

Secretary of State  
Certificate and Order for Filing  
**PERMANENT ADMINISTRATIVE RULES**

I certify that the attached copies\* are true, full and correct copies of the PERMANENT Rule(s) adopted on [January 26<sup>th</sup> 2011]  
] by the

Oregon Parks and Recreation Department  
Agency and Division

Date prior to or same as filing date  
736-10

Administrative Rules Chapter Number

Vanessa DeMoe

725 Summer St. NE Ste. C Salem Oregon 97301

(503) 986-0719

Rules Coordinator

Address

Telephone

to become effective [ February 15<sup>th</sup>, 2011 ].  
Date upon filing or later

Rulemaking Notice was published in the [September 1, 2010] Oregon Bulletin.\*\*  
Month and Year

**RULE CAPTION**

The General Park Rules provide public direction and guidance on use of Oregon State Parks.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT: OAR 736-010-0066

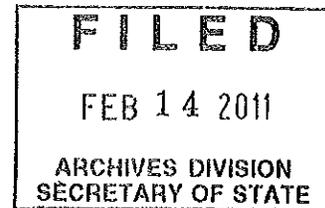
AMEND:

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 390.050, 390.111, 390.121, and 390.124



Other Auth.:

Stats. Implemented: ORS 390.111

**RULE SUMMARY**

A new rule is being added to the General Park Area Rules to provide guidance and an approval process for requests for installing recognitions and honorary features at State Capitol State Park in response to numerous requests received from the public and state agencies.

Tim Wood

Printed name

Date

Authorized Signer

\*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. \*\*The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.

ARC 930-2005

Rule 736-010-0066

State Capitol State Park – Recognitions and Honorary Features

(1) Purpose. The purpose of this rule is to provide guidance for honoring individuals, groups, or events that are of exceptional significance to Oregon or to the history of the nation, while respecting existing features and aesthetics of the State Capitol State Park and the Capitol Mall area, as well as the values of Oregonians, in general.

(2) Recognitions and honorary features may include installations of plantings, traditional park amenities, or features that are consistent with the department's State Capitol State Park Comprehensive Plan.

(3) Application and Approval Process.

- a. Persons interested in sponsoring recognitions or honorary feature shall make application to the director in a manner prescribed by the department.
- b. The application shall indicate how the proposal meets the criteria listed in section (4).
- c. The department will review and evaluate the application and coordinate with the applicant to obtain any additional information that the department may require to adequately review the proposal.
- d. The director shall determine whether the department deems a proposal significant or minor, taking into consideration the design, size, scope, location, construction process, and infrastructure needs of the proposal.
- e. The department will appoint a department liaison to the applicant for significant proposals. The liaison will assist the applicant with preliminary design and the review process.
- f. The application shall provide an identified estimate of costs and funding sources for design, construction, regular maintenance, and repair of the proposed feature.
- g. For significant proposals, the Assistant Director, Heritage Programs will convene a review committee that may be comprised of a representative of the State Capitol Foundation, Governor's Office, Legislative Administrative Committee, Capitol Planning Commission, City of Salem, a citizen at large, and at least one representative of an agency whose offices are located on the Capitol Mall. The review committee shall provide an opportunity to consider input from the public. It will review significant proposals to assess their compliance with criteria and objectives prescribed in this rule and make a recommendation to the director for further action that may include suggestions for changes to the design or location.
- h. Upon receiving a positive recommendation from the review committee, the director will present the proposal to the State Parks and Recreation Commission for consideration and possible approval.
- i. The department accepts no responsibility for any expenditure incurred by the applicant prior to approval by the Commission or subsequently. Construction or installation may not begin until the Commission grants approval and the applicant has obtained all necessary state and local permits.
- j. For minor proposals to place recognitions or honorary features consisting of small plantings, benches and other small installations that are consistent with

the State Capitol State Park Comprehensive Plan, the director may consider and approve or deny such requests without further review or approval.

(4) Criteria for Recognitions and Honorary Features.

- a. The subject of the recognition shall be widely known and appreciated for great contributions and significance to the state of Oregon, the history of the nation, or both;
- b. The subject of the recognition, if a person, shall have been deceased for at least ten years, and if an event, shall have occurred at least ten years prior;
- c. The proposed feature shall enhance the aesthetics of the park and shall be consistent with the adopted State Capitol State Park Comprehensive Plan;
- d. The proposed feature shall not:
  - be located in the open, grassy areas of the Central Mall and Willson Park ovals;
  - disturb major trees and plantings;
  - interfere with traffic flows or sightlines; or
  - disturb other installations and structures;
- e. There shall be demonstrated, statewide, public support for the recognition or honorary feature;
- f. There shall be specific, valid reasons why other venues, that have been carefully explored, were not a suitable alternative location.
- g. The proposed feature shall not create unmitigated or significant additional liability; repair and maintenance cost; or safety and security concern, for the department;

(5) Costs. All expenses for design, fabrication, and installation shall be borne by the applicant. The department shall assist the applicant to determine the requirements for installation. Prior to installation, the applicant shall provide for deposit in the Recognition and Honorary Feature Maintenance Trust Fund an amount equal to 15 percent of the project replacement value to be expended for maintenance and repair of recognitions and honorary features in the State Capitol State Park.

(6) Design Approval and Installation.

- a. The department must approve the final design of the project. The proposed feature must meet all applicable codes and standards.
- b. For projects constructed and installed by the applicant, the department will assign a project manager to provide construction inspection and oversight. The applicant is responsible for acquiring all necessary permits prior to construction.
- c. For projects constructed and installed by the department on behalf of the applicant, the applicant shall reimburse the department for the costs of bid preparation, contracting services, permits, construction inspection and project management oversight.
- d. The applicant shall remain responsible and liable for the project until it is accepted in writing by the department.

(7) Recognitions and honorary features shall become the sole property of the department.

(8) The department shall maintain a registry of existing and future recognitions and honorary features in the agency's asset records.

(9) Maintenance.

- a. The department shall establish a Recognition and Honorary Feature Trust Fund from funds provided by applicants and donations. The fund shall be used to defray the costs of maintenance and repair of recognitions and honorary features in the State Capitol State Park.
- b. The department may relocate or remove existing recognitions or honorary features, if determined necessary. The department will consult a review committee prior to relocation or removal.
- c. If living recognitions or honorary features such as trees or plantings die, are damaged, or present a hazard to the public or adjacent buildings or structures, the department may remove or replace them at its discretion. If plaques or recognition items are associated with the removed trees or plantings, they will be offered first if possible to the family of the individual recognized, or secondarily, to the State Capitol Foundation for archiving.