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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 660
LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

FILED
03/23/2026 9:44 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Describing the requirements of Goal 17 regarding public access to coastal shorelands

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/14/2026 11:55 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Amanda Macnab
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 04/23/2026

TIME: 8:00 AM

OFFICER: LCDC

IN-PERSON HEARING DETAILS

ADDRESS: DLCD Salem Office, 635 Capitol Street NE, Suite 150, Salem, OR 97301

SPECIAL INSTRUCTIONS:

To sign up to give verbal public comment, please visit: <https://www.oregon.gov/LCD/Commission/Pages/Public-Comment.aspx>

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-253-205-0468

CONFERENCE ID: 94188100416

SPECIAL INSTRUCTIONS:

(PASSCODE: 114349)

To sign up to give verbal public comment, please visit: <https://www.oregon.gov/LCD/Commission/Pages/Public-Comment.aspx>.

DATE: 05/04/2026

TIME: 6:00 PM

OFFICER: DLCD Staff

IN-PERSON HEARING DETAILS

ADDRESS: Oregon Coast Community College, 400 SE College Way, Community Room 140, Newport, OR 97336

SPECIAL INSTRUCTIONS:

Verbal public comment will be accepted at this geographic public hearing in person and via Zoom. To submit written public comment, please send an email to coastal.policy@dlcd.oregon.gov before 5/14/2026 at 11:55PM.

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-346-248-7799

CONFERENCE ID: 93575314024

SPECIAL INSTRUCTIONS:

(PASSCODE: 569721)

Verbal public comment will be accepted at this geographic public hearing in person and via Zoom. To submit written public comment, please send an email to coastal.policy@dlcd.oregon.gov before 5/14/2026 at 11:55PM.

NEED FOR THE RULE(S)

Statewide Planning Goal 17: Coastal Shorelands contains a provision requiring the protection and improvement of public access to and along coastal waters by local governments. Oregon Administrative Rules do not currently include implementation regulations for local governments on how to achieve these requirements. This new rule division is meant to provide clarity for the protection and improvement of coastal public access, including definitions, inventory and program requirements for developing and amending a Coastal Public Access Program, and decision criteria related to rights-of-way that provide coastal public access. The rule recognizes that public access to coastal waters is an important and unique benefit of Oregon's coasts.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Statewide Land Use Planning Goal 17 <https://www.oregon.gov/lcd/OP/Documents/goal17.pdf>

Oregon Revised Statute Chapter 271 Use of Public Lands; Easements

https://www.oregonlegislature.gov/bills_laws/ors/ors271.html

Oregon Revised Statute Chapter 390 Ocean Shores; State Recreation Areas

https://www.oregonlegislature.gov/bills_laws/ors/ors390.html

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

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)(b)(F). 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 rule clarifies existing goal requirements and does not necessarily represent an expansion of any requirements or mandates for local jurisdictions. The proposed new rule is not expected to negatively impact racial equity and equitable outcomes. The rule provides requirements for coastal public access sites, which are expected to provide benefits without implicit bias. The expected benefits and costs associated with the new rule are not expected to have an impact on disparities between racial groups.

FISCAL AND ECONOMIC IMPACT:

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, tribes, and the public may be economically affected by the adoption, amendment or

repeal of the rule and must estimate the economic impact on those entities. ORS 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 rule addresses public access to coastal shorelines. Public access is addressed in The Oregon Beach Bill and Goal 17 Coastal Shorelands. Goal 17 contains little specificity regarding requirements under broad guidelines for local jurisdictions. This rulemaking effort addresses the coastal public access topics under a new rule division: OAR chapter 660, division 48. 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.

While requirements for public access have already been in place, most local governments have just reiterated the goal language verbatim. The focus of the rule lies in defining key terms related to public access; requiring inclusion of certain minimum information 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 this rule to be modest for local jurisdictions. The inventory requirement is not onerous, and we would expect that most jurisdictions 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 rule requires coastal local governments to update the inventory, 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 or policies or during a periodic review of the Comprehensive Plan.

There are some aspects of the new rule 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 rule specifies entities that the local jurisdiction must coordinate 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 on the local jurisdiction. There will be limited review and comment time for agencies providing review and feedback.

The tribes are also expected to be impacted by this rule. Tribal reviews of public access inventories and ongoing program monitoring will likely impact multiple departments within a tribe, requiring coordination and staff time.

The new rule clarifies 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 rule 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 rule represents a clarification of broad and unclear language in the current statewide planning goal and does not necessarily represent new requirements for local jurisdictions. However, most coastal cities and counties have adopted the goal language verbatim and have not implemented a program for increased public access. Therefore, while the rule is clarifying existing requirements, the implementation of the requirements is likely to be a significantly large lift and cost for local governments subject to the rule. Fiscal impacts could be significant, including costs for coordination, identifying sites, developing policies, noticing, hearings, and other process-related costs.
- 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 and criteria for replacement in these circumstances, but the cost may still be substantial for a jurisdiction.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

SMALL AND LARGE BUSINESSES

The proposed rule is not expected to have any substantive impact on any businesses. As noted previously, the rule represents more of a clarification of expectations of existing requirements. The rule does not apply to privately-owned access points. Many coastal businesses benefit from public access points, and the new rule supports 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.

There are no expected reporting, recordkeeping or administrative activities required to comply with the rule for businesses. The new rule has no new revenue requirements that would impact local businesses.

LOCAL GOVERNMENT COSTS

For coastal local governments, fiscal costs are related to the cost of responding to the biennial report on changes or improvements to their inventory of coastal public access sites and the cost of preparing a compliant Coastal Public Access Program. For the biennial reporting, coastal local governments will have to respond to DLCD's request for information about coastal public access sites within the city or county and how they have changed in the reporting period. This is expected to be a minimal cost but will require coordination across departments. The Coastal Public Access Program includes preparing a compliant inventory of access points, developing implementing policies and measures, and continuing to update the program over time. The requirement to develop a full program is timed to voluntary 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;
- Developing implementation language;
- Developing maintenance plans for primary access sites;
- Regularly updating the program; 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 rule language provides flexibility in how the local government replaces public access but does require that replacement criteria are included in the jurisdiction's comprehensive plan and any related implementing plans. While the timing of replacement may be flexible in these circumstances, the cost may still be substantial for a jurisdiction. For example, 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.

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 related to coastal public access.

The fiscal impact of developing a Coastal Public Access Program under the proposed rule is expected to be modest for local jurisdictions and will depend upon how the new specificity in the rule varies from their current understanding of their requirements. The additional process required for preparation of a compliant program will add to the time and effort required for applicable plan amendments and periodic review of the comprehensive plan. Jurisdictions will also need to add the vacation of rights of way as a quasi-judicial land use decision, which will entail additional staff time and process. 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 potentially higher anticipated costs for the jurisdiction. The requirements in the new rule 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 rule specifies that DLCD's coastwide public access database will be used and updating this database to include new or revised information from local governments 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 develop a reporting system with local coastal governments to receive changes or additions to local government inventories of coastal public access sites every two years, which will result in a small fiscal impact on the agency. DLCD staff will also be required to review and comment on any post-acknowledgement plan amendment submittals under this rule, requiring staff time. Other agencies identified in the coordination requirements as well as tribes would need to dedicate time for review and comment on the development of Coastal Public Access Programs as well. The level of effort is unlikely to be high as the new rule largely provides 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. This risk is expected to be low due to the limited impact of the rule.

The fiscal impact associated with additional DLCD staff time is expected to be minimal 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 rule.

PUBLIC

The public is not expected to experience a significant fiscal or economic impact from the new rule. To the extent the new rule supports and increases the likelihood of improving public access this would provide a tangible benefit to the public. The rule requires a plan for maintenance and an increase of access points over time, both of which would represent a general benefit to the public. Implementation of the program rule 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. Property owners may view a change in foot traffic patterns and parking demand near their residences as a negative impact. In addition, the loss of an access point at a specific location and the associated shift in usage patterns can substantively impact commercial businesses as well as residential uses. A jurisdiction has the option under the new rule to include consideration of this type of impact in their evaluation criteria.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Rulemaking Advisory Committee membership includes economic development and coastal tourism leaders who represent small businesses and private property owners.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:

ORS 183.335(2)(b)(E) and ORS 183.530(3) 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 rule is not expected to impact the supply of available housing land. The rule does not apply to private access points and should have no substantive impact on the cost of providing housing or the pace of construction. The rule is 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 ensure and increase 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 rule is not expected to be significant for affected jurisdictions, as the requirements are a clarification of existing provisions of Goal 17. 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.

RULES PROPOSED:

660-048-0000, 660-048-0001, 660-048-0005, 660-048-0010, 660-048-0015, 660-048-0020, 660-048-0021, 660-048-0025, 660-048-0030, 660-048-0035

ADOPT: 660-048-0000

RULE SUMMARY: This rule defines how state agencies and local governments comply with Statewide Land Use Planning Goal 17, implementation requirement 6 regarding public access in coastal shorelands.

CHANGES TO RULE:

660-048-0000

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.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.040, ORS 197.225-197.245

ADOPT: 660-048-0001

RULE SUMMARY: This rule defines how state agencies and local governments comply with Statewide Land Use Planning Goal 17, implementation requirement 6 regarding public access in coastal shorelands.

CHANGES TO RULE:

660-048-0001

Policy

(1) The Land Conservation and Development Commission (LCDC) recognizes that public access to coastal waters is an important and unique benefit of Oregon's coasts. Therefore, it is important to provide these access sites for public use.¶

(2) As a matter of state policy, there is to be no net loss of coastal public access within Oregon's coastal shorelands.¶

(3) 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 lost.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.040, ORS 197.225-197.245

RULE SUMMARY: This rule defines how state agencies and local governments comply with Statewide Land Use Planning Goal 17, implementation requirement 6 regarding public access in coastal shorelands.

CHANGES TO RULE:

660-048-0005

Definitions

For purposes of this division, the definitions contained in ORS 197.015 and the Statewide Planning Goals (OAR chapter 660, division 15) apply. In addition, the following definitions apply: ¶

(1) Accessibility Component means a physical or design element provided within a coastal public access site to remove barriers and accommodate disability-related needs. Examples of accessibility components include: accessible parking stalls and adjacent aisles designed, sized, marked, and signed in accordance with applicable requirements; ramps, pathways, trails, and thresholds meeting required slope, width, surface, and edge-protection criteria; tactile and Braille signage supporting navigation and interpretive use; or surfacing and infrastructure enabling access by mobility devices, including wheelchairs. Accessibility components must meet or exceed the following standards at the time of construction:¶

(a) Americans with Disabilities Act Standards for Accessible Design;¶

(b) Architectural Barriers Act Standards, including outdoor-developed area provisions established by the U.S. Access Board;¶

(c) Oregon Structural Specialty Code, most recent edition, Chapter 11: Accessibility;¶

(d) Oregon Department of Transportation standards for accessible parking places and related Oregon Transportation Commission rules; or¶

(e) ORS 390.182, under which the Oregon Parks and Recreation Department establishes statewide accessibility design standards for recreation facilities it develops. ¶

(2) Coastal Lakes mean lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater.¶

(3) Coastal Public Access Site means 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, or 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 boardwalks, trails, parking, interpretive signage, emergency evacuation signage, restroom facilities, recreational facilities, and accessibility components. ¶

(4) Coastal Resources mean the diverse natural, biological, and physical assets, as well as the emotional, cultural, spiritual, and recreational values found within the land-sea interface. Examples include estuaries, beaches, dunes, headlands, and wetlands, as well as fish and wildlife and their respective habitats within these areas.¶

(5) Coastal Shorelands means those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes. In accordance with Goal 17, coastal cities and counties have a designated coastal shorelands boundary. ¶

(6) Coastal Shoreline means the boundary line between a body of water and the land, measured on tidal waters at mean higher high water.¶

(7) Coastal Waters mean the territorial ocean waters of the continental shelf; estuaries; and coastal lakes. ¶

(8) Cultural Areas mean archaeological sites, landscape features of cultural interest, and sites where both are present. Also referred to as "cultural resource sites." ¶

(9) Ocean Shore has the meaning provided in ORS 390.605(2).¶

(10) Primary Access Site means physical or visual coastal public access to or along coastal waters in public ownership or management that are currently improved or developed with amenities such as boardwalks, parking, interpretive signage, emergency evacuation signage, restroom facilities, recreational facilities, and accessibility components.¶

(11) Secondary Access Site means physical or visual coastal public access to or along coastal waters in public ownership or management that are not improved or developed with trails, infrastructure, facilities, or amenities. Secondary access sites include, but are not limited to, public roads and rights-of-way that end at, connect, or abut coastal shorelines.¶

(12) Tribe means a federally recognized Indian tribe in Oregon as defined in ORS 182.162(2).

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.040, ORS 197.225-197.245

ADOPT: 660-048-0010

RULE SUMMARY: This rule defines how state agencies and local governments comply with Statewide Land Use Planning Goal 17, implementation requirement 6 regarding public access in coastal shorelands.

CHANGES TO RULE:

660-048-0010

Applicability

(1) 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.

(2) This division 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.

(3) The requirements of Goal 17 supersede requirements of Goal 5 as required by OAR chapter 660, division 23 for natural resources that are also subject to and regulated under Goal 17. For purposes of coordination with OAR 660-023-0240(2), coastal public access sites are considered natural resources.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.040, ORS 197.225-197.245

ADOPT: 660-048-0015

RULE SUMMARY: This rule defines how state agencies and local governments comply with Statewide Land Use Planning Goal 17, implementation requirement 6 regarding public access in coastal shorelands.

CHANGES TO RULE:

660-048-0015

Reporting

(1) The governing body of each city and county with identified Goal 17 coastal shorelands shall provide the department with a report of changes to the local government's coastal public access sites during the reporting period. The reporting period for purposes of this division is every two years starting from the effective date of this division. Cities must report on the coastal public access sites within their boundary as defined in OAR 660-048-0030(1)(a). Counties must report on the coastal public access sites within their boundary as defined in OAR 660-048-0030(1)(b). The report shall include the following information:¶

(a) A list of the coastal public access sites that were lost during the reporting period whether intentionally, such as via the sale of land, or unintentionally, such as via erosion or landslide;¶

(b) A list of coastal public access sites that were added during the reporting period whether as a new site or as a replacement site for a site lost in subsection (a); and¶

(c) A list of coastal public access sites that received improvements during the reporting period, such as new trails, parking, or accessibility components.¶

(2) The department will provide the applicable coastal cities and counties with instructions and reporting forms to carry out section (1).¶

(3) The department will update its coastwide database of coastal public access sites to reflect the information provided under section (1) within one year of receiving the reports from coastal cities and counties. ¶

(4) The governing body of each county or city shall, upon request by the department, provide the department with other information necessary to carry out section (3).

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.040, ORS 197.225-197.245

ADOPT: 660-048-0020

RULE SUMMARY: This rule defines how state agencies and local governments comply with Statewide Land Use Planning Goal 17, implementation requirement 6 regarding public access in coastal shorelands.

CHANGES TO RULE:

660-048-0020

Coastal Public Access and Rights-of-Way

(1) The requirements of this rule apply when there is a request to or from a local government to vacate any portion of a right-of-way that provides coastal public access.

(2) Requests, whether by an applicant or by the city or county, to vacate a right-of-way that provides coastal public access must be a quasi-judicial land use decision with notice and opportunity for public comment. 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 issuing a decision on the vacation request.

(3) A local government may vacate rights-of-way within the jurisdiction of the local government to permit redevelopment of coastal shoreland areas provided public access across the affected site is retained. A local government may not vacate any interest in the ocean shore except as expressly provided by state law. Public access across the affected site is retained if the public access:

(a) Is clearly identified for public use;

(b) Provides equivalent public access and supports historic uses of the site as was provided prior to the vacation request;

(c) Is to the same water body, shoreline segment, or coastal shoreland area as was provided prior to the vacation request;

(d) Is owned or managed by a public entity; and

(e) Retains connection to the Oregon Coast Trail or other known trail network, as applicable.

(f) If criteria (a) through (e) cannot be met, the governing body shall deny the vacation request.

(4) State agencies that own or manage public access sites are required to notify the applicable local government before vacating a right-of-way that is used for coastal public access and after a decision is made on the vacation. A state agency may not vacate any interest in the ocean shore except as expressly provided by state law.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.040, ORS 197.225-197.245, ORS 390.615, ORS 390.620

ADOPT: 660-048-0021

RULE SUMMARY: This rule defines how state agencies and local governments comply with Statewide Land Use Planning Goal 17, implementation requirement 6 regarding public access in coastal shorelands.

CHANGES TO RULE:

660-048-0021

Replacing Coastal Public Access

This rule is serving as a placeholder for future content related to replacing public ownerships, rights of way, and similar public easements in coastal shorelands which provide access to or along coastal waters if they are lost.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.225-197.245

ADOPT: 660-048-0025

RULE SUMMARY: This rule defines how state agencies and local governments comply with Statewide Land Use Planning Goal 17, implementation requirement 6 regarding public access in coastal shorelands.

CHANGES TO RULE:

660-048-0025

Coastal Public Access Program

(1) The requirements of this rule, OAR 660-048-0030, and OAR 660-048-0035 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 measures. ¶

(2) Local governments with Goal 17 coastal shorelands shall develop and implement a Coastal Public Access Program to protect, maintain, and provide increased public access to and along coastal waters. For purposes of this division, increased coastal 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 amenities such as parking, bathrooms, recreational facilities, accessibility components, boardwalks, or any combination thereof.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.040, ORS 197.225-197.245

ADOPT: 660-048-0030

RULE SUMMARY: This rule defines how state agencies and local governments comply with Statewide Land Use Planning Goal 17, implementation requirement 6 regarding public access in coastal shorelands.

CHANGES TO RULE:

660-048-0030

Coastal Public Access Program Inventory

(1) A Coastal Public Access Program must include an inventory of coastal public access sites within the jurisdiction of a local government. ¶

(a) For cities, the inventory shall include all coastal public access sites within the city's urban growth boundary, including any coastal public access sites that may be in the ownership or management of other public entities, such as state parks or federal lands. ¶

(b) For counties, the inventory shall include all coastal public access sites outside of urban growth boundaries and within the county, including any coastal public access sites that may be in the ownership or management of other public entities, such as state parks or federal lands. ¶

(2) Local governments shall use the database of coastal public access sites from the department's Oregon Coastal Management Program as the starting point for the inventory and may augment that data with available local information. ¶

(3) The local government's inventory must include a table and map of all coastal public access sites within the city or county's boundary as described in OAR 660-048-0030(1). The table of coastal public access sites must include the following information: ¶

(a) Whether each site is a primary or secondary access site; ¶

(b) Whether each site provides visual access, physical access, or both, to coastal waters; ¶

(c) Ownership and management of each site; and ¶

(d) For primary access sites, the table must include the amenities, features, facilities, or improvements present at the site. ¶

(4) If any of the coastal public access sites in the inventory include an easement or a right-of-way that is essential for providing public access, the inventory must include a map or description that delineates the area that is publicly owned or managed or must reference where this information is located. ¶

(5) The inventory of coastal public access sites must include a description of potential future amenities, improvements, facilities, or additions anticipated for how the city or county will seek to increase coastal public access over the time horizon identified in the comprehensive plan. ¶

(6) The local government may include any additional information it deems applicable in the coastal public access inventory.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.040, ORS 197.225-197.245

RULE SUMMARY: This rule defines how state agencies and local governments comply with Statewide Land Use Planning Goal 17, implementation requirement 6 regarding public access in coastal shorelands.

CHANGES TO RULE:

660-048-0035

Coastal Public Access Program Coordination and Implementation

(1) The local government must adopt the Coastal Public Access Program into the local government's comprehensive plan.¶

(2) When adopting the Coastal Public Access Program into the comprehensive plan, the local government shall adopt implementing policies 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 within the local government's coastal shorelands.¶

(3) The local government shall also adopt implementing measures as necessary to operationalize the Coastal Public Access Program. Implementation measures may be integrated into any other applicable plans that include or are related to coastal public access within the local government. Examples of applicable plans may include tsunami evacuation facilities improvement plans, transportation system plans, park master plans, or capital improvement plans.¶

(4) The local government must address the following in their comprehensive plan policies, implementing measures, or any combination thereof:¶

(a) Requirements to prevent coastal public access sites from being physically obstructed or from being designed, maintained, or presented in a manner that would deter, obscure, or discourage public use.¶

(b) Methods to avoid or minimize impacts from coastal public access to cultural areas or coastal resources.¶

(c) Criteria for replacing coastal public access sites if existing sites are lost. Criteria for replacing coastal public access must include factors related to location and vicinity, equivalence of access, timeline for replacement, accessibility components, mitigation hierarchy for addressing impacts to coastal resources or cultural areas, coastal hazards and safety, coordination, and equitable access to the coast.¶

(d) Strategies to increase coastal public access within the city or county over the time horizon identified in the local government's comprehensive plan. The city or county must set a baseline of existing coastal public access, a goal to pursue, and a way to measure increased public access over the time horizon identified in the local government's comprehensive plan. ¶

(e) A plan for maintenance of inventoried primary access sites within the local government's ownership or management. The plan for maintenance must include routine inspections, strategies for repairs or cleaning, coordination with emergency services if applicable, and other needs specific to the management of each site. For primary access sites that have overlapping jurisdictional management, the local government must coordinate with the other entities involved in the management of that site to develop joint maintenance plans.¶

(f) A process to update the Coastal Public Access Program on a regular basis. At a minimum, the local government must update the Coastal Public Access Program every ten years, in alignment with the ten-year update to the coastwide public access database from the department.¶

(5) Local governments may include additional implementing policies or measures that go beyond the minimum requirements described in section (4), such as processes and strategies to:¶

(a) Reduce current and future impacts from coastal hazards, such as flooding and erosion, on coastal public access sites.¶

(b) Avoid or minimize impacts of potential development or redevelopment of areas surrounding coastal public access sites on those public access sites.¶

(c) Require new coastal public access sites with new development projects, such as subdivisions or hotels, in coastal shoreland areas where public access is currently lacking.¶

(d) Require new coastal public access sites or improvements to existing coastal public access sites to include accessibility components.¶

(6) The local government shall coordinate with the following entities in all aspects of the development and any subsequent amendments to the local government's Coastal Public Access Program:¶

(a) The department;¶

(b) Oregon Parks and Recreation Department;¶

(c) State Historic Preservation Office;¶

(d) Department of State Lands;¶

(e) Oregon Department of Fish and Wildlife;¶

(f) State Marine Board;¶

(g) 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¶

(h) Any other applicable 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.¶

(7) The local government shall coordinate with the entities listed in section (6) as close to the beginning of development or amendment of the Coastal Public Access Program as is feasible and continue coordination throughout the process. This coordination shall take place before the start of the post-acknowledgement plan amendment process.¶

(8) If the entities listed in section (6) do not respond to a request to coordinate or decline to coordinate with the local government within 60 days of the request for coordination, the local government may continue to move forward with development of the Coastal Public Access Program.¶

(9) Once a local government has adopted its Coastal Public Access Program within its comprehensive plan, the department will update its database of coastal public access sites to reflect the local government's inventory of coastal public access sites within one year of receiving the post-acknowledgement plan amendment adoption notice.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.040, ORS 197.225-197.245