



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

DAN NOELLE
SHERIFF

(503) 255-3600
TTY (503) 251-2484

October 29, 1998

Ms. Emily Roth
Smith & Bybee Lakes Management Committee
Metro
600 NE Grand Avenue
Portland, OR 97232

Dear Emily:

On behalf of Sheriff Noelle and myself, please extend to the Smith & Bybee Lakes Management Committee our appreciation for the opportunity to meet with you to discuss the prospective site at the southern end of the Leadbetter Peninsula for the new County jail.

Hearing from key groups like the management committee is a key part of the County's study into the feasibility of this site. We appreciate your members raising concerns on issues such as buffering, lighting, and access to Bybee Lake. I can assure you the County, in its land negotiations with the Port, is trying to maximize the number of options we would have for buffering and for access points to the lake. I am confident that working together this facility can be a positive asset for the environment.

If any members of the management committee would be interested in a tour of the site or of the Inverness Jail, please give me a call. Otherwise, I suspect I will see a good share of the management committee on the various tours of Smith & Bybee Lakes that the Friends of Smith & Bybee Lakes have set up for me and the Sheriff.

When our study of the site is complete, we will host community meetings to present the results. In addition, the Sheriff will hold a public hearing on the site. Notice of these meetings will be posted in the New Jail Newsletter, and I understand all of the people on the management committee are on our mailing list.

If the County decides to move forward at this site, the Sheriff and I plan to reconstitute a citizens Working Group to advise us on the design and planning at the North Rivergate site, similar to the one we formed for the Radio Towers site that Peter Teneau served on. It is my hope that the Friends of Smith & Bybee Lakes and the Smith & Bybee Lakes Management Committee will have a representative on this new Working Group.

Please extend our gratitude to your members for meeting with us.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Luna", written over a horizontal line.

Lt. Bobbi Luna



Port of Portland

Box 3529, Portland, Oregon 97208, U.S.A.
503/231-5000

December 7, 1998

Smith and Bybee Lakes Management Committee
Emily Roth
Metro
600 NE Grand Ave.
Portland, OR 97232-2736

Dear Emily:

I'd like to take this opportunity to elaborate on the Port of Portland's position on certain recommendations outlined in your letter dated 12/6/98 to the Multnomah County Sheriff's office regarding siting a Multnomah County jail facility in Rivergate. The Port's position was expressed at the last meeting of the Smith and Bybee Lakes Management Committee and is further explained in this letter.

- The Port agrees that the proposed jail facility needs to be compatible with the adjacent natural resource area of Bybee Lake, however, the stipulation that the jail facility be placed 150' back from the top of the slope seems arbitrary and contradicts screening requirements described in the Smith and Bybee Lakes Natural Resource Management Plan.
- The Port has entertained the proposal to site a jail facility because the facility is small, requiring approximately 20 acres, and because it is proposed in a location that least impacts land reserved for further expansion of the marine/industrial development for which Rivergate was envisioned. Additional property needed to accommodate a 150' buffer could unnecessarily inflate the size of the jail facility.
- The buffer should be designed based on an understanding of views and viewer impacts and on the effectiveness of screening vegetation. The quality and effectiveness of a buffer (design, placement, and selection of plant installation) should be emphasized rather than the quantity.

Port of Portland offices located in Portland, Oregon, U.S.A.
Chicago, Illinois; Washington, D.C.; Hong Kong; Seoul; Taipei; Tokyo

Printed on recycled paper.

Emily Roth
December 8, 1998
Page 2

- The County jail facility will be required to meet all applicable state and local codes which are primarily enforced through permitting by the City of Portland. Rivergate tenants are not required to endorse additional obligations "above and beyond" these current regulations.

Two studies have been initiated and are directly related to some of the remaining issues: the Metro/Port turtle study which will identify turtle population locations, and habitat use; and a site study identifying the primary access point to be developed by Metro for visitors to the natural area. Both studies will provide additional information on the issues raised in your letter.

I hope this clarifies the Port's position on the proposal for siting a jail facility in Rivergate.

Sincerely,

Susan Oman
A.B.

Susan Oman
Port Representative
Smith and Bybee Lakes Management Committee

cc: Multnomah County Sheriff's Office
Charlie Cieko/Metro

**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

December 7, 1998

Sheriff Dan Noelle
Multnomah County Sheriff
12240 NE Glisan St.
Portland, OR 97230

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

Dear Sheriff Noelle,

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 thank you for your willingness to talk to the committee and for answering many of our questions. 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)¹. The management committee is responsible for overseeing the

¹ 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. This area is surrounded on three sides by the wildlife area. 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 first phase of the facility only. 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 reflect 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 is 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
Lt. Bobbi Luna, Multnomah County Sheriff's Department
Multnomah County Commissioners

**METRO**

December 7, 1998

Sheriff Dan Noelle
Multnomah County Sheriff
12240 NE Glisan St.
Portland, OR 97230RE: North Rivergate Site Location for the New County Jail FacilityDear Sheriff Noelle, 

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 Metro.

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.

As the managing agency of the wildlife area, Metro looks forward to working with Multnomah County to ensure that site preparation and building design protects the lakes and allows the county to build the facility in a cost and time efficient manner. I have reviewed the letter submitted by the Smith and Bybee Management Committee. The concerns raised by the management committee would be significant regardless of what uses may be proposed for that area.

Thank you for your consideration.

Sincerely,

Mike Burton
Executive OfficerCharles Ciecko, Director
Regional Parks and Greenspaces DepartmentC: Smith and Bybee Lakes Management Committee
Multnomah County Commissioners

coordinated by:

**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 meetings 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.

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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

Update on the Multnomah County Jail Siting

Following the management committee's November meeting, I drafted a letter to Sheriff Dan Noelle, with copies to the County Commissioners expressing the concerns brought forward at the meeting. Nancy Hendrickson reviewed and signed the letter on the committee's behalf. I entered the letter into the record at the public hearing held by the Sheriff on Dec. 8, 1998. Nancy presented the letter to the County Commissioners on Dec. 10, 1998. At that meeting, the Sheriff also presented the technical findings on the site. The commissioners have directed the Sheriff to continue to pursue this site.

Everyone but the Sheriff and his staff took a break.

On January 7, 1999, Frank Opila, Jay Mower (Columbia Slough Watershed Council), Troy Clark, Nancy Hendrickson and myself met with the Sheriff and Lt. Bobbi Luna to talk about the process and the buffer. It seems that the 150-foot set back is seriously being considered. The Port of Portland has indicated that they may be willing to sell more land if necessary. At the meeting, we were asked to describe what we envisioned the buffer planting and design to look like. After everyone tried to articulate their vision, we decided it would be better to have a series of meeting between now and the beginning of March to come up with a design that incorporates wildlife needs and aesthetics. It was also decided to expand the group to possibly include a wildlife biologist, Chuck Harrison with the Columbia Corridor Association and Peter Teneau who was on the design committee for the Radio Towers site. Also, Lt. Luna would have one of the landscape architects and environmental consultants working with her group attend the meeting to illustrate ideas.

The meetings are scheduled for:

January 26 at 7:00 p.m., following the management meeting (are we crazy?)

February 10 at 6:30 p.m.

Feb 23 at 7:00, once again after the management committee

All meetings are at Metro in room 101.

As far as the other issues raised in the committee's letter, Lt. Luna said that they will be working to incorporate the suggestions in the design.

**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 14th 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)