



## MEMORANDUM

**To:** Dave Ramsay, City Manager

**From:** Tom Phillips, Building Services Manager

**Date:** October 26, 2009

**Subject:** An Ordinance to amend Title 21 of the Kirkland Municipal Code extending the expiration dates of Building and Land Surface Modification permits.

### Recommendation

Staff recommends that the City Council adopt the attached Ordinance extending the expiration dates of Building and Land Surface Modifications (LSM) permits.

### Background and Discussion

On April 7, 2009 the City Council adopted an Ordinance that provides a one year extension for LSM and Building permits during a limited time period that ends December 31, 2009. The issue of extending this period was discussed at the Economic Development Committee meeting on October 6, 2009. Because the economic conditions that warranted the original Ordinance have not significantly improved, staff was directed to prepare an Ordinance extending the period for one year.

This proposed ordinance will temporarily allow a one year extension for Building and LSM permits that can be applied to either the application or to the permit, but not both. This ordinance applies to permits that are applied for between December 31, 2007 and January 1, 2011. The reason to extend permits through the end of next year is to give developers a safety net and incentive for starting their projects during the current economic conditions.

This ordinance does not affect Land Use or Zoning permits as they will be addressed by a separate Ordinance.

ORDINANCE NO. 4218

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING CHAPTER 21.06 OF THE KIRKLAND MUNICIPAL CODE (KMC) RELATING TO THE EXPIRATION OF BUILDING AND LAND SURFACE MODIFICATION PERMITS.

WHEREAS, the Kirkland Municipal Code establishes regulations relating to the expiration of Building and Land Surface Modification (LSM) permits and their applications; and

WHEREAS, due to the current economic downturn many developers have had to delay or suspend their building and/or LSM projects; and

WHEREAS, developers have requested temporary relief from current permit expiration regulations to keep their building and/or LSM projects active; and

WHEREAS, in 2009 the City Council enacted an Ordinance to temporarily extend LSM and Building permits and application; and

WHEREAS, the current period for permit extensions ends on December 31, 2009, the City Council finds that a one year extension to that period would be beneficial to the construction industry and economy of the City;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Section 21.06.257 of the KMC is hereby amended to read as follows:

**21.06.257 Special provisions for permit and application extensions.**

Except as provided below, building and Land Surface Modification (LSM) permits applied for between September 1, 2007 and January 1, ~~2010~~ 2011, and building and LSM permits issued between January 1, 2006 and January 1, ~~2010~~ 2011 will be granted a one year extension to their original expiration date upon request by the applicant. The one year extension will start on the original expiration date. The extension may be applied to either the application, prior to issuance or the permit after issuance, but not to both. All electrical, plumbing and mechanical permits associated with the building or LSM permit will also be extended for the same amount of time if requested by the applicant. This extension does not apply to any issued building or LSM permit associated with a single family residence or accessory dwelling unit if the construction has already begun. Extensions will not be granted for demolition work.

Section 2. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney