



Opinion by Gustafson.

Petitioner appeals a decision of the Lake Oswego City Council approving a comprehensive plan map amendment, a conditional use permit to locate a major public facility, a partition to create two parcels from the 4.22 acre parcel, and a modification to a "future streets plan." The effect of the city's decision is to allow the city to site a water reservoir on one of the two partitioned lots. No immediate development is proposed for the second partitioned lot; however, the modified future streets plan designates the future street to cross that parcel. The city required as a condition of approval that the property over which the future street is designated be dedicated for street purposes. Both partitioned lots have frontage on existing streets; neither lot is currently dependent upon access from the future street. If the lot over which the future street is dedicated is further subdivided in the future, lots created by that subdivision could depend on access from that future street.

Petitioner owns property adjacent to the proposed development, and previously devised the future street plan that was modified by the city's decision. The city's code in effect when this application was filed authorizes modifications to future street plans so long as they do not interfere or reduce access to an approved development or existing street. The future street plan will not alter

petitioner's existing access.

Petitioner does not object to the approval of the reservoir. Petitioner objects to the city's decision because the partition and modification of the future street plan increases the length of the future street and the distance between the existing streets and his property. Petitioner argues the city is obligated to fully develop the street designated by the future streets plan, even though the proposed development generates no need for that street.

Petitioner makes eight assignments of error. Petitioner argues the decision forces petitioner to pay for a street that the city would otherwise be required to develop; that the city's findings on the location of the future street are not supported by substantial evidence; that the city failed to find that the comprehensive plan amendment is compatible with existing development; that the city has not complied with the Goal 10 housing rule; that the city has violated an implied contract with petitioner or petitioner's vested right to rely on the future streets plan; that the city's decision results in an unreasonable exaction of petitioner's property; that the city violated petitioner's due process rights by making a decision when the city itself was the applicant; and that the city did not satisfy its conditional use approval criteria.

We find that none of petitioner's assignments of error merits remand or reversal and all are, therefore, denied.

ORS 197.835(16).

The city's decision is affirmed.