

**CITY OF SPOKANE HEARING EXAMINER  
ANNUAL REPORT FOR 2017**

<i><b>LID Hearings Held In 2017</b></i>			
<b>Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision</b>
		None held	

<i><b>Land Use Hearings Held In 2017</b></i>			
<b>Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision</b>
02-23-17	Z16-988VAR	600 Main, Inc. sought a variance for the replacement of a skywalk over Howard Street. The proposed replacement skywalk is about 74 feet in length and 13 feet in height with an approximate slope of 6% connecting the 2 <sup>nd</sup> floor of the “Macy’s” building and the Bennett Block building to the east in the DTG (Downtown General) zone.	Approved w/conditions
02-23-17	Z16-989VAR	600 Main, Inc. sought a variance for the replacement of a skywalk over Wall Street. The proposed replacement skywalk is about 50 feet in length and 13 feet in height with an approximate slope of 8% connecting the new mezzanine level of the “Macy’s” building and the Urban Outfitters building to the west in the DTG (Downtown General) zone.	Approved w/conditions.
03-02-17	Z17-001CUP3	Excelsior Youth Center sought a conditional use permit to allow the campus expansion of approximately 22,000 sq. ft. and an increase in the number of resident beds from 99 to 115. The expansion will include a new resident facility, administration and support services offices, parking, driveways and landscaping in an existing group living and institutional use. The property is located in an RSF (Residential Single Family) zone.	Approved w/conditions

***Land Use Hearings Held In 2017, Cont.***

<b>Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision</b>
03-23-17	Z16-1081SCUP	The City of Spokane, Wastewater Treatment Facility, sought a shoreline conditional use permit in order to allow ongoing improvements at the Wastewater Treatment facility through 2027 to meet the requirements of NPDES and install "Next Level Treatment" on property located in the RSF (Residential Single Family) zone.	Approved w/conditions
04-27-17	Z17-106CUP3	Black & Warrick, LLC sought a conditional use permit authorizing them to relocate a commercial parking lot on property owned by them, which is located in a residential zone, which was previously approved for office use.	Approved w/conditions
06-06-17	Z17-256SCUP	The City of Spokane, Engineering Department sought a shoreline conditional use permit in order to allow the construction of a new water, sewer and stormwater mains and swales; the new Peacefully Valley Trail; a CSO storage tank and the replacement of existing water, sewer and storm water mains and swales. The work will span from Glover Field to People's Park in Peaceful Valley.	Approved w/conditions
07-20-17	Z16-906PPLT	Diamond Rock Construction is proposing to plat approximately 3.85 acres into 13 single family lots to be known as Moran South Estates. The project will include a public roadway that connects Freya Street between 45 <sup>th</sup> Court and 47 <sup>th</sup> Avenue in SE Spokane which is in the RSF Zone.	Approved w/conditions
08-17-17	Z17-358PPLT	The applicant is requesting approval of a preliminary plat to subdivide approximately 10.93 acres into 49 lots, to be known as Sconier's II	Approved w/conditions
08-17-17	Z17-364CUP3	The applicant is requesting approval of a CUP for a proposed 8,326 square foot restaurant (Thai Bamboo) in an Office-Retail Zone. Retail space exceeding 3,000 sq. ft. in the OR zone requires a Type III CUP. The record remained open until 08-31-17 for additional comments regarding traffic concerns.	Approved w/conditions
09-07-17	Z17-426CUP3	The applicant seeks a CUP to construct a Memory Care Facility at the site of an existing assisted living facility in northeast Spokane. The proposed building is 20,000 sq. ft. and would provide 20 additional residential rooms at the facility which is located in the Residential Multi-Family zone.	Approved w/conditions

***Land Use Hearings Held In 2017, Cont.***

<b>Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision</b>
10-05-17	Z16-424FEW3	The applicant sought an approval of a rezone and preliminary short plat to rezone the property to RSF-C (Residential Single-Family, Compact) and short plat the existing parcel into six single-family lots utilizing the Pocket Residential development standards for property located in the RSF zone.	Approved w/conditions
10-05-17	Z17-438SCUP	The City of Spokane, Wastewater Treatment Facility, sought a shoreline conditional use permit in order to allow the construction of a new access road, laydown area and riverbank protection on the east side of the Treatment Facility site on property located in the RSF (Residential Single Family) zone.	Approved w/conditions
10-19-17	Z17-418SCUP	A SCUP to construct a mixed use project comprised of three buildings over below-grade parking of approx. 400 stalls, to include 126 for-rent apartments, 26 for-sale condos, a hotel with 124 keys, 20,000 to 30,000 sq. ft. of office and 20,000 to 27,000 sq. ft. of retail comprised mostly of food and beverage uses to be known as "The Falls" in the Downtown General zone (DTG).	Approved w/conditions
11-30-17	Z17-489CUP3	Cascadia Development seeks a CUP in order to allow the construction of a new 50-unit/60-bed Fieldstone Memory Care assisted living facility. The proposed structure is a single-story building, approximately 39,000 square feet in size. The applicant also seeks approval of three (3) future, adjacent residential cottages to house 6 residents each. RSF zone.	Approved w/Conditions

***Change of Conditions Requests In 2017***

<b>Date Of Decision</b>	<b>File Number</b>	<b>Description</b>	<b>Decision</b>
03-22-17	Z2006-007-PP	Request by Benthin & Associates to modify the preliminary plat of Five Mile View Addition to add a second access connecting to Ridge View Drive from the approved Spokane County preliminary plat of Five Mile Estates Addition. The design changes will accommodate a second access to the plat.	Request granted
08-14-17 10-30-17	9400073PP/ZC/R	Request by Todd Whipple for several changes of conditions for the preliminary plat of McCarroll East. First request made on 08-08-16, was tabled by city staff and developer for further analysis and review. Second revised request received on 06-15-17, Third request received on 08-08-17. In summary the requests included deletion of Conditions #'s 6, 22(d) and 22(e), 29, 32, 33, Revise Conditions #'s 1, 3, 4	<u>08-14-17 Response:</u> Request granted on deletion of conditions 22(e), 29, 32 & 33. Revision of Condition #1 denied as the proposed changes to the plat are substantial and must be treated as a new application. Approved revision of conditions #'s 4 & 6. Request #'s 3 & 22(e) were referred to applicant and city staff for further analysis. <u>10-30-17 Response:</u> Approved deletion of condition 22(d). Approved deletion of condition #3 to be replaced with a revised condition.
12-26-17	Z2009-09-PPLT	Request by Canyon Bluffs Investors VII-3LLC to modify Condition of Approval A.9 to include sprinklers and/or staircases for fire access and construct road to W-114 fire standards to meet W-115 fire access code.	Request granted

***Miscellaneous Administrative Appeal Hearings Held In 2017***

<b>Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision</b>
06-01-17	Z17-01-BIDAP	Appeal by Darcy Cunningham representing the Upper Falls Condominium Association of the annual fee imposed by the Ratepayer Advisory Board sustaining the 2017 BID Assessment for the Upper Falls Condominiums.	The Decision of the Ratepayer Advisory Board is affirmed
08-31-17	B1711571BOAP	Appeal by Kirk Appleby of an Order of the Building Official imposing the annual hearing processing fee and monitoring fee regarding property located at 1618 E. 9 <sup>th</sup> Ave.	The Order of the Building Official is upheld.
08-31-17	Z17-404APPL	Appeal by The Lamar Company LLC of the Planning Director's denial of a sign permit application to repair a billboard located at 1026 E. Newark Ave.	The decision of the Planning Director is upheld.

***Administrative Appeal Decisions/Reconsiderations on Redaction of Records 2017***

<b>Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision</b>
01-13-17	Murakami's Appeal of Exempt Public Records Request	Kyle Muarakami submitted an appeal of the City Clerk's decision that the request for personal information of a police officer is exempt from disclosure and would not be provided to Mr. Maurakami.	The Hearing Examiner concluded that the records were properly withheld.
03-06-17	Walters' Appeal of Exempt Job Performance Reviews Public Records Request	Daniel Walters submitted an appeal of the City Clerk's decision that the request for personal performance reviews is exempt from disclosure and would not be provided to Mr. Walters.	The Hearing Examiner concluded that the documents at issue were properly withheld.

***Administrative Appeal Decisions/Reconsiderations on Redaction of Records 2017, Cont.***

<b>Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision</b>
04-05-17	Entwistle's Appeal of refusal to provide a SPD case file	Suzan Entwistle submitted an appeal of the Spokane Police Department's decision not to release materials that are part of an active investigation and therefore exempt from disclosure.	The Hearing Examiner concluded that the documents at issue were properly withheld as specific investigative records compiled by law enforcement of an ongoing case.
06-20-17	Terri Roark's Appeal of refusal to Identify the Party who filed a complaint	Terri Roark submitted an appeal of the redaction of the party who filed a Code Enforcement complaint against her.	The Hearing Examiner concluded that the information identifying the complaint(s) is exempt from disclosure
06-28-17	Colby McMahan Appeal of refusal to release Police records	Colby McMahan appealed the decision of the Spokane Police Departments refusal to release a police report regarding himself and others.	The Hearing Examiner concluded the records were not exempt from disclosure and sustained the appeal
06-28-17	Murakami's appealed the denial of Public Records Request	Mr. Murakami appealed the decision by the City not to release photo identification records for a specific list of police officers employed by the City.	The Hearing Examiner concluded that the photo identification records of police officers were properly withheld and denied the appeal.
09-01-17	Heather Chauvin Appealed denial of identifying complaining party	Ms. Chauvin appealed the decision of the redaction of the complaining party's identity on a Code Enforcement Complaint	The Hearing Examiner found the redaction justified and denied the appeal

### *Forfeiture Appeal Hearings In 2017*

<b>Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision/Disposition</b>
04-20-17	16-047	Kristopher Roybal submitted a claim to ownership of \$510.00 in U.S. currency seized by the Spokane Police Department. The Police seized the cash as being used to facilitate the trafficking of controlled substances. (Heroin and Methamphetamine)	Mr. Roybal's claim to the cash was sustained.
07-20-17	17-29	James D. Torgerson submitted a claim to ownership of \$2,230 in U.S. Currency seized by the Spokane Police Department. The police seized the cash as being used to facilitate the trafficking of controlled substances (Methamphetamine and Alprazolam (Xanax).	The seizure of \$2,230 was upheld and the monies were ordered forfeited.
08-03-17	17-35	Britney McNutt submitted a claim to ownership of a 2005 Subaru Legacy seized by the Spokane Police Department. The police seized the vehicle as being used to facilitate the trafficking in controlled substances.	The seizure was upheld by default as Ms. McNutt failed to appear at the hearing.
08-24-17	17-38	Jeffrey Rise submitted a claim to ownership of several tools, laptops and various other items seized by the Spokane Police Department. The police seized the property as being used to facilitate the trafficking of controlled substances (Methamphetamine and pills).	The seizure of property was upheld and the property was ordered forfeited.
09-07-17	17-47	Anthony N. Sakellis submitted a claim to ownership of a 2007 Chrysler 300 and a 2003 Hummer H2 seized by the Spokane Police Department. The police seized the vehicles as being used to facilitate the trafficking in controlled substances. (Methamphetamine).	At the hearing Mr. Sakellis abandoned his claim of the vehicles and the other parties did not perfect their claims to the vehicles. The seizure of the vehicles was upheld and the property was ordered forfeited.

***Forfeiture Appeal Hearings In 2017, Cont.***

<b>Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision/Disposition</b>
09-07-17	17-34	Muretta Winters submitted a claim to ownership of several firearms seized by the Spokane Police Department. The police seized the firearms as being used to facilitate the trafficking in controlled substances.	The seizure was upheld by default as Ms. Winters failed to appear at the hearing.
09-07-17	17-34	Robin McCoy submitted a claim to ownership of \$892.00 in U.S. Currency seized by the Spokane Police Department. The police seized the cash as being used to facilitate the trafficking in controlled substances.	The seizure was upheld by default as Ms. McCoy failed to appear at the hearing.
10-19-17	17-26	Rodney Bradley submitted a claim to ownership of a 1997 Plymouth Grand Voyager seized by the Spokane Police Department. The police seized the vehicle that was used to facilitate a felony crime of assault in the commission of attempted theft.	The seizure of the vehicle was upheld and the property was ordered forfeited.

***Dangerous Dog Appeal Hearings In 2017***

<b>Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision</b>
01-05-17	2016-0976	Mr. David DeLong appealed a potentially dangerous dog determination regarding a male Boxer owned by Mr. DeLong. The complainant alleged that the dog was running at large and attacked and injured her dog.	Reversed the determination by SCRAPS that the dog is a potentially dangerous dog.
03-07-17	2017-0095	Ms. Amber Scoggin-Norris appealed a dangerous dog determination regarding a male Pit Bull who attacked and injured a child without provocation while in the dog owner's residence.	Upheld SCRAPS determination that the dog is dangerous.
03-16-17	2017-0138	Andrew and Paul White appealed a dangerous dog determination regarding a neutered male Pit Bull who was previously found to be potentially dangerous and without provocation attacked the complaint inflicting multiple bites.	Upheld SCRAPS determination that the dog is dangerous.



***Dangerous Dog Appeal Hearings In 2017, Cont.***

<b>Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision</b>
06-20-17	2017-0312	Daniel Smith appealed a dangerous dog determination regarding a neutered male, Pit Bull who attacked two adults without provocation while in the presence of the dog's owner	The Appellant requested a continuance to gather witness to appear at hearing, continuance was granted
07-11-17	2017-0312	Continued case of Daniel Smith, a witness did appear but did not see the actual attack only the aftermath.	Upheld SCRAPS determination that the dog is dangerous.
07-20-17	2017-0537	Krystal Jeffries appealed a dangerous dog determination regarding a neutered male Pit Bull who was previously found potentially dangerous and again was running at large and acting in a menacing manner.	Upheld SCRAPS determination that the dog is dangerous.
08-15-17	2017-0531	Rodney Thomas appealed a dangerous dog determination regarding a neutered male, Pit Bull who was previously found potentially dangerous and who without provocation inflicted a severe injury to a human.	Upheld SCRAPS determination that the dog is dangerous.
10-19-17	2017-0806	Robert Marci appealed a dangerous dog determination regarding a male Pit Bull who without provocation inflicted severe injury to a human.	Upheld SCRAPS determination that the dog is dangerous.
11-21-17	2017-0998	Michelle Wilkinson appealed a dangerous dog determination regarding a male Pit Bull who without provocation inflicted severe injury to a child and adult.	Upheld SCRAPS determination that the dog is dangerous
12-07-17	2017-1025	James Thomas III appealed a dangerous dog determination regarding a female Pit Bull Terrier mix who without provocation attacked the complainant and inflicted a bite wound. The dog was previously declared potentially dangerous on 06-06-17.	Upheld SCRAPS determination that the dog is dangerous

***Hearings Held For Other Jurisdictions In 2017***

<b>Date</b>	<b>File Number</b>	<b>Jurisdiction</b>	<b>Description</b>	<b>Decision</b>
01-11-17	CPA/REZ-01-2016	Chewelah	City of Chewelah sought to change the land use designation and zoning of a 4.9-acre parcel designated as "public" located within the Plat of Pinebrook Estates. SEPA Appeal was heard with the underlying application.	Public notice requirements were determined to be defective and a continued hearing scheduled.
02-09-17	CPA/REZ-01-2016	Chewelah	City of Chewelah sought to change the land use designation and zoning of a 4.9-acre parcel designated as "public" located within the Plat of Pinebrook Estates.  SEPA Appeal was heard with the underlying application and the record on that was closed at the hearing held on 01-11-17.	Recommended denial of the application SEPA: Recommended denial of the SEPA Appeal Recommendations upheld by Council.
04-19-17	PLT2017-0001	Liberty Lake	Rivercrossing, LLC sought an approval for a preliminary plat to subdivided approximately 7.64 acres into 33 lots including attached (townhome) and detached single family residential lots	Recommended approval of the application
06-06-17	VAC-01-2017	Chewelah	The City of Chewelah sought to vacate a portion of a city right-of-way and a portion of a platted/dedicated alley.	Recommended approval of the application
10-10-17	CUP-01-2017 VAR-01-2017	Chewelah	Alfred Clark requested a conditional use permit and variance to allow for the construction of a carport addition onto his existing residence a nonconforming use in the Retail Business (R-B) zone	Denied the application expanded use not permitted in a nonconforming use in the zone.
11-08-17	VAR-2017-001	Millwood	Mark and Michelle Walker requested a variance from the residential setback regulations in order to allow the construction of a single-family residence on an irregularly shaped parcel un the Urban Residential (UR-2) zone	Approved w/ conditions

***City of Spokane Hearings Held by Spokane County's Hearing Examiner pro tem 2017***

<b>Date</b>	<b>File Number</b>	<b>Jurisdiction</b>	<b>Description</b>	<b>Decision</b>
09-20-17	2017-0761	City of Spokane	City of Spokane's Hearing Examiner pro tem, heard a dangerous confiscation appeal by Vincent Flood who is the owner of "Toby" a Pit Bull Terrier who was declared dangerous on December 7, 2016.. "Toby" was found running at large and attacked and killed a cat without provocation along with two other Pit Bulls owned by Mr. Flood.	Decision by the animal control authority was upheld and "Toby" was confiscated.
09-20-17	2017-0761	City of Spokane	City of Spokane's Hearing Examiner pro tem, heard two dangerous dog appeals by Vincent Flood who is the owner of two female Pit Bull Terriers "Angel" and "Honey". Both dogs were found running at large and without provocation attacked and killed a cat.	Decision by the animal control authority was upheld and "Angel" and "Honey" were declared dangerous dogs.

***Initiative Opinions Written In 2017***

<b>Date</b>	<b>Initiative Number</b>	<b>Description</b>	<b>Opinion</b>
02-08-17	Initiative No. 2017-01	Initiative to amend the City Charter Right to declare that people have a right to a healthy climate free from transportation of coal and crude oil. Proposed by Gunnar Holmquist M.D.	The proposed initiative is legally flawed for a number of reasons as follows: preempted by Federal Law under ICCTA; preempted portions of the proposed initiative cannot be severed; and enforcement provisions are not legally effective.
02-16-17	Initiative No 2017-02	Charter Amendment to amend the City's municipal code to allow people to speak during the open forum once per week. Proposed by Kristine Schuler.	The proposed modification to the municipal code can properly be enacted through the initiative process.

***Initiative Opinions Written In 2017, Cont.***

<b>Date</b>	<b>Initiative Number</b>	<b>Description</b>	<b>Opinion</b>
01-14-17	Initiative No 2017-3	Minor revisions to Initiative 2017-02 in language. Proposed by Kristine Schuler	The proposed measure does not suffer from any apparent legal defects.