



Land Use Planning and the Oregon Coast

A Guide for Volunteers Monitoring and Engaging with Land Use Issues



Florence waterfront from the air, photo by Rena Olson, with support from Lighthawk.

Prepared by the Oregon Shores Conservation Coalition and Crag Law Center

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Introduction: What Is Land Use Planning and Why Is It Important?

Land use planning is a tool for managing and guiding development and the use of land. Implemented at the local level, it plays an integral role in how communities develop and grow, and in what resources are exploited or protected. The fundamental object of land use planning is to determine what uses and activities are allowed, and where. For example, decisions about where a factory can be located, or whether a neighborhood can be built on top of shifting dune sands, will be based on local land use regulations, which in turn rest on state law.

Local land use planning decisions, made by city and county governments, are critical to coastal conservation and to the health of coastal communities. Land use planning plays a key role in protecting—or failing to protect—natural resources, landscapes, habitats, and ecosystems. As we face increasing impacts from climate change and environmental degradation, land use planning provides an opportunity to think critically about the way we are building our communities to respond to and mitigate these threats.

The aim of this guide is to provide an introduction to Oregon’s land use system and a set of instructions for how coastal residents and other concerned citizens can get involved in monitoring land use activity in the coastal region. The hope is that many users will take a further step and become engaged as advocates, impacting local decisions on issues affecting coastal communities. This guide was prepared by the Oregon Shores Conservation Coalition in partnership with Crag Law Center, a client-focused non-profit that supports community efforts to protect and sustain the Pacific Northwest’s environment.

Chapter 1: Oregon's Land Use System

History

Oregon has a long history of setting the model for land use planning nationally, and our statewide land use system has played a large role in preserving what makes the state special, including protecting coastal resources like beaches, dunes, and estuaries.

In 1973, Oregon passed the landmark Senate Bill 100, which established comprehensive statewide land use planning goals and a coordinated framework for their implementation at the local level.¹ The system was designed to combat what Governor Tom McCall described to the state legislature at the time as “unfettered despoiling of the land,” and the proliferation of “sagebrush subdivisions, coastal condomania, and the ravenous rampages of suburbia.”²

The Statewide Planning Goals

The heart of Oregon's land use system is the 19 statewide land use planning goals enacted by the Land Conservation and Development Commission (LCDC).³ These goals establish a framework for implementing everything from ensuring that housing, transportation, and recreation needs are met, to conserving forest lands, estuaries, and beaches. Each of the goals lays out requirements and guidelines for how local governments should make planning decisions. For example, Goal 1 sets the standard for how citizens should be involved in the process, while Goal 16 controls how local governments manage development in estuaries. A summary of the goals that have the strongest bearing on coastal conservation is included in Chapter 4 below.

¹ Oregon Explorer, *History of Land Use Planning*, <https://oregonexplorer.info/content/history-land-use-planning?topic=4123&ptopic=62>.

² Carl Abbott, *50 Years and Counting: Why Environmental Preservation is Embedded in Oregon Culture* (Sept. 22, 2022), <https://columbiainsight.org/why-environmental-preservation-is-embedded-in-oregon-culture/>.

³ DLCD, Oregon's Statewide Land Use Planning Goals, <https://www.oregon.gov/lcd/op/pages/goals.aspx>.

Local Implementation

Local governments implement the content of the statewide goals through comprehensive plans, zoning and development ordinances, and permitting decisions. Every local government is required to have a comprehensive plan that implements the statewide land use planning goals in setting out a plan for how the community will develop and grow. The plans are “generalized maps and standards and guidelines” that guide and regulate future development.⁴ For many of the statewide goals, the plan will have a specific section dedicated to the goal’s content. For example, local governments with estuaries in their jurisdiction include estuary management plans, regulating estuarine development, to implement Goal 16 within their comprehensive plan.

Local governments apply these plans through zoning and development ordinances. These ordinances are laws passed by local governments that lay out the process for land use applications and set more specific regulations for allowed uses and activities on a given piece of land depending on the comprehensive plan provisions that apply to it. As a part of this process, local governments typically create zoning maps that apply specific “zones” to particular areas. Each zone will have designated permissible uses which are allowed outright, conditional uses which can be allowed based on some determination by the local government, and prohibited uses.

Whenever a local government is making a land use decision, such as deciding whether to issue a permit for a given development, it must apply the statewide goals, its comprehensive plan, and its ordinances.

See Chapter 3 for details on how the planning process works in practice.

State and Local Coordination

The Department of Land Conservation and Development (DLCD) – under the policy direction of the Land Conservation and Development Commission (LCDC) – oversees the application of Oregon’s land use system. DLCD works closely with local governments to help apply the statewide land use planning

⁴ ORS 197.010.

goals. There are also a few kinds of local government actions, such as an amendment to a comprehensive plan, that must be reviewed by DLCDC before they can move forward.⁵

DLCDC also houses Oregon's Coastal Management Program (OCMP), which coordinates among local, state, federal, and tribal governments to protect Oregon's coastal environment. OCMP is Oregon's implementation of the federal Coastal Zone Management Act (CZMA), which provides funding for protecting coastal resources and requires federal actions to be consistent with Oregon's state and local policies, including land use regulations. OCMP provides technical assistance to coastal governments on coastal hazards and resilience, climate change adaptation, and estuary and territorial sea planning.⁶ The adopted coastal management plan, having been recognized by the federal government, gives Oregon considerable leverage. Under the CZMA, federal agencies must engage in federal consistency review, ensuring that federal actions in the Oregon coastal region are consistent with Oregon's plan.

Land Use Appeals

Decisions by local governments can be appealed to the state's Land Use Board of Appeals (LUBA). LUBA is a board of three attorneys appointed by the governor with authority to review land use decisions for specific errors. In order to appeal, a citizen or organization must have testified during the local planning process. Only matters raised during the local process can be appealed. LUBA orders can be appealed to the Oregon Court of Appeals. See Chapter 3 for more on appeals.

Under certain circumstances, including where there is a concern about a local government's "pattern or practice" of violating its comprehensive plan or ordinances, citizens can seek an enforcement order from LCDC to bring the local government into compliance.⁷

⁵ ORS 197.610.

⁶ DLCDC, *About DLCDC*, <https://www.oregon.gov/lcd/about/pages/programs.aspx#:~:text=OCMP%20is%20Oregon's%20federally%20approved.estuary%20and%20territorial%20sea%20planning.>

⁷ ORS 197.320.

Chapter 2: Coastal Conservation and Land Use Issues

What are we looking for?

Any decision by a local government or state resource agency that affects the coastal environment is of potential interest to Oregon Shores. This includes decision-making through the land use planning process *per se*, but also other types of issues that affect land use, such as water quality, vegetation management, utility regulation, and other such matters. It can also include state agency rulemaking that affects the management of Oregon's coastal resources.

Oregon Shores doesn't have the capacity to become directly involved in every land use and resource decision in the coastal region. However, timely information on impending issues throughout the region will enable us to make good decisions about priorities, and to spot patterns that should be addressed at the state level. Moreover, even where we are unable to become engaged in a local planning issue, we can at the least provide advice and coaching to local citizens who are willing to involve themselves in a decision affecting their community.

While the goal is to have volunteers tracking the full range of decisions facing cities, counties, and state agencies, there are certainly key areas of concern that should receive special attention.

- *Community concern*: Oregon Shores is particularly effective in influencing land use decisions when working with local supporters. Issues that have aroused widespread interest or alarm among community members provide good opportunities for assisting residents in blocking a damaging development or pushing for a positive change.
- *Shorelands*: Development proposals that would affect lands adjacent to the outer shoreline or the shores of estuaries are of special concern to Oregon Shores.

- *Wetlands*: Oregon has lost a large portion of its coastal wetlands (both freshwater and salt marshes, tidal swamps, eelgrass beds); preventing further loss is a key priority.
- *Urban Growth Boundary (UGB) expansions*: Cities have city limits, but also UGBs, areas for potential future growth established within their comprehensive plans. Proposals to extend UGBs to allow for development, especially if that development would intrude on important resource lands, are critical land use issues. (UGB expansions are highly problematic when cities have land available for development within the existing UGB, but seek to cater to a would-be developer's preference for sprawl.)
- *Public access*: Maintaining public access to our public beaches, as well as to estuaries, lakes, and other natural areas, is a long-standing priority for Oregon Shores. Proposed developments that would block access, or attempts by local governments to vacate existing public rights-of-way, should prompt an alarm.
- *Shoreline armoring*: While the Oregon Parks and Recreation Department is responsible for issuing permits for riprap or seawalls, the department first requires certification by the relevant city or county that the property is eligible for armoring within that jurisdiction's comprehensive plan. Such decisions are usually administrative, and thus won't appear on a planning commission agenda, making it especially important to monitor local planning departments in order to detect such activity.
- *Natural hazards*: Development in areas of high risk – such as for erosion, flooding, or landslides – can pose threats to public safety, and is likely to lead to future demands for armoring or other highly impactful defensive measures when such property is endangered.
- *Cultural resources*: Proposed development that could affect features of special social interest, such as an historic site or a trail, draw our

attention. Oregon Shores should be aware of any situation in which resources of cultural and traditional concern to Oregon's coastal tribes are threatened, so that we can intervene in support of a tribal position where we can be helpful.

While the above are primary areas of focus, other types of actions can have environmental implications. Just to take one example: While Oregon Shores does not generally become involved in housing matters, we might well support creation of low-income housing that would serve needed coastal workers, reducing the fossil fuel use and other travel impacts caused by long commutes.

Chapter 3: How to Get Involved in the Land Use Process

Step 1: Understand your local government's decision-making process

The first step to getting involved in the local land use process is figuring out who will make the land use decision at hand. These are the boards of commissioners, city councils, and planning committees in your area who are holding hearings and making decisions on land use applications and planning proposals. Cities and counties are the governmental bodies responsible for making land use decisions within their respective jurisdictions.⁸ However, depending on the type of land use decision at issue, there are multiple possible decision-makers within those local governments.

Certain types of land use decisions — such as amendments to the zoning ordinances or comprehensive plan policies — are necessarily made by a city council or county board of commissioners. Many other decisions are made by a department, committee, or official that is a part of the local government. These can be the local planning department, planning commission, or hearings officer. Which governmental body makes what type of decision will vary by jurisdiction, so it is important to figure out how decisions are made in the specific city and/or county that you are interested in tracking.

⁸ ORS 197.175.

Who has the authority to make particular types of decisions in your area should be specified in your local government's zoning and development ordinances. These ordinances are likely accessible on the local government's website,⁹ and copies should also be available in-person at your local planning department. The main kinds of decisions that get public hearings include variances, conditional use permits, zoning and comprehensive plan map amendments, and partitions and subdivisions. Other types of land use applications may not automatically be set for a public hearing. How each of these decisions are made and by whom should be laid out in the code.

To track all of the land use decisions that are under consideration in a given area, it may be necessary to track multiple levels of decision-makers within your local government. For example, planning department decisions might be announced differently from city council decisions. Some local governments, helpfully, have websites where all land use notices, regardless of the decision-maker, are posted, making it less necessary to know the ins and outs of all possible decision-makers. But unfortunately, that is not the case in most jurisdictions, so it may be necessary to figure out how to track the calendars of multiple levels of decision-makers to be aware of all of the hearings and decisions that are in process.

Step 2: Track your government's land use actions

After you have figured out how your local government makes decisions, you can proceed to track those decisions and figure out where there are opportunities to get involved. There are a lot of ways to track these land use actions, and the best one to use will depend on which information source your local government reliably uses.

Property owners near the site of a given land use application are automatically entitled to notice of hearings for that decision under state law. This includes owners within 100 feet of the property if the property is within the urban growth boundary, 250 feet if the property is outside the urban growth boundary, and 500 feet if the property is in a farm or forest zone.¹⁰ All neighborhood and community organizations whose boundaries include the

⁹ The ordinances are typically linked on the page for the planning department.

¹⁰ ORS 197.797(2)

site are also entitled to receive this notice. These notices must be mailed at least 20 days before the hearing.¹¹

Those notices are all that is required by state law; everything else is up to local governments, and each one handles notices differently. Some jurisdictions have their own specific notice requirements that go beyond these state mandates in their development or zoning ordinances. For example, the City of Bandon requires that notice of a hearing be published on the city's website or in a locally circulated newspaper within 14 days of the hearing.¹²

Most cities and counties have some form of website and many of those websites have calendars that include land use hearings, pages where notices are posted, or tools for seeing all of the active land use applications in the jurisdiction. Some of these sites also include notification systems where you can sign up to receive email notices for certain events or news, which can be a helpful tool in staying informed. A non-exhaustive list of some of these websites is provided in Appendix A below.

If the government you are interested in following is not listed in this guide, it is worth exploring the government's website to see if you can figure out where or if they post news about land use matters. Generally, if it exists, the information can be found on the planning department's page or on the general calendar for the city or county. In some cases, it might be necessary to find and follow multiple pages for different decision-makers. For example, hearings before the planning commission might be in a separate place from hearings before a hearings officer.

If you are unable to find a reliable place online where your city or county posts notices of land use hearings, it may be necessary to reach out to your local planning department to ask about the best way to stay apprised of these land use actions. In some cases, this may be a newspaper, physical posting at the city hall or county courthouse, or e-newsletter. In other cases, it may be necessary to ask the planning department to keep you informed and stay connected to them to make sure you are staying in the loop. Planning

¹¹ ORS 197.797(2).

¹² Bandon Municipal Code 16.04.070(B)(1)(c).

department contacts should be easily accessible on your government's website.

In any case, establishing friendly, cordial relationships with your local planning staff is a good idea. While planning staff cannot provide you with legal advice or direction, they can be extremely helpful in providing information about hearings, applications, codes, and processes. Being in regular touch with the local planning staff is beneficial even in cases where your local government maintains a good website for tracking land use decisions, as staff can sometimes provide advance notice of upcoming applications.

Step 3: Participate in the local process

Once you have figured out how to track your local government's land use actions, you will be in a position to keep Oregon Shores informed about matters of potential concern. If willing, you can then take the next step-- getting involved by attending the hearings and submitting comments on the applications and proposals you decide are important (or for which Oregon Shores requests you to serve as a local representative, if you have volunteered to assist in that way).

Identify the Relevant Criteria

To start, it is necessary to gather as much information as possible about the proposed change or project and think about whether there are any conflicts with local ordinances, the local comprehensive plan, or statewide goals. The hearing notice for a land use application is required to list the applicable criteria from the ordinance and comprehensive plan, making it a good starting point. Staff reports, which should be available about one week before a hearing, can also be very helpful in identifying requirements.

However, do not take the listed criteria as the final word. Do your own research to determine whether additional criteria may apply and be prepared to present those criteria at the hearing. Familiarize yourself with the local planning and zoning ordinances and comprehensive plan. As mentioned above, most local governments now have these documents available on their website; but there should also be a copy available for review in the local

planning department offices. Also look at the statewide planning goals¹³ and determine if any of those special considerations apply. An overview of the goals most relevant to coastal conservation is included in Chapter 5 below.

Location can make a big difference in which criteria apply. Is the property within a floodplain, shorelands, airport, or wildlife overlay? Is it farm or forest land? There are also different requirements and criteria for uses that are allowed outright and those that require a conditional use approval. You will want to identify all the relevant criteria, and then focus on those that are most important to the issues you care about.

Gather Evidence



Once you have identified the relevant criteria, gather your evidence.

If the criteria require any type of impacts analysis or compatibility determination, gather evidence on the natural features, ecosystem, surrounding uses, traffic, noise, etc. You can find helpful reports on the internet, or ask for help from experts to better understand how a proposed use of land might impact nearby resources or sensitive areas. (Where

¹³ DLCD, *Oregon's Statewide Land Use Planning Goals*, <https://www.oregon.gov/lcd/OP/Pages/Goals.aspx>.

research is needed on a matter of conservation concern, brainstorm with Oregon Shores staff about potential sources of information.)

The burden is on the applicant to prove that the proposal complies with all applicable criteria. Sometimes, an application may not adequately explain how a criterion is met. In that case, raise questions within your testimony or comments requesting better explanation for what the impacts of a project will be or how the proposal complies with specific criteria.

The ultimate goal is to build the record with as much information as you can. Relevant evidence must be responded to and addressed by the decision-maker. Additionally, if the decision is eventually appealed, only arguments that were made before the local decision-maker with reasonable specificity can be raised on appeal.¹⁴

Testify or Submit Comments

When developing your testimony or comments, it is important to address the relevant criteria and the application or proposal at hand. Here is a helpful framework to organize your points:

1. Issue: State the issue you are concerned about.
2. Rule: Identify the local code or state law criteria that applies.
3. Analysis: Explain why you think the criteria have not been met based on what has been provided in the application or proposal, and provide any evidentiary support for your position.
4. Conclusion: Restate again your concern and what request you are making of the decision-maker.

Usually, at the initial evidentiary hearing members of the public will be given very limited time to talk, around three minutes. Prepare your most important points to state verbally. Practice and time yourself to make sure you can make those points within the allotted time. It is always a good idea to also submit your testimony in writing, even if you intend to testify verbally. If your statement is longer than can be presented in three minutes, submitting it in writing will be essential. In such cases, your verbal testimony can summarize

¹⁴ ORS 197.797(1).

your key points, while calling your full testimony to the attention of the hearing body.

Be sure to put your detailed testimony in writing to submit, along with your gathered evidence, into the record at the hearing. If you want the decision-makers to receive your written materials as part of the hearing packet, they will usually be due at least one week before the date of the hearing (specific requirements vary by jurisdiction). Either way, any written materials submitted before or at the hearing, or any time before the evidentiary record is officially closed by the decision-makers, will be included as part of the decision record.

By default, most local governments close the record—meaning they won't take in new information that will be included into their decision and available for reference in any future appeals—at the end of the hearing. However, you can request a continuance before the close of the hearing. The local government must give you the opportunity to add additional testimony, argument or evidence for at least seven days following the hearing.¹⁵ You can ask for more than seven, in the hope of getting more time. The local government can either continue the hearing or leave the record open to submit additional materials or comments. If new evidence is submitted during that period by the applicant, you have a right to request, in writing, an additional seven days (at least) to respond to that new evidence or testimony.

It is important to be respectful throughout the process.¹⁶ If you are courteous and patient with often-overstretched local government staff, you are more likely to get their cooperation when you are seeking information or requesting to be notified of updates or proposals. And be sure to direct your testimony to the applicable criteria — focused and directed testimony/evidence is likely to get the attention of the local government and will demand a more directed response in the decision. Clearly lay out the goals, ordinances, or comprehensive plan provisions you think apply and why. While there may be many important issues that you want to address, if they

¹⁵ ORS 197.797(4).

¹⁶ Oregon Citizen Involvement Advisory Committee, *How to Testify at Land Use Hearings*, https://cms5.revize.com/revize/wascocounty/Planning/Solutions%20Center/how_to_testify_at_land_use_hearings.pdf.

are not relevant to the land use approval do not raise them at the hearing. Local governments often cut off testimony that is irrelevant.

Stay Engaged

If you attended the hearing and presented testimony you are entitled to notice of what the eventual decision is and the available appeal process.¹⁷ The local government will mail or e-mail this to you and it will include a final statement of reasons for the decision they made and what the final decision was. If it was a decision made without a hearing, you may be entitled to notice if you commented on the application; otherwise notice should be requested in writing.

Depending on the type of decision, there will be an opportunity to either appeal the decision to another local decision-maker (e.g., from the planning commission to the city council or county commissioners) or to the Land Use Board of Appeals, which is a state board with authority to review local land use decisions.¹⁸ Any appeal of a land use decision must be filed within 21 days of the decision, so it is important to keep an eye out for decision documents—which, as mentioned above, you are entitled to receive if you gave testimony at the hearing or requested notice in writing—to ensure you have the most time possible to decide on any next steps. These decision documents should be dated as of when the final decision was made for determining when the 21-day deadline starts. Most local governments charge a fee for appealing a planning commission decision to the council or commission; there is an additional fee for a LUBA appeal.

¹⁷ ORS 215.416(10); ORS 227.173 (4).

¹⁸ For a helpful explanation of the appeal process, see 1000 Friend of Oregon, Guide to Land Use Appeals, <https://friends.org/sites/default/files/2019-04/Guide%20to%20Land%20Use%20Appeals%202018.pdf> (June 2018).

Chapter 4: Coastal Land Use Goals

This section provides an overview of the statewide land use planning goals most relevant to coastal conservation. Goal 1, which sets standards for citizen involvement is applicable in every action. For the other resource-specific goals, it is important to think about whether the action you want to comment on will impact the resources protected by the goal. Where one of the goals is relevant, it is important to specifically flag for the local government that you think the goal is implicated. You should then raise any issues you see related to the goal with consideration given to the requirements of the goal and the local government's comprehensive plan provisions or ordinances implementing that goal.¹⁹

Other goals, not listed here, will also be applicable depending on the planning action at issue, so make sure to familiarize yourself with all of the goals.²⁰

Goal 1: Citizen Involvement

Goal 1 requires local governments to develop a citizen involvement program to include the public in their land use decision-making.²¹ This citizen involvement program must address 6 factors: 1) opportunities for widespread public involvement; 2) effective two-way communication with the public; 3) the ability for the public to be involved in all stages of the planning process; 4) making technical information accessible; 5) feedback mechanisms for policymakers to respond to public input; and 6) financial support for public involvement. As a part of this program, local governments also establish committees for citizen involvement, which guide the local government's Goal 1 implementation. Local governments will have provisions for what level of citizen involvement is required for specific actions in their comprehensive plan and ordinances.

¹⁹ Many of the goals also have regulations enacted by LCDC that further implement them and add additional requirements for local governments. Of the goals listed here, Goal 5, Goal 16, Goal 17, and Goal 18 have additional regulations that apply when the goals are implicated. These regulations can be found on DLCD's landing pages for each of the goals. Where relevant, requirements from these regulations are included in the summaries below.

²⁰ You can find information about each of the land use goals on the State's website. *Oregon's Statewide Land Use Planning Goals*, <https://www.oregon.gov/lcd/op/pages/goals.aspx>. 1000 Friends of Oregon also has a useful summary of the content of each of the goals on their website. 1000 Friends of Oregon, *Land Use Goals*, <https://friends.org/land-use/goals>.

²¹ OAR 660-015-0000(1), <https://www.oregon.gov/lcd/OP/Documents/goal01.pdf>.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5 tasks local governments with adopting “programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations.”²² There is a long list of resources that must be inventoried by local governments under the goal, including riparian corridors, wetlands, wildlife habitat, and scenic waterways. Comprehensive plans must then describe the degree of protection for each site and identify allowed uses and applicable standards or limitations.²³

Goal 7: Areas Subject to Natural Hazards

Goal 7 establishes requirements for local governments in coordinating land use in areas subject to natural hazards.²⁴ Many of the hazards included in Goal 7 are factors in most coastal development, including floods, landslides, earthquakes, tsunamis, and coastal erosion.

The goal requires that local governments maintain an inventory and assessment of the risks posed by these hazards. Local governments must also incorporate policies based on these identified risks into their comprehensive plans to mitigate risk and “avoid[] development in hazard areas where the risk to people and property cannot be mitigated.”²⁵ Site-specific reports on risks are also required in any development that is proposed in a high hazard area.

Goal 16: Estuarine Resources

Goal 16 is applicable to any action taking place in an estuary (those aquatic areas where freshwater from rivers and streams mingles with saltwater from the ocean under the influence of the tides).²⁶ Its objective is to protect the

²² OAR 660-015-0000(5), <https://www.oregon.gov/lcd/op/pages/goal-5.aspx>. Goal 5 has additional regulations that implement it, which can be found on DLCD’s landing page for the goal, <https://www.oregon.gov/lcd/op/pages/goal-5.aspx>.

²³ OAR 660-023-0050.

²⁴ 660-015-0000(7), <https://www.oregon.gov/lcd/OP/Documents/goal7.pdf>.

²⁵ 660-015-0000(7).

²⁶ OAR 660-015-0010(1), <https://www.oregon.gov/lcd/OP/Documents/goal16.pdf>. Goal 16 has additional regulations that implement it, which can be found on DLCD’s landing page for the goal, <https://www.oregon.gov/lcd/op/pages/goal->

environmental, economic, and social values of each of the prescribed 22 major and 17 minor estuaries. The goal requires local governments to create estuary management plans setting out policies for each estuary in alignment with the goal's requirements. These estuary management plans are incorporated into local comprehensive plans. In many cases, a single estuary cuts across multiple jurisdictions and local governments have created joint estuary management plans, which are developed in coordination to streamline administration.²⁷

Each estuary has been classified into one of three primary development classifications that controls the overall management goal of the estuary: *natural estuaries*, which are “managed to preserve the natural resources and the dynamic natural processes”; *conservation estuaries*, which are “managed for long-term uses of renewable resources that do not require major alterations of the estuary”; and *development estuaries*, which are managed to “provide for navigation and other identified needs for public, commercial, and industrial water-dependent uses.”²⁸

Each estuary is further divided within local plans into management units that are also classified as either natural, conservation, or development. Natural estuaries should only have natural management units, conservation estuaries should have a mix of natural and conservation management units, and development estuaries are required to have a mix of all three types of management units.²⁹ Estuary management plans dictate the allowed uses and activities in each management unit based on the units' classification and unit-specific priorities. Goal 16 imposes minimum requirements for the types of uses that are permissible in each of the management unit classifications.

Goal 16 includes additional implementation requirements that a local government must follow. For example, proposals for actions that will potentially impact the ecosystem but are not explicitly contemplated by an estuary plan must include an impact assessment that reviews the impacts of the action on the resources and characteristics of the estuary and describes

[16.aspx#:~:text=The%20overall%20objective%20of%20Goal,and%20social%20values%2C%20diversity%20and.](#)

²⁷ These joint estuary management plans must still be adopted into each government's individual comprehensive plans.

²⁸ OAR 660-017-0025.

²⁹ OAR 660-017-0025(3)(b).

methods that could be employed to mitigate or avoid those impacts. There are also limits in Goal 16 on when a local government can allow dredge or fill activities.³⁰

List of Oregon's 22 Major Estuaries and their Classification (from North to South):

- Columbia River (Deep Draft Development)
- Necanicum River (Conservation)
- Nehalem River (Shallow Draft Development)
- Tillamook Bay (Shallow Draft Development)
- Netarts Bay (Conservation)
- Sand Lake (Natural)
- Nestucca Bay (Conservation)
- Salmon River (Natural)
- Siletz Bay (Conservation)
- Depoe Bay (Shallow Draft Development)
- Yaquina Bay (Deep Draft Development)
- Alsea Bay (Conservation)
- Siuslaw River (Shallow Draft Development)
- Umpqua River (Shallow Draft Development)
- Coos Bay (Deep Draft Development)
- Coquille River (Shallow Draft Development)
- Sixes River (Natural)
- Elk River (Natural)
- Rogue River (Shallow Draft Development)
- Pistol River (Natural)
- Chetco River (Shallow Draft Development)
- Winchuck River (Conservation)

Goal 17: Coastal Shorelands

Goal 17 establishes protections for coastal shorelands, which it defines broadly to include lands contiguous with the ocean, estuaries, or coastal lakes.³¹ In these shoreland areas, local governments must provide

³⁰ Dredging or filling is only allowed where there is a demonstrated need, no feasible upland alternatives exist, and adverse impacts are minimized. OAR 660-015-0010(1).

³¹ OAR 660-015-0010(2), <https://www.oregon.gov/lcd/OP/Documents/goal17.pdf>. Goal 17 has additional regulations that implement it, which can be found on DLCD's landing page for the goal, <https://www.oregon.gov/lcd/op/pages/goal->

information on the “nature, location, and extent of geologic and hydrologic hazards and shoreland values, including fish and wildlife habitat, water-dependent uses, economic resources, recreational uses, and aesthetics.”³² With this information, local governments implement policies in their comprehensive plan that comply with the goal’s standards; such policies include limitations on what shoreland areas can be used for, depending on the shoreland type.

Goal 18: Beaches and Dunes

Goal 18 is aimed at protecting Oregon’s beaches and dunes. It strictly limits the development that can take place in these areas.³³

The goal flatly prohibits residential, commercial, and industrial development on any beaches, active foredunes, other foredunes subject to ocean undercutting or wave overtopping, and interdune areas that are prone to ocean flooding. Local governments must regulate all actions, such as the destruction of vegetation, in beach and dune areas to minimize erosion. The goal also includes provisions limiting when groundwater can be drawn if this would lead to loss of stabilizing vegetation, and when grading or other sand management on the dunes to preserve views or to prevent sand inundation can occur.

Additionally, Goal 18 includes explicit provisions for shoreline armoring (beachfront protective structures, sometimes call shoreline protection structures). Theoretically, only properties that were developed prior to January 1, 1977 can receive permits for building any kind of beachfront protective structure. (Emergency permits are often granted for properties not ordinarily eligible when a structure is directly threatened by erosion; this loophole in the law is of major concern to Oregon Shores.) Where shoreline armoring is allowed, the goal still requires that visual impacts are minimized,

[17.aspx#:~:text=Provisions%20in%20Goal%2017%20specifically,waters%2C%20and%20potential%20restoration%20or.](#)

³² OAR 660-015-0010(2).

³³ OAR 660-015-0010(3), <https://www.oregon.gov/lcd/OP/Documents/goal18.pdf>. Goal 18 has additional regulations that implement it, which can be found on DLCD’s landing page for the goal,

<https://www.oregon.gov/lcd/op/pages/goal-18.aspx#:~:text=The%20goal%20prohibits%20development%20on,to%20severe%20erosion%20or%20flooding.>

necessary beach access is maintained, negative impacts to adjacent property are minimized, and long-term costs to the public are avoided.

Land Use Glossary

City Council/County Commission: The governing bodies representing their respective cities or counties. City councils include the mayor. These are, in most cases, the decision-makers responsible for approving or denying individual land use applications that require amendments to the local comprehensive plan or exceptions to statewide land use planning goals. City councils also make important, policy-level, land use decisions enacting new ordinances or amendments to the comprehensive plan.

Coastal Zone Management Act (CZMA): A federal law, administered primarily by the National Oceanic and Atmospheric Administration, that aims to protect ocean resources in all coastal states. It is a voluntary program that establishes a partnership between the state and the federal government. Oregon implements the CZMA through the Oregon Coastal Management Program (OCMP), and any federal actions in the state must be consistent with the enforceable policies established by OCMP, which include state and local land use regulations.

Comprehensive Plan: Plans created by each local government to direct future development within the community and implement the requirements of the statewide land use planning goals.

Department of Land Conservation and Development (DLCD): DLCD carries out the groundwork for implementation of the state's land use system. The staff works closely with local governments to ensure compliance with applicable goals and rules, especially whenever a local government is amending their comprehensive plan or ordinances. DLCD also houses the Oregon Coastal Management Program. DLCD's operations are overseen by LCDC.

Estuary Management Plan: Subparts of local governments' comprehensive plans that regulate allowed uses and activities on covered estuaries.

Land Conservation and Development Division (LCDC): Seven governor-appointed

Commissioners responsible for adopting, amending, and implementing the statewide land use goals. LCDC oversees the operation of DLCD.

Land Use Board of Appeals (LUBA): A board comprised of three attorneys appointed by the governor to review local governments' land use decisions on appeal for specific errors in the decision-making.

Oregon Coastal Management Program (OCMP): The Oregon Coastal Management Program is Oregon's implementation of the federal Coastal Zone Management Act (CZMA). In addition to implementing the CZMA and ensuring federal actions are consistent with state and local law, OCMP provides technical assistance to coastal governments on coastal hazards and resilience, climate change adaptation, and estuary and territorial sea planning.

Planning Commission: Divisions of the local government, ordinarily consisting of a set number of volunteer commissioners appointed by the local governing body. Much of their role is to advise the local city council or county commission on major decisions, but in some cases, they also have their own decision-making authority over certain applications.

Planning Department: Agencies of local governments comprised of professional staff who are tasked with various administrative roles in guiding the government's land use process as well as their own decision-making authority over certain applications. Sometimes called Community Development departments or by other names.

Statewide Land Use Goals: 19 goals enacted by LCDC that set broad requirements for local government land use planning. Each goal is targeted at a specific element or planning or resource. Many of the goals have additional administrative rules associated with them.

Urban Growth Boundary (UGB): the boundary established for each city or metropolitan area in Oregon to control urban expansion into protected farm and forest lands. UGBs are required by state law; local governments

periodically go through a process to expand their reach in response to changing housing needs.

Zoning and Development Ordinances: Laws passed by local governments that implement land use planning requirements based on the governments' comprehensive plans and the statewide land use planning goal.

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Appendix A: Non-exhaustive list of local government websites for land use tracking

Clatsop County

- Clatsop County: <https://www.clatsopcounty.gov/projects>
- Cannon Beach: <https://www.ci.cannon-beach.or.us/executive/page/public-notice>
- Astoria: https://www.astoria.or.us/Public_Notices.aspx

Tillamook County

- Tillamook County: <https://www.tillamookcounty.gov/commdev/landuseapps>

Lincoln County

- Lincoln County: <https://www.co.lincoln.or.us/460/Planning-Commission>
- Lincoln City: <https://www.lincolncity.org/departments/planning-community-development/land-use-cases-under-review>
- Newport: <https://newportoregon.gov/dept/cdd/publicnotices.asp>
- Waldport: <https://www.waldportoregon.gov/>

Lane County

- Lane County: https://www.lanecounty.org/government/county_departments/public_works/land_management_division/land_use_planning_zoning/lane_county_land_use_hearings_calendar?_gl=1*1s3id7m*_ga*MTM3NDIOMzY0OC4xNzA4MDIxNzE2*_ga_G30BCGQ9RY*MTcwODAyMTcxNS4xLjEuMTcwODAyMTg2NC4wLjAuMA.

- Florence: <https://www.ci.florence.or.us/planning/land-use-decision-pending>

Coos County

- Coos County: <https://www.co.coos.or.us/community-dev/page/land-use-applications-submitted>
- Coos Bay: <https://www.coosbayor.gov/government/agendas-and-minutes>
- Bandon: <https://www.cityofbandon.org/planning/page/pending-land-use-decisions>

Curry County

- Curry County: https://www.co.curry.or.us/departments/community_development_department/land_use_applications.php
- Port Orford: <https://portorford.org/building-planning/>