



12/19 Governor - 741
(Please return)

Guy

Department of Land Conservation and Development

1175 COURT STREET N.E., SALEM, OREGON 97310-0590 PHONE (503) 378-4926

DEC 20 1984
VICTOR ATIYEH

M E M O R A N D U M

December 13, 1984

TO: Gerry Thompson, Bob Oliver, Bill Gary
FROM: James F. Ross, Director *JFR*
SUBJECT: WASCO COUNTY PLAN AMENDMENTS DEALING WITH THE RANCHO RAJNEESH AREA

Background

The Land Conservation and Development Commission has acknowledged (approved) the Wasco County Comprehensive Land Use Plan with the exception of the area of Rancho Rajneesh. This area was excluded from the acknowledgment action because of uncertainty concerning the legal status of Rajneeshpuram and the lack of a coordinated urban growth boundary with Wasco County for Rajneeshpuram.

The Commission and Department have continued to press for a resolution of the remaining planning issues, while being aware of legal complications. On December 10, 1984, the Department sent Wasco County a letter on the issue which states:

"The Commission expects the resubmittal of your plan revisions by the Continuance date indicated in this letter (November 16, 1984). The Commission also requests you to confirm with the Department that your revised plan will be resubmitted by your new Continuance date and provide a brief schedule which lists the remaining work tasks and their expected completion dates. We realize this issue is the subject of litigation and that it is unlikely that any resolution will be possible until the litigation is completed. We are working with the Attorney General's office to determine if a special order can be formulated to recognize these unusual circumstances."

The County has submitted several "post-acknowledgment" amendments to the comprehensive plan, including revision of all plan elements dealing with the City of Rajneeshpuram. The Department has participated in this local planning process under "Post Acknowledgment" requirements (ORS 197.610-197.625). The major points the Department has stressed to the County are contained in a November 13, 1984 letter which states:

"We are concerned that the proposed amendments may cause some problems related to Goal 2 "coordination" and "consistency" requirements. These problems relate to the Plan's treatment of the City of Rajneeshpuram. We understand the uncertainty the County faces relative to the legal status of the City. However, until the situation is resolved, we would encourage the County to retain a degree of recognition of the Community."

The County should consider the consolidation of information in the plan related to Rajneeshpuram and develop a two-scenario approach. You could adopt policies and a program for coordination which would treat the area differently, depending on the outcome of litigation related to the City's legal status. Such a planning approach is factually correct and maintains the County's compliance with Goal 2 consistency and coordination responsibility no matter what the courts ultimately decide."

Summary

The Department and other agencies who have contacts with Wasco County and Rajneeshpuram continue to be in a position of uncertainty related to the legal status of Rajneeshpuram. Until the Supreme Court acts on the issues before it related to Rajneeshpuram or the Attorney General advises differently, the Department is in a difficult position. We have tried to both remain neutral on legal issues, while maintaining the position that the initial incorporation violated Statewide Land Use Goals.

Our advice to the County related to the current plan amendment process is conservative and cautious. We have attempted to advise them on an approach which would work no matter what the outcome of pending court decisions.

JFR:DB:sp
2072D/6B