

SECTION I

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 comply with the statewide planning goals and are compatible with acknowledged city and county comprehensive plans and land use regulations.

The Capitol Planning Commission (the Commission) has developed this coordination program to fulfill its land use responsibilities. All state agencies engaging in construction and facility development and planning within the Commission's area of purview and review authority would be able to fulfill their responsibilities for land use compatibility if those agencies, in their own coordination programs, agree to comply with the procedures in the Commission's state agency coordination program.

The Commission's original state agency coordination program was approved by LCDC in February of 1978. Since then the Commission has made no changes to its SAC program. However, LCDC requirements for agency coordination have been revised. As a result of legislative and policy actions by LCDC, the coordination rule (OAR 660, Division 30) has been updated twice. The Commission must bring its revised coordination program into compliance with all current SAC requirements. The Commission's existing SAC program will be considered rescinded upon certification of the revised program by LCDC.

The Commission is a state agency which is comprised of nine members. Three are public members appointed by the Governor. The four other members are prescribed by ORS 276.030 and include the Mayor of the City of Salem, the President of the Salem Planning Commission, the Director of the State Department of General Services, and the Director of the State Executive Department. Two advisory non-voting members are appointed by the Senate President and the Speaker of the House. The Commission has an Executive Director and Staff Assistant. The offices are located in Salem.

The principal duties of the Commission as provided by ORS 276.034 are as follows:

1. Establish, adopt and implement a plan of development of the areas described by ORS 276.028 and shall recommend to the legislature and, if any such area is located within the boundaries of the City of Salem or the City of Keizer, to the governing body of the City of Salem or Keizer legislation necessary to effectuate the plan.
2. Conduct continuing studies and analysis, in cooperation with affected state agencies, of the building needs of all state agencies located within the metropolitan area of the City of Salem.
3. Establish, adopt and implement a master plan for the development of the Capitol group of buildings situated within the area bordered by State Street on the south and D Street on the north and Winter Street on the west and 12th Street (between State Street and Court Street) and Capitol Street on the east.

4. Cooperate and consult with local governmental agencies that have jurisdiction within the areas described by ORS 276.028 for the purpose of coordinating the development of state buildings and grounds in such areas with community planning and development programs in such areas.
5. Adopt standards for the development of state buildings and grounds, including but not limited to landscaping requirements, setback requirements, lot coverage limitations, building height and bulk limitations and requirements for the protection of the surrounding community environment.

SECTION II

CAPITOL PLANNING COMMISSION RULES AND PROGRAMS

A. Enabling Statutes

The Commission's authority is found in Oregon Revised Statutes (ORS) 276.028 - 276.043 and 291.224(3).

B. Agency Programs

1. Preparation, adoption and updating of ten Long Range Development Plans in the Salem Metropolitan Area.

The Commission has developed, adopted and is completing an update process for ten area plans. Each document is accompanied by a set of standards which implement the development plan. The key functions of the plans are:

- a. To coordinate the development of state-owned property in areas defined by ORS 276.028.
- b. To establish development opportunities, limitations and constraints and project potential state agency needs.
- c. To determine the range of state agency uses that can be accommodated on the sites and under what circumstances.
- d. To enhance and preserve the beauty and dignity of the areas, to secure them from encroachment and for the protection of the surrounding community environment.
- e. To establish development policies for state-owned lands which are cooperative agreements between local jurisdictions and the state which provide assurance to local government and the State about the way in which future development will occur in these areas. The policies and standards in each Development Plan minimize the need for detailed planning and zoning regulations in acknowledged comprehensive plans and implementing ordinances relative to state-owned property.
- f. To act as a source of recommendations to the legislature, state agencies and local jurisdictions to carry out the objectives of the Capitol Planning Commission.

2. Analysis of State Agency Building Requirements in the Salem Metropolitan Area.

Each year the Commission produces a Salem Building Needs Study which is compiled in cooperation with affected state agencies. The study projects building needs in the Salem Metropolitan Area for the foreseeable future and identifies any conflicts with development programs.

3. Review and approval of state agency buildings and grounds projects, including real property acquisitions in the Salem Metropolitan Area.

All development projects, including real property acquisitions, require approval of the Capitol Planning Commission prior to construction within the areas of purview defined by ORS 276.028. Projects are reviewed for compliance with the applicable adopted area plans and the affected acknowledged comprehensive plan and implementing ordinances. In addition, no preliminary sketch, plan, or supporting document may be prepared by professional consultants with respect to a proposed capital construction or improvement project unless the project has first been approved by the Commission.

4. Review and make recommendations for Legislature and Executive Department on State Agency Capital Construction and Improvement proposals in the Salem Metropolitan Area as included in the Governor's Recommended budget.

All Capital Construction and Improvement requests are sent to the Commission for review and recommendation prior to their inclusion in the Governor's Recommended Budget which is submitted to the legislature each biennium. In addition, all requests submitted to the Emergency Board for funding must first be submitted to the Commission for a recommendation prior to review for funding approval.

5. Review of development proposals and planning programs in the Salem Metropolitan Area which impact state-owned land.

The Commission staff monitors and participates in the development plans and programs including the review of proposed comprehensive plan amendments of the City of Salem as well as other local jurisdictions to assess potential impact on state-owned land. The periodic review of acknowledged comprehensive plans under the Statewide Land Use Program are of particular interest to the Commission.

6. Provide a forum for conflict resolution and coordination between the City of Salem and the State of Oregon relative to development activities and programs.

Given the membership of the Commission, it functions as an excellent mechanism to resolve disputes between the City of Salem and the State of Oregon with regard to land use issues. Conflicts are discussed and resolved by establishing a mutually agreed approach to an issue by incorporation of amended policy into applicable Commission Area Plans or in more informal ways.

7. One Percent for Arts Projects Review

Under ORS 276.073 a Commission representative sits on a jury with the Director of the Arts Commission and the Director of General Services to select works of art for new state facilities in the Salem Metropolitan Area. The jury works with a selection committee composed of agency personnel and professional artists.

8. Administration and Management of the Capitol Planning Commission

The Executive Director reports directly to the Commission and is responsible for the operations of the agency.

C. Administrative Rules

The Commission has adopted several administrative rules in accordance with its statutory responsibilities. The Commission's administrative rules are found in Oregon Administrative Rules (OAR) Chapter 110.

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| 1. | Division 1: | Procedural Rules |
| 2. | Division 10: | Development Standards |
| 3. | Division 20: | Capitol Mall Plan |
| 4. | Division 30: | Airport Road Development Standards |
| 5. | Division 40: | East Salem Development Standards |
| 6. | Division 50: | MacLaren School Development Standards |
| 7. | Division 60: | State Fair Development Standards |
| 8. | Division 70: | State Hospital and Penitentiary Development Standards |
| 9. | Division 80: | Blind School Development Standards |
| 10. | Division 90: | Deaf School Development Standards |

D. Administrative Procedures

The Commission has established a Design Review Group composed of professionals in the area of construction and landscape design to advise the Commission by assisting in the reviewing of major development proposals. The procedures which guide the group have not been adopted by administrative rule.

E. Analysis of Programs Affecting Land Use

Under LCDC state agency coordination rules and definitions there are two Commission programs which qualify as "programs affecting land use". Those are:

1. The preparation, adoption and updating of Long Range Development Plans.
2. The review and approval of State Agency Buildings and Grounds projects including real property acquisitions in the Salem Metropolitan Area.

These two programs are described under Subsection B.1. and 3. of this section. Both of the programs are subject to the Commission's administrative rules relating to the review of projects. Projects are defined in OAR 110-10-030(4) as follows:

"Project means capital construction, capital improvement, real property acquisition or adoption or approval of area plans in the area described by ORS 276.028...."

The decisions and actions taken under these programs have had and will continue to have significant, long-term effects on the acknowledged comprehensive plans of the City of Salem, City of Keizer, Marion and Polk Counties and possibly upon the comprehensive plans of one or more smaller cities in the Salem Metropolitan Area. In the City of Salem, comprehensive plan policy and zoning regulations related to state-owned land are less detailed given the existence of the Commission's Long Range Development Plans.

The potential effects of these two programs upon the acknowledged plans of these communities include but are not limited to impacts on local policies, requirements and programs relating to parking and traffic circulation, historic protection, aesthetics, neighborhood stability, public facilities and services, crime prevention, social services and economic development.

F. Agency Programs Subject to LCDC Permit Compliance Rule

The Commission's programs affecting land use do not involve actions which are subject to LCDC's agency permit compliance and compatibility rule, OAR 660-31.

SECTION III

CAPITOL PLANNING COMMISSION PROGRAM TO ASSURE COMPLIANCE
WITH THE STATEWIDE GOALS AND COMPATIBILITY WITH
ACKNOWLEDGED COMPREHENSIVE PLANS

A. Exempt and Compatible Agency Land Use Programs

Neither of the Commission's programs which affect land use fall into the category of an exempt land use program. There are no applicable statutes, constitutional provisions or appellate court decisions which expressly exempt these programs from compatibility with acknowledged comprehensive plans.

B. Rules and Procedures to Assure Compliance with the Statewide Goals

1. Commission Rules

The two Commission programs affecting land use are described in Section II B.1. and 3. Both Area Plans and Capital Construction and Improvement projects are subject to the following administrative rules:

OAR 110-10-030(4) defines projects as follows:

- (4) Project means capital construction, capital improvement, real property acquisition or adoption or approval of area plans in the area described by ORS 276.028. . . .

OAR 110-10-045(2)(d) requires that an agency submitting a project for review must provide:

- (d) Sufficient information to demonstrate consistency of the project with applicable statewide planning goals and applicable acknowledged local government comprehensive plans and implementing ordinances.

OAR 110-10-055(4) describes the findings required by the Commission in approving projects and reads as follows:

- (4) In order to grant approval of a project, the Commission must find that the project complies with the applicable statewide planning goals and is compatible with the applicable acknowledged comprehensive plans and implementing ordinances as provided in the Commission's State Agency Coordination Program which is hereby adopted by reference.

OAR 110-10-055(6) requires that written findings be adopted in approving projects and specifically states:

- (6) The Commission shall adopt written findings of fact after consideration of agency submissions, public testimony, staff review, and evidence presented, articulated or adduced at the public hearing, addressing applicable development standards and plan elements.

The procedural rules listed above apply to all projects referenced in this program which affect land use under the jurisdiction of the Commission including newly acquired land or property subject to a recently adopted area plan. In addition, the Commission's administrative rules require a finding of compliance with the statewide planning goals and compatibility with applicable acknowledged comprehensive plans. All comprehensive plans which affect areas within the purview of the Commission have been acknowledged to be in compliance with the statewide planning goals. For this reason, when the Commission acts compatibly with acknowledged comprehensive plans, it is acting in compliance with the Statewide Planning Goals.

2. Commission Procedures

The Commission does not anticipate the need to adopt findings directly against the statewide planning goals for the reasons described above. The Commission shall adhere to the following procedures if a goal findings requirement exists as described in OAR 660-30-65(3):

The Commission, when reviewing proposed projects, shall adopt statewide goal findings only for those goals which have not otherwise been complied with by the applicable city or county in its comprehensive plan. In fulfilling any obligation to comply with one or more of the goals, the Commission will follow the following procedures:

- a. Confirm that a situation actually exists requiring the Commission to adopt findings against one or more of the statewide goals.
- b. Identify the specific statewide goals which the Commission must address.
- c. Consult directly with the affected local governments.
- d. Request interpretive guidance from the Department of Land Conservation and Development and the Attorney General's Office.
- e. Rely on any relevant goal interpretation for state agencies adopted by LCDC under OAR Chapter 660.
- f. Adopt any necessary findings to assure compliance with the statewide goals.

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

1. Commission Rules

As described in Section III B.1. of this program, the Commission has adopted OAR 110-10-045(2)(d) which requires that an agency submitting a project for review must submit sufficient information to demonstrate compatibility with the applicable acknowledged comprehensive plan and implementing ordinances.

OAR 110-10-055(4) requires that the Commission must find that the project is compatible with the applicable acknowledged comprehensive plan in order to grant approval. OAR 110-10-055(6) states that the Commission shall adopt written findings of fact addressing applicable development standards and plan elements. These rules apply to both Commission programs which affect land use.

2. Commission Procedures

In order to make the necessary determinations of compatibility, the Commission will follow the following procedure:

The Commission shall, when reviewing project proposals, rely on the following three types of land use approval to satisfy the Commission's land use compatibility requirements set forth in OAR 110-10-055(4). The three types of approval are:

- a. A copy of the local land use permit or equivalent documentation from the city or county planning agency or the local governing body that the project has received land use approval, or
- b. A letter from the local planning agency or governing body stating that the project in question is permitted under the jurisdiction's comprehensive plan but does not require specific land use approval, or
- c. Other information provided equivalent to 1 or 2 above including but not limited to testimony at a Commission meeting from authorized local government personnel.

3. Dispute Resolution

One of the primary functions of the Commission is to provide a forum for conflict resolution concerning development issues of mutual concern to the state and local jurisdictions in the Salem Metropolitan Area. The Commission is ideally structured for this task given that two voting members represent the City of Salem, two voting members represent the Executive Branch of government, three voting members are appointed by the Governor and two non-voting members are legislators. The Commission uses a variety of dispute resolution techniques. The Commission staff monitors City and State development plans and programs and attempts to identify potential conflicts as soon as possible before they fully develop. Meetings and discussions among State Agency, City and Commission staff often result in resolution of potential problems before Commission and City Council members need to become involved. When such efforts are unsuccessful or the involvement of policy makers is necessary, Commission meetings provide an opportunity for the issue to be dealt with, with the highest policy making participants together at the table.

As a matter of policy the following procedural steps will be followed:

The Commission shall use one or more of the following to resolve any land use disputes which may arise before and during the review of a project.

- a. Direct Commission staff to monitor City and State development activity to identify potential land use conflicts at an early stage to attempt to resolve them prior to development of disputes.**
- b. Hold direct meetings with the Commission, the affected agency and the local government.**
- c. Identify alternative actions or modifications to the proposed project to resolve the land use dispute.**
- d. Request informal LCDC mediation or compatibility determination under OAR 660-30-070.**

D. Compliance and Compatibility of New or Amended Land Use Programs

The Commission shall submit notice of any procedural amendments to Commission land use programs or any new Commission rules or programs to the Department of Land Conservation and Development as required by OAR 660-30-075.

SECTION IV

CAPITOL PLANNING COMMISSION PROGRAM FOR COORDINATION WITH AFFECTED STATE AND FEDERAL AGENCIES

A. Agencies Coordinated with by the Capitol Planning Commission

The Commission coordinates as needed with all appropriate local, state and federal agencies which have development plans or activities in the Salem Metropolitan Area. Those agencies most often coordinated with include the following:

Local

City of Salem
City of Keizer
Salem Transit District
Neighborhood Groups

City of Woodburn
Marion County
Polk County

State

All State agencies which own or propose to own land or buildings in the Salem Metropolitan Area. All state agencies which propose capital construction or improvement projects within the area of purview of the Commission.

B. Interagency Coordination Procedures

The Commission provides public notice and publishes agendas of all Commission meetings. A mailing list is maintained which includes all affected jurisdictions, agencies and groups as well as interested persons. Notices of all hearings for the review of projects are mailed to interested persons at least 10 days in advance pursuant to OAR 110-10-055(2). In addition, Commission staff coordinates meetings between state agencies proposing development activities and other state agencies which would be affected by those actions. The Commission staff meets with City of Salem staff and officials, neighborhood groups and other jurisdictions to explain development proposals of state agencies. In dealing with major issues the Commission often appoints Task Force Committees comprised of City and State personnel and other affected agencies and groups, to develop coordinated approaches to development problems.

In developing and updating Area Plans, the Commission creates working groups of affected state agencies, local jurisdictions and neighborhood representatives to assist the Plan Review Sub-Committee in preparing draft plans for consideration by the Commission. Area Plans are adopted by Administrative Rules following all the notice requirements stipulated by that process.

The Commission also coordinates its programs by monitoring the development and planning activity of state and local government to identify the need to provide timely communication regarding such issues to potentially affected entities. The Commission itself is a coordination mechanism given its diverse and representative membership.

C. Interagency Coordinate Contact

The Commission's contact for interagency coordination is the Executive Director. The Director can be reached at the following address and phone:

**Executive Director
Capitol Planning Commission
715 Summer Street NE
Salem, Oregon 97310**

Telephone: 503-378-8163

SECTION V

CAPITOL PLANNING COMMISSION PROGRAM FOR COOPERATION
AND TECHNICAL ASSISTANCE TO LOCAL GOVERNMENT

A. Capitol Planning Commission Participation in and Coordination with City and County Land Use Planning

The City of Salem and the Commission exchange agendas and planning reports on a monthly basis. The City defers many planning issues to the Commission for resolution as described in previous sections. The Commission staff monitors the planning activity of all jurisdictions within the area of purview of the Commission. The staff participates in local planning activities when actions are contemplated which would have an impact on state-owned land. The City of Salem sends notices of proposed plan amendments to the Commission. The Commission provides recommendations to local jurisdictions when plan amendments affect state-owned land. The following policy is adopted to reflect the Commission's coordination responsibility.

It is the policy of the Commission to actively participate and coordinate with City and County planning programs as they affect state-owned land in the Salem Metropolitan Area.

When a state agency requires a local land use change in order to carry out its development activity, and that activity has been approved by the Commission, the Commission proposes and submits the appropriate plan and/or ordinance modifications to the jurisdiction. X

B. Commission Contact for Cooperation and Technical Assistance.

Same as under III C.

C. Technical Assistance and Information Available from Commission and Methods Used to Provide the Information to Local Governments.

The Commission itself functions as a conduit for information exchange between the City of Salem and the Commission. Regular meetings include updates of state and local planning activity. Other affected jurisdictions receive agendas and packets of each meeting.

The Commission produces an annual state agency building needs report which describes the future development plans. The report is sent to the City Recorder each year in keeping with Commission direction.

D. Participation of Capitol Planning Commission in Periodic Review Process.

The Commission will participate fully in the Periodic Review Process of all jurisdictions within the area described in ORS 276.028. The Commission will submit information to the Department of Land Conservation and Development identifying changes in circumstances or new programs for inclusion in applicable periodic review notices. The Commission will submit any recommendations which arise out of the area planning process to those jurisdictions for incorporation in local comprehensive plans as well as to the Department of Land Conservation and Development.

E. Cooperation and Technical Assistance to Coastal Cities and Counties.

These requirements do not apply to the Commission.

F. Technical Assistance Pursuant to ORS 197.712(2)(F) and 197.717(1) and (2) - Local Public Facility Planning, Permit Issuance and Economic Development.

These requirements do not apply to the Commission.

ADMINISTRATIVE RULE CHANGES

Definitions 110-10-030

- (4) "Project means [expenditures for] capitol construction [or for], capital improvement, real property acquisition or adoption or approval of area plans in the area described by ORS 276.028 and within the following limitations:

Procedure for Commission Review 110-10-055

- (4) In order to grant approval of a [proposal] project, the Commission must find that the [proposal] project complies with applicable statewide planning goals and is compatible with applicable acknowledged local government comprehensive plans and implementing ordinances [.] as provided for in the Commission's State Agency Coordination Program which is hereby adopted by reference.
- (5) In order to grant approval of a [proposal] project, the Commission must find that the [proposal] project is consistent with the applicable area master plan and development standards of the Commission unless such area plans and standards are proposed for amendment.

APPENDIX

An appendix will be attached to the State Agency Coordination Program which includes the full text of all the administrative rules and procedures of the Capitol Planning Commission.

APPENDIX

CAPITOL PLANNING COMMISSION STATUTES

CAPITOL PLANNING COMMISSION ADMINISTRATIVE RULES

CAPITOL PLANNING COMMISSION AREA PLANS:

OREGON STATE HOSPITAL AND PENITENTIARY PROPERTIES
MACLAREN SCHOOL
OREGON STATE SCHOOL FOR THE DEAF
OREGON STATE SCHOOL FOR THE BLIND
OREGON STATE FAIR AND EXPOSITION CENTER
AIRPORT ROAD AREA PLAN
MASTER PLAN FOR THE DEVELOPMENT OF THE CAPITOL MALL AREA
FAIRVIEW/HILLCREST AREA PLAN
OREGON STATE CORRECTIONS AREA PLAN

(PLANS NOT INCLUDED MAY BE INSPECTED AT THE CAPITOL
PLANNING COMMISSION OFFICE)