

# MINUTES

## CANBY PLANNING COMMISSION

7:00pm, February 25, 2002  
City Council Chambers, 155 NW 2<sup>nd</sup>

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### I. ROLL CALL

**PRESENT:** Chairman Keith Stewart, Commissioners Paul Thalhofer, Jim Brown,  
Randy Tessman, Geoffrey Manley

**ABSENT:** Commissioner Tom Sanchez

**STAFF:** Matilda Deas, Project Planner, Carla Ahl, Planning Staff

**OTHERS PRESENT:** Steven Willis, John Budd, Carolyn Anne Carson Graybill, Kelly  
Kurth, Kathleen Kapelski, Evie & Ron Berg

### II. CITIZEN INPUT ON NON AGENDA ITEMS

Kelly Kurth addressed the Commission representing 17 residents who live on SW 3rd Avenue between Elm and Ivy streets. Two years ago Makin's Auto Body shop moved into their neighborhood, since that time the residents have become concerned regarding noise levels, odors and chemical smells that come from the business.

Ms. Kurth stated within the last two years people have become physically ill when exposed to the fumes from the business, plants have died, grass has turned brown, and there has been an increase in asthma attacks. She explained that the predominate winds blow the odors toward their homes instead of toward Hwy 99E.

Ms. Kurth stated the owners of the building have been open to the concerns expressed by the neighbors, and in August there was a formal meeting where people brought their concerns and issues to the company, since that time the owners have installed a new structural device on the top of their business to redirect the exhaust, and have reduced the noise levels, but the smells are still there forcing people to go inside their homes and close the windows.

Ms. Kurth stated that 4 residents have moved from the neighborhood due to noise coming from fans, and health concerns over the smell. She submitted a map showing the direction the odors go through the neighborhood and suggested contacting DEQ to investigate the smell, with summer coming people will be out in their yards again, and she would like to have some of the

issues resolved by then.

Ron Berg addressed the Commission explaining that he and his wife live on the eastern edge of the problem area and seldom have a strong smell at their house. He stated when Makin Auto Body first proposed moving into the old firehouse location the Planning Commission determined that it was an allowed use in the zone and that they were not doing enough remodeling to trigger a site and design review. He suggested this is an issue that should have come before the Planning Commission because the neighborhood should have had the opportunity to give their input.

Mr. Tessman questioned if during the meetings the owners of Makin Auto Body explained where the odors were coming from. Ms. Kurth stated the neighbors were told during the meeting that the odors were coming from the paint booth, during the firing process the volatile organic compounds are driven out through the exhaust system through one filter, then out the vent system, and down onto their property. She stated that the employees at Makin are required to wear protective clothing, and respirators when working in the paint booth but the chemicals are allowed to drift into their yards and homes.

Ms. Kurth had spoken with an engineer who explained a wind wall could be built that would send the exhaust toward Hwy 99E, but Makin stated it would have to go before the Planning Commission because it would be an addition to the building.

Mr. Berg added that there is a very strong odor coming from Makin at the funeral home on Grant Street and expressed his concern that bereaved family members would be subjected to the smell. Mr. Berg believed this issue should have been brought before the neighbors prior to the business moving in.

Mr. Brown summarized that Makin's have added some additional filtration and redirected the venting system. Mr. Berg stated that Makin's had also increased the height of the vent, but it needs to go higher. Ms. Kurth explained they have a basic china cap at this time, if the vent went higher it would disperse more before coming back down.

Mr. Stewart stated additional scrubbers were added to the filtration system, but apparently it hasn't accomplished what it needs to do. He explained an industrial engineering study should be done to find out what petro-chemicals are in the air, what the concentration levels are, and how to mitigate those so the neighbors don't have to stay indoors in the summer time.

Mr. Stewart stated he was unsure on how to proceed but that this would not become a dead issue. He stated he wanted an opportunity to look at the situation, and discuss with City Staff what options are available.

Mr. Brown proposed adding criteria for conditional uses on how to deal with the margins between zones. He explained that the edges between industrial, commercial and residential

zones are the most the most sensitive of all, and suggested if some use was within a certain margin of a residential area it would become an conditional use issue, or at least a site and design review. Because now if it is a permitted use, and there is not substantial remodeling it slips under the radar.

Mr. Tessman asked if the neighbors were given a list of the ingredients from the off gassing of the paints. Ms. Kurth said they were told what they were but were not given a list of them.

Matilda Deas stated the DEQ has a web site where you could look up Makin's Auto Body and find out if they have ever exceeded the tolerance levels for emissions and suggested it might be a good place to start.

Mr. Berg stated the neighbors weren't saying the smell is a constant problem, it is only when wind patterns blow a certain way, and then maybe only for an hour. Ms. Kurth stated Makin's had stopped Saturday hours at the neighbors request. Mr. Brown stated he did not believe it was acceptable that a person could not use their property in the way they desire for even ½ hour a day.

Mr. Brown cited the ordinance code 16.06.140 which allows that the Planning Commission to make investigations and recommendations to any person, partnership, firm corporation or public authority with reference to the location of buildings, structures, or works to be erected, constructed or altered; but such recommendations shall not have the force or effect of a law or ordinance except when so prescribed by the laws of the state or ordinances of the city. He suggested recommending to the City Council to have staff investigate or an appropriate part of the government investigate this issue.

Mr. Stewart summarized that the Planning Commission was in agreement that a letter be sent to the City Council recommending an investigation of this particular business.

Mr. Stewart announced the first town hall forum on the proposed transportation utility fees will be held Tuesday March 12<sup>th</sup>, 7:00pm at Cutsforth's Old Town Hall and the second one will be Thursday March 14<sup>th</sup>, 7:00pm at the Canby Adult Center. He explained that both meetings are designed to take public input on whether a transportation utility fee is the answer to the City's street funding problems in regards to road maintenance. The Planning Commission will hold a public meeting March 25<sup>th</sup>, 7:00pm, in Council Chambers.

Mr. Stewart stated that the Planning Commission is currently two members short and encouraged any person interested in serving on the Commission to pick up an application at City Hall. Mr. Stewart acknowledge a letter that was received from Jean Tallman, former Planning Commissioner who was appointed to the City Council.

### **III. PUBLIC HEARINGS**

None

#### **IV. FINDINGS**

**SUB 01-06** The applicant is requesting approval of the fifth phase of the Faist Addition subdivision south of Trost School and north of Faist IV, which contains 24 single family homes on 5.77 acres. In all, the first five phases of the subdivision will contain 130 lots on 29.6 acres

Mr. Brown explained that he had requested the applicant submit an updated site plan showing the new locations of the walkways from SE 10th Avenue and the location of the lighting. He stated he is in agreement of the locations of the path and the lighting and is in favor of the application. He moved to approve the findings for SUB 01-06 as written. Seconded by Mr. Manley. Motion carried 5-0.

#### **V. NEW BUSINESS**

None

#### **VI. Minutes**

##### **January 14, 2002**

It was moved by Mr. Manley to approve the minutes of 1-14-02 as written. Seconded by Mr. Brown. Motion carried 4-1 with Mr. Thalhoffer abstaining.

##### **January 28, 2002**

It was moved by Mr. Brown to approve the minutes of 1-28-02 as written. Seconded by Mr. Thalhoffer. Motion carried 4-1 with Mr. Stewart abstaining.

##### **February 11, 2002**

It was moved by Mr. Brown to approve the minutes of 2-11-02 as written. Seconded by Mr. Manley. Motion carried 4-1 with Mr. Tessman abstaining.

#### **VII. DIRECTOR'S REPORT**

None

#### **VIII. ADJOURNMENT**

