

## Oregon Parks and Recreation Commission

November 17, 2020

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Agenda Item: 9a                      Action

Topic:                      Request to open rulemaking –Tillamook County ocean shore vehicle restrictions  
(736-024-0015)

Presented by: Katie Gauthier

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**Background:** Working with Tillamook County, OPRD has limited vehicle parking on the beach from Cape Kiwanda south to the Nestucca River since July 1. Vehicles involved in launching or retrieving commercial or recreational boats are still allowed to park on the beach, but all other vehicles have been required to park in designated lots or parking spaces along surface streets over the summer.

The change was made to address increased congestion on the beach posing a health and safety risk to pedestrians, and reduced OPRD state park ranger staffing available to manage the traffic. On a sunny summer day, hundreds of vehicles enter the beach through a county-owned gate and boat ramp. Both OPRD and the county agreed the change was necessary. Individuals launching boats obtained information on accessing the beach through the county gate from Tillamook County Parks or OPRD in advance of their trip.

Reducing congestion at Cape Kiwanda has been both a short- and long-term goal for OPRD and Tillamook County. In evaluating whether to request rulemaking, Tillamook County initiated a public comment process including surveys, written and oral public comments. The Tillamook County Board of Commissioners received almost 1,000 comments on vehicular beach access, reflecting a broad range of views and concerns. The survey responses are still being compiled. Staff are requesting permission to open rulemaking to take public comment on limiting parking and reducing portions of the ocean shore open to driving in Tillamook County.

If rulemaking is opened, staff will continue to work with Tillamook County and other stakeholders to evaluate the impact of the change from the summer while working to ensure public comment opportunities are available on proposed changes for the future.

**Prior Action by Commission:** In 1996, was the last time the Commission made changes to vehicle access rules on the ocean shore in division 24. At that time, it was for the protection of snowy plovers in a number of counties, but did not include Tillamook county. Tillamook ocean shore vehicle rules have not changed since 1992.

**Action Requested:**

Staff requests approval to open rulemaking to amend OAR 736-024-0015 to prohibit vehicles on the ocean shore in portions of Tillamook County and restrict vehicle parking on the beach south of Cape Kiwanda. A copy of the proposed rules is included in Attachment A.

**Prepared by:** Katie Gauthier

**Attachments:**

Attachment A – proposed rule amendments- marked copy

Attachment B- maps of proposed rule change9a Attachment A Marked Copy

**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 hereto 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 the north boundary of Cape Kiwanda State Park property, Y 595, 111.~~

(f) Motor vehicle travel is allowed from the north boundary of Cape Kiwanda State Park property, Y 595, 111 to the base of headland north of Cape Kiwanda, Y 584, 097

~~the base of the headland north of Cape Kiwanda, Y 586, 275, except as follows: From the mouth of Sand Lake, Y 606, 590, southerly to the approximate 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 Chapter 187) and on Saturdays and Sundays between October 1 and April 30;~~

(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 ~~prohibited~~allowed 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;~~

(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.]