
**Smith and Bybee Wetlands Natural Area
Management Committee**

Dave Helzer, Chair



METRO

600 NE Grand Ave.
Portland, OR 97232-2736

Smith and Bybee Wetlands Management Committee Meeting

5:30 p.m. - 7:00 p.m., Tuesday, August 24, 2010
Metro Regional Center, 600 N E Grand Ave., Room 270
Portland, Oregon 97232

AGENDA

Welcome and introductions	(Dave Helzer)	5:30 – 5:35 pm
Approve July's meeting notes	(Dave Helzer)	5:35 – 5:40 pm
Wapato Jail proposed uses	(Troy Clark & Peter Fry)	5:40 – 6:40 pm
General updates	(All)	6:40 – 6:50 pm
Next meeting agenda & date	(Dave Helzer)	6:50 – 7:00 pm
Adjourn		7:00 pm

MEETING SUMMARY
Smith and Bybee Wetlands Management Committee
August 24, 2010

In Attendance:

Dave Helzer (Chair)*Portland Bureau of Environmental Services
Troy Clark (Vice Chair)*Audubon Society of Portland
Larry Devroy*Port of Portland
Patt Opdyke*N. Portland Neighborhoods
Pam Arden*40-Mile Loop Trust
Dale Svart*Friends of Smith & Bybee Lakes
Dan Kromer*Metro Parks & Environmental Services
Janet BebbMetro Sustainability Center
* Denotes voting SBWMC member

Guests:

Peter Fry, Planning Consultant for Multnomah County
Marissa Madrigal, Multnomah County
Roberta Phillip, Multnomah County

The meeting was called to order at 5:45 p.m. and introductions were made.

Approve July's Meeting Notes

July's meeting notes were approved as written.

Wapato Jail – Proposed Uses

Peter Fry, a planning consultant for Multnomah County, is working on the conditional use portion of the Wapato Jail; Marissa Madrigal and Roberta Phillip are looking at alternative uses for the empty jail.

The siting of the jail was a huge process and included multiple appeals. The original conditional use permit was very narrow; Peter's job, he said, is to widen it so that another type of use might be possible. Prior to occupancy, whomever takes control of the jail must enter an agreement with the Portland Police, who can then negotiate with the operator for any changes to the permit.

The facility could become a drug/alcohol treatment facility, a jail, or a half-way house type of facility. Because of the land use permits, the allowed uses are very limited ("general industrial zone").

The neighborhood association asked for three things, Peter continued: 1) A 'good neighbor plan' (drafted, but needs to be vetted through the County) that records incidents and how they are addressed, a communication mechanism between the operator and the neighborhood; 2) \$40,000 that was designated for, but not spent on art – the neighborhood would like it to be spent in downtown St. Johns as a revitalization tool; and 3) to make sure the stipulated environmental agreement has been met by the Port (it's been met and exceeded). The hearing is Sept 1, 9 am, before a hearings officer, 1900 SW 4th, Suite 3000. The Committee is welcome to testify, but there are no environmental

issues being addressed in this process; a lot of that was addressed before and during the construction. A trail is being put in next to the jail, but the police have some issues with how to handle security.

Larry mentioned that the area has a healthy coyote population that likes to dig under fences; this could be a problem for a secured type of facility.

Security is critical; Peter said that under the new agreement, the Portland Police will stipulate what is needed in terms of lighting and security dependent upon the type of facility that goes in. Janet pointed out that lighting and security are very much an environmental concern.

He's laying out changes to the conditional use permit, but it's Multnomah County's decision, Peter responded. Marissa added that there are no plans for the County to operate the jail; the State is also uninterested in it as a prison (there is enough capacity right now, and considerable modifications would need to be made for Wapato to be able to hold long-term prisoners). The County is trying, therefore, to open up other options for its use.

Troy stressed that many of the Committee members worked for two years on the original permit, ensuring inclusion of stipulations such as lighting being directed only inward and not onto the wildlife habitat, and the members are surprised to find that the hearing is just a week away. Janet said she'd spoken with Peter briefly about eight months ago, but there had been no follow-through. Peter told the group he uses a different methodology, and has had great success and no security incidents. The jail was built with prison-level security which is the highest level. The facility will likely operate at a lower level.

There was discussion about whether it should be Metro's or the Committee's place to comment on the land use proposed; it was decided that the Committee should take the lead since they were part of the original Good Neighbor Agreement. Neither Peter nor the representatives of the County knew of a need to include them. Peter said he's willing to ask to keep the record of the hearing open, and to add this body to his recommendation.

With the proximity to the natural area, Dave asked how could there not be environmental elements to the conditional use permit. Peter answered that the building of the facility included those, but the City's criteria for changes to the conditional use permit don't include any.

Patt asked what the differences are between the original use permit and the new. Peter said that if it's used as a drug/alcohol facility, the number of people allowed to reside there would be different. Also, the new recommendation would be to allow negotiation with the Portland Police for further changes. Patt pointed out that additional parking would be needed if more residents are allowed, which would affect the light, noise, etc.

Peter said those details will be worked out with the Police whenever an operator is found. Janet and Dan explained that Metro and the Committee are required to be included in any negotiations for changes. Janet said that under the agreement Peter's suggesting, if the Police made a decision that Metro disagrees with, we would have no power to take them to land use court.

The Good Neighbor Agreement (attached) was referenced and discussed. Troy mentioned that about one-third of the evergreen trees have died since the jail has been built and none of them have been replaced, as required in the Agreement (Section 4, A). The original depth agreed to was 40-ft. Marissa completely understood, and urged them to let her know when there are problems. There has been a lot of turnover in the Sheriff's office that has likely led to lost communication, she said.

Troy explained that the condition of the berm is crucial to the wildlife habitat adjacent to the jail,. The Committee and Metro want binding language because of proximity, and because the current owner has agreed to maintain it. That language must be hardwired in regardless of the use or the operator. Make it part of the land use agreement, he said. Peter said it would be perfectly appropriate for him to advocate to the County that an environmental agreement be put into place using language from the good neighbor agreement.

Dave commented that “good neighbor” versus “environmental agreement” is semantics. When would the environmental portions of the currently binding agreement be addressed? Dave pointed out that as a security measure, an operator could decide that a buffer of evergreens could be a risk. That would have huge impacts on the environment, and the land-use permit changes Peter is suggesting leave no room for that to be addressed. The Portland Police would likely accept anything couched as a “risk.”

Marissa said her boss is not going to have a problem with incorporating binding language regarding environmental concerns. She will speak to Peter about how to fit these requirements in and circle back with Dave and either Dan or Janet. Peter insisted on separating this Good Neighbor Agreement from the St. Johns agreement. Janet disagreed, but Patt offered that if the Committee enters into a separate agreement, it would have the same voting right as the St. Johns Neighborhood Association. This Committee is about water, land, trees, critters, etc., Dave pointed out – all the physical things that interact with the natural area.

Peter responded that he has no desire to have to go through an appeals process, so he is willing to continue the hearing for another month. Strategically, however, the process has momentum right now. At a minimum, Patt said, A and B from the Good Neighbor Agreement need to be included, but the Natural Area Management Plan could affect it, as well.

Dave said the Committee needed to discuss some things internally; the three guests took their leave.

Someone from the Committee must attend the hearing on Sept 1 to ask for a continuance or to leave it open, Dave began. Especially important is the section of the criteria that addresses the appearance. He’d like to add another condition adding an environmental agreement and that the Committee and Metro should draft it. He’ll make it a priority to be at the hearing; Patt and Janet can also attend.

The group discussed that it’s crucial to have a vote on changes. Regarding the difference between leaving the record open, or requesting a continuance, Patt explained that if there’s a continuance, another hearing would be held and other parties such as the Committee could be heard. If the record is simply left open, there’s a short window (possibly as short as one week) to submit written comments, and those aren’t put before the actual hearings officer. We don’t want the record left open; we need a continuance, she said. Peter left out several groups who should have been part of the process.

The Committee decided that it will require a Good Neighbor Agreement and the right to be part of negotiations, and an addendum that is an environmental piece. Patt said that it could be argued that if a neighborhood association (whose members are volunteers with no connection to a public agency) can have veto power, the Committee’s position is even stronger because it’s a standing committee with appointed members that is directly connected to Metro. There must be a way to ensure that both security and the environmental concerns work together. Maximum occupancy is another important issue. Go for the strongest language feasible, language saying that Metro or the Committee must have the ability to approve or deny changes to any agreement.

Janet will contact Sheila Frugoli to clarify procedural issues and then draft a letter. Also, Dave will follow-up with Marissa. After the hearing September 1, should meet again and invite Sheila.

General Updates

The public involvement team is proposing an open house out at the landfill on a Saturday in November. It would be helpful if members could be available to talk to people. The follow-up would be to talk to BES about using their St. John's waste water treatment center meeting room.

Also in discussion is to go live online for public comment on the Plan.

Next Meeting Agenda and Date

Move next meeting. Janet and Dan will contact the group with options.

Adjourned at 7:22 p.m.

gbc

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MULTNOMAH COUNTY WAPATO FACILITY Good Neighbor Agreement

February 2004



This "Good Neighbor Agreement" for the Wapato Facility outlines steps the Multnomah County Sheriff's Office will take in operating the facility maintaining productive relationships with facility's neighbors, adjacent natural resources, and the broader community. Parties to the agreement are Multnomah County and the Multnomah County Sheriff's Office and the Citizens Working Group, representing the many interested citizens and other stakeholders for the Wapato site.

This agreement is effective upon completion of the Wapato Facility, and continues as amended until supplanted by a new agreement.

This Good Neighbor Agreement includes the operational guidelines specified in the approved City of Portland's Conditional Use Permit for the Wapato Facility.

FACILITY SECURITY AND USES

- 1) The Multnomah County Sheriff's Office will not book inmates into custody nor release inmates from custody at the Wapato Facility.
- 2) Multnomah County will follow the approved security plan for the Wapato Facility. (see Attachment "A")
- 3) Only those uses listed in the facility's Conditional Use Permit are permitted. (see Attachment "B")

FACILITY APPEARANCE/MAINTENANCE

- 4) The Wapato Facility's appearance will continue to be unobtrusive, compatible with its industrial and natural resource surroundings, complying with Portland City Code, the version of the Port of Portland's Rivergate Development Standards attached to the property deed, and adopted design.
 - a. Multnomah County will continue to maintain the Wapato Facility environmental buffer to provide a permanent visual buffer between the facility and the Port of Portland's mitigation area and the Smith & Bybee Lakes management area.

- b. The County will operate the facility to minimize noise and light beyond the facility's boundaries.

TRANSPORTATION

- 5) The County's transport vehicles – buses, vans, service vehicles and cars – and construction vehicles will not access the Wapato Facility site via neighborhood streets, defined as those south of North Columbia Boulevard, except in the case of an emergency. The Sheriff's Office will also strongly encourage vendors servicing the site to adhere to the same consideration.
- 6) The County will provide bicycle parking for staff and visitors.

COMMUNITY BENEFITS

- 7) When resources are available in the Wapato Facility operational plan, in coordination and collaboration with Metro's Wildlife Area Manager and the Port of Portland's Natural Resource Manager, the Multnomah County Sheriff's Office will make available inmate work crews for environmentally beneficial projects in the adjacent natural resource areas adjacent to Smith & Bybee Lakes.
- 8) The Wapato Facility will provide limited access to the adjacent natural resource areas, with the approval of the Port of Portland and Metro site managers, and facilitated by the facility commander. Public parking will be available on the Wapato Facility site to accommodate access.
- 9) The Wapato Facility will offer its community meeting room for public meetings by schedule and subject to existing Multnomah County Sheriff's Office procedures, when meetings will not have an adverse effect on the Facility's operations and security.
- 10) The Multnomah County Sheriff's Office will conduct scheduled tours of the Wapato Facility for interested citizens, subject to Multnomah County Sheriff's Office procedures for safety and security clearances for access of detention areas in operating facilities.

COMMUNITY OBLIGATIONS

- 11) Community members or other stakeholders are obligated to contact the facility commander, either by email or telephone, if concerns arise regarding the Sheriff's Office compliance with this agreement. Any concerns should be expressed as contemporarily as possible to allow the best review, response, and action when appropriate.

- 12) Within the context of this agreement, community members or other stakeholders should contact the facility commander to request services in the community or natural resource areas.

COMMUNICATIONS WITH COMMUNITY

- 13) The Multnomah County Sheriff's Office's community contact person for the Wapato Facility will be the facility commander. The Sheriff's Office will provide his or her name and telephone number to citizens to contact for questions about the facility's operations or the County's compliance with the Good Neighbor Agreement.
- 14) The Multnomah County Sheriff's Office will provide annual updates on Wapato Facility operations, which will be available on the Sheriff's Office Website (www.mcso.us) along with this Good Neighbor Agreement. The website will provide a link to the facility commander's email to facilitate community input and comment.
- 15) The Wapato Facility commander will contact and consult with Metro and the Port of Portland if repairs or restoration are required in the environmental buffer adjacent to the Port of Portland's mitigation area and the natural resource management area.
- 16) For future development on the Wapato site, Multnomah County will notify citizens and recognized neighborhood and business district associations, environmental and other interested groups, seeking views to ensure designs are compatible with adjacent industrial uses and natural areas.

The Multnomah County Sheriff's Office is committed to adhering to the principles and values represented in this agreement. The Sheriff's Office staff at the Wapato Facility look forward to an ongoing positive relationship with the surrounding community and continuing to be partners in the stewardship of the natural resources adjacent to the facility.

ATTACHMENT "A" - "SECURITY PLAN" CONTENT - CUP Exhibit A4

CENTRAL BOOKING

- The booking of 'arrestees' will not occur at the Wapato Facility.

TRANSPORT

- All transporting of inmates or program clients to and from the facility will be completed by Sheriff's Deputies.
- All movement in and out of the facility will occur through the secure vehicle sally port.
 - Inmates
 - Will be in institutional clothing
 - Travel in secure vehicles
 - Wear restraints
 - Program Clients
 - Will be in institutional clothing
 - Travel in secure vehicles

FACILITY SECURITY

- 24 hour / 7 day per week perimeter security by Sheriff's Office
- Both interior and exterior of facility monitored
- All ingress and egress controlled
- Recreation areas secured and screened from the public
- All visitors screened through metal detector before entering facility
- Lobby and waiting areas monitored
- All visits monitored
- All parking areas monitored
- "Booking" and "Release" occur at other location(s)
- A drug dog used to search jail and program areas
- Inmate behavior/activities monitored, structured, and directed by Sheriff's Deputies.

(Attachment "A" continued)

BUILDING DESIGN PARAMETERS

Building designed and constructed to established criteria for medium security facilities:

- Building shell provides secure perimeter
- Size and location of windows prevent escape
- Hard ceilings (i.e., concrete and/or plaster) in living units
- Dormitory-style housing
- Group recreation areas
- Never less than two locked doors or barriers between inmate/program client housing units and outside
- Housing areas separate from administrative or staff-only areas
- Centrally controlled, limited points of ingress and egress
- Sight lines promote surveillance of inmates / program clients
- Building fully protected by fire sprinklers
- Perimeter fence to secure facility
- Separate parking areas for employees and visitors
- Backup power supply to facility

ATTACHMENT "B" - "USES" CONTENT - CUP Exhibit A5

PRIMARY USES:

- Jail
- Secure residential treatment program
- Secure detention for federal detainees

ACCESSORY USES / ACTIVITIES:

- Maintenance activities / facilities
- Utility corridors
- Indoor and outdoor storage
- Parking for official Multnomah County vehicles
- Parking for employees and visitors
- Public meeting room
- Medical clinic and health facilities
- Kennel
- Interpretive signage and displays for visitors
- Public art
- Administrative officer for Multnomah County corrections and treatment specialists
- Facilities for public meetings, tours, and related public education activities
- Wildlife interpretation – trail(s), observation point(s), signage