

City of Sherwood, Oregon  
Planning Commission Meeting  
August 4, 1992

1. **Call to Order/Roll Call:** Chairman Birchill called the meeting to order at 7:00 p.m. Commission members present were: Marjorie Stewart, Marian Hosler, Kenneth Shannon, Marty Ruehl, and Eugene Birchill. Jim Scanlon has resigned and will not be returning. Planning Director Carole Connell and Secretary Kathy Cary were also present.

It was the consensus of the Commission that future meetings begin at 7:30 pm.

Chairman Birchill announced that due to an error in publication of the time for the Commission meeting, items requiring public hearing will be taken out of order.

Ms. Connell suggested that the Commission approve the minutes of the July 21, 1992, meeting and hear the Director's report, then return to the remainder of the agenda.

**Director's Report:**

Ms. Connell stated that she had three items to bring to the attention of the Commission:

1. Glen Warmbier was appointed to the Commission at the July 22 meeting of the City Council. Mr. Warmbier was on vacation and unable to attend tonight's meeting.
2. Some Commission members attended a March Planning Commissioner training session conducted by the American Planning Association, Oregon, Chapter. This training program is being offered again on September 26, in Lake Oswego. She questioned if any of the Commission members are interested in attending the training session. After a brief discussion, Ms. Connell was directed to arrange for a training session to be conducted during a regular meeting of the Commission.
3. The next meeting of the Planning Commission will be September 15th; therefore any item continued from the August 4th agenda could not be heard again until September 15.

Ms. Connell also reported that the City Council upheld the decision of the Commission to deny CUP 89-4, construction of

a church in the vicinity of Six Corners.

**Approval of July 21, 1992, minutes:** Ms. Stewart moved, seconded by Ms. Hosler, that the minutes of the July 21, 1992, meeting be accepted as written. Motion carried unanimously.

Chairman Birchill read the hearings disclosure statement and called for a staff report on Item III C, SP 92-5, City Public Works Building, Site Plan.

**Item III C - SP 92-5, City Public Works Building, Site Plan,** review for an office building on Washington Street.

Ms. Connell reported that whenever a new building in the Institutional Public (IP) zone is contemplated, a CUP is required unless the value is less than 50 percent in value of the existing property. She noted that the estimated cost of the prefabricated building is \$58,500 and the existing property value and equipment is about \$124,000. Therefore a CUP is not a necessary application, and only a site plan review is necessary.

Ms. Connell reported that this is a request by the City of Sherwood to gain site plan approval to construct an office building next to the City Shop on Washington Street. The property is a three-acre parcel and the zoning is IP. She noted that access to the site is by a 30-foot easement through Tax Lot 302, which is owned by the City, so that the lot does not have any street frontage on Washington Street. She stated that the purpose of the building is to house the staff of the Public Works and Building Departments, thereby removing these activities from City Hall.

Ms. Connell recommended that SP 92-5 be approved subject to the conditions outlined in the Staff report dated July 27, 1992.

Chairman Birchill called for proponent testimony.

Mr. Dave Gould, David Evans and Associates, 2828 SW Corbett Avenue, Portland, representing the City, addressed the Commission. Mr. Gould stated that his firm prepared the plans and is available to answer any questions. He noted that the site is basically underlaid with old concrete and driveway paving and that the area has been used mainly for storage. It is necessary to clean up the area. The existing shed will be removed to accommodate the new 24 by 58-foot building, which will be placed on piers and will be provided

with sufficient footings.

There being no further proponent testimony, Chairman Birchill called for opponent testimony. There being no opposition, Chairman Birchill opened the hearing for questions from the Commission.

Mr. Ruehl questioned omission of the CUP if the construction cost runs above the 50 percent value. Ms. Connell responded that if someone made an issue of the cost, a CUP could be pursued. However, tonight's site plan review was published and there is no opposition. The Commission should feel comfortable proceeding with just one hearing rather than two.

After a brief question and answer period, Mr. Ruehl moved, seconded by Ms. Stewart, that based on findings of fact that SP 92-5 be approved based on the following conditions:

- 1.A fire hydrant shall be located within 250 feet of the building.
- 2.A landscaping plan shall be prepared and submitted to the City prior to issuance of a building permit. The plan shall include:
  - a.Parking lot landscaping that covers 10 percent of the lot and includes shade trees.
  - b.Landscaping around the base of the building.
  - c.Landscaping between the walkway and the driveway.
  - d.Landscaping at the entry, including two (2) street trees.
- 3.The parking lot pavement shall be finished with a curb and/or plant materials.
- 4.An erosion control plan shall be submitted with the building permit.

The motion carried unanimously.

**A.SP 92-4, Sherwood Baptist Church, Site Plan** review of an addition located on Sunset Boulevard.

Chairman Birchill called for a staff report. It was noted that proponents had not yet arrived, therefore the item was held until proponents arrive.

**B.MLP 92-2, Wood, Minor Land Partition**, creating three (3) lots on Sunset Boulevard.

Chairman Birchill called for a staff report.

Ms. Connell reported that this Minor Land Partition at 14775 SW Sunset proposes to create three lots from two existing lots, the total size of the parcel being six acres. The purpose of the request is to enable the owner to sell the back portion of the acreage to John Whitesell who will extend his development to the back four acres of this lot. She noted that there are two problems, which require solution:

1. The back parcel will be temporarily land locked, and access will be dependent upon recording Cascade View Estates Phase 1 subdivision and extension of Smock Street. Until it is recorded, access cannot be granted. If approved, the approval should be contingent on the recording of Cascade View Estates Phase 1 development.
2. The property was annexed in the Spring, but the property does not have official City zoning. Partitioning should be contingent upon proper zoning.

Ms. Connell also noted that there is a garage on the lot line and a shed which is too close to the property line, both of which will have to be moved or removed.

Chairman Birchill opened the public hearing to proponents of MLP 92-2.

Dick Bailey, Bailey Real Estate, 395 North Sherwood Boulevard, addressed the Commission. Mr. Bailey stated that he concurs with the Staff recommendation and advised that he hopes to have the final plat for Cascade View Estates available for the next meeting of the Commission. Mr. Bailey indicated that plans call for development this year and pointed out that he had a title search on Tax Lot 1101, and all liens were satisfied and the strip in question has been deeded to Lot 1200, Lot 1101 is non-existent.

Chairman Birchill called for opponent testimony. There being no opponent testimony, Chairman Birchill opened the hearing for Commission questions.

Ms. Connell asked the applicant if there would be a problem if the garage was moved. Mr. Bailey responded that it is the owner's intent to move the garage so that it does not overlap on property lines. Further, if the shed is moved, it will comply with setback requirements.

Chairman Birchill suggested that an additional condition be added to include a requirement that the garage shall be

removed or moved with setbacks to comply with pertinent codes.

Ms. Hosler moved, seconded by Ms. Stewart, that based on the findings of fact MLP 92-2 be approved with the addition of a condition requiring the block garage to be removed or moved in compliance with all pertinent codes, and subject to the following conditions recommended by staff:

- 1.A Plan Map Amendment shall be approved by the City applying proper City zoning to the entire site, which is to be Low Density Residential (LDR).
- 2.The status of Tax Lot 1101 shall be determined and reviewed with the City.
- 3.The owner of Parcels 2 and 3 shall enter into a non-remonstrance agreement with the City for future street and utility improvements affecting those lots.
- 4.The owner shall dedicate the necessary right-of-way to Sunset Boulevard in compliance with re-alignment plans for that road as determined by the City.
- 5.The Cascade View Estates Phase 1 Subdivision Plat shall be recorded to provide access to Parcel 1.
- 6.The applicant shall provide proof of compliance with Tualatin Valley Fire and Rescue District requirements.
- 7.The block garage shall be removed or moved in compliance with zoning setbacks and pertinent building code requirements.

Motion carried unanimously.

**A.SP 92-4, Sherwood Baptist Church, Site Plan** review of an addition located on Sunset Boulevard.

Chairman Birchill called for a staff report.

Ms. Connell reviewed the Staff report dated July 27, 1992, and noted that this is a request to construct a 2,600- square foot classroom behind the existing church building. She noted that the church is zoned IP and the value of the new construction is less than 50 percent of the existing value. The gravel driveway serving the gravel parking lot is an easement from the adjoining property, and could possibly

serve as a southern extension of Pine Street. Staff believes  
Pine Street should

be extended for future circulation to the area south of the church. Staff also feels that the applicant should not be responsible for half-street improvements at this time, but that the graveled driveway area should be treated to reduce the dust.

Chairman Birchill called for proponent testimony.

Mr. Lars P. Hanna, 1350 South Pine Street, Sherwood, Chairman of the Board of the Sherwood Baptist Church addressed the Commission. Mr. Hanna stated that he had some questions concerning the Staff report; i.e., Page 2, Item C. Mr. Hanna stated that this is a private road from Sunset Boulevard, which serves two houses, Tax Lot 3003 and the church property. At the present time Lot 3003 has a 25-foot strip extending from tax lot 3003 to Sunset Boulevard, neither of which have easements on any of the church property.

Mr. Hanna also questioned the second paragraph of Item C, page 2 recommending extension of Pine Street from Sunset Boulevard. He stated that the western property line is 640 feet deep resulting in a dedication of one-third of an acre. The tax lots have access onto Sunset and Mr. Hanna does not agree with the need to loose a 25-foot strip of property. He also pointed out that the proposed building will not be used as a classroom. Mr. Hanna indicated that the church has no objections to the remaining conditions of approval.

Chairman Birchill called for opponent testimony.

Mr. Wilt Turner, 235 SW Sunset Boulevard, Sherwood, addressed the Commission. Mr. Turner expressed concern about not extending Pine Street since there are four acres that are separate tax lots on the extension of Pine. These acres could be sold and developed before the adjacent 40 acres are sold, thereby creating more pressure to extend the street.

Ms. Connell stated, for the record, that an opponent, Mr. Harold Nichols, had called to express his concern about the excess dust created by the unpaved driveway.

There being no further testimony, Chairman Birchill closed the public hearing and opened the hearing to comments from the Commission.

Ms. Stewart expressed the need for better streets. She had previously questioned why street easements along tax lot 2900 had not been secured and was advised that the street would never be extended. Now, it appears the street will be



needed. At the back of 2103, there is a 15-foot dedication and the back of 2102 should also have a 15-foot dedication to where it will connect up to Pine Street. When the 10-acre parcel is developed, the remainder can be dedicated and an access can be provided across and down to Pine Street. Construction of the street at this time is not necessary, but a dedication should be required so that when the street is required, it will be there.

Ms. Connell responded that she felt this is not the best location for a street to serve tax lot 2200, a better route would be the middle of the property so that back of the lots will be against lots 2102 and 2103. Further, the grade is fairly steep and it is not a cost effective way to develop lot 2100 by having a street on only one side.

Chairman Birchill questioned the use of the 15-foot easement. Ms. Connell responded that the intended use is for streets. He then questioned if tax lot 2200 was in the city or the urban growth boundary. Ms. Connell replied that all of the parcel is in the urban growth boundary and not within the City limits. Chairman Birchill asked where will lot 2200 gain public access to other public roads if Pine Street is not extended? Ms. Connell stated that the plan Mr. Johnisee developed is to put a street through the parcel next to tax lot 3000. Ms. Stewart noted that this will result in three city blocks with only one street.

Ms. Nichols requested an opportunity to address the Commissioners. She commented that she is the original owner of the property being discussed and those living in the area have always worked together to care for the easement. She expressed concerns about the excessive dust in the area and requested that if a street is built there the developers be required to make the area look decent.

Chairman Birchill stated that if this request is approved tonight the applicant should dedicate the land for the extension of Pine Street, but he doesn't believe we will be asking for any road improvements at this time and the status will probably not change as far as cross traffic is concerned. As far as the City is concerned and the Commission is concerned, whatever minor improvement the neighbors wished to make to control the dust problem would be acceptable. He assured Ms. Nichols that if the area south of the church is developed, the road has been dedicated to the City and will be improved at that time.

Mr. Ruehl questioned who would be responsible for maintaining

the street if a dedication is made at this time; will the church and the lot owners be required to correct the dust problem, or will the City be liable for maintaining the road?

Ms. Stewart responded that if the City was liable, they would probably ask that street improvements be made by all of the local residents. Ms. Connell stated that the dedication would be mostly on the lawn and residents could continue to use the easement area for driveway access.

Mr. Hanna questioned if it is dedicated and the owner of lot 2200 logged the timber off and came down the 25-foot dedicated street and walked away from the dedicated area, who will then be responsible for care of the dedicated property?

Ms. Connell responded that they would use their own driveway, and that there is no improved road. The logger could not build a road on public right-of-way. Chairman Birchill suggested that a 25 by 5-foot plug owned by the City be dedicated at the extreme south end to prevent access.

Mr. Hanna stated that the Church is not concerned whether the road is appropriate, but the road has no value to the church property. The Church currently has adequate access and a 25-foot strip of land, or 640 feet, is quite wide. There is a for sale sign on the 20 acres, there is nothing to prevent them from building any kind of road system they wish.

Ms. Stewart stated that tax lot 3003 owns the 25-foot strip and it is not on the church property, so that the Church does not have access on the road, they simply use the road. Mr. Hanna replied that the 25-foot strip is on church property and local residents to not have access or easements on the church's part of the road and the church is already using about one-third of the property length.

Ms. Nichols stated that it is her belief that the 25-foot easement is on her property. Chairman Birchill advised Ms. Nichols and Mr. Hanna that the matter of ownership would have to be settled between themselves in private with the assistance of a surveyor.

Chairman Birchill stated that a 25-foot dedication with a 5 by 25-foot plug at the extreme south end of the should be required so that at-will access is not available to any person. This is based on the fact that when tax lots 2200 and 2000 develop, there will probably be sufficient area that will create a need for two accesses back onto Sunset Boulevard. If we do not require this dedication at this time, the City might end up with only one access serving a considerable number of dwellings.



Mr. Ruehl expressed concern that requiring a dedication of 640 feet of property was a substantial amount of property. This does not benefit the church since they can build their own access on Sunset Boulevard. The only benefit will be to tax lot 2200. If there is any kind of restitution, it should go back to the church property. In actuality, the 25-foot should be dedicated, but it should be property bought by tax lot 2200.

Mr. Shannon questioned if the church dedicated 640 feet for the Pine Street extension, and then tax lot 2200 is developed, how many feet would 2200 have to develop? Ms. Connell responded that the entire 640 feet would have to be improved.

Chairman Birchill questioned if the church dedicated the 25-foot easement tonight, or our action is the church dedicates the 25 feet tonight, is the church, upon development of tax lot 2200, responsible for developing the half street, or the developers of tax lot 2200 responsible for the development. Ms. Connell indicated that that is a question that cannot be answered at this time. A development behind the church will probably need two accesses and the developer will be responsible for the development of the streets. The City cannot then go to the church and require them to develop the streets.

Mr. Ruehl again expressed concern over requiring that the church dedicate approximately one-half of an acre of land. After a lengthy discussion of the requirements for street dedication, improvement and maintenance if streets are deeded to the City Mr. Shannon moved, seconded by Ms. Stewart, that based on findings of fact, SP 92-4 be approved with the following conditions:

- 1.The owner shall dedicate twenty (20) feet of right-of-way, or otherwise provide forty (40) feet from the center-line along Sunset Boulevard prior to the issuance of a building permit.
- 2.The owner shall dedicate twenty-five feet of right-of-way from the western property line, or otherwise provide twenty-five (25) feet from the Pine Street center line terminating in a one-foot by 25-foot nonaccess strip at the south end prior to issuance of a building permit.
- 3.Prior to the issuance of a building permit, a County septic permit shall be obtained to expand the existing system.

4.The owner shall enter into a non-remonstrance agreement with the City to participate in a Local Improvement District (LID) for future street and utility improvements.

5.An erosion control and storm drainage plan shall be submitted with a building permit.

Motion carried. Mr. Ruehl voted no.

Chairman Birchill called for a 10-minute recess at 8:50 pm. The meeting reconvened at 9:00 p.m.

D. **ISU 88-1, Therm-Tec, Interpretation of Similar Use, to operate a medical waste burner on Cipole Road, as remanded by LUBA.**

Chairman Birchill called for staff report.

Ms. Connell reported that this is the same request heard four years ago to expand Therm-Tec's manufacturing business to include construction of an incinerator to burn hazardous materials. She noted that LUBA had remanded the ISU back to the City of Sherwood on December 5, 1992.

Ms. Connell reviewed an extensive Staff report dated July 27, 1992, and also submitted into the record, a large box full of files from the City offices which contains Therm-Tec information provided over the period from Therm-Tec's 1988 approval until the present time. She requested that ISU 88-1 be considered a separate issue from SP 88-6, Therm-Tec's request for a site plan review of a new building on Cipole Road. Ms. Connell stated that there are no criteria by which to review an Interpretation of Similar Use, and that the report instead lays out relevant Plan policies and Code standards in effect in both 1998 and 1992. The report proceeds to analyze compliance of the proposed use with those policies and standards. She noted compliance with economic development goals, but non-compliance with environmental resource protection goals. Ms. Connell stated the proposed use does not comply with the 1992 Zoning Code and City Charter, which prohibit solid waste incinerators. Based on the findings of fact outlined in the Staff report, Ms. Connell recommended that ISU 88-1 be denied. Ms. Connell pointed out that DEQ has not issued a permit, nor has the City signed the land use compatibility statement portion of the DEQ permit.

Chairman Birchill opened the public hearing to proponent

testimony.

Mr. Dean Robbins, Therm-Tec, Inc., 20525 SW Cipole Road, Sherwood, one of the representatives of Therm-Tec, introduced himself and said, "no comment on this subject at all."

There being no other proponent testimony, Chairman Birchill opened the hearing for opponent testimony.

Debbie Smith, 24100 Ladd Hill Road, Sherwood, addressed the Commission. Ms. Smith stated that she is in attendance as a member of the Board of Directors of Citizens for Quality Living and that the attorney for that group was unable to attend due to a conflict of interest as an employee of a new firm. She indicated that if the hearing extends beyond the present meeting, an alternate counsel will be retained and will submit a brief at that time.

Renette Meltebeke, 890 SE Merryman Street, Sherwood, addressed the Commission. Ms. Meltebeke stated that it was her understanding that Therm-Tec does not comply with the GI zoning and is in violation of the City Charter. The incinerator business is incompatible with the City of Sherwood Comprehensive Plan since the Plan is intended to minimize adverse effects on air quality and provide maximum protection to the community. It is her understand that in 1985, when Therm-Tec was originally approved, it was as a manufacturing business. She said, they use the word "process" as a means to comply with standards. In 1988, Therm-Tec claimed the incinerator was occasionally used on a demonstration basis, when in fact it seems they were in business as a waste destruction company. She questions the integrity of a business that misrepresents itself to the community and would not trust such a business to be honest in matters such as contamination reports, health risks, processes and procedures, and environmental impact studies. She stated that her belief is that the health of a community should take precedence over private profit opportunities and supports the recommendation of the City to deny ISU 88-1.

Thomas Stibolt, M.D., President, Oregon Thoracic Society. Mr. Stibolt presented a written statement which he read to the Commission. Due to the length of the document, it is attached as part of these minutes.

There being no further opponent testimony, Chairman Birchill closed the public hearing and opened the hearing to questions from the Commission.

Mr. Shannon stated that so much stuff goes into the incinerator and due to the way it is boxed, a person does not know what it is. He said, we can't be provided information on what goes into the incinerator, so how can you be positive what goes out of the incinerator? The boxes and bags are all color coded and cannot be opened before incineration. How do you control that, he asked.

Applicant provided no response.

Mr. Ruehl stated that at hospitals the controlling factor is becoming the cost of incineration. Because the cost is so high, the hospitals do a better job of regulating what goes into containers, but there is no guarantee that you will get strictly medical waste, and there is no guarantee of what one will be dealing with. The only regulation of what is being put into those boxes is that the hospital is going to have to pay an exorbitant amount per pound to have it burned, so they are watching closely to see that it is not garbage going into the boxes, but truly is medical waste. That is the only thing you are going to have, which will assure you of what is supposed to go into the boxes.

Mr. Ruehl questioned the last paragraph on page 10 of the Staff Report, which states that the new incinerator has been described as a solid waste facility and the 1988 codes did not permit solid waste facilities in the GI zone. Ms. Connell affirmed the statement was correct.

Mr. Ruehl questioned whether the DEQ took any action to issue any type of permit for a solid waste facility or an air quality permit. Ms. Connell responded that their actions were not clear since too much time had lapsed.

Ms. Stewart moved, seconded by Mr. Shannon, that ISU 88-1, Therm-Tec, be denied based on the findings of fact outlined in the Staff report dated July 27, 1992. Motion carried unanimously.

E. **SP 88-6, Therm-Tec, Site plan review for a new building on Cipole Road.**

Chairman Birchill called for a Staff report.

Ms. Connell reported that this Site plan is subject to approval of ISU 88-6, which was recommended for denial and confirmed by the Commission. It is now necessary to deal with the site plan. The building does not have an occupancy permit and the previously intended use, housing an

incinerator, must be prohibited. Therefore, the subject of this review must be



limited to the physical site planning of the building. She noted that the building complies with the GI use and required setbacks and landscape plan. She reviewed all other site details required by the Code.

Staff recommends, based on the findings of fact and the applicants proposal to use the building only as office space and warehousing, that SP 88-6 be approved subject to the conditions outlined in the Staff report dated July 27, 1992.

Chairman Birchill then opened the hearing for proponent testimony.

There were no comments from the applicant.

Chairman Birchill opened the hearing for opponent testimony.

Debbie Smith, 24100 Ladd Hill Road, Sherwood, raised a question concerning the storage problem at the site; specifically, what is being stored? Ms. Connell responded that the City recognized that the business began to store equipment outside of the building after it was built. Therm-Tec was requested to screen out of door storage, or remove the equipment; some was removed, and they planted profira hedge screening on the south side.

Ms. Debbie Smith questioned whether the building could be considered a warehouse and be used to store solid waste or used as a transfer site. Ms. Connell responded that the condition for approval could be modified to prohibit storage or transfer of solid waste materials.

Ms. Renette Meltebeke, 890 SE Merryman Street, Sherwood, stated that this has been a concern in the past as to what was stored in and around the premises and being allowed to leak or drain into the sewer. She noted that any storage or transfer of solid waste materials at the site would be a violation of the Zoning Code.

Wilton Turner, 235 SE Sunset Boulevard, Sherwood, addressed the Commission. Mr. Turner stated that he has been observing the process with a great deal of anger. What has been done to Therm-Tec is a crime. Sherwood does not have any industry in the City and what we have is only temporary and will be run out of town. You have taken another industry and tried to run them out of town. Nobody gave testimony or any other thing that indicates these people have done anything wrong. Your testimony has been "maybe", "perhaps", "we think." No one has said anything concrete that could cause anyone to

make a decision not to allow Therm-Tec to do their work. It is time someone took a good look at what is going on. This is another case of the environmental people say "we think this" and right away, everything goes to hell in a hand basket. Nobody has any proof; right away you get a corpse, then you get attorneys. What you have done to Therm-Tec is a crime and a disservice to the City of Sherwood.

There being no further testimony, Chairman Birchill closed the public hearing and opened the hearing for questions from the Commission.

Ms. Stewart questioned what will be stored in the building and stated that the use of the building should comply with GI, which should cover what the building will contain and eliminate storage of solid waste.

Mr. Shannon requested that he be allowed to respond to Mr. Turner. He stated: "Mr. Turner says nobody has proven anything is wrong. What about when Therm-Tec came to us and said they had a demonstration burner and they burned without a DEQ permit. What do you mean they didn't do anything wrong. I think a big injustice has been done by Therm-Tec."

An argument ensued and Chairman Birchill ruled Mr. Turner out of order and proceeded with questions from other Commission members.

Mr. Ruehl stated that he felt if there has been any injustice done by anyone, he would say DEQ probably led all involved astray in dealings with Therm-Tec issues. "When I was running for City Council, someone asked me what I did for a living and I said I deal with computers, I am a systems analyst. They asked me what right does that give me to question whether what Therm-Tec is doing is right, wrong or indifferent. I answered, I have no right, but what scares me more than anything else is the people that are supposed to be the experts at DEQ could not answer our questions, and as a result, I had to feel very uncomfortable about what was being done in the situation. I agree with Mr. Turner, I hate to see what happened to Therm-Tec happen to any business. It's hard enough dealing with all of the bureaucracy, but the situation is here and we have to look at the public safety of the people and the community, and when it is in question are we willing to take that kind of risk? And, I think that is where the bottom line falls now; I don't think that we are willing to take that kind of risk; I can't make a judgment whether it is right or wrong, but 25 years from now if it is the wrong judgment, it will be a very hard thing to

reconcile. Part of the problem is that I can look at Therm-Tec and Dean and Gary and can say I trust both of those guys very much, but tomorrow they sell their business to someone down in South Carolina, Alabama, Puerto Rico or the Virgin Island, I have no control as to what goes on there; i.e., chemical waste facility between Tualatin, Wilsonville and Sherwood---that is exactly what happened to them. We were sold something because of what one company was going to do and all the things they were going to do; they had a good reputation but sold their company to one that has a bad reputation; now we are living with that and they did it by sliding through every loophole available. We have to look at a lot of different factors and I am sorry for what happened to Therm-Tec, and I think everyone here is sorry; but, we have to take a look at what is in the public's best interest, and I think that is what we look for and that is why we took the action we did. If you can't accept that, I'm sorry."

Dean Robbins, Therm-Tec, 20525 SW Cipole Road, Sherwood, Oregon, addressed the Commission. Mr. Robbins expressed appreciation for all of the comments. He stated that what Therm-Tec would like to do is use the building for which they paid. They intend to store cardboard and things of that nature, and the building will contain no hazardous waste.

Chairman Birchill stated that he agrees with Mr. Ruehl wholeheartedly. He disagrees with the "nimby" business (not in my back yard). We want all of those services from those hospitals, we are the people who are creating those wastes; now we want them hauled to someone else's back yard, we want to create more pollution by hauling it up a beautiful, scenic canyon...I have a hard time with "nimby" business; I am in full agreement with Mr. Ruehl. We are here to protect the people and we are here to protect your interests; and, for that reason, I will vote to sustain the Staff's recommendation of SP 88-6, but I do so reluctantly in some ways. If we are going to create and have the technology we have, then we need to pay the piper for that technology. I am not saying Sherwood creates all the waste that might have been burned at that facility; but somehow, some place, we need to take care of what we do.

There being no further discussion, Mr. Ruehl moved, seconded by Ms. Hosler, that based upon the findings of fact in the Staff report dated July 27, 1992, SP 88-6 be approved with the following conditions:

The building shall not be used for incineration of solid waste. Use of the building must comply with the

General Industrial Zone. The building shall not be used for storage or transfer of solid waste.

The motion carried unanimously.

7. Adjourn:

There being no further items before the Commission, Ms. Hosler moved, seconded by Ms. Stewart, that the meeting be adjourned. Motion carried and the meeting adjourned at 10:15 p.m.

Respectfully submitted,

Kathy Cary,  
Secretary