



Oregon

Tina Kotek, Governor

Department of Land Conservation and Development

Oregon Coastal Management Program

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December 9, 2025

TO: Coastal Public Access Rulemaking Advisory Committee Members

FROM: Meg Reed, Coastal Policy Specialist, Amanda Macnab, Coastal Rule Coordinator



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

RE: Materials for December 17, 2025 Meeting

Thank you for bringing your lived experiences and expertise to help the State of Oregon shape rulemaking around public access to Oregon's coastal shorelines. This effort will help to provide clarity to local governments on identifying, maintaining, and improving coastal public access as required by Goal 17: Coastal Shorelands.

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) staff as we prepare rules for consideration by the Land Conservation and Development Commission (LCDC). As RAC members, you should have a Zoom meeting link in your calendar invite to join the meeting. All RAC meetings will be live streamed on DLCD's YouTube channel so that anyone can view the meetings.

We are pleased that Land Conservation and Development Commissioner Lianne Thompson will be our liaison to the commission. Commissioner Thompson is also on the Board of the Clatsop County Board of Commissioners and provides that perspective on LCDC. We are planning on three RAC meetings before the first public hearing on the draft rules at the April commission meeting and a fourth meeting before the close of the public comment period and the June 2026 commission meeting where rules may be adopted.

Please review this packet before our first RAC meeting on **December 17th, 2025 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. Kindly come prepared to introduce yourself in the meeting and express what is important to you in this process.

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 Goal 17, public

access to coastal shorelines in Oregon, 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 RAC Meeting Schedule
2. RAC Membership
3. RAC Charge and Operating Principles/Guidelines
4. Statewide Planning Goal 17: Coastal Shorelands

In addition to the packet materials, we encourage you to familiarize yourselves with the Public Access [webpage](#) on DLCD's website, including review of [Oregon's Coastal Public Access Guide for Local Government Planners](#) that the department published recently.

Please also watch the following [video](#) about the role of the RAC in rulemaking for DLCD before the first RAC meeting.

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!

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Coastal Public Access Rulemaking Advisory Committee

First Meeting Agenda



December 17, 2025

1:00 – 4:00 PM

This meeting will be 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 share written public comment with staff and members of the Rulemaking Advisory Committee (RAC), please submit written comments to coastal.policy@dlcd.oregon.gov.

This meeting will be hosted online. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Mandy Macnab at amanda.l.macnab@dlcd.oregon.gov or 971-720-0365 or by TTY: Oregon Relay Services (800) 735-2900. Thank you!

Time	Topic	Lead
1:00 – 1:15pm	Welcome and Opening Remarks	Dr. Brenda Ortigoza Bateman, Director of the Department of Land Conservation and Development Commissioner Lianne Thompson, Clatsop County Commissioner and Land Conservation and Development Commissioner
1:15 – 1:45pm	Introductions <i>Please briefly share what's important for you in this rulemaking process</i>	All RAC Members
1:45 – 2:00pm	RAC Charge and Operating Principles	Meg Reed, DLCD Coastal Policy Specialist
2:00 – 2:30pm	Overview of Oregon's Land Use Program & Coastal Management Program Overview of Goal 17: Coastal Shorelands	Meg Reed, DLCD Coastal Policy Specialist

2:30 – 2:45pm	Break	
2:45 – 3:15pm	Public Access in Oregon, Tour of Access Sites	Meg Reed
3:20 – 3:40pm	Review of Rulemaking Purpose Questions & Discussion	Meg Reed All RAC Members
3:40 – 3:50pm	Rulemaking Schedule, Next Steps	Meg Reed
3:55 – 4:00pm	Closing Comments and Adjourn	RAC Members Commissioner Lianne Thompson

Rulemaking Schedule including RAC Meetings

Date	Action
October 2025	LCDC Initiates Rulemaking
November 2025	RAC recruitment
December 17, 2025	RAC 1: Introductions, Review charge and operating principles, background materials, schedule
January 2026 (date to be determined)	RAC 2: Review, discuss, revise draft rule language
February 2026 (date to be determined)	RAC 3: Final draft rules review, review fiscal, housing, and racial equity impact statements
March 31, 2026	Deadline to file administrative rules with the Secretary of State
April 23-24, 2026	Public Hearing with LCDC
April 22, 2026	Geographic Hearing on the Coast
May 14, 2026	Close of public comment period
May 2026 (date to be determined)	RAC 4: Finalize rules based on public comments and LCDC directives
June 25-26, 2026	Adoption with LCDC
September 2026	Rules become effective

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



Coastal Public Access Rulemaking Advisory Committee Membership

Updated December 8, 2025

RAC Member	Interest or Affiliation
Commissioner Lianne Thompson	Liaison to the Land Conservation and Development Commission
Briece Edwards	Confederated Tribes of the Grand Ronde
Scott Fregonese	Land use consultant, 3J Consulting
Gail Henrickson	County planning, Clatsop County
Wendy Giordano	City management, City of Brookings
Jeff Mitchem	City planning, City of Bandon
Jeanne Sprague	Accessibility/city parks, City of Lincoln City
Adam Nielsen	Green infrastructure/engineering, City of Tillamook
Mary Mertz	Public works, City of Rockaway Beach
Kate Iaquinto	Federal government land management, US Fish & Wildlife Service
Charlie Plybon	Recreation organization, Oregon Surfrider Foundation
Mandy Watson	Environmental organization, Oregon Shores Conservation Coalition
Arica Sears	Tourism, Oregon Coast Visitors Association
Margaret Treadwell	Land trust, McKenzie River Trust
Miranda Gray	Oregon Sea Grant
Alex Sifford	Private coastal landowner, individual trail user
Laurie A Friedman	Individual trail user, Shoreline Education for Awareness
Darlene Khalafi	Individual trail user, local coastal business
Brock Nation	Economic development/private property
Cindy Simmons	Individual trail user, local coastal business
Laurel Hillmann	Oregon Parks and Recreation Dept.
Amanda Pietz	Oregon Dept. of Transportation
Alan Hanson	Oregon State Marine Board
Don Petit	Oregon Dept. of Environmental Quality
Arlene Merems	Oregon Dept. of Fish and Wildlife

Mandy Macnab, Department of Land Conservation and Development, is providing committee support and is the rules coordinator for this project. Project management, facilitation, and rule coordination is provided by Meg Reed. Additional support is provided by Lisa Phipps and Alyssa Bonini.

Coastal Public Access 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.

Goal 17: Coastal Shorelands, Implementation Requirement #6

As a reminder, the rulemaking effort for coastal public access is derived from the implementation requirement within Statewide Planning Goal 17: Coastal Shorelands. Here is the text from the Goal:

“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.”

Committee Charge – Desired Outcomes

The Land Conservation and Development Commission (LCDC or commission) charges the Department of Land Conservation and Development (DLCD or department) and the Rulemaking Advisory Committee (RAC) with developing rules that will advance these outcomes:

1. Seek to provide definitions to some of the terms in the Goal 17 provision.
2. Establish parameters for what local governments should include in a “*program to provide increased public access.*”
3. Establish criteria for maintaining or increasing public access sites within a jurisdiction.
4. Provide more clarity on rights of way and public easements that provide public access to coastal waters and how they should be retained or vacated.
5. Establish recommendations or requirements for coordination with tribal governments and state agencies when local governments vacate, change, or add public access points.

6. Provide for the consideration of equitable public access, coastal hazard mitigation, and protection for cultural and natural resources within a local government program for coastal public access.

The commission also directed DLCD staff to keep local government capacity constraints in mind and seek rules that do not cause an imposed obligation without funding.

Overview of Rulemaking Advisory Committee Role

The commission has charged RAC members to work with agency staff to recommend new rules in accordance with the charge. New rules are to be developed within OAR chapter 660 that provide guidance and clarity to local governments around developing and implementing a public access program to and along coastal waters as required by Statewide Land Use Planning Goal 17, Coastal Shorelands.

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 and will receive an overview accordingly
- Supported by DLCD staff
- Will comply 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 to signal you'd 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 at RAC meetings until the public comment period opens
- Address issues and questions, not people or organizations
- Seek to learn and understand each other's perspective
- 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
- Turn off cell phones or put them in the non-ring mode during formal meeting sessions
- Share preferred personal pronouns as part of name identifier in video calls as one is comfortable doing so, and
- As appropriate, discuss topics together rather than in isolation.

C. Attendance and Alternates

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 December 2025, January 2026, February 2026, and May 2026. It is important to have the members attend every meeting so progress can be made. However, members may name an alternate to attend in their stead as needed. Alternates are expected to meet the participation and engagement guidelines explained in this document. Alternates also are expected to come up to date with where the committee is in the process.

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 23-24, 2026 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 on May 14, 2026.

All comments received during the 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 clarify local government requirements related to public access to coastal shorelands as required by Statewide Planning Goal 17, implementation requirement #6. 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 Lianne Thompson](#) 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 DLCD staff. 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 after-the-fact. Members of the community who wish to make their opinions known to the advisory committee are encouraged to submit written comments on the work of the advisory committee. Comments will be posted online for consideration by RAC members. Verbal comments will not be accepted at RAC meetings.

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, Coastal Policy 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 an expected date of mid-February 2026 for the public hearings to be held in April 2026, and mid-May 2026 for the final commission adoption meeting in June 2026. Please see the rulemaking webpage at <https://www.oregon.gov/lcd/LAR/Pages/Rulemaking.aspx> for the RAC meeting schedule.

VII. Staff Information

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Matthew Hampton, Rules Coordinator and Point of Contact for All RAC Logistics

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Please note: email correspondence should be sent to Mandy Macnab

(Amanda.L.MACNAB@dlcd.oregon.gov) who will then distribute to staff or advisory committee members as needed.

Oregon's Statewide Planning Goals & Guidelines

GOAL 17: COASTAL SHORELANDS

OAR 660-015-0010(2)

(Please Note: Amended 08/05/99; Effective 08/20/99)

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 not 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) 1000 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, 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 FOR GOAL 17

The requirements of 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.