

Division 7

DISTRIBUTION OF RECREATION VEHICLE LICENSE FEE REVENUES TO COUNTIES

736-007-0000

Purpose of Program and Rule

(1) The purpose of the distribution of recreation vehicle license fee revenues to counties is to increase the resources available for acquiring, developing, maintaining, rehabilitating and operating county parks and recreation sites and programs. New revenues available to county governing bodies under this program should, to the extent possible, be used to supplement, rather than supplant, ~~moneys-monies~~ currently appropriated for county parks and recreation purposes.

(2) These rules establish the procedures and requirements used by the Oregon Parks and Recreation Department when distributing recreation vehicle license fee revenues to counties, and the process for establishing priority order in which county grant projects shall be funded.

Statutory/Other Authority: ORS 390.117, 390.124 & 390.134

Statutes/Other Implemented: ORS 390.134

History:

PR 3-1994, f. & cert. ef. 4-22-94

736-007-0005

Definitions

For purposes of ~~OAR 736-007-0000 to 736-007-0040~~ this Division, the following definitions shall apply unless context clearly indicates otherwise:

(1) “Acquisition” — The gaining of property rights, including, but not limited to fee title or easements, for public use by donation or purchase.

(2) “Advisory Committee” or “County Parks Assistance Advisory Committee” — The committee appointed by the director that reviews and prioritizes grant proposals for funding under the County Opportunity Grant Program.

(3) “Biennium” — The 24-month period beginning July 1 of each odd-numbered year and ending June 30 of the next odd-numbered year.

(4) “Campsite” — A site within a designated County Park and Recreation Area that is specifically designed for overnight occupancy, is open to the public a minimum of five months per year, and that contains a designated parking spur, picnic table, fireplace or stove, and access to potable water and sanitary facilities. Campsites within areas where recreation is a secondary function, such as courthouse grounds, fairgrounds, ports, and museum grounds, shall not be

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All edits/additions have tracked changes.

factored into the formula that allocates the distribution of RV registration fees among the county parks statewide.

(5) “Certified County Park Assistance Allocation” or “Certified Allocation” — That portion of the county park assistance allocation certified for use by the counties during a given fiscal year.

(6) “Commission” — The Oregon Parks and Recreation Commission.

(7) “Committee” — See “Advisory Committee.”

(8) “Conversion” — The act of utilizing property acquired or developed using Oregon Parks and Recreation Department grant funds for purposes other than public outdoor recreation uses.

(9) “County Opportunity Grant Funds” or “Grant Funds” — That portion of county RV registration fee revenues available for the County Opportunity Grant Program.

(10) “County Opportunity Grant Program” or “Grant Program” — A program funded by county RV registration fee revenues to provide grants on a project basis for the acquisition, development, rehabilitation, and planning of county park and recreation areas, as defined in ~~section (6) of this rule~~ “County Park and Recreation Area,” that provide camping facilities.

(11) “County Opportunity Grant Program Policies and Procedures Manual” — A manual prepared by the department containing state and federal policies, procedures, and instructions to assist local government agencies wishing to participate in the County Opportunity Grant Program.

(12) “County Park and Recreation Area” — An area designated by the governing body under ORS 275.320 as a county park and recreational area in which the primary function is to provide recreational opportunities for the public such as overnight camp facilities, day use parks, community open spaces, and park waysides. Areas under county management in which recreation is a secondary function, such as Courthouse grounds, fairgrounds, ports, and museum grounds, are excluded unless the following criteria are met:

(a) The county has a population of 30,000 or less; and

(b) The county does not have an ~~“established Park system”~~ “Established park-Park systemSystem” as defined in these rules.

(13) “County Park Assistance Allocation” or “County Allocation” — That portion of estimated county RV registration fee revenues available for distribution to the counties under the county park assistance program.

(14) “County Park Assistance Program” or “Assistance Program” — A program funded by county RV registration fee revenues to provide regular allocation of ~~moneys-monies~~ to the counties for the acquisition, development, maintenance, care, and use of the county park and recreation areas as defined in ~~section (6) of this rule~~ “County Park and Recreation Area.”

(15) “County RV Registration Fee Revenues” or “Revenues” — That portion of the total revenues from the registration and licensing of recreational vehicles that is set aside in a sub-account of the Oregon Parks and Recreation Department’s account within the State Treasury for the acquisition, development, maintenance, care and use of county park and recreation areas in accordance with ORS 366.512(2).

(16) “Department” — The Oregon Parks and Recreation Department.

(17) “Director” — The Director of the Oregon Parks and Recreation Department or their designate.

(17) “Established Park System” — A county shall be considered as having an established park system if it has at least one park designated under ORS 275.320, and has allocated a budget for parks.

(18) “Fiscal Year” — The 12-month period beginning July 1 of any year and ending June 30 of the next year.

(20) “Force Account” — The governmental entity's own workforce performing project work rather than contracting out for the services.

(21) “Population” — The latest annual estimate of population of Oregon cities and counties as compiled by the Portland State University’s Population Research Center~~Center of Population Research~~ and the United States Census Bureau.

(22) “Project Sponsor” — The recipient of grant funds and the agency responsible for implementation of the project and the maintenance and operation of the site.

(23) “RV” or “Recreation Vehicle” — Travel trailers, campers, and motorhomes.

(24) “RV Registrations” — The total number of travel trailers, campers and motor homes registered at the time the distribution formula is computed, as detailed in the most current “Oregon Motor Vehicles Registration by Counties” compiled by the Motor Vehicles Division~~Oregon Department of Transportation’s Driver and Motor Vehicle Services Division~~.

(25) “State Comprehensive Outdoor Recreation Plan” or “SCORP” — The ~~Otherwise known as SCORP, the~~ document used to identify and assess Oregon’s outdoor recreation needs.

(26) “State/Local Agreement” — The signed agreement between the Department and the Project Sponsor, which authorizes the project to begin.

(27) “Waiver of Retroactivity” — An exception that allows costs to be incurred prior to formal project approval.

Statutory/Other Authority: ORS 390.117, 390.124 & 390.134

Statutes/Other Implemented: ORS 390.134

736-007-0010

Eligibility

All counties are eligible to receive county RV registration fee revenues; however, use of these ~~moneys~~ ~~monies~~ is restricted to the acquisition, development, rehabilitation, maintenance, care and use of county park and recreation areas. At areas in which recreation is a secondary function, the funds shall be used only for parks and recreational facility purposes.

Statutory/Other Authority: ORS 390.117, 390.124 & 390.134

Statutes/Other Implemented: ORS 390.134

736-007-0015

Distribution Formula

The following distribution formula shall be used for the distribution of revenues in accordance with the provisions of these rules:

(1) County Park Assistance Program — Ninety percent of the estimated revenues to be received during each fiscal year shall be allocated to the counties in accordance with the following formula:

(a) Fifty percent based on the proportion of the number of campsites each county provides to the total number of such campsites provided by all the counties;

(b) Twenty percent based on the proportion of the number of RV registrations in each county to the state total of RV registrations;

(c) Thirty percent based on the proportion of each county's population to the total state population;

(d) For the purposes of implementing this section the effective date shall be November 4, 1993.

(2) County Opportunity Grant Program — Ten percent of the estimated revenues to be received during each fiscal year shall be distributed through the Grant Program.

Statutory/Other Authority: ORS 390.117, 390.124 & 390.134

Statutes/Other Implemented: ORS 390.134

736-007-0020

Campsite Survey

(1) The Department shall ask each county to submit an inventory of its park and recreation areas containing campsites every two years to determine the number of campsites provided by each county.

(2) For purposes of the inventory described in subsection (1) of this rule, a campsite is “provided by” a county if:

- (a) The county owns, operates and manages the site; or
 - (b) The county operates and manages the site; and the county possesses the site pursuant to a fixed term lease of not less than 20 years, with a fixed payment schedule and no profit-sharing between the county and the lessor; or
 - (c) The county owns the site or holds possession pursuant to a long-term lease as described in subsection (b) of this section; the county leases or subleases it to another public entity whose purposes include the provision of park and recreation opportunities; and the other public entity manages the site in accordance with the county’s written policy on parks and recreation; or
 - (d) The county owns the site or holds possession pursuant to a long-term lease as described in subsection (b) of this section; the county contracts with a concessionaire for the operation of less than all aspects of the park or campground; the county selects the concessionaire through an open, competitive process; and the county retains control of management and the right to possession of the site.
- (3) Group campsites that do not meet the definition of a campsite shall not be included in the inventory.
- (4) Campsites which have not been eligible for inclusion in the inventory prior to January 1, 1996, shall not be considered eligible to be added unless they meet building code standards for recreational parks per ORS 446 and OAR 918-650.

Statutory/Other Authority: ORS 390.117, 390.124 & 390.134

Statutes/Other Implemented: ORS 390.134

736-007-0025

Distribution of ~~Moneys~~ ~~Monies~~ — County Park Assistance Program

- (1) ~~On or about January 1 of eE~~ Each year the Department shall estimate the total revenues available for use in the County Park Assistance Program for the next fiscal year. The Department shall use the distribution formula in OAR 736-007-0015 to estimate each county’s allocation, and shall notify each county of the estimate.
- (2) By July 15 of each year, each county governing body shall certify to the Department, on forms ~~or a format designated supplied~~ by the Department, that it will comply with the administrative rules governing the County Park Assistance Program. The certification shall include a statement of the county’s intended use of the revenues:
 - (a) The county has budgeted its allocation for expenditure in the next fiscal year; or

(b) The county will place its allocation in a dedicated parks and recreation fund for future expenditure; or

(c) A combination of subsections (a) and (b) of this section; or

(d) The county waives the use of its allocated revenues;

(e) A county may elect to receive less than its allocated revenues in any given fiscal year.

(3) Any county that does not certify by July 15 shall be deemed to have certified in accordance with subsection (2)(d) of this rule.

(4) The Department shall calculate the proportion of total certified allocations to total estimated revenues. This proportion will be used in determining the amount of actual revenues to be distributed to counties each month during the fiscal year.

(5) The distribution to counties that certified acceptance of revenues shall be made within 45 days after the end of each month. The amount shall be determined as follows:

Total actual revenues for month x

Total Certified Allocations

Total Estimated Revenues x

County Certified Allocation

Total Certified Allocations = Distribution

However, the amount distributed each month to Gilliam, Harney, Jefferson, Lake, Sherman, and Wallowa counties shall be at least \$834. The effective date for implementing this rule shall ~~re-be~~ retroactive to July 1, 1994.

(6) Revenues allocated for the Assistance Program, but not distributed by this section, shall become available to the Grant Program.

(7) By September 1 of each year, the Department may ask each county to provide a report on the uses of the RV revenue for the prior fiscal year. The report form will be provided by the Department, along with an explanation of the need for the report.

Statutory/Other Authority: ORS 390.117, 390.124 & 390.134

Statutes/Other Implemented: ORS 390.134

736-007-0030

County Opportunity Grant Program

The County Opportunity Grant Program shall be administered as follows:

(1) Eligible projects — ~~Grant funds are to be used specifically for the a~~Acquisition, development, rehabilitation, and planning of county park and recreation areas that provide camping facilities.

(2) Matching requirements:

~~(a) — Grants from counties 30,000 population and under shall require a 25 percent local match. Counties with a population of 30,000 and under must provide a local match of at least 25 percent of total project costs.~~

~~(b) Grants from counties over 30,000 population shall require a 50 percent local match. Counties with a population greater than 30,000 must provide a local match of at least 50 percent of total project costs.~~

~~(c) Matching funds for specific projects may be reduced or eliminated as determined by the Director, based on demonstrated need for the project, lack of local funding, and upon recommendation by the Advisory Committee.~~

~~(d) The eligible match by the Project Sponsor may include local budgeted funds, local agency labor or equipment, federal revenue sharing funds, other grants, donated funds, the value of private donated equipment, labor, materials, or property, the value of land acquired within the past six-year period, pre-development costs within the past two-year period, or any combination of the above. Engineering and administrative costs and costs incurred prior to the State/Local Agreement cannot exceed 15 percent of the total project costs. Local funds may include local budget funds, federal revenue sharing funds, local agency labor or equipment, other grants, donations of land, labor, equipment, or any combination of the above.~~

~~(3) Planning Requirements — Project Sponsors participating in the County Opportunity Grant Program must show that:~~

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

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

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

~~(3) Application procedure:~~

~~(a) On or about July 1 of the first year of each biennium, the Department shall make an estimate of revenues available to be distributed through the Grant Program during the biennium and shall notify each county of the estimate. Estimate shall include unassigned moneys from previous bienniums and project cancellations and underruns.~~

~~(b) By October 1 of the first year of each biennium, grant applications shall be sent to the Department on forms supplied by the Department and shall contain:~~All applications for funding assistance for outdoor park and recreation program projects must be submitted in a format prescribed by the Department. All applications must be consistent with the County Opportunity Grant Program Policies and Procedures Manual, and, at a minimum, each application must contain the following information:

(A) Program Narrative—, including all information necessary to determine the criteria under section (45) of this rule or other items as the Department requires;

(B) Maps:

(i) Park Boundary Map;

(ii) Site Plan;

(iii) Vicinity Map.

(C) Environmental Review Form;

(D) State agency review;

(E) Land Use Compatibility Statement completed by the appropriate planning department;

(F) Estimate of project costs;

(G) Preliminary plans and specifications for construction projects;

(H) Project Timeline;

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

(J) Documented Americans with Disabilities Act Compliance Plan specific to projects;

(K) Certification by applicant of available match;

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

(b) Additional requirements for acquisition projects:

(A) Appraisal. Appraisals must conform to the Uniform Standards of Professional Appraisal Practice (USPAP) or Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA);

(B) Appraisal Review;

(C) Preliminary title report; and

~~(D) Proof of willing seller or donor.~~

~~(B) Vicinity Map;~~

~~(C) Park Master Plan/Project Boundary Map;~~

~~(D) Ownership Statement;~~

~~(E) Cost Estimates;~~

~~(F) Preliminary Title Report (if applicable);~~

~~(G) Environmental Assessment;~~

~~(H) Local Project Timeline;~~

~~(I) Other documentation that may be required by the Department.~~

~~(e) The Department shall perform a technical review of all applications. Eligible applications shall be forwarded to the Advisory Committee. Ineligible applications shall be returned to project sponsor.~~

~~(45) Grants Prioritization Application Process:~~

~~(ea) The Department shall perform a technical review of all applications. Eligible applications shall be forwarded to the Advisory Committee. Ineligible or incomplete applications shall be returned to project sponsor, not be considered by the Department.~~

~~(b) Applicants may be expected to provide a presentation to the Committee under a procedure established by the Department.~~

~~(ac) The Advisory Committee will meet during November of the first year of each biennium. Each project sponsor shall be allowed a presentation under a procedure established by the Committee. The Committee shall review all applications using project selection criteria, including, but not limited to, the following:~~

~~(A) Extent the project demonstrates conformance with local and state planning guidelines, the SCORP, local Park Master Plans, or other locally adopted planning documents; Extent the project meets the recreation needs identified in SCORP;~~

~~(B) Extent to which the project demonstrates user benefit, public interest and support;~~

~~(C) Extent to which the project increases outdoor recreation opportunity in the service area;~~

~~(D) Financial considerations, including cost/benefit ratio;~~

~~(E) Extent to which the project's design accommodates people with disabilities;~~

~~(B) Extent the project meets the recreation needs identified in the local comprehensive land use plan;~~

~~(C) Extent the project satisfies the following:~~

~~(i) Demonstrates user benefit, public interest and support;~~

~~(ii) Increases outdoor recreation opportunity in the service area;~~

~~(iii) Financial considerations, including cost/benefit ratio;~~

~~(iv) How well the project's design accommodates people with disabilities.~~

~~(DE) Extent the county demonstrates exceptional need, such as a limited parks operating budget, the lack of public overnight camping opportunities within the county, or the overall lack of county parks and recreation areas and facilities;~~

~~(EG) Analysis of sponsor's past performance in completing and billing projects and maintaining existing facilities.~~

~~(bd) The Committee will recommend funding priorities to the Director for all eligible projects submitted. The Committee shall meet to evaluate the applications and recommend funding priorities to the Director for Commission approval. The Director shall establish the funding priorities taking into consideration the Committee's recommendation;~~

~~(e) A signed state/local agreement shall constitute project authorization. It shall be executed by January 31 of the first year of each biennium. No project may begin without authorization from the Department unless a waiver of retroactivity has been issued by the Department. Projects not authorized within this time frame will be cancelled. Funds recovered from cancellations shall be reassigned to other projects on the priority list.~~

~~(56) Project Administration:~~

~~(ea) A signed sState/lLocal aAgreement shall constitute project authorization. It shall be executed by January 31 of the first year of each biennium. No project may shall begin without authorization a signed State/Local Agreement from the Department unless a waiver of retroactivity has been issued by the Department. Projects not authorized within this time frame will be cancelled. Funds recovered from cancellations shall be reassigned to other projects on the priority list.~~

~~(ab) Project Sponsors shall have one year 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). Projects not conforming with to this provision may be cancelled unless the Project Sponsor provides substantial justification to warrant an extension. will be cancelled;~~

~~(bc)~~ Project Sponsors shall complete and bill all projects by the dates specified in the grant agreement. All projects shall be completed and billed within two years from the authorization date. Projects ~~will~~ may be inspected and audited by the Department or its designate prior to final grant payment. Partial payments up to 90 percent of the grant amount may be billed during the project for work completed.;

(d) Time extension amendments may be granted on a case-by-case basis. Requests should be submitted in writing and approved by the Department prior to expiration of the approved project as set forth in the grant agreement. The Department may, at its discretion, consider and approve requests submitted after the expiration date when appropriate.

~~(ec)~~ Project amendments that increase the project cost will generally not be allowed. Project ; ~~however,~~ amendment requests based on extraordinary circumstances will be reviewed on a case-by-case basis.

(f) The Project Sponsor shall install and maintain throughout the life of the agreement appropriate signage for each project indicating the Department's Grant Program's assistance and shall certify that signage is in place when requesting final payment.

(g) The Department may inspect all projects.

Statutory/Other Authority: ORS 390.117, 390.124 & 390.134

Statutes/Other Implemented: ORS 390.134

736-007-0035

County Parks Assistance Advisory Committee

(1) The Advisory Committee shall be composed of seven members appointed by the Director. The ~~committee~~ Committee membership, to serve nonconcurrent four-year terms, shall represent the following interests:

- (a) Two representatives of recreational vehicle owners;
- (b) Three county representatives, including one from a county under 20,000 population, and one from a county parks department;
- (c) One representative for people with disabilities;
- (d) One citizen representative.;

~~(e2)~~ The chair shall be ~~appointed by the Director from the committee membership, considering, when possible, the recommendation of the Advisory Committee,~~ nominated and selected by the Committee.

~~(23) Selection of committee representatives may be from a list of not less than two candidates for each position to be supplied by:~~Committee members may be selected for each position according to the following:

~~(a) The Association of Oregon Counties shall recommend candidates for the county representatives;~~County representation candidate lists shall be supplied by the Association of Oregon Counties;

~~(b) The Good Sam Club or other recreation vehicle clubs shall recommend candidates to represent recreation vehicle owners;~~Recreational vehicle owner representation candidate lists shall be supplied by recreation vehicle clubs, associations, or other sources identified by the Department;

~~(c) People with disabilities representation candidate lists shall be supplied by the~~The Oregon Disabilities Commission or other sources identified by the Department;~~Oregon Disabilities Commission shall recommend candidates to represent people with disabilities;~~

~~(d) Citizen representation candidate lists shall be supplied by the Association of Oregon Counties, the Oregon Recreation and Park Association, or other sources identified by the Department. Candidates for citizens representative may be requested from the Association of Oregon Counties, the Oregon Parks Association or other sources.~~

~~(e) The Department may consult with other appropriate organizations not listed in subsections (a) to (d) for Committee membership candidates.~~

~~(34) The Advisory Committee shall meet during November of the first year of each biennium, and at other times upon the call of the Director. It will shall establish a priority order of eligible projects for the Grants Program, and; will shall review the biennial campsite survey, and the Assistance Program distribution.~~

~~(45) The travel, meals and lodging expenses of all members of the committee will be reimbursed by the Department according to rates established by the Department of Administrative Services and approved by the Director.~~

Statutory/Other Authority: ORS 390.117, 390.124 & 390.134

Statutes/Other Implemented: ORS 390.134

736-007-0040

Assessment for Services

(1) The Department will be incurring costs in the financial and programmatic administration and operation of the Assistance Program, Grant Program, and the Advisory Committee.

Reimbursement of the Department's actual direct and identifiable costs shall be made from the county RV registration fee revenues in the sub-account of the Parks and Recreation Department's

account in the State Treasury. Such ~~moneys monies~~ shall be transferred to the Department account at the end of each month.

(2) At no time shall the amount transferred exceed the actual and identifiable costs.

~~(3) For the purposes of implementing this section, the effective date shall be November 4, 1993.~~

Statutory/Other Authority: ORS 390.117, 390.124 & 390.134

Statutes/Other Implemented: ORS 390.134

736-007-0045

Conversion Requirements

The purpose of this rule is to set forth requirements that must be met by recipients of County Opportunity Grant Funds for maintaining Grant Program-assisted sites and facilities in public outdoor recreation use.

(1) Property developed with County Opportunity Grant Program assistance shall be retained and used for public outdoor recreation for a minimum of 25 years.

(a) Property acquired with County Opportunity Grant Program assistance shall be retained and used for public outdoor recreation in perpetuity.

(b) Leases for projects on federally owned property must be at least 25 years. If the current lease is within 5 years of termination, a letter of intent to renew the lease will be required from the federal agency.

(2) For the duration required under section (1) of this rule, Project Sponsors must ensure that land within the approved project boundary:

(a) Is used only for public park and recreational purposes;

(b) Is owned, leased, or otherwise controlled by the Project Sponsor; and

(c) Is not sold, transferred, converted, or otherwise disposed of without prior written approval from the Department.

(3) If the Project Sponsor converts land within the project boundary to a use other than public outdoor park and recreation purposes or disposes of such land by sale or otherwise, applicant must provide replacement property within 24 months of either the conversion or the discovery of the conversion. Replacement property must meet the following requirements:

(a) The fair market value of the replacement property is of at least equal fair market value to that of the converted property, as established by an appraisal prepared in accordance with 736-007-0030(4)(b); and

(b) Replacement property is of reasonably equivalent usefulness and location as the property being converted or lost.

(4) If replacement property cannot be obtained within 24 months, the Project Sponsor will provide payment of the grant program's prorated share of the current fair market value to OPRD. The prorated share is that percentage of the original grant (plus any amendments) as compared to the original project cost(s).

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

(6) Project Sponsors that have not addressed or submitted documentation to the Department or National Park Service (NPS) for review and remediation of an active conversion through the Land and Water Conservation Fund Program or the Local Government Grant Program are not eligible to apply for County Opportunity Grant Program assistance.

(7) Project Sponsors who have addressed a conversion at the local level and have submitted documentation to the Department and/or NPS for review and approval of the conversion through the Land and Water Conservation Fund Program or the County Opportunity Grant Program may apply for funding assistance.

Statutory/Other Authority: ORS 390.117, 390.124 & 390.134

Statutes/Other Implemented: ORS 390.134

736-007-0050

Emergency Procedure

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

(2) In implementing the emergency procedure, the Director shall consider the availability of funds; the scope and need of projects available for funding; the urgency and statewide importance of prospective projects; and the need to expend additional funds that may become available in a timely manner. The Director may propose projects to the Commission for funding under this section and the Commission may waive other requirements of this rule for the purpose of obligating funds in a timely manner.

Statutory/Other Authority: ORS 390.117, 390.124 & 390.134
Statutes/Other Implemented: ORS 390.134