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CITY OF PORTLAND  
OFFICE OF PLANNING AND DEVELOPMENT REVIEW  
1900 SW Fourth Avenue, Suite 5000  
Portland, OR 97201

P524

**Land Use Review Notice Enclosed**  
Case # 02-113706 EN

[www.portland180.org](http://www.portland180.org)

PRESORTED  
FIRST CLASS



APPLICANT  
ELAINE STEWART  
METROPOLITAN SERV DIST  
600 NE GRAND AVE  
PORTLAND OR  
97232

CAIKNMS 97232





**Office of Planning  
and  
Development Review  
Land Use Review Division**

1900 SW Fourth Ave. Suite 5000  
Portland, Oregon 97201  
Telephone: 503-823-7300  
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**Date:** April 30, 2002  
**To:** Interested Person  
**From:** Jessica Wilcox, Land Use Review  
503-823-7848

**NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD**

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 19 days, **we need to receive your written comments by 5 p.m. on May 10, 2002.** Please mail or deliver your comments to the address above, and include the Case File Number, LU 02-113706 EN, in your letter. It also is helpful to address your letter to me, Jessica Wilcox.

**CASE FILE NUMBER: LU 02-113706 EN**

**Applicant:** Elaine Stewart, Smith and Bybee Lakes Wildlife Area Manager  
Metro - Metropolitan Service District  
600 NE Grand Ave  
Portland, OR 97232

**Representative:** Berit Stevenson  
9320 SW Aspen St  
Beaverton, OR 97005

**Site Address:** Smith and Bybee Lakes Complex, Near St. Johns Land Fill

**Legal Description:** TL 600 258.16 ACRES, SECTION 31 2N 1E; TL 200 335.31 ACRES PLIT MAP  
R95131-0090 (R501586), SECTION 36 2N 1W

**Tax Account No.:** R951310090, R971360360

**State ID No.:** 2N1E31 00600, 2N1W36 00200

**Quarter Section:** 1622, 1623, 1721, 1722, 1723, 1724, 1821, 1823, 1824, 1923, 1924

**Neighborhood:** St. Johns, contact Ray Piltz at 503-286-5444.

**Business District:** Columbia Corridor Association, contact Stark Ackerman at  
503-224-5560.

**District Coalition:** North Portland Neighborhood Office, contact Tom Griffin-Valade at  
503-823-4524.

**Plan District:** None

**Other Designations:** Smith and Bybee Lakes Natural Resources Management Plan and *Columbia Corridor Industrial/Environmental Mapping Project* Inventory Site 55.

**Zoning:** OS, RF, IH, h, c, p (Open Space, Residential Farm/Forest, and Heavy Industrial base zones with, Aircraft Landing and Environmental Conservation and Protection Overlay zones)

**Case Type:** EN (Environmental Review)

**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

**PROPOSAL:**

The applicant proposes to remove and replace an existing water control structure located within a 75-foot long earthen levee that separates Smith Lake from the North Slough with three, eight-foot by 10-foot precast concrete box culverts along with an additional eight-foot by five-foot precast concrete box culvert that will operate as a fish ladder. The replacement of this structure with a water control structure that provides fish passage and the ability to manage water levels in the lakes will reestablish the connection of the lakes to the Columbia Slough and Willamette River via North Slough. This will restore hundreds of acres of wetlands that were lost because of the permanent impoundment.

The existing levee and floodgate were built in 1982 with the intention of retaining water in Smith and Bybee Lakes for water quality. The water control structure effectively separates the lakes from the North Slough and thus, the Willamette River. Except in rare flood events, the lakes are no longer influenced by the hydrological dynamics of the daily tidal forces and seasonal floods. The permanent impoundment of the lakes has altered the historical nature of the wetlands and converted them to a non-native system. As a result, more than 350 acres of forested wetlands were permanently flooded, killing the trees. Hundreds more acres of emergent wetlands were lost when the lakes ceased drawing down in the spring and summer. The new structure will provide the ability to draw down the water levels in late spring through summer, mimicking the historical hydrology.

The proposal includes partially removing the existing 75-foot long levee, which is dominated by bare ground with some non-native reed canarygrass and Canadian thistle. The remaining portion of the levee will be seeded with native grasses and forbs. The levee may be habitat to a small group of western painted turtles, which are listed as sensitive-critical by the Oregon Department of Fish and Wildlife. To mitigate for these impacts on turtle habitat, the applicant proposes to restore an area known to be nesting habitat for the largest component of the western painted turtle population in the Smith and Bybee Lakes complex. This will be accomplished by excavating and removing the sand to a depth of 18 to 24 inches and replacing it with soil that is close to the Sauvie and Rafton silt loams, which are native to the site and better suited to holding the turtle nest shape. Approximately 0.47 acre of nesting habitat will be improved.

Silt fencing will be placed around all work areas in May to prevent turtles from nesting in the areas before excavation. Equipment staging will be off the site and erosion control fencing and construction staking will delineate grading limits. Nearly all excavation will be performed with a track hoe and small bulldozer. Excavated materials will be used to restore the existing access road and any leftover material will be disposed of off site. Water control during construction will consist of coffer damming against the North Slough and Bybee Lake.

**RELEVANT APPROVAL CRITERIA:**

The project site is located within the Environmental Conservation Overlay zone, as well as the boundaries of the *Natural Resources Management Plan for Smith and Bybee Lakes*. Section 33.430.030 of the Portland Zoning Code stipulates that Natural resource Management Plans may contain regulations that supersede or supplement the regulations of the environmental chapter. This code section identifies the *Natural Resources Management Plan for Smith and Bybee Lakes* as having regulations that may supersede or supplement the environmental regulations of Chapter 33.430.

The *Natural Resources Management Plan for the Smith and Bybee Lakes* identifies environmental projects within the Plan boundaries that are generally consistent with plan objectives. Potential Environmental Project ENV 2 on page 27 of the Smith and Bybee Lakes NRMP identifies the construction of a flood gate in the existing water control structure to be implemented within the plan boundary. The proposed replacement of the existing structure with a water control structure that provides fish passage and the ability to manage water levels in the lakes is consistent with this project.

Therefore, the proposal must be reviewed as "Development in Conformance with the Plan" (shown below) and must meet the approval criteria listed on page 67 of the *Natural Resources Management Plan for Smith and Bybee Lakes*. Development in conformance with the *Natural Resources Management Plan for the Smith and Bybee Lakes* will be reviewed by the City using a Type II procedure.

**I. Development in Conformance**

**Procedure:** Development in conformance with the Plan will be reviewed by the City using a Type II procedure, including projects identified in the Plan that meet applicable e-zone site development standards.

**Approval Criteria:**

- a) The proposed development meets the goals and objectives of the Plan.
- b) There will be no significant negative impacts on the resources covered in the Management Area.

This application was determined to be complete on April 25, 2002.

**DECISION MAKING PROCESS**

The Office of Planning and Development Review will make a decision on this proposal. We will consider your comments, and either:

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Office of Planning and Development Review. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

The file and all evidence of this case are available for your review by appointment. Please contact the support staff at our office, 1900 SW Fourth Ave., Suite 4500, phone 503-823-7967, to schedule a time. Copies of information in the file can be obtained for a fee equal to the City's cost for providing those copies. I can provide some information over the phone. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City's homepage on the Internet at [www.ci.portland.or.us](http://www.ci.portland.or.us).

**APPEAL PROCESS**

If you disagree with the Office of Planning and Development Review administrative decision, you can appeal the decision to the Hearings Officer. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations and low-income individuals appealing a decision for their personal residence may qualify for an appeal fee waiver.

**APPEAL OF THE FINAL CITY DECISION**

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Salem, OR 97310. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Office of Planning and Development Review an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

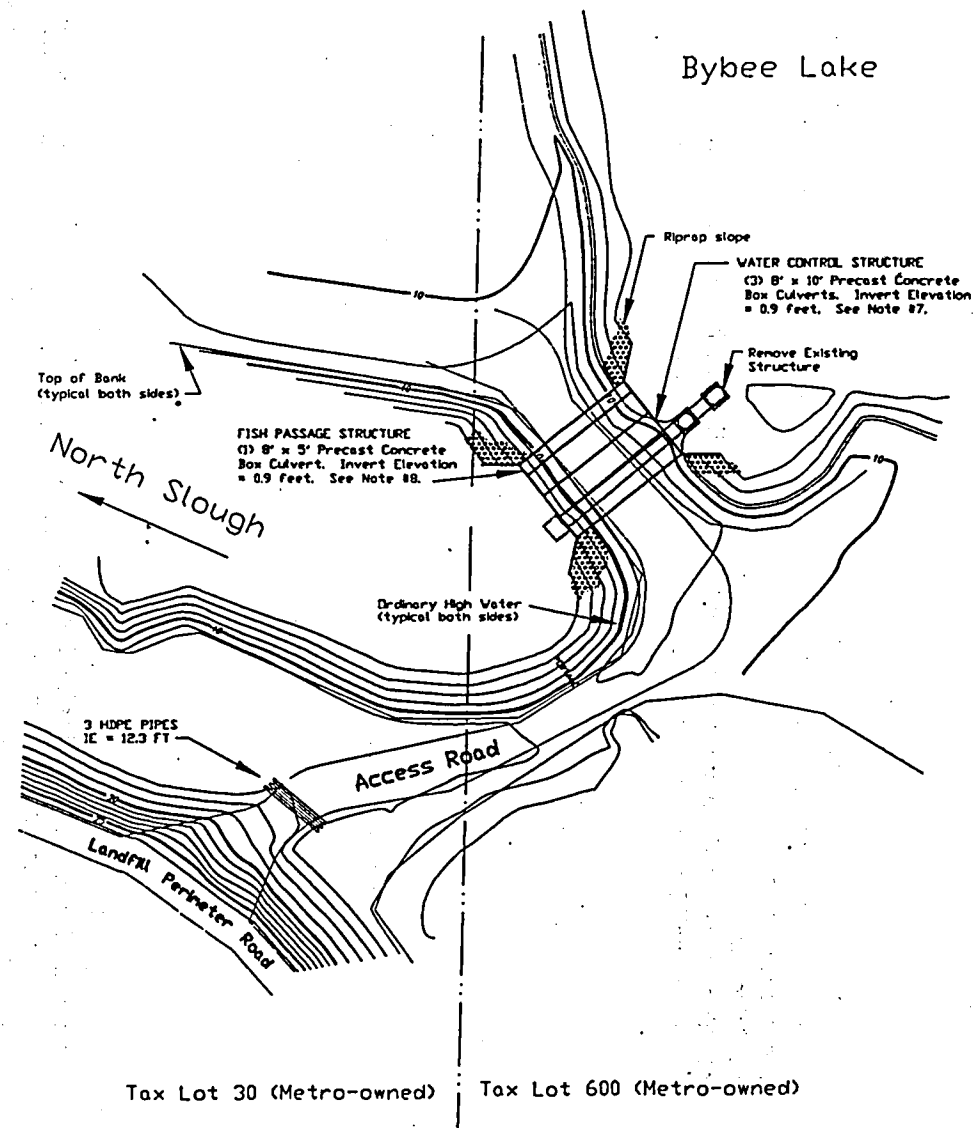
**The Office of Planning and Development Review is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7967 (TTY 503-823-6868).**

**Enclosures:** Zoning Map, Site Plans

SMITH AND BYBEE LAKES WILDLIFE AREA  
PROPOSED DEVELOPMENT PLAN, MARCH 15, 2002

NOTES:

1. Project site is entirely within the EP zone.
2. Project site is entirely within the 100-year floodplain.
3. Contour interval is 2'.
4. Distance to nearest non-Metro property line is > 1000'.
5. No trees will be disturbed by this project. There are no trees or shrubs in the project area.
6. There are no known easements or on-site utilities.
7. The Water Control Structure box culverts shall each be fitted with an assembly for placing wooden stop logs for water level control. The maximum board elevation will be 11.0'.
8. The Fish Passage Structure box culverts shall each be fitted with notched wooden stop logs to form a series of descending pools. The maximum board elevation will be 11.0'.



10 5 0 10 20 30 40 50 60 70 80 90 100

SCALE: 1" = 50'

HORIZ SPC OR N NAD83  
VERT NGVD29

# SMITH AND BYBEE LAKES WILDLIFE AREA CONSTRUCTION MANAGEMENT PLAN, MARCH 15, 2002

## NOTES:

### Disturbance Area:

1. Staging area (load/off-load equipment) will be off-site, on the adjoining landfill perimeter road.
2. Grading limits are delineated by erosion control fencing, as shown.
3. Limits of disturbance coincide with erosion control fencing, and will be staked and flagged during construction staking.

### Excavation Procedures:

4. Excavation area is limited to the structural footprint, plus sideslopes for construction safety and access.
5. The limited quantity of topsoil will not be segregated from other spoils and not separately stockpiled.
6. Excavated materials not used to backfill the new structure will be used to restore the access road, or disposed of off-site.
7. Areas outside the access road, erosion fencing, and cofferdams will not be disturbed.

### Erosion Control:

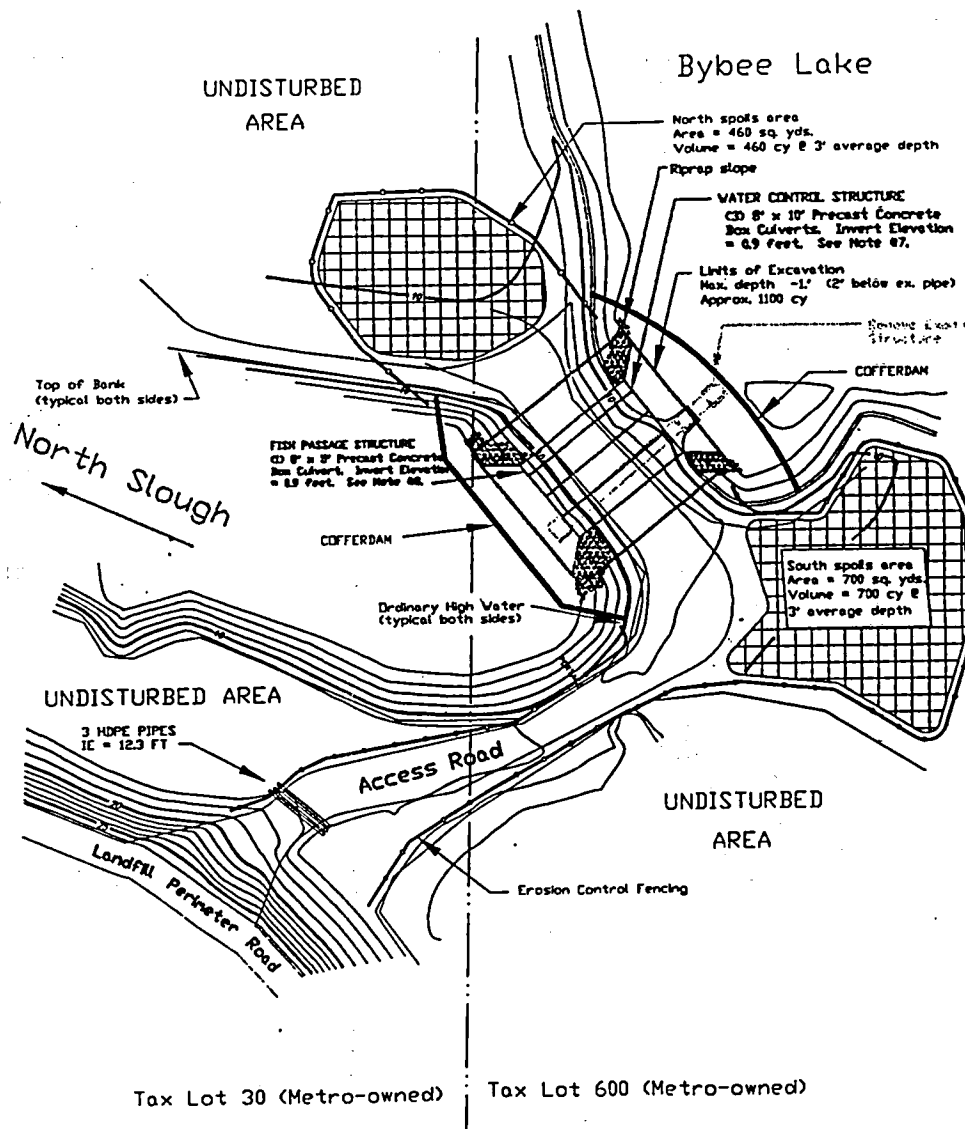
8. Erosion control will be comprised of staked sediment fencing, embedded 6," where shown in the site plan.
9. Water control will consist of cofferdamming against inflow from either North Slough or Bybee Lake. Dewatering pumps will discharge to Bybee Lake.

### Tree Protection Measures:

10. No trees will be within the delineated work area.

### Site Management:

11. All debris will be legally disposed of off-site.
12. No hazardous materials will be used for this project.
13. The Contractor shall provide portable facilities for human waste and litter.



SMITH AND BYBEE LAKES WILDLIFE AREA  
MITIGATION PLAN, APRIL 22, 2002

Hatching indicates area of disturbance to be seeded.

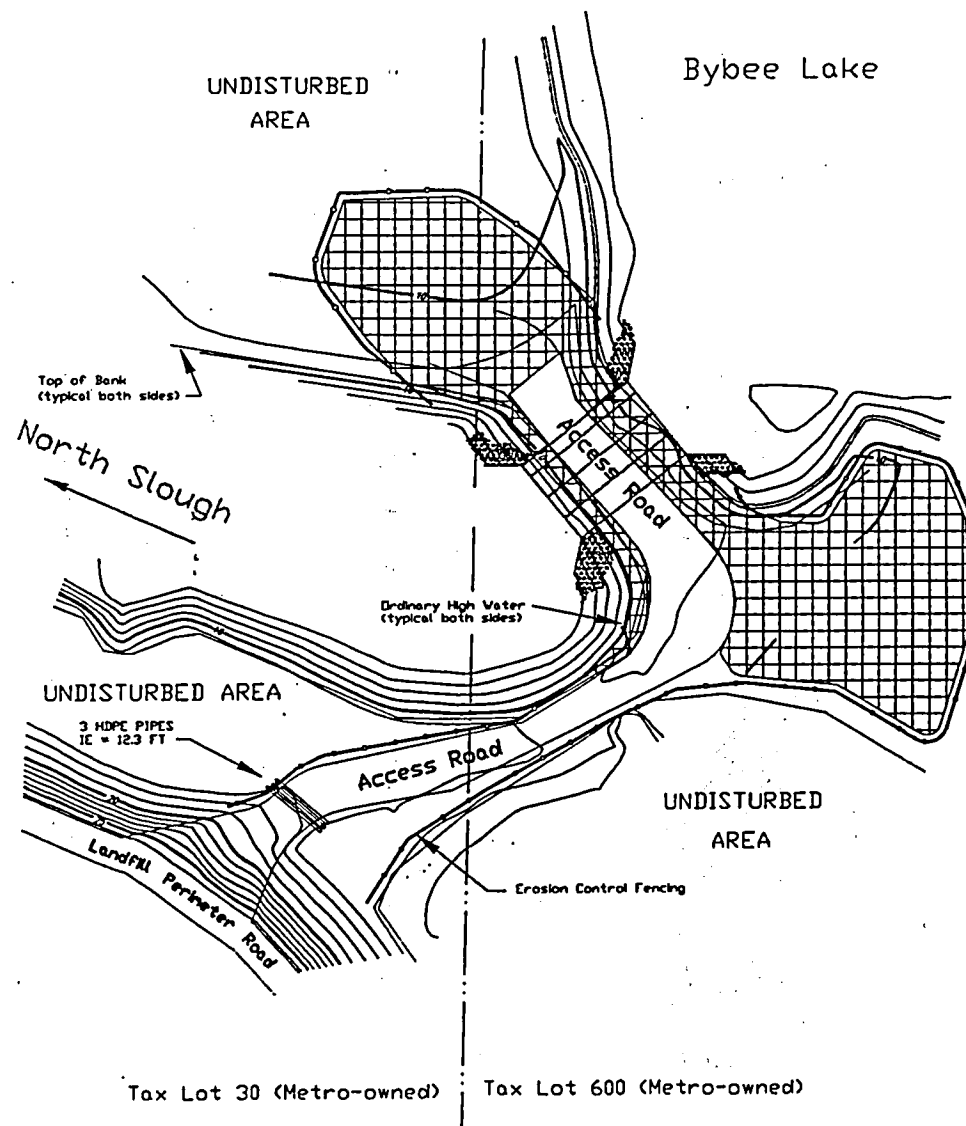
**Seed mix  
(10 pounds)**

*Alopecurus sp.*  
*Agrostis exarata*  
*Aster subspicatus*  
*Bromus carinatus*  
*Bromus sitchensis*  
*Carex stipata*  
*Carex vulpinoidea*  
*Deschampsia elongata*  
*Deschampsia cespitosa*  
*Elymus glaucus*  
*Festuca occidentalis*  
*Hordeum brachyantherum*  
*Juncus acuminatus*  
*Koeleria macrantha*  
*Prunella vulgaris*

10 5 0 10 20 30 40 50 60 70 80 90 100

SCALE: 1" = 50'

HORIZ SPC OR N NAD83  
VERT NGVD29

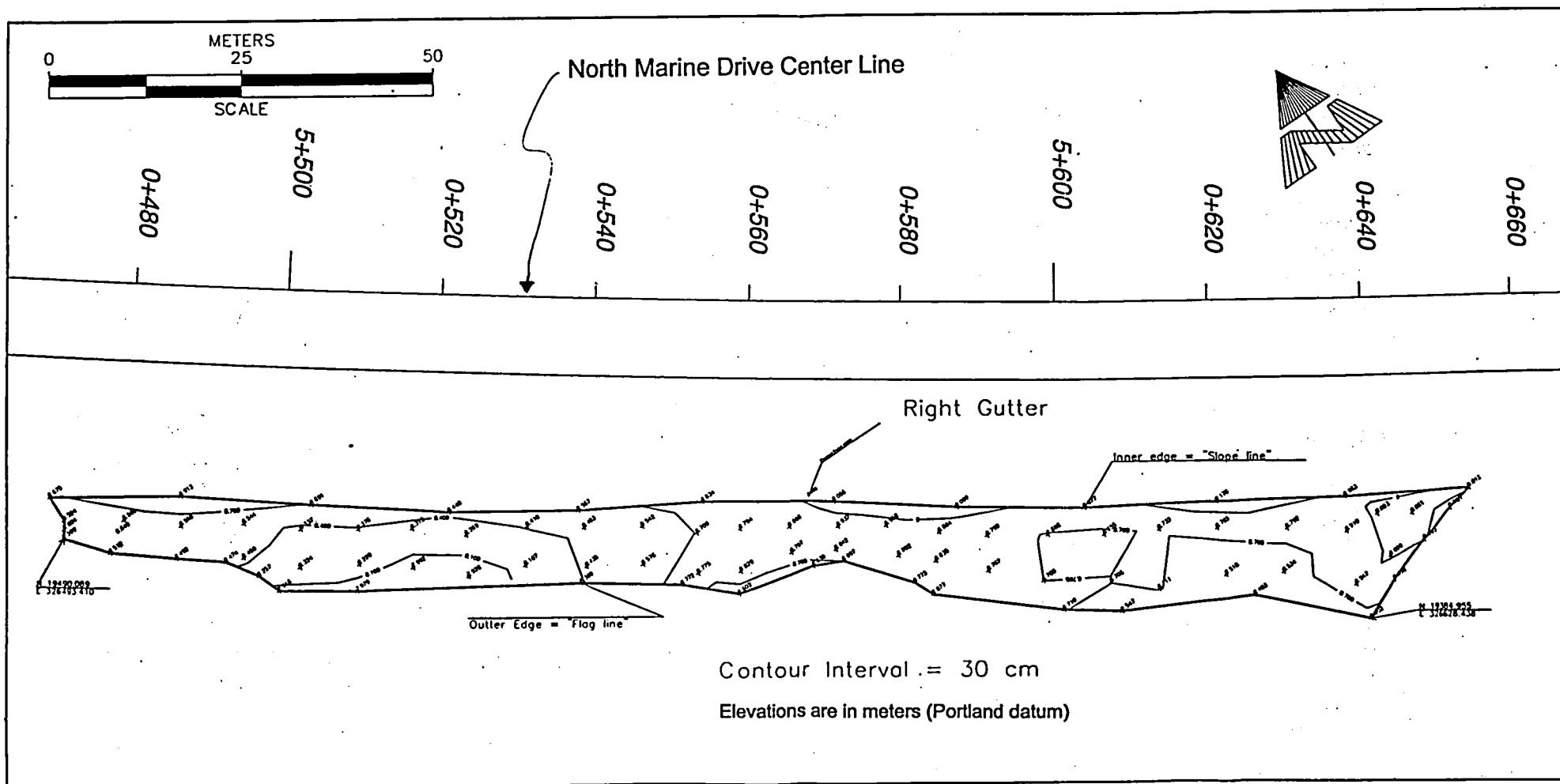


Tax Lot 30 (Metro-owned)

Tax Lot 600 (Metro-owned)

# Surveyed Elevations at Mitigation Site

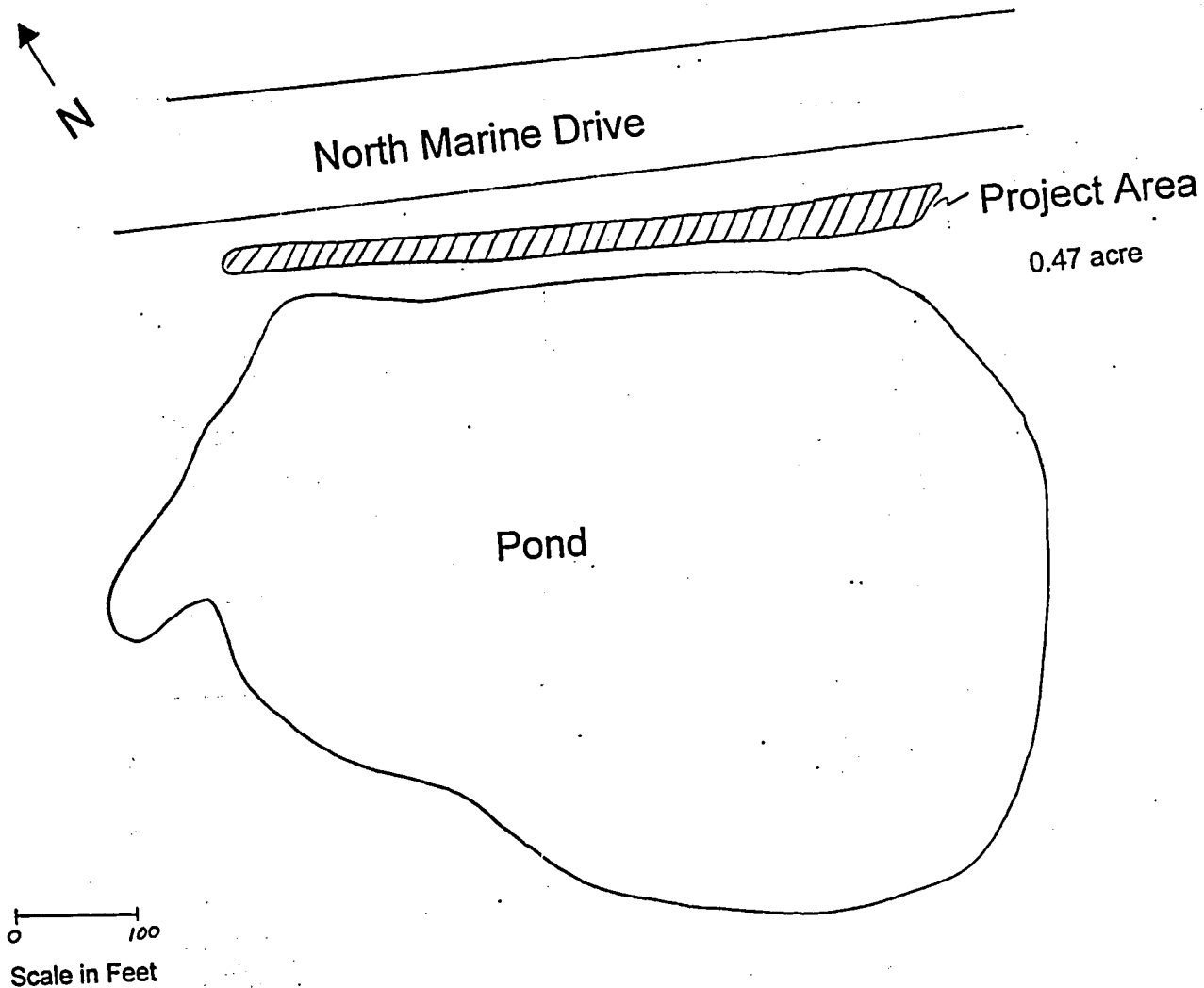
(No changes to elevations are planned)





# Mitigation or Remediation Plan

March 20, 2002



## Seed mix

(13 pounds)

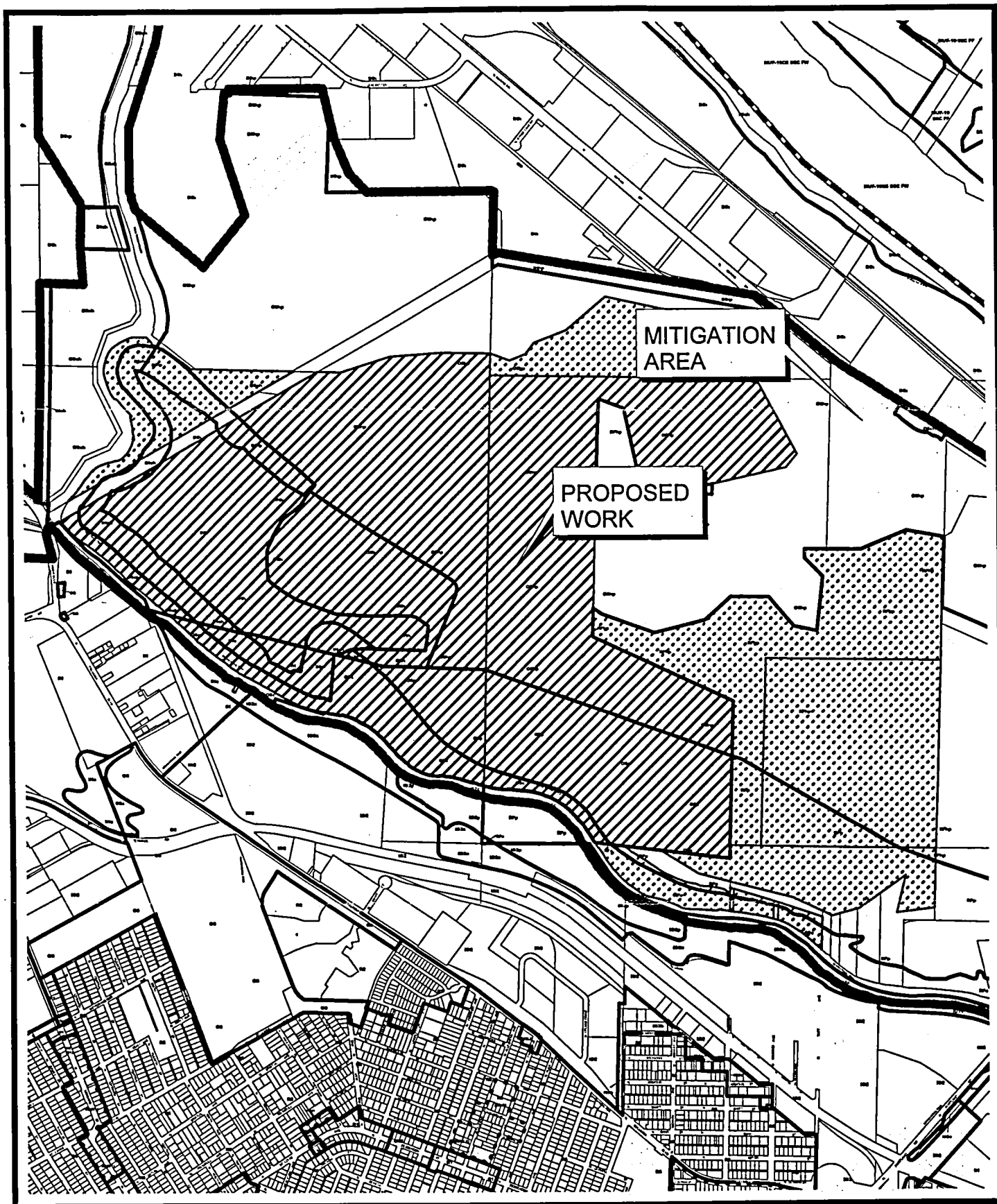
*Alopecurus sp.*  
*Agrostis exarata*  
*Aster subspicatus*  
*Bromus carinatus*  
*Bromus sitchensis*  
*Carex stipata*  
*Carex vulpinoidea*  
*Deschampsia elongata*  
*Deschampsia cespitosa*  
*Elymus glaucus*  
*Festuca occidentalis*  
*Hordeum brachyantherum*  
*Juncus acuminatus*  
*Koeleria macrantha*  
*Prunella vulgaris*

## Woody plant list

(< 50 plants placed at random)

*Cornus sericea*  
*Crataegus douglasii*  
*Malus fusca*  
*Mahonia sp.*  
*Oemleria cerasiformis*  
*Physocarpus capitatus*  
*Ribes sanguineum*  
*Rosa pisocarpa*  
*Salix sp.*  
*Sambucus racemosa*  
*Symphoricarpus albus*

1. Site is part of a 49-acre parcel owned by the Port of Portland.
2. Project area is located entirely within the Smith and Bybee Lakes Wildlife Area.
3. Project area is entirely within the EP zone.



**ZONING**

 Site

 Property also owned

File No. LU 02-113706 EN

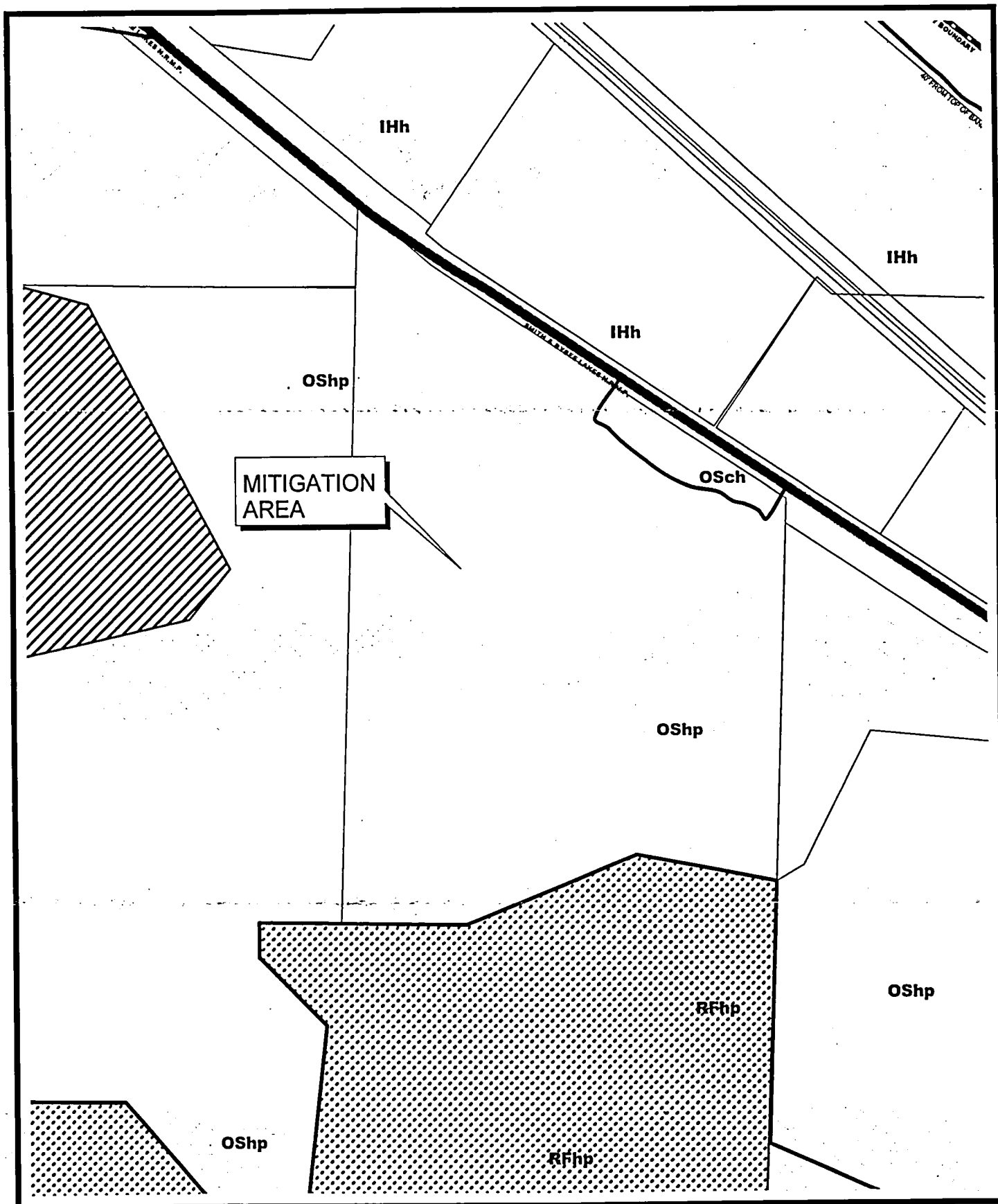
1/4 Section 1924, 1923, 1824, 1823, 1822, 1821  
1724, 1723, 1722, 1721, 1623, 1622

Scale 1 inch = 1500 feet

State-Id 2N1W36 -00200+

Exhibit B (Apr 26, 2002)





# ZONING



Site

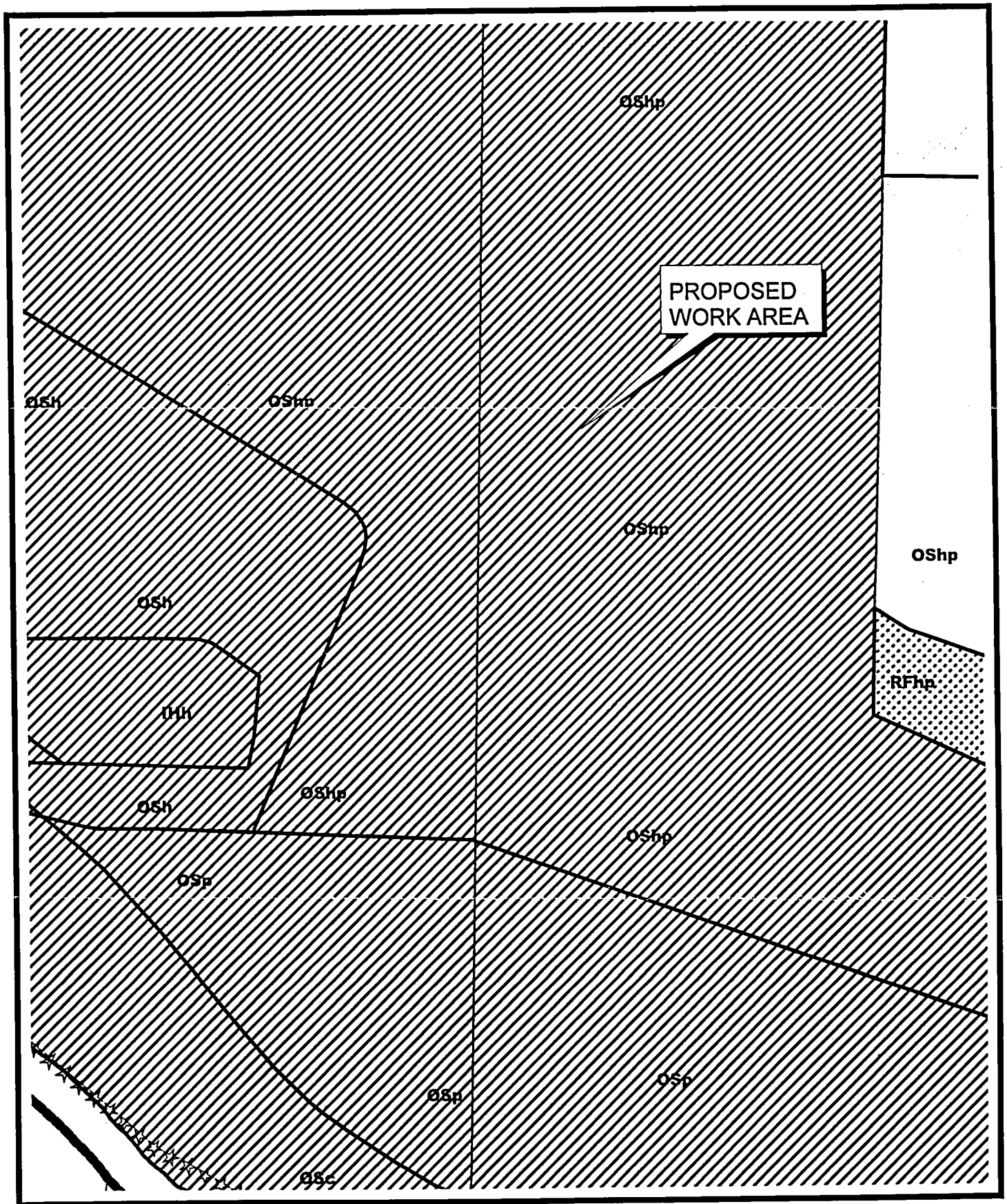


Property also owned



NORTH

File No. LU 02-113706 EN  
 1/4 Section 1924, 1923, 1824, 1823, 1822, 1821  
1724, 1723, 1722, 1721, 1623, 1622  
 Scale 1 inch = 400 feet  
 State-Id 2N1W36 -00200+  
 Fxhihit B.1 (Apr 26, 2002)



**ZONING**

 Site

 Property also owned

File No. LU 02-113706 EN

1/4 Section 1924, 1923, 1824, 1823, 1822, 1821  
1724, 1723, 1722, 1721, 1623, 1622

Scale 1 inch = 400 feet

State-Id 2N1W36 -00200+

Fvhihit B.2 (Apr 26, 2002)

