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LOCAL

February 3, 2005



County commissioners speak up for Measure 37

By DAMIAN MANN
Mail Tribune

Supporters of Measure 37 praised Jackson County commissioners Wednesday for standing up to attempts to undermine the property-rights initiative.

"I want to let you guys know I'm so proud of you guys — and I haven't always been," said Sam's Valley resident Mary Savage, who has 63 acres off Blackwell Road that she is thinking of filing a Measure 37 claim on.

Two commissioners — Jack Walker and C.W. Smith — approved on Wednesday the filing of a motion to intervene in a Marion County Circuit Court case that challenges the constitutionality of the measure. The two want the county to get involved in opposing the case. Commissioner Dave Gilmour didn't attend Wednesday's meeting.

Approved by voters in November, Measure 37 allows property owners the right to file a claim with a government agency if they believe regulations have resulted in decreased property value. The measure, which requires that governments either pay for lost property value or provide a waiver of the offending land-use regulation, was supported by 62 percent of voters in Jackson County.

So far, 18 claims have been filed in Jackson County since the measure became law in December.

Ashland resident Barbara Decker said the commissioners "are trying to live up to the spirit of Measure 37." Decker is a board member with

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Oregonians in Action, the organization that created Measure 37.

Decker and about a half-dozen supporters of the measure said they particularly liked that the commissioners were fighting off attempts by the state to interfere in the county's processing of Measure 37 claims.

The state Department of Land Conservation and Development had warned the county that property owners might have to file two claims — one with the county and the other with the state.

Ashland resident Mike Dauenhauer, whose family owns large tracts of land off Dead Indian Memorial Road and near Green Springs, said he thought the state would drag its feet if he had to file a claim that way.

Walker said that a claim form only needs to be filed with the county.

Walker said the county has a good understanding of what to do with Measure 37 and doesn't need the state involved in the process.

Smith said he had received word from the governor's office Wednesday that the state would in no way interfere with Jackson County's processing of Measure 37 claims.

The two commissioners believe the state is responsible for discontent among voters that gave rise to Measure 37.

In the Marion County court motion that will be filed on behalf of the county, the commissioners say that both the state Land Conservation and Development Commission and the Department of Land Conservation and Development "have egregiously ignored and violated the civil rights of property owners in Oregon."

In related business, the commissioners approved the first reading of an ordinance requiring fees be paid only if a Measure 37 claim is invalid. The board recently revoked county fees imposed on everyone filing a Measure 37 claim.

A public hearing will be held on proposed fees at 9:30 a.m. Feb. 16 at the old county courthouse auditorium, 10 S. Oakdale Ave., Medford.

Reach reporter Damian Mann at 776-4476, or e-mail dmann@mailtribune.com

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