

Types of Land Use Applications

Type I Applications:

Building Permit w/ SEPA- Documentation permitting a structure reviewed under the International Residential Code or the International Building code, and triggering SEPA review.

Grading Permit w/ SEPA- Documentation permitting grading work (earth disturbance, typically leveling a site) reviewed under the International Building Code, and triggering SEPA review.

Demolition Permit w/ SEPA- Demolition of an existing structure, and triggering SEPA review.

Type II Applications:

Binding Site Plan- Commercial subdivision

Conditional Use Permit (Religious Institutions and Schools)- The process of reviewing a project to determine if additional conditions must be applied to the proposed use in order to ensure compatibility with surrounding properties. The planning director may require a Type II conditional use permit application be processed as a Type III application when the director issues written findings that the Type III process is in the public interest.

Plans-in-lieu- No longer applicable

Shoreline Substantial Development Permit (SDP)- Any construction occurring in the Shoreline Jurisdiction (aka, areas within 200 feet of Latah Creek and the Spokane River) that otherwise wouldn't be exempt through a Shoreline Exemption, and subject to separate shoreline development standards.

Short Plat- Subdividing a piece of property to create 9 or less new lots

Type III Applications:

Certificate of Compliance- Written documentation that establishes all necessary permits were issued and inspections conducted, or the current owner of the property is not the same party responsible for the creation of the violation, but is an innocent purchaser for value.

Conditional Use Permit (CUP)- The process of reviewing a project to determine if additional conditions must be applied to the proposed use in order to ensure compatibility with surrounding properties.

Floodplain Variance- A grant of relief from the requirements that permits construction in a manner that would otherwise be prohibited by the Land Use Title.

Long Plat- Subdividing a piece of property to create more than 9 new lots.

Planned Unit Development (PUD)- A project permit for an overlay zone, approved by the hearing examiner, which does not fully comply with all of the development standards of the base zone in which it is located, but is approved based on superior or innovative design.

Rezone- Changing the current zoning designation.

Shoreline Conditional Use Permit (SCUP)- The process of reviewing a project that is located in the Shoreline Jurisdiction to determine if additional conditions must be applied to the proposed use in order to ensure compatibility with surrounding properties and the shoreline.

Shoreline Variance- A grant of relief from specific bulk, dimensional or performance standards set forth in the shoreline master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the shoreline master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

Variance- A grant of relief from the requirements that permits construction in a manner that would otherwise be prohibited by the Land Use Title.

Other Definitions:

SEPA- State Environmental Policy Act – A separate review done that identifies possible environmental impacts that may result from an approved project. Triggered by:

- a.) Projects creating 20 or more residential units
- b.) New Structures exceeding 12,000 square feet of gross floor area
- c.) Creating 40+ new parking stalls on one site
- d.) Landfill & Excavation exceeding 500 cubic yards
- e.) New Agriculture structures exceeding 20,000 square feet of gross floor area



Spokane Municipal Code

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[Section 17G.060.170 Decision Criteria](#)

- A. The purpose of the following sections is to establish the decision criteria for all permit types regardless of whether the decision is made by the director, hearing examiner, or city council, as applicable.
- B. The burden is upon the applicant to present sufficient evidence relevant to the appropriate criteria in support of the application. The decision-maker must make affirmative findings of fact relative to each criterion or the application must be denied.
- C. The following decision criteria shall be used for Type II and III permit applications:
 1. The proposal is allowed under the provisions of the land use codes.
 2. The proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.
 3. The proposal meets the concurrency requirements of [chapter 17D.010 SMC](#).
 4. If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic, or cultural features.
 5. The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding

area, considering the design and intensity of the proposed use.

D. The following Type II and III applications have decision criteria listed in this subsection that are required to be met in addition to the provisions of subsection (C) of this section:

1. Shoreline Substantial Development Permit.

- a. Consistency with the map, goals, and policies of the shoreline master program; and
- b. Consistency with chapter 90.58 RCW (Shoreline Management Act) and chapter 173-27 WAC (Permits for Development on Shorelines of the State).

2. Shoreline Conditional Use Permit.

The purpose of a shoreline conditional use permit is to provide a system within the shoreline master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the shoreline master program.

- a. Uses classified or set forth in these shoreline regulations in [Table 17E.060-4](#) as conditional uses, as well as unlisted uses, may be authorized provided the applicant can demonstrate all of the following:
 - i. The proposed use is consistent with the policies of RCW 90.58.020 and the shoreline master program.
 - ii. The proposed use will not unreasonably interfere with the normal public use of public shorelines.
 - iii. The cumulative impact of several additional conditional use permits on the shoreline in the area will not preclude achieving the goals of the shoreline master program.
 - iv. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and the shoreline master program.
 - v. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located, and the public interest in enjoying physical and visual access suffers no substantial detrimental effect.
- b. Consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were to be granted for other developments in the area where similar circumstances exist, the

total of the conditional and shall not produce substantial adverse effects to the shoreline environment.

- c. Other uses which are not classified or set forth in the shoreline master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the shoreline master program.
- d. Uses which are specifically prohibited by the shoreline master program shall not be authorized by conditional use.

3. Shoreline Variance Permit.

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in shoreline master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the shoreline master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

- a. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of RCW 90.58.020. In all instances, the applicant must demonstrate that extraordinary circumstances exist and demonstrate that the public interest in enjoying physical and visual access to the shorelines shall suffer no substantial detrimental effect.
- b. Variance permits for development and/or uses that will be located landward of the ordinary high-water mark, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program regulations precludes, or significantly interferes with, reasonable use of the property.
 - ii. That the hardship described in (i) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the shoreline master program regulations, and not, for example, from deed restrictions or the applicant's own actions.
 - iii. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP regulations and will not cause adverse impacts to the shoreline environment.
 - iv. That the variance will not constitute a grant of special

- privilege not enjoyed by the other properties in the area.
- v. That the variance requested is the minimum necessary to afford relief.
 - vi. That the public interest in enjoying physical and visual access to the shorelines will suffer no substantial detrimental effect.
- c. Variance permits for development and/or uses that will be located waterward of the ordinary high-water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
- i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program precludes all reasonable use of the property.
 - ii. That the proposal is consistent with the criteria established under WAC 173-27-170(2)(b) through (f); and
 - iii. That the public rights of navigation and use of the shorelines will not be adversely affected.
- d. In the granting of variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were to be granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- e. Variances from the use regulations of the shoreline master program are prohibited.
4. PUD and Plans-in-lieu.
- All of the following criteria are met:
- a. Compliance with All Applicable Standards.
The proposed development and uses comply with all applicable standards of the title, except where adjustments are being approved as part of the concept plan application, pursuant to the provisions of [SMC 17G.070.200\(F\)\(2\)](#).
 - b. Architectural and Site Design.
The proposed development has completed the design review process and the design review committee/staff has found that the project demonstrates the use of innovative, aesthetic, and energy-efficient architectural and site design.
 - c. Transportation System Capacity.
There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of

development is completed.

d. Availability of Public Services.

There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and stormwater disposal to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.

e. Protection of Designated Resources.

City-designated resources such as historic landmarks, view sheds, street trees, urban forests, critical areas, or agricultural lands are protected in compliance with the standards in this and other titles of the Spokane Municipal Code.

f. Compatibility with Adjacent Uses.

The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned unit development and adjacent uses. There shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features, or other techniques.

g. Mitigation of Off-site Impacts.

All potential off-site impacts including litter, noise, shading, glare, and traffic will be identified and mitigated to the extent practicable.

5. Plat, Short Plat, and Binding Site Plan.

The proposed subdivision makes appropriate (in terms of capacity and concurrence) provisions for:

- a. public health, safety and welfare;
- b. open spaces;
- c. drainage ways;
- d. streets, roads, alleys, and other public ways;
- e. transit stops;
- f. potable water supplies;
- g. sanitary wastes;
- h. parks, recreation, and playgrounds;
- i. schools and school grounds; and
- j. sidewalks, pathways, and other features that assure safe walking conditions.

E. The following Type II and III applications are not subject to subsections (C) and (D) of this section; they shall comply with the following decision criteria:

1. Variance.

- a. A variance or modification of the standard or requirement is not prohibited by the land use codes.
 - b. No other procedure is provided in this chapter to vary or modify the standard or requirement, or compliance with such other procedure would be unduly burdensome.
 - c. Strict application of the standard or requirement would create an unnecessary hardship due to one or more of the reasons listed below. Mere economic hardship or self-created hardship are not considered for the purposes of this section.
 - i. The property cannot be developed to the extent similarly zoned property in the area can be developed because the physical characteristics of the land, the improvements or uses located on the land do not allow such development; or
 - ii. Compliance with the requirement or standard would eliminate or substantially impair a natural, historic, or cultural feature of area-wide significance.
 - d. In addition, the following objectives shall be reasonably satisfied:
 - i. Surrounding properties will not suffer significant adverse effects.
 - ii. The appearance of the property or use will not be inconsistent with the development patterns of the surrounding property; and
 - iii. The ability to develop the property in compliance with other standards will not be adversely affected.
 - e. No variance may be granted to allow or establish a use that is not allowed in the underlying districts as a permitted use; or to modify or vary a standard or requirement of an overlay zone, unless specific provision allow a variance.
 - f. Floodplain variance is subject the additional criteria of [SMC 17E.030.090](#) and [SMC 17E.030.100](#).
2. Certificate of Compliance.
- a. Written documentation establishes that all necessary permits were issued and inspections conducted, or the current owner of the property is not the same party responsible for the creation of the violation, but is an innocent purchaser for value.
 - b. Approval of the certificate of compliance is necessary to relieve the applicant of a substantial practical or economic hardship; and
 - c. Approval of the certificate of compliance will not adversely affect the neighboring property or the area.

3. Skywalk Permit and Air Rights Use Permit.

- a. The proposed skywalk or air rights use is consistent with the comprehensive plan.
- b. The proposed skywalk or air rights use conforms to the standards contained in [SMC 12.02.0430 through SMC 12.02.0474](#), unless the design review board has approved design deviations.
- c. The proposed skywalk or air rights use conforms to the standards contained in the development codes.
- d. The City is compensated for the fair market value of public air space used for any activity other than public pedestrian circulation.
- e. An agreement, satisfactory to the city attorney, indemnifies and holds the City harmless against all loss or liability, and the applicant obtained approved public liability insurance, naming the City as an additional named insured, with combined limits of five hundred thousand dollars.

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