



Oregon

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TO: Land Conservation and Development Commission

FROM: Richard Whitman, Director

SUBJECT: **Agenda Item 3, December 2, 2010 LCDC Meeting**

CITY OF PORTLAND REQUEST TO AMEND THE WILLAMETTE RIVER GREENWAY BOUNDARY

I. AGENDA ITEM SUMMARY

The City of Portland has requested an amendment to the Willamette River Greenway Plan boundary. The city made a request to Oregon Parks and Recreation Department (OPRD) to adjust the greenway boundary in several locations within the North Reach Plan Overlay District so that the boundary will be coincident with property lines and the district boundary.

A. Background

The Land Conservation and Development Commission held hearings on the proposed amendment at its September 1 and October 19, 2010 meetings. The commission heard testimony related to the accuracy and adequacy of the public notice of proposed boundary amendments, including the fiscal impact statement. The matter was continued at the conclusion of each hearing.

B. Staff Contact Information

If you have questions about this agenda item, please contact Amanda Punton, DLCD Natural Resources Specialist, at (971) 673-0961, or amanda.punton@state.or.us.

II. RECOMMENDATION

The department recommends that the commission terminate the current rulemaking proceeding concerning the proposed boundary amendment and direct the department to initiate a new rulemaking addressing the existing request from the city. The department has examined the notice, including the fiscal impact statement, in light of the objections

and concluded the arguments may have some merit. Terminating and re-starting the rulemaking will provide the department an opportunity to provide accurate notice. (The department is also recommending the commission appoint a rules advisory committee for this rulemaking under agenda item 6.e.)

III. COMMISSION OPTIONS

OAR 660-020-0065(6) and ORS 390.322(3) provide that the commission may amend the Willamette River Greenway Plan boundary, giving considerable discretion to the commission. The commission may still approve the boundary amendment as proposed in whole or in part, deny the amendment, or choose not to take any action.

IV. DEPARTMENT RECOMMENDATION AND DRAFT MOTIONS

A. Department's Recommended Option

The department recommends the commission terminate the proceedings regarding the Willamette River Greenway Plan boundary rulemaking as proposed by the City of Portland, and initiate new rulemaking addressing the existing request.

B. Proposed Motion

Recommended Motion: I move that the commission terminate this rulemaking to amend the Willamette River Greenway Plan boundary within the City of Portland.