

## **RESOLUTION NO. 3200**

**A RESOLUTION** of the Port Commission of the Port of Seattle, Washington Supporting Referendum 48, which proposes to repeal Initiative 164, the Private Property Regulatory Fairness Act

**WHEREAS**, Initiative 164, the Private Property Regulatory Fairness Act, was passed by the Washington legislature during the 1995 legislative session; and

**WHEREAS**, Initiative 164 seeks to expand the circumstances under which a "public benefit regulation" or a "restraint of land use" created by a government entity becomes an unconstitutional taking that entitles a private property owner to compensation for any loss in the value of real property; and

**WHEREAS**, the Port Commission supports reform of the current land use regulatory process, but believes that Initiative 164 is not adequate legislation to accomplish its intended purpose and will not serve the public interest for the following reasons:

- The language of Initiative 164 lacks clear definitions, is vaguely drafted and is poorly integrated with existing law; and
- Initiative 164 will impose significant substantive and procedural burdens upon government agencies through requirements such as the preparation of an economic impact statement; these requirements will likely increase development costs and create delay rather than streamline the land use regulatory process; and
- Initiative 164 will likely impose substantial financial burdens on public agencies and taxpayers; and
- the uncertainties about the intent and scope of Initiative 164 will foster additional litigation and chill the ability of government agencies to protect the public health, safety and welfare through the land use regulatory process; and

**WHEREAS**, signatures are currently being gathered to place Referendum 48, which proposes to repeal Initiative 164, on the November 1995 ballot; and

**WHEREAS**, given the uncertainties about the effects of Initiative 164 upon the land use regulatory process, and the uncertainties about the magnitude of the financial burden it will create for taxpayers, the Port Commission believes the public should be given an opportunity to vote on Initiative 164 in the November 1995 election;

**NOW THEREFORE, BE IT RESOLVED** by the Port Commission of the Port of Seattle

as follows:

Section 1. The Port Commission supports on-going efforts to streamline the land use regulatory process through reform efforts; and

Section 2. The Port Commission supports the placement of Referendum 48 on the November 1995 ballot.

**ADOPTED** by the Port Commission of the Port of Seattle this 8<sup>th</sup> day of August, 1995, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.

*Deed Sealep*  
*Patricia Davis*  
*Paige R. Miller*  
*Jerry Grant*

Port Commission