

NOTICE OF PROPOSED RULEMAKING

CHAPTER 736

PARKS AND RECREATION DEPARTMENT

FILING CAPTION: Updates to the Oregon Main Street Network rule to include Oregon Main Street.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/31/2024 5:00 PM

HEARING(S):

DATE: 08/26/2024

TIME: 1:00 PM - 2:00 PM

OFFICER: Helena Kesch

REMOTE HEARING DETAILS

MEETING URL: https://us06web.zoom.us/webinar/register/WN_1vlYgeKzQCC7mPtUZbdo7g

PHONE NUMBER: 503-881-4637

SPECIAL INSTRUCTIONS:

Must click link to register prior to attending public hearing.

NEED FOR THE RULE(S):

Oregon Main Street is a statewide program implementing the Main Street Approach™ trademarked and managed by Main Street America. Oregon Parks and Recreation Department holds an annual agreement with Main Street America to be the official statewide coordinating program. Oregon Main Street provides training and technical assistance to communities participating in the Main Street Track of the Oregon Main Street Network and allows for access to the Oregon Main Street Revitalization Grant which funds building improvement projects that spur economic development for all Network communities (available once per biennium in odd years).

The proposed rule will include parameters for participation in the Oregon Main Street Network, describe how resources will be provided to participating organizations and establish primary structure for management of and participation in the Oregon Main Street Network. Currently, no OARs exist for the program and the program is linked to a significant statutorily created grant program.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Oregon Parks and Recreation Rulemaking webpage:

<https://www.oregon.gov/oprd/prp/pages/prp-rulemaking.aspx>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The department estimates that there may be a positive racial equity impact based on the rule amendment, however the agency does not have data regarding the race and ethnicity of those excluded from park properties and the ocean shore. Improvements in clarity and due process will benefit all individuals.

FISCAL AND ECONOMIC IMPACT:

There may be a minimal additional cost and staff time to the agency for including Oregon Main Street to rule.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The state agency impacted would only be OPRD. Members of the public impacted could be those participating in Oregon Main Street.

(2) There is no impact on small businesses.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses are not impacted by this rule so they are not included.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT? Oregon Main Street Network developed a set of recommendations to update the Oregon Main Street Network rule during their July 19, 2024 meeting.

CONTACT:

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RULES PROPOSED:

736-056-0000, 736-056-0010, 736-056-0012, 736-056-0014, 736-056-0016, 736-056-0018, 736-056-0020, 736-056-0030, 736-056-0040, 736-056-0050, 736-056-0060, 736-056-0070, 736-056-0080

AMEND: 736-056-0000

RULE TITLE: Purpose

RULE SUMMARY: Updates to the Oregon Main Street Network rule to include Oregon Main Street

RULE TEXT:

The purpose of this division is to establish the procedures and criteria the Oregon Parks and Recreation Department will use to coordinate Oregon Main Street and to award Oregon Main Street Revitalization Grant Funds.

(1) The Department will use this division when coordinating Oregon Main Street, the statewide

downtown and commercial neighborhood improvement program implementing the Main Street Approach™ trademarked and managed by Main Street America. This division:

(a) Provides the parameters for organizations to participate in the Oregon Main Street Network, and

(b) Outlines how the Department will provide resources to participating organizations.

(2) The Department will use procedures and criteria in this division when awarding Oregon Main Street Revitalization Grant Funds as provided in ORS 390.262 and 390.264. 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.

STATUTORY/OTHER AUTHORITY: ORS 390.124(1), 390.262(9)

STATUTES/OTHER IMPLEMENTED: ORS 390.262, 390.264

AMEND: 736-056-0010

RULE TITLE: Definitions

RULE SUMMARY: Updates to the Oregon Main Street Network rule to include Oregon Main Street

RULE TEXT:

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 the grant recipient who is 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.
- (7) “Oregon Main Street” means the statewide downtown and commercial neighborhood improvement program implementing the Main Street Approach™ trademarked and managed by Main Street America.
- (8) “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).
- (9) “Main Street Track” means the organizations that are participating in the Affiliated Main Street, Designated Main Street, and Accredited Main Street tiers, and Rural Regional Main Street hub.
- (10) “Rural Regional Main Street” means regional tier that serves multiple communities under a designated hub organization and the communities participating under the designated hub.
- (11) “Rural Regional Main Street Hub” means the organization that serves as the coordinating body bringing together rural community members from neighboring towns.
- (12) “OMS Coordinator” means the Department’s staff person responsible for administering the

Oregon Main Street program and overseeing the coordination of services for the Oregon Main Street Network.

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

(14) “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).

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

STATUTORY/OTHER AUTHORITY: ORS 390.124(1), 390.262(9)

STATUTES/OTHER IMPLEMENTED: ORS 390.262, 390.264

ADOPT: 736-056-0012

RULE TITLE: Oregon Main Street

RULE SUMMARY: Updates to the Oregon Main Street Network rule to include Oregon Main Street

RULE TEXT:

Role as statewide Main Street Coordinating Program

(1) The Department holds an agreement with Main Street America to be the official statewide coordinating program.

(2) The Department meets the requirements of Main Street America as the official statewide coordinating program.

STATUTORY/OTHER AUTHORITY: ORS 390.124(1), 390.262(9)

STATUTES/OTHER IMPLEMENTED: ORS 390.262, 390.264

ADOPT: 736-056-0014

RULE TITLE: Oregon Main Street Network Structure

RULE SUMMARY: Updates to the Oregon Main Street Network rule to include Oregon Main Street

RULE TEXT:

The Department has a tier system of participation to serve a broad range of organizations depending on their capacity and interest in implementing a comprehensive downtown improvement program and includes the process for designating organizations and participation requirements.

(1) A designated local community must have the following base level requirements:

(a) A map of the designated downtown or commercial area approved by Oregon Main Street;

(b) Two primary contact people provided to Oregon Main Street;

(c) An annual participation agreement with Oregon Main Street that specifies participation requirements and benefits;

(d) A representative that participates in trainings offered by Oregon Main Street;

(e) A commitment to historic preservation;

(f) Compliance with nonprofit, labor, and all applicable local, state and federal laws and regulations;
and

(g) Compliance with any other criteria contained in the Oregon Main Street handbook, application, or participation agreement.

(2) Additional requirements for Affiliated Main Street, Designated Main Street, Accredited Main Street, and Rural Regional Main Street tiers.

(a) Affiliated Main Street level organizations must meet the base level requirements in section (1) and:

(A) Have part-time staff;

(B) Commit to forming an independent nonprofit organization unless or another organizational form if approved by the Department;

(C) Have a sustainable funding plan;

(D) Submit quarterly reports;

(E) Commit to on-going implementation of a main street structure; and

(E) Any other requirements that the Department may establish.

(b) A Designated Main Street level organizations, must meet the baseline requirements in section (1) and:

(A) Have a full-time executive or managerial position or part-time for communities under 5,000 in population;

(B) Have an independent nonprofit organization unless another form is approved by the Department;

(C) Sign an annual sublicense agreement with Main Street America;

(D) Submit quarterly reports;

(E) Have comprehensive workplan based on the main street structure;

(F) An active board of directors; and

(G) Any other requirements that the Department may establish.

(c) To maintain status as an Oregon Main Street Accredited organization, an Accredited Main Street level organizations must:

(A) Meet all the baseline requirements in section (1) and requirements provided for Designated Main Street in section (2)(a); and

(B) Complete Main Street America's National Accreditation self-assessment and meet national criteria at least once every two years.

(d) Rural Regional Main Street hub organizations must meet all the baseline requirements in section (1) and requirements provided for Designated Main Street in section (2)(b).

(3) Process for designating organizations.

(a) Connected Community tier.

(A) Application and submission:

(i) Oregon Main Street accepts applications year-round.

(ii) Applicants submit an application form on the Departments website.

(iii) Submit a map with a clear boundary of the proposed historic downtown or neighborhood commercial district.

(B) Designation.

(i) The application form and map will be reviewed by the Department to determine whether the

applicant meets base level requirements provided in section (1).

(ii) All submissions that meet the base level requirements in section (1) will be added to the Oregon Main Street Network at the Connected Community tier.

(b) Affiliated and Designated Main Street tiers.

(A) Application and submission:

(i) Oregon Main Street accepts applications once per year.

(ii) The applications are available on the Departments website.

(iii) Submit a map with a clear boundary of the proposed historic downtown or neighborhood commercial district.

(B) Designation

(i) The Department will conduct an initial review for completeness.

(ii) A committee comprised of the Oregon Main Street coordinator, representatives from local main street organizations, state agency partners, or other downtown professionals will review complete applications and make recommendations for readiness to participate in the Oregon Main Street Network at one of the tiers in subsection (c)(d).

(iii) The Department will consider the committee recommendations in making final determinations for accepting communities in the Main Street Track and level.

(c) Accredited Main Street tier

(A) This tier can only be achieved by first joining the Oregon Main Street Network at the Designated tier level.

(i) The organization must meet Main Street America's National Accreditation criteria after completion of an online self-assessment form through Main Street America's process.

(ii) The Department and Main Street America will review the online self-assessment form for completeness.

(B) After a Designated Main Street level organization achieves Main Street America annual accreditation recognition, the organization will automatically move to the Accredited Main Street tier of the OMS Network.

(d) Rural Regional Main Street

(A) Application

(i) Applications are required for both the hub organization and communities participating under the hub.

(ii) Hub organization applications are accepted by invitation to participate at this level after conversation with likely partners in a region. Hub organizations must have at least three participating rural communities in their region to be considered a hub.

(B) Designation

(i) The Department will review the application and determine readiness to serve as a Rural Regional Main Street hub.

(ii) The Department will approve communities participating in the hub.

STATUTORY/OTHER AUTHORITY: ORS 390.124(1), 390.262(9)

STATUTES/OTHER IMPLEMENTED: ORS 390.262, 390.264

ADOPT: 736-056-0016

RULE TITLE: Oregon Main Street Network Services

RULE SUMMARY: Updates to the Oregon Main Street Network rule to include Oregon Main Street

RULE TEXT:

The Department will provide services to organizations maintaining participation requirements in the Oregon Main Street Network based on tier level, such as:

- (1) Workshops and training opportunities like the Oregon Main Street Conference, on demand webinars, virtual workshops;
- (2) Online resources such as guides and sample documents;
- (3) Virtual and in-person networking opportunities;
- (4) Orientation for new executive directors and board members;
- (5) Technical assistance;
- (6) Board strategic planning assistance;
- (7) Program evaluation and advice; and
- (8) Other services identified by the Department.

STATUTORY/OTHER AUTHORITY: ORS 390.124(1), 390.262(9)

STATUTES/OTHER IMPLEMENTED: ORS 390.262, 390.264

ADOPT: 736-056-0018

RULE TITLE: Oregon Main Street Data Collection

RULE SUMMARY: Updates to the Oregon Main Street Network rule to include Oregon Main Street

RULE TEXT:

(1) The Department will collect data from participating Oregon Main Street Network organizations to track the value and impact of the program locally and statewide. Data from Accredited, Designated, and Affiliated Main Street tier organizations will be collected quarterly and include the following activity within the organization's primary focus area.

(a) Business and job related data.

(b) Physical and infrastructure related data including new construction, improvements and losses.

(c) Volunteer participation.

(d) Updated organization contact information, and

(e) Other data needed to enhance and track the benefits of Oregon Main Street.

(2) The Department will collect data from Connected Communities tier organizations annually and include updated contact information, any qualifying workshops or trainings attended, and a brief description of any downtown activity for the year.

(3) Oregon Main Street will publish an annual report on the Departments website.

STATUTORY/OTHER AUTHORITY: ORS 390.124(1), 390.262(9)

STATUTES/OTHER IMPLEMENTED: ORS 390.262, 390.264

AMEND: 736-056-0020

RULE TITLE: Oregon Main Street Revitalization Grant Eligible Applicants

RULE SUMMARY: Updates to the Oregon Main Street Network rule to include Oregon Main Street

RULE TEXT:

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.

STATUTORY/OTHER AUTHORITY: ORS 390.124(1), 390.262(9)

STATUTES/OTHER IMPLEMENTED: ORS 390.262, 390.264

AMEND: 736-056-0030

RULE TITLE: Oregon Main Street Revitalization Grant Application Procedure/Process

RULE SUMMARY: Updates to the Oregon Main Street Network rule to include Oregon Main Street

RULE TEXT:

(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:

(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.

(h) Evidence that the property owner understands and agrees with the proposed 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.

STATUTORY/OTHER AUTHORITY: ORS 390.124(1), 390.262(9)

STATUTES/OTHER IMPLEMENTED: ORS 390.262, 390.264

AMEND: 736-056-0040

RULE TITLE: Oregon Main Street Revitalization Grant Evaluation of Applications

RULE SUMMARY: Updates to the Oregon Main Street Network rule to include Oregon Main Street

RULE TEXT:

- (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.
- (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.

STATUTORY/OTHER AUTHORITY: ORS 390.124(1), 390.262(9)

STATUTES/OTHER IMPLEMENTED: ORS 390.262, 390.264

AMEND: 736-056-0050

RULE TITLE: Award of Oregon Main Street Revitalization Grants

RULE SUMMARY: Updates to the Oregon Main Street Network rule to include Oregon Main Street

RULE TEXT:

- (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;
 - (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.
- (5) The State Historic Preservation Officer may award grant funds to acquire, rehabilitate, or construct buildings, or any combination thereof, to a Grantee. The Grantee is not required to have an ownership interest in the subject property.

STATUTORY/OTHER AUTHORITY: ORS 390.124(1), 390.262(9)

STATUTES/OTHER IMPLEMENTED: ORS 390.262, 390.264

AMEND: 736-056-0060

RULE TITLE: Disbursement of Oregon Main Street Revitalization Grant Funds

RULE SUMMARY: Updates to the Oregon Main Street Network rule to include Oregon Main Street

RULE TEXT:

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.

STATUTORY/OTHER AUTHORITY: ORS 390.124(1), 390.262(9)

STATUTES/OTHER IMPLEMENTED: ORS 390.262, 390.264

AMEND: 736-056-0070

RULE TITLE: Suspension or Termination of Agreement and Recovery of Oregon Main Street Revitalization Grant Funds

RULE SUMMARY: Updates to the Oregon Main Street Network rule to include Oregon Main Street

RULE TEXT:

(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.

STATUTORY/OTHER AUTHORITY: ORS 390.124(1), 390.262(9)

STATUTES/OTHER IMPLEMENTED: ORS 390.262, 390.264

AMEND: 736-056-0080

RULE TITLE: Oregon Main Street Revitalization Grant Impact

RULE SUMMARY: Updates to the Oregon Main Street Network rule to include Oregon Main Street

RULE TEXT:

(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.

STATUTORY/OTHER AUTHORITY: ORS 390.124(1), 390.262(9)

STATUTES/OTHER IMPLEMENTED: ORS 390.262, 390.264

