



MEMORANDUM

To: Dave Ramsay, City Manager

From: Tom Phillips, Building Services Manager

Date: March 25, 2009

Subject: AN ORDINANCE TO AMEND TITLE 21 OF THE KIRKLAND MUNICIPAL CODE EXTENDING THE EXPIRATION DATE 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

At the February 20th MyBuildingPermit.com management committee meeting, a representative of the Master Builders Association addressed the committee requesting that cities and counties adopt temporary ordinances that will extend building and land use permits. The representative explained that this is needed to help mitigate the impacts of the current economic downturn. Kirkland's Economic Development staff heard the same comments when they spoke with developers and commercial brokers. Extending the expiration dates will allow developers to keep their projects active for an additional year without having to start the permit process over.

In 2007 timeframes for applications and permits for building and LSM permits were increased. Currently a permit application is valid for 1 1/2 years and a residential building and LSM permit is valid for two years. A multi-family and commercial permit is currently valid for three years.

In response to the recent requests, staff has prepared an ordinance for the Council's consideration. A number of other cities and counties are also considering similar extensions. The proposed ordinance will temporarily allow a one year extension for building and LSM permits that can be applied to either the application period or to the permit, but not both. A one year extension should be sufficient to get developers through this current down turn. If not, additional extensions can be considered later. This ordinance applies to building and LSM permits applied for between September 1, 2007 and January 1, 2010, and building and LSM permits issued between January 1, 2006 and January 1, 2010. The reason to extend permits through the end of this year is to give developers a safety net and incentive for starting their projects this year.

There is a concern that there may be negative impacts to a neighbor if a house under construction is allowed to take an additional year to complete. Therefore, this proposed ordinance does not apply to houses that have already begun construction. It also does not apply to demolition permits for similar reasons.

This ordinance does not affect Land Use or Zoning permits. The Planning Department will address those permits and approvals separately.

ORDINANCE NO. 4191

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING CHAPTER 21.08 OF THE KIRKLAND MUNICIPAL CODE 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, it is the City Council's desire to provide reasonable and temporary relief to help mitigate the impacts of the economic downturn;

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

Section 1. Chapter 21.06 of the Kirkland Municipal Code is hereby amended by the addition of a new Section 21.06.257 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, and building and LSM permits issued between January 1, 2006 and January 1, 2010 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