
**Smith and Bybee Wetlands Natural Area
Advisory Committee**

Dave Helzer, Chair



METRO

600 NE Grand Ave.
Portland, OR 97232-2736

Smith and Bybee Wetlands Advisory Committee Meeting

Tuesday, August 23, 2011

5:30 p.m. - 7:30 p.m.*

Metro Regional Center, 600 N E Grand Ave., Room 270

Portland, Oregon 97232

AGENDA

Welcome and introductions	(Dave Helzer)	5:30 – 5:35 pm
Approve July meeting summary	(Dave Helzer)	5:35 – 5:40 pm
Recology (Food Waste and Storm Water Permit)	(Amy LeCocq)	5:40 – 5:55 pm
Wetland Boundary Adjustment	(Dan Moeller)	5:55 – 6:10 pm
Comprehensive Natural Resources Plan – Document Review and Comments – Outfalls and Mitigation	(Janet Bebb, Dave Helzer)	6:10 – 7:20 pm
General Updates	(Metro, Port, City of PDX)	7:20 – 7:30 pm

**Pizza and Salad will be served due to the length of the meeting*



Smith and Bybee Wetlands Advisory Committee

August 23, 2011

In Attendance:

- Dave Helzer *BES, Chair
- Troy Clark *Audubon, Vice Chair
- Larry Devroy *Port of Portland
- Dale Svart*Friends of Smith & Bybee Lakes
- Pam Arden*40 Mile Loop Trust
- Susan Barnes *OR Dept of Fish & Wildlife
- Carrie ButlerPort of Portland
- Bill Briggs.....Merit Oil Refinery
- Patt Opdyke *North Portland Neighbors
- Amy LeCoqRecology
- Dave Dutra.....Recology
- Peter Branda.....Recology
- Dave Coles.....Coles Environmental
- Katy Weil.....Metro Sustainability Center
- Dan Moeller*Metro Sustainability Center
- Phyllis Cole.....Metro Parks & Environmental Services
- Janet Bebb.....Metro Sustainability Center
- Ty WymanDunn Carey

*Denotes voting SBWMC member

The meeting was called to order at 5:33 p.m., and introductions were made.

Approve July Summary Notes

There was a motion by Patt Opdyke to accept the July 26, 2011 meeting summary notes, and the motion was seconded by Dave Helzer. The motion passed without amendment.

Recology – Food Waste and Storm Water Permit

Amy LeCocq from Recology presented their progress on food waste gathering and storm water permitting. Recology has met with Friends of Smith Bybee as well as the neighborhood association, and operates several material recovery locations, including Metro Central. Amy presented information on the Suttle Road recovery facility to the Committee. Dry waste, metal, wood and other materials are currently recycled. They are going through the application process for a permit to expand the yard debris procedure. The expansion would move the process indoors and enable recycling of food waste. Type 3 waste averages 5% within dry waste. The combined yard and food waste will leave their facility within 48 hours, and a leachate system will protect water. Recology and Coles Environmental have partnered to address drainage management issues. Dave Coles handed out a diagram showing

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flow direction, sloped area and wetland area at the Suttle Road facility, and answered questions from the Committee.

Amy introduced Recology's President, Dave Dutra, and General Manager, Peter Branda, who were also available to answer questions from the Committee. Patt Opdyke asked about the process for cleaning out the building, specifically what cleaning product would be used. Amy replied that water is the only cleaning agent used, and there will be a trench drain for leachates and drainage of waste water; it will not go into the storm water process. Dave Dutra said that the operation is situated on eight feet of fill, and liquid is drained away from the building and leachates are collected within. Recology's storm water permitting operation is proceeding. The public comment period from DEQ concluded August 23, 2011.

Dan Moeller brought up the issue of odor handling, and inquired how this will be done in the retrofit. Amy answered that the building is enclosed, with roll up door for trucks, and will be closed at night. Best management practices include use of bio-filter made from clean discarded wood from the site, which will control odor. Janet asked about the wetlands. Dave Coles showed on the map where surface water flows to a wetlands drain via inverted culvert from the gooseneck into holding ponds, and then through the culvert into Smith Lake. Provision of no new outfalls is part of the rule; the land use process is to gain an exception to this provision. Coles was not sure of treatment from the trucking company or Superior Perlite. A vacuum sweeper truck will be used to clean affected areas. Bill B. said that storm water on his property is controlled by berms. Troy asked for clarification on the storm water management plan and whether Recology had decided on a site. Amy said underground injection control (UIC) processes can't exist in ground water; hence Recology's preferred choice. Underground concrete traps will gather sediment using gravity flow. Capacity is the issue, and the Recology engineers will know the time frame regarding this.

Janet asked about existing outfall capacity. Water is currently going in and out; during summer it flows to a low spot by the BNSF railroad track, during winter outward flow is no more than three months. Troy asked if the culverts were leaking. Briggs responded that he sees water only in winter. Water infiltrates into the wetland in the winter, and during summer it dries up. Janet also asked if monitoring of water quality will be included in the application. Amy and Coles confirmed that stormwater runoff will be monitored. DEQ inspections take place every four to six weeks, and will ascertain if storm water is being controlled. There is an annual City inspection as well. Larry asked if the swale was in the wetland; Coles responded that a surveyor will be coming out to take exact measurements; the map's boundaries are approximate. Mitigation of wetland taken will result in no net loss of wetland. Pam is concerned that food scraps be cleaned out really well. Amy shared that the good neighbor agreement will be kept in good standing, and that best management practices will make sure no nuisances come to the neighborhood. Pam mentioned odor problems at other sites, but was reassured that this will not be a composting site; it is merely a reload facility. Food waste actually is not the biggest odor source, Dave Dutra shared; the anaerobic process is the problem. With weekly pickup they anticipate fewer problems with odor. This winter

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bio-degradable plastic bags will be given out to control volatile organic compounds that will also be growing at a much smaller rate.

Troy recommended to Bill Briggs that he maintain the mitigation plantings beyond the 5 year DEQ requirement. He also suggested that Bill take some additional action to remove other invasive plants that many not be a requirement of DEQ. Recology staff shared that there will be landscaping to conceal site from Smith and Bybee Lakes. There are 1.88 acres of wetland on B. Brigg's property, and 6 acres on Recology's site.

Wetland Boundary Adjustment

Dan Moeller brought question to the Committee regarding the boundary of the wetland adjacent to Merit Oil and Recology. A letter from Mark Pugh of DEQ suggests that the wetland boundary may have been incorrectly drawn.. In the letter Mark indicates that punctuation might have been misinterpreted as actual boundary of wetland. Dave walked the Committee through the map attached. The boundary is set to be tweaked and finessed, according to Chris Scarzello. Dave shared that special management district reflects the NRMP and there may have been some errors in the hand drawn map. The NRMP boundary is not a wetland boundary, but rather where special City Code applies. Dan asked Bill for information on how the wetland boundary was drawn. A mapping error shows the wetland boundary on a raised area that is actually a parking lot. Bill wants the wetland map corrected for accuracy. Dale clarified that panhandle parking lot is included in wetland map. The original plan followed wetlands and resources adjacent to it, not just the wetlands. Dan verified that Bill has applied many times to get this boundary changed.

Patt asked if the parking lot being included is a mapping error. What does it take to get this changed? Dave shared that he has new information: he spoke with Chris S. and that she was investigating what was needed to correct this and other small errors. Chris will be looking to Metro for map adjustments. Janet will need to examine this; there are currently no resources are earmarked.

Larry asked if there were provisions to make tweaks after plan is adopted, and Patt asked if it would be expensive to change things. The answer depends on the nature of the change. If it requires a land use decision, then it's either a type I, II or III depending on whether it meets the development standards or criteria in the zoning code or not. For the boundary questions, under the CNRP each property owner will need to follow the current environmental zoning code. So what matters is not necessarily whether it's in the CNRP boundary or not but whether it has an environmental overlay zone on it appropriately or not.

Dave brought up the question of teeth in CNRP. Answers will come during the pre-app process. The CNRP is just an application for a land use decision; the only unique requirement will be conditions of approval, and this will apply to land use decisions within the boundary. The environmental zoning code in Smith Bybee was frozen in 1990, with adoption of the CNRP projects will use the current zoning codes (it has been modified 16 times since 1990). When asked if a property disassociate itself, Janet said they still have to use the same code unless they wish to apply for a zoning change. The buffering requirement is explicit in NRMP, and is examined in the pre-application. There are still many questions on vegetative

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buffer. Patt asked if the vegetative buffer zone was covered by Title 3. The answer is complicated; Dan said Chris may be able to clarify these and other issues at a future meeting of the Committee.

CNRP - Natural Resources Document Review and Comments - Outfalls and Mitigation

Dave handed out a document on outfalls, showing their status and who regulates them. A map from BES of the Columbia Slough outfalls showed private and ms4 (national stormwater system code for large agencies) municipal stormwater.

These are managed by public entities. The map shows existing conditions, but many smaller outfalls exist than are shown. Policy 22 in NRMP addressed outfalls. BES and DEQ basically manage storm water regulation. BES looks at flow control and water quality, but not all stormwater inputs will be regulated by BES. Outfalls are regulated by DEQ, but design placement would include many entities. BES is responsible for standards of stormwater management, but once it goes through the culvert it is managed by DEQ. There are no new outfalls in the coming document. Dale says that the CNRP will weaken control of stormwater into Smith Bybee. Chris suggested that language be added to the new CNRP that suggests that new outfalls be reviewed by the Committee. This would be in an advisory capacity, not a zoning code decision. It is very difficult (but not impossible) to release input into a wetland. BES stormwater regulations are triggered by development or re-development. Janet asked if someone from BES connected with the Stormwater Manual come to talk with the Committee.

Dave's work group had questions for the Committee: What are the water quality standards the Committee would like to see for Smith Bybee? Does the Committee have specific design considerations for new outfalls? Timing and other questions will need to be addressed as the process moves forward. Pre-app for CNRP is September 13, 2011, and the application will be submitted a couple of months after that. The 120-day rule will then come into play; at this point language can still be inserted. Dave asked if we could get BES and DEQ in to speak. On September 13, 2011, 12:30 to 4:00 p.m., the NRMP is being brought to the Planning Commission to discuss retiring, and they will take this recommendation to City Council. Also, adoption of CNRP questions will be addressed by the City.

Until the application is actually made the document can be modified. Janet asked that people come to the Planning Commission meeting. A statement from the Committee needs to recommend the NRMP be retired on the date of adoption of the CNRP. Chris S. will make that statement, and a Committee member needs to be there; Troy volunteered to attend. There will still be room for fine tuning.

The Committee will submit the CNRP when it feels complete, and changes may well need to be made before this is done to ensure its accuracy. A meeting at the end of September will therefore be necessary. Pam asked about timing and the process of modification and Janet explained time frames. There are tradeoffs to retiring the NRMP and adopting the CNRP; we do lose regulatory standards, but we also gain a

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document that can be changed/updated. We gain a living vision. Janet asked Committee member to call her if they have questions.

Dave said the spirit is mitigation development at impact sites of public land in resource management. The old document (NRMP) stated that Metro and City of Portland would actively solicit mitigation projects, and the CNRP does not address mitigation at all. Dan noted that Metro has taken on a number of mitigation projects, some that were successful and some that in hindsight were not. Jonathon Soll has written up a comprehensive mitigation framework and Dan will send it to the Committee with the next meeting agenda. Dave presented a hypothetical situation: an industrial entity owns a 20-acre wetland near Smith Bybee and the piece is not e-zoned. A developer wants to build a warehouse on the site. This could go two routes; buy a 20-acre filled or degraded wetland and restore it, which would be expensive, or they could approach Metro and ask to fund a project to lift the function of the Smith Bybee wetland, and thus receive a mitigation benefit. The question then arose whether the City could expand into property they own in the Smith Bybee watershed and fix another degraded area; or should they have to go outside their property?

It is clearly a very complex issue. Larry added that when he managed mitigation banking, mitigation was only allowed if it fit in with a master plan for the site, such as a project there isn't money to fix, so the developer pays for it; something that is desired but unaffordable. There is compensation for everything needed to complete and manage the project ongoing; what will the long term costs will be? The flip side to this approach, Dave commented, is a suite of development impacts. The Committee doesn't make the decision as to what mitigations would take place, but could it advise?

Larry would like to see policy that says the Committee could consider mitigation projects. Patt brought up the importance of having the Committee participate in this. Dale added that he would like to see net area gain, not just zero net loss.

Larry shared that the Port would be interested in third party impacts as long as the finances penciled out, and there is always the opportunity for the Committee to weigh in. Janet asked if the Port, City and Metro would like the Committee to be a voice in matters of mitigation. With the realization that parameters would need to be drawn out, there was a generally positive reaction from those entities. A draft policy will be worked up by Larry and Dave and sent out to the Committee. Evaluation of mitigation would be done on each project as it comes up, and the Committee would give its recommendation. A few mitigation projects have been done, but the process hasn't been well coordinated, which led to diminished success. Dave will write a draft policy, and Dan will distribute it. It will be an agenda item for comment by the Committee at next month's meeting.

General Updates

Troy shared that he and Carrie, Larry and Dave, the Sauvie Island Purple Martin expert, went to the Ramsey Lake area recently and chose a good spot with emergent willow for the Purple Martin nesting project. The money is there, a feasible site has been identified, the Port is in

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on it; and he asked the Committee for a sense on how they felt about it. About three old, heavily impacted, decrepit willows would be removed to provide the 100-foot clear area needed for the Purple Martin's approach. This would also help painted turtle habitat. Susan Barnes asked for clarification on the project since she was not in attendance at the July meeting when the project officially began to move forward. The Port already has Purple Martin boxes in Vanport, so there are boxes in the area, but none on Smith Bybee. Troy will lower the poles each winter and remove the gourds for cleaning and storage, and put them back up in the spring. The Port is giving right of entry for Troy to do maintenance. And he was extremely happy to report that he saw three Purple Martins on his landfill walk today. Janet reported that Dan and she are checking the Metro attorney's 1990 IGA that references the NRMP to find anything that its sunseting will leave high and dry. They will report back to the Committee.

Dave said he saw no reference to Smith Bybee Wetlands as an "important bird area" in the CNRP. Dave will send some language over to show that it has been designated as an important bird area on a statewide level. This could lead to grants from Audubon and the federal government.

The Committee was invited an Open House at 4:00 to 7:00 p.m. on August 30, 2011, on notification of planning commission hearing to address areas of concern on sunseting the NRMP. Janet and Chris Scarzello from City of Portland will be there.

Janet asked that people come to City Council on October 12, 2011. There will be the opportunity to sign up and speak for three minutes, and the Committee needs to have a presence there. Janet will let the Committee know the time.

The meeting was adjourned at 7:40 p.m.

**Next meeting:
September 27, 2011
Metro Regional Center, Room 370 A/B
5:30 – 7:30**