

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 736
PARKS AND RECREATION DEPARTMENT

FILED

06/28/2024 8:20 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: State Park Rate Range Adjustments

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/30/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Katie Gauthier
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 07/31/2024

TIME: 5:30 PM

OFFICER: Katie Gauthier

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-510-9678

SPECIAL INSTRUCTIONS:

Must register to attend hearing: https://us06web.zoom.us/webinar/register/WN_aT-S-tRHScONYnp8SxErmQ

DATE: 08/13/2024

TIME: 5:30 PM

OFFICER: Katie Gauthier

IN-PERSON HEARING DETAILS

ADDRESS: North Mall Office Building, 725 Summer Street NE, Salem, OR 97301

SPECIAL INSTRUCTIONS:

Must arrive by 6 PM to testify.

NEED FOR THE RULE(S)

ORS 390.124(2)(a) authorizes the State Parks and Recreation Commission to adopt by rule a range of changes for the use of areas established and maintained by the department. From that range, the director may set and adjust fees, with changes allowed no more than four times per calendar year. This statute is a result of legislation approved in 2017 (HB 2318).

The first rate ranges were adopted into rule in 2018 and implemented by the department in 2019. Since that time, the director has utilized the flexible fee authority to adjust fees based on visitation patterns, increased costs, and seasonal fluctuations.

For select site types, the current fee charged is nearing the top of the rate range. The initial rate ranges were set with the goal of meeting agency needs for approximately three biennia, which would conclude in June 2025.

Adjustments to rate ranges are necessary to respond to increases in utility costs, operations and maintenance needs and inflation. Increasing the rate ranges, does not mean that fees charged per night will increase automatically, but will provide the agency flexibility to adjust fees as conditions change in coming years.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

The 2025-29 Statewide Comprehensive Outdoor Recreation Plan (draft)

<https://www.oregon.gov/oprd/PRP/Documents/SCORP-2025-29-SCORP-Report-Public-Review.pdf>

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

The Oregon Resident Outdoor Recreation Survey updated as part of the 2025-2029 Statewide Comprehensive Outdoor Recreation Plan (SCORP) included questions that specifically address motivations to recreate and constraints that limit outdoor recreation to better understand participation differences across demographic groups. The survey responses reveal clear differences in outdoor recreation participation across different racial groups in Oregon.

Mixed Race and White populations report outdoor recreation participation levels similar to that of the Oregon general population, while Asian and Black/African American residents participate in outdoor recreation fewer times per year than the general population. In terms of specific outdoor recreation activities, the Asian and Black/African American populations each have a lower participation rate than the Oregon population for the majority of activities. There is also evidence that the Hispanic/Latino/a population may be underserved in terms of total outdoor recreation times per year, despite the fact that this group participates in more specific activities than other Oregonians.

The survey identified a number of constraints to participation in outdoor recreation for underserved communities with cost of overall trip being one of the factors among many. The proposed adjustments in rate ranges will increase costs for camping overtime. Utilizing recommendations included in the SCORP provide avenues that may help to alleviate impacts of proposed rule changes on racial equity in the state.

FISCAL AND ECONOMIC IMPACT:

An Earth Economics study in 2022, included in the 2025-29 SCORP, found outdoor recreation in Oregon supported \$21.2 billion in spending at businesses throughout the state, which then rippled through Oregon's economy as income and wages were re-spent, driving economic effects in sectors not directly tied to outdoor recreation. Total consumer spending on outdoor recreation in 2022 supported 198,000 full and part-time jobs in Oregon, associated with \$8.4 billion in wages and other compensation.

The state park system operates through a combination of park visitor revenue, a share of the recreation vehicle registration fee—which make up more than half the funding—and a share of constitutionally-dedicated Lottery approved by Oregon voters in 1999 and 2010. As utilities, operations and maintenance costs rise, the agency must balance revenue to ensure long term sustainability for state parks.

The proposed rule change adjusts rate ranges but does not set specific fees for campsites therefore specific fiscal impacts are not available. This change would give the agency flexibility to increase revenue, when necessary, in the future.

Adding an out-of-state surcharge on all campsites would be projected to generate an additional \$791,970 in overnight revenue per biennium (based on 23-25 projections). Full and partial hookup sites already include an out-of-state surcharge as required by ORS 390.124(2)(a).

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).

The department anticipates this rule will have a minimal impact on state agencies, units of local government, or small businesses. Small businesses are not subject to the rule. There are no reporting, record keeping or other administrative activities required of small businesses. There are no equipment, supplies, labor, record keeping or additional administrative costs for small businesses.

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

The rule does not impact small businesses, so they were not specifically included in development of the rule.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Responsibility to set rate ranges is directed by statute (ORS 390.124(2)(a)) to the Oregon State Parks and Recreation Commission.

RULES PROPOSED:

736-015-0006, 736-015-0020, 736-015-0030, 736-015-0040, 736-015-0043

AMEND: 736-015-0006

RULE SUMMARY: Definitions used in reservation division rules. Changes add definition for campsite and modify definition for non-residents.

CHANGES TO RULE:

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) "Campsite" means full hookup, electrical hookup, tent, primitive, yurt, cabin, tepee, hiker/biker/boater, horse camping and group tent and group RV camp areas.¶¶

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

(~~3~~4) "Department" means the Oregon State Parks and Recreation Department.¶¶

(4~~5~~) "Director" means the director of the department.¶¶

(5~~6~~) "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~~7~~) "Fee Range" means a range of fees that may be charged for a campsite. The director will set the actual fee for

each campsite within that range.

(8) "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 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.

(79) "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.

(810) "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.

(911) "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."

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

(113) "Non-resident" means individuals who reside outside of the state of Oregon. A person who is an enrolled member of an Indian Tribe as defined in ORS 97.740 is considered resident of Oregon.

(124) "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.

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

(146) "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.

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

(168) "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.

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

(1820) "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.

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

(202) "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.

(213) "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.

(224) "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.

~~(23) "Fee Range" means a range of fees that may be charged for a campsite. The Director will set the actual fee for each campsite within that range.~~

Statutory/Other Authority: ORS 390.124

Statutes/Other Implemented: ORS 390.050, 390.111, 390.121, 390.124

AMEND: 736-015-0020

RULE SUMMARY: Sets rate ranges for campsites. Changes increase rate ranges and charge a 25% surcharge for all campsites for non-residents.

CHANGES TO RULE:

736-015-0020

Overnight Rentals ¶

The director is authorized by the commission to include transient lodging taxes in the nightly rental rate and to increase the rental rate to the nearest whole dollar. The department shall retain the additional revenue. A 25-percent surcharge will be added to all campsites reserved by non-residents. Campsite Rental rates (per night per site before tax):¶

(1) Full Hookup Campsite: Provides campsite with individual water supply, electrical and sewage hookups, table, stove, and access to a restroom. Fee Range: ~~\$26-40.~~ Pursuant to ORS 390.124(2)(a) non-residents will be charged a 25-percent surcharge for this site type ~~33-52.~~¶

(2) Electrical Hookup Campsite: Provides campsite with individual water supply and electrical hookups, table, stove, and access to a restroom. Fee Range: ~~\$24-38.~~ Pursuant to ORS 390.124(2)(a) non-residents will be charged a 25-percent surcharge for this site type ~~31-49.~~¶

(3) Tent Campsite: Provides campsite with water supply nearby but does not have electricity or sewage hookup. Provides table, stove, and access to a restroom. Fee Range: ~~\$217-229.~~¶

(4) Primitive Campsite: Provides campsite with table and stove; water and sanitary facilities may be some distance away. All primitive campsites Fee Range: ~~\$10-42.~~¶

(5) Yurt: Rustic units provide a temporary tent structure, covered deck, heat, lights and beds along with outdoor picnic facilities. Deluxe units add kitchen facilities, bathrooms and showers.¶

(a) Rustic: Fee Range: ~~\$452-672.~~¶

(b) Deluxe: Fee Range: ~~\$81-96-129.~~¶

(6) Cabin: Rustic units provide a hard-walled wooden structure, covered deck, heat, lights and beds along with outdoor picnic facilities. Totem units are primitive log units. Mini units only allow up to four people and include microwave and refrigerator. Deluxe 1 units add kitchen facilities, bathrooms and showers.¶

(a) Totem: Fee Range: ~~\$26-460.~~¶

(b) Rustic: Fee Range: ~~\$452-6281.~~¶

(c) Mini: Fee Range: ~~\$52-100.~~¶

(d) Deluxe 1: Fee Range: ~~\$891-9129.~~¶

(7) Tepee: Tepee replica units vary in diameter from 18' to 26' and provide heat, lights and beds along with outdoor picnic facilities. All tepees: Fee Range: ~~\$42-6281.~~¶

(8) Hiker/Boater/Bicyclist Campsite: Provides cleared area for campers without motor vehicles; water and sanitary facilities may be some distance away. All hiker/boater/bicyclist campsites: Fee Range: ~~\$7-126~~ per camper per night.¶

(9) Extra Vehicle in Campground: An additional rental rate of ~~\$710-15~~ per vehicle is charged when an extra vehicle is driven into the campground and remains overnight.¶

(10) Extra Motorcycle in Campground: If the initial campsite rental is to a person riding a motorcycle, and the first extra vehicle is a motorcycle, the second motorcycle will not be charged. Additional motorcycles in the site will be charged ~~\$710-15~~ as an extra vehicle. The ~~\$7~~-extra vehicle charge will allow up to two motorcycles per extra vehicle charge.¶

(11) Pre-Registration (where available): The department may allow a person with a reservation for individual tent, electrical or full hook-up campsites to expedite the check-in process by registering on-line prior to or upon arrival at the park area.¶

(12) Pursuant to ORS 105.672 to 105.696, overnight rental charges under this rule are for use of the assigned area or park facility of the state park land for camping 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.

Statutory/Other Authority: ORS 390.124

Statutes/Other Implemented: 390.121, 390.124, ORS 390.111, ORS 105.672 to 105.696

AMEND: 736-015-0030

RULE SUMMARY: Describes day use parking permit fees. Changes remove names of specific parks that will assess a day use parking permit fee and outline the director's role in determining which parks assess a fee.

CHANGES TO RULE:

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 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~~The director will determine parks assessing 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.¶

(a) Information about parks charging a parking permit fee will be posted on the department website.¶

(b) Proposed changes in parks assessing a parking permit fee will be reviewed by the director on an annual basis.¶

(c) Proposed changes in parks assessing a parking permit fee will be posted on the department website for a minimum of 30 days prior to the effective date.

Statutory/Other Authority: ORS 390.124

Statutes/Other Implemented: ORS 390.111, 390.121, HB 3673 (2010)

AMEND: 736-015-0040

RULE SUMMARY: Describes rate ranges for various rental sites and products. Changes include clarifying packages available for rental at Shore Acres and Champoeg and adding a marina slip category for parks without campgrounds.

CHANGES TO RULE:

736-015-0040

Miscellaneous Rentals and Products ¶¶

- (1) Firewood: Where conditions permit, firewood will be sold.¶¶
- (2) Boat Moorage Facilities - \$~~15-40~~ per day per boat: Where boat moorage facilities are provided they may only be reserved with other campsite reservations.¶¶
- (3) Marina Slip Rental- Slips available at marinas in parks without camping facilities. Rental rates and lengths of time will be detailed on the department website.¶¶
- (4) Showers - \$~~25-10~~ per person: Charged where showers are available to non-campers in a campground.¶¶
- (45) Horse Camping Area:¶¶
 - (a) Non-hookup site: Fee Range: \$~~217-229~~ per night per camper unit;¶¶
 - (b) Hookup site: Fee Range: \$~~26-40~~~~33-52~~ per night per camper unit, pursuant to ORS 390.124(2)(a) non-residents will be charged a 25-percent surcharge for this site type;¶¶
 - (c) Group site (accommodates 3-5 units): Fee Range: \$~~54-67-86~~ per night;¶¶
 - (d) Double site: Fee Range: \$~~43-699-90~~ per night per two camper units;¶¶
 - (e) A camper unit consists of a motor home, van, trailer, tent or camper, or similar vehicle.¶¶
- (56) Group Tent Camps: Small group tent areas available in some parks which are designed to accommodate approximately 25 people. Water and toilet facilities are provided nearby, but shower facilities may be some distance away.¶¶
 - (a) Base rate (0-25 people): Fee Range: \$~~790-90~~~~117~~ per night;¶¶
 - (b) Charges for persons in excess of the 25 person base rate will be \$3 per person per night.¶¶
- (67) Group RV Camp: Special camp area designed to accommodate RV's requiring hookups in a group setting. The camp has electrical hookups available, water, table, stove, and access to a restroom.¶¶
 - (a) Base rate (up to 10 units): Fee Range: \$~~1020-1200~~ per night, pursuant to ORS 390.124(2)(a) a site reserved by a non-resident will be assessed a 25-percent surcharge;¶¶
 - (b) Charges for units in excess of the 10-unit base rate: \$10 per unit per night.¶¶
- (78) Pets Staying Overnight in Facilities (Yurts, Cabins, Tepees): Not more than two pets (cat or dog only) staying overnight in facilities: \$10 per night.¶¶
- (8) Youth Camp (Silver Falls): Large capacity group camp facility with cabins, commercial kitchen facilities, dining hall, showers, meeting halls and swimming facilities. Minimum fee of \$800 per night for up to 80 persons and \$10 per person per night thereafter up to a maximum occupancy of 250 persons.¶¶
- (9) Lodge/Community Hall: Large meeting facility with kitchen and restroom facilities which may be reserved overnight: Fee Range \$~~200-3250~~ per night.¶¶
- (10) Meeting Hall: Small meeting facility, generally associated with a campground, which may have limited kitchen facilities and restrooms: Fee Range \$~~75-125-163~~ per day.¶¶
- (11) Champoeg Pavilion: A Includes Indoor Memorial building and outdoor large, covered day-use facility pavilion area for group day-use: Minimum fee range of \$100-15250-400 per event for up to 50 people, and \$1 per person thereafter up to the maximum occupancy of the facility.¶¶
- (12) Shore Acres Garden: Packages: Facilities must be reserved as part of a package. All facility prices, no matter which facility or combination of facilities are kage is booked, start with a minimum of 50 persons per event. Additional people beyond the minimum of 50 are \$1 per person up to a maximum of 100 people per event.¶¶
 - (a) ~~Event Site: A Reservable Shore Acres facilities include garden sites which are lawn areas outside of the formal garden or a section of the formal garden. (NOTE: sites in; the gGarden must be booked in conjunction with another facility): Fee Range \$100-150 per event.~~¶¶
 - (b) Pavilion (inside House and Pavilion which are buildings within the formal garden, and must be booked with an event site or the gthe Observation Building lawn area.¶¶
 - (a) Package 1: includes garden site, Garden hHouse): Fee Range \$100-150 per event.¶¶
 - (c) Garden House (inside the formal garden and must be booked with the, and Pavilion area. Fee Range \$450-700.¶¶
 - (b) Package 2: includes Garden House and Pavilion area. Fee Range \$350-600.¶¶
 - (c) Package 3: includes garden site and Pavilion); area. Fee Range: \$2050-250 per event0.¶¶
 - (d) Package 4: includes Observation Building lawn area (no building included with rental). Fee Range \$150-400.¶¶

Statutes/Other Implemented: ORS 390.111, 390.121, 390.124

AMEND: 736-015-0043

RULE SUMMARY: Establishes an effective date for rate changes. Changes the effective date for new rates to July 1, 2025.

CHANGES TO RULE:

736-015-0043

Effective Dates ¶

Amendments to OAR 736-015-0020, 736-015-0026, 736-015-0030, and 736-015-0040 adopted at the September 20, 2017~~24~~ OPRD Commission meeting become effective upon ~~October~~ July 1, 2017~~25~~.

Statutory/Other Authority: ORS 390.124

Statutes/Other Implemented: ORS 390.111, 390.121, 390.124