

Yachats 804 Trail

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As was the case elsewhere along the coast, those who came to settle near Yachats, and the native populations before them, had used the beach for transportation for many years. Between Waldport and Yachats, it was possible to travel 8 miles on sandy beaches until reaching the basalt bench where Yachats begins. Here, the rocky shoreline required travelers leave the beach and head up to the ocean bluffs. From there, some went on to the Yachats River where the road turned inland. Those who wanted to continue further south could ford the river by using canoes or other water craft.

Property on the bluff eventually was settled and divided into privately owned parcels. As travelers were allowed to cross the land and continue their journeys, the route was designated as County Road 804. In 1916 County Road 802 was built further inland, eventually to be rebuilt as the Roosevelt Highway, what today is U.S. Highway 101, and county maintenance of County Road 804 was discontinued. But the ocean bluff road continued to be used by vehicular traffic as well as pedestrians enjoying the oceanfront walk. It continued in uninterrupted use until the 1970's when a long legal battle to have the trail vacated and turned over to local landowners began.

In 1974, several property owners in Yachats petitioned the Lincoln County Board of Commissioners to "vacate" the road. Essentially, they were seeking to eliminate County Road 804 from county maps. Proponents of the road vacation argued they were unable to use or develop portions of their own property; that the right of way, if it even existed, did not follow the path used by the public and many people were trespassing. As a result, some property owners built fences blocking access to the trail. Legal proceedings continued for several years, including the State Attorney General issuing a decision—and then rescinding that decision—that the road was to be considered vacated.

A group of local citizens organized as "Save the Yachats 804 Trail" and attempted to submit an application for the road to the National Register of Historic Places based on the history and continued use of the trail, but were not successful. However, the group became active in advocating for continued use of the trail. They were supported in their legal efforts by *1000 Friends of Oregon*. In 1978, the State Department of Transportation, Parks and Recreation Branch went on record that its Recreation Trails Advisory Committee endorsed the "maintenance of a public right-of-way as an important part of the Oregon Coast Trail."

In 1979, the case to vacate the trail was brought before the Lincoln County Circuit Court. The Court ruled against the landowners in preserving not only the right of way, but also some of the adjacent private land which was determined to be public through the right of prescription. The land owners appealed to the higher Oregon courts, but the lower court decision was upheld.

Dave Talbot, Director of State Parks and Recreation from 1964-1992, recollected the State's involvement, or initial lack of involvement, in preserving the 804 Trail this way: "I've long regretted the fact we didn't pick up that cause earlier. It should have been a Parks cause to protect that old right-of-way, but we ducked it at first...After the case was upheld by a ruling of the Oregon Supreme Court in 1985, State Parks agreed to take over the right-of-way and develop it for a hiking trail. We have that valuable addition to the coastal trail system thanks to determined citizen activists who knew what was right."

Those landowners who had erected fences, hedges or other obstacles preventing access to the right-of-way were asked to voluntarily remove them; none did. As a result, the State Parks Department, on the grounds that unimpeded access to the 804 Trail was an integral part of the Oregon Coast Trail, tore down the barriers.

A similar legal battle over the south end of the trail began in the 1990's and was finally settled through mediation with the bordering home owners. Now the trail extends from the Smelt Sands State Recreation Area south to the Yachats River.

Today it is difficult to imagine that an old road slightly more than a mile in length could have been the subject of so much controversy and contention. In fact, the 804 Trail is highlighted on the Yachats Chamber of Commerce website as a scenic attraction in Yachats, and some hotels fronting the trail offer brochures and maps. The spectacular and uninterrupted views afforded along the 804 trail are enjoyed by everyone, rather than limited to those few who own property along the bluff.



804 Trail, 1892, Lincoln County Historical Society, Newport



804 Trail today