

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**  
A Notice of Proposed Rulemaking Hearing accompanies this form.

**FILED**  
9-15-16 3:41 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

Parks and Recreation Department  
Agency and Division

736  
Administrative Rules Chapter Number

Close the beach to vehicle access at North 35th Court in Lincoln City

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

In the Matter of:

Revisions to OAR 736 Division 24 Vehicle Restrictions on the Ocean Shore

**Statutory Authority:**

ORS 390.124, ORS ~~390.845~~ *390.660* *RW*

**Other Authority:**

**Statutes Implemented:**

ORS ~~390.845~~ *390.678* *RW*

**Need for the Rule(s):**

In the fall of 2015 Oregon State Parks received a petition to close a 300 foot section of the beach in Lincoln City which is currently open to vehicles for the purpose of parking. On March 30th 2016 a public meeting was held in Lincoln City to gather information on historical use, current use, and potential problems with the beach being open at that location, as well as reasons why vehicle access is important at that location. After analyzing the information presented at the meeting OPRD determined that a rulemaking action to close that section of beach was warranted.

**Documents Relied Upon, and where they are available:**

Petition to close the Ocean Shore to vehicle access at North 35th Court in Lincoln City - a copy can be obtained from the Oregon State Parks rules coordinator.

**Fiscal and Economic Impact:**

The proposed closure will have little or no fiscal impact on those who have used the beach for parking. They will have to find alternative parking but parking in Lincoln City is generally free.

**Statement of Cost of Compliance:**

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

There is no apparent impact on state agencies and units of local government as this rule would only affect people who have used the beach at North 35th Court for parking. Emergency vehicles and other state vehicles on official business are not affected by the closure. Those members of the public that use the beach at North 35th Court for parking will have to find alternative locations to park. This may not be as convenient as parking on the beach but there should not be a financial cost associated with alternative parking locations.

**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:**  
Small business does not rely on the beach for parking

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

There are no administrative costs of compliance associated with this proposed closure.

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

There will be a small cost for signage but no other supply costs are associated with closing the beach at this location. The beach is normally patrolled by law enforcement and park staff so additional costs for enforcement will be minimal.

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

This rule does not affect small businesses directly. There was a public meeting held in Lincoln City to gather information regarding the closure, but no business owners testified.

**Administrative Rule Advisory Committee consulted?: No**

**If not, why?:**

This rule change was initiated by a petition. An administrative rules advisory committee was not consulted although the agency held a public meeting to gather information on the effects of the proposed closure. The meeting was well attended and provided a good perspective for the department to move forward. The wording of the rule change is very simple, the 300 foot stretch of beach that is currently open for vehicles to park will be closed. The main impact of that action is that people will need to park further away from the beach or visit another section of beach where more parking options exist. During the public comment period those affected by the rule will have an opportunity to send comments to OPRD or make comments at one of two scheduled rulemaking hearings. The public comment period ends on October 21st.

<u>10-21-2016 5:00 p.m.</u>	<u>Claudia Ciobanu</u>	<u>claudia.i.ciobanu@oregon.gov</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address