

Oregon Parks and Recreation Commission

September 14, 2016

Agenda Item:	10a	Action
Topic:	Request to adopt OAR 736-015, Reservations	
Presented by:	Claudia Ciobanu	

Background:

The proposed rule changes continue the department's efforts to provide current and clear information to the public regarding its reservation program, align rules with current practices and increase operational efficiency.

The most significant changes are as follows:

- 1) **Reservation cancelation process:** A) Remove option to cancel reservations by voicemail or e-mail because customers can now cancel online. B) Align cancelation with change policy and allow no action on reservations booked at the nine-month window for 30 days from reservation. We will then be able to automate transactions, which will increase efficiency and reduce potential errors.
- 2) **Reservation change process:** A) Remove option to change reservation by e-mail because this practice has not been in use for several years. B) Add option for customers to drop nights at the end of reservation of six or more nights without being penalized. This change increases customer service by allowing for timely refunds. Under the current rules, customers have to wait until they arrive at the park to shorten their stays and avoid a penalty. C) Modify the change window for special facilities from a month to 30-days prior to arrival to allow for automation of transactions.
- 3) **Groups camping in non-group camping areas:** A) Allow groups that book online to receive the same benefits as those that book on the phone. This change would provide consistency of benefits and increase reservation options for groups. B) Ask groups to provide individual camper information prior to arrival. This is our current practice for groups that book through the call center. We want to expand this requirement to all group reservations to promote user safety and accountability.
- 4) **Split reservations:** A) Remove option for split reservation in the call center. Split reservations are not allowed on the web. This change would provide customer equity and improve operational efficiency.
- 6) **Refund requests:** B) Allow customers to request refunds on the phone rather than only in writing.

This rulemaking was announced in the July 2016 edition of the Oregon Bulletin. We scheduled two public hearings – in Bend on July 20, 2016 and in Portland on July 28. Nobody attended the meetings. The public comment period was open until 5:00 PM on August 1, 2016. No comments were received.

Copies of the rules are included in Attachment A (markup) and Attachment B (clean). These revisions have been reviewed by Assistant Attorney General Steve Shipsey.

Prior Action by Commission: Adoption of revised division 15 fee waiver rules at the February 24, 2016 and the June 29, 2016 commission meetings.

Action Requested: Staff requests the commission approve the revisions to OAR 736-015 included in Attachment A (markup) and Attachment B (clean).

Attachments: Attachment A– division 15 revisions (marked copy), Attachment B – division 15 revisions (clean copy).

Prepared by: Claudia Ciobanu

DIVISION 15**RATES****736-015-0006****Definitions**

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

(1) "Adoptive Foster Families" means one or more persons who have adopted one or more foster children pursuant to ORS 418.285. At least one of the children must currently be under 18 years of age and living with the Adoptive Foster Family.

(2) "Commission" means the Oregon State Parks and Recreation Commission.

(3) "Department" means the Oregon State Parks and Recreation Department.

(4) "Director" means the director of the department.

(5) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported violations, and to issue oral or written warnings or citations to enforce park area rules.

(6) "Foster Families" means persons with their foster children, who currently maintain:

(a) A Foster Home, a Relative Home for Children or a Foster Home for Children with Developmental Disabilities, as described in ORS 418.625 or 443.830;

(b) A Foster Home certified by the Oregon ~~youth~~-Youth Authority under OAR chapter 416, division 530;

(c) A Foster Home certified by any of the nine federally-recognized tribal governments as listed in ORS 172.110; or

(d) A therapeutic Foster Home for Children with Developmental Disabilities provided through a third-party provider that has been certified by the Department of Human Services.

(7) "In Kind Services" means a group or person who provides, at the direction of park staff, materials or services whose value to the park area equals or is greater than the normal fees.

(8) "Marketing and Promotion" generally are agency-sponsored events that are of regional or statewide significance promoting tourism or partnerships with local communities, other agencies or economic development.

(9) "Motor Vehicle" as defined in ORS 801.360 means a vehicle that is self-propelled or designed for self-propulsion. ORS 801.590 further defines "vehicle" as "any device in, upon or

by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means.”

(10) "Non-Profit Entity" means a group having a 501c(3) exempt status filed with the US Department of Internal Revenue Service.

(11) "Park Area" means any state park, wayside, corridor, monument, historic, or recreation area, except portions of ocean shore recreation areas not abutting a state park or wayside, under the jurisdiction of the department.

(12) "Park Employee" means an employee of the department.

(13) "Park Facility" includes but is not limited to individual and group campsites, day use areas and shelters, cabins, yurts, tepees, ~~camper wagons~~, meeting halls, lodges, pavilions, and other amenities of the department.

(14) "Park Manager" means the supervisor or designated park employee in charge of a park area.

(15) "Peace Officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.

(16) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

(17) "Reduced Service Level" means a reduction in the normal level of service that a person may reasonably expect due to the department's action/inaction or park facility failure lasting longer than 24 hours.

(18) "Reservation Cancellation" means the person requests an existing reservation be ended without the creation of a new reservation.

(19) "Reservation Change" means a modification to an existing reservation by a person that changes the arrival or departure dates, a complete change to reservation dates, or changes the type of site from the original request.

(20) "Special Events" may be an activity sponsored or co-sponsored by the department, an event that provides entertainment to park visitors, or other activities that promote the mission of the department or Oregon tourism.

~~(21) "Split Reservation" means a stay at a park area for one person for one continuous date range that requires a mid-stay move from one site to another.~~

~~(22)~~ (21) "Traditional Tribal Activities" generally means traditional, spiritual, natural and cultural resource practices that would have been or which still are conducted by a federally recognized tribe or its members.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.050, 390.111, 390.121 & 390.124

736-015-0015

Reservations

(1) Purpose: Based on the department's goal to promote outdoor recreation in Oregon, the department established a reservation program to increase use of park areas and facilities. The director may designate specific park facilities to offer for reservation through a centralized call center and through the Internet.

(2) General Regulations:

(a) Reservations will be accepted and processed for designated park facilities through the Oregon State Parks Reservation Center and the Internet.

(b) A person may make a reservation a minimum of one day and a maximum of nine months prior to the arrival date.

(c) A person must be 18 years of age or older to make a reservation.

(d) A person who qualifies under the Americans with Disabilities Act (ADA) may reserve accessible campsites.

(e) A person may not make reservations for multiple park areas for the same date range.

(f) A person reserving a boat slip (where available) must also reserve another facility at the same park area.

(g) Reservations and registrations for horse camping sites shall be made only for people camping with their horses or similar large animals unless otherwise specified by the park manager.

~~(h) Split reservations are allowed to accommodate persons. Only one split reservation shall be allowed per reservation. The department may waive one reservation fee for every reservation fee paid. A split reservation may only be made through the Oregon State Parks Reservation Center. Reservations made on the Internet are not eligible for this fee waiver.~~

~~(i)~~ Only the person whose name appears on the original reservation, ~~or~~ their designee (as documented in the reservation records) or the primary occupant may change or cancel an existing reservation or access information associated with a reservation.

(j) Customer information may be made available upon written request in compliance with ORS chapter 192 and department policy.

(k) Specific information regarding a confirmed reservation will not be released to the public as provided in ORS 192.501 and 192.502.

(3) Transaction Fees and Deposits:

(a) The department will charge an \$8 non-refundable transaction fee for each reservation made through the centralized call center or the Internet.

(b) Reservations require a facility deposit equal to the full amount charged for use of the facility during the reservation period.

(c) All fees are due at the time the person makes the reservation.

(4) Payment Methods:

(a) A person may use a valid credit card (VISA or MasterCard) or bank debit card with a VISA or MasterCard logo.

(b) A person may pay for reservations made through the Oregon State Parks Reservation Center by personal check, money order, certified check, department issued gift certificates or travelers check (in U.S. funds) if the person's arrival date is ten or more days from the time the reservation is made. These forms of payment are not accepted for reservations made on the Internet.

(c) The department must receive payment within five calendar days of the date the person makes the reservation. If payment is not received within this time frame, the department will cancel the reservation. The person remains responsible for the \$8 transaction fee for each reservation request.

(d) If a banking institution returns a check to the department for any reason or if a credit or debit card is declined, the department will attempt to contact the person. Inability to resolve the payment dispute will result in a reservation cancellation. The person will remain responsible for the \$8 transaction fee for each reservation.

(e) Government agencies and non-profit entities may request to be invoiced for services. Reservations should be made at least 30 days prior to arrival. The department must receive payment within 25 days of the date the reservation is made. If payment is not received within this time frame, the department will cancel the reservation. The government agency or non-profit entity remains responsible for the \$8 transaction fee for each reservation request. ~~If payment is not received the department will cancel the reservation. The department will bill for the \$8 transaction fee for each reservation.~~

(f) A person must pay all outstanding account balances prior to making future reservations.

(5) Reservation Cancellations:

(a) A person may cancel their reservation prior to the day of arrival by using the internet or by calling the Oregon State Parks Reservation Center. ~~An automated reservation cancellation voice mail system is available seven days a week, 24 hours a day.~~

(b) ~~A person may also cancel their reservation prior to the day of arrival using Internet or E-mail.~~ The department will post detailed instructions for cancelling a reservation on the department's web site which is available seven days a week, 24 hours a day.

(c) ~~A~~ To cancel a reservation on the day of arrival a person may contact the specific park where their reservation is held ~~to cancel reservations on the scheduled day of arrival.~~

(d) In order to receive a refund of all use fees, a person must cancel the reservation for individual campsites, deluxe and rustic cabins, deluxe and rustic yurts, horse camps, tepees, and boat moorages three or more days prior to the arrival date. If the cancellation is received less than three days in advance of the arrival date, a fee equal to one overnight rental fee for the facility will be forfeited.

(e) In order to receive a refund of all use fees for group camps, day use areas, meeting halls, lodges, Silver Falls Youth Camp, Silver Falls Ranches, Shore Acres Garden House, Pavilions, RV Group Areas and other ~~special~~ facilities as designated by the department, a person must cancel the reservation at least one month prior to arrival. If the cancellation request is received less than 30 days one month in advance of the arrival date, a fee equal to one night's or one day's rental for the facility will be forfeited.

(f) A person may not ~~make~~ cancel reservations more than eight months in advance of the arrival date.

(6) Reservation Changes:

(a) The department will charge an \$8 non-refundable transaction fee for each reservation change.

(b) A person may request to change a confirmed reservation by calling the Oregon State Parks Reservation Center ~~during normal business hours Monday through Friday.~~

(c) A person may not make any date changes to reservations more than eight months in advance of the arrival date.

(d) Reservations made for six or more consecutive nights that are later shortened will be charged the nightly rate for each night removed in addition to an \$8 transaction fee for the change. This rule applies to shortening nights at the beginning of a reservation, not at the end of a reservation.

(e) A person must request a reservation change for campsites, deluxe and rustic cabins, deluxe and rustic yurts, tepees, and boat moorages three or more days in advance of the arrival date. Changes are not permitted within three days of the arrival date.

(f) A person requesting a reservation change for group camps, day use areas, meeting halls, lodges, Silver Falls Youth Camp, Silver Falls Ranches ~~House~~, Shore Acres Garden House, Pavilions, RV Group Areas, and other ~~special~~ facilities as designated by the department must request the change at least 30 days one month prior to arrival date. Changes are not permitted within 30 days one month of the arrival date.

(7) Claiming Reservations

(a) Customers with confirmed reservations must arrive before 1:00 p.m. the day following the first scheduled day of their reservation.

(b) The reserved site must remain occupied each night during the entire length of stay.

(c) In emergency situations, customers may request Park-park Manager-manager approval for late arrivals not to exceed 6:00 p.m. of the second day of the reservation. Site fees for the first night will be charged regardless of the arrival time.

(d) Customers, including those that have pre-registered, who do not check in at the park or notify park staff that they will be delayed prior to 1:00 p.m. of the second day of the reservation will be considered a “no show” and the entire reservation will be cancelled. The first night fee and any transaction fees previously collected for the reservation will be retained. Any remaining nightly fees paid to confirm the reservation will be refunded.

(8) Reservations to Accommodate Organized Groups:

(a) General: To accommodate group use when 20 or more sites are booked by the same group in campgrounds designed primarily for individual camping, the following rules apply and to bring efficiencies to the group reservation process, the director may offer group camping to persons reserving multiple individual camping sites.

(b) The department will require full payment for all sites at the time the reservation is made and charge a non-refundable reservation fee of \$8 for each site. An \$8 non-refundable transaction fee will be charged for any date or site change made to a reservation included in the group.

(c) A person must reserve a minimum group is considered any reservation of at least 20 individual overnight campsites made in one person’s name through the Oregon State Parks Reservation Center or on the Internet for their group to qualify for group camping reservations.

(d) The department will charge a non-refundable reservation fee of \$8 for each site. An \$8 non-refundable transaction fee will be charged for any date or site change made to a reservation included in the group.

~~(ed) Reservations-Group reservations made on the Internet for a group of 20 or more sites are not eligible for group camping.~~

~~(f) A person~~ may reserve a meeting hall (where available) for one day's free use when the minimum number of sites are reserved and used. The person may reserve the meeting hall for additional days at the normal rental rate.

~~(ge) Special-f~~Facilities such as lodges, Silver Falls Youth Camp, Silver Falls Ranches, and other special facilities as designated by the department are not included in the group camping program benefit.

(f) To promote the safety and enjoyment of all park users, the department may contact the reservation holder of any group reservation and ask for individual camper information prior to arrival. In such cases, the department will provide ample notice and request that information be received no sooner than two months and no later than one week before the group's arrival.

~~(h) A person must make reservations at least two months prior to arrival date to qualify for group camping benefits.~~

(9) When only a portion of a specific type of facility in a park is designated as ADA compliant, the department will hold the facility designated as ADA compliant for use by individuals with disabilities until all other facilities of that type have been reserved and the accessible facility is the only remaining facility of that type available in the park.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

736-015-0026

Group Day Use

(1) At designated park areas, a person may reserve a group picnic area(s) by calling the Oregon State Parks Reservation Center ~~during normal business hours~~. The park manager will determine the maximum group size for each park facility.

(2) The department will charge group picnic rental rates to offset additional park administration and maintenance costs:

(a) Base rate (0–50 people) — \$50;

(b) Charges for persons in excess of the 50 person base rate will be \$1 per person

(3) The park manager may make advance arrangements with the group leader for parking, supervision, cleanup, checkout time, and other pertinent details.

(4) Upon arrival, the group leader will check in with ~~the~~ park ~~manager~~ staff who will direct the group to the reserved area.

(5) The group must have adult supervision at all times.

(6) Pursuant to ORS 105.672 to 105.696, group day use rental charges under this rule are for use of the assigned area or park facility of the state park land for picnicking and not for any other recreational purpose or area of state park land. The immunities provided under ORS 105.682 apply to use of state park land for any other recreational purpose.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121, 390.124 & HB 3673 (2010)

736-015-0030

Day Use Parking Permit

(1) Purpose: Based on the department's goal to manage increased use of park areas, the director may require a motor vehicle day use parking permit at selected park areas. This charge is a parking fee and not a charge for recreational purposes under ORS 105.672 to ORS 105.696. The immunities provided under ORS 105.682 apply to use of state park land for recreational purpose.

(2) General Regulations:

(a) Parking permits are to be clearly displayed through the windshield of motor vehicles with the expiration date visible;

(b) Persons with motorcycles or other motor vehicles, such as convertibles, where the permits could be subject to theft, may keep the permit with them and must show it to an enforcement officer or park employee upon request.

(3) Day Use Parking Permit Fees:

(a) Daily Motor Vehicle — \$5;

(b) 12-month Permit — \$30;

(c) 24-month Permit — \$50;

(4) The department may enter into a written agreement with privately owned commercial vendors and non-profit cooperative associations affiliated with the department under ORS 390.143 to sell 12-month and 24-month permits:

(a) The director shall establish a ~~minimum~~-maximum allowable fee of \$1 for vendors who sell the 12-month and 24-month permits;

(b) Non-profit cooperative associations affiliated with the department may by agreement retain fees in excess of the minimum vendor fee for use in funding interpretive programs in park areas;

(c) The vendor's fee will be included in the price of the permit;

(d) Only a park employee may issue replacement permits in the event an original permit is lost, stolen, or mutilated.

(5) Daily Access Exceptions: The director may grant exceptions to the day-use parking permit requirement under the following circumstances:

(a) Emergency vehicles;

(b) Government vehicles on official business;

(c) Business and delivery vehicles on official business;

(d) A person who is currently a registered camper at a park area and clearly displays the overnight rental receipt;

(e) Park concessionaires and their employees;

(f) A person entering the park to engage in specially permitted non-recreation activities;

(g) Park volunteers on duty in the park;

(h) A person with a permit issued by another entity with which the department has a written agreement to honor their passes;

(i) Other persons as designated by the director.

(6) Park Areas Subject to Day-Use Parking Permit Fees: Park areas at which a day use parking permit fee shall be charged include: Fort Stevens State Park, Cape Lookout State Park, Ecola State Park, Nehalem Bay State Park, Honeyman Memorial State Park (West side), L.L. "Stub" Stewart Memorial State Park, Heceta Head Lighthouse, Shore Acres State Park, Milo McIver State Park, Viento State Park, Benson State Recreation Area, Dabney State Recreation Area, Historic Columbia River Highway State Trail, Mayer State Park, Rooster Rock State Park, Champoeg State Heritage Area, Detroit Lake State Recreation Area, Fall Creek State Recreation Area (Winberry), Silver Falls State Park, Jasper State Recreation Site, Mongold Day-use Area, Willamette Mission State Park, Tou Velle State Recreation Site, The Cove Palisades State Park, Tumalo State Park, Smith Rock State Park, Farewell Bend State Recreation Area.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & HB 3673 (2010)

736-015-0035

Fee Waivers and Refunds

(1) The director, at the direction of the commission, may waive, reduce or exempt fees established in this division under the following conditions:

(a) A person or group provides in-kind services or materials equal to or greater than the value of the applicable rate, as determined by criteria approved by the director;

(b) Marketing or promotional considerations, including but not limited to special events and commercial filming, that promote the use of park areas and Oregon tourism;

(c) Traditional tribal activities in accordance with policy adopted by the Commission;

(d) Reduced service levels at a park, campsite or other facility as determined by the ~~Park~~park ~~Manager~~manager.

(2) Reservation Facility Deposit Fee Waivers for individual primitive, tent, electric, full hook-up or horse camp campsites only:

(a) The facility deposit fee is waived for reservations on State Parks Day (first Saturday of June). All other fees apply.

(b) The facility deposit fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The fee waiver is limited to the first two campsites, and an adult care provider must be present with the foster children. All other fees apply.

(c) The facility deposit fee is waived for U.S. veterans with a service connected disability or active duty U.S. military personnel as provided in ORS 390.124. All other fees apply.

(d) The person making the reservation must pay the \$8 non-refundable transaction fee at the time the reservation is made. This fee is not included in the fee waiver.

(3) Overnight Rental Fee Waivers for individual primitive, tent, electric, full hook-up or horse camp campsites only:

(a) The overnight rental fee, including any extra vehicle fees, is waived for all persons on the night of State Parks Day (first Saturday of June). All other fees apply.

(b) The overnight rental fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The fee waiver is limited to the first two campsites, and an adult care

provider with one or more foster children must be present. The overnight rental fee waiver is limited to no more than fourteen nights total in a 30-day period. All other fees and rules apply.

(c) The overnight rental fee is waived for U.S. veterans with a service connected disability or active duty U.S. military personnel on leave as provided in ORS 390.124. The overnight rental fee waiver is limited to no more than ten nights total in a 30-day period. The qualifying veteran or active duty military personnel on leave must be present in the site to qualify for the waiver. All other fees and rules apply.

(d) The director may waive the overnight rental fee for volunteer hosts traveling to or from an assignment at a park area.

(4) Day Use Parking Permit Fee Waivers:

(a) The day use parking permit fee is waived for all persons on State Parks Day (first Saturday of June).

(b) The day use parking permit fee is waived for U.S. veterans with a service connected disability or active duty U.S. military personnel on leave as provided in ORS 390.124.

(c) The day use parking permit fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The waiver shall be valid until the expiration date of the Certificate of Approval to Provide Foster Care or the adopted foster child turns 18 years of age.

(d) All other fees apply.

(5) At those parks offering showers to non-campers, the shower use fee is waived for individuals with an OPRD Special Access Pass.

(6) Proof of Eligibility for Fee Waivers

(a) The department will issue Veterans and Foster families who have provided the department valid proof of eligibility an OPRD Special Access Pass. Pass holders must use the pass to identify themselves as a qualified recipient of fee waivers at state park campgrounds and day use areas. They must also provide valid government-issued picture identification that matches the name on the pass. Proof of eligibility must be provided through an application process outlined on the OPRD web site at www.oregonstateparks.org or by calling the OPRD Information Center at 1-800-551-6949 for instructions.

(b) The department will accept the following forms of proof to qualify for fee waivers as a U.S. veteran with a service connected disability:

(A) Disabled Veteran's license plate issued by the Oregon DMV;

(B) A current Disabled Veteran Permanent Hunting/Angling License issued by the Oregon Department of Fish and Wildlife;

(C) A Washington State Parks Disabled Veteran's ID card;

(D) A United States Department of Veterans Affairs (VA) photo identification card bearing the words "service connected";

(E) A letter issued by the VA stating eligibility for any of the above programs, or bearing the words "service-connected disability."

(c) The department will accept the following forms of proof to qualify for fee waivers as an adoptive foster family, as defined in OAR 736-015-0006, with an adopted foster child under 18 years of age or a foster family, as defined in OAR 736-015-0006:

(A) Certificate of Approval to Maintain a Foster Home for Children with Developmental Disabilities;

(B) Certificate of Approval to Maintain a Foster Home for Children;

(C) Certificate of Approval to Maintain a Relative Home for Children;

(D) Written certification from Department of Human Services identifying the applicant as an adoptive or guardian foster family.

(d) The department will not issue an Active Duty Military on official leave a Special Access Pass. Such customers must pay any applicable fee and [may contact the department](#) after their visit ~~may to~~ request a refund. [The department may request supporting documentation in the form of by sending](#) a letter from their ~~if~~ commanding officer on official letterhead stating [that the person was they were](#) on leave for the dates they camped and their ~~if~~ camping receipt. [Refund requests must be received to the Oregon State Parks Reservation Center](#) within 30 days after departure date of the stay. A refund of applicable fees will be sent within three weeks of the receipt of their valid request.

(7) There will be no charge for issuing a Special Access Pass or renewing an expired pass. There will be a processing fee of \$5.00 for replacement of a lost pass that is still valid.

(8) The department may revoke or temporarily suspend an OPRD Special Access Pass issued under section (6) if:

(a) The pass is used to waive fees beyond the allowable limits in a 30-day period;

(b) The pass holder does not occupy a site when fees have been waived under authority of their pass; or

(c) The pass holder transfers their pass to another person to use.

(9) Pass holders must cancel their reservation three days prior to arrival to avoid a penalty.

Cancellations made within the three day period will reduce the benefit by one night in the applicable 30-day benefit period. ~~be charged a penalty equal to one nights facility fee for the type of site reserved.~~

(10) Pass holders who make a reservation and do not check in at the park or notify park staff that they will be delayed, prior to 1:00 p.m. of the second day of the reservation, will be considered a “no show” and the entire reservation will be cancelled. The pass holder’s benefit will be reduced by one night in the applicable 30-day benefit period ~~A penalty equal to one overnight rental fee for the type of site reserved will be charged.~~

(11) If a pass holder vacates their site one or more days prior to checkout without notifying park staff, any days remaining on the reservation will be counted against their monthly waiver limit.

(12) A person may request a refund under the following circumstances.

(a) The Oregon State Parks Reservation Center may refund a reservation fee when the department has made a reservation error.

(b) The Oregon State Parks Reservation Center may refund a facility deposit and may waive the cancellation or change rules when requested by the person due to the following emergency situations:

(A) Emergency vehicle repair creates a late arrival or complete reservation cancellation;

(B) A medical emergency or death of a family member creates a late arrival or complete reservation cancellation;

(C) Acts of ~~Nature~~ nature create dangerous travel conditions; or

(D) Deployment of military or emergency service personnel creates a late arrival or complete reservation cancellation.

(c) The director or his/her designee may approve a refund under other special circumstances.

(d) The department will accept refund requests via phone through the Oregon State Parks Reservation Center. All requests for refunds under this section must be sent in writing to the Oregon State Parks Reservation Center via email, fax or surface mail to be considered for a refund. The department may ask for supporting documentation to help determine if a refund is warranted.

(e) The department will issue refunds for specific site or park area closures and no ~~written~~ customer request is required.

(f) The park manager may only issue a refund at the park due to the person leaving earlier than expected, and while the person is present and has signed for the refund. Once the person has left the park, refund requests must be sent to the ~~Oregon State Parks Reservation Center~~department for processing.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

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(3) "Department" means the Oregon State Parks and Recreation Department.

(4) "Director" means the director of the department.

(5) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported violations, and to issue oral or written warnings or citations to enforce park area rules.

(6) "Foster Families" means persons with their foster children, who currently maintain:

(a) A Foster Home, a Relative Home for Children or a Foster Home for Children with Developmental Disabilities, as described in ORS 418.625 or 443.830;

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(13) "Park Facility" includes but is not limited to individual and group campsites, day use areas and shelters, cabins, yurts, tepees, meeting halls, lodges, pavilions, and other amenities of the department.

(14) "Park Manager" means the supervisor or designated park employee in charge of a park area.

(15) "Peace Officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.

(16) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

(17) "Reduced Service Level" means a reduction in the normal level of service that a person may reasonably expect due to the department's action/inaction or park facility failure lasting longer than 24 hours.

(18) "Reservation Cancellation" means the person requests an existing reservation be ended without the creation of a new reservation.

(19) "Reservation Change" means a modification to an existing reservation by a person that changes the arrival or departure dates, a complete change to reservation dates, or changes the type of site from the original request.

(20) "Special Events" may be an activity sponsored or co-sponsored by the department, an event that provides entertainment to park visitors, or other activities that promote the mission of the department or Oregon tourism.

(21) "Traditional Tribal Activities" generally means traditional, spiritual, natural and cultural resource practices that would have been or which still are conducted by a federally recognized tribe or its members.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.050, 390.111, 390.121 & 390.124

736-015-0015**Reservations**

(1) Purpose: Based on the department's goal to promote outdoor recreation in Oregon, the department established a reservation program to increase use of park areas and facilities. The director may designate specific park facilities to offer for reservation through a centralized call center and through the Internet.

(2) General Regulations:

(a) Reservations will be accepted and processed for designated park facilities through the Oregon State Parks Reservation Center and the Internet.

(b) A person may make a reservation a minimum of one day and a maximum of nine months prior to the arrival date.

(c) A person must be 18 years of age or older to make a reservation.

(d) A person who qualifies under the Americans with Disabilities Act (ADA) may reserve accessible campsites.

(e) A person may not make reservations for multiple park areas for the same date range.

(f) A person reserving a boat slip (where available) must also reserve another facility at the same park area.

(g) Reservations and registrations for horse camping sites shall be made only for people camping with their horses or similar large animals unless otherwise specified by the park manager.

(h) Only the person whose name appears on the original reservation, their designee (as documented in the reservation records) or the primary occupant may change or cancel an existing reservation or access information associated with a reservation.

(i) Customer information may be made available upon written request in compliance with ORS chapter 192 and department policy.

(j) Specific information regarding a confirmed reservation will not be released to the public as provided in ORS 192.501 and 192.502.

(3) Transaction Fees and Deposits:

(a) The department will charge an \$8 non-refundable transaction fee for each reservation made through the centralized call center or the Internet.

(b) Reservations require a facility deposit equal to the full amount charged for use of the facility during the reservation period.

(c) All fees are due at the time the person makes the reservation.

(4) Payment Methods:

(a) A person may use a valid credit card (VISA or MasterCard) or bank debit card with a VISA or MasterCard logo.

(b) A person may pay for reservations made through the Oregon State Parks Reservation Center by personal check, money order, certified check, department issued gift certificates or travelers check (in U.S. funds) if the person's arrival date is ten or more days from the time the reservation is made. These forms of payment are not accepted for reservations made on the Internet.

(c) The department must receive payment within five calendar days of the date the person makes the reservation. If payment is not received within this time frame, the department will cancel the reservation. The person remains responsible for the \$8 transaction fee for each reservation request.

(d) If a banking institution returns a check to the department for any reason or if a credit or debit card is declined, the department will attempt to contact the person. Inability to resolve the payment dispute will result in a reservation cancellation. The person will remain responsible for the \$8 transaction fee for each reservation.

(e) Government agencies and non-profit entities may request to be invoiced for services. Reservations should be made at least 30 days prior to arrival. The department must receive payment within 25 days of the date the reservation is made. If payment is not received within this time frame, the department will cancel the reservation. The government agency or non-profit entity remains responsible for the \$8 transaction fee for each reservation request.

(f) A person must pay all outstanding account balances prior to making future reservations.

(5) Reservation Cancellations:

(a) A person may cancel their reservation prior to the day of arrival by using the internet or by calling the Oregon State Parks Reservation Center.

(b) The department will post detailed instructions for cancelling a reservation on the department's web site which is available seven days a week, 24 hours a day.

(c) To cancel a reservation on the day of arrival a person may contact the specific park where their reservation is held.

(d) In order to receive a refund of all use fees, a person must cancel the reservation for individual campsites, deluxe and rustic cabins, deluxe and rustic yurts, horse camps, tepees, and boat moorages three or more days prior to the arrival date. If the cancellation is received less than three days in advance of the arrival date, a fee equal to one overnight rental fee for the facility will be forfeited.

(e) In order to receive a refund of all use fees for group camps, day use areas, meeting halls, lodges, Silver Falls Youth Camp, Silver Falls Ranch, Shore Acres Garden House, Pavilions, RV Group Areas and other facilities as designated by the department, a person must cancel the reservation at least one month prior to arrival. If the cancellation request is received less than 30 days in advance of the arrival date, a fee equal to one night's or one day's rental for the facility will be forfeited.

(f) A person may not make cancel reservations more than eight months in advance of the arrival date.

(6) Reservation Changes:

(a) The department will charge an \$8 non-refundable transaction fee for each reservation change.

(b) A person may request to change a confirmed reservation by calling the Oregon State Parks Reservation Center.

(c) A person may not make any date changes to reservations more than eight months in advance of the arrival date.

(d) Reservations made for six or more consecutive nights that are later shortened will be charged the nightly rate for each night removed in addition to an \$8 transaction fee for the change. This rule applies to shortening nights at the beginning of a reservation, not at the end of a reservation.

(e) A person must request a reservation change for campsites, deluxe and rustic cabins, deluxe and rustic yurts, tepees, and boat moorages three or more days in advance of the arrival date. Changes are not permitted within three days of the arrival date.

(f) A person requesting a reservation change for group camps, day use areas, meeting halls, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, Shore Acres Garden House, Pavilions, RV Group Areas, and other facilities as designated by the department must request the change at least 30 days prior to arrival date. Changes are not permitted within 30 days of the arrival date.

(7) Claiming Reservations

(a) Customers with confirmed reservations must arrive before 1:00 p.m. the day following the first scheduled day of their reservation.

- (b) The reserved site must remain occupied each night during the entire length of stay.
- (c) In emergency situations, customers may request park manager approval for late arrivals not to exceed 6:00 p.m. of the second day of the reservation. Site fees for the first night will be charged regardless of the arrival time.
- (d) Customers, including those that have pre-registered, who do not check in at the park or notify park staff that they will be delayed prior to 1:00 p.m. of the second day of the reservation will be considered a “no show” and the entire reservation will be cancelled. The first night fee and any transaction fees previously collected for the reservation will be retained. Any remaining nightly fees paid to confirm the reservation will be refunded.
- (8) Reservations to Accommodate Organized Groups:
- (a) General: To accommodate group use when 20 or more sites are booked by the same group in campgrounds designed primarily for individual camping, the following rules apply.
- (b) The department will require full payment for all sites at the time the reservation is made and charge a non-refundable reservation fee of \$8 for each site. An \$8 non-refundable transaction fee will be charged for any date or site change made to a reservation included in the group.
- (c) A group is considered any reservation of at least 20 individual overnight campsites made in one person’s name through the Oregon State Parks Reservation Center or on the Internet.
- (d) Group reservations may reserve a meeting hall (where available) for one day's free use when the minimum number of sites are reserved and used. The person may reserve the meeting hall for additional days at the normal rental rate.
- (e) Facilities such as lodges, Silver Falls Youth Camp, Silver Falls Ranches, and other special facilities as designated by the department are not included in the group camping program benefit.
- (f) To promote the safety and enjoyment of all park users, the department may contact the reservation holder of any group reservation and ask for individual camper information prior to arrival. In such cases, the department will provide ample notice and request that information be received no sooner than two months and no later than one week before the group’s arrival.
- (9) When only a portion of a specific type of facility in a park is designated as ADA compliant, the department will hold the facility designated as ADA compliant for use by individuals with disabilities until all other facilities of that type have been reserved and the accessible facility is the only remaining facility of that type available in the park.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

736-015-0026

Group Day Use

- (1) At designated park areas, a person may reserve a group picnic area(s) by calling the Oregon State Parks Reservation Center. The park manager will determine the maximum group size for each park facility.
- (2) The department will charge group picnic rental rates to offset additional park administration and maintenance costs:
 - (a) Base rate (0–50 people) — \$50;
 - (b) Charges for persons in excess of the 50 person base rate will be \$1 per person
- (3) The park manager may make advance arrangements with the group leader for parking, supervision, cleanup, checkout time, and other pertinent details.
- (4) Upon arrival, the group leader will check in with park staff who will direct the group to the reserved area.
- (5) The group must have adult supervision at all times.
- (6) Pursuant to ORS 105.672 to 105.696, group day use rental charges under this rule are for use of the assigned area or park facility of the state park land for picnicking and not for any other recreational purpose or area of state park land. The immunities provided under ORS 105.682 apply to use of state park land for any other recreational purpose.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121, 390.124 & HB 3673 (2010)

736-015-0030**Day Use Parking Permit**

- (1) Purpose: Based on the department's goal to manage increased use of park areas, the director may require a motor vehicle day use parking permit at selected park areas. This charge is a parking fee and not a charge for recreational purposes under ORS 105.672 to ORS 105.696. The immunities provided under ORS 105.682 apply to use of state park land for recreational purpose.
- (2) General Regulations:
 - (a) Parking permits are to be clearly displayed through the windshield of motor vehicles with the expiration date visible;

(b) Persons with motorcycles or other motor vehicles, such as convertibles, where the permits could be subject to theft, may keep the permit with them and must show it to an enforcement officer or park employee upon request.

(3) Day Use Parking Permit Fees:

(a) Daily Motor Vehicle — \$5;

(b) 12-month Permit — \$30;

(c) 24-month Permit — \$50;

(4) The department may enter into a written agreement with privately owned commercial vendors and non-profit cooperative associations affiliated with the department under ORS 390.143 to sell 12-month and 24-month permits:

(a) The director shall establish a maximum allowable fee of \$1 for vendors who sell the 12-month and 24-month permits;

(b) Non-profit cooperative associations affiliated with the department may by agreement retain fees in excess of the minimum vendor fee for use in funding interpretive programs in park areas;

(c) The vendor's fee will be included in the price of the permit;

(d) Only a park employee may issue replacement permits in the event an original permit is lost, stolen, or mutilated.

(5) Daily Access Exceptions: The director may grant exceptions to the day-use permit requirement under the following circumstances:

(a) Emergency vehicles;

(b) Government vehicles on official business;

(c) Business and delivery vehicles on official business;

(d) A person who is currently a registered camper at a park area and clearly displays the overnight rental receipt;

(e) Park concessionaires and their employees;

(f) A person entering the park to engage in specially permitted non-recreation activities;

(g) Park volunteers on duty in the park;

(h) A person with a permit issued by another entity with which the department has a written agreement to honor their passes;

(i) Other persons as designated by the director.

(6) Park Areas Subject to Day-Use Fees: Park areas at which a day use fee shall be charged include: Fort Stevens State Park, Cape Lookout State Park, Ecola State Park, Nehalem Bay State Park, Honeyman Memorial State Park (West side), L.L. "Stub" Stewart Memorial State Park, Heceta Head Lighthouse, Shore Acres State Park, Milo McIver State Park, Viento State Park, Benson State Recreation Area, Dabney State Recreation Area, Historic Columbia River Highway State Trail, Mayer State Park, Rooster Rock State Park, Champoeg State Heritage Area, Detroit Lake State Recreation Area, Fall Creek State Recreation Area (Winberry), Silver Falls State Park, Jasper State Recreation Site, Mongold Day-use Area, Willamette Mission State Park, Tou Velle State Recreation Site, The Cove Palisades State Park, Tumalo State Park, Smith Rock State Park, Farewell Bend State Recreation Area.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & HB 3673 (2010)

736-015-0035

Fee Waivers and Refunds

(1) The director, at the direction of the commission, may waive, reduce or exempt fees established in this division under the following conditions:

- (a) A person or group provides in-kind services or materials equal to or greater than the value of the applicable rate, as determined by criteria approved by the director;
- (b) Marketing or promotional considerations, including but not limited to special events and commercial filming, that promote the use of park areas and Oregon tourism;
- (c) Traditional tribal activities in accordance with policy adopted by the Commission;
- (d) Reduced service levels at a park, campsite or other facility as determined by the park manager.

(2) Reservation Facility Deposit Fee Waivers for individual primitive, tent, electric, full hook-up or horse camp campsites only:

- (a) The facility deposit fee is waived for reservations on State Parks Day (first Saturday of June). All other fees apply.
- (b) The facility deposit fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The fee waiver is limited to the first two campsites, and an adult care provider must be present with the foster children. All other fees apply.

(c) The facility deposit fee is waived for U.S. veterans with a service connected disability or active duty U.S. military personnel as provided in ORS 390.124. All other fees apply.

(d) The person making the reservation must pay the \$8 non-refundable transaction fee at the time the reservation is made. This fee is not included in the fee waiver.

(3) Overnight Rental Fee Waivers for individual primitive, tent, electric, full hook-up or horse camp campsites only:

(a) The overnight rental fee, including any extra vehicle fees, is waived for all persons on the night of State Parks Day (first Saturday of June). All other fees apply.

(b) The overnight rental fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The fee waiver is limited to the first two campsites, and an adult care provider with one or more foster children must be present. The overnight rental fee waiver is limited to no more than fourteen nights total in a 30-day period. All other fees and rules apply.

(c) The overnight rental fee is waived for U.S. veterans with a service connected disability or active duty U.S. military personnel on leave as provided in ORS 390.124. The overnight rental fee waiver is limited to no more than ten nights total in a 30-day period. The qualifying veteran or active duty military personnel on leave must be present in the site to qualify for the waiver. All other fees and rules apply.

(d) The director may waive the overnight rental fee for volunteer hosts traveling to or from an assignment at a park area.

(4) Day Use Parking Fee Waivers:

(a) The day use parking fee is waived for all persons on State Parks Day (first Saturday of June).

(b) The day use parking fee is waived for U.S. veterans with a service connected disability or active duty U.S. military personnel on leave as provided in ORS 390.124.

(c) The day use parking fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The waiver shall be valid until the expiration date of the Certificate of Approval to Provide Foster Care or the adopted foster child turns 18 years of age.

(d) All other fees apply.

(5) At those parks offering showers to non-campers, the shower use fee is waived for individuals with an OPRD Special Access Pass.

(6) Proof of Eligibility for Fee Waivers

(a) The department will issue Veterans and Foster families who have provided the department valid proof of eligibility an OPRD Special Access Pass. Pass holders must use the pass to

identify themselves as a qualified recipient of fee waivers at state park campgrounds and day use areas. They must also provide valid government-issued picture identification that matches the name on the pass. Proof of eligibility must be provided through an application process outlined on the OPRD web site at www.oregonstateparks.org or by calling the OPRD Information Center at 1-800-551-6949 for instructions.

(b) The department will accept the following forms of proof to qualify for fee waivers as a U.S. veteran with a service connected disability:

(A) Disabled Veteran's license plate issued by the Oregon DMV;

(B) A current Disabled Veteran Permanent Hunting/Angling License issued by the Oregon Department of Fish and Wildlife;

(C) A Washington State Parks Disabled Veteran's ID card;

(D) A United States Department of Veterans Affairs (VA) photo identification card bearing the words "service connected";

(E) A letter issued by the VA stating eligibility for any of the above programs, or bearing the words "service-connected disability."

(c) The department will accept the following forms of proof to qualify for fee waivers as an adoptive foster family, as defined in OAR 736-015-0006, with an adopted foster child under 18 years of age or a foster family, as defined in OAR 736-015-0006:

(A) Certificate of Approval to Maintain a Foster Home for Children with Developmental Disabilities;

(B) Certificate of Approval to Maintain a Foster Home for Children;

(C) Certificate of Approval to Maintain a Relative Home for Children;

(D) Written certification from Department of Human Services identifying the applicant as an adoptive or guardian foster family.

(d) The department will not issue an Active Duty Military on official leave a Special Access Pass. Such customers must pay any applicable fee and may contact the department after their visit to request a refund. The department may request supporting documentation in the form of a letter from the commanding officer on official letterhead stating that the person was on leave for the dates they camped and the camping receipt. Refund requests must be received within 30 days after the departure date of the stay. A refund of applicable fees will be sent within three weeks of the receipt of their valid request.

(7) There will be no charge for issuing a Special Access Pass or renewing an expired pass. There will be a processing fee of \$5.00 for replacement of a lost pass that is still valid.

(8) The department may revoke or temporarily suspend an OPRD Special Access Pass issued under section (6) if:

(a) The pass is used to waive fees beyond the allowable limits in a 30-day period;

(b) The pass holder does not occupy a site when fees have been waived under authority of their pass; or

(c) The pass holder transfers their pass to another person to use.

(9) Pass holders must cancel their reservation three days prior to arrival to avoid a penalty. Cancellations made within the three day period will reduce the benefit by one night in the applicable 30-day benefit period.

(10) Pass holders who make a reservation and do not check in at the park or notify park staff that they will be delayed, prior to 1:00 p.m. of the second day of the reservation, will be considered a “no show” and the entire reservation will be cancelled. The pass holder’s benefit will be reduced by one night in the applicable 30-day benefit period

(11) If a pass holder vacates their site one or more days prior to checkout without notifying park staff, any days remaining on the reservation will be counted against their monthly waiver limit.

(12) A person may request a refund under the following circumstances.

(a) The Oregon State Parks Reservation Center may refund a reservation fee when the department has made a reservation error.

(b) The Oregon State Parks Reservation Center may refund a facility deposit and may waive the cancellation or change rules when requested by the person due to the following emergency situations:

(A) Emergency vehicle repair creates a late arrival or complete reservation cancellation;

(B) A medical emergency or death of a family member creates a late arrival or complete reservation cancellation;

(C) Acts of nature create dangerous travel conditions; or

(D) Deployment of military or emergency service personnel creates a late arrival or complete reservation cancellation.

(c) The director or his/her designee may approve a refund under other special circumstances.

(d) The department will accept refund requests via phone through the Oregon State Parks Reservation Center, email, fax or surface mail. The department may ask for supporting documentation to help determine if a refund is warranted.

(e) The department will issue refunds for specific site or park area closures and no customer request is required.

(f) The park manager may only issue a refund at the park due to the person leaving earlier than expected, and while the person is present and has signed for the refund. Once the person has left the park, refund requests must be sent to the department for processing.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

Oregon Parks and Recreation Commission

September 14, 2016

Agenda Item:	10b	Action
Topic:	Request to adopt OAR 736-056, Main Street Grants	
Presented by:	Chrissy Curran	

Background: The legislature created the Oregon Main Street Revitalization Grant Program through HB 3562 in 2015 to help the local communities participating in the Oregon Main Street Network complete downtown projects by addressing the difficulty of securing the necessary support of capital. SB 5507 authorized the issuance of lottery bonds in the amount that produces \$2.5 million in net proceeds and interest earnings, plus an additional amount necessary to pay bond-related costs.

The draft rules were developed by an Administrative Rules Advisory Committee. This Committee included a range of interests who have been involved in or have expertise in downtown revitalization, historic preservation, or economic development. The Committee also evaluated the rule's probable economic impact on small businesses, local governments, state agencies, and the public.

A public hearing was held on August 16, 2016 and one person attended. The public comment period was open until 5 p.m., August 19. Notification of the proposed rule went out by email and press release to the general public and members of the Oregon Main Street Network. Five comments were received. This rulemaking may not have generated a lot of public comment because interested parties were notified during the legislative process of the grant program.

Rule summary: Grants will be available communities in the Oregon Main Street network.

Applicants have to show:

- They are capable of carrying out the project, and
- The neighborhood needs revitalization and economic development, whether due to location in an underserved area, financial barriers to downtown improvement, or economic factors, and
- The project is consistent with federal standards for rehabilitation of historic properties, and
- The project is fully funded when the grant money is included, and
- The project will help revitalize the neighborhood.

Applications will be evaluated based on a set of criteria:

- Community need and support.
- Expected results.
- Stakeholder involvement and outside financial investment.
- Location (half the grant money will be spent in rural areas).

The criteria will be reviewed regularly, and may also include other factors particular to each grant cycle. Many of the specifics for each grant will be negotiated as part of the grant agreement.

Prior Action by Commission: Approve rulemaking process, April 27, 2016, commission meeting.

Action Requested: Staff requests the commission approve OAR 736-056 as attached.

Attachments: Attachment A – Main Street Grant Rules, Attachment B – Hearings Officer Report

Prepared by: Sandra Belson

(NOTE: All text is new so it is in markup format)

DIVISION 56

MAIN STREET REVITALIZATION GRANTS

736-056-0000

Purpose

(1) The purpose of this division is to establish the procedures and criteria that the State Parks and Recreation Department will use when awarding Oregon Main Street Revitalization Grant Funds as provided in ORS 390.262 and 390.264.

(2) Oregon Main Street Revitalization Grant Program Fund grant awards are to be used for the following purposes:

- (a) To acquire, rehabilitate and construct buildings on properties in designated downtown areas statewide; and
- (b) To facilitate community revitalization that will lead to private investment, job creation or retention, establishing or expanding viable business or creating a stronger tax base.

736-056-0010

Definitions

The definitions provided in ORS 390.005 and 390.262 apply to this division, unless the context requires otherwise. In addition, the following definitions apply:

(1) "Department" means the Oregon Parks and Recreation Department (OPRD) as provided in ORS 390.005(2).

(2) "Designated downtown area" means the defined primary focus area for the local downtown or neighborhood revitalization effort submitted by the local Oregon Main Street Network member to and approved by Oregon Main Street.

(3) "Designated Local Communities" means the city, town, or urban neighborhood district that has a group, organization, or local government entity that has submitted an application and has been approved by Oregon Main Street to participate in the Oregon Main Street Network.

(4) "Grant" means an award from the Oregon Main Street Revitalization Grant Program.

(5) "Grantee" means an eligible applicant legally capable of executing and which has executed a grant agreement for project awarded an Oregon Main Street Revitalization Grant.

(6) "Grant Review Committee" means the committee that reviews grant applications and makes funding recommendations to the Department.

(NOTE: All text is new so it is in markup format)

(7) "Oregon Main Street Network" means the entity administered by the State Historic Preservation Officer designated under ORS 358.565 to provide assistance, training and technical services to communities in Oregon desiring to strengthen, preserve, and revitalize their historic downtown commercial districts as defined in ORS 390.262(1)(b).

(8) "Project completion" means satisfaction of all requirements of a grant agreement as determined after review or inspection by OPRD.

(9) "Rural area" means an area located entirely outside the acknowledged Portland Metropolitan Area Regional Urban Growth Boundary and the acknowledged urban growth boundaries of cities with population of 30,000 or more as defined in ORS 390.262(1)(c).

(10) "Surrounding community" is the city, town, or urban neighborhood district where the proposed project in the designated downtown area is located.

736-056-0020

Eligible Applicants

In order to be eligible for a Main Street Revitalization Grant, applicants must:

(1) Be a designated organization that participates at any level in the Oregon Main Street Network;

(2) Demonstrate past or prospective capacity to work with stakeholders such as local officials, business owners, building owners, and other partners in designated local communities or designated downtown areas; and

(3) Have the ability to receive and expend the grant funds and manage all fiscal responsibilities.

736-056-0030

Application Procedure/Process

(1) The Department shall announce through a variety of media the availability of, procedures for, deadlines, and other information for applying for Oregon Main Street Revitalization Grants.

(2) To apply for Oregon Main Street Revitalization Grants, applicants must submit their applications in a format prescribed by the Department by the specified deadline.

(3) Applications must demonstrate the following:

(NOTE: All text is new so it is in markup format)

- (a) The applicant is an eligible applicant as provided in OAR 736-056-0020.
- (b) The proposed project is within a designated downtown area.
- (c) The applicant is capable of carrying out the proposed project.
- (d) The proposed project would facilitate community revitalization.
- (e) The community need for revitalization and economic development: _____
 - (A) Community is in a traditionally underserved area, rural area, or has significant financial barriers to improve downtown areas.
 - (B) Economic factors may include percentage of renters and wage and income rates in the proposed project location and surrounding community.
- (f) The proposed project would be consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties.
- (g) There are sources of additional funding sufficient to complete the project.

(4) The Department will request that applicants include measures to demonstrate the effectiveness of the Oregon Main Street Revitalization Grant. These may include business creation or expansion, job creation or retention, vacancy rates, business mix, housing, or creation of a stronger tax base.

736-056-0040

Evaluation of Applications

- (1) Eligible applications received by the announced deadlines shall be evaluated by the Department.
- (2) The Department shall include review criteria in grant guidelines, manual, or application for each new grant cycle.
- (3) The Department will establish a Grant Review Committee to review grant applications and provide recommendations for funding to the Department. The Department shall invite the Oregon Department of Transportation and Business Oregon to provide representatives to serve on a review committee. The committee may include representatives of the Department of Land Conservation and Development, Main Street organizations, historic preservation specialists or other appropriate experts.

(NOTE: All text is new so it is in markup format)

- (4) The Grant Review Committee shall score the applications based on the evaluation criteria and then rank applications in order of priority based on a formula considering:
- (a) The community's need for main street revitalization and economic development which may include but is not limited to wage and income rates.
 - (b) The anticipated results of the proposed project in revitalizing the community which may include but is not limited to private investment, job creation or retention, establishing or expanding viable businesses, or creating a stronger tax base.
 - (c) The community's level of support of the project as evidenced by the applicant's level of participation in Oregon Main Street or other evidence.
 - (d) The applicant's capability to work with stakeholders such as local officials, business owners, building owners, or other partners in designated local communities or designated downtown areas.
 - (e) The applicant's capability of carrying out the proposed project.
 - (f) The level of investment demonstrated through matching funds and source of funds.
 - (g) The location of the project within the state (a minimum of 50 percent of available grant funds are reserved for projects in rural areas).
 - (h) Compliance with any other criteria contained in the grant announcement, handbook, or application.

736-056-0050

Award of Grants

- (1) The State Historic Preservation Officer described in ORS 358.565 shall award the grants.
- (2) The department will establish maximum and minimum grant award limitations. These will be published in grant guidelines, manual, or application for each new grant cycle.
- (3) All awards will be subject to binding agreements between the Department and Grantee.
- (4) Grant agreements shall specify the terms and conditions of the grant award, generally including:
 - (a) The total project costs, the match or share to be provided, and the amount of the grant;

(NOTE: All text is new so it is in markup format)

- (b) A statement of work to be accomplished;
- (c) The products to be delivered;
- (d) A timeline that details when the grant-assisted project may begin, a schedule for accomplishing work, and deadlines for delivering products and completing the project;
- (e) The process to complete reimbursement requests;
- (f) The measures of project impact at project completion and at one year following project completion; and
- (g) The requirement that Grantee comply with applicable local, state, and federal law and obtain all necessary permits.

736-056-0060

Disbursement of Grant Funds

The Department will distribute grant funds to Grantees on a reimbursable basis after submission of billings on approved schedules specified in grant agreements. When requested by the Department, Grantees shall supply additional information to substantiate billings. The Department may disburse grant funds in advance if Grantees can demonstrate a compelling need.

736-056-0070

Suspension or Termination of Agreement and Recovery of Grant Funds

(1) Notice of suspension or termination of grant agreement shall be sent by registered letter to grantee at address listed in the agreement. The notice shall include recourse (if any) for Grantee to remedy project deficiencies.

(2) If Grantees have received funds in advance but are unable to complete approved projects to the Department's satisfaction or within the three-year timeframe, the Department shall require the Grantees to return all unexpended grant funds.

(3) Grantees shall maintain records adequate for audit purposes for a period of not less than five years after project completion and shall reimburse the Department for any costs disqualified through audit findings.

736-056-0080

Grant Impact

(NOTE: All text is new so it is in markup format)

- (1) The Department will establish measures to demonstrate the effectiveness of the Oregon Main Street Revitalization Grant; these may include business creation or retention, job creation or retention, vacancy rates, business mix, and housing.
- (2) The Department will include the required measures in the grant guidelines, manual, or application for each new grant cycle.
- (3) Grantees will submit this information with the grant application, with the grant completion report, and subsequent to project completion as specified in the grant agreement. For five years following project completion, Department staff may request additional information regarding the project's impact.



Hearings Officer Report

Oregon Main Street Revitalization Grant (August 2016)

Prepared by: Sandra Belson
Date: August 19, 2016

Background

The legislature created the Oregon Main Street Revitalization Grant Program through HB 3562 in 2015 to help the local communities participating in the Oregon Main Street Network realize transformative downtown projects by addressing the difficulty of securing the necessary support of capital. SB 5507 authorized the issuance of lottery bonds in the amount that produces \$2.5 million in net proceeds and interest earnings, plus an additional amount necessary to pay bond-related costs.

Advisory Committee

An external advisory committee was formed to prepare a draft of the proposed rules. The committee consisted of the following representatives: Mary Oberst, State Advisory Commission on Historic Preservation; Peggy Moretti, Restore Oregon; Tom Hogue, Department of Land Conservation and Development; Karen Homolac, Infrastructure Finance Authority, Oregon Business Development Department; Barbara Sidway, National Trust for Historic Preservation and historic building owner; Mary Bosch, Rural Development Initiatives; Kendall Bell, Klamath Falls Downtown Association and downtown business and property owner; Alex Campbell, Governor's Regional Solutions; Michael Rock and Chris Bell, Oregon Department of Transportation; Charlie Mitchell, CEcD, economic and community development consultant; Wendy Johnson, League of Oregon Cities; Amanda Ferguson, City of Cottage Grove; and Kelly Haverkate, Dayton Community Development Association. The committee reviewed the draft rules during two meetings and provided extensive feedback to clarify eligibility for grants, selection criteria, and terms that needed definition.

Public Comment Period

The rulemaking notice was published in the August 2016 Secretary of State's Bulletin. Public notification was made through postings on the OPRD website, a press release on August 1, 2016, e-mail notification to those on the "interested parties" list maintained by OPRD and the list of Oregon Main Street Network communities, as well as distributed over the Oregon Main Street listserv and the Oregon Heritage listserv. The public comment period closed at 5:00 pm on Friday, August 19, 2016. OPRD received no letters, 5 e-mails and no comments made at the public hearing. The emails received are included as attachments at the end of this report.

Public Hearing

A public hearing was scheduled at 11 a.m. on August 16 at OPRD headquarters in Salem, 725 Summer Street NE, Room 124B. Sheri Stuart (Oregon Main Street Coordinator), Richard Walkoski (Communications and Research), and Chrissy Curran (Deputy State Historic Preservation Officer) were the OPRD staff on hand to answer questions prior to the hearing. One person attended but was only seeking information and did not wish to testify. There were no public comments and there was no media coverage. With no further public coming to testify, the room was closed at 12:15 p.m.

Public Comments

Public involvement on this rulemaking process was on the low end of the rulemaking spectrum for OPRD. There were five comments made during the comment period.

Comments by Peggy Moretti, Susanne Dufner, and Brian Dalton (emails)

These three people stated that there is a need for this type of grant program, particularly for rural, distressed communities and support the proposed rules.

Recommend no change to rules.

Comment by Roxana Grant (email)

The recipient property of the grant should be a private held property that will in the long run benefit the community.

Response

The rules do not restrict the funds for use on private property but the criteria for scoring the applications does consider the “long run benefit to the community” in item (4)(b) “The anticipated results of the proposed project in revitalizing the community which may include. . . .”

Recommend no change to rules.

Comment by Lisa Dawson (email)

It is unclear whether or not the eligible applicant must rehabilitate or construct buildings which they own or if the ownership can be with another entity. If the ownership can be with another entity, can they pass the grant funds on to that entity (for profit, non-profit, government) or do they have to expend the funds on the owner’s behalf since they have to receive and expend the grant funds and manage all fiscal responsibilities?

Response

It is not the intent of the rules to limit the funds to rehabilitation or construction of buildings owned by the grantee. The grantee could also pass the grant funds on to another entity.

Recommend the following additions to the rules to clarify that the Grantee can administer the grant funds to rehabilitate or construct buildings not owned by the Grantee.

- **Add the following sentence to the definition of “Grantee” in 735-056-0010:**
The Grantee may administer the grant funds to acquire, rehabilitate and construct buildings on behalf of a property owner.
- **Add the following item under section (3) of 7357-056-0030:**
(h) Evidence that the property owner understands and agrees with the proposed project.

Comment by Lisa Dawson (email)

I’m unaware of any easy way to determine the percentage of renters and the wage and income rates in a proposed project location in small, rural communities. This information may be available at the city or county level, but the information at the city or county level may not indicate the relative economic distress within a particular designated downtown area. It may make more sense to provide some pictures showing the downtown area which would indicate the productive use of downtown buildings, vacancies, “blight”, etc.

Response

The percentage of renters and the area median income in the proposed project location and surrounding community are examples of evidence cited in the statute to demonstrate the need for main street revitalization. Item (3)(a) in 736-056-0030 and item (4)(a) in 735-045-0040 of the rules reference the percentage of renters and income rates per statute but the rules also allow for

submission of other evidence of other economic factors and evidence to show the community's need for main street revitalization and economic development.

Recommend no change to rules.

Comment by Peggy Moretti (email)

It would be well-advised in terms of energy conservation, heritage, and maximum job creation if restoration of existing buildings were given priority over new construction in awarding of grants.

Response

The administrative rules advisory committee members had diverging opinions about this topic. Since the legislature did not prioritize the values of heritage conservation over economic development in crafting the HB 3526, neither do the rules. However, per 736-056-0040 (4)(b), job creation is a consideration in the evaluation criteria. Also, per 736-056-0030(3)(f), applicants must demonstrate that the proposed project would be consistent with the Secretary of Interior's Standards for Rehabilitation of Historic Properties.

Recommend no change to rules.

Written Comments Attached

Peggy Moretti, Executive Director of Restore Oregon, email dated 8/16/2016

Brian Dalton, Mayor of Dallas and Board Member of the Oregon Mayors Association, email dated 8/15/2016

Suzanne Dufner, email dated 8/12/2016

Lisa Dawson, email dated 8/4/2016

Roxana Grant, email dated 8/3/2016