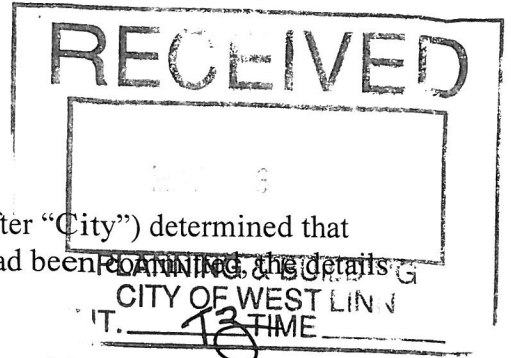


CONSENT ORDER



On or about October 30, 2009, City of West Linn (hereinafter "City") determined that violations of the Community Development Code Chapter 32 had been occurring, the details of which are set forth as follows:

Construction activities, including clearing, revegetation, and bank stabilization within a designated water resource area, within a platted conservation easement and on City-owned property without authorization or permits.

In addition to City-owned property, the real property upon which the Code violations occurred is more particularly described as follows: 1837 Manchester Court and is owned by Gary & Christina Yarco.

The maximum possible penalty for the total of the violations alleged above is \$ 1,000.00 per violation, per day.

The owner(s) of the real property referred to above (hereinafter "Owner") wish to enter into a Consent Order pursuant to West Linn Community Development Code Section 106.045 to remedy and to abate the violations.

NOW, THEREFORE, IT IS HEREBY AGREED by the City of West Linn and Gary & Christina Yarco, Owner(s) of the real property referred to herein, that a Consent Order shall be issued pursuant to which the Owner of the real property shall comply with the following conditions:

1. Within 60 days of the date of this Order, the Owner shall submit for City approval a plan that provides for revegetation and erosion control consistent with these conditions, including a schedule for implementation. This Plan shall meet or exceed all of the requirements under Chapter 32 of the CDC.
2. Within 60 days of the date of this Order, the Owner shall provide a signed and sealed analysis from a certified engineer or hydrologist that all of the activities previously completed on site, and all activities proposed under this Order, will not impact the downstream flow or velocities of the creek such that it poses an increased risk of flooding or erosion downstream and that all of the proposed activities are consistent with accepted engineering practices.
3. This Order must incorporate any requirements from the Department of State Lands ("DSL"). The owner shall either obtain a permit from DSL for the proposed activities or provide documentation from DSL that no permit is required.
4. The owner shall implement the approved plan that meets the requirements under Chapter 32 and includes, at a minimum, the following:

a. Stabilization of the creek with additional rock and vegetation at the eastern portion of the site (downstream bend) to reduce any further erosion at this location.

b. Augmentation of the existing rock bed along the stream bed with additional vegetation on the bank to provide erosion control.

5. Upon completion of all activities described herein, and within 120 days of date of this Order, the Owner must request a final inspection and receive a written approval from the Planning Director, or his/her designee, verifying that all requirements of this Consent Order have been satisfied.

6. No other development activities shall be permitted within the riparian corridor water resource area or on City property, without prior authorization from the City of West Linn.

Further, it is agreed that the Owner(s) shall pay to the City the amount of \$2,850.00, which is the dollar amount that the property own would have been expected to pay to the City to process the required applications for the activities; further, prior to receiving final approval from the City, as described under *Condition #5* above, the Owner(s) shall recompense the City for enforcement, inspection, oversight and processing and notification fees as well as administrative costs, which may include attorney's fees incurred by City to enforce the Code.

It is agreed that all conditions, and required payments, specified herein shall be completed no later than 180 days of this Consent Order.

It is understood by the parties hereto that no City permits or approvals will be required to complete the conditions referred to above; however, permits may be required from other agencies which City has no authority to waive (for instance, permits from Division of State Lands or from the Corps of Engineers for certain work). If permits are required from other agencies, it will be the responsibility of the Owner(s) to apply for and receive those permits prior to commencing work.

The City and Owner(s) agree that if the above-enumerated conditions are fully complied with, the violation(s) will be completely abated and the real property shall be in full compliance with the West Linn Municipal/Community Development Code, as it is constituted on the date of completion of the conditions.

City acknowledges that the signing of this Consent Order operates to suspend enforcement action for violations enumerated in this Consent Order and agrees to take no further enforcement or abatement action during the pendency of the Consent Order.

Owner(s) understand that notice of the Consent Order shall be provided to all owners of property within 500 feet of the location of any remedial work required pursuant to the conditions herein, posted on the subject site, and also published in the local newspaper.

Owner(s) are aware that an appeal may be filed challenging the Consent Order and/or the conditions required by the Consent Order to abate the violations. If this Consent Order is appealed, the terms of the Consent Order will be extended by the same number of days that elapse from the date upon which the Owner(s) sign this Consent Order to the final resolution of the appeal.

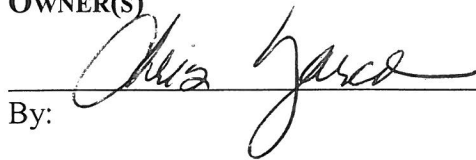
Owner(s) understand and agree that, if for whatever reason, the conditions contained within this Consent Order are not fully complied with by the deadlines set forth herein, the Consent Order shall terminate and the City may re-commence enforcement and/or abatement actions against Owner(s) and the real property as if the Consent Order never existed.

IN WITNESS WHEREOF, City has caused this Consent Order to be executed by its duly authorized Planning Director and Owner(s) have executed this Consent Order on the date written opposite their names.

CITY OF WEST LINN


By: West Linn Planning Director

5/10/2010
Date

OWNER(S)

By:

5/04/2010
Date

OWNER(S)

By:

5/06/2010
Date