

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form..

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on March 18, 2010 by the
Date prior to or same as filing date

Oregon Parks and Recreation Commission

736-015

Agency and Division

Administrative Rules Chapter Number

Vanessa R DeMoe

725 Summer St NE Ste C Salem OR 97301

503-986-0719

Rules Coordinator

Address

Telephone

to become effective April 18, 2010 through October 8, 2010.

Date upon filing or later

A maximum of 180 days including the effective date.

RULE CAPTION

Clarification of recreational immunity language relating to charges for services and facilities

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 rules) with the Administrative Rules Unit prior to filing

ADOPT:

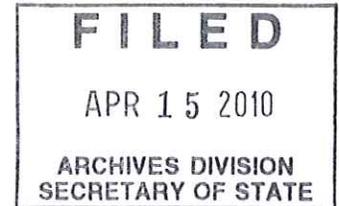
AMEND: 736-015-0010, 736-015-0020, 736-015-0026, 736-015-0030

SUSPEND:

Stat. Auth.: ORS 390.124

Other Auth.:

Stats. Implemented: ORS



RULE SUMMARY

Language is added to the division 15 rules which will: (1) provide users who are charged a fee the notice now required by law, and (2) protect the public interest in limiting exposure of the state park system to claims that could be brought absent recreational immunity.

Tom Wood

4/15/10

Authorized Signer

Printed name

Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

ARC 940-2005

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Parks and Recreation Commission
Agency and Division

735-015
Administrative Rules Chapter Number

In the Matter of: provision of notice, now required by law, in division 15 rules regarding charges for OPRD facilities.

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.) Clarification of recreational immunity language relating to charges for services and facilities.

Statutory Authority: ORS 390.124

Other Authority:

Stats. Implemented: ORS 390.111, 390.121, HB 3637 (2010)

Need for the Temporary Rule(s): The 2010 special session of the Oregon Legislature passed legislation affecting recreational immunity in Oregon. Language needs to be added to the division 15 rules which will: (1) provide users who are charged a fee the notice now required by law, and (2) protect the public interest in limiting exposure of the state park system to claims that could be brought absent recreational immunity.

Documents Relied Upon, and where they are available: HB 3637 (2010)

Justification of Temporary Rule(s): The 2010 special session of the Oregon Legislature passed legislation affecting recreational immunity in Oregon. To ensure that the division 15 rules of the Oregon parks and recreation Department reflect the changes enacted by the legislature, division 15 is being revised to: (1) provide users who are charged a fee the notice now required by law, and (2) protect the public interest in limiting exposure of the state park system to claims that could be brought absent recreational immunity. These temporary changes to division 15 will be made permanent through the normal rule making process.



Tim Wood

4/15/10

Authorized Signer

Printed name

Date

PARKS AND RECREATION DEPARTMENT

DIVISION 15

RATES

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

736-015-0020

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.

(b) Type II: \$20.

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

(a) Type I: \$24.

(b) Type II: \$20.

(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.

(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.

(b) Deluxe: \$75.

(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.

(c) Deluxe 1: \$75.

(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.

(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 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 additional motorcycle will be charged \$5 as an extra vehicle.

(12) Express Check-In (where available): The department allows a person with a reservation for individual tent, electrical or full hook-up campsites to expedite the check-in process 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, HB3673 (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, Champoege 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)

PARKS AND RECREATION DEPARTMENT

DIVISION 15

RATES

736-015-0010

General Regulations

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Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

736-015-0020

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Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121, 390.124, HB3673 (2010)~~183.310—183.550~~

736-015-0026

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Stat. Auth.: ORS 390.124

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

736-015-0030

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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 \(2010\)](#)