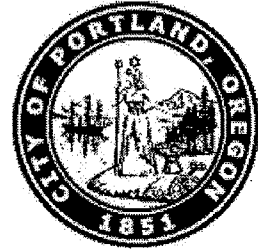




CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade
1221 S.W. 4th Avenue, Room 140, Portland, Oregon 97204
web: www.portlandonline.com/auditor/
Email: Karla.Moore-Love@portlandoregon.gov
Phone: (503) 823-4086 Fax: (503) 823-4571



NOTICE OF FINAL DECISION

TO: All Interested Persons
DATE: October 24, 2011
RE: LU 11-124052 CU PR

Appeal of Rodney Grinberg on behalf of Lindquist Development Company, property owner, against Hearings Officer's decision to deny a conditional use review to establish a detention facility to be operated by the Immigration & Customs Enforcement Agency at 4310 SW Macadam Avenue (Hearing; LU 11-124052 CU PR)

Enclosed is a copy of the Order of Council on LU 11-124052 CU PR granting the appeal of appellant Rodney Grinberg, on behalf of Lindquist Development Company, overturning the portion of the Hearings Officer's decision denying the Conditional Use for a Detention Facility and thereby granting the Conditional Use Review, and upholding the portion of the Hearings Officer's decision to approve the Central City Parking Review. If you wish to obtain a copy of the City Council's findings and conclusions, please contact Karla Moore-Love, Council Clerk at (503) 823-4086 or by email at: Karla.Moore-Love@portlandoregon.gov

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with the Board within 21 days of the date of decision, as specified in the Oregon Revised Statute-(ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. The Board's address is: Public Utility Commission Building, 550 Capitol Street NE, Suite 235, Salem, OR 97310-2552. You may call the Land Use Board of Appeals at 1-503-373-1265 for further information on filing an appeal.

Encl.

**ORDER OF COUNCIL ON APPEAL OF
RODNEY GRINBERG ON BEHALF OF LINDQUIST DEVELOPMENT COMPANY, PROPERTY
OWNER, AGAINST HEARINGS OFFICER'S DECISION TO DENY A CONDITIONAL USE
REVIEW TO ESTABLISH A DETENTION FACILITY TO BE OPERATED BY THE
IMMIGRATION & CUSTOMS ENFORCEMENT AGENCY AT 4310 SW MACADAM AVENUE
(HEARING; LU 11-124052 CU PR)**

Applicants: Rodney Grinberg, property owner
Lindquist Development Company
P.O. Box 43135
Portland, OR 97242

**Applicant's
Representatives:** Keith Skille, architect
GBD Architects
1120 NW Couch Street # 310
Portland, OR 97209

Carrie Richter, attorney
Garvey Schubert Barer
121 SW Morrison Street, 11th Floor
Portland, OR 97204

Site Address: 4310 SW Macadam Avenue

Legal Description: TL 500 1.24 Acres, Section 10 1S 1E

Plan District: Central City - South Waterfront

Land Use Review: Type III, Conditional Use / Central City Parking Review

Proposal

The Applicant seeks approval of a Type III Conditional Use to allow a Detention Facility at this address, which will be operated by two Immigration and Customs Enforcement (ICE) agencies: Homeland Security Investigations; and Enforcement and Removal Operations (ERO). The Detention Facility will be located in an existing building that recently received Design Review approval (LU 10-145100 DZM) for a 64,948 square foot expansion. The Detention Facility will consist of four holding cells and support space occupying 5,198 square feet of the 114,279 square foot building. The facility will process an average of 10 to 15 detainees daily, with no detainee held at the facility for more than 12 hours. No detainees will be held overnight at the facility. No exterior alterations to the building or site that were not approved under the recent Design Review are proposed as part of this review.

The expanded building will contain a total of 106 parking spaces in a parking structure for use by office tenants of the building and the Detention Facility. Because there will be more than 60 parking spaces on-site, some of which will be used by the Detention Facility, a Type III Central City Parking Review is also required.

The appeal hearing before the City Council was opened in the Council Chambers, 1221 SW 4th Avenue on September 21, 2011 at approximately 2:00 p.m. At the conclusion of the public hearing and after hearing public testimony, Council continued this matter to October 5, 2011 at 3:00 p.m. On October 5, 2011 Council voted 5-0 to tentatively grant the appeal of Rodney

Grinberg on behalf of Lindquist Development Company, property owner, thereby overturning the Hearings Officer's denial of the Conditional Use Review and approving with conditions the Detention Facility; and upholding the Hearings Officer's approval of the Central City Parking Review. Council directed that Findings and Conclusions be prepared for October 19, 2011 at 9:30 a.m. On October 19, 2011 at 9:30 a.m., Council voted 5-0 to grant the appeal, overturn the Hearings Officer's decision denying the conditional use for a Detention Facility, and uphold the Hearings Officer's decision approving the Parking Review for the Immigration and Customs Enforcement facility to be located at 4310 SW Macadam Avenue property, with conditions and adopted Findings and Conclusions.

DECISION

Based on evidence in the record and adoption of the Council's Findings and Decision in **Case File LU 11-124052 CU PR** and by this reference made a part of this Order, **it is the decision of Council to grant the appeal of appellant Rodney Grinberg, on behalf of Lindquist Development Company. With this decision, the City Council overturns the portion of the Hearings Officer's decision denying the Conditional Use for a Detention Facility and hereby grants the Conditional Use Review, as supported by the Findings. The Council further upholds the portion of the Hearings Officer's decision to approve the Central City Parking Review. The effect of the Council's decision is:**

Approval of a Conditional Use to allow a 5,198 square foot Detention Facility on the Site; and

Approval of a Central City Parking Review to allow a 106-space accessory parking facility on the Site.

Both approvals are subject to conformance with the site plan and building elevations (Exhibit C1-C6); and subject to conformance with the following conditions:

- A. The Detention Facility shall operate in conformance with the approved Security Plan (Exhibit A.8), as amended by the ICE Custody Release Plan dated September 2011 (Exhibit I.30.b).
- B. The Transportation Demand Management strategies identified in Exhibit A5 shall be implemented.
- C. No razor wire or barbed wire will be used on the perimeter fence.

IT IS SO ORDERED:

OCT 24 2011

Date



Commissioner Amanda Fritz
President of the Council for
Mayor Sam Adams
Presiding Officer at Hearing of
October 19, 2011
9:30 a.m. Session