

[CAPITOL PLANNING COMMISSION] **CHAPTER 110**  
DIVISION 10  
**AREA PLAN DEVELOPMENT STANDARDS**

**110-010-0030**

**Definitions**

As used in OAR Chapter 110, the following terms have the meanings indicated, unless the context requires otherwise:

(1) "Agency" means any state officer, board, commission or department, or any division thereof, authorized by law to engage in capital construction or improvement projects in the areas described by ORS 276.028.

(2) "Area Plan" means a plan ~~[for]~~ **setting policies and standards to guide** development of a specific geographical area ~~[under the Commission's jurisdiction]~~ **within the city of Salem.**

(3) ~~["Commission" means the Capitol Planning Commission]~~ **"CPAB" means the Capital Projects Advisory Board.**

(4) **"DAS Director" means the Director of the Department of Administrative Services or his/her designee.**

(5) **"Department" means the Department of Administrative Services.**

~~[(4)]~~ (6) "Project" means expenditures for capital construction or for capital improvement and adoption or approval of area plans in the area described by ORS 276.028, and within the following limitations:

(a) Capital Construction includes expenditures related to construction or remodeling of physical facilities with a project cost of ~~[\$100,000]~~ **\$500,000** or more;

(b) Capital Improvement includes expenditures related to construction or remodeling of physical facilities with a project cost of more than ~~[\$2,500]~~ **\$5,000**, but less than ~~[\$100,000]~~ **\$500,000**;

(c) A project *does not include*:

(A) Interior remodeling that does not substantially change the existing use of space to another use (e.g., office space, or space used by the public);

(B) Repair or maintenance which does not substantially change the existing use of space, which does not add additional square footage to a building, and which does not change exterior building design;

(C) Individual plantings within an established landscape plan that do not alter the overall plan concept.

~~[(5)]~~ (7) Notwithstanding the provisions of subsection ~~[(4)(e)]~~ (6)(c) of this rule, capital improvement or capital construction which includes interior remodeling or repair for the purpose of converting an existing use to a use relating to the housing of Correctional or Forensic Psychiatric Inmates shall be a "project" and shall require ~~[Commission]~~ **DAS Director** review and approval.

Stat. Auth.: ORS 183, ORS 197 & ORS 276

Stats. Implemented:

Hist.:

**110-010-0034**

**Development Standards Contained in Area Plans**

- (1) Development standards applicable to new projects specific to each area plan shall be included in the area plans, while development standards common to all properties subject to area plans shall be included within the Salem Area Coordination Plan. Development standards shall address, but not be limited to:**
- a. Setback requirements;**
  - b) Height, bulk, and lot coverage limitations;**
  - c) Landscaping requirements; and**
  - d) Requirements for the protection of the surrounding community environment.**

Stat. Auth.: ORS 276.098

Stats. Implemented:

Hist.:

**110-010-0035**

**Agency Expenditures for Capitol Construction or Improvement**

No state agency may expend moneys for any project unless such project first has been approved by the Commission. An agency is not precluded by this rule from collecting management data for the preparation of a project proposal.

Stat. Auth.: ORS 183 & ORS 276

Stats. Implemented:

Hist.:

**110-010-0039**

**Criteria and Authority to Permit Divergence**

**The CPAB may recommend and the DAS Director may permit a divergence from the provisions contained in the Design Standards contained in the adopted Area Plan if:**

- (1) The property and proposed improvements are challenged by unusual topographic, environmental, functional, or aesthetic circumstances; or**
- (2) The proposed alternative achieves the purposes of the Design Standards contained in the Area Plan as well or better than a compliant alternative.**
- (3) Permitting a divergence will not, under the circumstances of the particular case, create material adverse aesthetic, function, or health and welfare effects on neighboring owners or others coming to or passing by the Property.**
- (4) Each divergence request shall be considered solely on its own merits; permitting of a divergence in one situation shall not change the Design Standards contained in the Area Plan or compel the DAS Director to permit any further divergence.**

Stat. Auth.: ORS 183, & ORS 276

Stats. Implemented:

Hist.:

### **110-010-0040**

#### **Agency Reports to Commission on Proposed Projects**

(1) Each state agency shall submit to the Commission by July 1 of each even numbered year a copy of those portions of the Capital Construction program included in the agency's budget report prepared pursuant to ORS 291.216, which relates to capital construction or improvement within the area described by ORS 276.028.

(2) The Commission shall review the information submitted under section (1) of this rule and make recommendations to the Executive Department by November 1 of each even-numbered year with respect to the construction and improvement proposals. The recommendations shall be based upon consistency of proposed projects with relevant area plans. Approval may be conditioned upon review by the Commission of legislatively authorized projects for consistency with area plans and development standards.

(3) No later than August 1 of each even numbered year, the Commission shall make available at its office a copy of each agency report received, for review and written comment by any interested person. Comments, to be considered by the Commission, shall be received no later than September 1 of each even numbered year.

Stat. Auth.: ORS 183 & ORS 276

Stats. Implemented:

Hist.:

### **110-010-0045**

#### **Procedure for Submitting Proposed Projects for Review**

(1) An agency seeking Commission review and approval of a specific proposed project shall submit a written project approval request to the Commission not less than 21 days before the meeting at which Commission review is requested. The Commission may waive the 21-day notification period for good cause shown.

(2) An agency request for Commission review of a proposed project shall include:

(a) Architectural and landscaping plans (if appropriate) for the project;

(b) Sufficient information to demonstrate compliance with applicable standards for development;

(c) Sufficient information to demonstrate compliance with the applicable area plan;

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

Stat. Auth.: ORS 183 & ORS 276

Stats. Implemented:

Hist.:

### **110-010-0050**

#### **Copies of Materials**

Any initiator of a proposal or request to the Commission for action or approval, shall provide 20 copies of the proposal or request to the Commission Any person or agency

submitting a written statement or material in support of or in opposition to a proposal or request before the Commission is encouraged to provide 20 copies of the statement and/or materials.

Stat. Auth.: ORS 183 & ORS 276

Stats. Implemented:

Hist.:

### **110-010-0055**

#### **Procedure for Commission Review**

(1) Following receipt of a project approval request, the Commission shall hold a hearing for the purpose of obtaining the views of the public on the proposed project. The hearing will not be a contested case hearing.

(2) Notice of the hearing shall be mailed to interested persons, either by separate notice or by inclusion on the Commission meeting agenda, at least ten days in advance.

(3) If upon review of a project approval request the Commission believes that more information relating to a particular Commission standard is required; the Commission may postpone action on the request and may direct the requesting agency or Commission staff to provide additional information.

(4) In order to grant approval of a project, the Commission must find that the project is compatible with the applicable statewide planning goals and 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 project, the Commission must find that the 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.

(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.

Stat. Auth.: ORS 183, ORS 197 & ORS 276

Stats. Implemented:

Hist.:

### **110-010-0060**

#### **Copies of Records**

(1) Copies of tape recordings of Commission proceedings, when available, may be purchased at a cost of \$10 per tape cassette. The person or agency requesting copies must identify the date of the proceeding. Copies will be available only for the entire proceeding; copies of specified portions of proceedings will not be available for purchase.

~~(2) Copies of printed records reproduced by the Commission, when available, may be purchased at a cost of ten cents per page/side for the first five page/sides and four cents per page/side for additional page sides. Copies of records larger than 8 1/2" x 14", when available, may be purchased at the actual cost incurred by the Commission in making such copies available.~~

~~Stat. Auth.: ORS 183 & ORS 276~~

~~Stats. Implemented:~~

~~Hist.:~~