

Oregon Department of Higher Education

State Agency Coordination Plan

**In accordance with ORS 197.180 and OAR Chapter 660, Division 30
for Certification by the Land Conservation and Development Commission**

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OREGON DEPARTMENT OF HIGHER EDUCATION
STATE AGENCY COORDINATION PLAN

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EXECUTIVE SUMMARY

ORS 197.180 and OAR Chapter 660, Division 30, requires state agencies to prepare a coordination program to assure that agency land use programs and actions comply with the Statewide Planning Goals (Goals) and are compatible with acknowledged comprehensive plans and land use regulations. State Agency Coordination (SAC) programs must describe agency rules and programs, evaluate agency rules and land use programs, and provide for coordination and technical assistance to other state and federal agencies and local governments, as well as assure compliance and compatibility.

The Department of Higher Education (ODHE) viewed the requirement to develop a SAC program as a formalization of its land use, facility and activity practices that were outlined in ODHE's 1978 Coordination Plan. The ODHE SAC Coordination Plan will assure Goals compliance based on the premise of acting compatibly with acknowledged city and county comprehensive plans. Public properties are subject to local building and land use ordinances by the provisions of ORS 227.286, which is applicable to land and facilities within cities and ORS 215.130(4) which is applicable to land and facilities within counties.

With the cooperation of the Department of Land Conservation and Development staff, OSSHE analyzed various statutory duties and functions of ODHE and found a diverse range of activities that "affect land use" as that term is defined in the Land Conservation and Development Commission SAC rule at OAR 660-30-005(2). However, there is no one existing ODHE program under which all of the State Board of Higher Education's activities "affecting land use" are grouped. This is due primarily to the agency's unique organizational makeup where the various ODHE institutions and activities around the state are accorded broad discretion to interpret and administer board policies and procedures involving the use and development of ODHE lands and facilities.

In order to address the SAC requirement in OAR 660-30-005(2), ODHE chose to consider all ODHE land use activities as falling into one overall "program affecting land use." This program is called Real Property, Facility, and Campus Planning.

Under this program are included all actions taken by the Board and its institutions and administrative units to acquire and develop land and facilities needed to support and carry out the ODHE's activities.

The Real Property, Facility, and Campus Planning program encompasses all land use activities which relate to or occur at ODHE's:

- a. Eight (8) major campuses;
- b. Other ODHE activity locations and sites in Oregon administered under the auspices of the Oregon Agricultural Experiment Station.

The types of specific ODHE decisions and actions occurring in the Real Property, Facility, and Campus Planning program relating to land use include the following:

- a. Acquiring, transferring and disposing of lands and property;

b. Adopting and amending long-range campus development plans including parking and traffic circulation plans;

c. Facility development and construction;

d. Requesting revisions to city and county comprehensive plans and land use regulations; and

e. Requesting administrative land use approvals from cities and counties for individual ODHE sites and projects (e.g., plan and zone changes, conditional use permits, land divisions).

SECTION I

INTRODUCTION

Under Oregon Revised Statutes (ORS) 197.180, each state agency is required to prepare a State Agency Coordination (SAC) program for certification by the state Land Conservation and Development Commission (LCDC). The purpose of a SAC program is to assure that an agency's "rules and programs affecting land use" comply with the Statewide Planning Goals (Goals) and are compatible with acknowledged city and county comprehensive plans and land use regulations.

ORS 197.180 is implemented by Oregon Administrative Rule (OAR) 660-30-060, which defines and explains the four requirements a state agency must include in its SAC program as follows:

- (a) Agency rules and summaries of programs affecting land use;
- (b) A program, pursuant to ORS 197.040(2)(e), for assuring that the agency's land use programs comply with the Goals and are compatible with city and county comprehensive plans;
- (c) A program, pursuant to ORS 197.090(1)(b), describing the agency's coordination with the Department of Land Conservation and Development (DLCD), with other state and federal agencies, and with special districts; and
- (d) A program describing the agency's cooperation with and technical assistance to local governments.

Previous Coordination Activity by Oregon Department of Higher Education (ODHE)

State Agency Coordination, ODHE, 1978: In 1978, the Oregon State Board of Higher Education, pursuant to ORS 197.180 and OAR 660-30-000 through 660-30-035, submitted a coordination program (hereafter referred to as ODHE's coordination plan) to the Land Conservation and Development Commission (LCDC) for approval. The LCDC approved the ODHE's State Agency Coordination Plan on March 10, 1978. In that coordination document, ODHE programs affecting land use consisted of those activities which involve the use of lands and facilities to support the ODHE's activities.

ODHE SAC Plan 1978, Basis: The 1978 ODHE SAC Coordination Plan was based upon the provisions of ORS 227.286 which makes public properties subject to city building and land use ordinances. Locations of all ODHE facilities and lands supporting activities were identified in the Coordination Plan. ODHE personnel worked with local government planners to achieve a reasonable resolution to the identification of and provision for the land use needs of the activities of ODHE within the affected city and county comprehensive land use plans. Although amendments to the SAC rules were adopted by LCDC in 1982 and 1986, no modifications have been made to the 1978 ODHE SAC Plan.

Current SAC Amendments: Current amendments to LCDC's SAC rules adopted in 1986 require that an agency's coordination plan must contain rules and procedures to achieve Goals compliance and compatibility with acknowledged comprehensive plans. The term "compatibility" means that a state agency has taken actions, pursuant to OAR 660-30-070, to establish that there are no remaining land use conflicts between the agency's land use programs and acknowledged comprehensive plans. Upon LCDC certification of the new ODHE SAC Plan, the 1978 ODHE SAC Plan will be rescinded.

Goal Compliance, 1978: The 1978 ODHE SAC Plan was based on the principle of achieving Goals compliance by reliance on local government's comprehensive plans. The Attorney General confirmed this approach, in the context of the definition of Comprehensive Plan, by stating that an educational system is one of the functional or natural systems occurring in the area covered by the comprehensive plan and, therefore, an appropriate element of a comprehensive plan. 38 Op Atty Gen. 1713 (1978), Appendix K.

Goal Compliance, Current: The new ODHE SAC Coordination Plan will assure Goals compliance based on the same premise of acting compatibly with acknowledged city and county comprehensive plans. Public properties are subject to local building and land use ordinances by the provisions of ORS 227.286 which is applicable to land and facilities within cities and ORS 215.130 (4) which is applicable to land and facilities within counties. The principle of agency reliance on acknowledged comprehensive plans for Goals compliance is supported by an opinion of the Attorney General and is incorporated in OAR 660-30-065. The Attorney General's opinion confirmed that the Commission could interpret ORS 197.180 to allow an agency to satisfy its Goals compliance obligation for land use programs simply by acting compatibly with comprehensive plan conditions, requirements or prohibitions which apply to the agency's program or action, and that the compatibility obligation imposed by ORS 197.180(1) could be interpreted to require that state agency land use programs be consistent with acknowledged comprehensive plans. 45 Op Atty Gen. 98 (1986), Appendix J.

Organization of ODHE

The eight state-supported colleges and universities, including their activities throughout the State, are also known as the Oregon State System of Higher Education, ORS 352.002, Appendix B. The universities are Oregon State in Corvallis, Portland State, and the University of Oregon in Eugene. Eastern Oregon State College in La Grande, Southern Oregon State College in Ashland, and Western Oregon State College in Monmouth are the state's regional colleges, while the Oregon Health Sciences University in Portland and Oregon Institute of Technology at Klamath Falls are specialized institutions.

ODHE Governance:

ODHE is governed by the Oregon State Board of Higher Education (Board), an eleven member board appointed by the governor subject to confirmation by the Oregon Senate. Nine members are appointed for four-year terms, and two state system students are appointed to two-year terms. The Board appoints a chancellor as chief executive officer, ORS Chap. 351, Appendix A and outlined in chart form in Appendix I.

The Board establishes system wide policy, sets institutional guidelines, approves curricular programs, reviews and approves budgets, and manages property and investments. With the assistance of the chancellor and staff, the Board ensures that the eight colleges and universities are administered in accord with approved policies, activity programs and budgets. The chancellor is responsible for implementing the Board's policy while the administration of the eight campuses is delegated to the institutions' presidents, Appendix I.

ODHE Mission:

Instruction, research and service are the functions that the eight institutions of ODHE perform under the direction of institutional presidents. A policy of the Board is to assign specialized professional, graduate and other program activities to designated institutions in order to strengthen instruction and avoid unnecessary duplication. While the eight institutions' primary mission is instruction, agricultural, medical, high-technology

and other research and service are also performed. Strengthening these areas with cooperative ventures are the Oregon Executive MBA Program, as well as Oregon Center for Advanced Technology Education and Oregon Institute of Technology's Metro Campus, the latter two delivering graduate and undergraduate high-tech education to individuals and Oregon companies.

ODHE seeks to serve the citizens of the State as appropriate within its mission. Beginning at the local level, planning in instruction and related research in the State System of Higher Education is initiated at the departmental or individual faculty member level and proceeds through various level of review until, if it is successful, it reaches Board consideration. As part of its program activity reviews, the Board requires that information on student interest and manpower needs, as well as identification of special interest of local or state groups such as business, industry, agriculture and professional groups, be presented by the institution requesting the program activity. Presentations or comments from concerned persons or groups are welcomed and further, the Board's administrative rules make specific provision for individuals or groups to appear before the Board on any matter concerning higher education.

It is the policy of the Board of Higher Education to seek to be sensitive to and aware of the educational needs of the state which the State System of Higher Education ought, within its general mission, to seek to serve. The Board expects its institutions to plan vigorously for meeting the changing needs for public higher education in Oregon, consistent with the missions of the institutions, and always bearing in mind that the Board must assess institutional requests for new program activities in the light of whether the program can be demonstrated to be in the best interests of the state as a whole, and within the economic capacity of the state to support.

The Department of Higher Education was created by the Oregon Legislative Assembly, an elected body acting for the citizens of Oregon and, by virtue of receiving a significant portion of its operating funds through Legislative appropriations, is subject to close scrutiny.

In accordance with statute and the Board's administrative rules, all meetings of the Board, with only very restricted exceptions, are open to the media and other members of the public.

SECTION II

ODHE RULES AND PROGRAM ACTIVITIES

This section addresses the requirements of LCDC's Administrative Rule, OAR 660-30-060(3), by describing the ODHE's statutory charges, administrative rules, and program activities. The ODHE's land use programs use will be identified in this section.

A. Enabling Statutes, Oregon Constitutional Provisions, and Acts of Congress

The Oregon State Board of Higher Education's authority and the Chancellor's Office authority are found in ORS Chap. 351, Appendix A.

The State System of Higher Education's composition and provisions concerning specific campuses are found in ORS, Chap. 352, Appendix B.

Authority to bond (lend its credit and go into debt) by the State for site acquisition and facility construction for higher education purposes is found in Article XI-G and Article XI-F(1) of the Oregon Constitution, Appendices E and F.

The Oregon Agricultural Experiment Station, administered by Oregon State University, was authorized under the Hatch Act of 1887, Appendix L. Various specific duties, site locations and authorizations are found in ORS Chapter 567, Appendix C.

The Sea Grant Program, administered by Oregon State University, was authorized by the National Sea Grant College and Program Act of 1966, with Improvement Acts of 1976 and 1978, and 1980 Amendments, Appendix M.

B. ODHE Activities

ODHE's Board is responsible for and oversees a variety of program activities throughout the state. For clarity, these are grouped under ODHE's principal functional administrative units. These are Oregon State University (OSU), Portland State University (PSU), University of Oregon (UO), Eastern Oregon State College (EOSC), Southern Oregon State College (SOSC), Western Oregon State College (WOSC), Oregon Health Sciences University (OHSU), and Oregon Institute of Technology (OIT). ODHE's activities relate most directly to one or another of the eight institutions, although a number are multi-institutional.

Oregon State University (Corvallis), which has been a Land Grant University since 1868 and a Sea Grant College since 1971, has the mission to provide the educational and research bases for the state's three largest resource industries: agriculture, forestry and marine sciences. OSU's colleges include Agricultural Sciences, Business, Education, Engineering, Forestry, Health and Physical Education, Home Economics, Liberal Arts, Pharmacy, Oceanography, Science, and Veterinary Medicine. In addition to the colleges on the main campus in Corvallis, OSU includes the Extension Service with activities throughout the state in agriculture, home economics, forestry and energy. Also under direction of OSU are the Oregon Agricultural Experiment Station with various branch stations around the state, forest tracts under the College of Forestry, and the Mark O. Hatfield Marine Science Center in Newport which houses many of the functions of the Oregon Coastal Experiment Station and the Sea Grant Program.

Oregon Agricultural Experiment Station is supported by federal, state and local funding. It serves as the principal agricultural research agency in the state. Its mission, through research in agricultural, biological, environmental, and social sciences, is to

ensure stable and productive agriculture with wise management of the natural resources of the state; to protect crops and animals from insects, diseases, and other hazards; to improve the efficiency of agricultural production; to develop new and improved agricultural products and processes and to enhance product quality; to strengthen and improve the marketing of Oregon's agricultural products; to protect the consumer and improve the nutrition and well-being of the people of the state; to promote community development, and provide economic and public services for Oregonians in both rural and urban areas; and to protect and improve the environment and quality of life.

The **Sea Grant Program** (Sea Grant) in Oregon is supported by federal and state funding. The National Sea Grant activities, with a mission of research, education and advisory services, are concerned with production from the ocean encompassing engineering, environmental quality, transportation, recreation, law, economics and other related fields. OSU is one of the nation's Colleges committed to excellence in activities of and commitment to the Sea Grant concept.

Portland State University (Portland), Oregon's urban university, reflects the dynamism and complexity of a metropolitan area with students of diverse educational backgrounds who come from many states and foreign countries. The instructional, research and public service activities focus on the urban individual's and community's needs including high technology engineering, business assistance, international trade with Pacific Rim countries, urban planning and social welfare. PSU includes the College of Liberal Arts and Sciences, and the Schools of Business Administration, Education, Engineering and Applied Science, Fine and Performing Arts, Social Work, and Urban and Public Affairs. Among the activities at PSU is the Board's Center for Population Research and Census.

The **University of Oregon** (Eugene) is the center of liberal arts and professional education in Oregon and supports a number of research and service functions such as the Bureau of Governmental Research and Service, KWAX radio station, Oregon Labor Education and Research Center, Institute of Molecular Biology, the Museum of Art which circulates traveling exhibits, and others associated with the academic disciplines. In the sciences, UO's focus is on basic research. The UO includes the College of Arts and Sciences, and the professional programs of the School of Architecture and Allied Arts, College of Business Administration, College of Education, College of Human Development and Performance, School of Journalism, School of Music, and the Graduate School. In addition to the main campus in Eugene, the UO includes the Institute of Marine Biology on the coast at Charleston, Oregon, and Pine Mountain Observatory located on national forest land in central Oregon.

Eastern Oregon State College (La Grande) is the only four-year college in the ten counties comprising the eastern half of Oregon. The College has a multi-purpose focus with a selected set of instructional activities to provide balance in the curriculum. These activities serve rural students, first generation college students, and students who are place and time bound. Cooperative instructional activities in engineering and agriculture are offered with OSU, and nursing with the OHSU, as well as regional activities that include the area's community colleges. EOSC includes the Schools of Arts and Sciences, Administrative Studies, and Education. The Regional Services Institute at the college supports community and economic development in eastern Oregon.

Southern Oregon State College (Ashland) is a residential institution with a full range of instructional activities in the liberal arts and sciences as well as selected professional fields. SOSC is a center for performing arts in the state system, complementing the Oregon Shakespearean Festival in Ashland and the Britt Music Festival in Jacksonville. The arts play an important role in the economy of Jackson County. SOSC comprises the Schools of Business, Computer Information Systems, Education-Psychology, Fine and Performing Arts,

Health and Physical Education, Humanities, Nursing, Science-Mathematics, and Social Science. The Southern Oregon Regional Service Institute, which is located at the College, focuses on management counseling and technical assistance to small businesses in seven southwestern Oregon counties, and the campus radio station provides programming to a large area of southwest Oregon and northern California. Recently the National Forensics Laboratory opened on the College's campus for the support of endangered wildlife species.

Western Oregon State College's (Monmouth) mission emphasizes instructional activities in teacher education, special education, business, and liberal arts and science, serving the mid-Willamette valley, and through specialized instructional program activities such as law enforcement, corrections, fire prevention technology and administration, and special education students are drawn from around the state and beyond. WOSC is organized into the School of Liberal Arts and Science and the School of Education. The College is headquarters for the Oregon Police Academy, the Regional Resource Center on Deafness, Education Evaluation Center, and the Speech and Hearing Clinic, as well as the Teaching Research Division.

The **Oregon Health Sciences University (Portland)** has the instructional mission to serve as the State's center for the preparation, specialty training and continuing education of students and practitioners in the health professions, and graduate students in the biomedical sciences. As a necessary complement to the instructional mission, OHSU does extensive basic and applied research, operates the hospital and clinical facilities which serve the instructional function as well as providing tertiary health care for the state's acutely ill, and serves as a care facility for the medically indigent. OHSU includes the Schools of Dentistry, Medicine, and Nursing, and the clinical care units of the various University Clinics, the University Hospital, Doernbecher Memorial Hospital for Children, Portland Center for Hearing and Speech, and the Child Development and Rehabilitation Center. The clinical experience for students is provided in the University Hospital, medical, nursing and dental ambulatory care clinics, as well as a network of facilities including the Department of Veterans Affairs Medical Center, the Shriners Hospital, affiliated teaching hospitals, community clinics, and state and local agencies. OHSU has a number of specialized research institutes including the Institute for Advanced Biomedical Research, Biomedical Information Communications Center, Center for Technology and Medicine, Occupational Disease Research Center, Regional Primate Research Center, Kresge Hearing Laboratory, and the Eye Center. OHSU conducts hundreds of continuing education programs each year throughout the state for health professionals.

Oregon Institute of Technology (Klamath Falls), the only polytechnic institute in the Pacific Northwest, provides a learn-by-doing laboratory approach to practical applications training. OIT is organized into the Division of Arts and Sciences, Department of Business Technologies, Division of Engineering Technologies, Department of Health Technologies and a Department of Nursing. Associate and/or baccalaureate degrees are offered in the professional fields of electronic, civil, computer systems, software, manufacturing, and mechanical engineering technologies; surveying; diesel power technology; laser electro-optics technology; medical technology; medical radiologic technology; dental hygiene; nursing; accounting technology; office systems technology; industrial management, and a college transfer program. Through an OIT-Portland program, baccalaureate degrees are offered in the professional fields of civil engineering technology, electronics engineering technology, computer systems engineering technology, and industrial management. These upper-division activities are offered cooperatively with PSU and the area community colleges, with students obtaining general education courses from PSU and upper-division technical courses from OIT-Portland.

Oregon Center for Advanced Technology Education (OCATE) is a consortium of public and private schools and businesses which operates under the aegis of ODHE. OCATE coordinates master's and doctoral research-based activities benefitting Oregon's high technology industries, primarily in Washington County.

Oregon Executive M.B.A. Program (OE-MBA) is sponsored jointly by the UO, PSU and OSU; it awards a master's degree in business administration from the UO.

C. ODHE Administrative Rules

Administrative Rules (AR) 580-01-005 through 580-50-105 have been adopted by the Board, Appendix G. These rules are organized into seventeen divisions.

- Division 1, Board Procedures
- Division 10, Admissions Requirements, Residence Classification, and Payment of Student Fees
- Division 11, Student Centers, Health Services, Housing, Food Service, and Recreational and Intercollegiate Athletic Facilities
- Division 12, Prohibited Conduct Relating to Students
- Division 13, Student Records
- Division 15, Discrimination
- Division 20, Academic Classification and Compensation
- Division 21, Conditions of Service
- Division 22, Academic Freedom
- Division 30, Oregon Health Sciences University Hospital
- Division 31, Libraries
- Division 40, Board's Financial Powers
- Division 41, Accounting Policies
- Division 42, Gift, Grant, and Contract Management
- Division 43, Policies Relating to Inventions, License Agreements, Educational and Professional Materials Development, Patents, and Copyrights
- Division 46, Institution Foundations
- Division 50, Real Property, Facility, and Campus Planning

D. ODHE Internal Management Directives (IMD)

IMD's, which are organized into eight sections, outline ODHE's operational procedures, Appendix H.

- Section 1, Administrative Organization and Procedures
- Section 2, Academic Affairs
- Section 3, Student Personnel
- Section 4, Staff and Faculty Personnel
- Section 5, Institutional Units and Administrative Services
- Section 6, Finance and Business Affairs
- Section 7, Planning, Facilities, Physical Plant, and Equipment
- Section 8, Policy for Intercollegiate Athletics

E. ODHE Programs Affecting Land Use

Analysis of ODHE's various statutory duties and functions shows that there is a diverse range of activities that "affect land use" as that term is defined in LCDC SAC rule OAR 660-30-005(2). However, unlike other state agencies, there is no one existing ODHE land use program under which all of the Board's activities constituting land use actions are

grouped. This is due primarily to the agency's unique organizational makeup where the various ODHE institutions and activities around the state are accorded broad discretion to interpret and administer Board policies and procedures involving the use and development of ODHE lands and facilities.

In order to address the SAC requirement in OAR 660-30-005(2), ODHE believes it is appropriate to consider all ODHE land use activities as falling into one overall program constituting land use actions. This program is called Real Property, Facility, and Campus Planning.

Under this program are included all actions taken by the Board, its institutions, and administrative units to acquire and develop land and facilities needed to support and carry out the ODHE's activities.

The Real Property, Facility, and Campus Planning program encompasses all land use activities which relate to or occur at ODHE's:

- a. Eight (8) major campuses;
- b. Other ODHE activity locations and sites in Oregon administered under the auspices of the Oregon Agricultural Experiment Station.

The types of specific ODHE decisions and actions occurring in the Real Property, Facility, and Campus Planning program relating to land use include the following:

- a. Acquiring, transferring and disposing of lands and property;
- b. Adopting and amending of long-range campus development plans including parking and traffic circulation plans;
- c. Facility development and construction;
- d. Requesting revisions to city and county comprehensive plans and land use regulations; and
- e. Requesting administrative land use approvals from cities and counties for individual ODHE sites and projects (e.g., zone changes, conditional use permits, land divisions, etc.).

ODHE Land Use Program Statutory Basis

ODHE's statutory authority to administer its program constituting land use actions is based on the provisions in ORS Chapters 351 and 352. The sections in these statutes relating to land use include the following:

- ORS 351.060, Board's general powers as to control and management of property; power as to litigation;
- ORS 351.160, Building construction;
- ORS 351.190, Acquisition of land for building purposes;
- ORS 351.353, Construction of parking facilities; bonds;
- ORS 351.627, Higher Education Capital Construction Fund;
- ORS 352.035, Streets through university property; establishment and dedication;
- ORS 352.360, Traffic control on properties under state board; enforcement; fee use.

ODHE Land Use Program Administrative Rules and Internal Management Directives

AR 580 Division 50, Real Property, Facility, and Campus Planning

- 50-001, Comprehensive Plan Coordination;
- 50-005, Conveyances of real property;
- 50-010, Easements;
- 50-015, Purchases of Real Property;
- 50-105, Properties subject to floods.

IMD Section 7, Planning, Facilities, and Physical Plant:

- 7.001, Land Acquisition Policies;
- 7.010, Rededication of Physical Facilities;
- 7.100, Long-Range Campus Development Planning;
- 7.105, Space Use Objectives and Building Planning Standards;
- 7.130, Approval of Plans, Specifications and Contracts;
- 7.155, Use of Facilities for Other than State Purposes;
- 7.160, Lease of Retail Spaces in Institutional Buildings.

There are no ODHE activities specifically referenced in the Goals for the purpose of Goals compliance. However, the actions and activities of ODHE and its administrative subunits under the Real Property, Facility, and Campus Planning program in some instances may involve or cause significant effects on the Goals or on present or future uses identified in acknowledged comprehensive plans.

In view of the statewide scope of ODHE's facilities and land holdings, the extent of the actual and potential land use effects on city and county comprehensive plans is significant.

For example, a major update of a long-range campus development plan may require or lead to amendment of the community's acknowledged plan and land use regulations. In another instance, local land use approval such as a zone change or conditional use permit must be sought by ODHE before development, expansion or operation of a facility, research project, or experiment station can proceed.

The impact of ODHE land use actions on a city or county comprehensive plan may involve a wide range of issues depending upon the purpose, size and location of the ODHE project or plan in question. Such effects may include but not be limited to increased demand on public facilities and services (e.g., recreation), altered population and economic growth projections, revisions to local traffic, parking and transportation plans and policies, diminished supply of available low and multifamily housing and opposition from neighborhood groups and associations.

F. ODHE Programs Subject to LCDC Permit Compliance Rule

The Agency's programs which constitute land use actions do not involve the issuance of permits, and they are not subject to LCDC's agency permit compliance and compatibility rule,

OAR 660-31.

SECTION III

ODHE PROCEDURES TO ASSURE COMPLIANCE WITH THE STATEWIDE PLANNING GOALS AND COMPATIBILITY WITH LOCAL COMPREHENSIVE PLANS AND LAND USE REGULATIONS

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

A. Exempt and Compatible ODHE Land Use Programs

The ODHE's only land use program falls into the category of a "compatible land use program" as defined in the SAC rule. There are no applicable statutes, constitutional provisions or appellate court decisions which exempt this program from compatibility with acknowledged comprehensive plans. This program is not exempt from compliance with the Goals.

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

1. ODHE Rules

It has been determined, as discussed in Section II E. above, that only one ODHE program has been identified as constituting land use actions as that term is defined in OAR 660-30-005(2). This is ODHE's Real Property, Facility, and Campus Planning program.

The Board has adopted an administrative rule, OAR 580-50-001, to implement ODHE's Goal compliance and plan compatibility requirements in ORS 197.180 and OAR 660-30 for this program.

The rule states:

580-50-001 Use of property owned by the Board shall conform to OAR 580-50-001 and the procedures in the Department of Higher Education Coordination Plan created pursuant to the Land Conservation and Development Commission OAR 660-30, Division 30, State Agency Coordination. In approving decisions concerning use of property owned by the Board, the Department, institutions, and managers at activity locations shall find that the project, plan, or land use action complies with the Statewide Planning Goals and is compatible with applicable acknowledged comprehensive plans.

Compliance with Statewide Goals and compatibility with acknowledged Comprehensive Plans shall be achieved by making decisions concerning property owned by the Board in conformance with local jurisdiction comprehensive land use plans and land use regulations as follows:

- (1) For each of the Board's institutions, a long-range development plan shall be formulated covering at least the area within the approved campus boundaries. Campus plans shall be reviewed with officials of the local jurisdiction for conformance with the local acknowledged Comprehensive Plan. A campus plan may be formulated as a refinement plan or amendment to the

local Comprehensive Plan and be implemented as a special zoning district or planning district within the local jurisdiction land use regulations.

(2) For other lands which support activities governed by the Board, the activity and the land use shall conform to the local jurisdiction acknowledged Comprehensive Plan and associated land use regulations.

2. ODHE Procedures

OAR 580-50-001 cited above applies to all projects, land use actions, and plans under the Real Property, Facility, and Campus Planning program.

This program requires ODHE to find that each applicable project or land use action in this program complies with the Goals and is compatible with acknowledged comprehensive plans and land use regulations.

Because all comprehensive plans in the state have been acknowledged to be in compliance with the Goals, when the ODHE acts compatibly with an acknowledged comprehensive plan, it is acting in compliance with the Goals.

For this reason, it is ODHE's position that it does not ever anticipate having to adopt findings directly addressing the Goals. However, in the event that such findings are ever required, ODHE shall adhere to the following procedures in carrying out the Real Property, Facility, and Campus Planning program or any other ODHE program subsequently determined to be a land use program.

ODHE, when reviewing a project, plan, or land use action pursuant to the ODHE Coordination Plan and OAR 660-30 shall adopt Statewide Goal Findings only for those Goals which have not otherwise been complied with by the applicable city or county in its acknowledged comprehensive plan. In fulfilling any obligation to comply with one or more of the Goals, ODHE shall follow the procedures below:

- a. Confirm that a situation described in OAR 660-30-065 (3)-(5) actually exists requiring adopting findings against one or more of the Goals.
- b. Identify the specific Goals which must be addressed.
- c. Consult directly with the affected city or county.
- d. Request assistance as necessary from the DLCD and the Attorney General's Office.
- e. Rely on any relevant Goals interpretations or requirements for state agencies adopted by LCDC under OAR Chapter 660.
- f. Adopt any required findings to assure the project's or action's compliance with the Goals.

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

1. ODHE Land Use Rules

The Board adopted OAR 580-50-001 (cited under III B. above) which requires that ODHE find that projects and actions under its Real Property, Facility, and Campus Planning program are compatible with acknowledged comprehensive plans and land use regulations.

Under the rule, ODHE's overall approach for achieving compatibility with comprehensive plans is as follows:

Campus Plans

Compatibility for the planning and development of the eight (8) institutions will be accomplished through city or county adoption of a long-range campus development plan as either a refinement plan or an amendment to the applicable comprehensive plan. Depending upon the campus in question, implementation of a campus plan may occur through administration of the community's existing zoning ordinance, adoption of a special campus zoning district, or application of an overlay zone to the campus area.

Other ODHE Lands

Compatibility for other ODHE lands and facilities will occur through efforts to comply with all applicable requirements in acknowledged comprehensive plans and land use regulations.

2. ODHE Land Use Procedures

The Board and the Department have established a series of procedures to implement OAR 580-50-001 and to assure compatibility with comprehensive plans.

Campus Plans

ODHE's overall approach for preparing and updating campus plans is established by Internal Management Directive 7.100--Long-Range Campus Development Planning, Appendix H. This IMD provides for the following:

- a. Requires each of the eight (8) institutions to develop a long-range campus development plan;
- b. Defines the function, scope and content of a campus development plan;
- c. Specifies that long-range campus development plans be reviewed and updated periodically;
- d. States that each long-range campus development plan and subsequent amendments or revisions be approved locally based on procedures established by the applicable institution; and
- e. Outlines the responsibilities of the Board including approval of long-range campus development plans and significant revisions as well as reviewing major plan assumptions and objectives.

In terms of a particular campus, a long-range campus development plan is a generalized outline statement of the present status of an institution and how it is expected to develop into the future, consistent with the institutional mission, enrollment data and projections.

The plan shall serve as a basis for making decisions about facilities needed to support the instructional, research, and service programs of the institution. The plan shall identify Board-approved campus boundaries, land development characteristics, aesthetic considerations, location of facilities serving the various programs of the institution, location of sites for proposed facilities, student housing, relationship to the surrounding neighborhood, and the infrastructure to support the programs, students, faculty, staff, and facilities.

The infrastructure to be outlined shall include the pedestrian circulation, bicycle circulation and parking, automobile circulation and parking, mass transit, the pattern and layout of service requirements, and utility systems.

In addition to defining each institution's future development, the Board's long-range campus development plans are used to seek accommodation with affected cities and counties concerning matters involving compliance with the Goals and compatibility with acknowledged comprehensive plans.

Other Lands

It is the Board's position, as expressed by OAR 580-50-001 above, that lands and facilities intended to support ODHE activities at sites other than the eight institutions are to conform with acknowledged comprehensive plans and land use regulations. ODHE managers of the activities at these sites work with local government representatives to assure that local land use requirements are met.

ODHE Compatibility Procedures

ODHE has established a set of procedures for use by institutional planners and managers of activities at other lands to provide specific guidance in implementing the Board's land use compatibility requirements contained in OAR 580-50-001.

The procedures are as follows:

The following procedures are intended to assure that projects and land use actions under the ODHE's Real Property, Facility and Campus Planning program are compatible with acknowledged city and county comprehensive plans and land use regulations pursuant to OAR 660-30, 580-50-001 and the Board's state agency coordination plan. ODHE projects and land use actions include but are not limited to the adoption and amendment of a long-range campus development plan, siting or development of ODHE facilities, structures and installation, and certain types of property acquisitions.

1. When initiating any project or land use action, ODHE personnel identify the steps necessary to take to be compatible with acknowledged city and county comprehensive plans and land use regulations, contacting planning representatives of the applicable city or county as appropriate. In cooperation with local land use officials, ODHE may conduct a review of the local government's comprehensive plan and land use regulations applicable to the proposed project or action. Review of local land use documents and requirements shall be completed as early as possible in the ODHE planning process.

2. ODHE shall obtain city and county land use approvals whenever appropriate and, as needed, comprehensive plan and land use regulation amendments, Goals exceptions, zone changes, conditional use permits, land divisions and partitions, and other applicable local land use approvals prior to proceeding with a proposed project or action.

3. Except where it is necessary for ODHE to adopt findings for compliance with the Goals, ODHE shall achieve Goals compliance by acting compatibly with acknowledged comprehensive plans and land use regulations.

4. To make the necessary determination of compatibility for an ODHE project or land use action, ODHE shall rely on one or more of the following:

a. Inclusion in a long-range campus development plan that has been reviewed and adopted by the Board and the applicable local governing body;

b. A copy of the local land use permit or equivalent documentation from the applicable local governing body or its designee that the proposed ODHE project or action has received land use approval;

c. A letter from the local governing body or its designee stating that the proposed ODHE project or action is permitted under the jurisdiction's comprehensive plan but does not require specific land use approval; or

d. Other information provided to ODHE equivalent to 4.a or 4.b above, including but not limited to testimony at a Board hearing or other documented conformation of compatibility with applicable land use regulations from an authorized representative of the affected jurisdiction.

5. ODHE shall be responsible for submitting all of the information necessary for the city or county to review and approve an ODHE land use application or request for compatibility determination.

6. A denial or conflict involving an ODHE request for land use approval or determination of compatibility may be pursued through local appellate procedures until the city or county governing body has rendered its final decision. Options available to ODHE to address the denial or conflict may include:

a. Deciding to stop pursuit of the land use approval for the proposed project or land use action in question; or

b. Modifying or redesigning the proposed project or land use action to comply with the city or county land use requirements and resubmitting the modified or redesigned project or action to the city or county for land use approval; or

c. Appealing the local government denial; or

d. Pursuing the denial through ODHE's dispute resolution procedures described in Section III D of ODHE's state agency coordination plan.

D. ODHE Procedures for Dispute Resolution

The following procedures have been developed to enable ODHE to forestall and resolve, whenever possible, land use disputes with cities and counties involving projects and land use actions under the Board's Real Property, Facility, and Campus Planning program.

The procedures state:

1. ODHE personnel shall attempt to avoid disputes by identifying areas of potential lack of agreement early in the planning process and working with applicable local governments to resolve all land use issues. Whenever possible, ODHE's efforts to avoid and resolve potential land use conflicts concerning a specific use or action shall be conducted prior to and through local government land use proceedings. These efforts may include ODHE participation in preapplication meetings and conflict mediation activities, and provision of technical information and assistance to project participants as well as the applicable local governing bodies.

2. In the event that ODHE and an applicable local governing body do not agree that an ODHE project or action is compatible with the applicable acknowledged comprehensive plans and land use regulations, ODHE will attempt to resolve the dispute through one or more of the following:

- a. Analyze the area of dispute with the local government to identify specific areas of agreement and concurrence on objectives;
- b. Develop possible scenarios or alternatives that would address the objectives of ODHE and the local government, with the goal of identifying a mutually agreeable course of accommodation;
- c. Modify or withdraw the ODHE proposed project or land use action;
- d. Use, where appropriate, of the statutory plan amendment or periodic review processes to obtain the needed local land use approval(s).

3. If the dispute cannot be resolved through the steps listed above, ODHE may request informal mediation or a compatibility determination from the LCDC in accordance with OAR 660-30-070.

E. Compliance and Compatibility of New or Amended ODHE Land Use Programs

The following procedure has been established by ODHE to assure that new or amended land use programs will continue to comply with the Goals and be compatible with city and county comprehensive plans.

The procedures states:

ODHE's Coordination Plan shall be amended, as appropriate, when any of the following occurs which add to or modify ODHE's rules and programs determined to affect land use:

- a. Adoption or amendment of Oregon Revised Statutes;
- 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 ODHE shall submit notice upon adoption of any amendment to any ODHE program constituting land use actions or any new ODHE rule or program to the Department of Land Conservation and Development (DLCD) as required by OAR 660-30-075.

SECTION IV

ODHE PROCEDURES FOR COORDINATION WITH DLCD, OTHER STATE AND FEDERAL AGENCIES AND SPECIAL DISTRICTS

A. Agencies Coordinated with by ODHE

ODHE coordinates its activities involving land use issues and projects with a broad range of agencies and organizations. These include the following:

1. Local

Affected cities and counties in which ODHE institutions and facilities are located
Special Districts as necessary
School Districts
Community Colleges

2. State

Agriculture Department
Building Codes Agency
Economic Development Department
Education Department
Energy Department
Environmental Quality Department
Forestry Department
General Services Department
Governor's Office/Executive Department
Judicial Department
Bureau of Labor and Industries
Land Conservation and Development Department
Oregon Arts Commission
Secretary of State
Parks and Recreation Department/Historic Preservation

3. Federal

Army Corps of Engineers
Coast Guard
Education Department
Energy Department
Fish and Wildlife Service
Forestry Service
Transportation Department

B. Interagency Coordination Procedures

The ODHE coordinates as needed with all appropriate local, state and federal agencies which relate to any ODHE activity and its facility and land needs.

Local:

Coordination with cities and counties in which ODHE institutions and activities are located is critical because the ODHE SAC Plan assures goal compliance based on the premise of acting compatibly with acknowledged city and county comprehensive plans. Further, it is a logical consequence of public properties being subject to local building and land use ordinances by the provisions of ORS 227.286 which is applicable to land and facilities within cities and ORS 215.130(4) which is applicable to land and facilities within counties.

State:

Coordination with other State agencies has a broad scope including, among others, the following:

1. Coordination with other State agencies, such as Agriculture and Economic Development that have activities carried out by ODHE personnel in facilities and on land owned by ODHE;
2. Coordination with other State agencies, such as Forestry and Agriculture, that regulate and implement land use practices where ODHE has activities;
3. Coordination with other State agencies, such as the Building Codes Agency and General Services, that regulate building practices.
4. Coordination with other State agencies, such as Historic Preservation and the Oregon Arts Commission, which have preservation, construction and furnishing activities and responsibilities.

Other States:

ODHE has a number of cooperative activities with other States which require land and facilities. These vary from the Western Interstate Commission on Higher Education, Appendix A, which, among a number of functions, provides for sharing of specialized, high cost instruction with students of other States, to potato research which ODHE shares with three adjacent States.

Federal:

At any one time, ODHE has numerous grant and support activities underway with various federal agencies that require land and facilities. To a large degree these are structured by federal conditions and regulations.

C. Interagency Coordination Contact

Director of Campus and Building Planning
Facilities Division
Office of Administration
Oregon State System of Higher Education
P. O. Box 3175
Eugene, Oregon 97403
(503) 346-5875

SECTION V

ODHE PROGRAM FOR COOPERATION AND TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS

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

It is the policy of the Board that in approving decisions concerning use of property owned by the Board that ODHE, the institutions, and the managers at activity locations shall find that the project, plan, or action complies with Goals and is compatible with acknowledged comprehensive plans. Planners at institutions and managers at activity locations offer technical assistance and participate in the local planning process as necessary to assure Goal compliance. The Goal compliance is based on the premise of acting compatibly with acknowledged city and county comprehensive plans.

B. ODHE Contact for Cooperation and Technical Assistance

Director of Campus and Building Planning
Facilities Division
Office of Administration
Oregon State System of Higher Education
P. O. Box 3175
Eugene, Oregon 97403
(503) 346-5785

For cooperation and technical assistance in the cities where ODHE's eight institution are located, the following are also appropriate to contact:

Dean of Administration
Eastern Oregon State College
La Grande, OR 97850
(503) 963-2171 Ext. 1515

Director of Planning
Western Oregon State College
Monmouth, OR 97361
(503) 838-8263

Director of Planning
Physical Plant
Oregon State University
Corvallis, OR 97331
(503) 737-4921

Director of Physical Plant Department
Southern Oregon State College
1250 Siskiyou Blvd.
Ashland, OR 97520
(503) 482-6231

Planning Director
University of Oregon
Eugene, OR 97403

(503) 346-5562

Director of Facilities Planning
Oregon Health Sciences University
3181 SW Sam Jackson Park Rd.
Portland, OR 97201
(503) 279-8016

Staff Architect
Portland State University
Portland, OR 97207
(503) 464-3738

Director of Physical Plant
Oregon Institute of Technology
Klamath Falls, OR 97601-8801
(503) 882-6321 Ext. 567

Staff Architect
Agricultural Experiment Station
Oregon State University
Corvallis, OR 97331
(503) 737-4257

C. ODHE Technical Assistance and Information and Methods Used to Provide Such Assistance to Local Governments

Institutional planners listed above and managers at other activity locations meet with local government planners as appropriate to carry out the Board's policy requiring that decisions concerning use of property owned by the Board comply with the Goals and that they are compatible with acknowledged comprehensive plans. Essentially, this requires that the planners and managers participate in the planning process with the local government. They provide information about the facility and land needs for the activity they represent and offer technical assistance in understanding how the land needs can be provided for in the local government comprehensive plans, as well as for other issues. They assist local government in calling upon the following sources as appropriate:

- a. Bureau of Governmental Research at the UO which offers a wide variety of service to local governments as requested;
- b. Center for Population Research and Census at PSU which provides population information to state and political subdivisions, Appendix D;
- c. Regional Development Institutes at EOSC and SOSC which provide practical training in various aspects of economic and community services planning, ORS 352.390 and 352.400, Appendix B;
- d. OSU Extension Service which provides services including agriculture, home economics, forestry, community development, energy and others.

D. ODHE Participation in the Periodic Review Process

Based upon the premise of assuring Goals compliance by acting compatibly with acknowledged comprehensive plans, institutional planners and managers of activities at

other locations will keep abreast of any actions that local governments are contemplating regarding periodic review and plan amendments, primarily as they impact property owned by the Board. It is appropriate for the institutional planners and managers at other locations to be included on mailing lists of local government that announce impending considerations and actions.

Local government planners, institutional planners, and managers of activities at other locations need to identify the participation needed to comply with the Board's policy of basing Goals compliance on acting compatibly with acknowledged comprehensive plans.

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

While there are several major ODHE facilities located on the coast, ODHE's cooperation and assistance to coastal jurisdictions in terms of land use is provided in the same manner as is given to cities and counties statewide. See also Sections V. A and C above.

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 ODHE.