

Opponents cry foul at Macadam jail hearing; City Council delays final decision

By Lee Perlman
The Southwest Portland Post

Once again, the Portland City Council last month failed to reach a decision on the proposed Immigration and Customs Enforcement (ICE) processing center on Southwest Macadam Avenue because of a procedural issue.

The City Council last year approved a design for the 125,000 square foot expanded building at 4310 SW Macadam Ave., but ruled that a 5200 square foot area was a detention facility, and needed a Conditional Use permit in this zone.

In July Hearings Officer Gregory Frank found that the proposal met nearly all the criteria for Conditional Use approval, but that ICE did not provide enough information about procedures for the detainees it might release from the site – about three a week of the 10 to 15 per day who would pass through.

Last month the City Council seemed to feel that ICE – and Lindquist Development, their landlords-to-be – had proved that the releases would not represent danger to nearby residents or the adjacent Southwest Charter School.

However, the City Council balked at Southwest Portland Neighborhood Association land use chair Jim Davis's charge that in doing so, Lindquist and ICE had improperly introduced new evidence into the record, after Frank's decision, in violation of state law, creating potential grounds for a legal appeal.

As a result, the City Council decided to allow another week for the public to respond to Lindquist's testimony, and set their decision over to 3 p.m. October 5. One of the contested documents was ICE's Release Plan, providing more specific information on who would be released and under what circumstances.

Critics charged that it contained vague and soft language such as "may" or "might" in place of specific directives, but City planner Douglas Hardy said the language could be hardened and made a condition of approval. Critics pointed out that City officials have no authority over federal agencies, but Mayor Sam Adams said that the City could revoke the Conditional Use permit if need be.

Pat Prendergast, a Pearl District developer with an interest in the current project, argued that ICE and its predecessors have operated for 35 years from a federal building at 511 N.W. Broadway, "not nearly as secure as the new building will be, with no incidents. This is a very minor move from one end of town to another, from federal ownership to private. It's hard for me to understand why there's a problem."

Opponents, most of them Charter School parents, weren't reassured. One, Christa Rodriguez, said, "My son's safety is my number one priority, and it should be yours, too. There's no way anyone can guarantee there will be no harm to

the school." With others, she said the ICE facility belonged in an industrial area rather than this or any residential neighborhood.

Davis and South Portland board member Bill Danneman argued against the procedure. Danneman said that ICE and Lindquist had in effect submitted a new application. "They said, 'We're only going to give you the information you need,'" Danneman said. "Then they lost. We wouldn't be here today if this information had been made available to the Hearings Officer.

Commissioner Nick Fish responded, "Does that mean that (with this information) you would have been satisfied?" "No, but the Hearings Officer would have been," Danneman replied.

Elizabeth Godfrey of ICE said that in most cases, if detainees were released, their families, friends or attorneys would come to get them. Others would take a cab or mass transit, and given bus fare if need be. At one point Commissioner Dan Saltzman suggested taking released detainees to another site prior to release.

Commissioner Amanda Fritz objected to this, saying, "If ICE determines it's safe to release some people to the community, what difference does it make where they're released?" Fritz also initially



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

opposed setting the case over, saying, "From what I've heard today, I could make a decision based on things that are in the record.

"Council is required to grant a conditional use if it meets the criteria, or if it can be conditioned to meet criteria." Eventually, however,

she said, "It probably wouldn't hurt to do the longer step."

Fritz told the audience, "We're not being asked to decide if an ICE facility anywhere in the city is a good thing or not. It's whether it meets and satisfies the criteria the Hearings Offer set out."

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Simplified map - not to scale WS 11124 rev Sept 2011

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