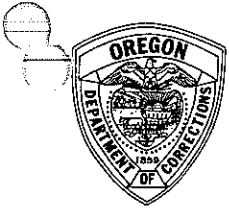


OREGON

DEPARTMENT OF CORRECTIONS

Office of the Director

2575 Center Street NE
Salem, OR 97310
Telephone (503) 378-2467
FAX: (503) 373-1173



December 22, 1992

DEPARTMENT OF LAND
CONSERVATION & DEVELOPMENT

DEC 28 1992

SALEM

Mr. Richard Benner, Director
Department of Land Conservation and Development
1175 Court Street N.E.
Salem, Oregon 97310-0590

SUBJECT: Department of Corrections State Agency Coordination Plan

Dear Mr. Benner:

Enclosed is the final State Agency Coordination Plan for the Oregon Department of Corrections, including our adopted Land Use Coordination rule. As stated previously, our business does not readily lend itself to typical siting procedures and we therefore, still have reservations about the submitted plan. We feel we have met the requirements of the SAC legislation and hope that any required future prison sitings can be accomplished under this plan.

Thank you again, for the assistance of your department. Please work through Lisa Strader, Facilities Administrator, through the plan's adoption process.

Sincerely,

A handwritten signature in cursive script that reads "Frank A. Hall".

Frank A. Hall
Director

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DEPARTMENT OF CORRECTIONS

State Agency Coordination Program

DECEMBER 1992

**Department of Corrections
2575 Center Street NE
Salem, Oregon 97310
(503) 373-7085**

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EXECUTIVE SUMMARY

- o ORS 197.180 requires that the Department of Corrections (DOC) prepare a State Agency Coordination (SAC) Program by which it describes to the Land Conservation and Development Commission (LCDC) how its programs affecting land use comply with the state planning goals and are compatible with city and county comprehensive plans.
- o The 1988 "Strategic Corrections Plan for Oregon" adopted by the Governor's Task Force on Corrections Planning under Chapter 321, Oregon Laws 1987 identified construction of a 400 bed Women's Correctional facility, 700-900 minimum security beds in three facilities located in three different regions, and an additional 1000 to 2500 medium and possible some minimum security beds in a facility now sited in Ontario, as the priorities for DOC that needed to be addressed in the near future.
- o DOC has three programs affecting land use:
 1. Strategic Planning and Site selection for statewide and regional correction facilities identified in the 1988 "Strategic Corrections Plan for Oregon, or in any subsequent siting plans adopted by the Department.
 2. Facility Construction including new construction and/or major expansion of correctional facilities by the Department.
 3. Community Corrections Grants and loans to local governments for the construction of correctional facilities.
- o Chapter 789, Oregon Laws 1989 declares the necessity to provide in state land use goals and regulations and local comprehensive plans and regulations, adequate opportunities for siting of prison facilities. It also requires that LCDC amend the land use planning goals and establish streamlined siting procedures for corrections and report to the Joint Legislative Committee on Land Use and to the Governor by September 30, 1990. The report has been submitted. Goal amendment and streamlined siting procedures are pending direction from the Governor's office.
- o The Strategic Plan also recommended a Statewide Siting Plan for Corrections as the key document by which to trigger coordination of land use planning with local governments and on which to base cooperation with LCDC in establishing streamlined siting rules and goal amendments that may be needed to provide for a more certain and efficient future method to site correctional facilities.
- o This SAC program includes a LAND USE COORDINATION rule describing how DOC will assure compliance with the statewide planning goals and compatibility with comprehensive plans.
- o Based on the evaluation of DOC's most recent siting experiences, this SAC Program adopts an active role for DOC in working with local governments and communities, in that it encourages formation of a Technical Advisory Committee made up of community leaders, elected officials and technical experts to assist in locating sites within selected local jurisdictions. It also encourages formation of a Site Advisory Committee made up of representative community residents to guide the chosen site through approval, design and operations. Finally, the Program provides a dispute resolution process and encourages negotiations with local governments.

SECTION I

DEFINITIONS

Acknowledged Comprehensive Plan as defined in OAR 660-30-005(1) and adopted herein means a comprehensive plan and land use regulations or plan or regulation amendment which comply with the goals as provided in ORS 197.251, 197.640 to 649, and 197.625.

Affected City or County means a city or county that has comprehensive planning authority over a site or area which is directly impacted by a proposed Department action.

Affected State and Federal Agencies means state and federal agencies identified in the Department's state agency coordination program.

Agency Coordination Program as defined in OAR 660-30-005(3) and adopted herein means the submittal made by a state agency to DLCD pursuant to ORS 197.180(2)(a) through (d) and OAR Chapter 660, Division 30.

Compatibility with Comprehensive Plans as defined in OAR 660-30-005(5) and adopted herein means that a state agency has taken actions pursuant to OAR 660-30-070, including following procedures in its coordination program where certified, and there are no remaining land use conflicts between the adoption, amendment, or implementation of the agency's land use program and an acknowledged comprehensive plan.

Compliance with Goals as defined in OAR 660-30-005(6) and adopted herein means that the state agency land use programs and actions must comply with the applicable requirements of the statewide planning goals as provided in OAR 660-30-065.

Coordination as defined in OAR 660-30-005(8) and adopted herein means the needs of all levels of government, semi-public, and private agencies, and the citizens of the State of Oregon have been considered and accommodated as much as possible.

Department means the Oregon Department of Corrections.

Director means the Department of Corrections Director.

DLCD means the Department of Land Conservation and Development

Facilities means Department dwellings, offices, prisons, and other permanent structures or sites where Department administrative or program functions are performed or managed.

LCDC means the Land Conservation and Development Commission.

SAC means State Agency Coordination.

Statewide Planning Goals means the mandatory statewide planning standards adopted by LCDC pursuant to ORS 197.005 to 197.860.

INTRODUCTION

ORS 197.180 requires each state agency to prepare a coordination program for review and certification by the State Land Conservation and Development Commission (LCDC). The purpose of State Agency Coordination (SAC) programs is to assure that state agency rules and programs which affect land use:

- 1) comply with the statewide planning goals, and
- 2) are compatible with acknowledged city and county comprehensive plans and land use regulations.

Under ORS 197.180, the Department of Corrections' land use programs must be compatible with acknowledged comprehensive plans. Operating under the periodic review process (ORS 197.628), local comprehensive plans can be required to address the state's plans and programs to construct new prison facilities. The local comprehensive plans, however, currently do not address statewide or regional prison needs.

The Legislature has also required (See Section II A. 4) that LCDC establish streamlined siting procedures. The Department anticipates that the streamlined procedures will address how local comprehensive plans can more effectively and efficiently address siting of statewide correction facilities.

The Department has developed this SAC program to fulfill its land use coordination responsibilities in accordance with ORS 197.180. The Department prepared its first SAC Program and submitted it to LCDC for approval in March, 1978. In its submittal, the Department did not identify a separate rule affecting land use, but it did state that it would "plan to participate with the City of Salem and Marion County, because most of our existing facilities are located within these jurisdictions, and because if any changes or developments are needed for our facilities, these two governmental units would be involved in land use considerations." Over all, the primary concern of the Department at that time was the effect of local comprehensive plans on the Department. DOC sought to establish its "conformance" with the state-wide planning goals "by reason of being included in the state plan adopted by the State Capitol Planning Commission."

Since that time the Department has not amended its SAC Program. The requirements for agency coordination (OAR 660, Division 30) have been revised twice as a result of statutory amendments and policy actions by LCDC. It is the Department's intention that this SAC Program comply with all current coordination requirements. Upon certification by LCDC, this SAC Program will replace and supersede the Department's SAC Program submitted in 1978.

The Department of Corrections was originally created by the 1965 Legislature and reestablished by the 1987 Legislature. The Department currently operates under ORS chapter 423. It is responsible for providing presentence information to the courts in all felony cases, supervision of adults placed on probation by the courts, supervision of adults placed on parole by the Board of Parole, and supervision of adult felons sentenced to a period of incarceration by the courts.

THE CHALLENGE

As the Department reported to the 1989 Legislature, over the previous twelve years Oregon had seen a 25 percent rise in reported crime. According to the Department's information, during that same period, Oregonians saw:

- o A 71 percent increase in case filings
- o A 135 percent increase in commitments to prison
- o A tougher sentencing policy for violent criminals leading to longer sentences
- o A 143 percent increase in the number of criminals under commitment
- o A 120 percent increase in the number of probationers
- o A 10 percent increase in the number of community supervision staff

The Department concluded that a 30 percent increase in beds could not accommodate a 143 percent increase in prisoners. The ranks of community supervision line staff, managers, and clerical support had not kept pace with the increasing caseload. The results, the Department told the Legislature, are:

- o The most crowded prison system in the Western United States
- o A high level of inmate idleness
- o A drop in the number of security staff per inmate despite overcrowding and the infusion of gang activity into our prisons
- o A jump in parole and probation failures
- o A fourth place nationally in minimum security facilities escapes

While the Department has completed construction of over 3000 beds in the past two biennia, and has seen its incarceration rate decrease, the prison population is still increasing. With the budget instructions for the next biennium, due to Ballot Measure 5, the Department of Corrections is anticipating a downward adjustment to its incarcerated population, and an increase in the offenders managed in the community. However, community corrections will also be cut due to Ballot Measure 5, therefore, more offenders will receive minimal, or no supervision unless funds are reallocated to the communities.

The Department is in the process of planning for these changes. At the same time, the Department has an ever increasing need for a new facility for women offenders. This population is growing at roughly double the rate of male offenders. The Department's current facilities are inadequate to appropriately manage the continuum of sanctions and services for the women in its custody and care. Community programs, substance abuse treatment, health care, day care, education, family counseling, employment, parenting skills, and a nursery are all critical to enabling women to break the cycle of social dysfunction.

As the public continues to expect that the criminal justice system be tough on crime, Corrections can expect an increased demand for appropriate management of offenders. Corrections must work with other criminal justice agencies and communities to assure that the present bed capacity is used by those deemed to pose the greatest risk and that offenders assigned to community supervision have access to the programs and sanctions they need.

The Department's Mission statement and goals follow:

MISSION STATEMENT

"To reduce the risk of criminal conduct, through a partnership with communities, with a continuum of community supervision, incarceration, sanctions, and services to manage offender behavior.

The fundamental value in the continuum of probation, prison, and parole is the principle that the least restrictive method be used to manage offender behavior, consistent with public safety."

1991/92 DEPARTMENT GOALS

- GOAL #1: INCREASE AND TARGET RESOURCES TO SUPERVISE OFFENDERS IN THE COMMUNITY AND TO PROVIDE INCREMENTAL SANCTIONS AND SERVICES FOR HIGH-RISK OFFENDERS.
- GOAL #2: PROCEED WITH PLANNING FOR CONSTRUCTION OF A NEW WOMEN'S PRISON INCLUDING THE STUDY OF SPECIAL NEEDS OF WOMEN OFFENDERS ON PROBATION, IN PRISON, AND ON PAROLE.
- GOAL #3: ENHANCE STAFF TRAINING PROGRAMS TO MANAGE OFFENDER BEHAVIOR.
- GOAL #4: DEVELOP INFORMATION SYSTEMS APPLICATIONS WHICH WILL ALLOW US TO MEASURE PROGRAM OUTCOMES.

SECTION II

DEPARTMENT OF CORRECTIONS RULES AND PROGRAM ACTIVITIES

This section addresses the requirements of LCDC's Administrative Rules, OAR 660-30-060(3), by describing the Department's statutory charges, administrative rules, and programs. The Department's programs which affect land use will be identified and discussed in this section. This section will also discuss the Department's expectations for LCDC's efforts to streamline the siting process for correction facilities.

A. ENABLING STATUTES:

Copies of the Department's statutes are available for review at the Department of Corrections, 2575 Center Street N.E., Salem, Oregon 97310.

<u>ORS CITATION</u>	<u>BRIEF DESCRIPTION: RESPONSIBILITIES</u>
1. 179. 010 - 050	Definitions and General Authority - Powers and duties of the Department.
2. 423. 010 - 100	General provisions - defines duties and powers of the Department to supervise the management and the administration of the Department's institutions, parole and probations services, community corrections and other functions related to state programs for corrections; defines duties of the director including supervision of long range planning and provision for safety of all prisoners in custody.
3. 179. 310 - 550	Supervision of state institutions - identifying authority to operate, control, manage and supervise institutions; staff; work at institutions; transfer procedures (out of corrections to mental health, health, commitment); medical care; records.
4. Chapter 321, Oregon Laws 1987	Siting of Minimum Security Facilities - temporary provisions relating to siting minimum security facilities compiled as notes preceding ORS 421.005. Requires Governor's Task Force on Corrections Planning (Task Force) to create an emergency plan to site not more than 1000 minimum security beds (550 actually sited); authorized expansion of Eastern Oregon Correctional Institution; created Emergency Corrections Facilities Siting Authority to exist until all appeals are exhausted but not later than July 1, 1990; required the Task Force to develop a statewide strategic corrections plan that reviewed and evaluated the state corrections facilities and programs to be submitted to the Governor no later than September 1, 1988 and to the 65th legislative Assembly.
5. Chapter 789, Oregon Laws 1989	Siting of Medium Security Facilities - temporary provisions relating to siting medium security facilities compiled as notes preceding ORS 421.005. Continuing Emergency Corrections Siting Authority until all appeals exhausted [Oregon Supreme Court ruled on the last appeal 04/26/199]; Authorizes at least 500 inmate medium security facility and authorizes up to 1500 inmates on the same site, up to 3000 on the same site with Legislative approval, and could include minimum security beds

provided at least two-thirds of the beds were medium security; declares the necessity to provide in land use goals and regulations and comprehensive plans and regulations for adequate opportunities for siting of prison facilities; requires LCDC to amend the land use planning goals and to establish streamlined siting procedures for corrections and to report to the Joint Legislative Committee on Land Use and to the Governor by September 30, 1990.

6. 421. 450 - 490 Forest and Work Camps - requires the Department to establish minimum security work camps at places in state forests recommended by the State Board of Forestry.
7. 421. 605 Establishes the Oregon State Penitentiary for imprisonment of male persons located in Salem.
8. 421. 805 Siting of branch institutions - permits the Department to establish and operate institutions or domiciliary and other facilities in accordance with statutes governing the siting and locating of correctional institutions.
9. 423. 500 - 570 Community Corrections - establishes state-wide community correction program to provide appropriate sentencing alternatives, improved local services, promote local management and to promote most effective criminal sanctions; creates a Community Corrections Advisory Board appointed by the Governor to advise the Director on formulation of standards, adoption of rules and to review plans of counties; permits counties to apply for financial aid under the program; allows director to provide technical assistance in implementation of community corrections plans and promulgate mandatory rules for participation; mandates requirements for applications, including location and description of facilities including halfway houses, work release centers and jails; requires modification or amendment of an approved community corrections plan only with prior approval of director; creates Community Sanctions and Alternatives Fund to provide funding to community based organizations and individuals providing residential and non-residential drug and alcohol programs, re-entry programs for offenders leaving institutions; authorizes preadjudication programs and other alternatives to incarceration.
10. Amended chapter 558
Oregon Laws 1985 Oregon Criminal Justice Council - temporary provisions relating to Oregon Criminal Justice Council compiled as notes following ORS 423.570; requires study and recommendations concerning capacity, utilization and type of state and local prison and jail facilities; requires study of alternatives, including the appropriate use of existing facilities and programs, and the desirability of additional or different facilities and programs.
11. 169. 030 - 078 Local Correctional Facilities - requires every county and city to provide within or outside city or county a local correctional facility; requires the Department to provide and coordinate services to local governments with respect to local and juvenile correction facilities including designation of staff to provide technical assistance in planning and operation of correctional facilities, lockups, temporary holds, juvenile detention and to advise on provisions of state laws; provides for inspections to insure compliance with state standards.

12. 169. 080 -090 Enforcement of Standards for Local Correctional and Juvenile Detention Facilities - provides for Department notification in writing of standards that are not being met and for specific recommendations to meet the standards; requires that all plans of new construction or major renovation of local correctional facilities, lockups and juvenile detention facilities shall be submitted to the Department for review and advisory, not binding, recommendations; requires the Director of the Department to publish and distribute a manual of recommended guidelines; requires separate guidelines to be published by the Department and the Oregon Community Children and Youth Services Commission pertaining to operation of juvenile detention facilities.
13. 169. 610 - 677 Regional Facilities - states legislative policy to encourage establishment of regional correctional facilities that combine city and county services with work release, education, other type of leave and supervision by the Department; defines "regional correctional facility" as one used to house pretrial and post-trial prisoners by agreement between two or more counties, or cities, or State of Oregon to construct, acquire or equip such a facility; specifies that a facility operated under agreement by the Department is not a state institution but may be located in the same building as an ORS 421.805 facility; requires the Department to negotiate with Marion and Umatilla counties to convert the Oregon State Correctional Institution and the Eastern Oregon Correctional Institution into regional correctional facilities operated by the Department to house both state and county prisoners; requires inclusion of other nearby counties that request participation.
14. 169. 690 Halfway Houses - requires the Department or any other entity establishing a halfway house, work release center or any other domiciliary facility for persons released from any penal or correctional facility, but still in custody to designate a citizens advisory committee in the proposed affected geographic area; for each proposed house, center or other facility the responsible agency shall inform fully the citizens advisory committee of the proposed location, estimated population size and use, number and qualification of resident professional staff, proposed rules of conduct and discipline; the majority of the advisory committee shall advise the responsible agency in writing as to the suitability of the proposed house, center or facility and may suggest changes in the proposal; if the responsible agency rejects any of the advice, it must do so in writing and submit reasons.
15. 144. 410 - 525 Work Release Program - requires the Department to establish and administer a work release program; makes the Department responsible for quartering and supervision; establishing and maintaining community centers; enter into agreements with public and private agencies for provision of services and quartering of enrollees in suitable local facilities. Each such facility having six or more residents must be licensed under ORS 443.400 - 455 (Residential Facilities) and 443. 991 (Penalties) and must satisfy Departmental standards; ORS chapter 443 is administered by the Department of Human Resources.
16. 423. 400 - 450 Corrections Ombudsman
17. 179. 210 - 250 Claims for injury and damages.

- 18. 421. 005 - 084 Administration - cost accounting, revolving fund, educational planning and literacy programs.
- 19. 421. 085 - 095 Inmate Rights
- 20. 421. 105 - 170 Custody of Inmates
- 21. 421. 180 - 195 Inmate Discipline
- 22. 421. 205 - 229 Transfer of Inmates - authorizes the Department to enter into contracts or arrangements for confinement and detention of inmates.
- 23. 421. 245 - 254 Interstate Corrections Compact
- 24. 421. 282 - 294 Western Interstate Corrections Compact
- 25. 421. 305 - 343 Inmate Industries and Commodities - authorizes the Department in accordance with rules adopted by the board of directors to operate, install and equip plants in any institution for employment of inmates;
- 26. 421. 400 - 420 Inmate Labor Generally
- 27. 423. 310 - 350 Court services as defined in ORS 3.250, the Oregon Community Children and Youth Services Commission.

B. ADMINISTRATIVE RULES

The Department has adopted a number of administrative rules in accordance with its statutory responsibilities. The Department's administrative rules are found in Oregon Administrative Rules (OAR) Chapter 291. The Land Use Coordination Rule (OAR 291-32) is attached as Appendix 1. Other rules are available for review at the Department of Corrections, 2575 Center St. NE, Salem 97310.

<u>*TAB</u>	<u>APA</u>	<u>Rules</u>
<u>Division</u>	<u>Rule #</u>	
1.	005	Computerized Information
2.	100	Sentence Computation/Administration of Statutory Good Time/Meritorious Time
3.	046	Segregation (Administrative)
4.	001	Rules Development
5.	047	Mental Health Treatment Program (inmate assignment and transfer)
6.	107	Petitions (Circulation in Corrections Division Facilities)
7.	139	Legal Affairs (inmate)
8.	131	Mail (inmate)
9.	042	Drug Urinalysis Testing

10. 031 Community Corrections Program
11. 038 Presentence Report
12. 002 Affirmative Action/Equal Employment Opportunity
13. 033 Employee/Inmate and employe/Client Relationship
14. 705 Industries/Private Sector Enhancement Program
15. 037 Release of Public Records
16. 130 Telephones (inmate)
17. 109 Grievance Review System (inmates/clients)
18. 054 Hostages
19. 053 Emergency Planning
20. 145 Group Activities (inmates)
21. 137 Compensation (inmate)
22. 105 Inmate prohibited conduct and procedure for processing disciplinary actions
23. 119 Inventions, Manuscripts, and/or Compositions (inmate)
24. 121 Handiwork (inmate manufacture and sales)
25. 124 Health Services (inmate)
26. 141 Library Services (inmate)
27. 133 Marriages (inmate)
28. 123 Hygiene, Grooming and Sanitation (inmate)
29. 117 Personal Property Control and Disposition (inmate)
30. 157 Release Subsidies (inmates)
31. 019 Transfer (community services)
32. 017 Vocational Training Projects
33. 166 Supervision Fees
34. 039 Release of Public Information
35. 158 Trust Accounts (inmates)
36. 143 Religious Activities (inmates)

37. 035 Research Proposals
38. 041 Searches - Institutions
39. 011 Segregation (disciplinary)
40. 113 Education Programs
41. blank tab
42. 052 Transfers (temporary - between CSD and corrections division)
43. 009 Tours
44. 114 Revocation Guidelines
45. 013 Physical Force, Firearms, Chemical Agents, Restraints, Security Equipment (use of)
46. 167 Jail Inspections
47. 127 Visiting (inmate)
48. 015 Volunteer Services
49. 065 Parole and Probation Officer Duties
50. 048 Special Management Unit
51. 070 Files and Records
52. 006 Discrimination Complaints
53. 004 Handicapped (civil rights)
54. 008 Race, Color, National Origin
55. 185 All Points Bulletins (APB's) and Arrest Warrants (issuance)
56. 700 Industries (Organization and Operation of)
57. 075 Citizen Complaints
58. 164 Purchasing
59. 044 Parole Release Date (recommendation to modify)
60. 022 Internal Affairs
61. 061 Food Services Sanitation
62. 180 Interstate Compact/Hearings process
63. 023 Inventory and Property Control

64.	025	Consultant Selection Procedures: Professional Consultants
65.	062	Contracts
66.	024	Capital Punishment (death by lethal injection)
67.	169	Allocation of Field Services Positions
68.	085	Force (Use of)
69.	104	Classification (inmate)
70.	080	Parole Violators Project
71.	083	Controlled Feeding
72.	093	Death Row
73.	066	Searches - Community Services
74.	149	Work Release Programs
75.	097	Prison Term Reduction
76.	068	Home Contacts
77.	067	Arrest and Transport
78.	063	Short Term Transitional Leaves, Emergency Leaves and Supervised Trips
79.	101	Needs Assessment and Supervision Planning
80.	078	Case Management System (Community Services)
81.	153	Parole Board Hearing (inmate accompaniment)
82.	800	Community Sanctions and Alternatives Fund
83.	156	Inmate Welfare Fund
84.		blank tab
85.	072	ID Cards (inmate)
86.	055	Intensive Management Unit
87.	122	Free Materials Program
88.	034	Transfers (inmate)
89.	069	Gang Management
90.	016	Facility Access
91.	027	Death (inmate)
92.	014	Sex Offender Registration
93.	032	Land Use Coordination

A brief functional description of the Department's programs are given below.

C. DEPARTMENT OF CORRECTIONS OVERVIEW

The Department is organized into four Branches. Each Branch Director is an Assistant Director of the Department and reports to the Director of Corrections. The Branches within the Department include:

- ADMINISTRATION AND PLANNING,
- INSTITUTIONS,
- COMMUNITY SERVICES
- INSPECTIONS

The Department's 1991-93 legislatively approved budget totals \$369.7 million, of which \$331.3 million is from the State General fund with 2,301.75 full-time equivalent positions authorized in the Department.

1. ADMINISTRATION AND PLANNING BRANCH

The Administration and Planning Branch is under the direction of the Assistant Director and provides support services to the operations branches. The administrative staff for this branch includes the Assistant Director, Construction Administrator, Fiscal Services Administrator, Information Systems Administrator, Employee Services Administrator, Alcohol & Drug Treatment Program Manager, an Executive Assistant and an Executive Support Specialist. Support services include research and program analysis, data processing, training, budget services, personnel, business services, program planning, development and evaluation, and alcohol and drug treatment program management. Five divisions constitute this branch:

- Construction,
- Fiscal Services,
- Information Systems,
- Employee Services, and
- Alcohol & Drug Treatment.

a) Facilities Division

The Facilities Division is responsible for centralized planning of new facilities, management of the design and construction of new facilities, major addition or renovation projects, hazardous materials management, and deferred maintenance/management for all DOC institutions throughout the state. During 1989 -91, the Division, in accordance with HB 2713 (Chapter 789, OL 1989) authorized the siting and construction of 648 medium security beds in Malheur County, with a pre-approved expansion to 1500, and with legislative approval, an expansion to 3000 beds. From 1987 to 1991, 3,100 new or converted beds came on line. Centralized planning and management of the design and construction of these facilities helped insure that the Department's space needs were appropriately met in a cost-effective manner. The chart below lists past activities for the Facilities Division.

**Prison Expansion or Conversion Completed
(Based on August 1988 Strategic Plan)**

<u>Completion Date</u>	<u>Location</u>	<u>No. of Beds</u>
Nov. 1987	Eastern Oregon Correctional Inst (EOCI), Pendleton	140
Jan. 1988	DOC Release Center, Salem	20
Jan. 1988	Women's Release Unit (WRU), Salem	8
July 1988	Parole Violators Prison, North Bend	110
Dec. 1988	Oregon Women's Correction Center (OWCC), Salem	48
Mar. 1989	EOCI, Pendleton	792
Nov. 1989	Powder River Correctional Center, Baker City	158
July 1990	Shutter Creek Correctional Institution, Hauser	200
Sept. 1990	EOCI, Pendleton	180

Sept. 1990	Columbia River Correctional Institution, Portland	400
Jan. 1991	Oregon Corrections Intake Center, Oregon City	200
May 1991	Maximum Security Unit, OSP	196
July 1991	Ontario Medium Security Facility	<u>648</u>
Total in progress		1,752
TOTAL BEDS		3,100

Remaining Priority Prison Facilities as Identified in the Strategic Plan

by June 30, 1993	400	Women's Correctional Facility in or near Portland, Governor's Task Force has been reconvened to consider the Department's request for a 600 bed facility (540 Medium and 60 Minimum).
by June 30, 1997	700 - 900 Minimum	Central Oregon, Mid-Willamette Valley and Southern Oregon (Minimum Restitution centers, labor camps and alcohol and drug treatment centers). HB 3092 authorized 1000 minimum security placement, and 550 were provided.
Unspecified	Unspecified	Community and Regional facilities for probation and parole violators. (Strategic Plan recommends that DOC consider contracting with counties and private providers for these types of facilities).
Unspecified	852 - 2352	Ontario Medium Security Facility - HB 2713 Section 8 (4) provided that: "One site may be developed up to a capacity to accommodate 1,500 inmates and, after the approval of the Legislative Assembly, up to ...3000 inmates." Also minimum security beds may be included, if at least two-thirds of the facility is capable of accommodating medium security beds.

In addition, the Division manages the Department's deferred maintenance/management, hazardous materials, and capital improvement programs with a statewide perspective, including identification, investigation of possible solutions, preparation of a budget request, prioritization in relation to other projects, and project management during construction. The Division serves as the coordination point for major physical plant problems within the system. Construction staff work with each institution's maintenance staff to insure that each aspect of the physical plant is brought up to its optimal operational level and remains at that level through appropriate ongoing maintenance.

b) Fiscal Services Division

Support services provided by this Division include budget, payroll, accounts payable, accounts receivable, inmate trust, purchasing, property control, and warehousing. The Division is initiating a new computerized accounting system to enable interaction among all these functions with accessibility to all staff.

c) Information Systems Division

The Information Systems Division is responsible for:

- o Development and operation of management information systems.
- o Management and operation of the Department's computer center and tele-communication network.
- o Conducting research needed to assist the Department in program planning and policy development.
- o Evaluation of Department programs.
- o Coordination of information system and research activities with other criminal justice agencies.

The Division was created in 1987 by the Department Director to develop an information resource to improve decision making and resource management within the Department. Since its establishment, the Division, has developed an Information System Master Plan to guide its activities for the next five years.

d) Employee Services Division

Personnel management, hiring, disciplinary action, union interface, contract negotiations, and terminations are the responsibility of this division. In addition, risk management and training are also encompassed in employee services.

e) Alcohol and Drug Treatment Program

This unit is responsible for program development, grant applications, data collection of problems and needs of inmates, program delivery, outcome monitoring, and integration of programs between institutions and community services.

2. INSTITUTIONS BRANCH

The Institutions Branch is under the direction of the Assistant Director for Institutions. The Assistant Director is responsible for the operation of all adult corrections institutions, minimum security facilities, institution operations, offender classification, correctional programming, and health services program management. The mission of this Branch is to provide for the confinement and correctional programming of inmates sentenced to the physical custody of the Department of Corrections.

A broad range of confinement facilities provide for maximum, medium and minimum security housing of inmates. A classification section provides for the assignment of inmates to the proper level of security confinement to ensure protection of the public, staff and inmates. Programs to provide opportunities for self-improvement in the form of education, mental health, vocational training and work experience are an important component of each institution. In addition to institutions, this Branch is also responsible for offender Classification, Health Services and Release Services. Release Services coordinates community reintegration programs for inmates approaching parole or discharge from the adult institutions and provides professional and administrative support to the Board of Parole.

A Description of Existing Facilities

The Branch's primary function is the operation of correctional facilities. On January 31, 1992, the Department's total responsibility included 42,223 persons, of whom 6,595 (15.6%) were inmates of Oregon's Corrections' institutions. Superintendents of the institutions are responsible for security, housing and programming for Oregon's incarcerated felony offenders.

COLUMBIA RIVER CORRECTIONAL INSTITUTION (CRCI), Portland.

This institution was opened in September, 1990. It is the first institution to house both male and female offenders since women were housed at the Penitentiary in the early 1960's. This facility is minimum security with a residential alcohol/drug treatment unit and inmates working outside the facility during the day. Its design capacity is 400. Its January 31, 1992 total population was 407; 249 male, 155 female.

EASTERN OREGON CORRECTIONAL INSTITUTION (EOCI), Pendleton.

EOCI is a medium security prison in Pendleton which was constructed by renovating the former Eastern Oregon State Mental Hospital. Conversion of the hospital to a prison was authorized by the 1983 Legislature. The prison opened in 1985 with a capacity of 400, although operational funding was limited to 350 beds. The 1987 Legislature provided funding for operation of the additional 50 beds and appropriated \$15.8 million for a 798-bed expansion of EOCI. The 1989 legislature allowed further

expansion to complete the remodel of the facility. As of January 31, 1992, EOCI was scheduled to have an operating capacity of 1,584; January 31, 1992 population was 1,521.

INTENSIVE MANAGEMENT UNIT (IMU), Salem.

Constructed within the walls of the Oregon State Penitentiary and opened in May, 1991, this facility houses the inmates throughout the systems who are the most difficult to manage. With the increase in gang activity in the prisons, known gang leaders are housed here as are drug dealers. The IMU has an operating capacity of 196; the January 31, 1992 population was 90. This total is included in the OSP population count.

MILL CREEK CORRECTIONAL FACILITY, Salem.

The Department of Corrections Farm is a 2,089-acre complex located five miles southeast of Salem. The Farm includes an inmate housing unit, dairy buildings and barns, including a complete milk processing plant and a modern slaughterhouse facility. It offers agriculturally-oriented vocational training to minimum custody inmates. Milk and beef for all prison populations and some other state institutions, are produced there. It was first started in the early 1900's. As of January 31, 1992, the Farm had an operating capacity of 229; January 31, 1992 population was 218.

OREGON CORRECTIONS INTAKE CENTER (OSCI), Oregon City.

Opened in January 1991, this facility is the first contact the incarcerated have with the Oregon prison system. At this facility all male offenders sentenced to prison are classified, examined by medical, dental, and psychological professionals, as needed, and finally assigned to a prison with programs to meet their needs. The average inmate stay is 14 days and the facility processes approximately 500 individuals a month. Its operating capacity is 200; as of January 31, 1992 the population was 174.

OREGON STATE CORRECTIONAL INSTITUTION (OSCI), Salem.

OSCI is a medium security prison located in a semi-rural setting three miles east of Salem on the Santiam Highway. It is surrounded by two chain link fences topped by rows of inward leaning razor ribbons and protected by electronic security devices. OSCI was originally designed to house first-commitment males under the age of twenty-six who had committed less serious felonies and was established by action of the 1955 legislature and opened in 1959 with a single-cell capacity of 473. The facility now houses a mix of first time and repeat offenders. As of January 31, 1992 OSCI was scheduled to have an operating capacity of 860; January 31, 1992 population was 864.

OREGON STATE PENITENTIARY (OSP), Salem.

This is the State's oldest prison facility and its only maximum security institution. First constructed in 1866, it has had many additions and modifications. It was extensively rebuilt after a serious riot in 1968. Located on a twenty-six acre site in Salem, it is surrounded by a reinforced concrete wall averaging twenty-five feet high with ten built-in guard towers. It has a design capacity of 1,371. Block A has been double-celled since 1978 and Block C has been double-celled since 1933. In 1983, a building on the Penitentiary grounds previously used as part of the Corrections Industries program was remodeled and is currently used as a dormitory housing 152 inmates. As of January 31, 1992, OSP had an operating capacity of 1,709; the January 31, 1992 population was 1,805.

OREGON WOMEN'S CORRECTION CENTER (OWCC), Salem.

This is a medium security facility located immediately adjacent to the south wall of the Oregon State Penitentiary. It is a single-story structure with an X configuration and is surrounded by a single chain link fence topped with razor ribbon. First opened in 1965, it is the state's only secure facility for female inmates. It was originally operated under the jurisdiction of the Penitentiary, but was made autonomous in 1972. As of January 31, 1992, OWCC was scheduled to have an operating capacity of 190; January

31, 1992 population was 174.

PAROLE VIOLATORS PROJECT, North Bend

The Parole Violators Project was developed to address Oregon's high parole revocation rate, which is approaching 50% within three years of release. The Department of Corrections has identified a population of high risk property/ statute offenders that return to prison at nearly twice the rate of other parolees. This project is intended to alter the return rate of this population through the threat and subsequent imposition of a six month prison sanction in a dedicated facility upon revocation, without the benefits of temporary leave and other privileges. On January 31, 1992 there were 104 participants.

POWDER RIVER CORRECTIONAL FACILITY (PRCF), Baker City

Opened in November 1989, Powder River is a labor camp with a residential alcohol and drug treatment program. The labor camp inmates perform community services projects. Its design and operating capacities are 158, its January 31, 1992 population was 144.

SANTIAM CORRECTIONAL INSTITUTION and WOMEN'S RELEASE UNIT (WRU), Salem.

These facilities provide housing and transitional release programs for inmates in Salem area institutions. Inmates housed at SCI and WRU also work on parks and with a number of other public agencies in the area. SCI, approximately two miles east of Salem on the Aumsville Highway, has an operating capacity of 419; January 31, 1992 population was 418. WRU, located on the Oregon State Hospital grounds off of Center Street, has an operating capacity of 58 inmates; January 31, 1992 population was 57.

SHUTTER CREEK CORRECTIONAL INSTITUTION (SCCI), Hauser.

Shutter Creek, near Coos Bay/North Bend, was acquired from the Federal Government and prior to being a prison, was a National Guard station. It has multiple buildings spread over a tiered eight acre sight. It is a minimum security facility where most inmates work on public service projects outside the secure perimeter during the day. Its design and extended capacities are 200. Its January 31, 1992 population was 196.

SNAKE RIVER CORRECTIONAL INSTITUTION (SRCI), Ontario.

This is the state's newest, and with the potential of one day being the biggest, medium security facility. The first phase constructed 648 beds; 72 minimum, 576 medium. Funded by the 1991 legislature at half capacity, the facility's funded capacity is 324 inmates. Unlike other minimums, inmates housed at the SRCI minimum do not perform community service projects. Its January 31, 1992 population was 293.

SOUTH FORK FOREST CAMP (SFFC), Tillamook.

The Forest camp is located 80 miles from Salem in Tillamook County. Inmates work on reforestation projects or are trained to combat major forest fires throughout the state in a cooperative agreement with the Department of Forestry. It consists of rustic cabins originally designed to house 65 inmates, and has a current operating capacity of 117; January 31, 1992 population was 116.

CORRECTIONAL TREATMENT PROGRAM (CTP), Salem.

Operated by DOC in concert with the Mental Health Division, this program is located in four wards of the Oregon State Hospital. It operates four separate programs for treatment of alcohol and drug abusers, mentally and emotionally disturbed persons, sex offenders, and those deficient in social skills, including the mentally retarded. Each program accommodates approximately 30 inmates, for a total capacity of 120; January 31, 1992 population was 107.

CORRECTIONS INDUSTRIES

Under the direction of a seven member Board of Directors, Corrections Industries provides employment opportunities for 448 inmates at the Oregon State Penitentiary, Eastern Oregon Correctional Institution, Santiam Correctional Institution, Women's Release Unit, and Oregon Women's Correctional Center. The Administrator of Industries reports to the Assistant Director of Institutions. Correction Industries operates three laundries, a furniture factory, a garment factory, a metal shop, upholstery shop, an asbestos abatement labor pool, and a joint venture woodworking operation with a major furniture manufacturer. The Industries operation at Oregon Women's Correctional Center employs inmates in tele-marketing and customer services.

3. COMMUNITY SERVICES BRANCH

The Community Services Branch of the Department of Corrections is responsible for the supervision of felony offenders placed on probation from the courts and parole from state prisons and for developing alternatives to incarceration that address the needs of the criminal justice system while protecting the community. The Branch employs 367 probation and parole officers, either as Department employees or through community contracts, to manage nearly 30,000 offenders in communities at a cost of approximately \$3.68 per offender per day. The Department also contracts with thirteen counties to provide these services in their communities.

The Community Services Branch administration staff includes the Assistant Director for Community Services, Administrator, Community Programs, Administrator, Administrative Services, Administrator, Community Supervision, and a Management Assistant. Program planning, development and evaluation are key administrative elements. The Branch is also responsible for administration of the Interstate Compact governing transfers.

The Community Services Branch is responsible for supervision and sanctions for adult offenders in the community and conducting investigations, inspecting local and juvenile facilities to insure compliance with ORS 169, preparing reports and recommendations for releasing authorities to determine:

- o modification in the offender's conditions of supervision,
- o termination from supervision, or
- o revocation.

The Community Services Branch also provides community-based sanctions to support the necessary supervision level to manage the caseload by risk and administers the community corrections program.

Oregon legislation commonly known as the Community Corrections Act allows county government to choose to participate in the state's community corrections program. Counties may choose to administer the parole and probation function as well as the supplemental community corrections program (Option I) or only the community programs (Option II) or none of the corrections programs (Option III). Local plans are submitted to the Department from the counties and the local community corrections advisory committee. The Department then approves the plan in accordance with its rules and procedures and maintains a contractual relationship with the counties for adult corrections. Currently, twenty-seven counties representing approximately 96% of Oregon's population participate in the program. Under ORS 423.500-570, the Community Corrections Act has benefitted the Oregon prison system by diversion of a significant number of offenders, reserving costly prison beds for the more serious offenders.

Since FY 1988, the major thrust of the Community Services Branch has been to improve state and local partnerships in an effort to enhance the overall community-based corrections system throughout the state. Improved communication, more local involvement in state level decision making and a renewed commitment to providing service to the counties through technical assistance and technology transfer have highlighted that effort.

The Community Corrections Advisory Board in 1989 published the Department of Corrections Community Corrections Planning Guide. The total of fully participating counties is twenty-seven (27). It has also participated in the development of an intergovernmental agreement between the Department and the participating counties to more clearly outline roles and responsibilities and has received new program funds from the Legislative Assembly to further develop a system of non-secure community sanction beds and graduated sanctions in the community.

COMMUNITY SERVICES COUNCIL

The Community Services Council was established by the Department of Corrections director in 1988 with the intent of providing the Department with advice and assistance on community related issues. The purpose of the Community Services Council is to provide advice to the Department of Corrections in order to facilitate policy development on community service programs.

The Community Services Council facilitates communication and coordination between the Department of Corrections and the individual counties. The nine seats on the Council are filled by three county managers, three state managers, the management team, and the Assistant Director of Community Services as Chairperson.

The Council, as a vehicle for the unification of Adult Corrections programming, also strives to facilitate statewide communications and demonstrate the state/local partnership in Corrections planning implementation and evaluation. In the past year the Community Services Council provided input on such issues as the improvement of employee safety procedures, funding allocations, legislation and offender classification.

COMMUNITY SERVICES CLASSIFICATION

A classification system for Community Services is a process for determining the risk that offenders present to the community and an established method for determining how they should be supervised. It includes:

- Determining risk of return to prison according to both initial assessment and reassessment instruments
- Levels of supervision
- Contact standards
- A system of supervision/case plans to determine case-specific supervision targets/objectives
- A measurement of amount of staff work required to supervise cases at each level and to complete necessary investigations
- A computerized information system that will provide data both for ongoing operations management and future planning
- An auditing system to ensure that the system is being used correctly statewide

4. INSPECTIONS BRANCH

This newly created branch, April 1, 1990, under the direction of the Inspector General, is responsible for all inspections and internal investigations, including the operation of the drug control program, search team, drug dogs and internal audits. All institutions and divisions will be reviewed periodically to ensure that department rules and procedures are being followed. The branch contains Internal Audits Division, Internal Affairs Division, Inspections Divisions and Rules Coordinator.

D. ADMINISTRATIVE PROCEDURES

Besides OAR Chapter 291, the Department has adopted various agency policy directives and operational procedures to guide the conduct of its activities and business. These include: Policy Manuals, including

Construction Management Manual and Project Management Systems for New Construction, Administrators' Manuals, and Division Operating Procedures. These documents are available for public review at the Department's main office in Salem.

E. PROGRAMS AFFECTING LAND USE

Three of the Department's programs currently fall into the category of "rules or programs affecting land use", as that term is defined in OAR 660-30-005(2). These programs involve siting and construction and to that extent are under the jurisdiction of the Construction Division and involve planning, supervising and coordinating construction and major remodeling projects for state correction facilities, including those in Salem. Programs affecting land use also include Community Corrections and Local Correction Facilities components when the Department provides funding for the development or construction of such facilities.

The Department's program for siting of statewide and regional facilities is the most critical land use program. DOC is solely responsible for statewide facilities and it may by itself or jointly with counties site or operate or site regional facilities under ORS 169.610 et. seq.. Regional facilities under ORS 169.610 are not considered state facilities.

DOC LAND USE PROGRAMS

1. Strategic Planning / Siting of Statewide and Regional Facilities - this involves implementing the Strategic Plan for Corrections, as it may be from time to time amended or modified, and includes siting, conversion or expansion of new facilities that have not been expressly authorized by a legislatively mandated siting process or when such expansion or conversion of existing public or private facilities involves significantly greater intensification of use or addition of new land.
2. Facility Construction - this includes new construction, and the expansion or major remodeling of existing state, regional or community facilities by the Department. This program does not include the maintenance and repair of facilities.
3. Community Corrections Financial Assistance - this includes grants, loans, or other DOC assistance to cities and counties for work release centers and other similar facilities under the Community Services Branch.

The most recent construction program is reflected in the August 1988 Strategic Plan. Specific legislation (HB 2713) mandating the siting process and authorizing the size and type of facility sited. While the special siting process, popularly known as "super-siting," has expired, the Department's siting and construction agenda continues to be reflected in the Strategic Plan.

The siting and construction of additional correctional facilities will continue to have potential, significant long-term effects on present and future land uses identified in the acknowledged comprehensive plans of cities or counties where the Department's correction facility construction projects may be located. Land use impacts may include impact on built and natural resources and on land and water uses identified in the statewide planning goals. DOC, depending on a proposed location, may need to evaluate the impacts of proposed facilities on (1) agricultural, forest, coastal and other natural and environmental resources conservation; (2) areas of potential natural hazards; (3) areas set aside for residential, commercial, industrial and recreational development; (4) urban growth containment; (5) public services and facilities such as water, sewer, transportation, police and fire requirements, social and educational services; (6) housing; and, (7) economic development. The siting of a facility in an urban versus a rural setting will strongly influence the nature of its land use impacts.

- o Potential adverse land use impacts in an urban location will be related chiefly to compatibility with neighboring land uses or public services and can be mitigated by the appearance and operational characteristics of the facility. Public service and facilities

issues may need to be negotiated and may be mitigated by financing or construction.

- o In rural areas, potentially negative impacts will include increased demands on public services and facilities, loss of agricultural or forest land, and interference with resource management practices.

Except for its current guidance through the August 1988 Strategic Plan and future guidance through an LCDC rule, a DOC siting and construction process would not differ from the process used by any other developer for siting a facility outside the Salem area. The process starts with DOC taking its facility plan to an appropriate city or county agency in order to try to site the facility in an allowable zone, which may require a variance from specific development requirements, a conditional use, or it may have to ask for a zone change or comprehensive plan change to permit the facility to be built. In Salem, on land currently owned by the Department, a plan before the Capital Planning Commission and normal plan review and building permits through the City of Salem is all that is required.

It is the expectation of the Department that the LCDC, in discharging its legislative mandate under sections 12 and 13 of chapter 789, Oregon Laws 1989, will establish a streamlined siting process for correction facilities whereby affected planning jurisdictions will find "adequate opportunities for siting of prison facilities in this state".

F. AGENCY PROGRAMS SUBJECT TO LCDC PERMIT COMPLIANCE RULE

The Department's programs affecting land use do not involve issuance of permits and therefore are not subject to LCDC's agency permit compliance and compatibility rule, OAR 660-31. Permits under ORS chapter 144, residential facilities, are handled by the Department of Human Resources.

SECTION III

DEPARTMENT OF CORRECTIONS PROGRAM TO ASSURE COMPLIANCE
WITH THE STATEWIDE GOALS AND COMPATIBILITY WITH
ACKNOWLEDGED COMPREHENSIVE PLANS

This section responds to the requirements in LCDC's rule, OAR 660-30-060(4), and describes how the Department will assure that its land use programs shall comply with the statewide land use planning goals and be compatible with acknowledged city and county comprehensive plans and land use regulations.

A. EXEMPT AND COMPATIBLE AGENCY LAND USE PROGRAMS

The Department's land use programs fall into the category of "compatible land use programs." With the Oregon Supreme Court's decision upholding the siting process in HB 2713 (Chapter 789, OL 1989) for the selection of a Medium Security facility in Malheur County, there is no applicable statute, constitutional provision or appellate court decision which expressly exempt these programs from compatibility with acknowledged comprehensive plans except that future expansion of the Malheur facility to accommodate up to 3000 inmates which is exempt. No other provision of law or decision exempts these programs from compliance with the statewide planning goals.

B. DEPARTMENT RULES AND PROCEDURES TO ASSURE COMPLIANCE WITH THE STATEWIDE PLANNING GOALS

The Department's programs affecting land use are described in Section II above. The Department has adopted an administrative rule, OAR 291-32-010 through OAR 291-32-100, to implement the state agency goal compliance and comprehensive plan compatibility requirements in ORS 197. 180 and OAR 660-30 for these three programs.

OAR 291-32-010 (2) states that the purpose of the rule is to establish procedures to be used by the Department of Corrections in implementing the provisions of its state agency coordination program. The Department's state agency coordination program will assure that the Department's land use programs will comply with the statewide planning goals and be compatible with acknowledged city and county comprehensive plans and land use regulation.

(2) (a) It is the intent of these rules to describe how the Department will carry out its statutory responsibility to site and establish correctional institutions and facilities.

(2) (b) These rules are not intended to apply to the establishment of correctional facilities under any temporary provisions of Oregon law which may authorize the siting of institutions notwithstanding the requirements of ORS 197.180. These rules also are not meant to authorize local governments to prevent the Department from carrying out its statutory responsibility to operate, control, manage or supervise correctional institutions.

OAR 291-32-020 This division is applicable to the approval of projects under the following Department programs and actions. These programs include:

(a) Strategic plan adoption and site selection for statewide and regional correctional facilities identified in the 1988 "Strategic Corrections Plan for Oregon" or subsequent siting plan adopted by the Department.

(b) Facility construction including new construction and/or major expansion of existing correctional facilities by the Department.

(c) Approval of community correctional grants and loans to local governments where such grants or loans will be used for the construction of new, or the major expansion of existing correctional facilities; and

(d) Any other programs or actions that:

(A) Are determined to be "programs affecting land use" pursuant to ORS 197.180 and OAR 660-30-075;

(B) Involve a change or an intensification of land use; or

(C) Take place on property which is an existing non-conforming use.

(2) The provisions of this rule (OAR 291-32) do not apply to such Department programs or actions as:

(a) Facility maintenance and rehabilitation;

(b) Replacement of equipment or fixtures;

(c) General capital betterment, repair, and improvement; or

(d) Any other similar activities that are determined not to be "programs affecting land use" pursuant to ORS 197.180 and OAR 660-30-075.

OAR 291-32-030 (1) states that before any action or program listed in OAR 291-32 is initiated, the Department shall find that the program or action complies with the statewide planning goals and is compatible with acknowledged comprehensive land use plans and land use regulations. The Department shall make its goal compliance and comprehensive plan compatibility findings in accordance with these rules and the Department's certified state agency coordination program.

OAR 291-32-040 (1) and (2) state:

Except as provided in section (3) of this rule, the Department shall achieve goal compliance for Department land use programs, whenever possible, by taking actions that are compatible with the acknowledged comprehensive plan and land use regulations of the applicable local government(s).

(2) An action within a Department "land use program" shall be considered to be in compliance with statewide planning goals when such action is compatible with the applicable local government's

acknowledged comprehensive plan and land use regulations.

OAR 291-32-040 (3) states:

(3) In the event that the Department is required to adopt findings to comply with any statewide planning goals, the Department shall adhere to the following procedures:

- (a) Confirm that a situation exists pursuant to OAR 660-30-065(3) which requires the Department to adopt findings of compliance with one or more of the statewide planning goals;
- (b) Identify the specific statewide planning goal(s) or goal requirements the Department must address;
- (c) Consult directly with the affected city or county;
- (d) Request, as necessary, interpretive guidance from the Department of Land Conservation and Development and the Attorney General's Office;
- (e) Rely on any relevant goal interpretations applicable to state agencies adopted by LCDC under OAR Chapter 660; and
- (f) Adopt any necessary findings to assure compliance with the statewide planning goals.

OAR 291-32-050 (1) states:

Prior to approving or undertaking an action or program listed in OAR 291-32-020, the Department shall find that the project or action is compatible with the affected local government's acknowledged comprehensive plan and land use regulations. To make its plan compatibility findings, the Department shall comply with the following procedures:

- (a) For all Department land use programs and actions occurring within the Salem Metropolitan Area which are subject to the jurisdiction of the Capitol Planning Commission (CPC), the Department shall assure compatibility with comprehensive plans by adhering to the CPC's land use coordination rule in OAR Chapter 110, Division 10, and the procedures contained in the CPC's certified State Agency Coordination Program.
- (b) For Department land use programs and actions under OAR 291-32-020 (1)(a) and (b) not subject to the jurisdiction of the Capitol Planning Commission or occurring outside the Salem Metropolitan Area, the Department shall assure comprehensive plan compatibility by making application for local government land use approval where necessary.

(2) A Department decision to proceed with a project or action shall not be made until it obtains one or more of the following:

- (a) A copy of the local land use permit, building or occupancy permit, or other equivalent documentation from the city or county planning agency, building department or governing body;

or

(b) A letter from the local planning agency, building department or governing body stating that the project or action in question is permitted under the jurisdiction's comprehensive plan, land use regulations, or development codes, but does not require specific approval by the jurisdiction;
or

(c) Other information and documentation equivalent to (a) or (b) above including, but not limited to, written testimony presented to the Department from an authorized representative from the affected city or county.

(3) In the case of a Community Correctional grant or loan, the Department shall require the grant or loan applicant to provide the Department with written information documenting the project's compatibility with applicable comprehensive plan and land use regulations. Such documentation shall include one of the following:

(a) A copy of the local land use permit, building or occupancy permit, or other equivalent documentation from the city or county planning agency, building department or governing body;
or

(b) A letter from the local planning agency, building department or governing body stating that the project or action in question is permitted under the jurisdiction's comprehensive plan, land use regulations or development codes, but does not require specific approval by the jurisdiction;
or

(c) Other information and documentation equivalent to (a) or (b) above including, but not limited to, written testimony presented to the Department from an authorized representative from the affected city or county.

C. Department Rules and Procedures for Compatibility with Acknowledged Comprehensive Plans

1) Rules

The Department has adopted OAR 291-32 (cited under III. B above) which requires that the Department find that projects under its programs which affect land use are compatible with acknowledged comprehensive plans and land use regulations.

OAR 291-32-050 (1) through (3) describe the methods and the information the Department will rely on to determine a project's land use compatibility. These methods are summarized below and include:

- a. Adherence to local land use coordination rules and procedures, if any;
- b. Obtaining the appropriate local land use, building or occupancy permit for the project;
- c. Written confirmation from the city or county that the project is permitted by the jurisdiction, but does not require specific approval in terms of a permit;

- d. Demonstration by a grantee under the Community Corrections program that the project has met all the applicable acknowledged comprehensive plan and land use regulations; and
 - e. Other information or documentation equivalent to a. through d. above.
- 2) Department Procedures

The Department has adopted OAR 291-32 described above which requires the Department to assure that projects approved under its programs affecting land use are compatible with acknowledged comprehensive plans and land use regulations. Because OAR 291-32-0605 (1) to (4) list the required information upon which the Department will base its compatibility findings, no additional compatibility procedures are necessary.

3) Dispute Resolution

The Department has adopted the following process in the event a land use dispute arises concerning approval of a project under a Department program determined to affect land use.

The process states:

The Department shall use one or more of the following steps to resolve any land use dispute which may arise before, during or after approval of a project under a program listed in OAR 291-32-020 determined to affect land use. These steps include:

- a. Coordinating closely with local land use planning authorities to identify and resolve any potential land use conflicts at an early stage.
- b. Holding direct meetings with the affected local government(s), any affected state agency, and any other interested parties involved with the dispute.
- c. Identifying alternative actions or modifications to the proposed project to avoid or resolve the dispute.
- d. Appeal local government denials when determined to be necessary by the Department.
- d. Agreeing to a formal or informal mediation process within a pre-determined time schedule or requesting, if necessary, informal LCDC mediation or compatibility determination under OAR 660-30-070.

D. COMPLIANCE AND COMPATIBILITY OF NEW OR AMENDED DEPARTMENT LAND USE PROGRAMS

The Department has adopted the following procedure to be used to assure that new or amended agency rules and programs affecting land use will comply with the statewide goals and be compatible with acknowledged comprehensive plans and land use regulations.

The procedure is as follows:

The Department's agency coordination program shall be amended, as necessary, when any of the following occurs which add to, affect or modify Department rules and programs determined to affect land use:

- a. Adoption or amendment of Oregon Revised Statutes or other legislative authority;
- b. Adoption or amendment of Oregon Administrative Rules;
- c. Decisions by the Land Use Board of Appeals (LUBA) or Oregon appellate courts;
- d. Attorney General Opinions; or
- e. Other unanticipated actions or decisions.

The Department shall submit notice of any amendment to any Department program affecting land use or any new Department rule or program to the Department of Land Conservation and Development (DLCD) as required by OAR 660-30-075.

SECTION IV

DEPARTMENT OF CORRECTIONS PROGRAM FOR COORDINATION WITH DLCD, AFFECTED STATE AND FEDERAL AGENCIES AND SPECIAL DISTRICTS

A. AGENCIES COORDINATED BY THE DEPARTMENT

The Department coordinates as needed with all appropriate local, state and federal agencies which relate to any Department managed facility construction projects or Department conducted leased facility. Federal agencies are rarely contacted. For projects within the Metropolitan Salem area, the necessary coordination with local governments is accomplished primarily through the Capitol Planning Commission.

Those political entities and agencies likely to be coordinated by the Department are as follows:

Local:

- Cities
- Counties
- Regional Governments
- Special Districts
- Transit Districts
- School, Educational Districts and Community Colleges

State:

- Department of Land Conservation and Development
- Capitol Planning Commission
- Forestry Department and State Board of Forestry
- Department of Human Resources
- Other state agencies, such as Economic Development Dept. , Dept. of Transportation, Dept. of General Services and Division of State Lands
- Governor's Office/Executive Department
- Department of Justice and Oregon Criminal Justice Council

In addition, especially when working on the SSP or its amendments, the Department will involve and keep informed the League of Oregon Cities, Association of Oregon Counties and Special Districts Association.

B. INTERAGENCY COORDINATION PROCEDURES

In the Metropolitan Salem Area, the Department coordinates with local agencies primarily through the Capitol Planning Commission.

In other areas of the State, the Department coordinates directly with the city or county where a Department's project affecting land use is or may be located. In the case of grant programs, the Department, coordinates with cities, counties and other local agencies indirectly by requiring grantees to comply with the land use regulations and building requirements of the local jurisdiction in which a project is located.

C. INTERAGENCY COORDINATION CONTACT

The Department's contact for interagency coordination is the designated Facility Siting Coordinator with the Facilities Division, or staff person designated by the Administrator of the Facilities Division. The Administrator can be reached at (503) 373-1572.

SECTION V

DEPARTMENT OF CORRECTIONS PROGRAM FOR COOPERATION AND TECHNICAL ASSISTANCE TO LOCAL GOVERNMENT

A. DEPARTMENT PARTICIPATION WITH CITY AND COUNTY LAND USE PLANNING

Normally, the Department participates in and coordinates with city and county planning programs in situations where specific issues involve DOC facilities, or will affect projects identified or undertaken as provided for in the 1988 "Strategic Plan for Corrections in Oregon", or under one of the Department's programs determined to affect land use (See Section III above).

When the DOC shall seek to site, expand or convert a corrections facility, DOC will work directly with local governments and planners, community groups and media in at least two capacities. First, DOC will inform the widest possible group of those affected about type and special characteristics of the correction project planned, previous experiences with projects of that kind and its affects on communities, available statistical and other profiles of the facility, special measures available to the Department to lessen the impacts of the facility. Second, DOC will also work with these groups in order to understand community concerns and anxieties, so that it may be in the position to modify its plans, or design, or take mitigating action as needed or desired to lessen the impact of the planned project. It is anticipated that such action by the Department will assist and expedite the land use and approval process of the local government.

B. TECHNICAL ASSISTANCE AND INFORMATION AVAILABLE FROM THE DEPARTMENT AND METHODS USED TO PROVIDE INFORMATION TO LOCAL GOVERNMENTS

Subject to statutory and budgetary limitations, the Department will offer technical assistance or information regarding any of the Department's land use programs to a local jurisdiction slated to be affected by a program affecting land use, as follows:

- o Provide in depth background on issues, need, rationale for project and impacts;
- o Assist in organizing appropriate advisory committees including a Technical Advisory Committee and Site Advisory Committee, as described below;
- o Initiate briefings of citizen groups, officials and media, and keep the abreast of developments.

DOC will first meet with the local planning staff and local government representatives to discuss the nature of the proposed facility, the nature of the available sites and any problems and issues attending those sites. When seeking to identify sites within a local planning jurisdiction, the DOC shall encourage the local jurisdiction to form a Technical Advisory Committee to be made up of planners, transportation specialists, public utility specialists, representatives of environmental interests, business, community and political leaders to help identify the appropriate sites and once the site is identified to assist in making the site work efficiently and to assist in responding to the Site Advisory Committee (see below).

Similarly, when planning to locate a facility in a particular community or at specific site, the Department will cooperate with local government in providing an informational hearing(s) for the benefit of the community in order to inform the residents about the nature of the facility planned and its operational and physical characteristics, as described above. Once the Department identifies a specific site for which it will need local approval, it will encourage the local government and assist in creating a Site

Advisory Committee made up of local citizens most directly affected by the location, in order to encourage opportunity for input and to enhance the flow of information about the facility.

C. PARTICIPATION OF THE DEPARTMENT IN PERIODIC REVIEW PROCESS

The Department has a vital interest in insuring that correctional needs as identified in the 1988 Strategic Plan and any subsequent siting plan are addressed in local comprehensive plans to ensure coordination and compatibility. The DOC will work closely with the Department of Land Conservation and Development (DLCD) to assure that the periodic review notices of affected cities and counties give adequate consideration to Department of Corrections land use programs and issues, including the planning and zoning of state owned and leased facilities and real property.

The Department shall participate in individual periodic reviews when requested by a city or county, DLCD or when a specific corrections interest requires it. A local government request for the Department to become involved in a jurisdiction's periodic review should be made in writing to the Facility Siting Coordinator in the Department's Construction Division, 478 Lancaster Drive, NE Salem, 97310.

In the Salem Metropolitan Area, the Department shall contribute necessary land use information and requirements to the Capitol Planning Commission (CPC). The CPC, in turn, on behalf of all state agencies under its jurisdiction, will submit information to DLCD for inclusion into the applicable periodic review notices of Salem area counties and cities, in accordance with CPC's certified SAC program.

D. COOPERATION AND TECHNICAL ASSISTANCE TO COASTAL CITIES AND COUNTIES

These requirements do not specifically apply to the Department. The Department provides the same assistance to coastal cities and counties as to other jurisdictions statewide. Please see Section V. C. above.

E. TECHNICAL ASSISTANCE PURSUANT TO ORS 197. 712(2)(F) and 197. 717(1) AND (2)-LOCAL PUBLIC FACILITY PLANNING, PERMIT ISSUANCE, AND ECONOMIC DEVELOPMENT

The Department will provide information as described in section B above. As part of its emphasis on encouraging cities and counties to site correctional facilities within their jurisdictions the Department will actively assist local governments and communities in assessing economic development benefits of planned facilities.

APPENDIXES

1. OAR 291-32, Land Use Coordination Rule
2. Department Related Oregon Revised Statutes (available at DOC office)
3. Department of Corrections Oregon Administrative Rules (available at DOC office)
4. 1991-93 Budget Narrative, Department of Corrections
5. Annual Report, Department of Corrections