

## City Council agrees to hearing on conditional use of South Portland jail

By Lee Perlman  
The Southwest Portland Post

In February, with no debate, the Portland City Council unanimously agreed to give neighbors of the proposed South Waterfront immigrant processing what they have been seeking for months: a hearing on their concerns and issues.

Previously, the Bureau of Development Services had ruled that the proposed facility at 4310 SW Macadam Ave., to be operated by the Federal Government's Immigration and Customs Enforcement on a long-term lease, was primarily an office building, an extension of the previous use of the site, and allowed by right.

The proposed facility was subject only to design review to determine its operation and aesthetic qualities.

The South Portland Neighborhood Association, led by land use chair Jim Davis, had argued that in all important respects the proposed facility is a jail, and as such should be subjected to a conditional use review that would deal with safety issues and its suitability for its site.

When the Portland Design Commission approved the project (after ruling that the use issue was outside their scope), Davis and South Portland appealed the decision to Council. It was the subject of a three-hour hearing in January.

Commissioner Randy Leonard at first moved to deny the appeal and approve the project. However, Commissioner Amanda Fritz then proposed an amendment whereby the detention facilities – comprising 4,000 square feet of the

65,000 square foot building – would be subject to a conditional use process. Leonard accepted this as a friendly amendment without argument.

In previous testimony, representatives of Lindquist Development LLC, the property owner, and the Federal Government had argued that the proposed facilities would hold people who had not been charged with a crime, that they would be held there for no more than 12 hours at a time, and that there were no beds or other facilities to accommodate a longer stay.

Also, the detention areas comprised only a miniscule portion of the total square footage. Based on this, they argued, the use would be a "processing," not a "detention," center, and allowed by right.

"It was very clear that the characterization of this as a detention facility was erroneous," Leonard told Council. "I disagree," Fritz responded. "The square footage is only one factor."

Another Council member, Nick Fish, chimed in. "This is not the Wapato Jail, but not an office building," he said. "It doesn't comfortably fit any of our use definitions."

Therefore, he said, the best course is to decide that the building has two primary use definitions, one of which inquires a conditional use permit. "This is the only way we don't do violence to the code," Fish said.

Moreover, he said, "This allows the neighborhood to weigh in on issues such as safety. It doesn't preclude such a facility; it just calls for public review." Fritz added, "It recognizes the neighbors' concerns while allowing the office

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This building located at 4310 SW Macadam Ave in South Portland could be home to a new federal jail. (Post file photo by Don Snedecor)

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