

RESOLUTION NO. 4068

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, STATING THE
CITY COUNCIL'S OPPOSITION TO INITIATIVE 933**

WHEREAS, Initiative 933 would require local governments to compensate the owner of property affected by regulations that prohibit or restrict "any use or size, scope, or intensity of any use legally existing or permitted as of January 1, 1996"; and

WHEREAS, the terms of the Initiative are ill-defined and will be difficult to implement with any fairness, in that, for instance, I-933 appears to affect adoption of critical areas regulations by defining damaging the use or value to specifically include "prohibiting or restricting any use, or size, scope, or intensity of any use legally existing or permitted as of January 1, 1996"; and

WHEREAS, there have been cities in this state that have incorporated since January 1, 1996, and the implications to these cities from the initiative are, at the least, uncertain; and

WHEREAS, the Initiative also defines damaging the use or value to include "requiring a portion of property to be left in its natural state or without beneficial use to its owner, unless necessary to prevent immediate harm to human health and safety," even though many critical areas regulations prohibit development in certain environmentally sensitive areas, such as steep slopes or wetlands or in buffer areas around streams, so that local governments will be required to compensate property owners before they can apply or enforce such

regulations, regardless of when they were adopted, and regardless of the legitimacy of their purposes; and

WHEREAS, the Initiative would impose upon local jurisdictions that are acting in compliance with the requirements of state law – the Growth Management Act (GMA), the obligation to compensate affected property owners, so that the local jurisdictions are faced with the dilemma of either ignoring GMA requirements (which they may not have legal authority to do) or paying property owners impacted (according to the Initiative) for the local jurisdiction's compliance with GMA and state law; and

WHEREAS, the City Council of the City of Auburn, is entitled to express its collective position on ballot measures, in accordance with state law, RCW 42.17.130, including giving persons at the public meeting at which the collective expression is given the opportunity to state opposing views.

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

Section 1. The City Council hereby expresses its opposition to Initiative 933 in that it imposes an unfair burden on local jurisdictions who would have to compensate property owners whose property is affected by the Initiative's terms where the local jurisdiction is [merely] complying with the mandates of state law – the GMA – and where the limitations imposed on the owner's property may be the product of legitimate interests that may not (or may be argued to not) meet the standard of "necessary to prevent immediate harm to human health and safety," such as regulations that restrict development in certain environmentally

sensitive areas, such as steep slopes or wetlands or in buffer areas around streams.

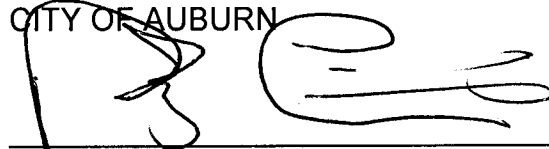
Section 2. That the Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 3. If any portion of this resolution or its application to any person or circumstances is held invalid, the remainder of the resolution or application of the provision to other persons or circumstances should not be affected.

Section 4. That this Resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this 21st day of August, 2006.

CITY OF AUBURN



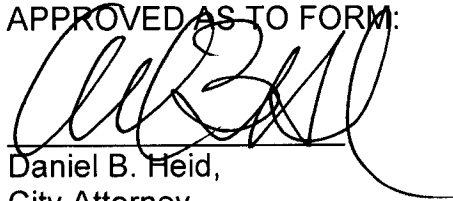
PETER B. LEWIS
MAYOR

ATTEST:



Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney