



September 4, 2025

To: Coos County Planning Commission

Re: AM-25-005, Beaches and Dunes Update

We write in support of the amendments proposed in this application and respectfully urge the Planning Commission to adopt them. We appreciate the efforts of staff at the County Planning Department, the Department of Land Conservation and Development (DLCDD), and the Department of Geology and Mineral Industries (DOGAMI) in drafting these important map and code changes. Below, we outline the reasons for our support and offer a few recommended changes to further strengthen the proposal.

Surfrider Foundation and Oregon Shores Conservation Coalition are non-profit organizations that represent the shared interests of our many members who reside in Coos County. We are united in our mission to protect Oregon's shoreline and ensure continued public access to the beach. A critical part of this mission involves advocating for strong, science-based development standards in coastal hazard zones, including beach and dune areas.

Poorly planned development in these areas not only endangers public safety and risks draining County resources, but also threatens coastal ecosystems and public access. Construction in beach and dune areas can directly damage sensitive marine environments. And, when hazards like flooding and erosion present themselves, it often prompts drastic responses—such as shoreline armoring—that further degrade the coastline.

Accordingly, it is critical for the County to have standards for development in hazard areas that fully consider the risks of development in a given area and provide project applicants with clear guidance on whether a proposed use is permitted or not—this is what Statewide Land Use Goal 18 demands. The proposed amendments take a significant step in that direction.

In particular, we are supportive of the clarified guidelines for submitting geologic hazard reports. The new code provisions provide more specific guidance on what exactly is required in a geologic hazard report in beach and dune areas, including information about the site's geologic history, and the impact of expected sea level rise and possible severe storm conditions on any proposed structure. Collecting this information will enable the County to make better decisions regarding potentially hazardous development, ensuring the safety and well-being of the public

and avoiding potential long-term costs to the County of cleaning up after disasters and losing part of its tax base.¹

We are also supportive of the new provision granting the County authority to require a larger oceanfront setback where evidence from the geologic hazard report demonstrates significant coastal, environmental, or geologic hazards. This is a common sense addition to the code that will allow the County to act on the information received in the updated geologic hazard reports.

We have the following recommended changes to the proposed amendments that we believe could strengthen the goals of these amendments even further and bring the code into closer alignment with the objectives of Goal 18:

- **Expand consideration of sea level rise impacts in geologic hazard reports to include both a 50 and 100 year timeline.** As written, the geologic hazard report standards only require analysis of impacts from sea level rise and expected storm surges over the next 50 years. We suggest amending the language in Section 4.11.129(6)(d)(iii)(7) to also include description of sea level rise over the next 100 years. 50 years is a relatively short time frame. If projects built today are only viable for the next 50 years, significant costs will be borne by the County in the foreseeable future. Expanding the requirement to analyze impacts 100 years out will ensure development in these areas is safe for the project's lifespan.
- **Make all structural shoreline stabilization subject to a Type II approval process and clarify approval standards.** A few language changes to the standards in Section 4.11.129(12) could greatly strengthen the County's administration of shoreline stabilization structures. Most importantly, decisions on shoreline armoring applications should all be subject to a Type II review, regardless of whether a permit from the Oregon Parks and Recreation Department (OPRD) is also required. Shoreline armoring decisions are complicated and often require imposition of conditions to ensure consistency with applicable standards. Many of the standards proposed in these amendments involve at least some discretion and thus are required to be reviewed in a Type II procedure per ORS 215.416, which requires a right to a public hearing for any permit application involving discretion. The County should also amend the standards in Section 4.11.129(12)(d) to add a new standard requiring the "Applicant plans for long term maintenance and is responsible for removal of failed structural erosion control materials" and to clarify that the public costs referenced in paragraph 12(d)(iv) included impacts to the public beach and access to it.
- **Require hazard disclosure statements for Type II Dune Area Development Permits.** As currently drafted, the requirement to record a hazard disclosure in the deed records

¹ As sea levels rise and severe storms become frequent, local governments on the coast risk footing the bill for infrastructure and property damaged by flooding and erosion. See Jake Hummer, *Abandoning Structures to Rising Sea Levels, What are the Legal Issues and Solutions?*, Harvard Environmental and Energy Law Program (Nov. 3, 2020), <https://eelp.law.harvard.edu/abandoning-structures-to-rising-seas/>.

applies only to Type I applications for residential development (Section 4.11.129 (5)(c)(iii). However, Type II developments—including second homes, commercial structures, and infrastructure—are also subject to coastal hazards. Future property owners, renters, and the public deserve consistent, transparent information about the risks present on these sites. We recommend expanding the hazard disclosure requirement to apply to **both** Type I and Type II permits.

- **Require key coastal hazard information to be included in the recorded hazard disclosure statement.** While the Geologic Hazard Report contains technical findings, those findings are not always easily accessible to future buyers or members of the public. Requiring a clear summary of key risks in the recorded hazard disclosure ensures that essential information is preserved and communicated over time. The disclosure should include:
 - Projected impacts from sea level rise and coastal erosion as identified in current scientific and governmental reports;
 - Information on historic flooding and erosion events affecting the parcel, if any; and
 - For beachfront properties, a statement clarifying eligibility of shoreline protective structures.

Overall, adopting these amendments will be a significant enhancement to the County’s regulation of development in beach and dune areas and ensure the County’s compliance with the Goal 18’s directive to reduce hazards to people and the environment associated with beach and dune development. Thank you for your consideration of these comments.

Sincerely,

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