

**RESOLUTION NO. 06-97
CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY LAKE,
WASHINGTON, OPPOSING INITIATIVE 933, ENTITLED "INITIATIVE MEASURE
933 CONCERNS GOVERNMENT REGULATION OF PRIVATE 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 [X]

WHEREAS, the Liberty Lake City Council is mindful of the need to balance public good and private property rights;

WHEREAS, I-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;

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

WHEREAS, the terms of I-933 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";

WHEREAS, the City of Liberty Lake incorporated after January 1, 1996 and the implications to this City and its taxpayers from I-933 are at best, uncertain, and at most, devastating;

WHEREAS, I-933 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;

WHEREAS, I-933 would impose upon local jurisdictions that are acting in compliance with the requirements 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 (for which they do not have legal authority) or paying property owners impacted (according to I-933) for the local jurisdiction's compliance with GMA and general state and federal laws;

WHEREAS, I-933 will therefore either: (1) deprive local jurisdictions, including the City of Liberty Lake, of the ability to adopt and enforce reasonable land use development standards, consistent with existing laws to: mitigate traffic impacts; assure appropriate building height, lot coverage and densities; provide for the preservation of open space; protect environmentally sensitive areas, as well as other general development regulations necessary to promote the public health, safety and welfare; and implement the City's Comprehensive Plan; or (2) require compensation of property owners for the enforcement of these reasonable development standards that are consistent with protections afforded property owners under both the federal and state constitutions;

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 statewide 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;

WHEREAS, the Association of Washington Cities has estimated that the City of Liberty Lake's share of such annual administrative costs would be between \$306,948 and \$391,949, while the cost for paying off claims for actions or conditions impacting land is estimated to be between \$16,017,028 and \$20,618,513;

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;

WHEREAS, the Urban Growth Boundary would cease to exist in Spokane County, allowing for uncoordinated, sprawling growth in the Liberty Lake/Otis Orchards area;

WHEREAS, I-933 may preclude the City of Liberty Lake from collecting impact fees for the benefit of Central Valley School District; and

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

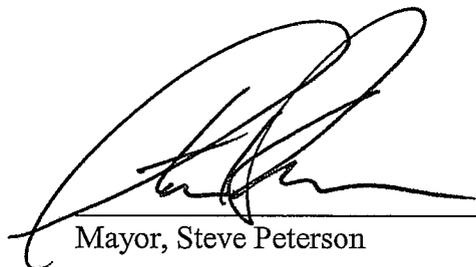
WHEREAS, prior to adoption of this resolution, the City of Liberty Lake has given notice of the meeting at which it was considered containing the official Ballot Title of Initiative 933, and has afforded equal opportunity at the meeting for any person to express an opposing view;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LIBERTY LAKE, WASHINGTON, HEREBY RESOLVES:

Section 1. The City of Liberty Lake opposes adoption of Initiative 933, and urges its rejection by the voters.

Section 2. This resolution shall take effect immediately upon passage by the City Council.

PASSED this 17th day of October, 2006.



Mayor, Steve Peterson

ATTEST:



City Clerk, Arlene Fisher

APPROVED AS TO FORM:



City Attorney, Stanley Schwartz