

#7

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 118181

AN ORDINANCE relating to Seattle Municipal Code Chapter 22.170; adding Section 22.170.055, and amending Section 22.170.120 of the Seattle Grading Code, to clarify regulations, and adopt amendments consistent with the Seattle Building Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 22.170.055 is added to the Seattle Municipal Code as follows:

22.170.055 Applicability of city laws

A grading permit application shall be considered under the applicable city law in effect on the date a complete permit application is submitted that complies with all the requirements of subsection 22.170.070.B.1 through 22.170.070.B.5 and 22.70.070.C.1.

Note: Applicable city law includes but is not limited to Title 23, Seattle Land Use Code; Chapter 25.09, Environmentally Critical Areas regulations; Chapter 25.09, Tree Protection regulations; and the Seattle Building, Residential, Mechanical, Fuel Gas, Energy, Stormwater, Grading and Side Sewer codes.

Section 2. Section 22.170.120 of the Seattle Municipal Code, last amended by Ordinance 123107, is amended as follows::

((SMC))22.170.120 Expiration and Renewal of Grading Permit

A. Applicability of codes. Subsections 22.170.120.B through 22.170.120.D apply to applications for grading permits that are not components of building permits. Expiration and renewal of grading components of building permits shall occur pursuant to the applicable provisions of the Seattle Building Code or the Seattle Residential Code.

B. Expiration. Authority to do the work authorized by a grading permit expires 18 months from the date of issuance unless otherwise stated in the permit. Where advisable to

1 satisfy the requirements or purposes of this code, the Director may issue nonrenewable grading
2 permits that expire less than 18 months from date of issuance. Requirements of this code and
3 conditions included in any permit do not terminate with the expiration of the grading permit
4 unless they are explicitly identified as temporary for the duration of grading operations.

5 C. Renewal or Extension((-))

6 1. Unless otherwise stated in the permit, a grading permit may be renewed once
7 for up to 18 additional months if the following conditions are met:

8 a. Application for renewal is made within the 30-day period immediately
9 preceding the date of expiration of the permit; and

10 b. If the project has had an associated discretionary Land Use review, the
11 land use approval has not expired; and

12 c. If an application for renewal is made ((either-))more than 18 months
13 after the date of mandatory compliance with ((amendments to this code or))a new or revised
14 edition of this code, the Seattle Building Code or Residential Code ((or after the effective date of
15 an amendment to applicable provisions of the Environmentally Critical Areas Ordinance
16 (Chapter 25.09 of the Seattle Municipal Code))), the permit shall not be renewed unless:

17 1) The Director determines that the permit complies, or the permit
18 is modified to comply, with the ((code or))Seattle Building, Residential, Stormwater, Side Sewer
19 and Grading codes in effect on the date of application for renewal; or

20 2) The work authorized by the permit is substantially underway
21 and progressing at a rate approved by the Director. "Substantially underway" means that
22 normally required inspections have been approved for work such as excavation ((and
23 inspections))that is being completed on a continuing basis;

1 2. Where advisable to satisfy the requirements or purposes of this code, the
2 Director may issue grading permits that are not renewable, or are renewable only under specified
3 special conditions.

4 3. In addition to renewals under subsection 22.170.120.C.1, a permit may be
5 renewed, or the Director may extend a permit to expire more than 18 months from the date of
6 issuance, if commencement or completion of the work authorized by the permit is delayed by
7 litigation, appeals, strikes or other causes related to the work authorized by the permit, beyond
8 the permit holder's control and the applicant submits a request for extension prior to expiration of
9 the permit.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2014, and signed by me in open session in authentication of its passage this ____ day of _____, 2014.

President _____ of the City Council

Approved by me this ____ day of _____, 2014.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2014.

Monica Martinez Simmons, City Clerk

(Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
DPD	Maureen Traxler/233-3892	Melissa Lawrie/684-5805

Legislation Title:

AN ORDINANCE relating to Seattle Municipal Code Chapter 22.170; adding Section 22.170.055, and amending Section 22.170.120 of the Seattle Grading Code, to clarify regulations, and adopt amendments consistent with the Seattle Building Code.

Summary of the Legislation: This legislation adds a provision to the Seattle Grading Code that specifies which codes apply when a grading permit is submitted, and revises the conditions for renewal of grading permits.

Background: The Seattle Grading Code is unique to Seattle and is not one of the construction-related codes that is revised every 3 years. The changes in this legislation make it consistent with similar provisions in the other construction codes.

This legislation is one of seven related bills that amend the construction-related codes to adopt recent state code provisions and correct errors.

This legislation does not have any financial implications.

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No
- b) **What is the financial cost of not implementing the legislation?** It's unlikely there would be any cost.
- c) **Does this legislation affect any departments besides the originating department?** No
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** No
- e) **Is a public hearing required for this legislation?** No

- f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation? No
- g) Does this legislation affect a piece of property? No
- h) Other Issues: None

List attachments to the fiscal note below: None



City of Seattle
Edward B. Murray
Mayor

July 29, 2014

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

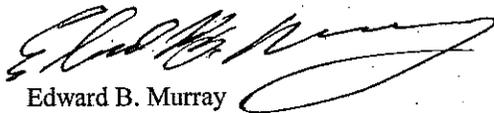
Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill that amends the Seattle Grading Code. This bill coordinates the Grading Code with Seattle Building Code provisions related to vesting and renewal of permit applications.

We are submitting seven related bills that amend different construction-related codes. Some of the amendments are repeated in each of the bills. Every three years the City adopts a new edition of the codes except for the Grading Code. These bills make smaller changes that are nonetheless important to have in place until the next code editions are adopted in 2016.

Thank you for your consideration of this legislation. Should you have questions, please contact Maureen Traxler at 233-3892.

Sincerely,



Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council