.	The LID was not formed
11-26-13	2013114	At the continued public hearing the Hearing Examiner requested a revised Engineering Services Formation Hearing Report, a revised map of the district and the revised assessment roll and the record remained open until those items were provided. On 12-03-13 Engineering Services reported that opposition to the formation of the LID represents 59.81% and recommended the LID not be formed and the Hearing Examiner's office did not send this LID on to the City Council.	The LID was not formed

Land Use Hearings Held In 2013

Date	File Number	Description	Decision
02-07-13	Z1200058-CUP3	The City of Spokane Water Department sought a conditional use permit in order to allow the construction of a 3,200 square foot booster station building, a 270 square foot valve building and approximately 800 linear feet of 42" diameter site piping installed underground	Approved w/conditions.
02-14-13	Z1200054-CUP3	The Light House for the Blind sought a conditional use permit in order to allow the construction of a 41,492 square foot addition to an existing 49,677 square foot warehouse and production operation	Approved w/conditions.
04-11-13	Z1300012-CUP3	The applicant, City of Spokane Wastewater Department, applied for a Conditional Use Permit for an Institutional Use (Utility) in a Residential Single Family Zone. The City of Spokane Wastewater Department proposed to construct an underground Combined Sewer Overflow (CSO) storage tank with the dimensions of 60 feet width by 350 feet length by 20 feet height. The tank volume is 1,030,000 gallons. The estimated amount of cut is 20,623 cubic yards with 17,568 cubic yards of fill. The proposed project will require clearing of approximately 1.75 acres which includes the removal of approximately 100 trees and the closure and removal of a private access road. The site will be replanted and landscaped according to plans on file dated February 15, 2013. (The City engineering project number is 2011145)	Approved w/conditions

06-06-13	Z1300019-CUP3	The applicant, City of Spokane Wastewater Department applied for a Conditional Use Permit in order to allow the construction of a Combined Sewer Overflow (CSO) storage tank. The proposed tank is 100 feet wide, 375 feet long, and 15 feet in height. The tank volume is 1.4 million gallons. The tank will be installed underground, beneath the existing parking lot in Underhill Park, and will necessitate the removal of approximately 11 trees and the parking lot will be replaced.	Approved w/conditions.
07-18-13	Z2004-44-PP/PUD	Whipple Consulting Engineers, Inc., on behalf of the owner/applicant, Neil Johnson, submitted a request to modify the approved preliminary plat of Cedar Place. The owner/applicant proposed to remove the alley that, under the original design of the plat, would be installed along the perimeter of the development and would serve as the primary access to the residential lots in the subdivision. The removal of the proposed alley from the original design will also prompt other, associated modifications to the preliminary plat.	Approved w/conditions.
09-05-13	Z1300042-SCUP	City of Spokane Wastewater Department has applied for a shoreline conditional use permit in order to install shoreline protection measures to control active erosion occurring on the south bank of the Spokane River. The continued erosion of the project site threatens to compromise the existing sewer line and may result in the discharge of untreated sewage into the Spokane River.	Approved w/conditions.
09-19-13	Z130004-CEL3	Application by AT&T Wireless to allow the construction of a wireless communication tower at 1402 E. Magnesium Road.	Approved w/conditions.
09-26-13	Z1300052-CUP3	Application by Christ Clinic for a conditional use permit in order to allow it to relocate its administrative offices from the existing facility located at 914 West Carlisle Avenue to a house located at 908 West Carlisle, immediately to the east of the existing facility.	Approved w/conditions.
10-31-13	Z1300043-PPLT	Whipple Consulting Engineers, Inc., on behalf of the owner, D & J Rocky Ridge, LLC, sought approval of a preliminary plat in order to allow the subdivision of approximately 17.8 acres into 13 residential lots to be named Aerie Ridge.	Denied, minimum density requirements of the Comprehensive Code not achieved.

Change of Conditions Requests In 2013

Date	File Number	Description	Decision
05-09-13	Z2004-44-PP/PUD	Whipple Consulting Engineers sought to modify the approved Cedar Place Preliminary Plat by removing alley access on perimeter of the development, and the associated drainage facilities, and replacing the alley with a single point access street terminating in a cul-de-sac.	Requested modifications were substantial and could not be approved on a summary basis. A new application for a modification to the preliminary plat would be required.
10-09-13	Z2006-42-CUP	In 2009, the Hearing Examiner approved a CUP Application by Stephen and Karen Kraft to construct a two-story, 2,400-sq ft triplex, subject to several conditions, including a requirement that the developer install an additional fire hydrant in accordance with the fire code. Subsequently, the fire code was amended such that, if the amended code were applied, the fire hydrant would not be required. In September 2013, the Fire Department waived the requirement to install the fire hydrant, based upon the amended fire code. By letter dated October 9, 2013, the Hearing Examiner likewise approved the deletion of the fire hydrant requirement.	Approved the deletion of a condition requiring the installation of a fire hydrant.

Miscellaneous Administrative Appeal Hearings Held In 2013

Date	File Number	Description	Decision
01-17-13	AP-12-09	Appeal by Gregory Kuntz of a decision by the Planning Director determining that a proposed building at 911 East Nora Ave does not comply with the design regulations of the underlying zone.	Decision of the Planning Director was upheld
05-23-13	Z13B0006-AP	Appeal by Rodney Bacon and Greer Gibson Bacon of a decision by the City's Planning Director approving the application of Parsons Construction, Inc. for a boundary line adjustment under file # Z13B0006BLA, related to real estate located at 2607 S. Denver	Decision of the Planning Director was upheld Appellant appealed decision and parties reached a settlement.

		Street.	
06-06-13	AP-13-01, see also CE 10-01	Appeal by Gerry's Trees and Nursery, Inc. of an Administrative Zoning Determination made by the Planning Director concluding that the appellant's request for a legal interpretation of the signage allowances for its property was previously addressed by the Hearing Examiner's decision issued on 09-22-10 that the sign was not a legal conforming use and therefore the sign was not allowed for property located at 2218 W Strong Rd.	The decision of the Planning Director was reversed.
08-20-13		Appeal by Blaine Dutton of an Order of the Building Official determining that 1914 E. 11 th Avenue is a substandard building. Appellant's attorney requested a continuance, which was granted.	Hearing continued to 09-24-2013. Decision of the Building Official was upheld. Mr. Dutton appealed the decision to Superior Court.
09-24-13		Continued hearing was held regarding the Order of the Building Official. The Hearing Examiner determined that 1914 E. 11 th Avenue is a substandard building, upholding the decision of the Building Official.	

Forfeiture Appeal Hearings In 2013

Date	File Number	Description	Decision/Disposition
01-31-13	12-51	Coby Adams submitted a claim to ownership of \$936.00 in U.S. Currency seized by the Spokane Police Department. The police seized the currency as being used to facilitate or proceeds of trafficking in controlled substances (Oxycodone).	Seizure upheld, property forfeited.
01-31-13	12-52	Alan Way submitted a claim to ownership of \$2,006.00 in U.S. Currency seized by the Spokane Police Department. The police seized the currency as being used to facilitate or proceeds of trafficking in controlled substances (Oxycodone).	Seizure upheld, property forfeited. Seizure upheld by default when Mr. Way did not appear at the hearing.

05-02-13	13-06	Lynne Norlen submitted a claim to ownership of \$525.00 in U.S. Currency seized by the Spokane Police Department from her son James LeBlanc. The police seized the currency as being used to facilitate or proceeds of trafficking in controlled substances (Methamphetamine).	Ms. Norlen's claim was sustained and the money was returned to the claimant.
05-23-13	13-15	Theresa Acosta submitted a claim to ownership of \$2,852.00 in U.S. Currency seized by the Spokane Police Department. The police seized the currency as being used to facilitate or proceeds of trafficking in controlled substances (Heroin).	Ms Acosta's claim was sustained and the money was returned to the claimant.
05-23-13	13-11	Daryl Idlett submitted a claim to ownership of \$191.00 in U.S. Currency seized by the Spokane Police Department. The police seized the currency as being used to facilitate or proceeds of trafficking in controlled substances (Acetaminophen/Oxycodone).	Seizure upheld, property forfeited. Seizure upheld by default when Mr. Idlett did not appear at the hearing.
05-30-13	07-356136	Christopher Stark submitted a claim to ownership of a 2007 Pontiac Solstice. The Spokane Police Department seized the vehicle because it constituted proceeds from the commission of a felony. Mr. Stark failed to establish the right to ownership or possession of the vehicle, having previously transferred the vehicle to the perpetrator of the crime as compensation for the criminal act.	Seizure upheld, property forfeited.
06-20-13	13-14	Cameron Franklin submitted a claim to ownership of \$428.10 in U.S. Currency seized by the Spokane Police Department. The police seized the currency as being used to facilitate or proceeds of trafficking in controlled substances (Methamphetamine).	Seizure upheld, property forfeited.
06-27-13	13-17	Phillip Moore submitted a claim to ownership of a 2001 Ford Explorer, License 009VYW seized by the Spokane Police Department. The police seized the vehicle as being used to facilitate trafficking in controlled substances (Heroin).	Seizure upheld, property forfeited.

07-18-13	13-23	Mildred Powell-Tidd submitted a claim to ownership of \$3,550.00 in U.S. Currency seized by the Spokane Police Department from her son Dustin Christensen. The police seized the currency as being used to facilitate or proceeds of trafficking in controlled substances (Methamphetamine).	Mildred Powell-Tidd's claim was sustained and the money was returned to the claimant.
08-01-13	13-21	Ty Jordan submitted a claim to ownership of \$225.00 in U.S. Currency and a Cricket cell phone seized by the Spokane Police Department. The police seized the currency and phone as being used to facilitate or proceeds of trafficking in controlled substances (Methamphetamine).	Upheld seizure and forfeiture of currency. Mr. Jordan's claim for the cell phone was sustained.
09-19-13	13-28	Demetrius James submitted a claim to ownership of \$1,713.00 in U.S. Currency seized by the Spokane Police Department. The police seized the currency as being used to facilitate or proceeds of trafficking in controlled substances (Oxycodone).	Seizure upheld, property forfeited. Seizure upheld by default when Mr. James did not appear at the hearing.
09-19-13	13-28	Brittany Macabitas submitted a claim to ownership of a White 2000 Lexus 5dr, WA license ACK8265 seized by the Spokane Police Department. The police seized the vehicle as being used to facilitate trafficking in controlled substances (Oxycodone).	Seizure upheld, property forfeited. Seizure upheld by default when Ms. Macabitas did not appear at the hearing.
11-21-13	TCU13-08	Theodore Griffith III submitted a claim to ownership of a 2001 black Ford Mustang, WA license ANF7925 seized by the Spokane Police Department. The police seized the vehicle as being purchased from proceeds of a felony committed against Bettie Lou Graham.	Seizure upheld, property forfeited and returned to Bettie Lou Graham.
11-21-13	TCU13-08 & MCU13-07	Bettie Graham submitted a claim to ownership of a 2001 black Ford Mustang, WA license ANF7925 a 1999 gold Cadillac Escalade, WA license ANE7787 and a 2006 maroon Chrysler Sebring, WA license AF7870. The Spokane Police Department seized the vehicles as being purchased with proceeds of a felony committed against Bettie Lou Graham.	Ms. Graham's claim was sustained and the vehicles were returned to the claimant.

Dangerous Dog Appeal Hearings In 2013

Date	File Number	Description	Decision
04-18-13	D-13-01	James Norman appealed a determination that his German Shepherd mix was a dangerous dog. The dog was previously declared potentially dangerous. The dog exited its owner's property and attacked another dog, inflicting severe injury to the dog. In the process the owner of the dog being attacked was also bitten.	Upheld Spokanimal C.A.R.E.'s determination that the dog was dangerous.
05-15-13	D-13-02	Miranda Macias appealed a determination that her Pit Bull mix was a dangerous dog. While running at large, the Pit Bull mix attacked a Yorkshire Terrier, inflicting severe injury to the dog and biting the dog's owner in the process.	Upheld Spokanimal C.A.R.E.'s determination that the dog was dangerous.
10-01-13	D-13-03	Bill Swanson appealed a determination that his Pit Bull was a dangerous dog. The dog was previously declared potentially dangerous. The dog jumped the fence at Mr. Swanson's property and attacked another dog, inflicting severe injury to the dog.	Upheld Spokanimal C.A.R.E.'s determination that the dog was dangerous.
11-12-13	D-13-04	Mary Lenoue appealed a determination that their son's Husky was a dangerous dog. While running at large, the Husky attacked and killed a cat.	Upheld Spokanimal C.A.R.E.'s determination that the dog was dangerous.

Hearings Held For Other Jurisdictions In 2013

Date	File Number	Jurisdiction	Description	Decision
02-20-13	LU13-001-CU-SE	Cheney	Chris Segroves, on behalf of the Cheney Faith Center, sought a conditional use permit to authorize the remodeling of an existing building, the construction of an addition to that building, and the construction of a second building on the same site.	Approved w/ conditions.
08-25-13	L13-005-BP	Cheney	William Shelby, on behalf of the John C. Young and Shelby, Separate Property Partnership, sought approval of a Preliminary Binding Site Plan to subdivide a commercial property into three commercial lots.	Approved w/ conditions.