Model Coastal Shoreland Public Access Comprehensive Plan Policy Language

This ‘Model Coastal Shorelands Public Access Comprehensive Plan Policies’ is a guide for how local governments could include coastal shoreland public access language within their comprehensive plans. The policies outlined below can be reviewed, tailored, and used to support development code provisions identified for community use. The suggested policy concepts are intended to cover the entire spectrum of possible policy options, with the idea that communities can pick and choose from among these ideas based on their individual circumstances. Adopting higher standards is recommended and can provide benefits to your community. DLCD recommends jurisdictions consult with their legal counsel in developing Comprehensive Plan policies and implementing ordinances.

Policy Language Legend:

* **Bold** text: Represents the minimum requirements based on state land use goal requirements to be included in your community’s comprehensive plan to ensure compliance.
* Brown colored text: Represents language that must be replaced with community-specific information. Only include the appropriate language for your community.
* Regular text: Represents language that is recommended to enhance a community’s public access policies but is not currently required.

Definitions:

For the purpose of this model policy, unless otherwise specifically provided, certain words are defined as follows:

**ACCESSIBILITY:** Access that specifically refers to disability related needs and barrier removal processes that meet and/or exceed ADA regulation within coastal access.

**ACCESSIBILITY FEATURES FOR SIGNAGE:** Include but are not limited to translation of messages into languages reflective of the site’s visitor demographics; ADA color, font, and design guidelines; use of symbols; inclusion of braille and/or tactile (raised) letters, and navigation tools such as QR codes or NaviLens codes; and placement of signs on site.

**ADA:** The Americans with Disabilities Act of 1990 or ADA is a civil rights law that prohibits discrimination based on disability and sets a baseline standard for accessibility.

**ARCHAEOLOGICAL RESOURCES:** Those districts, sites, buildings, structures, and artifacts which possess material evidence of human life and culture of the prehistoric and historic past.

**COASTAL SHORELINE PUBLIC ACCESS:** The ability of the public to reach, touch, view, and enjoy coastal shorelines and waters and to have access along coastal waters of the State. 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 along publicly owned property, road ends, road rights of way, and easements.  Other amenities that may be associated with public access sites include parking, interpretive signage, emergency evacuation signage, restroom facilities, and accessibility features for people with disabilities ranging from mobility, cognitive and sensory.

**COASTAL SHORELANDS:** Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.

**COASTAL WATERS**: Territorial ocean waters of the continental shelf; estuaries; and coastal lakes.

**CULTURAL RESOURCE:** (*Include your jurisdiction’s definition of cultural resource here, or reference to your definition. ORS 358.905 definitions for “archaeological object” and “site of archaeological significance” can serve as a stand-in for a definition of cultural resource; however, jurisdictions are advised to consult with local tribes and other cultural groups with a connection to the area.*)

**DUNE COMPLEX**: Various patterns of small dunes with partially stabilized intervening areas.

**DUNE, CONDITIONALLY STABLE:** A dune presently in a stable condition, but vulnerable to becoming active due to fragile vegetative cover.

**PRIMARY ACCESS SITES**: Physical or visual access points to or along coastal waters that are currently developed with access amenities.

**SECONDARY ACCESS SITES**: Sites to or along coastal waters that are in public ownership but not developed with trails and access infrastructure. Secondary access sites may include road ends and/or rights of way access locations. These secondary sites may be appropriate for improvements to meet coastal public access needs in a particular area.

*If your jurisdiction has already adopted definitions for these terms, you can reference your own definitions, as long as they are not contrary to these provided definitions.*

Model Coastal Shorelands Public Access Language

Goals

1. Develop a comprehensive public access program to **protect, maintain, and** **provide increased public access to coastal waters including ocean, estuaries, and lakes**, for current and future generations.
2. Balance the protection of cultural and natural resources with the need for public access and use of coastal waters.
3. Encourage equitable coastal shoreland access for all residents and visitors with a particular focus on including marginalized communities and accessibility to those with disabilities.
4. Consult with local tribal governments for protection of archaeological sites and cultural resources during planning, maintenance, and development of coastal shorelands public access sites.

Policies

1. (Coastal Shorelands) **The City/County in coordination with Oregon Parks and Recreation Department (OPRD) shall develop and implement a program to protect, maintain and provide increased public access** to coastal waters.
2. **Existing public ownerships, rights-of-way, and similar public easements in coastal** (estuary, lake, and ocean) **shorelands, which provide access to or along the estuary, ocean or lake,** including secondary access sites, **shall be retained or replaced if sold, exchanged or transferred. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.**
3. (Coastal Shorelands) **An inventory of current public access sites to coastal waters (ocean, estuary, and lakes) will be maintained and is included in this Comprehensive Plan** along with maps showing the location of the listed access sites (*include specific references*). The inventory shall contain both primary and secondary access sites.
4. (Coastal Shorelands, Estuary, Beaches and Dunes) Identify and increase public access sites to the beach, estuary and coastal lake shores by acquiring land and easements, when appropriate. Develop criteria to accept donations and dedications of land and easements for public access.
5. (Coastal Shorelands) Any new waterway, beach, dune, or shoreline access site must have necessary easements or private property access agreements in place, prior to city/county approval.
6. (Recreation) The following is a list of priority areas for increased and improved public access to coastal waters and shorelands for the City/County. *List out specific areas/sites within jurisdiction to prioritize increased and improved public access to coastal waters (ocean, estuary, lakes).* *If there is not a current list of sites to develop, include the following language:* Develop an access plan that includes a set of prioritized access points to improve or develop into established public access sites to coastal waters.
7. (Recreation) Development or improvements of access sites should include appropriate, adequate, and inclusive signage. Signage should be provided in languages reflective of the community and visitor demographics and include a spectrum of accessibility features for multiple disabilities and identities. Accessibility features for signage include, but are not limited to, ADA color, font, and design guidelines; use of symbols; inclusion of braille and/or tactile (raised) letters, and navigation tools such as QR codes or NaviLens codes; and placement of signage on site.
8. (Recreation) Collaborate with tribal governments when developing a public access plan to include consultation with tribes regarding developing new access sites, improvements to existing sites, and to highlight their traditional knowledge where appropriate, which may include archaeological and ecological expertise of the area in interpretive materials.
9. (Recreation) The development or improvement of public access sites shall *(may/encourage)* be designed to include accessible and equitable access features with the intent to meet and exceed ADA standards. Accessible and equitable access features strive to reduce barriers to people accessing coastal shorelands and may include features such as ADA accessible parking, restrooms, signage, pathways or docks, as well as offering seasonal mobility mats, beach wheelchairs, accessible boat ramps and fishing piers, and transportation to access sites. Accessible access features must also be provided with an accessible route to get to the feature.
10. (Recreation) A locally developed and approved coastal shoreland access plan shall detail how adequate parking, restroom, and accessibility infrastructure will be provided and maintained at appropriate access sites. These amenities shall be provided to the public at no or a nominal cost.
11. (Beaches and Dunes) **Criteria for review of all shoreline stabilization measures**, **shall** require**/provide that necessary access to and along the beach is maintained.** Shoreline stabilization permits will require, in addition to other requirements, that the proposed project will not restrict existing primary or secondary public access sites. Shoreline stabilization projects that abut street ends and other public rights-of-way shall incorporate steps or paths or other improvements that protect or improve public access.
12. (Beaches and Dunes) Unless public access is deemed unsafe, or public access would damage cultural or natural resources, or is not consistent with management of the Ocean Shore in that area, new public and commercial development should be required to dedicate easements for public access to coastal shorelands.
13. (Beaches and Dunes) Access to or through dune areas, particularly conditionally stable dunes and dune complexes, shall be controlled and designed to maintain the integrity, vegetation and uniformity of the dunes. Dunes provide scenic value and protect development from hazards such as coastal erosion, flooding, and wildfire.
14. (Beaches and Dunes) Identify and maintain select public access points as emergency vehicle access and coordinate with local emergency service providers and OPRD on where these entry points are located.
15. (Beaches and Dunes) Foredune Grading Plans shall address in detail the findings specified in the Implementation Requirements of Goal 18 with special emphasis placed on ‘identifying appropriate sites for public and emergency access to the beach’.
16. (Beaches and Dunes) Public beach access sites should be prioritized during approval of permanent structures on beach access locations. If adequate public access is provided nearby, developed private beach access should be discouraged.
17. (Natural Resources, Scenic and Historic Areas, and Open Spaces, Estuarine Resources, Coastal Shorelands, Beaches and Dunes) Public access programs shall consider and balance negative impacts of public access on cultural and natural resources along coastal shorelands. Coordinate with appropriate state or federal agencies to address impacts to natural resources, including but not limited to OPRD and *(add in specific agencies to coordinate with)*. Coordinate/consult with tribal governments including but not limited to *(add in specific tribal governments to coordinate/consult with relevant to your geography-tribal governments operate as sovereign nations and their geographic areas of interest often overlap so it is important to determine which tribal governments have interest in the local area you are working within)* to ensure that any negative impacts from public access to cultural and natural resources along coastal shorelands are mitigated, avoided, or both.
18. (Estuary, Coastal Shorelands) In the design of fill projects, port marina facilities, excavation projects, or development of waterfront areas, new public access to the estuary shall be mandatory to the extent compatible with the proposed use.
19. (Estuary) *Consider including this policy if it is not already included in your local jurisdiction Goal 16 language.*  **Community and public docks or moorages are preferred. The City/County shall act to restrict the proliferation of private docks and piers by encouraging community facilities. The size and shape of a dock or pier shall be limited to that required for the intended use. Alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps shall be investigated and considered.**
20. (Transportation) *Reference City/County public transportation options to the beach, estuary, and coastal lakes.* Improvements to the City’s/County’s Transportation System Plan shall include a section that addresses equitable coastal shoreline access and accessibility through public transportation services to and from coastal shoreline access points.
21. (Transportation) Consider incorporating accessibility elements when improvements are made to any City/County public shoreline access sites for purposes of emergency evacuation.
22. (Transportation) The establishment of a private street shall not be allowed if it will deny the public access to public coastal shoreland areas.
23. (Natural Resources, Scenic and Historic Areas, and Open Spaces) Protect archaeological and historic resources at or near coastal shoreland public access sites, consistent with the standards of the State Historic Preservation Office (SHPO), affected tribal governments, and federal laws. Coordinate and consult with appropriate tribal governments on these issues *(list tribal governments to coordinate and consult with in your region)*.
24. Adopt implementing ordinances to protect, maintain, and enhance public access to coastal waters.

Proposed Action

The City/County shall:

1. Develop a comprehensive public access program.
2. Maintain and update public access inventory map and data on a minimum of a decadal basis in partnership with DLCD’s decadal statewide inventory.
3. Review and strengthen implementing ordinances to protect public access sites and align with updated public access policies.
4. Require all development to be consistent with the priorities and policies of the Comprehensive Plan and implementing ordinances as they relate to public access.
5. Update all forms, information sheets (for the public), and processes associated with the updated public access policies.