

**CITY OF SPOKANE HEARING EXAMINER
ANNUAL REPORT FOR 2018**

<i>LID Hearings Held In 2018</i>			
Date	File Number	Description	Decision
		None held	

<i>Land Use Hearings Held In 2018</i>			
Date	File Number	Description	Decision
02-15-18	Z17-782SCUP	Gonzaga University sought a shoreline conditional use permit (SCUP) to construct a new 3-story Integrated Science and Engineering facility in a Residential High Density (RDH-55) zone.	Approved w/conditions
04-12-18	Z18-202CUP3	Kiss Holdings, LLC sought a conditional use permit (CUP) to operate a coffee shop, a retail sales, and service use in an existing structure located at 1801 E. 11 th Ave. in a Residential Single Family (RSF) Zone. This is the first application under the new Spokane Municipal Code (SMC) 17C.370, returning commercial structures to commercial use in an RSF zone.	Approved w/conditions
05-03-18	Z18-256SCUP	On behalf of the City of Spokane, AHBL, Inc. sought a SCUP in order to construct a public use non-motorized boat launch to be constructed on the south shore of the Spokane River at Glover Park in the Peaceful Valley Neighborhood. The property is located in a RSF zone.	Approved w/conditions
05-17-18	Z18-266CUP3	The Applicant, Don Hamilton, of Hamilton Studios sought approval of a CUP to allow a historic change of use. The existing structure is on the Spokane Register of Historic Places, and the use would be converted from existing office space to include event space for an event center. The property located in at 1427 W. Dean in an Office with a 35 foot height limit (O-35) zone.	Approved w/conditions

Land Use Hearings Held In 2018

Date	File Number	Description	Decision
05-24-18	Z17-257CUP3	The applicant sought a CUP in order to allow the construction of a 106,307 sq. ft. retail building with 141,692 sq. ft. of outdoor display/storage space and 471 parking stalls in the Light Industrial (LI) zone.	Approved w/conditions
05-31-18	Z18-271CEL3	SPO Verizon Nevada Tower sought a CUP in order to construct of a 60-foot monopole wireless communication tower together with accessory ground support equipment in a 50 sq. ft. leased area on a vacant lot in an RSF zone.	Approved w/conditions
06-28-18	Z18-448VAR	Mardis Nemo requested a variance to reduce the front yard setback from 15 feet and 20 feet to 0 feet for one lot due the steep slopes. The property is located at 2105 W. Ohio Avenue, which is in the RSF zone.	Approved w/conditions
07-12-18	Z18-423REZN	The owner, Gary Redding, sought a change to the zoning of several parcels of property from Office (O-35) to Office Retail (OR).	Approved w/conditions
08-09-18	Z16-653CUP3	Hearing Held on the substantial changes sought by St. Anthony's Catholic Parish, Trinity School Campus, to modify the Master Campus Plan by demolishing the old school building and constructing a 9,256 sq. ft. gym rather than the approved gym of 7,000 sq. ft. Changes include increasing the paved parking area to include 10 new parking spaces, relocating the playground, and incorporating a recently purchased piece of property into the Master Campus Plan	Approved w/conditions
08-30-18	Z18-526CUP3	Touchmark Development sought a CUP to construct of a new Health and Fitness Facility of approximately 19,000 sq. ft. and a new Memory Care Facility of approximately 32,000 sq. ft. Both facilities will serve the adjacent Touchmark community residents. The project is located in an RSF zone.	Approved w/conditions
09-20-18	Z18-592PPLT	MSSK Holdings proposed to plat approximately 4.95 acres into 26 single-family lots in an RSF zone.	Approved w/conditions
11-08-18	Z18-743PPLT	Strong Road Development proposed to plat approximately 31.50 acres into 112 single-family lots in an RSF zone.	Approved w/conditions

Land Use Hearings Held In 2018

Date	File Number	Description	Decision
12-13-18	Z18-835PPLT	Appletree Court, LLC sought approval to subdivide 8 vacant lots into 13 lots for residential single-family development. These lots are part of a previously approved Planned Unit Development (PUD) known as Waterford at Grapetree in an RSF zone.	The hearing was continued as the notice requirements were insufficient and a new hearing date was set.

Change of Conditions Requests In 2018

Date Of Decision	File Number	Description	Decision
05-21-18	Z16-653CUP3	Request by St. Anthony's Catholic Parish, Trinity School Campus, to modify the Master Campus Plan was substantial and required a new hearing. See listing in Land Use Hearings above.	Request denied as changes are substantial and require a new hearing.
06-20-18		St. Anthony's Catholic Parish, Trinity School Campus, sought a reconsideration of the Hearing Examiner's 05-21-18.	Reconsideration request denied as changes are substantial and require a new hearing.
08-22-18	Z1500068-CUP3	Linda Maney, the new owner of the Hillyard Library Sports Bar, submitted a request for a modification to the conditions of approval to include expanded hours of operation from Monday thru Saturday to include Sundays.	Request denied. This is a bar located in an RSF zone. The business is open 6 days a week from 10AM to 10PM. This denial is to protect abutting residential uses from the potential impacts.

Change of Conditions Requests In 2018

Date Of Decision	File Number	Description	Decision
08-27-18	Z2006-78-VA	Josh Taylor sought relief from a Building Official decision for a reduction in the floor area ratio for each of the two residences planned for construction along 18 th Avenue.	Request denied. The HE is a Judge who hears appeals and does not render advisory opinions.

Miscellaneous Administrative Appeal Hearings Held In 2018

Date	File Number	Description	Decision
03-29-18	Z17-434APPL	Henry Pierce III appealed the Order of the Building Official imposing the annual hearing processing fee regarding property located at 1303 S. Bernard St.	The decision of the Building Official was upheld.
04-03-18	B1803352BOAP	Appeal by Angie Dozier of the Building Official's Order that the buildings at 604 S. Ray Street were substandard, unfit, and the property constituted a nuisance under the municipal code.	Order Dismissing Appeal was issued as Ms. Dozier did not attend the hearing nor did anyone on her behalf.
04-17-18	AP-2018-001	Appeal by Marshall Powell, the promoter of "Elkfest," of the Spokane Police Department (SPD) Special Events Unit requirement to hire Spokane Police Officers for security at the event.	The decision of the SPD Special Events Unit is upheld.

Administrative Appeal Decisions/Reconsiderations on Redaction of Records 2018

Date	File Number	Description	Decision
	None		

Forfeiture Appeal Hearings In 2018

Date	File Number	Description	Decision/Disposition
01-04-18	17-069	Jose A. Perez-Arementa through his attorney Steve Tanijo submitted a claim to ownership of a 2000 Ford F150 pickup and \$8,482.00 in U.S. Currency seized by SPD as being used to facilitate or the proceeds from trafficking in illicit drugs.	The seizure was upheld by default as the claimant failed to appear.
02-15-18	17-086	Jordan Franke submitted a claim to ownership of a black cell phone and \$515 in U. S. currency seized by SPD as being used to facilitate or the proceeds from trafficking in illicit drugs.	The seizure was upheld by default as the claimant failed to appear.
03-29-18	17-095	James Ethrington submitted a claim of ownership of \$1,699.72 in U.S. Currency seized by SPD as being used to facilitate or the proceeds from trafficking in illicit drugs.	The seizure was upheld by default as the claimant failed to appear.
03-29-18	17-097	Benjamin Rodriguez submitted a claim of ownership of a bag of coins that was seized by SPD as being used to facilitate or the proceeds from trafficking in illicit drugs.	The seizure was upheld by default as the claimant failed to appear.
03-29-18	17-097	Veronica Castillo submitted a claim of ownership of \$510.00 in U.S. Currency seized by SPD as being used to facilitate or the proceeds from trafficking in illicit drugs.	The seizure was upheld by default as the claimant failed to appear.
04-19-18	18-003	Clare Thompson submitted a claim of ownership of a 2004 Chevrolet Monte Carlo seized by SPD from her son, Travis Collins, as being used to facilitate or the proceeds from trafficking in illicit drugs.	The claimant, who is the registered owner of the vehicle, invoked the innocent owner defense in that she never gave her permission nor did she know that her son was using the vehicle as a tool of drug trafficking. The Hearing Examiner sustained her claim, and the vehicle was ordered returned to the claimant.

Forfeiture Appeal Hearings In 2018

Date	File Number	Description	Decision/Disposition
08-02-18	18-026	Jacob Ellison submitted a claim of ownership of several tools and household items seized by SPD as being proceeds of a burglary.	The seizure was upheld by default as the claimant failed to appear.
08-02-18	18-019	Sara Stroup submitted a claim of ownership \$3,598 in U.S. currency seized by SPD as being used to facilitate or the proceeds from trafficking in illicit drugs.	The seizure was upheld by default as the claimant failed to appear.
08-02-18	18-024	James Thomas III submitted a claim of ownership for a 1992 Ford Mustang and a 2001 Ford F350 pickup. The vehicles were seized as being used to commit a felony arson and illegal possession of a firearm.	The claimant requested a continuance until the criminal charges were resolved.
11-08-18		James Thomas III, continued hearing. Claimant was transferred to another correctional facility and was not available to attend the hearing.	Hearing continued indefinitely pending Mr. Thomas' release Decision pending as of 04-29-19.
09-13-18	18-028 & 18-029	Jeffrey Jenkins submitted a claim of ownership of \$4,093.00 in U.S. Currency and a black Motorola cell phone seized by SPD as being used to facilitate or the proceeds from trafficking in illicit drugs.	The seizure was upheld by default as the claimant failed to appear.
09-13-18	18-028	Sharona Camps submitted a claim of ownership of \$3,103.00 in U.S. Currency seized by SPD as being used to facilitate or the proceeds from trafficking in illicit drugs.	The seizure was upheld by default as the claimant failed to appear.
10-11-18	18-044	James Ethrington submitted a claim of ownership of \$1,551.00 in U.S. Currency and an unlicensed Ford Mustang seized by the SPD as being used to facilitate or the proceeds from trafficking in illicit drugs.	Mr. Ethrington requested a continuance so he could present his defense.
11-08-18		James Ethrington's continued hearing. Mr. Ethrington was present for the hearing and presented his claim to ownership of the property seized.	The seizure was upheld and the property was forfeited to SPD.
10-18-18	18-041	Crystal Szczygielski submitted a claim of ownership of a white 2004 Acura MDX as being used to facilitate or the proceeds from trafficking in illicit drugs.	The seizure was upheld and the vehicle was forfeited to SPD.

Forfeiture Appeal Hearings In 2018

Date	File Number	Description	Decision/Disposition
10-18-18	18-041	Jeremy P. Hall submitted a claim of ownership of \$4,840.00 in U.S. Currency seized by SPD as being used to facilitate or the proceeds from trafficking in illicit drugs.	The seizure was upheld and the currency was forfeited to SPD.
11-15-18	18-052	Donnetta Clark submitted a claim of ownership of \$215.00 in U.S. Currency seized by the SPD as being used to facilitate or the proceeds from trafficking in illicit drugs.	The seizure was upheld by default as the claimant failed to appear.
11-15-18	18-052	Cesar Chavez submitted a claim of ownership of \$7,160.00 in U.S. Currency and other personal property seized by the SPD as being used to facilitate or the proceeds from trafficking in illicit drugs.	The seizure was upheld by default as the claimant failed to appear.
12-13-18	18-062	Angela Terry submitted a claim of ownership of several items seized by the Spokane Police Department on August 27, 2018. The items were seized by the Police Department as being used to facilitate the sales and distribution of illicit drugs.	The claimant requested a continuance to obtain legal counsel. Subsequently she sent a letter relinquishing her claim to the items seized.

Dangerous Dog Appeal Hearings In 2018

Date	File Number	Description	Decision
01-30-18	2018-0004	Tamara Lee appealed a dangerous dog (DD) determination regarding her male Boxer/Pit Bull Terrier who, without provocation, attacked and injured a child while in the dog owner's residence.	Upheld SCRAPS determination that the dog is dangerous.
03-22-18	2018-0098	Christopher Horn appealed a DD determination regarding his male Pit Bull Terrier who, without provocation, attacked and injured a child while in the victim's mother's residence.	Upheld SCRAPS determination that the dog is dangerous.
04-24-18	2018-0021	Joseph Schmitz appealed a DD determination regarding a male Australian Shepherd who, without provocation, attacked a delivery person as he was leaving the office.	Upheld SCRAPS determination that the dog is dangerous.

Dangerous Dog Appeal Hearings In 2018

Date	File Number	Description	Decision
05-31-18	2018-0367	Elizabeth Phillips appealed a DD determination regarding her male Pit Bull who without provocation ran across the street, up to the neighbor's front door, and attacked their dog inflicting injuries so severe the dog did not survive.	Ms. Phillips did not attend the hearing and, therefore, abandoned her appeal. The determination by SCRAPS that the dog is dangerous was upheld.
06-26-18	2018-0340	Nicole Rees appealed a DD determination regarding her male American Bully who, without provocation attacked and inflicted serious injuries to a minor child visiting her residence.	Upheld SCRAPS determination that the dog is dangerous.
11-15-18	2018-0929	Nicole Jangula appealed confiscation of DD regarding "Lacey" a female medium mixed breed who was running at large in violation of her DD restrictions.	Upheld SCRAPS determination that the dog was in violation of the dangerous dog restrictions.
11-26-18	2018-0936	Mr. Jay appealed a DD determination regarding "Chico" a male Pit Bull Terrier who, without provocation, attacked another dog inflicting serious injuries.	Upheld SCRAPS determination that the dog is dangerous

Hearings Held For Other Jurisdictions In 2018

Date	File Number	Jurisdiction	Description	Decision
01-03-18	CUS-03-17	Spokane County	John and Shari Bartels sought approval for a CUP for a commercial kennel in the Large Tract Agricultural zone.	Approved w/conditions
01-10-18	SUB-01-2017	Chewelah	Mike and Alyssa Bellevue sought an approval of a preliminary plat to subdivide approximately 0.82 acres, known as Lovejoy Corner Preliminary Plat, into five single-family lots.	Recommended approval of the application w/conditions
01-11-18	SUB-2017-0007	Spokane Valley	Inland Pacific Development, LLC sought a preliminary plat to divide 3.68 acres into 22 residential lots in the R-3 Zone	Approved w/conditions

Hearings Held For Other Jurisdictions In 2018

Date	File Number	Jurisdiction	Description	Decision
01-17-18	PE-1779A-95	Spokane County	Whipple Consulting Engineers sought a change of conditions to modify the Hearing Examiner's decision dated February 11, 1999, to allow for 612 additional single-family lots on the remaining 24.7 acres of Meadowview Terrace/Twin Bridges preliminary plat in the Urban Residential-3.5 (UR-3.5) zone.	Approved w/conditions
01-24-18	B1702631	Spokane County	Le'Andra Myers Fitzpatrick appealed the Determination of Non-Significance (DNS) issued by Spokane County for a proposed non-motorized recreational trailer sales and service facility.	Appeal denied
02-21-18	LUA2018-001	Cheney	The Cheney School District sought a CUP to allow the construction of a single-story 7,200 sq. ft. addition to the existing Betz Elementary School in the R-1 (Single-Family) zone.	Recommended approval of the application w/conditions
02-28-18	COC2017-0001	Liberty Lake	Rivercrossing, LLC sought a change of conditions to a preliminary plat to subdivided approximately 7.64 acres, increasing the number of lots from 33 to 36 and making certain changes to the access of the development.	Approved w/conditions
03-21-18	LUA2018-0003	Cheney	The Cheney School District sought a CUP and a variance in order to add substantial improvements to Cheney High School, including construction of a single-story classroom, an auditorium, a gymnasium, and other improvements. The variance request was to allow the auditorium to be 54 feet tall rather than 36 feet the maximum height in the zoning district.	CUP Approved w/conditions Variance denied Reconsideration of denial of variance filed on 04-19-18 Reconsideration denied on Variance

Hearings Held For Other Jurisdictions In 2018

Date	File Number	Jurisdiction	Description	Decision
03-27-18	APP-2018-001	Spokane Valley	Galen Pavliska appealed a DNS for CPA-2018-0003, a proposal to change the land use designation from single-family residential zone to commercial mixed use zone.	Appeal denied
03-28-18	CPA-01-2018	Chewelah	Steven Crisp sought to amend Section 18.08.135 of the Chewelah Municipal Code to reduce the front yard setback in the APGC-1 zone from 20 feet to 10 feet.	Approved w/conditions
05-22-18	SUB-2018-003 PLV-2018-001 REZ-2018-001	Spokane Valley	Plat vacation and realign public right-of-way, sewers easements, request to change zoning and preliminary plat approval to subdivide 7.3 acres into 22 single-residential lots.	Approved w/conditions
07-25-18	PLT2018-0001 LUA2018-0003	Liberty Lake	Rivercrossing, LLC sought approval of Rivercrossing East subdivision to create 612 lots and several tracts for residential, commercial, and missed use development on 164.11 acres in the RD-R and RD-M Zones to include open space tracts totaling 34.66+/- acres. There was also a SEPA Appeal filed by the City of Spokane Valley.	Approved w/conditions SEPA appeal denied
08-01-18	SCUP-01-2018	Chewelah	William Gimness sought a SCUP for a bank stabilization project on the Chewelah Creek. The purpose of the project is to protect an existing commercial vision clinic building from accelerated bank erosion.	Approved w/conditions
08-08-18	SPR-02-2018	Chewelah	Terry Walker submitted a Site Plan Review Application in order to authorize a one-level, single-family home and a pole building to be constructed in phases. The Applicant proposes to construct the pole building first and the home second on property located in a Single-Family Residential zone (R-1B).	Approved w/conditions
09-13-18	2018-0759	Spokane County	Kaylee Mae Roger-Shipman appealed a DD determination made on a brown male mixed breed dog owned by her. The dog was running at large and who, without provocation attacked Ms. Rucker's husband and their two children inflicting multiple bites.	Upheld SCRAPS determination that the dog is dangerous

Hearings Held For Other Jurisdictions In 2018

Date	File Number	Jurisdiction	Description	Decision
09-18-19	2018-0715	Spokane Valley	Marzjana Steuer appealed a DD determination regarding a male German Shepherd owned by her. While off the owner's property and without provocation inflicted severe injury on another dog and its owner's hand.	Upheld SCRAPS determination that the dog is dangerous
11-07-18	VE-02-18	Spokane County	An application for a variance to allow for a reduction in the front yard setback from 25 feet to 5 feet on a parcel in the Rural Conservation zone.	Approved subject to revised conditions
11-07-18	PE-2063-18	Spokane County	Preliminary Plat of Golden Pond Rural Cluster to divide 28.78 acres into five lots for single-family residences within a rural cluster in the Urban Reserve and Rural Traditional zones.	Approved subject to revised conditions
11-14-18	PE-2017-18	Spokane County	Preliminary Plat of Sunview Ridge 1 st Addition to divide 4.74 acres into 15 single-family residences in the Low Density Residential zone.	Approved subject to revised conditions
11-14-18	CUW-04-18	Spokane County	CUP for a home industry to malt grain in the Rural Traditional zone.	Approved subject to revised conditions
12-28-18	LUA2018-0022 LUA2018-0023	Airway Heights	Silver Spring Construction sought approval of a preliminary plat of a 52-lot residential subdivision and a CUP to construct a community building on the site.	The conditional use permit was approved w/conditions
12-28-18	LUA2018-0021	Airway Heights	YWCA sought approval of a CUP to change the use of an existing support services building located within the Airway Point Family apartment site to make tenant improvements to conduct classroom activities for the ECAP program.	Approved w/conditions

City of Spokane Hearings Held by Spokane County's Hearing Examiner pro tem 2018

Date	File Number	Jurisdiction	Description	Decision
12-12-18 Continued to 12-19-18	Z18-598PPUD	City of Spokane	City of Spokane's Hearing Examiner pro tem, heard a Preliminary Plat and Planned Unit Development to construct 236 residential units and 38,000 sq. ft. of office, retail, and other commercial uses on approximately 24.59 acres which zoned CC1 and RSF.	Approved, subject to revised conditions

Initiative Opinions Written In 2018

Date	Initiative Number	Description	Opinion
	None		