

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form

<u>Parks and Recreation Department</u>	736
Agency and Division	Administrative Rules Chapter Number
<u>Vanessa DeMoe</u>	(503) 986-0719
Rules Coordinator	Telephone
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Address	

RULE CAPTION

Amend rules governing non-traditional park use and special use permits

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

Hearing Date	Time	Location	Hearings Officer
2-21-12	06:00 PM	Champoeg State Heritage Area	Richard Walkoski
2-22-12	06:00 PM	Lincoln City, City Hall City Council Chambers	Richard Walkoski
2-23-12	06:00 PM	Bend Park and Recreation Office, Riverbend Community Room	Chris Havel

Auxiliary aids for persons with disabilities are available upon request.

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

ADOPT:

736-016-0012

AMEND:

736-016-0005, 736-016-0010, 736-016-0015, 736-016-0020, 736-016-0023, 736-016-0025

REPEAL:

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 390.124

Other Authority:

Statutes Implemented:

ORS 390.111, ORS 390.121, ORS 390.124

RULE SUMMARY

Amends rules governing non-traditional use of state parks and ocean shores: adds a "definitions" section to the rule; clarifies when a special use permit is required; updates criteria that are used to evaluate applications; updates requirements placed on applicants; clarifies application procedure; aligns fees with legislatively approved fee structure. The rules have been revised after an initial public comment period in October 2011 which resulted in substantial changes. A rules advisory committee advised the department on the revisions. Public comments and additional public hearings have been scheduled.

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

Persons attending these hearings must sign up to make oral comments within 30 minutes of the meeting start time. Written comments must be received by February 29, 2012.

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

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Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed
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02-29-2012 4:00 p.m.

Vanessa DeMoe

vanessa.demoe@state.or.us

1-13-12 3:46p.m.

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

ARC 923-2003

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Parks and Recreation Department

736

Agency and Division

Administrative Rules Chapter Number

Amend rules governing non-traditional park use and special use permits

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

In the Matter of:

Amendment of rules pertaining to the non-traditional use of Oregon State Parks and the permits issued for such use in OAR Chapter 736, Division 16

Statutory Authority:

ORS 390.124

Other Authority:

Stats. Implemented:

ORS 390.111, ORS 390.121, ORS 390.124

Need for the Rule(s):

Non-traditional uses and activities on lands administered by the Oregon Parks and Recreation Department require a special use permit. The rules governing the issuance of those permits are not clear regarding the requirements placed on the applicant, criteria used in evaluating the request, application procedure and in some cases the meaning of terms used in the rule. This creates the potential for inconsistent treatment of users who apply for a special use permit. The amendments proposed clarify those procedures and criteria, establish a consistent procedure for the application process and add a definitions section to the rule to clarify the meaning of terms used in the rule. The fee structure, which is based on park user fees, will also be updated to align with the fee increase approved by the 2009 legislative session.

Documents Relied Upon, and where they are available:

Current park user fee table in OAR chapter 736, division 15

Fiscal and Economic Impact:

There is no additional cost to the department resulting from these amendments as this the special use permit program already exists. Fees have increased slightly for day use and group camping, which will increase revenue generated by these permits, however most permits only have an application fee associated with them and that fee has not changed.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

Fiscal impact of this rule on park users is minimal. It is estimated that larger groups may pay between \$50 and \$100 more for the use of park facilities. Insurance requirements have increased for some groups which could have a financial impact depending on the coverage carried by the group.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

This rule has no cost of compliance impact on small businesses. The rule impacts recreational users.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

This rule has no cost of compliance impact on small businesses. The rule impacts recreational users.

c. Equipment, supplies, labor and increased administration required for compliance:

This rule has no cost of compliance impact on small businesses. The rule impacts recreational users.

How were small businesses involved in the development of this rule?

If not, why?:

Small businesses are not impacted by this rule

Administrative Rule Advisory Committee consulted?: Yes

02-29-2012 4:00 p.m.	Vanessa DeMoe	vanessa.demoe@state.or.us	1-13-12 3:46 PM
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2007