

# Ordinance No. 3914

(Amending or Repealing Ordinances)

CFN= 131 – Zoning Codes

205 – Uniform Building Codes

Passed – 4/21/09

Extension of Deadlines Amend KCC 12.01 and KCC 14.01  
(Sections 12.01.110; 14.01.030 and 14.01.040)

Amends Ords. 3415;3424;3574;3690;3839

Amended by Ord. 3956 (Secs. 14.01.030;14.01.040)

Amended by Ord. 4044 (Sec. 12.01.110)

**ORDINANCE NO. 3914**

**AN ORDINANCE** of the City Council of the City of Kent, Washington, amending chapter 12.01 of the Kent City Code, entitled "Administration of Development Regulations," and chapter 14.01 of the Kent City Code, entitled "Building Codes," to allow extensions of deadlines for land use and building permit applications and deadlines for building permits that have been issued.

**RECITALS**

A. The current slowing of the United States economy and downturn in new home sales has limited the ability of developers and new home builders to obtain credit and to build and sell their products. As a result, the Master Builders Association of King County, on behalf of their members, has requested regulatory relief in the form of the extension of expiration deadlines for land use and building permit applications and expiration deadlines for permits that have been issued. The City of Kent recognizes the need for such extensions beyond what is normally allowed under the Kent City Code in light of the current economic slowdown.

B. Titles 12 and 14 of the Kent City Code include provisions for the processing, issuance, and expiration of permits and permit applications. The City of Kent has determined that temporarily extending

the deadlines for permits and permit applications would be in the best interest of the citizens and property owners of the City of Kent.

C. The State Environmental Policy Act (SEPA) responsible official has determined that the proposed Kent City Code amendments are procedural in nature, and further SEPA analysis is not required for these local code amendments.

D. On April 3, 2009, the City requested expedited review from the state of Washington under RCW 36.70A.106 of the City's intent to adopt amendments to chapter 12.01 and 14.01 KCC. Approval for expedited review was granted on April 20, 2009.

E. A public hearing was held by the City Council's Planning and Economic Development on April 13, 2009, and the City Council adopted these amendments at its meeting on April 21, 2009.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

### **ORDINANCE**

**SECTION 1.** - *Amendment.* Section 12.01.110 of the Kent City Code is amended as follows:

**Sec. 12.01.110 Procedure for complete, but "incorrect applications."**

A. Following a determination of a complete application and the commencement of project review, the city may make a determination in writing that some information is incorrect, and that corrected information be submitted. The applicant shall have up to ninety (90) calendar days to submit corrected information (the "resubmittal period").

B. The city shall have fourteen (14) calendar days to review the submittal of corrected information. If the corrected information is still not sufficient, the city shall notify the applicant in writing that the submitted information is incorrect, and the resubmittal period ~~time period~~ set forth in subsection (A) of this section shall be repeated. This process may continue until complete or corrected information is obtained.

C. If the applicant either refuses in writing to submit corrected information or does not submit the corrected information within the resubmittal period, ~~ninety (90) calendar day period~~, the application shall lapse.

D. Provided however, that applications that are within the resubmittal period as of May 21, 2009; or which become subject to the resubmittal period after May 21, 2009 and before December 31, 2009, shall have until December 31, 2009 or the end of the resubmittal period, whichever is later, to submit the required information.

ED. If the requested corrected information is sufficient, the city shall continue with project review, in accordance with the time calculation exclusions set forth in KCC 12.01.180.

**SECTION 2. - Amendment.** Section 14.01.030 of the Kent City Code is amended as follows:

**Sec. 14.01.030 Amendments to the International Building Code.** The following local amendments to the International Building Code previously adopted in KCC 14.01.010 are hereby adopted and incorporated into the International Building Code:

A. *General – Building code appendices adopted.* Section 101 of the International Building Code, entitled “General,” is amended by adding the following new subsection 101.5:

Sec. 101.5. Building code appendices adopted. Appendices C and J to the International Building Code are hereby adopted; however, the public works director shall have the authority to enforce and interpret Appendix J and, accordingly, all references to the “building official” in Appendix J shall be substituted with the words “public works director.”

B. *Duties and powers of building official – Lot lines and setback lines.* Section 104 of the International Building Code, entitled “Duties and Powers of Building Official,” is amended by adding the following new subsection 104.12:

Sec. 104.12. Lot lines and setback lines. Notwithstanding the authority of the building official to administer and enforce the building code, the building official shall have no duty to verify or establish lot lines or setback lines. No such duty is created by this code, and none shall be implied.

C. *Permits – Expiration of project permit application.* Section 105 of the International Building Code, entitled "Permits," is amended by substituting subsection 105.3.2 with the following:

Sec. 105.3.2. Expiration of project permit application. Project permit applications that are subject to Ch. 12.01 KCC or that require SEPA review are subject to those deadlines. All other project permit applications shall expire by limitation if no permit is issued 180 days after the determination that a fully complete project permit application, as defined in KCC 14.11.020, has been submitted, unless that application has been pursued in good faith. The building official may extend the time for action on the permit application for one or more periods, each period not exceeding 90 days, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. If an application has expired, plans and other data previously submitted for review may thereafter be returned to the applicant or destroyed by the building official. In order to renew action on an expired application, the applicant shall resubmit plans and pay a new review fee.

D. *Permits - Extension of expiration of project permit time limitation on application.* Section 105 of the International Building Code, entitled "Permits," is amended by adding the following new subsection 105.3.3:

Sec. 105.3.3. Notwithstanding the provisions of subsection 105.3.2, a fully complete project permit application submitted on or after July 1, 2007 and before October 1, 2009, shall not expire by limitation according to the provisions of subsection 105.3.2, but shall expire by limitation on June 30, 2010, if the project permit applied for has not been issued by June 30, 2010. No further extension will be granted.

E. *Permits - Extension of time to commence work under building permit.* Section 105 of the International Building Code, entitled "Permits," is amended by adding the following new subsection 105.5.1:

Section 105.5.1. Notwithstanding the provisions of subsection 105.5, a building permit issued on or after July 1, 2007 and before January 1, 2010, shall remain valid if the work authorized by such permit is commenced on or before December 31, 2010, provided the work has not been suspended or abandoned for a period of 180 days after the time the work is commenced.

ƉF. *Board of appeals.* Section 112 of the International Building Code, entitled "Board of Appeals," is amended by substituting Section 112 with the following:

Sec. 112. Board of appeals. The City of Kent hearings examiner is designated as the board of appeals in order to hear and decide appeals of orders, decisions, or

determinations made by the building official relative to the suitability of alternate materials, design, and methods of construction and appeals of the reasonable application and interpretation of the building codes. Appeals shall be made as set forth in KCC 14.01.100.

**EG.** *Additional height increases.* Section 504 of the International Building Code, entitled "Height," is amended by adding the following new subsection 504.4:

Sec. 504.4. Additional height increases. For Group B or Group R, Divisions 1 and 2 Occupancies, the permitted increase of one story allowed by subsection 504.2 may be increased to two stories when all of the following conditions are met:

1. An automatic fire sprinkler system complying with Section 903.3.1.1 is installed throughout with the installation of quick response sprinkler heads in all areas where the use of these heads is allowed.

2. Vertical exit enclosures are constructed as smokeproof enclosures or pressurized stair enclosures in accordance with Section 909.20.

3. Standby power is supplied for light, emergency, and any exit enclosure pressurization systems used, as provided in Sections 403.10 and 909.20.6.2, and the adopted edition of the National Electrical Code. Connection ahead of service disconnect means shall be permitted for standby power.



4. Walls separating dwelling units or sleeping units, and corridor walls in Group R, Divisions 1 and 2 Occupancies shall be constructed as 1-hour fire partitions as provided in Section 708. Reduction of the fire-resistance rating is not permitted.

5. All exterior walls, including those with a fire separation distance of more than five feet, shall be of not less than 1-hour fire-resistance rated construction on the interior and the exterior of the wall.

6. Structural observation is provided during construction in accordance with Sections 1702 and 1709.1.

7. An emergency voice/alarm communication system complying with subsections 907.2.12.2 through 907.2.12.2.3 is installed.

8. Approved supervised indicating control valves shall be provided at the point of connection to the automatic fire sprinkler system riser on each floor.

9. Structures meeting the requirements of this subsection shall have an automatic sprinkler zone per floor. All zones must report independently.'

**SECTION 2. - Amendment.** Section 14.01.040 of the Kent City Code is amended as follows:

**Sec. 14.01.040 Amendments to the International Residential Code.** The following local amendments to the International Residential Code previously adopted in KCC 14.01.010 are hereby adopted and incorporated into the International Residential Code:

A. *Duties and powers of building official – Lot lines and setback lines.* Section R104 of the International Residential Code, entitled “Duties and Powers of Building Official,” is amended by adding the following new subsection R104.12:

Sec. R104.12. Lot lines and setback lines. Notwithstanding the authority of the building official to administer and enforce the building code, the building official shall have no duty to verify or establish lot lines or setback lines. No such duty is created by this code, and none shall be implied.

B. *Permits – Substantially improved or substantially damaged existing buildings in areas prone to flooding.* Section R105 of the International Residential Code, entitled “Permits,” is amended by substituting subsection R105.3.1.1 with the following:

Sec. R105.3.1.1. Substantially improved or substantially damaged existing buildings in areas prone to flooding. The building official may require that all applications for reconstruction, rehabilitation, addition, or other improvement of existing buildings or structures located in an area prone to flooding be submitted in accordance with Ch. 14.09 KCC.

C. *Permits – Expiration of project permit application.* Section R105 of the International Residential Code, entitled “Permits,” is amended by substituting subsection R105.3.2 with the following:

Sec. R105.3.2. Expiration of project permit application. Project permit applications that are subject to Ch. 12.01 KCC or that require SEPA review are subject to those deadlines. All other project permit applications shall expire by limitation if no permit is issued 180 days after the determination that a fully complete project permit application, as defined in KCC 14.11.020, has been submitted, unless that application has been pursued in good faith. The building official may extend the time for action on the permit application for one or more periods, each period not exceeding 90 days, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. If an application has expired, plans and other data previously submitted for review may thereafter be returned to the applicant or destroyed by the building official. In order to renew action on an expired application, the applicant shall resubmit plans and pay a new review fee.

D. *Permits - Extension of time limitation on application.*

Section R105 of the International Residential Code, entitled "Permits," is amended by adding the following new subsection R105.3.3:

Sec. R105.3.3. Notwithstanding the provisions of subsection R105.3.2, a fully complete project permit application submitted on or after July 1, 2007 and before October 1, 2009, shall not expire by limitation according to the provisions of subsection R105.3.2, but shall expire by limitation on June 30, 2010, if the project permit

applied for has not been issued by June 30, 2010. No further extension will be granted.

E. Permit - Extension of time to commence work under building permit. Section R105 of the International Building Code, entitled "Permits," is amended by adding the following new subsection R105.5.1:

Sec. R105.5.1. Notwithstanding the provisions of subsection R105.5, a building permit issued on or after July 1, 2007 and before January 1, 2010, shall remain valid if the work authorized by such permit is commenced on or before December 31, 2010, provided the work has not been suspended or abandoned for a period of 180 days after the time the work is commenced.

DE. Fees - Building permit valuations. Section R108 of the International Residential Code, entitled "Fees," is amended by substituting subsection R108.3 with the following:

Sec. R108.3. Building permit valuations. The permit applicant shall provide an estimated permit value at time of application. Permit valuations shall include total value of the work, including materials and labor, for which the permit is being issued. (The work would include, for example and without limitation, electrical, gas, mechanical, and plumbing equipment and other permanent systems.) If the building official decides that

the permit valuation is underestimated, the permit application shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

GE. *Certificate of occupancy.* Section R110 of the International Residential Code, entitled "Certificate of Occupancy," is hereby repealed.

HF. *Board of appeals.* Section R112 of the International Residential Code, entitled "Board of Appeals," is amended by substituting Section R112 with the following:

Sec. R112. Board of appeals. The City of Kent hearings examiner is designated as the board of appeals in order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the suitability of alternate materials, design, and methods of construction and appeals of the reasonable application and interpretation of the building codes. Appeals shall be made as set forth in section 14.01.100 of the Kent City Code. Any appeal to an order, decision, or determination of the public works director with respect to work within a flood hazard area shall be made in accordance with Ch. 14.09 KCC.

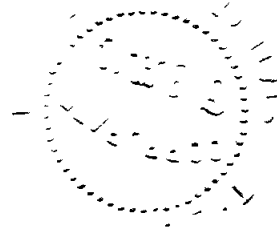
**SECTION 4.** - *Severability.* If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**SECTION 5. - Effective Date.** This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

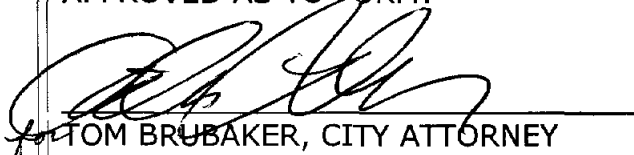
  
SUZETTE COOKE, MAYOR

ATTEST:

  
BRENDA JACOBBER, CITY CLERK



APPROVED AS TO FORM:


  
TOM BRUBAKER, CITY ATTORNEY

PASSED: 21 day of April, 2009.

APPROVED: 21 day of April, 2009.

PUBLISHED: 25 day of April, 2009.

I hereby certify that this is a true copy of Ordinance No. 3914 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

 (SEAL)  
BRENDA JACOBBER, CITY CLERK

