

TO: Planning Commission
FROM: Brad Medrud, Planning Manager
DATE: January 23, 2024
SUBJECT: Attorney General's Advisory Memorandum

1) Recommended Action:

Discussion of the Attorney General's Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property.

2) Background:

The State Attorney General is directed under RCW 36.70A.370 to advise state agencies and local governments on an orderly, consistent process that better enables the government to evaluate proposed regulatory or administrative actions to assure that these actions do not result in unconstitutional takings of private property or raise substantive due process concerns. This process must be used by local governments that plan under the Growth Management Act (GMA).

As a result of this direction, the Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property (Advisory Memorandum) was prepared. The Attorney General's Office reviews the Advisory Memorandum annually and updates it as necessary.

4) Alternatives:

☐ None.

6) Attachments:

- A. Memorandum from City Attorney
- B. Attorney General's Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property
- C. Presentation