

West Hayden Island Project

Proposed Draft

August 14, 2012



Bureau of Planning and Sustainability

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For more information about this project please contact:

Eric Engstrom, Principal Planner
Portland Bureau of Planning and Sustainability
1900 SW 4th Avenue, Suite 7400
Portland, Oregon 97201-5380
Phone: 503-823-3329
Email: Eric.Engstrom@PortlandOregon.gov

A digital copy of this report can be found at:
www.portlandoregon.gov/bps/whi

Table of Contents

I.	Summary of Proposal	5
II.	History & Context of West Hayden Island.....	5
III.	West Hayden Island Planning Project.....	8
IV.	Amendments to Comprehensive Plan and Transportation System Plan	13
V.	Amendments to the Zoning Code.....	37
VI.	IGA between Port and City	101

Attachments

Attachment A - Council Resolution	A-1
Attachment B - Public Involvement Process.....	B-1
Attachment C - Summary of Technical Studies	C-1

Acknowledgements

Project Advisory Committee

Sam Imperati - Facilitator
Susan Barnes, Oregon Department of Fish and Wildlife
Andrew Colas, Colas Construction
Andy Cotugno, Metro
Pam Ferguson, Hayden Island Resident
Don Hanson, OTAC Consultants and BPS Planning & Sustainability Commission
Chris Hathaway, Lower Columbia River Estuary Partnership
Brian Owendoff, Capacity Commercial Group
Emily Roth, Portland Parks and Recreation
Sam Ruda, Marine Director, Port of Portland
Bob Sallinger, Audubon Society
Bob Tackett, NW Oregon Labor Council
Victor Viets, Hayden Island Resident

Portland City Council

Sam Adams, *Mayor*
Nick Fish, *Commissioner*
Amanda Fritz, *Commissioner*
Randy Leonard, *Commissioner*
Dan Saltzman, *Commissioner*

Portland Planning and Sustainability Commission

André Baugh, Chair; Howard Shapiro, Vice-Chair; Michelle Rudd, Vice-Chair; Karen Gray;
Don Hanson; Mike Houck; Lai-Lani Ovalles; Gary Oxman; Jill Sherman; Chris Smith; Irma Valdez

Bureau of Planning and Sustainability

Sam Adams, *Mayor, Commissioner-in-charge*
Susan Anderson, *Director*
Joe Zehnder, *Chief Planner*

Project Staff

Bureau of Planning and Sustainability

Eric Engstrom, Principal Planner
Rachael Hoy, Community Outreach
Mindy Brooks, Environmental Tech II
Phil Nameny, City Planner II

Bureau of Environmental Services

Mike Rosen, Watershed Services Manager
Kaitlyn Lovell, Watershed Services Project Manager
Dave Helzer, Environmental Specialist

Portland Bureau of Transportation

Robert Hillier, Transportation Engineer
John Gillam, Planning Manager
Ningsheng Zhou, Transportation Modeler

Office of the Healthy Working River

Ann Beier, Director
Heidi Berg, Environmental Program Coordinator

This document is a staff proposal for the West Hayden Island to the Planning and Sustainability Commission.

The purpose of the zoning code provisions is to describe uses to be allowed on West Hayden Island and to describe the limits of the physical development in a way that is consistent with the concept plan created earlier this year.

The purpose of the agreement is to describe transportation improvements, community and recreational investments, and environmental mitigation measures that the Port and the City agree to undertake if West Hayden Island is annexed to the City and developed with a port facility.

How to Comment:

Specific elements of the proposal related to transportation, environmental mitigation and health impacts will be discussed in work sessions with project Advisory Committee members and technical staff in September. These dates will be listed on the calendar within the project website. These meetings will be at 1900 SW 4th Ave, Portland, Suite 7100. The public is welcome to attend and provide comment at these meetings.

A public hearing is scheduled with the Planning and Sustainability Commission on October 23, 2012, at 6pm. The hearing will be at 1900 SW 4th Ave, Portland, Room 2500.

Public testimony to the Planning and Sustainability Commission can be received in writing or email prior to the hearing, or in person during the hearing. Mail Comments to the Planning and Sustainability Commission, 1900 SW 4th Ave, Portland, OR, 97201, Suite 7100. Comments may also be emailed to psc@portlandoregon.gov.

These documents are being presented to the public at an informational **open house on September 12, 2012** from 6 to 9 PM. Details will be provided on the website.

For more information check the project website at: www.portlandoregon.gov/bps/whi.

Join the project email list with a message to: Rachael.hoy@portlandoregon.gov.

I. Summary of Proposal

In July 2010 the Portland City Council passed a resolution directing the Bureau of Planning and Sustainability to develop a legislative proposal for the annexation of West Hayden Island to the City. Because the island is valuable for both its marine industrial potential as well as wildlife habitat, Council specified that the proposal should designate at least 500 acres as open space and no more than 300 acres for future deep water marine terminal development. Since then, the City has been conducting research, engaging the public and working with the project Advisory Committee to prepare a Concept Plan and legislative package for City Council consideration. This proposal accommodates a mix of natural resource areas, industrial development and recreation on WHI.

This document represents a staff proposal for the annexation of West Hayden Island, including regulations and agreements to govern development in accordance with Council's Resolution 36805. This is a staff proposal, which will be reviewed by the project's Advisory Committee, members of the public and ultimately the Planning and Sustainability Commission during public hearings currently scheduled for October. Recommendations from the Commission will be incorporated into a Recommended Draft that will be presented to City Council

This document consists of several proposed amendments and related agreements. They include:

- Additions and amendments to the City's Comprehensive Plan and Transportation Systems Plan and related maps.
- Additions to the City's Zoning Code and Zoning Map.
- A draft Intergovernmental Agreement (IGA) between the Port of Portland and the City of Portland.
- A summary of the public involvement program.

Included as separate appendices to this document are the Natural Resource Inventory and the Economic, Social, Environmental, and Energy (ESEE) report. In addition, there are many background reports such as the Cost/Benefit Analysis, Harbor Lands Inventory, and Concept Plan report that will be made available to members of the Planning and Sustainability Commission and City Council on request. These background reports are posted on the project website under the Phase II technical studies.

II. Project Context

West Hayden Island (WHI) is located nine miles north of downtown Portland near the confluence of the Columbia and Willamette Rivers. The Columbia River flows for more than 1,200 miles, from the base of the Canadian Rockies in southeastern British Columbia to the Pacific Ocean at Astoria, Oregon, and Ilwaco, Washington. The basin drains roughly 260,000 square miles that included land in seven states and one Canadian province.

Approximately 800 acres in size, West Hayden Island comprises the western half of Hayden Island. It is in unincorporated Multnomah County, within the regional Urban Growth Boundary (UGB) established by the Metropolitan Service District (Metro), which means that Metro

expects WHI to eventually be developed with urban uses. WHI is an important natural area in the Columbia River ecosystem as well as an important site for future expansion of Portland's Harbor. It has been identified by Metro as a Regionally Significant Industrial Area (RSIA) and a regionally significant Habitat Conservation Area.

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's Comprehensive Plan Goals and Policies. In 1983, WHI was brought into the UGB for marine industrial land use purposes. It is designated as Marine Industrial Land on the Metro 2040 Growth Concept Map and as a Regionally Significant Industrial Area on Metro's 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. It is also identified as a Moderate Habitat Conservation Area (HCA) in Title 13, which requires the City to develop a district plan in cooperation with the Port to address the moderate HCA designation.

This planning project considers 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. The WHI Plan District will establish the zoning for the property and allowed uses if approved by City Council. The WHI Plan District is intended to provide a decision-making framework for future review of specific proposals.

Island History

Hayden Island probably originated as a mid-channel bar in a shallow portion of the Columbia River, near the confluence with the Willamette River, and was a dynamic area with islands, shoals and channels that changed with flooding and variations in river flow. Installation of dams on the Columbia River significantly altered river flows and flooding. On the island, development of dikes, placement of fill, dredging of areas for boat moorage, and construction of groins to stabilize the banks have formed the single land mass we see today.

The western part of the island is 800+ acres of relatively undeveloped land. Much of WHI is vegetated with black cottonwood and Oregon Ash trees with an understory of native shrubs and groundcover. Himalayan blackberry and other non-native plants are found around the forest's edges and in more open areas. There are also meadows, wetlands, open sandy fill areas, beaches, and shallow water areas. Development on WHI includes electrical power lines, transmission towers, the Columbia Wastewater Treatment Plant pump house and de-chlorination facility, and dredge deposit management area.

Acquisition History and Previous Planning Projects

WHI was owned by Portland General Electric (PGE) for many years. In 1983, while under PGE's ownership, the island was included in Metro's Urban Growth Boundary "to satisfy a long term regional need for water-dependent deep water marine terminal and industrial facilities" (Metro Ordinance No. 83-151).

- In 1987, PGE completed an Environmental Impact Statement (EIS) and received the appropriate permitting to develop on WHI. The proposed development was to provide access for deep-draft vessels and included construction of a bridge, extension of utilities to the site and construction of on-site land transportation facilities. The plan was never implemented.

- The Port of Portland purchased the PGE properties in 1994 for marine industrial development.
- In the late 1990s the Port began both an annexation process and an Environmental Impact Statement (EIS) for prospective development. The project was abandoned due to changing economic, environmental and political conditions. The Port has since held the property in reserve for future potential marine development.
- In 2004, as part of a regional process to distinguish industrial lands, Metro identified WHI as a Regionally Significant Industrial Area with characteristics that lend itself to industrial uses.
- In 2005 Metro designated WHI a Moderate Habitat Conservation Area as part of the Title 13 Nature in Neighborhoods program. Metro made the designation based on the high value of development potential and the high value of the natural resources. Metro directed the City of Portland, in cooperation with the Port of Portland, to create a district plan for WHI.
- The Port was approached by the City to pursue the current planning process in order to take advantage of other planning processes currently underway. The City has coordinated this effort with planning work being done on the Columbia River Crossing (CRC) bridge project and East Hayden Island.

Natural Resources on West Hayden Island

WHI is one of the largest intact island habitats in the Lower Columbia and Willamette Rivers, third to Sauvie and Government Island. WHI is part of a network of habitats that includes Smith and Bybee Wetlands, Sauvie Island, Vancouver Lake Lowlands, Shillapoo Wildlife Area, Ridgefield Wildlife Refuge, the Sandy River Delta and the Lower Columbia River Estuary. As such, WHI provides a regional nexus for migrating fish, birds and other species.

The island mosaic of habitat features includes wetlands, forests, shrubland, grasslands, open sandy areas and shallow water which have a synergistic relationship. Over 180 plant species, native and non-native, occur on WHI - one of these is an at-risk plant species, hair water fern. WHI also has one of the few large contiguous areas of bottomland hardwood forests in the region: a total of 435 acres of forest and woodland, which represents 4% of the total bottomland hardwood forests between the Bonneville Dam and the mouth of the Columbia River.

Over 200 wildlife species have been documented to use WHI. Thirteen at-risk bird species use WHI including Bald eagle, Western meadowlark, pileated woodpecker, willow flycatcher and American Kestrel. They use WHI for roosting, perching, nesting and foraging. The shallow water surrounding WHI is used by five at-risk fish species including federally-listed ESA species Chinook salmon, chum salmon, Coho salmon, steelhead trout and cutthroat trout. Six other at-risk species use WHI including red-legged frog and five bat species are found on WHI. Red-legged frog uses both the wetlands and forests for different parts of their life cycle. The bats, which are migratory, roost in the riparian forests and forage over open water.

The existing natural resources are documented in the Hayden Island Natural Resources Inventory (2012). This inventory was done for the entire island as well as the south bank of the Oregon Slough. However, only the information gathered for West Hayden Island is used for this legislative proposal. The information for East Hayden Island, and the south bank will be used in the event that future environmental regulatory changes are proposed in those areas.

West Hayden Island as a Regionally Significant Industrial Area

In 2004 Metro designated WHI as a Regionally Significant Industrial Area “with site characteristics that are relatively rare in the region that render them especially suitable for industrial use” (Metro Ordinance 04-104B; MC 3.07.130). Metro’s land designations are intended to guide future growth within the region. Designating an area as “regionally significant” implies that the area has special characteristics that make it appropriate for future industrial development. In the case of West Hayden Island, the area is in close proximity to the region’s transportation infrastructure, including rail and marine routes, highways, and the Portland Airport.

The City is in the process of updating its Comprehensive Plan. A component of that update is complying with Statewide Planning Goal 9 (Economic Development) and the mandate in its implementing rules that the City complete an inventory and analysis of the supply of land available for future employment growth (the Economic Opportunities Analysis or EOA). The EOA concludes that the City of Portland may need an additional 580 acres of land for traded sector transportation facilities, such as airport facilities, rail yards, and marine terminals. Region-wide, including Vancouver, the marine terminal need is projected at 570 acres. City inventories suggest that there is an effective supply of about 100 acres of available vacant industrial land in the harbor area (in Oregon, not including West Hayden Island). BPS estimates that the Port of Vancouver has about 350 acres of vacant land in reserve for future marine terminal growth.

The lack of available marine industrial land may create a constraint on the City’s economy within the foreseeable future. The effective supply of riverfront land along the Willamette could potentially be increased to as much as 200-300 acres with aggressive cleanup of contaminated sites and a land assembly program. That said, sites along the Willamette do not have access to the 43 foot deep navigation channel, which allows access for a greater variety of ocean going vessels that are used in international trade. None of the potential marine terminal sites along the Willamette River meet the dimensional requirements for modern “unit train” rail access, and much of the potential acreage consists of smaller sites that cannot be assembled into a sufficiently sized parcel for a marine terminal.



III. West Hayden Island Planning Process

The planning process for WHI has been divided into two phases. Phase I covered the initial project research up to the summer of 2010 (up to the adoption of Council resolution 36805). We are now completing Phase II, which included additional technical studies and the development of a concept plan and a legislative proposal for City Council to consider in accordance with their Resolution (36805) (Attachment A).

This legislative proposal is based upon a Concept Plan, that was developed in conjunction with an outside consultant, to provide guidance for open space, natural resource protection

and industrial development. The proposal includes draft comprehensive plan changes, zoning code amendments, maps and a draft intergovernmental agreement (IGA). These will all be requirements for annexation into the City. City Council will ultimately vote on the complete package, which will include the recommendations made by the Planning and Sustainability Commission. The table below provides a brief summary, and the phases are described in greater detail below.

Project Timeline

Timeframe	Milestones	Public Events
Winter 2008 – Summer 2010	Environmental and Economic Foundation Studies / City Council Resolution	Community Working Group Meetings / Open House City Council Hearing
Fall 2010 – Winter 2012	Concept Plan / Technical Studies	Advisory Committee Open Houses / Office Hours City Council Work Session
Spring - Summer 2012	Staff Proposal for annexation and zoning	Advisory Committee Open Houses / Office Hours
Fall 2012	Planning and Sustainability Commission and City Council deliberation on annexation and zoning	Public Hearings

Phase I: WHI project begun; Mayor convened Community Working Group (Late 2008 - Summer 2010)

In late 2008 a City-initiated planning effort for West Hayden Island began. This planning process was to build on the planning work being done on the Columbia River Crossing (CRC) project and the East Hayden Island Neighborhood Plan. Mayor Sam Adams created a Community Working Group (CWG) and directed staff to hire consultants to provide key economic and environmental studies.

These studies were intended to help determine whether West Hayden Island could be developed for multiple uses, including marine industrial, habitat and recreational. The studies were also intended to help determine whether the land could accommodate these uses while retaining its natural resource qualities and provide economic value to the region.

In early 2009, the CWG was tasked with providing City Council with a recommendation based upon the studies' findings. To help the CWG evaluate the data and to develop a recommendation, the City hired ENTRIX to perform additional research and create the set of foundation studies, including:

- Economic Foundation Study
- Environmental Foundation Study

- Recreation Analysis of West Hayden Island
- Integrated Report of Findings

The CWG met for 17 months, with over 76 hours meeting time. In June 2010 the CWG produced a report that articulated points of commonality and the most critical differences in members' perspective or rationales to aid the City Council in deciding how next to proceed (Full report is included in Attachment B under Public Involvement Process). But the CWG could not reach agreement on a recommendation. On July 29, 2010, after considering the CWG's input and hearing extensive public testimony, City Council passed a resolution directing the Bureau of Planning and Sustainability to continue planning efforts. Resolution 36805 directed BPS to prepare a proposal with at least 500 acres of open space and no more than 300 acres for future deep water marine terminal development.

As part of this resolution, the Council directed staff to produce and coordinate several additional studies to help inform any future planning decision. Council asked staff to analyze the costs and benefits of developing part of the island, review the feasibility of other lands in the Portland Harbor for terminal development, consider nature-based recreational opportunities and expand upon a local impacts report produced by the City to assess impacts, such as traffic, noise, dust and light on neighboring properties.

Phase II: Concept Planning and Legislative Process (Fall 2010 - Fall 2012)

With City Council adoption of Resolution 36805, Phase II of the WHI planning process began. Council directed staff to propose a Concept Plan and Legislative Proposal for Zoning and Annexation. During the fall of 2010 and winter of 2011, staff began the additional background research, hiring the consultants to work on the technical reports and set up a new project Advisory Committee (AC) consisting of members of business and environmental groups, community members and regional agency interests. During the fall of 2010 staff also hosted a community involvement summit meeting.



Several additional technical reports and studies have been completed, both by outside consultants and City staff (see Attachment C for a full description and list of studies). The studies have also been posted on the project's website. The studies focused on rail configuration, harbor lands inventory, terminal operational efficiencies, cost/benefit analyses, regulatory requirements, natural area land management options and local impacts. Staff has also worked on an update to the Environmental Zoning Program for the area around Hayden Island; including completion of the Hayden Island Natural Resource Inventory (NRI), which documents the existing environmental resources and special habitats in the area, and the Economic, Social, Environmental and Energy (ESEE) Analysis to evaluate the trade-offs associated with different levels of natural resource protection.

Some of this work helped to inform a base concept plan that was developed by the project consultant, Worley Parsons, with guidance from the project AC. Staff and AC members hosted Concept Plan open houses in October of 2011 (See Attachment B for the full public

involvement report). The concept plan was requested by the City to help determine whether economically viable marine terminals could be built within the 300 acres area defined by City Council, while also providing opportunities for natural resource protection and enhancement and passive recreation on the remainder.

Using the concept plan as a reference point, staff worked with the AC to develop a draft proposal for the City Council to consider, in accordance with their resolution of 2010. A draft proposed was released in June 2012 for AC consideration. Staff hosted several open houses in June and July of 2012 to provide additional opportunity for community input. As of July 2012, the AC has met 21 times.

The proposal currently includes:

- Consideration of annexation
- Comprehensive Plan designations and Map Amendments
- WHI Plan District with zoning maps and code
- A draft Intergovernmental Agreement (IGA) between the Port of Portland and the City of Portland

The NRI and the ESEE will be included as appendices to the final recommended proposal given to the City Council. The technical studies will also be made available to decision makers as background reports to help inform their decision. Brief summaries of all of these reports are contained in this document as Attachment C. The full reports are available for download and located within the project website under the Phase II Technical Studies.

The public will be apprised of the progress of this proposal as we move forward, through additional open houses, emails and webpage updates. The Planning Commission will make recommendations on the land use provisions within the proposal, which include the Comprehensive Plan and Zoning portions of the proposal. Their recommendation will be part of the package submitted to City Council. The City Council will need to approve all aspects of this proposal in order for it to be implemented. The proposed IGA is also subject to Port Commission review and approval.

Staff Recommendation

The Bureau of Planning and Sustainability is seeking the Planning and Sustainability Commission's (PSC) recommendation on approval of the Comprehensive Plan and Zoning Amendments within this proposal. The Intergovernmental Agreement does not need a recommendation for approval from the PSC, but is included with the package to provide context and information. The PSC's recommendation should include the following actions:

- Adopt the report, including amendments, and recommend that Council adopt it;
- Recommend that Council adopt the proposed Comprehensive Plan maps and amendments shown in the report;
- Recommend that Council adopt the Zoning Map and Code amendments shown in the report;
- Recommend that Council adopt the Ordinance; and
- Direct staff to continue to refine the language as necessary.

Remaining Issues

Based on AC input to date, and feedback received in open houses, staff anticipates the following concerns and issues will be the focus of the Planning and Sustainability Commission hearing:

- Truck traffic remains a significant community concern. The Hayden Island Neighborhood Association has advocated for the construction of an additional bridge to serve WHI, from Marine Drive. Staff has recommended a cap on the number of trucks accessing WHI, as well as reconstruction of North Hayden Island Drive.
- The role of the City in future state and federal permits for wetland and shallow water habitat impacts. The City intends to retain their jurisdiction without issuing local land use permits. The timing of City involvement and dispute resolution are under discussion.
- The amount of forest mitigation is in dispute. Both the City and the Port have developed approaches to evaluating the proposed mitigation. This issue hinges on several policy decisions, including 1) the baseline condition of the forest impact and the desired forest mitigation end-state goals (a 60-80 year old forest or a 80-100 year old forest), 2) focusing on species needs or habitat functions (habitat value for salmonids or interior forest function), and 3) how far away mitigation occurs and discounting for mitigation that is further away from WHI.
- Based on EcoNorthwest recommendations, the City has embarked on additional health analysis, with assistance from the Multnomah County Health Department. Both Hayden island residents and the Port have concerns about the health research scope. There have been requests for a much larger scope with a longer timeframe.

IV. Amendments to the City's Comprehensive Plan and Transportation System Plan

West Hayden Island is currently outside of the city limits and is subject to Multnomah County Zoning. In order to bring this land within the city limits, the city's Comprehensive Plan must be amended. Portions of the Transportation System Plan (TSP) overseen by the Portland Bureau of Transportation (PBOT) are part of the Comprehensive Plan. The TSP must be compatible with the land use plan being proposed for adoption through the West Hayden Island Plan process

The following amendments are proposed by staff. Staff commentary of the proposed changes is provided on the left-handed pages of the document with proposed map and language changes presented on the right-handed pages.

Background

As part of the West Hayden Island planning process, several background studies have been produced to consider the transportation impacts of terminal development on Hayden Island and the surrounding area, as well as a Cost/Benefit analysis of the development envisioned in the concept plan. In many cases, these studies updated work that was originally done in 1998 and 1999 during a previous attempt to annex West Hayden Island.

The transportation studies completed at that time envisioned a potential container terminal in conjunction with a bulk terminal. Responding to these technical findings a new West Hayden Island bridge was incorporated in to the City's TSP and designated as a Priority Truck Street connecting to North Marine Drive, also a Priority Truck Street. However, the current concept plan and annexation process envisions a terminal focused on transshipments between rail or barge and ocean-going vessels. As a result, automobile and truck traffic is expected to be less than what was planned in 1999, with traffic counts between 26 and 40 percent of the previous estimate. These traffic counts may not warrant the investment in a West Hayden Island Bridge.

An alternative access route serving the West Hayden Island industrial area is North Hayden Island Drive, given the practical limitations of constructing a new West Hayden Island Bridge. This arterial street connects to I-5 via the interchange facility on Hayden Island. North Hayden Island Drive also currently provides the primary access route for regional commercial uses on the island and existing industrial uses adjacent to the Burlington Northern Santa Fe railroad. To move forward with this alternative, several amendments are needed to the transportation classifications of North Hayden Island Drive. These amendments are described in the following pages. As a part of project development activities for improvements to North Hayden Island Drive it will be necessary to respond to all of the modal designations and land uses adjacent to the street.

In the event that North Hayden Island Drive can not be improved as envisioned consistent with these street designations, or that updated information finds that the costs and impacts of a new West Hayden island bridge are less than currently determined through the West Hayden Island Plan, it is recommended that the TSP be amended to include statements identifying the West Hayden Island bridge as a replacement industrial access facility to North Hayden Island Drive.

The Major Transportation Improvements List, often referred to as the TSP "project list" will be amended to remove the West Hayden Island bridge and instead include North Hayden Island Drive,

The following should be considered as amendments to the Comprehensive Plan and the TSP. These amendments secure the land use plan for the proposed annexed area, and secure the flexibility for future transportation improvements if a bridge to West Hayden Island is not proposed.

Comprehensive Plan Map Amendments

The Comprehensive Plan Map must be amended to include West Hayden Island as part of the City annexation. The amended map shows the land use designations for the island and the water surrounding the island, and will be consistent with the zone mapping. The two applicable Comprehensive Plan designations are "Industrial Sanctuary" which will apply in areas zoned IH, and "Open Space", which will apply in areas zoned OS.



Comprehensive Plan Goal Amendments

Goal 5 Economic Development Policy 5.4 Transportation System

The Federal and State Governments, in conjunction with the Ports of the Lower Columbia River have invested public funds over the past several years to deepen the Columbia River shipping channel between the Pacific Ocean and Portland/Vancouver to a depth of 43 feet. This allows the ports throughout this river system to accommodate the vast majority of ocean-going ships to stay competitive in global trade and transportation. Recent expansions at the Ports of Longview and Vancouver can be traced back to this investment.

The City's Comprehensive Plan Goals do not acknowledge the value of this public project, and do not include any objectives that ensure that the city utilize this investment as part of its multi-modal transportation network. This amendment adds an objective to the City's Economic Development Policy on the Transportation System to ensure that the City take advantage of opportunities to link its transportation system to the Columbia River channel.

Goal 5: Economic Development

Add Objective I to Policy 5.4 of Goal 5 as underlined below:

5.4 Transportation System

Promote a multi-modal regional transportation system that stimulates and supports long term economic development and business investment.

Objectives:

- A. Support multimodal freight transportation improvements to provide competitive regional access to global markets and facilitate the efficient movement of goods and services in and out of Portland's major industrial and commercial districts. Ensure access to intermodal terminals and related distribution facilities to facilitate the local, national, and international distribution of goods and services.
- B. Use transportation system improvements as a catalyst for attracting industrial and employment development.
- C. Work closely with public agencies, such as Tri-Met, and the private sector to deliver an efficient and effective transportation system and network. Improve transit connections between residential communities and work sites.
- D. Support transit-supportive development and redevelopment along designated transit streets and in the vicinity of transit stations.
- E. Promote safe and pleasant bicycle and pedestrian access to and circulation within commercial areas. Provide convenient, secure bicycle parking for employees and shoppers.
- F. Encourage a wide range of goods and services in each commercial area in order to promote air quality and energy conservation.
- G. Pursue special opportunities for alternative modes of transportation to serve as attractors themselves. Such projects include water taxis, streetcars and bicycle/pedestrian facilities and amenities.
- H. Pursue transportation and parking improvements that reinforce commercial, industrial and residential districts and promote development of new districts.
- I. Encourage opportunities to provide multimodal access to the publicly maintained Columbia River Shipping Channel to maintain Portland's role as a maritime and multimodal hub for sustainable global and regional freight movement.

Policy 6.35 North Transportation District.

District Objectives:

Objectives T & U: In conjunction with the changes to the street designations illustrated on the following pages, Policy Objective T is added to guide the necessary improvements that will be needed to North Hayden Island Drive. In the event that North Hayden Island Drive can not be improved as envisioned consistent with the street designations, or if that updated information finds that the costs and impacts of a new West Hayden island bridge are less than currently determined through the West Hayden Island Plan, it is recommended that the TSP be amended to include a new district objective identifying the West Hayden Island bridge as a replacement industrial access facility to North Hayden Island Drive

Policy 6.36 North Portland District

Amend the North Transportation District Policy Objective as follows to add the following new objectives T and U.

Add Objective T as follows:

- T. Identify appropriate improvements to implement North Hayden Island Drive as an industrial access facility to the West Hayden Island while responding to other modal functions consistent with street classifications.

Add Objective U as follows:

- U. A new bridge connecting the West Hayden Island industrial area to North Marine Drive shall be considered a replacement industrial access facility alternative in the event that North Hayden Island Drive is not improved for this purpose.

Policy 6.35 North Transportation District

North Transportation District Maps

All Maps:

As a result of the previous transportation studies which considered a container terminal on West Hayden Island, the maps of the North District all included a WHI bridge from Marine Drive. With the current proposal, and restrictions being made to development through the Zoning Code and Intergovernmental Agreement (IGA), staff is recommending to make investments to North Hayden Island Drive instead of planning for a new bridge. To be consistent with this policy decision, Maps 6.35.1, 6.35.2, 6.35.3 6.35.4, 6.35.5, 6.35.6, 6.35.7 are being amended to remove the bridge between West Hayden Island and Marine Drive from the maps.

The following additional amendments are needed to specific maps within the district. It should be noted that with the new or remaining designations, it will be necessary to respond to all of the modal designations and land uses adjacent to the street, as a part of project development activities for improvements to North Hayden Island Drive

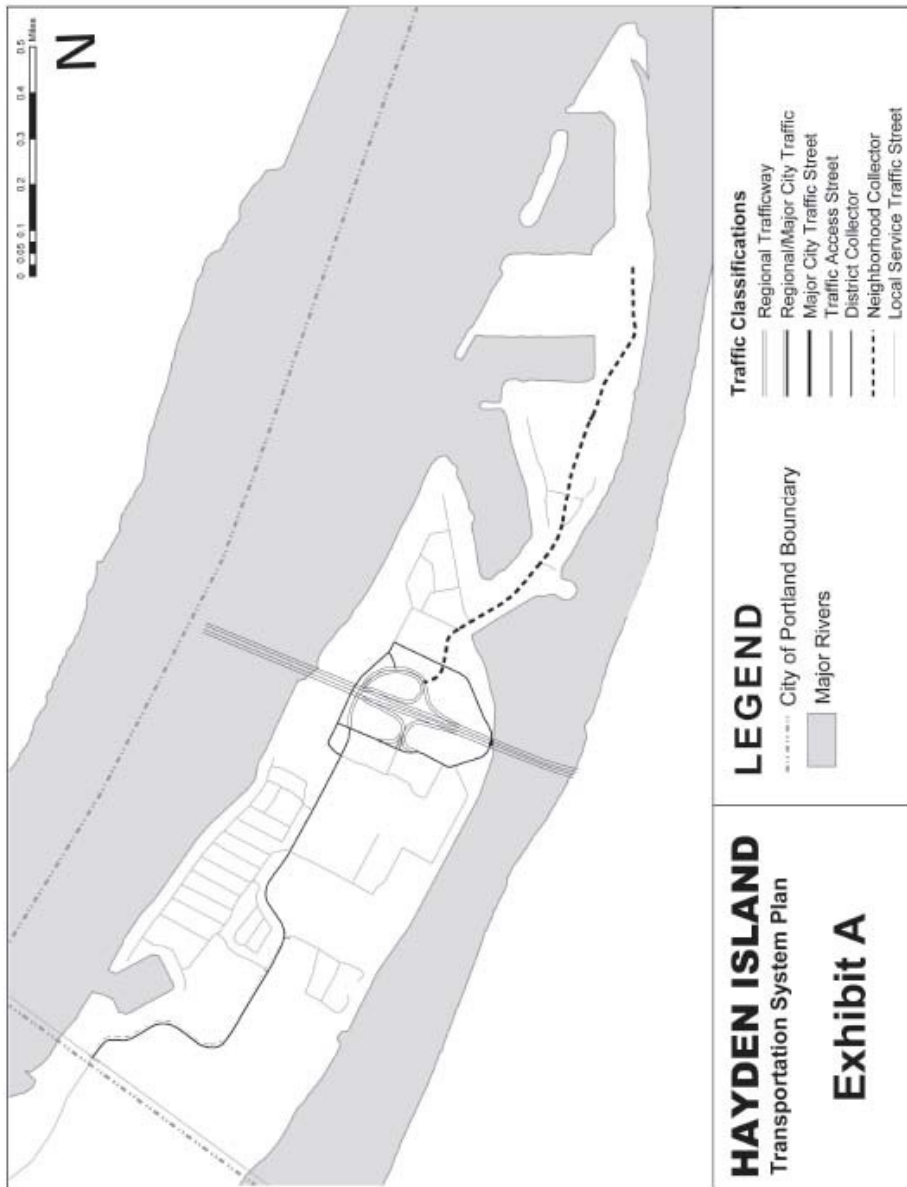
Traffic Classification: *With the adoption of the Hayden Island Plan, the traffic classification for North Hayden Island Drive west of I-5 has two segments of traffic designations. Between I-5 and the southern entrance to the Manufactured Home Park (just west of the mall), the street is a District Collector. West of this spot up to the railroad tracks, the street is a Neighborhood Collector. The role of this portion of the street will change when it provides access from the terminal site. As a result, the entire length of the street west of I-5 should be designated as a District Collector.*

All Maps for North Portland

Amend Maps 6.35.1, 6.35.2, 6.35.3 6.35.4, 6.35.5, 6.35.6, 6.35.7 to remove bridge between West Hayden Island and Marine Drive from the maps.

Amendments related to specific maps

Amend Map 6.35.1 (traffic classification) to change North Hayden Island Drive from a Neighborhood Collector west of Jantzen Beach Center to a District Collector, as shown in Exhibit A (*originally from Hayden Island Plan*).



Transit Classification: West of the mall, North Hayden Island Drive is a Community Transit Street. This classification is still appropriate, and no change is necessary.

Bicycle Classification: North Hayden Island Drive is a City Bikeway. Although increased freight traffic may use this street in the future, the classification is still appropriate for streets with a mix of traffic and modes. This route will provide bike access from a future light rail transit station to the recreational amenities on WHI.

Pedestrian Classification: As part of the Hayden Island Plan, the area around the current Jantzen Beach Supercenter is designated a Pedestrian District. North Hayden Island Drive is also a City Walkway, a designation in effect prior to the Hayden Island Plan. These designations are still appropriate, even with proposed changes the Hayden Island Drive, as the focus of the pedestrian area will be around the light rail transit station and Tomahawk Island Drive.

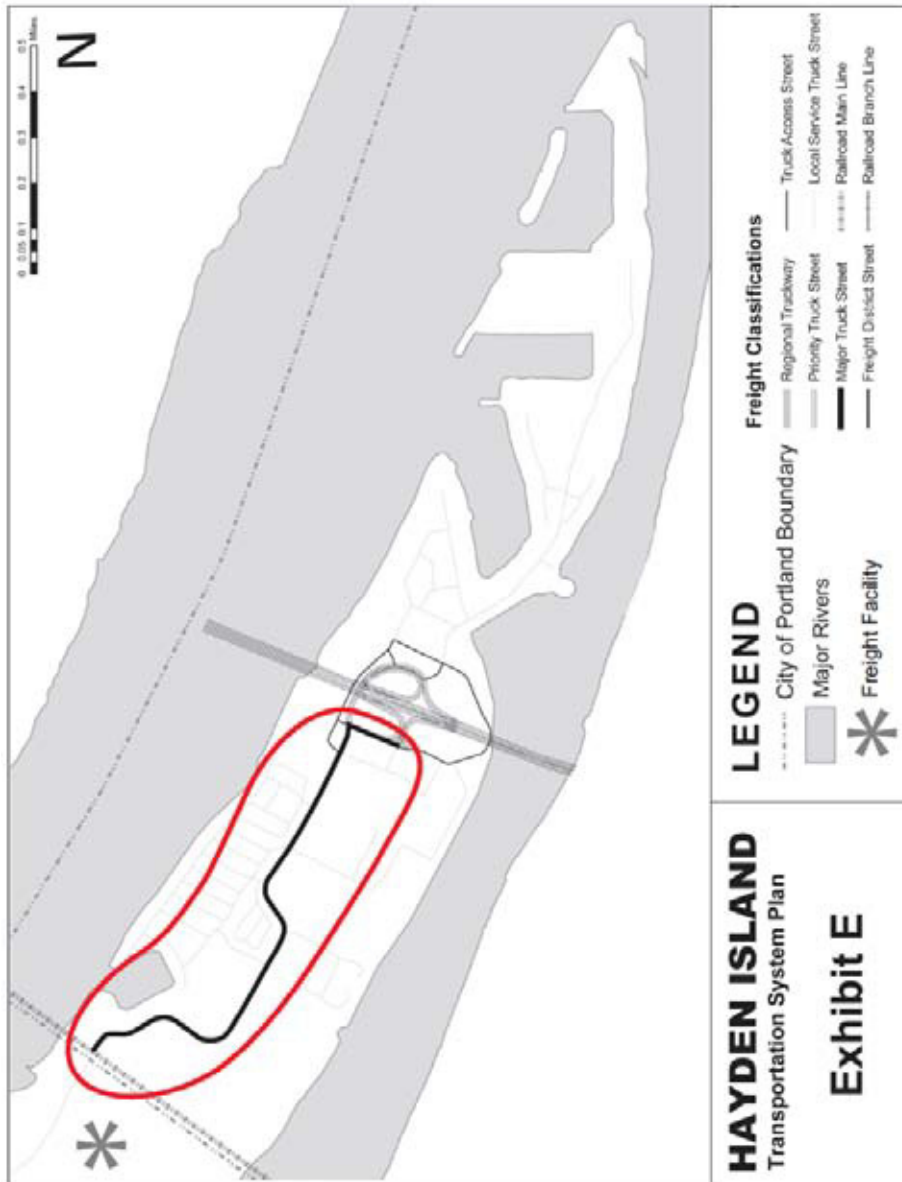
Freight Facilities and Freight Street Classification: Generally, any areas in the city where there are significant facilities for the movement and/or transshipment of freight are classified as Freight Facilities. These generally include marine and air terminals, rail yards, and other areas where two or more freight modes intersect at a hub. The proposed facility at West Hayden Island meets these criteria and should be shown as a Freight Facility. In addition, North Hayden Island Drive is currently designated a Truck Access Street, between Interstate 5 and the railroad bridge. Unless terminal development exceeds a certain level of truck traffic, this road is proposed to be the freight connector between the freight facility and I-5. As such, it warrants a designation of Major Truck Street for North Hayden Island Drive between I-5 and its western terminus as well as for North Center Street, to provide the connection between North Hayden Island Drive and the southbound on/off ramps at I-5.

Map 6.35.2 (transit classification): *no additional change*

Map 6.35.3 (bicycle classification): *no additional change*

Map 6.35.4 (pedestrian classification): *no additional change*

Amend Map 6.35.5 (freight classification) to add a freight facility symbol to West Hayden Island (labeled WHI Terminal) and change North Hayden Island Drive from a Truck Access Street to a Major Truck Street. Amend the portion of Center Avenue between North Hayden Island Drive and the Interstate 5 ramp from a Truck Access Street to a Major Truck Street. See Exhibit E (*originally from Hayden Island Plan*).

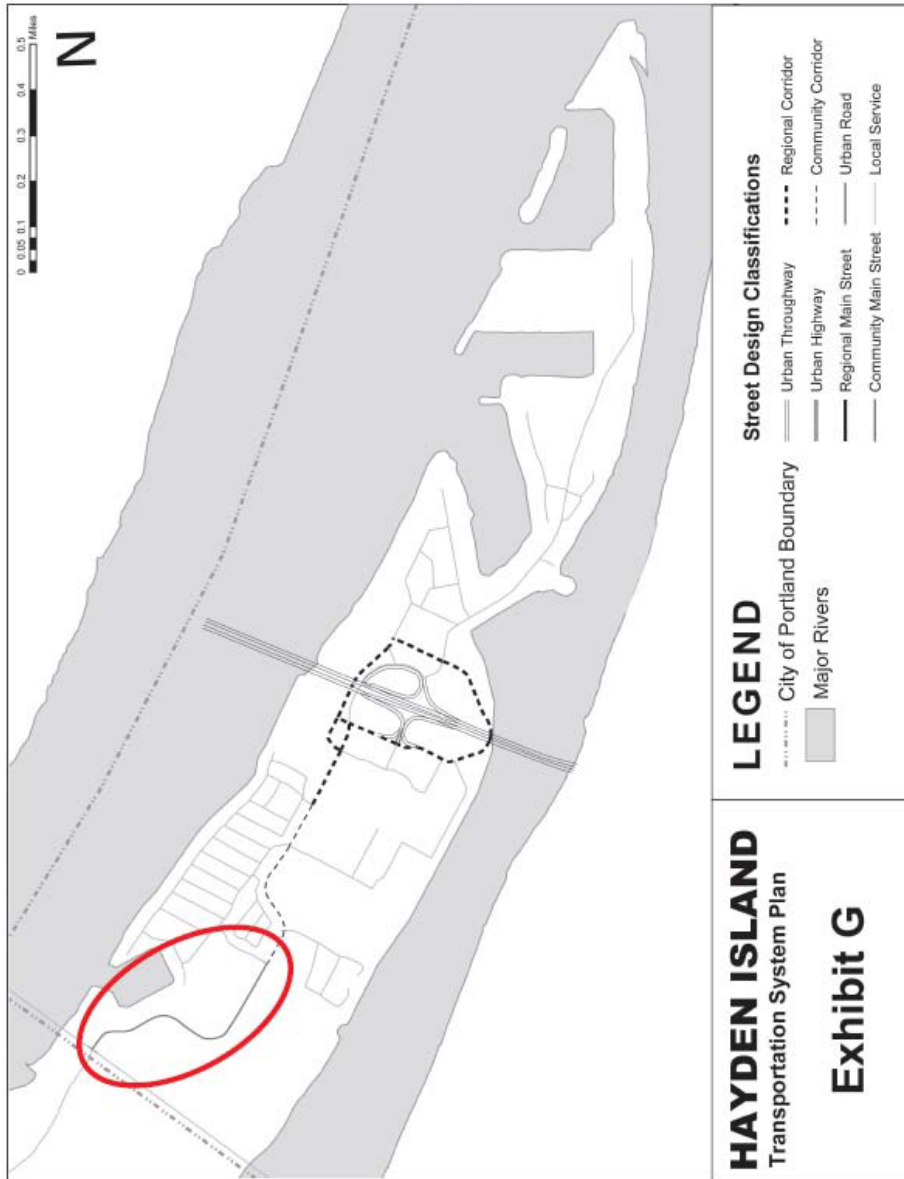


Emergency Access: North Hayden Island Drive is currently designated as a Major Emergency Response Street for the area west of I-5. This designation continues to be appropriate for future development.

Street Design: North Hayden Island Drive features three segments of different designations as part of the approval of the Hayden Island Plan. The street is a Regional Corridor between I-5 and the first northerly entrance to the Manufactured Home Park (just west of the new intersection with newly constructed street). Between this intersection and the furthest west intersection of the manufactured home park (often labeled N. Farr), North Hayden Island Drive is designated as a Community Corridor. Between N. Farr and the railroad, it is labeled as a Local Service Street. This is the area where the street bisects the island's industrial area before ending by the railroad tracks. Since this area, and the potential marine terminal are industrial uses, the street's related street design, and current development pattern are more consistent with an Urban Road designation

Map 6.35.6 (emergency access): *no change*

Amend Map 6.35.7 (street design) to change the designation of North Hayden Island Drive from Local Service street to Urban Road in the area zoned for industrial uses, as shown in Exhibit G (originally from Hayden Island Plan).



Goal 11: Public Facilities (and TSP Chapter 2, see below)

Goal 11B: Public Rights of Way Goals and Policies

The Hayden Island Plan created a street network for the expansion of public streets throughout the district. However, North Hayden Island Drive was shown to end at the railroad tracks where the city's jurisdiction ends. In order to provide access to the marine terminal site and to provide an opportunity for public recreation access, North Hayden Island Drive needs to be extended past the railroad into West Hayden Island. Map 11.11.20, which is the map associated with the Hayden Island street network is amended to extend North Hayden Island Drive past the Burlington Northern Santa Fe railroad tracks into West Hayden Island.

Goal 11: Public Facilities (and TSP Chapter 2, see below)

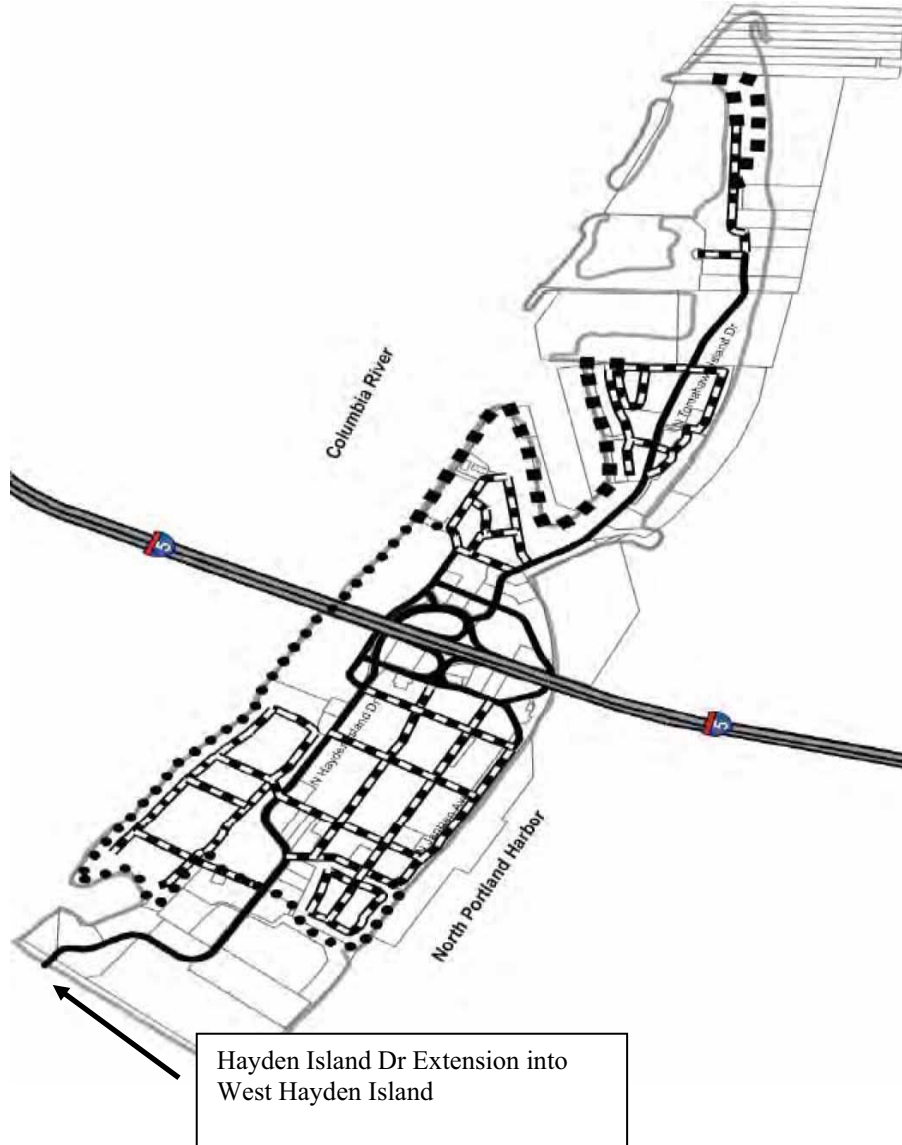
Goal 11B: Public Rights of Way Goals and Policies

Map 11.11.20 is amended to include an extension of North Hayden Island Drive into West Hayden Island.

11.11 Street Plans

Promote a logical, direct, and connected street system through the development of street plans.

- R. Implement the Hayden Island Street Plan as site development occurs as shown on Map 11.11.20.



TSP Amendments

Chapter 2 of the Transportation System Plan (TSP) contains Goal 6 and Goal 11B of the City's Comprehensive Plan. As a result, any amendments that are proposed to these goals need to be reflected in Chapter 2 of the TSP. The policy amendments use the Comp Plan Goal references within this chapter, and so are categorized by the numbers 6 and 11.

In concurrence with the Comprehensive Plan Amendments above, the following amendments are required to these sections of the TSP:

Policy 6.29 is amended to include the new objectives added to the Comp Plan above,

Maps 6.35.1 through 6.35.7 are amended to remove WHI bridge (verify) and to make the street classifications stated above in the Comp Plan, and

Map 11.11.20 is amended to incorporate the expansion of North Hayden Island Drive into the West Hayden Island plan district.

Chapter 3: Chapter 3 includes the list of Major Transportation Improvements anticipated to support the growth of Portland over the next 20 years. In conjunction with the amendments to the street designation maps, there are several amendments that are made to the project list.

Current Project 30053

This is the project covering the construction of the West Hayden Island bridge from Marine Drive. The project was listed for Years 11-20 and had an estimated price tag of \$49.8M, which was an estimate from the time it was added. The current estimate for a bridge ranges from \$50M to \$100M. Since this project is no longer being considered as necessary for development, it will be removed from the project list for North Portland

New Project 30084 (exact number to be determined by PBOT)

The North Portland Transportation District Maps have amendments to increase the traffic, freight and street design classifications for North Hayden Island Drive. These changes are separate from the planned work to help implement the Hayden Island Street network. In order to provide the ability to request funding for this project, a new project needs to be added to the project list.

An amendment is proposed to Projects 30018 and 30083 title, description and timeframe, to include the underlined items

TSP Amendments

Chapter 2 Amendments

Policy 6.35 of Chapter 2 of the TSP is amended to add Objective T & U (as stated above)

Maps 6.35.1 through 7 are amended as stated above.

Map 11.11.20 is amended to include North Hayden Island Drive extension as shown in above street network map.

Chapter 3 Amendments

Project 30084 is added as follows:

Hayden Island Drive, N: Street Improvements

Improve North Hayden Island Drive in accordance with its transportation classifications, from the limit of the Columbia River Crossing targeted Improvements to its terminus in the West Hayden Island plan district.

City of Portland \$20,500,000 (Years 11-20)

TSP Chapters 5, 10 and 12

The following chapters of the TSP (Ch 5 - Modal Plans, Ch 10 Needs Assessment, and Ch 12 Area Studies) are not adopted as part of the Comprehensive Plan but are intended to provide a summary of policies, existing conditions and deficiencies and implementation measures. These amendments shall be considered draft and will not be adopted as part of the West Hayden island plan. These are provided for informational purposes and may be revised as part of the next update of the TSP.

Chapter 5 (Modal Plans and Management Plans) of the TSP contains information about WHI that considers the 1999 transportation analysis and recommends a bridge be provided. These amendments provide additional information within the text that includes the more recent traffic studies and terminal proposals. Previous studies assumed that West Hayden Island could be developed with a container terminal, and did not have any information on a Columbia River Crossing (CRC). As a result, these studies recommended a WHI bridge in the worse case scenario. More recent studies assumed a mixture of bulk and auto terminals, and considered the improvements to the CRC. Under the updated transportation studies, CRC and arterial bridge project, it is unlikely that a new WHI bridge would also be required. The zoning code and Intergovernmental Agreement provides opportunities to require further studies if development is more intense than currently envisioned. The intent of these amendments is to maintain the existing language while providing more updated information. It is anticipated that this Chapter will undergo a larger rewrite in the future that will update the entire section.

References were made to West Hayden Island on Pages 5-121 & 122 (Recent Freight Studies), page 5-131 (Existing Conditions), 5-133 (Recent Studies and Plans) and 5-136 (Programs and Strategies). These areas are proposed for amendment on the following pages.

The proposed language is shown as underlined, while the removed language is shown as a strike-through.

Pages 5-121 & 122 are amended as follows:

Recent Freight Studies and Plans

Recently completed studies include (additional details can be found in Chapter 12, Area Studies, Volume II of the TSP):

West Hayden Island Marine Terminal Development

West Hayden Island is separated on the south from Portland by the Oregon Slough. The only automobile access to Hayden Island is via I-5 which connect the eastern end of the island to both Portland and Vancouver via the Interstate Bridge. Rail access is provided by a main line of the Burlington Northern Santa Fe Railroad which runs north/south across the center of the island. Through earlier studies, it was determined that a need for future marine industrial use would exist and West Hayden Island was the only major land parcel available to meet this need. More recent studies, completed in 2012 have confirmed the need for West Hayden Island to meet the City of Portland’s future industrial land need requirements

In order to transition the West Hayden Island area to marine terminal facilities and an intermodal rail yard in accordance with the West Hayden Island Development Plan, a transportation analysis was completed in 1999. The purpose of the analysis was to identify specific traffic impacts associated with development of the bulk terminal and the container terminal/intermodal rail yard. The analysis showed that the addition of bulk terminal traffic would have no adverse traffic impacts. The addition of a container terminal(s) and intermodal rail facilities would result in adverse impacts to traffic operation on Hayden Island and at the intersection of I-5 with Marine Drive. At the time a bridge linking West Hayden island to Marine drive was proposed in conjunction with development of the marine terminal facilities and the intermodal rail yard. More recent studies that considered a reasonable high impact scenario with two bulk facilities, and an auto facility with associated manufacturing found that this addition would not have an adverse impact on operations on Hayden Island, provided the improvements to the Columbia River Crossing are made to the intersection of I-5 at Hayden Island. Development of West Hayden Island is not occurring immediately because of cost and other issues.

Page 5-131 is amended as follows:

Existing Conditions

Portland lies approximately 100 river miles from the Pacific Ocean and serves as the collection and distribution point for goods and produce as much as 360 miles upriver. The Port of Portland owns and operates four shipping terminals (Terminals 2, 4, 5, and 6) and one passenger ship boarding facility at Swan Island. Cascade General leases the Swan Island shipyard (dry dock/ship repair) from the Port. The Port is also planning to develop ~~and is initiating the acquisition of approximately up to 3500 acres on West Hayden Island for~~ marine facilities, largely to accommodate growth in ~~container and~~ bulk shipping and car delivery and distribution. Development is not expected to begin sooner than 2022~~While this project is temporarily on hold, it is still slated for development in the future.~~

Amendments to 5-133 and 5-136. These amendments are suggested to update the study information provided in these sections.

Page 5-133 is amended as follows:

Recent Studies and Plans (From Modal Plan Development

West Hayden Island Marine Terminal Development

West Hayden Island is separated on the south from Portland by the Oregon Slough. The only automobile access to Hayden Island is via I-5 which connect the eastern end of the island to both Portland and Vancouver via the Interstate Bridge. Rail access is provided by a main line of the Burlington Northern Santa Fe Railroad which runs north/south across the center of the island. Through earlier studies, it was determined that a need for future marine industrial use would exist and West Hayden Island was the only major land parcel available to meet this need. More recent studies, completed in 2012 have confirmed the need for West Hayden Island to meet the City of Portland's future land need requirements

In order to transition the West Hayden Island area to marine terminal facilities and an intermodal rail yard in accordance with the West Hayden Island Development Plan, a transportation analysis was completed in 1999. The purpose of the analysis was to identify specific traffic impacts associated with development of the bulk terminal and the container terminal/intermodal rail yard. The analysis showed that the addition of bulk terminal traffic would have no adverse traffic impacts. The addition of a container terminal(s) and intermodal rail facilities would result in adverse impacts to traffic operation on Hayden Island and at the intersection of I-5 with Marine Drive. At the time aA bridge linking West Hayden island to Marine drive was proposed in conjunction with development of the marine terminal facilities and the intermodal rail yard. More recent studies that considered a reasonable high impact scenario with two bulk facilities, and an auto facility with associated manufacturing found that this addition would not have an adverse impact on traffic operations on Hayden island, provided the improvements to the Columbia River Crossing are made to the intersection of I-5 at Hayden Island. Development of West Hayden Island is not occurring immediately because of cost and other issues.

Page 5-136 is amended as follows:

Programs and Strategies (From Modal Plan Development)

Amend the 5th bullet as follows:

- Annexation of West Hayden Island, expected to provide ~~more than~~ up to 3500 additional acres for marine-related development for multimodal freight facilities (ship/train)

See Note from Chapter 5. These amendments shall be considered draft and will not be adopted as part of the West Hayden island plan. These are provided for informational purposes and may be revised as part of the next update of the TSP.

Chapter 10 (Needs Assessment) of the TSP is the portion of the TSP that establishes a system of transportation facilities and services adequate to meet identified needs, in conformance with the State Planning Rule (TPR). This chapter includes information about WHI that considers the 1999 transportation analysis and recommends a bridge be provided. The WHI Marine Terminal Development is listed as a recent study. Similar to the change in Chapter 5, this amendment considers the more recent traffic studies and terminal proposals.

Chapter 12 (Area Studies) contains summaries of area studies as they relate to transportation infrastructure, which inform the TSP. Within the summary for the St Johns Truck Strategy, there are a few mentions of future development on West Hayden Island. These are amended to address more recent information and findings.

Page 10-35 is amended as follows:

West Hayden Island Marine Terminal Development

The West Hayden Island Development Plan calls for a transition of the West Hayden Island area to marine terminal facilities and an intermodal rail yard. In accordance with the plan, a transportation analysis was completed in 1999 to identify specific traffic impacts associated with development of the bulk terminal and the container terminal/intermodal rail yard. The analysis showed that the addition of bulk terminal traffic would have no adverse traffic impacts. The addition of a container terminal(s) and intermodal rail facilities would adversely affect traffic operation on Hayden Island and at the intersection of I-5 with Marine Drive. At the time, a bridge linking West Hayden Island to Marine Drive was proposed in conjunction with development of the marine terminal facilities and intermodal rail yard. More recent studies that considered a reasonable high impact scenario with two bulk facilities, and an auto facility with associated manufacturing found that this addition would not have an adverse impact on traffic operations on Hayden island, provided the improvements to the Columbia River Crossing are made to the intersection of I-5 at Hayden Island. Development of West Hayden Island is not occurring immediately because of cost and other issues.

Page 12-61-62 is amended as follows:

Demographics

Both employment and residential population are anticipated to increase throughout the Columbia Corridor, including the St. Johns Truck Strategy study area. Employment is predicted to increase from 21,344 positions in 1994 to 35,989 positions by 2020, with nonretail employment more than doubling. With one exception, employment increases will occur mostly through infill and expansion. The Port of Portland is expected to provide approximately 4 up to 300 acres of new industrial land on West Hayden Island for marine-related business. The number of households in the study area is expected to grow from 12,229 in 1994 to 14,984 by 2020.

Transportation

East-west travel in the corridor is accomplished via N/NE Marine Drive on the north edge and N/E Columbia Boulevard and Lombard Street on the south edge. Lombard Street is designated as US 30 Bypass, but passes through concentrations of commercial/retail activity with significant residential use. City street designations encourage the use of Columbia as the primary arterial for east-west truck trips and access to major employers. West of I-5, Marine Drive is expected to provide access to the Rivergate Industrial District, Terminal 6, and potentially eventually West Hayden Island, if a bridge is needed to accommodate West Hayden Island traffic impacts.

V. Amendments to Zoning Maps and Code

The purpose of the proposed zoning code provisions is to describe uses to be allowed on West Hayden Island and to describe the limits of the physical development in a way that is consistent with the concept plan created earlier this year, and with the City Council's Resolution #36805 adopted in July 2010..

The following includes Zoning Map and Code amendments and a new chapter to be inserted into the City's Zoning Code. These pages are organized as follows:

- Staff commentary explaining the proposed map amendment and code language is provided on the left-handed pages.
- Staff proposed code map/language is presented on the right-hand pages.

Update of City's Zoning Map

The following map establishes the zoning designations that will apply in the area around West Hayden Island. In addition to addressing the zoning on West Hayden Island, the map clarifies the applicable zoning that applies to the Columbia River around West Hayden Island and out to the Oregon State Line and the confluence of the Columbia and Willamette Rivers in front of Kelly Point Park.

In addition to the base zones, the airport noise and height overlay zones will also apply to the island. Since all of West Hayden Island and the surrounding waterways that are being annexed are located within either the 55 DNL, 65 DNL or 68 DNL noise contour, the 'x' overlay will apply to the area of new zoning. Since the entire area is also within the area subject to airport height restrictions, the newly zoned area will include the 'h' airport landing overlay zone.

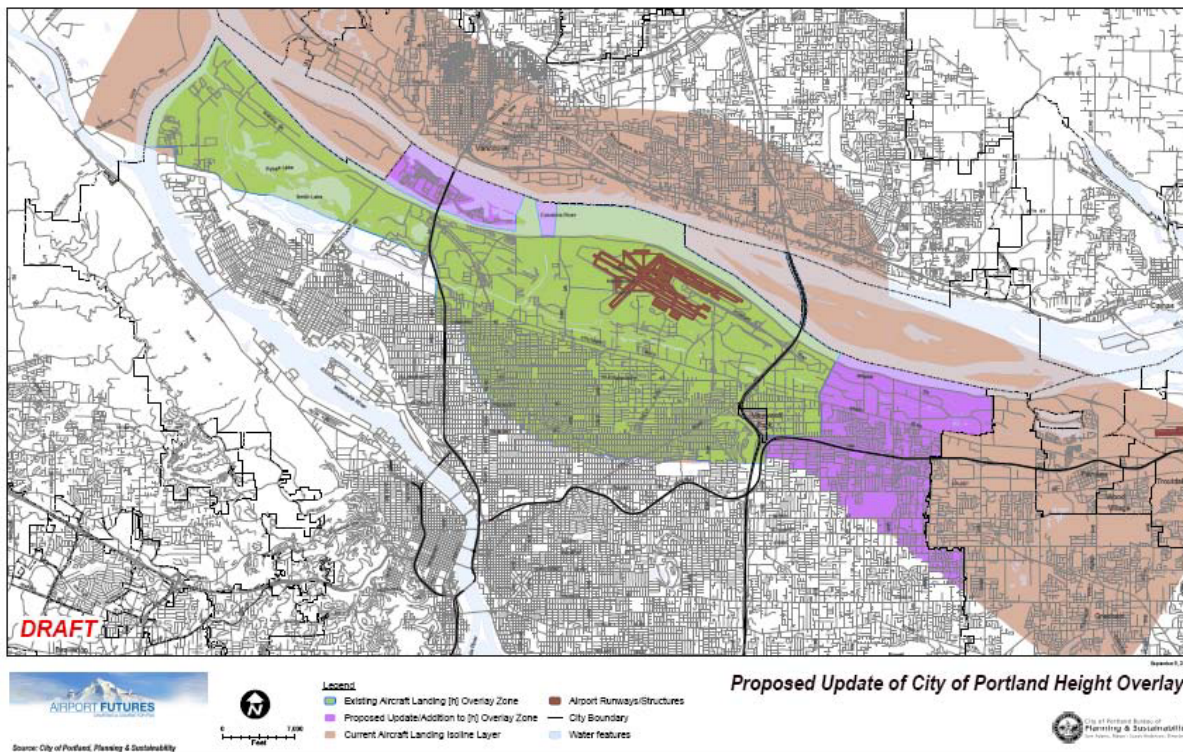
Although special natural resource code provisions will apply within the plan district, there are areas within the Columbia River and Oregon Slough that are being annexed that are not part of the plan district. However, the city's completed Economic, Social, Environmental and Energy (ESEE) analysis included these areas and recommends that an environmental conservation "c" overlay apply in the Columbia River area that includes the shipping channel, and an environmental protection "p" overlay to the areas in the Oregon Slough being annexed that are outside the plan district.

**CHAPTER 33.400
AIRCRAFT LANDING OVERLAY ZONE**

Map 400-1 Aircraft Landing Overlay Zone Boundary

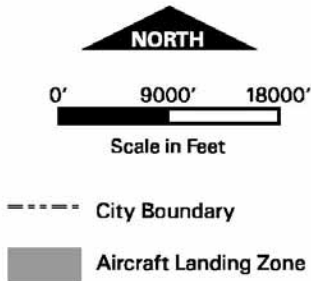
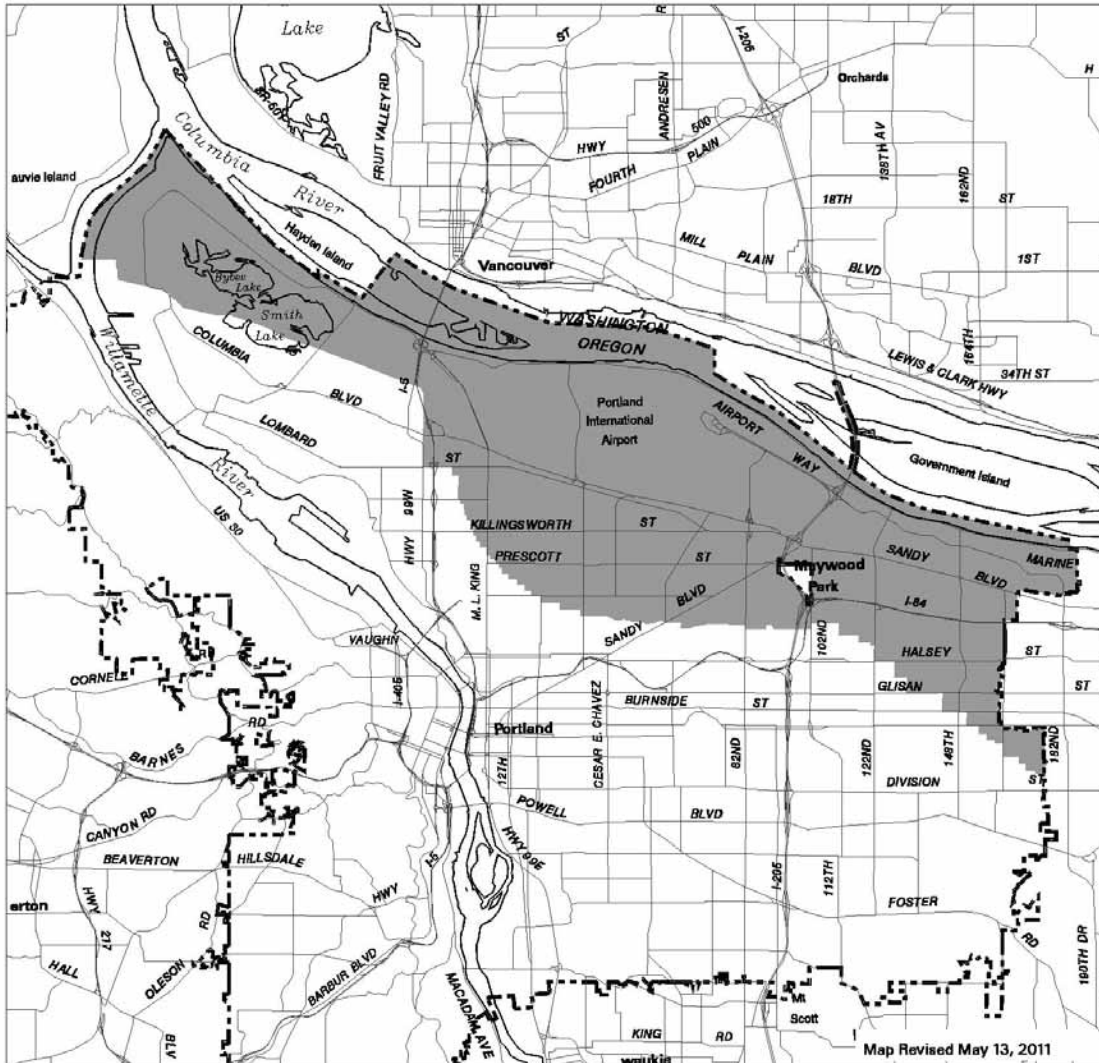
During the Airport Future planning process, it was discovered that the regulations for the Aircraft Landing Overlay Zone had not been updated to include areas that had been annexed to the city (Hayden Island and East Portland) since the creation of the regulation. The Airport Futures added the 'h' overlay to these areas and generated a map (400-1) to include at the end of the overlay regulations, to clarify the applicable areas. The map was included as part of that project, but was omitted from the official Zoning Code in error.

West Hayden Island also lies within the area subject to these restrictions, so this map needs to be updated to include all the areas that are being annexed into the city as part of this planning process. Map 400-1 is being updated to include these areas and will be inserted back within the plan district section of the zoning code.



The following page shows the copy of the current map for the Overlay Zone.

This is the current Overlay Zone Map



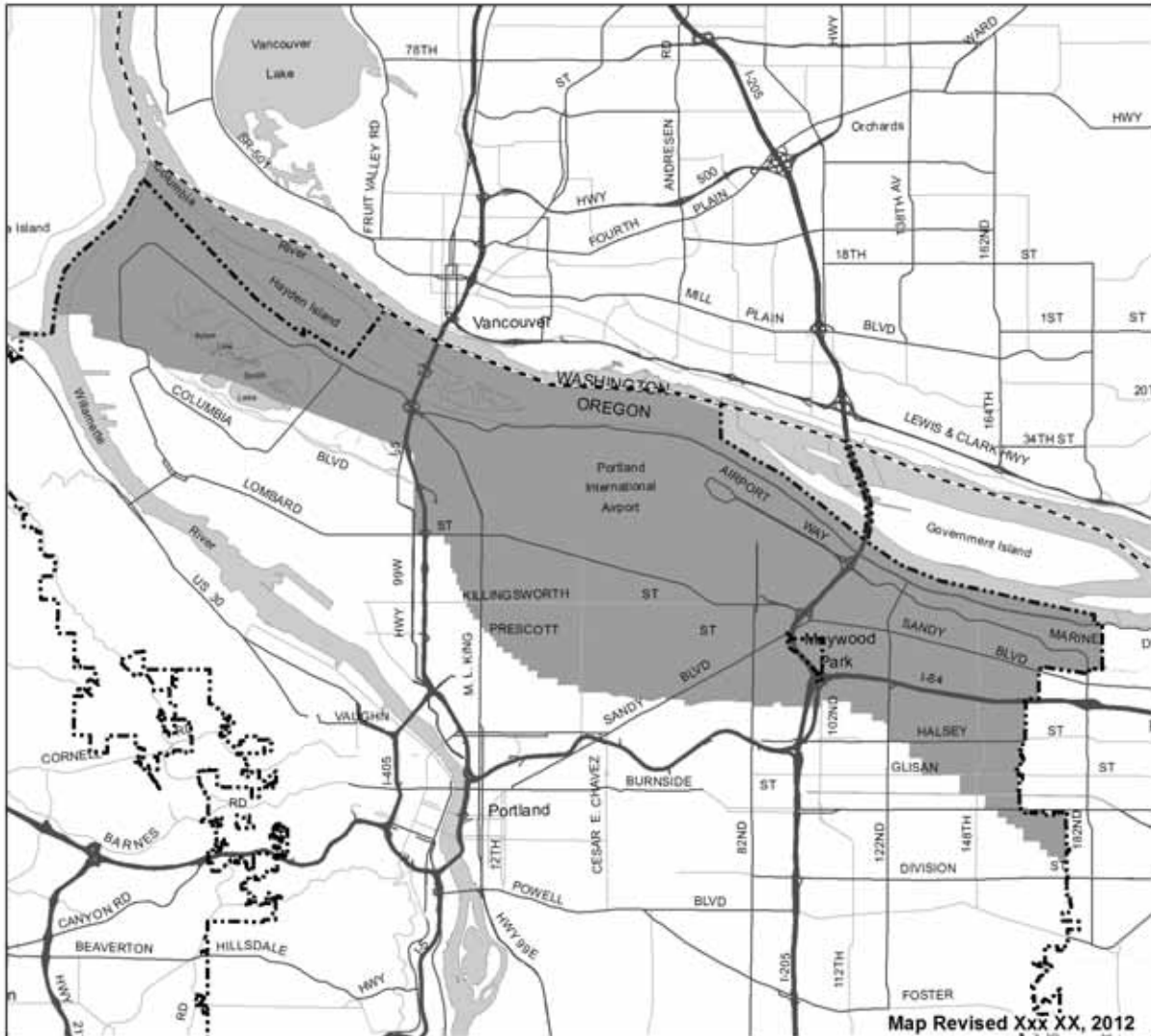
Map 400-1

Aircraft Landing Overlay Zone Boundary

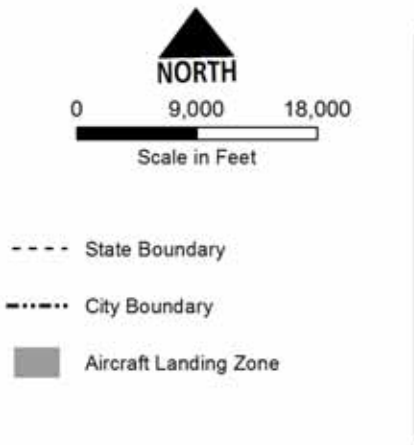
Bureau of Planning & Sustainability • City of Portland, Oregon

The following page presents the replacement map.

This is the proposed Overlay Zone Map



Map 400-1



Proposed Aircraft Landing Overlay Zone Boundary

Bureau of Planning & Sustainability - City of Portland, Oregon

**CHAPTER 33.595
WEST HAYDEN ISLAND PLAN DISTRICT**

33.595 West Hayden Island Plan District

This is a new chapter to cover the regulations that will apply in the West Hayden Island Plan District. The boundaries of the plan district are shown at the end of the chapter. The regulations of the plan district supersede the base zone regulations. The characteristics of the economic and environmental features of the island warrant the establishment of a separate plan district. The establishment of the specific regulations is intended to satisfy a requirement from Metro's Title 13 that the city adopt a district plan for West Hayden Island. A table of contents is provided at the beginning of the chapter. The plan district incorporates the newly annexed area of the island from the Burlington Northern / Santa Fe rail line on the east to the shallow water beyond the tip of the island on the west.

**CHAPTER 33.595
WEST HAYDEN ISLAND PLAN DISTRICT**

General

- 33.595.010 Purpose
- 33.595.020 Where These Regulations Apply
- 33.595.030 Relationship to other Regulations
- 33.595.040 Special Deep-water Marine Terminal Use Category

Use Regulations

- 33.595.100 Uses in the IH Zone
- 33.595.110 Uses in the OS Zone

Development Standards

- 33.595.200 Additional Setbacks
- 33.595.210 Landscaping Requirements
- 33.595.220 Transportation Impacts
- 33.595.230 Parking

Environmental Regulations

- 33.595.300 Purpose
- 33.595.305 Environmental Reports
- 33.595.310 Where These Regulations Apply
- 33.595.315 When These Regulations Apply
- 33.595.320 Items Exempt From These Regulations
- 33.595.325 Prohibitions

Environmental Development Standards

- 33.595.340 Purpose
- 33.595.345 Procedure
- 33.595.350 Permit Application Requirements
- 33.595.360 Standards for Utility Lines
- 33.595.365 Standards for Development associated with Parks and Open Areas
- 33.595.370 Standards for Driveways
- 33.595.375 Standards for Resource Enhancement Projects
- 33.595.380 Right of Way Dedications and Improvements
- 33.595.385 Outfalls and Pipes
- 33.595.390 Standards for Tree and Vegetation Removal

West Hayden Island Resource Review

- 33.595.400 Purpose
- 33.595.402 When West Hayden Island Resource Review is Required
- 33.595.405 Procedure
- 33.595.410 Supplemental Application Requirements
- 33.595.420 Approval Criteria
- 33.595.430 Performance Guarantees
- 33.595.440 Special Evaluation by a Professional
- 33.595.450 Modifications That Will Better Meet WHI Resource Review Requirements

Corrections to Violations of the Environmental Regulations of this Chapter

- 33.595.500 Purpose
- 33.595.505 Correction Options

33.595.010 Purpose

A purpose statement is required to explain the rationale for the regulations. The purpose statement provides a summary of the economic and natural resource features of the plan district and the need for the regulations to meet the multiple objectives of the plan district.

33.595.020 Where These Regulations Apply

This section clarifies the boundaries of the plan district which include the physical land and the surrounding water.

33.595.030 Relationship to Other Regulations

This section provides information on other regulations potentially applicable to the plan district.

33.595.040 Special Deep-water Marine Terminal Use Category

This is a new use category that will apply only within the West Hayden Island plan district. The use category describes the operations that are associated with marine terminals engaged in shipping products on ocean-going vessels either as exports or imports. This use category is referred to in the following sections on allowed and prohibited uses.

General**33.595.010 Purpose**

The West Hayden Island plan district provides opportunities for the development of a new deep-water marine terminal while preserving the character of the open space areas within the plan district for natural resource protection and low impact recreation. West Hayden Island is a significant economic, natural and public resource. West Hayden Island is located at the Columbia River's confluence with the Willamette River. It is adjacent to a deep-water navigation channel, and Interstate 5 plus two mainline railroads cross the island. West Hayden Island provides significant wildlife habitat for migratory and resident species.

33.595.020 Where these Regulations Apply

The regulations of this chapter apply to the West Hayden Island plan district. The boundaries of the plan district are shown on Map 595-1 at the end of this chapter, and on the Official Zoning Maps.

33.595.030 Relationship to other Regulations

This chapter contains only some of the City's regulations for the plan district. Other chapters of the Zoning Code may apply in the plan district, including the Noise Impact Overlay Zone, and the Aircraft Landing Overlay Zone. Activities the City regulates through the Zoning Code may also be regulated by other agencies at the state and federal level, including the regulation of wetlands, areas below ordinary high water and the potential discovery of archeological resources. Applicants should be aware of any state and federal regulations that may apply to development in the plan district.

33.595.040 Special Deep-water Marine Terminal Use Category

This special use category applies only in the West Hayden Island plan district

- A. Characteristics.** Deep-water Marine Terminals are intermodal facilities that provide access between the Columbia River shipping channel and land-based transportation modes. Goods and materials are loaded on or off ships and stored on site. Goods and materials may be transferred to other modes of transport such as rail or trucks, and they may also undergo additional processing, manufacturing or packaging before being transferred to the other transportation modes. Docks, conveyance systems and other facilities are used to transport the materials between the ships and the site. The goods are generally transported between local, regional and North American firms and firms located overseas. Few customers come to the site.
- B. Accessory Uses.** Accessory uses may include docking facilities including the moorage, loading and unloading of river barges, warehouses, outdoor storage yards, rail spur or lead lines, truck and auto fleet parking, vehicle or ship maintenance areas, offices, cafeterias and employee break areas, security areas, and parking.
- C. Examples.** Examples include grain terminals and grain elevators, terminals for the transfer and processing of dry bulk such as fertilizers or minerals, auto import or auto export terminals including post-processing facilities, and break-bulk terminals that transfer miscellaneous goods and container terminals.

Use Regulations

33.595.100 Uses in the IH zone

This section lists the allowed and prohibited uses in the IH zone in the plan district and supersedes the use table in the base zone. The section includes the use Deep-water Marine Terminal use category under both the allowed and prohibited sections. Certain other existing and potential uses are listed, but the intent of this section is to encourage a specific type of industrial development (i.e. a deep-water marine terminal), while limiting the types of uses allowed overall in the IH zone.

33.595.110 Uses in the OS Zone

This section supersedes the use table in the base OS zone. The section limits parks and open space uses and provides geographic limitations to those parks uses that it allows. The intent is to allow limited recreational development on the eastern portion of the island and preserve the western portion for existing and enhanced natural resources. The section also provides clarity that certain utilities that are already on the island can continue, and allows utilities and small scale energy systems that serve an allowed use on the site, which is similar to the base zone.

Use Regulations**33.595.100 Uses in the IH Zone.**

- A. Allowed Uses.** The following uses are allowed in the IH zone in the West Hayden Island plan district.
1. Deep-water Marine Terminals except as stated in Subsection B, below.
 2. Stockpiling of sand, gravel, or other aggregate materials including the placement of dredge materials and associated operations such as dewatering of the materials;
 3. Basic Utilities;
 4. Parks and Open Areas;
 5. Rail Lines and Utility Corridors;
 6. Railroad Yards; and
 7. Radio Frequency Transmission Facilities. Some facilities are allowed by right. See Chapter 33.274.
- B. Limited Uses.** Manufacturing and Production, Industrial Service, or Warehouse and Freight are allowed uses if they have a functional and economic reliance upon the deep water marine terminal that is located in the plan district.
- C. Prohibited Uses.** The following uses are prohibited in the IH zone in the West Hayden Island plan district:
1. Deep-water Marine Terminals that transport or process coal or liquefied natural gas are prohibited in the plan district; and
 2. All other uses not listed in Subsections A or B.

33.595.110 Uses in the OS Zone

- A. Allowed Uses.** The following uses are allowed in the OS zone in the West Hayden Island plan district.
1. Utility Corridors within areas shown on Map 595-1.
 2. The following Basic Utilities are allowed:
 - a. Water and sewer pump stations;
 - b. Sewage disposal and conveyance systems; and
 - c. Basic Utilities that serve a primary use are considered accessory to the primary use being served.

33.595.110 Uses in the OS Zone (contd)

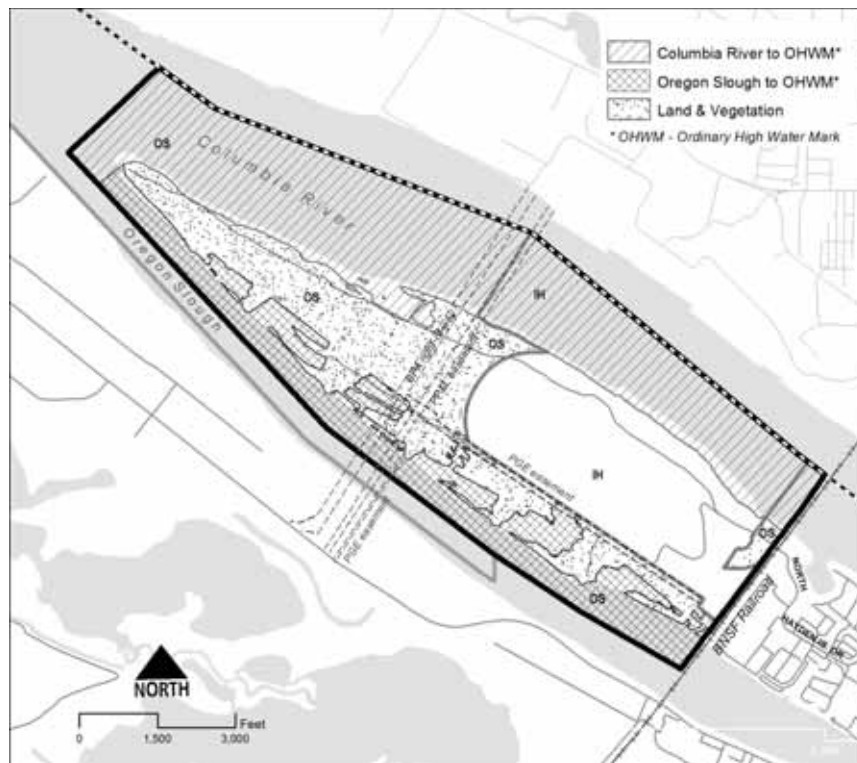
Development Standards

33.595.200 Additional Standards

This section provides additional setback standards from the Columbia River and from the Open Spaced zoned forest to the west of the terminal.

- A. **Setback from the river.** The intent of the river setback is to require all development, except specific development that requires river access (e.g., dock ramps, outfalls, beach trail), to be located at 100 feet upland from the ordinary high water mark of the Columbia River. The goal is to minimize the impacts of development on shallow water habitat, and preserve the public access to the beach.

The ordinary high water mark (OHWM) is a measurement that is considered by the Army Corp of Engineers (ACOE) along the length of the Columbia River to determine their jurisdiction. This mark can vary over time and over geographies, resulting in the OHWM being at one elevation at one end of the island and another at the other end. During the summer of 2012, BPS staff used the current information provided by the ACOE along with Lidar imaging data and mapped out the general location of the OHWM. This is illustrated below. However, development proposals in the future will need to indicate the location of the OHWM as part of future permits or land use reviews.



3. Specific uses in the Parks and Open Areas category are allowed within certain geographic areas as stated below:
 - a. Within the area west of the Bonneville Power Administration right-of-way, as shown on map 595-1, uses in the Parks and Open Areas category are limited to existing and enhanced natural areas or nature preserves .
 - b. Within the Bonneville Power Administration right-of-way, as shown on map 595-1, and within the area east of the Bonneville Power Administration right-of-way, uses in the Parks and Open Area category are limited to existing and enhanced natural areas or nature preserves and outdoor recreation that consists of recreational trails, trailhead facilities, interpretive centers, viewpoints, and a non-motorized boat launch.
4. Driveways to access allowed uses in the plan district.

B. Limited Uses. Basic Utility Uses not allowed by Subsection A are Conditional Uses.

C. Prohibited Uses. Uses not listed in Subsections A and B are prohibited in the plan district.

Development Standards

33.595.200 Additional Setbacks. The following setbacks apply in addition to other required setbacks:

A. Setback from the river.

1. Purpose. The purpose of the river setback is to provide public access to the beach, protect and maintain existing natural resources within the setback, and minimize impacts from industrial development on shallow water habitat.
2. Where the setback applies. The setback applies within the IH zone.
3. Setback. Unless exempted in Subsection 4 below, development must be setback 100 feet from the Ordinary High Water Mark of the Columbia River. The Ordinary High Water Mark is determined in accordance with the US Army Corp of Engineers definition and protocol and must be labeled on the site plan.

33.595.200 Additional Standards (contd)

4. **Exemptions.** Specific exemptions are provided for recreational trails within the setback to encourage the development of a waterfront trail between the port facility and the beach. Allowances for the provision of docks and other structures that need to be connected to the water are provided to ensure an economically viable port. However, development that is allowed within the setback contains limits to the total amount of impacts to ensure that the characteristic of the river is maintained within the setback. Trees are not prevalent within the setback; therefore, much of the development will be able to take place without removing trees. In cases where trees are removed, a standard for tree replacement is provided.

5. **Tree Replacement.** The tree replacement standard applies to the setback area along the river. This area currently predominantly includes of grassy areas and beach. There are few trees located within the river setback and it is likely that the existing trees could be avoided. However, any tree, greater than 6 inches in diameter, that is removed for any purpose must be replaced. A 1:1 ratio for replacement is appropriate to maintain a presence of trees, while allowing for the development of the docks, trail and beach access. This is different than the OS setback, which has established forest canopy of varying ages, and the purpose of the OS setback tree replacement standard is to preserve close canopy forest.

-
4. Exemptions. The following development is exempt from the river setback:
- a. Trails. Trails that meet the following standards:
 - (1) The trail is no more than 10 feet wide;
 - (2) The clearing or grading area for the trail is no more than 20 feet wide; and
 - (3) The trail is open to the public.
 - b. Dock ramps and cargo conveyors. Dock ramps provide access to a dock associated with a deep-water marine terminal. A cargo conveyor is an elevated conveyance system that is supported by one or more footings on the ground and is used to transfer material to and from a vessel in the river. Dock ramps and cargo conveyors are exempt from the river setback when all of the following are met:
 - (1) The ramp or cargo conveyor does not block or physically preclude the recreational trail in the setback; and
 - (2) The ramp or cargo conveyor is no more than 60 feet wide, and the cumulative width of all ramps and cargo conveyors in the plan district does not exceed 250 feet.
 - c. Outfalls and pipes. Outfalls and pipes that meet all of the following:
 - (1) The cumulative width of all pipes, supporting structures and rock armoring is no more than 120 feet wide; and
 - (2) The pipes, supporting structures and rock armoring do not block or physically preclude the recreational trail in the setback; and
 - d. Temporary structures. Temporary structures for construction staging and access, or conveyance of dredge materials are exempt from the river setback for a period of time not to exceed 180 days. Temporary structures within the setback for more than 90 days must provide a temporary trail access route if they block the recreational trail in the setback.
5. Tree Replacement. Trees larger than 6 inches in diameter that are removed must be replaced and must meet all of the following:
- a. For every one tree removed, one tree and five shrubs must be planted within the setback. If more than one tree is planted they may be clustered;
 - b. If more than three trees are removed, the planting must include at least three different tree species and three different shrub species; and
 - c. All vegetation planted must be native and listed on the Portland Plant List.

- B. Setback from OS Zone.** The intent of the OS setback standard is to limit developmental impacts to the adjoining habitat in the Open Space (OS) zone by maintain tree canopy coverage as a buffer between uses. The total width of the setback is 100 ft from the OS zone boundary. Specified development is allowed within the setback provided that trees removed are replaced at a density that preserves closed canopy forest. Tree replacement must occur within the setback to maintain the buffer between the industrial and open space uses.
2. **Where The Regulations Apply.** The regulations applies to the first 100 feet of the IH zone adjacent to the OS zone to provide a buffer at the edge of the IH zone. A map is provided at the end of the chapter to clarify the location.
 3. **Setback Area Regulations.** Development, clearing and grading are limited to the exceptions below in order to maintain the forested buffer that exists in this area.
 4. **Exceptions.** Within the 100 foot setback, a limited set of exceptions provides a small amount of flexibility in the case that the final design of the rail loop or edge of the development doesn't conform with the designs that were developed during the Concept Plan for the island. These exceptions apply generally to development related to the perimeter of the marine terminal. However, the area where exceptions may be allowed contains a large number of trees, so a condition is provided to ensure the replacement of any trees removed in the setback.
 5. **Tree Replacement.** The OS setback contains mature bottomland hardwood forests of varying ages. The intent of the tree replacement standard is to reestablish close canopy forest within the setback as a buffer between the industrial uses and the environmental resources in the OS to be protected. For a bottomland hardwood forest assemblage, one tree per 100 feet is assumed to create closed canopy. In addition, one of two options for shrubs and other plants must be chosen to create a multi-story forest supporting a variety of wildlife species.

B. Setback from OS Zone.

1. Purpose. The purpose of this setback area is to preserve tree canopy within the IH zone as a vegetated buffer between the deep-water marine terminal and associated infrastructure, and the OS zone. The setback area will help to reduce the detrimental impacts of heavy industrial development on the natural resources and functional values that exist within the OS zone west of the development. The setback area will also provide some flexibility for future rail infrastructure and security to serve the marine terminal.
2. Where the regulations apply. The regulations apply to a 100 foot setback area within the IH zone, adjacent to the OS zone, as shown on map 595-2.
3. Setback area regulations. Except as described in paragraph B.4 below, development, clearing and grading are prohibited within the 100 foot setback from the OS zone.
4. Exceptions. The following development is allowed in the OS setback area when the standards of paragraph B.5, below, are met:
 - a. Railroad spur or lead lines and railroad yards associated with a deep-water marine terminal;
 - b. Development required to provide security for the deep-water marine terminal; and
 - c. Driveways; and
 - d. Clearing and grading that is required in order to construct the development allowed in subparagraphs a. – c.
5. Tree Replacement. Trees larger than 6 inches in diameter that are removed must be replaced within the OS setback and must meet all of the following. Trees listed as Nuisance Plants on the Portland Plant list do not count toward this requirement:
 - a. Replacement planting is based upon the total caliper inches of trees larger than 6 inches in diameter that are removed. For every 6 inches of diameter removed a 100 square foot area must be planted according to the following planting density. See Figure 595-1, Example Planting Plan:
 - (1) One tree, five shrubs, and four other plants are required to be planted for every 100 square feet of vegetated area. Trees may be clustered; or
 - (2) One tree and five shrubs are required to be planted for every 100 square feet of vegetated area, and the planting area must be seeded with a native grass and forb seed mix at a ratio of 30 pounds per acre. Trees may be clustered.
 - b. When more than three trees are planted, the planting includes at least three different tree species and three different shrub species; and
 - c. All vegetation must be native and selected from the *Portland Plant List*.

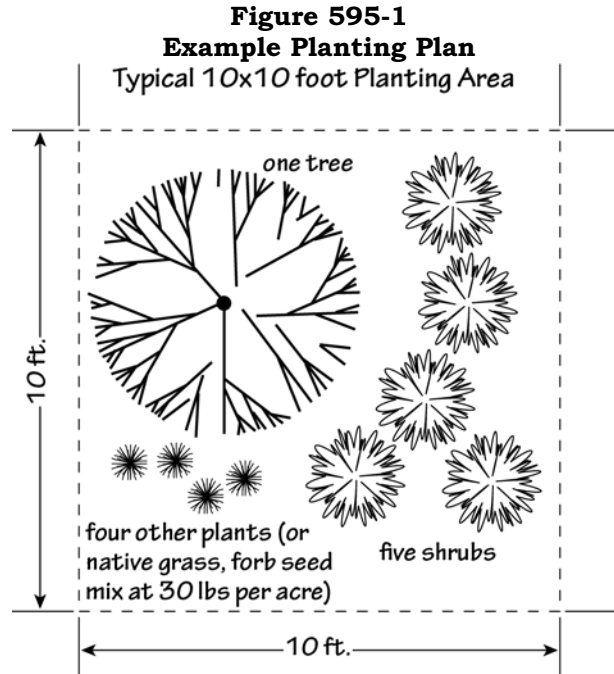
Figure 595-1 Example Planting Plan

This figure is included in the code to illustrate the intent for the vegetation replacement that is required for each 6 inches of tree diameter removed through the provisions of 33.595.200.B.5 and 33.595.390 shown later in this document.

33.595.210 Landscaping Requirements

Between 40 and 50 percent of the area proposed for annexation as industrial development is covered with a mature bottomland hardwood forest including cottonwood and ash trees. As a newly annexed area, the area should be developed in alignment with city policies and goals. In 2007, the City's Urban Forestry department released the city's *Urban Forestry Management Plan*, with the intent to create citywide goals for forest canopy. The plan called out for a goal of 15% canopy within commercial and industrial areas. The standards ensure that this goal is met as the land is developed in the future.

The River setback and OS setback areas are not counted as part of this equation. The 15% canopy goal applies to the IH excluding the setback areas.



33.595.210 Forest Requirements in the IH zone.

- A. Purpose.** The purpose of this regulation is to ensure that the forest canopy within the IH zone is preserved or replaced to meet the goals of the *Urban Forest Management Plan*. West Hayden Island includes a significant amount of mature forest canopy. The City's *Urban Forest Management Plan* has a goal of fifteen percent forest canopy cover for industrial and commercial areas. The standard provides an option to maintain a minimum amount of forest coverage through preservation of the existing forest or through a replacement planting on site.
- B. Forest Cover Standard.** Fifteen percent of the portion of the area zoned IH must be retained or established in canopy forest. Trees used for required landscaping, such as within setbacks or parking lots, may apply toward the minimum tree canopy. The canopy must meet the standards below:
1. Retained tree canopy must be based on aerial photographs and documented on a site plan.
 2. Replacement trees meet this standard if one tree is proposed for every 100 square feet of area of tree canopy to be established. Trees must be native and selected from the Portland Plant List.

33.595.220 Maximum Truck Transportation Impacts

As part of the development of the plan district, initial transportation studies have been run for a variety of scenarios and have determined that the existing street network, with the development of the Columbia River Crossing (CRC), would continue operating at a satisfactory level of service. This means that traffic generated by the development will be using North Hayden Island Drive to access Interstate 5 and the region. There is a concern over the uncertainty of the type of terminal and the amount of traffic it may create, considering that development may not occur for over ten years. The threshold that is proposed here ensures that a future Marine Terminal will generate a relatively small number of heavy truck trips. The 175 heavy trucks is considered an adequate number to allow the operations of two bulk terminals and one auto terminal as proposed in the Concept Plan. If the threshold of trips is exceeded, it would require a legislative amendment to the plan district. This would require approval by the City Council, and would trigger additional transportation studies at that time.

33.595.230 Parking

The existing minimum and maximum parking requirements are based upon certain use and development categories and use the square footage of buildings in these uses to define the number of parking required. Marine terminals have a wide range of potential development patterns, and the amount of building square footage does not relate to the number of employees in similar ways to other uses. As an example, an auto terminal may have very few buildings but a larger workforce than a potash terminal which has a large storage building for the materials but is heavily automated. As a result, it is difficult to apply minimum and maximum parking ranges to the potential development.

33.595.220 Maximum Truck Transportation Impacts

- A. Purpose.** Deep water marine terminals can have a wide range of transportation impacts depending on the type of materials shipped, their mode of shipping across land, and how the materials are handled on site. The development proposed for West Hayden Island relies primarily on rail and water modes of transportation, and is intended to have a limited impact on the adjoining street network on Hayden Island. The regulations provide a maximum threshold of heavy truck trips that will be generated by the marine terminal development in the plan district. The effect of this threshold is that a legislative project to amend the plan district would be necessary to allow a greater amount of truck traffic. Proposed or expanding marine terminal or industrial development must document that their truck traffic is within the threshold.
- B. Maximum Truck Traffic.** The total daily traffic of heavy trucks as defined in Chapter 33.910 generated by uses and development in the IH zone entering and exiting the plan district does not exceed 175 trips. Adjustments are prohibited.
- C. Supplemental Application Requirements.** All proposals for new development or expansions of existing development that increase floor area or exterior development more than 10,000 square feet must provide an estimate of total daily heavy truck trips generated by industrial uses in the IH zone as part of the permit application.

33.595.230 Parking. There are no minimum or maximum parking requirements in the plan district.

Environmental Regulations

The West Hayden Island plan district has its own set of environmental regulations. The plan district does not rely on environmental overlay zones within its boundaries. Instead, the environmental regulations apply to any development within the Open Space (OS) zones and below the ordinary high water mark within the Heavy Industrial (IH) zones.

33.595.310 Where These Regulations Apply

This section clarifies that the environmental regulations apply only within the boundaries of the West Hayden Island plan district, in areas zoned OS and in areas zoned IH that are below ordinary high water mark. For the purpose of these regulations, ordinary high water mark is the measurement determined in accordance with the protocol established by the Army Corp of Engineers who use this mark to determine regulatory jurisdiction. This agency has estimated this measurement through the Columbia River and Oregon Slough.

33.595.315 When These Regulations Apply

This section illustrates the types of development that trigger the Environmental Regulations. These examples are similar to the types of development that trigger the regulations in environmental zones.

Environmental Regulations

33.595.300 Purpose

The environmental regulations in the West Hayden Island plan district:

- Protect resources and functional values that have been indentified by the City as providing benefits to the public;
- Provide opportunities for passive recreation;
- Provide opportunities for natural resource mitigation, remediation, and enhancement;
- Encourage coordination between City, Port, regional, state, and federal agencies with jurisdiction over some or all natural resources on and around West Hayden Island.
- Ensure consistency with other City goals, along with other regional, state, and federal goals and regulations.

33.595.305 Environmental Reports

The application of the environmental regulations is based on the Hayden Island Natural Resources Inventory (HINRI). The HINRI identifies the resources and describes the functional values of the resource sites. Functional values are the benefits provided by resources. The values for each resource site are described in the inventory section of these reports.

33.595.310 Where These Regulations Apply

The regulations of Sections 33.595.300 through 33.595.505 apply in the plan district within the Open Space (OS) zone, and within the Heavy Industrial (IH) zone below the ordinary high water mark,. For the purposes of the regulations of this chapter, the ordinary high water mark is determined in accordance with the Army Corp of Engineers definition and protocol.

33.595.315 When These Regulations Apply

Unless exempted by Section 33.595.320, below, the regulations of this chapter apply to the following:

- A. Development;
- B. Removing, cutting, mowing, clearing, burning, or poisoning native vegetation listed in the *Portland Plant List*;
- C. Planting or removing plants listed on the Nuisance Plants List;
- D. Changing topography, grading, excavating, and filling;
- E. Resource enhancement; and
- F. Dedication and expansions of public rights-of-way.

33.595.320 Items Exempt From These Regulations

This section lists the types of development that are exempt from the Environmental Regulations. Many of these exemptions are similar to those exemption listed in Chapter 33.430 Environmental Overlay Zones. However, some specific exemptions have been added to address circumstances unique to West Hayden Island, such as dredging within the river, and the limited amount of construction that will need to take place in the river to install docks, dock approaches and material conveyance systems out from the shoreline, consistent with the concept plan. If these features exceed the amounts allowed through an exemption, a Natural Resource Review will be required.

33.595.320 Items Exempt From These Regulations

The following items, unless prohibited by Section 33.595.325, below, are exempt from the regulations of this chapter. Other City regulations such as Title 10, Erosion Control, must still be met:

- A. Change of ownership;
- B. Land Divisions and Property Line Adjustments;
- C. Temporary emergency procedures necessary for the protection of life, health, safety, or property;
- D. Existing development, operations, and improvements, including the following activities:
 1. Maintenance, repair, and replacement of existing structures, exterior improvements, roads, public recreational trails, public rest points, public view points, public interpretative facilities, and utilities. Replacement is not exempt whenever coverage or utility size is increased;
 2. Continued maintenance of pastures, lawns, and other planted areas, including the installation of new irrigation and drainage facilities, new erosion control features, and the installation of plants except those listed on the Nuisance Plants List. Pruning trees and shrubs within 10 feet of structures;
 3. Placement or removal of dredge material and related operations in an existing federally-designated dredge management facility;
 4. Alterations to buildings that do not change the building footprint and do not require adjustments to site-related development standards;
 5. Operation, maintenance, and repair of the following:
 - a. Irrigation systems;
 - b. Stormwater management systems;
 - c. Pumping stations;
 - d. Erosion control and soil stabilization features; and
 - e. Municipal sewer conveyance pipes and outfalls.
 6. Dredging within the Columbia River below elevation -14 feet (NAVD88);
 7. Removing vegetation listed on the Nuisance Plants List;
 8. Removing trees or portions of trees when they pose an immediate danger to life safety or property, as determined by the City Forester or an arborist;
 9. Exterior work activities on deep-water marine terminal docks, dock access structures or conveyance system structures; and
 10. Development over existing paved surfaces.

33.595.320 Items Exempt From These Regulations (contd)

E.3. West Hayden Island may be used as a receiving site for mitigation or enhancement related to natural resource impacts elsewhere in Portland. The impacts of the mitigation must be permitted through a state or federal process and may or may not also go through a local environmental review. In this situation, mitigation or enhancement actions on West Hayden Island are exempt.

Mitigation or enhancement related to natural resource impacts outside of Portland may go to West Hayden Island but are not exempt and must either meet standards or go through environmental review.

E. The following new development and improvements:

1. In the IH zone, docks located outside of shallow water habitat. Shallow water habitat is defined as the area between the ordinary high water mark and elevation -14 feet (NAVD88) in accordance with the by the US Army Corps of Engineers definition and protocol;
2. In the IH zone, dock ramps, cargo conveyors, and armoring associated with a dock ramp or cargo conveyor. Dock ramps provide access to a dock associated with a deep-water marine terminal. A cargo conveyor is an elevated conveyance system that is supported by one or more footings on the ground and is used to transfer material to and from a vessel in the river. Dock ramps and cargo conveyors are exempt when they meet the following:
 - a. The ramp or cargo conveyor does not block any riverfront trail; and
 - b. The ramp or cargo conveyor is no more than 60 feet wide, and the cumulative width of all ramps and cargo conveyors does not exceed 250 feet.
3. Natural resource enhancement performed as mitigation or remediation when it meets the following:
 - a. The enhancement is for impacts to natural resources located within the City of Portland; and
 - b. The enhancement is permitted through a state or federal process including but not limited to a US Army Corps of Engineers 404 permit, Oregon Department of State Land removal-fill permit, Endangered Species Section 7 permit, or Natural Resources Damages Assessment;
4. Planting of native vegetation listed on the *Portland Plant List* when planted with hand-held equipment;
5. Public street and sidewalk improvements if the improvements are within an existing public right-of-way used by truck or automobile traffic;
6. Groundwater monitoring wells constructed to the standards of the Oregon Water Resources Department, and water quality monitoring stations when access is by foot only;
7. Utilities installed above or below portions of public rights-of-way or within existing utility easements as shown on Map 595-1;
8. Utility service using a single utility pole, or where no more than 100 square feet of ground surface is disturbed landward of the top of bank of water bodies, and when the disturbed area is restored to its pre-construction condition;

33.595.320 Items Exempt From These Regulations (contd)

33.595.325 Prohibitions

The planting and propagation of nuisance plants is prohibited in environmentally regulated areas of the city. The prohibition is included in this plan district.

Environmental Development Standards

These sections provide a set of development standards to allow limited types of development to occur without having to go through a Natural Resource review, provided they meet the conditions required. The intent is to encourage some types of development follow a set of non-discretionary standards to provide adequate mitigation for impacts, or to allow certain low impact recreation uses that have a public benefit. If the development cannot meet these standards, it will have to gain approval through a Natural Resource Review before submitting for permit.

33.595.340 Purpose

This section lays out the purpose for providing a set of Environmental Development Standards within the plan district.

33.595.345 Procedure

This section provides the process for developing under the Environmental Development Standards. Only the types of development listed in these sections can use these development standards. If a development does not comply with these standards and/or does not propose development that is exempt from these regulations, it must go through Natural Resource Review.

9. Temporary site investigative work including soil tests, land surveys, groundwater and water quality monitoring stations when all of the following are met:
 - a. The work is conducted using hand-held equipment only;
 - b. The disturbance is temporary;
 - c. Disturbance areas are restored to pre-existing conditions; and
 - d. No native trees identified in the *Portland Plant List* are removed.
 10. Installation of temporary fencing to protect resource enhancement project planting areas, or to close off or control the use of illegal trails. The fence must be removed within 5 years; and
 11. Installation of signage as part of public recreational trail and resource enhancement projects.
- F.** Hand removal of trash, provided that native vegetation is not removed or damaged.

33.595.325 Prohibitions. The planting or propagation of any plant listed on the *Nuisance Plant List* is prohibited.

Environmental Development Standards

33.595.340 Purpose

The environmental development standards are intended to:

- A.** Minimize impacts on resources and functional values;
- B.** Provide clear limitations on disturbance;
- C.** Ensure that new development and alterations to existing development are compatible with and preserve the resources and functional values protected by the environmental regulations; and
- D.** Provide clear planting and erosion control requirements.

33.595.345 Procedure

Compliance with with the standards of Sections 33.595.340 through .390 is determined as part of the building permit or development permit application process and is required for all development. When a proposal cannot meet a standard, or when there are no applicable standards, the proposal must be approved through West Hayden Island Resource Review. Discretionary review is required only for the portions of the development that cannot meet the applicable standards. Where a proposal can meet the standards, the applicant may choose to go through the discretionary review process, or to meet the objective development standards.

33.595.350 Permit Application Requirements

These sections provide the process requirements for proposing development as part of a building permit review under the Environmental Development Standards. As part of these requirements, the applicant will need to provide the location of the Ordinary High Water Mark (OHWM) as defined by the Army Corp of Engineers. This mark can fluctuate over time and geography, and was mapped as of 2012 for illustrative purposes (see map related to 33.595.200 commentary). However, future permits and land use reviews will need to secure updated elevation information from the Corp at the time they are submitted.

33.595.350 Permit Application Requirements

A building permit or development permit application that is reviewed for compliance with the standards of this chapter requires more information than a permit not affected by these provisions. The information in Subsections A and B must be submitted with permit application plans. Submission of the information in Subsection C is optional.

- A.** An existing conditions site plan including:
1. Outline of any existing disturbance area, including existing utility locations;
 2. Location of any wetlands or water bodies on the site or within 50 feet of the site. Indicate the location of the top of bank, ordinary high water mark as determined in accordance with the US Army Corp of Engineers definition and protocol, centerline of stream, or wetland boundary as appropriate;
 3. Vegetative cover on site, indicating species composition;
 4. Within the disturbance area, all trees that are more than 6 inches in diameter must be indicated by size and species; and
 5. Topography shown by contour lines at 2 foot vertical contours in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater.
- B.** Proposed development plan including:
1. Outline of the proposed disturbance area, including all areas of proposed utility work;
 2. Location and description of all proposed erosion control devices;
 3. A stormwater management plan;
 4. A landscape plan indicating the size, species, and location of all vegetation to be planted in the environmental sub-districts; and
 5. Where applicable, the location and specifications of the site enhancement option with dimensions, a list of Nuisance or Prohibited Plants to be removed, and a landscape plan indicating the size, species, and location of all vegetation to be planted.
- C.** Photographs of the site are not required but are encouraged to supplement the existing conditions site plan.

33.595.360 Standards for Utility Lines

These are the standards for utility lines. They are a modified version of the standards of Chapter 33.430 Environmental Overlay Zones, but with allowances for work within an existing utility easement and a different set of tree removal/replacement standards.

33.595.365 Standards for Development Associated with Uses in the Parks and Open Areas Category.

This section provides several sets of standards to address many of the parks and open space development that was envisioned in the West Hayden Island Final Base Concept Plan. These include standards for trails and viewpoints, non-motorized boat launches, and possible parking areas and structures that could be affiliated with parks and open space uses, such as trailhead or beach parking or a smaller structures that could provide park interpretive or management facilities or a covered rest area.

Other parks development or parks development not specifically addressed under these standards (or through any exemptions above) would need to receive approval through a Natural Resource Review.

- A. **Trails and Viewing Areas.** These provide a series of standards to allow a trail network to be constructed without requiring an environmental review. The maximum width of 60 inches should allow for a trail to be built that meet ADA standards. A limited number of viewing areas that were shown as part of the Concept Plan will be allowed as part of this network. Trees that are removed will need to be replaced to ensure the maintenance of the tree canopy on the island.

33.595.360 Standards for Utility Lines

The following standards apply to utility lines, except outfall pipes and structures associated with an outfall pipe. All of the standards must be met. Modification of any of these standards requires approval through a West Hayden Island Resource Review.

- A. Disturbance area. When a utility line is located outside of an existing utility easement, the disturbance area may be no greater than 10 feet wide. Existing utility easements are shown on Map 595-1. There is no disturbance area limitation on utility lines located within an existing utility easement;
- B. The construction of a utility line may not occur within a stream channel, wetland, or water body; and
- C. The standards of 33.595.400, Tree and Vegetation Removal, must be met.

33.595.365 Standards for Development Associated with Uses in the Parks and Open Areas Category.

The following standards apply to development associated with uses allowed by paragraph 33.595.110.A.3. All of the standards must be met. Modification of any of these standards requires approval through a West Hayden Island Resource Review.

- A. **Trails and viewing areas.** The following standards apply to trails and viewing areas:
 - 1. The trail may not be greater than 60 inches wide;
 - 2. The disturbance area for the trail may not be greater than 15 feet wide.
 - 3. Except as allowed by subparagraph B.5.a, the disturbance area associated with a trail must be set back at least 50 feet from the top of bank of a water body, or be located landward of the ordinary high water mark of the Columbia River or Oregon Slough;
 - 4. Viewing areas developed in conjunction with a trail must meet the following:
 - a. No more than four viewing areas are allowed within the OS zone in the plan district; and
 - b. The maximum permanent disturbance area for each viewing area is 500 square feet.
 - 5. Exterior lights are not allowed; and
 - 6. The standards of 33.595.400, Tree and Vegetation Removal, must be met.

33.595.365 Standards for Development Associated with Uses in the Parks and Open Areas Category. (contd)

- B. Boat Launches and Docks.** The Concept Plan considered several possible locations to place a non-motorized boat launching area. Any dock structure must be associated with the boat launch; the dock may not be stand alone without a launch. These standards provide an opportunity for a single, smaller hand boat launch and dock to be created on WHI without requiring a land use review. To reduce impacts, limitations on the size of the dock and approach are imposed and any trees that are removed will need to be replaced.
- C. Parking areas and Structures.** The Concept Plan envisioned the need to accommodate parking and facilities for people using the trails and beach areas on WHI. These standards provide an opportunity for these types of facilities to be developed without undergoing a Natural Resource Review, provided that they are limited in size and location. Tree replacement is required to ensure the maintenance of the islands forest canopy. Larger recreational facilities may be proposed, but would have to be approved through a land use review.

B. Boat launches and docks. The following standards apply to boat launches and docks in the OS zone:

1. Boat launches and docks for motorized boats are not allowed in the plan district;
2. Only one boat launch and associated dock for non-motorized boats is allowed in the plan district;
3. The boat launch and associated dock may be located below the ordinary high water mark of the Columbia River or Oregon Slough;
4. A trail to access the boat launch is allowed as follows:
 - a. The trail may be located below the ordinary high water mark of the Columbia River or Oregon Slough to link to the boat launch and dock to an upland area;
 - b. The trail width may not be greater than 72 inches wide; and
 - c. The disturbance area for the boat launch access trail may not be greater than exceed 16 feet wide.
5. The dock associated with the boat launch may not be greater than 8 feet wide and may not be greater than 480 square feet in total area;
6. Exterior lights are not allowed; and
7. The standards of 33.595.400, Tree and Vegetation Removal, must be met.

C. Parking areas and structures. Parking areas and structures associated with uses in the Parks and Open Areas category allowed by paragraph 33.595.110.A.3 must meet the following:

1. No more than two areas containing parking or other structures are allowed within the OS zone in the plan district;
2. The total permanent disturbance area for the areas within the plan district containing parking and other structures may not exceed 20,000 square feet;
3. The permanent disturbance area for the parking or other structures must be set back at least 50 feet from the ordinary high water mark of the Columbia River and the Oregon Slough, and 50 feet from the top of bank of any other water body;
4. The total maximum floor area allowed for buildings associated with Parks and Open Areas in the plan district is 5,000 square feet;
5. Buildings must be set back at least 10 feet from the edge of the permanent disturbance area; and
6. The standards of 33.595.400, Tree and Vegetation Removal, must be met.

33.595.370 Standards for Driveways

This section provides a set of standards for unpaved driveways. It allows the opportunity in limited instances to build a new driveway, or realign an existing driveway to serve uses on the driveway. It requires a bridge crossing for any driveway crossing a waterbody, and requires mitigation for tree removal.

33.595.375 Standards for Resource Enhancement Projects

This section provides a set of standards for resource enhancement projects that do not require excavation or fill work within wetlands and do not result in the removal of any native vegetation. Enhancement projects that cannot meet these standards must go through a Natural Resources Review; there are specific approval criteria for enhancement projects.

33.595.370 Standards for Driveways

The following standards apply to new or relocated driveways. Modification of any of these standards requires approval through a West Hayden Island Resource Review.

- A.** Where a driveway crosses a water body, the crossing must be by bridge, and the foundation or footings of the bridge must be located above the top of bank;
- B.** The driveway may not be greater than 20 feet wide;
- C.** The disturbance area associated with the driveway may not be greater than 40 feet wide;
- D.** Driveways serving a parks and open space uses must be paved. Driveways serving other uses may be unpaved.
- E.** Exterior lights are not allowed; and
- F.** The standards of 33.595.400, Tree and Vegetation Removal, must be met.

33.595.375 Standards for Resource Enhancement Projects

The following standards apply to resource enhancement projects. All of the standards must be met. Modification of any of these standards requires approval through West Hayden Island Resource Review.

- A.** Removing native vegetation listed on the *Portland Plant List* is not allowed;
- B.** Excavating or filling wetlands are not allowed;
- C.** Excavating is not allowed below the ordinary high water mark. Fill is allowed below the ordinary high water mark provided all of the following are met:
 - 1. The final slope after grading is 33 percent or less (33 percent slope represents a rise to run ratio equal to 1:3); and
 - 2. The placement of large wood on the bank is allowed below ordinary high water to provide bank stabilization.
- D.** All vegetation planted must be native and on the *Portland Plant List*.
- F.** Permanent structures are not allowed as part of the resource enhancement.

33.595.380 Standards for Rights-of-Way

This standard is intended to allow the construction of a public or private right-of-way to provide access from the end of North Hayden Island Drive into the proposed Marine Terminal site. Limitations on distance and location preclude it from being used in internal areas of the island.

33.595.385 Standards for Outfall Pipes and Associated Structures

This section lays out the standards for outfall pipes that may be necessary to handle stormwater with the development. The amount of linear disturbance for all of these facilities and associated structures such as riprap or rock armoring is limited to 120 feet in the plan district.

33.595.390 Standards for Tree and Vegetation Removal

This section works in conjunction with the previous Environmental Development Standards to ensure that trees removed as part of any of the applicable projects covered under the standards provide replacement trees and vegetation within the plan district. The tree and vegetation ratio is sufficient to maintain a full canopy forest for the future in the area of the replanting.

The figure providing an example planting plan is located earlier in the chapter under the OS Setback vegetation replacement subsection.

33.595.380 Standards for Rights-of-Way

The following standards apply to new and existing rights-of-way. All of the following standards must be met. Modification of any of these standards requires approval through a West Hayden Island Resource Review.

- A. The paved roadway may not be greater than 40 feet wide and the right-of-way may not be more than 1,000 feet long;
- B. The disturbance area associated with the right-of-way may not be greater than 60 feet wide;
- C. The improved right-of-way provides access from Hayden Island Drive to the area of the plan district that is zoned IH, or to parking associated with a trail or interpretive facility; and
- D. The standards of 33.595.400, Tree and Vegetation Removal, must be met.

33.595.385 Standards for Outfall Pipes and other Structures Associated with an Outfall Pipe

The following standards apply to the installation of outfalls pipes. All of the standards must be met. Modification of any of these standards requires approval through West Hayden Island Resource Review.

- A. The total width of all outfall pipes, supporting structures, and rock armoring associated with the outfall pipe within the plan district may not exceed than 120 feet
- B. Each outfall pipe may not be greater than 48 inches in diameter; and
- C. The standards of 33.595.400, Tree and Vegetation Removal, must be met.

33.595.390 Standards for Tree and Vegetation Removal.

The following standards apply to tree and vegetation removal. All of the standards must be set. Modification of any of these standards requires approval through West Hayden Island Resource Review.

- A. Trees and vegetation may be removed in conjunction with development and exterior improvements approved under the standards of sections 33.595.360 to 33.595.385 as follows:
 - 1. within the disturbance area for utility lines and outfall pipes;
 - 2. within the disturbance area of a trail or viewing area;
 - 3. within 10 feet of structures, parking areas or a right-of-way;
 - 4. within the disturbance area of driveways; and
 - 5. within resource enhancement areas.

33.595.390 Standards for Tree and Vegetation Removal (contd)

West Hayden Island Resource Review

The following pages provide the application requirements, procedures and approval criteria for the West Hayden Island Resource Review. The layout and process closely follow the form of the environmental review process for environmental overlay zones.

33.595.400 Purpose

The purpose of the resource review is stated in this section. The purpose of this review is very similar to the purpose for an environmental review.

- B. Vegetation Replacement.** Trees larger than 6 inches in diameter that are removed must be replaced and must meet all of the following:
1. Replacement planting is based upon the total caliper inches of trees larger than 6 inches diameter that are removed. For every 6 inches of diameter removed, a 100 square foot area must be planted with the following plant density. See Figure 595-1, Example Planting Plan:
 - a. One tree, five shrubs, and four other plants are required to be planted for every 100 square feet of vegetated area. Trees may be clustered; or
 - b. One tree and five shrubs are required to be planted for every 100 square feet of vegetated area, and the planting area must be seeded with a native grass and forb seed mix at a ratio of 30 pounds per acre. Trees may be clustered.
 2. When more than 3 trees are planted, the planting includes at least 3 different tree species and 3 different shrub species; and
 3. Vegetation planted must be native and listed on the *Portland Plant List*
- C.** Temporary disturbance areas must be replanted so that the area achieves a 90 percent vegetation cover within one year and vegetation planted must be native and listed on the *Portland Plant List*.

West Hayden Island Resource Review

33.595.400 Purpose

West Hayden Island Resource Review is intended to:

- A.** Prevent harm to identified resources and functional values, compensate for unavoidable harm, and ensure the success of mitigation and enhancement activities;
- B.** Provide a mechanism to modify the development standards of this Chapter if the proposed development can meet the purpose of these regulations;
- C.** Provide flexibility for unusual situations. The review provides for consideration of alternative designs for development that have the least impact on natural resource within the environmental sub-districts;
- D.** Provide for the replacement of resources and functional values that are lost through violations of this Chapter.
- E.** Help the City meet existing and future requirements pursuant to federal and state laws including the Clean Water Act, the Safe Drinking Water Act, the Endangered Species Act, the Migratory Bird Treaty Act, and the National Flood Insurance Act.

33.595.402 When West Hayden Island Resource Review is Required

A Resource Review will be required for any development that is either not exempt, or can't meet the development standards listed in the previous sections.

33.595.405 Procedure

In general, a Resource Review will be a Type II process, which is a public discretionary process that involves a staff decision for approval or denial, that can be appealed to a public hearing with the City Hearing's Officer. Resource Enhancement projects will be processed under a Type I process which is a similar public discretionary process to the Type II process, but is only appealable to the State Land Use Board of Appeals.

33.595.410 Supplemental Application Requirements

This section lists the additional information that is needed to apply for a Resource Requirement. The intent is to give staff adequate information to complete a WHI Resource Review. Much of this section is the same as the requirements for an Environmental Review.

33.595.402 When West Hayden Island Resource Review is Required

West Hayden Island Resource Review is required for all development that is not exempt or does not meet the development standards of Sections 33.595.345 through .390, and for violations of this chapter.

33.595.405 Procedure

West Hayden Island Resource reviews are processed through the following procedures:

- A. Resource enhancement projects are processed through the Type I procedure.
- B. All other uses and development are processed through the Type II procedure.

33.595.410 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, the following information is required for a West Hayden Island Resource Review application:

- A. **Supplemental site plan requirements.** One copy of each plan must be at a scale of at last one inch to 100 feet. Site plans must show existing conditions, conditions existing prior to a violation, proposed development, and construction management. A mitigation site plan is required whenever the proposed development will result in unavoidable significant detrimental impact on the identified resources and functional values. A remediation site plan is required whenever significant detrimental impacts occur in violation of the Code and no permit was applied for. The Director of BDS may waive items listed in this subsection if they are not applicable to the specific review; otherwise they must be included. Additional information such as wetland characteristics or soil type may be requested through the review process.

1. Site plans must show the following:

- a. In areas of the site that have been or will be disturbed, or within 50 feet of the disturbance area:
 - (1) 100-year floodplain and floodway boundaries;
 - (2) The ordinary high water line of the Columbia River and Oregon Slough as determined in accordance with the US Army Corp of Engineers definition and protocol;
 - (3) For in-water work, water depth, and shallow water habitat, which is defined as the area between the ordinary high water mark and elevation -14 feet (NAVD88);
 - (4) Topography shown by contour lines at two-foot vertical contours in areas of slopes less than ten percent and at five-foot vertical contours in areas of slopes ten percent or greater;
 - (5) Drainage patterns, using arrows to indicate the direction of major drainage flow;
 - (6) Existing improvements such as structures, or buildings, utility lines, fences, etc.;

33.595.410 Supplemental Application Requirements (contd)

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- (7) Distribution outline of shrubs and ground covers, with a list of most abundant species;
 - (8) A grading plan showing proposed alteration of the ground at two-foot vertical contours in areas of slopes less than ten percent and at five foot vertical contours in areas of slopes ten percent or greater; and
 - (9) Trees greater than six inches in diameter, identified by species. In the case of violations also indicate those that were cut or damaged by stump diameter and species.
- b. In areas of the site that are and will remain undisturbed: Tree crown cover outline, and generalized species composition.
- 2. A construction management site plan including:
 - a. Areas that will be disturbed, including equipment maneuvering areas;
 - b. Areas where existing topography and vegetation will be left undisturbed;
 - c. Location of site access and egress;
 - d. Equipment and material staging and stockpile areas;
 - e. Erosion control measures; and
 - f. Measures to protect trees and vegetation.
 - 3. A mitigation or remediation site plan including:
 - a. Dams, weirs, or other in-water structures;
 - b. Distribution outline, species composition, and percent cover of ground covers to be seeded or planted;
 - c. Location, species, and size of each tree to be planted;
 - d. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
 - e. Water bodies to be created, including depth;
 - f. Water sources to be used, including volumes; and
 - g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

33.595.410 Supplemental Application Requirements (contd)

B. Supplemental narrative. The following is required:

1. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria and to evaluate development alternatives. The alternatives must be evaluated on the basis of their impact on the resources and functional values of the site. In the case of a violation, the impact evaluation is used to determine the nature and scope of the significant detrimental impacts. The evaluation must also consider the cumulative impacts on that system. The impact evaluation is based on the resources and functional values identified as significant in the *Hayden Island Natural Resources Inventory (HINRI)*.
 - a. An impact evaluation includes:
 - (1) Identification, by characteristics and quantity, of the resources and their functional values found on the site;
 - (2) Evaluation of alternative locations, design modifications, or alternative methods of development to determine which options reduce the significant detrimental impacts on the identified resources and functional values of the site; and
 - (3) Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable.
 - b. An impact evaluation for a violation includes:
 - (1) Description, by characteristics and quantity, of the resources and functional values on the site prior to the violation; and
 - (2) Determination of the impact of the violation on the resources and functional values.
2. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining resources and functional values at and near the construction site and provide a description of how undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, construction equipment controlled, and the timing of construction; and
3. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts that result from the chosen development alternative or violation as identified in the impact evaluation. A mitigation or remediation plan includes:
 - a. Resources and functional values to be restored, created, or enhanced on the mitigation or remediation site;
 - b. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
 - c. Construction timetables;
 - d. Operations and maintenance practices;

33.595.420 Approval Criteria

There are three sets of approval criteria that are intended to apply to any development on WHI that needs to go through a Resource Review.

The majority of these proposals would need to meet the *General Criteria* which are intended to minimize the impact to resources, ensure the least amount of detrimental impact, and to provide mitigation to compensate for any detrimental impact. Mitigation should be on West Hayden Island unless it is unfeasible.

A Resource Enhancement proposal that undergoes review need to meet a smaller number of approval criteria that ensure that resources are maintained and there is an improvement in at least one function value.

A Correction to a Violation must meet a set of remediation approval criteria in addition to all the general approval criteria. However, it should be noted that certain corrections may be able to meet the standards stated in 33.595.500 -.505 and avoid going through a land use review.

-
- e. Monitoring and evaluation procedures;
 - f. Remedial actions for unsuccessful mitigation; and
 - g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

33.595.420 Approval Criteria

A West Hayden Island Resource Review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When West Hayden Island Resource Review is required because a proposal does not meet one or more of the development standards in Sections 33.595.360 through .390, the approval criteria will be applied only to the aspect of the proposal that does not meet the development standard or standards.

A. General Criteria. The following approval criteria apply to all development except resource enhancement projects and corrections to violations. The applicant's impact evaluation must demonstrate that all of the following are met:

1. Proposed development minimizes the loss of resources and functional values, consistent with the uses that are permitted or allowed within the West Hayden Island plan district;
2. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the West Hayden Island Plan District;
3. Forest fragmentation has been minimized.
4. There will be no significant detrimental impact on the function of shallow water habitat and near-shore areas for the migration, rearing, feeding, or spawning of fish.
5. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed, including mitigation sites in the plan district;
6. The mitigation plan must demonstrate that all significant detrimental impacts on identified resources and functional values, and the interim loss of functional value will be compensated for. The amount of mitigation due as compensation will be based on the amount and relative condition of the resources and functional values impacted by the proposal, the extent to which the project design minimizes impacts, the uniqueness of the resources and functional values, and the time lag between when the resources and functional values are lost due to the impacts and the point when the mitigation site will achieve full function. To the extent practicable, the resources and functional values restored or enhanced as mitigation must be the same kind of resource, performing the same functional value as the lost resource;

33.595.420 Approval Criteria (contd)

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7. Mitigation must occur within the West Hayden Island Plan District when practicable, and ecologically beneficial. Factors to be considered when evaluating this criterion include:
 - a. The potential for the long-term success of the restored resources and functional values in the mitigation area;
 - b. The amount, size, shape, and connectivity potential of on-site mitigation areas;
 - c. The location of the mitigation area in relation to existing, proposed or future development on the site, and the impact development may have on the mitigation area;
 - d. Contamination; and
 - e. Any other site-specific issue or constraint.
 8. In cases where the proposal is subject to mitigation as the result of obtaining permits from the Oregon Department of State Lands or the U.S. Army Corps of Engineers, the mitigation required for those permits can count toward meeting this mitigation requirement as long as that mitigation is found to adequately compensate for impacts to the identified natural resources and functional values.
 9. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.
 10. If other regulatory approvals have been obtained from the Oregon Department of State Lands or the U.S. Army Corps of Engineers, the conditions of approval for this review must not contradict, circumvent or otherwise undermine decisions made by those agencies.
- B. Resource Enhancement Projects.** Resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all of the following are met:
1. There will be no loss of total area devoted to natural vegetation and wildlife habitat;
 2. There will be no significant detrimental impact on any resources and functional values; and
 3. There will be a significant improvement of at least one functional value.
- C. Corrections to Violations.** For corrections to violations of the environmental standards of this Chapter the application must meet all applicable approval criteria stated in subsections A and B above, and paragraphs 1, 2.b and 2.c, below. If these criteria cannot be met, then the applicant's remediation plan must demonstrate that all of the following are met:
1. The remediation is done in the same area as the violation; and

33.595.430 Performance Guarantees

This language provides the opportunity for the Bureau of Development Services (BDS) to require a performance guarantee to ensure completion of any mitigation.

33.595.440 Special Evaluation by a Professional

This criteria provides a reviewer with BDS to request expert consulting advice to aid the review of a proposal in special circumstances.

33.595.450 Modifications That Will Better Meet West Hayden Island Resource Review Requirements

This criterion is similar to criteria within environmental zones and allows an applicant to request a modification to a development standard if it better protects the natural resources. It cannot be used to modify the environmental development standards stated earlier in the chapter, nor can it be used to modify any use standards.

Corrections to Violations of the Environmental Regulations of this Chapter

These provisions are similar to the standards to correct violations in environmental zones, and clarify the procedure for correcting various scales of violations. The menu approach allows alternatives to a land use review to resolve violations, especially those of a smaller scale that would benefit from quick corrective response rather than being part of a longer land use review process.

33.595.500 Purpose

The purpose for these options is provided here.

2. The remediation plan demonstrates that after its implementation there will be:
 - a. No permanent loss of any type of resource or functional value;
 - b. A significant improvement of a least one functional value; and
 - c. There will be minimal loss of resources and functional values during remediation until the full remediation program is established.

33.595.430 Performance Guarantees

The Director of BDS may require performance guarantees as a condition of approval to ensure mitigation or remediation. See Section 33.700.050, Performance Guarantees.

33.595.440 Special Evaluation by a Professional

A professional consultant may be hired to evaluate proposals and make recommendations if the Director of BDS finds that outside expertise is needed due to exceptional circumstances. The professional will have expertise in the specific resource or functional value or in the potential adverse impacts on the resource or functional value. A fee for these services will be charged to the applicant in addition to the application fee.

33.595.450 Modifications That Will Better Meet West Hayden Island Resource Review Requirements

The review body may consider modifications for site-related development standards as part of the West Hayden Island Resource Review process. These modifications are done as part of the West Hayden Island resource review process and are not required to go through the adjustment process. Adjustments to use-related development standards (such as intensity of use, size of the use, or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations.

Corrections to Violations of the Environmental Regulations of this Chapter

33.595.500 Purpose

The purpose of Sections 33.595.500 and .505 is to ensure the timely restoration and remediation of natural resources and functional values that have been degraded due to a violation of this chapter. These sections establish a process to determine which review requirements will be applied to remedy a violation of the environmental standards in the West Hayden Island Plan District. The type of review required depends on the circumstances of the violation. Section 33.595.505 details methods for correcting such violations and Title 3 of the City Code details the enforcement penalties.

33.595.505 Correction Options

This section spells out the various options for correcting a resource violation. Certain violations may allow for either removing the violation and repairing the damage, retaining the development subject to the violation and meeting a set of mitigation standards, or going through a land use review. In order to use these options, the applicant must show that the violation and resulting corrections meet a set of threshold detailed below. If those thresholds cannot be met, the applicant must go through the land use review, and meet the approval criteria listed in the above section.

33.595.505 Correction Options

Applicants must choose one of the following options to correct environmental code violations.

A. When these options may be used.

1. If all of the following are met, the applicant may choose Option One, Option Two, or Option Three:
 - a. No more than 12 diameter inches of trees were removed; and
 - b. No ground disturbance occurred riverward of the ordinary high water line of the Columbia River or Oregon Slough, or within 30 feet of the top of bank of a stream, wetland or other water body;
 - c. The correction will remove all illegal development; and
 - d. The correction will replant illegal clearing.
2. If any of the following occurred, the applicant may not use Option One, but may chose either Option Two or Option Three:
 - a. More than 12 diameter inches of trees were removed;
 - b. Disturbance occurred riverward of the ordinary high water line of the Columbia River or Oregon Slough, or within 30 feet of the top of bank of a stream, wetland or other water body;
3. If the applicant cannot meet Options One or Two, Option Three must be used.
4. If the violation also violates a condition of approval of a land use review, the applicant must use the process described in Section 33.730.140. The applicant may not choose one of the options in this section.

B. Option One, Remove and Repair. This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this subsection must be met. Adjustments and modifications to these requirements are prohibited.

1. All items and materials placed in the area of violation are removed and no new disturbance area is created;
2. Any soil compaction resulting from the violation is tilled or otherwise broken up to a depth of 6 inches prior to planting; and
3. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:
 - a. The area disturbed by the violation activity must be replanted;
 - b. One tree, one shrub, and five groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*;

33.595.505 Correction Options (contd)

- c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or seven additional plants as described in B.3.b must be planted on the site for every 50 square feet disturbed;
 - d. Any Nuisance or Prohibited Plants listed on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
 - e. Trees must be a minimum one inch in diameter. Shrubs must be a minimum of two-gallon size. All other species must be a minimum of four-inch pots; and
 - f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.
4. For violations involving the removal of trees, two times the number of diameter inches removed must be planted on the site, in addition to other remediation vegetation planted. Planted trees must be a minimum one inch in diameter.

C. Option Two, Retain and Mitigate. This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met. Adjustments and modifications to these standards are prohibited.

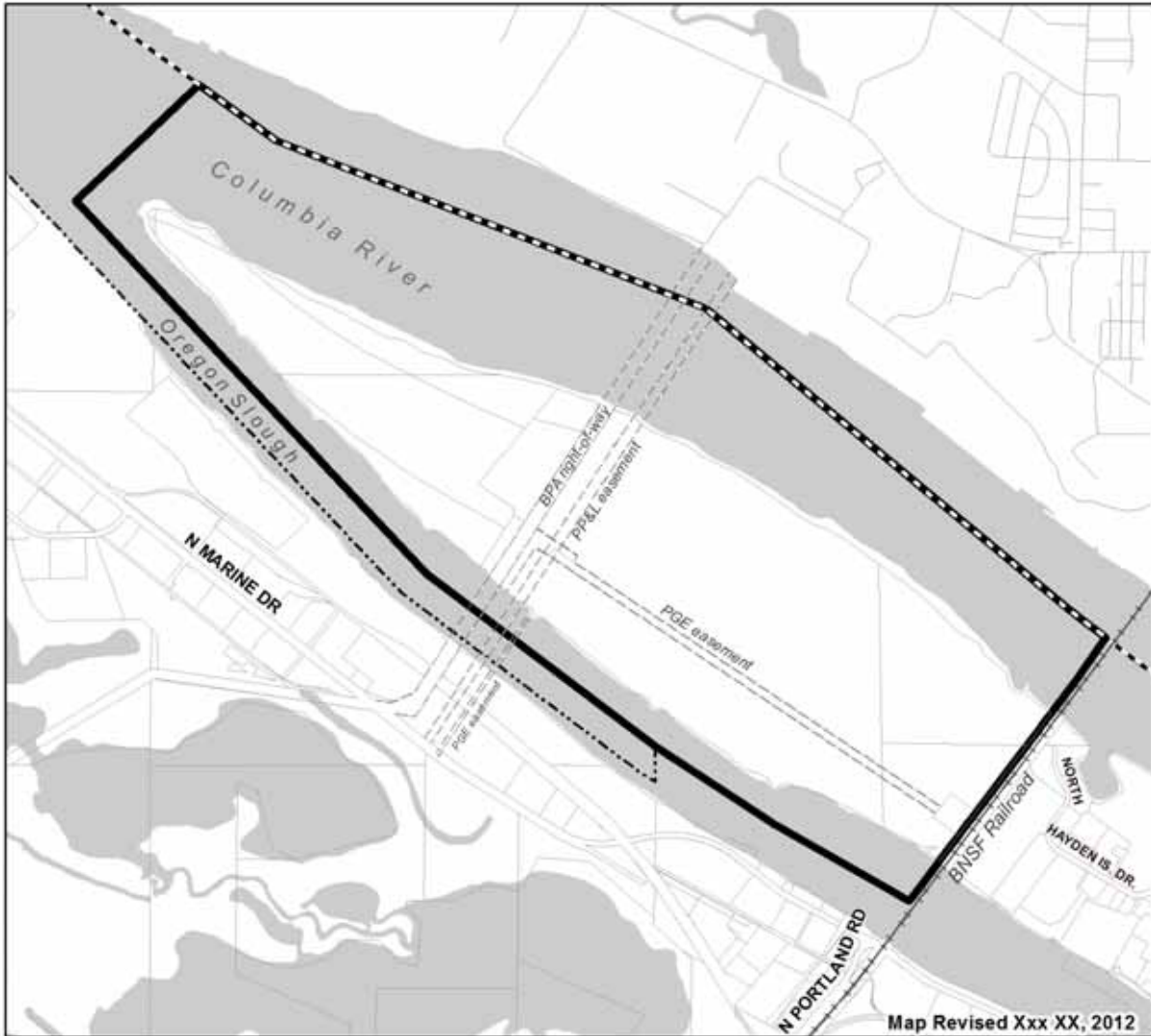
- 1. The applicable standards of Chapter 33.595.xxx must be met; and
- 2. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:
 - a. The area disturbed by the violation activity must be replanted;
 - b. One tree, one shrub, and five groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*;
 - c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or seven additional plants as described in C.2.b must be planted on the site for every 50 square feet disturbed;
 - d. Any Nuisance or Prohibited Plants listed on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
 - e. Trees must be a minimum one inch in diameter. Shrubs must be a minimum of two-gallon size; and
 - f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.
- 3. For violations involving the removal of trees, two times the number of diameter inches removed must be planted on the site, in addition to other remediation vegetation planted. Planted trees must be a minimum 1 inch in diameter.

D. Option Three, West Hayden Island Resource Review. The procedures, application requirements, and approval criteria for West Hayden Island Resource Review are described in Sections 33.595.400 through .450.

Map 595-1

Map of the West Hayden Island plan district

This map provides an illustration of the boundaries of the West Hayden Island plan district, including the location of the existing utility lines.



Map 595-1

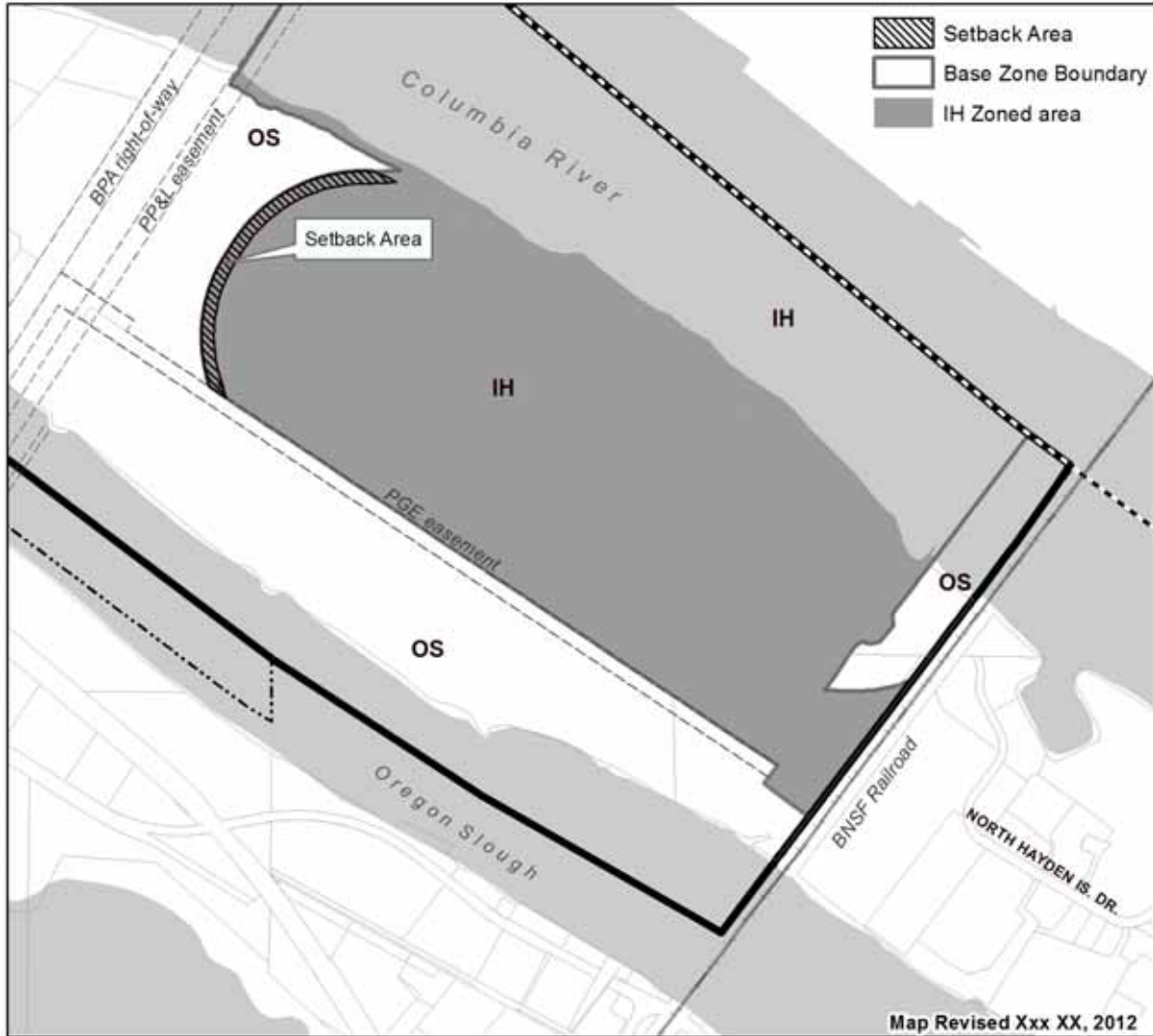
Proposed West Hayden Island Plan District

Bureau of Planning & Sustainability - City of Portland, Oregon

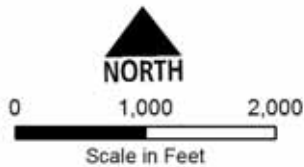
Map 595-2




West Hayden Island plan district - Open Space Setback Area

This map illustrates the different setback areas between the terminal in the IH zone and the Open Space zone west of the terminal. The map is intended to be used with sub-section 33.595.200.B.



Map 595-2



-  Plan District Boundary
-  State Boundary
-  City Boundary

Proposed West Hayden Island Plan District Open Space Setback Area

Bureau of Planning & Sustainability - City of Portland, Oregon

VI. Intergovernmental Agreement (IGA) between the Port and the City

The purpose of the agreement is to describe transportation improvements, community and recreational investments, and environmental mitigation measures that the Port and the City agree to undertake if West Hayden Island is annexed to the City and developed with a port facility.

DRAFT

**INTERGOVERNMENTAL AGREEMENT FOR
ANNEXATION OF WEST HAYDEN ISLAND**

This INTERGOVERNMENTAL AGREEMENT FOR ANNEXATION OF WEST HAYDEN ISLAND (Agreement) signed and effective _____, 2012 (Effective Date) is between **THE PORT OF PORTLAND**, a port district of the State of Oregon (Port), and **THE CITY OF PORTLAND, OREGON**, a municipal corporation (City) (collectively the Parties).

RECITALS

A. The Port and the City are authorized to enter into intergovernmental agreements with each other pursuant to the terms of ORS 190.003 to 190.010.

B. The Port and the City entered into an *Intergovernmental Agreement West Hayden Island Land Use Approvals Work Program and Tasks*, effective May 29, 2009 and amended on June 9, 2010, December 3, 2010, and October 7, 2011.

C. West Hayden Island (WHI) is that portion of Hayden Island lying westward of the Burlington Northern Railroad right of way, comprising approximately 800 acres. The property is shown on the Map included as Attachment A. WHI is located in Multnomah County and is zoned County Multiple Use Forest 19 (MUF19) with a Significant Environmental Concern (SEC) overlay.

D. The Port acquired much of WHI in 1994, for the purpose of marine terminal development. The Port property includes a dredge material management area approximately 100 acres in size. Existing improvements include a City waste water outfall, right-of-way, easements and electric transmission lines, and a substation on PGE property, but otherwise WHI is largely undeveloped. WHI also includes property owned by the Division of State lands, which the Port of Portland intends to acquire.

E. The Metropolitan Service District (Metro) included WHI within the Metro Urban Growth Boundary (UGB) in 1983 for the purpose of satisfying a regional need for marine terminal facilities (Metro Ordinance No. 83-151). Anticipating eventual annexation of WHI, since 1996 the City has provided planning and zoning services to WHI through an Intergovernmental Agreement with Multnomah County (Ordinance No. 170585). In 1995 Metro's Urban Growth Concept Plan and Map identified the northern half of the island as industrial and southern half as open space.

F. On July 29, 1998 the Portland City Council adopted a resolution in response to the Endangered Species Act listing of the steelhead, stating that "the City will work proactively to the best of its ability, through regulatory compliance, creation of incentives, and otherwise, to support the recovery of steelhead populations" (Resolution #35715).

G. Metro's previous planning decisions recognize WHI's value for both industrial development and natural resource protection. In 2004, Metro designated WHI as a "Regionally Significant Industrial Area" under Title 4 of Metro's Urban Growth Management Functional Plan (Functional Plan) (Metro Ordinance 04-104B). In 2005 Metro adopted its Nature in the Neighborhoods program to implement Title 13 of the Functional Plan and a regional approach to Statewide Planning Goal 5 for fish and wildlife habitat (Metro Code (MC) 3.07.1320). Nature in the Neighborhoods requires the City and the Port to create a District Plan for WHI (MC

3.07.1330.B.4.b). Metro also exempted much of the WHI property from Title 3 (Water Quality and Flood Management) of the Functional Plan (MC 3.07.330.D).

H. On August 19, 2009 the Portland City Council adopted the Hayden Island Plan (Ordinance 183124). The plan was a collaborative effort between the City and the community, to improve accessibility, livability, and sustainability on Hayden Island over the next 35 years. Goal "j" of the plan provides direction to develop a plan for West Hayden Island..

I. To facilitate the development of a District Plan for the WHI property, the Port is requesting annexation of the entire 800-acre parcel that comprises WHI.

J. On July 29, 2010, the City Council approved Resolution No. 36805, directing the Bureau of Planning and Sustainability (BPS) staff to develop a legislative proposal for annexation of WHI to the City with the intent to retain at least 500 acres as open space, and to identify no more than 300 acres for future deep-water marine terminal development.

K. Public Involvement has been an integral part of the West Hayden Island planning process. The Bureau of Planning and Sustainability produced a public involvement plan to guide and encourage participation and input from multiple stakeholders and the general public. Since 2009 the City and Port have worked collaboratively with a Community Working Group (CWG) and a WHI Advisory Committee (WHIAC). These committees have provided guidance and input on technical studies and advised the City and Port on all project activities.

L. The City completed the Hayden Island Natural Resources Inventory (HINRI) in 2012, which identifies the existing natural resource features and functions provided by WHI. WHI is a single habitat area, comprised of a mosaic of habitat types, located at the confluence of two major rivers systems, along the migration route for salmon, and in the Pacific Flyway. The WHI planning area includes the Columbia River and Oregon Slough, shallow water habitat, beaches, grassy and sparsely vegetated areas, shrubland, woodland and forest habitat all of which are located within the 100-year floodplain. These habitat features support over 200 species of wildlife including 13 federally-listed ESA fish species and several at-risk species such as western meadowlark, pileated woodpecker, bald eagle, red-legged frog and myotis. The HINRI forms the basis for the evaluation of potential development impacts and actions taken in this agreement to replace or compensate for lost environmental features and ecological functions. The HINRI will be adopted as part of the West Hayden Island Plan District to support environmental regulations.

M. The City is undergoing state-mandated Periodic Review of its Comprehensive Plan. As part of Periodic Review, the City is required to complete an Economic Opportunities Analysis (EOA) to comply with Oregon Statewide Planning Goal 9 and its implementing administrative rule. The City City Council adopted an EOA [date, ordinance #] and submitted it to the Department of Land Conservation and Development for acknowledgement of compliance with the statewide planning goals, including Goal 9.

N. The EOA evaluates the types and amounts of employment land needed to accommodate expected growth to 2035. The EOA estimates there is demand for 450 additional acres of vacant land in the Portland Harbor for river related and river dependent employment. The City's Buildable Lands Inventory (BLI) identified an effective available vacant land supply of 94 acres in the Portland Harbor. This leaves a projected deficit of 356 acres. The EOA states that "West Hayden Island represents the only significant opportunity to bring new capacity into Portland industrial land supply, especially for marine terminal use."

O. The Oregon Freight Plan documents the economic importance of freight movement in Oregon, identifies transportation networks important to freight-dependent industries and recommends multimodal strategies to increase strategic freight system efficiency. Among other things, it calls for the development of best practices for integrating freight movement and land uses in urban areas. This will be done in a way that minimizes the impact on surrounding neighborhoods and the natural environment.

P. The Portland City Council recently adopted the Portland Plan (Resolution #39618) which sets short and long-range goals for the City and establishes a core set of priorities: prosperity, education, health, and equity. The prosperity and affordability strategy emphasizes expanding regional exports, increasing traded sector competitiveness, investment in freight transportation systems, and planning for an adequate industrial land supply. The Portland Plan also emphasizes the importance of securing more stable funding for education, considering human and ecological health, and improving access to nature. Above all, the Portland Plan prioritizes actions to improve equity and reduce disparity among Portlanders.

Q. Within the area subject to annexation, The Port and City have identified approximately 280 acres for development of marine terminal facilities, which includes areas identified as Special Habitat Area in the City's HINRI (zoning maps enclosed as Attachment B). Based upon the Economic, Social, Environmental and Energy (ESEE) analysis the City conducted in compliance with Statewide Planning Goal 5, the City recommends an “allow” decision for the marine terminal development area of WHI and “limit” and “strictly limit” decisions for the remaining area Open Space area. These designations are intended to balance the natural resource values and economic values of the WHI area as a whole.

R. The City supports the Ports desire to use unencumbered portions of West Hayden Island to meet Natural Resources Damages Assessment requirements.

S. Contemporaneous with approving this agreement the City Council is adopting ordinances annexing WHI into the City, applying Comprehensive Plan and zoning designations to WHI, adopting zoning code (Plan District) regulations for WHI, and amending its Transportation System Plan. Heavy Industrial (IH) zoning will be applied to the marine terminal area (the IH Area), and Open Space (OS) zoning will be applied to the remaining area of WHI.. North Hayden Island Drive will be re-classified as a Major Truck Street, consistent with its function as a connector between a proposed major intermodal freight facility with Interstate 5.

T. The purpose of this Agreement is to: (a) describe specific transportation improvements, community and recreational investments, and voluntary natural resource enhancement measures that the Port and the City agree will advance a shared vision for the future of WHI (which includes both open space and maritime related industrial activity);(b) describe steps that will be taken to implement this shared vision; (c) provide the Port with regulatory certainty regarding WHI development; and (d) provide the City and the metropolitan community with certainty regarding the transportation improvements, community and recreation investments, public involvement and natural resource enhancement measures contained in this Agreement.

U. The Port and City have cooperated to develop information necessary to support the City's natural resources program update. The City has prepared the Natural Resources Inventory and ESEE analysis of WHI area properties, including Port-owned properties, which will support the comprehensive plan and zoning designations to be applied to WHI.

NOW, THEREFORE, in consideration of the promises and covenants contained in this Agreement, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Port and the City agree as follows.

AGREEMENT

1. RECITALS

The Recitals above are true and are incorporated into and are a part of this Agreement.

2. TERM

This Agreement shall be effective for twenty-five (25) years following the Effective Date unless extended by mutual agreement as provided herein. Notwithstanding any other deadlines described herein, the Port's obligations set forth in this Agreement are contingent upon: (a) Port Commission acceptance; (b) City Council's adoption of zoning map, zoning code (Plan District), and Comprehensive Plan amendments consistent with this Agreement; (c) Department of Land Conservation and Development (DLCD) acknowledgment of land use amendments described in (b); and (d) the final resolution of any appeals of land use amendments described in (b).

2.1 Review of Agreement on Expiration; Possible Extension; Continuing Obligations

The Port and the City agree to meet within the month falling one year preceding the expiration of this Agreement to comprehensively review accomplishments, and to discuss whether the term of the Agreement should be extended, revised on mutually agreeable terms, or allowed to expire. Certain continuing obligations are described herein and listed in Section 7.4

3. INFRASTRUCTURE DEVELOPMENT: TRANSPORTATION, RECREATION, AND SEWER & WATER SYSTEMS

3.1 Transportation Improvements

3.1.1 By July 1 2013 the Port will, in consultation with the City (Portland Bureau of Transportation – PBOT), prepare and seek amendments to the Regional Transportation Plan (RTP) Project List. The amendments will include removing the West Hayden Island Bridge (Metro ID# 10343) from the RTP Financially Constrained project list and replacing it with a project to reconstruct North Hayden Island Drive consistent with its proposed freight classification, from BNSF Railroad Bridge to the Jantzen Beach interchange anticipated with the Columbia River Crossing Project (CRC). This project will include sidewalks, required stormwater improvements, and buffering treatments abutting residential property as described with Attachment C. Contemporaneous with this agreement the City Council is adopting corresponding amendments to its Transportation System Plan (TSP), which will be submitted to Metro for its review and approval.

3.1.1.1 The Port and City will develop a cooperative funding strategy to support the project described in Attachment C, pursuant to Section 7.1. The City agrees to contribute one quarter of the project cost, up to \$5.25 million.

3.1.1.2 If the project described in Attachment C is not already complete at the time the Port files an application for a permit, land use approval or other approval with the City for industrial development on WHI, the Port agrees to fund the remainder of the project in excess of the City's contribution as defined in Paragraph 3.1.1.1, and complete the project prior to occupancy or operation of industrial development on WHI.

3.1.1.3 If funding is secured, the Port and the City (PBOT) will collaborate to ensure that the transportation system upgrades described in Attachment C are built in a timely manner.

3.1.1.4 The Port and the City (PBOT) agree to pursue partnerships with local businesses and industrial and commercial property owners on Hayden Island to explore options for forming a local improvement district to support the project described in Attachment C. Where development or redevelopment occurs along North Hayden Island Drive, the City will, as appropriate and within constitutional limits, require frontage improvements consistent with the street classification. If frontage improvements are waived or delayed, the City will require LID remonstrance waivers.

3.1.1.5 The Port's obligations to fund and perform the transportation improvements as described in Section 3.1.1 will survive the termination of this Agreement and continue in perpetuity, as described in Section 7.4.

3.1.2 The Port will acquire any rights of way and dedicate any property necessary to extend Hayden Island Drive to the Port property.

3.1.3 Contemporaneous with approving this agreement the City Council is adopting zoning code (Plan District) regulations for WHI which cap the number of heavy trucks using Hayden Island Drive to enter or exit the terminal gate house to 175 each day. The Port is responsible for documenting and reporting the daily truck traffic volumes in the manner described in Paragraph 7.3.2.

3.1.4 If the Columbia River Crossing project is not completed prior to terminal development, the City and the Port agree that the Hayden Island Plan (2009) and West Hayden Island traffic impact analysis and associated agreements will require re-evaluation. The City and Port agree to conduct any necessary re-evaluations and to work collaboratively to identify any additional traffic mitigation requirements, with study costs to be allocated based on the proportional traffic impact of Port-and non-Port related traffic in the impact area on Hayden Island west of I-5. Costs for any required mitigation will be allocated on a similar basis. The benchmark for determining that the CRC Project is "completed" is when the following improvements are physically in place, or when the CRC Project has received all necessary funding authorization to bid, award and completely construct: (a) the local arterial bridge spanning Portland North Harbor, and (b) the Hayden Island light rail facility and station, and (c) the improvements along North Hayden Island Drive east of North Main Street and freeway access ramps, as required for the CRC project to be functional and provide multi-modal circulation that meets City of Portland level of service requirements and other applicable City requirements.

3.1.5 The Port will own roads, driveways and access ways serving exclusively the terminal development. The Port will grant public right of ways or easements as the City

determines are necessary to facilitate public access to trailheads, recreational parking, and associated recreational improvements.

3.1.6 Construction of a rail line from the BNSF mainline into the WHI site will be necessary to support marine terminal development (Regional Transportation Plan, Freight Priorities Project List, Metro ID # 20018 and 20019). The Parties agree to make a good faith effort to advocate for this freight rail project as a regional priority.

3.1.7 The City and the Port acknowledge that improvement of the North Portland junction (RTP, Freight Priorities Project List, Metro ID # 20010 and 20013) will improve the efficiency of the future marine terminal on WHI. The parties agree to make a good faith effort to advocate for this freight rail project as a regional priority.

3.2 Recreation Improvements

3.2.1 The Parties have a mutual interest in improving recreational and open space access on Hayden Island consistent with the goals of marine terminal development and conservation measures described elsewhere in this Agreement and consistent with the Hayden Island Plan (2009). The parties agree to contribute funds to be used for one or more of the projects listed in Paragraph 3.2.2 or other recreational projects identified by the Advisory Committee established under Paragraph 7.2.2 and endorsed by the parties. The parties will contribute funds in the following amounts: \$1 million total from the Port and \$750,000 total from the City, pursuant to Section 7.1. The Parties may also cooperate to seek additional funding for the projects listed in Paragraph 3.2.2 or other recreational projects identified by the Advisory Committee established under Paragraph 7.2.2 and endorsed by the Parties.

3.2.2 The Hayden Island community identified the following potential projects during the annexation process. The Parties will select one or more of the projects listed in Paragraphs 3.2.2.1 -3.2.2.5 after obtaining the advice of the Advisory Committee established under Paragraph 7.2.2. The Port's obligation under this paragraph is limited to providing the funding described above, and to provide access to Port property where required. Permitting, design and construction will be the City's responsibility. The allocation of these funds will align with the timeline for the Open Space Strategy as described in Paragraph 7.2.1.

3.2.2.1 Purchase park land and/or fund neighborhood recreational improvements within the Hayden Island Neighborhood, east of the BNSF Railroad.

3.2.2.2 Develop recreational trails on WHI consistent with the open space strategy process described in Paragraph 7.2.1 below.

3.2.2.3 Develop public trailhead facilities on WHI, or if feasible, on abutting property to the east. This will include interpretive signage, a small parking lot, and a comfort station as defined on the concept plan, a map of which is enclosed with Attachment D.

3.2.2.4 Develop a non-motorized boat launch on WHI, to provide canoe or kayak access to the Oregon Slough.

3.2.2.5 Develop a small community center with a nature-based, and/or cultural focus on Hayden Island.

3.2.3 The Port agrees to provide public access through Port property, as necessary, to recreation facilities built under this section by dedicating property, granting public access easements, or using similar methods, provided that any access granted shall not conflict with marine terminal operations or natural resource conservation measures.

3.2.4 The Port will establish a fund or endowment to cover the ongoing operation and maintenance costs of the future WHI recreational trails and amenities, in an amount no less than \$33,500 per Port fiscal year. Port contributions to this fund or endowment shall commence no later than: one year from the date WHI is annexed to the City or; if the annexation is appealed, one year from the date all appeals of the City's annexation are resolved and the annexation becomes final. The Port will continue to make contributions to this fund or endowment until it has a sufficient balance to generate \$33,500 per year in ongoing revenue.

3.3 Sewer and Water System Improvements

3.3.1 Before the City grants occupancy of any marine terminal development, the Port will extend the public sewer main in Hayden Island Drive that is needed to serve the proposed marine terminal development to the site. In addition, the Port is responsible for obtaining a permit for on site disposal and treatment of stormwater and process water or providing the necessary upgrades to the City's system off site as required at the time of development.

3.3.2 The Port agrees to contract with the Water Bureau to extend water mains required by the proposed terminal development, located on North Hayden Island Drive, to the site.

3.3.3 Any transportation, recreation, sanitary sewer or storm sewer projects conducted by the Port under this agreement shall be eligible for, and receive system development charge (SDC) credits in the manner and to the extent provided by the City's adopted SDC credit provisions. The credits shall be administered and used consistent with establish City SDC requirements.

3.3.4 The Port's obligations to fund and perform the water and sewer improvements as described in this Section will survive the termination of this Agreement and continue in perpetuity, as described in Section 7.4.

4. MEASURES TO IMPROVE ECOSYSTEM VALUES AND FUNCTIONS

4.1 Open Space on WHI

4.1.1 The Port will not use or seek rezoning of the OS-zoned area, for any uses inconsistent with the zoning and Plan District regulations applied to WHI at the time of annexation. This commitment will survive the termination of this Agreement and continue in perpetuity unless modified with the City's consent, as described in Section 7.4.

4.1.2 The Port intends to use the OS-zoned portions of WHI for mitigation, conservation, enhancement, natural resource restoration projects and similar uses consistent with the Plan District. While the Plan District specifies allowed uses in the OS zoned area, neither the

District nor this Agreement requires the Port to take action in the OS zoned area unless otherwise specifically stated herein.

4.1.3 If the Port has not completed any of the anticipated mitigation, conservation, enhancement, or natural resource restoration projects described in Paragraph 4.1.2 by January 1, 2022, the Port will initiate discussions with the City (Bureau of Environmental Services (BES), Bureau of Planning and Sustainability (BPS) and River's Office) by February 1, 2022 regarding means for accelerating such activities, including but not limited to establishing a mitigation bank on WHI.

4.1.4 The Port may, at its discretion, transfer ownership of the OS-zoned acreage to another person or entity. In the alternative, the Port may make arrangements with another entity (including but not limited to the City's Bureau of Parks and Recreation) to manage some or all of the OS-zoned area in the future. Any subsequent sale of all or a portion of the 500 acres of OS zoned property must be to a non-profit land trust-like organization, mutually acceptable to the Port and the City, whose mission would be to maintain property protections in perpetuity.

4.2 Further Natural Resource Consultation and Coordination

4.2.1 Background. The Parties acknowledge that development of marine terminal facilities within the IH-zoned area and the adjoining waterway is an essential element of their shared vision for WHI. Port development of these facilities will be subject to state and federal permitting requirements, such as those required for filling within jurisdictional wetlands, in addition to local permitting and approval requirements. Marine terminal development will also require compliance with, at a minimum, the National Environmental Policy Act. These permitting processes involve opportunities for public comment, evaluation of alternatives, and evaluation of mitigation for environmental impact.

4.2.2 Purpose Statement. The Parties intend that (1) State and federal applications for marine terminal facilities development will be based on sound mitigation proposals; (2) Marine terminal development on WHI will occur in a manner that minimizes environmental impacts and employs state of the art mitigation principles and techniques as required by the permitting agencies; and (3) The Parties will collaborate to advance these purposes.

4.2.3 Anticipated Impacts. During the annexation process, the City's consultant, Worley Parsons, developed a conceptual plan for marine terminal facilities. Based on this conceptual plan, the Parties independently analyzed the potential impacts of development on shallow water habitat and wetlands and substantially agree on the extent of those likely impacts. Specifically, the Parties anticipate that approximately 0.3 to 1.5 acres of shallow water habitat and 10 to 25 acres of wetlands will be adversely affected by terminal development as currently conceived.

4.2.4 Minimum Mitigation Proposal. State and federal authorities will determine the amount and type of mitigation required for the loss of these areas when the Port submits development permit applications. The Port’s mitigation proposal for wetlands and shallow water habitat will include, at a minimum, 1.5 acres of new shallow water habitat and 25 acres of new wetlands. To the extent feasible and permitted by the responsible agencies, the Parties intend that this mitigation will occur on WHI in the vicinity of Benson Pond and the adjacent North Wetland.

4.2.5 Consultation and Coordination. The Port agrees to coordinate and consult with the City in the developing of the final mitigation proposals that will be included in the state and federal permit applications consistent with Paragraphs 4.2.5.1 through 6 below (collectively referred to as Coordination and Consultation). This Coordination and Consultation applies to all state or federal permit applications seeking authorization for development on WHI. “Development” includes rail or marine terminal structures, or related docks and causeways below ordinary high water in the Columbia River. “Permits” include those submitted by entities acting as agents of the Port, or any lessee of Port property on WHI. The Port will notify its agents or lessees of the Coordination and Consultation process, and secure their compliance with this process.

4.2.5.1 The Port agrees to give the City advance notice of its intent to submit any state or federal permit application for development on WHI as described in Paragraph 18.1- 18.2. The Coordination and Consultation process will begin within 7 days of that notice.

4.2.5.2 To implement Coordination and Consultation, the Parties agree to form a “Coordination Team” of six (6) people composed of three (3) City appointees, and three (3) Port appointees. The City Mayor will appoint the City members of that team, and the Port Executive Director will appoint the Port members. Entities acting as agents of the Port, or lessees of Port property may be included among the Port members. The Coordination Team will review and approve the final environmental mitigation proposals that will be included in the state and federal permit applications subject to this process. The Port agrees to include in the permit applications the mitigation approved by the Coordination Team.

4.2.5.3 The Parties acknowledge that it is desirable to carry out early informal mitigation-related consultation with state and federal authorities. If state and federal regulatory authorities are willing to engage in early informal consultation, the Parties, through the Coordination Team, will make a good faith effort to engage in that informal consultation.

4.2.5.4 The Parties will jointly fund staff time necessary to support Coordination and Consultation for at least 18 months.. The Coordination Team will review draft permit application packages, including mitigation design drawings, Biological Assessments, and any other supporting information the Port intends to submit to permitting agencies.

4.2.5.5 The Parties acknowledge that natural resource conditions, regulations, and ecological science will evolve over the course of this agreement. It is not the intent of this agreement to lock the parties into an inflexible mitigation approach that cannot respond to those changes. The Parties may mutually agree to deviate from the above-listed minimum elements identified in Paragraph 4.2.4 if such changes are necessary to respond to significant changes in regulatory context (for example additional ESA listings), natural resource conditions, or scientific understanding. Each party agrees to give the other 30 days notice of its intent to invoke this clause. The City Mayor and the Port Executive Director must agree to any revision to the minimum elements. Additionally, the Parties will publish a written explanation for any changes, hold a public hearing on the changes, and allow 30 days for public comment after the hearing before the revised minimum elements are final.

4.2.5.6 If a majority of the Coordination Team is unable to agree on the mitigation proposals to be included in any necessary state or federal permit applications, the Parties shall rely on the dispute resolution procedures described in Section 8 of this agreement.

4.2.6 City Support. The City agrees to support the mitigation proposal approved by the joint planning team, and will not independently request additional mitigation during the public comment periods associated with the state and federal permitting process.

4.2.7 Notwithstanding all of the above sections, the City reserves all rights to regulate wetlands and in-water habitat pursuant to its obligations under state and federal laws.

4.3 Improvement of Forest Habitat

Notwithstanding any Goal 5 and ESEE decisions the City makes regarding WHI, the Port agrees to the following actions to improve and enhance forest habitat functions and values, described in Paragraphs 4.3.1 – 4.3.3.

4.3.1 The purpose of this section is to functionally replace the forest features and functions impacted by marine terminal development on WHI. Marine terminal development will impact approximately 149 acres of mature cottonwood/ash forest. The impacted forest is between 60 and 100 years old, some trees are as old as 150 years. It is comprised of multi-storied vegetation that is native in the interior and impacted by invasive plants around the edges. There are multiple wetlands within the forest, including at least two that support at-risk red-legged frogs. Red-legged frogs breed in wetlands and live the remaining time in the old-growth forest. One wetland, the North Wetland, is hydrologically connected to the Columbia River and provides fish habitat during moderate flood events. The forest also supports bald eagle, pileated woodpecker, and many other at-risk wildlife species.

4.3.2 Pending any required FAA and Metro approval, the Port agrees to plant 174 acres of cottonwood/ash forest on Government Island. A planting area map is enclosed as Attachment E. If FAA and Metro approval are not granted within one year of City approval of the management prescription as described in Paragraph 4.3.2.4 below, then the City and the Port will negotiate the terms of an amendment as described in Paragraph 7.1.6.

4.3.2.1 The Port will draft and submit a site specific management prescription to the City (Bureau of Environmental Services) for review and approval. The management prescription will describe site preparation; native species mix and planting densities; understory planting plan; invasive species control; maintenance and monitoring plans; specific timelines; and reporting/outreach requirements. The management prescription will be based on the principles of adaptive management, to ensure that the agreed upon success criteria are met over time.

4.3.2.2 The objective of this tree planting is to create a closed canopy ash-cottonwood or similar native forest with native understory. Invasive species will be controlled to no more than 20 percent of the understory vegetation.

4.3.2.3 The management prescription will be submitted to the City (Bureau of Environmental Services) no later than: one year from the date WHI is annexed to the City or; if the annexation is appealed, one year from the date all appeals of the City's annexation are resolved and the annexation becomes final.

4.3.2.4 Site preparation and planting will commence within one year following receipt of City approval of the management prescription.

4.3.3 Pending any required FAA approval, the Port agrees to implement an invasive species control program within an additional 296 acres of forest on Government Island, surrounding the planting areas described in Paragraph 4.3.2 (Attachment E). Within that area, invasive species will be controlled to no more than 20 percent of the understory vegetation.

4.3.4 The Port agrees to implement an invasive species control program within an additional 145 acres of forest on WHI (Attachment E). Within that area, invasive species will be controlled to no more than 20 percent of the understory vegetation.

4.3.5 The Port's obligation to implement and monitor the tree planting management prescription and the invasive species control programs described in Paragraphs 4.3.1, 4.3.2, 4.3.3 and 4.3.4 will survive the termination of this Agreement and continue for 100 years as described in Section 7.4.

4.4 Improvement of Western Meadowlark Habitat

4.4.1 Notwithstanding the Goal 5 and ESEE decisions the City makes regarding WHI, the Port agrees to make a one-time grant of \$1.5 million to a third party organization of the Port's choosing, to carry out off-site conservation activities for the benefit of Western Meadowlark. The purpose of this section is to compensate for the loss of western meadowlark habitat impacted by marine terminal development. The Port's payment obligation will begin no later than one year from the date WHI is annexed to the City or; if the annexation is appealed, one year from the date all appeals of the City's annexation are resolved and the annexation becomes final.

4.4.2 Marine terminal development will impact approximately 123 acres of grassy and sparsely vegetated area on WHI. These acres support the at-risk species western meadow lark, as well as other grassland-associated species such as northern harrier and American kestrel. The grassy and sparsely vegetated area is the Dredge Deposit Management Area. While not a native grassland, the low structure vegetation, areas of open sand and

relatively large size located in the historic Columbia River floodplain fulfill habitat requirements for grassland-associated species. The use of the area for dredge material placement mimics historic disturbance regimes caused by flooding, maintaining the low structure vegetation.

5. COMMUNITY BENEFIT MEASURES

5.1 Purpose

The purpose of the community benefit measures described in Section 5 is to address potential adverse effects of development on WHI and to maintain and improve relations between the City, Port, and affected communities. Specifically, there is community concern related to potential light, noise, and air pollution associated with industrial development, and the effect of those potential impacts on households located within one mile of WHI.

5.2 Best Management Practices for Marine Terminal

5.2.1 The Port will implement the “Green Performance Goals” described in Attachment F during marine terminal construction and operation.

5.3 Community Impact Mitigation

5.3.1 The Parties have a mutual interest in improving recreational and open space access on Hayden Island, which the City acknowledges is also consistent with implementing the Hayden Island Plan (2009). The City and the Port agree to fund community recreational improvements, as described in Section 3.2 above, and pursuant to Section 7.1.

5.3.2 The Port will to pay \$70,000/year for 10 years to support security services for East and West Hayden Island. This payment obligation will begin no later than one year from the date WHI is annexed to the City or; if the annexation is appealed, one year from the date all appeals of the City’s annexation are resolved and the annexation becomes final. The term “security services” may include, but is not limited to investments that improve emergency response time on Hayden Island, or provide more frequent Portland Police or private security patrols on Hayden Island. The payment required by this paragraph is in addition to any obligation in existing Port security service contracts in effect on the Effective Date of this Agreement, and must be in a form acceptable to the City (Portland Police Bureau or Office of Neighborhood Involvement).

5.3.1 The Port will establish a Community Benefit Grant Program (Grant Program), beginning no later than: one year from the date WHI is annexed to the City or; if the annexation is appealed, one year from the date all appeals of the City’s annexation are resolved and the annexation becomes final. The Port’s obligation to implement and continue the Grant Program will survive the termination of this Agreement and continue based on truck traffic volumes on North Hayden Island Drive, as described in Paragraph 5.3.2 and Section 7.4.

5.3.2 Once established, the Port will contribute \$25,000 each fiscal year to the Grant Program, and increase its annual contribution to \$40,000 annually when construction of the rail loop begins. The Port will maintain that level of funding for the duration of the construction period. When construction of the rail loop is complete and the first marine terminal begins operations, the Port’s annual contribution will be the higher of: (1) a total dollar amount calculated at 50 cents for every heavy truck that uses Hayden Island Drive to enter or exit the

terminal gate house each day: or (2) \$25,000. The Port is responsible for documenting and reporting daily truck traffic volumes to the City (PBOT) on an annual basis as described in Section 7.3.2. Grant Program funds not spent in any one fiscal year will be carried forward.

5.3.3 The Parties will define Grant Program procedures and eligibility within 3 Months of the establishment of the program, in consultation with the Advisory Committee described in Section 7.2.2. below. The Advisory Committee will recommend Grant Program funded projects for Port consideration and approval.

5.4 **Community Health Impacts**

5.4.1 The parties understand that consideration of health impacts may be required as part of federal permitting for marine terminal development. A Health Impact Assessment (HIA) may be one mechanism to develop that information and make it available to the public. The City (BPS) and the Multnomah County Health Department (MCHD) completed a preliminary public health analysis as part of the annexation process. The scope of that study was general in nature, because there was no specific Port development proposal to consider during that process.

5.4.2 To build on that preliminary analysis, the Port will fund additional City (BPS) health-related analysis in the amount of \$95,000. The City, in consultation with the MCHD, will use these funds to support the development of an HIA of the Port's specific development plans. The HIA will be completed before the Port submits the first federal permit or federal funding application for development on WHI. The term "development" includes rail or marine terminal development on WHI, or related docks and causeways below ordinary high water in the Columbia River. The term "permits" includes federal permit or funding applications submitted by entities acting as agents of the Port, or by any lessee of Port property on WHI. The Port will notify and secure the cooperation of its agents and lessees in complying with this requirement.

5.4.3 The Port agrees to give the City advance notice of its intent to submit any state or federal permit application for development on WHI in the manner described in Paragraphs 18.1- 18.2. The funding described in Paragraph 5.4.2 will be available to the City within three (3) months of that notice.

6. **EMPLOYMENT & WORKING WATERFRONT GOALS**

6.1.1 The City is an important trade gateway for the region and statewide businesses accessing international markets. This important function is critical to meeting the goal of doubling exports outlined in the President's National Export Initiative and reflected in the region's Export Strategy.

6.1.2 The Parties will prioritize investments that continue and support the City's Gateway role, including work to secure marine terminal operations that are anticipated to generate 3,000 direct, indirect and induced jobs associated with WHI at full build-out.

6.1.3 To the extent permitted by law and labor contracts existing at the time of development, the Port agrees to implement a “first source agreement” giving North Portland residents priority for jobs on WHI created by the development. The agreement will include specific outreach to Hayden Island residents.

6.1.4 On or before July 1 of each calendar year, the Port will give the City an accounting of job and state and local tax contribution for WHI as part of the Port’s ongoing Economic Impact Analysis of its operations. .

6.1.5 The Port and the City will implement the action items outlined in the Region’s Export Strategy and promote Portland as an International City for Business development.

7. FUNDING, PUBLIC INVOLVEMENT, ADMINISTRATION

7.1 Funding Strategy, Availability and Appropriation of Funds

7.1.1 The Parties are public agencies with the fiduciary duty to spend public funds in accordance with applicable law. The Port is also subject to grant assurances, revenue use policies and aviation land use constraints with respect to aviation-related operations. Furthermore, the City is restricted by state law and the City Charter regarding the use of the General Fund for private purposes, as well as by other financial policies and limitations. The purpose of Section 7.1 is to memorialize the Parties’ understanding of their respective rights and limitations relating to funding obligations contained in this Agreement.

7.1.2 A WHI project consultant (Worley Parsons) prepared a preliminary cost estimate of necessary public infrastructure associated with development of WHI as part of the Concept Plan final report. The City (Office of Management and Finance – OMF, PBOT and BPS) will work with the Port to refine this estimate, and identify more specific financing tools that could support the anticipated public investments. The City and the Port agree to develop a comprehensive project list, establish projected timelines and refined cost estimates, identify potential funding sources, and develop preliminary funding structures and strategies for the project elements itemized in this agreement, by July 1 2016. For purposes of this Section, the project elements include those described in Sections 3.1-3.3, 4.3-4.4, 5.3-5.4 and Paragraph 7.2.1.

7.1.3 The Parties may use grants, donations, state or federal cost-share funds, or any other source of funds to meet their respective obligations in this Agreement.

7.1.4 All specific funding obligations of the Port and City contained in this Agreement are contingent upon funding being available and appropriated by the Port Commission and City Council. The Parties acknowledge that there are a variety of uncertainties, including future market conditions, that will affect the availability of funds. The Parties will strive to attain funding necessary to meet their respective obligations under this Agreement to the extent reasonably possible.

7.1.5 The preliminary cost estimate assumes funding from sources not wholly within the Parties' control, which the Parties may use to meet their respective obligations in this Agreement. The City and the Port, individually and collectively, agree to diligently pursue reasonable funding from non-local public sources, including federal and state allocations, private foundations, grant programs, donations and other appropriate funds or programs (External Funds). The City and the Port will jointly develop priorities for pursuing these External Funds. The Parties agree to seek funding in a manner that that will not divert from (or compete with) the City's general transportation revenue sources including state gas tax revenues.

7.1.6 If funding is not appropriated or anticipated External Funds are not committed when and as required, the Parties will immediately negotiate in good faith in an effort to agree upon a reprioritization of the sources and uses of funding set forth in this Agreement and negotiate an amendment to this Agreement to reflect that reprioritization. If after at least ninety (90) days of good faith negotiations, the Parties are unable to agree on the terms of an amendment, then any Party may elect to terminate this Agreement in the manner specified in Section 17 of this agreement.

7.1.7 All specific funding amounts identified in this Agreement are stated in 2011 dollars. At the time a specific project or action with a specifically stated dollar amount is implemented, the dollar amount, will be converted to the current equivalent amount, based on the CPI-U. The term "CPI-U" means the most recent Consumer Price Index for All Urban Consumers (1982-1984 equal to 100) Portland-Salem OR-WA for All Items, or a comparable index published by the United States Bureau of Labor Statistics if such Consumer Price Index is discontinued. For all transportation related costs identified in this Agreement, future costs will be adjusted based on the National Highway Construction Cost Index as documented by FHWA. The Portland Bureau of Transportation will also determine additional inflation factors, such as City overhead rates, that are not accounted for by FHWA.

7.1.8 If no industrial development has occurred on WHI by July 1, 2027, or if the Port has not been successful in securing permits, land use approval or other necessary approvals for such development by that date, the Port's pre-development financial obligations will be suspended. The obligations will resume again once development commences. For purposes of this paragraph, the Port's predevelopment financial obligations are those identified in Sections 3.1-3.3, 4.3-4.4, 5.3-5.4 and Paragraph 7.2.1.

7.2 Coordination and Public Involvement

7.2.1 Preparation and Review of Open Space Strategy

The Port will prepare a written strategy for the use of the OS-zoned area, (OS Strategy) in consultation with the City, specifically the City bureaus of Parks and Recreation and Environmental Services. The Port will prepare and submit a draft OS Strategy for advice and comment to the WHI Advisory Committee (the "WHI AC") established in Paragraph 7.2.2, no later than: one year from the date WHI is annexed to the City or; if the annexation is appealed, one year from the date all appeals of the City's annexation are resolved and the annexation becomes final. The OS Strategy will be in a form appropriate to the Port's desired utilization of the Open Space Area (described herein), and may evolve over time as specific needs arise. The topics addressed in the OS Strategy will include but are not limited to desired future conditions for natural resources on WHI, and include long-term management practices for both natural areas and recreational amenities. The OS Strategy will be used to guide the refinement and design of

specific recreational improvement plans, and establish a timeline for those improvements in consultation with the City Bureaus of Parks and Recreation and Environmental Services. Development of the OS Strategy is expected to facilitate implementing the conservation measures described in Section 4, and serve as a means to coordinate recreation projects described in Section 3.2. However, the OS Strategy does not independently obligate the Port to implement any specific projects.

7.2.2 Advisory Committee. The Port, in collaboration with the City will establish an ongoing WHI Advisory Committee (“WHI AC”). The mission of the WHI AC will be to: a) comment on the development and implementation of an OS Strategy; b) advise the Port and City during recreational facility design and development; c) provide an ongoing forum for discussion of neighborhood impacts associated with ongoing recreational and marine terminal uses on WHI, and d) recommend projects for funding under the Community Benefit Grant Program. The membership and role of the WHI AC will be re-evaluated every 5 years to determine its roles and responsibilities. The WHI AC may be suspended or disbanded and/ or its purpose or operations may be amended by mutual agreement of the Port and City.

7.2.3 WHI AC Membership. The AC will consist up to twelve (12) voting members. To the extent feasible, the WHI AC will incorporate bi-state, regional, and diverse representation, including representatives of the local WHI community, environmental organizations, economic development organizations, buisnees and public agencies. .. An effort will be made to ensure that membership among different groups are balanced. Each of the specific membership interest groups shall appoint a member, for terms beginning July 1, 2013. Initial appointments shall be for a period of two (2) or three (3) years staggered to ensure continuity of membership. Following the initial year, appointments shall be for a period of two (2) years with no term limits. All appointed members shall be confirmed by Sponsors (as defined below) based on Sponsor approved appointment guidelines. Each appointment shall be effective on the date of confirmation by the Sponsors. For those WHI AC positions where no one organization holds the interest, Sponsors agree to circulate a broad invitation letter to appropriate interest groups to request joint agreement on an appointment. If the groups do not achieve consensus, Sponsors shall appoint the member from a pool of interested candidates in collaboration with the Chair, Vice Chair and WHI AC members. Meetings shall be held quarterly with meetings added or eliminated as needed.

7.2.4 WHI AC Sponsorship. The Port, and the City (represented by the Mayor) shall sponsor the WHI AC ("Sponsor"). Sponsors shall create and sustain the WHI AC. Specifically, the Sponsors will define the WHI AC parameters, confirm all appointments, provide administrative and technical resources, receive regular reports, evaluate performances and evaluate future structure. Sponsors shall provide staff support and technical expertise and work with the WHI AC to resolve issues and navigate barriers.

7.3 Reporting and Adaptive Management

Within 30 days of the beginning of each Port fiscal year, the Port will report in writing to the WHI AC established under Section 7.2.2 on the progress and status of the following:

7.3.1 The mitigation activities described in Section 4.

7.3.2 Truck traffic volumes as referenced in Paragraph 5.3.2. and specifically, the number of heavy trucks that use Hayden Island Drive to enter or exit the marine terminal gate house each day.

7.3.3 Progress toward meeting employment goals described in Section 6

7.3.4 Progress toward implementing the Open Space Strategy in Paragraph 7.2.1

7.3.5 Each report will describe specific projects completed during the previous year and anticipated to be accomplished during the next year, including relevant cost and budget information.

7.3.6 The Port and City will apply generally accepted principles of adaptive management in the implementation of this Agreement. The Port and City will to comprehensively review the work performed and funded under this Agreement at least every five (5) years with the first comprehensive review to be completed no later than: five years from the date WHI is annexed to the City or; if the annexation is appealed, five years from the date all appeals of the City's annexation are resolved and the annexation becomes final..

7.4 Continuing Obligations

The following Port obligations will survive the termination of this Agreement and continue as described in this Section unless modified with the City's consent:

7.4.1 The Port's obligations to fund and perform the transportation, sewer and water improvements as described in Sections 3.1 and 3.3 will survive the termination of this Agreement and continue in perpetuity.

7.4.2 The Port's commitment to not seek rezoning of the OS zoned area pursuant to Paragraph 4.1.1 will survive the termination of this Agreement and continue in perpetuity.

7.4.3 The Port's obligation to maintain sites planted as forests and control invasive vegetation pursuant to Paragraphs 4.3.1 – 4.3.4 will survive the termination of this Agreement and continue for a 100-year period.

7.4.4 The Port's obligation to continue a Community Benefits Grant Program pursuant to Paragraphs 5.3.1-5.3.3 will survive the termination of this Agreement and continue in perpetuity based on a truck traffic volume metric defined in Paragraph 7.3.2.

7.4.5 To memorialize the continuing obligations described in Paragraphs 7.4.1 through 7.4.4 the Port will execute and record covenants, maintenance agreements, easements, or other binding instruments that run with the land, in a form acceptable to the City. The instruments will be executed and recorded no later than: one year from the date WHI is annexed to the City or; if the annexation is appealed, one year from the date all appeals of the City's annexation are resolved and the annexation becomes final.

8. DISPUTE RESOLUTION

8.1.1 Within 30 days of the identification of a dispute(Dispute Date) under this Agreement, all parties will expeditiously initiate the following informal dispute resolution process:

8.1.1.1 City and Port staff will meet to discuss and resolved the dispute to the extent possible.

8.1.1.2 If the dispute cannot be resolved by City and Port staff within 60 days of the Dispute Date staff will promptly refer the dispute to the appropriate City and Port program managers for discussion and resolution.

8.1.1.3 If the dispute cannot be resolved by City and Port Program Managers within 90 days of the Dispute Date, the informal dispute resolution process will terminate. Each party may elect to declare a default and pursue any remedies available under Section 9 of this Agreement.

9. REMEDIES

9.1.1 Default

The following shall constitute default:

Any breach of the provisions of this Agreement whether by action or inaction, which continues and is not remedied within ninety (90) days after the non-defaulting party has given written notice to the defaulting party specifying the breach; provided that if the defaulting party determines that the breach cannot with due diligence be cured within a period of ninety (90) days, the non-defaulting party may, in its sole discretion, grant a longer period of time to cure the breach, so long as the defaulting party diligently proceeds to cure the breach and the cure is accomplished within no more than one hundred eighty (180) days.

9.1.2 Specific Performance

If a Party defaults under the terms of this Agreement, the non-defaulting party may, in addition to any other remedies at law or equity, compel the other Party's performance under this Agreement or prevent any action contrary to this Agreement by injunction or other equitable relief.

9.1.3 Nonexclusive Remedies

No remedy conferred on or reserved to any Party under this Agreement is intended to be exclusive of any other remedy allowed by law. Unless expressly provided otherwise in this Agreement, each and every remedy will be cumulative and will be in addition to any other remedy given to each Party in this Agreement.

9.1.4 Waiver of Default

To the extent not precluded by this Agreement, the nondefaulting Party may, in its discretion, waive any default hereunder and its consequences and rescind any consequences of such default. In case of any such waiver or rescission, the Parties will be restored to their respective former positions or rights under this Agreement, but no such waiver or rescission will extend to or affect any later or other default, or impair any right consequent thereon. No such waiver or rescission will be in effect unless it is in writing and signed by the nondefaulting Party.

10. CAPACITY TO EXECUTE

The Port and the City each warrant and represent to one another that this Agreement constitutes a legal, valid and binding obligation of that party. The individuals executing this Agreement personally warrant that they have full authority to execute this Agreement on behalf of the party for whom they purport to be acting.

11. COUNTERPARTS

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

12. DEFINED TERMS

Capitalized terms will have the meaning given them in the text herein. Any undefined terms will have their dictionary definitions.

13. ENTIRE AGREEMENT

This Agreement represents the entire agreement between the Port and the City relating to annexation of WHI. This Agreement has been thoroughly negotiated between the Port and the City; therefore, in the event of ambiguity, there shall be no presumption that such ambiguity should be construed against the drafter.

14. GOVERNING LAW

This Agreement shall be governed, construed and enforced in accordance with the laws of the State of Oregon. Jurisdiction shall be with Multnomah County Courts or the Federal Court located in Portland, Oregon.

15. HEADINGS

The section headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision of this Agreement.

16. MODIFICATION

Unless otherwise specifically set forth herein, this Agreement may be amended only by a written agreement of the Port and the City that is signed by authorized signatories for both Parties.

17. TERMINATION

17.1 The Agreement may be terminated only on mutual written agreement of the Parties.

17.2 Notwithstanding Paragraph 17.1 either party may terminate this agreement if the other party fails to fulfill the obligations stated in Section 7.1 with 30 days written notice to the other party.

18. NOTICES AND COMMUNICATION

18.1 A notice or communication under this Agreement by one Party to the other Party is deemed received by the addressee on the earlier of:

18.1.1 The actual date of receipt; or

18.1.2 Three (3) days after mailing, if mailed by registered or certified mail, postage prepaid, return receipt requested.

18.1.3 In the case of a notice or communication to the City, addressed as follows:

Director, Bureau of Planning and Sustainability
1900 SW Fourth Avenue, Suite 7000
Portland, OR 97201

with a copy to:

City Attorney
1221 SW Fourth Avenue, Suite 430
Portland, OR 97204

In the case of a notice or communication to the Port, addressed as follows:

Executive Director, Port of Portland
7200 NE Airport Way
Portland, OR 97218

or addressed in any other way to a Party as that Party may, from time to time, designate in writing as provided in this section.

18.1.4 In lieu of a mailing, a communication is deemed received by a Party on the date it was transmitted by facsimile or e-mail to that Party at the fax number set out above, if the transmitting Party has a written confirmation of the successful transmittal.

18.2 The Port agrees to give the City advance notice of its intent to submit any state or federal permit application for development on WHI, at least 24 months before the application is filed with the issuing agency. “Development” includes rail or marine terminal structures, or related docks and causeways below ordinary high water in the Columbia River. “Permits” include those submitted by entities acting as agents of the Port, or any lessee of Port property on WHI.

19. SEVERABILITY

19.1 Except as provided in Paragraph 19.2, if any clause, sentence, section, paragraph, or other portion of this Agreement is declared illegal, null or void for any reason, the validity of the remaining portions will not be affected and the rights and obligations of the Parties will remain in full force and effect to the fullest extent permitted by law.

19.2 If all or any portions of Section 3.1 (Transportation), Section 3.3 (Sewer and Water Systems), Paragraph 4.1.1, Paragraphs 4.3.1 through 4.3.3, or Section 5.3 (Community Impact Mitigation) of this Agreement is declared illegal, null or void for any reason, this Agreement will terminate in its entirety and the rights and obligations of the Parties under this Agreement will have no further force and effect.

IN WITNESS HEREOF, the Port and the City have subscribed their names hereto effective as of the year and date first written above.

THE CITY OF PORTLAND

THE PORT OF PORTLAND

By: _____
Sam Adams, Mayor

By: _____
Bill Wyatt, Executive Director

Date: _____

Date: _____

By: _____
LaVonne Griffin-Valade, Auditor

Date: _____

APPROVED AS TO FORM FOR THE CITY:

APPROVED FOR LEGAL SUFFICIENCY
FOR THE PORT:

By: _____
City Attorney

By: _____
Counsel for The Port of Portland

IGA ATTACHMENTS:

ATTACHMENT “A” depicting WHI

ATTACHMENT “B” City 1/4 Section Maps showing zoning to be applied on the effective date of the Agreement

ATTACHMENT “C” describing transportation system upgrades and recommended improvements referenced in Section 3.1.

ATTACHMENT “D” WHI Concept Plan Map

ATTACHMENT “E” depicting agreed-upon forest planting and invasive species control areas referenced in Section 4.3

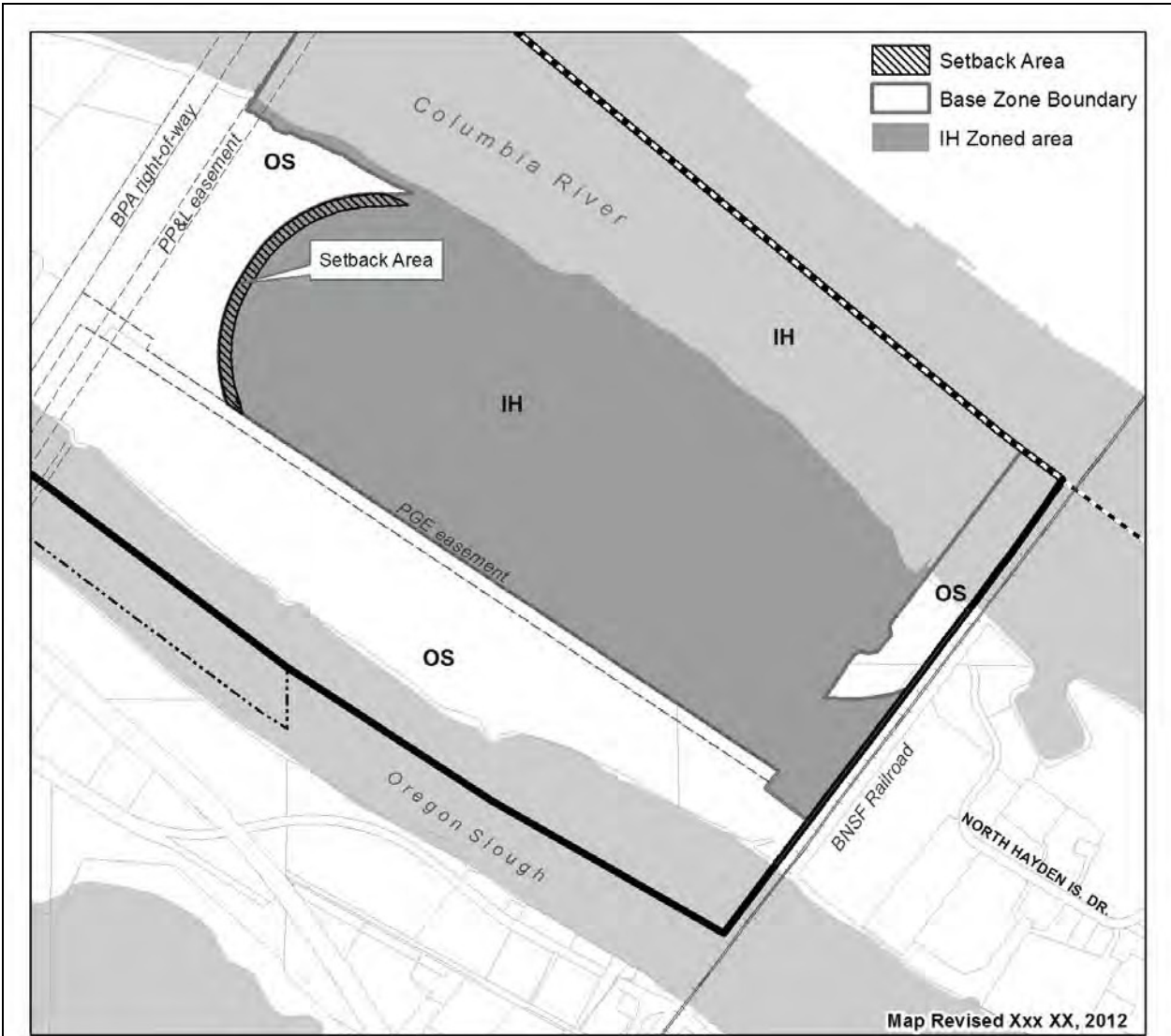
ATTACHMENT “F” Green Performance Goals

DRAFT

IGA Attachment A: West Hayden Island

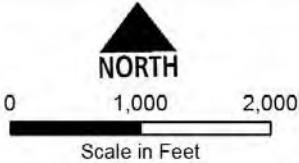





IGA Attachment B: Zoning Maps



Map Revised Xxx XX, 2012

Map 595-2

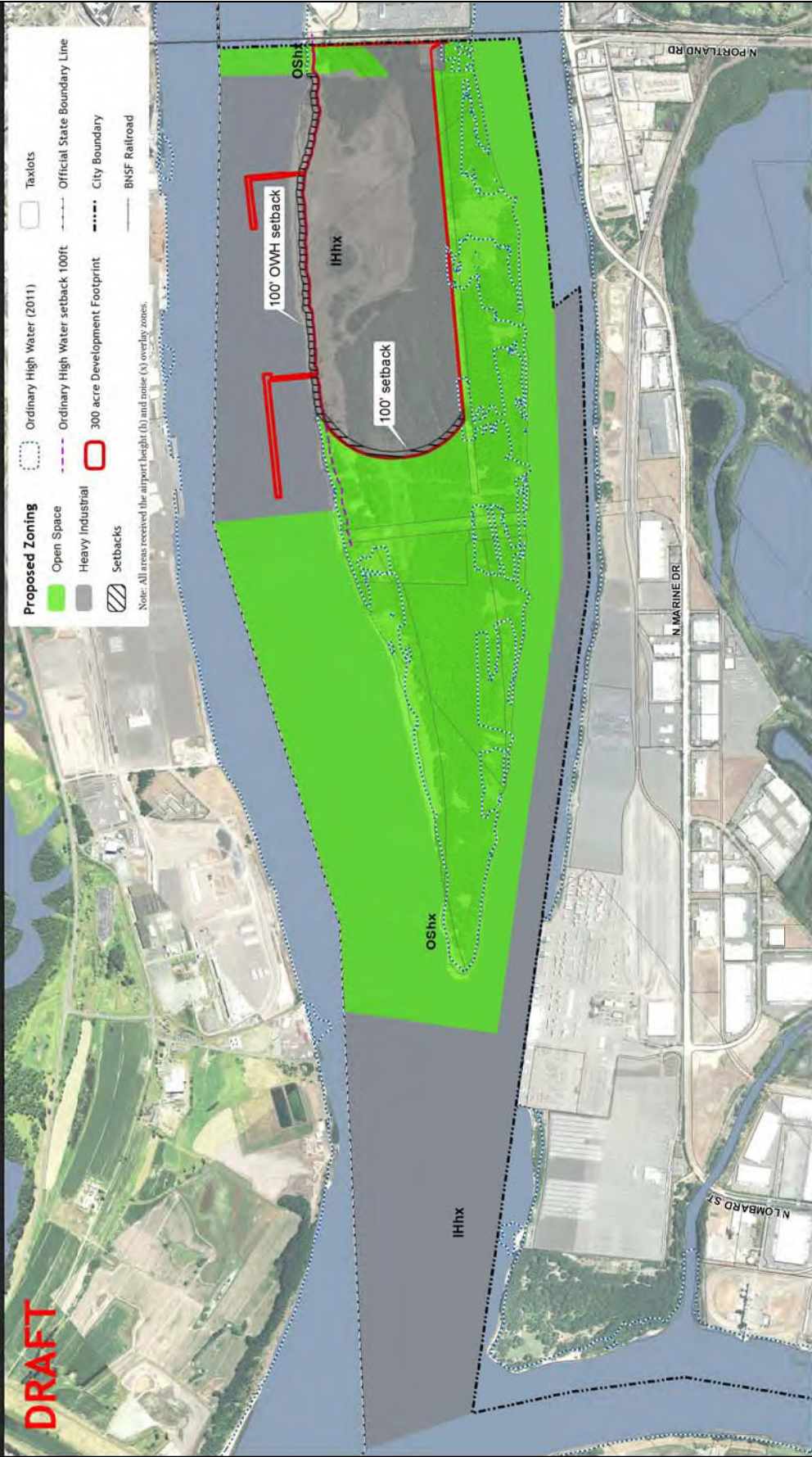


-  Plan District Boundary
-  State Boundary
-  City Boundary

Proposed West Hayden Island Plan District Open Space Setback Area

West Hayden Island - Proposed Base Zones

DRAFT



August 1, 2012
 City of Portland, Oregon // Bureau of Planning & Sustainability // Geographic Information System
 The information on this map was derived from City of Portland GIS databases. Care was taken in the creation of this map but it is provided "as is". The City of Portland cannot accept any responsibility for errors, omissions or positional accuracy.
 (Portland supports the Project) View all online issues (OpenLayers, vba_CompactMap.js)

Bureau of Planning and Sustainability
 Innovations. Collaborations. Practical Solutions.
 City of Portland, Oregon
 Sam Adams, Mayor • Susan Anderson, Director

IGA Attachment C: West Hayden Island Development: Transportation System Upgrades and Recommended Improvements

Below is a description of North Hayden Island Drive upgrades and recommended improvements as described in Section 3.1 Transportation Improvements in the West Hayden Island Intergovernmental Agreement. The attached map shows project areas for the potential roadway, pedestrian and intersection upgrades. The plan view and cross sections provide an illustration of the potential improvements.

Details of the recommended improvements would include:

Roadbed/curb-to-curb - Rebuild N Hayden Island Drive roadbed to meet City street design standards and 20-year life cycle to accommodate increased heavy truck traffic based on the following conceptual cross-section dimensions:

- Two 12-foot travel lanes.
- One 12-foot center left turn lane that allows landscape median treatments were turn lanes are not provided.
- Two 6-foot bicycle lanes.

Est. roadbed costs (less R/W): \$11.5 million.

Include buffer treatments to mitigate impacts on the surrounding residents and commercial business operations, based on the following conceptual cross section dimensions:

- South side: 6-foot sidewalk and 7-foot planter zone.
- North side: 12-foot multi-use path and 7-foot planter zone.

Est. buffer costs (less R/W): \$9 million.

Est. range of additional R/W cost: \$0.8 - \$3.7 million.

(Specific design may vary as right-of-way cost and availability are evaluated).

The total right-of-way will be a maximum of 80 feet. Actual street design elements and dimensions will be subject to a public project development process.

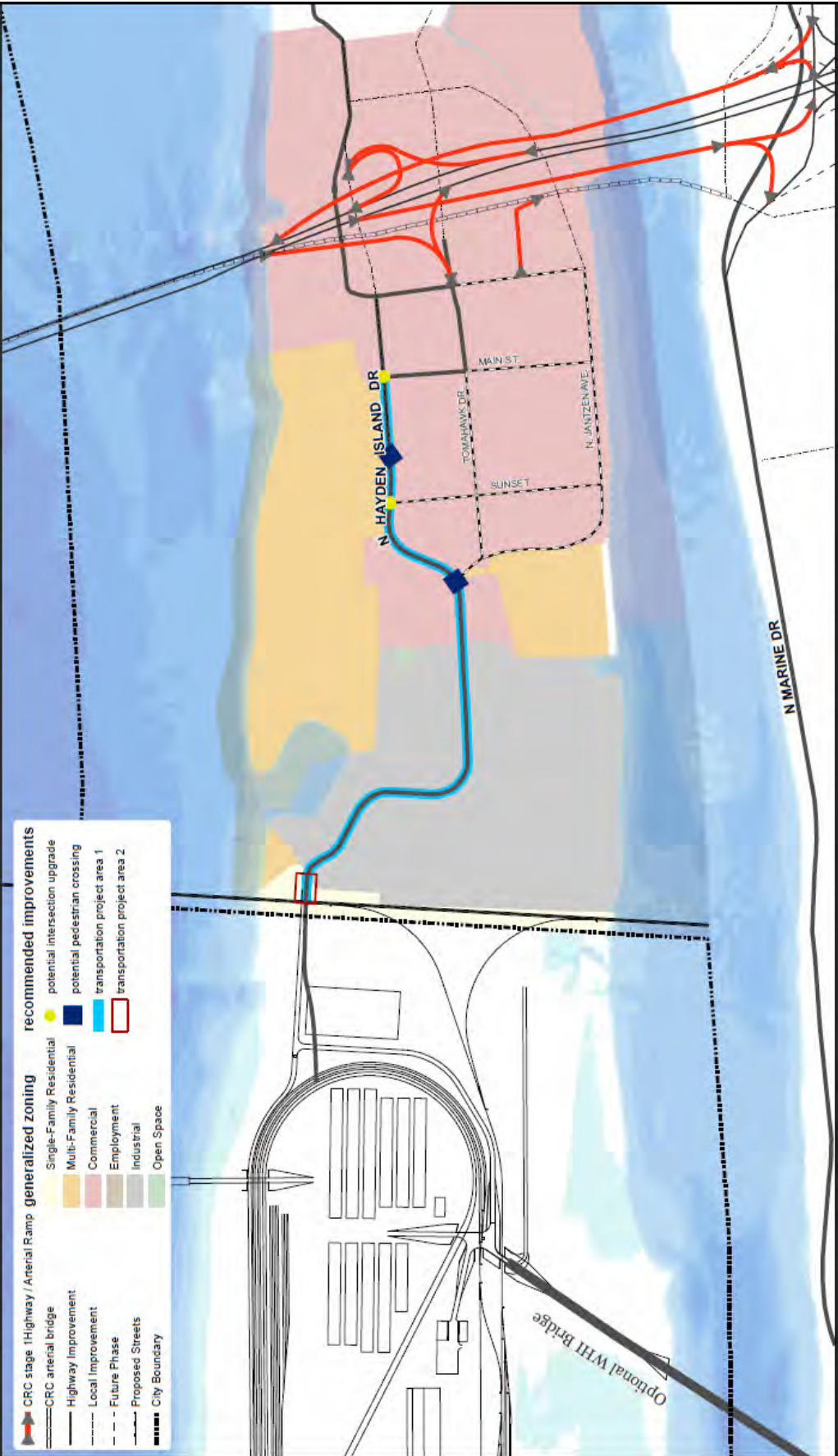
Range of Total Estimated Mitigation Costs (including buffer treatment): \$21.3 - \$24.2* million

*Potential pedestrian crossing improvements and intersection upgrades are shown on the map, but have not been included in the above cost estimate. As of the date of the proposed draft (August 14, 2012) the cost estimates for roadway improvements are being further refined by PBOT.

IGA Attachment C (contd)

West Hayden Island Development :

transportation system upgrades and recommended improvements





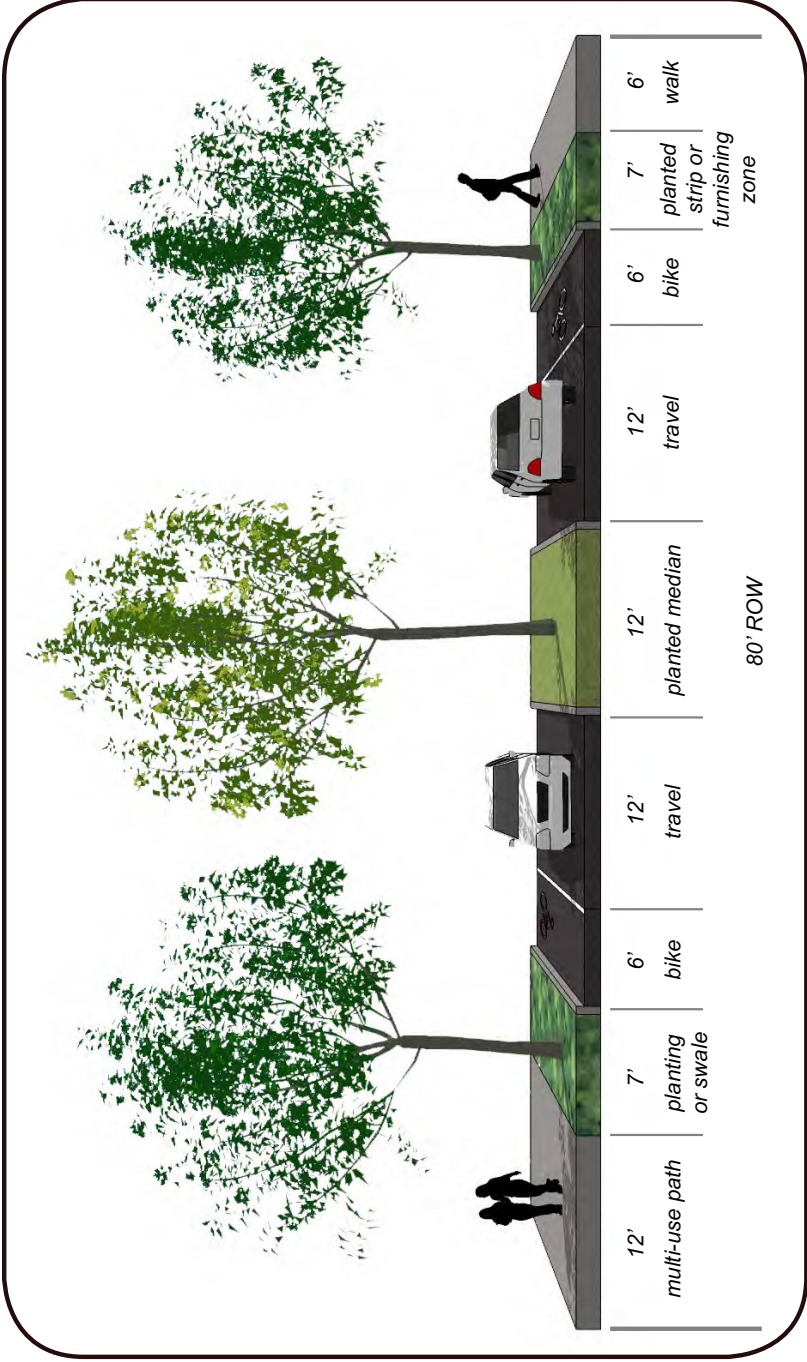
Conceptual design only; subject to revision and PBOT review.

auto auction

potential pedestrian crossing

North Hayden Island Dr.

Plan overview



Conceptual section of North Hayden Island Dr. included in the Hayden Island Plan, 2009. Included for comparison.

North Hayden Island Dr.

Proposed section 1 near auto auction



Conceptual section of North Hayden Island Dr. included in the Hayden Island Plan, 2009. Included for comparison.

North Hayden Island Dr.
Proposed section 2 Jantzen Beach Center



Boulevard treatment through industrial/commercial zone

Landscaped median

Landscaping or stormwater treatment

Closely-planted conifers to screen views to road from neighborhood



North Hayden Island Dr.

Enlarged Plan 1



Closely-planted conifers to screen views to road from neighborhood

Landscaped median

Landscaping or stormwater quality treatment swales

Commercial street frontage

Main St

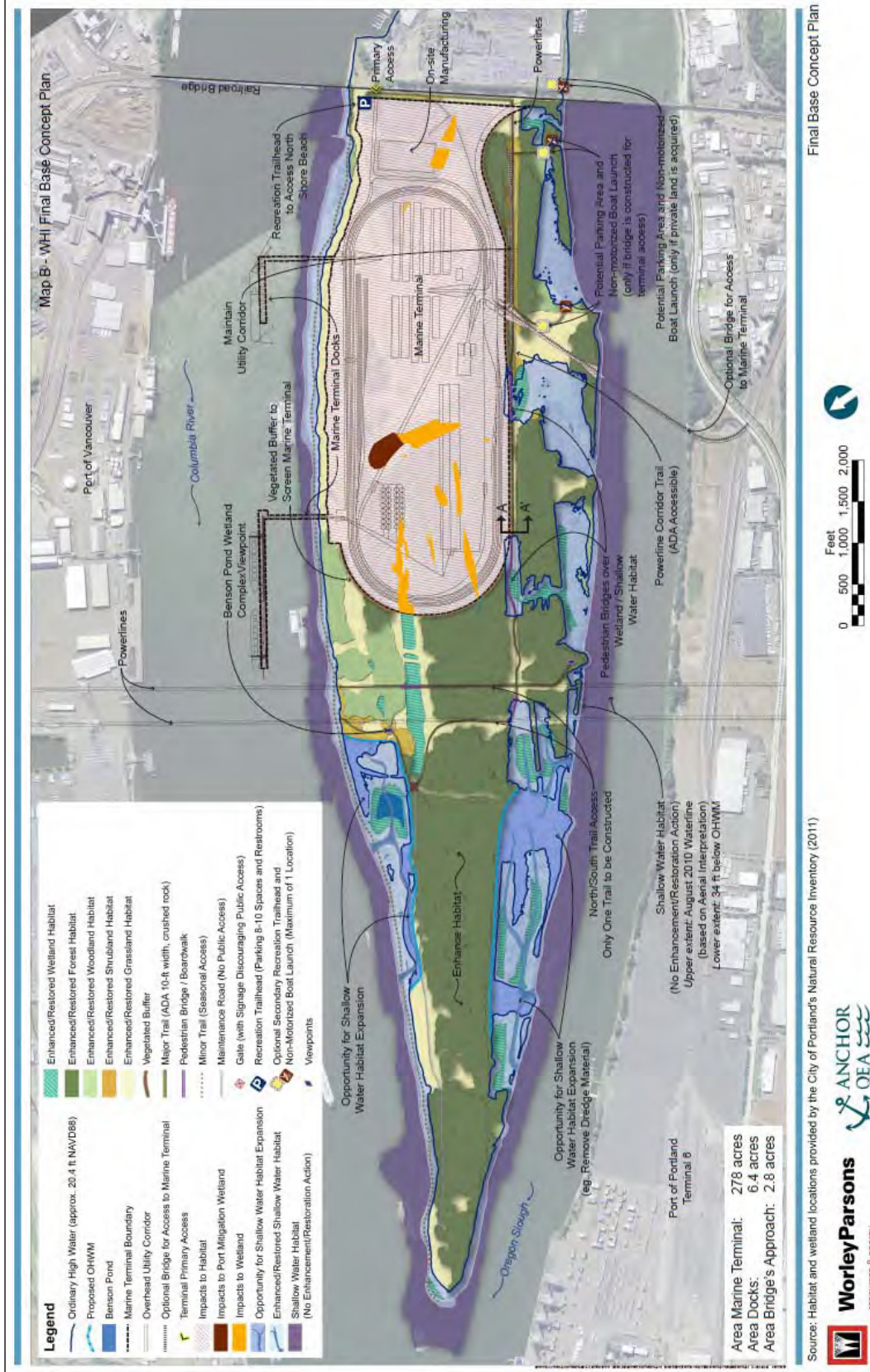
Jantzen Beach Center



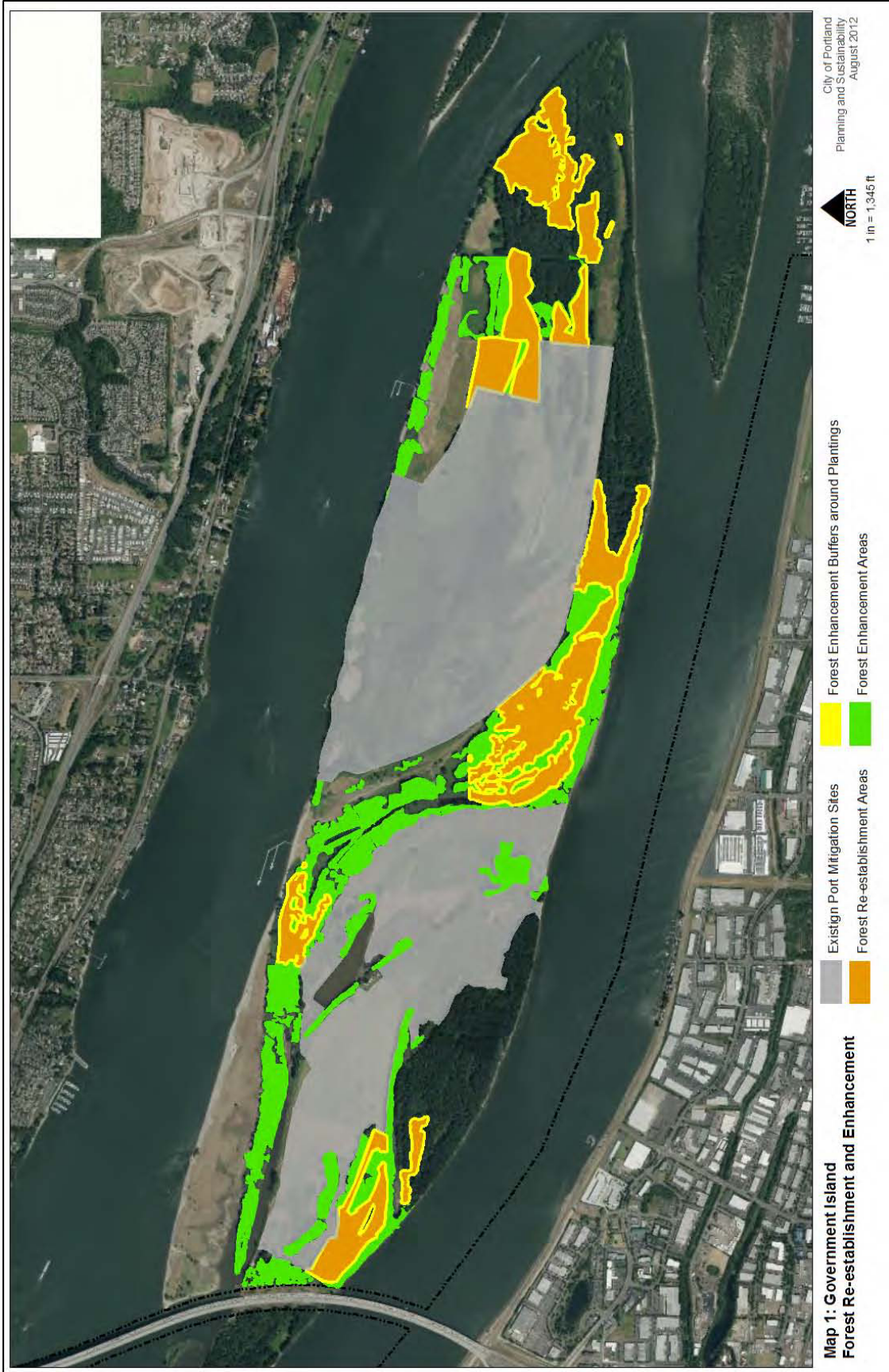
North Hayden Island Dr.

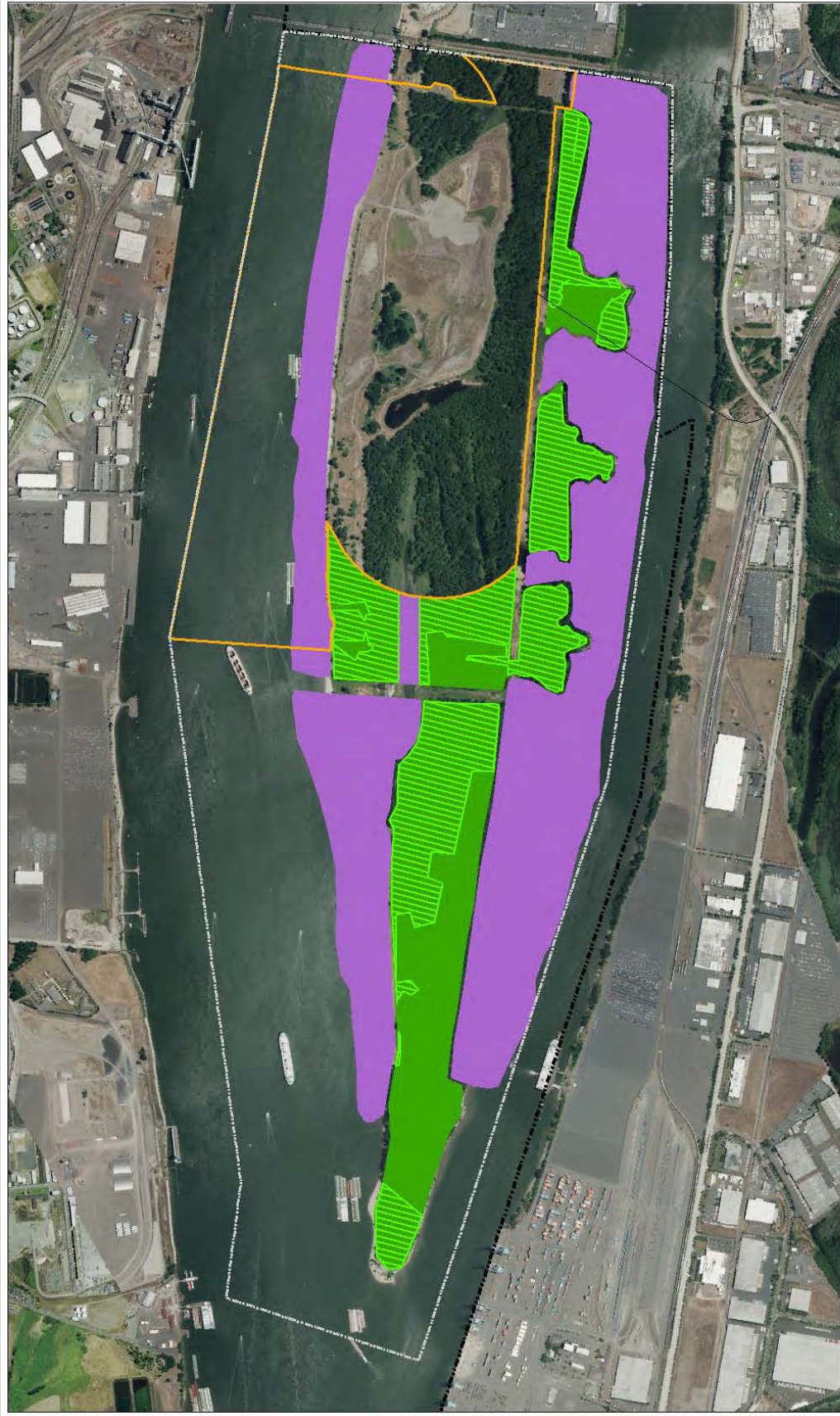
Enlarged Plan 2

IGA Attachment D: Concept Plan



IGA Attachment E: Forest Mitigation





**Map 2: West Hayden Island
Forest Protection and Enhancement**

 Proposed WHI Plan District
 Proposed IH

 Forest/Woodland Protection Areas
 SWH/Wetland Opportunity Areas

 Forest/Woodland Enhancement Areas

IGA Attachment F: Green Performance Goals

WHI – GREEN PERFORMANCE GOALS

The following measures are to be implemented where technologically feasible and practicable based on the specific type of facility that may ultimately be designed and constructed on West Hayden Island in accordance with City/Port IGA. The Port recognizes that technology, regulations, and state of the art practices will evolve over time, and it is the Port's intent to not only keep up with these changes but to also to continue to be a national leader in sustainable port development practices. With this in mind it is likely that some of the specific measures listed below will be added to or improved by the time development of West Hayden Island occurs.

Noise

- Utilize separated rail crossings to eliminate train whistle noise: As per the Worley Parsons concept plan every opportunity to avoid onsite road/rail crossings is to be pursued. This limits the need for train horn noise during terminal operations.
- Incorporate mitigation of air-borne and ground-borne noise and vibration during facility design and construction.
- Establish programs to monitor and minimize noise and vibration during operations. Incorporate community feedback on noise impacts through use of the community advisory committee

Light

- Incorporate lighting zones that balance facility lighting needs with natural resource areas during facility design.
- Dark Sky Design
 - Design facility lighting with full cutoff lenses.
 - Provide additional shielding adjacent to natural resource areas.
 - Follow best practices and current technologies for design of buildings that minimize bird hazards.

Waste

- Strive for zero waste during development, construction, and operation of the facility. Require contractors and site operators to adopt and implement a waste reduction plan that strives for zero waste, and in all cases produces the minimum amount of waste practicable.
- Develop waste guidelines to meet or exceed current and future national and local waste minimization standards.
- Require contractors and site operators to adopt and implement a materials management plan for development, construction and operation of their facility. The plan shall seek to reduce environmental impacts by managing materials throughout their lifecycle, including extraction production, use, and end-of-life management in a manner similar to the principals laid out in the Oregon DEQ report "Materials Management in Oregon: 2050 Vision and Framework for Action".

Water Use

- Require water conservation measures in the building design to reduce aggregate water use by 20% from the baseline (per LEED 2009 for New Construction, Water Efficiency prerequisite 1).
- Reduce potable water consumption through the use of other available sources including groundwater, surface water (Municipal Water Rights), waste water and storm water.
- Reduce potable water use for landscape irrigation by 50% from a midsummer baseline case (per LEED 2009 for New Construction Water Efficiency credit 1, option 1).

Water Quality

- Use a sustainable design approach to incorporate Low Impact Development techniques with the goal of minimizing hydrologic post-development impacts from impervious areas.
- Incorporate site-specific management practices that target natural surface or pre-development hydrologic conditions.
- Make pollutant source control a priority in facility design based on industry best available technology.

Air/Energy

- Vessel emissions shall be reduced significantly by meeting the North American Emission Control Area fuel requirements.
- Dust associated with mineral or grain bulks are required to obtain stationary source permits through DEQ, who is more stringent than federal standards. The Port does not have the authority to set or enforce stationary source emissions limits.
- Dust generated by marine terminal development or construction activities will be required to meet or exceed DEQ standards.
- Use a carbon and energy life cycle cost analysis during facility design with the goal to achieve a more energy efficient product with a smaller carbon footprint verses conventional design.
- Minimize vehicle idling through design of efficient terminal entry and exit gates, as well as the adoption of an idle reduction policy that prohibits unnecessary idling by trucks and equipment.
- Incorporate renewable or alternative energy sources into facilities design where technologically feasible and practical to meet the Port's Carbon Reduction and Energy Management Plan. This plan is an enterprise-wide strategy to reduce greenhouse gas emissions by 15 percent below 1990 levels by 2020. This goal is beyond the State of Oregon's goal of 10 percent less than 1990 levels. This is being achieved and will be achieved while the Port has almost doubled its use of power since 1990 due to expansion and increased facility demands.
- Consider facility designs that enable on-site use of alternative fuels or distribution to transportation providers.
- Provide electrical infrastructure and the underground backbone to allow electrification of multi-modes:
 - Ships
 - Locomotives
 - Trucks
- Establish energy efficiency design standards that are consistent with the intent of the Oregon Reach Code, including mechanical systems, lighting designs, overall building design, plumbing practices and products.
- Require Energy Star or other high efficiency equipment.

- Require a business case analysis to explore the feasibility of district energy systems and screening of potential alternative energy generation, such as biomass or on-site co-generation.
- Develop and utilize goals for ongoing benchmarking and tracking of building and facility energy performance.
- Mobile-source emissions will be reduced through a progression of regulatory measures including tighter emission standards for heavy-duty diesel trucks and off-road equipment nationwide. Over time, the replacement of older vehicles will result in a vehicle fleet that produces substantially less pollutants

Proposed Draft Project Attachments

Attachment A - Council Resolution 36805 A-1
Attachment B - Public Involvement ProcessB-1
Attachment C - Summary of Technical StudiesC-1

Attachment A: - Resolution 36805

RESOLUTION No. 36805 As Amended

Direct 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 (Resolution)

WHEREAS, West Hayden Island (WHI) is located on the south shore of the Columbia River approximately nine miles north of downtown Portland and includes approximately 814 acres of land (measured landward of the ordinary high water mark, 15' NGVD) abutting approximately 240 acres of shallow water habitat; and

WHEREAS, WHI is located within Multnomah County outside of the City boundary and is zoned by Multnomah County as Multiple Use Forest 19 with a Significant Environmental Concern overlay zone; and

WHEREAS, most of WHI, above the ordinary high water line, is owned by the Port of Portland and is bisected by several utility corridor rights of way; and

WHEREAS, WHI contains approximately 165 acres of existing development, including a sewer treatment outfall facility, BPA, PPL, and PGE utility corridors, a Port of Portland dredge material placement site, and several Division of State Lands leases for barge and log staging; and

WHEREAS, WHI was brought into the Metro Urban Growth Boundary in 1983 to "satisfy a long term regional need for water-dependent, deep water marine terminal and industrial facilities." (Metro Ordinance No. 83-151); and

WHEREAS, WHI was designated by Metro in 2004 as a Regionally Significant Industrial Area, an area "with site characteristics that are relatively rare in the region that render them especially suitable for industrial use" (Metro Ordinance 04-104B; MC 3.07.130); and

WHEREAS, Metro has completed a draft Urban Growth Report: 2009-2030 Employment and Residential, January 2010 that assumes approximately 380 acres on WHI is available for large lot future industrial development; and

WHEREAS, the City has completed a draft Economic Opportunities Analysis that indicates by 2035, the expected demand for industrial land in the City will exceed the supply by approximately 600 acres for the mid-range employment forecast; and

WHEREAS, in 2005, Metro adopted the "Nature in the Neighborhoods" program as a regional approach to meeting the requirements of Statewide Land Use Goal 5; and

WHEREAS, because WHI had both high riparian habitat values (Class I Riparian Habitat) and high development value, Metro designated WHI as a moderate Habitat

36805

Conservation Area and required that the City develop a District Plan for WHI in cooperation with the owner, the Port of Portland, to establish site-specific habitat conservation measures that protect natural resources and mitigate the environmental impacts of industrial development (Metro Code § 307.1330.B.4.b); and

- WHEREAS, anticipating eventual annexation of WHI, since 1996 the City of Portland has provided planning and zoning services to West Hayden Island through an Intergovernmental Agreement with Multnomah County (Ordinance No. 170585); and
- WHEREAS, the City and the Port of Portland entered into an agreement (IGA) on May 29, 2009, to prepare a long-term vision for West Hayden Island, which included establishment of a Community Working Group (CWG) (Ordinances No. 182856 and No. 183884); and
- WHEREAS, the Mayor charged the CWG “to advise City Council on how marine industrial, habitat, and recreational uses might be reconciled on WHI; and, if the CWG determines that a mix of uses is possible on WHI, to recommend a preferred concept plan” (CWG Charter); and
- WHEREAS, the Bureau of Planning and Sustainability and Bureau of Environmental Services have worked with a consultant (ENTRIX, Inc.) to prepare several Foundation Studies, and supporting technical memorandums, outlining relevant economic and environmental factors for the Council’s consideration; and
- WHEREAS, the Economic Foundation Studies found that water-dependent industries are linked to other industries in the harbor and elsewhere throughout the metro region; and
- WHEREAS, the Economic Foundation Studies found that cargo and manufacturing activities dependent on waterborne transportation contribute significantly to the metro region’s economy; and
- WHEREAS, the Economic Foundation Studies found that marine-related economic activity generates approximately 20,000 direct, indirect, and induced jobs and \$1.4 billion in income, while economic activity in the overall harbor area may support approximately 100,000 direct, indirect, and induced jobs and \$3.5 billion in regional income annually; and
- WHEREAS, the Economic Foundation Studies found that the most recent and conservative forecasts estimate marine cargo growth rates varying from 0.2 percent to 3.7 percent annually (2007-2040); and
- WHEREAS, the Economic Foundation Studies found that ship size is increasing for most cargo types, resulting in larger desired berth lengths and deeper river depth; and

Page 2 of 7

- WHEREAS, the Economic Foundation Studies found that the trend towards larger trains for grain and international/national dry bulk cargoes means that larger sites (100+ acres) are expected to be necessary for future competitiveness and many of Portland's existing marine facilities do not have these characteristics; and
- WHEREAS, the Economic Foundation Studies found that to capture economic growth opportunities in marine-industrial cargo, Portland will need to have large parcels for marine industrial growth; and
- WHEREAS, the Economic Foundation Studies found that without larger development-ready sites, it is expected that Portland would lose opportunities to expand marine-related economic activity and would forfeit a portion of the associated jobs and income; and
- WHEREAS, preliminary estimates indicate that a 300 acre deep water marine terminal on WHI would create over 1,000 jobs in the region (including on-terminal jobs, as well as related and induced jobs that directly serve the terminal), generating over and generate up to \$20 million in additional tax revenue for the state; and
- WHEREAS, WHI is uniquely located close to many significant transportation facilities, including a deep water 43-foot federally maintained navigation channel at the confluence of the Willamette and Columbia Rivers, rail lines, and Interstate 5; and
- WHEREAS, the Economic Foundation Studies found that the economic value of WHI is increased by proximity to other deep water marine terminal infrastructure in the Portland/Vancouver Harbor; and
- WHEREAS, the Environmental Foundation Studies found that WHI provides high quality habitat for a diversity of wildlife, in a unique location at the Columbia River/Willamette River confluence; and
- WHEREAS, the Environmental Foundation Studies found that the value of the habitat on WHI is increased by its size, diversity of habitats, proximity to other natural areas, and location at the confluence of the Willamette and Columbia Rivers; and
- WHEREAS, the Environmental Foundation Studies found that WHI includes mature cottonwood ash stands, wetlands, grasslands, and 5.8 miles of critical habitat shoreline for threatened and endangered salmonid species; and
- WHEREAS, the Environmental Foundation Studies found that in larger rivers such as the Columbia, that serve as migratory corridors for salmon, the continuity of habitats and presence of shallow water along the shoreline is very important; and
- WHEREAS, the Environmental Foundation Studies found that WHI is a large undeveloped tract amidst a fragmented urban landscape that provides nesting and stopover opportunities for migratory birds using the Pacific Flyway; and

36805

- WHEREAS, the Environmental Foundation Studies found that habitat patch size, habitat diversity, and disturbance from human activity are the key limiting factors for wildlife; and
- WHEREAS, the Environmental Foundation Studies found that, given its size and unique location, WHI environmental resources cannot readily be replaced through mitigation; and
- WHEREAS, the Environmental Foundation Studies found that, in general, the quality of habitat on WHI is due to the large size of the natural area, the diversity of vegetation, and the connectivity to water; and
- WHEREAS, the Environmental Foundation Studies found that total ecosystem service benefits of WHI under current conditions are estimated to be valued (conservatively) from \$613,000 to \$4.7 million annually, with the majority of that value attributed to shallow water habitat; and
- WHEREAS, the Environmental Foundation Studies found that there is opportunity on WHI for ecosystem services gains through restoration activities such as increasing off channel habitat connections, revegetation of forest and grassland areas, and increasing or enhancing wetlands; and
- WHEREAS, the Hayden Island Community Plan found deficiencies in recreation for area residents, and portions of WHI are well suited to provide nature-based recreation and stewardship activities for Hayden Island residents and the larger Portland community; and
- WHEREAS, the CWG issued its Report to the City Council dated July 29, 2010; and
- WHEREAS, the CWG Report indicates that the CWG was unable to reach a consensus (requiring 75% approval under the CWG's procedures) on a recommendation to the City Council; and
- WHEREAS, eight of the CWG members agreed that it was possible to reconcile a mix of meaningful Port development and habitat values, six members voted that it was not possible, one member abstained, and one member was not present; and
- WHEREAS, the CWG Report outlined points of agreement, and articulated a set of evaluation principles to guide further planning; and
- WHEREAS, the City and the Port agreed in the IGA that "the City Council, through resolution in July 2010, will direct staff on whether to continue planning for a mix of land uses on West Hayden Island" (IGA, Sect. 1).

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council directs the Bureau of Planning and Sustainability, in coordination with

Page 4 of 7

other City agencies, to take the next steps toward addressing the future of West Hayden Island, including the following:

- a. Develop a legislative proposal for annexation of WHI to the City, and bring that draft proposal to the Council for consideration by December 2011;
- b. The legislative proposal should include Comprehensive Plan and zoning designations, and Plan District regulations;
- c. The 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;
- d. The proposal should include an analysis of the infrastructure needs and a cost/benefit analysis to the public associated with those needs after annexation, and an analysis of the financial tools available to facilitate infrastructure development;
- e. The proposal should include a thorough analysis/explanation of existing marine industrial land supply, marine industrial needs in the future and the feasibility of consolidation and/or expansion of existing sites to meet those needs.
- f. Develop alternatives for how natural resource lands could be managed over the long term, including proposals for long term land ownership, and strategies to pay for land management activities;
- g. Include the industrial lands immediately east of WHI in the study area, to determine how the future use of those lands will relate to the use of WHI;
- h. Develop an access plan to serve the existing development, a 300-acre deep water marine terminal site, and anticipated nature-based recreation and habitat management areas;
- i. Supplement the recently completed Foundation Studies with an update of the cargo forecasts, additional analysis of the expected cost/benefits to the City, analysis of operational efficiencies that allow more compact deep water marine terminal facilities, and an evaluation of opportunities for increased coordination with the Port of Vancouver;
- j. Develop a public involvement plan to keep the public, regional partners, and residents of Hayden Island informed and meaningfully involved. Mayor Adams will evaluate the continued role, structure, and membership of the CWG, by September 1, 2010; and
- k. If necessary, bring amendments to the City/Port IGA, consistent with this resolution, to Council by September 15, 2010.

36805

BE IT FURTHER RESOLVED, The City Council intends that the following parameters should guide development of the legislative proposal:

- a. The evaluation principles developed by the CWG should serve as core values to inform the proposal;
- b. The primary feature of the proposal should be permanent protection and enhancement of at least 500 acres as open space, to be managed primarily for the benefit of the regional ecosystem;
- c. The proposal should also include zoning no more than 300 acres of land in an industrial designation for future deep water marine terminal development. The deep water marine terminal footprint should be located, to the extent feasible, over the existing dredge disposal site area. All development associated with Port Marine Terminal Facilities including but not limited to the terminal area, docks, railroad tracks, access roads, bridges and multi-use utility corridors must be included within the 300 acre footprint. The terminal should be east of the north/south PPL/PGE powerline easement, north of the east/west PGE powerline easement, and west of the City of Portland's sewer outfall corridor;
- d. The existing utility corridors, which occupy approximately 55 acres, should remain and continue to serve multiple purposes. To the extent compatible with the existing utilities, these areas should be considered for open space use, and be managed for natural resource benefits, and may contain multiple use access roads, trailheads, and maintenance roads;
- e. Any docks should be designed to avoid shallow water impacts. The proposal should not include a vertical sea wall or similar structure. The 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.
- f. The proposal should include allowances for operationally viable rail access, sufficient to serve a 7,500 to 10,000-foot-long unit train;
- g. Nature based recreational uses should be evaluated in more detail. Any significant recreational structures or development footprints should be located primarily at the eastern edge of the site, and should minimize impacts on the highest value habitat areas. Within the 500 acres of open space, low impact recreational facilities may be considered as a means to direct and manage human access in ways that support habitat objectives. Options for placing more active recreational facilities east of the railroad bridge should be considered;
- h. Traffic impacts should be examined in light of the most up-to-date Columbia Crossing design options. Access plans should be designed to avoid and minimize any adverse impacts on East Hayden Island residents. The need for a dedicated

Page 6 of 7

36805

West Hayden Island access bridge should be investigated as to public cost/benefits and, if needed and determined to be feasible, integrated into planning for the Columbia Crossing project;

- i. The Plan District should incorporate and build on information from the Local Impacts report prepared by the Bureau of Planning and Sustainability. The plan should consider air quality impacts (dust and emissions), noise, light and traffic impacts; and
- j. 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.
- k. The proposal should include analysis of options for restoration and long-term care of the proposed natural areas, including models for financing both. This analysis includes but is not limited to, ownership of the natural area, remediation and mitigation opportunities, and the creation of an endowment for operations and maintenance of the land.

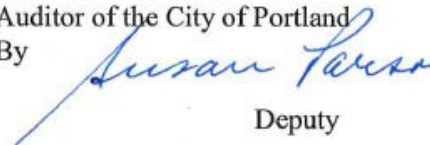
BE IT FURTHER RESOLVED, this resolution sets forth the City Council’s preliminary intentions and interim directions to the Bureau of Planning and Sustainability, based on the information available at this time, and nothing in this resolution constitutes a final decision concerning any land use planning action with respect to West Hayden Island. The City Council intends that any land use planning actions for West Hayden Island will be adopted in the future as required by the statewide planning goals, state law, the City’s comprehensive plan, and the City’s zoning code and may include the adoption of an annexation ordinance, zoning designations and a Plan District.

Adopted by the Council: JUL 29 2010

Mayor Sam Adams
Prepared by: Eric Engstrom
Date Prepared: July 22, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

Agenda No.
RESOLUTION NO.
 Title

36805
 As Amended

Direct 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 marine terminal development. (Resolution)

<p>INTRODUCED BY Commissioner/Auditor: Adams</p>	<p>CLERK USE: DATE FILED <u>JUL 23 2010</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams </p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: Deputy</p> <p>ACTION TAKEN:</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Planning & Sustainability Bureau Head: Susan Anderson </p> <p>Prepared by: Eric Engstrom Date Prepared: July 21, 2010</p> <p>Financial Impact Statement</p> <p>Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input checked="" type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Council Meeting Date July 29, 2010</p> <p>City Attorney Approval</p>	

AGENDA

TIME CERTAIN 2 of 2
 Start time: 6:00p.m.

Total amount of time needed: 3 hrs
 (for presentation, testimony and discussion)

CONSENT

REGULAR
 Total amount of time needed: _____
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>	
4. Leonard	4. Leonard <input type="checkbox"/>	
Adams	Adams <input checked="" type="checkbox"/>	

Attachment B

West Hayden Island Public Outreach & Involvement Process

The public involvement goal for this project has been to inform and encourage meaningful public engagement in the decision making process from as many people and groups as possible, in conjunction with the drafting of a proposed concept plan to achieve a viable mix of natural resource protection and marine industrial development (within the parameters provided by City Council), while also potentially providing some passive nature-based recreation.

Through Resolution #36805, City Council has directed the Bureau of Planning & 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. As part of this planning process City Council directed BPS to establish a public involvement plan. The summary that follows provides 1) a brief description of the public involvement activities that occurred prior to City Council's resolution (2008-July 2010), and 2) Phase II outreach and involvement activities (July 2010-present).

Project History (Phase I Community Working Group and Technical Advisory Pool)

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, and to ensure plans for the future of WHI are closely linked to plans for the rest of Hayden Island, and the Columbia Crossing.

In 2008, the Oregon Consensus Program, based at Portland State University, assessed stakeholder interests for the future planning of West Hayden Island and recommended a collaborative planning process. Over the past three years the City has convened two groups of stakeholders to plan for economic, natural resources and recreational opportunities.

In Phase 1 of the West Hayden Island planning project the mayor named 18 people to a community working group (CWG) with the task of advising City Council on how marine industrial, habitat, and recreational uses might be reconciled on West Hayden Island. This committee was focused on determining feasibility of the project. The group met monthly for a total of 16 meetings to hear consultant updates on the Economic and Environmental Foundation Studies that would inform their discussions. The City hired ENTRIX inc. to produce the 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. (For more information, and specific project documents, refer to the project website: <http://www.portlandonline.com/bps/index.cfm?c=53713&>)

The CWG created a set of principles that continues to guide planning for the island (See Appendix A for CWG final report, membership and list of guiding principles).

To help City staff and the CWG in reviewing these studies, 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.

It was during this early phase of the project that the CWG asked the city to look at local impacts from industrial development. One of our challenges was determining what impacts to focus on without a Port development proposal. We proceeded with meetings on Hayden Island and with adjacent community groups including HiNoon, Hayden Island Manufactured Home Park, Bridgeton, St. Johns, Cathedral Park, East Columbia, Linnton, and the Pearl to determine the types of impacts we should focus on. City staff also conducted interviews with neighborhood groups that currently abut industrial areas to determine areas of concern for residents. The process we followed led to the decision to focus future research on air quality, noise, light, and traffic related impacts.

In July of 2010 the City Council received a report from the CWG (Appendix A), 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.

Phase II Advisory Committee

The focus of Phase II (July 2010 - present) public engagement and outreach activities has been on the development of a concept plan and additional studies requested by City Council through resolution 36805 (Attachment C - Summary of Technical studies produced in accordance with Resolution 36805). During the fall of 2010 and winter of 2011, staff began the additional background research, hiring the consultants to work on the technical reports and they Mayor set up a new project Advisory Committee consisting of members of business and environmental groups, community members and regional agency interests. Current Advisory Committee membership includes:

Susan Barnes, Oregon Department of Fish and Wildlife
Andrew Colas, Colas Construction
Andy Cotugno, Metro
Pam Ferguson, Hayden Island Resident
Don Hanson, OTAC Consultants and BPS Planning & Sustainability Commission
Chris Hathaway, Lower Columbia River Estuary Partnership
Brian Owendoff, Capacity Commercial Group
Emily Roth, Portland Parks and Recreation
Sam Ruda, Marine Director, Port of Portland
Bob Sallinger, Audubon Society
Bob Tackett, NW Oregon Labor Council
Victor Viets, HaydenIsland Resident

This group met monthly for a total of 22 meetings from December 2010 through September 2012. Their main focus has been the development of a concept plan and review of technical studies.

BPS staff held a workshop in November 2010 with Advisory Committee members and a larger stakeholder audience to get feedback on the public involvement process moving forward and methods for engaging the public. Key outcomes from that session which have helped guide outreach activities for this project phase include:

- Make it clear that parameters set by City Council are to help develop a concept plan, not a predetermined outcome.
- Stakeholders need to work with a concept , a visual map early in this next phase is important to progress.
- Framing questions for the public to respond to is very important
- It is important for the city to lay out what type of involvement they want and questions can be framed accordingly to get meaningful input
- People need more time to digest information especially with the large number of studies to be released. The City also needs to provide summary information/ key takeaways and more access to technical experts to clarify information for the public.

Several additional technical reports and studies have been completed, both by outside consultants and City staff. The studies focused on rail configuration, harbor lands inventory, terminal operational efficiencies, cost/benefit analyses, regulatory requirements, natural area land management options and local impacts. Staff also worked on an update to the Environmental Program for the area around Hayden Island; including completion of the Hayden Island Natural Resource Inventory which documents the existing environmental resources and special habitats in the area and the Economic, Social, Environmental and Energy Analysis to evaluate the trade-offs associated with different levels of natural resource protection.

Technical Work Sessions

In Phase I staff worked through the Technical Advisory Pool to vet technical documents. In Phase II five technical work sessions were held. The Advisory Committee and a group of technical experts reviewed and discussed the technical studies per City Council's resolution. The facilitated work session gave the advisory committee a chance to hear and discuss the experts' insights on the reports and allowed time for the general public to ask questions and comment on the studies. Meeting summaries for each of these works sessions are available on the project website at <http://www.portlandonline.com/bps/index.cfm?c=53717>.

The technical work sessions held and topics discussed included:

- #1: August 2011: Recreation Analysis, Regulatory Requirements, and the Natural Resources Inventory
- #2: September 2011: Operational Efficiencies and Rail Options
- #3: December 2011: Transportation Modeling Analysis, Port of Portland/Port of Vancouver Coordination
- #4: March 2012: Harbor Lands Inventory, Cost/Benefit Analysis, and Land Management Options Memo
- #5: April 2012: Economic, Social, Environmental and Energy report

Concept Planning Process

Several of the technical studies were informed by the completion of the concept plan work. Some of this work helped to inform a base concept plan that was developed by project consultant, Worley Parsons on behalf of the city. The concept plan was requested by the City to help determine whether economically viable marine terminals could be built within the 300 acres area defined by City Council, while also providing opportunities for natural resource protection and enhancement and passive recreation on the remainder. City Staff, in conjunction with the consultant Worley Parsons, released the draft Concept Plan in October 2011. The City conducted two open houses, held four discussions of the concept plan with the Advisory Committee, held 16 hours of offices hours on the island, and provided an on-line survey for people to take to comment on the concept plans. Cogan Owens Cogan worked with the city to structure the public input for the concept planning process. The report summarizing the results of the concept plan development phase of the project is attached as Appendix B.

Draft Plan Outreach

The City has engaged the Advisory Committee and the public during the formation of the Staff Proposed West Hayden Island Project. This included several meetings with the full Advisory Committee as well as several meetings with subcommittees of the Advisory Committee. Two open houses were held on the island in June and July, 2012 to review and receive comments on the Preliminary Draft Plan that was released in June. The questions and comments were recorded by staff into a document which also provided responses to the questions. This document is provided as Appendix C, and will be made available to the public through electronic communications. Outreach will continue with both the public and the Advisory Committee in preparation for the hearing on the Proposed Draft.

Targeted Outreach and Strategies used for Public Participation

The City has been committed to targeted outreach efforts to special interest groups, neighborhood groups and the general public to solicit questions, comments and suggestions as additional studies are done to inform this project. Below is a short description of some of the additional audiences we worked with either through a targeted presentation or on a more regular basis to provide project updates. Attached as Appendix D is our meeting log for Phase II of this project.

Policy Makers and Local Governments

- Project team met with Planning & Sustainability Commission for 3 briefings and several officers briefings to update on project activities.
- Joint session between the City Council and Port Commission to discuss the concept plan and a special work session with City Council to define the scope of work for the Cost/Benefit report.
- Quarterly e-mail and phone check-ins with Tribal Government Representatives who have expressed interest in the project. Tribes include: Grande Ronde, Yakama Nation, Warm Springs, Umatilla, Siletz and Nez Perce. Grande Ronde and Yakama Nation representative have attended Advisory Committee meetings on occasion and reviewed technical reports for the project.

- Project team has partnered with the Bureau of Environmental Services, Portland Department of Transportation, the Office of Health Working Rivers and Portland Parks and Recreation
- Metro has participated in both Advisory Committees for the project
- Project team has provided updates and coordinated project activities with the Governor’s Regional Solutions Team

Interest Groups

- The project has engaged many interest groups in this project including Advisory Committee membership from Audubon, Columbia Corridor Association, Lower Columbia River Estuary Partnership, and Willamette Riverkeepers. Project updates and presentations have also been provided to The Working Waterfront Coalition, ILWU, AFSME, AFL CIO and other Labor Unions, The Columbia Slough Watershed Council, The Albina Rotary Club, The Portland Business Alliance.

Neighborhood/Business Associations/General Public

- Updates to neighborhood associations, homeowners associations, and moorages on the island have been provided upon request. City staff regularly attended island meetings of HiNoon and the Hayden Island Livability Project, as well as update surrounding neighborhood groups such through meetings and e-mail blasts. The project e-mail list currently has 900+ individuals.

Strategies Implemented for Public Participation

The degree of public input varied by work product and project activity depending on public/stakeholder interest and/or local impact. The review of technical studies, concept plan development and the legislative process were the key focus areas for public involvement during Phase II of this project.

Some of the tools used over the course of the project included:

- Project website provides access to information, updated or new reports, calendar of events, meeting minutes and agendas
- Public Involvement Log
- On line discussion board- used in Phase I for expert panel discussions
- Maintained 900+ e-mail list for people interested in project updates
- Maintained/updated project fact sheet
- Sent Monthly project e-news
- BPS newsletter - occasional articles/ notices
- Open Houses - 1 Open house at the end of Phase I, 2 Open Houses for the Concept Planning Process, 3 Open houses for the review of the draft and proposed plan
- Structured workshops/interviews to gather community input on local impacts

Public Involvement Process Appendix A:
 West Hayden Island Community Working Group
 Report to Portland City Council
 July 29, 2010

Summary: Your Community Working Group could not agree that it is possible to reconcile marine industrial, habitat and recreational uses on West Hayden Island.

I. In the opinion of the Chair, the West Hayden Island Community Working Group (CWG) comprises a remarkable group of citizens who hung together through 17 months and 76 hours of actual meeting and tour time, despite serious frustrations due to delays in contracting resulting from the shift from Port to City processes, and to issues surrounding review and revision of economic and environmental foundation studies. As such, members of the group deserve the gratitude of everyone who is concerned about the ultimate uses of West Hayden Island (WHI). *See Section I for a summary of the timeline and activities of the CWG.*

II. CWG's commitment to see the matter through is remarkable also because of the general level of tension created by the charge to the CWG, which asked the group to determine whether competing planning designations can be reconciled toward the City's existing policy for WHI to be "a significant asset for both its industrial and natural resource values." It is worth repeating the core charge word for word:

"The charge of the CWG is to advise City Council on how marine industrial, habitat, and recreational uses might be reconciled on WHI; and, if the CWG determines that a mix of uses is possible on WHI, to recommend a preferred concept plan.

"The City is seeking the advice of a Community Working Group to determine how these diverse designations and policies might be reconciled to achieve both marine industrial and natural resources benefits."

Throughout its work, the CWG wrestled individually and collectively with the fact that it was not our charge to determine whether the mix of uses should be accommodated, but whether they could be accommodated given the existing competing policies for WHI. The CWG's charge was not simply to come up with the best configuration for port development, habitat values and recreation, treating the mix of uses being a foregone conclusion.

III. CWG worked within the framework of operating procedures adopted at an early meeting. *See Section 2.* Under those procedures:

- If $\frac{3}{4}$ or more of the group present at the discussion concur with a proposal, the proposal will be adopted. Dissenting perspectives will be documented.
- If less than $\frac{3}{4}$ of the group present at the discussion concurs with a proposal, the issue will be deferred for later consideration in the CWG process, or as a last resort, to another forum for resolution, keeping all options on the table.

IV. Several months into its work, the CWG developed and adopted a set of **principles** to guide its ultimate decisions: "A good multiple use option will provide for:

1. A net increase in ecosystem function.*
2. A positive contribution to regional economic health (e.g. jobs, wealth).
3. An economically-viable port facility.
4. A positive contribution to the local community (e.g. health, transportation,

property value, recreation facilities and opportunities)

5. An addition to, not competition with, the regional port system.
6. Public access opportunities to West Hayden Island.
7. Sustainable scale for any use included as part of the option.
8. Flexibility to accommodate the unknown future.
9. Taking advantage of the unique aspects and opportunities of the site.
10. Consideration of impacts on multiple time periods i.e. current, mid-range and future.
11. Consideration of impacts on multiple geographies, i.e. local, sub-regional and regional levels.”

**Those most pertinent to the current decision are bolded above.*

V. The Decision: Fifteen of sixteen voting members were present on June 15th. (Note: City of Portland has two representatives but share a single vote and are counted here as a single voting member). After hearing comment from nine members of the public, and after discussing various issues, CWG members worked in three small groups (with technical assistance from a few members of the WHI Technical Advisory Pool) to attempt to answer the following questions:

- What is the minimum footprint necessary to support ecologically-viable habitat and ecosystem services on WHI?
- What is the minimum footprint available to support and economically-viable port facility and infrastructure?
- Is there the potential for a multi-use concept that can accommodate both footprints and respond to CWG Principles?
- If “yes”, can the habitat and ecosystem values be mitigated?

At the end of this process each subgroup presented its overall findings (not necessarily agreements) and discussion continued as a whole until the group reached a point where it was appropriate to decide “whether a mix of marine industrial and habitat uses can be reconciled on

WHI,” as a predicate for any further work.

Upon a straw vote (later confirmed) and then articulation of positions by each member, **8 members of the CWG felt that it was possible to reconcile a mix of meaningful port development and habitat values; 6 members felt that it was not possible to do so, and one member abstained. Under CWG’s adopted procedures (see III. above) 11 from among the 15 votes possible would need to concur with a proposal for it to become a recommendation to the City Council.**

Because the CWG could not conclude it would be possible to reconcile the two major uses, the CWG felt it should clearly articulate the points of commonality and most critical differences in perspective or rationales to aid the City Council in deciding how next to proceed.

VI. Points of commonality:

- Absent consideration of other uses and values, WHI is ideal for marine terminal development, because it offers a large unencumbered site with deep water and rail access nearby.
- All habitat types represented on WHI are of high regional importance.
- WHI’s location at the confluence of the Willamette and Columbia Rivers, as well

as its size and complexity of habitat types, increases its habitat values.

- Port studies conclude that an economically-viable port facility would require a minimum of 350-400 acres (2 terminals, rail track to accommodate a 10,000 foot train, not including acreage necessary for a bridge or local road access).
- The core of success for Port development on WHI will be adequate rail service.
- The in-water facilities concept in Port studies appears to minimize impacts on shallow water habitat and functions.
- Any workable rail layout under the above constraints would remove about half of the existing forest habitat on WHI, and would create more edge habitat and less interior habitat on the remaining lands.
- Edge habitat does not support the needs of many species as well as does interior habitat.
- Mature cottonwood-ash stands are a finite resource in the Lower Columbia and cannot be readily replaced through mitigation.
- According to studies and Metro documents, there is a shortage of large lot undeveloped industrial sites in the Portland area UGB. WHI was brought into the Metro UGB in 1983 for marine industrial uses.
- Since 1983 much has been learned about decline of species supported by WHI, particularly salmonids, neotropical bird migrants, turtles, and frogs.
- In 2004 Metro designated WHI as a Regionally Significant Industrial Area; in 2005 as a regionally significant Habitat Conservation Area. In 2009, Metro included a portion of WHI in the 20-year land supply for future industrial use.
- It is desirable to emphasize train and ship transportation as a matter of sustainability.

VII. Fundamental differences:

The CWG was not able to define a minimum footprint necessary to support ecologically-viable habitat and ecosystem services on WHI. The foundational studies established that the ecosystem values of WHI lie in its size, location and complex mosaic of high value habitat types.

Studies also established that interior habitat is higher value than edge habitat. Mitigation would

be required for many of the habitat losses due to development.

Members differ in their views of what is necessary for an economically viable (sustainable scale)

port facility on WHI. Some agree with Port study conclusions that an economically-viable port facility would require a minimum of 350-400 acres (2 terminals, rail track to accommodate a 10,000 foot train) not including acreage necessary for a bridge or local road access. Others sought more information on new techniques to shrink port footprints and other options for fulfilling projected port activity growth.

Members also differ in their views of the likelihood of a mixed use scenario making a positive contribution to regional economic health. A full 2-terminal development would generate several

hundred new family wage jobs and associated state and local benefits as well as the substantial

indirect economic benefits and jobs that accrue when new port jobs are created. However these benefits would need to be balanced against losses in ecosystem function, costs of infrastructure, and similar items. Projections of the value for ecosystem function on the high side are \$4.7 million annually, but the figures do not include the value of WHI for recreation,

mitigation, or other uses should development not occur. CWG does not have data quantifying the monetary value of ecosystem services that would be lost if marine terminal development proceeds on acreage such as has been estimated. Finally, CWG does not have information on the regional economic benefits of additional marine terminal activity in Vancouver or elsewhere in the near vicinity of Portland.

NOTE: The bullets below do not represent consensus positions but the views of one or more individuals who relied on a point as part of their rationale for voting. *See Section 4 for full statements of participants' rationales.*

Principle: net increase in ecosystem function.

Those who believe that port and habitat uses can be reconciled think an adequate portion of the island can be developed in a way that protects almost all shoreline and shallow water areas and preserves a large amount of interior area:

It has not been shown that reducing the habitat by even up to 50% would result in the complete demise of any species.

Natural space has high value, but should not be (as some thought was being done) intentionally overvalued.

Much of the development can be mitigated on and off-site, and any deficiency in mitigation can be kept relatively small, e.g. "I think we can develop a portion of the island in a way that protects almost all shoreline and shallow water areas, and preserve a large amount of interior area."

Accommodating multi-uses is a question of finding the right balance.

If left alone, the habitat value of the interior island is naturally degrading. A good way to provide active management to combat that is by allowing development on part of the island to fund the necessary actions on the other.

Terminal 6 and its relation to the river, its retention and restoration of the riparian edge (wherever operationally feasible) and its adjacency and compatibility to Kelley Point Park is an example where the Port has achieved a successful mix of uses.

Those who do not believe that port and habitat uses can be reconciled were compelled by the highly valuable habitat complex that WHI brings to the Lower Columbia Region and by study findings that specific habitats could not be 100% replaced via mitigation either on or off site:

80% of the Willamette shoreline has been developed; WHI is a very rare thing at an important confluence location. Its value should not be compromised in service to the mantra of finding "balance."

Federal and state agencies are looking to preserve and enhance parcels like WHI to save species that are now on the brink and need such parcels to satisfy recovery and other plans for the Lower Columbia.

WHI is a critical piece of an already heavily fragmented corridor of which it is part. The whole is far greater than the sum of the divided, relocated and fragmented parts and no

available areas can mitigate for that whole.

The hardwood interior forest on WHI is a type in diminishing supply which cannot be replaced once lost.

Even with mitigation and possible restoration actions, marine terminal development on WHI would result in a net loss of habitat function.

Principle: An economically-viable port facility.

Principle: Sustainable scale for any use included as part of the option.

Those who believe that port and habitat uses can be reconciled:

An economically viable marine facility will require two terminals (most likely auto and dry bulk, with a rail layout taking up a minimum of 350-380 acres (2 terminals, rail track to accommodate a 10,000 foot train), extending beyond the BPA power lines on the west.

Consider benefits to the state from creating 1300 jobs and associated personal income resulting in 6 million in state income tax. Not a reason to develop in and of itself but an advantage. A lot of good will come from additional port development as well as bad to be mitigated for.

Development has to be economically viable enough to support the cost of mitigation. Only with the large undeveloped area of WHI can Portland have the world class facility that has been talked about to prepare it for the future while retaining sufficient habitat.

The City acknowledges the trade-off between Port flexibility and environmental footprint. Without compromising the rail access geometry, which is a core feature of the site, it seems possible to trade some future design flexibility to get a smaller footprint.

Those who do not believe that port and habitat uses can be reconciled:

At least 2 of the small groups struggled with finding ways to shrink the necessary footprint to something in the 200-250 acre range, in order to protect critical high-value wildlife habitat, particularly avoiding creating a higher ratio of edge to interior habitats.

Squeezing the development footprint down to this size appears to undermine the economic viability for port operations and for the extensive public infrastructure port development would require.

Consolidating the two uses comes down to splitting the baby, leaving neither use viable.

Studies failed to look at ways to maximize the efficient use of the existing industrial land base such as consolidation and redevelopment of existing sites in Portland Harbor, or at strategies successfully employed in Europe and Asia to reduce facility footprint.

Principle: A positive contribution to regional economic health (e.g. jobs, wealth).

Those who believe that port and habitat uses can be reconciled:

We need to provide suitable land for port facilities of the future if we are to have a vital and thriving seaport as a sustainable foundation of Portland's economic base.

The lack of adequate (large footprint) land supply will constrain economic growth without

some action to allow use of WHI for Port development.

If we don't develop WHI the Port of Portland will lose family wage jobs as it did when new grain facility located in Longview.

The economic value of the ecosystem services provided by WHI natural areas are minor when compared to the economic value of port development.

Development of a portion of WHI would provide roughly 1300 jobs, worth far more to working families and the local tax base than the total value of ecosystem services lost. Some CWG members consider that not getting to the step of determining and recommending a configuration for reconciling these uses is a lost opportunity.

Those who do not believe that port and habitat uses can be reconciled:

The economic analysis does not clearly articulate need for WHI within a reasonable margin of error.

Long range projections do not demonstrate a short or mid forecast need for anything other than autos, and given the advanced stage of permitting of auto facilities in Vancouver (which was never addressed in the studies); it is unlikely that this need will materialize.

Benefits to the Portland metropolitan area from marine terminal growth elsewhere in the Lower Columbia area have been ignored or discounted.

Studies failed to look at opportunities for great collaboration and coordination with the Port of Vancouver, which has extensive available land suitable for marine terminal use.

There is economic benefit from the land by selling it for mitigation, e.g. to the federal power system - BPA and Corps of Engineers are seeking ways to mitigate for the dams, up and down the river.

The Lower Columbia River Estuary Partnership has considered WHI a priority habitat since 2005 when it (with a handful of other conservation organizations) offered to purchase WHI from the Port of Portland. The Partnership would gladly work with others and the Port of Portland to find an agreeable price that would allow the Port of Portland to sell WHI for conservation purposes.

WHI offers the potential to protect a critical natural area and create a world class urban nature park. WHI has significant economic value to meet natural resource requirement such as NRDA and ESA. It also offers the potential to bring access to nature to one of the most park deficient communities in the region.

Section I

WHI CWG Process History

Date Time Activity

2/23/09 2 hours CWG meeting in Council Chambers with Mayor Sam Adams and Port Director Bill Wyatt

3/17/09 2 ½ hours CWG Charter, Calendar and Working Agreements discussion

4/21/09 2 ½ hours Working Agreements discussion and adoption
Briefing: West Hayden Island Policy Framework and Chronology of
Events: Initial brainstorm on possible study questions to be included in the
foundation studies Request for Proposal

5/19/09 2 ½ hours Establish calendar of CWG events
Refine draft RFP scope of work
Begin preparation for June workshop

6/16/09 5 hours Establish principles for evaluating multi-use options

7/09 5 hours Site tours of WHI conducted by the Port of Portland

8/09 5 hours Marine Industrial Facility tour of WHI Conducted by Port of Portland
8/09 5 hours Terrestrial site tour, conducted by Audubon and City of Portland

9/15/09 2 ½ hours Refine scope of work

10/09 6 hours Aquatic site tour, conducted by City of Portland BES

10/20/09 4 hours Briefing and Discussion: Climate Change
Briefing and Discussion: History of the Harbor
Finalize RFP scope of work

11/3/09 4 hours Briefing and Discussion: Environmental Evaluation Framework
Briefing and Discussion: Economic History of the Harbor

11/17/09 3 hours Briefing and Discussion: Forecasting in Practice

1/19/10 4 hours Foundation Studies Briefings and Discussion:
_ Evaluation Framework;
_ History /Economics of the Harbor;
_ 30-Year Job Forecast

2/16/10 4 hours Foundation Studies Briefings and Discussion
_ Site Suitability Analysis
_ Inventory of Suitable Sites
_ Land Absorption Forecast

3/16/09 4 hours Foundation Studies Briefings and Discussion
_ Natural Conditions

_ Limiting Factors

4/20/10 4 hours Briefings and Discussion

- _ Recreation Analysis
- _ Environmental Initiatives of Ports
- _ Local Impacts of Industrial Development

5/18/10 3 hours Briefing and Discussion:

- _ Mitigation
- _ Eco-System Services
- _ Restoration

6/15/10 5 hours Workshop: Deliberation on threshold question: Can multiple uses be accommodated on WHI?

6/22/10 3 hours Refine CWG Report

Total per-participant hours (meetings and tours only): 76 hours

Section 2

West Hayden Island Community Working Group

WORKING AGREEMENTS AND PROTOCOLS

Adopted 4/21/09

The role of members

Members play an important role in surfacing diverse perspectives, but it is anticipated that CWG members will seek approaches and solutions that can be broadly supported and that represent the public interest and the “good of the order.”

CWG Chairperson

- _ A Chair will be appointed by the Mayor.

Arriving at an outcome

- _ The goal is to identify alternatives and solutions that all CWG members can support. Members will carefully and respectfully consider the perspectives of all members.
- _ If full agreement on components of CWG recommendations can’t be reached, the group can move forward:
 - _ If $\frac{3}{4}$ or more of the group present at the discussion concur with a proposal, the proposal will be adopted. Dissenting perspectives will be documented in meeting notes and in the final report.
 - _ If less than $\frac{3}{4}$ of the group present at the discussion concur with a proposal, the issue will be deferred for later consideration in the CWG process keeping all options on the table or, as a last resort, to another forum for resolution,.
 - _ If a member is not present during discussion of an item and has specific suggestions about that item, they can make a request to the Chair via the facilitator for time on the next agenda to reopen the discussion.

Process agreements

1. Agendas and any materials requiring advance review will be distributed 5 days in advance of each meeting.
2. Notes will be kept by the facilitator and distributed electronically 7 days after each meeting.

Notes will be approved by the group at the following meeting, and will serve as the formal record of the work of the group. “Minutes” will not be kept. Notes will identify the topics, proposals and alternatives discussed, key discussion points, and meeting outcomes.

3. Members can propose an agenda item for an upcoming meeting by submitting the item to the Chair via the facilitator two weeks before the meeting.

4. Meetings will start and end on time.

5. Organizations that have appointed a CWG member may also appoint an alternate for that member. It is expected that both regular members and the alternates will attend all meetings whenever possible. When both members are present, only the regular member participates at the table. Alternate members must be identified at the start of the CWG process, i.e. before the April CWG meeting. Proxy participation (i.e. one time participation by

a person that was not appointed as an alternate at the beginning of the process) is not allowed.

a. The City of Portland will have two representatives at the table so that the perspectives of the Bureau of Planning & Sustainability and the Bureau of Environmental Services are represented in the discussion. During polling for a decision of the CWG, the City of Portland will have only one “vote”, i.e. the City representatives will “speak with one voice”.

6. If a member drops out of the process, the organization that nominated that member may propose a replacement, subject to review by the City.

7. There will be a 15 minute period at the start of each meeting when non-members can provide comment. Individuals will have 3 minutes to make their comment, unless there is a large number wishing to comment, in which case the amount of time for individual comments may be adjusted by the Chair.

8. Meetings are led and facilitated by the Chair, who may call on the CWG facilitator at any time to run the discussion. The facilitator will maintain focus on agenda topics and adherence to these working agreements, and may at points in the meeting frame issues or broker agreements, but may not participate in discussion.

The following rules of order will be used to facilitate discussion:

Members signal when they want to participate in discussion and will be recognized in order.

_ Focus will be maintained on specific proposals regarding specific agenda items.

Group Ethics

Members with a financial stake in the outcome of an issue being discussed on the CWG may participate in the discussion so long as that stake is disclosed. Members who will have a financial stake in all or most discussions (e.g. the Port of Portland as property owner) need only disclose that stake at the beginning of the CWG process.

Members are free to discuss their own experience on the group, but only the Chair is empowered to speak for the group.

Members are free to circulate information within the group, e.g. articles, attachments, or web links, as long as they include all members.

Standards of participation, conduct and courtesy

Communicate with civility of tone and content when speaking and emailing.

Value diverse points of view, and the right of others to express differing points of view.

Avoid adherence to a fixed position or ideology. Seek solutions that can be broadly supported.

Speak to issues, not individuals - don't make, or take, discussion personally.
Arrive for meetings on time.

Strive for brevity, avoiding restatement or speech-making.

Avoid side conversations and distractions during meetings.

_ Turn off electronics: cell phones, pagers, and laptop tops.

_ Commit to attend during the entire term of the group.

Section 3

West Hayden Island Community Working Group: Members, Source of Appointment, and Response to the Question*: "Are multiple uses** possible on West Hayden Island?"

CWG MEMBER APPOINTED BY

Bob Akers 40-Mile Loop - Not in attendance

Richard Carhart Hayden Island Neighborhood Network (HINooN) Abstained

Corky Collier Columbia Corridor Association YES

Tom Dana -Hayden Island Manufactured Home Park Residents Association - NO

Sebastian Degens Port of Portland YES

Eric Engstrom Bureau of Planning & Sustainability

Mike Rosen, City of Portland, Bureau of Environmental Services- YES

Chris Hathaway Lower Columbia River Estuary Partnership NO

Bruce Halperin Oregon Trucking Association YES

Timme Helzer Friends of West Hayden Island NO

Bruce Holte International Longshore and Warehouse Union (ILWU) YES

Brad Howton Columbia Crossings YES

Bob Sallinger Audubon Society of Portland. NO

Anne Squier, Chair Appointed by Mayor Adams NO

Ray Valone METRO YES

Victor Viets At-Large. Local Hayden Island business owner YES

Travis Williams Willamette Riverkeeper. NO

*Charge of the CWG: To advise City Council on how marine industrial, habitat, and recreational uses might be reconciled on West Hayden Island; and, if the CWG determines that a mix of uses is possible, to recommend a preferred concept plan.

** Habitat/natural resources and marine industrial uses only were considered in this initial question.

Section 4

Individual statements from West Hayden Island Community Working Group members on the rationale for their vote on whether marine industrial and habitat uses can be reconciled on West Hayden Island. Statements are the verbatim rationales contributed after the vote taken on June 15, 2010, unless noted that clarifications or additional comments were subsequently submitted.

Rationales of 8 CWG members finding that marine industrial and habitat uses can be reconciled

Collier: (Includes clarifications and additional comments submitted subsequent to the 6/15 statement)

It's appropriate to consider the economic benefit of maintaining the contiguous natural space: up to \$4.7 million annually (75% of which was shallow water habitat that was not at risk of being lost). This is a substantial sum, but it is a fraction of the value of a marine facility to working families and our local tax base. It's worth asking why we would prefer to maintain a natural space that is worth \$1.5 million annually and would have no public access when the alternative would include a small amount of public access, preserve the most valuable habitat, mitigate for all lost habitat and provide roughly 1300 jobs with all the income that accompanies that. Natural space has high value, but to intentionally overvalue it would be the most perfidious way of undermining the work so many of us have done to demonstrate why it needs preserving.

Degens: (Includes clarifications and additional comments submitted subsequent to the 6/15 statement) In my view, it was demonstrated that a mix of uses could be possible on West Hayden Island. This site has unique proximity to key public investments in transportation infrastructure such as the deep-draft navigation channel, the inland waterways, and the interstate railroads and highways.

The site also has the size to support several water-dependant facilities as part of a flexible, efficient, and competitive marine terminal complex, similar to Terminal 6 in scale and significance. A mix is possible because the Port of Portland has a long history of developing and operating its public marine terminals in an environmentally responsible manner, a history of continuous improvement and leadership, and I have no expectation that this would change in the future.

Further, the Port has a demonstrated record in riverbank restoration and successful mitigation, both of which are essential elements which would enable a mix of uses to occur compatibly. One need only look at our Terminal 6 and its relation to the river, its retention and restoration of the riparian edge (wherever operationally feasible) and its adjacency and compatibility to Kelley Point Park, to judge that a mix of uses has been achieved. Our facilities stand out within Portland, within the region, and are often cited as examples of progressive and green marine terminal development within North America.

Another factor in my thinking that mix of uses would be feasible is that a mix of uses is already occurring, including City sewer facilities, regional power corridors and a federal dredge material placement site.

Finally, while no port terminal or marine industrial use can be developed without a footprint, the actual footprint under consideration on the site has been reduced substantially and has been focused on the least vegetated northern shoreline.

Metro brought in 825 acres into the urban growth boundary, the terminal site envisioned by the Port in the 1990s was 550 acres, and this was reduced during the CWG process to 350-380 acres for marine industrial development.

I also mentioned at the meeting that many CWG members appeared to be answering a different question - not whether a mix of uses could be accommodated but whether such a mix should be accommodated. I understand why this question of public policy and personal values is important to the CWG members, but it is a separate issue.

On this matter of values & policy, I share the opinion expressed by several other CWG members that, while I recognize that the importance and significance of the natural resources on the island are high, I also believe that we need to provide suitable land for the port facilities of the future if we are to have a vital and thriving seaport as a sustainable foundation of Portland's economic base. I also feel strongly that such land is best provided

within the urban growth boundary in Portland where land use and environmental approvals must meet the highest standards in the state. It is difficult balancing the environmental and economic functions of a gateway city, but I believe this is achievable at WHI.

Engstrom and Rosen (City): *(Includes clarifications and additional comments submitted subsequent to the 6/15 statement)*

The ENTRIX reports make a reasonable case that industrial land supply will become constrained in the future without some additional land area being made available. This is consistent with other City studies. Freight and distribution is a major sector of the Portland economy. The lack of adequate land supply will constrain economic growth without some action.

The City acknowledges the trade-off between Port flexibility and environmental footprint. Without compromising the rail access geometry, which is a core feature of the site, it seems possible to trade some future design flexibility to get a smaller footprint.

State land use law requires us to make land available for projected growth. Without West Hayden Island being available, further expansion of the UGB to satisfy the region's industrial land supply shortage is likely. The City agrees with Audubon that there is room for improvement to the ENTRIX work, particularly in section 4 of the environmental study. That said, the reports provide a solid footing for further discussion. We would also call attention to the ecosystem services and environmental restoration opportunities work. Past studies of this site did not provide that level of environmental analysis.

The controversy over Section 4 of the Environmental Foundation Study is misplaced. In general, some readers appear to be misinterpreting that section and using the data in ways that was not intended.

Halperin: *(Includes clarifications and additional comments submitted subsequent to the 6/15 statement)* I do believe that WHI has a very high environmental value.

I don't believe that it is all or none or the future of the area.

I think we can develop a portion of the island in a way that protects almost all shoreline and shallow water areas, and preserve a large amount of interior area.

I think a development in the 300 to 400 acre range will allow for functional and efficient use of the land, and allow a functional habitat area to remain.

I think that much of the development can be mitigated - some on the island and some off. I acknowledge that it is likely that the overall value of the mitigation will not be as good as the lands lost, but think this deficiency can be kept relatively small.

Based on the environmental report, if left alone, the habitat value of the interior island is naturally degrading. A good way to provide the suggested, active management is by allowing development on part of the island to fund the necessary active management on the other.

WHI is inside the UGB and was brought in with the intent of marine oriented development. Giving up SOME habitat value for economic development is consistent with the state's and region's purpose for the overall use of UGBs. If this site was outside the UGB, the emphasis and burden of proof would be different.

The UGB system will sometimes produce results that some people don't like - inside and outside of the boundary - but the people have decided that overall this is the best system to plan and regulate our growth.

Howton:

I am vexed about the question as to whether the conflicting uses can exist in one parcel, but am not at the point where I can throw the concept out. There is a legitimate expectation that we can have enough land to grow conservation value to the community while setting aside land for economic growth in region. I have been involved in large economic development projects for 30 years and have never been in a spot where we had all of our goals met. I guess

that will be the outcome for the Port and environmental groups as well. I still think we can find a balance point.

Holte:

What if we don't develop WHI in the future? Our citizens will lose work like we did to the Port of Longview. I just got back from Oregon's trade mission to China and the work is coming. Many have forgotten the family wage jobs that can be created on the island, which are so important to the future of our city. I believe it can be a mixed use site using the original HDR plan. I have learned through this process that we can mitigate for all species either on or off-site. When the Port leases it is a 10, 15 or 30 year lease, and they will have a long term commitment to the good management of this site and to the community. Even if a future developed terminal is not in use, it is still generating tax money. I care about the environment and animals, but I believe we can pull it off and if we don't it is an injustice to the state and city. We need this parcel.

Valone:

This didn't come easy for me. There are still a lot of unknowns: "Welcome to the planning process." Very diverse functions are competing for a very unique site for both functions. Regarding the mitigation issue, this project cannot go forward without mitigation. Regarding whether there is a need, for a planning decision we are too hung up on that and it could be sliced many ways. In addition I don't think the Port is going to build a facility like this on spec and it will have to unfold that there is the need for this deepwater site, the only one left. In the mean time - what happens? Are there opportunities for the Port to step up and improve the site before development? In planning work there is always balancing. This is a unique site environmentally but it is close in, we need industrial land and especially important because of marine industrial. Environmental habitat-wise it hasn't been shown to me that even loss of half of the island to a project will be the death knell for species in the region. I can't take this off the table yet and would like to still see it play out further.

Viets: (Includes clarifications and additional comments submitted subsequent to the 6/15 statement)

1. The entire 800+ acres of WHI have been rated of High Value from a regional perspective. This uniform High value seems to be largely based on the large patch size and on the diversity of habitats within the patch. A minimum footprint for a commercially viable port facility seems to be about 300 acres but no one has been able to say whether that would significantly reduce the regional value of the remaining 500 acres. Saying everything has high value leaves no basis for evaluating multiple uses. The economic value of the ecosystem services provided by WHI natural areas are minor when compared to the economic value of port development.
2. The long range marine cargo forecasts show a future need for new terminal facilities in the Lower Columbia Region. Evaluation of Portland properties, including greenfield and brownfield sites and consolidation of smaller parcels, shows that there are no sites available to meet future needs for large, efficient terminals. If Portland wants to capture a share of future marine cargo handling with its associated economic and employment benefits, we must annex the necessary acreage on WHI. We have no other current options. But even though we reserve the marine terminal space on WHI, we must continue to explore ways to protect and reuse our existing port areas. WHI should be used as a last resort, not as our first choice.

Rationales of 6 CWG members finding that marine industrial and habitat uses cannot be reconciled

Dana:

80% of Willamette shoreline has been developed and if we keep chipping away we will have nothing. If we don't develop WHI Portland will continue very well. We are grateful we have Forest Park and other parks in Oregon and no one is saying we should develop Forest Park

even though it would contribute economically. The same can be said for WHI. It is a very rare thing. North and south banks are already developed. Let's keep WHI in the middle.

Hathaway: *(Includes clarifications and additional comments submitted subsequent to the 6/15 statement)*

The Lower Columbia River Estuary Partnership's scope goes from Bonneville Dam to the Pacific Ocean -146 river miles. Our Board of Directors includes a wide variety of stakeholder interests in the lower Columbia River, including the Port of Portland, industry, governors' offices, state and local agencies and others. The Board of Directors, and thus the organization rarely comments on projects. When deciding what direction to give staff with regard to West Hayden Island they had a long and lively discussion and they did not easily come to a decision. They consider the Port of Portland a great partner and understand that marine industrial land is in short supply. However, the organization's mission is to protect and restore the lower Columbia River, which means protecting and restoring the habitats that the river's species depend on. Since 1870 well more than 50% of the important fish and wildlife habitat has been lost in the lower Columbia River as a result of human activities. Our Board of Directors feels that West Hayden Islands' highest and best purpose is an intact, protected habitat that is providing a wide variety of important ecosystem functions to lower Columbia River fish and wildlife. The Board also believes that protecting West Hayden Island can provide the Port of Portland with significant economic benefit - either by selling the island for conservation purposes or using the island for mitigation purposes. There are significant mitigation needs in the area already (2008 Biological Opinion, Portland Harbor Superfund Site, as well as potential future ones such as the Columbia River Crossing). Other plans, such as the NOAA Estuary Recovery Module, and the Oregon Recovery Plan, in addition to the Estuary Partnership's Management Plan for the lower Columbia River, call for the protection and restoration of key large scale habitats such as West Hayden Island. Given all these points, we feel that marine industrial development and habitat protection are not compatible uses on West Hayden Island.

Helzer: *(Includes clarifications and additional comments submitted subsequent to the 6/15 statement)*

Using the rational measure of minimum sustainable physical foot prints of marine-based industrial development, urban natural wildlife habitat, and river-accessible recreational activity, any permutation of these three interests, considered as multiple or mixed use, are mutually exclusive of one another on West Hayden Island now and in the future.

Sallinger: *(Includes clarifications and additional comments submitted subsequent to the 6/15 statement)*

- 1) The Port has not made the case for development. Long range projections do not demonstrate a short or mid forecast need for anything other than autos, and given the advanced stage of permitting of auto facilities in Vancouver (which was never addressed in the studies) it is unlikely that this need will materialize.
- 2) The studies failed to look at opportunities to maximize the efficient use of the existing industrial land base. First the studies failed to look at consolidation, redevelopment of existing sites in Portland Harbor. Second the studies failed to look at strategies that have successfully been employed in Europe and Asia to reduce facility footprint, instead simply dismissing these opportunities as potentially cost prohibitive. Third the study failed to look at opportunities for great collaboration and coordination with the Port of Vancouver.
- 3) The integrity and credibility of the Natural Resource Study was undermined by significant last minute reductions in habitat valuations that occurred without citation, reference, explanation, peer review or technical advisory committee review.

4) Despite these last minute changes, the natural resource study was consistent with many prior studies which show that the value of West Hayden Island lies in its size, location and complex mosaic of habitat types. These values are not replaceable via mitigation on a highly urbanized landscape. Developing large portions of the island significantly undermine not only the integrity of West Hayden Island but viability of the already heavily fragmented corridor of which it is part. There foundational studies failed to demonstrate that this loss could be mitigated either on or off site. Given that the primary value of the island is size, location and complexity of habitat types we do not believe that it would be possible to mitigate for these losses. The whole is far greater than the sum of the divided, relocated and fragmented parts.

5) The minimum footprint put forth by the Port plus auxiliary development (roads, utility corridors, bridges etc) would leave nothing but fragmented edge habitat in one of the few locations that still retains interior habitat.

6) West Hayden Island offers the potential to protect a critical natural area and create a world class urban nature park. WHI has significant economic value to meet natural resource requirement such as NRDA and ESA. It also offers the potential to bring access to nature to one of the most park deficient communities in the region.

Squier: This has been difficult for me. The bottom line for me is twofold. We do have tremendous habitat values, and the "footprint" we have been looking for as viable is one that retains functionality and undisturbed interior habitat. When we overlay the smallest development footprint that the Port is comfortable with, it increases edge habitat and significantly reduces the protected forest interior that is so important to many species. This site is unique, at the confluence of two rivers. A lot of what will be lost will not be replaced anywhere, particularly in terms of the interior hardwood forest habitat.

This morning at least two of the small tables kept trying to squeeze the footprint down to save interior habitat, to the point where we were not seeing economic viability for the Port or for the public infrastructure costs that would be required for development. Couple that with the fact that given our restrictive purview we have not fully explored other options that may not have as big a downside, where there is existing rail and room to accommodate larger parcels, i.e. existing waterfront industrial sites or brownfields. It does go to the compelling need question. On the information we have, I believe that consolidating development and habitat uses on WHI will "split the baby" and leave Portland with neither a viable WHI port facility nor the valuable haven for many species reliant on WHI's location, complexity, and size.

Williams: I am an environmentalist. My grandfather was a teamster and worked for Oregon Transfer for many years, so I get the need for industrial jobs and the economic place they have in our society. But my sense is that throughout the process we have not clearly articulated the need with reliable projections within an acceptable level of probability - important given the tradeoffs. There is also great value in habitat left in its natural state that could be made better over time. Type of habitat, confluence location, it is unique and critical and in lower Columbia, where that opportunity doesn't often exist. Sometimes something is talked about so long it becomes a foregone conclusion. This piece of the island matters because it is a good sized piece in riverine environment that has high payoff for a broad range of species. Federal and state agencies are looking to preserve and enhance these types of parcels to save species that have been hear for 10s of thousands of years that are now on the brink.

Abstaining

Carhart:

I have a personal opinion, but I represent a neighborhood constituency. We had discussion and the people there felt they did not have enough information to make an informed decision.

Today is not the end of the process but the start of the next step. We decided that I would abstain. But I would recommend that they register an opinion through the appropriate entities.

320 WOODLARK BUILDING
813 SW ALDER STREET
PORTLAND, OREGON 97205-3111
503.225.0192 • FAX: 503.225.0224
coc@coganowens.com • www.coganowens.com

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**Public Involvement Process Appendix B:
Concept Planning Outreach Report (produced by Cogan Owens Cogan)**

**WEST HAYDEN ISLAND CONCEPT PLAN ALTERNATIVES
SUMMARY AND ANALYSIS OF PUBLIC INPUT
December 21, 2011**

I. PURPOSE

This is a synthesis and analysis of the comments received during the public comment period for this phase of the West Hayden Island Concept Plan process. The primary purpose of this summary and analysis is to inform the West Hayden Island Advisory Committee charged with recommending a concept to the Portland City Council. It augments a preliminary summary of public input presented to the Committee on October 21, 2011.

As a synthesis, a sampling of the comments received is provided. A complete compilation of comments from the various forms of input is attached as an appendix. Due to the varied nature of the input opportunities, no quantitative analysis of comments has been conducted. Also, the on-line survey cited was not conducted as a scientifically valid survey.

II. PUBLIC INVOLVEMENT ACTIVITIES

The public comment period on the West Hayden Island Draft Concept Plan Alternatives was initiated with release of two draft Concept Plan Alternatives on September 26, 2011 and closed on November 11, 2011. Public involvement and comment opportunities during this phase of the planning process included:

- Two Open Houses conducted on October 12 and October 15, attended by approximately 18 and 28 citizens, respectively (numbers are approximate to reflect attendees who did not sign in at registration).
- Office Hours conducted by City staff on four days, two times each day, during the weeks of October 17 and 24.
- An on-line survey at the project web site, completed by 92 respondents. This survey focused on what respondents liked or disliked about key aspects of four elements of the Concept Plan Alternatives -- Operations, Transportation, Natural Resources and Recreation. Advisory Committee meeting public comment periods.
- Public comment periods at the October 21, 2011 Advisory Committee meeting.
- Miscellaneous comments (9) submitted via letters and email, including comments from Pacific Northwest Waterways Association, Commercial Real Estate Economic Coalition, Hayden Island Enterprises, Portland Business Alliance, Oregon Chapter of NAIOP, and John Marshall (*Landscape Comparison of West Hayden Island; Development Alternatives A and B*).

Despite significant publicity, participation in the two Open Houses and eight Office Hours was limited. Response to the on-line survey was more significant, with close to 100 responses. Approximately 90% of the surveys were completed within the last two days of the comment period. Participants indicated that the Open Houses were well organized and provided opportunities for good dialogue and information-sharing. The active participation of Advisory Committee members in the Open Houses was very positively viewed by attendees.

Competition among a variety of forums for the public's attention, such as the Columbia River Crossing project and neighborhood association meetings, was cited as one reason for the low turnout. The location and timing of the first Open House at the Expo Center at rush hour may have discouraged attendance at that event. Finally, the pre-decisional nature of the subject matter - concept plan alternatives - may have led some interested parties to perceive that their efforts are better spent at a future point in the process.

A higher level of interest can be expected as a Recommended Plan is developed, as there will be something more definitive to comment on. Also, interest groups can be expected to encourage their memberships to be more involved for this stage. In terms of future public input, continued use of on-line surveys as a key venue for both dissemination of project information and for collection of public input is recommended. Presentations to stakeholder groups also provide excellent opportunities for in-depth dialogue about the project. While attendance may continue to be disappointing, Open Houses will be an essential and expected public information and input forum. Given the very limited interest, Office Hours may not be an exercise worth repeating.

III. SYNTHESIS AND ANALYSIS OF PUBLIC COMMENTS

Public input opportunities at this phase of the planning process were all structured around five key elements of two Concept Plan Alternatives -- Operations, Transportation System, Natural Resources, Recreation, and Other Issues (e.g. livability). Rather than seeking input on which of the two alternatives was preferred over the other, the intent was to obtain input on what aspects of the key elements were seen as positive or negative and to identify what might be missing in the alternative concepts. This approach was based on the expectation that a recommended Concept Plan would be a mix-and-match collection of elements from both Concept Plan Alternatives.

While the on-line surveys represent the greatest volume of comments, almost all of them were submitted within the final 48 hours of the public comment period and are largely identical in responses, suggesting an organized effort to coordinate a common response. While there is nothing uncommon or inappropriate about such an effort, it is recommended that the on-line survey responses not be considered to be any type of plurality of opinion. Rather, the Open Houses should be considered as providing the most informed input, as comments were offered in the context of a detailed presentation on the Concept Plan Alternatives, supplemental information provided at Open House stations, and opportunities to query staff and consultants on the Concept Plan elements.

A. GENERAL COMMENTS ABOUT THE DRAFT CONCEPT PLAN ALTERNATIVES

In addition to commenting on the specific features of the Concept Plan Alternatives, numerous respondents address the general topic of industrial development on West Hayden Island, with opinions split on whether it is appropriate or not. Reasons most frequently cited by opponents are the lack of a demonstrated need for a marine terminal at this site and the loss of valuable regional natural resource habitat. Proponents cite a lack of industrial land in

the region and past decisions to include West Hayden Island within the regional urban growth boundary for potential industrial development. Other general comments address the question of whether the marine terminal footprint in Concept B meets the intent of the Council's directive and whether additional studies are needed to support a decision on whether to proceed with marine terminal development.

While not requested, a number of respondents favor one alternative over the other either from a marine terminal development perspective or from a natural resources/recreation perspective. As noted above (see Public Involvement Activities), several groups submitted letters to the Bureau stating their position on the Concept Plan Alternatives, with all of those groups stating their preference for Concept A. Very generally speaking (and with the caveats noted above), on-line survey respondents favor Alternative A, while Open House participants lean toward Alternative B.

A sampling of general comments includes:

- The need for additional marine terminal development has not been demonstrated; if such a need can be demonstrated, the necessity of locating it on West Hayden Island also needs to be demonstrated.
- In meetings over the past couple of years, it was clearly stated that the Port would not need additional facilities for at least 20 years - why the push?
- From a regional perspective it seems like the Port of Vancouver could be adapted to serve longer trains. We do not see a need to build a second port in the immediate vicinity.
- We are adamant about not having a deep water terminal located on 300 acres of West Hayden Island. We have the freeway cutting through our island, airplanes flying overhead, and trains to our west. We have come to live with the environmental hazards presented by these occurrences, but a marine terminal would make it unlivable on the island. Facilitating marine industrial development on WHI is critically important to the entire state's economy. We need to be sure that the extremely limited development footprint functions as effectively as possible and provides the Port and future tenants with needed flexibility.
- The Portland metropolitan region has a significant shortage of industrial land. The West Hayden Island land has been included in the regional inventory of developable industrial land, but has never been part of the City's economic development strategy. The City needs to take a strong position in supporting economic development and job creation. We need land for international trade, which supports our region's and state's export strategy and creates jobs and income for the region and the state. The Port of Portland has a long history of being a steward of good land use planning and industrial real estate management.
- Option A would provide the Port of Portland the best opportunity to accommodate cargo growth in an environmentally sensitive manner. The Port of Portland is a significant economic driver in the region, creating jobs and building revenue that benefits Portland, the state, and beyond.
- Option B is not allowed under the City resolution. Land east of power lines is not even owned by the City or Port?
- Do not waste our tax dollars on any more studies!
- Clarification is needed on what water areas are included within the 800 acres.

B. COMMENTS ON ELEMENTS OF DRAFT CONCEPT PLAN ALTERNATIVES

As previously noted, public input opportunities were structured around five key elements of the two Concept Plan Alternatives in an effort to seek input on what aspects of the five elements were seen as positive or negative and to identify what might be missing in the alternatives.

1. OPERATIONS

While Open House participants generally indicate that they could support either marine terminal layout from an operational perspective, strong interest was expressed in the footprint in Alternative B as a means to protect more forest habitat. Questions were raised with the Alternative B footprint about the efficacy of relocating the BPA powerlines and conformance with the City Council directive. On-line survey respondents overwhelmingly favor Alternative A as more operationally efficient than Alternative B, with each of the five features in the alternative strongly supported. Among the specific features, rail is the most commented on, with concerns raised about conflicts with passenger rail service on the BN/UP main line. Staging areas for construction is the only element identified as missing. Key comments include:

General Comments:

- What is meant by operations is not well defined, making it difficult to comment.
- There is concern that this rail system is being set up to be used for coal.
- It is important to have the large rail companies on board with a good rail plan for the project because they are frequently approached by users for recommending areas in which to buy land. Usability is a critical item.
- Conflicts with passenger rail service on the main line need to be addressed before this project is built. A multi-modal bridge to bypass freight rail needs to be considered.

Concept A

- Consider the impact that this project may have on barge use of the railroad swing span. The current swing opening is a major limiting factor.
- This rail configuration would have less noise impact.
- I don't understand why the summary provided treats the rail systems as essentially equivalent. Alternative A has a much more functional train layout with substantially less curvature at the exit.
- Concept A will better accommodate a marine terminal (with both auto and bulks configuration), would be more easily permitted as it avoids more shallow water impacts, keeps the existing dredge material placement site viable, is superior for rail loop configuration, will have far less impact on residents, and is consistent with the Portland City Council resolution to stay within the power corridor footprint.
- Alternative A is the most amenable to rail service. The City needs to take aggressive action on this and other opportunities to increase industrial land supply as the current shortage of jobs land is severely limiting the economic opportunities in our region.

Concept B

- Relocation of the power lines in Concept B will be too expensive. Why waste money on this un-needed cost?
- Concept B goes far south of the power line corridor and it may not be feasible (both from a permit and economic standpoint) to move these power lines.

Missing Elements

- Staging areas for construction and restoration/mitigation for these areas.

2. TRANSPORTATION SYSTEM

The construction of a new bridge from Marine Drive to West Hayden Island in Alternative A is the focus of the vast majority of input on the Transportation System element, with decided differences of opinion about the need and desire for such. While the majority of input favors the transportation system in Alternative A primarily because of the bridge, there are also significant concerns about its effects on island livability. There are also concerns about effects on East Hayden Island of traffic generated by marine terminal development, with or without a bridge. A number of commenters request more information about the funding, use, location, and design of the proposed bridge. A concern raised in a number of the public involvement forums is the potential effect of freight rail traffic directed to West Hayden Island on existing passenger rail service in the mainline rail corridor. Among the comments received:

General Comments:

- The differences in traffic impacts between the two alternatives need to be calculated. Traffic studies should be conducted during the last half of December and the first half of January to reflect peaks to mall traffic/holidays.
- The options indicate a bridge/no bridge option. Would traffic change if the road access were also changed to provide a cut through the Mannheim property? Would the new cut induce cut-through traffic if the bridge were proposed?
- A large development cannot help but add significantly to the vehicle traffic on the island. The traffic situation on the island and I-5 interchange are already at crisis levels. The Columbia River Crossing Project is years away from a solution to this situation - if ever.
- It was unclear how road access would be provided to public spaces. Unless there is good road access to all areas of the island, the police will be unable to monitor for safety.
- The Advisory Committee should recommend further study of a new rail bridge over the Columbia River that would be high enough to not impede river traffic and be part of a high speed passenger rail system connecting Vancouver, B.C. and Eugene and serving as a commuter rail system between Vancouver, WA and the Rose Quarter transit center.

Concept A

- A bridge is a must. No development should occur without a bridge from West Marine Drive to West Hayden Island. A bridge is needed to accommodate the additional recreationalists plus the people working/operating the Port facilities.
- All industrial traffic should come to this area from Marine Drive; there is too much industrial traffic now on the island. A bridge off Marine Drive will eliminate some traffic off of I-5.
- More access means more people; the bridge concept is opposed even if it further complicates CRC.
- Mall traffic, especially during the holidays, would be exacerbated by all north bound Port traffic.

Concept B

- A bridge is a must.
- Access to recreation appears highly impactful and inconvenient to recreationalists.

Missing Elements

- The amount and types of truck traffic to be generated need to be explained.
- The function of the bridge needs to be clarified - is it for marine terminal access or for island residential/commercial area access.

- Traffic flow and security to the west end of the island need to be addressed.
- How are WHI and CRC to be coordinated?

3. NATURAL RESOURCES

In terms of volume, there are more comments on the Natural Resources element than any other element. Generally speaking, there is greater support among Open House participants for the emphasis in Alternative B on protecting a greater proportion of forest habitat by shifting the marine terminal footprint. On-line survey respondents, however, indicate a preference for the natural resources features in Alternative A. Other respondents suggest that industrial development would compromise the natural resource values of West Hayden Island and should not be pursued. There is general support for the protection and enhancement of shallow water habitat, irrespective of alternative, but the efficacy of enhancing shallow water habitat given seasonal flooding is questioned. Other questions are raised about the desire/ability to maintain a mitigation site within the boundaries of the marine terminal in Alternative A and about providing buffers on only portions of the terminal site. Key comments include:

General Comments:

- Neither concept supports the preservation of wildlife habitat. Greenspace of this size cannot be replaced.
- This is a unique environment close to Portland and should be designated a park for wildlife and public education. Because of its proximity to Portland Public Schools, it would have a long-term value as a study and inspirational site for urban students and teachers. The island also is a remarkable place for migrating birds, and provides important habitats for native amphibians and fish, some of which are threatened with extinction. Committing this island to commercial development will ruin it for these benefits and represents a tragic loss of opportunity for Portland. Other sites are available for this kind of development, making it possible to retain WHI in its natural condition for public enjoyment and learning.
- The many precious species on this island will not be able to coexist with industrial use. The construction alone will drive away the animals. The pollution, noise, and ongoing activity will destroy the habitat and green space.
- Habitat for endangered species, including eagles, will require more of the cottonwood stand to be saved and mitigation on the island.
- The question is what is more valuable - the forest or wetlands? Which benefits species of concern the most?
- Some of the proposed natural features will require active human intervention and maintenance, which further disturbs the island's natural environment.
- Effective mitigation of impacts to wildlife is unlikely.
- While the shallow water habitat/wetland habitat connection is desirable, is it feasible? Will it fill in, requiring constant dredging?
- The open space and recreation concepts west of the power corridor are interchangeable.
- How do the concepts respond to the Oregon Conservation Strategy?
- In both alternatives, there should be a vegetation buffer around the whole operation.
- The concept of enhancing shallow water habitat in either alternative is supported.
- Forest enhancement and restoration is a misleading title. The forest is in good condition and needs little enhancement (as per the NRI). Also a huge amount of forest will be paved over in both situations.

- Any alternative that impacts the jurisdictional wetlands is not appropriate; if it is cut off from other habitat it is not functional.
- The proposed berms impact the functions of the habitat.
- Buffers are insufficient in size in both alternatives.
- Development perpendicular to the river's flow is unlikely to be successful. It will silt in and require maintenance that will disrupt the habitat, or more likely never get done.

Concept A

- Protecting the Port's mitigation site is not realistic/functional. Maintaining the mitigation wetland within a sea of asphalt will not provide as much function and might become a sink of wildlife function (better to maintain another area).
- The existing dredge disposal site should not be counted as "habitat" -- it is an active industrial use.
- Alternative A maintains a better buffer between the terminal area and the southern side of the island. As a recreational kayaker, I would rather have the south side of the island (which will be better for near-shore kayaking) retain a natural appearance, even if it means a more elongated terminal area along the Columbia River side of the island.
- The buffer in Alternative A needs to be larger.
- Alternative A does a better job balancing habitat and development; it has less impact on salmon habitats. Alternative A is better for shallow fish habitat.

Concept B

- This footprint would reduce some shallow water impact and still provide forest; it is preferable to Concept A in terms of habitat impacts. If development must happen, Concept B would save more habitat.
- Option B offers a better alternative to save a larger area of forest that is older and provides better habitat.
- The buffer in Concept B should go farther around on the south side to screen the ugliness of the terminal and preserve the beautiful scenery we have when we boat now.
- Enhanced water features N to S and E to W are desirable.
- Creating a cut through channel could act as cutoff of human recreation.
- Mitigation for loss of the Port mitigation site needs to be provided.

Missing Elements

- How runoff from industrial and rail activities into wetlands will be avoided.
- A natural treed border around west, south and east sides of the terminal.

4. RECREATION

The Recreation element in the two alternatives also received significant comment; the general reaction to the proposed recreation features in both is favorable, with stronger support for Alternative A, at least among on-line survey respondents. At the same time, opinions differ about the appropriateness and scale of each of the primary recreation features. For example, arguments are made both for and against motorized boat launch facilities, public parking and restroom facilities, and public access to the west end of the island. A sampling of comments includes:

General Comments:

- While recreation will be a nice "extra" on WHI, its highest and best use is for marine industrial development and natural resource protection.
- Impacts from active recreation need to be mitigated. Access degrades open spaces and makes it less effective as habitat.

- The trails, if built, will destroy the values and functions of the remaining habitat. Given seasonal water level changes, how accessible will the trails really be?
- It would be nice to add some docks for boats and a walking trail from the docks.
- Public access to the entire north side perimeter needs to be retained.
- If a boat launch is provided, locate it as far west as possible.
- There should be no motorized boat launches.
- Have the traffic impacts of a potential motorized boat ramp been studied? Based on personal observation of the Gleason boat ramp, there can be 100's of vehicles using the facility on a nice weekend day.
- A parking area and boat launch could be sources of revenue for the City.
- In both alternatives, the proposed marine terminal viewpoint is just down river from the sewage overflow pipe that discharges into the river.
- Do not provide restaurant facilities; advise visitors of the lack of such.
- There need to be nice, scenic viewpoints, if possible - definitely not any of the terminal.
- The Port of Portland should fund the maintenance costs of the recreational facilities - not the City - because the terminal is reaping all the financial benefits.
- There should be no roads in the 500 acres. Trails are infrastructure and should be counted in the development footprint. Trails as depicted in both alternatives are excessive and destroy habitat value. There should be no developed facilities, including trails or boat launches, beyond the western limits of the developed area.
- Trail width should be minimized (avoid-minimize hierarchy).
- To leave larger areas undisturbed, limit recreation to slough side with public access via terminal access road.
- Has safety been discussed? How can you have trucks, rail and recreation for the public combined?

Concept A

- Alternative A would provide a combination of habitat restoration and pedestrian recreational use that would be invaluable for a growing Metro area.
- Alternative A provides more acreage for trails and recreation access to the western part of the island. The traffic flow looks better too.
- Having trails on existing power line corridors is good.
- A launching area for non-motorized craft is supported; for motorized watercraft opposed.
- The boat launches will be very popular and create traffic in sensitive areas.
- The placement of the boat launch is a good idea if the bridge is going to be built.
- Picnic areas and restroom facilities are supported; should be distributed along all trails.
- Picnic areas and restrooms are too intensive a use in a sensitive area.
- A nature/interpretive center is supported.
- The road access and public parking are too intensive a use of a sensitive area.
- Not enough parking is proposed.
- There should be small parking lot and trail for island residents to use to connect with Plan A without having to leave island and go to Marine Dr or have to drive through the terminal.

Concept B

- Recreation facilities should be limited. Having non-motorized boat launch and a nature interpretive center is a good idea
- Trails on west end are needed for emergency access. There are not enough trails to the interior.

- Alternative B essentially cuts the island in half, keeping the public out of the western side of the island.
- Water trail is intriguing, assuming motorized watercraft do not have access.
- Water trail thru the island is inappropriate- in high water years it will occur naturally- in normal years it would impact wildlife.
- Boat launch may be too close to West Hayden Moorage; locate it further away from HIMHC to reduce noise conflicts.
- Move motorized ramp into Grandma’s Cove (out of no wake zone) and locate parking nearby. Retain proposed launch as a hand launch only facility.
- Boat launch/picnic area/play area/interpretive center complex is too intensive a use in a sensitive area. Provide a boat launch only, without other proposed facilities.
- Picnic areas and restroom facilities are supported; should be distributed along all trails.
- A nature/interpretive center is supported. Off-site location is preferable.
- The proposed parking area would be a good use of a developed area.
- Don’t take land for parking.

Missing Elements

- Areas for group camping by permit.
- Explanation of how beach access in front of the terminal will be affected.
- Passive recreation only.
- Consideration of the effects of additional recreationalists and Port workers on the ability of existing island residents to access the island.

5. OTHER ISSUES

This Element served as a catch-all category for comments that do not relate to the other four key elements of the Concept Plan Alternatives. Most comments center on issues of community livability. A sampling of comments includes:

- Effects on property values and quality of life of island residents have not been considered. What is the mitigation for residents losing homes and quality of life?
- Marine development is not suitable for Hayden Island. The pollution, traffic, immense resources required will strain our already small community beyond limits and make it unlivable.
- If the 100-foot buffer required for trees by rivers was provided, the homesite on the north side would be saved.
- “Bang for Buck” versus effects on global warming.
- How are Native American sites being protected?
- I am in favor of no development on WHI, but if development is to take place honest communication to the island residents is a must. I am not opposed to revenue for the city but to do so in a wise, thoughtful and tasteful manner that will improve the livability and positive draw on the island. It would be nice if our future plans could help resurrect the island to a unique place in Portland, something like the city did in the Pearl District. We could be known as “The Island” where people come to recreate and shop.
- Please stop dumping toxic waste on West Hayden Island.
- Please address community health impacts on adjacent communities.
- Light pollution needs to be addressed and mitigated.

C. DRAFT CONCEPT PLAN ALTERNATIVE HYBRIDS

Specific suggestions on creating a hybrid alternative combining elements of the two alternatives are limited to:

- Add the footprints of Concepts A and B together to create a larger Concept C.
- Shift terminal location in Concept A to be closer to the railroad bridge and apply the recreation scenario in Concept B.

D. OTHER ALTERNATIVES TO BE CONSIDERED

Among the other alternatives that respondents suggest should be considered as the project moves forward are:

- A No Build option must be considered.
- The concept of only recreational development/habitat retention, with no industrial development, should be explored.
- Consider an eco-tourism or eco-industrial use instead of a terminal.
- The Willamette River is the perfect place for an additional terminal, as it is already developed.

Available upon request

- Comment Form Results
- On-Line Survey Results
- Office Hours Summary Notes and Questions
- Other Comments Received (Letters and emails)

Public Involvement Process Appendix C
WHI Open Houses for the Preliminary Draft Plan: June 20th and July 17th 2012
Community Comments/Questions and City Staff Responses

Overview

On June 20th and July 17th the Bureau of Planning and Sustainability held open houses to discuss the West Hayden Island Preliminary draft plan. On June 20th City staff provided an overview of the planning process, described background technical studies (Concept Plan, Cost/Benefit, Harbor Lands, ESEE, etc) and discussed key elements of draft zoning code language and an Intergovernmental Agreement between the City and the Port. On July 17th City staff provided a brief overview of the draft plan but also discussed potential changes to the plan based on community and Advisory Committee feedback. The Mayor presided over the Q & A portion of the July open house.

Below is a summary of all comments and questions received from both open houses. City staff has divided the comments up into major themes including livability, health issues and health impact assessment, transportation, terminal development, dredging issues, environment, and wildlife. City staff has written a response section for each major theme in an effort to respond to community questions and concerns.

Livability, Health issues and Health Impact Assessment

Comments:

Health Impact Assessment

- Community mitigation is impossible to determine without an HIA.
- Community needs to know next steps for HIA and when it will be completed related to the rest of this process.
- The color diagram indicates 25 factors (resident referencing a diagram in the City’s PowerPoint). Only a fraction of these can be measured at the stage 1 level, and will be at the “50,000-foot” level.
- It seems that any study needs to have a knowledge of the types of materials being transported to/from the Port. This would have a greater impact than light and noise issues.
- The HIA seems to be done at the last minute, and in different stages. If there is a possibility that this or future HIAs could result in a no-build recommendation, the longer we wait to do the detailed analysis, the larger the expenditures of public funds. We should get all information now. Do not move forward without a HIA.
- Efforts by project to improve health impacts have been ignored.

Baseline Data needed

- Need to get baseline information to know affect on community prior to going to Council.
- Need more than just baseline noise readings. What about air quality, existing hazardous particulates.
- Actual measurement of air quality on the island (dust, benzene, exhaust) need to be done before this goes to City Council. This will show a baseline of what current health impact is.
- It is difficult to establish a guideline for noise and air quality based on a one-shot assessment of the impacts. A staged approach would factor in changes in the seasons

that affect leaf cover, wind speed and direction, etc. This isn't possible by the PSC hearing.

Health Issues

- Diesel emissions are a major concern but there are a number of other toxins that need to be looked at on and around the island (see DEQ Air Toxin Study).
- The World Health Organization states that Diesel is the #1 pollution concerns, and Asthma is the #1 health issue in Portland.
- How can this be a positive contribution to the community if there is more noise and air quality problems.
- Health impacts around the Port of Oakland should be looked at more closely- recommendation there is to not build facilities (rail?) within 1 mile of residents- study indicates life span of those living within 1 mile of Oakland facility is shortened by 10 years.

Livability

- Community mitigation provided in the IGA is not enough. Doesn't benefit residents of Manufactured Home Park. More beneficial to the proposed traffic than to the residents.
- Success of terminal comes at expense of mfg home community. Residents will lose all value in homes.
- The Best Management Practices (BMPs) listed in the IGA document are vague and insufficient, and in many cases only state what is legally required, not anything additional to benefit the community.
- State of California would never allow this facility in close proximity to neighborhoods.
- A reference was made to the Basel Convention as an example of issues related to movement of hazardous wastes from more developed to lesser developed nations similar to what is happening on Hayden Island.
- Hayden Island is under siege. The CRC, Mall rebuilding, Salpare Bay apartment construction, lottery row and now the WHI project all are affecting the island. The island can't handle this density of development.
- There is no regard for community in this document, no equity, no bridge to marine drive
- Take livability more into consideration -don't turn west side of island into a terminal and rail yard.
- City should be considering maximum impacts and costs this development could have as opposed to minimums.
- Community and Environmental impacts have been studied as an after thought
- There is already a lack of affordable housing. This development would be the demise of the manufactured home community.
- Hayden Island development (east and west) is already full- sufficient business and residential---need green space.
- We don't want this facility here--another location that is already developed would be better.
- Area better served for nature based recreation.
- When coming down I-5 this should be a beautiful entry to Portland, not a marine terminal. Keep the island green - no development.
- Class Harbor (floating homes) is only .5 miles away from a potential development.

City Responses to Comments:

Several of the issues raised above may also be answered in other sections, but the items below provide an overview of the studies that were, or are currently being undertaken to address many of these issues.

- The Bureau of Planning and Sustainability completed a [Local Impacts](#) report in 2010, which explores issues such as noise, traffic, air quality, etc. It includes case studies of how other communities have addressed port-related impacts.
- The [Cost/Benefit study](#) outlines potential community impacts and the economic implications, and suggests that additional work may be appropriate via a Health Impact Assessment (HIA).
- The likely [impacts on the local transportation system](#) have been quantified in a report prepared by PBOT.
- The City and Port are collecting **additional baseline noise and air quality information** and expect to make that information available during the fall of 2012.
- **The City is conducting additional health research with Multnomah County Health Department and compiling a health impact report for Planning and Sustainability Commission review later this fall. A draft scope of this report has been circulated with the Advisory Committee.**

Community Questions and City Responses:

- **Why doesn't the city advocate on behalf of the community? Would the City be able to go to City Council and say "no development"?**
Answer: In July 2010 City Council passed a resolution (Resolution 36805) which directed the Bureau of Planning and Sustainability to continue planning efforts for West Hayden Island. BPS was given parameters for developing a concept plan with no more than a 300 acre footprint for industrial development and at least 500 acres for open space. Later this year we will bring back to City Council a legislative package which contains the concept plan, a number of additional studies, potential changes to the zoning code, and an ordinance for potential annexation. City Council will make the decision on if they want to annex and zone the property or not.
- **Jantzen beach investment is \$50M -what will the Port development investment be for the community?**
Answer: The [Cost/Benefit study](#) summarizes potential economic benefits. Experts estimate 2,300 to 3,600 jobs could result from development of a marine terminal on WHI. This includes direct jobs, induced jobs and indirect jobs. Together, these jobs could generate \$200 to \$300 million in personal annual income within the region, and \$18 to \$30 million in annual state/local tax revenue (in Oregon and Washington).
- **As a north Portland resident I am very concerned about air quality and this project and all the industrial development that already exists. The neighborhood literally stinks and how will another industrial facility just 0.4 miles from my home affect the air that I breathe?**
Answer: The City is conducting additional health research with Multnomah County Health Department and compiling a health impact report for Planning and Sustainability Commission review later this fall.
- **How do we make sure we get the jobs that are being promised?**
- **How can jobs and/or local hiring preferences get guaranteed if most jobs are through a union?**

Answer: The City is including a local hiring preference clause within the proposed intergovernmental agreement.

- **Why don't recent DEQ reports address the air quality impacts of ships on the river? Of if they do what are the impacts?**

Answer: DEQ's Portland Air Toxins (PATs) report does discuss air quality impacts from ships on the river. They have produced a series of white papers as Appendices to the main report. Page 39 of the PATS report appendix has links to all of the white papers: <http://www.deq.state.or.us/aq/planning/report/10Appendix.pdf>

- **Concern expressed of loss of value to homes - what programs are available to community members for this loss? Is relocation an option? Are there any programs planned to buy out citizens who cannot sell their residences?**
- **How will this study analyze the stress from access problems due to traffic, and effect of impacts on property values?**
- **Over the long-term, demographics for the area could change which change the affect on impacts. How will that be considered?**
- **The center of health impact chart includes factors about effects on individuals in the area. How is the city going to determine these factors without health history?**
- **How do you measure the anxiety/stress of people not able to get on and off the island?**

Answer: The five questions noted above will be addressed in part by additional research being conducted for the health impact report that will be available this fall 2012.

- **How do we get approval of a stage 2 HIA—how can Port be held accountable?**

Answer: A Health Impact Assessment is proposed prior to marine terminal development. The City has proposed that this study be completed before federal environmental impact assessments are underway, so that health information could be considered in the federal permit process. The City has proposed a clause describing this in the draft intergovernmental agreement between the Port and the City.

- **Demographics of island will change with new residential development—how will this be analyzed?**

Answer: BPS and the Multnomah County Health Department will be projecting and considering demographics at the time of a future Port development as part of the health impact report that will be ready later this fall 2012.

Terminal Development

Comments:

Types of Terminals/Design

- Automobile imports are best achieved at current sites on the Willamette River.
- *Build any new facility in Vancouver, Fort Vancouver or along the Willamette. Trade the facility (jobs) to Vancouver for approval of Max Light Rail.*
- Concern expressed that the island could end up with a coal banking yard.
- The usage of this piece of property has not been thought through: 1) does not seem to be enough room to store autos in transit, 2) train loop and rail yard will take up quite a bit of space, 3) trains entrance and egress hinders access to recreational areas including boat ramp.
- The port would require major dredging and navigational maintenance due to the presence of shallow water on north side.

- The suggestion of a bridge from WHI to Marine Drive is fraught with problems: 1) sail boats with 30' to 80' masts could not longer navigate slough, 2) businesses such as Diversified marine would have to close without access through the slough, 3) if a bridge is built it would bisect the proposed wildlife area.
- The Port working area would be built on dredging spoils- does not seem like a good idea for trucks/trains—look at North Hayden Island Drive and its waves.

Location

- There is adequate space in Vancouver, Kalama, etc.
- Columbia River shipping channel is not deep enough for deep water ships.
- There are many developable sites up/down the Columbia river -why WHI?

Need

- The market for a new terminal has not been identified—the projection of need is critical and this has not been shown.
- The established need for this development has not been shown. The attitude of “if we build it they will come” is stupid.
- City will be responsible for funding some infrastructure and this is the people’s \$.
- Build the terminal and use the proceeds to protect residents and improve habitat.
- A Port is a good idea- it brings jobs. A bridge on WHI is absolutely necessary, The I-5 interchange on Hayden Island with, or without a new bridge can’t handle WHI traffic. The Bridge must come first.

City Responses to Comments:

Types of Terminals

The city is proposing restrictions in the zoning code that prohibit coal or LNG terminals on WHI. Regulations are also being proposed to limit the disturbance of the shoreline, which would not allow the building of a seawall. See below for links to references documents that provide other relevant information.

Concept Plan

The city has worked with a consultant to determine a [base concept plan](#) for West Hayden Island which includes the potential for up to three terminals on the 300 acres. As part of this concept plan, the following features were considered:

- *A WHI marine terminal would serve as a place to load and unload freight on and off of ocean-going ships, taking advantage of the deeper Columbia River channel.*
- *A major element of the development would be new rail facilities designed to handle modern trains, which are often up to two miles in length. Most of the cargo would be arriving or departing on ships, barges or via the railroad.*
- *Consultant research suggests a demand for terminals that handle autos; agricultural bulk products and break bulk (for example, steel beams or other large structural objects).*
- *A manufacturing business that depends on water and rail for their operation may also be located within the terminal.*

Demand Forecasts

The types of terminals were based on forecasts that are part of the [harbor lands analysis](#) done by ECONW. This analysis also considered the potential for other sites on the Willamette to accommodate new marine terminals and reviewed the capacity of the Port of Vancouver to accommodate regional port growth.

The report also concluded the following, regarding the role of the Port of Vancouver:

- The Port of Vancouver has about 350 acres of vacant land in reserve for future growth.
- The regional need for new marine terminals (in both Portland and Vancouver) could be 570 acres through 2040 (assuming mid-range in the cargo growth forecasts).
- Unless cargo volume growth is on the low end of the expected range, there is not enough land in Vancouver to meet the regional need by itself.

Development on Fill

Much of the North Portland industrial area, including Rivergate has been built on fill. Engineering and building standards exist to limit the potential for shifting soils. Worley Parsons prepared a [memo on potential fill requirements](#), (Appendix 10, Project Memorandums, Cut/Fill Calculations, dated November 16, 2011) during the concept planning process.

Shipping Channel Depth

The Columbia has recently been dredged to a depth of 43-feet and will be maintained at this depth. Ocean-going ships have a range of depths, but the 43-feet would meet the needs of all but the largest of the post-Panamax container ships. Much of the recent development and interest in new grain and dry bulk terminals is due to the deepening of the Columbia.

Community Questions and City Responses:

- **Need a more extensive alternatives analysis- why can't this go in Vancouver?**
Answer: These types of terminals can also go in Vancouver. However, forecasts indicate a long-term regional demand for additional marine terminals that exceeds the supply of land available in Vancouver.
- **Where will the bridge be located?**
Answer: If a bridge were to be built, its expected location off Marine Drive would be just east of the crossing over the railroad tracks. This is an area where the roadway is already above grade and would aid in bridge clearance. The bridge would touch down across the slough on to West Hayden Island. .
- **Why not explore other options for a mix of uses on Hayden Island? Why not look at better coordination between Ports in the area- consider a joint Port authority?**
Answer: The mix of uses currently being considered is based on Metro's designation of the land as regionally significant industrial land and an environmental habitat of concern. Staff completed a [white paper](#) describing the different ways the two ports could coordinate their work and exploring a range of options for greater coordination in the future. A merger of the ports would require an act of Congress, and approval from both states. Although the bureau has explored this issue in response to public questions, there are no current plans for a merger.
- **Would like to see some input from the railroads could a facility work at this location?**
Answer: There have been several studies done on [rail congestion](#) in the area. BNSF has stated that they feel the area has the ability to handle increased freight trains.

The studies have also suggested rail improvements in Vancouver and Portland, many of which are currently under construction.

- **How will a new facility be financed? What if there is a bond measure and it fails?**
Answer: The majority of the facility would be financed by the Port and privately by the developer/operator of the terminal(s). Of the \$300+ million estimated development cost, more than \$150 million would be private investment. The draft Intergovernmental Agreement includes some public cost sharing on infrastructure extensions into the site. Specifically, staff is proposing that the City help fund road improvements to North Hayden Island Drive (\$5.25 million of the \$21.5 million estimated cost) and some of the recreational improvements (\$.75 million of the \$1.75 million estimated cost).
- **15-30 feet of fill to build the rail loop—how is this possible?**
Answer: It is expected that some of the developed areas of the island may need up to 10 to 15 feet of fill to bring the area above the flood elevation. As part of the [concept plan](#) the consultant analyzed the amount of fill and the potential cost needed. This is located in [Appendix 10 of the Concept Plan](#). Essentially the fill would bring the developed part of the island up to a similar elevation as East Hayden Island. Dredge materials would be one source of fill.
- **Why is WHI such a priority for industrial development? Who is pushing it? What are the other options than what is being presented?**
Answer: WHI was brought into the Metro Urban Growth Boundary in 1983 to "satisfy a long term regional need for water-dependent, deep water marine terminal and industrial facilities." In 2004, WHI was designated by Metro as a Regionally Significant Industrial Area. It is the largest piece of property in the UGB that has both deep-water and rail access making it suitable for a marine terminal. Forecasts within the [Harbor Lands Study](#) indicate the potential need for lands both in Portland and Vancouver. State law requires the City and Metro to periodically study the expected land need for a variety of industries, and make changes to the UGB and/or adjust zoning or make investments within the UGB to ensure enough employment land is available to meet the region's projected 20-year need. Other options include choosing lower job growth targets, or expanding the UGB elsewhere - in other words, meeting the region's employment land need in other ways.
- **Has Council taken a look at potential profit and loss of this endeavor and the high potential cost to the citizens of Portland?**
Answer: The City Council will have access to all the produced technical documents including the [Concept Plan, Cost-Benefit Analysis, Harbor Lands Study](#), and the completed health information.

Transportation: Traffic & Bridge

Comments:

- The WHI bridge would help resolve many of the community issues related to traffic.
- The CRC's current phasing is incompatible with WHI increased traffic. Truck traffic will go right through the transit center.
- Resident states that Mall has indicated that CRC has not provided them with enough access.
- Bridge should not be removed from city or regional project list even if existing proposal doesn't include it.

- The bridge was planned 10 years ago, and dirt for a ramp is already placed on Marine Drive. The project should be finished.
- “No bridge, no proposal” was the opinion of past studies. This shouldn’t change with the proposal.
- The “optional” bridge from Marine Drive is not optional, as traffic through Hayden Island impact is too high.
- AORTA’s comments and concerns related to bridge alternatives have been ignored during the process.
- Without a bridge this will ruin this island. The Hayden Island plan increases living density and cuts down on big box stores. This slows the island down and a port on WHI will turn it into a manufacturing area.
- Concerns raised about ability of emergency vehicles to get on and off the island with an increase in traffic.
- Commitment for a truck bridge on WHI is necessary.
- Need to properly analyze future traffic—need to wait until CRC is built, mall completed and further ingress/egress analysis done.
- We should also consider a separate bridge to Vancouver.
- Traffic west of the mall is already bad especially around the holidays and Tuesdays when Manheim is delivering. The back up is at the light because there is just a single lane. This will get grossly worse if there is traffic from a Port project. Short term solution- make 2 lanes - one to go to N I-5 and one to turn right for S I-5. Long term solution- do not annex the property.
- Hayden Island is unsuitable from mid November thru mid January due to seasonal shopping. (thanks to no sales tax in Oregon).
- Parked trains will back up trucks a very long way and be unproductive. Trains would also back up due to off loading of materials.
- Consider designing the rail bridge to accommodate trucks.

City Responses to Comments:

The city staff is basing their direction on several studies and white papers. In addition, studies for the Columbia River Crossing project considered future development on WHI as part of their analysis. Staff studies on WHI include the city’s [North Portland Rail Study](#) and PBOT’s [Traffic Analysis](#) to provide information on rail and traffic impacts. The following are some of the assumptions used for the traffic analysis:

- *WHI would be developed as a rail-oriented port. Cargo would be loaded on and off ships, onto river barges or trains. Very little cargo would leave the site on trucks.*
- *The “worst case” scenario assumes two auto terminals and a bulk terminal, and projects up to 2,050 daily vehicle trips, including 516 medium and heavy trucks. Further limits are being considered for development.*
- *For comparison, Terminal Five, which includes a bulk and grain terminal, generates 626 daily trips (125 of which are trucks). This is a more likely scenario for the first stage of development.*

Based on these assumptions, the [Traffic Analysis](#) finds that the Hayden Island Street network can accommodate the trips generated by the Port as well as the additional trips anticipated over the next 20 years by other development on the island.

Community Questions and City Responses:

- There are already traffic issues with the mall rebuilding and the new Target Store. How can the street absorb additional traffic?
Answer: The [PBOT Traffic Analysis](#) included evaluation of the cumulative impacts of development on WHI and additional commercial and residential development on East Hayden Island.
- Concern that WHI bridge is not part of staff proposal. Why can't staff advocate for the bridge?
Answer: The [Traffic Analysis](#) for the development indicates that with the CRC development and improvements, traffic can be absorbed by the street network on the island.
- Would a smaller bridge that only served the terminal be cheaper?—request for City to look into a smaller design.
*Answer: The city contracted out with David Evans and Associates (DEA) to complete an **Alternative Bridge White Paper** that considered potential cost savings for a smaller bridge. The paper indicated a potential savings of approximately 25% (\$66M to \$50M) for a smaller bridge.*
- What has the city done for mitigation in other neighborhoods surrounded by industry, including rail and road congestion?
Answer: The city has existing regulations that consider certain noise, vibration, odor, and light impacts when industrial land is immediately adjacent to residential areas. Other agencies also regulate air quality and other impacts. As part of this process, an Advisory Committee will be set up to review issues related to community impacts. The intergovernmental agreement with the Port will also detail mitigation measures. Some of these may include: A community enhancement grant program, increased island security, recreational trail development, stringent best management practices for a new development and the reconstruction of Hayden Island Drive with sidewalks, bike lanes and additional pedestrian crossings.
- How will increased trains be handled? How will trucks make it through Hayden Island?
Answer: BNSF owns the rail line through WHI and has stated in previous [rail analysis](#) that its facilities can handle greater freight rail. [PBOT's traffic analysis](#) has indicated that auto and truck traffic can be absorbed by the planned street network on the island.
- If the CRC project does not get built is it a deal breaker for WHI development?
Answer: If CRC is not built, it will have a significant impact for all development in the Portland region. Additional transportation analysis would be needed to look at development without a CRC bridge. Language will be placed in the intergovernmental agreement between the City and the Port to address WHI development if a CRC bridge is not built.
- This is the high speed rail corridor - how will this project affect the rail capacity?
Answer: The city completed a [rail white paper](#) that reviewed past studies related to rail capacity in North Portland. True high speed rail would likely need a separately dedicated passenger rail track.

Environment

Comments:

- WHI should remain a critical environmental area. We are developing too many natural areas.
- We are being sold a bill of goods - keep the island as habitat and improve it.
- Need to have net environmental improvement mitigation above the norm and has to be in an accountable way.
- Port needs to be accountable to all habitats—forest, meadow, rare/regional habitat.
- Yakama Nation has treaty rights and takes actions when necessary related to natural resources. Currently we are not seeing benefits of this project, only impacts.
- Look at some of the mistakes we’ve made on the Willamette—WHI should be left undeveloped.
- 500 acres of green is great. Where is the public access, bike paths and beach access? Make use of what we have.
- Net environmental improvement standard is a critical quid pro quo for any development on WHI. Mitigation for all habitat types is necessary and additional measures to ensure a net improvement of ecological functions.
- Mitigation must compensate for ecological functions at multiple scales not just square foot by square foot—this is insufficient.
- WHI is a large connected habitat patch, unparalleled in the City and Metro region.

City Responses to Comments:

*The city completed the **Hayden Island Natural Resource Inventory** to document existing natural resource features, functions and wildlife use, and an **Economic, Social, Environment and Energy (ESEE)** analysis to evaluate the pros and cons of different levels of environmental protection. The city also developed a forest mitigation framework to evaluate development impacts and actions to mitigate for those impacts. Staff is proposing regulatory limitations on development through the zoning code and environmental elements of the IGA.*

In response to community and Advisory Committee feedback, staff have included in the IGA additional mitigation for impacts to forests and habitat that supports grassland-associated species. Staff have also strengthened the city’s role in future permitting of impacts to wetlands and shallow water habitat.

Community Questions and City Responses:

- **The WHI project has a guiding principle of net increase in ecosystem function - does the Port or the City’s proposal meet this standard?**
Answer: Mitigation actions are still being negotiated. The staff proposal is intended to replace impacts and get back to baseline ecosystem functions (no-net-loss). However, because it is difficult to find large mitigation receiving sites in the metro area the staff current staff proposal would only achieve full replacement of wetland, shallow water and grassland habitat while only 88% of forest habitat would be replaced. Additional actions can be added to the IGA to get back to baseline and reach a net increase in ecosystem functions. This is one of a number of guiding principles, all of which will be considered.
- **An alternative to development needs to be considered: why not a wetlands mitigation site (selling credits)—Has the City looked at the island for environmental mitigation?**
Answer: The staff proposal is intended to provide City Council with a mix of uses as per the [Council Resolution](#). The proposed mix of uses could still allow for potential

mitigation banking in a portion of the 500 acres, particularly within wetlands and shallow water habitat.

Wildlife

Comments:

- Should still be very concerned about the eagles even though they are not listed.
- WHI is a transportation corridor for fish and wildlife species (13 listed species)—consider the impacts to these species.
- Critical habitat has already been halved once—don't do it again.

City Response to Comments:

In response to community and Advisory Committee feedback, staff have included in the IGA additional mitigation for impacts to forests and habitat that supports grassland-associated species. Staff have also strengthened the city's role in future permitting of impacts to wetlands and shallow water habitat.

Community Questions and City Responses:

- **Why is the City moving ahead without considering the endangered species on the island?**
Answer: The City has documented and considered endangered species use and use by other wildlife species as part of the [Hayden Island Natural Resources Inventory](#). The [Economic, Social and Environmental and Energy \(ESEE\)](#) analysis considers the pros and cons of different levels of natural resource protection, including the impacts to federally-listed ESA species and other wildlife species. The IGA also addresses habitat that supports ESA species including wetlands and shallow water habitat.

Dredge Material Placement on WHI

Community Questions and City Responses:

- **What chemicals are in the dredge spoils?**
Answer: This can depend on the source of the materials. DEQ issues permits for dredge material placement and evaluates the chemical analysis of the materials placed on the island. The City does not have oversight of this.
- **How will dredging be incorporated into the future project? Will it remain as part of a future project?**
Answer: Until development occurs, the federally-designated Dredge Deposit Management Area can continue to receive dredged materials. Dredge materials would likely be used as fill to establish the elevation of the development site. Depending on the future layout of the development, part of the 300 acres may continue to receive dredged materials.
- **Where are dredging materials going to go from this project (if dredging is needed in Columbia channel)?**
Answer: There are several areas along the Columbia that are authorized to receive dredge materials, if WHI does not have room to place materials during or after development. These details would be negotiated between the Port of Portland and other interests along the river.

Project Process

Comments:

- Document reads as if written by attorneys - seems to advantage the Port.
- The consultant’s recommendations are not followed as the draft reports indicated that port benefits are not accrued locally and there may be enough capacity in Vancouver.
- There isn’t a need for this to be resolved with the current council. The project should be rushed through on their behalf.
- Need more clarity on the steps toward recommendation and approval as it moves from staff to advisory committee to PSC and to Council.
- More baseline data needs to be collected before taking the project to City Council.
- Slow down and analyze this more.
- Seems as if Port and the City are “in bed together”—working behind closed doors. This project needs to be further analyzed—it is a bad idea.
- Technical reports have had many loopholes- ways out for the Port.

City Response to Comments:

The City’s current recommendations are based on many of the recommendations found within our consultant reports. The draft intergovernmental agreement, which is part of the draft plan, is an agreement that will be signed by both the City and Port of Portland, so it will need to be acceptable to both parties for the proposal to move forward.

City staff will provide greater clarity when releasing documents to indicate what the next process steps will be. In August, the city will release a “Proposed Draft” which will be the staff proposal for the Planning and Sustainability Commission (PSC). Based upon the discussion and feedback heard during the PSC hearings in October, a “Recommended Draft” will be prepared for City Council consideration. Once the Council decision is reached, an “Adopted Report” will be produced.

Community Questions and City Responses:

- **How many draft plans will there be before the project goes before City Council?**
Answer: See response above.
- **Port’s proposal seems to be the main proposal put forth throughout the agreement, especially in natural resources mitigation section—why is this? Why isn’t the City proposal noted?**
Answer: Both city and port proposals are being considered as part of the IGA and this will be more clearly indicated where applicable on future drafts.
- **What is the timing of the project as it relates to the Columbia River Crossing? How is this potential project being advertised to the rest of the City?**
Answer: If funding is approved by the Oregon State Legislature in 2013, the City anticipates CRC construction from 2014 through 2020. If WHI is annexed, the planning and permitting of a marine terminal would likely take at least 10 years. Construction would not occur before 2022. The WHI legislative project is not tied to the CRC timeline, but conditions are being placed in the IGA to ensure that development on WHI consider the final CRC construction. The project is advertised to the city through ongoing email and web updates that include interested parties citywide.
- **The Oregonian mentioned need for transparency and time for decision makers. Is the project still expected to go in front of current council?**

Answer: The current timeline anticipates a hearing before the Planning and Sustainability Commission in October. The PSC will need to make a recommendation before this goes to the City Council.

- **How is the information that the Port provides being verified, both for HIA and for all other information?**

Answer: The information supplied by the Port has been verified by other consultants who may use the information in their reports. The information has also been discussed during technical work sessions on the subjects, which were attended by a variety of subject experts.

- **Does the PSC or the Council have the ability to require changes in the proposal prior to their approval?**

Answer: Yes, both the PSC and Council will have the opportunity to require changes or conditions of approval as part of the hearing and work session.

- **How about having the City Council hearing on the island?**

Answer: This request has been forwarded to City Council offices for their consideration.

- **What is the rush on this project if the development is not seen for another 10-15 years? Is this a credible process?**

Answer: If annexation is approved, marine terminal design and permitting could take up to ten years. It may take a decade or more to secure the needed private investment. Private investment is unlikely without city services and compatible zoning. The City is considering annexation now because there is a foreseeable need for additional marine terminal expansion within the next 25 years. The Harbor Lands Analysis describes this potential needs, and the supporting analysis.

- **The City adopted Hayden Island plan which conflicts with this proposed development—how will the City deal with impacts of increased traffic/traffic patterns and impact on community plan?**

Answer: Possible development of WHI was understood when the Hayden Island Neighborhood Plan was adopted. The Hayden Island Plan included planning for the future of WHI as a goal, but made no judgment on the outcome. That said, two things have changed since that time: First, the marine terminal proposal has shifted from a 400+ acre footprint, to a footprint less than 300 acres. This has changed the potential traffic impacts, and made it more difficult to justify a separate bridge dedicated to WHI (from a traffic perspective). Second, there has been a proposal to modify the design of the CRC bridge interchange, which changes how traffic may impact the intended light rail station area. Both of these issues are being actively examined and discussed by City staff and the project Advisory Committee. BPS anticipates that there will be changes to the Hayden Island Neighborhood Plan once the final design and timeline for the CRC becomes clear.

- **Has this process already been decided?**

Answer: No. The Planning and Sustainability Commission (PSC) will hold hearings and make a recommendation later this year. The City Council will hold hearings and vote after they receive a PSC recommendation.

- **Why have the EcoNorthwest reports been ignored especially in the ESEE analysis? Reports state benefits accrue elsewhere and impacts happen here.**

Answer: EcoNorthwest took a fairly skeptical view of Port benefits, pointing out that many port benefits flow to the larger region, and many impacts are local. Despite that general statement, they did conclude that the local benefits would still exceed the costs. Depending on your view of Port benefits, the project could be expected to generate between \$3.75 and \$90 million annually, in local benefits. As noted in their

conclusion, the break even point is about \$5.5 million annually. The findings of this report were included in the ESEE and subsequent analyses.

- **How many people need to oppose the project before it is considered a bad idea?**
Answer: The Bureau of Planning and Sustainability will make its recommendations based on consideration of technical analysis and public feedback. There are a variety of stakeholders involved in this project, with different perspectives. The decision to annex WHI (or not) will be made by City Council.
- **Why isn't the timeline done in a more linear process? The ESEE and legislative package are already out even though the HIA hasn't been completed yet. Why are the research and the release of a proposal out of sequence?**
Answer: A health analysis was not part of the City's initial scope of work for this project. We are taking on that additional research based on public comments, and based on the Cost/Benefit report recommendations we received from EcoNorthwest earlier this year. The ESEE, IGA, and zoning proposals are drafts, and they will change as we continue to evaluate public comments and consider additional technical information.

Appendix D: Public Involvement Log

This begins on next page.

West Hayden Island Phase II Public Outreach Event Log

Number of Events: 98 Total People Reached: 2111

<i>Date</i>	<i>Event Name</i>	<i>Hosting Organization</i>	<i>Location</i>	<i>Presentation Topic</i>	<i>Attendance</i>
9/9/2010	HiNoon Regular Meeting	HiNoon	Portland Yacht Club	Project Update	20
9/16/2010	HILP Regular Meeting	Hayden Island Livability Project (HILP) Committee	South Shore Club House	Project Update	50
10/14/2010	HiNoon Regular Meeting	HiNoon	Island Former Yacht Club	No presentation	15
10/17/2010	Class Harbor Home Owners Association	Class Harbor Moorage	Class Harbor	Project Update	17
10/21/2010	HILP Regular Meeting	Hayden Island Livability Project (HILP) Committee	South Shore Club House	Project Update	25
11/18/2010	HILP Regular Meeting	Hayden Island Livability Project (HILP) Committee	South Shore Club House	Project Update	10
11/22/2010	Meeting with Industrial Property Owner	Melvin Mark Companies	Business Office	Discussion of WHI planning and effect on adjacent WHI industries	2
12/1/2010	Meeting with Industrial Property Owner	Inland Sea Maritime Group and Schooner Boat Works	City Office	Discussion of WHI planning and effect on adjacent WHI industries	3
12/3/2010	WHI Advisory Committee Meeting	Project Advisory Committee	BPS	Introduction to Project , Discussion of consultant hiring	25
12/10/2010	WHI Advisory Committee Meeting	Project Advisory Committee	BPS	AC Charter discussion and consultant hiring process	20
12/16/2010	HILP Regular Meeting	Hayden Island Livability Project (HILP) Committee	South Shore Club House	Project Update	16
12/16/2010	Meeting with Industrial Property Owner	Hayden Island Business Park	On-Site Business Office	Discussed West Hayden Island project and Columbia River Crossing	2
1/14/2011	WHI Advisory Committee Meeting	Project Advisory Committee	BPS	Discussion of concept plan RFP process	23

<i>Date</i>	<i>Event Name</i>	<i>Hosting Organization</i>	<i>Location</i>	<i>Presentation Topic</i>	<i>Attendance</i>
1/21/2011	HILP Regular Meeting	Hayden Island Livability Project (HILP) Committee	South Shore Club House	Project Update	25
2/14/2011	Bridgeton Regular Meeting	Bridgeton Neighborhood Association	Columbia River High School	Project Update	40
2/17/2011	HILP Regular Meeting	Hayden Island Livability Project (HILP) Committee	South Shore Club House	Project Update	20
2/18/2011	WHI Advisory Committee Meeting	Project Advisory Committee	BPS	Consultant scope of work review and discussion	21
3/3/2011	HILP Special Meeting	Hayden Island Livability Project (HILP) Committee	South Shore Club House	DEQ Presentation on Dredge Material Placement on WHI	50
3/4/2011	Bridgeton Regular Meeting	Bridgeton Neighborhood Association	716 N Marine Dr	WHI Planning Overview and Environmental Update for Columbia Slough	15
3/8/2011	ECNA Regular Meeting	East Columbia Neighborhood Association	420 NE Marine Dr	Project Update	12
3/10/2011	HiNoon Regular Meeting	HiNoon	Island Former Yacht Club	Provided brief update on Advisory Committee and RFPs	12
3/29/2011	Post Office Bar Dredging BUD Panel Discussion	Department of Environmental Quality	Jantzen Beach Mall, Park Room	Beneficial Use Determination for placement of dredge material on WHI	35
4/5/2011	Portland Business Alliance Land Use Committee	Portland Business Alliance	PBA Office	West Hayden Island Project Update	12
4/7/2011	Working Waterfront Coalition Meeting	Working Waterfront Coalition	Portland Business Alliance Conference Room	West Hayden Island Update / EOA discussion	20
4/12/2011	NAMCO monthly meeting	National Association of Minority Contractors of Oregon	Legacy Emmanuel Hospital	WHI project overview and update	65
4/14/2011	HiNoon Regular Meeting	HiNoon	Island Former Yacht Club	brief update on status of technical studies	15
4/15/2011	WHI Advisory Committee Meeting	Project Advisory Committee	Hayden Island	Cost/Benefit, Harbors lands scope of work review and discussion, island tour	34

<i>Date</i>	<i>Event Name</i>	<i>Hosting Organization</i>	<i>Location</i>	<i>Presentation Topic</i>	<i>Attendance</i>
4/21/2011	HILP Regular Meeting	Hayden Island Livability Project (HILP) Committee	South Shore Club House	WHI Status and upcoming events	8
4/28/2011	North Portland Land Use Group	NPLUG	Kenton Fire House	WHI Project Update	10
5/7/2011	Public Tour - Van Tour	City of Portland Bureau of Planning and Sustainability	West Hayden Island	Talking points regarding economic, environmental and social issues related to the WHI Phase II Project	18
5/20/2011	WHI Advisory Committee Meeting	Project Advisory Committee	BPS	Introduction to project consultants and public island tours	25
6/4/2011	WHI Walking Tour		WHI	Walking tour of WHI	0
6/9/2011	WHI Advisory Committee Meeting	Project Advisory Committee	BPS	Consultant hiring process and cost benefit discussion	22
6/9/2011	HiNoon Regular Meeting	HiNoon	Island Former Yacht Club	Attended HiNoon Meeting - CRC presentation	10
6/13/2011	Bridgeton Regular Meeting	Bridgeton Neighborhood Association	716 N Marine Dr	Update regarding WHI and explanation of the Environmental Program Update	25
6/16/2011	HILP Regular Meeting	Hayden Island Manufactured Home Community	South Shore Club House	Preparation for island tours, discussion of Natural Resources Inventory and upcoming studies	12
7/8/2011	WHI Advisory Committee	Project Advisory Committee	BPS	Concept plan presentation , discussion of timeline	24
7/14/2011	HiNoon Regular Meeting	HiNoon	Yacht Club	Discussion of properties east of railroad and connection to WHI, consultant hiring, technical worksessions and tours	15
7/25/2011	City Wide Land Use Group	City Wide Land Use	BPS	Overview of the WHI Project and timeline, Draft completion of the NRI	0
8/5/2011	Technical Worksession	BPS	BPS	Technical review & discussion: BPS Staff work: Recreational Analysis, Natural Resources Inventory and Regulatory Requirements	26
8/19/2011	WHI Advisory Committee Meeting	Project Advisory Committee	BPS	Review of technical reports and discussion of additional scopes	24

<i>Date</i>	<i>Event Name</i>	<i>Hosting Organization</i>	<i>Location</i>	<i>Presentation Topic</i>	<i>Attendance</i>
9/8/2011	HiNoon Regular Meeting	HiNoon	Island Former Yacht Club	WHI Update and HINRI Summary	25
9/8/2011	HiNoon Regular Meeting	HiNoon	Yacht Club	updates on the concept planning process and release of the draft natural resources inventory	25
9/12/2011	Bridgeton Regular Meeting	Bridgeton Neighborhood Association	716 N Marine Dr	WHI Update and HINRI Summary	20
9/13/2011	ECNA Regular Meeting	East Columbia Neighborhood Association	420 NE Marine Dr	WHI Update and HINRI Summary	10
9/16/2011	Technical Work Session	BPS	BPS	Technical review & discussion: Worley Parsons, Operational Efficiencies and Rail Analysis	22
9/23/2011	WHI Advisory Committee	Project Advisory Committee	BPS	Concept Plan Layouts	0
10/12/2011	Port Commission/City Council Joint Session	Port of Portland and City Council Members	Port of Portland	Review of concept plans and discussion of project studies and next steps	0
10/12/2011	WHI Open House	BPS	Expo Center	Open House to review and comment on Concept Plan	35
10/13/2011	HiNoon Regular Meeting	HiNoon	Island Former Yacht Club	WHI Concept Plan Progress	25
10/13/2011	HiNoon Regular Meeting	HiNoon	Yacht Club	Update on concept planning process and upcoming open house opportunities	18
10/15/2011	WHI Open House	BPS	Hayden Island	Open House to review and comment on Concept Plan	55
10/17/2011	Quarterly Meeting	Oregon Rail Users League	Port of Portland	Overview of West Hayden Island Concept Planning	22
10/18/2011	Concept Plan Office Hours	City of Portland	Oxford Suites	Staff was present for two hours in the AM and two hours in the PM to allow drop-in visits to review the Concept Plan	6
10/20/2011	Concept Plan Office Hours	City of Portland	Oxford Suites	Staff was present for two hours in the AM and two hours in the PM to allow drop-in visits to review the Concept Plan	6

<i>Date</i>	<i>Event Name</i>	<i>Hosting Organization</i>	<i>Location</i>	<i>Presentation Topic</i>	<i>Attendance</i>
10/21/2011	WHI Advisory Committee Meeting	Project Advisory Committee	Hayden Island	Refinement of Concept plan layouts	35
10/24/2011	DEQ Terminal 6 BUD Presentation	Department of Environmental Quality	Jantzen Beach Mall, Park Room	Terminal 6 Beneficial Use Determination	0
10/24/2011	Columbia Slough Watershed Council Board Meeting	Columbia Slough Watershed Council	Nabisco, Columbia Blvd	WHI Project Update and Draft Concept Plans	0
10/25/2011	Concept Plan Office Hours	City of Portland	Oxford Suites	Staff was present for two hours in the AM and two hours in the PM to allow drop-in visits to review the Concept Plan	6
10/27/2011	Concept Plan Office Hours	City of Portland	Oxford Suites	Staff was present for two hours in the AM and two hours in the PM to allow drop-in visits to review the Concept Plan	6
11/3/2011	Working Waterfront Coalition Meeting	Working Waterfront Coalition	Portland Business Alliance Conference Room	Discussion of concept plan alternatives, EcoNorthwest discussion of Harbor Lands and project update	18
11/17/2011	HILP Regular Meeting	Hayden Island Livability Project (HILP) Committee	South Shore Club House	Update on WHI Concept Plan	10
11/18/2011	WHI Advisory Committee	Project Advisory Committee	BPS	Concept plan research questions and mitigation approaches	33
12/8/2011	HiNoon Regular Meeting	HiNoon	Oxford Suites	Update on the creation of the final base concept plan and technical studies	25
12/9/2011	WHI Advisory Committee	Project Advisory Committee	BPS	Concept plan review and next steps, mitigation approach	33
12/16/2011	Technical Work Session	BPS	BPS	Technical review and discussion: Port Coordination and Transportation Modeling Analysis	23
12/21/2011	Recreational Boating discussion	Community at large, Schooner Creek	Schooner Creek	Discussion of recreational boating on Hayden Island	10
1/19/2012	HILP Regular Meeting	Hayden Island Manufactured Home Community	South Shore Club House	Presentation and Q&A with EcoNorthwest on community impacts and request from HILP for HIA	21

<i>Date</i>	<i>Event Name</i>	<i>Hosting Organization</i>	<i>Location</i>	<i>Presentation Topic</i>	<i>Attendance</i>
1/19/2012	HILP Regular Meeting	Hayden Island Livability Project (HILP) Committee	South Shore Club House	WHI Benefit-Cost Analysis overview	21
1/20/2012	WHI Advisory Committee	Project Advisory Committee	BPS	Technical studies update, zoning/plan district approaches	32
1/26/2012	Albina Rotary Meeting	Albina Rotary	Lloyd District	WHI Project Update, next steps, project timeline	15
1/26/2012	North Albina Rotary Meeting	North Albina Rotary	Armbridge Conference Center MLK Blvd	Overview of West Hayden Island Planning Project	14
2/9/2012	HiNoon Regular Meeting	HiNoon	Island Former Yacht Club	West Hayden Island project and Alternate Bridge Access	20
2/9/2012	HiNoon Regular Meeting	HiNoon	Yacht Club	Updates on WHI project, Q&A on natural resource mitigation measures, Port Coordination study, WHI bridge discussion	30
2/17/2012	WHI Advisory Committee	Project Advisory Committee	Hayden Island	Final base concept plan discussion, updates on Cost/Benefit analysis	0
2/23/2012	Recreational Boating discussion	Community at Large, Schooner Creek	Schooner Creek	Community/Schooner Creek presentation of draft ideas for motorized boat launch	12
3/1/2012	Planning and Sustainability Officers briefing		BPS	Discussion of findings from the Cost Benefit report and Harbor Lands Inventory	0
3/15/2012	HILP Regular Meeting	Hayden Island Manufactured Home Community	South Shore Club House	Project Update, discussion of draft Cost/Benefit and Harbor lands reports	15
3/16/2012	WHI Advisory Committee	Project Advisory Committee	BPS	mitigation discussion, update on Cost Benefit and Harbor lands studies	35
3/23/2012	Technical Work Session	BPS	BPS	Technical review & discussion: EcoNorthwest: Cost/Benefit Analysis, Harbor Lands Inventory. City: Land Mgmt Options memo	39
4/5/2012	WHI Community Meeting (Livability discussion)	HiNoon and HILP	Manufactured Home Community Club House	Brainstorming on community impacts from industrial development and potential solutions	29

<i>Date</i>	<i>Event Name</i>	<i>Hosting Organization</i>	<i>Location</i>	<i>Presentation Topic</i>	<i>Attendance</i>
4/12/2012	Yakama Nation staff briefing	Yakama Nation	BPS	Update for Rose Longoria, Yakama Nation on WHI project timeline and project studies	3
4/12/2012	Planning and Development Directors meeting		Water Bureau	WHI Update on the final base concept plan and key findings from Cost Benefit and Harbor Lands Studies	20
4/12/2012	HiNoon Regular Meeting	HiNoon	Island Former Yacht Club	West Hayden Island Security	21
4/13/2012	WHI infrastructure funding strategies	Governor's Regional Solutions Team	Regional Solutions Team Offices	Briefing on WHI and completion of the concept plan and review of infrastructure cost estimates	10
4/20/2012	WHI Advisory Committee	Project Advisory Committee	Hayden Island	Planning District / zoning/agreements discussion	43
4/24/2012	Technical Work Session	BPS	BPS	Technical Review and discussion: BPS Economic, Social, Environment, and Energy document	22
5/8/2012	Planning and Sustainability Commission Briefing	BPS	BPS	Update on concept planning process, technical studies and key project issues	60
5/10/2012	HiNoon Regular Meeting	HiNoon	Yacht Club	WHI : respond to questions	25
5/17/2012	HILP Regular Meeting	Hayden Island Livability Project (HILP) Committee	Hayden Island	WHI And CRC	18
5/18/2012	WHI Advisory Committee	Project Advisory Committee	BPS	Plan District/ Zoning/Agreements discussion	25
6/11/2012	Bridgeton Regular Meeting	Bridgeton Neighborhood Association	716 NE Marine Dr	WHI Open House Announcement	40
6/14/2012	Yakima Nation Meeting	Yakima Nation	EPA Portland Office	Overview of project and environmental aspect - Also present : Audubon, Willmette Riverkeepers, Columbia Riverkeepers	8
6/15/2012	WHI Advisory Committee Meeting	Project Advisory Committee	BPS	Preliminary Draft Plan was released and main elements were discussed	24
6/20/2012	WHI Open House	BPS	Hayden Island	Public release of the preliminary draft plan	72

<i>Date</i>	<i>Event Name</i>	<i>Hosting Organization</i>	<i>Location</i>	<i>Presentation Topic</i>	<i>Attendance</i>
6/27/2012	WHI Advisory Committee	Project Advisory Committee	City Hall	Discussion of the Preliminary draft plan and key elements	26
7/17/2012	WHI Open House	BPS	Oxford Suites	Discussion on Preliminary Draft, Q & A, and updated from June Open House	90
7/20/2012	WHI Advisory Committee Meeting	Project Advisory Committee	BPS	Review of Outstanding Issues related to WHI Preliminary Plan	30

Attachment C

Summary of Technical Studies

Produced in accordance with City Council Resolution 36805

As mentioned above, this project has included a considerable amount of background research and the production of several studies. In addition to the foundation studies for Phase I, below is a summary of staff and consultant work that is being used to help inform this proposal, along with some key ‘takeaways’ from each study.

Consultant Studies:

Concept Planning: Worley Parsons developed a concept plan for West Hayden Island based upon the City Council resolution to protect at least 500 acres as open space and allow marine terminal development on up to 300 acres. This concept serves as a planning basis to draft zoning recommendations and an annexation agreement for Planning & Sustainability Commission and council consideration.

Key takeaways from the Base Concept Plan include:

- It is possible to fit a rail loop for 10,000-foot long unit trains within the 300 acre footprint.
- The concept plan includes three marine terminals (processing autos, grain, and dry bulk) and two dock facilities.
- The facility can meet the acreage and dimensional parameters within the Council resolution.
- The concept plan preserves large areas of the island for natural resource protection and enhancement.
- The concept plan allows for access to either be from a new bridge from Marine Drive, or from an extension of North Hayden Island Drive.

Harbor Lands Analysis: The study reviews the most recent Cargo Forecasts done for the Portland Harbor to determine the potential need for marine terminal land and considers the redevelopment potential of certain sites along the Portland Harbor for future Marine Terminal use. In addition, the study determines whether the Port of Vancouver may have excess capacity to absorb additional demand, and analyzes ways to measure industrial land efficiency along the harbor lands. Key takeaways include:

- There are two sites in the Portland Harbor that may include enough vacant land (Time Oil and Atofina sites). Both sites would require the acquisition of additional land, and both have infrastructure and contamination issues that could be barriers to development. Neither site meets the dimensional requirements for modern “unit train” rail access.
- The Bureau of Planning and Sustainability has completed a number of inventories of vacant land in the Portland harbor, which are summarized in the ECONorthwest report. The effective supply of land in the Portland harbor is 50 to 174 acres. The range reflects the outcomes of several different studies, with a range of assumptions about how “vacant” is defined, and how constraints may impact the effective use of land - such as contamination, and environmental resources.
- The number of new marine terminals necessary to meet these capacity shortfalls varies based on the commodity type, and assumptions we make about terminal size. The ECONorthwest report summarizes that information. They estimate that between 51 and 1,457 acres of land will be needed to meet projected demand for new marine

terminals through 2040. Assuming the middle of the forecast range, the need is estimated at 570 acres.

- The Port of Vancouver has about 350 acres of vacant land in reserve for future marine terminal growth. ECONorthwest estimates that the regional need for new marine terminals will be 570 acres through 2040 (assuming the mid-range in the cargo growth forecasts). Unless cargo volume growth is on the low end of the expected range, there is not enough land in Vancouver to meet the regional need by itself.

Costs and Benefits Analysis: The study considers the benefits and costs that may accrue to the public over time if West Hayden Island is developed in accordance with the Concept Plan. This is compared with a baseline (no build) scenario. Key takeaways include:

- The report considers the effects of the development scenario with the baseline scenario on natural resources, recreation, local impacts and port economics (expressed in terms of 100-year Net Present Value).
- Development would reduce the value of the ecosystems services provided by WHI natural resources by \$4.5 to \$11.5 million (100-year NPV).
- Anticipated mitigation is estimated to cost \$24.5million (including operating/maintenance costs), and creates \$1.9 to \$5.9 million of ecosystem services lift (100-year NPV).
- Development creates between \$1.5 and \$5.0 million in additional recreational benefits (100-year NPV).
- Recreational improvements shown in the concept plan may cost between \$2.4 and \$5.3 million (including operating/maintenance costs) (NPV).
- Traffic, air quality, light and noise were identified as impacts that have been known to have economic effects or effects on property values. For example, air pollution costs associated with traffic may range from \$.02 to \$.04 per vehicle mile traveled. Port-related rail traffic might have a one-time impact on the property values for homes within 275 meters of the development. Given the number of homes in that zone (8), they quantified this impact as \$33,440. They estimated the cost of traffic-congestion related impacts as \$23,500 annually. The report cautioned that these are illustrative examples, and recommended additional work to evaluate health impacts via a Health impact Assessment.
- Port operations would need to generate at least \$5.5 million in net economic benefit per year to produce a sufficient level of benefit to offset the expected local costs.
- This amount of benefit is a fairly small portion of the potential job and income amount that the port would generate overall - for example experts estimate 2,300 to 3,600 jobs could result from development of a marine terminal on WHI. This includes direct jobs, induced jobs and indirect jobs. Together, these jobs could generate \$200 to \$300 million in personal annual income, and \$18 to \$30 million in annual state/local tax revenue (in Oregon and Washington).

Staff Work

Hayden Island Natural Resource Inventory (NRI): This work includes updating a inventory of existing natural resources for all of Hayden Island as well as the south bank of the Oregon Slough. This work provided natural resource background data for the concept planning and ESEE work. Key takeaways include:

- West Hayden Island is a mosaic of features including forests, woodlands, grasslands, wetlands, open areas and shallow water area that function together as one habitat unit.

- Its location at the confluence of the Columbia and Willamette Rivers and on the Pacific Flyway for migrating birds is unique in the region.
- Over 200 wildlife species, included federally-listed fishes, use WHI and the surrounding Columbia River
- Although impacted historically by agricultural activities and on-going dredge material placement, all of WHI is a high-ranked riparian corridor and wildlife habitat area.

Economic, Social, Environment and Energy (ESEE) Analysis: This analysis identifies the range of positive, negative, mixed and neutral consequences of allowing, limiting, or prohibiting industrial, recreation, and open space uses on WHI. Key takeaways include:

- This trade-off analysis arrays the consequences and produces a recommendation for the decision makers to consider.
- The recommendation is made within the context of local, regional, state and federal regulations, goals and policies.
- The recommendation is to limit development of WHI to approximately 300 acres of marine terminal uses:
 - allow marine terminal development on land within the IH zoned areas,
 - limit in-water development of docks,
 - limit recreation to areas east of the BPA powerlines, and
 - require mitigation for impacts to resources within open space areas.

Recreation Memo: This memos draws on previous recreational work done for the Hayden Island plan and ENTRIX in phase 1 of this project. The memo identifies 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. Key takeaways include:

- Previous studies and planning processes indicate that Hayden Island is deficient in public recreation facilities.
- Low-impact recreation opportunities on West Hayden Island, must be sensitive to the existing natural resource function.
- The base concept plan provides opportunities for low impact recreation such as trails, potential non-motorized boat launches and wildlife viewpoints.

Regulatory Requirements Memo: This report reviews federal, state, regional and local environmental regulations and policies that could affect future development of WHI. Examples include Endangered Species Act, Clean Water Act, and Environmental Protection Agency’s Strategic Plan for the Columbia River, the State’s Estuary Partnership Management Plan and Federal Emergency Management Agency requirements. Key takeaways include:

- There are several overlapping regulations and policies that address natural resources on WHI. Specific regulatory requirements are difficult to predict until there is a specific proposal.
- State and federal regulations apply to in -water resources and the floodplain. Other resources, such as forests and grasslands, are not regulated at the state or federal level, but can be regulated at the local level.
- The final base concept plan, if developed as shown, would require mitigation, both on- and off-island to achieve no-net-loss of ecosystem functions. This mitigation is above what would be required solely through existing regulations.
- There are different areas off-site that could receive compensatory mitigation. The port is proposing work on Government Island.

Analysis of Vancouver Port Coordination: This analysis looks at advantages and opportunities for increased coordination between the Port of Portland and Port of Vancouver as well as some research on interstate Port Authority logistics. Key takeaways include:

- Formal and informal coordination has increased more recently among the ports. One example is the deepening of the Columbia River.
- Greater coordination and/or sharing of operations may be possible if both parties agree to the benefit.
- Creation of bi-state, joint port authorities require an arduous process involving both state governments and an act of Congress. NY/NJ is the only current example related to marine ports.

Land Management Options: This analysis discusses options for how natural resource lands could be managed over the long term, including proposals for long term ownership, and strategies to pay for land mgmt activities. Key takeaways include:

- There are several options for long term ownership and maintenance, but port mitigation activities may be best on port-owned property.
- Creating a master plan for the on going management of the natural resources and recreation areas is important to achieve long-term goals.
- A financing strategy is important to get up front, through the use an agreement to ensure adequate funding in the future.

North Portland Rail Study Analysis: This analysis reviewed previous rail and freight studies with an emphasis on reviewing congestion issues within the rail corridor in North Portland, Vancouver and the bridge, and summarized the recommendations from these reports for improving efficiency. Key takeaways include:

- There are several studies that have considered congestion issues along the rail lines (BNSF & UP) in North Portland. Most expect congestion to increase.
- Speed limitations on either side of the bridge are a greater impediment to efficiency than the bridge itself. Track improvements that increase the speed of freight trains in the vicinity of North Portland and Peninsula Junction would provide benefit to both freight and passenger trains.
- Long term goals to accommodate high-speed passenger rail would require large-scale improvements made to the entire line, including the potential for a dedicated track along the entire corridor.

Transportation Modeling Analysis (produced by PBOT): Phase I of this transportation analysis was conducted for what was determined to be a reasonable high impact traffic generation scenario for a 300 acre Port development site that includes two auto import terminals and one bulk marine facility on WHI. Phase II provided a detailed operational level analysis at the intersection level. Key takeaways:

- The high impact scenario was modeled with and without a WHI bridge, using the Hayden Island Neighborhood plan future street network and the CRC Option D interchange design
- The high impact scenario generates up to 2,050 daily vehicle trips, including 516 trucks. PBOT report explained that 12% of the 2035 Hayden Island traffic would be attributable to the Port development. This number is the average Port impact on all the different links in the model that was studied on Hayden Island. This modeling number is useful only as a way to understand the total system-wide impact, but it is not a representation of the impact at any one location.

- The PBOT modeling suggests that in 2035 about 22% of the anticipated traffic in the vicinity of the manufactured home community would be port-generated.
- The modeling suggests that all intersections, except for one off-island, are projected to operate at the level meeting both City and ODOT mobility standards in 2035. Several intersections may be close to their capacities, and mitigation could be required.

