

ANNOTATED MINUTES

Tuesday, September 25, 1990 - 8:30 AM  
Multnomah County Courthouse, Room 602

JOINT MEETING

Multnomah County Board of Commissioners  
and  
Multnomah County Planning Commission

AGENDA

Briefing by Metro Staff on Regional Urban Growth Goals and Objectives

REPORT PRESENTED TO BOARD BY METRO STAFF,  
ETHAN SELTZER.

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Tuesday, September 25, 1990 - 9:30 AM  
Multnomah County Courthouse, Room 602

PLANNING ITEM

1. PD 1-90a Public Hearing - DeNovo

Review the Decision of the Planning Commission of August 13, 1990, denying requested modifications of Conditions of Approval of P 1-90 and ZC 1-90 as proposed by the applicant; approve modification; of Condition #1 to allow a phased development with Phase 1 to include only that pre 1963 area above 210-foot elevation and inclusion of a 30-day selection period as a second paragraph of Condition #2. Further, require that the grading and landscaping required by Conditions #5 and #6 of the Final Order be completed in the Phase 2 area within one year of the completion of Phase 1. All other conditions of the PD 1-90 and ZC 1-90 approval shall remain in full force and effect, all for property located at 13300 SE Holgate Blvd.

BOARD MODIFIED THE PLANNING COMMISSION ORDER BY: REVERSING THE PHASING; MODIFYING CONDITION #2 TO INCREASE THE SCOPE OF THE HYDROLOGIST STUDY TO INCLUDE THE ENTIRE PARCEL; AND APPROVED THE ADDITION OF THE OMITTED PARAGRAPH. PLANNING STAFF TO SUBMIT FINAL ORDER FOR APPROVAL ON THURSDAY, OCTOBER 16, 1990.

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Tuesday, September 25, 1990 - 1:30 PM  
Multnomah County Courthouse, Room 602

INFORMAL BRIEFINGS

1. Briefing on the Governors Task Force on Corrections Planning - Presented by Grant Nelson and Peter Ozanne - (TIME CERTAIN 1:30 PM)

REPORT PRESENTED TO BOARD BY PETER OZANNE

2. Informal Review of Formal Agenda of September 27, 1990

C-6 SCHEDULED THIS WEEK IN ERROR. TO BE CONTINUED  
TO THURSDAY, OCTOBER 4, 1990 AS NOTED ON AGENDA  
PLACEMENT SHEET.

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POLICY DEVELOPMENT COMMITTEE

Wednesday, September 26, 1990 - 9:00 AM to Noon  
Standard Plaza, 3rd Floor, Conference Rooms A & B

AGENDA

Continuation of Public Safety agenda from 9/12/90 meeting

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Thursday, September 27, 1990 - 9:30 AM  
Multnomah County Courthouse, Room 602

FORMAL MEETING

CONSENT CALENDAR  
NON-DEPARTMENTAL

C-1 In the Matter of the CBAC (Citizens Budget Advisory  
Committee) Appointments & Reappointments as listed:

NON-DEPARTMENTAL CBAC:

TERM  
EXPIRES

|             |                     |               |      |
|-------------|---------------------|---------------|------|
| Position 1: | Andrea Dobson       | Reappointment | 9/93 |
| Position 2: | Ronald Goodman      | Reappointment | 9/93 |
| Position 7: | Mary Schwoeffermann | Appointment   | 9/91 |
| Position 6: | Peter Smith         | Appointment   | 9/91 |

AUDITOR'S CBAC:

|             |                |               |      |
|-------------|----------------|---------------|------|
| Position 2: | Thomas Kessler | Reappointment | 9/93 |
|-------------|----------------|---------------|------|

DISTRICT ATTORNEY'S CBAC:

|             |                  |               |      |
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| Position 1: | Michael Williams | Reappointment | 9/93 |
| Position 2: | Molly Weinstein  | Appointment   | 9/93 |

SHERIFF'S OFFICE CBAC:

|             |                      |               |      |
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| Position 2: | Marilyn Stevenson    | Reappointment | 9/93 |
| Position 1: | Richard A. Getzen    | Appointment   | 9/93 |
| Position 3: | Robert L. Colclessor | Appointment   | 9/91 |

ENVIRONMENTAL SERVICES CBAC:

|             |                   |               |      |
|-------------|-------------------|---------------|------|
| Position 1: | Harvey Garnett    | Reappointment | 9/93 |
| Position 2: | Charles Becker    | Reappointment | 9/93 |
| Position 3: | Mark Jones        | Appointment   | 9/91 |
| Position 6: | Michael Zollitsch | Appointment   | 9/91 |

GENERAL SERVICES CBAC:

Herbert Broussard

Appointment 9/93

APPROVED.

- C-2 In the Matter of the Appointment of Doug Bray to the Multnomah County Child Abuse Prevention Task Force

APPROVED.

- C-3 In the Matter of the Appointments of Commissioner Sharron Kelley, Fred Carter/CPA, Lianne Thompson/CIC, and Thomas A. Kessler/CIC to the Multnomah County Audit Committee with the terms expiring 9/93

APPROVED.

DEPARTMENT OF HUMAN SERVICES

HEALTH SERVICES AND SOCIAL SERVICES DIVISIONS

- C-4 Ratification of an Intergovernmental Agreement, Contract #102491, between Multnomah County and the Oregon Health Division to provide staff to monitor the County's HIV/AIDS seroprevalence program within the Health Division

APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-5 Ratification of an Intergovernmental Agreement, Contract #301778, Amendment #1, to extend the termination date to allow for final billing only within the Community Development Division

APPROVED.

- C-6 Request for Approval of the Sale of Fourteen Tax Foreclosed Parcels of Vacant Land, as provided by ORS 275.200 at the Formal Board Meeting to be held October 4, 1990. All are located in the City of Portland as listed below:

1. GRIMES ADD Taxlot #3 of Block 5 - formerly known as 8964-66 N. Smith St.
2. PITTOCK GROVE Lot 9, Block 7 - West side of 109th Ave.
3. PENINSULAR ADD #4 Lots 22 & 23, Block 43 - formerly known as 8848 N. Wilbur Ave.
4. NATIONAL ADD Lots 15 & 16, Block 3 - NE corner of N Delaware and Hunt.
5. MENTONE Lot 6, Block 35 - 50 X 99.94' lot West of 10515 SE Knight St.
6. FIRLAND North 30' of East 19' of Lot 15, Block 16, North 30' of Lot 16, Block 16-30 x 74' Lot - North of 5127 SE 70th Ave.
7. EVELYN Lot 9, Block 9 - 40.5 X 100' Lot North of 8601 SE Woodstock Blvd.
8. EVELYN Lots 1 - 3, Block 1, North 13' of Lot 4, Block 1-26 X 110' Lot West of 8632 SE Ellis St.
9. NORTH IRVINGTON West 1/2 of Lots 9 & 10, Block 7, NE Failing West of 3911 NE 11th Ave.

10. GREENS ADD West 5' of the North 35' of Lot 7, Block 8-a strip of land West of 5821 SW Corbett Ave.
11. GREENS ADD West 5' of South 40.65' of Lot 8, Block 8-a strip of land West of 5835 SW Corbett Ave.
12. COLUMBIA HEIGHTS Exc pt in st. Lot 8, Block 20-40 X 100' Lot on the SE corner of NE 13th and Highland.
13. ALBINA Taxlot #3 of Lot 54 - SE corner of N Interstate and Russell.
14. SECTION 34, 1N 2E Taxlot #341 - NE 113th Ave. West of 11307 NE Glisan.

REMOVED FROM CONSENT CALENDAR. TO BE PLACED  
ON OCTOBER 4, 1990 AGENDA.

REGULAR AGENDA  
NON-DEPARTMENTAL

- R-1 RESOLUTION in the Matter of Support for the Reauthorization for the National Endowment of the Arts without Restrictions

TESTIMONY HEARD. RESOLUTION 90-142 APPROVED.

- R-2 Continued Second Reading and Possible Adoption of an ORDINANCE in the Matter of Creating a 13 Member Task Force to Develop a Bi-County, Integrated Recreation Management Plan for Sauvie Island

TESTIMONY HEARD. ORDINANCE 661 APPROVED.

DEPARTMENT OF GENERAL SERVICES

- R-3 First Reading of a proposed ORDINANCE in the Matter of Amending Ordinance 596 by expanding the membership of the Policy Development Committee, making the Policy Development Committee advisory to the Board of Commissioners, and related organizational changes

FIRST READING APPROVED. SECOND READING  
THURSDAY, OCTOBER 4, 1990.

DEPARTMENT OF HUMAN SERVICES  
HEALTH SERVICES AND SOCIAL SERVICES DIVISIONS

- R-4 RESOLUTION in the Matter of a Plan Amendment to the 1989-91 Juvenile Services Plan

RESOLUTION 90-143 APPROVED.

- R-5 Notice of Intent in the Matter of Approval for the Health Division to apply for a grant from the Office of Minority Health

APPROVED.

MINUTES  
MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 27, 1990 MEETING

Chair Gladys McCoy convened the meeting at 9:30 a.m., with Vice-Chair Gretchen Kafoury, Commissioners Pauline Anderson and Sharron Kelley present, and Commissioner Rick Bauman absent.

C-6 Request for Approval of the Sale of Fourteen Tax Foreclosed Parcels of Vacant Land, as Provided by ORS 275.200 at the Formal Board Meeting to be held October 4, 1990. All are Located in the City of Portland as Listed Below:

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3. PENINSULAR ADD #4 Lots 22 & 23, Block 43 - formerly known as 8848 N. Wilbur Ave.
4. NATIONAL ADD Lots 15 & 16, Block 3 - NE corner of N Delaware and Hunt.
5. MENTONE Lot 6, Block 35 - 50 X 99.94' lot West of 10515 SE Knight St.
6. FIRLAND North 30' of East 19' of Lot 15, Block 16, North 30' of Lot 16, Block 16-30 x 74' Lot - North of 5127 SE 70th Ave.
7. EVELYN Lot 9, Block 9 - 40.5 X 100' Lot North of 8601 SE Woodstock Blvd.
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13. ALBINA Taxlot #3 of Lot 54 - SE corner of N Interstate and Russell.
14. SECTION 34, 1N 2E Taxlot #341 - NE 113th Ave. West of 11307 NE Glisan.

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, it was UNANIMOUSLY ORDERED that item C-6 be removed from the consent calendar.

C-1 In the Matter of the CBAC (Citizens Budget Advisory Committee) Appointments & Reappointments as Listed:

NON-DEPARTMENTAL CBAC:

TERM  
EXPIRES

|             |                     |               |      |
|-------------|---------------------|---------------|------|
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|             |                       |               |      |
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GENERAL SERVICES CBAC:

|                   |             |      |
|-------------------|-------------|------|
| Herbert Broussard | Appointment | 9/93 |
|-------------------|-------------|------|

- C-2 In the Matter of the Appointment of Doug Bray to the Multnomah County Child Abuse Prevention Task Force
- C-3 In the Matter of the Appointments of Commissioner Sharron Kelley, Fred Carter/CPA, Lianne Thompson/CIC, and Thomas A. Kessler/CIC to the Multnomah County Audit Committee with Terms Expiring 9/93
- C-4 Ratification of an Intergovernmental Agreement, Contract #102491, Between Multnomah County and the Oregon Health Division to Provide Staff to Monitor the County's HIV/AIDS Seroprevalence Program Within the Health Division
- C-5 Ratification of an Intergovernmental Agreement, Contract #301778, Amendment #1, to Extend the Termination Date to Allow for Final Billing Only Within the Community Development Division

UPON MOTION of Commissioner Kelley, seconded by Commissioner Kafoury, C-1 through C-5 was UNANIMOUSLY APPROVED.

- R-1 RESOLUTION in the Matter of Support for the Reauthorization for the National Endowment of the Arts Without Restrictions

Commissioner Anderson moved and Commissioner Kafoury seconded, for approval of R-1.

Bill Bullick, Director of the Metropolitan Arts Commission, read the resolution into the record and introduced Nancy Matchek, Chair of the Portland State University Dance Department and founder and administrator of the Contemporary Dance Season.

Nancy Matchek of 226 SW Tualatin Loop, explained the Contemporary Dance Season would not be in existence without National Endowment for the Arts funding. Ms. Matchek described upcoming sold out American Indian Dance Theatre performances which area American Indian school children will be taken to see without charge.

Dan Monroe, President of the Oregon Art Institute and Vice-President and Chairman of Government Affairs for the American Association of Museums, testified in support of the proposed resolution and discussed the need to insure that multiple expressions of art remain free of state and federal censorship.

Isabella Chappell of 3926 SW Bridal Mile Court, Metropolitan Arts Commission member, related that in the 25 years the National Endowment for the Arts has been in existence she does not recall any art project being cited by Senator Proxmire as a boondoggle or waste of taxpayer money. Ms. Chappell explained that National Endowment for the Arts grants are basically seed money for communities who must match funds and explained that a grant was obtained for the initial planning stages of the art for the Portland Convention Center as well as the art in downtown Portland.

Mark Wooley of 6318 SW Corbett, discussed the importance of maintaining freedom of expression and presented examples depicting artists throughout history as victims of government. Mr. Wooley urged increased nonrestrictive public support of uncensored art through the National Endowment for the Arts and reported that last year Oregon received \$1.5 million in federal arts support which helped generate \$4.5 million in private sector funds. Mr. Wooley stated that continued unrestricted federal arts support is vital in assisting those individuals and groups who would not otherwise have the resources to bring their visions to the public.

Carolyn Altman of 3615 NE Hassalo, testified in support of the proposed resolution, advising she believes art provides an understanding of who we are by creating colorful reflections of the past, provides a commentary on the present, and suggests a vision for the future. Ms. Altman stated that National Endowment for the Arts funded projects have helped make Multnomah County residents feel involved in a vibrant, dynamic community and provide insight into the diverse cultures of its residents.

Commissioner Kelley expressed her appreciation for today's eloquent comments.

Vice-Chair Kafoury reported that on her visit to Greece this summer she learned that even during the Peloponnesian Wars, the Greeks spent the majority of their resources on the Parthenon and what has stayed with us over time dramatically impacted her, so she is happy to support this resolution.

Resolution 90-142 was UNANIMOUSLY APPROVED.

R-2 Continued Second Reading and Possible Adoption of an ORDINANCE in the Matter of Creating a 13 Member Task Force to Develop a Bi-County, Integrated Recreation Management Plan for Sauvie Island

The Clerk read the proposed ordinance by title only. Copies of the complete document were available for those wishing them.

Commissioner Anderson moved and Commissioner Kafoury seconded, for approval of R-2.

Commissioner Anderson reported she appreciated Ms. Foshee's previous testimony and suggestions and that a letter in response to some of her concerns had been sent to Ms. Foshee.

Donna Matrazzo of 19300 NW Sauvie Island, explained that the Sauvie Island Conservancy comprises about 80 Island residents dedicated to the preservation of Island rural life, wildlife and natural recreation areas and testified that the Conservancy supports the proposed ordinance and appreciates the County's foresight and initiative in responding to issues which Island residents brought to the County's attention.

Evonne Foshee of 15115 NW Gillihan Road, explained she represents a group of Sauvie Island residents and expressed concern that Commissioner Anderson's letter attempted to address some issues without altering the proposed ordinance and without addressing reasons why their proposed recommendations were not considered. Ms. Foshee expressed concern over 2 news releases published prior to the September 20th hearing advising that the ordinance had been adopted.

In response to a question of Chair McCoy as to why there is objection to creating a group to develop a plan for Sauvie Island, Ms. Foshee explained a number of people felt they were not given enough input into the planning and writing of the ordinance and felt there were other interested parties such as safety people who should be involved and have voting power on the Task Force. Ms. Foshee explained she does not feel the Commissioners should be voting members on the Task Force and expressed concern that increasing recreational facilities and promoting Sauvie Island would bring more people to the already congested Island.

Chair McCoy explained there will be ample opportunity to provide public input at Task Force meetings and advised that creating a Task Force to develop a plan to help protect Sauvie Island resources was one of the County's 1990 strategic initiatives. Chair McCoy stated she does not feel input into development of the ordinance is as critical as what happens with the Task Force itself and encouraged Ms. Foshee to be as aggressive as possible in seeing that the Task Force does what she wants it to do. Chair McCoy pointed out that Commissioner Anderson's letter stated there were ways to address certain concerns without increasing the size of the Task Force itself.

Karen Larsen of 15227 NW Gillihan Road, reported some Sauvie Island residents met concerning this issue and that a majority of them are opposed to promoting recreation on the Island. Ms. Larsen described weekend traffic congestion problems and advised that an organization is working on a proposal to organize and develop a recreation and wildlife preservation park on 2,300 acres in the Smith and Bybee Lakes area and suggested Sauvie Island Task Force funds be used for that instead.

Joe Mazour of 15505 NW Gillihan Road, stated he feels there is no need to create a Task Force to study vandalism and crime, seasonal crowding at a boat launching site, lack of directional signage, and lack of sanitary and parking facilities issues as there are already enough bureaucratic agencies to handle those matters and that creation of a Task Force would be a waste of public funds.

Mr. Mazour reported he has invited the Commissioners to have a tour of Sauvie Island and expressed concern over a lack of equal representation on Task Force members from Columbia and Multnomah counties.

In response to Chair McCoy stating she hopes that he attend Task Force meetings, Mr. Mazour explained he would like to be a member of the Task Force if the proposed ordinance is adopted.

George Cress, Columbia County Economic Development Director, advised the Columbia County Commissioners recognize there are traffic and other problems which need to be addressed on Sauvie Island and feel this is the proper format in which to keep that process going. Mr. Cress explained that even though there are less than 20 Columbia County residents, Columbia County has a majority of the land mass and maintains recreational facilities on the Island for which they would like to see future planning addressed now in light of the fact that the Portland Metropolitan area will probably grow by an estimated 500,000 in the next 20 years and there will be a greater demand on existing facilities. Mr. Cress invited Commissioners and staff to attend the October 17th Columbia County Board meeting to address the issues and to discuss the possibility of adopting a bi-county resolution.

In response to today's testimony, Commissioner Anderson explained the County is not trying to promote recreation on Sauvie Island and that she hopes the Task Force will take the position that biking is just as good in Scappoose and some areas further on; that a Task Force is not another bureaucracy but a temporary group of citizens charged with a specific task; and agreed that there are many agencies who should be working on the problems of Sauvie Island and that she hopes the Task Force can help bring the agencies to work together. Commissioner Anderson reported that the Board made preservation and protection of natural resources one of its strategic initiatives last year and that the Board considers Sauvie Island to be one of the County's natural resources, and advised that the overcrowding situation is a matter of great concern and will be addressed by the Task Force. Commissioner Anderson explained the County has no say in the recreation development of the Smith and Bybee Lakes area, but suggested the Board could talk to the City about promoting more recreation around that area. Commissioner Anderson reported that while Government Island is not accessible except by boat, some development could occur there. Commissioner Anderson asked that the Task Force not be condemned before it begins its charges and urged that it be allowed to proceed in a coordinated fashion with Columbia County and interested citizens coming to Task Force meetings.

Vice-Chair Kafoury advised these hearings reminded her that the last time the Board dealt with a Sauvie Island issue it was over expansion of the golf course and that this Board voted against expansion because of some of the very issues which have been raised today. Vice-Chair Kafoury stated she was troubled that there seems to be so much discomfort by some of the residents about the proposed ordinance when it is clearly a pro-active, protective measure which the County wants to make.

Ordinance 661 was UNANIMOUSLY APPROVED.

R-3 First Reading of a proposed ORDINANCE in the Matter of Amending Ordinance 596 by Expanding the Membership of the Policy Development Committee, Making the Policy Development Committee Advisory to the Board of Commissioners, and Related Organizational Changes

The Clerk read the proposed ordinance by title only. Copies of the complete document were available for those wishing them.

UPON MOTION of Commissioner Kafoury, seconded by Commissioner Kelley, the first reading of R-3 was UNANIMOUSLY APPROVED. Chair McCoy advised the second reading is scheduled for Thursday, October 4, 1990.

R-4 RESOLUTION in the Matter of a Plan Amendment to the 1989-91 Juvenile Services Plan

UPON MOTION of Commissioner Kelley, seconded by Commissioner Anderson, Resolution 90-143 was UNANIMOUSLY APPROVED.

R-5 Notice of Intent in the Matter of Approval for the Health Division to Apply for a Grant from the Office of Minority Health

UPON MOTION of Commissioner Kafoury, seconded by Commissioner Anderson, R-5 was UNANIMOUSLY APPROVED.

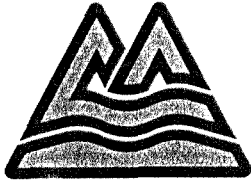
Chair McCoy reported she received a formal communication concerning a tour of Sauvie Island and asked if the Commissioners would be interested in going on a 2 to 3 hour tour. The Board having answered in the affirmative, Chair McCoy advised her staff would coordinate the date and time of the tour.

There being no further business, the meeting was adjourned at 10:25 a.m.

OFFICE OF THE BOARD CLERK  
for MULTNOMAH COUNTY, OREGON

By DEBORAH ROGERS

0083C/5-10/dr



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

## AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

#### FOR THE WEEK OF

September 24 - 28, 1990

Tuesday, September 25, 1990 - 8:30 AM - Joint Meeting. . . Page 2  
Planning Commission

Tuesday, September 25, 1990 - 9:30 AM - Planning Items . . Page 2

Tuesday, September 25, 1990 - 1:30 PM - Informal Briefings Page 2

Wednesday, September 26, 1990 - Policy Development Committee  
9:00 AM to Noon  
Standard Plaza, 3rd Floor  
Conference Rooms A & B . . Page 3

Thursday, September 27, 1990 - 9:30 AM - Formal Meeting. . Page 3

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers

Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers

Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

Tuesday, September 25, 1990 - 8:30 AM

Multnomah County Courthouse, Room 602

JOINT MEETING

Multnomah County Board of Commissioners  
and

Multnomah County Planning Commission

AGENDA

Briefing by Metro Staff on Regional Urban Growth Goals and Objectives

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Tuesday, September 25, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

PLANNING ITEM

1. PD 1-90a Public Hearing - DeNovo

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Tuesday, September 25, 1990 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL BRIEFINGS

1. Briefing on the Governors Task Force on Corrections Planning - Presented by Grant Nelson and Peter Ozanne -  
TIME CERTAIN 1:30 PM
2. Informal Review of Formal Agenda of September 27, 1990

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

POLICY DEVELOPMENT COMMITTEE

Wednesday, September 26, 1990 - 9:00 AM to Noon  
Standard Plaza, 3rd Floor, Conference Rooms A & B

AGENDA

Continuation of Public Safety agenda from 9/12/90 meeting  
PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

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GENERAL SERVICES CBAC:

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| Herbert Broussard | Appointment | 9/93 |
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NON-DEPARTMENTAL - continued

- C-2 In the Matter of the Appointment of Doug Bray to the Multnomah County Child Abuse Prevention Task Force
- C-3 In the Matter of the Appointments of Commissioner Sharron Kelley, Fred Carter/CPA, Lianne Thompson/CIC, and Thomas A. Kessler/CIC to the Multnomah County Audit Committee with the terms expiring 9/93

DEPARTMENT OF HUMAN SERVICES

HEALTH SERVICES AND SOCIAL SERVICES DIVISIONS

- C-4 Ratification of an Intergovernmental Agreement, Contract #102491, between Multnomah County and the Oregon Health Division to provide staff to monitor the County's HIV/AIDS seroprevalence program within the Health Division

DEPARTMENT OF ENVIRONMENTAL SERVICES

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  - 4. NATIONAL ADD Lots 15 & 16, Block 3 - NE corner of N Delaware and Hunt.
  - 5. MENTONE Lot 6, Block 35 - 50 X 99.94' lot West of 10515 SE Knight St.
  - 6. FIRLAND North 30' of East 19' of Lot 15, Block 16, North 30' of Lot 16, Block 16-30 x 74' Lot - North of 5127 SE 70th Ave.
  - 7. EVELYN Lot 9, Block 9 - 40.5 X 100' Lot North of 8601 SE Woodstock Blvd.
  - 8. EVELYN Lots 1 - 3, Block 1, North 13' of Lot 4, Block 1-26 X 110' Lot West of 8632 SE Ellis St.
  - 9. NORTH IRVINGTON West 1/2 of Lots 9 & 10, Block 7, NE Failing West of 3911 NE 11th Ave.
  - 10. GREENS ADD West 5' of the North 35' of Lot 7, Block 8-a strip of land West of 5821 SW Corbett Ave.
  - 11. GREENS ADD West 5' of South 40.65' of Lot 8, Block 8-a strip of land West of 5835 SW Corbett Ave.
  - 12. COLUMBIA HEIGHTS Exc pt in st. Lot 8, Block 20-40 X 100' Lot on the SE corner of NE 13th and Highland.
  - 13. ALBINA Taxlot #3 of Lot 54 - SE corner of N Interstate and Russell.
  - 14. SECTION 34, 1N 2E Taxlot #341 - NE 113th Ave. West of 11307 NE Glisan.

REGULAR AGENDA

NON-DEPARTMENTAL

- R-1 RESOLUTION in the Matter of Support for the Reauthorization for the National Endowment of the Arts without Restrictions  
TIME CERTAIN 9:30 AM
- R-2 Continued Second Reading and Possible Adoption of an ORDINANCE in the Matter of Creating a 13 Member Task Force to Develop a Bi-County, Integrated Recreation Management Plan for Sauvie Island

DEPARTMENT OF GENERAL SERVICES

- R-3 First Reading of a proposed ORDINANCE in the Matter of Amending Ordinance 596 by expanding the membership of the Policy Development Committee, making the Policy Development Committee advisory to the Board of Commissioners, and related organizational changes

DEPARTMENT OF HUMAN SERVICES

HEALTH SERVICES AND SOCIAL SERVICES DIVISIONS

- R-4 RESOLUTION in the Matter of a Plan Amendment to the 1989-91 Juvenile Services Plan
- R-5 Notice of Intent in the Matter of Approval for the Health Division to apply for a grant from the Office of Minority Health

0702C/59-63  
9/20/90  
cap



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

Tuesday, September 25, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

## PLANNING ITEM

### 1. PD 1-90a Public Hearing - De Novo

Review the Decision of the Planning Commission of August 13, 1990, denying requested modifications of Conditions of Approval of P 1-90 and ZC 1-90 as proposed by the applicant; approve modification; of Condition #1 to allow a phased development with Phase 1 to include only that pre 1963 area above 210-foot elevation and inclusion of a 30-day selection period as a second paragraph of Condition #2. Further, require that the grading and landscaping required by Conditions #5 and #6 of the Final Order be completed in the Phase 2 area within one year of the completion of Phase 1. All other conditions of the PD 1-90 and ZC 1-90 approval shall remain in full force and effect, all for property located at 13300 SE Holgate Blvd.

BOARD MODIFIED THE PLANNING COMMISSION ORDER BY: REVERSING THE PHASING; MODIFYING CONDITION #2 TO INCREASE THE SCOPE OF THE HYDROLOGIST STUDY TO INCLUDE THE ENTIRE PARCEL; AND APPROVED THE ADDITION OF THE OMITTED PARAGRAPH. PLANNING STAFF TO SUBMIT FINAL ORDER FOR APPROVAL ON THURSDAY, OCTOBER 16, 1990.

DATE SUBMITTED \_\_\_\_\_

(For Clerk's Use)  
Meeting Date SEP 26 1990  
Agenda No. \_\_\_\_\_

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Policy Development Committee

Informal Only\* 9/26/90  
(Date)

Formal Only 9/26/90  
(Date)

DEPARTMENT General Services DIVISION Planning & Budget

CONTACT Jack Horner TELEPHONE 248-3883

\*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD \_\_\_\_\_

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Continuation of Public Safety agenda from 9/12/90 meeting

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☒ POLICY DIRECTION ☐ RATIFICATION

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 9:00 AM - 12 Noon

~~IMPACT~~ LOCATION: Standard Plaza, 1100 SW 6th, Third Floor, Conf. Rooms A & B

PERSONNEL

☐ FISCAL/BUDGETARY

☐ General Fund

Other \_\_\_\_\_

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Jinda Alexander

BUDGET / PERSONNEL Jack Horner

COUNTY COUNSEL (Ordinances, Resolution, Agreements, Contracts) \_\_\_\_\_

OTHER \_\_\_\_\_  
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

CLERK OF COUNTY OF CLATSOP  
SEP 26 11 30 AM '90  
CLERK OF COUNTY OF CLATSOP

Meeting Date: SEP 25 1990

Agenda No.: \_\_\_\_\_

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Joint Meeting of Multnomah County Board of Commissioners  
Planning Commission

BCC Informal 9/25/90 BCC Formal \_\_\_\_\_  
(date) (date)

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Fred Neal TELEPHONE 248-3308

PERSON(S) MAKING PRESENTATION \_\_\_\_\_

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 1 hour

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested,  
as well as personnel and fiscal/budgetary impacts, if applicable):

JOINT MEETING  
MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PLANNING COMMISSION

8:30 a.m. - 9:30 a.m.  
September 25, 1990

(Agenda Attached)

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Gladys McGee

Or

DEPARTMENT MANAGER \_\_\_\_\_

(All accompanying documents must have required signatures)

1990 SEP 25 11:33 AM  
MULTNOMAH COUNTY  
OREGON



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

## JOINT MEETING

MULTNOMAH COUNTY BOARD OF COMMISSIONERS

PLANNING COMMISSION

Tuesday September 25, 1990

8:30 a.m. - 9:30 a.m.

Room 602, Multnomah County Courthouse

## A G E N D A

1. Briefing on Regional Urban Growth Goals and Objectives



# METRO

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

GLADYS McCOY ✓  
MULTNOMAH COUNTY CHAIR  
1021 S.W. 4th, ROOM 134  
PORTLAND, OREGON 97204  
9/6/90  
cc [signature]

August 30, 1990

Honorable Gladys McCoy  
Multnomah County  
1021 S.W. Fourth Ave., Rm. 134  
Portland, OR 97204

Dear Commissioner McCoy:

For the past 18 months Metro has been working with policy and technical advisory committees to develop the draft Regional Urban Growth Goals and Objectives enclosed with this letter. We began this work in conjunction with our periodic review of the region's urban growth boundary. Metro has never had a policy framework for managing the boundary, and the growth challenges that we all face on a daily basis require a more consistent approach.

After identifying the major issues of regional urban growth through data gathering, public workshops that you may have participated in last Fall, and our first Regional Growth Conference in January, 1990, the committees developed the goals and objectives as a response to the issues we must collectively tackle. They were developed with no preconceptions about "who does what". Rather, the committees first addressed the wide range of things that must be attended to if quality-of-life is to be maintained, leaving the delineation of roles to a later step.

Now, with the draft completed, Metro will be reviewing them with the public for the next few months. In addition to public workshops, special meetings will be conducted for development, conservation, and farm interests, as well as with special districts and regional and state agencies.

I am writing to request the opportunity for Metro staff to conduct a similar workshop in a joint meeting of your commission and planning commission. The workshop would take about 90 minutes, though we can tailor it to the time that you have available. We would like to meet with your jurisdiction sometime during the months of September, October, or November.

Executive Officer  
Rena Cusma

Metro Council

Tanya Collier  
Presiding Officer  
District 9

Gary Hansen  
Deputy Presiding  
Officer  
District 12

Mike Ragsdale  
District 1

Lawrence Bauer  
District 2

Jim Gardner  
District 3

Richard Devlin  
District 4

Tom DeJardin  
District 5

George Van Bergen  
District 6

Ruth McFarland  
District 7

Judy Wyers  
District 8

Roger Buchanan  
District 10

David Knowles  
District 11

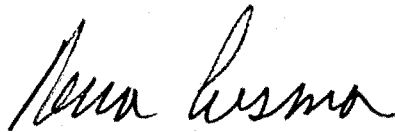
page two

Ultimately, Metro will adopt goals and objectives, and they will become binding on all of Metro's regional planning activities including its transportation planning and management of the urban growth boundary. I think you'll agree with me when I say that this is an extremely significant policy process for the region. I look forward to the direct involvement of you and your jurisdiction in the further development of these goals and objectives.

Please feel free to contact Ethan Seltzer or Mark Turpel in Metro's Planning and Development Department, 221-1646, to schedule a workshop for your jurisdiction or to answer any questions that you might have.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rena Cusma".

Rena Cusma  
Executive Officer

cc: Chair, Planning Commission  
Planning Director

9-25-90  
Handout #2

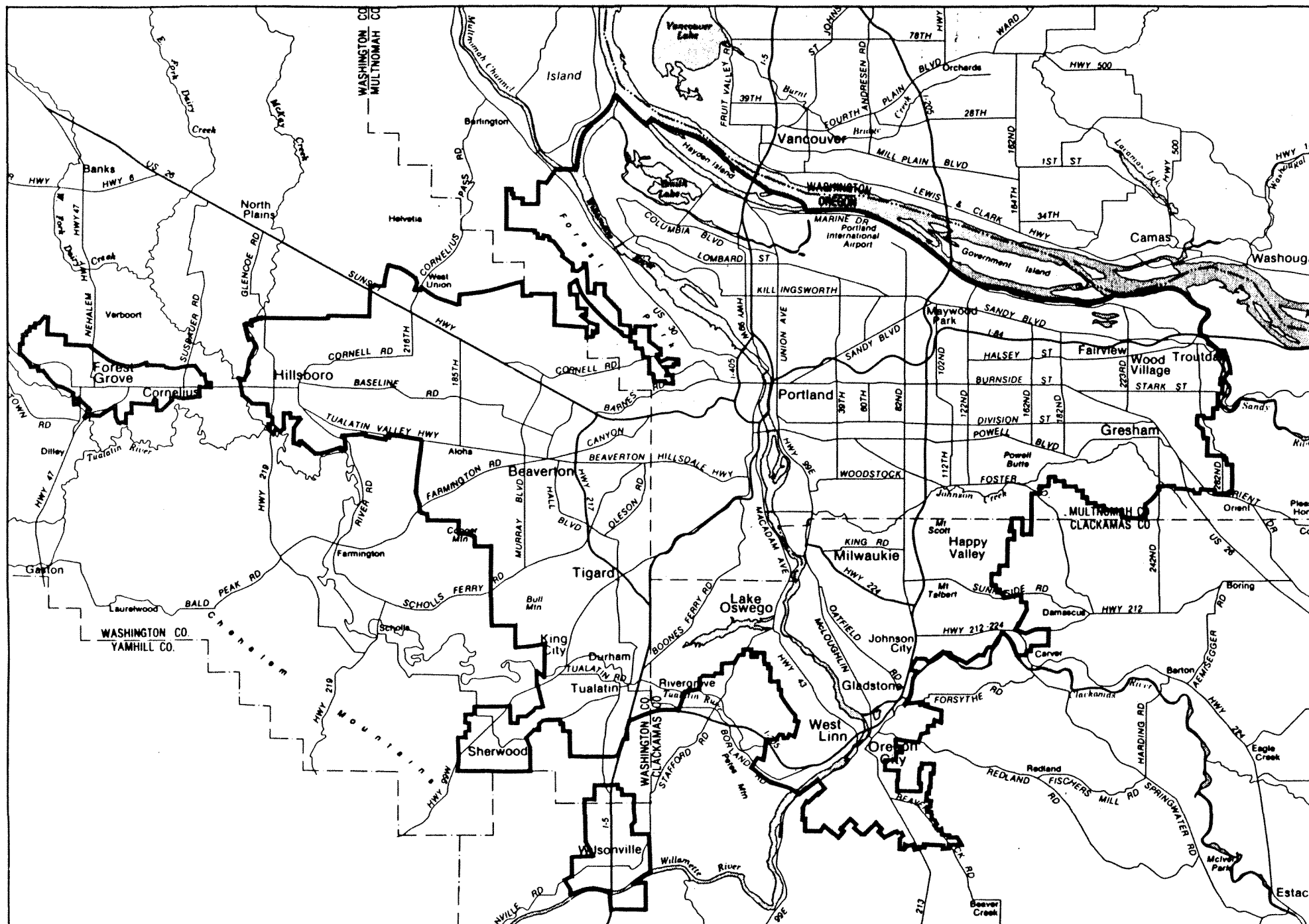
## DRAFT REGIONAL URBAN GROWTH GOALS AND OBJECTIVES

### KEY ISSUES 9/24/90

- 1) Roles: Successfully addressing the challenges of growth in the region will require the participation and cooperation of all jurisdictions and special districts. In a word, "teamwork" is what will distinguish this region from others in the west. Metro is not empowered nor does it intend to seek the authority to do a regional "comprehensive land use plan" for the metropolitan area. Comprehensive planning and zoning is the responsibility of cities and counties. Rather, Metro's primary roles are to serve as a facilitator, manage the location of the region's urban growth boundary, and develop specific, limited purpose plans to address issues of truly metropolitan significance.
- 2) Urban Reserves: Currently there is no basis for signalling where along the 200-mile long urban growth boundary it is most likely that expansion will occur should the a need for additional urban land be discovered. This creates uncertainty on both sides of the line that is building in long-term problems for the urban area. It is proposed that "urban reserves" be designated outside and adjacent to the existing boundary which would offer sites for needed expansions in the future. These reserves would be sited based on service efficiency issues, goals for farm and forest land preservation, and large-scale historical and natural landscape features.
- 3) Economic Activity Centers: This region is like most others in the nation today in that it is experiencing the same dispersion of employment and low-density housing outward from the historic city core. This pattern of land use is increasingly harder to service, is consuming vast amounts of land, and at least in other places has led to the wide-spread "abandonment" of existing, developed urban land. To counter these trends it is proposed that a limited number of high density, mixed use economic activity centers be identified. These centers are already emerging throughout the region. This proposal would recognize that trend and coordinate public investment and policy to make them important locations, easily serviced by and supportive of transit, that can lend greater structure to the urban region. Since there would be a limited number of these centers, the goals and objectives call for attention to be paid to the issue of equity, so that "poorer" jurisdictions are not left out of the prosperity that can accompany growth.
- 4) Open Space and Identity: A well-functioning urban place must be more than efficient. It must be livable and enjoyable as well. Two important aspects of maintaining urban livability in this region are the provision of adequate open space and

"natural places" inside the urban growth boundary, and the preservation and support of community identity. The goals and objectives specifically identify open space and urban design and important building blocks for maintaining regional quality of life.

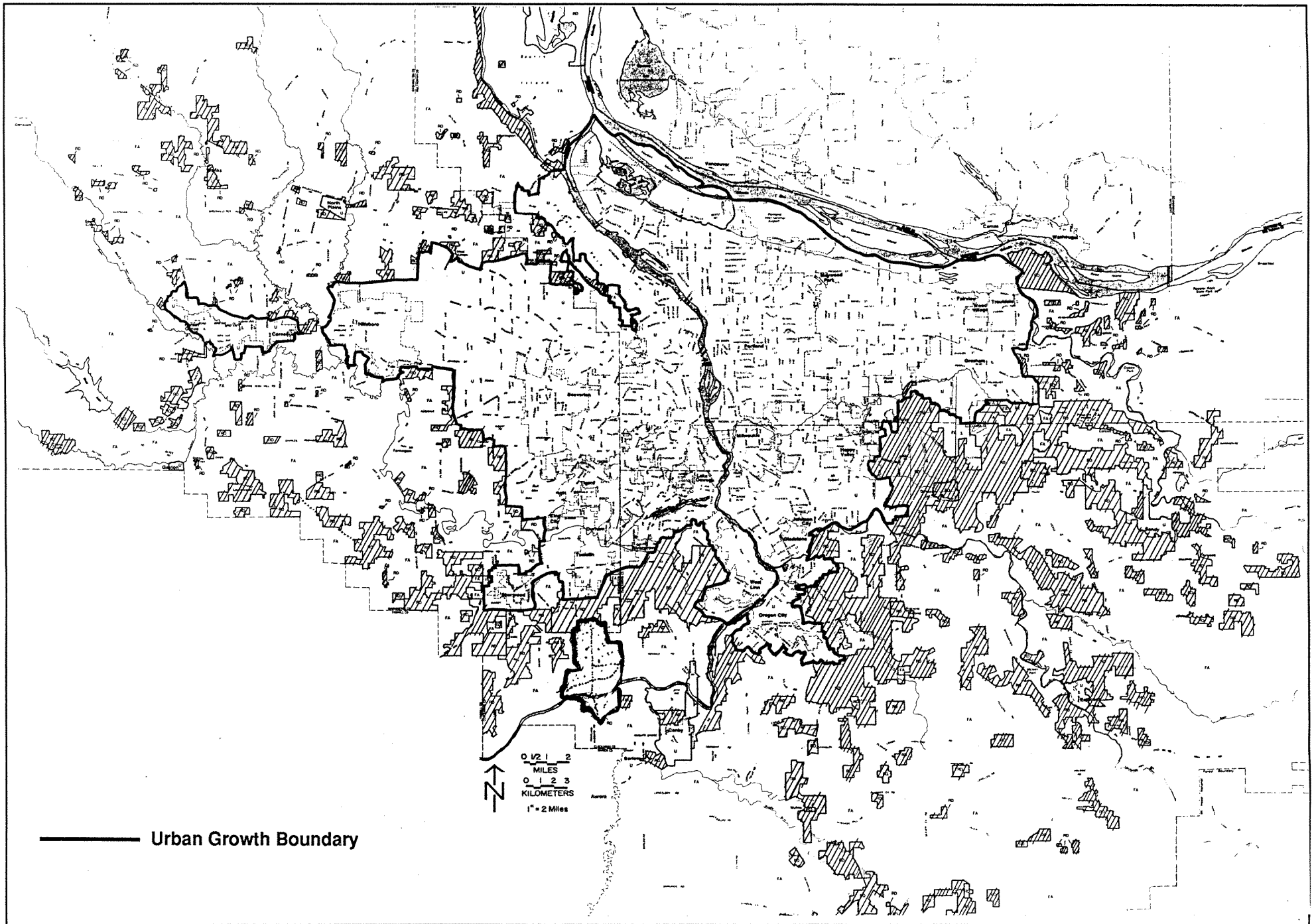
- 5) Stewardship of Urban Land: Even if our objective, as a regional community, were to accommodate all future growth on vacant land at the margins of the urban area, we probably couldn't come close to affording the bill to service it. The regional urban growth goals and objectives draw attention to the need for a substantial commitment to redevelopment and infill for meeting future growth needs. This is consistent with local comprehensive plans, and is based on the premise that substantial community investment in services and infrastructure ought not be relegated to the scrapheap. This includes a commitment to meeting the housing needs of the region's people, with particular attention to housing affordability, diversity, and location. It includes a commitment to integrating employment attraction and retention efforts with a regional assessment of community economic and human resource needs. Finally, it includes a commitment to meeting the transportation and public service needs in both new and older parts of the urban region.



# METRO

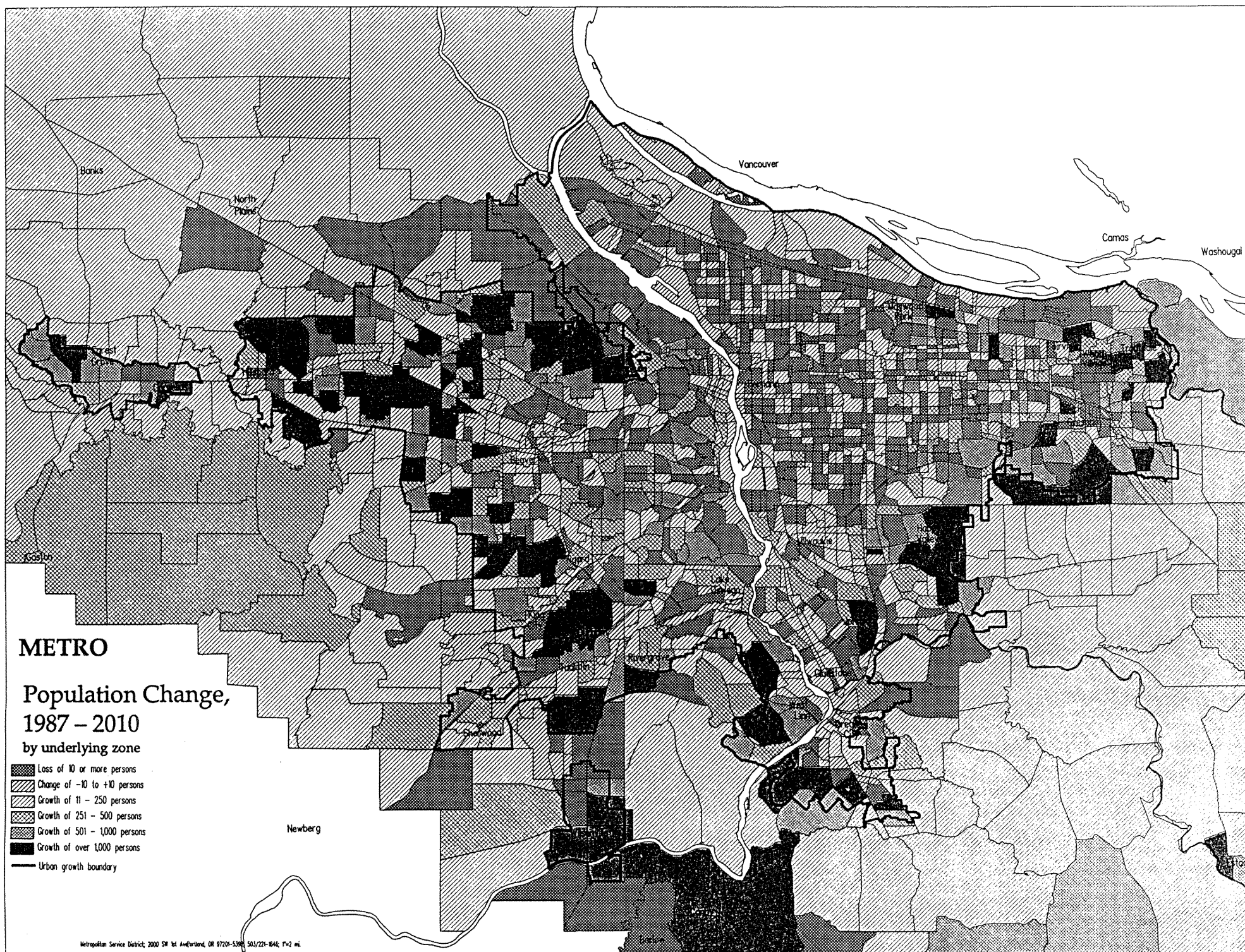
Urban Growth Boundary

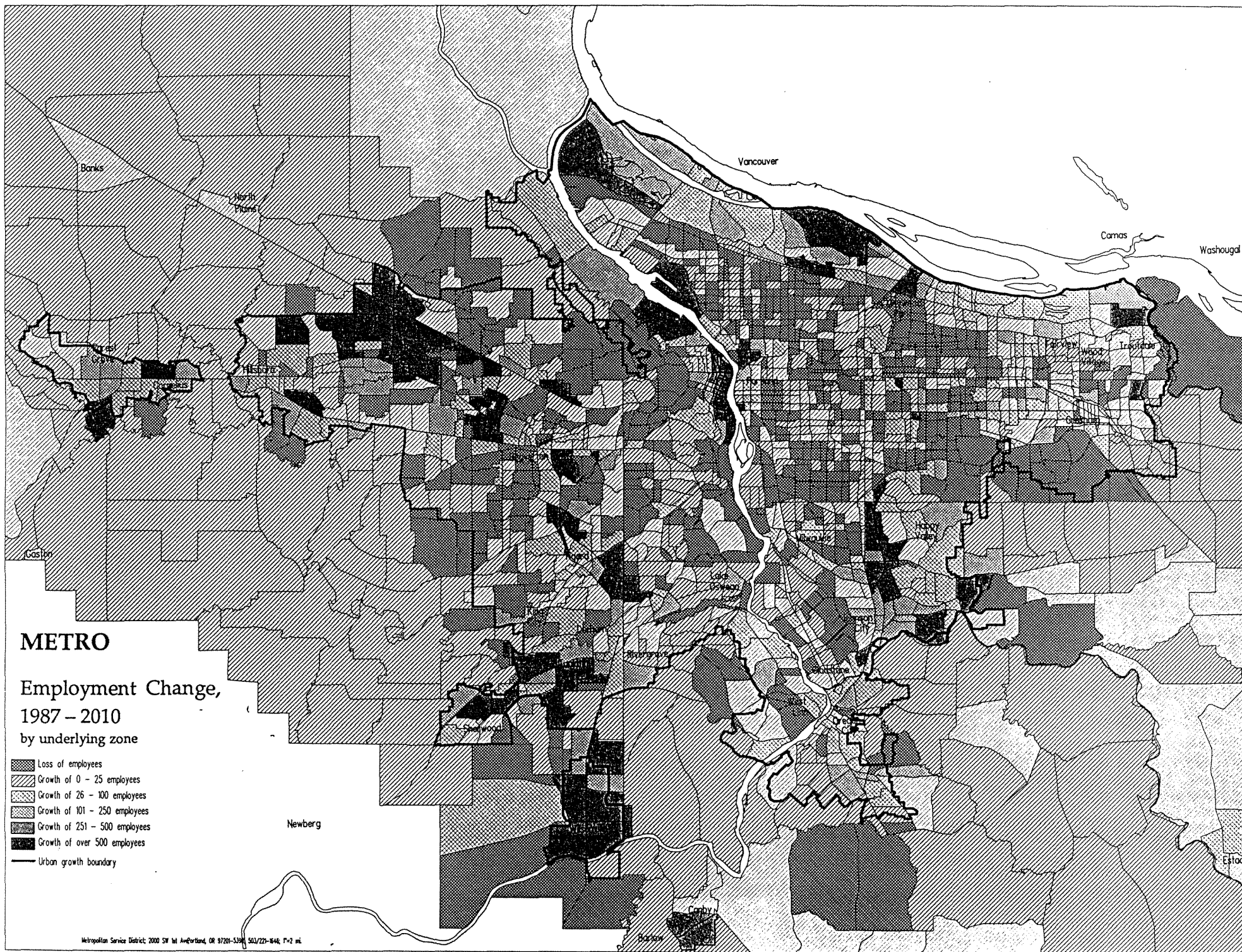
2000 S.W. First Ave., Portland, OR 97201-5398, (503) 221-1646, 1" = 4 mi., 3-87-01

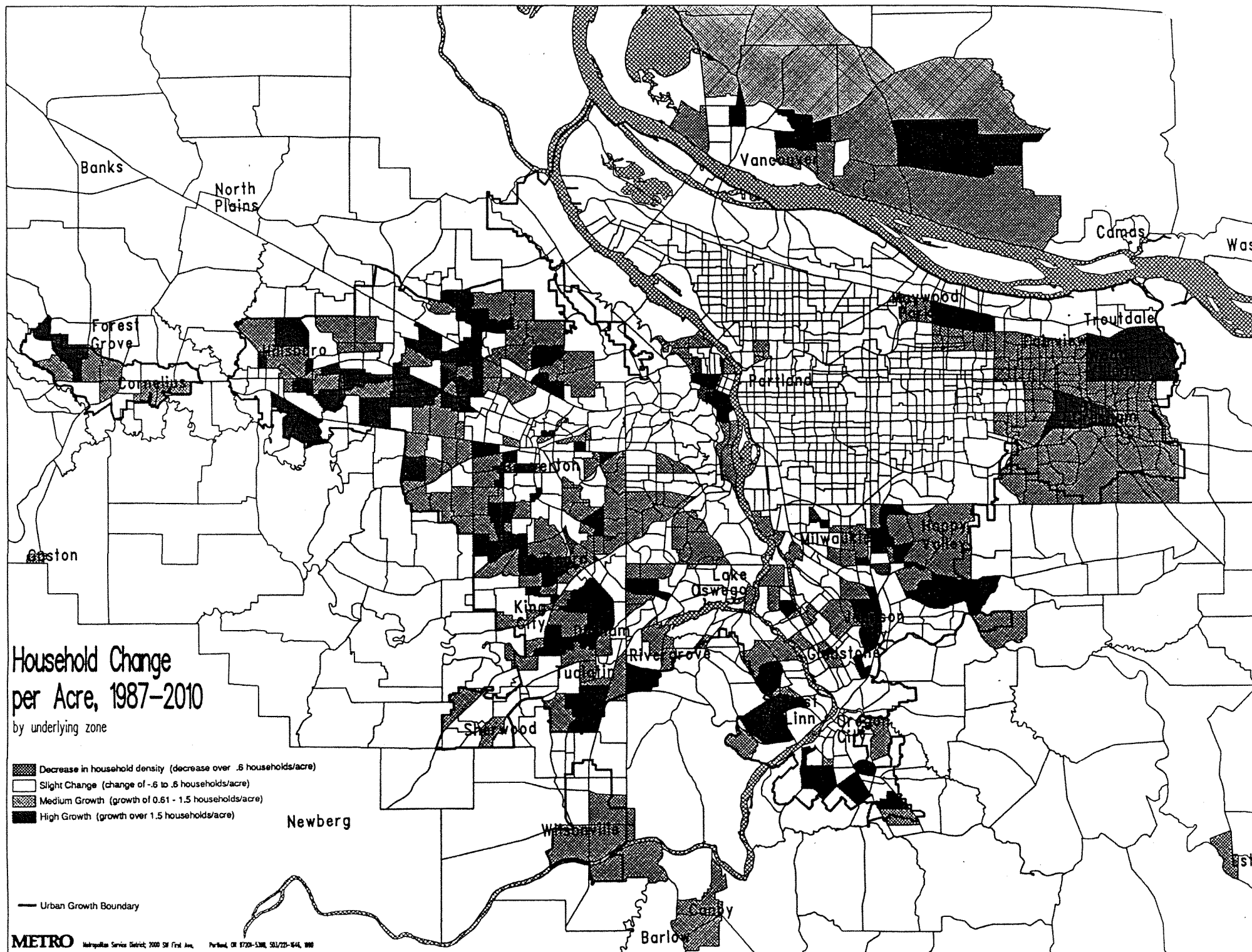


**METRO**

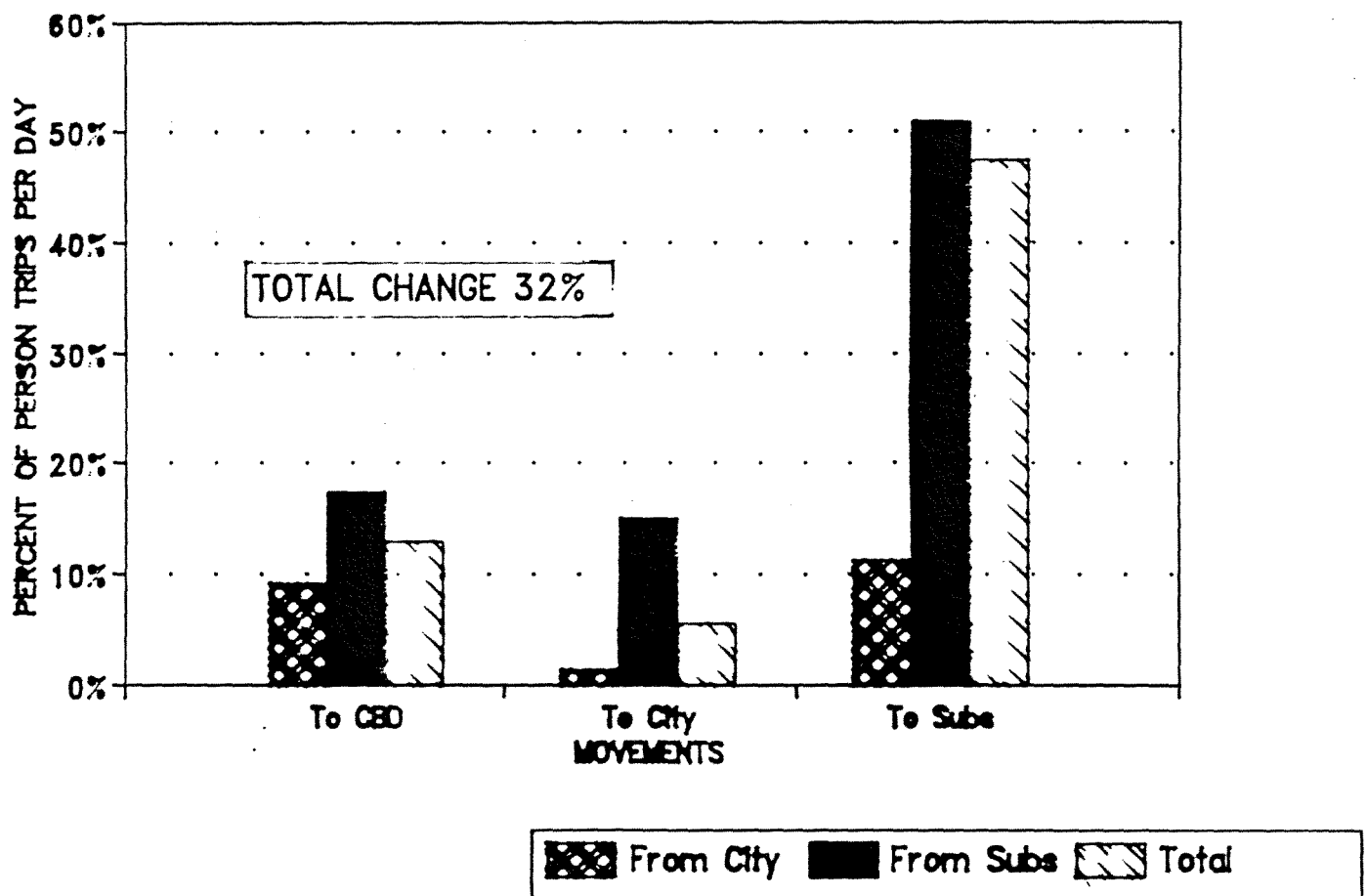
Lands Excepted From Goals 3 and 4



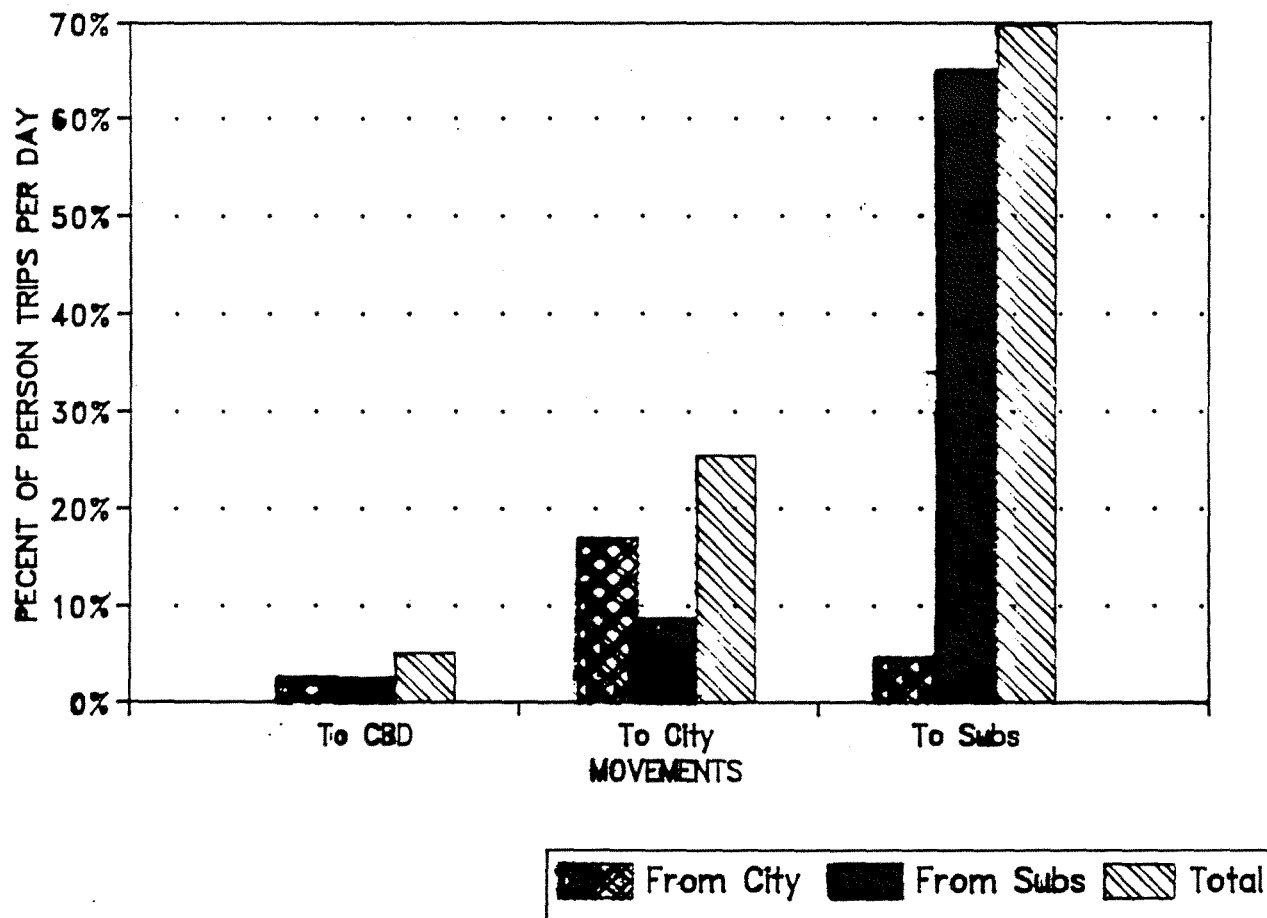




## INTERNAL TRIP PERCENT CHANGE 1988-2005



## INTERNAL TRIPS BY MOVEMENT 2005



## **DRAFT REGIONAL URBAN GROWTH GOALS AND OBJECTIVES**

### **DISCUSSION QUESTIONS**

- 1) DO THE FIVE KEY ISSUES IN THE DRAFT GOALS AND OBJECTIVES RESPOND TO THE ISSUES OF GROWTH IN YOUR COMMUNITY? ARE THESE THE KINDS OF CONCERNS THAT YOU HEAR ABOUT AS THE RATE OF GROWTH PICKS UP?
- 2) WHICH OF THE KEY ISSUES HAS THE MOST PROMISE FOR ASSISTING YOUR COMMUNITY WITH MAINTAINING AND ENHANCING QUALITY-OF-LIFE?
- 3) WHAT IS MISSING?

9-25-90  
Handout #1



---

## *Regional Urban Growth Goals and Objectives*

---

August, 1990 - Review Draft

Planning and Development  
Department

**METRO**

## **Urban Growth Management Plan Policy Advisory Committee Members**

Jim Gardner, Metro Council, chair

Bonnie Hays, Chair, Washington  
County Commission, representing  
Multnomah County

Gladys McCoy, Chair, Multnomah  
County Commission, representing  
Multnomah County

Darlene Hooley, Chair, Clackamas  
County Commission, representing  
Clackamas County

Earl Blumenauer, Commissioner,  
City of Portland, representing the City  
of Portland

Larry Cole, Mayor, City of Beaverton,  
representing Washington County cities

Gussie McRobert, Mayor, City of  
Gresham, representing Multnomah  
County cities

Alice Schlenker, Mayor, City of Lake  
Oswego representing Clackamas  
County cities

Lawrence Bauer, Metro Councilor,  
representing the Metro Council

Tom Dejardin, Metro Councilor,  
representing the Metro Council

Richard Devlin, Metro Councilor  
representing the Metro Council

Mike Nelson, President, GSL Homes,  
representing land development interests

Charlie Hales, Home Builders  
Association of Metropolitan Portland,  
representing land development interests

Henry Richmond, Executive Director,  
1000 Friends of Oregon, representing  
land conservation interests

Ken Buelt, representing land  
conservation interests

Don McClave, President, Portland  
Chamber of Commerce, representing  
business interests

Linda Peters, representing citizen  
interests

## **Urban Growth Management Plan Technical Advisory Committee Members**

Richard Carson, Director, Planning  
and Development Department, Metro,  
Chair

Lorna Stickel, Planning Director,  
Multnomah County

Norm Scott, Planning Department,  
Clackamas County

Brent Curtis, Planning Director,  
Washington County

Bob Stacey, Planning Director,  
City of Portland

Scott Cline, Planning Director,  
City of Troutdale

Sandra Korbelik, Planning Department,  
City of Lake Oswego

Denyse McGriff, Planning Department,  
City of Oregon City

Jon Allred, Planning Department,  
City of Forest Grove

Wink Brooks, Planning Director,  
City of Hillsboro

Jim Sitzman, regional representative,  
Oregon Department of Land  
Conservation and Development

Terry Wilson, Grubb and Ellis

Mary Dorman, Dorman, White  
Company

Jacqueline Tommas, Clackamas  
County CPOs

John Miller, Multnomah County CPOs

Pat Kliever, Washington County CPOs

Burton Weast, Executive Director,  
Special Districts Associations of  
Oregon

Mary Weber, Project Manager,  
Tualatin Valley Economic  
Development Corporation, Inc.

Paul Ketcham, Senior Planner,  
1000 Friends of Oregon

Andy Cotugno, Director,  
Transportation Department, Metro

## **Metro Staff Planning and Development Department**

Rich Carson, Director  
Pat Lee  
Ethan Seltzer  
Mark Turpel

# REGIONAL URBAN GROWTH GOALS AND OBJECTIVES

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## **REGIONAL URBAN GROWTH GOALS AND OBJECTIVES**

### **Introduction**

The Regional Urban Growth Goals and Objectives are the result of a planning process initiated by Metro in early 1989. Metro identified the need for a policy framework for guiding its regional planning program and management of the region's Urban Growth Boundary (UGB), something that the legislature intended Metro to develop upon its formation in 1979.

The legislature directed Metro to develop a set of land use planning goals and objectives, themselves consistent with the statewide planning goals, for purposes of planning coordination in the region (ORS 268.380). A final set of regional urban growth goals and objectives will be adopted by the Metro Council and will be binding on all Metro planning activities including the management of the region's UGB and the development of the Regional Transportation Plan. In addition, they may affect the comprehensive plans of local jurisdictions as local and regional plans are inter-related in the future.

Metro began the policy development process that has yielded this draft with the formation of Policy and Technical Advisory Committees. The first task was the identification of the issues accompanying urban growth. These issues were identified using data derived from this region as well as from the experience of other major metropolitan areas in North America. These issues were then reviewed through a series of 16 public workshops in the fall of 1989, and further refined at the first annual Regional Growth Conference, sponsored by Metro, Portland General Electric, and the League of Women Voters and held in January, 1990.

With a full slate of issues in hand, the Policy and Technical Advisory Committees developed this proposal for regional urban growth goals and objectives beginning in February of 1990 and concluding in early July. This document will now be reviewed through another series of public workshops, reviewed by the Policy and Technical Advisory Committees in light of the comments received, and presented to the Metro Council for adoption in late 1990.

For further information, please contact Ethan Seltzer or Mark Turpel at 221-1646.

## **G**UIDING PRINCIPLES

The development of the Regional Urban Growth Goals and Objectives occurred through hours of discussion among members of the Policy and Technical Advisory Committees. The goals and objectives reflect a major consensus between business, government environmentalist and the region's citizens. Clearly there are more details to be worked out and will undoubtedly be the subject of spirited debate in the next several years.

Emerging from this review draft are a number of core principles that express the hopes and desires of the many participants in the planning process for the future of the region. The 16 guiding principles are the building-blocks for the development of a metropolitan vision. The next step, to occur following the adoption of a final set of Regional Urban Growth Goals and Objectives, will be the translation of the guiding principles and the goals and objectives into actual physical plans for the long-term evolution of this metropolitan region.

## GUIDING PRINCIPLES

### General Concepts

- 1) **Quality** - The Portland metropolitan area will be known internationally for the effort made and achievements by its people to maintain and enhance urban quality of life. This is a healthy, good place to live, one that sustains as well as inspires.
- 2) **Different** - This urban region is different than any other in North America, and its ability to remain that way will be credited to the foresight, creativity, and action of its people.
- 3) **Diversity** - The urban region will be even more diverse physically, culturally, and economically in the future, and the planning and development of the region will anticipate and embrace this trend.
- 4) **Opportunity, Equity, and Fairness** - This will be a region of opportunity, shaped by the people who live and work here and, in turn, offering a place within which individual effort is supported and encouraged. Further, in this region we care about each other, as individuals as well as jurisdictions, and are committed to sharing the prosperity we envision so that no segment of our community and no community is denied access to present and future opportunities.
- 5) **Character** - This will be a region with a sense of place, one whose identity is clearly apparent and consciously embraced.

### Growth and Change

- 6) **Growth** - This will be a growing region where jobs, affordable housing, and public services are available and capable of meeting the needs of the evolving urban population.
- 7) **Accessible** - This will be an accessible region, where mobility is planned for and provided through an efficient, balanced transportation system.
- 8) **Compact** - Urban planning will foster a compact development form, favoring efforts to use all existing urban land as efficiently as possible in order to avoid future sprawl.

- 9) **Linkage** - This is a thoughtful region, where considerable effort will be made to ensure the quality of relationships between urban and rural, urban center and suburban fringe, and citizens and the city.
- 10) **Natural Areas** - The identity of the urban region in the future will be strongly tied to the presence of natural areas linked by functional wildlife and recreation corridors.
- 11) **Major Urban Centers** - Rather than a region with one center and multiple suburbs, this region in the future will have several mixed use, high density, pedestrian oriented economic activity centers, accessible by transit and exemplifying the highest standards of urban design.
- 12) **Conservation** - We will be careful with our natural and cultural heritage, mindful of what we have inherited and equally mindful of what we will contribute to the future.

### Implementation

- 13) **Workable** - Both the vision for the future of the region as well as the development occurring here will be models for the ways in which metropolitan areas can manage their growth in practical and cost-effective ways.
- 14) **Continuity and Vision** - This region is committed to choosing and seeking its future through participatory long-term planning, and can remain focused on its long-term objectives while addressing the demands of the day.
- 15) **Coordination** - This is a region of complex but critical inter-relationships. Our ability and resolve to functionally inter-relate jobs, housing, and services, as well as the plans of cities, counties, special districts, regions and states, will be the true test of our aspirations for maintaining and enhancing metropolitan quality-of-life.
- 16) **Roles** - Successful management of urban growth will require the cooperation and coordination of state, regional, city, and county governments and special districts.

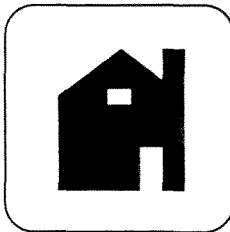
## REGIONAL URBAN GROWTH GOALS AND OBJECTIVES

### GOAL I: BUILT ENVIRONMENT OF THE REGION

Development in the region shall occur in a coordinated and balanced fashion as evidenced, at a minimum, by the provision of infrastructure and critical public services concurrent with the pace of urban growth; the meshing of local comprehensive plans with public investment decisionmaking at all levels; the continued evolution of regional economic opportunity; and the location of jobs, housing, supporting commercial activity, parks, and open space in relation to each other in order to decrease the number and length of automobile trips required to support a household.

#### OBJECTIVE 1. HOUSING

There shall be a range of housing types available inside the UGB, for rent or purchase at costs in balance with the range of household incomes in the region. Housing should be located in proximity to major activity centers and the regional transportation system.



**Policy 1.1 Metropolitan Housing Rule -** The Metropolitan Housing Rule (OAR 660, Division 7) has effectively resulted in the preparation of local comprehensive plans in the urban region that:

- provide for the sharing of regional housing supply responsibilities by ensuring the presence of single and multiple family zoning in every jurisdiction; and
- plan for local residential housing densities that support net residential housing density assumptions underlying the regional urban growth boundary.

However, it is now time to develop a new regional housing policy that directly addresses the following issues:

- **Diverse Housing Needs** - It shall be the policy of the region to address the diverse housing needs of the present and projected population of the region, and to correlate those needs with the available and prospective housing supply. Upon identification of unmet housing needs, a regionwide strategy shall be developed which takes into account subregional opportunities and constraints, and the relationship of market dynamics to the management of the overall supply of housing.
- **Housing Affordability** - Affordability shall be defined as the availability of housing such that no more than 30% (an index derived from federal, state, and local housing agencies) of the monthly income of the household need be spent on shelter. Public policy shall be designed to assure an adequate supply of housing for rent and/or sale at prices in line with the median household income

in the region. If, following a housing needs analysis, certain income groups in the region are found to not have affordable housing available to them, it shall be the policy of the region to focus land use policy and public and private investment towards meeting that need.

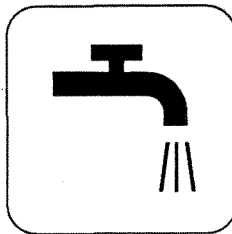
- **Housing Location** - Public policy and investment shall encourage the development of housing in locations near or adjacent to employment that is affordable to employees in those enterprises, or in other locations consistent with adopted public policy for the development of the regional transportation system.

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## **OBJECTIVE 2. PUBLIC SERVICES AND FACILITIES**

Public services and facilities (such as public safety, water and sewerage systems, parks, schools, libraries, the solid waste management system, stormwater management facilities) shall be planned and developed so as to: minimize cost; maximize service efficiencies and coordination; and result in net improvements in environmental quality; keep pace with growth, without any loss of existing service levels and desired service levels are ultimately achieved.

**Policy 2.1 Planning Area** - The regional urban growth goal, objectives, and policies for Urban Form shall be used as the basis for identifying the long-term geographical



planning area for the provision of all urban services.

**Policy 2.2 Efficiency** - Public facilities and services should be planned so that the provision of the service leads to the greatest efficiency and cost effectiveness. Where consolidation of service providers leads to greater efficiency and cost effectiveness, it shall be the policy of the region to seek that consolidation. Jurisdictions choosing to avoid such consolidation when it is demonstrated to lead to greater efficiency and cost effectiveness will be required to demonstrate that their decision will have no adverse impacts on service delivery systems and the ability to meet service needs elsewhere in the region.

**Policy 2.3 Environmental Quality** - Public facility and service development shall maintain and enhance environmental quality, individually and collectively, across political boundaries. It shall be the policy of the region to pursue the development of public facilities and services which meet federal and state standards for environmental quality, are energy efficient, and promote the efficient use and conservation of resources.

**Policy 2.4 Forecast Need** - Public service and facility development shall be planned to accommodate the rate of urban growth forecast in the adopted regional growth forecast for the forecast period. Contingency plans shall be developed to accelerate system development should 5-year growth rates exceed forecast expectations.

**Policy 2.5 Facility Sizing** - Public service and facility plans shall be sized to accommodate the planned density of adopted comprehensive plans. Public service and facility plans shall integrate planning for key services and facilities,

recognizing that to achieve a total public service and facility package which is the most cost-effective may require less than optimum financial commitments for one or a number of services or facilities.

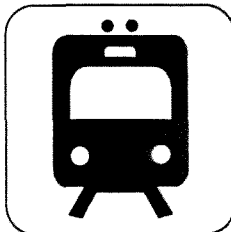
**Policy 2.6 Concurrent Funding** - It shall be the policy of the region to seek the provision of a wide range of public facilities and services concurrent with urban growth. However, the primary obstacle for providing a wide range of public facilities and services concurrent with new urban development is financial. Planning for concurrency, and requiring concurrency, is not enough. Developing funding mechanisms is critical. An aggressive effort shall be made to seek funding mechanisms to achieve concurrency. Two results are expected with this effort:

- A formula which apportions responsibility for paying for public facilities and services needed to achieve concurrency among new development, existing development, the state, the region, cities, counties, and special districts.
- Tools and techniques to enable each of the responsible parties to secure the funds necessary to meet the overall objective of concurrency.

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### OBJECTIVE 3. TRANSPORTATION

A regional transportation system shall be developed which provides adequate levels of mobility consistent with local



comprehensive plans and state and regional policies and plans; recognizes financial constraints; and minimizes the environmental impacts of system development, operations, and maintenance.

### Policy 3.1 Transportation

**Coordination** - Build on existing mechanisms for coordinating transportation planning in the region by:

- identifying the role for local transportation system improvements and relationship between local, regional, and state transportation system improvements in regional transportation plans;
- clarifying institutional roles, especially for plan implementation, in local, regional, and state transportation plans; and
- including plans and policies for the inter-regional movement of people and goods by rail, ship, barge, and air in regional transportation plans.

**Policy 3.2 Mobility** - In portions of the region outside of designated economic activity centers, adequate mobility will be provided by:

- first, encouraging growth in areas having transportation system capacity that meets regionally adopted mobility goals;
- second, actively working to meet the mobility needs of those areas in ways that do not require new transportation system construction; and
- third, as a last resort, expanding the capacity of existing systems or developing new transportation system infrastructure.

**Policy 3.3 System Priorities** - In developing new regional transportation system infrastructure, the highest priority will be meeting the mobility needs of designated economic activity centers. Such needs, associated with ensuring access to jobs, housing, and shopping within and among those centers, will be assessed and met through a combination of intensifying land uses and increasing transportation system capacity so as to minimize negative impacts on environmental quality, urban form, and urban design.

**Policy 3.4 Barriers** - Structural barriers to mobility for transportation disadvantaged populations will be assessed in the current and planned regional transportation system and will be addressed through a comprehensive program of transportation and non-transportation system based actions.

**Policy 3.5 Transport of Goods** - The needs for movement of goods via trucks, rail, and barge will be assessed and addressed through a coordinated program of transportation system improvements and actions to affect the location of trip generating activities.

**Policy 3.6 Environmental Considerations** The regional transportation system shall be planned to:

- minimize, as much as practical, the region's transportation-related energy consumption through improved auto efficiencies and increased use of transit, carpools, vanpools, bicycles and walking;
- maintain the region's air quality (see clean air objective);
- remove through-traffic from

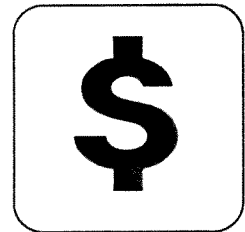
neighborhood streets which results from congestion on adjacent facilities.

- minimize negative impacts on parks, public open space, wetlands, and negative effects on communities and neighborhoods arising from noise, visual impacts, and physical segmentation.

**Policy 3.7 Transportation Balance** - Planning for increased use of transit shall address a broad range of requirements for making transit competitive with the private automobile.

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#### **OBJECTIVE 4. ECONOMIC OPPORTUNITY**



Public policy shall encourage the development of a diverse and sufficient supply of jobs, especially family wage jobs, in economic activity centers and other appropriate locations throughout the region; and, seek the full utilization of the labor force in the region through ongoing efforts to provide education and training linked to the needs of present and prospective employers.

**Policy 4.1 Economic Coordination** - Enhance coordination among economic development groups by:

- completing and maintaining a regional and subregional economic analysis, identifying specific impediments to and opportunities for the retention, recruitment, and

start-up of private and nonprofit sector organizations with jobs that pay family wage levels or better;

- identifying as a priority for recruitment, retention, and expansion those basic industries that would further broaden and diversify the region's economic base while maintaining or enhancing the region's average wage/average housing cost ratio; and
- complementing and linking job development efforts with an active and comprehensive program of training and education to improve the overall quality of the region's labor force.

employment or commercial purposes in locations consistent with regional urban growth goals and objectives for housing, public facilities and services, transportation, and urban form.

In particular, public efforts to provide labor training and education shall focus on the needs of economically disadvantaged, minority, and elderly populations.

**Policy 4.2 Economic Analysis - Regional and subregional economic opportunities analyses, as described in Statewide Planning Goal 9 (Economic Development), shall be conducted to assess the adequacy and, if necessary, modify the supply of vacant and redevelopable land inventories designated for a broad range of employment activities. Target industries will be identified through a regional "economic opportunity analysis". Economic subregions will be developed which reflect a functional relationship between locational characteristics and the locational requirements of target industries.**

**Policy 4.3 Employment Locations - Public policy shall encourage the development of employment and any rezoning of existing urban land or the zoning of new or future urban land for**

## GOAL II: NATURAL ENVIRONMENT OF THE REGION

Preservation, use, and modification of the natural environment of the region shall occur so as to maintain and enhance environmental quality while striving for the wise use and preservation of a broad range of natural resources.

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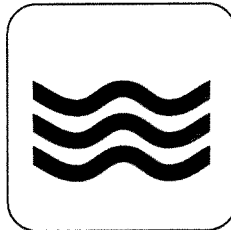
### OBJECTIVE 5. WATER RESOURCES

Planning and management of water resources shall be

coordinated in order to maintain the quality and ensure sufficient quantity of surface and groundwater in and available to the region.

**Policy 5.1 Formulate Strategy** - A long-term strategy is needed to identify and satisfy the beneficial water uses of the region while accommodating growth. Towards that end, a coordinated planning program for water resources management shall be instituted to:

- Identify the future resource needs of the region for municipal and industrial water supply, irrigation, fisheries, recreation, wildlife, environmental standards and aesthetic amenities;
- Monitor water quality and quantity trends vis-a-vis beneficial use standards adopted by federal, state, regional, and local governments for specific water resources important to the region;



- Collectively reexamine standards - Beneficial use standards will be examined in light of apparent water resources trends, projected growth in the region, and livability expectations of residents;
- Assess the cost of water resource management scenarios; and
- Coordinate water resource management responsibilities shall be coordinated among affected institutions and agencies to satisfy the beneficial uses identified through this process.

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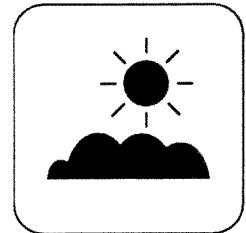
### OBJECTIVE 6. CLEAN AIR

Air quality shall be protected and enhanced so that growth can occur, human health is

unimpaired, and the visibility of the Cascades and the Coast Range from within the region is maintained.

**Policy 6.1 Action Program** - An air quality management plan shall be developed for the regional airshed outlining existing and forecast air quality problems, identifying prudent strategies, and recommending an action program which includes consolidation of Oregon and Clark County Air Quality Management Areas.

**Policy 6.2 Monitoring** - Air quality will be actively monitored to achieve the following air quality goals:

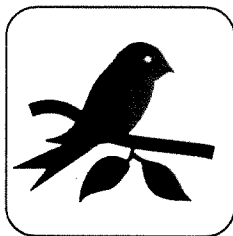


- Hydrocarbon emissions from all sources should not exceed Federal ozone standard of .12 ppm (parts per million). (current policy from RTP)
- Areas with concentrations of carbon monoxide emissions from transportation-related sources should not exceed the Federal standard of 9 ppm. (current policy from RTP)
- All transportation plans and local comprehensive plans, when taken in aggregate should be consistent with the State Implementation Plan (SIP) for air quality. (current policy from RTP)
- Standards for visibility, adopted through the planning process referenced in Policy 1, which meets the general objective of ensuring that views of the mountains are not impeded by air pollution as growth occurs.

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#### **OBJECTIVE 7. NATURAL AREAS, PARKS AND WILDLIFE HABITAT**

Sufficient open space in the urban region shall be acquired, or otherwise protected, and managed to provide reasonable and convenient access to sites for passive and active recreation; and a system of regionally significant interconnected habitat capable of supporting the continued presence of native wildlife in the urban area and the region.



#### **Policy 7.1 Open Space Assessment -**

Quantifiable targets will be established to set aside certain amounts and types of open space -- neighborhood, community and regional parks, as well as other types of open space for passive recreational activities -- in order to meet local needs while sharing responsibility for meeting metropolitan open space demands. This effort will begin with an inventory of existing open space set asides and opportunities in order to determine areas within the region where open space deficiencies exist now or likely will given adopted land use plans and growth trends. An assessment of current and prospective active recreational needs shall be made, employing both locally generated and national standards for park land provision. Multi-jurisdictional tools for planning and financing the protection and maintenance of open space resources will be developed.

**Policy 7.2 Corridor Systems -** The development of interconnected recreational and wildlife corridor systems within the metropolitan region will be coordinated to:

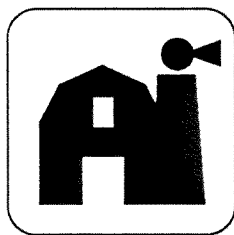
- develop a system of trails, capable of functioning as a unit within the region through the use of compatible standards and use objectives, to link public and private open space resources within and between jurisdictions; communities with each other; and communities with significant open space and wildlife habitat.
- develop a system of wildlife corridors capable of linking significant wildlife habitat in order to sustain and enhance populations of native wildlife in the urban area.
- implement the Willamette River Greenway plan by the turn of the century.

**Policy 7.3 - Wildlife Inventory** - A detailed biological field inventory of the region will be maintained to establish an accurate baseline of native wildlife populations. Target population goals for native species will be established through a public process which will include an analysis of amounts of habitat necessary to sustain native populations at target goal levels. After target native wildlife population goals have been adopted, necessary habitat will be identified, protected, and in some cases created. The planning process will emphasize habitat corridors and sites which play a significant role in sustaining baseline native wildlife populations.

**Policy 7.4 Land Bank** - A land-banking program both within and outside the urban area will be used to ensure that preservation needs and options are not precluded by future urban development or resource lands management/production programs. Open space preservation will be incorporated in planning and regulatory programs.

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**OBJECTIVE 8.  
PROTECTION  
OF  
AGRICULTURE  
AND FOREST  
RESOURCE  
LANDS**



Agricultural and forest resource land outside the urban growth boundary shall be identified and protected from urbanization, and accounted for in regional economic and development plans.

**Policy 8.1 Urban Limits** - Outside and adjacent to the urban growth boundary are rural resource lands that should never be urbanized.

**Policy 8.2 Urban Expansion** - For rural lands that are available for future urbanization the following hierarchy should be used for identifying priority sites for urban expansion to meet demonstrated needs for urban land:

- First, propose such expansions on rural lands excepted from Statewide Planning goals 3 and 4 in adopted and acknowledged county comprehensive plans. This recognizes that small amounts of rural resource land adjacent to or surrounded by those "exception lands" may be necessary for inclusion in the proposal to improve the efficiency of the boundary amendment.
- Second, consider secondary forest resource lands, or equivalent, as defined by the state.
- Third, consider secondary agricultural resource lands, or equivalent, as defined by the state.
- Fourth, consider primary forest resource lands, or equivalent, as defined by the state.
- Finally, when all other options are exhausted, consider primary agricultural lands, or equivalent, as defined by the state.

**Policy 8.3 Resource Economy** - Included in a regional economic opportunities analysis carried out as directed by Policy 4.2, shall be a consideration of the agricultural and forest products economy associated with lands adjacent to or near the urban area.

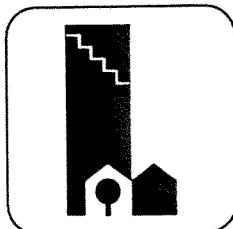
## GOAL III: URBAN FORM

The management of the urban land supply shall occur from a regional perspective, be directed to achieve a compact urban growth form, contribute to creating a clear distinction between urban and rural lands, and reflect the inter-relationship between development of vacant land and redevelopment objectives in all parts of the urban region.

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### OBJECTIVE 9. URBAN/RURAL BOUNDARY

The pattern of development providing the transition between urban and rural lands shall be planned and developed in a manner that makes best use of the natural and built landscape, efficiently connects to existing and planned public service and facility systems, and recognizes the likely long-term prospects for regional urban growth.



**Policy 9.1 Boundary Features** - The Metro urban growth boundary shall, where feasible, be located using natural or built geographic features, such as roads, drainage divides, floodplains, and powerlines.

**Policy 9.2 Urban Reserves** - Fifty-year "urban reserves", adopted for purposes of coordinating planning and delineating areas for future urban expansion, shall be identified and reviewed every 15 years based on the regional urban growth goals, objectives, and policies. Establishment of urban reserves will take into account the

efficiency with which the proposed reserve can be provided with urban services in the future, the unique land needs of specific urban activities assessed from a regional perspective, and the regional urban growth goals and objectives.

No expansion of the urban growth boundary shall occur outside of urban reserves. Where urban land is adjacent to rural lands outside of an urban reserve, Metro will work with affected cities and counties to ensure that urban uses do not negatively affect the use or condition of the rural land. Where urban land is adjacent to lands within an urban reserve that may someday be included within the urban growth boundary, Metro will work with affected cities and counties to ensure that rural development does not create obstacles to efficient urbanization in the future.

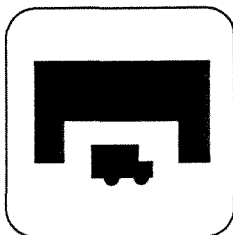
**Policy 9.3 Sense of Place** - Features of the natural and built regional landscape -- historic, cultural, topographic, and biological -- found both inside and outside of the urban growth boundary, which contribute significantly to this region's identity and "sense of place", shall be identified. Management of the total urban land supply shall occur in a manner that supports the preservation of those features as growth occurs.

**Policy 9.4 Planned Public Services** - Upon identification of urban reserves adjacent to the urban growth boundary, ultimate providers of urban services within those areas will be designated and charged with incorporating the reserve area(s) in their public facility plans in conjunction with the next periodic review. Changes in the location of the urban growth boundary shall occur so as to ensure the presence of planned key public facilities and services concurrent with development on the newly annexed lands.

**Policy 9.5 Relationship to Other Urban Areas** - The prospect of creating transportation and other links between the urban economy within the Metro Urban Growth Boundary and other urban areas in the state will be investigated as a means for better utilizing Oregon's urban land and human resources.

## **OBJECTIVE 10. DEVELOPED URBAN LAND**

Opportunities for and obstacles to the continued development and redevelopment of existing urban land shall be identified and actively addressed through a combination of regulations and incentives so that the prospect of living, working, and doing business in those locations remains attractive to a wide range of households and employers.



### **Policy 10.1 Redevelopment & Infill -**

The potential for redevelopment and infill on existing urban land will be included as an element when calculating the buildable land supply in the region. When Metro makes a finding of need for additional urban land within the urban growth boundary, it will assess redevelopment and infill potential in the region by utilizing, at a minimum, the following kinds of analyses:

- An inventory of parcels where the assessed value of improvements is less than the assessed value of the land.
- An analysis of the difference between comprehensive plan development densities and actual

development densities for all parcels as a first step towards determining the efficiency with which urban land is being used. In this case, efficiency is a function of land development densities incorporated in local comprehensive plans.

Metro will then work with jurisdictions in the region to determine the extent to which redevelopment and infill can be relied on to meet the identified need for additional urban land. After this analysis and review, Metro will consider an amendment of the urban growth boundary to meet that portion of the identified need for land not met through commitments for redevelopment and infill.

### **Policy 10.2 Financial Incentives -**

Financial incentives to encourage redevelopment and infill consistent with adopted and acknowledged comprehensive plans will be pursued to make redevelopment and infill attractive to investors and buyers. One possible mechanism might be an "urban expansion market impact fee", assessed per acre on lands added to the Metro urban growth boundary, and deposited in a trust fund used to address issues which hinder redevelopment.

### **Policy 10.3 Economic Activity Centers -**

The region shall identify and reinforce a limited number of emerging economic activity centers. An "economic activity center" is a mixed use node of relatively high density, supportive of non-auto based transportation modes, and supported by sufficient parks, open space, and other urban amenities. State, regional, and local policy and investment shall be coordinated to achieve development objectives for economic activity centers, and minimum targets for transit:highway mode split, jobs:housing balance, and minimum

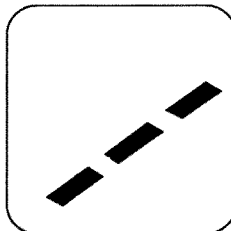
housing density may be associated with those public commitments.

New economic activity centers shall be sited with respect to a system of such centers in the region, and shall not significantly affect regional goals for existing centers, the transportation system, and other public services and facilities. Tools will be developed to address regional economic equity issues stemming from the fact that not all jurisdictions will serve as a site for an economic activity center. Such tools may include off-site linkage programs to meet housing or other needs or a program of tax base sharing for the increment of new tax base created by public investment in economic activity centers.

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#### **OBJECTIVE 11. URBAN GROWTH BOUNDARY**

The regional urban growth boundary shall separate urbanizable from rural land, be based in aggregate on the region's 20-year projected need for urban land, and be located consistent with statewide planning goals and regional urban growth goals and objectives.



**Policy 11.1 Expansion into Urban Reserves** - Upon demonstrating a need for additional urban land, urban growth boundary amendments shall only occur within urban reserves unless it can be demonstrated that Statewide Planning Goal 14 cannot be met for the urban region through use of urban reserve lands.

**Policy 11.2 Adequacy of Land Supply** - The adequacy of the supply of urban land within the urban growth boundary shall be

judged on the basis of an assessment of all land within the boundary, taking into account any special and unique conditions or circumstances associated only with particular portions of the urban area.

**Policy 11.3 Amendment Criteria** - Criteria for amending the urban growth boundary shall be derived from statewide planning goals 2 and 14 and relevant portions of the regional urban growth goals and objectives.

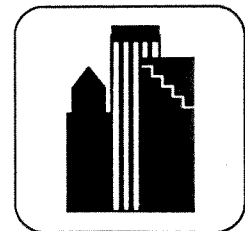
**Policy 11.4 Major Amendments** - Proposals for major amendment of the UGB shall be made primarily through a legislative process in conjunction with the development and adoption of regional forecasts for population and employment growth. The amendment process will be initiated by a Metro finding of need, and involve local governments, special districts, citizens, and other interests.

**Policy 11.5 Locational Adjustments** - Locational adjustments of the UGB shall be brought to Metro by cities and counties based on public facility plans in adopted and acknowledged comprehensive plans.

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#### **OBJECTIVE 12. URBAN DESIGN**

The identity and integral functioning of communities in the region shall be supported through the recognition and protection of critical topographic and open space features in the region; public policies which encourage diversity in the design and development of settlement patterns, landscapes, and structures; and ensuring that incentives and regulations guiding the development and redevelopment of the urban area promote a settlement pattern which:



- is pedestrian "friendly" and reduces auto dependence;
- encourages transit use;
- reinforces nodal, mixed use, neighborhood oriented design;
- includes concentrated, high density, mixed use economic activity centers developed in relation to the region's transit system;
- is attractive and reflects a "Northwest Style of Life"; and
- is responsive to needs for both privacy and community in an urban setting.

**Policy 12.1 Landscape Analysis** - A regional landscape analysis shall be undertaken to inventory and analyze the relationship between the built and natural environments and to identify key open space, topographic, natural resource, cultural, and architectural features which should be protected as urban growth occurs.

**Policy 12.2 Tools for Change** - Model guidelines and standards will be developed which expand the range of tools available to jurisdictions for accommodating change in ways compatible with neighborhoods and communities while addressing this objective.

**Policy 12.3 Pedestrian, Transit Support** - Pedestrian friendly and transit supportive building patterns will be encouraged in order to minimize the need for auto trips and to create a development pattern conducive to face-to-face community interaction. Efforts towards this end include:

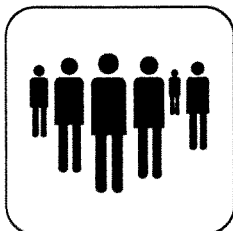
- Building orientation standards, including blank wall, setback, height, and parking components, among others, which encourage transit and pedestrian use.
- Light Rail Transit stops, bus stops, transit routes, and transit centers leading to and within economic activity centers shall be planned to encourage pedestrian use and the creation of mixed use, high density residential development.
- Mixed use housing developed in nonresidential zones and allowed by right shall be included in housing inventories compiled for purposes of showing compliance with the Metropolitan Housing Rule.
- A broad spectrum of house and lot types (zero-lot line, common wall, z-lot, etc.) will be offered to broaden the range of options available to neighborhoods, jurisdictions, and builders as they attempt to incorporate change in their communities while meeting the evolving housing needs of the public.
- Increased opportunities, incentives, and requirements for mixed use projects and districts in the region will be developed to facilitate the emergence of economic activity centers.

## GOAL IV: METRO PLANNING PROCESS

Land use planning in the urban region shall be accessible to and understandable by a wide range of interests and shall contribute generally to the creation of certainty about the results of the planning process.

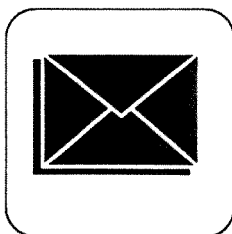
### OBJECTIVE 13. CITIZEN PARTICIPATION

Metro shall develop and implement an ongoing program for citizen participation in all aspects of its regional planning program, including both legislative and quasi-judicial processes. Such a program will be coordinated with local programs for recognizing and supporting organizations intended to further citizen involvement in planning processes, and will not duplicate those programs.

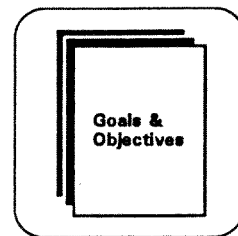


### OBJECTIVE 14. NOTIFICATION

Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of the potential consequences and of opportunities for involvement on the part of affected citizens, both within and outside of its district boundaries.



### OBJECTIVE 15. AMENDMENTS TO THE REGIONAL URBAN GROWTH GOALS AND OBJECTIVES



Metro shall ensure that the Regional Urban Growth Goals and Objectives are reviewed at regular intervals, that any review involves a broad cross-section of citizen and jurisdictional interests, and any proposals for amendments receive broad public review prior to Metro Council action.

## Glossary

**Beneficial Use Standards** - Under Oregon law, specific uses of water within a drainage basin deemed to be important to the ecology of that basin as well as to the needs of local communities are designated as "beneficial uses". Hence, "beneficial use standards" are adopted to preserve water quality or quantity necessary to sustain the identified beneficial uses.

**Economic Activity Center** - An "economic activity center" is a designated location for a mix of relatively high density office space, commercial activity, residential uses, and supporting parks and public places. There will be a limited number of these centers designated in the region, and they will be characterized by design elements which work to minimize the need to make trips by automobile either to or within a center. State, regional, and local policy and investment will be coordinated to achieve development and functional objectives for these centers.

**Economic Opportunities Analysis** - An "economic opportunities analysis" is a strategic assessment of the likely trends for growth of local economies in the state. Such an analysis is critical for economic planning and for ensuring that the land supply in an urban area will meet long-term employment growth needs.

**Exception** - An "exception" is taken for land when either commitments for use, current uses, or other reasons make it impossible to meet the requirements of one or a number of the statewide planning goals. Hence, lands "excepted" from statewide planning goals 3 (Agricultural Lands) and 4 (Forest Lands) have been determined to be unable to comply with the strict resource protection requirements of those goals, and are thereby able to be used for other than rural resource production purposes. Lands not excepted from statewide planning goals 3 and 4 are to be used for agricultural or forest product purposes, and other, adjacent uses must support their continued resource productivity.

**Infrastructure** - Roads, water systems, sewage systems, systems for stormdrainage, bridges, and other facilities developed to support the functioning of the developed portions of the environment.

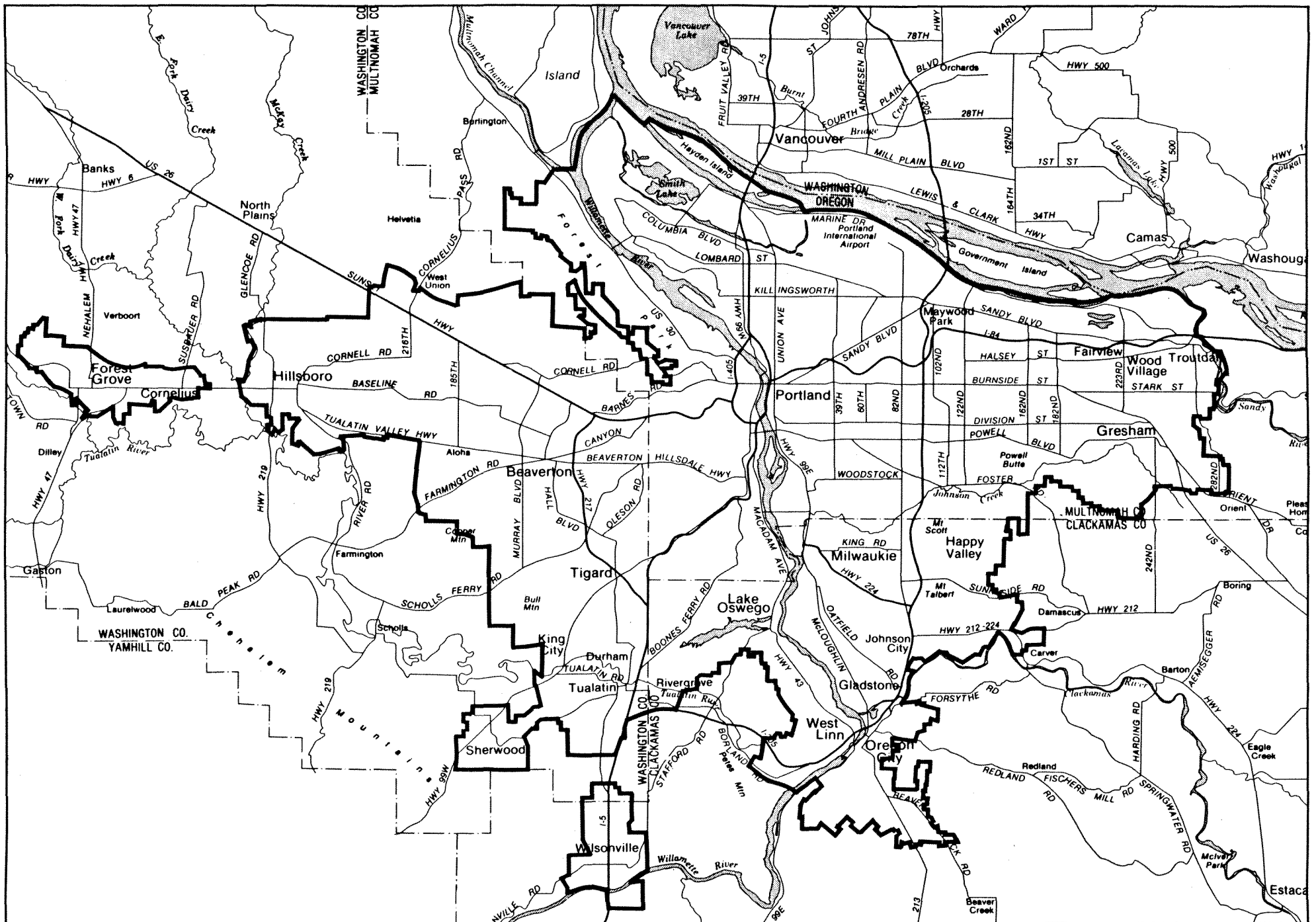
**Key or Critical Public Facilities and Services** - Basic facilities that are primarily planned for by local government but which also may be provided by private enterprise and are essential to the support of more intensive development, including public schools, transportation, water supply, sewage, and solid waste disposal.

**Local Comprehensive Plan** - A generalized, coordinated land use map and policy statement of the governing body of a city or county that inter-relates all functional and natural systems and activities related to the use of land, consistent with state law.

**Metropolitan Housing Rule** - A rule adopted by the Land Conservation and Development Commission to assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metro Urban Growth Boundary. This rule establishes minimum overall net residential densities for all cities and counties within the urban growth boundary, and specifies that 50% of the land set aside for new residential development be zoned for multifamily housing.

**State Implementation Plan** - A plan for ensuring that all parts of Oregon remain in compliance with Federal air quality standards.

**Urban Growth Boundary** - A boundary which identifies urbanizable lands to be planned and serviced to support urban development densities, and which separates urbanizable lands from rural lands.



**METRO**

*Urban Growth Boundary*

2000 S.W. First Ave., Portland, OR 97201-5398, (503) 221-1646, 1" = 4 mi., 3-87-01

METROPOLITAN SERVICE DISTRICT  
2000 SW First Avenue  
Portland, OR 97201-5398  
503/221-1646

Executive Officer  
Rena Cusma

Councilors

|             |                   |
|-------------|-------------------|
| District 1  | David Saucy       |
| District 2  | Lawrence Bauer    |
| District 3  | Jim Gardner       |
| District 4  | Richard Devlin    |
| District 5  | Tom Dejardin      |
| District 6  | George Van Bergen |
| District 7  | J. Ruth McFarland |
| District 8  | Judy Wyers        |
| District 9  | Tanya Collier     |
| District 10 | Roger Buchanan    |
| District 11 | David Knowles     |
| District 12 | Gary Hansen       |

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Date

9-25

NAME

Cucius Stephens

ADDRESS

1313 6 SE Holgate

Street

Port

City

97236

Zip

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Subject

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AGAINST

Date

9/25<sup>2</sup>

NAME

Mark B. Lacy

ADDRESS

13120 SE Holgate

Street

Port

OR

97236

City

Zip

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PD 1-90 A

Subject

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AGAINST

Date 9/25

NAME Bob Kuehl

ADDRESS 13206 S. Raymond  
Street

Portland City 97236 Zip

I wish to speak on Agenda Item # PD 1-90A  
Subject \_\_\_\_\_

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Since 1954

dry wells not cleaned in last 9 yrs.  
in Ariz. stuck water at  $7\frac{1}{2}'$   
took 3 days to get back here at  
7 marsh!

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Date 25-Sep 90

NAME

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Leo Bäsch

ADDRESS

4910 SE 133

Street

Portland

City

97236

Zip

I wish to speak on Agenda Item #

PD 1-90a

Subject

       FORX AGAINST

6

Date 25SEP90NAME William BRITTONADDRESS 16000 S.E. POWELL #74  
StreetPORTLAND OR 97236  
City Zip

PD-190A

I wish to speak on Agenda Item # ~~129~~  
Subject \_\_\_\_\_

\_\_\_\_ FOR

X AGAINST

Pres. Ole Jensen's Case.

Concerned about increased  
Costs to Meadowland residents.

Date

9-25

NAME

Khanna Tenen

ADDRESS

13034 SE Holgate  
StreetPortland  
City97236  
Zip

I wish to speak on Agenda Item #

PD1-90A

Subject

FOR

X AGAINST

1960

30 years at this address

69 - H20 came up 30 in in  
grove -

Date \_\_\_\_\_

NAME

BLAIR BOBIER

ADDRESS

Mailing Address Box 938StreetPortland, ORCity97207Zip

I wish to speak on Agenda Item #

1

Subject

PD 1-90A       FOR✓ AGAINST

Att. for neighbors

8  
Date

4-25-90

NAME

DON BENNETT

ADDRESS

13239 SE RAYMOND

Street

City

Zip

I wish to speak on Agenda Item #

Subject

Planning  
p. 1-902

FOR

X

AGAINST

PLEASE WRITE LEGIBLY!

# Multnomah County, Oregon

To CARRIE

Date 9/24 Time 4:10pm

## WHILE YOU WERE OUT

M. LEO BASCH

of PD 1-902

Phone \_\_\_\_\_

|                    |                                     |                 |                          |
|--------------------|-------------------------------------|-----------------|--------------------------|
| TELEPHONED         | <input checked="" type="checkbox"/> | PLEASE CALL     | <input type="checkbox"/> |
| RETURNED YOUR CALL | <input type="checkbox"/>            | WILL CALL AGAIN | <input type="checkbox"/> |
| WANTS TO SEE YOU   | <input type="checkbox"/>            | RUSH            | <input type="checkbox"/> |

Message HE WANTS TO LET US

KNOW THERE WILL BE 60

SPEAKERS ON APPELLANT'S

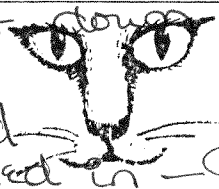
SIDE FOR TOMORROW - HE'LL

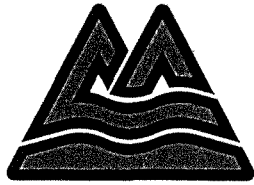
FILL OUT CARDS & PUT AROUND

pd - 57  number of

PREFERENCE they'd

LIKE TO BE CALLED IN - WBS





# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

## BOARD OF COUNTY COMMISSIONERS

Tuesday, September 25, 1990

9:30 a.m., Room 602

### A G E N D A

#### PD 1-90a Public Hearing - DeNovo

Review the Decision of the Planning Commission of August 13, 21990, denying requested modifications of Conditions of Approval of P 1-90 and ZC 1-90 as proposed by the applicant; approve modification; of Condition #1 to allow a phased development with Phase 1 to include only that pre-1963 area above 210-foot elevation and inclusion of a 30-day selection period as a second paragraph of Condition #2. Further, require that the grading and landscaping required by Conditions #5 and #6 of the Final Order be completed in the Phase 2 area within one year of the completion of Phase 1. All other conditions of the PD 1-90 and ZC 1-90 approval shall remain in full force and effect, all for property located at 13300 SE Holgate Blvd.

This item has been appealed by adjacent property owners.

Scope of Review - DeNovo

CLERK OF  
BOARD OF  
COUNTY COMMISSIONERS  
1990 SEP 25 AM 9:23  
MULTNOMAH COUNTY  
OREGON

XC 53-58

Z 3-58

SE MALL

LR-10

LR-10

WILEY RE TRACTS

JANALE



Zoning Map

Case #: PD 1-90

Location: 13300 SE Holgate Blvd.

Scale: 1 inch to 200 feet

Shading indicates subject property

LD 26-81

FF

FF

LONG

LR-10

FF

HOLGATE

ST LAR

29 27-63

RD 3484-50

SE

SE 136th AVE

SE 136th AVE

SE 136th AVE

SE 136th AVE

SE 136th AVE

SE 136th AVE

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SE 136th AVE

SE 136th AVE

3543

LR-7

VERDANT

SLOPE

RIDGECREST

S.E. STEELE ST

LD 74-81

LR-10

ST

RD 1064-50 SE HAROLD ST



DEPARTMENT OF ENVIRONMENTAL SERVICES  
DIVISION OF PLANNING AND DEVELOPMENT  
2115 SE MORRISON STREET  
PORTLAND, OREGON 97214 (503) 248-3043

## NOTICE OF REVIEW

1. Name: Basch, D, Leo
2. Address: 4910 SE 133, Portland, OR 97236  
Last Middle First Street or Box City State and Zip Code
3. Telephone: (503) 760-8030
4. If serving as a representative of other persons, list their names and addresses:  
Donna Urquhart  
Don Bennett  
Pete Ross  
TERRY EVENSIZER  
Doug Anderson
5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?  
Approval of Phase 1 being all land above 210' elevation
6. The decision was announced by the Planning Commission on Aug 13, 1990
7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?  
I testified at the Aug 13, 1990 P.L. Hearing in opposition to this item and I am a member of the Neighborhood Task Force put together by request of Voladys McCoy in May, 1990

Please file this original form

FDI-900  
Filing Fee  
\$150.00  
Back pay to  
file  
Katrice  
of Planning  
Juno-  
9/4/90  
9:00 am  
JD

8. Grounds for Reversal Decision (use additional sheets if necessary):

not all the land above 210' elevation is zoned properly for this development. additionally, Gordon Davis testified at the May 22, 1990 Commission's Hearing that no development would go forth until a hydrology study was complete. ~~THIS~~ THE applicant is breaching his agreement with neighborhood Residents.

9. Scope of Review (Check One):

(a) ☒ On the Record

(b) ☐ On the Record plus Additional Testimony and Evidence

(c) ☐ De Novo (i.e., Full Rehearing)

10. If you checked 9(b) or (c), you must use this space to present the grounds on which you base your request to introduce new evidence (Use additional sheets if necessary). For further explanation, see handout entitled *Appeal Procedure*.

Signed: Len D. Basch Date: Sept 4 - 1990

**For Staff Use Only**

Fee:

Notice of Review = \$150.00

Transcription Fee:

Length of Hearing \_\_\_\_\_ x \$1.75/minute = \$ \_\_\_\_\_

Total Fee = \$ 150.00

Received by: Heidi C. Cawley Date: 9/4/90 Case No. PDI-90A



## Powellhurst-Gilbert Neighborhood

Leo Basch, Chairperson  
4910 S.E. 133  
Portland, ore. 97236  
760-8030

Rose Rasmussen, Secretary  
James Bass, Vice Chair

9/12/90

Multnomah County Commissioners  
1021 S.W. Fourth Ave. Rm. 606  
Portland, Oregon 97204

CLADYS McDOY ✓  
MULTNOMAH COUNTY CHAIR  
1021 S.W. 4th, ROOM 134  
PORTLAND, OREGON 97204

9/19/90

cc HCM, Delme

Re: Appeal of PD 1-90a by residents of the 13300 S.E. Holgate vicinity.

Dear Mult. County Commissioner,

The Powellhurst/Gilbert Neighborhood Association requests that you reverse the Planning Commissions August 13, 1990 decision to allow a phased development at 13300 S.E. Holgate. We believe the residents of this area have a valid argument in their efforts to hold the developer to his commitment last May to have a hydrology study conducted on the site before any development of the site would begin.

We have reviewed a tape of the verbal testimony of your May 22, 1990 Commissioner's hearing on this item and it is clear that the applicant's consultant, Gordon Davis, used as his campaign to get the necessary zone change, the fact no development would occur on this site until the hydrology study was completed. He testified that the zone change would only give his client a guarantee that when the hydrology study is completed, if it concludes the fill material placed on the site will not increase flood hazard to surrounding property, then he would have the proper zoning to go ahead with his development.

Bob Hall with the Mult. County Planning Staff also explained condition 2, that of hydrology, to you on May 22, 1990. His testimony told you if this condition was satisfactorily met, then the zone change would be permanent, but if the condition cannot be satisfactorily met, then the item would come back to the Board of County Commissioners for further consideration.

With the evidence of flooding that is on record (pictures, news clippings, letter from former Gov. Tom McCall declaring disaster area, aerial photo of 1961 flood) and the fact that this area has experienced extensive flooding at least 4 times in 35 years, the most recent being in 1981, it only seems ideal to require any developer to show how their development might effect the longstanding problem of flooding, before they are given the authority to begin construction.

We are asking you to support the residents of this community in their efforts to get answers to the flooding issue, by reversing the Planning commission's August 13, 1990 decision to allow a phased development on this site. This item comes before you on September 25, 1990 at 9:30 am.

Thank you for your consideration on this matter.

Sincerely,

*Leo Basch*  
Leo Basch, Chairperson  
Powellhurst/Gilbert Neighborhood Association

CLAYNE MCCOY ✓  
MULTI-PURPOSE COUNTY CHAIR  
13239 S.E. RAYMOND RD  
PORTLAND, OREGON 97236

9/19/90

CC HCM, JKB

9-17-90

SUBJECT: PD1-90 TO BE HEARD BY THE BOARD ON  
9-25-90.

County Commissioner,

In a compromise initiated by you; the county commissioners, an agreement was reached by the developer, county planning staff and representatives of the neighborhood. The compromise was that a hydrology study would first be done, then reviewed. At that time a zone change would take effect or this matter would be returned to the board.

How is it that the planning commission can change the original intent of your order by allowing development to be phased at the 210 feet elevation, when most of this area should still be zoned LR10?

I believe it is your responsibility to see that the intent of our agreement is carried out. This can be done by over turning the planning boards decision to allow a phased development. And correcting the wording on the final order of PD1-90 to read that no zone change can take place until the hydrology study is done and reviewed showing that a development would not aggravate the flooding problems of this area, or words to this affect.

I have attended all the hearings on this matter and was also in attendance at all the compromise meetings.

I trust you'll take the correct action in this matter.

*Donald B Bennett*

Donald B Bennett  
13239 S.E. Raymond  
Portland, OR. 97236

September 17, 1990

GLADYS MCCOY  
MULTNOMAH COUNTY CHAIR  
1021 S.W. 4th, ROOM 112  
PORTLAND, OREGON 97204  
9/21/90  
c. Bob Clark

Multnomah County Commissioners  
1021 S.W. Fourth Ave.  
Portland, OR 97204

Attention Commissioners Kafoury, Bauman, McCoy, Anderson, and Kelley:

I do not think phasing should be allowed on the property Jeffrey Payne wants to develop at 13300 S.E. Holgate Blvd.

If development is phased I worry about how the runoff will affect the flooding. Jeffrey Payne is not required to complete a hydrology study before developing Phase 1. If he never develops the lower portion of the property (Phase 2) there will be no hydrology study completed on the fill. This puts us back to square one, with neighboring properties in jeopardy because of fill being placed in an area that floods every year.

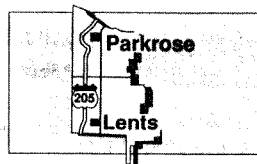
Jeffrey Payne is having problems with storm water runoff at Meadowland, a mobile home park he owns. (See enclosed news article). It is my feeling that Jeffrey Payne should work with the city and county to take care of these problems at Meadowland. He should prove to all of us that he can work things out before taking on another mobile home project in an area known for flooding.

Thank you for your consideration in this matter.

Sincerely,

*Donna Urquhart*

Donna Urquhart  
Board Member  
Powellhurst-Gilbert Neighborhood Association  
5216 S.E. 132nd Ave.  
Portland, OR 97236



# MID-COUNTY

COMMUNITY  
NEWS AND  
FEATURES

## Poor drainage erodes morale of Meadowland residents

Mud, floods, sinking streets, excessive runoff cause complaint tidal wave in East Portland

By KERI BRENNER

Correspondent, The Oregonian

Residents of the Meadowland Mobile Home Park say they are soaked with stormwater runoff and their community is awash in drainage problems.

They say they have problems ranging from standing water and mud in their yards, to sinking streets and driveways. Mud and water regularly slide down from adjacent Powell Butte Nature Park in East Portland.

"Everybody out there is screaming for help, but we have nowhere to turn," said Tina Schilz, a resident of the 2-year-old, 75-unit mobile-home park at 16000 S.E. Powell Blvd.

However, Jeffrey Payne, principal owner of the mobile-home park, said he has been working to fix the drainage problems for more than a year. He said he hopes to gain city approval to rebuild the stormwater collection system at Powell Butte.

Payne said he had no idea before he built the mobile-home park that the water runoff from Powell Butte would be as great as it has become. He claims the situation has worsened since Powell Butte Park officially opened in July — an opening which involved construction of a new road and parking lot.

"I didn't plan Meadowland with a water situation to upset people," he said.

He has called the Portland Water Bureau and the Portland Bureau of Parks and Recreation — the agencies which operate Powell Butte — to set up a meeting to discuss his design for the new stormwater collection system.

"I have contractors ready to go as soon as we get approval," he said.

Residents' concerns about the community have intensified this summer after they were notified in June of a \$30-per-month rent increase effective Sept. 1.

"We were all told when we moved in here that this was going to be a nice community, that things were going to be taken care of, and that services would be all controlled and

***"That new road they built for Powell Butte park, when it rains, the water comes right down it and right into the front gate."***

— Randy Brown

rules and regulations enforced," said resident Randy Brown. "None of that has happened."

Payne said he plans to meet this week with residents to discuss their concerns.

Payne is the same developer who this month gained Multnomah County Planning Commission approval to build a 117-unit mobile home park on 25 acres at Southeast 136th Avenue and Holgate Street.

Neighbors of that proposed development have been fighting the plan since January. One of their fears has been that the development will create flooding and drainage problems.

"Those people who are down there have every right to be concerned," said Schilz.

Payne, however, said he has learned a lot about stormwater runoff from his experience at Meadowland and is taking steps to make sure the problem is not repeated. He has hired both a hydrologist and geologist to examine the soils at the Holgate site.

"I certainly don't want to go through another development where I have so many problems as I have had at Meadowland," he said.

Meadowland was the subject of two complaints filed this year with the Oregon Department of Justice. The complaints allege that some spaces for homes at the park were being reserved for a specific mobile-home dealer, in alleged violation of state law.



The Oregonian/TOM TREICK

Randy Brown, who is vice president of the Meadowland chapter of the Oregon State Tenants Association, said his home is

sitting on a 4-foot-wide exposed water pipe. He is one of the Meadowland residents upset about drainage problems.

No action has been taken on those complaints.

Brown, vice president of the Meadowland chapter of the Oregon State Tenants Association, said his home is sitting on a 4-foot-wide exposed water pipe. He has made numerous phone calls and sent letters to mobile home park owners and staff — and to

Portland city offices — with no results.

Payne said the pipe is an old water pipe from an inactive system. He said soil erosion and the lot excavation have caused it to become exposed. He added he did not think the pipe was a problem.

"If we determine it's a problem, we'll do something about it," Payne said.

Brown said because of all the drainage problems, a handful of his neighbors have already moved out, even though some had only lived there a year or less.

"That new road they built for Powell Butte park, when it rains, the water comes right down it and right into the front gate of our mobile-home park," Brown said.

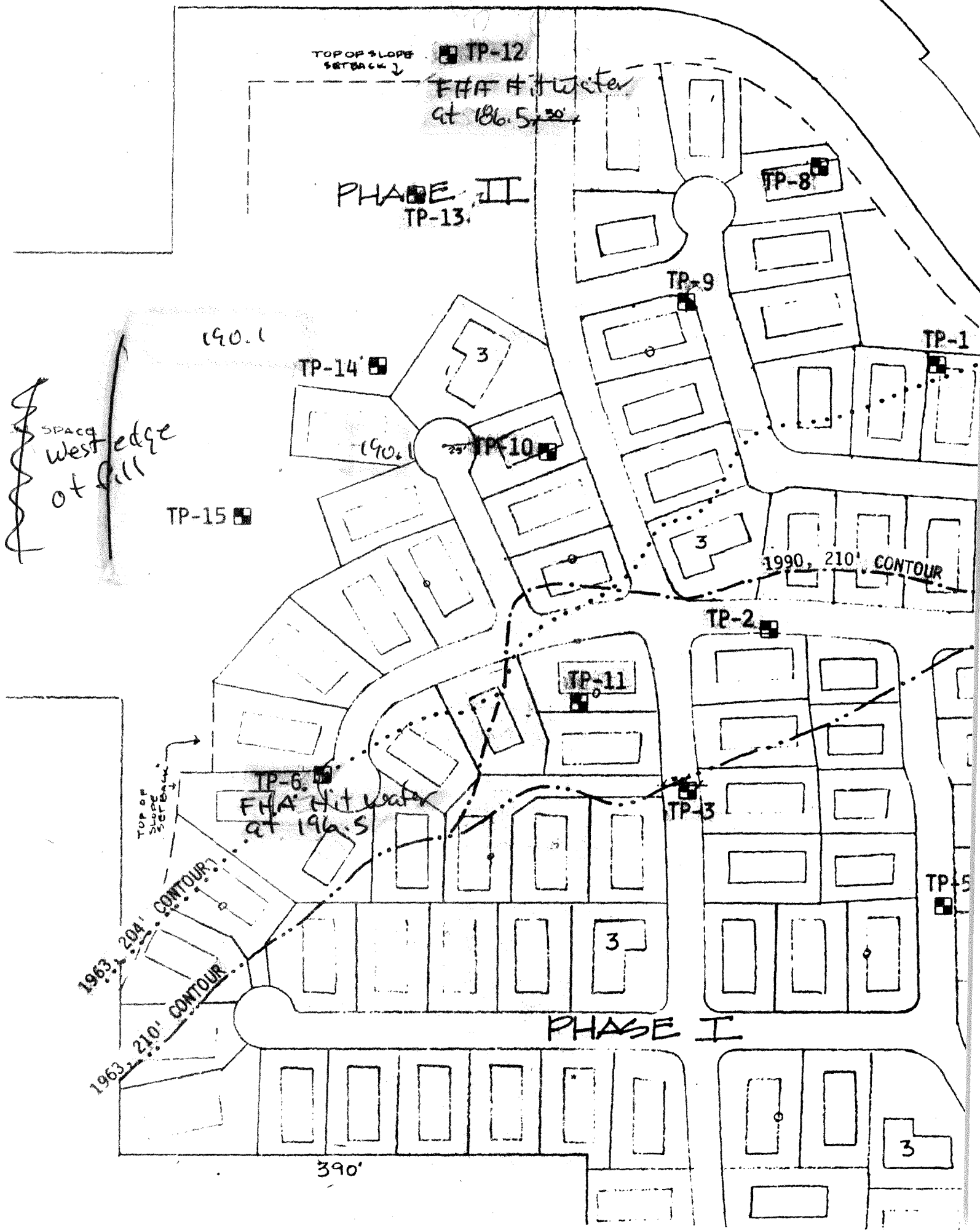
*From Leo Basch*  
*9-25-90*  
*Planning Meeting*

AT THIS TIME I'D LIKE TO MAKE SOME RECOMMENDATIONS TO THE BOARD ON HOW THEY COULD PRECEDE ON THIS ITEM:

- 1) STAND BEHIND THE ORIGINAL INTENT AND INTEGRITY OF YOUR MAY 29, 90 FINAL ORDER, REQUIRING A HYDROLYTIC STUDY OF THE AREA AS A PREREQUISITE TO THE FUTURE OF THIS DEVELOPMENT.
- 2) DENY THE APPLICANTS REQUEST FOR A PHASED DEVELOPMENT, AND MODIFICATION OF CONDITION 2.
- 3) CLEAR UP THE DELETION OF THE SECOND PARAGRAPH OF CONDITION 2 OF THE FINAL ORDER PD 1-90.
- 4) INCLUDE A THIRD PARAGRAPH TO CONDITION 2 AS FOLLOWS; IF THE RESULTANT HYDROLOGY STUDY CONCLUDES FILL PLACED ON THE PROPERTY WILL INCREASE FLOOD POTENTIAL ON SORROUNDING PROPERTIES, THEN THE FILL WILL BE REQUIRED TO BE REMOVED IN ITS ENTIRETY BY ITS PROPERTY OWNER WITHIN 18 MONTHS OF COMPLETION OF THE RESULTANT HYDROLOGY STUDY, RETURNING THE LAND TO ITS 1963 TOPOGRAPHY.

SE HOLGATE

PLAN MARK 202.292





FUJITANI HILTS & ASSOCIATES, INC.

GEOTECHNICAL CONSULTANTS

August 14, 1990

Mr. Jeffrey L. Payne  
P.O. Box 69253  
Portland, Oregon 97201

**GEOTECHNICAL INVESTIGATION  
PROPOSED ASPEN MEADOWS  
S.E. 136TH & HOLGATE**

Dear Jeff:

In general accordance with our proposal of May 11, 1990, and your authorization of July 7, 1990, we have completed a geotechnical investigation at the referenced site. This report presents the results of our investigation and our comments and recommendations regarding foundation and pavement designs.

This report was prepared for your use in the design of the subject facility and should be made available to potential contractors and/or the Contractor for information on factual data only, i.e., field test pit logs and samples. This report should not be used for contractual purposes as a warranty of interpreted subsurface conditions such as those indicated by the formal test pit logs, and/or discussion of subsurface conditions contained herein.

**SITE AND PROJECT DESCRIPTIONS**

The project is located at the intersection of S.E. 136th and S.E. Holgate. The site is an irregularly shaped parcel of land which extends from S.E. Holgate south to just past S.E. Raymond and from S.E. 136th to just past S.E. 133rd. About the northern one-half of the site is located at the east end of a large undrained natural depression, one of several which

Jeffrey L. Payne  
August 14, 1990  
Page 2

are aligned along a broad abandoned former channelway trending southwestward from Fairview to Lents Junction, where Johnson Creek enters the channelway. A portion of the site located in the depression was filled in the late 1960's, and about 18,000 cubic yards of fill were placed in the late fall of 1989. The extreme southeast portion of the site is located on the slope at the base of Powell Butte.

The proposed development will consist of a mobile home park as shown by Figure 1. The manufactured homes are constructed on a rigid chassis and are usually set on concrete blocks with no footings. Sometimes they are set on cast in place concrete stringers. Some small, light permanent structures may be included in the development. All streets in the development will be private.

Construction of the development may be accomplished in phases. If a phased construction is implemented, the first phase will be located on the south portion of the site on ground at an elevation above the current 210 contour.

### FIELD EXPLORATIONS AND LABORATORY TESTING

Test Pits - The field exploratory program consisted of 15 test pits excavated at the locations shown on the Site Plan, Figure 1. The test pits, designated TP-1 through TP-15, were excavated on July 26 and 27, 1990, using a rubber-tired backhoe provided by a local contractor. A Fujitani Hilts & Associates, Inc., engineer was present throughout the exploration to collect samples and log the test pits. The test pits were excavated to a depth of 4 feet to 14.5 feet beneath ground surface.

Summary test pit logs are presented in Table I at the end of the report. Soil descriptions and interfaces on the logs are interpretive, and actual changes may be gradual. Locations of the test pits as shown on the Site Plan, Figure 1, are also approximate and were determined using a cloth tape from nearby reference points. Elevations were determined

Jeffrey L. Payne  
August 14, 1990  
Page 3

by interpolation from topographic maps provided by you. We recommend that a surveyor determine the actual locations and elevations of the test pits.

Laboratory Testing - All samples were sealed to retain moisture and returned to our laboratory for additional examination and testing. All samples were visually examined in our laboratory to refine the field classifications. No consolidation or strength tests were considered necessary for this project.

### GEOLOGY AND SUBSURFACE INTERPRETATION

Geology - The site is located near the southern boundary of a physiographic subarea of the Portland area known as the Portland Terraces adjacent to the Boring Hills subarea. In this area, the site is underlain by unconsolidated gravel, sand, silt and clay of the Pleistocene Fluvio-lacustrine Deposits. Underlying these deposits are unconsolidated and partly consolidated gravel, sand, silt and clay of the Pliocene Troutdale Formation. Powell Butte adjacent to the site is composed of Troutdale Formation with an outcropping of younger Boring Lava basalt on the west slope.

Subsurface Interpretation - As anticipated by the history of the site, the field exploration program disclosed significant quantities of non-engineered fill in the natural depression on the north half of the property. In some test pit locations, as evidenced by Test Pits TP-10, TP-14 and TP-15, the bottom of the fill was beyond the depth limit of the backhoe. However, the depth of fill encountered in the test pits correlates reasonably well with the depth of fill determined from the difference in topography between 1963 and the present time. On this basis, the maximum depth of fill appears to be on the order of 20 feet.

The composition of the fill as encountered in the test pits varies on the site, and other types of fill material not disclosed by this field exploration program may be present between test pit locations. At the southern edge of the fill area which is approximately 600 feet south

Jeffrey L. Payne  
August 14, 1990  
Page 4

of S.E. Holgate, dumped truck loads of large concrete fragments as well as wood pallets were noted during our field explorations. We believe that the fill was transported to the site in trucks, dumped, and spread with a dozer without any effort to systematically compact the material. Eight inch deep ruts caused by the dozer are present in the most recent fill in the vicinity of Test Pit TP-13.

The soil component of the fill consists of a loose mixture of brown to gray, clayey silt, sandy gravel, and cobbles and boulders. An occasional truck load of sand also appears to have been dumped on the site as encountered in Test Pit TP-2. The non-soil component of the fill varies from organic material in the form of limbs, straw and dimensional lumber to non-organic material in the form of concrete, asphalt and brick fragments as well as wire and rebar. For the most part, the organic debris was scattered and not concentrated in the pits except for Test Pit TP-2, TP-8, TP-14 and TP-15. Based on our observations on the ground surface, however, concrete and asphalt are likely to be concentrated in some areas where the truck loads were dumped, and voids between fragments are likely to be present.

Under the fill area, the native soil is also variable, but in general, it consists of a 2-1/2 to 3-1/2 foot thick surficial layer of loose to medium dense, brown to reddish brown, slightly clayey silt with scattered gravel and cobbles. However, beneath the fill a 1 to 7 foot thick surficial layer of soft, dark gray to black, wet silty clay with organic material in the form of scattered reeds was present in Test Pits TP-9, TP-12 and TP-13. In our opinion, this clay layer probably represents the native soil in the original depression prior to filling. Based on our test pits, the property was not stripped of surficial organics prior to filling operations, and the first layer of fill over this material probably was a relatively thick layer in order to obtain support for the trucks.

Beneath the surficial clay and silt soils is a unit of loose, brown to gray sand and gravel with numerous cobbles that probably represents the Fluvialacustrine Deposits. The sand and gravel unit was observed to have varying quantities of silt; however, this unit had decreasing

Jeffrey L. Payne  
August 14, 1990  
Page 5

silt content with depth. In those test pits where the bottom of the sand and gravel unit was observed (Test Pits TP-1, TP-2, TP-3 and TP-8), the thickness of this stratum varies from 3 to 7 feet. Stiff to hard, gray mottled silty clay underlies the sand and gravel unit as disclosed by Test Pits TP-1, TP-2 and TP-3. The thickness of this clay unit was not disclosed by our field exploration methods because of the depth limit of the backhoe.

In the non-filled area of the site which occupies much of the southern half of the property, the field exploration (TP-3, TP-4, TP-5 and TP-6) disclosed a 3 to 3-1/2 foot thick unit of medium dense, reddish brown, slightly clayey silt with scattered gravel and cobbles. The upper 12 inches of this unit is a topsoil. Beneath this silt layer in all of the test pits except TP-5 is a unit of loose, brown to gray sand and gravel with numerous cobbles as previously described. At TP-5, highly fractured, relatively fresh basalt, probably associated with the Boring Lava outcrop on Powell Butte, was observed at an approximate depth of 2-1/2 feet.

**Groundwater** - Rapid groundwater seepage was observed at Test Pit TP-6 at an approximate depth of 7-1/2 feet (about elevation 196.5 feet) and at Test Pit TP-12 at 10-1/2 feet (about elevation 186.5 feet) below current ground surface. The groundwater seepage observed at Test Pit TP-12 was flowing from the north. The depths of seepage shown on the test pit logs are based on measurements obtained on the date shown.

Groundwater is anticipated to fluctuate with time and season, and should be anticipated to be at the highest level in late winter or spring and at the lowest level in late summer or fall. We understand that in the past, the natural depression has filled with water, but it is not clear if the water is the result of high groundwater or surface runoff which is held at the surface by the relatively impervious surface clay soils observed in this area.

Jeffrey L. Payne  
August 14, 1990  
Page 6

## GEOTECHNICAL DESIGN RECOMMENDATIONS

### Earthwork

General Site Preparation - We recommend that the site preparation include the stripping and removal of all surficial organic soil (sod, topsoil) and unsuitable fill, if any, from all new pavement areas as well as the building areas as recommended for foundation and pavement designs in a following section of this report. The stripping depth should be determined by observation during construction. After stripping the topsoil and any unacceptable fill, these areas should be graded to a relatively level surface and proof rolled with a loaded dump truck or similar vehicle. Any soft areas detected by the proof rolling should be removed and backfilled with compacted structural fill. We recommend that the proof rolling be deferred until just prior to the actual construction of the building slabs or pavements and that the proof rolling be observed by one of our representatives. The actual amount of material to be over-excavated should be determined in the field, and we recommend that the specifications include a unit cost bid item for any over-excavation.

Construction operations may need to be modified to minimize disturbance to the silty soils on the site, especially during wet weather conditions. Disturbed or unacceptably soft soils should be compacted to structural fill standards, if practical, or removed and replaced with engineered fill. The contractor should be made responsible for developing a stable pad for construction access roads and major staging areas. If practical, site preparation should be accomplished during the summer or early fall months when subgrade and fill soil moisture contents are typically at their lowest, extended periods of dry weather are more likely and the risk of wet weather shut-downs is less.

Excavation - Site excavation can be accomplished with conventional excavation equipment. Because of safety considerations and the nature of temporary excavations, the Contractor shall be responsible for maintaining safe cut excavations and supports for utility trenches,

Jeffrey L. Payne  
August 14, 1990  
Page 7

etc. We recommend that the Contractor incorporate all pertinent safety codes during construction including the latest edition of the OSHA Standards for Construction Industry. For planning purposes, we recommend that you assume a cut slope above the water table of 1 vertical (V) on 1 horizontal (H) and not exceeding about 10 feet in height.

Structural fill - If fill is required to raise the site grades, any soil, (including the on-site soil with the cobbles and boulders removed) free of organic or other deleterious matter will be suitable except as noted elsewhere in this report, if it is placed during dry warm weather and it is moisture conditioned, if necessary, (to raise or lower the water content) before it is placed to achieve optimal moisture content for compaction. If grading work is accomplished during the wet time of the year, then a clean (not more than 5 percent passing the No. 200 sieve, based on a wet sieve analysis) granular, reasonably well graded soil with a maximum grain size of 3 to 4 inches is recommended. On-site soils, in our opinion, are not suitable for fill during wet weather.

Fills should be placed in thin lifts and compacted to a dry density of at least 95 percent of the modified Proctor maximum dry density (ASTM D-1557) within the building area and within a 2-foot depth of any pavement section. All fills outside of this limit could be compacted to 90 percent of the maximum dry density. The thickness of the lifts will need to be determined in the field, but generally for self propelled compactors, the lifts should not exceed about 9 to 12 inches as measured in a loose condition. For small hand compactors, the lifts may need to be reduced to about 4 inches loose measure.

Slopes - All permanent cut and fill slopes should be groomed to 1 vertical on 2 horizontal or flatter. Flatter slopes may be necessary for ground cover and maintenance operations.

Quality Control - Site preparation and the placement and compaction of all structural fill should be monitored by an individual experienced in earthwork and construction methods. We recommend that we provide this service.

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### Foundation Design

Foundations - For the manufactured homes, we understand that a footing type foundation is not considered necessary other than the preparation of the site as discussed previously. If a paved surface is provided, the pavement should conform to that recommended under Pavement Design.

For permanent structures, it is our opinion that they can be satisfactorily supported on spread footings founded on native soils or on engineered fill in the areas of previously placed fill. We recommend that for the latter condition, the entire building area be overexcavated by 5 feet and replace with a structural fill placed as previously recommended. For footings bearing on native soils, we recommend an allowable soil bearing pressure of 1,500 pounds per square foot (psf). When sizing footings for seismic considerations, the allowable bearing pressure may be increased by 30 percent. Based on our review of the 1988 Uniform Building Code, the building site is in Zone 2B. The Site Coefficient should be assumed to be  $S_3$ .

Continuous wall footings should have a minimum width of 18 inches, and column footings, if any, should have a minimum width of 24 inches. All perimeter footings should be founded at least 24 inches below the lowest adjacent grade which should be taken as the finished floor elevation or exterior grade, whichever is lower. Interior footings may be founded at a depth of 18 inches below finished floor elevation.

Settlement - Based on our understanding of the development, settlements should not have a significant effect on the manufactured homes as they can be re-leveled. In areas where they are founded on old fill or new fill placed to raise the site grade, re-leveling should be anticipated. For the permanent structures founded in the native soils, we estimate a maximum settlement of 1 inch or less for footings. For permanent structures founded on structural fill after overexcavation of the previously placed miscellaneous fill, total

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settlements may be greater than 1 inch and will depend on the depth and nature of the old fill and native soil remaining under the structural fill. The settlement estimated for the footings will also be additive to any settlement due to the weight of any fill that may be required to raise the site grade. The settlement due to the weight of the fill could be on the order of several inches, but differential settlement for the permanent structures founded over new fills should be within 1/2 to 3/4-inch if founded on a structural fill as previously recommended. Our settlement estimates assume that no disturbance to the foundation soils would be permitted during excavation and construction.

**Foundation Preparation** - For permanent structures, each footing excavation in native soil should be evaluated by a qualified Geotechnical Engineer to confirm suitable bearing conditions and to determine that all loose materials, organics, unsuitable fill and softened subgrade, if present, have been removed. If miscellaneous fill or unsuitable soil are encountered at footing locations, we recommend that the fill or unsuitable soil be removed. In order to keep footings at conventional grade, the excavated fill beneath footings may be replaced with compacted structural fill to grade as shown by Figure 2. To minimize the potential for disturbance during excavation for the footings, it is recommended that excavations be made with a smooth bucket (no teeth) backhoe or that the final 3 to 4 inches be excavated by hand. Alternatively, the exposed subgrade could be compacted to a dry density of at least 95 percent of the modified Proctor maximum dry density (ASTM D-1557) within the upper 8 inches.

**Floor Slab** - All floor slabs on grade, should be founded on a minimum 6-inch layer of free-draining well-graded sand and gravel or crushed rock with a maximum particle size of 1-1/2 inches and containing not more than 2 percent passing the No. 200 sieve (based on a wet sieve analysis) compacted to a dry density of at least 95 percent of the modified Proctor maximum dry density (ASTM D 1557). A moisture vapor barrier is also recommended beneath the slab in finished, heated areas.

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**Lateral Earth Pressures on Walls** - At the present time, we are not aware of any embedded walls such as retaining walls or basement walls. If this is not correct, please notify us and we will provide design data for embedded walls.

### **Pavements**

**Pavement Design** - At the present time, we have no information on the traffic count anticipated for this development. However, we have assumed that the streets will be residential roads with only very light truck traffic. Based on this assumption, we recommend a pavement section for streets that consists of 1-1/2 inches of Class C asphaltic concrete over 1-1/2 inches of Class B asphaltic concrete over 6 inches of aggregate base on a prepared subgrade.

**Subgrade Preparation** - Where the pavements will be located over native soils, the upper 8 inches of the subgrade should be compacted to 95 percent of the maximum dry density determined by the modified Proctor compaction test (ASTM D-1557). Where the subgrade is located in the old fill area, the upper 2 feet of the subgrade should be removed, replaced if consistent with our grading recommendations and compacted to 95 percent of the maximum modified Proctor dry density.

**Pavement Materials** - Asphaltic concrete should conform to Section 403 of the Standard Specifications for Highway Construction (Oregon State Highway Division-1984).

The aggregate base material should consist of a clean, well-graded crushed rock or gravel conforming to Section 703.07 of the Oregon State Highway Division Standard Specifications except that not more than 5 percent shall pass the No. 200 sieve (wet sieve). The base material should be graded from 1-1/2"-0 except for the top 2 inches which should be a levelling course graded from 3/4"-0. The CBR (California Bearing Ratio) value of the base material should not be less than 50, and preferably greater, and have a sand equivalent not

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less than 30. The base material should be compacted to a dry density of at least 95 percent of the modified Proctor maximum dry density (ASTM D-1557).

Concrete Slab - We recommend that a concrete slab be provided for bin trash containers. Concrete slabs and aprons should be designed assuming a modulus of subgrade reaction,  $k$ , of 75 pounds per square inch per inch for the native fine-grained silt typical to this site. We also recommend that a 6-inch layer of compacted aggregate base over a suitable non-woven geotextile such as Mirafi 140 N, or equivalent, be placed beneath the concrete slabs.

Utilities - Underground utilities such as gas, water, sewer, etc. should consider the effect of settlement caused by the weight of fill that may be required to raise the site grade. We recommend that the utilities be made as flexible as possible, especially at transitions between fill and non-fill areas.

### LIMITATIONS

The analyses, conclusions, and recommendations contained in this report are based on site conditions as they presently exist and assume the exploratory borings are representative of the subsurface conditions throughout the site. If, during construction, subsurface conditions different from those encountered in the exploratory borings are observed or appear to be present beneath excavations, we should be advised at once so that we may review these conditions and reconsider our recommendations where necessary.

We recommend that close quality control be exercised during the preparation and construction of building foundations. In addition, we recommend that the subgrade preparation and the footing excavations be inspected by a geotechnical engineer.

If there is a substantial lapse of time between the submission of this report and the start of work at the site, if conditions have changed due to natural causes of construction operations

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at or adjacent to the site, or if the basic project scheme is significantly modified from that assumed, it is recommended that this report be reviewed to determine the applicability of the conclusions and recommendations considering the changed conditions and time lapse.

Unanticipated soil conditions are commonly encountered and cannot be fully determined by merely taking soil samples, or drilling test borings, particularly sites containing fills of unknown origin. Such unexpected conditions frequently require that additional expenditures be made to attain a properly constructed project. Therefore, some contingency fund is recommended to accommodate such potential extra cost.

Sincerely,

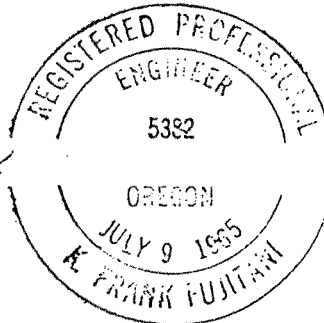
FUJITANI HILTS AND ASSOCIATES, INC.

By

*K. Frank Fujitani*

K. Frank Fujitani, P.E.

President



enclosures

F229702A.RPT

TABLE I  
LOGS OF TEST PITS

Test Pit TP-1, Elevation ~ 205'

- 0' - 3.5' SILT FILL - Medium stiff to stiff, with cobbles and boulders to 24 inches, and asphalt chunks, slightly gravelly.
- 3.5' - 6' SILT - Medium stiff, brown to reddish brown, slightly clayey, containing scattered cobbles.
- 6' - 10.5' SAND AND GRAVEL - Loose, brown to gray, with cobbles, gravel and cobbles are rounded, slightly silty.
- 10.5' - 12.5' SILTY CLAY - Hard, brown to gray mottled, low to medium plasticity.

No groundwater seepage observed.

BOTTOM OF TEST PIT (COMPLETED 7/26/90)

Test Pit TP-2, Elevation ~ 212'

- 0' - 5.5' SILT FILL - Medium stiff to stiff, with cobbles and gravel, brick fragments and partially decomposed organic debris in the form of 3 to 4-inch diameter limbs at a depth of 2 to 3 feet below ground surface.
- 5.5' - 7' SILT - Medium stiff, brown to reddish brown, slightly clayey, containing scattered cobbles.
- 7' - 14' SAND AND GRAVEL - Loose, brown to gray, with cobbles, gravel and cobbles are rounded, slightly silty.
- 14' SILTY CLAY - Hard, brown to gray mottled, low to medium plasticity.

No groundwater seepage observed.

BOTTOM OF TEST PIT (COMPLETED 7/26/90)

Test Pit TP-3, Elevation ~212'

(sod/topsoil approx. 12")

0' - 3.5' SILT - Medium stiff, brown to reddish brown, slightly clayey, containing scattered cobbles.

3.5' - 7.5' SAND AND GRAVEL - Loose, brown to gray, with cobbles, gravel and cobbles are rounded, slightly silty.

7.5' - 10.5' SILTY CLAY - Hard, brown to gray mottled, low to medium plasticity.

No groundwater seepage observed.

BOTTOM OF TEST PIT (COMPLETED 7/26/90)

Test Pit TP-4, Elevation ~227'

0' - 3' SILT - Medium stiff, brown to reddish brown, slightly clayey, containing scattered cobbles.

3' - 8.5' SAND AND GRAVEL - Loose, brown to gray, with cobbles, gravel and cobbles are rounded, slightly silty.

No groundwater seepage observed.

BOTTOM OF TEST PIT (COMPLETED 7/26/90)

Test Pit TP-5, Elevation ~225'

(sod/topsoil approx. 12")

0' - 2' SILT - Stiff, brown, low plasticity

2.5' - 4' BASALT ROCK - Fresh, highly fractured (Excavation Refusal at 4')

No groundwater seepage observed.

BOTTOM OF TEST PIT (COMPLETED 7/26/90)

Test Pit TP-6, Elevation ~ 204'

(sod/topsoil approx. 12")

0' - 3'        SILT - Medium stiff, brown to reddish brown, slightly clayey, containing numerous cobbles and gravel.

3' - 9'        SAND AND GRAVEL - Loose, brown to gray, with cobbles, gravel and cobbles are rounded, slightly silty.

groundwater seepage observed at depth of 7.5 feet.

BOTTOM OF TEST PIT (COMPLETED 7/26/90)

Test Pit TP-7, Elevation ~ 208'

(sod/topsoil approx. 12")

0' - 2.5'        CLAYEY SILT FILL - Medium stiff, dark brown, with cobbles, slightly gravelly containing 1 iron pipe and 1 plastic pipe.

2.5' - 4'        SILT - Medium stiff, brown to reddish brown, slightly clayey, containing scattered cobbles.

4' - 12'        SAND AND GRAVEL - Loose, brown to gray, with cobbles, gravel and cobbles are rounded, silty, becoming slightly silty at depth of 6 feet.

No groundwater seepage observed.

BOTTOM OF TEST PIT (COMPLETED 7/26/90)

Test Pit TP-8, Elevation ~ 201'

- 0' - 1.5' GRAVEL AND SILT FILL - Loose, cobbly, containing a undecomposed straw mat mixed with sand at a depth of 1 to 1.5 feet.
- 1.5' - 4' SILT - Medium stiff, brown to reddish brown, slightly clayey, containing scattered cobbles and gravel.
- 4' - 7' SAND AND GRAVEL - Loose, brown to gray, with cobbles, gravel and cobbles are rounded, slightly silty.
- 7' - 9' SAND - Loose, gray, fine to medium.
- 9' - 13' SAND AND GRAVEL - Loose, brown to gray, with cobbles, gravel and cobbles are rounded, slightly silty.

No groundwater seepage observed.

BOTTOM OF TEST PIT (COMPLETED 7/27/90)

Test Pit TP-9, Elevation ~205'

- 0' - 4.5' SILT AND GRAVEL FILL - Loose to medium dense, brown, becoming sandy with depth.
- 4.5' - 5' TOPSOIL FILL - Brown clayey silt (old sod zone)
- 5' - 12' SILT AND GRAVEL FILL - Loose, reddish brown to brown, cobbly, containing brick and metal debris.
- 12' - 13' SILTY CLAY - Soft, black to dark gray, moist, medium to high plasticity.
- 13' SILT - Medium stiff, brown to reddish brown, slightly clayey, containing scattered cobbles and gravel.

No groundwater seepage observed.

BOTTOM OF TEST PIT (COMPLETED 7/27/90)

Test Pit TP-10, Elevation ~ 208'

- 0 - 3'            SILT FILL - Medium stiff, with scattered gravel.
- 3' - 3.5'        TOPSOIL FILL - Brown, clayey silt (old sod zone).
- 3.5' - 13'       SILT FILL - Loose, gray, gravelly. with large concrete and asphalt fragments, scattered cobbles, containing a zone of soft, gray wet silty clay at a depth of 6 to 7 feet.

No groundwater seepage observed.

BOTTOM OF TEST PIT (COMPLETED 7/27/90)

Test Pit TP-11, Elevation ~ 211'

- 0 - 7'            SILT FILL - Loose to medium dense, with cobbles and boulders to 24 inches, gravelly.
- 7' - 10'          SILT - Medium stiff, brown to reddish brown, slightly clayey, containing scattered cobbles.
- 10' - 12.5'       SAND AND GRAVEL - Loose, brown to gray, with cobbles, gravel and cobbles are rounded, slightly silty.

No groundwater seepage observed.

BOTTOM OF TEST PIT (COMPLETED 7/27/90)

Test Pit TP-12, Elevation ~ 197'

- 0' - 6'            SILT AND GRAVEL FILL - Loose to medium dense, brown, silty
- 6' - 13'          SILTY CLAY - Soft, dark gray, medium to high plasticity, moist, scattered organics in the form of reeds, containing occasional gravel.
- 13' - 14'        SILTY SAND - Loose, brown, with scattered cobbles and gravel.

Rapid groundwater seepage observed at depth of 12 feet primarily flowing in a southerly direction.

BOTTOM OF TEST PIT (COMPLETED 7/27/90)

Test Pit TP-13, Elevation ~ 203'

- 0' - 1.5' SILTY GRAVEL AND COBBLE FILL - Loose, brown.
- 1.5' - 2.5' SANDY GRAVEL FILL - Loose, gray, silty, containing numerous cobbles and organic material in the form of roots.
- 2.5' - 10.5' SAND AND GRAVEL FILL - Loose, brown, silty with scattered cobbles and asphalt fragments that are present at a depth of 8 feet.
- 10.5' - 11' SILTY CLAY - Soft, dark gray, medium to high plasticity.
- 11' SILTY CLAY - Stiff, light gray mottled, low to medium plasticity.

No groundwater seepage observed.

BOTTOM OF TEST PIT (COMPLETED 7/27/90)

Test Pit TP-14, Elevation ~ 208'

- 0' - 1.5' SAND AND GRAVEL FILL - Loose, brown, silty with numerous cobbles.
- 1.5' - 2.5' SAND AND GRAVEL FILL - Loose, gray, silty, containing numerous organic debris in the form of 4"x4" dimensional posts.
- 2.5' - 7' SAND AND GRAVEL FILL - Loose, brown alternating with gray, silty, with scattered cobbles and debris in the form of large asphalt concrete fragments, pipes (4-inch O.D.), and wood posts (4-inch O.D.) at a depth of 5 feet.
- 7' - 14.5' SAND AND SILT FILL - Loose, brown, with scattered cobbles and occasional boulders.

No groundwater seepage observed.

BOTTOM OF TEST PIT (COMPLETED 7/27/90)

Test Pit TP-15, Elevation ~ 209'

0' - 7' SAND AND GRAVEL FILL - Loose, brown, moist, with large asphalt fragments.

7' - 13' SAND AND GRAVEL FILL - Loose, gray, silty, containing much debris in the form of dimensional lumber and particle board as well as large asphalt concrete fragments.

No groundwater seepage observed.

BOTTOM OF TEST PIT (COMPLETED 7/27/90)



**DEPARTMENT OF ENVIRONMENTAL SERVICES**  
**Division of Planning and Development**  
**2115 S.E. Morrison Street**  
**Portland, Oregon 97214 (503) 248-3043**

## **Decision**

This Decision consists of Conditions, Findings of Fact and Conclusions.  
August 13, 1990

**PD 1-90a, #421      Planned-Development (Aspen Meadows)**  
**(Modification of Previous Conditions)**

Applicant requests modification of previous Planned-Development approval (PD 1-90) to allow development of the mobile home park in phases. Phase 1 would involve that portion of the site above 210 foot elevation and Phase 2 that portion below. Applicant also requests modification of Condition #2 of PD 1-90 to require a response from the neighborhood regarding selection of the second professional within 30 days of receipt of a request by the applicant.

**Location:** 13300 SE Holgate Blvd.

**Legal:** Lots 14 and 15, Wiley Acre Tracts; Lots 13-15, Blk. 1, Sunset Gardens;  
Lot 15, Blk. 2; Tax Lots '501', '442' '6' and '4', Section 14, 1N-2E,  
1988 Assessor's Map

**Site Size:** 25.22 Acres (1,098,583 Square Feet) acres

**Size Requested:** Same

**Property Owner:** David Douglas School District #40  
1500 SE 130th Avenue, 97233

**Applicant:** Jeffrey L. Payne  
PO Box 69253, Portland, 97201

**Comprehensive Plan:** Low Density Residential

**Present Zoning:** LR-10, FF, Low Density Residential, Flood Fringe District  
Minimum lot size of 10,000 square feet  
LR-7, FF, Low Density Residential, Flood Fringe District  
Minimum lot size of 7,000 square feet

:

**PD 1-90a**

XC 53-58

Z 3-58

SE MALL

LR-10  
TRACTS

VILEY  
RE TRACTS



Zoning Map  
Case #: PD 1-90  
Location: 13300 SE Holgate Blvd.  
Scale: 1 inch to 200 feet  
Shading indicates subject property

LD 26-81

FF

HOLGATE

LR-10

RD: 3484-50

3543

LR-7

VERDANT

SLOPE

RIDGECREST

S.E. STEELE ST.

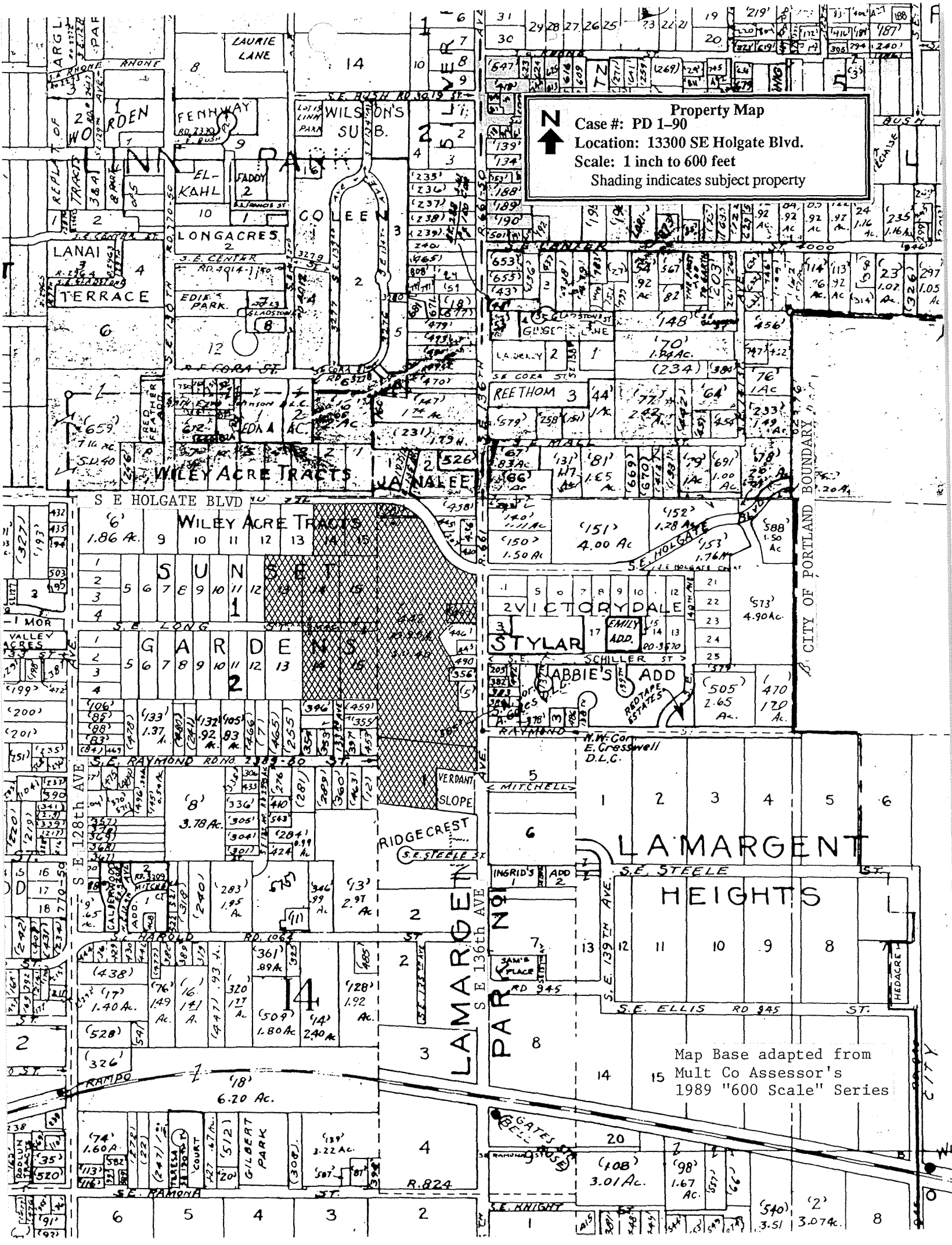
S.E. MITCHELL ST.

LD 74-81

LR-10

ST.

RD 1064-50 S.E. HAROLD ST.



**Property Map**  
Case #: PD 1-90  
Location: 13300 SE Holgate Blvd.  
Scale: 1 inch to 600 feet  
Shading indicates subject property

**LAMARGENT HEIGHTS**

Map Base adapted from  
Mult Co Assessor's  
1989 "600 Scale" Series

## Planning Commission

### Decision:

**DENY** requested modification of Conditions of Approval of PD 1-90 and ZC 1-90 as proposed by the applicant;

**APPROVE** modification of Condition No. 1 to allow a phased development with Phase I including only that pre-1963 area above 210' elevation, and inclusion of a thirty day selection period as a second paragraph of Condition No.2. Further, require that the grading and landscaping required by Conditions No. 5 & 6 of the Final Board Order be completed in the Phase II area within one year of the completion of Phase I. All other conditions of the ZC 1-90 and PD 1-90 approvals shall remain in full force and affect.

### Applicant's Request:

Applicant requests the following modifications of the attached Final Order (copy attached) in the matter of PD 1-90 and ZC 1-90:

This is a request to modify three elements of the Final Order approving the development of the property as a 117 space manufactured home development. The necessity for these modifications was not apparent prior to the granting of said Order:

1. The Final Order in section III D (f) page 13 line 7, stated there was no request for phasing of the development however the applicant did request the right to phase the development in the applicant's Planned Development application supplement on page 11. MCC 11.15.6206 (6) allows Planned Developments to be phased. Phasing is requested to allow development of the property in that area which presently is developable without the addition of new fill, subject to the conditions of MCC 11.15.6315, which is generally that area south and above the 210' elevation, "Phase I".
- 2.a. Limit Condition 2 of Section IV, page 13, line 18, of the Final Order to that area generally below 210' in elevation which would require additional "fill proposed by this development", thus becoming "Phase II", which would allow development to proceed in the Phase I area.
- 2.b. Modify Condition 2 of Section IV, page 13, line 22, of the Final Order to limit the definitive response time of the neighborhood to 30 days following receipt of a request by the applicant (*i.e.*, selection of a reviewing engineer). Failure to meet this deadline would empower the Board to respond on behalf of the neighborhood upon its next available meeting.

The validity of the location of the 210' elevation, because of revised data provided by a registered surveyor on February 1, 1990, shall be subject to interpretation by the Multnomah County Counsel and/or the Multnomah County Engineer. Filling of the floodplain area of the property was approved by Multnomah County Fill Permit FD 1-90. Any new, additional or proposed fill for the development of that area of the property within the 100 year floodplain would be subject to Condition 2 of Section IV page 13 line 18 of the Final Order and subject to a new fill permit under the new "Hillside Devel-

### Decision

August 13, 1990

**Staff Response:**

1. The applicant asserts that the original application contained a request for phasing as currently proposed.

The phasing that was requested was for development of the northerly portion of the site first (the filled area) and the southerly portion later if economics warranted. Since the fill area became a major area of concern, such a phasing request was withdrawn from consideration.

The staff would support a phased development of the property if Phase I were limited to that area unaffected by fill (*i.e.*, the pre-1963 area above 210' elevation). The applicant, however, wishes to include within that phase all of the area that has been filled to an elevation of 210' and above. That proposed area includes all but 11 of the proposed 106 lots shown on the latest site plan for the project. Since the fill was placed without any regard to content, compaction, or other engineering considerations, it should not be developed until it can be demonstrated it provides adequate foundation material for the proposed development.

- 2.a. The applicant wishes to limit the scope of the soil conditions study to that area that may require fill in the future.

There was a concern throughout the hearings on this application about what impact additional fill would have on flooding potential on surrounding properties. The condition regarding the hydrologic study addressed that concern and applies only to new fill areas.

The applicant, however, implies that no study will need be made of the fill placed on the property between 1963 and 1990. He cites the permit granted for that fill by FD 1-90 (copy attached). That permit did no more than recognize that fill had been placed on this site during a time that such a permit was required, but no standards existed for review of such permits.

FD 1-90 also does not authorize the placement of structures or residences on the existing fill (items (A),(D), (E) and (F) of that approval. New construction, grading or other site modifications are not allowed without showing compliance with the hill-side development and erosion control standards adopted during Periodic Review. Subsection 11.15.6730(A)(1)(a) of those standards authorizes the Director to delegate determination of what additional studies or work may be needed to determine the adequacy of the fill material to support the proposed development. For properties within the City of Portland permit review area, that delegation has been to Bill Freeman, geotechnical engineer for the Building Bureau. Mr. Freeman indicates that, due to the unknown nature of the fill material on the entire site, a geotechnical study will have to be conducted on the previously placed fill to determine support capabilities,

and that much of that fill may have to be removed and replaced under engineered control. Since such removal and replacement would alter the nature of that fill and consequently also alter its hydrologic characteristics, the Staff would not recommend modification of Condition 2.a. of the Board Order.

- 3.b. The last request involves a 30 day limitation for the selection of a second reviewing consultant.

A 30 day time period for selection of a second reviewing consultant was agreed upon by the applicant and neighbors in their meeting of May 14, 1990. The paragraph containing that limitation, however, was accidentally omitted from the Final Order. The stipulation read:



*In the event an agreement cannot be reached on the selection of the second professional within thirty days of the submission of the first study to the Division of Planning and Development, the Board shall arbitrate.*

The Staff recommends inclusion of this omitted paragraph as the last paragraph of Condition No. 2 of the Final Order.

#### **Conclusions:**

1. Modification of Conditions of PD 1-90 and ZC 1-90 as proposed by the applicant would destroy the spirit and intent of those conditional approvals.
2. The following modifications would maintain the original intent of those approvals:
  - a. Approve a phased development of the project, where Phase I includes only that pre-1963 area above 210' elevation as depicted on the 1:1200 topographic maps for quarter sections 3543 and 3544.
  - b. Include the thirty day selection period for the second professional as a last paragraph in Condition No.2.
3. All fill material, including modifications of existing fill, are intended to be a part of the required hydrologic study since any changes of the characteristics of the fill material may have a potential effect on flooding on surrounding properties.

Signed August 13, 1990

  
Richard Leonard, Chairperson 

Filed with Clerk of the Board on August 23, 1990

**Appeal to the Board of County Commissioners**

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 9:00a.m. on Tuesday, September 4, 1990 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, September 4, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.*

1                   BEFORE THE BOARD OF COUNTY COMMISSIONERS  
2                   FOR MULTNOMAH COUNTY

3           In the Matter of the Review of           )  
4           the Planning Commission Decisions    )  
5           which denied "Aspen Meadows",       )  
6           a manufactured home Planned         )  
            Development and Zone Change.        )

**FINAL ORDER**  
                    **ZC 1-90/PD 1-90**

90-82

7           This matter came before the Board of Commissioners (Board) for a hearing on  
8           May 1, May 8 and May 22, 1990. The Board hereby reverses the decisions of the  
9           Planning Commission regarding this application based on the findings and con-  
10          clusions contained herein.

11          The Planning Commission (Commission) held a public hearing on the ZC and  
12          PD request on February 26, 1990. After receiving testimony, the Commission  
13          denied the ZC in a 6-1 split vote. The Commission adopted Findings supporting  
14          the denial decision at that same meeting. The applicant appealed that decision  
15          to the Board which heard the matter on May 1, 1990. After considering evi-  
16          dence, staff recommendations, arguments from the applicant, and other testimo-  
17          ny, the Board directed the Planning Staff to draft findings, conditions and con-  
18          clusions to support an approval of the proposals. That material was presented to  
19          the Board on May 8, 1990. As a result of testimony from opponents at that hear-  
20          ing the Board directed Planning Staff to seek a consensus between the applicant  
21          and opponents. Negotiating sessions were held on May 8 and May 14 and a con-  
22          sensus regarding additional conditions was reached at the latter meeting. On  
23          May 29, 1990 the Board adopted findings, conditions and conclusions which  
24          reversed the Planning Commission's decisions and approved the ZC and PD  
25          requests.

## I. APPLICABLE REVIEW STANDARDS

There are two areas in the Zoning Ordinance which specify criteria for ZC and PD applications. The first group are the criteria for a zone change which are within MCC .8230(D) and the second are in MCC .6206 which are the approval criteria for a Planned Development.

A. Under MCC .8230(D): The burden is on the applicant for a zone change to persuade the Planning Commission that:

- (a) Granting the request is in the public interest;
- (b) There is a public need for the requested change and that need will be best served by changing the classification of the property in question as compared with other available property;
- (c) The proposed action fully accords with the applicable elements of the Comprehensive Plan.

B. Under MCC .6206, the PD must meet the following standards:

- (a) The proposed action fully accords with the applicable elements of the Comprehensive Plan;
- (b) The applicable provisions of MCC 11.45 the Land Division Chapter;
- (c) That any exceptions from the standards or requirements of the underlying district are warranted by the design and amenities incorporated in the Development Plan and Program, as related to the purposes of the Planned Development subdistrict which are:

*To provide a means of creating planned environments through the application of flexible and diversified land development stan-*

1                    *dards; to encourage the application of new techniques and new*  
2                    *technology to community development which will result in supe-*  
3                    *rior living or development arrangements; to use land efficiently*  
4                    *and thereby reduce the costs of housing, maintenance, street sys-*  
5                    *tems and utility networks; to promote energy conservation and*  
6                    *crime prevention; to relate developments to the natural environ-*  
7                    *ment and to inhabitants, employers, employees, customers, and*  
8                    *other users in harmonious ways.*

9                    (d) That the system of ownership and the means of developing, pre-  
10                    serving and maintaining open space is suitable to the purposes of  
11                    the proposal.

12                    (e) The following environmental standards:

13                    (1) The Development Plan and Program shall indicate how the pro-  
14                    posal will be compatible with the natural environment.

15                    (2) The elements of the Development Plan and Program shall pro-  
16                    mote the conservation of energy, and may include such factors  
17                    as the location and extent of site improvements, the orientation  
18                    of buildings and usable open spaces with regard to solar expo-  
19                    sure and climatic conditions, the types of buildings and the  
20                    selection of building materials in regard to the efficient use of  
21                    energy and the degree of site modification required in the pro-  
22                    posal.

23                    (3) The Development Plan and Program shall be designed to pro-  
24                    vide freedom from hazards and to offer appropriate opportuni-  
25                    ties for residential privacy and for transition from public to pri-  
26                    vate spaces.

1 (4) The location and number of points of access to the site, the inte-  
2 rior circulation patterns, the separations between pedestrians  
3 and moving and parked vehicles, and the arrangement of park-  
4 ing areas in relation to buildings, structures and uses shall be  
5 designed to maximize safety and convenience and be compatible  
6 with neighboring road systems, buildings, structures and uses.

7 (f) That the proposed development can be substantially completed  
8 within four years of the approval or according to development  
9 stages proposed as follows:

10 (1) The applicant may elect to develop the site in successive stages  
11 in a manner indicated in the Development Plan and Program.  
12 Each such stage shall satisfy the requirements of this Chapter.

13 (2) In acting to approve the Preliminary Development Plan and  
14 Program, the Planning Commission may require that develop-  
15 ment be completed in specific stages if public facilities are not  
16 otherwise adequate to service the entire development.

17 (g) The following Development Standards:

18 (1) A Planned Development District shall be established only on a  
19 parcel of land found by the Planning Commission to be suitable  
20 for the proposed development and of sufficient size to be  
21 planned and developed in a manner consistent with the purpos-  
22 es stated in MCC .6200.

23 (2) Open space in a Planned Development District means the land  
24 area used for scenic, landscaping or open recreational purposes  
25 within the development.

26 (a) Open space shall not include street rights-of-way, driveways

1 or open parking areas.

2 (b) Locations, shapes and sizes of open space shall be consistent  
3 with the proposed uses and purposes of the Planned Develop-  
4 ment.

5 (c) Open spaces shall be suitably improved for intended use.  
6 Open spaces containing natural features worthy of preserva-  
7 tion may be left unimproved or may be improved to assure  
8 protection of the features.

9 (d) The development schedule shall provide for coordination of  
10 the improvement of open spaces with the construction of  
11 other site improvements proposed in the Development Plan  
12 and Program.

13 (e) Assurance of the permanence of open spaces may be required  
14 in the form of deeds, covenants or the dedication of develop-  
15 ment rights to Multnomah County or other approved entity.

16 (f) The Planning Commission may require that instruments of  
17 conveyance provide that in the event an open space is per-  
18 mitted to deteriorate or is not maintained in a condition con-  
19 sistent with the approved plan and program, the County  
20 may at its option cause such maintenance to be done and  
21 assess the costs to the affected property owners. Any instru-  
22 ments guaranteeing the maintenance of open spaces shall be  
23 reviewed as to form by the County Counsel.

24 (3) In order to preserve the integrity of the Comprehensive Plan  
25 and relate to a residential Planned Development to it, the num-  
26 ber of dwelling units permitted shall be determined as follows:

1 (a) Divide the total site area by the minimum lot area per  
2 dwelling unit required by the underlying district or districts  
3 in which the Planned Development is located.

4 (b) Optional Density Standards. The following standards for the  
5 calculation of residential density may be used singularly or  
6 in combination, when approved by the Planning Commis-  
7 sion:

8 (i) The permitted number of dwelling units determined  
9 under subsection (A) above may be increased up to 25  
10 percent upon a finding by the Planning Commission that  
11 such increased density will contribute to:

- 12 • Satisfaction of the need for additional urban area  
13 housing of the type proposed;
- 14 • The location of housing which is convenient to com-  
15 mercial, employment and community services and  
16 opportunities;
- 17 • The creation of a land use pattern which is comple-  
18 mentary to the community and its identity, and to the  
19 community design process;
- 20 • The conservation of energy;
- 21 • The efficient use of transportation facilities; and
- 22 • The effective use of land and of available utilities and  
23 facilities.

24 (ii) The permitted number of dwelling units may be increased  
25 over those computed above upon a finding by the Plan-  
26 ning Commission that:

- The total number of persons occupying the site will not exceed the total otherwise permitted or authorized in the district, based upon the difference between the average family size occupying permitted units in the vicinity and the family size limited by the proposed number of bedrooms, the proposed number of kitchens, the age composition of prospective residents, or other similar occupancy limitations; and
- The criteria of (i) above are satisfied.

(h) The purposes of the Planned Development subdistrict; and

(i) That modifications or conditions of approval are necessary to satisfy the purposes of the Planned Development subdistrict.

## II. FINDINGS OF FACT

This property is located at the southwest corner of the intersection of SE 136th Avenue and SE Holgate Street. The site is undeveloped and the majority has been in the ownership of David Douglas School District since 1965. The site slopes downward from south to north, with the northerly portion being a portion of an area which experiences occasional flooding and is known as Holgate Lake. That area, however, has undergone extensive filling and the area which would be subject to flooding is greatly reduced, if not eliminated. Properties on all sides of the site are developed for residential purposes.

The applicant plans to develop the property with a 124-unit mobile home park at a density of approximately one unit per 8,860 square feet. While individual lot sizes will be less than that allowed by the present LR-10 and LR-7,

1 the resulting site density is not significantly different than what would be real-  
2 ized by a subdivision development of the entire site under the provisions of the  
3 existing zoning. The difference results from the proposed provision of open  
4 space, common areas and a water feature.

5 The proposed development includes the completion of the public street sys-  
6 tem for the surrounding area. Engineering Services is requiring that SE 133rd  
7 Avenue and SE Raymond Street be *cul-de saced*, but be connected with the inte-  
8 rior streets of the development for emergency access purposes. SE Long Street  
9 will be *cul-de saced* at the westerly boundary of the project. The main access to  
10 the development will be from SE Holgate Blvd. and 136th Avenue.

11 Interior development is proposed to be comparable to that of the Meadowland  
12 mobile home development at 160th and SE Powell Blvd. The perimeter will be  
13 fenced from adjoining properties, areas around individual sites will be land-  
14 scaped, a common storage area will be provided, and an office/clubhouse is pro-  
15 posed. Each site will be provided a garage or carport area and all units must be  
16 of a minimum size of 950 square feet.

### 17 18 III. EVALUATION OF THE APPLICATION 19

20 After hearing testimony, arguments and weighing the evidence, the Board  
21 finds the proposal satisfies the approval criteria and review standards as set  
22 forth below.

23 A. *Public Interest*: It is in the public interest to provide communities with  
24 a range of affordable housing types. The LR-7 zoning district recog-  
25 nizes this fact by allowing mobile home parks as a Conditional Use.

26 B. *Public Need*: There is a public need for providing additional areas

1 within the County where manufactured homes may be located. As the  
2 cost of site built homes increases to an average of nearly \$65 per  
3 square foot, fewer residents are able to afford them. Manufactured  
4 units, then, which average around \$25 per square foot become an  
5 attractive option, and one which more of the population is turning as  
6 witnessed by the low vacancy rates in existing developments.

7 C. *Compliance with Applicable Comprehensive Plan Policies:* This pro-  
8 posal satisfies the following policies of the Comprehensive Framework  
9 and Powellhurst Community plans:

10 (a) No. 13—Air, Water and Noise Quality: No adverse impacts with  
11 respect to air, water and noise quality have been identified which  
12 would result from this development.

13 (b) No. 14—Development Limitations: The northern portion of this  
14 site is within a designated flood hazard area. However, a large por-  
15 tion of that area has been filled with earthen material over the  
16 years. The flood elevation of this area is identified by FEMA as  
17 being 210 feet above MSL. A 1963 topographic map indicates that  
18 the lowest elevation of the site was 190.1 feet. Staff inspection of  
19 the property concluded that it is possible that the depth of fill  
20 material for a significant portion of the flood hazard area may have  
21 raised the ground elevation above the 210 foot elevation.

22 The Board heard testimony from surrounding property owners  
23 regarding their concern that the fill necessary to raise portions of  
24 this site above the 100 year floodplain would increase the flooding  
25 potential on their properties. The applicant provided an analysis  
26 from Ogden Beeman & Associates indicating that the fill would not

1 have a significant impact with respect to flooding potential on sur-  
2 rounding properties. Planning Staff received and the Board heard  
3 conflicting information from the Department of Land Conservation  
4 and Development, the Army Corps of Engineers and the Federal  
5 Emergency Management Agency. The Board does not find any of  
6 this information convincing; therefore, conditions approval of this  
7 proposal that certification be obtained from a registered profession-  
8 al, licensed to practice in Oregon, that the fill required by this pro-  
9 ject will not increase the flooding potential on surrounding proper-  
10 ties [see IV(2)].

11 (c) No. 16—Natural Resources: With the exception of the flood hazard  
12 area identified in (b) above, there are no natural resources that  
13 have been identified which would be impacted as a result of the  
14 proposed zone change and planned development.

15 (d) No. 21—Housing Choice: This proposal provides for the location of  
16 housing units at a cost well below that of site built residences.

17 (e) No. 22—Energy Conservation: This proposal would allow the opti-  
18 mum use of solar access for its residents. North-south street and  
19 east-west site layout results maximum solar potential for the units.

20 (f) No. 24—Housing Location: This proposal allows the infill of vacant  
21 urban land with a housing type that is currently in great demand.

22 (g) No. 25—Mobile Homes: Development of this property with a  
23 mobile home complex under the provisions of the Planned Develop-  
24 ment subdistrict satisfies this policy.

25 (h) No. 36—Transportation System Development Requirements: Engi-  
26 neering Services is requiring the following improvements:

- Dedicate and improve *cul-de-sacs* at east end of SE Long Street, SE Raymond Street, and the north end of SE 133rd Avenue.

The *cul-de-sacs* on SE Raymond Street and SE 133rd Avenue shall connect to the internal street system of the project, but be designed to prevent through vehicular traffic while allowing emergency access.

- Relocate proposed main entrance west as far as practical to maximize sight distance on SE Holgate Blvd.
- Create new access point approximately 200 ft. south of SE Holgate Blvd. on SE 136th Avenue.
- Dedications and improvements to county standards (60 ft. of right-of-way with a 44 ft. pavement section, curb and sidewalks for SE 136th Avenue, and 80 ft. right-of-way with a 66 ft. pavement section for SE Holgate Blvd.), will be required.
- If the internal street connects to SE 133rd Avenue, it must be improved to its intersection with SE Raymond Street
- The improvements of the private streets are not subject to our standards for public streets.

(i) No. 37—Utilities: Water is provided by Gilbert Water District who indicates they are capable of serving the project with water at 50 pounds pressure. Sewage disposal will be via public sewer which is available at SE 136th and Holgate. Drainage is handled on-site by means of dry wells. All necessary power and communication facilities are available along both street frontages.

(j) No. 38—Facilities: David Douglas School District has been informed of this request and has made no response. Fire protection

1 is provided by Fire District No. 10 and police protection by the  
2 Multnomah County Sheriff.

3 D. Additional Planned Development Considerations: A number of the  
4 Planned Development approval criteria are discussed in (C) above and  
5 a number of others are not applicable to this proposal since they  
6 involve the processing of special requests which are not being made by  
7 this applicant (e.g., land division, density increase, etc.). Those that  
8 remain are satisfied as follows:

9 (a) *System of Ownership* — It is proposed that this project remain  
10 under single ownership. That has been found to be the best  
11 method of insuring that open space is adequately preserved and  
12 maintained.

13 (b) *Size* — This parcel is of sufficient size (25.22 acres) to be suitable to  
14 accommodate the development as proposed. It allows a system of  
15 mainly private streets, sizable areas of open space, and energy effi-  
16 cient dwelling location.

17 (c) *Development and Placement of Open Space* — This is an item that  
18 is best controlled through the Design Review Process. The  
19 approval is conditioned to insure that these items will be provided.

20 (d) *Density* — The proposed density is less than that which could be  
21 achieved through a subdivision of the land, a far less than that pos-  
22 sible through the planned development process.

23 (e) *Satisfaction of Planned Development Purpose* — This proposal is an  
24 efficient use of undeveloped urban land. It employs development  
25 techniques different than that of a conventional subdivision by cre-  
26 ating a circulation pattern that is mainly in private ownership;

1 consequently not a maintenance burden of the public. It allows for  
2 energy efficient orientation of units and provides amenities in the  
3 form of useable open space and a central recreation area. All nec-  
4 essary public support services and facilities are directly available to  
5 the site and no additional public funds are necessary to achieve  
6 program implementation.

7 (f) *Development Timetable* — The development is proposed to be com-  
8 pleted within four years without phasing.

#### 10 IV. CONDITIONS

- 11
- 12 (1) SE Raymond and SE 133rd shall terminate in *cul-de-sacs* (or other suit-  
13 able terminations as approved by the Fire District) constructed on the  
14 subject property. Those *cul-de-sacs* shall be designed in a manner which  
15 prevents normal through vehicular traffic, but allows emergency access to  
16 and through the development. Deed restrictions shall be provided for a  
17 future *cul-de-sac* at the easterly end of SE Long Street.
- 18 (2) The applicant shall provide a study conducted by a professional (*i.e.*, engi-  
19 neer, hydrologist, geologist, *etc.*) registered to practice in the State of Ore-  
20 gon which certifies that the fill proposed by this development, and all  
21 modifications thereof, will not increase the flooding potential on sur-  
22 rounding properties. The data collection methods, analytical techniques,  
23 and conclusions of that study shall be reviewed by a second professional  
24 with like qualifications who is chosen with the agreement of the people in  
25 attendance at the negotiating session of May 14, 1990. If the second pro-  
26 fessional disagrees with the methodology or conclusions of the study, the

1 matter shall be returned to the Board of County Commissioners for fur-  
2 ther consideration.

3 (3) All existing and any new fill associated with roadways, building founda-  
4 tions and any other areas requiring compacted fill shall be tested and  
5 meet soil compaction and quality standards as determined by a registered  
6 soils engineer and as approved by the Building Official.

7 (4) An on-site storm water drainage system shall be developed with sufficient  
8 capacity to detain storm water in dry-wells or retention ponds so no net  
9 increase in off-site discharge of storm water flow results from develop-  
10 ment of the site. An engineering certification shall be included as part of  
11 Design Review which assures satisfaction of this condition.

12 (5) Areas of existing fill and any new areas of fill that may be required by the  
13 development plan shall be constructed in accordance with a transition  
14 grading plan to the adjacent lower properties and based on the following  
15 formula:

16 (a) In areas where fill will result in a final finished grade that is 10  
17 feet or less higher in elevation than the adjacent property elevation  
18 at the property boundary, the development plan shall show a tran-  
19 sition slope of no steeper than 3 feet horizontal to 1 foot vertical.

20 (b) In areas where fill will result in a final finished grade that is high-  
21 er than 10 feet from the adjacent property elevation at the property  
22 boundary, the final development plan shall show a transition slope  
23 of not steeper than 5 feet horizontal to 1 foot vertical.

24 (6) All fill slopes facing adjacent property boundaries shall be landscaped  
25 with plant materials that are characteristic of vegetation within the  
26 immediate area. This landscaping shall include plantings of trees and

1 shrubs that will break up the uniform slope of the fill.

2 (7) Conditions 1, 2, 3, 4 and 5 shall be implemented under the Design Review  
3 procedures specified in MCC 11.15.7805-.7870. Any reconfigurations of  
4 the site plan made necessary by the conditions above shall not allow the  
5 site to be developed with more than 117 single family houses.

6  
7 **V. CONCLUSIONS AND DECISION**  
8

9 Based on the above findings and evaluation, the Board of Commissioners con-  
10 cludes that the proposed ZC and PD comply with the applicable standards of the  
11 Multnomah County Code. Therefore, the Board of Commissioners hereby  
12 reverses the Planning Commission decisions in this matter and approves the  
13 Zone Change and Planned Development requested in ZC 1-90/ PD 1-90.

14  
15 DATED this 29th day of May, 1990



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26

*Gladys McCoy*  
Gladys McCoy, Multnomah County Chair

REVIEWED AS TO FORM:  
LAURENCE KRESSEL, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By: *John DuBay*  
John DuBay, Chief Deputy County Counsel



DEPARTMENT OF ENVIRONMENTAL SERVICES  
DIVISION OF PLANNING AND DEVELOPMENT  
2115 SE MORRISON STREET  
PORTLAND, OREGON 97214 (503) 248-3043

**PLANNING DIRECTOR DECISION**  
**May 31, 1990**

**FD 1-90**

**Floodplain Development Permit for Fill**

Location: 13300 SE Holgate

Legal Description: Lots 14 and 15, Wiley Acre Tracts; Lots 13-15, Blk. 1 & Lots 14 & 15, Blk. 2, Sunset Gardens; Tax Lot '6' of Lot 1, Lamargent Park, plus Tax Lots '501', '442', and '497', Section 14, 1N-2E, 1988 Assessor's Map

Applicant: Gary Hasse, Administrator  
David Douglas School District  
1500 SE 130th Avenue  
Portland, Oregon 97233

A Floodplain Development Permit is hereby **APPROVED**, subject to the conditions stated, based upon the following Findings and Conclusions.

**Conditions of Approval:**

1. Any grading, excavation or fill activities on the site after February 20, 1990 must be conducted according to *Hillside Development and Erosion Control* provisions in the County Zoning Ordinance [Reference MCC 11.15.6700-.6735].
2. Any site alterations for development of the proposed Manufactured Home Park (Ref. PD 1-90/ZC 1-90) must first be approved through Design Review and as stipulated by the Board's Final Order in the matter dated May 29, 1990.

**Findings:**

1. The zoning classification of the described property is LR-7/FF, Urban Low Density Residential/ Flood Fringe; the fill is an allowed use as provided by MCC 11.15.6307.

2. The applicant requests retroactive approval of fill placed on the site below the 100-year flood elevation on the north portion of the site. The associated Planned Development and Zone Change cases on affecting this property include the following findings which bear some relevance to the subject fill application: **"...The northern portion of this site is within a designated flood hazard area. However, a large portion of that area has been filled with earthen material over the years. The 100-year flood elevation of Johnson Creek in this area is identified by FEMA as 210 feet above MSL. A 1963 topographic map indicates that the lowest elevation of the site was 190.1 feet. The applicant submitted a survey of the site conducted in January 1990, done by a registered surveyor, which showed that a significant portion of the original flood hazard area has been filled and raised to a ground elevation above 210 feet.**

The applicant submitted an analysis by Ogden Beeman & Associates, consulting hydrologist, (letter dated April 27, 1990) which reviewed the geographic and hydrologic conditions of the site and surrounding area to ascertain the probable causes of flooding on the property and in the area and whether or not filling would be likely to effect flood elevation in the area.

Based on discussions with the County Engineer, the Federal Emergency Management Agency and their own investigations, the Beeman analysis concluded that while storm water runoff from the site may be a contributing factor, the most probable cause of the frequent flooding that the "Holgate Lake" area experiences is from the rising groundwater table. The Beeman analysis states that:

*"...the elevation of the water table is determined by regional hydrologic and hydraulic forces within the soil structure of the area, and therefore is independent of the elevation of the ground surface in the area. The groundwater level generally would reach the same elevation with or without the proposed fill. Therefore one possible solution to the periodic flooding in the area that is caused by rising groundwater could be filling in of the depressed areas to levels above the water table."*

County Planning Staff consulted with FEMA and Corps of Engineers Staff and confirmed that the 210-foot contour reflects the elevation flood waters from Johnson Creek would reach during a "100-year event"; this elevation does not indicate the level of groundwater caused flooding. Despite the fact that fill of the entire Holgate Lake area may ultimately solve the localized flooding caused by rising groundwater, FEMA regulations contain the principle that fill within Flood Fringe areas should not be so extensive as to cause more than a one-foot rise in the Floodway elevation. The fill above 210-feet covers approximately 4.3-acres. The flood fringe area (land below 210-foot elevation) known as *Holgate Lake* covers approximately

360-acres. The 100-year flood plain for Johnson creek covers several square miles. Based on these facts and the analysis presented by Joseph Howe of Ogden Beeman & Associates, we conclude the 4.3-acre fill will not significantly effect the floodway elevation of Johnson Creek and it is therefore consistent with both County Flood Hazard and FEMA regulations. Moving or through flowing flood water does not effect the basin; rather, this area ponds or holds backflow water from Johnson Creek. The small 'peninsula' of fill associated with this proposal will not impede the ponding ability of the remainder of the basin."

During the hearings on PD 1-90/ZC 1-90, County Counsel advised Planning Staff that fill placed on the property prior to February 20, 1990 would not be subject to the new *Hillside Development and Erosion Control Standards* in MCC 11.15. 6700-.6735; however, it would be subject to a Floodplain Development Permit for those portions below the 100-year flood elevation. There is ample evidence in the record of proceedings and as indicated by the applicant, that the fill activity on this site occurred over several years and was prior to enactment of the *Hillside Development and Erosion Control* subsection of the County Zoning Ordinance.

3. MCC 11.15.6315 specifies standards for development (including fill) within the 100-year flood boundary. The following findings assess the floodplain development permit request against the applicable standard. The applicable standard is presented first in ***bold italics***, followed by findings relative to the standard:

(A) ***All new construction and substantial improvement shall be constructed in conformance with Oregon State Building Codes.***

Comment: No buildings are authorized by this Floodplain Development Permit..

(B) ***New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to at least one foot above the base flood level. Elevation of the lowest floor shall be documented with a survey certified by a State of Oregon Registered Professional Engineer or Land Surveyor. For purposes of MCC .6315, an unfinished garage (either attached or detached) may be considered a non-residential structure.***

Comment: No buildings are proposed or authorized by this application.

(C) ***New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor including basement, elevated at least one foot above the base flood level, with proper docu-***

*mentation as set forth in subsection (B) above, or, together with attendant utility and sanitary facilities, shall:*

*(1) Be floodproofed such that the structure is substantially impermeable to the passage of water to an elevation at least one foot above the base flood level; and*

*(2) Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood; and*

*(3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.*

Comment: No commercial or industrial structures are proposed or authorized by this permit.

*(D) All manufactured homes shall be placed on a permanent foundation and shall be anchored to resist flotation, collapse and lateral movement by providing tie downs and anchoring as specified in OAR 814-23-005 through 080, except that such tie down methods shall apply to multiple wide as well as single wide manufactured homes.*

Comment: No manufactured homes are authorized by this Floodplain Development Permit.

*(E) For new manufactured home parks or subdivisions and for each replacement of a manufactured home in an existing manufactured home park or subdivision, the following requirements shall apply:*

*(1) Stands or lots shall be located on compacted fill or on piling so that the lowest floor of any manufactured home will be at least one foot above the base flood level.*

*(2) Adequate surface drainage and access for a hauler shall be provided.*

Comment: No manufactured home parks are authorized by this Floodplain Development Permit. Reference PD 1-90/ZC 1-90 for Manufactured Home Park Conditions of Approval.

*(F) For all new construction and substantial improvements, the electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed*

*and/or located so as to prevent water from entering or accumulating within*

Comment: No new construction is authorized by this permit.

**(G) All new and replacement water and sewer systems, including on-site waste disposal systems, shall be designed to:**

**(1) Minimize infiltration of flood waters into the system;**

**(2) Minimize discharge from systems into flood waters;**

**(3) Avoid impairment or contamination during flooding.**

Comment: No new water or sewer systems are proposed or authorized by this Floodplain Development Permit.

**(H) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:**

**A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.**

Comment: No new structures are proposed or authorized by this permit.

**(I) Land may be exempted from the requirements of MCC .6315 upon review and approval by the Director of an acceptable elevation survey, certified by a State of Oregon Registered Professional Engineer or Land Surveyor, which demonstrates that the subject land is at least one foot above the base flood level.**

Comment: Based on findings presented above under item 2, the site is not exempt

from the requirements of MCC.6315.

- (J) *The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Historic Sites Inventory may be permitted without regard to the requirements of MCC .6315.*

Comment: No historic structures exist on the site.

4. Other Findings:

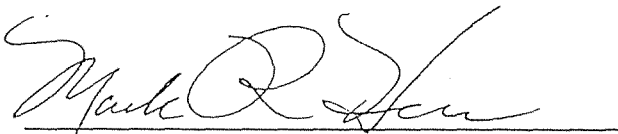
The site is not in or near the identified floodway of Johnson Creek.

**Conclusions:**

1. The fill which was placed on the site between 1969 and 1989 met applicable criteria for approval of an Floodplain Development Permit. Conditions of approval are applied to the permit to insure any new fill or grading work meets current zoning regulations for such activity.

**In the matter of FD 1-90:**

**MULTNOMAH COUNTY, OREGON  
DEPARTMENT OF ENVIRONMENTAL SERVICES**



By: Mark R. Hess  
Title: Planner

For, Director, Planning and Development  
Date: May 31, 1990

**NOTICE:** *This decision may be appealed within ten days from the above date, pursuant to the provisions of MCC 11.15.8290. An appeal requires a \$150.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Division of Planning and Development, 2115 S.E. Morrison Street / 248-3043.*

Meeting Date: SEP 25 1990

Agenda No.: Inf #1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Briefing -

BCC Informal 9/25/90  
(date)

BCC Formal \_\_\_\_\_  
(date)

DEPARTMENT Community Corrections

DIVISION Administration

CONTACT Grant Nelson

TELEPHONE X-3701

PERSON(S) MAKING PRESENTATION Grant Nelson and Peter Ozanne

ACTION REQUESTED:

☒ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 45 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Briefing by Peter Ozanne on Governors Task Force on Corrections Planning

REQUEST TIME CERTAIN AT 1:30 p.m.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER Grant Nelson

(All accompanying documents must have required signatures)



## MULTNOMAH COUNTY OREGON

NEWS

CONTACT: Grant Nelson, 248-3701  
Noralee Venneri, 248-3701

YES

PHOTO, VIDEO, AUDIO OPPORTUNITY:

IMMEDIATE RELEASE

### GOVERNOR'S TASK FORCE RECOMMENDS BALANCE IN CORRECTIONS SUPERVISION

On Tuesday, September 25, 1990 at 1:30 P.M. in the Multnomah County Courthouse Room 602, the Multnomah County Board of Commissioners will be briefed on a special report to the Governor and State Legislature: Promoting Balance in Oregon's Corrections System.

Peter Ozanne, chair of the Governor's Task Force on Corrections Planning, and Grant Nelson, Acting Director of Multnomah County's Department of Community Corrections will present taskforce findings and recommendations to County Commissioners.

The Governor's Task Force urges the 1991 Legislature to take additional steps to establish a balance between community sanctions and prison sanctions to promote public safety.

The report states "public safety is threatened by an underfunded and ineffective community sanctioning system" in Oregon. The full range of community sanctions include short-term confinement in a myriad of supervised centers; intensive community supervision; community-based programs to address the social and emotional needs of offenders such as substance abuse treatment; and accountability programs such as community service, fines and restitution.

In addition, the Task Force report addresses correctional needs of women offenders; highlighting the critical issues of family dysfunction between women and their children and the pervasive drug and alcohol abuse found among women offenders. It also addresses primary strategies, programs and appropriate sentences for adult sex offenders within the correctional system.

# # #

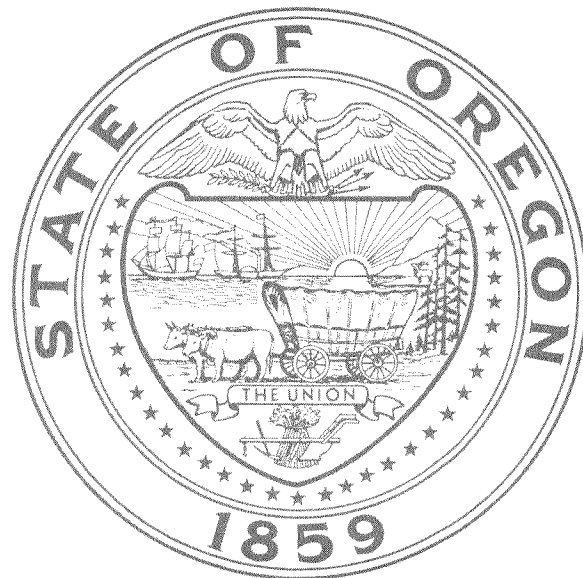
BOARD OF  
COUNTY COMMISSIONERS  
1990 SEP 24 PM 3:31  
MULTNOMAH COUNTY  
OREGON

Gladys McCoy,  
County Chair

Multnomah County Courthouse  
1021 S.W. Fourth Avenue  
Portland, Oregon 97204

*Informal 9-25-90  
Handout #3*

Special Report to the Governor and the Legislature:  
**Promoting Balance in Oregon's Corrections System**



GOVERNOR'S TASK FORCE  
ON CORRECTIONS PLANNING  
JULY 1990

**SPECIAL REPORT TO THE GOVERNOR AND THE LEGISLATURE:**

**PROMOTING BALANCE IN  
OREGON'S CORRECTIONS SYSTEM**

**GOVERNOR'S TASK FORCE ON CORRECTIONS PLANNING**

**JULY 1990**

This Special Report is dedicated to the memory of our  
friend and colleague, Michael Francke.

**GOVERNOR'S TASK FORCE ON  
CORRECTIONS PLANNING**

Peter A. Ozanne (Task Force Chair)  
Attorney  
Schwabe, Williamson & Wyatt  
Portland

Ray Allen  
Director  
Willamette Employment Resource Center  
Portland

Honorable Mike Burton  
State Representative  
Portland

Edwin I. Caleb  
Klamath County District Attorney  
Klamath Falls

Mark Cushing  
Attorney  
Tonkon, Torp, Galen, Marmaduke & Booth  
Portland

Vern L. Faatz  
Chairperson  
State Board of Parole  
Salem

Clifford L. Freeman  
Executive Assistant  
Purchasing Division  
State Department of General Services  
Salem

Honorable John Jelderks  
Circuit Court Judge  
Wasco, Hood River, Sherman, Gilliam & Wheeler Counties  
Hood River

Fred Pearce  
Director  
State Department of Corrections  
Salem

Honorable Ellen Rosenblum  
District Court Judge  
Multnomah County  
Portland

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Marcia Morgan  
Executive Director  
Governor's Task Force on Corrections Planning  
155 Cottage Street, N.E.  
Salem, OR 97310

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## EXECUTIVE SUMMARY

On March 15, 1990, Governor Neil Goldschmidt reconvened his Task Force on Corrections Planning and directed it to submit a report to the Governor and the Legislature on July 15, 1990 regarding the following subjects:

1. The implementation of the Task Force's long-range 1988 Strategic Corrections Plan by the Department of Corrections and the Legislature, and parts of the plan that deserve further attention during the 1991 legislative session;
2. The adequacy of methods used in the state to forecast future corrections populations and strategies to make such forecasts more accurate;
3. Correctional facilities and programs appropriate for women offenders; and
4. Correctional facilities and programs and special sentences appropriate for adult sex offenders.

This Special Report addresses the foregoing subjects in four separate chapters. The Task Force emphasizes at the outset that the causes of crimes besetting our state do not begin in our corrections system; they begin with our children. Corrections strategies should be but one component in a set of comprehensive policies to promote public safety and enhance community life in Oregon. Oregonians must place at least equal emphasis on other strategies, such as the Governor's Children Agenda, crime prevention programs, counseling and restitution programs for victims of crime and recent recommendations by the Governor's Task Force on Sexual Crimes Against Children.

In Chapter 1, the Task Force commends the Governor, the Legislature and the Department of Corrections for devoting the resources necessary to begin the redesign of Oregon's corrections system. Rapid progress has been made in implementing most of the recommendations in the Task Force's Strategic Corrections Plan, including a prison construction program of unprecedented size and the largest increase in funding under the state's Community Corrections Act since its enactment in 1979.

Despite the many accomplishments noted in this report, the Task Force urges the 1991 Legislature to take further steps to establish a balance between Oregon's community sanctions and prison sanctions. Recommended strategies to promote this balanced corrections system include providing additional resources for intermediate sanctions between prison and regular probation in the community; additional parole and probation officers to supervise offenders in the community effectively; additional transitional housing and support to reduce failure rate of offenders leaving prison; and expanded institutional work and educational programs to prepare offenders for their return to the community.

In Chapter 2, the Task Force reexamines its recommendations in the Strategic Corrections Plan for a formal and regular process to issue corrections population forecasts for planning purposes, and the use of a computer projection model developed by the National Council on Crime and Delinquency (NCCD). Based upon advice from technical advisors throughout the state and consultations with researchers and administrators across the country, the Task Force concludes that its original

recommendation for a forecasting process represents an effective means to ensure accurate forecasts which should be adopted immediately by the Governor and the Legislature. The Task Force also concludes that the NCCD projection model should continue to be operated by the Department of Corrections, along with other available forecasting technology, in order to ensure accurate corrections populations forecasts in the future. However, the Legislature must provide adequate funding for technical research staff to operate the model and support the forecasting process.

In Chapter 3, the Task Force examines recent changes in the state's corrections population of women and identifies unique and significant correctional needs of women that should be addressed by correctional programs. The Task Force emphasizes that most of the general recommendations for sound correctional strategies in the Strategic Corrections Plan apply equally to male and female offenders. However, the Task Force proposes two special correction strategies to address critical needs of women:

- (1) Help break the cycle of family dysfunction between women offenders and their children, by strengthening relationships between mothers and children while these women are in the corrections system, and by treating their children like victims rather than perpetrators of crime, and
- (2) Aggressively treat the pervasive problem of drug abuse among women offenders.

The Task Force's recommendations to implement these strategies include community-based Day Centers, which emphasize drug abuse treatment, day care for offenders' children and the development of parenting skills; institutional and community-based residential treatment programs for drug abuse; transitional housing and support services for women returning from prison and resuming parenting responsibilities; specialized training for parole and probation officers who supervise women; a nursery program in a new women's prison, which establishes bonds between mothers and their children and develops greater understanding of and commitment to parenting roles; and specialized vocational training and employment placement to address the relatively low level of marketable job skills among women offenders. The Task Force believes that these recommendations represent a cost-effective approach to increase the success rates of women offenders in the community and to reduce the chances of their children becoming part of Oregon's future prison population.

In Chapter 4, the Task Force examines the demands placed upon corrections systems by the particularly disturbing threat to public safety posed by adult sex offenders. As with any corrections strategy, the Task Force emphasizes that approaches to dealing with adult sex offenders should be implemented only if they promote public safety.

The Task Force recognizes three primary strategies to deal with sex offenders in a manner that promotes public safety:

- (1) The most dangerous and serious sex offenders should be incarcerated in prison;
- (2) Intervention programs in prisons and the community, which are designed to control the behavior of sex offenders, should be expanded on a limited basis, and rigorous evaluation research should be conducted immediately to determine the potential for these programs to promote public safety; and

- (3) Intensive correctional supervision of adult sex offenders, to monitor and control their behavior in the community, should be strengthened and expanded as a "first line of defense" against sex offenders and the most direct strategy to promote public safety.

While the Task Force supports all of these three strategies, it proposes priorities to the 1991 Legislature which are designed to promote public safety as quickly and cost-effectively as possible. First, periods of supervision of sex offenders, including intensive and regular supervision by specially trained parole and probation officers and regular polygraph examinations to determine compliance with supervision, should be implemented for much longer periods of time. For example, some sex offenders who are currently supervised for one to three years would be supervised under this program for as long as twenty years, including the lengthy periods of incarceration already established by Oregon sentencing guidelines system.

Second, the Task Force recommends to the 1991 Legislature that it undertake a judicious expansion of behavioral control programs for sex offenders in the community in three stages:

- (1) Provide sufficient funding to ensure equal access to community-based behavioral control programs throughout the state;
- (2) Provide funding for rigorous outcome evaluations of existing behavioral control programs; and
- (3) If the effectiveness of these behavioral programs are established, future Legislatures should increase the capacity of community-based behavioral control programs.

Third, the Task Force recommends an immediate and significant expansion of Oregon's prison capacity for sex offenders by constructing four relatively low-cost prison dormitories within the secure perimeter of the new Snake River Correctional Institution in Ontario. This facility would provide specially designed behavioral control programs for sex offenders developed by the Department of Corrections and Ontario's nationally-recognized Restitution Treatment and Training, Inc. (RTAT) program. The Task Force believes that this facility and its programs offers three important advantages:

- (1) The secure perimeter fence at the new Snake River Correctional Institution will ensure that public safety is not threatened by housing adult sex offenders in a relatively low cost facility;
- (2) The overall cost of the Institution will be reduced, and the new space will free up more expensive prison cells now housing sex offenders for the incarceration of other serious offenders; and
- (3) By involving Ontario's RTAT program in the design and operation of the facility's programs, the facility is more likely to provide quality programming and receive widespread community support.

The Task Force believes all of the strategies proposed in its Special Report to the Governor and Legislature are important for a balanced corrections system that promotes public safety. However, the Task Force warns that it would be an unfortunate exercise in futility if Oregon responded to its crime problem by devoting

all of its resources to the punishment of adult offenders; when the causes and tragedies of crime begin with our children. In order to reduce crime and increase the quality of life in our state, Oregonians must provide greater support for the kinds of early intervention programs which have been the focus of the Governor's Children Agenda over the past four years, such as prenatal care, early childhood education and support, parental education and support, and other programs designed to protect and nurture our children.

## INTRODUCTION

In February 1987, Governor Neil Goldschmidt established his Task Force on Corrections Planning by Executive Order. The 1987 Legislature later assigned responsibilities to the Task Force by statute.

The Governor's Task Force on Corrections Planning was originally given two assignments. First, the Task Force was required to develop an Emergency Plan for the siting of Oregon's new minimum security correctional facilities, specifying the general nature, size, and locations of those facilities and the correctional programs that should be provided in the facilities. The Emergency Plan was completed and submitted to the Governor on September 1, 1987 and was adopted by Executive Order on September 16, 1987.

Second, the Task Force was directed to evaluate Oregon's current correctional facilities and programs and to assess the future needs of the state's corrections system. After making this assessment, the Task Force was instructed to develop a Strategic Corrections Plan to guide the direction of Oregon's corrections system over the next decade.

Following nearly two years of deliberations and investigations by the Task Force, including public hearings throughout the state and fourteen separate reports by technical consultants from around the country, the Task Force submitted "A Strategic Corrections Plan for Oregon: Restoring the Balance" to the Governor and the Legislature in August 1988. The Strategic Corrections Plan shaped much of the corrections package proposed by the Governor and adopted by the Legislature in 1989.

On March 15, 1990, the Governor reconvened the Task Force and directed it to submit a report to the Governor and the Legislature no later than July 15, 1990 on the following subjects:

1. The implementation of the Strategic Corrections Plan by the Department of Corrections and the Legislature, including which areas of the Plan deserve primary attention during the 1991 legislative session and whether any of the Strategic Corrections Plan's recommendations should be changed in light of new information.
2. The adequacy of the methods used by the Department of Corrections and others in the criminal justice system to forecast prison populations, and recommendations for how such forecasts can be made more accurately in the future.
3. Facilities and programs appropriate for the needs of women offenders, in correctional institutions and on probation, parole, or post-prison supervision.
4. Facilities and programs appropriate for offenders convicted of sex crimes, in correctional institutions and on probation, parole, or post-prison supervision,

including any special sentencing options that may be needed to deal with such offenders appropriately.<sup>1</sup>

This Special Report addresses the foregoing subjects in four separate chapters. However, the Task Force wishes to emphasize at the outset that the cause of the crimes that beset our state do not begin in our corrections system; the cause begins with our children.

Corrections strategies are an important component in policies to promote public safety and enhance the quality of life in Oregon. Nevertheless, the Task Force urges Oregonians to place at least equal emphasis on programs such as the Governor's Children's Agenda, which focuses on the need for adequate prenatal care, early childhood education and intervention, as well as programs that promote crime prevention and the counseling and restitution of crime victims. It would be an unfortunate exercise in futility if Oregon responded to its crime problem by devoting all of its resources to the punishment of adult offenders, when the causes of crime begin with our children and the effects weigh most heavily on the victims of crime.

The Task Force reopened its office on March 28, 1990 and held its first business meeting on March 29, 1990. Seven day-long meetings were held over three and a half months to receive reports from the Department of Corrections and other affected agencies on their progress in implementing the Strategic Corrections Plan, to consider advice from the Task Force's technical advisors, and to deliberate on the contents of this report.

The Task Force established two Working Groups of technical advisors to provide technical assistance and advice on the correctional needs of women offenders and sex offenders. These Working Groups were made up of Associate Members of the Task Force from across the state with special expertise on these subjects. They also met regularly over the past three months to identify potential recommendations and authoritative research and to review drafts of this report. Many of the concepts and recommendations concerning women offenders and sex offenders in this report originated with or were refined by the Working Groups.<sup>2</sup>

The Task Force was unable to hold extensive statewide public hearings in the time available to prepare this report. Therefore, the Task Force welcomes comments on the recommendations in this report. Any comments will be compiled and forwarded to the Governor and the Legislature for their consideration.

Please forward your comments in writing to the Task Force no later than September 15, 1990 to:

Governor's Task Force on Corrections Planning  
155 Cottage Street, N.E.  
Salem, OR 97310

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<sup>1</sup> Governor Goldschmidt's March 15, 1990 Executive Order, which reconvened the Task Force, is included in this report as Appendix A.

<sup>2</sup> A list of the Associate Members of the Task Force is included in this report as Appendix B.

The first printing of this report was delivered to the Governor and the legislative leadership on July 16, 1990 pursuant to the Governor's Executive Order reconvening the Task Force. A second printing of this report will be distributed throughout the state, and will be available to interested members of the public by requesting a copy from the Task Force at the above address.

In order to keep printing costs within the Task Force's budget, the second printing will not contain the appendices to this report. Copies of those appendices, as well as copies of the Task Force's August 1988 Strategic Corrections Plan, are available in public libraries throughout the state.

## **CHAPTER 1: A PROGRESS REPORT ON THE IMPLEMENTATION OF THE STRATEGIC CORRECTIONS PLAN FOR OREGON**

The Oregon Legislature and Department of Corrections have made impressive progress in implementing the Task Force's August 1988 report, "A Strategic Corrections Plan for Oregon: Restoring the Balance." The 233-page Strategic Corrections Plan proposed 125 recommendations to deal with problems in virtually every part of Oregon's corrections system.<sup>1</sup> The majority of the recommendations in the Strategic Corrections Plan have been implemented, or are in the process of being implemented.<sup>2</sup>

The Task Force commends the Governor and the Legislature for devoting the resources necessary to begin the redesign of a corrections system that had been neglected for too long. The Task Force also commends the Department of Corrections, one of Oregon's largest agencies facing some of the state's most challenging and controversial issues, for implementing many of the comprehensive, statewide administrative changes recommended in the Strategic Corrections Plan in less than two years. The Department's rapid progress in implementing so many aspects of the Plan is particularly impressive in light of the demands placed upon the Department over the past three years by a prison construction program of historic proportions and the tragic death of the Department's Director, Michael Francke, in January 1989.

This chapter focuses on those areas of the Strategic Corrections Plan that deserve further attention, or that require reconsideration in light of new information. The focus of this chapter should not be construed to detract from at least four major accomplishments.

First, as Governor Goldschmidt observed in his 1990 State of the State Address,<sup>3</sup> nearly half the prison beds that have ever been built in Oregon have been constructed or authorized since January 1987. 1,468 new prison beds have been added to Oregon's prison system since January 1987. Funding for another 1,552 beds has been authorized. The following table summarizes this unprecedented prison construction program.

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<sup>1</sup> The Executive Summary of the Strategic Corrections Plan for Oregon is included in this report as Appendix C.

<sup>2</sup> The Task Force devoted over 15 hours of its business meetings to reports from the Department of Corrections and other affected state agencies on their progress in implementing the recommendations in the Strategic Corrections Plan. A written progress report from those agencies are included in this report as Appendix D.

<sup>3</sup> Governor's 1990 State of the State Address, Central Point, Oregon, January 10, 1990.

TABLE A  
PROJECTS COMPLETED

| <u>Institution</u>  | <u>Date<br/>Opened</u> | <u>No.<br/>Beds</u> |
|---|------------------------|---------------------|
| Eastern Oregon Correctional<br>Institution in Pendleton (Phase 1) | 11/87                  | 140                 |
| Santiam Correctional Institution<br>in Salem                      | 1/88                   | 20                  |
| Oregon Women's Correctional<br>Center in Salem (Phase 1)          | 1/88                   | 8                   |
| Parole Violators Project<br>in Coos Bay                           | 1/88                   | 110                 |
| Oregon Women's Correctional<br>Center in Salem (Phase 2)          | 12/88                  | 48                  |
| Eastern Oregon Correctional<br>Institution in Pendleton (Phase 2) | 3/89                   | 792                 |
| Powder River Correctional<br>Facility in Baker City               | 12/89                  | 150                 |
| Shutter Creek Correctional<br>Institution in Coos County          | 7/90                   | <u>200</u>          |
| TOTAL   |                        | 1,468               |

PROJECTS UNDER CONSTRUCTION

| <u>Institution</u>   | <u>Scheduled<br/>Opening</u> | <u>No.<br/>Beds</u> |
|--|------------------------------|---------------------|
| Eastern Oregon Correctional<br>Institution in Pendleton (Phase 3)  | 8/90                         | 180                 |
| Columbia River Correctional<br>Institution in Portland             | 9/90                         | 400                 |
| Oregon Correctional Intake<br>Center in Portland                   | 1/91                         | 200                 |
| Intensive Management Unit at<br>Oregon State Penitentiary in Salem | 5/91                         | 196                 |
| Snake River Correctional<br>Institution in Ontario                 | 7/91                         | <u>576</u>          |
| TOTAL  |                              | 1,552               |
| GRAND TOTAL  |                              | <u>3,020</u>        |

Second, essential programs in state correctional facilities have been strengthened and expanded. The Department of Corrections has completed the development of a new offender classification system designed to place inmates in the appropriate level of security, reduce their chances of escape, and determine their appropriate placement in institutional programs. With major funding support from the U.S. Department of Justice, the Department and the Mental Health and Developmental

Disability Services Division are developing new alcohol and drug treatment programs for state correctional facilities. Corrections Industries is also moving aggressively to expand the capacity of its institutional programs throughout the state with increased support from the 1989 Legislature.

Third, the 1989 Legislature substantially increased the level of funding for the state's community corrections system. Table B compares amounts of funding under the Community Corrections Act from 1979 to 1989, which the Task Force considered insufficient to maintain an adequate level of community sanctions and services in Oregon,<sup>4</sup> with funds provided under the Act by the 1989 Legislature.

**TABLE B**  
**FUNDING UNDER THE COMMUNITY CORRECTIONS ACT**

| <u>Biennium</u> | <u>Enhancement</u> | <u>Probation<br/>Centers</u> | <u>Mental<br/>Health</u> | <u>Sanction<br/>Beds<sup>5</sup></u> | <u>Graduated<br/>Sanctions<sup>6</sup></u> | <u>Total</u> |
|-----------------|--------------------|------------------------------|--------------------------|--------------------------------------|--|--------------|
| 1979-81         | \$10,015,381       | \$1,915,800                  | \$1,052,175              | \$0                                  | \$0  | \$12,983,355 |
| 1981-83         | \$10,202,093       | \$1,200,000                  | \$1,143,091              | \$0                                  | \$0  | \$12,545,184 |
| 1983-85         | \$10,901,488       | \$1,301,992                  | \$1,269,440              | \$0                                  | \$0  | \$13,472,920 |
| 1985-87         | \$12,396,761       | \$1,360,582                  | \$1,326,564              | \$0                                  | \$0  | \$15,083,907 |
| 1987-89         | \$13,019,146       | \$1,421,808                  | \$1,386,259              | \$0                                  | \$0  | \$15,827,213 |
| 1989-91         | \$13,503,534       | \$1,507,116                  | \$1,469,440              | \$2,087,625                          | \$1,724,747                                | \$20,292,462 |

The 1989 Legislature also added \$1.2 million for community-based programs through a separate Community Sanctions and Alternatives Fund, bringing the total funding available for community sanctions and services to \$21,492,462. Table C depicts this 36 percent increase in funding for community sanctions and services.<sup>7</sup>

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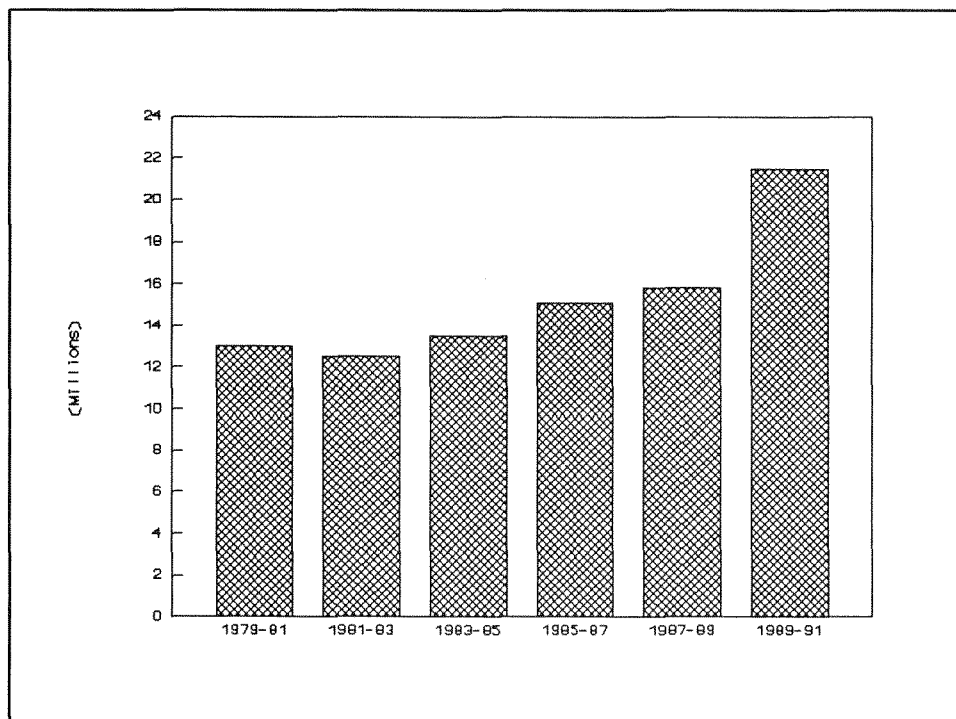
<sup>4</sup> See The Strategic Corrections Plan, pp. 97-98.

<sup>5</sup> These funds were appropriated to support short-term residential sanctions for prison bound probation violators and high-risk probationers and a pilot project to provide emergency transition services for parolees.

<sup>6</sup> These funds were appropriated to develop a continuum of community sanctions and services for high risk offenders.

<sup>7</sup> The 1989 Legislature's decision to earmark a percentage of funds appropriated under the Community Corrections Act for the evaluation of programs supported with these funds also represents a major step forward in ensuring cost-effective sanctions and services that promote public safety in Oregon. The Task Force urges the 1991 Legislature to continue to provide support for program evaluations throughout the corrections system, and particularly for programs designed to control the behavior of sex offenders discussed in Chapter 4 of this report.

**TABLE C**  
**FUNDING FOR COMMUNITY SANCTIONS AND SERVICES**



Fourth, the Department of Corrections has strengthened its management and oversight of community corrections and field services throughout the state, as well as its essential partnership with county governments in performing these functions. The role of the Community Corrections Advisory Board in the oversight of the Community Corrections Act has been strengthened over the past year, and inter-governmental agreements between the state and counties have been developed to promote quality and consistency in delivering community sanctions and services throughout the state. The Department's Community Services Branch has increased its oversight of local field services offices and community corrections. It has also developed an Oregon Case Management System, which classifies all offenders under supervision according to their risk of recidivism and establishes uniform standards of supervision to promote a rational allocation of correctional resources throughout the state.

With the foregoing accomplishments in mind, the Task Force urges the 1991 Legislature and the Department of Corrections to devote further attention to the following recommendations from the Strategic Corrections Plan.

**1.1 Further steps must be taken by the 1991 Legislature to establish a balance between community sanctions and prison sanctions in Oregon's corrections system supervision.**

The Task Force has repeatedly emphasized that prisons are an essential component of the state's corrections system. Prisons are needed to punish offenders who are convicted of the most serious crimes and to incapacitate offenders who pose too great a risk to be safely supervised in the community.

Oregon has embarked on a prison construction program of historic proportions. This was one of the strategies recommended by the Task Force in the Strategic Corrections Plan. The Task Force commends the Governor, the Legislature and the Department of Corrections for implementing this strategy so swiftly.<sup>8</sup>

Furthermore, current criminal justice policies will require even more prison construction. The Task Force has been advised by the Criminal Justice Council that, under current projections, another 1,200 prison beds must be constructed in Oregon to carry out the felony guideline sentences approved by the 1989 Legislature.<sup>9</sup>

However, the Task Force also emphasized the need for a balance between prison sanctions and community sanctions in the Strategic Corrections Plan. An effective state corrections system must provide a full range of community sanctions, as well as prisons, to promote public safety.

That range of community sanctions should include (1) short-term confinement in jails, restitution centers, probation centers, work camps, and supervised housing, to enforce conditions of supervision or to support offenders' transition from prison; (2) regular and intensive community supervision, to control and support offenders in the community; (3) community-based programs to address the correction needs of offenders under supervision in the community; and (4) fines, community service, and restitution, to hold offenders accountable for repaying individual victims and the public for their crimes.<sup>10</sup>

Public safety is threatened by an underfunded and ineffective community sanctioning system. Like every other state in the nation, Oregon will always have more offenders under supervision in the community than in prison, either as an alternative to prison incarceration for less serious offenders or as a back-up sanction for offenders released from prison. At the time the Strategic Corrections Plan was completed two years ago, approximately 17,000 felony offenders were under supervision in

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<sup>8</sup> The Task Force also recommends additional prison space in this report. Later in this chapter, the Task Force recommends expanding the Parole Violators Project to provide additional custodial sanctions for violations of parole and post-prison supervision. In Chapter 3, the Task Force reaffirms its recommendation in the Strategic Corrections Plan for a new women's prison.

<sup>9</sup> Oregon Criminal Justice Council, "Projected Guideline Prison Population" (June 1989).

<sup>10</sup> In the Strategic Corrections Plan, the Task Force explained its use of the term "community sanctions":

"Sanctions are generally considered to be the punishment a judge imposes as the sentence for a crime, such as probation, incarceration, or a combination of both. Programs such as employment training or services such as transportation to a job site are usually not part of the judge's sentence. Corrections departments ordinarily assign offenders to programs and services under their administrative discretion.

"However, programs and services are sanctions too. The justification for their use is either punishment or public safety. Offenders are assigned to programs and services because they have committed a crime or pose a risk to public safety, not just because they are in need of social services." The Strategic Corrections Plan, p. 59, n.1.

Oregon's communities, compared to about 4,600 offenders in prison.<sup>11</sup> Those numbers have now increased to over 23,000 felony offenders under supervision and 6,164 offenders in prison.<sup>12</sup>

The Strategic Corrections Plan concluded that Oregon's neglected and underfunded community sanctioning system has led to unacceptably high rates of failure by offenders under supervision in the community. For example, approximately 61 percent of the 1987 admissions to Oregon's prisons were probationers or parolees rather than new commitments. This information led the Task Force to identify a "recycling" problem that was plaguing Oregon's corrections system:

"A major factor contributing to the increase in prison populations is that large numbers of offenders are failing on community supervision, resulting in a 'recycling' of the same offenders through the system. The total number of parolees and probationers revoked to prison has increased significantly. Many offenders are going from probation, to prison, to parole, and then back to prison again".<sup>13</sup>

Unfortunately, these same conditions persist today. In April 1990, the Department of Corrections reported that 66 percent of the admissions to Oregon prisons were probationers or parolees, rather than new offenders who are not on parole or probation.

Because many parole and probation revocations result from new crimes, public safety continues to be jeopardized by these high failure rates of offenders under community supervision. The large number of offenders entering prison from supervision also reduces prison space available to incarcerate other dangerous offenders.

These high failure rates also create a demand for additional prison space. The Strategic Corrections Plan pointed out that, if modest reductions in the state's failure rates on supervision were accomplished, Oregon's projected prison population over the next ten years could be reduced by approximately 800 inmates.<sup>14</sup> That number of inmates would require the construction of at least one new prison.

The Department of Corrections reports that a number of innovative new community sanctions and supervision programs have been initiated since the Strategic Corrections Plan was completed two years ago. These new sanctions and programs include the Multnomah County Structured Supervision Project and Intensive

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<sup>11</sup> Department of Corrections Chartbook (June 1990). Approximately 7,700 misdemeanor offenders were under community supervision.

<sup>12</sup> Id. Approximately 8,000 misdemeanor offenders are now under supervision.

<sup>13</sup> The Strategic Corrections Plan, p. 9.

<sup>14</sup> The Strategic Corrections Plan, p. 46. To arrive at this estimate, the Task Force requested its consultants on prison population forecasting, the National Council on Crime and Delinquency, to project what the future prison population would be if the parole failure rate could be reduced from 49 percent to 40 percent and the number of revocations to prison for violations of probation were reduced by 20 percent. During most of the 1970s and the beginning of the 1980s, the parole failure rate was estimated to be approximately 34 percent within three years of release.

Supervision Unit, the Department of Corrections' Resource Center, the Josephine County Intensive Supervision Program, the Intensive Supervision Program for drug offenders in Jackson County, the Washington County Community Inmate Release Cooperative Linkage Effort ("CIRCLE") Program, and the Parole Transition Project and the Parole Violators Project in Coos County. These community sanctions and supervision programs could have a positive effect on the overall failure rates of offenders under supervision in Oregon, given sufficient time to be fully implemented and evaluated.<sup>15</sup>

However, the Task Force is deeply concerned that the failure to fund the Department's request in 1989 for new parole and probation officer positions and to provide more resources for community sanctions and services could have dire consequences for the state's corrections system. New and expanded prisons are rapidly coming on line in Oregon. Without commensurate increases in parole and probation personnel, as well as community-based programs to handle the increased caseloads caused by the larger population of released inmates, failure rates under supervision will remain unacceptably high. Consequently, the number of "recycled" offenders will increase, as well as the demand for more prison space. The result could be a larger version of an unbalanced, overburdened and ineffective corrections system that the Strategic Corrections Plan was designed to remedy.

The Task Force is also concerned that the large operating budgets generated by Oregon's new and expanded prisons will discourage future governors and legislatures from funding community sanctions and supervision programs adequately. Such funding must receive equal priority to funding for the operation of prisons if Oregon is to maintain a balanced and effective corrections system. The Task Force urges the Governor, the Department of Corrections and the 1991 Legislature to place increased funding and support for community sanctions and supervision among their highest priorities.

The following three specific recommendations were an integral part of the Strategic Corrections Plan. The Task Force remains convinced that these recommendations are critical components in a strategy to promote balance in Oregon's corrections system and strengthen community sanctions and supervision. Therefore, they should be fully implemented as soon as possible.

## **1.2 The 1991 Legislature should provide additional resources for intermediate sanctions between prison and regular probation supervision throughout the state.**

The Strategic Corrections Plan emphasized that an effective state corrections system must provide a full range of sanctions for the punishment and control of offenders in the community, including intermediate sanctions between prison and regular probation supervision such as work release facilities, house arrest, electronic surveillance and intensive supervision with specialized programs. The Task Force

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<sup>15</sup> Throughout this report, the Task Force emphasizes the importance of providing sufficient funding to insure meaningful evaluations of new sanctions and services in order to insure that they have a positive effect in reducing the recidivism of offenders and promoting public safety. The Task Force commends the 1989 Legislature for earmarking a percentage of funds appropriated under the Community Corrections Act for this purpose, and urges the 1991 Legislature to take similar steps when it funds new sanctions, services and programs.

concluded that the limited availability of intermediate sanctions throughout the state was a particular problem that needed to be addressed as soon as possible.<sup>16</sup>

In the Strategic Corrections Plan, and again in this chapter, the Task Force proposes specific strategies to deal with parolees and other offenders released from prison who make up a disproportionate share of the offenders who return to prison. However, Oregon should not overlook the importance of intermediate sanctions for the much larger population of probationers.

By June 1991, the Department of Corrections expects its probation caseload to reach 28,000, compared to approximately 6,000 offenders on parole. Given the size of the state's probation population, marginal improvements in the success rates of probationers can have a significant impact on public safety and the demand for new prisons. Therefore, a full range of intermediate sanctions should be available to manage and support offenders on probation, as well as parole.

While the 1989 Legislature significantly increased the level of funding for community sanctions and services, the Task Force has been advised by the Department of Corrections that adequate levels of intermediate sanctions are still not available across the state.<sup>17</sup> At a minimum, the 1991 Legislature should provide sufficient funding to insure equal availability of intermediate sanctions throughout the state.

Two noted authorities in the current movement for intermediate sanctions in this country have described the need for these sanctions in promoting balance in a corrections system:

"Prison and jail cells are lacking, but equally lacking are resources for probation and other community based punishments. As a result, our criminal justice systems . . . are in their operation neither too lenient nor too severe; they are both too lenient and too severe. . . .

"Many offenders are jailed or imprisoned because credible community punishments do not exist and judges believe their crimes *too serious* to be sanctioned solely by an ordinary probation sentence. Many offenders are sentenced to probation because credible community punishments do not exist and judges believe their crimes *not serious enough* to be sanctioned by an ordinary jail or prison sentence. In both cases, credible, community-based intermediate punishments are lacking."<sup>18</sup>

**1.3 Additional parole and probation officers and supervisory staff are needed to administer community sanctions and services effectively.**

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<sup>16</sup> See Recommendation 7.21 in Appendix C.

<sup>17</sup> See, e.g., Appendix D, pp. 5-6 and 7-8. See generally the Department of Corrections, Directory of Services (1989), which documents the extent of community-based correctional programs and services throughout the state.

<sup>18</sup> N. Morris and M. Tonry, "Between Prison and Probation -- Intermediate Punishments In a Rational Sentencing System," NIJ Reports (January/February 1990), p. 8 (emphasis in the original).

In January 1988, Oregon's total parole and probation population was approximately 24,000, nearly four times the size of the state's 1975 population.<sup>19</sup> The parole and probation population is now almost 31,000.<sup>20</sup>

Even larger parole and probation populations are likely in the future. In preparing the Strategic Corrections Plan, the Task Force requested the National Council on Crime and Delinquency (NCCD) to project increases in the state's parole population in light of Ballot Measure 10, a 1986 victims' rights measure which increased the average term of parole from six months to three years. NCCD projected that the state's parole population of 2,050 on October 31, 1987 could increase 466 percent by 1997, reaching a total of 11,602.<sup>21</sup>

In 1987, the Task Force also commissioned Apt Associates, Inc. of Cambridge, Massachusetts, to conduct a statewide investigation of Oregon's community sanctions system under a grant from the U.S. Department of Justice.<sup>22</sup> In its Final Report to the Task Force, Apt concluded that the current level of supervision of parole and probation officers was inadequate:

"In most field services branch offices there [are] 16 line staff per supervisor. Lack of adequate supervision, coupled with decentralized DOC field offices and personnel policies . . . that give line probation officers broad discretion on how they structure their work days, have resulted in line probation officers who view themselves as independent actors and branch officers that are virtually autonomous."

The size of Oregon's parole and probation caseloads and the reports it has received regarding the inadequacies of supervision in the field, led the Task Force to recommend in the Strategic Corrections Plan that funding be provided for additional management and staff to administer community sanctions and supervision effectively. The decision not to appropriate these funds may have been based upon the Department of Corrections' inability to document convincingly the specific number of positions required in the field. With the establishment of the Oregon Case Management System, which classifies all offenders under community supervision and establishes uniform supervision standards, the Department will now be able to docu-

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<sup>19</sup> The Strategic Corrections Plan, p. 83.

<sup>20</sup> Department of Corrections Chartbook (May 1990).

<sup>21</sup> The Task Force acknowledges that forecasting future offender populations is a fallible process, particularly in a state like Oregon where criminal justice policies have been changing rapidly. (See Chapter 2 of this report.) Furthermore, sentences of supervision developed under Oregon's new felony guidelines since NCCD's projection was made will influence the actual size of future caseloads.

In any event, the Task Force is confident that the increase in Oregon's parole and probation populations over the next ten years will be significant, and that increases in the current level of field services management and staff will be necessary to administer community sanctions and supervision programs effectively. For example, the Department of Corrections now estimates that its parole and probation caseload will be 34,000 by June 1991, a 10 percent increase in its current caseload of 31,000.

<sup>22</sup> The Strategic Corrections Plan, p. 60.

ment its need for additional staff to administer community sanctions and services effectively.

The Task Force understands that the Department is currently developing a budget request for approximately 134 additional parole and probation officers and assistants, 50 clerical staff and 33 supervisors to address overcrowding in the community sanctioning system and reduce the average parole and probation caseloads to a more manageable size. The Department estimates the cost of the proposal will be approximately \$19,250,000.<sup>23</sup> The Task Force urges the 1991 Legislature to fund the Department's final request for these positions, as well as personnel to manage the growth in parole and probation populations during the 1991-1993 fiscal year.<sup>24</sup>

Without this funding for additional field services personnel, the Task Force believes failure rates on supervision will remain high, the "recycling" of offenders from probation, to prison, to parole, and back to prison will continue, and the threat to public safety and demand for additional prison space will increase.

If the 1991 Legislature accepts this recommendation, the Task Force emphasizes the importance of statewide revocation guidelines which structure the Department of Corrections' discretion to recommend parole and probation revocations and case management standards which establish levels of supervision and program placement.<sup>25</sup> Existing revocation guidelines should be monitored and refined by the Department in cooperation with the Parole Board. Without such management controls, the addition of more field services staff is likely to produce inconsistencies in the level of resources devoted to community sanctions across the state and inappropriate commitments of offenders to community programs and prison.

**1.4 Additional transitional housing, employment services, emergency support services and alcohol and drug abuse treatment are needed throughout the state for offenders leaving prison and returning to the community.**

This recommendation incorporates strategies proposed in the Strategic Corrections Plan to increase the success rates of offenders under community supervision in Oregon.<sup>26</sup> The Task Force believes that the state's failure to fully implement these strategies has contributed to the continuation of unacceptable high failure rates of offenders on parole.<sup>27</sup> The Task Force urges the 1991 Legislature to fully implement

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<sup>23</sup> See Appendix C, pp. 3-4 and 11.

<sup>24</sup> The Department estimates the need for an additional 127 field services positions, at a cost of approximately \$4,900,000, to manage the increase in parole and probation caseloads during the 1991-1993 fiscal year.

<sup>25</sup> See Recommendations 7.4 and 7.13 in Appendix C.

<sup>26</sup> See Recommendations 7.7, 7.8, 7.9 and 7.11 in Appendix C.

<sup>27</sup> See Appendix C, pp. 6-7 for the Department of Corrections' progress report on the development of transitional services, as well as its assessment that the level of such services is inadequate across the state.

Under Oregon's new felony sentencing guidelines systems, parole has been replaced with "post-prison supervision." The problems caused by high failure rates of offenders on post-prison supervision will be the same as the high failure rates on parole.

these strategies by providing adequate funding for transitional support of offenders leaving prison and returning to life in the community.

Most offenders in Oregon's prisons face some or all of the following conditions upon release: No job, no money, no housing, no means of transportation, a poor work history, and an alcohol or drug abuse problem. Without emergency support services that provide food, clothing and transportation for indigent offenders, many, if not most, of these offenders are likely to reoffend, or violate basic conditions of their supervision, before they obtain gainful employment and establish a stable lifestyle in the community. Furthermore, to secure that employment and stability, many offenders released from prison need housing, employment training and placement services and treatment for alcohol and drug abuse.<sup>28</sup> Many of these services are currently available through state social service agencies and should be utilized by the Department of Corrections in cooperation with these agencies.

The Task Force understands that the Department will request approximately \$7,400,000 for transitional housing to implement this recommendation. Another \$1,000,000 will be requested for transitional support services and programs.

This recommendation for additional transitional support is not intended to create a welfare system for offenders. Instead, this recommendation represents a rational, cost-effective strategy to promote public safety. With relatively small amounts of funding for the basic transitional needs of offenders, in comparison to the costs of constructing and operating more prisons, this strategy should help to "bridge the gap" between the release of offenders from prison and a stable lifestyle in the community.

The critical time frame between release from prison and stability in the community is when many offenders fail under supervision and return to prison. The dividends of this strategy will be increased public safety and lower costs: fewer offenders on parole or post-prison supervision will violate the terms of their supervision or reoffend, and fewer expensive prison cells will be needed to incarcerate "recycled" offenders.

Washington County's CIRCLE Program is a good example of a comprehensive approach to providing transitional support for offenders leaving prison. The program is designed to coordinate services within the state's correctional facilities with Washington County's correctional resources to deal effectively with all inmates who are about to be released into the county. Organized group sessions, which focus on how criminal behavior interferes with an offender's life and promote a drug-free and stable lifestyle, begin while the offender is still in prison and continue after release into the community. When an offender has satisfied the program's requirements of a drug-free and stabilized lifestyle, including obtaining housing and employment, the offender is released from the program. The average length of stay in the program is between four to seven months.

A major emphasis of the CIRCLE Program is the establishment of a high level of structure in the offender's life. Besides the requirements of employment and alcohol and drug abuse treatment, offenders are required to participate in weekly meetings with drug dependency groups, their supervising parole officer and Narcotics Anonymous.

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<sup>28</sup> The Task Force contemplates that some of these programs and services will be offered by local agencies or private service providers under contract with the Department of Corrections, depending upon available resources in a particular community.

As an offender makes progress in satisfying the program's requirements, the structure of the program is relaxed. Incentives are also offered for positive progress in the program, including additional passes, honor housing and other reduced restrictions. On the other hand, if an offender violates the program's requirements by failing to appear at meetings or failing tests for the presence of drugs, the offender is transferred to more intensive sanctions, including community service, increased drug testing or return to prison.

The Department of Corrections has funded a pilot project that operates in conjunction with the CIRCLE Program. This project provides intensive supervision, intensive outpatient drug treatment, and assistance with housing, food, clothing, transportation and employment.

The Task Force believes that such a comprehensive approach to providing transitional services holds great promise in reducing the unacceptably high levels of recidivism among parolees in Oregon. However, as part of any new funding for correctional programs and services with promising designs or results, the 1991 Legislature should reserve sufficient funds to conduct a valid outcome evaluation, in terms of the effect of this approach on the recidivism of offenders.

### **A Strategy to Combat Prison Crowding**

**1.5 The capacity limits recommended in the Strategic Corrections Plan for Oregon's correctional facilities should be adopted by the State Sentencing Guidelines Board and the Legislature as the effective capacity of state correctional facilities. Sentences and sanctions for revocations of supervision under sentencing guidelines should conform to that capacity.**

The Strategic Corrections Plan concluded that Oregon's major correctional facilities were critically overcrowded. For example, on June 1, 1988, Oregon State Penitentiary (OSP), with a design capacity of 1,174, held 1,828 inmates. Oregon State Correctional Institution (OSCI), with a design capacity of 473, housed 1,044 inmates.

These conditions made Oregon's prison system one of the most overcrowded in the country. In 1987, the Bureau of Justice Statistics reported that Oregon's prisons were operating at 195 percent of their design capacity, the second highest crowding level in the country.<sup>29</sup> Another national survey found that prison space per inmate in Oregon is seventh lowest in the nation, providing an average of 46.4 square feet to its inmates, compared to a national average of 57.3.<sup>30</sup>

The Task Force predicted that these overcrowded conditions would worsen without the adoption of sentencing guidelines and limits on prison capacity. Therefore, the Strategic Corrections Plan contained recommendations to the 1989 Legislature that sentencing guidelines be approved, and that capacity limits be adopted for each of Oregon's correctional institutions with a statutory procedure to assure those limits would not be exceeded.<sup>31</sup> The Legislature adopted sentencing guidelines, but the other recommendation was not implemented.

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<sup>29</sup> Prisoners in 1987, Bureau of Justice Statistics (BJS) Bulletin (April 1988), p. 5.

<sup>30</sup> Population Density in State Prisons, BJS Report (December 1986), p. 3.

<sup>31</sup> See Recommendation 3.1 and 3.2 in Appendix C.

Unfortunately, the Task Force's predictions of increased crowding, in the absence of immediate legislative action to address the problem, have come true. On May 1, 1990, OSP held 2,095 inmates, compared to the 1,828 inmates that led the Task Force to conclude OSP was "critically overcrowded" in 1988.<sup>32</sup> OSCI housed 1,096 inmates on May 1, 1990, compared to 1,044 on June 1, 1988.<sup>33</sup> Oregon's total prison population on July 1, 1990 was 6,200, compared to 4,610 on June 1, 1988.<sup>34</sup>

The Strategic Corrections Plan warned that such levels of prison crowding create significant dangers to the public, correctional staff, and inmates.<sup>35</sup> While prisons were never intended to provide pleasant, entertaining environments for inmates, overcrowded prisons breed idleness and hostility that undermine any constructive purposes of punishment, and produce attitudes and behaviors that increase the threat to public safety when prison inmates are eventually released. Furthermore, the state has a moral and legal obligation to provide a safe environment for the men and women who work in its prisons. The current overcrowding in Oregon's prisons is unacceptable and should be remedied as soon as possible.

Besides the new prison space currently under construction, the Task Force now believes that felony sentencing guidelines offer the only practical remedy to prison overcrowding. In the process of carrying out their statutory responsibilities to conform guidelines sentences with the "effective capacity" of state correctional facilities,<sup>36</sup> the State Sentencing Guidelines Board and the Legislature should adopt the capacity limits recommended in the Strategic Corrections Plan, with appropriate

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<sup>32</sup> Department of Corrections Chartbook (May 1990).

<sup>33</sup> Id.

<sup>34</sup> Id.

<sup>35</sup> The Strategic Corrections Plan, pp. 21-22.

<sup>36</sup> Section 2, Chapter 619, Oregon Laws 1987 requires the Board to consider the following factors in developing felony sentencing guidelines:

"Severity of the offense, criminal history of the offender, aggravating and mitigating circumstances, performance under probationary supervision, prevention of recidivism, possibility of reformation or deterrence, and the effective capacity of state and local correctional facilities and other sentencing sanctions available." (Emphasis added.)

The legislation authorizing the development of guidelines also emphasizes the need to operate the state's corrections system within the limits of its resources:

"[T]he decision to imprison offenders and decisions as to the period of such imprisonment must be made on a systematic basis that will maintain institutional populations within a level for which the Legislative Assembly and the people of the state are prepared to provide . . . ." Preamble, Chapter 619, Oregon Laws 1987.

Section 89, Chapter 790, Oregon Laws 1989 requires the Board to make changes in felony guideline sentences between legislative sessions if it determines that prison populations will "exceed or underutilize" the effective capacity of state correctional facilities.

adjustments for new prison construction and changed circumstances in existing prisons.

In developing specific capacity limits for each state correctional facility, the Task Force obtained the technical assistance of the National Institute of Corrections and retained Dr. Richard P. Seider, the Director of the Ohio Department of Corrections, to conduct an independent survey of Oregon's prison capacity.<sup>37</sup> The Task Force requested Dr. Seider to conduct an assessment of the operational capacity of Oregon's correctional facilities, "based upon the practical perspective of a prudent corrections administrator, applying contemporary standards that ensure safe, secure and humane correctional facilities."<sup>38</sup> The Task Force emphasized that the concept of operational capacity should not represent an ideal, optimum, or design capacity for Oregon's correctional facilities; but only a practical, outer limit on prison crowding.

Dr. Seider conducted a five-day inspection tour of Oregon's correctional facilities and submitted a written report to the Task Force. The Task Force reviewed Dr. Seider's findings and recommended an "extended capacity" for each state correctional facility. The Task Force now urges the State Sentencing Guidelines Board and the Legislature to adopt these practical, outer limits on prison crowding, with appropriate adjustments for new construction and renovation since the Strategic Corrections Plan, as the "effective capacity" of Oregon's state correctional facilities.

### Strategies in Need of Further Implementation

#### **1.6 The 1991 Legislature and the Department of Corrections must continue their efforts to ensure adequate program capacity in the state's correctional facilities.**

The Strategic Corrections Plan emphasized the importance of program capacity, as well as housing capacity, in operating safe and effective correctional facilities:

"The physical capacity of each facility is dependent not only on housing area, but on its 'program capacity,' which means the number of inmates who can be kept active either through work or educational programs. Inmate idleness creates management and security problems, reducing the number of inmates who can be safely and securely confined at a correctional facility."<sup>39</sup>

The Strategic Corrections Plan also warned that its recommended housing capacity for each correctional facility would have to be lowered without sufficient program capacity:

"These capacity recommendations are made subject to the condition that work programs and other programs at these facilities are expanded to accommodate inmate populations of this size. If these programs are not expanded, lower capacity limits will be necessary. Due to the importance of inmate activity and supporting security, this factor cannot be overemphasized."<sup>40</sup>

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<sup>37</sup> See The Strategic Corrections Plan, pp. 27-37.

<sup>38</sup> Id. at p. 27.

<sup>39</sup> Id. at p. 28.

<sup>40</sup> Id.

The Task Force suggested additional reasons for adequate correctional programs in prisons. First, the more that inmates work and support the operation of the state's prisons, the less that prison operating costs will add to the burden of Oregon taxpayers. Second, institutional programs that develop work skills and address mental health problems, alcohol and drug abuse and educational deficiencies, increase the future productivity of inmates and their chances of successfully returning to society. Finally, institutional work programs provide inmates with the opportunity to make restitution to their victims and support their dependents.<sup>41</sup>

Substantial progress has been made since the Strategic Corrections Plan was completed in strengthening and expanding institutional programs. Corrections Industries, or UNIGROUP as it is now known, received significant funding from the 1989 Legislature and is implementing new and expanded programs in the state's correctional facilities.<sup>42</sup> The Mental Health and Developmental Disabilities Services Division and Department of Corrections are working together effectively to implement recommendations in the Strategic Corrections Plan which should strengthen and expand mental health services in correctional facilities if they receive adequate funding support from the 1991 Legislature.<sup>43</sup> The Department and the Division with funding support from the Department of Justice, are also developing new alcohol and drug treatment programs for the state's correctional facilities.

With these accomplishments in mind, the Task Force believes that the 1991 Legislature and the Department must further increase the program capacity of the state's correctional facilities in order to ensure the safe and effective operation of those facilities.

**1.7 The 1991 Legislature should provide funding to implement the Task Force's recommendations for correctional education programs in the Strategic Corrections Plan.**

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<sup>41</sup> Id. at 127.

<sup>42</sup> The Task Force notes that many states, including Oregon, have established an operational goal that corrections industries should be self-sustaining. While this is a worthy ideal, the Task Force doubts that it is a realistic one, unless some or all of the security costs associated with operating correction industries within prisons become part of the Department of Corrections regular budget, rather than the corrections industry's budget. It is unrealistic to expect that corrections industries programs can absorb the significant costs of prison security and still successfully compete with private enterprises without such costs.

<sup>43</sup> The Department and the Division have made substantial progress in their joint efforts to provide adequate corrections mental health services and in refining relevant recommendations in the Strategic Corrections Plan. As part of their joint reevaluation of correctional mental health services, the Division and the Department retained Dr. Eric Trupin of the University of Washington to produce a consultation report on how to strengthen those services. The agencies have agreed in principle with Dr. Trupin's report and have made proposals as part of an interagency agreement for the delivery of forensic psychiatric and corrections mental health services. The Task Force urges the 1991 Legislature to give the proposals of the Division and the Department its serious consideration and provide adequate funding to address the critical need for correctional mental health services in the state.

While the 1989 Legislature provided funding for other institutional programs, such as mental health screening, alcohol and drug treatment and corrections industries, it failed to provide any funds for correctional education. Nevertheless, the Department of Corrections has taken the positive step of filling a position of Acting Director of Correctional Education and reinstituting the Joint Corrections Education Planning and Development Team to examine strategies to strengthen, consolidate and expand correctional education programs.<sup>44</sup> The 1991 Legislature should now provide sufficient funds to implement the recommendations in the Strategic Corrections Plan concerning correctional education,<sup>45</sup> as those recommendations have been refined by the Department and the Joint Corrections Education Planning and Development Team.

**1.8 The 1991 Legislature should provide adequate funding to enhance the current computer information systems of the Department of Corrections and the Parole Board by increasing their capacities to interface with the information systems of other state and local agencies and to track offenders through the criminal justice and corrections systems.**

The Strategic Corrections Plan concluded that Oregon's current adult corrections offender tracking system was inadequate to support management and planning by the Department of Corrections or decision-making by the Parole Board.<sup>46</sup> The 1989 Legislature provided funding for an enhanced computer information system for the Department and the Board, and new hardware and software has been purchased.

However, the Task Force has been advised that the system has not been fully implemented, and many of the deficiencies in the old system continue to exist. For example, the Task Force was advised that insufficient funds were provided by the 1989 Legislature to train users on the Department's new Offender Profile System. The result has been delay in fully implementing the system because of the inability or resistance of some users to operate it.

Development of information systems appears to be a remedial strategy with much less appeal than construction of a new prison or innovative community-based programs. However, timely and accurate information is the most important condition, other than effective security, for the sound management of a corrections system.

The Department of Corrections now manages a biennial budget of approximately \$250 million and a prison construction budget of over \$85 million. Such a huge operation must have adequate information about its environment and objectives, including the nature of the offenders with which it is dealing, in order to formulate effective policies to promote public safety and rationally administer the funds it receives from the public.

**1.9 The Department of Corrections, in cooperation with Circuit Courts, should expand the concept of the Coos County Drug Reduction of Probationers (DROP) program to other counties in the state without such programs.**

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<sup>44</sup> See Recommendations 11.21 and 11.23 in Appendix C.

<sup>45</sup> See Recommendations 11.24 through 11.29 in Appendix C.

<sup>46</sup> See Recommendation 13.9 in Appendix C.

The Coos County DROP program was developed during 1988 to reduce the use of drugs by probationers in the county. Preliminary results suggest that the program holds great promise as a cost-effective strategy to reduce the failure rates of offenders on community supervision and conserve jail space.

The DROP program contains features too often missing in the criminal justice system: certainty and swiftness of punishment. When tests establish that a Coos County probationer has used drugs, the offender is promptly arrested and detained at the county jail. A violation hearing occurs at the time of arraignment, with a progressive recommendation of two, ten or thirty days in jail, depending on whether the violation is the offender's first, second or third violation for drug use. Only two of the 59 offenders in the program have challenged test results for drug use and requested a formal finding before a judge.

In addition to imposing swift and certain punishment, the DROP program may also save jail space. In the past, judicial action was not taken in Coos County until a probationer had used drugs on numerous occasions. At that point, a relatively long jail sentence was imposed.

The DROP program's measured use of the jail sanction as an immediate response to probation violations, with increased sanctions for repeat violations, is consistent with the use of custodial sanctions proposed by the Strategic Corrections Plan:

"Lengthy terms of incarceration are often used 'to throw the book' at probationers who have failed on repeated occasions to obey the conditions of probation. The Task Force believes that a more cost-effective approach to the use of the state's limited sanctioning capacity is to recommend and impose relatively short and swift periods of confinement in community-based facilities that maximize their deterrent effect on offenders in the community. For example, a ten- to thirty-day jail sentence for an offender who has violated an important condition of probation is a more cost-effective strategy than waiting for repeated violations and imposing a lengthy term of incarceration."<sup>47</sup>

Most importantly, the DROP program appears to be having positive effects on probationers' behavior. Prior to implementation of the program, the average level of positive drug test results among Coos Bay probationers was 43 percent. During the first five months of the DROP program, the average level of positive test results has dropped to 30 percent.<sup>48</sup>

Based upon these preliminary results, as well as the cost-effectiveness of this strategy to conserve jail space, the Task Force recommends that the Department of Corrections, in cooperation with local Circuit Courts, expand the DROP concept to other counties in the state that do not have similar programs. However, like other correctional programs that show promise, the 1991 Legislature should provide adequate funds to support an outcome evaluation of this program in order to validate its apparently positive effect on rates of recidivism of targeted offenders.

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<sup>47</sup> The Strategic Corrections Plan, p. 65.

<sup>48</sup> Oregon Department of Corrections Annual Report (July 1, 1988 - June 30, 1989), p. 38. The Task Force has been unable to determine if the number of offenders tested since the DROP program began makes this reported positive difference in test results statistically significant.

**1.10 The 1991 Legislature should provide continued funding to promote the long-range objective of establishing a statewide criminal justice information system.**

The Strategic Corrections Plan emphasized that accurate and reliable information is a critical need of the entire criminal justice system, both for purposes of planning and operations. Furthermore, each component of the criminal justice system must be able to respond to the information needs of the other components. Therefore, criminal justice agencies must have computerized information systems that can not only store needed data, but exchange data quickly and efficiently with other agencies.

Complaints about serious deficiencies of Oregon's criminal justice information systems have been a recurring theme in the reports and plans of task forces, commissions and legislative committees for years. These deficiencies led the Task Force to recommend, as a long-range objective, that the Computerized Criminal History system in Oregon's Law Enforcement Data System should be designed to interface with all key criminal justice information systems in the state, including prosecutors, courts, the Department of Corrections, and local law enforcement and corrections agencies.<sup>49</sup> This new offender-based tracking system should have the capacity to report all transactions concerning offenders, from arrests through release from custody and control of the Department of Corrections.

The Task Force now urges the 1991 Legislature to continue its support for this long-range objective. A statewide criminal justice information system is not only essential to coordinated law enforcement strategies and an effective criminal justice system; the system will provide essential information to the Legislature for the development and evaluation of criminal justice and corrections policies, strategies and programs in the future.

**1.11 The Department of Corrections should adopt guidelines that establish minimum standards for the operation of state correctional facilities and programs.**

The Strategic Corrections Plan recommended that new correctional facilities in Oregon should be designed and operated in conformity with the standards of the American Correctional Association. It also recommended that the Department of Corrections should strive to attain professional accreditation for all of its correctional facilities, operations and programs.<sup>50</sup> The Department has advised the Task Force that new state correctional facilities constructed since 1988 are designed to comply with prevailing standards in the corrections profession.

The Task Force also believes that the quality of the state's correctional facilities and programs will be advanced through the adoption of standards by the Department of Corrections that establish basic levels of quality for all state funded or administered correctional facilities and programs. Requiring an affected state agency, like the Department of Corrections, to formulate standards for its facilities and programs is a more realistic approach to maintaining quality than exhorting the agency to attain impossible standards with existing resources.

The Task Force understands that the Mental Health and Developmental Disabilities Services Division has a long history of developing quality assurance standards for its programs and facilities. The Task Force urges the Department of Corrections to collaborate with the Division in developing such standards for corrections

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<sup>49</sup> See Recommendation 13.14 in Appendix C.

<sup>50</sup> See Recommendations 6.2 and 10.13 in Appendix C.

programs and facilities. This project will require significant efforts by these agencies which must be supported with adequate funding by the 1991 Legislature.

The Task Force believes this approach to quality assurance in corrections will produce at least two benefits. First, the process of developing standards will require the staff at the Department of Corrections to clarify and refine operational goals for correctional facilities and programs and set priorities among the competing goals in a state with limited resources. Second, these standards will provide benchmarks for the Legislature to determine the quality of the correctional facilities and programs it has funded, as well as the losses in quality caused by inadequate funding.

## CHAPTER 2: IMPROVING OREGON'S CORRECTIONS POPULATION FORECASTS

### Introduction

In the course of developing the Strategic Corrections Plan, the Task Force discovered the importance of accurate corrections population forecasts to determine Oregon's need for new prisons and community sanctions. The Task Force commissioned the National Council on Crime and Delinquency (NCCD) to evaluate the feasibility of adapting its corrections population projection model to Oregon and ultimately concluded that the NCCD model should be installed as a permanent planning tool at the Department of Corrections.<sup>1</sup> Under a contract with the Department, NCCD has installed the model and trained the Department's staff in its operation.

The Task Force recognized from the outset of its work that present forecasting technology by no means represents a "crystal ball" for the prediction of future corrections needs. All available forecasting methods depend upon the accuracy of estimates or assumptions about the nature and extent of future changes in law enforcement, sentencing and corrections policies.<sup>2</sup> Nevertheless, the Task Force

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<sup>1</sup> The NCCD projection model simulates by computer the flow and length of stay of individual cases from a recent sample of offenders through prison and other correctional populations, such as temporary leave and parole, based upon current sentencing and release practices. Each case is given a profile of parameters that determines the length of stay in the various correctional populations. This profile is randomly drawn from distributions representing current policy and practices. The distributions are then loaded into the model, and individual offenders are simulated one-by-one, until all of the offenders who will pass through the system during the 10 year projection period are simulated. By this method, the model produces projections of future other corrections populations.

<sup>2</sup> The Task Force emphasized the importance of assumptions underlying the forecasting process, as well as the inherent limitations such assumptions place upon the accuracy of any projection model, in the Strategic Corrections Plan:

"Forecasts of future prison populations have inherent limitations. There is no crystal ball that can establish with certainty the amount of prison capacity needed in future years. The size of future prison populations is influenced by a wide variety of factors, such as changes in crime rates; law enforcement policies; the definition and classification of crimes; sentencing policies; parole policies; demographic and economic changes; the quality and success of parole and probation programs; the availability of community sanctions as alternatives to incarceration; and the availability of programs, such as alcohol and drug treatment, mental health, and youth intervention programs, that may prevent future criminal conduct. Therefore, the best that can be done is to project what the future prison population will be *if all current trends and policies were to remain constant*, and then to modify that projection upward or downward in accordance with anticipated policy changes." The Strategic Corrections Plan, p. 41 (emphasis in the original).

The Strategic Corrections Plan also provided a list of potential policy changes that could increase or decrease future prison populations in Oregon. The Strategic Corrections Plan, pp. 44-47.

concluded that Oregon should obtain the best available forecasting technology because of the importance of the issues at stake. Both public safety and the cost to taxpayers depend upon an accurate determination of the state's future corrections needs.

The Task Force also recognizes the importance of accurately forecasting corrections populations, other than the prison population. Such forecasts are necessary to determine the need for additional staff to supervise offenders in the community and for additional corrections programs to support that supervision, as well as to develop policies governing revocations of supervision, offender classification, earned prison credits and release from prison.<sup>3</sup> Moreover, corrections population forecasts are a necessary tool in accurately evaluating the impact of proposed criminal justice legislation and ballot measures, both in terms of new prisons and additional community sanctions.

Because of the importance of accurate forecasting, the Task Force not only attempted to obtain the most sophisticated and highly regarded forecasting technology in the country; it proposed a process to assure credible and accurate corrections population forecasting on a regular and formal basis.<sup>4</sup> This process was designed to promote accuracy, credibility and consensus in the state's forecasts of future corrections populations.

The Governor has directed the Task Force to report once again on the accuracy of current methods to forecast Oregon's prison populations and to make recommendations concerning how such forecasts can be made more accurately in the future. When the Task Force began its current investigation of forecasting methods,<sup>5</sup> it discovered that the recommendation in the Strategic Corrections Plan for a prison population forecasting process had not been implemented and that the

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<sup>3</sup> While the Strategic Corrections Plan and the Governor's Executive Order reconvening the Task Force refer to prison population forecasting, the Task Force has interpreted the scope of its responsibility to evaluate forecasting methods more broadly. The NCCD projection model has the capacity to forecast parole and post-prison supervision populations. The Task Force believes that these populations, as well as any other significant corrections populations which can be projected with available technology, should be part of any corrections forecasting process.

<sup>4</sup> See Recommendation 13.2, quoted in relevant part on pp. 40-42 of this chapter.

<sup>5</sup> The staff of the Task Force interviewed a variety of individuals involved in corrections population forecasting, or with particular interest or expertise in forecasting methodology, at the Department of Corrections, the Oregon Criminal Justice Council, the National Council on Crime and Delinquency, the Oregon Crime Analysis Center, the State Criminal Justice Services Division and the State Office of Economic Analysis and departments of corrections and research agencies in other states. The Task Force also received testimony and technical advice from Robert Jackson, Director of the Criminal Justice Services Division, Lloyd Smith, Manager of the Law Enforcement Data System, Kathleen Bogan, Executive Director of the Oregon Criminal Justice Council, Dr. Diane Craven, Senior Researcher at the Crime Analysis Center, Dr. James Austin, Executive Vice President of the National Council on Crime and Delinquency, and Mark Nassar, former Manager of the Research and Program Analysis Unit of the Department of Corrections.

NCCD projection model had not been used to generate projections since the Strategic Corrections Plan was completed in August 1988.<sup>6</sup>

That discovery provided the Task Force with an opportunity to reconsider the feasibility and potential effectiveness of the forecasting process recommended in the Strategic Corrections Plan and the validity and cost effectiveness of the NCCD projection model. The Task Force has concluded that its original recommendation for a prison population projection process represents an effective means to ensure accurate corrections forecasts and should still be adopted. The Task Force has also concluded that the NCCD projection model should continue to be operated by the Department in order to accurately project future corrections populations.

The Task Force believes that, by the 1991 legislative session, relevant conditions in the state should be sufficiently stable to justify the development of a formal forecast through the forecasting process recommended in this chapter. However, the accuracy of any forecasts generated by this process will depend upon adequate funding from the Legislature to staff the operation of the NCCD projection model and to fully implement the Department of Corrections new Offender Profile System.

### A Process for Accurately Forecasting

**2.1 The Task Force recommends that the Governor adopt by Executive Order the corrections population forecasting process recommended in the Strategic Corrections Plan as soon as possible in order to issue accurate corrections population forecasts for the 1991 Legislature. The Task Force also recommends that the 1991 Legislature adopt that corrections population forecasting process by statute.**

As part of its recommendation for a new Criminal Justice Information Division to provide greater criminal justice information, coordination and planning in the state, the Task Force recommended the following prison population forecasting process in the Strategic Corrections Plan:

"In order to ensure the accuracy and promote the credibility of Oregon's new prison population projection model, the [Criminal Justice Information] Division would assist in the development of and review, approve, and release the projections generated by the model. In the event the Division is not established, this function should be performed by the Executive Department."<sup>7</sup>

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<sup>6</sup> The Task Force did not focus on the reasons for the failure to implement the recommended forecasting process or to generate revised forecasts with the NCCD projections model. No criticism is intended in referring to these circumstances. As noted later in this chapter, changes in law enforcement, sentencing and corrections policies over the past two years, as well as the poor quality of criminal justice data in Oregon, would have made accurate forecasting extremely difficult.

NCCD recently advised the Task Force that a new preliminary forecast would be generated by the projection model. A copy of that June 13, 1990 preliminary forecast from the NCCD projection model is included in Appendix E of this report.

<sup>7</sup> The Task Force has not decided where in the Executive Department the forecasting process should now be placed and defers to the judgment of the Governor on this question.

"The projection model, which the Task Force and the Department of Corrections retained the National Council on Crime and Delinquency to design, and which formed the basis for the Task Force's assessment of the need for future prison capacity ... is now being installed at the Department. The model and its supporting staff should remain there. However, staff from the Division should be trained and participate in the development of preliminary projections by the Department in order to evaluate these projections effectively.

"The Division should be directed by statute to issue annual prison population projections after taking the following actions:

- "a. Submit the preliminary projection from the Department of Corrections to the Criminal Justice Information Systems Users' Group, together with a relatively small group of individuals from state agencies and higher education with the expertise in forecasting methods,<sup>8</sup> for review and comment regarding the accuracy of the preliminary projection and the validity and reliability of the procedures and methods used to produce that projection;
- "b. Submit the preliminary projection from the Department to the Criminal Justice Council for review and comment regarding the accuracy of the preliminary projection, a comparison of the projection with current sentencing guidelines projections, and the validity and accuracy of key assumptions underlying the projection, such as the future behavior of agencies within the criminal justice system and future criminal justice policies, procedures, and laws; and
- "c. Consider the comments from the Users' Group and the Council and direct the Department to make appropriate modifications.

"This process is modeled after Oregon's annual economic forecasting process. The input of the Users' Group into the process will ensure that final prison population projections are technically sound. The Criminal Justice Council's input will ensure that these projections are based on realistic policy assumptions and that a correlation exists between the long-term and short-term projections generated by the Department and the Council."<sup>9</sup>

In reconsidering this recommendation for a corrections forecasting process and its endorsement of the NCCD projection model, the Task Force received advice from

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<sup>8</sup> The Task Force now recommends that the following individuals should be included in this "relatively small group" of technical advisors: the Research Director of the Oregon Criminal Justice Council, the Manager of the Law Enforcement Data System, a Senior Researcher from the Crime Analysis Center, a Budget Analyst from the Office of Budget and Management, a Legislative Fiscal Analyst, an economist from the Office of Economic Analysis, and two faculty members from different universities or colleges in the state with expertise in criminal justice policy, statistical science and forecasting methodology.

<sup>9</sup> The Strategic Corrections Plan, pp. 167-168.

all of its consultants that the following three factors are essential to forecasting corrections populations accurately:

1. All available projection models start with the assumption that current law enforcement and corrections policies and trends will remain constant. However, policies and trends in the criminal justice system rarely remain constant. Therefore, special attention must be devoted to ensuring the validity of assumptions concerning which policies and trends will change and the accuracy of estimates concerning the extent of any changes.

This process of establishing assumptions must include relevant criminal justice decision-makers, public officials who administer the criminal justice and corrections systems and representatives of affected agencies throughout the state, as well as technical advisors with expertise in criminal justice policy, statistical science and forecasting methodology. The people involved in the process should meet regularly to monitor and analyze available indicators of changes in relevant policies and trends, and any emerging disparities between actual and projected corrections populations.

The Task Force has been advised that underlying assumptions about the following policies and trends are of particular importance in developing accurate forecasts:

- a. Arrest rates;
  - b. Prosecution rates;
  - c. Rates of conviction;
  - d. Rates of commitments to prison;
  - e. Rates of imposition of probation, departures from presumptive sentences and consecutive sentences under sentencing guidelines;
  - f. Rates of revocation of parole and post-prison supervision;
  - g. Rates of work and education credits granted to prison inmates;
  - h. Rates of transitional leave granted to prison inmates; and
  - i. Passage of new legislation and ballot measures affecting criminal justice and corrections policies and procedures.
2. The process of forecasting corrections populations should be as independent as possible from the processes of developing corrections and law enforcement policies. The forecasting process requires an objective analysis of the assumptions about future law enforcement and corrections policies, the empirical trends affecting the projection, the methodology used in generating forecasts from the projections model, and the quality of available criminal justice and corrections data relevant to the forecast.

If this analysis takes place as an integral part of the development of criminal justice or corrections policy, there is a serious risk that the analysis and the forecasts it produces will be manipulated to conform to the preferred policies

under consideration. The Task Force's consultants unanimously recommended that Oregon establish the most open and independent process possible in order to ensure accurate forecasts.

3. All projection models depend upon reasonably reliable and valid criminal justice data. As with any computer system or simulation process, "garbage in, garbage out" applies to corrections population projection models.

The accuracy of the following criminal justice information is essential to generating accurate corrections population forecasts:

- a. Annual rates of arrests by sex, race, age, type of offense and guideline category;
- b. Annual rates of convictions by sex, race, age, type of offense and guideline category;
- c. Annual rates of court dispositions by sex, race, age, type of offense and guideline category;
- d. Annual prison admissions by sex, race, age, type of commitment (i.e., new sentence, probation violation, technical parole violation, parole violation for a new crime), type of offense, guideline category, sentence, and jail credits;
- e. The current prison population by sex, race, type of commitment, type of offense, guideline category and expected release date;
- f. Annual prison releases by sex, race, type of commitment, type of offense and guideline category;
- g. Annual parole decisions by sex, race, type of offense and guideline category;
- h. The current parole population by sex, race, type of offense, guideline category, and expected release date;
- i. Annual parole releases by sex, race, type of offense and guideline category.<sup>10</sup>

The Task Force concludes that the original recommendation in the Strategic Corrections Plan for a corrections population forecasting process accounts for each of the three foregoing factors. First, the process was designed to maximize input from a wide variety of individuals regarding the validity of the underlying assumptions about future criminal justice and corrections policies and trends. The Criminal Justice Council, made up of agency administrators from every segment of the state's criminal justice system, was included in the process as the primary source of informed and realistic input concerning these assumptions. The role of Criminal Justice Information System Users' Group and the small group of technical advisors in the process would relate primarily to the reliability and validity of underlying data and methodology. However, these groups would also be expected to give input on the validity of underlying assumptions about policies and trends. The Task Force's

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<sup>10</sup> For more detailed information on the data requirements of a corrections population projection model, see Oregon Department of Corrections, Population Projections Model Data Dictionary.

original recommendation also contemplated regular meetings of these groups to monitor and analyze indicators of changes in policies and trends, as well as any disparities between actual and projected corrections populations.

Second, the recommended process was designed to be separate from and independent of the development of law enforcement and correctional policies in the Executive Branch of state government. Absolute independence cannot be assured, since many individuals involved in the forecasting process will also be involved in the policy making process. Nevertheless, the Task Force believes that the open and formal nature of the proposed process will ensure the greatest possible objectivity and accuracy of corrections population forecasts.

Third, the process was designed to ensure that all criminal justice data and methods used to develop forecasts will be evaluated for reliability and validity. Both the Users' Group and the technical advisors group would be responsible for this evaluation.<sup>11</sup>

### **Recommendation Regarding Forecasting Technology**

**2.2 The Department of Corrections should continue to operate the National Council on Crime and Delinquency's corrections population projection model. However, the Legislature must provide additional funding to support its effective operation.**

The Task Force remains convinced that NCCD has developed one of the most sophisticated and highly regarded instruments available to forecast future corrections populations.<sup>12</sup> NCCD has extensive experience in assisting other states to accurately project their future populations over the past decade. In addition to Oregon, its projection models have been installed in California, Florida, Illinois, Louisiana, Massachusetts, Michigan, Nevada, Ohio, Oklahoma, Tennessee and Virginia.<sup>13</sup>

Even though Oregon experienced rapid changes in law enforcement and corrections policies over the past two years, NCCD's projection model is generating accurate projections of monthly prison populations with the October 1988 data currently loaded in the model. The Department recently reported that, from November 1988 through June 1990, the difference between the preliminary projections of monthly prison populations from NCCD's model and the actual population counts was less than one percent.<sup>14</sup>

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<sup>11</sup> The Task Force understands that the Users' Group is currently inactive, pending completion of a statewide evaluation of criminal justice information needs by the Criminal Justice Services Division. The Task Force urges the Governor to reactivate the Users' Group once the criminal justice information system study is completed, in order to ensure maximum input from all affected state and local agencies in plans for new criminal justice information systems, as well as to participate in the corrections population forecasting process recommended here by the Task Force.

<sup>12</sup> See The Strategic Corrections Plan, p. 41.

<sup>13</sup> See J. Austin and A. McVey, "The 1989 NCCD Prison Population Forecast: The Impact of the War on Drugs," NCCD Focus (December 1989).

<sup>14</sup> See Appendix E.

The Task Force has received three general criticisms of the NCCD projection model. The first criticism is that the NCCD model is relatively expensive, in comparison to other available projection or simulation models. For example, the "Impact" model marketed by the Criminal Justice Statistics Association costs less than \$1,000 and requires a relatively small amount of training to operate. The installation of the NCCD model and training of staff to operate it does cost much more. However, those costs have already been incurred by the Department of Corrections and the model is installed and operational.

A cost which should be of concern to the 1991 Legislature is the two full-time technical staff positions that the model requires. NCCD recommends this level of staffing in order to operate the model effectively and to monitor policies and trends in the state, such as rates of arrests, convictions, sentencing dispositions, prison admissions and supervision revocations.<sup>15</sup>

The Task Force has concluded that these staffing requirements of the NCCD projection model are justified. First, the model is capable of generating more detailed and comprehensive projections of a variety of corrections populations than other available projection models. The Department has many other important policy decisions to make in addition to determining prison construction, which the NCCD model will support with relevant projections. These decisions involve policies governing the need for additional field services staff and community sanctions, releases or leaves from prison, prison term credits for participation in institutional programs and good behavior, and the classification of offenders in custody and under supervision.

Second, the Department needs additional technical research staff to analyze policies and trends in the criminal justice and corrections system and to monitor the quality of criminal justice and corrections data, no matter which projection model is operated by the Department. The Department of Corrections is, in essence, a \$150 million a year business that needs to know much more about the effects its policies are having on public safety and what effect external policies and trends are having on its operations.

Third, the staffing costs for the NCCD model pale in significance to the costs associated with inaccurate or imprecise projections of the needs for additional correctional sanctions. For example, the Department of Corrections currently estimates that one medium security prison cell costs approximately \$21,000 to \$66,000 to construct and approximately \$15,000 per bed to operate annually. The average annual cost of supervising one offender on parole in the community is \$2,000.<sup>16</sup> Only a few miscalculations in projecting such needs would equal the cost of adequate research staff at the Department of Corrections.

The second general criticism which the Task Force has heard concerns the NCCD model's dependence upon a relatively large quantity of reasonably accurate and

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<sup>15</sup> The Task Force has received reports that, once accurate and reliable criminal justice and corrections data is being gathered and reported in a state, the requirements to staff the model can be reduced to one full-time technical staff person.

<sup>16</sup> This estimate is based upon a caseload of 41 offenders per officer.

reliable data.<sup>17</sup> The Task Force is aware that other models like "Impact" require less accurate and comprehensive data to operate.

However, the Task Force does not believe this criticism justifies abandonment of the NCCD model. First, the Task Force now believes Oregon is committed to the development of accurate, reliable and comprehensive data throughout its criminal justice and corrections systems, as evidenced by the positive responses from the Governor and 1989 Legislature to recommendations in the Strategic Corrections Plan to improve the state's data collection and information systems. Accurate, reliable and comprehensive data is not only essential for the operation of the NCCD projection model, it is essential for the formulation of policies by all criminal justice agencies, including state and local police, prosecutors, courts, the Criminal Justice Council, the State Sentencing Guidelines Board, as well as the Legislature.

Second, the NCCD model's demand for data results from its capacity to generate detailed projections of a variety of corrections populations. As mentioned previously, these projections are important in formulating important corrections policies, in addition to the need for more prisons.

Third, while Oregon is developing more accurate and reliable criminal justice information systems, other models like "Impact," can be used to generate reasonably accurate, if less refined, projections of corrections populations.

The final general criticism which the Task Force has heard about the NCCD model concerns the time it takes to generate projections in response to actual or potential changes in policies or trends. This criticism relates to the quantity of data which must be "loaded" into the NCCD model in order to generate the detailed and comprehensive projections within the model's capacity. The Task Force recognizes that available alternatives like the "Impact" model can generate projections of the effects of proposed legislation or other changes in policies and trends within a matter of hours, as opposed to the days or weeks it may take for the NCCD model to generate such projections.

However, the Task Force does not believe this criticism justifies abandoning the NCCD model either. First, the Task Force recommends that "Impact" or a similar model be used by the Department and other appropriate agencies to assist the Legislature in developing rapid, if relatively imprecise, projections of the impact of proposed criminal justice or corrections legislation during legislative sessions.

Second, the Task Force does not believe that the time it takes the NCCD model to produce projections precludes its use in generating projections of the impact of major changes in criminal justice or corrections policies. For example, in 1988, the Task Force retained NCCD to project the impact on corrections populations of changes in prison release policies and offenders' failure rates under community supervision.<sup>18</sup> The Task Force believes that such important changes in policy justifies the time required by the NCCD model to produce a detailed and comprehensive assessment of their impact.

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<sup>17</sup> This requirement for data also contributes to the costs of adequately staffing the NCCD model.

<sup>18</sup> The Strategic Corrections Plan, pp. 39-47.

Third, the primary purpose for installing the NCCD model in Oregon was to generate annual forecasts of corrections populations with sufficient detail for the Department of Corrections to react effectively to emerging trends and to formulate cost-effective corrections policies. The fact that NCCD's projection model takes eight hours or several months to generate these annual projections does not diminish the model's utility in accomplishing this essential function.

The Task Force emphasizes that its endorsement of the continued operation of the NCCD corrections projection model is not intended to rule out the use of alternative methods, or other simulation and projection models. Each forecasting method or model has its strengths and weaknesses, in terms of cost, accuracy, responsiveness and precision.

The Task Force stresses that one of the most important conditions for accurate corrections population forecasting is the process used to develop assumptions about policies and trends that must underlie any simulation or projection model. Once that process is in place, all methods and models currently available, including "Impact" and the Criminal Justice Council's structured sentencing model, should be used in conjunction with the NCCD model to develop accurate corrections population forecasts.

The stakes are simply too high, both in terms of the monetary costs associated with overestimating the size of future corrections populations and the costs to public safety associated with underestimating their size, to reject any credible methodology that assists the forecasting process. Therefore, the Task Force recommends that the Legislature and the Department of Corrections acquire any other reputable simulation or projection models that supports the process of accurately forecasting Oregon's future corrections populations.

Finally, the Task Force reemphasizes the critical importance of continued support by the Legislature to upgrade the information systems at the Department of Corrections and the Parole Board.<sup>19</sup> In particular, the Department must receive adequate funding, as well as the cooperation of other affected agencies, to complete the development of its new Offender Profile System as soon as possible. Without the full implementation of the Offender Profile System, it will be impossible to generate the kind of comprehensive, detailed and accurate corrections population forecasts recommended in this chapter.

### Conclusion

The Task Force wishes to repeat a general note of caution about corrections population forecasting. As the Strategic Corrections Plan made clear, the accuracy of any forecast of Oregon's corrections populations over the past two years was extremely problematic due to the many comprehensive changes taking place in the state's law enforcement, sentencing and corrections policies. Some of the most important policy changes, such as felony sentencing guidelines and the recommendations in the Strategic Corrections Plan, should be fully implemented within the next few years. By then, forecasting corrections populations should be a less daunting task.

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<sup>19</sup> See Recommendations 1.8 and 1.11 in Chapter 1 of this report.

However, Oregon's corrections and criminal justice systems will always be subject to unforeseen changes in behavior by key decision-makers, such as police, prosecutors and judges, as well as rapid shifts in policy by legislation or ballot measure. Therefore, corrections populations forecasts must be developed carefully and with broad consensus. These forecasts must also be viewed with caution. Nevertheless, like economic forecasts, with their own checkered history of accurately predicting the future, corrections population forecasts are an essential component to corrections planning until that proverbial "crystal ball" is discovered.

# **CHAPTER 3: ADDRESSING THE CORRECTIONAL NEEDS OF WOMEN OFFENDERS: BREAKING CYCLES OF FAMILY DYSFUNCTION AND DRUG ABUSE**

## **Introduction**

This chapter addresses unique and significant correctional needs of women offenders. Correctional facilities, institutional programs, and community sanctions and services for women all must be designed with these needs in mind in order to promote public safety.

The Task Force wishes to emphasize at the outset, however, that most sound corrections strategies apply equally to women and men offenders. The corrections system must use a balanced approach in dealing with women and men offenders, including effective community sanctions and services, as well as adequate prison capacity and institutional programs. The system must also have sufficient intermediate sanctions and intensive supervision programs to deal with all offenders in the community who need more supervision than regular probation and less structure and control than prison incarceration. Effective institutional and community-based programs and services should support women and men offenders in developing work and life skills, and addressing their alcohol and drug abuse problems. A balanced corrections system should also provide release planning and transitional support services for all offenders returning to their communities from prison.

Accordingly, virtually all of the Task Force's general recommendations in the Strategic Corrections Plan apply to women, as well as men. This chapter is devoted to strategies and recommendations that meet some unique correctional needs of women offenders.

With assistance of a Working Group of technical advisers,<sup>1</sup> the Task Force has developed strategies and recommendations for women offenders in prison and the community. They were designed with the following developments in mind.

## **Trends and Profiles**

Although women make up only a small number of Oregon's offender population, they are entering the state's corrections system in increasing numbers. As a result, Oregon's state correctional facilities and community sanctions and supervision programs for women are critically overcrowded.

Recent studies throughout the country report that women are being arrested at higher rates than ever before, although their crimes remain predominately nonviolent

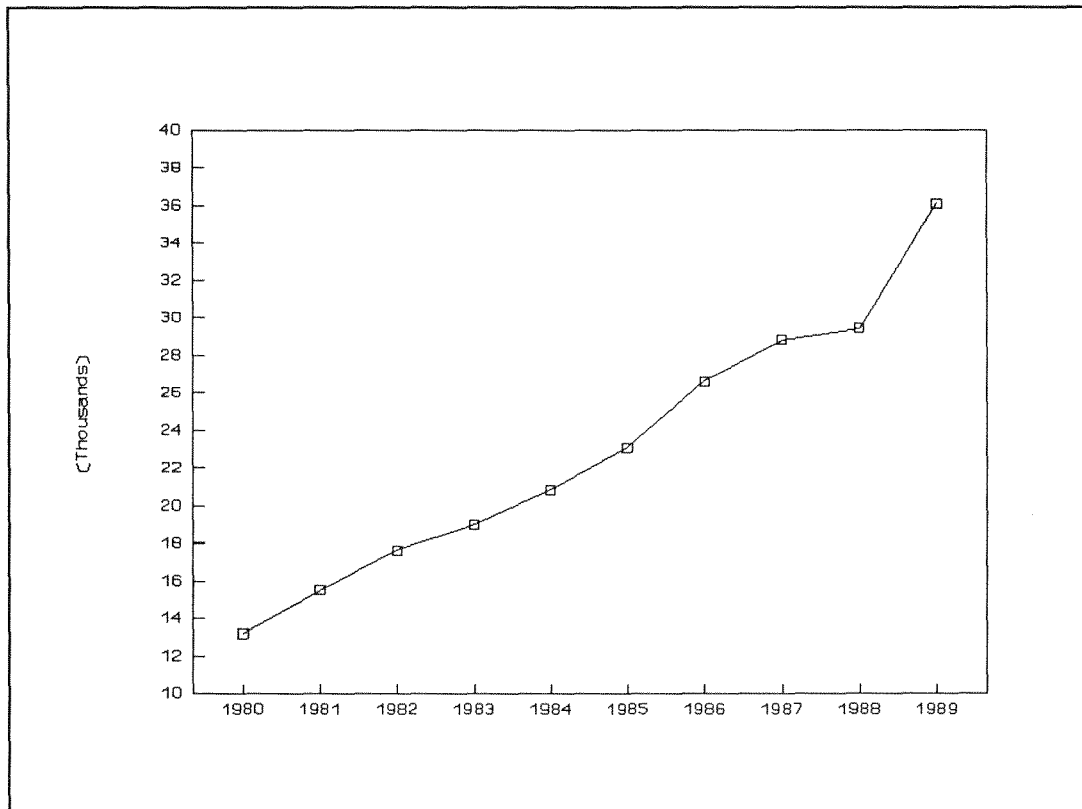
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<sup>1</sup> The Task Force appointed a 10-member Women Offenders Working Group to assist the Task Force in the development of this chapter. The Working Group consisted of representatives of law enforcement, local and state corrections, higher education, private organizations serving women offenders, circuit and district courts, the Oregon Criminal Justice Council, and the treatment and legal professions. Two members of the group were former women inmates.

and economically motivated.<sup>2</sup> In Oregon, those crimes have historically included theft, larceny and forgery.<sup>3</sup>

As Table A indicates, the number of women in prisons across the country has almost tripled in the last 10 years.

**TABLE A**  
**Women in Federal and State Prisons<sup>4</sup>**



<sup>2</sup> Oregon Criminal Justice Council, "Crime and Punishment in Oregon Courts: 1986 Felony Sentencing Practices" (1988).

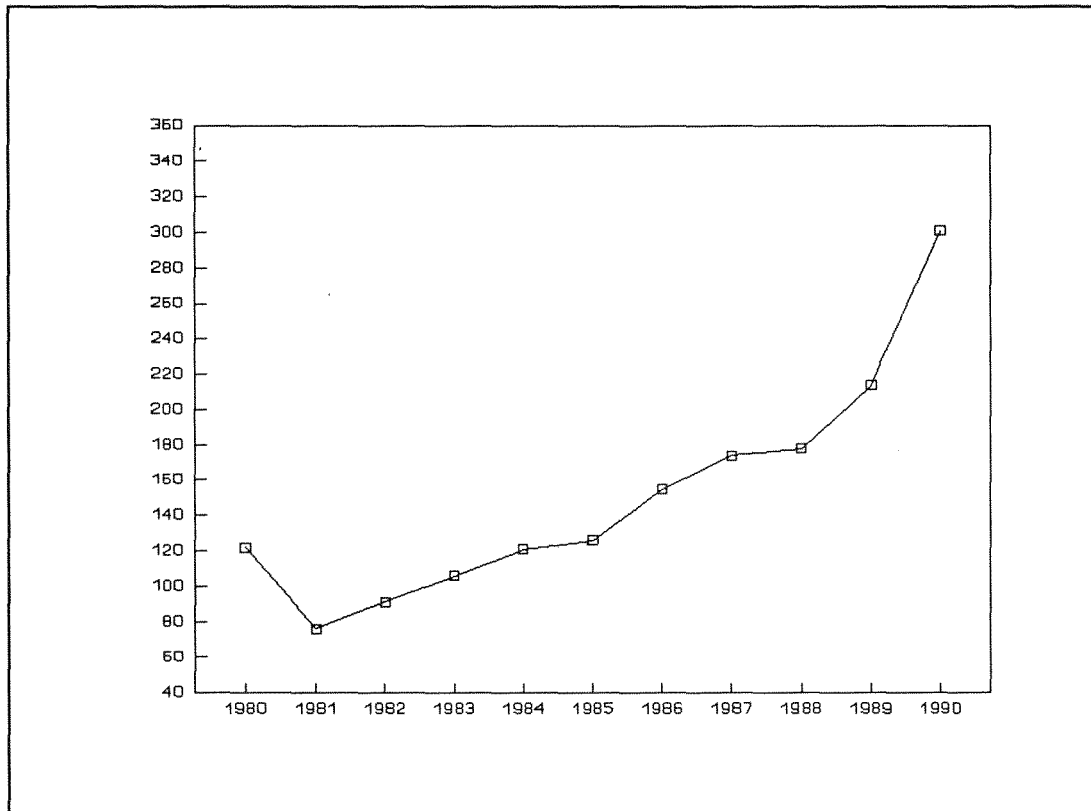
<sup>3</sup> The Criminal Justice Council reports the following distribution of crimes for which women were sentenced in 1986:

|                 | Percent of Total |
|-----------------|------------------|
| Forgery I       | 24%              |
| Theft I         | 20%              |
| Robbery I       | 12%              |
| Drug Delivery   | 5%               |
| Drug Possession | 5%               |

<sup>4</sup> Report from the Bureau of Justice Statistics.

As Table B demonstrates, the women's prison population in Oregon was relatively stable between July 1987 and May 1988, but has increased rapidly since then.

**TABLE B**  
**Women in Oregon's Prison System<sup>5</sup>**



From 1987 to 1990, the female prison population in Oregon increased by 95 percent.<sup>6</sup> The Department of Corrections reports that on July 1, 1990 there were 315 women in prison. Preliminary projections from NCCD's population projections model indicate that, by July 1, 1995, the women's prison population will be 676.

Oregon's new sentencing guidelines system may be a factor contributing to an increase in the future prison population of women. For example, the Oregon Criminal Justice Council's 1986 data reveals that 8.7 percent of the women convicted of felonies were sentenced to prison. If sentencing guidelines had been in effect

<sup>5</sup> Department of Corrections Chartbook (June 1990) and Department of Corrections, Daily Population Count Sheets (1980-1990).

<sup>6</sup> Oregon Criminal Justice Council, "Trends in Women's Incarceration in Oregon: July 1987 to April 1990," (1990). By comparison, the male prison population increased by 46 percent.

at that time, the prison commitment rate would have been 10.7 percent of the women convicted of felonies.<sup>7</sup>

However, at this time, it is difficult to predict the actual effects sentencing guidelines will have on the corrections population of women. The Criminal Justice Council, in the course of developing its projections of the effects of guidelines, assumed that judges will depart from the presumptive sentences established by sentencing guidelines at the same rate in sentencing women and men. Actual experience with sentencing guidelines may reveal variations in departure rates for women as compared to men, thereby producing effects on the corrections populations of women that could not be predicted.

The Criminal Justice Council also projects that the makeup of the state's women prison population will change dramatically as felony sentencing guidelines take full effect.<sup>8</sup> Table C represents the Council's projection of the effects of sentencing guidelines on the women's prison population. The table compares the actual offenses of conviction for women offenders sent to prison in 1986 with the offenses of conviction for the projected prison population of women if sentencing guidelines had been in effect.

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<sup>7</sup> Oregon Criminal Justice Council, "Crime and Punishment in Oregon Courts: 1986 Felony Sentencing Practices" (1988).

<sup>8</sup> Although felony sentencing guidelines apply to all offenses which occurred after November 1989, the full impact of guidelines on the corrections system will not be felt until most offenders are sentenced under the guidelines.

**TABLE C**  
**Offense Profiles of Women Sentenced to Prison in 1986**  
**Expected Distribution of New Court Commitments Under Guidelines**

| Primary<br>Offense | 1986<br>Court Commits <sup>9</sup> |       | Presumptive<br>Prison Under Guidelines <sup>10</sup> |       |
|--------------------|------------------------------------|-------|--|-------|
|                    | Number                             | %     | Number   | %     |
| Arson              | --                                 | --    | --   | --    |
| Assault            | 2                                  | 1.9   | 13   | 10.1  |
| Burglary           | 8                                  | 7.6   | 8  | 6.2   |
| Driving            | 3                                  | 2.9   | --   | --    |
| Drugs              | 11                                 | 10.5  | 53   | 41.1  |
| Possession         | 5                                  | 4.8   | 18   | 14.0  |
| Distribution       | 6                                  | 5.7   | 35   | 27.1  |
| Forgery/Fraud      | 25                                 | 23.8  | --   | --    |
| Homicide           | 8                                  | 7.6   | 14   | 10.9  |
| Rape/Sodomy        | 1                                  | 1.0   | 3  | 2.3   |
| Robbery            | 15                                 | 14.3  | 19   | 14.7  |
| Sex Abuse          | 1                                  | 1.0   | 3  | 2.3   |
| Theft/Auto Theft   | 22                                 | 21.0  | 4  | 3.1   |
| Other              | 9                                  | 8.6   | 12   | 9.3   |
| Unknown            | --                                 | --    | --   | --    |
| TOTAL              | 105                                | 100.0 | 129  | 100.0 |

This information suggests that prison commitments of women for such crimes as forgery, fraud, and theft will drop dramatically in the future, while prison commitments for such crimes as assault and robbery will increase. Furthermore, over four times more women may have been committed to prison for drug offenses if sentencing guidelines were in effect in 1986. Such changes have serious implications for the construction and operation of prisons, including the levels of security and type of programs provided by the state's correctional facilities.

The impact of sentencing guidelines will also be felt in the community. Table D compares the offenses of conviction for Oregon's felony probation population of women on May 1, 1990, with the Criminal Justice Council's projection of those offenses for the population in 1995.

<sup>9</sup> Figures include new court commitments only. They do not include those admitted to prison in 1986 on a parole or probation revocation unless it involved a conviction for a new felony crime.

<sup>10</sup> Figures based upon those sentenced in 1986 under a new felony conviction who would have been subject to a presumptive prison sentence under the sentencing guidelines.

**TABLE D**  
**Current Distribution of Female Felony Probationers**  
**vs.**  
**Expected Distribution Under Guidelines (1995)<sup>11</sup>**

| Primary<br>Offense | May 1, 1990<br>Female Felony Probationers<br>% | Expected 1995<br>Guidelines Distribution<br>% |
|--------------------|--|---|
| Person Crime       | 5.8  | 5.5   |
| Drug Crime         | 43.3   | 29.3  |
| Forgery/Fraud      | 19.2   | 24.7  |
| Theft/MV Theft     | 18.2   | 20.7  |
| Other              | 13.5   | 19.8  |
| TOTAL              | 100.0  | 100.0   |

Although the proportion of women offenders convicted of drug crimes on probation will drop, those offenders may still make up nearly one-third of the population of women offenders under probation supervision in 1995. Furthermore, because the number of women offenders on felony probation will also increase by 1995, the percentage increases in women offenders convicted of theft, forgery and fraud reported in Table D will have a substantial impact on the administration of community sanctions and supervision programs.

Women convicted of crimes such as theft, forgery and fraud may not pose the same threat to public safety as women convicted of person crimes. However, the repetitive nature of their criminal conduct, which is often associated with drug abuse, will place increasing demands on parole and probation officers to monitor and supervise these women offenders effectively in the community.

From the foregoing information, the Task Force has concluded that the number of women in Oregon's correction system is likely to increase significantly over the next decade. Furthermore, due to the enactment of sentencing guidelines, the makeup of the populations of women offenders in prison and in the community will probably change dramatically.

These trends have important implications for long-run corrections planning. First, any new prison construction must be based on the most accurate population forecast possible of what apparently are growing corrections population. Second, changes in the makeup of the corrections population of women need to be anticipated in order to construct appropriate facilities and develop effective corrections sanctions and services.

<sup>11</sup> Statistics on current female felony probationers were obtained from the Department of Corrections. The expected distribution under guidelines is based upon the Criminal Justice Council's projections.

### Unique Correctional Needs of Women

The Task Force recognizes that correctional sanctions and services must be designed to address some unique and important needs of women offenders. Obviously, all women offenders must be housed separately in state correctional facilities. Furthermore, many institutional and community-based programs and services must account for some special needs of women in order to promote their successful return to the community.

The Task Force's technical advisors emphasized several significant differences between men and women offenders. First, more women are responsible for raising their children. Many of these offenders are also single parents without adequate family support for their parenting responsibilities.

Second, while alcohol and drug abuse problems are pervasive among all offenders, women offenders have exceptionally high rates of drug abuse. The Task Force's technical advisors also submit that women offenders generally have more positive attitudes about treatment and counseling and, therefore, are more likely to participate in programs for the treatment of alcohol or drug abuse.

Third, the Task Force's technical advisors point out that many women offenders have been physically or sexually abused. These experiences cause particular problems of low self-esteem and social dysfunction among women offenders which may inhibit their progress in correctional programs.

Fourth, although women offenders are generally more educated than male offenders, the Task Force's technical advisors indicate they have fewer marketable job skills or work experience. Corrections industries, vocational training, and employment placement programs should be designed to address the unique market conditions that women offenders confront in the community.

### Two Special Corrections Strategies for Women

The Task Force has emphasized throughout its work that the primary objective of Oregon's corrections system, for both men and women, should be to promote public safety. To accomplish this objective, corrections strategies should be focused and cost-effective.

Therefore, the Task Force proposes two special corrections strategies to address the most pervasive and pressing needs of women offenders. First, many women offenders in prison and the community have legal custody of their children. In 1986, for example, 45 percent of the women incarcerated in the Oregon Women's Correctional Center (OWCC) in Salem were mothers. Moreover, 38 percent of OWCC's inmates were single parents.<sup>12</sup>

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<sup>12</sup> Oregon Criminal Justice Council, "Crime and Punishment in Oregon Courts: 1986 Felony Sentencing Practices" (1988). National figures indicate that between 70 to 80% of incarcerated women are mothers of dependent children. See B. McGowan and K. Blumenthal, Why Punish the Children: A Study of Children of Women Offenders (National Council on Crime and Delinquency 1978); E. Selholz, Women in Jail: Unequal Justice (1990).

Available research may not conclusively establish a cycle of crime, in which the children of women offenders eventually become offenders due to a lack of emotional support and dysfunctional families.<sup>13</sup> However, the Task Force's technical advisors have emphasized the significance of the social and interpersonal dysfunction which children suffer as a result of having their mothers in prison, suffering from drug abuse, or enmeshed in a criminal lifestyle.

The Task Force believes that Oregon should adopt corrections strategies that aggressively intervene in this "cycle of family dysfunction" by supporting relationships between mothers and their children while these women are in the state's corrections system. The children of women offenders in Oregon should not be held responsible for their mothers' crimes; they are victims of those crimes.

Second, drug abuse represents a pervasive problem for women offenders. As a result of its new offender classification system, the Department of Corrections has documented the fact that 75 percent of women prison inmates have serious alcohol or drug abuse histories.<sup>14</sup> The Department also reports that approximately 70 percent of women offenders currently under supervision in the community have serious alcohol and drug abuse problems.

Therefore, the Task Force recommends that the 1991 Legislature and the Department of Corrections support two special strategies for women offenders: (1) break the cycle of family dysfunction between women offenders and their children by strengthening relationships between mothers and children and (2) aggressively treat drug abuse among women offenders.

The Task Force believes that these two strategies will serve the long range goal of reducing the demand for more prisons and other corrections resources in Oregon. By supporting the parenting responsibilities of women offenders and addressing their drug abuse problems, the recidivism rate of women offenders and the demand for new prisons to house them should be reduced. Moreover, promoting the family relationships of the children of women offenders should reduce the chances that they will become a part of Oregon's population of offenders in the future.

**3.1 The Task Force recommends that correctional facilities and programs for women offenders should be designed by the Department of Corrections and funded by the Oregon Legislature to strengthen and promote relationships between women offenders and their children. The 1991 Legislature should also support the development of effective drug abuse programs, in correctional facilities and in the community, which are specifically designed for women offenders.**

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<sup>13</sup> See, e.g., J. Goldstein, A. Freud & A. Solnit, Beyond the Best Interests of the Child (1979). C. Feinman, Women in the Criminal Justice System (2d ed. 1986); P. Morris, Prisoners and Their Families (1965) A. Stanton, When Mothers Go to Jail (1980); P. Baunach, "You Can't Be a Mother and Be in Prison . . . Can You? Impacts of the Mother-Child Separation" in The Criminal Justice System and Women (B. Price & N. Sokoloff ed. 1982); L. Rosenkrantz & V. Joshua, "Children of Incarcerated Parents: A Hidden Population," Children Today, Jan.-Feb. 1982; W. Sack, "Children of Imprisoned Fathers," 40 Psychiatry 163 (1977).

<sup>14</sup> Department of Corrections, "Women Inmates: Profile of Custody Matrix Inmates," Central Classification, 6/26/90, p. 2. A copy of this document is included in this report as Appendix F.

### Women Offenders in the Community

In order to implement these two special corrections strategies for women offenders, the Task Force urges the 1991 Legislature to establish or expand the following sanctions and services for the supervision and support of women offenders in the community.

**3.2 Community-based "Day Centers," which emphasize drug abuse treatment and education, should be established for women offenders. The facilities should include a day care center for the children of women offenders, modeled after the "Relief Nursery" program in Eugene, that focuses on the development of parenting skills.**

Day Centers should be established as a base of support for women offenders who have been released from prison or are on probation. These non-custodial facilities should provide program support and skill development to reduce the likelihood that women offenders in the community will return to prison.

Programs and services offered at these Centers should be designed to support intensive or regular supervision programs. Because many of the Center's services would be offered in groups, the program should be a cost-effective method to deliver support services to women offenders.

Day Centers would provide counseling and training in three areas: (a) alcohol and drug abuse; (b) practical life skills; and (c) parenting. Life skills classes would emphasize financial planning, health, hygiene, and nutrition, and vocational training.

A day care program for children should also be provided at the Centers. This program offers several benefits. It will ease the financial burden for women who have difficulty using the Centers' services without day care. It will provide an environment to teach and practice parenting skills. It will enable offenders to preserve and strengthen family relationships while still under correctional supervision.

The Task Force recommends the nationally recognized "Relief Nursery" program in Eugene as a model day care program for the Day Centers. The Relief Nursery provides low-cost day care, with education for family members at risk of physical and emotional abuse.

The Relief Nursery's program provides a children's program emphasizing basic learning skills. A parent's program focuses on anger and behavior management, child development, safety, nutrition, and parenting skills.

The Relief Nursery also emphasizes early intervention. Pre-school is offered for children aged six weeks to six years, who attend the school for three hours twice a week. Two meals are served at the school each day.

The pre-school has paid teachers on its staff whose college degree qualifies them as early intervention specialists. There are also paid assistant teachers and volunteers on the staff. An individual curriculum is developed for each child, and in some cases, home visits are arranged. The Relief Nursery in Eugene reports its cost as \$2,400 per family per year.

The Task Force recommends that one or more Day Centers should be established to serve at least 100 women offenders throughout the state. These Centers should

first be located in areas with the largest populations of women offenders in order to operate them on a cost-effective basis. The Centers could be established and operated by local governments or private service providers under contract with the Department of Corrections.

### **3.3 Community-based residential programs offering drug abuse treatment for women offenders on probation should be established.**

The Task Force endorses the Department of Correction's current plans to establish a 48 bed alcohol and drug treatment program for women at the new Columbia River Correctional Institution under construction in Portland. This program represents a positive first step to implement the strategy of aggressively treating drug abuse among women offenders.

However, women offenders under probation supervision in the community will not qualify for this program. On June 1, 1990, there were 6,747 women on probation. The Department of Corrections estimates that 70 percent of them have a serious alcohol or drug abuse problem.

Therefore, the Task Force recommends that additional residential programs for the treatment of alcohol and drug abuse be established to treat women probationers. These programs should be provided by local public agencies or private service providers under contract with the Department of Corrections.

"Our New Beginnings", a residential program operating in Portland, could serve as one model for the kinds of programs recommended by the Task Force. The Department of Corrections has also provided funding through federal block grants and the Community Sanctions and Alternatives Fund established by the 1989 legislature to support other community-based programs that could also serve as models for drug abuse treatment programs.

### **3.4 Supervised transitional housing and support services for women offenders, such as food, clothing, vocational training and employment placement, should be expanded.**

Many women offenders in prison currently pose lower risks than male inmates. For example, 64 percent of women inmates did not use violence or the threat of violence to commit their crimes. 89 percent have no prior history of person-to-person crimes.<sup>15</sup> However, like male offenders, women pose immediate risks of failure under supervision in the community if they have no transitional housing or support upon release from prison and until they secure long-term housing and gainful employment.

Transitional housing for women offenders should be provided in conjunction with support services, such as employment placement, and job training, to ease the adjustment to life in the community and increase the chances of a stable lifestyle. Transitional housing and support service can be provided to women offenders through contracts with counties or private service providers.

### **3.5 The 1991 Legislature should provide funding for Children's Services Division (CSD) caseworkers to specialize in the problems of women offenders in the**

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<sup>15</sup> See Appendix F.

**community and promote the relationship between women offenders and their children. A CSD caseworker should also be assigned to each women's correctional facility to promote this relationship during incarceration and to support the transition of women offenders from prison to a stable life with their children in the community.**

Women offenders need support and counseling to meet their responsibilities as mothers with legal custody of their children. The Task Force's technical advisors report that many women in prison feel guilt, anxiety, and fear about their children. Many are also afraid that their parental rights or custody of their children will be terminated while serving time.

As a result of these feelings, as well as limited information about rights and responsibilities of parental custody, women offenders frequently aggravate the challenges already facing them and their children. For example, they may place a child with an abusive friend or relative, further victimizing the child while believing this placement is necessary to maintain legal custody.

CSD and the Department of Corrections need to cooperate in providing accurate information about custodial rights and responsibilities and ensuring appropriate living conditions for the children of women offenders. A CSD caseworker assigned to women's correctional facilities will help to accomplish these goals. This person should be specially trained to address the unique special needs and problems of women offenders.

The Task Force understands that such a position existed at OWCC until it was eliminated in 1980. That position should now be reestablished at OWCC and created at other correctional facilities for women.

Specially trained CSD caseworkers should also be available to address the unique problems and concerns of women offenders with children in the community. The challenges of raising children upon release from prison can be overwhelming to women offenders, in light of the many other problems facing them, including limited financial resources, drug abuse problems, histories of physical or sexual abuse in their families and limited coping and parenting skills. CSD caseworkers in the community can assist women offenders in dealing with their parenting responsibilities, which should improve the lives of their children and help break the cycle of family dysfunction that plagues women offenders and their children.

This recommendation is already supported by law. ORS 423.020 provides, in part, that ". . . the Department of Corrections and the Department of Human Resources shall continue to jointly develop and implement needed social and rehabilitative services [for offenders]. . . ." However, the 1991 Legislature must also provide adequate funding to implement this recommendation.

### **3.6 Parole and probation officers who supervise women offenders should be provided with specialized training.**

As noted earlier, many women offenders have legal custody of children and are single parents. Relatively few have functional families to provide parenting support, and many lack job skills or training.

Over 80 percent of women convicted of crimes never go to prison and the rest are eventually released from prison. On June 1, 1990, 6,747 women were on probation supervision in Oregon.

Parole and probation officers are in a unique position to assess the special needs of women offenders and make critical decisions regarding program placements and supervision that effect the chances of their success in the community. The Task Force believes specialized training for parole and probation officers will increase the chances that such decisions actually assist women offenders in the community and promote public safety. The Task Force also recommends that, in populous counties, parole and probation officers should supervise specialized caseloads of women offenders in order to deliver meaningful supervision on a cost-effective basis.

### **Institutional Programs for Women**

The Task Force emphasizes again that its general recommendations in the Strategic Corrections Plan for correctional programs and facilities apply with equal force to women and men offenders. However, the Plan also included the following recommendation for a new, specially designed correctional facility for women:

"The Task Force recommends construction of a new women's prison to replace OWCC. . . . The facility should be designed to have multiple custody levels, with both medium and minimum security capacity.

"The facility should have adequate program space, special housing and a secure perimeter. It should also have special programming designed to meet the needs of female inmates. . . .

. . .

"If a new women's prison were constructed, the old OWCC could be converted into a special use facility. Possible uses include: a) housing handicapped and geriatric male inmates; b) housing an expanded treatment program for inmates; c) housing inmates with special medical needs. The facility would be well suited for any of these uses, because it is a one-story facility and is adjacent to OSP, allowing use of medical and other support staff from OSP to assist with its operation.

"The construction of a new women's prison thus has double benefits. It creates new capacity to meet the projected women's population and to provide for their special programming needs. At the same time, it will free up approximately 150 expensive and needed beds at OSP or OSCI as selected male inmates are moved from those institutions into the current OWCC facility. Thus, the expansion of capacity for female inmates will also result in an expansion of medium security space for male offenders."<sup>16</sup>

The Task Force continues to support this recommendation for a women's prison, with two revisions. First, recent simulations by the Criminal Justice Council and preliminary projections from the NCCD projection model suggest that the recommended capacity of this facility needs to be reconsidered. As discussed in Chapter 2,

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<sup>16</sup> The Strategic Corrections Plan, pp. 51-52.

new projections of future women offender populations should be available to the 1991 Legislature in determining the appropriate size of a new women's prison.

Second, the Task Force's original recommendation stated that "[t]he preferred location would be in or near the Portland metropolitan area." The purpose behind this proposal was to insure that the facility was located near the families and residences of most women offenders and the correctional resources to support them during their incarceration. The Task Force now believes that this purpose can be served by suitable location within the Willamette Valley.

A new correctional facility for women should generally contain the same kinds of effective institutional programs available in any facility for men, including corrections industries, educational programs, vocational training and employment placement, alcohol and drug abuse treatment, and mental health services. However, the Task Force makes the following recommendations to the 1991 Legislature for institutional programs that promote the two special corrections strategies for women offenders proposed in this chapter: (1) break the cycle of family dysfunction between women offenders and their children by strengthening relationships between mothers and children and (2) aggressively treat drug abuse among women offenders.

### **3.7 The 1991 Legislature should provide funding to support nursery programs for women inmates in state correctional facilities.**

At least ten states have nursery or "newborn" programs inside women's prisons.<sup>17</sup> Nursery programs allow an inmate and her newborn child to be together following birth and prior to placement with a relative or foster parent.

The programs provide benefits for both mothers and children. Nursery programs are designed to create a better understanding of the parenting role for women offenders, allow the mother and child to establish a bond, and provide an opportunity for the inmate mother to maintain some direct responsibility for the care of her children. These experiences also increase the likelihood that women offenders can successfully carry out the responsibilities for their children's custody when they return to the community.

Most inmate mothers maintain legal custody of their children while they are incarcerated. As a result, they will eventually be reunited with their children. By enhancing a woman's sense of responsibility for her children while she is in prison, coupled with effective parenting and vocational training and education and corrections industries programs, women offenders will have a better chance of leading productive, non-criminal lives upon release from prison.<sup>18</sup>

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<sup>17</sup> Those states include California, Georgia, Illinois, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Virginia. J. Grossman, Survey of Nursery Programs in Ten States, (New York Department of Corrections 1982).

<sup>18</sup> L. Bolivar "Affects of an Integrated Visitation/Educational Program on Development of Parenting Skills for Incarcerated Female Offenders", Proceedings of the First National Conference on the Family and Corrections, Sacramento, CA (1988), p. 42 (This study investigated the results of a program at the "Childrens Center" in Georgia's Women's Correctional Institution, that includes parent support groups, parenting skill classes, a childrens program and pre-school education. The

Clinical experts indicate that a strong and early mother-child relationship is also important for the healthy development of children. Being deprived of maternal bonding during the early weeks of a child's life may delay that child's development.<sup>19</sup>

Child development specialists also stress the importance of continuity in family relationships during a child's development. Early disruption of this continuity may produce consequences ranging from regressed behavior among very young children to anti-social, delinquent, or even criminal behavior among older children. Research studies report this "cycle of family dysfunction" among the children of incarcerated parents.<sup>20</sup>

One of the best known prison nursery programs is located at the Bedford Hills Correctional Facility in New York. That program serves 30 babies a year in a facility with 844 women inmates. Because many supplies used in the programs are donated, such as clothes, blankets and cribs, the staff reports that the program's costs are relatively low. Since prenatal care is emphasized, the program may also reduce the state's cost of health care for these babies. Furthermore, many of these babies are eventually raised by their mother and, therefore costly foster care placement is unnecessary.

### **3.8 Institutional drug abuse treatment programs for women offenders should be expanded.**

Currently, there are only five women prison inmates in "Cornerstone," the Correction Treatment Program's alcohol and drug abuse treatment unit. The establishment of a 48 bed alcohol and drug abuse treatment program for women at the Columbia River Correctional Institution represents an important first step in addressing the drug abuse problem of women inmates. The Correctional Institution Treatment Services (CITS) also provides treatment services to approximately 44 inmates of OWCC. However, these programs will provide services to about 30 percent of the women's prison population, while 75 percent of women inmates in prison have serious drug or alcohol problems.

The Task Force recommends that a special area or wing within a new women's prison be designed for residential alcohol and drug treatment for at least another 50 women offenders. The program should be modeled after the nationally-

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study followed 60 women offenders in the program for one year, using a control group for comparison. The study found that women offenders who participated in the program demonstrated more positive attitudes regarding parenting, had better interactions with their children and developed stronger identities as parents.)

<sup>19</sup> See, e.g., T. Brazelton and B. Cramer, The Earliest Relationship: Parents, Infants and the Drama of Early Attachment (1990).

<sup>20</sup> See footnote 13 in this chapter.

recognized "cornerstone" program,<sup>21</sup> as well as programs being developed by the Department of Corrections.<sup>22</sup>

**3.9 Vocational training, and employment placement and corrections industries programs, specifically designed for women offenders, should be expanded.**

The Task Force recommends that every effort be made to expand vocational training, employment placement and corrections industries for women offenders at OWCC. Moreover, adequate space must be designed for such programs in a new women's prison.

Offender profiles show that women inmates are more educated than their male counterparts, yet have greater vocational training needs due to lack of work experience. The Department of Corrections reports that 55 percent of OWCC's inmate population has a GED or high school diploma. 28 percent of the women inmates report they have more than 12 years of education.<sup>23</sup> However, the Task Force's technical advisors report that many women come to prison without any marketable skills or work history.

Institutional programs that develop marketable job skills for women offenders promote both of the Task Force's proposed special strategies for women offenders. By obtaining gainful employment in the community, women offenders can assume more of the responsibility of providing support for their children and avoid the return to lifestyles that lead to drug abuse.

The Department of Corrections should consider vocational training and corrections industries programs that some would consider novel for women. For example, the Purdy Prison in Washington State has operated a successful program for women offenders who train service dogs for the handicapped.

**3.10 "Real Life" skill development programs should be available to all women offenders in prison.**

"Real Life" is an educational program designed to teach mental health concepts and life skills to women offenders. The program was originally developed with funding support from the National Institute of Corrections. OWCC was a pilot site for the program from 1985 to 1988.

The program focused on women offenders who were not more than 18 months from release. The program's curriculum offers skill training to meet the challenges women face upon release from prison, including financial planning, nutrition, and

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<sup>21</sup> See G. Field, "The Effects of Intensive Treatment on Reducing the Criminal Recidivism of Addicted Offenders," 63 Federal Probation 51 (1989); G. Field, "The Cornerstone Program: A Client Outcome Study," 49 Federal Probation 50 (1985).

<sup>22</sup> The Department of Corrections has recently received two major grants from the Bureau of Justice Assistance and the Department of Health and Human Services for the development of alcohol and drug abuse treatment programs.

<sup>23</sup> Department of Education, Basis Testing at OWCC, January-June, 1990.

household management. This program should be reinstituted in state correction facilities for women.<sup>24</sup>

### **Information About the Needs of Women Offenders**

#### **3.11 More information about women offenders should be collected through the state's criminal justice and corrections information systems.**

The Department of Corrections new Offender Profile System will permit the identification of women offenders' criminal and corrections histories. The Department's offender classification system and screening and assessment programs will also identify many of the needs of women offenders.

However, in preparing this report, the Task Force found that basic data about the family histories and relationships of women offenders was difficult, if not impossible, to obtain. The Task Force recommends that the Department's assessment and screening instruments, in particular, collect information regarding the family histories and relationships of women offenders.

This information about women offenders should include the number of their children, the custody status of those children, partner and spousal relationships, family and childhood histories, including histories of sexual and physical abuse. The information will enable future policy makers to identify other important needs of women offenders and develop effective corrections strategies to meet those needs.

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<sup>24</sup> The Task Force also recommends that this program be adapted for use in Day Centers in the community. See Recommendation 3.2 in this chapter.

## CHAPTER 4: ADULT SEX OFFENDERS: STRATEGIES TO PROMOTE PUBLIC SAFETY

### Introduction

This chapter addresses critical issues posed by the Governor concerning facilities and programs, parole or post-prison supervision and special sentencing options appropriate for adult offenders convicted of sex offenses.<sup>1</sup> While these issues are among the most important it has addressed, the Task Force emphasizes that corrections policies and strategies represent but one component in a comprehensive approach to combat sexual violence and abuse.

Governor Goldschmidt has recognized the importance of a comprehensive approach to the pervasive and tragic problem of sexual violence and abuse by establishing a Task Force on Sexual Crimes Against Children. The Governor has directed this Task Force to submit a report to him on July 1, 1990. That report examines the need to strengthen sex offender registration laws, proposes special evidentiary rules to prosecute sex crimes against children, reconsiders the statutory classification of sex crimes and investigates programs and treatment for juvenile sex offenders.

These topics involve essential policies and strategies to combat sexual violence and abuse because they focus on children as victims and abusers, where cycles of abuse and social dysfunction associated with sexual violence and abuse begin. Other essential strategies include prevention programs that provide information to women and children, in particular, about the ways they can reduce their chances of becoming victims, and educational programs that influence attitudes about sexuality, human relations and violence which contribute to sexual deviancy. Oregon must also maintain and strengthen its commitment to the victims of sexual violence and abuse by providing victims and their families with the support necessary to recover from their tragic experiences.

The Task Force urges the 1991 Legislature to give these strategies at least equal priority to the corrections strategies proposed in this chapter. It would be an unfortunate exercise in futility if the state responds to the crisis of sexual violence and abuse by devoting all of its resources to the punishment of adult sex offenders, when the causes and tragedies begin with Oregon's children.

Nonetheless, the threat posed to public safety by adult sex offenders is obviously grave. While this chapter is devoted to reducing that threat, the Task Force wishes to clarify at the outset the nature of the threat.

All of us are aware of the tragic cases of sexual violence and homicide reported in the media. Our shared and appropriate reaction is repulsion and condemnation. These crimes already subject the perpetrators to Oregon's longest prison sentences, as well as the death penalty. Fortunately, such crimes represent only a small proportion of sexual offenses in Oregon. Yet these cases often result in calls for aggressive actions against all sex offenders.

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<sup>1</sup> The term "sex offenses," which the Task Force uses throughout this chapter, includes the felony crimes of sexual violence and abuse defined in ORS 163.355 to 163.465, 163.525, 163.670 and 167.017.

The Task Force supports aggressive actions, and recommends some in this report. However, all sex offenders are not the same, in terms of the offenses they commit or the reasons why they commit them.<sup>2</sup> Corrections strategies must be developed to account for these differences.

In considering correctional strategies to deal with adult sex offenders, the Task Force has also recognized two realities. First, our current knowledge of human behavior does not permit the criminal justice system to identify those sex offenders who will eventually commit violent or homicidal offenses, from among the thousands of offenders convicted of sexual offenses in Oregon. Second, sufficient funds will never be available to attempt to prevent these crimes by imprisoning or supervising every convicted adult sex offender for life.

However, the Task Force believes that much more can be done to punish sex offenders in a manner that promotes public safety. The challenge for our state's corrections system is to develop and implement strategies that punish sex offenses, while maximizing its ability to monitor and control sex offenders with the funds which are made available for this purpose.

### **The Demands on Oregon's Corrections System**

Administering the punishment of adult sex offenders places unique demands on our corrections systems. While crime and public safety are among the foremost concerns of most citizens, sex offenses pose a particularly disturbing threat to the public's confidence in its safety. Surprisingly, research studies in the 1920s and 1930s report rates of sexual assaults comparable to rates reported in recent studies.<sup>3</sup> Nevertheless, sexual violence and abuse have increasingly become the focus of media attention and public concern. As a result, dramatic increases in the reporting, prosecution and conviction of sex offenses have occurred in Oregon and throughout the country.<sup>4</sup>

The threat to public safety of sex offenses is particularly destructive because it erodes the public's confidence in the quality and freedom of life in the community. The threat to children produces fear and suspicion in both parents and children and undermines their mutual confidence in safe and open interaction in their communities. The threat to women limits their freedom of movement and ability

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<sup>2</sup> See U.S. Department of Justice, National Institute of Corrections, A Practitioner's Guide To Treating the Incarcerated Male Sex Offender: Breaking the Cycle of Sexual Abuse (February 1988) (referred to throughout this chapter as "A Practitioner's Guide"). This National Institute of Corrections' monograph suggests that the variety of behaviors and personalities of sex offenders preclude simple classifications of offenders for the purposes of understanding and controlling their behavior. Id. at pp. 15-27 and 77-83.

<sup>3</sup> U.S. Department of Justice, National Institute of Corrections, An Administrator's Overview: Questions and Answers On Issues Relating To the Incarcerated Male Sex Offender (October 1988) (referred to throughout this chapter as "An Administrator's Overview"), p. 1.

<sup>4</sup> A Practitioner's Guide, p. 1.

to participate in all aspects of community life.<sup>5</sup> As a result of these unique threats to public safety, corrections systems across the country face increasing demands to deal with sex offenders effectively.

The public's increasing concern over sexual violence and abuse, and associated increases in reporting and prosecuting offenses, have dramatically increased the number of convicted sex offenders in this country's corrections systems. In 1987, for example, 37 states reported substantial increases in the number of sex offenders in their prisons.<sup>6</sup> In some states, sex offenders now represent one third of the offender population.<sup>7</sup>

Over 1,100 of Oregon's prison population of 6,200 are now serving sentences for sex offenses.<sup>8</sup> Under Oregon's new felony sentencing guidelines system, even more sex offenders will be sentenced to prison. For example, 24 percent of the 437 offenders convicted of sex offenses against children under 12 in 1986 were sentenced to prison. If those offenders were sentenced today under sentencing guidelines, as many as 97 percent of them could go to prison.<sup>9</sup>

Corrections systems across the country are also called upon to address the damage of sexual violence and abuse by breaking the cycles of abuse and social disfunction caused by sex offenders.<sup>10</sup> Social science research has not yet established a causal relationship between sexual victimization and subsequent sex offenses.<sup>11</sup> Obviously, many victims of sexual violence and abuse lead productive and law abiding lives.

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<sup>5</sup> In a recent study examining the cost effectiveness of rehabilitating child molesters, and concluding the costs of rehabilitating these sex offenders were outweighed by the savings in costs to victims and society, the authors describe these unique threats to public safety as "the invisible blanket of fear":

"Simple questions for parents -- such as choosing day care or baby sitters, or permitting unsupervised outdoor play -- or equally common questions for adult women -- such as when to leave work in the evening, what mode of transportation to use, where to park the car, where it is safe to walk or jog, or whether to use a first name on the mailbox or in the phone book -- become major concerns, especially in larger cities." R. Prentky and A. Wolbert Burgess, "Rehabilitation of Child Molesters: A Cost Benefit Analysis," 60 American Journal of Orthopsychiatry 108 (1990).

<sup>6</sup> Corrections Compendium (May 1987), p. 5.

<sup>7</sup> A Practitioner's Guide, p. 1.

<sup>8</sup> See Appendix G for more detailed information from the Department of Correction regarding sex offenders in prison and under community supervision.

<sup>9</sup> Oregon Criminal Justice Council, Sentencing Fact Sheet on Sex Crimes Against Children. This document is included in this report as Appendix H.

<sup>10</sup> See generally A Practitioner's Guide.

<sup>11</sup> See J. Kafman and E. Zigler, "Do Abused Children Become Abusive Parents?", 57 American Journal of Orthopsychiatry 186 (1987).

However, clinical reports and empirical evidence suggest a "cycle of abuse" in which adult sex offenders produce additional sex offenders, as well as victims.<sup>12</sup>

A recent publication of the National Institute of Corrections described this cycle:

"Experts in this field suggest that a large percentage of offenders were molested during their childhood. However, this phenomenon, . . . in which the victim becomes the assailant, is unique to sex offenders and means that the crime grows exponentially. Pattern child molesters frequently have tragically high numbers of victims, often numbering several hundred. If even a small percentage of the victims later become offenders, the rate of growth of this crime would be staggering."<sup>13</sup>

The Task Force's technical advisors recognize a "cycle of dysfunction" caused by sex offenders that corrections systems are also called upon to address.<sup>14</sup> This cycle represents the more obvious damage caused by sexual violence and abuse. Victims of sexual offenses and their families suffer social disruption and emotional pain from which some never recover. Victims report resulting psychological problems and alcohol and drug abuse, and often have greater difficulties at work or school and with interpersonal relationships and parenting responsibilities.<sup>15</sup>

The recommendations in this chapter are designed to meet these legitimate demands on Oregon's correction system.

### **The Goal of Promoting Public Safety**

The Task Force emphasized in the Strategic Corrections Plan that the primary goal of corrections policy should be promoting public safety.<sup>16</sup> This goal is particularly important in punishing adult sex offenders because these offenders represent such an alarming threat to public safety and the public's confidence in its security. Therefore, the recommendations in this chapter are designed to promote public safety and community security.

A variety of approaches can be used to deal with adult sex offenders during the period of their punishment, including imprisonment, supervision in the community, mental health intervention, job training and family counseling. However, the Task

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<sup>12</sup> See, e.g., T. Seghorn, R. Prentky & R. Boucher, "Childhood Sexual Abuse in the Lives of Sexually Aggressive Offenders," 26 Journal of the American Academy of Child and Adolescent Psychiatry 262 (1987).

<sup>13</sup> A Practitioner's Guide, p. 1.

<sup>14</sup> See, e.g., D. Finkelhor, Child Sexual Abuse: New Theory and Research (Free Press, 1984). The Task Force's technical advisors are Associate Members of the Task Force on its Sex Offenders Working Group. They include representatives of agencies throughout the corrections system, from mental health clinicians to law enforcement officials. A list of the Working Group's members is included in Appendix B of this report.

<sup>15</sup> A. Browne and D. Finkelhor, "Impact of Child Sexual Abuse: A Review of the Research," 99 Psychological Bulletin, 66 (1986).

<sup>16</sup> The Strategic Corrections Plan, pp. 185-86.

Force believes that such approaches should be implemented only if they are likely to promote public safety.

### **Strategies To Promote Public Safety**

The Task Force concludes that an effective corrections policy to punish adult sex offenders and promote public safety should include at least three strategies. First, the most dangerous and serious sex offenders should be incarcerated in prison. While imprisonment may not deter those sex offenders who demonstrate repetitive or compulsive behavior, there is no doubt that this sanction represents proportionate punishment for serious sex offenses and incapacitates sex offenders who pose an immediate threat to public safety.

Second, intervention programs in prisons and the community designed to control the behavior of sex offenders hold some promise for reducing the recidivism of sex offenders and, as a consequence, their threat to public safety.<sup>17</sup> Results from the limited number of outcome evaluation studies do not conclusively establish the effectiveness of behavioral control programs in reducing the recidivism of sex offenders.<sup>18</sup> However, programs throughout the country and in Oregon are beginning

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<sup>17</sup> Programs to control the behavior of adult sex offenders are often referred to as "treatment" programs. The Task Force believes that terminology from medicine, such as "treatment" and "cure" should not be used to describe the current methods to control the behavior of adult sex offenders. The Task Force and its technical advisors agree with this recent observation by the National Institute of Corrections:

"Sex offenders are not cured. Successful treatment does not permanently eliminate the attraction of deviant sexual acts for sex offenders, who are always at risk of repeating their behavior. However, many offenders can learn, through treatment, to control their disorder." An Administrator's Overview, p. 5.

To avoid misunderstandings and false expectations about the nature and potential for mental health interventions directed at the behavior of adult sex offenders, the Task Force refers to such programs throughout this chapter as "behavioral control programs," rather than "treatment" or "treatment programs."

<sup>18</sup> See, e.g., L. Furby, M. Weinrott & L. Blackshaw, "Sex Offender Recidivism: A Review," 105 *Psychological Bulletin* 3-30 (1989). The authors of this review, which includes a member of the Task Force's Working Group, concluded from available outcome evaluation research comparing recidivism rates of "treated" and "untreated" sex offenders that the research results do not support the effectiveness of behavioral control programs for sex offenders. However, they emphasize that conclusions about the ineffectiveness of behavioral control programs also cannot be reached from the research because of methodological weaknesses. For example, the authors note that many studies had been initiated without proper planning and financial support in order to provide quick answers to policy makers. Sampling procedures, sample size, assessment tools and outcome measures were more often determined by the availability of data rather than by the judgment of the investigator.

Although the National Institute of Corrections recently noted this lack of reliable outcome evaluations of behavioral control programs, it concluded:

to report promising results.<sup>19</sup> Therefore, the Task Force believes limited support for such programs in prison and the community should continue. However, funds for rigorous and valid outcome evaluations must also be provided without further delay in order to establish the effectiveness of these programs in promoting public safety and to justify additional support in the future.

Third, correctional supervision to monitor and control the behavior of adult sex offenders in the community is another key strategy in promoting public safety. Intensive supervision is increasingly being provided in Oregon by specially trained parole and probation officers with relatively small caseloads, made up exclusively of sex offenders and operating in conjunction with community-based behavioral control programs.<sup>20</sup> The evidence emerging from these programs persuades the Task Force that intensive supervision of sex offenders will promote public safety if sufficient funding is made available to keep caseloads relatively small and to provide

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"Despite the dearth of reliable data on recidivism, providing treatment for sex offenders clearly makes a difference. In general . . . most institutional programs have found that approximately 15% to 20% of treated offenders will commit a sex offense within three years of their release, while approximately 60% of those who have not received treatment will reoffend. Community based outpatient programs, which are likely to have more treatable clients, reported even lower recidivism rates." An Administrator's Overview, p. 6.

The Task Force is aware from its own investigations of programs in the state that "success rates," in terms of a program's effect in reducing recidivism, can be reported in a number of ways. Some experts consider subsequent convictions for any offense by program graduates to be the relevant measure of success or failure. For example, convictions for drunk driving or other alcohol-related offenses arguably reflect an offender's lack of control and potential for returning to his previous patterns of sexual violence and abuse. Under this view, such convictions would be reported as "failures." On the other hand, some program evaluations only report subsequent sexual or violent offenses in calculating recidivism and program success rates.

The Task Force recognizes that there is a "gray area" in reporting program success rates, in which reasonable people can disagree over the relevance of certain events. For example, reports of theft which did not lead to conviction may or may not be relevant to the success of a program for sex offenders. However, the Task Force would view with great skepticism program evaluations that did not include reliable reports of subsequent sexual offenses or convictions for serious offenses of a non-sexual nature that involved violence or alcohol and drug abuse.

<sup>19</sup> See Appendix I of this report for a summary of recent literature reporting results of behavioral control programs.

<sup>20</sup> See the description of Washington County's "CIRCLE" program in Chapter 1 of this report, for one example of an intensive supervision program in Oregon. See also B. Erwin, "Turning Up the Heat on Probationers in Georgia," Federal Probation, (June 1986), pp. 17-24 for one of the first and most frequently cited descriptions of an intensive supervision program.

important support services, such as behavioral control programs and alcohol and drug treatment.<sup>21</sup>

The Task Force endorses the use of all three of these corrections strategies in a balanced approach to promoting public safety. The Task Force has prioritized its recommendations in this chapter to promote public safety as quickly and cost-effectively as possible.

### **The First Priority: Strengthen Community Supervision**

**4.1 As its first priority and a first line of defense against adult sex offenders, the 1991 Legislature should provide funding to strengthen and expand the correctional supervision of sex offenders in the community.**

The Task Force believes that intensive and lengthy supervision of sex offenders in the community is a critical "first line of defense" against the threat to public safety posed by adult sex offenders. Implementation of this strategy represents the greatest and most immediate contribution to the goal of promoting public safety for two reasons.

First, most convicted adult sex offenders in Oregon will eventually return to their communities. Approximately 2,400 sex offenders are currently under parole or probation supervision, compared to 1,135 sex offenders in prison. It is unlikely that all of these offenders could be incarcerated in prison, even if such a strategy was appropriate.<sup>22</sup> Furthermore, some adult sex offenders will remain in the community, sometimes following incarceration in local jails, because their offenses or criminal histories do not justify prison incarceration in comparison to other dangerous offenders.

Second, many sex offenders pose a risk to public safety while they are in the community. With the correctional resources currently available in Oregon, most sex offenders return to their communities without participating in any behavioral control programs.<sup>23</sup> Furthermore, as the Task Force's technical advisors warned, even if such programs were available to all sex offenders, current methods of behavioral control do not ensure a "cure" for sex offenders. Instead, these methods establish a set of internal behavioral controls which need to be monitored and reinforced in the community.

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<sup>21</sup> See J. Petersilia & S. Turner, Prison Versus Probation in California: Implications for Crime and Offender Recidivism, A Rand Study for the National Institute of Justice (July 1986) (cited by the Strategic Corrections Plan as a recent and reliable report on the positive effects on recidivism of intensive supervision).

<sup>22</sup> The state has not yet met current demands for prison space. For example, in order to implement the current sentences under Oregon's new felony sentencing guidelines system, the state must construct an additional 1,200 prison beds, beyond the 3,000 beds constructed or authorized since 1987. Oregon Criminal Justice Council, "Projected Guideline Prison Population" (June 1989).

<sup>23</sup> The Department of Corrections reports that the Sex Offender Unit at the Correctional Treatment Program currently has a capacity of 31 and a waiting list of 6 sex offenders. The program admits approximately 1 or 2 sex offenders from prison each month. Over 1,100 sex offenders are currently incarcerated in the state's prisons.

The majority of sex offenders currently return to the community with the same underlying behavioral problems that led to their convictions. Therefore, the Task Force concludes that public safety will be promoted most directly and cost-effectively by increasing the intensity and length of supervision of sex offenders in the community.

The Task Force urges the 1991 Legislature to provide sufficient funding to implement recommendations for longer and more intensive periods of supervision, before attempting to implement other correctional strategies to deal with adult sex offenders. Building new prisons or developing new behavioral control programs will be even more costly, and will take longer to implement. Therefore, these strategies would not have the same immediate, cost-effective impact on public safety as this recommendation.

**4.2 The 1991 Legislature should provide sufficient funding to lengthen periods of supervision for sex offenders significantly and to increase the intensity of that supervision.**

Because Oregon's community sanctions and supervision system is extremely overcrowded, the size of current caseloads prevent parole and probation officers from effectively supervising many sex offenders. Moreover, the Task Force believes that most sex offenders currently under intensive supervision are not supervised for long enough periods of time to promote public safety, in light of the propensity of sex offenders to repeat their crimes and the limitations on available methods to control their behavior.

Therefore, the Task Force recommends that the 1991 Legislature provide adequate funding to support longer periods of supervision for sex offenders under probation or post-prison supervision. This funding must also be adequate to establish smaller caseloads that ensure meaningful supervision of sex offenders and include programmatic support through alcohol and drug treatment and behavioral control.

This supervision program should be administered by specially trained parole and probation officers, with caseloads made up exclusively of adult sex offenders in counties with large enough corrections populations to make such specialization feasible. Specialized training programs for these corrections professionals should be funded by the 1991 Legislatures through the state's Correctional Treatment Program, in cooperation with established community-based behavioral control programs.

To implement this recommendation, the 1991 Legislature should direct the Criminal Justice Council to propose and the State Sentencing Guidelines Board to adopt presumptive sentences with longer periods of probation and post-prison supervision, in accordance with the funds it makes available for that purpose. The following structure for these periods of supervision only represents a starting point of analysis for the Council and the Board.

The Task Force believes that the Legislature's statutory ranking of sex offenses in terms of their seriousness provides a logical and proportionate reference point for the establishment of maximum periods of supervision for sex offenders under sentencing guidelines. The Task Force emphasizes that most of these offenders will serve lengthy terms of incarceration in prison or jail, as provided by felony sentencing

guidelines, before these periods of supervision would begin in the community.<sup>24</sup> All of the periods of supervision suggested in this recommendation would be reduced by the time sex offenders serve in prison or in jail.

The Task Force recommends 20 years as the maximum period of supervision for sex offenders convicted of Class A felony offenses, which is also the maximum length of punishment for Class A felonies provided by the Legislature for such crimes.<sup>25</sup> The maximum period of supervision under this proposal for sex offenders convicted of Class B felonies would be 10 years.

In light of the threat to public safety posed by felony sex offenders, as well as the chronic nature of their behavioral problems, the Task Force does not believe that the statutory limit of 5 years for the punishment of Class C felonies provides sufficient time to supervise these felony sex offenders effectively.<sup>26</sup> Therefore, the Task Force recommends a maximum period of supervision for Class C felony sex offenses of 10 years. Appropriate revisions of the Criminal Code should be made, to the extent such changes are necessary to implement this proposal.

The Task Force also concludes that crimes leading to convictions for the Class A misdemeanor offense of Sexual Abuse in the Second Degree justify substantial periods of supervision.<sup>27</sup> Therefore, periods of supervision for Sexual Abuse in the Second Degree should be five years, as is now authorized by statute.<sup>28</sup>

The Task Force is unaware of any state in the nation that has implemented a supervision program with the lengths of supervision for sex offenders recommended here. However, in order for these longer periods of supervision to become a meaningful strategy to promote public safety, the Council and the Board must also establish significant terms of imprisonment as a sanction for violations of the terms and conditions of supervision. Therefore, like the high-risk offenders targeted for the Department's Parole Violators Project, sanctions for violations of supervision

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<sup>24</sup> For example, an offender convicted of Rape in the First Degree may serve over ten years in prison under felony sentencing guidelines.

<sup>25</sup> The Task Force derived the periods of supervision recommended in this chapter from the statutory limits on punishment established by ORS 161.605, which provides in part:

"[T]he maximum term of an indeterminate sentence of imprisonment for a felony is as follows:

"(1) For a Class A felony, 20 years."

"(2) For a Class B felony, 10 years."

...

<sup>26</sup> See ORS 161.605(3).

<sup>27</sup> ORS 163.415 defines sexual abuse in the second degree and classifies it as a Class A misdemeanor. ORS 161.615 provides that the "definite term" of imprisonment for a Class A misdemeanor is 1 year.

<sup>28</sup> See ORS 137.010(3) and (4).

by sex offenders should be an exception to the guideline rule establishing a 180-day limit on the total amount of time that can be imposed for revocations during the period of an offender's supervision.<sup>29</sup>

This recommendation for lengthier periods of supervision obviously requires further analysis and refinement. The Task Force believes that this task should be undertaken by the Criminal Justice Council and the State Sentencing Guidelines Board through the established process for developing and administering sentencing guidelines. The actual length of periods of supervision, as well as the number of sex offenders who qualify for such supervision, will ultimately depend upon the amount of funds appropriated by the 1991 Legislature for this program.

The following options should be available during periods of supervision for sex offenders: (1) intensive supervision in conjunction with behavioral control programs and alcohol and drug treatment for qualified offenders; (2) regular probation or post-prison supervision to support and monitor offender's progress in the community; and (3) periodic, random polygraph monitoring examinations, the failure of which would return an offender to more intensive sanctions or supervision.<sup>30</sup>

The Task Force anticipates that many sex offenders would be subject to all three of these sanctions in the order set forth above. It may also be appropriate for some offenders to begin the period of supervision with regular supervision. As discussed below, polygraph examinations would be used to monitor and deter offenders during intensive or regular supervision by a parole and probation officer, as well as after such direct supervision is completed. The Task Force also recommends that house arrest and electronic surveillance be used during periods of intensive or regular supervision in appropriate cases.

Obviously, the cost of this recommendation will be substantial. The Department of Corrections tentatively estimates that this recommendation could cost as much as \$6,700,000 per year for the additional parole and probation officers and support staff necessary to administer the program effectively. However, the Task Force anticipates that some Oregonians will make other unprecedented demands on the 1991 Legislature to deal with the state's sex offender population. These demands may include proposals for the construction of new prisons to carry out mandatory

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<sup>29</sup> See Oregon Criminal Justice Council, Oregon Sentencing Guidelines Implementation Manual (September, 1989):

"If the Board revokes the offender's community supervision status, it may impose a prison term as provided by the rules of the State Sentencing Guidelines Board. . . . The Guidelines Board has set the maximum sanction for . . . technical violations at 90 days and 180 days for violations involving criminal conduct. Generally, no more than a total of 180 days prison incarceration may be imposed during the full post-prison supervision term. . . . The Department's Parole Violators Project is an exception to this rule. When the Department develops a special program for offenders on parole or post-prison supervision, the Board . . . will retain the authority to sanction such offenders beyond the sanction provisions established by [the] State Sentencing Guidelines Board." At pp. 192-193 (footnote and citations omitted).

<sup>30</sup> The next recommendation in this chapter describes this proposal for a polygraph monitoring examination program.

minimum sentences of life imprisonment for some sex offenders, or proposals for of additional parole and probation officers to supervise some sex offenders for life. These alternatives could be more costly than the supervision program recommended here, and would fail to provide the same direct, rapid and comprehensive impact on public safety.

**4.3 The 1991 Legislature should provide funding for periodic polygraph examinations of sex offenders under supervision, in order to monitor and control their behavior in the community for longer periods of time than would otherwise be possible.**

Reports from its technical advisors and available literature persuade the Task Force that periodic polygraph examinations of sex offenders, as part of the supervision program recommended above, represent a practical, cost-effective method to extend a large measure of the protections to the public otherwise provided through direct supervision by parole and probation officers.<sup>31</sup> In a world of unlimited resources, some of the Task Force's advisors would recommend direct supervision for life, at least for the most serious sex offenders. While this would be an effective strategy to promote public safety, the Task Force doubts that it is attainable with the resources realistically available to the Legislature. However, with the use of periodic polygraph examinations as an integral part of a supervision program, the Task Force believes that sex offenders can be monitored and controlled for much longer periods of time at a substantial, though realistic, cost.

This recommendation does not represent a novel proposal. Oregon's judges have used polygraph examinations to monitor offenders and reinforce their obedience to conditions of probation for some time. For example, in 1973 a Circuit Court judge in Multnomah County placed an offender on probation with the special condition that he participate in a new polygraph surveillance program. By May 1, 1977, the last of 197 offenders to participate in the program was sentenced to polygraph surveillance.<sup>32</sup>

The Department of Corrections' staff would have the discretion to order polygraph examinations at any time during community supervision. The Task Force recognizes that polygraph examinations can be an important component of supervision, as well as behavioral control programs.<sup>33</sup> However, when used as the primary form of supervision following direct supervision by a parole and probation officer, this program offers the potential to extend meaningful surveillance and control over sex offenders at a realistic cost.

The Task Force believes that the Department of Corrections should continue to have primary responsibility for determining the levels of supervision of sex offenders,

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<sup>31</sup> See generally "The Polygraph and Sexual Deviants," Ch. 12 in S. Abrams, The Complete Polygraph Handbook (1989), pp. 167-178; S. Abrams & E. Ogard, "Polygraph Surveillance of Probationers," 15 Polygraph 174 (1986).

<sup>32</sup> For a report on the administration and outcome of this program initiated by Judge John C. Beatty, see Appendix J.

<sup>33</sup> The clinicians on the Task Force Working Group emphasized the value of polygraph examination as a component to an effective behavioral control program.

including the determination of when polygraph examinations should be administered. Polygraph examinations should be specified as a condition of supervision for sex offenders.

The type of polygraph examination contemplated by this recommendation is referred to as a "monitoring examination" by experts in the field of polygraphy. The polygrapher's questioning of an offender in such an examination should be strictly limited to compliance with the terms and conditions of supervision.<sup>34</sup>

Fees for monitoring examinations by private practitioners currently range from approximately \$75 to \$150. Assuming that an offender is examined three or four times per year, the annual cost per offender would be approximately \$225 to \$600. This is considerably lower than the Department's estimated annual cost per offender for intensive supervision of \$2,664, based upon caseloads of 25, or for regular supervision of \$972, based upon caseloads of 73. Therefore, the Task Force urges the 1991 Legislature to implement this polygraph monitoring program as a cost-effective method to extend the period of meaningful surveillance and control over sex offenders.

The Task Force recognizes that implementation of this new program, will place great demands upon current polygraphers in the state, and will eventually require many new polygraphers. In addition to the cost of their fees or salaries, new polygraphers will require one or two years of apprenticeship training before they can be expected to administer this program effectively.

#### **4.4 Restitution to victims and repayment of the costs of community supervision and correctional programs should be a presumptive condition of community supervision for all sexual offenses.**

The Task Force understands from its technical advisors that a high proportion of adult sex offenders have marketable job skills or are gainfully employed. Therefore, Oregon's sentencing guidelines should provide, as a presumptive condition of probation or post-prison supervision, that offenders convicted of sexual offenses make restitution payments to their victims and repay the costs of their correctional supervision and programming.

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<sup>34</sup> See Appendix K for a list of the kinds of terms and conditions of community supervision that the Task Force believes would be appropriate for adult sex offenders.

Courts have increasingly supported the use of polygraph examinations for limited purposes, such as the administration of correctional sanctions. See, e.g., Snow v. OSP, 308 Or 259, 780 P2d 215 (1989); US v. Piccinonna, 886 F2d 1529 (1989). However, the Task Force recognizes that the validity and reliability of polygraph examinations remains subject to debate, particularly in the context of determining guilt or innocence.

Nevertheless, the Task Force believes that the available evidence concerning the validity and reliability of polygraph examinations justifies their use for the limited purpose of determining the appropriate level of community correctional supervision for adult sex offenders. See generally "Polygraph Validity and Reliability," Ch. 13 in S. Abrams, The Complete Polygraph Handbook (1989) pp. 179-201. The Task Force does not imply by this recommendation that polygraph examinations should be used by courts to determine guilt or innocence, or for other similar purposes.

This condition should only be waived in those cases in which an offender makes a clear showing that he is unable to make restitution or repayment, or that such payments would significantly interfere with his progress under community supervision.

#### **4.5 Pre-sentence investigation reports should be mandatory for all felony convictions for sexual offenses.**

Because of the threat to public safety posed by offenders convicted of sexual offenses, key decision makers in the criminal justice system should have as much information as possible concerning the backgrounds of sex offenders and the nature of their crimes, before making decisions about the punishment and control of these offenders.

Such information is critical for prosecutors to determine the appropriateness of plea negotiations, for judges to determine the appropriateness of sentences of incarceration and community supervision, and for the Department of Corrections to determine the appropriate placement of sex offenders in community sanctions and supervision. The 1991 Legislature must provide adequate funding in order for the Department to implement this recommendation.

#### **The Second Priority: Expand Behavioral Control Programs To Support Community Supervision**

The Task Force has already noted that valid and reliable outcome evaluation research concerning behavioral control programs for sex offenders is very limited. However, some community-based behavioral control programs report impressive success rates, in terms of reduced rates of recidivism for offenders who successfully complete these programs. These reports lead the Task Force to conclude that community behavioral control programs for sex offenders, modeled after well-designed programs in the state, should be made available on an equal basis throughout the state.

This judicious expansion of behavioral control programs should be an important second priority for the 1991 Legislature for three reasons. First, offenders released from prison who participated in behavioral control programs will need additional support during their supervision in the community in order to reinforce the controls over their deviant behavior that were established in prison. Because prison is an "unreal" environment in which to develop long-term life skills and behavioral controls, the Task Force's technical advisors emphasize that behavioral programs should be first established in the community to support sex offenders during their transition from prison.

Second, many sex offenders released from local jails or sentenced directly to probation qualify for participation in behavioral control programs. Participation by these offenders in such programs, and the resulting reinforcement of controls over their deviant behavior, support the "first line of defense" against sex offenders provided by community supervision.

Third, because of the limited capacity of programs in prison, many sex offenders are released from prison without the benefit of any education or behavioral controls to address their deviant behavior. A significant number of these offenders will qualify for participation in behavioral control programs in the community. Because

their presence in the community poses the most direct threat to public safety, the community is the most important place to establish behavioral controls.

Community-based behavioral control programs for sex offenders already exist in most of the populous counties in Oregon.<sup>35</sup> Some less populous counties in the state also have programs which can serve as models in developing the kind of community programs recommended by the Task Force.

For example, Douglas County's Special Offenders Program is a comprehensive behavioral control program that mandates participation by convicted sex offenders for five years. The program's focus is on the majority of sex offenders whose victims are children in the immediate family of the offender or his partner.

Offenders, victims and their families participate in psychotherapy to understand the reasons behind the offense and to help prevent future offenses. Offenders are required to move out of their family home and are held financially responsible for their living expenses, as well as treatment expenses for the offender, the victim, and the family. A central objective of the program is to force offenders to accept responsibility for their abusive behavior.

Another important feature of this program is cooperation and coordination among relevant public agencies during the course of supervising offenders. An interagency team, which includes representatives of the District Attorney's office, the Children's Services Division, the Mental Health and Developmental Disabilities Services Division, the Department of Corrections and the Juvenile Department, meets regularly to review the progress and problems of sex offenders in the program.

In its 11 year history, Douglas County's Special Offender Program has discovered only three repeat offenses by offenders who have successfully completed the program. Consequently, the program reports that 94% of its sex offender participants have not been convicted of another offense.<sup>36</sup>

Restitution, Treatment, and Training, Inc. (RTAT) based in Ontario, Oregon is another effective community-based program that serves Crook, Grant, Baker, Harney and Malheur counties. RTAT also emphasizes an interagency team approach to supervising sex offenders and to providing support for victims of sexual offenses and their families.

The interagency team is made up of representatives from the local District Attorney's office, the Juvenile Department, law enforcement agencies, Children's Services Division, RTAT, mental health clinics and the Department of Corrections. The team meets weekly in order to coordinate the supervision and support of sex offenders in the community, minimize the trauma to victims and maximize the efficiency of the agencies involved.

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<sup>35</sup> See the Department of Corrections, Directory of Services (1989).

<sup>36</sup> Douglas County's Special Offenders Program limits its reports of success and failure to subsequent sex offenses and crimes of violence that occur in Douglas County. While this standard is lower than outcome measures which include all offenses in other jurisdictions, the Task Force concludes that the program's design still shows promise for effective behavioral control.

RTAT's operational philosophy is based upon restitution, which requires sex offenders to repay some measure of the emotional, psychological and financial costs to the victim. RTAT's behavioral control program focuses on peer group involvement, with specific groups for sex offenders, their non-offending spouses and partners, and their victims. Therapy for individuals in these groups is also available.

RTAT has received national recognition for its success. At its mid-winter 1989 conference, the National District Attorney's Association described RTAT as "one of the nation's toughest and perhaps most successful treatment program for sexual offenders."

RTAT costs are \$1,330 per year for each offender. RTAT reports that less than 10% of the offenders who have successfully completed its program have reoffended.<sup>37</sup>

Because of the promising results reported by these and other community-based behavioral control programs, the Task Force recommends that the 1991 Legislature undertake a judicious, three-step approach to implementing a system of community-based behavioral control programs for adult sex offenders in Oregon.

**4.6 First, the 1991 Legislature should provide sufficient funding to ensure equal access to behavioral control programs for sex offenders throughout the state.**

As noted above, well-established behavioral control programs in Oregon appear to reduce the recidivism rates of sex offenders. Therefore, the 1991 Legislature should promote consistent levels of public safety throughout the state by making effective behavioral control programs for sex offenders available equally throughout the state.

The Department of Corrections reports that 25 counties have little or no access to behavioral control programs for sex offenders.<sup>38</sup> These counties should have greater access to such programs as soon as possible.

**4.7 Second, the 1991 Legislature should provide funding for rigorous outcome evaluations of existing behavioral control programs.**

The Task Force has concluded that few, if any, outcome evaluations of behavioral control programs in Oregon and around the country reliably report the history of sex offenders who complete their programs in sufficient numbers to make these evaluations valid. This observation is not intended as criticism of the many dedicated professionals who design and administer these programs. It is understandable that the limited resources available to support behavioral control programs would first be devoted to the programs, rather than to documenting and evaluating the outcomes of the programs.

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<sup>37</sup> See Applied Research Associates. Comparative Analysis of Child Sexual Abuse Treatment Approaches and Development of Best Practices Guidelines (1988). Lakewood, Colorado: National Center for Child Abuse and Neglect. (Reoffense is defined in this study as any sex offense.)

<sup>38</sup> Department of Corrections, Directory of Services (1990). The counties with little or no access include: Baker, Benton, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Josephine, Linn, Marion, Morrow, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler.

However, the Task Force believes that now is the time to resolve the question of the effectiveness for behavioral control programs for sex offenders. The 1991 Legislature should provide sufficient funds to answer this question definitively and without further delay.

If rigorous program evaluations establish that behavioral control programs reduce the recidivism of sex offenders, the Task Force believes Oregonians will support this corrections strategy as a cost-effective way to promote public safety. On the other hand, if such evaluations fail to reveal the effectiveness of these programs in terms of promoting public safety, future funds should be devoted to other correctional strategies.

**4.8 Third, if evaluations funded by the 1991 Legislature establish the effectiveness of behavioral control programs, future Legislatures should increase the capacity of community-based behavioral control programs for sex offenders in Oregon.**

The Task Force believes that Oregonians will support an aggressive campaign to implement community-based behavioral control programs for sex offenders if the evidence clearly supports the effectiveness of these programs. The Task Force is confident that the public will recognize that its safety is promoted most cost-effectively by programs that support a "first line of defense" against sex offenders in the community.

As part of the three-step approach to expanding behavioral control programs for adult sex offenders outlined above, the Task Force recommends that the 1991 Legislature implement the following program components as soon as possible during its first step in the approach. Even with the limited information now available about the effectiveness of behavioral control programs, the Task Force believes that the following recommendations represent important components of any program and should be implemented as soon as possible.

**4.9 The Department of Corrections should establish interagency teams throughout the state to oversee the supervision and progress of sex offenders in behavioral control programs.**

The Task Force concludes that established behavioral control programs in Oregon, such as Douglas County's Special Offender Program and the RTAT program in Eastern Oregon, depend, in large measure, upon an interagency team approach to overseeing the supervision and progress in behavioral control programs of sex offenders in the community. These interagency teams should include representatives from the local District Attorney's offices, Juvenile Departments, law enforcement agencies, the Mental Health and Development Disabilities Services Division, the Children's Services Division, service providers involved in behavioral control programs and the Department of Corrections.<sup>39</sup>

**4.10 The Department of Corrections should encourage a "team approach" between service providers who administer behavioral control programs and parole and probation officers who supervise adult sex offenders.**

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<sup>39</sup> The Task Force suggests that the teams established for the investigation of child abuse pursuant to ORS 418.747 may be the appropriate teams to use in implementing this recommendation.

The Task Force concludes from reports by its technical advisors and established community-based programs that the most effective behavioral control programs develop a close working relationship between the specialized corrections staff who supervise adult sex offenders and the service providers who administer behavioral control programs.

This team approach should include a written contract between each offender and the team of professionals, with terms and conditions which are mutually agreed upon and enforced uniformly by the corrections staff and the service provider. This approach promotes consistency between supervision and behavioral control programs and ensures a coordinated effort to reduce the risk that offenders will reoffend in the community.

**4.11 The Department of Corrections should establish an informal professional advisory group to advise the Department on quality assurance standards for behavioral control programs for sex offenders.**

The Task Force recognizes that the methods to control the behavior of sex offenders are in their earliest stages of development. However, based upon advice from its technical advisors, the Task Force believes that the Department of Corrections can identify basic program components and methods which should be utilized in controlling the behavior of sex offenders and minimum qualifications for the professionals who administer the programs.

The Task Force has been advised that a professional consensus is emerging concerning the effectiveness of particular educational and behavioral interventions to reduce the recidivism of sex offenders.<sup>40</sup> Furthermore, minimum levels of educational and clinical experience should be required for professionals who administer programs with public funds under contract to the Department of Corrections.<sup>41</sup>

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<sup>40</sup> See, e.g., K. Marques, D. Day, C. Nelson & M. Miner, "The Sex Offender Treatment and Evaluation Project," Third Report to the Legislature in Response to PC 1365 (July 1, 1989), p. 4 (reporting on recent literature which suggests the effectiveness of "cognitive-behavioral programs" in reducing recidivism). The Task Force understands Oregon's Correctional Treatment Program and established community-based programs in the state use this approach. See also A Practitioner's Guide, p. 58 (describing this approach as "psycho-educational modules" and "behavior treatment methods"). This approach is increasingly referred to as "relapse prevention." See, e.g., W. Pithers, K. Kashima, G. Cumming, L. Beal & M. Buell, "Relapse Prevention of Sexual Aggression," Annals New York Academy of Sexual Aggression pp. 244-260 (1988).

<sup>41</sup> For example, it seems reasonable to the Task Force that service providers who administer behavioral control programs under contract with the Department of Corrections should satisfy minimal educational and experience requirements similar to the standards for membership in such relevant professional organizations as the Association for the Treatment of Sexual Abusers. ATSA requires clinical members of the organization to have at least a Masters degree in a behavioral or social science and 2,000 hours of experience in the supervision or behavioral assessment and treatment of sexual abusers.

The Task Force emphasizes that it is not proposing professional standards for admission into the professions for treatment of sexual deviancy. Such standards are matters for the relevant treatment professions, such as psychology, psychiatry and social work. However, the Task Force believes that the Department of Corrections, as part of the conduct of its business with private service providers, should establish standards to promote the quality and effectiveness of programs funded with taxpayer dollars.

The Task Force recommends that the Department of Corrections appoint an informal professional advisory group, not unlike the Task Force's Working Group on Sex Offenders. The group should be made up of representatives of the Mental Health and Developmental Disability Services Division, relevant professions such as psychotherapy, psychiatry and psychology, and professional organizations such as the Association for the Treatment of Sexual Abusers.

This advisory group should recommend to the Department, or one of its appropriate advisory boards such as the Community Corrections Advisory Board, the basic methods and program components which should be part of any effective behavioral control program for adult sex offenders. It should also propose minimum professional qualifications for persons who administer these programs under contract with the Department. After reviewing these recommendations, the Department should adopt quality assurance standards as a condition in its contracts with service providers for the delivery of behavioral control programs for sex offenders.

**4.12 The 1991 Legislature should provide sufficient funding to screen and evaluate every convicted adult sex offender (1) as part of the pre-sentence investigation of offenders sentenced to probation or prison and (2) as part of the parole release plan for offenders released from prison into the community.**

Representatives of the Mental Health and Developmental Disabilities Services Division and the Task Force's technical advisors emphasize the importance of thorough screening and evaluation of sex offenders for appropriate program placement and determination of security levels in prison and under community supervision. This screening and evaluation is also critical in determining the most cost-effective manner of distributing program resources and ensuring that such services are devoted to offenders with the greatest potential for successful participation in programs.

### **The Third Priority: Expand Prison Capacity**

The Task Force has repeatedly expressed its support for the corrections strategy of incarcerating Oregon's most serious and dangerous offenders. Certainly, many serious sex offenders whose crimes involve violence or child victims deserve imprisonment.

However, since almost all convicted sex offenders sentenced to prison will eventually return to the community, the Task Force has emphasized the importance of community supervision, along with a limited expansion of behavioral control programs, as Oregon's "first line of defense" against sex offenders in promoting public safety. Implementation of those two strategies alone will be very costly.

The Task Force doubts that Oregon is also capable of financing the massive construction of the new prisons which would be required to implement sentences of imprisonment for life, or for mandatory minimum periods of 10 or 20 years, that

some citizens are now calling for. However, the Task Force does support an immediate and significant expansion of Oregon's prison capacity for sex offenders.

**4.13 The 1991 Legislature should fund the construction of four relatively low cost prison dormitories, within the secure perimeter of the new Snake River Correctional Institution in Ontario, Oregon, to house a total of 300 sex offenders who are scheduled to be released from prison within a year. The inmates should participate in behavioral control programs developed and administered through the collaboration of Oregon's Correction Treatment Program and Ontario's Restitution Treatment and Training, Inc. (RTAT) program.**

The Task Force recommends the expansion of Oregon's prison capacity for sex offenders at the new Snake River Correctional Institution in Ontario. This new facility for sex offenders should be operated in conjunction with behavioral control programs developed by the Department's nationally-recognized Correctional Treatment Program for prison inmates and Ontario's successful community-based RTAT program.

This proposal represents a cost-effective method to maximize the delivery of behavioral control programs to prison inmates about to be released into the community, by housing them in relatively low-cost, separate dormitory structures at the new medium security prison under construction in Ontario. This low cost prison space for sex offenders will reduce the total cost of the Snake River Correctional Institution. It will also free up the more expensive prison space where sex offenders are currently housed to incarcerate other offenders.

Through the use of its new offender classification system and mental health screening process, the Department of Corrections will be able to determine which offenders within the prison population of sex offenders qualify for participation in behavioral control programs and can safely be managed in this specialized facility. In order to maximize the effectiveness of the facility's programs in establishing behavioral controls over sex offenders who return to their communities, participation in the programs should focus on inmates during the last year of their prison terms.

Locating these facilities in Ontario has at least two important advantages. First, the secure perimeter fence at the Snake River Correctional Institution will ensure that public safety will not be threatened by housing adult sex offenders in a relatively low cost facility. Second, RTAT is a well-established, highly regarded community-based program in Ontario. Its involvement in the design and administration of the facility's behavioral control program will promote local community support, as well as the quality of the facility and its programs.

**4.14 The 1991 Legislature should direct the Oregon Criminal Justice Council and the State Sentencing Guidelines Board to propose longer sentences under felony sentencing guidelines for the most serious sex offenses involving physical violence or child victims to the 1993 Legislature, along with an assessment of (1) the new prison space required to implement the proposal under the current guidelines sentencing structure and (2) the downward adjustments in sentences for other felonies that would be necessary in the event new prison space is not constructed.**

As part of a long-term strategy to increase prison capacity for sex offenders, the Task Force recommends that proposals for longer prison sentences for the most serious sex offenses be developed through Oregon's established process for administering felony sentencing guidelines. The 1989 Legislature wisely chose this

course in developing proposals for longer sentences for drug offenses. This approach represents a rational and cost-effective alternative to proposals for mandatory minimum prison sentences, which do not take into account the resulting need for additional prison space, or for downward adjustments in sentences for other felony offenses if the state's prison capacity is not increased.

The Task Force believes that the Oregon Criminal Justice Council and the State Sentencing Guidelines Board should evaluate the feasibility of lengthier prison sentences for the most serious sex offenses, in the context of Oregon's overall felony sentencing structure. Through this process, the Council and the Board can advise the 1993 Legislature of the true costs associated with longer sentences for sex offenses.