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## Discussion: Planning and Finance

Symposium

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# LAND AND WATER LAW REVIEW

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## DISCUSSION : PLANNING AND FINANCE

### Use of mandatory hearings in considering planning the use of public lands.

MR. SCHNEIDER: You frighten me when you say that public hearings should be held only on the request of a state. Would you please elaborate on that?

MR. HEYMAN: Well, it was a Commission recommendation. The Commission was trying to cope with the problem of encouraging more public hearings and yet not having them monopolize the agencies so that nothing ever gets done. In some instances the Commission said the agency can hold a public hearing if it wishes. Only in one instance may a public hearing be demanded. The State may request a public hearing to be held, if a proposal or a development, poses a serious environmental impact. In other instances it is assumed that there will be normal public hearings without requests by the state.

MR. MUYS: There must be a mandatory hearing in some point of the planning the use of public lands but the mandatory hearings are limited to the situation which was explained by Mike Heyman.

MR. SCHNEIDER: The reason this alarmed me is that in Colorado at the last session of the general assembly we had Senate Bill No. 1 which was introduced by Senator Shefflin concerning land use. This bill turned over to the State all of the preparation, zoning, planning, and so forth. I told Senator Shefflin that, unless they consulted with the local people, we would kill the bill. He did not change the bill, and it was killed. The Governor of Colorado is very much in favor of a land use plan for the whole state. We still want the local

people, if a public hearing is demanded, to have something to say. This is the reason for my question. We do not want the State to have the whole say of land use, zoning, and planning.

MR. HEYMAN: There are plenty of recommendations here concerning integration and consultation on the planning, especially on hearings of local governments and states. There are provisions for using the zoning of local governments as a departure point in land use planning. There seems to be a sensitivity in the report for getting the local governments into a sustained system of planning.