

Oregon Parks and Recreation Commission

September 20, 2023

Agenda Item: 8b

Action

Public Comment Allowed: **No**

Topic: Request to adopt rulemaking –Lincoln County ocean shore vehicle restrictions (736-024-0025)

Presented by: Katie Gauthier and Preson Phillips

Background: Under OAR 736-024-0025 vehicles are allowed on the ocean shore within 150 feet of NW 35th/34th Court and NW 15th Street in Lincoln City. The city of Lincoln City requested OPRD consider changes to ocean shore vehicle access rules in their community.

Following this request, a Rule Advisory Committee (RAC) was convened to review safety, access, scenic and recreational values, natural resource protection and beach management concerns at both locations.

Staff opened proposed amendments for public comment based on the discussion from the RAC and staff review. The proposal open for comment was to permanently close NW 35th/34th Court and seasonally close 15th Street from May 1 to September 30. Staff added a proposal that when open seasonally, 15th street would be expanded by 150 feet on each side. The intent was to gather public feedback on this suggestion.

Comments were opened from June 1 to July 20. A public hearing was held virtually and in-person, in Lincoln City, on July 18. 133 comments were received in writing and 22 verbally during the public comment period. Attachment C includes an analysis and response to the comments. Full text of all comments and a recording of the hearing is available on the OPRD rulemaking [website](#).

Commenters generally supported permanent closure at 35th/34th street with 69% of those who mentioned that access point in favor of closure. Safety was the top concern mentioned as a reason in support of closure. Commenters who mentioned 15th street were split, with half preferring permanent closure and thirty-percent in support of year-round opening. Public comment did include strong objections to expanding the area open at 15th Street. Primary concerns raised at this location include access for individuals with disabilities, environmental concerns, safety, and law enforcement costs.

Staff Recommendation

The staff report in attachment C includes recommended action based on public comments and information shared during the RAC.

Staff recommend permanently closing NW 35th/34th Court to vehicle traffic on the ocean shore. This location would continue to be open for official use and to emergency vehicles.

At NW 15th Street, staff recommend a seasonal closure within the current 150 ft on each side. The access point would be closed from May 1 through September 30 or whenever conditions warrant a closure for safety reasons. At this time, staff do not recommend expanding the area open to vehicle traffic at this location. This location would continue to be open for official use and to emergency vehicles.

At both locations, staff recommend additional signage indicating locations for accessible beach access points to address concerns raised over accessibility for individuals with disabilities. In addition, the department will improve communication regarding accessible beach locations and drive on beach permits for individuals with disabilities.

Director Sumption provided the staff report to the city of Lincoln City with a request for concurrence as required by ORS 390.678(4). The Lincoln City Council is expected to consider a resolution on September 11.

Prior Action by Commission: In February 2023 approved opening rulemaking to consider closure at NW 34th Avenue and convene a Rule Advisory Committee to evaluate parking at NW 15th Street.

Action Requested:

Staff requests adoption of proposed amendment to OAR 736-024-0025 to prohibit vehicles on the ocean shore in Lincoln City at NW 35th/34th court year-round and NW 15th Street from May 1 to September 30 or when safety conditions warrant. Additionally, direct the agency to increase signage and communication regarding locations of accessible beach access points. A copy of the proposed amendment is included in Attachment A.

Attachments:

Attachment A –proposed amendments- marked copy
Attachment B- proposed amendments-clean copy
Attachment C-Staff report on comments
Attachment D- maps of proposed rule change

Prepared by: Katie Gauthier

Oregon State Parks and Recreation Commission
September 20, 2023

Agenda 8b: Lincoln County Vehicle Access on Ocean Shore
Attachment A: Marked Copy

Division 24
VEHICLES AND AIRCRAFT RESTRICTIONS ON OCEAN SHORE

736-024-0025
Lincoln County: Restrictions

(1) There shall be no landing of any aircraft on the ocean shore in Lincoln County, except for an emergency.

(2) Except for an emergency or as provided in section (3) of this rule, there shall be no travel by motor vehicles on the ocean shore in Lincoln County in the areas and during the periods of time hereinafter designated by the Oregon coordinate latitude survey lines, north zone, consisting of "Y" numbers as shown on "Exhibit 3" attached hereto and by this reference made a part hereof. The areas where motor vehicle travel is allowed, the periods of time for such use, and the areas on the ocean shore where travel by motor vehicles is prohibited, are further described as follows:

(a) Motor vehicle travel is prohibited from the Tillamook County-Lincoln County line, Y 521, 960, southerly to Yaquina Bay, Y 367, 056, except for the following locations within the corporate limits of Lincoln City:

~~(A) A distance of 150 feet on each side of the westerly extension of North 35th Court;~~

~~(B) A distance of 150 feet on each side of the westerly extension of North 15th Street from October 1 to April 30, unless closed for safety considerations.~~

(b) Motor vehicle travel is prohibited from Yaquina Bay, Y 367, 056, southerly to the Lincoln County-Lane County line, Y 243, 400.

(3) The Director of State Parks or the authorized representative may issue special permits for motor vehicles to travel on the ocean shore within the areas or at times where such travel is otherwise prohibited by this resolution. No charge for such permits will be made. Any special permit or permit identification card shall be in the immediate possession of the operator of the vehicle at all times when driving on that portion of the ocean shore otherwise closed to travel by motor vehicles. The operator shall display the same upon the demand of any peace officer.

(4) The State Parks and Recreation Department is directed to erect conspicuous signs and markers designating the above areas on the ocean shore of Lincoln County, with reference to the Oregon coordinate survey system, as areas where travel by motor vehicles is prohibited, areas where travel by motor vehicles is partially restricted, and areas where travel by motor vehicles is allowed, as herein provided.

[ED. NOTE: Exhibits referenced are available from the agency.]

Statutory/Other Authority: ORS 183.545, 184 & 390.668

Statutes/Other Implemented: ORS 390.668

History:

PR 10-1992, f. & cert. ef. 11-12-92

PR 16-1984, f. & ef. 12-13-84

PR 14-1984, f. & ef. 12-12-84

1OTC 18-1979, f. & ef. 7-19-79

HC 1227, f. 6-24-70

HC 1148, f. 8-25-67

HC 1047, f. 9-29-64

Oregon State Parks and Recreation Commission
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Agenda 8b: Lincoln County Vehicle Access on Ocean Shore
Attachment B: Clean Copy

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- (3) The Director of State Parks or the authorized representative may issue special permits for motor vehicles to travel on the ocean shore within the areas or at times where such travel is otherwise prohibited by this resolution. No charge for such permits will be made. Any special permit or permit identification card shall be in the immediate possession of the operator of the vehicle at all times when driving on that portion of the ocean shore otherwise closed to travel by motor vehicles. The operator shall display the same upon the demand of any peace officer.
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Staff Report: Lincoln City Ocean Shore Vehicle Access August 2023

In February 2023, Oregon Parks and Recreation Department received a request from the City of Lincoln City to consider closure of the ocean shore vehicle access area at NW 34th Court and to review beach parking access at NW 15th Street. The Oregon State Parks and Recreation Commission approved opening rulemaking at their February 23, 2023 meeting.

Following this meeting, the department convened a Rule Advisory Committee comprised of community representatives, law enforcement, recreational users and department employees to review the areas and consider impacts to safety, access, scenic and recreation values, seashore resources and beach management.

The committee found the access point at NW 34th Court included a short ramp that was difficult for vehicles to navigate and only accessible to four-wheel drive vehicles, raising significant safety concerns. In addition, both pedestrians and vehicles utilizing the same access point was a safety concern for visitors.

At the 15th Street access point a ramp separated vehicle and pedestrian traffic; however, when hundreds of vehicles were on to the beach at the same time, safety concerns arose with vehicles entering and exiting simultaneously. Vehicles and recreationalists, particularly children playing in the same area also raised safety concerns.

The committee discussed that both access points are well used sections of the ocean shore with many people recreating in a small area. During sunny weekends and holidays, the beach area can become overcrowded. Additionally, the upland access to 15th Street has been closed during King Tides due to concern about high tides and hazardous conditions.

Access for individuals with a mobility disability was also considered by the committee. Lincoln City has proactively created opportunities for people with disabilities to access the ocean shore. There are a number of beach access points with beach wheelchairs loaned free of charge to visitors. The community has also deployed Mobi Mats at pedestrian access points to increase accessibility.

During the Rule Advisory Committee, enforcement concerns were raised by both Lincoln City Police Department and Oregon Parks and Recreation Department. On busy summer days, the number of vehicles and space available overwhelms local resources for patrol and enforcement at 15th Street. The cost for patrolling and enforcement in these sections of the ocean shore are prohibitive for both the city of Lincoln City and OPRD.

The impacts to ocean shore resources were also discussed by the committee. The committee included members concerned about environmental damage, trash and impacts on birds and other ocean shore species due to the increase in vehicle use on the ocean shore.

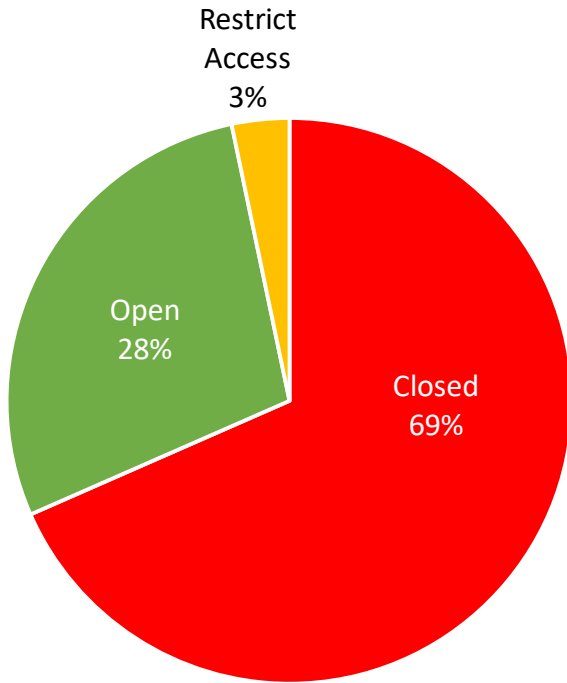
After review from the Rule Advisory Committee, OPRD staff recommended taking public comment on a broader proposal to consider moving 300 feet of open beach from 34th Court to 15th Street to expand the portion of the ocean shore open at that location seasonally. This allowed for consideration of an option to not eliminate all vehicle traffic on the ocean shore. Under the proposed rule changes vehicle access at 15th street would be prohibited from May 1 to September 30 or at other times when ocean conditions warrant a closure. Signs would be posted at both locations. At 34th Court, the ocean shore would be closed to vehicles year-round. Under the proposed rules, official use would be allowed at both locations when necessary.

Public comment on this proposed rule change was open from June 1 through July 20. During that time, 133 comments were received via email, online form or in writing. Twenty-two people provided comment verballing during a public hearing held on July 18 in Lincoln City and virtually.

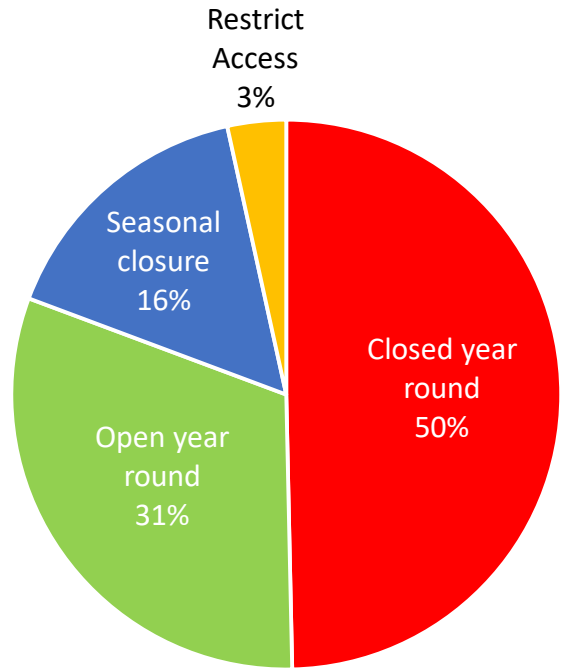
Of the individuals who voluntarily shared their location, 61 of the commenters were from Lincoln City and an additional 15 were from other areas in Lincoln County. A total of 93 respondents shared they were from Oregon.

Below are opinions shared within the comments about thoughts on closure at each location and reasons shared for those positions. The full text of all 133 written comments and a recording of the hearing are available on OPRD's [rulemaking website](#), under the Lincoln County ocean shore vehicle restriction tab.

34th Street Opinions

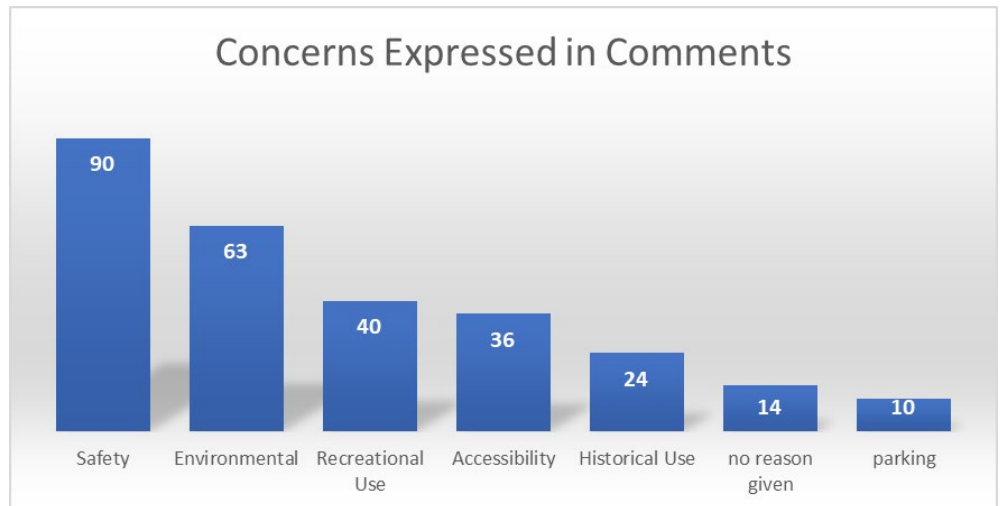


15th Street Opinions



The comments indicate a mix of opinions on the closures. A number of commenters shared concerns that closure of one or both of these areas would impact their ability to enjoy the ocean shore with family, particularly elderly or disabled individuals, who appreciate being able to drive down and either sit in or near vehicles while enjoying the ocean.

The bar graph on the right indicates concerns expressed by both individuals in favor of closure and those opposed. Often commenters had similar reasons for both positions. Many commenters expressed multiple concerns within a single comment.



Individuals in support of closures most frequently expressed concerns over safety. A number of individuals shared concerns over the safety of children and families playing in creeks at access points and in areas where they are at risk of vehicles driving on the ocean shore.

Staff Response

Due to the number of comments and similarity in the nature of many of the comments, staff responses to comments are grouped by category below:

Safety

A number of commenters shared concerns over safety of pedestrians, children and other individuals sitting or playing in the sand. Under OAR 736-022-0005 promoting the safety of all beach users is a criterion utilized for determining ocean shore vehicle access zones. Additionally, this criterion allows for added concern given to times and locations of heavy use by the general public. Generally, Lincoln City beaches are heavily trafficked, particularly in warmer weather. The short ramp and inability for separation between pedestrian and vehicle traffic at NW 34th Court make it less ideal for vehicle access to the ocean shore. At 15th Street, a seasonal closure will address concerns with safety during busy times while allowing for access during less busy months.

Environmental

Commenters expressing concerns about environmental damage share fears over the impact of vehicles on the beach to the ecosystem and species who live on the ocean shore. A number of commenters shared that both locations are within a marine sanctuary and should receive additional protections. OAR 736-022-0005(2)(d) provides that department policy is for adequate protection of natural resources including intertidal marine life, wildlife habitat and coastal vegetation. To balance recreational use with environmental concerns, the staff recommendation is to maintain the existing boundaries at 15th Street and not expand the area open to vehicles at that location.

Recreational Use

Recreational use is cited as a reason to maintain vehicle access to the ocean shore as well as a reason for closure in a number of comments. OAR 736-022-0005(2)(c)(B) describes evaluations of the public's recreation interests and priorities at individual beach locations to assist in accommodating a broad variety of beach use interests at the most logical locations. In evaluating recreation uses at NW 34th Court, the short ramp, difficult terrain and large populations of non-motorized recreationalists favor closure at this time.

At 15th Street, improvements in the access point allow for separation between pedestrians and vehicle traffic. While vehicle use is not always an incompatible recreational use, it is an issue of capacity when large crowds gather on busy warm days. For this reason, staff are recommending a seasonal closure at 15th street to maintain an option for vehicle use during less busy months.

Accessibility

Many commenters shared concerns over the impact of changes to vehicle access rules on people with mobility disabilities. OAR 736-022-0005(2)(b)(E) describes agency policy for adequate opportunities for people with disabilities to have reasonable beach access and use. As was shared in the Rule Advisory Committee, Lincoln City has developed access points with accessible paths, mats and created a beach wheelchair lending program to improve accessibility. Both in writing and during the hearing, commenters did suggest improvements to ensure more

communication regarding locations of accessible beaches and opportunities for permits for individuals with disabilities to drive on the beach at certain locations. Staff agree with those recommendations and will incorporate those into the final proposal before the Commission.

Parking

Commenters opposed to the closure of ocean shore access points expressed concern over lack of parking available to accommodate those seeking recreational opportunities. It is our understanding the city of Lincoln City is working on long-term planning and considering parking improvements. We would encourage changes that address parking and beach access concerns with potential for shuttles or other public transportation options to allow for low or no cost recreational access.

Equity

Commenters raised concerns that changes to the ocean shores rules may disproportionately impact people of color. We do not have any data indicating the racial or ethnic backgrounds of visitors who park on the ocean shore versus those who park in lots and walk to the shore. Oregon Parks and Recreation Department is committed to valuing and serving everyone and actively working to provide safe and equitable access to state parks and agency programs. Without adequate data, continuing to seek a balance in recreational opportunities both for individuals who prefer beaches with vehicles and those who would rather be on a beach closed to vehicles will address any bias.

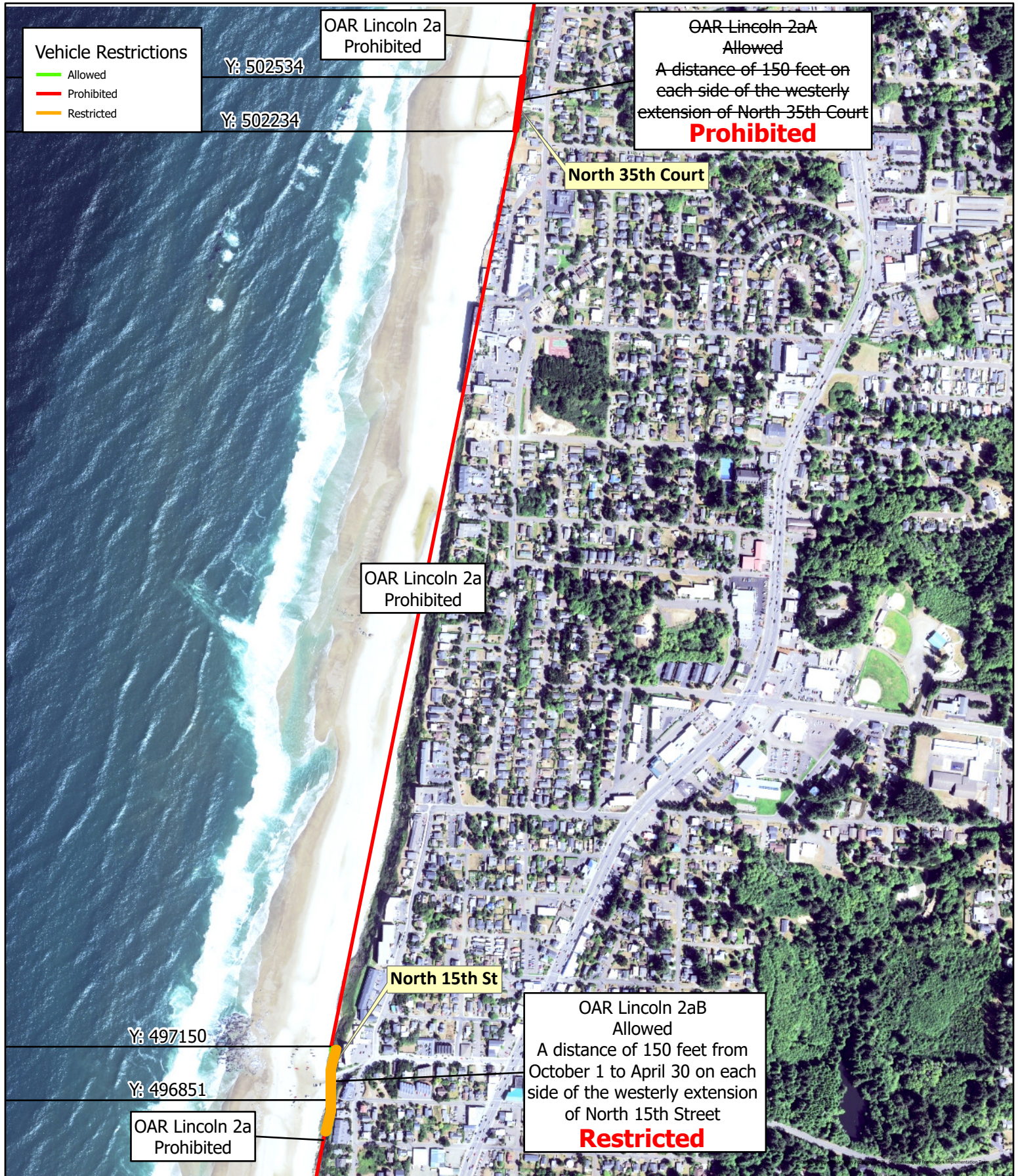
Staff Recommendation

Based on the comments received and information shared during the Rule Advisory Committee meetings, Oregon Parks and Recreation Department staff recommend to the Director a proposed rule amendment be presented to the Commission to permanently close NW 34th Court to vehicle traffic on the ocean shore. This location would continue to be open for official use and to emergency vehicles.

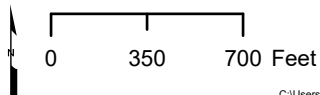
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At both locations, staff recommend additional signage indicating locations for accessible beach access points to address concerns raised over accessibility for individuals with disabilities. In addition, the department will improve communication regarding accessible beach locations and drive on beach permits for individuals with disabilities.

VEHICLE RESTRICTIONS ON OCEAN SHORE - PROPOSED



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Proposed Changes in Red Text

David.Quillin 7/17/2023