

After Recording, Please Return to:
22500 Salamo Road, Box 800
West Linn, OR 97068
Attn: Engineering Division

Maintenance Agreement
Recording Authorized by West Linn Municipal Code Section 4.070(a)

This agreement is entered into between the City of West Linn, an Oregon municipal corporation (“City”), and _____ (“Property Owner” or “Owner”), Owner is the owner of the real property, located at: _____ (the “Property”), which is legally described as:

West Linn Municipal Code Section 4.070(3) requires the Property Owner to provide and maintain the following on-site private stormwater management facility or facilities. This Maintenance Agreement (“Agreement”) affects the whole property. The stormwater management facility or facilities may not be modified or moved without approval from the City of West Linn.

Required Site Plan (Insert here or attach separate sheet)

☐ Site Plan Attached

Please complete this table

Facility Type	Size (sf)	Drainage is from:	Impervious Area Treated (sf)	Discharge Point

To comply with the code, Owner, on behalf of Owner and all future owners of the Property, agrees to maintain the stormwater management facilities for and on the Property as provided in this Agreement and in accordance with the West Linn Stormwater Management Manual. Owner is responsible for all maintenance obligations and for meeting

all standards and criteria imposed in this Agreement, in the West Linn Municipal Code, and in the West Linn Stormwater Management Manual. The City has no obligation to maintain the facilities but does have the right to inspect the facilities as provided in this Agreement.

- Owner shall maintain the facilities such that all discharges meet State, Federal and Local water quality laws, codes and regulations.
- Owner shall inspect all facilities twice a year, once in late summer, prior to the rainy season, and once in the winter months. The inspection shall ensure that all structures are in good condition and functioning properly.
- Maintenance for the following types of stormwater management facilities shall at a minimum include:

For pollution control manholes: removal and disposal of all accumulated sediment, oils and greases, twice a year, in an approved manner.

For dry detention ponds:

- a) Remove sediment, debris, and blockages from catch basins, underdrains, curb inlets, and pipes.
- b) When drainpipes are cracked or exposed, repair or seal cracks. Replace when repair is insufficient. Cover with 6 inches of growing medium to prevent freeze/thaw and UV damage. Repair or replace broken downspouts, curb cuts, standpipes, and screens as needed.
- c) Maintain or replace rock check dams.
- d) When liner is damaged or leaking, repair or replace liner.
- e) Remove trash and debris, as necessary.
- f) When rodents are present, eradicate rodents and repair dams or berms. Coordinate with West Linn Public Works.
- g) When beaver dams are present resulting in change or impact to facility function, coordinate trapping of beavers and removal of dams with appropriate permitting agency and West Linn Public Works.
- h) When insects are present that may interfere with maintenance, eradicate or remove insects from site. Apply insecticide in compliance with West Linn's Integrated Pest Management policy.
- i) When piping of emergency overflow/spillway and berms over 4 feet in height, eliminate piping to resolve erosion potential if there is flow through pond berm and active or the potential for erosion to occur. An evaluation by a Geotechnical Engineer is recommended.
- j) When rocks are missing from emergency overflow, restore rocks and pad depth to design standards.
- k) When dead or stressed vegetation is present, replant per original planting plan, or substitute from the West Linn Plant List, available on West Linn's website (the "West Linn Plant List").
- l) When tall grass or vegetation is present, prune to allow for sight lines and foot traffic. Prune to ensure inlets and outlets freely convey stormwater into and/or out of the facility.
- m) Remove weeds, as necessary.
- n) When tree growth or hazard trees interfere with maintenance activities, or if dead, diseased or dying trees are identified, use a certified Arborist to determine health of tree or removal requirements. Remove hazard trees. Harvested trees should be recycled into mulch or used other beneficial purposes.
- o) When tree growth is impacting emergency overflow, trees should be removed. If root system is small (base less than 4 in.) the root system may be left in place. Otherwise, the roots should be removed and the berm restored. A licensed civil engineer should be consulted for proper berm/spillway restoration.
- p) When erosion occurs in the soil, fill in and lightly compact areas of erosion with City-approved soil mix in Appendix D of the West Linn Stormwater Management Manual and replant according to planting plan or substitute from the West Linn Plant List
- q) When scouring at the inlet occurs, ensure splash blocks or inlet gravel/rock are adequate.

- r) When erosion on side slopes occur, stabilize at a 3:1 side slope and vegetate banks with plantings from the original planting plan or from the West Linn Plant List. If erosion is occurring on compact berms a licensed civil engineer should be consulted to resolve source of erosion.
- s) When excessive sediment (accumulated sediment that exceeds 10% of the designed pond depth) is present, sediment must be cleaned out to designed pond shape and depth; pond must be reseeded if necessary to control erosion.
- t) When pond berms settle 4 inches lower than design elevation, reconstruct the dike/berm to the design elevation. A licensed civil engineer should be consulted to determine the source of the settlement.
- u) When ponding occurs, rake, till, or amend soil surface with City-approved soil mix in Appendix D of the West Linn Stormwater Management Manual to restore infiltration rate. Remove sediment at entrance.
- v) When erosion of emergency overflow/spillway occurs, slopes should be stabilized using appropriate erosion control measures(s). If erosion is occurring on compacted berms a licensed civil engineer should be consulted to resolve source of erosion.

For drywells/soakage trenches:

- a) Clean inlets, manholes, underdrains, catch basins, or silt traps at least twice a year.
- b) When drainpipes, catch basins or manholes are cracked or exposed, repair or seal cracks.
- c) Prevent and/or remove large root systems from trees and bushes if they could damage subsurface structural components.
- d) When ponding occurs, remove sediment and debris from all accessible components. Repeated ponding in the system may indicate end of facility life. Consult with City prior to decommissioning or replacement activities.

For porous pavement:

- a) Vacuum sweep at least twice per year and power wash annually or as needed.
- b) Repair all cracks, settlement or other defects that affect performance per manufactures specifications.
- c) Sweep leaf litter and sediment to prevent surface clogging and ponding.
- d) Remove weeds by hand or use an herbicide approved for use around sensitive areas. Refer to West Linn's Integrated Pest Management Guidance documents.
- e) When aggregate loss occurs, reset pavers and replace paver pore space with aggregate per original design.

For ecoroofs:

- a) When clogged drains occur, remove sediment and debris.
- b) Repair any leaks or structural deficiencies; contact manufacturer for repair or replacement.
- c) When dead or stressed vegetation is present, replant per original planting plan, or substitute from the West Linn Plant List.
- d) Prune dry grasses and remove clippings.
- e) Manually remove weeds before they go to seed.
- f) When exposed soil is present, cover with plants and mulch as needed.
- g) When soil is eroding, fill, hand tamp, or lightly compact soil and plant to disperse flow.
- h) When crusted, dry, or shrinking medium is present, rake or amend to restore infiltration or flow.
- i) When ponding or excessive moisture occurs, amend soils, clear drains, and check irrigation system for leaks.

For planters:

- a) Remove sediment and debris from catch basins, underdrains. Surb inlets, and drainpipes.
- b) Repair/replace broken downspouts, curb cuts, standpipes, and screens.

- c) When liner or walls are damaged on filtration planters, extend and secure liner to planter walls above the high-water mark. The facility must be watertight to protect abutting foundations from moisture damage.
- d) When drainpipes are cracked or exposed, repair or seal cracks. Replace when repair is insufficient. Cover with 6 inches of growing medium to prevent freeze/thaw and UV damage.
- e) When dead or stressed vegetation is present, replant per original planting plan, or substitute from the West Linn Plant List.
- f) Prune dry grasses and remove clippings.
- g) When tall grass or vegetation is present, prune to allow for sight lines and foot traffic. Prune to ensure inlets and outlets freely convey stormwater into and/or out of the facility.
- h) When weeds are present, manually remove weeds.
- i) When gullies, erosion, or exposed soils are present, fill in and lightly compact areas of erosion with City-approved soil mix in Appendix D of the West Linn Stormwater Management Manual and replant according to planting plan or substitute from the West Linn Plant List.
- j) When scouring at inlet(s) is present, ensure splash block or inlet gravel/rock are adequate.
- k) When excessive ponding occurs, rake, till, or amend soil surface with City-approved soil mix to restore infiltration rate. Remove and replace sediment at entrances.

For swales/rain gardens:

- a) Remove material so that there is no clogging or blockage in the inlet and outlet of the stormwater management facility. Fix any broken infrastructure. Recommend cleaning at least twice a year; more if overhanging trees are present.
- b) When erosion or scouring occurs in structural components, bare areas less than 12 in. wide, repair the damaged area by filling with crushed gravel. If bare areas are greater than 12 in. wide, the swale/rain garden should be regraded and reseeded.
- c) Remove trash and debris, as necessary.
- d) When standing water occurs, apply any of the following as applicable: Remove sediment or trash blockages, improve grade from head to foot of swale, remove clogged check dams, add underdrains.
- e) When flow spreader is uneven or clogged, level the spreader and clean so that flows are spread evenly over the entire stormwater management facility width.
- f) When dead or stressed vegetation is present, replant per original planting plan, or substitute from the West Linn Plant List.
- g) When poor vegetation coverage is present, determine why grass growth is poor and correct that condition. Replant with plugs of grass from the upper slope; plant in the swale bottom at 8-in. intervals or reseed into loosened fertile soil.
- h) When dry grass or other plants are present, irrigate and mulch as needed; prune tall, dry grasses, and remove clippings.
- i) When excessively tall grass or nuisance vegetation is present, mow vegetation or remove nuisance vegetation so that flow is not impeded. Grass should be mowed to a height of 3 - 4 in. Remove grass clippings.
- j) When erosion occurs in the soil, fill in and lightly compact areas of erosion with City-approved soil mix in Appendix D of the West Linn Stormwater Management Manual and replant according to planting plan or substitute from the West Linn Plant List.
- k) When sediment depth exceeds two inches, remove sediment deposits on grass treatment area of the bio-swale. When finished, swale should be level from side to side and drain freely toward outlet. There should be no areas of standing water once inflow has ceased.
- l) When poor grass growth occurs due to excessive shading, if possible, trim back over-hanging limbs and remove brushy vegetation on adjacent slopes.
- m) When ponding occurs, till, amend, or rake soil to ensure ponding water drains within 48 hrs.

For structural detention facilities:

- a) Clean gutters, inlet piping, catch basins, or silt traps discharging to the facility at least twice a year.
- b) When drainpipes are cracked or exposed, repair or seal cracks.
- c) When outlet is clogged, clean sediment and debris from outlet and/or flow control structure to ensure proper conveyance from system.
- d) When sedimentation in pipe/vault occurs, remove sediment and debris from bottom of pipe if/when the depth of sediment is more than 10% of the total depth of the pipe or vault.

For manufactured or engineered facilities: maintenance shall at a minimum comply with all maintenance recommended by a manufacturer of such product or component.

- Maintenance activities shall not negatively impact downstream water quality conditions (e.g. turbidity, oily discharge, etc.), flushing of systems is prohibited.
- Written documentation of all inspections and maintenance activities shall be submitted to the City on an annual basis no later than the 1st of October. The documentation shall at a minimum include:
 - date and time of inspections and maintenance activities
 - name of person(s) conducting the inspections and maintenance activities
 - written narrative of observations and actions taken during inspections and maintenance activities.
 - Identify the disposal location of any sediment, oils and/or greases collected from the facilities.
 - Written statement of assurance that facilities are in properly functioning order with signature of authenticity.
- Maintenance, inspection and monitoring shall be completed at the sole expense of the Owner, their successors and assigns.
- Owner grants the City the right to access and inspect the stormwater management facilities.

This Agreement is intended to bind the Owner and all future owners of the Property. Owner and the City agree that the Agreement shall be recorded in the County records for the Property and that the recording serves as notice to all future owners of the obligations imposed by this Agreement. This Agreement contains the entire understanding of the undersigned party and may not be amended except by subsequent agreement and signature of the City of West Linn. Failure to comply with all terms of this Agreement constitutes a violation of West Linn Municipal Code and the West Linn Stormwater Management Manual.

“Owner”

Signature

Printed Name

Date:

STATE OF OREGON)
)ss.
COUNTY OF CLACKAMAS)

The foregoing instrument was acknowledged before me this ____ day of _____,
_____, by _____, Property Owner.

Notary Public for Oregon
My Commission Expires:_____