

**MINUTES**  
**CANBY PLANNING COMMISSION**

**APPROVED**

**Regular Meeting**  
**December 12, 1994**  
7:30 p.m.

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**I. ROLL CALL**

Present: Chairman Schrader, Vice-Chair Mihata, Commissioners Elliot, Ewert, Gustafson and Maher.

Staff Present: Robert Hoffman, Planning Director; James Wheeler, Assistant Planner; Steve Hanson, WWTP Supervisor; and Joyce Faltus, Secretary.

Others Present: Herb Carter, Derek and Pat Hills, Rick Bair, Larry Fitzgerald, Lonnie Robinson, DonnaJean and John McManamon, Chuck and Pam Walker, Bill and Donna Dickinson, Rachel Hubbard, Chris Kelleher, Roger Reif, Larry Boatright, Rick Winterhalter, Gertrude Thompson, Dianne Yates, Vince Pavlicek, Larry and G. Horne, Cliff Beace, Andy Kahut, Maryann Maples, Tim Maples, Dean Steelman, Glenn Turner, Ed Semperboni, Betty Foster, Nancy Kahut, James Kriegshauser, Dwayne Jones, Belva Clark, Joan Jones, Verla Krebs, Waldemar Krebs, Steve Sather, Darin and Ronnie Meisenheimer, Don Hopkins, Charles Mangan, Kathy Smith, Valerie Blair, Debbie Bell, Tom Nolan, Hope McEvoy, Leon Sampsel, Emma Kahut, Jenny Kahut, Kent Thompson, Barbara Blair, James A. Bergen, Jr., James A. Bergen, Sr., Gene Olmstead, Terri Olmstead, Bob Tackett, Annette Kraus, Steve Kraus, Cory Hansen, Josie Hansen, Jan Love-Coycle, Brent and Elynor Pavlicek, Karen Haynes, Earl Tackett, Christine Kloser, David Hauser, Cheryl Hauser, Mark A. Wheeler, Carole Wheeler, Barb Kirwan, Don Smeback, Alan and Jenny Peterson, Steve and Lisa Jessop, Troy Nelson, Scott Sanders, Doris Becker, Mary Chiaroni, Richard D. Ball, Donald A. Pierce, Jeff and Deanna O'Neil, Karen and Carlin Jackson, Chris Harvey, Todd Bayless, Howard and Loyd Alice Lowrie.

**II. MINUTES**

The minutes of **November 14, 1994** were approved as corrected.  
The minutes of **November 28, 1994** were approved as corrected.

**III. CITIZEN INPUT ON NON-AGENDA ITEMS**

None

**IV. COMMUNICATIONS**

Dr. Schrader directed the Commission's attention to two communications: a draft letter to City Council regarding the traffic light at 13th and S. Ivy, which indicates Commission support of signalization at that intersection, and a draft letter regarding delayed annexation. Chairman Schrader suggested that the item "delayed annexation" be brought up at the next Council meeting, under "Citizen Input on Nonagenda Items," adding that he would be happy to attend that meeting to answer any questions Council might have. Commissioner Ewert stated that he would like the letter regarding the traffic light to include the fact that the Commission is greatly concerned about this issue, as are many Canby citizens.

Chairman Schrader suggested that on the next Commission meeting that includes 'Commission Discussion of Planning Issues,' he would like the discussion to include each Commissioner's concerns regarding school capacity.

**V. FINDINGS**

None

**VI. OLD BUSINESS**

Regarding the landscaping issue at Village on the Lochs, Mr. Wheeler explained that what Dave Nelson is now proposing for individual lot landscaping is considered appropriate by staff, but staff would like clear direction from the Commission that it is acceptable before it is implemented. The Commission discussed Mr. Nelson's proposal which is based on a ratio of shrubbery to the amount of barkdust. A motion to approve Mr. Nelson's proposal failed. Another motion, to permit Mr. Nelson's proposal, so long as it continues to require a minimum of 100 square feet of shrubs, with the shrubbery increased as barkdust is added, passed 4-2.

material enabled Canby and KB Recycling to provide the most aggressive, least costly, recycling opportunity in the region. As Canby grows, State law guides the City towards a more aggressive waste reduction program, and one of the elements that can be used towards this goal is an enhanced education program. This transfer station can provide a first-rate waste prevention educational showcase for the local school children. In one field trip, children can see the way material is separated for recycling for industrial America, while the same material that is not separated ends up in a hole in the ground, lost to productive use, benefitting no one.

**Rick Bair, 585 N. Pine**, stated that he is a member of a 4-wheel drive club that goes out once a year to do clean-ups in the woods and in the wilderness canyons. Last year, 32 trucks and trailer loads of garbage were pulled out. Places like KB take the material from the club and recycles it. Not only are the woods cleaned up, it is an opportunity to teach children what recycling is all about, he added.

### Opposition

**Brad Gerber, 1282 S.E. 11th Loop**, acknowledged that recycling is a very important part of the community's development and growth, is a very needed resource, and greatly contributes to the community. Further, Mr. Gerber stated that the length of residency and contribution to a community are not grounds for approving or denying an application. The applicant has gone to great lengths to address the concerns of neighbors and nearby property owners. Mr. Gerber expressed his concern that promises made now, might not be enforced later. He added that he would like the enforcement procedures addressed. The applicant has responded to concerns about traffic conditions by stating that trucks will be limited to certain roads and entrance into the facility on 4th Avenue. Should those assurances be violated, Mr. Gerber asked how it would be enforced. He asked how it would be determined if garbage remained on the premises longer than 24 hours. Additionally, Mr. Gerber questioned how the applicant could ascertain that no smell would be associated with the projected use. He stated that even if the garbage was removed in 24 hours, it would be constantly and consistently replaced with new, incoming, solid waste. Concern was also raised about the anticipated noise level, which is estimated to be at 70 dbs, equivalent to a lawn mower at close range. He asked the Commission to consider if they would like their children's' study time interfered with by such a noise level. The statement by the applicant that appropriate measures would be taken to eliminate potential problems with rodents, flies, and birds, is an admission that such nuisances will exist within 1,000 feet of the nearby Trost Elementary School. Regarding the criteria for approving the application, Mr. Gerber questioned how the proposed use

would not alter the character of, or preclude the use of the Trost Elementary School

**Kathy Smith, 554 S. Knott**, addressed her concern with the increase of traffic on Township and Ivy. She questioned if traffic would be going down Ivy to 99-E to Redwood, or if the trucks would turn on Township, increasing the traffic congestion that already exists at that intersection. Ms. Smith also addressed her concern with the safety issue due to having no traffic signal at Redwood, especially with the added congestion from the addition of the mobile home park on S. Pine, which will add more children to the area. Additionally, Ms. Smith questioned how high the berm around the site would be, and whether it would hide the use.

**Herbert Carter, 1368 SE 10th Avenue**, stated that he has a considerable investment in his home and he would not have purchased a home in Valley Farms 3 if he knew the Recycling Center at the proposed location was even a possibility. Mr. Carter also questioned why he wasn't notified of the proposal even though he lives more than 100 feet of the site. He felt that as a citizen of the community, paying \$2,400 a year in property taxes, he should have been notified. He asked if the Commission could guarantee the Recycling Center would have no adverse affect on his property value.

**Tom Nolan, 165 SE Walnut**, stated that he appreciates the fact that Mr. Kahut leaves the gate open at the present facility so people can leave recyclables there at their convenience. Mr. Nolan concurs that the present facility does need room for growth, but he is not in favor of locating it in the industrial park area across from Trost Elementary School. Mr. Nolan stated that he recalls that when Mr. Kahut originally purchased this property, he had stated it was only purchased as a maintenance complex to service his business vehicles. Since that time, the residential area has grown tremendously, and a school has been built nearby. Mr. Nolan referred to a meeting he attended regarding plans for the Logging Road as a bike path, equestrian path, and jogging path, and this site, as a recycle center would not enhance those plans at all, he stated. He compared the recycle center in Oregon City to this one, pointing out that it is not located in a residential area, with schools close by. The City should help KB find a different location, which is not so offensive to the residents, he added. Mr. Nolan also questioned how long this Transfer Station would be able to meet Canby's future needs, and whether it would have to be expanded, or another location added, perhaps, in the north section of town. The only reasonable solution to this problem would be to relocate it next to the water treatment plant, thereby insure the liveability image of Canby.

**Larry Boatright, 1370 SE 12th Loop**, member of Trost PTA, stated that he is opposed to the Transfer Station at this site. Regarding traffic concerns, he explained that although traffic is supposed to be routed from 99-E, since it is a straight shot in off of Redwood, from Township, that will become the eventual route. Another concern is the groundwater contamination from rodents. Further, Mr. Boatright stated that Canby has not grown that much that the transfer station in Oregon City, 10 miles away, couldn't handle Canby's waste. An additional concern is the issue of monitoring the violations. If the conditions are not met, a bond would not help the nearby residents deal with the problems that would permanently result. Mr. Boatright asked that the hearing be continued so those who recently found out about the application would have time to develop their arguments and to organize themselves.

**Valerie Blair, 564 S. Knott**, stated that she is Vice-President of Trost PTA Executive Board and is representing the board, opposing the application. She requested more time to get more information and facts. Ms. Blair questioned why the PTA Executive Board was not notified of the application from the onset. Additional concerns include: truck traffic on Township, which is hazardous to children walking to school or riding bicycles to school in the early morning; the intersection of Ivy and Township; and not getting the requested information from the City regarding previous meetings on this issue. Based on these concerns, Ms. Blair requested an extension in order to gather more facts on environmental issues, health and safety issues, and issues regarding property values.

**DonnaJean McManamon, 525 SE 7th Place** commented on a remark made by a proponent at the last hearing, that this would be a great opportunity for Canby to have the Recycling Center located on the south side of town. Ms. McManamon questioned why it is better to have it located on the south side of Canby, rather than the north side, where that proponent lives. The applicant painted a picture of a light industrial use, where the garbage would be picked up, loaded in trucks and hauled away, and where everything takes place within the sealed confines of the building. Testimony has shown that recyclables will be stored in large boxes for an undetermined time until they are filled or the prices go up and profits will be greater. At the last presentation, the applicant requested that the garbage be allowed to remain on the premises for up to 72 hours every weekend. Ms. McManamon stated that she expects the applicant will soon return with requirements from DEQ to pick up yard debris, requesting to expand on the abutting 5 acres. Locating this use in a Light Industrial area, near a school and residential neighborhood is not wise planning, she added, but persecution of the worst kind, forcing people to breath the stench that comes from standing garbage. Ms. McManamon requested the Commission deny the application. If it is

approved, she asked that no garbage be permitted to remain on the premises for 72 hours, and no yard debris stored at the site. Further, she added, the recyclables are an attractive nuisance for birds, animals, insects, rodents, and children. Ms. McManamon expressed fear that the south side of town would turn into a slum area.

**Bill Dickinson, 521 SE 7th Avenue** stated that he works across from the Oregon City METRO site, where garbage and yard debris is dumped every weekend. When people find they can't get into the landfill site, they dump garbage all along Agnes Street, which parallels the freeway, opposite the landfill. His company pays hundreds of dollars every year hauling debris left by "weekend midnight dumpers." Mr. Dickinson explained further that his company constructed a fence to avoid the dumping on their property, and now debris is dumped along the fence. The same thing will happen here, he added.

**Debbie Bell, 687 S. Redwood Street** submitted her testimony in writing. She stated that she is in favor of recycling, but cannot support the site selected for this Transfer Station. Ms. Bell stated that she is one of the nearest residents to this site and concurs with previous testimony in opposition, especially the concerns about noise from heavy equipment, the increased traffic which will affect neighborhood children, especially with so many schools nearby, and the negative impact on property values. Those concerns would be conflicting with Conditional Use Criteria "D," she stated. The health hazards and odors are of even greater concern, she added. Further, Ms. Bell stated her concern that her well water might be affected. Other businesses might limit their interest in the Logging Road Industrial Park due to the location of this Center, she stated. Lastly, Ms. Bell expressed doubts about whether the applicant's promises, and proposed conditions, would be enforced.

**Rachel Hubbard, Senior Consultant, Arthur Anderson & Co, 111 S.W. Columbia, # 1400, Portland** addressed the economic analysis portion of the applicant's proposal. More specifically, she questioned the \$.88 decrease in charges for customers. She questioned how the \$2 million facility and land would be funded. A 30 year bond, at 7% interest, would add \$1.60 to each subscriber's bill monthly. Devaluated property values in the area should also be considered by the Planning Commission because the property tax revenue received by the City could be seriously reduced. Additionally, the possibility exists for possible litigation due to contamination of wells. A traffic analysis was done prior to the new Trost School construction and Ms. Hubbard suggested a new one was needed. The Oregon City facility is not too far away and she stated she has no knowledge of alternatives being proposed with that in mind, nor any cost/benefit analysis regarding alternatives. Recycling is not the issue; whether this is the best location for the facility is the issue, she stated.

**Donald Pierce, 1281 S.E. 12th Loop** stated that he concurred with all previous testimony in opposition to the application. Additional concerns include the fact that the proposed Transfer Station is not really a light industrial use. Regarding hazardous material, Mr. Pierce explained that most monitored stations are not precise about what materials are brought in to the facility, and as certain types of material become more difficult to discard, people find devious way to dispose of them. Further, drainage problems on Redwood could easily affect contamination in the area.

**Leon Sampsel, 609 S. Redwood Street** stated that the proposed location for the Transfer Station would be, virtually, in his front yard. Although the applicant states there will be adequate drainage, Mr. Sampsel stated he is concerned about the groundwater and his well becoming contaminated. Additional concerns include the rodents this Transfer Station will bring to the area. Property values will definitely decrease, he added. Canby will eventually become known as the City with a garbage dump right in the middle of it. He urged the Commission to deny the application.

**Duane Kloser, 544 S. Pine** stated that although he lives 2/10 of a mile from the site, the same distance as Trost Elementary School is from the site, he was not notified of the pending application. Once he was apprised, he drew up a petition which stated his concerns, and took it through the neighborhood to find out how other people felt. Very few people knew of the proposal before a flyer was circulated, and most agreed with his concerns. He presented a petition with 72 signatures to the Commission for consideration. Other people were concerned with the proximity of the site to the ballfields at the school and personal residences. Mr. Kloser concurred with previous opposition testimony, adding that many people who are new residents of Canby, would have looked to live elsewhere had they known the possibility of a Transfer Station in a residential area even existed. Based on the condition at the current facility, Mr. Kloser said it would be difficult to trust that this one would be maintained any better. Aurora, Canby, and Molalla should be considered as one unit and a possible burning station should be considered as an option. Once Canby is part of METRO and DEQ regulations become effective here, burning will be banned. Therefore, we should contemplate what will be done with yard debris, and consider other alternatives to this Recycling Station. He also reminded the Commission that the PTA was opposed to the application.

**Karen Haynes, 592 SE 6th Place** asked for a moment of silence in respect for the boy in Portland who was killed by a garbage truck in Portland.

**Brian Jones, 2554 N.W. Overton, Portland** stated that his mother and his aunt own the land directly across Township from the proposed project. Regarding

the traffic situation, Mr. Jones said that whether or not the trucks will try to be directed away from Township Road, with the growing population in that area, Township will be a route traffic will take when things are backed up elsewhere. A traffic analysis submitted with the proposal was based on the trucks at the Mt. Hood Disposal Station, which is open from 9-5. The applicant's proposal states it will be open from 6 a.m. to 6 p.m. and Mr. Jones stated that the timeframe should be restricted to more reasonable hours, especially in a residential area. The 24 proposed parking spaces are not sufficient, he added, since 18 will be used for staff, causing cars to park outside the facility or block the entrance to the facility. Regarding proposed condition #16, Mr. Jones stated that the applicant assured Ken Spiegel that only glass and household metals would be stored in the bins. Therefore, Mr. Spiegel, did not believe they had to be covered bins. Further, Mr. Spiegel was, evidently, unaware that there was residential land directly across from the site, and that many of the homes in the area are on well water.

**Dean Steelman, 1438 SE 11th Loop** stated his concerns: as a grandparent, he is concerned for the children attending Trost Elementary School; the well water contamination; the odors, and noise. Mr. Steelman explained that he worked with the disposal facility on Columbia Boulevard in Portland, from the time it was built. The company he worked for is now taking it apart and shipping the material out, due to the stench, the noise, and the attraction it has for sea gulls. Trees, fences, and berms do not eliminate the smell, he added, especially in an area that receives so much rainfall.

**Belva Clark, 759 S. Lupine** wanted to confirm that her letter was received by the Commission and is on record. She asked that the differences between light industrial and heavy industrial be addressed. Ms. Clark stated that she was concerned about the route that residents would take to the Transfer Station, and the debris that would fall onto Township Road. She did not see any way to divert residential traffic to the 99-E route. Additionally, she stated that this is not a good location for the proposed Transfer Station.

**Don Smeback, 625 SE 7th Place** stated that he does not understand why the school district supports the proposal. He wholeheartedly disagrees with the planned location for the Transfer Station and suggested moving it closer to Highway 99-E, having it monitored on a continuous basis by qualified experts, and ensuring a thick pavement base. Water should be sampled as far as 1,000 feet away from the facility on a regular basis, due to possible water contamination.

**Steve Jessup, 830 SE 7th Avenue** stated that he is in the recycling business. Some of his concerns include:



- 1) Landscaping - a \$1,000 bond will not be sufficient if the landscaping is not maintained, and how will it be monitored.
- 2) Wastewater Treatment - Rather than a drywell, a bioswale [plants in the low areas] might be better so water will filter through the plants. This was tried at the Metro South Facility and it didn't work, so they went to a more costly organic filter, which also requires more maintenance.
- 3) Ventilation - This area was very lightly addressed in the reports submitted by the applicant. As the facility, if approved, would be across from a school, the fumes, dust, and smells must be controlled. Metro South recently had to invest thousands of dollars on air ventilation control for its employees. Airborne pathogens, created by garbage, can cause very serious respiratory problems and skin irritations and there are cases in courts, in some states, resulting from this.
- 4) Environment - This is a very serious matter for children attending nearby schools. The odors and noise will harm their daily environment.
- 5) Rate of recycling - Canby recycles much less than Portland. Although Canby supported a "Free Leaf Pickup" program, he explained the leaves ended up in a landfill and were not recycled.
- 6) What will and will not be picked up - Most hazardous materials will not be picked up curbside in Canby. Tires, paint, varnishes, etc. , will still have to be taken to METRO. Therefore, this facility will be a second-class facility before it is opened. Hazardous materials should be permitted there, and disposed of properly.

Mr. Jessup asked what the community would gain from the facility. There is no public input regarding the operation, he said. It would be located too close to an elementary school. He accepted Mr. Donovan's offer to help educate the residents of Canby about the facility, feeling sure it would not be accepted in this location under any circumstances as it will seriously affect the quality of life in Canby. There is a good potential that this facility will adversely affect the property values in Township Village. Mr. Jessup requested that the record be left open for 14 days, to accept additional written testimony from interested parties who only found out about the application recently.

**Alan Peterson, 315 Township Road** stated that he concurs with all previous testimony in opposition to this application. Further, he stated that since he doesn't want the Transfer Station located in Canby, he is willing to pay higher rates for the collection trucks to go directly to METRO, rather than paying

Canby Disposal to warehouse his garbage so he can sell them later on, for a profit. The recyclables should be taken straight to METRO where Canby Disposal can dump them at no charge.

**Hope McEvoy, 1459 SE 11th Loop** stated she is giving her 5-minute testimony time to Joan Jones.

**Joan Jones, 2354 N.W. Overton, Portland, 97210** referred to a plat map to indicate that the play area at the Trost Elementary School is only 320 feet from the site, which makes it even more dangerous for the children playing outside to breathe in that air. She further indicated which areas, surrounding the site, are designated single-family residential in the Comprehensive Plan. Ms. Jones stated that she concurred with all previous testimony in opposition, and was speaking for herself and the McEvoy's. She confirmed that residents within 200 feet of the site, according to the Conditional Use application, are supposed to be notified of the hearing. Ms. Jones referred to a letter from Pacific Land Management which specifically states that they are very concerned that these considerations about the Waste Transfer Station cannot be adequately addressed at the proposed location. They also believe that the adjoining school and neighborhoods will suffer and that property in the area will go down in value. As a real estate agent who owns her own real estate company, she stated unequivocally that the property values surrounding the site will go down, resulting in a lower tax base for the City. Further, she stated, soils testing has not been done adequately, the traffic study is outdated, no noise study has been done, and an economic study has not been done. After having several conversations with a DEQ representative, Ms. Jones stated that she learned there should be a transitional area, like apartments or office space, between the residential zone and the Transfer Station. Additionally, Ms. Jones stated that she personally visited several transfer stations and took pictures. The St. Helens site is very unsightly, but it is in the center of a large industrial center, across from homes that were converted into businesses. The METRO Central site in Portland is an attractive facility, also located in the center of a very large industrial area with no homes anywhere near it. Referring to photographs, she indicated open containers at the Lake Oswego Recycling Center, and closed containers with things thrown on top and around them, but pointed out that this facility is also in the center of a very large industrial area, but did have some apartments nearby and office space a few blocks away. The facility being constructed in Wilsonville is in the center of a very large industrial area. The METRO South Station in Oregon City is also in the center of a very large industrial area. At the last hearing, Mr. Guttridge testified that he looked down on the METRO Station in Oregon City and that he didn't have any problems with it. Actually, Mr. Guttridge lives more than 1-1/2 miles away from that facility. Ms. Jones agreed that a recycling center is needed and

that Mr. Kahut should have help finding a better location before he opens on this site and is subsequently closed down due to odor, water contamination, etc.

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*Due to the lateness of the hour, Chairman Schrader announced that MLP 94-09, an application by James A. Bergen for approval to partition an approximate 1.86 acre parcel into three parcels, 9,790 square feet; 9,843 square feet; and 61,340 square feet, respectively. The parcel is located on the east side of N. Pine Street [640 N. Pine Street] (Tax Lot 1700 of Tax Map 3-1E-34BC) - would be continued to January 9, 1995.*

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Chairman Schrader explained that the record would remain open for 14 days for additional written testimony.

#### **Rebuttal**

**Steve Donovan, Donovan Enterprises, 8625 SW Cascade Avenue, Suite 220, Beaverton 97005** explained that the rebuttal will be addressed by three people, and will respond to specific issues raised.

**Roger Reif, 273 N. Grant Street**, attorney for the applicant, reviewed some of the record of the previous application for a Transfer Station, which many people opposed because of the location. During the past five years, the applicant has considered many other sites. A team spoke with the City regarding property near the Wastewater Treatment Plant, but the site was being considered by the school district, which application was turned down due to transportation issues, the proximity of residential areas, etc. The site search team felt that if a school was turned down, a Transfer Station would have been also. The Barlow Flats area was considered too, but the City of Barlow was in litigation with the Anderson Gravel Company at that time and wanted no industry there. The team looked at the Sand and Gravel area below Anderson's and the studies seemed to indicate that if the City had a problem with the testimony regarding the water supply, this would have caused additional problems.

Then the team investigated zones in Clackamas County where a transfer station could be located. It would only be permitted outright in the I-3, General Industrial Zone, and permitted under a conditional use in I-2, Light Industrial, R/C, Rural Commercial, R-I, Rural Industrial, and I-3, General

Industrial. The only sites that could be found were in the Clackamas Corridor, on the way to Mt. Hood. While various zones were being investigated, the applicant put earnest money on one site, until he found out the City of Canby could not be serviced from that location. When the present location became available and the applicant moved very quickly to tie it up. In the earnest money agreement, information was provided as to the proposed use. Mr. Reif stated that he went to Salem to check the water well logs, and found out that for the vast majority of wells in the area, there is a septic tank and a septic drainfield. The applicant believes there is more danger to contamination from septic drainfields that are near the well, than this project would be.

After visiting with the County and finding roads in farm areas insufficient for meeting needs, the applicant approached the City of Canby about the present location. There is no heavy industrial zoning in Canby right now. The property immediately to the east, located in the Urban Growth Boundary but not yet in the City limits, may eventually be zoned Heavy Industrial, but for the present, is zoned for farm use. This site appears to be the only available location. Prior to the actual purchase, the Comprehensive Plan issues were reviewed. The school superintendent found no difficulties regarding odor, especially as the present location abuts the high school school property now. In fact, the soccer team practices adjacent to the present Canby Disposal site - less than 300 feet away. Altering the character of the surrounding area appears to be the biggest obstacle, Mr. Reif stated. After searching for alternative sites for five years, the applicant has tried to address each and every concern, by designing a state-of-the-art facility at the edge of Canby. He requested that the Planning Commission, in reviewing the application, judge it fairly and equitably according to needs and services provided, and the criteria in the Comprehensive Plan and Zoning Ordinance. The location is perfect for access to Highway 99-E, he added.

**Steve Donovan** addressed truck traffic from the south, to the facility. He stated it would be routed from Highway 99-E, down S. Pine, 3rd, Redwood, 4th, and into the site. Egress would just be reversed. This route would be used by all the transfer trailers. The project has been compared to METRO South, in Oregon City. They processed 372,000 tons of solid waste in 1993. The applicant anticipates transferring 10,000 tons. Part of the proposal is to collect waste from Township Village and Valley Farms and direct the collection vehicles back to the north, based on input from the neighbors, using the foregoing primary ingress and egress, totally avoiding Township Road. Improvements to Township Road is a condition of development that the applicant is compelled to make, as part of the logical development process in Canby.

**Aaron Fagri, 520 S.W. Yamhill, Portland** stated that the traffic report is just two years old. When it was updated by doing a comparison with a similar sized facility [Mt. Hood], the traffic engineer included in the traffic count, trips to the facility by the public to dump, not recyclables, but garbage, which had been allowed at the Mt. Hood facility. In the follow-up report, Mr. Fagri noticed the difference, which is why an updated letter, dated June, 1994, is enclosed with the report, which states that with the change, there would be a reduction of 50% in the predicted traffic. Mr. Fagri encouraged the Commission to keep in mind that this is an industrial area which always includes a certain amount of truck traffic, and that compared to other types of industries, the traffic report is on the low end of the scale. Regarding Township Road, he stated that diverting traffic off of Township Road is a monitoring device in itself.

Regarding stormwater and contamination of wells, Mr. Fagri stated that people fear this will become a landfill site, with seagulls and rotting debris. The extremely large transfer building will have a concrete floor and a vapor barrier under it, and will virtually guarantee that none of the garbage could possibly seep through into the groundwater. There will be a gravel base under the normal asphalt pavement, which will range from 1-1/2 - 2 inches in thickness. The amount of base material is based on the specific soils on the site and the compaction, to ensure the trucks can adequately use the pavement without harming it. Further, he stated, the site is not a collection facility for hazardous materials. Once the trucks have completed the transfer within the building and returns to the parking area, nothing remains in the trucks that could leak out. Further, bioswales are a method of improving water quality due to runoff from truck traffic, which is definitely not hazardous material.

The dimensions of the proposed berm, a result of meetings with interested parties, was based on an analysis of the soils and what their natural slope would be. Several species of plants are included with the native trees, some of which will grow very fast in order to screen the facility as quickly as possible. The goal is to provide a very dense berm surrounding the facility.

Addressing issues brought up by opponents, **Steve Donovan** stated:

1. The issue of noise. Discussions with staff brought out that under current consideration, but not under current law in Canby, there is an ordinance that would preclude any industrial use to generate noise greater than 70 decibels within one hundred feet of that use. As a comparison, he pointed out that a lawn mower generates about 90 decibels.

2. The berm. Regarding a question by an opponent, Mr. Donovan explained that the berm will be 6 to 8 feet high, depending on final contours. He anticipates it to be 6 feet high at its midline with a 40 foot base.
3. Rezoning. Mr. Donovan explained that the applicant is not requesting that the property be rezoned. Rather, the applicant is requesting a Conditional Use permit under Section 16.32.050(D), in an M-1 zone.
4. Enforcement. Mr. Donovan explained that enforcement will be done by the Code Enforcement Officer, in addition to the Planning Director. Because this is a privately funded facility and has conditions of approval attached to the use, the applicant would also take an active hand in the enforcement of conditions.
5. The applicant believes he has more than complied with the notification process.
6. Yard debris. The applicant does not intend to bring in yard debris. It would be a function of the City Council to direct the applicant if they decide on such a program in compliance with ORS 459A.
7. Facility Cost. Mr. Donovan explained that this is a privately funded facility and no public funds are being sought to capitalize the facility. With rates in mind, debt service is made up of two components: interest and principle. For rate-making purposes, principle repayment is an unallowable expense.
8. Hazardous materials. The applicant does not want hazardous materials at the site, neither does the landfill site. The applicant will be precluded from introducing hazardous materials to the landfill, so it is incumbent upon the applicant to make sure it does not come to this site.
9. Composting. Mr. Donovan explained that METRO operated a compost facility on Columbia Boulevard for a short time. That was a municipal solid waste composting plant. The proposed facility is a Transfer Station, which will not handle, store, or deal with solid waste on the site. It will be collected and transferred to its ultimate disposal site, he explained.
10. Canby's Yard Debris Program. This was offered by Canby Disposal last year and the material was not landfilled. It was de-bagged and transferred to McFarland's in Oregon City.

Due to the lateness of the hour, Chairman Schrader explained that the hearing would be continued to January 9, 1995 for Commission deliberation, but that additional written testimony would be accepted for 14 days, until 5:00 p.m. December 27, 1994. The next meeting will take place at the Canby Adult Center, starting at 7:30 p.m.

**IX. DIRECTOR'S REPORT**

The noticing procedure was discussed.

**X. ADJOURNMENT**

The meeting was adjourned at approximately 11:00 p.m.

Respectfully submitted,

  
Joyce A. Faltus