

Planning Commissioner Rick Duncan and EWEB Commissioner John Brown.

In total, Lane County has about 400 claims, covering about 34,000 acres. Timber company Davidson Industries gave \$5,000 to the Measure 37 campaign and now has filed 11 different claims with the county totaling 1,280 acres, including one large parcel near Florence. The Lone Rock timber company has filed three claims totaling 1,243 acres. Rosboro Lumber Company has five claims totaling 894 acres. The Wildish land and gravel company gave \$10,000 to pass the measure, and now has a 1,200 acre, \$26-million claim next to Mount Pisgah park.

To process the hundreds of pending claims within the 180-day period as enforced by Measure 37 penalties, the county plans to hold mass public hearings for up to two dozen claims at a time.

With the onslaught of claims, the governor and Measure 37 opponents such as 1000 Friends of Oregon are calling on relief from the Legislature in the form of a moratorium on the law and a fix to make it apply only to the small claimants they say voters intended.

The Legislature has failed to act on the issue in the last two years or even since Measure 37's overturned predecessor Measure 7 passed in 2000. But this year both chambers are controlled by Democrats.

State Senator Floyd Prozanski (D-South Eugene) is co-chair of a joint Senate-House committee charged with bringing back a recommendation on what to do.

"We're going to try and move quickly," Prozanski said. The committee has no set timeline or direction, but Prozanski said one possibility is a quick moratorium to freeze the



LandWatch Lane County

About 7,000 Measure 37 claims seek more than \$6 billion in compensation or the right to build urban sprawl over half a million acres of scenic Oregon.

measure followed by a referral to voters in November of a measure to retroactively limit Measure 37 to allowing only one house per claimant. "The voters were intending to give homeowners and individuals a dwelling on their property, single," he said.

But with potential billions in profits at stake, the developers aren't likely to go down without a big fight. Attorney Willis, whose firm is representing scores of claimants, says it's "really funny" how opponents say they think they know what voters intended. "It passed with an overwhelming majority," Willis said. "I don't think that the voters were at all confused."

The Legislature doesn't have much of a history at reforming disastrous ballot measures. In 1990 voters passed Measure 5 prop-

erty tax limitations with the unintended consequence of decimating school finance. Two decades later legislatures and governors have still failed to bail out the schools.

"Whether the governor, whether the Legislature is willing to go that distance even with the new Democratic majority, I'm pessimistic," said Robert Emmons, president of the LandWatch Lane County environmental group. On the other hand, he said, "a moratorium is the first step, and I'm fairly confident that moratorium will be instituted."

"Your guess is as good as mine," about whether the Legislature will act, said Jim Just, director of the Goal One Coalition, an environmental group. The state has been in an anti-regulatory mood, but "maybe the tide is starting to change."

If the Legislature fails to act, the courts may have to, but that option is also messy.

The attorney general reports that his office is handling 131 separate lawsuits regarding the many legal uncertainties in Measure 37. The only question that has gotten a definitive Supreme Court ruling is that Measure 37 is constitutional.

The biggest unanswered question centers around transferring development rights. The AG and attorneys for cities have argued that Measure 37 doesn't allow a land owner to transfer a waiver to a developer with a land sale.

That could mean that the thousands of waivers the state and county are rubber stamping in lieu of compensation are worth little more than paper.

But the transfer question is working its way up through the courts and hasn't got a final ruling from the Supreme Court.

Lauri Segel, a planner with Goal One, says a recent circuit court opinion from Medford against transferability is a good sign the Supreme Court will agree that waivers can't be sold. "It's just so well reasoned."

But even if that non-transferability provision holds, there will still be plenty of uncertainty.

Like in the Bernheim claim near Creswell, critics allege developers have been using purchase options and other ownership gimmicks to get around the property transfer issue.

For one web site soliciting long-term land owners, Realtors, builders and investors (www.measure37.net), a developer promises that such techniques mean "lucrative" Measure 37 properties in Oregon are "guaranteed to quadruple in price in one year." The ad

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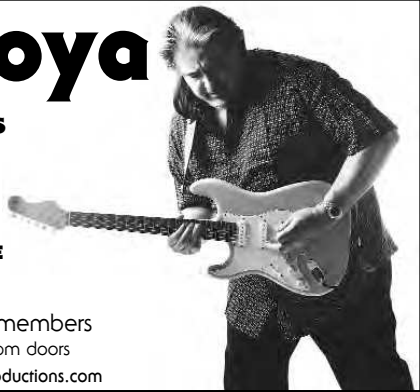
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