

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

April 22, 1982

Bernard L. Smith
District Attorney for Wasco County
11 Wasco County Courthouse
The Dalles, OR 97058

Re: Application of Rajneesh Neo-Sannyas International Commune
for DEQ Waste Discharge Permit

Dear Mr. Smith:

I am writing to request timely notice and an opportunity to be heard before Wasco County makes a final determination that the above-referenced sewer permit application complies with LCDC goals and the Wasco County Plan and zoning ordinance. This request is on behalf of 1000 Friends of Oregon, Dr. and Mrs. James Perkins, Mr. and Mrs. David Dickson and Mr. and Mrs. Kelly McGreer.

Based upon the information you gave me when I telephoned you on Tuesday, April 20, Wasco County has issued a letter to the Department of Environmental Quality rescinding the county's most recent approval of the plans for a sewage treatment facility on the Muddy Ranch. The chronology is somewhat confusing. As we understand it,

1. On March 22, 1982, Wasco County Planning Director Dorothy Brown issued a "statement of compatibility" with LCDC goals for the application, on forms provided by DEQ for this purpose. The statement was conditioned as follows by Ms. Brown:

"For the purpose of this statement, housing will not be hooked on to this system and this does not constitute an urban level of services in Wasco County."

2. On March 30, 1982, DEQ issued a "public notice" announcing its "tentative proposed determination" to approve the application, which the notice said was for a system to "serve about 400 people in the newly developed community in the Antelope Area of Oregon."

3. On April 5, 1982, Ms. Brown wrote to DEQ Director William Young, "voiding the approval of the Compatibility Statement," on the grounds that "no approval was intended for a com-

unity sewer collection system and treatment lagoon."

4. On or about April 16, 1982, Ms. Brown issued a new compatibility statement (which I have not seen), apparently on the basis that the sewage system as proposed has a capacity of about 340 persons, roughly the present population of the Muddy Ranch.

5. On or about Tuesday, April 20, Wasco County rescinded this second compatibility statement because of the county's discovery that the system may have a much higher ultimate capacity, in the range of 3000 persons.

This is the understanding of the history of this permit as I have gathered it from numerous telephone conversations with you, Dorothy Borwn, Mr. Dick Nichols of the DEQ field office and other DEQ officials. Throughout this process, 1000 Friends of Oregon has never received any prior notice of the county's intended action, nor have we been provided an opportunity to submit our views on the application of LCDC goals to this permit request before the county issued its consistency determinations.

We believe Wasco County may not lawfully determine whether this proposed facility is consistent with the LCDC goals, the county's plan and the zoning ordinance without affording us notice and an opportunity to be heard and to rebut evidence, if any, submitted by the applicant. We request that this matter be scheduled before the Planning Commission or other hearings official designated by the County Court and that we be notified timely of the hearing date by mail.

This proposed sewage collection and treatment system is exactly the type of land use decision which requires a public hearing. There are important, disputed factual questions relating to the capacity of the treatment system and the level of sewage collection and treatment service needed for existing and future uses of the subject property. There are also important questions of interpretation of the applicable goals and county ordinances.

Specificially, we contend that

1. No central sewage collection and treatment facilities are "necessary for public service" within the meaning of ORS 215. 213(1) on the Muddy Ranch for any presently permitted uses, and such facilities would therefore violate LCDC Goal 3 (Agricultural Lands) and the county's plan and zoning ordinance.

2. The proposed sewage facilities are neither "appropriate for" nor "limited to" rural land uses and service needs, and such facilities would therefore violate LCDC Goal 11 (Public Facilities and Services) and Wasco County Comprehensive Plan Policy 5 (H).

1000 Friends, the Dixons, the McGreers and the Perkins will be aggrieved and injured by issuance of a permit without a meaningful opportunity to be heard. Under those circumstances, we will have no choice but to seek judicial review of any decision authorizing these facilities.

I appreciate your attention to this request. Please contact me if you have any questions about this matter. As you may know, the original DEQ notice declares that the permit will become final on April 19. I request that you notify us and DEQ before that date of the county's decision on whether it will hold a hearing as requested.

Very truly yours,



Robert E. Stacey, Jr.
Staff Attorney

cc: Dep't of Environmental Quality
Dorothy Brown
James F. Ross
David Knapp
Stephen Pfeiffer
Dr. & Mrs. James Perkins, Mr. & Mrs. David Dickson, Mr. and
Mrs. Kelly McGreer