

Injunction Junction

What's your function?
Enforcing land use laws.



My apologies to Schoolhouse Rock, but my point today is pretty elementary. Lane County should rely more heavily on injunctions to secure compliance with land use laws. When landowners repeatedly defy the county's land use code, we should raise the stakes. The scofflaws may not care much about the contempt of their neighbors, but they'll pay attention when they're in contempt of court.

Imagine that you own a home in rural Lane County. You've enjoyed the peaceful, bucolic setting for several years. All of a sudden, your neighbor decides he needs to earn a little extra money, and he agrees to host the "Lane County Monster Truck Rally" on his property every Friday night. You don't share your neighbor's enthusiasm for squealing gears and flying mud, so you alert the county that your neighbor is violating the zoning rules for his property. What happens next?

In most counties, your phone call will lead to one of three responses. First, the county might do nothing, hoping the problem goes away by itself. Second, the county might impose a fine each time the neighbor violates the land use laws. Third, if the neighbor won't pay his fines, the county might foreclose on his property to recover the value of the unpaid fines. So basically there's a spectrum of possible responses: shine 'em, fine 'em, or flat-line 'em.

A compliance strategy limited to these three tools will prove ineffective in many instances. As Ben Franklin wrote, "Penalties that are too lenient are seldom respected, and penalties that are too strict are seldom imposed." Some landowners couldn't care less about fines. They treat a fine notice like a parking ticket. They figure that the county wouldn't dare to foreclose on a residential property, and they're often right. If a defiant landowner calls the county's bluff, and the county doesn't impose a meaningful penalty, then the county loses its credibility in the long run.

Another problem with the fine-and-foreclose approach is that it doesn't protect the aggrieved neighbors. Even if the noncompliant landowner decides to pay his fines, he might just intensify the illegal activity (for example, he might hold more monster truck rallies and increase the admissions charge) in order to maintain his profit margin. If foreclosure becomes imminent, he'll become even more brazen in order to make as much money as possible before the jig is up.

Finally, an enforcement strategy that relies primarily on fines creates the appearance that the government has a conflict of interest. Illegal activity should cease; the government shouldn't demand a piece of the action. When the sheriff busts a meth lab, he doesn't require that the property owners pay him a fine for each subsequent week when they cook meth.

A county that is serious about enforcing its land use laws will occasionally seek an injunction against a noncompliant landowner. An injunction is basically a court order forcing a person to do something or refrain from doing something. Once a court has issued an injunction to a landowner, compliance isn't much of a problem. A circuit court judge speaks softly and carries a big stick.

I'm glad that Lane County's Land Management Division is more enlightened than many of its counterparts in other Oregon counties. Our LMD has some talented, hard-working staff who aren't afraid to take an aggressive approach when circumstances require it. I hope that LMD will frequently seek injunctions as part of its enforcement strategy. When a property owner violates our land use laws, it shouldn't be the neighbors who suffer.

Tom Lininger is the county commissioner for the East Lane District.

SAVE THIS SAFE SPACE

Before the Bus Rapid Transit (BRT) removes the median and trees down the middle of Franklin Boulevard, will the city and LTD first hold a community forum on how pedestrians and bicycles will be safely accommodated? There is a preexisting problem of conflicts between pedestrians and cars along Franklin, especially at the intersection of Onyx where students are being seriously injured regularly (*Oregon Daily Emerald*, 11/4, 2002).

While the city is busy studying nodes, could it be missing the wider picture by not seeing how the freeway-like Franklin BRT plans will sever connectivity between neighborhoods drastically? Allowing for a design that would preserve the entire median would let LTD avoid compounding the pedestrian and bicycle safety problems. Outside the new Lillis Complex, the university planners have installed what they refer to as a pedestrian refuge on 13th in the middle of the street. It would be wise if these planners could see past the core of campus to its edge where along Franklin a very useful pedestrian refuge faces removal.

*Bryn Anderson
UO Environmental Science major*

BUSH: THIEVES' PET?

I've always been interested in how children grow from being so similar at birth to being so vastly different as adults. One area of personality is the amount of self-direction a person has. Some children are not secure in their own identity and they allow themselves to be controlled by a bully or a gang because they want to be loved and accepted, and the bad boys or girls will entice them with promises of glory or riches. All manner of things can distort truth and make a person vulnerable to pursuit of false happiness. Sometimes the weaker person will be duped into perpetrating a crime and the bullies laugh behind his back, enjoying their power and someone else's stupidity.

I think this is what happened to George W. Bush. For whatever reasons he took the bait when Kissinger, Wolfowitz, Ashcroft, Cheney, Rumsfeld, et al offered him power and a share in their riches. He listens to them while they fill his head with ideas about what he should think, say and do. He has said very little to us that wasn't a prepared speech. He's been used by a gang of people because he has the looks and smile and phoniness that so many of us (I use the term lightly) bought into. He's the emperor with no clothes on and the truly bad people are laughing all the way to the bank.

Come on everyone, let's show the world what we Americans can do besides waving flags and consuming more than everyone else. Let's start by getting rid of the crooks in Washington.

*Bernadette Bourassa
Eugene*

TWO TAX IDEAS

Oregon is the hungriest state in the nation. People with disabilities are dying. Corporations are getting huge tax cuts. The state government is short on cash.

When the economy was good, instead of saving the extra for tough times, it was given away, and still is being given away. The only interest in Salem for raising more revenue is a sales tax. But you can do something. You can contact your state senator and representative and tell them you want something on the special election ballot in September to raise revenue.

For those of you who do not know who your representatives are, you can call the Lane county elections office at 682-4234. If you have internet access go to www.leg.state.or.us/findlegsltr/findset.htm

I have two suggestions. I am not including a corporate tax here because the Republicans would never let it get to the ballot. My first suggestion is a tax on all credit card purchases. This is like a sales tax but because credit cards are a convenience, it is a voluntary tax.

My other suggestion is a state school tax. It could be like a property tax except the rate you would be charged would be based on your income. That way, if your income was low you could not get taxed out of your house. It is important to press our legislators to let us increase our taxes. Also, there are initiatives in the works to increase corporate taxes. Stay tuned.

*Anand Keathley
Eugene*

DRUG CRAZE

I am wondering what, beyond spending \$400 billion, the current legislative effort to provide a prescription drug plan for seniors really accomplishes. The cynic in me says that, with the 2004 elections looming, it is essentially about the Republicans wanting something compassionate and conservative to crow to their constituents about, and — on the other side of the aisle — no Democrats left behind.

The fact is that savings from the current proposals are inferior to what can already be obtained by individuals with a simple web search for Canadian pharmacies or a bus trip across the border. It is illegal to import prescription drugs, but the reality is, don't ask don't tell. Simply legalizing the reimportation of U.S. manufactured drugs would bring more relief to our nation's taxpayers and geriatric lawbreakers than the convoluted proposals in process.

But the larger question is: Why can other countries control drug costs, while the U.S. cannot? And the answer is: Big Pharma. Our representatives' votes are bought and paid for by the industry. With courage and a little mentoring, our legislators would be able to control prescription drug prices and negotiate volume discounts as is being done by our much smaller neighbor. And we would save \$400 billion.

*Benton Elliott
Eugene*

WHAT TO BELIEVE?

The World Trade Center was leased less than two months before the "attacks" of Sept. 11 to Larry Silverstein who then controlled both the maintenance and security departments. He immediately began to replace security personnel and work on the subterranean level of the trade towers. After the towers collapsed, Silverstein demanded \$7 billion from insurance companies.

Do steel structures collapse from fire? Check the physics involved for yourself. Did the buildings implode in a fashion consistent with common demolition practices? Interesting.

At a risk of venturing outside the range of permitted discussion on the subject, there are a number of coincidences I'd like to hear more about.

Why is it that all four hijacked planes were 80 percent empty on that particular

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