

**CITY OF SEATTLE**  
**ORDINANCE \_\_\_\_\_**  
**COUNCIL BILL \_\_\_\_\_**

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;

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

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

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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)