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CITY OF SPOKANE HEARING EXAMINER

Re: Appeals of Planning Official's  
Decision to Approve a Type II Conditional  
Use Permit (Z21-71CUP2)

Appeal/File Nos.: Z21-127APPL and Z21-  
128APPL

John Manix, Carol Manix, Dan  
Hiernoymus, Jessica Hieronymus, Steve  
Kocharhook, Joan Kocharhook, Kayleigh  
McKinley, Jack McKinley, Karl  
Schimanski, Jackie Schimanski, Tod  
Dufield, Carrie Croall, Joe Sams, Sheila  
Sams, Eric Bradfield, Debbie Stansifer,  
Katherine Perry, Mark Perry, Steven  
Wright, Patricia Wright, Richard (Mark)  
Smity, and Maureen Smith, individually,  
and all marital communities of which any  
of them are a party,

STIPULATIONS TO:

(1) TO MODIFICATION OF  
CONDITIONAL USE PERMIT

- and -

(2) DISMISSALS WITH PREJUDICE

Appellants (Z21-127APPL),

- and -

The Southgate Neighborhood Council,

Appellant (Z21-128APPL),

vs.

Brimfull Properties, LLC, and City of  
Spokane, a municipal corporation,

Respondent.

STIPULATIONS

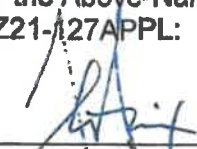
The parties to the above-entitled appeals stipulate as follows:

- (1) The proposed Order set forth below may and should be presented by John A. Manix for entry to the Hearing Examiner, as an Order agreed to by all parties herein, in electronic form and bearing electronically-scanned counterpart signatures; with such

1 presentment made by Mr. Manix only with need to contemporaneously circulate a  
2 Notice of Presentment via email to the representatives-of-record for the other parties  
3 herein; and


4 (2) The proposed Agreed Order set forth below may and should thereupon be entered by  
5 the Hearing Examiner.

6 So Stipulated this <sup>29<sup>th</sup></sup> 21 day of November, 2021:

7 For the Above-Named Appellants  
8 in Z21-127APPL:  
9 X   
John A. Manix

For the Above-Named Appellant  
in Z21-128APPL:  
X \_\_\_\_\_  
Andy Hoyer

10 For the Above-Named Respondent  
11 Respondent Brimfull Properties, LLC:  
12 X   
13 Taudd A. Hume, WSBA No. 33529

For the Above-Named Respondent  
City of Spokane:  
X   
James A. Richman, WSBA No. 24125

ORDER

14 Based upon review of the file herein and the foregoing Stipulations of the parties, the  
15 following is Ordered:

- 16 1. The Conditional Use Permit at issue in this matter is modified, as follows: The  
17 Applicant is allowed to exceed the height limit of the fencing that will surround the trash storage  
18 area, so long as that height does not exceed eight (8) feet.
- 19 2. Both of the above-entitled appeals of this matter, denominated Z21-127APPL and  
20 Z21-128APPL, are hereby dismissed with prejudice and without award of costs or fees to any  
21 party;

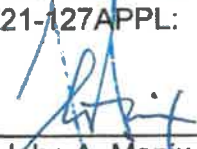
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presentment made by Mr. Manix only with need to contemporaneously circulate a Notice of Presentment via email to the representatives-of-record for the other parties herein; and

(2) The proposed Agreed Order set forth below may and should thereupon be entered by the Hearing Examiner.

So Stipulated this 29<sup>th</sup> day of November, 2021:

For the Above-Named Appellants  
in Z21-127APPL:  
  
X   
John A. Manix

For the Above-Named Appellant  
in Z21-128APPL:  
  
X   
Andy Hoyer

For the Above-Named Respondent  
Respondent Brimfull Properties, LLC:  
  
X   
Taud A. Hume, WSBA No. 33529

For the Above-Named Respondent  
City of Spokane:  
  
X \_\_\_\_\_  
James A. Richman, WSBA No. 24125

ORDER

Based upon review of the file herein and the foregoing Stipulations of the parties, the following is Ordered:

1. The Conditional Use Permit at issue in this matter is modified, as follows: The Applicant is allowed to exceed the height limit of the fencing that will surround the trash storage area, so long as that height does not exceed eight (8) feet.
2. Both of the above-entitled appeals of this matter, denominated Z21-127APPL and Z21-128APPL, are hereby dismissed with prejudice and without award of costs or fees to any party;

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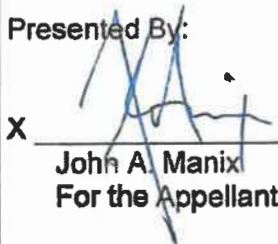
3. The hearing from this matter, currently set for December 1, 2021, is hereby stricken.

Dated this 30th day of November, 2021.



Brian T. McGinn  
Hearing Officer

Presented By:



X  
John A. Manix  
For the Appellants in Z21-APPL