

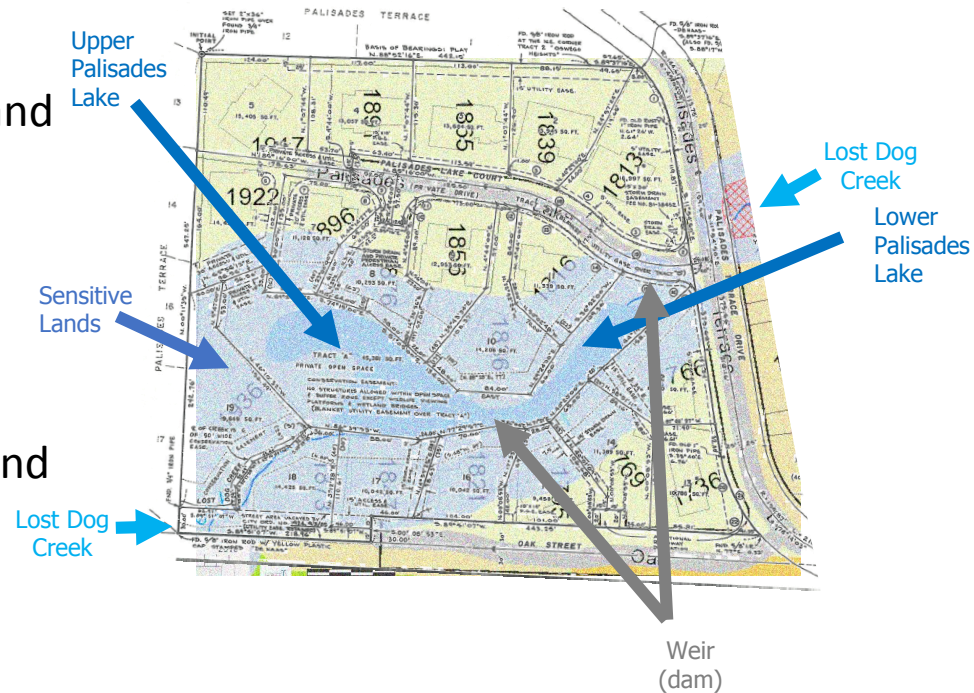


PALISADES LAKE ESTATES



Original Development

- Project developed by Lakeview Realty Group in 1985
- Development straddles Lost Dog Creek and wetland area
- Project included building the following:
 - 19 homes
 - Palisades Court
 - Two weirs (dams) to create upper and lower pond (3-4ft deep)
 - Four bridges



HOA Governance Structure

- Each Owner is a member of the Association
- No more than three (3) and no more than five (5) Directors will be elected at the annual meeting
- Directors serve three year terms
- Currently, there are five (5) Directors:
 - President: Jeff Chase
 - Treasurer: Craig Van Valkenburg
 - Secretary: Darlene Le Blanc
 - Architecture Committee: Sandy Hanson
 - Pond Committee: Jeff Fuchs
- Directors hold powers authorized by Oregon Statutes for the conduct of business and maintenance of HOA assets



Who we are:

The Palisades Lake Estates (PLE) is a community of nineteen homes located in the South Shore neighborhood of Lake Oswego, OR.

The PLE Homeowners Association (HOA) is a governing body that administers the neighborhood's business matters, including management of assets, administration of maintenance, and administration of financial matters.

HOA Board Members:

Jeff Chase
Craig Van Valkenburg
Darlene LeBlanc
Sandy Hanson
Jeff Fuchs

Intention of Common Area

Planned Unit Development Application, Jan 25th, 1985

The main purpose of the Palisades Lake Common Area (PLCA), is to provide an enhanced wildlife habitat area that will provide an aesthetic experience for the residents of the subdivision.

The PLCA's design is very similar to that of John Inskeep Environmental Learning Center at Clackamas Community College (ELC). In fact, the PLCA was designed by Jerry Herrmann, the original designer and continuing project director of the ELC.

Planned Unit Development Application, Feb 8th, 1985

The proposed site plan for the subject property would augment the the wildlife habitat value of the natural vegetation on the site by providing a year-around pond adjacent to the wetland area. The proposed pond will provide a valuable water source for aquatic wildlife, fulfilling such needs as drinking water supply, feeding area, swimming, bathing, etc. The margin area between the pond and the wetland plants described above will create a very desirable "edge effect" which is so important to wildlife habitat.

Planned Unit Development Application, Jan 25th, 1985

In terms of performing essential wetland functions the development will do the following:

- a. Because of the pond water retention feature, the development will enhance ground water recharge.
- b. Because of the water detention feature built into the development, storage of overland runoff and stream flooding-waters will be greatly enhanced.
- c. Because the stream is routed through the wetland vegetation and because of the ponds which act as settling basins, turbidity reduction is enhanced.
- d. Because of the routing of stormwater runoff through wetland vegetation, the nutrient filtration system is enhanced.
- e. Food chain production, habitat nesting, spawning, rearing and protective cover sites for aquatic and land species are greatly enhanced because the buffer of large evergreens is maintained and because of the addition of other important wildlife elements into the area. These include the creation of wildlife shelter, berms, additional food source plantings and many others.

Letter from City of Lake Oswego, June 13th, 1985

3. Weir Design. Two weirs will be built to create the pond and detention areas. The specific design was discussed and agreed upon. The pond elevations, as governed by the weirs will be set with care not to totally flood the upper wetland area.

The degree of flooding of the upper wetland will be determined in the field to meet the water tolerances of the vegetation existing and proposed there.

Common Area Maintenance Responsibilities

Letter from the City of Lake Oswego, June 13th, 1985

7. Landscape Maintenance and Establishment. The landscape plan will include a statement of intent for wet land/stream area landscaping for future use by those who will maintain it. It must be understood that the area is to retain its natural qualities and not become a formal landscaped area.

An establishment period will be set to guarantee that all plantings will survive.

Title 11 Drainage Standards for Major Development

9. Retention Ponds

a. Shoreline protection shall be provided to prevent erosion from wave action.

b. The margins of all retention ponds shall be provided with an under water shelf having a maximum slope of four to one (25%) to a depth of three feet. Other safety treatments may be allowed as approved by the City Manager.

c. To minimize growth of aquatic vegetation, the water depth beyond the underwater shelf shall be at least three to four feet.

d. If possible, a method shall be provided to drain retention ponds by gravity flow to allow cleaning and maintenance.

11.030 Standards for Maintenance.

1. Maintenance. All detention or retention areas shall be properly maintained by the owner such that they do not become nuisances. Nuisance conditions shall include: improper storage resulting in uncontrolled runoff and overflow; stagnant water with concomitant algae growth, insect breeding, and odors; discarded debris; and safety hazards created by the facility's operation. Storm water storage areas shall be designed with sufficient access to allow adequate, safe and efficient maintenance as determined by the City Manager.

Declaration of Reservations, Restrictions, and Covenants
Palisades Lake Estates

II. MAINTENANCE AND RESTRICTIONS ON COMMON AREAS

1. Responsibility for determining and providing maintenance, repair and replacement of the common areas of Palisades Lake Estates and determining the cost thereof shall be the responsibility of the Palisades Lake Neighborhood Association a non-profit corporation to be established by Declarant. All owners and contract purchasers of lots in Palisades Lake Estates shall

be members of the Association. All costs of such maintenance, save and except the cost of maintenance, repair and replacement of the private drive to be constructed in Palisades Lake Estates, shall be borne by the lot owners equally with 1/19th of the total cost being assigned to each lot owner. The cost of maintenance, repair and replacement of the private drive (Tract B) within Palisades Lake Estates shall be borne by the owners of Lots 1-11, and 19, only, with 8.33% of such cost being assigned to the owner of each of these lots. Common area costs shall be assessed annually by the Association unless a special assessment is necessary.

Major Dredge needed to restore Functions

Backwater area



1985: 3-4ft deep

2018: 3-4in deep and silt above water

Pond not serving its original function:

- No longer a storm water retention facility
- Enhanced wildlife habitat area degraded
- Settling basin won't reduce turbidity
- Backwater area disappearing

Without dredging pond and returning to its original state, the following will take place:

- Common area will complete conversion from Pond to Stream
- Erosion and runoff will worsen, negatively impacting Oswego Lake
- HOA and members will face assessments of the City of Lake Owego (2-4-yrs) if Pond not returned to its Original State

Unforeseen challenges: Pond dumping



Timeline:

- **May 11, 2017:** Red liquid observed and reported to the City of Lake Oswego. Liquid tracked to the ceramics department of Lakeridge High School. Tested and determined to be Iron Oxide.
- **June 5, 2017:** LOSD served a citation for *Illicit Discharge* by Rob Amsberry, the Engineering Program Lead at the City of Lake Oswego, stating:

“Demand is made on the District to commence within 30 days of the date of this letter and diligently pursue remedial cleanup of the stormwater facility, to remove all harmful pollutants traceable from the District activity ... Failure of the District to abate the public nuisance from its actions may result in abatement by the City, with the City’s cost being the responsibility of the District. LOC 34.08.415 and .421. ”
- **June 21, 2017:** LOSD did not attend court but instead chose to pay presumptive fine
- **August 30, 2017:** Jeff Fuchs of PLE HOA discussed follow up with Rob Amsberry. Rob acknowledged that if the dumping of Iron Oxide and other chemicals added cost to the HOA dredging project that LOSD would be liable for the difference in cost.

Path Forward

3 step Process:

1. Feasibility and Engineering Design (2019)
2. Permitting (2019)
3. Dredge (2020)

Estimated Cost

\$30k

\$15k

TBD

Stakeholders & Permits Required



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