

Oregon Parks and Recreation Commission

July 30, 2024

Agenda Item: 1e

Action

Public Comment Allowed: **Yes**

Topic: Request to Open Rulemaking 736-030-0020- Adding Brookings to list of cities where camping on ocean shore is prohibited

Presented by: Katie Gauthier, Government Relations and Policy Manager

Background: ORS 183.390 authorizes an interested person to petition an agency requesting the promulgation, amendment, or repeal of an administrative rule. The department received a petition on June 6, 2024, from the Macklyn Cove Condominium Association in Brookings requesting an amendment to OAR 736-030-0020 to add Brookings to the list of cities where overnight camping on the ocean shore is prohibited within city limits.

The Macklyn Cove Condominium Association, the petitioner, owns beachfront property above Mill Beach in Brookings. They cite 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. Their petition (included as attachment A) includes a series of photos and examples demonstrating concerns and reasons for closure.

This petition has been reviewed by legal counsel for sufficiency and meets requirements contained in the Attorney General model rule 137-001-0070. Under ORS 183.390, within 90 days of receiving the petition, the commission must either initiate rulemaking or respond in writing regarding why the petition is denied. If the petition were to be denied, the agency would also need to allow for an opportunity for public comment on the rule, including whether options exist for achieving the rule's substantive goals in a way that reduces the negative economic impact on businesses.

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 division 30.

OPRD staff recommend opening rulemaking to allow for a full public process to consider the question of camping on the ocean shore within the city limits of Brookings.

This issue has been discussed for decades within the city of Brookings, its residents, and park staff. However, it does not appear a formal rulemaking process has ever occurred. Most recently, in 2019, city staff began the process of considering requesting rulemaking and developing a city

ordinance. The city council ended up voting 3-2 against moving forward with requesting a camping ban at the time.

OPRD Beach Rangers from the Harris Beach Management Unit are responsible for rule enforcement in the Mill Beach area. OPRD staff work with law enforcement from the Brookings Police Department and the Oregon State Police when issues exceed our authority.

If rulemaking were opened, staff would continue discussions of the proposed rule change with City of Brookings staff, local leaders, and community members. Public comment would be opened in September, and a public hearing would be held in Brookings. Staff anticipate bringing a summary of comments and recommended action to the Commission for consideration in the fall or winter.

Prior Action by Commission: In November 1997 the Commission added Cannon Beach, Rockaway Beach, and Manzanita to the list of cities where camping is prohibited on the ocean shore within city limits.

Action Requested: Open rulemaking to consider amending OAR 736-030-0020 adding Brookings to the list of cities where camping is prohibited on the ocean shore within city limits.

Attachments:

Attachment A- Petition requesting rulemaking

Attachment B- Marked Copy

Attachment C- Map of ocean shore near Brookings

Prepared by: Katie Gauthier