

SENATE SPECIAL SESSION COMMITTEE ON PRISON SITING

September 1, 1998 Hearing Room A

4:00 PM Tapes 11 - 15

MEMBERS PRESENT: Sen. Eileen Qutub, Chair

Sen. Bill Fisher

Sen. Gary George

Sen. Veral Tarno

MEMBERS ABSENT: Sen. Joan Dukes

Sen. Avel Gordly

STAFF PRESENT: Anne Tweedt, Administrator

Marjorie Taylor, Administrative Support

MEASURE/ISSUES HEARD: Department of Corrections

Washington County

City of Wilsonville

Tigard ñ Tualatin School District

City of Tualatin

Oregonians for Responsible Prison Siting

Citizens for Accountability in Prison Siting

Water Quality Issues

Comment Period

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

Tape/#	Speaker	Comments
TAPE 11, A		
003	Chair Qutub	Calls the meeting to order at 4:02 p.m.
010	Chair Qutub	Explains that the Department of Corrections will respond to questions raised during the last committee meeting.
<u>DEPARTMENT OF CORRECTIONS</u>		
018	David Cook	Director, Department of Corrections (DOC). Presents a written response and accompanying materials to the committee. (EXHIBIT A)
030	Cook	Explains that Chapter 421 (1995) of Oregon Law indicates that the Department of Corrections is to complete forecasts for prison populations. Describes how the forecasts are completed and reviewed by the Office of Economic Analysis in the Department of Administrative Services. Indicates that the forecast in 1995 showed

		and increase in prison population projections as a result of Ballot Measure 11. States that HB 2214 (1995) created the supersiting capability.
056	Cook	Explains that DOC was required to nominate sites based on mandatory and desirable criteria that were established by DOC rule and by statutory criteria. Discusses mandatory and desirable criteria. Explains that the original desired acreage was around 300 acres.
078	Cook	Describes how the parcel size of the women's facility and intake center was reduced. In January 1997, 130 acres for co-location of facilities was approved. Explains that the parcel size was reduced to 108 acres due to natural buffering and lack of need for a water treatment plant for the Alternative Site (Day Road.)
101	Cook	States that the committee has information about sites under 130 acres that were eliminated due to size. Explains that of the 180 sites considered, 45 were under 130 acres and 19 of those were eliminated by size alone.
126	Chair Qutub	Asks how many of the 19 eliminated sites range from 103-120 acres in size.
135	Sue Acuff	Assistant Director, Business and Finance, Department of Corrections. Explains that of the 180 sites, 45 were under 130 acres, and 19 were eliminated by size, but the other 26 were eliminated by size and other reasons. Indicates that 25 of the 45 were between 108 and 130 acres and four were eliminated by size alone.
150	Chair Qutub	Asks if the four sites would be the size of the Day Road site.
151	Cook	Suggests that they would be smaller than the Day Road site.
155	Acuff	Explains that the four sites were under 107 acres and 19 others were eliminated due to size alone.
163	Cook	Indicates that legislative leaders requested the Governor to give consideration to the Alternative Site (Day Road) introduced by the City of Wilsonville and its citizens. Explains that DOC did find that the site had adequate acreage for the facilities. Describes the drawbacks of high construction cost, delayed construction time, and the need for condemnation of property. States that after review of the Day Road property, DOC indicated that Dammasch was a better property for the facilities.
188	Cook	Explains that the Governor requested that there be further study of the Day Road site. Indicates that after further review, it was decided that the Day Road site could support the facilities. States that seven of the nine property owners at the Day Road site are willing to discuss sale, but two are completely unwilling. Indicates that condemnation is not preferred, but it is not unprecedented.
211	Cook	Explains that the review of the Day Road site was performed under the supersiting process, so individual, small-group, and public meetings were held throughout the evaluation process. Indicates that property studies including soil testing, survey work, geotechnical, and seismic evaluations were completed and various environmental and wetland assessments were completed.
243	Cook	Discusses concerns related to cultural artifacts and explains that finding an artifact does not alone constitute it being a protected site. Explains that draft intergovernmental agreements for water, sewer, storm drainage, and road improvements have been developed for the Day Road site. States that the Tualatin Valley Water District (TVWD) has guaranteed delivery of water to the facility, no matter which site is selected.
264	Sen. George	Asks if there will be a problem with water in 2005 and asks if TVWD can guarantee 100 years of water.
267	Cook	Explains that DOC has entered into a long-term provision of services, but DOC can't speak to the availability of water.
274	Sen. George	Asks how long TVWD would guarantee the delivery of water.
275	Cook	Indicates that there is no termination date for the water supply. Reads a letter from the General Manager of TVWD. The letter indicates that TVWD will provide water to the facility, but if no other supply source is

		available in a timely manner, TVWD will provide treated water to the prison.
305	Chair Qutub	Asks if the water supply for Day Road would be the same at Dammasch, because there were concerns about the supply running out in 2005. Asks if the Willamette River will be a source of water for the facilities.
318	Cook	Indicates that the agreement is to provide water to the facilities, but suggests that the source would not be the Willamette River. Understands that opposition to the use of Willamette water is an issue.
338	Chair Qutub	Asks where the Water Right of 1973 come from.
351	Richard Ross	Department of Corrections. Explains that the 1973 Water Right for the Tualatin Valley Water District is held through the Water Resources Division and is for the Willamette River. Explains that the guarantee of water from TVWD is for short and long term supplies. Indicates that short term supply would allow for development of a long term supply. States that the short term agreement was through 2005.
382	Sen. George	Asks if DOC would have to pay more when the long term water supply system is complete.
387	Ross	States that the agreement is for \$10 million to resolve long term supply issues.
393	Cook	Discusses flooding issues on and adjacent to the Day Road site. Indicates that DOC consultants have determined that flooding problems can be mitigated.
TAPE 12, A		
012	Chair Qutub	Indicates that the committee would like to hear more about how flooding will be mitigated.
013	Cook	Suggests that DOC can arrange for an engineer to discuss the issue.
021	Chair Qutub	Asks for information to be presented in layman's terms.
025	Cook	Indicates that DOC does have technical reports, but they also have summaries.
027	Cook	Discusses the cost and schedule of construction and states that costs will be higher for either site.
032	Acuff	Provides information about water retention structures on the Day Road site.
044	Sen. George	Asks if a lender would approve the site based on flooding conditions. Suggests that lenders have a reason for not approving loans in 100-year flood plains.
050	Cook	Agrees that flooding can be expensive, but based on the engineering, mitigation of the flood plain can occur.
061	Sen. George	Expresses concern for flooding at the Day Road site.
070	Cook	States that DOC did a 90-day study on the property to determine its viability for a prison. DOC did what it was asked to do with the information available. Indicates that consultants and engineers agreed that the site was viable. States that the engineers have suggested that the flood waters can be mitigated.
091	Cook	Discusses issues that will influence the cost of construction of the institution. Explains that the women's population is growing and that the original planned number of beds has increased.
103	Sen. Tarno	Asks what the occupation of the beds will be two years.

107	Cook	Explains that occupation can be based on existing conditions in DOC and the forecasting of the population.
114	Sen. Tarno	Expresses concern for the need for beds. Wonders if the proposed number of beds will be adequate in 20 years.
118	Sen. George	Asks if the existing women's facility will be closed when the new facility is opened.
121	Cook	Indicates that the existing women's facility will become a male minimum security facility.
123	Sen. George	Asks if the existing facility could be turned into an intake center and the women's prison could be placed anywhere.
125	Cook	Explains that the current facility was built in 1964 for 76 female offenders. Indicates that the most effective use for the facility will be for male, minimum security offenders.
138	Cook	Reviews the April 1998 prison population forecast for June 2001. There will be a need for 646 female beds, whereas today there is a need for 506 beds. Explains that a year of delay in construction increased the cost by \$725,000 per month.
175	Cook	Discusses what happened to the costs of additional program space. Indicates that Dammasch provided opportunities because of the existing buildings that wouldn't be available at the Day Road site. Responds to a question regarding whether the true costs to Wilsonville are known. Indicates that off-site infrastructure costs are the same for both sites since Wilsonville is committed to holding the costs to \$23.5 million. Suggests that there might be additional costs incurred by the city. Responds to a question about costs for a warehouse. Indicates that each facility must have storage for operational equipment.
202	Cook	Indicates that there might be confusion about the \$23.5 million infrastructure cost and DOC obligations to the host jurisdiction. States that DOC must replace capacity that it uses for operation. Indicates that the needs of the host community will be evaluated under any situations.
218	Cook	Discusses security issues. Explains that concerns have been addressed to provide a safe and secure prison facility. Describes proposed security plans.
245	Sen. Tarno	Asks about a recent escape from the women's prison in Salem.
249	Cook	Provides basic information about the escape, but states that there is a criminal investigation in progress therefore details can't be shared.
268	Sen. Tarno	Verifies that the escape was not an "inside job."
270	Cook	Answers affirmatively.
271	Sen. Tarno	Asks if an outside perimeter is being addressed for future facilities.
283	Cook	Describes security technology for new facilities.
339	Sen. Fisher	Expresses concern for someone being able to get to a fence when they should be in a cell.
347	Cook	Agrees that is a concern. Continues to discuss security technology. Indicates that tours of correctional facilities for elected officials and policy makers are being offered by DOC.
TAPE 11, B		
005	Cook	Indicates that the committee has a packet of information that DOC has presented or provided on earlier dates. Offers to review the material.

015	Chair Qutub	Asks what is planned for the Columbia River Women's Correctional Institution. Indicates that she has heard that it is to be torn down to make way for a new airport runway.
025	Cook	Explains that Port of Portland needs an 11,000 foot runway and it makes sense to them to purchase, condemn, and destroy the Columbia River facility. Indicates that the discussion was very preliminary and the need is not immediate.
039	Chair Qutub	Suggests that the State should get a very good price on the property if it is ever sold.
042	Cook	States that they will negotiate for the best deal.
043	Sen. Fisher	Indicates that the Sheriff in Roseburg has suggested that it might not be too much trouble to do their intake work in Douglas County.
056	Cook	Agrees that the Douglas County Sheriff is knowledgeable, but disagrees that counties could do the intake work that DOC needs. DOC must put inmates to work, do treatment, and release offenders. Agrees that Douglas County has more resources than other counties.
075	Chair Qutub	Asks if an eliminated site in Clackamas County on Molalla Avenue is near the current intake center.
079	Cook	States that the intake center is adjacent to the Clackamas County Sheriff's office and is not on Molalla Avenue.
084	Sen. Tarno	Asks what the cost per day per prisoner is for the women's facility.
091	Acuff	Indicates that the state average is \$61.30 per day.
092	Sen. Tarno	Asks what the cost per day per prisoner is for the intake center.
093	Acuff	Indicates that the cost would be over \$80 per day.
095	Sen. Tarno	Verifies that if the facilities were separated, the costs would be more than if they were co-located.
098	Cook	Explains that there is a range of costs between \$8-\$15 million.
100	Sen. Tarno	Asks if that is a per year figure.
101	Cook	Indicates that the difference is based on construction.
104	Sen. Tarno	Asks what the long term operational costs would be for the facilities.
107	Cook	Indicates that DOC does have some of that information available.
110	Chair Qutub	Asks why DOC needs 63 acres for an intake center and buffering when the existing intake center is located on about two acres.
133	Cook	Agrees that similar assumptions can be made about county jails and the current intake center, but DOC is attempting to build a facility that will provide a very secure environment. States that he doesn't want to see the intake center built on a small parcel which could allow for greater security risks. Explains that DOC wants to operate and secure the intake center like all other facilities.
159	Chair Qutub	Indicates that the existing intake center is secure and that shows the ability of DOC to do their job. Agrees that

		DOC wants to have a larger facility, but they are doing their job well.
169	Acuff	Explains that Clackamas County is contracted to provide food and other support services for the intake center, so a stand alone facility would need space for those services.
174	Sen. George	Asks what the average length of stay is in the intake center.
181	Cook	States that the average stay is approximately 45 days.
182	Sen. George	Asks if the inmates work while at the intake center.
183	Cook	Explains that inmates are not required to work during that time, but relative to the assessment process, DOC needs to determine skills and lack of skills of the inmates.
189	Sen. George	Indicates that Yamhill County has built their facility up and not out. Suggests that is an efficient use of space.
196	Cook	Agrees that Yamhill County has an excellent facility.
198	Sen. George	Wonders why inmates need more space when they move from a county facility to state facilities.
201	Cook	Explains that the state facilities are good sized, but they also provide extensive security to protect citizens. Indicates that the footprint of the facility isn't large, but buffering requires the parcel to be large. Suggests that there can be discussion about removing 5-10 acres, but the buffering will provide security.
215	Sen. Fisher	Suggests that 45 days inside an intake center can't provide enough time to think of an escape route. Wonders why a reinforced concrete wall isn't sufficient to keep people in the facility.
243	Cook	Explains that the goal is to provide a service to the community so that they can feel secure. States that DOC has proposed a facility that will do the job and they don't intend to not serve the community. Indicates that the facility must be built for the long term.
265	Sen. Fisher	Indicates that he doesn't understand how a concrete structure can't do the required job. Expresses amazement at the estimated cost of \$8-11 million for 63 acres and suggests that ranch property is much cheaper than that.
303	Cook	Explains that the cost per acre was based on Portland Metropolitan area prices and are not related to prices that have been paid for property in eastern Oregon.
314	Sen. Fisher	Suggests that people outside of the Portland area would sell 63 acres for much less than \$8 million.
317	Sen. Tarno	Asks if DOC or the site selection committee proposed the 63 acres.
318	Cook	Explains that DOC determined the 63 acre figure when they were asked to divide the properties.
328	Sen. Tarno	Asks if the acreage is flexible.
329	Cook	Answers affirmatively.
<u>WASHINGTON COUNTY</u>		
341	Linda Peters	Chair, Washington County Commission. (EXHIBIT B) Suggests that the thoughts of the Commission on the prison siting process have evolved with time. States that the board agrees on four assertions. First, Washington County is the host agency for the Day Road site. Second, it is the responsibility of Washington County to represent the interest, concerns, and information related to the Day Road site. Third, Washington County has not

		submitted the Day Road site as a proposed alternative prison site. Fourth, Washington County will be in a position to influence or impose conditions that mitigate negative environmental and economic impacts on any Washington County site. States that Washington County protests attempts to deny the county a role in identifying and accounting for mitigation costs, construction oversight, and plan review. Indicates that Washington County opposes Wilsonville's annexation plans and their \$23.5 million cap on infrastructure improvements to the Day Road site.
TAPE 12, B		
013	Peters	Concludes that until it is made clear to the board that Washington County will be the permitting agency and are allowed to complete their jurisdictional function, then Washington County will oppose the Day Road site for a prison.
018	Sen. Tarno	Asks how much involvement Washington County has had in the site selection process.
022	Peters	Indicates that in the early stages, Washington County tried to get as much information as possible to the site selection committee. Explains that the Commission adopted a Resolution of Opposition to the siting of prisons of high value farmland. Indicates that Washington County tried to be a responsible public authority, but not the siting authority.
045	Sen. Fisher	Asks if all of the road improvements are needed just to serve the prison facility. Explains that other prisons don't have quite the infrastructure, but they're able to do a good job.
057	Peters	Explains that Washington County has not done an extensive analysis on all of the problems that would need to be mitigated and what all of the costs would be. Indicates that Washington County will work on those issues before any final decisions are made. States that whatever impacts the facility may have on transportation, water, and environmental quality, the people of Washington County should not have to suffer for them.
076	Chair Qutub	Asks if Washington County would be the jurisdiction that would have to present the Resolution of Interest for the Day Road site.
079	Peters	Answers affirmatively.
084	Sen. George	Asks if DOC has asked Washington County to consider the Day Road site
090	Peters	Explains that information got to the people that needed to have it.
093	Sen. George	Asks if the information was related to other sites in Washington County or the Day Road site.
094	Peters	Indicates that it was for other sites.
095	Dennis Mulvihill	Washington County. Explains that Washington County has assisted different departments in the City of Wilsonville.
102	Sen. George	Indicates that the committee has heard that Day Road has no fatal flaws, but the flooding seems extreme. Asks if Washington County has looked at the flooding problems near Day Road.
108	Peters	Explains that there has been no formal response to flood potential and that Washington County needs to be a partner in helping to devise accurate cost estimates.
116	Sen. Fisher	Suggests that some of the flood mitigation measures might not provide accurate security for prisoners. Asks if prisons will be held to similar standards and requirements as private property owners.
143	Peters	Explains that it is the role of Washington County to be sure that the prison would apply to requirements that others must adhere to.

147	Sen. Fisher	Indicates that he might not agree with many of the rules and regulations, but they are there for everyone to work with.
157	Sen. Tarno	Asks if Washington County would submit a Resolution of Interest if they were named the permitting agency.
161	Peters	Explains that unless Washington County is sufficiently clear that they are the host agency, they will oppose the site. Indicates that she doesn't know if the board would have to approve a Resolution of Interest for the Day Road site.
171	Sen. George	Asks if Washington County would insist on due process for the residents of Day Road.
176	Peters	Answers affirmatively.
182	Sen. Fisher	Stresses the importance of due process and explains that he didn't want to "rubber stamp" something that didn't make sense. States that the prison should be built to last for 100 years.
201	Peters	States that the process of siting a prison is very hard, but there are clashes between public concern, public safety, keeping taxes down, and making sure taxes are being spent wisely. Suggests that people can't blame officials for doing what they have in this process since they have been trying to do the best for their constituents.
223	Chair Qutub	Expresses appreciation for the testimony.

CITY OF WILSONVILLE

225	Charlotte Lehan	Mayor, City of Wilsonville. (EXHIBIT C) States that Wilsonville has been dealing with the prison siting issue for over two years and they welcome Washington County to the table. Indicates that it will be helpful to have the county as a full partner. States that testimony presented at the previous meeting was heartfelt and factual, but she feels that she is in the role of "spoiler" by pitting the two communities against each other. Understands that the decisions that need to be made are hard and not popular. The committee must decide if siting the facility at Day Road will be beneficial like Wilsonville suggests or harmful like Tualatin claims. Indicates that more property owners are seeing the advantages of the infrastructure improvements.
269	Sen. George	Suggests that the urban reserve issue is in contention. Asks if Tualatin should be adding the Day Road area to their urban reserve.
276	Lehan	No.
277	Sen. George	Verifies that Wilsonville would be adding a portion of Washington County into their urban reserve and asks if there would be an agreement to do that.
279	Lehan	Explains that the urban reserves are set by Metro with the agreement of adjoining local jurisdictions.
284	Sen. George	States that urban reserves were created by Administrative Rule, and this could be a test of where the boundary of action is allowed.
290	Mike Kohlhoff	Attorney, City of Wilsonville. (EXHIBIT D) Explains that on August 18th, the Land Use Board of Appeals (LUBA) ruled in favor of the City of Wilsonville, that the city's concept plan for Urban Reserve 42 was properly presented to Metro. In addition, LUBA ruled that Metro is the authority to make that decision.
300	Sen. George	Asks what should be said about Washington County's opposition to the Day Road site if they aren't the permitting authority.
303	Kohlhoff	Explains that there is co-jurisdiction for this property. Indicates that public hearings have been conducted and the process has been open. Explains that the urban reserve problem is that the land would be needed for urbanization along with the current boundaries in the long-term planning process.

321	Sen. George	Asks for clarification on the definition of urban reserve. Verifies that urban reserves are for eventual urbanization. Asks if Wilsonville has permanently taken charge of that part of Washington County.
327	Kohlhoff	Explains that it is anticipated that the infrastructure development will be concurrent with community development. Agrees that there is county infrastructure in the area, but Wilsonville would take over the roads and bring them up to their standards.
343	Lehan	Suggests that there is some confusion about the urban reserve and host jurisdictions. Indicates that Washington County did not say that it is their urban reserve area.
347	Sen. George	Indicates that Washington County has made a statement about their jurisdiction over the area.
348	Lehan	Suggests that Washington County doesn't have a problem with the area being in the Wilsonville urban reserve, but their issue is related to being the host jurisdiction. States that Wilsonville invited the county to the table early on since there are issues that only they can best address. Explains that urban services such as water and sewer will be provided by the city.
366	Sen. George	Asks if Washington County was aware that Wilsonville was going to use the area for a prison site.
369	Lehan	States that the designation of urban reserves happened six years ago and nobody expected a prison at that time.
373	Chair Qutub	Verifies that the City of Wilsonville has made an agreement with DOC to keep infrastructure costs to \$23.5 million, but Washington County has suggested that the agreement can't be made since there might be issues out of the agreement that will need to be paid for.
388	Lehan	Suggests that there are always issues that will arise and cost more money, but Wilsonville has agreed that the \$23.5 million will pay for very specific off-site infrastructure.
TAPE 13, A		
009	Chair Qutub	Verifies that approximately 2/3 of the Day Road site was recently brought into the urban reserve by Metro. Asks if the area will remain a part of Wilsonville's industrial urban reserve if a prison is not sited there.
016	Lehan	Indicates that without a prison, the area will not be a part of Wilsonville's industrial urban reserve.
024	Sen. Tarno	Verifies that Metro created the urban reserve land at the Day Road site.
028	Kohlhoff	Explains that Wilsonville and other jurisdictions had input into the process of determining urban reserves.
029	Sen. Tarno	Asks if Wilsonville had the opportunity to say yes or no.
030	Lehan	Explains that there was a designation by Metro with input from other jurisdictions.
034	Sen. Tarno	Asks when Wilsonville would annex Urban Reserve 42 if the institution is built there.
036	Lehan	Suggests that it wouldn't happen within a year. Explains that with Metro, a whole urban reserve must be master planned before it is annexed.
044	Sen. Tarno	Asks if the process is part of Metro's 2040 Plan.
045	Lehan	Indicates that the master planning is a part of the 2040 Plan

049	Peters	Explains that the Metro Code currently requires Tier 1 land to be brought in first, and prior to being brought in there must be signed service agreements for the area, and that the area be master planned. Indicates that Metro must bring in land by the end of the calendar year, but that deadline probably won't be met.
073	Lehan	States that the only urban reserve area that has been master planned is the Dammasch area.
081	Sen. Tarno	Asks what Metro says about Dammasch as a prison site.
083	Lehan	States that Metro opposes Dammasch as a prison site because it has been master planned.
084	Sen. Tarno	Asks what Metro says about the Day Road site being used for a prison.
085	Lehan	Indicates that Metro does not oppose that site and supports expansion.
088	Sen. George	Asks if the Washington County Board of Commissioners approved the expansion of urban reserve at Day Road.
090	Peters	Indicates that the Board doesn't comment on those issues.
094	Chair Qutub	Asks if SB 6 supersedes some of the siting issues.
096	Kohlhoff	Explains that if the site is selected for a prison, then authority will be transferred to DOC.
101	Sen. Fisher	Asks if the City of Wilsonville is prepared to take on all infrastructure needs from the county. Asks why the City of Wilsonville is eager to annex the area since no taxes will be paid on it.
117	Lehan	Explains that there will be increased assessed values in the rest of the urban reserve. Indicates that Wilsonville is willing to take on the expenses of maintaining the county roads.
134	Kohlhoff	Indicates that there are a variety of funding mechanisms to improve county roads to city standards.
150	Sen. Fisher	Suggests that annexation of the urban reserve will affect those people already living there. Expresses concern for planning ahead but placing the cost of planning onto current residents.
176	Kohlhoff	Indicates that Wilsonville has developed at a rapid pace and have created a great deal of infrastructure for the community. Describes how property owners have benefited from various zoning in the Wilsonville area. Suggests that from a planning point of view, the ideas make sense.

TIGARD n TUALATIN SCHOOL DISTRICT

223	Al Hieb	Vice-Chair, Tigard-Tualatin School District. (EXHIBIT E) Indicates that the School District presented written testimony to the committee but would like to reinforce their previous statements. States that approximately 2200 students are one mile from the proposed prison site. Explains that the major concerns are with safety issues. Wonders if the facility will attract other convicted felons into its proximity.
266	Hieb	States that Boones Ferry Road is currently overloaded with traffic and there are few sidewalks for the kids to use. Indicates that some students are within a one mile walking distance of the prison. Asks if the legislature passed a bill that would not allow a prison to be sited within one mile of an educational facility.
315	Chair Qutub	Indicates that the bill passed both chambers and was vetoed by the Governor.
316	Hieb	Explains that the School District doesn't want to say "not in my backyard," but there is great concern for the safety of the kids.

CITY OF TUALATIN

324	Lou Ogden	Mayor, City of Tualatin. Reviews the urban reserve issue. Indicates that the Metro 2040 plan is in response to projected growth in the area and along with that is the idea that the region needs to maintain compact density. Explains that with the proposed growth, there needs to be expansion of the urban growth boundary.
375	Ogden	Indicates that the purpose of the urban reserve is to identify where future urbanization will occur.
TAPE 14, A		
006	Ogden	Explains that urban reserves were divided into Tier 1 and Tier 2 groups, where Tier 1 lands would be brought into the urban growth boundary first. Indicates that Urban Reserve 42 was not a Tier 1 area. Metro supported the expansion of Urban Reserve 42 since Dammasch would not be the best place to site a prison.
016	Ogden	Indicates that there was no long-range plan to develop Urban Reserve 42, nor was there a plan to develop all of it since part of the Day Road site is not in Urban Reserve 42.
025	Ogden	Indicates that he didn't know that the LUBA challenge had been resolved with Wilsonville, since the City of Tualatin is going to be an intervener on a LUBA challenge. Suggests that Washington County and Tualatin will oppose annexation of Urban Reserve 42.
037	Ogden	Understands that the short term water solution is to get Bull Run water through Tualatin, but Tualatin would not do that willingly. The long-term plan is to draw upon available resources. Indicates that the 1973 Water Rights are on the Willamette River and the letter to Wilsonville specifically talks of "treated water." Asks why there is consideration of siting the facility in the area since there is such a water supply problem.
070	Sen. Tarno	Asks if Tualatin is involved in the discussions in the metro area about a second Bull Run.
074	Ogden	Answers affirmatively.
075	Sen. Tarno	Asks about what point the discussions are at.
076	Ogden	Explains that a number of the water agreements that the City of Portland supplies will expire in five to ten years. Indicates that the City of Portland is trying to find out which cities want to be involved in Bull Run and which don't.
096	Ogden	Indicates that from a siting standpoint, another user shouldn't be added to the unknown water supply problems.
109	Ogden	Emphasizes that Washington County has not submitted a Resolution of Interest regarding the Day Road site.
128	Ogden	Indicates that if there is the growth that is expected, then the impact of siting the prison at Dammasch or Day Road will have greater impact on more people. States that both Dammasch and Day Road are bad sites for a prison. Suggests that the Governor has placed an arbitrary constraint on where the prison facility should be located. Understands that the public might criticize more spending to study other prison sites, but money has already been squandered by a forced focus in the metro area.
161	Ogden	Agrees that investing state money on infrastructure is a good thing, but it should be invested in a community that needs it. Understands that DOC was following the Executive Order to site the prison in the metro area. States that many jurisdictions are opposing the site at Day Road. Indicates that the City of Sherwood has stated that the facilities should be located where there is community need and support.
199	Ogden	Focuses on the issue of safety for children in the area.

OREGONIANS FOR RESPONSIBLE PRISON SITING

250	Joanne Mills	Oregonians for Responsible Prison Siting (ORPS). (EXHIBIT F) Indicates that ORPS has presented factual information and now they will speak from the heart. Describes how ORPS has looked for alternative sites that fit within their criteria.
294	Mills	Understands the frustrations felt by citizens near the Day Road site. Explains that there will be more citizen input to any plans that are developed for the Day Road site.
341	Mills	Agrees that there is a rift between the two communities but people understand the position of opposition to the Dammasch Site.
360	Chair Qutub	States that testimony needs to focus on clarification on issues raised during the previous meetings.
379	Terry Withers	President, Oregonians for Responsible Prison Siting. (EXHIBIT G) Discusses the Memorandum of Understanding and the city ordinance that governed the Dammasch Site. Discusses buffering of the sites.
TAPE 13, B		
004	Withers	Emphasizes the need for large buffers between new prisons and schools. Indicates that ORPS hired a real estate professional to identify alternative sites for a prison.
018	Withers	States that ORPS analyzed the Day Road site with their criteria and restrictions and found that there was significant buffering for the facility.
040	Withers	Speaks of the Norwood Expressway which has been proposed by the City of Tualatin. Indicates that it will be a freeway that serves industrial truck traffic and would be located just south of the Tualatin city limits. Suggests that the Expressway will serve as additional buffering for the prison facility.
057	Withers	Expresses support for the Day Road site since it makes regional sense. Agrees that other sites might be more viable. States that prisons don't belong next to the schools. Indicates that the statutory supersiting process in Wilsonville was not pleasant with the DOC, but the process was more open and flexible when the Day Road site was being considered. Explains that DOC is trying to involve the community more in the siting process.
<u>CITIZENS FOR ACCOUNTABILITY IN PRISON SITING</u>		
095	Melanie Pennington	Citizens for Accountability in Prison Siting (CAPS.) (EXHIBIT H) Expresses concern for the Day Road site being 108 acres when DOC needs 65 acres for an intake center alone. Reviews testimony presented by Dave Kanner from the previous meeting.
120	Pennington	Discusses the support and funding for CAPS. Indicates that the series of DOC open houses regarding the Day Road site were perceived to be statements of what would be happening in the area, not a place for public comment. Describes how people in close proximity of the Day Road site were not notified of the open houses.
139	Pennington	Discusses the ORPS criteria of a facility being one mile away from schools, one mile away from dense neighborhoods, and in a community that wants the facility. States that Tualatin High School is very close to one mile away from the proposed facility and that the Victoria Woods neighborhood is clearly within a mile of the site. States that the residents near the proposed site do not support it. Explains that Wilsonville originally had no intention of bringing Urban Reserve 42 into their urban growth boundary.
165	Pennington	Indicates that the appeal to LUBA that was dismissed was related to the concept plans. Explains that the appeal was dismissed since it wasn't a final land use decision. States that the appeal on Urban Reserve 42 is still pending.
177	Pennington	Discusses the issue of condemnation and explains that DOC condemnation in Umatilla is related to fair market value issues, not willingness to sell. Suggests that the condemnation of buildings is different than the condemnation of vacant lands. Suggests that there are more than two unwilling sellers at the Day Road site.
194	Pennington	Agrees that traffic is a real problem in the area. Indicates that there will be more condemnation of neon signs

224	Pennington	Agrees that traffic is a real problem in the area. Indicates that there will be more consolidation of peoples' homes to realign the streets. Discusses flooding issues and states that the area floods quickly and the water recedes quickly.
225	David Gorman	Water Resources engineer. (EXHIBIT I) Presents flood maps to the committee. Indicates that the analysis has been refined substantially from previous testimony and the maps shows the extent of the 100-year flood plain. Suggests that the left side of the proposed site could also be in a flood plain, but he hasn't done that work yet.
265	Chair Qutub	Asks what portion of the map is the Day Road site.
267	Gorman	Indicates that it is most of the map.
275	Chair Qutub	Asks how the 100-year flood plain is established.
282	Gorman	Describes how data are collected, analyzed, and then modeled to predict the rate and volume of storm water runoff.
317	Sen. Fisher	Asks about the topography of the area and if there are two different drainages.
323	Gorman	Agrees that there are two separate drainage basins, but one has no outlet. Indicates that a large enough storm might top the ridge and combine the two basins.
347	Sen. Fisher	Asks where the water storage facility for the 25 acre-feet would be.
350	Gorman	Indicates that it might be in the southwest corner of the site. Suggests that there might be a diversion to the Coffee Lake Basin.
354	Sen. Fisher	Asks if the diversion would be on DOC property or if other properties would be flooded.
357	Gorman	Suggests that there might be additional runoff problems down stream.
360	Sen. Fisher	Expresses concern for how DOC will be managing storm water runoff.
370	Gorman	Describes how they might have a preventative drainage system, but also have an overflow system.

TAPE 14, B

004	Pennington	Indicates that the City of Wilsonville is being sued for transferring storm water runoff from one basin to another. Asks why DOC wants to try to mitigate the flood waters and wonders if there are other properties where they wouldn't have to do that. States that the Day Road site is not a good site for a prison when evaluated by DOC siting criteria which are the officially recognized siting criteria.
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WATER QUALITY ISSUES

024	Dr. Marvin Hausman, M.D.	Surgeon. (EXHIBIT J) Presents materials to the committee related to water quality. States that he is studying neuro-degenerative disorders. Suggests that the communities of Wilsonville, Tigard, Tualatin, Newberg, and Sherwood are faced with an impending health hazard if they have to drink Willamette River water. Understands that the proposed prison sites will experience water shortages. Asks why a prison would be built without a proven and guaranteed water supply. Suggests that DOC and the Governor are playing with the health of Oregonians.
071	Hausman	States that there are sites with better water supplies. Discusses statements made by the Willamette River Basin Task Force. Expresses concern for the trace element content of the Willamette River.
105	Sen. Fisher	Indicates that the growth estimates for the water region are large and demand for 1000 homes will triple in the

105	Sen. Fisher	Indicates that the growth estimates for the metro region are large and wonders how 1500 inmates will trigger the use of the Willamette River as a source for drinking water.
117	Chair Qutub	Explains that the committee is hearing about the Willamette River since it is the proposed solution for the drinking water shortage.
123	Sen. Fisher	Asks if the committee is the appropriate location for Dr. Hausman to air his concerns. Explains that 1300 people won't be triggering the use of the Willamette River as a source for drinking water since the area is expecting large growth anyway.
138	Hausman	Explains that technology can handle the contamination, but it will take time to develop. Shows a video about deformed fish in the Willamette River.
160	Hausman	Indicates that a possible cause of deformation in the fish is related to heavy metal content in the water. Discusses the effect of heavy metals on liver disease, cancer, Lou Gehrig's disease, and Alzheimer's disease.
178	Sen. George	Asks if the heavy metals are byproducts of sewer treatment plants.
199	Hausman	Indicates that some companies are using aluminum to clean up sludge, therefore adding toxins to the river that is trying to be cleaned.
209	Sen. Tarno	Asks what Dr. Hausman's sources of information are and who supports his research.
216	Hausman	Indicates that The Mayo Clinic did a heavy metal study, and he has worked with other agencies.
229	Hausman	Explains that heavy metals are in filtered and unfiltered Willamette River. Discusses how some amounts of heavy metals are not able to be detected, but the levels that are undetected are still toxic.
266	Hausman	States that more abnormalities are being found in the Newberg pool which is just about the proposed treatment plant. Describes other research of abnormalities caused by heavy metals. States that the Willamette River is not a suitable supply for drinking water and suggests that there are no adequate methods for removing toxic agents.
306	Hausman	Suggests that if there is technology to remove the toxic agents, the cost will be prohibitive.
318	Sen. Tarno	Verifies that ordinary filtration and chlorination will not filter out the toxic agents.
320	Hausman	Indicates that the Willamette River Basin Task Force doesn't know how to remove toxic agents, but technology is available to do that.
324	Hausman	States that there is enough evidence to show that there is a danger in the river. Suggests that the Governor and DOC must make an honest assessment of the availability of water.

COMMENT PERIOD

354	Rep. Richard Devlin	Expresses appreciation for the actions of the Senate, the Senate Republican Caucus, and the Prison Siting Committee. Suggests that this is the first time that constituents feel that they are being listened to in an open atmosphere. Indicates that during session, he made every effort to prevent the siting of the prison at Dammasch, but states that the Day Road site is also not viable.
381	Rep. Devlin	Explains that the process of siting has not been good for either location. Agrees that there should be a broad examination of the two sites and others that may arise. Discusses the siting process for the Day Road location.

TAPE 15, A

395	Rep. Devlin	States that Day Road did not go through a siting process. Understands that it is the Attorney General's
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005	Rep. Devlin	States that Day Road did not go through a supersiting process. Understands that it is the Attorney General's opinion that the supersiting process needs to be refined in statute.
012	Rep. Devlin	States that the two sites are flawed and asks that there be a review of the basic assumptions related to the facilities. Asks if the two facilities must be located together. Suggests that the intake center and women's facility won't share staff and administration. Agrees that the proposed intake center will be very secure. Suggests that the committee look at the Hillsboro Jail which would be similar to the intake center and it sits on about eight acres. Expresses appreciation for the work of the committee. Understands that there are frustrations in dealing with the legislature.
039	Chair Qutub	States that Mayor Lehan will have time for clarification.
041	Lehan	Indicates that she will submit written testimony and the LUBA decision for the record. Agrees that water issues are of concern to the community. Indicates that Wilsonville is in a building moratorium due to a lack of water and they have two years to get out of the moratorium with a solution. Explains that the \$10 million that is to be contributed is for a short and long term water supply for DOC. With regard to storm water runoff, the Day Road site is not within the FEMA 100-year flood plain. Indicates that the issue in the Coffee Lake wetlands is not too much water, but too little.
094	Sen. Fisher	Asks for more information about the holding area for water and how much acreage it will cover.
098	Chair Qutub	Suggests that DOC might have that information.
101	Sen. Fisher	Understands that there is approximately 50 acre-feet of water that needs to be addressed.
104	Chair Qutub	States that the committee will wait until September 15th for communities to turn in Resolutions of Interest. Indicates that if no communities come forward with interest, then the committee will deliberate on the Day Road and Dammasch sites and then make a recommendation to the Senate President. If other sites are found, then the committee would go through a similar process of finding out about them.
117	Sen. George	Asks if there will be consideration of properties that are state owned.
119	Chair Qutub	States that the Division of State Lands has a deadline of September 4th to report to the committee on properties that might be available.
121	Sen. Tarno	Asks when the next meeting will be.
122	Chair Qutub	Indicates that the next meeting time has not been determined yet.
129	Chair Qutub	Adjourns the committee at 8:00 p.m.

Submitted By, Reviewed By,

Marjorie Taylor, Anne Tweedt,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ Department of Corrections, Written materials, David Cook,

B ñ Washington County, Written materials, Linda Peters,

C ñ City of Wilsonville, Written materials, Charlotte Lehan,

D ñ City of Wilsonville, Written materials, Mike Kohlhoff,

E ñ TigardñTualatin School District, Written materials, Al Hieb,

F ñ Oregonians for Responsible Prison Siting, Written materials, Joanne Mills,

G ñ Oregonians for Responsible Prison Siting, Written materials, Terry Withers,

H ñ Citizens for Accountability in Prison Siting, Written materials, Melanie Pennington,

I ñ Citizens for Accountability in Prison Siting, Written materials, David Gorman,

J ñ Water Quality Issues, Written materials, Dr. Marvin Hausman, M.D.,