

**CITY OF SAMMAMISH  
WASHINGTON  
RESOLUTION NO. R2006-248**

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**A RESOLUTION OF THE CITY OF SAMMAMISH,  
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 that applies or enforces any ordinance, regulation or rule to private property that would result in damaging the use or value of private property payment to first pay compensation, as defined in I-933; and

WHEREAS, the definition of “private property” includes virtually all interests in real and personal property; and

WHEREAS, the definition of “damaging the use or value” of private property is extremely broad, so as to deprive local government, including the City of Sammamish, of the ability to adopt and enforce reasonable land use regulations necessary to prevent environmental harm and general development regulations necessary to promote the public health, safety and welfare; and

WHEREAS, to implement I-933, local governments such as the City of Sammamish would be forced to pay compensation or waive the enforcement or application of duly adopted ordinances, regulations and rules, resulting in inequitable and inappropriate development and the risk of serious environmental harm; and

WHEREAS, the cost of processing and paying compensation for the enforcement and application of reasonable development regulations in order to protect the public health, safety and welfare could exceed the annual budget of the City of Sammamish and

significantly and adversely affect the ability of the City to provide needed public safety, infrastructure and other public services; 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 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 Sammamish, of the ability to adopt and enforce reasonable land use development standards to mitigate traffic impacts, assure appropriate building height and lot coverage limitations, provide for the preservation of significant trees, open spaces and protection of environmentally sensitive areas; and other general development regulations necessary to promote the public health, safety and welfare, 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

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 process required by I-933 to adopt new ordinances, regulations and rules to protect the public health, safety and welfare would create uncertainty and would be unduly burdensome and costly to local taxpayers; and

WHEREAS, prior to adoption of this resolution, the City of Sammamish has given notice of the meeting at which it considered the official Ballot Title of Initiative 933, and has afforded equal opportunity at the meeting for any person to express a supporting or opposing view,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

The City of Sammamish, Washington opposes the adoption of Initiative 933 and urges its rejection by the voters.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 19<sup>th</sup> DAY OF SEPTEMBER, 2006.**

CITY OF SAMMAMISH

  
\_\_\_\_\_  
Mayor Michele E. Petitti

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Melonie Anderson, City Clerk

Approved as to form:

  
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Bruce L. Disend, City Attorney

Filed with the City Clerk: September 13, 2006  
Passed by the City Council: September 19, 2006  
Published On: September 25, 2006  
Resolution No: R2006-248