

**CITY OF SPOKANE HEARING EXAMINER  
ANNUAL REPORT FOR 2014**

<i>LID Hearings Held In 2014</i>			
Date	File Number	Description	Decision
01-07-14	2013197	A hearing was conducted regarding the proposed formation of an LID to pay for alley improvements between Glass Avenue and Courtland Avenue. Owners representing 63.63% of the 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.
05-20-14	2012041	The LID resulted in street improvements to Howard Street. The net project cost was \$220,550.49. The LID included 21 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.
05-20-14	2011163	The LID resulted in street improvements to Howard Street. The net project cost was \$42,996.08. The LID included 9 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.
05-20-14	2012059	The LID resulted in street improvements to Nebraska Avenue. The net project cost was \$34,925.67. The LID included 9 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.
06-10-04	2012049	The LID resulted in street improvements to Nebraska Avenue. The net project cost was \$18,085.23. 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.

06-10-04	2011165	The LID resulted in street improvements to 25 <sup>th</sup> Avenue. The net project cost was \$225,742.78. The LID included 36 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.
06-10-04	2012099	The LID resulted in street improvements to Cochran Street and 15 <sup>th</sup> Avenue. The net project cost was \$145,470.62. 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. The assessment was contested by Michele Mans, the owner of 15105 Cochran Street, Spokane, WA.	Confirmed the final assessment roll as presented.
07-29-14	2011162	The LID resulted in street improvements to 11 <sup>th</sup> Avenue, 12 <sup>th</sup> Avenue, and Spruce Street. The net project cost was \$27,933.25. The LID included 30 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.

***Land Use Hearings Held In 2014***

<b>Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision</b>
01-09-14	13-61-PPLT	Indian Trails & Barnes Road, LLC, as applicant, proposed to re-plat an existing plat of approximately 5.13 acres into 15 lots: 13 lots for single family homes in the RSF Zone and 2 lots in an Office Zone.	Approved w/conditions.
01-23-14	13-65-PPUD	The Quail Ridge Homeowners' Association, as applicant, proposed to create a new, single-family lot within the Quail Ridge subdivision by dedicating a portion of a common area for such use.	Approved w/conditions.

06-05-14	14-15-CUP3	The City of Spokane Wastewater Department, as applicant, sought a conditional use permit in order to allow the construction of a Combined Sewer Overflow (CSO) storage tank, to be installed underground, along the west side of W. Northwest Boulevard and between Kiernan and Providence Avenues.	Approved w/conditions.
06-05-14	14-18-CUP3	The City of Spokane Wastewater Department, as applicant, sought a conditional use permit in order to allow the construction of a booster station in a Single-Family Residential Zone on 37 <sup>th</sup> Avenue on the South Hill.	Approved w/conditions.
07-10-14	14-22-SKWK	The Spokane Public Facility District, as applicant, sought a Type III permit to construct a new skywalk to connect the new mezzanine floor in the Convention Center to the second floor of the new convention hotel. A variance was also sought to exceed the 14' height limit for the skywalk structure.	Approved w/conditions.
09-11-14	14-03-PPLT	Whipple Consulting Engineers, the applicant and agent of MSK, LLC, sought a preliminary plat application to subdivide approximately 9.48 acres into 25 lots, to be known as Woodridge South.	Approved w/conditions.
10-16-14	14-36-CUP3	The applicant, Tailwinds Physical Therapy, owned by Jeff and Kimber Royter, sought a conditional use permit for the construction of a 4,000 sq. ft. medical office building on land located at 505 E. 28 <sup>th</sup> Ave.	Approved w/conditions.
10-30-14	14-38-CUP3	The applicant, J. Thomas Sawyer, sought a conditional use permit to convert the Turner House, an historic structure in the RSF Zone, from a former senior living facility into private offices.	Approved w/conditions.
11-06-14	14-24-CUP3	The applicant, James Cotter, sought a conditional use permit to demolish an existing surface parking lot in an Office Retail zone and construct a new four-story, 128 stall, 40,500 sq. ft. commercial parking garage, to serve the Qual Med Office building to the northeast.	Approved w/conditions.

***Change of Conditions Requests In 2014***

<b>Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision</b>
05-01-14	05-68-PP/PUD	Request by Pete Rayner for plat modifications including additional street ingress and egress; adding approximately 6 acres to the plat to accommodate the proposed street re-alignment; and the replacement of a proposed 140 unit apartment building with 35-50 single-family lots to The Vistas at Beacon Hill.	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.
12-05-14	06-06-PP/PUD	Request to by Greenstone to modify street connection within the Kendall Yards PP/PUD. Greenstone asked that the plat approval be modified to permit the developer the option to either (a) connect Summit Parkway to Lindeke Street or (b) connect Summit Parkway to Summit Boulevard.	Request granted.
12-11-14	06-35-PP/PUD	Request to change setback requirements for Crystal Ridge 1 <sup>st</sup> Addition. Request was granted to modify the setback requirement to 20' to the face of any garage and 15' feet to any home. This change reflects changes in the municipal-code that have been enacted since the project was approved.	Request granted.
12-17-14	07-24-CUP	Request by Mary Moltke for a change in conditions of the conditional use permit approval relating to use at the E. J. Roberts Mansion to increase maximum number of patrons allowed at an event from 130 to 200; to lift the restriction on the number of private events allowed; lift restriction on live music and conditions relating to seating numbers.	Requested modifications to the conditional use were substantial and could not be approved on a summary basis. A public hearing would be required in order to consider this request.

***Miscellaneous Administrative Appeal Hearings Held In 2014***

<b>Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision</b>
10-14-14	CE-14-01	Appeal by Susan Carlson of an Order of the Building Official determining that 2001 West 7 <sup>th</sup> Avenue is a substandard building.	At the hearing the appellant presented a full set of plans and rehabilitation plan for the property and the City withdrew the determination so no decision was rendered by the Hearing Examiner.

***Forfeiture Appeal Hearings In 2014***

<b>Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision/Disposition</b>
03-13-14	13-44	Joseph Buskirk submitted a claim to ownership of a list of items seized by the Spokane Police Department. Those items included cash, a 2004 GMC Yukon, a purse, a magazine with bullets, and jewelry. The police seized these items as being used to facilitate or proceeds of trafficking in controlled substances (Oxycodone pills).	Seizure of cash, vehicle, purse, and magazine with bullets upheld; that property ordered forfeited. Seizure of jewelry reversed, that property ordered returned to claimant.
04-23-14	13-02	Randy Norberg submitted a claim to ownership of a list of items seized by the Spokane Police Department. The police seized the items as being used to facilitate or proceeds of trafficking in controlled substances (methamphetamine).	Seizure upheld by default when Mr. Norberg did not appear at the hearing. Mr Norberg appealed the default order to Superior Court. The City and Mr. Norberg then reached a settlement agreement.

06-03-14	MC 14-02	Lose Lemus submitted a claim to ownership of a 2001 Dodge Dakota pickup truck seized by the Spokane Police Department. The police seized the truck as being used to facilitate the commission of a felony.	Seizure upheld and property forfeited contingent upon the entry of a felony conviction. If no felony conviction occurs, the property must be returned to the claimant.
07-14-14	09-0803116	Attorney Frank Cikutovich, on behalf of his client, Scott Shupe, filed a motion to schedule a presentment hearing before the Hearing Examiner. Mr. Cikutovich requested a hearing in order to facilitate the entry of findings and conclusions which would memorialize a forfeiture proceeding which took place in the summer of 2010. The Hearing Examiner scheduled a hearing on the matter, and included a schedule for the submission of proposed findings, briefing, and supporting evidence.	Vacated scheduling order and declined to conduct a hearing on the matter. Mr. Shupe requested reconsideration, which was denied. Mr. Shupe appealed the Hearing Examiner's decision to Superior Court. The court upheld the Hearing Examiner's decision.
07-30-14	14-04	Andrew Kerr submitted a claim to ownership of a 2004 Jaguar XJ8 and \$710 in U.S. currency. The Spokane Police Department seized the vehicle because it was used to facilitate the trafficking of drugs. The Spokane Police Department seized the cash as proceeds of drug transactions.	Seizure upheld, property forfeited.
08-05-14	14-10	Jessica Anderson and Thomas Anderson submitted a joint claim to ownership of a 2002 Subaru Impreza. The Spokane Police Department seized the vehicle because it was used to facilitate the trafficking of drugs.	Seizure upheld, property forfeited.
09-30-14	14-04	Eric Houser submitted a claim to ownership of a 1993 Chevy Pickup seized by the Spokane Police Department. The police seized the truck as being used to facilitate the commission of a felony.	Seizure upheld and property forfeited contingent upon the entry of a felony conviction. If no felony conviction occurs, the property must be returned to the claimant.
12-11-14	13-48	Daniel Sukin submitted a claim to ownership of a list of items seized by the Spokane Police Department. The police seized these items as being used to facilitate the trafficking in controlled substances or as proceeds of trafficking in controlled substances.	Seizure upheld, property forfeited.

***Dangerous Dog Appeal Hearings In 2014***

<b>Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision</b>
06-03-14	2014-0421	Ervin Stradley appealed dangerous dog determinations for two "pit bulls" that he owned. The dogs attacked and severely injured a cat. The cat was subsequently euthanized.	Upheld SCRAPS determination that the dogs were dangerous
06-17-14	2014-0324	Galen Luce appealed a determination that his Border Collie was a potentially dangerous dog. It was alleged that the dog acted in a menacing fashion toward two neighbors.	Reversed SCRAPS determination that the dog was potentially dangerous.

***Hearings Held For Other Jurisdictions In 2014***

<b>Date</b>	<b>File Number</b>	<b>Jurisdiction</b>	<b>Description</b>	<b>Decision</b>
01-14-14	LU13-007-CU-SE	Cheney	Dr. William Youngs, on behalf of Cheney Hydroponics, sought a conditional use permit to allow the construction of a 6,500 square foot structure to be used for the production and processing of recreational marijuana.	Approved w/ conditions.
05-07-14	2013.PL0002	Liberty Lake	Rivercrossing, LLC sought approval of a preliminary plat application to subdivide approximately 5.84 acres into 36 single-family residential lots and one tract for mixed use (residential and commercial), to be known as The Courtyard at River District.	Recommended approval w/ conditions.
06-18-14	2014.ZC0001	Liberty Lake	The Holt Group, as applicant, sought to change the Comprehensive Land Use Map and Zoning Designation of a 13.1 acre parcel from R-1 (Single-Family Residential) to M-2 (Community Center Mixed Use).	Recommended approval. However, the City Council denied the application.

07-16-14	2014.PL0001	Liberty Lake	Rivercrossing, LLC sought approval of a preliminary plat application to subdivide approximately 52.9 acres into 225 single-family residential lots, to be known as River Crossing North.	Recommended approval w/ conditions.
08-06-14	L14-007-SP	Cheney	A group of homeowners filed an appeal of a decision of the Cheney Planning Department approving a short subdivision application by Solid Rock Construction NW, Inc. The application sought to divide one parcel of property, in an R-2 zone, into two residential lots.	Upheld the decision of the Planning Department approving the short subdivision.
08-12-14	CUP 2014-01	Airway Heights	Verizon Wireless sought a conditional use permit to allow the construction of an 80-foot wireless communication tower.	Approved w/ conditions.
10-15-14	2014.PL0003	Liberty Lake	The Holt Group, Inc. sought a preliminary plat application to subdivide approximately 198.6 acres into 281 lots for single-family dwellings in the R-1 zone and 3 lots for future uses within the M-2 zone. The subdivision is to be known as Legacy Ridge West.	Recommended approval w/ conditions.
11-19-14	L14-011-CU3	Cheney	The applicant, Three Green Thumbs, LLC, sought a conditional use permit to allow an existing 900 square foot retail space located in the Farmers and Merchants Shopping Center to be used as a medical marijuana dispensary.	Approved w/ conditions.

***Initiative Opinions Written In 2014***

<b>Date</b>	<b>Initiative Number</b>	<b>Description</b>	<b>Opinion</b>
02-10-14	Initiative No. 2014-1	Beth Solscheid filed a proposed initiative to amend the Spokane Municipal Code to establish a regulatory framework regarding exposure of designated body parts in a public place, to make such conduct unlawful and subject to a misdemeanor penalty, and to provide for specific exceptions and affirmative defenses.	Concluded that the proposed initiative would be legally valid and effective if enacted.