

RESOLUTION NO. 3808

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, ESTABLISHING A MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR LICENSES, PERMITS AND APPROVALS RELATING TO TRANSITORY ACCOMMODATIONS, AND ESTABLISHING A WORK PLAN FOR REVIEW AND DEVELOPMENT OF ORDINANCES AND REGULATIONS RELATING TO LAND USES FOR TRANSITORY ACCOMMODATIONS, FOR AN INITIAL PERIOD OF ONE YEAR

WHEREAS, in conformity with the responsibilities of the City of Auburn to provide for zoning and land use regulations pursuant to state law, and the City's authority to regulate land use activity within its corporate limits, the City intends to develop appropriate zoning and land use regulations for transitory accommodations, which for the purposes of this Resolution, the term "transitory accommodations" shall mean the use of property for housing persons on a temporary basis, whether the encampment uses tents or other transitory structures; and,

WHEREAS, in recent months, several communities in the Puget Sound area have been approached by certain entities to allow temporary homeless tent encampments on property owned by King County and/or by other agencies or entities; and

WHEREAS, some of the temporary tent encampments did not comply or did not fully comply with the permitting requirements of the jurisdictions in which the temporary tent encampments were located; and

WHEREAS, the Auburn City Code does not currently have a specific provision addressing the use of property as a temporary encampment or for transitory accommodations; and

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WHEREAS, the temporary tent encampments have necessitated increased police presence in the area of the temporary tent encampments to protect the public health, safety and welfare, at significant public costs; and

WHEREAS, to avoid or minimize the negative impacts of any future use of property for such temporary tent encampments in the City of Auburn, it will be necessary for there to be regulations in place to (1) properly review and assess the impacts a particular proposed transitory accommodation may have on the City and the immediate neighborhood; and (2) determine the reasonable and appropriate measures to be taken to mitigate those identified negative impacts; and

WHEREAS, Washington State law, including Sections 35A.63.220 and 36.70A.390 of the Revised Code of Washington (RCW) authorizes Washington cities to adopt moratoria and provides for a process for a public hearing which must be held within sixty days of the date of the adoption of the moratorium; and

WHEREAS, it is appropriate that the public hearing be set with the adoption of the moratorium; and

WHEREAS, the City Council concludes that the City does have the authority to establish a moratorium and that the City must adopt a moratorium concerning the establishment, operation, and processing of applications for transitory accommodations, to act as a stop-gap measure: (a) to provide the City with an opportunity to study the issues concerning the siting of such transitory accommodations and prepare appropriate revisions to the City's codes and regulations; (b) to protect the health, safety and welfare of the citizens of Auburn by avoiding and ameliorating negative impacts of transitory

accommodations; and (c) to avoid applicants possibly establishing vested rights contrary and inconsistent with any revisions the City may make to its regulatory scheme as a result of the City's study of this matter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. Moratorium established. A moratorium is imposed on the filing with the City or the Courts of any applications for licenses, permits and/or approvals for transitory accommodations as defined herein above.

Section 2. Term of Moratorium. The moratorium imposed by this Resolution shall become effective on the date hereof, and shall continue in effect for an initial period of one year, unless repealed, extended or modified by the City Council after subsequent public hearing(s) and entry of appropriate findings of fact pursuant to RCW 35A.63.220, provided that the moratorium shall automatically expire upon the effective date of zoning and land use regulations adopted by the City Council to address regulation of transitory accommodations in the City of Auburn.

Section 3. Preliminary Findings. That the following preliminary findings of fact are hereby adopted:

A. That transitory accommodation land uses have the potential for significant impacts on neighborhoods and on the community.

B. That because of the potential impacts of these uses, special care and attention needs to be employed in developing appropriate legislation that satisfactorily addresses the concerns of the City and does so in a way which is in conformity with legal

requirements.

C. It is appropriate to collect and compile documentation, information, testimony and statements of concern citizens of the City and of other persons interested in or familiar with the issues of transitory accommodations and their impacts to fully explore ways to protect the City and its citizens from the adverse impacts of transitory accommodations.

Section 4. Work Plan. That the following work plan is adopted to address the issues involving transitory accommodation land use regulations:

A. That the City of Auburn Planning Commission shall be authorized and directed to hold public hearings and public meetings to fully receive and consider statements, testimony, positions and other documentation or evidence related to the issue of transitory accommodation land uses.

B. That the Planning Commission and City staff are authorized and directed to review the experiences of other jurisdictions, the status of legal cases, and statistical data, information, studies and other evidence compiled by other municipalities, of adverse impacts of transitory accommodations, and to review the regulations, ordinances and codes adopted and implemented by other municipalities to address transitory accommodation land uses, and any other information that is pertinent to transitory accommodations.

C. That the City of Auburn Planning Commission shall work with City staff and the citizenry of the City to develop proposals for regulation of transitory accommodation land uses and zoning considerations, to be forwarded in their recommendations to the City Council for inclusion in ordinances and ultimate adoption as a part of the City Code of the

City of Auburn.

D. That the Mayor, in consultation with the City Attorney, Planning Director, the Police Chief and other staff, shall periodically advise the City Council as to the status of hearings, meetings and information development regarding activities of the Planning Commission and City staff relative to transitory accommodation land uses, with such reports to be scheduled approximately every six (6) months or as appropriate throughout the period of the moratorium and any extensions thereof, until adoption of a comprehensive ordinance as developed, relating to transitory accommodation land uses becoming effective in conjunction with the termination of the moratorium referred to in this Resolution.

Section 5. Public Hearing. A public hearing shall be scheduled for 7:30 p.m. or as soon thereafter as the matter may be heard, on the 7th day of March, 2005, at the City Council Chambers, at 25 West Main Street, Auburn, WA 98001, to hear and consider the comments and testimony of those wishing to speak at such public hearing regarding the moratorium.

Section 6. Severability. If any sections, sentence, clause or phrase of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this Resolution or its application to any other person, property or circumstance.

Section 7. Effective Date. This Resolution shall be in full force and effect upon

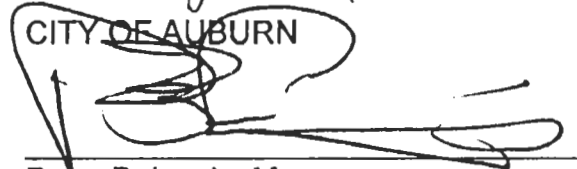
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January 10, 2005

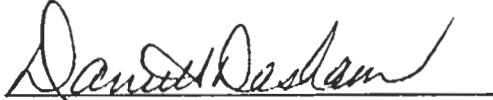
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passage and signatures hereon.

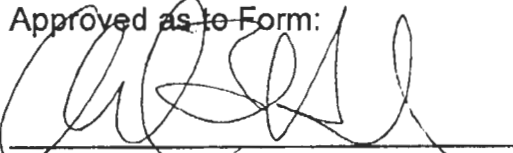
ADOPTED by the City Council this 18th day of January, 2005.

CITY OF AUBURN

Peter B. Lewis, Mayor

Attest:


Danielle Daskam, City Clerk

Approved as to Form:


Daniel B. Heid, City Attorney