



What is a 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 Planning Director for a variation of up to 25% of a standard. 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 - 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. 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 3 - 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 4 - 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 was required, the Planning Services Director will certify the application complete and vested. 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 5 - Notice of Application:

1. Within fourteen days of a determination of complete application, staff will provide the applicant with a Notice of Application. 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 6 - 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 Planning Services Director by the close of the public comment period.

Step 7 - Decision:

The Planning Services Director makes a decision within ten days of the close of the SEPA comment period. The Planning Services Director provides notice of the decision to the applicant, all parties of record and all persons who have requested to be given notice. The Planning Services Director may approve, approve with conditions, or deny the plans-in-lieu of compliance application.

Appeal:

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

Approval Expiration:

The plans-in-lieu of compliance becomes void three years after the effective date of the Planning Services Director's decision without the submission of a final plans-in-lieu of compliance application, unless the Planning Services Director authorizes an extension of time.

For more information contact:

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