

Smith and Bybee Wetland Natural Area - Management Alternatives

Jan 12, 2022 Draft

Note: This document was co-produced by Emily Roth and Metro staff for the purpose of stimulating discussing between Metro and the Smith and Bybee Advisory Committee about possible management paths for the future. Ms. Roth provided an initial draft, but did not review the final document.

Policies/Projects/Descriptions	Comprehensive Natural Resource Plan (CNRP)	Base Zoning: Open Space (OS) with Environmental Protection (p) or Environmental Conservation (c), and Aircraft Landing (h)	Metro Site Conservation / Stewardship Plan and Master Plan	Hybrid Model: Convert existing CNRP to Council Approved Metro "Master Plan"
Definition/explanation	Initially the work of the City of Portland and Port of Portland and identified as a Natural Resource Management Plan (1990), and upon expiration, transitioned to the existing CNRP, which was developed and processed by Metro and other property owners within the natural area, with the Advisory Committee, members of the public and stakeholders. Approved as a master plan through a Type III Land-Use Review by the City of Portland Hearings Officer. Used by the City of Portland Bureau of Development Services to review proposed actions within the natural area as shown in the plan. The CNRP (LU 12-167334 CN) is due to expire on June 17, 2023, ten years after it was approved. If not renewed, projects will be reviewed per base zoning.	Zoning assigned to the area by the City of Portland Bureau of Planning will be used by the City of Portland Bureau of Development Services to review proposed projects in the natural area. Smith and Bybee Wetlands NA is zoned Open Space with overlays of Environmental Protection (highest level of protection) or Environmental Conservation (more uses allowed with mitigation), and Aircraft Landing Zone (h). Level of review for individual projects is detailed in the zoning code, Type I (allowed or has minimum requirements; least amount of review), Type II - reviewed and approved at the staff level, Type III - approved by the Hearings Officer and Type IV - final approval by Portland City Council. Restoration projects do not require permits from Portland.	Developed by Metro Parks and Nature in collaboration with other Metro departments such as WPES with public input including the Advisory Committee. The plans clearly state the goals, objectives and planned actions for the site ranging from natural resource management, trail development, environmental education and other site features. They do not contain implementation plans of design details. Metro uses both as a guiding documents. Master Plans typically are Council approved, SCPs not, but there is no reason an SCP could not go to Council. For all projects requiring permits within the natural area, the City of Portland will review them based on the base zoning and overlays.	Metro Council formally adopts the current CNRP with minor adjustments to fit our framework, ownership and management authority. Keeps existing CNRP as land management guiding document, but under Metro's jurisdictional umbrella, rather than the City of Portland's. Portland base zoning applies for permitting. After adoption, Metro and Advisory Committee 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. In the interim period Metro will work with Advisory Committee to begin developing next steps for conservation.
Management Goals and Objectives	Clearly articulated in the plan - for the ecology, recreation, access and coordination	Zoning code contains review criteria for protection and conservation of resources for trail and structure development.	Ecology and limited recreation are clearly articulated in Site Conservation Plans, with recreation covered in more detail in Master Plans. There can be detailed maps showing proposed trails and projects in either, but design details are usually not included. Zoning code contains review criteria for protection and conservation of resources for trail and structure development.	Same as for CNRP with shift to SCP + Master Plan over time Zoning code contains review criteria for protection and conservation of resources for trail and structure development.
Dogs	Not allowed in current CNRP. City of Portland is an enforcement authority in the current management structure.	City of Portland does not regulate dogs through its Code. This decision is made by the managing entity.	Metro Title 10 rules give Council and Metro management discretion, including the decision on dogs on Metro property and Regional Trails.	Same as for CNRP (dogs not allowed) with shift to Metro Council making final decision.

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	<p>The Metro Council is unlikely to approve submitting another CNRP to Portland that is inconsistent with Metro Title 10 rules that give Council and Metro management discretion, including the decision on dogs on Metro property and Regional Trails.</p>		<p>Metro Title 10 policy currently allows dogs on leash on regional trails. Current plan is for a regional trail on the St. Johns Prairie, crossing the Slough and continuing on through City of Portland managed land. Issue only becomes relevant when the Regional Trail is completed. Very unlikely to occur within 5 years.</p>	
Multiple Property Owners	<p>CNRP applies to multiple property owners, including City of Portland, Port of Portland, and private land owners who consented to the master plan application. Public agencies manage property held in fee and/or properties over which management easements or other agreements have been executed.</p>	Zoning is for all properties.	<p>The plan would detail the coordination requirements, as well as the methods to be used.</p> <p>Public agencies manage property held in fee and/or properties over which management easements or other agreements have been executed.</p>	<p>CNRP applies to multiple property owners, including City of Portland, Port of Portland, and private land owners who consented to the master plan application. Public agencies manage property held in fee and/or properties over which management easements or other agreements have been executed. Any new Master Plan or SCP would only apply to Metro properties on those lands covered by an Inter-Governmental Agreement.</p>
Funding/Trust Fund	<p>The Smith and Bybee Lakes Trust Fund was created through the City’s 1990 Natural Resource Management Plan with funds already collected and reserved to implement the St. Johns Landfill End Use Plan. Under the CNRP, Metro is the Fund’s fiscal agent, with Advisory Committee providing advice. Additional funding comes from Metro as budgeted and available.</p> <p>Restrictions on the use of the fund are found in the 1990 NRMP. Not currently aware of limits on spending that are relevant to our choices (research action item).</p> <p>Expect to end FY22 with fund balance = \$1,500,000.</p>	Not applicable.	<p>Metro cannot make any commitments to maintaining a positive Fund balance.</p> <p>Most likely the Fund would be spent down over 5-10 years to cover some of cost of managing the natural area. Metro would continue leveraging the fund to achieve goals of the plan.</p>	<p>Trust Fund would continue to operate as provided for in CNRP.</p> <p>As with all the alternatives, Metro cannot make any commitments to maintaining a positive Fund balance. However, Metro can commit to a conversation about what the next 10 years of restoration and management should look like and how to pay for those activities.</p> <p>No other Metro site has a committed fund for its management.</p>

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	<p>Metro cannot make any commitments to maintaining a positive Fund balance.</p> <p>Most likely the Fund would be spent down over 5-10 years to cover some of the cost of managing the natural area.</p>			
Public Involvement	<p>Smith and Bybee Wetlands NA Advisory Committee continues to provide guidance on the management, including the budget priorities and expenditures. Metro would continue to do public involvement for specific projects and is committed to an approach that centers the voice of historically marginalized communities.</p>	<p>Level of review (Type I, II, III, IV) determines the required public review of projects through land-use notices and comment review. Metro as the applicant would respond to and resolve comments and concerns. As in the CNRP field, Metro is committed to community engagement that centers the voices of historically marginalized communities.</p>	<p>Public involvement during the development of the plan. SCPs have typically been done internally, but CAN, and sometimes have involved significant public involvement, Master Plans are public processes with extensive community engagement and Council approval. Project (not Plan) review as required by the City of Portland (see previous column). Metro is committed to engaging the Advisory Committee on shaping conservation and recreation priorities for the next phase of work.</p>	<p>Metro willing to continue to support an Advisory Committee as constituted or reformed to have broader representation to engage the community in conversation about SBWNA. This can be decoupled from the SB Fund.</p>
Projects Review	<p>Outlined in the CNRP. Level of detail depends on the information included at the time of CNRP development. Reviewed according to process stated in the CNRP. If not listed in the CNRP then a Type III or IV review is required.</p> <p>Functionally, the CNRP has not reduced the level of review needed for projects at the time of implementation. So despite the CNRP, project review has effectively been Base Zoning.</p> <p>The CNRP creates administrative and procedural obligations that can and will increase the cost of public projects.</p>	<p>Metro would complete a land-use application for each relevant project and the level of review would be determined by the City of Portland Bureau of Development Services. Depending on the base zoning and overlay zones, some projects are allowed without review. Restoration projects are generally allowed except for/when cutting native trees.</p>	<p>Metro describes restoration projects in Site Conservation Plans, but only addresses recreation at a high level in most cases. There is often an approximate timeline for projects.</p> <p>Master plans provide more detail on public access projects. When funding becomes available, projects would be designed and submitted to the City of Portland Bureau of Development Services for review based on zoning.</p> <p>Reverts to Base Zoning for access or infrastructure projects.</p>	<p>Metro describes projects in the plan. There is often an approximate timeline for projects. When funding becomes available, projects would be designed and submitted to the City of Portland Bureau of Development Services for review based on zoning.</p> <p>Reverts to Base Zoning for access or infrastructure projects.</p>

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History/Historical Context	City of Portland’s 1990 Natural Resource Management Plan as described in the CNRP	The City of Portland Bureau of Development Services reviews past permits to ensure all conditions are met before issuing new permits.	Metro SCPs and Master Plans include context as an important part of the narrative. It’s also important to set the stage for looking ahead. Permitting is Base Zoning.	Metro SCPs and Master Plans include context as an important part of the narrative. It’s also important to set the stage for looking ahead. Permitting is Base Zoning.
Approximate Costs	<p>CNRP and City code requires a City approved plan amendment for any project not identified in the CNRP or that has increased disturbances. Amendment process results in substantial and additional administrative and procedural costs for Metro projects.</p> <p>Approximately \$100,000 (+/-) (in City fees and professional costs) to update and approve the present or amended plan. Plan may need to be amended multiple times during its term.</p> <p>As there is no “extension” option, reapproving the plan “as is” is not effective or efficient. An “as is” plan may require multiple amendments to implement Metro projects. Especially since WPES may have project needs. This means likely more costs.</p>	Cost is determined by the City of Portland Bureau of Development Services based on the type of Land Use review required.	Potential consultant costs to support engagement and plan writing, depending on staff capacity. Permit costs for projects as per base zoning.	No cost for taking existing CNRP through our Council. Potential consultant costs to support engagement and plan writing for any future planning efforts, depending on staff capacity. Permit costs for projects as per base zoning.