

OFFICE OF THE SECRETARY OF STATE

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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**

08/27/2024 8:20 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Prohibit overnight camping on ocean shore in Brookings

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/15/2024 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.*

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Salem, 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: 10/09/2024

TIME: 5:30 PM - 7:30 PM

OFFICER: Katie Gauthier

IN-PERSON HEARING DETAILS

ADDRESS: Southwestern Oregon Community College-Community Room, 96082 Lone Ranch Pkwy, Brookings, OR 97415

NEED FOR THE RULE(S)

Oregon Parks and Recreation Department received a petition from landowners to add Brookings to the list of cities where overnight camping is prohibited along the ocean shore within the city limits. Residents living near Mill Beach in Brookings identify concerns over public health, risks to public safety, and impacts on the marine ecosystem along the ocean shore as reasons for proposing the closure of camping on the ocean shore in Brookings.

Currently, overnight camping is prohibited on the ocean shore within the city limits of Seaside, Cannon Beach, Manzanita, Rockaway Beach, Lincoln City, Newport, Bandon, and Gold Beach. Camping is also prohibited on the ocean shore in Clatsop and Tillamook counties, under different rules within OPRD's division 30.

Overnight camping within the city limits of Brookings has created costs for OPRD in disposal of materials left by campers. Lack of available restroom and sanitation facilities create challenging health and safety concerns. Residents requesting a rule change also expressed concern over potential fire hazard. While fires are prohibited in this area, in the past overnight campers have built fires in driftwood or other areas of concern.

Petitioners also express concern over the placement of tents and other camping equipment restricting access for other visitors to the ocean shore to enjoy other recreation activities such as walking, kite flying or picnicking.

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## DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Petition to promulgate rule change received by OPRD, available online at:  
<https://www.oregon.gov/oprd/CAC/Documents/2024-07-1e.pdf>

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## STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The 2025-2029 Statewide Comprehensive Outdoor Recreation Plan identifies beach/ocean activities as one of the most popular recreation activities enjoyed outside of a community for individuals across racial/ethnic groups surveyed, with it ranking highest for Black and African American respondents. Eliminating overnight camping along the ocean shore in Brookings may allow for expanded day use along the ocean shore in Brookings.

The agency does not have demographic data regarding individuals currently utilizing the ocean shore in Brookings for overnight camping and would be displaced by this rule change.

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## FISCAL AND ECONOMIC IMPACT:

The fiscal and economic impact of prohibiting overnight camping along the ocean shore in Brookings is indeterminate.

OPRD may see a reduction in cost for removal of trash and other material left from campers. Enforcement costs for unauthorized campfires or other safety concerns may be reduced, though there may be an initial, short-term increase in enforcement costs if the prohibition goes into effect.

Nearby landowners may have a positive economic benefit from increased property values if overnight camping is prohibited. However, individuals currently camping along the ocean shore will be displaced and seek shelter in another location that may create fiscal or economic costs in those locations.

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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).*

(1) Oregon Parks and Recreation Department, the City of Brookings and members of the public who camp overnight along the ocean shore within the city limits or own property near the ocean shore may be economically affected by the proposed rules.

(2)(a) Small businesses are not subject to the proposed rules. (b) There are no additional reporting, record keeping or administrative activities required for small businesses. (c) There are no additional costs for professional services, equipment or labor for small businesses in complying with this rule.

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

Small businesses are not subject to the proposed rules.

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## WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

This rule change was requested by petition through a process described in ORS 183.390.

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AMEND: 736-030-0020

RULE SUMMARY: Adds Brookings to the list of cities where camping is prohibited along the ocean shore within the city limits.

CHANGES TO RULE:

736-030-0020

Prohibition of Camping ¶¶

Overnight camping, including overnight sleeping in tents, driftwood shelters, sleeping bags, recreational vehicles, trailers or automobiles, on the ocean shore within the city limits of Cannon Beach, Lincoln City, Seaside, Newport, Bandon, Gold Beach, Brookings, Rockaway Beach and Manzanita is prohibited.

Statutory/Other Authority: ORS 390.660

Statutes/Other Implemented: ORS 390.124, 390.660