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
Statewide Planning Goal 18: Beaches & Dunes

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
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.
Ocean shoreline management challenges

How to address the impacts of sea level rise
What to do about ineligible homes?
Policy and funding changes may be needed
Sea Level Rise Planning Guide

First of an upcoming resilience series

SLR Study Area

Local Planning Process

Adaptation Strategies

Salmon River Estuary during king tide
Credit: Duncan Berry, 2020
Goal 18: Pre-1977 Development Focus Group

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
Ocean-fronting Public Road Protection Rulemaking
Rulemaking Concept

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

July 2021
- Rulemaking Initiation
- RAC recruitment

Aug-Nov 2021
- RAC meetings
- Development of rule language

January 2022
- 1st Public Hearing, LCDC

February 2022
- Geographic Hearing

March 2022
- LCDC Adoption
- Rule becomes effective
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.
Thank you!

Cape Lookout State Park
Photo: Laren Woolley, 2008
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.