

Bond Case Briefs

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BALLOT INITIATIVES - WASHINGTON

Spokane Entrepreneurial Center v. Spokane Moves to Amend Constitution

Supreme Court of Washington - February 4, 2016 - P.3d - 2016 WL 455957

County, city residents, and others filed declaratory judgment action challenging validity of proposed local initiative containing provisions relating to zoning changes, water rights, workplace rights, and rights of corporations. The Superior Court ordered initiative to be struck from ballot. Sponsor appealed. The Court of Appeals reversed. Review was granted.

The Supreme Court of Washington held that:

- Challengers had standing to challenge initiative, and
- Initiative exceeded scope of local legislative authority.

River users and housing builders and developers had standing to challenge local initiative containing provisions relating to zoning changes, water rights, workplace rights, and rights of corporations. Initiative gave river its own water rights and required an additional level of approval from neighborhood residence for all major development, and users and builders would suffer harm if initiative were enacted.

Local initiative provision that would have required any proposed zoning changes involving large developments to be approved by voters in the neighborhood was outside scope of initiative power. City had already adopted processes for zoning and development, and the provision would have modified those processes for zoning and development decisions, which fell under the description of an administrative matter since it dealt with carrying out and executing laws or policies already in existence.

Local initiative provision that would have given river the legal right to “exist and flourish,” and would have given city residents the right to access and use water in city as well as right to enforce river’s new rights, was directly contrary to water rights system established by State and was outside scope of city’s authority. Provision dealt with an aquifer that was actually located in another state and would have dealt with how an existing regulatory scheme was implemented.