



# Oregon

Tina Kotek, Governor

## Department of Land Conservation and Development

Oregon Coastal Management Program

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)

February 10, 2026

TO: Coastal Public Access Rulemaking Advisory Committee Members

FROM: Meg Reed, Senior Coastal Policy Specialist, Amanda Macnab,  
Coastal Rules Coordinator



CC: Director Brenda Bateman, Ph.D., Commissioner Lianne Thompson, Lisa  
Phipps, Casaria Taylor, Matthew Hampton, Alexis Hammer, Alyssa Bonini

RE: Materials for February 17, 2026 RAC Meeting

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Thank you for your continued commitment to the rulemaking effort around public access to Oregon's coastal shorelines. Please review this packet of materials before our third RAC meeting on **February 17th from 1-4pm.**

### Packet Contents:

1. Meeting Agenda and rulemaking timeline
2. Draft Fiscal Impact, Housing Impact, and Racial Equity Impact Statements
3. Revised draft of the coastal public access rule – track changes version
4. Revised draft of the coastal public access rule – clean version
5. RAC Meeting #2 Summary

### Revised Draft Rule

Please set aside some time to read the draft rule before the next meeting. Come prepared with notes and thoughts to raise during the meeting. This meeting is the last RAC meeting before the rules are released for public comment and public hearings.

The revised rule reflects comments we received during RAC Meeting #2, as well as RAC member comments we received by January 30<sup>th</sup>. It does not necessarily include every comment as some are not able to be incorporated or some do not meet the charge of this rulemaking effort.

The overall organization of the rule has changed since the first draft that was shared with the group. We encourage everyone to take another look at the rule in full. Our discussion on February 17<sup>th</sup> will begin with the sections of the rule that we did not discuss at the last meeting – primarily the section titled “Modifying Coastal Public Access Sites.” We will try to get through the entire draft rule and gather as much feedback as possible.

There are two versions of the rule included in this packet – one with changes to the draft rule since January 22<sup>nd</sup> indicated through track changes and one that is “clean.” They are the same, but both are included for your review preference.

### **Logistics**

This meeting will be hosted online. As RAC members, you should have a Zoom meeting link in your calendar invite to join the meeting. We invite everyone else to watch via the live stream on DLCD’s YouTube channel. The YouTube channel link is also published on the agenda and on the rulemaking webpage [here](#). These materials also will be posted on the rulemaking webpage.

### **Next Steps**

Based upon your feedback from this meeting and any written comments from RAC members received by the end of the day on February 26<sup>th</sup>, DLCD staff will continue to refine the draft rule. Additionally, DLCD staff will finalize the draft fiscal impact, housing impact, and racial equity impact statements based upon RAC member feedback and any subsequent changes to the rule language. We have enlisted the services of a consultant to draft the impact statements for this rulemaking.

### **Public Hearing Process**

We expect this draft rule to evolve through the first public hearing of the Land Conservation and Development Commission at their meeting on April 23-24, 2026. Public testimony will be accepted at this meeting. DLCD staff will also host a geographic hearing where public comment will be accepted in person in Newport on May 4, 2026. We will reconvene the RAC on May 13, 2026. The public comment timeline is April 1 through May 14, 2026. We anticipate the commission

to deliberate and potentially vote to adopt the rule at their meeting on June 25-26, 2026.

### **Additional Information**

The following resources were provided previously but are listed here again as a reminder.

- Public Access [webpage](#) on DLCD's website
- [Oregon's Coastal Public Access Guide for Local Government Planners](#)
- Online [inventory map](#) of coastal public access sites
- [Video](#) about the role of the RAC in rulemaking for DLCD
- RAC Meeting #1 [recording](#)
- RAC Meeting #2 [recording](#)
- DLCD [rulemaking](#) webpage

If you have any questions about the materials in this packet, please feel free to contact us via phone or email. Our information is listed below. On behalf of DLCD and the Land Conservation and Development Commission, we are grateful for your continued participation in this important initiative!

**Meg Reed**, Senior Coastal Policy Specialist

Cell: 541-514-0091 | [meg.reed@dlcd.oregon.gov](mailto:meg.reed@dlcd.oregon.gov)

**Lisa Phipps**, Oregon Coastal Management Program Manager

Cell: 503-812-5448 | [Lisa.PHIPPS@dlcd.oregon.gov](mailto:Lisa.PHIPPS@dlcd.oregon.gov)

**Mandy Macnab**, Coastal Rules Coordinator

Cell: 971-720-0365 | [Amanda.l.macnab@dlcd.oregon.gov](mailto:Amanda.l.macnab@dlcd.oregon.gov)

**Matthew Hampton**, Rules Coordinator

Cell: 503-983-4092 | [Matthew.L.Hampton@dlcd.oregon.gov](mailto:Matthew.L.Hampton@dlcd.oregon.gov)

# Coastal Public Access Rulemaking Advisory Committee

## Meeting #3 Agenda

February 17, 2026 from 1:00 – 4:00 PM

This meeting will be livestreamed at the Department of Land Conservation and Development (DLCD) YouTube page: <https://youtube.com/@OregonDLCD>. The recording and meeting materials will be posted to DLCD's Rulemaking [webpage](#).

To share written public comment with staff and members of the Rulemaking Advisory Committee (RAC), please submit written comments to [coastal.policy@dlcd.oregon.gov](mailto:coastal.policy@dlcd.oregon.gov).

This meeting will be hosted online. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Mandy Macnab at [amanda.l.macnab@dlcd.oregon.gov](mailto:amanda.l.macnab@dlcd.oregon.gov) or 971-720-0365 or by TTY: Oregon Relay Services (800) 735-2900.

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### **1: Welcome and Introductions (1:00 – 1:15pm)**

### **2: Meeting Framework and Summary of Revised Rule (1:15 – 1:30pm)**

- *Land use refresher*
- *Plan for discussion*
- *Overview of revised rules*

### **3: Facilitated Discussion (1:30 – 3:30pm)**

- *Discuss draft rules and provide guidance for staff*
- *Break @ ~2pm*

### **4: Review Impact Statements (3:30 – 3:50pm)**

- *Housing, Racial Equity, Fiscal*

### **5: Wrap up and Next Steps (3:50 – 3:55pm)**

### **6: Closing Comments and Adjourn (3:55 – 4:00pm)**

## Rulemaking Schedule including RAC Meetings

- ✓ **October 2025:** LCDC Initiates Rulemaking
- ✓ **November 2025:** RAC recruitment
- ✓ **December 17, 2025:** RAC 1: Introductions, review charge and operating principles, background materials, schedule
- ✓ **January 13, 2026:** RAC 2: Review, discuss, revise draft rule language
- **February 17, 2026:** RAC 3: Final draft rules review, review fiscal, housing, and racial equity impact statements
- **April 1, 2026:** Start of public comment period
- **April 23-24, 2026:** Public Hearing with LCDC
- **May 4, 2026:** Geographic Hearing on the Coast (Newport)
- **May 13, 2026:** RAC 4: Finalize rules based on public comments and LCDC directives
- **May 14, 2026:** Close of public comment period
- **June 25-26, 2026:** Adoption deliberation with LCDC
- **September 2026:** If adopted, rule becomes effective

# RULEMAKING IMPACT STATEMENTS

## COASTAL PUBLIC ACCESS

FEBRUARY 2026

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## **I. INTRODUCTION**

The Department of Land Conservation and Development (DLCD) has prepared a series of draft rules which develop and implement a program to provide increased public access to coastal shorelines. Public access rights to the coast are addressed in The Oregon Beach Bill (1967) and Goal 17 Coastal Shorelands. The goal requires local governments to protect those access sites and replace them if they are lost, but this goal provision is broad and there is currently no implementing rule related to it. This rulemaking effort will address coastal public access topics under OAR 660-047. This rulemaking effort does not replace any existing administrative rules and represents an effort to expand upon and clarify the requirements and expectations under Requirement 6 of Goal 17.

The current Goal 17 rule summary states that local governments, in coordination with the Oregon Parks and Recreation Department, will be required to develop and implement a program to provide increased public access. The rules as currently drafted require evaluation of potential for increased access within the local government and to develop implementing policies to achieve increased access. The proposed rules do provide welcome clarification of definitions and expectations for implementation plans.

DLCD convened a Coastal Access Advisory Team (CAAT) throughout 2022 and 2023 to engage tribes and partners on how to help strengthen coastal public access, including whether some concepts were suitable for rulemaking, guidance, grants, or other assistance to local governments. DLCD, with direction from the commission, initiated a rulemaking to advance some of the ideas and recommendations. The charge of the Rulemaking Advisory Committee for the coastal public access rulemaking is to develop rules that include defining terms related to public access, requiring certain minimum information to be included in programs to maintain and increase public access, increasing coordination with relevant agencies (e.g., Oregon Parks and Recreation Department) and with tribes, providing more clarity on rights



of way that provide public access, and considering the protection of natural and cultural resources and impacts from coastal hazards.

The rule revisions will be included under Goal 17, OAR 660-015-0010(2). The following is a summary of topics covered by the new rules.

Definitions	•Defines terms used in the rules.
Statement of Applicability	•Clarifies that the division applies to all local governments with identified coastal shorelands, but not to private coastal access.
Coastal Public Access Program	•Requires local governments to develop a coastal public access program, outlining requirements for these programs.
Coastal Access Program - Inventory	•Outlines the requirements for inventorying coast public access sites
Coastal Public Access Program - Implementation	•Outlines required and potential additional implementation measures, including an update process
Modifying Public Access Sites	•Addresses any action that modifies (as defined in the rule) a coastal public access site.
New Public Access Sites	•Outlines requirements for adding a new coastal access site to the inventory
Rights of Way	•Process for vacating rights-of-way that provide public access.

DLCD is not required to conduct original research in creating a fiscal impact statement (FIS). DLCD must use available information to project any significant effect of the proposed rule, including a quantitative estimate of how the proposed rule affects these entities or an explanation of why DLCD cannot make the estimate. See ORS 183.335(2)(b)(E). DLCD is required to identify any persons this proposed rule could affect economically including:

- Small and large businesses, as defined in ORS 183.310(10)
- State agencies (DLCD and any other State agency),
- Local governments, and
- The public.

This report summarizes the new rule followed by an assessment of potential fiscal impacts on businesses, local government, state agencies, and the public. The report includes a Fiscal Impact Statement (FIS), a Housing Impact Statement (HIS), and a Racial Equity Statement. The purpose of these statements is to help inform the rulemaking process.

## II. SUMMARY OF PROPOSED RULES

This rulemaking project clarifies and codifies requirements outlined in Goal 17 Coastal Shorelands (OAR 660-015-0010(2)) for local jurisdictions. The focus of the rules is to provide direction and specificity required for Coastal Public Access Programs, which local jurisdictions will be required to develop and adopt into their comprehensive plans. The program requirements include the development and maintenance of an inventory of coastal public access sites, implementing policies and ordinances, a process to develop and update the program on a regular basis, rules for the modification of public access sites, and requirements for vacating a right-of-way that provides public access.

The net impact of the rulemaking is difficult to assess, as OAR 660-015-0010(2) already establishes an expectation for local jurisdictions with respect to public access to coastal shorelands. The rulemaking outlines and clarifies the statutory requirements under the existing OAR, which has likely been interpreted in a variety of ways, absent clear guidelines.

The following is a summary of the proposed language and requirements arising from the rulemaking process, broken down by category.

### 1. DEFINITIONS

The proposed administrative rules include a series of definitions of terms used in the rule (*02/06/26 draft*). Definitions contained in ORS 197-015 and the Statewide Planning Goals also apply, with the following definitions provided.

Term	Definition (Summarized)
<b>Accessibility Feature</b>	An attribute of access that specifically refers to addressing disability related needs and barrier removal that meet or exceed the Americans with Disabilities Act regulations within coastal public access sites.

<b>Coastal Lakes</b>	Lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater.
<b>Coastal Public Access Site</b>	Physical or visual access to or along the coastlines of the ocean, estuaries, and coastal lakes. Coastal public access sites may include features such as paths, trails, stairs, ramps, boardwalks, boat ramps, piers, docks, fishing platforms, and other water access and viewing amenities. Generally, public access is provided along publicly owned property, easements, and public roads and rights-of-way that end at or abut coastal shorelines. Other amenities that may be associated with coastal public access sites include parking, interpretive signage, emergency evacuation signage, restroom facilities, and accessibility features for people with disabilities ranging from mobility, cognitive and sensory.
<b>Coastal Resources</b>	The diverse natural, biological, and physical assets found within the land-sea interface, including estuaries, beaches, dunes, headlands, and wetlands, as well as fish and wildlife and their respective habitats within these areas. In geographic terms, coastal resources include the coastal shoreline of Oregon.
<b>Coastal Shorelands</b>	The boundary line between a body of water and the land, measured on tidal waters at mean higher high water.
<b>Coastal Shoreline</b>	The boundary line between a body of water and the land, measured on tidal waters at mean higher high water.
<b>Coastal Waters</b>	Territorial ocean waters of the continental shelf; estuaries; and coastal lakes.
<b>Cultural Areas</b>	Archaeological sites or landscape features of cultural interest, and sites where both are present. Also referred to as “cultural resource sites”.

<b>Inclusivity Feature</b>	An attribute of access designed for everyone to use or understand regardless of gender, location, language, or physical abilities.
<b>Primary Access Sites</b>	Physical or visual coastal public access to or along coastal waters in public ownership that are currently improved or developed with amenities such as parking, interpretive signage, emergency evacuation signage, restroom facilities, or accessibility features for people with disabilities
<b>Secondary Access Sites</b>	Physical or visual coastal public access to or along coastal waters in public ownership that are not improved or developed with trails, infrastructure, or amenities. Secondary access sites include, but are not limited to, public roads and rights-of-way that end at or abut coastal shorelines.
<b>Tribe</b>	A federally recognized Indian tribe in Oregon as defined in ORS 182.162(2).

## 2. APPLICABILITY

The proposed rules include a Statement of Applicability, which clarifies which jurisdictions are impacted, how the rule interacts with other applicable obligations for coastal public access, and the timing of the rule obligations within a local government's comprehensive planning and periodic review cycle.

The following is the current text of this section:

- (1) This division applies to all jurisdictions with identified coastal shorelands. It applies to coastal shorelands and coastal shoreland public access sites. It does not apply to private coastal access sites.
- (2) This rule does not impact or change the jurisdictional boundaries or responsibilities of the entities managing coastal waters or lands.

- (3) This rule does not negate the need for entities to obtain any applicable local, state, or federal permits related to the development or alteration of coastal public access sites.
- (4) The requirements of [*state specific numbers of the rule*] this rule apply when a local government adopts or amends a Coastal Public Access Program or coastal public access related policies within their comprehensive plan. A Coastal Public Access Program includes a coastal public access site inventory, associated maps, related comprehensive plan policies, and related implementing ordinances and development codes within the jurisdiction.
- (5) The requirements of [*state specific parts of the rule*] this rule apply when a local government modifies an adopted public access site. For purposes of this division, a coastal public access site is modified when:
  - (a) An existing coastal public access site is vacated;
  - (b) A use or activity other than coastal public access is authorized; or
  - (c) A coastal public access site is sold, exchanged, transferred, removed, relocated, or added.
- (6) This division does not mandate any changes to existing local comprehensive plans or land use regulations for coastal public access sites. Local governments may retain their existing comprehensive plan designations and land use regulations for coastal public access sites. Local governments must follow the requirements of *this division* when a local government with coastal shoreland designations proceeds with a plan amendment process that impacts coastal public access sites or when an adopted coastal public access site is modified as described in this rule.

There are several items in this statement that influence the impact of the new rules.

- *Private coastal access sites are not covered by the new rules*
- *The rules do not negate any obligations under applicable local, state, or federal permits*

- *The rules do take effect when a local jurisdiction adopts or amends a Coastal Public Access Program or related policies within their comprehensive plan. The local government is not obligated to initiate this outside of a periodic review period unless other actions trigger the rules.*
- *The rules also are in effect for any modification of a public access site.*
- *The rules do not mandate any immediate change to a local comprehensive plan, but the requirements of the new rules will be in force during any plan amendment process that impacts coastal public access.*

In general, the applicability statement is expected to minimize impacts from the new rules.

### **3. DISCUSSION OF COASTAL ACCESS PROGRAM**

The new rule division generated by this rulemaking is fundamentally to outline the requirements for a Coastal Access Program. This includes components such as the inventory and implementing policies. The following is the current text summarizing the requirements for local jurisdictions that fall under the rule's applicability standard.

(8) Local governments with coastal shorelands shall develop and implement a program to protect, maintain, and provide increased public access to and along coastal waters, hereafter referred to as a "Coastal Public Access Program."

(9) The requirements of this section must be followed when a local government adopts or amends a Coastal Public Access Program or coastal public access related policies within their comprehensive plan. A Coastal Public Access Program includes a coastal public access site inventory, associated maps, related comprehensive plan policies, and related implementing ordinances and development codes within the jurisdiction.

- (10) The local government shall coordinate with the following entities in the development of the local government's Coastal Public Access Program:
- (a) Oregon Department of Land Conservation and Development;
  - (b) Oregon Parks and Recreation Department, including the State Historic Preservation Office;
  - (c) Oregon Department of State Lands;
  - (d) Oregon Department of Fish and Wildlife;
  - (e) Oregon State Marine Board;
  - (f) Tribes with ancestral ties to the area in which the coastal public access sites are located. The local government shall obtain a list from the Legislative Commission on Indian Services (LCIS) of tribes that have ancestral ties to the area in which the sites are located; and
  - (g) Any other relevant state agencies, federal agencies, special districts, and neighboring local governments with interest or authority in the area in which the coastal public access site is being modified.
- (11) The local government shall coordinate with the entities listed in (10) as close to the beginning of development of the Coastal Public Access Program as is feasible and continue coordination throughout the process.
- (12) If the entities listed in (10)(a)-(e) and (11) above do not respond to a request to coordinate or decline to coordinate with the local jurisdiction within 60 days of receiving the request, the local jurisdiction may continue to move forward with development of their Coastal Public Access Program.

This language generally provides clarification as opposed to new requirements, but there are some areas of potential impact depending upon the jurisdiction's current interpretation of their requirements under Goal 17. The new rules stipulate that the local government shall coordinate with a series of agencies and local tribal interests. This may already be occurring at some level but the rules establish a clear expectation of outreach and coordination. The proposed rules also provide for relief



from coordination requirements for non-responsiveness, which should mitigate the potential delay and/or cost of the outreach effort.

The rulemaking also includes a more detailed explanation of requirements for establishing and/or maintaining an inventory of public access sites as part of the Coastal Public Access Program.

- (13) At a minimum, a Coastal Public Access Program must include an inventory of coastal public access sites. The inventory shall include all public coastal access sites within the jurisdiction, regardless of ownership.
- (14) Local governments shall use the decadal database from the Oregon Department of Land Conservation's Oregon Coastal Management Program as the starting point for identifying the coastal public access sites within their inventory but may augment that database with available local information.
- (15) The inventory of the Coastal Public Access Program must include the following information for each identified public coastal access site:
  - (a) Whether the site is a primary or secondary access site;
  - (b) Whether the site provides visual access, physical access, or both;
  - (c) A map, photo, visualization, specific location description, or any combination thereof for each site. One map showing all sites is sufficient;
  - (d) Ownership and management of the site;
  - (e) Whether the site is part of the Oregon Coast Trail or any other known trail network;
  - (f) Description of the accessibility and inclusivity features, if any, of the site;
  - (g) Whether the site is used for vehicular emergency access;
  - (h) Whether the site has an emergency number sign associated with it and what that number is; and

(i) If the site includes an easement or a right-of-way that is essential for providing access, the inventory must include a map or description that delineates the area that is publicly owned or managed.

(16) A local government must adopt a Coastal Public Access Program into the local government's comprehensive plan.

(17) When adopting the Coastal Public Access Program into its comprehensive plan, the local government shall adopt implementing policies and ordinances to protect, maintain, and enhance public access to coastal waters, as well as balance the need for public access against potential impacts of public access on cultural areas and coastal resources along coastal shorelands.

(18) Implementing policies and ordinances for coastal public access must address the following at a minimum:

(a) Requirements to prevent coastal public access sites from being blocked, hidden, or otherwise disguised.

(b) Strategies to increase and improve coastal public access within the city or county over time. Increased coastal public access means identifying additional primary or secondary access sites beyond what is already inventoried. Improved coastal public access means further developing existing secondary access sites or augmenting primary access sites with features or amenities as defined in primary access sites. When determining areas for increased or improved coastal public access sites, local governments may identify areas where public access may not be appropriate because of the presence of sensitive or critical habitats, priority areas for restoration, working waterfronts, or cultural areas. Additional considerations for increasing or improving public access include, but are not limited to:

(i) *Areas to or along the coastline where public access is currently lacking.*

- (ii) *Land acquisition opportunities of privately held property that could provide an opportunity for public access if the land were publicly owned or managed.*
  - (iii) *Connections with public transportation systems or other transportation networks.*
  - (iv) *Proximity to overnight accommodation for out-of-town visitors.*
  - (v) *Identification of potential future improvements for secondary access sites, such as signage, accessibility features, inclusivity features, environmental protections, parking, bathrooms, ramps, or other features and amenities. These considerations may not be appropriate for every site.*
- (c) How to avoid or minimize potential impacts to coastal resources from existing or new coastal public access sites. Development of these policies must take place, in part, during coordination with tribes, state agencies, and other relevant entities as described in **sections (10)-(12).**
- (d) How to avoid or minimize potential impacts to cultural areas from existing or new coastal public access sites. Development of these policies shall include coordination with tribes with ancestral ties to the area in which the coastal public access sites are located as described in (10)-(13). The local government must rely upon tribal information and knowledge regarding cultural areas that are significant to that tribe's culture.
- (19) Local governments may wish to include additional implementing policies and ordinances in their Coastal Public Access Program that go beyond the minimum requirements described above. Additional policies and ordinances may address consideration of the following:
- (a) Mitigation measures to reduce current and future impacts from natural hazards on coastal public access sites.
  - (b) Impacts of potential development or redevelopment of areas surrounding coastal public access sites on those public access sites.
  - (c) Requirements for coastal public access sites to be included with new development projects in coastal shoreland areas, such as subdivisions or hotels.

(d) Requirements for coastal public access sites to include accessibility or inclusivity features.

(20) The local government shall include a plan for maintenance of inventoried primary access sites within the local government's jurisdiction in any applicable city or county plans, such as a Transportation System Plan or Capital Improvement Plan. The plan for maintenance must include the jurisdictional responsibilities of each site, routine inspections, strategies for repairs or cleaning, coordination with emergency services if applicable, and other needs specific to the management of each site.

(21) The Coastal Public Access Program should reference any other applicable plans that have been developed for coastal public access within the local government's jurisdiction.

(22) Once a Coastal Public Access Program becomes adopted within a local jurisdiction, the Oregon Department of Land Conservation and Development must update its coastwide public access inventory to reflect the local government's inventory of coastal public access sites within one year of receiving the adoption notice.

(23) Local governments shall identify a process within its comprehensive plan for updating the Coastal Public Access Program on a regular basis. A local government may use the decadal update to the coastwide public access inventory from the Oregon Department of Land Conservation's Oregon Coastal Management Program as a timeline for aligning local planning updates.

The requirement for establishing and maintaining an inventory is not expected to represent a significant burden on local government resources, and we would expect that most affected jurisdictions keep an inventory with much of the outlined information in conformance with the existing rules. There are several requirements in the inventory that may represent information that needs to be gathered, and some that may be difficult to assess. There is a reference to "inclusivity features" in

(8)(d) and (8)(i) that would benefit from further clarification. The inventory requirements also include a designation for “cultural areas,” a concept that was used in a recent DLCD rulemaking exercise under Goal 5 (ORS 660.023.0210). The language in this rule is not identical, and clarification would be helpful to define what is required under the rule.

The proposed rules do include a section regarding improvement of access (11), which is consistent with the guidance from the broader Goal 17 requirements.

The net impact of this language is likely an expansion in the information required for the inventory. The incremental burden is likely not high for affected jurisdictions, but clarification of the “inclusivity” and “cultural areas” requirements would be helpful in assessing impact. The reference under (20)(1) regarding access sites from being “blocked, hidden, or otherwise disguised” is unclear and open to interpretation. If private property is categorized as blocking or hiding public access, how would that be resolved? There may be impacts associated with enforcing this specific language.

The identification of “cultural areas” is not well defined, and the language may need to develop over time as we observe how this is interpreted by the community and tribes and incorporated into the inventory. The concept was introduced in the recent Goal 5 work, and the best response may be to monitor and refine the language if the identification of “cultural areas” significantly impacts the scope, timing, and/or effort required to incorporate into the inventory. This is not expected to represent a significant impact but should be monitored due to the limited experience to date with this type of assessment.

#### 4. MODIFYING COASTAL PUBLIC ACCESS SITES

The new rules address the need to replace or modify inventoried coastal public access sites. The requirements are straightforward and clear, and the outreach required is consistent with the language used in the preparation of a plan.

- (24) This section of the rules applies to any action within a local government that modifies, as defined in the **Statement of Applicability Section** of this rule, a coastal public access site within the local government's jurisdiction. It does not apply to the parts of coastal public access sites that extend onto the ocean shore as defined in ORS 390.605. It does not apply to coastal public access sites that are not in the authority of the local government, such as those sites within state parks or federal lands.
- (25) Existing public ownerships, rights-of-way, and similar public easements in coastal shorelands, which provide access to or along an estuary, ocean, or coastal lake, including secondary public access sites, shall be retained, or replaced if sold, exchanged, or transferred. The local government may develop criteria for determining an acceptable replacement site for a public access site that is being sold, exchanged, or transferred.
- (26) State agencies that manage public access sites are required to notify the relevant local government when modifying an existing public coastal access site.
- (27) If an inventoried coastal public access site has been replaced because it was sold, exchanged, or transferred, the local government must adopt the replacement site into their Coastal Public Access Program or coastal public access inventory within its comprehensive plan.
- (28) All replacement coastal public access sites must follow the inventory requirements as outlined in **section (15)** of this division at the time of adoption into the comprehensive plan.

- (29) A local government may add a new coastal public access site to an adopted Coastal Public Access Program at any time through the post-acknowledgement plan amendment process.
- (30) The local government must coordinate with the entities as outlined in sections (10)-(12) when adding a new coastal public access site into the comprehensive plan. New sites added must include the inventory information as required in **section (15)**.
- (31) When adding a new coastal public access site to an adopted Coastal Public Access Program, the local government shall follow the requirements of **sections (18)-(21)** in developing implementing policies associated with the new coastal public access site.
- (32) If a coastal public access site is lost due to unforeseen circumstances such as flooding or erosion, the local government shall strive to repair or replace the lost site as soon as practical. Replacement sites must follow the requirements listed in **sections (30)-(31)**.

The cost to replace an access site may be significant for a jurisdiction, particularly if it is linked to amenities, enhanced access provisions, and signage. While we would generally assume that a decision to modify or replace an access point is optional for a jurisdiction, and that they will be able to balance costs and benefits in making such a decision, it is possible in coastal areas that issues such as erosion can trigger a decision that may not have a favorable cost/benefit relationship for a jurisdiction. It is possible that the no net loss requirement can have a significant fiscal impact, but this is recognized in section (32), which does not require immediate replacement and allows a jurisdiction to replace a “soon as practical.”

While the replacement of sites does not apply to private access points, it is possible that the best alternative public access point is located on privately owned property. This would entail a purchase of property and/or easement by the local jurisdiction,

which would entail a cost. It may be possible to incentivize private property owners to provide this without cost if they perceive personal benefit from the access.

The remaining language in the new rules addresses rights-of-way. The rules are clear, consistent with standard practices, and would not be expected to have any unanticipated impacts.

(33) This section of the rules applies to any action within a local government that vacates a right-of-way that provides public access to or along the coastal shoreline. It does not apply to the parts of rights-of-way that extend onto the ocean shore as defined in ORS 390.605.

(34) A local government may vacate rights-of-way within its jurisdiction to permit redevelopment of coastal shoreland areas provided public access across the affected site is retained. The retained public access must:

- (a) Be clearly identified;
- (b) Provide sufficient public access to the same water body or coastal shoreland area as was provided prior to the vacation;
- (c) Be owned or held by a public entity;
- (d) Retain connection to the Oregon Coast Trail or other known trail network, as applicable.

(35) Rights-of-way that provide coastal public access and that are to be vacated must be a legislative land use decision with notice and opportunity for public comment. Notice and opportunity to comment must be sent to relevant state agencies, federal agencies, and tribes. If the right-of-way extends onto the ocean shore as defined in ORS 390.605, the local government must coordinate with the Oregon Parks and Recreation Department before the vacation occurs.

(36) State agencies that manage public access sites are required to notify the relevant local government when vacating a right-of-way that is used for public coastal access.



### **III. FISCAL IMPACT STATEMENT**

As part of the rulemaking process, a Fiscal Impact Statement is required to assess the expected degree to which “state agencies, units of local government and the public that may be economically affected by the adoption, amendment or repeal of the rule” and must estimate the economic impact on those entities. ORS Chapter 183.335(2)(b)(E) also requires that, in determining economic impact, the agency shall “project any significant economic effect of that action on businesses which shall include a cost of compliance effect on small businesses affected.”

The new rules being evaluated in this report address public access rights to coastal shorelines. Public access rights are addressed in The Oregon Beach Bill and Goal 17 Coastal Shorelands, but the planning goals and associated rules are only broadly stated and there is little specificity regarding requirements under these broad guidelines for local jurisdictions. This rulemaking effort addresses the coastal public access topics under OAR 660-047. This rulemaking effort does not replace any existing administrative rules and represents an effort to expand upon and clarify the requirements and expectations under Implementation Requirement 6 of Goal 17.

The focus of the rules lies in clarified definitions of key terms relevant to the rule, as well as establishing clear and objective expectations and standards for the preparation of Coastal Public Access Programs for jurisdictions subject to this requirement. As requirements for public access have already been in place, our assumption would be that jurisdictions have already implemented some type of program and/or inventory. These include defining terms related to public access; requiring certain minimum information to be included in programs to provide increased public access; increasing coordination with relevant agencies (e.g., Oregon Parks and Recreation Department) and with tribes; and providing more clarity on rights of way and public easements that provide public access. Such a rulemaking will help clarify public access requirements for coastal local governments.

The impact of the additional clarification and standards will be variable by jurisdiction based on their previous interpretation of the existing requirements. We expect the fiscal impact of these rules to be modest for local jurisdictions. The inventory requirement is not onerous, and we would expect that most jurisdictions will already have this data or could complete this process with limited resources required. DLCD's Oregon Coastal Management Program already has a database for information that jurisdictions can review and update.

The new rules require the inventory to be updated, but adoption of a Coastal Access Program consistent with the outlined requirements is not mandated until the jurisdiction proceeds with a plan amendment process that impacts coastal public access sites, when an adopted coastal public access site is modified, or during a periodic review of the Comprehensive Plan.

There are some aspects of the new rules that may place a more significant potential burden on local governments, primarily related to the outreach requirements and inclusion of some additional features for the inventory. The new rules outline entities that the local jurisdiction must coordinate with while providing a time limit for agencies and tribes to respond. This will add marginally to the process time but would not be expected to have a substantive fiscal impact to the local jurisdiction. There will be limited review and comment time for agencies providing review and feedback.

The new language defines and requires inventorying of "inclusivity features." There is a reference to "inclusivity features" in (8)(d) and (8)(i) that would benefit from further clarification. Based on the provided definition in the most current version of the rules meeting this standard could require multilingual signage and wayfinding and may entail increased ADA and access improvements. As this is an inventory, there is not a mandate to address this immediately, but it may entail a cost when access sites are improved and/or replaced.

The inventory requirements also include a designation for “cultural areas,” a concept that was used in a recent DLCD rulemaking exercise under Goal 5 (ORS 660.023.0210). The language in this rule is not identical, and clarification would be helpful to define what is required under the rule. The cultural areas concept has not been in place for a significant period of time and as such there is limited information about how identification of these areas may impact public access points. Our expectation is that this will not significantly impact public access plans, but it may take additional outreach and meeting time to collect this information and reflect it in implementing plans.

The new rules clarify the responsibilities of local governments with respect to developing and maintaining a Coastal Public Access Program. Potential additional costs for jurisdictions to develop Coastal Public Access Programs would include developing the mandated inventories of access points, developing Coastal Public Access language and implementing policies for inclusion in their comprehensive plans, and required outreach and public process. The requirements under the new rules are not onerous, and we would not expect the cost to the jurisdictions to be significant.

The following is a summary of areas in which the draft administrative rule may have fiscal and economic impacts, including:

- The requirement to complete and adopt a full Coastal Public Access Program is linked to a related land use action or a periodic review. The preparation of the inventory is something that is expected to be completed in the short-term but is not expected to represent a significant expense or effort for local jurisdictions.
- The rules represent a clarification of broad and unclear language in the current statewide planning goal, and do not necessarily represent new requirements for local jurisdictions. The clarification provided in these rules may have a fiscal benefit, depending upon how the current requirements were interpreted by the local jurisdictions.

- The incremental cost of identifying and inventorying areas or sites of cultural significance may have a significant impact, as this represents a new requirement. The concept was introduced in the recent Goal 5 work, and the best response may be to monitor and refine the language if the identification of “cultural areas” significantly impacts the scope, timing, and/or effort required to implement. This is not expected to represent a significant impact but should be monitored due to the limited experience to date with this type of assessment.
- The requirement for local jurisdictions to replace or relocate access points may have a significant fiscal cost, and this requirement can be triggered by events such as flooding or erosion. The language provides flexibility on the timing of replacement in these circumstances, but the cost may still be substantial for a jurisdiction.

#### SMALL AND LARGE BUSINESSES

The proposed rules are not expected to have any substantive impact on any businesses. As noted previously, these rules represent more of a clarification of expectations rather than new requirements. The rules do not apply to privately-owned access points. Many coastal businesses benefit from public access points, and the new rules assure the maintenance, replacement, and improvement of public access points over time. There is potential that an access point is moved in a replacement action which may have a limited impact on specific businesses, but we would not expect this to be significant.

If the new rule increases the quality and availability of coastal access points, we expect positive impacts on businesses that benefit from access-related traffic. These would primarily include tourism-related industries such as lodging, retail, restaurant, and service providers. Maintenance of public access points also provides an amenity to the local populace, which likely includes the workforce of these businesses.

The cost of the new rules to local jurisdictions is expected to be negligible and should result in no new revenue requirements that may impact local businesses.

#### LOCAL GOVERNMENT COSTS

For local governments, fiscal costs are related to the cost of preparing a compliant Coastal Public Access Program, which will include preparing a compliant inventory of access points. Preparing a full program is timed to land use actions or periodic review but will entail outreach and language development for inclusion in the comprehensive plan of affected jurisdictions. There are both monetary and time-related costs associated with:

- *Developing a compliant inventory of sites;*
- *Outreach and coordination with other agencies, special districts, and tribes;*
- *Reviewing and negotiating mitigation agreements with applicants if required;*
- *Developing implementation language; and*
- *Coordinating with DLCD during review.*
- *The requirement for local jurisdictions to replace or relocate access points may have a significant fiscal cost, and this requirement can be triggered by events such as flooding or erosion. The language provides flexibility on the timing of replacement in these circumstances, but the cost may still be substantial for a jurisdiction.*
- *Relocating or replacing an access point may necessitate the purchase of property or an easement through private property if an appropriate site is not publicly owned. This may represent a significant cost to a local jurisdiction.*
- *Increased costs for regular updates to the Coastal Public Access Program, including increased administrative costs and processes.*

If the quality and number of coastal public access points are improved through this program, it could have some marginal positive revenue impacts. These would include an increase in transient lodging taxes as well as corporate and business taxes from establishments experiencing increased revenues.

The fiscal impact of developing a Coastal Public Access Program under the proposed rules is expected to be modest for local jurisdictions and will depend upon how the new specificity in the rules varies from their current understanding of their requirements. The additional process required for preparation of a compliant program will add incrementally to the time and effort required for applicable plan amendments and periodic review of the comprehensive plan. To the extent that a jurisdiction utilizes a consultant team to assist in their planning efforts or does it internally with staff, this additional time and effort will be reflected in marginally higher anticipated costs for the jurisdiction. The requirements in the new rules represent a clarification of what is required, and for some jurisdictions this may not represent an expansion of requirements depending upon their existing understanding of what the goal language already requires.

#### STATE AGENCY COSTS

The proposed rule is expected to have a modest fiscal impact primarily on DLCD among state agencies, although other state agencies that are part of the coordination outreach may be impacted. The rules specify that DLCD's Oregon Coastal Management Program database will be used, and updating this database to include the new information will be the responsibility of DLCD. There may be ongoing costs to maintain the database, but they are expected to be limited. This is a database that DLCD already maintains.

DLCD staff will be required to review and comment on any submittals under these rules, requiring staff time. Other agencies identified in the coordination requirements as well as the tribes would need to dedicate time for review and comment as well. The level of effort is unlikely to be high as the new rules largely provide clear and objective standards for broad requirements already in place, but there may be some additional time required to review materials.

Additionally, there is the potential for DLCD to incur Department of Justice legal fees in situations where DLCD files, or is a party to, an appeal of a local government's

actions that are not consistent with this administrative rule to the Land Use Board of Appeals (LUBA) or is brought to intervene in a LUBA case between two other parties regarding an appeal. DLCD also maintains authority to enact an enforcement order, which would incur legal fees and demand a modest increase in staff effort in time to review and compile legal records. We would expect this risk to be low due to the limited impact of these rules.

The fiscal impact associated with additional DLCD staff time is expected to be negligible as this process will be handled at the local level with DLCD review, and no additional staffing is expected to be required. DLCD staff will be required to review documents related to this rule in a wide range of geographic contexts. The agency may provide technical assistance to the local governments applying the proposed rules.

It is unclear as to whether any public infrastructure funding may be available to replace or relocate public coastal access sites. If this type of funding is provided, we would expect a fiscal impact to the relevant funding agency for potential grants or loans. The cost of technical assistance grants to meet the new standards would represent an increase in agency costs if provided.

#### PUBLIC

The public is not expected to experience a significant fiscal or economic impact from the new rule. To the extent the new rules support and increase the likelihood of improving public access this would provide a tangible benefit to the public. The rules require maintenance and improvement of access points, both of which would represent a general benefit to the public. Implementation of the program rules may result in improved public access over time, but the marginal shift is expected to be modest.

To the extent that a new and/or improved public access point is provided through this process, it may change patterns of foot and vehicle traffic for properties

proximate to access points. While additional traffic may be welcomed by businesses, it may be viewed as a disamenity for impacted residents. A jurisdiction has the option under the new rules to include consideration of this type of impact in their evaluation criteria.

#### **IV. HOUSING IMPACT STATEMENT**

ORS Chapter 183.335(2)(b)(E) and ORS 183.530 require that rules adopted by the LCDC include an “estimate of the effect of a proposed rule or ordinance on the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square foot detached single-family dwelling on that parcel.” (ORS 183.530). This Housing Impact Statement (HIS) is described in ORS 183.534. The new rules are not expected to impact the supply of available housing land. The rules do not apply to private access points and should have no substantive impact on the cost of providing housing or the pace of construction. The rules are also not expected to have any substantive impact on the demand for or supply of housing in affected jurisdictions.

Housing affordability is a complex issue that is influenced by a complex range of factors. These include inventory, market clearing prices, constraints on supply, cost of production, and the ability of someone to pay for housing. Maintenance and improvement of public access points assures and increases the accessibility of highly marketable amenities. This supports the local population’s access to these amenities, as well as visitor access that supports the local tourism industry. While this supports economic vitality and community benefit, it also increases pressure on the local housing stock due to increased marketability of the community. Increased economic vitality would be expected to marginally increase local household income and the ability of households to pay for housing, thus increasing housing affordability. This may be offset to some extent by an increase in the demand for housing from outside of the local economy, reflected in second homes, remote workers, and retirees. This demand shift can increase the competition for housing from households with incomes not tied to the local economy, placing pressure on affordability.



The net impact of the new rules is not expected to be significant for affected jurisdictions, as the requirements clarified in the rules are already in force. While there is a potential for marketability of residential units to be improved over time, that impact is not expected to be significant. In summary, the rule would not be expected to have any impact on home pricing for a 1,200 square foot home on a 6,000 square foot lot in jurisdictions affected by this rulemaking effort.

## **V. RACIAL EQUITY STATEMENT**

The State of Oregon requires that a rulemaking notice include “a statement identifying how adoption of the rule will affect racial equity in this state” (ORS 183.335(2)(a) (HB 2993). For the purposes of this statement, racial equity has been defined as treating people of all races fairly, justly, and without bias. The agency is required to attempt to determine the racial groups that will be affected by the rule, and how the rule will increase or decrease disparities currently experienced by those groups. In this context, a disparate treatment of racial groups may be supportable if it addresses current disparities.

The proposed rules clarify existing rules, and do not necessarily represent an expansion of any requirements or mandates for local jurisdictions. The new rules codify and clarify existing rules. The proposed new rule is not expected to negatively impact racial equity and equitable outcomes. The rules provide guidance on requirements for Coastal Public Access sites, which are expected to provide benefits without implicit bias. The expected benefits and costs associated with the new rules are not expected to have an impact on disparities between racial groups. Federally recognized tribes would be granted clearer protection and input for cultural resources.

## Coastal Public Access Rulemaking

February 10, 2026

### Summary of Goal 17: Coastal Shorelands, Implementation Requirement #6:

Local governments, in coordination with the Oregon Parks and Recreation Department, shall develop and implement a program to provide increased public access. Local governments shall ensure that existing public ownerships, rights of way, and similar public easements in coastal shorelands which provide access to or along coastal waters shall be retained or replaced if sold, exchanged or transferred. Local governments may allow rights of way to be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

Goal 17 has one existing rule division (OAR 660-037) which is specific to water-dependent zoning. The language below is a new rule division to address coastal public access topics: OAR 660-047.

## Draft Rule

### Purpose

The purpose of this division is to interpret and carry out the requirements of Implementation Requirement 6 of Goal 17 Coastal Shorelands (OAR 660-015-0010(2)) regarding public access in coastal shorelands.

### Definitions

(1) For purposes of **division 047**, the definitions contained in ORS 197.015 and the Statewide Planning Goals (OAR chapter 660, division 015) apply. In addition, the following definitions apply:

- (a) **ACCESSIBILITY FEATURE:** An attribute of ~~Access~~ access that specifically refers to ~~addressing~~ disability related needs and barrier removal ~~processes~~ that meet or exceed the Americans with Disabilities Act regulations within coastal public access sites. ~~Examples include handicap parking spaces, ramps, and signage with braille.~~
- (b) **COASTAL LAKES:** Lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater.
- (c) **COASTAL PUBLIC ACCESS SITE:** Physical or visual access to or along ~~the~~ ~~coastlines~~ of the ocean, estuaries, and coastal lakes ~~that are publicly owned or managed~~. Coastal public access sites may include features such as paths, trails, stairs, ramps, boardwalks, boat ramps, piers, docks, fishing platforms, and other water access and viewing amenities. Generally, public access is provided ~~along~~ ~~through~~ publicly owned property, easements, and public roads and rights-of-way

**Commented [MR1]:** Note: Definitions in blue are ones that can be changed/edited. The other definitions are existing and cannot be changed.

that end at or abut coastal shorelines. Other amenities that may be associated with coastal public access sites include parking, interpretive signage, emergency evacuation signage, restroom facilities, and accessibility or inclusivity features for people with disabilities ranging from mobility, cognitive and sensory.

(d) **COASTAL RESOURCES:** The diverse natural, biological, and physical assets found within the land-sea interface, including estuaries, beaches, dunes, headlands, and wetlands, as well as fish and wildlife and their respective habitats within these areas.

(e) **COASTAL SHORELANDS:** Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.

(f) **COASTAL SHORELINE:** The boundary line between a body of water and the land, measured on tidal waters at mean higher high water.

(g) **COASTAL WATERS:** Territorial ocean waters of the continental shelf; estuaries; and coastal lakes.

(h) **CULTURAL AREAS:** Archaeological sites or landscape features of cultural interest, and sites where both are present. Also referred to as “cultural resource sites.”

(i) **INCLUSIVITY FEATURE:** An attribute of access designed for everyone to use or understand regardless of gender, location, language, or physical abilities. Examples include gender neutral bathrooms, curb-cuts, ramps, and large font sizes on signage.

(j) **PRIMARY ACCESS SITES:** Physical or visual coastal public access points to or along coastal waters in public ownership that are currently improved or developed with amenities such as boardwalks, parking, interpretive signage, emergency evacuation signage, restroom facilities, or accessibility or inclusivity features for people with disabilities.

(k) **SECONDARY ACCESS SITES:** Physical or visual coastal public access points to or along coastal waters in public ownership that are not improved or developed with trails, infrastructure, or amenities. Secondary access sites include, but are not limited to, public roads and rights-of-way that end at or abut coastal shorelines.

(l) **TRIBE:** a federally recognized Indian tribe in Oregon as defined in ORS 182.162(2).

## Statement of Applicability

- (2) This division applies to all jurisdictions local governments with identified Goal 17 coastal shorelands. It applies to coastal public access sites to within coastal shorelands and coastal shoreland public access sites. It does not apply to private coastal access sites.
- (3) This rule does not impact or change the jurisdictional boundaries or responsibilities of the entities managing coastal waters or lands.

(4) This rule does not negate the need for entities to obtain any applicable local, state, or federal permits related to the development or alteration of coastal public access sites.

(5) The requirements of [state specific numbers of the rule] this rule apply when a local government adopts or amends a Coastal Public Access Program or coastal public access related policies within their comprehensive plan. A Coastal Public Access Program includes a coastal public access site inventory, associated maps, related comprehensive plan policies, and related implementing ordinances and development codes within the local government's jurisdiction.

(6) The requirements of [state specific parts of the rule] this rule apply when a local government modifies an ~~adopted coastal~~ public access site identified within its comprehensive plan or when a new public access site is added to the local government's comprehensive plan. For purposes of this division, a coastal public access site is modified when:

- (a) Any portion of an existing coastal public access site is vacated;
- (b) A use or activity other than coastal public access is authorized; or
- (c) A coastal public access site is sold, exchanged, or transferred, ~~removed,~~ relocated.;

(7) This division does not mandate any changes to existing local comprehensive plans or land use regulations for coastal public access sites. Local governments may retain their existing comprehensive plan designations and land use regulations for coastal public access sites. Local governments must follow the requirements of this division when a local government with Goal 17 coastal shoreland designations proceeds with a plan amendment process that impacts coastal public access sites or when ~~an adopted a~~ coastal public access site identified within a local government's comprehensive plan is modified as described in this rule.

## Coastal Public Access Program

(8) Local governments with coastal shorelands shall develop and implement a program to protect, maintain, and provide increased public access to and along coastal waters, hereafter referred to as a "Coastal Public Access Program." For purposes of this division, increased public access means adding additional coastal public access sites beyond what is already inventoried by the local government, improving existing coastal public access sites with features such as parking, bathrooms, signage, or boardwalks, or any combination thereof.

**Commented [MR2]:** Question for the group: are there other scenarios that might qualify as increasing public access?

(9) The requirements of this section must be followed when a local government adopts or amends a Coastal Public Access Program or coastal public access related policies within their comprehensive plan. A Coastal Public Access Program includes a coastal public access site inventory, associated maps, related comprehensive plan policies, and related implementing ordinances and development codes within the jurisdiction.

(10) The local government ~~must shall offer to~~ coordinate with the following entities in the development ~~and implementation~~ of the local government's Coastal Public Access Program:

(a) Oregon Department of Land Conservation and Development;

~~(b)~~ Oregon Parks and Recreation Department, including the State Historic Preservation Office;

~~(c)~~ Oregon Department of State Lands;

~~(d)~~ Oregon Department of Fish and Wildlife;

~~(e)~~ Oregon State Marine Board; ~~and~~

(f) Tribes with historic-ancestral ties to the area in which the coastal public access sites are located. The local government shall consult-obtain a list from with the Legislative ~~Committee~~ Commission on Indian Services (LCIS) for information as to ~~which of~~ tribes that have historic-ancestral ties to the area in which the sites are located; ~~and-~~

~~(g)~~ Any other relevant state agencies, federal agencies, special districts, and neighboring local governments with interest or authority in the area in which the coastal public access site is being modified.

(11) The local government shall coordinate with the entities listed in (10) as close to the beginning of development of the Coastal Public Access Program as is feasible and continue coordination throughout the process.

~~(11) —The local government shall also offer to coordinate with other relevant state agencies, federal agencies, special districts, and neighboring local governments with interest or authority in the area in which the coastal public access sites are located. At a minimum, the local government must provide each relevant entity with an opportunity to provide comment on the Coastal Public Access Program before it becomes adopted.~~

(12) If the entities listed in (10)(a)-(e) and (11) above do not respond to a request to coordinate or decline to coordinate with the local jurisdiction within ~~60~~ 630 days of receiving the request, the local jurisdiction may continue to move forward with development ~~or implementation~~ of their Coastal Public Access Program.

#### *Coastal Public Access Program – Inventory:*

(13) At a minimum, a Coastal Public Access Program must include an inventory of coastal public access sites. The inventory shall include all public coastal access sites within the jurisdiction, regardless of ownership.

(14) Local governments shall use the decadal database from the Oregon Department of Land Conservation's Oregon Coastal Management Program as the starting point for identifying the coastal public access sites within their inventory ~~but and~~ may augment that database with available local information.

150 (15) The inventory of the Coastal Public Access Program must include the following  
 151 information for each identified public coastal access site:  
 152 (a) Whether the site is a primary or secondary access site;  
 153 (b) Whether the site provides visual access, physical access, or both;  
 154 (c) A map, photo, visualization, specific location description, or any combination  
 155 thereof for each site. One map showing all sites is sufficient;  
 156 (d) Ownership and management of the site;  
 157 (e) Whether the site is part of the Oregon Coast Trail or any other known trail  
 158 network;  
 159 (f) Description of the accessibility and inclusivity features, if any, of the site;  
 160 (g) Whether the site is used for vehicular emergency access;  
 161 (h) Whether the site has an emergency number sign associated with it and what that  
 162 number is; and  
 163 — For any coastal public access sites in the inventory that if the site includes an  
 164 easement or a right-of-way that is essential for providing access, the inventory  
 165 must include a map or description that delineates the area that is publicly  
 166 owned or managed.  
 167 (g)(i) —  
 168 (h) Whether the site includes natural resources, cultural areas, aesthetic areas, or  
 169 natural hazards as inventoried elsewhere in the local government's  
 170 comprehensive plan or as identified by an expert source; and  
 171 (i) Identification of potential future improvements of the site, such as signage,  
 172 accessibility features, inclusivity features, environmental protections, parking,  
 173 bathrooms, ramps, or other features and amenities. These considerations may  
 174 not be appropriate for every site.  
 175 (16) — The inventory of coastal public access sites must also include a plan for  
 176 maintenance of inventoried sites, including the jurisdictional responsibilities of each  
 177 site, routine and regular inspections, strategies for repairs or cleaning, coordination  
 178 with emergency services if applicable, and other needs specific to the management of  
 179 each site.  
 180 (17) — For any coastal public access sites in the inventory that include a right-of-way for  
 181 access, the inventory must include a map or geographic description that delineates the  
 182 area that is publicly owned or managed.  
 183 (18) — The Coastal Public Access Program must also include information about how the  
 184 local government would like to increase and improve the coastal public access sites  
 185 within its jurisdiction. Additional areas to consider for increasing or improving public  
 186 access include, but are not limited to:

- (a) Areas to or along the coastline where public access is currently lacking. The inventory should describe whether these areas provide the opportunity for public access, or if they do not provide the opportunity for public access; describe why they do not provide the opportunity for public access.
- (b) Land acquisition opportunities of privately held property that could provide an opportunity for public access if the land were publicly owned or managed.
- (c) Connections with public transportation systems to provide coastal access opportunities to the greatest number of people.
- (d) Proximity to overnight accommodations for out-of-town visitors.

(19) When determining areas for increased or improved coastal public access sites, local governments may coordinate with and rely upon information from the Oregon Department of Fish and Wildlife, tribes, or other expert sources to identify areas where public access may not be appropriate due to the presence of sensitive species or habitats, working waterfronts, or cultural areas.

#### Coastal Public Access Program – Implementing Policies:

(20)(16) Once the coastal public access inventory is completed, a local government must adopt a Coastal Public Access Program into the local government's comprehensive plan.

(17) When adopting the Coastal Public Access Program into its comprehensive plan, the local government shall also adopt implementing policies and ordinances, if applicable, to protect, maintain, and enhance public access to coastal waters in accordance with the Coastal Public Access Program, as well as balance the need for public access with potential negative impacts of public access on cultural areas and natural coastal resources along coastal shorelands.

(18) Implementing policies and ordinances for coastal public access must address the following at a minimum:

- (a) include, at a minimum, requirements to prevent coastal public access sites from being blocked, hidden, or otherwise disguised.
- (a) The Coastal Public Access Program must also include information about strategies to increase coastal public access within the local government's jurisdiction city or county over time. The city or county must develop a baseline for determining increased public access over time. When determining areas for increased coastal public access sites, local governments may also coordinate with and rely upon information from the Oregon Department of Fish and Wildlife, tribes, or other expert sources to identify areas where public access may not be appropriate because of the due to the presence of sensitive species or critical habitats, priority areas for restoration, working waterfronts, or cultural areas.



Additional areas to consider considerations for increasing public access include, but are not limited to:

- (i) Areas to or along the coastline where public access is currently lacking. The inventory should describe whether these areas provide the opportunity for public access, or if they do not provide the opportunity for public access, describe why they do not provide the opportunity for public access.
  - (ii) Land acquisition opportunities of privately held property that could provide an opportunity for public access if the land were publicly owned or managed.
  - (iii) Connections with public transportation systems or other transportation networks to provide coastal access opportunities to the greatest number of people.
  - (iv) Proximity to overnight accommodations for out-of-town visitors.
  - (v) Identification of potential future improvements for primary or secondary access sites, such as signage, accessibility or inclusivity features, environmental protections, parking, bathrooms, ramps, or other features and amenities. These considerations may not be appropriate for every site.
- (b) How to avoid or minimize potential impacts to natural coastal resources from existing or new coastal public access sites. Development of these policies must take place, in part, during coordination with tribes, state agencies, and other relevant entities as described in sections (10)-(12).
- (c) How to avoid or minimize potential impacts to cultural areas from existing or new coastal public access sites. Development of these policies shall include coordination with tribes with ancestral ties to the area in which the coastal public access sites are located as described in sections (10)-(13). The local government shall consult with the Legislative Committee on Indian Services (LCIS) for information as to which tribes have historic ties to the area in which the sites are located. The local government must rely upon tribal information and knowledge regarding cultural areas that are significant to that tribe's culture.

- (19) Local governments may wish to include additional implementing policies and ordinances in their Coastal Public Access Program that go beyond the minimum requirements described above. Additional policies and ordinances may address consideration of the following:
- (a) Mitigation measures to reduce current and future impacts from natural hazards on coastal public access sites.
  - (b) Impacts of potential development or redevelopment of areas surrounding coastal public access sites on those public access sites.

**Commented [MR3]:** Note: Researching coordination with new Goal 5 Cultural Areas rule and how best to phrase.



(c) Requirements for coastal public access sites to be included with new development projects in coastal shoreland areas, such as subdivisions or hotels.

(d) Requirements for coastal public access sites to include accessibility or inclusivity ~~amenities~~ features.

~~(22)~~(20) The local government shall include a plan for maintenance of inventoried primary access sites within the local government's jurisdiction in any applicable city or county plans, such as a Transportation System Plan or Capital Improvement Plan. The plan for maintenance must include the jurisdictional responsibilities of each site, routine inspections, strategies for repairs or cleaning, coordination with emergency services if applicable, and other needs specific to the management of each site.

~~(d) Including impacts to coastal public access sites as evaluation criteria in land use permits within coastal shoreland areas.~~

~~(23)~~(21) The Coastal Public Access Program **should** reference any other applicable plans that have been developed for coastal public access within the local government's jurisdiction.

~~(24)~~(22) Once a Coastal Public Access Program becomes adopted within a local jurisdiction government's comprehensive plan, the Oregon Department of Land Conservation and Development's Oregon Coastal Management Program must update its coastwide public access inventory to reflect the local government's inventory of coastal public access sites within one year of receiving the adoption notice.

~~(25)~~(23) Local governments shall identify a process within its comprehensive plan for updating the Coastal Public Access Program on a regular basis. A local government may use the decadal update to the coastwide public access inventory from the Oregon Department of Land Conservation's Oregon Coastal Management Program as a timeline for aligning local planning updates.

## Modifying Coastal Public Access Sites

~~(26)~~(24) This section ~~of the rules~~ applies to any action within a local government that modifies, as defined in the ~~section (6)~~ **Statement of Applicability Section** of this ~~division~~ rule, a coastal public access site ~~within the local government's jurisdiction. It does not apply to the parts of coastal public access sites that extend onto the ocean shore as defined in ORS 390.605. It does not apply to coastal public access sites that are not in the authority of the local government, such as those sites within state parks or federal lands.~~

~~(27)~~(25) ~~The local government shall retain, or replace if sold, exchanged, or transferred.~~ Existing public ownerships, rights-of-way, and similar public easements in coastal shorelands, which provide access to or along ~~an estuary, ocean, or coastal~~

~~take coastal waters, including secondary public access sites, shall be retained, or replaced if sold, exchanged, or transferred. The local government may develop criteria for determining an acceptable replacement site for a public access site that is being sold, exchanged, or transferred.~~

~~(26) State agencies that manage coastal public access sites are required to notify the relevant local government when modifying an existing public coastal access site or when establishing a new coastal public access site.~~

~~(28) If an existing-inventoried coastal public access site has been replaced because it was is sold, exchanged, or transferred, the the local government must adopt the replacement site into their Coastal Public Access Program or coastal public access inventory within its comprehensive plan, replacement of that site must include the following:~~

~~(29) Analysis of why the existing site can no longer provide coastal public access. Cost cannot be the only factor considered.~~

~~(30) Identification of the replacement site. The replacement site must be within the local government's jurisdiction and as close to the existing site as is practical.~~

~~(31) If the site being sold, exchanged, or transferred is a primary access site, a secondary access site may be used as a replacement site, as long as:~~

~~(32) The secondary access site is upgraded to a primary access site in the adopted coastal public access inventory; and~~

~~(33) A plan for the development of amenities to improve the site as a primary access site is completed at the time of replacement.~~

~~(34) If the site being sold, exchanged, or transferred is a secondary access site, a secondary access site may be used as a replacement site, as long as:~~

~~(35) The secondary access site is upgraded to a primary access site in the adopted inventory; and~~

~~(36) A plan for the development of amenities to improve the site as a primary coastal access site is completed at the time of replacement.~~

~~(37) A new site not already included in the jurisdiction's coastal public access inventory may be used as a replacement site, as long as:~~

~~(38) The new access site is added to the jurisdiction's coastal public access inventory;~~

~~(39) The new access site is designated a primary access site;~~

~~(40) The new access site can be utilized by the public at the time of replacement; and~~

333 ~~(41)~~(27) \_\_\_\_\_ A plan for the development of amenities to improve the site as a primary  
334 coastal access site is completed at the time of replacement.

335 ~~(42)~~—All replacement coastal public access sites must follow the inventory requirements  
336 as outlined in subsection (15)-(17) and maintenance information as required in section  
337 (20) of this division at the time of adoption into the comprehensive plan ~~the time of~~  
338 ~~replacement~~.

339 (28) \_\_\_\_\_

340 ~~(43)~~—If a coastal public access site is lost, the local government shall strive to repair or  
341 replace the lost site as soon as practical. Replacement sites must follow the  
342 requirements listed in section (15) and maintenance information as required in section  
343 (20) of this division at the time of adoption into the comprehensive plan. ~~The local~~  
344 ~~government shall provide notice and opportunity for comment to the following entities~~  
345 ~~when a coastal public access site is modified, which includes when a new site is~~  
346 ~~added:~~

347  
348 Oregon Parks and Recreation Department;

349 Oregon Department of State Lands;

350 Oregon Department of Fish and Wildlife;

351 Oregon State Marine Board;

352 Tribes with historic ties to the area in which the coastal public access sites are located. The  
353 local government shall consult with the Legislative Committee on Indian Services (LCIS) for  
354 information as to which tribes have historic ties to the area in which the sites are located; and  
355 Any other relevant state agencies, federal agencies, special districts, and neighboring local  
356 governments with interest or authority in the area in which the coastal public access site is  
357 being modified.

#### 358 *New Coastal Public Access Sites*

359 (29) \_\_\_\_\_ A local government may add a new coastal public access site to an adopted Coastal  
360 Public Access Program at any time through the post-acknowledgement plan  
361 amendment process.

362 ~~(44)~~—The local government must coordinate with the entities as outlined in sections (10)-  
363 (12) when adding a new coastal public access site into the comprehensive plan. New  
364 sites added must include the inventory information as required in subsection (15) and  
365 maintenance information as required in section (20)-(17), of this division. ~~Additionally, a~~  
366 ~~local government must meet the following criteria at the time of the addition to the~~  
367 ~~inventory:~~

368 ~~(45)~~—The new coastal public access site must have necessary easements, ownership, or  
369 private property access agreements in place, at the time of adoption; and

370 ~~(46)~~(30) \_\_\_\_\_ All applicable state, federal, and local permits must be obtained for the new  
371 site at the time of adoption.

372 (47) — The local government may develop additional criteria for determining an acceptable  
373 replacement site for a public access site that is being removed or for the addition of a  
374 new public access site.

375 (48) — When adding a new coastal public access site to an adopted Coastal Public Access  
376 Program, the local government may rely upon information and knowledge from state or  
377 federal agencies or other expert sources to inform site selection and the adoption of  
378 any policies and implementing ordinances related to the new coastal public access  
379 site.

380 (49) — The local government must coordinate with tribes with historic ties to the area in  
381 which the new coastal public access site is located to develop policies and  
382 implementing ordinances aimed at avoiding and minimizing potential impacts to  
383 cultural areas from the new coastal public access site. The local government shall  
384 consult with the Legislative Committee on Indian Services (LCIS) for information as to  
385 which tribes have historic ties to the area in which the sites are located. The local  
386 government must rely upon tribal information and knowledge regarding cultural areas.

387 (50) — A local government **shall** not vacate or otherwise reduce coastal public access sites  
388 identified as utilized for vehicular emergency access in the Coastal Public Access  
389 Program unless a replacement site within the jurisdiction can be utilized for that  
390 purpose instead.

391 (51) — If a coastal public access site is lost due to unforeseen circumstances such as  
392 flooding or erosion, the local government shall strive to repair or replace the lost site as  
393 soon as practical. Replacement sites must follow the requirements listed in  
394 **subsections (29)–(31)**.

#### 395 *Rights-of-Way*

396 (52) — This subsection of the rules applies to any action within a local government that  
397 vacates a right-of-way that provides public access to or along the coastal shoreline. It  
398 does not apply to the parts of rights-of-way that extend onto the ocean shore as defined  
399 in ORS 390.605.

400 ~~(53)~~(31) \_\_\_\_\_

401 ~~(54)~~(32) \_\_\_\_\_ A local government may vacate rights-of-way within its jurisdiction to permit  
402 redevelopment of coastal shoreland areas provided public access across the affected  
403 site is retained. The retained public access across the affected site must:

- 404 (a) Be clearly identified;
- 405 (b) Provide sufficient public access to the same water body or coastal shoreland  
406 area as was provided prior to the vacation;
- 407 (c) Be owned or held-managed by a public entity;

408 (d) Retain connection to the Oregon Coast Trail or other known trail network, as  
409 applicable.

410 ~~(55)~~(33) Rights-of-way that provide coastal public access and that are to be vacated  
411 must be a quasi-judicial land use decision with notice and opportunity for public  
412 comment. Notice [and opportunity to comment](#) must be sent to relevant state agencies,  
413 federal agencies, and tribes. [If the right-of-way extends onto the ocean shore as defined](#)  
414 [in ORS 390.605, the local government must coordinate with the Oregon Parks and](#)  
415 [Recreation Department before the vacation occurs.](#)

416 ~~(56)~~(34) State agencies that [own or](#) manage public access sites are required to notify  
417 the relevant local government when vacating a right-of-way that is used for [public](#)  
418 coastal [public](#) access.

# Coastal Public Access Rulemaking

February 10, 2026

## Summary of Goal 17: Coastal Shorelands, Implementation Requirement #6:

Local governments, in coordination with the Oregon Parks and Recreation Department, shall develop and implement a program to provide increased public access. Local governments shall ensure that existing public ownerships, rights of way, and similar public easements in coastal shorelands which provide access to or along coastal waters shall be retained or replaced if sold, exchanged or transferred. Local governments may allow rights of way to be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

Goal 17 has one existing rule division (OAR 660-037) which is specific to water-dependent zoning. The language below is a new rule division to address coastal public access topics: OAR 660-047.

## Draft Rule

### Purpose

The purpose of this division is to interpret and carry out the requirements of Implementation Requirement 6 of Goal 17 Coastal Shorelands (OAR 660-015-0010(2)) regarding public access in coastal shorelands.

### Definitions

(1) For purposes of **division 047**, the definitions contained in ORS 197.015 and the Statewide Planning Goals (OAR chapter 660, division 015) apply. In addition, the following definitions apply:

(a) **ACCESSIBILITY FEATURE:** An attribute of access that specifically refers to addressing disability related needs and barrier removal that meet or exceed the Americans with Disabilities Act regulations within coastal public access sites. Examples include handicap parking spaces, ramps, and signage with braille.

(b) **COASTAL LAKES:** Lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater.

(c) **COASTAL PUBLIC ACCESS SITE:** Physical or visual access to or along the ocean, estuaries, and coastal lakes that are publicly owned or managed. Coastal public access sites may include features such as paths, trails, stairs, ramps, boardwalks, boat ramps, piers, docks, fishing platforms, and other water access and viewing amenities. Generally, public access is provided through publicly owned property, easements, and public roads and rights-of-way that end at or abut coastal

shorelines. Other amenities that may be associated with coastal public access sites include parking, interpretive signage, emergency evacuation signage, restroom facilities, and accessibility or inclusivity features.

(d) **COASTAL RESOURCES:** The diverse natural, biological, and physical assets found within the land-sea interface, including estuaries, beaches, dunes, headlands, and wetlands, as well as fish and wildlife and their respective habitats within these areas.

(e) **COASTAL SHORELANDS:** Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.

(f) **COASTAL SHORELINE:** The boundary line between a body of water and the land, measured on tidal waters at mean higher high water.

(g) **COASTAL WATERS:** Territorial ocean waters of the continental shelf; estuaries; and coastal lakes.

(h) **CULTURAL AREAS:** Archaeological sites or landscape features of cultural interest, and sites where both are present. Also referred to as “cultural resource sites.”

(i) **INCLUSIVITY FEATURE:** An attribute of access designed for everyone to use or understand regardless of gender, location, language, or physical abilities. Examples include gender neutral bathrooms, curb-cuts, ramps, and large font sizes on signage.

(j) **PRIMARY ACCESS SITES:** Physical or visual coastal public access to or along coastal waters in public ownership that are currently improved or developed with amenities such as boardwalks, parking, interpretive signage, emergency evacuation signage, restroom facilities, or accessibility or inclusivity features.

(k) **SECONDARY ACCESS SITES:** Physical or visual coastal public access to or along coastal waters in public ownership that are not improved or developed with trails, infrastructure, or amenities. Secondary access sites include, but are not limited to, public roads and rights-of-way that end at or abut coastal shorelines.

(l) **TRIBE:** a federally recognized Indian tribe in Oregon as defined in ORS 182.162(2).

## Statement of Applicability

(2) This division applies to all local governments with identified Goal 17 coastal shorelands. It applies to coastal public access sites within coastal shorelands. It does not apply to private coastal access sites.

(3) This rule does not impact or change the jurisdictional boundaries of the entities managing coastal waters or lands.

(4) This rule does not negate the need for entities to obtain any applicable local, state, or federal permits related to the development or alteration of coastal public access sites.

(5) The requirements of [state specific numbers of the rule] this rule apply when a local government adopts or amends a Coastal Public Access Program or coastal public



access related policies within their comprehensive plan. A Coastal Public Access Program includes a coastal public access site inventory, associated maps, related comprehensive plan policies, and related implementing ordinances and development codes within the local government's jurisdiction.

- (6) The requirements of *[state specific parts of the rule]* this rule apply when a local government modifies a coastal public access site identified within its comprehensive plan or when a new public access site is added to the local government's comprehensive plan. For purposes of this division, a coastal public access site is modified when:
- (a) Any portion of an existing coastal public access site is vacated;
  - (b) A use or activity other than coastal public access is authorized; or
  - (c) A coastal public access site is sold, exchanged, or transferred.
- (7) This division does not mandate any changes to existing local comprehensive plans or land use regulations for coastal public access sites. Local governments may retain their existing comprehensive plan designations and land use regulations for coastal public access sites. Local governments must follow the requirements of *this division* when a local government with Goal 17 coastal shoreland designations proceeds with a plan amendment process that impacts coastal public access sites or when a coastal public access site identified within a local government's comprehensive plan is modified as described in this rule.

## Coastal Public Access Program

- (8) Local governments with coastal shorelands shall develop and implement a program to protect, maintain, and provide increased public access to and along coastal waters, hereafter referred to as a "Coastal Public Access Program." For purposes of this division, increased public access means adding additional coastal public access sites beyond what is already inventoried by the local government, improving existing coastal public access sites with features such as parking, bathrooms, signage, or boardwalks, or any combination thereof.
- (9) The requirements of this section must be followed when a local government adopts or amends a Coastal Public Access Program or coastal public access related policies within their comprehensive plan. A Coastal Public Access Program includes a coastal public access site inventory, associated maps, related comprehensive plan policies, and related implementing ordinances and development codes within the jurisdiction.
- (10) The local government shall coordinate with the following entities in the development of the local government's Coastal Public Access Program:
- (a) Oregon Department of Land Conservation and Development;
  - (b) Oregon Parks and Recreation Department, including the State Historic Preservation Office;



- (c) Oregon Department of State Lands;
- (d) Oregon Department of Fish and Wildlife;
- (e) Oregon State Marine Board;
- (f) Tribes with ancestral ties to the area in which the coastal public access sites are located. The local government shall obtain a list from the Legislative Commission on Indian Services (LCIS) of tribes that have ancestral ties to the area in which the sites are located; and
- (g) Any other relevant state agencies, federal agencies, special districts, and neighboring local governments with interest or authority in the area in which the coastal public access site is being modified.

(11) The local government shall coordinate with the entities listed in (10) as close to the beginning of development of the Coastal Public Access Program as is feasible and continue coordination throughout the process.

(12) If the entities listed in (10)(a)-(e) and (11) above do not respond to a request to coordinate or decline to coordinate with the local jurisdiction within 60 days of receiving the request, the local jurisdiction may continue to move forward with development of their Coastal Public Access Program.

*Coastal Public Access Program – Inventory:*

(13) At a minimum, a Coastal Public Access Program must include an inventory of coastal public access sites. The inventory shall include all public coastal access sites within the jurisdiction, regardless of ownership.

(14) Local governments shall use the decadal database from the Oregon Department of Land Conservation's Oregon Coastal Management Program as the starting point for identifying the coastal public access sites within their inventory and may augment that database with available local information.

(15) The inventory of the Coastal Public Access Program must include the following information for each identified public coastal access site:

- (a) Whether the site is a primary or secondary access site;
- (b) Whether the site provides visual access, physical access, or both;
- (c) A map, photo, visualization, specific location description, or any combination thereof for each site. One map showing all sites is sufficient;
- (d) Ownership and management of the site;
- (e) Whether the site is part of the Oregon Coast Trail or any other known trail network;
- (f) Description of the accessibility and inclusivity features, if any, of the site;
- (g) Whether the site is used for vehicular emergency access;
- (h) Whether the site has an emergency number sign associated with it and what that number is; and

- (i) If the site includes an easement or a right-of-way that is essential for providing access, the inventory must include a map or description that delineates the area that is publicly owned or managed.

*Coastal Public Access Program – Implementation:*

- (16) Once the coastal public access inventory is completed, a local government must adopt a Coastal Public Access Program into the local government’s comprehensive plan.
- (17) When adopting the Coastal Public Access Program into its comprehensive plan, the local government shall adopt implementing policies and ordinances to protect, maintain, and enhance public access to coastal waters, as well as balance the need for public access against potential impacts of public access on cultural areas and coastal resources along coastal shorelands.
- (18) Implementing policies and ordinances for coastal public access must address the following at a minimum:
- (a) Requirements to prevent coastal public access sites from being blocked, hidden, or otherwise disguised. Strategies to increase coastal public access within the city or county over time. The city or county must develop a baseline for determining increased public access over time. When determining areas for increased coastal public access sites, local governments may also identify areas where public access may not be appropriate because of the presence of sensitive or critical habitats, priority areas for restoration, working waterfronts, or cultural areas. Additional considerations for increasing public access include, but are not limited to:
    - (i) Areas to or along the coastline where public access is currently lacking.
    - (ii) Land acquisition opportunities of privately held property that could provide an opportunity for public access if the land were publicly owned or managed.
    - (iii) Connections with public transportation systems or other transportation networks.
    - (iv) Proximity to overnight accommodation for out-of-town visitors.
    - (v) Identification of potential future improvements for primary or secondary access sites, such as signage, accessibility or inclusivity features, environmental protections, parking, bathrooms, ramps, or other features and amenities. These considerations may not be appropriate for every site.
  - (b) How to avoid or minimize potential impacts to coastal resources from existing or new coastal public access sites. Development of these policies must take place, in part, during coordination with tribes, state agencies, and other relevant entities as described in **sections (10)-(12).**

(c) How to avoid or minimize potential impacts to cultural areas from existing or new coastal public access sites. Development of these policies shall include coordination with tribes with ancestral ties to the area in which the coastal public access sites are located as described in sections (10)-(13). The local government must rely upon tribal information and knowledge regarding cultural areas that are significant to that tribe's culture.

(19) Local governments may wish to include additional implementing policies and ordinances in their Coastal Public Access Program that go beyond the minimum requirements described above. Additional policies and ordinances may address consideration of the following:

- (a) Mitigation measures to reduce current and future impacts from natural hazards on coastal public access sites.
- (b) Impacts of potential development or redevelopment of areas surrounding coastal public access sites on those public access sites.
- (c) Requirements for coastal public access sites to be included with new development projects in coastal shoreland areas, such as subdivisions or hotels.
- (d) Requirements for coastal public access sites to include accessibility or inclusivity features.

(20) The local government shall include a plan for maintenance of inventoried primary access sites within the local government's jurisdiction in any applicable city or county plans, such as a Transportation System Plan or Capital Improvement Plan. The plan for maintenance must include the jurisdictional responsibilities of each site, routine inspections, strategies for repairs or cleaning, coordination with emergency services if applicable, and other needs specific to the management of each site.

(21) The Coastal Public Access Program **should** reference any other applicable plans that have been developed for coastal public access within the local government's jurisdiction.

(22) Once a Coastal Public Access Program becomes adopted within a local government's comprehensive plan, the Oregon Department of Land Conservation and Development's Oregon Coastal Management Program must update its coastwide public access inventory to reflect the local government's inventory of coastal public access sites within one year of receiving the adoption notice.

(23) Local governments shall identify a process within its comprehensive plan for updating the Coastal Public Access Program on a regular basis. A local government may use the decadal update to the coastwide public access inventory from the Oregon Department of Land Conservation's Oregon Coastal Management Program as a timeline for aligning local planning updates.

## Modifying Coastal Public Access Sites

- (24) This section applies to any action within a local government that modifies, as defined in the section (6) of this division, a coastal public access site within the local government's jurisdiction. It does not apply to the parts of coastal public access sites that extend onto the ocean shore as defined in ORS 390.605. It does not apply to coastal public access sites that are not in the authority of the local government, such as those sites within state parks or federal lands.
- (25) Existing public ownerships, rights-of-way, and similar public easements in coastal shorelands, which provide access to or along coastal waters, including secondary public access sites, shall be retained, or replaced if sold, exchanged, or transferred. The local government may develop criteria for determining an acceptable replacement site for a public access site that is being sold, exchanged, or transferred.
- (26) State agencies that manage coastal public access sites are required to notify the relevant local government when modifying an existing public coastal access site or when establishing a new coastal public access site.
- (27) If an inventoried coastal public access site has been replaced because it was sold, exchanged, or transferred, the local government must adopt the replacement site into their Coastal Public Access Program or coastal public access inventory within its comprehensive plan.
- (28) All replacement coastal public access sites must follow the inventory requirements as outlined in **section (15) and maintenance information as required in section (20)** of this division at the time of adoption into the comprehensive plan.
- If a coastal public access site is lost, the local government shall strive to repair or replace the lost site as soon as practical. Replacement sites must follow the requirements listed in **section (15) and maintenance information as required in section (20)** of this division at the time of adoption into the comprehensive plan.

## New Coastal Public Access Sites

- (29) A local government may add a new coastal public access site to an adopted Coastal Public Access Program at any time through the post-acknowledgement plan amendment process.
- (30) The local government must coordinate with the entities as outlined in **sections (10)-(12)** when adding a new coastal public access site into the comprehensive plan. New sites added must include the inventory information as required in **section (15) and maintenance information as required in section (20)**.

*Rights-of-Way*

- (31) This section of the rules applies to any action within a local government that vacates a right-of-way that provides public access to or along the coastal shoreline. It does not apply to the parts of rights-of-way that extend onto the ocean shore as defined in ORS 390.605.
- (32) A local government may vacate rights-of-way within its jurisdiction to permit redevelopment of coastal shoreland areas provided public access across the affected site is retained. The retained public access across the affected site must:
- (a) Be clearly identified;
  - (b) Provide sufficient public access to the same water body or coastal shoreland area as was provided prior to the vacation;
  - (c) Be owned or managed by a public entity;
  - (d) Retain connection to the Oregon Coast Trail or other known trail network, as applicable.
- (33) Rights-of-way that provide coastal public access and that are to be vacated must be a quasi-judicial land use decision with notice and opportunity for public comment. Notice and opportunity to comment must be sent to relevant state agencies, federal agencies, and tribes. If the right-of-way extends onto the ocean shore as defined in ORS 390.605, the local government must coordinate with the Oregon Parks and Recreation Department before the vacation occurs.
- (34) State agencies that own or manage public access sites are required to notify the relevant local government when vacating a right-of-way that is used for coastal public access.



# Coastal Public Access Rulemaking Advisory Committee (RAC) Meeting Summary

January 13, 2026, RAC Meeting #2

**Location:** The meeting was conducted virtually over Zoom.

## Introductions & Process Clarity

Meg Reed, DLCD, welcomed the group to the 2<sup>nd</sup> Rulemaking Advisory Committee (RAC) meeting for Coastal Public Access. The meeting began with housekeeping instructions, including renaming participants in Zoom, encouraging participants to keep videos on during discussions, and reviewing the agenda for the meeting. The intent of the meeting was to review the draft rule in detail under [Goal 17: Coastal Shorelands](#). Commissioner Thompson gave opening remarks which pointed to loving the coast, living on the coast, and appreciating people who come to visit the coast. She stated that we are committed to doing good public policy together and encouraging adaptive management. The state is trying to balance many ideas and interests. She stated that we want open public access and, at the same time, to protect natural resources within coastal shorelands.

Meg explained the basics of rule writing, including the importance of clarity, active voice, and avoiding the use of "and/or" in rule language. She highlighted the difference between "may" (permissive) vs "shall" or "must" (mandatory) language and suggested an option for developing an FAQ to clarify what the proposed rule can and cannot address. Participants were encouraged to focus on implementable and understandable rule language. Current organization of the rule was discussed focusing on purpose, definitions,

statement of applicability, Coastal Public Access Program (inventory, implementing policies, and process), modifying/replacing public access sites, and rights-of-way.

Meg clarified that while RAC members can talk about the rules outside of meetings, it is preferred that they share those thoughts and ideas with the full RAC during meetings so that everyone can discuss. Although public comment will not be taken at the meeting, she noted that anyone can provide written public comments to DLCDC. Any comments received will be distributed to the RAC members. Commissioner Thompson and Casaria Taylor advised that there is a difference between being an advisor to staff like the RAC versus being a decision maker.

## Draft Rule Discussion:

The meeting focused on discussing a draft rule for coastal public access. Part of the rule focuses on developing a Coastal Public Access Program, which aims to create a comprehensive inventory of public access sites and implementing policies for local governments. Meg and Lisa led the discussion through each section of the rule. Members raised questions about jurisdictional boundaries, cultural resources, and coordination with various state agencies and tribes. The group discussed the need for clear language and coordination requirements, focusing on how to describe government-to-government consultation and coordination with tribes. It was recommended that the phrase "engage in government-to-government consultation" be changed to "shall engage in coordination with tribes" to reduce pressure and allow for more flexible engagement. The discussion also covered whether there is need to clarify what "coordinate" means for local governments, with suggestions that specific details could be problematic due to varying processes across jurisdictions. The group addressed concerns about timing of notices, highlighting seasonal variations in availability of state agency staff, and discussed adding other state agencies like DEQ and OSMB in the coordination process, particularly for boating access sites.

Discussion continued on the inventory and implementation of a public access program. Meg outlined the draft inventory requirements, implementing



policies, and maintaining the program over time. Participants provided feedback on specific sections of the document, including suggestions for clarifying language and adding details to the inventory, such as habitat features. Questions about the types of access sites and how they relate to existing inventories maintained by DLCD were discussed. The group also discussed the ability to update and link the inventory of sites to GIS tools and resources and with DLCD's inventory. The group also discussed the potential addition of photos to the inventory to provide visual representation of access points. Suggestions were made to use online mapping tools to create detailed site maps and possibly using GIS to maintain a central location for all access point information, including conditions archives and risk liabilities. There were concerns about the lack of definition for certain terms, such as "needed for emergency access" and "needed for evacuation," advocating for more specific criteria.

On the implementing policies section of the draft rule, Meg explained that if a local government decides to update their coastal public access program, this section of the rules is about adopting implementing comprehensive plan policies but are currently left somewhat discretionary to allow flexibility and customization. Concerns were raised about the potential burden on smaller, economically disadvantaged jurisdictions, leading to a discussion about making requirements more voluntary and guidance oriented. The importance of consulting with tribes and agencies regarding cultural and natural resources and emergency access points were discussed, suggesting that "may rely upon" should be changed to "shall consult." Questions were raised about permit requirements for new access points, and there was a suggestion to change to "notification" to "coordination" in the text to encourage earlier collaboration. The conversation ended with a discussion of how to handle modifications to existing public access sites, including the need for replacement access when sites are vacated or modified.

#### Action Items:

- Meg Reed to send out a new version of the draft rule worked on during meeting to all RAC members by January 22.



- All RAC members: Submit written comments on the draft rule, including alternative language suggestions, by January 30<sup>th</sup>.
- Next RAC packet will be sent out February 10<sup>th</sup>.

## Next Steps

- **RAC Meeting #3: February 17, 2026, 1-4pm**
  - Review revised draft rules and fiscal, housing, and racial equity impact statements
- **March 31, 2026:** Deadline to file administrative rules with the Secretary of State
- **April/May 2026 (Date TBD):** Geographic Hearing on the Coast
- **April 23-24, 2026:** Public Hearing with LCDC
- **RAC Meeting #4: May 13, 2026:** Finalize rules based on public comments and LCDC directives
- **May 14, 2026:** Close of public comment period
- **June 25-26, 2026:** Adoption with LCDC
- **September 2026:** Rules become effective

## Meeting Attendance

### RAC Member Attendees:

- Scott Fregonese
- Laurie Friedman
- Wendy Giordano
- Miranda Gray
- Alan Hanson
- Gail Henrickson
- Laurel Hillmann
- Kate Iaquinto
- Jason Kral

- Arlene Merems
- Mary Mertz
- Jeff Mitchem
- Brock Nation
- Adam Nielsen
- Don Pettit
- Charlie Plybon
- Arica Sears
- Alex Sifford
- Jeanne Sprague
- Margaret Treadwell
- Mandy Watson
- Lianne Thompson (LCDC Liaison)

**Department of Land Conservation and Development (DLCD) Staff**

**Attendees:**

- Meg Reed, Coastal Policy Specialist
- Amanda Macnab, Coastal Rules Coordinator
- Lisa Phipps, Oregon Coastal Management Program/Ocean and Coastal Services Division Manager
- Matthew Hampton, Rules, Records, and Policy Coordinator
- Casaria Taylor, Senior Rules Coordinator/Records Officer