



Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

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DATE: October 31, 2012
TO: Sherwood City Planning Commission
FROM: Brad Kilby, AICP Senior Planner
SUBJECT: Langer Farms Phase 7 Shopping Center

Mayor
Keith Mays

Council President
Dave Grant

Councilors
Linda Henderson
Robyn Folsom
Bill Butterfield
Matt Langer
Krisanna Clark

The purpose of this memorandum is to provide you with a staff analysis of the additional information and testimony received at the October 23rd Meeting, and to respond to any new testimony received by 5 PM on October 30th.

City Manager
Joseph Gall

The Planning Commission will be meeting this coming Tuesday, November 6, 2012 to deliberate the materials and testimony that you have received regarding the Langer Farms Phase 7 Shopping Center.



2009 Top Ten Selection



2007 18th Best Place to Live

At the October 23, 2012 meeting, the Planning Commission, with Commissioner Copfer acting as chair, reopened the record at the request of the applicant and a citizen to allow the introduction of three items. The first piece, added to the record as exhibit EE, was requested by Amy and Charles Boyle to allow the introduction of three traffic studies into the record which they provided on disk. The second item, exhibit FF, was the applicant's final written arguments in the case that the record was not left open, and the third item, exhibit GG, was a request from the applicant to enter a supplemental traffic memorandum from Kittelson and Associates that was submitted to the City's Engineering Department during the first open record period.

The record was left open to allow individuals to respond to those three items for a period of 7 days which expired yesterday, October 30, 2012 at 5 PM. The applicant was the only party that submitted any information. That item has been entered into the record as Exhibit HH. The applicant's final written arguments are due to the Commission no later than 5PM on November 6, 2012.

Sherwood

2006

All-America City Finalist

Unless the Planning Commission elects to reopen the record to allow any further testimony, there will not be any additional testimony from any party on the evening of the 6th. Barring such action, the Planning Commission has the entire evening to deliberate the record.

Staff has no other comments regarding the information submitted beyond the memorandum that was provided to you on October 12th.

The City Engineer, the City's Traffic Consultant, and City Planning Staff will be at the meeting to answer any questions you may have regarding the materials and recommendations that you have received from staff.

Staff is including exhibit HH as an attachment to this memorandum. Exhibits A-GG can be found in your previous packets for the September 25th hearing, the October 23rd hearing, or on the web at the following address:

Application Materials:

<http://www.sherwoodoregon.gov/langer-farms-phase-7>

Prior Planning Commission Packets:

<http://www.sherwoodoregon.gov/meeting-resources/boards-and-commissions-planning-commission>

Finally, if you have misplaced, or would rather have a hard copy of the information that you do not have, please contact City staff, and we will make sure to have hard copies provided to you as soon as we can. Thank you for your time.



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October 30, 2012

VIA EMAIL ONLY

Patrick Allen, Chair
City of Sherwood Planning Commission
c/o Planning Department
22560 SW Pine Street
Sherwood, OR 97140

Re: Land Use Applications for Langer Farms Phase 7 Shopping Center (City of Sherwood File Nos. SP 12-05/CUP 12-02); Applicant's Rebuttal Letter

Dear Chair Allen and Members of the Planning Commission:

This office represents Langer Gramor LLC ("Applicant"), the applicant requesting approval of the land use applications for Langer Farms Phase 7 Shopping Center (City of Sherwood File Nos. SP 12-05/CUP 12-02) ("Applications") on approximately 19.7 acres of real property located on the east side of SW Langer Farms Parkway. This letter constitutes Applicant's rebuttal to the three (3) traffic studies submitted by Charles and Amy Boyle into the reopened record on October 23, 2012. For the following reasons, the Planning Commission should find that the three (3) traffic studies are irrelevant and provide no basis to deny or further condition the Applications.

1. The Boyles offer no new argument in support of their position.

First, the Boyles did not include any argument with the traffic studies. Thus, they have not offered any new basis for the Planning Commission to consider or apply the traffic studies to the Applications.

2. Applicant's traffic consultant, the City's traffic consultant, and City staff concur that Applicant's Traffic Impact Analysis ("TIA") assumed a sufficient number of trips to account for development of the anchor store under a variety of land use categories.

Second, to the extent that the Boyles have offered the traffic studies to support their earlier contention that Applicant understates the traffic impacts of the development by aggregating

Exhibit HH

several of the retail spaces under Institute of Transportation Engineers ("ITE") Code 820, the Planning Commission should deny this contention. As previously explained, although Applicant stands by its July 2012 TIA—which aggregated several of the retail spaces under ITE Code 820—as an accurate and complete assessment of projected traffic impacts, Applicant has submitted into the record a supplemental trip generation comparison prepared by Kittelson & Associates, Inc. ("Kittelson") dated October 1, 2012. *See* Exhibit GG. Kittelson's supplemental report assesses the projected traffic impacts of the anchor store under the trip generation rates applicable to two (2) other ITE land use categories that commonly apply to large-scale retail stores—"Free-Standing Discount Superstore" (ITE Code 813) and "Free-Standing Discount Store" (ITE Code 815). *Id.* As explained in Kittelson's supplemental report, the TIA assumes a sufficient number of trips to account for potential development of the anchor store as either a Shopping Center (ITE Code 820), Free-Standing Discount Superstore (ITE Code 813), or Free-Standing Discount Store (ITE Code 815). *Id.*

DKS has independently conducted the same analysis and has generally concurred with Kittelson's conclusion. *See* Exhibit X, pages 69-70 of the PC Packet. Accordingly, City Engineering staff have recommended that the Planning Commission delete staff's proposed Condition #27. *See* Supplemental Staff Report, pages 39-40 of the PC Packet. Based upon the foregoing analysis and recommendations of DKS, Kittelson, and City staff, the Planning Commission should find that Applicant has not understated the traffic impacts of the development, and the TIA assumes a sufficient number of trips to account for development of the anchor under ITE Codes 813, 815, or 820. Therefore, the Planning Commission should deny the Boyles' contention on this issue.

3. The traffic studies are not relevant because the developments they analyze are distinguishable from Applicant's proposed development.

Third, to the extent that the Boyles offered the traffic studies on the grounds that these three (3) developments are somehow comparable to Applicant's proposed development for purposes of analyzing trip impacts, the Planning Commission should deny this contention. In fact, these three (3) traffic studies are not comparable—or even relevant—to the Applications for three (3) reasons. First, none of these traffic studies analyzed development within the City (and one is not even within the State of Oregon) or required application of City approval criteria. As a result, these studies do not provide evidence of how the City applies its traffic standards or how it assesses traffic conditions. Second, there is no evidence that any of these traffic studies (or the related developments) were approved, or if they were, under what conditions. Third, the mix of uses at these three (3) sites differs from Applicant's proposed development to a significant degree, thus rendering them incomparable for purposes of assessing traffic impacts. For example, unlike the Property, the Vancouver Costco site includes a fuel station, which skews the trip generation and distribution figures for that site. Likewise, the Cornelius Walmart site appears to only include a free-standing anchor, while Applicant's proposed development is a multi-building, multi-user retail shopping center. Additionally, although the Boyles note that the Oregon Department of Transportation ("ODOT") initially commented that the applicant in

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Cornelius should utilize ITE Code 815 in assessing the trip impacts of the proposed retail development, the appendices to that traffic study clarify that the applicant's traffic engineer resolved this issue in scoping discussions with ODOT, and the traffic study ultimately used ITE Code 820, not ITE Code 815.

Finally, the Fred Meyer development is also not comparable for the reasons stated by Kittelson and City staff on the record. First, the Fred Meyer specific trip rate (4.95 trips per one thousand square feet) is actually lower than the trip rate for the anchor utilized in the applicant's TIA, which is 5.23 trips per one thousand square feet. *See* Kittelson October 5, 2012, memo (part of Exhibit AA), page 127 of PC Packet. In other words, Applicant has assumed greater trip impacts per square foot of anchor development than occurred at the Wilsonville site. Staff has also determined that the Fred Meyer Wilsonville traffic data is not relevant due to differences in the location and mix of uses between the properties. *See* Supplemental Staff Report, page 39 of PC Packet. For these reasons, the Planning Commission should deny this contention.

4. Conclusion.

In conclusion, the three (3) traffic studies submitted by the Boyles should have no bearing on the Planning Commission's decision. Instead, the Planning Commission should find that Applicant has properly assessed the traffic impacts of the proposed development and that, subject to the proposed mitigation measures, development of the project will not adversely affect the surrounding street system in terms of performance and safety.

I have asked City staff to place this submittal in the official Planning Department file for this matter and to place it before you. Thank you for your consideration of the points in this letter.

Very truly yours,



Seth J. King

cc: Brad Kilby (via email)
Chris Crean (via email)
Matt Grady (via email)
Chris Brehmer (via email)
Keith Jones (via email)