CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2009 - 253

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, AMENDING CHAPTER 16.20 (BUILDING PERMIT TIMELINES AND EXPIRATION), CHAPTER 19.35 AND 19.40 (SHORT SUBDIVISION AND SUBDIVISION FINAL PLAT TIMELINES), AND CHAPTER 20.05 (PERMIT ISSUANCE), OF THE SAMMAMISH MUNICIPAL CODE

WHEREAS, the City Council adopted the City’s Comprehensive Plan on September 16, 2003, and the City has enacted appropriate zoning consistent with the comprehensive plan; and

WHEREAS, the City Council adopted the Sammamish Municipal Code on October 7, 2003 and subsequent revisions have been made since that time; and

WHEREAS, development applications are reviewed for compliance with these regulations; and

WHEREAS, the current global economic crisis has local effects, including on our permit applications;

WHEREAS, the permit process is intended to process applications through the system efficiently and quickly while ensuring compliance with City regulations;

WHEREAS, members of the building and development community, in an effort to remain financially viable, are requesting additional permit extensions and renewals;

WHEREAS, City staff has reviewed the city code and administrative procedures to identify opportunities to increase flexibility and reduce cost, which are the basis for the proposed amendments;

WHEREAS, the public process for the proposed amendments has provided for public participation opportunities; and included presentation to the Sammamish City Council on March 3, 2009; and

WHEREAS, the City Council considered the proposed amendments at a City Council public hearing conducted on March 3, 2009 and continued on March 17, 2009.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:
Section 1. Amendments to the Municipal Code. The municipal code amendments set forth in Attachment “A” to this ordinance are hereby adopted.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 17TH DAY OF MARCH 2009.

CITY OF SAMMAMISH

[Signature]
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

[Signature]
Melohie Anderson, City Clerk

Approved as to form:

[Signature]
Bruce L. Disend, City Attorney

Filed with the City Clerk: February 24, 2009
Public Hearing: March 3, 2009
First Reading: March 3, 2009
Public Hearing: March 17, 2009
Passed by the City Council: March 17, 2009
Date of Publication: March 20, 2009
Effective Date: March 25, 2009
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“Plain Text” is existing code language
“Strikethrough Text” is existing language that will be deleted
“Underline Text” is code language that will be added
16.20.030 Definitions.

"Building official" means the officer or other designated authority designated by the Director of Community Development, charged with the administration and enforcement of the adopted construction codes.

16.20.225 Time limitation of application.

(1) Applications for which no permit is issued within one year following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed in accordance with state law by the building official. Permit applications that will expire shall be extended to June 30, 2010 by the building official upon written request by the applicant, subject to the following:
   (a) A counter service fee as established by the current fee schedule.

(2) Applications may be canceled for inactivity if an applicant fails to respond to the department's building official's written request for revisions, corrections, actions or additional information within 60 days of the date of request. The building official may extend the response period beyond 60 days if within the original 60-day time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections or other information needed by the department building official.

(3) The building official may extend the life of an application for an additional 180 days beyond the expiration period established in subsection (1), if any of the following conditions exist:
   (a) Compliance with the State Environmental Policy Act is in progress; or
   (b) Any other city review is in progress, provided the applicant has submitted a complete response to City requests for information or corrections; or
   (c) The building official determines that unique or unusual circumstances exist that warrant additional time for such response, and the building official determines that the review is proceeding in a timely manner toward the final City decision; or
   (d) Litigation against the City or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.

(4) The building official may place a permit application “On Hold” for up to one year if requested to do so in writing by a permit applicant.

16.20.235 Expiration of issued permits.

(1) Every permit issued shall expire one year from the date of issuance or by December 31, 2010, whichever date is later. The building official is authorized to approve a request for an extended expiration date where a construction schedule is provided by the applicant and approved by the building official prior to permit issuance.

(2) Expired permit extensions. A permit expiration date may be extended as follows:
A written request for extension is received prior to the date of permit expiration; permits issued for applications submitted prior to July 1, 2004, shall be valid for one year from the date of adoption of this code unless a written request for extension is approved by the building official prior to permit expiration or the permit is renewed in accordance with subsection (23) of this section. Upon written request from the owner, the building official or authorized representative is authorized to extend the expiration date up to 90 days with no additional fee when all inspections except final inspection have been performed and approved. If all work is not completed within the 90-day extension period, the permit shall expire unless renewed under the provisions of the following subsection (2) of this section.

(23) Permit renewals. A permit may be renewed for a period of no more than one year from the date of original expiration as follows:
(a) Requests for renewals shall be received prior to the date of permit expiration.
(b) A permit may be renewed one time subject to approval by the Building Official.
(c) A permit or renewed permit that expires on or before December 31, 2010 may be renewed a second time subject to approval by the Building Official.
(d) The applicant shall pay an additional fee equal to one-half the amount of the original building permit fee as long as no unauthorized changes have been made to the originally approved plans and the applicant continues to make regular requests for inspections.

(a) In no case shall the renewal fee be less than the City’s hourly inspection fee multiplied by the number of inspections remaining to be performed. When a permit has expired, a new permit must be obtained and new fees paid. No permit shall be renewed more than twice.

(34) Expired permit re-establishment. A permit that has expired may be re-established once provided:

Construction work has started but was not completed prior to expiration.

(a) A written request for re-establishment is received by the building official within one year of the date of permit expiration.
(b) The applicant shall pay an additional fee equal to a counter service fee.
(c) The re-established permit shall expire one year from the date of re-establishment and may not be further renewed or extended.

Permits that have expired and work has not started, shall be required to re-apply for a building permit and shall be subject to current regulations and fees. Upon written request from the owner, the building official or authorized representative is authorized to extend the expiration date up to 90 days with no additional fee when all inspections except final inspection have been performed and approved. If all work is not completed within the 90-day extension period, the permit shall expire unless renewed under the provisions of subsection (3) of this section.

19.35.080 Preliminary decision.
(1) Following acceptance of a complete application and fulfillment of the applicant process and procedure requirements of this title, the department shall make a preliminary decision supported by written findings based on the following factors:
(a) Conformance with adopted City and state rules and regulations in effect on the
date the complete application was received. Such rules and regulations include,
but are not limited to: Chapter 58.17 RCW; SEPA (Chapter 43.21C RCW) as
implemented by Chapter 20.15 SMC; SMC Title 21A, Development Code;
Chapter 14.01 SMC, Public Works Standards Adopted; Chapter 9.04 KCC,
Surface Water Runoff, as adopted by Chapter 15.05 SMC; SMC Title 25,
Shoreline Management; Chapter 19.35 SMC, Short Subdivisions; Chapter 16.05
SMC, Building Codes and Fire Code; administrative rules adopted pursuant to
Chapter 2.55 SMC to implement any such code or ordinance provision; King
County board of health rules and regulations; and conformance with applicable
private restrictions and covenants.

(b) Consideration of the recommendations or comments of those agencies having
pertinent expertise or jurisdiction.

(c) Consideration of sidewalks and other planning features that assure safe walking
conditions for students who walk to and from school.

(2) The preliminary decision shall become effective 14 calendar days after postmarked date
of issuance of the notice.

(3) Short subdivision preliminary approvals shall be valid for 36-60 months.

(4) If any condition is not satisfied and the final short plat is not recorded within the approval
period the short subdivision approval shall be null and void. If all conditions have been
satisfied and all required documents have been submitted within the approval period, the
department may grant a single extension of up to 90-180 days to obtain additional
information or for the processing and recording of final short plat documents. Applicants
will have a maximum of 30-60 days to comply with requests for additional information
made within the extension period.

(5) All construction and site development activities related to the short subdivision are
prohibited until the preliminary decision becomes effective or until authorized by any
required plan approval required as a condition of preliminary short subdivision approval.

19.40.040 Qualifications governing approval of plat.

(1) Preliminary Approval. Hearing examiner approval of the preliminary plat shall furnish a
firm basis upon which the applicant may proceed with development of the subdivision
and preparation of the final plat subject only to all the conditions of preliminary approval
imposed on the preliminary plat.

(2) Revisions. The department may approve minor changes or revisions as are deemed
necessary to the interests and needs of the community, consistent with the adopted
policies and standards of the City.

(3) Engineering Details. Subsequent approval of the engineering details of the proposed
streets, storm drainage, sanitary sewer and water systems and other proposed public
facilities by the City engineer will be required prior to the approval of the final plat.

(4) Approval Time. For all plats receiving preliminary approval such approval shall be
effective for a period of 60 months. For any plats receiving preliminary approval
between January 1, 2004 and January 1, 2010, the preliminary approval shall be valid for
84 months. If all conditions have been satisfied and all required documents have been
submitted within the approval period, the department may grant a single extension of up
to 180 days to obtain additional information or for the processing and recording of final
plat documents. Applicants will have a maximum of 60 days to comply with requests for additional information made within the extension period.

(5) Prior to final plat approval, the City staff shall provide the City council with a staff report documenting that all the conditions of the plat approval have been met.

20.05.100 Permit issuance.

(1) Final decisions by the City on all permits and approvals subject to the procedures of this chapter shall be issued within 120 days from the date the applicant is notified by the department pursuant to this chapter that the application is complete; provided, that the following shorter time periods should apply for the type of land use permit indicated:

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Time Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>New residential building permits</td>
<td>90 days</td>
</tr>
<tr>
<td>Residential remodels</td>
<td>40 days</td>
</tr>
<tr>
<td>Residential appurtenances, such as decks and garages</td>
<td>15 days</td>
</tr>
<tr>
<td>Residential appurtenances that require substantial site review</td>
<td>40 days</td>
</tr>
<tr>
<td>SEPA exempt clearing and grading</td>
<td>45 days</td>
</tr>
<tr>
<td>SEPA clearing and grading</td>
<td>90 days</td>
</tr>
<tr>
<td>Health department review (for projects pending a final department review and/or permit)</td>
<td>40 days</td>
</tr>
</tbody>
</table>

The following periods shall be excluded from this 120-day period:

(a) Any period of time during which the applicant has been requested by the department, hearing examiner or council to correct plans, perform required studies or provide additional information, including road variances and variances required under Chapter 9.04 KCC as adopted by Chapter 15.05 SMC. The period shall be calculated from the date of notice to the applicant of the need for additional information until either the City advises the applicant that the additional information satisfies the City’s request or 14 days after the date the information has been provided, whichever is the earlier date. If the City determines that the correction, study, or other information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures of this section shall apply as if a new request for information had been made.

(i) The department shall set a reasonable deadline for the submittal of corrections, studies, or other information when requested, and shall provide written notification to the applicant. An extension of such deadline may be granted upon submittal by an applicant of a written request providing satisfactory justification of an extension.

(ii) Failure by the applicant to meet such deadline shall be cause for the department to cancel/deny the application.

(iii) When granting a request for a deadline extension, the department shall give consideration to the number of days between receipt by the department of a written request for a deadline extension and the mailing to the applicant of the department’s decision regarding that request.

(b) The period of time, as set forth in SMC 20.15.060, during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.
A period of no more than 90 days for an open record appeal hearing by the hearing examiner on a Type 2 land use decision, and no more than 60 days for a closed record appeal by the county council on a Type 3 land use decision appealable to the county council, except when the parties to an appeal agree to extend these time periods.

Any period of time during which an applicant fails to post the property, if required by this chapter, following the date notice is required until an affidavit of posting is provided to the department by the applicant.

Any time extension mutually agreed upon by the applicant and the department.

The time limits established in this section shall not apply if a proposed development:

- Requires an amendment to the comprehensive plan or a development regulation, or modification or waiver of a development regulation as part of a demonstration project;
- Requires approval of a new fully contained community as provided in RCW 36.70A.350, master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided for RCW 36.70A.200; or
- Is substantially revised by the applicant, when such revisions will result in a substantial change in a project’s review requirements, as determined by the department, in which case the time period shall start from the date at which the revised project application is determined to be complete.

If the department is unable to issue its final decision within the time limits established by this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.