West Hayden Island Advisory Committee Meeting #4 Friday, February 18, 2011, 9:00am - 12:00pm, Room 2500B, 2nd floor (Same Building – New Room) 1900 SW 4th Ave., Portland Oregon

Working Draft Agenda

<u>Directions:</u> The 1900 Building is located at the corner of SW 4th & SW Hall in downtown Portland, on the Portland State University Campus. Parking is available on street or under the building (entrance to underground building parking on SW 4th at SW College). We encourage you to consider using another mode of transportation. The 1900 Building is easily accessible by walking, bicycling, or transit. There is bicycle parking on the south side of the building. Several bus lines stop within short walking distance of the building. Tri-Met Yellow and Green Line MAX trains stop approximately 3 blocks away, at SW 5th & SW Mill. The Portland Streetcar stops just north of the 1900 Building, on SW 3rd & SW Harrison. Note: The City of Portland does not validate parking.

9:00 - 9:05	Welcome, Introductions, and Announcements (Sam)
9:05 – 9:10	Approval of 1/14/11 Meeting Notes (Sam)
9:10 – 9:15	Advisory Committee Charter Signing (Sam)
9:15 – 9:45	RFP Scopes/Consultant Selection Process Update (Rachael/Eric)
9:45 – 9:50	Process Timeline (Rachael)
9:50 – 10:20	Internal Regulatory and Recreation Scopes of Work (Eric)
10:20 – 10:35	Break
10:35 – 10:50*	Public Comment *Approximate time
10:50 – 11:55	Pre-Concept Plan Development Brainstorming (Sam)
11:55 – 12:00	Wrap-up/Meeting Evaluations/Future Meeting Dates (3/18, 4/15, 5/20 and 6/17)(Sam)
12:00	Adjourn

West Hayden Island Advisory Committee Meeting #3 Friday, January 14, 2011, 9:00am - 12:00pm Bureau of Planning and Sustainability, Room 7a 1900 SW 4th Ave., Portland Oregon

Meeting Notes (DRAFT)

Advisory Committee Member	Affiliation	Present
Susan Barnes	ODFW	X
Andrew Colas	NAMCO	X
Andy Cotugno	Metro	X
Pam Ferguson	HILP	X
Rich Gunderson	Parks & Rec	
Don Hanson	PSC	X
Chris Hathaway	LCREP	X
Brian Owendoff	PBA	
Sam Ruda	Port of Portland	X
Bob Sallinger	Audubon Portland	X
Bob Tackett	NW Labor Council	X
Victor Viets	HiNOON	

Staff	Affiliation	Present
Jacob Brostoff	ICM (Facilitation Team)	Х
Mindy Brooks	BPS	Х
Eric Engstrom	BPS	
Rachel Hoy	BPS	Х
Sam Imperati	ICM (Facilitation Team)	X
Phil Nameny	BPS	X
Mike Rosen	BES	X
Amy Ruiz	Mayor's Office	X
Abbey Tennis	ICM (Facilitation Team)	
Joe Zehnder	BPS	X

Public Attending (name)	Affiliation
Susie Lesehne	Port of Portland
Ann Beier	City of Portland-OHWR
Greg Theisen	Port of Portland
Chris White	Port of Portland

Welcome/Introductions

Sam Imperati welcomed the group and reviewed the agenda.

Review of 12/3/10 WHI AC meeting notes

Sam Imperati asked for any changes to the meeting notes. There was none.

Sam Imperati stated that the notes as presented would be approved as final.

Approval of Advisory Committee Charter

Sam Imperati introduced the revised charter. He explained that the changes for which there were no comments were adopted. The relevant sections for discussion today follow:

Advisory Committee Charge

Membership

Project Staff

Decision-Making Process

No modifications to project purpose.

Revision proposed by *Chris Hathaway*, last paragraph on p. 2:

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.

It is relevant to say the outcome of the process. Add summary of recommendation, e.g. that there was none.

Sam Ruda clarified that the terminology should be accurate—not a unanimous recommendation.

Sam Imperati proposed adding a link to the report. http://www.portlandonline.com/bps/index.cfm?a=309737&c=50960

Joe Zehnder added that he did not want to paraphrase the CWG document, but instead would prefer to incorporate the CWG final document by reference.

There was consensus on this change.

Bob Sallinger asked why there was the addition of the Port Commission to the Advisory Committee Charge.

Joe Zehnder explained that as property owners, the Port should be included.

Sam Ruda also mentioned the IGA.

Bob Sallinger wanted to make sure that it is clear that the City is running this process.

Victor Viets asked about the joint work sessions—would both bodies meet together?

Joe Zehnder said that they would likely be separate.

Sam Ruda said that there would be a general discussion/update at Port Commission meetings.

Phil Nameny said that there could be one or two times when the Planning and Sustainability Commission, City Council, and Port Commission could meet together.

Joe Zehnder said that they would be separate meetings.

Andy Cotugno summarized Sam Imperati's process explanation from the first meeting. He feels that this charge does not include recommendation. We do not have agreement on the two recommendations but we need it. This is fundamental.

Sam Imperati added "Major Process Steps" to top of p. 4.

Victor Viets clarified that the decision-making process on p. 8 said that we would reach recommendations and conclusions.

Andy Cotugno reiterated that it was important to say what the recommendations of the group would be about.

Sam Imperati moved the group onto the "Membership" section.

Bob Sallinger asked about the Tribes.

Rachael Hoy said that the City has spoken with the Tribes and that the Tribes have said that quarterly updates were how they preferred to be involved. If there were a meeting of particular interest during this year, they would like to attend.

The Confederated Tribes of the Grande Ronde said that they wanted to have a conversation with the City about cultural resources, but the City is providing updates to all six Tribes, including Grande Ronde, Siletz, Warm Springs, Umatilla, Nez Perce, and Yakama.

Bob Tackett asked about how alternates are identified.

Sam Imperati said that participants should email the facilitator with their alternate nominations.

Sam Imperati moved the group on to the Staff section. There were no changes.

He moved the group to Sections 8 and 9, p. 6, no changes. Page 7 is quorum, structure, meeting scheduling. Page 8 is decision-making piece, adding Port Commission. Second paragraph adds Port Commission as owner:

Decision-Making Process

The Committee serves in an advisory capacity to Bureau of Planning and Sustainability staff, the Planning and Sustainability Commission, Port Commission and the City Council, 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.

Bob Sallinger objected to the Port Commission being included here.

Sam Imperati clarified that Bob Sallinger objected to it being included in the earlier part of the charter, as well. He asked what people other than the Port and Audubon thought about this issue.

Chris Hathaway asked who would report to the Port Commission and how that would happen. Sam Ruda clarified that the meetings are public, and that Airport Futures got regular staff updates.

Susie Lahsene said that the IGA specifies reporting to the Port Commission and that therefore, this is not inconsistent with IGA.

Andrew Colas asked if the City Council makes final decision. He does not see a problem with it if just one body is making a decision.

Andy Cotugno said that it was not just one body – the Port Commission would need to apply for annexation. He clarified which body had which role – applicant vs. regulator.

Don Hanson said that there were two segments: 1) zoning and 2) annexation and implementation. He feels that it is good for the Port to be involved at this stage, especially as regards off-site infrastructure. Having them involved and informed up front is good. It unifies the process. The Port owns the property, and having them in charge of those decisions makes sense.

Joe Zehnder said that he appreciates Andy Cotugno's points, and that there might be agreements outside of regulations.

Pam Ferguson said that she is constantly standing up for the Port in the community due to negativity among neighbors, and because of this, she is a little uncomfortable with the wording. She feels that the wording says that they Port might have more influence over the committee's recommendation than she is comfortable with.

Sam Imperati said that this discussion is a vestige of the previous processes. He asked Bob Sallinger if the City running the process is the main issue.

Bob Sallinger said that Audubon might not be willing to participate under these terms.

Sam Ruda asked if there was a way to soften the language to "inform the Port."

Sam Ruda said that the Port of Portland was not a passive participant, and that the Port was a key stakeholder.

Joe Zehnder said that the language did not alarm him because it is about informing the City Council and the Port Commission. He agreed with *Pam Ferguson's* concerns about the strength of the language, but he felt that this seems factual, if a bit aggressive, due to the Port and the Council making a decision semi-jointly.

Sam Imperati asked if we needed the language at all given the statutory environment that we cannot change.

Andrew Colas said that at the end of the day, if our recommendation is that we agree with everything that Bob Sallinger proposes, the City Council will make the ultimate decision, but the Port will need to decide if they want to move forward with annexation or not. We are just advising City Council.

Sam Imperati said that reporting to the Port Commission could be an advantage for the "political left" because they would be hearing from a balanced committee. It could be a disadvantage – we do not know yet.

Mike Rosen said that staff is going to report to the Port Commission regardless of the outcome of this discussion. He asked for comment from Audubon and the Port about removing the sentence.

Pam Ferguson said that she would like to also remove the second line in the second paragraph.

Sam Imperati asked that the committee take it one at a time.

Pam Ferguson said that less might be more in this. Also removing p. 3 #V:

I. Advisory Committee Charge

The primary function of the WHI Advisory Committee in Phase II is to serve in an advisory capacity to the Bureau of Planning and Sustainability staff, the Planning and Sustainability Commission, the Port Commission and the City Council 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 ... (Proposed strikeout language.)

Sam Imperati took a vote using the 1-2-3 scale:

Chris Hathaway: Do not care a whole lot one way or another. Monthly updates are going to come from staff no matter what. It may not matter. It may be easy to delete Port Commission out of there. However, the text does give "chain of command" information. (2)

Andy Cotugno: Simpler version is better. It does not reassign rights and responsibilities outside of who we are. (1)

Andrew Colas (1)/don't care.

Victor Viets: If the Port is willing to listen to the committee, then we should keep that in. (2)

Sam Ruda clarified that the IGA can be canceled by either Council or Commission with 30 days notice.

Pam Ferguson (1)/simplicity is good.

Bob Sallinger. (3)/advisory body to Council. Do not want to be advisory to Port—has not been successful in the past.

Bob Tackett. (2) No reason to take it out.

Don Hanson: (1) Simple is better.

Majority rule: We will remove it. Intent is to say that we are not changing any legal rights and responsibilities.

Sam Imperati moved the group on to Pam Ferguson's proposal about removing the second bullet:

 Assist in the creation of a sustainable long term vision and concept plan(s) for possible open space and possible future marine development;

She advocates removing in its entirety because it creates a perception that the process is a boundoggle.

Sam Ruda offered softening language.

Sam Imperati clarified that this is a perception issue, but there are facts that cannot be altered.

Victor Viets said that he agreed with *Pam Ferguson*. What are we gaining by stating this? It is simpler and we could avoid misinterpretations.

Joe Zehnder said that this perception is key – is there a way to avoid provoking that perception?

Chris Hathaway advocated getting rid of the first sentence.

Sam Imperati said that we could get rid of the Collaboration Principles. The political process will go on regardless of the committee's work.

Sam Imperati clarified that the motion is to remove just the blue line (2nd bullet shown onscreen with a blue line).

Pam Ferguson said that that is accurate. Remove second sentence.

All were 1 except Bob Tackett and Andrew Colas, who were 2s.

Sam Ruda asked what would happen if the Port Commission asked the City for an update. Would there be an update?

Joe Zehnder said that there would be an update.

Victor Viets said that he likes the last few words of the following:

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.

Victor stated that this line is in conflict with the work plan that is laid out – there, we select a preferred alternative much earlier in the process.

Sam Imperati agreed that they were in conflict and staff would look into it..

Bob Sallinger asked about V on p. 3 and if it was out, too.

Sam Imperati said that it was also out.

Andy Cotugno asked about specifying ex officio members and who they are.

Sam Imperati asked for changes to the consensus section. There were none.

Sam Imperati asked for changes to the next section. There were none. Referencing CWG – Andy Cotugno said that the first and last bullets raise questions: is increasing ecosystem function just on the island, or elsewhere? Various possibilities. Do we need to define it now? It could lead to confusion down the road.

In addition, *Andy Cotugno* feels that we want to consider impacts at the state and Pacific NW levels, as well. The Port handles a lot of freight for eastern Oregon and other parts of the larger region. This is work already done, but where are we going? Do we want to clarify this?

Joe Zehnder said that we will next talk about the process, and both of those topics are first steps once concept planning begins. He would like to have that discussion with team around concept plan, as this came out of the last process. In addition, on cost-benefit piece, when looking at costs and benefits, what is the proper geography and what are the costs/benefits.

Andy Cotugno proposed to add to the last bullet of the CWG working principles a reference to state level as an important geography.

Bob Sallinger said that we worked hard on these, and he does not want to see these things drop off the table, out of respect for the earlier process. Keeping the principles as high principles is

important. On *Andy Cotugno's* first point, it cannot just be on the island—within watershed, confluence area.

Sam Imperati said that the intent was to parallel the language in the Council Resolution.

Joe Zehnder recited language from p. 6 A: "The evaluation principles developed by the CWG should serve as core values to inform the proposal." He proposed copying language from there. There was general consensus on this.

The language from the resolution is:

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

Public Comment

Sam Imperati asked for public comment. There was none.

Overview of Major Process Steps

Joe Zehnder presented the "Major Process Steps" handout and did an overview.

Joe Zehnder then asked if there were questions.

Victor Viets said that his fundamental problem with process is that if he were a corporation making a major decision, he would not select a preferred alternative before knowing the costs and benefits. He proposes that we delete the preferred alternative until the end. He is aware that it will add cost and time to the process. As an example, if the bridge to Marine Drive is part of the preferred alternative, and it makes the project cost prohibitive, you would want to know that upfront.

Joe Zehnder said that the bridge and transportation infrastructure are likely to be the only major items that would have major cost implications. He wants to go to the other side of the document. It's about cost and timing.

Bob Sallinger asked a question about recreational needs. Council was specific that it needs to be compatible with natural resources. Will we keep it that narrow?

Joe Zehnder said that it would be narrowed to compatibility with natural resources, not a regional facility.

Sam Ruda asked Pam Ferguson if the Island residents would prefer nature-based or non-nature based.

Pam Ferguson said that there was a lot of interest in nature-based recreation.

Victor Viets agreed with Pam Ferguson.

Joe Zehnder said that the first priority facility in the last Portland Parks and Recreation survey was trails. He thinks the conflict will come to whether there is boat access.

Bob Sallinger said that there is a conflict between mitigation and recreational facilities. We tend to merge recreation and natural resource enhancement. If there is to be a trail system out there, we will need to look offsite for mitigation. We should be up front about that.

Joe Zehnder said we need to clarify that issue early.

Phil Nameny read from the resolution. Page 6, g.

Bob Sallinger clarified t hat the working principles are diffe rent from the Goal 5 requirements (Environment, Social, Economic and Energy, o r "ESEE" analysis). He asked if the aspirations are the principles or the ESEE analysis.

Joe Zehnder said that the CWG Principles are used to evaluate Concept Plan alternatives. The ESEE will be applied to preferred a Iternative. This group will have re ached some consensus around how well we have met these aspirations. The ESEE is the formal check that we have to do at the end for the state.

Bob Sallinger raised a concern that this not come down to a "crunch" at the end as happened in Airport Futures.

Victor Viets said that he was stuck at the frontend with the Concept Plan. City Council made a giant step forward with what the concept plan is: prop erty is divided up and there are minimum/maximum sizes for each piece, etc. What is left is how to configure marine terminal and what h as to be done with trails, etc. We do not know what goes on the marine terminal. How do you handle the various types of commo dities that go through there? Different kinds of cargo have different impacts – airborne particulates, specifically. How do you know what the impacts are if you don't know what the kind of facility will be? The Port is waiting for the customer to come in.

Sam Ruda said that the Port is waiting for this process to finish first.

Joe Zehnder said that there is a un iverse of what terminal characteristics there are depending on what is being shipped. An early step is how many types of terminals are being considered. Early on, we do an analysis of impacts from the various kinds of terminals. We will need to know this for the concept plan. Is it worth carrying a potential kind of terminal into the future if there is a lot of anxiety about the potential impacts? It is a committee recommendation as well as a Port business decision. What are the specific off-site impacts, for example traffic, others? This needs to be fleshed out early on.

Sam Imperati said that the group would likely a gree on most elements of a concept plan, but there will probably be two or three elements that will generate controversy or raise question sthat we cannot answer.

Joe Zehnder said that as we have been thinking through the RFPs, we originally scoped each study task as a separate RFP. Last time, with the single master contract, there was concern about the ability of the contractor to do the work, and then concern about the validity of the work. However, the multiple RFPs have coaused confusion. Based on comments from Bob Sallinger and others, we are planning to roll the separate RFPs back into one large RFP. Rail configuration, operational efficiencies, concept plan, transportation, and cost/benefit analysis will be one RFP. We think this will be better for the management of the whole project.

Sam Imperati said that it was time for the group to take a break.

Break

Sam Imperati asked for feedback on the process handout.

Andy Cotugno said that p. 2 of the handout identifies multiple RFPs.

Joe Zehnder clarified that it was a single RFP.

Don Hanson agreed that a single RFP is a better solution, but that it is better to keep the consultants separate.

Victor Viets said that we had tried the single contractor approach last time, and it failed. What is different about this time? There is a limited pool of people available who can do this kind of work.

Sam Imperati asked for comments and to hold concerns about the single RFP idea until the next part of the meeting. He asked for any final comments on the two-page handout. Sam Imperati moved the group ont o the next agenda item: "Review Concept Plan and Other RFP Work Scopes."

Review Concept Plan and Other RFP Work Scopes

Task 1

Sam Ruda said that the Port's experience was that consulting firms that do not have all the expertise to manage a large RFP would sub out the work.

Andy Cotugno asked about Joe Zehnder's previous consolidated RFP proposal. He clarified that it is not one single RFP – there are still several RFPs, but a bundle of tasks have been consolidated into one RFP.

Joe Zehnder agreed that that is an accurate characterization of the structure of the RFPs.

Andrew Colas said that last meeting, he expressed concerns that the RFP may be too big for small consultant shops to take on. If there were a way to structure the RFP so that there are smaller subcontractors, he would advocate for that.

Joe Zehnder said that this now consolidated RFP is big enough to require Council approval, and we can add targeted business/MWESB provisions.

Andrew Colas said that he was not concerned so much with diversity as he was with supporting small businesses.

Sam Imperati added some more information on the MWESB program.

Victor Viets asked about the impacts evaluation/analysis. He wants to ensure that all sensitive receptors are covered. Off-site mitigation needs for the marine terminal development also need to be included.

Joe Zehnder agreed that this was a good point. We are not obligated to put the specifics in here, but we can use these as examples.

Sam Ruda asked if the work scope included more environmental mitigation or mitigation for other (transportation) impacts.

Joe Zehnder said that the mitigation of impacts on East Hayden Island (EHI) is something that we would likely discuss. He was thinking primarily of traffic or particulates.

Bob Sallinger pointed out a discrepancy. The peer review for the work that went on in round one is happening at the same time as the new work, so there could be a conflict there. The other issue is using WHI as a mitigation bank for other projects. This belongs somewhere.

Susan Barnes said that the fifth bullet should include natural resources, not just traffic. Should the mitigation address impacts to all surrounding areas, not just those on E Hayden Island?

Task 2

Victor Viets asked to talk about the fundamental design approach. We have been struggling with the same kind of issues on the CRC. When the consultants/staff go into a room and we are subsequently presented with concepts, then positions get fixed before we can provide our input. He suggests that some of the stakeholders go with staff into the smoke-filled room – that we participate in the design process. He advocates for a more integrated approach to include the community. This is one of the most important steps here.

Joe Zehnder called the group's attention to task 1.3.

Don Hanson said that we need to delineate the number of options. In his experience, doing more than three is never useful. He feels that it is important that the best time for dialog with the committee be after constraints and alternatives. What are the points of emphasis that the different alternatives are going to take? There are some basic parameters – 300/500, etc. It could be one alternative with variations on parts. We need to give the design team clarity on that. When they come out of the smoke-filled room, you will not be surprised because you had input into what went into the room.

Task 3

Bob Sallinger said that infrastructure needs to fit within the 300 acres. He also wants the recreational needs aspect included.

Sam Ruda said that he feels that this (the inclusion of the infrastructure in the 300 acres) is an overreach.

Sam Imperati read the resolution. Page 6, c. He said that the consultants would be given the resolution and IGA.

Bob Sallinger said that Council added in roads and bridges because they wanted to keep the footprint smaller. We need clarity on that now; otherwise, there will be controversy later. He asked *Amy Ruiz* if that was accurate.

Amy Ruiz agreed that it was.

Sam Ruda clarified that he did not want to include infrastructure in EHI.

Sam Imperati clarified that the CRC would not be included.

Sam Ruda agreed with this.

Joe Zehnder said that the footprint included the bridge, but not the pre-existing utility corridor. He asked the committee if that was the group's understanding.

Mike Rosen said that if there was infrastructure on the island that was required; then, it counts against the 300 acres. On the cost side, supporting infrastructure, wherever it is, goes into the cost side of things.

Joe Zehnder agreed, and identified the road to the terminal and the marine terminal itself, and any other utility corridors like a rail spur, would be included.

Bob Sallinger asked that buffers be included in the 300 acres.

Mike Rosen said that buffers would be part of the design. As we evaluate the effectiveness of either facility, 300/500 and buffers will come up. If an intense industrial use has impacts on the natural resources, then we would need to consider that but that is part of the design discussion.

Victor Viets said that any riparian buffer would be part of the 500 acres. It does not make sense to penalize them for the riparian buffer.

Don Hanson said that this is part of a site plan review.

Joe Zehnder reiterated that this is part of the design process.

Sam Imperati said that today's goal is to get the RFPs out the door – not debate results.

Victor Viets raised concerns about the mismatch of detail. On the marine terminal, we are going to have to be vague. However, the street planning proposed by PBOT is a level of certainty far beyond what we can predict. We do not need to know the exact configuration of the cross-section. This implied that we know more than we do.

Joe Zehnder said that the goal was to know how wide the cross-section was and a street classification.

Phil Nameny clarified that Task 3 is taking a preferred concept plan and doing the public infrastructure analysis.

Joe Zehnder added that in Task 2, we picked our preferred alternative. In Task 3, we will know what kind of infrastructure we need.

Susan Barnes asked where the evaluation of the natural resource values and the evaluation of the alternatives.

Joe Zehnder clarified that it was in 2.2.b. In Task 1, we will lay out the criteria. Then, we will evaluate alternatives against the criteria.

Task 4

Bob Sallinger asked why the ESEE consultant was separate from the cost-benefit consultant.

Joe Zehnder compared the ESEE work to an EIS, whereas the cost-benefit work is economic in nature.

Pam Ferguson asked where the health impact analysis goes.

Joe Zehnder said that these would go into the criteria that we would use for the alternatives analysis. He believes that they will vary more by the kind of terminal. The public health impacts are more relevant to the alternatives analysis than to the ESEE.

Bob Sallinger reiterated his comment about the timing. He was wondering how this integrates with the cost-benefit analysis, both in terms of using the previous work, as well as new work. He wants to make sure that the two processes (preferred concept and cost benefit analysis) get integrated.

Joe Zehnder said that he believes that early on in the process, we will know what the major issues are that will have significant impacts. Minor acreage changes probably will not. Type of terminal might. A new bridge definitely will. We will have that team on board and do that process in an integrated way.

Andrew Colas asked what the criteria would be for selecting the consultants. He offered some specific advice about encouraging small businesses.

Joe Zehnder said that staff could share this information with Andrew Colas and others who are interested.

Victor Viets proposes that on the environmental side, there are some big swings that could happen based on the option that ends up being selected.

Option 1: Clean it up, leave it alone.

Option 2: Maximum restoration.

Option 3: Use 500 acres for as much mitigation as possible for the damage done on the 300 acres.

He advocates that we break our thinking apart so that we can cover that range of options on the other end of this process. What is the best environmental plan vs. what is the best marine terminal plan?

Mike Rosen responded to *Andrew Colas*' comment by saying that there may not be lots of flexibility in terms of developing the criteria for consultant selection.

Sam Imperati said that the Council has specific requirements, and there are 15 RFP Diversity in Employment points.

Mike Rosen talked about grant processes where the City was trying to build in diversity and equity. There are legal issues, but there may be some leeway.

Bob Sallinger said that the mitigation piece seems quiet in the document. The project lives or dies on mitigation. If we can demonstrate that mitigation can be done, then it can be a successful project from the perspective of the environmental community. The more specific and upfront we can be, the less controversy there may be at Council. Airport Futures got "over the hump" when we resolved the mitigation issues.

Sam Ruda said that there is a body of work on mitigation.

Greg Theisen referred the group to his comments at the last meeting. *Sam Imperati* said that staff has an evolving set of documents that summarize the previous work.

Joe Zehnder proposed that we review the list of comments for the RFPs. He would like to get the RFPs out the door before the next meeting.

Sam Imperati said that this would be an evolutionary process, once the contract is let. He proposes that staff make the changes that we talked about and get the RFPs moving.

1 Vote: Everyone else.

2 Vote: Bob Sallinger.

3 Vote: No one.

Cost-Benefit Analysis

Chris Hathaway asked if a contractor could be used from a flexible services contract for Task 3 if there is currently no budget for this task.

Joe Zehnder said that it depends on the scope.

Bob Sallinger said that the consultants last time said that there was inadequate funding. Many people said that the City was not looking for answers with what they were paying. He feels that the process fell apart because of this last time. It kept being put off until the next phase, and a lot of extra money was spent despite this. He has talked with consultants who said that they would not bid based on what is being offered.

Sam Ruda agreed with Bob Sallinger that more money may be needed, but the IGA might need to evolve to accommodate more resources for consultants.

Mike Rosen asked if *Bob Sallinger* had a ballpark figure and how he would propose that be determined.

Chris Hathaway asked if we were talking about the public benefits piece.

Mike Rosen said that we were talking specifically about the public benefits piece. However, *Bob Sallinger* said he was talking about all of the RFPs.

Sam Ruda asked if there could be a pre-bidding conference.

Joe Zehnder said that there could be.

Sam Imperati said that this can add time to the bidding process.

Mike Rosen said that he wanted to get this resolved sooner than later. Will the Port provide more funding, or will the City provide more funding? He would rather make a commitment to do that than come back here in a month and be unhappy with the contractors that bid.

Andrew Colas asked if pricing could be a criterion for contractor selection.

Joe Zehnder said that that is possible. He asked for feedback from consultants. Andrew Colas reiterated his point about using a cost criterion.

Victor Viets said that the basic problem is that the City has defined a scope and budget, and we are pushing too hard given the money. We could ask consultants to accomplish our objectives via alternative approaches that might be more cost effective.

Joe Zehnder thanked the group for the discussion.

Don Hansen asked about the total budget.

Joe Zehnder said that it was about \$120-140K.

Don Hanson pointed out that one person full time for a year would be billed at approximately \$160K. He feels that it is a range between \$160K and \$250K.

Mike Rosen asked if that was getting to what *Bob Sallinger* was asking.

Bob Sallinger said that it was, and that he deferred to the consultants in the room.

Mike Rosen asked the consultants in the room to think about the budget.

Don Hanson said that often, consultants are told the basic goals; then, they provide a proposed budget working down from there.

Mike Rosen said that we are not going with lowest bidder; we are going with most cost effective. Either we have enough money or we do not. We should be careful to set aside enough money to do this right. He asked *Sam Ruda* if there is some flexibility on the part of the Port.

Sam Ruda said that there might be.

Victor Viets said that you get what you pay for, and that you need to give the consultants the flexibility to give us a good package.

Mike Rosen said this was the "catch-22." Last time, we said we have this much money, and it was not enough. He is hearing that the process that we are starting should have an adequate budget for quality consultants. If the expectations exceed the budget, he wants to address that now.

Mike Rosen asked if that was the consensus of the room, and the reply was, "yes"

Timeline

Sam Imperati referred the group to the timeline handout due to lack of time, and tabled the discussion until next meeting.

Selection Committee Membership/Recruitment

Sam Imperati said that Brian Owendoff, Bob Sallinger, and Sam Ruda have volunteered to be on the consultant selection committee. This will be a lot of work, but it is open to all. It is a 5-8 hour per contract commitment of time. He asked for other volunteers. He identified that there are City requirements for the size and composition of the group.

Victor Viets volunteered.

Sam Imperati said that it would be within 6 - 8 weeks.

Phil Nameny said that it would take a little longer due to the conversation today. Three groups with 1 - 2 advisory committee members on each.

Joe Zehnder said that the priority is the concept plan and cost-benefit analysis, but the harbor lands review is also open to the committee.

Advisory Committee Internal Communications Protocol Discussion

Tabled until next time.

Wrap-up/Next Steps/Future Meeting Dates (2/18, 3/18, 4/15, 5/20 and 6/17)

Tabled until next time.

Sam Imperati then closed the meeting by thanking everyone.

Adjourn

January 14, 2011 WHI Advisory Committee Meeting Evaluation

1. OVERALL MEETING QUALITY: Poor Fair Good (2) Very Good (1) Excellent (2)

Too Slow Just Right (5) Too Fast

2. PACING:

3. CLARITY PRESENTATIONS: Poor Fair Good (2) Very Good (3) Excellent

4. DOCUMENTS: Poor Fair Good Very Good (5) Excellent

5. DISCUSSION: Poor Fair Good (2) Very Good (3) Excellent

6. MOST USEFUL?

- Getting documents before meeting. "Homework".
- Materials
- I appreciate Sam I's focus on what's important and what is not. It helps me.

7. LEAST USEFUL?

Not enough coffee

8. COMMENTS, SUGGESTIONS, OR QUESTIONS?

Voting system works.

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.
- 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.
- 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.
- 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.
- Include periodic community-based meetings in Portland where the public will be updated on committee activities and have the opportunity to inform policymaking.
- 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 vot ing AC me mbers or their alternate s. 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, a nd participa nts will part icipate in g ood 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,
- 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 in quiries 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 <u>not</u> 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 vo te of the AC. The facilitator shall lead an AC discussion designed to rea ch a consensus on any process dispute or proposed amendment to these Collaboration Principles.

XVI. <u>Signatures</u>

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.



Sam Adams, Mayor Susan Anderson, Director

Planning

1900 S.W. 4th Ave., Ste. 7100 Portland, OR 97201-5350

Phone 503-823-7700 FAX 503-823-7800 TTY 503-823-6868

Sustainability

721 N.W. 9th Ave., Ste. 195 Portland, OR 97209-3447

Phone 503-823-7222 FAX 503-823-5311 TTY 503-823-6868

www.portlandonline.com/bps

An equal opportunity employer

Printed on recycled paper

2/11/11

Memorandum

TO: WHI Phase II Advisory Committee

CC: Eric Engstrom, Joe Zehnder, Amy Ruiz and Mike Rosen

FROM: Mindy Brooks, Rachael Hoy and Phil Nameny

SUBJECT: Summary of Recreation Materials for WHI and Draft Scope of Work for Phase II

Re creation Analysis

The purpose of this memo is to summarize research and information complied during West Hayden Island Phase I as it relates to recreation research and opportunities and provide a proposed scope of work for Phase II.

As a reminder, the City Council Resolution, Project Intergovernmental Agreement and the Community Working Group Principles addressed recreation as follows;

The Council Resolution #36805 contained a few references to recreational opportunities on West Hayden Island. Some of the main points included:

- Nature based recreation should be analyzed in more detail.
- More significant facilities should be considered only on the east end of the site, and more active uses should be considered east of the railroad.
- Low impact recreation uses may be considered to control impact to the natural area from humans and pets.
- Management options for the long term care of the open space must be analyzed.

The project IGA does not contain as much detail as the resolution, but the workplan states that the city will define the types of recreational use and determine the land use and open space concept plan.

The Community Working Group (CWG) adopted a set of working principles to aid them in a potential recommendation. Although the CWG was unable to reach a consensus on the recommendation, their working principles are intended to guide future decisions. Under these principles, the following items are significant to opportunities for recreation.

- A positive contribution to the local community
- Public access opportunities to West Hayden Island.
- Taking opportunities of the unique aspects and opportunities of the site.

Summary of Previous Work

<u>Recreation Participation, Development Potential, and Current Value On and Around West Hayden</u> <u>Island (ENTRIX report: 2010)</u>

This report provided recreational context and recreational development opportunities on and around WHI. The report describes:

 current recreation on and around Hayden Island and water-based recreation in the greater Portland area, including sailing, motorized boating, kayaking, canoeing and fishing

- potential future recreation activities for WHI including, enhanced trail system, access to beaches, motorized and non motorized boat launches, picnic areas.
- general compatibility amongst recreation uses, between recreation and habitat preservation, and between recreation and marine terminal activities, and
- the potential magnitude of economic value of current and potential future recreation activities on and around Hayden Island.

The report notes that currently, authorized recreation access on WHI itself is limited to the beaches. Land-based recreation activities in the vicinity are concentrated at other public recreation sites. However, there are water-based activities occurring in the Columbia River surrounding WHI, including sailing, motorized boating, kayaking, canoeing, and fishing. There are several marina and other water access points on East Hayden Island, from other islands in the Columbia River, as well as access points on the Willamette River in Portland.

Potential recreational activities that would help the goals of the City of Portland Parks and Recreation, and are compatible with trends in outdoor recreation and the vision for recreation established by Hayden Island residents include: boat access, trails, picnic areas and other developed facilities, and natural areas. The location and size of potential recreation facilities will need to consider the compatibility of different recreational activities with each other and with potential industrial activities, and wildlife habitat conservation. Appropriate management, including physical separation of potentially conflicting uses, can minimize adverse impacts of these multiple uses.

Recreation and Marine Use Examples (Memo produced by Port of Portland, 2009-10)

This memo summarizes some research done by the Port of Portland at the end of 2009 to find examples of Port owned and maintained parks and open space access adjacent to working harbors. Examples that the Port reviewed include developments in the following cities:

- San Diego, CA
- Oakl and, CA
- Kalama, WA
- Olympia, WA
- Seattle, WA
- Taco ma, WA
- Vanco uver, WA
- Portland / Troutdale, OR

These cities have all had some success in integrating parks lands in the vicinity of more intensive industrial uses. Many of the parks uses are more active uses such as fishing piers, trails, picnic areas and marinas. These areas are often reclaimed from the industrial waterfront. Specific examples of these facilities can be found at San Diego and Seattle. There are also examples provided where areas are being set aside or reclaimed for natural areas, some of which may include passive recreation. Oakland has converted some of their deep water harbor and created shallow water habitat while the shoreline contains trails and picnic areas. The Port of Tacoma has purchased 70 acres of a forested ravine which acts as a forest buffer between the port and housing. The land is now under the stewardship of the Cascade Land Conservancy for potential restoration. Portland is also featured with Smith & Bybee Wetlands which provide habitat while allowing limited passive recreation (trail and canoe launch).

The memo does point out areas of potential conflict between industrial and recreation uses, including shared vehicle access, lack of buffers, etc. However, few issues have come up in these situations.

Hayden Island Plan (2009)

The East Hayden Island plan notes that island residents are underserved by parks, and that residents desire public access to the river and beaches for viewing, swimming, and boating. Residents also would like facilities at parks for launching both motorized and non-motorized boats.

The community envisions the following recreational settings: additional parks, enhanced trail system with views of the Columbia River and the Cascade Mountains, and protected and conserved open space and habitat including shallow water habitat.

The plan also stresses the importance of environmental protection of natural resources. Protecting the Columbia River habitat for the many animals, birds, fish and plants of Hayden Island and restoring and protecting river banks are goals of the plan. While this planning process focused on East Hayden Island some stakeholders stressed the ecological value of West Hayden Island both locally and regionally and the need to strike a balance between natural resource protection and some level of passive recreation.

The natural, undeveloped character of the island has been described as an asset to Portland through past and present planning processes. While it presents residents with the opportunity to experience this type of landscape, it will be important to be aware of compatibility issues between some recreational uses and natural resource and wildlife protection goals that may be developed for the island moving forward.

1999 West Hayden Island Area Plan (Draft)

In the 1999 planning process for West Hayden Island, the recreational focus was on creating a low ecological impact in the areas with a proposed designation of open space. Passive recreational activities such as hiking, running, wildlife observation, nature study, canoeing or kayaking were deemed to be the most appropriate uses for West Hayden Island. Maps 1and 2 from the draft West Hayden Island Area Plan provide a visual of the proposed open space areas. Map 1 shows an area, approximately 172 acres in size, west of the proposed bridge, which was proposed as a conservation area and mitigation site; no public access or recreational activities were allowed in this area. Map 2 shows an area, approximately 60 acres in size, east of the proposed bridge, which contained recreational trails, scenic viewpoints, a limited parking area, natural resource protection areas and wetland mitigation sites.

Map 1: Potential Open Space and Recreation Designated Areas from 1999 Planning Process

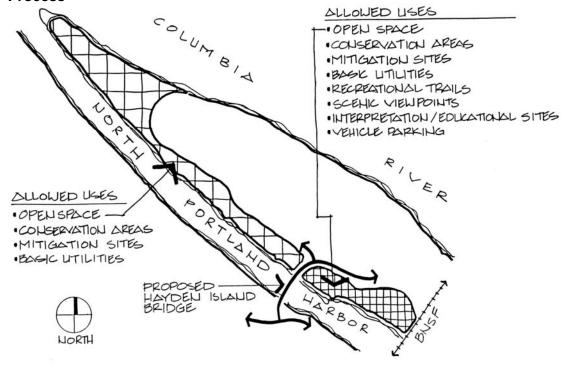


Figure 4-2 Open Space Subareas

Map 2: Potential Recreation Layout from 1999 Planning Process

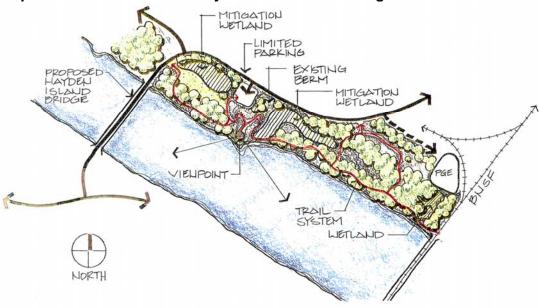


Figure 4-3 Conceptual Open Space/Recreation Plan for Area East of Proposed Bridge

Recreation Study Phase II Staff Scope of Work

Purpose: To identify local recreational needs, opportunities to meet those needs on West Hayden Island, or on property just east of the railroad and ways to reduce the negative impacts between recreation and natural resources and recreation and marine terminals. This information will be used in the Concept Plan.

Inputs to the Concept Plan:

Task 1: Research and Review previous and current work (what we already know)

- Set up internal task group with Parks, OHWR, and BES.
- Review existing ENTRIX recreation report, and other recreation memos compiled during Phase I of the WHI planning process.
- Assess and review the previous parks needs and forecasts done for the North Portland and Hayden Island area.
- Review current joint planning efforts by city bureaus on trail issues and water based recreation strategies.
- Determine additional information needs, and consider scope requirements for land management options.

Task 2: Augment past work with needs analysis from Parks Bureau

- Fine tune the general information for more localized parks needs.
- Identify attributes of West Hayden Island and just east of the railroad that could be used for recreation
- Assemble a list of recreation opportunities for the area.
- Identify complementary and conflicting land uses and potential ways to limit negative interfaces between recreation and natural resources, and between recreational areas and marine terminals.

Evaluation with the Preferred Concept plan:

Task 3: Compare the general parks needs with City Council parameters for WHI and consider best areas for parks within the concept planning process

- Work with Concept Planning Consultant and the Advisory Committee to incorporate recreation uses into Concept Plan alternatives. Consider the Parks Bureau's Guiding Principles on recreation areas.
- Coordinate findings with the land management options work (done under separate contract) to best determine maintenance and funding options.
- Work with staff to coordinate relevant sections in city's ESEE analysis.
- Deliverable: a memo that documents:
 - the relationship between recreation and natural resources, and recreation and marine terminals, including how they can be complementary and conflicting
 - o recreation attributes and opportunities for Hayden Island (focusing on natured based activities west of the railroad tracks and any more active suggestions east of the railroad.
 - a set of "high level" guidelines or recommendations for future Master Planning efforts by the city.



Sam Adams, Mayor Susan Anderson, Director

Planning

1900 S.W. 4th Ave., Ste. 7100 Portland, OR 97201-5350

Phone 503-823-7700 FAX 503-823-7800 TTY 503-823-6868

Sustainability

721 N.W. 9th Ave., Ste. 195 Portland, OR 97209-3447

Phone 503-823-7222 FAX 503-823-5311 TTY 503-823-6868

www.portlandonline.com/bps

An equal opportunity employer

Printed on recycled paper

2/11/11 **Memorandum**

TO: WHI Phase II Advisory Committee

CC: Eric Engstrom, Joe Zehnder and Mike Rosen

FROM: Mindy Brooks, Rachael Hoy and Phil Nameny

SUBJECT: Summary of Regulatory Requirements and Mitigation Materials Prepared for WHI

Project and Draft Scope of Work for Phase II work

The purpose of this memo is to summarize research and information complied during West Hayden Island Phase I as it relates to potential regulatory requirements related to mitigation and provide a proposed scope of work for Phase II.

As a reminder, the City Council Resolution, Project Intergovernmental Agreement and the Community Working Group Principles addressed regulatory requirements related to mitigation.

City Council Resolution:

- The legislative proposal should include documentation of compliance with state Goal 5 and Metro Title 13, including an ESEE Analysis, and a process to determine appropriate mitigation requirements for future development impacts to significant natural resources.
- The legislative proposal will include a report on ESA, CWA, EPA (Strategic Plan-Columbia River Watershed) and the State's Estuary Partnership Management Plan along with FEMA requirements and how they may or may not be met.
- The Plan District proposal should include a framework for consideration of mitigation actions associated with future development of less than 300 acres, developed in coordination with federal and state agencies.

Project IGA:

- WHI has designation of moderate habitat conservation area in Metro's Title 13
- Shallow water habitat surrounding the island is designated as critical habitat for salmonid species listed under the Federal Endangered Species Act.
- 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.

<u>Community Working Group Principles:</u> (these principles were developed by the CWG to use in the evaluation of multiple use options for WHI. There is not a specific reference to regulatory requirements in any of the principles; however the following principles may have some connection to future regulatory requirements)

- A net increase in ecosystem function
- Sustainable scale for any use included as part of the option

Summary of Previous Work

Memo: West Hayden Island Mitigation Requirements (Envirolssues, 05/24/10)

This memo summarize the various federal, state, and local regulations and policies that will need to be addressed to obtain the needed permits for this project, and the mitigation requirements that will need to be addressed for project execution. The conclusion is that mitigation is currently required for impacts to habitat critical for ESA listed species (e.g. shallow water habitat), fill within

the 100-year floodplain (except the dredge deposit management area), and wetlands. If West Hayden Island were to be annexed, the City would apply its Environmental Program and could require mitigation for other habitat types.

- Endangered Species Act Mitigation for impacts to critical habitat is required. For West Hayden Island, the Columbia River and shallow water habitat is critical habitat for listed salmonid species.
- Clean Water Act Section 401 Section 401 relates to discharges to US waters. There is
 no formal compensatory mitigation required; however, conditions accompanying Section
 401 certifications may include monitoring requirements and compensatory mitigation.
 This could apply to future development on West Hayden Island.
- Clean Water Act Section 404 Section 404 regulates the discharge of dredged and fill
 material into waters of the United States, including wetlands. Mitigation is required and
 there are specific mitigation ratios for impacts to wetlands. On West Hayden Island,
 impacts to wetlands would require mitigation.
- Federal Emergency Management Agency Flood Plain Management Within the City of Portland (Chapter 24.50 of City Code) development within 100-year floodplain requires an equivalent excavation within the same 100-year floodplain; this is referred to as "balanced cut and fill". The dredge deposit management area on West Hayden Island is exempt from this requirement.
- State Land Use Goal 5 Does not include specific requires related to mitigation.
- Metro Title 3 Includes performance standards for water bodies and riparian areas; includes standards for planting in association with development. Portions of Hayden Island area included in Metro's Title 3 map. Within Portland, the City Zoning Code Chapter 33.430 complies with Title 3 and requires mitigation for impacts to identified water bodies and riparian areas.
- Metro Title 13 Identifies Habitats Conservation Areas and requires local jurisdictions to enact programs that conserve, protect and restore those areas. All of West Hayden Island is a Habitat Conservation Area. Within Portland, The City Zoning Code Chapter 33.430 applies to most of the Habitat Conservation Areas in Portland and requires mitigation for impacts to identified natural resources.
- City of Portland Zoning Code Chapter 33.430 Mitigation is required for impacts to natural resources located within the environmental overlay zones. The overlay zones have not been applied yet to West Hayden Island.
- City of Portland Urban Forestry Management Plan Implement through the City Title 11 and 33, the proposed regulations require mitigation for impacted/removed trees if those trees are not addressed within an environmental overlay zone (33.430).
- City of Portland Stormwater Management Manual Requires stormwater to be addressed on-site. The applicant chooses the method for stormwater management and could choose to replace vegetated areas removed by development. The Stormwater Management Manual would apply to all development on West Hayden Island.
- Migratory Bird Treaty Act Portland joined the Urban Conservation Treaty for Migratory Birds in 2003. The MBTA has no specific mitigation requirements.

Memo: Natural and Cultural Resource Impacts and Mitigation Evaluation for Potential West Hayden Island Development (SWCA Environmental Consultants, 12/30/09)

This memo looked at the environmental consequences of 450 acres of marine terminal development. The concerns addressed were: wildlife habitat, regulated wetlands and waters,

sensitive and listed fish and wildlife species, aquatic habitat, surface water quality, and cultural and historic resources. Permitting requirements addressed included:

- State Land Use Goal 5 and Metro Title 13
- Clean Water Act
- Endangered Species Act
- Federal Bald and Golden Eagle Protection Act
- Federal Migratory Bird Treaty Act
- Marine Mammal Protection Act
- National Historic Preservation Act

Findings included the following mitigation requirements based on the development scenario and assumptions about permitting requirements:

- Wetlands: 23-69 acres of mitigation which could be accommodated on-site
- Upland Forest: 253 acres of mitigation which could occur on-site and off-site
- Aquatic: mitigation likely required for impacts to shallow water habitat, off-channel refugia, riparian forest and floodplain (no acreage included) which could occur on-site and off-site

<u>Memo: Development Impacts on Habitat and Restoration Opportunities on West Hayden Island</u> (BPS, 05/18/10)

This memo includes an:

- 1. Analysis of impacts a potential development scenario (included a rail loop, two terminals, docks, infrastructure and a recreation area) would have on existing natural resources; and
- 2. Assessment of the lost and remaining restoration/mitigation opportunities if the development scenario were implemented.

The memo found that mitigation for some habitat types, such as bottomland hardwood forest, could occur on West Hayden Island, while mitigation for other habitats, such as grasslands, likely would have to be mitigated off-site. The memo also noted that currently federal, state and local regulations require mitigation for some, not all, of the habitat types on West Hayden Island. (Please refer to West Hayden Island Mitigation Requirements (Envirolssues, 05/24/10))

<u>Memo: ADDENDUM to Development Impacts on Habitat and Restoration Opportunities on West Hayden Island (BPS, 05/28/10)</u>

This memo provided a list of potential mitigation receiving sites, some of which are owned by the Port of Portland or City of Portland while other sites are privately owned.

Table 2: Potential Mitigation Receiving Sites
Government Island
Sauvie Island
Ross Island
Harborton Wetlands
Terminal 5 Riparian Forest and Wetland
South Rivergate Corridor
Columbia Slough/Ramsey Lake
St John's Landfill
Doane Creek Confluence
Vancouver Lake
Vancouver Lowlands
Willamette Cove
Swan Island Lagoon
Balch Creek Confluence

Memo: WHI and Government Island Mitigation (Port of Portland, 06/01/10)

This memo addresses the capacity of Government Island to serve as a mitigation receiving site. The Port of Portland airport division owns 1,830 acres of Government Island. There is a "secondary exclusionary zone" related to wildlife hazard management for PDX which totals roughly 490 acres. This area could potentially be used for mitigation if the Wildlife Hazard Management Plan requirements can be met, however the memo excluded it for the purposes of this memo. Currently 300 acres of Governmental Island are dedicated to mitigation for impacts to grasslands at PDX. Removing the secondary exclusionary zone and dedicated mitigation acreage, there is a total of 614 acres available for mitigation on Government Island. The memo also included a list of all Port of Portland mitigation and enhancement sites.

Report: 1999 Draft West Hayden Island Planning Document V6 Mitigation Plans

The draft 1999 plan included a mitigation concept for impacts to wetlands. The concept outlined multiple wetland creation and enhancement opportunities some of which reestablished direct hydrologic connections between the Columbia River/Oregon Slough and off-channel areas.

Phase II Proposed Scope of Work

City Council's resolution has asked for a report that reviews ESA, CWA, EPA (strategic plan-Columbia River), State's Estuary Partnership Management Plan and FEMA requirements and how they may or may not be met. BPS, BES and OHWR staff will work together to address City Council's request as follows:

Input into the Concept plan:

Task 1: Research and review past memos and studies completed as part of Phase 1 and other materials specific to mitigation.

- Meet with BES and OHWR representatives to discuss work produced to date
- Define gaps and assign research of additional studies/plans as defined by City Council in the resolution.
- BES staff will update Envirolssues report from Phase 1 to include other research detailing any additional regulatory requirements that may be applicable.
- <u>Deliverable:</u> updated Envirolssues report

Task 2: Review other goals and policies related to natural resource protection and restoration, including but not limited to the Oregon Conservation Strategy.

- BES and BPS staff will review and summarize non-regulatory goals and policies that may guide protection and restoration of natural resources on West Hayden Island.
- Deliverable: memo

Evaluation with the preferred concept plan:

Task 3: Analyze regulatory requirement research against the West Hayden Island Concept Plan preferred alternative.

- BES and BPS staff will document acreage of each habitat that could be impacted by development footprint and identify regulatory mitigation requirements that may be applicable. BES will work with the Streamlining Committee.
- <u>Deliverable:</u> a memo that assesses:
 - Acres of mitigation potentially required;
 - Additional acres of mitigation likely need to reach no-net-loss of environmental function; and
 - City Attorney review of potential regulatory requirements and assessment of permitting feasibility and how requirements may or may not be met.

Task 4: Based on the results of Task 1 and 2:

- Determine if there is a likely need for off-site mitigation.
- Coordinate with Superfund project to discuss and outline potential NRDA mitigation requirements on WHI
- Identify likely mitigation needs, including habitat type and acreage.
- Cull the list of possible mitigation sites to those that could meet the off-site mitigation needs.
- <u>Deliverable:</u> a memo that documents the results of the assessment and lists potential offsite mitigation opportunities

WHI Concept Plan ~ Proposed Brainstorming Methodology

I. Overall Process Steps : A Reminder

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

II. Proposed Brainstorming Methodology Overview

- A) Purpose: To identify the key topics that will be considered during the future (post-consultant hiring) development of the concept plan. Brainstorming not Decisionmaking
- B) Essential Differences Between a "Concept Plan" and a "Development Plan"
- C) Big Picture to Get Through Concept Plan Development Steps A, B, and C, above:

General	Topics	Considerations	Options	Evaluation	Advantages/	AC
Category				Criteria	Disadvantages	Recommendation

D) Today Tasks:

General	Topics	Considerations	Options	Evaluation	Advantages/	AC
Category			-	Criteria	Disadvantages	Recommendation

		Considerations What are the Environmental, Economic and Social issues related
General Category	Topics	to this topic that should be considered during development of the concept plan?
Economic / Site Characteristics	300 acre limit on industrial development and the feasibility of two terminals	
	Infrastructure needs (bridge, access roads, rail, etc.) fitting within the 300 acres limit	
	The varying sizes of viable terminal footprints	
	Potential marine terminal operational efficiencies that could reduce the overall footprint	
	Security features required for the terminals and their impact.	
Economic / Environmental Impacts	Different terminal types with different footprints and impacts	
Natural Resource & Mitigation	Minimization of impacts to natural resources w/i the 300 acre development and w/i the 500 natural area	
	Locations for natural resource mitigation. Required mitigation vs. net increase in ecosystem function	

	Types of restoration needed within the 500 acres to have a net increase in ecosystem functions
	WHI's ability as mitigation site for Superfund or other projects not related to this project
Transportation	Second Bridge to provide Terminal Access.
	Additional traffic trips generated by future industrial development
Recreation	Local recreational needs and desires, passive and active.
Livability	Livability impacts of development on the local communities
Use Conflicts	Conflicts between recreation and natural resources.
	Conflicts between industrial development and natural resources
Additional Categories	Additional Topics for Discussion