

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON

3
4 GORDON R. MARTIN, TRUSTEE OF THE
5 TRI-COUNTY CENTER TRUST,
6 *Petitioner,*

7
8 vs.

9
10 CITY OF TIGARD,
11 *Respondent,*

12
13 and

14
15 BASE CAMP 1, LLC,
16 *Intervenor-Respondent.*

17
18 LUBA No. 2017-020

19
20 FINAL OPINION
21 AND ORDER

22
23 Appeal from City of Tigard.

24
25 William K. Kabeiseman, Portland, filed the petition for review and
26 argued on behalf of petitioner. With him on the brief was Bateman Seidel, P.C.

27
28 Shelby Rihala, Lake Oswego, filed a joint response brief and argued on
29 behalf of respondent. With her on the brief was Jordan Ramis, PC.

30
31 Seth J. King, Portland filed a joint response brief and argued on behalf of
32 intervenor-respondent. With him on the brief was Dana L. Krawczuk and
33 Perkins Coie LLP.

34
35 HOLSTUN Board Member; BASSHAM, Board Member, participated in
36 the decision.

37
38 RYAN, Board Chair, did not participate in the opinion.

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REMANDED

07/31/2017

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

NATURE OF THE DECISION

The challenged decision approves interelevator-respondent's (intervenor's) proposed medical oncology facility and related parking on a 3.76-acre parcel (subject property) located at the southwest corner of SW Dartmouth Street and SW 72nd Avenue in the City of Tigard in an area of the city known as the Tigard Triangle.¹

FACTS

To assist in setting out the relevant facts, we have included two plans from the record as appendices to this opinion. Appendix 1 is an aerial photograph, showing the subject property. The subject property has frontage on SW 72nd Avenue. However, the proposed access to the property is via an easement across an existing Walmart parking lot located west of the subject property, which connects to SW Dartmouth Street.² A preliminary site plan in the record shows the proposed oncology facility in the northeastern part of the subject property, near the intersection of SW Dartmouth Street and SW 72nd Avenue, with the rest of the property developed with landscaping, a wetland buffer and paved parking. Record 105-06.

¹ The Tigard Triangle is the area between Interstate 5 to the east, Oregon Highway 217 to the south and US Highway 99W to the north.

² For both of those plans, west is at the top of the plan; north is to the right side of the plan.

1 The central issue in this appeal is whether SW Elmhurst Street, an east-
2 west street that now terminates on the east side of SW 72nd Avenue,
3 approximately 560 feet south of the SW Dartmouth Street/SW 72nd Avenue
4 intersection, should be extended west, now or in the future, and, if so, where
5 that extension should be routed to connect with a north-south street to the west.
6 Appendix 2, which was prepared by the intervenor, shows a possible extension
7 of SW Elmhurst Street to the west, so that it would pass south of the subject
8 property and cross two parcels owned by the intervenor, which are not included
9 in the disputed application, and a third parcel owned by petitioner. Petitioner
10 owns a house on that third parcel. That extension of SW Elmhurst Street to the
11 west could connect with a possible future southern extension of SW 74th
12 Avenue shown on the Tigard Triangle Strategic Plan. The possible extension of
13 SW 74th Avenue would pass along the west side of the subject property and
14 across the east side of the Walmart parking lot and connect with SW Hermoso
15 Way, at a point where that east-west street turns south.³ Supplemental Record
16 19, 21. If SW Elmhurst Street were to be extended to the west as shown on
17 Appendix 2, it would cross over the house owned by petitioner. Record 32.

³ The Tigard Triangle Strategic Plan is an urban renewal plan that apparently has not been adopted as part of the city's comprehensive plan. The legal status of Tigard Triangle Strategic Plan is not clear to us and while the challenged decision references the Tigard Triangle Strategic Plan it does not expressly address the plan's legal significance.

1 **INTRODUCTION**

2 **A. The Three Street Improvement Standards.**

3 We begin by setting out three street improvement standards, two of
4 which are at issue in this appeal. Tigard Community Development Code
5 (CDC) 18.810.030.H.1 and H.2 appear in CDC Chapter 18.810, which sets out
6 the city’s general “Street and Utility Improvement Standards.” CDC
7 18.810.030.H is entitled “Street alignment and connections,” and the text of
8 subsections 1 and 2 of CDC 18.810.030.H is set out below:

- 9 “1. Full street connections with spacing of no more than 530
10 feet between connections is required except where
11 prevented by barriers such as topography, railroads,
12 freeways, pre-existing developments, lease provisions,
13 easements, covenants or other restrictions existing prior to
14 May 1, 1995 which preclude street connections. A full street
15 connection may also be exempted due to a regulated water
16 feature if regulations would not permit construction.
- 17 “2. All local, neighborhood routes and collector streets which
18 abut a development site shall be extended within the site to
19 provide through circulation when not precluded by
20 environmental or topographical constraints, existing
21 development patterns or strict adherence to other standards
22 in this code. A street connection or extension is considered
23 precluded when it is not possible to redesign or reconfigure
24 the street pattern to provide required extensions. Land is
25 considered topographically constrained if the slope is
26 greater than 15% for a distance of 250 feet or more. In the
27 case of environmental or topographical constraints, the mere
28 presence of a constraint is not sufficient to show that a street
29 connection is not possible. The applicant must show why
30 the constraint precludes some reasonable street connection.”

1 As we explain in more detail below, the city’s finding that CDC
2 18.810.030.H.2 does not require that SW Elmhurst Street be extended west is
3 unchallenged, but petitioner assigns error to the city’s findings concerning
4 CDC 18.810.030.H.1.

5 As already noted the subject property is located within the Tigard
6 Triangle area of the City of Tigard and is subject to CDC 18.620 “Tigard
7 Triangle Plan District.” CDC 18.620 imposes special design standards within
8 the Tigard Triangle Plan District. CDC 18.620.020 is entitled “Street
9 Connectivity,” and provides in part:

10 “Demonstration of standards. All development must demonstrate
11 how one of the following standard options will be met. Variance
12 of these standards may be approved per the requirements of
13 Section 18.370.010 where topography, barriers such as railroads or
14 freeways, or environmental constraints such as major streams and
15 rivers prevent street extensions and connections.

16 “A. Design option.

17 “1. Local street spacing shall provide public street
18 connections at intervals of no more than 660 feet.”

19 Petitioner contends that because there is no conflict between the CDC
20 18.620.020.A.1 and CDC 18.810.030.H.1 street spacing standards the applicant
21 is required to comply with both standards. The city did not specifically address
22 whether the two standards conflict, and it adopted findings addressing both of
23 them. Intervenor and respondent (together respondents) do not argue in their
24 brief that the two standards conflict and we therefore do not consider that issue
25 further.

1 **B. The City’s Findings Regarding CDC 18.810.030.H.2 (Extend**
2 **Abutting Streets)**

3 CDC 18.810.030.H.2, which is quoted in full above, requires that
4 abutting local, neighborhood and collector streets must “be extended within the
5 site to provide through circulation when not precluded by environmental or
6 topographical constraints, existing development patterns or strict adherence to
7 other standards in this code.” The city adopted the following unchallenged
8 finding addressing CDC 18.810.030.H.2:

9 “The extension of Elmhurst Street is not proposed with this
10 application because the project site does not align horizontally
11 with the existing Elmhurst Street and 72nd Avenue intersection.”
12 Record 98.

13 Appendix 1 shows that SW Elmhurst Street presently terminates at the
14 east side of 72nd Avenue, directly across from the two parcels owned by the
15 intervenor and the parcel owned by petitioner. However the property that is the
16 subject of this appeal is located a short distance north of those three parcels.
17 Because SW Elmhurst Street does not abut the subject property (in the words of
18 the city’s finding “does not align horizontally”), the city found CDC
19 18.810.030.H.2 does not require the applicant to extend SW Elmhurst Street to
20 serve the proposed oncology facility. Notwithstanding that unchallenged
21 finding, petitioner contends CDC 18.810.030.H.1 and CDC 18.620.020 require
22 that SW Elmhurst Street be extended before the proposal can be approved.

23 Before turning to petitioner’s assignments of error that challenge the
24 city’s findings regarding CDC 18.810.030.H.1 and CDC 18.620.020, we note

1 that the meaning of CDC 18.810.030.H.1 and CDC 18.620.020, and what those
2 standards require in the particular circumstances presented here, is not very
3 clear.⁴ We limit our review in this appeal to petitioner’s challenge of the city’s
4 findings and for the reasons explained below remand the city’s decision. In
5 doing so, however, we do not mean to limit the city to the express and implied
6 interpretations it adopted in the challenged findings. Stated differently,
7 nothing in this opinion is intended to preclude the city from revisiting its
8 express and implied interpretations of CDC 18.810.030.H.1 and CDC
9 18.620.020 to attempt to more clearly articulate what the city believes those
10 standards require of the proposal, in circumstances presented in this
11 application.

12 We also note here respondents’ argument that “[n]o City comprehensive
13 plan provision, or binding plan, study, or ordinance requires a street extension
14 across the [intervenor’s] Property in conjunction with this development.”
15 Respondents’ Brief 7. Respondents appear to be partially correct. But while

⁴ The most obvious ambiguity is that while the relevant standards call for street connections, it is impossible for intervenor in this case to dedicate a street right of way and construct a street to connect SW 72nd Avenue on the east with a north-south street on the west, because the applicant’s property borders a Walmart store parking lot on the west, not a city street. As we explain below, the city never expressly addressed this ambiguity but implicitly interpreted the relevant standards to require that the applicant establish that its development will not preclude a future street connection between SW 72nd Avenue and another existing or planned street to the west, in the area between SW Dartmouth and SW Hermoso Way, even though such a north-south street does not currently exist.

1 neither the city’s comprehensive plan nor any other “binding plan or study”
2 may require extension of a street across the subject property, the CDC
3 presumably was adopted by “ordinance,” and it is clear that the city council
4 does not interpret CDC 18.810.030.H.1 and CDC 18.620.020 to necessarily
5 preclude that possibility. The city council simply found that CDC
6 18.810.030.H.1 and CDC 18.620.020 do not do so in this case, for reasons that
7 we ultimately conclude are inadequately explained in the city’s findings.

8 **FIRST ASSIGNMENT OF ERROR**

9 CDC 18.810.030.H.1, set out in full above, requires “[f]ull street
10 connections” spaced no more than 530 feet apart, unless the full street
11 connection is prevented by “barriers” or “regulated water feature[s].” The
12 planning commission adopted the following findings to address CDC
13 18.810.030.H.1, which the city council in turn adopted as its own:

14 “The extension of Elmhurst Street is not required with this
15 application, as Elmhurst Street does not line up with this
16 property’s frontage. *The proposed development does not preclude*
17 *future development of Elmhurst Street. A future applicant can also*
18 *provide plans with a street alignment or connections through*
19 *adjacent parking lots. The applicant’s plans shall provide the*
20 *ability of the property to the southwest to connect via parking lot*
21 *access and cross over easements. This access cannot be activated*
22 *until there is a modified access agreement with the Walmart*
23 *property management team.” Record 98 (emphasis added).*

24 The above findings do a poor job of explaining what the city believes
25 CDC 18.810.030.H.1 *requires* of the applicant in the circumstances presented
26 here. However, it seems to be undisputed that the current street connections

1 with SW 72nd Avenue—SW Dartmouth Street to the north of the property and
2 SW Hermoso Way to the south of the property—are over 900 feet apart on the
3 west side of 72nd Avenue. That 900-foot separation between street connections
4 does not comply with the CDC 18.810.030.H.1 requirement that the street
5 connections not be spaced more than 530 feet apart.

6 The first sentence quoted above takes the position that the city is not
7 requiring intervenor to extend SW Elmhurst Street to reduce the current
8 900-foot separation because the subject property is not aligned with SW
9 Elmhurst Street. As was the case with the similarly-worded finding concerning
10 CDC 18.810.030.H.2, petitioner does not challenge that finding.

11 The second sentence takes the position that the proposed development
12 will not preclude extending SW Elmhurst Street to the west to shorten the
13 existing 900-foot separation in street connections along SW 72nd Avenue
14 between SW Dartmouth Street and SW Hermoso Way. That sentence suggests
15 that the city council understands CDC 18.810.030.H.1 to require that the
16 proposed development must not preclude extension of SW Elmhurst Street in
17 the future to achieve the maximum street connection separation required by
18 CDC 18.810.030.H.1. However in other findings discussed below, the city
19 appears to take the position that a future extension of SW Elmhurst Street
20 might be required to cross part of the subject property. Those findings and the
21 second sentence appear to be inconsistent.

1 We are not sure we understand the third, fourth and fifth sentences. But
2 they appear to conclude that the CDC 18.810.030.H.1 requirement for “full
3 street connections” could be satisfied by a westward extension of SW Elmhurst
4 Street that would connect SW 72nd Avenue with the Walmart *parking lot* rather
5 than a north south *street*. CDC 18.810.030.H.1 seems to envision a street that
6 connects one *street* with another *street*. The city will need to better explain its
7 suggestion that an extension of SW Elmhurst Street west to connect with the
8 Walmart parking lot would be sufficient to comply with CDC 18.810.030.H.1.

9 Petitioner takes the position that the city council’s supplemental findings
10 that appear at Record 2 were also adopted to address CDC 18.810.030.H.1.
11 That may be correct, and we do not understand respondents to challenge that
12 position. However, we note in passing that the supplemental findings follow
13 immediately after text that suggests to us those supplemental findings may have
14 been adopted to address CDC 18.620.020 instead.⁵

⁵ The supplemental findings are in the form of a memorandum from a city planner to the city council. The following text appears directly above the disputed supplemental findings and includes no reference to CDC 18.810.030.H.1:

“Supplemental findings:

“18.620 Tigard Triangle Plan District

“18.620 Street Connectivity, Design Options

“18.620.020.A.1 Local street spacing shall provide public street connection at intervals of no more than 660 feet.” Record 2 (bold face in original).

1 The first paragraph of the supplemental findings is set out below:

2 “[1] Given the street layout in the Tigard Triangle, the local street
3 spacing standard would require a new public street extension of
4 SW Elmhurst Street west of SW 72nd in the vicinity of the subject
5 site. [2] Even though the subject site does not include the 72nd
6 Street frontage where SW Elmhurst would be extended, it would
7 be possible, given the topography of the area west of 72nd, that an
8 extension alignment could affect the subject property downslope.
9 [3] However, in this case, extension of SW Elmhurst is exempt
10 from the local street spacing standard because of the existing
11 Walmart development to the west (18.810.030.H.1). [4] Walmart
12 is a recent development that is served by private access aisles
13 within its parking lot without the opportunity for a public street to
14 connect to and which is unlikely to redevelop anytime soon.”
15 Record 2 (sentence numbers added).

16 The first sentence finds the CDC 810.030.H.1 530-foot maximum street
17 spacing standard requires that SW Elmhurst Street be extended west, in the
18 vicinity of the subject property.

19 The second sentence seems to adopt the position that while CDC
20 810.030.H.1 does not require that extension of SW Elmhurst Street be
21 constructed as part of this proposal, because the subject property does not abut
22 SW Elmhurst Street, an extension of SW Elmhurst Street in the future might be
23 required to cross a portion of the subject property.⁶

⁶ In the vicinity of the subject property, the land slopes downward from 72nd Avenue toward the Walmart property. Apparently the slope is steeper south of the subject property. Therefore, rather than extend SW Elmhurst Street directly west across petitioner’s property, as shown on Appendix 2, it might be necessary to first route a portion of the SW Elmhurst Street extension northward across a part of the subject property proposed as landscaping and

1 The third and fourth sentences nevertheless conclude the proposal may
2 be approved without taking any steps to ensure the maximum separation
3 between street connections required by CDC 810.030.H.1 will be achieved,
4 because the existing Walmart “exempt[s]” the applicant from ensuring the SW
5 Elmhurst Street extension can constructed and the Walmart parking lot
6 precludes a public street connection. There are at least two problems with
7 those findings. The first and most serious problem is that the city recognizes
8 elsewhere in its findings SW Elmhurst Street could be extended west from its
9 current terminus at SW 72nd Avenue to connect with a planned future
10 southward extension of SW 74th Avenue to SW Hermoso Way. The existing
11 Walmart and its parking lot would not be an obstacle to such an extension of
12 SW Elmhurst Street, if it is necessary to comply with CDC 810.030.H.1. The
13 second problem with those findings is that CDC 18.810.030.H.1 appears only
14 to excuse required connections that are barred by “existing developments”
15 when those existing developments existed “prior to May 1, 1995.” The
16 findings do not establish that the Walmart was constructed before 1995 and
17 petitioner contends it was not.⁷

parking lot (“an extension alignment could affect the subject property downslope”). Supplemental Record 12; Record 105.

⁷ Respondents argue that under the doctrine of the last antecedent the “existing prior to May 1, 1995” limitation in CDC 18.810.030.H.1 applies only to “other restrictions,” not to the other listed “barriers.” The city council did not adopt that interpretation. And if we correctly understand the reason for the

1 The second paragraph of the supplemental findings, which finds the
2 proposal complies with CDC 810.030.H.1, even if the exemption for pre-
3 existing development does not apply, is set out below:

4 “Notwithstanding the exemption, the applicant has explored the
5 extension of a public street, at the request of City staff, to identify
6 a feasible extension that might serve the City’s plans for increased
7 connectivity in the future associated with the provisional Tigard
8 Triangle Strategic Plan (2015). The applicant’s Concept Future
9 Street Plan (Sheet C400) and the Concept Future Street Profile
10 (Sheet C401) demonstrate that the proposed alignment is feasible
11 and is not precluded by the proposed Triangle Medical Office
12 development (18.810.030.H.2), *i.e.*, the land is not topographically
13 constrained because the maximum slope is less than 15 percent
14 (14.56 percent) for a distance of less than 250 feet (196 feet).”
15 Record 2.

16 The cited Sheets C400 and C401 appear at record 32 and 33 and were prepared
17 by intervenor’s engineer to show that an extension of SW Elmhurst Street
18 directly west is feasible and could be constructed in compliance with the city’s
19 maximum street grade requirements. Record 28-35.

20 Petitioner objects that the extension depicted on Sheet C400 would pass
21 directly through petitioner’s existing house, a house that existed long before
22 May 1995 and therefore constitutes the kind of “pre-existing development[]”
23 that would “prevent[]” such an extension under CDC 810.030.H.1.
24 Respondents contend it might be possible to route the SW Elmhurst Street

“existing prior to May 1, 1995” language in CDC 18.810.030.H.1, such an interpretation seems highly suspect. In any event, because the city council did not adopt that interpretation we do not consider respondents’ doctrine of the last antecedent argument further.

1 extension west without impacting petitioner’s house or crossing the subject
2 property. However, the city’s findings do not address that possibility.

3 For the reasons explained above, the city’s findings are inadequate to
4 demonstrate the proposal complies with CDC 810.030.H.1.

5 **SECOND ASSIGNMENT OF ERROR**

6 CDC 18.620.020.A.1 was set out earlier and provides that street
7 connections are to be spaced no more than 660 feet apart, except that variances
8 from that 660-foot maximum spacing requirement may be approved under CDC
9 “18.370.010 where topography, barriers such as railroads or freeways, or
10 environmental constraints such as major streams and rivers prevent street
11 extensions and connections.”⁸

12 The planning commission adopted two paragraphs of findings to address
13 the CDC 18.620.020 requirement that street connections be no more than 660
14 feet apart. The city council adopted those findings. The first paragraph of the
15 planning commission findings is set out below:

16 “[1] The distance between SW Dartmouth Street along the west
17 side of SW 72nd Avenue to the next street, SW Hermoso Way, is
18 approximately 930 feet, which exceeds the 660-foot maximum
19 street spacing standard. [2] On the east side of SW 72nd Avenue,
20 SW Elmhurst is approximately 560 feet from SW Dartmouth. [3]
21 Typical street design would extend SW Elmhurst across 72nd to
22 the west to serve the parcels west of 72nd, including the subject
23 parcel. [4] However, there are extenuating circumstances that may

⁸ CDC 18.370.010 sets out the procedural requirements and standards for granting variances.

1 preclude a through connection of SW Elmhurst to the west
2 including limited site distance along 72nd Avenue where it crests
3 the hill, and existing development to the west.” Record 82
4 (sentence numbers added).

5 The first and second sentences take the position that the 930-foot
6 separation between SW Dartmouth Street and SW Hermoso Way along the
7 west side of SW 72nd Avenue does not comply with the CDC 18.620.020.A.1
8 660-foot maximum street spacing standard, whereas the east side of that section
9 of SW 72nd Avenue does comply with CDC 18.620.020.A.1. Although it does
10 not do so very clearly, the third sentence appears to take the position that CDC
11 18.620.020.A.1 would normally require that SW Elmhurst Street be extended
12 across SW 72nd Avenue to the west to comply with the 660-foot standard. The
13 fourth sentence then takes the position that there are “extenuating
14 circumstances” ([sight] distance and existing development) which “may
15 preclude” that extension of SW Elmhurst Street.

16 Petitioner argues, and we agree, that CDC 18.620.020 authorizes
17 approval of variances in certain specified circumstances, but it does not
18 authorize simply overlooking the CDC 18.620.020.A.1 street spacing
19 requirement because “[sight] distance” and “existing development” “may
20 preclude” the extension that would otherwise be required by CDC
21 18.620.020.A.1. Those considerations might provide a basis for granting a
22 variance, but the city did not approve a variance.

23 The second paragraph of the planning commission findings is set out
24 below:

1 “ [1] The Concept Future Street Plan (Sheet C400) shows how this
2 connection could be made consistent with the March 2015 Tigard
3 Triangle Strategic Plan Street Network and Design Classification
4 Preferred Option (non-regulatory). [2] Since the subject site
5 extends 400 feet south of SW Dartmouth, the extension of
6 Elmhurst at 72nd Avenue is not required in connection with this
7 application. [3] However, given the site topography, the more
8 feasible connection to the Walmart site appears to cross a portion
9 of the subject site toward the west in alignment with the Walmart
10 parking lot drive aisle. [4] To the extent the extension shown on
11 the plans is feasible and is not precluded by the proposed
12 development, this standard is met.” Record 82 (sentence numbers
13 added).

14 The above findings are very difficult to follow and understand. As we
15 have noted earlier, the Tigard Triangle Strategic Plan shows a possible future
16 extension of 74th Avenue to the south in the vicinity of the western boundary of
17 the subject property and the eastern boundary of the Walmart parking lot to the
18 west. As noted earlier, “Sheet C400,” referenced in the first sentence quoted
19 above, is a reference to Appendix 2, which shows a possible extension of SW
20 Elmhurst Street from SW 72nd Avenue west to connect with the possible future
21 southern extension of SW 74th Avenue. That westward extension of SW
22 Elmhurst Street would pass south of the subject property, through two
23 properties owned by intervenor and a property owned by petitioner. The second
24 sentence of the findings then takes the position that extension of SW Elmhurst
25 Street west is not required because the subject property is only 400 feet south
26 of SW Dartmouth Street.

27 The second sentence’s rationale for not requiring an extension of SW
28 Elmhurst Street west relies on an erroneous understanding of CDC

1 18.620.020.A.1. CDC 18.620.020.A.1 establishes a maximum distance
2 *between street connections*; it does not establish a maximum distance between
3 property that is proposed for development and the nearest street connection.
4 The second sentence treats CDC 18.620.020.A.1 as though it were the latter
5 type of standard. Following that finding's rationale, the existing 930-foot
6 separation between SW Dartmouth Street and SW Hermoso Way on the west
7 side of 72nd Avenue will remain forever, because *all* of the properties between
8 SW Dartmouth Street and SW Hermoso Way are less than 660 feet from *either*
9 SW Dartmouth Street *or* SW Hermoso Way.

10 The third and fourth sentences quoted above are also puzzling. The third
11 sentence seems to say it may not be feasible to extend SW Elmhurst Street
12 directly west as shown on Sheet 400C, due to topography, and it may therefore
13 be necessary for an extension of SW Elmhurst Street west to be routed across a
14 portion of the subject property. But rather than confront and address that
15 possibility, the fourth sentence seems to say if topography and development
16 does not make it infeasible to extend SW Elmhurst Street directly west, the
17 separation required by CDC 18.620.020.A.1 will be achieved. Those are not
18 findings that demonstrate the proposal complies with CDC 18.620.020.A.1.
19 Rather those are findings that identify a potential problem with complying with
20 CDC 18.620.020.A.1 and then fail to impose conditions designed to avoid the
21 problem or otherwise resolve the problem.

22 The second assignment of error is sustained.

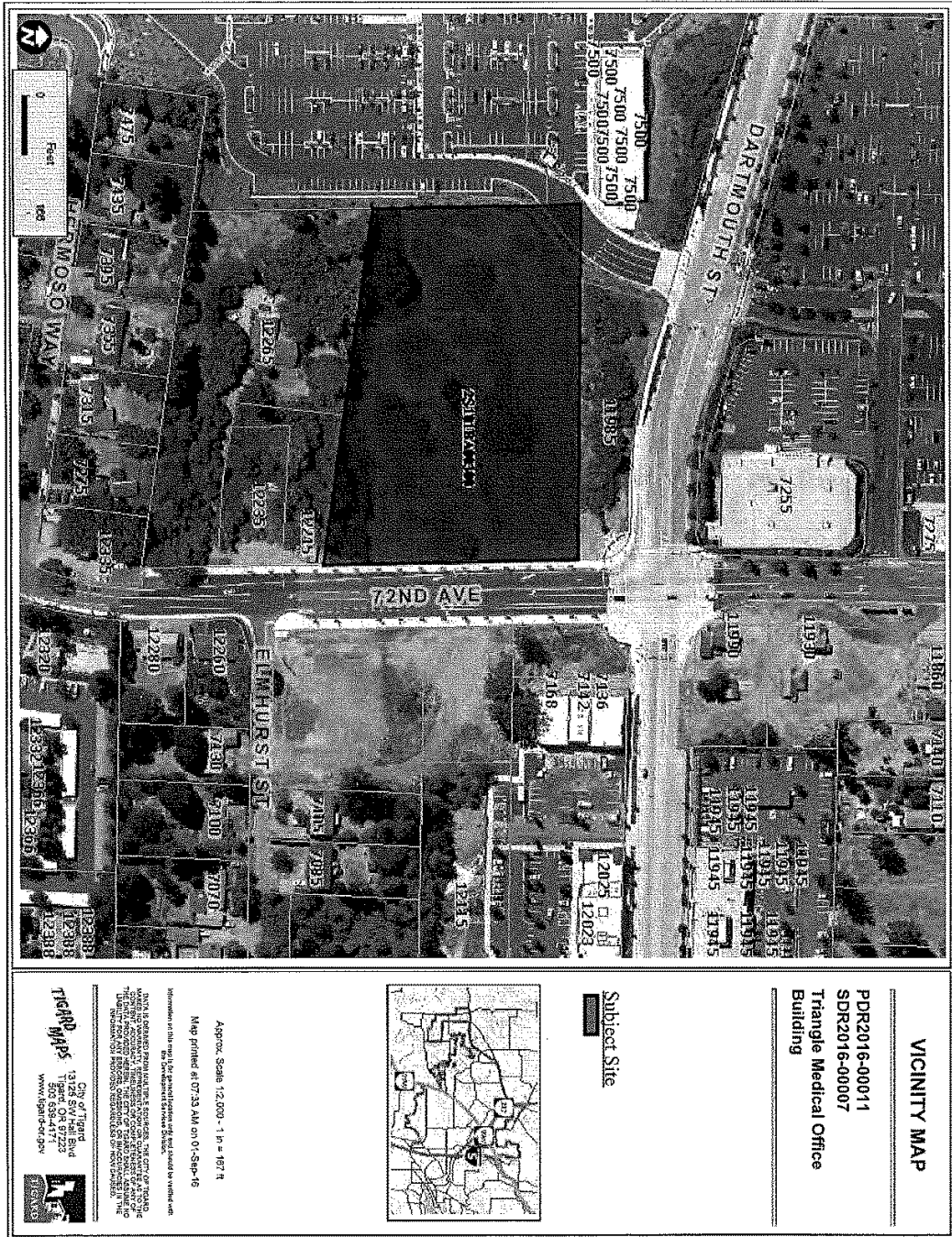
1 **CONCLUSION**

2 The city implicitly interpreted CDC 810.030.H.1 and CDC
3 18.620.020.A.1 to require that intervenor in this case establish that extension of
4 SW Elmhurst Street westward to connect with the planned southward extension
5 of SW 74th Avenue in the future will be possible and that the proposed
6 development will not preclude such a future extension. The city’s findings fail
7 to demonstrate that the approved development will not preclude future
8 development of the street connection required by CDC 810.030.H.1 and CDC
9 18.620.020.A.1.

10 The city’s decision is remanded.

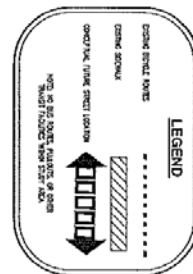
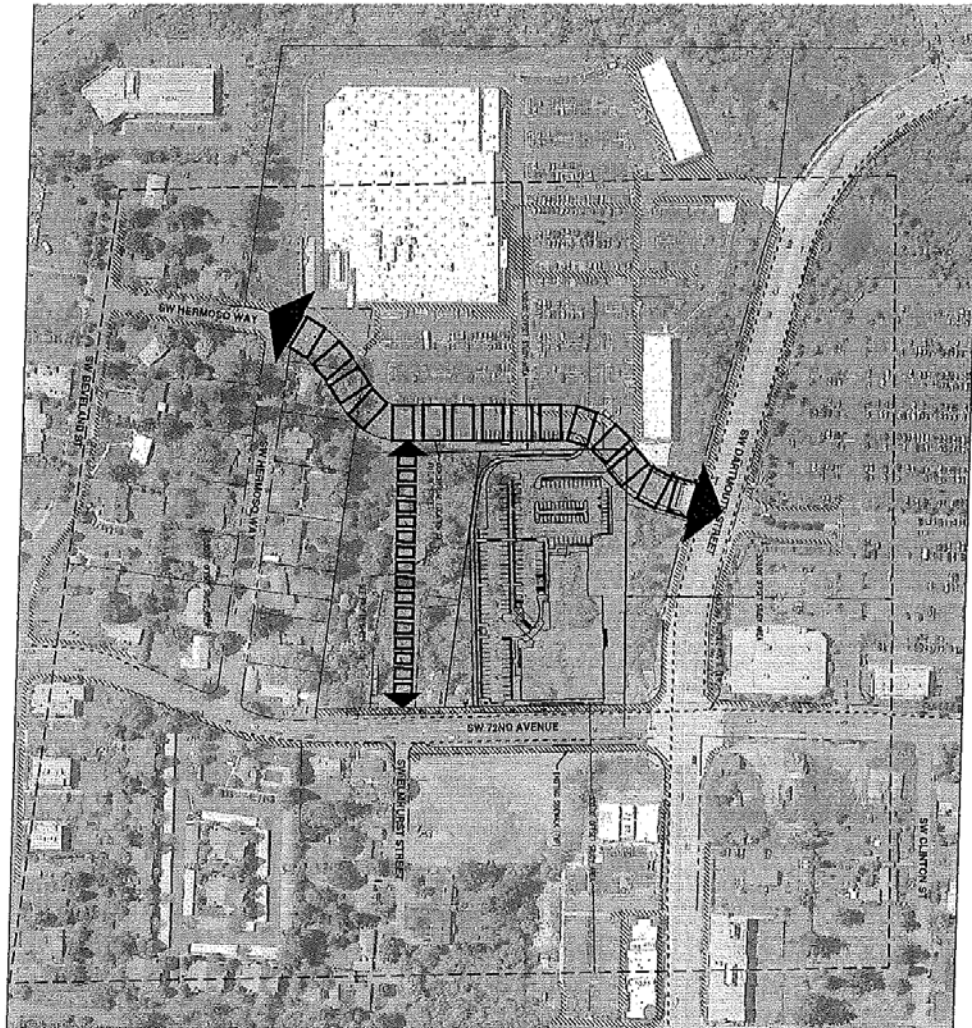
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Appendix 1



Rec. 104

Appendix 2



	CONCEPT FUTURE STREET PLAN	TRIANGLE MEDICAL OFFICE BUILDING TIGARD OREGON <small>WASHINGTON COUNTY TAX MAP 70208A</small>	