

AFTER RECORDING RETURN TO:
Klamath County Public Works
305 Main Street
Klamath Falls, OR 97601



00270781202000163670100105

12/16/2020 09:56:03 AM

Fee: NO FEE

**Declaration of Covenants for the
Operation & Maintenance of
Stormwater Facilities
For
Kerns Tract Subdivision**

Declaration of covenants affecting the real property described as 3909-012DA-01600 (Kerns Tract Subdivision Lot 1), within Klamath County, Oregon (hereinafter referred to as the "property"), for the express purpose of causing the owners of said property to have knowledge of, and be subject to performing the operation and maintenance of the stormwater facility located on the property that serves the entirety of Kerns Tract Subdivision and contributing off-site drainage area:

NOW THEREFORE, the undersigned Glenridge Place, LLC, owners of said property, do hereby declare that they, their heirs, successors and assigns, will manage, operate, and maintain said stormwater facility as prescribed below:

- 1) The property owner/owners or their designees agree to submit a copy of the completed O&M Plan Form, a recorded copy of this Covenant, as well as a recorded copy, if needed, of an O&M Agreement to Klamath County, hereinafter referred to as "County", prior to the approval of the building permit.
- 2) This Covenant shall remain in full force and effect unless canceled or modified with the written consent of the County and the property owner/owners or their designees.
- 3) The property owner/owners or their designees shall keep a copy of the O&M Plan Form, this Covenant, and the as-constructed plans of the facility available on the premises. These shall be made available to County staff upon request.
- 4) All areas within the stormwater facility and easements associated with the stormwater facility shall be maintained in accordance with the O&M plan.
- 5) Modifications of physical features within the stormwater facility shall not be made by property owner/owners or their designees without receiving prior written authorization from the County.
- 6) The property owner/owners or their designees agree to contact the County with updated names, addresses, and phone numbers for owners, responsible parties and emergency contacts should the information on the Operation and Maintenance Plan Form change.

- 7) The property owner/owners or their designees shall maintain, repair or replace part or all the facility as necessary to ensure it is functioning as originally designed or as modified per written agreement with the County.
- 8) The property owner/owners or their designees should inspect the facility in accordance with the approved table of maintenance requirements submitted with the O&M Plan to ensure it is functioning properly, but at a minimum, inspections must be performed annually.
- 9) If the system is not functioning properly or any of the conditions requiring corrective actions as shown on the table of maintenance requirements, corrective actions will be taken within 15 calendar days unless other arrangements are made with the County.
- 10) The property owner/owners or their designees shall keep records of system inspections and maintenance. Records shall note inspection dates, any conditions requiring maintenance actions, and maintenance conducted. Records shall be made available to County staff upon request.
- 11) County staff shall have the right to enter upon the property for purpose of inspecting, and reasonably monitoring performance of the flow control facilities using the maintenance access routes specified in the O&M plan.
- 12) County staff shall make a reasonable effort to notify the property owner/owners or their designees prior to routine inspections. Unless otherwise agreed upon between County staff and the responsible party, routine inspections shall be scheduled Monday through Friday during normal business hours
- 13) Upon inspection of the facility, County staff will notify the property owner/owners or their designees in writing of any noted conditions, or practices that are not in compliance with the approved O&M Plan and will specify a time frame for corrective actions.
- 14) Failure to correct a defective condition within the time frame specified by the County inspector or continued non-compliance with practices and procedures specified in this O&M Plan may result in a nuisance per the Klamath County Code, currently Chapter 401, and subject to the violation provisions of the Klamath County Code, currently Chapter 800. Stormwater facilities as well as the adjacent right-of-way, easements, and/or private property upon which they reside are subject to all nuisance provisions of the Klamath County Code, including control of noxious weeds, vegetation and removal of litter and debris, except as they relate to the approved vegetation within the water quality functioning portion of the stormwater treatment facility.
- 15) The property owner/owners or their designees shall not apply or dump any pesticides, herbicides, petroleum-based products or other hazardous or foreign substances within a stormwater facility.
- 16) Dead vegetation and cutting, including grass cuttings, shall be removed from the stormwater facility and disposed of in accordance with local and State requirements.

17) If a complaint is received or an inspection reveals that a stormwater facility is infested with mosquitoes or other vectors, the property owner/owners or their designee shall contact Vector Control to eliminate the infestation. Owners may also employ one of the following to help mitigation mosquito infestations:

- a) Installation of predacious bird or bat nesting boxes.
- b) Alterations of pond water levels approximately every four days in order to disrupt mosquito larval development cycles.

If corrective action has not taken place within 15 days, the County will take corrective action and charge the costs to the subject property owner.

18) The property owner/owners shall bear all responsibility and cost to remove and replace any portion or affected portion of the stormwater facility located within any Public Utility Easement (P.U.E.) located on the subject property at such time when the benefitting agency deems it necessary for access, maintenance and/or other activities as permitted by the P.U.E.

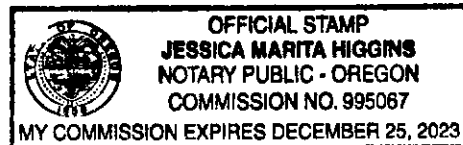
The above covenants shall run with the land, be enforceable by Klamath County, and shall be binding upon the property owner/owners, their heirs, successors, and assigns.

IN WITNESS WHEREOF, the property owner(s), signed this 25th day of November, 2020.

Melvin Stewart
(Owners Signature)

(Owners Signature)

STATE OF Oregon)
) ss.
County of Klamath)



On November 25th, 2020, personally appeared Melvin Stewart, who, being first duly sworn, did acknowledge that he is the member of Glenridge Place LLC, that the foregoing instrument was signed on behalf of Glenridge Place LLC, that he/she is authorized to execute this instrument and that this instrument is the voluntary act and deed of that entity.

WITNESS my hand and official seal.

Jessica Marita Higgins
SIGNATURE OF NOTARY PUBLIC

Notary Public for Oregon

My Commission Expires: 12/25/2023

Accepted on behalf of Klamath County by the Klamath County Board of Commissioners

[Signature]
Chair

[Signature]
Commissioner

[Signature]
Commissioner

12/15/20
Date

12/15/20
Date:

12/15/20
Date:

Private Storm System and Stormwater Facility Maintenance Manual

Prepared For:

Kerns Tracts

Prepared By:

R-C
RIINE CROSS
GROUP

112 N. 5th Street – Suite 200
Klamath Falls, OR 97601
(541) 851-9405

Description of Private Storm Lines and Facilities:

The Kerns Tracts development will contain a private storm detention facility with associated storm piping within Lot 1, Block 7 and other drainage easements throughout the project. It is the responsibility of the Homeowner's Association to inspect, operate, and maintain the stormwater facilities, and storm lines described below.

Stormwater Facility:

- Approximately 4' deep x 5600 sq.ft. detention pond, outside of the public right-of-way, within Lot 1, Block 7.
- Gravel Access road leading from Wyoming Street to the stormwater facility flow control manhole.
- The flow control manhole located at the west end of the detention facility.
- Inlet and Outlet pipes to the detention facility.

This Operations and Maintenance Manual is intended to serve as a guide only. Each stormwater facility is different and may require maintenance different, less than, or above and beyond what is discussed in this manual. Questions about maintenance can be directed to the Klamath County Public Works Department, (541) 883-4696

Access Roads and Easements:

Stormwater facilities include access roads to bring in equipment for facility maintenance. These roads should be maintained for inspection access and ease of equipment access.

Inspection:

Inspect once a year or when facilities are maintained.

Cleaning:

Remove litter when mowing or litter when accumulation exceeds one cubic foot (about one and a half five-gallon buckets) per 1000 square feet. Remove any debris that blocks roads or may damage tires.

Vegetation Management:

Manage vegetation as done for the rest of the facility. Trees and shrubs may be removed from access roads and easement if they block access for necessary maintenance or will prevent or harm intended stormwater facility function.

Repairs:

Correct any bare or eroded soils by seeding. Repair road surfaces when they may lead to erosion or limit equipment access.

Manholes:

Manholes are large cylindrical vaults set at storm sewer pipe connections. Unless you have OSHA approved training and equipment, never enter a manhole. There is a considerable risk of poisonous gas and injury.

Inspection:

Inspect the manhole once per year. Check the frame and lid for cracks and wear, such as rocking lids or lids removed by traffic. Periodically inspect the manhole and surrounding areas for pollutants such as leaks from dumpsters, minor spills, and oil dumping. Take action to have the pollutant source removed.

Cleaning:

Clean manholes when there is blockage of a water flow path. Cleaning should be performed in a manner that ensures removed sediment and water is not discharged back into the storm sewer.

Safety:

Work inside underground structures requires special OSHA required confined space equipment and procedures. The most practical option for manhole maintenance may be to contract with a sewer cleaning contractor.

Materials Handling:

Dispose of waste from maintenance of drainage facilities shall be conducted in accordance with federal, state, and local regulations. Removed sediment must be disposed of in the garbage as solid waste. Water should be disposed of in a sanitary sewer after oils are removed using oil absorbent materials or other mechanical means. Used oil absorbents should be recycled or disposed of according to the manufacturer's instructions.

Repairs:

Repair all security and access features so they are fully functional. This includes locking lids, covers, and ladder rungs. Replace broken parts or lids that rock and are moved by traffic.

Detention Ponds:

Detention facilities are designed to hold and slowly release stormwater by use of a pond and specially designed control structure. Styles vary greatly from well manicured to natural appearing. Generally, more natural appearing vegetation is preferred for reduced maintenance and wildlife habitat.

Inspection:

Identify pollutant sources to the facility. Inspect the facility for oil and other pollutants and remove any pollutants greater in volume than a surface sheen. Inspect pond side slopes for erosion. Inspect inlet and outlet pipes.

Cleaning:

Trash should be removed when it exceeds 1 cubic foot per 1000 square feet. Remove sediments when it accumulates to 10 percent of the designed pond depth. Sediment may be removed by hand or by hiring a licensed earth moving contractor.

Materials Handling:

Dispose of waste from maintenance of drainage facilities shall be conducted in accordance with federal, state, and local regulations. Removed sediment must be disposed of in the garbage as solid waste.

Vegetation Management:

Where a facility has natural vegetation, management should be timed to avoid or minimize impacts on wildlife such as nesting birds. Mow or control vegetation to match surrounding areas or sustain any other intended use of the facility. Pesticides and fertilizers should not be used because of the likelihood of the chemicals reaching a stream or lake. Use mechanical methods to control weeds. When replacing vegetation, try to use native plant species. Consult a local nursery for a list of native species. Trees should not be allowed to grow on emergency overflows and berms that are over 4 feet high. Trees can block flows and roots can lead to berm failure.

Repairs:

Repair and seed bare areas. Repair eroded slopes when rills form, where the cause of damage is present, or there is potential for future erosion. Ensure that any spillways are completely covered by at least on foot depth of rock. Rodent holes within the stormwater facility can lead to berm failure. Destroy rodents by trapping or other means and repair the damaged berm. Check with local regulations before removing fur bearing game animals such as muskrat. If berms show signs of settlement or sinkholes, serious problems may be occurring. Consult a licensed professional engineer to determine the cause of the settlement and arrange for repairs.

Storm Pipe:

Storm sewer pipes convey stormwater, and consist of many different materials. Storm pipes are cleaned to remove sediment or blockages when problems are identified. Storm pipes must be clear of obstructions and breaks to prevent localized flooding.

Inspection:

Pipes are difficult to inspect, requiring special equipment and training. Usually, if a problem occurs, the owner needs to call a sewer or plumbing contractor to inspect, repair, or clean pipelines.

Cleaning:

Clean pipes when sediment depth is greater than 20 percent of the pipe diameter. When cleaning a pipe, minimize sediment and debris discharges from pipes to the downstream storm sewer. Install downstream debris traps (where applicable) before cleaning and then remove collected material. Generally, use mechanical methods to remove root obstructions from inside storm sewer pipes. Do not put root-dissolving chemicals in to storm sewer pipes. If there is a problem, remove the vegetation over the line and use mechanical means to clean the pipe.

Safety:

Work inside underground structures requires special OSHA required confined space equipment and procedures. The most practical option for pipe maintenance may be to contract with a sewer cleaning contractor.

Materials Handling:

Dispose of waste from maintenance of drainage facilities shall be conducted in accordance with federal, state, and local regulations. Removed sediment must be disposed of in the garbage as solid waste.

Repairs:

Repair or replace pipes when a dent or break closes more than 20 percent of the pipe diameter. Repair or replace pipes damaged by rust or deterioration.

Dry Drainage Ditches:

Ditches are manmade open channels that carry only stormwater. This does not include ditches that have water flowing in them during dry weather. Ditches are often maintained for drainage to prevent localized flooding by draining stormwater. Maintenance includes removing sediment, debris, and overgrown vegetation. Protecting water quality dictates minimizing vegetation removal and preventing erosion.

Inspection:

Inspect ditches during routine site maintenance or at least once per year.

Cleaning and repair:

Land disturbing activities that remove vegetation or disturb soil are subject to erosion control requirements of the local governing agency. A good time to clean is during the growing season, when it is easiest to reestablish vegetation. This is generally April through June. If feasible, remove small amounts of sediment by hand when performing routine site maintenance. Vegetation should only be removed when it reduces free movement of water through the ditch. Never remove more vegetation than is absolutely needed. Alternate cleaning areas with undisturbed areas, leaving undisturbed sections to act as sediment trapping filters between worked areas. Trap sediment that is generated by ditch maintenance to keep it from entering water bodies. Use sediment trapping structures such as fabric fencing or filter bags at the lower end of excavated area. Prevent sediment from eroding when ditch work is performed. Perform work during dry weather unless there is an emergency such as property or road flooding. Vegetate bare soils by hydroseeding. Hand seed smaller areas.