



STATE OF OREGON

INTEROFFICE MEMO

DEPT.

TELEPHONE

TO: Victor Atiyeh, Governor

DATE: October 12, 1984

FROM: James F. Ross, Director

SUBJECT: RAJNEESHPURAM PLAN REVIEW AND LITIGATION

LCDC Review of Rajneeshpuram Plan

June 2, 1983

Commission reviews plan and finds it complies with all Statewide Goals except Goal 14, "Urbanization." The revised plan was to be resubmitted by November 11, 1983.

June 1984

Rajneeshpuram resubmits its revised plan. The submittal was found incomplete because there was no joint agreement with Wasco County on an urban growth boundary and urban area plan. The City was notified of its incomplete submittal and has not resubmitted anything at this time. (mixed-up report)

The Department also told the City that even if their plan submittal was complete, we would recommend that the Commission postpone further review of their plan until the Oregon Supreme Court conclusively resolves the legal issues over their incorporation.

Summary of Legal Challenges to Incorporation of Rajneeshpuram

March 12, 1982

LUBA determines that County's approval of incorporation vote for Rajneeshpuram is not a "land use decision" and dismisses appeal.

Late 1982

Court of Appeals determines that County's approval of incorporation election is a "land use decision" and remands to LUBA.

October 1983

LUBA and LCDC determine that incorporation decision made by Wasco County violates the Statewide Goals.

June 27, 1984

Court of Appeals upholds LUBA/LCDC decision that Wasco County incorporation decision violates Statewide Goals.

October 9, 1984

Supreme Court accepts review of Court of Appeals decision.

Summary

There have been about 321 cases brought before LUBA between 1982 and 1984. Only about 5 have involved land use decisions involving Rajneeshpuram.

JFR:mg
1314D/6B