

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

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4	DAVID WEBB, ELAINE BRADFORD, and)	
5	GINA HOUSTON,)	
6)	LUBA No. 97-019
7	Petitioners,)	
8)	FINAL OPINION
9	vs.)	AND ORDER
10)	
11	CITY OF OREGON CITY,)	(MEMORANDUM OPINION)
12)	ORS 197.835(16)
13	Respondent.)	

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16 Appeal from City of Oregon City.

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18 Elaine Bradford, Oregon City, David Webb, West Linn,
19 and Gina Houston, Milwaukie, filed the petition for review
20 and argued on their own behalf.

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22 Daniel Kearns, Portland, filed the response brief and
23 argued on behalf of respondent. With him on the brief was
24 Preston Gates & Ellis.

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26 GUSTAFSON, Referee; LIVINGSTON, Referee, participated
27 in the decision.

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29 AFFIRMED 04/28/97

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31 You are entitled to judicial review of this Order.
32 Judicial review is governed by the provisions of ORS
33 197.850.

1 Opinion by Gustafson.

2 **DISCUSSION**

3 Petitioners challenge two conditions of the city's
4 approval of petitioner Bradford's partition application.
5 One of the conditions requires a 3.5-foot dedication and
6 half-street improvements along the subject property's street
7 frontage. The other requires a waiver of remonstrance
8 against possible improvements to the street at the rear of
9 the subject property.

10 Petitioners acknowledge the city had the discretion to
11 impose the challenged conditions, but argue that in this
12 instance the manner in which the city exercised its
13 discretion is not necessary or justified, and treats
14 petitioners unfairly. Petitioners have not, however,
15 established that the city violated any applicable local code
16 or state statute in imposing the conditions. Petitioners,
17 therefore, have established no legal basis upon which this
18 Board has authority to reverse or remand the local
19 decision.¹

20 The city's decision is affirmed.

¹Although they do not assign any error to the city's proceedings, in their written and oral argument petitioners also challenge the manner in which the city reviewed this application. Petitioners, have not, however, established any specific procedural violation, or that the city's process prejudiced their substantial rights in any way.