

1 REYNOLDS, Chief Referee.

2 NATURE OF THE PROCEEDINGS

3 Petitioners appeal the City of The Dalles' approval of Site
4 Plan 2-80 involving a ten acre commercial center. Petitioners
5 contend the approval of a commercial center outside the city's
6 core area violates LCDC's goals and the city's comprehensive
7 plan. In addition, petitioners contend the decision violates
8 Goals 11 and 12 because the commercial center will worsen
9 unresolved traffic problems.

10 STANDING

11 Respondents-Participants Schultens and Mar-Mon Developers
12 challenge petitioners' standing on the basis that petitioners
13 have failed to allege sufficient facts in their Petition for
14 Review to show how they have been adversely affected. We agree.

15 Oregon Laws 1979, ch 772 provides, in pertinent part, as
16 follows:

17 "4(3) Any person who has filed a Notice of
18 Intent to Appeal as provided in subsection (4) of this
19 section may petition the Board for review of a
quasi-judicial land use decision if the person;

20 "(a) Appeared before the city, county
21 or special district, governing body or
state agency orally or in writing; and

22 "(b) Was a person entitled as of right
23 to notice and hearing prior to the de-
cision to be reviewed or was a person
24 whose interest are adversely affected or
who was aggrieved by the decision.

25 "****"

26 "(6) The petition shall include a copy of the
decision sought to be reviewed and shall state:

1 "(a) The facts that establish that the
2 petitioner has standing."

3 Petitioners do not allege in their petition that they were
4 entitled as of right to notice but do allege they appeared and
5 their interest were adversely affected.¹ We have previously
6 held that conclusory statements alone are not enough to
7 establish adverse effect or aggrievement. Hilliard v. Lane
8 County, 1 Or LUBA 83 (Order Denying Motion to Intervene,
9 2/22/80). We have also held that the manner in which the
10 petitioners' interests have been adversely affected (i.e., the
11 injury) must be alleged. Parsons v. Josephine County, ___ Or
12 LUBA ___ (LUBA No. 80-159, 1981).

13 In the present case, Petitioner Citizens for Planned
14 Development (CPD) alleges that it is a political committee
15 organized to oppose the Port of The Dalles' decision to issue
16 revenue bonds to finance the construction of the commercial
17 center and to oppose the approval of the site plan by the City
18 of The Dalles. CPD alleges that it appeared orally and in
19 writing. CPD also alleges its directors and those it
20 represents are residents of The Dalles and that CPD, its
21 directors and those it represents will be adversely affected,
22 because the project will:

- 23 1. Overload streets adjacent and remote from the
24 site;
25 2. Violate policies of The Dalles' comprehensive
26 plan;
 3. Promote an energy inefficient strip

1 commercial development; and

2 4. Defeat their interests in proper application
3 of the state's land use goals.

4 Petitioner Howe is not alleged to be a member of CPD.
5 Petitioner Howe appeared orally and in writing before the
6 governing body, is a resident of the city and alleges he will
7 be adversely affected in the same respects as CPD will be
8 adversely affected.

9 With respect to CPD, the Board cannot tell whether standing
10 is sought on a representational theory or on a theory of direct
11 injury to CPD. Representational standing has not, however,
12 been established because there are no facts alleged in the
13 Petition for Review as to any injury to one of CPD's members.
14 Even if the reference in the petition to CPD, "its directors
15 and those it represents" were sufficient to identify members of
16 CPD for purposes of representational standing, it is not
17 alleged how any of these people will be harmed by the site plan
18 approval anymore than members of the community at large will be
19 harmed. Parsons v. Josephine County, supra.²

20 CPD, as an organization with a separate identity, has
21 alleged no facts showing how this decision could result in
22 direct injury to itself. As with CPD's directors and those it
23 represents, there is no showing how overloading streets
24 adjacent to and remote from the site will result in any injury
25 to CPD. There is also no tie between an energy inefficient
26 strip development and the interest of CPD. The fact that the

1 decision may violate the policies of The Dalles' comprehensive
2 plan and the statewide goals is not, by itself, sufficient to
3 confer standing on a petitioner.

4 Petitioner Howe has similarly not alleged in what manner
5 overloading streets or strip development would affect him in
6 any way. While a resident of the City of The Dalles,
7 Petitioner Howe does not allege whether he even uses these
8 streets which will be allegedly overloaded. How he could be
9 adversely affected by strip commercial development is also not
10 explained.

11 Petitioners have not alleged sufficient facts to satisfy
12 the requirement in Oregon Laws 1979, ch 772, sec 4(4). Without
13 any statement as to how certain aspects of this decision will
14 adversely affect their interests, petitioners have failed to
15 set forth facts in the Petition for Review establishing their
16 standing. This case is, therefore, dismissed.

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FOOTNOTES

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1 We presume the decision by the City of The Dalles was quasi-judicial in nature, since it involves the site plan approval for a ten acre commercial center. Because petitioners are attempting to establish standing on the basis that their interests were adversely affected, it makes no difference whether the decision was legislative or quasi-judicial because petitioners would have to establish the same injury. See Oregon Laws 1979, ch 772, sec 4(2).

2 It may be that under certain circumstances a quasi-judicial decision will have such an impact on a city that any person within the city would be able to show his or her interests were adversely affected by the decision. At a minimum, however, the facts to show the adverse impact on the community at large would need to be set forth in the Petition for Review.