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Voters in CA, WA and ID Reject Efforts to Gut Local Zoning and Environmental Protections

Using eminent domain as Trojan Horse fails to fool most voters

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Washington, DC – Voters in three key Western states Tuesday resoundingly rejected anti-taxpayer measures that sought to hamstring communities' efforts to manage growth and protect property values and the environment.

Foisted onto the ballots with millions from New York real estate mogul Howard Rich and his allied groups, the measures in California, Washington and Idaho would have mimicked a 2004 measure from Oregon, requiring taxpayers to pay landowners when a zoning or environmental protection reduced their speculative profits. If taxpayers couldn't pay they would have to waive the rules, solely for those landowners.

"Voters know their communities need to be able to make sound, local decisions in order to protect our neighborhoods, clean water and quality of life," said Don Chen, executive director of Smart Growth America. "While our coalition doggedly defends the rights of individual property owners, these measures were really about crippling community planning and creating windfalls for certain speculators."

Only one of the four pay-or-waive measures, Arizona's Proposition 207, was approved. There, Rich and company deceptively claimed the initiative was limited to restricting the use of eminent domain, and under-funded opponents lacked the resources to unmask the ruse amid 18 other ballot initiatives. Rich poured \$1.5 million into the effort to undermine Arizona's capacity to deal with its rapid growth and protect the state's military bases from encroaching development.

Fortunately, voters in California and Idaho saw through a similar attempt to use eminent domain reform as a smokescreen for gutting local planning and zoning and environmental protections. In Washington, where the pay-or-waive scheme stood by itself, 58 percent of voters rejected it. Fully three-fourths of Idahoans turned back the out-of-state intervention into their affairs, and 53 percent of Californians rejected the deceptively named "Protect Our Homes" measure. California's Proposition 90 was opposed by one of the largest, most

diverse coalitions ever assembled for a ballot measure, as well as by Governor Arnold Schwarzenegger.

The “No” campaigns were helped by the unfortunate, real-world example of Oregon, where billions of dollars worth of claims under the 2004 act, known as Measure 37, are threatening thousands of acres of farms and forest land. The act unleashed such chaos that Oregonians now oppose Measure 37 by a nearly 2-to-1 margin, according to an October poll.

(<http://www.defendersactionfund.org/releases/102506.html>)

For more background on the initiatives and their backers, please see the Center for Public Integrity’s special reports at <http://www.takingsinitiatives.org/> . CPI is an independent, non-partisan and non-profit news-gathering outlet devoted to clean, fair government.

Here are the voting results in the four states as of Wednesday morning:

California Proposition 90

Uncertified results

NO 53%

YES 47%

Washington Initiative 933

Uncertified results

NO 58%

YES 42%

Idaho Proposition 2

98% of precincts reporting

NO 76%

YES 24%

Arizona Proposition 207

100% of precincts reporting

NO 35%

YES 65%

Smart Growth America is the only national organization dedicated to researching, advocating for and leading coalitions to bring smart growth practices to more communities nationwide. From providing more sidewalks to ensuring more homes are built near public transit or that productive farms remain a part of our communities, smart growth helps make sure people across the nation can live in great neighborhoods. For additional information, please visit www.smartgrowthamerica.org.

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