

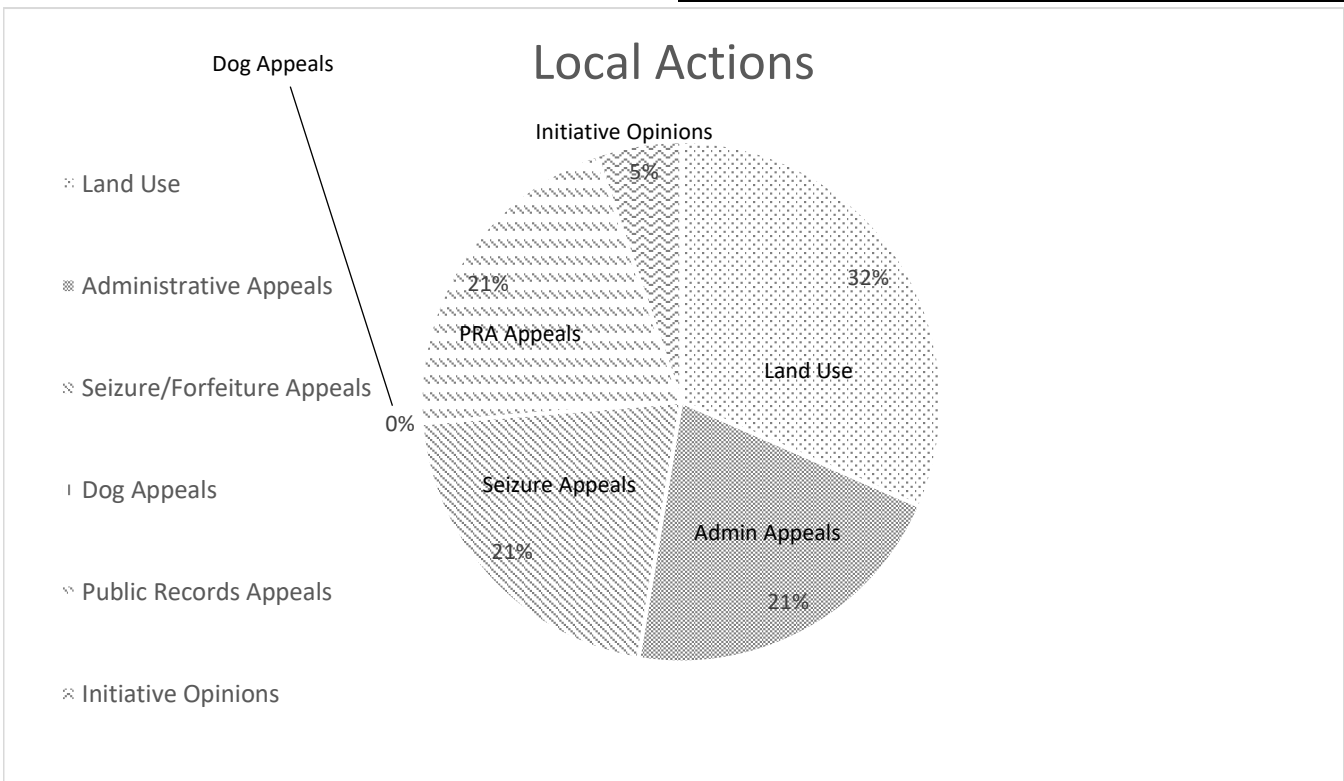
**City of Spokane  
Office of the Hearing Examiner  
2021 Annual Report**

Brian T. McGinn  
Hearing Examiner

# Summary

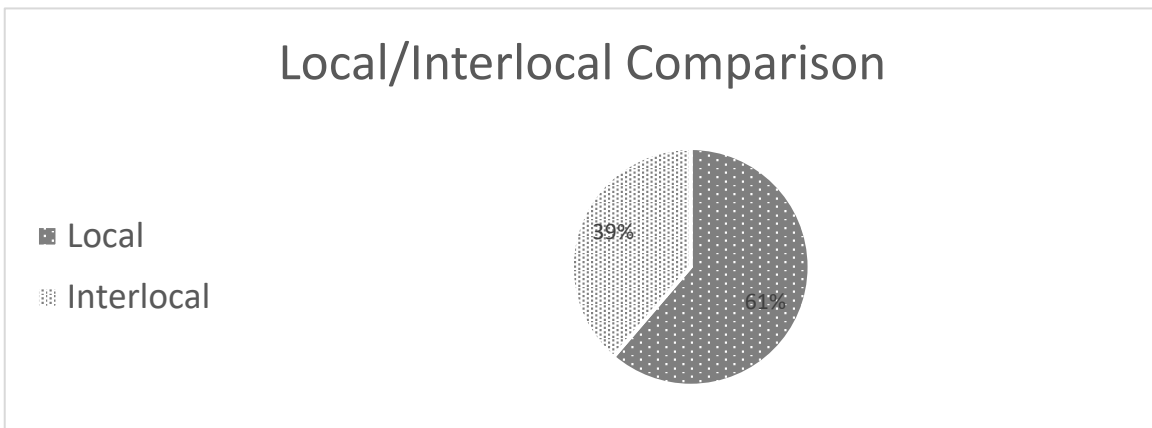
<b>Local Actions Requiring Hearings</b>	<b>28</b>
Land Use	12
Administrative Appeals	8
Seizure/Forfeiture Appeals	8
Dog Appeals	0

<b>Local Actions Not Requiring Hearings</b>	<b>10</b>
Public Records Appeals	8
Initiative Opinions	2
<b>Total Local Actions</b>	<b>38</b>



<b>Interlocal Hearings</b>	<b>24</b>
Airway Heights	2
Cheney	2
Chewelah	3
Liberty Lake	2
Medical Lake	0
Millwood	0
Newport	2
Sound Transit	1
Spokane Valley	10
Spokane County	2

**Total Local and Interlocal Actions 62**



## Five-Year Trends

### Local Actions Requiring Hearings

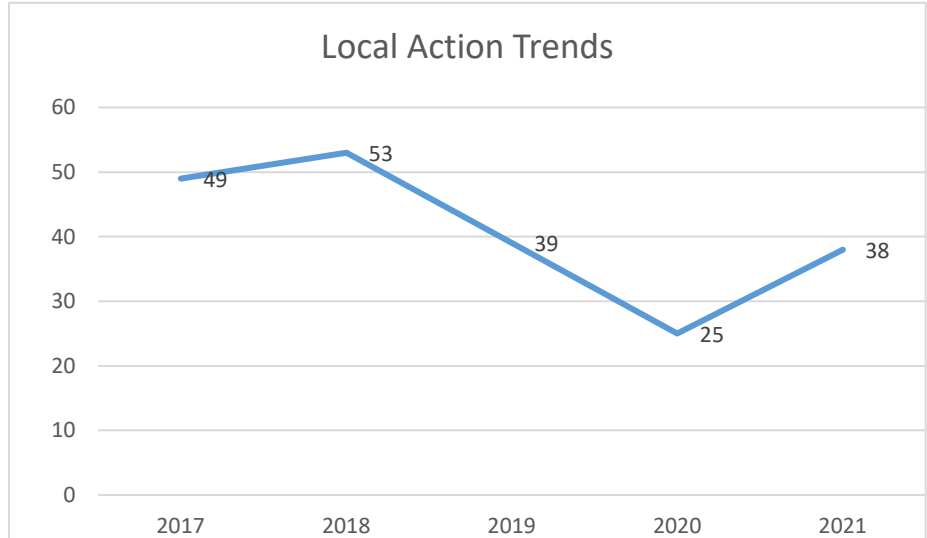
2017	35
2018	49
2019	30
2020	23
2021	28

### Local Actions Not Requiring Hearings

2017	14
2018	4
2019	9
2020	2
2021	10

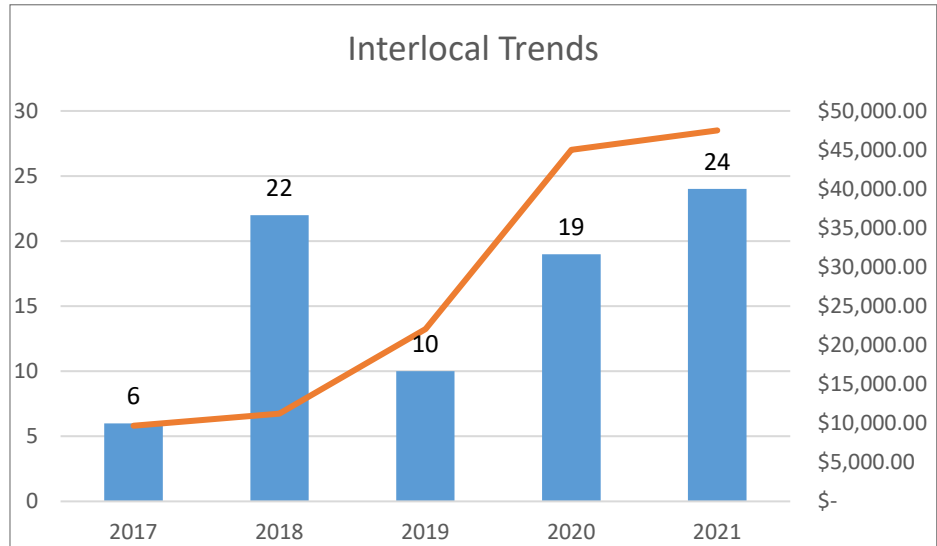
### Total Local Actions by Year

2017	49
2018	53
2019	39
2020	25
2021	38



### Interlocal Actions by Year

2017	6
2018	22
2019	10
2020	19
2021	24



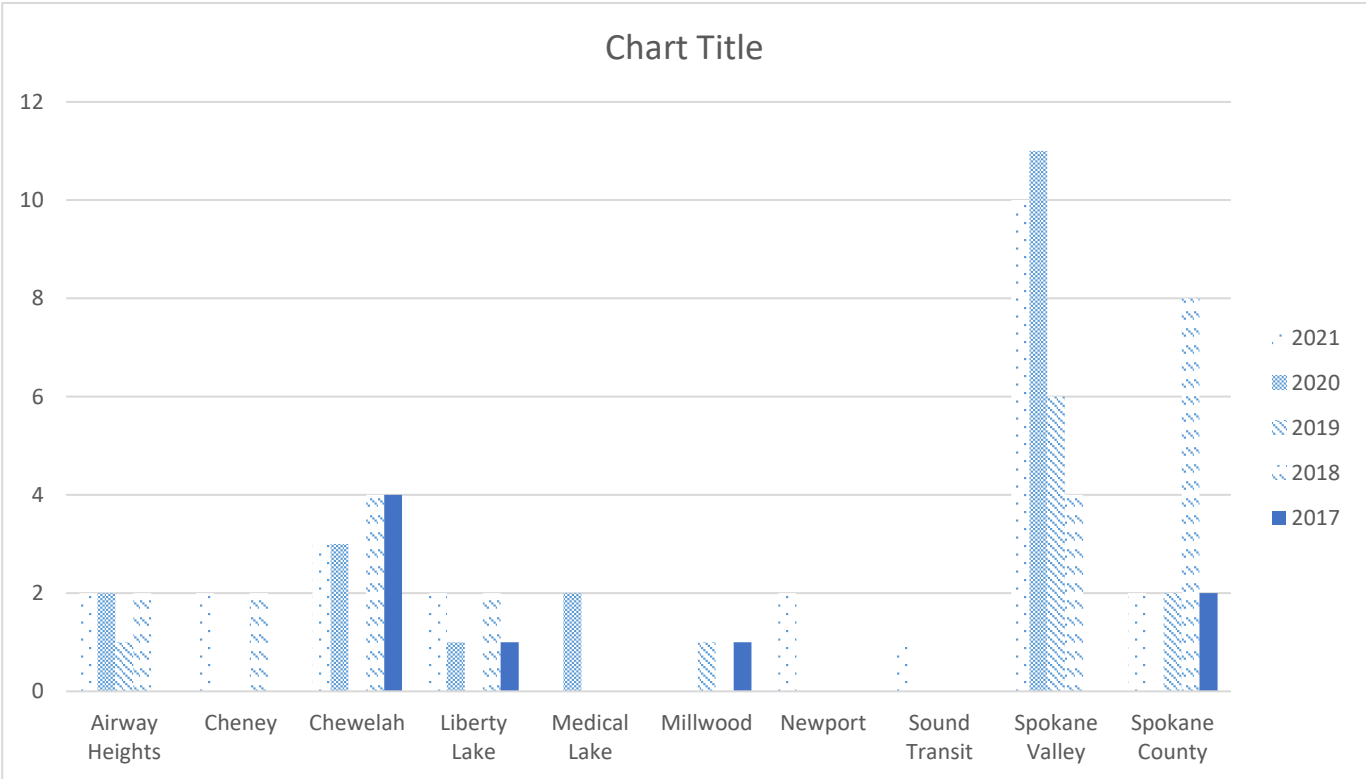
### Revenue by Year (based on invoicing)

2017	\$ 9,688.44
2018	\$ 11,236.95
2019	\$ 22,055.09
2020	\$ 45,043.09
2021	\$ 47,508.99

## Five-Year Trends by Jurisdiction

	2021	2020	2019	2018	2017	TOTAL
Airway Heights	2	2	1	2	0	7
Cheney	2	0	0	2	0	4
Chewelah	3	3	0	4	4	14
Liberty Lake	2	1	0	2	1	6
Medical Lake	0	2	0	0	0	2
Millwood	0	0	1	0	1	2
Newport	2	0	0	0	0	2
Sound Transit	1	0	0	0	0	1
Spokane Valley	10	11	6	4	0	31
Spokane County	2	0	2	8	2	14
	24	19	10	22	8	<b>AVG:</b>

8



**Currently Scheduled for 2022**

**Airway Heights  
Cheney  
Chewelah  
Liberty Lake  
Medical Lake**

**Millwood  
Newport  
Sound Transit  
Spokane Valley  
Spokane County**

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**Note:**

\*\*Newport interlocal agreement is new as of 2021.

## City of Spokane Land Use

Hearing Date	File Number	Description	Decision
3/11/2021	Z200039PPLT	Preliminary Plat Application by Whipple Consulting Engineers, Inc. to subdivide approximately 12.15 acres into 45 new single-family lots on property located on Parcel No. 34071.0040 (Tangle Ridge).	Approved with <i>revised</i> conditions
3/18/2021	Z200180CUP3	Rezoning and Conditional Use Permit Application by Land Use Solutions and Entitlement to rezone parcel 35221.0211 to develop a mini-storage facility at 4110 E. Sprague Avenue. U-Haul Rezoning and CUP (former K-Mart).	Approved with <i>revised</i> conditions
3/25/2021	Z200227CUP3	Conditional Use Permit Application by Life Services of Spokane to convert an existing single-family home into a Community Service use (Fatherhood Initiative).	Approved with conditions
4/1/2021	Z210014CUP3	Conditional Use Permit Application by Cantu Investments LLC to construct a 33,600-40,000 square foot air supported structure for recreational sports and associated parking in a Heavy Industrial zone (Cantu Sports Facility).	Approved with conditions
4/22/2021	Z210009CUP3	Conditional Use Permit Application by Ramka Properties LLC to operate a grocery/convenience store in the commercial structure located at 2024 E. Boone Avenue and in the RSF zone.	Approved with <i>revised</i> conditions
5/6/2021	Z210032CUP3	Application for Shoreline Conditional Use Permit by the City of Spokane to add new stormwater treatment swales and make other improvements on property adjacent to the Spokane River in an RSF zone (Cochran Drainage Basin).	Approved with conditions
5/13/2021	Z200177REZN	Rezoning Application by Russel Page Architects to rezone parcels 36312.0215 and 36312.0702 to allow limited retail uses in a future commercial building (Man Shop Rezoning).	Approved with conditions

## City of Spokane Land Use

Hearing Date	File Number	Description	Decision
7/15/2021	Z210078PPLT	Preliminary Plat Application by Seth Maefsky on behalf of Raspberry Acres, LLC to subdivide approximately 6.43 acres into 315 new single-family lots on property located on Parcel No. 26244.0085.	Approved with <i>revised</i> conditions
8/18/2021	Z210105PPUD	Riverpoint Village PUD AmendmentRequest for Amendment to Riverpoint Village Planned Unit Development (PUD) by removing Space Unit 12 from the PUD to be developed independent of the PUD without regard to the approved PUD.	Approved with conditions
9/8/2021	Z180202CUP3	Request for a Change of Conditions to Conditional Use Permit Application File No. Z18 202CUP3 (Meeting House formerly 11th Avenue Café).	Approved with <i>revised</i> conditions
9/29/2021	Z210136CUP3	Conditional Use Permit Application by Family Promise of Spokane to convert an existing single-family home into a Community Service use in the Residential Single Family zone.	Approved with conditions
10/13/2021	Z210042PPLT	Preliminary Plat Application by Storhaug Engineering to subdivide approximately 1.89 acres into a 13-lot long plat, to be known as Corbin Cottages, and rezone the 1.89-acre parcel and a 16.98-acre parcel from RSF to RSF-C.	Approved with revised conditions

## City of Spokane Administrative Appeals

Hearing Date	File Number	Description	Decision
3/30/2021	P2122553TREE	Appeal by Marti & Miles Breneman of the City of Spokane Urban Forestry Department's decision to deny a permit for the removal of a tree located within the right-of-way abutting 37 W. 28 <sup>th</sup> Avenue.	Decision by Department Official Upheld
4/22/2021	CE-19-01	Appeal by Stephen F. Cervantes of an Order of the Building Official to Vacate and Board the House and Any Accessory Structures located at 1004 E. Liberty Avenue.	Decision by Department Official Upheld
7/15/2021	P2101803TREE	Appeal by Alissa Constantino of the City of Spokane Urban Forestry Department's decision to deny a permit for the removal of a tree located within the right-of-way abutting 5915 S. Bernard Street.	Decision by Department Official Upheld
7/22/2021	CE-21-01	Appeal by Daniel F. Schroer of an Order of the Building Official to Demolish Building located at 133 N. Stone Street.	Decision by Department Official Upheld
8/18/2021	CE-21-02	Appeal by Jon Adams and Jeremy Post of an Order of the Building Official to Vacate Building located at 717 E. Wellesley.	Decision by Department Official Upheld
12/1/2021	Z210127APPL Z210128APPL	Appeal by multiple parties of Planning Director's July 9, 2021, decision on a Type II Conditional Use Permit (Z21-071CUP2).	Settled
12/8/2021	P2105447TREE	Appeal by Stan Moser of the City of Spokane Urban Forestry Department's decision to deny a permit for the removal of a tree located within the right-of-way abutting 35 E. 27th Avenue.	Decision by Department Official Upheld
12/8/2021	P2105646TREE	Appeal by Chris Edison of the City of Spokane Urban Forestry Department's decision to deny a permit for the removal of a tree located within the right-of-way abutting 418 E. Sierra Court.	Decision by Department Official Upheld

## City of Spokane Administrative Appeals/Reconsiderations on Redaction of Records

<b>Decision Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision</b>
1/12/2021	P005682-120120	Suzan Entwistle Marshall's Request for a Copy of the Missing Person Case File on Heather Lynn Higgins.	Withholding of documents upheld.
3/4/2021	C000370-040519	Brian R. Breen's Request for Public Records Related to the City Attorney's Decision Not to Charge Lt. McCabe.	Redactions upheld.
4/26/2021	C000725-080520	Brian R. Breen's Request for Public Records Related to an Internal Affairs investigation designated as case IA C15-056.	Redactions upheld.
5/10/2021	C000679-061319	Brian R. Breen's Request for Public Records Related to the City Attorney's decision not to prosecute former SPD Officer Dave McCabe, re: Internal Affairs C18-018.	Redactions upheld.
5/21/2021	C000327-031921	Brian R. Breen's Request for Public Records Related to the City Attorney's Decision Not to Charge Lt. McCabe.	Redactions upheld.
6/14/2021	C001183-112320	Brian R. Breen's Request for Public Records related to Internal Affairs or Human Resources investigations concerning Officer Chris Conrath.	Appeal sustained and document ordered to be released.
9/22/2021	C000449-041421	David Kokot's Request for Public Records memorializing communications between Michael Ormsby and Meghann Steinolfson regarding a whistleblower complaint and its related investigation.	Redactions upheld.
11/17/2021	C000715-062419	Brian R. Breen's Request for Public Records Related to the transfer of Cpl. Jeff McCullough from Spokane Police Department (SPD) Patrol Anti-Crime Team (PACT) to Patrol Team 2.	Appeal sustained and document ordered to be released.



## City of Spokane Initiative Opinions

<b>Opinion Date</b>	<b>Initiative Number</b>	<b>Description</b>	<b>Opinion</b>
3/17/2021	2021-1	Psilocybin Mushroom Decriminalization Initiative	The proposed initiative is preempted by state law.
5/20/2021	2021-2	Cleaner Energy Protection Act Charter Amendment	The proposed initiative would be legally valid and effective if adopted.

## SCRAPS

Hearing Date	File Number	Description	Decision
		None.	

## Spokane Police Department Forfeiture Appeals

Hearing Date	File Number	Description	Decision
3/25/2021	20-072	Tarissa Bercier submitted a claim to ownership of cash seized by the SPD under USCA as being used to facilitate or the proceeds from trafficking in illicit drugs. The claimant did not satisfactorily prosecute her appeal.	The seizure of property was upheld and the property was ordered forfeited.
4/15/2021	20-068	Nichole Krupke submitted a claim to ownership of cash seized by the SPD under USCA as being used to facilitate or the proceeds from trafficking in illicit drugs. The claimant did not appear for the hearing.	The seizure was upheld by default as the claimant failed to appear.
6/3/2021	21-007	Lesa Eggleston submitted a claim to ownership of a vehicle seized by the SPD under USCA as being used to facilitate trafficking in illicit drugs. The claimant offered an "innocent owner" defense in support of her appeal.	The claim was sustained and the property ordered to be returned to claimant.
6/17/2021	21-006	Christopher Brown submitted a claim to ownership of cash seized by the SPD under USCA as being used to facilitate or the proceeds from trafficking in illicit drugs. The claimant did not satisfactorily prosecute his appeal.	The seizure of property was upheld and the property was ordered forfeited.
6/24/2021	21-013	Anthony Williams submitted a claim to ownership of cash seized by the SPD under USCA as being used to facilitate or the proceeds from trafficking in illicit drugs. The claimant did not satisfactorily prosecute his appeal.	The seizure of property was upheld and the property was ordered forfeited.
9/9/2021	21-023	Gilbert Hicks submitted a claim to ownership of cash seized by the SPD under USCA as being used to facilitate or the proceeds from trafficking in illicit drugs. The claimant did not appear for the hearing.	The seizure was upheld by default as the claimant failed to appear.

## Spokane Police Department Forfeiture Appeals

<b>Hearing Date</b>	<b>File Number</b>	<b>Description</b>	<b>Decision</b>
9/16/2021	21-022	Nathan Arguello submitted a claim to ownership of cash seized by the SPD under USCA as being used to facilitate or the proceeds from trafficking in illicit drugs. The claimant did not appear for the hearing.	The seizure was upheld by default as the claimant failed to appear.
10/21/2021	21-035	Clifford Hill submitted a claim to ownership of cash seized by the SPD under USCA as being used to facilitate or the proceeds from trafficking in illicit drugs. The claimant did not appear for the hearing.	The seizure was upheld by default as the claimant failed to appear.

## Other Jurisdictions

Hearing Date	File Number	Jurisdiction	Description	Decision
12/16/2020	PRD-2020-0001 VAR-2020-0001	Spokane Valley	Preliminary Application by Diamond Rock Properties LLC for a PRD for 19 townhouse units, one duplex and one single family residence, including a request for a Variance for the reduction of the minimum 5 acre lot size for PRDs.	Applications Denied
1/21/2021	LUA 2019-0003	Airway Heights	Highland Village SEPA Appeal.	Settled
1/27/2021	LUA 2020-0038 PLT 2020-0001	Liberty Lake	Application by River Crossing, LLC, for River Crossing 2020 Preliminary Plat to create 270 residential lots and several tracts on 53.39 acres in the RD-R zone.	Approved with Conditions
2/3/2021	CUP-2020-0004	Spokane Valley	Conditional Use Permit by Black Realty Inc. to operate a driving range at the former Painted Hills Golf Course.	Approved with Conditions
2/9/2021	CPA-09-2020	Chewelah	Periodic update of the Comprehensive Plan, Development Regulations, and Critical Areas Ordinance.	Recommended Approval
2/17/2021	APP-2020-0007	Spokane Valley	Appeal by Garth Werner of Notice and Order issued for the property located at 17801 East Sprague Avenue.	Settled
3/17/2021	SUB-2020-0005 APP-2021-0001	Spokane Valley	Application by Whipple Consulting Engineering, Inc. for River Landing Subdivision to divide one parcel into 23 residential lots on approximately 3.33 acres in an R-3 zone (River Landing and SEPA Appeal).	Approved with <i>revised</i> Conditions
4/6/2021	ZTA-02-2021	Chewelah	Zone Text Amendment Application by the City of Chewelah to amend Chewelah Municipal Code Sections 18.04.040 and 18.12.080 to provide greater flexibility to property owner requesting a home occupation use.	Recommended Approval

## Other Jurisdictions

Hearing Date	File Number	Jurisdiction	Description	Decision
4/13/2021	COD 2020-0676	Cheney	BCC Eastern Washington LLC v City of Cheney.	Settled
4/14/2021	APP-2020-0006	Spokane Valley	Appeal by Wendall D. Bagley Jr. of Notice and Order issued for the property located at 11607 East Broadway Avenue.	Settled
5/11/2021	LUA2021-0001	Airway Heights	Conditional Use Permit application to continue operating a church located within a residential zone.	Approved with revised Conditions
5/19/2021	CUP-2020-0003	Spokane Valley	Conditional Use Permit to develop a 44-unit cottage development (Cottages on the Green).	Approved with <i>revised</i> Conditions
5/25/2021	COD 2021-768	Cheney	Ghanim Al Zahira v. City of Cheney.	Building Official Decision Upheld
6/7/2021	Bus Base North	Sound Transit	Canyon Park Business Center Owners' Association (CPBCOA) v. Sound Transit.	Settled
6/16/2021	SUB-2021-0001	Spokane Valley	Preliminary Plat Application (The Nest) by Zac Scott to subdivide one 4.8-acre parcel into 25 residential lots on property in the R-3 zone.	Approved with Conditions
6/23/2021	APP-2020-0008	Spokane Valley	ABC Upholstery/Jaymes & Janice Lyonnaise Appeal v. City of Spokane Valley.	Settled
7/14/2021	SUB-2021-0002	Spokane Valley	Preliminary Plat Application (Broadway Meadows) by Paul Malen to subdivide one 3.8-acre parcel into 10 duplex lots on property in the R-3 zone.	Approved with <i>revised</i> Conditions
8/25/2021	PN-1967-05	Spokane County	Preliminary Plat of Falcon Ridge North to divide 42.07 acres into 76 lots for single-family residences in the Low Density Residential (LDR) zone.	Approved with Conditions

## Other Jurisdictions

Hearing Date	File Number	Jurisdiction	Description	Decision
8/25/2021	PN-1968-05	Spokane County	Preliminary Plat of Woodridge View 4th Addition to divide 51.65 acres into 44 lots for single-family residences in the Low Density Residential (LDR) zone.	Approved with Conditions
8/31/2021	2021-H13	Newport	Conditional Use Permit (CUP) Application to replace an expired CUP for an existing bed and breakfast inn (Walden Inn) located at 631 N Warren Avenue, Newport, WA.	Approved with <i>revised</i> Conditions
9/2/2021	SPR-02-2020	Chewelah	Site Plan, Critical Area, and SEPA Review Application by Mike Gilman for a proposed home and garage in the R-1 zone.	Approved with <i>revised</i> Conditions
9/16/2021	SUB-2021-0004	Spokane Valley	Preliminary Plat Application by Whipple Consulting Engineers to subdivide one 4.7-acre parcel into 22 residential lots on property in the R-3 zone to be known as Mithril Manor.	Approved with <i>revised</i> Conditions
9/21/2021	2021-H12	Newport	Conditional Use Permit (CUP) Application to operate a state licensed cannabis retail shop located in the existing building at 601 Highway 20, Newport, WA.	Approved with Conditions
10/26/2021	LUA 2021-0011	Liberty Lake	Application by Greenstone to amend the Comprehensive Plan Land Use Plan and Zoning Designation for Meadowwood Technology Campus from I (Light Industrial) to M-2 (Community Center – Mixed Use).	Recommended Approval
11/2/2021	LUA2021-0018	Airway Heights	Conditional Use Permit application for the placement of a 2,100 sq. ft. modular building on an existing church facility site on property located at 12322 W. Sunset Highway and situated in the C-2 zone.	Approved with Conditions