

IN THE COURT OF APPEALS OF THE STATE OF OREGON

MULTNOMAH NEIGHBORHOOD ASSOCIATION,
Petitioner,

v.

LAND CONSERVATION AND DEVELOPMENT COMMISSION
and CITY OF PORTLAND,
Respondents.

Land Conservation and Development Commission No. 18WKTSK001897

Court of Appeals No. A168704

ORDER DENYING MOTIONS TO SUPPLEMENT RECORD OR TAKE JUDICIAL NOTICE

Petitioner moves for review of LCDC's order ruling on petitioner's motion to correct the record for the purpose of supplementing the record with a document entitled "2035 Comprehensive Plan: Urban Design Direction." In the alternative, petitioner moves the court to take judicial notice of that document together with these documents:

- Residential Infill Project Stakeholder Advisory Committee Summary Report (June 17, 2016)
- Residential Infill Project City Council Final Concept Report (January 2017)
- Residential Infill Project Discussion Draft Volume 2: Zoning Code Amendments (October 2017).

The motions are denied. The Urban Design document was not made part of the agency record when the matter was before the agency; therefore, it is not properly part of the record on judicial review. The court declines to take judicial notice of any of the documents because taking judicial notice now would deprive respondents of the opportunity to contest the relevance or import of the documents or to offer additional evidence that might rebut the import of the documents.

Petitioner's opening brief is due 49 days from the date of this order.



JAMES W. NASS
APPELLATE COMMISSIONER
1/2/2019 9:14 AM

c: Michael J Gelardi
Steven Shipsey

Linly F Rees
Jona Jolyne Maukonen

ej

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REPLIES SHOULD BE DIRECTED TO: State Court Administrator, Records Section,
Supreme Court Building, 1163 State Street, Salem, OR 97301-2563