

9b Local Government Grant Program rules OAR 736-006-0015, 0121/0125 Attachment A

736-006-0110

Definitions

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

- (1) "Acquisition" — Means the gaining of property rights, including but not limited to fee title or easements, for public use.
- (2) "Bicycle recreation" — Means the use of bicycles for enjoyment, social interaction, education, or physical well-being while on recreational trails or paths that are not along or adjacent to public roads or streets, and that are primarily recreational rather than transportation in nature.
- (3) "Commission" — Means the Oregon Parks and Recreation Commission.
- (4) "Committee" — Means the Local Government Grant Advisory Committee appointed by the director to prioritize local government project applications.
- (5) "Conversion" — Means the act of utilizing property acquired or developed using either Local Government Grant Program funds or Land and Water Conservation Funds for purposes other than public outdoor recreation uses.
- (6) "Current Master Plan" — Means a site-specific resource-based plan guiding recreational site acquisition, development, protection, and management of park areas and facilities.
- (7) "Department" — Means the Oregon Parks and Recreation Department (OPRD).
- (8) "Development" — Means the construction or rehabilitation of facilities necessary for the use and enjoyment of public outdoor recreation resources.
- (9) "Director" — Means the Director of the Oregon Parks and Recreation Department.
- (10) "Force Account" — Means the governmental entity's own work force performing project work rather than contracting out for the services.
- (11) "LWCF or Land and Water Conservation Fund" — Means those funds made available to the state through the Land and Water Conservation Fund Act of 1965 (Public Law 88-578).
- (12) "Local Comprehensive Plan" — Means the acknowledged comprehensive land use plan prepared by each local jurisdiction within the state, as required by ORS chapter 197.

(13) "Local Governments" — "Local Governments" — has the meaning provided in ORS 174.116.

(14) "Local Government Grant Policies and Procedures Manual" — Means a manual prepared by the department containing state and federal policies, procedures and instructions to assist local government agencies wishing to participate in the Local Government Grant Program.

(15) "Local Government Grant Program" — Means the program and process for distributing state monies to eligible local governments for outdoor park and recreation areas and facilities located on properties controlled or managed by the eligible local government.

(16) "Major Rehabilitation" — Means the repair, restoration, or reconstruction of facilities, which is necessitated by obsolescence, building code changes, or normal wear and tear.

(17) "OPRD" — Means the Oregon Parks and Recreation Department.

(18) "Outdoor Recreation" — Means structured and unstructured leisure and fitness activities that occur in open air and are not provided in a roofed and enclosed facility.

(19) "Project" — Means the planning or feasibility study documents or the site and associated improvements where acquisition, development, or major rehabilitation will occur.

(20) "Project Authorization" — Means the State/Local Agreement that authorizes the project to begin effective on or after the date signed by both the Director and Project Sponsor or their designee.

(21) "Project Sponsor" — Means the recipient of the grant funds and the entity responsible for implementation of the project and the maintenance and operation of the site.

(22) "Remediation" — Means the plan and process the department uses to resolve a conversion.

(23) "SCORP" — Means the Statewide Comprehensive Outdoor Recreation Plan, the document used to identify and assess Oregon's outdoor recreation needs.

(24) "State/Local Agreement" — Means the signed agreement between the department and project sponsor, which authorizes the project to begin.

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

736-006-0115

Apportionment of Monies

- (1) Up to 20 percent of available funds may be awarded for small grants. Small grants are projects with a maximum \$100,000 grant request.
- (2) Other than for land acquisitions, the remainder of available funds shall be for large projects with a maximum of up to \$1,000,000 grant request.
- (3) A project sponsor may request grant funding for land acquisitions in an amount not to exceed \$1,000,000.
- (4) In consultation with the committee, the commission and the director may set the maximum at more or less than that above amounts based upon the availability of funds.
- (5) Based on the quality and quantity of eligible projects, the committee, with concurrence of the director, may dedicate a portion of the funds for projects expected to be completed within 12 months of grant award.
- (6) In consultation with the committee, the director may dedicate a portion of the available funds to projects located in cities or districts with populations under 25,000 and counties with populations under 50,000.

736-006-0121

Bicycle and Pedestrian Projects

~~Until January 2, 2025, the Committee shall:~~

- ~~(1) Dedicate up to \$1 million per year to be awarded for bicycle and pedestrian projects that meet recreation and transportation needs, notwithstanding OAR 736-006-0125(3)(a). Bicycle and pedestrian transportation project needs may include improving walking and bicycling access in areas where no connection exists, transportation options are limited or significant safety concerns are addressed by the improvement.~~
- ~~(2) Include one representative from the Oregon Bicycle and Pedestrian Advisory Committee created in ORS 362.112.~~
- ~~(3) May consider adopted transportation system plans in application scoring in addition to criteria identified in 736-006-0145(5)(b).~~

Statutory/Other Authority: ORS 390.180

Statutes/Other Implemented: 2019 HB 2592 & ORS 390.180

History:

PRD 4-2019, adopt filed 11/25/2019, effective 11/25/2019

736-006-0125

Application Procedure

The purpose of this rule is to set forth requirements that must be met by local government applicants applying for Local Government Grant Program funding assistance.

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

- (a) Cities, municipal corporations;
- (b) Counties, political subdivisions;
- (c) Park and recreation districts;
- (d) Port districts;
- (e) Metropolitan service districts.

(2) Matching requirements:

- (a) Cities and districts with a population greater than 25,000 and counties with a population greater than 50,000 must provide a match of at least 50 percent of total project costs.
- (b) Cities and districts with populations of 20,000 or less qualify for reduced match requirements as provided by ORS 390.135.
- (c) Cities and districts with a population between 20,000 and 25,000, and counties with a population between 30,000 and 50,000 must provide a match of at least 40 percent of total project costs.
- (d) Counties with a population of less than 30,000 must provide a match of at least 20 percent of total project costs.
- (e) If an applicant established that a situation of extreme economic hardship impacts a project, the applicant may request that the director authorize a reduced match down to a minimum of 20 percent of total project costs. The director has sole discretion to authorize a reduced match under this subsection based on consideration of the applicant's request, the project, and the project's eligible match; the availability of funds; the scope and need of projects available for funding; and the urgency and statewide importance of prospective projects.
- (f) The eligible match by the project sponsor may include local budgeted funds, local agency labor or equipment, federal revenue sharing, other eligible grants, state and county

inmate labor, donated funds, the value of private donated property, equipment, materials, labor, the value of land acquired within the past six-year period, cost of appraisals, pre-development costs within the past two-year period or any combination thereof.

Engineering and administration costs and costs incurred prior to the State/Local Agreement cannot exceed 15 percent of the total project costs.

(3) Eligible projects:

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

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

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

(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.

(5) Application procedure.

(a) All applications for funding assistance for outdoor park and recreation program projects must be submitted in a format as prescribed and supplied by the department. All applications must be consistent with the Local Government Grant Policies and Procedures Manual and contain the following information:

(A) Project narrative;

(B) Environmental review;

- (C) State agency review;
- (D) Maps;
 - (i) Vicinity map;
 - (ii) Project boundary map;
- (E) 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;
- (F) Preliminary plans for construction projects;
- (G) Estimate of project costs and schedule;
- (H) Land Use compatibility statement completed by the appropriate planning department;
- (I) Certification by applicant of availability of local match;
- (J) All required permits and certifications as identified in the Local Government Grant Policies and Procedure Manual;
- (K) Other documentation that may be required by the department.
- (b) Additional requirements for acquisition projects: Appraisal. Appraisals must conform to the Uniform Standards of Professional Appraisal Practice (USPAP);
 - (A) Appraisal review;
 - (B) Preliminary title report; and
 - (C) Proof of willing seller or donor.
- (6) Application process:
 - (a) The department shall announce through a variety of media the availability of, procedures for, deadlines and other information for applying for Local Government Grant Program assistance. Department staff shall perform a technical review of all applications and forward eligible large grant applications to the committee. The committee will meet to evaluate the applications and make recommendations to the director for commission approval. The commission may deny any or all recommendations of the committee.
 - (b) Project sponsors may be expected to provide a presentation to the committee under a procedure established by the department.

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

(7) Project administration:

(a) A signed State/Local Agreement shall constitute project authorization. No grant funds may be disbursed without a signed State/Local Agreement from the department.

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

(c) The project sponsor shall complete all projects by the dates as specified in the State/Local Agreement.

(d) The department may inspect all projects.

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

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

(g) Project amendments that increase the Local Government Grant award amount will generally not be allowed. Project amendment requests based on extraordinary circumstances will, however, be reviewed on a case-by-case basis.

(h) Requests for time extensions must be submitted in writing prior to the expiration of the approved project period as set forth in the State/Local agreement.

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

Statutory/Other Authority: ORS 390.180

Statutes/Other Implemented: ORS 390.180

History:

[PRD 7-2022, amend filed 11/22/2022, effective 11/22/2022](#)

PRD 3-2012, f. & cert. ef. 5-11-12

PRD 4-2008, f. 2-15-08, cert. ef. 3-1-08

PRD 6-2004, f. & cert. ef. 5-5-04

PRD 7-1999, f. & cert. ef. 11-23-99