

THE CITY COUNCIL OF THE CITY OF NEWPORT,
COUNTY OF LINCOLN, STATE OF OREGON

In the Matter of:

LOU LIMBRUNNER APPEAL OF
DECISION ON STORMWATER CHARGES

) ORDER NO.
) 2021-1

WHEREAS, under Newport Municipal Code (NMC) 5.20.080, Lou Limbrunner appealed to the City Manager stormwater fees charged against property owned by Mr. Limbrunner; and

WHEREAS, on August 19, 2020, the City Manager issued a notice of decision that denied Mr. Limbrunner's appeal for the property located at 109 NE 54th Street in Newport, which Mr. Limbrunner appealed to the Newport City Council on August 27, 2020, as provided under NMC 5.20.080; and

WHEREAS, on October 19, 2020, the Newport City Council held an appeal hearing to consider Mr. Limbrunner's appeal, and continued the hearing to December 7, 2020 in order for city staff to gather additional information; and

WHEREAS, after considering the arguments and testimony of Mr. Limbrunner at the appeal hearing, and additional information from city staff in a report dated December 1, 2020, attached as Exhibit A, the Newport City Council voted to deny the appeal.

The City of Newport orders as follows:

The appeal of Lou Limbrunner is denied.

So ordered this 4th day of January, 2021.

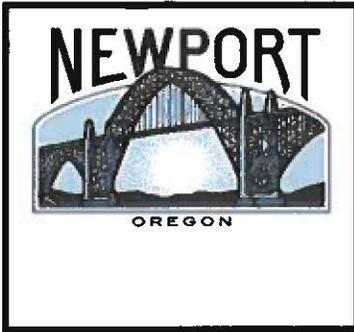


Dean H. Sawyer, Mayor

ATTEST:



Margaret M. Hawker, City Recorder



**STAFF REPORT
CITY COUNCIL AGENDA ITEM**

Date: December 1, 2020

Title: Appeal of Storm Sewer Equivalent Services Units Determination from Lou Limbrunner

Prepared by: Clare Paul, PE, Acting Public Works Director

Background Information:

At the October 19, 2020 council meeting, Mr. Limbrunner asserted that the calculations for his properties at 109 NE 54th St. inaccurately included the graveled driveways and parking areas. Mr. Limbrunner had placed 1-1/4 inch gravel on these lots and felt this allowed enough percolation of rainwater to classify it as pervious. It should be noted that the definition of 1-1/4 minus gravel is that the largest size of rock is 1-1/4 inch; the minus refers to the smaller rock sizes, including fine particles that help to stabilize and increase the compaction of the gravel over time.

Impervious surface areas were calculated from an analysis of our aerial imagery. The Spatial Analyst functions in ArcGIS were used to extract the red, green, and blue spectral bands of our LiDAR (light detection and ranging) data. These spectral bands allow the classification of Lidar points into pervious and impervious surfaces. The pervious categories are defined as natural and man-made vegetated areas, water bodies, and naturally occurring barren areas. The impervious categories consist of constructed surfaces such as buildings, sheds, concrete slabs, decks, patios, and sidewalks. Both paved and unpaved driveways and parking areas are included in the impervious category as they are man-made, with compacted soil or material. Additionally, a constructed road or driveway incorporates a compacted layer beneath the surface gravel or asphalt, to ensure that it does not degrade too quickly with traffic.

On October 20, 2020 staff drove by these properties during the dry weather. During the rain events on November 3, 2020 and November 16, 2020, staff observed runoff from the driveways to the main street. We also went out during a break in the second rain event on November 16. At this time, standing water was observed in the graveled areas, as would be the case for an impervious surface.

It remains our position that these graveled areas should be classified as impervious and that the calculation of four (4) ESUs for these properties is accurate.

Fiscal Notes:

None

Alternatives:

None

Attachments

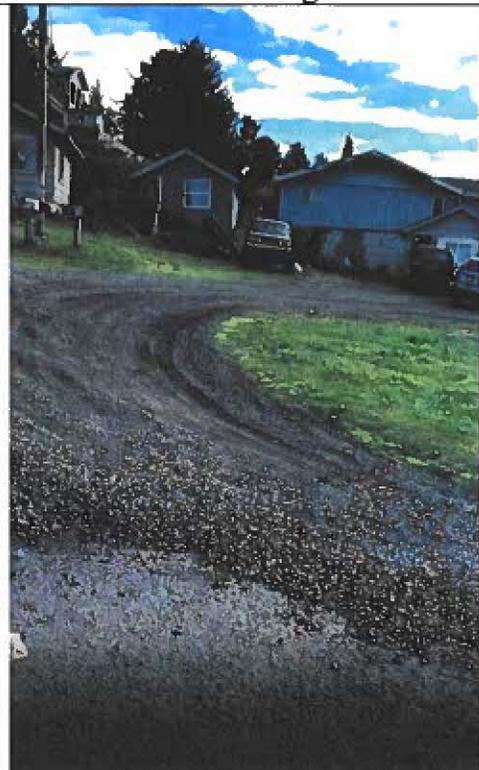
- Site photos for 109 NE 54th St.



Tax lots and aerial image



Impervious areas



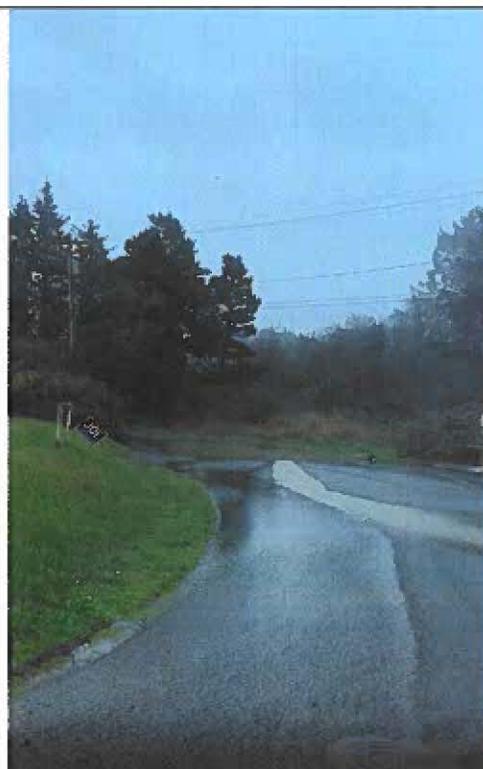
October 20, 2020 – dry weather



November 3, 2020 – during rain, runoff into street



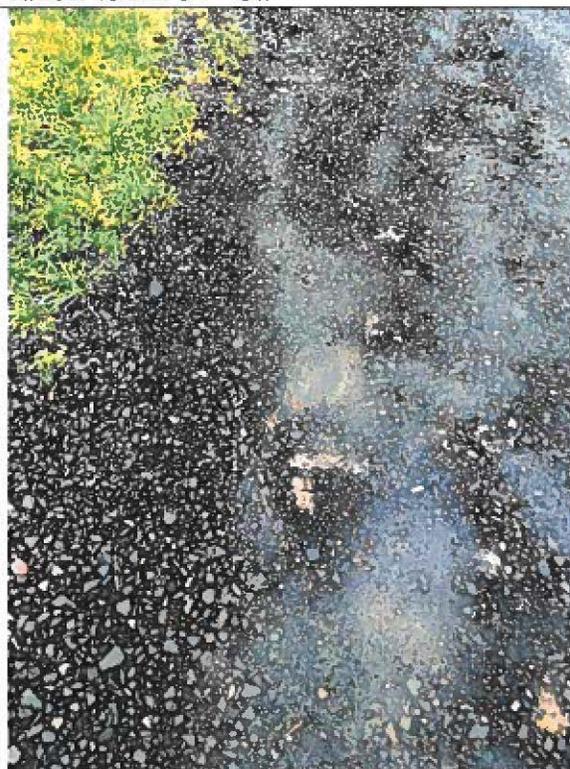
November 3, 2020 – during rain, runoff continuing along street



November 3, 2020 – during rain, combined runoff to NE 54th St.



November 16, 2020 – standing water



November 16, 2020 – standing water