

Canby Planning Commission
Special Meeting
September 8, 1988

MEMBERS PRESENT: Vice-Chairman Schrader, Commissioners McKibbin, Seale, Harmon, Lindsay and Nicholson

OTHERS PRESENT: City Administrator Lashbrook, City Attorney John Kelley, Roger Reif, Fred Kahut, Gary Sowles, Bob Westcott, Lori Fitzgerald, Don Smith, Karen Oliver, Jack Hammond, John Ellis Herman Bergman, Hank Schouten, Sean McVicker, Marv Dack and Paul DuPont.

Vice Chairman Schrader informed the audience that the public hearing had been closed on the garbage transfer station and the Commission had turned down the request for an outright permitted use and were working on conditions of approval as the staff had originally outlined. The discussion started with condition #8. Mr. Schrader read staff proposed condition #8. Commissioner McKibbin asked why this condition was even included, as he thought this was for household garbage. Mr. Lashbrook stated there were dumpsters all over town and it was more to let people know. Mr. Lashbrook stated they could strike #8 if that was their desire. The conclusion was that condition #8 would read: "The site is not to handle any sewage sludge or septic tank pumpings."

Vice Chairman Schrader read #9. It was the consensus of the Commission that it was correct as read. "The applicant is not to knowingly handle any electrical transformers or known hazardous or toxic waste at the site. Any lead-acid batteries handled at the site are to be stored indoors."

Next #10 was read and it is to remain as read. "No burning of any kind is to be permitted at the site."

Mr. Schrader read #11 and discussion followed with the following wording being chosen. "Any pieces of equipment, including but not limited to truck or trailer wash-down locations are to be under cover and drained to the sewerage holding tank."

Continuing on with #12, the wording is to be: "Trucks and trailers hauling garbage to or from the site to be of leak-proof construction, as defined by D.E.Q."

Discussion concerning proposed condition #13. It was the consensus of the Commission that staff should specify the procedures to be followed. Commissioner Nicholson stated that he wanted to see included "that all refuse be picked up off the dumping floor and other areas and put into the transfer truck or storage bins." Mr. Nicholson also stated the washing down of the equipment was a good idea. Discussion of the items to be included. Mr. Lashbrook said there could be some language cleaned-up in the second sentence by using is instead of *must agree*.

The Vice Chairman read #14. Discussion on wording for this condition in order that raw garbage is not left at the transfer station. It was

suggested that the sentence read: Loads are to be hauled to the and fill as soon as they are full, *but in no cases longer than 72 hours*. This was the only change suggested.

On No 15. The Commission requested that more clarification be given in the wording.

No 16 was read and after a short discussion it was determined that No. 16 should be deleted.

No. 17 was read and approved as presented. It will be No. 16.

No. 18 was read and approved as presented. It will be No. 17.

No. 19 was read and discussion held. It was the consensus of the Commission to delete the proposed condition at the time and return for new or different wording, if needed.

No. 20 was read and discussion held. It was the consensus of the Commission to use the wording the applicant had suggested. "No dumpsters or drop boxes containing any putrescible waste shall be stored outside the enclosed building. In no case shall dumpsters or drop boxes be stacked on top of one-another outside the enclosed building.

No. 21 The site is to be inspected at least every six months by the City Building Official. Any cracks that are found to have formed in the concrete in the garbage handling area shall be immediately sealed to prevent the entry of any run-off. This was the wording suggested by Commissioners McKibbin and Harmon, who were worried about seepage. Commissioner Seale asked if there was a need to have it inspected or to have a condition that any concrete cracks are to be patched. Mr. Kahut stated that he would be happy to have it inspected. Mr. Reif stated that the inspection should be limited to the area where garbage was handled. Commissioner Harmon stated that he didn't feel the Commission should be overly restrictive. He further stated that his concern was over seepage into the soils. Mr. Lashbrook stated that he didn't feel there was any problem over the expansion joints, just in cracks that generally appear in concrete work. Commissioner Schrader said this may be targeted into the areas of loading and dumping.

Commissioner Schrader asked if there was any other conditions other than recycling.

Commissioner Harmon asked how the conditions would apply if the property were sold. Mr. Lashbrook stated that it had always been his opinion that a conditional use goes with the property.

Commissioner Harmon stated the Commission needed to discuss the problem of traffic on N. Baker Drive other than on a pick-up route. Mr. Lashbrook asked if he meant to express that N. Baker is not a truck route. Commissioner Seale stated that he didn't see anything wrong with making that a condition. Mr. Lashbrook explained that was already set by Council Resolution where the truck route would go. Commissioner Harmon suggested there be a condition stating: Truck traffic on N.

Baker Drive be limited to pick-up only. Mr. Nicholson suggested "no garbage or transfer trucks" would be good wording. It was suggested to add "outside of the truck route." Mr. Westcott suggested the Commission was being too exclusive when saying N. Baker Drive. Commissioner Seale informed the Commission there was a sign on N. Baker Drive stating "TRUCK ROUTE ENDS" so people will know. Mr. Harmon wanted it included just to show everyone the Commission was doing its job.

Mr. Kahut asked how often the inspections would be made. Vice-Chairman Schrader answered the final figure had been every six months. Commissioner Nicholson asked how the Commission could be sure those inspections would be made. Mr. Lashbrook stated that at the present time the City has no effective method of controlling it, just asking the Building Official to put it on his calendar every six months. (Discussion with numerous people speaking at the same time.)

Vice Chairman Schrader stated that it was time to get into the recycling portion. People who were opposed to this application didn't seem opposed to garbage but were opposed to the change-over problems and the aesthetics. Mr. Schrader suggested to the applicant that a lot of the change-over could be done in a semi-container type situation to avoid garbage on the site. Commissioner Nicholson asked if recycling would be limited by conditions. Mr. Nicholson went on to say the first would be no scrap metal on site. Mr. Lashbrook asked if the Commission wanted to differentiate between scrap iron and other kinds of metals. Commission Nicholson stated that it was all scrap metal. Commissioner Seale said that since we are asking for an eight-foot site obscuring fence that would be more than adequate. Commissioner Harmon asked how high the fence at Globe Union was where they had outside storage. Commissioner Seale stated they had outside storage everywhere. Mr. Kahut stated that he had to abide by whatever conditions DEQ placed on him and during the time that he had been at his present site there had been no complaints. He further said that Marv Dack was the only one who had ever said anything. Mr. Schrader stated that the piles of recyclable material was the major concern. Mr. Westcott said that site-obscuring fences are not completely site obscuring. Commissioner Harmon stated that the Commission is dealing with an industrial zone and not a residential zone. He went on to say that aesthetics are important in any area but there was a degree of importance. Commissioner Nicholson stated that he was bothered by the fact that DEQ might require him to pick up scrap iron and if he is not allowed a place to recycle the scrap iron when the law says he must recycle then what. Mr. Nicholson said he guessed that the Commission would have to allow scrap metal storage on-site. Commissioner Nicholson asked Commissioner Seale the height of the glass pile at Potter's Industries. Commissioner Seale said it was approximately 20 feet in height. Commissioner Harmon asked if the transfer station was only going to be using two acres of the five acre site. Roger Reif said they would only be using the southerly 230 feet. Commissioner Harmon asked if they had a plat map on the whole parcel. Mr. Reif said that what the Commission was addressing was the amount of property under the conditional use. Commissioner Harmon stated that expansion would be using additional property or placing additional buildings on the part of the property they plan to use. He went on to say that the applicant could do some recycling at this location if he

stayed back from the fence and did not pile too high. Mr. Harmon said he was thinking of a height limitation of 15 feet. Commissioner McKibbin said that if they had a site-obscuring fence and restrict the piles and keep the paper and cardboard inside the building there would not be any problem. He stated that he did not want to see a height limitation on the building of fifteen feet. Commissioner Nicholson asked Mr. Lashbrook if a party owned a parcel of land in the industrial park would the Commission see it. Mr. Lashbrook asked him if he meant was it an outright permitted use. Commissioner Nicholson said that was his question. Mr. Reif stated that it was the applicant's position on this recycling issue that in 16.32.010 that the words "processing, compounding, assembling and products made from previously prepared material such as cloth, plastic, paper, metal, wood would be recycling." Commissioner Nicholson stated that his reason for bringing up the issue was that the City does have other industries that have outside stockpiling. We potentially could have an auto wrecker want to come into the industrial park and if they wanted to stack cars the Commission wouldn't see it. Mr. Lashbrook said in the first part he was correct. Mr. Sowles stated that didn't think the applicant could pick up recyclable material with the garbage and that was what the application was all about. Commissioner Nicholson stated that the Commission had taken testimony on the whole operation and not just on the transfer station. Mr. Schrader stated that the applicant made the point that it was almost critical to the whole application that recyclables are a part of the operation. Commissioner McKibbin stated the Commission had agreed to discussion it later when it had been brought up. Mr. Westcott said that he didn't believe the stacks were much over fifteen feet in height and that it was the stacking that upset people, but recyclable material does not stack itself neatly. Commissioner Nicholson stated that on the basis of the discussion he would support a height limitation and the stock piling of materials is consist with what is allowed in the area. Vice-Chairman Schrader asked what height limitation the Commission wanted. Commissioner Nicholson stated he would like a maximum of 15 feet with setbacks. Commissioner Seale stated that he thought the setbacks should be from the property lines. Discussion with the applicant to see if this would allow him enough room to operate. Commissioner Seale stated that he would suggest a 12 foot fence with recyclables set back 30 feet from the fence. It was the consensus of the Commission to approve the suggested heights.

Vice-Chairman Schrader asked if there was to be any restrictions on glass. Commissioner Nicholson stated that the applicant should not have any more restrictions on glass piles than does Potter's Industries across Baker Drive. Vice-Chairman Schrader asked if the Commission wanted to put any restrictions on any other recyclable material. Commissioner Nicholson stated the Commission is working within an industrial zone and he wanted to be fair in the restrictions placed from parcel to parcel in the same zone. Commissioner Nicholson went on to say that he was very sensitive of the people who spoke and their concerns, but the Commission also has equity interest that must be recognized. Commissioner McKibbin stated that the Commission didn't want to restrict business until there was no business, but sometimes the Commission goes to far . . . Vice-Chairman Schrader asked about cardboard and tin cans and asked what were the Commission's wishes. Mr.

Kahut answered there would be a three sided structure for tin cans. Commissioner McKibbin stated that he had seen the one in Beaverton and it looked fine. Commissioner Nicholson stated that he was worried about oil. Commissioner McKibbin asked Mr. Kahut how he currently handled oil. Mr. Kahut stated that currently it is stored in a 500 gallon storage tank and then it is hauled away. Mr. Kahut explained that even taking the oil was just a courtesy for people as we get nothing out of oil. The people can't put oil just anywhere anymore. Mr. Kahut was asked if a gallon of used oil was placed with other recyclables would he be forced to pick up the oil. Mr. Kahut answered that he thought that by law he would have to pick up the oil. It was determined that a concrete base would be needed under the tank. Commissioner Nicholson asked if he could put the tank in the transfer station. Mr. Westcott stated that it would be very costly because as soon as he has a tank larger than 240 gallons, DEQ will insist the canopy or building have a sprinkler system, plus other expenses.

Vice Chairman Schrader asked if they would be dealing with any other recyclables. Commissioner Harmon asked about old tires. Mr. Kahut stated they were only allowed to store 150 tires and then they had to turn them in.

Commissioner Seale stated that a condition regarding any new law or change in law should be approved by staff.

Discussion of cardboard and newspaper and where they would be kept. (Unable to distinguish what was being said as all were talking at same time.) Commissioner Schrader asked where they would be kept and Mr. Kahut said outside. Commissioner Nicholson stated the cardboard and paper would not be baled. They should have their own three sided structure with a concrete pad.

Vice Chairman Schrader stated that he was uncomfortable with this proposal, as it seemed as though the Commission were making it up as they went along without alot of input. Mr. Schrader stated that he was not against recycling, but he was uncomfortable with the way the Commission was handling the transfer station application. He went on to say he was uncomfortable with those who have done nothing about recycling, making decisions about a recycling operation, which was new. Mr. Schrader stated the Commission had already listed six or seven categories of recyclable materials about which he claimed to not have knowledge. He does not have a staff report to give him information, but the applicant has supplied good information to the Commission. Commissioner Seale stated that it appeared to be an aesthetic issue. He went on to say this was nothing new, but the Commission hadn't had to handled it previously. Commissioner Harmon stated the Commission doesn't want to turn over a free-wheeling operation to the applicant.

Vice-Chairman Schrader asked how tin cans were to be handled. Commissioner Nicholson stated that it had been decided to use a three sided building with a concrete floor. Commissioner Nicholson stated that he thought there had been a suggestion that batteries had to be stored inside the building.

Mr. Reif asked if the Commission would give a description of the area covered by the Conditional Use. Mr. Lashbrook asked if they were going to be using the whole five acres or just the parcel at the south end. Mr. Reif informed the Commission that the applicant only wanted to fence the portion he will be using and not the whole five acres. Mr. Reif further stated that the southern portion would be 230 feet by 344 feet. Vice Chairman Schrader stated that the application that came before them as the southerly 230 feet of the tax lot. Mr. Lashbrook admitted to being confused as the applicant had spoken of the dumpster area being in the other part and surface requirements go beyond the 230 feet are spelled out. Mr. Reif heard one of the Commissioners ask Mr. Lashbrook if the recycling was an outright permitted use, and Mr. Reif expressed the opinion that the question should be answered. Mr. Reif further stated that his client was willing to do what was required for the conditional use for the transfer station. What he wanted to know was if the recycling was an outright permitted use. Vice chairman Schrader stated that it was his opinion that the Commission had denied the outright permitted use for a transfer station and for recycling. Commissioner Nicholson stated that he was not sure they had made that decision. Mr. Schrader stated then they must be getting into a new proposal. Mr. Schrader went on to say that the first order of business was to define the scope of the operation. Commissioner Harmon read a description of the property, which seemed to include the whole tax lot. Mr. Westcott stated that although a plot plan is required it was not available until the first night of the hearing and the plot plan shows the southerly 230 feet. Mr. Lashbrook stated that if the entire review and all the conditions are flagged to the southern 230 feet, the Commission had to realize was that at some point the Commission must go through the formal functions of whether it is a permitted use in the zone, for the remainder of the property. Commissioner Seale asked if this was a separate issue. Mr. Lashbrook stated that he had only wanted clarification. If it was clear they were only talking about the southerly 230 feet, that was fine.

Reif stated that when he applied for the transfer station, he did not realize he was also applying for a recycling station. Mr. Reif had considered recycling as an outright permitted use. Vice Chairman Schrader expressed the opinion the Commission should maybe go back into public hearing as he was not certain of how the public had understood the application. Mr. Reif stated that from the transfer station the subject of recycling "just kind of mushroomed." Mr. Lashbrook stated that during Mr. Reif's presentation he had spoke of limiting the application to the southerly 230 feet of the property. Mr. Lashbrook wanted to know what would be different in the public testimony, if the Commission called for a new public hearing. Commissioner Harmon asked if recyclables weren't still an acceptable use within the zone. Mr. Lashbrook stated that he issued an administrative opinion that recyclables are a permitted use within the zone, subject to appeal to the Commission. Seeing where the Commission was now, the question should be posed in writing and the City Administrator would respond in writing and notice would be given to property owners within 200 feet and told to respond to the Commission, or if the Commission makes the decision than it would be appealed to the City Council. Commissioner Seale stated that he didn't think the Commission should make the

decision. Mr. Lashbrook stated that if the Commission said this application was limited to the southerly 230 feet, there is still an unanswered question about the remainder of the property and that could go through a separate process. Mr. Reif stated that he was unsure of whether the restrictions applied to the southerly 230 feet or to the whole 5 acres. Commissioner Nicholson stated that any condition the Commission is attaching is to the transfer station and it is a conditional use and the Commission has alluded to and those conditions apply to a permitted use that is an associated use. He went on to say that the Commission should try and make a ruling on whether the recycling is a permitted use or not with a quasi-judicial process. Mr. Lashbrook stated the Commission could do that and then their decision becomes appealable. Commissioner Nicholson stated that it would be back before the Commission whether Mr. Lashbrook handled it or not. Mr. Lashbrook stated that it would not be a public hearing. Commissioner Nicholson expressed the thought that the Commission had already heard from the public their concerns. Mr. Schrader stated the Commission could go on with the process of conditions of operation and decide the size of the property the conditions pertained to at the end of the process. Mr. Schrader stated that since it was a five acre parcel we are now discussing the whole five acres. Commissioner Harmon stated that if you took a two or two and one-half acre parcel, then, that was all our conditions apply to. If the applicant starts recycling on the other portion of the property then it would be up to staff to create conditions for that parcel and they wouldn't necessarily comply with the conditions for the transfer station. Commissioner Seale stated that whatever the applicant puts a perimeter fence around, the conditions should apply to that area. Commissioner Nicholson stated there had been enough confusion, we should set the boundaries. He went on to say that if they included the whole five acres, this would best protect the City. Vice Chairman Schrader asked the Commissioners to read through all of the conditions to see if anything needed to be changed, since this was now a five acre proposal. Mr. Reif stated that he wanted clarification on one thing. The applicant does not intend to use the whole five acres, and he would rather fence the two and one-half acre parcel. Commissioner Harmon informed the applicant that he could fence all or any portion of the five acre parcel he wanted to, but the conditional use permit and conditions were for the entire parcel. Mr. Lashbrook stated that was so, if the use permit were issued for the whole five acres. Commissioner Nicholson stated that the conditions seem to apply regardless of the size of the property. Dr. Schrader referred to Condition #4 and asked if as the operation grew, the fenced-in area would be expanded to handle the growth. He went on to ask the wording of #2 second sentence. "It is not intended to provide nonrecyclable service to other than Canby and the area of Clackamas County as designated August 29, 1988."

City Administrator Lashbrook suggested the Commission get a motion seconded for approval of the application made subject to the conditions outlined pending review of the written conditions for final action. This would mean the appeal period would not start until approval of the written conditions and findings of fact.

Commissioner Harmon moved to approve the conditional use application for a garbage disposal transfer station subject to the 24 conditions as discussed tonight. Subject to review and approval of the draft of the conditions at the next meeting that these items are presented to the Commission. Commissioner Seale seconded the motion. Vice Chairman Schrader stated they should discuss the findings of fact on this application. It was the consensus of the Commission that the transfer station was compatible with the Comprehensive Plan Policy #1 and #2 Land Use. This is preferable to some other regional station or collection point. Public Facilities and Services Goal specifically states a transfer station. The application provides for energy savings. The application is consistent with Policies #2-R and #3-R of the Comprehensive Plan dealing with Pollution control Conditions 1, 5, 6, 9, 10, 11, 12, 13, 14, 18, 19, and 24 all of which deal with environmental issues. As for site suitability - the public facilities are in place, the subject property is located at the intersection of two city streets which have been designated as truck routes; subject property and immediately surrounding properties all zoned M-1 (light industrial); the site is level; the site is of sufficient size and rectangular in shape; and, the operation characteristics of the zone are other industries. Adequacy of public services - site has water and electric service available and sanitary service is available (pretreatment will be required). Site is located next to improved streets (in need of repairs) and the conditions applied will adequately protect the City's water. The effect on surrounding property - the proposed use is similar to industrial operations existing in the zone; and, the proposed development is not expected to hinder or preclude the development of other industrial property. The question was called for and the motion carried 5 ayes and 0 nays and 1 abstention (Lindsay).

This meeting has been recorded on tape.

Respectfully submitted,

A handwritten signature in cursive script, reading "Virginia Shirley".

Virginia Shirley, Secretary
Canby Planning Commission