

EPIC MEETING 6/30/1976

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**OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS**



**State of Oregon
Department of
Environmental
Quality**

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MINUTES TO SPECIAL MEETING

Taped Telephone Conference of Environmental Quality Commission on
June 30, 1976 at 3:00 p.m.

Present were Commissioners Joe Richards, Chairman; Dr. Morris Crothers, Vice-Chairman; Dr. Grace Phinney; (Mrs.) Jacklyn Hallock; and Mr. Ronald Somers.

In addition, Mr. Loren (Bud) Kramer, Director of the Department, Mr. Raymond Underwood, Counsel to the Commission, and other representatives of the Department participated in the telephone conference. Also present were Mr. Raymond Rask, attorney for Lahti and Sons, Inc., Mr. Bruce Anderson, attorney for David Kirkland et al.

CONTESTED CASE REVIEW - LAHTI AND SONS INC. v. DEQ

After discussion of the hearing officer's proposed decision and additional evidence submitted, the Commission voted on a motion by Commissioner Somers to declare each and every lot in the contested subdivision the subject of a valid prior approval such as would entitle the Petitioner to obtain, upon application, a subsurface sewage disposal system installation construction permit for the Department. The motion, supported by Commissioners Somers and Crothers, failed, having received opposing votes from Commissioners Richards, Phinney, and Hallock.

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock and unanimously carried that the Commission declare the above-mentioned prior approval to apply to only lots 6 and 7 within the contested subdivision.

Commissioner Somers noted his support of the motion was only because the Commission had declined to grant prior approval status to all of the contested lots, an action which Commissioner Somers had supported.

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock, and unanimously carried that the Petitioner be granted ninety days in which to make application for subsurface sewage disposal system installation permits under his declared prior approval for lots 6 and 7 of the contested subdivision.

CONTESTED CASE REVIEW - KIRKWOOD ET AL v. DEQ

It was MOVED by Commissioner Somers that the Commission adopt the Hearing Officer's proposal with the amendment that all lots in Vista View Subdivision be declared the subject of a valid prior approval for the purpose of the installation of a subsurface sewage disposal system. Commissioner Somers amended his motion to provide that the prior approvals would extend to all lots in the subdivision as originally platted, meaning that subdivision lot 12 would have only one approval, not approval for each of the four lots into which lot 12 was subsequently divided. The motion, with the second of Commissioner Hallock, passed with unanimous support.

At a previous meeting it was agreed by the Commission that the owners in Vista View Subdivision should have an additional ninety days in which to apply for a permit to construct subsurface sewage disposal system installations on the subject property.

GENERAL DISCUSSION

It was decided after discussion and advice of Counsel not to make a ruling with regard to whether an extension for the time of filing application should be made with regard to any of the lots where prior approvals questions might be still the subject of litigation.

The Commission discussed matters currently in litigation for a few minutes and, there being no further business, stood adjourned.