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January 28, 2014

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

Re: Baler Way TSP Amendment (Relevant Comprehensive Plan Goals and Policies)

Dear Planning Commissioners:

I am writing on behalf of TakFal Properties LLC, to further explain why the access and circulation needs of existing Sherwood businesses, such as the Sherwood Cinema Center, are relevant to the Baler Way TSP Amendment.

As noted in my December 10, 2013 letter to the Planning Commission, several provisions in the City of Sherwood's adopted Comprehensive Plan and TSP require the City to provide a supportive transportation system that ensures that public streets are planned to provide for the safe convenient, efficient and economic movement of persons, goods and services between and within major land use activity centers. For example:

1. Comprehensive Plan Goal 1 requires the City to: "Provide a supportive transportation network to the land use plan that provides opportunities for transportation choices and the use of alternative modes serving all neighborhoods and businesses."
2. Comprehensive Plan Goal 1, Policy 1 requires that: "The City will ensure that public roads and streets are planned to provide safe, convenient, efficient and economic movement of persons, goods and services between and within the major land use activities. Existing rights of way shall be classified and improved and new streets built based on the type, origin, destination and volume of current and future traffic."
3. Comprehensive Plan Goal 1, Policy 2 requires that: "Through traffic shall be provided with routes that do not congest local streets and impact residential areas. Outside traffic destined for Sherwood business and industrial areas shall have convenient and efficient access to commercial and industrial areas without the need to use residential streets."
4. Comprehensive Plan Goal 1, Policy 3 requires that: "Local traffic routes within Sherwood shall be planned to provide convenient circulation between home, school, work, recreation and shopping. Convenient access to major out-or-town routes shall be provided from all areas of the city."

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Exhibit E

January 28, 2014

Page 2

5. Comprehensive Plan Goal 6 requires the City to: "Provide a convenient and safe transportation network within and between the Sherwood Old Town (Town Center) and Six Corners area that enables mixed use development and provides multi-modal access to area businesses and residents."

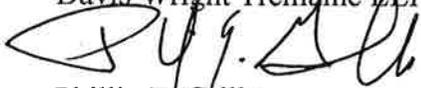
It should be noted that the City of Sherwood's 2005 TSP contains identical goals and policies, and likewise requires the City to ensure that the access and circulation needs of existing businesses are protected. While we understand the County's interest in moving traffic through this commercial area as quickly as possible, the City has a slightly different duty which is, to ensure that its planned street system provides the necessary street connections to existing and planned land uses in the area.

In its application, Washington County has made it clear that the proposed Baler Extension is part of the Tualatin Sherwood Road Project. Specifically, on page 1 of the September 17, 2013 memo from DKS to HHPR, the County's consultant indicates that the Baler Way TSP Amendment is intended to address the "off-corridor circulation" element of the Tualatin Sherwood Road Project. We agree, and would add that the proposed "off-corridor circulation" proposed by the County in this TSP Amendment, is dependent, at least in part, on the way "off-corridor circulation" to and from the Sherwood Cinema Center is designed and built. Unless needed "off-corridor" access and circulation is ensured for existing businesses, the purpose of the project, and above-mentioned comprehensive plan goals and policies will not be met by the Baler Way TSP Amendment. The conditions of approval previously proposed in my January 28 letter, are necessary to ensure that local access and connectivity is maintained for the Sherwood Cinema Center.

In closing, I would also point out that LUBA is scheduled to issue its decision on February 12, 2014, in the appeal filed by TakFal, Regency and MGP X challenging the County's decision to eliminate the signal and left turn lanes on Tualatin Sherwood Road. If LUBA overturns the County's decision, the assumption that underlies the need for the Baler Way Extension, (i.e. that the TakFal signal and left turn lanes on Tualatin Sherwood Road will be eliminated) will no longer be true. Therefore, the Planning Commission should wait until LUBA has issued its decision, before making its recommendation on the Baler Way TSP Amendment. If it does decide to move forward with its recommendation before LUBA issues its decision, we would ask that the Planning Commission impose the conditions of approval suggested in my January 28, letter, or recommend denial of this TSP Amendment.

Respectfully Submitted,

Davis Wright Tremaine LLP



Phillip E. Grillo

PEG:rmp

Cc: Washington County, Cortney Duke-Driessen, Assistant County Counsel

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