

**CITY OF SPOKANE HEARING EXAMINER
ANNUAL REPORT FOR 2015**

<i>LID Hearings Held In 2015</i>			
Date	File Number	Description	Decision
05-19-15	2012042	The LID resulted in water improvements in Kendick Avenue from approximately 1200 feet West of Nine Mile Road to the Nine Mile Road Water Main Extension. The net project cost was \$131,474.22. 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.
05-19-15	2012066	The LID resulted in street and water improvements in Liberty Avenue from Oak Street to Ash Place and Ash Place from Dalton Avenue to Liberty Avenue. The net project cost was \$242,910.32. The LID included 11 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.
05-19-15	2013080	The LID resulted in paving of the alley between Princeton Avenue and Heroy Avenue from Addison Street to Standard Street. The net project cost was \$75,407.74. 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.

Land Use Hearings Held In 2015

Date	File Number	Description	Decision
01-15-15	Z1400039-SCUP	City of Spokane Parks and Recreation Department applied for a shoreline conditional use permit in order to install shoreline stabilization measures to protect an eroding bank and incorporate a ramp-like sloped pathway on the south bank of the Spokane River to facilitate access for the purpose of launching small, non-powered watercraft, such as canoes and kayaks.	Approved w/conditions.
03-05-15	Z1400069-PPLT	The applicant requested approval of a preliminary plat to subdivide approximately 4.3 acres into 20 lots, for RSF property located on the west side of Elm Street and the north side of Strong Road, near the intersection of Austin Road and Strong Road. The proposed plat is to be known as Cheltenham Court.	Approved w/conditions.
06-25-15	Z1500035-CUP3	The City of Spokane Asset Management Department sought a conditional use permit in order to allow a basic utility in a single-family residential zone. The project entails converting the single-family residence, located at 115 W. Eagle Ridge Blvd., into a fire station. The fire station is intended to serve the southwestern area of the city.	Approved w/conditions.
07-09-15	Z1500023-CEL3	T-Mobile and Parallel Infrastructure (collectively "T-Mobile") sought a conditional use permit in order to allow the construction of a 70' monopole wireless communication tower on property located at 9001 N. Indian Trail Road. The proposed tower would be constructed along with accessory ground support equipment within a fenced and landscaped area in a center and corridor zone (CC2-NC).	Denial of CUP, not a permitted use in the CC2-NC Zone.

08-27-15	Z1500052-CUP3	The City of Spokane Engineering Services sought a conditional use permit and variance in order to allow the replacement of an existing well pump station at the northwest corner of Central Avenue and Normandie Street. The project, proposed in an RSF zone, includes two new buildings, along with pumps, motors, piping, and electrical facilities. Through the variance application, the Applicant is seeking to modify the front yard setback for the northeast well pump station to 0 feet, the side yard setback for the southwest well pump station to 0 feet, and the allowable height for both buildings from 42 inches to 20 feet to the ceiling or approximately 25-26 feet to the peak of the roof.	Approved w/conditions.
09-24-15	Z1500062-VAR	The Cooke Development Corporation sought a variance from the setback requirements in order to facilitate the construction of four single-family residences in the RHD zone located at 1623 and 1629 W. Wilson Avenue.	Approved w/conditions.
10-08-15	Z2006-06-PP/PUD	Request for approval of design guidelines and Appendix #4 in accordance with the conditions of the Hearing Examiner's decision dated March 27, 2010, which approved the amended preliminary plat and PUD for Kendall Yards.	Approval of Design Guidelines and Appendix #4.
10-29-15	Z1500068-CUP3	Dwayne Alexander sought a conditional use permit in order to allow the change of use of a historic structure located at 2936 E. Olympic Avenue. The existing structure is on the Spokane Register of Historic Places and was most recently used as a church. Pursuant to the proposal, the use would be converted from a former church to a barber shop and a drinking establishment. Renovations to the site would include a new driveway and interior alterations to the existing structure, all within the Centers and Corridors Type 4 District Center, Mixed Use Transition Zone (CC4-DC).	Approved w/conditions.
12-17-15	Z1500076-SCUP	The City of Spokane Engineering Department sought a shoreline conditional use permit in order to allow the construction of a Combined Sewer Overflow (CSO) storage tank, to be installed underground, in a gravel parking lot commonly known as the Bosch Lot. The property is located in the DTG (Downtown General) Zone.	Approved w/conditions.

Change of Conditions Requests In 2015

Date	File Number	Description	Decision
01-07-15	Z9500019HESP	The applicant requested modifications to the Special Use Permit which allows the property located at 925 W Broadway to be used as work-release facility. The requested modifications included the following: increasing the occupancy at the facility from 45 to 70 residences; removing the screening committee requirement; and removing the requirement that no sex offenders be housed at the facility.	The requested modifications were substantial and therefore a new application for a conditional use permit is required before the property could be utilized in the manner proposed.
03-26-15	Z2005-102-PP/PUD	Developer Rod Plese, through his legal representative, requested a modification to the conditions of the approval for Five Mile Heights South. Specifically, the developer requested that the the open space requirement for the plat be deleted.	Modification granted w/ conditions.
04-28-15	Z2010-034-CUP3	Request by the property owner for an approval of a modification to the conditions of approval by removing the requirement of installing a fire hydrant for property located at 810 East 28 th Avenue (the "Moen House"). Under the current fire code, the hydrant is not required to allow the Moen House to be used as an office.	Modification granted w/ conditions.
07-14-15	Z2003-55-PP/PUD	Request by Dave Nerren to modify the rear yard setbacks to allow an encroachment up to 8 feet into the rear yard setback on any of the relevant lots in the Waterford at Grapetree PUD.	Approved w/ conditions.
11-11-15	Z2005-102-PP/PUD	Vic Plese submitted a second request to modify the conditions of approval for Five Mile Heights South.	The Hearing Examiner recused himself from this matter. The request was forwarded to County Hearing Examiner for review. The County Hearing Examiner approved request for modification with additional language.

11-20-15	Z2004-44-PP/PUD	Todd Whipple, P.E., on behalf of the property owner, sought a modification of the preliminary plat for Cedar Place, changing Jay Lane from a private roadd into Jay Avenue, a public road.	Request for plat modification approved.
11-03-15	Z1500068-CUP3	Dwayne Alexander requested a change to the conditions of approval which specified the business hours of the barber shop and drinking establishment that was approved by conditional use permit on November 3, 2015. The applicant requested that Condition No. 6 be modified to state that the businesses may operate Monday through Saturday, rather than Monday through Friday, from 10 AM to 10 PM.	Request for change to conditions approved.
12-16-15	Z2005-121-PUD	The applicant requested a modification of the conditions of approval for Tuscan Ridge, a 100-unit condominium project to be located at 5602 South Hatch Road. The applicant sought changes relating to the timing of the improvement guarantee; requirement to state property addresses on the face of the final PUD; and the timing of the final PUD and construction activities/permits.	Approved w/ modifications.
12-28-15	Z2005-32-PP/PUD	Developer/realtor Terry Sullivan submitted a request for a waiver of the long plat procedures in order to allow further subdivision, via short plat, of a portion of the property within the Stone Crest PUD located at 53 rd and Regal.	The Hearing Examiner recused himself from the matter. The request was forwarded to County Hearing Examiner for consideration. The applicant then requested that this matter be placed on hold.

Miscellaneous Administrative Appeal Hearings Held In 2015

Date	File Number	Description	Decision
02-24-15	15-02-AZD-AP	The owner of the property located at 2613 W. 8 th Avenue appealed the decision of the Planning Director concluding that the parking and/or storage of equipment, materials and vehicles in conjunction with an office use was not allowed in the Office (O) Zone.	The decision of the Planning Director was reversed.

04-02-15	14-70-CUP2-AP	Project opponents appealed a decision by the Planning Director to approve a Type II Conditional Use Permit application authorizing an addition to an existing building and an expansion of related parking for church property located at 1801 E. 29 th Avenue.	The decision of the Planning Director was upheld.
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Miscellaneous Administrative Appeal Decisions/Reconsiderations 2015

Date	File Number	Description	Decision
08-06-15	Z1500023-CEL3	T-Mobile and Parallel Infrastructure (collectively "T-Mobile") requested that the Hearing Examiner reconsider his decision to deny a conditional use permit for a wireless communication tower. In the alternative, the T-Mobile sought an express determination that the denial was "without prejudice," so that the application could be re-submitted subject only to the requirements of SMC 17G.060.230(C).	The Hearing Examiner denied reconsideration of his decision in this matter. The decision is not intended to have any effect on the Applicant's right to re-submit the application in accordance with SMC 17G.060.230(C), as appropriate.
08-18-15	2005-068-AP	Developer Pete Rayner appealed an undated letter from Scott Simmons, Director of Business & Developer Services, regarding the proposed PUD and Plat Modifications for the Vistas at Beacon Hill.	Appeal dismissed for lack of jurisdiction. The letter contained no decisions and the code does not confer jurisdiction to hear appeals from decision of the Director of Business & Developer Services.
10-26-15	Breen Appeal of Redaction of Public Records Request	Brian Breen submitted an appeal of the City Clerk's decision to redact public records. Mr. Breen requested that Ms. Pfister "find an independent third party to review my appeal," based upon the concern that the City Administrator had a conflict of interest and therefore could not hear the appeal.	The Hearing Examiner was chosen to make the decision on this appeal and concluded that the documents at issue were properly redacted based upon the attorney-client privilege.

Forfeiture Appeal Hearings In 2015

Date	File Number	Description	Decision/Disposition
01-08-15	14-64	Damon Draper submitted a claim to ownership of a list of items seized by the Spokane Police Department. Those items included: \$11,285.00 in U.S. currency; 11 transaction cards; and 2 money cards. The police seized these items as being used to facilitate or as proceeds of trafficking in controlled substances (Oxycodone pills).	The seizure of cash in the amount of \$11,276.00 was upheld and ordered forfeited. The seizure of \$9.00 in cash, 11 transaction cards and 2 money cards was reversed, and the property was ordered to be returned to the claimant.
02-19-15	14-87	Jason Watson, through his attorney, submitted a claim to ownership of \$13,000.00 in U.S. currency seized by the Spokane Police Department. The police seized the cash as being used to facilitate or as proceeds of trafficking in controlled substances (Oxycodone pills).	The claim was dismissed because Mr. Watson signed a Stipulation and Release forfeiting the \$13,000.00 prior to retaining an attorney.
04-02-15	14-100	Roy Pollard submitted a claim to ownership of a list of items seized by the Spokane Police Department. Those items included: surveillance cameras; E-machine monitor; komka computer monitor and \$141.00 in U.S. currency. The police seized the cash as being used to facilitate or as proceeds of trafficking in controlled substances (Methamphetamine, Hydrocodone and Oxycodone pills).	The seizure was upheld and the forfeiture was sustained contingent upon the entry of a felony conviction. If no felony conviction occurs, the property must be returned to the claimant.
04-02-15	14-99	Richard Pollard submitted a claim to ownership of \$644.00 in U.S. currency seized by the Spokane Police Department. The police seized the cash as being used to facilitate or proceeds of trafficking in controlled substances (Oxycodone pills).	Mr. Pollards's claim to seized money was sustained. The Hearing Examiner ordered that the cash be returned to the claimant.

04-16-15	14-93	Michael D. Davis submitted a claim to ownership of a 1997 Chevrolet S10 pickup and \$220 in U.S. currency. The Spokane Police Department seized the vehicle because it was used to facilitate trafficking in controlled substances. The Spokane Police Department seized the cash as proceeds of trafficking in controlled substances. (Methamphetamine and Heroin).	The seizure was upheld and the forfeiture was sustained.
06-18-15	15-005	Deanna Neurohr submitted a claim to ownership of a 1994 Chevrolet Silverado C150 pickup. At the time of the seizure, the vehicle was in the possession of Billy Bolin. The Spokane Police Department seized the vehicle because it was believed to have being used to facilitate the commission of a felony.	Seizure upheld and property was deemed forfeited contingent upon the entry of a felony conviction. If no felony conviction occurs, the property must be returned to Mr. Bolin, who purchased the vehicle from Ms. Neurohr. Ms. Neurohr's claim to vehicle was denied.
06-25-15	15-022	Kenneth Carter submitted a claim to ownership of a 2002 Chevy Tahoe and \$746.00 in U.S. currency (\$46.00 found on his person and \$700.00 found in the residence). The Spokane Police Department seized the vehicle because it was used to facilitate trafficking in controlled substances. The Spokane Police Department seized the cash as proceeds of trafficking in controlled substances. (Methamphetamine and Oxycodone).	The seizure of the vehicle and \$700 in U.S. currency was upheld and that property was deemed forfeited. The seizure of \$46.00 in U.S. currency was reversed, and ordered returned to claimant.
07-16-15	15-028	Nicholas Sherman submitted a claim to ownership of a 2002 Audi A6 and key fob seized by the Spokane Police Department. The police seized the vehicle as being used to facilitate the commission of a felony.	The seizure was upheld and property was deemed forfeited contingent upon the entry of a felony conviction. If no felony conviction occurs, the property must be returned to the claimant.
08-20-15	15-026	Daniel Turner submitted a claim to ownership of a 1983 Ford R10 pickup seized by the Spokane Police Department. The police seized the vehicle as being used to facilitate the commission of a felony.	The seizure was upheld and the property was deemed forfeited contingent upon the entry of a felony conviction. If no felony conviction occurs, the property must be returned to the claimant.

09-17-15	15-032	Kyle Phillips submitted a claim to ownership of \$402.00 in U.S. currency seized by the Spokane Police Department. The police seized the cash as being used to facilitate or as proceeds of trafficking in controlled substances (Methamphetamine and Heroin).	The seizure of U.S. currency was upheld and that property was ordered forfeited.
10-15-15	15-045	Joshua Thompson submitted a claim to ownership of \$271.00 in U.S. Currency (\$31.00 found on his person and \$240.00 found on front floorboard of the vehicle) seized by the Spokane Police Department. The police seized the cash as being used to facilitate or as proceeds of trafficking in a controlled substance (Methamphetamine).	The seizure of U.S. currency in the amount of \$240.00 was upheld and that property was ordered forfeited. The seizure of \$31.00 in U.S. currency was reversed, and that cash was ordered returned to the claimant.
10-15-15	15-047	Caroline Dickerson submitted a claim to ownership of a 2005 Dodge Magnum seized from her son Traybion Dickerson. The police seized the vehicle as being used in the commission of felony. Ms. Dickerson requested a continuance in order to allow her time to obtain legal counsel.	The continuance was granted. Ms. Dickerson subsequently entered into a Settlement Agreement with the SPD.
11-12-15	15-058	Julie Hurst submitted a claim to ownership of \$300.00 seized by the Spokane Police Department. The Police seized the cash as being used to facilitate or as proceeds of trafficking in a controlled substance.	The seizure was upheld by default because Ms. Hurst failed to appear at the hearing.
11-19-15	15-056	Jamie Mayes submitted a claim to ownership of a black, 2005 Ford F-150 Pickup seized by the Spokane Police Department. The Police seized the vehicle as being used to facilitate the trafficking of a controlled substance.	The seizure was upheld by default because Mr. Mayes failed to appear at the hearing.
11-19-15	15-046	Shantel Flores submitted a claim to ownership of a 2007 Black Nissan Sentra seized by the Spokane Police Department. The Police seized the vehicle as being used to facilitate or as proceeds of trafficking in a controlled substance. At the hearing, Ms. Flores requested a continuance until February 4, 2016.	Request for continuance granted until February 4, 2016.

Dangerous Dog Appeal Hearings In 2015

Date	File Number	Description	Decision
01-22-15	2014-1315	Roy Brittain appealed a dangerous dog determination on a "Pit Bull" that he owned. The dog jumped its owner's fence; attacked and severely injured another dog while being walked on public property by its owner.	Upheld SCRAPS determination that the dog is dangerous.
01-27-15	2014-1277	Marlene Robbins appealed a dangerous dog determination on a "Pit Bull/Boxer mix" that she owned. The dog attacked a child while in Ms. Robbins' residence. The attack was unprovoked and the child suffered severe injury.	Upheld SCRAPS determination that the dog is dangerous.
04-21-15	2015-0281	Mr. Aaron D. Markland, appealed a dangerous dog determination on a Pit Bull/Boxer Mix that he owned. The dog attacked a 2 year old child while in Mr. Markland's residence. The attack was unprovoked and the child suffered severe injury.	Upheld SCRAPS determination that the dog is dangerous.
07-14-15	2015-0416	Ms. Nikki A. Earls court, appealed a potentially dangerous dog determination on a Bulldog mix owned by Ms. Earls court. The the dog exited Ms. Earls court's property and attacked and injured a dog being walked on its leash in front of the Earls court residence.	Upheld SCRAPS determination that the dog is potentially dangerous.
09-22-15	2015-0846	Ms. Alexa M. Sapier and Mr. Marquis C. Leighton, appealed dangerous dog determination regarding a male Siberian Husky, named "Matthias," owned by them. The dog was running at large and, without provocation, attacked a small dog inflicting serious injury.	Upheld SCRAPS determination that the dog is dangerous.
09-25-15	2015-0739	Mr. Paul Freeman, appealed a dangerous dog determination regarding an unaltered male Pit Bull mix, named "Zeus," owned by Mr. Freeman. After being previously being declared potentially dangerous the dog again inflicted injury in an unprovoked attack.	Upheld SCRAPS determination that the dog is dangerous.

11-13-15	2015-1025	Ms. Carey J. Farnworth, appealed a dangerous dog determination made by SCRAPS regarding an unaltered male Pit Bull, named "Scrappy," owned by her. The dog attacked an adult living in Ms. Farnworth's residence. The attack was unprovoked and the victim suffered severe injury.	Upheld SCRAPS determination that the dog is dangerous.
12-29-15	2015-0773	Ms. Whitney A. Johnson and Mr. Bud T. Welliver, appealed a potentially dangerous dog determination regarding a male Boxer, named "Henry," owned by Mr. Welliver, and a female Pitbull, named "Miykah," owned by Ms. Johnson. The dogs were allegedly running at large and aggressively charged a neighbor.	Reversed SCRAPS determination that the dogs are potentially dangerous.

Hearings Held For Other Jurisdictions In 2015

Date	File Number	Jurisdiction	Description	Decision
05-13-15	2015.001PL	Liberty Lake	The applicant sought approval of a preliminary plat to subdivide approximately 137 acres into 400 lots, including 363 single-family residential lots and 37 commercial/multifamily lots, along with open space and drainage tracts to be known as "Trutina".	Recommended that the City Council remand the matter back to City of Liberty Lake to schedule a new hearing, due to insufficiencies in notice procedures.
06-24-15	2015.001PL	Liberty Lake	In the re-scheduled hearing (following the remand), the applicant sought approval for a preliminary plat to subdivide approximately 137 acres into 400 lots, including 363 single-family residential lots and 37 commercial/multifamily lots, along with open space and drainage tracts to be known as "Trutina".	Recommended approval w/ conditions.

08-20-15 and 08-21-15	PS-2037-13	Spokane County	Application for preliminary plat for 109 single-family lots in the LDR Zone located south of 37 th Avenue and east of and adjacent to the terminus of 42 nd and 43 rd Avenues to be known as Twisted Willows.	Approved w/ conditions.
11-19-15	K2C2JT, LLC Walker Appeal	Cheney	K2C2JT, LLC filed an appeal of a decision by the Cheney Director of Public Works, dated October 14, 2015, interpreting the building code as requiring the Appellant to construct a pedestrian access ramp from the city sidewalk to the entrances of the lower units of its building.	Affirmed the decision of the Director of Public Works.
12-09-15	2015.CU001	Liberty Lake	The applicant sought a Conditional Use Permit to allow a vacant storefront suite in the Liberty Lake Plaza Shopping Center to be used for a restaurant and sports bar to be known as the Fieldhouse Pizza & Sub.	Approved w/ conditions.

Initiative Opinions Written In 2015

Date	Initiative Number	Description	Opinion
01-20-15	Initiative No. 2015-1	Jackie Murray filed a proposed initiative, now designated as Initiative No. 2015-1, to allow city employees to acquire or ascertain immigration status information in the course of carrying out their lawful duties.	The proposed initiative suffers from no apparent legal defects. The Hearing Examiner did not have any suggestions for modification of the measure.
04-14-15	Initiative No. 2015-2	Envision Worker Rights Political Committee filed a proposed initiative, now designated as Initiative No. 2015-2, to amend the City Charter of the City of Spokane (the "Charter") to add a "Worker Bill of Rights."	The provision of the initiative subordinating corporate rights is not consistent with the state constitution or state statute and therefore is legally flawed. The remainder of the proposed initiative did no suffer from any apparent legal defects.