

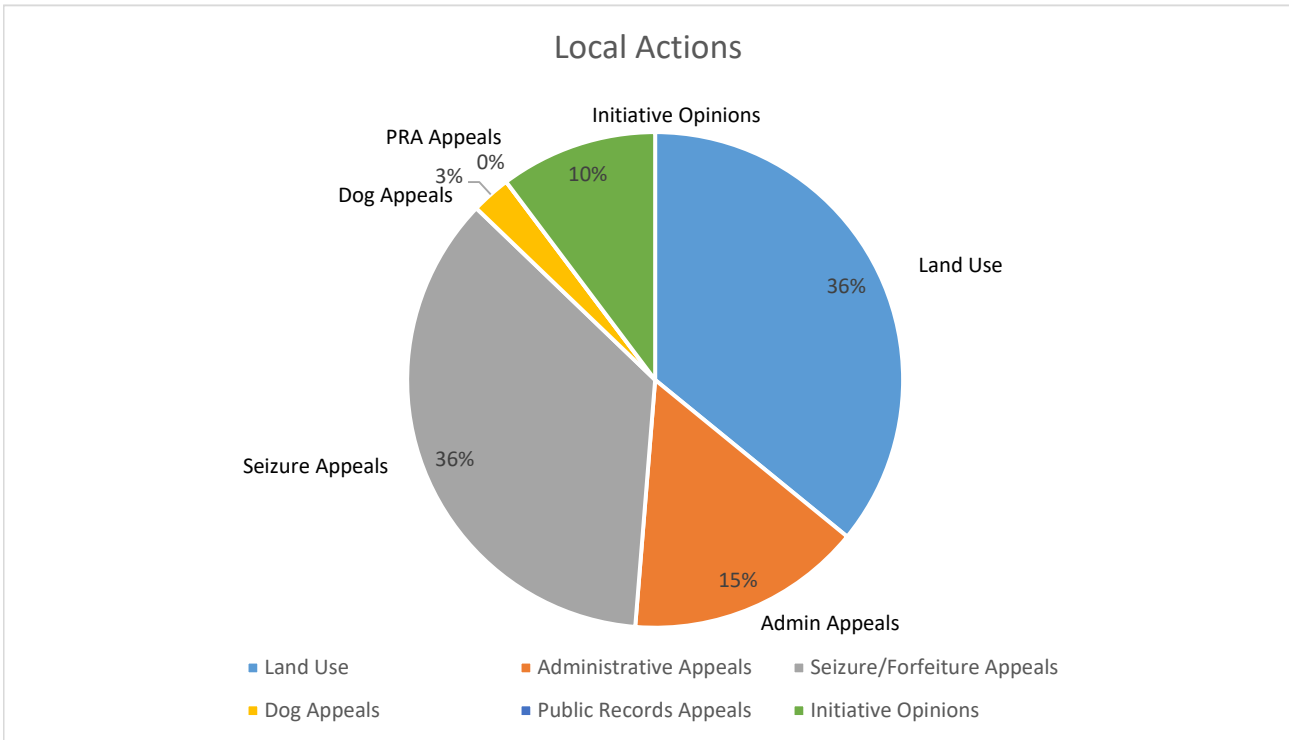
City of Spokane
Office of the Hearing Examiner
2023 Annual Report

Karl J. Granrath
Hearing Examiner

Summary

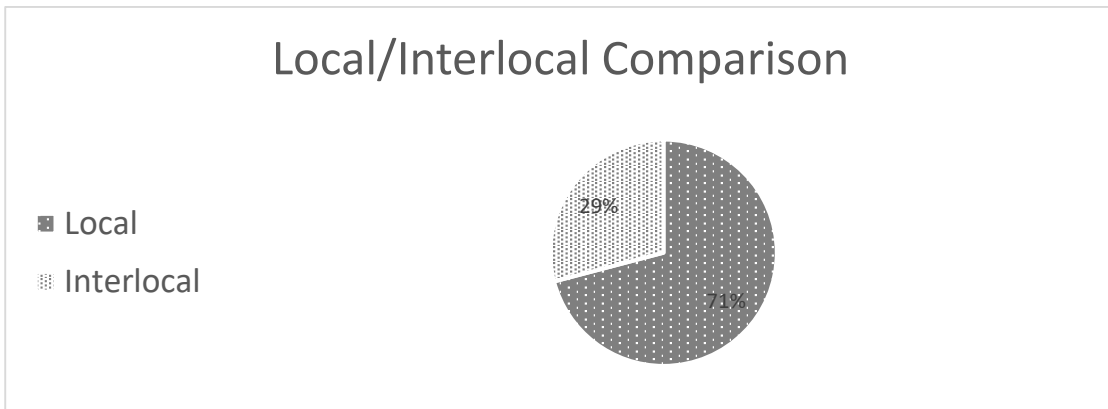
Local Actions Requiring Hearings		35
Land Use	14	
Administrative Appeals	6	
Seizure/Forfeiture Appeals	14	
Dog Appeals	1	

Local Actions Not Requiring Hearings		4
Public Records Appeals	0	
Initiative Opinions	4	
Total Local Actions		39



Interlocal Hearings		16
Airway Heights	3	
Cheney	0	
Chewelah	3	
Liberty Lake	4	
Medical Lake	0	
Millwood	0	
Newport	0	
Sound Transit	0	
Spokane County	5	
Spokane Valley	1	

Total Local and Interlocal Actions		55
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Five-Year Trends

Local Actions Requiring Hearings

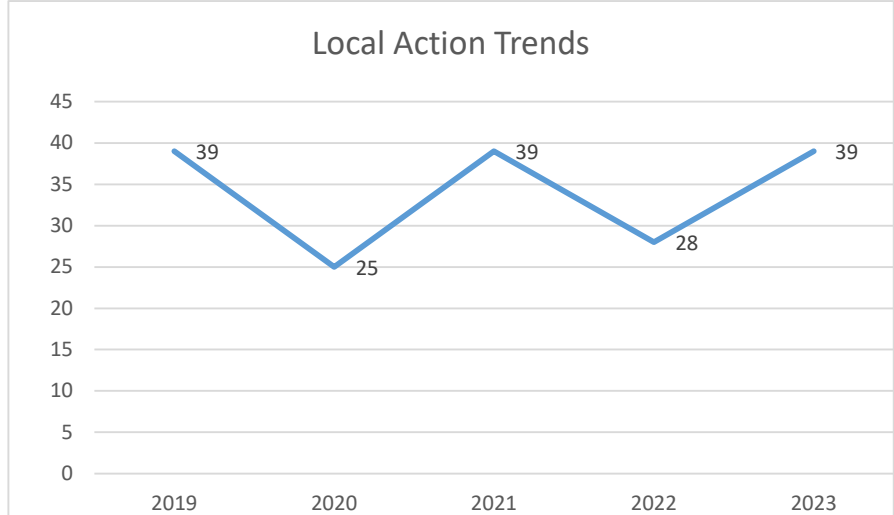
2019	30
2020	23
2021	29
2022	26
2023	35

Local Actions Not Requiring Hearings

2019	9
2020	2
2021	10
2022	2
2023	4

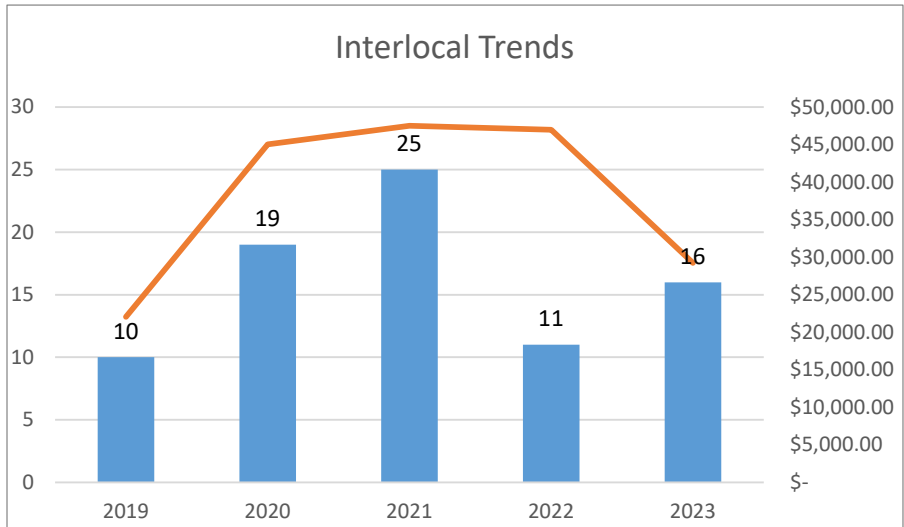
Total Local Actions by Year

2019	39
2020	25
2021	39
2022	28
2023	39



Interlocal Actions by Year

2019	10
2020	19
2021	25
2022	11
2023	16



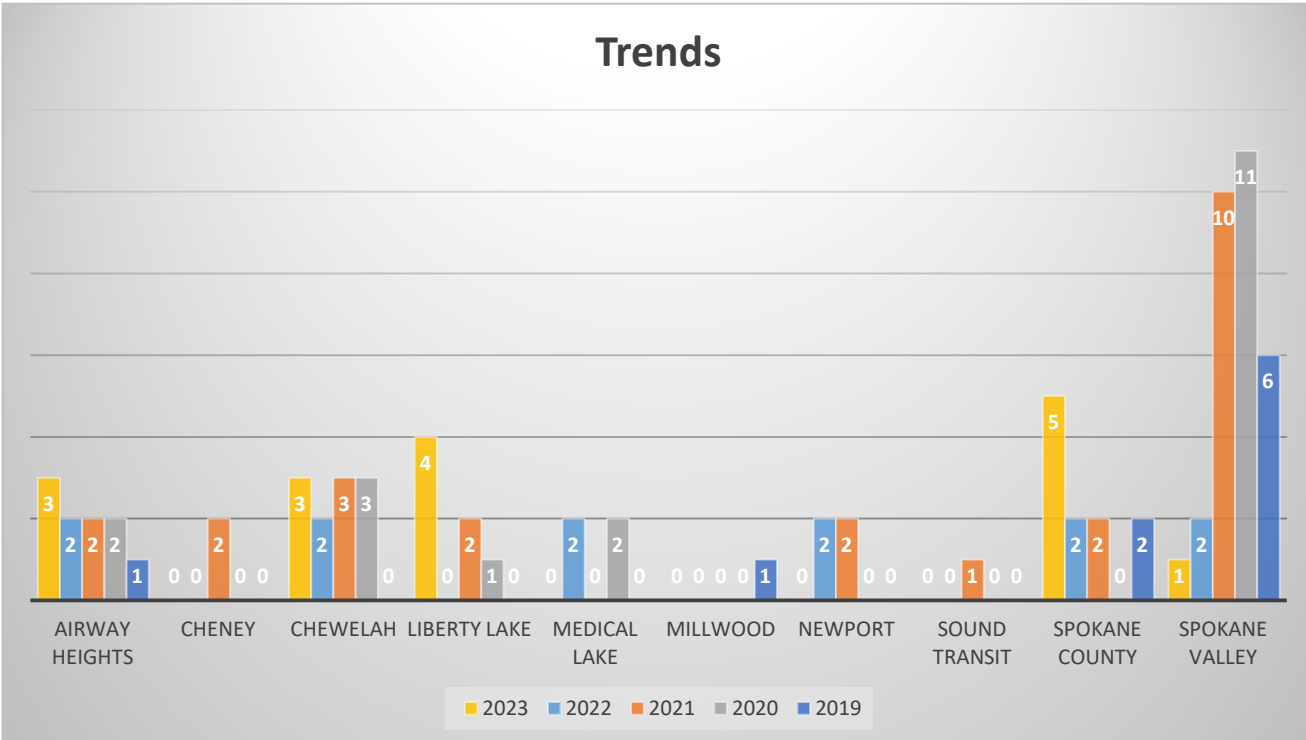
Revenue by Year (based on invoicing)

2019	\$ 22,055.09
2020	\$ 45,043.09
2021	\$ 47,508.99
2022	\$ 46,992.03
2023 *	\$ 29,231.25

* Note: While the number of interlocal hearings in 2023 have exceeded those in 2022, the revenue for the year does not reflect that increase. This is due to the fact that five hearings were conducted for Spokane County while they searched for a new Hearing Examiner. Our interlocal agreement with Spokane County is to exchange services in kind, and we do not invoice them. The Spokane County Hearing Examiner heard 4 matters for the City in 2023, during the transition to a new Hearing Examiner.

Five-Year Trends by Jurisdiction

	2023	2022	2021	2020	2019	TOTAL	
Airway Heights	3	2	2	2	1	7	
Cheney	0	0	2	0	0	2	
Chewelah	3	2	3	3	0	8	
Liberty Lake	4	0	2	1	0	3	
Medical Lake	0	2	0	2	0	4	
Millwood	0	0	0	0	1	1	
Newport	0	2	2	0	0	4	
Sound Transit	0	0	1	0	0	1	
Spokane County	5	2	2	0	2	6	
Spokane Valley	1	2	10	11	6	29	
	16	12	24	19	10	AVG:	7



Currently Scheduled for 2024

Airway Heights	1	Millwood	1
Cheney	2	Newport	0
Chewelah	0	Sound Transit	0
Liberty Lake	0	Spokane County	0
Medical Lake	0	Spokane Valley	0

City of Spokane Land Use

Hearing Date	File Number	Description	Decision
12/21/2022	Z220429CUP3	Conditional Use Permit and Variance Applications by the City of Spokane Engineering Services to construct a water tower at 2101 E. Thurston Avenue.	Approved, with conditions
2/8/2023	Z220449FEW3	Conditional Use Permit Application by Spokane Public Schools for a Community Service Use in a Residential Single Family Zone.	Approved, with conditions
2/22/2023	Z220473VAR	Variance Application by Gonzaga University to construct a new 3-story, 90 bed resident hall for students in the in a Context Area 4 (CA4) Zone.	Application denied
4/5/2023	Z230033SCUP	Shoreline Conditional Use Permit Application by Gonzaga University to allow the construction of an addition to the baseball team locker room and a new indoor baseball practice facility on the Gonzaga University Campus.	Approved, with conditions
Post-Hearing Decision	Z200185PPLT	The Greens at Meadowlane US 195/Meadowlane Conditioned Project	Concurrence the Condition had been met
Post-Hearing Decision	Z190228PPLT	The Summit US 195/Meadowlane Conditioned Project	Concurrence the Condition had been met
Post-Hearing Decision	Z200039PPLT	Tangle Ridge US 195/Meadowlane Conditioned Project	Concurrence the Condition had been met
5/31/2023	Z230150REZN	Application by Gonzaga University for a zone change from Context Area 4 (CA4) to Residential High Density with a height limit of 55 feet (RHD-55).	Approved, with conditions
8/9/2023	Z230348PPUD	Application for a Preliminary Plat and Planned Unit Development (Moody Townhomes) to subdivide three existing parcels into up to 96 attached housing lots on roughly 9.76 acres, utilizing the 10% density bonus within the PUD regulations.	Approved, with conditions
9/6/2023	Z230308CUP3	Conditional Use Permit and Variance Applications by the City of Spokane Engineering Services to construct a water tower at 3302 W. Thorpe Road.	Approved, with <i>revised</i> conditions
9/13/2023	Z210344PPLT	Preliminary Plat Application by Whipple Consulting Engineers on behalf of Black Realty, Inc., to subdivide approximately 57.66 areas into 160 single-family lots in the RSF zone.	Approved with conditions
10/4/2023	Z220269PPLT	Preliminary Plat Application by Whipple Consulting Engineers, Inc. to subdivide approximately 7.03 acres into 27 single-family lots on property located at 5808 S. Meadow Lane Road.	Approved with <i>revised</i> conditions

City of Spokane Land Use

Hearing Date	File Number	Description	Decision
10/11/2023	Z230250CUP3	Conditional Use Permit Application by CHAS Health for a Community Service Use in a Residential Single Family Zone.	Approved with <i>revised</i> conditions
10/18/2023	Z230327PPLT	Preliminary Plat Application by SynTier Engineering on behalf of Oakbridge, LLC to demolish all existing structures at 1718 W Bridge, 1722 W Bridge and 614 N Oak and subdivide 14 attached housing lots and two tracts to be utilized for common access and utilities in the Centers and Corridors/Neighborhood Center Zone.	Approved with conditions

City of Spokane Administrative Appeals

Hearing Date	File Number	Description	Decision
6/28/2023	Z23-009PSP-APPL	Appeal by Ken and Mary Ann Corman and Kenneth and Elisabeth Hairston of Planning and Development Director's Decision Approving the Preliminary "Five Mile Spokane" Short Plat, File No. Z23-099PSP.	Planning Director's Decision Upheld
7/11/2023	Z230269APPL	Appeal by Lombard Conrad Architects of Condition #2 of the Planning Director's Administrative Zoning Determination regarding Parcel 35342.0510, located at 2910 E. 30th Avenue.	Planning Director's Decision Upheld
7/19/2023	B2308772BOAP	Appeal by Russell Gutbrod of the Building Official's Order regarding 628 S. Hatch Street.	Dismissed
7/19/2023	B2308774BOAP	Appeal by Maureen (Elizabeth) Filina of the Building Official's Order regarding 704 E. Hartson Avenue.	Dismissed
9/20/2023	Z230153APPL	Appeal of Permit # BO-001-23 Decision by Main Street Industrial Park, LLC.	Settled
11/13/2023	Z2215787SEPA	Appeal by Molly and Adam Marshall and Michael Moore of Building Official's Issuance of a Mitigated Determination of Non-Significance for the Construction of a Multi-Family Development of up to 450 Units and a Clubhouse.	Planning Director's Decision Upheld

City of Spokane Administrative Appeals/Reconsiderations on Redaction of Records

Decision Date	File Number	Description	Decision
		None	

City of Spokane Initiative Opinions

Opinion Date	Initiative Number	Description	Opinion
5/2/2023	2023-1	Prohibition of Public Use of Dangerous Drugs - Gross Misdemeanor	The proposed initiative would be legally valid and effective if adopted.
5/2/2023	2023-2	Prohibition of Public Use of Dangerous Drugs - Misdemeanor	The proposed initiative would be legally valid and effective if adopted.
5/9/2023	2023-3	Prohibition of Encampments Near Schools, Parks, Playgrounds, and Child Care Facilities	The proposed initiative would be legally valid and effective if adopted. Modifications suggested.
5/26/2023	2023-4	Prohibition of Encampments Near Schools, Parks, Playgrounds, and Child Care Facilities (REVISED)	The proposed initiative would be legally valid and effective if adopted.

Spokane Police Department Forfeiture Appeals

Hearing Date	File Number	Description	Decision
10/26/2022	22-035	Gerald Fox and Raymond Fox (POA for Lawrence Fox) asserted the right to ownership and possession of property seized by the SPD under RCW 10.105.010 as being used to facilitate the commission of a felony. Mr. Gerald Fox claimed both the vehicle and cash. Mr. Raymond Fox claimed the cash.	Appeal was partially denied, sustained, and stipulated.
11/2/2022	22-036	Vince L. Smith asserted the right to ownership and possession of property seized by the SPD under the USCA as being used to facilitate or the proceeds from trafficking in illicit drugs. Mr. Smith did not appear for the hearing.	The seizure was upheld by default as the claimant failed to appear.
11/16/2022	22-039	Brandie L. Tompkins and NextGen Auto Sales asserted the right to ownership and possession of property seized by the SPD under RCW 10.105.0101 as being used to facilitate the commission of a felony. Ms. Tompkins did not appear for the hearing. Mr. Raymond Lunceford appeared on behalf of NextGen Auto Sales.	The seizure was upheld by default as the Ms. Tompkins failed to appear. The appeal by NextGen Auto Sales was sustained.
11/30/2022	22-032	David M. Anderson asserted the right to ownership and possession of property seized by the SPD under the USCA as being used to facilitate or the proceeds from trafficking in illicit drugs. Mr. Anderson did not appear for the hearing.	The seizure was upheld by default as the claimant failed to appear.
12/7/2022	22-013A	Amy K. Riggs asserted the right to ownership and possession of property seized by the SPD under the USCA as being used to facilitate or the proceeds from trafficking in illicit drugs.	The seizure of property was upheld in part and sustained in part. Part of the property was ordered forfeited, and part was ordered returned.
2/8/2023	22-045	Billie J. Pouley asserted the right to ownership and possession of property seized by the SPD under RCW 10.105.0101 as being used to facilitate the commission of a felony.	The seizure of property was upheld and the property was ordered forfeited.

Spokane Police Department Forfeiture Appeals

Hearing Date	File Number	Description	Decision
5/3/2023	23-004	Desarae Magness asserted the right to ownership and possession of property seized by the SPD under the USCA as being used to facilitate or the proceeds from trafficking in illicit drugs.	The seizure of property was upheld and the property was ordered forfeited.
5/17/2023	23-001	Susana Reyes asserted the right to ownership and possession of property seized by the SPD under the USCA as being used to facilitate or the proceeds from trafficking in illicit drugs.	The seizure of property was upheld and the property was ordered forfeited.
6/28/2023	23-014	Richard B. Tomich asserted the right to ownership and possession of property seized by the SPD under RCW 10.105.0101 as being used to facilitate the commission of a felony.	The seizure of property was upheld and the property was ordered forfeited.
7/19/2023	23-003	Devin Robinson and Christine Patton asserted the right to ownership and possession of property seized by the SPD under the USCA and RCW 10.105.010 as being used to facilitate or the proceeds from trafficking in illicit drugs or being used to facilitate the commission of a felony.	The seizure of property was partially upheld and partially reversed.
8/16/2023	23-030	Vitaliy Budimir asserted the right to ownership and possession of property seized by the SPD under RCW 10.105.0101 as being used to facilitate the commission of a felony.	The seizure was upheld by default as the claimant failed to appear.
8/30/2023	23-018	Nichole Krupke asserted the right to ownership and possession of property seized by the SPD under RCW 9A.83.030 (money laundering), RCW 10.105.0101 (felony), and RCW 69.50.505 (drug).	The seizure was upheld by default as the claimant failed to appear.
9/20/2023	23-037	Diane Galler asserted the right to ownership and possession of property seized by the SPD under RCW 10.105.0101 (felony).	Stipulated dismissal with prejudice.
10/4/2023	23-033	Rachael L. Cook asserted the right to ownership and possession of property seized by the SPD under the RCW 9A.83.030 (Money Laundering) and RCW 10.105.010 (Felony) as being used to facilitate the commission of a felony and money laundering.	The seizure of the property was upheld.

SCRAPS

Hearing Date	File Number	Description	Decision
6/21/2023	2023-0123	Dassow Dangerous Dog Appeal	SCRAPS determination upheld by default.

Other Jurisdictions

Hearing Date	File Number	Jurisdiction	Description	Decision
1/5/2023	LUA2022-0020	Airway Heights	Conditional Use Permit for Phase I Development of a 5.14 acre lot for an outdoor storage yard located within the I-1, Light Industrial Zone.	Approved with conditions
1/10/2023	SMP-02-2022	Chewelah	Amendment Application by the City of Chewelah to amend the 2009 Chewelah Shoreline Master Program (SMP).	Recommended approval
1/18/2023	2022-0524	Spokane Valley	Appeal by Kathryn Sieck of Dangerous Dog Determination.	Decision of SCRAPS upheld
1/31/2023	LUA2022-0009	Airway Heights	A Conditional Use Permit for a mixed-use development located within the C-2, Highway Corridor Zone.	Approved with <i>revised</i> conditions
3/15/2023	SMA 247-22	Spokane County	Shoreline Conditional Use Permit to expand and enhance lake access at Bear Lake Regional Park for non-motorized water recreation in the Rural Conservation Zone.	Approved with <i>revised</i> conditions
4/19/2023	SMA 246-22	Spokane County	Shoreline Variance for the placement of a single-family residence, garage, retaining wall, and septic system on property in the Rural Conservation Zone.	Approved with conditions
4/26/2023	APPL-0002-2022	Spokane County	Appeal of Building and Planning Director's Approval of Permit No. E-B2203554 Brian and Bethany Napora (Appellants) v. Spokane County, Old Hat Workshop, LLC, and Tyler Tritten and Danielle Layne (Respondents).	Decision of Department Official Upheld
5/3/2023	2023-0406	Spokane County	Appeal by Kemira Water Solutions of a Notice of Violation for Wastewater Discharge Permit Number SIU-2819-0.	Decision of Department Official Upheld
5/24/2023	PE-2062-18/ PUDE-01-18	Spokane County	Change of Conditions Application to the Final Plat of Tori's Place PUD, PE-2062-18/PUDE-01-18, to Remove the Planned Unit Development Overlay Zone.	Application Denied
8/1/2023	LUA2023-0004	Airway Heights	Conditional Use Permit for the expansion of the CPM aggregate mining operation currently located on parcel 15133.0024 to include parcel 15144.0001.	Approved with revised conditions

Other Jurisdictions

Hearing Date	File Number	Jurisdiction	Description	Decision
8/15/2023	ZTA-07-2023	Chewelah	Amendments to Chewelah Municipal Code (CMC) Chapter 18.16, Applications, to provide an application process and timeline for considering requests to change the City's Comprehensive plan on an annual basis in conformance with the Growth Management Act (GMA). ZTA-07-2023 HEARING EXAMINER ROLE - Amendments to CMC Chapter 18.16 and §18.20.030 to consider eliminating the requirement of a hearing examiner for certain legislative matters.	Recommended approval
8/15/2023	ZTA-07-2023	Chewelah	Amendments to Chewelah Municipal Code (CMC) Chapter 18.12, Supplementary Standards for the Allowance of Bee Keeping in City Limits.	Recommended approval
8/24/2023	LUA2023-0023	Liberty Lake	River Crossing Owners' Association v City of Liberty Lake re: NOV Appeal.	<i>Pro Tem</i> Appeal Denied
No Hearing; Decision on probable cause issued 10/4/2023	NA	Liberty Lake	Preliminary Investigation of Probable Cause for Alleged Code of Ethics Violation - June 2023.	Probable cause found. Hearing to be scheduled.
11/2/2023	LUA2023-0009	Liberty Lake	Application by Greenstone Homes and Neighborhoods for a Zone Change from River District-Mixed Residential (RD-R) and River District-Neighborhood Center Mixed Use (RD-M) to River District-Open Space/Recreation (RD-O).	<i>Pro Tem</i> Recommendation for Approval
No Hearing; Decision on probable cause issued 11/28/23	NA	Liberty Lake	Preliminary Investigation of Probable Cause for Alleged Code of Ethics Violation - October 2023.	No probable cause found.