

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

In the Matter of:

SOUTHSHORE OWNERS ASSOCIATION APPEAL) ORDER NO.
OF DECISION ON STORMWATER CHARGES) 2021-2

WHEREAS, under Newport Municipal Code (NMC) 5.20.080, Southshore Owners Association appealed to the City Manager stormwater fees charged against common property owned by the Association; and

WHEREAS, on August 19, 2020, the City Manager issued a notice of decision that denied the Association's appeal, which the Association appealed to the Newport City Council on August 31, 2020, as provided under NMC 5.20.080; and

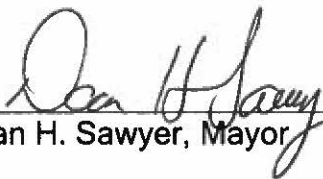
WHEREAS, on October 19, 2020, the Newport City Council held an appeal hearing to consider the Association's appeal, and continued the hearing to December 7, 2020 in order for city staff to gather additional information; and

WHEREAS, after considering the arguments and testimony of the Association at the appeal hearing, and additional information from city staff in reports dated December 1 and 3, 2020, attached as Exhibit A, the Newport City Council voted to deny the appeal but reduce the equivalent service units (ESUs) from 40 to 23 and issue a credit of \$1,599.05 to the Association for this adjustment through November 30, 2020.

The City of Newport orders as follows:

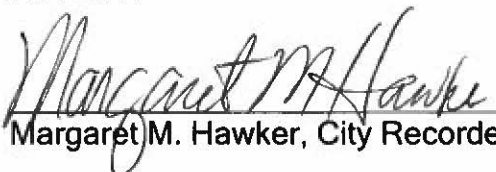
The appeal of the Southshore Owners Association is denied and the ESUs charged to the Association are reduced from 40 to 23, retroactive to July 1, 2019, along with a credit of \$1,599.05 to the Association for this adjustment and any additional credit for the month of December 2020.

So ordered this 4th day of January, 2021.

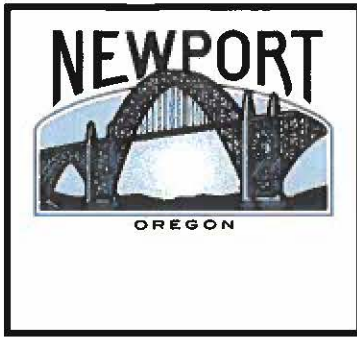


Dean H. Sawyer, Mayor

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 Southshore

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

Background Information:

At the October 19, 2020 council meeting, representatives of Southshore requested reevaluation of the stormwater charges to the Southshore Homeowners Association. The 22 tax lots with impervious surfaces initially evaluated are shown in the attachment.

Impervious surfaces were calculated utilizing our LiDAR data and the Spatial Analyst functions in ArcGIS as described in a previous report.

The Southshore Homeowners Association currently receives nine water bills, six of which appear to be for irrigation. In total, there are 40 ESUs being charged to the Association.

The common areas containing tennis courts and the meeting house are lots R507094 and R507109, respectively. The other tax lots are either undeveloped lots or private roads. In keeping with our practice to exclude irrigation meters and private roads, but charge associations for their common areas, it is our suggestion that Southshore be charged for lots R507094 (16 ESU) and R507109 (7 ESU), a total of 23 ESUs.

Fiscal Notes:

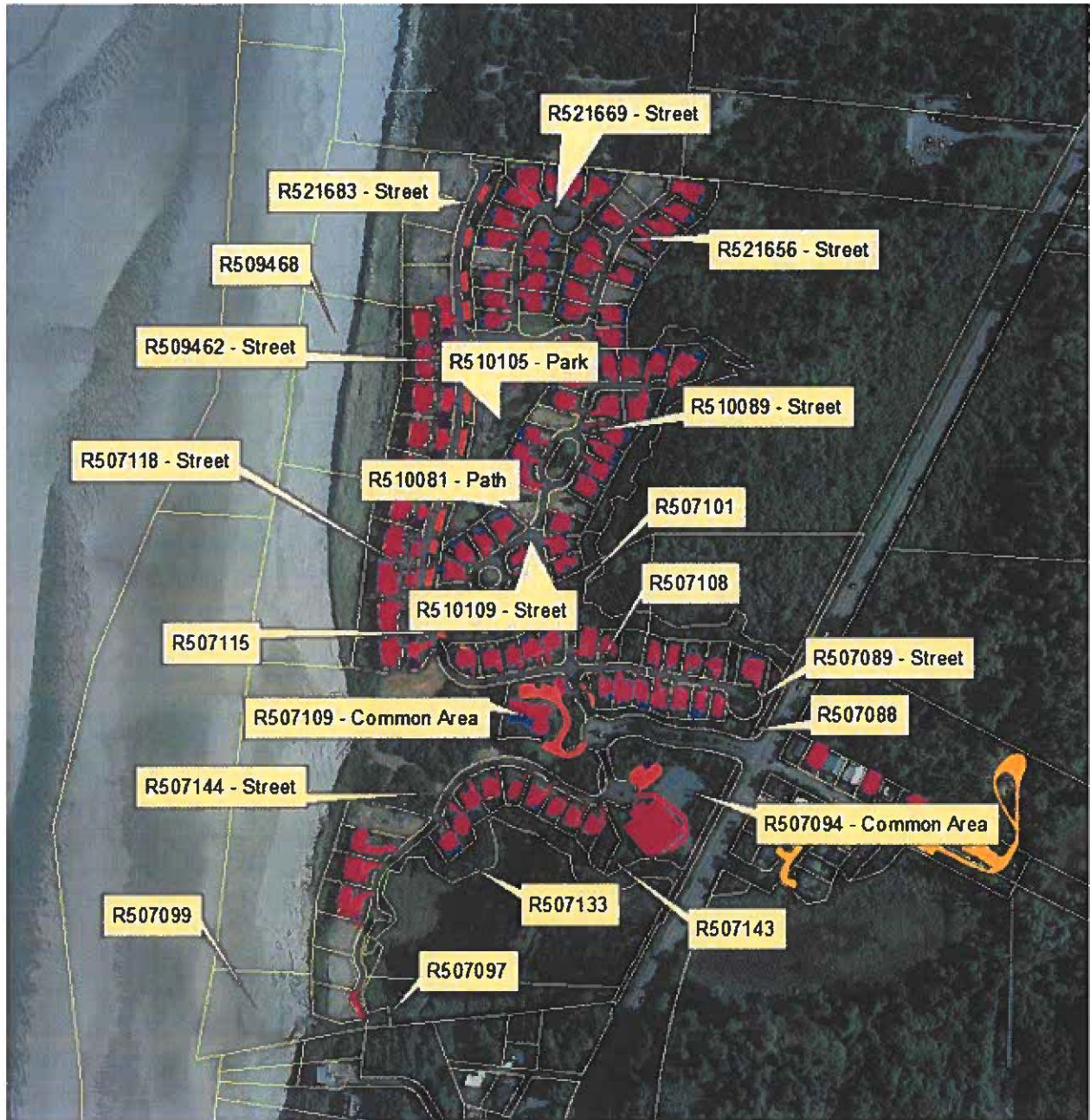
None

Alternatives:

None

Attachments

- Aerial picture of Southshore and tax lots owned by the Southshore Homeowners Association



R521669 - Street

R521683 - Street

R521656 - Street

R509468

R509462 - Street

R510105 - Park

R510089 - Street

R507118 - Street

R510081 - Path

R507101

R507108

R510109 - Street

R507115

R507089 - Street

R507109 - Common Area

R507088

R507144 - Street

R507094 - Common Area

R507099

R507133

R507143

R507097

City of Newport
Proposed Credits for Southshore Association Stormwater Fees (ESU's)
Through November 30, 2020

Account number	Address	Billed since July 2019	Adjustment	Units Credited
10654101	Irrigation traffic circle at SW Barnacle	141.15	(141.15)	1.00
17257100	5750 Cupola Three lots	141.15	(141.15)	1.00
9752103	South Shore	141.15	(141.15)	1.00
9823102	SW Arbor Drive	141.15	(141.15)	1.00
10501101	SW 60th Loop	141.15	(141.15)	1.00
10422103	SW 62nd Street	141.15	(141.15)	1.00
10653101	Irrigation Barnacle SW 59th Street	141.15	(141.15)	1.00
16722101	6225 SW Arbor Drive	1,240.95	(183.30)	3.00
10500101	SW Arbor Drive	935.45	(427.70)	7.00
Total Adjustments			(1,599.05)	

Notice of ESU's Calculations	44
Actual Billed to SS	40
Adjusted ESU's (less 17)	17
Remaining ESU's	<u>23</u>