



Oregon Parks and Recreation Commission
September 16-17, 2014
Silver Falls State Park

September 16-17, 2014 Meeting Minutes

Those attending all or part of the meeting included:

Commissioners Present:

Jay Graves, Chair
Cal Mukumoto, Vice Chair
Robin Risley
Brad Chalfant
Lisa Dawson
Wendy Veliz

Staff:

Lisa Van Laanen, Director
MG Devereux, Deputy Director
Steve Shipsey, Assistant Attorney General
Vanessa DeMoe, Commission Assistant
Sarah Emery, Executive Assistant
Chris Havel, Associate Director, Communications & Research
Roger Roper, Assistant Director, Heritage and Community Programs
Scott Nebeker, Interim Assistant Director of Operations
Larry Warren, Internal Services Administrator
Jim Morgan, Stewardship Manager
Kammie Bunes, Acquisition and Property Management Specialist
Jaime English, Interim IPS Manager
Tanya Crane, Budget Manager
Teresa Moritz, Contracts Manager
Richard Walkoski, Communications and Research Division
Dennis Comfort, Valleys Region Manager
Steve Janisewski, Valleys Region Ops Support
Ron Price, ATV Grants Program Coordinator
Krista Fegley, HR Manager
Jerry Winegar, Mountains Region Manager
Bevin Clapper, Quality Assurance Coordinator
Chrissy Curran, SHPO Manager
Jerry Winegar, Region Manager
Dennis Wiley, District Manager

Tuesday, September 16th

Tour: Silver Falls State Park

Works-sessions:

Contracts and Procurement

Best Practices

Non-Essential Lands

Bates Pond

Wednesday, September 17th - Silver Falls State Park, North Falls Meeting Hall

Executive Session: 8:00 a.m.

The Commission met in Executive Session to discuss acquisition priorities and opportunities, and potential litigation. The Executive Session will be held pursuant to ORS 192.660(2)(e) and (h). The Executive Session is closed to the public.

Business Meeting: 9:15 a.m.

1. Commission Business (Action)

- a) Approval of Agenda

Agenda Item 6, Property, was reordered as shown below.

6. Property

- a. Wallowa Boy Scout Property Update (Information)
- b. Hayden Island (Information)
- c. Yachats Ocean Road- Norstrom Trust Donation (Action)
- d. Cascadia Update (Information)

Commissioner Graves moved to approve the September 2014 meeting agenda. Commissioner Chalfant seconded. The motion passed unanimously, 6-0.

2. Public Comment: *This is the time for the public to address the Commission.*

*If you wish to make public comment on an item on the agenda you can choose to make your comment either when the item is heard, or during this allotted time. Although written testimony is not required, it is suggested that 15 copies be provided to the Commission Assistant prior to the meeting. **Speaking time is limited to 3 minutes.***

No public comment received during the initial comment period.

3. Approval of Commission Meeting Minutes

- a) June 2014 (Action)
- b) July 2014 (Action)

Commissioner Chalfant moved to approve both the June and July 2014 meeting minutes.

Commissioner Risley seconded.

The motion passed unanimously, 6-0.

4. Director's Update

a) State Fair Update (Information)

MG Devereux, Deputy Director

Mr. Devereux provided an update on both the results of the Oregon Parks and Recreation Department's (OPRD) contract with a private consulting company to provide a large portion of the 2014 Oregon State Fair event planning and the fair transition to a public corporation, The Oregon State Fair Council. Final accounting should be available about 45 days post meeting, but the preliminary results showed an increase in revenue for several of the food and commercial vendors and the concerts were relatively successful. This year they tried a new method of including musical performances almost every single day of fair and some of the events had near capacity. The music vendors sold "VIP" tickets for the first few rows of seating and the rest were included with fair admission.

OPRD is working with the Fair Council on the transition to a public corporation in earnest. On September 18th the Fair Council planned to hold the 'next to final round' of interviews to select the chief executive officer candidate. That person will then take over the nuts and bolts operations to finalize the transition. The Fair Council has provided a tentative date for final transition of December 31, 2014, because they would like to be on a calendar fiscal year. OPRD needs to provide the Fair Council with the unobligated funds from OPRD's budget by that date so that they will have funds to hold a 2015 Oregon State Fair. Part of the transition will include OPRD staff that will no longer have a position with the fair. OPRD is looking at staff placement within either OPRD or with other agencies that have open positions with the same position classes. Only two milestones from Senate Bill 7 remain: the report due to the legislature on October 1, 2014 and the final step of notifying Treasury that the Fair Council is ready to assume control of the remaining funds.

Chair Graves asked if Mr. Devereux could provide an estimate of the amount of money that will transition to the Fair Council. The answer was that the amount is dependent in part on the final tally of the 2014 Oregon State Fair. The Fair Council and OPRD are currently working out of the same pot of money because the council is starting to incur some business expenses as they begin to prepare for Fair 2015 and hire the new CEO. Currently the estimate is a range of \$2-3million that will be available for them to complete business operations for the remainder of this biennium and start-up money for the 2015 Oregon State Fair which should be enough to get through the 2015 fair cycle. The Fair Council has indicated that they will probably go to the legislature to request a start-up package to cover some of the deferred maintenance, capital improvements, and other costs out of the fair operations. They know that if their request is granted, it would probably be only granted once, and that the legislature's expectations are for them to be headed toward self-sufficiency. One of the measures of success in Senate Bill 7 is that they need to show a profit at least three consecutive years out of the next five.

Chair Graves requested information regarding the debt service, where that sits, and how that moves forward. The answer was that the debt service remains with OPRD until it is fully paid off and that will be around 2018. It is roughly \$3 million to fully pay off.

b) Beltz Update (Information)

Lisa VanLaanen, Director

Director VanLaanen explained that OPRD closed on the Beltz property acquisition Friday September 12, 2014 moving it into OPRD ownership. She stated that as many have expressed, it is probably one of the greatest legacy acquisitions that the department has made in many decades. Director VanLannen expressed gratitude for the work and effort put in by staff and all of the commissioners to go out to view and appreciate the property and all of the value that it brings to the agency.

**Chair Graves conferred with legal counsel regarding the possibility of moving an agenda item up because someone came into make public comment on a topic that was toward the end of the agenda that had already been set. The decision was that someone would have to make a motion to move the agenda item up and a vote would need to take place.

The agenda was reordered again as shown below:

Agenda Item 11a moved to 6a and everything else in item 6 was pushed down:

6. Engineering and Property
 - a. Construction Contract Award Approval
 - b. Wallowa Boy Scout Property Update (Information)
 - c. Hayden Island (Information)
 - d. Yachats Ocean Road- Norstrom Trust Donation (Action)
 - e. Cascadia Update (Information)

Commissioner Chalfant made a motion to move agenda item 11a to agenda item 6a and then move everything else down.

Commissioner Dawson seconded.

The motioned passed, 6-0.

5. Consent Calendar (Action)

a) Approval of Delegated Authority Report

- 1) Contracts
- 2) Natural Resources
- 3) Sterling Mine and Metolius Windigo Scenic Trail Designations

Commissioner Veliz moved to approve the consent calendar.

Commissioner Mukumoto seconded. The motion passed unanimously, 6-0.

6. Engineering and Property

a) Construction Contract Award Approval (Action)

Scott Nebeker, Interim Assistant Director of Operations

Tumalo restroom and shower building

Mr. Nebeker provided an update regarding the Tumalo restroom and shower building replacement bids because the project will cost more than \$500,000. Four bids were received and opened on September 4th, 2014. The lowest apparent bidder was determined 'non-responsive' after consultation internally with the contracts and procurements division and externally with the Department of Justice (DOJ). The recommendation for action to award to the next lowest bidder has been protested by apparent low bidder and the protest period ends on September 18th. The DOJ and OPRD will review documentation provided by ORPD and the apparent low bidder and OPRD will make a decision to deny or uphold the protest. The recommendation for action from OPRD was modified slightly from what was written in the original agenda brief to be instead that the contract be conditionally awarded to 2KG Contractors pending approval from the DOJ to proceed with an award after the protest period had run its course.

Commissioner Mukumoto requested the reasons for being classified as 'unresponsive'. Mr. Nebeker responded that while there are two sides to this issue and he wanted to remain respectful to Mr. and Mrs. Prinz, the apparent low bidders, in OPRD's previous experience with the company, the Prinz's management and administrative performance of the contract caused difficulty for OPRD staff so OPRD didn't feel confident moving forward with a second contract of the same nature.

Chair Graves invited public comment on this item. Public Comment was received from:
Patti Prinz – JP Prinz Co LLC
Joe Prinz – JP Prinz Co LLC

Mrs. Prinz spoke about their previous experience on a project at the Valley of the Rogue including that they received verbal compliments from OPRD employees on the finished product. She provided a packet for the commission to review as the "basis of our defense" from the Prinz's addressing each of the issues outlined in Mr. Nebeker's memorandum rejecting their bid offer. She stated that the company experienced many challenges on the Valley of the Rogue project, most of which she indicated were beyond their control as contractors.

Mr. Prinz spoke about his personal experience at Tumalo State Park growing up and how it means a lot to him personally. He then explained that the OPRD project manager complimented the finished project but did not like one of the subcontractors. He offered an explanation of why the Valley of the Rogue project ran over time: the time for production of the masonry bricks needed to construct the building took more than half of the OPRD allotted project schedule. He explained that each of the delays in the project were because of requests from OPRD staff or other inspectors.

Chair Graves requested information about what information in the packet that the Prinz's provided to the commission was sent to the DOJ. The Prinz's explained that the packet provided to the commission was an abbreviated version of what was submitted to the DOJ.

Chair Graves then invited Scott Nebeker back to complete the agenda item. Commissioner Dawson asked for an explanation of what the DOJ process is and the answer was that from the time that the non-binding notice of intent to award was posted, the aggrieved bidder has a seven day period in which to protest. The protest was submitted in this case, so DOJ will review all documentation in depth and then provide an opinion to OPRD as to the validity of the protest and the risks involved in upholding the protest. Commissioner Veliz asked how the timeline for construction would be affected if the commission did not approve the conditional award during this meeting. Mr. Nebeker explained that the park is closed through April 30, 2015 so they need to have the construction complete by that date. He explained that waiting until the November commission meeting would make the project not feasible so he would request a conference call prior to the November commission meeting for a decision. Commissioner Dawson stated that the way the action request is written it makes the assumption that the DOJ provide an opinion to OPRD that they should deny the protest, however if OPRD were to uphold the protest, then the action would be ineffective. Mr. Shipsey explained that a conference call to make a decision would be subject to public meeting notice law, generally a 14 day notice because this would not constitute an emergency for a shortened public notice and it is acceptable to cancel a public meeting if it is no longer necessary.

Harris Beach paving

Mr. Nebeker explained that due to underground utility projects that need to take place the paving project has been pushed out until next biennium. Therefore the item was removed from the motion.

Commissioner Veliz moved that the commission table item 6a (previously 11a) as it relates to the B & C Loop restroom replacement until a meeting to be scheduled September 30th, that will be a telephone conference call, at which time item 6a (previously 11a) will be resumed for an action. Commissioner Mukumoto seconded. Commissioner Chalfant made a motion to amend the conference call date to October 2nd. Commissioner Veliz accepted the amendment. Commissioner Chalfant seconded the amendment. The motion passed unanimously, 6-0.

b) Wallowa Boy Scout Property Update (Information)

Kammie Bunes, Acquisition Specialist

Ms. Bunes first corrected a mistake in the written brief, explaining that second paragraph of what was originally item 6d referred to a lease that the Boy Scouts of America (Scouts) have for an area covering 80 acres when it is actually 90 acres. She used a visual aid to demonstrate the land areas in OPRD ownership and areas of land that OPRD leases from PacifiCorps, successor to Pacific Power and Light (PPL). She then provided a brief history of a separate seven and a half acre parcel of land that PPL deeded to the Scouts with a reversionary clause stating if the Scouts stop using the property for a camp that it would come to OPRD ownership. In part as a result of PacifiCorps undergoing a Federal Energy Regulation Commission (FERC) relicensing, OPRD and PacifiCorps have been

in conversation regarding the land in that area. She highlighted an area of PacifiCorps property with a small campground adjacent to OPRD's lease the Little Alps Day Use Area that has potential to be managed by OPRD. The Scouts have just entered into a 99 year lease with another group for property across the river, indicating that they do not intend to resume camp activities on the seven and a half acre parcel. OPRD, PacifiCorps and the Scouts are all in agreement that the seven and a half parcel should transfer to OPRD. OPRD has started the due diligence process and anticipates bringing more information and a recommendation to accept the property transfer in the near future.

Chair Graves asked for more information regarding the size and location of the PacifiCorps operated campground. Ms. Bunes explained that the campground has approximately 10 sites and is about five acres total. Conversations between OPRD and PacifiCorps have included discussion of OPRD leasing that campground after Pacific Corps improves the restroom facilities and installs a camp host space. There is a potential for a seamless experience and to better manage the traffic congestion.

Commissioner Mukumoto asked about the water raceways in the areas. Ms. Bunes explained that as a part of the FERC relicensing, Pacific Corps will reroute the water discharge to return to the same river that it is being pulled out of eliminating the safety concerns.

Commissioner Chalfant asked if there was opportunity through the FERC relicensing to address the larger issues in the area in terms of the traffic. Ms. Bunes explained that proposed recreation improvements in the license application concentrate on the signage and trailhead needs associated with access to the Eagle Cap Wilderness Area, because this particular project has to balance the financial needs of protecting the endangered species (fish) with the funds available for recreation improvements.

c) Hayden Island (Information)

Kammie Bunes, Acquisition Specialist

Ms. Bunes updated that the property is a 270-acre undeveloped property located along the Willamette River in Polk County. It is a hard-wood and conifer forest that floods every year and has been permitted for gravel extraction. OPRD has been in discussion with Trust for Public Land (TPL) about having the property come to OPRD ownership once TPL has acquired it. TPL has secured grants to acquire the land. The Achterman Group spoke to the commission previously because they would like to see this property acquired in honor of Gail Achterman's memory. During the due diligence process it was discovered that the site has a mineral overlay that prohibits a recreational park use on this site. The conclusion of several conversations with interested parties was that the property would be better served in Oregon Department of Fish and Wildlife (ODFW) ownership.

Chair Graves added to the update that during a meeting in the Governor's office, with several state agency staff and Chris Achterman, Chair Graves mentioned that from his perspective recreation and education access to would have been important to Gail and therefore with the recreation constraints on the site, OPRD may not be the best fit. Mr.

Achterman's response was that recreation and education were definitely on the group's top 10 list, but preservation of this site was the number one priority, so if ODFW the better home for this land, then the Achterman Group would be fine with that decision.

Director Van Laanen stated that if ODFW cannot make take possession of this property then OPRD has committed to help preserve this site. It is important to make sure that it is set up for success by having the local community rally rather than make it a negative experience.

Commissioner Chalfant commended Chair Graves and Director Van Laanen on their efforts. He explained that Gail was an old friend of his and he knew that one of the things she really appreciated was problem solving and elegant solutions.

d) Yachats Ocean Road- Norstrom Trust Donation (Action)

Kammie Bunes, Acquisition Specialist

Ms. Bunes explained that Dennis Norstrom passed away almost a year ago and bequeathed 2 acres of undeveloped land to OPRD. The property is within a small development without opportunity for public access. The trustee has offered the department a Bargain and Sale Deed free of restrictions which allows the agency options for the property in the future. OPRD asked the commission to approve the acceptance of the property.

Commissioner Chalfant asked if the trustee's expectations are that OPRD will hold the property in perpetuity. The answer was no they do not expect that; in the donation agreement it was very clear that if the department were to dispose of the property, then the proceeds would go back into the park system.

Commissioner Veliz asked what the value of the property is currently and also what the anticipated maintenance expenses will be annually. The answer is that the appraiser had a difficult time providing a current market value due to the lack of potable water; Yachats has a moratorium on new water hook-ups at this time. The assessed value is \$455,000; however that may not be the market value. Residual liquid assets of approximately \$220,000 would also come to OPRD, and they are not tied to the land parcel. Those assets would go into the system for use under any purpose already authorized in ORS 390.150 - 390.155; such as capitol expenditures, or matching grant funds. Anticipated maintenance expenses are minimal. If and when the time comes to sell the property, OPRD would take on the expense of having an appraisal completed. It is not necessary to have an appraised value for acceptance of the donation.

Commissioner Chalfant moved to approve acceptance of the Norstrom Trust Donation. Commissioner Risley seconded. The motion passed unanimously, 6-0.

e) Cascadia Update (Information)

Steve Janisewski, Valleys Region Ops Support and Dennis Comfort, Valleys Region Manager

Mr. Janisewski provided update of the proposed transfer of the Cascadia State Park to Lane County. He stated that in 2013 OPRD signed a Declaration of Cooperation with Oregon Parks Association (OPA) and Association of Oregon Counties (AOC) that identified eight properties for potential change in jurisdictional management. Lane County operates several parks along Highway 20 including Riverbend just six miles down the road from Cascadia. He used a visual aid to provide an overview of the park boundaries, explaining that it is a 253 acre park with a 25 site non-reservation tent campground, two reservable group camp sites, and a day use area including small picnic shelters. The park offers access to the South Fork of the Santiam River for recreational activities, and has a lot of history. The old Geisendorfer Hotel, the historic soda springs site, the Santiam Wagon Road that follows the river, and a significant archaeological site are all part of the history around the park. He provided an update on the number of annual visitors to the park and the revenue generated over the past five years: 60,000 visitors, 8,000 camper nights, and an average of \$26,000/year in revenue. The majority of the park is closed during the winter months- October through April. Moving forward OPRD will be doing an assessment of the land and water "6F" boundary of the park because some of the parcels were purchased with Land and Water Funds, taking a close look at the natural and cultural resources of the park, and consulting with the tribes for archaeological sites within the park. Lane County will need to provide OPRD with a written proposal for the transfer of real property.

Commissioner Mukumoto requested information about how the list of properties for transfer was developed. Mr. Comfort explained that all of the region managers were asked to develop a list of properties that would fit a category of potentially being more appropriately/efficiently managed through another jurisdiction. Cascadia State Park has been discussed as a potential property for swap or transfer for approximately the past 20 years. A couple of years ago there was an Oregon Solutions project for the South Santiam Canyon Community Forest, part of which was to consolidate a lot of the recreation providers for level of service and consistency.

Commissioner Dawson asked why OPRD identified a number of tasks that must take place before the transfer would even be considered. Mr. Comfort responded that OPRD takes its responsibility toward protecting our natural and cultural resources very seriously, so before considering the transfer of a property to another agency for management, the agency must first fully understand exactly which resources are on the site. Once the land transfer has taken place OPRD loses some of the control for the protection and preservation of those resources, so the agency wants to ensure that any necessary deed restrictions are included in the transfer contract.

Chair Graves invited Brian Carroll, Lane County Parks Director, to address the commission. Mr. Carroll stated that Lane County is very pleased to work with OPRD and would love to see the property transfer move forward as has been discussed. The county does take the concerns regarding the cultural and historic resources on the property very seriously, and will continue to work diligently to be good stewards to keep the properties open and available to the public.

7. Heritage & Community Programs

a) Heritage Programs Update (Information)

Roger Roper, Assistant Director for Heritage and Community Programs

Mr. Roper provided an update regarding potential legislation that could be making its way into the next session. Restore Oregon, a private non-profit, is working on developing a bill for the 2015 session for a state tax credit that would be an incentive to restore historic buildings, primarily income producing/commercial buildings. Research has shown that 35 other states, most recently California, have passed this legislation, partly because it stimulates investment. Currently there are federal tax credits available that work for large projects in large cities, but do not benefit small towns or small projects as well. Oregon has a state special assessment program that works reasonably well, but is tied to property tax and is therefore clunky. The proposed program would follow the film commission model of transferrable tax credits and also have building standards and regulations for qualification such as being listed on the National Register of Historic Places. The State Historic Preservation Office (SHPO) would manage the program because it is already set up to manage the current tax incentive programs.

Commissioner Chalfant requested information about the potential cost to the department in terms of program management. Mr. Roper responded that if the bill moves forward, OPRD/SHPO would do a fiscal analysis, but he doesn't anticipate any additional cost because SHPO is already managing the current incentive programs and working with most of the building owners on their restoration projects.

Commissioner Dawson asked what the timeframe for the credit to go into effect would be if it passed the legislature. Mr. Roper stated that they may invoke the emergency clause and have it be effective immediately, or they may say that it's effective January 1, 2015. Another possibility is that they would insert the new language into the existing statute for special assessment, which has a provision that allows qualified work that was completed up to two years prior to be counted providing a retroactive component.

Mr. Roper noted that the second half of the agenda item was an update on recreation grants that the commission had previously awarded. He explained that the photos provided in the agenda packet were of completed projects that geographically spanned the state very well and included people enjoying the results of the grant awards.

b) Local Government and Community Program Grant Awards (Information)

Roger Roper, Assistant Director for Heritage and Community Programs

Mr. Roper stated that he was filling in for Steve Kay, Recreation Grants Manager and had two components to the agenda item. The first was information regarding planning grants; the department awarded three out of ten applications to communities to create recreation plans totaling \$100,000. Since the projects are all under the limit necessary for commission approval, the agency decided to move forward with the Directors approval to

get the projects moving. The second part of the update was about small grants under \$75,000. The agency was able to fund 9 out of 19 applications for small projects. Per rule 15% of the local government grant funds are set aside for these small grants to ensure that the small projects can compete with the larger ones.

c) Veteran and War Memorial Grant Awards (Information)

Roger Roper, Assistant Director for Heritage and Community Programs

Mr. Roper provided explained that Veteran and War Memorial Grants were also part of the local government grant program and is the smallest amount of money set aside; it is approximately \$150,000 for the biennium. The second grant round awarded \$72,000 and change for three projects around the state. OPRD is trying to provide education to the communities on how to maintain, rehabilitate or upgrade their existing memorials rather than build new ones because of the long term maintenance costs what they already have

8. Budget

a) 2013-15 Budget Report (Information)

Tanya Crane, Budge Manager

Ms. Crane explained that OPRD is required to have permission from the Legislature to apply for federal grants. Because someone in Oregon could apply for a heritage maritime grant that the SHPO would then administer, the agency sent a letter of notification to Legislative leadership that this grant was out for application so that if it was necessary to apply for limitation to pass the grant through, we would have met our notification obligation. She also noted that if we were to apply we would send a permission to apply letter, which is what has happened with the emergency board. The grant application passed the subcommittee's consent agenda and was up for review on the full committee at the time of the update.

For the current biennium budget Ms. Crane provided budgeted revenues and expenditures compared to actuals for where the agency is in the biennium. Even though it is 50% of the way through the biennium it does not mean that 50% of the expenses or revenues should be complete because of the cyclical way the business runs. One example is that the RV revenues are received monthly, but they are always at least one month behind.

The lottery forecast for the current biennium dropped almost \$1.2 million dollars, so the agency is working on a plan to adjust for the loss of anticipated revenue. Currently the agency has some reserves, so if OPRD used all of those and retained the local government grant program at 12%, then the agency would need to come up with about \$350,000 to remain in balance. Ms. Crane anticipated that by the November meeting she would be able to provide an update on the plan to adjust for the change.

For 15-17 the forecast dropped \$2.58 million dollars from what the original 15-17 biennial budget was built around. That forecast is not the one that the Governor's budget will be built off of, however if the forecast does not increase, then adjustments will need

to be made. OPRD will have input to the how DAS Budget and Management (BAM) makes those adjustments to the Governor's budget.

Commissioner Chalfant asked if the Lottery replacing machines was because the machines were just old and in need of replacement or if they were upgrading to new 'flashy' games. Ms. Crane responded that she did know about the capital investment from the lottery and expected that it was simply that the machines were old and needed to be replaced.

b) 2015-17 Budget Report (Information)

Tanya Crane, Budget Manager

Ms. Crane updated that after receiving approval for the budget during the June meeting there were a list of adjustments that needed to be made. There will no longer be a position for the Salmonberry Trail project instead there will be a revenue transfer to support the work being done at the Oregon Department of Forestry. The Oregon Department of Transportation (ODOT) reduced the amount of revenue transfers for ATV fuels tax and the roads and rest areas, which changed both the amount of the revenue OPRD anticipated taking in and the ending balance for reserves. The final unobligated ending balance went from \$336,000 to \$43,000. At this point, the agency is waiting for the Governor's budget process which will probably begin in October.

c) 2015-17 Revenue Enhancement Project Update (Information)

Richard Walkoski, Research and Communications

Mr. Walkoski spoke about the ongoing discussions to help bridge some of the financial gap that Ms. Crane mentioned in her updates. The two options that had real potential to increase revenue were either expanding the day use parking fee program and/or eliminating the winter discount season. The analysis found that day use parking fee expansion really needs to have a program overhaul which is not going to be feasible in a short time frame. The elimination of the entire 'discovery season' discount program has its own challenges but an alternative would be to offer targeted discounts at specific parks that could be even larger than the discounts currently offered because it would bring customers into parks that are otherwise being under-utilized. The recommendation will probably be to change the discovery system to specific parks only beginning in fall of 2015.

Commissioner Veliz mentioned that one question that needs to be considered during this process is how we can make the process easier for customers in the technology driven world we live in. Director VanLaanen mentioned that the OPRD executive team is also looking at this process and involving staff at all levels for input on how to best move forward.

9. Planning

a) Beverly and South Beach Management Units Planning Update (Information)

Jaime English, Interim Planning Manager

Ms. English explained that the Beverly and South Beach Management unit planning process just was getting underway and had the first public meetings scheduled for February of 2015. One of the lessons they took away from the Gorge planning was the need for more time in the process to allow for coordination with the many stake holders and to account for other projects the unit is responsible for in addition to the management unit planning.

b) Willamette Falls Memorandum of Understanding (Action)

MG Devereux, Deputy Director

Mr. Devereux provided information about the draft Memorandum of Understanding (MOU) with the project partners. OPRD's participation is significant because the agency will be the single point of contact for tribal interests surrounding the site. OPRD is not committing any funds to the project, so commission approval is not required, however the project partners have asked that each of the governing bodies of the individual partners take some positive action to support the concepts in the MOU and the project moving forward.

Chair Graves asked if the sale of the property to the private developer affects the MOU at all. Mr. Devereux explained that it does not; instead the MOU allows the partners to define with the developer what the vision for the river walk could be and allows for a negotiating point regarding easement and future development so the project partners can come together with a funding and design plan. There are currently five signatories on the MOU: Clackamas County, Oregon City, Metro, OPRD, and Business Oregon.

Commissioner Chalfant to approve, in concept, the Willamette Falls MOU.

Commissioner Veliz seconded.

The motion passed unanimously, 6-0.

c) Bowers Rock (Action)

Dennis Wiley, District Manager

Mr. Wiley provided a history of Bowers Rock as a part of the Willamette River Greenway Act. Neither the master plan written in 1973 nor the 1989 development study were formally adopted; both indicated that additional land would need to be acquired upland of the current property boundary in for a fully developed state park. The park lies nearly entirely within a flood plain and is inundated with two year flows. Historically the local county commission did not support the development of the property. The park is currently being managed as Willamette River Greenway parkland consistent with the Greenway goals. OPRD has been working with the Calapooia Watershed Council for planning and funding to enhance the natural resource values of the site. During public meetings regarding the planning process local stakeholders raised concerns about the department's intentions for future planning. Mr. Wiley asked the commission to confirm

that there are no current development plans or proposals guiding or directing the management of the property.

Commissioner Chalfant asked if the department has any intention to acquire additional land for future park development because he wants to be as transparent as possible that while the department does not have any current plans for future acquisition and development, he does not want to lead people to believe that the department will not ever reconsider the option in the future. Mr. Wiley responded that at this point the park has only the potential to at most develop it as a Willamette River Greenway park which would involve a parking lot, a vault toilet and potentially a trail system. Any future acquisition would be dependent on the willingness of sellers, and the whether or not county commission would be in support of the agency to pursue additional development.

Commissioner Chalfant moved to confirm that the commission acknowledges that previous planning exercises do not constitute any guiding or binding plan for this site and that future plans will take into account full community concerns and go through (the agencies) standard process.

Commissioner Veliz seconded.

The motion passed unanimously, 6-0.

10. Stewardship

a) 2014 State Scenic Waterways Update (Information)

Laurel Hillman, Ocean Shores Planner

Ms. Hillman provided an update on the Scenic Waterway Study using a visual aid to demonstrate the location of the three river segments included in the pilot study. Each of the three studies will include: an evaluation of the segments individually for their potential eligibility as a state scenic waterway; the results of the outreach conducted in the surrounding communities, including the three public meetings; and the results of public comment, including a dedicated email address and an online survey. OPRD staff conducted field visits to each of the pilot segments to document the conditions, assess the scenic qualities and begin to identify the natural and recreational features of those waterways. There are ongoing discussions with experienced river users, resource managers and stakeholders about the qualities of the rivers as well as issues and concerns that they may have.

If a waterway is designated the Scenic Waterway Act mandates that the free flowing condition of the river is maintained in quantities needed to support what is declared as the highest and best use of that waterway, so there is a role for another commission, the Water Resources Commission (WRC), to adopt flows as part of the management planning process. OPRD staff did present an update to the WRC and will again in at their November meeting.

Chair Graves asked if the comments at the public meetings have been neutral, in support or in opposition of the waterways. Ms. Hillman responded that the Brookings public meeting was primarily a question and answer session so determining the public support

or opposition was difficult based on their comments. There were not any comments in outright opposition at the Chetco meeting. One tree-farm landowner at the Molalla River meeting expressed concerns regarding what designation might mean for her water rights.

The study will be forwarded to both the WRC and the Oregon Parks and Recreation Commission for recommendation to the Governor's office on one, two, three or none of the waterways. The Governor's office will then determine which waterways will be designated, unless the legislature overrides the designation by joint resolution.

Chair Graves asked why the legislature has override authority once the work for studying and designation has been done. Director Van Laanen answered that in the 2013 session the legislators actually vetoed this study four times and stated that they did not want it to happen, and then OPRD was directed by the Governor to go do the study.

b) Communication Facilities Management (Information)

Jim Morgan, Stewardship Manager

Mr. Morgan provided an update on how the agency manages cell towers on OPRD property. The agency has always responded to the requests for installation of these structures reactively when a corporation or municipality approaches us for permission to install rather than proactively seeking them out as a potential revenue source. There are currently eight towers on OPRD property with contracts that range from \$200/year to \$42,000 per year for the same service depending on when the contract was written. The agency has been reviewing how we view these facilities in terms protecting the agency from liability and also as an opportunity to enhance revenue. The current lease rates for these structures are closer to \$100,000 per year. It is possible to double the current revenue on some of the existing contracts, and if the department expands the number of towers installed on OPRD properties, it could potentially generate ½ - 1 million dollars of revenue per year. It would be in the best interest of the agency to retain control of where and how the facilities are installed to protect the cultural, natural and scenic resources, and also the terms for capturing revenue. Additionally contracts could be written with sensitivity to community needs such as emergency response needs. OPRD is reviewing the possibility of releasing a Request for Proposal to solicit a broker to help manage all of the current cell tower sites and help identify future sites that will allow the agency to provide for public safety needs and generate revenue at current market values.

Commissioner Chalfant asked how the broker is compensated. Mr. Morgan responded that it is dependent on the contract; it is usually either a flat fee or a percentage of the revenue generated. OPRD will have more restrictions than a typical private land owner because of the requirement to disguise the tower in order to protect the scenic resources.

11. Engineering

a) Reordered to 6a

12. Rulemaking

a) Request to go to rulemaking for ATV training standards under OAR 736-004-0120

(Action)

Ron Price, ATV Program Coordinator

Mr. Price provided an update of the ATV safety education program that Senate Bill 101 mandated. The department has worked with 4H clubs, Oregon State University, and motorcycle clubs to conduct hands on training for youth. As the program has developed it became apparent that there were items that needed to be included in the rules:

- Requiring background checks for trainers that are training youth
- Requiring training companies to carry insurance indemnifying the state and the trainer that they have hired at the time
- Limiting the number of training providers to ensure training accuracy

Commissioner Mukumoto asked for clarification on the definition of a classification of a 'Class 4'. Mr. Price explained that it is a 'side by side' with a steering wheel and a seat that you sit in instead of a seat that you straddle with handle bars.

Commissioner Chalfant moved to approve the request to go to rulemaking for ATV training standards under OAR 736-004-0120.

Commissioner Risley seconded.

The motion passed unanimously, 6-0.

b) Ocean Shore, Smoking Rules Update - OAR 736-021 (Information)

Richard Walkoski, Communications and Research and Chris Havel, Associate Director

Mr. Walkoski updated that the public comment period has closed for the question asking how people would respond to a rule that states tobacco products would be prohibited on the ocean shore. It generated a tremendous amount of public comment; about ½ said "What are you thinking?! Why would you do this?" and the other half said, "Yes! This is great idea, surprised it took you so long to do this." Upon further investigation, a few themes became apparent:

- Issue: The problem is litter, just enforce the litter law that is already in place
- Counter: Many people clearly don't consider it litter
- Issue: Government needs to stay out of Joe Public's personal, legal, behavior
- Counter: Alcohol is legal, but is prohibited in certain locations
- Issue: This is a non-enforceable rule, why would you make it a rule?
- Counter: Many park users voluntarily comply to any rules that we make

Mr. Havel updated that this began with the Governor's executive order directing all state agencies to reduce public exposure to second hand smoke, but because the science regarding the effects of outdoor air quality is so new it is difficult to bring up in a public forum. The issue regarding cigarette butts as an obvious after effect of outdoor smoking has helped focus the conversations, but it also helped focus OPRD's goal. If in addition to improving outdoor air quality OPRD's focus is on litter, then looking at other ways to address the issue, such as education, without passing a new rule. Other methods for gaining compliance should be attempted prior to rulemaking. It is important to address the larger societal problem because some of the litter that is found on the ocean shore did not originate on the ocean shore.

Commissioner Veliz stated that it sounded like the public comment process was successful. Also as a SOLVE volunteer, the number one thing that is found on the beach are cigarette butts, demonstrating that litter is really a huge issue.

Commissioner Chalfant stated that he read through all of the public comments and his impression was that the opposition was based on a more ideological reaction based on the lack of education regarding the intent surrounding the rule. Much of the comments in support were around the health benefits of not having the exposure to second hand smoke.

13. Reports (Information)

- a) Annual Audit Activity Update
- b) Regional Recreation Coalition Update
- c) Tsunami Debris Task Force
- d) Floras Lake

14. Commission Planning Calendar (Information)

There has been a conflict with the June 2015 meeting specifically the 17th is the conflict. Chair Graves requested that staff provide some options for an alternate date for the meeting. Vanessa DeMoe stated that moving it slightly later in the month is more desirable than moving it earlier in the month. Commissioner Veliz verified that the February and April 2015 meetings are in or around Salem and suggested that she could assist with finding a facility near Champoeg because the park does not have a sufficient meeting space.

The services, programs and activities of the Oregon Parks and Recreation Department (OPRD) are covered by the Americans with Disabilities Act (ADA). If you need special accommodations to participate in this meeting, please contact the OPRD ADA Coordinator at (503) 986-0748 at least 72 hours prior to the start of the meeting.