



Planning and Development Services Policy and Procedure

Subject/Title: Building & Fire Permit Expiration Policy and Procedure

Number: PL1-74-006A

Effective Date: 4/20/2024

Submitted By: Staff

Reviewed By: PDS Management Team

Approved By: Mark Personius, Director 

Statement: To provide new expiration timelines for Building and Fire Permits including active permits that were issued prior to the effective date of this policy. This policy covers all permit types under WCC Title 15 except those specifically noted in this policy.

References: The current adopted editions of the IBC, IRC, IFC and other adopted International Codes.

Applicable Whatcom County Codes (WCC):

WCC 15.04.050(A) – Permit Expiration.

As referenced in Sections 105.5 of the IBC, R105.5 of the IRC, and 105.3.1 and 105.3.2 of the IFC are amended as follows:

1. Every building or fire permit issued by the Building Official or Fire Marshal under the provisions of this code will expire by limitation and become null and void if the work authorized by such permit is not completed in accordance with the permitted requirements within two years of the date of issuance.
2. Any permittee may apply, in writing, for a single one-year extension in order to complete the authorized work under the Permit. The fee for the extension shall be per the Unified Fee Schedule (UFS). The Building Official or Fire Marshal may grant the extension if the permittee demonstrates that circumstances beyond their control have prevented the authorized work from being completed. No permit may be extended more than once.
 - a. If at the end of the one-year extension period, the permittee, only needs to obtain a "Final" inspection to complete the permit,

the permittee may apply, for a onetime 60-day extension to obtain a "Final" inspection.

3. Expiration dates for Land Disturbance permits issued for grading activity associated with a Building or Fire permit shall be the same as the Building or Fire permit it is associated with. If the project is located within a Water Resource Protection Overlay District (WCC 20.71) or the Lake Whatcom Watershed Overlay District (WCC 20.51), which are subject to seasonal clearing activity limitations, the extension shall begin at the commencement of the construction season, pursuant to WCC 20.80.735 (Water Resource Special Management Areas).
4. Grading permits also expire and become invalid when the total approved volume has been placed into or excavated from the approved area.
5. Exception:
 - a. Stand-alone Mechanical, Plumbing and Demolition permit.
 - i. Every stand-alone mechanical, plumbing, and demolition permit issued by the Building Official under the provisions of this code will expire by limitation and become null and void if the work authorized by such permit is not completed in accordance with the permitted requirements within 180 days from the date of issuance.
 - ii. Any permittee may apply for a single 180-day extension in order to complete the authorized work under the stand-alone mechanical, plumbing, or demolition permit. The fee for the extension shall be per the Unified Fee Schedule (UFS). The Building Official may grant the extension if the permittee demonstrates that circumstances beyond their control have prevented the authorized work from being completed. No permit may be extended more than once.
 - b. An operational permit and open burning permit under the IFC shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit. These permits are not transferable and any change in occupancy, operation, tenancy, or ownership shall require that a new permit be issued.

Background:

On April 20, 2024, Whatcom County amended the permit expiration timelines for certain Building and Fire permits in Whatcom County Code Title 15. Previous Whatcom County Code and Planning and Development Services Policy: #PL1-74-002Z stated Building Permits expired if there was no activity on a permit for 180 days. Under the previous policy, the applicant could request extensions on the permit to extend the expiration date for up to 180 days per extension request. Each permit could receive four extensions, the first extension was free with fees assessed for additional extensions. Any approved milestone inspection automatically extended the permit out an additional 180 days.

Whatcom County amended the expiration timeframes to reduce the staff time and costs in administrating the 180-day expiration policy and to provide clarity in permit timeframes and reduce fees for applicants. In order to provide a seamless transition

between already issued Building and Fire permits and to address the software challenges in implementing two different expiration timeframes in the permitting system the following policy will apply to active building and fire permits:

Policy:

All active building permits (i.e. building permits that are in an active status and issued prior to April 20, 2024) shall have the expiration date reset out two years from the effective date of the Whatcom County Ordinance 2024-019. Any applicable Building and Fire permit issued after April 20, 2024 (including any active Fire and Building permit application in queue), shall have a permit expiration date set two years from the date the permit is issued, as per the newly adopted code (WCC 15.04.050(A)).

The expiration date remains the same during this two-year time period and does not get advanced with completed milestone inspection as per the previous code.

Each eligible permit applicant may request prior to expiration and in writing (or email) a one-time one-year extension that will be associated with a fee per the unified fee schedule (UFS). The one-year extension will be applied to the current expiration date, not the date of requested extension. If at the end of the one-year extension the project is close to completion and only needs a "Final" inspection to close out the permit, the applicant can request a 60-day extension to obtain a Final Inspection in writing or email prior to the expiration of the permit.

If the permit cannot be completed and final approval/occupancy is not obtained by the stated timelines, the permit will be expired and the applicant will have to apply for a new permit to complete the project. The permit and fees will be based on the work needed to complete the project.

Whatcom County's previous permit expiration policy: PL1-74-002Z is rescinded with the adoption of this policy: PL1-74-006A.

Disclaimer:

This policy does not extend any land use permit that is associated or required to effectuate a building permit. If a land use permit was required for the proposed development, the most restrictive expiration timeframes of either the land use permit or new building permit expiration date shall apply to the development. For example, if a Shoreline Permit was required for the construction of a new single-family residence, the Shoreline Permit expiration timeframes will still apply to the entire project (including the associated Building Permit).

This policy also does not apply to phased or programmatic permits as approved by the Building Official.

Procedure:

Staff will send a letter to the authorized agent of every active and applicable Building and Fire Permit that was issued before April 20, 2024. The letter will state that the expiration condition on their permit has been amended to the newly adopted code and that their permit has a new expiration date of April 20, 2026. The letter will state that the 180-day expiration condition is no longer applicable and

that the permit may be eligible for a one year and/or close out extension. Applicable permit applications issued on or after April 20, 2024, will be issued pursuant to the newly adopted code (WCC 20.15.04.050(A)).

The fee for the one-year extension shall be per the most current Whatcom County UFS and shall be paid prior to granting the extension.

Procedure for Expired Building and Fire permits: This procedure applies to the Building and Fire permits. It does not apply to Zoning or Land Use permits or regulations.

1. If a permit has expired and the applicant wishes to re-apply to complete the project and it is within 120 days of the permit expiring and there are no changes from the originally approved plans then the applicant may re-use/re-submit the existing plans and documentation along with a new application defining the scope of work that needs to be completed to finish the project under the new permit. Any work proposed under the new permit shall be reviewed under the current adopted edition of the Building and Fire Codes. Any portions of the building that were installed, inspected and approved shall remain as approved as meeting the code at the time of installation.
2. If the permit has expired and it is more than 120 days past the expiration date then the applicant shall have all documents updated to the current date of application and provide approvals for continuation of use of provided documentation from any professionals associated with the project (i.e. engineer, architect, designer, etc.) along with a new application defining the scope of work under the new permit. Any work proposed under the new permit shall be reviewed under the current adopted edition of the Building and Fire Codes at the time of application. Existing portions of work that had been installed and inspected may be required to bring them up to the current code or as close as feasible possible or as per the design professional's requirements.

The Building Official has the authority to render interpretations of the adopted codes and to adopt policies and procedures in order to clarify the application or their provisions. The Building Official has discretion and latitude in the interpretation of all aspects of this policy and the procedures referred to herein. Final determinations are at the sole discretion of the Building Official.