

**RESOLUTION NO. 4300**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, KING COUNTY, WASHINGTON, ESTABLISHING A MORATORIUM ON THE FILING OF LAND USE APPLICATIONS, BUILDING, AND GRADING PERMIT APPLICATIONS IN THE DRAINAGE AREA CONTRIBUTING SURFACE FLOWS TO MILL CREEK TRIBUTARIES 0045, 0047, 0048 AND 0053 AS IDENTIFIED BY KING COUNTY AND AS DEFINED WITHIN THIS ORDINANCE, TO BE EFFECTIVE FOR A PERIOD OF SIX MONTHS AND SETTING A DATE FOR A PUBLIC HEARING

WHEREAS, the City of Auburn and King County have entered into an Interlocal agreement relating to the annexation of the West Hill Potential Annexation Area by Resolution No. 4113; and

WHEREAS, King County's Water and Land Resources Division has completed a detailed analysis known as the "Mullen Slough Capital Improvement Project Study and Action Plan (2002)," identifying chronic flooding within the drainage basin, due to a lack of conveyance capacity caused by increased runoff from development and aggradation of sediments in the valley floor channels ; and

WHEREAS, although several projects have been identified within the Mullen Slough Capital Improvement Project Study and Action Plan in order to alleviate chronic flooding within the drainage basin, implementation of these Capital Improvement projects has not occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, KING COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1.** Findings of Fact. The City Council finds the following Findings of Fact:

A. The drainage area lies mostly within the boundaries of the area on West Hill recently annexed to the City of Auburn and is within the drainage basin area that contributes surface water flows into Mill Creek tributaries 0045, 0047, 0048 and 0053;

B. Unincorporated King County records demonstrate a long history of surface water complaints and problems within the subject area;

C. King County has conducted a detailed analysis identified as the Mullen Slough Capital Improvement Project Study and Action Plan identifying chronic flooding within the drainage basin, due to a lack of conveyance capacity caused by increased runoff from development and aggradation of sediments in the valley floor channels;

D. Development in the subject area has resulted in increased storm water runoff from those developed properties and has created chronic flooding throughout the subject area;

E. RCW 35A.63.220 establishes a process whereby the City can establish a moratorium;

F. Approval of applications for building permits and land use applications that would result in increased impervious surfaces or for grading activities that would result in the removal of vegetation and other earth manipulating activities that would likely exacerbate identified drainage problems;

G. The City of Auburn finds that it is in the public interest to enact a moratorium in order to allow adequate time to identify resources to regulate the land use in the Drainage Area Contributing Surface Flows to Mill Creek Tributaries 0045, 0047, 0048 and 0053, as identified by King County and as defined herein, so that the City will be

able to implement recommendations offered within the Mullen Slough Capital Improvement Project Study and Action Plan.

**Section 2. Moratorium Established.** A moratorium is hereby established, to be effective immediately. No applications for building permits that would result in increased impervious surfaces, for grading permits or for land use approvals shall be accepted in the area set forth in Exhibit "A" attached hereto and incorporated herein by this reference during the effective period of this moratorium.

**Section 3. Effective Period of Moratorium.** The moratorium established by this Ordinance shall remain in effect for six months unless extended by further action of the City Council, Provided that this Moratorium shall automatically expire upon the effective date of an Ordinance or other legislative enactment that gives the City the resources to regulate the land use in the Drainage Area Contributing Surface Flows to Mill Creek Tributaries 0045, 0047, 0048 and 0053, as Identified by King County and as defined herein, so that the City will be able to implement recommendations offered within the Mullen Slough Capital Improvement Project Study and Action Plan.

**Section 4. Public Hearing on Moratorium.** Pursuant to RCW 35A.63.220, the City Council shall hold a public hearing on this moratorium on Tuesday, February 19, 2008 at 7:30 p.m. at the City of Auburn City Council Chambers, 25 West Main Street, Auburn Washington. The public hearing thus occurs within the sixty (60) day time period provided in RCW 35A.63.220.

**Section 5. Severability.** Should any section, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this Resolution be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Resolution or its application to other persons or circumstances.

**Section 6. Effective Date.** This Resolution shall take effect and be in full force upon adoption.

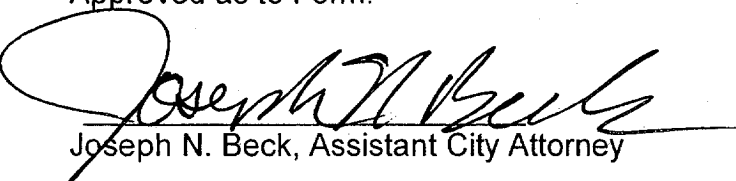
PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

\_\_\_\_\_  
Peter B. Lewis, Mayor

Attest:

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Danielle Daskam, City Clerk

Approved as to Form:

  
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Joseph N. Beck, Assistant City Attorney

