

PERMIT EXTENSIONS

1 SECTION 1. Ordinance 12560, Section 18, as amended, and K.C.C. 16.02.290 are each
2 hereby amended to read as follows:

3 Section 105.5 of the International Building Code is not adopted and the following is
4 substituted:

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

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

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

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

20 4. The building official may extend a building permit beyond the second extension only
21 to allow completion of a building, structure or mechanical system authorized by the original

1 permit and substantially constructed. If substantial work, as determined by the building official,
2 has not commenced on a building and/or structure authorized in the original permit, then a new
3 permit will be required for construction to proceed.

4 **EXCEPTION:** Until December 31, 2009, a third extension may be granted by the
5 building official for building permits where substantial work has not commenced, if:

6 1. The applicant includes a statement that substantial work as not commenced as a result
7 of an inability to secure financing to commence construction;

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

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

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

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

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

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

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

1 D. An urban planned development permit, fully contained community permit, or
2 development agreement approved pursuant to K.C.C. chapter 21A.39 may extend the
3 preliminary approval period beyond sixty months for any preliminary subdivision approved
4 simultaneous or subsequent to the urban planned development permit or fully contained
5 community permit. Such extensions may be made contingent upon satisfying conditions set
6 forth in the urban planned development permit, fully contained community permit or
7 development agreement. In no case shall the extended preliminary approval period exceed the
8 expected buildout time period of the urban planned development or fully contained community
9 as provided in the urban planned development permit, fully contained community permit or
10 development agreement. This section shall apply to any approved urban planned development
11 permit, fully contained community permit or development agreement in existence on January 1,
12 2000, or approved subsequent to January 1, 2000.

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

18 F. For any plat with more than fifty lots where fifty percent or more of those lots will
19 constitute affordable housing which is housing for those that have incomes of less than eighty
20 percent of median income for King County as periodically published by the United States
21 Department of Housing and Urban Development, or its successor agency, and at least a portion
22 of the funding for the project has been provided by federal, state or county housing funds, the

1 preliminary subdivision shall be effective for seventy-two months. This subsection applies to
2 any plat that has received preliminary approval on or after January 1, 1998.

3 G. ~~((For any urban area plat that contains fewer than fifteen lots and that was required by
4 preliminary plat conditions to install both septic tanks and dry sewers for eventual utility district
5 connection, the preliminary subdivision shall be effective for a period of eighty months. This
6 subsection shall apply to any plat that has received approval on or after January 1, 1998, and
7 shall retroactively apply to such plats. For plats that have exceeded their otherwise effective
8 approval period of sixty months, the preliminary approvals remain valid for the eighty month
9 period specified in this subsection if, within one month of the effective date of this ordinance, a
10 request for administrative extension is submitted to and approved by the department. This~~

11 ~~subsection expires April 1, 2005.))~~ 1. For any plat that has received preliminary approval on or
12 after January 1, 2004, the preliminary subdivision approval shall be valid for a period of eighty-
13 four months, if the applicant:

14 a. files with the department a statement that final subdivision approval will be delayed
15 as a result of an inability of the applicant to secure financing;

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

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

20 2. This subsection shall retroactively apply to any plat that has received preliminary
21 approval on or after January 1, 2004. This subsection expires December 31, 2009.

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

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

3 A. ((~~†~~))The approval period shall be eighty-four months for any short plat ((~~or plats~~)) that
4 ((~~were~~)) was part of a development agreement or interlocal agreement entered into after January
5 1, 1996, that included at least four hundred acres of open space dedications and urban land
6 designations at a four-to-one ratio; and

7 B.1. For any short plat that has received preliminary approval on or after January 1,
8 2004, the preliminary subdivision approval shall be valid for a period of eighty-four months, if
9 the applicant:

10 a. files with the department a statement that final short subdivision approval will be
11 delayed as a result of an inability of the applicant to secure financing;

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

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

16 2. This subsection shall retroactively apply to any short plat that has received
17 preliminary approval on or after January 1, 2004. This subsection expires December 31, 2009.

18 NEW SECTION. SECTION 4. A new section is hereby added to K.C.C. chapter 20.20
19 to read as follows:

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

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

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

3 C. The applicant pays applicable permit extension fees.

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

6 For plats and short plats that received final recording after January 1, 2007, right of way
7 permits issued after January 1, 2008 or building permits that received temporary occupancy after
8 July 1, 2008, the performance guarantee compliance timelines in K.C.C. 21A.30.080 may be
9 extended as follows:

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

15 B. The applicant shall:

16 a. file with the department a statement that final construction approval will be delayed
17 as a result of an inability of the applicant to secure financing;

18 b. be otherwise in compliance with the permit plans and conditions of approval and no
19 hazards exist on the site;

20 c. be current on all invoices for work performed by the department; and

21 d. agree to complete all of the required work within the time specified or to toll the
22 financial guarantee timeline for the term of this extension; and

1 C. Projects for which performance guarantee timelines are extended under this section
2 will considered to be in default as defined by KCC. 27A.20.020. During the extension period the
3 county shall not pursue financial guarantee enforcement actions but may perform routine
4 monitoring of projects for hazards.

5 D. This section expires December 31, 2009.

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