

## Oregon Parks and Recreation Commission

September 24, 2013

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Agenda Item:	8a	Action
Topic:	Request to go to Rulemaking – Tobacco Use in Parks	
Presented by:	Richard Walkoski	

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### **Background:**

On August 2, 2012 Governor John Kitzhaber signed Executive Order 12-13 Tobacco Free Properties to improve the health, wellness and productivity of employees, clients, volunteers and visitors. The executive order encourages the Oregon State Parks and Recreation Commission to “adopt policies by December 31, 2014 that limits or restrict the use of tobacco products at state parks and recreation areas to address wellness issues, and to reduce the risk of forest fires.”

In October 2012 an internal work group consisting of Claude Crocker, Coastal Region Operations Manager; Curtis Smith, Mountains Region Operations Manager; Claudia Ciobanu, Senior Policy Analyst; Bryan Nielsen, Park Manager; and Matt Rippee, Park Manager convened to identify options for implementing the governor’s order. The group presented a range of options to the OPRD Executive Team in December 2012 with the recommendation that OPRD promulgate rules prohibiting use of tobacco products in Oregon State Parks except on the Ocean Shores State Recreation Area, in campsites and in personal vehicles.

The issue, with identified options, was presented as an information item to the OPRD Commission in January 2013. Staff have since refined the proposal to better achieve the intent of the Governor’s executive order in a manner that is readily understood by the public and enforceable by OPRD enforcement officers. Considerations in shaping the draft rules being proposed are included in Attachment A.

**Prior Action by Commission:** None - Information item at the January 2013 meeting.

### **Action Requested:**

Staff requests approval to begin the rulemaking process for OPRD rules, chapter 736, division 10, relating to the use of tobacco in OPRD owned and managed properties. Proposed rule language is included in Attachment B.

**Attachments:** A – Considerations for Tobacco Use in Parks; B – draft rule language

**Prepared by:** Claude Crocker and Richard Walkoski

## Considerations Shaping the Draft Rules on Tobacco Usage in State Parks

Governor Kitzhaber's Executive Order 12 -13, signed in August 2012, encourages the Oregon Parks and Recreation Commission "to adopt policies by December 31, 2014 that limits or restrict the use of tobacco products at state parks and recreation areas to address wellness issues, and to reduce the risk of forest fires."

In reviewing the specific language of the Governors' Order the following considerations were identified;

- While the Governors' Order encourages the OPRD Commission to adopt policies "that limits or restricts the use of tobacco products", the main body of the order, under Section 1.b. only restricts the general public from SMOKING on state property.
- The Governors' Order exempts ODOT Rest Areas, public roads and sidewalks, and public beaches, but in Section 3 also stipulates that the Order "no way limits the authority of state agencies to further limit or restrict the use of tobacco products in state agency buildings or on state agency grounds, to the extent allowed by law."

The Governors' Order allows OPRD to adopt rules that address smoking only rather than all tobacco products. It also allows the department to put that rule into effect in all park areas including OPRD managed rest areas and park roads and sidewalks. It is estimated that 95+% of all tobacco use is in the form of smoking; prohibiting smoking in state parks will address wellness for the vast majority of tobacco users and the rest of the public, as well as concerns for risk of forest fires. Furthermore, a smoking ban is much easier to enforce than a ban on all tobacco products since it is hard to detect the use of smokeless products.

### Other Considerations

The Ocean Shores State Recreation presents a relatively low risk of fire; most beaches have low density use and are almost always windy so second hand smoke exposure is almost non-existent.

Oregon State Forestry Department permits smoking in vehicles even during extreme fire danger periods. Personal vehicles, especially RV's, are widely considered an extension of an individual's personal domain. Allowing tobacco use in personal vehicles provides the "good option" for enforcement officers to generate voluntary compliance.

Campsites are also considered personal domain to some extent. They are an area rented by the public for their exclusive use. Other public are not permitted to enter without the occupant's permission.

Therefore, the recommendation is to **Prohibit Smoking in Oregon State Parks except on the Ocean Shores State Recreation area, in campsites and in personal vehicles.**

DIVISION 10

GENERAL STATE PARK RULES

736-010-0040

Visitor Conduct

(1) A person shall cause, build, maintain, or accelerate a fire at a park property only in:

(a) Park camp stoves or fireplaces provided for such purpose;

(b) Portions of beach areas designated as permissible for campfires; or

(c) Portable stoves used at established campsites, picnic areas, or beach areas where fires are designated as permissible.

(2) A person who has caused, built, or maintained an allowed fire shall:

(a) Burn only paper products and untreated natural wood free of attached metal, nails, glass or plastic objects;

(b) Burn wood no longer than 24 inches in length;

(c) Attend the fire at all times, breaking it apart and extinguishing it completely with water before leaving the immediate area;

(d) Use no gasoline, diesel or any other petroleum-based products to start or maintain a fire; and

(e) Ensure that any fire that they set does not cause personal injury or damage to private property or park resources.

(3) The park manager may temporarily restrict or prohibit fires in otherwise allowed situations due to high fire hazard conditions, and all persons shall observe such restrictions.

(4) A person may not injure, mutilate, deface, damage, harass, or remove any park resource, property, structure or facility of any kind at a park property, except as provided in OAR 736-010-0055.

(5) A person shall in no manner cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animals, or other offensive matter or any abandoned property or material to be placed or left at a park property, except for:

(a) Recreational vehicle sewage and gray water holding tank contents that are disposed of in designated dump stations;

(b) Garbage, trash, and recyclables generated while using a park property and disposed of in the designated containers provided.

(6) A person may not remove items from containers designated for recyclables, garbage, sewage or waste without authorization of the park manager.

(7) A person may not leave personal property or possessions overnight in a day use area without written permission from the park manager or designated park staff.

(8) While many activities are allowed on park property, the following activities are specifically prohibited at park properties, and a person may not engage in:

Item 8a - Attachment B - Tobacco Use in Parks - draft rule language

- (a) Using or operating any noise producing machine, vehicle, device or instrument in a manner that disturbs or may disturb other park visitors except as allowed in section 10 below;
- (b) Using a public address system or similar device without written permission of the park manager;
- (c) Possessing, discharging, or causing to be discharged, any firecracker, explosives, torpedoes, rockets, fireworks or other similar materials or substances without the written permission of the park manager or designated park employee;
- (d) Using a metal detector or similar device without written permission of the park manager or designated employee at any park property or portion of a park property not listed on the "Detecting Allowed" list, published on the state park website;
- (e) Obstructing, harassing or interfering with a park employee or peace officer in the performance of their duties;
- (f) Entering or occupying any building, facility or portion of a park property that has been closed to public access; punishable as a Class C misdemeanor pursuant to ORS 164.245;
- (g) Blocking, obstructing or interfering with vehicular or pedestrian traffic on any road, parking area, trail, walkway, pathway or common area; punishable as a Class C misdemeanor pursuant to ORS 164.245;
- (h) Occupying or interfering with access to any structure, office, lavatory or other facility in a manner which interferes with the intended use of such a structure or facility; punishable as a Class C misdemeanor pursuant to ORS 164.245;
- (i) Fighting; or promoting, instigating or encouraging fighting or similar violent conduct which would threaten the physical well-being of any person at the park property;
- (j) Smoking tobacco products except ~~in any areas where the Oregon Indoor Clean Air Act, ORS 433.835 to 433.875; prohibits smoking~~
  - (A) in personal vehicles and camping units;
  - (B) in designated campsites in developed overnight camping areas, unless temporarily suspended by the park manager due to high fire hazard conditions; and
  - (C) where permitted by the park manager for personal use by a member of a federally recognized Oregon tribe as part of their traditional religious, medicinal, or other customary cultural heritage practices;
- (k) Activities or conduct which constitutes a public nuisance or hazard;
- (l) Public indecency as defined in ORS 163.465;
- (m) Base-jumping, hang gliding, paragliding or similar activities without written permission from the park manager except that the use of hang gliders is allowed at Cape Kiwanda State Natural Area;
- (n) Discharging any firearm, bow and arrow, slingshot, pellet gun, or other weapon capable of injuring humans or wildlife or damaging property, except at those park property locations and for those purposes specified in OAR 736-010-0055(7);
- (o) Placing a sign, marker or inscription of any kind, except in designated areas within a park property, without written permission from the park manager;

Item 8a - Attachment B - Tobacco Use in Parks - draft rule language

(9) A person may only distribute circulars, notices, leaflets, pamphlets or written or printed information of any kind within a park property after they have first obtained permission from the park manager and reported their name, address and number of leaflets to be distributed.

(10) A person must obtain a special use permit from the department for any activity or use as described in OAR 736-016-0005(1), including but not limited to an activity or use within a park property that:

(a) Is an organized group activity or event attended by over 50 people;

(b) Uses a portion of a park property to the exclusion of other persons or the department;

(c) Modifies or embellishes the park property, or places structures, such as tents, chairs, arches, and similar structures on the park property in a manner outside of normal recreational use, as determined by the park manager or enforcement officer;

(d) Uses public-address, amplification or lighting systems, other than those designed for personal use;

(e) Charges money for participation or admission;

(f) Involves the sale of products or services;

(g) Could disturb the natural, cultural, scenic and recreational resources in the park property or adjacent areas;

(h) Could pose a safety or access concern for other park users or for those involved in the event or activity.

(11) A person who obtains a special use permit under OAR chapter 736, division 16 must comply with all the provisions of division 16, special use permit conditions, and with instructions from the department.

(12) All money or goods, having a value of \$100 or more and found by the public at park properties, must be turned over to the park manager or a park employee. All found money or goods will be disposed of according to department policy adopted in accordance with ORS 98.005.

(13) The director or designee may close rock formations and cliffs within a park property to descending, scaling or technical rock climbing. A person that engages in such activities at such locations commits a Class C misdemeanor as provided in section (8)(f).

(14) The director or designee may close park access to lakes, streams or waterfalls for kayaking, boating, diving, swimming, or other water recreation activities when the park manager has determined the activity to be a danger to participants. Persons accessing through closed areas to engage in such activities commit a Class C misdemeanor as provided in section (8)(f).

(15) A person using a park property shall pay rates and comply with procedures and restrictions as established in OAR chapter 736, division 15 for use of designated facilities or the purchase of services or products.

Stat. Auth.: OAR 390.124

Stats. Implemented: ORS 390.111, 163.465, 433.835 - 433.875 & 498.006

## Oregon Parks and Recreation Commission

September 24, 2013

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Agenda Item:	8b	Action
Topic:	Request to Adopt OAR 736-015, rates	
Presented by:	Richard Walkoski	

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### **Background:**

At the May 2013 meeting, the OPRD Commission approved rulemaking in division 15 for rate increases contingent on approval of the 2013-15 OPRD budget and to address other rate related issues resulting from the division 10 rulemaking process. Subsequently the budget was approved with a rate increase package and there were four issues related to division 15 that were identified during the division 10 rulemaking process. Rulemaking began in July to address the rate increase and the other issues identified.

An external advisory committee was formed to advise the department on impacts of the proposed fee increase. The committee consisted of representatives from Lane County, Josephine County, Hoodoo Recreation which contracts operation of USFS campgrounds, the US Forest Service, Travel Oregon and an OPRD Park Host. The advisory committee felt that the fee increase package was reasonable and that there would be little financial impact to local businesses resulting from the change. The other fee related rule changes related to discount programs and extra vehicle fees for motorcycles were also supported by the committee.

Since the rulemaking involved an increase in park user fees it was decided to schedule public hearings in addition to the normal written comment process. The hearings were scheduled at OPRD parks with campgrounds in an attempt to reach customers affected by the rule change and make it easy for them to attend the hearings. Hearings were scheduled at South Beach, Champeog, the Cove Palisades and Wallowa Lake during the third week of August.

Press releases were issued announcing the public comment period and the hearings. A number of media outlets ran the story. There was good coverage in both print media and radio/television. OPRD also sent 5,000 e-mails to in-state customers and 2,000 e-mails to out-of-state customers who had camped at a state park within the last year, randomly selected from the RNW database. The e-mail announced the rule change and directed the recipients to an on-line survey that included an open ended question. There were 135 survey responses that were added to the 4,916 responses from a phone survey of RNW customers that had been running since January 2013.

A summary of comments received is included in Attachment C. Although opinions in the responses received are divided there is support for the fee increase as proposed.

**Prior Action by Commission:** Approval for rule revisions at the May 2013 commission meeting.

**Action Requested:**

Staff requests the commission adopt the revisions to OAR 736-015 included in Attachment A (markup) and Attachment B (clean). These revisions have been reviewed and approved by Assistant Attorney General Steve Shipsey.

**Attachments:** Attachment A– rules (marked copy), Attachment B – rules (clean copy), Attachment C – public comment summary

**Prepared by:** Richard Walkoski

## DIVISION 15

### RATES

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) "Commission" means the Oregon State Parks and Recreation Commission.
- (3) "Department" means the Oregon State Parks and Recreation Department.
- (4) "Director" means the director of the department.
- (5) "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) "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.
- (7) "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.
- (8) "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.

(9) "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."

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

(11) "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.

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

(13) "Park Facility" includes but is not limited to individual and group campsites, day use areas and shelters, cabins, yurts, tepees, camper wagons, meeting halls, lodges, pavilions, and other amenities of the department.

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

(15) "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.

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

(17) "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.

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

(19) "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.

(20) "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.

(21) "Split Reservation" means a stay at a park area for one person for one continuous date range that requires a mid-stay move from one site to another.

(22) "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.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.050, 390.111, 390.121 & 390.124

736-015-0010

### General Regulations

(1) The commission shall establish fees through rule to promote department financial self-sufficiency and based on the following criteria:

- (a) Prevailing rates for comparable facilities;
- (b) Day of week;
- (c) Season of year;
- (d) Amenities of the park area and site;
- (e) Marketing opportunities to encourage use and revenues.

(2) Unless posted otherwise, a person shall pay established rates prior to use.

(3) The director may establish rates and rental charges for services, facilities and products that are optional, nonessential or complement the basic services described in this division. The director shall establish rates that take into consideration comparable services by other providers and marketing opportunities to encourage use and revenues.

(4) Pursuant to ORS 105.672 to 105.696, fees charges under this division are for use of the assigned area or park facility of the state park land for camping, picnicking, or boating 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.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

736-015-0015

### Reservations

(1) Purpose: Based on the department's goal to promote outdoor recreation in Oregon, the department established a reservation program known as Reservations Northwest to increase use

of park areas and facilities. The director may designate specific park facilities to offer for reservation through a centralized call center and through the Internet.

(2) General Regulations:

(a) Reservations will be accepted and processed for designated park facilities through Reservations Northwest.

(b) A person may make a reservation a minimum of two days and a maximum of nine months prior to the arrival date.

(c) A person must be 18 years of age or older to make a reservation.

(d) A person who qualifies under the Americans with Disabilities Act (ADA) may reserve accessible campsites.

(e) A person may not make reservations for multiple park areas for the same date range.

(f) A person reserving a boat slip (where available) must also reserve another facility at the same park area.

(g) Reservations and registrations for horse camping sites shall be made only for people camping with their horses or similar large animals unless otherwise specified by the park manager.

(h) Split reservations are allowed to accommodate persons. Only one split reservation shall be allowed per reservation.

(i) Only the person whose name appears on the original reservation or their designee (as documented in the original reservation) may change or cancel an existing reservation or access information associated with a reservation.

(j) Customer information may be made available upon written request in compliance with ORS chapter 192 and department policy.

(k) Specific information regarding a confirmed reservation will not be released to the public as provided in ORS 192.501 and 192.502.

(3) Transaction Fees and Deposits:

(a) The department will charge a \$8 non-refundable transaction fee for each reservation made through the centralized call center or the Internet.

(b) Reservations require a facility deposit equal to the full amount charged for use of the facility during the reservation period.

(c) All fees are due at the time the person makes the reservation.

(4) Payment Methods:

(a) A person may use a valid credit card (VISA or MasterCard) or bank debit card with a VISA or MasterCard logo.

(b) A person may pay by personal check, money order, certified check, or travelers check (in U.S. funds).

(c) The department must receive payment within five calendar days of the date the person makes the reservation. If payment is not received within this time frame, the department will cancel the reservation. The person remains responsible for the \$8 transaction fee for each reservation request.

(d) If a banking institution returns a check to the department for any reason or if a credit or debit card is declined, the department will attempt to contact the person. Inability to resolve the payment dispute will result in a reservation cancellation. The person will remain responsible for the \$8 transaction fee for each reservation.

(e) Government agencies and non-profit entities may request to be invoiced for services. Reservations should be made at least 30 days prior to arrival. The department must receive payment within 25 days of the date the reservation is made. If payment is not received the department will cancel the reservation. The department will bill for the \$8 transaction fee for each reservation.

(f) A person must pay all outstanding account balances prior to making future reservations.

(5) Reservation Cancellations:

(a) A person may cancel a reservation three calendar days or more prior to their arrival date by calling Reservations Northwest. An automated reservation cancellation voice mail system is available seven days a week, 24 hours a day.

(b) A person may also cancel a reservation three calendar days or more prior to their arrival date through E-mail by accessing the department's web site and following the posted cancellation procedures. The web site is available seven days a week, 24 hours a day.

(c) A person must contact the specific park to cancel reservations with an arrival date that is two calendar days or less from the current date.

(d) The park area may only cancel reservations with an arrival date that is two days or less from the current date.

(e) In order to receive a refund of the facility deposit, a person must cancel the reservation for individual campsites, rustic cabins and yurts, tepees, camper wagons, and boat moorages three or more calendar days prior to arrival. If the cancellation is not received three or more days in

advance of the arrival date, an amount of the facility deposit fee equal to one night rental for the facility will be forfeited.

(f) In order to receive a refund of the facility deposit for deluxe cabins and yurts, group camps, day use areas, meeting halls, horse camps, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, Shore Acres Garden House, Pavilions, RV Group Areas and other special facilities as designated by the department, a person must cancel the reservation at least one month prior to arrival. If the cancellation is not received one month or more in advance of the arrival date, an amount of facility deposit fee equal to one night rental for the facility will be forfeited.

(6) Reservation Changes:

(a) The department will charge an \$8 non-refundable transaction fee for each reservation change.

(b) A person may request to change a confirmed reservation by calling Reservations Northwest during normal business hours Monday through Friday.

(c) A person may also request to change a reservation through Email by accessing the department's web site and following the posted reservation change procedures. The web site is available seven days a week, 24 hours a day.

(d) A person may not make any changes to reservations more than eight months in advance of the arrival date.

(e) The park area may only cancel reservations with an arrival date that is two days or less from the current date.

(f) The department will assess a fee equal to the nightly rental fees for all nights cancelled for any reservation change resulting in a reduction in length of stay for reservation bookings greater than five nights.

(g) A person must request a reservation change for campsites, rustic cabins and yurts, tepees, camper wagons, and boat moorages three or more days in advance of the arrival date. The department will treat reservation change requests with an arrival date of three days or less from the current date as a reservation cancellation and cancellation rules will apply. A person may request a new reservation once the existing reservation has been cancelled.

(h) A person requesting a reservation change for deluxe cabins and yurts, group camps, day use areas, meeting halls, horse camps, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, Shore Acres Garden House, Pavilions, RV Group Areas, and other special facilities as designated by the department must request the change at least one month prior to arrival date. The department will treat reservation change requests with an arrival date of less than one month from the current date as a reservation cancellation and cancellation rules will apply. A person may request a new reservation once the existing reservation has been cancelled.

(7) Claiming Reservations

Item 8b - Attachment A - Rule Revisions - Division 15, Rates (markup)

(a) Customers with confirmed reservations must arrive before 1:00 p.m. the day following the first scheduled day of their reservation.

(b) The reserved site must remain occupied each night during the entire length of stay.

(c) In emergency situations, customers may request Park Manager approval for late arrivals not to exceed 6:00 p.m. of the second day of the reservation. Site fees for the first night will be charged regardless of the arrival time.

(d) Customers, including those that have pre-registered, who do not check in at the park or notify park staff that they will be delayed prior to 1:00 p.m. of the second day of the reservation will be considered a “no show” and the entire reservation will be cancelled. The first night fee and any transaction fees previously collected for the reservation will be retained. Any remaining nightly fees paid to confirm the reservation will be refunded.

(8) Reservations to Accommodate Organized Groups:

(a) General: To promote the use of facilities by groups and to bring efficiencies to the group reservation process, the director may offer group camping to persons reserving multiple tent, electrical or full hook-up campsites.

(b) The department will charge only one transaction fee for the group when the sites are reserved together. The department will require a facility deposit fee equal to the full amount of the site fee for each campsite at the time the reservation is made.

(c) A person must reserve a minimum of five individual campsites during Discovery Season (October 1 to April 30) or ten individual campsites during the Prime Season (May 1 to September 30) to qualify for group camping benefits.

(d) The department will charge a transaction fee of \$8 for each site cancellation or change made to the group reservation.

(e) Reservations made on the Internet for a group of sites are not eligible.

(f) A person may reserve a meeting hall (where available) for one day's free use when the minimum number of sites are reserved and used. The person may reserve the meeting hall for additional days at the normal rental rate.

(g) Special facilities such as deluxe cabins and yurts, rustic cabins and yurts, horse camps, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, and other special facilities as designated by the department are not included in the group camping program.

(h) A person must make reservations at least 10 days prior to arrival date to qualify for group camping benefits.

(9) When only a portion of a specific type of facility in a park is designated as ADA compliant, the department will hold the facility designated as ADA compliant for use by individuals with disabilities until all other facilities of that type have been reserved and the accessible facility is the only remaining facility of that type available in the park.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

736-015-0020

### Overnight Rentals

The director may designate a Type I campsite rental schedule at selected high use campgrounds. All remaining campgrounds will be set at the Type II campsite rental schedule. 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. 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.

| (a) Type I: \$~~24~~28.

| (b) Type II: \$~~20~~24.

(2) Electrical Hookup Campsite: Provides campsite with individual water supply and electrical hookups, table, stove, and access to a restroom.

| (a) Type I: \$~~24~~26.

| (b) Type II: \$~~20~~22.

(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.

(a) Type I: \$19.

(b) Type II: \$17.

(4) Primitive Campsite: Provides campsite with table and stove; water and sanitary facilities may be some distance away. All primitive campsites: \$~~9~~10.

(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: \$~~36~~40.

(b) Deluxe: ~~\$75~~79.

(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. Deluxe 1 units add kitchen facilities, bathrooms and showers. ~~Deluxe 2 units add additional rooms.~~

(a) Totem: \$24.

(b) Rustic: ~~\$39~~40.

(c) Deluxe 1: ~~\$75~~79.

~~(d) Deluxe 2: \$85.~~

(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: ~~\$36~~40.

~~(8) Wagon: Covered wagon replica units vary in size and provide heat, lights and beds along with outdoor picnic facilities. All wagons: \$36.~~

~~(9)~~ 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: \$5 per camper per night.

~~(10)~~ Extra Vehicle in Campground: An additional rental rate of ~~\$5~~7 per vehicle is charged when an extra vehicle is driven into the campground and remains overnight.

~~(11)~~ 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. ~~Each a~~ Additional motorcycles in the site will be charged ~~\$5~~7 as an extra vehicle. The \$7 extra vehicle charge will allow up to two motorcycles per extra vehicle charge.

~~(12)~~ 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.

~~(13)~~ 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.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121, 390.124 & HB 3673 (2010)

### Group Day Use

- (1) At designated park areas, a person may reserve a group picnic area(s) by calling Reservations Northwest during normal business hours. The park manager will determine the maximum group size for each park facility.
- (2) The department will charge group picnic rental rates to offset additional park administration and maintenance costs:
  - (a) Base rate (0–50 people) — \$50;
  - (b) Charges for persons in excess of the 50 person base rate will be \$1 per person
- (3) The park manager may make advance arrangements with the group leader for parking, supervision, cleanup, checkout time, and other pertinent details.
- (4) Upon arrival, the group leader will check in with the park manager who will direct the group to the reserved area.
- (5) The group must have adult supervision at all times.
- (6) Pursuant to ORS 105.672 to 105.696, group day use rental charges under this rule are for use of the assigned area or park facility of the state park land for picnicking 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.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121, 390.124 & HB 3673 (2010)

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;

Item 8b - Attachment A - Rule Revisions - Division 15, Rates (markup)

(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 minimum 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 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 Fees: Park areas at which a day use 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.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & HB 3673 (2010)

736-015-0035

#### Fee Waivers and Refunds

(1) The director, at the direction of the commission, may waive, reduce or exempt fees established in this division under the following conditions:

(a) A person or group provides in-kind services or materials equal to or greater than the value of the applicable rate, as determined by criteria approved by the director;

(b) Marketing or promotional considerations, including but not limited to special events and commercial filming, that promote the use of park areas and Oregon tourism;

(c) Traditional tribal activities in accordance with policy adopted by the Commission;

(d) Reduced service levels at a park, campsite or other facility as determined by the Park Manager.

(2) Reservation Facility Deposit Fee Waivers for individual primitive, tent, electric, full hook-up or horse camp campsites only:

(a) The facility deposit fee is waived for all persons with reservations commencing on State Parks Day (first Saturday of June). All other fees apply.

(b) The facility deposit fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The fee waiver is limited to the first two campsites, and an adult care provider must be present with the foster children. All other fees apply.

(c) The facility deposit fee is waived for U. S. veterans with a service connected disability or active duty U. S. military personnel as provided in ORS 390.124. All other fees apply.

(d) The person making the reservation must pay the \$8 non-refundable transaction fee at the time the reservation is made. This fee is not included in the fee waiver.

(e) Reservations made on the Internet are not eligible for fee waivers.

(3) Overnight Rental Fee Waivers for individual primitive, tent, electric, full hook-up or horse camp campsites only:

(a) The overnight rental fee, including any extra vehicle fees, is waived for all persons on the night of State Parks Day (first Saturday of June). All other fees apply.

(b) The overnight rental fee is waived for foster families as defined in OAR 736-015-0006. The fee waiver is limited to the first two campsites, and an adult care provider [with one or more foster children](#) must be present. [The fee waiver is limited to a total of fourteen days per calendar month.](#) All other fees and rules apply.

(c) The overnight rental fee is waived for U. S. veterans with a service connected disability or active duty U. S. military personnel on leave as provided in ORS 390.124. The waiver of individual campsite fees shall be limited to no more than five consecutive days per stay and no more than ten days total in a calendar month. [The qualifying veteran or active duty military personnel on leave must be present in the site to qualify for the waiver.](#) All other fees and rules apply.

(d) The director may waive the overnight rental fee for volunteer hosts traveling to an assignment at a park area.

(4) Day Use Parking Fee Waivers:

(a) The day use parking fee is waived for all persons on State Parks Day (first Saturday of June).

(b) The day use parking fee is waived for U. S. veterans with a service connected disability or active duty U. S. military personnel on leave as provided in ORS 390.124.

(c) The day use parking fee is waived for an adoptive foster family, as defined in OAR 736-015-0006, with an adopted foster child under 18 years of age or a foster family, as defined in OAR 736-015-0006, if the foster care provider has a valid Certificate of Approval to Provide Foster Care in Oregon issued by the Oregon Department of Human Services. The waiver shall be valid until the expiration date of the Certificate of Approval to Provide Foster Care or the adopted foster child turns 18 years of age.

(d) All other fees apply.

(5) Proof of Eligibility for Fee Waivers

(a) ~~Upon providing valid proof of eligibility, The department will issue~~ Veterans and Foster families ~~who have provided the department valid proof of eligibility will be issued~~ an OPRD Special Access Pass. ~~Pass holders that they~~ must use the pass to identify themselves as a qualified recipient of fee waivers at state park campgrounds and day use areas. Proof of eligibility must be provided through an application process outlined on the OPRD web site at [www.oregonstateparks.org](http://www.oregonstateparks.org) or by calling the OPRD Information Center at 1-800-551-6949 for instructions.

(b) The department will accept the following forms of proof to qualify for fee waivers as a U. S. veteran with a service connected disability:

(A) Disabled Veteran's license plate issued by the Oregon DMV;

(B) A current Disabled Veteran Permanent Hunting/Angling License issued by the Oregon Department of Fish and Wildlife;

(C) A Washington State Parks Disabled Veteran's ID card;

(D) Any VA photo identification card bearing the words "service connected";

(E) Any letter issued by the United States Department of Veterans Affairs (VA) stating eligibility for any of the above programs, or bearing the words "service-connected disability."

(c) The department will accept the following forms of proof to qualify for fee waivers as an adoptive foster family, as defined in OAR 736-015-0006, with an adopted foster child under 18 years of age or a foster family, as defined in OAR 736-015-0006:

(A) Certificate of Approval to Maintain a Foster Home for Children with Developmental Disabilities;

(B) Certificate of Approval to Maintain a Foster Home for Children;

(C) Certificate of Approval to Maintain a Relative Home for Children;

(D) Written certification from Department of Human Services identifying the applicant as an adoptive or guardian foster family.

(d) The department will not issue an Active Duty Military on official leave a Special Access Pass. Such customers must pay any applicable fee and after their visit may request a refund by sending a letter from their commanding officer on official letterhead stating they were on leave for the dates they camped and their camping receipt to Reservations Northwest within 30 days after departure date of the stay. A refund of applicable fees will be sent within three weeks of the receipt of their request.

(6) The department may revoke an OPRD Special Access Pass issued under section (5) if:

(a) The pass is used to waive fees beyond the monthly allowable limits;

(b) The pass holder does not occupy a site when fees have been waived under authority of their pass; or

(c) The pass holder transfers their pass to another person to use.

(67) A person may request a refund under the following circumstances.

(a) Reservations Northwest may refund a reservation fee when the department has made a reservation error.

(b) Reservations Northwest may refund a facility deposit and may waive the cancellation or change rules when requested by the person due to the following emergency situations:

(A) Emergency vehicle repair creates a late arrival or complete reservation cancellation;

(B) A medical emergency or death of a family member creates a late arrival or complete reservation cancellation;

(C) Acts of Nature create dangerous travel conditions; or

(D) Deployment of military or emergency service personnel creates a late arrival or complete reservation cancellation.

(c) The director or his/her designee may approve a refund under other special circumstances.

(d) All requests for refunds listed above must be sent in writing to Reservations Northwest via email, fax or surface mail to be considered for a refund.

(e) The department will issue refunds for specific site or park area closures and no written request is required.

(f) The park manager may only issue a refund at the park due to the person leaving earlier than expected, and while the person is present and has signed for the refund. Once the person has left the park, refund requests must be sent to Reservations Northwest for processing.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

736-015-0040

Miscellaneous Rentals and Products

Item 8b - Attachment A - Rule Revisions - Division 15, Rates (markup)

(1) Firewood: Where conditions permit, firewood will be sold.

(2) Boat Moorage Facilities -- \$10 per day per boat: Where boat moorage facilities are provided they may only be reserved with other campsite reservations.

(3) Showers -- \$2 per person: Charged where showers are available to non-campers in a campground.

(4) Horse Camping Area:

(a) Type I non-hookup site: \$19 per night per camper unit;

(b) Type II non-hookup site: \$17 per night per camper unit;

| (c) Type I hookup site: ~~\$24~~28 per night per camper unit;

| (d) Type II hookup site: ~~\$20~~24 per night per camper unit;

(e) Type I group site (accommodates 3-5 units): \$57 per night;

(f) Type II group site (accommodates 3-5 units): \$51 per night;

| (g) Type I double site: ~~\$43~~47 per night per two camper units;

| (h) Type II double site: ~~\$37~~41 per night per two camper units;

(i) A camper unit consists of a motor home, trailer, tent or camper.

(5) 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): \$70 per night;

(b) Charges for persons in excess of the 25 person base rate will be \$3 per person per night.

(6) 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): \$100 per night;

(b) Charges for units in excess of the 10-unit base rate: \$10 per unit per night.

(7) 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) Ranch/Bunkhouse: Large communal type bunkhouse facility which includes kitchen and restroom facilities. Minimum fee of \$200 per night for up to 25 persons and \$8 per person per night thereafter up to the maximum occupancy.

(9) 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.

(10) Lodge/Community Hall: Large meeting facility with kitchen and restroom facilities which may be reserved overnight: \$200 per night.

(11) Meeting Hall: Small meeting facility, generally associated with a campground, which may have limited kitchen facilities and restrooms: \$75 per day.

(12) Pavilion: A large, covered day-use facility for group use: Minimum fee of \$100 per event for up to 50 people, and \$1 per person thereafter up to the maximum occupancy of the facility.

(13) Shore Acres Garden: All facility prices, no matter which facility or combination of facilities are 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 lawn area outside the formal garden or a section of the formal garden (NOTE: sites in the garden must be booked in conjunction with another facility): \$100 per event.

(b) Pavilion (inside the formal garden and must be booked with an event site or the garden house): \$100 per event.

(c) Garden House (inside the formal garden and must be booked with the Pavilion): \$200 per event.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

736-015-0043

Effective Dates

Amendments to this division adopted at the September 29, 2009 OPRD Commission meeting become effective upon filing except:

(1) OAR 736-015-0030 becomes effective January 1, 2010;

(2) OAR 736-015-0020 and 736-015-0040 become effective May 1, 2010.

Item 8b - Attachment A - Rule Revisions - Division 15, Rates (markup)

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

## DIVISION 15

### RATES

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) "Commission" means the Oregon State Parks and Recreation Commission.
- (3) "Department" means the Oregon State Parks and Recreation Department.
- (4) "Director" means the director of the department.
- (5) "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) "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.
- (7) "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.
- (8) "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.

(9) "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."

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

(11) "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.

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

(13) "Park Facility" includes but is not limited to individual and group campsites, day use areas and shelters, cabins, yurts, tepees, camper wagons, meeting halls, lodges, pavilions, and other amenities of the department.

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

(15) "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.

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

(17) "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.

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

(19) "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.

(20) "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.

(21) "Split Reservation" means a stay at a park area for one person for one continuous date range that requires a mid-stay move from one site to another.

(22) "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.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.050, 390.111, 390.121 & 390.124

736-015-0010

### General Regulations

(1) The commission shall establish fees through rule to promote department financial self-sufficiency and based on the following criteria:

- (a) Prevailing rates for comparable facilities;
- (b) Day of week;
- (c) Season of year;
- (d) Amenities of the park area and site;
- (e) Marketing opportunities to encourage use and revenues.

(2) Unless posted otherwise, a person shall pay established rates prior to use.

(3) The director may establish rates and rental charges for services, facilities and products that are optional, nonessential or complement the basic services described in this division. The director shall establish rates that take into consideration comparable services by other providers and marketing opportunities to encourage use and revenues.

(4) Pursuant to ORS 105.672 to 105.696, fees charges under this division are for use of the assigned area or park facility of the state park land for camping, picnicking, or boating 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.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

736-015-0015

### Reservations

(1) Purpose: Based on the department's goal to promote outdoor recreation in Oregon, the department established a reservation program known as Reservations Northwest to increase use

of park areas and facilities. The director may designate specific park facilities to offer for reservation through a centralized call center and through the Internet.

(2) General Regulations:

(a) Reservations will be accepted and processed for designated park facilities through Reservations Northwest.

(b) A person may make a reservation a minimum of two days and a maximum of nine months prior to the arrival date.

(c) A person must be 18 years of age or older to make a reservation.

(d) A person who qualifies under the Americans with Disabilities Act (ADA) may reserve accessible campsites.

(e) A person may not make reservations for multiple park areas for the same date range.

(f) A person reserving a boat slip (where available) must also reserve another facility at the same park area.

(g) Reservations and registrations for horse camping sites shall be made only for people camping with their horses or similar large animals unless otherwise specified by the park manager.

(h) Split reservations are allowed to accommodate persons. Only one split reservation shall be allowed per reservation.

(i) Only the person whose name appears on the original reservation or their designee (as documented in the original reservation) may change or cancel an existing reservation or access information associated with a reservation.

(j) Customer information may be made available upon written request in compliance with ORS chapter 192 and department policy.

(k) Specific information regarding a confirmed reservation will not be released to the public as provided in ORS 192.501 and 192.502.

(3) Transaction Fees and Deposits:

(a) The department will charge a \$8 non-refundable transaction fee for each reservation made through the centralized call center or the Internet.

(b) Reservations require a facility deposit equal to the full amount charged for use of the facility during the reservation period.

(c) All fees are due at the time the person makes the reservation.

(4) Payment Methods:

- (a) A person may use a valid credit card (VISA or MasterCard) or bank debit card with a VISA or MasterCard logo.
- (b) A person may pay by personal check, money order, certified check, or travelers check (in U.S. funds).
- (c) The department must receive payment within five calendar days of the date the person makes the reservation. If payment is not received within this time frame, the department will cancel the reservation. The person remains responsible for the \$8 transaction fee for each reservation request.
- (d) If a banking institution returns a check to the department for any reason or if a credit or debit card is declined, the department will attempt to contact the person. Inability to resolve the payment dispute will result in a reservation cancellation. The person will remain responsible for the \$8 transaction fee for each reservation.
- (e) Government agencies and non-profit entities may request to be invoiced for services. Reservations should be made at least 30 days prior to arrival. The department must receive payment within 25 days of the date the reservation is made. If payment is not received the department will cancel the reservation. The department will bill for the \$8 transaction fee for each reservation.
- (f) A person must pay all outstanding account balances prior to making future reservations.

(5) Reservation Cancellations:

- (a) A person may cancel a reservation three calendar days or more prior to their arrival date by calling Reservations Northwest. An automated reservation cancellation voice mail system is available seven days a week, 24 hours a day.
- (b) A person may also cancel a reservation three calendar days or more prior to their arrival date through E-mail by accessing the department's web site and following the posted cancellation procedures. The web site is available seven days a week, 24 hours a day.
- (c) A person must contact the specific park to cancel reservations with an arrival date that is two calendar days or less from the current date.
- (d) The park area may only cancel reservations with an arrival date that is two days or less from the current date.
- (e) In order to receive a refund of the facility deposit, a person must cancel the reservation for individual campsites, rustic cabins and yurts, tepees, camper wagons, and boat moorages three or more calendar days prior to arrival. If the cancellation is not received three or more days in

advance of the arrival date, an amount of the facility deposit fee equal to one night rental for the facility will be forfeited.

(f) In order to receive a refund of the facility deposit for deluxe cabins and yurts, group camps, day use areas, meeting halls, horse camps, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, Shore Acres Garden House, Pavilions, RV Group Areas and other special facilities as designated by the department, a person must cancel the reservation at least one month prior to arrival. If the cancellation is not received one month or more in advance of the arrival date, an amount of facility deposit fee equal to one night rental for the facility will be forfeited.

(6) Reservation Changes:

(a) The department will charge an \$8 non-refundable transaction fee for each reservation change.

(b) A person may request to change a confirmed reservation by calling Reservations Northwest during normal business hours Monday through Friday.

(c) A person may also request to change a reservation through Email by accessing the department's web site and following the posted reservation change procedures. The web site is available seven days a week, 24 hours a day.

(d) A person may not make any changes to reservations more than eight months in advance of the arrival date.

(e) The park area may only cancel reservations with an arrival date that is two days or less from the current date.

(f) The department will assess a fee equal to the nightly rental fees for all nights cancelled for any reservation change resulting in a reduction in length of stay for reservation bookings greater than five nights.

(g) A person must request a reservation change for campsites, rustic cabins and yurts, tepees, camper wagons, and boat moorages three or more days in advance of the arrival date. The department will treat reservation change requests with an arrival date of three days or less from the current date as a reservation cancellation and cancellation rules will apply. A person may request a new reservation once the existing reservation has been cancelled.

(h) A person requesting a reservation change for deluxe cabins and yurts, group camps, day use areas, meeting halls, horse camps, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, Shore Acres Garden House, Pavilions, RV Group Areas, and other special facilities as designated by the department must request the change at least one month prior to arrival date. The department will treat reservation change requests with an arrival date of less than one month from the current date as a reservation cancellation and cancellation rules will apply. A person may request a new reservation once the existing reservation has been cancelled.

(7) Claiming Reservations

(a) Customers with confirmed reservations must arrive before 1:00 p.m. the day following the first scheduled day of their reservation.

(b) The reserved site must remain occupied each night during the entire length of stay.

(c) In emergency situations, customers may request Park Manager approval for late arrivals not to exceed 6:00 p.m. of the second day of the reservation. Site fees for the first night will be charged regardless of the arrival time.

(d) Customers, including those that have pre-registered, who do not check in at the park or notify park staff that they will be delayed prior to 1:00 p.m. of the second day of the reservation will be considered a “no show” and the entire reservation will be cancelled. The first night fee and any transaction fees previously collected for the reservation will be retained. Any remaining nightly fees paid to confirm the reservation will be refunded.

(8) Reservations to Accommodate Organized Groups:

(a) General: To promote the use of facilities by groups and to bring efficiencies to the group reservation process, the director may offer group camping to persons reserving multiple tent, electrical or full hook-up campsites.

(b) The department will charge only one transaction fee for the group when the sites are reserved together. The department will require a facility deposit fee equal to the full amount of the site fee for each campsite at the time the reservation is made.

(c) A person must reserve a minimum of five individual campsites during Discovery Season (October 1 to April 30) or ten individual campsites during the Prime Season (May 1 to September 30) to qualify for group camping benefits.

(d) The department will charge a transaction fee of \$8 for each site cancellation or change made to the group reservation.

(e) Reservations made on the Internet for a group of sites are not eligible.

(f) A person may reserve a meeting hall (where available) for one day's free use when the minimum number of sites are reserved and used. The person may reserve the meeting hall for additional days at the normal rental rate.

(g) Special facilities such as deluxe cabins and yurts, rustic cabins and yurts, horse camps, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, and other special facilities as designated by the department are not included in the group camping program.

(h) A person must make reservations at least 10 days prior to arrival date to qualify for group camping benefits.

(9) When only a portion of a specific type of facility in a park is designated as ADA compliant, the department will hold the facility designated as ADA compliant for use by individuals with disabilities until all other facilities of that type have been reserved and the accessible facility is the only remaining facility of that type available in the park.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

736-015-0020

### Overnight Rentals

The director may designate a Type I campsite rental schedule at selected high use campgrounds. All remaining campgrounds will be set at the Type II campsite rental schedule. 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. 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.

(a) Type I: \$28.

(b) Type II: \$24.

(2) Electrical Hookup Campsite: Provides campsite with individual water supply and electrical hookups, table, stove, and access to a restroom.

(a) Type I: \$26.

(b) Type II: \$22.

(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.

(a) Type I: \$19.

(b) Type II: \$17.

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

(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: \$40.

(b) Deluxe: \$79.

(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. Deluxe 1 units add kitchen facilities, bathrooms and showers.

(a) Totem: \$24.

(b) Rustic: \$40.

(c) Deluxe 1: \$79.

(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: \$40.

(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: \$5 per camper per night.

(9) Extra Vehicle in Campground: An additional rental rate of \$7 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 \$7 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.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121, 390.124 & HB 3673 (2010)

736-015-0026

### Group Day Use

(1) At designated park areas, a person may reserve a group picnic area(s) by calling Reservations Northwest during normal business hours. The park manager will determine the maximum group size for each park facility.

(2) The department will charge group picnic rental rates to offset additional park administration and maintenance costs:

(a) Base rate (0–50 people) — \$50;

(b) Charges for persons in excess of the 50 person base rate will be \$1 per person

(3) The park manager may make advance arrangements with the group leader for parking, supervision, cleanup, checkout time, and other pertinent details.

(4) Upon arrival, the group leader will check in with the park manager who will direct the group to the reserved area.

(5) The group must have adult supervision at all times.

(6) Pursuant to ORS 105.672 to 105.696, group day use rental charges under this rule are for use of the assigned area or park facility of the state park land for picnicking 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.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121, 390.124 & HB 3673 (2010)

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 minimum 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 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 Fees: Park areas at which a day use 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.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & HB 3673 (2010)

736-015-0035

### Fee Waivers and Refunds

(1) The director, at the direction of the commission, may waive, reduce or exempt fees established in this division under the following conditions:

(a) A person or group provides in-kind services or materials equal to or greater than the value of the applicable rate, as determined by criteria approved by the director;

(b) Marketing or promotional considerations, including but not limited to special events and commercial filming, that promote the use of park areas and Oregon tourism;

(c) Traditional tribal activities in accordance with policy adopted by the Commission;

(d) Reduced service levels at a park, campsite or other facility as determined by the Park Manager.

(2) Reservation Facility Deposit Fee Waivers for individual primitive, tent, electric, full hook-up or horse camp campsites only:

(a) The facility deposit fee is waived for all persons with reservations commencing on State Parks Day (first Saturday of June). All other fees apply.

(b) The facility deposit fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The fee waiver is limited to the first two campsites, and an adult care provider must be present with the foster children. All other fees apply.

(c) The facility deposit fee is waived for U. S. veterans with a service connected disability or active duty U. S. military personnel as provided in ORS 390.124. All other fees apply.

(d) The person making the reservation must pay the \$8 non-refundable transaction fee at the time the reservation is made. This fee is not included in the fee waiver.

(e) Reservations made on the Internet are not eligible for fee waivers.

(3) Overnight Rental Fee Waivers for individual primitive, tent, electric, full hook-up or horse camp campsites only:

(a) The overnight rental fee, including any extra vehicle fees, is waived for all persons on the night of State Parks Day (first Saturday of June). All other fees apply.

(b) The overnight rental fee is waived for foster families as defined in OAR 736-015-0006. The fee waiver is limited to the first two campsites, and an adult care provider with one or more foster children must be present. The fee waiver is limited to a total of fourteen days per calendar month. All other fees and rules apply.

(c) The overnight rental fee is waived for U. S. veterans with a service connected disability or active duty U. S. military personnel on leave as provided in ORS 390.124. The waiver of individual campsite fees shall be limited to no more than five consecutive days per stay and no more than ten days total in a calendar month. The qualifying veteran or active duty military personnel on leave must be present in the site to qualify for the waiver. All other fees and rules apply.

(d) The director may waive the overnight rental fee for volunteer hosts traveling to an assignment at a park area.

(4) Day Use Parking Fee Waivers:

(a) The day use parking fee is waived for all persons on State Parks Day (first Saturday of June).

(b) The day use parking fee is waived for U. S. veterans with a service connected disability or active duty U. S. military personnel on leave as provided in ORS 390.124.

(c) The day use parking fee is waived for an adoptive foster family, as defined in OAR 736-015-0006, with an adopted foster child under 18 years of age or a foster family, as defined in OAR 736-015-0006, if the foster care provider has a valid Certificate of Approval to Provide Foster Care in Oregon issued by the Oregon Department of Human Services. The waiver shall be valid until the expiration date of the Certificate of Approval to Provide Foster Care or the adopted foster child turns 18 years of age.

(d) All other fees apply.

(5) Proof of Eligibility for Fee Waivers

(a) The department will issue Veterans and Foster families who have provided the department valid proof of eligibility an OPRD Special Access Pass. Pass holders must use the pass to identify themselves as a qualified recipient of fee waivers at state park campgrounds and day use areas. Proof of eligibility must be provided through an application process outlined on the OPRD web site at [www.oregonstateparks.org](http://www.oregonstateparks.org) or by calling the OPRD Information Center at 1-800-551-6949 for instructions.

Item 8b - Attachment B - Rule Revisions - Division 15, Rates (clean)

(b) The department will accept the following forms of proof to qualify for fee waivers as a U. S. veteran with a service connected disability:

(A) Disabled Veteran's license plate issued by the Oregon DMV;

(B) A current Disabled Veteran Permanent Hunting/Angling License issued by the Oregon Department of Fish and Wildlife;

(C) A Washington State Parks Disabled Veteran's ID card;

(D) Any VA photo identification card bearing the words "service connected";

(E) Any letter issued by the United States Department of Veterans Affairs (VA) stating eligibility for any of the above programs, or bearing the words "service-connected disability."

(c) The department will accept the following forms of proof to qualify for fee waivers as an adoptive foster family, as defined in OAR 736-015-0006, with an adopted foster child under 18 years of age or a foster family, as defined in OAR 736-015-0006:

(A) Certificate of Approval to Maintain a Foster Home for Children with Developmental Disabilities;

(B) Certificate of Approval to Maintain a Foster Home for Children;

(C) Certificate of Approval to Maintain a Relative Home for Children;

(D) Written certification from Department of Human Services identifying the applicant as an adoptive or guardian foster family.

(d) The department will not issue an Active Duty Military on official leave a Special Access Pass. Such customers must pay any applicable fee and after their visit may request a refund by sending a letter from their commanding officer on official letterhead stating they were on leave for the dates they camped and their camping receipt to Reservations Northwest within 30 days after departure date of the stay. A refund of applicable fees will be sent within three weeks of the receipt of their request.

(6) The department may revoke an OPRD Special Access Pass issued under section (5) if:

(a) The pass is used to waive fees beyond the monthly allowable limits;

(b) The pass holder does not occupy a site when fees have been waived under authority of their pass; or

(c) The pass holder transfers their pass to another person to use.

(7) A person may request a refund under the following circumstances.

- (a) Reservations Northwest may refund a reservation fee when the department has made a reservation error.
- (b) Reservations Northwest may refund a facility deposit and may waive the cancellation or change rules when requested by the person due to the following emergency situations:
- (A) Emergency vehicle repair creates a late arrival or complete reservation cancellation;
  - (B) A medical emergency or death of a family member creates a late arrival or complete reservation cancellation;
  - (C) Acts of Nature create dangerous travel conditions; or
  - (D) Deployment of military or emergency service personnel creates a late arrival or complete reservation cancellation.
- (c) The director or his/her designee may approve a refund under other special circumstances.
- (d) All requests for refunds listed above must be sent in writing to Reservations Northwest via email, fax or surface mail to be considered for a refund.
- (e) The department will issue refunds for specific site or park area closures and no written request is required.
- (f) The park manager may only issue a refund at the park due to the person leaving earlier than expected, and while the person is present and has signed for the refund. Once the person has left the park, refund requests must be sent to Reservations Northwest for processing.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

736-015-0040

#### Miscellaneous Rentals and Products

- (1) Firewood: Where conditions permit, firewood will be sold.
- (2) Boat Moorage Facilities -- \$10 per day per boat: Where boat moorage facilities are provided they may only be reserved with other campsite reservations.
- (3) Showers -- \$2 per person: Charged where showers are available to non-campers in a campground.
- (4) Horse Camping Area:

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- (a) Type I non-hookup site: \$19 per night per camper unit;
- (b) Type II non-hookup site: \$17 per night per camper unit;
- (c) Type I hookup site: \$28 per night per camper unit;
- (d) Type II hookup site: \$24 per night per camper unit;
- (e) Type I group site (accommodates 3-5 units): \$57 per night;
- (f) Type II group site (accommodates 3-5 units): \$51 per night;
- (g) Type I double site: \$47 per night per two camper units;
- (h) Type II double site: \$41 per night per two camper units;
- (i) A camper unit consists of a motor home, trailer, tent or camper.

(5) 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): \$70 per night;

(b) Charges for persons in excess of the 25 person base rate will be \$3 per person per night.

(6) 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): \$100 per night;

(b) Charges for units in excess of the 10-unit base rate: \$10 per unit per night.

(7) 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) Ranch/Bunkhouse: Large communal type bunkhouse facility which includes kitchen and restroom facilities. Minimum fee of \$200 per night for up to 25 persons and \$8 per person per night thereafter up to the maximum occupancy.

(9) 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.

(10) Lodge/Community Hall: Large meeting facility with kitchen and restroom facilities which may be reserved overnight: \$200 per night.

(11) Meeting Hall: Small meeting facility, generally associated with a campground, which may have limited kitchen facilities and restrooms: \$75 per day.

(12) Pavilion: A large, covered day-use facility for group use: Minimum fee of \$100 per event for up to 50 people, and \$1 per person thereafter up to the maximum occupancy of the facility.

(13) Shore Acres Garden: All facility prices, no matter which facility or combination of facilities are 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 lawn area outside the formal garden or a section of the formal garden (NOTE: sites in the garden must be booked in conjunction with another facility): \$100 per event.

(b) Pavilion (inside the formal garden and must be booked with an event site or the garden house): \$100 per event.

(c) Garden House (inside the formal garden and must be booked with the Pavilion): \$200 per event.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

736-015-0043

Effective Dates

Amendments to this division adopted at the September 29, 2009 OPRD Commission meeting become effective upon filing except:

(1) OAR 736-015-0030 becomes effective January 1, 2010;

(2) OAR 736-015-0020 and 736-015-0040 become effective May 1, 2010.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124



## Hearings Officer Report - Division 15, Rates (August 2013)

Prepared by: Richard Walkoski

Date: September 6, 2013

Nature  
HISTORY  
Discovery

### Background

At the May 2013 OPRD Commission meeting approval was given for rulemaking in division 15 to implement rate increases contingent on approval of the 2013-15 OPRD budget and to address other rate related issues resulting from the division 10 rulemaking process. Subsequently the budget was approved with a rate increase package and there were four issued related to division 15 that were identified during the division 10 rulemaking process. Rulemaking began in July to address the rate increase and the other issues identified.

### Advisory Committee

An external advisory committee was formed to advise the department on impacts of the proposed fee increase. The committee consisted of the following representatives: Bob Keefer, Willamalane Park District, Lane County; Doreen Ferguson, Josephine County parks; Kaly Harward, Hoodoo Recreation; Stacey Forson, US Forest Service; Jeff Hampton, Travel Oregon; and Sarah MacAlister, OPRD Park Host. The advisory committee felt that the fee increase package was reasonable and that there would be little financial impact to local businesses resulting from the change. The other fee related rule changes related to discount programs and extra vehicle fees for motorcycles were also supported by the committee.

### Comment Period

Press releases were issued announcing the public comment period, August 1<sup>st</sup> through August 30<sup>th</sup>, and the four public hearings scheduled during the third week of August. Numerous media outlets ran the story. There was good coverage in both print media and radio/television. OPRD also sent 5,000 e-mails to in-state customers and 2,000 e-mails to out-of-state customers who had camped at an Oregon State Park within the last year, randomly selected from the Reservations Northwest (RNW) database. The e-mail announced the rule change and directed the recipients to an on-line survey which asked the same questions as a phone survey at RNW, but also included an open ended question. There were 135 survey responses that were added to the 4,916 responses from the phone survey of RNW customers that had been running since January 2013.

Four public hearings were scheduled at OPRD parks with campgrounds in an attempt to reach customers affected by the rule change and make it easy for them to attend the hearings. Hearings were scheduled at the following locations:

Date	Time	Where
8/20/2013	7:00 pm	South Beach State Park, Meeting Yurt 5580 S. Coast Hwy, Newport OR 97366
8/21/2013	7:00 pm	Champoeg State Heritage Area, Visitor Ctr, 8239 Champoeg Rd. NE, St. Paul OR 97137
8/22/2013	7:00 pm	The Cove Palisades State Park, Crooked River Campground Program Area, 7300 Jordan Rd. Culver OR 97734
8/22/2013	7:00 pm	Wallowa Lake State Recreation Area, Day Use Picnic Shelter, 72214 Marina Lane, Joseph OR 97846

The hearings were announced through a posting in the Secretary of State's Bulletin, press releases and flyers posted at the parks where hearings were being held.

**Written Comments Received**

Written comments came in the form of five letters, 180 e-mails and 83 survey comments. A general summary of the comments is listed in the table below. Some written comments contained more than one suggestion and they may be tallied in more than one category. It should also be noted that many of the people who said they would camp less still supported the increase.

<b>Public Comment Summary: OAR 736-015 Rates</b>	<b>e-mail comments</b>	<b>open ended survey</b>	<b>letters</b>
I support the increase and understand why it is necessary	56	28	2
The increase is pricing me out of the parks, reducing the days I can camp, fees are already too high	41	19	2
Raise the rate for out of state users	33	6	1
If you raise the rate you should be offering more amenities or better service, you can't compare your service to the private campgrounds	16	9	
Cut services or find efficiencies rather than raising rates	16	2	2
I do not support the pet fee (some people thought this fee would be applied to general campsites)	16	1	
Spread the rate increase out more evenly across the site types	13	6	
Do not support - no details given	13	4	
Support for keeping the tent rate low	10		
Eliminate or reduce the reservation fee or give residents preference	9	5	1
Offer discounts of some type - Seniors/Disabled/Residents/Low Income	9	5	
Find other sources of revenue rather than raising camping fees	8	3	
Oppose raising the extra vehicle fee	4		
Selective increase: Day Use Fees or fees at popular parks/RV Sites	3	1	2

**Oral Comments Received**

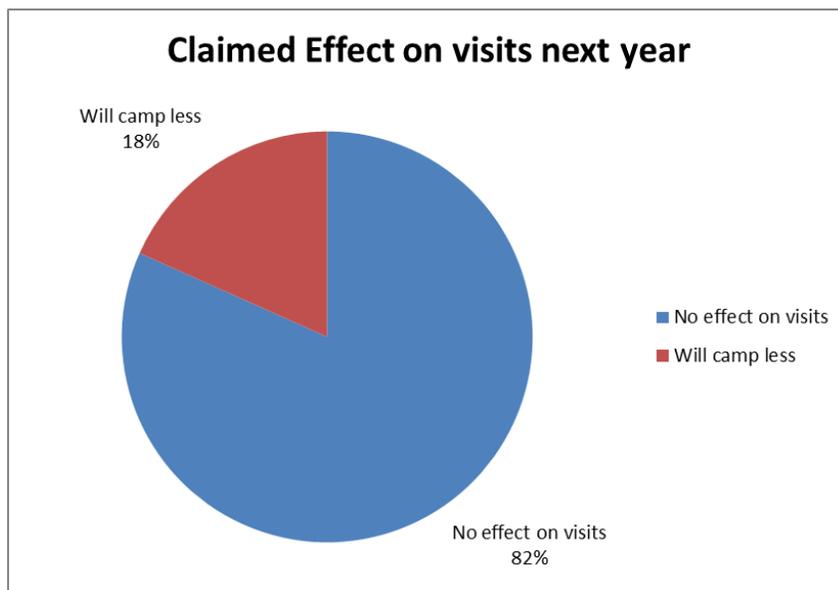
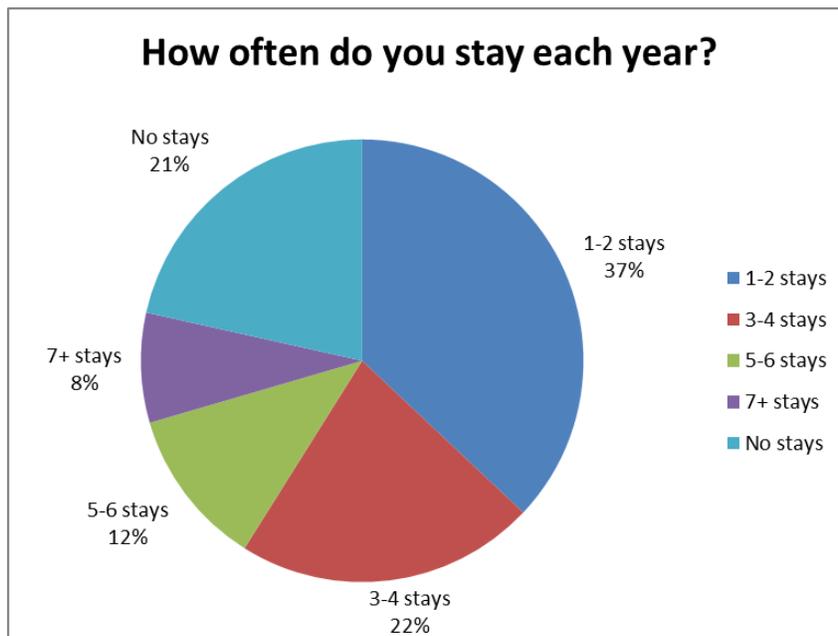
Although the hearings were scheduled in locations that made it convenient for campers to attend, the hearings were lightly attended and only one person made an oral comment. Another person turned in a letter at a hearing in which he had outlined his comments. The oral comment encouraged the department to spread the increase across all site types. The chart below shows attendance at the hearings, broken down into public and staff categories.

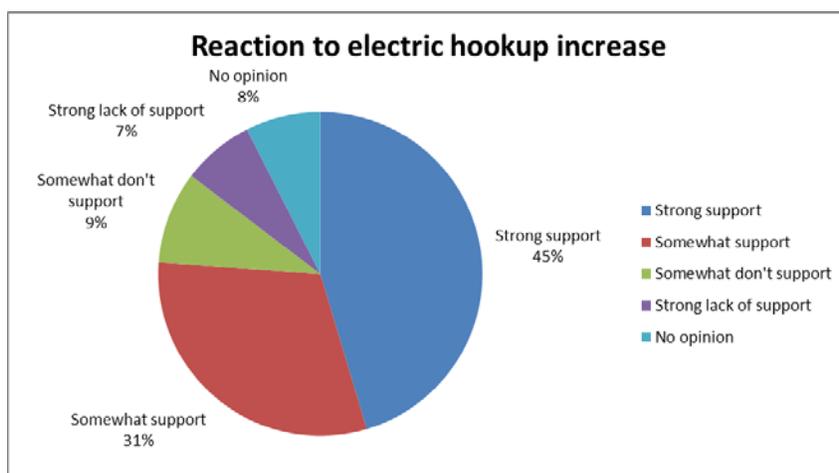
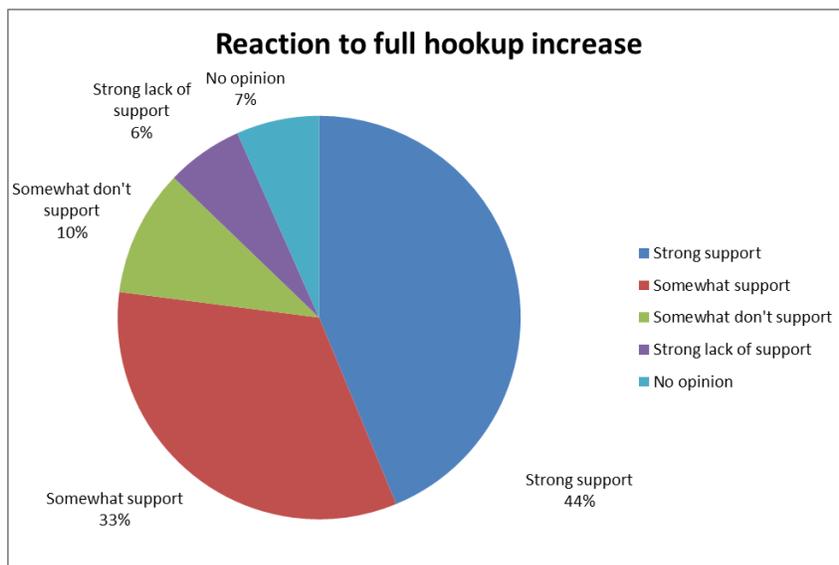
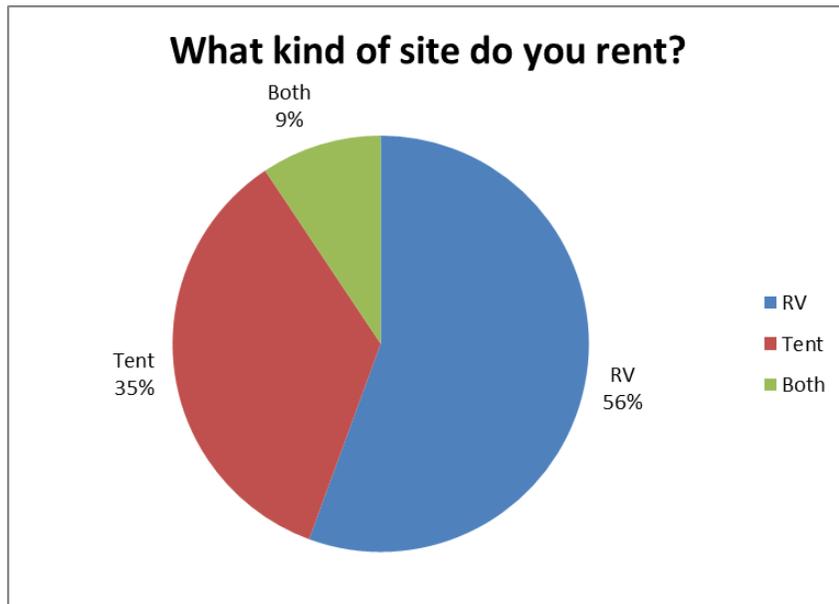
<b>Location</b>	<b>Public Attending</b>	<b>Staff Attending</b>	<b>Oral Comments</b>
South Beach	2	2	none
Champoeg	2	2	none
The Cove Palisades	1	4	1
Wallowa Lake	1	2	none

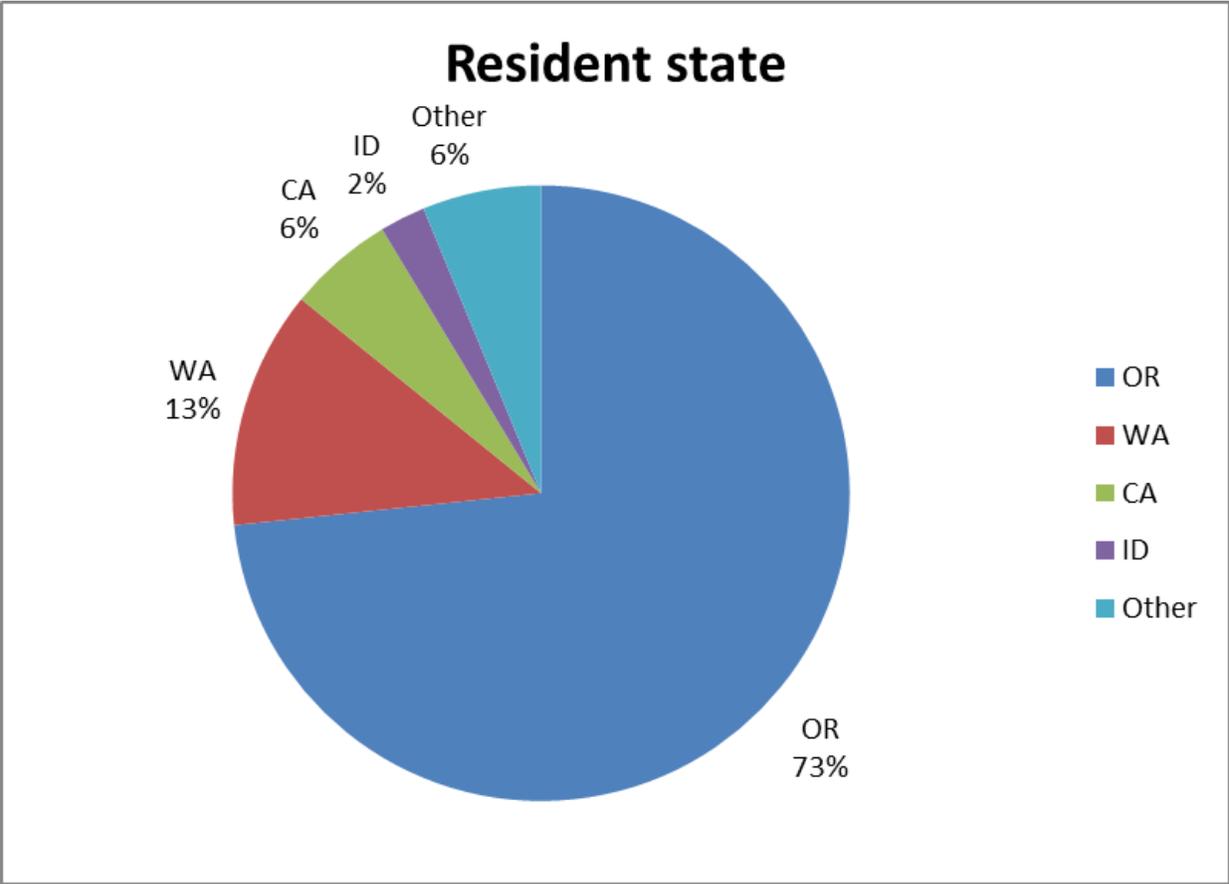
### **Survey Comments Received**

In January, when the OPRD budget moved forward with a fee increase package, a survey was started at RNW that asked callers if they would like to respond to a series of questions regarding camping rates. The survey ran until we began rulemaking for the fee increase in July 2013. During that time 4,916 people responded.

Once the rulemaking comment period started in August we sent out 7,000 e-mails (5,000 in-state and 2,000 out-of-state) to randomly selected reservation customers who had camped within the last year. These people were given the opportunity to take the same survey on-line with one addition, they could leave a comment. During the comment period there were 135 surveys completed. The results from that survey have been combined with the RNW survey results and are summarized below. The open ended comments have been summarized in the written comment section above.







## Oregon Parks and Recreation Commission

September 24, 2013

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Agenda Item: 8c

Action

Topic: Request to Adopt Division 2, Working with Donor Organizations

Presented by: John Potter

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The Oregon Legislative Assembly passed Senate Bill 196 in 2013, enabling the Oregon Parks and Recreation Department to enter into agreements with nonprofits who can, in turn, solicit gifts, grants and donations for state parks. The bill directed the department to enact rules governing the creation and execution of these agreements.

During the public comment period, staff received feedback and made several minor changes to the definitions section, and clarified the process-oriented sections related to monitoring and evaluating agreements.

**Prior Action by Commission:** Permission to go to rulemaking, Item 7c, May 8, 2013.

**Action Requested:**

Adopt OAR 736, Division 2, Section 15, adding rules as required by Senate Bill 196.

**Prepared by:** Chris Havel

**Attachments:** Final rule language

## **Working with Donor Organizations**

### **Authority and Purpose**

(1) Oregon Laws 2013, chapter 299, section 2 authorizes the director of the Oregon State Parks and Recreation Department to enter into agreements with private, nonprofit organizations by which the organizations shall solicit gifts, grants and donations for the benefit of the department or donate goods and services to the department.

(2) The purpose of these rules is to provide procedures for soliciting and accepting proposals, reaching agreements, depositing funds, evaluating agreements and renewing or dissolving agreements.

### **Definitions**

(3) As used in these rules and forms to be prepared by the Oregon Parks and Recreation Department, the following definitions apply:

- (a) "Agreement" means a written agreement entered into between a donor organization and the department for the purposes identified in Oregon Laws 2013, chapter 299, section 2, subsection 1.
- (b) "Department" means the Oregon Parks and Recreation Department or its staff.
- (c) "Director" means the director of the Oregon Parks and Recreation Department.
- (d) "Donation" means gifts, grants, cash donations, goods or services.
- (e) "Donor proposal" means a written proposal submitted by a donor organization in a format as required by the department, and which requests to enter into an agreement with the department according to Oregon Laws 2013, chapter 299, section 2, subsection 1.
- (f) "Donor organization" or "donor" means a federally tax exempt nonprofit organization registered with the Oregon Secretary of State.

### **Donor Organization Eligibility**

(4) To be eligible to submit a donor proposal, a private nonprofit organization must:

- (a) Meet the definition of a donor organization under subsection (3)(e); and

(b) Have an organizational mission that is consistent with the department's mission and strategic priorities.

### **Soliciting and Accepting Donor Proposals**

(5) The department may request donor proposals as needed or on a biennial basis by posting a notice on the department's website and on the electronic procurement system the department uses to advertise contracting opportunities. The department may use additional notification means when necessary.

(6) To submit an unsolicited donor proposal, eligible donor organizations may contact the director's office at any time to obtain information on the process for submitting such a proposal, including required forms.

(7) The department's goal is to respond to proposals submitted under sections (5) and (6) within 30 days of receipt. If the department has not responded within such time, the applicant organization may contact the director's office and inquire about the proposal status. Failure to receive a response from the department shall not be interpreted as department acceptance of a proposal.

### **Evaluating Donor Proposals**

(8) When evaluating a donor proposal, the department shall consider the following:

- (a) Whether the proposal furthers the department's strategic priorities;
- (b) Whether the proposal will produce financial or public service benefits to the department in excess of the department's cost to fulfill the agreements;
- (c) Whether the proposal demonstrates that the donor organization has the ability to successfully carry out the proposed agreement terms;
- (d) Whether the department can successfully meet its obligations as specified or anticipated by the proposal; and
- (e) Other factors the department deems appropriate.

(9) The department has sole discretion to accept or deny donor proposals. The department will communicate its decisions to applicants in writing. Acceptance of a donor proposal only means that the department will attempt to reach an agreement with the donor organization as provided in sections (10) to (13), and does not otherwise create an obligation on the department.

### **Reaching Agreement**

(10) The department has 90 days from the date it accepts a donor proposal to negotiate the terms and conditions of an agreement with the selected donor organization. If an agreement is not reached in 90 days, the department may extend the negotiation period at its discretion or may rescind the acceptance.

(11) Each agreement must contain provisions that address the following:

- (a) The agreement scope, dates or general timeframe, and projects to be completed by the donor or the process by which individual projects will be agreed upon and implemented;
- (b) What the donor organization will provide to the department, the anticipated value and schedule of donations, the manner in which they will be provided, the ownership of each item, if applicable, the records to be kept by the donor organization, and the detail and timing of required reporting concerning the cost of department resources or services made available to donor organizations and the corresponding donations given to the department;
- (c) What the department will provide to the donor organization, the schedule and cost for any state resources or services anticipated to be provided, and the manner in which the organization will request and the department will provide resources or services.
- (d) Compliance with the terms of relevant statutes, administrative rules and department requirements, including use of the state seal and the department shield;
- (e) Representation of the donor organization's relationship with the department and the requirement that the donor organization must report any political lobbying activities related to the agreement to the department within seven calendar days of undertaking the activity;
- (f) Provisions for amending, renewing, and terminating the donor agreement; and
- (g) The right of the department to refuse any donations.

(12) All agreements must be in writing and approved by the director or designee in accordance with the department's authority delegation policy.

(13) At least 30 days prior to the director signing an agreement, the department must:

- (a) Post a notice on the department’s website and on the electronic procurement system the department uses to advertise contracting opportunities announcing the proposed agreement with information about its purpose, content, and a link to its online location.
- (b) Submit a copy of an executive summary of the content of the proposed agreement to every member of the Legislative Assembly by electronic mail that includes a link to the online location of the proposed agreement; and
- (c) Submit a copy of the proposed agreement to the Legislative Administrator.

### **Management of Funds**

(14) The department must deposit all funds received from agreements in subaccounts of the State Parks and Recreation Department Fund as established by ORS 390.134.

### **Monitoring and Evaluating Agreements**

(15) The department must monitor agreements while in progress to determine whether they are properly executed and remain beneficial to the department.

(16) Within the 60 day period prior to the expiration of an agreement, the department must determine whether:

- (a) the agreement delivered the benefits outlined;
- (b) the donor organization complied with the agreement terms and conditions;
- (c) the benefits received provided significant value to the department relative to the costs of the state resources or services expended to secure the benefits;
- (d) the department was able to fulfill its obligations under the terms of the agreement; and
- (e) the department would consider new agreements with the same donor organization in the future.

### **Ending or Renewing Agreements**

(17) During the course of an agreement, each party may terminate the agreement at any time without cause by providing 30 days written notice to the other party.

(18) Prior to the expiration of an agreement, the department may consider two options based on the results of the agreement evaluation in section (16):

- (a) allow the agreement to expire; or

(b) renew the agreement by extending or altering the existing agreement scope, conditions and terms, subject to the notice requirements in section (13).