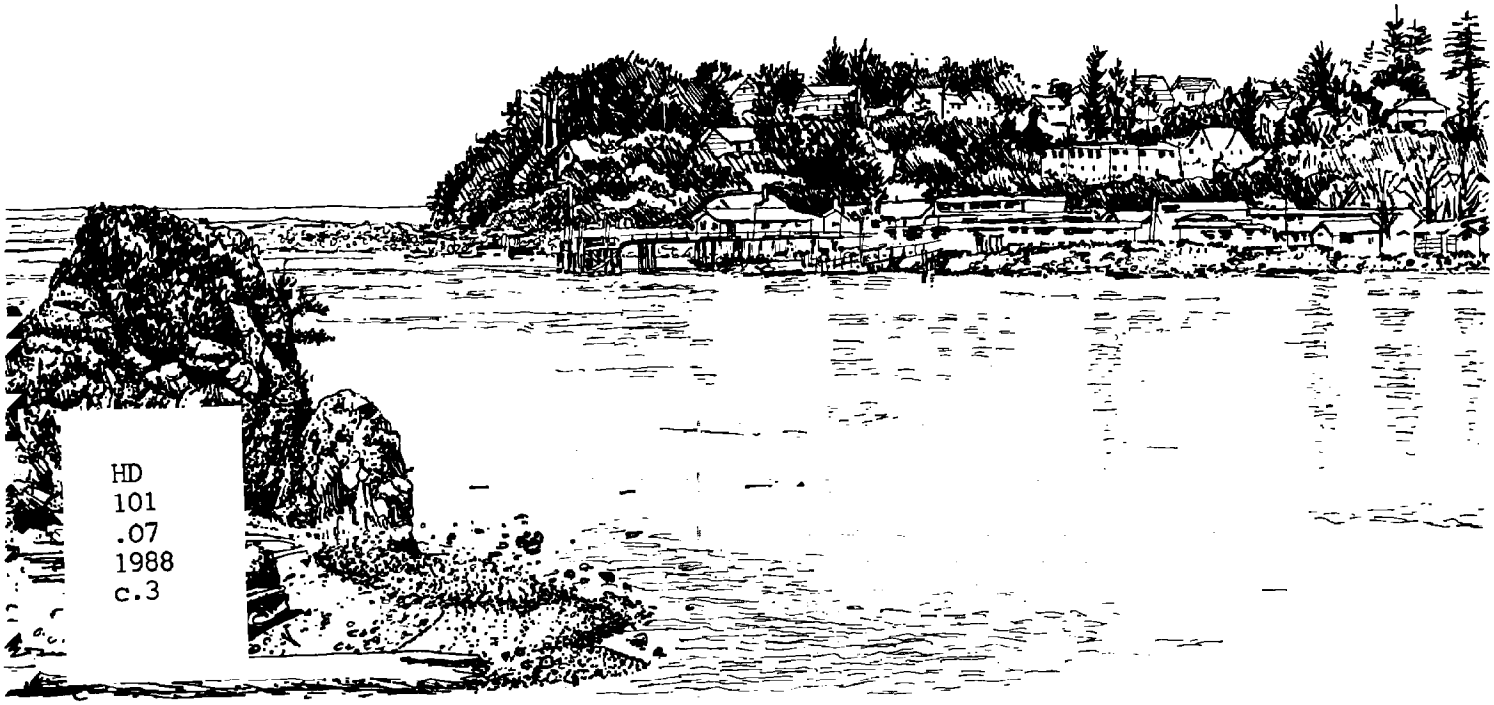
APPENDIX (87) IC

Oregon's Coastal Management Program

A Citizen's Guide

COASTAL ZONE
INFORMATION CENTER



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Oregon Department of Land Conservation and Development

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Caring for Our Coast

Every Oregonian cares about the future of our Coast. That caring is reflected in a series of laws, rules and plans that regulate how the coast is developed.

These documents are not blueprints. They give elected and appointed officials considerable discretion to decide how and where new development will occur. They also give citizens an opportunity to participate in many of these decisions, and to help shape the future of our coast.

This booklet explains how the laws, rules and plans work. Really, it's a "how to" book about coastal management. It tells you who makes the decisions, the legal requirements for decisions, and how you can participate. It's a booklet for people who care about and want to help shape the future of Oregon's coast.

Important Note:

This booklet is only a summary of Oregon's coastal laws and regulations. It is not an exact statement of planning or regulatory requirements. For precise information about a particular law or program contact the appropriate local, state and federal agencies listed in the back of this booklet.

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Oregon's Coastal Management Program

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A Citizen's Guide

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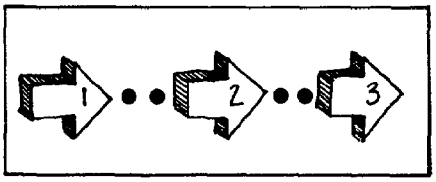

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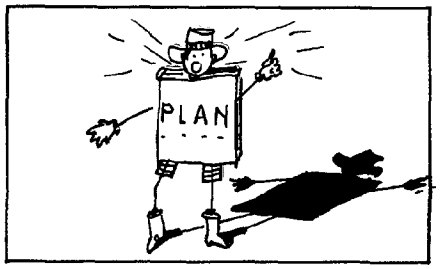

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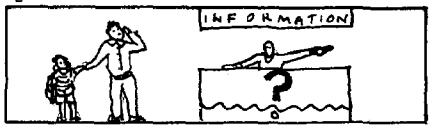

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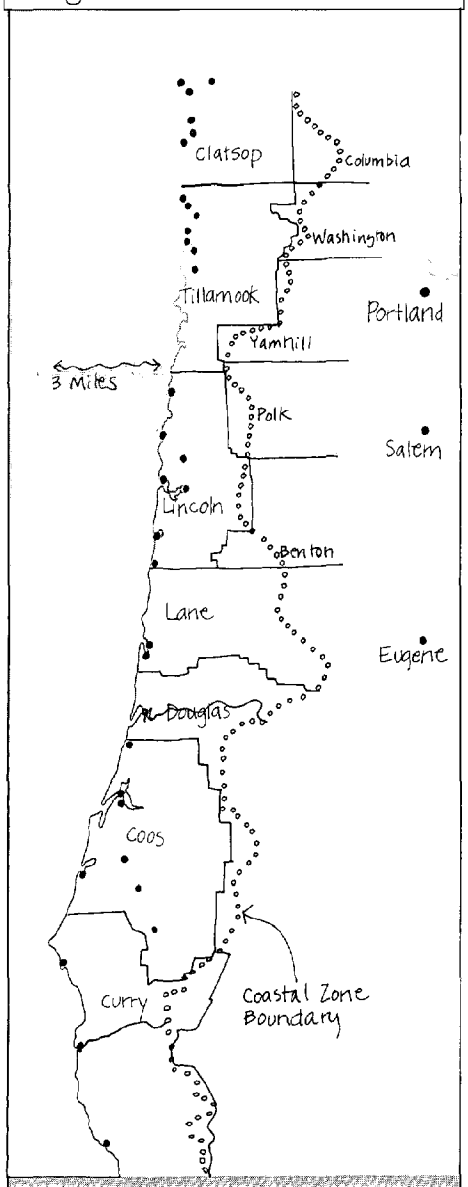
Oregon's Coastal Zone



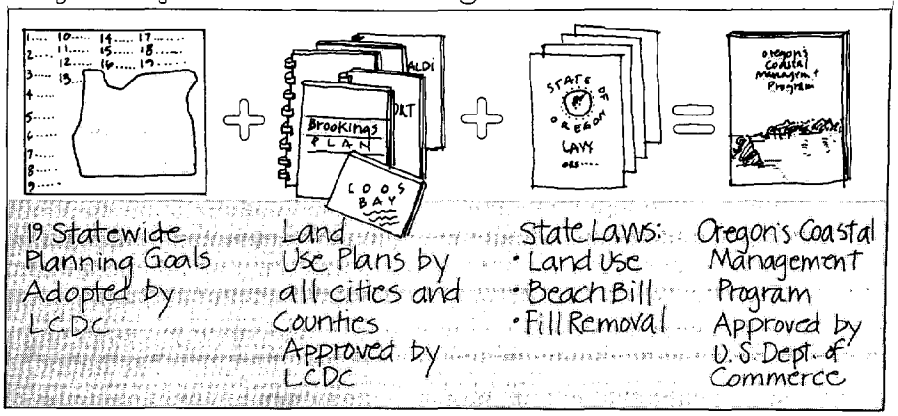
LANDS INCLUDED:

1. All lands west of the summit of the Coast Range up to Coastal Zone boundary
2. Rivers up to the head of tide, except for the Columbia, Umpqua and Rogue
3. Pacific Ocean west to the three mile limit of the territorial sea
4. Seven coastal counties, parts of five inland counties and 33 cities

Oregon's Coastal Management Program

The Oregon Coastal Management Program knits together the state laws for managing our coastal lands and waters into a single, coordinated package. This program, approved by the federal government, assures that the state — and its citizens — will have the leading role in deciding how the resources of the coast will be conserved and developed. This booklet explains what the program is and how it works.

Key Components of the Program



How we got here

In the late 1960's and early 1970's Oregonians were feeling more and more concerned about growth. We saw a pattern of growth in the state that was threatening our quality of life and the resources that make Oregon a special place to live. The threat was particularly great on the coast, where new development intruded on estuaries, beaches, dunes and other sensitive resources.

In response, the Legislature adopted a series of laws to help shape development on the coast and throughout the state. The laws include the Beach Bill, the Removal-Fill Law, Senate Bill 100 (mandating statewide land use planning) and others. Together, these laws have resulted in land use plans and state regulations that direct how and where new development can occur.

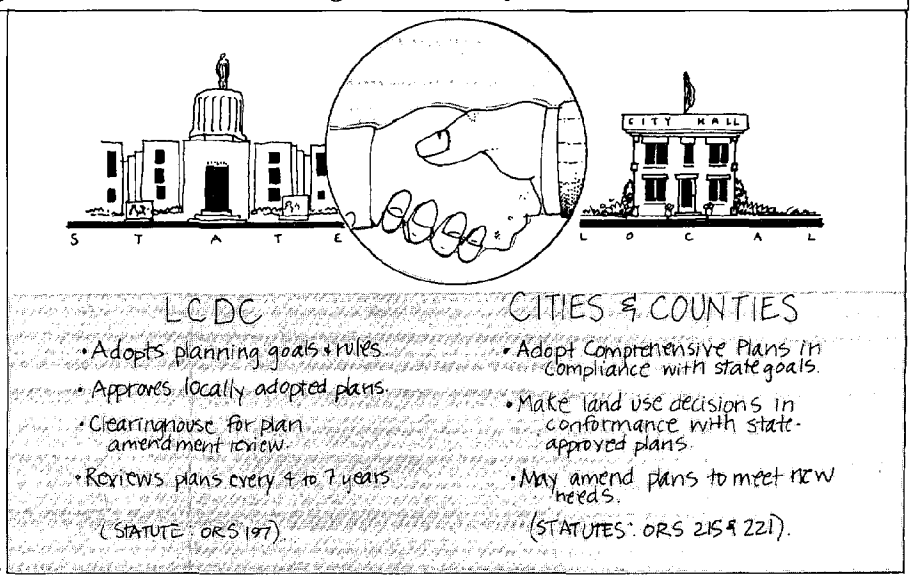
Today, every city and county on the coast has a state-approved comprehensive land use plan. Each plan represents years of effort and a consensus by citizens and officials about the future of their communities.

Economy vs. Environment: Both Can Win

Oregon is well known for its tough environmental standards. But Oregonians also want an expanding, prosperous economy. The philosophy behind Oregon's planning laws is that by planning ahead, we can have both: we can protect our environment and have a productive, growing economy. Plans accomplish this by protecting lands *for* new development as well as *from* new development. Plans are based on needs for economic growth as well as the need to protect natural resources. In short, comprehensive plans strike a balance between conservation of our natural resources and the development of our economy.

Oregon's Land Use Planning Partnership

In Oregon, state and local governments share the job of planning. The state, through LCDC (the Land Conservation and Development Commission), sets overall rules for planning decisions and oversees the statewide planning program. Cities and counties adopt plans which meet the statewide requirements. Day to day land use decisions are made by local governments in conformance with their state-approved plans.



Statewide Planning Requirements

The Statewide Planning Goals are Oregon's standards for comprehensive planning. Goals set requirements on how land use decisions are to be made. For example, the goals require that local governments provide opportunities for citizen involvement. They also set standards on how certain types of land are planned and zoned. The goals also apply to state agencies when they make decisions affecting land use.

LCDC is responsible for adopting rules to interpret the goals and parts of the land use planning laws. LCDC has adopted rules interpreting most of the Statewide Planning Goals.

LCDC — the commission — is a seven-person panel appointed by the Governor, confirmed by the Senate. The commission meets regularly and commissioners serve without compensation. The Department of Land Conservation and Development (DLCD) is the commission's staff. The department carries out commission decisions and administers other parts of the state's land use laws, including the OCMP.

Statewide Planning Goals

GOAL	1	Citizen Involvement
	2	Land Use Planning
	3	Agricultural Lands
	4	Forest Lands
	5	Open Spaces, Scenic, Historic and Natural Resources
	6	Air, Water and Land Resources Quality
	7	Areas subject to Natural Disasters and Hazards
	8	Recreational Needs
	9	Economic Development
	10	Housing
	11	Public Facilities and Services
	12	Transportation
	13	Energy Conservation
	14	Urbanization
	15	Willamette River Greenway
	16	Estuarine Resources
	17	Coastal Shorelands
	18	Beaches and Dunes
	19	Ocean Resources

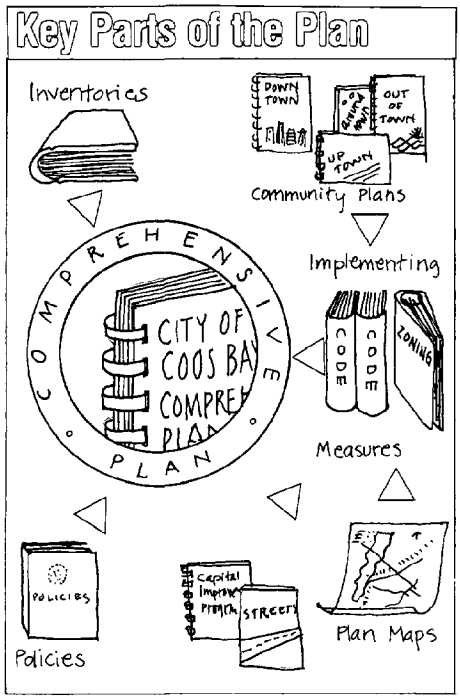
Administrative Rules

OAR	660-01	Procedural Rules
	660-04	Exceptions Process
	660-05	Agricultural Lands
	660-06	Forest Lands
	660-08	Housing
	660-09	Industrial & Commercial Development
	660-11	Public Facilities Planning
	660-14	Incorporation of New Cities
	660-16	Goal 5 Rule
	660-17	Classifying Oregon Estuaries
	660-18	Plan Amendment Review Rule
	660-19	Periodic Review
	660-30	State Agency Coordination
	660-31	State Permit Compliance

What is a Comprehensive Plan ?

A comprehensive plan is an official document adopted by a city or county which sets forth the general, long-range policies on how the community's future development should occur. The content of plans is shaped by several factors:

- Plans must address all the applicable topics in the Statewide Planning Goals, as well as issues of local concern.
- Plans must anticipate and provide for future land use needs.
- Comprehensive plans must include special plan elements for coastal resources including estuaries, shorelands, beaches and dunes.
- All other land use ordinances must be consistent with and carry out the comprehensive plan.



Inventories contain facts about land use, resources, and development trends within the planning area. They provide the basis for plan policies. Inventories must be periodically updated to reflect the best current information about resources and trends that would affect plan decisions.

Policies are the decision-making and standard-setting parts of the plan. They are mandatory, enforceable statements which direct all subsequent land use decisions. The policy element of the plan includes plan maps which specify the locations of various land use categories.

Implementing measures are the ordinances and programs used to carry out decisions made in the plan. They include zoning ordinances, land division ordinances, and other land use regulations which directly regulate land use activities. For example, zoning ordinances specify which uses are allowed and under what conditions.

Key Actors: Citizens and Other Governments

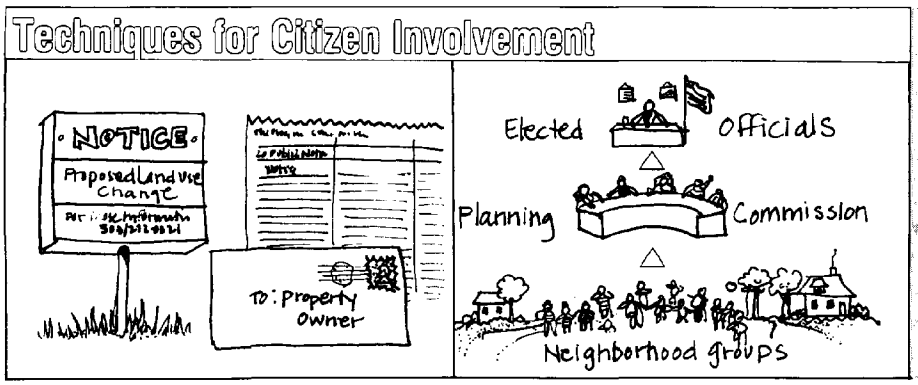
Citizen Involvement

Citizen participation is a hallmark of Oregon's planning program. Citizens are kept informed about planning decisions and have opportunities to voice their opinions. Each city and county plan includes a citizen involvement program which describes how the public can participate in each phase of the planning process. Local governments must periodically evaluate their efforts to involve citizens, and, if necessary, update their programs.

Coordination

Coordination simply means that government agencies must consult with each other before making land use decisions. The benefits are obvious: by working together local, state and federal agencies can make decisions which support one another. For example, coordinated plans assure that public spending on roads, sewer, water and other facilities occurs both where and when it is needed.

Each local government and state agency has a process for coordinating its decisions with other units of government. This usually involves mailing notices of pending decisions to other agencies and giving them an opportunity to comment. The agency making the decision has the final say, but it must consider and accommodate as much as possible the needs and interests expressed by other units of government.



For many land use decisions, public notice is printed in the newspaper, and notices are mailed to surrounding property owners. Land use decisions are made in meetings that are open to the public. Interested persons can comment on proposed actions in a relatively informal setting.

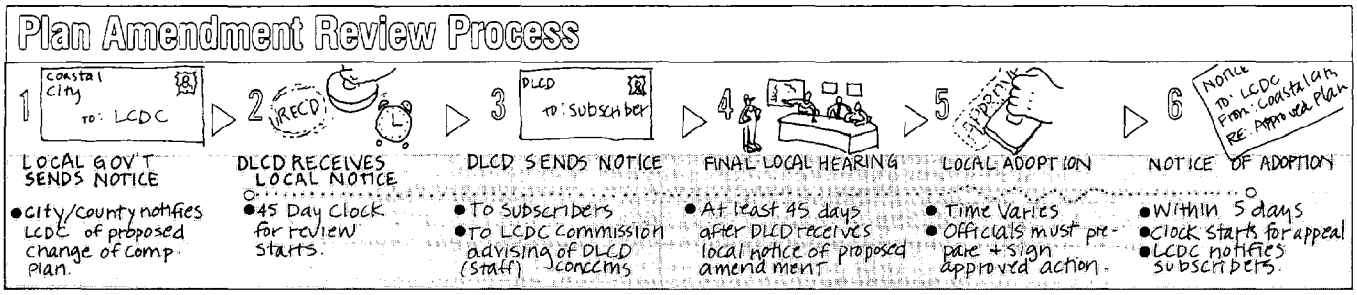
Some local governments use neighborhood or area advisory committees to review major land use issues and make recommendations to the planning commission or elected officials.

Plans are not cast in stone; they can and must be revised to reflect new needs and circumstances. Two processes keep plans up-to-date:

Plan Amendments

Statewide, about 4,000 plan and ordinance amendments are made every year. Cities and counties must provide DLCD (the state's Department of Land Conservation and Development) advance notice of proposed plan changes. In turn, DLCD notifies interested agencies, groups, and individuals. This ensures plans will continue to be coordinated. It also gives DLCD an opportunity to make sure the amended plan still complies with the Goals.

Normally, local governments must notify DLCD 45 days before they approve a plan or ordinance amendment. In some cases, a local government can provide less notice, but that may increase the odds of the amendment being appealed to LUBA—the state's Land Use Board of Appeals.



Periodic Review

Every four to seven years, cities and counties must reevaluate their plans. This process, called "periodic review," is designed to assure that plans are updated to reflect new information and changing needs and circumstances. Items which must be addressed fall into four categories:

- **Change in Circumstances.** There has been a "substantial change in circumstances" upon which the plan is based.
- **New Goals or Rules.** Additional planning may be needed to meet goals or rules adopted by LCDC since the plan was acknowledged.
- **Unfinished Planning Work.** The local government needs to perform specific planning tasks that LCDC called for to make the plan consistent with the Statewide Planning Goals.
- **Coordination with state agency plans.** The plan is inconsistent with a new state agency plan or program relating to land use.

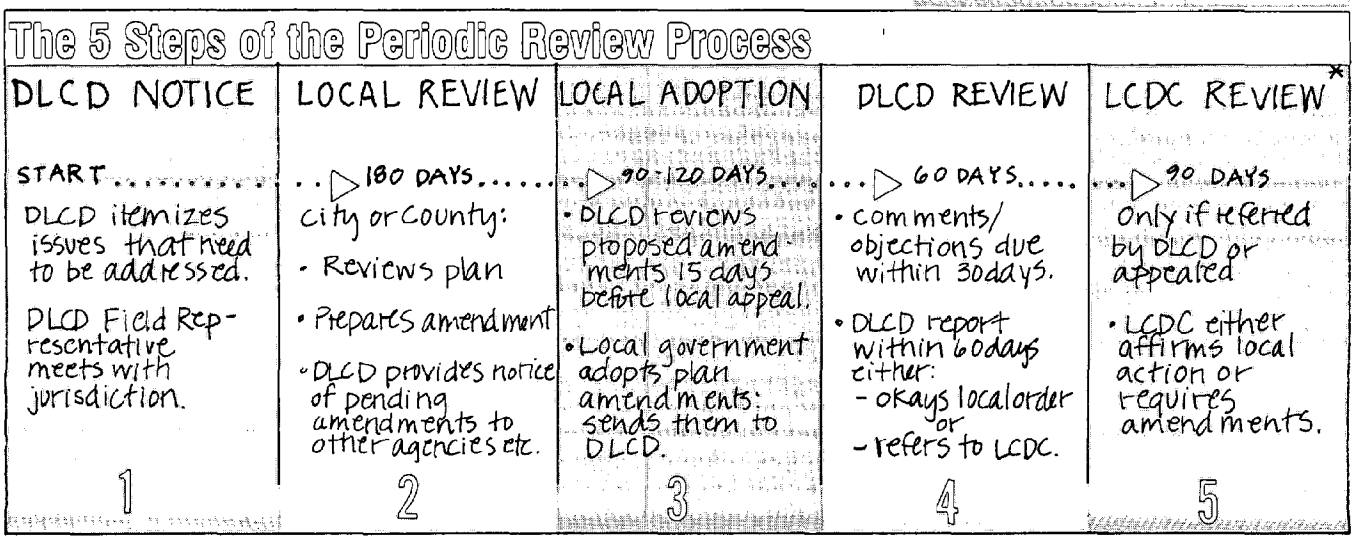
For Further Information

On Comprehensive Plans & Zoning . . .

Contact your city or county planning department. They maintain the official copy of all plan documents and can explain local planning and zoning requirements.

On Plan Amendments/Periodic Review

Cities and counties can tell you the status of pending plan amendments. Questions about the state review process should be directed to the DLCD field representative for the area or DLCD's plan amendment review staff in Salem.



Local Planning Decisions . . . Yes or No to Specific Uses

Plans contain general decisions about what land uses go where. Plans also include procedures and standards which say how subsequent planning decisions will be made. Actual development usually requires a permit or approval from the city or county to make sure the development meets plan and ordinance standards.

Most planning decisions are routine — they only involve a building permit for a use allowed outright by the plan. Uses that are not permitted outright are subject to more detailed review. Specific standards for approving proposed land uses are stated in the development ordinance or the local plan. The public usually receives notice in advance of such reviews. Such reviews give a city or county an opportunity to consider the details of a proposed use and how it fits with the site and surrounding uses. It also provides an opportunity for neighbors and the public to review and comment.

Local planning decisions fall into one of three categories listed in the chart below. Ministerial decisions are routine because they only involve the application of clear and objective standards. Land use decisions involve general standards which require some judgement on the part of local officials. For this reason, added opportunities for public review are required. Adoption or amendment of land use regulations affects the entire community and therefore requires broad public review and adoption by elected officials.

Reference Chart to Local Planning Decisions

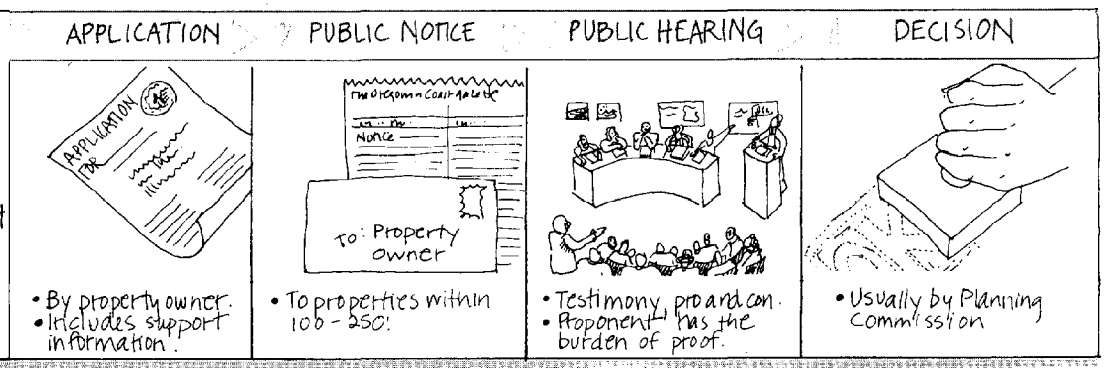
	Public Notice	Public Hearing	Decision By	Local Appeal	State Appeal
Ministerial Decisions[1]	**No**	**No**	**Planning or Building Official**	**No**	**Circuit Court**
Building/Development Permit	Allows construction of a permitted use				
Land Use Decisions	**Yes**	**Opportunity**	**Planning Commission[2]**	**Yes**	**LUBA**
Conditional Use Permit	Use allowed after review to meet listed standards				
Variance	Allow construction which does not meet zone standards				
Minor Partition	Divide property to create 1-3 lots without a new road				
Major Partition	Divide property to create 1-3 lots with a new road				
Subdivision	Divide property to create 4 or more lots				
Annexation	Add unincorporated land to a city or special district				
Small Tract Zone Change	Map amendment affecting a small area (usually less than 20 acres)				
Road/Street Vacation	Relinquishing a public right of way				
Land Use Regulation	**Yes**	**Yes**	**Governing Body**	**Yes**	**LUBA**
Ordinance Amendment	Change to zoning, land division, or other ordinance				
Comprehensive Plan Amendment	Change to plan policies, designations, or map amendment				

1. Ministerial decisions are only those subject to "clear and objective" standards, such as the building code. Some building permits are land use decisions because they require discretionary judgment, for example, deciding whether a dwelling is in conjunction with farm use or whether a building in geologic hazard areas is properly safeguarded.

2. Many cities and counties have delegated authority for some land use decisions to the planning director or a hearings officer, subject to appeal.

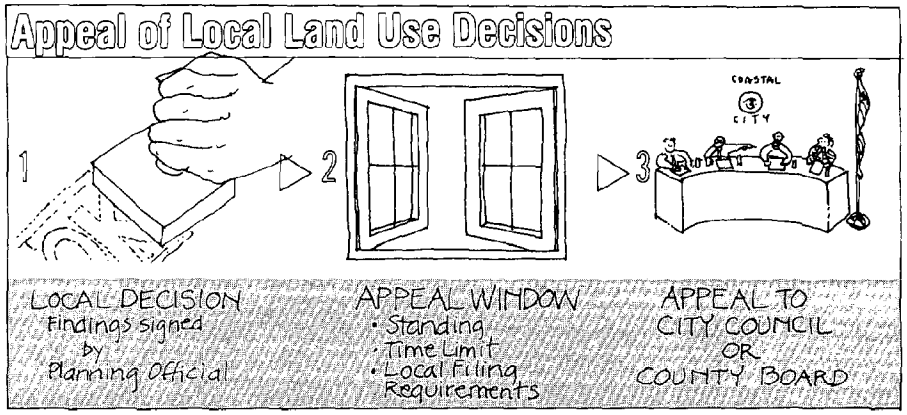
Typical Land Use Decision

1 - Variance
2 - Conditional Use Permit
3 - Minor Zone Change



The process for making land use decisions is designed to make sure that affected parties have an opportunity to comment and that decisions are made fairly. Most cities and counties use procedures similar to this one. Check the local zoning ordinance for specific requirements.

Because Oregonians have different values and interests, we sometimes disagree over whether a particular development is good or bad. By making general decisions about what uses go where, comprehensive plans have reduced the potential for controversy. But there are still occasional disagreements. Oregon's commitment to open government has led to creation of an open appeals process at both the local and state levels. It gives citizens opportunities to challenge land use decisions.



Who Can Appeal?

To appeal a land use decision a person or organization must qualify or have "standing." Generally, to establish standing, a person must be harmed or affected by the proposed development. Standing requirements vary from community to community. Some communities allow appeals by almost anyone. Others limit appeals to nearby property owners or those who participated in the first local hearing.

To have standing to appeal to LUBA a petitioner must: (1) have participated in local hearings (or demonstrate that it was not possible to do so because of an error by the local government); and (2) be affected or harmed by the local decision.

Local Appeals

Most local land use decisions are made by a planning commission or hearings official. Their decisions can be appealed to the governing body—city council or county board of commissioners. Local standards vary, but most cities and counties allow introduction of new evidence showing whether the relevant standards have been met.

Requirements for filing appeals are spelled out in each local zoning ordinance. The ordinance will provide information on deadlines for filing appeals, filing fees, timeline for hearings and a decision, and the legal standards for decisions.

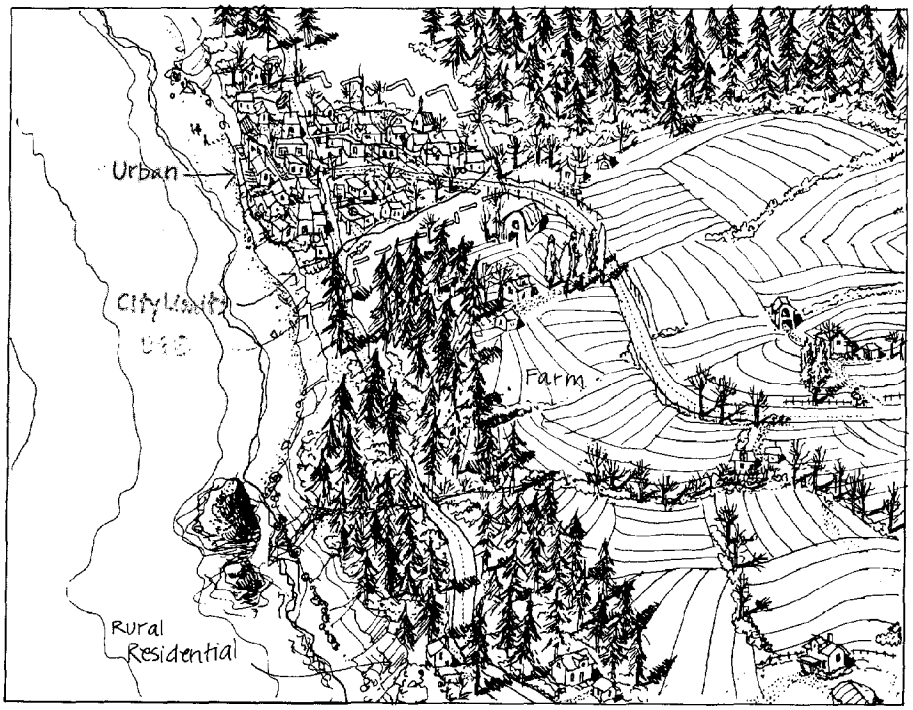
State-Level Appeals . . . The LUBA Process

City and county land use decisions are final unless they are appealed to the Land Use Board of Appeals (LUBA). LUBA is a panel of three "referees" appointed by the Governor and confirmed by the state senate. Almost all appeals involving local land use decisions go to LUBA (rather than circuit or district courts).

The person who appeals a local decision to LUBA is the "petitioner." Petitioners must show how the local decision violated local ordinances, the local plan, state law or, where applicable, the Statewide Planning Goals. LUBA does not re-decide the basic issues of the case. Its review is limited to determining whether the city or county has properly applied the relevant standards and has enough evidence to support its decision.

Local Decision | **LUBA Appeal**

LOCAL HEARING	FINAL DECISION	NOTICE OF INTENT TO APPEAL	RECORD OF LOCAL DECISION	PETITIONER'S BRIEF	RESPONDENT'S (LOCAL GOVERNMENT) BRIEF	LUBA HEARING	LUBA DECISION
Approval by City Council or County Board of Commissioners.	Occurs when order & findings are signed. Starts 21 day clock for appeal to LUBA.	Petitioner files with LUBA.	Local government submits record of local hearings and findings.	Must explain how local decision violates plan, ordinances, state law or goals. Show standing.	Responds to Petitioner's Brief.	Final arguments	Written decision, affirming or reversing decision or returning decision to local govt. for further hearings.



Deciding What Uses Go Where

This chart illustrates the limits on the types and densities of uses generally permitted on different types of urban and rural lands. (Like the rest of this booklet, this chart is generalized. Check your local comprehensive plan to see where particular uses are allowed.)

	USE	URBAN		RURAL		
		Urban	Urbanizable	Rural Community	Rural	Rural Resource
PUBLIC FACILITIES & SVCES.	Water	YES	YES	YES	LIMITED	NO [1]
	Sewer	YES	YES	LIMITED	NO	NO
INDUST./ COMM'L.	Industrial	YES	YES	LIMITED	NO	NO
	Commercial	YES	YES	LIMITED	NO	NO [2]
RESIDENTIAL	Multi-Family	YES	YES	LIMITED	NO	NO
	Single Family < 10,000 □'	YES	YES	VARIES	NO	NO
	Single Family 1 acre	LIMITED	LIMITED	YES	VARIES	NO [3]
	Single Family 5 acres	NO	NO	YES	YES	NO [3]

NOTES:
1. Only allowed to connect existing dwellings or to support farm uses.
2. Commercial activities in conjunction with farm use are allowed as a conditional use in some areas.
3. Dwellings for farm or forest management or non-farm dwellings may be allowed in some areas.

Urban or Rural?

The Statewide Planning Goals set a variety of requirements which help cities and counties manage new development. Basically, growth management is accomplished by designating lands as either urban or rural. These categories determine the types and intensities of uses that may be permitted.

The **Urban Growth Boundary (UGB)** is a line which divides urban land from rural land. The UGB contains lands needed and suitable for growth of a city, usually for the next twenty years. The UGB is also the limit for extension of urban facilities and services such as water, sewer and roads.

Urban lands are lands that are built up for urban uses or that have all the needed urban services but are presently vacant.

Urbanizable lands are lands within the UGB that are reserved for future urban use but which are now largely undeveloped. Some urbanizable lands lack full urban services. Development on such lands is sometimes restricted pending the availability of full urban services (for example, sewer, water and roads) to the area.

Rural lands are lands outside of urban growth boundaries. They are not intended for urban uses. Rural lands are planned for resource use or for limited rural development.

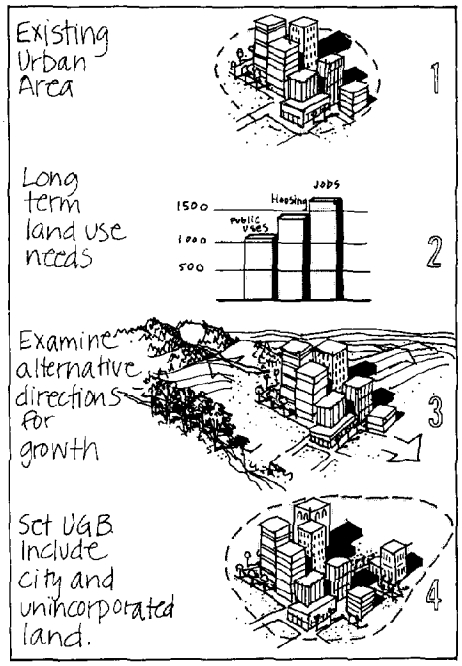
Rural Resource Lands include farms and forests, but other features also qualify. For example, fish and wildlife habitats are included in this category. New development on resource lands is limited to resource-related uses and activities that do not interfere with resource management.

Rural Development Lands include small unincorporated communities, acreage homesites, and uses that are needed to support management of resource lands.

UGB's: Drawing the Line

Urban Growth Boundaries (UGB's) are jointly set by each city and the county that surrounds it, based on standards in Goal 14, *Urbanization*. The amount of land within the UGB is based on the need for new land for housing, industry, shopping and other commercial services and public uses.

The decision about which direction the community will grow is based on the suitability of the land for development, the ability of local governments to extend services, and the value of surrounding resource lands that would be lost. The inventories and reasoning for the size and location of the UGB are set forth in each city's plan.



UGB Amendments

UGB's can be amended when new needs for urban development are identified. Most UGB's were based on high growth projections of the early 1970's that have not come to pass. Consequently, most UGB's contain more than a 20-year supply of land and will not need to be expanded in the near future. However, a UGB may be expanded if the community shows:

- There is some new or previously unanticipated need for an urban use, and,
- There are no suitable lands within the UGB where the use could locate.

Planning for Urban Development

Each city plan includes several parts or "elements" which address a specific land use need—transportation, for example. An element may be a chapter in a plan or it may be an entire book in itself with many pages of facts, figures, maps and policies.

Plan elements provide the information and reasoning the city uses to decide how much land will be needed for each land use and how urban services will be provided. The number and type of plan elements vary from plan to plan, but every city plan includes at least the three basic elements outlined below.

Other elements required by the Statewide Planning Goals include: Natural and Historic Resources; Air, Land and Water Resource Quality; Recreation; Transportation; Citizen Involvement and Energy Conservation.

Key Urban Plan Elements

	Needs Analysis +	Land Inventory =	Plan Decisions
Housing Needs (Goal 10 and OAR 660-10)	Housing needs calculated using population and income projections. This must include needs for low and moderate income housing, such as multifamily housing and manufactured housing.	Buildable Lands Inventory identifies lands suitable for housing. Steep slopes and other lands with severe building constraints are excluded.	Zoning must match identified housing needs—some land must be zoned for multifamily or manufactured housing. Zoning must allow needed housing types outright or subject to clear standards.
Industrial and Commercial Development (Goal 9 and OAR 660-09)	Economic Opportunity Analysis identifies the types of industries likely to locate or expand in the community based on: • Make-up of the local economy. • Local, state & national trends. • Community objectives.	Plans must inventory sites available for new development and whether or not they have adequate public services or are affected by natural constraints such as flooding or steep slopes.	• Enough land must be zoned to meet anticipated needs for industrial and commercial uses. • Sites specially suited to particular uses, such as port use, must be protected for such uses. • Cities of 2,500+ must have a 3-year supply of sites that can readily be served by public facilities.
Public Facilities (Goal 11 and OAR 660-11)	Forecast needs based on: • Population growth. • Likely new industries. • Community objectives	Determine capacity and condition of existing public facilities and their ability to serve anticipated development. Identify areas where new facilities are likely to be needed.	Adopt a Public Facilities Plan including: • A list of significant projects which support uses in the plan with cost estimates for each. • The public agency responsible for providing each public facility, service or project. • An estimate of when the project will be built.

What are Rural Lands?

Rural Lands are those that are outside the urban growth boundary and are:

- Agricultural, forest, or open space lands, or,
- Other lands suitable for sparse settlement, small farms or acreage homesites with no or hardly any public services, that are not suitable, necessary, or intended for urban use.

How Rural Land is Zoned

Zoning of rural lands is decided by the suitability of the land for farming or forestry and the existing pattern of rural development. Generally, lands that are forested or that can be farmed must be zoned for forestry or agriculture.

Some of these lands, however, may be unsuitable for forestry or farming because they have been built on or developed in other ways. When resource lands are clearly committed to nonforest and nonfarm uses, they may be appropriate for other uses, rural housing, for example. The following factors are used to decide whether or not an area is "committed to nonresource use":

- Size of the parcel or ownership. (Areas where lots average 5-10 acres or less are generally considered committed.)
- Proximity of other nonfarm or nonforest uses.
- Availability of services, such as sewer or water lines.
- Consideration of natural boundaries such as streams or steep slopes.

How Much Development is Allowed on Rural Lands?

Outside coastal cities, development patterns vary from scattered homesites to densely developed communities. Zoning has been adapted to fit the range of uses and types of development that occur on rural lands.

Rural Residential

Most counties have 1-, 2- and 5-acre rural residential zones. Each is applied to different areas depending on the current pattern of development and the capacity of public sewer or water facilities. Most rural residential zones allow a variety of uses, including many of those allowed in farm and forest zones.

Rural Communities

Every coastal county includes several rural communities that are not incorporated cities, but which are more densely developed with some industry or shopping. Zoning in rural communities allows continued residential development and limited commercial and industrial development.

Rural Commercial and Industrial Uses

Commercial and industrial zoning in rural areas is usually limited to properties that already have such uses on them. This is because most needs for new industrial and commercial development are provided for in urban areas. Nonetheless, a new industrial or commercial use can be built on rural lands if:

- It cannot be sited in urban areas because of its harmful effects.
- The nature of the use's industrial product or process requires a rural location.
- It provides goods or services which are needed in the surrounding rural area and it is limited in size so it serves just that area.

Farm and Forest Land Zoning

Forestry and agriculture are important industries on the coast. Both depend on an adequate land base for continued prosperity and competitiveness. Other uses in the middle of farm or forest areas reduce the land base and can interfere with the management of adjacent lands.

Planning and zoning help maintain the land base by limiting uses that would conflict with farming or forestry. A wide variety of farm- or forest-related uses are typically permitted outright. Uses that might conflict with management practices on surrounding lands are either prohibited or subject to county review.

Permitted Uses

The list of permitted and conditional uses in farm and forest zones is based on state laws and the Statewide Planning Goals. Goal 3, *Agricultural Lands,* requires that agricultural lands be zoned using the Exclusive Farm Use (EFU) zone, set by state statute (ORS Chapter 215). The EFU zone allows farm uses and some nonfarm uses outright. Most nonfarm uses are prohibited. Some, like churches and schools, may be approved after review by the county.

Goal 4, *Forest Lands*, limits use of forest lands to "forest uses." Permitted uses include activities related to the growing, managing or harvesting of trees, and other forest related uses. Zones vary from county to county.

Most counties have a third resource zone. It is applied to areas with a mix of farm and forest lands in smaller ownerships (typically averaging 20 to 40 acres).

Dwellings

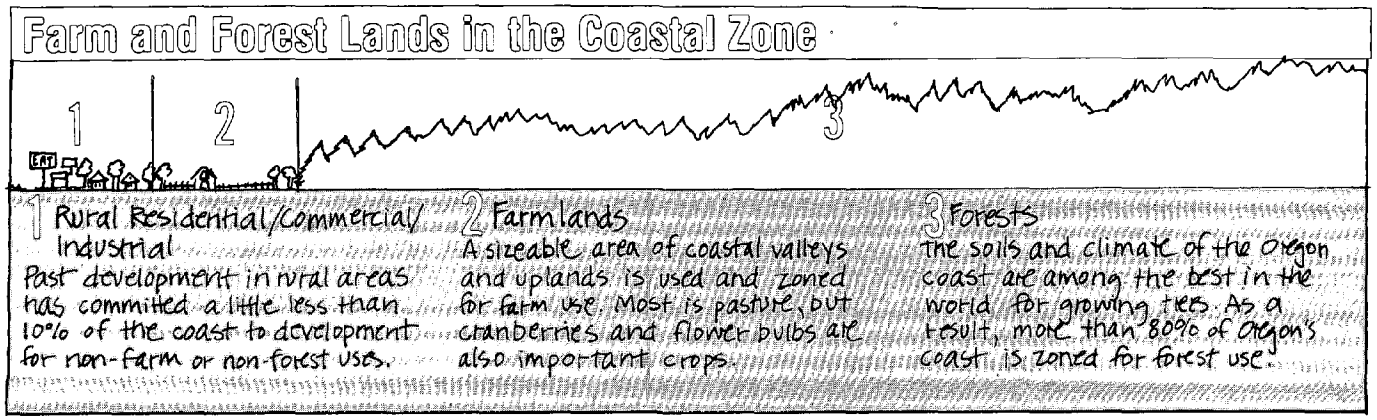
Dwellings for farmers and needed farm help are allowed in EFU zones. Dwellings may or may not be permitted in forest zones. Where they are permitted, they usually must be shown to be "necessary for and accessory to forest use" of the property. State law allows nonfarm dwellings in EFU zones in limited circumstances. New nonfarm dwellings must:

- Be compatible with farm uses and the intent of the EFU zone.
- Not interfere seriously with accepted farming practices on adjacent farmlands.
- Not materially alter the stability of the overall land use pattern of the area.
- Be sited on land that is generally unsuitable for the production of farm crops and livestock.

Minimum Lot Size

The aim of resource zoning is to maintain and promote profitable commercial farm and forest uses. Lot size is an important part of the equation. Smaller lots are difficult to manage profitably. Smaller lots are more likely to be left unmanaged or used as sites for dwellings that conflict with farming or forestry. For this reason, counties regulate land divisions to make sure that farm and forest lands are kept in commercially manageable blocks. For example an EFU-40 zone prohibits the creation of new parcels smaller than 40 acres.

Counties specify a fixed minimum lot size (like 40 acres). Or, they review each land division to ensure that each new lot is large enough to be used as part of a commercial operation. In either case, the type of agriculture or forestry in the area and the size of existing commercial operations are the key factors for deciding the minimum lot size.



Protection of Important Natural Resources

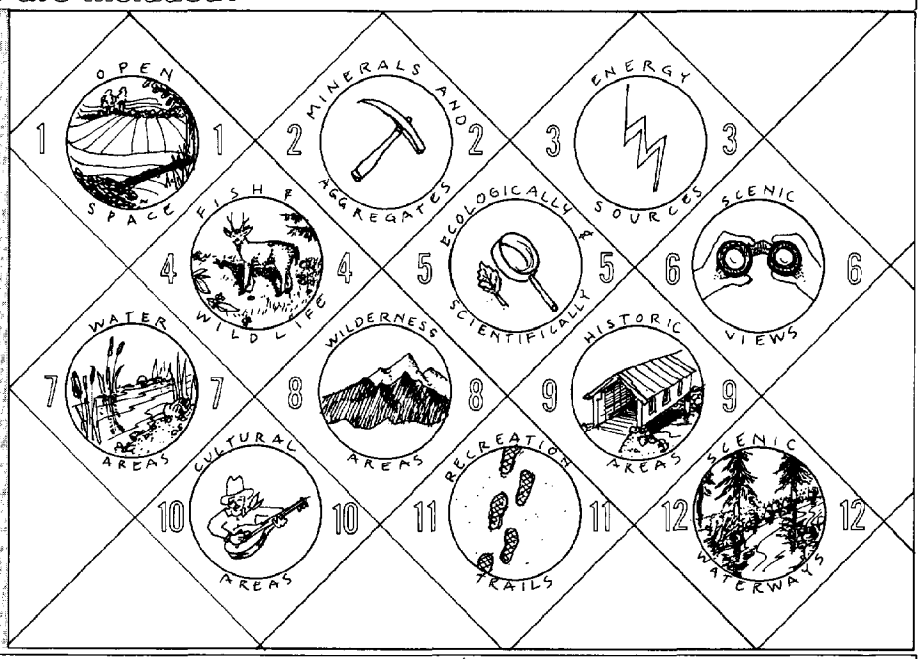
Every city and county has areas with important natural or historical values. A major reason for land use planning is to identify and protect these areas so they can be used and enjoyed by future generations.

Every comprehensive plan includes a Natural Resources element which identifies and protects important natural and historical features. Decisions about what sites deserve protection were made in the plan following requirements in Statewide Planning Goal 5: *Open Spaces, Scenic and Historic Areas, and Natural Resources.* The chart below explains how Goal 5 shapes decisions about sites with natural resource values.

Which Natural Resources are Included?

Goal 5 specifies that local comprehensive plans must inventory and plan for twelve types of natural resources:

1. Land needed or desirable for open space;
2. Mineral and aggregate resources;
3. Energy sources;
4. Fish and wildlife areas and habitats;
5. Ecologically and scientifically significant natural areas, including desert areas;
6. Outstanding scenic views and sites;
7. Water areas, wetlands, watersheds and groundwater resources;
8. Wilderness areas;
9. Historic areas, sites, structures and objects;
10. Cultural areas;
11. Potential and approved Oregon recreation trails;
12. Potential and approved federal wild and scenic waterways and state scenic waterways.



The Goal 5 Process: Deciding Which Sites Get Protected

1 Inventory the Resource	2 Evaluate its' Importance	3 Identify Conflicting Uses	4 Choose Appropriate Policies	5 Develop a Program to Achieve Goal
If information on quality, quantity and location of resource is adequate then GO ON TO STEP 2!	If the resource is found to be important, put it in inventory and GO ON TO STEP 3!	If there are no conflicting uses GO ON TO STEP 4!	Adopt a policy to preserve the resource GO ON TO STEP 5!	Adopt zoning, special ordinances, administrative rules or other measure to preserve resource. PROCESS COMPLETE!
OR	OR	OR		
If information is inadequate, adopt schedule + policy to address resource in future. STOP HERE FOR NOW! Address later as plan amendment or periodic review.	If resource is found unimportant, list name of site, but do not include in inventory. STOP HERE!	If there are conflicting uses, identify "ESEE Consequences" of: 1. Preserving the resource. 2. Allowing conflicting uses fully, and 3. Limiting conflicting uses somewhat + GO ON TO STEP 4!	Adopt policy to: 1. Preserve resource or 2. Allow conflicting uses fully or 3. Limit conflicting uses. GO ON TO STEP 5!	Adopt ordinance, rule, or other measure to implement policy from step 4. Stop here. PROCESS COMPLETE!

How Are Resource Sites Identified?

Inventories are usually supplied by state and federal agencies or prepared locally. The amount and detail of available information varies. Consequently, so does the extent of protection provided to natural resource sites. In many cases, inventories are too general to properly identify the resource or resource values. When this happens the plan defers the Goal 5 process until more information is available.

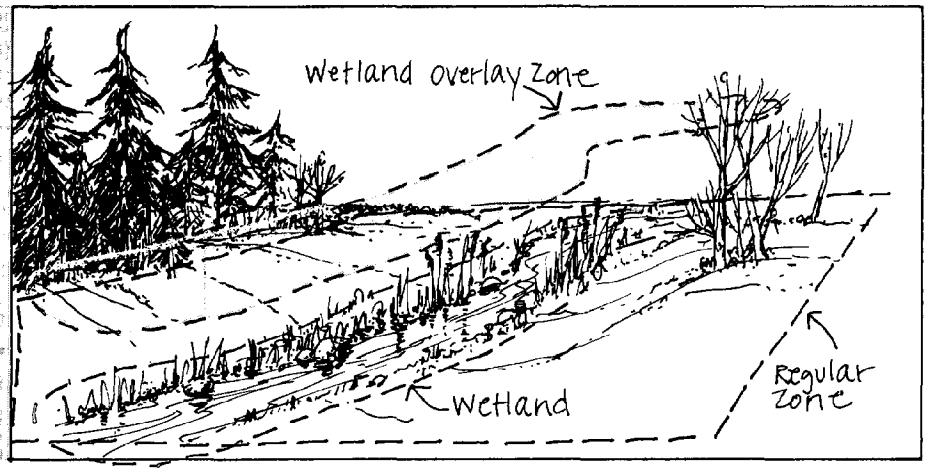
During periodic review, cities and counties are required to update their inventories. When new or more detailed information is available, the local government must complete the Goal 5 process.

How Are Resource Sites Protected?

Special zoning requirements restrict or prohibit uses and activities that would harm an identified natural resource site. Most ordinances require the city or county to review each proposed development to make sure the resource is protected. The most common techniques are overlay zones and supplemental standards.

Overlay zones, as the name implies, are added to a regular zoning district and set special standards on the uses that may be permitted.

Supplemental standards are special standards in a regular zoning district which apply only where there is an inventoried site.



What About Sites Not Protected By Plans?

Plans only cover inventoried sites determined to be important. Many natural resource sites have not been formally inventoried or were determined to be unimportant. These sites are not protected by plans and may be lost to development.

Uninventoried sites may be protected through other means. Many resources are covered by state or federal laws which may be stricter than local regulations.

Also cities and counties must update their inventories when plan amendments are proposed and during periodic review.

A Special Case: Forest Practices

Most activities that would conflict with protection of Goal 5 resources are regulated by counties. Timber harvest and other forest practices are exceptions. State law prohibits counties from regulating forest practices. Cities can regulate forest practices, but counties are limited to regulating nonforest uses on forest land. This means protection of Goal 5 resources on forest land is largely up to the Department of Forestry, through its administration of the state Forest Practices Act (the FPA).

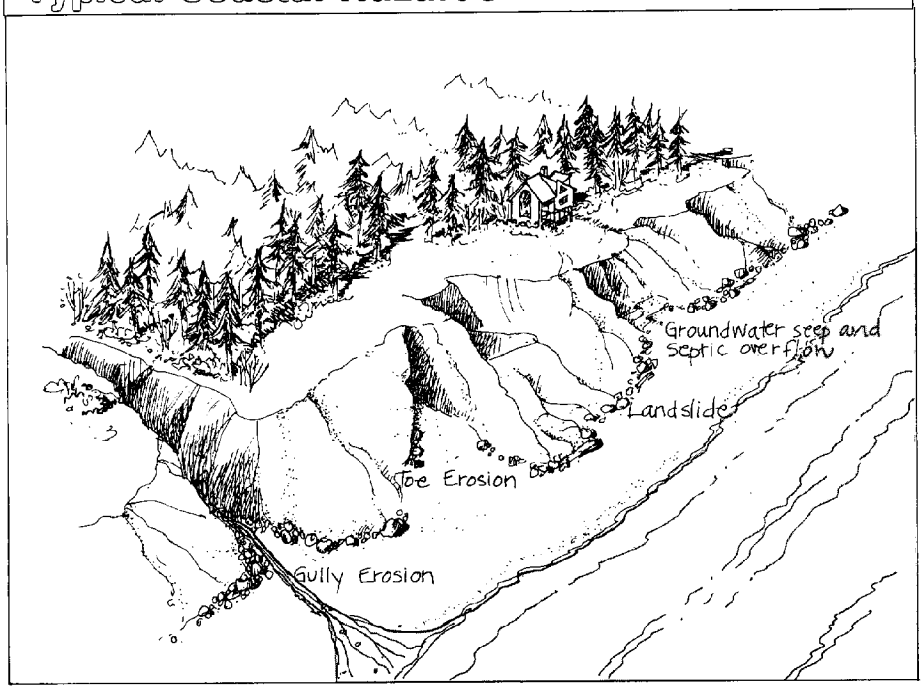
Under the FPA, timber operators are required to file a Notice of Commencement of a Forest Operation before starting timber harvest or any other major forest operation. When operations are proposed in sensitive habitat or resource areas, the Forestry Department consults with the Oregon Department of Fish and Wildlife (ODFW) on proper measures to protect the resource. The Forestry Department is also responsible for monitoring the operation to ensure that resource values are protected.

Natural Hazards

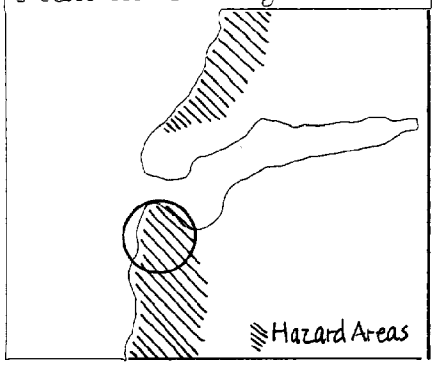
Nowhere is nature's ability to shape the landscape more apparent than on the ocean shore. The ocean, aided by tides, rain, rivers and currents, constantly and sometimes dramatically chops away at the land. The three major hazards on the Oregon Coast are flooding, erosion and landslides. Other hazards include high groundwater, deposition, weak foundation soils and earthquakes.

Development in hazardous areas is discouraged because of the obvious dangers to life and property. Nonetheless, the demand for view and waterfront property creates strong pressure for new development in some hazardous areas. And, despite the risks, it is possible to build relatively safely in some hazardous areas if proper precautions are taken. Comprehensive plans address this dilemma by requiring review of each proposed development in identified hazard areas.

Typical Coastal Hazards

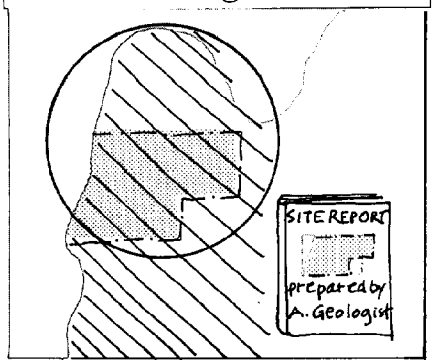


Plan Inventory



Plans identify general hazard areas—especially flood, erosion and landslide zones—usually based on a countywide study done by the Department of Geology and Mineral Industries (DOGAMI). In mapped hazard areas, the burden of proof is on the property owner to show that it is safe to build.

Site Investigation



Typically, the property owner must obtain a written report prepared and stamped by an appropriate expert (usually a geologist or an engineering geologist) showing that it is safe to build. Reports must:

- Describe the hazards present.
- Show where on the property the hazard exists.
- Describe specific steps that will safeguard proposed development from the hazard.
- Describe whether development will increase hazards to adjacent properties.

Local Review

1. No Hazard! Allow building without restriction.

IF HAZARD:

2. Building must be away from hazard.
3. Conditions are placed on the permit to assure building is sufficiently protected from hazard and won't endanger properties.

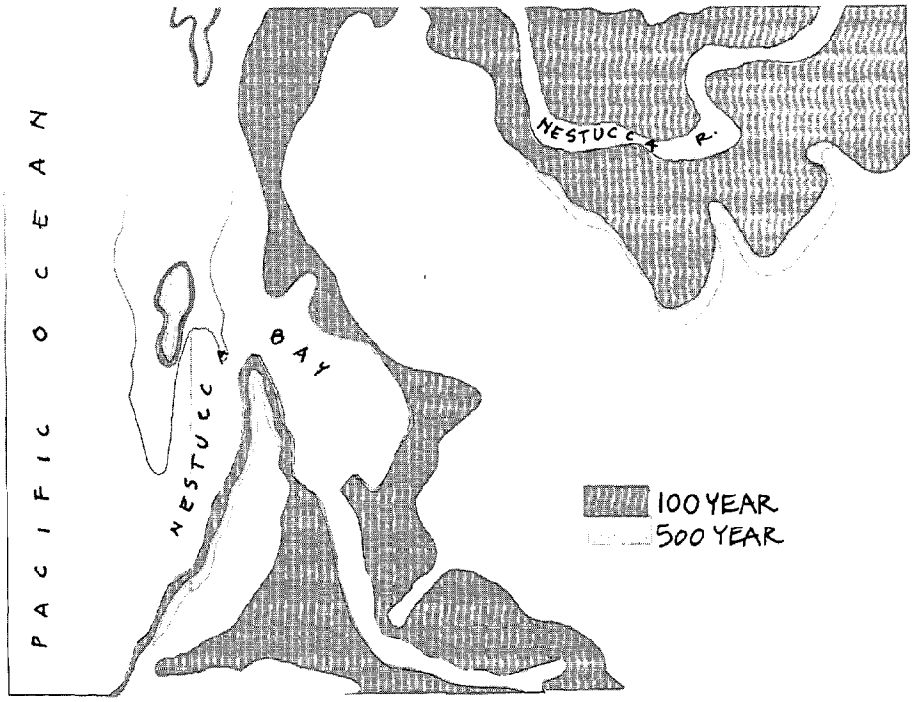
The site investigation report is reviewed by the local building official, planning director or planning commission to see if it is clear and adequate. After that, the city or county takes appropriate action. If there is no hazard on the building site, it will allow building without restrictions. If a hazard is present, the buildings must be set away from the hazard, or conditions will be placed on the permit to assure the building is protected from the hazard and won't endanger other properties.

Floodplain Management

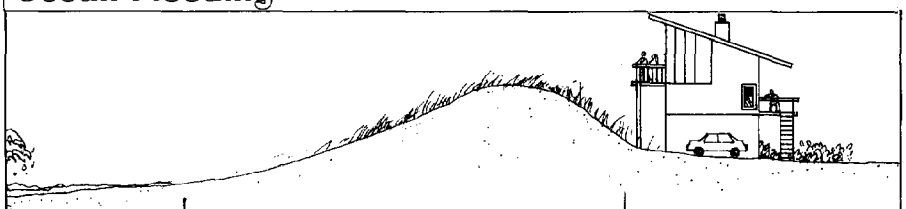
Local plans and ordinances for development in floodplains must implement requirements of the federal flood insurance program. Participation in the federal program makes property eligible for federal flood insurance. Federal studies for each community in the state identify areas subject to flooding.

Floodplain Mapping

Maps like this one prepared for the Federal Emergency Management Agency (FEMA) have been adopted by every coastal city and county to show areas subject to flooding. The different flood classifications (V, A, B, C, etc.) identify different types of flood hazard. Local floodplain ordinances include regulations for building and development in each of these flood zones.

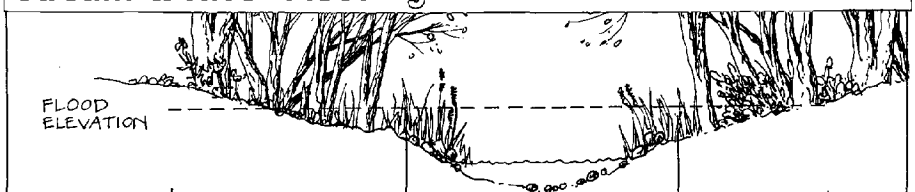


Ocean Flooding



AREA	V-ZONE (VELOCITY)	A-0 ZONE (SHALLOW FLOOD)
DESCRIPTION	Ocean waves breaking up to 3' above this elevation.	Flood waters including waves up to 8' high.
USE LIMITS	No permanent buildings or structures except shoreline stabilization.	Habitable floor 1 foot above flood level.

Stream & River Flooding



AREA	FLOOD FRINGE	FLOODWAY	FLOOD FRINGE	
DESCRIPTION	Shallow flooding Usually standing or slow-moving water.	Usually fast-moving water. Area reserved to conduct water of a 100 yr flood out of the area.		
USE LIMITS	Construct buildings at or above flood elevation.	No fill or structure that would cause any rise in base flood elevation.		

What is a 100-year flood?

A 100-year flood is a flood which has a 1% probability of occurring in any given year. It is also known as a "one percent flood." FEMA forecasts the 100-year flood based on historical information on rainfall and a detailed analysis of flooding patterns in each community. Along the ocean shore the 100-year flood level forecast is derived from information on high tides, wind-driven storm waves, and tsunamis.

For Further Information

Maps showing the location of the floodplain, floodway and flood-fringe are available for every city and county on the coast. Copies of these maps can be obtained from the appropriate planning office. Local planners can help you interpret the maps and explain the restrictions on building in each of the different zones. Copies of floodplain maps are also available from the Floodplain Project Office at the Department of Land Conservation and Development in Salem.

Close to the Edge

The shoreline, the land at the water's edge, is the essence of the coastal zone. These lands are a delicate fringe of habitat critical to almost all types of wildlife that inhabit the coastal zone.

Lands at the water's edge are also a critical human habitat. Shorelands have been a magnet for human settlement since the beginning of time. Even now, access to water, both physical and visual, draws human settlement to the shores of oceans, lakes and estuaries. Many uses, like ports and marinas, must have access to the water, while others, such as restaurants, motels and houses, sometimes benefit from closeness to the water.

Planning for shorelands has two major objectives: setting aside lands for uses that need to be located along the shoreline and protecting the natural fringe between land and water. To accomplish these objectives, each plan includes a shorelands boundary and special zoning requirements for lands within the boundary.

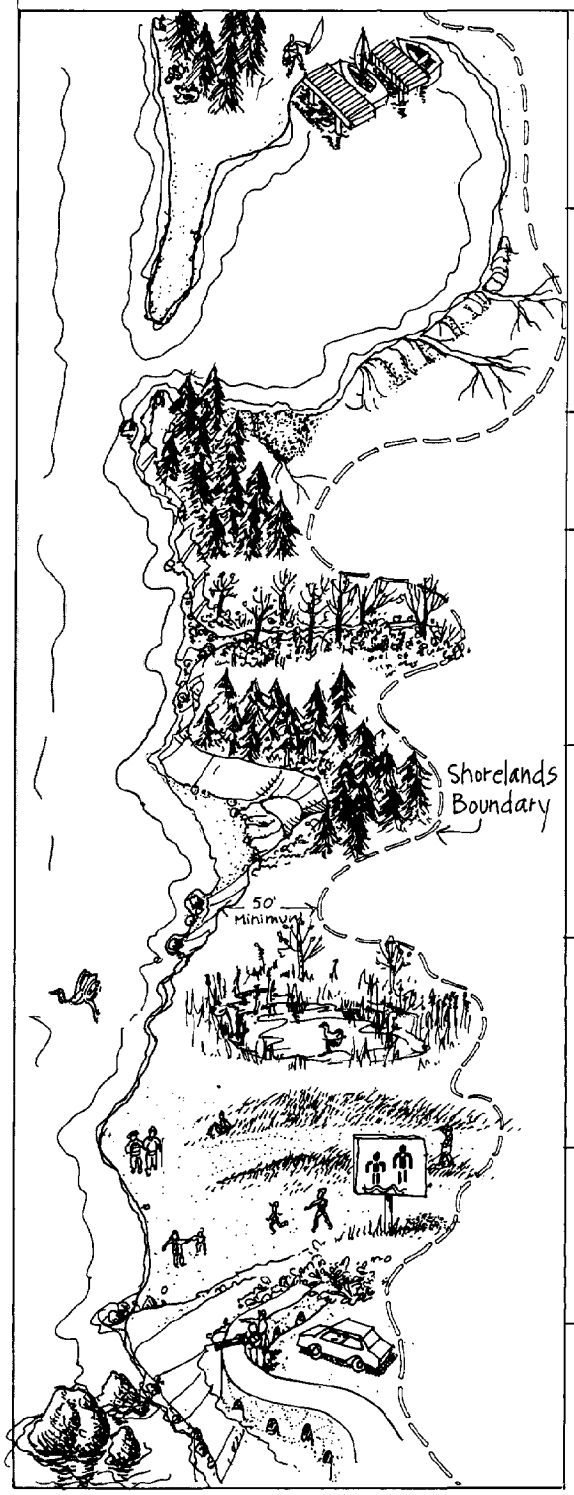
What are "shorelands" ?

Each comprehensive plan includes a coastal shorelands boundary. Lands between the high water mark and that boundary are coastal shorelands.

The shorelands boundary is usually a minimum of 50 feet landward from the shoreline. (It may be less if there is a road within 50 feet of the shoreline.) The boundary extends further inland wherever one of the resources listed in the chart to the right is present.

Shoreland Zoning

Each coastal comprehensive plan includes special zoning restrictions to recognize and protect special shoreland values. Most zones include either an overlay zone or additional standards to regulate uses within the shorelands boundary. The special restrictions are described in the chart to the right.



Resource Included

- **Sites Especially Suited for Water Dependent Uses** (ESWD)
- **Mitigation and Restoration Sites**
- **Dredged Material Disposal Sites** (DMD)
- **Riparian Vegetation**
- **Coastal Hazard Areas**
- **Significant Habitats**
- **Public Access**
- **Exceptional Aesthetic Resources**

Lands Included	Special Requirements
Sites with deep water close to shore and with access to supporting facilities, such as rail lines and highways that are suitable for water dependent uses, such as port facilities, marinas etc. (Most "ESWD" sites are in developed estuaries.)	Only water-dependent uses are allowed. (These are uses which must have access to the water in order to function, such as marinas, port facilities etc.) Uses that are "in conjunction with water dependent uses" or which don't interfere with water dependent uses may also be permitted.
When dredging or filling is permitted in tidal marshes or flats their effects must be offset by creating or improving another part of the estuary. Mitigation and restoration sites are lands that have potential, if modified, to create, restore or enhance biological or habitat values. Breaching of dikes to restore tidal action is a typical mitigation technique.	Temporary uses and other uses which don't interfere with eventual use of a site for mitigation or restoration are permitted. Continuation of existing uses is typically allowed.
Sites for future development or marginal farmlands that are close to navigation channels. Wetlands and good farm land are generally not designated as DMD sites.	No interfering uses are allowed until the site has been fully used for dredged material disposal. After disposal is complete, any use permitted by zoning may be allowed.
Trees, shrubs and other vegetation along the shore stabilize the shoreline, provide habitat, and help buffer coastal waters from adjacent development. Riparian vegetation usually extends 25-50 feet inland depending on the waterway and the steepness of the shoreline.	Removal of vegetation is restricted. Except for water-dependent uses, structures must be set back from riparian vegetation. Riparian areas can qualify for property tax deferral if they are approved by the Oregon Department of Fish & Wildlife.
Areas subject to natural hazards that are related to coastal waters, including erosion and flooding.	All development within identified hazard areas is reviewed by the city or county — see Natural Hazards discussion on page 14. Vegetative stabilization is preferred over riprap to control shore erosion.
Large, valuable or relatively unique habitats and wetland areas as identified in the comprehensive plan (and as updated at periodic review).	Resource values of the wetland or habitat are protected by the plan. Development must occur outside designated resource areas or be consistent with protection of identified values. (Alterations to wetlands in coastal shorelands require state and federal permits even if they aren't designated as major marshes in the comprehensive plan.)
Public lands, rights of way and easements which provide physical or visual access to coastal waters.	Lands may not be sold unless some public access or potential for access across the property is retained.
Areas with outstanding views of the coastal water or of the coastal landscape or of a particular coastal feature. (Mostly public viewpoints, public lands, and state parks.)	Alterations or development which would interfere with or detract from the view are not permitted.

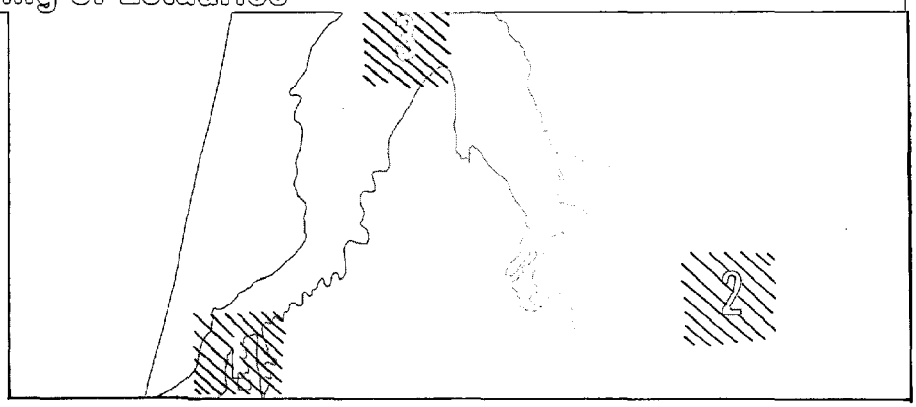
Estuary Planning

Estuaries are special places where ocean and river mingle to create a dynamic, diverse, and highly productive environment. Plants and animals thrive in this unique environment driven by sunlight and the daily tides. Humans, too, are drawn to the estuary to harvest food, travel on its waters, and claim the flat lands for the purposes of civilization.

Cities and counties, with advice from state and federal agencies, have prepared plans for each of Oregon's estuaries. The plans protect the natural resources of the estuary and describe how and where different kinds of development in and around the estuary are permitted.

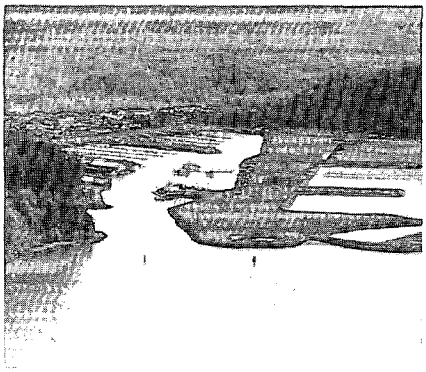
Management Units: Zoning of Estuaries

Plans for each estuary divide the estuary into a number of zones, called management units. Permitted and conditional uses are specified for each management unit. The charts below and on the next page describe what kinds of areas are to be included in each management unit and the uses that can be allowed.



1 Development Management Units

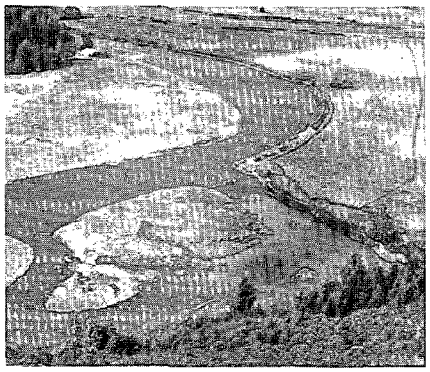
- Deep-water areas adjacent or in proximity to the shoreline.
- Navigation channels.
- Subtidal areas for in-water disposal of dredged material.
- Areas of minimal biological significance needed for uses requiring alteration of the estuary.



Management Objective: To provide for navigation and public, commercial, and industrial water-dependent uses consistent with the level of alteration allowed by the overall estuary classification.

2 Conservation Management Units

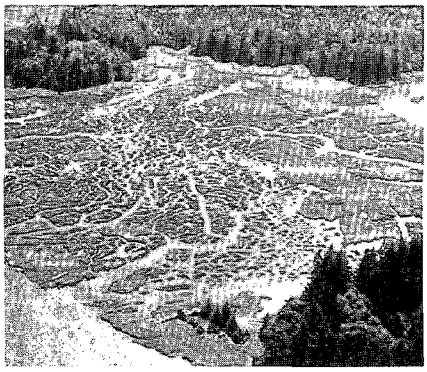
- Significant habitats smaller or of less biological importance than those included in natural units.
- Recreational or commercial oyster and clam beds not included in natural units.
- Areas that are partially altered and adjacent to existing development of moderate intensity and which do not qualify as natural or development units.



Management Objective: To provide for long-term uses of renewable resources which do not require major alterations to the estuary, except for the purpose of restoration. These areas are to be managed to conserve natural resources and benefits.

3 Natural Management Units

Major tracts of salt marsh, tideflats, and seagrass and algae beds.



Management Objective: To assure the protection of significant habitats for fish and wildlife, continued biological productivity in the estuary, and scientific research and educational needs. These areas are to be managed to preserve the natural resources.

Permitted Uses in Estuary Management Units

Uses/Activities	Natural	Conservation	Development
Resource Protection/Enhancement			
Research & Educational Observation			
Habitat Protection			C
Passive Restoration			C
Active Habitat Restoration	C		C
Active Restoration (Non-Habitat)		C	C
Maintenance of Existing Uses			
Riprap to protect Existing Uses			
New Tidegates in Existing Dikes			
Dredging to Maintain Existing Structures			
Aquaculture			
Aquaculture w/o Dredge or Fill			C
Aquaculture w/ Dredge or Fill			C
Water-Dependent Recreation			
Boat Ramps w/o Dredge or Fill	C		
Boat Ramps w/ Dredge or Fill		C	
Marinas with Dredging Only		C	
Marinas with Dredge/Fill			
Minor Alterations			
Navigation Aides, (i.e. beacons, buoys)	C		C
Communication Facilities	C		C
Pipelines, Cables & Utility Crossings	C		C
Bridge Crossings			
Bridge Crossing Support Structures		C	C
Major Alterations			
Minor Navigational Improvements	C		
Temporary Alterations	C		
Flow-lane Disposal of Dredged Material		C	
Mining and Mineral Extraction		C	C
Navigation and Water-Dependent Uses			
Navigation			
Water Dependent Uses w/o Dredge or Fill (i.e. on Piling or Floats)		C	
Water Dependent Uses w/ Dredge or Fill		C	
In-water storage (e.g. log storage)		C	
Nonwater Dependent Uses w/o Dredge or Fill (i.e. on piling or floats)		C	

Allowed Use or Activity
Subject to Resource Capability Review (C)
Not Allowed

Note: This matrix is for information only. Individual estuary plans may be more or less restrictive. Check with the appropriate city or county to see whether a particular use is allowed by the plan.

For Further Information

The **Oregon Estuary Plan Book,** available from DLCD, includes detailed information on all of Oregon's estuary plans and planning requirements, and estuarine habitats. Questions about a particular estuary or estuary plan are best directed to the relevant city or county planning department.

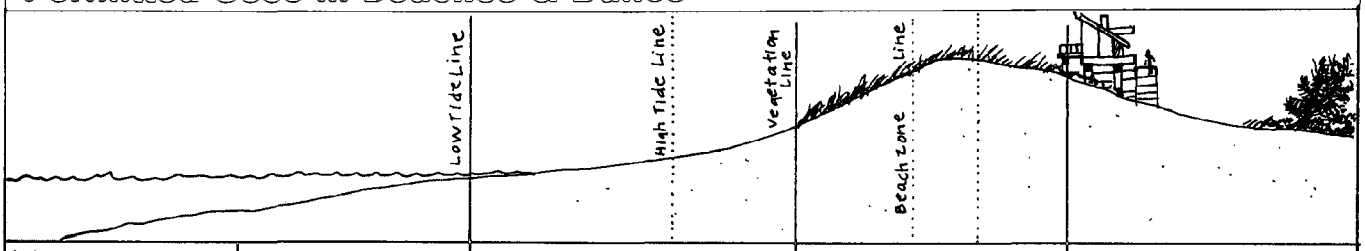
Who's Minding the Shore?

Perhaps the most special places on the Oregon coast are our ocean beaches. Ever-changing and never changing our beaches are a source of inspiration, awe and pride. They are a sanctuary for the forces of nature—sand, waves, wind and unbroken vistas—a sanctuary that we save for ourselves, our visitors and for future generations. But like other parts of our landscape, the beach is not totally free from the works of man. A series of laws are in place to keep interference to a minimum.

Who Owns the Beach?

Most people think Oregon's beaches are publicly owned. That's not entirely true. The public does own the wet sand beach, up to the ordinary high tide line. But the dry sand beach is usually part of the adjoining upland property. In many cases, this is privately owned. Even so, the public has a perpetual easement to use the dry sand beach up to the surveyed beach zone line. This easement is set out in the famous Oregon Beach Bill. The Beach Bill guarantees the public unobstructed use of dry sand beaches, even those that are privately owned. The public rights under the beach bill are managed and protected by the Oregon Parks and Recreation Division. The Division of State Lands shares jurisdiction over beaches in managing the beds and banks of state waters.

Permitted Uses in Beaches & Dunes



LANDFORM	Nearshore	Beach		Dune			
	Subtidal	Intertidal	Dry Sand	Foreslope	Crest	Backslope	
PERMIT BOUNDARY		Local Land Use Permit					
		Beach Improvement Permit					
	Removal-Fill Permit						
OWNERSHIP	State Owned		Public Beach Easement	Upland Land owner			
New Houses in Developed Area				C			
New Houses in Undeveloped Area							
Accessory Structures				C			
Rip-Rap on Developed Shore		C		C			N/A
Rip-Rap on Undeveloped Shore							N/A
Septic Tanks in Developed Area				C			
Septic Tanks in Undeveloped Area							
Dune Grading		N/A		C			C
Dune Breaching		N/A		C			C
Sand Removal							C
Commercial Driftwood Removal		C					N/A
Roads							
Public Access		C		C			
Vegetation Removal		C		C			

Not Allowed	
Conditional	C
Permitted	
Not Applicable	N/A

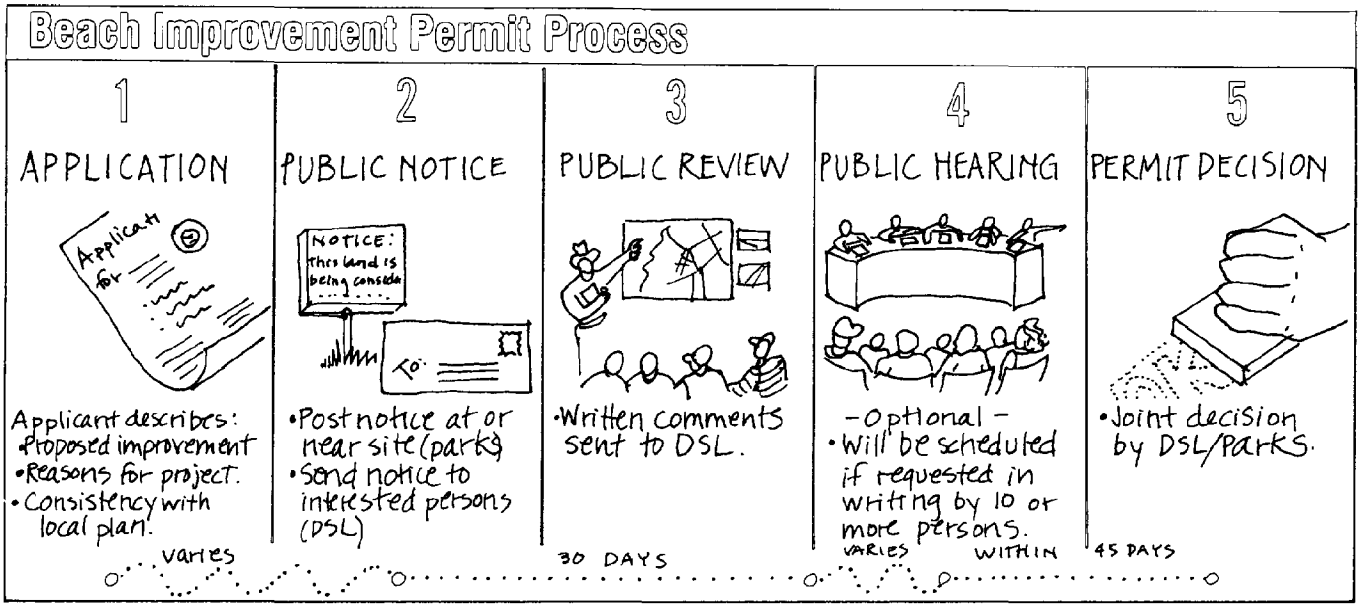
Beach Permits

The State Parks and Recreation Division manages Oregon's beaches under the terms of the Beach Bill. Permits are required from that agency for many activities conducted on the beach west of the beach zone line. Permits are also required from the Division of State Lands for fill or removal seaward of the vegetation line. The agencies operate a joint permit process.

Most beach permits are for placement of large stones, called riprap, to protect oceanfront homes from erosion. In order to get a permit for riprap or other alterations seaward of the zone line, an applicant must meet several standards.

The applicant needs to:

- Justify location of project seaward of beach zone line (Parks) or vegetation line (DSL).
- Protect public use and avoid obstruction of public use and access.
- Show that reasonable modifications which would better protect public rights or reduce public costs are not feasible.
- Retain scenic attraction of natural features.
- Retain or restore vegetation seaward of the vegetation line vital to scenic values.
- Avoid biological impacts.
- Avoid or minimize obstruction of views from adjacent properties.
- Avoid hazards to public safety.
- Avoid or minimize ocean erosion or safety problems for neighboring properties.
- Comply with comprehensive plan, Goals, and other laws. (OAR 736-20)



Other Regulated Activities

Permits from the Parks & Recreation Division and the Division of State Lands are also required for the following activities:

- Any commercial activity (Parks).
- Removal of sand, rock, mineral or marine growth other than fish, wildlife, agates or souvenirs (Parks/DSL).
- Vehicle Use (Parks).
- Commercial firewood gathering (Parks).
- Placement of pipelines, cables or conduits (Parks/DSL).

For Further Information

Additional information about the permit process or individual activities is available from Parks and DSL. Contact either the **Ocean Shore Manager** at the Parks and Recreation Division, or the **Waterway Permits Coordinator** at the Division of State Lands. Information about relevant land use regulations is available from the affected city or county.

Oregon's Nearshore Ocean

Oregon is proud of and famous for its spectacular ocean. From salmon, crab, and shrimp fishing to its offshore rocks, resources of the Oregon nearshore ocean have sustained the livelihoods and spirits of countless residents and tourists alike. It is not surprising, then, that Oregon has some of the nation's most advanced policies for ocean planning and development.

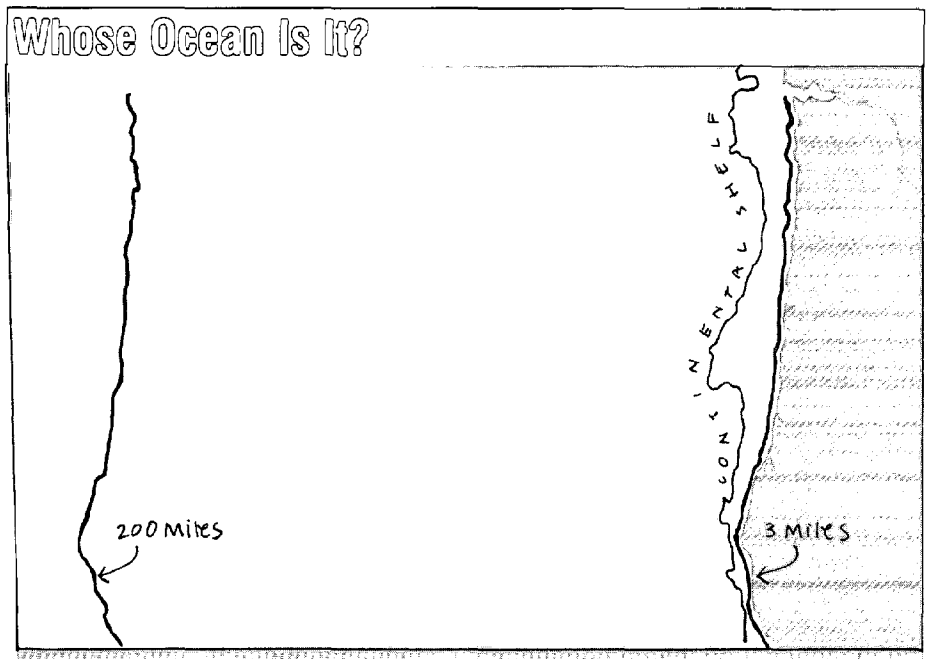
State Ocean Policies

The state's responsibility for managing resources and uses in the nearshore ocean is divided among several agencies. The most important are listed below.

Division of State Lands (DSL)—The state — through the State Land Board — owns the ocean bottom within three miles of the coastline. DSL manages these lands on behalf of the State Land Board and will decide whether or not these lands will be leased for oil, gas or marine mineral development. DSL's decision must follow Goal 19, state statutes, and DSL's constitutional obligation to assure that resources are conserved using sound management techniques.

Revenues from offshore development in state waters go to the Common School Fund. DSL also regulates removal and filling of material within the nearshore zone, including the dumping of mining and dredge spoils offshore. DSL is required to develop a plan for management of the resources and uses of the submerged and submersible lands of the state territorial sea by July 1, 1991.

Department of Transportation (ODOT)—Any pipelines, cable lines or conduits which cross the ocean shore or adjacent submerged lands require ODOT Parks and Recreation Division permits.



Jurisdiction over the ocean is shared by the state and federal governments. The state owns the ocean floor and submerged resources out to 3 miles. Beyond that, the federal government has declared an "exclusive economic zone," called the EEZ, out to 200 miles from our coast, and thereby claims jurisdiction over resources and uses, like fishing, oil and gas drilling, and mineral development.

Department of Environmental Quality (DEQ)—DEQ monitors and controls water pollution and is responsible for maintaining water quality in the nearshore zone. Oil spill and other water pollution cleanup is supervised or executed by DEQ. DEQ permits are required for the discharge of treated sewage and industrial wastes into coastal waters.

Department of Geology and Mineral Industries (DOGAMI)—DOGAMI provides geologic information to agencies, local governments and the public, and is responsible for issuing offshore oil and gas drilling permits. It also regulates drilling to assure safe, efficient, and pollution-free operations.

Department of Land Conservation and Development (DLCD)—DLCD is the primary agency for coordination of ocean resources management and planning activities. The Department oversees all state agencies for compliance with the statewide planning goals, including Goal 19, *Ocean Resources.*

Department of Fish and Wildlife (ODFW)—ODFW manages Oregon's fish and wildlife, including those in the territorial sea. ODFW must be consulted regarding the effects on fish and wildlife when oil, gas, mineral or kelp bed leasing is considered by DSL.

Goal 19

Statewide Planning Goal 19, *Ocean Resources,* expresses Oregon's fundamental ocean policies. It establishes a process and standards for making decisions that would affect ocean resources and uses. Goal 19:

- Gives priority to protection of renewable resources and long-term benefits over nonrenewable resources and short-term benefits.
- Requires state and federal agencies to base their ocean resource decisions on sound inventory information.
- Is implemented by state agencies through their review of permits and other approvals for development in the territorial sea and by federal agencies through federal consistency procedures.

The Goal 19 Process

Inventory

- Identifies resources and uses affected by the proposed use.
- Gathers information sufficient to understand impacts of proposed use.

Because ocean activities vary so much in location, size and impacts, the level of detail will vary depending on resources affected and proposed activity. The responsibility to develop information and programs adequate to meet Goal 19 is shared by state agencies and permit applicants.

Impact Assessment

Agencies must do more than merely gather information. They must use that information to assess the effects of the proposed permit activity on ocean resources and uses.

- Agency proposing decisions prepares a report and findings identifying effects of proposed use on ocean resources and uses.
- If inventory information is not adequate to fully assess impacts, the agency must assume the full spectrum of potential impacts will occur.

Decision

Overall, agency decisions must:

- Conserve renewable resources.
- Demonstrate no substantial interference with fishing, navigation, recreation, aesthetics or long-term protection of renewable resources. (When waste discharge, mineral extraction or dredged material disposal are involved.)
- Protect important biological habitat, such as feeding, spawning or nursery areas, migration routes, kelp beds, etc.
- Include contingency plans to minimize damage from foreseeable accidents.

The Ocean Plan

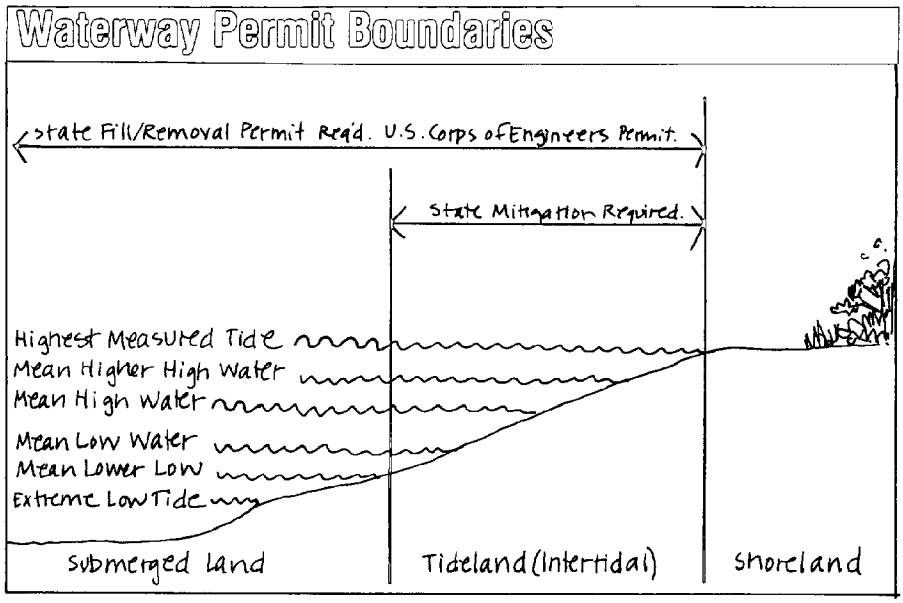
The 1987 legislature passed Senate Bill 630, the Oregon Ocean Resources Management Act. This landmark law requires the state, through the Ocean Resources Management Task Force, to prepare an Ocean Resources Management Plan. The plan must promote and insure coordinated management of living and non-living marine resources within the U.S. Exclusive Economic Zone. The statute reaffirms Goal 19's priority of protection of renewable resources over nonrenewable resources. It also requires a specific management plan for the state's territorial sea to be prepared and adopted by the State Land Board.

For Further Information

The Oregon Oceanbook is an easy-to-read overview of the resources in Oregon's Ocean. (It's available from the Marine Science Center in Newport). State agency responsibilities for ocean management are outlined in detail in the *Oregon Territorial Sea Management Study,* available from the Ocean Resources Management Program office in Portland. Also available from DLCD is *Oregon & Offshore Oil,* which explains the hows and whys of offshore oil development.

Why Permits . . .

The state and federal governments have a constitutional obligation to maintain the ocean, rivers, streams, lakes and wetlands for public uses. Public uses include navigation, commerce, fisheries, and recreation. The federal government implements its obligations through the Clean Water Act and the Rivers and Harbors Act. Both laws are administered by the Army Corps of Engineers. The Division of State Lands (DSL) regulates alterations through the Removal-Fill Law. These state and federal laws cover all bodies of water including wetlands. Permits are required so that these government agencies can make sure that these "public trust" uses and values are protected.



. . . and Leases?

When it became a state in 1859, Oregon gained title to the beds and banks of all navigable waters in the state. The Division of State Lands manages these submerged and submersible lands for the state. DSL negotiates leases for docks, piers and moorages to upland land owners and for mining or commercial aggregate removal.

Which Activities Require a Permit?

Filling, removing or altering the bed or banks of waters of the State of Oregon is regulated. Typical activities requiring permits are:

- Bank protection by riprap, groins, levees, breakwaters, etc.
- Roadfill, bridge abutment fills, bridge piers, etc.
- Outfall structures, pipeline crossings, intakes, etc.
- Site development fills.
- Gravel removal or alteration.

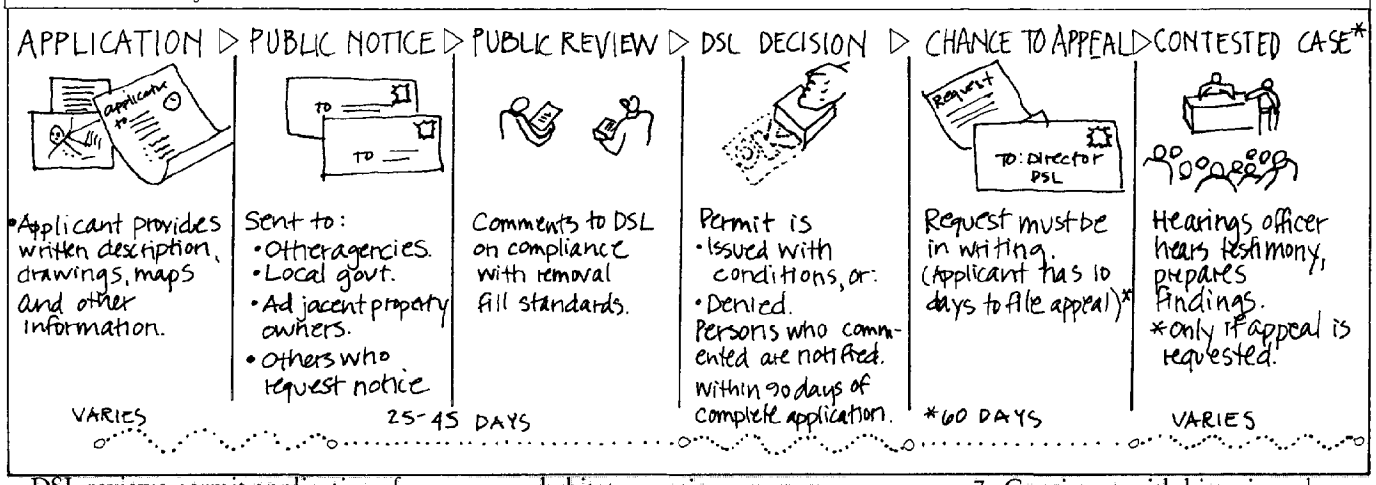
Wetlands

Wetlands come in a variety of sizes, shapes and types. Wetlands are important wildlife habitat, especially for waterfowl. They also protect shorelines from erosion, improve water quality and help reduce flooding.

Wetlands include swamps, marshes and bogs. In legal terms, a wetland is an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. When there is a question about whether land is "wetland," DSL or the Corps can make an on-site determination of wetland boundaries.

Dredging, diking or filling in wetlands usually requires DSL and Corps permits. Normal farm practices on lands that are currently cultivated are exempt. This exemption does not apply to areas not currently in agricultural use.

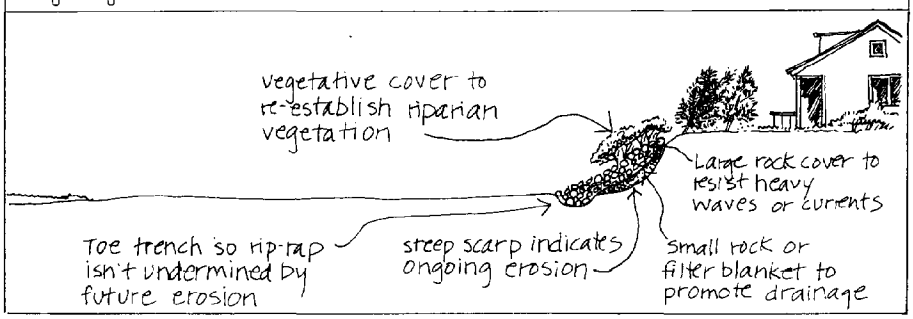
Removal/Fill Permit Process



DSL reviews permit applications for compliance with the following standards:

1. Fill or removal does not unreasonably interfere with navigation, fisheries or recreation.
2. Use is water-dependent or a public use.
3. No significant harm to municipal water supplies, aquatic life or habitat, aquatic ecosystem functions, recreational, aesthetic or economic value of water resources.
4. No harm to rare or endangered species.
5. No practical, less harmful alternatives.
6. Practical steps taken to reduce harm to aquatic life and habitat.
7. Consistent with historic and archeological protection standards.
8. Consistent with comprehensive plan.
9. Consistent with water quality standards.
10. Mitigation for intertidal fill and dredging in estuaries, except for riprap and other minor projects.

Riprap Guidelines



Most of the permits issued by DSL and the Corps are for rock revetments to prevent shoreline erosion. These revetments, called riprap, need to be carefully designed so that they don't shift erosion to neighboring properties. In most situations, it is necessary to hire an engineer to assure that the structure is properly designed and built. DSL, as well as local governments, require that vegetation be planted to enhance or reestablish shoreline habitat.

Riprap Standards:

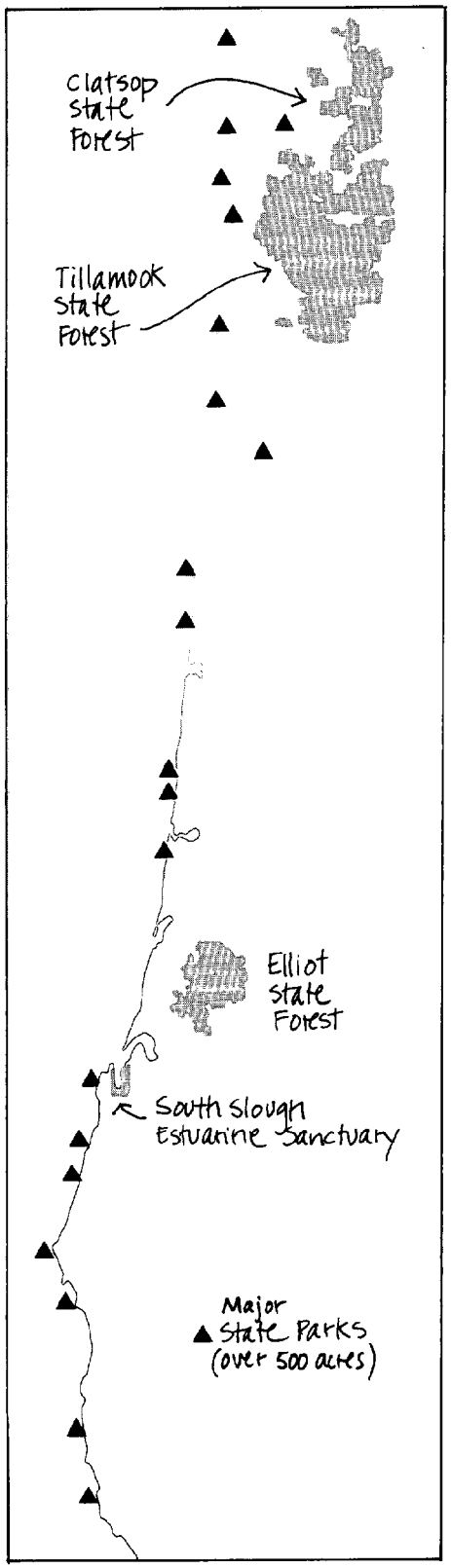
- Bank sloping with vegetation and other non-structural techniques are preferred.
- Structures must follow bankline and not encroach into state waters.
- Materials must be clean, durable rock. Concrete, rubble, asphalt, car parts etc. not allowed.
- Structures must encourage bankline vegetation.

(Revetments must also meet the Removal/Fill Standards listed above.)

For Further Information

Corps of Engineers: Contact the Regulatory Functions Branch, Box 2946, Portland 97208, 221-6995. **Division of State Lands:** Contact the Waterway Permits Section, 1600 State Street, Salem, 97310, 378-3805.

Three publications are also available explaining how the waterway permit system works: *Administrative Rules for Oregon's Removal-Fill Permit Program* is a 35-page pamphlet available from the Division of State Lands. DSL also has a 4-page brochure outlining the Removal-Fill permit program. The OSU Extension Service has also written a guide for permit applicants called *Obtaining Permits for Waterway Development.* It's available for 75¢ from Extension's Coastal Resource Office, Extension Hall, Room 330, OSU, Corvallis 97331 754-3771.



Other State Programs

So far this booklet has highlighted the key state programs specifically set up to manage coastal resources. A number of statewide laws and programs have an important impact on the coast, even though they aren't strictly coastal in nature. These other programs are described below.

State Parks and Recreation Division

The State Parks and Recreation Division manages over 35,000 acres of park land in more than 100 state parks and waysides in the coastal zone. The Division is developing master plans for the larger parks to assure that future recreation needs are met and that natural values are protected.

State Parks administers several other recreation programs on the coast:

- The Oregon Coast Hiking Trail and the Oregon Coast Bike Route.
- Historic preservation planning.
- State Scenic Waterways.

Department of Environmental Quality

DEQ is the state's lead agency for protecting air, water and land quality. DEQ requires permits for major sources of air and water pollution. DEQ also has overall responsibility for regulation of subsurface sewage disposal (septic tank) facilities. DEQ is also in charge of cleaning up any toxic or hazardous waste sites in the state.

Health Division

The Health Division monitors the water quality of public water systems to ensure protection of public health. Specific authorities of the Division include:

- Orders water or sewer services by cities or districts to areas where inadequate installations pose a danger to public health.
- Reviews and approves plans for new public water systems and major improvements to existing systems, including systems for recreation vehicle parks.
- Monitors water quality and the quality of oysters and other shellfish to assure that they are safe for consumption.

State-Owned Land in the Coastal Zone

The State of Oregon is a major landowner in its own coastal zone. Over 750,000 acres of forests, parks and estuaries are managed by state agencies. And that figure doesn't include ocean beaches, lakes, non-tidal rivers or the ocean.

Oregon Department of Fish and Wildlife

ODFW is charged with managing fish and wildlife populations to optimize recreational, aesthetic, commercial and social benefits to the state. Important responsibilities include:

- Sets regulations and seasons for hunting and fishing.
- Makes recommendations to other state agencies on projects that would harm fish or wildlife habitat.
- Operates public fish hatcheries and regulates private fish hatcheries.
- Develops angler access sites.

Water Resources Department

The Water Resources Department (WRD) and the Water Resources Commission administer state laws regulating the use of surface water and groundwater. The WRD promotes wise use of state waters through basin plans and state water management policies. Basin plans identify priority actions to improve water management in each basin and coordinate other government actions related to water resources. Basin plans regulate the type of water uses that will be allowed in the future. The Commission protects public resources and uses, including fish, water quality, and recreation, by setting minimum streamflows and instream water rights.

Economic Development Department

The Ports Division of the Economic Development Department assists the state's Port Districts in promoting economic development. The Ports Division operates the Port Revolving Fund, lending money to individual ports for economically beneficial projects and conducts studies to pinpoint economic development prospects of Oregon's ports. Port Districts are special districts created under Oregon law to promote economic development, usually, but not necessarily in conjunction with port facilities.

Marine Board

The Oregon State Marine Board constructs public boating facilities with revenues from boat license fees. The Marine Board has helped coastal cities, counties and ports build docks, boat ramps and associated facilities to increase public boating opportunities. The Marine Board also regulates recreational boating on state waters.

State Forestry Department

The Oregon State Forestry Department manages three state-owned forests in the coastal zone totalling over 600,000 acres. State Forestry also administers the State Forest Practices Act which regulates how timber harvest, road building, replanting and other activities are to occur on private and publicly owned forest lands.

South Slough National Estuarine Research Reserve

In 1974, the South Slough of Coos Bay was designated as the nation's first estuarine sanctuary. With federal assistance, the state has assembled a total of 4,400 acres of tideland and upland into state ownership. South Slough now serves as a laboratory for scientists and a classroom and educational center for students and visitors. A seven-member management Commission administers a plan to protect South Slough for future generations.

Department of Energy

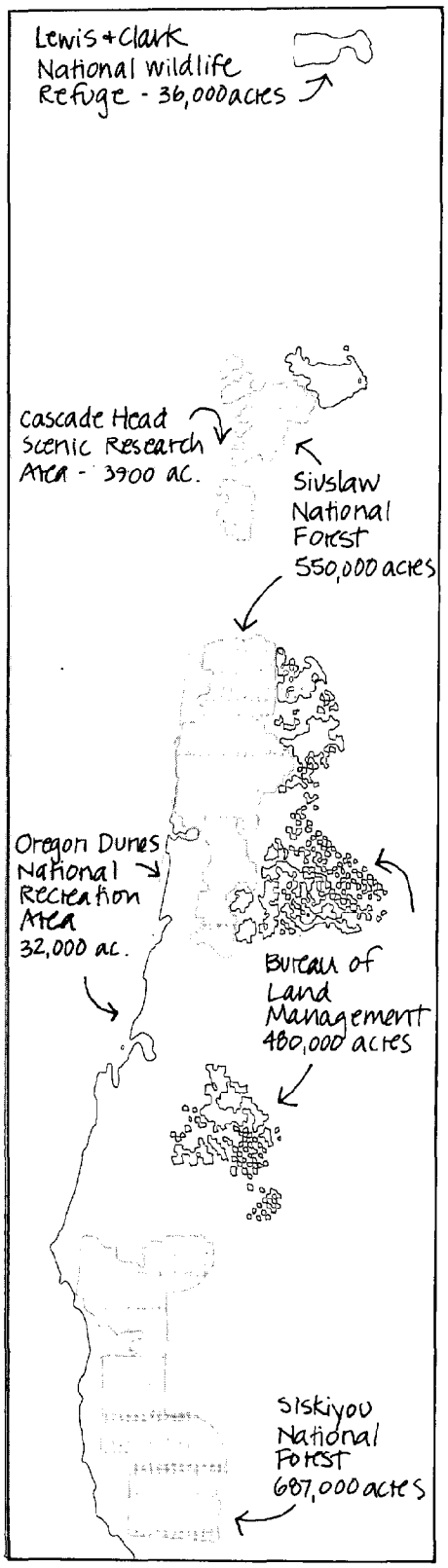
The Department of Energy (ODOE) provides staff support to the Energy Facility Siting Council (EFSC). EFSC administers the state's authority for siting, monitoring and regulating the location, construction and operation of major energy facilities and disposal of naturally-occurring radioactive waste. Protection of public health and safety and compliance with the air, water and environmental protection policies of the state are EFSC's important considerations.

Department of Geology and Mineral Industries

DOGAMI develops, stores and disseminates geologic information about the state to serve as a basis for prudent decision-making in resource development and land management. Department staff chair the interagency State Map Advisory Council, which coordinates the preparation of various types of onshore and offshore maps, and computerized geographic information. The Department also staffs the State-Federal Agency Technical Task Force, which evaluates the economic and environmental impacts of offshore mineral development. DOGAMI regulates mining and drilling for oil and gas and requires plans for reclamation of mined lands to ensure responsible development.

For Further Information

A listing of all state statutes included in the Oregon Coastal Management Program is included in the OCMP Appendix, available from the Department of Land Conservation and Development. For information on specific laws and agency programs, contact the relevant agency listed above — addresses and phone numbers are provided on page 31.



The Federal Role on Oregon's Coast

There should be no doubt that the federal government plays a major role in shaping the economy and environment of Oregon's coast. Consider these facts:

- Over 1.7 million acres of land on the Oregon Coast are owned and managed by the federal government—more than one-third of the coastal zone.
- Ocean fishing and commerce are dependent on harbors built and maintained by the Corps of Engineers.
- The federal Minerals Management Service will decide whether or not to allow oil and gas development off Oregon's Coast.
- Fisheries, wildlife and other natural resources are regulated by federal agencies.

In short, decisions made by the federal government have shaped and will continue to shape the Oregon coast. The Oregon Coastal Management Program (OCMP) is designed to increase the state's influence over these decisions. A federal law, the Coastal Zone Management Act of 1972, encourages the state to play a strong role.

Corps of Engineers

The Corps is responsible for building and maintaining jetties and channels in development estuaries. The Corps is also the lead federal agency for waterway management. The Corps regulates activities in navigable waters under Section 10 of the Rivers and Harbors Act of 1899. Activities that are regulated include dredging and disposal, filling, placement of in-water structures, and bank stabilization up to the mean or ordinary high water line. The Corps is also responsible for Section 404 of the Clean Water Act which regulates disposal of dredged or fill material in waters of the United States.

Bureau of Land Management

BLM manages almost 500,000 acres of land, mostly timberland, in Oregon's coastal zone. BLM develops Management Framework Plans and Timber Harvest Plans. Lands are managed for different uses including timber harvest, recreation and habitat protection. BLM's checkerboard pattern of ownership is from the Oregon & California Railroad land grant. The O&C lands, as they are called, reverted to the federal government in the late 1800's. Counties receive a portion of the revenues from timber harvested on O&C Lands.

U.S. Forest Service

Like BLM, the Forest Service is a major landowner in the coastal zone. The Forest Service has a similar planning process; its plans are called Land and Resource Management Plans. The Forest Service is also responsible for managing two special areas on the Coast: the Oregon Dunes National Recreation Area and Cascade Head Scenic Research Area. Planning for both of these areas is set forth in federal law.

U.S. Fish and Wildlife Service

The USFWS is the lead federal agency for protection of fish and wildlife habitat. USFWS advises other federal agencies on the effects of their actions on fish and wildlife habitat and makes recommendations to lessen or offset harmful effects. USFWS also manages national wildlife refuges and administers the Endangered Species Act.

National Marine Fisheries Service

NMFS manages ocean fisheries, including anadromous fish such as salmon and steelhead. NMFS is the federal agency which adopts regional fishery management plans. NMFS also comments on federal waterway permits to assure protection of habitat for marine fish.

Environmental Protection Agency

EPA is the lead agency for air and water pollution control. EPA is jointly responsible with the Corps of Engineers for implementing the Clean Water Act, including Section 404. The EPA has veto authority on Section 404 permits.

U.S. Coast Guard

The Coast Guard is responsible for maintaining safe navigation in U.S. waters. Its major land use-related responsibilities are placement of navigation aides and regulation of bridges over navigable waters. The Coast Guard is also the lead federal agency for oil spill prevention and cleanup.

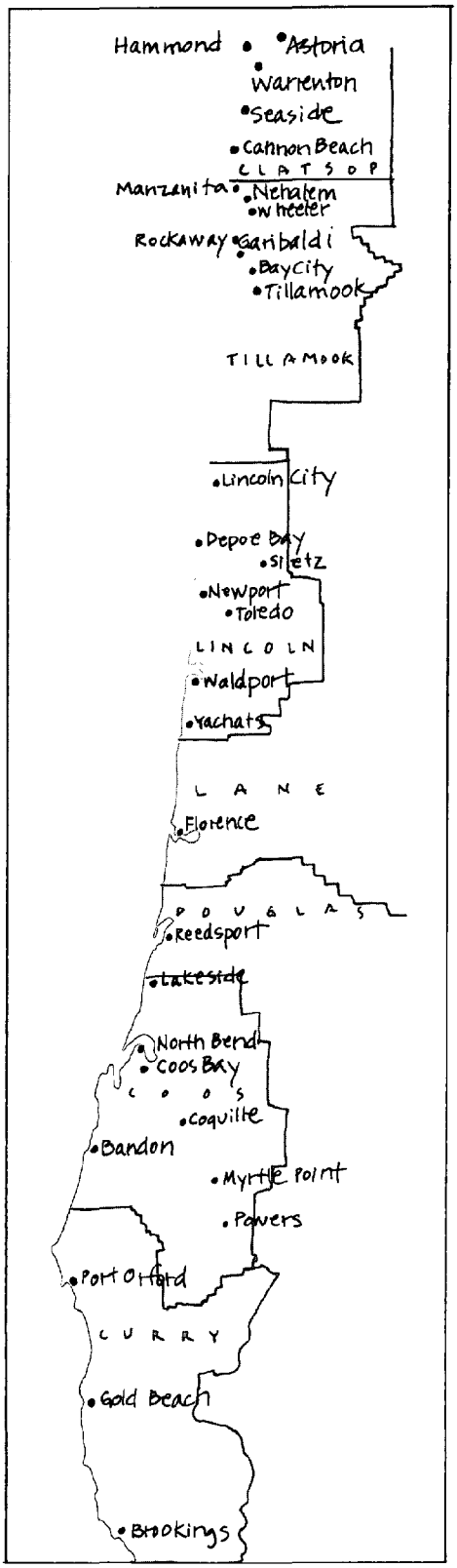
Federal Consistency Review

The Coastal Zone Management Act requires that federal agency decisions be "consistent" with approved state coastal management programs. This means that federal agencies must consult with the state prior to taking actions which would affect Oregon's coastal zone. The chart below explains the different ways consultation occurs for different types of federal actions.

Federal Action	Notice to State	Time Line for Review	Who Decides	Conflict Resolution	Typical Actions
Licenses and Permits	Applicant's certification included with permit notice	Usually within 90 days; state can take up to six months	State; DLCD coordinates decision	Applicant may appeal to Secretary of Commerce	Waterway permits
Federal agency actions and development projects	Notice by federal agency at least 90 days prior to action; usually part of EIS or proposed plan	Up to 60 days (45 days and a 15-day extension)	Federal agency must show its action is "consistent to the maximum extent practical" (see notes (1-4)	DLCD may request mediation by Secretary of Commerce	BLM/Forest Service Plans Navigation Projects New buildings or construction projects
Federal Grants	Through state clearinghouse; Intergovernmental Relations Division (IRD)	Up to 60 days	State; IRD coordinates review	Applicant may appeal to Secretary of Commerce	Grants for sewer, water, roads, etc.
Outer Continental Shelf (OCS) Activities	Provided by Minerals Management Service (MMS) with draft permit	Typically within 90 days; state can take up to six months	State: DLCD concurs or denies	Applicant may appeal to the Secretary of Commerce	Permits for oil & gas development described in an OCS development plan

Notes

1. The federal agency's decision is in two parts: First, the agency decides whether its action will affect nonfederal lands in the coastal zone, then it decides whether the proposed action is consistent with state policies. The state DLCD agrees or disagrees with these decisions.
2. Federal agencies are only required to comply with "mandatory enforceable policies." These include goal requirements, state laws and rules, and adopted plan and ordinance requirements.
3. Federal agencies must show that they have met the standards in the applicable law or ordinance.
4. Consistent to the "maximum extent practicable" means that the federal agency must act consistently with the state's program unless compliance is precluded by federal law.



Counties & Regional Agencies

CREST
P.O. Box 175
Astoria 97103
325-0435

Clatsop County
Box 179
Astoria 97103
325-8611

Clatsop-Tillamook Intergovernmental Council
Box 488
Cannon Beach 97110
436-1156

Tillamook County
201 Laurel Avenue
Tillamook 97401
842-3408

Lincoln County
210 SW 2nd Street
Newport 97365
265-6611

Lane County
128 East 8th Avenue
Eugene 97401
687-3958

Douglas County Courthouse Annex
205 SE Jackson St.
Roseburg 97470
440-4289

Coos County Courthouse Annex
290 N Central
Coquille 97423
396-3121 Ex. 210

Coos-Curry Council of Governments
170 S 2nd
Coos Bay 97420
267-6500

Curry County
Box 746
Gold Beach 97444
247-7011

Oregon Coastal Zone Management Assoc. (OCZMA)
PO Box 1033
Newport 97365
265-8918

Cities

Astoria
1095 Duane St., 97103
325-5821

Warrenton
Box 250, 97146
861-2233

Hammond
Box 161, 97121
861-2712

Gearhart
Box 2510, 97138
738-5501

Seaside
851 Broadway, 97138
738-5511

Cannon Beach
Box 368, 97110
436-1581

Manzanita
Box C, 97130
368-5343

Nehalem
Box 144, 97131
368-5627

Wheeler
Box 177, 97147
368-5767

Garibaldi
Box 708, 97118
322-3327

Rockaway Beach
Box 5, 97136
355-2291

Bay City
Box 307, 97107
377-2288

Tillamook
210 Laurel Ave., 97141
842-3443

Lincoln City
Box 50, 97367
996-2151

Depoe Bay
Box 8, 97341
765-2361

Newport
810 SW Alder, 97365
265-5331

Toledo
Box 220, 97391
336-2247

Siletz
Box 318, 97380
444-2521

Waldport
Box 1120, 97394
563-3561

Yachats
Box 67, 97498
547-3565

Florence
Box 340, 97439
997-3436

Dunes City
Box 97 Westlake, 97493
997-3338

Reedsport
451 Winchester Ave., 97467
271-3603

Lakeside
Box L, 97449
759-3011

Coos Bay
500 Central, 97420
269-1181

North Bend
Box B, 97459
756-0405

Coquille
99 E 2nd St., 97423
396-2115

Myrtle Point
424 5th Street, 97458
572-2626

Bandon
Box 67, 97411
347-2437

Powers
Box 250, 97466
439-3331

Port Orford
Box 310, 97465
332-3681

Gold Beach
Box 747, 97444
247-7029

Brookings
898 Elk Drive, 97415
469-2163

State Agencies

Department of Land Conservation and Development (DLCD)

1175 Court St. NE
Salem 97310
373-0050

Newport Office
313 SW 2nd Suite B
Newport 97365
265-8869

Ocean Management
320 SW Stark, Ste 530
Portland 97204
229-6068

Economic Development Department (EDD)

595 Cottage Street NE
Salem 97310
373-1200

Ports Division
Crown Plaza Suite 620
1500 SW First
Portland 97201
229-5625

Department of Environmental Quality (DEQ)

811 SW 6th
Portland 97204
229-5696

Northwest Region
811 SW 6th
Portland 97204
229-5292

Coos Bay Branch
490 N 2nd
Coos Bay 97420
269-2721

Department of Fish and Wildlife (ODFW)

506 SW Mill
Portland 97208
229-5680

Marine Region
Marine Science Dr. Bldg. 3
Newport 97365
867-4741

District Biologists
Seaside
619 Beerman Creek Rd.
Seaside 97138
738-7066

Tillamook
4904 3rd Street
Tillamook 97141
842-2741

Newport
Marine Science Dr. Bldg. 3
Newport 97365
867-4741

Florence
PO Box W
Florence 97439
997-7366

Charleston
PO Box 5430
Charleston 97420
888-5515

Gold Beach
PO Box 642
Gold Beach 97444
247-7605

Forestry Department

2600 State Street
Salem 97310
378-2560

Department of Geology & Mineral Industries (DOGAMI)

910 State Office Bldg.
Portland 97201
229-5580

Health Division

811 State Office Bldg.
Portland 97201
229-5032

Intergovernmental Relations Division (IRD)

155 Cottage St. NE
Salem 97310
378-3732

Division of State Lands (DSL)

1600 State Street
Salem 97310
378-3805

South Slough National Estuarine Reserve

Box 5417
Charleston 97420
888-5558

Marine Board

3000 Market St. NE
Salem 97310
378-8587

Parks and Recreation Division (ODOT)

525 Trade Street
Salem 97310
378-5000

Tillamook Office
3600 E 3rd Street
Tillamook 97171
842-5501

Coos Bay Office
365 N 4th St., Suite A
Coos Bay 97420
269-9410

Water Resources Department

3850 Portland Road NE
Salem 97310
378-2982

Federal Agencies

Army Corps of Engineers (COE)

Portland District
Box 2946
Portland 97208
221-6995

Bureau of Land Management (BLM)

Coos Bay District
333 S. 4th Street
Coos Bay 97420
269-5880

Roseburg District
777 NW Garden Valley Blvd
Roseburg 97470
672-4491

Salem District
Box 3227
Salem
399-5634

Coast Guard

Seattle Office
915 2nd Ave
Seattle WA 98174
(206)442-2338

Environmental Protection Agency (EPA)

811 SW 6th Avenue
Portland 97204
221-2716

US Fish and Wildlife Service (USFWS)

500 NE Multnomah
Suite 1692
Portland 97232
231-6828

Field Office
727 NE 24th Avenue
Portland 97232
231-6828

U.S. Forest Service (USFS)

Siuslaw National Forest
Box 1148
Corvallis 97339
757-4496

Siskiyou National Forest
Box 440
Grants Pass 97526
429-5301

Cascade Head Scenic Research Area
(Contact Siuslaw National Forest)

Oregon Dunes National Recreation Area
555 Highway Ave
Reedsport 97467
271-3611

Minerals Management Service (MMS)

Pacific OCS Office
1340 W 6th Street
Los Angeles CA 90017
(213)688-2048

National Marine Fisheries Service (NMFS)

847 NE 19th Ave
Suite 350
Portland 97232
230-5424

Other DLCD Publications

Thank you for your interest in Oregon's Coast. If you would like more information, the Department of Land Conservation and Development has several other publications that may interest you. They are available through DLCD's main office in Salem.

Oregon Land Use Planning Statutes is a compilation of the state laws which govern land use planning by cities and counties. 102 pages, no charge.

The Statewide Planning Goals and Guidelines are the state standards which guide land use planning by local governments and state agencies. 24 pages, no charge.

LCDC Administrative Rules is the text of the rules adopted by LCDC to implement state land use laws and to interpret the requirements of the Statewide Planning Goals. 90 pages, no charge.

The *Oregon Coastal Management Program* describes in detail how Oregon's laws and rules meet requirements of the federal Coastal Zone Management Act. 64 pages, no charge. (Much of the information in that document is presented in summary form in this booklet.)

The *Oregon Estuary Plan Book* explains how state and local governments have planned each of the state's estuaries. The book includes basic information about estuaries as well as detailed habitat and plan maps for each of Oregon's major estuaries. (126 pages, $7.50)

The *Oregon Oceanbook* is an introduction to the processes and resources of the Pacific Ocean along the Oregon shore. The book compiles a variety of information on geology, physical and biological processes to explain the value and importance of our nearshore ocean. 85 pages, $6.00 (plus postage and handling), available through the Marine Science Center Bookstore in Newport.

Permit Aerobics is a handbook designed to help cities and counties streamline their land use permitting procedures. The handbook includes a variety of successful techniques being used by local governments. 100 pages, $7.50.

On the cover: Taft waterfront and Siletz Bay.

Oregon Department of Land Conservation and Development
1175 Court Street NE
Salem, Oregon 97310

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