

1 ..title

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

8 ..body

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

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

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

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

22 2. If construction of a building or structure has not substantially commenced, as  
23 determined by the building official, within two years from the date of the first issued permit and

24 the building and the structure is no longer authorized by the zoning code or other applicable law,  
25 then the permit shall not be extended.

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

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

33 **EXCEPTION:** Until December 31, 2009, the building official may grant a third  
34 extension for building permits where substantial work has not commenced, if:

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

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

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

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

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

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

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

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

53           D. An urban planned development permit, fully contained community permit, or  
54 development agreement approved pursuant to K.C.C. chapter 21A.39 may extend the  
55 preliminary approval period beyond sixty months for any preliminary subdivision approved  
56 simultaneous or subsequent to the urban planned development permit or fully contained  
57 community permit. Such extensions may be made contingent upon satisfying conditions set  
58 forth in the urban planned development permit, fully contained community permit or  
59 development agreement. In no case shall the extended preliminary approval period exceed the  
60 expected buildout time period of the urban planned development or fully contained community  
61 as provided in the urban planned development permit, fully contained community permit or  
62 development agreement. This section shall apply to any approved urban planned development  
63 permit, fully contained community permit or development agreement in existence on January 1,  
64 2000, or approved subsequent to January 1, 2000.

65           E. For any plat with more than four hundred lots that is also part of the county's four to  
66 one program, the preliminary subdivision approval shall be effective for eighty-four months.  
67 This subsection applies to any preliminary plat approved by either the council or the hearing

68 examiner, or both, on or after January 1, 1998, that relates to a four to one program with  
69 proposed plats containing more than four hundred lots.

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

77 G. ~~((For any urban area plat that contains fewer than fifteen lots and that was required by~~  
78 ~~preliminary plat conditions to install both septic tanks and dry sewers for eventual utility district~~  
79 ~~connection, the preliminary subdivision shall be effective for a period of eighty months. This~~  
80 ~~subsection shall apply to any plat that has received approval on or after January 1, 1998, and~~  
81 ~~shall retroactively apply to such plats. For plats that have exceeded their otherwise effective~~  
82 ~~approval period of sixty months, the preliminary approvals remain valid for the eighty-month~~  
83 ~~period specified in this subsection if, within one month of the effective date of this ordinance, a~~  
84 ~~request for administrative extension is submitted to and approved by the department. This~~  
85 ~~subsection expires April 1, 2005.)) 1. For any plat that has received preliminary approval on or  
86 after January 1, 2004, the preliminary subdivision approval shall be valid for a period of eighty-  
87 four months, if the applicant:~~

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

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

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

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

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

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

99 A. ((~~€~~))The approval period shall be eighty-four months for any short plat ((~~or plats~~)) that  
100 ((~~were~~)) was part of a development agreement or interlocal agreement entered into after January  
101 1, 1996, that included at least four hundred acres of open space dedications and urban land  
102 designations at a four-to-one ratio; and

103 B.1. For any short plat that has received preliminary approval on or after January 1,  
104 2004, the preliminary subdivision approval shall be valid for a period of eighty-four months, if  
105 the applicant:

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

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

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

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

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

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

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

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

121           C. The applicant pays applicable permit extension fees.

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

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

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

133           B. The applicant shall:

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

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

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

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

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

145           D. This section expires December 31, 2009.

146           SECTION 6 If any provision of this ordinance or its application to any person or  
147 circumstance is held invalid, the remainder of the ordinance or the application of the provision to  
148 other persons or circumstances is not affected.