

DEPARTMENT OF ADMINISTRATIVE SERVICES

DIVISION 125

STATEWIDE FACILITY PLANNING PROCESS

125-125-0050

Purpose, Application, and Authority

These rules are adopted under ORS 276.227. They set forth the statewide facility planning process for state agencies and the duties of the Board, which assists the Department with the planning process. State agencies other than institutions of higher education are required to provide information about their facilities and projects to the Department. Additionally, they implement a planning and review process for facilities and projects within the area described in ~~ORS 276.010~~ **ORS 276.028**.

Stat. Auth.: ORS 276.227

Stats. Implemented:

Hist.:

125-125-0100

Definitions

As used in these rules, the following terms have the meanings indicated, unless the context requires otherwise:

(1) "Area Plan" means a plan for development in one of the specified geographical areas described in ~~ORS 276.010~~ **ORS 276.028**.

(2) "Biennial Leasing Plan" means a summary of all continuing leases or changes in leasing activity proposed for the coming biennium. This will summarize agency leasing activities or requests and provide a context for individual leasing plans.

(3) "Board" means the Capital Projects Advisory Board appointed under ORS 276.227(3), which is advisory to the Director of the Department.

(4) "Building Maintenance Plan" means a plan to be completed by an agency that owns a building of ~~10,000 or more square feet~~ **valued at \$1 million or greater**.

(5) "Committee" means the Capitol Mall Project Review Committee, which reviews projects on the Capitol Mall for compliance with the Capitol Mall Area Plan standards and policy.

(6) "Department" means the Department of Administrative Services.

(7) "Director" means the Director of the Department of Administrative Services.

(8) "Leasing **Project Plan**" means a proposed new lease, business case and cost benefit analysis completed by state agencies that lease or plan to lease a site with 10,000 or more square feet of conditioned space for a term of ten years or more.

(9) "**Construction Project Plan**" means a plan to be completed for each major capital construction project of \$500,000 or more that a state agency is anticipating within the next three biennia which is either new construction or adds area to an existing facility.

(10) "Space Needs Plan" means a plan to be completed by state agencies that own or plan to build or buy a building with 10,000 or more square feet; lease or plan to lease a site with 10,000 or more square feet of conditioned space for a term of ten years or more; plan to seek any legislative or Emergency Board approval for a major construction, acquisition or leasing project; or plan to seek planning funds for a project that is anticipated to cost more than \$500,000 over the next three biennia. **The Space Needs Plan includes the Biennial Leasing Plan.**

(11) "Statewide Program" means a program of the Facilities Division of the Department of Administrative Services that implements OAR 125-125-0050 to ~~125-125-0450~~ **125-125-0600**.

Stat. Auth.: ORS 276.227

Stats. Implemented:

Hist.:

125-125-0150

Statewide Facility Planning Process

(1) The statewide **facility** planning process provides a means of evaluating if state facilities are planned, financed, acquired, constructed, managed and maintained in a manner that maximizes and protects this investment.

(2) The described budget review process program does not apply to institutions of higher education, community colleges, Oregon Health Sciences University, SAIF Corporation, Lottery, Secretary of State, Treasurer's Office, or to the Legislative or Judicial branches.

(3) The Department shall implement and maintain a planning process. This process shall coordinate state facilities' data, standards, maintenance planning, leasing planning, ~~and~~ capital project planning, **Salem Area Projects planning and Capitol Mall Area Projects Planning**. The Department shall use the Board to assist in the review of agency plans and other associated documents and to advise the Director.

(4) The Statewide Facilities Program shall develop the State Facilities Planning Process Manual. The manual shall provide definitions, examples, and detailed descriptions of required reports to aid agencies in supplying information to the Statewide Program. The manual shall be reviewed biennially before the budget process begins and updated, if needed.

(5) Following the guidelines contained in the State Facilities Planning Process Manual, Agencies shall submit a State Facility Plan through the statewide facilities coordinator if it meets one or more of the following criteria:

(a) The agency owns buildings or plans to build or buy a building of 10,000 or more square feet;

- (b) The agency plans a major re-organization;
 - (c) The agency proposes to enter into a lease of 10,000 or more square feet of conditioned space for a period of ten years or more;
 - (d) The agency proposes to request a budget to construct a major capital project;
 - (e) The agency plans to seek a legislative or Emergency Board approval for a major construction or acquisition project;
 - (f) The agency plans to seek planning funds for a major construction or acquisition project for which the total cost will be \$500,000 or more.
- (6) To best coordinate and distribute the facilities data, the Statewide Program shall maintain a State Facility Inventory. The inventory shall be a database of state agency facilities covered under this rule and valued over \$1 million, which shall be updated biennially by agencies. The inventory shall include basic information on these buildings, such as the age, roof replacement schedule, deferred maintenance plan, etc. The data shall be used to make effective decisions on capital projects, space needs, and maintenance of the buildings.

Stat. Auth.: ORS 276.227

Stats. Implemented:

Hist.:

125-125-0200

Capital Projects Advisory Board

- (1) CPAB shall assist the Department in the review of agency plans. It shall be comprised of seven members. Five members shall be public members knowledgeable about construction, facilities management, and maintenance issues. One member shall be from the City of Salem Community Development Department and one member from the City of Salem Public Works Department. The Director shall appoint the chairperson of the Board.
- (2) The term of each member of the Board is determined by the Director.
- (3) The Board shall meet monthly or at times deemed advisable by the majority of its members. In addition, the Director may call the Board to meet for the purpose of considering agency reports.
- (4) The Board members shall serve without compensation from the Department for travel or per diem.
- (5) The Board is advisory to the Director of the Department and is not a governing body of a public body under ORS 192.610. Meetings of the Board shall be treated as public meetings and shall generally follow the notification and other procedures described in the Attorney General's Public Records and Meetings Manual. The Department shall send notice of upcoming meetings to an established and iterative mailing list of interested parties, using electronic methods, where practical. The Department shall also provide information regarding meetings on the Department's website.
- (6) The Board shall provide a place on the agenda for public comment. Public comment should be limited to the review process criteria listed in ORS 276.227(3)(d). The Board will accept public comment only

on the review items listed on the meeting agenda. The Board shall acknowledge any public comment and include it in the formal review record.

(7) The Board will not make a recommendation on a plan or other document reviewed without a majority of its members present. If a duly scheduled and noticed meeting does not have a majority of the members present, those present will be considered to be a subcommittee of the Board. The subcommittee will report to the next scheduled Board meeting when a majority is present, and formal action may be taken at that time.

Stat. Auth.: ORS 276.227

Stats. Implemented:

Hist.:

125-125-0250

Procedure for Submitting Reports for Review

(1) Each state agency shall report to the Board by ~~July 1~~ **July 31** of even-numbered years a long-range facility plans and funding strategies that reflect changes in technology and priorities. The reports shall include a Space Needs Plan (**including the Biennial Leasing Plan**), a **Construction or Lease Project Plan**, ~~a Biennial Leasing Plan~~, and a Building Maintenance Needs Plan, if applicable.

(2) The Board shall review the information submitted and presented under section (1) of this rule and make recommendations to the Director by September 1 of even-number years related to long-range plans, the condition of facilities, maintenance schedules, funding strategies and options for new facilities.

(3) The statewide facilities coordinator shall request updated plans from agencies biennially and establish a submittal schedule. This schedule shall include the report due dates and presentation date for each agency to appear before the Board.

(4) The Agency shall provide one electronic copy to the statewide facilities coordinator no later than the due date stated for the agency on the ~~facility planning~~ **CPAB Reporting** schedule.

(5) If an Agency has project(s) that require review under OAR 125-125-0350 Salem Area Project Review, then a supplemental listing and description of those projects should be prepared and submitted with the other required materials.

(6) The statewide facilities coordinator will provide a substantive analysis of the plans, including review for completeness and responsiveness to issues and provide the information to the Board. The coordinator may return a list of questions to the agency or recommended changes.

Stat. Auth.: ORS 276.227

Stats. Implemented:

Hist.:

125-125-0300

Procedure Process for Board Review

(1) Following review of the information by the Department, the agency shall present its plans before the Board, for the purpose of determining if the projects are compatible with the criteria established in the State Facilities Planning Process Manual. The Board may pose further questions to the agency or determine if additional action is required and postpone acceptance or comment on the plans.

(2) In order to grant acceptance or favorable comment on the plans, the Board must find the project is compatible with the criteria listed in the State Facilities Planning Process Manual and the Budget Instructions.

(3) No agency subject to this rule shall seek Legislative or Emergency Board approval of projects meeting the criteria of 125-125-0150 without first having obtained review of the project by the Board.

(4) The Board shall accept the report after consideration of agency submissions, testimony, and public testimony, if any. Their comments shall be kept in the formal meeting minutes and provided to the Director and budget analysts for inclusion in the agency's budget package.

Stat. Auth.: ORS 276.227

Stats. Implemented:

Hist.:

125-125-0350

Salem Area Project Review

(1) The Department shall conduct a special review process for projects on state-owned property, located within the boundaries of the city of Salem.

(2) This review process applies to any state officer, board, commission or department authorized by law to engage in capital construction or improvement projects in the areas described by ORS ~~276.010~~ **276.028**.

(3) The Department shall use the Board to assist with this review for major projects or those requiring public input. Reviews will be based upon the development standards and policies contained in the Area Plans previously developed by the Capitol Planning Commission or as modified by the Department after review by the Board.

(4) Area Plans cover the following state properties: Capitol Mall Area; Airport Road Area; Hillcrest Area; **Southeast Salem Area (formerly known as** Oregon State Corrections Area); State Fair and Exposition Center Area; Oregon State Hospital and Penitentiary Properties Area; Oregon School for the Blind Area; and, Oregon School for the Deaf Area.

(5) For the purposes of the review required under this section, project means expenditures for capital construction or for capital improvement. A project does not include the following:

(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 that does not substantially change the existing use of space, that does not add additional square footage to a building, and that does not change exterior building design;

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

(6) A minor improvement to the building or grounds means an improvement that does not fall within the exceptions under OAR 125-125-0350 and impacts the appearance of the building grounds or exterior.

(7) A major improvement to the building or grounds, addition, or new construction means a total rework of the building exterior or landscaping, an addition to the building, or construction of a new building.

(8) No state agency may expend funds for any project subject to the requirements of this section unless the project has been reviewed and approved through the described review process. **An agency is not precluded by this rule from collecting management data for the preparation of a project proposal.**

(9) An agency seeking project review will submit a written request to the Statewide Facilities Program not less than 21 days before the next scheduled meeting of the Board. The Department shall provide a standard form for agencies to use to request project review. The Department may waive the notification period for good cause. The requesting agency shall provide 10 copies of materials submitted.

(10) Projects for minor improvements to the building or grounds shall include:

(a) A completed project application form;

(b) A written description of the project;

(c) Site, architectural, and landscaping plans (if applicable) for the project;

(d) Sufficient information to demonstrate compliance with the applicable Area Plan; and

(e) Sufficient information to demonstrate compliance with local zoning and other applicable standards.

(11) Projects for major improvements to buildings or grounds, additions, or new construction shall include an initial submittal including:

(a) A completed project application form;

(b) A written description of the project;

(c) Preliminary site, architectural, and landscaping plans (if applicable) for the project;

(d) A description of the process planned to be used to ensure compliance with the Area Plan and local zoning and other applicable standards; and

(e) A description of any planned meetings with neighborhood groups or other interested members of the public.

(12) Once the design of the major project is completed, the state agency shall make a final project submittal, which shall include:

(a) Site, architectural, and landscaping plans (if applicable) at a design development stage or later;

(b) Sufficient information to demonstrate compliance with the applicable Area Plan;

(c) Sufficient information to demonstrate compliance with local zoning and other applicable standards;
and

(d) A record of meetings with neighborhood groups or other interested members of the public.

(13) For new construction projects, facility siting review will be required before starting design and making the required submittals under OAR 125-125-0350(11). For siting review, the following shall be provided:

(a) A completed site need and description form;

(b) A written description of the proposed improvements that will be constructed;

(c) A vicinity map showing the proposed site and its proximity to major streets and surrounding functions;

(d) A topographic map of the proposed site indicating the boundaries for proposed improvements, prominent features, surrounding buildings, and other related information to provide a context for the project;

(e) Preliminary information about whether sewer, water, streets, and other infrastructure is available to service the proposed use;

(f) A preliminary assessment of any wetland, flood plain, environmental, or archeological issues on the site and whether development would likely impact them;

(g) Sufficient information to demonstrate compliance with local zoning, comprehensive plan, and other related land use standards.

(h) If the proposed site is on state-owned property, sufficient information to demonstrate that the proposed use is in compliance with the applicable Area Plan; and

(i) If the proposed site is to be acquired, an assessment of what state-owned properties were considered and why none were acceptable, plus information required by the Facility Siting Policy 125-6-115.

(14) If the project is within the areas included in the Capitol Mall Area Plan, the required submittals shall also include the conclusions from the Capitol Mall Project Review Committee according to the requirements of OAR 125-125-0450.

(15) The Board shall review the material submitted by the agency and acknowledge if the applicable requirements were met. The Board shall also provide an opportunity for interested members of the public to comment about the project's compliance with the Area Plan. The Board will then pass the record of the project review to the agency and the Director.

Stat. Auth.: ORS 276.227

Stats. Implemented:

Hist.:

125-125-0400

Area Plan Update Responsibilities

- (1) Each agency owning property in the Salem area shall be responsible for helping maintain an Area Plan for property it owns.
- (2) The Department shall develop a standard template for Area Plans, which shall structure any modifications to existing plans **and include content areas specified under OAR 110-010-0034**. The Department shall also develop and maintain a coordination plan that addresses the interrelationship among the different Area Plans and the state's presence in the City of Salem.
- (3) The Department shall develop and maintain a review schedule for the Area Plans and a process for coordinating any required changes with the affected agencies and the City of Salem. If outside assistance is required to update the plan, it shall be at the expense of the property owning agency or agencies.
- (4) The review schedule shall result in each Area Plan being reviewed before the Board at least once every five years and updated as may be required. At the time of the review, the Board shall provide an opportunity for public comment on any proposed revisions to the plan.

Stat. Auth.: ORS 276.227

Stats. Implemented:

Hist.:

125-125-0450

Capitol Mall Area Project Review

- (1) The Department shall investigate, review and make recommendations on all proposals of state agencies to add to, reduce or otherwise change a building or grounds in the areas described in ORS 276.028.
- (2) The Department shall create and maintain a special Capitol Mall Project Review Committee to provide an additional level of design review for Capitol Mall projects. The committee will be comprised of the following members: the manager of the Facilities Division Statewide Program; a representative from the Legislative Assembly; a representative from the City of Salem; and a private design practitioner.
- (3) This review process applies to any state office, board, commission or department authorized by law to engage in capital construction or improvement projects in the areas described by ORS 276.010.
- (4) In addition to the procedures described for Salem Area projects, any projects covered by the Capitol Mall Area Plan shall have these additional requirements:
 - (a) Before submitting the materials for Salem Area Project Review, the agency shall submit the material to the Capitol Mall Project Review Committee.
 - (b) The Committee will determine if the proposed project is consistent with the policies and design standards for the Capitol Mall.

(c) The Committee will pass its conclusions to the Board.

(d) For major projects, both the initial submittal and final design submittal will require review by both the Capitol Mall Project Review Committee and the Capital Projects Advisory Board.

Stat. Auth.: ORS 276.227

Stats. Implemented:

Hist.:

125-125-0500

Area Plan Review, Adoption, Amendment, and Repeal Process

(1) The Capital Projects Advisory Board (CPAB) will hold at least one public hearing pursuant to ORS 183.360 to review the draft area plan prior to forwarding its recommendations to the DAS Director.

(a) Public hearing notice will be provided at least 20 days preceding the hearing by placing notice in a local newspaper of general circulation. Additional notice may be provided to known stakeholders and anyone who requests it in writing by whatever method the Department deems necessary or desirable.

(b) A recommendation for approval requires the affirmative vote of not less than a majority of the total membership of the Board.

(c) The Board may recommend approval, conditional approval, or substantial revision. This recommendation will be forwarded to the DAS Director, along with statements from DAS staff and the landowning agencies indicating agreement or disagreement with the area plan and with the CPAB recommendation.

(d) Once the hearing(s) have been completed, the DAS Director will approve, conditionally approve, or deny the area plan. Any conditions of approval should be made an integral part of the area plan prior to its adoption. If the plan is to be approved with a substantial modification not previously considered by the CPAB, the plan must be referred back to the Board for their reconsideration and recommendation.

(2) Adoption

Adoption of an area plan is accomplished by Administrative Rule, following the accepted Permanent Rulemaking Process. Rulemaking hearings regarding area plan adoptions will be held by the CPAB. Adoptions are listed under Oregon Administrative Rules, Chapter 110.

(3) Amendment and Repeal

An area plan is repealed in the same manner that it is amended, by Administrative Rule. Similar to the adoption, the CPAB must hold at least one public hearing prior to taking action.

Stat. Auth.: ORS 276.227

Stats. Implemented:

Hist.:

125-125-0600

Copies of Records

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

Stat. Auth.: ORS 183 & ORS 276

Stats. Implemented:

Hist.: