

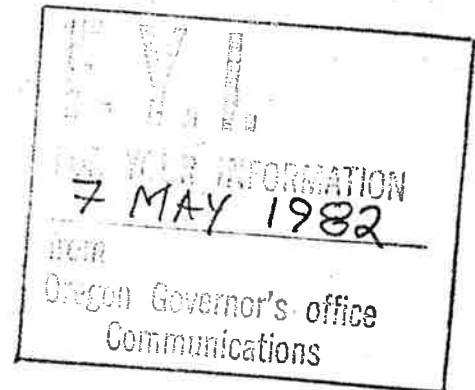
VICTOR ATIYEH
GOVERNOR



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.

-MORE/OVER-

1000 FRIENDS OF OREGON

400 DEKUM BUILDING, 519 S.W. THIRD AVENUE, PORTLAND, OREGON 97204 (503) 223-4396

May 5, 1982

Governor Victor Atiyeh
State Capitol
Salem, OR

Dear Governor:

As you know, the Rajneesh Neo-Sannyas International Commune has sought approval from Jefferson and Wasco Counties for a 5,000-person outdoor mass gathering to be held from June 22 to July 18, 1982 on the commune's Muddy Ranch. On April 14, 1982 Wasco County issued a mass gathering permit. On April 28, Jefferson County rejected the request.

Jefferson County denied the permit request because the applicant had not shown that the proposed festival is permitted by the county's zoning and the LCDC goals.

However, the Rajneesh Commune is going forward with its plans, based on the Wasco County approval. It has obtained a permit from the Department of Environmental Quality for a sewage treatment facility, and approval from the Health Division of plans for a 5,000-person water supply system for the festival.

Although all these approvals and permits are labelled as "temporary", they allow the commune to install, and keep in place after the festival, key portions of an urban-scale sewer and water system.

On behalf of Earl Smith, who is chairman of the Oregon Department of Agriculture, and other area ranchers, we asked the Wasco County Court to determine whether LCDC's goals allow a 5,000-person mass gathering on part of Muddy Ranch's best, flat land at the height of growing season. We pointed out that it was our view that such a use is not a lawful use under exclusive farm use zoning, and asked for an opportunity to make our case. Wasco County refused to hold a hearing on the issue and failed to apply the goals or zoning.

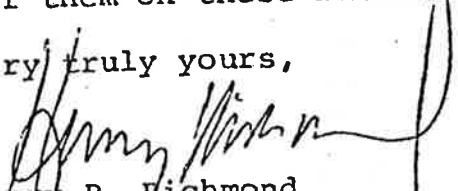
We then asked DEQ and the Health Division to determine whether the proposed sewage treatment plant complies with the goals. We requested an opportunity to be heard, either before

Governor Victor Atiyeh
May 5, 1982
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this request, I further request that you ask the Attorney General to bring appropriate proceedings in Wasco County Circuit Court to enjoin the festival until Wasco County applies the statewide planning goals and its own land use regulations to the proposal.

Copies of our correspondence with the county and state officials, of state agency approval letters and of Wasco County's mass gathering permit are attached to this letter. Further, staff attorney Robert Stacey of our office has scheduled a meeting for tomorrow morning with Bob Oliver and Pat Amedeo to brief them on these matters.

Very truly yours,



Henry R. Richmond
Executive Director

HRR/cms
enclosures

cc: Bob Oliver
Pat Amedeo
Bill Young
Kristine Gebbie