



Planning and Development Services

17500 Midvale Avenue North
Shoreline, WA 98133-4905
(206) 801-2500 ♦ Fax (206) 546-8761

ADMINISTRATIVE ORDER
#000116-102010

Issue

Can the Director grant an extension of applications and permits beyond the limits set by SMC sections 20.30.100, 20.30.165, 20.30.440 and applicable provisions of the adopted building codes given current economic conditions?

Findings

1. Section 20.10.150 grants the Director the authority to develop rules for unique circumstances:

The Director shall have the authority to administer the provisions of this Code, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within this Code (emphasis added), and to enforce requirements.

2. Section 20.30.130(D) limits the term of a complete application to 180 days and provides for one 180 day extension.

Absent statute or ordinance provisions to the contrary, any application for which a determination of completeness has been issued and for which no substantial steps have been taken to meet permit approval requirements for a period of 180 days after issuance of the determination of completeness will expire and become null and void. The Director may grant a 180-day extension on a one-time basis if the failure to take a substantial step was due to circumstances beyond the control of the applicant.

3. Section 20.30.165(B)(2):

The Director is authorized to grant, in writing, one or more extensions of time for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Extensions may be granted for those permits issued in conjunction with a preliminary subdivision approval that has been extended as provided in RCW 58.17.140.

4. Section 20.30.440(5)(B) :

Completion – Bonding. *The applicant shall either complete the improvements before the final plat is submitted for City Council approval, or the applicant shall post a bond or other suitable surety to guarantee the completion of the improvements within one year of the approval of the final plat. The bond or surety shall be based on the construction cost of the improvement as determined by the Director.*

5. IBC

105.3 Application for permit. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

6. IRC

R105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Conclusions

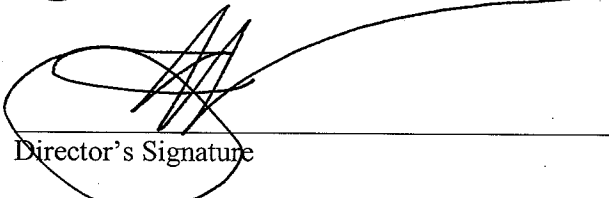
1. The Direct has the authority to promulgate rules for unique circumstances not anticipated by the Development Code. The current nationwide economic condition and inability of developers to obtain adequate financing due to this calamity are a “unique circumstance.”
2. The circumstances that resulted in a failure to take substantial steps to complete the application process or complete a permitted project are beyond the control of the applicant.
3. The ability to take substantial steps to complete the application process or complete a permitted project within the legislated extension timeframes is compromised by the lack of financing.
4. Granting of extensions beyond the limits established by ordinance will not be materially detrimental to the public welfare.
5. Strict enforcement of the Development Code creates an unnecessary hardship on the holders of valid applications and permits.
6. The adopted building codes allow for more multiple extensions provided the application or permit has not been suspended or abandoned and” justifiable cause demonstrated.”

Decision

1. Unexpired applications for Type A permits, including applications subject to SEPA, not regulated by the adopted building codes may be extended for a period of up to two years.
2. Applications for Type A permits, including applications subject to SEPA, that have expired within the 12 month period prior to this order will be reviewed on a case by case basis at the applicants request for consideration under this order.
3. Applications that have failed to meet the requirements of 20.30.110 (C) shall not be extended.
4. Unexpired issued Type A permits, including applications subject to SEPA, not regulated by the adopted building codes may be extended for a period of up to two years.
5. Type A site development permits, including applications subject to SEPA, where a financial guarantee has been provided for the completion of improvements required for a final plat pursuant to 20.30.440(5)(B) may be extended for a maximum of two years. No further extensions will be permitted.
6. Extensions of Type A applications and permits, including applications subject to SEPA, regulated by the adopted building codes may be extended for one year.
7. Applications and permits with an engineer and/or architect of record require recertification by the design professional. The recertification shall be in writing and be stamped by the engineer or architect.
8. Timeframes for Type B and C permits shall remain as specified by ordinance.
9. All outstanding review fees must be paid prior to extending an application.
10. This order shall expire on November 1, 2011.


Prepared by _____

10/20/10
Date


Director's Signature _____

10/20/10
Date

