

West Hayden Island Project – Phase 2 Final WHI Advisory Committee Charter

I. Project Purpose:

Through Resolution #36805, City Council has directed the Bureau of Planning & Sustainability to develop a legislative proposal for annexation of West Hayden Island (WHI) to the City with the intent to protect at least 500 acres as open space, and identify no more than 300 acres for future deep-water marine terminal development. The bureau will bring a proposal to City Council for their consideration by December of 2011.

The project will include consideration of annexation, Comprehensive Plan designations, zoning and WHI Plan District designations for WHI, consistent with statewide planning goals, statutes, and state, regional, and local regulations. The City uses a “plan district” framework, as defined in the Portland Zoning Code, to implement locally specific area plans. It is envisioned that any WHI Plan District would establish the zoning for the property and allowed uses if approved by City Council. The WHI Plan District would be intended to provide a decision-making framework for future review of specific proposals. Any WHI Plan District would not provide immediate authorization for specific development at this time, and therefore no state or federal permit applications will be part of this process.

There will be stakeholder involvement and a public involvement program. Consultants with subject expertise will be used to provide background technical information and analysis to inform this process.

II. Project Objectives:

1. Evaluate information and assumptions presented by staff and consultants, pursuant to City Council Resolution 36805.
2. Produce a long-term vision and long-range plan for West Hayden Island that may serve as a foundation for an annexation decision to be considered by Council in December 2011.
3. Define desired types of industrial development, recreational use, and/or environmental protection and restoration opportunities.
4. Define a street plan, land use, and open space concept plan, based on the City Council’s parameters.
5. Identify needed infrastructure improvements and a strategy for phasing public and private investment to support the recommended vision or address deficiencies to serve existing development.
6. Identify future actions and policies that will enhance the quality of and facilitate further development of the recommended West Hayden Island vision.
7. Coordinate West Hayden Island planning with the Environmental Program update for East Hayden Island and the Columbia River southern bank.
8. Complete the West Hayden Island planning process by December 2011.

III. Policy Context

As part of all planning processes, the City of Portland must consider Oregon Statewide Planning Goals, the Metro Urban Growth Management Functional Plan (UGMFP), and the City of Portland Comprehensive Plan Goals and Policies. In 1983, West Hayden Island was brought into the Urban Growth Boundary for marine industrial land use purposes. WHI is designated as Marine Industrial Land on the Metro 2040 Growth Concept Map and as a Regionally Significant Industrial Area on the Title 4 map. WHI is identified by Metro as a high value riparian area and a Habitat of Concern in the regional natural resources inventory, and as a Moderate Habitat Conservation Area in Title 13, and requires the City to develop a district plan in cooperation with the Port to address the moderate HCA designation.

IV. Project History (Phase 1)

In the summer of 2007, the City began preparation of the Hayden Island Plan (for that portion of the island east of BNSF railroad tracks), which does not include WHI. The Hayden Island Plan was scheduled to coincide with the work on improvements planned for the I-5 corridor across Hayden Island, known as the Columbia Crossing. The City also initiated a new WHI planning process at that time, to respond to the regional policies noted above, and to ensure that plans for the future of WHI are closely linked to plans for the rest of Hayden Island, and the Columbia Crossing.

During Phase I of the WHI Project, a Community Working Group (CWG) was formed and met monthly to hear consultant updates on the Economic and Environmental Foundation Studies that would inform their discussions. Their charge was to advise City Council on how marine industrial, habitat, and recreational uses might be reconciled on WHI and, if they determined that a mix of uses is possible on WHI, to recommend a preferred concept plan. The CWG created a set of principles (Attachment A) that will guide further planning in Phase II.

During phase one the City hired ENTRIX inc. to produce several Foundation Studies, providing background information about the environmental and economic aspects of the project. A number of other white papers were also produced by staff.

To help City staff in reviewing these products, a Technical Advisory Pool (TAP) was also created. The TAP functioned as a pool of experts on issues related to the West Hayden Island project. The TAP met intermittently to review information and provide their technical comments. Their comments are available on the project website. TAP members included representatives from Federal and State environmental and economic agencies, Metro, City Bureaus, PDC, Portland Audubon, and the Port of Portland.

In July of 2010 the City Council received a report from the CWG, and after hearing extensive public testimony, City Council directed the Bureau of Planning and Sustainability to develop a legislative proposal for annexation of West Hayden Island to

the City with the intent to protect at least 500 acres as open space, and identify no more than 300 acres for future deep water marine terminal development.

For more information, and specific project documents, refer to the project website: <http://www.portlandonline.com/bps/index.cfm?c=49815>.

V. Advisory Committee Charge

The primary function of the WHI Advisory Committee in Phase II is to serve in an advisory capacity on the West Hayden Island Project and related programs. Members of the Advisory Committee will help ensure that: the project objectives are being met, the project stays on track, the work is done in a transparent way, and the result is within the framework of City Council's Resolution 36805 and is consistent with the IGA and Work Plan adopted by the City Council and the Port. Members of the Advisory Committee will help:

- Shape the scope and accuracy of technical reports to City Council regarding additional questions about possible marine industrial development on WHI;
- Shape the language of a plan district for possible habitat, natural resource and recreation improvements and possible future marine industrial development on West Hayden Island, which should include requirements and standards that (may or will) guide future development activities; and
- Consider and integrate public input as part of their guidance to City staff

These responsibilities will be carried out by performing the following functions:

- Reviewing background materials to understand phase one of the WHI project;
- Advising staff on consultant scopes of work and hiring; in addition to including a member of the Advisory Committee or a person chosen by the Advisory Committee on all consultant selection committees;
- Reviewing changes in project activities or timeline, if those occur,
- Reviewing and commenting on the development of the concept plan (s); and offering comments to the Planning and Sustainability Commission;
- Advising staff on the formation of expert panels to review consultant and staff reports for technical accuracy;
- Advising City staff as they explore potential solutions to communications issues raised by the public as well as receiving public input to inform their project discussions;
- Advising City staff on ways to solicit public input on the plan district, and other legislative documents and also how to incorporate public input into the proposed planning documents; and
- Attending Council work sessions and Port Commission check-ins as needed to offer comments on project activities and progress.

The major process steps include:

1. Create site development alternatives (300 ac. terminal and 500 ac. habitat).
2. Develop WHI Evaluation Criteria based on CWG Working Principles and others to be developed.
3. Evaluate and modify alternatives to get a preferred alternative.
4. Develop an agreed to approach and perform a cost/benefit analysis of preferred alternative.
5. Conduct Economic, Social, Environmental and Energy Analysis on preferred alternative
6. Make recommendations regarding:
 - a. The preferred alternative including:
 - i. What conditions should be included as part of the initial zoning and annexation agreements.
 - ii. What issues/conditions can be addressed as part of an eventual development review process.
 - b. Whether costs outweigh benefits for the preferred alternative

VI. Membership

The Mayor has appointed 12 members to participate on the Advisory Committee. One seat will be filled by the Port of Portland. There are two EX Officio members: the City's Bureau of Planning and Sustainability and the City's Bureau of Environmental Services. The remainder of the membership will include people who live on Hayden Island and representatives from environmental and economic interest groups and organizations. Each appointee may also have an alternate.

Due to the complexity of the process, it is best to have one person represent each interest throughout the planning process to maintain continuity of discussion and recommendations. If necessary, AAC members may identify an alternate to represent them in their absence, preferably at the outset of the process.

It will be the responsibility of the primary AC member to keep the alternate informed so they can represent their group in case the primary AC member is absent. Alternates may attend AC meetings, but will not sit at the main table or vote, unless they are substituting for the primary AC member. Notice of substitution must be submitted to the AC facilitator in advance of AC meetings.

AC member resignations, changes, and replacements must be submitted in writing to the AC facilitator by the representative interest group/organization. As noted above, Mayor Adams or his designee will make all appointments to the AC, including replacements of existing AC members due to resignations or extended absences, based on nominations from the process interests, except for alternates, which may be named by appointees to the committee.

VII. Project Staff

The City will staff the AC process. A list of project staff and their roles can be found at www.portlandonline.com/bps/whi. Their goal is to provide a process that will be open, honest, and transparent with a special emphasis on early involvement in providing policy-setting input.

The project staff commits to:

- 1) Clearly define opportunities where the public can provide timely input so that there is an opportunity to affect change.
- 2) Be accessible, inclusive, meaningful, regular, timely, open, fair, and honest. This includes providing information in as much advance as practical.
- 3) Ensure a collaborative involvement process between the City and stakeholders, and meet the planning timelines of the City.
- 4) Provide an ongoing record of public input, questions, and responses, as well as a mechanism to make this information available to the public.
- 5) Include periodic community-based meetings in Portland where the public will be updated on committee activities and have the opportunity to inform policy-making.
- 6) Provide the public with a way to stay involved and informed during the process.
- 7) Provide interactive meetings with small group breakouts, which distinguish between information and input opportunities in public meetings.
- 8) Wherever possible, design interactive formats for all meetings to ensure a balanced and fair discussion of issues, ensuring all perspectives are heard.
- 9) Provide the AC with the relevant, objective information, in a timely fashion, necessary to make informed decisions. Presentations will provide the facts – pro and con – surrounding the issues in a readily understandable format.
- 10) Provide the big picture context and interconnections surrounding all issues, before asking the AC to make a recommendation.
- 11) Be responsive to AC requests for information and process support, be clear and transparent about staff positions, and be open to carefully considering AC recommendations.
- 12) Provide for an equally balanced process for all natural resource and economic elements of the project.

VIII. Technical Advisory Committee (TAC) and Technical Advisory Pool (TAP)

Technical experts will be selected by staff with the advice of the Advisory Committee to review staff and consultant studies, to offer feedback and suggestions for changes before the reports are released for public use. Some example panels may include specialty planning/design panels, environmental specialist panel to review/discuss NRI or site layout impacts on the island habitats, regional policy makers, and expert's panel to look at land management options and rail analysis panels. The NRI will be completed for Hayden Island as a whole and will include the southern back of the Columbia River.

City staff and other technical experts will be chosen to participate in technical panels based on their expertise in the subject matter of the studies. Members of the TAP (see below) from Phase I may be included in the pool of candidates for the panels.

The Technical Panels may meet for a ½-day workshop after reviewing reports, consultant studies or other work to offer feedback. They may also be asked to meet with the Advisory Committee to provide a summary of suggested changes/modifications for the specific report they are assigned to review.

The TAP, set up under Phase One of the project, would be transitioned into a pool from which to pull people into the Technical Panels, as well as to provide e-mail updates on project activities.

IX. Retained Technical Consultants

The City will retain consultants based upon feedback of the AC.

X. The Facilitator

An independent facilitator has been hired as a process manager by the City, separately from the other consultants. He will assist the AC and staff. He will also facilitate AC meetings and provide advice on the public involvement program. The facilitator's "client" is the AC process, but neither AC membership, nor process participation is a substitute for independent legal or other professional advice. That is the responsibility of the process participants. The facilitator will be responsible to ensure the AC process is fair, well run, and productive. The facilitator will be available as a resource to the City for minor conflict resolution and process improvement suggestions. As a neutral collaborative process provider, the facilitator will not act as an advocate for anyone on any substantive issue. However, the facilitator may propose substantive suggestions for AC consideration, but will not make decisions on substantive issues.

The Institute *for* Conflict Management, Inc. (ICM, or the facilitator) has been hired for this process. ICM's Executive Director, Sam Imperati, will act as the facilitator. ICM, Sam Imperati, and any subcontractors are not employees of any participant. ICM's written contract is available for review. The facilitator will not be influenced by payment source. The City has agreed that his status of facilitator will not be changed without first consulting with the AC.

The facilitator may have non-confidential, informal communications and perform facilitation activities with staff and AC members, between and during meetings. The facilitator will address situations where it appears a participant is not acting according to this Charter or if it appears probable that the AC will be unable to fulfill its Charge.

XI. Meeting Schedule and Process

The Advisory Committee will meet monthly from November 2010 to December 2011, or as required to keep track of issues and the progress of the project.

The Facilitator and City staff will prepare the Agenda for Advisory Committee Meetings, and organize, and schedule them.

XII. Public Involvement

A detailed Public Involvement Program for this planning process can be found at the project website. (www.portlandonline.com/bps/whi) As the City staff involves the broader community in the issues that the AC will be exploring, they will be providing summaries to the AC for their consideration and comment.

XIII. Collaboration Protocols

A. Quorum

A quorum is a simple majority of voting AC members or their alternates. If there is no quorum, the facilitator can cancel/reschedule or conduct the AC meeting and send all meeting notes and materials to the members for voting at the next meeting.

B. Open Meetings

Meetings of the AC, TAC, and AC subcommittees are open to the public and will include an opportunity for public comment. Notice of AC meetings will be posted in advance of meetings on the joint project website. Notice of subcommittee meetings will be posted in advance of meetings. AC and AC subcommittee meeting summaries will be posted on the website as soon as possible following each meeting.

C. Public Comment

The facilitator will provide periodic public comment opportunities for non-AC members during meetings before AC makes a decision. Comments from the public will be limited in time to allow sufficient opportunity to conduct the other portions of the AC agenda. Typically, comments will be limited to a maximum of three minutes per person. The public is encouraged to submit written comments to project staff for circulation to the full AC.

D. AC Member Commitments to Each Other

The AC members, project staff, and participants will participate in good faith, which means:

- 1) Prepare for and set aside time for the meetings and the whole process,
- 2) Participate fully, honestly and fairly, commenting constructively and specifically,

- 3) Speak respectfully, briefly and non-repetitively; not speaking again on a subject until all other members desiring to speak have had the opportunity to speak,
- 4) Allow people to say what is true for them without fear of reprisal from AC members, the City, or the Port,
- 5) Avoid side conversations during meetings,
- 6) Provide information as much in advance as possible of the meeting in which such information is to be used and share all relevant information to the maximum extent possible,
- 7) Generate and explore all options on the merits with an open mind, listening to different points of view with a goal of understanding the underlying interests of other AC members,
- 8) Consult appropriately with their interest groups/organizations and provide their input in a clear and concise manner,
- 9) Agreeing to work toward fair, practical and durable recommendations that reflect the diverse interests of the entire AC and the public,
- 10) When communicating with others, accurately summarize the AC process, discussion and meetings, presenting a full, fair and balanced view of the issues and arguments out of respect for the process and other members,
- 11) Success depends on a full airing of the ideas and opinions of each committee member. Members should be forthcoming and honest during discussions and in the consensus process. When a consensus recommendation is reached, each member owes it to the others and to the process to not attempt to effect a different outcome outside of the AC process once the AC has reached a consensus recommendation,
- 12) Strive vigorously for consensus and closure on issues, and
- 13) Self-regulate and help other members abide by these commitments.

XIV. Decision-Making Process

The Committee serves in an advisory capacity and its input will inform project activities. The Committee is not a decision making body.

The Planning & Sustainability Commission will make recommendations to City Council, who will make all final decisions regarding the concept plan(s) and annexation. The Port Commission, as owner of the property will make final decisions regarding design and implementation of development on West Hayden Island, in accordance with all applicable local, state, and federal regulations. As an advisory body, this committee should strive to craft and recommend approaches and solutions that are workable for a wide range of needs and interests, including feasibility of terminal development and should work towards completion of several concept plans by December 2011.

The group should engage in open and constructive dialogue to ensure that potential solutions are well tested and that diverging opinions are aired, discussed, and documented.

A. Developing Recommendations

The facilitator will assist the AC in identifying objectives, addressing the diversity of perspectives, and developing substantive, practical recommendations to implement its Charge. The AC will use a *Discussion Draft* process and a *Consensus Decision-Making* model to assist the process. The AC will make draft recommendations on an “issue-by-issue” basis, and then final recommendations as a “package” at each milestone, and again at the conclusion of the process.

B. Representative Voting

Each AC member will have one vote except those non-voting members (Ex Officio members are the City of Portland Bureau of Planning and Sustainability and the Bureau of Environmental Services .) A vote represents that the member will recommend to his or her organization or group that they should support or oppose the voted-upon proposal consistent with the member’s vote. The names of those voting in favor and those voting against a proposal will be noted and included in the AC’s recommendations and the City staff recommendations to the decision-makers.

C. Consensus

Consensus decision-making is a process that allows AC members to distinguish underlying values, interests, and concerns with a goal of developing widely accepted solutions. Consensus does not mean 100% agreement on each part of every issue, but rather support for a decision, “*taken as a whole.*” This means that a member may vote to support a consensus proposal even though they would prefer to have it modified in some manner in order to give it their full support. Consensus is a process of “*give and take,*” of finding common ground and developing creative solutions in a way that all interests can support. Consensus is reached if all members at the table support an idea or can say, “*I can live with that.*”

C.1. “1-2-3” Consensus Voting Method

The facilitator will assist the AC in articulating points of agreement, as well as articulating concerns that require further exploration. AC will use a “**Consensus Voting**” procedure for testing the group’s opinion and adjusting proposals. In “**Consensus Voting,**” the facilitator will articulate the proposal. Each AC member will then vote “one,” “two,” or “three,” reflecting the following:

- “**One**” indicates **full support** for the proposal as stated.
- “**Two**” indicates that the participant **agrees with the proposal as stated, but would prefer to have it modified in some manner in order to give it unconditional support. Nevertheless, the member will fully support the consensus even if his/her suggested modifications are not supported by the rest of the group because the proposal, taken as a whole, is worthy of support, as written.**

- “Three” indicates **refusal to support** the proposal as stated.

The facilitator will repeat the consensus voting process, as reasonably necessary, to assist the group in achieving **consensus** regarding a particular recommendation, so that all members are voting “one” or “two.”

C.2. Cooling-Off Period

If a consensus is not reasonably forthcoming, the facilitator may table the issue for additional discussion with constituencies, the gathering of new information, or perhaps just sufficient time to consider options more carefully. The “cooling off” period recognizes we value getting as close to consensus as possible by way of dialogue, clarification, and consideration of alternatives. Absent an emerging consensus, the facilitator may make a recommendation for the AC to consider taking into consideration all of the available information and views. The AC may then revisit the issue.

C.3. No Consensus – Majority and Minority View

If a consensus on an issue is still not reasonably likely, as determined by the facilitator, the votes of those present at the meeting will be taken and recorded as a majority - minority vote. Majority is defined as at least 50% plus one of the AC voting membership in attendance. The proposed language and reasoning supported by the majority will be noted along with their names in the AC’s recommendations. Members voting in the minority will have their names, proposed language, and reasoning noted in the Minority Report(s). The facilitator will document these issues, the differences of opinion involved, and submit the report to the City staff for inclusion in the AC recommendations along with other stakeholder comments.

XV. Additional Understandings

A. Communications Outside of AC

AC members and staff can refer press, public, and other inquiries to the AC facilitator, City project staff, or the project website, if they desire.

B. Meeting Summaries

The facilitator will prepare AC meeting summaries. They will be provided electronically in draft form to the AC for proposed correction and comment. The final meeting summaries will be posted on the project website.

C. Public Records and Confidentiality

AC records, such as formal documents, discussion drafts, transcripts, meeting summaries, and exhibits are public records. This is not a mediation. It is a facilitation. As a result, AC communications (oral, written, electronic, etc.) are not confidential and may be disclosed. However, the private documents of individual AC members and the

private documents of the facilitator that are not shared with the City or Port are not considered public records and are not subject to disclosure under public records laws.

D. Process Conclusion

The AC process will conclude with submission of its recommendations to the City, when necessary funding and resources are no longer available, or when the City determine it is unlikely the AC will fulfill its Charge.

E. Amendment and Interpretation

Amendments to this document can be made by vote of the AC. The facilitator shall lead an AC discussion designed to reach a consensus on any process dispute or proposed amendment to these Collaboration Principles.

XVI. Signatures

We agree:

MEMBER	SIGNATURE
Susan Barnes	
Andrew Colas	
Andy Cotugno	
Pam Ferguson	
Rich Gunderson	
Don Hanson	
Chris Hathaway	
Brian Owendoff	
Sam Ruda	
Bob Sallinger	
Bob Tackett	
Victor Viets	

Attachment A: CWG Working Principles

The evaluation principles developed by the CWG should serve as core values to inform the proposal.

A good, multiple-use option will provide for:

- A net increase in ecosystem function.
- A positive contribution to regional economic health (e.g. jobs, wealth).
- An economically viable port facility.
- A positive contribution to the local community (e.g. health, transportation, property value, recreation facilities, and opportunities).
- An addition to, not competition with, the regional port system.
- Public access opportunities to West Hayden Island.
- Sustainable scale for any use included as part of the option.
- Flexibility to accommodate the unknown future.
- Taking advantage of the unique aspects and opportunities of the site.
- Consideration of impacts on multiple time periods i.e. current, mid-range, and future.
- Consideration of impacts on multiple geographies, i.e. local, sub-regional, and regional levels.