



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 12, 2009

Ordinance 16515

Proposed No. 2009-0171.3

Sponsors Dunn, Lambert, Hague, Patterson,
Phillips, Constantine, Ferguson
and von Reichbauer

1 AN ORDINANCE relating to extending the period for
2 permits or approvals; amending Ordinance 12560, Section
3 18, as amended, and K.C.C. 16.02.290, Ordinance 13694,
4 Section 56, as amended, and K.C.C. 19A.12.020 and
5 Ordinance 13694, Section 58, as amended, and K.C.C.
6 19A.12.040, adding a new section to K.C.C. chapter 20.20
7 and adding a new section to K.C.C. chapter 27A.30.

8

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. Ordinance 12560, Section 18, as amended, and K.C.C. 16.02.290

11 are each hereby amended to read as follows:

12 Section 105.5 of the International Building Code is not adopted and the following
13 is substituted:

14 **Expiration (IBC 105.5).** Every permit issued by the building official under the
15 provisions of the Code shall expire by limitation and become null and void one year from
16 date of issue. Issued permits may be extended for one year periods subject to the
17 following conditions:

18 1. An application for a permit extension together with the applicable fee is
19 submitted to the department of development and environmental services at least seven
20 (7), but no more than sixty (60), calendar days prior to the date the original permit
21 becomes null and void. Once the permit extension application is submitted, work may
22 continue past the expiration date of the original permit, provided that the extension
23 application is not denied. If the extension application is denied, all work must stop until a
24 valid permit is obtained.

25 2. If construction of a building or structure has not substantially commenced, as
26 determined by the building official, within two years from the date of the first issued
27 permit and the building and the structure is no longer authorized by the zoning code or
28 other applicable law, then the permit shall not be extended.

29 3. An applicant may request a total of two permit extensions provided there are
30 no substantial changes in the approved plans and specifications.

31 4. The building official may extend a building permit beyond the second
32 extension only to allow completion of a building, structure or mechanical system
33 authorized by the original permit and substantially constructed. If substantial work, as
34 determined by the building official, has not commenced on a building and/or structure
35 authorized in the original permit, then a new permit will be required for construction to
36 proceed.

37 **EXCEPTION:** Until December 31, 2011, the building official may grant a third
38 extension for building permits where substantial work has not commenced, if:

39 1. The applicant makes a written request to the building official for an extension
40 of the building permit;

41 2. The applicant pays applicable permit extension fees; and

42 3. There are no substantial changes in the approved plans or specifications,

43 5. The staff of the department of development and environmental services may
44 revise a permit at the permittee's request, but such a revision does not constitute a
45 renewal or otherwise extend the life of the permit.

46 SECTION 2. Ordinance 13694, Section 56, as amended, and K.C.C. 19A.12.020
47 are each hereby amended to read as follows:

48 A. Preliminary subdivision approval shall be effective for a period of sixty
49 months.

50 B. Preliminary subdivision approval shall be considered the basis upon which the
51 applicant may proceed toward development of the subdivision and preparation of the
52 final plat subject to all the conditions of the preliminary approval.

53 C. If the final plat is being developed in divisions, and final plats for all of the
54 divisions have not been recorded within the time limits provided in this section,
55 preliminary subdivision approval for all unrecorded divisions shall become void. The
56 preliminary subdivision for any unrecorded divisions must again be submitted to the
57 department with a new application, subject to the fees and regulations applicable at the
58 time of submittal.

59 D. An urban planned development permit, fully contained community permit, or
60 development agreement approved pursuant to K.C.C. chapter 21A.39 may extend the
61 preliminary approval period beyond sixty months for any preliminary subdivision
62 approved simultaneous or subsequent to the urban planned development permit or fully
63 contained community permit. Such extensions may be made contingent upon satisfying

64 conditions set forth in the urban planned development permit, fully contained community
65 permit or development agreement. In no case shall the extended preliminary approval
66 period exceed the expected buildout time period of the urban planned development or
67 fully contained community as provided in the urban planned development permit, fully
68 contained community permit or development agreement. This section shall apply to any
69 approved urban planned development permit, fully contained community permit or
70 development agreement in existence on January 1, 2000, or approved subsequent to
71 January 1, 2000.

72 E. For any plat with more than four hundred lots that is also part of the county's
73 four to one program, the preliminary subdivision approval shall be effective for eighty-
74 four months. This subsection applies to any preliminary plat approved by either the
75 council or the hearing examiner, or both, on or after January 1, 1998, that relates to a four
76 to one program with proposed plats containing more than four hundred lots.

77 F. For any plat with more than fifty lots where fifty percent or more of those lots
78 will constitute affordable housing which is housing for those that have incomes of less
79 than eighty percent of median income for King County as periodically published by the
80 United States Department of Housing and Urban Development, or its successor agency,
81 and at least a portion of the funding for the project has been provided by federal, state or
82 county housing funds, the preliminary subdivision shall be effective for seventy-two
83 months. This subsection applies to any plat that has received preliminary approval on or
84 after January 1, 1998.

85 G. ~~((For any urban area plat that contains fewer than fifteen lots and that was~~
86 ~~required by preliminary plat conditions to install both septic tanks and dry sewers for~~

87 ~~eventual utility district connection, the preliminary subdivision shall be effective for a~~
88 ~~period of eighty months. This subsection shall apply to any plat that has received~~
89 ~~approval on or after January 1, 1998, and shall retroactively apply to such plats. For~~
90 ~~plats that have exceeded their otherwise effective approval period of sixty months, the~~
91 ~~preliminary approvals remain valid for the eighty month period specified in this~~
92 ~~subsection if, within one month of the effective date of this ordinance, a request for~~
93 ~~administrative extension is submitted to and approved by the department. This~~
94 ~~subsection expires April 1, 2005.)) 1. For any plat that has received preliminary~~
95 ~~approval on or after December 1, 2003, the preliminary subdivision approval shall be~~
96 ~~valid for a period of eighty-four months, if the applicant:~~

97 ~~a. makes a written request to the department to extend the period of validity;~~

98 ~~b. is current on all invoices for work performed by the department on the~~
99 ~~subdivision review; and~~

100 ~~c. agrees in writing that the department may make revisions to the fee estimate~~
101 ~~issued by the department under K.C.C. 27.02.065.~~

102 ~~2. This subsection shall retroactively apply to any plat that has received~~
103 ~~preliminary approval on or after December 1, 2003. This subsection expires December~~
104 ~~31, 2011.~~

105 SECTION 3. Ordinance 13694, Section 58, as amended, and K.C.C. 19A.12.040
106 are each hereby amended to read as follows:

107 Preliminary approval of a short subdivision shall be effective for a period of sixty
108 months, except:

109 A. ~~((t))~~The approval period shall be eighty-four months for any short plat ~~((or~~
110 ~~plats))~~ that ~~((were))~~ was part of a development agreement or interlocal agreement
111 entered into after January 1, 1996, that included at least four hundred acres of open
112 space dedications and urban land designations at a four-to-one ratio; and

113 B.1. For any short plat that has received preliminary approval on or after
114 December 1, 2003, the preliminary subdivision approval shall be valid for a period of
115 eighty-four months, if the applicant:

116 a. makes a written request to the department to extend the period of validity;

117 b. is current on all invoices for work performed by the department on the short
118 subdivision review; and

119 c. agrees in writing that the department may make revisions to the fee estimate
120 issued by the department under K.C.C. 27.02.065.

121 2. For any plat that received preliminary approval on or after December 1, 2003,
122 pursuant to K.C.C. 21A.55.060, the preliminary subdivision approval shall be valid for a
123 period of one hundred and eight months, if the applicant:

124 a. makes a written request to the department to extend the period of validity;

125 b. is current on all invoices for work performed by the department on the
126 subdivision review; and

127 c. agrees in writing that the department may make revisions to the fee estimate
128 issued by the department under K.C.C. 27.02.065.

129 3. This subsection shall retroactively apply to any short plat that has received
130 preliminary approval on or after December 1, 2003. This subsection expires December
131 31, 2011.

132 NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 20.20 a
133 new section to read as follows:

134 Upon written request to the department made by the applicant before the
135 expiration of a permit for a conditional use, variance, alteration exception or reasonable
136 use exception, the department may extend the period of the permit for one year if:

137 A. Regulations governing the approval of the land use decision have not changed;

138 B. Site conditions have not significantly changed in a manner that would have
139 affected the original permit approval; and

140 C. The applicant pays applicable permit extension fees.

141 NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 27A.30
142 a new section to read as follows:

143 For plats and short plats that received final recording after January 1, 2007, right
144 of way permits issued after January 1, 2008 or building permits that received temporary
145 occupancy after July 1, 2008, the performance guarantee compliance timelines in K.C.C.
146 27A.30.080 may be extended as follows:

147 A. Unless otherwise specifically indicated in the King County Code, performance
148 guarantees shall require actual construction and installation of required improvements
149 within four years after recording for final subdivision, four years after recording for short
150 subdivision, two years after right-of-way permit issuance or one year after temporary
151 building occupancy issued for a building permit;

152 B. The applicant shall:

153 1. File with the department a written request to extend performance guarantee
154 compliance timelines;

155 2. Be otherwise in compliance with the permit plans and conditions of approval
156 and no hazards exist on the site;

157 3. Be current on all invoices for work performed by the department; and

158 4. Agree to complete all of the required work within the time specified or to toll
159 the financial guarantee timeline for the term of this extension;

160 C. Projects for which performance guarantee timelines are extended under this
161 section will considered to be in default as defined by K.C.C. 27A.20.020. During the
162 extension period the county shall not pursue financial guarantee enforcement actions but
163 may perform routine monitoring of projects for hazards; and

164 D. This section expires December 31, 2011.

165 SECTION 6. If any provision of this ordinance or its application to any person or
166

167 circumstance is held invalid, the remainder of the ordinance or the application of the
168 provision to other persons or circumstances is not affected.
169

Ordinance 16515 was introduced on 3/9/2009 and passed as amended by the Metropolitan King County Council on 5/11/2009, by the following vote:

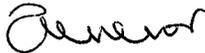
Yes: 9 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 14th day of May, 2009.



Kurt Triplett, Interim County Executive

Attachments None

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CLERK
KING COUNTY COUNCIL