

Canby Planning Commission
Regular Meeting
December 11, 1989

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

OTHERS PRESENT: City Planner Hank Skinner, City Attorney John Kelley, Public Works Director Rusty Klem, City Administrator Michael Jordan, City Recorder Marilyn Perkett, Secretary Virginia Shirley, Ken and Vivian Robinson, Evelyn Delker, Donald Bear, Debbie Barber, William D. Barber, Ramona Kennedy, Mel Moss, Lisa and Dirk Wilcox, Dave and Susan Seeley, Wade Wiegand, Jim Warren, Melissa and Virgil Stamps, Tom W. Pugsley, Pat and Dan Ewert, Robert Smith, Minnie Coon, Renee Wright, John Ellis, Jack Murray, Arlene and Laurence Landis, Mavourn and Kenneth Stuart, Ray E. Lawrence, Craig Shrman, Anthony and Caroline Buckleu, Judith D. Keeney, Sallie Pulafox, Beverley Warren, David and Darcy O'Connor, Deborah and Robert Baker, Darren Worthington, Edna Vosika, Lois and Steve Gustafson, David Grimes, Ed Busch, Marie Acherman, Barbara Busch, Sheila and Wayne Job, Bruce and Patricia Farmer, Kim Smith, Patty Longstreet, Karen Oliver, Art Seibert, Ginny Jones, Bonnie Brown, Darrell Dearing, Scott Wiesehan, Andy Ditommaso, Rich Kerringer, Andrew Kahut, Richard Garvey, Paul DuPont, Lois Larson, Pam Barrow, Earl and Sabina Oliver, and John Zieg.

Citizen Input on Nonagenda Items: Sean McVickers asked what progress had been made on re-writing the Comprehensive Plan. City Planner Hank Skinner stated that he would be finished in the near future and would submit the information to the Commission.

Mike Rinkus asked what was being done regarding the city's storm drainage onto his property. Mr. Klem stated that the City did have concepts, but still needed to have engineering done. Mr. Rinkus stated that because of the storm drainage onto their property, they were getting some flooding.

The minutes of the November 27, 1989, minutes were approved as present.

Item #1: Request for a Conditional Use Permit to construct a garbage transfer and recycling station on property located in the northwest quadrant of N.W. Third and N. Baker Drive and described as Tax Lot 1500, Map No. 3-1E-32DC. The property is zoned R-1, Light Industrial. The applicant is Canby Disposal Co., by Fred Kahut. The applicant is represented by R. Roger Reif, attorney. Commissioner Meeuwssen stated that she had listened to the tapes of the meetings held in 1988 on the transfer station. Commissioner Lindsay stated that he had a conflict of interest during the last hearings, but that conflict no longer existed. Mr. Lindsay stated further that he had also listened to the tapes of last meetings held on the transfer station. Commissioner Nicholson stated that he had spoken to others and read about the transfer station in the newspaper prior to knowing the Commission would be holding a new hearing on the item. Commissioner Harmon stated that he also talked to

others and read articles on the transfer station prior to knowing the Commission would hold a new hearing.

At this time, Vice-Chairman Schrader read the format for holding the public hearing portion of the meeting. Vice-Chairman Schrader also informed the audience that the meeting could only run until 10:30 p.m. as the cafeteria had to be closed by 11:00 p.m.

Staff Report

Mr. Skinner gave the staff report suggesting a legal description of the property be included on the page of conditions of approval. Mr. Skinner also submitted into evidence as part of the file the tapes from the hearings held in 1988, the legal notice, names of who was sent legal notice and the affidavit of mailing. Mr. Skinner stated the applicant had requested a two-year conditional use permit be issued at this hearing to allow adequate time for DEQ to take action. Mr. Skinner suggested to the Commission that they issue a one year permit; and, if the applicant was short of time on the permit, he apply for the second year by letter explaining his difficulty. At this time, the Commission could either grant or deny a second year of the conditional use permit. Mr. Skinner informed the staff report had mistakenly reported N.W. Third and N. Baker Drive to be arterials, when in reality they were collectors. The staff recommended approval of the application with 25 conditions.

Questions of Staff

Commissioner Lindsay asked where the "stop" sign would be placed. City Planner Skinner answered the "stop" sign would be placed at the intersection of N.W. Third and Baker Drive.

Commissioner Meeuwsen asked if it were part of the building official's job to inspect for compliance. Mr. Skinner stated that it was not part of his official capacity and that he (Mr. Skinner) would be accompanying him on these inspections.

Commissioner Nicholson asked who would monitor the conditional use. Mr. Skinner stated that it would be up to staff to monitor.

Vice-Chairman Schrader informed the audience that it was a concern of the Commission that the citizenry of Canby know how these matters are handled. He asked if the City needed to incorporate D.E.Q. conditions with the Commissions. Mr. Skinner stated that the D.E.Q.

report did not deal with site plan conditions i.e., circulation, landscaping, etc.

Commissioner Nicholson concerned by the sanitary sewer and pretreatment. Mr. Klem stated that all industries and businesses in Canby must follow pre-treatment regulations.

Vice-Chairman Schrader referred to two D.E.Q. reports, plus a letter from D.E.Q. Mr. Skinner explained that D.E.Q. had their civil enforcement process in place.

Vice-Chairman Schrader opened the public hearing at this time and called for proponents.

Roger Reif representing the applicant. Mr. Reif said his client was unable to get through D.E.Q., necessitating the application for a new conditional use permit. He explained they had submitted exhibits 1 through 6 into evidence showing their present location, a conceptual drawing of the new location, a larger building (4,800 sq. ft. previously and 35,000 sq. ft. presently) than had been presented the first time, and the enclosure of the entire building. Mr. Reif explained there would still be some material kept outside, but not nearly as much as had been proposed with the other application. Mr. Reif said that on occasion trucks were parked on the street, but that trucks from Johnson Controls and trucks hauling Christmas trees were also parked on the street. Mr. Reif said the applicant was willing to live with the conditions and to keep higher piles in the building. Mr. Reif went on to say that D.E.Q. had given the applicant a temporary permit to continue operating at his present location until a new conditional use permit could be obtained. Mr. Reif reiterated that the location was within an industrial zone. Mr. Reif said as for traffic, the applicant will use the streets the city says they may use. The only trucks that will be allowed on Baker Drive will be those picking up garbage on Baker Drive. Mr. Reif said he had visited other transfer stations and their was no odor, unless you were standing over the garbage. Mr. Reif entered into the record the letter from the Canby Utility Board dated December 8, 1989. Mr. Reif said as for landscaping, the city has no specific requirements as to the amount of landscaping needed. The applicant is willing to comply with whatever is requested by the City and D.E.Q.

Mr. Reif said the business was bound to abide by state law as recycling was a business. Mr. Reif read a letter from the N.W. Tire Dealers Association and submitted the letter as exhibit #10.

Dave Phillips, County Environmental Systems Enforcement Officer, stated that the building will enhance Mr. Kahut's operation and provide the citizen's of Canby with lower rates than other nearby localities. He explained that Canby was a service district for the South Clackamas area. Mr. Phillips went on to say that transfer stations can be operated with little or no impact on the area. The conditions proposed will eliminate any problems. K.B. Recycling had some litter and storage problem in Clackamas. The County has gotten cooperation from Fred and there has been no complaints since March, 1989. He will be making a vast improvement by putting his operation indoors, which will contain 90 percent of the operation.

Tom Pugsley, Chamber of Commerce, read a letter into the record and presented the letter for the file. This letter contained the results of a survey of Chamber of Commerce members taken regarding the placement of the transfer station.

Craig Chambers, of the Association of Oregon Recyclers, read a letter of recognition of Fred Kahut by the Association of Oregon Recyclers into the record.

Mike Rinkus stated that he had recently purchased some property from the railroad just across the street from Mr. Kahut's proposed operation. He stated that he had been opposed, but since learning of the larger building to be used he is now in favor of the conditional use permit. Mr. Rinkus stated that he would like to talk to city staff and Mr. Kahut regarding an alternative road, if traffic was going to be a problem.

Andy Ditommaso, 775 N.E. 31st Place, stated that he had visited his first recycling station some 17 to 18 years ago in Lake Tahoe, where there were homes abutting it. Mr. Ditommaso stated that Mr. Kahut's problem was lack of space. Mr. Kahut will be able to do a better job with more space.

Mr. Skinner informed the Commission that D.E.Q.'s allowance of 1500 tires on site was relatively small. Mr. Skinner went on to say that operations which he was familiar with have between 5,000 and 15,000 tires.

The meeting was recessed at 9:05 and reconvened at 9:17 p.m.

Vice-Chairman Schrader stated that since the meeting must close for the evening at 10:30 p.m., they should set a date for continue of the meeting. It was the concensus of the Commission to hold the second meeting on December 21, 1989, beginning at 7:30 p.m.

Rick Parish, 215 S.W. Washington, attorney for the opponents indicated that he felt that notice requirements under the new law were not followed. City Attorney John Kelley expressed the feeling that we had met requirements. Mr. Parish request an additional 20 days to submit rebuttal evidence on the basis that new exhibits were presented that need that much time to prepare a response. The City Attorney asked him to indicate a statutory basis for his request. Mr. Parish conceded he did not have statutory basis for his request, but contended that 20 days was a resonable time to be given. The City Attorney abutted that he should be prepared for rebuttal at the next scheduled meeting in 10 days..

Opponents:

Ginny Jones, 620 N. Baker Drive, presented letter into evidence from the City of Canby and Clackamas County. Each of these letters showed him in continuous violation because of insufficient landscaping or fencing. Ginny Jones also showed a video of the appearance of the Clackamas Recycling Station, his present site in Canby and his proposed site in Canby. This video film was also presented into evidence.

Virgil Lee, 695 N.W. Third, complained of the litter from the trucks into his yard. Mr. Lee presented a small plastic bagge of garbage he had picked up in his yard. All pieces appeared to be parts of batteries or battery holders.

Kim Smith, 955 N.W. Sixth, presented the Commission with a petition against the transfer station. This petition contained the names of 287 City of Canby residents.

Debbie Barber, 980 N. W. Sixth Avenue, represented the Eccles PTA Executive Council. Mrs. Barber read a letter of concerns into the record. The concerns of the Executive Council were the City's water supply, pests, diseases, traffic, used car bodies, and hazardous waste. Mrs. Barber also expressed concern for the preservation of our nearby historical sites.

After reading the letter, the letter was submitted into evidence.

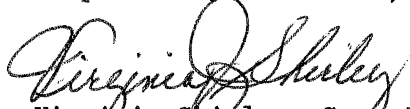
John Ellis, 654 N.W. Third Avenue, stated his concern for truck traffic access to Highway 99-E. He spoke of the traffic generated on N.W. Third Avenue between N. Cedar and N. Douglas, which is residentially zoned property. Mr. Ellis is also concerned about noise, odor, spilled litter and children riding bicycles.

Mr. Rick Parish, 215 S.W. Washington Street, Portland, attorney for a group in opposition to the transfer station. He stated that Mr. Kahut had a bad record and that he would ask to Mr. Kahut prove he can comply for one year before issuing any permits. Mr. Parish asked if the use (transfer station) applied to the zone - is it appropriate? Mr. Parish wanted to know how we protect the City's water supply; hours of Mr. Kahut's operation; and, if dropboxes were going to be allowed on the street. Mr. Parish submitted a copy of a letter that Mr. Harmon had written to D.E.Q. in support of Mr. Kahut's project.

Vice Chairman Schrader continued the public hearing until December 21, 1989, at 7:30 p.m., as it was 10:35 p.m. and the Knight School Cafeteria had to be closed.

This meeting has been recorded on tape.

Respectfully submitted,


Virginia Shirley, Secretary
Canby Planning Commission