



Community Development Department Memorandum

From: Community Development – Building Division

Date: September 10, 2024

Re: Policy on the Expiration and Extension of Fill and Grade Permits and Residential Building Permits

The purpose of this memo is to clarify the requirements of the Washington State adopted building code as referenced within the City of Lynden Municipal Code (LMC) Chapter 15 as it relates to the extension of permit applications and issued permits. This policy applies specifically to residential permits as well as fill and grade permits.

It is the goal of the Community Development Department to protect and assist the community during the development of property including the completion of construction projects which, if not completed in a timely manner, could result in unsanitary, dangerous or unsafe conditions. The intent of this policy is to allow ample time to complete permitted work and to ensure this is done within a reasonable period as specified by code. During construction, the expectation is that *substantial work* is completed on an ongoing basis.

This policy includes definitions (denoted in italics) related to various terms used within the International Residential Code 2021 (IRC 2021) and other recognized publications for purposes of interpretation. This policy shall apply to all fill and grade permits as well as all residential construction permits governed by the applicable federal, state and locally adopted code and standards.

Relevant code sections of the IRC 2021:

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 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R108.5 Refunds

The building official is authorized to establish a refund policy.

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R105.3 Application for Permit

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose.

Definitions:

Building Official – The officer or other designated authority of the jurisdiction charged with the administration and enforcement of the Building Code. The Building Official may be an assigned staff member as designated by the Community Development Director and assigned specific duties related to compliance with this policy.

Permit Application – The submission of 2 sets of building plans and all supporting documentation as determined by the Building Official.

Plan Review Fee – The fee collected prior to plan review as determined by the Unified Fee Schedule.

Issued Permit - An official document or certificate issued by the Building Official that authorizes performance of a specified activity.

Suspended – Work that has not been inspected by the Building Official within 180 days from the last date of inspection noted on the job card or Community Development records.

Abandoned - To cease from construction, repair, improvement, removal, conversion, alteration, remodel, demolition, or work in which no inspections have been performed within a six-month (180 days) period of the permit issuance date or a six-month period from the last date of inspection as noted on a job card or other building department electronic records.

Substantial Work - Substantial work means enough work is completed to be prepared for the next

required inspection. Substantial work does not mean a progress inspection wherein no work has been completed since the previous approved inspection. Should delays be caused during a project wherein a permit is in jeopardy of expiration, the permit holder must contact the city in writing *prior to expiration* for extension.

Extreme Hardship - Documented Illness or Injury, Natural Disaster, Death or Military Deployment.

Permit Application Extension Policy:

Upon approval from all departments, the Permit Technician will mark the building permit application approved and set the expiration date for 180 days. If the permit is not issued within this time, the applicant may request in writing and prior to expiration, a one-time extension of an additional 180 days, for a fee as specified in the Unified Fee Schedule. The Permit Technician will then note the permit file extended with new expiration date which would be a total of 360 days from the date of approval. If the application has not been issued within 360 days, the application shall be considered expired, with no further extensions or refunds granted.

Projects associated with expired permit applications can be restarted by the submittal of a new building permit application, supporting documents, and payment of the review deposit.

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Issued Permit Extension Policy:

Upon issuance of Building Permit, the Permit Technician will set the expiration date of 180 days, within which time the applicant must complete the work associated with the project's first inspection and schedule an inspection. If unable to complete the first inspection within 180 days, the applicant may request in writing, and prior to expiration, a one-time extension of an additional 180 days for a fee as specified in the Unified Fee Schedule. The Permit Technician will then note the permit file extended with a new expiration date. If the applicant has not scheduled the first inspection within 360 days of issue, the permit is considered expired and the project *abandoned*. No further extensions or refunds will be granted except in the event of *extreme hardship* (documented illness or injury, natural disaster, death or military deployment) in which case a prorated refund or extension may be considered by the Community Development Director.

Abandoned projects must be secured as to ensure an environment which does not pose a life safety hazard. An abandoned project can only be revived by the submittal of a new building permit application, all associated supporting documents, and payment of review deposit. Abandoned projects are not vested to the version of the building code under which they began.

Appeals:

Appeals to the decisions associated with this policy may be filed consistent with process outlined in LMC 15.14.010.

Format of Extension Requests:

Requests to extend the expiration date of a permit application or issued permit must be submitted in writing (letter or email) by the close of business on or before the date of expiration.