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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 736
PARKS AND RECREATION DEPARTMENT

FILED

07/30/2024 12:46 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Day Use Parking Permit Fee Ranges

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/30/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Katie Gauthier
Rules Coordinator

HEARING(S)

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

DATE: 08/21/2024

TIME: 5:30 PM

OFFICER: Katie Gauthier

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-510-9678

SPECIAL INSTRUCTIONS:

Registration is required at: https://us06web.zoom.us/webinar/register/WN_B1jKQI5ASIKh3Q0-hctYOW

NEED FOR THE RULE(S)

ORS 390.124(2)(a) authorizes the State Parks and Recreation Commission to adopt by rule a range of changes for the use of areas established and maintained by the department. From that range, the director may set and adjust fees, with changes allowed no more than four times per calendar year. This statute is a result of legislation approved in 2017 (HB 2318).

The first rate ranges were adopted into rule in 2018 and implemented by the department in 2019. Since that time, the director has utilized the flexible fee authority to adjust fees based on visitation patterns, increased costs, and seasonal fluctuations.

Day use parking permit fees were not included during initial rate ranges. Parking permit pass rates have not increased since 2009. Adding day use parking permit fee ranges allows for flexibility to adjust rates over time.

Adjustments to rate ranges are necessary to respond to increases in utility costs, operations and maintenance needs and inflation. Increasing the rate ranges, does not mean that fees charged will be at the top of the range, but will provide

the agency flexibility to adjust fees as conditions change in coming years.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

<https://stateparks.oregon.gov/index.cfm?do=visit.day-use>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Oregon Resident Outdoor Recreation Survey updated as part of the 2025-2029 Statewide Comprehensive Outdoor Recreation Plan (SCORP) included questions that specifically address motivations to recreate and constraints that limit outdoor recreation to better understand participation differences across demographic groups. The survey responses reveal clear differences in outdoor recreation participation across different racial groups in Oregon.

Mixed Race and White populations report outdoor recreation participation levels similar to that of the Oregon general population, while Asian and Black/African American residents participate in outdoor recreation fewer times per year than the general population. In terms of specific outdoor recreation activities, the Asian and Black/African American populations each have a lower participation rate than the Oregon population for the majority of activities. There is also evidence that the Hispanic/Latino/a population may be underserved in terms of total outdoor recreation times per year, despite the fact that this group participates in more specific activities than other Oregonians.

The survey identified a number of constraints to participation in outdoor recreation for underserved communities with cost of overall trip being one of the factors among many. The proposed adjustments in rate ranges will increase costs for accessing outdoor recreation. Utilizing recommendations included in the SCORP provide avenues that may help to alleviate impacts of proposed rule changes on racial equity in the state. OPRD must balance the need to operate and maintain facilities with the goal of keeping them affordable for all.

FISCAL AND ECONOMIC IMPACT:

An Earth Economics study in 2022, included in the 2025-29 SCORP, found outdoor recreation in Oregon supported \$21.2 billion in spending at businesses throughout the state, which then rippled through Oregon's economy as income and wages were re-spent, driving economic effects in sectors not directly tied to outdoor recreation. Total consumer spending on outdoor recreation in 2022 supported 198,000 full and part-time jobs in Oregon, associated with \$8.4 billion in wages and other compensation.

The state park system operates through a combination of park visitor revenue, a share of the recreation vehicle registration fee—which make up more than half the funding—and a share of constitutionally-dedicated Lottery approved by Oregon voters in 1999 and 2010. As utilities, operations and maintenance costs rise, the agency must balance revenue to ensure long term sustainability for state parks. Day use parking permit fees have not increased since 2009.

The proposed rule change adjusts rate ranges but does not set specific fees for day use fees therefore specific fiscal impacts are not available. This change would give the agency flexibility to increase revenue, when necessary, in the future.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The department anticipates this rule will have a minimal impact on state agencies, units of local government, or small businesses. Small businesses are not subject to the rule. There are no reporting, record keeping or other administrative activities required of small businesses. There are no equipment, supplies, labor, record keeping or additional administrative costs for small businesses.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The rule does not impact small businesses, so they were not specifically included in development of the rule.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The responsibility to set rate ranges is directed by statute (ORS 390.124(2)(a)) to the Oregon Parks and Recreation Commission.

RULES PROPOSED:

736-015-0030, 736-015-0043

AMEND: 736-015-0030

RULE SUMMARY: Adding rate ranges to the day use parking permit fees.

CHANGES TO RULE:

736-015-0030

Day Use Parking Permit ¶¶

(1) Purpose: Based on the department's goal to manage increased use of park areas, the director may require a motor vehicle day use parking permit at selected 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 - ~~\$7-15~~;¶¶

(b) 12-month Permit - ~~\$340-60~~;¶¶

(c) 24-month Permit - ~~\$50;60-80~~;¶¶

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

(A) Proposed changes in the parking permit fee will be reviewed by the director on an annual basis.¶¶

(B) Changes will be posted on the department website for a minimum of 30 days prior to the effective date.¶¶

(C) Information about the parking permit fee will be posted on the department website.¶¶

(4) The department may enter into a written agreement with privately owned commercial vendors and non-profit cooperative associations affiliated with the department under ORS 390.143 to sell 12-month and 24-month permits:¶¶

(a) The director shall establish a maximum allowable fee of \$1 for vendors who sell the 12-month and 24-month permits;¶¶

(b) Non-profit cooperative associations affiliated with the department may by agreement retain fees in excess of the minimum vendor fee for use in funding interpretive programs in park areas;¶¶

(c) The vendor's fee will be included in the price of the permit;¶¶

(d) Only a park employee may issue replacement permits in the event an original permit is lost, stolen, or mutilated.¶¶

(5) Daily Access Exceptions: The director may grant exceptions to the day-use parking permit requirement under the following circumstances:¶¶

(a) Emergency vehicles;¶¶

- (b) Government vehicles on official business;¶¶
- (c) Business and delivery vehicles on official business;¶¶
- (d) A person who is currently a registered camper at a park area and clearly displays the overnight rental receipt;¶¶
- (e) Park concessionaires and their employees;¶¶
- (f) A person entering the park to engage in specially permitted non-recreation activities;¶¶
- (g) Park volunteers on duty in the park;¶¶
- (h) A person with a permit issued by another entity with which the department has a written agreement to honor their passes;¶¶
- (i) Other persons as designated by the director.¶¶

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

(a) Information about parks charging a parking permit fee will be posted on the department website.¶¶

(b) Proposed changes in parks assessing a parking permit fee will be reviewed by the director on an annual basis.¶¶

(c) Proposed changes in parks assessing a parking permit fee will be posted on the department website for a minimum of 30 days prior to the effective date.

Statutory/Other Authority: ORS 390.124

Statutes/Other Implemented: ORS 390.111, 390.121, HB 3673 (2010)

AMEND: 736-015-0043

RULE SUMMARY: creates effective date for day use parking permit fees.

CHANGES TO RULE:

736-015-0043

Effective Dates ¶

Amendments to OAR ~~736-015-0020~~ and ~~736-015-0043~~ adopted at the September ~~2018~~, ~~2017~~24 OPRD Commission meeting become effective ~~upon October~~January 1, 201725.

Statutory/Other Authority: ORS 390.124

Statutes/Other Implemented: ORS 390.111, 390.121, 390.124