

Canby Planning Commission  
Regular Meeting  
August 29, 1988

MEMBERS PRESENT: Vice Chairman Schrader, Commissioners Seale, Schrader, Nicholson, McKibbin and Harmon (arrived at 7:48)

OTHERS PRESENT: City Administrator Stephan Lashbrook, Secretary Virginia Shirley, Fred Kahut, Rusty Klem, Hank Scouten, Gary Sowles, Bob Westcott, Paul DuPont, Maynard Nofziger and others

The meeting was called to order at 7:40 p.m. by Vice-Chairman Schrader. The City Administrator informed the Commission that he had received a note from Commissioner Lindsay declaring that he had a conflict of interest and that he would be out of town on this evening. The staff report was given by City Administrator Lashbrook who informed the Commission that the wording of proposed condition #5 had been changed.

Mr. Jack Hammond, representing Mr. Sowles and Mr. Westcott, made a point of order, stating that Commissioner Seales had not been present at the August 8, 1988, meeting when the transfer station request first came before the Commission. Commissioner Seales informed the Commission and audience that he had listened to the tape recordings of the meeting.

Maynard Nofziger, 28873 Elisha Road, stated concerns for the property values in the area. He further stated that he owns property west of the proposed site of the transfer station and had it for sale. Mr. Nofziger stated that Mr. Kahut does not maintain his operation and that he believed that Mr. Kahut did not always do and he said he would do. He went on to say that two and one-half years ago Mr. Kahut said he would put in a fence and that the fence still had not been put in.

Don Smith, Kraxberger Road, asked that "minimal storage" be defined. He asked who would be in charge of enforcement of conditions attached to the operation. Mr. Smith stated that the Forest Grove facility could only be reached via the state highway, West Linn's transfer station was located in a heavy industrial zone and that the Berg Parkway site was in violation of state and county laws, but that nothing was being done to correct it.

Mr. Ellis read his letter into the record (copy placed in file).

Gary Sowles, 2810 N. Maple Court, was opposed to any outright use designation. Mr. Sowles expressed the opinion that the access to this location is poor, truck traffic would be heavy, there would be pollution from the raw garbage, and rodents would be present. Mr. Sowles expressed the opinion that the business did not warrant cost expense. He went on to say DEQ cannot answer all complaints and that the City does not have the manpower for enforcement. Mr. Sowles asked the Commission to deny this use either outright or conditional.

Mr. Hammond, attorney for Sowles and Westcott, stated that he had spoke to Mr. Taylor of Department of Environmental Quality and that he had examined the transfer station at Clackamas on August 17, 1988. Mr. Kahut needs a conditional use for the site; no arborvitae exist at the present site, if there ever was any; had letters from Clackamas County showing that Mr. Kahut was not in compliance with Clackamas County. Mr.

Hammond reminded the Commission that he represented Mr. Sowles and Mr. Westcott and their small subdivision represented their nest egg. Mr. Hammond also stated that to his understanding you can't depend upon DEQ or the County Staff for enforcement. Mr. Westcott submitted pictures of the Clackamas site.

Sean McVickers, N. Locust Street, asked if outside garbage were received, would medical waste be included. The answer given was that medical waste would be received and taken to the John's Landing waste disposal site.

In rebuttal, Roger Reif, 273 N. Grant and attorney for the applicant, was in agreement that nobody wanted garbage around. He went on to say that aesthetically speaking, we have other places such as Millar Tire, Oregon Bag, etc., who have piles out in the open. Mr. Reif stated that he had been unaware of the violation at the last meeting and Canby Disposal had received the notification on August 25, 1988; and, DEQ does have enforcement. He said there was stormwater drainage through dump which couldn't be helped. Mr. Reif said that Mr. Kahut had tried to place a transfer station at his present location and he couldn't make it work due to access problems and limited area. Mr. Reif stated that although it is impossible to separate recycling from disposal they would like to have the transfer station on N. Baker Drive and do the recycling on Berg Parkway. Mr. Reif told the Commission that Mr. Kahut hauls garbage to McMinnville and the cost is 25 - 30 percent lower than county. If Mr. Kahut has to do without a transfer station, the cost of hauling garbage would be 35 - 40 percent higher. Mr. Kahut has been located in the M-1 zone for over ten years and the new transfer station will be placed in a M-1 zone which is an intensive use zone. Mr. Reif implored the Commission to consider "what is best for Canby." Mr. Kahut would be expected to follow all the rules and regulations of Ordinance #793. He has been charged with getting rid of garbage.

Mr. Lashbrook read a letter from John Taylor of DEQ dated 8/18/88, into the record.

Vice-Chairman Schrader asked the Commissioners if there had been any ex-parte contact, or if there were a conflict of interest. Commissioner McKibbin stated that he sold products to the applicant. Commissioner Seale informed the Commission and audience that he worked across the street and Potters Industries does business with K.B. Recycling. Commissioner Harmon stated that he had none and Commissioner Schrader stated that he had none.

Commissioner Harmon asked what would be done with the recycling. Commissioner Schrader asked if this would be considered a landfill. Mr. Reif answered that it was not. The reason for wanting an outright permitted use was because Mr. Kahut might decide to sell. The need for a better truck route was discussed. The Commission felt there was a need for a truck route that did not go through a residential district. The subject of issuing an outright permit and putting conditions on a business license was brought up. However during the discussion it was disclosed that the only way to rescind a business license was through a court action. Vice Chairman Schrader asked if the transfer station would bring in rats. City Administrator Lashbrook stated there already were rats in this community and that he had spoken to Mr. Phillips, Clackamas County Public Works, who had told him that a properly run

transfer station would not attract rats. Commissioner Seale asked which location was closer to the river, the existing business site of K. B. Recycling or the proposed site on N. Baker Drive. Mr. Lashbrook answered that the proposed site was probably closer to the river. Commissioner Harmon asked if a concrete surface was better than a blacktop surface. Commissioner McKibbin asked the City Administrator if Mr. Kahut had applied for the transfer station in the present location would the City Administrator have approved it. Mr. Westcott has applied for a permit to install reclamation tanks. Commissioner Seale asked if the transfer station would be using much water. Mr. Kahut stated the water usage would be minimum and mostly for wash-down. Short discussion took place regarding the apparatus to be used to ensure the City's sanitary sewer system. Rusty Klem spoke of a small package plant.

There was a ten minutes recess called before resuming the discussion on the transfer station application.

Mr. Jack Hammond called for a point of order that Commissioner Seale should step down from his seat on the Commission. The Commission was polled and Commissioner Seale continued to hold his seat on the Commission.

Commissioner McKibbin read the description given in the dictionary of "transfer." Commission Harmon asked if it was a permitted use in M-1. Commissioner Schrader stated that only The Dalles allows a transfer station in an M-1 zone with conditions on the business license. Commissioner Nicholson moved that the proposed use is not similar to other uses in the zone. The motion was seconded by Commissioner Harmon and passed with 4 ayes and 1 nay - Commissioner McKibbin.

Vice Chairman Schrader stated that the Planning Commission will consider the conditional use permit at this time. Commissioner Harmon stated that one of the goals in the Comprehensive Plan was not to surpress business in Canby. More discussion on the truck route. City Administrator Lashbrook stated that the streets needed sidewalks and repairs. Litter from the garbage trucks was brought up and weekly litter patrol was a suggestion for management of the litter.

Vice Chairman Schrader stated that Canby should take care of their own garbage and not have Metro coming out and looking for a site, however the Commissioner was troubled with the problem of recycling.

Mr. Hammond stated the Commission should be going on the record and not talking to the applicant. At this time, the Commission started to discuss the suggested conditions of approval.

1. Applicant to receive and continually comply with all required permits of the Oregon Department of Environmental Quality (DEQ), and any other state or federal agencies with regulatory authority over this sort of operation.
2. Only trucks owned by, or under contract to, Canby Disposal or K.B. Recycling are to use the transfer station It is not intended to provide non-recyclable service to other than Canby.

3. No private individual will be allowed to utilize the transfer station for unloading personal garbage, except during the annual spring clean-up time where this is offered as a community service.

4. A perimeter fence of either solid or slatted construction is to be provided to help minimize visual impacts. The fence to be a minimum of eight (8) feet in height and is to provide for adequate vision clearance at each driveway.

5. Wastewater from restrooms and office plumbing may be drained directly to the City's sanitary sewer system. All other wastewater from garbage handling areas is to be subject to the City's requirements for sewage pretreatment.

6. No storage or handling of garbage is to occur on any unpaved surface. All parking, loading and dumping areas to be paved of concrete. All roads and driveways to be paved of asphalt or concrete and properly drained. Outdoor areas used for the storage of dumpsters or drop boxes are to be completely gravelled and adequately maintained to prevent tracking dirt or mud onto the public street.

7. The applicant is to establish and maintain a daily litter clean-up process on the site and along the truck route coming to the site from Highway 99-E. If it becomes necessary at any time for the City to conduct a clean-up of the public roadway, the applicant will be given seven (7) days notice of the City's intention to conduct the clean-up at the applicant's expense. The applicant is to post a \$1,000 bond or other surety, to the satisfaction of the City Attorney, strictly for this purpose.


8. The site is not to handle any sewage sludge or septic tank pumpings.

Due to the lateness of the hour, the application for a garbage transfer station conditional use will be continued until September 9, 1988, and the Planning Commission will start with proposed condition #9.

The meeting was adjourned at 11:45 p.m.

This meeting has been recorded on tape.

Respectfully submitted,

  
Virginia Shirley, Secretary  
Canby Planning Commission