

Oregon
Parks and Recreation Department

Special Use Permit
Non-Traditional Activity
Application and Instructions

(Oregon Administrative Rules (OARs) 736-Divison 16 Non-Traditional Park Activities)



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PURPOSE AND APPLICABILITY

Oregon Parks and Recreation Departments' (OPRD) rules for Special use Permits is intended to secure public health and safety, protect park resources and facilities and assist in maintaining facilities and services in instances where a person requests to use state park land or facilities for non-traditional park use. These special use permit rules:

Allow access to park land for a wide variety of non-traditional park uses by requiring a special use permit if the event or activity, including commercial filming:

- a) Is an organized group activity or event attended by over 50 people;
- b) Is an activity associated with a construction project that is not specifically provided for under contract;
- c) Uses park lands, structures and/or facilities in a manner not expressly provided for under recreational park rules;
- d) Uses a portion of a park property to the exclusion of other persons or the department;
- e) Places structures, and/or facilities, not normally used in recreational activities;
- f) Could disturb the natural, cultural, scenic or recreational resources on park land;
- g) Could pose a safety concern for other park users or those involved in the event or activity;
- h) Includes temporary, short-term and non-exclusive vending, advertising or sales activities; or
- i) Includes financial transactions conducted on park land.

Additionally, Park Rules-OAR 736-Division 10 and Ocean Shore Rules-OAR 736 Division 21 may apply to a specific request, such as:

- Commercial still or video projects which utilizes more than handheld equipment, such as props, sets, lighting, or sound;
- Modifies or embellishes park property, with the placement of temporary structures, such as tents, chairs, arches, and similar structures on park property in a manner outside of normal recreational use;
- Uses public-address, amplification or lighting systems, other than those designed for personal use.

The above list does not cover all activities that require a permit, only to assist in determining if your activity requires a permit. If there is any uncertainty regarding the need for a permit, please contact park staff at the location where you would like to hold your activity. For activities on the ocean shore contact the Coastal Region Office at 1-541-563-8500. If you do not know the office location for the park you want to hold your activity, contact our information center at: 1-800-551-6949 for assistance.

Additionally, it is highly suggested to contact park staff before completing or submitting an application; first-to assure the location is a permit-able location, and second-to assure the location is available on your anticipated date. Activity requests are first come, first served, with the exception of ongoing events that have been conducted for five years or more, these annual activities are given priority over new events.

FEES, WAIVERS, REDUCTIONS, AND EXEMPTIONS

An applicant must submit a non-refundable permit application fee of \$100.00

(The application fee is waived if the department charges the applicant a monthly or annual rental lease or access fee.)

The applicant shall pay to the department in advance of the event the following daily use fees:

- Daily use fee based on group use rate; or
- Commercial film use.
- Overnight use fee, if applicable;

A worksheet is provided in this packet to aid you in calculating your permit fees.

The department may increase, or decrease fees after the event when:

- The attendance varies more than 10 percent;
- The activity is conducted in partnership with the park or department;
- An employee is required to be on-site to monitor or assist in the activity.
(Rate assessment is \$20.00 per hour, per employee-minimum four hours)

The department may waive fees:

- For Public Agencies
- In lieu of in-kind services
(These are services the department normally would **PAY** for and have a monetary value)

APPLICATION EVALUATION CRITERIA

Once a completed application is received it will be evaluated against the following criteria:

- a) **Consistency with local, state, and federal laws** – all activities must comply with the law and rules governing the park land where the activity will occur;
- b) **Compliance with park rules governing special use permits** – the activity must comply with Oregon Administrative Rules on non-traditional park use OAR 736, division 16;
- c) **Disruption of traditional park use** – activities should not totally exclude the public from the park, although exclusive use of some areas of the park can be allowed, and the impact of the activity on areas surrounding the park and neighbors are also considered;
- d) **Impact on public health, safety or welfare** – activities should not put the public or the participants at undue risk, although measures taken by the organizer to mitigate such risk will be considered in the evaluation;
- e) **Impact on natural and cultural resource values** – activities should not adversely impact natural or cultural resources within the park and must comply with any resource management plans, policies, or procedures adopted for the park;
- f) **Applicant's ability to finance, plan and manage the activity** – an evaluation will be made regarding the applicant's ability to fulfill any sanitation, safety, medical care, fire control, security, crowd, noise, and traffic control requirements, as well as any measures required to protection of park resources which are set forth by the park in the conditions of the permit;
- g) **Previous experience in conducting similar activities** – the evaluation will take into consideration any previous experience or certifications the applicant has in conducting similar activities in the past;
- h) **Measures proposed to mitigate negative impacts** – if the activity will have negative impacts consideration will be given to measures proposed to lessen or eliminate those impacts;
- i) **Ability to fully meet the terms and conditions of the permit** – the evaluation will consider evidence presented by the applicant regarding their ability to fully meet any requirements placed on them by the terms and conditions of the permit, including past performance conducting other activities in OPRD;
- j) **Positive impact on the local community, environment, or park** – any positive impacts of the activity on the local community through support of tourism and their economy, the environment through restoration and preservation efforts, or park land and facilities through enhancement efforts will be considered when evaluating the permit application.

SPECIAL USE PERMIT CONDITIONS AND REQUIREMENTS

The applicant assumes full responsibility and liability for damages or injury to any member of the public arising out of the activity or use, including personal injury and property damage, and for any damage to park property, including natural and cultural resources;

The applicant shall indemnify and hold harmless the State of Oregon, its Parks and Recreation Commission and members thereof, the Oregon Parks and Recreation Department, and its officers, agents and employees against any and all damages, claims or causes of action arising from or in connection with the activity or use;

The applicant shall provide the department proof of current liability insurance coverage which names the State of Oregon, its Parks and Recreation Department, its Parks and Recreation Commission, and the officers, agents, and employees thereof as additional insureds. The insurance coverage shall have limits of not less than \$1,000,000. For activities or uses that are assessed as having high-risk exposure (e.g. fireworks displays), insurance of \$4,000,000 shall be required. The department safety and risk manager may reduce or waive insurance limits if one or more of the following apply:

- If the applicant is a Cooperative Association with a current agreement with OPRD
- If the activity or use being permitted is being conducted in partnership with OPRD
- If the applicant is a public agency; or
- A reduction has been approved by OPRD based on a risk assessment.

The applicant or its principal representative is at least 18 years of age, or 21 years of age if alcohol is to be served at the activity or use;

A person may not assign a special use permit to any other person;

The department may, in its discretion, cancel a special use permit effective immediately on notice to the applicant in the

event of any emergency, significant law enforcement problem, or substantial threat to public welfare, safety or property arising from or affecting the activity.

The department may cancel a special use permit effective immediately upon any breach of other permit conditions.

The department may stop the activity or use, and require the applicant to clear the activity or use area of visitors, in the event of any emergency, significant law enforcement problem, substantial threat to public safety or park resources or a violation of park rules arising out of or related to the activity or use.

The applicant shall terminate the activity or use immediately upon receipt of notice from the department that the permit has been canceled and shall thereupon be responsible for the immediate cleanup and restoration of the park area.

The department retains the right to enter onto any park land at any time for purposes of inspection or management.

The permittee shall dispose of all solid and liquid waste in a manner approved by the department and shall not permit debris, garbage or other refuse to accumulate or be discharged into any waterway or ocean shore area.

The permittee shall not cut, destroy, remove, or permit to be cut, destroyed or removed any vegetation on park land except with the written permission of the department.

The permittee shall conduct all operations within the permit area in a manner which protects natural and cultural resources, protects water quality, and does not contribute to soil erosion or growth of noxious weeds.

ADDITIONALLY

Applications will not be accepted more than nine months in advance of the activity or use commencement date;

Unless an exception is approved by the park manager or designee, the department will not consider a special use permit application received less than 30 days prior to the commencement date of the activity or use.

More information is available:

- Full rules text governing non-traditional park use is contained in OAR 736, division 16 and can be found at <http://tinyurl.com/Special-Use-Rules>;

APPLICATION INSTRUCTIONS

1. Complete application.
2. Sign and date the application.
3. Complete appropriate fee section on calculation worksheet.
4. Complete and provide all additional information listed under "Additional Requirements" on the application. If not applicable, NA is sufficient.
5. Provide the insurance liability certificate naming Oregon Parks and Recreation Department as "Additionally Insured."
6. Application and all additional requirements may be mailed, emailed or faxed to appropriate park manager or de-signee. (It is highly recommended the park or designee are contacted before submitting an application)
 - a. Ocean shore permits are handled through the Coastal Region Office, 12735 NW Pacific Coast Hwy Seal Rock, OR 97376 (phone 541-563-8500);
 - b. If not on the Ocean Shore, contact park where you want to have the commercial activity for staff contact information, or;
 - c. If you do not know the office location for the park you want to hold your activity contact the Oregon OPRD information center at 1-800-551-6949 for assistance.



Oregon Parks and Recreation Department

SPECIAL USE PERMIT # _____

| |
|---|
| APPROVED <input type="checkbox"/> YES <input type="checkbox"/> NO |
| Issuing Park: |
| Approver: |
| Date: |
| Additional conditions attached <input type="checkbox"/> YES <input type="checkbox"/> NO |

Processing fee of \$100.00 should accompany all submitted applications, unless exempt by Division Rules.

Applicant should complete this section and attach any additional information as appropriate.

APPLICANT INFORMATION

| | | | |
|------------------|--------|---------------|--|
| Applicant name: | | Organization: | |
| Mailing address: | | | |
| City: | State: | Zip: | |
| E-Mail address: | | | |
| Phone: | Cell: | Fax: | |

ON SITE RESPONSIBLE CONTACT

| | |
|-------|-------|
| Name: | Cell: |
|-------|-------|

ACTIVITY PROPOSED

| |
|--|
| |
|--|

ACTIVITY LOCATION

| | |
|-------------|-----------------------|
| Park/Beach: | Specific area of use: |
|-------------|-----------------------|

ACTIVITY DATE(s) and Time(s) (Include setup & cleanup days/times)

| | | |
|--------------|--------------|---|
| Start date: | Start time: | <input type="checkbox"/> A.M. <input type="checkbox"/> P.M. |
| Finish date: | Finish time: | <input type="checkbox"/> A.M. <input type="checkbox"/> P.M. |

DESCRIPTION OF ACTIVITIES (attach additional sheets if necessary)

| |
|--|
| |
| <input type="checkbox"/> Additional description detail attached. |

PERMIT FEES

| |
|---|
| ENTER TOTAL ON LINE <u>C</u> OF FEE CALCULATION WORKSHEET: \$_____ (Attach worksheet) |
| *Please note a PERFORMANCE BOND may be assessed upon application review. |

ADDITIONAL REQUIREMENTS: (Please attach)

- Site map indicating the specific location of activities.
- Site plan of construction of facilities, structures, embellishment, and utilities, including staging area.
- Description of parking and security arrangements
- Description of plans for use of amplified sound, alcohol, entry fees and sale of goods and services.
- Plan for timely cleanup and restoration of area use.

I have read, understand and shall comply with the application instruction, conditions and requirements for special use activities.

APPLICANT SIGNATURE: _____ DATE: _____

Special Use Fee Calculation Worksheet

(this form auto-calculates when digitally completed)

Non-refundable Application Processing Fee-----\$100.00

| | | | |
|---|-------------------------|----------------------------|-------------------|
| Daily Use Fee(s): 1-50 people = \$50.00; OVER \$1.00 per person. | | | |
| Day 1 | \$50.00 -----PLUS ----- | Additional over 50: _____ | = \$ _____ |
| Day 2 | \$50.00 | Additional over 50: _____ | = \$ _____ |
| Day 3 | \$50.00 | Additional over 50: _____ | = \$ _____ |
| Day 4 | \$50.00 | Additional over 50: _____ | = \$ _____ |
| #Additional Days _____ | X (\$50.00 | Additional over 50: _____) | = \$ _____ |
| TOTAL DAILY USE FEE(S) ----- | | | = \$ _____ |

| | | | |
|--|-------------------------|----------------------------|-------------------|
| Overnight Camping Fees in non-camping areas: 1-25 people = \$70.00; OVER 25 = additional \$3.00 per person. | | | |
| Day 1 | \$70.00 -----PLUS ----- | Additional over 25: _____ | = \$ _____ |
| Day 2 | \$70.00 | Additional over 25: _____ | = \$ _____ |
| Day 3 | \$70.00 | Additional over 25: _____ | = \$ _____ |
| Day 4 | \$70.00 | Additional over 25: _____ | = \$ _____ |
| #Additional Days _____ | X (\$70.00 | Additional over 25: _____) | = \$ _____ |
| TOTAL CAMPING FEE(S) ----- | | | = \$ _____ |

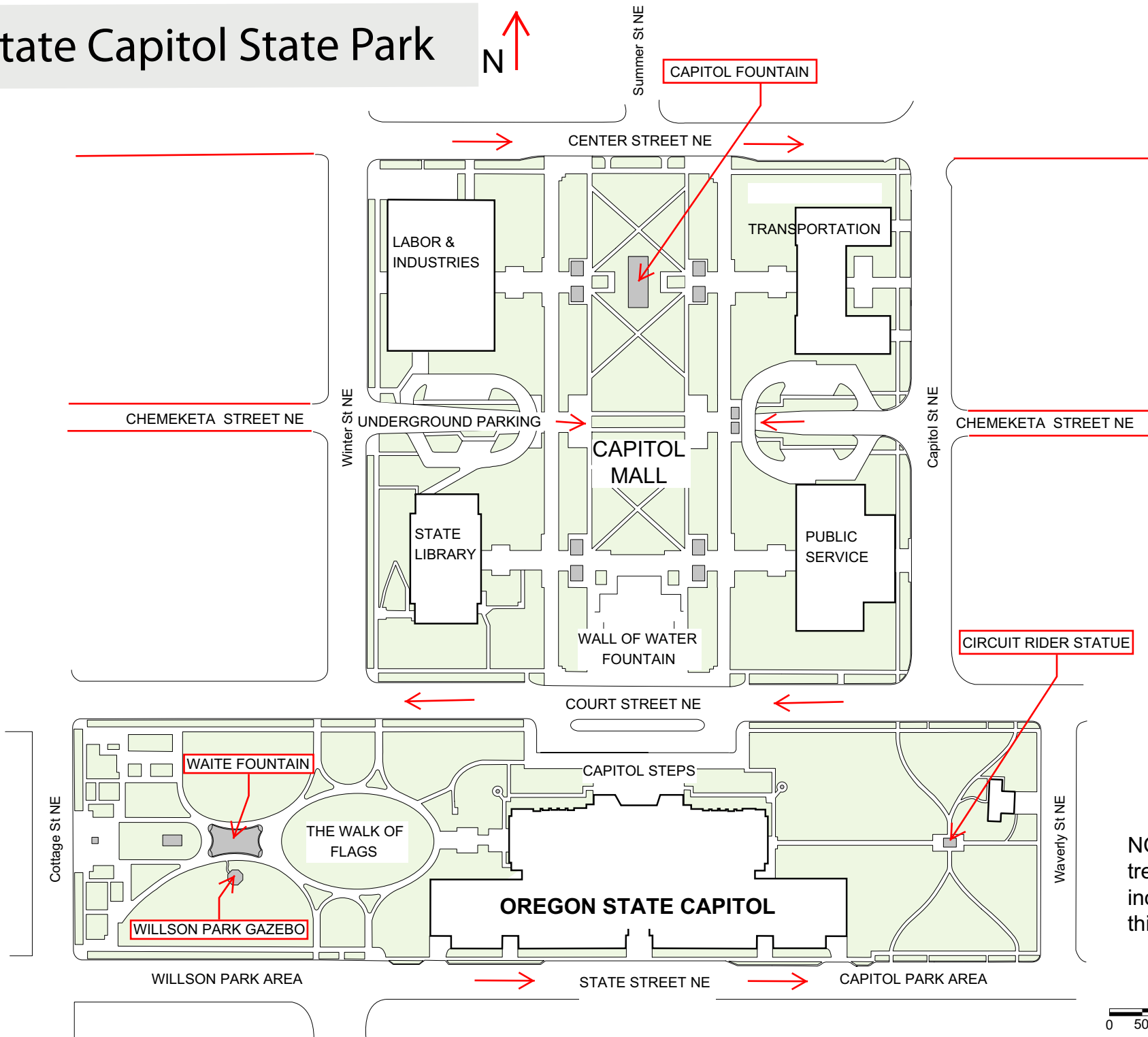
| | | | |
|---|------------------------|-----------------|-------------------|
| Commercial Film Use Fees: 1-5 people = \$100.00; 6-30 = \$150.00; 31-60 = \$300.00; 61 or more = \$400.00. | | | |
| Day 1 | Total people: _____ | Use Fee amount | = \$ _____ |
| Day 2 | Total people: _____ | Use Fee amount | = \$ _____ |
| Day 3 | Total people: _____ | Use Fee amount | = \$ _____ |
| Day 4 | Total people: _____ | Use Fee amount | = \$ _____ |
| #Additional Days _____ | X (Total people: _____ | Use Fee amount) | = \$ _____ |
| TOTAL COMMERCIAL FILM FEE(S) ----- | | | = \$ _____ |

- A) **TOTAL ALL FEES; (auto calculates total fees, if completed digitally) -----** = \$ _____
- B) **PRE-APPROVED WAIVED FEES -----** = \$ _____
- C) **PLEASE PAY ----- (TOTAL=LINE A, MINUS LINE B) -----** = \$ _____

**Additionally OPRD may require park staff to monitor and/or assist in an activity or use, rate for each employee = \$20.00 per hour, minimum four hours.*

TO BE INCLUDED IN APPLICATION MATERIALS.

State Capitol State Park



NOTE: Park trees are not indicated on this map.

0 50 100 150 250
1" = 200'