

Measure 7's future is still in question

■ Various parties continue to debate the measure's possible effects as the Supreme Court reviews its constitutionality

Diane Huber
for the Emerald

In a country founded on the principle of individual property rights, people tend to get a little nervous when those rights are tampered with. Last November, 54 percent of Oregonians voted yes on Measure 7, effectively deciding that the state of Oregon had overstepped the delicate boundary dividing public domain and private property rights.

Tucked away on the last page of the state's voter guide, Measure 7 insisted that citizens should require the Oregon state government to reimburse property owners any time a state regulation lowers an individual's property value. The constitutional amendment is a check on the state's police power, which allows the state to enforce regulations for the general good, even when individual property owners are affected. For example, zoning laws define what, where and how close together builders can build. Environmental regulations restrict building and logging along stream and riverbanks. Under state law, population densities are restricted outside cities' urban growth boundaries.

Because each of these state regulations affects people's property values, however, they are potentially threatened by Measure 7, according to 1000 Friends of Oregon, a land-use watchdog group. It was estimated that the measure would cost taxpayers \$5.6 billion to pay landowners. Opponents fear the measure could cause local governments to be hesitant in enforcing land-use regulations.

For now, local governments have breathed a sigh of relief while the amendment sits patiently at the state Supreme Court level awaiting a ruling on whether it is constitutional. A Marion County judge ruled the amendment unconstitutional in February. Because the measure modifies several parts of the existing Constitution, it failed to meet the requirement that amendments must be voted on separately.

This flaw is why Eugene planning director Jan Childs said she isn't worried about Measure 7. She said that it will be several years until

the Supreme Court even forms a decision. Childs highly doubts the amendment will be ruled constitutional. She doesn't think Measure 7 poses any threat to planning in Oregon, even if a similar measure were to appear on a future ballot.

"If there were to be another son of Measure 7, the opposition will be much more vocal and provide examples to voters about the potential problems," she said.

Dave Hunnicutt, director of legal affairs for Oregonians in Action, said that although the measure is broad, that does not make it unconstitutional.

"Measure 7 is not poorly drafted when you compare it with other constitutional amendments," he said. "Court cases will decide how the amendment applies."

The Marion County judge didn't give the issue much thought, Hunnicutt said. Rob Ribe, a land use professor at the University, said the measure represents a backlash by Oregonians.

"There is a general sense in Oregon that we've taken regulation about as far as we can, and Measure 7 is evidence of that," he said. "There's a change in the culture. A lot of people think of individual justice issues ahead of environmental issues."

Measure 7 is a sign that Oregonians take the environment for granted, Ribe said.

"If people are going to put freedom ahead of the environment, then that's potentially it for environmental protection."

Evan Manvel, director of education and research at 1000 Friends of Oregon, agreed that the growing resistance to government regulation threatens environmental protection.

"If Measure 7 is upheld as constitutional, federal laws will take over and we'll lose local control and implementation of environmental regulations regarding air and water quality and logging," he said.

But Hunnicutt said Measure 7 enhances local control by shifting economic costs away from a small number of land owners and adjusts the cost to society as a whole.

"Oregonians in Action has been the lone voice screaming for the last 10 years that our land use planning system can have a tremendous impact on individuals," he said. "The public ought to pay for it."

House will examine federal mining rules

By Sandra Chereb
The Associated Press

RENO, Nev. — A House subcommittee will hold a hearing today in Reno on mining regulations as the Bush administration considers lifting new industry requirements that took effect in the final hours of the Clinton presidency.

Rep. Jim Gibbons, R-Nev., said the field hearing by the House Resources mineral resources subcommittee will explore the effects of federal mining fees and policy changes on the industry and on state and local revenues.

New regulations governing hard-rock mining on public lands were issued late last year but were not put into effect until Jan. 20, the day President Bush took office.

Last month, the Interior Department's Bureau of Land Management announced it would seek to suspend the so-called "3809" regulations that give the federal govern-

ment new authority to prohibit new mines on federal land. The new rules also require smaller gold, silver and other metals mines to post bonds for environmental repairs in the event they go bankrupt.

Current rules will remain in place until a new rule is published, expected to be in July, the BLM said. The mining industry argued the strict regulations would have a chilling effect on mineral development and lead to decreased production and layoffs.

Conservationists said the more restrictive bonding and siting regulations were necessary to guard against billions of dollars of environmental damage.

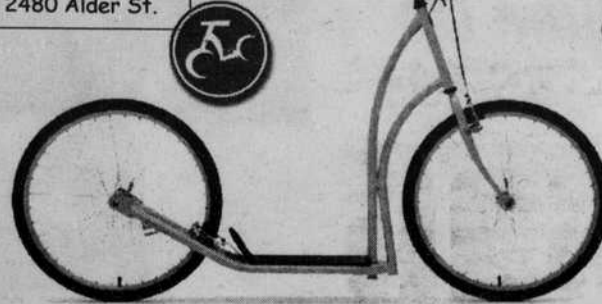
The Nevada attorney general's office joined the industry in opposing the requirements. In January, it filed a federal lawsuit challenging language in the rules that state officials said gave the BLM too much discretion to deny a mining plan.

Paul's BICYCLE WAY OF LIFE

Member: 
Unique Eugene

Visit: Bicycleway.com

152 W. 5th St.
2580 Willakenzie
2480 Alder St.



GIANT
BICYCLES

Electric Bicycles
SideWalker
26" Wheel Scooters

ALTERNATIVES

University Commons observes...

EARTH DAY

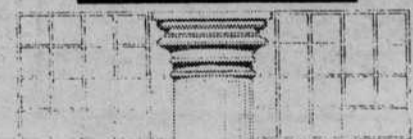
with *Energy Efficient Housing*

Featuring:

- Washer/dryer in each apartment
- On bus route to campus
- Electronic alarm systems
- Fully equipped kitchen
- Private bedrooms/Individual leases
- Computer lab, copier and fax availability
- Heated swimming pool
- Basketball and volleyball courts
- Superior workout facilities
- Starting at \$320
- Roommate matching service.



UNIVERSITY
COMMONS



APARTMENTS

Property address: 90 Commons Drive

Now Leasing
Call 338-4000

or stop by our leasing
office at 90 Commons Drive
(open 7 days a week)
www.capstone-dev.com



011508

Recycle this paper

