



# Oregon

Tina Kotek, Governor

Department of Land Conservation and Development

Oregon Coastal Management Program

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May 6, 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 May 13, 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 and waters. Please review this packet of materials before our fourth and final RAC meeting on **May 13<sup>th</sup> from 1-4pm.**

### **Packet Contents:**

1. Meeting agenda and rulemaking timeline
2. Revised draft coastal public access rule
3. Revised impact statements
4. RAC Meeting #3 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 final RAC meeting before the rules finalized for adoption with the Land Conservation and Development Commission.

The revised rule reflects a wide range of comments, including from RAC Meeting #3, local governments, state agencies, the Land Conservation and Development Commission, and the public.

The overall organization of the rule has changed since the first draft that was shared with the group and revisions have been made to further streamline the rule requirements. 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.

### **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, the public comment period, and the feedback we have already received, DLCD staff will finalize the rule. Additionally, DLCD staff will finalize the fiscal impact, housing impact, and racial equity impact statements based upon internal agency reviews, RAC member feedback, and any subsequent changes to the rule language. We have enlisted the services of a consultant to support the development of the impact statements for this rulemaking.

### **Public Comment and Rule Adoption**

The public comment will close May 14, 2026 at 11:55 p.m. We anticipate the commission to deliberate and issue a decision on the rules 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](#)
- RAC Meeting #3 [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!

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# Coastal Public Access Rulemaking Advisory Committee

## Meeting #4 Agenda

May 13, 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](#).

Written public comments on the [draft rule and impact statements](#) will be accepted until May 14, 2026 at 11:55 p.m. To be considered part of the rulemaking record, please note that comments must be submitted in writing. To provide written comments, please email [coastal.policy@dlcd.oregon.gov](mailto:coastal.policy@dlcd.oregon.gov) by the deadline.

DLCD staff are posting formal rulemaking comments received since April 1, 2026 on the rulemaking webpage.

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 Agenda Review (1:00 – 1:10pm)**

### **2: Summary of Revised Rules (1:10 – 1:30pm)**

- *Review rulemaking process*
- *Review revised rules since RAC #3*
- *Summary of feedback from LCDC and public comments*

### **3: Roundtable of RAC Members (1:30 – 2:00pm)**

- *Chance to hear from everyone*
  - *How do you feel about the rules?*
  - *How was the RAC process?*

#### **4: Break**

#### **5. Facilitated Discussion (2:15 – 3:15pm)**

- *Discuss revised rules, feedback received, and provide guidance for staff*

#### **6: Review Revised Impact Statements (3:15 – 3:30pm)**

- *Housing, Racial Equity, Fiscal*

#### **7: Discuss Implementation Tools (3:30 – 3:55pm)**

- *What is needed by local governments and others to support implementation?*

#### **8: Next Steps & Adjourn (3:55 – 4:00pm)**

- *Thank you for being part of the RAC!*

### **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 in Newport
- **May 13, 2026:** RAC 4: Revise/discuss rules based on public comments and LCDC directives
- **May 14, 2026:** Close of public comment period
- **June 25-26, 2026:** Adoption deliberation with LCDC
- **July 2027:** If adopted, rules become effective

## 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.

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## 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](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](https://www.oregonlegislature.gov/bills_laws/ors/ors390.html)

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## 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.

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## 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.

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#### 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.

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## 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.

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## WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

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## 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.

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Chapter 660  
Division 48  
Goal 17 Coastal Public Access

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

RULES SUMMARY: These rules define how state agencies and local governments comply with Statewide Land Use Planning Goal 17, implementation requirement 6 regarding public access in coastal shorelands.

**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.

**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 ~~access sites for public use~~ public access to and along coastal waters.

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

(3) Local governments shall work with state agencies and other partners to provide increased public access to or along coastal waters.

(4) 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.

(5) Replacement sites for coastal public access should match or exceed the quality of the site being replaced.

**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;~~

~~(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 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) Coastwide Public Access Database means the inventory of public access sites within Oregon's coastal zone that the department maintains.

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

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

(11) 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.

(12) 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.

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

## **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.

## **660-048-0015**

### **Reporting**

(1) The governing body of each city and county with identified Goal 17 coastal shorelands shall provide the department with notificationa-report of changes to the local government's coastal

public access sites when they occur 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). Notification to the department ~~The report~~ shall include the following information:

- (a) ~~A list of the~~ a 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) ~~If a~~ 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) ~~If a~~ 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 public access database to reflect the information provided under section (1) within ~~one year~~ three months of receiving the ~~reports notification~~ from ~~coastal cities and counties~~ a city or county. The department may use this information to evaluate trends in coastal public access.

(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).

## **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 public decision ~~quasi-judicial land use decision~~ with notice and opportunity for public comment. Public notice must be included in at least two of the following: newspapers, websites, newsletters, press release, or e-mail lists. 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) Local governments must develop a decision process for requests to vacate rights-of-way that provide coastal public access. In addition to the applicable requirements of ORS chapter 271, the local government decision process must include the criteria provided in subsections (4)(a) to (e). The local government may include this decision process within their municipal

code, zoning code, or other applicable ordinance or apply the criteria in subsections (4)(a) to (e) in an existing decision process.

(4) A local government may vacate rights-of-way 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 meets the following criteria:

(a) Is clearly identified for public use;

~~(b) Matches or exceeds the quality of the existing access. 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;~~

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

~~(de)~~ If applicable, retains connection to the Oregon Coast Trail or other known trail network.

~~(ef)~~ If criteria (a) through ~~(de)~~ cannot be met, the governing body shall deny the vacation request.

(54) 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.

#### **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.~~

#### **660-048-0025**

##### **Coastal Public Access Program**

(1) A Coastal Public Access Program includes a coastal public access site inventory, associated maps, related comprehensive plan policies, and related implementing measures. A local government shall apply section (2)~~The requirements of this rule~~, OAR 660-048-0030, and OAR 660-048-0035 ~~apply when a local government it~~ adopts or amends a Coastal Public Access Program, a coastal public access inventory, 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.

## **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 coastwide public access database 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, partnerships, 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. Plans for increasing public access can include identifying partnerships and regional planning with other entities, such as other public land managers.
- (6) The local government may include any additional information it deems applicable in the

coastal public access inventory.

## 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 address factors related to~~ location ~~and vicinity~~, equivalence of access, timeline for replacement, accessibility components, coastal hazards and safety, coordination, 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.

(e) Require any new publicly funded projects within coastal shorelands to include adding or improving public access.

(6) The local government shall coordinate with the following entities throughout the creation of 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-or 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 coastwide public access database to reflect the local government's inventory of coastal public access sites as soon as possible, but no later than ~~within one year~~six months from receiving the post-acknowledgement plan amendment adoption notice.



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

February 17, 2026, 1-4pm, RAC Meeting #3

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

### Introductions & Process Clarity

Meg Reed, DLCD, welcomed the group to the 3<sup>rd</sup> Rulemaking Advisory Committee (RAC) meeting for Coastal Public Access. The meeting began with instructions for renaming participants and adding introductions to the Zoom Chat.

### Draft Rule Discussion:

The meeting focused on reviewing and discussing draft rules for maintaining and increasing coastal public access in Oregon. Meg presented background information on comprehensive planning processes and explained how the draft rules fit into that framework. She emphasized that the rules focus on developing a Coastal Public Access Program, which includes inventory, policies, and implementing codes. Meg also discussed the limitations of land use planning in addressing all aspects of public access. She also provided examples of how jurisdictions, like Clatsop County, have recently adopted coastal public access programs.

The group discussed specific sections of the draft rule, including definitions, statements of applicability, Coastal Public Access Program, modifying coastal public access sites, adding new coastal public access sites, and the vacation of rights-of-way, with participants providing feedback on each aspect of the rule. The RAC discussed whether the rule should outline criteria for coastal access replacement sites and raised questions about how to ensure no loss of emergency access to the shoreline. RAC members also raised examples of

budget constraints that mean communities choose between prioritizing critical services like water and sewer or improving coastal access when funds are limited. RAC members suggested that there be an analysis of circumstances for replacing public access and consideration of both the nature of access and the reason for replacement in the decision making.

Meg presented examples of rights-of-way that provide coastal public access in communities and discussed the existing rules for vacating rights-of-way. She outlined the reorganized rule structure for the sections on modifying public access sites and the vacation of rights-of-way. RAC members discussed the cost of compliance with this section of the rule and how to avoid an unfunded mandate for local governments. The group also discussed the importance of public access for tourism and emergency services and suggested a balanced approach to replacing or modifying sites that includes support and incentives and not fines or enforcement. The question was brought to the group about the timing of updates to the inventory of coastal access sites, suggesting updates could be tied to other comprehensive plan amendments. There was also discussion on the need for coordination with various agencies and tribes and for grant funds to support the development of new access sites. Discussion included the challenge of managing expectations when coordinating with other entities, particularly regarding why certain areas might not be appropriate for public access, such as the presence of archaeological sites and sensitive species.

After discussing the modification section of the rules, the RAC conversation then focused on definitions, statement of applicability, and the development of the coastal public access program. The conversation around the definitions section included a suggestion for the addition of "Coastal Resources," with participants suggesting further clarification on cultural resources and the importance of maintaining clear and objective standards. The group reviewed the statement of applicability for the Coastal Public Access Program, which includes an inventory, maps, and development of policies. RAC members discussed additional considerations for the Coastal Public Access Program.

Meg discussed the overlap between the Goal 5 cultural areas rulemaking and the coastal public access rulemaking, noting existing rules that state the

requirements of Goal 17 supersede Goal 5 in overlapping areas. RAC members suggested that both goals could coexist, proposing an "AND" approach rather than an "OR" and Meg agreed to consult with DOJ on how to incorporate this into the language.

The RAC meeting wrapped up with discussion on the draft fiscal, housing, and racial equity impact statements. Participants provided feedback on potential impacts, including considerations for tribes, local governments, and future developments like offshore wind, that could impact coastal public access points. Meg outlined the next steps in the rulemaking process, including public comment periods, hearings, and revisions based on feedback. Written comments from the RAC are due by the end of day on February 26th.

## Next Steps

- **February/March 2026:** DLCDC staff will finalize the rules and impact statements for filing with Secretary of State's office and public comment period
- **March 31, 2026:** Deadline to file administrative rules with the Secretary of State
- **April 1, 2026:** Start of the official public comment period
- **April 23-24, 2026:** Public Hearing with LCDC in Salem, virtual and in-person options
- **May 4, 2026:** Public Hearing in Newport at the Oregon Coast Community College, in-person and virtual options
- **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 in Salem, virtual and in-person options
- **January 2027:** Rules become effective

## Meeting Attendance

### **RAC Member Attendees:**

- Briece Edwards
- Scott Fregonese
- Laurie Friedman
- Miranda Gray
- Alan Hanson
- Laurel Hillmann
- Kate laquinto
- Arlene Merems
- Mary Mertz
- Brock Nation
- Adam Nielsen
- Don Pettit
- Charlie Plybon
- Arica Sears
- Jeanne Sprague
- Mandy Watson
- Lianne Thompson (LCDC Liaison)

### **Department of Land Conservation and Development (DLCD) Staff Attendees:**

- Meg Reed, Senior 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
- Brett Estes, North Coast Regional Representative
- Hui Rodomsky, South Coast Regional Representative
- Kacy Markowitz, Coastal Grants Coordinator
- Alyssa Bonini, Legislative and Policy Coordinator