

---

---

**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**May 14, 2013**

---

---

**Commission Members Present:**

Chair Patrick Allen  
Vice Chair James Copfer  
Commissioner Michael Cary  
Commissioner John Clifford  
Commissioner Russell Griffin  
Commissioner Jean Simson  
Commissioner Lisa Walker

**Staff Present:**

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

**Council Liaison**

Mayor Bill Middleton (absent)

**Legal Counsel Present:**

Chris Crean

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

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

**2. Agenda Review**

Chair Allen amended the agenda to include an explanation of the Walmart Frequently Asked Questions (FAQ) prior to Community Comments and stated the rest of the agenda would include a SW Corridor Plan Update.

Chair Allen said that following the Planning Commission Meeting was a Sherwood Town Center Plan Steering Committee Meeting and explained the difference between Metro's requirement to have an area designated to have more development known as "town centers" and Gramor Development's naming their new commercial development Sherwood Town Center.

**3. Consent Agenda**

a. April 9, 2013 Planning Commission Minutes

**Motion: From Commissioner Jean Simson for approval of the Consent Agenda. Seconded by Vice Chair Copfer. All Commission members voted in favor.**

**4. Council Liaison Announcements**

Mayor Middleton was not present and there were no announcements

**5. Staff Announcements**

Brad Kilby, Planning Manager informed the Commission that a joint Planning Commission and City Council Work Session would happen on June 4 at City Hall.

Brad explained some of the Walmart Frequently Asked Questions (FAQ) that were posted to the City website on May 13, 2013 (see record, Exhibit 1) and said that the FAQ would be updated regularly. He gave a brief background of the land use application for 190,000 square feet of retail space that came in as Langer Farms Phase 7 Commercial Development in July 2012. The

property is located adjacent to Target on a 19.8-acre site. It is zoned Light Industrial, but has a Planned Unit Development overlay (PUD) from 1995 that includes the Albertsons, Target, and several single family and multi-family sites behind those developments. Brad said the PUD included 155 acres and had eight phases which included the Sentinel Storage and a vacant site on the other side of Tualatin Sherwood Road. He explained that the applicant was not required to disclose the tenant and the City found out on Monday [May 6, 2013] when everyone else did

Brad commented that there was speculation that it might be a Walmart and much of the public testimony at the hearings discussed Walmart and the traffic impacts associated with a Walmart.

Brad said the City did not ask Walmart to come to Sherwood, it is up to the owner to decide what business it will be and compared it to a Starbucks, Dutch Bros., or a Sharkie's.

Brad commented that there are impacts associated with a Walmart that may not be associated with other regular commercial uses and the Planning Commission asked that the applicant specifically address traffic impacts that could be associated with a discount super store, a super store, and a retail center.

Brad commented that there was speculation that it might be a Walmart, but the City had received interest from Fred Meyer about coming to the city and thought that perhaps the property owner was discussing leases with both companies. A third option would have been a Winco, however because it was speculation the City could not convey the tenant until it was released from Gramor and to the public.

Brad explained that the land use process followed required that the application have a public hearing and that there had been three public hearings before the Planning Commission over two months to determine the impacts and answer questions for the public who got involved in the process. After the decision was made there was 14 days to appeal the decision and there were no appeals filed to City Council. Brad commented that there was an appeal to Land Use Board of Appeals (LUBA) for the subdivision of the parent parcel, but it was withdrawn.

Brad listed the traffic mitigation requirements as:

- Extending SW Century Blvd. From SW Langer Farms Parkway to the existing terminus;
- Installing a signal at the intersection of SW Langer Farms Parkway and SW Tualatin Sherwood Road;
- Extending SW Langer Farms Parkway north to meet with the road next to Home Depot;
- Installing storage extensions on highway 99W at
  - Sherwood Blvd and Highway 99W, and
  - Roy Rogers and Highway 99W;

Brad commented that as part of a County MSTIP project to widen SW Roy Rogers Road and SW Tualatin Sherwood Road there will be some signal timing adjustments made [to the signal at Highway 99W] and frontage improvements along the site that include bike lane, curb, gutter, planter strip and sidewalk.

Brad explained that the developer is permitted to put Retail on property that is zoned Light Industrial because the property owner was vested in 1995, through an approved PUD. This meant that they had the legal right to propose any use that was allowed in 1995, and at that time,

the Light Industrial zone allowed General Commercial uses which includes retail. This was confirmed in a 2007 City Council decision related to extending SW Century Blvd. Brad commented that the property has been marketed as available to develop commercially or industrially. He added that there is another site closer to Bilet that is being developed industrially as RV and mini storage.

Brad stated that the files are available online at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov) and available at City Hall and he would open the file to anybody that wants to see it. Copies will require a Records Request be filled out and are available at a reasonable cost. The previous [meeting packets](#), and [meeting audio/video](#) are also available online and the application material and exhibits can be found under Current Land Use tab; look for [Langer Farms Phase 7 Commercial Development \(SP 12-05/ CUP 12-02\)](#). Questions can be directed to Brad Kilby, Planning Manager or Julia Hajduk, Community Development Director. Julia added that a Frequently Asked Questions webpage had been created and it would be updated as needed.

## 6. Community Comments

**Nancy Taylor, 17036 SW Lynnly Way, Sherwood.** Ms. Taylor said she read the transportation study and asked when the road improvements were going to be done between Tualatin Sherwood Road and Roy Rogers Road.

Brad answered that the improvements, as part of the conditions of approval, have to be completed prior to Walmart opening its doors and the first project is likely to be the extension of Langer Farms Parkway north.

Bob Galati, City Engineer explained that Washington County's MSTIP project is still in the design phase and construction may not take place until 2014. He said that the extension of the project on Tualatin Sherwood Road goes across Highway 99W with additional left turn lanes and widening Roy Rogers Road to Borchers Drive. Bob confirmed that the project was funded in the Improvement Plan and is the preliminary design stages of working out right of way issues and making final decisions before moving to final design.

Bob said that it was likely Walmart would open prior to the improvements and the Langers would pay Washington County a fee to make the improvements and it would not delay the opening of the store.

Chair Allen asked about temporary frontage improvements.

Chris Maciejewski, with DKS Associates the City's On-Call Traffic Engineer firm said that, per ODOT, the turn pockets on Hwy 99W at Tualatin Sherwood Road are to be lengthened if the County MSTIP project occurs after opening,

**Naomi Belov, 22741 SW Lincoln Street, Sherwood.** Ms. Belov said she loved Sherwood and wanted to know why the City Council video had been edited to exclude part of her testimony that mentioned Sherwood as Family Circle magazine's ranking of best towns in America by and the Belov family organizing the Trashapalooza, Earth Day Clean-up.

Julia answered that the recording equipment allows for approximately two hours of taping and the tapes have to be manually switched after the tape stops. Brad added that the testimony was

not edited and the software, that combines the video and audio, cut out a portion of the video recording. IT staff was able to listen to the words that were on the audio track.

Ms. Belov commented that she wanted to bring attention to the issue and there needs to be more transparency from the City before it becomes a legal issue.

Chair Allen explained that the Planning Commission consisted of citizen volunteers who do not work for the City and are unpaid; they own homes and small businesses in Sherwood and care passionately about Sherwood. Chair Allen said he hoped it would not become an Us vs. Them circumstance because Planning Commission member were part of the community like everyone else.

**Chris H**, from Beaverton did not want to disclose his last name or address, but said he owned a business in Sherwood. Chris said he was a native of Portland, and had experienced a town in California that went through the same issues of having a Walmart come to town and warned that it would get ugly. Mr. H commented regarding Councilor Langer's political career and said he was against Walmart.

**Kelli Birtle, 23240 SW Orchard Heights Place, Sherwood.** Ms. Birtle said she comes from a larger town on the east coast and commented that Walmart would make all of the small businesses in town go out of business because Walmart is greedy. Ms. Birtle agreed that the traffic is a big issue but her concern was the safety of our children. Ms. Birtle commented on shoppers from out of town, crowded streets, increased crime, and children not being able to walk the streets safely. Ms. Birtle asked who would keep the children safe when Walmart comes and conveyed concerns for her family. Ms. Birtle said she would have the same concerns if it was a Fred Meyer or WinCo and that anything big would affect the safety of our children.

**Lori Stevens, 15630 SW Farmer Way, Sherwood.** Ms. Stevens asked if any member of the Langer family was on the City Council in 1995 or 2007. (Staff was unable to answer and committed to add it to the FAQ.) Ms. Steven asked regarding sign height limits and asked if Walmart would be allowed a larger sign typical to their other developments.

Chair Allen commented that the approved site plan did not address signs. Brad Kilby answered that Gramor has contacted the City about signage and have been informed of what the standards are. Julia added that the property owners were vested on the uses, but not on the sign standards and would have to comply with current sign standards.

Ms. Stevens asked for clarification regarding overnight parking that Walmart has allowed at other stores and said it should be addressed as it is a safety issue.

Chair Allen answered that this information was included in the FAQ and it was an issue that the City Council can address through a City ordinance.

Ms. Stevens commented regarding the City not knowing who the tenant was and suggested that this parameter be changed as an adult store is also considered commercial.

Chair Allen replied that adult businesses are called out as not allowed in most zones in the code, but may be subject to Oregon's free speech laws. Chair Allen explained that the 2007 agreement allowed for large retail businesses and the City cannot ask who the tenant is.

Julia added that the approval is for a large retail business and if they ask for a use that is different that would be a modification [and the Planning Commission would review it].

Ms. Stevens asked regarding a medical marijuana store or similar store locating in the commercial center and if there was a way control that. She also asked if there was a way to change the local law that requires disclosure of who the tenant is.

Julia said she would add this to the FAQ and that it would need to be explored with legal counsel. Julia said she would also add information about limiting certain uses.

Chair Allen suggested a link to the code that shows which uses are allowed in which zones.

**Lori Randel, 22710 SW Orcutt Place, Sherwood.** Ms. Randel commented that she heard the streets in Old Town were not wide enough for fire trucks.

Bob Galati responded that the lanes are wide enough for a fire truck of 13 feet.

Ms. Randel commented on problems with Planning Commission meeting tapes regarding the Cannery PUD and said the recording equipment did not work at important hearings and suggested that individuals wishing to address Council bring it in writing. Ms. Randel thanked staff for addressing the issue of old zoning maps on the City website and getting them up to date. Ms. Randel asked about Walmart receiving a variance for the sign standards.

Brad Kilby replied that a variance to signage was unlikely because there needs to be a unique circumstance for a variance to the sign code to be granted and a variance would come before the Planning Commission for approval.

Ms. Randel commented regarding City Council passing ordinances to ensure that Walmart is a better community citizen and asked if businesses are bound by the ordinance if ground has been broken.

Chair Allen responded that if it is a land use issue the applicant is entitled to the rules in place at the time of application. If it is a general ordinance about how businesses or people behave the City Council can enact those at any time and may apply to businesses city wide.

Chris Crean, City counsel said that only the land use ordinances are time sensitive and gave the example of updating the Nuisance ordinance regarding overnight parking and said it would apply generally throughout the city.

Ms. Randel asked if grocery was a separate designation from retail and how much of the store can be grocery without requiring a grocery level traffic study.

Brad commented that from a land use standpoint grocery is retail and Walmart used a classification that covers groceries.

Chris Maciejewski answered that there is traffic data that is used to estimate the number of trips that comes with new development with a series of retail categories; general shopping center, discount store, discount super store, or stand-alone grocery store. He explained that for the Langer traffic study the applicant provided a study for a general shopping center and due to concerns expressed by the City, new information that looked four different scenarios was provided in October 2012. Mr. Maciejewski said that they were consistent with the original traffic study that called it a shopping center.

Commissioner Walker added that concerns were expressed by the Commission that it wanted the worst case scenario with the most trips to be addressed. She commented that, as a citizen, what she considers a lot of traffic is less than what ODOT considers a lot of traffic.

Chris confirmed and said the designation 820 was the worst case and assumed more trips; accounting for the different types of uses that might come into the center.

Ms. Randel asked if ODOT raised any concerns.

Brad replied that ODOT testimony required mitigation and ODOT did attend the public hearings.

Julia reminded everyone that all of the information, including the traffic analyses and the minutes for the meetings, are on the City website.

**Dean Boswell, 22796 SW Lincoln Street, Sherwood.** Mr. Boswell commented that the traffic between Sherwood and Tualatin can be up to a 45 minute drive and traffic to get to other places surrounding Sherwood. Mr. Boswell said that the Sherwood's population could not support Walmart's giant store and that people from neighboring cities would be shopping there. He asked if [the applicant] would widen Tualatin Sherwood Road and how all the traffic coming in will be dealt with.

Chair Allen answered that there are projects that will be built as a direct result of the project and by Washington County's transportation plan. The improvements on 99W are funded. Chair Allen commented on the difference between funded and wish list items and the time frame for completion of those types of projects. Chair Allen remarked that Washington County should widen Tualatin Sherwood Road all the way to Tualatin, but the funded project focusing on getting more cars through the intersection at 99W will not fix issues on Tualatin Sherwood Road.

Mr. Boswell expressed his disappointment that the Walmart will move forward without a long term solution in place for traveling to Tualatin.

Mr. Boswell commented on safety and the state's sex offender list being inadequate. He said there are sex offenders in the community and we don't know who they are. Mr. Boswell suggested that there would be more and they would be right next to a school. He said one of his big things was that we are not taking care of the people now and asked what will be done in the future when we start having more crime. Mr. Boswell asked if the City can make Walmart pay for any increase in crime and sex offenders because they came to Sherwood.

Chair Allen responded that those are City Council kinds of issues.

Mr. Boswell commented on streets in Old Town not being wide enough for a fire engine and asked for the difference between a fire engine and a bus, because cars have to stop 10-15 feet back from a stop sign to let the bus through.

Bob replied that the area in question is at 1<sup>st</sup> Street where the buses turn from Pine Street. He agreed that there was a pinch point because of the monuments that were put in several years ago. Bob said those monuments have been eliminated from the current streetscapes and the plaza projects. He said the current monuments have vaults underneath them that make them difficult and expensive to remove. It will take time to evaluate how to remove them and build up a reserve to pay for the removal. Bob explained that two of the monuments are the base for the attached street lights with power coming from a vault beneath and the other monuments hold traffic signs and may be able to be removed but are not causing the problems. He said the monuments are an existing problem that the City will have to solve over time. Bob suggested Mr. Boswell address the City Council to help make the removal of the monuments a priority.

**Nadia Belov, 22741 SW Lincoln Street, Sherwood.** Miss Belov said that Walmart is one of the biggest corporations in the United States and the owners are billionaires. She said the average American will earn less than a \$1 million in a lifetime and they earn billions a year. Miss Belov commented that Walmart employees earn around \$24,000 per year and the people that make the products earn close to nothing. She expressed that it was not fair, they don't give back to the community, and Walmart is not a good business to bring into Sherwood.

**Melissa Fischer, 22742 SW Lincoln Street, Sherwood.** Ms. Fischer said her family bought a house in Sherwood two years ago and if there is a Walmart one half mile from her home she would be selling.

**Amanda Roe, 17938 SW Fitch Drive, Sherwood.** Ms. Roe said she has been in corporate communication for over twenty years and commented that several of the FAQs were answered well and others were answered vaguely, leaving room for interpretation. Ms. Roe said there was a concern regarding communication and commented on communication in local newspapers, notice to people within 1000 feet of the property, and on the difficulty to find information on the City website. Ms. Roe submitted that for certain types of businesses, which the community does not want, should have better communication and brought to a vote of the people.

Chair Allen said the Planning Commission does not have the ability to control what specific company is allowed within a type of business and gave the example of a Starbucks; if a coffee company is allowed, the City cannot exclude Starbucks specifically because it is not legal.

Vice Chair Copfer added that federal law prohibits the City from restricting trade.

Ms. Roe said that the City needs to reevaluate perhaps with square footage and asked how that could be done. She questioned how the citizens could help the City know what changes the people want.

Chair Allen responded that this could be done through the zoning code with a cap of the size of a business and to start by addressing the City Council. The City Council can direct the Planning commission to amend portions of the code.

Ms. Roe asked if traffic could fall under “nuisance” and if the definition could be expanded to include it.

Julia responded that she will add this to the FAQ and said that as the writer of the FAQs, the intent was to get basic information out the public addressing questions and they can be expanded upon if more details are needed.

Ms. Roe asked if Walmart brings in more traffic and the City needs more resources, such as police officers and emergency response, will Walmart contribute to that expense.

Chair Allen responded that resource allocation is up to City Council, but Walmart will pay taxes that add to the fund that pays for services.

Commissioner Walker added that the Planning Commission and City Council try to notify of what is going on and would accept ideas of how to reach people.

Ms. Roe responded that the school sends out information weekly and that the information should be clear and a quick read on what is going on with the City Council and the Planning Commission. She said there is a lot of negativity and the community is unhappy.

Chair Allen commented on the difficulty to get public involvement about high level planning and to talk conceptually about what kinds of development can be in Sherwood. He said when a specific development comes in it is really late in the process.

**Michael Buffington, 22511 SW Dewey Drive, Sherwood.** Mr. Buffington commented on the Walmart property being zoned light industrial in 1995 and said the economy has changed and the zoning should be reevaluated.

Commission members answered that a Planned Unit Development overlay was placed on the property in 1995 and general commercial was permitted in that zone at that time.

Mr. Buffington expressed concern that for the number of grocery stores in Sherwood, the number of empty spaces, and small businesses in Sherwood. Mr. Buffington read an email from Matt Langer in response to her inquiries about Walmart that his wife had received and said the information contained did not match with the FAQs. Mr. Buffington asked if the County could do what they wanted with the lump sum that the developer will pay toward Tualatin Sherwood road improvements.

Bob responded that the money is set aside in a special account and has to be used for the frontage improvements.

**Cynthia Kirk, 22375 SW Lee Drive, Sherwood.** Ms. Kirk said her family has lived in Sherwood since 2001 and expressed her disbelief that a Super Walmart would be allowed before the traffic situation on Tualatin Sherwood Road has been addressed. Ms. Kirk mentioned safety concerns, traffic on Tualatin Sherwood Road and easy access to the Costco in Wilsonville. She said she has seen Sherwood grow and change in positive ways siting the arts community, parks, and the active community and said this was not the kind of town that needs a Walmart or any

more big box stores. Ms. Kirk said that the City code should be changed to reflect the spirit of Sherwood and the project does not serve the community.

**Terry Miller, 14904 SW Lowell Lane, Sherwood.** Mr. Miller commented that when he moved to Sherwood in 2007 it was a place on the road between Portland and the coast and described his experience in Sherwood. He said that with a Walmart coming to town he may not stay in Sherwood because he can foresee a Walmart affecting the livability of Sherwood.

**Dr. Russ Kort, 22739 SW Taylor Court, Sherwood.** Dr. Kort said he was Chiropractic Physician in Sherwood and that he felt duped. He said he grew up in Glenwood Springs, Colorado, a small town like Sherwood and he moved to Sherwood to raise a family because it reminded him of that small town. Dr. Kort said it is not a safe idea to have a Walmart so close to a school. He commented that as a small business owner he draws from all over the Portland area and all of his patients complain about Tualatin Sherwood Road and 99W. He said that Walmart was a juggernaut of stores and expressed his disappointment in the City Council and added that residents would do what they could to make their voices heard and become more involved in the process.

**Meerta Meyer, 24002 SW Middleton Road, Sherwood.** Ms. Meyer said she was pro-development and was a commercial real estate professional. She said that every development has a material and perceived impact on communities and it is difficult for community members to understand how this process works and where there may be room for improvement to our codes, design standards, or building requirements. Ms. Meyer said the Planning Commission has a reasonable duty to exercise care and judgment in reviewing development applications against code requirements to make things better; to work the mayor and city councilors to improve City standards.

Ms. Meyer commented on an economic development strategy that the City embarked on several years ago and read a portion of the vision statement “*the city of Sherwood will drive economic development and support businesses that provide jobs for our residents by building on our assets and developing the necessary infrastructure to retain existing businesses and supported businesses. Economic development will also be supported by maintaining our livability and character as a clean, healthy, and vibrant suburban community where one can work, play, live, shop and do business*”. Ms. Meyer said the Planning Commission’s duty is to look at the economic development strategy as reviews of land use applications and permits are performed as reasonable care and judgment was not taken in the review of the Walmart application.

Ms. Meyer said that the strategy recognized that one of the greatest weaknesses in Sherwood is traffic congestion and that *rapid growth within the southern portion of the greater Portland-Vancouver Region has created transportation bottlenecks during peak travel periods along routes leading to/from I-5, such as Tualatin-Sherwood Road*. She said the strategy talks about Sherwood’s constraints and impacts on industries that will locate in Sherwood and industries that have large amounts of truck traffic are not likely to locate to Sherwood. Ms. Meyer asked if the project had received final approval and was informed that it had, except for conditions of approval have to be met and building permits acquired. She asked that all of the conditions of approval be met. Ms. Meyer suggested that a citizen’s economic advisory committee be formed so that the public feels a greater sense of contribution to these kinds of decisions.

**Devin Adams, 22718 SW Martin Court, Sherwood.** Mr. Adams thanked the Planning Commission for their service and efforts to help make Sherwood family friendly. He said that most people he has talked to do not want Walmart in Sherwood and commented that other cities have kept it from happening. Mr. Adams asked commission members if they wanted a Walmart in Sherwood.

Chair Allen answered that it is not the business he would have chosen, but the decisions that City Council made in 1995 and 2007 were binding on the City for any application that came in consistent with those allowed developments.

Mr. Adams expressed concern for lighting of the area and camping allowed at other Walmart stores. He asked for the lighting requirements, truck traffic on Oregon Street, and if the Planning Commission could foresee uses for the empty Albertson's, Safeway, and Target buildings.

Chair Allen responded that lighting standards require that light shine only on the site and commented that limiting truck traffic on Oregon Street would negatively impact Bilet.

**Krishna Kizziar, 15729 SW Willow Court, Sherwood.** Ms. Kizziar said she was speaking as a conflicted citizen because she did not think the City has changed and she still saw a lot of good in Sherwood. She said she saw wisdom in the concept of live, work, play where you live and said that is why she lives in Sherwood. She said she testified when Regal Cinemas came to Sherwood and said that the issue was that the theater was bigger than what Sherwood needed and was for the region and not Sherwood. Ms. Kizziar said she has accepted that Sherwood is trying to create a mix to bring in jobs, like other towns in the region, and she knew that Walmart was being considered in the fall. She commented on the roundabout on Langer Farms Parkway being an indication that development would occur in the area and said she was conflicted because she would like something other than a Walmart. Ms. Kizziar expressed concern for comments about different economic classes and ethnic backgrounds coming to Sherwood because of Walmart and said the bubble that Sherwood lives in is not sustainable.

**Tony Bevel, 17036 SW Lynnly Way, Sherwood.** Mr. Bevel commented on the change in Sherwood since the population was around 9000 in 1997 and he wanted to keep Sherwood the same. Mr. Bevel asked the Planning Commission to slow everything down. He commented on the number of "For sale" signs on Tualatin Sherwood Road and asked if the road would end up like TV Hwy in Beaverton.

Mr. Bevel asked about Mr. Langer's involvement during the public process and was informed that Mr. Langer was present at the meetings and did not influence the decision. The Planning Commission approved the application based on how the application met the criteria in the code and did not know who the tenant was.

Mr. Bevel said he loved Sherwood and wanted to keep it small.

**Amanda Stanaway, 16103 SW 2<sup>nd</sup> Street, Sherwood.** Ms. Stanaway said she did not want Walmart in her neighborhood and she said she has met almost everyone in town. Ms. Stanaway asked the planning Commission what their job was.

Chair Allen responded that the Commission was comprised of citizens who advise and recommend language to the City Council on what the City's planning and development code should be and makes decisions about certain kinds of development that are proposed in the city to see whether they meet the code.

Ms. Stanaway commented on concerns for small business and the economy in Madras, Oregon and said based on basic economics the corporate money flows out of the community and small business money stays in the community. She said Madras codified language to keep building sizes under a certain square footage to keep big box stores out of Madras and asked if the Sherwood Planning Commission could look at the infrastructure and population of Sherwood and see that there is a disparity in numbers.

Ms. Stanaway commented on being a student at George Fox University and driving past Sherwood when the Langers were still farming and discussed the different shopping centers that have been built on Langer farmland. She commented that with every new addition the previous development suffers and citizens have to figure out how to repurpose empty spaces to make them effective for the community. Ms. Stanaway suggested that Sherwood is headed toward being an ugly place and she did not understand why Sherwood is choosing to move in that direction. She said she and her neighbors are trying to figure out how to stop Walmart and asked the commission for advice.

Chair Allen answered that it could not be done with the land use law and there have been ordinances that have been suggested.

Ms. Stanaway commented on the fractures in the community and said it will get worse when the traffic increases.

Commissioner Griffin replied that he did not vote to have a Walmart come into the community, but when 145,000 square foot box store was proposed, and the applicant would not give us the name, the Commission's hands were tied. He said that seven years ago when a sign went up indicating a 450,000 square foot shopping center and nobody stopped and said that it was too big. Commissioner Griffin said he thought there would have been a lot more people coming to city meetings expressing concern.

After a comment about the traffic studies by Ms. Stanaway, Chair Allen informed that the applicant employs a traffic engineer to assess traffic and make proposals and the City has an on-call traffic engineering firm that reviews the proposal to provide review comments on the traffic study.

Commissioner Cary asked staff for an explanation of the Capacity Allocation Program (CAP).

Brad Kilby explained that there is a CAP ordinance that limits the number of trips that can be generated in the PM peak hour for commercial industrial use to 43 peak trips per acre and the applicant is allowed to spread the trips over the 55 acres and did not encroach on the CAP.

Commissioner Cary asked what would happen if the CAP is exceeded, how does the City know if they do, and what happens if it is exceeded.

Bob Galati answered that the way the conditions of approval are written they cannot exceed the CAP and if they come in with a different use we can ask for a new analysis that shows they do not exceed the CAP. He said if their use comes in other than what we have approved and traffic appears to exceed the traffic analysis the City can make them rework the traffic analysis.

Brad added that this cannot force Walmart to leave, but it may mean the applicant would have to pay for something like widening the road, adding a lane to 99W or traffic mitigation somewhere.

Ms. Stanaway asked if there was a high density apartment complex planned for the adjacent parcel and was told that the City is not aware of anything. Information about what uses would be allowed will be added to the FAQ.

Ms. Stanaway commented that communication from the City was poor and needed improvement.

Chair Allen responded that over the last four years the notice requirements have been increased from 100 feet to 1000 feet radius by mail pulling tax records, the size of signs posted on site have been increased so the words can be read and postings at the YMCA, Albertsons, Senior Center and two locations at City Hall have been maintained. He said a Current Land Use page has been created on the City website, an email distribution for interested parties utilized, and the newspaper employed. Chair Allen commented that he thought we should expand and get into social media and we are always looking for ways to get information out to the public.

Julia added that you can sign up for emails to get notices for meeting agendas on the City website.

**Wendy Malcomson, 22424A SW Washington Street, Sherwood.** Ms. Malcomson asked for information about the notification and asked if anyone lived within 1000 feet of the property.

Brad informed that over 400 notices were sent by mail and that there was a neighborhood meeting in January 2012 with the same distance requirements. He added that a Sherwood is one of a couple of Oregon communities that has expanded the notice requirement to 1000 feet.

Ms. Malcomson said she was not opposed to diversity, but was concerned about elements that Walmart may bring and was appalled that it was approved. Ms. Malcomson said she had a long conversation with Julia Hajduk that discussed having a mission statement for development that encourages family friendly, safe, healthy, etc. types of businesses and having the permitting process be easier for preferred businesses. Ms. Malcomson suggested a limit of big box stores and suggested a public market place for the artist community of Sherwood and small shops and office space.

Ms. Malcomson asked about a city park or skate park on the land and if the School District had plans for a new high school. She was informed that the private land owner can decide about a park and the School Board is working on their capital facilities plan.

Chair Allen called for a recess at 9:16 pm and reconvened at 9:24 pm and allowed for citizen comments from someone who was missed.

**Patti Spreen, 20488 SW Lavender Place, Sherwood.** Ms. Spreen asked about restricting the selling of firearms, alcohol and pharmaceuticals within a thousand feet of a school through a council ordinance.

Chair Allen confirmed that those were City Council issues and commented that the OLCC requirements allow for citizen comments.

Ms. Spreen inquired about allowing stores to be open 24 hours and added that the 145,000 SF space could be split and used for two family friendly stores.

Chris Crean advised that there were certain businesses that could not be singled out, but there could be a general regulation that requires businesses close at a certain time.

Ms. Spreen asked the commission what direction the citizens could take as a community to stop Walmart from coming to Sherwood. She said she wanted to know how to write an ordinance so she could personally hand it to the mayor and have it be heard. Ms. Spreen voiced her commitment to attend City meetings.

Chair Allen answered that many ordinances have been suggested that can be taken to Council regarding how businesses, that include Walmart, might operate in town. He suggested that it was not necessary to know how to write an ordinance, rather to talk to a City Council members interested in promoting those issues that can direct legal counsel and staff to draft ordinances that have an impact on Walmart's business. Discussion followed.

Ms. Spreen asked why such a large building was approved, Julia clarified that there was no limit to the size of a commercial building. Ms. Spreen suggested that limiting the size of a commercial building might be another ordinance for the City going forward.

Brad added that in 2007 there was a 60,000 SF cap in the Light Industrial zone and the Council affirmed that the cap would not apply to the PUD. This is because when the PUD was approved in 1995 and General Commercial uses would have been allowed.

## **7. New Business**

### **a. SW Corridor Update**

Julia introduce Malu Wilkinson, a Planner from Metro leading the Southwest Corridor Plan project, and said that the cities of Sherwood, Tigard, Tualatin, Portland, Beaverton, Durham, King City, Lake Oswego, Multnomah and Washington County have been working on a plan for the Southwest Corridor which is a transportation and transit plan to look at the areas on a sub-regional level. She said the project is starting to have more detail and require more input and Ms. Wilkinson would be giving the Planning Commission an update of where the process is. Julia informed the Commission that a Steering Committee comprised of elected officials from the different jurisdictions and agencies would be adopting a package of shared investment strategies in the future.

Commissioner Simson asked what a transportation transit plan meant to the individual.

Julia responded that the SW Corridor Plan does not mandate zoning changes but looks at all of the jurisdictional visions (the Town Center Plan in Sherwood) and works to help inform the transit decision.

Ms. Wilkinson started by saying that the SW Corridor Plan is a long term vision on how the communities in the SW corridor look and feel over time and gave a presentation on the Plan (see record, Exhibit 2). She said it was important to have an update on the SW Corridor Plan before making milestone decisions on the Town Center Plan.

Ms. Wilkinson commented that when looking at a long term planning process the how it affects you personally is more nebulous than a proposed building. She said the SW corridor planning started because the area was identified as the top priority in the region for consideration for the next high capacity transit investment; high capacity could be bus rapid transit, light rail, street car, or any sort of transit that moves people faster than a local bus. Ms. Wilkinson also said that this part of the Metro region was identified as a top priority for overall look at mobility for freight, auto, walking, and biking and has a number of current congestion problems.

Ms. Wilkinson explained that the SW Corridor Plan was a collaborative effort where jurisdictions are trying to do things together to take an integrated look of how to tie investments that support the community vision through the different city planning efforts. Ms. Wilkinson mentioned that the objectives of the project were accountability and partnership, prosperity, health, and access and mobility have guided how the SW Corridor plan was developed with a focus on places and not investments. She said that what we want is a place where we can live, work and play and how to leverage public and private investments.

Ms. Wilkinson showed an example of the Leveton Focus area in Tualatin where the City of Tualatin has been focused on encouraging the vacant industrial land to develop into transit oriented development.

Ms. Wilkinson explained that the SW Corridor Plan Steering Committee would decide in July 2013 guidelines for Phase II, implementation. She said the SW Corridor is 11% of the geographic region and a lot of population and employment is projected to come into the area over the next 20, 30, 50 years. She commented on keeping residential areas stable and focusing on change in places where more amenities are wanted.

Ms. Wilkinson commented that the transit in the SW Corridor does not serve Sherwood well, there is no connection between Sherwood and Tualatin, access between Sherwood and western Washington County is not easy to get to, and it takes a long time to get to downtown Portland. Ms. Wilkinson explained that along with looking at transit the group was looking at roadway, active transportation improvements (bicycle and pedestrian) and park facilities and there is a project list for the entire SW Corridor of parks and natural resources that come from all sorts of different agencies, similar to a regional transportation plan but for parks. Ms. Wilkinson said that all of these projects together were close to 800 projects, adding up to \$4 billion in the 15 year timeframe of the project. She said that list was narrowed down by using the land use vision developed by each community to \$800 million.

Ms. Wilkinson explained the one light rail transit alternative and four bus rapid transit alternatives and said there are a number of different ways to do bus rapid transit; a bus in a

dedicated right of way, dedicated right of way/ mixed traffic, business and transit access lanes, signal prioritization. She said one of the key elements of transit is local service.

Ms. Wilkinson showed maps of the alternatives and explained that the light rail alternative went from Portland to Tigard and one of the bus rapid transit alternatives went from Portland to Tigard with a dedicated right of way serving the Sylvania campus of Portland Community College. She explained that there was an alternative for a bus rapid transit between Portland and Tualatin and between Portland to Sherwood through Tualatin. Ms. Wilkinson said that rather than going on Tualatin Sherwood Road there were design alternatives to go through the southwest Tualatin industrial area. She said the last bus rapid transit alternative was a “hub and Spoke” bus rapid transit which uses Tigard as a hub for transit to Portland and different bus lines or “spokes” to convey to other cities. Ms. Wilkinson added that the Committee has learned from the community that high capacity transit would be useful and serve the population, but it would not be in place for a long time and what is really needed is better local transit service, sooner. She said Metro is working with Tri-Met on defining what a southwest service enhancement plan and identify new routes like one from Tualatin to Sherwood.

Ms. Wilkinson commented that in July 2013 the Steering Committee will be asked to narrow down the high capacity transit alternatives regarding how far a line should go, which modes should be studied, and which form of bus rapid transit should be used. This may be useful for communities to consider incentives for development that the community would like to see and to have a strategic set of roadway and transportation projects that the SW Corridor project partners agree are important to work on and collaboratively fund. Ms. Wilkinson acknowledge that the green element in our communities is one of the key reasons why people live and work in the SW Corridor and it was important to figure out ways to continue to invest in park and natural habitat projects.

Ms. Wilkinson said that the SW Corridor Steering Committee will have a recommendation that will be brought back to each of the implementing bodies and each City Council will need to adopt what works for their city.

Ms. Wilkinson announced an Economic Summit on May 21, 2013 at 7:30am in the Tigard Library aimed at the private sector and a community planning forum on May 23, 2013 at 6:00 pm at the Tualatin Library. She said the hope was for people to attend one or both of the meetings and to participate in an online survey in June 2013 regarding the priorities for SW Corridor.

Commissioner Simson asked what Metro’s goals for density and population would be to have transit come to Sherwood.

Ms. Wilkinson replied that as a region Metro has overall population and employment targets but in terms of investments for high capacity transit there is not a set density. She said Metro wanted to invest in high capacity transit in a way that supports the land use vision and if the land use vision is best supported by high capacity transit then we should try to find a way to make that work. Ms. Wilkinson commented that this process helps figure out is what the right investment to serve the needs of the population is today and in the future. She said that Tri-Met may have guidelines for ridership.

Julia added that Tri-met was looking at ridership, cost to construct, cost per boarding, to get riders and the most from their money. She said it was asked what the community vision was and what needed to be done to support that vision. If that included bus rapid transit then the City would convey to the SW Corridor planners the importance of having it. She commented that Tualatin was adamant about having bus rapid transit and changed densities and assumptions to make a stronger case for transit services.

Ms. Simson commented that she had seen information regarding the SW Corridor that suggested 40 units per acre close to Portland and around 20 units per acre in our area. She said if that was the intent then in there should be community outreach regarding this planning process and bringing higher density to the 99W and Tualatin Sherwood corridors.

Julia responded that the intent was to serve the density that the community envisioned and confirmed that the outreach was to get community input on what that vision was.

Ms. Wilkinson remarked that Town Center Plan was what Sherwood wanted and Metro was looking at transit to match up with the community's aspirations.

Julia commented that local transit has a lower "threshold" of density than high capacity transit and said she was hoping to hear what community's priorities are; where, how, and does the community want high capacity transit and is it willing to invest in it. Discussion followed.

#### **b. Question and Answer Forum**

Chair Allen asked for public comments regarding the SW Corridor Plan.

**Cynthia Kirk, 22375 SW Lee Drive, Sherwood** asked who the representative on the SW Corridor Plan Steering Committee was and was informed that it was Mayor Middleton. She asked if local transit services meant a Tri-Met bus servicing or a separate service for the Sherwood, Tualatin and Tigard area. Julia responded that it could be either. Chair Allen added that outlying communities served by Tri-Met have the ability to create their own service and gave Sandy and Wilsonville as examples. Ms. Kirk asked for the information about taking the survey and was informed that the survey was on the SW Corridor Plan website at [www.swcorridorplan.org](http://www.swcorridorplan.org).

**Dr. Russ Kort, 22739 SW Taylor Court, Sherwood** commented on rapid transit and questioned how it would work on Tualatin Sherwood Road with the funneling effect on Hwy 99. He asked regarding using the existing railroad line and if the line went to Tualatin. Dr. Kort commented that the line could be used as a shuttle to a highway to relieve traffic on 99W or Tualatin Sherwood Road with a possible transit center in Old Town.

Ms. Wilkinson commented that transit alternatives have been narrowed down from a year ago and there had been some discussion about connecting Sherwood into the WES transit system, by rapid street car, or light rail, but the Steering Committee felt that the cost/ benefit for doing that needed a whole different study and discussion at a later time.

Dr. Kort commented that as a local cyclist creating another lane on Tualatin Sherwood Road was a terrifying idea and suggested a bike lane adjacent to a rail line. He said bicyclists use many of the back roads, which are narrow residential streets, to get away from busses.

**Dean Boswell, 22796 SW Lincoln Street, Sherwood** asked which back roads would be used for an alternative bus route to Tualatin.

Ms. Wilkinson replied that the concept was to get service from Tualatin to Sherwood and the best road may be Tualatin Sherwood Road, but it would need improvements. She commented that other potential routes would also need improvements and allow for all modes of transportation and no decisions have been made for a route, but it was important to hear the concerns of citizens.

Mr. Boswell commented that every single business should be notified if Tualatin Sherwood Road is widened, because it would destroy parking and in turn the businesses. He said he did take the bus to Portland for about a year and a number of people who get on the bus from Sherwood to Portland are from the Newberg area.

**Brian Smith, Sherwood resident** asked if the studies done for the South connector from I-5 to 99W had been considered and how it factored.

Ms. Wilkinson responded that the I-5 to 99W connector study was a completed a few years ago, it was a separate issue, but some of the recommendations fit into the SW Corridor Plan and the community vision. They are separate processes but we will see how they interact and try to make them fit together.

Julia added that there are other significant local projects for the area and as we move forward that will continue to be recognized. She said one of the reasons for the shared investment strategies and a prioritized list of projects was that it helps leverage funding to get projects underway.

**Patti Spreen, 20488 SW Lavender Place, Sherwood** asked regarding funding.

Ms. Wilkinson replied that funding would come from local, state and federal funding. She said that major investments in transit are hoped to be 50% funded from the federal government with the remainder funding from a combination of local, regional and state funding.

Chris Maciejewski added that he had been involved in the I-5/ 99 Connector study and has worked with the City for many years. He said the I-5 connector and the SW Corridor Plan have been talked about for ten years or more. These planning documents at local, county and regional levels are all interconnected and it was important for citizens to pay attention to what is going on. Mr. Maciejewski said a rail line to Sherwood has been discussed at a regional level and when planning the Brookman Road concept plan the retail and higher density land use was focused near a potential location for a train stop if the opportunity presented itself. He said the Sherwood Town Center Plan has discussed potential routes for high capacity transit with potential densities and the City will soon be updating the Transportation System Plan (TSP). He said the current TSP talks about transit to Tualatin and local transit services and the outcome of the TSP update

feeds back into the regional transportation plans. Mr. Maciejewski encouraged citizens to stay engaged.

With no other comments Chair Allen discussed the potential dates to postpone the Sherwood Town Center Steering Committee meeting. The meeting was postponed to May 28, 2013 after a discussion and staff was directed to create an online survey regarding the Sherwood Town Center Plan and the action items.

**8. Adjourn**

Chair Allen adjourned the meeting at 10:34 pm.

Submitted by:

Kirsten Allen

Kirsten Allen

Planning Department Program Coordinator

Approval Date: August 13, 2013