



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT ADMINISTRATIVE POLICY

DEFINING "PREEXISTING USES" IN ORDINANCE NO. 2016-35

Description:

This administrative policy addresses Ordinance No. 2016-35 by further clarifying what the term "preexisting uses" means in the context of one of the exceptions to the moratorium imposed by Ordinance No. 2016-31.

Background:

Ordinance No. 2016-31 imposed a moratorium on the acceptance, processing, and/or approval of applications for building and land use permits, with the exception of preexisting uses and vested applications, within the Business/Industrial Zoning District (BIMC 18.06.060), generally described as non-industrial, non-light manufacturing uses and as identified in the City's Use Table (BIMC 18.09.020), as shown in Exhibit A of the ordinance. Pursuant to the ordinance, the moratorium applies only to those zoned lands as generally located at the vicinity of Day Road and SR 305, and north of and adjacent to NE New Brooklyn Road, as illustrated in Exhibit B of the ordinance.

Ordinance No. 2016-35 amended Ordinance No. 2016-31 to provide clarification regarding the applicability of the existing moratorium on certain preexisting uses and vested applications related to the area subject to the moratorium.

Ordinance No. 2016-35 describes the term "preexisting use" as meaning:

[A] person who has a lease that preexisted the moratorium and the lease is evidenced by an executed lease agreement or other executed contract, or presents substantial other evidence of planning and investment in a use.

Implementation:

Based on the City Council's discussion related to Ordinance No. 2016-35, and in order to provide further clarification on this matter, including related to what constitutes "substantial other evidence of planning and investment in a use," the Department of Planning and Community Development ("Department") hereby clarifies that the term "preexisting use" means that the property owner or tenant must either:

- I. Demonstrate to the City the existence of a lease or contract that was executed prior to the adoption of the moratorium on September 27, 2016, and which relates directly to the use at issue;
or

2. Provide to the City substantial other evidence of planning and investment in the subject use that occurred prior to the adoption of the moratorium on September 27, 2016. Such substantial other evidence includes significant expenditures in tenant improvements, other significant outlays of money, and/or other significant financial commitments that relate directly to the use at issue.

APPROVED BY:



Gary R. Christensen, ACIP, Director

Date: February 14, 2017