

RESOLUTION NO. 251

**A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, OPPOSING INITIATIVE 933, ENTITLED "AN ACT RELATING TO PROVIDING FAIRNESS IN GOVERNMENT REGULATION OF PROPERTY"**

WHEREAS, Initiative 933 (I-933) will be presented to the voters of the State of Washington at the general election on November 7, 2006, with the following official

Ballot Title:

Statement of the Subject: Initiative Measure 933 concerns government regulation of private property.

Concise Description: This measure would require compensation when government regulation damages the use or value of private property, would forbid regulations that prohibit existing legal uses of private property, and would provide exceptions or payments.

Should this measure be enacted into law? Yes [ ] No [ ]

and

WHEREAS, I-933 would require an agency, including a city government, that "decides" to "enforce or apply" any "ordinance, regulation or rule" to private property which would result in "damaging the use or value of private property" to first "pay compensation," as those phrases are defined and used in I-933, and

WHEREAS, I-933's definition of "damaging the use or value" would dramatically lower the threshold for compensation far below constitutional limits; and

WHEREAS, I-933's definition of "private property" includes virtually all interests in real as well as personal property, and

WHEREAS, because I-933's definition of "damaging the use or value" of private property includes no minimum threshold for the reduction of use or value, virtually any limitation on the use of private property creates a cause for a compensation claim for

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“damages” within the meaning of I-933, regardless of the importance of the public protection achieved by such limitation; and

WHEREAS, by its terms, the provisions of I-933 are to be “liberally construed” (Section 6) and its exceptions “shall be construed narrowly” (Section (2)(c), and

WHEREAS, the exceptions listed in Section (2)(c) do not list nuisance uses that typically would be precluded from residential neighborhoods, and thus I-933 would authorize claims for payment or waiver for city regulations that prohibit a wide variety of obnoxious land uses and activities that would seriously degrade property values of such residential neighborhoods; and

WHEREAS, I-933 would deprive local jurisdictions, including the City of Shoreline, of the ability to adopt and enforce reasonable land use development standards to mitigate traffic impacts, assure appropriate building height and lot coverage maxima, provide for the preservation of open spaces and protection of environmentally sensitive areas; and other general development regulations necessary to promote the public health, safety and welfare, and

WHEREAS, I-933 erroneously assumes that local jurisdictions have authority to “decide” not to enforce or apply their duly adopted ordinances, regulations and rules, without granting express authority to pay compensation or waive the enforcement or application thereof; and

WHEREAS, an analysis dated August 18, 2006 by the Association of Washington Cities has estimated that the state-wide annual administrative costs to cities alone would be between \$60 million and \$76 million, while the state-wide annual cost to cities for paying off claims is estimated to be between \$3.5 billion and \$4.5 billion; and

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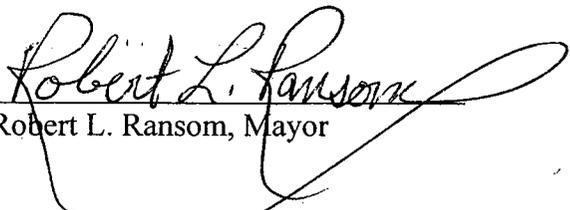
WHEREAS, by dividing this state-wide city estimate by the number of households in Washington cities, as set forth in U.S. Census data, it is estimated that the average fiscal impact of I-933 on city taxpayers in Washington is between \$2,410 and \$3,078 per household every year; and

WHEREAS, the cost of processing and paying compensation for the enforcement of reasonable development regulations under I-933 would far exceed the requirements of both the federal and state constitutions and cripple the fiscal ability of the City to provided needed public safety, infrastructure and other public services, and

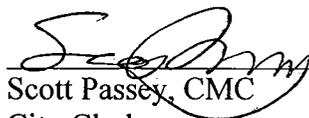
WHEREAS, prior to adoption of this resolution, the City of Shoreline has given notice of the meeting at which it was considered containing the official Ballot Title of Initiative 933, and has afforded equal opportunity at the meeting for any person to express an opposing view, now, therefore, be it

RESOLVED by the City Council of the City of Shoreline, Washington, that the City of Shoreline opposes adoption of Initiative 933, and urges its rejection by the voters.

**PASSED BY THE CITY COUNCIL ON SEPTEMBER 11, 2006.**

  
Robert L. Ransom, Mayor

**ATTEST:**

  
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Scott Passey, CMC  
City Clerk