

January 28, 2014

City of Sherwood Planning Commission
22560 SW Pine Street
Sherwood, Oregon 97140

Re: Baler Way TSP Amendment

Dear Planning Commissioners:

I am writing on behalf of TakFal Properties LLC to update you on the status of our discussions with Washington County, and on TakFal's position regarding the Baler Way TSP amendment.

Status of Discussions with Washington County

As you recall, at the conclusion of the last Planning Commission hearing on December 10, 2013, TakFal asked for a continuance until January 28, 2014, to provide it with additional time to reach an agreement with Washington County regarding alternative street connections to the Sherwood Cinema Center. These connections are essential to the ongoing commercial viability of the Sherwood Cinema Center and its tenants, given the County's decision to remove TakFal's existing traffic signal and left turn lanes on Tualatin Sherwood Road.

After the Planning Commission hearing on December 10, TakFal retained WH Pacific to advise them on alternative street connections, to mitigate for the decision of Washington County to remove TakFal's existing traffic signal and left turn lanes on Tualatin Sherwood Road. WH Pacific's Alternative Access Plan is attached. TakFal's intent was to present this Alternative Access Plan to Washington County and the City prior to tonight's hearing, and to use this plan as a basis for reaching an agreement with the County on alternative access, that would allow TakFal to support the Baler Way TSP Amendment and dismiss its LUBA appeal. Overall, TakFal has continued to work in good faith with the City, the County and ODOT, to reach a collaborative solution regarding both the Baler Way TSP amendment and the Tualatin Sherwood Road Project.

Despite these good-faith efforts, on December 12th the County informed me that it is suspending further discussions with TakFal concerning alternative access, until TakFal's LUBA appeal and the County's Baler Way TSP Amendment are resolved.

DWT 23438996v1 0096783-000002

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Exhibit D.

TakFal's Position Regarding the Baler Way TSP Amendment

In light of the County's decision not to negotiate an alternative access plan with TakFal prior to the approval of this application and the resolution of our LUBA appeal, TakFal's continued support of the Baler Way TSP Amendment is contingent on adoption of the following conditions of approval. These conditions are reasonable and necessary to ensure that commercially viable access is maintained to and from the Sherwood Cinema Center, as a result of Baler Way TSP amendment, and the Tualatin Sherwood Road Project. If the Planning Commission recommends approval of the Baler Way TSP amendment to the Sherwood City Council, TakFal requests that the following conditions of approval be included in your recommendation:

TakFal's Proposed Conditions of Approval

1. Prior to the elimination of TakFal's existing traffic signal and left turn lanes on Tualatin Sherwood Road, Washington County (the Applicant) shall provide alternative access to the Sherwood Cinema Center that is reasonably consistent with the Alternative Access Plan prepared by WH Pacific, attached as Exhibit A. This Alternative Access Plan (Exhibit A) shows the approximate location of needed access and circulation improvements to, from, and within the existing Sherwood Cinema Center, relative to the proposed Baler Way Extension and the related Tualatin Sherwood Road Project. Exhibit A includes a right-in-only access to and from Hwy 99. This proposed access is critical to the continued viability of the Sherwood Cinema Center if its existing signal and left turn lanes are removed by the County. The location of this right in access from Highway 99 is intended to reflect the location and design of the access proposed by ODOT to the City, the County and TakFal, in their December, 2013 meeting concerning the proposed access. As part of this condition, the Applicant shall also provide new signage, at or near the Baler Way, Hwy 99 and Tualatin Sherwood Road entrances to the Sherwood Cinema Center, as approved by the City of Sherwood.
2. Prior to the elimination of TakFal's existing traffic signal and left turn lanes on Tualatin Sherwood Road, the Applicant shall:
 - a. Amend TakFal's site plan approvals for development on the Sherwood Cinema Center property, to reflect the changes in access, circulation, parking, signage and other development, described or required by the above condition,
 - b. Amend Figure 8-10 of the City of Sherwood TSP, to eliminate the traffic signal currently required at the entrance to the Sherwood Cinema Center on Tualatin Sherwood Road, and

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- c. Amend Table 8-11 of the City of Sherwood TSP, to eliminate Project 15, which currently requires the removal of the existing traffic signal and the installation of a raised median, at the intersection of Baler Way (Langer Drive) and Tualatin Sherwood Road. It is the intent of this condition to require a traffic signal at Baler Way and allow it to support all of the turning movements associated with the proposed Baler Way extension, including left and right turns to and from Tualatin Sherwood Road.

If the Planning Commission does not recommend approval of the Baler Way TSP Amendment subject to the above-mentioned conditions, TakFal requests that the Planning Commission recommend denial of the Baler TSP Amendment, or that it not take further action of the proposed amendment, unless or until the Applicant and TakFal agree on a reasonable Alternative Access Plan that mitigates for the loss of the required traffic signal and left turn lanes that currently provide needed commercial access to and from the Sherwood Cinema Center.

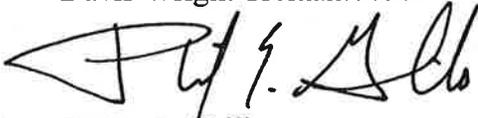
Conclusion

TakFal has diligently worked with the City, the County, ODOT, WH Pacific and members of the community, to create a reasonable Alternative Access Plan that will allow businesses in the Sherwood Cinema Center to continue to thrive, if changes proposed by the Tualatin Sherwood Road Project and the Baler Way TSP Amendment, are implemented. ODOT has already indicated that it will approve a right in access from Highway 99 at the location shown in our Plan. If the Alternative Access Plan described above is adopted by the City as a condition of approval, and is agreed to and implemented by the County, TakFal will support the Baler Way TSP Amendment and will dismiss it's pending LUBA appeal involving the Tualatin Sherwood Road Project (LUBA No. 2013-093).

The community now has a clear path forward with regard to the Tualatin Sherwood Road Project and the Baler Way Extension. We hope that the City will continue to support our good-faith efforts, as they have in the past. Our intention is to resolve this matter so the needed improvements can be made.

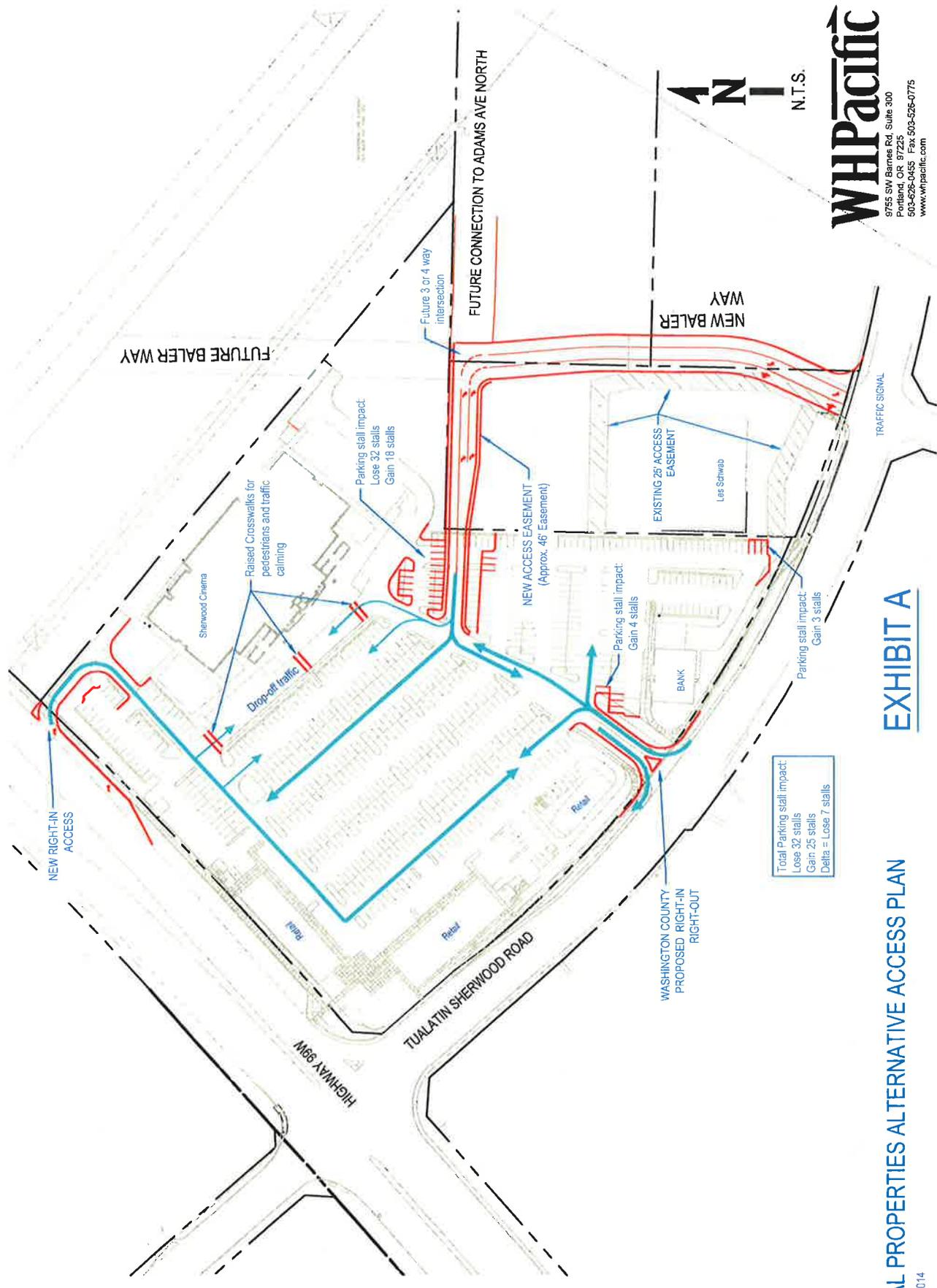
Respectfully Submitted,

Davis Wright Tremaine LLP



Phillip E. Grillo
PEG:rmp

Cc: Washington County, Cortney Duke-Driessen, Assistant County Counsel
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Total Parking stall impact:
 Lose 32 stalls
 Gain 25 stalls
 Delta = Lose 7 stalls

TAKFAL PROPERTIES ALTERNATIVE ACCESS PLAN
 January 26, 2014

EXHIBIT A

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