

City of Sherwood, Oregon
Planning Commission Meeting
October 20, 1992

1. **Call to Order/Roll Call:** Chairman Birchill called the meeting to order at approximately 7:35 p.m. Commission members present were: Eugene Birchill, Marjorie Stewart, Marty Ruehl, Ken Shannon, Christopher Saxton, and Glen Warmbier. Ms. Hosler was excused. Planning Director Carole Connell and Secretary Kathy Cary were also present.

Chairman Birchill welcomed new commission member Christopher Saxton.

2. **Minutes of October 6, 1992:**

Ms. Stewart moved, seconded by Mr. Warmbier, that the minutes of the October 6, 1992, meeting be approved as mailed. Motion carried unanimously.

3. Public Hearings:

Chairman Birchill announced that a letter had been received from the applicant requesting removal from the agenda of the following: PA 92-4, Drennan request for a Plan/Map Amendment rezoning 25 acres on Sunset Boulevard from MDRH to MDRL and SP 92-8 Drennan/Sherwood Mobile Estates: request for Site Plan approval for a 71-unit manufactured home park on Sunset Boulevard. He announced that these issues will be delayed until the November 17th meeting.

A.SP 92-7 Cascade Columbia Distribution Company: request for Site Plan Approval to construct a chemical distribution facility on Tualatin-Sherwood Road.

Mr. Birchill opened the hearing and read the Hearing Disclosure Statement.

Chairman Birchill stated that, for the record, he has had dealings with the architectural firm on this particular project in consulting on building and fire code issues for the past two years, approximately three contacts. He has no financial interest in this project and will not gain or lose financially from it. He then opened the public hearing and called for a staff report.

Ms. Connell announced that an 88-page staff report had been mailed to all concerned and that other documents have been received, including a revised letter from Dr. Kay, which was received October 20, 1992, a revised comment from Dave Gould, the City Engineer, and a list of chemicals to be stored on the site. She noted the applicant distributed the Guide and Principles that are used by the National Association of Chemical Distributors and several letters from current clients of the company regarding their specific services, a letter from Allied Systems dated October 20, 1992, stating there are no objections to having Cascade Distributing as a neighbor, a letter from Pride Disposal, and a letter from the Architect that reviewed the Staff report and some of the other reports to respond to the issues raised by Staff. Staff also received a few telephone calls today, one of which asked that their comments be relayed to the Commission. Dan Higgins is considering purchasing a lot in Whispering Firs Subdivision. He stated that Mrs. Higgins does not want to live in Sherwood if this item is approved.

Ms. Connell stated that the Code states that "if there is new information presented within less than 20 days from the date of hearing tonight, there can be a request for a continuance"; it is not mandatory to continue the hearing, but might allow additional time to absorb the material distributed at the meeting.

Ms. Connell directed the Commission's attention to the site plan map, and highlighted the issues and concerns stated in the staff report dated October 12, 1992.

The parcel involved is an irregularly shaped, 19.78 acre parcel on Tualatin Sherwood road adjoining the railroad. The building will be located in the rear of the parcel, against the Rock Creek Floodplain. The property is zoned general industrial and general industrial businesses surround the site and the BPA lines run through the site, making a portion of the parcel unbuildable. A portion of the property is also in the Rock Creek Floodplain, over two acres of which have been donated to the City by the owner. She expressed some concern about the soils characteristics and the area of the parcel which contains standing water.

Ms. Connell pointed out that public notices had been sent to property owners within 100 feet, as well as Washington County, ODOT, USA, TVFRD and the City Engineer and that responses from those agencies are attached to the Staff report. She then

outlined the criteria for approving a site plan. She noted that the question being discussed at this hearing is not related to the use since it is permitted by the zone, but will consider only the site plan criteria.

The site plan meets all requirements of the general industrial zone. Site development details were then discussed in relation to Chapter 5, Community Design.

Ms. Connell noted that Chapter 6 is the public improvement chapter and relates to sewer, water, streets and drainage. The staff report addresses compliance with those provisions.

Sewer and water are either on-site or near the site and the applicant will connect to those services. The Unified Sewerage Agency has approved the applications subject to final construction details on the on-site drainage and sewer connection. However, USA asked for an erosion plan, public storm and sewer design, on-site water quality facilities and verification of the floodplain. The fire district was notified and they are working closely with the architect. The district believes all plans comply with the Uniform Fire Code and fire district requirements. The Fire District will provide a formal and complete review upon completion of the project. The response from Washington County raised issues regarding access to Tualatin-Sherwood Road, which is in their jurisdiction. The County recommended the applicant consider a driveway in conjunction with Allied Systems on Oregon Street since the driveway proposed by the applicant is closer than the 600-foot separation required by the County. The applicant is working with the County to determine the best access route. She noted that the County has requested a waiver not to remonstrate against an LID on improving the road in the future.

Ms. Connell next reviewed the requirements of Chapter 8 concerning environmental resources. She reiterated that the site includes land in the Rock Creek Floodplain and the Code requires a developer to dedicate land to the public. Ms. Connell noted that the applicant has dedicated the land to the City. There will be no development within the Rock Creek floodplain and, therefore, there the application will not be subject to the floodplain modification standards.

Ms. Connell stated that Section 8.300 is to protect and properly manage the City's natural resources for the benefit of the public and to protect the citizens from potential environmental hazards. The Code requires certification of

compliance from a professional engineer. The applicant's architect has submitted this certification; however, Ms. Connell felt this certification should be provided by a certified engineer.

Ms. Connell pointed out that the City has no expertise in analyzing the handling, storage or distribution of hazardous materials and the impact on the public. Therefore, the City Engineer was requested to perform an independent study. Since the Engineering firm did not have the expertise on staff, an expert, Dr. Michael Kay of DESCO Industrial Group, was hired by the City Engineer. Dr. Kay provided a letter, which was subsequently revised. Ms. Connell noted that the information is very difficult to interpret. Therefore, she provided a copy to the applicant who pointed out inaccuracies in Dr. Kay's report. As a result of differing opinions by Dr. Kay and Cascade, a meeting was held with Dr. Kay, City Engineer Dave Gould, the applicant and the City staff to resolve some of the issues. As a result of the meeting, Dr. Kay indicated that his impression was that the most dangerous chemical being considered was liquid chlorine, which he thought was the gaseous form of chlorine. Dr. Kay agreed his concern that the five-mile evacuation areas did not apply to the liquid form. He was then requested to clarify those concerns in a revised report, which Staff feels does not accurately reflect the results of the meeting.

Dr. Kay also raised the issue of whether or not the staff will be adequately trained to handle an emergency. The applicant indicated that at most there will usually be three employees on site who will be thoroughly trained in the compliance of State OSHA requires and all other federal and state hazards requirements. The City is concerned, but is not staffed to monitor the operation. Dr. Kay raised the concern of spills or accidents during transportation or transfer should the chemicals be spilled in Rock Creek. The applicant indicated there is a control system in which there is more than adequate area to contain a spill when being transferred from a train.

Ms. Connell stated that staff is not comfortable that the application complies with all of the requirements of Chapter 8. She then summarized concerns and the 10 issues needing further review outlined and in the staff report dated October 12. She pointed out that based on the findings, the application does not fully comply with the findings; specifically as to clarification of public safety in case of spill or an accident and details of a storm water management plan. She noted that there needs to be clarification and

additional information about the storm water pollution prevention plan and staff training in compliance with OSHA, DEQ, EPA and fire marshal regulations, and a certification of compliance with environmental standards by a certified engineer.

Chairman Birchill again announced that PA 92-4 and SP 92-8 - Drennan/Sherwood Mobile Estates issues have, at the request of the applicant, been continued to the November 17th meeting.

Chairman Birchill requested an indication of how many persons wished to speak on the issue of Cascade Columbia. After a show of hands, he requested that speakers limit their remarks to five minutes each, for a total of 30 minutes each for opponents and proponents. He then opened the hearing for proponent testimony.

Mr. Bob Code, son of the owner of Cascade Columbia Distribution Company, addressed the Commission. He provided a brief history of the company, which is a family owned company with 15 employees, four of whom are family members. The Company has been in business in Seattle since 1925, and has expanded into Oregon. Rather than retrofitting an existing building to meet the requirements and federal regulations regarding chemical handling and distribution, the firm wishes to build a new facility which will comply with the 1991 building and fire codes and meet all of the new federal and state requirements. After extensive research for a new property, the firm decided to construct a warehouse in Sherwood. He noted that the firm desired to build a facility that will be unobtrusive to the community and will operate efficiently and safely. The firm's current plant has been on the same site in Seattle since 1925, but would no longer be allowed if the firm tried to build there today. The area surrounding the two-acre parcel on which the firm is now located in Seattle has changed from sheep ranches to residential, and for this reason the family has purchased the 20-acre Sherwood site.

Mr. Code stated that Cascade Columbia belongs to the National Association of Chemical Distributors which attempts to set minimum quality standards for the behavior of how a chemical distribution company operates. Those guidelines far exceed any current laws or codes, some of which would only be attainable if one were perfect. Cascade tries to meet the standards and has never had a serious accident in Seattle, nor caused any public inconvenience, except for an acid burn involving one employee. Mr. Code feels that the firm can add

to the Community of Sherwood in spite of handling the hazardous chemicals. The firm has expertise from their suppliers, manufacturers, training for handling the chemical by employees and by sharing this expertise with local emergency response officials can actually improve their knowledge and ability to handle hazardous materials. The company tries to be a responsible part of the community through outreach, meeting and addressing residents concerns. He indicated that Cascade had tried to contact the Citizens for Quality Living to discuss their concerns, however the group expressed no interest in meeting.

Mr. Code introduced the members of his staff who were available to respond to any questions from the Commission or attendees in the audience. He stated that if the company relocates to Sherwood, part of their plan is to run an open business. He invited members of the community as well as the fire department to tour the facility to become familiar with the process and procedures of Columbia Cascade. He noted that most of the chemicals handled by Columbia are currently used in most homes in less concentrated forms; i.e., sulfuric acid in car batteries and cleaning agents--which are diluted by end suppliers. He then requested that Dave Welsh explain the technical aspects of the proposed plant.

Mr. Welsh provided a brief description of how the building is to be sited and reviewed some of the technical issues regarding fire and safety. He noted that the site is on Tualatin-Sherwood Road, which has recently been improved and has adequate lighting. The property contains a power line and is heavily wooded, and contains some fill from Allied's property. The building will be located on the parcel in such a manner that the trees may be used as a screen as well as a wind break. The site has been graded to lower the facility to obscure the building from view of the residents on Edy Road. The facility consist of five storage structures, one drumming area and a tank farm. He noted that there are two conditions which must be addressed: one is the water quality and one is the DEQ requirements. Grassy swales are planned so that run-off is not subject to the control area and will go through normal water quality structure. Material water within the facility will all go through a different type of containment. Containment of the planned rail car, which is planned for the future, has caused some concern. Mr. Code calculated the volume of the rail car containment as four-days of rain plus two times the amount of material in the tank. The code requires 1.1 times the largest containers within the container area, and his calculation exceeds the requirement. He noted that the tank farm containment also

exceeds the requirements and the drumming containment has a 110-gallon minimum compartment. This is a covered area that will not be subject to rain. Outside staging area is where vehicles move about the drumming area to other areas including a forklift area. The forklift area could incur some incidental seep, but the rain water and run off will be taken to a different retention area and will not be released until verification by USA. Check points are planned which will help prevent accidents. He noted that some of the chemicals can be neutralized on site and will become salt water. If material is suitable to release into Rock Creek, water will be released; otherwise, if the material is reusable, it will be returned to some type of containment for reuse or released to the sewer after it has been approved by USA. One form of containment will be a membrane underneath to prevent any seepage through the concrete cracks. There is a barrier around the entire area to contain the seepage.

Mr. Code indicated that Cascade is addressing all of the issues raised by the County and he does not anticipate any problems in resolving the issues. The firm desires to have a good facility, which is an asset to the community.

Mr. Jim Stott, president of a chemical company in Portland, 3482 Wellington Court, West Linn, addressed the Commission. He noted that he lives in West Linn, but attends church in Sherwood and has many friends in the area. He stated that would not endorse this operation if it were not good for the community. He indicated that Cascade has been a good organization and is well managed. He personally observed transfers from tankers at the site and has never known of a spill or accident and recommended that the plan be approved.

Since allotted time had lapsed and there were no other proponents who indicated a desire to speak, Chairman Birchill called for a 10 minute recess at 8:35 p.m. The hearing resumed at approximately 8:45 and Chairman Birchill called for opponent testimony.

Mr. Larry Briggs, a member of the Citizens for Quality Living, 16550 SW Parrett Mountain Road, Sherwood, addressed the Commission. Mr. Briggs stated that he wished to acknowledge the architect and Cascade for their professionalism. He noted that the Citizens for Quality Living had been contacted and expressed their willingness to work with the community. The CQL did not respond since they did not know how to say: "sorry, we don't want you here." Mr. Briggs pointed out that the Cascade project began two and a half years ago, prior to Therm-Tec and there is now a

sensitivity in this community for the vision for the City. Approximately 18 months ago, CQL developed a vision for Sherwood, which was precipitated by the Therm-Tec problem. Principally, the issue we see is larger than this particular sitting of a chemical plant--it does not belong in our back yard. The sitting of this plant is not the picture of what we have for our community given the recent residential developments with the wetlands and wildlife refuge as well as the recent developments in our community. The community got excited about the possibilities in Sherwood, and personally, I think placing a chemical distribution plant next to a wetland doesn't fit. I have concerns about the tanks coming in and exiting both on rail and on road, and I believe some very conscientious measures have been taken for on-site concerns, but there are issues of concern beyond that. CQL is concerned that the zoning regulations do not fit what I think the desire for the community is and the CQL is a focal point of the community in this area.

Thomas Stibol, 18181 SW Cummrow Road, Sherwood, Oregon, and a member of the CQL, addressed the Commission. He expressed concern similar to those of Mr. Briggs. The CQL has gone through a lot of trouble to become part of the Tualatin Valley Wildlife Refuge, which is an effort to retain some of the natural areas for birds to nest. The concept of putting a chemical facility next to that is similar to putting a fireworks factory next to a steel mill; which is something common sense says this is not the thing to do and perhaps a better site could be found. Mr. Stibol stated that he is not a design engineer, but agrees with Mr. Evans' report, which makes a number of remarks about the facility's design; i.e., vapor control in tanks and tank cars when they come in and the outside storage might be a problem if it gets wet while moving materials in and outside those tanks. It was decreed that the facility that is going in here would be up to the 1991 building codes, it is now 1992, and this facility has not been built yet. I think we have to look to the future and ask what is the best possible control system one can have when putting this into a residential area, next to a wildlife refuge. Mr. Stibol noted that traffic on the roads remains a concern as well as the possibility of a spill into the wetland.

Mr. Stibol indicated the list of chemicals given is an interesting list, but what about two years from now the people you are selling to might be looking for chemicals not on your list. What we are getting into may be more open ended as to the chemicals that are added to this facility, but what procedures are to be undertaken to control the

chemical added to the facility. Also of concern is: what are the plans for facility inspections to ensure compliance with all requirements, the unknown and potential financial liability -large companies have been bankrupted by small spills, concern is over financial responsibility of a small company. What happens if a larger company offers to buy Cascade and they change from good management to bad.....I'm not sure this is what we have in mind as our vision for the City of Sherwood.

Renette Meltebeke, 890 SE Merryman Street, Sherwood, a member of the CQL but is speaking as a citizen, addressed the Commission. Ms. Meltebeke indicated that she was unaware of the details of this development until recently. She noted a quote in the memo from David Evans evaluation of the proposed chemical site, which indicated there is a trend to passive marginal industrial users trying to locate in Sherwood; that is, low-employment - high-risk. This is an industrial entity that will employ minimum people while offering the potential of a disaster. In the memo, Mr. Gould expressed the opinion that the industrial land should be utilized to maximum benefit of the community of Sherwood, not a potential "super-fund site." Ms. Meltebeke indicated she just received a list of chemicals that Cascade will handle and which could change as demand arises; but some of the chemical on the list are very highly hazardous and toxic chemicals which could result in a catastrophic event. She requested that the Commission be cautious in allowing something of this nature in Sherwood.

Tom Costner, 815 SE Merryman, Sherwood, not a member of the CQL, addressed the Commission. He stated he has four major concerns regarding spills: spills from the rail car itself; car to tank; tank to truck and the truck. Mr. Costner felt the on-site containment had been addressed; however, nothing has been said about off-site, rail car or truck. He felt there is more than just the rail company or the trucking company that is responsible for that basically; does not like to see the attitude out-of-sight, out-of-mind. There is a responsibility for the company bringing the material in and the responsibility of the Planning Commission to safeguard the people of Sherwood. He asked is there a safety plan that will be in effect at the fire department that will be in effect prior to opening of this company; and, if so, what will the plans be? The large amount of materials stored is of great concern. He urged the Planning Commission consider forcing the company to address citizens safety issues prior to the opening of the company.

Debbie Smith, 24100 Ladd Hill Road, Sherwood, a member of the CQL, addressed the Commission. She indicated she had a couple of concerns; one of which is the reduction in the federal spending and cutbacks that will reduce the enforcement agencies and personnel who will monitor and cite for violations - who will handle these issues? She also hopes the building inspector or the one who will inspect the building has the proper knowledge of chemical and the impact of this type of building. She pointed out that Dr. Kay is also concerned about the outdoor storage.

Ms. Smith noted that Palmer Sekora, manager of a large area of wetlands, during a recent tour of the wildlife refuge stated that the worst problem with wetlands is chemical contamination; once contamination happens no money, insurance or citation will repair the damage to the environment. Ms. Smith expressed concern that the City is unable to attract businesses that will join the City in promoting a safe environments.

Lisa Brenner, 18181 SW Cummrow Road, Sherwood, addressed the Commission. Ms. Brenner indicated that she had spoken with the architects and had been to the City of Tualatin Planning Department. Tualatin's staff expressed concern about the plant and indicated the City would not allow this use; and, further, the City is concerned about the volume of the chemicals being processed at the plant. Ms. Brenner formally requested that the hearing be continued so that concerned citizens will have time to evaluate the report. She indicated that one thing that needs to be addressed is what is the state-of-the-art facility and what would it look like? If this facility is going to go into Sherwood, the citizens should know exactly what the facility would look like. How can the citizens get the facility to be a no-risk operation? One thing that can be done is monitor the on-site transportation, particular hours the truck will be on the road, the requirement for the presence of emergency vehicles, escorts, etc., to ensure there is no added risk to the community. Ms. Brenner also pointed out that this facility does not fit the vision for Sherwood, and it is important to address the code so that these very large facilities cannot slip in in the future. She urged that the Commission assure that Sherwood will face no added risk based on an industry that comes in.

Sigrid Weidenweber, 16810 Parrett Mountain Road, Sherwood, addressed the Commission. Ms. Weidenweber stated that she is not a citizen of Sherwood nor does she belong to CQL. Ms. Weidenweber felt that consideration should be given to the

fact that the City sits on a string of wells that could be contaminated by one spill of one truck. Nor should a business be allowed in the area which could destroy a wetland with one spill.

Sandy Gifford, 16245 SW Bell Road, Sherwood, a member of CQL, addressed the Commission. Ms. Gifford stated that she only learned about the Cascade Columbia Distribution Company's proposal to build in Sherwood in the morning edition of the "Oregonian". She stated she has not had the opportunity to investigate the issue and requested that the hearing be continued to allow more time for study. She is concerned about a company like this coming to Sherwood and is surprised that it is even being considered since the community has consistently indicated they do not want it here; it does not fit with our goals and objectives. Ms. Gifford expressed concern about the increase in vehicular traffic on Tualatin-Sherwood Road and the trucks with hazardous chemicals. Ms. Gifford pointed out that the City of Sherwood is not equipped to handle emergencies and the company will have a maximum of three employees and urged that the company locate somewhere in a less populated area. She again requested that the hearing be continued.

Ms. Weidenweber requested that a public meeting be held for the purpose of informing the residents of the risks of allowing a chemical distribution company, especially since the residents did not receive sufficient notice of the hearing.

Don Weidenweber, 16810 SW Parrett Mountain Road, Sherwood, addressed the Commission. Mr. Weidenweber indicated he did not have sufficient information to make a good judgment. He indicated he did not understand Sherwood's vision for the future of the community, which seems to lean toward the residential. In which case it seems questionable to allow this type of business in the community. Additionally, as a business person, he would question whether he would want to have the risk of transferring hazardous chemicals in a wildlife area. One accident could create damage to the refuge which could not be corrected over the next 20 years.

There being no further opponent testimony, Chairman Birchill opened the hearing for rebuttal from the applicant. Mr. Code requested a five-minute recess, which was granted. The hearing reconvened at 9:20 p.m.

Mr. Joe Price, manager of the local office of Cascade Columbia Distribution, addressed the Commission. He noted

that many of the issues raised during the discussion are valid concerns. Chemicals are something that are in every community and many manufacturing processes. He noted that Cascade is committed to protecting the wetlands and operate in as safe a manner as possible.

Mr. Price stated that Cascade had met with City Staff, the City Engineer and Dr. Kay and felt that all concerns had been addressed and resolved; however, Dr. Kay's amended report did not reflect the actual meeting. He pointed out that Cascade does not handle the extremely hazardous chemicals which were

indicated. He stated that many chemicals are delivered by truck, but the drivers and staff are adequately trained for maximum safety and the company does not have the out-of-sight, out-of-mind attitude.

He noted that chemical distribution is very strictly regulated by a number of agencies and the company must comply with them all.

Mr. John Boutinen, 17590 SW Skyline, an employee of Saber Construction, addressed the Commission. He noted that he had reviewed the plans for the project and feels that Cascade has done an excellent job, better than most facilities with which Saber Construction works. He indicated he would rather see a facility with Cascade's plans than what he sees existing in either Sherwood or Tualatin. Mr. Boutinen stated that Cascade is a responsible company, and will make a positive impact on Sherwood.

Ms. Debbie Smith, 24100 Ladd Hill Road, Sherwood, again addressed the Commission. Ms. Smith pointed out that information was still being received at 3:30 p.m., to complete a report for the hearing. She noted that the persons being relied upon to make a judgment have not had time to adequately study the material. Ms. Smith urged that the hearing be continued to allow time to study all of the issues.

Ms. Renette Meltebeke, 890 SE Merryman Street, Sherwood, addressed the Commission. Ms. Meltebeke stated that this is a complicated and every extensive report and urged that more objective opinions be secured. Because of the magnitude of risk and impact on the community, evaluations need to be made by well-qualified individuals.

Dave Welsh pointed out that Cascade had made several offers to meet with the CQL, but the offers were rejected.

Chairman Birchill advised the attendees that continuation is automatic since it has been requested. The public hearing is, therefore, continued until the next meeting of the Planning Commission, November 3, 1992. At this time, he opened the hearing to questions from the Planning Commission.

In response to Ms. Stewart's inquiry about building and trees, Mr. Welsh replied that the height of the tanks will not exceed the height of the surrounding trees and the soil will be studied to determine if the footings will support the weight of the tanks.

Commissioner Ruehl indicated that he had pages of questions, most of which had been addressed. He noted that the evening of the meeting was the first he had seen the list of chemicals and it is appalling that this information has not been presented to the Planning Commission who tried to address all of the issue.

Mr. Ruehl stated that he had reviewed the information packet and noted that there were many conflicting reports and many meetings in the last few days of which the Commission was not aware and a significant amount of information which was not shared with nor has the Commission had time to absorb or ask questions about many of the issues that were not exposed until meeting time. He stated that the Commissioners are not chemists, nor do they fully understand what this type of business is. Mr. Ruehl felt that the Commission could not make a judgement and needed more time to address the concerns of the Commission in an open forum so that all concerned feel comfortable with the plan.

Mr. Ruehl raised questions regarding who will be able to buy chemicals, is this an operation which transports bulk chemicals, does Cascade control the transportation, or can anyone who runs a business mixing chemicals come in and pick up chemicals and haul them away in their own vehicles, exactly how are chemicals transported on and off of this site?

Mr. Welsh responded that approximately 95 percent of the chemicals are delivered by Cascade's trucks, and most customers are not able to handle thousands of pounds of chemicals and do not have the proper placards or licenses to do so; further, most do not want the responsibility. He indicated that there is some will-call items, but those chemicals are not hazardous and weigh considerably less.

Mr. Ruehl asked if Cascade is planning to replace either the Seattle or St. Helens operations in the Sherwood site, or is this a supplement to those sites, and what is the relationship to the remaining parts of your business at this site?

Mr. Code responded that the Cascade warehouse is in a rented site from GTX, who is primarily a gas and oil business, and differs from the type of business operated by Cascade. The St. Helens functions will be moved to Sherwood.

Mr. Ruehl requested clarification of the type of membrane that is to be installed under the facility - is it 150 - 250-

life expectancy or what, and does it react to chemicals? Mr. Welsh responded that he couldn't say for certain.

Mr. Ruehl indicated he is concerned that in the event Cascade decides to sell the operation, what will happen if the new owners do not have the same quality of management. The City has experienced this problem in the past when Reidel went through the process and as soon as the permits were issued, sold to one of the biggest chemical waste companies in the country who had one of the worst reputation as far as violations regarding chemical waste is concerned. This is a big concern to the City since it has happened and that facility continues to be a threat to neighborhoods. He asked what assurances does Cascade have for us to deal with the foregoing issues?

Mr. Ruehl indicated that he had several issues which he would like Cascade to address in detail at the next meeting. Specifically, the items are:

1. Provide an exact list of the agencies who are involved in permitting and regulation of this type of business, including who issues permits, what permits are issued and some idea of when on-site inspections will occur and with which the company must comply in terms to taking care of regulatory requirements on an on-going basis.
2. Provide a complete list of chemicals and whether they fall under the SERA requirements of a community's right to know act.
3. Big concern in this type of facility, other than containment and control of spills, safety containment issue and the company's ability to handle spills, is what will happen in the event of a 7.0 earthquake and what will happen when all of those chemicals are mixed? Can Cascade provide an idea of precautions taken in the event of an earthquake? Has Cascade addressed this issue, or will you? The Commission needs some input as to how you deal with earthquakes.
4. Provide some idea of real components you are required to identify in an emergency response plan. Is there any automatic detection facility to be utilized in the event of an emergency response? What triggers the device and where, is it triggered at the fire station to alert someone of a problem?

5. Mr. Ruehl requested that Staff consult with City Attorney Dittman to find out what can be done in the permit process to protect the City in the event the company is sold or to prevent sale of the business.

6. Mr. Ruehl also asked that Cascade look into the future to provide a better idea of the type of chemicals which may be added to the inventory and how Cascade perceives they will deal with those chemicals.

7. Clarification of Dr. Kay's report by the City.

Mr. Ruehl also requested the opportunity to view the site and the proximity of the building, the topography and vegetation of the parcel, etc. to get a better understanding of the project.

Ms. Stewart requested that the complete section of the zoning code as it relates to industrial sites be provided at the next meeting. Ms. Stewart stated that she felt very strongly that the zoning ordinance was the best ordinance and should dictate how much building could be done. She noted the industrial ordinance had been passed by the State.

Mr. Shannon expressed concern about the financial liability/responsibility of a spill, not only at the site, but on the highways of neighboring communities. He noted that \$5 million insurance would not begin to repair the damage of a spill, especially in a wildlife refuge. He stated that he is concerned about the effects of transporting more chemicals on the road of the neighboring communities as well as the City of Sherwood as well as the possible effects of a chemical spill in a wetland area.

Commissioner Warmbier indicated he also has a problem with transportation of the chemicals over state roads.

After an extensive question and answer period, Chairman Birchill requested that the applicant address the following items:

1. Under which edition of the building and fire codes will the actual construction plans be submitted.
2. Provide input from surrounding communities as to the impact of transportation via rail or trucks.
3. Respond to the questions previously raised by Mr. Ruehl.

Chairman Birchill stated that it is frustrating to all concerned when the Commission works very hard to develop reasonable and logical rules and ordinances and no one provides input or committee participation until a case such as Cascade is submitted, then many people appear to protest the construction of a business in their

back yard. This is an unfair change in the game rules. He noted that the hearing is continued until November 3 using the same format.

Mr. Code requested that staff attempt to obtain clarification of Dr. Kay's reports.

4. **Letter from Don Hite re: MLP 90-5.**

Ms. Connell reported that a letter had been received from Don Hite requesting that the October 5, 1992, deadline for submittal of the requirement to complete the minor land partition be waived.

After a brief discussion, Ms. Stewart moved, seconded by Mr. Shannon, that a 90-day extension be granted to Mr. Hite. Motion carried unanimously.

4. **Directors Report:**

Ms. Connell brought the following items to the attention of the Commissioners:

1. The City Council upheld the Planning Commissions decision on the appeal of the Baptist Church, who is also meeting at this time to decide on their next move.
2. Distributed a copy of the LUTRAQ paper for anyone with an interest in the study.
3. Reviewed the agenda for forthcoming meetings.

6. **FYI:**

- a. A copy of the STOP Newsletter.
- b. Memo from the Oregon Department of Land Conservation and Development regarding Urban Reserve Areas.
- c. Amendments to Far and Forest Land Goals.

Ms. Connell noted that the above items were included in the packets for information purposes.

7. **Adjourn:**

There being no further items before the Commission, Mr. Shannon moved, seconded by Ms. Stewart, that the meeting be adjourned. Motion carried, and the meeting adjourned at approximately 11:00 p.m.

Respectfully submitted,

Kathy Cary,
Secretary