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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 736
PARKS AND RECREATION DEPARTMENT

FILED

12/10/2020 11:19 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Beach Driving Restrictions in South Tillamook County

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 02/12/2021 5:00 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.

CONTACT: Katie Gauthier
503-510-9678
katie.gauthier@oregon.gov

725 Summer St. NE
Salem, OR 97303, OR 97301

Filed By:
Katie Gauthier
Rules Coordinator

HEARING(S)

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

DATE: 01/28/2021

TIME: 6:00 PM

OFFICER: Katie Gauthier

ADDRESS: Online meeting

725 Summer St. NE

Salem, OR 97303, OR 97301

SPECIAL INSTRUCTIONS:

Registration is required for attendance
to hearing. Visit

<https://www.oregon.gov/oprd/PRP/Pages/PRP-tillamook-beach-driving.aspx>
for information on registering.

NEED FOR THE RULE(S):

Tourism in Tillamook County continues to grow rapidly, overloading the county's capacity to manage the increasing numbers of visitors along the ocean shore in the south portion of the county. Increased vehicle congestion on the beach poses a health and safety risk to pedestrians and recreational users. Along with increased visitation, the traffic management issues have strained Tillamook County and OPRD's state park ranger staffing capacity. Concern over safety and the consequences of reduced capacity for patrols in other areas of the county, led the Tillamook County Commission to request this rule change.

Eliminating vehicle traffic year-round on the ocean shore from the mouth of Sand Lake to Tierra Del Mar will end confusing and challenging to enforce seasonal closures.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Pacific City/Woods Parking Management Plan

https://www.co.tillamook.or.us/Documents/Cape%20Kiwanda/Parking%20Management%20Plan_2019-10-30.pdf

FISCAL AND ECONOMIC IMPACT:

The proposed rule and potential changes in visitor behavior that result have a potential fiscal and economic impact on Oregon Parks and Recreation Department (OPRD), Tillamook county, businesses in south Tillamook county, and anyone who lives, works or recreates in the area. For OPRD fewer cars parking on the beach may reduce costs for trash removal on this section of the ocean shore and may allow staff resources to move to other areas of the county. Staff remaining in the area will have time to focus on the priority of beach safety education instead of parking management. For Tillamook County, the fiscal impact may include additional revenue from nearby parking lots that charge for parking. The economic impact for businesses will depend on the type of business and location. The potential economic impact for individuals could include additional costs for parking at nearby lots that charge a fee.

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).

(1) Oregon Parks and Recreation Department, Oregon Department of Transportation, Tillamook County and individuals who visit the ocean shore in south Tillamook county may be economically affected by the proposed rule change. Changes to parking on the ocean shore may result in individuals parking in nearby lots for a fee. (2)(a) 20-30 fishing charter, guide services or surfing instructors who may not have parking on the ocean shore south of the Cape Kiwanda boat ramp. (b) There are no additional reporting, recordkeeping or administrative activities required to comply with the proposed rule change. There may be additional costs to businesses that no longer park on the ocean shore. Nearby Tillamook county parking lots will have a daily fee of \$10 or annual fee of \$45-55 per vehicle. (c) No additional costs are anticipated for professional services, equipment supplies, labor or administration for businesses to comply with the proposed rule change.

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

Small business owners and representatives of associations of small businesses were included in the rule advisory committee.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 736-024-0015

RULE SUMMARY: Restricts driving on beach from mouth of Sand Lake to Tierra Del Mar and parking on beach at Cape Kiwanda.

CHANGES TO RULE:

736-024-0015

Tillamook County: Restrictions ¶

(1) There shall be no landing of any aircraft on the ocean shore in Tillamook County, except for an emergency.¶
(2) Except for an emergency or as provided in section (3) of this rule, there shall be no travel by motor vehicles on the ocean shore in Tillamook County in the areas and during the periods of time hereinafter designated by the Oregon coordinate latitude survey lines, north zone, consisting of "Y" numbers as shown on "Exhibit 2" attached

~~heret~~available from the agency and by this reference made a part hereof. The areas where motor vehicle travel is allowed, the periods of time for such use, and the areas on the ocean shore where travel by motor vehicles is prohibited, are further described as follows:¶

(a) Motor vehicle travel is prohibited from the Clatsop County-Tillamook County line, Y 790, 613, southerly to the south line of Oswald West State Park, Y 774, 737;¶

(b) Motor vehicle travel is prohibited from the south line of Oswald West State Park, Y 774, 737, southerly to the north boundary of Nehalem Bay State Park, Y 761, 335, except as follows:¶

(A) Between the hours of 7:00 a.m. and 12:00 noon, October 1 through April 30;¶

(B) Motor vehicles essential to and engaged in boat launchings will be allowed any time during the year.¶

(c) Motor vehicle travel is prohibited from the north boundary of Nehalem Bay State Park, Y 761, 335, southerly to the south boundary of the Boy Scout property north of Sand Lake, Y 618, 468, except as follows: Motor vehicles essential to and engaged in boat launchings will be allowed any time during the year for a distance of 300 feet northwest from point Y 665, 466; XI, 113, 850, near Happy Camp;¶

(d) Motor vehicle travel is allowed at any time from the south boundary of Boy Scout property north of Sand Lake, Y 618, 468 southerly to the Galloway Road beach access Y 610, 120;¶

(e) Motor vehicle travel is prohibited from the Galloway Road beach access Y 610, 120 southerly to the ~~mouth of Sand Lake Y 606, 590;~~¶

~~(f) Motor vehicle travel is allowed at any time from the mouth of Sand Lake Y 606, 590 southerly to approximate north the base of the headland north of Cape Kiwanda, Y 586, 275, except as follows: From the mouth of Sand Lake, Y 606, oundary of Cape Kiwanda State Park property, Y 5905, southerly to the approximat~~111;¶

~~(f) Motor vehicle travel is allowed from the north boundary of Cape Kiwanda State Park property, Y 595, 111; motor vehicle travel is prohibited May 1 through September 30 and from sunrise to sunset on legal holidays (as defined in ORS to the base of headland north of Chapter 187) and on Saturdays and Sundays between October 1 and April 30; e Kiwanda, Y 584, 097; ¶~~

(g) Motor vehicle travel is prohibited from the base of the headland north of Cape Kiwanda, Y 586, 275, southerly to a point north of the beach ramp near Cape Kiwanda, Y 584, 097, except as follows:¶

(A) From the base of the headland south of Cape Kiwanda, Y 584, 879, southerly approximately 400 feet to Y 584, 688, motor vehicles essential to and engaged in boat launchings, boat recoveries, transferring equipment or supplies onto boats, unloading equipment or catches from boats, or emergency repairs of other vehicles or boats will be allowed at any time during the year;¶

(B) From Y 584, 688, southerly approximately 700 feet to a line located north of and parallel to the beach ramp near Cape Kiwanda, the point of intersection of said line and the line of vegetation being at Y 584, 097, operation or parking of motor vehicles used for towing boat trailers or essential to boat launchings will be allowed.¶

(h) Motor vehicle travel and parking is ~~allow~~prohibited at any time from the line described in subsection (2)(g) of this rule, north of the beach ramp near Cape Kiwanda, southerly approximately 1,300 feet to Y 582, 843, except ~~that in a corridor 100 feet in width, southerly of and contiguous to the line described in subsection (2)(e) of this rule, all parking is prohibited; for boat launching or boat recoveries when access north of the ramp is unsafe due to ocean or beach conditions.~~ ¶

(i) Motor vehicle travel is prohibited from Y 582, 843 southerly to near Pacific Avenue at Pacific City, Y 579, 329;¶

(j) Motor vehicle travel is allowed at any time from near Pacific Avenue at Pacific City, Y 579, 329, southerly to Porter Point, Y 563, 121;¶

(k) Motor vehicle travel is prohibited from Porter Point, Y 563, 121, southerly to the Tillamook County/Lincoln County line, Y 521, 960.¶

(3) The State Parks Director or the authorized representative may issue special permits for motor vehicles to travel on the ocean shore within the areas or at times where such travel is otherwise prohibited by this resolution. No charge for such permits will be made. Any special permit or permit identification card shall be in the immediate possession of the operator of the vehicle at all times when driving on that portion of the ocean shore otherwise closed to travel by motor vehicles. The operator shall display the same upon the demand of any peace officer.¶

(4) The State Parks and Recreation Department is directed to erect conspicuous signs and markers designating

the above areas on the ocean shore of Tillamook County, with reference to the Oregon coordinate survey system, as areas where travel by motor vehicles is prohibited, areas where travel by motor vehicles is partially restricted, and areas where travel by motor vehicles is allowed, as herein provided.¶

[ED. NOTE: Exhibits referenced are available from the agency.]

Statutory/Other Authority: ORS 183.545, 184, 390.668

Statutes/Other Implemented: ORS 390.668