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3 **PARKS AND RECREATION DEPARTMENT**

4
5 **DIVISION 6**

6
7 **DISTRIBUTION OF STATE FUNDING ASSISTANCE TO UNITS**
8 **OF LOCAL GOVERNMENT FOR PUBLIC PARKS AND RECREATION**

9
10 **736-006-0100**

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12 **Purpose of Rule**

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14 This division establishes the procedures and standards used by the Oregon Parks and Recreation
15 Department when distributing state monies to eligible local governments for outdoor park and
16 recreation areas and facilities, acquisition of property for park purposes, trails, bicycle recreation
17 opportunities, non-motorized water-based recreation, and the process for establishing the priority
18 order in which projects shall be funded.

19
20 Stat. Auth.: ORS 390.180

21 Stats. Implemented: ORS 390.180

22 Hist.: PRD 7-1999, f. & cert. ef. 11-23-99; PRD 6-2004, f. & cert. ef. 5-5-04; PRD 4-2008, f. 2-15-
23 08, cert. ef. 3-1-08

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25 **736-006-0105**

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27 **Statutory Authority and Procedure**

28
29 ORS 390.180 requires the Director of the Oregon Parks and Recreation Department to adopt rules
30 establishing procedures the Oregon Parks and Recreation Department shall use when the Department
31 disburses money to local governments.

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33 Stat. Auth.: ORS 390.180

34 Stats. Implemented: ORS 390.180

35 Hist.: PRD 7-1999, f. & cert. ef. 11-23-99; PRD 6-2004, f. & cert. ef. 5-5-04

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37 **736-006-0110**

38
39 **Definitions**

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41 As used in this division, unless the context requires otherwise:

42
43 (1) "Acquisition" -- Means the gaining of property rights, including but not limited to fee title or
44 easements, for public use.

45
46 (2) "Bicycle Recreation" -- Means the use of bicycles for enjoyment, social interaction, education, or
47 physical well-being while on recreational trails or paths that are not along or adjacent to public roads
48 or streets, and that are primarily recreational rather than transportation in nature.

49
50 (3) "Commission" -- Means the Oregon Parks and Recreation Commission.

51
52 (4) "Committee" -- Means the Local Government Grant Advisory Committee appointed by the
53 Director to prioritize local government project applications.

- 55 (5) "Conversion" -- Means the act of utilizing property acquired or developed using either Local
56 Government Grant Program funds or Land and Water Conservation Funds for purposes other than
57 public outdoor recreation uses.
58
- 59 (6) "Current Master Plan" -- Means a site-specific resource-based plan guiding recreational site
60 acquisition, development, protection, and management of park areas and facilities.
61
- 62 (7) "Department" -- Means the Oregon Parks and Recreation Department (OPRD).
63
- 64 (8) "Development" -- Means the construction or rehabilitation of facilities necessary for the use and
65 enjoyment of public outdoor recreation resources.
66
- 67 (9) "Director" -- Means the Director of the Oregon Parks and Recreation Department.
68
- 69 (10) "Eligible Project" -- Means an acquisition, development, major rehabilitation undertaking, or
70 planning or feasibility studies which satisfies the requirements of the Local Government Grant
71 Program.
72
- 73 (11) "Force Account" -- Means the governmental entity's own work force performing project work
74 rather than contracting out for the services.
75
- 76 (12) "LWCF or Land and Water Conservation Fund" -- Means those funds made available to the state
77 through the Land and Water Conservation Fund Act of 1965 (Public Law 88-578).
78
- 79 (13) "Local Comprehensive Plan" -- Means the acknowledged comprehensive land use plan prepared
80 by each local jurisdiction within the state, as required by ORS chapter 197.
81
- 82 (14) "Local Governments" -- Means cities, municipal corporations, counties, political subdivisions,
83 park and recreation districts, port districts, and metropolitan service districts.
84
- 85 (15) "Local Government Grant Policies and Procedures Manual" -- Means a manual prepared by the
86 Department containing state and federal policies, procedures and instructions to assist local
87 government agencies wishing to participate in the Local Government Grant Program.
88
- 89 (16) "Local Government Grant Program" -- Means the program and process for distributing state
90 monies to eligible local governments for outdoor park and recreation areas and facilities located on
91 properties controlled or managed by the eligible local government.
92
- 93 (17) "Major Rehabilitation" -- Means the repair, restoration, or reconstruction of facilities, which is
94 necessitated by obsolescence, building code changes, or normal wear and tear not attributed to lack of
95 maintenance.
96
- 97 (18) "OPRD" -- Means the Oregon Parks and Recreation Department.
98
- 99 | (19) "Outdoor Recreation" -- Means structured and unstructured leisure and fitness ~~activists~~ [activities](#)
100 that occur in open air and are not provided in a roofed and enclosed facility.
101
- 102 (20) "Project" -- Means the planning or feasibility study documents or the site and associated
103 improvements where acquisition, development, or major rehabilitation will occur.
104
- 105 (21) "Project Authorization" -- Means the State/Local Agreement that authorizes the project to begin
106 effective on or after the date signed by both the Director and Project Sponsor or their designee.
107

108 (22) "Project Sponsor" -- Means the recipient of the grant funds and the entity responsible for
109 implementation of the project and the maintenance and operation of the site.

110
111 (23) "SCORP" -- Means the Statewide Comprehensive Outdoor Recreation Plan that is Oregon's basic
112 five-year plan for outdoor recreation and that provides the state with an up-to-date regional
113 information and planning tool serving as the basis by which all Oregon recreation providers (state,
114 federal, local, and private) catalogue and rank their recreation needs, obtain funding through
115 partnerships and grants, and affirm their respective roles.

116
117 (24) "State/Local Agreement" -- Means the signed agreement between the Department and Project
118 Sponsor, which authorizes the project to begin on, or after the date signed by both the Director and
119 the Project Sponsor and that describes the contractual relationship and responsibilities of the parties to
120 the Project.

121
122 (25) "Sustainability" -- Means using, developing, protecting, and managing the resource in a manner
123 that enables people to meet current and future generation needs from the multiple perspective of
124 environmental, economic, and community objectives.

125
126 Stat. Auth.: ORS 390.180

127 Stats. Implemented: ORS 390.180

128 Hist.: PRD 7-1999, f. & cert. ef. 11-23-99; PRD 6-2004, f. & cert. ef. 5-5-04; PRD 1-2008(Temp), f.
129 2-15-08, cert. ef. 3-1-08 thru 8-1-08; PRD 5-2008, f. & cert. ef. 5-15-08

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131 **736-006-0115**

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133 **Apportionment of Monies between Small and Large Grants**

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135 (1) ~~Ten~~ Up to 15 ~~Fifteen~~ percent of available funds shall be set aside for small grants. Small grants are
136 projects with a maximum \$~~50~~75,000 grant request.

137

138 (2) Other than for land acquisitions, the remainder of available funds shall be for large projects with a
139 maximum \$750,000 grant request.

140

141 (3) A Project Sponsor may request grant funding for land acquisitions in an amount not to exceed
142 \$1,000,000.

143

144 (4) In consultation with the Committee, the Commission and the Director may set the maximum at
145 less than that above amounts based upon the availability of funds.

146

147 (5) Based on the quality and quantity of Eligible Projects, the Committee, with concurrence of the
148 Director, may dedicate a portion of the funds for projects expected to be completed within 12 months
149 of grant award.

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151 Stat. Auth.: ORS 390.180

152 Stats. Implemented: ORS 390.180

153 Hist.: PRD 7-1999, f. & cert. ef. 11-23-99; PRD 6-2004, f. & cert. ef. 5-5-04; PRD 4-2008, f. 2-15-
154 08, cert. ef. 3-1-08

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156 **736-006-0125**

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158 **Application Procedure**

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160 The purpose of this section is to set forth requirements that must be met by local government
161 applicants in submitting an application for Local Government Grant Program funding assistance.

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(1) Eligibility for Funding Assistance. Public agencies eligible for state funding assistance are:

- (a) Cities, Municipal Corporations;
- (b) Counties, Political Subdivisions;
- (c) Park and Recreation Districts;
- (d) Port Districts;
- (e) Metropolitan Service Districts.

(2) Matching Requirements:

~~(a) The Local Government Grant Program provides for up to 50 percent funding assistance for cities~~Cities/districts with a population greater than 25,000 and ~~for~~ counties with a population greater than 50,000 must provide a match of at least 50 percent of total project costs.

~~(b) The Local Government Grant Program provides for up to 60 percent funding assistance for cities~~Cities/districts with a population between 5,000 and 25,000 and counties with a population between 30,000 and 50,000 must provide a match of at least 40 percent of total project costs.

~~(c) The Local Government Grant Program provides for up to 80 percent funding assistance for cities~~Cities/districts with a population of less than 5,000 and counties with a population of less than 30,000 must provide a match of at least 20 percent of total project costs.

(d) In situations of extreme economic hardship, and at the request of the applicant, the Director may authorize a reduced match down to a minimum of 20 percent of total project costs.

(e) The eligible match by the Project Sponsor may include local budgeted funds, local agency labor or equipment, federal revenue sharing, other eligible grants, state and county inmate labor, donated funds, the value of private donated property, equipment, materials, labor, the value of land acquired within the past six year period, cost of appraisals, pre-development costs within the past two year period or any combination thereof. Engineering and administration costs and costs incurred prior to the state/Local Agreement cannot exceed 15 percent of the total project costs.

(3) Eligible Projects:

(a) Acquisition, development, major rehabilitation, planning, or feasibility study projects that are consistent with the outdoor recreation goals and objectives contained in the SCORP, the recreation elements of local comprehensive plans and local master plans or both. Projects may support traditional outdoor recreation settings such as parks, or funds may be provided for: projects that ensure natural and cultural resource protection while maintaining public access for recreation; projects that protect public open space; bicycle recreation; non-motorized water recreation; trails for non-motorized recreation; or emerging new outdoor recreation trends. Only outdoor park and recreation areas and facilities are eligible.

(b) Water based outdoor recreation facilities such as short-term transient moorages and non-motorized boat and watercraft projects, trails, support facilities for non-motorized water recreation, and water access.

(4) Planning Requirements. Project Sponsors participating in the funding assistance program must show that:

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217 (a) There is a current master plan in effect and that the project is consistent with the local
218 comprehensive land use plan and SCORP,

219 (b) There is not a current master plan in effect, but the project is consistent with the local
220 comprehensive land use plan and SCORP, or

221

222 (c) The project request is for planning assistance.

223

224 (5) Application Form. All applications for funding assistance for outdoor park and recreation program
225 projects must be submitted on forms as prescribed and supplied by the Department. All applications
226 must be consistent with the Local Government Grant Policies and Procedures Manual and contain the
227 following information:

228

229 (a) Program narrative;

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231 (b) Environmental assessment;

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233 (c) Vicinity map;

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235 (d) Project boundary map;

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237 (e) Civil Rights compliance;

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239 (f) Copy of property deed or lease or formal and binding control and tenure agreement showing
240 cooperation with the landowner to ensure long-term use, generally not less than 25 years, of facilities
241 for public recreation;

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243 (g) Preliminary plans and specifications for construction projects;

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245 (h) Estimate of development costs and project construction schedule;

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247 (i) Copy of property Purchase Agreement (for acquisitions only);

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249 (j) Local/County Planning Department Certification/Review;

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251 (k) All required permits and certifications as identified in the Local Government Grant Policies and
252 Procedure Manual;

253

254 (l) Government-to-Government Inquiries (Tribal) -- Certification to the Department that the Project
255 Sponsor has communicated their grant proposal to the appropriate federally recognized tribe for the
256 review and determination of tribal interest or concern for those areas of known or suspected tribal
257 archeological resources.

258

259 (m) Other documentation that may be required by the Department.

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261 (6) Project Award Procedure:

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263 (a) Upon receipt of the application by the Department, the Grants Program staff shall perform a
264 technical review of all applications and forward eligible large grant applications to the Committee.
265 The Committee will meet to evaluate the applications and make recommendations to the Director for
266 Commission approval. The commission may deny any or all recommendations of the Committee.

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268 (b) Project Sponsors with large project grant requests may be expected to provide a presentation to
269 the Committee under a procedure established by the Department.

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(c) Project Sponsors whose projects have been approved by the Commission and are scheduled for funding assistance must submit to the Department the following project information:

(A) Certification by project sponsor of availability of local match;

(B) Preliminary plans and specifications (for construction projects);

(C) Appraisal for acquisition projects. Appraisals must conform to the Uniform Appraisal Standards for Federal Land Acquisitions;

(D) Preliminary title report for acquisitions;

(E) [Verification that the applicant has a Compliance Plan that meets the requirements of the Americans with Disabilities Act of 1990 and its 2010 \(or most recent\) regulations. ~~Most current Documented Americans with Disabilities Act Compliance Plan;~~](#)

(d) The Department will remove those project applications from the Commission approved list that are unable to provide the required documentation required in subsection (c) of this section.

(e) In the event that the funding assistance available cannot fully fund the last priority project, ~~the a~~ Project Sponsor ~~will~~ [may](#) be given the option of reducing the scope of the project. The Department, at its discretion, may pass the available funds to another priority project [or hold the remaining funds and combine them with the next planned distribution of funds.](#)

(f) Projects that do not receive funding assistance for the fiscal year submitted will be returned to the applicant without prejudice.

(7) Project Agreement:

(a) A signed State/Local Agreement shall constitute project authorization. No project may begin without a signed State/Local Agreement from the Department.

(b) The Project Sponsor shall have six months from the date of authorization to begin substantial work (e.g. the award of contracts or completion of at least 25 percent of the work, if done by force account). The Department may cancel a grant when the Project not conforming to this schedule, unless the Project Sponsor provides substantial justification to warrant an extension.

(c) The Project Sponsor shall complete and bill all projects by the dates as specified in the State/Local Agreement.

(d) The Department may inspect all projects.

(e) Partial payments up to 90 percent of the grant amount may be billed during the project for work completed. Final payment will be made upon certification of project completion by the Project Sponsor. Real property acquisitions may receive the full grant amount if the funds are to be dispersed in escrow for the closing of a property acquisition.

(f) The Department may provide the Project sponsor partial payments of up to 25 percent of the grant amount after the Department issues the Notice to Proceed and in advance of work completed if a general contractor requires advanced funding prior to construction/development work or ordering materials/supplies.

323 (g) Project amendments that increase the Local Government Grant award amount will generally not
324 be allowed.

325

326 (h) The Project Sponsor must submit requests for time extensions to complete work to the Department
327 in writing and must be approved prior to the expiration of the approved project period as set forth in
328 the State/Local Agreement.

329

330 (8) The Project Sponsor shall install and maintain throughout the life of the agreement appropriate
331 signage for each project indicating the Oregon Parks and Recreation Department Grant Program's
332 assistance and shall certify that signage is in place prior to requesting final payment.

333

334 Stat. Auth.: ORS 390.180

335 Stats. Implemented: ORS 390.180

336 Hist.: PRD 7-1999, f. & cert. ef. 11-23-99; PRD 6-2004, f. & cert. ef. 5-5-04; PRD 4-2008, f. 2-15-
337 08, cert. ef. 3-1-08

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339 **736-006-0130** [Renumbered to **736-006-0145**]

340

341 **736-006-0135** [Renumbered to **736-006-0150**]

342

343 **736-006-0140**

344

345 **Conversion Requirements**

346

347 (1) Park and recreation areas and facilities must be dedicated for a minimum of 25 years for park and
348 recreation purposes. Leases for federally owned property must be at least 25 years. If the current lease
349 is within 5 years of termination, a letter of intent to renew the lease will be required from the federal
350 agency. Project sponsors must insure that the land within the project boundary will be used only for
351 park and recreational purposes, Project Sponsor controls or will control the land, and that the Project
352 Sponsor will not change the use of, sell, or otherwise dispose of land within the project boundary,
353 except upon written State approval. If the Project Sponsor converts land within the project boundary
354 to use for other than outdoor park and recreation purposes or disposes of such land by sale or
355 otherwise, applicant must provide replacement property within 24 months of either the conversion or
356 the discovery of the conversion.

357

358 (2) If replacement property cannot be obtained within the 24 months, the Project Sponsor will provide
359 payment of the grant program's prorated share of the current fair market value to OPRD. The prorated
360 share is that percentage of the original grant (plus any amendments) as compared to the original
361 project cost(s). The replacement property must be equal to the current fair market value of the
362 converted property, as determined by an appraisal. The recreation utility of the replacement property
363 must also be equal to that of the lands converted or disposed.

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365 (3) If conversion should occur through processes outside of the Project Sponsor's control such as
366 condemnation or road placement or realignment, the Project Sponsor will be required to pass through
367 to OPRD the prorated share of whatever consideration is provided to the Project Sponsor by the entity
368 that caused the conversion. The monetary value of whatever consideration provided by the taking
369 entity will normally consist of the fair market value of the property established by an appraisal.

370

371 (4) Project Sponsors that have not addressed or submitted documentation to the Department or
372 National Park Service (NPS) for review and approval of an active conversion through the Land and
373 Water Conservation Fund Program or the Local Government Grant Program are not eligible to apply
374 for Local Government Grant Program assistance.

375

376 (5) Project Sponsors who have addressed a conversion at the local level and have submitted
377 documentation to the Department and/or NPS for review and approval of the conversion through the
378 Land and Water Conservation Fund Program or the Local Government Grant Program may apply for
379 funding assistance.

380
381 Stat. Auth.: ORS 390.180

382 Stats. Implemented: ORS 390.180

383 Hist.: PRD 6-2004, f. & cert. ef. 5-5-04; PRD 4-2008, f. 2-15-08, cert. ef. 3-1-08

384

385 **736-006-0145**

386

387 **Local Government Grant Advisory Committee**

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389 (1) The Committee shall be composed of ten (10) members appointed by the Director to four-year
390 terms and shall represent the following interests:

391

392 (a) Counties east of the Cascade Mountains;

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394 (b) Counties west of the Cascade Mountains;

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396 (c) Cities under 15,000 people;

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398 (d) Cities over 15,000 people;

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400 (e) Park and Recreation Districts, Metropolitan Service Districts or Port Districts;

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402 (f) Oregon Parks and Recreation Department;

403

404 (g) People with Disabilities; and

405

406 (h) Three members of the public at large, with at least one member who represents the ethnic
407 diversity of the state's population;

408

409 (i) The chair shall be appointed by the Director from the Committee membership, considering the
410 recommendations of the Committee.

411

412 (2) Committee members shall be selected for each position by:

413

414 (a) County representation shall be from lists supplied by the Oregon Parks Association and the
415 Association of Oregon Counties;

416

417 (b) City representation shall be from lists supplied by the Oregon Recreation and Park Association
418 and the League of Oregon Cities;

419

420 (c) Park and Recreation Districts, Port Districts, or Metropolitan Service Districts representation shall
421 be from a list supplied by the Special Districts Association of Oregon;

422

423 (d) Representatives for Public at Large, People with Disabilities, and the Department shall be selected
424 by the Director.

425

426 (3) The travel, meals and lodging expenses of all members of the Committee will be reimbursed by
427 the Department according to the rates established by the Department of Administrative Services and
428 approved by the Director.

429

430 (4) Function of Local Government Grant Advisory Committee:

431

432 (a) The Committee shall meet upon the call of the Director. The Committee will establish a priority
433 order of eligible local government projects for state funding assistance and provide other assistance as
434 requested by the Department. The meeting will assure full and open project selection processes that
435 will include an outreach to all-citizens of the state.

436

437 (b) The Department will provide public notice of all projects to be presented to the Committee at least
438 30 days prior to their meeting.

439

440 (5) Priority Selection Criteria. Large projects shall be prioritized by the Committee based on at least
441 the following:

442

443 (a) Department review and recommendations, including a technical review of each project to confirm
444 eligibility of the local government and the proposed project.

445

446 (b) The Committee shall score all applications using project selection criteria, including but not
447 limited to the following:

448

449 (A) Extent the project demonstrates user benefits, public interest and support;

450

451 (B) Extent the project demonstrates conformance with local and state planning guidelines, the
452 Statewide Comprehensive Outdoor Recreation Plan (SCORP) and local Park Master Plans; all
453 projects must be identified in local comprehensive plans and current master plans;

454

455 (C) Financial considerations, including cost/benefit ratio;

456

457 (D) Environmental assessment as defined in the Local Government Grant Procedure Manual;

458

459 (E) Extent the project increases outdoor recreation opportunity in the service area;

460

461 (F) Extent the Project Sponsor employs the principles of sustainability in their project(s);

462

463 (G) How well the project's design accommodates people with disabilities.

464

465 (c) Small project requests will be scored and prioritized for funding by a committee appointed by the
466 Director using the above criteria in subsection (b) of this section.

467

468 Stat. Auth.: ORS 390.180

469 Stats. Implemented: ORS 390.180

470 Hist.: PRD 7-1999, f. & cert. ef. 11-23-99 ; Renumbered from 736-006-0130, PRD 6-2004, f. & cert.
471 ef. 5-5-04

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473 **736-006-0150**

474

475 **Emergency Procedure**

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477 (1) Under certain conditions such as, [but not limited to](#), reduction or increase of these funds, an
478 emergency procedure for awarding or canceling grants may be initiated at the discretion of the
479 Director.

480

481 (2) In implementing the emergency procedure, the Director shall consider the availability of funds;
482 the scope and need of projects available for funding; the urgency and statewide importance of
483 prospective projects; and the need to expend additional funds that may become available in a timely

484 manner. The Director may propose projects to the Commission for funding under this section and the
485 Commission may waive other requirements of this rule for the purpose of obligating funds in a timely
486 manner.

487

488 Stat. Auth.: ORS 390.180

489 Stats. Implemented: ORS 390.180

490 Hist.: PRD 7-1999, f. & cert. ef. 11-23-99 ; Renumbered from 736-006-0135, PRD 6-2004, f. & cert.
491 ef. 5-5-04; PRD 4-2008, f. 2-15-08, cert. ef. 3-1-08