

Opponents of proposed North Macadam jail are running out of time

By Lee Perlman
The Southwest Portland Post

Not that they necessarily need it, but developers of a new Immigration and Customs Enforcement (ICE) facility, with detention cells, in the South Waterfront area may be saved by the bell.

City of Portland Hearings Officer Gregory Frank held a public hearing on a request for a Conditional Use permit for the facility at 4310 S.W. Macadam Ave. on July 6. At the hearing's end he brought up an important procedural issue – the 120-day clock.

By state law, a local jurisdiction must complete its review, and either grant or deny an application for a land use process, within 120 days of receiving a "complete" application.

City officials often ask applicants to waive this requirement or extend the time limit, with the implication that if the applicant insists on an immediate reply, it will be a denial. However, the applicant can insist on adherence to the timeline.

As a Type III procedure Frank's decision can be appealed to the Portland City Council, and the South Portland Neighborhood Association, which is opposing the Conditional Use, can bring such an appeal for free. However, Frank pointed out, the 120-day deadline is September 6.

Jim Davis of South Portland requested that the record be held open for additional testimony for seven days, and Lindquist Development LLC, the applicant, has another five days to submit rebuttals. Frank has another 17 days to issue his decision, which will probably be August 4.

If the decision went against Lindquist, and the applicant wished to appeal, the applicant could waive the deadline at

will. If South Portland lost, however, given the time needed to schedule a Council hearing and provide mandatory notice for it, they would have little time to make the deadline.

Suggesting "hypothetically" that he ruled against the neighborhood, Frank told board member Bill Danneman, "There's an idea that the more time an opponent takes, the more screws you drive into the developer. This time the screws could be driven into you. You might want to file an appeal immediately after receiving the decision to give yourself a fighting chance."

Lindquist plans to add on to an existing vacant bank storage facility, with a total of 114,000 square feet. The Portland Design Commission approved the design earlier this year, and City Council upheld it in the face of a South Portland appeal.

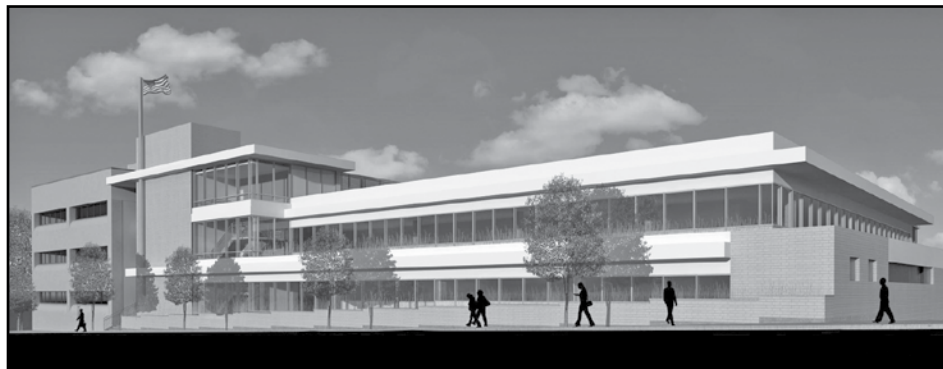
However, City Council also found that about 5,300 square feet of the building constituted a detention facility, and required a new approval process with a new set of criteria.

The issues, as argued between applicants and critics, were the safety of nearby residents, property values, the effect on local traffic, and the suitability of placing such a facility across the street from the new Southwest Charter School.

ICE representative Elizabeth Godfrey said ICE has operated in the Pearl District, at 511 NW Broadway, for years with no complaints. Inmates would be brought in and out by secure vehicles out of public view, she said.

For the most part they would be taken to Tacoma, Wash., for temporary incarceration; if not, they would go to a county jail; under no circumstances would they spend the night in the South Waterfront.

According to Godfrey, about three



An artist's rendition of the proposed ICE detention facility. (Courtesy Keith Skille, GBD Architects)

people a week would be released, none considered to be "a threat to public safety." If necessary they could be provided with a bus ticket, and "not left stranded in an unfamiliar area."

Davis responded that incarcerated people would be held there, "and if they tried to escape they could be shot. If that isn't a jail, I don't know what is." He protested that the development team refused to provide information about the holding cells.

Danneman said that the facility is located on Southwest Bancroft Street, "the only entrance to a very geographically constrained area," and that ICE's prediction of two trips a day by large buses was "very optimistic."

Bob Haley of the Portland Bureau of Transportation did not deny that the facility might have an impact on traffic, but said that it would be far less than a far larger facility that could locate on the site by right.

Scott Matson of the federal General Services Administration conceded that agency guidelines call for ICE facilities not to be located within 300 feet of a school.

However, Matson said, GSA signed its lease for the property before the Charter School signed theirs. (At a

community meeting two weeks before the hearing, asked why the GSA is not supposed to locate near schools, he suggested that there was no practical reason other than to assuage public concerns.)

Christian Pearlman, chair of the Charter School wasn't fully aware of the ICE facility's purpose until late in the process. At that point, he said, "We had no other option; we either moved forward or we wouldn't have a school."

In a story in The Oregonian, Pearlman charged that a clause was inserted into the school's lease that allowed it to be terminated if the school attempted to interfere with the ICE siting.

Several community members testified that the facility would detract from the neighborhood's livability and desirability.

Architect and resident Fred Gans said that South Waterfront, the creation of a new community, is "an experiment, and a rare one. It's in a really fragile state. People are watching to see what will and will not work." To put such a facility close by is "unconscionable," he said, and to put it "within a frisbee throw" of a school is "absolutely nuts."

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