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## Prop. 207 hampers municipalities

**Diana Balazs**

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It was billed as a way to keep government from infringing on the private property rights of others.

But the Private Property Rights Protection Act is severely limiting what government can do to restrict new development to preserve neighborhoods' existing views, local officials and activists say.

Approved by nearly 65 percent of Arizona voters on Nov. 7, Proposition 207 restricts cities' use of eminent domain for public uses only, not economic development.

It also requires governments to compensate property owners when a zoning or other land-use action reduces their property values.

Municipal leaders are balking at requests to change zoning codes or establish special planning districts because landowners who believe their property values might be affected could file suit against a city or town.

Paul Barnes is an Arcadia resident and a longtime Phoenix neighborhood activist. He said because of Proposition 207 Arizonans shouldn't expect to see any new special planning districts approved.

The Phoenix City Council approved such a district for Arcadia in 1999. It spells out guidelines for land use, commercial development and traffic control. Barnes said such a district could not be approved today without unanimous support from residents.

"We're a 4-square-mile area. Not a prayer. We had some opposition with the people along Camelback Road," he said.

The ability to establish new historic districts also is nearly impossible because of Proposition 207, he said.

"You almost have to get full support, or you can start cutting holes in the doughnut - excluding a property because Mr. Smith doesn't want to be a part of it," he said.

Phoenix Councilman Greg Stanton said he did not support passage of Proposition 207. He said there may be court challenges and changes down the road, but, for now, it is the law.

"Right now, as it stands, cities are very much limited in what we can do that would arguably diminish one's property value without the property owner's permission," he said.

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- JJW
- Posted: Sep 29, 2007 at 3:16 AM
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Again the voters proved to be smarter than the politicians. This is exactly what the proposition intended: to keep government out of citizens' business and especially citizens' pockets. The more those beaurocrats lament the more the voters were right.

- saltydog101
- Posted: Sep 29, 2007 at 5:26 AM
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Yes, the law is working exactly as it should. It's preventing "takings" without just compensation. Why we had to have a law to do what's already in the Constitution is a comment on the sad state of the judiciary, especially the Supreme Court.

- therepug
- Posted: Sep 29, 2007 at 5:43 AM
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"is an Arcadia resident and a longtime Phoenix neighborhood activist."

Translation - Not in my backyard.

- [KenC](#) | [Profile](#)
- Posted: Sep 29, 2007 at 6:26 AM
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Anything that restricts our high-handed municipal pols is a good thing in my book!

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