



*“Enhancing the Quality of Neighborhoods  
through community participation”*

## **SITE SELECTION GUIDELINES**

AVAILABLE TO PROVIDERS AND DEVELOPERS WHO ARE SITING  
POST INCARCERATION FACILITIES IN MULTNOMAH COUNTY

*A Product of the Community Residential Siting Program- a City of Portland,  
Multnomah County, and City of Gresham Partnership located in the  
Office of Neighborhood Involvement  
September 2002*

**DAVID LANE PH. D, DIRECTOR**

# TABLE OF CONTENTS

INTRODUCTION.....	3
WHAT DO ‘POST INCARCERATION FACILITIES’ INCLUDE? .....	3
HOW ARE PIFs CURRENTLY DEFINED IN THE ZONING CODE?.....	4
Community Service (Gresham) .....	4
Detention Facility (Portland) .....	4
Group Living (Portland) .....	5
ZONES THAT ALLOW OR CONDITIONALLY ALLOW PIFs .....	6
RECOMMENDED SITE SELECTION OBJECTIVES.....	6
Recommended Objectives .....	6
Definition of Site Selection Objectives .....	7
COMMUNITY NOTIFICATION.....	8

## ATTACHMENTS

- A Persons Living in Group Quarters- as defined by U.S. Census 2000
- B Community Residential Siting Advisory Committee members and resources

### **About this report:**

This report provides suggested guidelines for siting Post Incarceration Facilities. These guidelines were developed with assistance from the Community Residential Siting Advisory Committee (see attachment B) and represent a collaborative effort among neighbors, providers, government agencies, and advocacy groups. They are voluntary and are not part of any land use or zoning process.

Please contact Community Residential Siting Program (CRSP) staff at 503.823.2030 if you have questions about this information or would like to learn more about CRSP services, OR visit our web site at [www.myportlandneighborhood.org](http://www.myportlandneighborhood.org)

***Community Residential Siting Program Mission***  
*Advocating for an ongoing, proactive exchange of information and education among providers of residential social services and members of the community to ensure a mutual understanding and respect that results in long-term, supportive, peaceful relationships that promote safe, livable communities.*

# Site Selection Guidelines for Post Incarceration Facilities

---

## Introduction

There is a growing need to provide more supervised community placement of post-incarcerated individuals. As a result, the site selection guidelines presented in this document are intended to meet the following goals:

- ◆ As the highest priority, address health and safety of the community, including neighbors and facility residents;
- ◆ Contribute to a fair distribution of PIFs, while recognizing market constraints and opportunities;
- ◆ Form partnerships with other contracting and funding agencies to increase siting opportunities in areas that are underdeveloped;
- ◆ Follow the community involvement processes as outlined in ORS 169.690;
- ◆ Facilitate an awareness of the issues and concerns of all parties involved;
- ◆ Increase support for individuals that need this housing to be rehabilitated back into the community; and
- ◆ Create a process that informs neighbors of site selection decisions that also conforms with the existing regulations such as issues of confidentiality and fair housing law.

The Community Residential Siting Advisory Committee (CRSAC) has worked to develop suggested site selection guidelines for post-incarceration facilities (see definition below) that address these goals. The suggested site selection criteria provided in this document should be coupled with the CRSAC 'Community Involvement Guidelines' that provide guidance for conducting a public involvement process for siting PIFs and other Community Residential Facilities.

*It should strongly be noted that the site selection guidelines presented in this document are only for PIFs and should not be used for housing individuals that are defined as disabled under the Federal Fair Housing Act.*

## What do 'Post Incarceration Facilities' Include?

For purposes of this document, Post Incarceration Facilities (PIFs) are defined as:

- ◆ A facility housing individuals that are transitioning from a correctional institution or,
- ◆ Defined by ORS169.690 including Halfway houses, work release centers, or any other domiciliary facilities for persons released from any penal or correctional facility but still in the custody of the city, county or public agency; and
- ◆ Youth care centers or other facilities authorized to accept youth offenders.

Maps are available on request and include the criteria listed below along with zoning codes to assist a provider interested in locating an appropriate site for a PIF. Please contact the Community Residential Siting Program at 503.823.2030 for more information.

## **How are PIFs Currently Defined in the Zoning Code?**

The City of Portland, Title 33, classifies PIFs as a '*Detention Facility*' or a '*Group Living*' situation, depending upon the size of the facility and the amount of supervision required. This designation is based on an individual case determination. The City of Gresham would most likely define PIFs as a '*Community Service*'. This designation is intended to provide guidance for development beyond land use district zoning and provides provisions for various types of community services. More information about the various zoning code classifications is defined below.

### ***Community Service (Gresham)***

In addition to development intended for a land use district, there are community services that are appropriate in a particular area because of social or technical needs. The approval of a community service is for a specific use. Any change or expansion of a use approved under the Type II procedures shall be subject to approval of the Manager.

Applicants submitting a proposal for this type of use must provide a narrative that details how the development will be compatible with surrounding uses and provide possible measures to mitigate any unavoidable negative impacts. Examples include but are not limited to, location of parking, generation of high amounts of traffic, street access points, hours of operation, crime prevention, lighting, and other impacts that are unique to the specific use. In addition to being evaluated on these criteria, the applicant may also be required to demonstrate that there is a need for the facility in the vicinity of the proposed site and submit a market feasibility analysis.

### ***Detention Facility (Portland)***

Post-Incarceration Facilities defined as a '*Detention Facility*' can be primarily characterized as having an institutional setting. This type of PIF would most likely be sited directly by a state, county, or local agency.

#### **Characteristics**

Detention Facilities include facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by sworn officers, except when on an approved leave.

#### **Accessory Uses**

Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities, and hobby and manufacturing activities.

#### **Examples**

Examples include prisons, jails, probation centers, and juvenile detention homes.

## Site Selection Guidelines for Post Incarceration Facilities

### Page 5

---

#### Exceptions

Programs that provide care, training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by sworn officers are classified as Group Living. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by sworn officers, are also classified as Group Living.

#### **Group Living (Portland)**

Post-Incarceration Facilities defined as a 'Group Living Facility' can be primarily characterized as having a community-based setting. These types of housing and services provided by these PIFs are often contracted to community-based corporations or social service providers.

#### Characteristics

Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group will be larger than the average size of a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging. Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include the State definition of residential facility (see Chapter 33.910, Definitions).

#### Accessory Uses

Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.

#### Examples

Examples include dormitories; communes; fraternities and sororities; monasteries and convents; nursing and convalescent homes; some group homes for the physically disabled, or emotionally disturbed; some residential programs for drug and alcohol treatment; and alternative or post incarceration facilities.

#### Exceptions

1. Lodging where tenancy may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales And Service category. However, in certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use such as short term housing or mass shelters.
2. Lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living.
3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

### Zones that Allow or Conditionally Allow PIFs

In the City of Portland, Post Incarceration Facilities, for the most part, are conditional uses in any zones. PIFs that are classified as a 'Detention Facility' are prohibited in residential zones and are conditional uses in all other zones. PIFs classified as 'Group Living' are conditional uses in residential zones and allowed by right in commercial zones and in some multi-family zones depending upon their size. In Gresham, PIFs are classified as a 'Community Service'. This classification is a conditional use in all zones.

Conditional uses require community notification (see 'Community Notification' section below for more details). This process, in some cases, will also invoke a public land use hearing process. This is a quasi-judicial process that allows input from recognized neighborhood associations and other interested parties.

### Recommended Site Selection Objectives

Site selection objectives have been devised with input from the CRSAC, comprised of neighborhood activists, social service providers and developers, advocacy organizations, clients and consumers of housing and services, and various government agencies that may contract or fund housing and services for special needs populations.

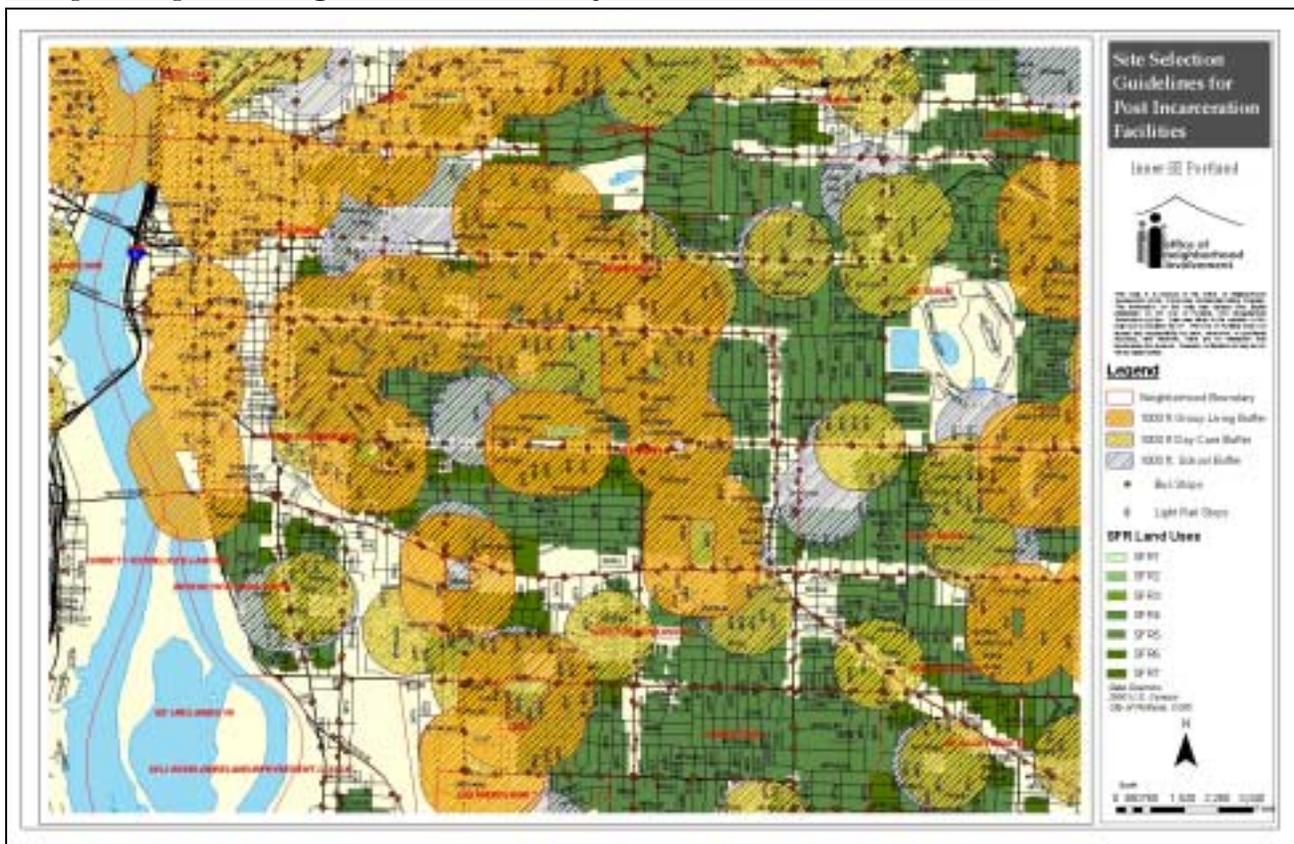
The CRSAC selected objectives that address project goals. Specifically, these objectives are aimed at avoiding a high concentration of PIFs in a specific geographical area, establishing a reasonable distance from areas that may have high concentrations of children or other vulnerable populations, and can be accessible for employment or treatment services.

#### ***Recommended Objectives***

The objectives listed below represent both specific, quantifiable guidelines that can be spatially mapped as well as additional non-spatial objectives that should also be included in the site selection process. Maps of a specific geographical area can be generated upon request by contacting the Community Residential Siting Program at 503.823.2030 or email: [eking@ci.portland.or.us](mailto:eking@ci.portland.or.us)

- ◆ 1000 ft distance from existing *group quarters facilities, or* ;
- ◆ 1000 ft distance from *Day Care Facilities*;
- ◆ 1000 ft distance from *Schools*;
- ◆ Within a reasonable walking distance to the nearest *public transit stop*;
- ◆ Distance and access to other supportive services;
- ◆ Access to land zoned appropriately and affordable to the provider;
- ◆ Addresses additional goals and/or objectives in Neighborhood Planning Documents; and
- ◆ Consultation with Police on current criminal activity of proposed placement location area.

*Sample Map showing Site Selection Objectives- Inner SE Portland*



***Definition of Site Selection Objectives***

The spatial objectives are defined in detail below:

***Group Quarters, as defined by the U.S. Census Bureau***

Includes people who live in group quarters other than institutions. (See Attachment A for a full listing of various types of 'group quarters').

***Day Care Facilities***

Day care facilities included in the listing are licensed by the Child Care Division of the State of Oregon. The list is current as of 5-1-02. The list includes:

***Child Care Centers***

Defined as a facility that is certified to care for 13 or more children, or a facility certified to care for less than 13 children that is not located in a building constructed as a single family residence. -Or-

***Group Child Care***

Defined as a facility located in a building constructed as a single-family residence that is certified to care for no more than 12 children.

***Schools***

A listing of schools is provided by City's Corporate Geographical Information System (CGIS). This data is obtained from Metro's Data Resource Center. A list of

both public and private schools is listed at the elementary, middle, and high school levels. This listed is updated annually and was last updated on July 15, 2002.

#### Transit Stop

A listing of transit stops is provided by City's Corporate Geographical Information System (CGIS). This data is obtained from Metro's Data Resource Center. A list of light rail and bus stops is included in this data set. This listed is updated quarterly and was last updated on July 15, 2002.

### **Community Notification**

A PIF cannot be sited without some level of community notification. There are currently two levels of regulations that guide the public notification/involvement process for siting a PIF.

1. *State Legislation: ORS 169.690.* This statute requires a community advisory committee to be formed, nominated by the affected neighborhood association, to review:
  - (a) The proposed location, estimated population size and use;
  - (b) The numbers and qualifications of resident professional staff;
  - (c) The proposed rules of conduct and discipline to be imposed on residents; and
  - (d) Such other relevant information as the agency responsible for establishing the house,

The advisory committee can submit responses to the criteria listed above. The agency or provider siting the facility must then respond, in writing, reasons why the chose to reject any of the suggested questions/issues/concerns relevant to the criteria.

2. *Local Zoning Code Procedural Requirements.* As mentioned earlier, PIFs are conditional uses in most zones. A conditional review process requires notification to property owners within 400 feet (Portland) or 300 feet (Gresham) of the proposed site as well as notification to recognized neighborhood associations (Portland and Gresham) and business associations and neighborhood coalition offices (Portland).

# **Attachment A**

## **Definitions of 'Persons Living in Group Quarters'**

### **As Defined by U.S. Census- 2000**

---

<i>Group homes.</i>	Includes "community-based homes" that provide care and supportive services. Such places include homes for the mentally ill, mentally retarded, and physically handicapped; drug/alcohol halfway houses not operated for correctional purposes; communes; and maternity homes for unwed mothers.
<i>Other group homes.</i>	Includes people with no usual home elsewhere in communes, foster care homes, and maternity homes for unwed mothers. Most of these types of places provide communal living quarters, generally for people who have formed their own community in which they have common interests and often share or own property jointly. These homes may provide social services and postnatal care within the facility, or may make arrangements for women to receive such services in the community.
<i>Transitional shelters</i>	Includes people without conventional housing who stayed overnight on March 27, 2000, in permanent and emergency housing, missions, Salvation Army shelters, transitional shelters, hotels and motels used to shelter people without conventional housing, and similar places known to have people without conventional housing staying overnight. Shelters also include facilities that provide temporary shelter during extremely cold weather (such as churches). If shown, this category also includes shelters for children who are runaways, neglected, or without conventional housing.
<i>Shelters for children</i>	Includes shelters/group homes that provide temporary sleeping facilities for juveniles. In census products, this category is included with emergency and transitional housing.
<i>Domestic Violence</i>	Includes community-based homes or shelters that provide domiciliary care for women who have sought shelter from family violence and who may have been physically abused.
<i>Correctional Facilities</i>	Includes prisons, federal detention centers, military disciplinary barracks and jails, police lockups, halfway houses used for correctional purposes, local jails, and other confinement facilities, including work farms.

<i>Prisons</i>	Where people convicted of crimes serve their sentences. In some census products, the prisons are classified by two types of control: (1) "federal" (operated by the Bureau of Prisons of the Department of Justice) and (2) "state." In census products this second category includes federal detention centers. Residents who are criminally insane were classified on the basis of where they resided at the time of enumeration: (1) in institutions (or hospital wards) operated by departments of correction or similar agencies, or (2) in institutions operated by departments of mental health or similar agencies.
<i>Federal detention</i>	Operated by the Immigration and Naturalization Service (INS) and the Bureau of Prisons.
<i>Military jails.</i>	Operated by military police and used to hold people waiting trial or convicted of violating military laws.
<i>Local jails</i>	Includes facilities operated by counties and cities that primarily hold people beyond arraignment, usually for more than 48 hours and police lockups operated by county and city police that hold people for 48 hours or less only if they have not been formally charged in court.
<i>Halfway Houses</i>	Operated for correctional purposes and include probation and restitution centers, prerelease centers, and community-residential centers.
<i>Other Corrections</i>	Privately operated correctional facilities and correctional facilities specifically for alcohol or drug abuse.
<i>Juvenile Institutions</i>	Includes homes, schools, and other institutions providing care for children (short- or long-term care). Juvenile institutions include residential treatment centers, training schools for juvenile delinquents, public and private training schools for juvenile delinquents, and Detention centers.

# Attachment B

## Community Residential Siting Advisory Committee (CRSAC)

August 28, 2002

---

### ***CRSAC Members***

<b><i>Name</i></b>	<b><i>Organization</i></b>
Janet Arenz	Oregon Alliance of Children's Programs
Anita August	Pearl District Neighborhood Association
Neal Beroz	Cascadia Behavioral HealthCare, Inc
Steve Boucher	Oregon Halfway House
Donna Gouse	Northwest District Association
Karen Hansen	City/County Administrative Council on Disabilities
Liv Elsa Jenssen	Multnomah County, Community Justice
Tom Johnson	Woodstock Neighborhood Association
Havan Jones	Oregon Youth Authority
Robert L. Jones	Parkrose Heights Association of Neighbors
Arlene Kimura	Hazelwood Neighborhood Association
Don MacGillivray	Buckman Community Association
Pegge Michal	Fair Housing Council of Oregon
Kay Newell	Boise Neighborhood Association
Tom Peters	Housing Authority of Portland

### ***CRSAC Resources***

<b><i>Name</i></b>	<b><i>Organization</i></b>
Mary Claire Buckley	Psychiatric Security Review Board
Robyn Cole	Oregon Youth Authority
Rachael Duke	Housing Authority of Portland
Catie Fernandez	City of Gresham
Peter Finley Fry	Planning Consultant
Kay Foetisch	City of Gresham, Citizen Involvement Department
Cristina Germain	City of Portland, Commissioner Francesconi's Office
Howard Klink	Multnomah County, Community and Family Services
David Lane	City of Portland, Office of Neighborhood Involvement
Gina Mattioda	Multnomah County, Public Affairs Office
Mike Morgestor	Ecumenical Ministries of Oregon, Shared Housing
Vicki Skryha	State of Oregon, Mental Health and Addiction Services
Denise Stone	Community Development Network
Anndy Wiselogle	East Metro Mediation
James Wrigley	Oregon Advocacy Center