

news Briefs

MEASURE 37 CASE GETS OK

The Eugene City Council granted its first Measure 37 waiver of development rules, but it remains unclear what that waiver will actually mean and the mess could wind up in court.

The Measure 37 claim was made by Lane Plywood for a 50 acre parcel of industrial land near a proposed interchange for Beltline Highway and the West Eugene Parkway (WEP). Greg Demers owns a controlling interest in Lane Plywood, according to city staff. The Ed King family (vineyards and land speculation) has also invested land and money in the controversial development effort, according to city staff.

Demers is a land speculator who contributed \$17,000 to the passage of Measure 37. Demers also contributed \$10,000 to the pro-WEP campaign in 2001.

Demers' company told the city that they wanted to use the industrial land for commercial development and billboards and sought a waiver of city regulations preventing them from doing that or compensation for reduced land value they estimated at \$5 million.

The city agreed to the waiver, but not the outright waiver of all regulations that Demers wanted. The carefully worded city waiver includes only those regulations that meet the criteria contained in Measure 37. That leaves a number of questions unanswered:

- Measure 37 only allows waivers for people or corporations that owned the land prior to the regulations in question. A number

of the lots that Demers wants waivers for were not in continuous ownership by him and his plywood company, according to city staff.

- Measure 37 allows the waiver only of land use regulations. City staff argue that the measure's definition of land use regulations is narrow and wouldn't apply to things like the city sign code which restricts billboards. Billboard companies have disputed that interpretation in Portland and the issue could wind up in court.

- Measure 37 requires an enforcement of a regulation before a claim can be made. Demers hasn't made a specific development or other permit request that's been denied, so city staff argue there's been no enforcement.

- Deed restrictions on the property prevent it from being used for commercial uses, regardless of Measure 37. Demers' company argues that it can remove those restrictions.

- Measure 37 exempts regulations that serve to protect the public health and safety or prevent nuisances. The Demers site was previously used for a land fill and has issues of methane off-gassing, soil instability and subsidence that could restrict development for safety reasons.

- Measure 37 does not require the city to serve Measure 37 development with new streets, sewers and other infrastructure. The city could potentially deny a building permit for the site in the future by arguing that a development without the required transportation improvements presents an unsafe traffic hazard. A development without proper sewer service could also be denied as a violation of federal clean water rules that aren't subject to Measure 37.

By approving a carefully worded waiver without agreeing to Demers' interpretation of Measure 37, the city leaves open the option of still fighting a proposed development on the technical grounds listed above.

The city could, however, have lost the option of paying compensation for the claim instead of granting the waiver. The city never assessed the value of Demers' property for

THIS MODERN WORLD

by TOM TOMORROW



commercial development. It could be that commercial property in an industrial area would appreciate far less than the \$5 million claim. It's unclear whether the city could later chose to pay compensation instead of waiving regulations if it loses a court challenge.

The council voted 6-1 to approve the waiver. Councilor Jennifer Solomon, who supported Measure 37, voted against the carefully worded waiver calling it not "in the spirit" of the measure.

Councilor David Kelly said the "black-mail" claim by Demers' company opened a "hideous can of worms" with the result "ending up probably in court." With such developer claims, "it's about selfishness, it's about arrogance, it's about what's mine is mine and screw the community good."

—Alan Pittman

SKATING FOR A PARK

Even from five blocks away you could hear the gravelly roar of hundreds of skateboard wheels rolling down the middle of 6th Avenue. On June 21 organizers from Tactics Board rallied about 100 skateboarders for "Go Skateboarding Day," a national event aimed at raising awareness of just how many kids these days skate.

John Ragozzino, a Tactics employee and one of the organizers of the event, is also one of the people behind a push to get the Eugene City Council to include building a skatepark under the Washington Street bridge in the new Parks and Open Space Comprehensive Plan.

"Skating isn't a team sport, so skateboarders aren't seen in large groups even through there's a large number of them," he said. "Most people don't really understand the sheer number of kids involved in skateboarding. What we wanted to do is gather a lot of them together on one day to show support for building a place for all these skaters to get together in downtown Eugene on a regular basis."

Skateboarding now surpasses most tradi-

tional team sports in popularity; it's the sixth most popular sport in the country and the third most popular among kids under 18. In the 17-and-under age group, American Sports Data, Inc. reports that in 2002, more kids under 17 rode a skateboard than played baseball.

Despite the huge numbers of youth participating in the sport, fewer kids are seriously injured skateboarding than playing baseball, softball, football, soccer or bicycling. According to a report from the Children's Hospital in Boston, in 1998 some 27,500 kids between the ages of 5 and 14 ended up hospitalized because of skateboarding injuries, compared with 320,000 for bicycling, 159,000 for football, 91,000 for baseball and 77,500 for soccer. One of the reasons may be because skateboarders almost always wear protective gear, including knee, shin and elbow pads, wrist guards and helmets.

Other than massing a huge number of skateboarders and taking over the streets, one of the highlights of the June 21 event was the participation of pro skater Michael Heller, who's headed to world championships in Russia this summer. "Kids don't get to see their idols, the pros, outside of videos very often," Ragozzino said. "So bringing a pro skateboarder into Eugene is a big deal."

The skaters adopted the same technique as the monthly bike rally, Critical Mass, which brings together hundreds of cyclists

drawing as therapy

by harvey dickson

House for sale

1 BDRM, South Eugene dwelling for sale. Natural gas heating, and corrugated walls with a 50lb. test strength! Fixtures include AM radio, built in skylight, and comes equipped for a small canning business. Lots of natural light and open spaces. Completely mobile structure. The world is your backyard! \$275,950.



Tactics team rider Zach Bailey

