

CITY OF NEWPORT

ORDINANCE NO. 2147

**AN ORDINANCE AMENDING THE PARKS AND RECREATION SECTION
OF THE CITY OF NEWPORT COMPREHENSIVE PLAN TO APPROVE AND ADOPT
THE OREGON PARKS AND RECREATION DEPARTMENT'S
SOUTH BEACH AND BEVERLY BEACH MANAGEMENT UNITS PLAN
(Newport File No. 4-CP-18)**

Summary of Findings:

1. On December 17, 2018, the Oregon Parks and Recreation Department (OPRD) submitted an application to the City of Newport requesting that it amend the Newport Comprehensive Plan to adopt and approve the 2018 South Beach and Beverly Beach Management Units Plan, dated January 2018 ("2018 Plan").
2. The 2018 Plan includes management and development recommendations for 25 state parks, three of which are within the Newport city limits and the subject of this ordinance. Those three parks are the Agate Beach State Recreation Site, Yaquina Bay State Recreation Site, and the South Beach State Park.
3. Local government implementation of state park master plans is required pursuant to Oregon Administrative Rule (OAR) Chapter 660, Division 34 to ensure that they are properly coordinated with local planning efforts. OPRD submitted this draft master plan, which has been tentatively approved by the Oregon Parks and Recreation Commission, and forwarded it to the City for its approval in accordance with these administrative rules.
4. This request amends Policy 3, Goal 2 of the Parks and Recreation Section of the Newport Comprehensive Plan, replacing language adopting the 2003 South Beach State Park Master Plan with a clause that adopts the 2018 Plan. Master plans have never before been adopted for the Agate Beach State Recreation Site and Yaquina Bay Recreation Site.
5. With this policy amendment, uses envisioned in the 2018 Plan will be permitted on state park property that is zoned P-2/"Public Parks", subject to applicable development review procedures. The City's P-2 zoning is already in place for these three state park sites.
6. OAR 660-034-0030(3) requires that amendments to local plans intended to implement a state parks master plan be consistent with statewide planning goals. This makes the request a major amendment under the "Administration of the Plan Section" of the Newport Comprehensive Plan.
7. Major amendments to the Newport Comprehensive Plan may only be initiated if there is (a) a significant change in one or more conclusion; or (b) a public need for the change; or (c) a significant change in community attitudes or priorities; or (d) a demonstrated

conflict with another plan goal or policy that is a higher priority; or (e) a change in a statute or statewide agency plan.

8. OPRD has established that there is a public need for the change, considering that their facilities must accommodate a growing population and changing user preferences that are not adequately addressed in the now dated South Beach State Park Master Plan and the non-existent plans for the Agate Beach State Recreation Site and Yaquina Bay State Recreation Site. Further, OPRD points out, and the City accepts, that the recommendations contained in the 2018 Plan result in a significant change in one or more conclusion, and that there has been a significant change in community attitudes or priorities since the 2003 South Beach State Park Master Plan was adopted by the City. For these reasons, there is justification for this major amendment.
9. The 2018 Plan is consistent with applicable Statewide Planning Goals as detailed in the Planning Commission staff report dated February 22, 2019, adopted herein by reference, and summarized below:
 - a. OPRD utilized a stakeholder advisory committee, and conducted public outreach events, to develop the 2018 Plan. Further outreach was performed as part of the City's adoption process, including direct mail notice to property owners within 300-feet of the three park sites and hearings before the Planning Commission and City Council, consistent with Statewide Planning Goal 1, Public Involvement; and
 - b. The framework for the preparation of state parks master plans set forth in OAR Chapter 660, Division 34, facilitates fact based land use decision making processes consistent with Statewide Planning Goal 2, Land Use Planning; and
 - c. Resource inventories and assessments contained or referenced in the 2018 Plan protect natural resources, open space, scenic and historic areas, consistent with Statewide Planning Goal 5, Natural Resources; and
 - d. Provisions for management of waste, storm run-off from parks facilities, and other potential impacts to the quality of air, water or land resources are addressed in the 2018 Plan in a manner consistent with Statewide Planning Goal 6, Air, Water and Land Resource Quality; and
 - e. Hazard assessments informed the preparation of the 2018 Plan, consistent with Statewide Planning Goal 7, which calls for state and local governments to coordinate plans with emergency preparedness, response, recovery, and mitigation programs, and
 - f. The 2018 Plan by its very nature is intended to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, consistent with Statewide Planning Goal 8, Recreational Needs; and

- g. Components of the 2018 Plan are directed to, and accommodate, tourist activities which is a significant component of Newport's economy. As such, the 2018 Plan contributes to the health and vitality of the local economy, consistent with Statewide Planning Goal 9, Economic Development; and
 - h. Water, sewer, storm drainage, streets/parking, and other services planned for the parks have been designed and sited to address current and future needs, a practice that is encouraged by Statewide Planning Goal 11, Public Facilities and Services; and
 - i. The 2018 Plan includes recommendations to enhance bike, pedestrian, and street systems internal to the park sites, consistent with Statewide planning Goal 12, Transportation; and
 - j. New structures contained in the 2018 Plan will be constructed to current energy codes, and the plan includes enhancements to trails, sidewalks, and bike paths that enhance the City's non-motorized transportation network, consistent with Statewide planning Goal 13, Energy Conservation; and
 - k. Planned development within the three parks is consistent with what could be expected in an urban area, consistent with Statewide Planning Goal 14, Urbanization; and
 - l. The 2018 Plan is responsive to the need to protect the Yaquina Bay estuary and nearby wetlands, while also facilitating access for divers, recreation clamming, and related needs. Estuary resources were specifically accounted for in the South Beach State Park and Yaquina Bay State Recreation Site plans, consistent with Statewide Planning Goal 16, Estuarine Resources; and
 - m. Significant coastal habitat, economic resources, and recreational needs were identified and factored into the development of the 2018 Plan consistent with Statewide Planning Goal 17, Coastal Shorelands; and
 - n. Beach and active dune areas are being preserved, and the 2018 Plan includes a dune management strategy for the South Beach Jetty area, consistent with Statewide Planning Goal 18, which seeks to conserve, protect, and restore coastal beach and dune areas; and
 - o. The 2018 Plan was developed recognizing the Statewide Planning Goal 19 objective of conserving marine resources and ecological functions for future generations. Much of the area subject to this goal is off-shore, beyond the scope of these plans; however, OPRD has taken care to consider sensitive nearshore marine habitat, such as tide pools, none of which can be directly accessed from the parks.
10. No other Statewide Planning Goals are applicable to the proposed changes to the "Public Facilities" element of the Newport Comprehensive Plan.

11. The Newport Planning Commission held a hearing to consider the 2018 Plan on February 25, 2019 and, after taking public testimony, voted to recommend adoption of the amendments. The Commission requested OPRD give consideration to public comments related to the placement of tideland access, parking lot, and restroom improvements at South Beach State Park; ADA accessibility (generally); and crosswalk placement at the Agate Beach State Recreation Site, and concluded that the 2018 Plan, as drafted, is flexible enough for those concerns to be addressed in the future.

12. The City Council held a public hearing on March 18, 2019 regarding the question of the proposed amendments, and voted in favor of their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record.

13. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council public hearings.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Findings. The findings set forth above are hereby adopted in support of the amendment to the Newport Comprehensive Plan adopted by Sections 2 of this Ordinance.

Section 2. Amendment. The Goals, Policies, and Implementation language in the Parks and Recreation section of the Newport Comprehensive Plan is hereby removed and replaced with the text set forth below:

GOALS/POLICIES/IMPLEMENTATION PARKS AND RECREATION

Goal: The city shall pursue implementation of the Parks System Master Plan, as adopted and made a part of this Comprehensive Plan by the Planning Commission and City Council.

Policy 1: The City of Newport shall periodically review and update the Capital Improvements section of the Park System Master Plan.

Policy 2: The city shall cooperate with other local and state agencies in the establishment of recreation trails.

Goal:The City shall work with the Oregon Parks and Recreation Department (OPRD) in adopting master plans for state parks that are consistent with the goals and policies of the Comprehensive Plan.

Policy 1: The City will adopt plan designations and zoning districts for state park properties that are consistent with the intended recreational and resource management objectives for these properties.

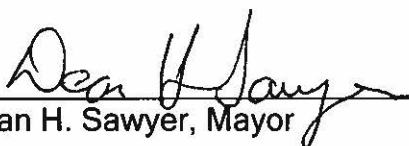
Policy 2: Uses within state parks that have master plans that have been adopted by the City shall be limited to those uses that are consistent with the adopted master plans.

Policy 3: The Oregon Parks and Recreation Department's "South Beach and Beverly Beach Management Units Plan, January 2018", is adopted by the City Council.

Section 3. Effective Date. This ordinance shall take effect 30 days after passage.

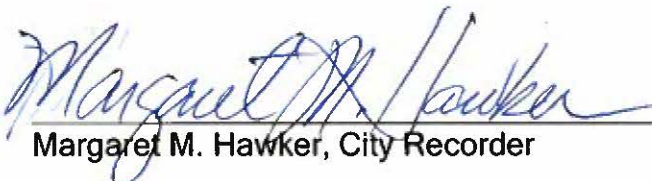
Date adopted and read by title only: March 18, 2019.

Signed by the Mayor on March 22, 2019.



Dean H. Sawyer, Mayor

ATTEST:



Margaret M. Hawker, City Recorder

APPROVED AS TO FORM:



Steven E. Rich, City Attorney