

## DANA Kevin \* DEQ

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**From:** Bradley T. Crittenden <bcrittenden@chenowethlaw.com>  
**Sent:** Wednesday, August 24, 2022 1:42 PM  
**To:** DANA Kevin \* DEQ; Brooks Foster  
**Cc:** PARRETT Kevin \* DEQ; Vrooman Gary L  
**Subject:** RE: Elk Ridge: Latest draft RD/RA Consent Order  
**Attachments:** Ex. A - Legal Description of Elk Ridge Estates.pdf; Ex. B - Site Vicinity Map.pdf; Ex. C - Tract E CAP.pdf; Ex. D - TRACT F CAP.pdf; Ex. E - Legal Description for 37-Acre Parcel.pdf; Ex. F - Scope of Work.pdf

Kevin,

Following up on my email from this morning, I have attached the remaining exhibits that are identified in the redline draft of the consent order I sent you earlier.

**Bradley Crittenden**  
Attorney

[CHENOWETHLAW.COM](http://CHENOWETHLAW.COM) | (503) 743-8026



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**From:** Bradley T. Crittenden  
**Sent:** Wednesday, August 24, 2022 8:30 AM  
**To:** DANA Kevin \* DEQ <Kevin.DANA@deq.oregon.gov>; Brooks Foster <bfoster@chenowethlaw.com>  
**Cc:** PARRETT Kevin \* DEQ <Kevin.PARRETT@deq.oregon.gov>; Vrooman Gary L <gary.l.vrooman@doj.state.or.us>  
**Subject:** RE: Elk Ridge: Latest draft RD/RA Consent Order

Kevin,

Brooks returned to the office on Thursday last week, and we've completed our review of the draft consent order you sent on August 16.

In response to the noted items listed in your email below, we have no objections to the highlighted portions of Subsection 5.E. or to the inclusion of Subsection 7.H. As you will see in the attached redline draft of the consent order, we removed Subsection 7.K. (Financial Assurance). We consider that provision an unnecessary formality that may create delay and note that SHA has already begun implementing the remedial action.

Most of the redlines in the attached draft reflect site-specific revisions that SHA requested in the last draft consent order proposed by my firm. Other redlines are intended to address a specific issue we identified with the consent order you sent us; namely, that your draft did not contain any reference to ORS 465.325 even though it was referenced several times in our prior draft. For instance, the first sentence of your draft cites only ORS 465.260(4), and there is no citation to ORS 465.325(6)(b) in Subsection 7.N. (Effect of Consent Order). SHA is seeking an administrative settlement with DEQ pursuant to ORS 465.325(6)(b) and wants to make sure it receives the benefits of that type of settlement. Thus, the attached draft includes citations to ORS 465.325, which are intended to make it clear that SHA is entering into an administrative settlement with DEQ pursuant to that statute and not just accepting an order to perform work pursuant to ORS 465.260.

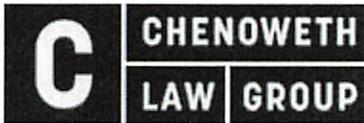
In response to your note about the exhibits pertaining to the 37-Acre Parcel, SHA believes it is important to include the legal description and depiction of that parcel in the consent order because that information will be highly relevant to third parties reviewing the consent order, including the HOA and any potential transferee of the Disposal Cell or Landfill. Although the Disposal Cell has been surveyed and delineated within the 37-Acre Parcel, that delineation does not correspond to a legal lot. In our experience, private parties generally want to know the legal lot within which an area of property is located because it is generally unlawful to transfer only part of a legal lot. In addition, the legal lot is the unit of land to which a recorded EES pertains. And here, the pending property line adjustment reinforces the need for transparency and clarity about the legal lot in which the Upland Cell is located. SHA would therefore like to include an exhibit containing the legal description and depiction of the 37-Acre Parcel.

I have attached for your review a draft Easement and Equitable Servitudes for the Disposal Cell and another for the Landfill. These forms are based on EESs my firm's clients have entered into with DEQ at other sites.

We appreciate your work and attention to this matter. Time is of the essence since we are trying to prepare the consent order for public notice at the beginning of September. We would greatly appreciate your and Gary's response to the attached redline draft consent order by this Friday, August 26.

**Bradley Crittenden**  
Attorney

[CHENOWETHLAW.COM](http://CHENOWETHLAW.COM) | (503) 743-8026



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**From:** DANA Kevin \* DEQ <[Kevin.DANA@deq.oregon.gov](mailto:Kevin.DANA@deq.oregon.gov)>  
**Sent:** Tuesday, August 16, 2022 1:38 PM  
**To:** Brooks Foster <[bfoster@chenowethlaw.com](mailto:bfoster@chenowethlaw.com)>; Bradley T. Crittenden <[bcrittenden@chenowethlaw.com](mailto:bcrittenden@chenowethlaw.com)>  
**Cc:** PARRETT Kevin \* DEQ <[Kevin.PARRETT@deq.oregon.gov](mailto:Kevin.PARRETT@deq.oregon.gov)>; Vrooman Gary L <[gary.l.vrooman@doj.state.or.us](mailto:gary.l.vrooman@doj.state.or.us)>; DANA Kevin \* DEQ <[Kevin.DANA@deq.oregon.gov](mailto:Kevin.DANA@deq.oregon.gov)>  
**Subject:** RE: Elk Ridge: Latest draft RD/RA Consent Order

Brooks & Bradley,

I haven't heard anything back on the draft RD/RA Consent Order for Elk Ridge Estates, so I've gone ahead and attempted to finalize it. The result is attached.

A few things to note:

Section 5.E. (Site Restrictions): There is highlighted text here that Gary needs to review/approve.

Section 7.H. (Progress Reports): I left this in for the sake of simplicity, but it won't be applicable if the work is completed in less than 90 days as anticipated.

Section 7.K. (Financial Assurance): I also kept this in as well, although I know we've dropped it for other sites.

Regarding the Exhibits, a legal description of the "37-Acre Parcel" (which I understand to be the powerline right-of-way) is proposed, but I don't see the need for it since the Disposal Cell within the ROW has its own legal description and "depiction". I appear to also be missing the draft EESs for the Landfill and Disposal Cell, but I can create those at my end pretty quickly.

## Exhibit "A"

Real property in the County of Columbia, State of Oregon, described as follows:

PARCEL 1: BEGINNING 1659 FEET SOUTH OF THE NORTHEAST CORNER OF FRANCIS PERRY DONATION LAND CLAIM IN SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF COLUMBIA AND STATE OF OREGON; THENCE SOUTH ALONG THE EAST LINE OF SAID CLAIM 580 FEET TO A POINT; THENCE WEST 600 FEET TO THE CENTER OF HANKEY COUNTY ROAD NO. P-128 (RELOCATED HANKEY COUNTY ROAD NO 26); THENCE NORTHERLY ALONG THE CENTER OF SAID ROAD 180 FEET TO THE SOUTHERLY LINE OF A TRACT DESCRIBED IN DEED FROM HARLEY C. VANDOLAH, ET AL TO ALEX W. BLANKENSHIP, RECORDED JULY 17, 1936 IN BOOK 59, PAGE 245, DEED RECORDS OF COLUMBIA COUNTY, OREGON; THENCE SOUTH 47°55'00" WEST, ALONG THE SOUTHERLY LINE OF SAID TRACT, 180 FEET TO THE CENTER OF MILTON CREEK; THENCE NORTH 45°30'00" WEST 617.7 FEET; THENCE NORTH 153.8 FEET TO THE SOUTH LINE OF TRACT DESCRIBED IN DEED FROM J.A. VAN DOLAH TO JOSEPH L. SASIA RECORDED MARCH 29, 1919 IN BOOK 27, PAGE 272, DEED RECORDS OF COLUMBIA COUNTY, OREGON; THENCE EAST ALONG SAID SOUTH 1147.6 FEET TO A POINT; THENCE CONTINUING EAST ON AN EXTENSION OF SAID LINE TO THE PLACE OF BEGINNING, BEING IN COLUMBIA COUNTY, OREGON. EXCEPTING THEREFROM A TRACT DESCRIBED IN DEED TO LOREN BARRICK, ET UX, BY DEED RECORDED JUNE 2, 1972 IN BOOK 187, PAGE 13, DEED RECORDS OF COLUMBIA COUNTY, OREGON. EXCEPTING THEREFROM A TRACT DESCRIBED IN DEED TO FRED M. CHAMBERLAIN, ET UX, BY DEED RECORDED APRIL 7, 1987 IN BOOK 268, PAGE 638, DEED RECORDS OF COLUMBIA COUNTY, OREGON. ALSO EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE PLATS OF ELK RIDGE ESTATES, PHASE 1 AND 4, RECORDS OF COLUMBIA COUNTY, OREGON.

PARCEL 2: THAT PORTION OF THE FRANCIS PERRY DONATION LAND CLAIM NO. 57 IN SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF COLUMBIA AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

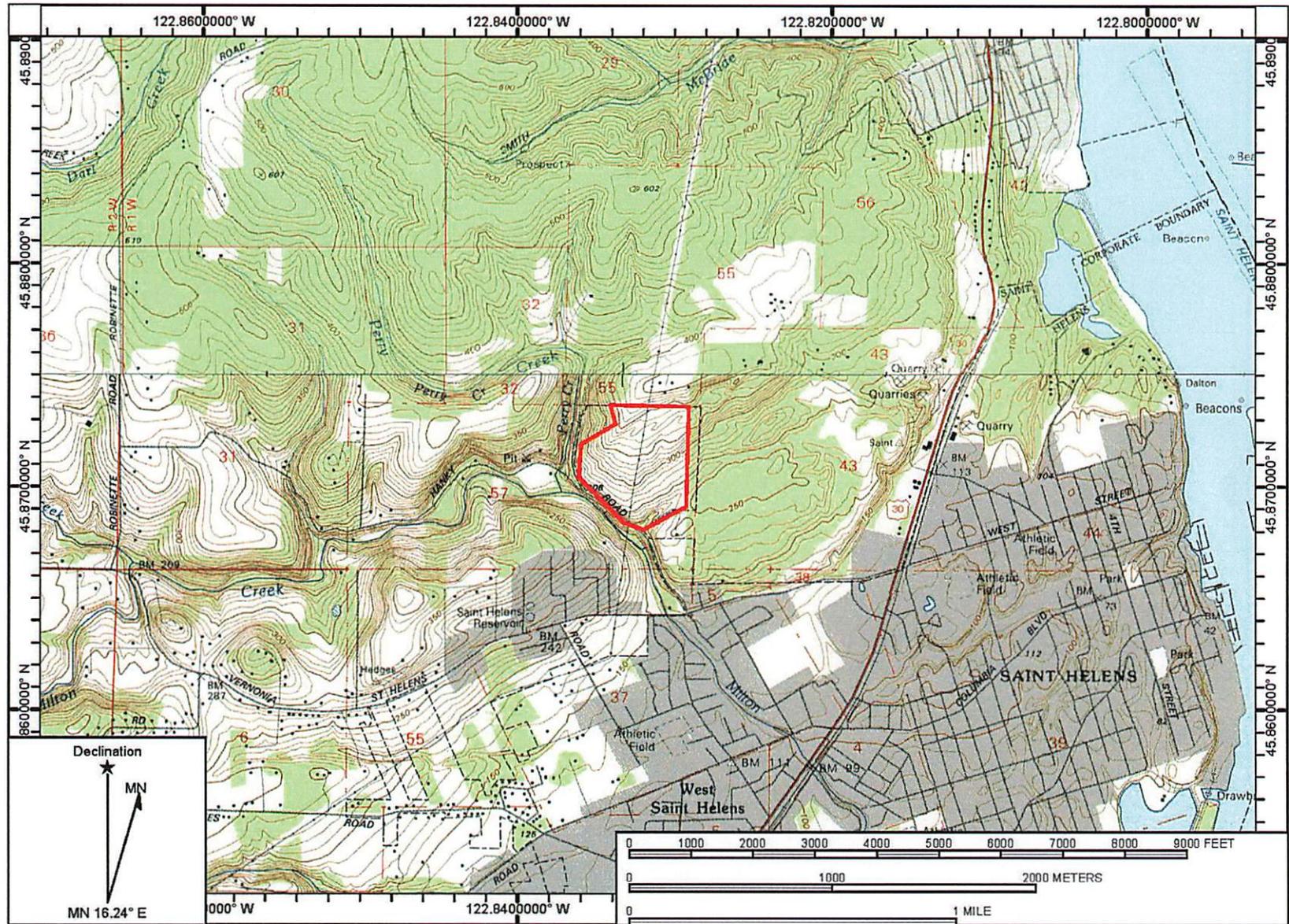
BEGINNING AT THE NORTHEAST CORNER OF SAID PERRY CLAIM IN SAID SECTION, TOWNSHIP AND RANGE; THENCE SOUTH ALONG THE EAST LINE OF SAID PERRY CLAIM, 1587 FEET; THENCE WEST 165 FEET; THENCE SOUTH 72 FEET; THENCE WEST 1147.6 FEET; THENCE NORTH TO THE CENTER LINE OF HANKEY COUNTY ROAD P-26, (ALSO KNOW AS COUNTY ROAD P-128); THENCE NORTHWESTERLY ALONG THE CENTER LINE OF SAID COUNTY ROAD TO ITS INTERSECTION WITH THE CENTER LINE OF MCCLINTOCK COUNTY ROAD; THENCE NORTHERLY ALONG THE CENTER LINE OF SAID MCCLINTOCK COUNTY ROAD TO THE NORTH LINE OF SAID PERRY CLAIM; THENCE SOUTH 88°00'00" EAST, ALONG THE NORTH LINE OF SAID PERRY CLAIM, 1742.42 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE PLATS OF ELK RIDGE ESTATE PHASE 1, 2 AND 4, RECORDS OF COLUMBIA COUNTY, OREGON. ALSO EXCEPTING THEREFROM LOT 61 OF ELK RIDGE ESTATES, PHASE 3, IN THE CITY OF ST. HELENS, COLUMBIA COUNTY, OREGON.

PARCEL 3: LOTS 1, 2, 3, 4, 5, 6, 7, 11, 12, 13 AND 14 AND TRACT A, ELK RIDGE ESTATES PHASE 1, COLUMBIA COUNTY, OREGON. ALSO THAT PORTION OF RIDGEVIEW DRIVE VACATED BY ORDINANCE NO. 3053, RECORDED OCTOBER 11, 2007 AS FEE NUMBER 2007-012960, RECORDS OF COLUMBIA COUNTY, OREGON.

PARCEL 4: LOTS 15 THROUGH 60, INCLUSIVE, AND TRACT B, ELK RIDGE ESTATES PHASE 2, IN THE CITY OF ST. HELENS, COLUMBIA COUNTY, OREGON.

PARCEL 5: LOTS 62, 63, 64, 65 AND 66, ELK RIDGE ESTATES PHASE 4, A REPLAT OF LOTS 8, 9 AND 10, ELK RIDGE ESTATES PHASE 1 AND REPLAT OF TRACTS C AND D, ELK RIDGE ESTATES PHASE 2, IN THE CITY OF ST. HELENS, COLUMBIA COUNTY, OREGON.

# EXHIBIT B



Source: USGS Topographic Map, 7.5-Minute St Helens Quadrangle, 1990

	Date Drawn: 4/29/2013 CAD File Name: 826-12001-01sv_map Drawn By: LDG Approved By: NMW	Elk Ridge Development N 45.8712 Deg / W 122.8321 Deg St. Helens, Oregon	<b>Site Vicinity Map</b>	Project No. 826-12001-05
				Figure No. 1

LEGAL DESCRIPTION  
WASTE AREA  
ELK RIDGE ESTATES PHASE 5

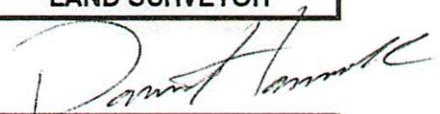
EXHIBIT "A"  
(SHEET 1 OF 2)

A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, COLUMBIA COUNTY OREGON, BEING A PORTION OF TRACT "E", "ELK RIDGE ESTATES, PHASE 5" A PLAT OF RECORD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS LAND SURVEYORS" AT THE SOUTHWEST CORNER OF THE AFOREMENTIONED TRACT "E", BEING ON THE NORTH RIGHT OF WAY LINE OF HANKEY ROAD, COUNTY ROAD NO. P-128 (25.00 FEET FROM CENTERLINE); THENCE ALONG THE NORTHWESTERLY LINE OF SAID TRACT "E" NORTH 59°08'33" EAST, 268.66 FEET; THENCE LEAVING SAID NORTHWESTERLY LINE, NORTH 65°55'08" EAST, 15.28 FEET; THENCE NORTH 57°39'27" EAST, 19.30 FEET; THENCE NORTH 73°09'37" EAST, 12.81 FEET; THENCE NORTH 66°44'19" EAST, 27.14 FEET; THENCE NORTH 72°01'06" EAST, 42.84 FEET; THENCE NORTH 85°05'30" EAST, 25.28 FEET; THENCE SOUTH 80°48'15" EAST, 53.70 FEET; THENCE NORTH 66°40' 24" EAST, 71.50 FEET; THENCE NORTH 74°14'17" EAST, 42.12 FEET; THENCE NORTH 76°23'08" EAST, 51.61 FEET; THENCE NORTH 79°57'36" EAST, 24.77 FEET; THENCE SOUTH 73°12'50" EAST, 5.96 FEET; THENCE SOUTH 49°02'26" EAST, 3.82 FEET; THENCE SOUTH 28°57'03" EAST, 19.32 FEET; THENCE SOUTH 45°00'50" EAST, 14.27 FEET; THENCE SOUTH 01°32'04" WEST, 9.51 FEET; THENCE SOUTH 63°34'13" WEST, 20.14 FEET; THENCE SOUTH 61°59'59" WEST, 39.44 FEET; THENCE SOUTH 59°00'22" WEST, 45.62 FEET; THENCE SOUTH 57°26'12" WEST, 72.36 FEET; THENCE SOUTH 58°42'18" WEST, 98.49 FEET; THENCE SOUTH 55°54'18" WEST, 103.66 FEET; THENCE SOUTH 51°13'30" WEST, 58.03 FEET; THENCE SOUTH 49°33'52" WEST, 93.25 FEET TO THE NORTH RIGHT OF WAY LINE OF THE AFOREMENTIONED HANKEY ROAD (25.00 FEET FROM CENTERLINE); THENCE ALONG SAID NORTH RIGHT OF WAY LINE 99.76 FEET ALONG THE ARC OF A 411.40 FOOT RADIUS CURVE, CONCAVE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 13°53'39" (CHORD BEARS NORTH 57°06'10" WEST, 99.52 FEET); THENCE NORTH 64°02'59" WEST, 86.27 FEET TO A POINT OF CURVATURE; THENCE 28.46 FEET ALONG THE ARC OF A 549.95 FOOT RADIUS CURVE, CONCAVE NORTHEAST, THROUGH A CENTRAL ANGLE OF 02°57'55" (CHORD BEARS NORTH 62°34'02" WEST, 28.46 FEET) TO THE POINT OF BEGINNING.

BASIS OF BEARINGS: OREGON STATE PLANE, NORTH ZONE, NAD 83, EPOCH 2010.00.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

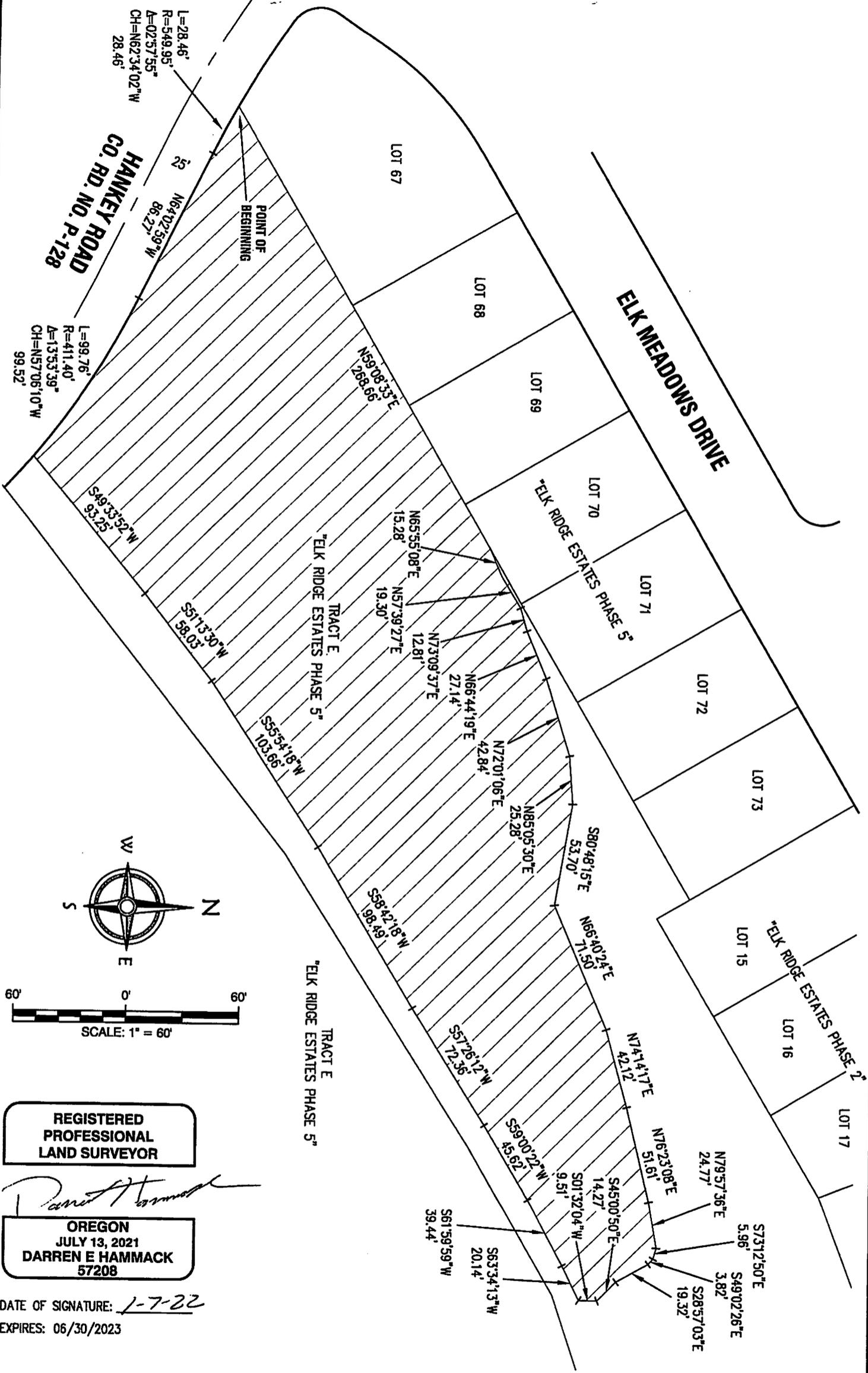


OREGON  
JULY 13, 2021  
DARREN E HAMMACK  
57208

DATE OF SIGNATURE: 1-7-22

EXPIRES: 06/30/2023

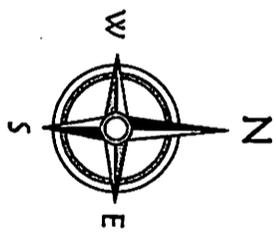




L=28.46'  
 R=549.95'  
 A=02°57'55"  
 CH=N62°34'02"W  
 28.46'

L=99.76'  
 R=411.40'  
 A=135°33'39"  
 CH=N57°06'10"W  
 99.52'

HANKEY ROAD  
 CO. RD. NO. P-128



SCALE: 1" = 60'

REGISTERED PROFESSIONAL LAND SURVEYOR

*Darren E Hammack*

OREGON  
 JULY 13, 2021  
 DARREN E HAMMACK  
 57208

DATE OF SIGNATURE: 1-7-22  
 EXPIRES: 06/30/2023

8462 Exh2.dwg

**EXHIBIT "A"**

**COMPASS** Land Surveyors  
 4107 SE International Way, Suite 705  
 Milwaukie, Oregon 97222 503-653-9093

WASTE AREA IN TRACT E, "ELK RIDGE ESTATES PHASE 5", SE 1/4 SECTION 32, T.5N., R.1W., W.M COLUMBIA COUNTY, OREGON

2  
 2



LEGAL DESCRIPTION  
WASTE AREA  
TAX LOT 100  
MAP 05-01-32DB

EXHIBIT "A"  
(SHEET 1 OF 2)

A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, COLUMBIA COUNTY OREGON, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 2012-001028, COLUMBIA COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS LAND SURVEYORS" AT THE NORTHEAST CORNER OF TRACT "F", "ELK RIDGE ESTATES, PHASE 6", A PLAT OF RECORD; THENCE ALONG THE NORTH LINE OF SAID TRACT "F" NORTH 43°09'44" WEST, 61.02 FEET TO THE CENTERLINE OF A 100.00 FOOT WIDE TRANSMISSION LINE EASEMENT, DESCRIBED IN DEED BOOK 67, PAGE 161, COLUMBIA COUNTY DEED RECORDS; THENCE ALONG SAID CENTERLINE NORTH 11°55'30" EAST, 195.09 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE NORTH 45°06'55" WEST, 32.37 FEET; THENCE NORTH 17°10'58" WEST, 37.84 FEET; THENCE NORTH 23°58'32" EAST, 39.81 FEET; THENCE NORTH 40°10'43" EAST, 43.35 FEET; THENCE NORTH 34°53'17" EAST, 31.94 FEET; THENCE NORTH 30°45'17" WEST, 50.32 FEET; THENCE NORTH 01°23'47" WEST, 28.29 FEET; THENCE NORTH 59°14'05" EAST, 33.69 FEET; THENCE SOUTH 76°06'56" EAST, 20.16 FEET TO THE AFOREMENTIONED EASEMENT CENTERLINE; THENCE CONTINUING SOUTH 76°06'56" EAST, 18.95 FEET; THENCE SOUTH 67°28'42" EAST, 36.09 FEET; THENCE SOUTH 12°54'53" WEST, 51.49 FEET; THENCE SOUTH 13°01'46" WEST, 54.95 FEET; THENCE SOUTH 12°37'09" WEST, 54.25 FEET; THENCE SOUTH 46°14'14" WEST; 91.92 FEET TO THE TRUE POINT OF BEGINNING.

BASIS OF BEARINGS: OREGON STATE PLANE, NORTH ZONE, NAD 83, EPOCH 2010.00.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2021  
DARREN E HAMMACK  
57208

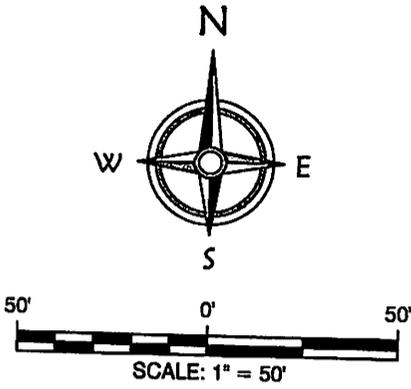
DATE OF SIGNATURE: 1-7-22

EXPIRES: 06/30/2023



4107 SE International Way, Suite 705, Milwaukie, Oregon 97222

Phone: 503.653.9093 Fax: 503.653.9095 Email: [compass@compass-landsurveyors.com](mailto:compass@compass-landsurveyors.com)



TAX LOT 100  
MAP 05-01-32DB

DOCUMENT  
NO. 2012-001028

TAX LOT 100  
MAP 05-01-32DB

TRUE  
POINT OF  
BEGINNING

CENTERLINE OF 100.00'  
TRANSMISSION LINE EASEMENT  
BOOK 67, PAGE 161

POINT OF  
COMMENCEMENT

LOT 74  
"ELK RIDGE ESTATES PHASE 6"

TRACT F  
"ELK RIDGE ESTATES, PHASE 6"

LOT 11  
"ELK RIDGE  
ESTATES  
PHASE 1"

VALLEY VIEW DR

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Darren Hammack*

OREGON  
JULY 13, 2021  
DARREN E HAMMACK  
57208

DATE OF SIGNATURE: 1-7-22  
EXPIRES: 06/30/2023

8462 Exh.dwg

**EXHIBIT "A"**

**COMPASS** Land Surveyors  
4107 SE International Way, Suite 705  
Milwaukie, Oregon 97222 503-653-9093

WASTE AREA IN TAX LOT 100,  
SE 1/4 SECTION 32, T.5N., R.1W., W.M  
COLUMBIA COUNTY, OREGON

2

2



LEGAL DESCRIPTION  
REMAINDER OF ZOLLER PROPERTY

#4389.6  
9/11/19 MAR

EXHIBIT "A"

A TRACT OF LAND LOCATED IN SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE FRANCIS PERRY DONATION LAND CLAIM NO. 57; THENCE ALONG THE EAST LINE OF SAID PERRY CLAIM, S.00°06'40"E., 759.61 FEET TO THE NORTHEAST CORNER OF "ELK RIDGE ESTATES, PHASE 2", PLAT BOOK 7, PAGE 59; THENCE ALONG THE BOUNDARY OF SAID "ELK RIDGE ESTATES, PHASE 2", THE FOLLOWING FOUR (4) COURSES; THENCE S.61°28'30"W., 605.54 FEET; THENCE S.57°54'28"W., 201.99 FEET TO THE RIGHT-OF-WAY OF KESTREL VIEW DRIVE; THENCE ALONG SAID RIGHT-OF-WAY, S.32°20'50"W., 61.35 FEET; THENCE CONTINUING S.56°27'35"W., 97.38 FEET TO A POINT ON THE EAST LINE OF LOT, "ELK RIDGE ESTATES, PHASE 1", PLAT BOOK 5, PAGE 31; THENCE ALONG SAID EAST LINE, N.33°35'57"W., 60.03 FEET TO THE MOST EASTERLY NORTHEAST CORNER OF "ELK RIDGE ESTATES, PHASE 6", PLAT BOOK 8, PAGE 1; THENCE ALONG THE BOUNDARY OF SAID "ELK RIDGE ESTATES, PHASE 6" THE FOLLOWING SEVEN (7) COURSES; THENCE N.45°50'42"W., 121.96 FEET; THENCE N.62°39'43"W., 448.71 FEET; THENCE N.48°58'34"W., 109.79 FEET; THENCE N.36°10'28"W., 85.19 FEET; THENCE N.16°41'29"W., 232.98 FEET; THENCE S.86°01'27"W., 156.80 FEET; THENCE N.78°25'21"W., 106.39 FEET TO THE EAST RIGHT-OF-WAY LINE OF PERRY CREEK ROAD (AKA McCLINTOCK ROAD) (COUNTY ROAD NO. P-174) (40.00 FEET WIDE); THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES; THENCE N.11°35'00"E., 153.48 FEET; THENCE N.05°48'00"E., 426.11 FEET TO THE NORTH LINE OF THE FRANCIS PERRY DONATION LAND CLAIM NO. 57; THENCE ALONG SAID NORTH LINE S.89°04'00"E., 243.98 FEET TO THE NORTHWEST CORNER OF "ELK RIDGE ESTATES, PHASE 3", PLAT BOOK 7, PAGE 59; THENCE ALONG THE BOUNDARY OF SAID PHASE 3 (REVISED) THE FOLLOWING NINE (9) COURSES; THENCE S.00°56'00"W., 72.00 FEET; THENCE S.30°18'03"E., 132.00 FEET; THENCE S.89°04'00"E., 34.40 FEET; THENCE N.00°56'00"E., 16.09 FEET; THENCE N.42°19'20"E., 175.34 FEET; THENCE S.47°52'03"E., 129.40 FEET; THENCE 20.14 FEET ALONG THE ARC OF A 50.00 FOOT RADIUS, NON-TANGENT CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 23°04'26" (THE LONG CHORD BEARS N.42°07'57"E., 20.00 FEET); THENCE N.47°52'03"W., 129.33 FEET; THENCE N.00°55'38"E., 22.23 FEET TO THE NORTH LINE OF THE FRANCIS PERRY DONATION LAND CLAIM NO. 57; THENCE ALONG SAID NORTH LINE, S.89°04'00"E., 1246.04 FEET TO THE POINT-OF-BEGINNING, CONTAINING 1,636,207 SQUARE FEET (37.56 ACRES) MORE OR LESS.

TOGETHER WITH A 40' WIDE TEMPORARY ACCESS EASEMENT FROM THE NORTH END OF KESTREL VIEW DRIVE RUNNING NORTHERLY TO THE SOUTHEASTERLY CORNER OF LOT 61 (REVISED) OF "ELK RIDGE ESTATES, PHASE 3", THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:





BEGINNING AT THE CENTER OF KESTREL VIEW DRIVE, SAID POINT BEING N.32°20'50"E., 30.68 FEET FROM THE MOST NORTHERLY NORTHEAST CORNER OF LOT 60, "ELK RIDGE ESTATES, PHASE 2", PLAT BOOK 7, PAGE 59; THENCE N.33°32'25"W., 125.04 FEET; THENCE 152.48 FEET ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 29°07'18" (THE LONG CHORD BEARS N.48°06'04"W., 150.84 FEET); THENCE N.62°39'43"W., 433.91 FEET; THENCE 274.85 FEET ALONG THE ARC OF A 150.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 104°59'03" (THE LONG CHORD BEARS N.10°10'11"W., 237.98 FEET); THENCE N.42°19'20"E., 445.38 FEET; THENCE N.47°40'40"W., 176.65 FEET TO THE CENTER OF THE CURVE AT THE SOUTHEAST CORNER OF LOT 61, "ELK RIDGE ESTATES, PHASE 3", PLAT BOOK 7, PAGE 59, (REVISED) COLUMBIA COUNTY PLAT RECORDS, AND THE TERMINUS OF SAID 40.00 FOOT WIDE TEMPORARY EASEMENT.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 16, 1987  
MICHAEL A. RADEMACHER  
2303

DATE OF SIGNATURE: 9-19-19

EXPIRES: 12/31/2020





LEGAL DESCRIPTION  
BPA EASEMENT ACROSS  
REMAINING UNPLATTED PROPERTY  
MARK ZOLLER

#4389.6  
9/17/19 MAR

EXHIBIT "A"

A STRIP OF LAND, 100.00 FEET WIDE, LOCATED IN THE SOUTHEAST ONE-QUARTER AND THE NORTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THAT EASEMENT GRANTED TO BONNEVILLE POWER ADMINISTRATION IN DEED BOOK 67, PAGE 161, COLUMBIA COUNTY DEED RECORDS; BEGINNING AT A POINT ON THE NORTH LINE OF TRACT "F", "ELK RIDGE ESTATES, PHASE 6" PLAT BOOK 8, PAGE 1, THAT BEARS N.45°50'42"W., 60.98 FEET FROM THE NORTHEAST CORNER OF "TRACT F"; THENCE ALONG THE CENTERLINE OF SAID BONNEVILLE POWER ADMINISTRATION EASEMENT THE FOLLOWING TWO (2) COURSES: N.09°14'17"E, 519.57 FEET; THENCE N.10°06'14"E., 678.18 FEET TO THE NORTH LINE OF THE FRANCIS PERRY DONATION LAND CLAIM NO. 57 AND THE TERMINUS OF SAID CENTERLINE.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 16, 1987  
MICHAEL A. RADEMACHER  
2303

DATE OF SIGNATURE: 09-18-19

EXPIRES: 12/31/2020





LEGAL DESCRIPTION  
TEMPORARY GRADING EASEMENT  
ALONG THE BOUNDARY OF "ELK RIDGE ESTATES, PHASE 6"  
MARK ZOLLER

#4389.6  
9/18/19 MAR

EXHIBIT "A"

A STRIP OF LAND, 40.00 FEET WIDE, LOCATED IN THE SOUTHWEST ONE-QUARTER AND THE SOUTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF ST. HELENS, COLUMBIA COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST CORNER OF LOT 60, "ELK RIDGE ESTATES, PHASE 2" PLAT BOOK 7, PAGE 59, COLUMBIA COUNTY RECORDS; THENCE N.56°27'35"E, 40.00 FEET; THENCE N.33°35'57"W., 64.37 FEET; THENCE N.45°50'42"W., 132.16 FEET; THENCE N.62°39'43"W., 449.83 FEET; THENCE N.48°58'34"W., 100.51 FEET; THENCE N.36°10'28"W., 73.84 FEET; THENCE N.16°41'29"W., 258.09 FEET; THENCE S.86°01'27"W., 183.32 FEET; THENCE N.78°25'21"W, 100.92 FEET TO THE EAST RIGHT-OF-WAY LINE OF PERRY CREEK ROAD (AKA McCLINTOCK ROAD) (COUNTY ROAD NO. P-174) (40.00 FEET WIDE); THENCE ALONG SAID RIGHT-OF-WAY LINE, S.11°35'00"W., 40.00 FEET TO THE NORTH LINE OF "ELK RIDGE ESTATES, PHASE 6" PLAT BOOK 8, PAGE 1; THENCE ALONG THE NORTHERLY LINE OF SAID PLAT THE FOLLOWING SEVEN (7) COURSES: THENCE S.78°25'21"E., 106.39 FEET; THENCE N.86°01'27"E., 156.80 FEET; THENCE S.16°41'29"E., 232.98 FEET; THENCE S.36°10'28"E., 85.19 FEET; THENCE S.48°58'34"E., 109.79 FEET; THENCE S.62°39'43"E., 448.71 FEET; THENCE S.45°50'42"E., 121.96 FEET TO THE INITIAL POINT; THENCE ALONG THE BOUNDARY OF LOT 11, "ELK RIDGE ESTATES, PHASE 1" PLAT BOOK 5, PAGE 31, S.45°50'42"E., 121.96 FEET; THENCE S.33°35'57"E., 60.03 FEET TO THE POINT-OF-BEGINNING, CONTAINING 53,697 SQUARE FEET (1.23 ACRES) MORE OR LESS.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 16, 1987  
MICHAEL A. RADEMACHER  
2303

DATE OF SIGNATURE: 9-18-19

EXPIRES: 12/31/2020



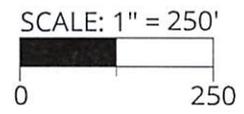


**SITE STATISTICS**

ADDRESS: NO ADDRESS  
 MAP & TAXLOT:5N1W32DB00100  
 JURISDICTION: ST. HELENS, OREGON  
 GROSS SIZE:37.53 ACRES  
 DIMENSIONAL REQUIREMENTS:  
 ZONING: R-7  
 MIN. LOT SIZE:7,000 SF  
 MIN. LOT WIDTH:60', 85' CORNER  
 MIN. LOT DEPTH:85'  
 SETBACKS:  
 FRONT:20'  
 STREET SIDE: 14'  
 SIDE:7'  
 REAR:20'

**SITE NOTE**

SITE MAP HAS BEEN PREPARED USING DATA FROM EXISTING TAX MAPS AND METRO'S RLIS GIS DATA. THIS MAP HAS BEEN PREPARED FOR ILLUSTRATIVE PURPOSES ONLY. ALL BOUNDARY AND DIMENSIONAL INFORMATION SHOULD BE VERIFIED BY A PROFESSIONAL LAND SURVEYOR.



## Scope of Work

The Respondent agrees to perform the following:

1. As part of the approved Remedial Design/Remedial Action Work Plan (RD/RA Work Plan)<sup>1</sup>, Respondent will grade and cap historical solid waste disposal areas of the Property. This work shall include:
  - a. Proposed removal actions, grading plans associated with planned capping efforts and details of the soil cap with demarcation.
  - b. Respondent will delineate, by survey, areas where previously placed solid waste will be capped with soil underlain by demarcation (high visibility geotextile liner).
  - c. Permitting requirements.
  - d. Source of imported soil for cap and characterization, if needed.
  - e. An anticipated schedule of completion of RD/RA Work Plan activities.
  - f. Documentation of RD/RA Work Plan activities in a RD/RA Installation Report.

Respondent shall implement the Work Plan upon DEQ's approval of proposed schedule.

2. Respondent shall prepare a Soil Cap Management Plan (SCMP). This SCMP will detail inspection and maintenance actions required to maintain the integrity of the soil cap necessary to mitigate a potential exposure pathway. Respondent will submit the SCMP to DEQ for review and approval within 60 days of completing the RD/RA Installation Report.
3. Respondent will prepare a Contaminated Media Management Plan (CMMP) establishing procedures for identifying, handling, characterizing, and disposing of potentially contaminated soil or ground water, if encountered, at the Property during future construction and maintenance activities. The CMMP will identify chemical constituents of interest, relevant risk-based comparison standards, analytical methods for waste profiling, procedures for decontamination, site control, stockpiling, transport and disposal, and reporting. Respondent will submit the CMMP to DEQ for review and approval. Respondent will submit the CMMP to DEQ for review and approval within 60 days of completing the RD/RA Installation Report.
4. Respondent shall record one or more Easement and Equitable Servitudes (EES) as required by the order on consent.

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<sup>1</sup> ENW. November 24, 2021. Remedial Design / Remedial Action Work Plan. Historical Landfill (Former Solid Waste Disposal Area and Upland Solid Waste Disposal Cell) at Elk Ridge Estate