



Plans-in-lieu of Compliance

Type III application

What is Plans-in-lieu of Compliance?

In limited and design zones, the standards for building setbacks, building height, bulk, site coverage and landscaping may be modified by the City Hearing Examiner through a public hearing process. The applicant has the ability to request this reduction in the standards if able to provide an equivalent public benefit elsewhere on-site or can demonstrate that it is a benefit to the public to reduce these standards. The procedure for applying for plans-in-lieu of compliance is contained in Spokane Municipal Code (SMC) 17G.060.

Predevelopment:

Before filing a plans-in-lieu of compliance application, the applicant is encouraged to schedule a predevelopment meeting. Predevelopment meetings are intended to acquaint City staff and other agencies with a proposed development and to generally advise the applicant of applicable regulations and policies impacting the proposal. This is a free service provided by the City of Spokane and is highly recommended. To schedule a predevelopment conference, call the Department of Building & Code Enforcement at (509) 625-6300.

Application Procedures:

Step 1 - Notification District Map:

The applicant must provide notice to the public of application filing. The application for Notification District Map is attached to the application packet.

1. Submit an application for notification district map to the Planning Services Department. A map will be prepared establishing the boundary of the area that will receive individual written notification.
2. Take the map to any title company to obtain a list of the names and addresses of the property owners, taxpayers and occupants within the boundaries of the map.

Step 2 - Community Meeting:

The applicant is required to conduct a community meeting no more than 120 days prior to applying for a plans-in-lieu of compliance but before the City accepts the application. Public notice of a community meeting shall be provided as required in SMC 17G.060.110 through 17G.060.120. More information about the community meeting is available in the application packet.

Step 3 - Traffic Study:

The applicant may be required to provide a Trip Generation and Distribution letter. Based on this letter, the applicant may be required to complete a Traffic Impact Analysis (TIA). The TIA requires one neighborhood meeting, with a possible second meeting to present the results of the analysis. A traffic scoping meeting may be combined with the Community Meeting discussed above. Any notice of a combined meeting must clearly advertise the purpose of the meeting being both the traffic scoping study and the required community meeting. The purpose of the traffic study scoping meeting is to determine the extent of the TIA, which is required to certify the application technically complete. A second traffic study meeting is routinely required to report the results of the TIA and transportation mitigation measures, if necessary.

Step 4 - Application Submission:

Make an appointment with the Planning Services Department to submit the application by calling (509) 625-6300. Applications cannot be submitted without an appointment. Within 28 days of receiving a project permit application, the Planning Services Department shall determine if the application is complete.

Step 5 - Determination of Complete Application:

1. Upon receipt of an application, staff will conduct a preliminary, immediate review to determine if the application contains the documents and information required by SMC 17G.060.070. If it does not, the application including fees shall be returned to the applicant.
2. If the application appears to contain all required documents, it will be accepted and within seven days, a detailed review will take place. If staff determines that required components are missing or that the application is inadequate in other ways, the application packet, including fees, shall be returned to the applicant.
3. If all information is included, the application shall be forwarded to interested departments and agencies for analysis and concurrency review. They will be given fourteen days to provide comments on a permit application. For more information on this review see 17G.060.090.C.

4. Within seven days of the agency comment period, if no additional information is required, the application will be considered vested and forwarded to the Hearing Examiner. Staff will notify the applicant in writing.
5. Any application that fails to complete the next application step for a period of 180 days after the determination of completeness or after City staff request additional information, will expire by limitation and become null and void.

Step 6 - Notice of Application:

1. Within fourteen days of a determination of complete application, staff will provide the applicant with a Notice of Application. The Notice of Application may be combined with the Notice of Public Hearing. The applicant mails this notice to all individuals identified on the Notification District Map, and also posts the notice. The date of posting/ mailing begins a 15-day public comment period.
2. The applicant mails the affidavits of posting and mailing to the Planning Services Department.

Step 7 - SEPA Threshold Determination:

All permit applications are subject to environmental review per SMC 17E.050.070 and 17E.050.230. An environmental checklist is submitted as part of the application. Some applications are exempt from SEPA. Planning Services Staff will advise if the application is exempt. A SEPA Threshold Determination of Significance, Determination of Non-Significance, or Mitigated Determination of Non-Significance decision is made within ten days of the end of the public comment period.

Design Review:

If design review is required, the Design Review Committee will conduct its evaluation prior to the end of the 15-day public comment period. A report is provided to the Hearing Examiner by the close of the public comment period.

Step 8 - Notice of Public Hearing:

1. At the end of the 15-day comment period and after a SEPA threshold determination, staff obtains a public hearing date from the City Hearing Examiner.
2. Staff provides the applicant with the Notice of Public Hearing.
3. The applicant is required to post and mail individual notice of the Notice of Public Hearing no less than 15 days prior to the hearing date.
4. The applicant submits affidavits of posting and mailing of the Notice of Public Hearing to the Planning Services Department at least 10 days prior to the public hearing.

Step 9 - Staff Report:

A written staff report will be issued by the Planning Services Department at least ten days prior to the public hearing. Copies of the report are mailed to the applicant and are made available to any interested person for the cost of reproduction.

Step 10 - Public Hearing:

The Hearing Examiner conducts a public hearing within forty days of the end of the public comment period initiated by the Notice of Application. The applicant may request a consolidated project permit review under SMC 17G.060.250 when a project involves two or more project permits relating to a proposed project action.

Step 11 - Decision:

The Hearing Examiner makes a decision within ten days of the date the record is closed. The Hearing Examiner provides notice of the decision to the applicant, all parties of record and all persons who have requested to be given notice. The Hearing Examiner may approve, approve with conditions, or deny the plans-in-lieu of compliance application. See SMC 17G.060.190.

Appeal:

Any party of record may appeal a decision of the Hearing Examiner on a plans-in-lieu of compliance application within fourteen days of the date of the written decision. The appeal is made to Superior Court on a form provided by the Planning Services Department.

Time Limit on Approvals:

The plans-in-lieu of compliance becomes void three years after the effective date of the Hearing Examiner's decision without the submission of a building permit application for construction on the site, unless the Hearing Examiner authorizes an extension of time.

For more information contact:

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