



*Home of the Tualatin River National Wildlife Refuge*

# **Planning Commission Meeting Packet**

**FOR**

**January 28, 2014**

**At 7 PM**

**Sherwood City Hall  
22560 SW Pine Street  
Sherwood, Oregon**



**City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140  
January 28, 2014 – 7 PM**

**AGENDA**

- 1. Call to Order/Roll Call**
- 2. Agenda Review**
- 3. Consent Agenda**
  - a. December 10, 2013 Planning Commission Minutes**
- 4. Council Liaison Announcements (Mayor Middleton)**
- 5. Staff Announcements (Brad Kilby)**
- 6. Community Comments**
- 7. Old Business**
  - a. Public Hearing (Continued) - PA 13-03 Transportation System Plan Amendment for **Adams Avenue North** (Brad Kilby)**

The Planning Commission will consider a proposal, by Washington County, to amend the Transportation System Plan and Comprehensive Plan to extend Adams Avenue (near Home Depot) to the west side of Highway 99W. The street extension is intended to address capacity and safety issues in the area, and to designate the functional classification of Adams Avenue to a collector status road. The street is currently not shown or designated in the City TSP

- b. Public Hearing (Continued) - PA 13-04 Transportation System Plan Amendment for **Baler Way** (Brad Kilby)**

The Planning Commission will consider a proposal, by Washington County, to amend the Transportation System Plan and Comprehensive Plan to extend Baler Way north of Tualatin Sherwood Road into the area known as the Adams Avenue North Concept Plan area. The street extension is intended to address capacity and safety issues in the area, and to designate the functional classification of Baler Way to a collector status road. The street is currently not shown or designated in the City TSP.

**9. Planning Commission Announcements**

**10. Adjourn**

# **Consent Agenda**

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**City of Sherwood, Oregon  
Planning Commission  
Work Session Meeting Minutes  
December 10, 2013**

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**Planning Commission Members Present:**

Chair Jean Simson  
Commissioner Michael Cary  
Commissioner John Clifford  
Commissioner Lisa Walker

**Staff Present:**

Julia Hajduk, Community Development Director  
Brad Kilby, Planning Manager  
Bob Galati, City Engineer  
Kirsten Allen, Planning Dept. Program Coordinator

**Planning Commission Members Absent:**

Commissioner Beth Cooke  
Vice Chair James Copfer  
Commissioner Russell Griffin

**Council Members Present:**

Mayor Bill Middleton

**Legal Counsel:**

None

**1. Call to Order/Roll Call**

Chair Simson called the meeting to order at 7:03 pm.

**2. Agenda Review**

The agenda consisted of the Consent Agenda and two public hearings PA 13-03 and PA 13-04.

**3. Consent Agenda:**

- a. **October 8, 2013 Planning Commission Minutes**
- b. **October 22, 2013 Planning Commission Minutes**

**Motion: From Commissioner Lisa Walker to approve the consent Agenda for October 8 and October 22, 2013. Seconded by Commissioner Michael Cary. All present planning commissioners in favor (Vice Chair Copfer and Commissioners Cooke and Griffin were absent).**

**4. Council Liaison Announcements**

Mayor Middleton had no announcements and commented on the previous Council Meeting which was an appreciation dinner for City Boards and Commissions where each commission reported back to the Council about the year's accomplishments and goals.

## 5. Staff Announcements

Brad Kilby, Planning Manager, announced a Tri-Met community meeting that would be held on January 16, 2014 in the Community Room at City Hall from 6:30-8:30 pm. He said there was a link on the city website at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov).

Brad reminded the Commission that the second Planning Commission Meeting for December would be held on December 18, 2013 and would include a public hearing on the rezoning and text amendment for a piece of property off of Meinecke Road. He said there was also a full agenda for the January 14, 2014 Planning Commission meeting.

Brad informed the Commission that Commissioner Griffin was unable to continue as the liaison to the Citizen's Advisory Committee for the Transportation System Plan Update and Chair Simson would be taking his place. The next meeting would be on December 11, 2013 to discuss needs, opportunities, constraints, and tools with a public Open House the following night at the Police Station on December 12, 2013 at 6:00 pm.

## 6. Community Comments

**Robert James Claus**, Sherwood resident commented regarding a recall petition and said that it was not the horrendous act that it is being taken as because of the rights of the people. He spoke of Valley Forge, General Washington, and reasons that this country is great. Mr. Claus commented on the creation of an Urban Boundary line, through an enabling statute, and named the only franchised people that can vote and create public policy as the voters. He said the representative democracy speaks for the public and if not they can be recalled. Mr. Claus commented regarding the right to vote being a fundamental American civil right and on the City recorder's actions regarding a recall petition. He said that bureaucrats who are not elected, and beyond recall, do not set public policy and commented regarding natural probable consequences. Mr. Claus commented that when people try to represent nothing but democracy there are obstacles and misunderstanding and America is about citizens telling their representatives what they want.

Chair Simson explained that one of the Commissioners had to recuse himself for the public hearing regarding PA 13-03 and there would not be a quorum. She amended the agenda so that the public hearing for PA 13-04 would be heard first.

## 7. New Business

### b. Public Hearing - PA 13-04 Transportation System Plan Amendment for Baler

Chair Simson read the public hearing statement for a legislative hearing and asked how much time the applicant would have to testimony.

Julia Hajduk, Community Development Director instructed that the rules were a little different for a legislative action but the applicant would generally receive thirty minutes to split between initial presentation and rebuttal.

Chair Simson asked for any conflicts of interest or bias and disclosed that she had attended one of the open houses. Receiving no other comments, she asked for a staff report.

Brad Kilby said PA 13-04 was an amendment to SW Baler Way and gave a presentation (see record, Exhibit 1). He pointed to a blue dashed line on a map and indicated that the applicant, Washington County, was proposing to show that line on the Transportation System Plan Functional Map and put it in the Transportation System Plan (TSP) as a future collector street connection. Brad showed a white dotted line extending from there connecting into the future Langer Farms Parkway to the north.

Brad said there are several properties that would be affected by the change, that Portland General Electric owns the property and that there are limitations associated with having power lines and easements across it. Brad stated that Washington County is proposing to identify the future location of the collector in the TSP for the purpose of providing access to the properties, addressing capacity and safety issues in the area, and is a component of the widening of Tualatin Sherwood Road.

Brad reminded the Commission of the Adams Avenue North Concept Plan adopted in 2009 and said the property in the area is zoned Office Commercial, General Commercial and Light Industrial. He showed a drawing of the existing Transportation System Functional Plan that shows an extension of Langer Farms Parkway and said the map would be amended to include the proposed collector.

Brad commented that this amendment was one way to help mitigate removal of the signal on Tualatin Sherwood Road. He explained that a collector street has to tie into a collector street and the number of local streets that come off of a collector street, like Tualatin Sherwood Road, is limited. The existing Baler Way is also a collector street.

Brad showed the forecasted traffic generation to be 6000 average daily trips and commented that the estimate might be low because of the limitations of the power lines around the property. He said that staff recommends that the Planning Commission forward a recommendation of approval to the City Council to place the proposed collector onto the City's Transportation System Functional Classification Map.

Chair Simson asked if this was part of getting five lanes to Teton Avenue in Tualatin and asked why the proposed street is a collector street.

Brad responded that the City tries to connect collector streets to collector streets and to limit the number of local streets that come off of an arterial or collector street. He added that if the street is constructed as a collector, the developer can receive System Development Charge credits which local streets do not and per the zoning it makes sense to have a higher classification of streets going through the area.

Chair Simson turned the time over for the applicant's presentation.

**Stefanie Slyman**, Harper Houf Peterson Regelis (HHPR) and applicant's representative introduced several staff members present to answer questions about the proposal; Russ Knoebel, Principal Engineer with Washington County; Dan Erpenbach, Washington County Engineer; Cortney Duke-Driessen, Washington County Counsel; Ben Austin, Project Manager HHPR; Peter Coffey, DKS Associates Traffic Consultant. Ms. Slyman began a presentation (see record, Exhibit 2). She announced that only three members of the team would speak and explained that the process started on July 17, 2013 when a neighborhood meeting was held where all property owners within 1000 ft. of the proposed amendment were invited and 72 people were in attendance. Ms. Slyman said they outlined the proposal for PA 13-03 and PA 13-04 at the meeting and heard the concerns from residents that

pertained mostly to the Adams Avenue proposal. She declared that the applicant met twice with City staff to understand their issues and ensure that all of the approval criteria were addressed in the application. Ms. Slyman told that public notices had been made and informed that City staff went a step further to notify local businesses about the hearing in order to make sure the community was aware. Ms. Slyman recounted that the Planning Commission's role was to make a recommendation to City Council and thanked staff for a positive recommendation. She turned the time over to County staff.

**Russ Knoebel**, Washington County said he wanted to clarify that Baler Way will be part of the solution to the capacity and safety needs in the area. He said that when the County started the Tualatin Road Project they found that the TSP contained solutions that needed to be looked at moving forward and the County was taking a four pronged approach to the project:

- Widen Tualatin Sherwood Road from Langer Farms Parkway to Borchers Drive
- Intelligent traffic System- smart signals that "talk" to each other to make the corridor function better
- Manage access along Tualatin Sherwood Road and Roy Rogers Road
- Create off corridor circulation to provide additional alternatives to taking Tualatin Sherwood Road through the area.

**Peter Coffey**, DKS Associates stated that the findings of the traffic analysis are documented in the memorandum dated September 17, 2013 (see application materials) and explained that the purpose of the amendment was to develop system connectivity to improve the safety and operation of the Tualatin Sherwood Corridor. Mr. Coffey commented that the proposed amendment was consistent with Sherwood's TSP, North Adams Concept Plan, I-5 99 Connector Study and the Transportation Planning Rule. He described that the Transportation Planning Rule assures that traffic amendments or changes to the road system cannot make things worse and mobility targets in the area have to be met.

Mr. Coffey explained that the road should be designated a collector for connectivity purposes and that local streets or private driveways should not intersect with arterial roadways such as Tualatin Sherwood. Providing roadway networks can facilitate access and circulation to get onto arterial roads safely at signalized intersections. Mr. Coffey said the proposed Baler Way extension heads in a north/south direction and then in an east west direction. He specified that the proposed east west street ties into a connection that was identified in the I-5/ 99 Connector Study.

Chair Simson enquired about the statement on page 6 of the staff report that reads *we would have to evaluate and possibly relocate existing access locations for the purposes of improving safety along the future collector* and asked why a collector was being proposed and what the City is giving up to do it.

Mr. Coffey responded that the traffic analysis showed slight improvements in the area with a projection that it will carry around 6000 cars per day which is appropriate for a collector street. He expressed that the ideal for this area was to have a collector where local streets feed into collectors and collectors feed into arterials as opposed to local streets going straight to the arterials.

Chair Simson asked for public testimony with proponents first and then opponents of the application.

**Jim Morse**, Lake Oswego resident, property owner in Sherwood, commented that he owned the property behind Les Schwab and had developed the theater area about fifteen years ago when Tualatin

Sherwood Road was put in. Mr. Morse explained that a right in, right out access on 99W was denied by the Oregon Department of Transportation (ODOT), at that time, with the purpose of keeping traffic moving. He remarked that it was left out for good reason and did not feel that it should be allowed now. Mr. Morse asserted that the light at the theater was put in based on a thought process and available information fifteen years ago. He said the County was trying to create back roads to move people to the commercial areas and off of the main arterials. Mr. Morse said he was a proponent of the proposed road and would be willing to work with the county to make that roadway happen. Mr. Morse added that when the proposed road ties into [Langer Farms Parkway] there will be a nice way to get into the shopping district without interfering with the high volume traffic at Tualatin Sherwood and 99W. He said Washington County's proposal attempts to take cars off the main access, to keep traffic moving, and to alleviate rear end collisions that happen on that road.

**Nancy Taylor**, Sherwood resident said she opposed the Transportation System Amendment because she did not think it would alleviate the current traffic chaos today nor in 2035. She commented that only a widening to five lanes for the entire way from Sherwood to Tualatin will alleviate the problem. Ms. Taylor commented that a small cut through would not make big difference and expressed that taking out the light by the theater does not make sense to her. Ms. Taylor said that as a resident she feels strongly. She explained that when Roy Rogers Road opened people began to cut through her neighborhood to avoid traffic and get to their homes faster. Ms. Taylor suggested that Washington County's proposal was pure folly and asked why the City was not focusing on a bypass highway that would make a real difference. She related that she went to the neighbor meeting for the project and questioned how this would help Sherwood and take care of current traffic jams or improve bicycle/front yard safety. Ms. Taylor stated that when the big box store opens traffic in Sherwood will be unbearable and said we should go back to the drawing board to find ways to alleviate the traffic; not draw lines and spend taxpayer money on something that might take 1% off of a highway.

**Robert James Claus**, Sherwood resident commented regarding promoting land values for residents outside of town and commented that this project resulted from a request by Mayor Keith Mays to Tom Brian five years ago when they turned the area into the Town Square (Note: Tom Brian served as Washington County Commission Chair from 1998 to 2010). Mr. Claus commented that any responsible transportation engineer would have required the streets to change and said changes would not be able to be made because of litigation regarding the street by the Thousand Friends of Oregon.

Mr. Claus commented regarding the application for the shopping center where Walmart is currently building. He said a generic traffic study was provided and a peak of 37,000 cars was more than the road can carry. Mr. Claus commented regarding zone changes and that this street change was not wanted nor was it in the general plan. Mr. Claus said the Home Depot and businesses across the street were illegal where Retail was put in a Light Industrial zone. He asked the Commission to find out how to stop it and asked that another traffic study be performed. He suggested that Home Depot and the businesses near there be told they are in the wrong zone and be made to leave, consequently solving the problem of traffic generators. He asked what would happen if a new traffic study indicated that it would not work and said that he had asked County Commissioner Brian why the County did not protest Walmart because the road pattern would have to change. Mr. Claus said Mr. Brian's response was that it was not his problem. Mr. Claus said the Commission should find ways to solve the problem, not expend it, because it was nothing but MSTIP fees, raising money, and illegal uses.



**Phil Grillo**, Davis Wright Tremaine LLP, on behalf of TakFal Properties gave a letter to the Planning Commission (see record, PA 13-04 Exhibit C) and explained that on November 23, 2013 they met with representatives of the Oregon Department of Transportation, and found that ODOT is willing to approve a right in access off of Hwy 99W into the Sherwood Cinema Center (property owned by his client, TakFal). Mr. Grillo said this was very good news and thanked the City for encouraging ODOT to reconsider a long standing opposition to that access. He recounted that the conservative estimate of putting in an access is about \$700,000 and they were looking at creative ways to try and make that happen. Mr. Grillo commented that the property owner is in general support of the County's TSP amendment and holds the position that there needs to be left turn lanes and the light remain unless another option such as a right in access off of Hwy 99W and full access off of Baler Way is allowed. He said there are a number of easements that benefit the TakFal property and which are in the right location or the right width. Mr. Grillo said he needed to be able to reach an agreement with the County on what alternative access is going to look like before the City finalizes this application and asked the Commission to delay action to the first or second Planning Commission meeting in January 2014.

Mr. Grillo explained that there were two 25 foot wide accesses. One in front of the Les Schwab and one on the southern part of Mr. Morse's property which are not wide enough to accommodate a full access; three lanes are needed with associated improvements like landscaping and sidewalks. Mr. Grillo commented that the second easement is not in the ideal location for the Baler Way extension and said it may be better to have the access to the north in order to flow into the extension of the proposed east west street as it turns.

Chair Simson noted that there was an official request for a continuation and the Planning Commission was obligated to consider it.

Mr. Grillo commented that he hoped to meet with the County and City before the end of the year and ensured an update at a future Planning Commission Meeting to keep them informed. Chair Simson clarified that any agreement made [between TakFal and] the County would be separate from the TSP Amendment before the Commission excepting that the Commission would consider accesses and how they would benefit the community and keep these properties developed and active.

Julia commented that her understanding was that [TakFal] was generally supportive of the proposal, but has concerns that they would like to have addressed. She said that while the details are not directly relevant to the TSP amendment before the Commission TakFal would like time to get some details resolved with the County in order to be more certain of their support.

Mr. Grillo responded that there was not enough evidence to conclude that there would be sufficient connectivity and access to their property and Baler Way. He said that the County's project is about relieving congestion and creating capacity away from Tualatin Sherwood Road, but the City's TSP should include connections and access for properties. Mr. Grillo suggested the County is doing this in part because it will be necessary for mitigation for the loss of access that will be experienced.

With no other requests to speak Chair Simson asked for applicant rebuttal and confirmed that the applicant had 20:55 remaining to testify.

Russ Knoebel responded to Ms. Taylor's comment that the TSP would not solve the problem by saying that Baler is not the only solution and that the County was looking at a combination of solutions as mentioned in his previous testimony. He commented that if the other measures were not being utilized

Tualatin Sherwood Road would need to be wider than five lanes in this area. Mr. Knoebel stated that he participated in the I-5/ 99W Study and the cost to build it was estimated to be \$400 million. He added that the proposal was to amend the City's TSP and when Baler Way is built it will likely save money because it is built into undeveloped areas.

Mr. Knoebel remarked on having met with Mr. Grillo and said the discussion related to Washington County's road project on Tualatin Sherwood Road and were not specific to the TSP Amendment. He said that if Baler was in place in the future there has been discussions about how access can be provided to the shopping center and he did not think it was incumbent on the County to show access to Baler Way at this point. Mr. Knoebel communicated that this application did not require the same detail as a development application. He said that he did not believe additional data could be provided in a short time frame and the discussion between property owners and the County would continue over the next six months regarding right of way and access issues. Mr. Knoebel indicated that during the right of way process many questions would be answered and the concerns expressed by Mr. Grillo such as the functioning of the development, the development layout, or parking lot configuration would be addressed. He said he hoped the Planning Commission did not expect that these matters could be managed in a thirty day time frame for a decision on a TSP amendment.

Stephanie Slyman added that the approval criteria does not require the level of detail that Mr. Grillo asserted was lacking and urged the Commission to look at the approval criteria, the findings made, and the existing traffic study that speak to what the approval criteria for this specific action were. She said that details about access, design and alignments happen later and the Commission's decision was about a line on the map. Ms. Slyman said the County felt that there is enough evidence in the record and findings made for the Commission to make the recommendation for approval to the City Council for further consideration.

Mr. Knoebel said the County would not be opposed to leaving the record open.

Chair Simson commented that the Commission would follow the approval criteria and that it was her understanding that the Commission was obligated to accept a request for continuance at the first evidentiary hearing. She did not believe that eight days was enough time to gather additional information for the applicant or the public and suggested a meeting in January 2014. Discussion followed with the following motion being received.

**Motion: From Commissioner Lisa Walker to continue public hearing PA 13-04 TSP Amendment for Baler Way to January 28, 2014. Seconded by Commissioner Michael Cary. All present Planning Commissioners voted in favor (Vice Chair Copfer and Commissioners Cooke and Griffin were absent).**

Chair Simson call for a recess at 8:17 pm and reconvened at 8:20 pm. During the recess Commissioner James Copfer joined the meeting by telephone.

**a. Public Hearing - PA 13-03 Transportation System Plan Amendment for Adams Avenue North**

Chair Simson opened the public hearing by reading the public hearing statement for a legislative decision and reminded that the Planning Commission would be making a recommendation to City Council. She asked if there was any bias or conflict of interest. Commissioner Cary recused himself

because he has a business that would be directly impacted by this decision and stepped down from the dais.

Brad Kilby gave a presentation for PA 13-03 (see record, Exhibit 3) and said that the file name is Adams Avenue North but will be part of the Langer Farms Parkway extension north of Tualatin Sherwood Road to Hwy 99W. He said the road would provide access to the properties behind the strip mall on the other side of Hwy 99W that includes the Anderson property and a storm water quality facility.

Brad explained that the proposal identifies a location where a potential street would go and would be defined as the properties develop. He said the County is proposing a collector street in the Sherwood's Transportation System Plan that would go in the Functional Classification Plan for the purposes of providing access to the properties discussed and to address capacity and safety issues in the area.

Brad explained the zoning and said he had received phone calls early in the application asking if the proposed street would connect with Borchers Drive, but that it was unlikely because of the cost of building a bridge over the nearby ravine. Brad reported that staff endorsed forwarding a recommendation of approval by the Planning commission to the City council to place a proposed collector onto the City's Transportation Functional Classification Map for almost the identical reasons as discussed in the previous application.

Chair Simson asked for questions for staff and asked for a verbal response from Commissioner Copfer. He did not have any. Chair Simson asked for testimony from the applicant and confirmed that Commissioner Copfer could hear the applicant after the applicant began her testimony.

**Stefanie Slyman**, Harper Houf Peterson Regelis (HHPR) introduced staff and the consultant team members again: Russ Knoebel, Dan Erpenbach, and Cortney Duke-Driessen from Washington County, Ben Austin from HHPR, and Peter Coffey of DKS Associates Traffic Consultant. Ms. Slyman commented that some of the information would be repeated because it is a second hearing and said there was neighborhood meeting for neighbors within one thousand feet of the proposal. She recounted that many residents west of the proposed street extension were concerned about through connectivity to Borchers Drive, potential impacts to their neighborhood, impacts on the wildlife refuge, and the cost of crossing the ravine. Ms. Slyman explained that the County then shortened the proposed length of the street to meet the goals for off corridor circulation. She reviewed that City staff met with the applicant twice so staff understood what was being proposed to address issues early on and identify approval criteria for the planning commission to consider. Ms. Slyman stated that public notice has been made, staff has recommended approval, and the planning Commission's roll is to forward a recommendation to City council.

**Russ Knoebel**, Principal Engineer for Washington County said that the County was looking for a combination of solutions in this corridor through widening Tualatin Sherwood Road and Roy Rogers Road, intelligent transportation system, managing accesses and allowing off corridor circulation. He said the existing access on Roy Rogers Road is very close to the intersection at 99W and further development is likely to occur in the area to create additional trips.

**Peter Coffey**, DKS Associates said the findings of the transportation analysis are documented in the September 17<sup>th</sup> memorandum included in the application package. He added that the purpose of the street extension was to develop access and to address capacity and safety issues by collecting all the

traffic and providing safe access onto 99W at a signalized intersection. Mr. Coffey explained that the analysis discussed the Transportation Planning Rule; verifying that the amendment does not degrade the transportation system. He said the proposal is consistent with the TSP and provide consolidated access that allows development to occur in the area.

Mr. Coffey confirmed Commissioner Clifford's inquiries about access for the residential property on that corner by stating that the road would help facilitate access for all of the properties in the area. Russ Knoebel added that the current access onto Roy Rogers Road is not preferable and when property owners comes in for development the County and the City will have a dialog as to where the best access to that property is. Mr. Knoebel communicated that he could not say if the access will go away because [of the road widening], but the conversation can take place in the future. When asked about the triangular piece of property, Mr. Knoebel responded that that piece of property did not have access at this point and likely are receiving it from the existing driveway and development of that property by itself would have limitations on right in/ right out access.

Commissioner Walker received confirmation that access for the property owner was not an issue in this proposal.

Chair Simson asked about the Bonneville Power Administration's memo in the packet regarding development under their easement and asked if a collector road would be permitted under their power lines. Stephanie Slyman responded that the Bonneville Power Administration indicated that they did not oppose the amendment which meant conceptually a road could go there. Commissioner Clifford asked about on street parking. Brad answered that parking is not typically allowed on collector streets.

Commissioner Clifford asked how the end of the street would be designed was informed that it would depend on the application that comes forward and what type of traffic would on the road. Bob Galati, City Engineer, said it could be a roundabout, hammerhead, or a multiple driveway access point and that it was unclear at this point.

Chair Simson asked if Commissioner Copfer had any questions before she asked for public testimony. Commissioner Griffin responded that Commissioner Copfer had been called away and he had taken his place. Discussion followed regarding when the change took place, if there was a quorum, and options available to the Commission.

Chair Simson called a recess at 8:46 pm and reconvened at 8:58 pm. She stated that had James Copfer and been in the room and left and Russell Griffin had come into the room we would have seen him. Because that did not occur and we don't know when the exchange took place we do have a quorum because Russell is still on the line so we will be able to take action tonight. I will accept a motion to continue this hearing to a date certain so that we are able to proceed with our hearing. At that time we will start the applicant testimony with a full thirty minutes and start from the beginning to get us up to speed with your testimony, proponents and opponents will be allowed to testify.

Julia added that those who could not make it to the continued hearing were welcome to submit written testimony up until the night of the hearing.

Cortney Duke-Driessen, Washington County Counsel asked for clarification on a continuation for procedural purposes.

Julia responded that the Planning Commission will act as though the hearing was opened and immediately continued it to a date certain. She explained that for notice purposes the hearing was continued and staff will update the website.

**Motion: From Commissioner John Clifford to continue public hearing PA 13-03 TSP Amendment for Adams Avenue north to the date of January 28, 2014. Seconded by Commissioner Lisa Walker. All present Planning Commissioners voted in favor with Commissioner Griffin participating by telephone (Vice Chair Copfer and Commissioner Cooke were absent. Commissioner Michael Cary did not vote because he had recused himself.)**

Note: Commissioner Walker and Chair Simson responded to comments about timing of testimonies from the audience by replying that each of them had timed the speakers when the timer was to be activated.

Commissioner Cary returned to the dais.

### **8. Planning Commissioner Announcements**

Commissioner Walker mentioned that City Council has a time limit on their meetings and asked if the Planning commission could do the same. She said that it was difficult for the public to be involved when meetings go late and she would prefer to have more meetings than ones that go too late. Brad replied that it might be incorporated into the Commission's by-laws and he would check with legal counsel. He understood that Council took a poll at 9:30 to decide if a meeting would carry on. Julia responded that Quasi-judicial decisions have a 120 day time constraints where the Commission would need to stay, start earlier, or have additional meetings.

Commissioner Walker commented that the meeting agendas used to have a timeline and on the verbiage on the request to speak forms. Brad answered that staff could aim for a timeline on the agenda a new request to speak form would be in place for the next meeting.

### **9. Adjourn**

Chair Simson adjourned the meeting at 9:03 pm.

Submitted by:

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Kirsten Allen

Planning Department Program Coordinator

Approval Date: \_\_\_\_\_

# **Old Business**



## MEMORANDUM

City of Sherwood  
22560 SW Pine St.  
Sherwood, OR 97140  
Tel 503-625-5522  
Fax 503-625-5524  
www.sherwoodoregon.gov

DATE: January 21, 2014  
TO: Sherwood Planning Commission  
FROM: Brad Kilby, AICP, Planning Manager  
SUBJECT: PA 13-03 and 13-04

Mayor  
Bill Middleton

Council President  
Linda Henderson

Councilors  
Dave Grant  
Robyn Folsom  
Bill Butterfield  
Matt Langer  
Krisanna Clark

City Manager  
Joseph Gall, ICMA -CM



2009 Top Ten Selection



2007 18th Best Place to Live

**Sherwood**

**2006**

All-America City Finalist

Next Tuesdays hearings will include the continuation of PA 13-03 and PA 13-04. PA 13-04 is a request by Washington County to extend SW Baler Avenue north of Tualatin-Sherwood Road as a Collector status road within the Sherwood Transportation System Plan (TSP). PA 13-03 is a request by Washington County to extend SW Langer Farms Parkway north of Highway 99W as a Collector status road within the TSP. Both requests were continued from the December 10, 2013 hearing before the Planning Commission.

PA 13-04 was continued based on a request from Phil Grillo, attorney for TakFal properties to continue the hearing to the first or second meeting in January. Mr. Grillo indicated that he needed to be able to reach an agreement with the County on what alternative access is going to look like before the City takes a final action on this application.

PA 13-03 was continued because there was not a quorum. PA 13-03 will include a presentation by staff, the applicant, and any parties in favor of, opposed to, or neutral to the proposal.

In both cases, staff has recommended that the Planning Commission recommend approval of the proposals to the City Council.

This weeks packet materials include the agenda, minutes from the December 10, 2013 hearing to refresh your memory, but will not include the original packet items again. You should already have them. If you do not, you can either review them on the website at:

[http://www.sherwoodoregon.gov/sites/default/files/fileattachments/planning\\_commission/meeting/2223/12.10.13\\_planning\\_commission\\_packet.pdf](http://www.sherwoodoregon.gov/sites/default/files/fileattachments/planning_commission/meeting/2223/12.10.13_planning_commission_packet.pdf)

or

<http://www.sherwoodoregon.gov/planning/project/transportation-system-plan-amendment-sw-adams-avenue-n>

and here:

<http://www.sherwoodoregon.gov/planning/project/transportation-system-plan-amendment-sw-baler-way>

If neither of these options work for you, please contact myself or Kirsten, and we will get you a new packet. I can be reached at (503)625-4206 and Kirsten can be reached at (503) 625-4215.

Thank you.



Sherwood Planning Commission Meeting

Date: January 28, 2014

- Meeting Packet
- Approved Minutes
- Request to Speak Forms

Date Approved: May 27, 2014

Documents submitted at meeting:

meeting:

Ex. 1 - Agenda item 7a - Brad Kilby Presentation  
amendment of TSP for Adams Rd

Ex 2 - Agenda item 7b - Presentation  
Rd extension for Baler way.

- (PA 13-04, Exhibit D) written testimony

- Exhibit C - written testimony

- Exhibit ~~B~~ E - written testimony

**I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.**

**1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT**

Date: 1/20/14 Agenda Item: PA 13-03  
PA 13-04 (From Agenda)

**NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.**

**2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM**

Applicant:  Proponent:  Opponent:  Other:

**3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.**

Name: Stefanie Slyman, Harper Houff Peterson Rightell (HHPR)  
Address: 205 SE Spokane St #200  
City/State/Zip: Portland, OR 97202  
Email Address: stefanies@hhpr.com

I represent: **Myself**  **Other**

**4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.**

→ Dan Erpenbach, Washington County  
Ben Austin, HHPR - Project Eng  
Peter Coffey, DKS Associates - Traffic Eng

**I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.**

**1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT**

Date: 1/28/14 Agenda Item: Citizen Comment (From Agenda)  
Road Construction

**NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.**

**2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM**

Applicant: \_\_\_\_\_ Proponent: \_\_\_\_\_ Opponent: \_\_\_\_\_ Other: \_\_\_\_\_

**3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.**

Name: Ann Reid on behalf of Rose's Restaurant

Address: 16015 SW Tualatin - Sherwood Rd suite 110

City/State/Zip: Sherwood, OR 97140

Email Address: ann.reid@northbranchpdx.com

I represent: **Myself** \_\_\_\_\_ **Other** \_\_\_\_\_

**4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.**

**I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.**

**1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT**

Date: 1/28/14 Agenda Item: Adams Ave N. PA 13-03 (From Agenda)

**NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.**

**2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM**

Applicant: \_\_\_\_\_ Proponent: \_\_\_\_\_ Opponent: \_\_\_\_\_ Other: X

**3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.**

Name: Amber Dahl

Address: 20487 SW Lavender Pl.

City/State/Zip: Sherwood, OR 97140

Email Address: amberdahl@gmail.com

I represent: **Myself** X **Other** \_\_\_\_\_

**4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.**

**I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.**

**1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT**

Date: 1.28 Agenda Item: Balfour Way (From Agenda)

**NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.**

**2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM**

Applicant: \_\_\_\_\_ Proponent: \_\_\_\_\_ Opponent:  Other: \_\_\_\_\_

**3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.**

Name: BARON CARONITE

Address: 425 CALIFORNIA ST. 11TH FLOOR

City/State/Zip: SAN FRANCISCO, CA 94104

Email Address: bcaronite@meroneberger.com

I represent: **Myself** \_\_\_\_\_ **Other**

**4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.**

**I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.**

**1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT**

Date: 1.28 Agenda Item: Balro Way Ext (From Agenda)

**NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.**

**2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM**

Applicant: \_\_\_\_\_ Proponent: \_\_\_\_\_ Opponent: X Other: \_\_\_\_\_

**3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.**

Name: Ty Wyman

Address: 851 SW 6th Ave., Ste 1500

City/State/Zip: Portland, OR 97204

Email Address: twyman@duncarrow.com

I represent: **Myself** \_\_\_\_\_ **Other** X

**4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.**

**I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.**

**1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT**

Date: Jan 26<sup>th</sup> Agenda Item: 7 b. (From Agenda)

**NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.**

**2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM**

Applicant: \_\_\_\_\_ Proponent: \_\_\_\_\_ Opponent: \_\_\_\_\_ Other:

**3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.**

Name: R. CHAVIS

Address: Sherwood

City/State/Zip: \_\_\_\_\_

Email Address: n/p/B

I represent: **Myself**  **Other** \_\_\_\_\_

**4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.**

**I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.**

**1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT**

Date: 1/28/14 Agenda Item: Baker Way TSP (From Agenda)

**NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.**

**2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM**

Applicant:  Proponent:  Opponent:  Other:

**3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.**

Name: Phil Grillo

Address: 1300 SW 5th Ave

City/State/Zip: PDx OR 97201

Email Address: \_\_\_\_\_

I represent: **Myself**  **Other**  Takfal Properties LLC

**4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.**



**I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.**

**1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT**

Date: Jan 28 Agenda Item: 7a (From Agenda)

**NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.**

**2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM**

Applicant: \_\_\_\_\_ Proponent: X Opponent: \_\_\_\_\_ Other: \_\_\_\_\_

**3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.**

Name: A. Claus

Address: \_\_\_\_\_

City/State/Zip: Sherwood

Email Address: N/Y/B

I represent: **Myself** X **Other** \_\_\_\_\_

**4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.**

**I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.**

**1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT**

Date: 1-28-14 Agenda Item: PA 13-03 Adams Ave. (From Agenda)

**NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.**

**2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM**

Applicant: \_\_\_\_\_ Proponent: \_\_\_\_\_ Opponent: X Other: \_\_\_\_\_

**3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.**

Name: Rene Duricka

Address: 20378 SW Lavender Place

City/State/Zip: Sherwood, OR 97140

Email Address: parents@duricka.com

I represent: **Myself** X **Other** \_\_\_\_\_

**4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.**

**I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.**

**1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT**

Date: 1-28-2014 Agenda Item: Adams Ave. TSP (From Agenda)

**NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.**

**2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM**

Applicant: \_\_\_\_\_ Proponent: \_\_\_\_\_ Opponent: \_\_\_\_\_ Other: X

**3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.**

Name: John Anderson  
Address: 18007 SW Belton Road  
City/State/Zip: Sherwood OR 97140

Email Address: \_\_\_\_\_

I represent: Myself \_\_\_\_\_ Other Partners Property owner

**4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.**

# Transportation System Plan Amendment for Adams Avenue North (aka Langer Farms Parkway)

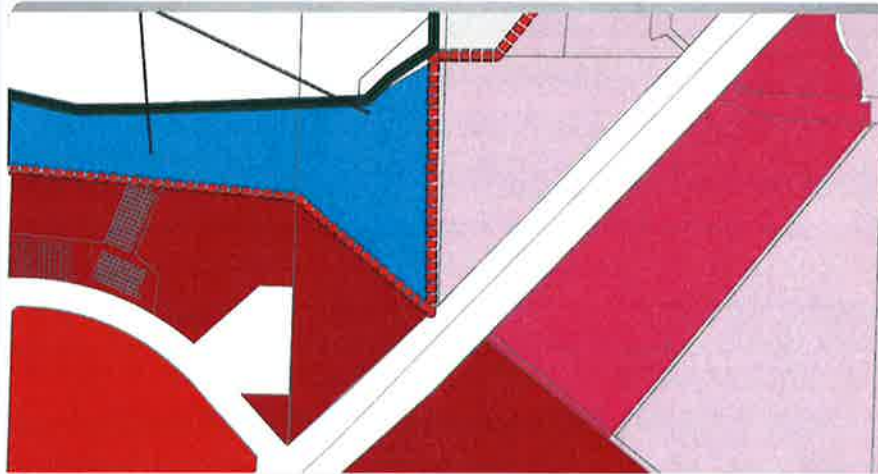
January 28, 2014  
Public Hearing  
Sherwood Planning Commission



**Site Aerial**

1.28.14  
Date  
7a  
Agenda Item

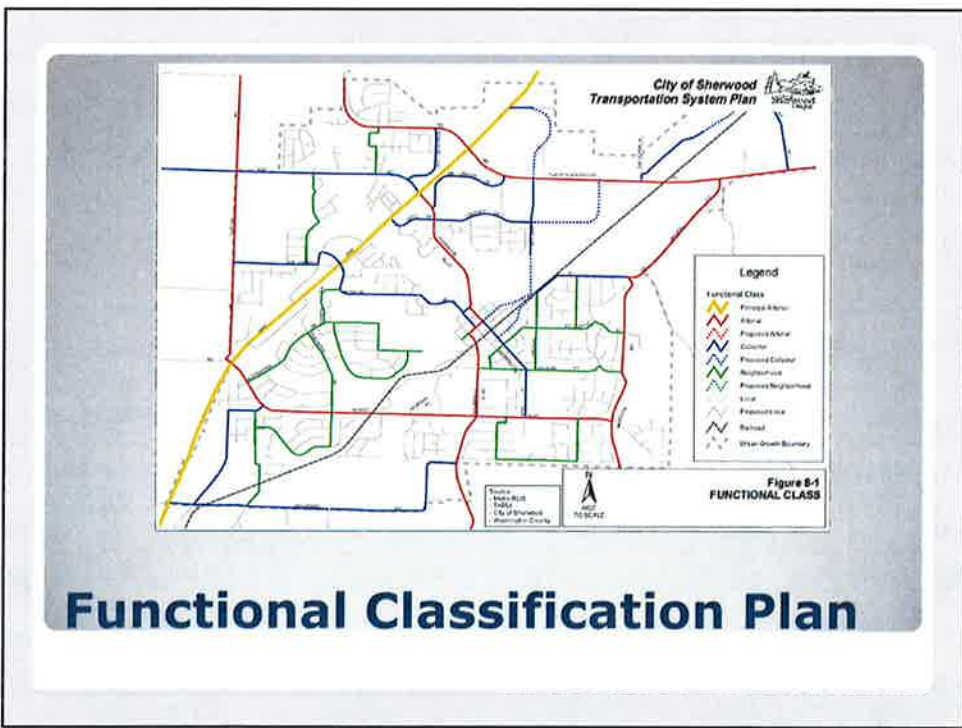
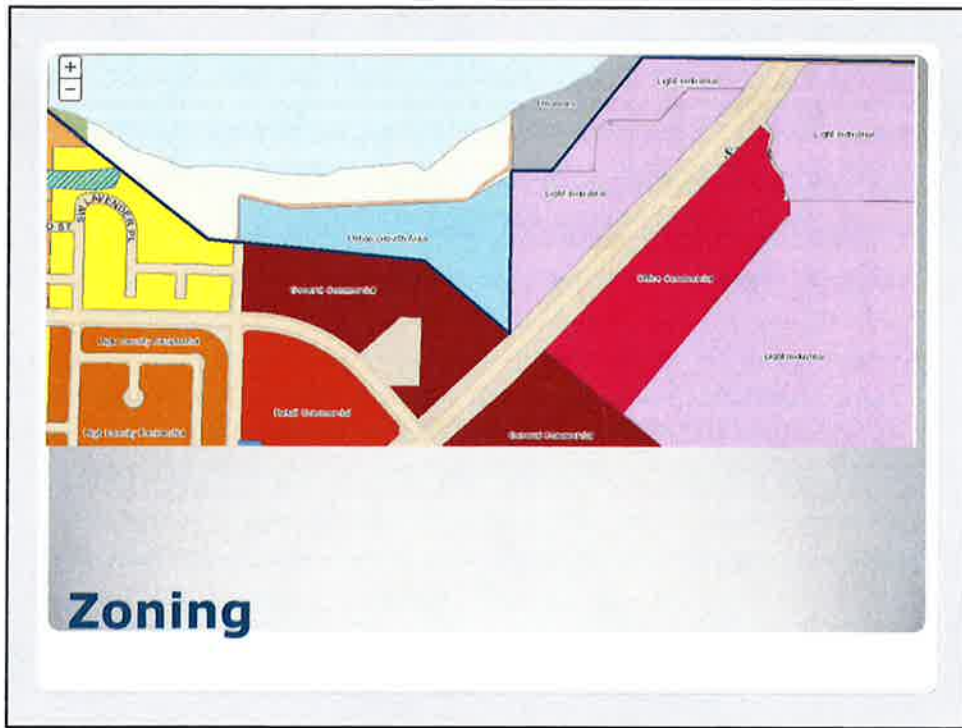
PC  
Gov. Body  
1  
Exhibit #



## Property Lines

- Proposing to identify the future location of a collector in the Sherwood Transportation System Plan for the purposes of providing access and addressing capacity and safety issues in the area.

## Proposal

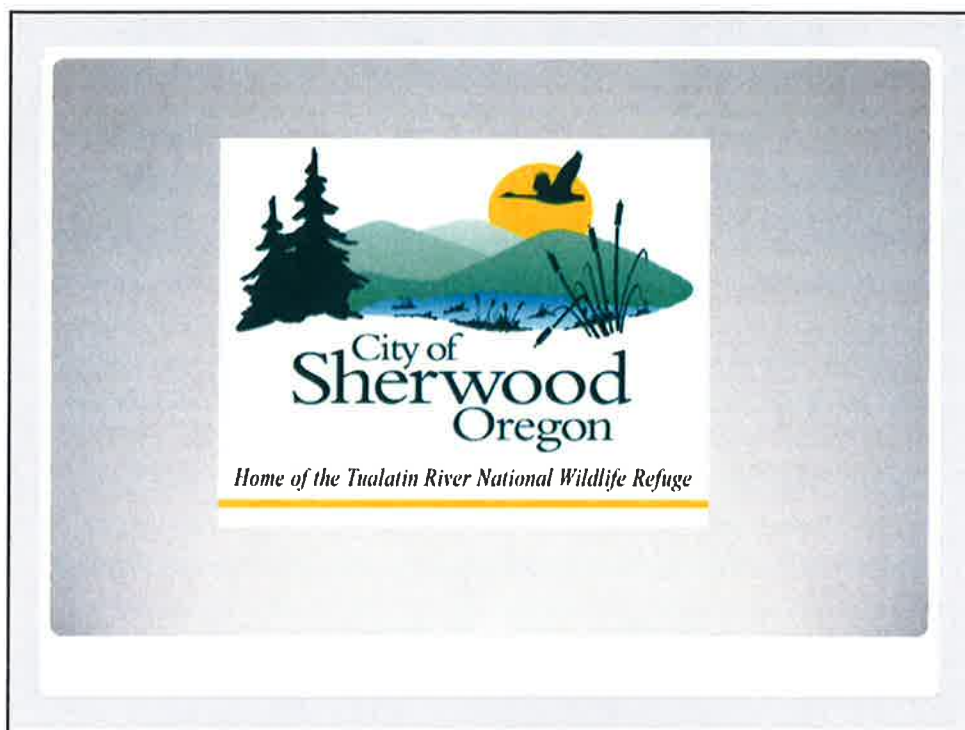


- Adams Avenue was renamed to SW Langer Farms Parkway per City Ordinance (2011-010)
- Property Access
- Safety
- Designation (Collector)
- Forecasted Traffic Generation (5,000 ADT)
- Access across ravine and adjacent to Hunters Ridge/ Wildlife Refuge (not proposed or physically/financially feasible)

### **Issues/Concerns**

- Staff recommends that the Planning Commission forward a recommendation to the City Council to place the proposed collector onto the City's TSP functional classification map.

### **Staff Recommendation**





# Transportation System Plan Amendment for SW Baler Way

January 28, 2014  
Public Hearing  
Sherwood Planning Commission



**Site Aerial**

1.28.14  
Date  
76  
Agenda Item

PC  
Gov. Body  
2  
Exhibit #



## Property Lines

- Proposing to identify the future location of a collector in the Sherwood Transportation System Plan for the purposes of providing access and addressing capacity and safety issues in the area.

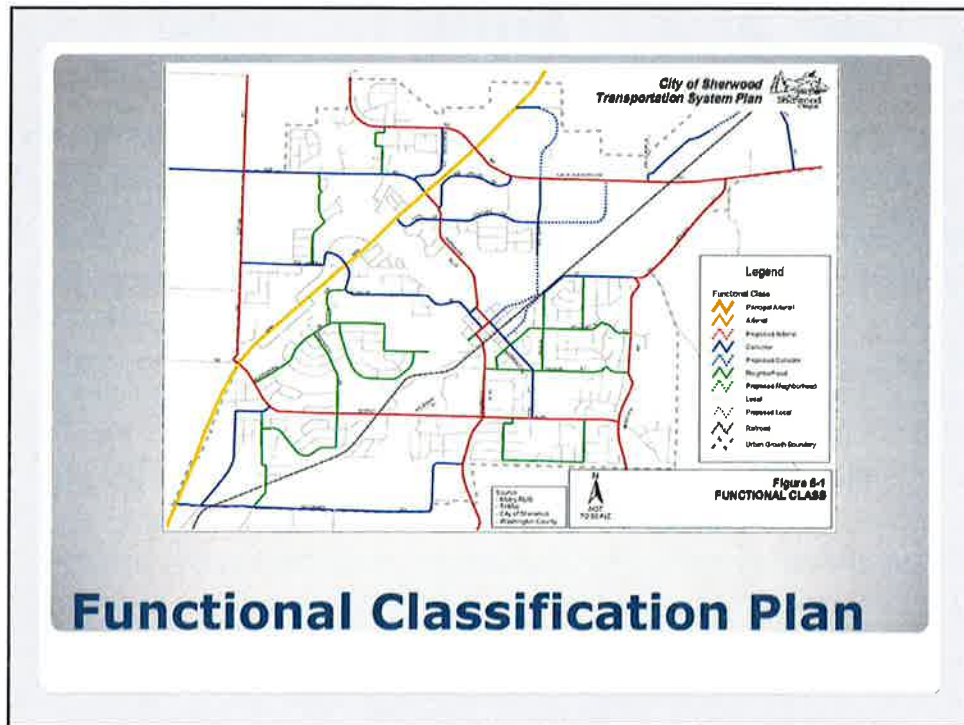
## Proposal



**Adams Avenue North Concept Plan**



**Zoning**



- Adams Avenue Concept Plan was adopted under City Ordinance (2009-009)
- Property Access
- Safety
- Designation (Collector)
- Forecasted Traffic Generation (6,000 ADT)

## Issues/Concerns

- Staff recommends that the Planning Commission forward a recommendation to the City Council to place the proposed collector onto the City's TSP functional classification map.

## **Staff Recommendation**



*Home of the Tualatin River National Wildlife Refuge*

# **APPROVED MINUTES**

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**City of Sherwood, Oregon**  
**Planning Commission**  
**January 28, 2014**

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**Planning Commission Members Present: Staff Present:**

Chair Jean Simson

Vice Chair James Copfer

Commissioner Michael Cary

Commissioner Russell Griffin

Commissioner Lisa Walker

Julia Hajduk, Community Development Director

Bob Galati, Civil Engineer

Brad Kilby, Planning Manager

Michelle Miller, Senior Planner

Kirsten Allen, Planning Dept. Program Coordinator

Karen Brown, Building Permit Specialist

**Planning Commission Members Absent:**

Commissioner John Clifford

Commissioner Beth Cooke

**Council Members Present:**

Councilor Robyn Folsom

**Legal Counsel:**

Chris Crean

**1. Call to Order/Roll Call**

Chair Jean Simson called the meeting to order at 7:11 pm.

**2. Agenda Review**

The agenda consisted of the Consent Agenda, and two Public Hearings under old business; PA 13-03, TSP Amendment for Adams Ave N and PA 13-04, TSP Amendment for Baler Way.

**3. Consent Agenda:**

**a. December 10, 2013 Planning Commission Minutes**

Commissioner Walker indicated there was an error regarding quorum on page 11 of the minutes. Chair Simson agreed that there were some errors and read her suggested changes aloud.

**Motion: From Vice Chair James Copfer to accept the corrected Consent Agenda with corrections as stated. Seconded by Commissioner Russell Griffin. All present Planning Commissioners voted in favor (Commissioners Clifford and Cooke were absent).**

**4. Council Liaison Announcements**

**Councilor Robyn Folsom, Council Liaison alternate said the Council has had a work session so far this year and one of the topics was medical marijuana dispensaries.**

**5. Staff Announcements**

Brad Kilby, Planning Manager, stated that the City is underway with the Transportation System Plan (TSP) Update with the next Citizen and Technical Advisory Committee meetings scheduled for February 12<sup>th</sup>, with an Open House on February 13, 2014.

Brad said there was a tentative schedule for the Planning Commission and the City Council to meet together on February 18<sup>th</sup> to give a progress report on the TSP Update process to date. Several Commission members indicated their availability to attend.

Brad said that on February 11, 2014 there is a scheduled hearing with the Planning Commission to discuss front yard setbacks that will need a Planning Commission recommendation to Council.

There will not be a Planning Commission meeting on February 25, 2014 in lieu of the joint session on the 18<sup>th</sup>.

## **6. Community Comments**

**Ann Reid**, Roses Restaurant and Bakery in Sherwood said they were looking for an update regarding how Tualatin Sherwood Road would change. She said Roses was located in the Sherwood Cinema Center and the Tualatin Sherwood Road and Baler Way extension would have a huge impact on the restaurant. Ms. Reid said that ODOT had verbally approved a right in option off of Hwy 99W and combined with the Baler Way extension they felt it would be a great alternative for the signal being removed. She said they were looking for updates regarding where they were and how they could help. Ms. Reid asked that the City keep Rose's and other small businesses in mind when making decisions. She said Rose's had been serving Sherwood for over ten years and hoped to be included in future decisions when determining access to the restaurant. Ms. Reid stressed that access and timing were huge issues for the restaurant.

## **7. Old Business**

### **a. Public Hearing – PA 13-03 Transportation System Plan Amendment for Adams Avenue North**

Chair Simson read the public hearing statement and indicated that the Planning Commission's decision would be a recommendation for action by the City Council. She asked for any conflict or bias.

Commissioner Michael Cary stated he had a potential conflict and since he had recused himself at the previous hearing he would continue to recuse himself for the project.

Chair Simson asked for the staff report.

Brad Kilby, Planning Manager gave a presentation (see record, Exhibit 1) said the application, from Washington County, was to amend the Transportation System Plan to include an extension of SW Adams Avenue North, which is now known as SW Langer Farms Parkway per a resolution from City Council. He said the intent of the amendment was to serve the commercial properties near the corner of Hwy 99W and Roy Rogers Road. Brad said the properties included property that was not yet annexed and those within the city are zoned General Commercial or Light Industrial. He said there is a seventy foot deep ravine at the back of the properties and it is not financially feasible that there will be enough development to justify putting a bridge across the ravine adjacent to Hunter's Ridge or the wildlife refuge. The road is proposed to only connect to a signalized intersection on Hwy 99W at the Home Depot. Brad said the applicant was proposing that the road be placed on the TSP as a collector street for the purpose of providing access to those properties and to address capacity and safety issues in the area. Brad said that Hwy 99W and Roy Rogers / Tualatin Sherwood Road are designated freight routes by the State and Washington County so it is desired to minimize the number of accesses onto those streets.



Brad explained that the road would be an addition to the Functional Classification Plan in the TSP and said the forecasted traffic generation of the area was about 5000 average daily trips. He said that staff recommends that the Planning Commission forward a recommendation to the City Council to place the proposed collector onto the City's TSP function classification map.

Commissioner Copfer asked for confirmation that the road would not go through but would be a cul-de-sac and strictly for access. Brad confirmed and said it was basically a line on the TSP map that shows the connectivity. There would not be any highway access back onto Roy Rogers so the likely scenario is a cul-de-sac. He said the actual location and configuration would be determined when a development proposal is received.

Chair Simson asked for applicant testimony.

**Stefanie Slyman** with Harper Houf Peterson Reghillis (HHPR), the applicant's representative, and Dan Erpenbach of Washington County came forward. Ms. Slyman explained that the amendment would add a new collector street to the TSP map and the design would not be determined at this time and the amendment was a high level planning level approval to show how connectivity in the city would be served. She remarked that the Planning Commission's role was to provide a recommendation to the final decision maker, the City Council.

**Dan Erpenbach** said that the project area is partially developed. He said that 50,000 cars go through the Tualatin Sherwood / Roy Rogers/ Hwy 99W intersection per day and the property is valuable in that it is one of the most seen properties in the county. Mr. Erpenbach asserted that traffic was jamming up the intersection and the potential development would create more cars. He said the County was trying to get ahead of the curve by showing the road in the TSP. Mr. Erpenbach explained that access was important and the current access off of Roy Rogers Road was not capable of handling a commercial development. He said he could not answer whether that access on Roy Rogers would remain but safety is a concern for the County and, as is, the driveway is too close to the intersection. Mr. Erpenbach said that Hwy 99W is under ODOT jurisdiction with Tualatin Sherwood/ Roy Rogers being under County jurisdiction. He said the proposed road is designated a collector so that it comes to a signalized intersection and addresses the safety aspect. Mr. Erpenbach said the County's approach to dealing with traffic in the area is a four pronged approach.

1. Widen Roy Rogers/ Tualatin Sherwood Road.
2. Implement an Intelligent Traffic System (ITS). This has partially been implemented on the eastern half of Tualatin Sherwood Road and there is an ITS system in design that will go from Baler street to the existing system towards Tualatin.
3. Manage access along Tualatin Sherwood/Roy Rogers Road and Hwy 99W and limit the number of driveways off of arterials.
4. Create off corridor circulation which is being addressed with the TSP Amendment.

Mr. Erpenbach expressed that the County wanted to get people to the businesses in a safe manner and to control how that happens.

Ms. Slyman asked the Commission if they had any questions regarding the traffic study. She added that the County met with City Staff twice to ensure that the approval criteria was met and there was a neighborhood meeting before the proposal was put together. She said the County had listened to the Sherwood citizens at the neighborhood meetings, because the County was considering having the road continue all the way through, but amended the proposal so it stops to only serve the commercial and industrial properties and not cross the ravine.

Chair Simson indicated that the applicant had 23:24 remaining. She asked for public testimony from any proponents.

**John Anderson**, Sherwood property owner, said he was representing his wife, Barbara, and sister, Katherine Shack and recounted that he grew up on the property and was a lifetime resident of Sherwood. Mr. Anderson explained that they have had the property up for sale since 1991, after the intersection of Roy Rogers /Hwy 99W went in. He said the property had five accesses to the highway when ODOT put that in, but they were taken away and only given one. Mr. Anderson commented that the property has not sold because there is no access to the property. He related that he has worked with Dan Erpenbach before and he appreciated getting access to the property because it will continue to sit unsold without access. Mr. Anderson expressed that his personal preference would be to have a road parallel to Hwy 99W and behind Sherwood Business Park for a more efficient use of the land and a cost effective way of getting access to the whole property. He said a road cost \$1000 per foot and he was not in favor of high development costs for the property. Mr. Anderson said he was in favor of access. He stated that he was told by ODOT, in a meeting with the City and Washington County, that it was still a possible option to open a driveway on the south side of Sherwood Business Park depending on the development.

Vice Chair Copfer asked staff about the alignment of the road. Brad responded that the alignment would be dependent on how the property develops and a new development would, at a minimum, be required to provide a right of way and possibly the road depending on the intensity of the development. Typically the road is brought to the edge of the property.

Brad spoke about Mr. Anderson's comment on the access south of the business park and said he did not think the County or ODOT would be opposed to a private agreement between property owners.

Mr. Anderson asked that it be taken into consideration that the Fire Marshall often requires two accesses. He said he would like this to be considered before the existing access is vacated.

Brad clarified that Mr. Anderson was asking that the access on Roy Rogers Road remain for potential fire access. He said the access was not on the TSP map now so there is no need to take any action until a development application comes in for the property.

**René Duricka**, Sherwood resident, indicated that she attended the neighborhood meeting with Washington County in July where the road was shown as connecting onto Borchers Drive. She said she wanted to ensure that there would not be any future interest in connecting the proposed road to the neighborhood. Ms. Duricka expressed her concern that the County talked about light to light access between Borchers and the light at Home Depot. She said the County was originally looking to reduce peak traffic flow from Hwy 99W to Roy Rogers Road by adding this road and said she did not want the road to connect in the future. Ms. Duricka commented about the connection being cost prohibitive and

asked who would fund the road. She said that with enough money a developer could build a bridge across and indicated that the neighbors would like to see the property become a park because there are no major parks on that side of Roy Rogers Road. Ms. Duricka repeated her opposition for access from Hwy 99W to Borchers Drive for the reason that it would be dangerous for the kids and there is already so much traffic coming through the neighborhood using Borchers.

**Amber Dahl**, Sherwood resident said she lived in the same subdivision as Ms. Duricka and said she was concerned that it was vague as to whether the road might go through in the future and asked that the cars not be diverted into her neighborhood, ever. She said that physical constraints and expense are hurdles that can be crossed and she would prefer that the plan was firm on this point. Ms. Dahl said she was confused that it was called off corridor circulation and asked how the traffic would circulate on a dead end street and if it was to circulate she did not want it to come to Borchers Drive.

**Robert James Claus**, Sherwood resident came forward and said he wanted to point out to the Commission that the whole area was non-conforming, illegal. He commented that Home Depot was low density industrial, was then zoned as a lumber yard and turned into Retail Commercial. Mr. Claus commented on the legality of development on the other side of the highway and said he did not think that mattered in Sherwood. He held that the Planning Commission was a façade and decisions made by the body are made outside of this room. Mr. Claus commented on the business operations and patronage of Walmart. He commented regarding Washington County planners contacting Walmart for circulation information. Mr. Claus commented on the city having two light industrial areas with one of them not legal per the IRS. He remarked that the Planning Commission was putting a collector status road into an area that was created illegally over a situation that caused a former City Manager to be dismissed. Mr. Claus suggested that city planning in Sherwood was done on a case by case basis having nothing to do with what the law says and if the City wants a collector, it is put there. He commented on the construction of Meinecke by ODOT, and suggested there were payments for silence. Mr. Claus indicated he did not care what was done and commented that the decision is already made.

Chair Simson asked for applicant rebuttal.

Stefanie Slyman of HHPR and Dan Erpenbach of Washington County came forward and addressed questions raised in public testimony.

**Ms. Slyman** informed the Commission that the alignment of the road was illustrative and the actual map amendment was shown in the Traffic Study has a flattened alignment into the area (see record, page 56, December 10, 2013 Planning Commission Meeting packet). She said the actual alignment design will be a function of whatever development comes in and the County would have no issue with the road moving slightly either way.

Ms. Slyman described that the intent was for the road to stop as shown in the alignment and the County has no interest in it continuing it further. She said that light to light comment from the County was referring to bringing traffic to a signalized intersection and not necessarily taking it across to another light (Borchers Drive). Ms. Slyman responded that the circulation is achieved through the east end of Langer Farms Parkway that creates a loop [to Tualatin Sherwood Road] as well as internal circulation to nearby properties served by the road. She confirmed with Chair Simson that without going through the

intersection at Hwy 99W and Roy Rogers Road, the proposed road would provide a safe crossing from Hwy 99W to Tualatin Sherwood Road or the businesses that will be served by the Baler extension.

Ms. Slyman asked if Mr. Erpenbach had anything to add. He answered that he did not.

Chair Simson asked about a second access that may be required by the Fire Marshall. Brad Kilby responded that the TSP does not address fire access to every piece of property. However, if someone were to inquire of the City regarding developing Mr. Anderson's property with an industrial use and the Fire Marshall said two accesses were required, one access could be through the proposed road and the second access could be limited fire and emergency access off of SW Roy Rogers Road. He added that if the Fire Marshall did not get his hydrant flow or mitigation (measures that can be used to fight fires) he will require two accesses for a clear in and out. Brad stated that this action would not prevent a second access.

Chair Simson asked if the Planning Commission could add language to the recommendation to City Council to ensure that there would not be a future connection to Borchers Road.

Brad responded that this action was a legislative decision and the extent of the request was to show the alignment in its current location and said it was highly unlikely that the connection will ever be made. He acknowledged that Ms. Duricka and Ms. Dahl were correct in that a road could be created across the ravine, but that it would require another development review and a public process. Brad commented that it would be uncharacteristic of the Planning Commission to say that a street would never go through, because circumstances change.

With no other questions for the applicant, Chair Simson closed the public hearing and asked for final comments from staff.

Brad said that in the Traffic Study the road runs parallel to Hwy 99W and he would suggest that the recommendation to Council include that figure as an example of how the TSP map should be amended.

Commissioner Walker explained that she would like the Commission's intention that the road not go through be indicated in writing.

Commissioner Griffin added that showing the alignment and having it stub at the end with verbiage supporting what the County said about it not being feasible or reasonable to continue the road shows the Commission's position.

The following motion was received.

**Motion: From Vice Chair James Copfer to forward a recommendation of approval to the Sherwood City Council on PA 13-03, Adams Avenue North TSP Amendment with the following modifications; that the map where it shows stubbed on page 56 shows the intent that the Commission is not looking at having that road go through to Borchers at any time, knowing that somebody may come in the future to look at that, but currently the intent of the Commission and the residents of the Hunter's Ridge area do not wish to have that go through, based on the applicant testimony, public testimony received, and the analysis, findings and conditions in the staff report and applicants materials. Seconded by Commissioner Russell Griffin. All present Planning Commissioners voted in favor (Commissioners Clifford and Cooke were absent).**

*Note: See page 56 the December 10, 2013 Planning Commission Packet for the map specified in the motion or page 5 of the Traffic Report by DKS Associates dated September 17, 2013.*

Commissioner Cary returned to the dais.

**b. Public Appeal Hearing - PA 13-04 Transportation System Plan Amendment for Baler Way**

Chair Simson called to order the public hearing for PA 13-04 and read the public hearing statement. She indicated that this was a continued hearing and the applicant had twenty minutes remaining from the previous hearing to split between presentation and rebuttal. Chair Simson reminded that the Planning Commission would be making a recommendation to the City Council and asked for a staff report and update.

Brad Kilby, Planning Manager gave a presentation and explained that the proposal would be for an extension of Baler Way (see record, Exhibit 2). He showed the location of Les Schwab, underdeveloped property next to it, and Sentinel Storage. He said that there was currently a signal at the intersection of Baler Way and Tualatin Sherwood Road. Brad explained that the proposal was to designate an extension of Baler Way on the TSP as a collector that would go from the Baler Way signal, behind the Sentinel Storage to the Langer Farms Parkway that is being constructed.

Brad showed that there was already an extension of Baler Way to connect with Langer Farms Parkway further north by the Home Depot shown on the TSP because of the Adams Avenue North Concept Plan. He explained that there were power lines from the Bonneville Power Administration (BPA) and Portland General Electric (PGE) in the area which made it difficult to develop, but by leaving that road on the TSP gives the city the future option of a local street up to the northern extension of Langer Farms Parkway [by Home Depot]. Brad described that it is important to have this northern connection because the property in that area is zoned for Commercial and Light Industrial development in the Concept Plan and it is likely that connectivity would be needed.

Brad ensured that the proposed road gets a collector to a collector at a signalized intersection. He advised that the County has asked that the Planning Commission leave the northern portion as a local connector and designate the new portion of the road that goes behind the sentinel storage as a collector.

Brad showed a map of the Adams Avenue North Concept Plan that has been adopted by the City and relayed that a large portion of the land will remain undeveloped (under the power lines).

Brad said the proposed road is not currently in the Transportation System Plan and the County has requested that it be put on the TSP and designated as a collector. He explained that a collector was a higher classification of road and that it makes sense to have a wider, higher class road there if the signal is removed at the cinema and Albertsons location, because there will be more traffic in that corridor.

Staff recommended that Planning Commission forward a recommendation of approval to the City Council to place the proposed collector onto the City's TSP Functional Classification Map.

Chair Simson asked for bias or conflict of interest.

Commissioner Cary said he was curious what the landowners thought of the proposal and indicated that he spoke at length about the project with city councilman, Matt Langer about Baler Way going through Les Schwab to his property.

Chair Simson said that Ty Wyman had contacted her the previous Friday to ask about the process and time permitted for testimony. She said she did not engage in a discussion about the project.

No conflicts or bias were declared and Chair Simson asked for application testimony.

Stefanie Slyman with Harper Houf Peterson Reghillis (HHPR), the applicant's representative, and Dan Erpenbach of Washington County came forward.

**Ms. Slyman** stated that there was no new information for the Commission and the County had not met with TakFal Properties. She said that Russ Knoebel had pointed out at the start of the previous hearing date that those design details TakFal had asked for would not be forthcoming in this timeline. Ms. Slyman said the details were not relevant to the approval criteria nor was it the level of detail that is required in a TSP Amendment. She repeated that the application was for the alignment and functional classification designation of a road and deferred the rest of their time for questions and rebuttal.

Chair Simson asked for public testimony beginning with proponents.

**Phil Grillo**, from Davis, Wright, Tremaine representing, the owner of Sherwood Cinema Center, TakFal Properties, handed out written testimony (see Planning file PA 13-04, Exhibit D). Mr. Grillo said he wanted to update the Commission on the status of conversations with Washington County since the hearing on December 10, 2013. He said WH Pacific was hired to help refine the alternative access needed. A drawing of the alternative access was provided to the Commission as Exhibit A of the letter. Mr. Grillo expressed that they had hoped to have discussions with the County and City in order to bring an agreement that could be integrated into the Commission's decision, but the County did not want further discussions until the LUBA decision was completed and the TSP Amendment approved.

Mr. Grillo stated that TakFal's position was to continue to support the TSP Amendment conditionally. He showed two conditions pages on 2 and 3 of the letter that he wanted to have added if the decision was approved. The first condition stated that prior to the elimination of TakFal's existing traffic signal and left turn lanes on Tualatin Sherwood Road, Washington County would provide alternative access that was reasonably consistent with the alternative access plan shown in Exhibit A. Mr. Grillo said that Exhibit A was a conceptual idea of what the access should be as it refines how the Cinema Center would connect with the extension of Baler Way and shows the entrance off of Hwy 99W that has been orally approved by ODOT.

Mr. Grillo explained that the second condition asks that prior to the elimination of the traffic signal and left turn lanes the applicant:

- a. Amends TakFal's site plan approvals to be consistent with the alternative access plan. Mr. Grillo said the access is governed by the approved Site Plan and they wanted to be sure that the Site Plans are consistent with the access that happens.
- b. Amends Figure 8-10 of the Sherwood TSP. Mr. Grillo felt that if the Commission was going to allow the signal and left turns to be eliminated the figure should be amended.

- c. Amends Figure 8-11 of the TSP to eliminate Project 15 which calls for the elimination of the signal at Baler Way and blocks the crossing of Tualatin Sherwood Road.

Mr. Grillo ended with a letter to the Commission that explains why TakFal's position is relevant to the applicable policies of the cities TSP and Comprehensive Plan (see Planning file PA 13-04, Exhibit E).

**Ty Wyman**, attorney for Merlone Geier Partners came forward. Mr. Wyman explained that Merlone Geier was the managing member of MGP X Property LLC which owns and operates the Sherwood Market Center (by Albertsons). He introduced Barron Caronite as Merlone Geier Partners' Director of Land Development with a background in Civil Engineering and said Merlone Geier owns and operates retail centers up and down the west coast. Mr. Wyman stated that his background was in Land Use process. He said they were testifying in opposition because Washington County is determined to remove the traffic signal that constitutes the main entrance to the Sherwood Market Center. He asserted that the removal of the signal would decimate the center. Mr. Wyman said the legislative process before the Commission afforded them some luxury, particularly after the testimony of Mr. Grillo and as a legislative process, was not under the 120 day rule. Mr. Wyman asked the Commission to think about what they would do and stated that timing has not been the County's strong suit. He explained that the County rendered a decision, last September, to remove the signal and widen the traffic lanes in front of the MGP X and TakFal properties and said that the decision has been appealed at the Land Use Board of Appeals (LUBA), but may end up in circuit court. Mr. Wyman specified that the removal of the signal was a serious matter and the problem with the amendment before the Planning Commission was that it was premised on the removal of the signal at Tualatin Sherwood Road, which is not a forgone issue. He stated that the removal of the signal directly contradicts the Sherwood Transportation System Plan. Mr. Wyman said that land owners across the state, like Merlone Geier depend on comprehensive planning and for a Comprehensive Plan to have meaning, that property owners must be able to put reasonable expectations into it and to be able to rely on plans that show the existence of the traffic signal. Mr. Wyman commented that what was before the Commission was not comprehensive planning, but ad hoc traffic engineering with a summary signal removal decision; the proposed TSP Amendment premised on that decision; and a TSP process underway that may remove the signal from the TSP in the process of the update.

**Barron Caronite** commented in terms of the County's four pronged approach and said that what was before the Commission was only the off corridor issue and suggested that in order to modify [the TSP] they would like to see all those issues addressed. He said that if the traffic signal is to be removed, public notification should be made for the removal of the signal and there should be a discussion of that. Mr. Caronite advised that the removal of the signal from the TSP, as reflected in Figure 8-10 in the Traffic Control Master Plan should be in the County's proposal and said that the analysis from DKS assumes the traffic signal has been removed, but no action has been taken to do that. He said all four issues should be bundled together as a modification to the City's TSP and addressed as part of the Tualatin Sherwood Road Project. Mr. Caronite expressed that they did not feel that adding a road and making a modification to the Plan had been fully vetted, because the traffic analysis assumes the traffic signal has been removed and the impact that the syncing of the signals would have on the corridor through the Intelligent Traffic System (ITS) had not being fully analyzed.

Ty Wyman offered his regrets that they opposed the action. He said they have spoken with the County for many months and would be happy to continue those discussions. He asked the Commission not to forward a recommendation to City Council.

James Copfer asked if the Commission was being asked to continue the hearing. Mr. Wyman responded that they would like the Commission to forward a strong negative recommendation, but would be open to a continuance. Mr. Wyman suggested that everyone “go into the hallway” and sit at the table because it was an important issue. He explained that both Merlone Geier and TakFal Properties had retained traffic professionals and presented alternatives to the County.

Michael Cary asked if the loss of the signal would leave two entrances into the property.

Mr. Caronite responded that the loss of signal represents no left movements; no left turn out or in to the property. He said that people know there is more than one driveway into the property, but with the removal of the light the circulation for the property can only be approached from one aspect. Mr. Caronite commented on the testimony from Rose’ Restaurant that expressed concern about how access works and how it will impact their business. He said Merlone Geier remains very concerned for their tenants and their ownership as to access modifications to the property.

**Robert James Claus**, Sherwood resident noted that he marked other on the form, because he did not have an opinion regarding the application and said it was a problem created by the Planning Commission and the City Council. He commented that the Commission did not have enough data to make a decision and suggested that decisions in Sherwood were made economically and not professionally. Mr. Claus asked regarding what the origin destination of the trips was and what the timelines were. He commented about the number of people that pass the intersection daily and said there was not a dot map for the area, but one could be put together. Mr. Claus said the area was more square footage than Washington Square and the proposed amendment would change the profile of the city, coming into Sherwood. He said a dot map should have the origin destination, profile of the motorists, and the hours they would come.

Mr. Claus commented that the stop sign was the only sign that has ever been traced to cause accidents as identified by Travis Brooks, author of the Manual of Uniform Traffic Control Devices. He commented regarding the Home Depot and said that the “transportation net” was being dragged behind that decision. Mr. Claus commented on the state of the wildlife refuge and suggested that someone from the National Academy of Science should attest to what has been done. He asked where [the County] was when Walmart went in and commented that on certain days 37,000 cars would be generated.

With no other public comments, Chair Simson asked for rebuttal from the applicant.

Stefanie Slyman, the applicant’s representative from HHPR and Peter Coffey, Traffic Engineer from DKS Associates came forward. She thanked Mr. Grillo and Mr. Wyman for their testimonies and commented that they have put thought into it. Ms. Slyman said there was new information received from the testimonies.

Chair Simson commented that it was a good point. In order to review the new information, she called for a recess at 8:34 pm and reconvened at 8:42 pm.



Stefanie Slyman addressed the new information submitted by Mr. Grillo by stating that the land use action was a high level plan map amendment about creating better access in the area through the addition of Baler Way and not about access details or site development. She said the issues that are brought forth in the letter regarding site and access details are being handled through a separate Right-of-Way process for Tualatin Sherwood Road. Ms. Slyman argued that “apples and oranges” were being mixed together and the conditions for Site Plan approvals are not part the application.

Ms. Slyman commented about further amending the TSP and said the County did not have any problem with doing that, but would not like to include them as part of this TSP amendment which is about creating access at Baler Way. She said that if the city could entertain those suggestions as part of its current TSP update. Ms. Slyman related that the items that deal with access and design in Mr. Grillo’s letter could be handled through the Right-of-Way process for the Tualatin Sherwood Road widening and commented that off-site property impacts were being comingled in a larger discussion of the City’s circulation.

**Peter Coffey** added that the proposed amendment was a stand-alone project to add a collector facility to the TSP in order to improve circulation. He said the questions should ask if it improves access and circulation to the area and if it meets the requirements of the State’s Transportation Planning Rule found in OAR 660-012-0060. He confirmed that it did. Mr. Coffey commented that the transportation analysis did the appropriate level of traffic analysis and has met the requirements. He supported Ms. Slyman’s assertions that the details about site circulation and access were not part of the process for the TSP amendment.

Commissioner Griffin asked if the stoplight (in front of the cinema and Albertsons) was not removed in the remodeling of Tualatin Sherwood Road, would the County still be recommending the extension of Baler Way in this TSP amendment.

Ms. Slyman confirmed and added that in rebuttal to Ty Wyman’s testimony, this amendment was not premised on the removal of the signal, but premised on the fact that the County is trying to manage access and circulation in four different ways, and this is one of those ways. She remarked that when you look at the map it make sense to continue Baler Way northward through the North Adams Concept Plan area. She listed that the road aligns with the City’s previous plans for circulation in the area, helps to manage circulation onto Tualatin Sherwood Road, and provides more access for existing businesses.

Ms. Slyman commented that it would be a bad precedent to condition a high level planning TSP amendment with on the ground details to be used for a separate project.

Commissioner Cary asked regarding the spacing of the lights on Tualatin Sherwood Road and asked regarding the impact of a signal at Langer Farms Parkway.

Mr. Coffey responded that the intersection at Tualatin Sherwood Road and Hwy 99W was the critical bottleneck intersection of the corridor and where the longest vehicle queues formed. He said that the issue was the close spacing of signals and the long vehicle queues extending from one intersection to another. Mr. Coffey commented that the Baler and [Langer Farms Parkway] signals are closer than desired, but there is still enough capacity at the intersection to service the vehicles without the long vehicle queues; the long queues out there today are caused from Hwy 99W and head east.

Chair Simson noted that the design presented at the open house, with the removal of the lights, included the removal of turn lanes, which will improve the storage space and get more lanes moving straight.

Mr. Coffey described that they would get longer left turn pockets [at Hwy 99W] and were adding capacity with more left lanes and through lanes.

Commissioner Cary questioned how Baler Way would be impacted, said that he used the road in his daily commute, and commented that the traffic will just back up further down Tualatin Sherwood Road.

Commissioner Russell commented on first time travelers of Tualatin Sherwood Road who may not be aware that there is only one lane across to Roy Rogers. He said that space is being taken up by the left turn lanes and those lanes need to go further back. He said he agreed with that, but not necessarily with taking away the light.

Mr. Coffey commented that the County was trying to focus on the Baler Way extension and not the other elements. Commissioner Cary voiced that they were tied together. Mr. Coffey said that whether the signal is removed or not, doing this TSP amendment was relevant and beneficial to the circulation to the area.

Ms. Slyman said it was one piece of the puzzle and there are many elements and because you cannot do them all, does not mean you do not do any.

Commissioner Cary asked if so much has changed in 22-24 years and asked if the traffic was poorly forecasted.

Mr. Coffey responded that the close proximity of the shopping center signal to Hwy 99W was discussed before it was put in and how long it would stay. He informed the Commission that if you go back to studies a long time ago, they knew the signal was too close to Hwy 99W, but that is where they could gain their access. They gained their access and documented that alternative access needed to be developed in the future. Mr. Coffey said that this TSP amendment to extend Baler Way helps develop that.

Commissioner Cary asked who was responsible for allowing the light to go in if it was known that it was in the wrong spot. Mr. Coffey supposed that you have to consider the time when those decisions were made, and at the time, there were no options for alternative access. He said that traffic volumes are significantly greater today than when the signal first went in and you can see the ramifications of it. Mr. Coffey explained that the left turn lanes are too short and there needs to be more space for queuing, there needs to be more distance between signals. Those are all the things that the county has been going through and analyzing.

With no further questions for the applicant, Chair Simson closed the public testimony and asked staff for additional comments.

Brad Kilby deferred to City Engineer, Bob Galati. Bob asked for specific questions the Commission may have.

Commissioner Cary asked if the decision by Planning Commission on this matter had any effect on the signal at the cinema and Albertson's.

Bob answered that the decision today should be taken independently, but in context for the rest of the project. He commented that Transportation System Plan amendments are geared toward helping the whole system work by analysis with given constraints. Bob said the extension of Baler Way was a system improvement that was not based on any one item and you could not attribute it to just the signal, because the whole project affects the whole area. He added that the proposed amendment would benefit the system operation with better capacity and improved functionality.

Chair Simson asked regarding the review done by Engineering staff on the traffic information provided. Bob replied that the project met the criteria set forth for the Regional Transportation Plan requirements for connectivity. Chair Simson commented that the extension would do no harm and it remained to be seen if it would do any good. She followed that the expectation to provide additional connectivity to those commercial and industrial areas up to Home Depot frontage road was envisioned in the North Adams Comprehensive Concept Plan.

Chair Simson asked staff what the process was for citizens of Sherwood to be engaged at the next level; changes to the site plan or lanes being added or removed.

Bob responded that it would be through the County's right-of-way negotiations with the local business and property owners. He explained that the expectation the City has always presented to the County was that the functionality and viability of the businesses remain during construction and during this phase of the design and right of way acquisition the business and property owners are going to be negotiating these things with Washington County. To support them and make them whole the City will work with them to ensure that this is accomplished. Bob explained that the second aspect of this was that when development occurs there will be public input as part of this whole process for site development. Bob commented that this project will be a part of the TSP update itself. He stated there was an opportunity for the community to respond through public hearings as part the TSP update process at the Planning Commission and City Council levels.

Commissioner Cary asked how it would impact the Tualatin Sherwood Road widening project if the amendment did not get approved. Bob responded that he would need to ask the applicants and the main question was what this TSP amendment would do. He said that Tualatin Sherwood Road project is a major change that is impacting a very large system and the amendment is trying to help connectivity on that system wide change. Bob said that it would help mitigate the connectivity to an extent and bring the system back into balance.

Commissioner Cary said he had concerns about the Baler Way and Langer Farm Parkway lights being too close together twenty years down the road. He commented that it was not foreseen that this light being close to Hwy 99W being an issue and now it is and asked if it would be the same problem in 2025.

Bob offered that Mr. Coffey could discuss how Walmart was forecasted to impact traffic and how much delay there would be to get through all the intersections with or without the project going through. He said it was not a perfect fix for the next one hundred years and he did not think any system could survive that long in its original configuration and still work appropriately. Bob stated that he believed that the County has looked at it well enough to know that if something is not done, based on simple growth patterns, we are looking at significant issues in the short term. Bob said the growth may be outside of

Sherwood. He said that the calculations that DKS Associates provided gave him confidence that the County is doing the right thing in trying to provide alternatives to the system.

Commissioner Walker expressed that her concern was for the business owners and the removal of the light. She discerned that the Planning Commission's decision about the TSP amendment would not have any bearing on whether the light is going away or not.

Chair Simson suggested that the language in the findings on page 6 of the staff report where it identified that future *development or improvements would likely require the City to evaluate and possibly relocate existing access locations for the purposes of improving safety along the future collector* be changed to add language to the TSP that said the process for doing that would be an engaged public process. Chair Simson expressed her understanding that it is Washington County's facility, but that the road goes through the heart of our city and she felt as though, between ODOT with Hwy 99W and the County with Tualatin Sherwood Road, the citizens do not have a say on what happens in our community.

Brad explained that the access that he was speaking of in the staff report had nothing to do with the signal on Tualatin Sherwood Road, but had to do with the access location of Les Schwab onto Baler Way which would be a collector. He said the driveway for Les Schwab was at, or close, to an intersection and those impacts had to be evaluated.

Brad added that the Commission was asking fundamental and valid questions that the Commission was right to ask. He requested that they keep in mind that every Comprehensive Plan document including the Transportation System Plan is a living document, so what is in place today may not work twenty years down the road. Brad asserted that we have to adjust as time goes on and conditions change, and to be cognizant of that. He stated that he did not want to hurt any businesses, but those hard decisions have to be made by somebody. Brad said the Commission could add language, but the question was if the TSP amendment to include a Baler Way extension as a collector street should be included, independent of what happens with the light. He related that City Council had expressed support for the removal of the light to the County and adding language may not change that. Brad reminded the Commission that there was a question before LUBA regarding if the removal of the light was a land use decision. He asked if the Commission thought it made sense to have a collector in this location and suggested the Commission forward a recommendation to Council accordingly.

Chair Simson asked for any further questions for staff to answer or comments from the Commission.

Vice Chair Copfer commented he did not disagree that it was a bad precedent to condition a high level TSP amendment, but argued that it was not time sensitive and there is a lot of information that the Commission did not have. He said he believed the two projects were tied together and acknowledged that there was conflicting plan language. Vice Chair Copfer endorsed continuing the hearing.

Commissioner Walker commented that there was a push to make a decision without all of the information. Discussion followed.

Chair Simson commented that the collector would add the connectivity that was in the Langer Farms Parkway (Adams Avenue North) Concept Plan.

Commissioner Walker asked if there would be public process when it was time for the street to be put in and if access to the back of the theater would be discussed then.

Brad answered that it would be through site plan modification process; any time you modify the access in such a way to affect off site traffic you go through a major or minor modification to an approved site plan. He said there may be other opportunities for public involvement through the process of establishing access points and locations. Brad said that if the Commission concurred to continue the hearing in order to receive additional information, the direction to staff should be specific.

Vice Chair Copfer asked if they could look at Figures 8-10 and 8-11 in order to see the how the Baler Way extension and the other intersection correlate in the current TSP based on those figures. Brad confirmed that he had it available. Vice Chair Copfer expressed interest in reading the TSP language with the figures per Mr. Grillo's testimony.

Commissioner Walker commented that whether or not the Commission holds this decision hostage based on the light makes no difference. It needs to go through based on our previous approval of the concept plan.

Chair Simson called a recess at 9:14 pm to look at the figures and in order to answer the question if it provides a conflict. She said the two documents would be added as exhibits. The hearing reconvened at 9:17 pm.

Chair Simson asked Brad Kilby to explain the information provided to the Commission during the recess. Brad responded that he showed the commission Figure 8-10 and Table 8-11. Brad described Figure 8-10 as the Traffic Control Master Plan which shows the locations in the City of Sherwood that are signalized. He said the conflict is that it shows in the Transportation System Plan that there is a signal at the shopping center. Brad explained that the City was in the process of updating the Transportation System Plan and if during that process the signal is removed the dot will have to come off the map. He compared it to Elwert Road being changed from a County rural collector to an urban collector.

Brad described Table 8-11 as a listing of projects. He said Project 15 is a city funded project to remove a traffic signal and install raised median at Langer Drive and Tualatin Sherwood Road. The project is slated to cost \$100k. Brad remarked that the last evaluation of the TSP was in 2005 and one of the planned traffic control enhancements was to remove the traffic signal at Tualatin Sherwood Road and Langer Drive, but there is not a signal there.

Bob clarified that Langer Drive connects into Baler Way at the Target site. He said there is a signal at Baler Way and Tualatin Sherwood Road, but development took a different course in that area and the land use actions changed how the road structure was put in.

Vice Chair Copfer asked if the TSP amendment was a separate decision from the intersection at the theater. Bob confirmed.

Chair Simson asked for further discussion.

Commission Griffin commented that he often used the shortcut through the shopping center to get to the theater and would often stop for gas, groceries or banking while he was there. He said he did not like to see that option go away, however we cannot control the amount of traffic on Tualatin Sherwood Road,

which will only get worse with the Walmart shopping center. Commissioner Griffin noted that the County was being proactive and the light is a separate issue. He said he was already planning how he would get to Home Depot from his house without having to drive on Tualatin Sherwood Road or Hwy 99W. Commissioner Griffin commented that he was pro-business and did not want to hurt anyone, but felt it was top level enough.

Commissioner Walker commented that the Commission will have some oversight when development comes in.

Commissioner Griffin commented on who would develop the road and recounted his driving patterns through Tualatin's recently developed light industrial areas and the foresight used. He inferred that Sherwood should think ahead also.

With no further discussion the following motion was received.

**Motion: From Vice Chair James Copfer to forward a recommendation of approval to the Sherwood City Council on PA 13-04 Baler Way TSP Amendment based on the applicant testimony, public testimony received, and the analysis, findings, and conditions in the staff report and applicants materials. Seconded by Commissioner Michael Cary. All present Planning Commissioners voted in favor (Commissioners Clifford and Cooke were absent).**

Vice Chair Copfer expressed that if the Commission was making a decision on the signalized intersection at Albertsons he would feel differently. He said the amendment was for the Baler Way connector and he felt the signal to be a serious issue. Commissioner Cary concurred.

## 8. Planning Commission Announcements

Commissioner Griffin commented that Sherwood was such a great city to live in and spoke of a character from the television show, *The Good Wife*, who hails from Sherwood.

## 9. Adjourn

Chair Simson adjourned the meeting at 9:29 pm.

Submitted by:

Kirsten Allen

Kirsten Allen

Planning Department Program Coordinator

Approval Date: May 27, 2014