

OAR CHAPTER 333
Division 061-0062
Public Water Systems

333-061-0062 Land Use Coordination

- (1) The purpose of this rule is to assure that Department of Human Services actions taken pursuant to ORS 448.131 and OAR 333, Department 61, comply with state land use coordination requirements in ORS 197.180 and OAR Chapter 660, Department 30 and 31. This rule also implements applicable portions of the Department's state agency coordination program concerning the review and approval of plans and projects pursuant to ORS 448.131.
- (2) The requirements of OAR 333-61, shall apply to Department approval of plans or projects submitted under ORS 448.131 for:
 - (a) New public water systems;
 - (b) Major additions, alterations, and extensions of water transmission mains;
 - (c) Development of new water sources; and
 - (d) Relocation of water treatment or storage facilities.
- (3) In order to approve a plan or project listed under OAR 333-061-0062(2)(a)-(d), the Department shall find that it complies with the Statewide Planning Goals and is compatible with applicable acknowledged city and county comprehensive plan and land use regulations. To make its goal compliance and plan compatibility findings, the Department shall comply with OAR 333-061-0062(1)-(9) and shall also adhere to the procedures in the Department's state agency coordination program which is hereby adopted by reference.
- (4) Except where the Department is required to directly address the Statewide Planning Goals, the Department shall make its goal compliance findings for each plan or project listed in OAR 333-061-0062(2)(a)-(d) based on the land use compatibility information provided to the Department by the project applicant.
- (5) An applicant seeking approval of a plan or project listed in OAR 333-061-0062(2)(a)-(d) shall provide the Department with information documenting the plan or project's compatibility with the applicable acknowledged comprehensive plans and land use regulations. Such documentation shall be submitted in a manner as established by the Department and shall include one of the following:
 - (a) A copy of the local land use permit (e.g., conditional use permit, subdivision approval, zoning clearance, etc.) demonstrating that the plan or project has received land use approval from the jurisdiction; or

- (b) Written information from an authorized representative of the affected city or county affirming that the proposed plan or project is compatible with the acknowledged comprehensive plan(s) for the area, but does not require specific land use approval by the jurisdiction; or
 - (c) Other written information acceptable to the Department equivalent to subsection (5)(a) or (b) of this rule demonstrating the plan or project's land use compatibility.
- (6) The Department shall adopt findings directly against the Statewide Planning Goals if a situation ever arises where the Department must approve a plan or project, but is unable to rely upon or is not provided with the appropriate land use compatibility information by the applicant. In this instance, the Department shall comply with OAR 660-030-0065 and the corresponding procedures in the Department's state agency coordination program to adopt the necessary findings demonstrating the plan or project's compliance with the Statewide Goals.
- (7) Where more than one unit of local government has land use approval authority over the plan or site of the proposed project, written information from the applicant must be submitted to the Department as provided in OAR 333-061-0062(5) documenting the plan or project's compatibility with each of the affected jurisdiction's comprehensive plans.
- (8) Information documenting land use compatibility in accordance with section (5) of this rule may be submitted to the Department for public water system master plans or portions thereof. In this section, no subsequent land use compatibility determination will be required for an individual project where the applicant demonstrated that the project is contemplated by and consistent with the previously approved master plan.
- (9) The meaning of land use terms used in this rule shall be as defined in OAR 660-030-0005.