



Legislation Text

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Clerk 10/05/2006

A MOTION directing the King County executive to analyze the budget impacts of the potential passage of Initiative 933 and to determine what county and state and legislative actions may be necessary to authorize the waiver of land use regulations in order to implement Initiative 933.

WHEREAS, Initiative 933, which has qualified to appear on the November 2006 ballot, would require local governments to consider and document certain factors prior to enacting laws regulating private property, and

WHEREAS, Initiative 933 would also require, with specific exemptions, governments to pay compensation to private property owners who could show that the use or value of their property would be, or in the case of regulations adopted since 1996, had been damaged by government regulations, and

WHEREAS, this compensation would be in addition to compensation already afforded by the state and federal constitutions, and

WHEREAS, Initiative 933, does not confer specific authority to waive enforcement of regulations, as an alternative to providing compensation, and

WHEREAS, in September 2006, the Washington State Office of Financial Management ("OFM") prepared a paper in response to questions concerning the financial impact of Initiative 933, and

WHEREAS, the OFM paper noted that, if state agencies and local governments are unable to waive any current restrictions that may reduce the use or value of private property, the following consequences may result:

1. The estimated cost to county governments could be \$1.49 billion to \$1.51 billion over six years.

2. Initiative 933, being broader in scope than Oregon Measure 37, would be anticipated to have higher compensation values than Measure 37, which since its passage in November 2004, has generated 2,949 claims, worth \$3.9 billion, affecting 168,677 acres, as of August 11, 2006, and

WHEREAS, also in September 2006, the University of Washington conducted a study that included the following among its findings:

1. In the near term, Initiative 933 could cost taxpayers nearly \$8 billion - more than \$1,000 per resident - to pay expected compensation claims.

2. Virtually every county would likely be faced with claims, yet none have a tax revenue source in place for paying the claims.

3. Though described as establishing a "pay or waive" system, Initiative 933 does not convey the authority to permit any waivers, including under three of the most relevant state laws - the Growth Management Act ("GMA"), the state Environmental Policy Act ("SEPA") and the Shoreline Management Act ("SMA").

4. As drafted, the Initiative 933 does not legally amend the state GMA, SEPA or SMA and those laws do not permit waivers.

5. If waivers to the GMA, SEPA and SMA are not authorized by the state legislature, the only option available to local governments may be to pay compensation claims, and

WHEREAS, the lack of authority to waive existing land use regulations would deprive governments of the choice between paying or waiving suggested by Initiative 933. As a result, Initiative 933 would only allow government the option of paying for certain impacts of land use regulations, without regard to the availability of funding or the impact such payment would have on other governmental programs, and

WHEREAS, such a paralysis would not be in the best interest of the citizens of King County;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

A. That the executive present to the council a fiscal analysis of the potential passage of state Initiative 933 and its impacts on the ability to provide the local and regional services King County is mandated to

provide; and

B. That the executive identify King County regulations that may be waived under its own authority;

and

C. That the executive provide an outline of council actions that must be

undertaken to request legislative authority from the state to waive those land use regulations that cannot be waived by the county under current state law.