

Canby Planning Commission
Special Meeting
December 21, 1989

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

MEMBER ABSENT: Commissioner Kahut

OTHERS PRESENT: City Planner Hank Skinner, City Attorney John Kelley, Secretary Virginia Shirley, Public Works Director Rusty Klem, Don Bear, Dirk and Lisa Wilcox, Ron Tatone, Jim Myron, Jim Jones, Richard Woodworth, Maynard Nofziger, Don Smith, Ed and Barbara Busch, Robert J. Smith, Jim and Bev Warren, Judy Kenney, Edward Kersting, J. A. and Emma Kahut, Ginny Jones, Pat and Dan Ewert, Ramona Kennedy, Susan Seeley, Sandy Rother, Lois Larson, Minnie P. Coon, Sean and Barbara McVicker, Cindy and Mel Moss, Anthony and Caroline Backlew, Rudolph Colliander, Dave L. Seeley, Bruce and Patti Farmer, David Grimes, Chris Kellehev and Walt Daniels.

CONTINUED public hearing on the proposed transfer and recycling station to be located at N.W. Third Avenue and N. Baker Drive on property described as Tax Lot 1500, Section 32DC, T3S, R1E. The applicant is Fred Kahut. Commissioner Harmon stated that he had drafted a letter to DEQ when they held their public hearing on the transfer station and he felt stating a position in favor of the application and that it was in the best interest of the Commission and the public that he declare a conflict of interest and step down from his seat on the Commission.

Vice-Chairman Schrader informed the audience that the Commission would continue to hear public testimony from opponents of the proposal.

Cindy Moss, 750 N. Ivy Street, read the letter to the Commission from Bob Rapp, C.U.B., and submitted a map, and drawings from the "Water Resources Board" dated in the early 1960's. Ms. Moss further stated that she had spoken to a D.E.Q. representative who had stated that they will not allow Mr. Kahut to have drywells. She had further talked to the City of Gladstone and stated they told her that the applicant should use plastic pipe rather than concrete. Ms. Moss spoke of the transfer station in Forest Grove and made a comparison between the two. Ms. Moss continued by informing the Commissioners of possibility of fire in the pile of old tires that will be stored on the premises and how hot they burn. Also, she spoke of tires in relationship to insects and rodents and the breeding possibilities. Ms. Moss went on to say that Canby High School had to have an exterminator, due to an ant problem. Finally, Ms. Moss spoke of odor, and the prevailing winds carrying it throughout the City.

Dan Ewert 596 N. Baker Drive, spoke of the refuge and the fact that Mr. Kahut was operating with a temporary permit from D.E.Q. Refuge was spilling over the bank at his present location. Mr. Kahut had a conditional use permit issued by the City in September, 1988. As he wasn't able to get the transfer and recycling into operation he had re-applied for a new conditional use November 16, 1989. During the year, Mr. Kahut had only met one of the 25 conditions of approval placed on the first conditional use approval. Mr. Ewert went on to say that during the spring clean-up day, people had brought their trash/garbage to the proposed site. Mr. Ewert quoted figures on the amount of traffic that will be using Baker Drive. Mr. Ewert stated that Johnson Controls was a noisy operation and didn't feel that the neighbors wanted any more noise. He added that as for the odor, Johnson Controls has a very distinct odor which is bothersome to the neighborhood.

Mr. Ewert stated that in the conditions of approval he would like to bring up the following: there is no assurance that Mr. Kahut will get a permit from D.E.Q.; the transfer station will be open to the public for recycling; the fencing required is 8 feet in height and he will be able to stack materials 12 feet high; the sewer system is already overloaded; drywells - what will they contain? Mr. Ewert stated that he had visited the City's water system and was now familiar with how it worked. It was Mr. Ewert's opinion that the ground should be covered with plastic and then paved, so no hazardous material allowed on the site could cause a spill. Mr. Ewert stated further that all of the drop boxes should be leak-proof and that vector control would not be necessary if the transfer and recycling station were properly run. Mr. Ewert went on to say that it was his opinion that the Berg Parkway location should be abandoned if given a conditional use for the new location. The City should hire someone to inspect the operation of the recycling and the transfer station every two months, and the water supply should be inspected monthly. Possibly the Canby Utility Board should send their operators to school in order that they can do the proper testing. The city streets should be inspected periodically for wear and litter. Cardboard should not be stacked over 8 feet in height and removed as soon as possible, as it is a good nesting place for rodents. Mr. Ewert said that as for expansion - expansion fees should be paid. The plans submitted were merely conceptual and were not fair to anybody. In Mr. Ewert's opinion, Canby can use a small recycling station about the size of the Berg Parkway operation.

Dirk Wilcox, 685 N.W. 4th Avenue, stated that D.E.Q. is not liable for the applicant's actions and the applicant can hire/lease as many trucks for recycling as he can use. Mr. Wilcox went through Schedules A, B, and C, of the letter from D.E.Q. Mr. Wilcox asked who would pay the bill for cleanup if hazardous materials were found.

Pat Ewert, 596 N. Baker Drive, read a letter from Terry Curry, Clackamas County Planner explaining why he had a letter in the original file and two recommendations for the new application. Mr. Curry has recommended a "traffic impact study" and that the conditional use be renewable or be periodically reviewable for compliance. Mrs. Ewert spoke of the goals in the Comprehensive Plan and the lack of fencing at the Berg Parkway site. Lastly, Mrs. Ewert read a letter in opposition from Steve and Lois Gustafson into the record.

Chris Wilcox, 685 N.W. 4th Avenue, stated that the site selection was a negative one as it was too close to residential housing and schools; Mr. Kahut's operation was a sloppy one at the present site and presumed it would also be at the new site; and stated the criteria for leak-proof construction of a drop box. Ms. Wilcox was worried about the risk of contamination of the City's water supply and asked what impact there would be on the sanitary sewer system. She wanted to know the type of monitoring that would be done on the water and sanitary sewer. She ended by asking for denial of the application.

Judy Keeney, 768 N. Baker Drive, was concerned about the many unknowns regarding the water quality, the ability of Mr. Kahut to clean up his act at the new transfer station. Ms. Keeney proposed the citizens of Canby use the transfer station at Oregon City.

Sean McVickers, 1484 N. Locust, asked who would have responsibility for inspection; what the inspection standards would be; asked that drop boxes be leak-proof because of paints, detergents, paint thinner, etc. that could contaminate the drinking water. Mr. McVickers also wanted to know the effects on future generations, and the fish runs of salmon and steelhead. He further stated that the Molalla River was seventh in the state for winter steelhead runs. Mr. McVickers went on to say that through the years Canby has stressed growth, but now Portland and Milwaukie are trying to reclaim their waterfront. He asked why should Canby lose their waterfront.

Lois Larsen, 784 N.W. Third Avenue, informed the Commission that she had paid an L.I.D. (Local Improvement District) for the

building of N.W. Third Avenue. Since the street building job was expensive, she asked who would pay for the wear and tear on the streets from trucks.

Don Smith, 10253 S. Kraxberger Road, read a letter into the record from himself and a letter from Patty Longstreet regarding the Chamber of Commerce survey. Both of these letters are part of the file.

Mr. Ron Tatone, 1127 N. Locust, told the Commission he had lived in Canby since 1942, and that his family had owned property here since 1937. Mr. Tatone stated that Mr. Kahut was very interested in the church, city and community. He went on to say that if you place the transfer/recycling station out of town the effluent can't go into the City sanitary sewer. Mr. Tatone stated that in the 1950's, state funds were used to build a heavy duty road on N.W. Third Avenue. Mr. Tatone said that he believed that people buy homes in areas having lower property values and then expect to change them. Mr. Tatone stated that with all the means and knowledge available to the City, they certainly can protect the water system. The transportation system has already been taken care of.

Roger Reif, attorney for applicant, stated that he would address eight points that had been made. 1) The pictures showed the need for additional facilities. 2) Landscaping would be done. 3) Leak proof containers were required. 4) Complaints regarding the 25 conditions placed on the last conditional use not being kept. He stated that since the applicant hadn't been able to complete No. 1, there was no way he could fulfill the balance of the conditions. 5) The applicant intends to limit materials placed on the property. 6) Water - Mr. Reif stated that they didn't know what more they could do to protect the water. 7) Mr. Reif explained how a change of ownership had caused Mr. Kahut to move and that he hadn't been evicted. 8) Mr. Reif stated that Mr. Curry had not read the findings of fact dated September 8, 1988. Mr. Reif said that numerous changes had been made in the plans and the applicant was not in a position to have final drawings made. D.E.Q. can change the plans, and the City requires a site plan review.

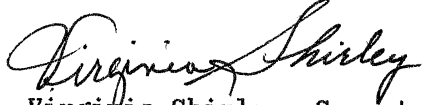
Planner Skinner read an addendum to the staff report and added five additional conditions to the already proposed twenty five.

Vice-Chairman Schrader closed the public hearing portion of the meeting and informed the audience that the Commission would take up deliberations on this matter January 15, 1990, at 7:30 p.m.

The meeting adjourned at 10:43 p.m.

This meeting has been recorded on tape.

Respectfully submitted,

A handwritten signature in cursive script that reads "Virginia Shirley". The signature is written in dark ink and is positioned above the typed name.

Virginia Shirley, Secretary
Canby Planning Commission