

IN CONSIDERATION OF RESOLUTION NO. 23-5341, FOR THE PURPOSE OF  
APPROVING THE SMITH AND BYBEE WETLANDS NATURAL AREA INTERIM PLAN

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Date: May 25, 2023  
Department: Parks and Nature  
Meeting Date: June 15, 2023

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Length: 20 minutes

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**ISSUE STATEMENT**

Since 2013, the Smith and Bybee Wetlands Comprehensive Natural Resource Plan (CNRP) has served as the guiding management plan for the natural area. The CNRP was adopted as a conditional use master plan approved by the City of Portland, involving multiple property owners obtaining pre-approvals of land use actions for a 10-year period. The CNRP expires on June 17, 2023. To prevent a gap in management guidance, Metro, with the assistance of the Smith and Bybee Wetlands Advisory Committee (SBWAC), created the 2023 Smith and Bybee Wetlands Natural Area Interim Plan (Interim Plan) to take the place of the CNRP. The Interim Plan makes minor updates to the CNRP, continues the same vision and goals for the natural area, and will guide Metro's actions to protect, enhance, and restore the natural area and provide access to nature for local communities. The Interim Plan will remain in effect until Metro undertakes a formal master planning process for the natural area. The Interim Plan is presented for Council consideration.

**ACTION REQUESTED**

Staff requests that Council approve the Smith and Bybee Wetlands Natural Area Interim Plan.

**IDENTIFIED POLICY OUTCOMES**

Management of the Smith and Bybee Wetlands Natural Area has been guided by formally adopted plans since 1990. Approving the Interim Plan will reflect Council's desire to continue management guidance protecting, enhancing, and restoring the nature area while providing access to nature for local communities.

**POLICY QUESTION(S)**

Does Council support an interim plan to continue the goals and objectives of the CNRP as they relate to managing fish and wildlife, water quality, and access to nature at Smith and Bybee Wetlands Natural Area, until such time that a formal master planning process can be completed?

## **POLICY OPTIONS FOR COUNCIL TO CONSIDER**

In advance of the CNRP expiring, Metro staff worked with the SBWAC to identify and evaluate options for replacement.

The four options explored were:

1. Creating an updated CNRP and submitting a land use application to the City of Portland for master plan conditional use review and adoption.
2. Allowing the CNRP to expire without a replacement plan in place.
3. Creating a Metro Site Conservation Plan and/or Master Plan prior to CNRP expiration.
4. Interim Plan (“hybrid option”): Metro Council adopting the current CNRP with minor updates and adjustments. After adoption, Metro and Advisory Committee would work together to determine when Metro can start a planning process to create a Master Plan and Site Conservation Plan in partnership with the Advisory Committee and other community members and stakeholders.

Each option was evaluated based on its impact, if any, to:

- the existing natural area management goals and objectives
- parcels within the CNRP management zone
- public involvement in management decisions at the natural area
- land use and project review of future development projects in the natural area
- the Smith and Bybee Fund
- existing rules around dogs in the natural area
- implementation costs

Please see attached Management Alternatives Table, Jan 2022, for a detailed discussion of each alternative.

## **STAFF RECOMMENDATIONS**

Staff recommends approval of the Smith and Bybee Wetlands Natural Area Interim Plan.

## **STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION**

Since 1990, the greater Smith and Bybee Lakes Wetlands area has been restored and managed pursuant to adopted vision statements and management plans with the assistance of the SBWAC, a committee created to ensure local government and community interest representation. In 2013, the original 1990 Natural Resource Management Plan was replaced by the Smith and Bybee Wetlands CNRP as the guiding plan for the area.

The CNRP contains policy statements that have been revised in the Interim Plan. Minor updates and changes necessary to clarify management authority were made. Upon expiration of the CNRP and adoption of the Interim Plan, the following changes will go into effect:

- Metro management authority (Policy 2, Policy 14) will change from lands included in the CNRP owned by 8 different landowners and totaling 1,959 acres to lands

owned by Metro or managed by Metro under a management agreement. This is currently 1,543 acres. An additional 129 acres of City of Portland-owned land is expected to be under a management agreement by the end of 2023.

- The CNRP was approved as a master plan through a Type III Land-Use Review by the City of Portland Hearings Officer. It was intended to be used by the City of Portland Bureau of Development Services to review proposed actions within the natural area and potentially reduce permitting requirements. Upon CNRP expiration, Metro will be subject to the base zoning for access or infrastructure projects.
- Management responsibilities of Metro will not change (Policy 4). However, language was added to acknowledge Metro's responsibility to "Operate and maintain the closed St. Johns Landfill in compliance with regulatory requirements." Clarifying language was added to a policy statement regarding management of St. Johns Landfill (Policy 10).
- In Policy 16, the CNRP's prohibition of new, untreated stormwater entering the natural area is removed. Regulations regarding stormwater are overseen by the City of Portland and Department of Environmental Quality.

No change will occur to the management goals and objectives for conservation, restoration, or access to nature at Smith and Bybee Wetlands Natural Area. No changes will occur to the regional context of SBWNA (Policy 1). No change will occur to use of the Smith and Bybee Fund (Policy 3) or review of the fund budgeting by SBWAC. Representation on and roles of the SBWAC will not change (Policy 5). Policies related to biodiversity (Policy 7), adaptive management (Policy 6), adjacent land purchase (Policy 8), monitoring (Policy 9), management for conservation (Policy 13), mitigation (Policy 15), infrastructure maintenance (Policy 17) and climate change (Policy 6) will not change. Minor clarifying updates were made to policies regarding trails and dogs (Policy 12) and access projects (Policy 11).

## **BACKGROUND**

Staff discussed options for maintaining a plan to guide management of the natural area with the SBWAC. The SBWAC advises Metro on management of the natural area and has provided guidance, partnership, and assistance in implementing the CNRP. The SBWAC is comprised of representatives from North Portland Neighbors, the City of Portland, Port of Portland, Columbia Slough Watershed Council, Friends of Smith and Bybee, and others. The SBWAC assisted in developing the Interim Plan and endorses the adoption of the Interim Plan as the preferred course of action upon expiration of the CNRP.

The plan will provide guidance to staff on management goals and priorities, thereby guiding spending of Natural Area Levy dollars for habitat restoration and spending of the Smith and Bybee Fund, a dedicated endowment fund for development and management of the Smith and Bybee Wetlands Natural Area.

Having a plan in place to guide management of the natural area is important for several reasons. The plan goals and objectives guide decision making and budgeting. In addition,

section 3.3.6 of the Regional Framework Plan directs Metro to “*[i]nsure that public use is compatible with natural and cultural resource protection for components of the Regional System by creating Master/Management plans that strive to achieve that objective prior to formal public use.*”

The CNRP was developed with public input and implementation has been overseen by the SBWAC, comprised of community groups and local governments.

Community engagement for this project was achieved through engagement with the SBWAC. This level of community engagement was suitable given the minor scope of changes being made to the CNRP. A formal master planning process will include a broader and more rigorous community engagement effort.

#### **ATTACHMENTS**

- Letter from Smith and Bybee Wetlands Advisory Committee endorsing the Interim Plan as a replacement for the CNRP
- Management Alternatives Table, Jan 2022, describing options for management guidance for SBWNA after expiration of the CNRP
- 2023 Smith and Bybee Wetlands Interim Plan (Interim Plan), clean copy