

Chapter 390

1967 REPLACEMENT PART

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OUTDOOR RECREATION RESOURCES

390.010 Policy of state toward outdoor recreation resources. The Legislative Assembly recognizes and declares:

(1) It is desirable that all Oregonians of present and future generations and visitors who are lawfully present within the boundaries of this state be assured adequate outdoor recreation resources. It is desirable that all levels of government and private interests take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of all the people.

(2) The economy and well-being of the people are in large part dependent upon proper utilization of the state's outdoor recreation resources for the physical, spiritual, cultural, scientific and other benefits which such resources afford.

(3) It is in the public interest to increase outdoor recreation opportunities commensurate with the growth in need through necessary and appropriate actions, including, but not limited to, the following:

(a) Protection of existing and needed open spaces for appreciation, use and enjoyment of Oregon's scenic landscape.

(b) Provision of adequate land for outdoor recreation.

(c) Preservation and restoration for public enjoyment and education of structures, objects, facilities and resources which are examples of Oregon history, archeology and natural science.

(d) Development of a system of scenic roads to enhance recreational travel and sightseeing.

(e) Encouragement of outdoor activities such as festivals, fairs, and events relating to music, dance, drama, art and sports.

(f) Expansion of facilities for camping, picnicking and lodging in or near recreational areas and along routes of travel.

(g) Provision of tourist hospitality centers, which may include informational services, sanitary facilities, camping and picnicking areas at points near major highway entrances into the state.

(h) Provision of trails for horseback riding, hiking, bicycling and motorized trail vehicle riding.

(i) Development of waterways, land and water facilities for recreational boating, hunting and fishing.

(j) Development of all recreation potentials of the several river basins, compatible with programs of water use enunciated by the State Water Resources Board.

(k) Provision for access to public lands and waters having recreational values.

(L) Encouragement of the development of winter sports facilities.

(m) Encouragement of programs for recreational enjoyment of mineral resources.

(4) It is in the public interest that all efforts be made through research, education and enforcement to the end that Oregon's outdoor recreation resources will be used under the highest standards of conduct.

(5) It shall be the policy of the State of Oregon to supply those outdoor recreation areas, facilities and opportunities which are clearly the responsibility of the state in meeting growing needs; and to encourage all agencies of government, voluntary and commercial organizations, citizen recreation groups and others to work cooperatively and in a coordinated manner to assist in meeting total recreation needs through exercise of their appropriate responsibilities.

[Formerly 184.310]

STATE PARKS AND RECREATION DIVISION

390.110 Acquisition and development by State Highway Commission of scenic or historic places. (1) The State Highway Commission may acquire by purchase, agreement, donation or by exercise of the power of eminent domain real property, or any right or interest therein, deemed necessary for the culture of trees and the preservation of scenic or historic places and other objects of attraction or scenic value adjacent to, along or in close proximity to state highways, or which may be conveniently reached from or by a public highway. The commission may in like manner acquire land and ground necessary for the development and maintenance of parks, parking places, auto camps, camp sites, roadside development, recreational grounds or resorts, forest or timbered areas or other places of attraction and scenic or historic value which in the judgment of the commission are necessary for the convenience of the public, and which will contribute to the general welfare and pleasure of the motoring public or road user.

(2) The commission may develop, construct, improve, operate and maintain the places named in subsection (1) of this sec-

tion to such an extent and in such manner as will best afford to the motoring public and road users necessary conveniences and accommodations, and as will contribute to the general welfare of the people of the state or the members of the motoring public using the highways of the state.

(3) The commission may acquire by purchase, agreement or donation real property, or any right or interest therein, deemed necessary for the culture of trees and the preservation of scenic or historic places and other objects of attraction or scenic value. The commission may in like manner acquire land and ground necessary for the development and maintenance of parks, camp sites, recreational grounds or resorts, forest or timbered areas or other places of attraction and scenic or historic value which in the judgment of the commission will contribute to the general welfare and pleasure of the public.

(4) The commission may develop, construct, improve, operate and maintain the places named in subsection (3) of this section to such an extent and in such manner as will best afford to the public necessary conveniences and accommodations, and as will contribute to the general welfare of the public.

[Formerly 366.345]

390.120 State Parks and Recreation Division. The State Highway Commission shall establish under its jurisdiction and control a division to be known as the State Parks and Recreation Division.

[Formerly 366.175]

390.130 State Parks Superintendent; State Recreation Director and assistants. (1) The State Highway Commission shall appoint a superintendent of state parks and recreation, who shall be called State Parks Superintendent, and who shall hold office during the pleasure of the commission.

(2) The State Parks Superintendent shall receive an annual salary to be fixed by the commission, payable in monthly instalments, together with such actual traveling and other necessary expenses as may be incurred in the discharge of his official duties.

(3) The commission shall appoint, upon the recommendation of the State Parks Superintendent, a director of recreation, who shall be called State Recreation Director, and

who shall hold office during the pleasure of the commission.

(4) The State Recreation Director shall receive an annual salary to be fixed by the commission, payable in monthly instalments, together with such actual traveling and other necessary expenses as may be incurred in the discharge of his official duties.

(5) The commission may employ such engineers, landscape architects, technical assistants and such other help as, in its judgment, may be necessary for the proper and efficient administration of the parks and recreation division. The compensation, travel allowance and other expenses for such staff and other help shall be fixed by the commission.

(6) This section is subject to any applicable provision of the State Civil Service Law.

[Formerly 366.180]

390.140 Powers and duties of State Recreation Director. (1) Under the direction of the State Parks Superintendent, the State Recreation Director shall:

(a) Study and appraise the recreation needs of this state and assemble and disseminate information relative to recreation, considering both tourist and local needs.

(b) Investigate the recreation facilities, personnel, activities and programs existing or needed in the various areas in this state and, by consultation with the appropriate public or private authorities in such areas, assist in the development and coordination of recreation facilities, activities and programs. However, the director shall not make surveys of recreation facilities, personnel, activities and programs of counties, cities, districts and other local agencies, areas and communities except upon their request.

(c) Advise, cooperate with and encourage counties, cities, districts and other local agencies, areas and communities interested in the development and use of recreation facilities, activities and programs for the public benefit.

(d) Recommend and promote standards for recreation facilities, personnel, activities and programs.

(e) Aid in recruiting, training and placing recreation personnel.

(f) Promote recreation institutes and conferences.

(2) Under the direction of the State Parks Superintendent, the State Recreation Director may:

(a) Encourage and render assistance in the promotion of training programs for volunteer and professional recreation leaders in cooperation with other public and private agencies, persons, groups, organizations and institutions interested in recreation, and encourage the establishment of standards for recreation personnel.

(b) Assist any state agency in rendering recreation services and carrying out recreation functions in conformity with the authorized powers and duties of such state agency, and encourage and assist in the coordination of federal, state and local recreation facilities, personnel, activities and programs.

[Formerly 366.182]

390.150 Gifts and grants for park and recreation division. The State Highway Commission may accept and expend, use or dispose of moneys and property from any public or private source, including the Federal Government, made available to the commission in the form of grants, gifts, devises, bequests or endowments for the purpose of carrying out any of the provisions and purposes of ORS 390.120 to 390.150 or to facilitate the carrying out of any of the functions of the State Recreation Director under ORS 390.120 to 390.150.

[Formerly 366.183]

390.160 Park and recreation regulations.

(1) The State Highway Commission may make regulations and provisions for the use and administration of state parks and all recreational, historic, scenic and other places of attraction which are owned by or under the control of the state, acting by and through the commission. Such regulations shall be duly entered in the minutes and records of the commission. The regulations may provide reasonable charges for the use of accommodations provided in such parks and areas. The regulations shall be posted within the main entrance of each of the areas. Nothing in this section or in ORS 390.120, 390.130 or 390.990 shall impair, restrict or modify any of the powers of the commission with reference to state parks and recreational, historic and scenic places.

(2) The commission may make regulations necessary to carry out the provisions of ORS 390.120 to 390.150.

[Formerly 366.350]

390.170 Grants for local marine parks and facilities. (1) The State Highway Commission may:

(a) Make grants of moneys from the highway fund to cities, counties or other units of local government in this state for the development or construction by those units of marine parks and facilities in areas adjacent to, along or in close proximity to state highways, or which may be conveniently reached from or by a state highway.

(b) Lease to recipients of grants portions of rights of way of state highways to be used for those parks and facilities.

(c) Require, as a condition to making a grant, that the recipient provide funds for the development or construction of the park or facility in an amount not exceeding 50 percent of the cost of the development or construction.

(d) Require, as a condition to making a grant, that the recipient assume all or partial responsibility for the operation and maintenance of the park or facility.

(2) Any city, county or other unit of local government in this state may accept and use a grant made by the commission or enter into a lease with the commission under subsection (1) of this section, subject to the conditions upon which the grant or lease is made.

[Formerly 366.545]

390.210 Arboretum and botanical garden. (1) The State Highway Commission may establish, maintain, operate and control an arboretum and botanical garden which shall be a part of the system of parks, scenic places and recreational areas under the State Parks Division of the commission.

(2) Upon the establishment of the garden, its management shall be placed under the direct supervision of the State Parks Superintendent, who shall operate, maintain and supervise the garden under the direction and control of the commission.

(3) The garden shall be located in and be the property of the State of Oregon. The site of the garden shall be selected by the Oregon Arboretum and Botanical Foundation and the commission jointly, but shall be on a main or arterial highway, as near the population and education centers of the state as possible.

(4) The commission may accept funds from any source for the establishment, maintenance and operation of the garden, but the

commission shall not contribute or use highway funds in connection with the garden. All funds received from any source shall immediately be paid by the commission into the General Fund in the State Treasury and there maintained in an account designated as the Arboretum Botanical Garden Account, which account hereby is appropriated solely for the purposes of this section. The commission may accept property, both real or personal, in addition to funds, which shall be dedicated to and used for the garden by the commission.

(5) The commission may acquire at any time, by purchase or by exercise of the power of eminent domain, any interest in real property deemed necessary for the establishment, maintenance and operation of the garden. Property acquired by exercise of the power of eminent domain shall be acquired in the manner provided in ORS 366.370 to 366.390, except that the defendant shall not be entitled to recover as costs and disbursements any sum taxed as attorney's fees.

(6) The foundation and the commission shall confer and cooperate at all times in all matters pertaining to the garden to the end that the purpose and public values contemplated by this section may be accomplished and the public interest best served.

[Formerly 366.355]

390.220 Provisional Government Park at Champoeg. All jurisdiction over the Provisional Government Park at Champoeg, Oregon, the buildings and museum therein, and all other assets of the park or the Provisional Government Park board, including unexpended appropriations therefor, hereby are transferred to the State Highway Commission.

[Formerly 358.520]

390.230 Fort Stevens Military Reservation; Clatsop Spit. The right, title and interest of all state agencies, other than the State Game Commission and political subdivisions, in the lands described as follows are hereby vested in the State of Oregon by and through its State Highway Commission:

All of the lands, together with the accretions thereto lying westerly of the east line of section 7, township 8 north, range 10 west, Willamette Meridian, Clatsop County, State of Oregon, extending northerly to the main channel of the Columbia River as it existed on May 19, 1967; bounded on the south by the south line of said section 7 extended

westerly to the low water of the Pacific Ocean; and bounded on the north by the main channel of said Columbia River extended downstream to the Pacific Ocean.

[1967 c.288 §§1, 2]

Note: 1967 c.288 §3 provides:

Sec. 3. The Governor shall, on behalf of the State of Oregon, accept relinquishment of all, or any portion, of the jurisdiction of the United States, acquired prior to the effective date of Public Law 89-452, over lands in the vicinity of the Fort Stevens Military Reservation, Clatsop Spit and over any other lands within the State of Oregon where such acceptance is required by Public Law 89-452. Acceptance of relinquishment of jurisdiction of the United States is effective upon the date the Governor signs a statement, which shall be subscribed on or attached to the notice of relinquishment, accepting the relinquishment on behalf of the State of Oregon. The notice of such relinquishment and the acceptance thereof shall be filed in the office of the Secretary of State as an official document of the State of Oregon.

WILLAMETTE RIVER PARK SYSTEM

390.310 Definitions for ORS 390.310 to 390.360. As used in ORS 390.310 to 390.360:

(1) "Unit of local government" means an incorporated city, county or any other political subdivision of this state.

(2) "Commission" means the State Highway Commission.

(3) "Engineer" means the State Highway Engineer.

[1967 c.551 §1]

390.320 Statement of policy. The Legislative Assembly in furtherance of the state policy established pursuant to ORS 390.010 recognizes and declares that, in order to protect and preserve for present and future generations of citizens the natural scenic and recreational value of the Willamette River, it is in the public interest to acquire and develop along the Willamette River a recreational system to be known as the Willamette River Park System.

[1967 c.551 §2]

390.330 Grants for acquisition of lands by local governmental units; acquisition of water rights, or use of condemnation powers, prohibited. (1) The commission may enter into agreements with units of local government and make grants of money from the State Highway Fund to assist units of local government in acquiring lands or any interest in lands for scenic and recreational purposes as may be determined by the commission to further the purposes of the Willamette River Park System as set forth in ORS 390.320. The grants of money that may be

made by the commission for any property or property rights shall not exceed 50 percent of the cost thereof. All remaining costs, including future operation and maintenance, shall be borne by the unit or units of local government in a manner satisfactory to the commission. No grant of money shall be made by the commission for property acquired by any unit of local government prior to June 30, 1967.

(2) A unit of local government is not authorized, for the purposes of ORS 390.310 to 390.360, to acquire water rights or installations used in connection with such water rights or to acquire any property or property rights by condemnation.

[1967 c.551 §3]

390.340 State Highway Commission rules governing grants; commission not to exercise eminent domain powers. The State Highway Commission shall make and promulgate rules and regulations governing the grants of money authorized by ORS 390.310 to 390.360. The commission shall not use the power of eminent domain in exercising its authority under ORS 390.310 to 390.360.

[1967 c.551 §4]

390.350 Intergovernmental agreements; use of gifts and grants. Units of local government may enter into agreements with the commission and with each other for the purposes of ORS 390.310 to 390.360, and may accept and use gifts and grants from the commission or others.

[1967 c.551 §5]

390.360 Title to, and use and disposition of, lands acquired by local governmental units. All lands or interests in lands acquired by the units of local government pursuant to ORS 390.310 to 390.360 with grants of money from the commission, may be used only for scenic or recreational purposes, unless a different use is authorized by the commission. Title to the lands or interest therein so acquired shall be held by the unit of local government acquiring the same. None of such lands or interest therein shall ever be disposed of or sold except upon the approval and consent of the commission.

[1967 c.551 §6]

Note: 1967 c.551 §§7, and 8 provide:

Sec. 7. The Governor shall appoint a Willamette River Park System committee to further the purpose of this Act [ORS 390.310 to 390.360], and the members of the committee shall receive no compensation for their services, but shall be entitled to reimbursement for their actual and necessary travel and other

expenses incurred in the performance of their duties. Payment for any such expense shall be made from the State Highway Fund.

Sec. 8. Section 7 of this Act expires and stands repealed on June 30, 1969. However, this repeal does not affect the validity of any contracts, agreements, or grants entered into under the provisions of this Act prior to June 30, 1969.

COLUMBIA RIVER GORGE

390.410 Definitions for ORS 390.410 to 390.450. As used in ORS 390.410 to 390.450, unless the context requires otherwise, "commission" means the Columbia River Gorge Commission.

[Formerly 358.610]

390.420 Columbia River Gorge Commission. (1) For the purpose of preserving, developing and protecting the recreation, scenic and historic areas of the Columbia River Gorge, there hereby is created the Columbia River Gorge Commission. The commission shall consist of three members who are residents of this state and shall be appointed by the Governor on a nonpartisan basis. Except for the members first appointed, each member of the commission shall hold office for a term of four years commencing on April 1 of the year in which he is appointed. Vacancies shall be filled for the unexpired term in the same manner as other appointments are made.

(2) The first members of the commission shall be appointed for the following terms:

- (a) One member for two years.
- (b) One member for three years.
- (c) One member for four years.

[Formerly 358.615]

390.430 General duties and powers of gorge commission. The commission has the following duties and powers:

(1) To acquire and dispose of land in the name of the state by purchase, exchange, transfer, gift or devise.

(2) To make expenditures, from available funds, for the development, protection and maintenance of land and property under the control of the commission.

(3) To enter into such contracts as are necessary to carry out the provisions of ORS 390.410 to 390.450.

(4) To cooperate with other agencies and political subdivisions of the state, the State of Washington, the Federal Government, private organizations and individuals to the extent necessary to carry out the provisions of ORS 390.410 to 390.450.

(5) To receive any gifts, either inter vivos or testamentary in character.
 [Formerly 358.620]

390.440 Preparation of plan for protection and administration of Columbia River Gorge. The commission shall prepare for the consideration and approval of the Governor a comprehensive plan for the protection and administration of the Columbia River Gorge. This plan shall include boundaries for the proposed conservation area, proposed acquisition and administration of land, proposed zoning regulations and such other features as are necessary to accomplish the transition of the Columbia River Gorge to a state conservation area.
 [Formerly 358.625]

390.450 Disposition of moneys received by gorge commission; Columbia River Gorge Fund. All moneys from whatever source received by the commission, including moneys received by gift, bequest or contribution, shall be paid into the State Treasury for deposit to the credit of the Columbia River Gorge Fund which fund hereby is created. Notwithstanding the provisions of ORS 291.238, the moneys placed in this fund are appropriated continuously for the purposes set forth in ORS 390.410 to 390.450. The expenditures of the commission shall be made from this fund upon vouchers approved by the commission. Moneys received from gifts may be expended in accordance with the terms thereof.
 [Formerly 358.630]

SEASHORE AND OCEAN BEACHES

390.610 Statement of policy and legislative intent. (1) The Legislative Assembly hereby declares it is the public policy of the State of Oregon to forever preserve and maintain the sovereignty of the state heretofore existing over the seashore and ocean beaches of the state from the Columbia River on the North to the Oregon-California line on the South so that the public may have the free and uninterrupted use thereof.

(2) The Legislative Assembly recognizes that over the years the public has made frequent and uninterrupted use of lands abutting, adjacent and contiguous to the public highways and state recreation areas and recognizes, further, that where such use has been sufficient to create easements in the public through dedication, prescription, grant or otherwise, that it is in the public interest to protect and preserve such public easements

as a permanent part of Oregon's recreational resources.

(3) Accordingly, the Legislative Assembly hereby declares that all public rights and easements in those lands described in subsection (2) of this section are confirmed and declared vested exclusively in the State of Oregon and shall be held and administered in the same manner as those lands described in ORS 390.720.

(4) The Legislative Assembly further declares that it is in the public interest to acquire additional rights and to do whatever is necessary to preserve and protect scenic and recreational use of Oregon's seashore and ocean beaches.
 [1967 c.601 §§1, 2(1), (2), (3)]

390.620 Public land and easements near highways and recreation areas not to be alienated; judicial confirmation. (1) No portion of those lands described in subsections (2) to (4) of ORS 390.610 or any interest either therein now or hereafter acquired by the State of Oregon or any political subdivision thereof may be alienated except as expressly provided by state law.

(2) The State Highway Commission, when necessary, shall undertake appropriate court proceedings to protect, settle and confirm all such public rights and easements in the State of Oregon.
 [1967 c.601 §§2(4), 3]

390.630 Acquisition by State Highway Commission of lands near seashore and beaches for recreational purposes. The State Highway Commission, in accordance with ORS 390.110, may acquire ownership or interests in such lands abutting, adjacent or contiguous to the Oregon seashore and beaches as may be appropriate for recreational purposes where such lands are held in private ownership.
 [1967 c.601 §4]

390.640 Limitations on construction near seashore; exceptions. (1) In order to promote the public health, safety and welfare, to protect the state recreation areas recognized and declared by subsections (2) to (4) of ORS 390.610 and subsection (1) of ORS 390.620, and ORS 390.720, to protect the safety of the public using such areas, and to preserve values adjacent to and adjoining such areas, the natural beauty of the seashore and the public recreational benefit derived therefrom, no person shall, except as provided by ORS 390.650, erect, make or place any appurtenance, structure or im-

provement on any property that is within the area along the Pacific Ocean located between the extreme low tide and the elevation of 16 feet following natural topographic contour lines. The position of the landward boundary line shall be interpolated to follow natural topographic contour lines whenever interrupted by man-made structures. However, in low-elevation areas, including but not limited to sand spits and marshes and the mouth of streams, estuaries, rivers and creeks where the 16.00 foot contour nearest the ocean, in plan view, does not substantially parallel the shore line, the boundary line is 300 feet (but not in excess of the 16.00 foot elevation) inland from the contour line nearest the ocean which describes the 5.7 foot elevation. However, at the mouths of streams, estuaries, rivers and creeks in such low-elevation areas where the 5.7 foot contour nearest the ocean does not substantially parallel the trend of the shoreline, the 5.7 foot contour line is replaced, for measurement purposes, by a straight line extending across the mouth from a point nearest the ocean on the 5.7 foot contour and proceeding in a straight line to a similar point on the opposite side. All elevations and vertical measurements are referred to the United States Coast and Geodetic Survey Sea-Level Datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947.

(2) This section does not apply to structures, including a 25-foot yard on all four sides of a single-family residence, existing on May 1, 1967, or to publicly owned appurtenances, structures or improvements made with the approval of the State Highway Engineer for the safety or convenience of the public.

(3) This section and ORS 390.650 do not apply to appurtenances, structures or improvements subject to easement or license granted by the Division of State Lands under ORS 274.075 or to rule, regulation or permit of or from the Division of State Lands under ORS 274.080.

[1967 c.601 §5]

Note: 1967 c.601 §11 provides:

Sec. 11. The State Highway Commission is directed to survey the land on the shore of the Pacific Ocean from the Columbia River on the north to the Oregon and California state line on the south for the purpose of locating the boundaries of the area zoned by section 5 of this Act [ORS 390.640] and also for the purpose of obtaining information and material suitable for a re-evaluation and redefinition, if necessary, of such boundaries so that the public rights and interests in the lands along the shore of the Pacific Ocean shall be preserved. The commission shall complete the survey and present its report to the Fifty-fifth Legislative Assembly.

390.650 Permit to improve real property near seashore; judicial review of highway commission action. (1) Any person who desires a permit to erect, make or place an appurtenance, structure or improvement on any property subject to ORS 390.640 shall apply in writing to the State Highway Engineer, on a form and in a manner prescribed by the engineer, stating the kind of and reason for the appurtenance, structure or improvement. Upon receipt of an application satisfactory to the engineer, the engineer shall cause notice of the application to be posted at or near the location of the proposed appurtenance, structure or improvement. At the next regular meeting of the State Highway Commission held more than 10 days after receipt of the application, the engineer shall announce the receipt of the application. The notice and announcement shall include the name of the applicant, a description of the appurtenance, structure or improvement and its proposed location and a statement of the time within which any interested person may file a request with the engineer for a hearing on the application. The State Highway Engineer shall give notice of any application, hearing or decision to any person who files a written request with him for such notice.

(2) Within 30 days after the date of the regular meeting at which the engineer announces the receipt of a satisfactory application, the applicant or any other interested person may file a written request with the engineer for a hearing on the application. If such a request is filed, the engineer shall set a time for a hearing to be held by the engineer or his authorized representative. The engineer shall cause notice of the hearing to be posted and announced in the manner provided in subsection (1) of this section. The notice shall include the time and place of the hearing.

(3) After the hearing on an application or, if a hearing is not requested, after the time for requesting a hearing has expired, the engineer shall grant the permit if approval would not be adverse to the public interest in preserving the recreational and scenic resources. In acting on an application, the engineer shall take into consideration the existing uses and structures and the future recreational and scenic needs in the vicinity of the proposed appurtenance, structure or improvement. If the engineer does not act on a satisfactory application within 90 days

after the date of receipt thereof or, if a hearing is held thereon, within 60 days after the date of the hearing, the application shall be considered denied.

(4) Any person is entitled to appeal to the circuit court of the county where the property is located for a judicial review in equity of the action or failure to act by the engineer under this section. Any appeal taken under this subsection shall be made within 60 days after the date of the action or after the expiration of the period prescribed for action by the engineer under subsection (3) of this section.

[1967 c.601 §6]

390.660 Highway commission to protect certain properties near seashore. The State Highway Commission is hereby authorized to police, protect and maintain property that is subject to ORS 390.640 and property abutting, adjacent and contiguous to those lands described by ORS 390.720 that is available for public use, whether such right to use is obtained by prescription, easement, state-ownership or by permission of a private owner.

[1967 c.601 §7]

390.670 Liability of owners of certain properties near seashore. The owner or person in control of any property subject to a public easement declared a state recreation area by subsections (2) to (4) of ORS 390.610 and subsection (1) of ORS 390.620 or any property subject to ORS 390.640 shall not be liable for any injury to another person or damage to property of another resulting from a condition of the property within the easement or within the area subject to ORS 390.640, unless the injury or damage results from a condition that he created or that he knew or, in the exercise of reasonable care, should have known was likely to cause injury to persons or damage to property.

[1967 c.601 §8]

390.680 Declaration of owner granting permission for public use; effect; revocation; failure to file. (1) In any court proceedings involving prescriptive rights of the public over property abutting, adjacent and contiguous to those lands described in ORS 390.720, an instrument executed and filed as provided by subsection (2) of this section shall be an act and declaration admissible as evidence of the intent of the owner or person in control of property to exercise dominion and control over his property.

(2) The declaration shall describe the property and shall be signed and acknowledged as provided by ORS 93.410. It shall state that the public is granted permission to use the property, or a specifically described portion of the property, and that the public use may be for certain purposes which shall also be described. The declaration shall be filed in the office of the county officer charged with the duty of filing and recording instruments or documents affecting title to real property.

(3) The permission granted may be revoked at any time by the grantor by a declaration revoking the permission signed, acknowledged and filed as provided by subsection (2) of this section. In any event, the permission granted shall terminate upon the assignment, grant, devise or other transfer or conveyance of the property or any interest therein by the owner or person in control of the property.

(4) Failure of the owner or person in control of property to execute and file the declaration as provided in subsection (2) of this section shall not imply an intent to relinquish dominion and control over his property.

[1967 c.601 §9]

390.690 Title and rights of state unimpaired. Nothing in ORS 390.610 to 390.690 shall be construed to relinquish, impair or limit the sovereign title or rights of the State of Oregon in the shores of the Pacific Ocean as the same may exist before or after July 6, 1967.

[1967 c.601 §10]

OCEAN SHORE

390.710 Definitions for ORS 390.710 to 390.750. As used in ORS 390.710 to 390.750, unless the context requires otherwise:

(1) "Ocean shore" means that part of the shore of the Pacific Ocean described in ORS 390.720.

(2) "State recreation area" means a land or water area, or a combination thereof, set aside as a unit of the state parks system for recreational activities of a regional interest, with emphasis placed upon providing all the needed recreation opportunities the area affords, and so managed as to not unnecessarily impair the recreational and scenic features and values found in the area after consultation with local communities.

[Formerly 274.065]

390.720 Ownership of Pacific shore; declaration as state recreational area. Ownership of the shore of the Pacific Ocean between ordinary high tide and extreme low tide, and from the Oregon and Washington state line on the north to the Oregon and California state line on the south, excepting such portions as may have been disposed of by the state prior to July 5, 1947, is vested in the State of Oregon, and is declared to be a state recreation area. No portion of such ocean shore shall be alienated by any of the agencies of the state except as provided by law. [Formerly 274.070]

390.730 Automobile and aircraft-free zones on ocean shore. Upon the recommendation of or approval by the governing body of a county or city contiguous to any portion of the ocean shore, or upon its own motion as to such ocean shore, the State Highway Commission may establish areas and zones on the ocean shore wherein there shall be no travel by motor vehicles or landing of any aircraft except for an emergency. After the establishment of a zone or area and the erection of signs or markers thereon, no such use shall be made of such areas except in conformity with the rules of the commission. [Formerly 274.090]

390.740 Deposit of debris on ocean shore prohibited. No person shall deposit or willfully permit the deposit of any logs, debris, rubbish or refuse upon the ocean shore. [Formerly 274.100]

390.750 Effect on other statutes. Nothing in ORS 274.075, 274.080 or 390.710 to 390.750 is intended to repeal ORS 492.780 to 492.810. [Formerly 274.110]

PENALTIES

390.990 Penalties. (1) Any person, firm or corporation violating any of the regulations provided in ORS 390.160 shall be punished, upon conviction, by a fine of not more than \$500 or by imprisonment in the county jail for not more than 30 days.

(2) Violation of any provision of ORS 390.720, 390.730 or 390.740, or any rule promulgated under such statutes, is punishable, upon conviction, by a fine not exceeding \$500 or imprisonment in the county jail for not more than six months, or both.

[Subsection (1) formerly 366.990; subsection (2) formerly part of 274.990]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on December 1, 1967.

Robert W. Lundy
Legislative Counsel

CHAPTERS 391 TO 395 [Reserved for expansion]

