

*A Citizens Guide to the
Oregon Coastal Management
Program*

*Oregon Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540*

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 discusses the origins and the intent of the laws, rules and plans. It is a primer about the Oregon system for managing land and coastal resources. It explains how decisions are made, the legal requirements for decisions, and how you can participate. It's a booklet for people who care about and want to help share 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, please contact the appropriate local, state and federal agencies listed in the back of this booklet.

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A Citizen's Guide To Oregon's Coastal Management Program

Conserving Natural Resources and Creating Livable Communities

Welcome!

Thank you for taking the time to learn more about Oregon's Coastal Management Program (OCMP). The OCMP is a federally-approved program that knits together the state laws for managing our coastal lands and waters into a single, coordinated package. The purpose of this booklet is to familiarize the reader with topics and issues that relate to management of our coastal region. State and Federal Land use and environmental regulations are more than edicts and dry process. No doubt, acquiring approvals and permits for projects can sometimes be a daunting and discouraging business. But at their core, regulations to conserve land, and to protect natural resources and build better communities, reflect societal ethics and values that have come through a hundred years of public debate. Adoption of the OCMP is one way that Oregonians have demonstrated their commitment to conserve land and natural resources that are foundational to our way of life.



To better understand why Oregonians have taken this view, it is useful to remember that we were once a nation of peoples who had a very different outlook on these matters. Throughout the 18th and much of the 19th century, little attention was paid to the notion that there might come a day when human activities could profoundly impact a seemingly limitless horizon of land and sea. The first two sections of this booklet will look back at some of the events and personalities that stimulated State and National dialogue and legislative

action concerning natural resources and the public's interest in conservation.

The sections that follow will describe the essential elements of the land use and coastal management programs that evolved from Oregon's Land Use Planning Act and the Federal Coastal Zone Management Act (CZMA), enacted in the early 1970s. From there, the concept of comprehensive planning is explored and the processes of local government decision-making are discussed. And finally, a topical review of each element of the land use program, including urban and rural lands planning, conservation of land and natural resources, and the protection of coastal resources are examined in greater detail. If you are reading this on-line, you will be able to click on highlighted text for an explanation of terms.

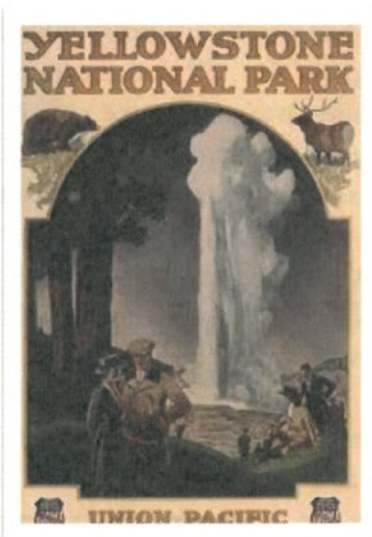
Why Do We Conserve Resources And Regulate Development?

The American Experience

In the early twentieth century, many U.S. cities were regulating building construction and a few states had authorized local governments to control the use and development of land. Early codes focused on the character of materials and construction practices, building height, bulk, setbacks, and other physical characteristics that could be readily tied to public health and safety. In *Village of Euclid v. Amber Realty Co. (1926)*, the U.S. Supreme Court considered a different kind of regulation that went beyond the realm of public health and safety. In



Euclid, the Court upheld the authority of a city to exclude broad categories of land uses from defined areas within a city. The Court described the concept in nuisance terms, granting wide latitude to local governments to designate zones within the city that effectively separated incompatible uses. The Court's opinion colorfully described a nuisance as, “*merely a right thing in the wrong place, like a pig in the parlor instead of the barnyard.*” Today, nearly every city and most counties “zone” properties to separate uses which have been determined to be incompatible.



During this same period, Americans were becoming more conscious of the need to conserve land and other natural resources. The conservation movement that began in the 19th century was encouraged by influential authors and artists that described and portrayed the grandeur and bounty of the American West. The National Park System was established with the creation of Yellowstone National Park in 1872. In 1891, Congress passed the Forest Reserve Act, which allowed the President of the United States to set aside forest lands for the public domain. The area around Yellowstone became a Timberland Reserve under the Act and later became the Shoshone National Forest. In 1898, the first schools of Forestry were established and one of their earliest students was Gifford Pinchot who would become, the “father of American Forestry.” Then, in 1905, President Roosevelt helped to

create the United States Forest Service and then appointed respected forester, Gifford Pinchot, as the first head of the agency. By the end of his presidency, Theodore Roosevelt, in partnership with Gifford Pinchot, had greatly expanded the number of national parks and added vast areas to existing forest reserves.



In the early 1900s the conservation movement in America was comprised of two very different schools of thought. Conservationists, like Pinchot and Roosevelt, were utilitarian foresters and natural rights advocates who wanted to protect forests "for the greater good for the greatest length," while preservationists, such as John Muir, the founder of the Sierra Club, wanted forests to be preserved for natural beauty, scientific study and recreation. Even today, there exists a healthy tension between contrasting perspectives. Preservationists often strive to safeguard pristine natural environments where development is restricted, while conservationists may promote

regulated use of lands for both public activities and commercial enterprise. Property rights advocates prefer less regulation, and a wider range of choices with regard to the use and management of private property. Each of these distinct viewpoints comes forward in public policy deliberations. Our collective attempts to strike a balance between the use and preservation of land and natural resources may always be the subject of consideration and debate.

These initial forays into land use regulation and the management of natural resources put Americans on the path to more livable urban places and sustainable natural resources. However, the rapid expansion of American cities and industries, particularly during and after World War II, would stimulate national policy debates and eventual federal legislation to control environmental pollution. Beginning in 1948 with the Federal Water Pollution Control Act (FWPCA), and continuing through the 1960s, Congress passed several major legislative acts to address growing problems associated with solid waste and pollutants entering our air and waterways. These laws were significantly expanded and strengthened during the 1970s, the "environmental decade," with the passage of more federal legislation, including the Clean Air Act of 1970, the Clean Water Act of 1972 (amended the FWPCA), the Coastal Zone Management Act of 1972, the Endangered Species Act of 1973, and the Solid Waste Disposal Act of 1976. These landmark pieces of federal legislation were the products of the modern environmental movement in America and remain the foundation for present-day environmental regulations.



The Oregon Experience

Throughout the 20th century, citizens and legislators in Oregon engaged in lively public debates over the management of natural resources and the effects of growth and development on the environment. In 1919, the State authorized city zoning and in 1947, the State further authorized counties to regulate the use of rural lands. In 1963, Exclusive Farm Use (EFU) zoning was established to help curb the loss of farm land in the fertile Willamette Valley.

In the late 1960's and early 1970's, public awareness and concerns about growth began to escalate. The patterns of growth in the state were widely seen as threatening the quality of life and natural resources that drive the State's economy and which make Oregon a special place to live. Urban sprawl in the Willamette Valley was resulting in the needless waste of productive agricultural land. In central and eastern Oregon, land speculators were subdividing thousands of acres of forest and range; remote lands without



basic facilities or services that were unsuitable for development. The threat was also evident on the coast, where new development encroached into estuaries and onto beaches, dunes and other sensitive resources. In response, the Legislature adopted a series of laws that would help shape development on the coast and throughout the state. In 1967, the Oregon Beach Bill affirmed the public's right to access dry sand beaches. In the same year, the legislature enacted the Fill and Removal Law to protect public navigation, fisheries and recreation in waterways including estuaries, streams, lakes, wetlands and the [territorial sea](#). In 1971, the Oregon legislature created the Oregon Coastal Conservation and Development Commission ([OCC&DC](#)) to develop an overall plan to guide land use and development on the Oregon coast. The work of the commission would later become the foundation for the [Coastal Planning Goals](#).



In 1973, Governor Tom McCall made a now famous pitch to the legislature, castigating “sagebrush subdivisions, coastal condomania, and the ravenous rampages of suburbia.” He strongly encouraged legislation that would establish a statewide program for land use planning. Senator Hector MacPherson, a Republican farmer from Linn County, and Senator Ted Hallock, a Democrat from Portland, became the chief sponsors of what became Senate Bill 100 (The Land Use Planning Act). The intent of the landmark law was to protect farm and forest lands, conserve natural resources, and to promote orderly and efficient urban development. The local legislation that would stem from the Land Use Planning

Act would be accomplished through a partnership of State and local governments and by coordination among local governments, with an emphasis on citizen involvement.

Why Are Things Different Here?

The Statewide Planning Program

The mission of the Oregon Land Use Planning program is to help communities and citizens plan for, protect and improve the built and natural systems that provide a high quality of life. In partnership with citizens and local governments, we foster sustainable and vibrant communities and protect our natural resources legacy.

The Statewide Planning Goals that resulted from the Land Use Planning Act have become the standards for comprehensive planning in Oregon. These Goals address land use, development, housing, transportation and the conservation of natural resources. Four of the Statewide Planning Goals specifically address natural resources on the Oregon Coast. With respect to cities, the intent of the new legislation was to create a predictable and sustainable development process by allocating land for industrial, commercial and housing needs within established growth boundaries. Outside of urban areas, the focus of the Statewide Planning Goals is to protect resource lands and to contain rural development within established unincorporated communities and other areas of existing rural development. A full description of the Statewide Planning Goals can be reviewed or downloaded from the Department's website www.oregon.gov/lcd.

Statewide Planning Goals:

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

The Land Conservation and Development Commission (LCDC) is a seven person panel appointed by the Governor and confirmed by the Senate. Commission members serve without compensation. The commission meets regularly in Salem and around the state. The LCDC is responsible for adopting rules to interpret the Statewide Planning Goals and other land use planning laws.



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. Today, all cities and counties have adopted comprehensive plans that have been acknowledged by LCDC to comply with the Statewide Planning Goals. Each local plan represents several years of effort and a consensus by citizens and officials about the future of their communities. The 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 Statewide Planning Goals also apply to state agencies when they make decisions affecting land use.

Oregon is well known for its high 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. Comprehensive Plans accomplish this by protecting lands for new development as well as from new development. Comprehensive Plans are based on needs for economic growth as well as the need to protect natural resources. In short, comprehensive plans aim to strike a balance between the conservation of natural resources and the development of the economy.

The Coastal Management Program

The mission of the Oregon Coastal Management Program is to work in partnership with coastal local governments, state and federal agencies, and other stakeholders to ensure that Oregon's coastal and ocean resources are managed, conserved, and developed consistent with Statewide Planning Goals.

In 1972, Congress recognized the importance of meeting the challenge of continued growth in the **coastal zone** by passing the (CZMA). The Act provides for management of the nation's coastal resources by state programs approved by the National Oceanic and Atmospheric Administration (NOAA). Coastal Management Plans are required to balance economic development with environmental conservation. The overall objectives of the CZMA are to "preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone." The CZMA authorized two programs, the National Coastal Zone Management Program and the National Estuarine Research Reserve System (NERRS).



The Coastal Zone Management Act: Enhancing Our Coasts and Our Lives

Oregon's Coastal Zone



Highlighted area is covered by the Oregon Coastal Management Program.

Oregon was one of the first states in the nation to receive approval for a coastal management program that would balance competing land and water issues in the coastal zone. In addition, Oregon was the first to establish an estuarine reserve under the Act, creating the [South Slough Estuarine Research Reserve](#) on the Coos Bay estuary. The OCMP was approved by NOAA in 1977. The program is effective within the “coastal zone,” which includes the state’s coastal watersheds and extends inland to the crest of the Coast Range Mountains and seaward three nautical miles (see map at left). Thirty-two cities, seven counties, and a host of state agencies administer the coastal program, with DLCDC serving as the lead agency. The primary authority for the Oregon Program is the state’s Land Use Planning Act. All of the Statewide Planning Goals apply to the coast, with an emphasis on the coastal-related Goals for estuaries, coastal shorelands, beaches and dunes, and the state’s territorial sea. The OCMP knits together the state laws for managing our coastal land and waters into a single, coordinated package. The OCMP assures that Oregon and its citizens have the leading role in deciding how the resources of the coast will be conserved and developed.

What Is A Comprehensive Plan?

Comprehensive Planning

A comprehensive plan is the official document adopted by a city or county and approved by the LCDC that outlines the general long range policies for conservation and development in the community. The content of plans is shaped by several factors:

- The plan must address all the applicable topics in the Statewide Planning Goals, as well as issues of local concern. For cities and counties within the coastal zone, the plan must include special plan elements for coastal resources including estuaries, shorelands, beaches and dunes.
- The plans must anticipate and provide for future land use needs.
- All land use regulations that implement the plan must be consistent with the intent of the Statewide Planning Goals and policies of the comprehensive plan.

A comprehensive plan is comprised of background information in the form of inventories, and policies that provide over-arching direction. Implementing measures are the **regulatory authorities** that carry out the plan policies.

- **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 maps that specify the locations of various land use types.
- **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 the types of development that are allowed and under what conditions.

Citizen Involvement



During the late 1970's and early 1980's every city and county in the State drafted a comprehensive plan that was brought before commissions, councils and the citizenry for review and consideration. There was active public participation at those hearings, which would often continue late into the evening. Citizen participation is a hallmark of Oregon's planning program. Each city and county plan includes a citizen involvement program (CIP) 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, where necessary, update their CIP.

Coordination

The Statewide Planning Goals require local governments and state and federal agencies to work together. Government agencies must consult with one another before making land use decisions. The benefits are obvious: by working together local, state and federal agencies can make decisions that support one another. For example, coordinated comprehensive plans assure that public spending on roads, sewer, water and other facilities occurs 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. To the extent practicable, local government land use decisions must consider and accommodate the needs and interests expressed by other cities and counties and participating state and federal agencies.

Plan Amendments and Periodic Review

Statewide, local governments adopt several thousand plan and ordinance amendments each year. Cities and counties must provide notice of proposed plan changes to the DLCDC prior to making the decision. In turn, DLCDC notifies interested agencies, groups, and individuals. This process provides an opportunity for review by DLCDC to help ensure that the amended plan remains in compliance with the Statewide Planning Goals. Normally, local governments must notify DLCDC 35 days before the first public hearing. In some cases, a local government can provide less notice, but a short notice can increase the odds that the amendment will be appealed to the State's Land Use Board of Appeals (LUBA).

Cities with a population of 10,000 or greater within their UGB are required to go through a process called "periodic review" which is designed to assure that their plans are updated to reflect new information and changing needs and circumstances. Because cities on the coast are small, the periodic review requirement applies to very few cities. County participation in periodic review is limited to land under county jurisdiction that lies within an UGB of a city that is subject to periodic review.

In practice, amendments to modify or update local government plans and land use regulations on the coast are most often accomplished on the initiative of the city or county through the so-called post-acknowledgement plan amendment (PAPA) process. The procedures for plan amendments are outlined in the Oregon Revised Statutes (ORS) 197.610. The statutes generally require local governments to notify DLCDC of the proposed change at least 35 days prior to the first land use hearing. If DLCDC determines that the proposed change is not in compliance with the Statewide Planning Goals, they must notify the city or county in writing at least 15 days prior to the first hearing. Plan amendments may be appealed to the LUBA. If the proposal is not appealed, it is considered to be "acknowledged" to comply with the Statewide Planning Goals. If the proposal is appealed to LUBA, the local government decision may be upheld, remanded in full or in part, or (in rare cases) reversed by LUBA. If the local government amends its decision to address remanded issues and the amended decision is not appealed, the amendment is considered to be acknowledged.

Local Government Decision-Making

Land development usually requires a permit or approval from the city or county to ensure that the project complies with **standards** in the zoning code. Most planning decisions are routine — they only involve a building permit for a land use that is allowed outright. Land uses that are not permitted outright are subject to a more detailed review by the planning director or planning commission.

The public often receives notice in advance of a development review. Such reviews give a city or county an opportunity to consider the details of a proposed activity or development and how it fits with the location and surrounding land uses. They also provide an opportunity for neighbors and the public to review and comment. Local planning decisions fall into one of four categories: ministerial review, expedited or limited review, quasi-judicial, and legislative.

Ministerial decisions tend to be routine because they only involve the application of **clear and objective standards**. Some land use decisions are made straight-forward, because they involve matters that are subject to objective **criteria**. These include **expedited land divisions** that are subject to standards that require very little judgment on the part of the city or county staff. **Limited land use decisions** are also governed by clear and objective standards and require minimal judgment on the part of the decision maker. Because expedited and limited land use decisions are based on objective criteria, decisions are rendered with limited opportunities for public review.

Many land use decisions are more complex, so they are handled **quasi-judicially**, being preceded by notice to surrounding property owners so that people in the neighborhood are made aware of the proposed use or development and may participate in the decision-making process. **Legislative amendments** that are proposed by the governing body are more far-reaching, and may change policies or regulations. For example, the city may be contemplating policies and zoning standards that facilitate a mixture of uses in certain commercial and residential

districts, where those uses had formerly been kept apart. Decisions on these kinds of amendments to land use regulations affect large areas of the community and therefore, require more extensive public review. Legislative amendments must be announced by public notice. The city or county may also provide notice to affected property owners to facilitate greater public awareness and participation.



Appealing Local Government Land Use Decisions

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

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.

Many local land use decisions are made by the planning director, a planning commission or hearings official at a public hearing. These 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, filing fees, timeline for hearings and a decision, and the legal standards for decisions. “Expedited Land Divisions” can be appealed to a locally appointed referee and are governed by state statutes.

The Land Use Board of Appeals (LUBA)

City and county land use decisions are final unless they are appealed. 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, 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. Expedited Land Divisions are reviewed by the Court of Appeals.



Why Regulate Development In Cities And Towns?



Urban Planning

Most Americans live in cities and towns. This is true in Oregon as well. Cities have made investments in urban infrastructure that provide us with safe drinking water, sanitary sewers and transportation systems. Urban infrastructure makes it possible to build neighborhoods where residents can walk to school, commute to work by transit and shop nearby. A well-planned city represents the most sustainable pattern of human development. The

“carbon footprint” and the overall environmental impact of individuals living in close proximity within well designed town or urban neighborhood is far less than the impact of individuals living on large lots or tracts of land that are widely dispersed over the landscape. In addition to enabling greater individual energy consumption and environmental impacts, dispersed development patterns cause the city to sprawl into the countryside, degrading the commercial viability of farming, ranching and forestry operations. These factors have lead Oregon law makers to design a land use system that favors more sustainable development that is focused within cities and towns.

Cities have drawn UGB’s that limit the extent to which unplanned sprawl can undermine the viability of older downtowns and neighborhoods. Well-planned cities that limit **sprawl** and preserve their core commercial and residential areas are typically more livable and have the highest property values. Thoughtful land use planning can improve the bottom line for businesses, households and governments by increasing property values, cutting fuel and infrastructure costs, creating jobs, enhancing public health and reinforcing the social fabric of communities.

Transportation and Growth Management

One major problem with sprawl is that it generates excessive travel. When homes and jobs are spread far apart, people must travel farther to get to schools, jobs, and stores. By encouraging more compact development, the land use program aims to shorten the distances Oregonians must travel to carry out their daily lives. With the high price of gasoline pinching household budgets, the more focused development patterns



encouraged by good planning means that people have extra money in their pocket and a wider range of transportation choices. They can take short trips by walking or bicycling and travel shorter distances when they need to drive. More compact development patterns can also reduce the need for local governments to charge taxpayers for public infrastructure and services at one rate for the older central city, and another higher rate for newer development on the edge of town.

Today, we read and hear a lot about [climate change](#), sea-level rise, high gas prices, our nation's over-reliance on foreign oil, and more cases of obesity linked to physical inactivity. These were scarcely thought about in the 1970s, when Oregon's land use program was enacted. But, many of the urban planning principles that are foundational to the State's land-use program, such as reduced reliance on the automobile, better-concentrated town centers, and more transportation choices speak to these current issues and remain quite relevant today. When we



build communities that are walkable and provide for alternative modes of transportation, we use less fossil fuel and generate less carbon emissions that are driving climate change and sea level rise. And, we can improve our physical well-being by creating neighborhoods and commercial centers that make it convenient to integrate simple exercise, like walking or bicycling, into our daily lives.

Why Regulate Development Outside Of Cities?

Rural Lands Planning

Even though the land use program aims to encourage more compact, sustainable patterns of development in Oregon, the State also recognizes that there are areas of the countryside that were previously built and developed to support the rural economy and to provide for the needs of rural living. Some rural areas, by virtue of the established pattern of development, are no longer suitable



for farming and forestry and are essentially committed to rural development. These places include small communities that provide goods and services to the traveling public and to surrounding farms and country homes. Rural places also include enclaves of acreage home sites that were established before the Statewide Planning Goals were enacted. The planning laws refer to these places as "[unincorporated communities](#)" and "[exception areas](#)." By recognizing development rights in the extensive areas of existing rural development throughout the State, but limiting further development and expansion of those areas, county comprehensive plans have retained the opportunity for many Oregonians to choose a rural lifestyle.

Outside cities, development patterns vary from widely scattered homes to more densely developed communities. Each zoning district has been tailored to fit the range of uses and the types of development that occur on rural lands. Most counties have 1-, 2- and 5-acre rural residential zones. Each zoning district is applied to an area, depending on the current pattern of development and the capacity of public sewer or water facilities. Every county has several rural communities that are not incorporated cities, but are more densely developed than surrounding rural areas and may have industry and retail businesses. The zoning in these rural communities is similar to zoning in a small town, providing for continued low-density residential development and small scale, limited commercial and industrial development.

Commercial and industrial zoning in rural areas is usually limited to properties that were developed when plans were first adopted. This is because most needs for new industrial and commercial development are better met in cities and towns where urban facilities are provided. Nonetheless, a new industrial or commercial use can be built on rural lands if the industrial process requires or is better suited to a rural location, or where the goods and services are needed in the surrounding rural area and the business is scaled down to meet the needs of the immediate area.

Farm and Forest Lands

A prevailing on-shore flow brings moisture laden air from the Pacific that produces a seasonally wet, mild climate in western Oregon. But the Coastal and Cascade Mountain ranges intervene and capture much of that moisture, so that inland valleys only receive moderate rainfall, while the high deserts in the east are quite dry. Annual rainfall along the coast is more than 60 inches, while highland areas on the windward side of the Coast Range can receive over 150 inches of rain annually. The Willamette Valley, home to about 70% of the state's population, receives about 40 to 50 inches of precipitation annually. About 80% of Oregon's precipitation falls from October to March, so that the Summer time on the coast is often quite dry.



This variability of climatic conditions has helped to facilitate a diverse and vibrant agricultural industry that brings in \$3.8 billion in gross sales each year. That's one reason why farmland protection is a cornerstone of the statewide planning program and has been from its beginnings. Some 15.5 million acres of Oregon's rural lands are zoned for [Exclusive Farm Use \(EFU\)](#). The EFU zoning helps to keep farmland from being overrun by subdivisions and urban sprawl. The Oregon land use planning program has helped to provide a stable land base for the State's productive agricultural industry.

Ask someone from another state for the first word that comes to their mind about Oregon, and they're likely to say *trees*. There's a good reason for that: Oregon's landscape supports extensive tracts of conifer forests that are at once, lovely to behold and incredibly productive timberland. Oregonians and millions of visitors each year fish, hunt, hike, camp and ski in the State's public forests. At the same time, Oregon has a thriving timber industry that has exported top quality wood products to national and international markets for more than a century. The rivers, lakes and streams in the forest support a variety of game fish. Forest ecosystems support abundant bird, reptile and mammalian species. Today, about nine million acres of rural lands in Oregon are planned and zoned for forest uses.



Agriculture and forestry, together with their affiliated industries, are the number two and three contributors to the state's economy, providing about 20 percent of Oregon's economic output and accounting for about 15 percent of all employment in the state. Oregonians have recognized the value of its forests and farms and the State has become a national leader in land planning that goes



beyond the city and suburbia, to consider the importance of conserving the resources that employ so many Oregonians. The principal focus of Oregon's farm and forest Statewide Planning Goals and regulations is to conserve the private land base that is foundational to the agricultural and forest industries. Lands have been classified according to their relative productivity. Tracts of land that are productive for agricultural purposes, based on soils, climate and other factors, are zoned EFU, while properties that may be less suitable for farming, but which are highly productive for tree growing, are zoned for timber production and long-term conservation.

Zoning regulations in farm and forest areas are aimed at preventing the fragmentation of the land into small parcels that would reduce the economic viability of farming and forest operations. The regulations also limit or prohibit the use and development of land in a manner that would conflict with generally-accepted farm and forest practices. The objective is to provide predictability to farmers and foresters and to foster confidence in making long-term investments in their farms and timberland. Limiting the potential for non-farm and non-forest development also keeps the cost of acquiring new farmland and forest land down, making land purchases more affordable for new or expanding farm or woodlot operators. By maintaining large tracts of land, farm and forest zoning helps to safeguard fish and wildlife habitat, scenic views and other natural and cultural resources.



Oregon's planning efforts for rural landscapes have yielded some unforeseen benefits over the years. Lands that had been ear-marked for residential development in the wooded foothills at the edge of the Willamette Valley and along the slopes of coastal river valleys were conserved by farm use zoning. Many of those "marginal" farm tracts now support a bounty of vineyards and world-class wineries that have strengthened the farm economy and have drawn tourists, creating more revenue and business opportunities for farmers and other entrepreneurs. The large tracts of open farm and range land in central and

eastern Oregon, uncluttered by rural homes, have helped to make Oregon a leader in the production of wind energy. Forestland conservation has supported the development of a healthy tourism and outdoor recreation industry and has reduced the loss of homes and property from forest fires. Farm and forest zoning are also facilitating the development of ecosystem markets for a variety of environmental benefits in a program that is gaining national attention.

Natural Resources

One of the hallmarks of living in the American West that sets it apart from regions of the country with longer histories of settlement and greater concentrations of humanity is the immediacy of the natural world. Even the impressive towering buildings of our largest city centers are outclassed by the commanding beauty of Western landscapes. The cities of Denver and Salt Lake City are spread along walls of rugged, soaring, snow covered mountains. A magnificent bay creates an impressive foreground to the urban skyline of San Francisco. And Seattle and Portland are dressed up by rivers and sea and glacier-clad volcanic peaks.



The mountains, rivers and sea create splendid backdrops for Oregon's communities and wetlands and woodlands provide shelter for wildlife and create a variety of ecosystems. Every city and county has identified natural and cultural sites and has adopted measures to protect these areas. Each comprehensive plan includes a Natural Resources section with inventories and policies aimed at conserving important natural and historical features. Decisions about the protection of these areas were made



following the requirements in Statewide Planning Goal 5: *Open Spaces, Scenic and Historic Areas, and Natural Resources*. The primary emphasis of Statewide Planning Goal 5 is on the protection of urban wetlands and streamside vegetation along fish-bearing waterways. Other protected resources include wildlife habitat, scenic resources, groundwater, recreation trails, natural areas, wilderness areas, energy resources and cultural areas.

Inventories were prepared from information compiled by state and federal agencies or the local government. The cities and counties then adopted special zoning requirements and standards that restrict or prohibit uses and activities that might harm an identified natural or cultural resource. Most ordinances require the city or county to review each proposed development to make sure the resource is protected. The most common protection is afforded by the use of overlay zones and supplemental standards. Overlay zones, as the name implies, employ special criteria that are added to the regulations on uses authorized in the underlying zoning district. Supplemental standards are special review standards that are designed to protect an inventoried Statewide Planning Goal 5 resource.

Natural Hazards



Nowhere is nature's ability to shape the landscape more apparent than on the ocean shore. The ocean tides, rain, rivers and currents, constantly and sometimes dramatically change the shore. The coast is also seismically active and subject to infrequent but severe catastrophic earthquakes and tsunamis that flood low lying shores, bays and river valleys. Development in hazardous areas is discouraged or restricted under Statewide Planning Goals 7 (Natural Hazards), 17 (Coastal Shorelands) and 18 (Beaches and Dunes). Nonetheless, the demand for view and waterfront property creates strong pressure for new development in some steep or flood-prone areas. Despite the risks, it is possible to build relatively safely in some hazardous areas if proper precautions are taken. Land use regulations require review of each proposed development in areas that are subject to natural hazards.

Comprehensive Plans identify areas subject to hazards such as flooding, erosion and landslides, usually based on maps produced by the Oregon Department of Geology and Mineral Industries (DOGAMI). The burden is on the property owner to show that it is safe to build in those areas. Typically, the property owner must obtain a written site investigation report prepared and stamped by an expert, such as a geologist or an engineering geologist that verifies it is safe to build.



The report must provide the following information:

- A description of the hazards
- A map showing where the hazards are located on the property
- Recommendations to safeguard the proposed development
- Potential effects of the proposed development on adjacent properties

The site investigation report is reviewed by the local building official, planning director or planning commission to determine 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 that the building is protected from the hazard and won't endanger other properties.

Floods

Communities participating in the national flood insurance program must carry out the program's requirements through their local comprehensive plan and ordinances. Participation in the federal program makes property eligible for federal flood insurance. The Federal Emergency Management Agency (FEMA) has prepared flood hazard studies for each community in the state that indicates where flooding is most likely to occur.



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. The 100-year flood determines the base flood elevation. Structures within this area must meet certain standards.

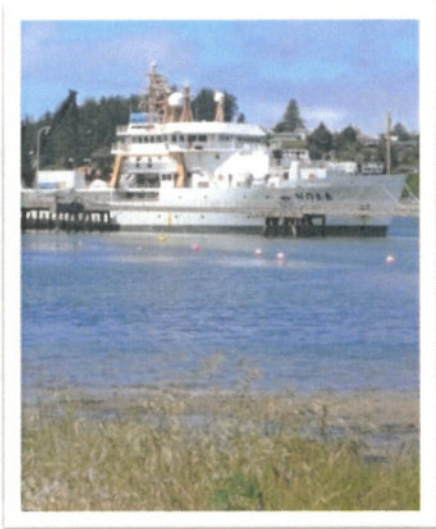
Estuaries

Estuaries are special places where the ocean and rivers mingle to create a dynamic and diverse environment. Plants and animals thrive in this mixture of salt and fresh water, set into motion by sunlight and the daily tides. Twice each day, the estuary is the stage for a slow, stately drama directed by the moon, the sun, the wind, and the rain. The incoming tide fills sinuous, branching channels that wind across broad mud flats. As the channels fill, the rising tide spreads slowly across the flats lifting eelgrass, filling burrows where creatures lie in the sand, and filling channels that penetrate the fringing salt marsh. Waters surging upstream reach the edge of the forest, lifting trailing branches of rhododendron and cedar. Briefly, the waters become still, but soon the ocean's push becomes a pull, and the waters of the estuary begin to recede before the tide. Soon, logs at the edge of the salt marsh are grounded onto the mud, the eelgrass lies limp and flat, and tiny creatures are stranded in isolated pools of water warming in the sun.



There are several types of estuaries on the Oregon coast. Some, like the Columbia River and Rogue River, are dominated by the freshwater flow of the river and have relatively few tidelands. Others, like Sand Lake and Netarts Bay, are "bar-built," where moving sands have formed a separate estuarine environment that receives very little freshwater inflow. Some of the smallest estuaries, like the Elk River and Sixes River in Curry County, are "blind" estuaries where low river flow in summer results in a sand bar that completely closes off the mouth of the estuary from the sea. But the majority of Oregon's estuaries are "drowned" river mouths, where winter floods discharge high volumes of sediments through the estuary. In summer, seawater inflow dominates the estuary as stream flow diminishes. Examples of this type of estuary include the Coos Bay, the Siletz, Alsea Bay and the Yaquina Bay.





Estuaries are among the world's most biologically rich environments. Many important biological resources of Oregon's coastal zone and near shore marine environment are dependent upon the productivity and diversity provided by estuaries. Likewise, estuaries are critical to the human environment as places to fish, recreate and conduct maritime commerce. Prior to the establishment of Oregon's Statewide Planning Program, the management of Oregon's estuaries was accomplished largely through the case-by-case review of permits for individual development projects. Many resource and development conflicts resulted from this piecemeal approach. Statewide Planning Goal 16 addressed this problem by establishing a planning based approach to managing the use, development and conservation of estuaries.

Statewide Planning Goal 16 guides and directs the development of city and county plans which must consider a range of conservation and development objectives for each estuary. To accomplish this, the Goal provides detailed and explicit requirements for dividing estuaries into discrete areas, called "management units", each of which provides for a specified level of permissible development, based primarily on the physical and biological characteristics of the area. Thus, while permits are still required for estuarine development, most decisions about which areas of the estuary will be preserved, and how and where development will be allowed are made in advance in a carefully considered planning process. The result is an integrated, long term plan that provides certainty and protects critical resources, while accommodating development that supports industrial, commercial and recreational activities.

Coastal Shorelands

When we visit the beach or venture out on the water, we get there by crossing over lands adjacent to the shore. If we stay over, we often look for accommodations built near the shore, which may also offer access to the beach. And if we brought the boat or kayak, we'll need to find a public launch. In Oregon, we can typically find a legal, convenient and affordable way to get down to the beach or onto the water. Ready access to the ocean shore is made possible by parks and public rights of way and port authorities and local governments have provided convenient boating facilities. But this convenient access comes as no accident and keeping it has not been left to chance.





Fortunately, Oregonians have made a tradition of providing public access to the shore and have provided the legal means and improvements necessary for the public to enjoy beaches and coastal waters. This is not always the case elsewhere along our nation's coastlines. In many states, physical access to coastal waters is limited by private property rights laws, with little regard for the public interest. But in Oregon, our Statewide Planning Goals laws require that access to coastal waters remain open to the public and to individuals that depend upon access to the water for their livelihood.

In the Statewide Planning Goals, the lands adjacent to the waters and beaches of the ocean and estuary are called **coastal shorelands**. Because these properties are on the water, they are popular sites for lodging and home building and are necessary for maritime industries. State Planning Goal 17 provides the policy framework for the management of Oregon's shoreline areas along estuaries and at the ocean front. These lands support habitat and resources of critical importance to the natural systems of the coastal zone. At the same time, these lands are a magnet for human settlement and are essential to the economic health of coastal communities.

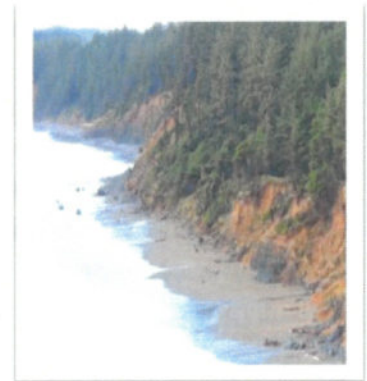
Seeking to balance the important functions of our coastal shoreland areas, Statewide Planning Goal 17 directs cities and counties to accomplish two principal objectives:

- Ensure the availability of lands for uses inherently linked to shoreline locations and access to coastal waters, including water dependent industry, public access, and coastal recreation.
- Protect and conserve natural resources and values unique to the interface between coastal waters and uplands.

Local plans typically achieve these objectives through a combination of specialized base zones, which accommodate water dependent and water related uses, and overlay zones or other supplementary regulations, which provide standards to protect the natural values of shorelands and adjacent coastal waters.

Beaches and Dunes

Development on beaches and dunes must comply with Statewide Planning Goal 18 which requires that city and county plans regulate the use and development of beaches and dunes, "... *consistent with their ecological, recreational, aesthetic, water resource, and other values.*" Ocean beaches are where earth, sky and water meet. The land, the atmosphere and the ocean are in a perpetual, sometimes violent, condition of interaction. Each element has a part in the in the



hydrologic cycle. Evaporating ocean waters rise into the atmosphere, condense and fall as precipitation over coastal plains and mountains. The water filters into soils and fractured rock, forms rivers and estuaries, and finally returns to the sea, where the cycle begins again.



The beach and shoreline is always changing. Winds sweeping over the surface of the water form waves that break and surge across the beach, stirring cobble and moving sand along the shore. At times, the water is busy depositing materials, building up the beaches. Other times, hammering surf carries away everything within its reach, forever changing the beach and shore. Land along the shore is subject to gradual lifting and sudden subsidence from forces deep within the earth. As a consequence of these natural processes, the beach and shore can be awesome to behold, but a risky place to live or develop.

Who Owns The Beach?

Like other parts of our landscape, the beach is not entirely free from the works of man. In Oregon, a series of laws are in place that ensure public recreational access to ocean beaches and limit or prohibit development and activities that would alter this dynamic setting. Most people think Oregon's beaches are publicly owned, but that's not entirely true. While the public does own the wet sand beach, up to the ordinary high tide line, the dry sand beach is usually part of the adjoining upland property. In many cases, the dry sands are privately owned. Even so, the public has a **perpetual easement** to use the dry sand beach up to the statutory vegetation line or to the line of established upland shore vegetation, whichever is further inland.

The public right to access the beach that we enjoy today has evolved over time. It is useful to look back on the historical setting and the series of events and legislative actions that opened the beaches to the public. The Oregon Coast Range Mountains formed a steep and rugged barrier to west bound travelers coming over from inland valleys. Early on, travelers came to the coast by ship or they endured a punishing overland journey on crude trails or wagon roads. As a consequence, European settlement on the coast came relatively late. Railroads finally came to the coast in the late nineteenth century, facilitating the movement of people and goods from the Willamette Valley. The Oregon Land Board began selling tidelands and resorts grew up along beachfronts at places like Seaside, Newport and Rockaway. On this path, the beaches and estuaries would become private enclaves that could be fenced and developed for personal use or commercial enterprise.



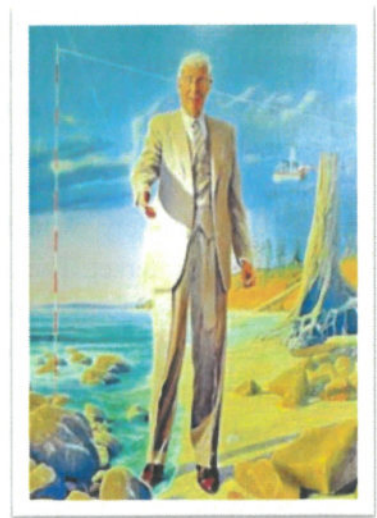


Early in the 20th century, the public's interest in beach access became a topic of public and legislative debate. In 1911, Governor Oswald West was elected on a promise to reclaim beaches as public land. The legislature favored privatization of tidelands, but Governor West was able to make an argument for public ownership based on transportation needs, since wagons and automobiles often used wide flat beaches for travel along the coast. The 1913 legislature declared the entire length of the Oregon's ocean shore from Washington to California as a state highway. During the first half of the 20th century, the legislature also passed bills creating the State Highway Commission and Parks and Recreation Department. The Highway Commission began construction of Highway 101 and the Parks Department

purchased and began to improve 36 state parks along the route. The new highway and parks system became a magnet for tourists.

A Challenge and the Response

In 1966, a motel owner in Cannon Beach fenced the dry sands above the high tide mark, to create exclusive access to a portion of the beach for his lodgers. This act ignited a lively debate over the rights of the public to access the beach, and ultimately resulted in a bill that came before the Oregon legislature aimed at public rights and access. Conservatives in the legislature called it a threat to private property rights and nearly killed the bill. On May 13, 1967, Governor Tom McCall staged a dramatic media event, flying two helicopters to the beach with a team of surveyors and scientists. Soon thereafter, growing public support for the Beach Bill resulted in its passage on July 6, 1967, ensuring Oregon's authority to regulate development on the beach and to preserve public access to the dry sands.



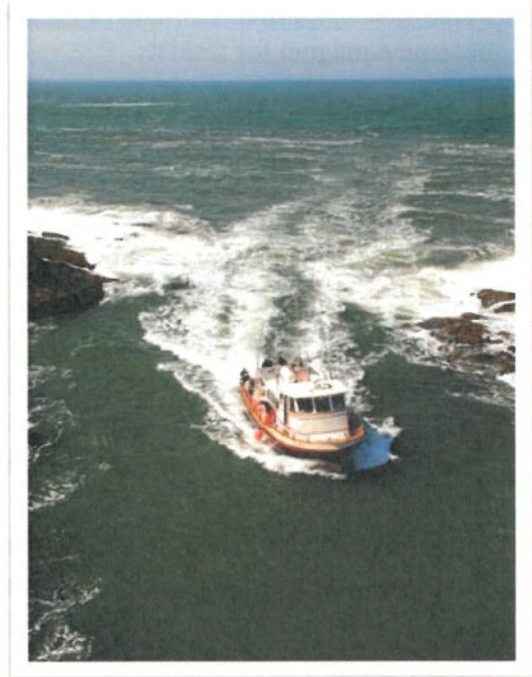
The Beach Bill declares that all "wet sand" within sixteen vertical feet of the low tide line belongs to the state of Oregon. In addition, it recognizes public easements of all beach areas up to the line of vegetation, regardless of underlying property rights. The public has "free and uninterrupted use of the beaches," and property owners are required to seek state permits to construct revetments and for other uses of the beach. The public rights under the beach bill are protected by State laws, administered by the Oregon Parks and Recreation Department (OPRD). The Department of State Lands (DSL) shares jurisdiction over beaches by managing the beds and banks of State waters.

Beach Permits

OPRD manages the state's beaches under the authority of the Beach Bill. Permits are required from OPRD for many activities conducted on the beach up to the statutory vegetation line or the actual line of vegetation, whichever is more landward. 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 vegetation line, the Applicant must meet a set of standards. First, the home or other development being protected must have existed prior to January 1, 1977, when the Statewide Planning Goal 18, regarding beaches and dunes, was adopted. Other State and local government standards that must be met include public access and safety, and protection of natural resources.

The Ocean

Planning for ocean resources in Oregon is focused on protecting marine resources and the ecological functions that provide long-term economic and social benefits for all Oregonians. Maritime activities, like fishing, recreation, tourism, transportation, scientific research, and sight-seeing are important to the State and local economies. Similar to the frontier, the ocean is a large, publicly owned common, where many and varied users interact. The objective of the State's ocean management system is to minimize conflict between these wide ranging activities and to ensure that they are conducted in a manner that is sustainable. Ocean users and State and Federal regulatory agencies are faced with the challenge of maintaining the integrity and health of the ocean ecosystem even as traditional uses increase, and new uses such as marine renewable energy development and trans-ocean communications cable corridors, are introduced.



On the land, plans and use regulations apply to both private and public lands. But the seafloor of the Territorial Sea, which extends seaward three miles from the ocean shore, is owned entirely by the State of Oregon. Beyond the state's territorial sea is the area known as the continental shelf, which extends out to 200 miles and is under the jurisdiction of the federal government. Managing the various natural resources and uses within Oregon's territorial sea and the outer continental shelf is the responsibility of a variety of state and federal agencies, each with different roles and responsibilities.

Instead of comprehensive land use plans under the control of local governments, state agencies follow the policies and objectives laid out in Statewide Planning Goal 19 for Ocean Resources and the State's Oregon Territorial Sea Plan. State law requires that state agencies implement the Territorial Sea Plan when making decisions to lease or authorize uses and activities, other than fishing, within Oregon's Territorial Sea. The (Oregon) Territorial Sea Plan provides a framework for state and federal agencies, as well as local governments and others, to manage ocean resources and activities through a comprehensive, coordinated and balanced process.



In addition, the state legislature has created an Ocean Policy Advisory Council (OPAC), whose members represent cities, counties, and ports, as well as recreation, fishing, environmental and conservation interests and the public statewide. This group actively advises state agencies and the legislature on the management of ocean resources.

Our use of the ocean is evolving just as the climate is also changing. Ocean conditions upon which we have long depended are beginning to shift, affecting important marine resources and creating uncertainties for ocean users and coastal communities. Changes in ocean chemistry such as increased acidification are already having a detrimental effect on shellfish populations and the harvesting industry that relies on their production. Prior to making decisions on the use or conservation of resources, Oregon's ocean management program uses a precautionary approach and adaptive management that integrates public input, scientific research and continuous monitoring.

Looking Forward

Climate change has become part of our everyday vocabulary. Although the observable effects of climate change are expected to play out over an extended period, we are already experiencing unusual weather events that may be a result of a changing climate. As a consequence of climate change, we will experience an increased frequency of winter storms and the resulting erosion and property damage.

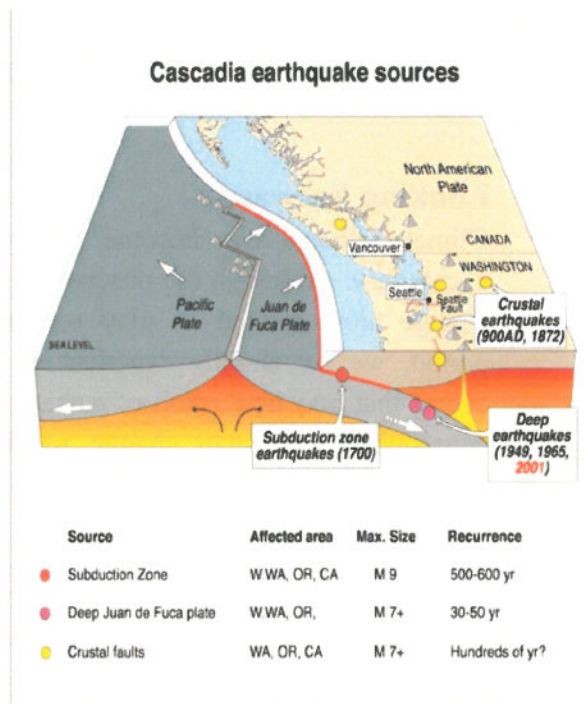




The effect of these storms will be compounded by rising sea levels. In fact, one hundred years of tide gauge records tells us that sea levels are rising about one or two inches every 25 years, and that rate is accelerating. Climate change and sea level rise will put lives and property at risk. State and local governments must consider the effects of climate change on public infrastructure, such as highways, bridges, sewage treatment facilities, and airports that may be vulnerable to flood waters and wave attack. The ocean front on the northern Oregon coast, where the coastline is subsiding relative to sea level, will tend to be more vulnerable than on the south coast where the coastline is rising or stable relative to sea level rise.

With the prospect of rising waters and intense storms in our future, state and local governments will need to be ever more vigilant to limit ocean front development that is vulnerable to ocean flooding and wave attack. On properties where beachfront protective structures cannot be authorized, structures may need to be set back a considerable distance from the beach. Foredunes, which provide a degree of protection to shore front properties from wave attack and ocean flooding, must be preserved. Some property owners maintain that they are willing to accept the risks associated with building at the ocean's edge. However, it is the responsibility of local governments, in their review of permits, to be forward-thinking and to consider the risks to life and property that will be conveyed to future owners and occupants of homes and businesses being built today.

A tsunami, also called a seismic sea wave, is generated by an underwater earthquake, and may travel across the deep ocean at speeds of up to 500 miles per hour. A tsunami generated by an earthquake offshore from Japan or Alaska might not arrive at the Oregon coast for several hours, but a tsunami from a Cascadia subduction zone earthquake just offshore can strike the coastline in 15 or 20 minutes. DOGAMI has prepared tsunami inundation maps for planners and emergency services agencies, and most coastal local governments have developed evacuation plans in the event of a Tsunami. Oregon's building codes limit the construction of critical facilities, like fire stations, and high occupancy uses such as hotels, in tsunami run up zones. More recently, local governments are beginning to discuss plans for community resiliency in the aftermath of a large tsunami.



How Can We Help To Ensure Federal Decisions Comply With State Law?

Federal Consistency in the Coastal Zone

The CZMA requires that federal agency activities affecting any use or resource of a state's coastal zone must be consistent with the enforceable policies of the State's federally approved coastal management program. Oregon's federally approved program, the OCMP, is a "networked" program that integrates authorities of local governments and other state agencies. To be consistent with the OCMP, a proposed project must be consistent with policies contained in three program components:



1. The local government comprehensive plan and land use regulations;
2. The Statewide Planning Goals; and
3. Specific state agency authorities, such as fill and removal, water quality and fish and wildlife protection.



DLCD is the lead agency for the OCMP. DLCD does not exercise direct regulatory authority as it pertains to federal consistency, rather, several of the networked agencies and local governments administer Oregon's coastal program laws. DLCD's role in the consistency process is to ensure that the enforceable policies and regulations of state and local governments are respected, and to issue the final statement on behalf of the state that all requirements of the OCMP have been met with respect to federal consistency review.

Appendices:

- A. Network of State Agencies**
- B. Local Government Contacts**
- C. Network of Federal Agencies**
- D. Network of Coastal Tribes**

**A Citizen's Guide to the Oregon Coastal Management Program -
Appendix A
Network of Oregon State Agencies**

<p>Oregon Department of State Lands http://www.oregon.gov/DSL 775 Summer Street NE, Suite 100 Salem, OR 97103-1279 503-986-5200</p>	<p>The Department of State Lands (DSL) manages grazing and agricultural land; forestland, including the Elliott State Forest in Coos and Douglas counties; and off-shore land, estuarine tidelands, and submerged and submersible lands of the state's extensive navigable waterway system. DSL is responsible for administering the state's removal/fill law, which protects Oregon's waterways and wetlands from uncontrolled alteration. DSL also implements the Territorial Sea Plan through the removal/fill and leasing programs.</p>
<p>Oregon Department of Fish and Wildlife http://www.dfw.state.or.us 4034 Fairview Industrial Drive SE Salem, OR 97302 503-947-6000</p>	<p>The Department of Fish and Wildlife (ODFW) protects and enhances the state's fish and wildlife and their habitats. ODFW provides technical expertise to the OCMP and its local partners, including marine and terrestrial habitat inventories and management recommendations that help to inform land use planning and decision making. ODFW provided critical habitat data used to create Marine Map, a GIS of Oregon's Territorial Sea.</p>
<p>Oregon Parks and Recreation Department http://www.oregon.gov/OPRD 725 Summer Street NE, Suite C Salem, OR 97301 503-986-0707</p>	<p>Oregon Parks & Recreation Department (OPRD) manages the Oregon's Ocean Shore Recreation Area, which includes all beaches and rocky shores along the coast, by protecting and preserving the recreation, scenic and natural resource values found on Oregon's ocean shore. Under the Beach Bill enacted in 1967, the public has free and uninterrupted use of the beaches along Oregon's 362 mile-long coastline. The Beach Bill also directed that the ocean shore be administered as a state recreation area. OPRD regulates vehicle use, camping, and other recreational activities on the ocean shore. OPRD reviews permits for special events, commercial filming, and beach salvage activities, and administer a permit program for ocean shore alterations. Ocean shore alterations include the construction of shoreline protective structures, beach access ways, dune grading and other sand alterations, the routing of pipelines and cables beneath the ocean shore, marine algae collection, and natural product removal.</p>

<p>Oregon Department of Geology and Minerals Industries http://www.oregon.gov/DOGAMI 800 NE Oregon Street #28, Suite 965 Portland, OR 97232 503-325-8611</p>	<p>The Oregon Department of Geology and Mineral Industries (DOGAMI) is Oregon's centralized source of geologic information. It produces maps and reports that can be used by the public and by government to reduce the loss of life and property due to geologic hazards and to manage geologic resources, including water. It helps Oregonians understand and prepare for earthquakes, tsunamis, coastal erosion, landslides, floods, and other geologic hazards. DOGAMI is lead regulator for geologic resources (oil; gas; geothermal energy; metallic and industrial minerals; and sand, gravel, and crushed stone), with attention paid to environmental, reclamation, conservation, and related economic, engineering, and technical issues. DOGAMI provides geologic data through publications and release of electronic data, and through department participation in and coordination with state, federal, and local governmental natural resource agencies as well as with industry and other private sector groups.</p>
<p>Oregon Department of Environmental Quality http://www.oregon.gov/DEQ 811 SW 6th Avenue Portland, OR 97204-1390 503-229-5696</p>	<p>The Department of Environmental Quality (DEQ) implements state and federal environmental laws to protect the quality of Oregon's air, water and land. The Oregon Environmental Quality Commission, a five-member citizen panel appointed by Oregon's governor to serve as DEQ's policy and rulemaking board, provides direction. DEQ provides environmental science and information, regulatory services and technical assistance to Oregon businesses, local governments, homeowners and community groups.</p>
<p>Oregon Department of Agriculture http://www.oregon.gov/ODA 635 Capitol Street NE, Suite 100 Salem, OR 97301-2532 503-986-4550</p>	<p>The Oregon Department of Agriculture (ODA) ensures that Oregon food products are safe to eat. ODA provides consumer protection and promotes economic development and expanded markets for Oregon agricultural products. ODA also advocates for protection of the natural resource base.</p>
<p>Oregon Health Authority, Public Health Division http://www.public.health.oregon.gov 800 NE Oregon Street Portland, OR 97232 971-673-1222</p>	<p>The Oregon public health system comprises federal, state and local agencies, private organizations and other diverse partners working together to protect and promote the health of Oregonians. The Public Health Division works to achieve better health outcomes at lower costs and to transform health care delivery.</p>

<p>Oregon Military Department, Oregon Office of Emergency Management http://www.oregon.gov/OMD/OEM P. O. Box 14370 / 3225 State Street Salem, OR 97109-5062 503-978-2911</p>	<p>The Office of Emergency Management (OEM) executes the Governor's responsibilities to maintain an emergency services system as prescribed by planning, preparing and providing for the prevention, mitigation and management of emergencies or disasters that present a threat to the lives and property of citizens of and visitors to the State of Oregon. OEM is responsible for coordinating and facilitating emergency planning, preparedness, response and recovery activities with the state and local emergency services agencies and organizations.</p>
<p>Oregon Department of Energy http://www.oregon.gov/energy 625 Marion Street NE Salem, OR 97301-3737 503-378-4040</p>	<p>The Oregon Department of Energy (ODOE) encourages investments in conservation, efficiency, and renewable energy resources by offering tax credits, loans, and grants. ODOE provides information and technical assistance to households, businesses, schools, tribes and government agencies on ways to save energy. ODOE regulates the siting of energy facilities and the clean-up of radioactive materials.</p>
<p>Oregon Department of Transportation http://www.oregon.gov/ODOT 355 Capitol Street NE, MS 11 Salem, OR 97301-3871 888-275-6368</p>	<p>The Oregon Department of Transportation (ODOT) provides a safe, efficient transportation system that supports economic opportunity and livable communities for Oregonians. ODOT develops programs related to Oregon's system of highways, roads, and bridges; railways; public transportation services; transportation safety programs; driver and vehicle licensing; and motor carrier regulation.</p>
<p>Oregon Water Resources Department http://www.oregon.gov/OWRD 725 Summer Street NE, Suite A Salem, OR 97301 503-986-0900</p>	<p>The Water Resources Department (OWRD) assures that sufficient and sustainable water supplies are available to meet the current and future needs of Oregon. OWRD promotes responsible water management; addresses Oregon's water supply needs, and works to protect stream flows and watersheds.</p>
<p>Watershed Enhancement Board http://www.oregon.gov/OWEB 775 Summer Street, NE, Suite 360 Summer, OR 97301 503-986-0178</p>	<p>The Oregon Watershed Enhancement Board (OWEB) provides grants to help Oregonians take care of local streams, rivers, wetlands and natural areas. Community members and landowners use scientific criteria to decide jointly what needs to be done to conserve and improve rivers and natural habitat in the places where they live. OWEB grants are funded from the Oregon Lottery, federal dollars, and salmon license plate revenue. OWEB is led by a 17 member citizen board drawn from the public at large, tribes, and federal and state natural resource agency boards and commissions.</p>

<p>South Slough National Estuarine Research Reserve (SSNERR) http://www.oregon.gov/DSL/SSNERR P. O. Box 5417 / 61907 Seven Devils Road Charleston, OR 97420 541-888-5558</p>	<p>The South Slough National Estuarine Research Reserve (South Slough NERR) is a 5,000 acre natural area located in the Coos estuary on the south coast of Oregon. The Reserve was designated in 1974 as the first unit of the National Estuarine Research Reserve System (NERRS), a network of estuarine habitats protected and managed for the purposes of long-term research, education, and coastal stewardship. Established by Congress in 1972 as part of the Coastal Zone Management Act (CZMA), the NERRS is administered as a partnership between the National Oceanic and Atmospheric Administration (NOAA) and the coastal states. In particular, South Slough NERR is affiliated with both NOAA and the DSL. The Reserve's immediate governing body is the South Slough NERR Management Commission whose members are appointed by the Governor of Oregon.</p>
<p>Oregon Coastal Zone Management Association http://www.oczma.org P. O. Box 1033 / 313 SW 2nd, Suite C Newport, OR 97365 541-265-5241</p>	<p>The Oregon Coastal Zone Management Association (OCZMA) is a voluntary nonprofit association of coastal units of governments on the Oregon Coast (organized under ORS 190) counties, cities, ports, soil & water conservation districts and the Coquille Indian Tribe on the Oregon Coast. OCZMA was founded in 1976 and is a bi-partisan organization. OCZMA's office is located in Newport, Oregon. Financial support comes from annual membership dues (local jurisdictions) and state and federal grants and contracts. OCZMA quarterly meetings feature presentations on coastal issues of shared concern and dialogue about these and other matters.</p>
<p>Columbia River Estuary Study Taskforce (CREST) http://www.columbiaestuary.org 818 Commercial Street, Suite 203 Astoria, OR 97103 503-325-0435</p>	<p>Columbia River Estuary Task Force (CREST) is a community organization specializing in environmental planning and habitat restoration for fish and wildlife. CREST offers expertise in project design, funding, management, implementation and monitoring with the goal to sustain the partnership between the natural ecosystem and the neighboring communities along the Columbia River Estuary. CREST's overall mandate is to provide leadership in environmental and resource planning for fish and wildlife habitat in the Columbia River Estuary ecosystem.</p>

**A Citizen's Guide to the Oregon Coastal Management Program -
Appendix B
Coastal County Planning Departments**

<p>Clatsop County http://www.co.clatsop.or.us 800 Exchange St., Suite 100 Astoria, OR 97103 503-325-8611</p>
<p>Coos County http://www.co.coos.or.us 225 North Adams Street Coquille, OR 97423 541-396-3121</p>
<p>Curry County http://www.co.curry.or.us Department of Public Services 94235 Moore St., Suite 113 Gold Beach, OR 97444 541-247-7011</p>
<p>Douglas County http://www.co.douglas.or.us Justice Building, Room 106 Douglas County Courthouse Roseburg, OR 97470 541-440-4289</p>
<p>Lane County http://www.co.lane.or.us 125 E 8th Ave Eugene, OR 97401 541-682-3734</p>
<p>Lincoln County http://www.co.lincoln.or.us 210 SW 2nd St Newport, OR 97365 541-265-4092</p>
<p>Tillamook County http://www.co.tillamook.or.us 201 Laurel Ave Tillamook, OR 97141 503-842-3408</p>

Coastal City Planning Departments

<p>Astoria http://www.astoria.or.us 1095 Duane Street Astoria, OR 97103 503-338-5183</p>	<p>Garibaldi http://www.ci.garibaldi.or.us P.O. Box 708 Garibaldi, OR 97118 503-322-3327</p>
<p>Bandon http://www.ci.bandon.or.us 555 U.S. Highway 101 Bandon, OR 97411 541-347-2437</p>	<p>Gearhart http://www.ci.gearhart.or.us P.O. Box 2510 Gearhart, OR 97138 503-738-5501</p>
<p>Bay City http://www.ci.bay-city.or.us P.O. Box 3309 / 5525 B Street Bay City, OR 97107-3309 503-377-2288</p>	<p>Gold Beach http://www.goldbeachoregon.gov 29592 Ellensburg Avenue Gold Beach, OR 97444-9756 541-247-7029</p>
<p>Brookings http://www.brookings.or.us 898 Elk Drive Brookings, OR 97415 541-469-2163</p>	<p>Lakeside http://www.cityoflakeside.org 915 No. Lake Avenue Lakeside, OR 97459 541-759-3011</p>
<p>Cannon Beach http://www.ci.cannon-beach.or.us P.O. Box 368 Cannon Beach, OR 97110 503-436-1581</p>	<p>Lincoln City http://www.lincolncity.org P.O. Box 50 Lincoln City, OR 97367 541-996-2152</p>
<p>Coos Bay http://www.coosbay.org/ City Hall 500 Central Avenue Coos Bay, OR 97420-1895 541-269-1181</p>	<p>Manzanita http://www.ci.manzanita.or.us P.O. Box 129 Manzanita, OR 97130-0129 503-368-5343</p>
<p>Coquille http://www.cityofcoquille.org City Hall 99 East 2nd Street Coquille, OR 97423 541-396-2115</p>	<p>Myrtle Point http://www.ci.myrtlepoint.or.us 424 5th Street Myrtle Point, OR 97458 503-572-2626</p>

<p>Depoe Bay http://www.cityofdepotbay.org P.O. Box 8 Depoe Bay, OR 97341 541-765-2361</p>	<p>Nehalem http://www.ci.nehalem.or.us P.O. Box 143 Nehalem, OR 97131 503-368-5627</p>
<p>Port Orford http://www.portorford.org P.O. Box 310 Port Orford, OR 97465 503-332-3681</p>	<p>Rockaway Beach http://www.rockawaybeachor.us P.O. Box 5 Rockaway Beach, OR 97136 503-355-2291</p>
<p>Powers http://www.oregoncities.us/powers P.O. Box 250 Powers, OR 97466 541-439-3331</p>	<p>Seaside http://www.cityofseaside.us 989 Broadway Seaside, OR 97138 503-738-5511</p>
<p>Reedsport http://www.cityofreedsport.org 451 Winchester Avenue Reedsport, OR 97467 541-271-3603</p>	<p>Siletz http://www.cityofsiletz.org P.O. Box 318 Siletz, OR 97380</p>
<p>Tillamook http://www.tillamookor.gov 210 Laurel Avenue. Tillamook, OR 97141 503-842-3443</p>	<p>Toledo http://www.cityoftoledo.org P.O. Box 220 / 206 N. Main Street Toledo, OR 97391 541-336-2247</p>
<p>Vernonia http://www.vernonia-or.gov 1001 Bridge Street Vernonia, OR 97064 503-429-5291</p>	<p>Warrenton http://www.ci.warrenton.or.us P.O. Box 250 / 225 S. Main Avenue Warrenton, OR 97146 503-861-0920</p>
<p>Wheeler http://ci.wheeler.or.us P.O. Box 177 Wheeler, OR 97147 503-368-5767</p>	<p>Yachats http://ci.yachats.or.us P.O. Box 345 Yachats, OR 97498 541-547-3565</p>

**A Citizen's Guide to the Oregon Coastal Management Program -
Appendix C
Network of Federal Agencies**

NOAA

<http://coastalmanagement.noaa.gov>

1201 NE Lloyd Blvd., Suite 1100
Portland, OR 98232

NOAA, National Marine Fisheries Service

<http://www.westcoast.fisheries.noaa.gov>

1201 NE Lloyd Blvd., Suite 1100
Portland, OR 98232
503-230-5400

U.S. Environmental Protection Agency

<http://www.oregon.gov/OPRD>

805 SW Broadway, Suite 500
Portland, OR 97205
503-326-3250

Federal Energy Regulatory Commission

<http://www.ferc.gov>

805 SW Broadway
Fox Tower, Suite 550
Portland, OR 97205
503-552-2700

U.S. Bureau of Ocean Energy Management, Pacific Region

<http://www.boem.gov>

770 Paseo Camarillo, Second Floor
Camarillo, CA 93010
805-384-4706

U.S. Bureau of Land Management, Oregon

<http://www.oregon.gov/ODA>

P.O. Box 2965 / 1220 SW 3rd Avenue
Portland, OR 97208-2965
503-808-6001

U.S. Forest Service, Pacific Northwest Region

<http://www.fs.usda.gov/r6>

1220 SW 3rd Avenue
Portland, OR 97204-3440
503-808-2468

U.S. Army Corps of Engineers, Portland District

<http://www.oregon.gov/ODA>

P.O. Box 2946 / 333 SW First Avenue

Portland, OR 97208-2946

503-808-4510

U.S. Fish and Wildlife Service, Oregon Office

<http://www.fws.gov/oregonfwo>

2600 SE 98th Avenue, Suite 100

Portland, OR 97266

503-231-6179

U.S. Coast Guard, District 13

<http://www.uscg.mil/d13>

Jackson Federal Building

915 Second Avenue, Suite 3510

Seattle, WA 98174-1067

206-220-7280

**A Citizen's Guide to the Oregon Coastal Management Program -
Appendix D
Network of Coastal Tribes**

Confederated Tribes of Coos, Lower Umpqua and Siuslaw

<http://www.ctclusi.org>

1245 Fulton Avenue
Coos Bay, OR 97420
541-888-9577

Coquille Indian Tribe

<http://www.coquilletribe.org>

3050 Tremont Street
North Bend, OR 97459
541-756-0904

Confederated Tribes of the Grand Ronde Community

<http://www.granderonde.org>

9615 Grand Ronde Road
Grand Ronde, OR 97347
503-879-5211

Confederated Tribes of Siletz Indians

<http://www.ctsi.org>

P.O. Box 549 / 201 Swan Avenue SE
Siletz, OR 97380
541-444-2532

A Citizen's Guide to the Oregon Coastal Management Program - Appendix E

Definitions / Glossary of Terms

Base Flood Elevation – A term used in flood hazard mapping that refers to a 100-year flood event. A 100-year flood event has a 1% probability of occurring in any given year.

Beaches and Dunes – In Statewide Planning Goal 18, “Beaches and Dunes” include beaches, active dune forms, recently stabilized dune forms, older stabilized dune forms and interdune formations.

Carbon Footprint – This is a reference to the amount of greenhouse gas emissions produced by an organization, event, product or person. Greenhouse gases in the Earth’s atmosphere include water vapor, carbon dioxide, methane, nitrous oxide and ozone.

CIP – Citizen Involvement Program. Each city and county comprehensive plan is required to ensure the extensive, ongoing involvement of local citizens in planning. Such programs are required by Statewide Planning Goal 1, "Citizen Involvement," and contain or address the six components described in that Goal.

Citizen Involvement – Each city and county comprehensive plan is required to ensure the extensive, ongoing involvement of local citizens in planning. Such programs are required by Statewide Planning Goal 1, "Citizen Involvement," and contain or address the six components described in that Goal.

Clear and Objective Standards – Refers to requirements in land use regulations that are typically expressed in numerical requirements such as lot area and building setbacks, and are not subject to interpretation.

Climate Change – A significant and lasting change in the statistical distribution of [weather patterns](#) over periods ranging from decades to millions of years. Climate change is caused by factors that include oceanic processes, variations in [solar radiation](#) received by the Earth, [plate tectonics](#), [volcanic eruptions](#), and human-induced alterations of the natural world.

Coastal Planning Goals – Four of Oregon’s Statewide Planning Goals 16 (Estuaries), 17 (Coastal Shorelands), 18 (Beaches and Dunes) and 19 (Ocean Resources).

Coastal Shorelands – Lands in the coastal zone adjacent to ocean, estuaries and lake shores. The extent of the shoreland area has been determined by counties and cities, based on the criteria in Statewide Planning Goal 17.

Coastal Zone – The area lying between the Washington border on the north to the California border on the south, bounded on the west by the extent of the state's jurisdiction, and in the east by the crest of the coastal mountain range, with the exception of: (a) The Umpqua River basin, where the coastal zone shall extend to Scottsburg; (b) The Rogue River basin, where the coastal zone shall extend to Agness; (c) The Columbia River basin, where the coastal zone shall extend to the downstream end of Puget Island.

Criteria – Refers to the standards measures that a reviewer, such as the planning director or a planning commission, uses to evaluate a proposed use or activity for compliance with the city or county land use regulations.

CZMA – Coastal Zone Management Act is an Act of Congress passed in 1972 to encourage coastal states to develop and implement coastal zone management plans. This act was established as a United States National policy to preserve, protect, develop, and where possible, restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations.

DLCD – The Department of Land Conservation and Development is the administrative arm of the Land Conservation and Development Commission (LCDC) of the State of Oregon. The Department oversees implementation of the State's Land Use Statutes and the Statewide Planning Goals and Administrative Rules adopted by the LCDC.

DOGAMI – The Department of Geology and Mineral Industries is Oregon's centralized source of geologic information. The DOGAMI produces maps and reports that can be used by the public and by government to reduce the loss of life and property due to geologic hazards and to manage geologic resources, including water.

Exception Areas – Largely refers to clusters of acreage residential properties that were granted an “exception” to the Statewide Agricultural and Forest Planning Goals. These areas were either developed for residential use prior to passage of the Statewide Planning Goals, or were deemed to be committed to non-resource uses, by virtue of the surrounding land uses. A few exception areas include isolated commercial or industrial sites in rural areas. Counties have adopted exception areas under the criteria in Oregon Administrative Rule 660, Division 04.

Expedited Land Divisions – Refers to a streamlined process for certain types of land divisions in urban areas that meet objective numerical standards. See ORS 197.360 – 197.380.

FEMA – The stated purpose of the Federal Emergency Management Agency is to build, sustain and improve the nation's capability to prepare for, protect against, respond to, recover from and mitigate all hazards.

Foredunes – A foredune is the most seaward hill or ridge of sand built up by the wind along a sandy beach. An active foredune tends to migrate, grow and diminish from the effect of wind and supply of sand. Some foredunes are conditionally stable, meaning that they are presently in a stable condition, but vulnerable to becoming active due to fragile vegetative cover.

Hydrologic Cycle – The hydrologic cycle describes the continuous movement of water on, above and below the surface of the Earth.

LCDC – The Land Conservation and Development Commission of the State of Oregon. The seven members are appointed by the Governor and confirmed by the Oregon Senate in accordance with the requirements of ORS 197.030.

Limited Land Use Decisions – A streamlined decision-making process set forth in ORS 197.195 pertaining to land divisions and other discretionary decisions for uses that are permitted outright in the zoning code.

LUBA – The Land Use Board of Appeals is composed of three attorneys — known as board members — appointed by the governor and confirmed by the Oregon Senate.

Natural Hazards – In Statewide Planning Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires.

NOAA – the National Oceanic and Atmospheric Administration was formed on October 3, 1970 by President Richard Nixon, creating a new department to serve a national need "... for better protection of life and property from natural hazards ... for a better understanding of the total environment ... [and] for exploration and development leading to the intelligent use of our marine resources.

OCC&DC – The Oregon Coastal Conservation and Development Commission was created by ORS 191 and existed from 1971 to 1975. Its work is continued on by the Land Conservation and Development Commission (LCDC).

OCMP – The Oregon Coastal Management Program (OCMP) works in partnership with coastal local governments, state and federal agencies, and other stakeholders to ensure that Oregon's coastal and ocean resources are managed, conserved, and developed consistent with the Statewide Planning Goals.

OPAC – The Ocean Policy Advisory Council (OPAC) is a legislatively mandated marine policy advisory body to the Governor of Oregon. Meetings of OPAC are usually held in cities on the Oregon coast. OPAC has facilitated public involvement and made recommendations on Marine Reserves and Wave Energy in the Territorial Sea.

OPRD – The Oregon Parks and Recreation Department is charged with the protection and preservation of the recreation, scenic, and natural resource values found on Oregon’s ocean shore. Under the Beach Bill enacted in 1967, the public has free and uninterrupted use of the beaches along Oregon’s 362 mile-long coastline. The Beach Bill also directed that the ocean shore be administered as a state recreation area. To carry out these objectives, the Oregon Parks and Recreation Department prepares plans for State park lands and issues permits for proposed activities and development on the beach.

ORS 197.610 – A statute requiring that a formal written notice be provided to the DLCD.

PAPA – A Post Acknowledgement Plan Amendment refers to the process set forth in ORS 197 that local governments are required to follow in the review and adoption of proposed amendments to their comprehensive plans and land use regulations.

Perpetual Easement – A **Perpetual Easement** is the legal right to have access over or the right to use another person's land or waterway for an unlimited time.

Quasi-Judicial – A decision-making process that local governments use to gather factual information and testimony and take action on a land use or development proposal.

Regulatory Authorities – The State Statutes, Administrative Rules and the local government policies and codes that govern the use and development of land in Oregon.

South Slough Estuarine Research Reserve – The South Slough National Estuarine Research Reserve is a 5,000 acre natural area located in the Coos estuary on the south coast of Oregon. The Reserve was designated in 1974 as the first unit of the National Estuarine Research Reserve System, a network of estuarine habitats protected and managed for the purposes of long-term research, education, and coastal stewardship.

Standards – In the context of land use regulations, standards are the typical requirements for minimum lot area, yard setbacks, height limitations, building orientation, road access, etc.

Standing – To have “standing,” is to be eligible to appeal a land use decision. Eligibility requires that an individual must have participated in the decision-making process, by speaking and raising issues at a public hearing or by submitting written testimony.

Subduction Zone – The Cascadia Subduction Zone is a type of convergent tectonic plate boundary that stretches from northern Vancouver Island to northern California. It is a very long sloping fault that separates the Juan de Fuca and North America plates. Ocean floor is sinking below the continental plate offshore of Washington and Oregon. The North American Plate moves in a general southwest direction, overriding the oceanic plate. The Cascadia Subduction Zone is where the two plates meet. Tectonic processes active in the Cascadia subduction zone region include accretion, subduction, deep earthquakes, and active volcanism.

Territorial Sea – The ocean and seafloor area from mean low water seaward three nautical miles.

UGB – Each city in Oregon has adopted an Urban Growth Boundary that encompasses urban and urbanizable lands adjacent to the city limits, where the city is projected to grow over a 20-year planning period.

Unincorporated Communities – Refers to communities outside of urban growth boundaries, where there is a concentration of housing, commercial or industrial properties. Communities that have public sewer and water systems are called urban unincorporated. Other communities are called “rural community,” “rural service center,” and “resort community.” Counties have designated unincorporated communities under the criteria in Oregon Administrative Rule 660, Division 22.