

TO: Coastal Shoreline Stabilization Rulemaking Advisory Committee Members

FROM: Rhiannon Bezore, Ph.D., Coastal Shores Specialist, Meg Reed, Senior Coastal Policy Specialist, Amanda Macnab, Coastal Rule Coordinator

CC: Brenda Ortigoza Bateman, Ph.D., Commissioner Erin Skaar, Lisa Phipps, Casaria Taylor, Matthew Hampton, Alexis Hammer, Alyssa Bonini

RE: Materials for September 10, 2026, Coastal Shoreline Stabilization Rulemaking Advisory Committee Meeting

Thank you for bringing your lived experiences and expertise to help the State of Oregon shape rulemaking around shoreline stabilization along Oregon's coastal shorelines. This effort will seek to draft rules that allow, define, and prioritize the use of nonstructural, nature-based solutions for shoreline stabilization in estuaries, coastal shorelands, and the ocean shore. The rules will also seek to define and direct the use of land use management practices and other types of shoreline stabilization methods across coastal landscapes.

To help center the perspectives of those who live or work on the Oregon coast, this Rulemaking Advisory Committee (RAC) is intentionally geographically and professionally diverse. The primary role of the RAC is to be advisory to the Oregon Department of Land Conservation and Development (DLCD or department) staff as we prepare rules for consideration by the Land Conservation and Development Commission (LCDC or commission). As RAC members, you should have a Zoom meeting link in your calendar invite to join the meeting. Rulemaking Advisory Committee members should join Zoom using the link provided by DLCD – please do not share your Zoom link. Members of the public may watch the meeting live or recorded on the [DLCD YouTube channel](#).

We are pleased that Land Conservation and Development Commissioner Erin Skaar will be our liaison to the commission. Commissioner Skaar is also on the Board of the Tillamook County Board of Commissioners and provides that perspective on LCDC. We are planning on five RAC meetings before the start of the public comment period and public hearings on the draft rules and a sixth meeting before the close of the public comment period and the June 2027 commission meeting where rules may be adopted. Additional RAC meetings may be added if needed.

Please review this packet before our first RAC meeting on **September 10th from 1 to 4pm**. This packet includes the meeting agenda and other background materials that will help frame our shared work over the next several months.

The majority of RAC Meeting #1 will be an introduction to each other and an opportunity to learn about Oregon land use and coastal management, Statewide Planning Goals 16, 17, and 18, shoreline stabilization techniques and permitting processes, and the purpose for this rulemaking. For some of you, this will be review, but for others it will be new. We want to make sure everyone is starting from the same information. We look forward to talking with you.

Packet Contents:

1. Meeting agenda and rulemaking timeline
2. RAC Membership
3. DLCD and facilitation team biographies
4. RAC Charge and Operating Principles and Guidelines
5. Senate Bill 504
6. Statewide Planning Goal 16: Estuarine Resources, Goal 17: Coastal Shorelands, and Goal 18: Beaches and Dunes

Please also watch the following [video](#) about the role of the RAC in rulemaking for DLCD before the first RAC meeting. In addition to the packet materials and video, we encourage you to familiarize yourselves with additional resources, including:

- [LCDC staff report from June 2026 commission meeting](#)
- [Guidebook on Erosion Control Practices of the Oregon Coast](#)
- [Sea level rise planning resources](#)

Finally, if you have any questions about the materials in this packet, please feel free to contact us via phone or email. Our information is listed below. On behalf of DLCD and the Land Conservation and Development Commission, we are grateful for your participation in this important initiative and look forward to working with you!

Rhiannon Bezore, Ph.D., Coastal Shores Specialist
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Meg Reed, Senior Coastal Policy Specialist
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Mandy Macnab, Coastal Rules Coordinator
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Matthew Hampton, Rules Coordinator
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Coastal Shoreline Stabilization Rulemaking Advisory Committee Meeting #1 Agenda

September 10, 2026

1:00 – 4:00 PM

This meeting will be hosted online and livestreamed at the Department of Land Conservation and Development (DLCD) YouTube page: <https://youtube.com/@OregonDLCD>. The recording and meeting materials will be posted to DLCD's Rulemaking [webpage](#).

To ensure the meeting is accessible, the department will make reasonable accommodation upon request. Please contact us at least 48 hours before the meeting. Contact the DLCD front desk by phone at 503-373-0050, by email at dlcd.info@dlcd.oregon.gov, or by TTY through Oregon Relay Services (800) 735-2900.

Topic 1: Opening Remarks and Agenda Review (1:00 – 1:15pm)

Dr. Brenda Ortigoza Bateman, DLCD Director

Lisa Phipps, DLCD Ocean and Coastal Services Division Manager

Topic 2: Introductions (1:15 – 1:45pm)

All RAC Members

Topic 3: RAC Role, Charge, and Operating Principles (1:45 – 2:00pm)

Jamie Damon, Kearns & West, Facilitation Team

Topic 4: Background Setting (2:00 – 2:30pm)

Meg Reed, DLCD Senior Coastal Policy Specialist

Rhiannon Bezore, DLCD Coastal Shores Specialist

- Overview of Oregon's land use program and coastal management program
- Coastal shoreline stabilization purpose and common techniques
- Existing policy frameworks guiding rulemaking efforts

Break (2:30 – 2:45pm)

Topic 5: Coastal Shoreline Stabilization Permitting (2:45 – 3:30pm)

Meg Reed, DLCD Senior Coastal Policy Specialist

Deanna Wright, DLCD National Flood Insurance Program Coordinator

Rhiannon Bezore, DLCD Coastal Shores Specialist

Topic 6: Review of Rulemaking Purpose and Rulemaking Timeline (3:30 – 3:50pm)

Jamie Damon, Kearns & West, Facilitation Team

Topic 7: Next Steps, Closing Remarks, and Adjourn (3:50 – 4:00pm)

Jamie Damon, Kearns & West, Facilitation Team

Lisa Phipps, Ocean and Coastal Services Division Manager, DLCD

RULEMAKING TIMELINE INCLUDING RAC MEETINGS

- **June 2026:** LCDC Initiates Rulemaking
- **July 2026:** RAC recruitment
- **September 10, 2026:** RAC 1: Introductions, review charge and operating principles, background materials, rulemaking timeline
- **October 15, 2026:** RAC 2: Background presentations, review and discuss draft rule definitions
- **November 12, 2026:** RAC 3: Technical information presentations, review and discuss draft rule language
- **January 11, 2027:** Oregon Legislative Session begins
- **January 22, 2027:** RAC 4: Review draft rule revisions, review fiscal, housing, and racial equity impact statements
- **March 5, 2027:** RAC 5: Final draft rules review and discussion before public comment
- **April 1, 2027:** Secretary of State Notice with Draft Rules and Impact Statements. Start of the public comment period.
- **April 2027:** Public Hearing with LCDC
- **April or May 2027:** Geographic Public Hearing on the Coast
- **May 14, 2027:** RAC 6: Finalize draft rule based on public comments and LCDC directives
- **May 17, 2027:** Close of public comment period
- **June 2027:** Adoption with LCDC
- **January 1, 2028:** Rules become effective

All meetings will be virtual between the hours of 9am and 5pm.

Coastal Shoreline Stabilization DLCD & Facilitation Team

Land Conservation and Development (LCDC) Liaison

Commissioner Erin Skaar
LCDC



Commissioner Erin Skaar represents the Oregon coast on the Land Conservation and Development Commission and will serve as the liaison to the commission for this rulemaking effort. She is a seated Tillamook County Commissioner and works with the Housing Commission and Community Development Departments in Tillamook County. Former Executive Director of Community Actions Resources Enterprises and founding member of the Tillamook County Housing Task Force, Commissioner Skaar currently serves as the President of the Association of Oregon Counties (AOC) and leads its executive committee.

DLCD Leadership

Dr. Brenda Ortigoza Bateman
Director



Dr. Bateman is the Director of Oregon's Department of Land Conservation and Development. During her 30-year career, she has served in strategic planning, implementation, and management roles, with a focus on natural resources policy. She is a Governor-appointee to the Oregon Geographic Information Council (OGIC) and Housing Production Advisory Council (HPAC). Previously, she served as the Chief Operating Officer/Assistant Director for Operations at Business Oregon and as Science Chief and Senior Policy Advisor at the Oregon Water Resources Department, co-authoring the 2012 and 2017 versions of Oregon's Integrated Water Resources Strategy. As past president of the American Water Resources Association, she represents the association internationally in venues such as the World Water Forum and World Water Congress. She has a doctorate in public policy from the University of Maryland Baltimore County, and master's and bachelor's degrees from The Johns Hopkins University.

Kirstin Greene, AICP
Deputy Director



Kirstin Greene, AICP, serves as DLCD's Deputy Director After working for a range of local, state, and tribal governments in the private sector, Kirstin achieved a lifelong career aspiration in joining DLCD as Economic Development Specialist in 2018. When Director Rue invited her to stand in as interim Deputy Director in 2019, she respectfully accepted. In order to help continue the agency's work in housing, climate friendly and equitable communities, and more equitable engagement practices, she applied for the permanent position in 2020.

Lisa Phipps
Ocean and Coastal Services Division
Manager



Lisa Phipps has been with DLCD since 2018 and in her role as manager of the Oregon Coastal Management Program and the Ocean and Coastal Services Division since 2022. Prior to coming to DLCD, she was the Executive Director of the Tillamook Estuaries Partnership, a national estuary program. She also spent nine years as the coastal resource planner for Tillamook where she worked almost exclusively with the coastal statewide planning goals at the local level. During her 26 years in Oregon, she was also the mayor of Rockaway Beach for 2-1/2 terms and their municipal judge for eight years. She has a BS in Fisheries from Michigan State University and a Master's in Environmental Law and Policy from Vermont Law School.

Facilitation Team

Jamie Damon
Kearns & West



Jamie Damon is a Principal and Senior Mediator at Kearns & West with over 40 years of experience specializing in large-scale, multi-party public policy mediation and facilitation on natural resources, energy, infrastructure, land use, and a wide range of issues across the Pacific Northwest. Jamie has deep experience with Oregon rulemaking and legislatively directed advisory committees including DLCD's Solar Siting on Eastern Oregon Agricultural Lands RAC, DLCD's Housing Capacity Work Group and the Oregon Sustainable Transportation Initiative Target RAC, ODOT's Statewide Toll Program RAC, DEQ Clean Fuels RAC, ODFW Trap Check RAC. Jamie has worked on several projects along the Oregon Coast including offshore wind, marine workforce, tide gates, and the Oregon coast trail. Jamie has a master's degree in International Program Management and Conflict Transformation, served as a Clackamas County Commissioner and lives on a small farm in rural Clackamas County.

Ruby Gonzales
Kearns & West



Ruby Gonzales is an Associate at Kearns & West, where she supports facilitation, public involvement, and strategic communications for complex state and federal policy processes. She provided meeting planning, materials development, and process and technical support for DLCD's Eastern Oregon Solar Siting Rules Advisory Committee and brings that rulemaking experience to a range of other multi-party public-policy committees and environmental conflict resolution projects. Ruby earned a Bachelor's degree in Social Work with a minor in Civic Leadership from Portland State University. While she grew up in Southeast Portland, Ruby's favorite place is Rockaway Beach, where her grandmother has owned a home for decades, and she loves adventuring along the Oregon Coast.

DLCD Core Rulemaking Team

Amanda Macnab
Coastal Rulemaking Coordinator



Mandy has worked in multiple positions within the agency and prior to DLCD, worked for the Department of Human Services. She has a trade school Business Education Certificate and an Associate's degree in Business Administration Management from Oregon Coast Community College. Currently she is the Administrative Support and Rulemaking Coordinator supporting the Coastal Services Division. In her free time, she loves spending time with family, gardening, visiting the Oregon coast, and being Nana to her granddaughter. Mandy is originally from North Bend on the southern Oregon coast and now resides in Lyons Oregon. She is based out of the Headquarters office in Salem.

Matthew Hampton
Rulemaking Coordinator



Matthew has been a Rules, Records, and Policy coordinator at DLCD for a bit over a year. Prior to that, he worked for three years at the Oregon Judicial Department as a Judicial Assistant. While completing dual Bachelor's degrees at University of Oregon, he interned both for the Oregon State Legislature and the United States Senate. He has a passion for public service and giving back to the state where he was born and raised. When not working, he enjoys traveling and creative endeavors like painting, creative writing, and drag performance.

Rhiannon Bezore, PhD
Coastal Shores Specialist



Rhiannon Bezore is the Coastal Shores Specialist with the Department of Land Conservation and Development. In this role, she works with local coastal communities to better understand coastal hazards and ways to improve their resilience under Statewide Planning Goal 18: Beaches and Dunes. She has a Master's Degree and PhD in Coastal Geology from the University of California, Santa Cruz and the University of Melbourne in Australia. Before coming to Oregon, she worked with Virginia Sea Grant and Texas A&M University to help communities with their coastal resilience goals. Rhiannon has now been with DLCD for 3.5 years. Outside of work, Rhiannon likes to spend time on the beach or in the forest with her dog.

Meg Reed
Senior Coastal Policy Specialist



Meg serves as the Senior Coastal Policy Specialist at the department and has worked with DLCD since August 2013 in multiple positions. She focuses now on estuary and coastal shoreland planning with local governments coastwide, coastal policy topics at the local, state, and federal levels, and supports the requirements of Oregon's federally-approved coastal management program. When not writing rules, Meg likes to swim, bike, hike, and run around Oregon's many wonderful landscapes with her friends and family.

Alyssa Bonini
Legislative and Policy Coordinator



Alyssa Bonini is DLCD's Natural Resources, Energy, and Ocean & Coastal Legislative and Policy Coordinator. Prior to joining DLCD in 2025, Alyssa worked in the field of environmental dispute resolution in both private practice and with the federal government. When not working, she enjoys spending her time trail running and hiking with her husband and daughter. Alyssa earned her J.D. with a certificate in environmental and natural resources law from the University of Oregon.

Hui Rodomsky
South Coast Regional Representative



Hui Rodomsky is the South Coast DLCD Regional Representative covering Coos and Curry Counties and the coastal portions of Douglas and Lane Counties, as well as the cities of Waldport and Yachats in Lincoln County. Prior to coming to DLCD in 2019, Hui was the Senior Planner at Lincoln County. Hui is a coastal management professional with experiences in marine fisheries, coastal conservation and restoration and policy work as Knauss Fellow at NOAA Office of Coastal Management. Hui holds BS Biology from University of North Carolina at Chapel Hill and Master of Environmental Science from Yale University.

Brett Estes
North Coast Regional Representative



Brett Estes is the North Coast DLCD Regional Representative covering Lincoln County (excepting Waldport and Yachats), Tillamook County, Clatsop County, and unincorporated Columbia County as well as Rainier and Vernonia. Brett was born on the Texas Gulf Coast and started his planning career in Texas moving to Oregon in 2003. Prior to coming to DLCD in 2022, Brett was the Community Development Director then City Manager for the City of Astoria.

Coastal Shoreline Stabilization

Rulemaking Advisory Committee Members

Updated September 4, 2026



Max Bordal, HG Schlicker and Associates

Jacqui Boyer, Certerra Northwest, LLC

Max Derenoncourt, youth representative

Ralph Dunham, City of North Bend

Weston Fritz, City of Lincoln City

Selwyn Heminway, youth representative

Mark Hopman, coastal business manager

David Lauten, Institute for Natural Resources

Denise Lofman, Columbia Estuary Study Taskforce

Brendan Lynch, emergency management professional, fish and wildlife professional

Tita Montero, City of Seaside

Brock Nation, Oregon Realtors

John O’Leary, Lincoln County

Anthony Pagano, City of Gold Beach

Sara Palmer, Coquille Indian Tribe

Charlie Plybon, Oregon Surfrider Foundation

Mary Redfield, coastal property owner

Guy Sievert, coastal property owner, watershed council

Timm Slater, North Bend

Amelia Smith, Coastal Realtor

Dianna Turner, Friends of the Dunes at Cannon Beach

Meagan Wengrove, Oregon State University

State Agency Representatives to the RAC

Jonathan Allan, Oregon Dept. of Geology and Mineral Industries

Stacey Goldstein, Oregon Dept. of Transportation

Kevin Herkamp, Oregon Parks and Recreation Dept.

Tom Jenkins, Oregon Dept. of Emergency Management

Scott Marion, Oregon Dept. of Fish and Wildlife

Charles Redon, Oregon Dept. of State Lands

Coastal Shoreline Stabilization Rulemaking Advisory Committee (RAC) Charge, Operating Principles, and Guidelines



For the rulemaking process to operate effectively, it is helpful to agree at the outset on the purpose of the effort and the roles and procedures the RAC will use to manage its work.

As a reminder, the rulemaking effort for coastal shoreline stabilization is derived from [Senate Bill 504](#) and applies to Statewide Planning [Goals 16 \(Estuarine Resources\)](#), [17 \(Coastal Shorelands\)](#), and [18 \(Beaches and Dunes\)](#). The bill directs the Land Conservation and Development Commission to adopt rules that allow, define, and guide the use of nonstructural, nature-based solutions for shoreline stabilization in estuaries, coastal shorelands, and the ocean shore.

This rulemaking will use Implementation Requirement 5 within Statewide Planning Goal 17: Coastal Shorelands as the general framework in which the rules will be developed, in addition to the other relevant requirements of Goals 16 and 18. Here is the applicable text from Goal 17:

“Land-use management practices and non-structural solutions to problems of erosion and flooding shall be preferred to structural solutions. Where shown to be necessary, water and erosion control structures, such as jetties, bulkheads, seawalls, and similar protective structures; and fill, whether located in the waterways or on shorelands above ordinary high-water mark, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.”

Similarly, text from SB 504 directs this rule to require that “nonstructural, nature-based solutions conform with statewide land use planning goals, and that nonstructural, nature-based solutions and ecologically focused land use management practices are prioritized over structural solutions in addressing problems of erosion and flooding.”

Committee Charge – Desired Outcomes

The Land Conservation and Development Commission (LCDC or commission) charges the Department of Land Conservation and Development (DLCD or department) to appoint a committee and develop rules that will advance the following outcomes as directed by SB 504:

- Define “nonstructural, nature-based solutions.”

- Require that nonstructural, nature-based solutions conform with statewide land use planning goals and are prioritized over structural solutions to address erosion and flooding.
- Provide minimum requirements and additional direction for the use of nonstructural, nature-based solutions to minimize harmful impacts from flooding and erosion.
- Not change rules allowing Oregon Department of Transportation (ODOT) to use structural shoreline stabilization methods.

In addition, the commission charges the department to integrate related shoreline stabilization topics into the rulemaking to advance these outcomes:

- Define terms used in the coastal goals that are related to shoreline stabilization methods for erosion and flooding, including structural, hybrid, and land use management measures. Definitions may include grain sizes.
- Consider mitigation requirements for structural shoreline stabilization methods.
- Streamline the planning and permitting processes for nonstructural nature-based solutions to the extent possible.
- Consider local government and state agency capacity constraints to achieve rule requirements.

The rulemaking effort will not address minor alterations to coastal shorelands that are not shoreline stabilization, such as outfalls. The rulemaking effort also will not address anything that would require an amendment to Goals 16, 17, or 18.

Overview of Rulemaking Advisory Committee Role

The commission has charged RAC members to work with agency staff to draft new rules in accordance with the charge. New rules are to be developed within Oregon Administrative Rule (OAR) Chapter 660 which define and direct the use of land use management practices and shoreline stabilization methods to mitigate the impacts of flooding and erosion across coastal landscapes.

The role of the RAC is to be:

- Advisory to staff
- Provide policy feedback and guidance (not intended to seek consensus)
- Recommend policies, language, and direction to staff
- Considered “volunteers” by the state
- Supported by DLCD staff
- Compliant with open meetings, public records, and ethics laws.

I. RAC Meeting Principles and Guidelines

A. Good Faith

All members agree to act in good faith in all aspects of the Rulemaking Advisory Committee process. As such, members will consider the viewpoints of other participants and conduct themselves in a respectful manner that promotes respect and collaboration.

Acting in good faith also requires:

- Specific proposals made in open and frank problem-solving conversation are not to be used against any other member in the future
- Personal attacks and prejudiced statements are not acceptable
- Individuals do not represent their personal or organization's views as views of the advisory committee or department
- Individuals express consistent views and opinions in the RAC meetings and in other forums, including contacts with the press (see Section IV(B))
- Members bring their lived and professional experience to expand committee members' and staff's shared understanding of the rulemaking topic, and
- Individuals with process concerns will raise them in the committee or with staff directly.

B. Ground Rules

Members agree to apply the following ground rules:

- Honor the agenda and strive to stay on topic
- Speak one at a time – use “raise hand” feature to signal you would like to speak
- Allow for a balance of speaking time – respect time limits
- Bring concerns and ideas up for discussion at the earliest point in the process
- Keep concerns about the rule draft within RAC meetings until the public comment period opens
- Address issues and questions, not people or organizations
- Seek to learn and understand each other's perspectives
- Encourage respectful, candid, and constructive discussions
- Seek to resolve differences and find common ground
- Avoid personal attacks
- Listen with respect and to learn
- Avoid side conversations and other distractions during meetings

- Share preferred personal pronouns as part of name identified in video calls as one is comfortable doing so, and
- As appropriate, discuss topics together rather than in isolation.

C. Attendance

Members are expected to make a good faith effort to attend all meetings until a final recommendation is made to staff. The proposed schedule anticipates RAC meetings in September, October, and November 2026 and January, March, and May 2027. Each meeting will be approximately 3 hours in length. It is important to have the members attend every meeting for the full duration so progress can be made.

D. Summaries

DLCD staff will prepare draft and final meeting summaries. Staff ask RAC members to communicate any corrections within one week of receiving the draft summary. All final summaries will be posted on the rulemaking webpage:

<https://www.oregon.gov/lcd/LAR/Pages/Rulemaking.aspx>.

E. Consultation and Community Participation

When the rules are published in draft for public comment, LCDC will accept written and verbal comments at their April 2027 meeting and at a geographic hearing held in-person on the coast (location and date to be determined). LCDC will continue to accept comments up to the close of the comment period in May 2027.

All comments received during the public comment period become public records and will be posted to the rulemaking page on DLCD's website. Additionally, all comments become discoverable in a public records request.

II. Decision-Making Process

The RAC is charged with advising the department in developing new rules within OAR chapter 660 that define and direct the use of land use management practices and shoreline stabilization methods to mitigate the impacts of flooding and erosion across coastal landscapes. The rules must adhere to the goal requirements and the commission's charge.

This body is advisory to DLCD staff. Members will work with staff to present a set of recommendations for consideration throughout the rule adoption process. Though this RAC is not a voting body, DLCD's goal in convening this set of diverse perspectives and experiences is to receive individual and group guidance for staff on implementable rules. Staff will note and consider the full range of points of view. Staff will work to develop a set of rules reflecting the

guidance from members of the RAC. Committee members are welcome to express their concerns in writing. All communications of this nature addressed to the commission will be included with final recommended drafts for commission review.

III. Organizational Structure and Participation

A. Membership Agreements

All Rulemaking Advisory Committee members agree to the following:

- Attend meetings, review materials in advance and actively participate in good faith while respecting time constraints, including the need to hear from a diverse set of perspectives on the advisory committee
- Support the final decision, or communicate concerns in writing so these concerns may be shared with the commission
- Follow through on promises and commitments
- Share all relevant information that will assist the RAC in achieving its goals
- Keep their organizations informed of the process and potential decisions
- Make a good faith effort to notify staff in advance of actions outside the RAC which could affect the proposals, recommendations, or agreements being discussed
- Refer media inquiries about this process to DLCD staff. If a member does speak to the media, RAC members should clearly identify that their views are their own, and not those of the RAC or DLCD
- Approach discussions with curiosity and a willingness to hear others' views to support joint problem solving
- Bring up issues and concerns for discussion at the earliest point in the process
- Review and comment on draft and revised rules, impact statements, and other associated strategies and documents within the time frame requested

RAC members will send information they want distributed to the RAC to DLCD staff rather than directly emailing the other RAC members. This helps the RAC from inadvertently triggering the public meetings law.

B. Land Conservation and Development Commission

Oregon's [Land Conservation and Development Commission](#) (LCDC) is a seven-member volunteer body that oversees and implements the state's land use program, assisted by the department. This includes the adoption of land-use goals and implementing rules. Typically, a commissioner serves as a liaison to rulemaking advisory committees. Commissioner Erin Skaar will serve as liaison to the full commission for this rulemaking effort. The commission will make

the final decision on the rules. Serving as a liaison to a rulemaking process involves working with the facilitator and project manager on the committee schedule, opening and closing the committee meetings on behalf of the commission, listening, and providing comment at LCDC meetings to kick-off the commission discussion on the agenda item. To provide space for the RAC process, commission liaisons refrain from indicating their policy positions during the RAC meetings.

C. Facilitator

The Rulemaking Advisory Committee meetings will be facilitated by Kearns & West. Consultant staff will ensure members have time to express their views and will help members have meaningful and productive conversations. The role of the facilitator is to:

- Support RAC members in sharing their views and help ensure a balanced process
- Ensure a balance of speaking time
- Ensure members adhere to the operating principles
- Identify and communicate common themes, areas of disagreement, and decision points
- Summarize and relay RAC member comments, questions, themes, and decision points to LCDC.

D. DLCD Staff

The advisory committee will have assistance from department staff who will support and attend all meetings. Select DLCD staff may sit at the table and advise as needed in the Rulemaking Advisory Committee meetings. Legal questions will be handled by DLCD staff with LCDC's legal counsel as needed.

E. Withdrawal

Any member may withdraw from the advisory committee at any time. Communication about the reasons for withdrawing, if related to the process, is appreciated. Good faith provisions (see Section I(A)) remain applicable to those who withdraw.

IV. Meetings and Public Comment

DLCD expects a wide range of perspectives to be expressed through advisory committee members. RAC meetings are public meetings under Oregon's open meetings laws. Anyone can view the meeting via the department's YouTube page either live or recorded after-the-fact.

A. Agendas and Notice

DLCD staff will develop meeting agendas. Agendas will be posted on DLCD's website approximately one week before the meeting. Community members may sign up for notices at: <https://public.govdelivery.com/accounts/ORDLCD/subscriber/new>.

V. Additional Guidelines

A. Rights in Other Forums

Participation in a Rulemaking Advisory Committee process does not limit the rights of any member. Members will make a good faith effort to notify one another in advance if another action outside the process is initiated or pursued, which could affect the proposals, recommendations, or agreements being discussed.

B. Press/Other Public Forums

Advisory committee members agree to refrain from making negative comments about or characterizing the views of the other advisory committee members in contacts with the press. They also agree not to knowingly mischaracterize the positions and views of any other party, nor their own, in public forums. If contacted by the media, please refer the person to Meg Reed (Senior Coastal Policy Specialist) or Rhiannon Bezore (Coastal Shores Specialist) at DLCD. Members shall make clear, when talking to the media, that the views they express are their own, not of the committee.

VI. Schedule

Given the timeline for LCDC to make decisions on the proposed rules, final guidance from the advisory committee should be reached by March 2027 for the public hearings to be held in April 2027, and mid-May 2027 for the final commission adoption meeting in June 2027. Please see the rulemaking webpage at <https://www.oregon.gov/lcd/LAR/Pages/Rulemaking.aspx> for the RAC meeting schedule.

VII. Department Staff Information

Rhiannon Bezore, PhD, Coastal Shores Specialist

Rhiannon.bezore@dlcd.oregon.gov (she/her) | 971-375-7336

Meg Reed, Senior Coastal Policy Specialist

meg.reed@dlcd.oregon.gov (she/her) | 541-514-0091

Mandy Macnab, Coastal Rulemaking Support

Amanda.L.MACNAB@dlcd.oregon.gov (she/her) | 971-720-0365

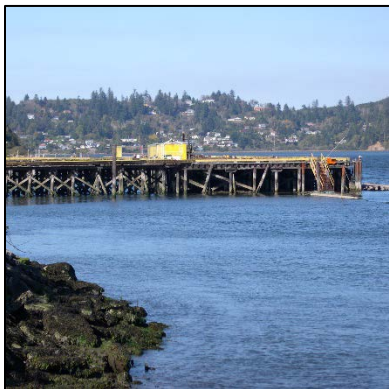
Matthew Hampton, Rules Coordinator

Matthew.L.Hampton@dlcd.oregon.gov (any) | 503-983-4092

Please note: email correspondence should be sent to Mandy Macnab who will then distribute to staff or advisory committee members as needed.

Goal 16: Estuarine Resources

OAR 660-0150010(1)



Goal

To recognize and protect the unique environmental, economic and social values of each estuary and associated wetlands; and

To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

Comprehensive management programs to achieve these objectives shall be developed by appropriate local, state, and federal agencies for all estuaries.

To assure diversity among the estuaries of the State, by June 15, 1977, LCDC with the cooperation and participation of local governments, special districts, and state and federal agencies shall classify the Oregon estuaries to specify the most intensive level of development or alteration which may be allowed to occur within each estuary. After completion for all estuaries of the inventories and initial planning efforts, including identification of needs and potential conflicts among needs and goals and upon request of any coastal jurisdiction, the Commission will review the overall Oregon Estuary Classification.

Comprehensive plans and activities for each estuary shall provide for appropriate uses (including preservation) with as much diversity as is consistent with the overall Oregon Estuary Classification, as well as with the biological, economic, recreational, and aesthetic benefits of the estuary. Estuary plans and activities shall protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features and water quality.

The general priorities (from highest to lowest) for management and use of estuarine resources as implemented through the management unit designation and permissible use requirements listed below shall be:

- (1) Uses which maintain the integrity of the estuarine ecosystem;
- (2) Water-dependent uses requiring estuarine location, as consistent with the overall Oregon Estuary Classification;
- (3) Water-related uses which do not degrade or reduce the natural estuarine resources and values;

- (4) Non-dependent, nonrelated uses which do not alter, reduce or degrade estuarine resources and values.

Inventory Requirements

Inventories shall be conducted to provide information necessary for designating estuary uses and policies. These inventories shall provide information on the nature, location, and extent of physical, biological, social, and economic resources in sufficient detail to establish a sound basis for estuarine management and to enable the identification of areas for preservation and areas of exceptional potential for development.

State and federal agencies shall assist in the inventories of estuarine resources. The Department of Land Conservation and Development, with assistance from local government, state and federal agencies, shall establish common inventory standards and techniques, so that inventory data collected by different agencies or units of government, or data between estuaries, will be comparable.

Comprehensive Plan Requirements

Based upon inventories, the limits imposed by the overall Oregon Estuary Classification, and needs identified in the planning process, comprehensive plans for coastal areas shall:

- (1) Identify each estuarine area;
- (2) Describe and maintain the diversity of important and unique environmental, economic and social features within the estuary;
- (3) Classify the estuary into management units; and
- (4) Establish policies and use priorities for each management unit using the standards and procedures set forth below.
- (5) Consider and describe in the plan the potential cumulative impacts of the alterations and development activities envisioned. Such a description may be general but shall be based on the best available information and projections.

Management Units

Diverse resources, values, and benefits shall be maintained by classifying the estuary into distinct water use management units. When classifying estuarine areas into management units, the following shall be considered in addition to the inventories:

- (1) Adjacent upland characteristics and existing land uses;
- (2) Compatibility with adjacent uses;
- (3) Energy costs and benefits; and

- (4) The extent to which the limited water surface area of the estuary shall be committed to different surface uses.

As a minimum, the following kinds of management units shall be established:

- (1) Natural – in all estuaries, areas shall be designated to assure the protection of significant fish and wildlife habitats, of continued biological productivity within the estuary, and of scientific, research, and education needs. These shall be managed to preserve the natural resources in recognition of dynamic, natural, geological, and evolutionary processes. Such areas shall include, at a minimum, all major tracts of salt marsh, tide flats, and seagrass and algae beds.

Permissible uses in natural management units shall include the following:

- (a) undeveloped low-intensity, water-dependent recreation;
- (b) research and educational observations;
- (c) navigation aids, such as beacons and buoys;
- (d) protection of habitat, nutrient, fish, wildlife and aesthetic resources;
- (e) passive restoration measures;
- (f) dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures;
- (g) riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological value, and public facilities; and
- (h) bridge crossings.

Where consistent with the resource capabilities of the area and the purposes of this management unit the following uses may be allowed:

- (a) aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks;
- (b) communication facilities;
- (c) active restoration of fish and wildlife habitat or water quality and estuarine enhancement;
- (d) boat ramps for public use where no dredging or fill for navigational access is needed; and
- (e) pipelines, cables and utility crossings, including incidental dredging necessary for their installation.

- (f) installation of tidegates in existing functional dikes.
- (g) temporary alterations.
- (h) bridge crossing support structures and dredging necessary for their installation.

A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.

- (2) Conservation – In all estuaries, except those in the overall Oregon Estuary Classification which are classed for preservation, areas shall be designated for long-term uses of renewable resources that do not require major alteration of the estuary, except for the purpose of restoration. These areas shall be managed to conserve the natural resources and benefits. These shall include areas needed for maintenance and enhancement of biological productivity, recreational and aesthetic uses, and aquaculture. They shall include tracts of significant habitat smaller or of less biological importance than those in (1) above, and recreational or commercial oyster and clam beds not included in (1) above. Areas that are partially altered and adjacent to existing development of moderate intensity which do not possess the resource characteristics of natural or development units shall also be included in this classification.

Permissible uses in conservation management units shall be all uses listed in (1) above except temporary alterations.

Where consistent with the resource capabilities of the area and the purposes of this management unit the following uses may be allowed:

- (a) High-intensity water-dependent recreation, including boat ramps, marinas and new dredging for boat ramps and marinas;
- (b) Minor navigational improvements;
- (c) Mining and mineral extraction, including dredging necessary for mineral extraction;
- (d) Other water dependent uses requiring occupation of water surface area by means other than dredge or fill;
- (e) Aquaculture requiring dredge or fill or other alteration of the estuary;
- (f) Active restoration for purposes other than those listed in 1(d);
- (g) Temporary alterations.

A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity, and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

- (3) Development – in estuaries classified in the overall Oregon Estuary Classification for more intense development or alteration, areas shall be designated to provide for navigation and other identified needs for public, commercial, and industrial water-dependent uses, consistent with the level of development or alteration allowed by the overall Oregon Estuary Classification. Such areas shall include deep-water areas adjacent or in proximity to the shoreline, navigation channels, subtidal areas for in-water disposal of dredged material and areas of minimal biological significance needed for uses requiring alterations of the estuary not included in (1) and (2) above.

Permissible uses in areas managed for water-dependent activities shall be navigation and water-dependent commercial and industrial uses.

As appropriate the following uses shall also be permissible in development management units:

- (a) Dredge or fill, as allowed elsewhere in the goal;
- (b) Navigation and water-dependent commercial enterprises and activities;
- (c) Water transport channels where dredging may be necessary;
- (d) Flow-lane disposal of dredged material monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation management units;
- (e) Water storage areas where needed for products used in or resulting from industry, commerce, and recreation;
- (f) Marinas.

Where consistent with the purposes of this management unit and adjacent shorelands designated especially suited for water-dependent uses or designated for waterfront redevelopment, water-related and nondependent, nonrelated uses not requiring dredge or fill; mining and mineral extraction; and activities identified in (1) and (2) above shall also be appropriate.

In designating areas for these uses, local governments shall consider the potential for using upland sites to reduce or limit the commitment of the estuarine surface area for surface uses.

Implementation Requirements

- (1) Unless fully addressed during the development and adoption of comprehensive plans, actions which would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration. Such activities include dredging, fill, in-water structures, riprap, log storage, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-lane disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources.

The impact assessment need not be lengthy or complex, but it should enable reviewers to gain a clear understanding of the impacts to be expected. It shall include information on:

- (a) The type and extent of alterations expected;
 - (b) The type of resource(s) affected;
 - (c) The expected extent of impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary; and
 - (d) The methods which could be employed to avoid or minimize adverse impacts.
- (2) Dredging and/or filling shall be allowed only:
 - (a) If required for navigation or other water-dependent uses that require an estuarine location or if specifically allowed by the applicable management unit requirements of this goal; and
 - (b) If a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
 - (c) If no feasible alternative upland locations exist; and,
 - (d) If adverse impacts are minimized.

Other uses and activities which could alter the estuary shall only be allowed if the requirements in (b), (c), and (d) are met. All or portions of these requirements may be applied at the time of plan development for actions identified in the plan. Otherwise, they shall be applied at the time of permit review.

- (3) State and federal agencies shall review, revise, and implement their plans, action, and management authorities to maintain water quality and minimize man-induced sedimentation in estuaries. Local government shall recognize these authorities in managing lands rather than developing new or duplicatory management techniques or controls.

Existing programs which shall be utilized include:

- (a) The Oregon Forest Practices Act and Administrative Rules, for forest lands as defined in ORS 527.610-527.730 and 527.990 and the Forest Lands Goal;
 - (b) The programs of the Soil and Water Conservation Commission and local districts and the Soil Conservation Service, for Agricultural Lands Goal;
 - (c) The nonpoint source discharge water quality program administered by the Department of Environmental Quality under Section 208 of the Federal Water Quality Act as amended in 1972 (PL 92-500); and
 - (d) The Fill and Removal Permit Program administered by the Division of State Lands under ORS 541.605 – 541.665.
- (4) The State Water Policy Review Board, assisted by the staff of the Oregon Department of Water Resources, and the Oregon Department of Fish and Wildlife, the Oregon Department of Environmental Quality, the Division of State Lands, and the U.S. Geological Survey, shall consider establishing minimum fresh-water flow rates and standards so that resources and uses of the estuary, including navigation, fish and wildlife characteristics, and recreation will be maintained.
- (5) When dredge or fill activities are permitted in intertidal or tidal marsh areas, their effects shall be mitigated by creation, restoration or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained. Comprehensive plans shall designate and protect specific sites for mitigation which generally correspond to the types and quantity of intertidal area proposed for dredging or filling, or make finding demonstrating that it is not possible to do so.
- (6) Local government and state and federal agencies shall develop comprehensive programs, including specific sites and procedures for disposal and stockpiling of dredged materials. These programs shall encourage the disposal of dredged material in uplands or ocean waters, and shall permit disposal in estuary waters only where such disposal will clearly be consistent with the objectives of this goal and state and federal law. Dredged material shall not be disposed in intertidal or tidal marsh estuarine areas unless part of an approved fill project.
- (7) Local government and state and federal agencies shall act to restrict the proliferation of individual single-purpose docks and piers by encouraging community facilities common to several uses and interests. The size and shape of a dock or pier shall be limited to that required for the intended use. Alternatives to docks and piers, such as mooring buoys, dryland storage and launching ramps shall be investigated and considered.
- (8) State and federal agencies shall assist local government in identifying areas for restoration. Restoration is appropriate in areas where activities have adversely affected some aspect of the estuarine system, and where it would contribute to a greater achievement of the objective of this goal. Appropriate sites include areas of

heavy erosion or sedimentation, degraded fish and wildlife habitat, anadromous fish spawning areas, abandoned diked estuarine marsh areas, and areas where water quality restricts the use of estuarine waters for fish and shellfish harvest and production, or for human recreation.

- (9) State agencies with planning, permit, or review authorities affected by this goal shall review their procedures and standards to assure that the objectives and requirements of the goal are fully addressed. In estuarine areas the following authorities are of special concern:

Division of State Lands

Fill and Removal Law ORS 541.605–541.665

Mineral Resources ORS 273.551; ORS 273.775–273.780

Submersible and Submerged Lands ORS 274.005–274.940

Economic Development Department

Ports Planning ORS 777.835

Water Resources Department

Appropriation of Water ORS 537.010–537.990; ORS 543.010–543.620

Department of Geology and Mineral Industries

Mineral Extraction Oil and Gas Drilling ORS 520.005– ORS 520.095

Department of Forestry

Forest Practices Act ORS 527.610–527.730

Department of Energy

Regulation of Thermal Power and Nuclear Installation ORS 469.300–469.570

Department of Environmental Quality

Water Quality ORS 468.700-468.775

Sewage Treatment and Disposal Systems ORS 454.010–454.755

Guidelines

The requirements of the Estuarine Resources goal should be addressed with the same consideration applied to previously adopted goals and guidelines. The planning process described in the Land Use Planning Goal (Goal 2), including the exceptions provisions described in Goal 2, applies to estuarine areas and implementation of the Estuarine Resources Goal.

Because of the strong relationship between estuaries and adjacent coastal shorelands, the inventories and planning requirements for these resources should be closely coordinated. These inventories and plans should also be fully coordinated with the requirements in other state planning goals, especially the Goals for Open Spaces, Scenic and Historic Areas and Natural Resources; Air, Water, and Land Resources Quality; Recreational Needs; Transportation; and Economy of the State.

A. Inventories

In detail appropriate to the level of development or alteration proposed, the inventories for estuarine features should include:

1. Physical characteristics

- a. Size, shape, surface area, and contour, including water depths;
- b. Water characteristics including, but not limited to, salinity, temperature, and dissolved oxygen. Data should reflect average and extreme values for the months of March, June, September, and December as a minimum; and
- c. Substrate mapping showing location and extent of rock, gravel, sand, and mud.

2. Biological characteristics

Location, Description, and Extent of:

- a. The common species of benthic (living in or on bottom) flora and fauna;
- b. The fish and wildlife species, including part-time residents;
- c. The important resting, feeding, and nesting areas for migrating and resident shore birds, wading birds and wildlife;
- d. The areas important for recreational fishing and hunting, including areas used for clam digging and crabbing;
- e. Estuarine wetlands;
- f. Fish and shellfish spawning areas;
- g. Significant natural areas; and
- h. Areas presently in commercial aquaculture.

3. Social and economic characteristics

Location, Description, and Extent of:

- a. The importance of the estuary to the economy of the area;
- b. Existing land uses surrounding the estuary;
- c. Man-made alterations of the natural estuarine system;
- d. Water-dependent industrial and/or commercial enterprises;

- e. Public access;
- f. Historical or archaeological sites associated with the estuary; and
- g. Existing transportation systems.

B. Historic, Unique, and Scenic Waterfront Communities

Local government comprehensive plans should encourage the maintenance and enhancement of historic, unique, and scenic waterfront communities, allowing for nonwater-dependent uses as appropriate in keeping with such communities.

C. Transportation

Local governments and state and federal agencies should closely coordinate and integrate navigation and port needs with shoreland and upland transportation facilities and the requirements of the Transportation Goal. The cumulative effects of such plans and facilities on the estuarine resources and values should be considered.

D. Temporary Alterations

The provision for temporary alterations in the Goal is intended to allow alterations to areas and resources that the Goal otherwise requires to be preserved or conserved. This exemption is limited to alterations in support of uses permitted by the Goal; it is not intended to allow uses which are not otherwise permitted by the Goal.

Application of the resource capabilities test to temporary alterations should ensure:

1. That the short-term damage to resources is consistent with resource capabilities of the area, and
2. That the area and affected resources can be restored to their original condition.

Original Adoption: 12/18/76; Effective: 6/7/77

Amended: 10/11/84; Effective: 10/19/84

Administrative Rules Applicable to Goal 16:

[OAR chapter 660, division 17](#), Classifying Oregon Estuaries

[OAR chapter 660, division 35](#), Federal Consistency

Goal 17: Coastal Shorelands

OAR 660-015-0010(2)



Goal

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and

To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

Programs to achieve these objectives shall be developed by local, state, and federal agencies having jurisdiction over coastal shorelands.

Land use plans, implementing actions and permit reviews shall include consideration of the critical relationships between coastal shorelands and resources of coastal waters, and of the geologic and hydrologic hazards associated with coastal shorelands. Local, state and federal agencies shall within the limit of their authorities maintain the diverse environmental, economic, and social values of coastal shorelands and water quality in coastal waters. Within those limits, they shall also minimize man-induced sedimentation in estuaries, near shore ocean waters, and coastal lakes.

General priorities for the overall use of coastal shorelands (from highest to lowest) shall be to:

1. Promote uses which maintain the integrity of estuaries and coastal waters;
2. Provide for water-dependent uses;
3. Provide for water-related uses;
4. Provide for nondependent, nonrelated uses which retain flexibility of future use and do no prematurely or inalterably commit shorelands to more intensive uses;
5. Provide for development including nondependent, nonrelated uses, in urban areas compatible with existing or committed uses;

6. Permit nondependent nonrelated uses which cause a permanent or long-term change in the features of coastal shorelands only upon a demonstration of public need.

INVENTORY REQUIREMENTS

Inventories shall be conducted to provide information necessary for identifying coastal shorelands and designating uses and policies. These inventories shall provide information on the nature, location, and extent of geologic and hydrologic hazards and shoreland values, including fish and wildlife habitat, water-dependent uses, economic resources, recreational uses, and aesthetics in sufficient detail to establish a sound basis for land and water use management.

The inventory requirements shall be applied within an area known as a coastal shorelands planning area. This planning area is not an area within which development or use is prohibited. It is an area for inventory, study, and initial planning for development and use to meet the Coastal Shorelands Goal.

The planning area shall be defined by the following:

1. All lands west of the Oregon Coast Highway as described in ORS 366.235, except that:
 - a. In Tillamook County, only the lands west of a line formed by connecting the western boundaries of the following described roadways: Brooten Road (County Road 887) northerly from its junction with the Oregon Coast Highway to Pacific City, McPhillips Drive (County Road 915) northerly from Pacific City to its junction with Sandlake Road (County Road 871), Sandlake–Cape Lookout Road (County Road 871) northerly to its junction with Cape Lookout Park, Netarts Bay Drive (County Road 665) northerly from its junction with the Sandlake–Cape Lookout Road (County Road 871) to its junction at Netarts with State Highway 131, and northerly along State Highway 131 to its junction with the Oregon Coast Highway near Tillamook.
 - b. In Coos County, only the lands west of a line formed by connecting the western boundaries of the following described roadways: Oregon State 240, Cape Arago Secondary (FAS 263) southerly from its junction with the Oregon Coast Highway to Charleston; Seven Devils Road (County Road 33) southerly from its junction with Oregon State 240 (FAS 263) to its junction with the Oregon Coast Highway, near Bandon; and
2. All lands within an area defined by a line measured horizontally
 - a. 1,000 feet from the shoreline of estuaries; and
 - b. 500 feet from the shoreline of coastal lakes.

COMPREHENSIVE PLAN REQUIREMENTS

Based upon inventories, comprehensive plans for coastal areas adjacent to the ocean, estuaries, or coastal lakes shall:

1. Identify coastal shorelands;
2. Establish policies and uses of coastal shorelands in accordance with standards set forth below:

Identification of Coastal Shorelands

Lands contiguous with the ocean, estuaries, and coastal lakes shall be identified as coastal shorelands. The extent of shorelands shall include at least:

1. Areas subject to ocean flooding and lands within 100 feet of the ocean shore or within 50 feet of an estuary or a coastal lake;
2. Adjacent areas of geologic instability where the geologic instability is related to or will impact a coastal water body;
3. Natural or man-made riparian resources, especially vegetation necessary to stabilize the shoreline and to maintain water quality and temperature necessary for the maintenance of fish habitat and spawning areas;
4. Areas of significant shoreland and wetland biological habitats whose habitat quality is primarily derived from or related to the association with coastal water areas;
5. Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities, dredge material disposal and mitigation sites, and areas having characteristics suitable for aquaculture;
6. Areas of exceptional aesthetic or scenic quality, where the quality is primarily derived from or related to the association with coastal water areas; and
7. Coastal headlands.

Coastal Shoreland Uses

1. Major marshes, significant wildlife habitat, coastal headlands, and exceptional aesthetic resources inventoried in the Identification Section, shall be protected. Uses in these areas shall be consistent with protection of natural values. Such uses may include propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting, wild crops, and low intensity water-dependent recreation.

2. Water-Dependent Shorelands.

Location. Shorelands in the following areas that are suitable for water-dependent uses shall be protected for water-dependent recreational, commercial and industrial uses:

- a. urban or urbanizable areas;
- b. rural areas built upon or irrevocably committed to non-resource use; and
- c. any unincorporated community subject to OAR Chapter 660, Division 022 (Unincorporated Communities).

Minimum Acreage. Within each estuary, the minimum amount of shorelands to be protected shall be equivalent to the following combination of factors as they may exist:

- a. Acreage of estuarine shorelands that are currently being used for water-dependent uses; and
- b. Acreage of estuarine shorelands that at any time were used for water-dependent uses and still possess structures or facilities that provide or provided water-dependent uses with access to the adjacent coastal water body. Examples of such facilities or structures that provide water-dependent access would be wharves, piers, docks, mooring piling, boat ramps, water intake or discharge structures, or navigational aids.

Suitability. Any shoreland area within the estuary may be designated to provide the minimum amount of protected shorelands. However, any such designated shoreland area shall be suitable for water dependent uses. At a minimum, such water-dependent shoreland areas shall possess, or be capable of possessing, structures or facilities that provide water-dependent uses with physical access to the adjacent coastal water body. Such designations shall comply with applicable Statewide Planning Goals.

Permissible Nonwater-Dependent Uses. Other uses which may be permitted in these areas are temporary uses which involve minimal capital investment and no permanent structures, or a use in conjunction with and incidental and subordinate to a water-dependent use.

Applicability. Local cities and counties are not mandated by this requirement to make changes to their acknowledged local comprehensive plans or land use regulations for existing water-dependent shorelands. However, if a local government chooses to revise the boundary of or allowed uses of a designated water-dependent shoreland site, then this requirement shall apply.

- 3. Local governments shall determine whether there are any existing, developed commercial/industrial waterfront areas which are suitable for redevelopment which

are not designated as especially suited for water-dependent uses. Plans shall be prepared for these areas which allow for a mix of water-dependent uses. Plans shall be prepared for these areas which allow for a mix of water-dependent, water-related, and water oriented nondependent uses and shall provide for public access to the shoreline.

4. Shorelands in rural areas other than those built upon or irrevocably committed to nonresource use and those designated in (1) above shall be used as appropriate for:
 - a. farm uses as provided in ORS Chapter 215;
 - b. propagation and harvesting of forest products consistent with the Oregon Forest Practices Act;
 - c. private and public water-dependent recreation developments;
 - d. aquaculture;
 - e. water-dependent commercial and industrial uses, water-related uses and other uses only upon a finding by the county that such uses satisfy a need which cannot be accommodated on uplands or in urban and urbanizable areas or in rural areas built upon or irrevocably committed to non-resource use.

IMPLEMENTATION REQUIREMENTS

1. The Oregon Department of Forestry shall recognize the unique and special values provided by coastal shorelands when developing standards and policies to regulate uses of forest lands within coastal shorelands. With other state and federal agencies, the Department of Forestry shall develop forest management practices and policies including, where necessary, amendments to the FPA rules and programs which protect and maintain the special shoreland values and forest uses especially for natural shorelands and riparian vegetation.
2. Local government, with assistance from state and federal agencies, shall identify coastal shoreland areas which may be used to fulfill the mitigation requirement of the Estuarine Resources Goal. These areas shall be protected from new uses and activities which would prevent their ultimate restoration or addition to the estuarine ecosystem.
3. Coastal shorelands identified under the Estuarine Resources Goal for dredged material disposal shall be protected from new uses and activities which would prevent their ultimate use for dredged material disposal.
4. Because of the importance of the vegetative fringe adjacent to coastal waters to water quality, fish and wildlife habitat, recreational use and aesthetic resources, riparian vegetation shall be maintained; and where appropriate, restored and enhanced, consistent with water-dependent uses.

5. Land-use management practices and non-structural solutions to problems of erosion and flooding shall be preferred to structural solutions. Where shown to be necessary, water and erosion control structures, such as jetties, bulkheads, seawalls, and similar protective structures; and fill, whether located in the waterways or on shorelands above ordinary high water mark, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.
6. Local government in coordination with the Parks and Recreation Division shall develop and implement a program to provide increased public access. Existing public ownerships, rights of way, and similar public easements in coastal shorelands which provide access to or along coastal waters shall be retained or replaced if sold, exchanged or transferred. Rights of way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

Guidelines

The requirements for the Coastal Shorelands Goal should be addressed with the same consideration applied to previously adopted goals and guidelines. The planning process described in the Land Use Planning Goal (Goal 2), including the exceptions provisions described in Goal 2, applies to coastal shoreland areas and implementation of the Coastal Shorelands Goal.

Because of the strong relation of estuarine shorelands to adjacent estuaries, the inventory and planning requirements for estuaries and estuarine shorelands should also be fully coordinated. Coastal shoreland inventories and planning should also be fully coordinated with those required in other statewide planning goals, supplementing them where necessary. Of special importance are the plan requirements of the Goals for Agricultural Lands; Forest Lands; Open Spaces, Scenic and Historic Areas and Natural Resources; Air, Water, and Land Resources Quality; Areas Subject to Natural Disasters and Hazards; Recreational Needs; and Economy of the State.

A. Inventories

In coastal shoreland areas the following inventory needs should be reviewed. The level of detail of information needed will differ depending on the development or alteration proposed and the degree of conflict over the potential designation.

1. Hazard areas, including at least:
 - a. Areas the use of which may result in significant hydraulic alteration of other lands or water bodies;
 - b. Areas of geological instability in, or adjacent to shorelines; and
 - c. The 100-year floodplain.

2. Existing land uses and ownership patterns, economic resources, development needs, public facilities, topography, hydrography, and similar information affecting shorelands;
3. Areas of aesthetic and scenic importance;
4. Coastal shoreland and wetland biological habitats which are dependent upon the adjacent water body, plus other coastal shoreland and adjacent aquatic areas of biological importance (feeding grounds, nesting sites, areas of high productivity, etc.) natural areas and fish and wildlife habitats;
5. Areas of recreational importance;
6. Areas of vegetative cover which are riparian in nature or which function to maintain water quality and to stabilize the shoreline;
7. Sedimentation sources;
8. Areas of present public access and recreational use;
9. The location of archaeological and historical sites; and
10. Coastal headlands.

B. Floodplain

In the development of comprehensive plans, the management of uses and development in floodplain areas should be expanded beyond the minimal considerations necessary to comply with the National Flood Insurance Program and the requirements of the Flood Disaster Protection Act of 1973. Communities may wish to distinguish between the floodway and floodfringe in developing coastal shoreland plans; development in the floodway should be more strictly controlled. Government projects in coastal shorelands should be examined for their impact on flooding, potential flood damage, and effect on growth patterns in the floodplain. Nonwater-dependent emergency service structures (such as hospitals, police, and fire stations) should not be constructed in the floodplain. Although they may be flood-proofed, access and egress may be prevented during a flood emergency.

C. Open Space, Natural Areas and Aesthetic Resources, and Recreation

Coastal shorelands provide many areas of unique or exceptional value and benefit for open space, natural areas, and aesthetic and recreational use. The requirements of the Goals for Open Spaces, Scenic and Historic Areas, and Natural Resources (Goal 5) and Recreational Needs (Goal 8) should be carefully coordinated with the coastal shoreland planning effort. The plan should provide for appropriate public access to and recreational use of coastal waters. Public access through and the use of private property shall require the consent of the owner and is a trespass unless appropriate easements and access have been acquired in accordance with law.

D. Development Needs

In coordination with planning for the Estuarine Resources Goal, coastal shoreland plans should designate appropriate sites for water-dependent activities, and for dredged material disposal.

Historic, unique, and scenic waterfront communities should be maintained and enhanced, allowing for nonwater-dependent uses as appropriate in keeping with such communities.

E. Transportation

The requirements of the Transportation Goal should be closely coordinated with the Coastal Shorelands Goal. Coastal transportation systems frequently utilize shoreland areas and may significantly affect the resources and values of coastal shorelands and adjacent waters; they should allow appropriate access to coastal shorelands and adjacent waters, and be planned in full recognition of the protection needs for the special resources and benefits which shorelands provide.

F. Examples of Incidental Uses

Examples of uses that are in conjunction with and incidental to a water-dependent use include a restaurant on the second floor of an existing seafood processing plant and a retail sales room as part of a seafood processing plant. Generally, to be in conjunction with and incidental to a water dependent use, a nonwater-dependent use must be constructed at the same time or after the water-dependent use of the site is established and be carried out together with the water-dependent use. Incidental means that the size of nonwater-dependent use is small in relation to the water-dependent operation and that it does not interfere with conduct of the water-dependent use.

Original Adoption: 12/18/76; Effective: 6/7/77

Amended: 10/11/84; Effective: 10/19/84

Amended: 8/5/99; Effective: 8/20/99

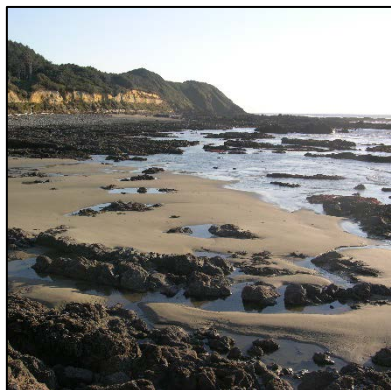
Administrative Rules Applicable to Goal 17:

[OAR chapter 660, division 35](#), Federal Consistency

[OAR chapter 660, division 37](#), Goal 17 Water-Dependent Shorelands

Goal 18: Beaches and Dunes

OAR 660-015-0010(3)



Goal

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and

To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

Coastal comprehensive plans and implementing actions shall provide for diverse and appropriate use of beach and dune areas consistent with their ecological, recreational, aesthetic, water resource, and economic values, and consistent with the natural limitations of beaches, dunes, and dune vegetation for development.

Inventory Requirements

Inventories shall be conducted to provide information necessary for identifying and designating beach and dune uses and policies. Inventories shall describe the stability, movement, groundwater resource, hazards and values of the beach and dune areas in sufficient detail to establish a sound basis for planning and management. For beach and dune areas adjacent to coastal waters, inventories shall also address the inventory requirements of the Coastal Shorelands Goal.

Comprehensive Plan Requirements

Based upon the inventory, comprehensive plans for coastal areas shall:

1. Identify beach and dune areas; and
2. Establish policies and uses for these areas consistent with the provisions of this goal.

Identification of Beaches and Dunes

Coastal areas subject to this goal shall include beaches, active dune forms, recently stabilized dune forms, older stabilized dune forms and interdune forms.

Uses

Uses shall be based on the capabilities and limitations of beach and dune areas to sustain different levels of use or development, and the need to protect areas of critical

environmental concern, areas having scenic, scientific, or biological importance, and significant wildlife habitat as identified through application of Goals 5 and 17.

Implementation Requirements

1. Local governments and state and federal agencies shall base decisions on plans, ordinances and land use actions in beach and dune areas, other than older stabilized dunes, on specific findings that shall include at least:
 - a. The type of use proposed and the adverse effects it might have on the site and adjacent areas;
 - b. Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
 - c. Methods for protecting the surrounding area from any adverse effects of the development; and
 - d. Hazards to life, public and private property, and the natural environment which may be caused by the proposed use.
2. Local governments and state and federal agencies shall prohibit residential developments and commercial and industrial buildings on beaches, active foredunes, on other foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding. Other development in these areas shall be permitted only if the findings required in (1) above are presented and it is demonstrated that the proposed development:
 - a. Is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and
 - b. Is designed to minimize adverse environmental effects.
3. Local governments and state and federal agencies shall regulate actions in beach and dune areas to minimize the resulting erosion. Such actions include, but are not limited to, the destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage), the exposure of stable and conditionally stable areas to erosion, and construction of shore structures which modify current or wave patterns leading to beach erosion.
4. Local, state and federal plans, implementing actions and permit reviews shall protect the groundwater from drawdown which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of salt water into water supplies. Building permits for single family dwellings are exempt from this requirement if appropriate findings are provided in the comprehensive plan or at the time of subdivision approval.

5. Permits for beachfront protective structures shall be issued only where development existed on January 1, 1977. Local comprehensive plans shall identify areas where development existed on January 1, 1977. For the purposes of this requirement and Implementation Requirement 7 "development" means houses, commercial and industrial buildings, and vacant subdivision lots which are physically improved through construction of streets and provision of utilities to the lot and includes areas where an exception to (2) above has been approved. The criteria for review of all shore and beachfront protective structures shall provide that:
 - a. visual impacts are minimized;
 - b. necessary access to the beach is maintained;
 - c. negative impacts on adjacent property are minimized; and
 - d. long-term or recurring costs to the public are avoided.
6. Foredunes shall be breached only to replenish sand supply in interdune areas, or on a temporary basis in an emergency (e.g., fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards), and only if the breaching and restoration after breaching is consistent with sound principles of conservation.
7. Grading or sand movement necessary to maintain views or to prevent sand inundation may be allowed for structures in foredune areas only if the area is committed to development or is within an acknowledged urban growth boundary and only as part of an overall plan for managing foredune grading. A foredune grading plan shall include the following elements based on consideration of factors affecting the stability of the shoreline to be managed including sources of sand, ocean flooding, and patterns of accretion and erosion (including wind erosion), and effects of beachfront protective structures and jetties. The plan shall:
 - a. Cover an entire beach and foredune area subject to an accretion problem, including adjacent areas potentially affected by changes in flooding, erosion, or accretion as a result of dune grading;
 - b. Specify minimum dune height and width requirements to be maintained for protection from flooding and erosion. The minimum height for flood protection is 4 feet above the 100 year flood elevation;
 - c. Identify and set priorities for low and narrow dune areas which need to be built up;
 - d. Prescribe standards for redistribution of sand and temporary and permanent stabilization measures including the timing of these activities; and
 - e. Prohibit removal of sand from the beach-foredune system.

The Commission shall, by January 1, 1987, evaluate plans and actions which implement this requirement and determine whether or not they have interfered with maintaining the integrity of beach and dune areas and minimize flooding and erosion problems. If the Commission determines that these measures have interfered it shall initiate Goal amendment proceedings to revise or repeal these requirements.

Guidelines

The requirements of the Beaches and Dunes Goal should be addressed with the same consideration applied to previously adopted goals and guidelines. The planning process described in the Land Use Planning Goal (Goal 2), including the exceptions provisions described in Goal 2, applies to beaches and dune areas and implementation of the Beaches and Dunes Goal.

Beaches and dunes, especially interdune areas (deflation plains) provide many unique or exceptional resources which should be addressed in the inventories and planning requirements of other goals, especially the Goals for Open Space, Scenic and Historic Areas and Natural Resources; and Recreational Needs. Habitat provided by these areas for coastal and migratory species is of special importance.

A. Inventories

Local government should begin the beach and dune inventory with a review of *Beaches and Dunes of the Oregon Coast*, USDA Soil Conservation Service and OCCDC, March 1975, and determine what additional information is necessary to identify and describe:

1. The geologic nature and stability of the beach and dune landforms;
2. Patterns of erosion, accretion, and migration;
3. Storm and ocean flood hazards;
4. Existing and projected use, development and economic activity on the beach and dune landforms; and
5. Areas of significant biological importance.

B. Examples of Minimal Development

Examples of development activity which are of minimal value and suitable for development of conditionally stable dunes and deflation plains include beach and dune boardwalks, fences which do not affect sand erosion or migration, and temporary open-sided shelters.

C. Evaluating Beach and Dune Plans and Actions

Local government should adopt strict controls for carrying out the Implementation Requirements of this goal. The controls could include:

1. requirement of a site investigation report financed by the developer;
2. posting of performance bonds to assure that adverse effects can be corrected; and
3. requirement of re-establishing vegetation within a specific time.

D. Sand By-Pass

In developing structures that might excessively reduce the sand supply or interrupt the longshore transport or littoral drift, the developer should investigate, and where possible, provide methods of sand by-pass.

E. Public Access

Where appropriate, local government should require new developments to dedicate easements for public access to public beaches, dunes and associated waters. Access into or through dune areas, particularly conditionally stable dunes and dune complexes, should be controlled or designed to maintain the stability of the area, protect scenic values and avoid fire hazards.

F. Dune Stabilization

Dune stabilization programs should be allowed only when in conformance with the comprehensive plan, and only after assessment of their potential impact.

G. Off Road Vehicles

Appropriate levels of government should designate specific areas for the recreational use of off road vehicles (ORVs). This use should be restricted to limit damage to natural resources and avoid conflict with other activities, including other recreational use.

H. Foredune Grading Plans

Plans which allow foredune grading should be based on clear consideration of the fragility and ever-changing nature of the foredune and its importance for protection from flooding and erosion. Foredune grading needs to be planned for on an area-wide basis because the geologic processes of flooding, erosion, sand movement, wind patterns, and littoral drift affect entire stretches of shoreline. Dune grading cannot be carried out effectively on a lot-by-lot basis because of these area-wide processes and the off-site effects of changes to the dunes.

Plans should also address in detail the findings specified in Implementation Requirements (1) of this Goal with special emphasis placed on the following:

- Identification of appropriate measures for stabilization of graded areas and areas of deposition, including use of fire-resistant vegetation;

- Avoiding or minimizing grading or deposition which could adversely affect surrounding properties by changing wind, ocean erosion, or flooding patterns;
- Identifying appropriate sites for public and emergency access to the beach.

Original Adoption: 12/18/76; Effective: 6/7/77

Amended: 10/11/84; Effective: 10/19/84

Amended: 2/17/88; Effective: 3/31/88

Administrative Rules Applicable to Goal 18:

[OAR chapter 660, division 35](#), Federal Consistency

Enrolled Senate Bill 504

Sponsored by Senator SMITH DB (Presession filed.)

CHAPTER

AN ACT

Relating to bioengineering for the protection of coastal resources.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) On or before January 1, 2028, the Land Conservation and Development Commission shall adopt rules that incorporate guidance for nonstructural, nature-based solutions for shoreline stabilization in estuaries, coastal shorelands and the ocean shore by, at a minimum:

(a) Adopting a definition of “nonstructural, nature-based solutions.” The definition:

(A) Must include natural materials that are dynamic and absorb wave energy and are meant to mimic natural systems, including but not limited to native organisms, such as shellfish, trees and plants, and locally sourced logs, rocks, sand, clay and woody debris.

(B) May not include structural methods of shoreline stabilization that are static and reflect wave energy.

(C) Must include criteria for habitat for wildlife, improving water quality, cultural and recreational resources and, where appropriate, public access.

(D) Must be separate and distinct from existing rules and definitions for shoreline stabilization in estuaries, coastal shorelands and the ocean shore that include jetties, bulkheads, seawalls, riprap, beachfront protective structures and other similar protective structures.

(b) Providing guidance for the use of nonstructural, nature-based solutions to minimize harmful impacts from flooding, and erosion, including through provisions for monitoring, maintenance and reconstruction.

(c) Requiring that nonstructural, nature-based solutions conform with statewide land use planning goals and that nonstructural, nature-based solutions and ecologically focused land use management practices are prioritized over structural solutions in addressing problems of erosion and flooding.

(2) In adopting rules under this section, the commission:

(a) Shall confer with the Department of State Lands, the Department of Transportation and the State Parks and Recreation Department;

(b) Shall appoint an advisory committee under ORS 183.333 that must include members who are coastal engineering professionals, restoration professionals, representatives of environmental and recreational organizations, tribal representatives, land owners or managers, fish and wildlife professionals and local government officials; and

(c) May not substantively amend any process established by rule that allows the Department of Transportation to perform actions or undertake projects that use shoreline stabilization that includes structural methods, elements or solutions.

SECTION 2. On or before January 1, 2029, the Department of State Lands and the State Parks and Recreation Department may adopt rules conforming or consistent with the rules adopted by the Land Conservation and Development Commission under section 1 of this 2025 Act.

SECTION 3. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2025, out of the General Fund, the amount of \$268,488, to develop rules related to nature-based shoreline stabilization methods.

Passed by Senate June 23, 2025

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House June 26, 2025

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Julie Fahey, Speaker of House

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State