

# Smart Growth America

*Better Choices For Our Communities*

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## NEWS RELEASE

**FOR IMMEDIATE RELEASE**

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### **Oregon voters repeal taxpayer windfalls for land speculators, embrace farm and forest protection**

***Tuesday's vote the latest setback for extreme anti-government measures***

WASHINGTON, DC – Oregon voters Tuesday moved to restore balance to planning and development in their state, repealing a provision in a 2004 law that allowed major developers and corporate landowners to reap a windfall from formerly protected lands.

The vote is a powerful expression of buyer's remorse over a so-called "regulatory takings" measure that spawned numerous copy-cats during the past three years. The defeat is the latest in a series for the anti-government activists who have promoted them.

The 2004 law, known as Measure 37, required local taxpayers to pay landowners for restricting development in protected zones, or to waive rules designed to protect farmland, forests and water quality and allow development to proceed. Measure 37 was sold to voters as a way to allow rural landowners to build homes for family members on their protected land.

Over the last three years, however, Oregonians watched in shock as thousands of claims for incompatible development were submitted, particularly in areas just outside of metro areas.

Tuesday, Oregonians voted 61 percent to 39 percent to reform Measure 37. Under the new law, Measure 49, landowners still will be allowed to build one to 10 houses under various scenarios. But the measure prohibits building larger subdivisions, shopping centers and industrial plants in areas that are not planned for such development.

The Oregon vote comes on the heels of the October defeat of a Measure 37 copy-cat in Alaska's Matanuska-Susitna Borough. A year ago, with Oregon as cautionary tale, voters in neighboring Washington, Idaho and California rejected

Measure 37 look-alikes, two of which were masked as reform in the use of eminent domain. Only Arizona adopted a “regulatory takings” measure.

On Tuesday, Measure 49 passed by nearly the same margin that Measure 37 received three years ago. The reform measure passed by huge margins not only in the Portland area but also in more-rural Central and Northeast Oregon counties, such as Wasco, Umatilla and Hood River. Vote swings in some counties between the 2004 and 2007 measures were as high as 30 percent.

Measure 49 passed despite heavy spending and deceptive advertising on the part of the opposition, who were funded predominantly by timber companies with development claims. [<http://www.statesmanjournal.com/apps/pbcs.dll/article?AID=200671019053>]

Hiding behind TV ads depicting elderly couples fearful of losing property value should Measure 49 pass, the timber companies spent more than \$1 million in an effort to prevent the closing of the loopholes that allowed them to make more nearly \$33 million in development claims.

***About Smart Growth America***

*Smart Growth America is a non-profit coalition of national, state and local organizations working to help America’s towns, cities and metro areas build a sustainable future. On the web at [www.smartgrowthamerica.org](http://www.smartgrowthamerica.org).*

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