

RESOLUTION NO. 537

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE,
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 and Description:

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

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

WHEREAS, the only alternative to payment of compensation provided by I-933 is to issue site-specific waivers from regulations, which may give rise to lawsuits and claims for compensation from adjacent property owners; and

WHEREAS, the City may not have the legal authority to waive certain regulations on a parcel-by-parcel basis; 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 University Place of the ability to adopt and enforce reasonable land use development standards to mitigate traffic impacts, assure appropriate building height and lot size, 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 could lead to incompatible growth and development, which would potentially affect the value and use of adjacent properties and detrimentally affect the City's ability to provide needed infrastructure, public services and public safety which are necessary to promote healthy and prosperous communities; and

WHEREAS, the waive or pay provision would jeopardize the City's ability to fund public services and public infrastructure; and

WHEREAS, the "equal application" exemption in the initiative erroneously implies that one set of zoning rules should apply throughout the city, i.e. that the same rules should apply in a commercial area as in a single family neighborhood; and

WHEREAS, the Association of Washington Cities has estimated that the statewide annual administrative costs to cities alone would be between \$60 million and \$76 million, while the state-wide cost to cities for paying off claims for actions or conditions impacting land between 1996 and 2006 is estimated to be between \$3.5 billion and \$4.5 billion; 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 University Place has given notice of the meeting at which it was considered containing the official Ballot Title of I-933, and has afforded equal opportunity at the meeting for any person to express an opposing view; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City of University Place opposes adoption of I-933, and urges its rejection by the voters.

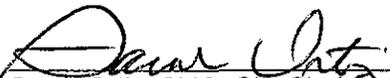
Section 2. Effective Date. This resolution shall take effect immediately upon passage by the University Place City Council.

ADOPTED BY THE CITY COUNCIL ON OCTOBER 9, 2006



Gerald Gehring, Mayor

ATTEST:



Sarah Ortiz, CMC, City Clerk