



Highway 101, Newport, OR
Photo: ShoreZone, 2011

Ocean-fronting Public Road Protection

Rulemaking Initiation

Outline

- Overview of Goal 18: Beaches and Dunes requirements
- Ocean shoreline management challenges
- Goal 18 Focus Group findings
- Proposed rulemaking
- LCDC action: initiate rulemaking



Roads End, Lincoln City, OR
Photo: OCMP, 2011



Statewide Planning Goal 18: Beaches & Dunes

Pacific City, OR
Photo: Oregon ShoreZone, 2011

Guides the protection and development of beach and dune areas

Main provisions:

- Prohibition areas
- Dune grading requirements
- Beachfront Protective Structure (BPS) limitations






Statewide Planning Goal 18: Beaches & Dunes

To limit armoring

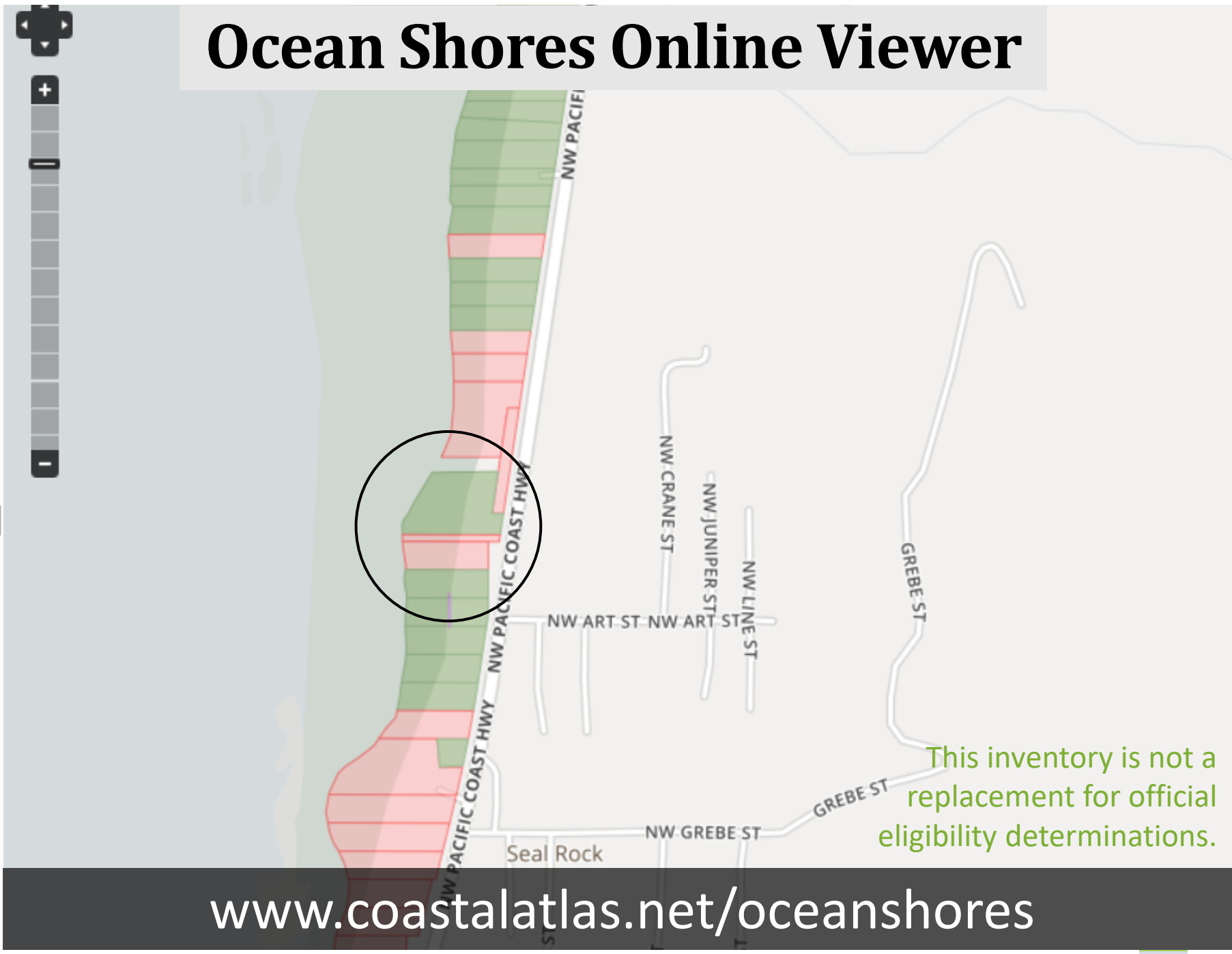
Beachfront protective structures:

Only allowed where development existed on January 1, 1977

- “Development” =
 - houses,
 - commercial/industrial buildings,
 - vacant but improved subdivision lots

- Shoreline Armoring and Eligibility
 - Beachfront Protective Structures, OPRD, 2015
 -  Beachfront Protective Structures
 - Goal 18 Eligibility Inventory, OCMP, 2015
 -  Eligible for Protection
 -  Eligible due to Exception
 -  Not Eligible for Protection
 -  Rockaway Beach Only - See City Planner. (Western extent of Goal 18 Exception is the ocean setback line.)
- Coastal Hazards
 - FEMA Flood Maps, FEMA
 - Erosion Hazards, DOGAMI
 - Tsunami Inundation Scenarios, DOGAMI, 2013
- Geomorphology
 - Littoral Cells
 - National Wetland Inventory
- Historic Shorelines*
- Administrative Boundaries
 - Statutory Vegetation Line, OPRD, 1967
 - Statewide Zoning, DLCD, 2014
 - Oregon Coastal Zone, OCMP, 2000
 - Marine Reserves Protected Areas, ODFW, 2013
- Mapping Extras
- Base Maps and Photos
 - Printable Air Photos
 - Modern Ortho Photos
 - NAIP Color Aerials 2016
 - NAIP Color Aerials 2014
 - NAIP Color Aerials 2011
 - None
 - Historic Aerial Photos
 - Non-Printable Base Maps

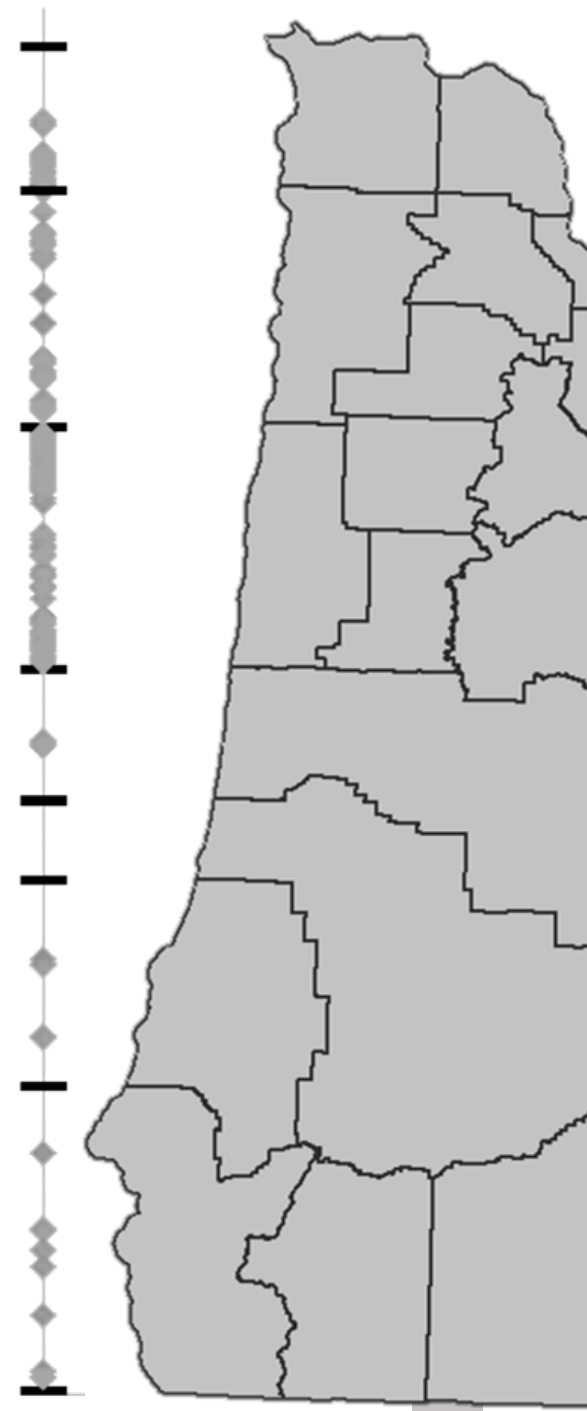
Ocean Shores Online Viewer



This inventory is not a replacement for official eligibility determinations.

Shoreline Armoring Stats

- 22.7 miles of OR's coastline is armored, which is ~6% of the overall coastline.
- 92% of armoring is located in Clatsop, Tillamook, and Lincoln counties.
- 84% of the coast is not eligible for armoring under current policies.
- Eligible and unarmored lots = ~42 miles of coast.



Fogarty Creek, OR
Photo: M Reed, 2014



Ocean shoreline management challenges

How to address the impacts of sea level rise

Lincoln Beach, OR
Photo: M Reed, 2021



What to do about ineligible homes?

Policy and funding changes may be needed

Sea Level Rise Planning Guide



Salmon River Estuary during king tide
Credit: Duncan Berry, 2020

**First of an upcoming
resilience series**



SLR Study Area

Local Planning Process

Adaptation Strategies

Goal 18: Pre-1977 Development Focus Group



Photo: Pixabay, 2021

Purpose

- To explore the equity and consistency of the shoreline armoring provision
- To address issues that come up in implementation by practitioners
- Discussed 4 main concepts, including:
 - Public infrastructure/facilities built prior to 1977, especially Highway 101

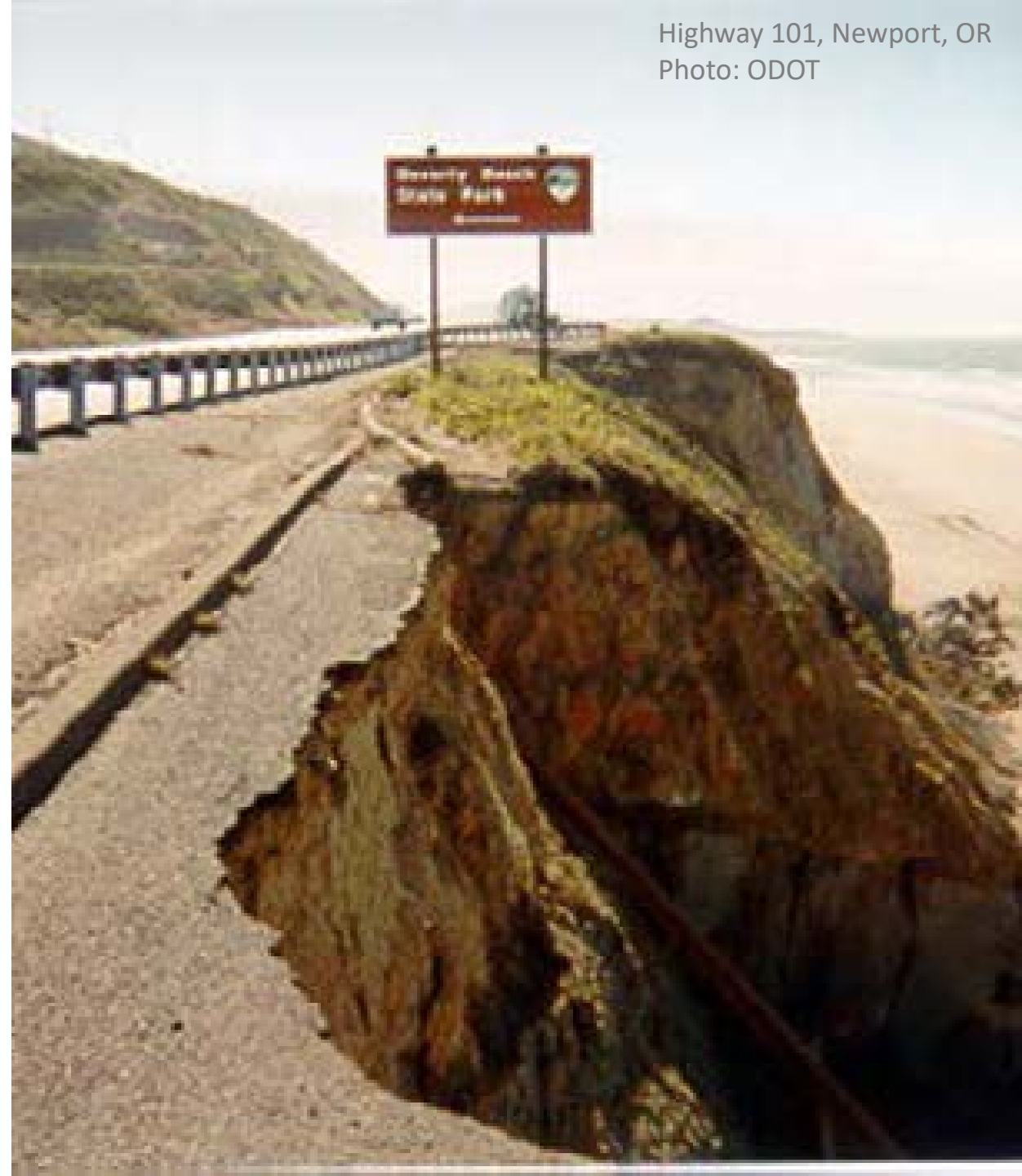
Public infrastructure is not currently eligible for shoreline armoring

Should public infrastructure be included in the definition of development?

Recommendation to move forward with this idea

Policy Team approved for rulemaking

Highway 101, Newport, OR
Photo: ODOT



Maintenance of US 101 near Moolack Beach
Credit: ODOT, 2021

Ocean-fronting Public Road Protection Rulemaking



Rulemaking Concept



Highway 101, Arch Cape, OR
Photo: ODOT, 2019

Initiating July 2021; to be effective March 2022

- Create a specific reason in OAR 660-004-0022 (Goal 2 exception process) for public roads constructed prior to January 1, 1977
- Outcomes:
 - Specific guidance to local government for these specific facilities
 - Exceptions will be adopted into local comp plans
 - If utilized, will result in more shoreline armoring in discrete areas for transportation protection

Rules Advisory Committee

People who live, work, or have interest in the Oregon coast



Priority interests for RAC

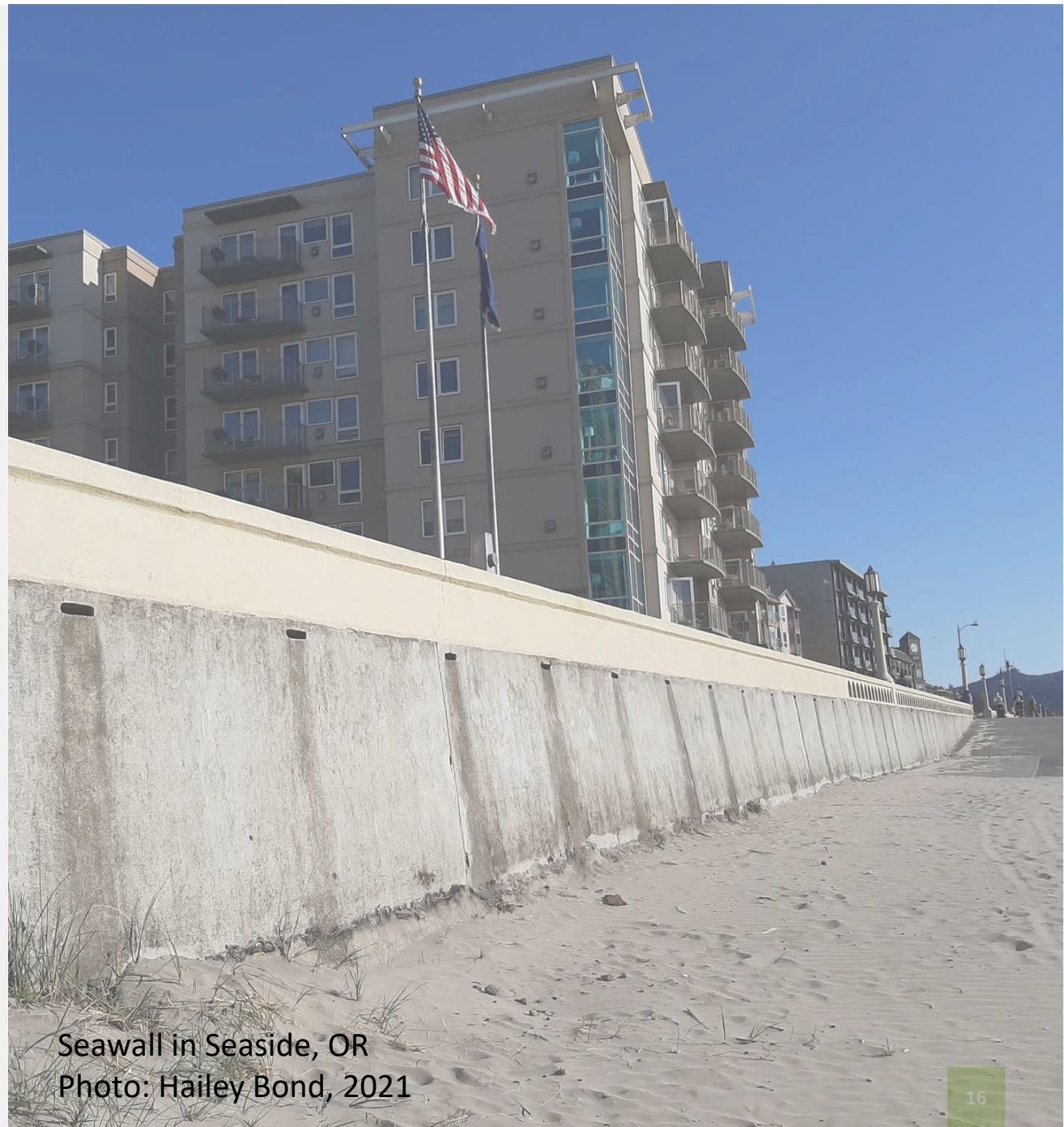
- Public transportation
- Tourism sector
- Commerce
- Coastal recreation
- Senior and/or retired persons
- Emergency management
- Civic organizations
- Environmental or conservation groups
- State and local government
- Public works
- Small businesses
- Academia
- People with Limited English Proficiency
- People living with disabilities
- Low Income Oregonians
- Youth (Under 25)

Timeline



Action Item

- Motion to initiate rulemaking
- **Recommended motion:** I move the commission initiate rulemaking and authorize the director to appoint a rulemaking advisory committee consistent with the recommendations in the staff report.



Seawall in Seaside, OR
Photo: Hailey Bond, 2021

Cape Lookout State Park
Photo: Laren Woolley, 2008

Thank you!

Draft Rule Language

- *(12) Goal 18 – Beachfront Protective Structures: An exception may be taken to the requirements of Goal 18, implementation requirement 5 to permit beachfront protective structures for the purpose of protecting public roads that existed on January 1, 1977. As used in this section, “public roads” mean roads that are owned, operated, and/or maintained by federal, tribal, state, or local government, or a special district as defined in ORS Chapter 198. Additionally, roads eligible for this exception are those that are needed to connect with a broader transportation network and that generally run parallel with the ocean shore; it does not include roads that dead end at the ocean shore or otherwise run perpendicular to the ocean shore, and that do not connect to a broader transportation network.*