



## Staff Report

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**File #:** 20-300

**Version:** 1

**Date:** 7/27/2020

**Item #:** 3.3g.

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**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Peter Fernandez, PE, Public Works Director

### **SUBJECT:**

Order for City Council Review of an Appeal of System Development Charge Expenditure.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): West Salem Neighborhood Association

Result Area(s): Reliable and Efficient Infrastructure

### **ISSUE:**

Shall the City Council adopt the order denying the appeal brought pursuant to SRC 41.180(c) regarding the use of Stormwater System Development Charge (SDC) funds for the purchase of real property at 298 Taybin Road NW?

### **RECOMMENDATION:**

Adopt the order denying the appeal brought pursuant to SRC 41.180(c) regarding the use of Stormwater System Development Charge (SDC) funds for the purchase of real property at 298 Taybin Road NW.

### **SUMMARY:**

In November 2019, Council approved acquisition of real property located at 298 Taybin Road NW through expenditure of Stormwater SDC funds. On May 20, 2020, pursuant to SRC 41.180(c), E.M. Easterly (Appellant) submitted a letter to Council appealing the use of Stormwater SDC funds for the purchase of 298 Taybin Road NW. At the July 13, 2020 regular meeting, the City Council voted to deny Mr. Easterly's appeal.

### **FACTS AND FINDINGS:**

On July 13, 2020, the City Council conducted a hearing to receive evidence and testimony regarding an appeal by E.M. Easterly regarding the use of Stormwater SDC funds for the purchase of 298 Taybin Road NW. The public hearing and record closed on July 13, 2020.

The City Council conducted deliberations on July 13, 2020, and voted to deny the appeal. The attached order provides the facts and findings related to the City Council's decision (Attachment 1).

## **BACKGROUND:**

In November 2019, Council approved entering into a purchase and sale agreement for the acquisition of property on Taybin Road NW through expenditure of Stormwater SDC funds. The real estate purchase closed in January 2020 for a price of \$401,764.52. On May 20, 2020, E.M. Easterly submitted a letter to Council appealing the use of Stormwater funds for the purchase of the Taybin property. Mr. Easterly asserted that the Stormwater SDC funds used to purchase the land were not included in the list of eligible projects identified in the current *Stormwater Master Plan* in violation of the limitations described in ORS 223.307. On July 13, 2020, the City Council conducted a hearing to receive evidence and testimony regarding appeal of the use of Stormwater SDC funds for the purchase of the property. The public hearing and record were closed on July 13, 2020. The City Council conducted deliberations on July 13, 2020, and voted to deny the appeal.

Robert D. Chandler, PhD, PE  
Assistant Public Works Director

## **Attachments:**

1. Order No. 2020-2 SDC