

CONSIDERATION OF RESOLUTION NO. 96-2414 FOR THE PURPOSE OF OPPOSING THE SITING OF AN INMATE INTAKE CENTER, A MEDIUM SECURITY WOMEN'S PRISON, A MEN'S MEDIUM SECURITY COMPLEX OR ANY OTHER CORRECTIONAL FACILITY ON THE DIVISION OF STATE LANDS/WILSONVILLE TRACT.

WHEREAS, Oregon voters in 1994 approved Ballot Measure 11, which mandates or increases prison sentences for many types of crime; and

WHEREAS, the state has determined a need for an additional 17,000 prison beds to accommodate the projected growth in prison population; and

WHEREAS, pursuant to House Bill 2214, the Oregon Department of Corrections has adopted mandatory and desirable siting criteria for new prison facilities; and

WHEREAS, one of the mandatory siting criteria states that a proposed site for a facility must have "infrastructure available either on-site or such that they can be provided and maintained cost-effectively;" and

WHEREAS, one of the mandatory siting criteria states that a proposed site for a facility must be "served by road or highway system capable of supporting the planned facility. New roadway construction or roadway improvements (if required) must be able to be constructed at a reasonable cost and be ready at the time the facility is scheduled to be opened;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility have "200-300 acres with 300 acres the preferred size;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility be "square or nearly so;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility be "relatively flat to minimize earthwork, foundation, construction costs and surface/subsurface drainage construction costs;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility have "natural buffers from surrounding lands uses such as lakes, rivers or ridges;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility "not be adjacent to a developed single-family or multi-family residential area, unless the parcel is buffered;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility "not be adjacent to a school unless the parcel is buffered;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility have soils that are not “unduly prone to liquefaction due to seismic activity;” and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility “not have an environmental, ecological, cultural or historic feature or condition which cannot be mitigated with remediation and/or health risk assessment prior to the beginning of site development. These conditions include, but may not be limited to wetlands, historic or culturally significant sites, habitat for federally designated threatened and endangered species;” and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility be “perceived as beneficial by local jurisdiction and community;” and

WHEREAS, the 1992 Greenspaces Master Plan identifies the Tonquin Geologic Area, of which the Wilsonville/DSL Tract constitutes the southern end, as a unique geologic feature bearing 10,000 year old scars associated with the Bretz Floods and a natural area of regional significance; and

WHEREAS the 1992 Greenspaces Master Plan identifies a future regional trail that connects the Tualatin River National Wildlife Refuge to the Willamette River near Wilsonville and passes through the Tonquin Geologic Area and the Dammasch State Hospital property before joining the Willamette Greenway Trail; and

WHEREAS, in 1994, after significant public involvement, the Division of State Lands adopted a management plan for the Wilsonville/DSL Tract which identified sensitive forest and wetland areas totaling approximately 95 acres; and

WHEREAS, the 1994 Division of State Lands Management Plan for the Wilsonville/DSL Tract finds that shorebirds use the wetlands area during the spring and fall migration periods; and

WHEREAS, 1994 Division of State Lands Management Plan for the Wilsonville/DSL Tract determines the site to be a big game winter range because of the well-developed riparian habitat; and

WHEREAS, the 1994 Division of State Lands Management Plan for the Wilsonville/DSL Tract states that the existing forest cover should be preserved and maintained; and

WHEREAS, the Division of State Lands management planning process identified strong public support for uses that preserve and enhance the critical natural features (wetlands, creek canyon, forested and open space) of the Wilsonville/DSL Tract and provide public access; and

WHEREAS, the cost to mitigate a wetland equals approximately \$50,000 per acre; and

WHEREAS, the pileated woodpecker, a state-listed "sensitive species," has been observed on site; and

WHEREAS, state-listed "sensitive species" which likely utilize habitat on the Wilsonville/DSL Tract include: red-legged frog, sharptail snake, western bluebird, western gray squirrels, long-eared myotis, long-legged myotis, yuma myotis, silver-haired bat and Townsend's big-eared bat; and

WHEREAS, site enhancement could restore habitat for additional species such as: Oregon chub, painted turtle, western pond turtle, purple martin, streaked horned lark, Oregon vesper sparrow, grasshopper sparrow; and

WHEREAS, the Open Spaces, Parks and Streams bond measure, overwhelmingly approved by voters in May 1995, identifies the Tonquin Geologic Area, in which the Wilsonville/DSL Tract is included, as a regional target area for acquisition; and

WHEREAS, Metro Resolution No. 96-2300, adopted March 14, 1996, reconfirmed the regional significance of the natural resource values of the Wilsonville/DSL Tract and identified the entire tract as a Tier I (primary) acquisition priority for future regional park and open space purposes; and

WHEREAS, Metro, in cooperation with the city of Wilsonville, responded to the Division of State Lands' Request for Proposals related to the lease/sale of the Wilsonville Tract in November 1994; and

WHEREAS, the joint proposal submitted by the city of Wilsonville and Metro was accepted by the Division of State Lands; and

WHEREAS, the city of Wilsonville and Metro have pursued negotiations to lease/purchase the site with the Division of State Lands in good faith and at considerable expense; and

WHEREAS, on October 15, 1996, the Tualatin Valley Water District agreed to withdraw its proposal for use of the Wilsonville/DSL Tract, thus allowing Metro and the city of Wilsonville the opportunity to finalize negotiations for lease/purchase of the site to the benefit of the Common School Fund and the citizens of the entire metropolitan region; and

WHEREAS, the Metro Council, having considered all relevant and available information, finds that:

1. Based on the Department of Correction's criteria, the Wilsonville/DSL Tract is not an appropriate site for an inmate intake center, a medium-security women's prison, a men's medium security complex or any other correctional facility for the following reasons:

A. The site does not have any of the required infrastructure, including water, sanitary sewer collection and treatment, surface drainage and storm water collection and disposal or electricity, natural gas and/or oil or propane and telecommunications, and the cost to provide and maintain this infrastructure would not be cost-effective;

B. Twice in the last four years, the city of Wilsonville has had to implement mandatory water rationing schemes to cope with peak season water demand. Municipal water supply and associated infrastructure cannot be extended to meet the demands of a new correctional facility. A new water treatment plant would have to be built to accommodate the increase in demand;

C. Existing roads are not capable of accommodating existing transportation needs and cannot service needs of the proposed facility. In fact, a “public facilities strategy,” adopted by the Wilsonville City Council halts all new development applications in the area of the city south of Wilsonville Road until these existing infrastructure problems can be addressed.

D. New roadway construction or roadway improvements would need to include widening of Grahams Ferry Road (now a 2-lane county road used for farm purposes) and Wilsonville Road; extending Boeckman Road through wetlands to the Dammasch site and a new interchange on Interstate-5 at Boeckman Road.

E. The proposed site, 250 acres in size, contains approximately 95 acres of sensitive forest and wetlands identified by the Division of State Lands and Metro as significant.

F. The Wilsonville/DSL Tract is not square in shape. Rather, the shape is irregular, best described as narrow and lineal making appropriate set-backs from property lines infeasible.

G. As described in the Division of State Lands Management Plan for the Wilsonville/DSL Tract, the proposed site varies in slope from “level to very steep.”

H. Destruction of the wetlands area of the property (approximately 22 acres) would require considerable fill and a costly subsurface drainage system.

I. The cost to mitigate the loss of all of the wetlands on site is equal to approximately \$1,100,000.00

J. Only the southwestern edge of the Wilsonville/DSL Tract contains a natural buffer that would qualify under the stated criteria.

K. Two single-family residential neighborhoods exist along the eastern and southeastern perimeters of the proposed site. There is not a buffer, natural or otherwise, between either of these neighborhoods and the proposed site.

L. Wood Middle School is directly adjacent to the Wilsonville/DSL Tract on the east side and is not buffered from it in any way. Another school is located on the Living Enrichment Center property located directly west of the Wilsonville/DSL Tract.

M. Selection of this site would eliminate critical opportunities for required and desirable uses of the site such as schools, park facilities and open spaces.

N. The Oregon Department of Geology and Mineral Industries has not studied the proposed site for potential liquefaction due to seismic activity. It will not be studied until March 1997.

O. The proposed site contains approximately 22 acres of wetlands and 73 acres of forest which provide habitat suitable for a variety of state-listed "sensitive species."

P. The proposed site has never been subject of an archeological/cultural inventory.

Q. The proposed site is not viewed by local government, regional government or the general community as beneficial, and in fact, is vigorously opposed.

2. Siting a correctional facility on the Wilsonville Tract would constitute a significant breach of the public trust by arbitrarily dismissing years of planning and public involvement:

A. 1992 Greenspaces Master Plan

B. 1994 Division of State Lands Management Plan

C. 1995 Open Spaces, Parks and Streams Bond Measure

D. Metro Resolution No. 96-2300 (adopted March 1996)

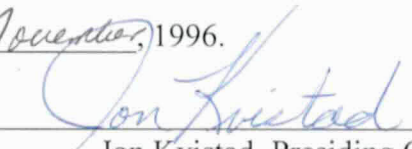
3. Siting a correctional facility on the Wilsonville Tract will destroy or reduce the habitat for state-listed "sensitive species" as previously noted.

4. Selection of the Wilsonville/DSL Tract would undermine basic land-use and environmental protection principals which are critical to the quality of life for all Oregonians.

**NOW, THEREFORE, BE IT RESOLVED**

The Metro Council strongly opposes and strenuously objects to the siting of an inmate intake center, a medium security women's prison, a men's medium security complex or any other correctional facility on the Wilsonville/DSL Tract and urges the Governor and prison siting committee to remove this site from the list of potential locations for new correctional facilities.

ADOPTED by the Metro council on this 7<sup>th</sup> day of November, 1996.

  
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Jon Kvistad, Presiding Officer

Approved as to Form:

  
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Daniel B. Cooper, General Counsel

**Staff Report**

**CONSIDERATION OF RESOLUTION NO. 96-2414 FOR THE PURPOSE OF OPPOSING THE SITING OF AN INMATE INTAKE CENTER, A MEDIUM SECURITY WOMEN'S PRISON OR ANY OTHER CORRECTIONAL FACILITY ON THE DIVISION OF STATE LANDS/WILSONVILLE TRACT.**

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**Date: October 23, 1996**

**Presented by:**

**Charles Ciecko  
Jim Desmond**

**PROPOSED ACTION**

**Resolution No. 96-2414 requests that the Metro Council oppose and object to the siting of an inmate intake center, a medium security women's prison or any other correctional facility on the Wilsonville/DSL Tract and urges the Governor and prison siting committee to immediately remove this site from the list of potential locations for new correctional facilities.**

**BACKGROUND AND ANALYSIS**

For the reasons set forth in resolution no. 96-2414, the Division of State Lands/Wilsonville tract is not a suitable site for an inmate intake center, a medium security women's prison or any other correctional facility.

**Executive Officer's Recommendation**

The Executive Officer recommends passage of Resolution No. 96-2414.