

Bureau of Planning and Sustainability

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MEMO

DATE: September 23, 2011

TO: City Council

FROM: Planning and Sustainability Commission

SUBJECT: Retirement of the Natural Resources Management Plan for Smith and Bybee Lakes: Recommended Draft

In this memo, we recommend actions in two areas: Retirement of the Natural Resources Management Plan for Smith and Bybee Lakes, and adding some maps in the Zoning Code to correct inadvertent omissions from the Airport Futures Project.

Retirement of the Natural Resources Management Plan for Smith and Bybee Lakes

We recommend retiring the Natural Resource Management Plan (NRMP) for the Smith and Bybee Lakes area; in the longer term the NRMP will be replaced by a new form of management plan. This memo provides background information for the recommendation to retire the NRMP, and describes the process for the plan that will replace it.

Natural Resource Management Plans: Background

Natural resource management plans (NRMPs) provide long-term management guidance for large ecosystems. They identify pre-approved projects that comply with Portland Zoning Code regulations (at the time of the NRMP adoption), and may contain natural resource management policies specific to the ecosystem being managed. The land manager is typically a public agency, but it can also be a non-profit agency or a private individual or group. The area under management can be a single ownership or properties owned by many people. The approval process for an NRMP is in Chapter 33.430, Environmental Overlay Zones of the Portland Zoning Code.

An NRMP is created through a Bureau of Planning and Sustainability (BPS) legislative project. BPS works with citizens and experts to develop a recommendation. Notice is sent to all neighborhood and business associations and others who are interested in the project. The



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1900 SW 4th Avenue, Suite 7100, Portland, OR 97201 | phone: 503-823-7700 | fax: 503-823-7800 | tty: 503-823-6868

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Planning and Sustainability Commission holds a public hearing and makes a recommendation to City Council. City Council also holds a public hearing and makes a decision.

An NRMP includes management objectives to maintain or enhance resources and functional values; lists of allowed and prohibited uses; maps of areas where these uses are allowed and prohibited; types of mitigation or enhancement required; maps of areas reserved for these mitigation or enhancement actions; timetables for development, mitigation, and enhancement; and procedures and criteria for approving uses and development. In addition, the NRMP sets out procedures and criteria for amendments. An NRMP must also be in compliance with State Planning Goals and the Portland Comprehensive Plan goals and policies. Because of the specificity required, the NRMP typically supersedes the environmental regulations of the Zoning Code.

The Natural Resources Management Plan for Smith and Bybee Lakes is managed by Metro, the regional government for the Portland metropolitan area and the Smith and Bybee Wetlands Advisory Committee (SBWAC). The SBWAC, formed in 1990, provides guidance and partnerships for the implementation of the management plan. The committee includes representatives from Metro, City of Portland, Port of Portland, St. Johns Neighborhood Association, 40-Mile Loop Land Trust, Portland Audubon Society and others. The relationship between the committee and Metro will continue beyond the retirement of the Smith/Bybee NRMP. Land ownership is shown on Attachment C.

The Smith and Bybee Wetlands are managed for recreation and natural resource restoration and protection purposes. The Smith/Bybee NRMP was adopted by Metro and Portland in 1990 to implement the management framework and provide initial funding for wetland restoration. The Smith/Bybee NRMP was developed by property owners, neighborhood organizations and residents, environmental interest groups, and governmental agencies.

The Smith/Bybee NRMP has not been updated since it was adopted more than 20 years ago, and does not reflect the updates in wetland management practices or advances in the scientific understanding of complex ecosystem management. As a result, the plan is obsolete and no longer provides useful guidance. In addition, the environmental zoning regulations that the NRMP were based on have been modified more than 16 times. Several significant updates added development standards and a streamlined permit review process. The changes did not affect the Smith/Bybee NRMP, and the area covered by the NRMP has not been able to take advantage of the updates or the streamlined permit review process.

Replacement of the Smith/Bybee NRMP

The Smith and Bybee Wetlands Advisory Committee (SBWAC) and Metro support retirement of the Smith/Bybee NRMP in order to replace it with a Comprehensive Natural Resource Plan (CNRP), a new resource plan that is adopted through the quasi-judicial process. A quasi-judicial process is one where a property owner (or group of property owners) submits an application to the City, demonstrating that the approval criteria for the review are being met.

The CNRP is similar to the NRMP in that it allows long-term management for large natural areas or open spaces. The CNRP also allows comprehensive consideration of future plans for sites where multiple development or resource enhancement actions are anticipated over time. The CNRP can also substitute for case-by-case environmental review. A CNRP is not

limited to large ecosystems—any property with one or more of the city’s natural resource overlay zones is eligible to use a CNRP.

A significant aspect of the CNRP is that it does not supersede the Zoning Code; development under a CNRP must also comply with current zoning regulations, which keeps the review process and ecological management techniques more up-to-date than under an NRMP.

The CNRP process and approval criteria are in Chapter 33.809 of the Zoning Code. One of the criteria is a requirement to comply with existing plans. In this case, compliance with the NRMP would be required. However, because the NRMP is significantly outdated, we recommend that the approval criteria be amended for situations where the old plan will be replaced by a new plan.

Once an application for a CNRP is submitted, notice is sent to owners of property within 400 feet of the CNRP boundary and neighborhood and business associations within 1,000 feet of the boundary. In addition, notice is posted on the site. A public hearing is required, and the public has the opportunity to comment. Staff estimates that it will take approximately nine months for a CNRP to be approved for the Smith and Bybee area.

If the old plan is repealed before the new plan is in place, the area will still be protected by the Environmental Overlay Zone, but the protection will not be as comprehensive as that offered by the plans. In addition, there will be no management oversight. To avoid a time gap between the plans, we recommend delaying the repeal of the old NRMP until the new CNRP is in place.

Maps for Airport Futures Project

While the focus of this project is on the Smith and Bybee Lakes NRMP, we also recommend an amendment to Title 33, Planning and Zoning to correct an oversight in the Airport Futures Project.

On April 13, 2011, City Council adopted Airport Futures which updated the City's natural resources program for Portland International Airport and the area surrounding the airport. After the adoption, Planning and Sustainability staff realized several of the maps in the Zoning Code had not been included in the materials before Council. Our Commission had reviewed and approved the maps. We recommend that these maps be added to the Code now. The maps—in Attachment A—simply show where natural resource inventories are complete and do not change any regulations.

PLANNING AND SUSTAINABILITY COMMISSION RECOMMENDATION

We recommend that City Council take the following actions:

- Adopt the ordinance;
- Adopt this memo;
- Amend the Zoning Code as shown in memo Attachment A;
- Amend the Official Zoning Maps, as shown in memo Attachment B; and
- Adopt the memo as further findings and legislative intent.

ATTACHMENT A

Proposed Amendments to Zoning Code

Proposed additions are underlined; proposed deletions are shown in ~~strikethrough~~

AMEND CHAPTER 33.430, ENVIRONMENTAL ZONES

Sections:

- Map 430-1 Balch Creek Watershed Protection Plan Area
- Map 430-2 Columbia Corridor Industrial and Environmental Mapping Project Area
- Map 430-3 East Buttes, Terraces and Wetlands Conservation Plan Area
- Map 430-4 Fanno Creek and Tributaries Conservation Plan Area
- Map 430-5 Johnson Creek Basin Protection Plan Area
- Map 430-6 Northwest Hills Natural Areas Protection Plan Area
- Map 430-7 Skyline West Resource Protection Plan Area
- Map 430-8 Southwest Hills Resource Protection Plan Area
- Map 430-9 East Columbia Neighborhood Natural Resources Management Plan Area
- Map 430-10 ~~Smith and Bybee Lakes Natural Resources Management Plan Area~~ Middle Columbia Corridor/Airport Natural Resources Inventory Environmental Mapping Project Area
- Map 430-11 Forest Park Natural Resources Management Plan Area
- Map 430-12 Peninsula One Natural Resources Management Plan Area

33.430.030 Relationship To Other Environmental Regulations

Some of the eight study areas discussed under Section 33.430.020 impose additional environmental regulations in Plan Districts. These additional regulations either supplement or supersede the regulations of this Chapter. Paragraph 33.700.070.E describes the hierarchy of regulations within the *Zoning Code*.

Additionally, Natural Resource Management Plans may contain regulations that supersede or supplement the regulations of this chapter. Whenever natural resource management plan provisions conflict with other provisions of this chapter, the natural resource management plan provisions supersede. Non-conflicting provisions supplement the provisions of this chapter. Maps 430-9, ~~10~~, 11, and 12 show Natural Resource Management Plan areas.

The following Plan Districts and Natural Resource Management Plans have additional regulations that may supersede or supplement the environmental regulations of Chapter 430:

- *The Balch Creek Watershed (see Chapter 33.563, Northwest Hills Plan District)*
- *The Columbia South Shore within the Columbia Corridor (see Chapter 33.515, Columbia South Shore Plan District)*
- *Johnson Creek Basin (see Chapter 33.537, Johnson Creek Basin Plan District)*
- *Northwest Hills Natural Areas (see Chapter 33.563, Northwest Hills Plan District)*
- *Skyline West Conservation Plan area (see Chapter 33.563, Northwest Hills Plan District)*
- *East Columbia Neighborhood Natural Resources Management Plan (separate document)*
- ~~*Smith and Bybee Lakes Natural Resources Management Plan (separate document)*~~
- *Forest Park Natural Resources Management Plan (separate document)*
- *Natural Resources Management Plan for the Peninsula Drainage District No. 1 (separate document)*
- *The Portland International Airport Plan District (see Chapter 33.565)*

This chapter contains only the City's environmental regulations. Activities which the City regulates through this chapter may also be regulated by other agencies. In cases of overlapping City, Special District, Regional, State, or Federal regulations, the more stringent regulations will control. City approval does not imply approval by other agencies.

33.430.060 Where These Regulations Apply

These regulations apply to all environmental zones, except those in the Columbia South Shore Plan District that are south of NE Marine Drive, those in the Cascade Station/Portland International Center Plan District, ~~those that are within the Smith and Bybee Lakes Natural Resources Management Plan area,~~ City-owned land within the Forest Park Natural Resources Management Plan area, and the Peninsula Drainage District No. 1 Natural Resources Management Plan area. See Chapter 33.515, Columbia South Shore Plan District, Chapter 33.508, Cascade Station/Portland International Center Plan District, ~~the Smith and Bybee Lakes Natural Resources Management Plan,~~ the Forest Park Natural Resources Management Plan, or the Natural Resources Management Plan for the Peninsula Drainage District No. 1.

[Delete Map 430-10 Smith and Bybee Lakes Natural Resources Management Plan Area; replace it with Middle Columbia Corridor/Airport Natural Resources Inventory Environmental Mapping Project Area]

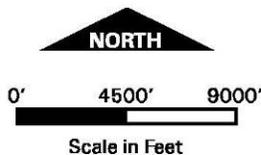
AMEND CHAPTER 33.809, COMPREHENSIVE NATURAL RESOURCES PLANS

33.809.200 Approval Criteria

A Comprehensive Natural Resource Plan, or an amendment to a Comprehensive Natural Resource Plan, will be approved if it meets the following approval criteria:

- A. through C.** [No change.]
- D.** The plan must demonstrate that all relevant approval criteria that would apply if the proposal was proceeding through an Environmental Review, Pleasant Valley Natural Resource Review, or Greenway Review, including approval criteria from an adopted Natural Resource Management Plan, are met. If the proposed Comprehensive Natural Resource Plan (CNRP) will replace a Natural Resource Management Plan (NRMP), approval criteria from the NRMP do not have to be addressed. An NRMP is being replaced if the CNRP covers at least half of the area covered by the NRMP, and if an ordinance has been adopted that repeals the NRMP.

Consideration will be given to the level of detail provided with the plan application. Proposals that address most of the relevant approval criteria, but are not detailed enough to address all of the relevant approval criteria may be identified for tentative approval. Conditions of approval may be imposed to list those aspects of the plan subject to tentative approval, and to specify which approval criteria need further evaluation through a later review. The decision may also specify standards for future development or resource enhancement activities.



MAP NOTES: Small numbers within boxes represent quarter-sections

Map 430-2 Columbia Corridor Industrial and Environmental Mapping Project Area

Map 1 of 2

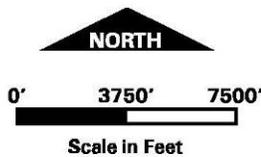
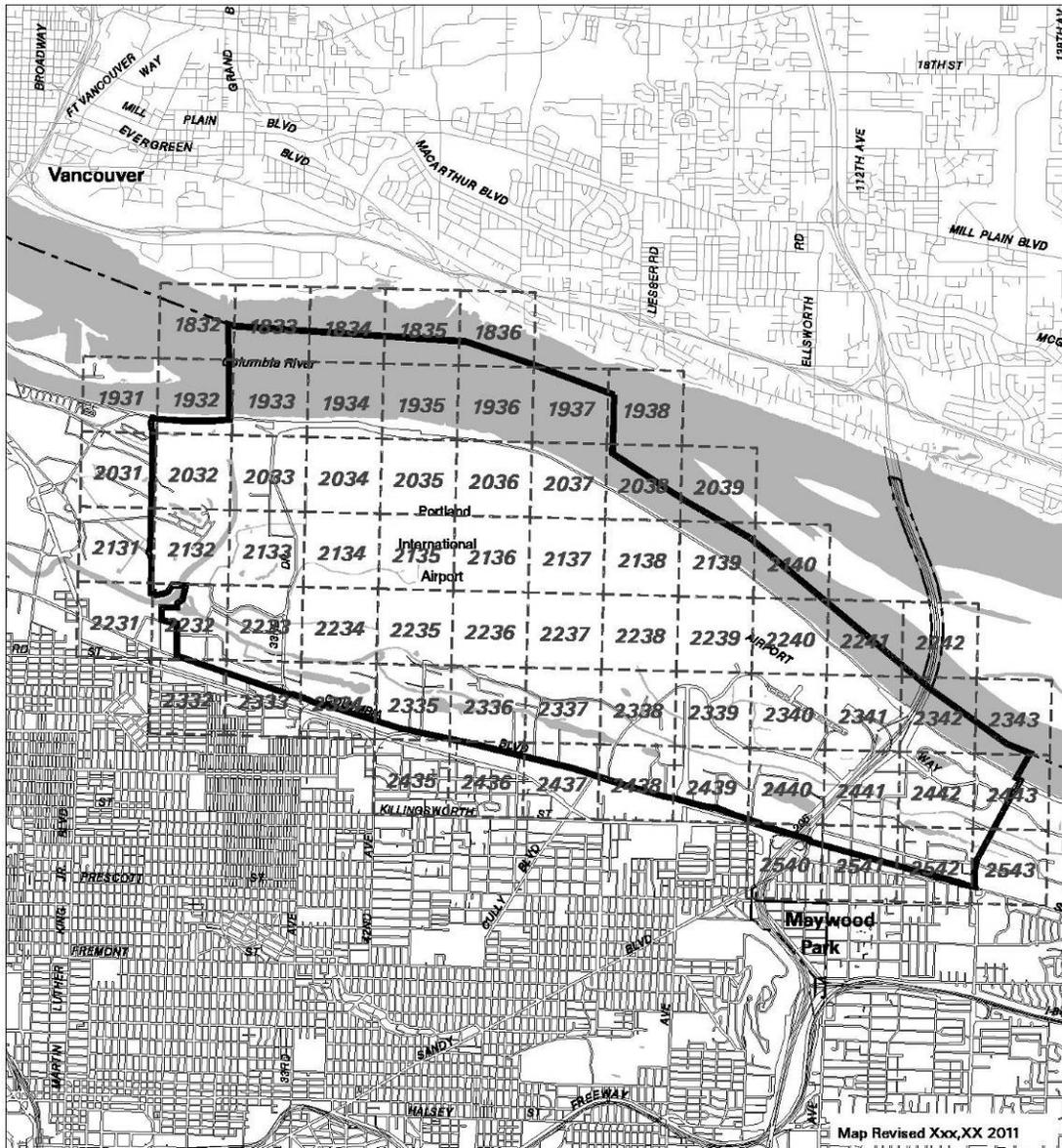
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Map 430-2
Columbia Corridor Industrial and
Environmental Mapping Project Area

Map 2 of 2

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MAP NOTES: Small numbers within boxes represent quarter-sections

Map 430-10

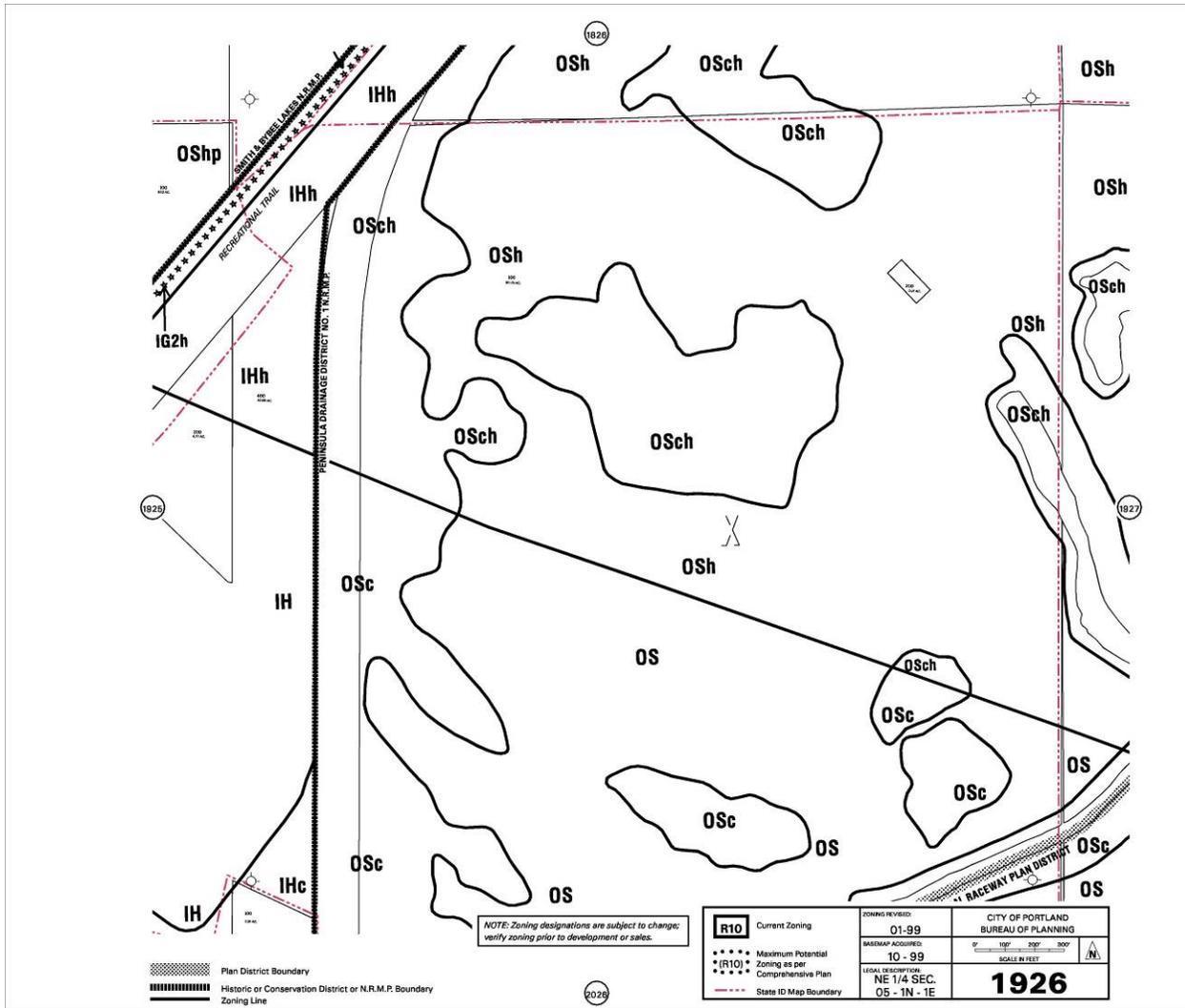
Middle Columbia Corridor/Airport Natural Resources Inventory Environmental Mapping Project Area

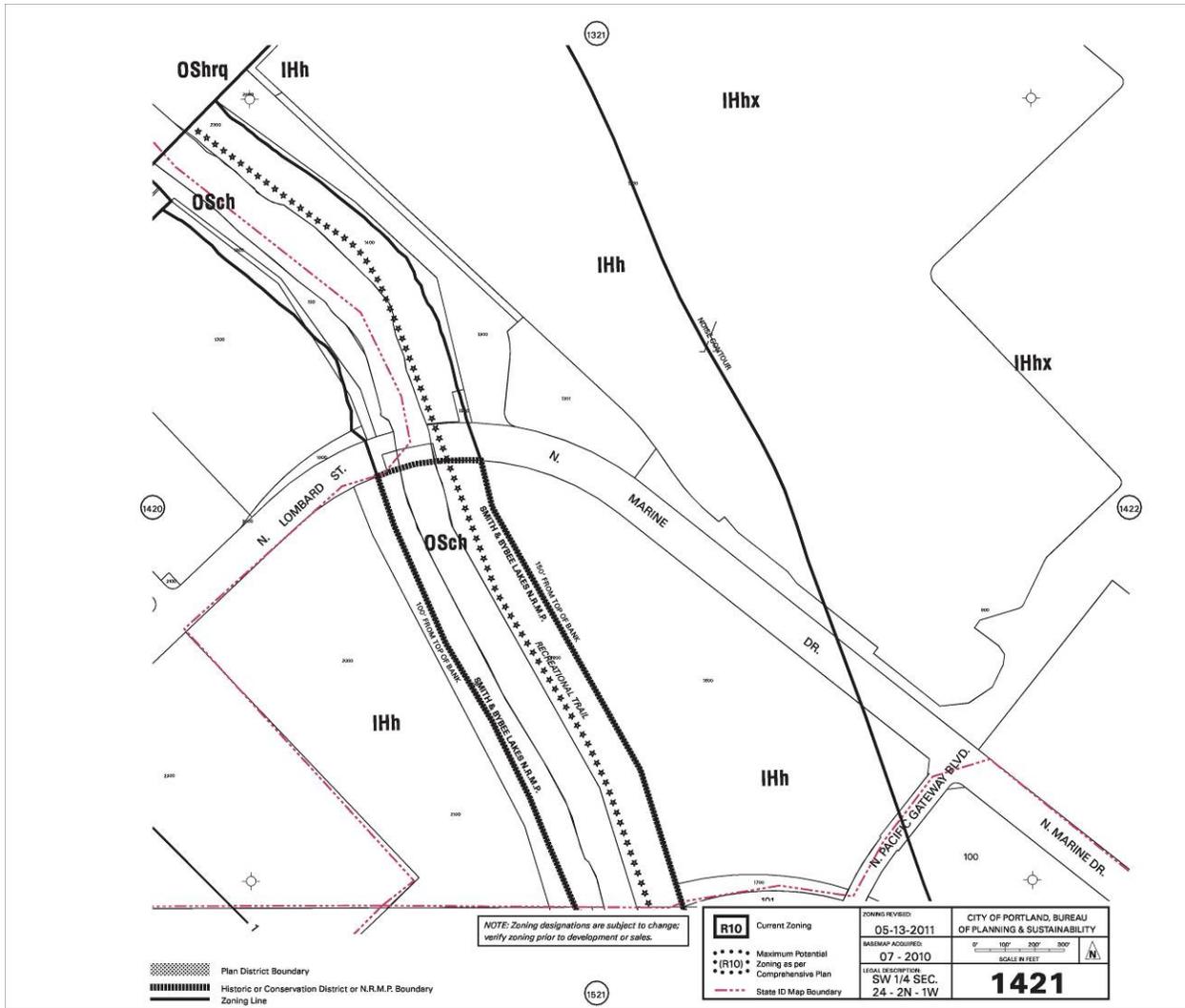
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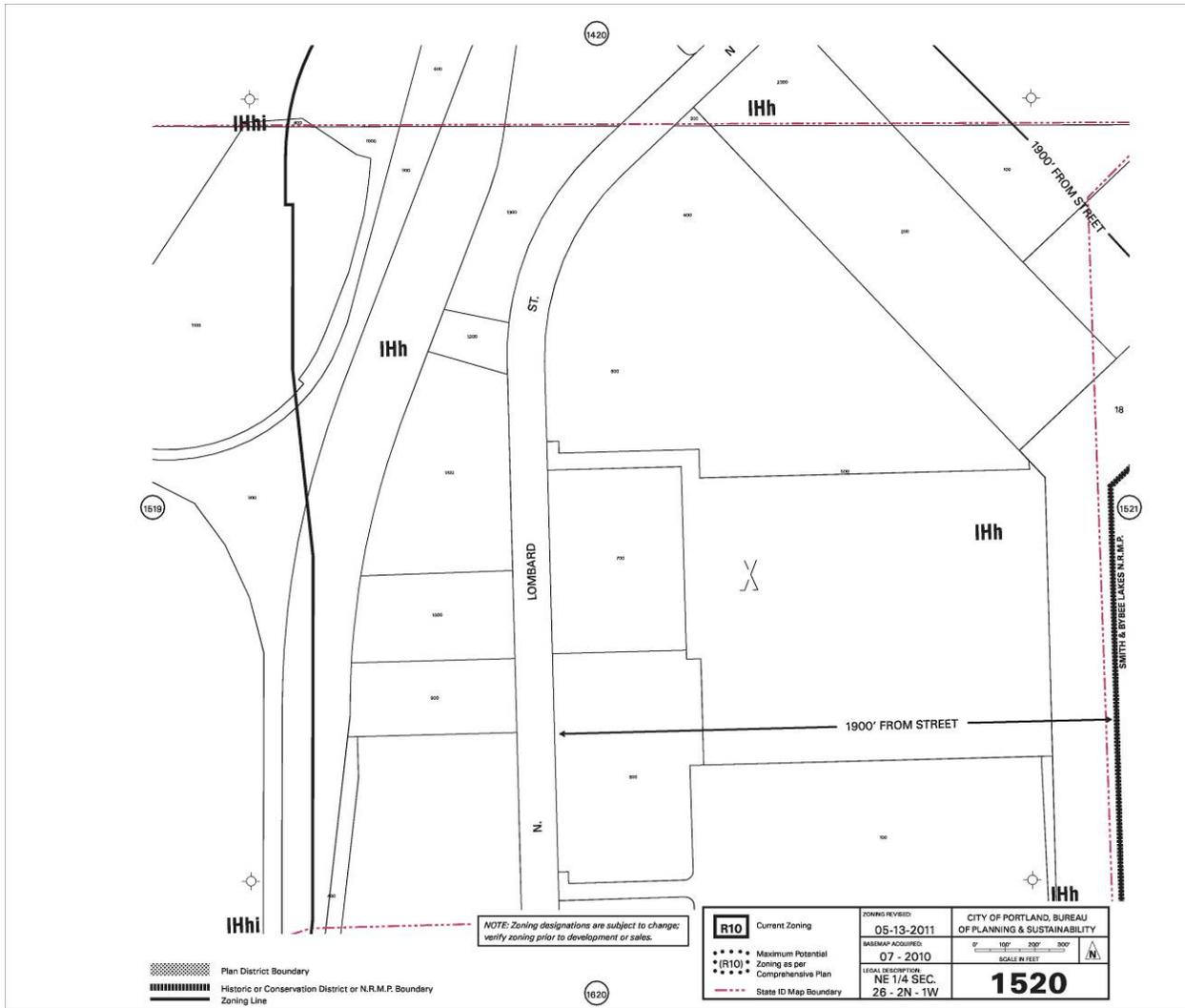
ATTACHMENT B

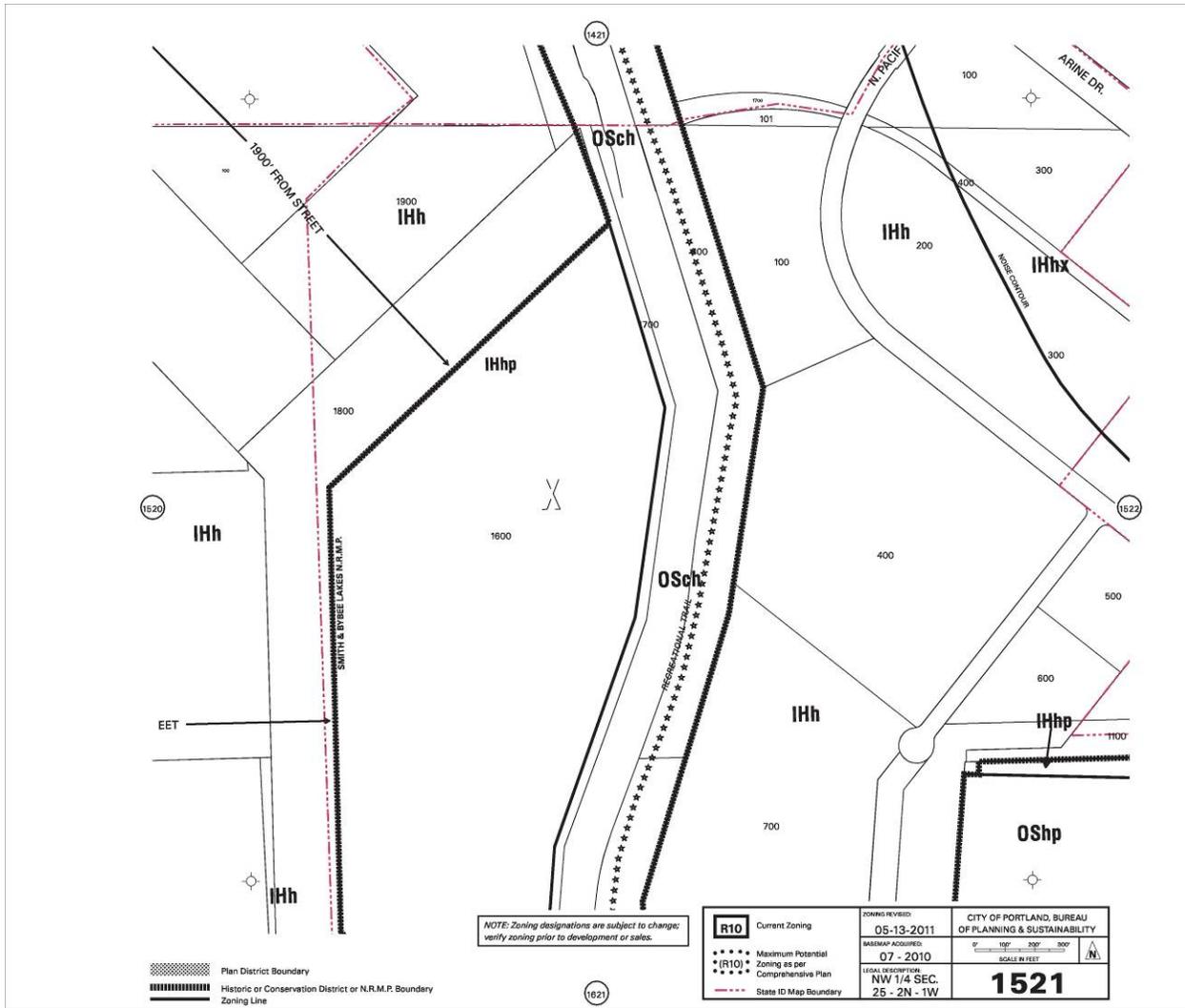
Proposed Amendments to the Official Zoning Map

The following maps show the areas that currently have the Smith/Bybee Lake NRMP boundary; all boundaries are proposed to be removed.

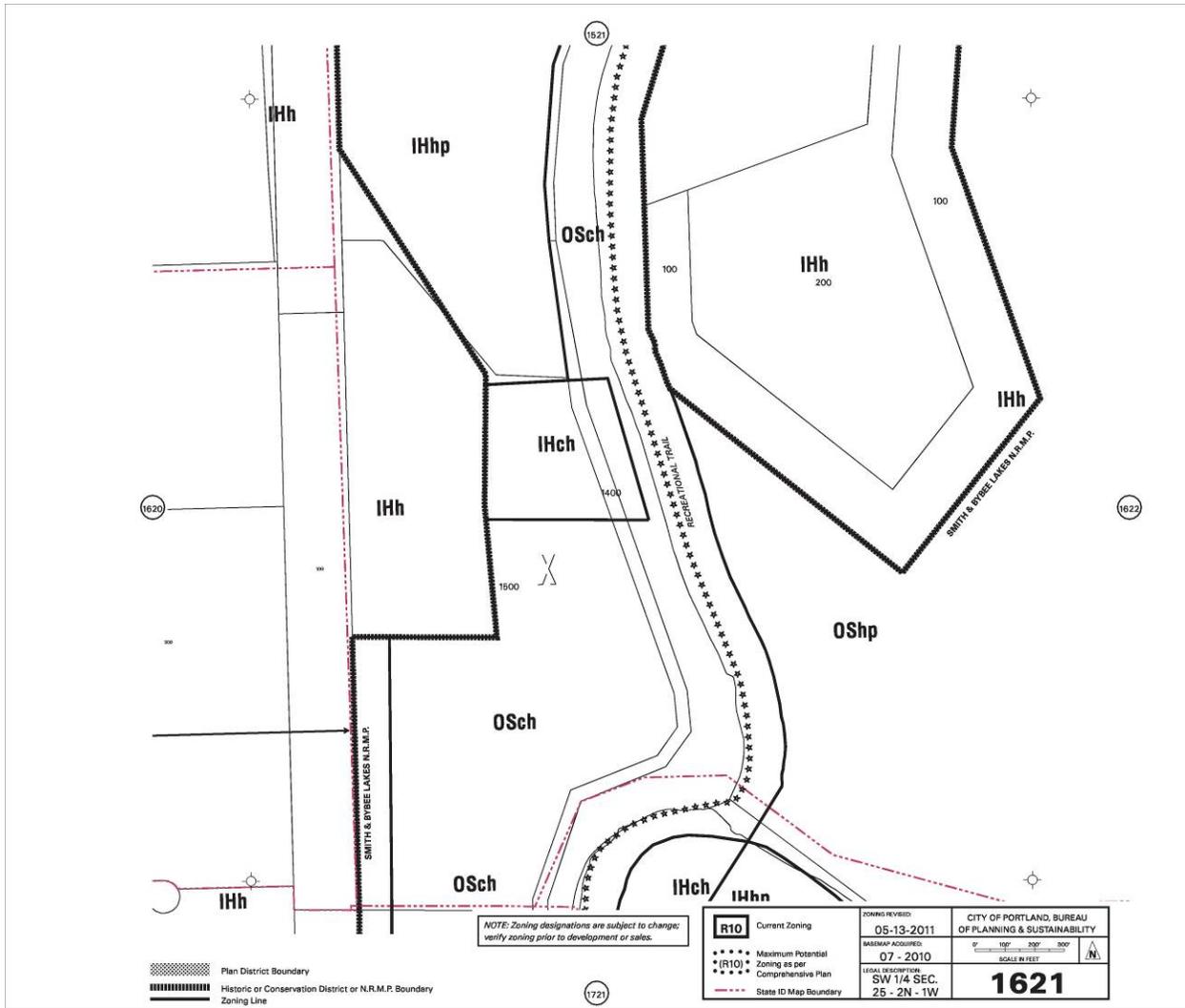


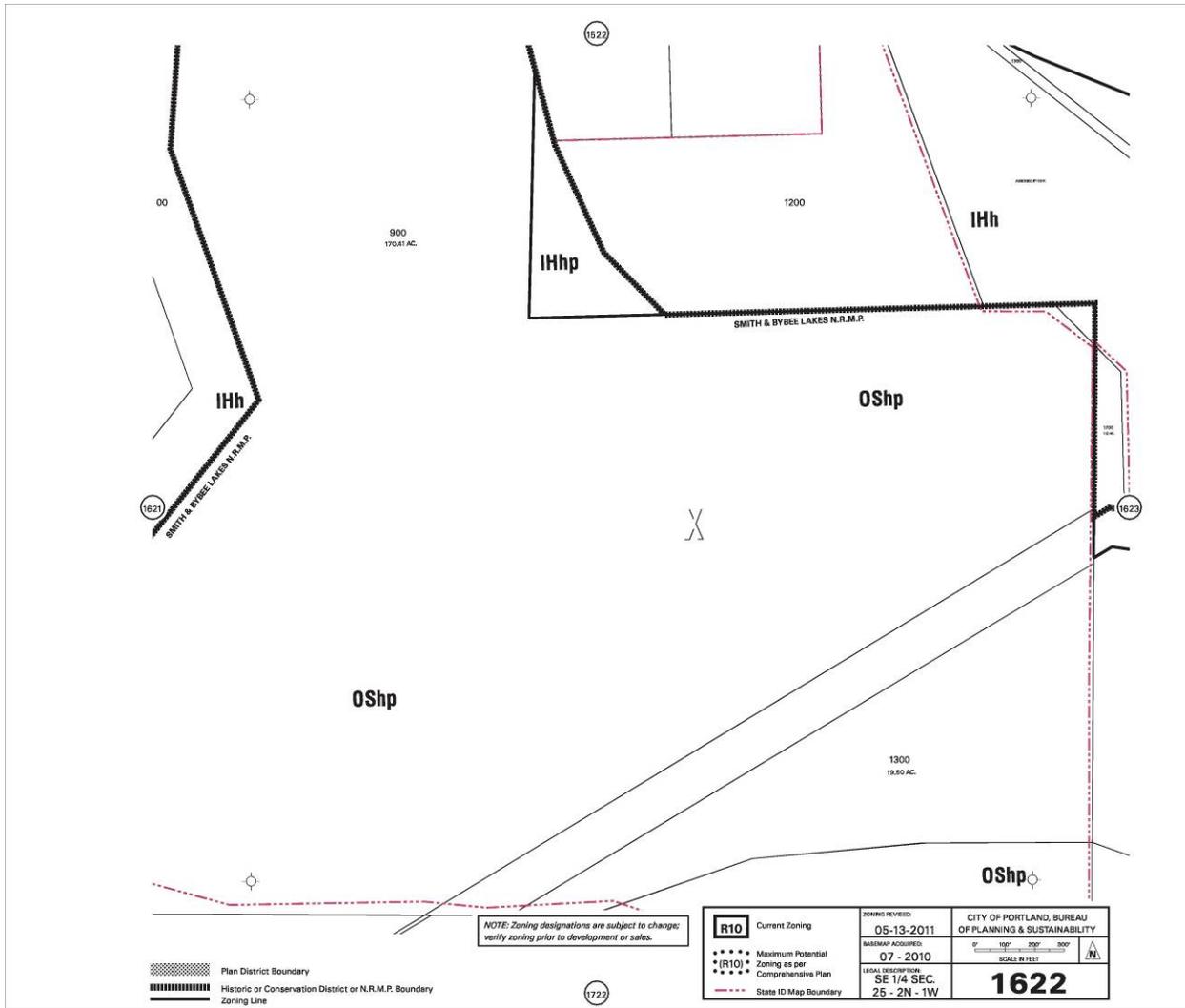


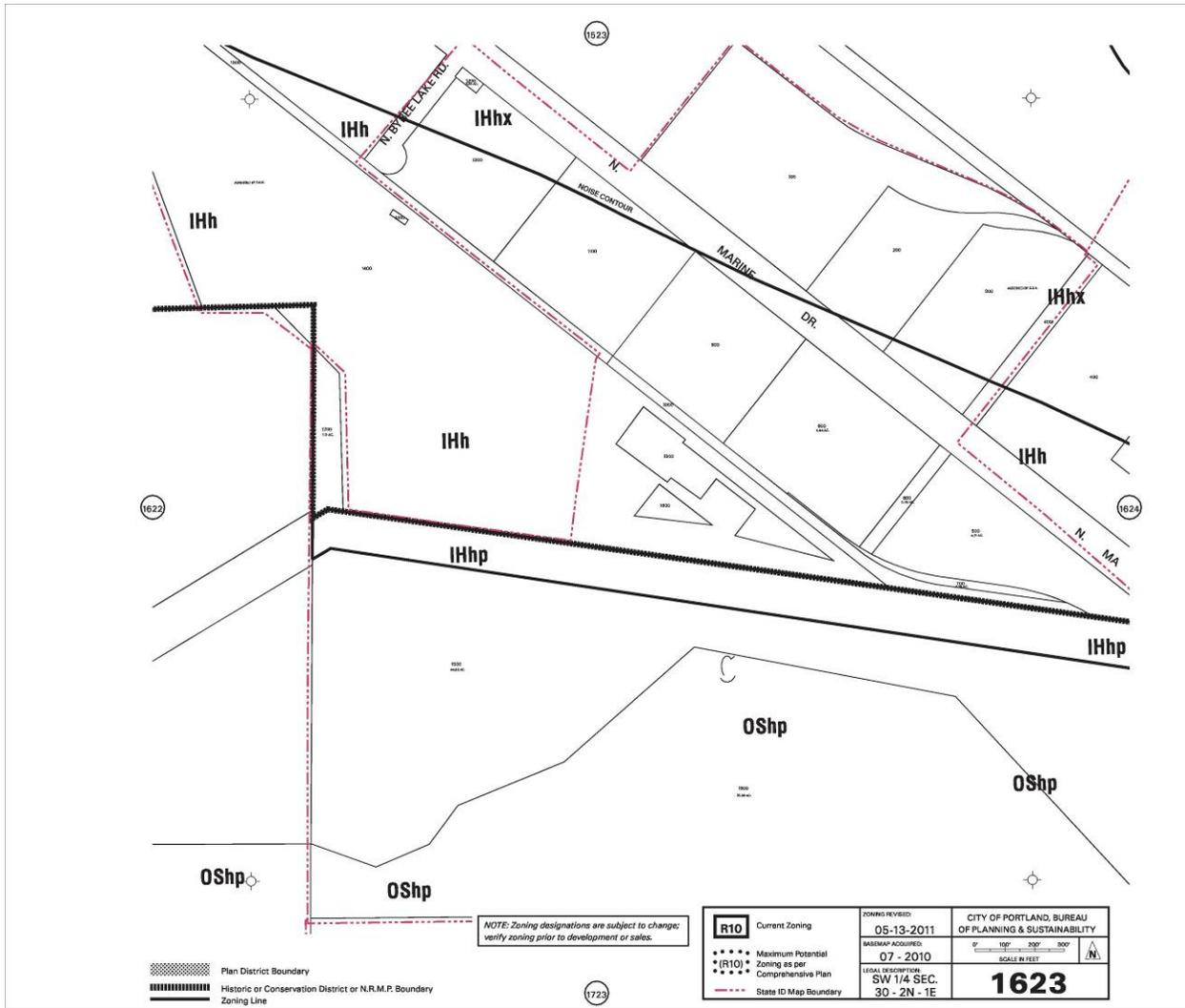


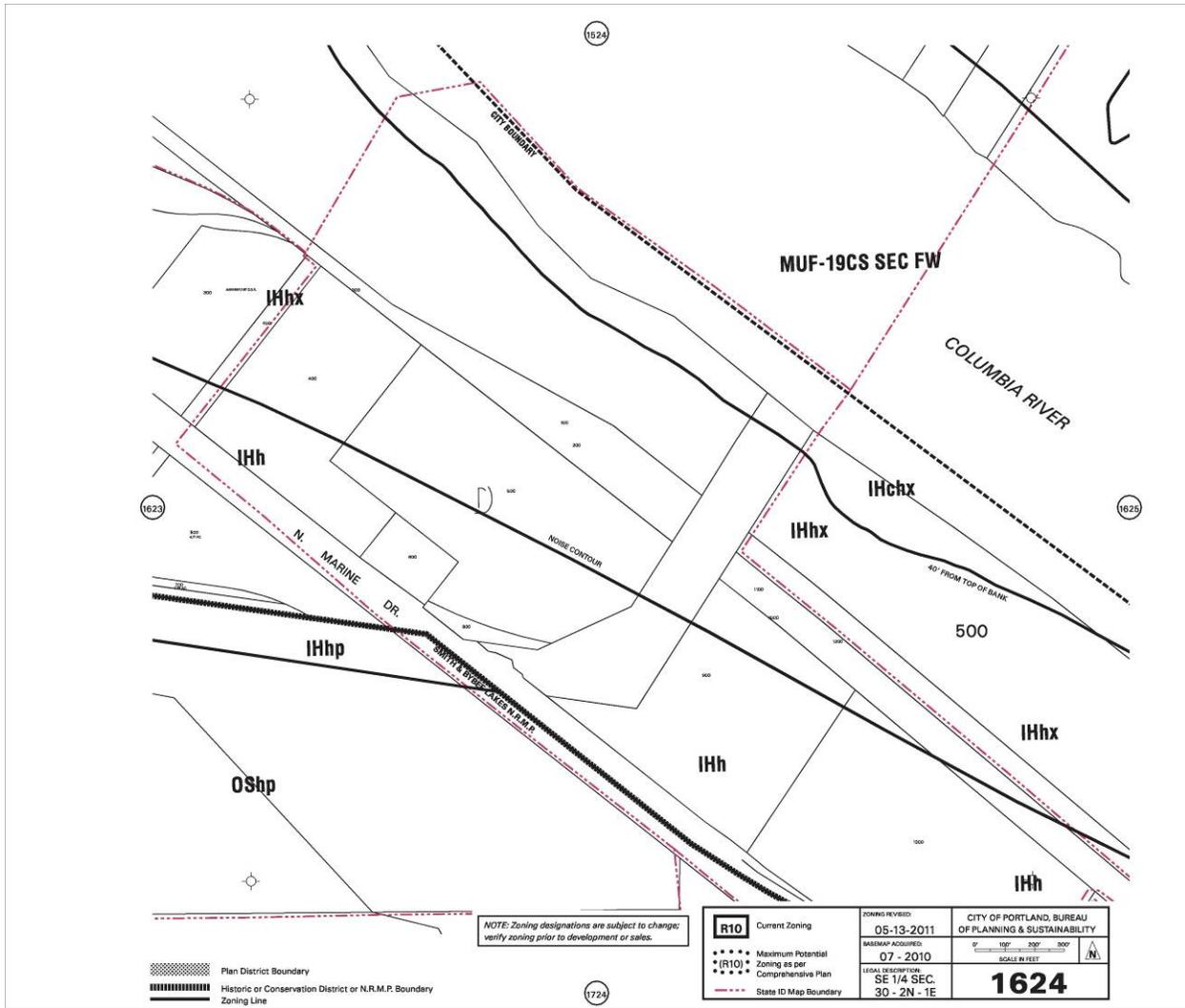


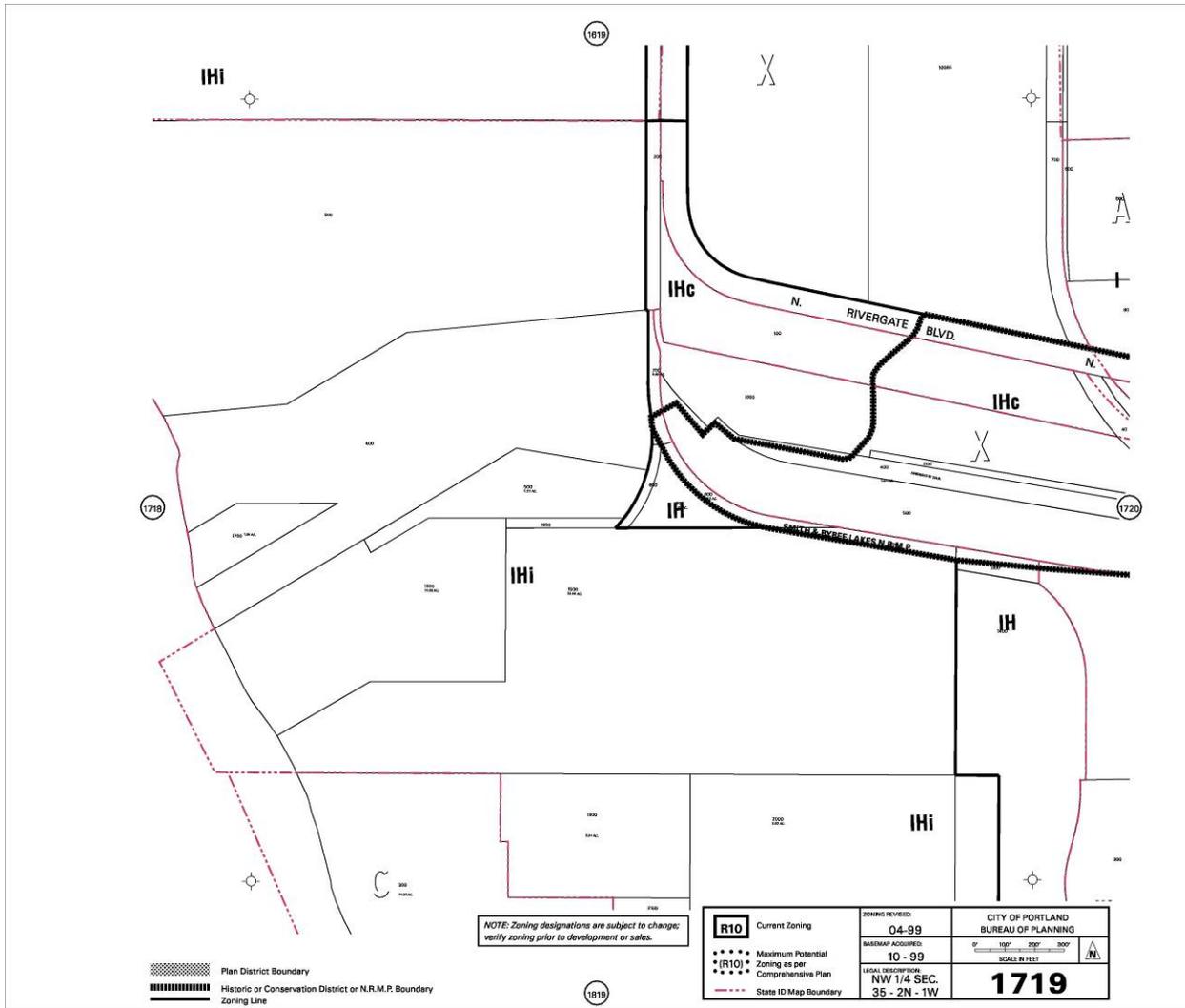


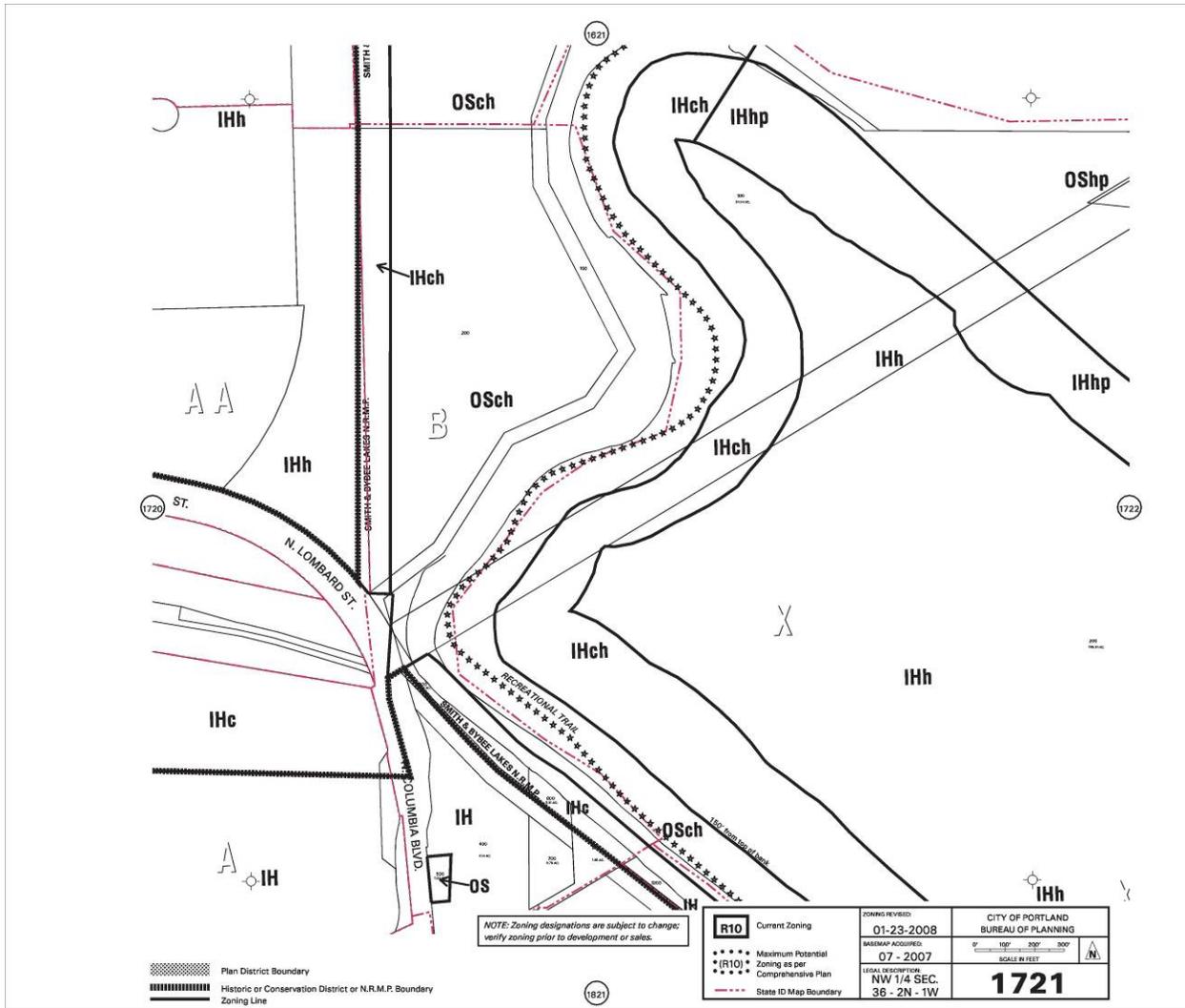


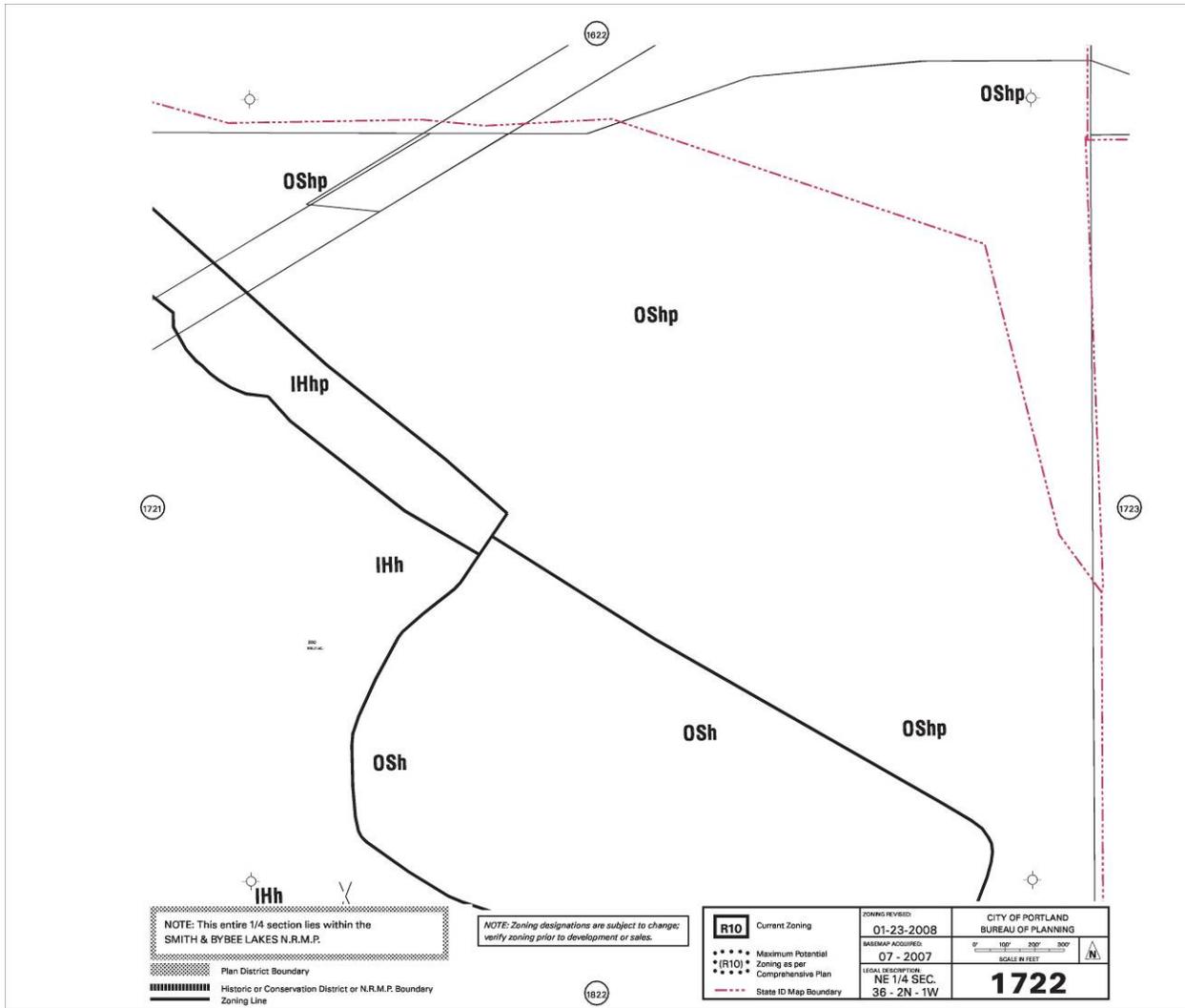


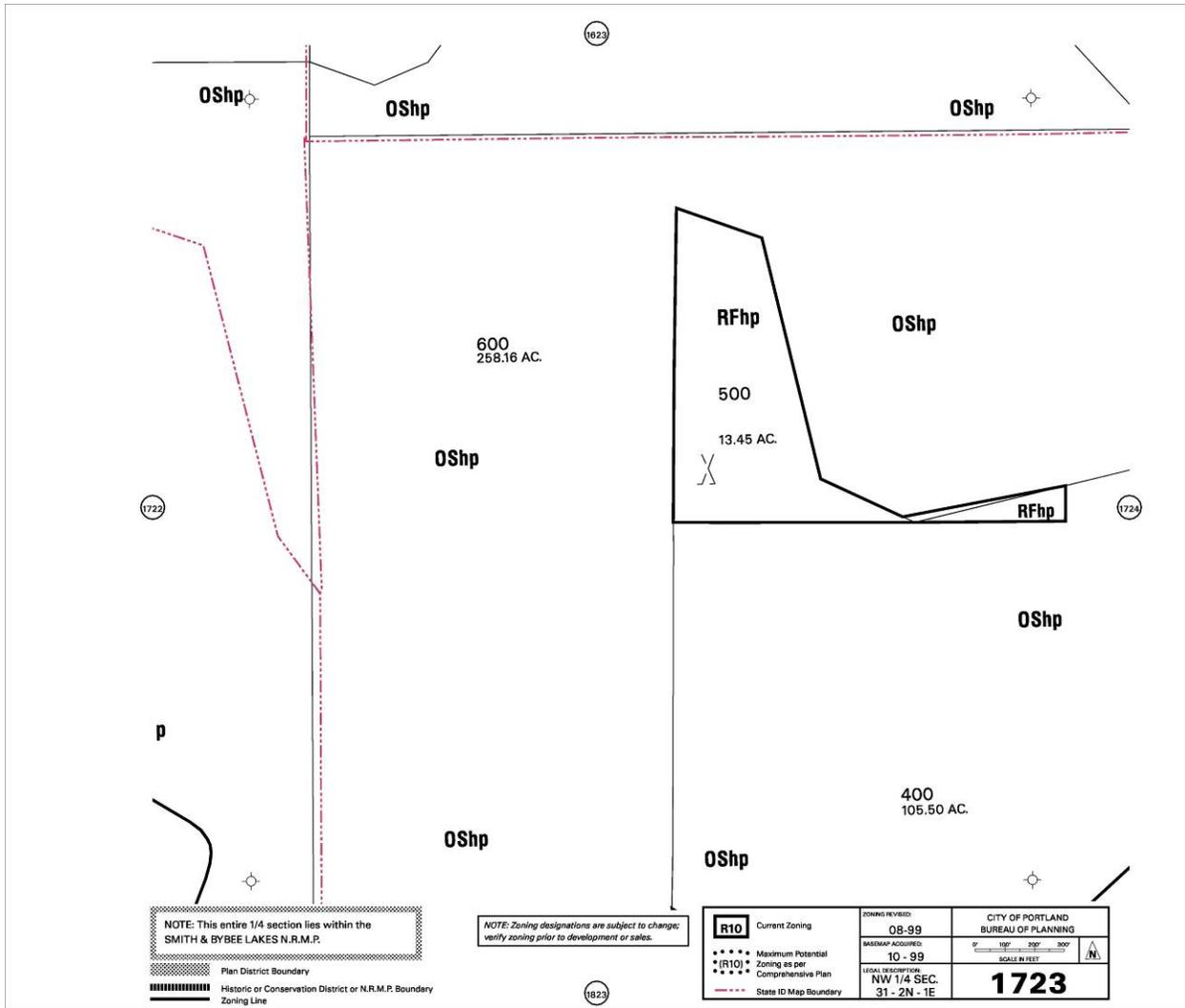


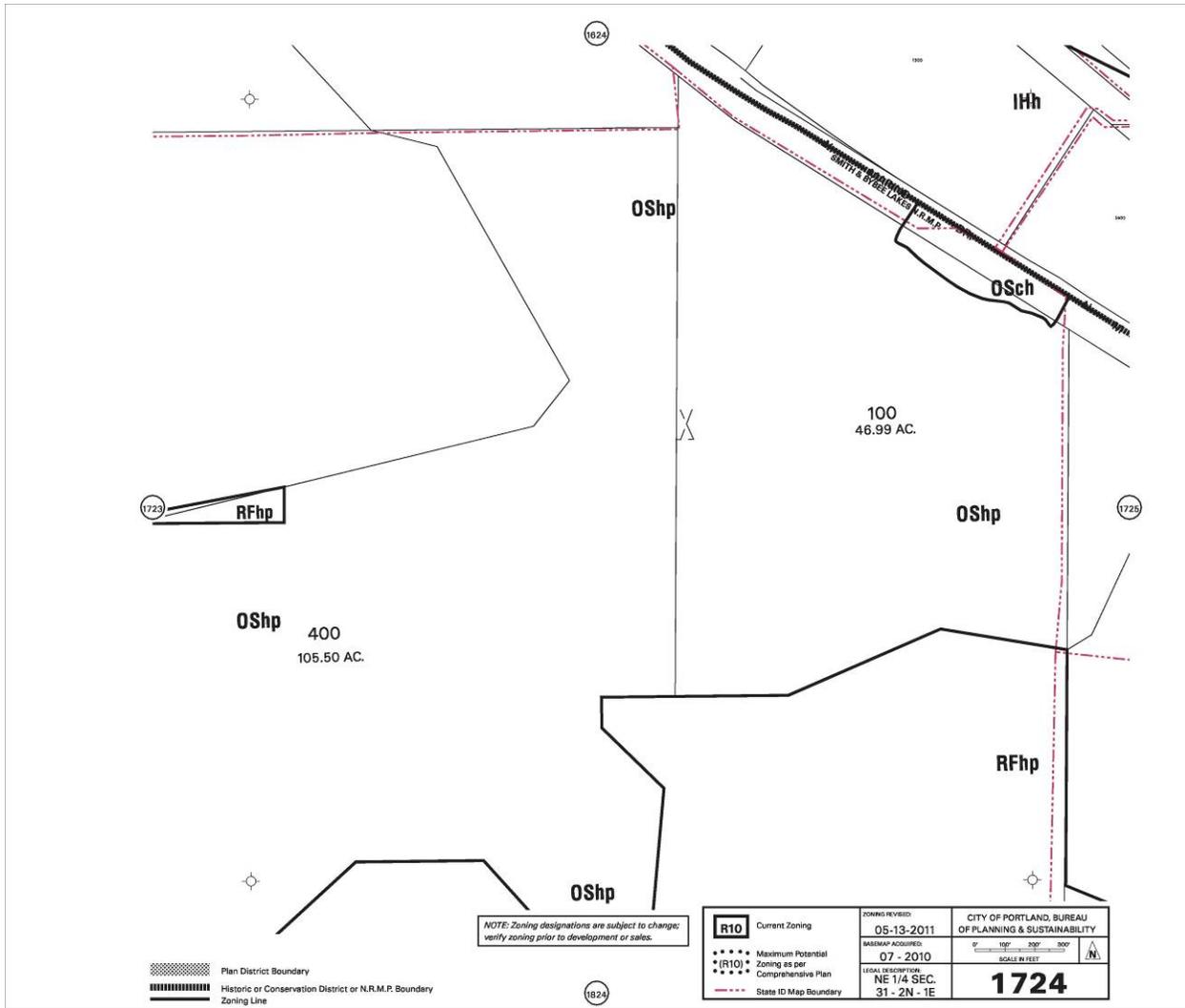


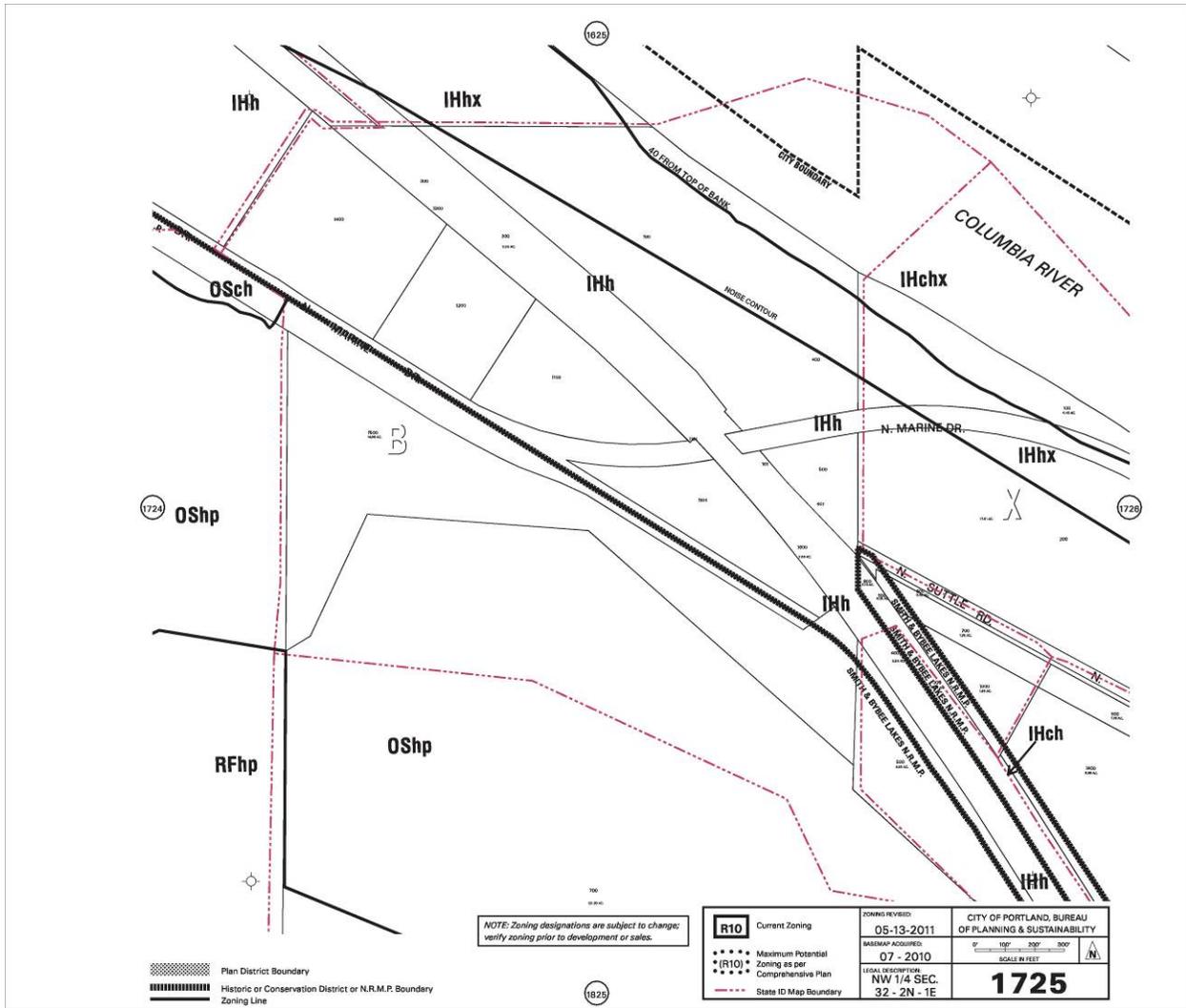


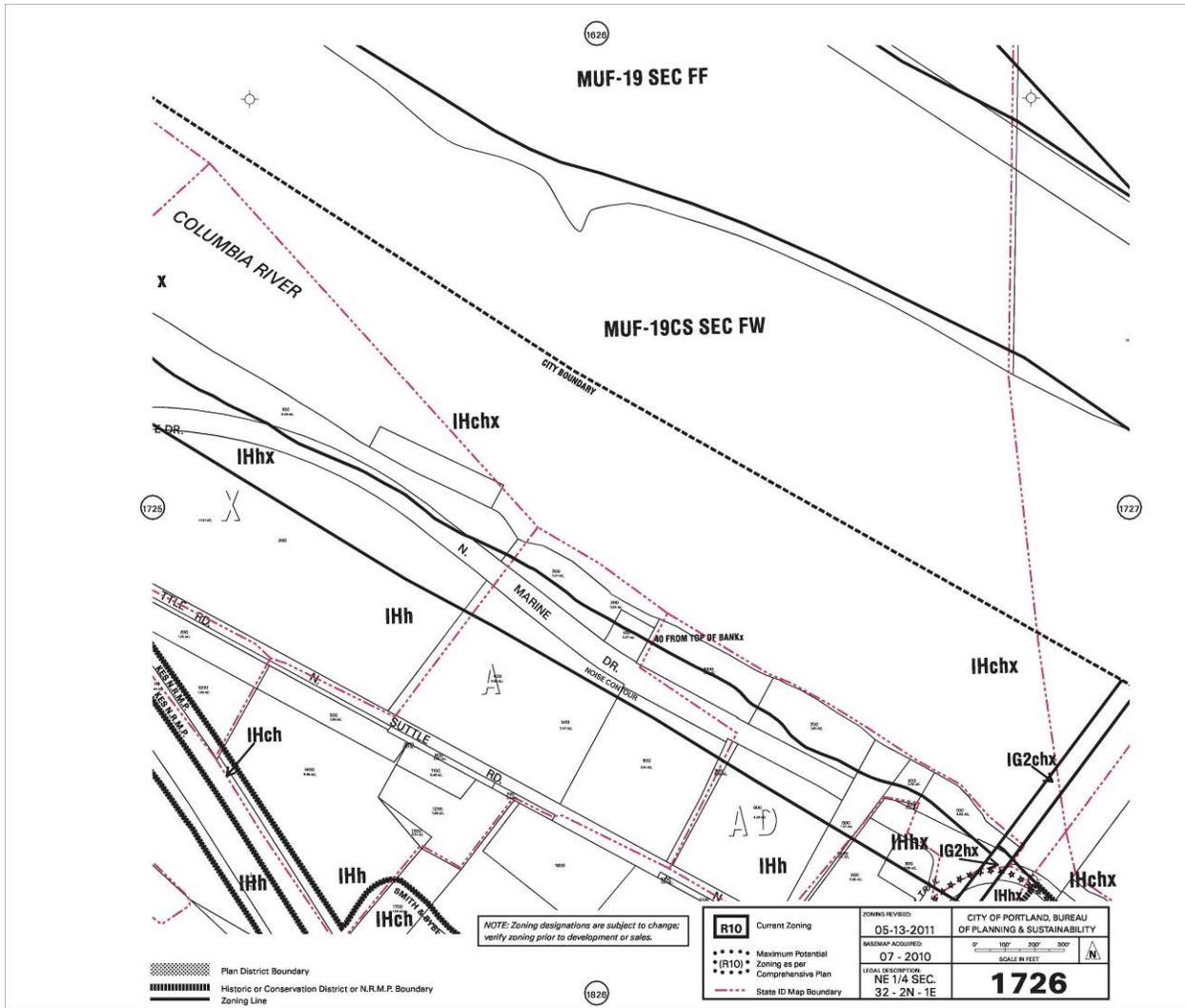


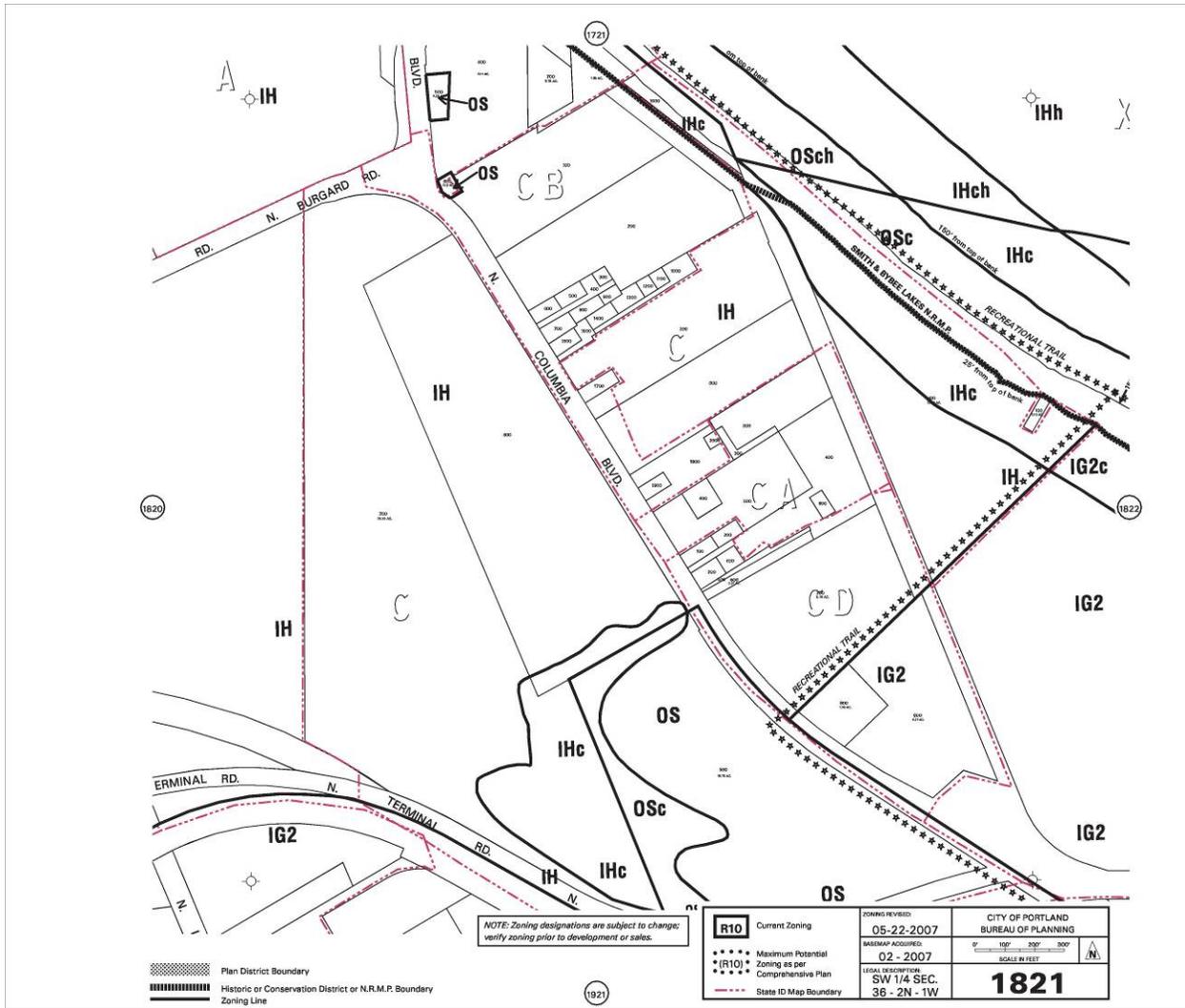


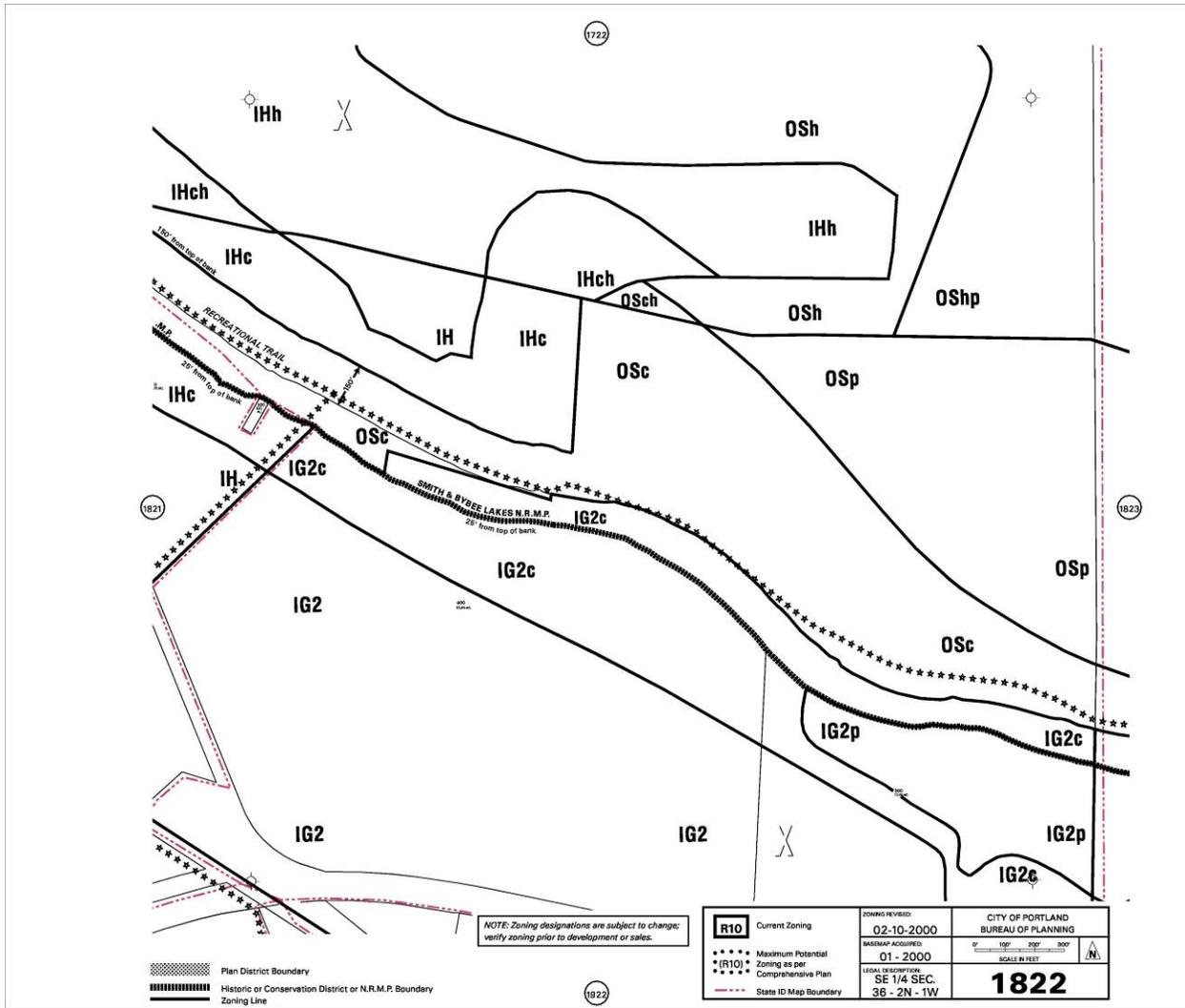


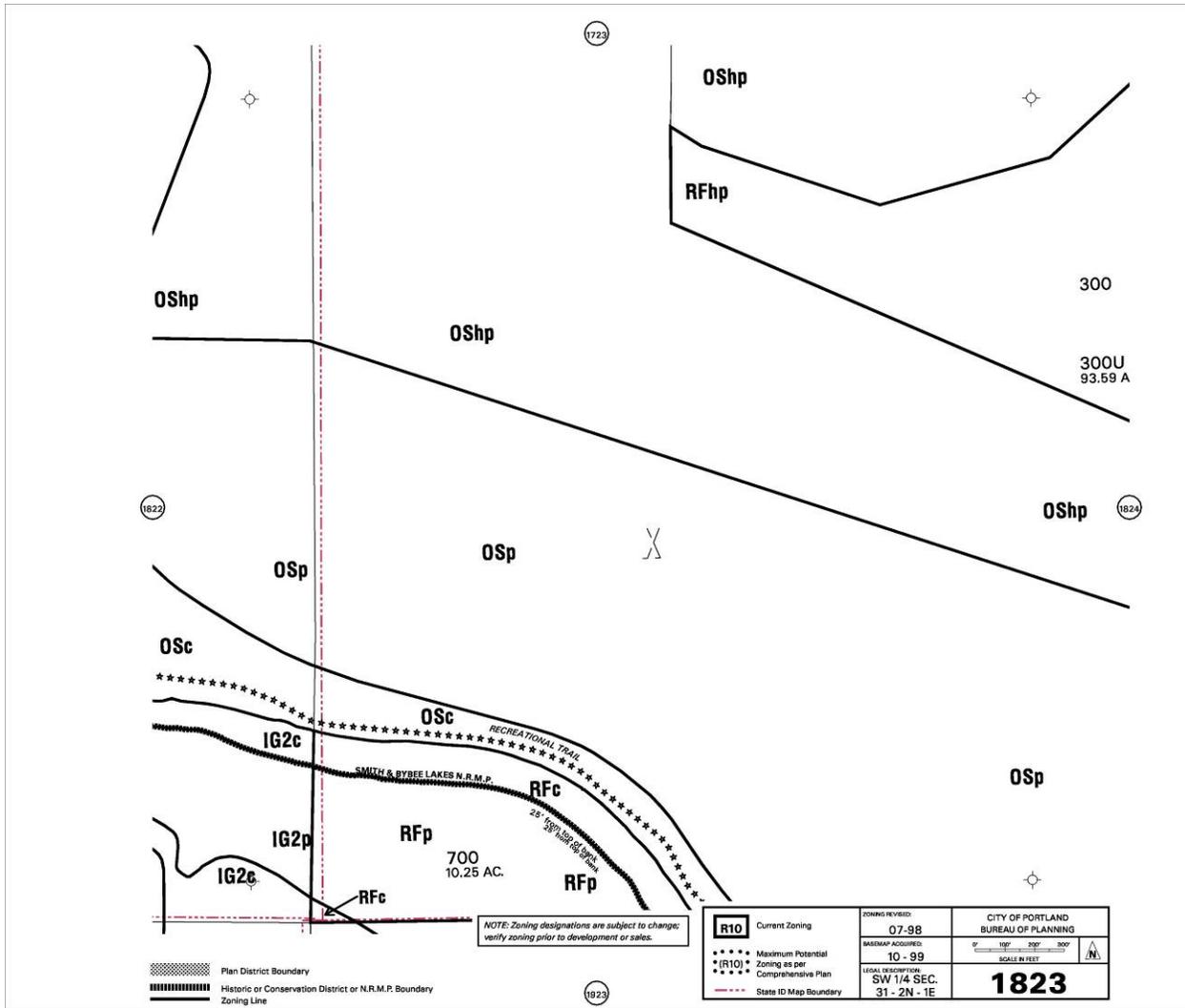












Plan District Boundary
 Historic or Conservation District or N.R.M.P. Boundary
 Zoning Line

R10 Current Zoning Maximum Potential Zoning as per Comprehensive Plan State ID Map Boundary	ZONING REVISED:	07-98	CITY OF PORTLAND BUREAU OF PLANNING
	MAP/AM ACQUIRED:	10-99	
	LEGAL DESCRIPTION:	SW 1/4 SEC. 31 - 2N - 1E	1823

