
METRO

Parks & Greenspaces Department
600 N.E. Grand Avenue
Portland, OR 97232

Memorandum

DATE: April 19, 1999

TO: Councilor Ed Washington

CC: Mike Burton, Executive Officer
Charles Ciecko, Regional Parks and Greenspaces Director

FROM: Heather Nelson Kent *JM for HN*

SUB: Smith and Bybee Lakes Management Committee

In response to your request, provided below is information regarding the composition of the Smith and Bybee Lakes Management Committee.

The Natural Resources Management Plan for Smith and Bybee Lakes, adopted in 1990, sets forth the policies for management of the lakes area including the policies regarding membership, roles and responsibilities of the Management Committee. Attached please find the policies that relate to the Management Committee.

At the time of the Management Plan adoption, the policy was specific regarding the membership on the committee, designating a representative from the Peninsula Neighbors, which was a coalition of neighborhood associations in the vicinity of the lakes area. Since that time, Peninsula Neighbors has dissolved, leaving no clear policy in the Management Plan for designation of this citizen representative. Any changes to the Management Plan would require an amendment to the original 1990 land use decision.

Because there is no representative from North Portland on the committee, Emily Roth contacted City of Portland Office of Neighborhoods to ask for their assistance. Chairs from the neighborhood associations in North Portland met and agreed that they would solicit applications from their neighborhoods and work together to designate a representative to the committee.

Despite this agreement among the chairs, the St. Johns neighborhood association acted unilaterally to designate their own representative, Kevin O'Sullivan, as the North Portland representative to the Management Committee. The chair of the St. Johns neighborhood

association explained to the other members the process that was being conducted and, rather than designating O'Sullivan simply as their designee, the association voted to appoint him as **the** North Portland representative to the Management Committee.

The question for the Management Committee now is, does it recognize O'Sullivan as the citizen representative for North Portland or wait for the other neighborhood associations to act?

This is all the information that I have at this time. Please contact me with further questions.

POLICIES

The following Policies developed as part of the *Smith and Bybee Lakes Management Plan* provide the basis for implementation and management of the lakes area in a manner consistent with and supportive of the goals and objectives of the Plan. The Policies provide the basis for the specific management Actions which immediately follow.

Policy 1 Management of the St. Johns Landfill site shall be subject to the terms and conditions of any in-force landfill lease or ownership agreement between the City and the Metropolitan Service District (Metro), and subject to any in-force permit from the State of Oregon.

Policy 2 Except the St. Johns Landfill site, the City of Portland shall assign all City-owned and/or City-managed properties within the Smith-Bybee Management Area to the Bureau of Parks and Recreation.

Policy 3 The Plan recognizes the Oregon Department of Fish & Wildlife's Non-Game Management Plan and shall meet the goals and objectives of the Plan through the City's management of the Smith-Bybee area.

Policy 4 Metro shall establish and manage a trust fund entitled the "Smith and Bybee Lakes Trust Fund" for acquisition of land within the Smith-Bybee Lakes Management Area; and for the development, operation, and ongoing maintenance of the recreational, educational, and environmental facilities and programs proposed by the *Smith and Bybee Lakes Management Plan*.

As the agency with appropriation authority over the Smith and Bybee Lakes Trust Fund, Metro will be the Trust Fund Manager.

Money for the Trust Fund shall be made available from funds reserved for implementation of the *St. Johns Landfill End Use Plan*. The Trust Fund may be augmented by contributions and appropriations from other sources.

Interest earned by the Trust Fund's principle shall be appropriated to the Trust Fund.

The Trust Fund shall be maintained as an endowment fund to provide for the ongoing maintenance and operation of recreational, educational, and environmental facilities and programs. Appropriations from the Trust Fund may also be made for acquisition of land and for development of facilities called for by the Management Plan provided that these appropriations do not endanger the facilities and programs dependent on the endowment income. It shall be the responsibility of the Management Committee to develop and submit to the Portland City Council or the Metro Council for approval annual budgets for the Trust Fund.

Policy 5 The Trust Fund Manager shall form a Management Committee to oversee implementation of this Plan and provide ongoing policy guidance. The Committee will include but not be limited to the following, or their representatives:

- Superintendent of Parks and Recreation
- Administrator of the Bureau of Environmental Services
- Director of the Port of Portland
- Director of the Oregon Department of Fish and Wildlife

- Executive Officer of Metro - Jim M.
- Metro Councilor - Ed
- President of Portland General Electric
- President of the Friends of Smith and Bybee Lakes ✓
- President of the 40 Mile Loop Land Trust
- President of the Board of the Portland Audubon Society
- A representative of other private landowners within the Management Plan boundary, if any.
- President of Peninsula Neighbors

The Management Committee is the principal advisory body to the Trust Fund Manager. A primary responsibility of the Management Committee is to develop and recommend a budget to the Trust Fund Manager for approval. Duties of the Management Committee shall include:

- review and recommend for approval acquisition of land within the Management Area;
- general oversight for development, maintenance, and operation of recreational and educational facilities within the Management Area; and
- recommendations for environmental programs within the Management Area except as provided for or required elsewhere (e.g., the *Revised Closure and Financial Assurance Plan*, *St. Johns Landfill*, by Oregon D.E.Q. permit, etc.).

The Trust Fund Manager will be responsible for designating the chair of the Management Committee or the process through which the chair will be determined.

Policy 6 The Smith and Bybee Lakes Trust Fund Manager may enter into agreement with landowners for the purpose of obtaining public recreational use of lands within the Smith-Bybee area. Such agreements are limited to a term of 5 years but may be renewed.

Policy 7 The Trust Fund Manager may negotiate with owners of land within the Smith-Bybee area for the purpose of acquiring such land in order to better achieve the goals and objectives of the *Smith and Bybee Lakes Management Plan*. Such negotiations shall be limited to willing sellers with every effort being made to accommodate sellers without delay. Funds reserved for the implementation of the *St. Johns Landfill End Use Plan* shall be made available to accomplish these acquisitions.

Policy 8 The City of Portland, as authorized by the Trust Fund Manager, shall construct the projects designated in this plan which facilitate recreation access to Smith Lake and its periphery. These include a parking lot, canoe/small boat launch facilities, trails, and an interpretive center. Funds originally reserved for the construction of facilities as part of the implementation of the *St. Johns Landfill End Use Plan* shall be made available to accomplish these projects to the extent funding limitations allow.