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coordinated by:

**Smith & Bybee Lakes Wildlife Area  
Management Committee**

*Nancy Hendrickson, Chair  
Troy Clark, Vice Chair*

**Metro**

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1870

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**Smith & Bybee Lakes Management Committee Meeting**

5:30 p.m. - 7:00 p.m., Tuesday, November 24, 1998

Metro Regional Center, Room 270

600 N E Grand Ave.

Portland, Oregon 97232

**AGENDA**

***Updates - (15 min.)***

5:30 - 5:45 pm

***Discussion – Jail Siting (1 hr 15 min.)***

5:45 – 7:00 pm

***Adjourn***

7:00 pm

Enclosures:

Minutes from October 27, 1998 meeting

Copy of November 11, 1998 letter from Friends of Smith & Bybee Lakes to  
Multnomah County Commission re: jail siting

## Smith & Bybee Lakes Management Committee Summary Meeting Notes

Metro Regional Center  
Room 270  
November 24, 1998  
5:30 PM

### In Attendance:

Nancy Hendrickson *	City of Portland/ BES
Jim Morgan *	Metro/ Executive Office
Troy Clark *	Portland Audubon Society
Holly Michael *	Oregon Dept of Fish & Wildlife
Susan Oman *	Port of Portland
Frank Opila *	Friends of S & B Lakes
Bill Bach	Port of Portland
Emily Roth	Metro Regional Parks & Greenspaces
Patricia Sullivan	Metro RPAG
Lupine Jones	Metro RPAG
Pam Arden	Multnomah County
Jim Sjulín *	City of Portland/ Parks & Rec
Kevin O'Sullivan	North Portland citizen

\* voting member

### Meeting Minutes

The following corrections were noted to the October 27, 1998 minutes and will be made: Chair Nancy Hendrickson's name was spelled incorrectly in the first paragraph. Also a reference to the proposed Bybee Lake jail size at build-out being 4,000 jail beds will be corrected to 2,000 beds.

Emily Roth requested that a modification be made to one of the bulleted points of information on page 2 concerning the jail. The item will now read: "A possible breeding population of Western painted turtles, found in the area of Bybee Lake, prefer sandy open meadow area to a forested (buffer) zone." In addition, the bullet will be eliminated which states: "No response could be given at this point to the suggestion of moving the facility 150 ft. up the peninsula from the lake to increase the buffer area." It was superseded by a later point Sheriff Noelle made to the suggestion of the County buying more land to provide a larger buffer as "presenting a two-fold problem . . . . .". He then elaborated on the two problems as described on the top of page 3.

Frank Opila suggested rewording the first sentence of the second paragraph on page 2 to read "It was the goal of the Sheriff's Office that the jail design done for the radio towers site would fit on the North Rivergate parcel just at well."

Troy Clark moved that the minutes be accepted as amended. Holly Michael seconded the motion which passed unanimously.

### Updates

**Lupine Jones**, the new **Metro Parks Volunteer Coordinator**, was introduced. She emphasized that committee members should feel free to contact her, particularly with any ideas for expanding volunteer opportunities at the lakes. A work party day, billed as a Smith & Bybee Lakes Stewardship Day in the Winter-Spring 1999 GreenScene brochure has been scheduled for April 10<sup>th</sup>.

A contract with Northwest Ecological Research Institute (NERI) for the **Turtle Monitoring Project** has been entered into. Teresa DeLorenzo is the project manager. She drafted a press release with a "job description" for the multitude of volunteers needed for this project. Depending on who applies and how much time they can commit to, there will be a need for between 20 and 40 people.

Holly Michael mentioned ODF&W has been working with NERI at Sauvie Island doing some turtle monitoring. She suggested there might be a way to share some of the volunteers. There may be some who want to work at both sites, to expand their knowledge and experience and benefiting both agencies in the process.

Bobbi Luna of the **Sheriff's Office** sent a thank you letter for the Committee's input at the last meeting.

The "Portland" version of the "Metro" section of ***The Oregonian*** on Monday, Nov 23<sup>rd</sup> had an **article on Smith & Bybee Lakes** written by Joe Fitzgibbon. Emily made copies for those who had not seen it. Lupine reported that she received three calls from potential volunteers in just one day because of the article.

Emily distributed copies of the **requested FY 99-00 budget** which will be submitted to Mike Burton.

In the latest edition of the **New Jail Newsletter** Emily pointed out the listing of a number of upcoming public hearings. The date that is most important is Tuesday, December 8<sup>th</sup>, when formal testimony for the jail will be taken.

Emily has been working on the **scope of work** for the consultants/ project team for the **boat launch**. The first meeting likely will not be until after the first of the year. The project has been expanded to include the siting of an education shelter and a vault toilet, believing it more economical to site all three in one process. All these are related, for example, to how much parking will be planned. The project will, however, focus primarily on the boat launch and the small parking lot adjacent to it. Although there is no money in the budget at this time for the education shelter or the vault toilet, they will be 'on the books' and sited.

Emily reported that the water at the lakes has gone back up. During a recent visit she spotted great egrets, common mergansers, hooded mergansers, and gadwalls putting on a **spectacular show!**

Susan Oman reported the **Port** has done some **re-grading at the T-5** mitigation site where there were hydrology problems at one end. It will need re-planting and re-seeding.

Troy announced that at 7:00 pm on Wed., Nov. 23<sup>rd</sup>, a **sound test** will be held at **PIR** for the potential siting of an amphitheater there. They are seeking volunteers interested in participating in the test process. Bands will be playing; volunteers will be taken to various remote locations to assess what is heard and at what sound level.

Emily and a number of people from the Port of Portland visited the water control structure at the lakes before the recent rains began. The overflow channel was opened to see how quickly

water could be let out. In the first 2-1/2 days it was open, the lakes dropped an inch. But when she was at the lakes today after the recent deluge, the water in the North Slough was up above the flap gate and the lakes were back up to 10 ft. The weir will be closed down for the winter and its closure tried again next summer.

### **Jail Siting**

As the formal hearing for the jail siting before the Sheriff will be December 8<sup>th</sup>, Emily suggested it would behoove the Committee to have recommendations to present.

A Position Paper from Concerned Citizens of North Portland was distributed. Kevin O'Sullivan of that group noted that a number of people were critical of the lack of public process. A twin concern is the lack of suitability of the Leadbetter site. There were 8 candidate sites that were examined intensively by a siting advisory committee (SAC); the radio site was the one selected as the result of that process. Last Sept, that site was cancelled. The SAC went to the number #2 choice, which was another Rivergate site. It was subsequently sold. When asked what else was available, the Leadbetter Peninsula turned up. This site was not examined in any public setting.

Kevin mentioned that he believed it was possible the Port would consider settling the Jones lawsuit by designating this area as a greenspace. Bill Bach responded such a possibility was not even under discussion.

At this point, the Management Committee drew up a list of concerns, preceded by the following two phrases:

- 1) [These concerns are] under the assumption that siting and public process was thorough and complete.
- 2) If sited at Leadbetter Peninsula, the Management Committee is concerned about . . . .

A motion was made and seconded that assuming the site at Leadbetter Peninsula is chosen, the Management Committee is concerned about the following: . . . . . [The list of concerns as drawn up were then listed]. See attached December 7, 1998 letter to Sheriff Dan Noelle for background, concerns and recommendations on the North Rivergate Site. The motion was passed by a vote of 7 to 1. Susan Oman, representing the Port of Portland, voted in opposition.

It was decided Emily would draft a letter to the Sheriff and the Multnomah County Commissioners describing the Committee's concerns and recommendations. It was emphasized the wording would not include any reference to conditional support or the phrase "The Committee does not oppose . . . ." The letter would be reviewed by Committee members and referred to Nancy for signature.

**Ranked Criteria**  
**Results of Siting Advisory Committee Ranking**  
**New Multnomah County Correctional Facility**

The following 16 criteria were agreed upon by the Siting Advisory Committee at their November 14<sup>th</sup> meeting. The criteria were ranked as follows by the SAC (scores are in parentheses):

- 1 The site should be as far as possible from current and planned residential zoned property. (1.3)
- 2 The site should be as far as possible from current and planned schools/daycare facilities. (1.6)
- 3 The site should be in accordance with: (2.2)
  - economic development plans
  - Metro 2040 plan
  - applicable state planning goals (LCDC)
  - community plans
- 4 The site should be one with the least amount of community opposition. (2.3)
- 4 The sites should not over-saturate an area with corrections and social services facilities. (2.3)
- 4 The site should not be in an area susceptible to natural disasters (e.g., in a 100 year flood plain, near seismic fault. Dikes – if applicable – must be strong enough to withstand projected earthquakes and flood level at the same time). (2.3)
- 7 The site should be as far as possible from current and planned parks. (2.5)
- 7 The site should allow for reasonable transport of inmates. (2.5)
- 7 The jail site should cause minimal financial hardship to neighboring property owners. (2.5)
- 10 The site should be one with the lowest opportunity cost of foregone development, including impact on tax base. (Avoid prime industrial land offering services the jail doesn't need.) (2.6)
- 11 The site should offer the possibility of adequate buffering. (2.7)
- 12 The site should be as far as possible from current and planned commercial development. (2.9)
- 12 The site should have access to public transportation. (2.9)
- 14 The site should have no negative impact on the watershed. (3.1)
- 14 The site should have soil of foundation quality. (3.1)
- 16 Consider the relative costs of each site when making the siting decision. (3.2)

*Jail = temporary holding facility ~ up to 1 year*  
*Prison = long term holding facility > 1 year*

## Frequently Asked Questions

North Rivergate Site Assessment - New Multnomah County Jail  
October 1998

- Q: What is number of beds at this new jail?** *men only*
- A:** The initial jail to be built will have 225 beds. Over the next 15 to 20 years, the Sheriff's Office projects that the need for more jail space will lead to expansions of the new jail up to 2,000 beds. *10-fold increase?*
- Q: How big is the footprint for the new jail? How tall will this thing be?**
- A:** The initial jail will be a single story building, about 25 feet in height, and will cover less than ten acres – building, parking, buffer. The full 2,000 bed facility will be two stories, 45 feet high, will cover about 22 acres. *50,000 sq ft at build-out*
- Q: Why can't the County expand other jails?**
- A:** The County has five jails, and all will soon be at maximum build-out. Recently, the County "double-bunked" the downtown Justice Center Jail, maximizing its capacity. When the final expansion at Inverness is complete the end of this year, that jail will be "land locked" with no more room to expand. Unfortunately, the County still needs more jail space, so a new facility is necessary. That is why voters approved funds for a new jail in May 1996.
- Q: When might you start construction? When are you going to open your doors?**
- A:** Once the Board of County Commissioners selects a site for the new jail, it will take us a year to finish design and begin 18-months of construction. So if the Board picks a site in January 1999, construction would start in January 2000 and the jail would hold its first inmate in mid-2001.
- Q: Will you be able to see the jail from Bybee Lake? Or, the Columbia Slough? What about lighting?**
- A:** The County is planning an extensive vegetative buffer to surround the jail to shield views of the facility. In addition, the County will design lighting to focus on the facility grounds, minimizing dispersion into surrounding wildlife areas. The County will form a citizens advisory Working Group to offer guidance on buffering for the new jail.



**Q: What will this jail look like?**

A: Modern jails do not look like prisons you see in movies. This jail will be an attractive facility, looking very much like other industrial development in the area. The County's goal is for the jail to blend into its surroundings, like the Inverness Jail does in the Columbia South Shore area. A citizens Working Group will advise the County on the physical appearance of the buildings.

Persons concerned about what a jail looks like, how it is run, and how it can fit into an area are urged to take a tour of the Inverness Jail. You can arrange one by calling Lt. Bobbi Luna at 248-3282.

**Q: Will inmates be released out the front door of this jail?**

A: Absolutely not. All inmates are released from the Justice Center Jail in downtown Portland.

**Q: How many people will work at this facility?**

A: The initial 225-bed jail will employ about 60 persons, spread over three shifts 8-hour shifts each day, seven days per week. A full build-out, 2,000-bed jail will employ about 300 persons. The average wage is around \$35,000 plus benefits.

**Q: How would the jail's traffic compare to other industrial development?**

A: The traffic generated by this jail is typical of a similarly sized industrial development. The County is in the middle of a traffic analysis for the new jail to be submitted to the City of Portland.

**Q: How long is the average inmate held in a jail?**

A: The average stay in a Multnomah County jail is 16 days. Inmates serve long sentences at state prisons, not County jails. Because of the short stay, inmate friends and families have little incentive to move closer to the jail.

**Q: What is the record of escapes from Multnomah County Jails?**

A: Escapes are very rare. The most recent escape was from the downtown Justice Center a couple of years ago. That one inmate was recaptured. Before that, you have to go back to the early-1990s when six people escaped from Inverness due to a flaw in the building.



**Q: What is the impact of a jail on crime in the area?**

A: This was a key question asked during the community siting process. The County had a professor in urban affairs and criminal justice from Portland State University (PSU) examine this question. In addition, the County examined crime information before and after the opening of the Inverness Jail in Parkrose.

There was no detectable increase in crime in Parkrose after the Inverness Jail opened. The PSU report indicates that well run jails can offer a positive public safety benefit to neighbors. Jails provide an increase in the presence of uniformed law enforcement, a very effective crime deterrent. In addition, crime partners do not come to visit their buddies in jail, because an outstanding warrant check is run on every visitor.

**Q: Doesn't this site flood frequently?**

A: The Port in its most recent fill on the site in 1993 raised the peninsula's elevation to above the designated 100-Year Flood Plain level of 27.5'. The County is investigating flood plain issues on the site. The February 1996 flood saw a bit of standing water on the property, but nothing that would have placed the jail at risk. Of equal concern, however, is road access to the site, which was cut off during the 1996 flood.

**Q: I thought this thing was going to be at Radio Towers – why are you looking in Rivergate?**

A: After voters approved a new jail in May 1996, the Board of County Commissioners created a 15-member Siting Advisory Committee to pick a site. The committee recommended to the Board the Radio Towers site, a 90 acre parcel, about two-thirds wetland, located west of I-5 and south of the Expo Center. The Board decided in September 1998 that due to concerns about costs, environmental impacts and the uncertainty of the wetland fill permit process, to stop the design and permitting work at Radio Towers.

Around the same time, the Port of Portland offered to the County the opportunity to purchase property on the Leadbetter Peninsula in North Rivergate for the new jail. The Port, which had opposed a jail in Rivergate, cited the reduced jail footprint and the County's willingness to consider lesser priority industrial property as reasons it was now willing to negotiate with the County. As a first step, the Board directed the Sheriff to conduct a site assessment for the North Rivergate site. A report is due the end of November 1998.



**Q: Will this hinder the actions that may be proscribed in a settlement of that lawsuit about Rivergate fill?**

A: Our understanding is that the Port of Portland is holding onto, and will not sell to the County, any property it may need to take the mitigation planting and other actions that may be involved in settling the lawsuit.

**Q: Isn't the 40-Mile Loop Trail supposed to go by here? Will the County allow a trail by a jail?**

A: Right now, plans are for the 40-Mile Loop Trail to go along the Columbia Slough on Leadbetter Peninsula. The Sheriff's Office has no problem with this at all. The trail itself will be on property retained by the Port of Portland.

**Q: How can I have my say about this thing?**

A: The Board of County Commissioners will select the new jail site. The Board will accept public comment before voting on a resolution to select a site. Our guess is the Board will not vote until, at the earliest, December 1998. There will be notice of the Board's activities in future editions of the *New Jail Newsletter*.

The County will reconstitute a citizens Working Group to offer advice on design, planning, construction and operation of the new jail. Site neighbors, area businesses, neighborhood leaders and environmentalists will all be represented on the Working Group. Key issues will also be subjects for public workshops and mail-in surveys.

In addition, the new jail will have to navigate the City of Portland's Type III Conditional Use Review, which also offers several opportunities for public comment on the project.

**Q: I have more questions – who can I call?**

A: Lt. Bobbi Luna is managing the design and construction of the new jail, and will also serve as the facility's commander. If you have questions, comments, want a tour of existing County jails or want to make certain you receive the *New Jail Newsletter*, contact Bobbi at: 1120 SW Third Avenue, Room 322, Portland, OR 97204, (503) 248-3282.

**Position Paper on the Proposed Rivergate Jail**  
**Submitted to Multnomah County**  
**by**  
**Concerned Citizens of North Portland**  
**November 20, 1998**

We would like to support the efforts of the Sheriff and the County to build a new jail. Very few people objected to the old Rivergate site, primarily because it went through an appropriate public process and met many of the selection criteria. We are, however, seriously concerned about the new Rivergate site, which is significantly different in many ways from the old Rivergate site. Our concerns boil down to the lack of public process and suitability. There has been no meaningful public process to select this new Rivergate site. Furthermore, the new Rivergate site fails many of the selection criteria for a jail. This paper summarizes the positions and concerns of North Portland citizens.

## **Positions**

- I. **Start the public process over again.** Up until now, the Sheriff has worked in a commendable manner to involve the public in the selection of a jail site. However, we are deeply concerned because the new Rivergate site was chosen without any meaningful public involvement. The public hearing(s) for this site will be held a few days before the Sheriff goes before the County Commission, and only one month before a final decision will be made. The public hearing amounts to mere window dressing for a decision already made. This is a direct snub to the hundreds of decent citizens who toiled long and hard on the specific list of eight candidate sites which did not include this Rivergate site. The public needs to be involved in a meaningful and effective way in every stage of the decision-making process.
- II. **Reconvene the SAC (Siting Advisory Committee).** This is an important part of the public process.
- III. **Expand the list of suitable locations.** This Rivergate site was never on the list of sites examined by the SAC (Siting Advisory Committee). It does not meet many of the SAC's selection criteria. The jail size has been scaled down from 35 acres to 17-20 acres. This opens up many new possibilities for suitable locations. Therefore, a new list should be drawn up and examined by a citizens advisory committee. Other sites may be less costly, less objectionable, and more technically and politically feasible.
- IV. **The Rivergate site is not suitable for a jail.** For a variety of reasons, expressed below, the new Rivergate site is a poor choice for the jail. It never should have been chosen without fully involving the public. This site violates many of the selection criteria adopted by the County. The site is significantly different from the SAC's recommended site in Rivergate.

## Concerns

The above Positions are based upon the following concerns:

- 1) There has been no public process for choosing this new Rivergate site. Open, public workshops are needed.
  - The public must be involved in all phases of decision-making in the site selection.
  - The SAC must reconvene to consider this site and others.
  - The SAC's deliberations must be conducted in a series of open, public meetings.
  - Without meaningful and effective public involvement, the County's selection of the Rivergate site will shun the efforts of hundreds of citizens, who worked hard to create selection criteria and to choose sites that meet those criteria.
  - If it would help, we are prepared to share a mailing list of nearly 1,000 interested citizens with the Sheriff for his outreach to the community. However, we recommend *bulk mailings* as the preferred means of outreach.
- 2) The Sheriff's process of selecting the new Rivergate site violates Multnomah County's *Citizen Involvement Principles* (see attachment).
  - For example, Principle 5 states that "Citizens should be involved early in planning, projects and policy development."
  - Principle 7 requires the County to "make the best use of citizens' time and efforts." Because the site was selected without any public input and without reference to the selection criteria, the County is neglecting the considerable time and efforts of citizens involved in the process during 1996 and 1997.
- 3) The process of selecting this site violates many of the principles and strategies of Multnomah County's *Facilities Siting Public Involvement Manual* (see attachment). The following are just some of the principles and strategies that are being violated:
  - Principle 3 requires "being flexible to adjusting plans, where feasible, to meet public needs and desires." Comment: it remains to be seen whether the public's desire for a better siting process will be fulfilled by the County.
  - Principle 2 requires public participation in "*all* critical decisions" with "*ample opportunity* for public input. Comment: the new Rivergate site seems like a done deal that was slipped in through the back door.
  - Principle 6 requires the County to engage and solicit "the advice of nearby community members at *every level and every stage*."
  - Strategy 6 requires opportunities for public involvement in key decisions. This includes citizen committees and public workshops.
- 4) Inadequate Notification. The public notification for this new site has been too little and too late.
- 5) No Siting Advisory Committee was involved in the selection of this site. Two years ago, the SAC worked on a list of candidate sites. This Rivergate site was *not on that list*.

6) New candidate sites are needed.

- Why stop at just one new site? The County must develop a new list of potential sites.
- In 1996, the County did an initial screening of over 30 potential sites based on 10 screening factors (see attachment). One of the screening factors required a minimum of 35 acres.
- Ten sites were dropped because they were smaller than 35 acres. For example, the Sandy North Site –East was rejected solely because there was "not enough land, only 20-25 acres."
- *The threshold size is now 17- 20 acres.* Many new sites can and should be considered. Many of these new sites will likely include rural areas.

7) The Rivergate site violates the County's Initial Screening Criteria (see attachment).

- There are no Services Available (utilities, water, sewer, infrastructure) at this site. Yet, many other potential sites were rejected because no services were available.
- The soil is not of foundation grade.
- Geo-technical and other design engineering factors (including infrastructure) will raise Capital Costs above acceptable levels.
- ✓ • The facility will not fit into the surrounding land uses (parks, recreation, wildlife).

8) The site violates most of the SAC's Selection Criteria (see attachment). A full-fledged public process developed these selection criteria. They formed the basis for choosing among the eight specific candidate sites. Here are examples of violated Selection Criteria:

- ✓ i. *The site is much too close to current and planned parks.* The Rivergate site is directly adjacent to Smith-Bybee Lake and the planned 40-Mile Loop Trail. It can't get any closer than this. This clearly violates the County's selection criteria.
- ✓ ii. Buffering at this site will be entirely inadequate and impossible.
- iii. The site is an area susceptible to natural disasters (e.g. floods or earthquakes). Dikes are unlikely to be strong enough to meet the requirement to withstand earthquakes and floods at the same time.
- iv. The site has no access to public transportation.
- ✓ v. The site has considerable community opposition.
- ✓ vi. There will be negative impacts on the watershed (the slough and the lakes).
- vii. The relative costs of all potential sites were not taken into account, because this site was not on the list of candidate sites.
- ✓ viii. The soil is not of foundation quality. It consists of dredged fill.
- ix. The site is not in accordance with economic development plans.
- x. There are high opportunity costs for foregone development. This is valuable industrial land and the tax base will be significantly eroded.



✓ 9) Environmentally sensitive natural area.

- The Smith-Bybee Lake natural area is environmentally sensitive to all noise, traffic, lights, erosion, runoff, etc associated with the construction and operation of the jail facility. There will be significantly large and adverse impacts.
- The area is inhabited by the western painted turtle, a listed species.

10) Port of Portland's mission will be unfulfilled. A Rivergate jail will violate the Port of Portland's *economic development plan for industrial use* only. This violates one of the selection criteria.

11) Infrastructure costs are too high. There is no infrastructure (sewer, utilities, water).

- This clearly violates the Initial Screening Criterion that requires infrastructure services be available.
- The County should not pay for constructing sewer lines, water, utilities and infrastructure, which will be used primarily by non-paying industries.
- The Port and industries should pay these costs.

✓ 12) The site is an illegal landfill and unsuited for development.

- The wetland should be restored, not developed.
- The County's development and use of this site smacks of unprincipled opportunism. The County should not partner with a destroyer of a major wetland. The Port will use the County to validate and justify this illegal activity.
- The land is unsuitable for construction because the dredge-fill material creates an unstable foundation.
- The unsuitability of landfill material for construction was cited by County Property Manager, Bob Oberst, as a major reason for rejecting the Vance Pit and Vance Park Properties as a jail site (11-8-96 memorandum to the SAC).
- The dredge-fill might be contaminated, and might need to be contained, capped or removed because the lake is listed as "water quality limited" by DEQ.

13) High-Risk Earthquake zone. The Smith-Bybee Lake area is classified as a Zone A earthquake hazard area, the highest possible hazard classification. The site is extremely susceptible to liquefaction.

- This high hazard is further increased by the soil composition of the underlying landfill.
- This imperils the safety of the workers, visitors, and inmates.
- Compliance with seismic building standards will be difficult and costly.
- Engineering costs will be unacceptably high.
- No public facility should be built on such a hazardous site.

✓ 14) The site is in a 100-year flood plain. A significant portion of this site, and access to the site, was under water during the 1996 flood.

✓ 15) The Access Road is in a 100-year flood plain.

- Emergency evacuation will be impossible during a flood.

- The use of fill material to raise the road above the 100-year flood level may violate wetland protection codes.

16) Public safety. Visitors to the jail will frequent Kelly Point Park and the Smith & Bybee Lakes parking lots. Crimes against property and/or people may also increase at local Rivergate industrial facilities.

✓ 17) The recreational public at Smith-Bybee Lake will be adversely impacted. The negative impacts on the recreational use and enjoyment of this open space will not be in accordance with the Metro 2040 Plan.

✓ 18) Educational programs will be adversely impacted.

- Many educational tours and studies of Smith and Bybee Lakes are conducted each year.
- Sponsors of these programs include Portland Public Schools; other public schools; Metro; and the Audubon Society.
- Participants in these programs include children as well as adults.

19) Traffic impacts. Jail traffic will increase congestion and interfere with the area's industrial activity. Site access will be frequently obstructed by 100-car unit trains.

20) Public Transportation is entirely inadequate. The bus stop is on N. Marine Drive. People will have a long walk on the Leadbetter Peninsula access road to reach the jail site.

21) Tarnished image of St. Johns and North Portland.

- Citizens are struggling to build up this community. A tarnished image negates this community effort.
- Smith and Bybee Lakes are the crown jewels of North Portland.
- This jail will be highly visible to growing numbers of recreational users of Smith-Bybee Lake (and the planned 40-Mile Loop Trail) and to Rivergate workers.
- The St. Johns Neighborhood is already saturated by other existing and planned social services and corrections facilities. The Jail will only compound this problem. This clearly violates one of the SAC Selection Criteria.

Thank you for your consideration.

### **Concerned Citizens of North Portland**

#### **Contacts:**

Sherry Dahlen, 286-3873

Kevin O'Sullivan, 285-5322

Evelyn Smith, 283-1998

#### **Attachments**

- Initial Site Screening Factors
- Siting Advisory Committee Selection Criteria
- Multnomah County's Citizen Involvement Principles
- Principles and Strategies from the Multnomah County Facilities Siting Public Involvement Manual



# CITY OF PORTLAND ENVIRONMENTAL SERVICES



1211 SW Fifth Avenue, Room 800, Portland, Oregon 97204-3713

(503) 823-7740, FAX (503) 823-6995

Dean Marriott, Director

Comments from the Columbia Slough Watershed Team  
on the Bybee Lake siting of the Multnomah County Jail  
Submitted for the Pre-Application Hearing, November 17, 1998

**Stormwater:**

- retain on-site as much as possible, by using:
  - eco-roofs
  - ponds
  - swales
  - cisterns for storing rainwater for summer irrigation of landscaping
  - trees outside perimeter fence
- treat to standard before discharge
  - 50% TSS removal
  - TMDL load allocation
- avoid discharge to Bybee Lake, and even Columbia Slough if possible

**Habitat and Buffering:**

- 150-foot buffer from top of current bank to perimeter road is desirable.
- This buffer should be composed of natives trees and other plants.
- Consider building a Phase I perimeter road and fence, which would leave more area for wildlife for the 20 years until full buildout.
- Open space inside of perimeter fencing should also be planted with native plants.
  - Contact George Kral, 823-7116, for information on native species and availability

# **Columbia Slough Watershed Council**

## **Portland, Oregon**

November 30, 1998

Commissioner Bev Stein, Chair  
Commissioner Diane Linn, District 1  
Commissioner Gary Hansen, District 2  
Commissioner Lisa Naito, District 3  
Commissioner Sharron Kelley, District 4  
Commissioner-elect Serena Cruz, District 2  
Sheriff Dan Noelle  
Lt. Bobbi Luna

**Draft**

Re: Proposed Rivergate Jail Site

Dear County Commissioners and Officials:

Thank you for this opportunity to comment. ~~The Columbia Slough Watershed Council is amenable to siting a new jail on Port of Portland land adjacent to Bybee Lake in the Rivergate Industrial District.~~ We appreciate Multnomah County's desire to be a good neighbor. A number of Council members have toured the site on foot and by canoe. Their recommendations were forward to and discussed by the entire Council on 11/30. The Council supports the following conditions:

- **Vegetative and Wildlife Buffers.** Buffers are necessary to protect natural areas, provide wildlife habitat and corridors, contain stormwater and provide visual screening. In this case the Council considers the <sup>proposed</sup> ~~current~~ 40 foot buffer requirement ~~as planned~~ to be insufficient. The Council urges that buffers around this development be increased ~~(to at least 150 feet from the top of the bank to the edge of development)~~ <sup>proposed</sup>. This may mean the building may have to be moved back, away from the tip of the peninsula. The buffers should be comprised of native vegetation, consisting of several layers including shrubs and ground cover. Evergreens should be included so that the facility is not visible from the lakes or the trail system during all seasons of the year. Sufficient soil should be brought in to support root systems for large trees (sand fill on the peninsula is about 30 feet deep). New soil could be shaped into a perimeter berm which would create even more visual screening from the lake. The screening will be at least 6 feet high and 75% opaque within three years. Also, plantings around the jail should contain evergreens to ensure the building is screened at all times of the year. Buffers should be designed to provide wildlife habitat, including turtle habitat. The County should consider removing fill to reshape the banks and create a more natural edge.
- **Turtles.** <sup>Turtle</sup> Western Painted turtles <sup>critically</sup> have been seen in this area of Bybee Lake. The Western Painted turtle is listed "sensitive" by the Oregon Department of Fish and Wildlife. Their use of upland habitat in this area is not fully known. Turtle and other wildlife use in the area needs to be examined and protected or mitigated.



- **Canoe/Kayak Access.** As a community amenity for siting a jail adjacent to the Wildlife Area, we request that Multnomah County fund a boat launch somewhere within the Wildlife Area – not necessarily on the Leadbetter peninsula. The location and design of the launch will be determined by a public process that is currently being developed by Metro and the Smith and Bybee Lakes Management Committee.
- **Lighting.** Lighting at the facility should not cast any direct light into the Wildlife Area so that nocturnal wildlife is not disturbed. Lighting should be controlled by lighting type and direction, distance from the lakes and vegetative screening. The headlights of evening visitors using the access road to the facility should also be screened.
- **Water Quality.** <sup>The Columbia Slough and</sup> Smith and Bybee Lakes are listed as 303(d) water quality limited by the Oregon Department of Environmental Quality. <sup>As much stormwater should be retained on-site;</sup> Stormwater must be ~~pre~~ <sup>using appropriate</sup> treated. <sup>BMPs ~~must~~ prior discharge to</sup> New outfalls into the Management Area should be designed to minimize impact on water quality consistent with the NPDES permit process. ~~Stormwater from the building, parking lots and all impervious surfaces must be properly treated.~~ Particular care must be given to stormwater during the construction phase.
- **40-Mile Loop Trail.** There are plans to build a portion of the 40-Mile Loop Trail along the Columbia Slough in this area. Design for the site should allow for the trail, including vegetative buffers.
- **Reimburse County for Infrastructure Costs.** The Council supports Sheriff Noelle's point of view that the Port of Portland should reimburse the County for infrastructure costs ~~as other nearby property is developed.~~ <sup>as development occurs.</sup>

The Columbia Slough Watershed Council wants to work with the County to ensure a development that is environmentally sound and acceptable to the community. We would like to participate in any working or advisory group to help address these and any other issues that may arise.

Thank you for your consideration.

Sincerely,

COLUMBIA SLOUGH WATERSHED COUNCIL  
Jay Mower, Coordinator

cc: Emily Roth, Metro Wildlife Area Manager  
Charles Ciecko, Metro Regional Parks and Greenspaces  
Smith & Bybee Lakes Management Committee

7040 NE 47<sup>th</sup> Avenue  
Portland, OR 97218-1212  
VOICE: (503) 281-1132 FAX: (503) 281-5187 INTERNET: jaymower@email.msn.com

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## **Program Overview**

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**Fiscal Year 1999-00**

### **Program**

Smith and Bybee Lakes Wildlife Area

### **Responsibilities**

The purpose of this program is to manage the Smith and Bybee Lakes Wildlife Area as an environmental, educational and recreational resource that provides access to nature for citizens of the metropolitan region. In establishing the wildlife area, the Smith and Bybee Lakes Trust Fund was established as a dedicated endowment fund to enable development and management as required by the Smith and Bybee Lakes Natural Resource Management Plan which is intended to ensure resources for the future. The Lakes are to be preserved as historical remnants of the Columbia River riparian and wetland system. They are to be maintained and enhanced, to the extent possible, in a manner faithful to their original condition.

In 1997-98 engineering design was initiated for the recommended water control structure that is proposed for installation in the future, returning the lakes to a freshwater tidal marsh system. Following the removal of the water control structure, restoration of riparian habitat around the lakes will begin.

Working cooperatively with the City of Portland and the Port of Portland, the alignment of the 40-mile Loop Trail through a portion of the management area should be selected in FY 1999-00, with construction anticipated to commence in the same fiscal year. The trail will provide hikers and bicyclists access to the wildlife area.

In FY 1999-00 the alignment for N. Marine Dr. extension project, funded by the Port of Portland, will be built. The construction of the new alignment will impact access to the wildlife area but once completed should improve the parking facilities. With the new alignment, the entrance and exit to the parking lot will be widened and clearly marked to facilitate access to the area.

Also in FY1998-99, a Western Painted Turtle monitoring study was initiated at the wildlife area. The study is a 5-year project that will provide valuable information about the demographics, nesting sites and habitat uses of the turtles. The Port of Portland is contributing \$30,000 towards the project, \$10,000 the first year and \$5,000 for each consecutive year.

Multnomah County is considering the construction of a new medium security jail on the peninsula adjacent to Bybee Lake. As part of the siting process, the Department, Smith and Bybee Lakes Management Committee and Regional Parks and Greenspaces Advisory Committee will be working with the county and sheriff's office to develop recommendations to minimize potential adverse impacts of the jail construction and on going operations on the lakes. A boat launch and small parking lot may be included in the project as a community amenity.

### **Objectives**

- Continue to seek funding for the removal of the water control structure, returning the lakes to a freshwater tidal marsh system, and begin riparian habitat restoration.
- In cooperation with the City of Portland develop a mini-master plan for 40-Mile Loop Trail in the Rivergate area.
- Increase use by local schools and provide environmental education opportunities for a variety of visitors.
- Work cooperatively with Regional Environmental Management Department on the vegetation cover of the St. Johns Landfill and controlling erosion along the parameter of the landfill.
- Continue western painted turtle survey and monitoring for adaptive management of the population.
- Work cooperatively with Multnomah County on design of the new jail to minimize impacts on Bybee Lake.
- Continue to work cooperatively with the City of Portland and the Port of Portland on design and construction of N. Marine Dr. alignment.

## ***Program Overview***

***Fiscal Year 1999-00***

### **Budget Summary**

**FY 1999-00**

#### **RESOURCE ALLOCATION:**

	Amount
Beginning Fund balance	\$3,534,879
Contributions from other Agencies	\$5,000
Interest on S&B Fund	\$194,418
Admissions	\$500
Transfer from Solid Waste Fund	\$6,000
<b>TOTAL RESOURCES</b>	<b>\$3,740,797</b>

#### **EXPENDITURE ALLOCATION:**

	Amount
Personal Services	\$100,212
Goods & Services	\$66,012
Capital Outlay	0
Transfer to Support Services Funds	\$27,241
Transfer to Data Resources Center	\$500
Transfer to Parks/Expo Fund	\$10,000
Contingency	\$24,980
Unappropriated Balance	\$3,511,545
<b>TOTAL REQUIREMENTS</b>	<b>\$3,740,797</b>

#### **FULL-TIME EQUIVALENT STAFFING:**

	FTE
Regular Full Time FTE	1.00
Regular Part Time FTE	0.50
<b>TOTAL FTE</b>	<b>1.50</b>

#### **SEASONAL STAFFING:**

	FTE
Park Ranger/Groundsperson	.33

## ***Revenue Detail and Analysis***

***Fiscal Year 1999-00***

### **Revenue Detail**

3500	Beginning Fund Balance	\$3,534,879
	Beginning Fund Balance.	
4145	Contributions from Other Govt.	\$ 5,000
	IGA with the Port of Portland for Western Painted Turtle Monitoring	
4500-120	Admissions	\$ 500
	Fees collected from educational program users at the wildlife area.	
4700	Interest on Fund Balance	\$ 194,418
	Interest on Fund Balance for FY 98/99, calculated at 5.5% per Budget Manual.	
4970	Transfer Resources From Solid Waste Fund	\$ 6,000
	Operation and maintenance for landfill activities. Money transferred from REM to pay for the Wildlife Area Manager's time spent on landfill issues.	
<b>TOTAL RESOURCES</b>		<b>\$3,740,797</b>

### **Revenue Analysis**

The Smith and Bybee Lakes Trust Fund is a dedicated fund established in FY 1990-91 to implement the Smith and Bybee Lakes Natural Area Resources Management Plan adopted jointly by Metro and the City of Portland in November 1990. A primary management objective is to limit expenditures to the interest generated from the fund principal and other outside sources. Outside revenues are sought from other public agencies, foundations and grants.



## ***Expenditure Detail***

***Fiscal Year 1999-00***

### **Goods & Services**

#### **Goods**

5201	Office Supplies	\$ 270
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Standard office supplies

5201-600	Computer Software	\$ 120
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Computer software

5201-602	Postage	\$ 50
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First class and bulk mailings

5201-603	Meeting Expenses	\$ 450
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Smith and Bybee Lakes Management Committee (12)	\$200
Smith and Bybee Lakes Technical Committee (2)	\$50
Event planning/Educational training	\$200

5205-610	Landscape Supplies	\$ 2,000
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Plant materials, soil amendments, etc. for habitat enhancement

For three community based projects done throughout the year and materials for replanting riparian habitat.

5205-613	Graphics/Reproduction Supplies	\$ 700
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Misc. graphic/reprographic supplies	\$450
Camera film	\$250

5205-615	Printing Supplies	\$ 150
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Misc. printing supplies

5205-618	Small Tools	\$ 1,250
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Small tools for various projects

5205-619	Promotion Supplies	\$ 500
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T-shirts, hats for volunteer naturalists and others

Upon completion of the volunteer naturalist program, participants are given T-shirts and hats to wear when they are leading tours and presenting programs at Metro's facilities.

5205-620	Other Operating Supplies	\$ 700
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Other operating supplies

## ***Expenditure Detail***

***Fiscal Year 1999-00***

5210-625	Subscriptions/Publications	\$ 450
	Field Guides	\$350
	Natural Resource Library: 4-5 books @ \$20 ea.	\$100

5210-626	Dues	\$ 100
	Natural Areas Association	

### **Services**

5240	Misc. Professional Services	\$ 47,000
	Biological monitoring	\$25,000
	Facilities improvement	\$10,000
	Habitat restoration and enhancement	\$5,000
	Interagency agreement with City of Portland/BES	\$7,000

Biological monitoring at the lakes continues, with an emphasis on Western Painted Turtle monitoring.

Habitat restoration continues to increase shorebird and neotropical bird use of the wildlife area through removal of exotic vegetation, plantings, propagation of native plants and other means.

Metro entered into a multi-year IGA with the City of Portland for a 15 acre restoration project between the lakes and the Columbia Slough. The money is for maintaining the restoration area.

Facilities improvement monies are for the construction of a temporary road and parking lot for the boat launch

5251-665	Telephone	\$ 400
	Long Distance	\$90
	Cellular phones (2) monthly charges	\$310

5260-631	Maintenance & Repair Services/Buildings	\$ 1,000
	Repairs to trails, observation blinds, and/or parking lot	

5260-636	Maintenance & Repair Services/Equipment	\$ 600
	Scientific equipment used in environmental monitoring	

5265-670	Rental	\$ 1,102
	Smith and Bybee Lakes Day event rentals	\$100
	Sanitation services	\$1,002

## ***Expenditure Detail***

***Fiscal Year 1999-00***

5280-680	Advertising	\$	400
	Ads in local papers for Smith & Bybee Lakes Day	\$200	
	Public meeting notices	\$200	
Notices for open houses and other public meetings to update the public on activities and changes in hydrology management of the lakes and construction of the 40-mile Loop Trail.			
5280-681	Printing	\$	500
	Smith and Bybee Lakes brochure/flyer		
5280-682	Typesetting & Reprographic Services	\$	580
	Services to prepare brochures, reports, display maps	\$200	
	Photo enlarging, film processing and laminating large posters	\$380	
5280-686	Uniform Supply	\$	400
	Uniforms		
5290-695	Parking Contract	\$	840
	Parking costs for truck at Metro Regional Center		
5300	License, Permits, & Payments to Other Agencies	\$	5,600
	Fleet services costs		
5450	Travel	\$	150
	Society of Wetland Scientist conference	\$150	
5450-760	Mileage Reimbursement	\$	150
	Personal vehicle use when pool cars unavailable		
5455	Training, Tuition & Conferences	\$	350
	Training opportunities to maintain and enhance skills		
5490	Miscellaneous Expenditures	\$	200
	Expenditures not specifically itemized above		
<b>TOTAL GOODS &amp; SERVICES</b>			<b>\$ 66,012</b>

## ***Expenditure Detail***

***Fiscal Year 1999-00***

### **Interfund Transfers**

5800	Transfers Indirect Costs to Support Services	\$ 27,241
5800	Transfers Indirect Costs to Building Management	\$
5800	Transfers Indirect Costs to Risk Liability	\$
5800	Transfers Indirect Costs to Risk Workers Comp	\$
5820	Transfers Direct Costs to Data Resource Center (Maps)	\$ 500
5820	Transfers Direct Costs to Regional Parks (Admin)	\$ 10,000
<b>TOTAL INTERFUND TRANSFERS</b>		<b>\$ 37,741</b>

### **Contingency and Unappropriated Balance**

5999	Contingency	\$ 24,980
5990	Unappropriated (Undesignated for capital improvements)	\$3,511,545
<b>TOTAL CONTINGENCY AND UNAPPROPRIATED BALANCE</b>		<b>\$ 3,536,525</b>
<b>TOTAL PERSONAL SERVICES</b>		<b>\$ 100,519</b>
<b>TOTAL GOODS &amp; SERVICES</b>		<b>\$ 66,012</b>
<b>CAPITAL OUTLAY</b>		<b>\$ 0</b>
<b>TOTAL INTERFUND TRANSFERS</b>		<b>\$ 37,741</b>
<b>TOTAL CONTINGENCY AND UNAPPROPRIATED BALANCE</b>		<b>\$ 3,536,525</b>
<b>TOTAL EXPENDITURES</b>		<b>\$ 3,740,797</b>



## ***Expenditure Analysis***

***Fiscal Year 1999-00***

### **FTE Changes from FY 1998-99**

- No changes in FTE (1.5) for FY 1999-00

### **Materials & Services**

- Total Materials and Services are down from \$143,648 in FY 1998-99 to \$66,012 in FY 1999-00. This is due a reduction in Miscellaneous Contracted Purchases and other materials that more accurately reflect program expenditures. Changes in individual line items exceeding 5% and \$500 or over are as follows:

Code	Description	% Change	\$ Change	Comment
5201	Postage – Bulk Mail	(91%)	(500)	Decrease in expected mailings.
5205-610	Landscape Supplies	(78%)	(7,100)	Smaller projects are planned in this fiscal year.
5205-618	Small Tools.	150%	750	With the addition of a seasonal employee, more tools will be needed.
5205-620	Other Operating Supplies	3,400%	680	Needed supplies not listed in other categories.
5215-636	Maint/Rep Supplies-Equip	(100%)	(610)	Code change to accurately reflect expenditure.
5240-635	Misc. Professional Services	(76%)	(94,748)	No anticipated grant funding for monitoring and restoration projects.
5265-670	Equipment Rental	(41%)	(766)	Less equipment needed for Smith and Bybee Lakes Day.
5280-680	Ads/Legal Notices	(68%)	(840)	Change in advertising strategy.
5280-681	Printing Services	(68%)	(1,050)	Printing less brochures and guides.
5280	Temporary Help Services	(100%)	(3,000)	Not needed for projects in FY 1999-00.
5300	License/Permits/Pay to Agencies	(14%)	(900)	Replacement cost and maintenance for fleet vehicle. Reduced by \$900 to more accurately reflect cost.
5490	Misc. Expenditures	(81%)	(850)	Costs for materials and services have been better defined by category.

### **Capital Outlay**

- No capital projects or purchases planned.

## Smith & Bybee Lakes Natural Area Management Committee

Nancy Hendrickson, Chair

**Metro**

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1870

February 5, 1999

Multnomah County Commissioners  
1120 SW Fifth Ave., Suite 1500  
Portland, OR 97204

RE: North Rivergate Site Location for the New County Jail Facility

To the Multnomah County Commissioners,

Thank you for the opportunity to submit these comments regarding the North Rivergate site location for the new county jail facility. This testimony is provided on behalf of the Smith and Bybee Lakes Management Committee (except for the Port of Portland). We would like to express our appreciation to Sheriff Dan Noelle and Lt. Bobbi Luna for attending a couple of our meeting to talk about the proposed location and to answer questions. They have also met with representatives from the committee to discuss the design of the proposed buffer area. The committee's general and specific comments are detailed below.

### Background

Smith and Bybee Lakes Wildlife Area is recognized throughout our region as a significant natural area, protected primarily for wildlife values. The wildlife area is the largest, protected, urban wetland in the United States. It is home to or visited by over a hundred bird species, river otter, beaver, western painted turtles, Columbia slough sedge and numerous other native species. The wildlife area is the remaining remnant of the wetland, slough, riparian complex that used to exist at the confluence of the Columbia and Willamette Rivers.

The Multnomah County Framework Plan, Policy 15 Willamette River Greenway, identifies Smith and Bybee Lakes Wildlife Area as an Area of Significant Environmental Concern. The factors of significant environmental concern include shoreline vegetation, rare ecosystems, unique wildlife habitat, views and vistas, recreational needs and water quality. The City of Portland also recognized the complexity and uniqueness of the area in their "Inventory and Analysis of Wetlands, Water Bodies and Wildlife Habitat Areas for the Columbia Corridor" (City Ordinance #161896, April 20 1989). In the report, the wildlife habitat inventory score for the lakes was the highest of all areas evaluated. The narrative for the report states, "Smith and Bybee Lakes is the most complex and unique natural area within Portland's Urban Growth Boundary. (T)he Smith and Bybee Lakes area is the largest, most significant wetland area in the City of Portland, and the largest natural resource inventory area in the Columbia Corridor. It has tremendous habitat value and diversity, and should be protected."

Recognizing the unique habitats and importance of Smith and Bybee Lakes to the region, The City of Portland, Metro and the Port of Portland developed and adopted the *Natural Resources Management Plan for Smith and Bybee Lakes* in 1990. The plan set forth the goal, objectives and policies for the wildlife area. The goal of the Management Plan "is to protect and manage the Smith and Bybee Lakes area as an environmental and recreational resource for the Portland region. (I)ts primary use will be as an environmental preserve." Included in the plan was the formation of the Smith and Bybee Lakes Management Committee (SBLMC)<sup>1</sup>. The management committee is responsible for overseeing the

<sup>1</sup> Committee Representatives include Metro Executive Office, Oregon Department of Fish and Wildlife, Audubon Society of Portland, Friends of Smith and Bybee Lakes, Port of Portland, City of Portland Bureau of Environmental Services, City of Portland Parks and Recreation and Private Landowners.

implementation of the plan and provides ongoing policy guidance. One of the ongoing responsibilities is to review and comment on any development activities adjacent to the wildlife area boundaries.

### **Concerns and Recommendations**

At the SBLMC meeting held October 27, 1998, Sheriff Dan Noelle and Lt. Bobbi Luna presented a concept for the proposed jail that may be built in the Rivergate Industrial Area, adjacent to Bybee Lake on the Leadbetter Peninsula. The wildlife area surrounds this area on three sides. The SBLMC met on November 24, 1998, to discuss the potential siting and construction of the new jail facility. The committee voted 6 to 1 (the Port of Portland opposed and the representative for the private landowners was not in attendance) to submit the following concerns and recommendations about the jail siting. The concerns and recommendations are made under the assumption that Multnomah County allows for a thorough and complete public process for siting the new jail facility.

1. **Wildlife and Habitat Protection** – the lakes provide unique habitat for many species. The largest known western painted turtle population in the lower Columbia River ecosystem uses them. The turtles are listed as "critically sensitive" by the Oregon Department of Fish and Wildlife. They bask on the logs within Bybee Lake, next to the Leadbetter Peninsula. The turtles may use the sand area for nesting. The peninsula also provides a valuable upland wildlife corridor along the Columbia Slough, connecting the Willamette River to the wildlife area.

To protect the lakes' ecosystems and preserve the wildlife corridor:

- The facility should be placed a minimum of 150 feet back from the top of the bank to provide a buffer from the development. For wildlife habitat, a 1992 Washington State Department of Wildlife report entitled "Buffer Needs of Wetland Wildlife" states that, "To retain wetland-dependent wildlife in important wildlife areas, buffers need to retain plant structure for a minimum of 200 to 300 feet beyond the wetland. This is especially the case where open water is a component of the wetland or where the wetland has heavy use by migratory birds or provided feeding for heron. The size needed would depend upon disturbance from adjacent land use and resources involved."
- The buffer should be planted with native vegetation, including conifers (evergreen) and have ground, shrub and canopy layers. Some areas should be left unplanted to provide turtle habitat.
- Construction should be limited to daylight hours to prevent additional interference with wildlife movement. Dusk and dawn are active wildlife periods.
- Construction of the perimeter road and fence should be limited to enclose the facility to be built in the first phase. The road and fence can be moved in the future if the facility is expanded. This will limit disturbance and leave more area for wildlife use. The vegetative buffer should be planted to the edge of the fence.
- Ensure that there is no direct light from the jail, perimeter road and the road to the facility into the wildlife area that would disturb wildlife. Lighting should be controlled by lighting type, direction, distance from the lakes and vegetative screening.

2. **Recreation and Public Access** - a variety of passive recreation users enjoy bird watching, paddling canoes or kayaks, walking and wildlife watching at the wildlife area. The area is also used by schools and other educational programs throughout the region as an outdoor classroom to learn about wetlands, wildlife and water quality. Numerous North Portland schools participate in restoration and monitoring projects there.

To maintain or enhance the high quality of passive recreation opportunities:

- The jail facility needs to be visually screened from the lakes.
- Avoid eliminating opportunities for future public access. The SBLMC is developing a facility plan for the wildlife area including a possible option to site a small boat launch facility at Bybee Lake. The planning process will examine each potential site for habitat sensitivity and numerous other factors.
- As a community amenity for siting a jail adjacent to the wildlife area, Multnomah County should fund the construction of a boat launch and parking area. For having the jail sited next to a regionally significant natural area, used by residents from the entire Metro region, the county should compensate users by providing this amenity.

3. Water Quality –the Oregon Department of Environmental Quality lists Smith and Bybee Lakes as water quality limited. The SBLMC is concerned that surrounding development would cause further degradation of the water quality in the lakes; it is looking for opportunities to improve water quality. As more area adjacent to the lakes is paved, the quality and quantity of stormwater entering the lakes and slough needs to be controlled and monitored.

To prevent further degradation:

- No stormwater should be directly discharged into Bybee Lake.
- Treat all stormwater on site with controlled release into the slough or retain the water on site to use for summer watering.
- Treat all stormwater runoff during construction.
- Use best management practices to treat stormwater, above and beyond the City of Portland's requirements, because of the area's sensitivity.

4. Creative Alternatives – consider alternatives that would allow the jail to be sited on the Leadbetter Peninsula and be compatible with the wildlife area.

The following are just a few design changes and suggestions:

- Redesign the building to meet the uniqueness of the site. Instead of trying to "fit" the building designed for the radio tower site at Leadbetter Peninsula, look at design changes that would allow the concerns and recommendations in this letter to be met.
- Limit the scope of the project, keeping it a smaller facility.
- Lay out a traffic pattern that has the least impact of lights on the wildlife area.
- Have an eco-roof to treat and retain stormwater. Capture the rainwater in cistern to store and use for irrigation in the summer.
- Reduce the amount of parking, build a two-story garage or place the parking under the building to allow for a larger buffer area.
- Provide a lighting design that does not encroach into the wildlife area.

If this site were selected, the SBLMC would like to work with the Sheriff's Office and Multnomah County to ensure that site preparation and building design protects the wildlife area and is acceptable to the community. A member of the committee would be available to participate in any working group to address the concerns and recommendations in this letter. The full committee would appreciate a chance to review the site preparation and building design before any activity begins.

Thank you for your consideration.

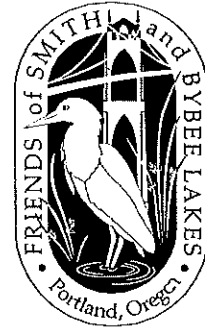
Sincerely,



Nancy Hendrickson, Chair  
Smith and Bybee Lakes Management Committee

C: Charles Ciecko, Director, Metro Regional Parks and Greenspaces  
Mike Burton, Metro Executive Officer  
Sheriff Dan Noelle and Lt. Bobbi Luna, Multnomah County Sheriff's Department

Friends of Smith & Bybee Lakes  
P.O. Box 83862  
Portland, OR 97283-0862



November 11, 1998

Commissioner Bev Stein, Chair  
Commissioner Diane Linn, District 1  
Commissioner Gary Hansen, District 2  
Commissioner Lisa Naito, District 3  
Commissioner Sharron Kelley, District 4  
Commissioner-elect Serena Cruz, District 2  
Sheriff Dan Noelle  
Lt. Bobbi Luna

copies: Emily Roth, Metro Wildlife Area Manager  
Charles Ciecko, Metro Regional Parks and Greenspaces  
Smith & Bybee Lakes Management Committee

Dear County Commissioners and Officials,

The Friends of Smith & Bybee Lakes conditionally support the siting of a jail adjacent to Bybee Lake in the Rivergate Industrial District. We believe that Multnomah County should be willing to contribute environmental and community amenities for siting a jail, especially such a potentially large one, adjacent to the Smith and Bybee Lakes Wildlife Area. We request the following as conditions:

- **Vegetative and Wildlife Buffers** – Buffers are necessary to protect this regionally significant natural area, provide wildlife habitat and corridors, contain stormwater and provide visual screening. We request vegetative buffers that extend at least 150 feet from the top of the bank to the development. The buffers should be comprised of **native** vegetation, consisting of several layers including shrubs and ground cover. Evergreens should be included so that the facility is not visible from the lakes or the trail system during all seasons of the year. The buffers should be designed to provide wildlife habitat, including turtle habitat. Sufficient soil should be brought in to support root systems for large trees. (The sand fill on the peninsula is about 30 feet deep.)
- **Wildlife** – Western Painted turtles have been seen in this area of Bybee Lake. The Western Painted turtle is listed “sensitive” by the Oregon Department of Fish and Wildlife. Their use of upland habitat in this area is not fully known. Turtle and other wildlife use in the area needs to be examined and protected or mitigated.

November 11, 1998

- **Canoe/kayak Access** – As a community amenity for siting a jail adjacent to the Wildlife Area, we request that Multnomah County fund a boat launch somewhere within the Wildlife Area – not necessarily on the Leadbetter peninsula. The location and design of the launch will be determined by a public process that is currently being developed by Metro and the Smith and Bybee Lakes Management Committee.
- **Lighting** – Lighting at the facility should not cast any direct light into the Wildlife Area so that nocturnal wildlife is not disturbed. Lighting should be controlled by lighting type and direction, distance from the lakes and vegetative screening. The headlights of evening visitors using the access road to the facility should also be screened.
- **Water Quality** – Smith and Bybee Lakes are listed as 303(d) “water quality limited” by the Oregon Department of Environmental Quality. There is a need to maintain and enhance the water quality of the lakes. We request that no stormwater be discharged into the lakes. This includes stormwater during construction. Stormwater from the building, parking lots and all impervious surfaces needs to be properly treated. Emergency containment capability should be built in.
- **40-Mile Loop Trail** – There are plans to build a portion of the 40-Mile Loop Trail along the Columbia Slough in this area. Design for the site should allow for the trail, including vegetative buffers.

The Friends of Smith & Bybee Lakes want to work with the County to ensure a solution that is environmentally sound and acceptable to the community. We would like to participate in any working or advisory group to help address these and any other issues that may arise.

Thank you for your consideration.

Sincerely,

Frank Opila  
President, Friends of Smith & Bybee Lakes  
503-283-1145



OREGONIAN  
Nov 23 '98

# Realigning Marine Drive might be turtle-saver

Northwest Ecological Research Institute will study the reptiles, growing rare in their Oregon habitat

By JOE FITZGIBBON  
for The Oregonian

An endangered turtle population will rest easier this winter because transportation officials agreed to redesign a road-widening project on North Marine Drive.

After two years of public meetings, the city and Port of Portland agreed to add two lanes to the north side of the busy roadway and scrap plans for constructing a railroad spur along the banks of

## North/ Northeast Focus

Smith and Bybee lakes.

The new design is intended to help preserve the population of Western painted turtles in the nearby wildlife area.

"This new alignment will take care of our immediate concerns about the turtles," said Emily Roth, Metro wildlife manager for Smith and Bybee lakes. "We worry that this may be one of their last strongholds, and we really know very little about them."

To that end, Metro awarded a \$33,000 contract to the Northwest Ecological Research Institute to begin a five-year study of the turtles. Researchers will assess the Smith and Bybee lakes population, monitor its health and measure the effects of human activities.

Last year, at least 160 of the colorful reptiles were discovered nesting near the proposed widening. Some wildlife experts worry that altering the environment near nesting and sunning areas could prove harmful.

"They're native to Oregon and were once as common as dirt," said Teresa DeLorenzo, who is heading the study. "Our concern is that we're no longer seeing them where they ought to be, and we don't know why."



FREDRICK D. JOE/The Oregonian

The Smith and Bybee lakes wildlife area in North Portland is home to a colony of Western painted turtles. Environmentalists were concerned that a proposed construction project would endanger the colony, but a compromise seems to have been worked out. Metro will also pay for a 5-year study to track the turtle population.

### Recruiting volunteers

This winter, DeLorenzo plans to recruit volunteers willing to hike and canoe through the 2,100 acres of lakes and wetlands in order to count the turtles.

"We're hoping to find a healthy balance of males and females, juveniles and adults," she said. "If we can successfully track them, we might find out if the population is increasing or decreasing and have a better handle on how well they are adapting to Smith and Bybee."

The Oregon Department of Fish and Wildlife listed the Western painted turtle as "critical sensitive" in 1991, making it a crime to collect or disturb them. Their underbelly markings of red, yellow and black make the turtles easy to identify.

Meanwhile, the \$27 million North Marine Drive improvement project is scheduled to start next September. Construction along a 2.5-mile strip is expected to last about 18 months.

Phase one calls for widening the road to five lanes, at a cost of about \$9 million. The second phase, costing about \$18 million, will elevate a portion of North Marine Drive over a busy railroad crossing. Work isn't likely to proceed until financing is available, which could push this back until 2004.

### Groups worked together

Jeanne Caswell, who is stepping down as project manager for the Portland Department of Transportation, offered praise for the dozens of representatives from businesses, government agencies and environmental groups who hammered out an agreement.

"It was no small undertaking," Caswell said. "We don't often bring together such diverse views and ask them to work together. I felt good about the process and what we were able to accomplish."

A new project manager is scheduled to start work the first of the year and organize a series of public workshops to complete final review of the project.

Unresolved issues include dealing with noise abatement, storm-water collection and final landscaping design.

## Turtle time

■ **What are they:** Western painted turtle, one of only two turtles native to the Northwest.

■ **Distinguishing features:** Yellow, red and black markings on the underbelly. Can grow to about 10 inches. Males are smaller than females and have highly elongated front claws.

■ **Habitat:** Slow-moving water. Fond of basking on logs and sandy shores. Can be found in wetlands near Columbia River, Sauvie Island and Smith and Bybee lakes. Females lay eggs in soft soil in open areas near water.

■ **Predators:** Raccoons, herons, bullfrogs and other turtles. Humans prey on turtles by shooting and collecting them.

■ **Status:** In Oregon, "critical sensitive." Illegal to kill or disturb them.

■ **Volunteers needed:** To assist with the monitoring and population count at Smith and Bybee lakes, call Northwest Ecological Research Institute, 643-4008, or Metro, 797-1733.

Conservationists hope that the palm-sized turtles will provide a guideline.

"They've been around millions of years but in the last 200 years have been brought to the brink of extinction," DeLorenzo said. "When something like that happens, I've got to be asking about the health of my own environment."



# New Multnomah County Corrections Facility

# New Jail Newsletter

Vol. 3, No. 2 October 1998

A newsletter in the public interest keeping citizens informed on the planning and design of the new corrections facility in Multnomah County.

## Investigation of North Rivergate

The Board of County Commissioners on September 24, 1998 adopted a resolution directing Sheriff Dan Noelle to investigate over a 60-day period a parcel on the Leadbetter Peninsula in North Rivergate as a site for the new Multnomah County jail. The study will explore the engineering, environmental and land-use challenges posed by the parcel currently owned by the Port of Portland.

### A 60-Day Technical Study

The detailed and technical work has already begun. Professional engineers are conducting a geotechnical analysis of the Columbia River dredge fill that covers the site to determine the parcel's soil composition and seismic characteristics. The County will also study the parcel for cultural resources and hazardous materials.

The County will confirm the site is above the 100-year flood plain for the basin, and that the jail will sit well outside the environmental zone. Cost estimates for necessary road and utility construction to reach the remote and isolated parcel are also being studied.

There are opportunities at this site for substantial visual buffering, and landscape architects are finding promising ways to hide the facility from view from the Columbia Slough and Bybee Lake with trees, berms and vegetation. Architects are exploring focusing parking lot and building lighting to avoid spilling into wildlife areas, and the jail will be configured to avoid conflicting with potential recreational uses in the area, such as the 40-Mile Loop Trail.

In addition, traffic analysts are studying the impact of trips to and from both the initial 225-bed facility and the expanded 2,000-bed facility, including comparisons to traffic associated with typical private development slated for this Heavy Industrial-zoned parcel.

The public dollars spent on designing the jail when Radio Towers was the choice for the location produced a plan that fits on the North Rivergate parcel just as well.

Much of this information will feed into the City of Portland Type III Conditional Use Review of the project. The County is hoping to schedule in the near future a pre-application conference at which City of

Portland bureaus comment on the information local land-use regulations require the applicant to develop for the project.

### Community Meetings: Part of the Assessment

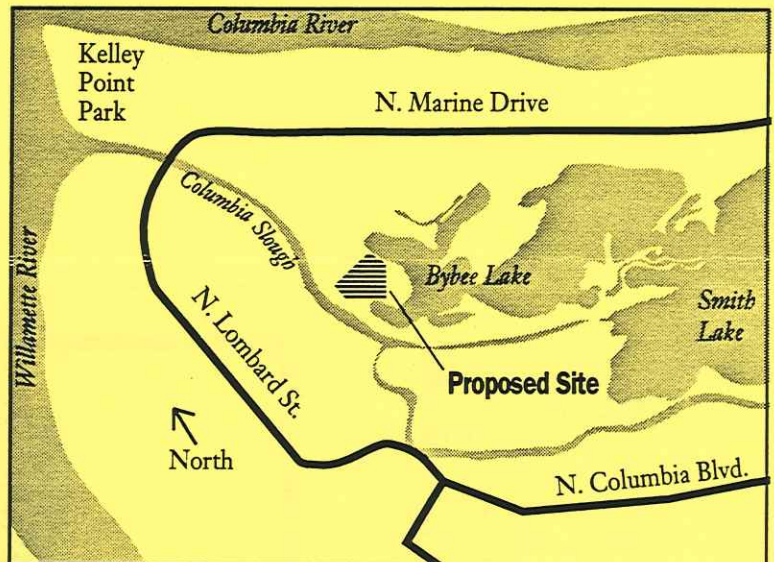
Another key component of the study is input from the community. Sheriff Dan Noelle and Lt. Bobbi Luna will be meeting in October and November with a dozen key neighborhood, business and environmental groups. The purpose of these meetings is to get feedback about what issues are of greatest concern to the surrounding community. The Sheriff will be telling the Board of County Commissioners what he is hearing about the site.

Readers of the *New Jail Newsletter* should have received a postcard two weeks ago inviting them to meetings with the St. Johns Neighborhood Association (held October 12th), the Columbia Corridor Association (held October 20th), and the Columbia Slough Watershed Council. The Sheriff and Lt. Luna in early-October met with Friends of Smith & Bybee Lakes and the Community Association of Portsmouth. More meetings are being scheduled. See the back page for the latest scheduled community meetings.

### After the Site Assessment

When the study is complete in late-November, the Sheriff will deliver a report to the Board of County Commissioners.

The Sheriff and Lt. Luna will then host three public meetings in early-December to present results of the study to the community. One meeting will be a briefing for interested members of the Siting Advisory Committee, the 15-member citizens advisory committee that met in 1996 and 1997 to select a site for the new jail. The County plans two additional meetings to again present the exact same information, one in St. Johns and another in Rivergate.



Look to next month's *New Jail Newsletter* for the time and place for these three meetings.

### Process: Who Makes the Decision?

It is important to remember that the decision-makers for the jail site are the County Commissioners. The members of the Siting Advisory Committee completed their job, and the committee has no official advisory capacity on jail siting anymore.

Plans right now are for the Board to receive the site assessment in late-November, and in December receive a briefing from the Sheriff at a round-table work session. The Board will also hear at that time about the status of negotiations with the Port of Portland to acquire the property. Before the Board makes a decision on whether to proceed in North Rivergate and buy 20 or so acres from the Port of Portland, it will take public testimony.

Again, the *New Jail Newsletter* will provide notice of all key Board of County Commissioners' meetings on the siting of the new jail.

If the Board selects the North Rivergate site, the Sheriff will reconstitute a new citizens Working Group to advise the County on design, planning and operations of the jail, with a membership reflecting the stakeholders for North Rivergate.

In addition, the County will be seeking a Conditional Use Review approval from the City of Portland. This will be a "Type III" process offering several opportunities for citizen input which will be publicized in the *New Jail Newsletter*.



# The Siting Process

In May 1996, Multnomah County voters approved a public safety bond measure to construct a new jail. In September 1996, the Board of County Commissioners formed a 15-citizen Siting Advisory Committee to select a site for the new jail. After a very public process, the committee in January 1997 recommended to the Board of County Commissioners Radio Towers as the top choice for the new jail and named Rivergate as the first alternative location. After further study, the Board of County Commissioners adopted unanimously in August 1997 a resolution selecting the Radio Towers site and naming Rivergate as an alternative.

The Port of Portland opposed sale to the County of the original area of Rivergate identified for the jail, and the County lacks clear condemnation authority over the Port. In the interim, those parcels were developed. In September 1998, the Port offered the nearby North Rivergate parcel, smaller in size and considered lesser priority property.

After much deliberation about costs, environmental impacts, and the uncertainty of obtaining needed permits, the Board of County Commissioners decided in September to not proceed at Radio Towers and instructed the Sheriff to examine the North Rivergate parcel.

## ATTENTION: Public Meetings

Come hear from Sheriff Dan Noelle and Lt. Bobbi Luna about the prospective site for the new Multnomah County jail in North Rivergate, and share with them your thoughts and concerns.

### Columbia Slough Watershed Council

**When:** Monday,  
October 26, 1998,  
5:00 p.m.  
**Where:** Nabisco  
100 N.E. Columbia Blvd.,  
Portland



### St. Johns Business Boosters

**When:** Tuesday,  
November 17, 1998,  
7:30 a.m.  
**Where:** YWCA  
8010 N. Charleston Ave.,  
Portland



*Do you have comments, questions or concerns?*

*Want an update on the latest schedule for community group meetings?*

*Do you know of a community group that needs to hear from the Sheriff or Lt. Luna?*

**Please contact:**  
Lt. Bobbi Luna  
Multnomah County  
Sheriff's Department  
1120 SW Third Ave,  
Room 322  
Portland, OR 97204  
(503) 248-3282