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Land: 60 percent of state approved measure

Continued from page 1

public participation process so that land speculators have unlimited development potential," Eisenbeis said.

But Leroy Laack, a real estate broker and farmer who has filed two Measure 37 claims since December, said Measure 37 is enabling him to finally make use of the land he bought more than three decades ago.

"This place that I'm talking about is my home place," Laack said. "We bought it because we wanted to live out there and build a home out there, and by the time we got around to doing it, that right had been taken away from us."

Laack said his story is similar to many of the stories behind Measure 37 claims and that compensation from the government for regulations that decrease the value of property is an essential right all citizens must have.

"A land with no rights is worthless," Laack said. "It's the rights that go with the land that has the value."

Laack owns the Twin Hills Ranch near Salem and filed a Measure 37 claim earlier this month to develop the land, which was zoned as exclusive farm use just a few years after it was purchased.

Laack said the land's only value lies in development and if the state government wants to preserve it for open space, it should purchase the land rather than place regulations on it. Many neighboring residents have expressed concern over the environmental impacts of Laack's development plans.

Laack said he has encountered difficulty from Marion County regarding his claim, difficulty he accredits with the county's reluctance to enforce the law because of the lack of funds available for compensation.

"I think it was supposed to be much simpler than it turned out to be," Laack said about the confusion in the aftermath of the measure's passage.

Ackerman said some state

senators and representatives are reluctant to intervene in the measure's legislative process, but the confusion over the law is affecting so many individuals and businesses across the state that the legislature believes it is important to step in and provide some clarity.

Ackerman said many title loan companies and banking institutions are reluctant to issue insurance or loans to property owners if there is a possibility the land could fall under a Measure 37 claim, and many companies are looking at the

Ackerman said he has been surprised by the number of claims filed in the state, saying he expected many more, but Evans said many of the timber companies and other pro-Measure 37 businesses could be waiting until the legislature gets out to file their major claims.

"It's just a mess, and nobody knows how it's going to play out," Evans said. "We don't want to just sit there and shrug our shoulders and wonder what's going on."

The lawsuit filed by 1000 Friends of Oregon, four farm bureaus and seven farmers and property owners is "proceeding," Eisenbeis said, though he would not comment on its current status.

Measure 37 passed with approximately 60 percent of the vote, making it one of the most voted-for ballot measures in Oregon history. But Eisenbeis said the measure's effects on the public participatory process are such that it makes the entire law unconstitutional, and 1000 Friends of Oregon claims on its Web site that it "actually creates inequity and unfairness."

"We believe that public involvement is just good government," Eisenbeis said.

Ackerman said though he hasn't examined the lawsuit closely, he doesn't expect it to do much in the way of amending the law. Those who filed the lawsuit may claim it's about fairness, but "fairness doesn't necessarily win lawsuits," Ackerman said.

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BRET FURTWANGLER | GRAPHIC ARTIST

vagueness of the law as a reason to charge higher rates.

"There's all sorts of property issues that need to be worked out," Ackerman said. "It's in the best interest that we clarify everything."

Jonathan Evans, a second-year law student at the University who worked on the No on 37 campaign, said it is important for the state legislature to intervene in Measure 37 issues because of the obvious confusion it has caused across the state.

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