



## Permit Cancellation, Extension, and Expiration Program Guide

**Category:** Plan Review & Permitting Services, One and Two Family Dwelling Construction, Commercial Construction, Site Development, Compliance Services, Property Maintenance

**Effective:** February 1, 2010           [Paul L. Scarlett]          , Director

**Responsible Bureau Sections:** Bureau of Development Services  
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(See Section III, F. of this guide)

### I. BACKGROUND

The Bureau of Development Services (BDS) collaborates with our customers to permit work that improves the livability and economic vitality of our city. This program guide is intended to provide ample opportunities to developers and owners to complete their projects with as much flexibility as possible.

This program guide refers to the code requirements, criteria, and the processes through which the Building Official or delegate of the Bureau of Development Services may extend and/or cancel commercial and residential building, plumbing, mechanical, electrical, sign, sanitation, site development and zoning permit(s).

### II. PURPOSE

The purpose of this program guide is to provide a transparent and consistent decision making process that spans multiple BDS sections and the phases of the development review process. This guide will provide criteria to extend and/or cancel permits for failure to pursue issuance, commence the permitted work or abandonment of such work for periods exceeding 180 days in compliance with Oregon Structural Specialty Code (OSSC), Oregon Residential Specialty Code (ORSC), and City of Portland Title 24.

### III. POLICY and PROCEDURE

#### A. Code Authority

The Building Official is granted authority to extend or cancel permits under the OSSC and the ORSC Sections 105.3.2 and 105.5 and Title 24.10.070.

## **B. Criteria**

The criteria used to evaluate written requests for extension or cancellation is as follows:

### **1. Good Faith Effort**

Building code stipulates that an applicant is acting in good faith to be granted an extension. Below are some examples of good faith as it applies to permits in process:

- a. If a permit is in Under Review status and checksheets have been issued, a good faith effort would be submitting complete responses to those checksheets and/or moving forward with dedications, adjustments, or appeals as necessary to satisfy all outstanding reviews.
- b. If a permit is in Approved to Issue, good faith effort would be picking up and paying for the permit within 180 days.
- c. If a permit is in Issued status, good faith effort would be commencing work and calling for and passing an inspection within 180 days.
- d. If a permit is in Under Inspection status, good faith effort would be to continue working on the project and calling for and passing an inspection.

### **2. Justifiable Cause**

Having a good cause or reason why the project has been unable to move forward at this time.

For example, you are unable to secure financing during this economic environment.

### **3. Abandoned**

Applications shall be deemed abandoned if:

- a. No checksheet responses have been received in 180 days;
- b. Necessary/required appeals, land use reviews, dedications, etc. have not been acted upon in 180 days;
- c. The permit has been in Approved to Issue status for greater than 180 days;
- d. No written requests for an extension have been submitted; or
- e. No inspections have been called for or no inspections have been called for over 180 days.

Each extension request will be evaluated based upon the impact code changes would have upon conformance with current code. As a general rule, the Bureau will not extend permits that are older than two code cycles.

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It is preferable to move a project to Approved to Issue status rather than extend the time a permit is in Under Review status.

**C. Fees**

If the permit is cancelled or expired, re-submittal of the project will require it be designed to current code(s). New review fees will be assessed at the current rates.

Other permit fees and surcharges associated with the project e.g. Infrastructure Bureau review fees, System Development Charges (SDC), School Construction Excise Tax, Metro Excise Tax, will be assessed at current rates.

**D. Standard Operating Procedures**

The notification process of proposed cancellation for all commercial and residential sign, zoning, site development, mechanical and building permits for projects in all folder statuses is described below:

1. Permits without activity (i.e. Corrections Received, Approved Inspection) in past 150 days are subject to this procedure.
2. The permit applicant will be notified in writing, with a copy to the property owner, 30 days prior to the proposed cancellation of any permit or referral to further enforcement.
3. Written requests for extensions will be reviewed by the appropriate section manager see Section F. below.
4. First extension requests are typically be granted (90 days for Commercial; 180 days for Residential).
5. Second extension requests will be considered based upon extension criteria and definitions listed in Section III, B.
6. The responsible BDS section will scan and attach all written requests for extensions into TRACS under Document(s) for retention.
7. Approval and denials of extension requests will be mailed to the applicant, with a copy to the property owner.
  - a. Upon granting the first permit extension, an additional Intent to Cancel letter will be sent to the applicant, with a copy to the property owner, at the 150-day mark requesting another written request for extension.

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- b. If there is no response to the Intent to Cancel letter from the property owner, applicant, and/or from Compliance Services/Neighborhood Inspection Team (NIT), the permit will be expired.
  - c. A follow up letter will be sent to the applicant and copy to the property owner advising that the permit has been expired.
  - d. Re-application will need to be made with drawings to current codes and new review fees at current rates will be charged.
8. Enforcement

Once an issued permit has been expired, and depending on the status of the project, the appropriate BDS section will determine if the case should be referred to Compliance Services/NIT for enforcement action. This is to ensure there are no fire and life safety issues exist that will endanger the welfare of the community.

### **E. Building Permit Status Definitions**

The status descriptions below illustrate at what stage in the permitting process a project is and subsequently which BDS section is responsible for the notification and consideration of extensions.

1. Application: Owner or owner's representative has presented plans for review in the Development Service Center and a folder has been created in the database. No review fees have been accepted for permits in application status. Permit applicants of folders in application status will not be notified prior to cancellation.
2. Under Review: Plan review fees have been paid and the intake checklists ensuring that the minimum submittal requirements have been satisfied for the submittal. Permit is being reviewed by necessary departments in relation to the project description
3. Approved to Issue: All technical reviews have been completed, fees have been billed, and permit is ready to be picked up by customer.
4. Issued: Permit has been paid for and inspections on the IVR system have not been called for.
5. Under Inspection: Permit has been paid for and at least one inspection has been called into the *IVR system*.

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**F. BDS Section Responsibilities**

The table below describes which BDS Section is responsible for cancellation/expiring permits under each type of permit and under which folder status.

<b>Responsible BDS Section/Division</b>	<b>Type of Permit(s)</b>	<b>Folder Status</b>
Compliance Services/NIT 503-823-CODE (2633)	*All Permit Types associated with active Violation; Dangerous Building; Code Compliance; Fire Damage cases	All Statuses
Permitting Services 503-823-7357	Building Permits Sign Permits Site Development Permits Mechanical Permits (greater than \$2,000) Zoning Permits	Application Under Review Approved to Issue
Trade Permit Section 503-823-7363	Electrical Mechanical Permits (less than \$2,000) Plumbing Permits	Application Under Review Approved to Issue
Process Management Section (Contact your Process Manager)	Building Permits Mechanical Permits (greater than \$2,000) Site Development Permits	Application Under Review Approved to Issue
Site Development Section Manager 503-823-5824	Site Development Permits **Septic Permits (SE/SP)	Issued Under Inspection
Inspections Division Residential Section Manager: 503-823-7276  Commercial Section Manager: 503-823-7273	Building Permits Sign Permits Site Development Permits Mechanical Permits (greater than \$2,000) Zoning Permits	Issued Under Inspection
Facility Permit Program Section Manager: 503-823-7543	All Facility Permits	All Statuses
Field Issuance and Remodel Program (FIR) FIR Senior Inspector: 503-823-7543	All permits with the designation FIR in the folder reference field	All Statuses

\*See existing/separate Compliance Services policy.

\*\*Regardless of the folder status.