

# ORIGINAL

## CITY OF BELLEVUE, WASHINGTON

### ORDINANCE NO. 4821

AN ORDINANCE providing an exemption from certain notice requirements for building and other technical permits; providing for cancellation of inactive building permits; referencing land use code provisions related to the life of permits; adding a new section 23.05.025 to the Bellevue City Code; and amending Sections 23.05.160.F and 23.10.033 of the Bellevue City Codes.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 23.05.160.F (Construction Code Administration) of the Bellevue City Code is hereby amended as follows:

...

F. Expiration and Cancellation of Application.

1. Application 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. The building official may extend the time for action by the applicant for a period not exceeding 180 days.

2. Applications may be canceled for inactivity if an applicant fails to respond to the Department's written request for revisions, corrections, or additional information within 60 days of the date of the request. The Director 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.

3. The building official may extend the life of an application if any of the following conditions exist:

a. Compliance with a declaration of significance under 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 or 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 final city decision; or

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c. Litigation against the city is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.

...

Section 2. Section 23.10.033 of the Bellevue City Code is hereby amended as follows:

**23.10.033 Optional method of obtaining prior approvals - Agreement regarding vested rights.**

A. Notwithstanding the provisions of BCC 23.10.032, an applicant may apply for a design review approval, an administrative conditional use permit, planning commission design review approval, planned unit development approval, a conditional use permit, a shorelines conditional use permit, a variance, a shorelines variance, a shorelines substantial development permit or a clearing and grading permit prior to filing an application for a building permit, upon the following terms and conditions:

1. The filing of an application for any of the approvals referred to in this chapter prior to the filing of a valid and complete application for a building permit shall not establish or create a vested right to proceed with construction of any proposed project in accordance with the codes, ordinances or regulations existing at the time of the filing of such application or at any time thereafter prior to the filing of a valid and complete building permit application.

2. An applicant who elects to take advantage of the provisions of this section shall, at the time of making application for the approvals referred to in subdivision 1 of this subsection, execute an agreement with the city that the acceptance and processing of such application shall in no way establish or create a vested right to proceed with construction of any proposed project in accordance with the codes, ordinances or regulations existing at the time of filing of such application, or at any time thereafter prior to the filing of a valid and complete building permit application except as provided in Land Use Code Section 20.40.500.

B. An applicant who elects to take advantage of the provisions of this section may at any time elect to file a complete building permit application, notwithstanding that the approval applied for under subsection A of this section has not previously been obtained.

Section 3. A new section, 23.05.025, is hereby added to Chapter 23.05 (Construction Code Administration) of the Bellevue City Code, as follows:

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23.05.025 Exemption from State Notice Requirements. Project permit applications pursuant to the Technical codes are exempt from the requirements of RCW 36.70B.110 and 36.70B.130 and any local provisions implementing those sections, except when an applicant has chosen to include technical permits, e.g. building, mechanical, plumbing permits, in a consolidated permit review process pursuant to the provisions of RCW 36.70B.120.

Section 4. This ordinance shall take effect and be in force thirty (30) days after passage by the City Council.

PASSED by the City Council this 27<sup>th</sup> day of November, 1995, and signed in authentication of its passage this 27<sup>th</sup> day of November, 1995.

(SEAL)

  
Donald S. Davidson, DDS, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard L. Andrews, City Attorney

Attest:

  
Myrna L. Basich, City Clerk

Published December 1, 1995