



## KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT Policy (Management Decisions)

<b>Subject: Extension and Reactivation Policy</b>	
<b>Division:</b> Building and Development Services and Engineering	<b>Policy No:</b> DCD1014POL
<b>References:</b> International Residential Code (IRC) International Building Code (IBC) International Fire Code (IFC) Kitsap County Code Washington State Public Records Act	<b>Issue Date:</b> 1/1/2023
<b>Related Procedures:</b> <ul style="list-style-type: none"> <li>• PER2013PRO - Processing Reactivation and Extension Requests on Building Permits</li> <li>• PER2012PRO - Processing Land Use, Engineering &amp; Environmental Permit Extensions</li> <li>• PER2016PRO - Managing Expired Building Permits Procedure</li> </ul>	<b>Revision Date:</b> 11/1/2022

- 1.0 Background:** The Department changed from a County general fund based program to a fee based program beginning in 2008. At that time an analysis of building permit fees and level of service took place. We based the fee on this service to recovery model.

During the financial crisis of 2007, the Department took a very liberal approach to extensions, but that approach has caused some issues. In addition, many of our clients do not understand the fee for service concept relating to building permits. The assumption is the Department is still part of the general fund and have other funds available to provide services. Building permits are intended for projects being actively pursued for completion.

- 2.0 Purpose:** To provide a clear understanding of how permit applications expire and how requests for reactivation and extension are processed.

- 3.0 Authority:**  
 International Residential Code (IRC) current edition  
 International Building Code (IBC) current edition  
 International Fire Code (IFC) current edition  
 Kitsap County Code  
 Washington State Public Records Act  
 DCD Fee Schedule and Policy

**R105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned **180 days** after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**R105.5 Expiration.** Every permit issued shall become invalid unless the work authorized by such permit is commenced within **365 days** after its issuance, or if the work authorized by

such permit is suspended or abandoned for a period of **180 days** after the time the work is commenced. Having required inspections performed and approved within every 180 days is evidence that work has commenced and is continuing. Permits that do not receive an inspection approval within 365 days of permit issuance, or within 180 days since the previous approved inspection, shall automatically expire and become invalid. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each, based on good and satisfactory reasons. The extension shall be requested in writing prior to permit expiration and shall demonstrate good cause.

#### **4.0 Building and Fire (Title 14) Permit Policy:**

##### **4.1. Issued Permits**

###### **4.1.1. Expiration/Vesting**

**4.1.1.1.** Building Permits are issued for **365 days** per KCC 14.04.268. After 365 days with no activity the permit will expire, unless an extension has been granted.

**4.1.1.2.** Fire Permits are issued for 180 days per 14.04.700. After 180 days with no activity the permit will expire, unless an extension has been granted.

**4.1.1.3.** An applicant with a permit that is not eligible for an extension must obtain a new permit(s) for the project. New permits must be applied for and are subject to all conditions under the current codes and includes all applicable fees for the permit type.

###### **4.1.2. Associated Land Use or Site Development Activity Permits**

**4.1.2.1.** Title 14 permits will not be reactivated or extended unless any associated land use or site development activity permits are valid.

**4.1.2.2.** For land use and site development activity permit expiration, refer to section 5.0 of this policy.

###### **4.1.3. Extensions**

Extensions to issued permits may be requested by the applicant or the applicant's representative. All requests must be made in writing and good cause demonstrated. Permits reaching their expiration date without a scheduled inspection are eligible for an extension if:

- The permit is not older than 6 years from the date of application\*\*

*\*\*Extension date will be entered from the day of the expiration date.*

- To extend the permit, an extension fee must be paid.

###### **4.1.4. "Grace Period" 1- 30 Days after expiration date**

- For a permit that has expired within the last 30 days, the applicant may request an inspection without requesting an extension. If this results in an approved inspection the permit will be automatically extended for 180 days after the last approved inspection date.

###### **4.1.5. Reactivations**

Reactivations to issued permits may be requested by the applicant or the applicant's representative. All request must be made in writing and good case demonstrated. The permit shall not be older than six (6) years from the date of application.

- Reactivation will be granted for permits within six (6) years of the of permit application date.
- Reactivation fees apply, see 4.4

- Permits exceeding six (6) years are required to resubmit plans demonstrating current code cycle.

## **4.2. Abandoned Permits**

Abandoned permit applications and permits are subject to destruction in accordance with RCW 40.14.070 and the Washington State Retention Schedules.

### **4.2.1. Permit Applications not Deemed Technically Complete**

Permit applications that are not deemed technically complete will be considered abandoned applications after **14 days** of no response. All materials submitted are subject to destruction (paper) or cancellation (electronic), and will be processed in accordance with RCW 40.14.070 and the Washington State Retention schedules.

### **4.2.2. Unapproved Permits**

An unapproved permit will expire **180 days** after it has been deemed technically complete. Unapproved permits 180 days or older are deemed “abandoned” and are not vested to any code, are subject to destruction (paper) or cancellation (electronic), and will be processed in accordance with RCW 40.14.070 and the Washington State Retention schedules. Permits pursued in good faith are eligible for one or more extensions of 180 days where approved by the Chief Building Official.

### **4.2.3. Approved and Unissued Permits**

Permits that have been approved but not issued will expire **180 days** after the date of approval are deemed “abandoned,” and are not vested to any code, are subject to destruction (paper) or cancellation (electronic), and will be processed in accordance with RCW 40.14.070 and the Washington State Retention schedules.

### **4.2.4. Issued Permits**

Permits that are issued will expire **365 days** from issued date. If the permit remains expired and the application date is more than six (6) years old the permit is deemed “abandoned,” and is not vested to any code, are subject to destruction (paper) or cancellation (electronic) and will be processed in accordance with RCW 40.14.070 and the Washington State Retention schedules.

## **4.3. Management of Expired Permit Documents See PER2016PRO**

### **4.3.1. Notification**

Property Owners will be notified when the:

- Permit application has been ready for their action after 30 days
- Permit application or permit will expire within the next 30 days

### **4.3.2. Work has Started**

Please refer to 4.1.

### **4.3.3. No Work has Started**

Once a project has been deemed abandoned all records associated with the permit are subject to destruction in accordance with RCW 40.14.070 and the Washington State Retention Schedules.

## **4.4. Fees**

- ### **4.4.1.** Extensions and reactivations are subject to fees.

**Extensions**

Extensions to active permits will be one half of the hourly rate.

**Reactivation Fee (30 days < 1 year from expiration date)**

To reactivate a permit after permit expiration, if within one year of expiration, the Permit Fee shall be one hour at the current hourly rate, provided no changes have been made, or will be made in the original plans and specifications for such work.

**Reactivation Fee (over 1 year to 2 years from expiration date)**

To reactivate a permit any time after the permit has been expired for more than one year but less than two, the Permit Fee shall be two hours at the current hourly rate.

**Reactivation Fee (over 2 years to 6 years from expiration date)**

To reactivate a permit any time after the permit has been expired, fees shall double for each year expired up to the original full permit fee.

- 4.4.2.** Extension or reactivation fees shall be paid within 30 days of the determination of eligibility. If payment is not received within this timeframe, the permit will be expired and may not be eligible for extension or reactivation in the future or may be subject to additional fees.

**4.5. Good Cause**

Good cause is defined as having a good cause or reason why the project has been unable to move forward at this time.

Justifiable cause is determined by consideration of a number of factors, including;

- Whether the permit holder has demonstrated reasonable diligence under the permit
- The permit holder had demonstrated good faith effort (see 4.6)
- Whether development was delayed by factors outside the applicant's control
- Whether denial of the extension will result in undue hardship to the applicant.

**4.6. Good Faith Effort**

- If a permit has been returned and an Information Request has been issued, a good faith effort would include submitting complete and timely responses to the information request and/or moving forward with dedications, adjustments, or appeals as necessary to satisfy all outstanding reviews.
- If a permit is Approved to Issue, a good faith effort would include issuing and paying for the permit and issue to self within 180 days of the approval date.
- If a permit is Issued, a good faith effort would include commencing work, requesting, and passing an inspection within 180 days.
- If a permit is Issued, a good faith effort would include continuous work on the project and a request for and passing an inspection.
- Proof of reason why development was delayed due to factors outside their control.

**4.7. Building Code Cycles**

The state building code is regularly updated every three years.

**4.8. Transitory Housing (Title 17) Policy**

Subject to Kitsap County Code 17.505.030.

**5.0 Land Use and Development Engineering Permit (Title 21) Policy**

## **5.1. Land Use Permits**

Subject to Kitsap County Code 16.04.100.

A. Short Subdivisions and Large Lot Subdivisions. Preliminary approval shall automatically expire five years from the date of the notice of decision, unless a complete final short subdivision or large lot subdivision application is submitted to the department prior to that date.

B. Subdivisions. Unless otherwise provided by state statute, preliminary approval shall automatically expire five years from the date of the notice of decision, unless a complete final subdivision application is submitted to the department prior to that date.

C. An extension to preliminary approval may be granted, as set forth in Section 21.04.270(B).

D. It is the responsibility of the applicant to remain aware of expiration dates. Failure to file within the stated time, and any approved extension, will void the preliminary approval and a new application will be required.

### **5.1.1. Conditional Use and Administrative Conditional Use Permits**

Subject to Kitsap County Code 21.04.200.

## **5.2. Site Development Activity Permits**

Subject to Kitsap County Code 12.10.055.

(1) Approved but Not Issued. Except as provided in Section 12.16.110, site development activity permits must be issued within three hundred sixty-five days of permit application approval, and will automatically expire at the end of three hundred sixty-five days unless an extension is granted by the director. The length of extension period shall not exceed three hundred sixty-five days, and no more than two extensions shall be granted. At the end of the extension period, the permit will be automatically closed if it is still unissued. A closed permit may not be reissued or reactivated.

(2) Issued. Issued site development activity permits shall become invalid unless the work authorized by such permit is commenced within three hundred sixty-five days after its issuance, or if after commencing, the work authorized by such permit is suspended or abandoned for a period of three hundred sixty-five days. Having required inspections performed and approved within every three hundred sixty-five days is evidence that work has commenced and is continuing. Permits that do not receive a required inspection within three hundred sixty-five days of permit issuance, or within three hundred sixty-five days since the previous approved inspection, will be considered abandoned and shall automatically expire. If no action is taken within one hundred eighty days of the expiration date by the applicant/owner to reactivate the permit or request an extension, the permit will be closed. A closed permit may not be reissued or reactivated.

(3) Extensions. The procedures for requesting and granting extensions or renewals to permits and procedures for the disposition of inactive or expired permits shall be detailed in the Kitsap manual.