

VICTOR ATIYEH
GOVERNOR



OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM, OREGON 97310

May 7, 1982

Henry R. Richmond, Executive Director
1000 Friends of Oregon
400 Dekum Building
519 SW Third Avenue
Portland, OR 97204

In your letter of May 5, 1982, you expressed concern regarding the action of the Health Division and Department of Environmental Quality relating to the outdoor mass gathering scheduled this summer by the Rajneesh Neo-Sannyas International Commune. I have reviewed this matter and have determined that the actions by the Health Division and DEQ fully complied with the applicable statutes, Statewide Planning Goals and administrative rules.

I would not argue that both the Health Division and Department of Environmental Quality have the responsibility to assure that their actions affecting land use are consistent with the Goals. However, in this instance, in accordance with OAR 660-31-020, both agencies deferred to Wasco County's determination with respect to the applicability of the Goals. As you know, Wasco County decided that the mass gathering would not have permanent land use impacts.

The specific statutes relating to the Health Division are ORS 433.735 to 433.770. These statutes apply where the proposed water supply would satisfy the requirements for issuance by the County of a mass gathering permit. This program of the Division was not identified as a program affecting land use in the State Agency Coordination Program approved by the LCDC in 1978.

The applicable DEQ statutes are ORS 468.065 to 468.740. These statutes provide standards relating to the construction and operation of waste treatment facilities. This statutory responsibility has been identified as a program affecting land use by the LCDC. Permit consistency standards have also been approved to assure that permit actions under this program are consistent with the Goals. These standards require the DEQ to rely on local governments' "statement of compatibility" as evidence for Goal compliance. DEQ appropriately referenced the conditions of the Wasco County Court Mass Gathering Permit and the County's modified compatibility statement of April 22, 1982 when they issued the temporary treatment facility permit.

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Both state agencies have acted in accordance with OAR 660-31-000 which specifies necessary state agency actions for Class B permits. A Department of Land Conservation and Development memorandum on this rule is attached for your information.

Further, I would note that both the Health Division and DEQ require additional permits before these facilities can become urban-scale water and sewer systems. Both agencies have informed you (copies attached) that Goal consistency procedures will be followed when a permanent affect on land use is proposed.

Sincerely,



Victor Atiyeh
Governor

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Attachments

cc: Kristine M. Gebbie
James F. Ross
William H. Young