

RESOLUTION R- 3927

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADDRESSED TO THE WASHINGTON STATE SENATE AND URGING THE SENATE NOT TO ADOPT HOUSE BILL 1026, COMMONLY REFERRED TO AS THE PRIVATE PROPERTY REGULATORY TAKINGS BILL.

Whereas, House Bill 1026 has passed the Washington State House of Representatives without thorough and adequate consideration of its impact upon the general health, safety and welfare of the citizens and taxpayers of the State of Washington; and

Whereas, should HB 1026 be passed by the Senate it would:

1. Create new regulatory delays and burdens in approving projects and developments by requiring "total economic impact" statements for every regulation and every permit.
2. Require taxpayers to pay for even minimal impacts on private property resulting from actions to protect public health and safety.
3. Eliminate the public's ability to require developers to pay for studies determining the impact of proposed development on surrounding properties and the community.
4. Prohibit or severely weaken basic zoning regulations like height restrictions if they cannot be proven to cause a nuisance to adjoining properties.
5. Promote continued expensive litigation because of the vagueness and imprecision of the language; and

WHEREAS, said bill would require local governments in considering enactment and/or enforcement of current and future land use regulations to consider the need for same only on the basis of identified health and safety risks amounting to public nuisances, but could not consider issues affecting the public welfare or public morals, notwithstanding the Washington State Constitution grant to local governments to adopt "reasonable local ordinances in furtherance of public safety, morals, health and welfare";

WHEREAS, said bill would require a local government, at taxpayers' expense, to prepare a statement containing a full analysis of the total economic impact on private property as to any proposed "action [including issuance of land use development permits and building permits], requirement, regulation or restriction by a governmental entity that limits the use or development of private property"; and

WHEREAS, said bill as passed by the House provides no authority or procedure for a local government to adopt or establish policies or regulations related to the administration or enforcement of the provisions of HB 1026, including guidelines for determining the adequacy of the economic impact statement with regard to all of the elements required to be in it; nor does it provide, as does SEPA with respect to environmental impact statements, a non-significance standard by which routine restraints on land use such as the issuance of building permits for single family homes or other small developments would be relieved of the necessity for the making of such a statement; and

WHEREAS, said bill if adopted provides for enforcement of the provisions thereof in Superior Court by any owner of property subject to the jurisdiction of the defendant entity and provides that any prevailing plaintiff be entitled to recover the costs of litigation, including reasonable attorneys fees, making it highly probable that every substantive procedural and interpretive issue will result in litigation; and

WHEREAS, said bill if adopted may require the State of Washington reimburse to the local governments all of their additional costs and expenses mandated by HB 1026,

Now, therefore, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The Kirkland City Council respectfully urges the Washington State Senate to carefully study, analyze and consider the exact language contained in House Bill 1026, including the definitions contained therein for "full compensation", "governmental entity", "private property", and "restraint of land use", the fiscal impact of HB 1026 upon both the State of Washington, its local governments, other political subdivisions and the citizens and taxpayers of each Washington State governmental entity before making any decision as to whether or not the Senate should pass House Bill 1026. The Kirkland City Council further urges each individual member of the Washington State Senate to also make such careful consideration.

Section 2. The Kirkland City Council believes that House Bill 1026 as passed by the House would result in untimely delay in the processing and approval of local land use permit applications, including building permits, an increased financial burden on the taxpayers of the State and a proliferation of otherwise unnecessary litigation; and the Council respectfully urges the Washington State Senate to not pass House Bill 1026.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 21st day of March, 1995.

Signed in authentication thereof this 21st day of March, 1995.

  
MAYOR Pro Tem

Attest:

  
City Clerk  
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