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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 736
PARKS AND RECREATION DEPARTMENT

FILED

09/27/2024 10:15 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Day Use Parking Permit requirements and out-of-state surcharge addition to group facilities

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/01/2024 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
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HEARING(S)

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

DATE: 10/23/2024

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 at https://us06web.zoom.us/webinar/register/WN_V32OTU_WRX6OKPmeo3kPIg

NEED FOR THE RULE(S)

Day Use Parking Permit Fees

Day use parking permits are currently required at 25 of Oregon's state parks listed in rule. Under proposed rules, the agency will move to an adaptive management model, utilizing day use parking permits as a tool to help manage visitation and protect natural, cultural and recreation resources, while generating vital revenue for ongoing operations and maintenance needs.

Proposed rules would require a day use parking permit fee at all state parks, with an option for the director to waive fees. If proposed rules are adopted, the agency does not plan to require a permit at all parks.

The purpose of the day use parking permit fee as described in OAR 736-015-0030(1) is to manage increased use of park areas by allowing the director to require a motor vehicle day use parking permit fee. Removing the list of parks from rule will allow the agency to better utilize the day use parking permit fee as a tool in managing increased park use, as directed by the purpose of the fee.

Allowing the park director the discretion to waive fees at selected parks offers a responsive management tool. This flexibility enables the agency to adapt to changing visitation patterns, seasonal demands, and specific park needs.

Group Facility Out-of-State Surcharge

Recently adopted rule changes added a 25% surcharge on all campsites for out-of-state visitors. This proposed rule change would extend the surcharge to group facilities and other rentals. During the original rulemaking process adding the surcharge to all campsites, buildings and other facility rentals were left off. This updated proposed rule changes would allow the agency to fairly and consistently implement the new surcharge.

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.

In this survey Black/African American and Mixed Race respondents identified overall cost of trips to visit natural areas and high use/entrance fees as constraints to participation in outdoor recreation at higher rates than the general population. Understanding price sensitivity concerns may impact racial equity, OPRD will need to evaluate impacts if proposed rules are implemented and consider changes to improve access.

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.

Allowing the agency flexibility regarding which parks require a day use parking permit and consistently implement out-of-state surcharge for campsites and facilities will help to ensure state parks remain sustainable and accessible for

future generations.

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?

The Oregon State Parks and Recreation Commission directed further public comment on consideration of proposed rules.

RULES PROPOSED:

736-015-0030, 736-015-0040

AMEND: 736-015-0030

RULE SUMMARY: Describes requirements for the day use parking permit. Changes would require a parking permit at all park properties unless otherwise posted with the director having the authority to make exceptions.

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~~ in all 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) All park properties require a day use parking permit unless otherwise posted.¶¶

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

(~~b~~c) 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 - \$7-15;¶¶

(b) 12-month Permit - \$30-60;¶¶

(c) 24-month Permit - \$50-80;¶¶

(d) The director will determine the day-use parking permit fee within the range.¶¶

(A) The director will review proposed changes in the parking permit fee on an annual basis.¶¶

(B) The department will post changes on the department website for a minimum of 30 days prior to the effective date.¶¶

(C) The department will post information about the day use parking permit fee on the department website.¶¶

(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 in selected park properties or under the following circumstances:¶

(a) Emergency vehicles;¶

(b) Government vehicles on official business;¶

(c) Business and delivery vehicles on official business;¶

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

(e) Park concessionaires and their employees;¶

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

(g) Park volunteers on duty in the park;¶

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

(i) Other persons as designated by the director.¶

~~(6) Park Areas Subject to Day-Use Parking Permit Fees: Park areas at which a day use parking permit fee shall be charged include: Fort Stevens State Park, Cape Lookout State Park, Ecola State Park, Nehalem Bay State Park, Honeyman Memorial State Park (West side), L.L. "Stub" Stewart Memorial State Park, Heceta Head Lighthouse, Shore Acres State Park, Milo Melver 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, Champeog 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.~~

Statutory/Other Authority: ORS 390.124

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

AMEND: 736-015-0040

RULE SUMMARY: Provides rates and rate ranges for miscellaneous rental facilities and products. Proposed changes add a 25% surcharge for non-residents and update rate ranges for specific facilities.

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- Where slips are available at marinas in parks without camping facilities rental rates and lengths of time will be detailed on the department website.¶¶
 - (4) Showers - \$5-10 per person: Charged where showers are available to non-campers in a campground.¶¶
 - (5) Horse Camping Area:¶¶
 - (a) Non-hookup site: Fee Range: \$21-29 per night per camper unit;¶¶
 - (b) Hookup site: Fee Range: \$33-52 per night per camper unit;¶¶
 - (c) Group site (accommodates 3-5 units): Fee Range: \$57-86 per night;¶¶
 - (d) Double site: Fee Range: \$49-90 per night per two camper units;¶¶
 - (e) A camper unit consists of a motor home, van, trailer, tent, camper, or similar vehicle.¶¶
 - (6) 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: \$90-117 per night;¶¶
 - (b) Charges for persons in excess of the 25 person base rate will be \$3 per person per night.¶¶
 - (7) 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: \$150-250 per night;¶¶
 - (b) Charges for units in excess of the 10-unit base rate: \$10 per unit per night.¶¶
 - (8) Pets Staying Overnight in Facilities (Yurts, Cabins, Tepees): Not more than two pets (cat or dog only) staying overnight in facilities: \$10 per night.¶¶
 - (9) A 25-percent surcharge will be added to all group day use and overnight or day use facility rentals reserved by non-residents.¶¶
 - (10) Lodge/Community Hall: Large meeting facility with kitchen and restroom facilities which may be reserved overnight: Fee Range \$200-250 per night.¶¶
 - (10~~1~~) Meeting Hall: Small meeting facility, generally associated with a campground, which may have limited kitchen facilities and restrooms: Fee Range \$75-125 per day.¶¶
 - (11~~2~~) Champoeg Pavilion: A large covered day-use facility. Includes indoor memorial building and outdoor large covered 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:~~ (3) Smith Rock Amphitheater: Includes outdoor bench seating and small stage. Maximum of 50 people per event. Fee Range: \$100-300.¶¶
 - (14) Shore Acres Garden Packages: Facilities must be reserved as part of a package. All facility prices, no matter which facility or combination of facilities package 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 the Garden House and Pavilion which are buildings within the formal garden must be booked in conjunction and the Observation Building lawn area.¶¶
 - (a) ~~Package 1: includes garden with another facility): e. Garden House, and pavilion area. Fee Range \$100-15450-700 per event.¶¶~~
 - (b) ~~Pavilion (inside the formal garden and must be booked with an event site or the garden house): c~~ Package 2: includes Garden House and pavilion area. Fee Range \$350-600 per event. ¶¶
 - (c) ~~Package 3: includes garden site and pavilion area. Fee Range \$100-15250-500 per event.¶¶~~
 - (ed) ~~Garden House (inside the formal garden and must be booked with the Pavilion): Fee Range \$200-250~~ Package 4: includes Observation Buildig lawn area (no building included with rental). Fee Range \$150-400 per event.
- Statutory/Other Authority: ORS 390.124
Statutes/Other Implemented: ORS 390.111, 390.121, 390.124

