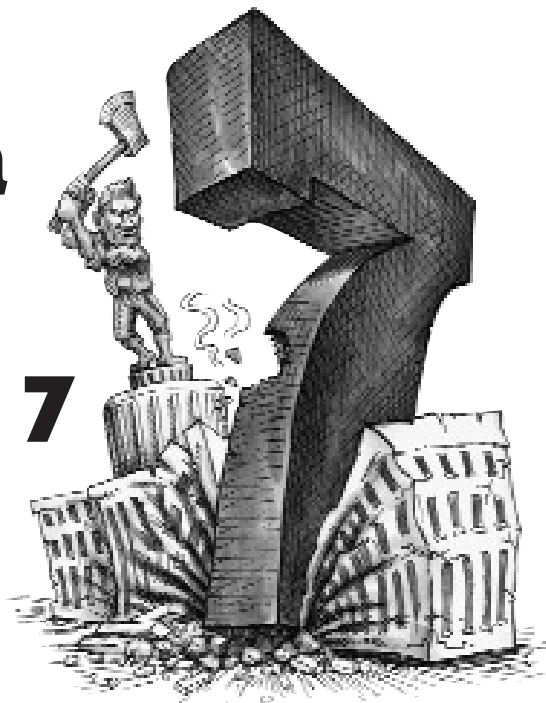


The Ecotopia Legacy and Measure 7

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Oregon's reputation as a pioneer in environmental protection developed in the early and mid-1970s when Republican Governor Tom McCall promoted novel concepts such as the bottle bill, universal land-use planning, and open public beaches. McCall's strong advocacy inspired many who felt Oregon was at the forefront of a new social model. State leaders dubbed the state's emerging environmental ethic as the "Oregon Story." In 1975, the spirit of Oregon's environmental movement was so influential that it provided the setting for an influential utopian novel, *Ecotopia*. Authored by Ernest Callenbach, the novel describes a world in which the Pacific Northwest has become a separate nation built around the principle of ecological balance.

Oregon's public was never as completely committed to McCall's environmental activism as later media generalizations depict. Both the adoption and the implementation of the environmental policies of the early 1970s were hard fought, reflecting Oregon's deep splits regarding economic and social priorities. In truth, Oregon's economic dependence on the timber industry has often meant that its environmental reputation has exceeded its environmental practices. Still, the *Ecotopia* image captured how

many viewed Oregon's progressive environmental record in the 1970s. Even today, many progressive environmentalists believe that the region's commitment to environmental values may allow the state to develop in closer harmony with the natural environment than is true elsewhere.

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The early and mid-1970s were heady times for progressive environmentalists, but since that time state environmental policy battles have been more in defense of the McCall legacy than with pushing these goals further. The ongoing skirmishes over land-use planning and other environmental regulations reached a critical point in the November 2000 general election when Oregonians passed Measure 7 with a 53 percent majority. Although the Oregon Supreme Court ruled Measure 7 to be

unconstitutional on the grounds that it amended more than one section of the constitution in a single ballot measure, the values and political movement that led to its passage demonstrate the forcefulness of conservative populism in Oregon.

Measure 7 was a ballot initiative that would have required state and local governments to compensate property owners when public regulations restrict the use of private property and lower its value. Existing provisions in the state and federal constitutions recognize the citizen's right to "just compensation" when the government takes property, but Measure 7 was categorically more specific and rigid about when and how the government should compensate owners. The law did not forbid state and local regulations regulating property use. The crucial aspect of Measure 7 was its possible costs.

Clearly Oregon's existing land-use planning and other environmental regulations would be inoperable if the state and local had to compensate owners for the full loss of value due to regulations. For example, state Attorney General Hardy Meyers determined that governments would

have to compensate not only landowners when land-use laws prevent them from subdividing their land, but also store owners who have to set aside part of their site to provide for bottle and can returns under the Bottle Bill. Estimates of the possible costs of Measure 7 to state and local governments ranged up to well over \$5 billion. Property rights advocates argued that this number is inflated, and that such compensation is only fair because the public benefits from the owner's loss. They feel that the government should never reduce property values without giving owners the "just compensation" required by their interpretation of the Oregon and United States constitutions.

All parties agreed that Measure 7 would have crippled Oregon's progressive environmental policies. Oregon would have been transformed from being foremost in the control over land-use to a leader in "property rights" protection. Although progressives may have breathed a sigh of relief with the court ruling, their environmental policies are far from secure. The primary sponsors of Measure 7, and their California allies in the Pacific

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Legal Foundation, have pledged a "redoubled effort to reclaim property rights. Measure 37 which will be voted on in November is part of this effort.

(Please see "Oregon's Future's Measure 7" issue at oregonfuture.org as well as "Mutant 7" by Kate Kimball in our spring 2004 issue —Ed.)