



**DIRECTOR'S INTERPRETATION**  
**No. LU23 – INTERPRETATION- 01**  
**“2021 BUILDING CODE ADOPTION”**

Pursuant to Port Orchard Municipal Code (POMC) 20.20.040 and 20.10.005, the following represents an interpretation of the POMC by the Director of Community Development regarding the implementation of POMC Title 20.<sup>1</sup>

**Implementation of the 2021 Building Code and Associated Vesting Timeline:** The Washington state legislature took action to adopt the 2021 versions of the State Building Code, effective July 1, 2023. Likewise, it is anticipated that the City Council of Port Orchard will amend POMC Chapter 20.200 to adopt the 2021 versions of the State Building Code with the same effective date. The City is aware that many of its homebuilders are preparing a large number of building permit applications for submission to the City of Port Orchard prior to 2021 Building Codes taking effect on July 1, 2023. Pursuant to RCW 19.27.097, building permit applications vest to building permit ordinances, zoning, and land use control ordinances in effect on the date a complete building permit application is submitted. POMC 20.08.010(1) confirms that vesting occurs with a counter complete building permit application.

Due to the volume of building permit applications expected between now and June 30<sup>th</sup>, for applications submitted it will be impossible for the city to review all applications filed for counter complete status by June 30<sup>th</sup>. Therefore, consistent with POMC 20.200, if the City Council adopts the 2021 versions of the State Building Code effective July 1, 2023, the City will take the following actions:

1. Subject to all conditions set out in the POMC and this memorandum, single-family building permit applications submitted through the City's [Camino system](#) prior to 4:30pm on June 30<sup>th</sup>, will be vested based on the time that the application was submitted (time stamped) in Camino, provided that, within 4 business days of receiving a plan review fee sheet from the City, the plan review fees are paid in full. It is expected that the preparation of plan review sheets will take several weeks from the date of submission to prepare due to high permit volumes.
2. Subject to all conditions set out in the POMC and this memorandum, other building permit applications submitted outside of the Camino system will be stamped at the permit center counter as received. Any permit application stamped as received prior to July 1, 2023, will be vested based on the date of the time stamp, provided that, within 4 business days of receiving a plan review fee sheet, the plan review fees are paid. It is expected that the preparation of plan review sheets will take several weeks from the date of submission to prepare due to high permit volumes.

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<sup>1</sup> Pursuant to POMC 20.22.030, there is no administrative appeal of a Director's Interpretation, provided a Director's Interpretation may be appealed directly to superior court.

**Required corrections:** Pursuant to POMC 20.24.060 and .080, the director may decide in writing that some information is incorrect or that additional information is required. The applicant shall have up to 90 calendar days from the date of notice to submit corrected/additional information, provided if an applicant either refuses in writing to submit additional information or does not submit the required information within 90 calendar days, the application shall be canceled.

**Substantial Plan Revisions:** Pursuant to POMC 20.08.020 (3), Substantial revisions to a submitted application would be treated as a new application. Builders who submit a building permit application for one set of plans and choose to change the building design plan would be required to comply with the codes in effect on the date the substantial revision is submitted. Minor changes to a building plan set such as a modification of the building elevation roof line or moving interior walls such as converting a bedroom to an office would be considered a minor revision and processed under the vested application. Swapping floor plans for a different model of house would be considered a major revision.

**Prioritization of Plan Reviews:** As a reminder, the City processes applications in the order that they are received. To assist Permit Center staff with processing, please submit applications in the order you want them to be reviewed and issued. However, it is possible for a builder to provide a prioritization list of its applications to the Permit Center to communicate the preferred order for the plan review and issuance of building permits. The City will do its best to accommodate.

**City Policies on Picking Up Approved Permits:** As a reminder, the City aims to complete building plan reviews for detached homes within 8-12 weeks, but per state law and the municipal code has up to 120 days to issue a decision once the application is technically complete. Once plans have been approved, an applicant has 180 days to pay for and pick up a building permit. One 180-day extension to this deadline is allowed before the building permit application is cancelled. Upon permit issuance, the permittee must call for their first inspection within 180days.

*Nicholas Bond*

Nicholas Bond, AICP  
Community Development Director

04/13/2023

Date of Decision