

Oregon Parks and Recreation Commission

February 23, 2023

Agenda Item: 9b

Action

Public Comment Allowed: **Yes**

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

Presented by: Katie Gauthier

Background: Under OAR 736-024-0025 vehicles are allowed on the ocean shore within 150 feet of North 35th Court and North 15th Street in Lincoln City. Lincoln City has requested a permanent closure of vehicle access at 35th Court, with the exception of emergency vehicles. The city has also requested a review of parking on the ocean shore at 15th Street.

North 35th Court

For the 35th Court* location the city of Lincoln City owns the parking lot and access point where vehicles enter the ocean shore. Due to safety concerns, the city has closed access to the ocean shore through December 31, 2023. The City Council requested OPRD consider a permanent closure that would remove the current 300 feet of parking on the ocean shore at this location.



NW 34th Street

*This location is also referred to as NW34th Street.

In 2017, OPRD received a petition from local residents requesting a closure of this section of the ocean shore. After holding a public hearing and taking comments, the Commission determined not to move forward with changes based on a preponderance of comments in support of maintaining access, particularly for people with disabilities and elderly individuals. At that time, staff planned to work with the city to evaluate parking and access options and noted the decision would be reevaluated at a later date.

15th Street

The City of Lincoln City has also requested review of parking at 15th Street. Lincoln City owns the entry for this access point, as well. The city has made improvements to this access point; however, still have concerns over safety. Currently, this access point is closed to vehicle traffic during King Tide events, for special events and other times when beach conditions are deemed dangerous. This vehicle access is also a total of 300 feet of ocean shore used for parking.

Lincoln City law enforcement noted a number of vehicles that get stuck at this location or difficulty with vehicles going up and down at the same time.



Staff request permission to open rulemaking to take public comment on potential closure of both 34th Street and 15th Street in Lincoln City to vehicle access.

If approved, staff will convene a Rule Advisory Committee (RAC) to review proposals to eliminate parking at both locations. The committee will evaluate safety, accessibility and historic uses.

After the RAC process concludes, the agency will accept public comment and hold a hearing to solicit feedback on the proposal. Any final recommendation for a rule change will also go back to the Lincoln City Council for approval, per ORS 390.678.

Prior Action by Commission: In February 2017, the Commission decided not to close vehicle access at NW 34th Court based on a petition submitted by nearby property owners.

Action Requested:

Staff requests approval to open rulemaking to amend OAR 736-024-0025 to prohibit vehicles on the ocean shore in Lincoln County. A copy of the proposed rules is included in Attachment A.

Attachments:

Attachment A – proposed rule amendments- marked copy

Attachment B- Lincoln City resolution

Attachment C-maps of proposed rule change

Prepared by: Katie Gauthier

9b: Lincoln County Vehicle Access on Ocean Shore
Attachment A: Proposed Rules

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.~~

(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

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RESOLUTION NO. 2022-45

**A RESOLUTION OF THE CITY OF LINCOLN CITY
AMENDING RESOLUTION 2022-14
PROVIDING FOR EXTENSION OF THE STREET
CLOSURE OF A PORTION OF NW 34TH COURT**

RECITALS

Pursuant to LCMC 10.08.010, the City Council passed Resolution 2021-31, Resolution 2021-34, 2021-37, 2021-38, 2021-45, and 2022-14 which concern the exercise of Traffic and Parking Control authority in temporarily closing portions of NW 15th Street and/or NW 34th Court; and

The closures effectively eliminated vehicular access to the beach from the referenced streets, excepting provisions made for ADA access, existing permits, and emergency vehicles; and

The 15th Street closure has expired; On April 11, 2022, Council extended the 34th Court closure to December 31, 2022; and

Council requested a review of the closures prior to the end of the year to determine if extensions are warranted; and

Based on the continuing inadequacy of the NW 34th Court beach access, the Council desires to extend the duration of the temporary closure of NW 34th Court to December 31, 2023; and

Council further desires to formally request that the Oregon Parks and Recreation Department (OPRD) initiate a public process to permanently close the NW 34th Court access to the public, and permit only emergency vehicle access; and

Council further requests that OPRD review the NW 15th Street beach access as regards its suitability for continued use, including whether beach parking is appropriate ; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:

1 **SECTION 1. RECITALS.**

2
3 The above recitals are true and correct and are incorporated herein by this
4 reference.

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6 **SECTION 2. EXTENSION OF CLOSURE OF NW 34th COURT.**

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8 The temporary closure of NW 34th Court as directed in Resolution 2022-14, and
9 previous Resolutions is hereby extended to December 31, 2023.

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11 **SECTION 3. REQUEST OF OPRD TO PROCESS CLOSURE OF NW 34th COURT**
12 **BEACH ACCESS EXCEPT FOR EMERGENCY ASSESS.**

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14 The City Council requests that the Oregon Parks and Recreation Department initiate
15 proceedings to permanently close the NW 34th Court beach access, except for
16 emergency vehicle access.

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18 **SECTION 4. REQUEST OF OPRD TO REVIEW NW 15th BEACH ACCESS.**

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20 The City Council further requests that ORPD review the appropriateness of the NW
21 15th Street beach access, including whether beach parking is advisable at that
22 location.

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24 **SECTION 5. ALL OTHER PROVISIONS REMAIN IN FULL FORCE AND EFFECT.**

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26 Other provisions of prior Traffic Control Orders (such as City Manager authority to
27 order the closure of NW 15th and NW 34th Court, or any other city street or city beach
28 access during dangerous beach conditions) remain in full force and effect.

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30 **SECTION 5. PENALTY.**

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32 Failure to observe the closure of NW 34th Court or any other closure under this or
33 prior City Council Traffic Control Resolutions is a Class B violation and may be cited
34 under Lincoln City Municipal Code Chapter 1.16.

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36 **SECTION 6. EFFECTIVE DATE.**

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38 This Resolution is effective as of the date of its adoption.
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1 **PASSED AND APPROVED** by the City Council of the City of Lincoln City, Oregon, this
2 12th day of December, 2022.

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4 _____
5 SUSAN WAHLKE, MAYOR

6 ATTEST:

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10 _____
11 JAMIE YOUNG, CITY RECORDER

12 APPROVED AS TO FORM:

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15 _____
16 RICHARD APPICELLO, CITY ATTORNEY

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