

MINUTES

CANBY PLANNING COMMISSION  
SPECIAL MEETING  
January 15, 1990

1. ROLL CALL:

Present were: Chairman Schrader, Commissioners Wiegand, Meeuwssen, Bear, Lindsay, Nicholson and Zieg

OTHERS PRESENT: City Planner Hank Skinner, City Attorney John Kelley, Secretary Virginia Shirley, Dan and Pat Ewert, Ginny Jones, Roger Reif, Fred Kahut, Ron Tatone,

2. MINUTES:

(A) Planning Commission Minutes of January 8, 1990 and December 11, 1989.

The minutes of the January 8, 1990, and December 11, 1989, meeting were approved as presented.

(B) City Council Minutes of January 3, 1990

The City Council Minutes of January 3, 1990, were received without comment.

3. COMMUNICATIONS:

(A) Proposal for Northwood Estates.

The City Planner provided the Commission with copies of the Northwood Estates proposal, schedule for hearing on February 12, 1990.

Chairman Schrader mentioned that he appreciated receiving this particular proposal well in advance of the scheduled hearing.

4. UNFINISHED BUSINESS: None

5. BUSINESS FROM THE AUDIENCE:

Pat Ewert suggested that items coming before the Planning Commission be printed in the newspaper or included with the C.U.B. water billings. City Planner Skinner stated that all public hearings are Noticed in the paper at least once and that usually an article also appears in the paper. Mr. Skinner indicated that he would continue to make sure adequate notice of upcoming hearings were in the paper.

6. PUBLIC HEARINGS:

(A) 09-CUP-89 CONTINUED hearing on the Conditional Use Application from Canby Disposal Co., to locate a Solid Waste Transfer Station and Recycling Center on property identified as Tax Lot 1500, Tax Map T3S, R1E, Section 32DC, located at the N.W. corner of N.W. Third and N. Baker Drive.

Chairman Schrader stated that since we had three new members on the Commission since this item was last heard, the new members should state how they had prepared themselves and if there were any conflicts.

Commissioner Zieg stated that he had listened to the tapes of the meetings in 1988 and had attended the Planning Commission meetings December 11, 1989 and December 21, 1989. Further, Commissioner Zieg stated that he had not had contact with anyone concerned with this application.

Commissioner Bear stated that he had listened to the tapes of the meetings in 1988 and had attended the Planning Commission meetings December 11, 1989 and December 21, 1989. Commissioner Bear said he had no contacts to his knowledge.

Commissioner Wiegand stated that he had listened to the tapes of the 1988 meetings. Commissioner Wiegand went on to say that he had personal contacts with Neighbors Against Garbage (N.A.G.) prior to his appointment to the Planning Commission. Commissioner Wiegand stated that he had attended the meetings December 11, 1989, and December 21, 1989.

Roger Reif, attorney for the applicant, challenged Commissioner Wiegand retaining his seat on the Commission when he had testified in opposition at the Department of Environmental Quality (D.E.Q.) hearing and had signed letters as a member of N.A.G. Mr. Reif went on to say that he thought that Commissioner Wiegand had also written a letter in opposition to the editor of the local newspaper.

Commissioner Wiegand stated that he had testified or he had questioned D.E.Q.'s ability to oversee management of the site, and that his name was associated with a letter from the neighborhood group known as N.A.G. However, he would be able to make his decision based on the facts and felt it was his duty to serve on the Commission.

Chairman Schrader asked the Commission if any of them had an any objection to his continuing to keep his seat on the Commission. Each Commissioner answered "no" and Commissioner Wiegand held his seat.

Commissioner Schrader asked the Commission to begin the discussion of the application before the Commission.

Commissioner Bear

Asked if the M-1 zone was the appropriate zone for a transfer station.. He then stated that he felt the transfer station belonged in a M-2 zone. Com. Bear went on to say that he felt the application did not meet the criteria. Com. Bear stated that he had talked to Metro and they could and would be happy to take Canby Disposal's waste at a cost of about \$44.00 per ton.

City Planner Skinner

Stated that he had also spoke with Mr. Jim Watkins Metro concerning this subject and learned that Mr. Kahut had the option of hauling his garbage to three different locations: (1) The Marion County Mass Burn facility at a rate of approximately \$55.00 per ton, (2) The South Metro Transfer Station at a rate of \$44.75 per ton, and (3) The River Bend Land fill near McMinnville at a rate of approximately \$34.62 per ton. Mr. Skinner further learned that the rates at the South Metro Transfer facility and at the River Bend land fill would be increased soon. Mr. Reif stated that Mr. Kahut only paid River Bend \$25.00 per ton. The City Planner explained that he had learned from Mr. Jim Watkins of Metro who had explained they will soon be siting another transfer station in South Washington County, either in Wilsonville or Tualatin.

Mr. Skinner further stated that Com. Nicholson had asked him to check on a statement made by a Portland fire chief, that it was crazy to locate a transfer station next to a battery factory. Mr. Skinner stated that he had been unable to determine which Portland fireman had made the statement, but that he had contacted Fire Marshal Jack Stark who informed him that the buildings would be separated by more than 400 feet and N. Baker Drive. Mr. Stark went on to tell him that Johnson Controls (battery factory) was sprinklered and that the transfer station would also be sprinklered. Mr. Stark informed Mr. Skinner that danger of fire leaping from one building to the next was very low.

At this time, Mr. Skinner informed the Commission that he had provided them with

additional information submitted by the December 28, 1989, deadline.

**Wes Nicholson**

Stated that the comments on location, generally location, and suitability of location within the City cannot be addressed. The application is site specific. Com. Nicholson continued by saying that he felt this was a special situation as the City would only be siting one transfer station. Com. Nicholson stated that in his opinion this application did not meet the criteria for a conditional use. He cited several passages in the Comprehensive Plan to substantiate his opinion.

**Com. Meeuwssen**

Asked to see a copy of the plot plan which had been submitted. The City Planner showed her and the remainder of the Commission the plot plan, indicating the lack of correct measurements.

**City Planner**

Explained that lengths and measurements shown on the plot plan were neither accurate or to scale and that the Commission should deal strictly with the Conditional Use. Mr. Skinner explained that he had added a proposed additional condition enabling the City Staff to do a more comprehensive site plan review.

**City Attorney Kelley**

Explained to the Commissioners that they should deal with the Conditional Use using the standards and criteria for approving or denying. He then read from that section of the Municipal Code dealing with the standards and criteria.

**Com. Nicholson**

Stated that he was still concerned about how the applicant intended to dispose of ground water and sanitary sewer water.

**City Planner**

Reminded Commissioner Nicholson that the proposed conditions of approval had either six or seven different conditions relating to the disposal of on-site water.

**Com. Nicholson**

Stated that outside drainage can't go into the sewer facility.

**City Planner**

Explained that drywells will probably not be allowed, due to the storage of numerous items including "white goods." He noted,

however that the approval given in 1988 called for the drop boxes to be stored on gravel.

Com. Bear

Informed the Commissioners that he had been to Metro and talked to Gray Transports. Gray's has no top loading trailers, they use only end loading trailers so nothing can get out on the road. Com. Bear said they told him there is no such thing as a leak-proof container.

Ron Tatone

The civil engineer working for the applicant. Mr. Tatone stated that inside the building will be concrete, and outside the building rainfall will run through grating to catch basins on the surface to pollution control manholes. He went on to say that since Canby does not have a storm sewer system, they will have to design there own to meet the City's requirements.

Com. Bear

Asked what would happen if the concrete floor cracked, stating that even reinforced concrete will crack.

Ron Tatone

Informed Mr. Bear that they can design floors that will hold up. He then spoke of other places where it had been necessary to be careful.

Chairman Schrader

Reminded the Commission there were many other issues raised at the public hearings, that need to be discussed.

Com. Meeuwsen

Asked if the City had an alternative truck route.

City Planner

Assured the Commission that alternate truck routes will develop in the future. He said he had spoken to the State Highway Dept., recently about new accesses between Highway 99-E and the City's northwestern industrial area.

Com. Lindsay

Questioned that based on the evidence, questions and information, the advice the Commission has had, the lack of an adequate plot plan (30,000 square foot building which is not shown), inaccurate information, and the characteristics of the property; will this site be of adequate size to handle the transfer of

garbage for 20,000 people? He said that the applicant had spoken of the Forest Grove transfer station and how it smelled of methane gas - the Planning Commission received nothing from the Fire Department. He further noted that no restrictions had been put on the truck route. He felt the Planning Commission needed an operations plan. He expressed the feeling that they should either deny the request or reopen the public hearing.

**Roger Reif**

Stated that if he had said the Forest Grove transfer station smelled of methane gas, he was wrong. He further stated that he was not sure what had been said.

**City Planner**

Agreed that the applicant needed some type of operations plan, including items such as the number of trucks that will use the site, the hours of operation, and the scope of the operation.

**Com. Bear**

Asked about noise requirements.

**Chairman Schrader**

Remembered that there had been no noise complaints from the transfer station at Forest Grove, when the Planning Commission heard the application in 1988.

**Com. Nicholson**

Stated that the Planning Commission addressed noise at a previous hearing and there was no way of monitoring the noise.

**Com. Zieg**

Stated that he was concerned about truck traffic, potable water, and the possible use of concrete pipe versus PVC pipe for sanitary sewer line.

**Com. Meeuwsen**

Made the comment that the DEQ had stated that the present site will have to be abandoned.

**Mr. Kahut**

Stated that they might use the site for another purpose, but that it would not be the present use.

**Com. Bear**

Asked how much water is going to be used. He stated the sewer treatment plant has almost reached capacity.

**Mr. Klem**

Informed the Commission that the treatment plant was running at about 70 percent of capacity. He went on to say the treatment

plant was capable of monitoring the transfer station fairly easily. That this would be the type of collection system where staff can tell them when to release.

Com. Bear Asked who would test the water samples.

Mr. Klem Stated that the City's Sanitary Treatment Plant Operations Ordinance gave the authority to the Public Works Director and if he can't do it, the City has the right to send the sample to a private lab at the owner's expense.

Com. Wiegand Asked if Mr. Kahut's Milwaukie plant was a conditional use or an outright permitted use.

Mr. Kahut Answered that it was an outright permitted use.

Com. Wiegand Asked how high they were allowed to pile recyclables.

Mr. Kahut Answered that they were allowed to pile two feet above the fence for short periods of time.

Com Wiegand Was concerned with the different types of traffic. He asked if the Commission could limit the times of travel.

Com. Bear Stated that this was poor site selection and the application doesn't meet the four criteria.

Com. Nicholson Said the location and suitability are not our priority, but he doesn't feel this is the best site.

City Planner Said this application passed by motion in 1988, and that this was a conditional use application.

City Attorney Explained the 1988 decision.

Chairman Schrader Stated that the criteria must be addressed.

Com Bear Expressed the opinion that the application did not meet the Comprehensive Plan siting 3-R, 2-R, and 6-C.

Com. Nicholson Said he was concerned about groundwater, surface water pollution, and the drywell situation.

Com. Wiegand Stated that the application if approved, would work against attracting other commercial development and economic development.

Com. Lindsay Stated that in his opinion there was not enough evidence that the water won't be polluted.

Com. Meeuwsen Stated that she hadn't seen anything in writing to prove there would be no harm to the public water supply.

Com. Lindsay Stated the question was still in his mind if this transfer station and recycling plant would handle the garbage of 20,000 people.

Com. Wiegand Was concerned because the Commission doesn't know the actual design.

Com. Nicholson Was concerned about the proximity to the rest of the neighborhood and the City water supply.

Com. Lindsay Stated there was no evidence to indicate the Canby Fire Department could adequately protect the City in case of fire.

Com. Bear Stated that in his opinion there would be no fire protection.

Chairman Schrader Expressed the opinion that the fire protection is a valid concern.

Com. Nicholson Stated that the City does not have an appropriate and adequate truck route and lacks sidewalks.

Com. Meeuwsen Stated the City is understaffed and under budgeted to handle monitoring of this operation.

Com. Nicholson Said there was no evidence the City can enforce the conditions they have suggested be placed on the application.

Chairman Schrader Stated that the Commission seemed to be having trouble with Criteria "A," "B" and "C" and maybe "D." He said the chair



would entertain some sort of a motion at this time.

Com. Bear

Moved to deny the conditional use on the grounds that it does not meet all the criteria and standards as brought forth in our staff report.

City Attorney

Asked Com. Bear to continue and make detailed findings of fact. The City Attorney told Com. Bear that he could make the findings of fact or ask the Staff to do the findings of fact and bring them back to the Commission for approval, change or modification.

Com. Bear

Stated that he would add that the Commission did not have sufficient evidence presented to substantiate all of the findings that were brought forth in the staff's report.

City Attorney

Informed Com. Bear that the motion needed to be expanded to include what evidence was lacking or how the information needed to be expanded.

Com. Bear

Stated that the Commission does not have sufficient evidence that the City's water quality will be protected. He stated there was not sufficient data on the impact of the additional traffic not only in that area, but along the route. He further stated the Commission does not have sufficient evidence to show the type of plant to be built.

Chairman Schrader

Stated that the Commission should confine themselves to the criteria discussed, as there were many good points brought out. Staff could refer to the discussion on the criteria which was based on the public testimony as well as previous hearings. They would in turn bring the findings of fact back in a more formal manner. He felt that by having staff develop the findings for denial, the Commissioners decision would be on sound legal footing. He then asked if that would be acceptable to the motion maker.

Com. Bear

Stated that he wanted to get all the facts into the motion concerning the inadequate amount of facts.

Com. Nicholson

Seconded the motion.

Chairman Schrader

Called for a roll-call vote on the motion. The vote was unanimous to deny. Chairman Schrader at this time informed the audience that the findings of fact would be presented to the Commission at their meeting on February 12, 1990, and the Commission will then vote to either accept the findings as presented or send them back to staff to be reworked.

7. REPORTS: None


8. BUSINESS FROM THE COMMISSION: None

9. ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 10:15 p.m.

This meeting has been recorded on tape.

Respectfully submitted,

  
Virginia Shirley, Secretary  
Canby Planning Commission