

Solons eye land planning

SALEM (AP) — Legislative leaders say it's likely land use planning procedures will be overhauled during the 1983 session to make the system faster and more efficient.

"There's a high degree of agreement among members" that the system must be streamlined, says House Speaker-elect Grattan Kerans, D-Eugene.

Sen. Frank Roberts, D-Portland, says land use decisions cannot continue to be delayed endlessly by appeals and legal maneuvers.

Kerans says it's likely that most recommendations made by the governor's task force on land use will be adopted by the Legislature.

The bipartisan panel met last summer and forwarded its report to the governor in September.

Task force members said they heard varying opinions on Oregon's statewide land use planning system, the first of its kind in the nation.

John Elorriaga, chairman of U.S. Bancorp, told the task force, "The barriers to economic growth must fall. The single most-mentioned barrier is Oregon's permit and land use process. Endless public hearings, often brought on at the request of a single disgruntled individual, can add years to an already difficult procedure."

On the other hand, John Gray, chairman of Omark Industries, said in the September issue of Oregon Business Magazine, "I personally believe that the great criticism of the land use planning system is being used (to make the Land Conservation and Development Commission) a scapegoat."

One of the task force's key recommendations was to allow the Land Use Board of Appeals to expire automatically on June

30, 1983.

In place of the board, the task force recommended the Legislature create a new Land Use Court that would have exclusive jurisdiction to review all appeals of both legislative and quasi-judicial land use decisions made at the state and local level.

The court would be given the authority to order either the state Department of Land Conservation and Development or local systems to approve or reject an application. Presently, LUBA can only reverse a denial "and wish good luck to the appellant who decides to try again," the task force wrote the governor.

The task force suggested shifting the burden of proof in appeals to the person who is contesting the decision. It would not be unreasonable to require an appeals bond to be posted or to grant court costs and legal fees to the prevailing party in land use cases, the report said.

The Land Use Court's decisions, if appealed, should go directly to the state Supreme Court, bypassing the Court of Appeals, the group said.

The Supreme Court could decide whether or not to accept an appeal. Decisions of the Land Use Court would establish binding precedents for future disputes.

"The task force repeatedly heard suggestions that standing in the appeals process should be limited," said the panel's final report. "Many methods to limit standing seemed to create more problems than solutions. The task force believes a better remedy is to shorten the appeals process so that proposed changes will not be killed simply by delays."

The panel said land use ap-

plications should receive final action by local officials within 120 days.

"This period should include any appeals to the local jurisdiction unless the applicant requests a postponement," the task force said. The state should supply technical assistance to cities and counties to help them comply with the 120-day deadline.

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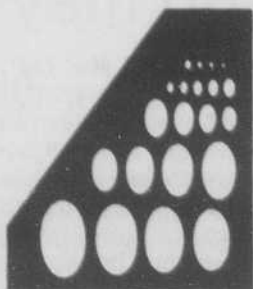


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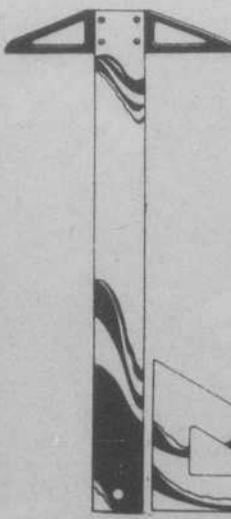


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