

**Department of Community and Economic Development
Planning Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

**ADMINISTRATIVE
POLICY/CODE
INTERPRETATION #:** CI-135

**MUNICIPAL
CODE SECTIONS:** RMC 4-9-150G and RMC 4-9-150K

REFERENCE: N/A

SUBJECT: Time Limits for Approved Planned Urban Developments Not Associated with a Subdivision

BACKGROUND: Planned Urban Development (PUD) applications provide an opportunity for applicants to modify many of the City's zoning, subdivision, and street standards in exchange for public benefits and a superior development outcome. Applications for PUDs may run concurrent with residential subdivisions, but replace the need for Site Plan Review for commercial, multi-family, and institutional developments.

The approval period for PUD subdivisions is clear in the existing regulations and it also follows Chapter 58.17 RCW timing and vesting procedures. Time limits for subdivision PUDs is directly tied to state law or construction activities as building permits are not issued to construct plat infrastructure.

Approval time limit and expiration clarity is needed for PUD projects that do not include a subdivision, such as commercial and multi-family proposals as there are two conflicts regarding their expiration dates explained below. Additionally, these projects are not granted the same time limits or potential extension period as a Site Plan Review permit although they are often similar in scale and/or complexity. Finally, an expired PUD would uniquely encumber the property by requiring a future applicant for the site to either: (1) obtain a new PUD approval; or (2) request the Hearing Examiner officially remove the PUD designation and revoke the original approval.

Per RMC 4-9-150G.8, once an applicant receives PUD final plan approval, a clock begins that requires submittal of a "substantially complete" building permit application within six-months. In addition to this initial

building permit submittal clock, the code requires the applicant to complete the PUD project within two-years from the date of final plan approval. No other land use permit requires a six-month substantially complete building permit submittal or two-year project completion date from the time of entitlement.

A conflict to this two-year time limit arises in the PUD expiration section (RMC 4-9-150K.1), where it states that expiration can only occur if no on-site construction has begun or a *lack of significant progress under those building permits has occurred (emphasis added)*. On-site construction refers to construction related to a subdivision and the building permit portion refers to commercial, multi-family, or institutional projects. This results in the following two competing time limits for non-subdivision type PUDs: (1) two years from the date of the final plan approval; or (2) a lack of significant progress under the building permit.

A traditional commercial or multi-family project requires a Site Plan Review application prior to submitting construction and building permits. An approved site plan application is valid for two-years with a possible two-year extension for “good cause.” Within this two-year time limit, the applicant is required to prepare and submit complete building permit applications for their approved site plan. Upon acceptance of a complete building permit, the project becomes vested and the time limits for the project then follow the building code and are no longer tied to the site plan review approval timeline. Expiration of the site plan approval would occur if the applicant did not submit a complete application within the two-year time limit window (or approved extension) and expiration of the building permit would then follow building code benchmarks.

Site plan review timelines provide applicants adequate time to prepare building permit plans and ultimately construct their project where a commercial/multifamily PUD applicant is not afforded the same time allotment. PUD time limits do not transfer to the building permit as they do with Site Plan Review, which results in a shorter time frame to complete a comparable project. Extensions for PUDs also differ as they are limited to 12-months instead of two-years. Finally, expired PUDs distinctively encumber properties by requiring a new PUD or action to revoke the original approval in order to move forward with a new proposal.

DECISION: Amend RMC 4-9-150G and K to remove the conflicts in time limits/expiration for PUDs that are not associated with subdivisions and make time limits and expirations consistent with the Site Plan Review process.

JUSTIFICATION: Approval time limits for PUDs is unclear as two competing expirations currently exist. Additionally, it is difficult for an applicant of a large multi-family, mixed use, or commercial development to prepare, submit, and gain approval of building permits and complete construction within the six-month and two-year time frames described above. PUD applicants who are not proposing a subdivision should follow a similar path with regard to time limits and expirations as Site Plan Review applicants as the complexity of their respective proposals are often similar scale and scope.

**ADMINISTRATOR
APPROVAL:**

C. E. "Chip" Vincent

EFFECTIVE DATE: June 19, 2018

**APPEAL
PROCESS:**

To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

DISCLAIMER: Excerpts from the Renton Municipal Code shown below may not contain the most recently codified text. In such instances, code amendments implemented through this Administrative Code Interpretation shall be construed to affect the current code and past/future Administrative Code Interpretations not yet codified in the same manner as shown below. Should any conflicts result the Administrator shall determine the effective code.

CODE

AMENDMENTS

NEEDED TO

IMPLEMENT

DETERMINATIONS: RMC 4-9-150G. FINAL PLAN REVIEW PROCEDURES

1. Time Limits:

a. Preliminary Approval of Planned Urban Development Not Associated with a Subdivision: The ~~developer~~ applicant shall, within two (2) years of the effective date of action by the Hearing Examiner to approve the preliminary plan, submit to the Department of Community and Economic Development a final development plan showing the ultimate design and specific details of the proposed planned urban development or the final phase or phases thereof. Following approval of the final development plan, and within the two (2) year effective date of the approved preliminary plan, the applicant shall submit complete building permit applications.

Upon application, the Hearing Examiner may grant an extension of the approved preliminary plan for a maximum of ~~twelve (12) months~~ two (2) years. Application for such extension shall be made at least thirty (30) days prior to the expiration date of preliminary plan approval. Only one such extension may be granted for a planned urban development.

b. Preliminary Approval of a Planned Urban Development with Concurrent Preliminary Subdivision: The applicant shall submit the final development plan within five (5) years of the effective date of action by the Hearing Examiner to approve the preliminary plan. If approval of

the preliminary subdivision is legally extended, the preliminary plan approval shall also be extended.

c. Expiration of Preliminary Approval: If a final development plan is not filed within the identified time limits or within the extended time period, if any, the planned urban development preliminary plan shall be deemed to have expired or been abandoned. Once a planned urban development preliminary plat has been deemed to have expired or been abandoned, a new application is required to proceed, and the development standards existing at the time of the new application shall apply. (Ord. 5519, 12-14-2009; Ord. 5571, 11-15-2010; Ord. 5676, 12-3-2012)

d. Remaining Preliminary Phases with Completion of One Phase:
Approval of a final plan for any phase of the approved preliminary plan shall constitute an extension for two (2) years of the remainder of the preliminary plan from the effective date of action on the final plan.

7. Effect of an Approved Final Plan:

b. Construction Authorized: Approval of a final planned urban development is authorization to apply for building permits to construct the planned urban development. Construction of any portion of the planned urban development requires a current approved planned urban development and a current building permit.

8. Time Limits:

a. Expiration: ~~The applicant shall prepare and submit building permit applications which are accepted as substantially complete to the Department of Community and Economic Development within six (6) months of the effective date of approval. The developer shall complete the approved planned urban development or any phase thereof included in the approved final plan within two (2) years from the date of the decision to approve the final plan by the Community and Economic Development Administrator, unless a shorter time is designated. Failure to complete the planned urban development, or any phase thereof, within this time limit will require the submittal of a new preliminary and final plan application in order to continue construction of the planned urban development. Failure to submit a new application or to complete the planned urban development once construction has begun shall constitute abandonment of the planned urban development subject to subsection K of this Section. Expiration of any building permit issued for a planned urban development shall be governed by the provisions of the applicable Building Code. Construction of any portion of the planned urban development requires a current approved planned urban development and a current building permit. (Ord. 5519, 12-14-2009; Ord. 5676, 12-3-2012)~~

~~b. Remaining Preliminary Phases with Completion of One Phase:~~
~~Approval of a final plan for any phase of the approved preliminary plan~~

~~shall constitute an extension for two (2) years of the remainder of the preliminary plan from the effective date of Hearing Examiner action on the final plan. (Ord. 5153, 9-26-2005)~~

K. EXPIRATION OR ABANDONMENT OF A PLANNED URBAN DEVELOPMENT:

1. Expiration: Expiration of an approved preliminary plan shall be defined as failure to satisfy the time limits or other requirements of submitting a final plan application. Expiration of an approved final plan planned urban development shall be defined as failure to initiate construction of a planned urban development or failure to submit a complete building permit application within the approved final plan time limits. Expiration can only occur if no on-site construction has begun or a ~~lack of significant progress under those the expiration of building permits~~ has occurred. ~~Upon expiration of a preliminary or final plan, the undeveloped site may only be developed if a new preliminary and final plan planned urban development is approved or if the Hearing Examiner removes the planned urban development designation and revokes the original approval. (Ord. 5519, 12-14-2009)~~

2. Abandonment: “Abandonment of a preliminary and/or final plan” for the purpose of this Section shall mean the failure and neglect of the ~~developer~~ applicant to meet the requirements of subsection G81 of this Section, or to diligently pursue the project and the improvements incidental thereto for a period of six (6) months, after beginning or completing construction of any of the residential units, utilities, streets or other improvements of any phase of a planned urban development. Abandonment shall also occur when the applicant has provided a written statement indicating that he/she is abandoning the preliminary and/or final plan.

STAFF CONTACT: Matt Herrera, Senior Planner x6593