

## WETLANDS

### **Senate Bill 3:**

On July 26, 1989, Governor Neil Goldschmidt signed into law Senate Bill 3, a major piece of legislation that strengthened Oregon's wetlands management program. Although significant legislation, it did not create a major new program. Rather, Senate Bill 3 sought to improve wetland management through changes to existing planning and regulatory statutes.

The Legislative Assembly established clear policy for the state regarding wetland resources. The findings and policy in Senate Bill 3 described the functions and values of wetlands, as well as articulating Oregon's approach to regulation, protection, and development. The new law also established a uniform definition of "wetland" for planning and regulatory purposes. The measure furthermore provided a new definition of "mitigation," which emphasized efforts to avoid adverse influences and reduce unavoidable impacts before resorting to compensation.

This law requires that the Division of State Lands (DSL) conduct and maintain an inventory of the state's wetlands. The inventory is to be distributed to all city and county planning agencies and will be used by local governments to notify DSL of activities to be conducted in inventoried wetlands.

The statute also gives local governments the option to develop conservation plans. The plans focus on wetland resources in a specific geographic area, providing an opportunity for management decisions to be made in a broader context than is possible through the existing site-by-site permitting process. Wetland conservation plans will contain a detailed inventory and assessment of wetlands in the plan area, designating wetland areas for protection, conservation, or development. Plans must provide for full replacement through mitigation of any planned wetland losses. Approval of a wetland conservation plan will result in expedited review of permits for removal and fill in wetland areas designated for development in the plan. In limited cases, it can result in reauthorization of fill and removal without individual permit review by DSL.

Senate Bill 3 also made Oregon law consistent with Federal regulations. Federal law charges the U.S. Army Corp of Engineers and the Environmental Protection Agency (EPA) with the wetland regulatory programs. Other federal agencies (e.g., the U.S. Department of Fish and Wildlife and the U.S. Soil Conservation Service) also provide significant input into wetland regulation.

## Inventory:

The City of Newport and the U.S. Department of Fish and Wildlife have mapped wetlands within the city's urban growth boundary (UGB). The city's delineations are on the Ocean Shorelands Map (beginning on page 50) incorporated in this section. These maps indicate, although they do not specifically state, that the following areas are wetlands:

- > Portions of the South Beach dune complex.
- > An unnamed drainage east and west of Highway 101 just to the north of the Newport Municipal Airport property and south of the South Beach State Park.
- > Grant Creek west of Highway 101.
- > Moore Creek west of Highway 101.
- > The Thiel Creek drainage basin within the Newport UGB.

In addition to the city's designated sites, the U.S. Department of Fish and Wildlife has identified the sites on the map entitled "National Wetlands Inventory, Newport North."

The city, state, and federal governments have designated and mapped wetland boundaries within the Newport urban growth boundary; however, the scale of those maps makes it difficult to determine exact wetland boundaries. State and Federal wetland regulations, though, require that all wetlands be identified and exact boundaries established. This can be done by a site-by-site analysis as development is proposed or by an area-wide analysis in advance of any development.

The city received a grant from the State Department of Land Conservation and Development (DLCD) for the preparation of a wetland conservation plan (WCP) for the South Beach area from the northern boundary of the airport to approximately S.E. 35th Street.<sup>1</sup> Scientific Resources, Inc. (SRI), was hired to delineate wetland boundaries and classify those wetlands by functional value. Once completed, the city will have a detailed inventory and classification scheme for the South Beach area. The plan will then be considered for inclusion in whole or in part into Newport's Comprehensive Plan. Goals and policies to implement the wetland conservation plan will also be considered at that time. Completion is scheduled for early 1991.

As for the rest of the city's urban growth boundary, the more general maps from the U.S. Department of Fish and Wildlife, the Division of State Lands, and the city will have to be used until a more detailed inventory can be performed. Proposals for development that may be within wetland boundaries will then need to obtain separate determinations of permit requirements. The city can assist property developers and regulatory agencies by serving as a liaison between the developer and those agencies.

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<sup>1</sup> Scientific Resources, Inc., Wetlands Conservation Plan for South Beach, Oregon, 1990 (DRAFT).

In the meantime, city staff will study the general wetland areas more closely before the next periodic review and prepare a more detailed inventory as time and money permits. Once again, assistance from state and federal agencies will be needed in making final determinations.

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**GOALS/POLICIES**  
**WETLANDS**

**Goal 1: To identify and regulate identified wetlands consistent with state and federal laws.**

Policy 1: The city will coordinate with state and federal agencies in the delineation and regulation of wetlands.

Policy 2: The city shall, until more detailed information is developed, use the South Beach wetland study, the National Wetland Inventory, and other official sources for the identification of wetlands. That information shall be used to guide property owners in the development of their property.

Implementation Measure 1: The city shall complete the wetland study for South Beach. The study may be the basis for a wetland conservation plan consistent with state law.

Implementation Measure 2: The city will conduct a complete inventory of wetlands within the UGB prior to the next Periodic Review, subject to budgetary and time restraints.