

Oregon Parks and Recreation Commission

November 18, 2015

Agenda Item:	10a	Information
Topic:	Upper Deschutes River State Scenic Waterway rulemaking update	
Presented by:	Chris Havel	

In September 2015, the commission opened rulemaking for the Upper Deschutes River State Scenic Waterway in response to a petition from the Bend Park and Recreation District. The request would change one part of the rule, specific to this waterway, to allow landowners to apply for construction of bicycle and pedestrian river crossings. A public hearing to gather comments on the proposal is scheduled for October 28, and the public comment period is currently scheduled to close October 30.

Staff will present a summary of the comments at the commission's November meeting, and return with an action request in February 2016. This brief does not include a comment summary, since it is being written before the comment period has closed.

Action Requested: None.

Prior Action by Commission: September 2015, Item 11d, Request to open OAR 736-040-0073

Prepared by: Chris Havel

Oregon Parks and Recreation Commission

November 18, 2015

Agenda Item:	10b	Action
Topic:	Request for approval for rulemaking for Scenic Bikeways	
Presented by:	Alexandra Phillips, Bicycle Recreation Specialist	

Background: The Commission adopted OAR establishing Scenic Bikeways in 2009. The Scenic Bikeway Committee has been established and a program for rating and managing the Bikeways has been developed and 13 Bikeways have been designated.

Reason for requesting changes the rule: To reflect current procedures and change committee membership to include more diverse representation and to clarify the Oregon Recreation Trails Advisory Council's role in the designation process.

Proposed Changes:

- The following committee members would be appointed by their respective directors:
 - Oregon Tourism Commission (dba Travel Oregon)
 - ODOT member
 - Federal lands management agency
 - Remove bicycle advocacy representative
 - Remove OPRD from the committee, OPRD will serve as staff to the committee
 - Increase citizen members from one to three
- Remove language for ODOT to provide an inventory of features on the route
- Addition of language for OPRD to provide a list of significant changes to routes that would diminish scenic values
- Remove language on minimum mileage for loops and linear routes
- Addition of language for OPRD calling for applications periodically
- Remove language implying proponent submit a management plan during the application phase and add language that it be submitted during the designation phase
- Addition of language for applications to come before an ORTAC public meeting

Prior Action by Commission: Commission adopted OAR establishing Bikeways in 2009

Action Requested: Staff requests approval to begin the rule making process for OPRD rules 736-009-0025 through 736-009-0030, Chapter 736, Division 9, relating to Scenic Bikeways

Attachments: OAR with proposed changes

Prepared by: Alexandra Phillips

736-009-0025 – Oregon Scenic Bikeways Advisory Committee

~~(1) The director shall appoint a Scenic Bikeways Committee composed of 11 members. The committee shall include one representative each from:~~

~~(a) The department;~~

~~(b) Oregon Tourism Commission (dba Travel Oregon)~~

~~(c) Oregon Department of Transportation~~

~~(d) A Federal Lands Manager (U.S. Forest Service or Bureau of Land Management~~

~~(e) Oregon Association of Convention and Visitors Bureaus;~~

~~(f) Oregon Recreation Trails Advisory Council established pursuant to ORS 390.977;~~

~~(g) Oregon Bicycle and Pedestrian Advisory Committee established pursuant to ORS 366.112;~~

~~(h) Association of Oregon Counties;~~

~~(i) League of Oregon Cities;~~

~~(j) Representative of bicycle advocacy organization; and~~

~~(k) Citizen Representative.~~

~~(2) Members may serve two consecutive four-year terms on the committee. However, the director shall appoint the first committee members following the effective date of this rule to serve a two, three, or four-year term.~~

~~(3) The director shall appoint the chair from the committee membership, considering the recommendations of the committee.~~

(1) The Scenic Bikeways Advisory Committee shall be composed of 11 members.

(a) The following committee members shall be appointed by their respective directors:

(A) A representative of the Oregon Tourism Commission (dba Travel Oregon);

(B) A representative from the Oregon Department of Transportation; and

(C) A representative of a Federal lands management agency

(D) A member of the Bicycle and Pedestrian Advisory Committee established pursuant to ORS 366.112

(b) The following committee members shall be appointed by the OPRD Director:

(A) A representative of Oregon Destination Marketing Organizations;

(B) A liaison from the Oregon Recreation Trails Advisory Council established pursuant to ORS 390.977;

(C) A representative of counties who shall be selected in consultation with the Association of Oregon Counties;

(D) A representative of cities who shall be selected in consultation with the League of Oregon Cities; and

(E) Three citizen members

(2) Committee members appointed by the OPRD director under subsection (1)(b) may serve two consecutive four-year terms on the committee.

(3) The director shall appoint the chair from the committee membership, considering the recommendations of the committee.

- (4) The committee shall meet at times and places specified by the call of the director.
- (5) A majority of the members of the committee constitutes a quorum for the transaction of business.
- (6) Function and Duties of Scenic Bikeways Advisory Committee:

(a) The committee shall evaluate proposed Oregon Scenic Bikeways against the criteria provided in OAR 736-009-0030 and the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2). The committee shall make a recommendation to the director on each application for a proposed Oregon Scenic Bikeway.

(b) The committee shall evaluate each Oregon Scenic Bikeway route at least once every five years. ~~The department and Oregon Department of Transportation will provide the committee an inventory of the features of the route determined by riding a bike along the route.~~ The committee may recommend that the department improve, remove, or reroute portions of a route no longer meeting the criteria for an Oregon Scenic Bikeway.

Stat. Auth.: ORS 390.971(8)

Stats. Implemented: ORS 390.956, 390.959, 390.962, 390.968 & 390.971

Hist.: PRD 7-2008, f. & cert. ef. 9-15-08

736-009-0030 – Establishing Oregon Scenic Bikeways

Pursuant to ORS 390.962(1), the department prescribes the criteria in this rule in addition to those provided in the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2), for the designation of Oregon Scenic Bikeways.

(1) Oregon Scenic Bikeways may be comprised of bicycle paths, designated transportation corridors or a combination thereof. Oregon Scenic Bikeways may include route sections located in or near existing rights-of-way for roads or highways.

(2) Oregon Scenic Bikeways may be linear, loop, or a combination of linear and loop routes that are routes of superior scenic quality that inspire people to experience Oregon's natural beauty and cultural heritage by bicycle. ~~encompass national, state, or regional scenic resources and shall generally meet these criteria:~~

~~(a) Linear routes connect to each other and other designated routes to the extent possible.~~

~~(b) Linear routes should be a minimum of 40 miles in length.~~

~~(c) Loop routes encompass regional or local scenic, cultural or historic features.~~

~~(d) Scenic loop routes should be a minimum of five miles in length and should return the cyclist to the point of origin.~~

~~(e) Scenic loop routes may be established as connections to existing linear Oregon Scenic Bikeways or may be established as Oregon Scenic Bikeways in and of themselves.~~

(3) Pursuant to ORS 390.962(1), an Oregon Scenic Bikeway may be located:

(a) Over public land with the consent of each governmental entity having jurisdiction over the lands designated; or

(b) Over privately-owned lands in the manner and subject to the limitations provided in ORS 390.950 to 390.989 and 390.995(2).

(4) The Department will periodically call for Bikeway applications

(4) Evaluation of Applications

(a) To be considered as an Oregon Scenic Bikeway, a Proponent must submit to the department a completed Oregon Scenic Bikeway Application form in the format specified by the department, ~~including a detailed Trail Management Plan.~~

(b) The department will review each Oregon Scenic Bikeway proposal for completeness, including whether the application adequately addresses the considerations provided in ORS 390.965(2). The department will provide all complete, eligible applications to the committee. Incomplete or ineligible applications will be returned to the Proponents with an explanation of the deficiencies.

(c) The committee will consider routes for designation based on the criteria provided in sections (1) to (3) of this rule and the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2).

(d) The committee shall conduct a field review of the proposed route, to include a review conducted on bicycles by no less than three (3) members of the committee.

(e) The committee shall score the route against criteria established in the Oregon Recreation Trails System Act, ORS 390.950 through 390.989 and 390.995, and this rule, including but not limited to:

(A) Emphasis on use of public lands,

(B) Minimizing adverse effects on adjacent landowners,

(C) Harmony with and complement to established forest, agricultural, or other use plans, and

(D) Any natural features, agriculture, forest, unusual or unique landforms, vegetation, water components, scenic beauty and interest, as well as amenities available to the route.

(e) Based on the application, field review, and scoring the committee shall determine if the route qualifies to be recommended for designation as an Oregon Scenic Bikeway.

(f) Recommendations for designation are forwarded to ORTAC for consultation during an ORTAC public meeting.

(g) Recommendations for designation are forwarded to the director for approval to advance to the designation process.

(h) If the committee does not recommend designating the route as an Oregon Scenic Bikeway, it shall provide comments and recommendations to the Proponent. The Proponent may reapply to the ~~department committee~~ only after fully addressing the recommendations of the committee.

(5) Designation Process:

(a) The Proponent must submit to the department a completed Bikeway Plan in the format specified by the department

(b) The department shall hold public meetings on the recommended designation as provided in ORS 390.965(1).

~~(c)~~ The committee shall provide each recommendation for designation as an Oregon Scenic Bikeway to the director.

~~(c) The department will consult with the Oregon Recreational Trails Advisory Council as provided in ORS 390.977.~~

(d) After the public meetings required in subsection (b), ~~and in consultation with the council~~, the director shall either:

(A) Submit the committee's recommendation to the commission for approval or denial of the proposed Oregon Scenic Bikeway; or

(B) Request that the committee provide further consideration of issues presented in the public meeting.

(6) Scenic Bikeway Management

(a) The department will enter into written cooperative agreements with landowners, federal agencies, other state agencies, local governments, private organizations and individuals as necessary to ensure that the development, signing, operation, maintenance, location or relocation of the trail meet the Oregon Scenic Bikeway Standards.

(b) The department shall evaluate each Oregon Scenic Bikeway at least once every five (5) years. The department will provide the committee an evaluation of the Scenic Bikeway including any significant changes on the route that would diminish its scenic qualities and the strength of the local proponent group. ~~and inventory of the trail features.~~ Upon review, the committee may recommend:

(A) The trail be improved to meet the standards of state designation; or

(B) Removal of Oregon Scenic Bikeway designation when or if ~~the route the trail~~ no longer meets the criteria.

(c) Signing and Publication of Oregon Scenic Bikeway.

(A) Consistent with the requirements of ORS 390.959, the department will establish sign standards and coordinate sign placement for all routes that the commission designates as an Oregon Scenic Bikeway.

(B) The department will publish on its web page and make available standardized route maps for all Oregon Scenic Bikeways.

Stat. Auth.: ORS 390.971(8)

Stats. Implemented: ORS 390.956, 390.959, 390.962, 390.968 & 390.971

Hist.: PRD 7-2008, f. & cert. ef. 9-15-08

Oregon Parks and Recreation Commission

November 18, 2015

Agenda Item: 10c

Information

Topic: Beach Driving Lincoln City

Presented by: MG Devereux, Deputy Director

Background:

Oregon's beaches have a unique and dynamic legacy in the Oregon Parks and Recreation Department (OPRD) history. Public access to the beaches has been a keystone of Oregon's recreational experiences. That experience has historic roots in the designation of Oregon's beaches as a public highway by Governor Oswald West and the 1913 Oregon Legislature. The concept of the beach as a public transportation corridor has shifted over time, and now the area where public vehicular traffic is allowed is very limited.

Current Issues:

In September of 2015, the Oregon Parks and Recreation Commission (OPRC) was briefed on an area in Lincoln City that beach driving is allowed, but has not been easily accessible, due to road conditions of city streets maintained by Lincoln City. This summer saw the first use of that area in many years, and local residents became concerned with the potential for increased vehicle traffic. Oregon Revised Statutes 390.678 outlines the process for the OPRC to take action on new restrictions for driving on the beach. In that process the public may request consideration of a new area if a petition of at least 20 landowners or residents request action. In late September a valid petition for the area in Lincoln City was received. This petition will necessitate a rulemaking request and a public hearing held in the vicinity of the area under consideration for restriction. OPRD staff will be working to schedule a public hearing in Lincoln City, and will request action to regarding rulemaking on at the February 2016 meeting.

Previous Action: Information Item September 2015

Action requested: None

Attachments: Petition

Prepared by: MG Devereux