

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of an Application by)
Glacier NW for a New Surface Mining) FINAL ORDER NO. 21-2003
Operating Permit)

WHEREAS, on November 21, 2002, Glacier NW submitted an application for a Surface Mining Operating Permit # 05-0076, for Pit F, located approximately 3 miles northeast of Scappoose, adjacent to Glacier NW's existing Pits B and D; and

WHEREAS, on February 3, 2003, said application was deemed complete; and

WHEREAS, prior to submitting the Surface Mining Operating Permit application, the applicant received land use approval to operate a surface mine at the Pit F property, through Ordinance No. 2002-09, "In the Matter of the Application of Northwest Aggregates for a Comprehensive Plan Amendment (PAPA) and a Zone Change from Primary Agriculture (PA-38) and Rural Residential (RR-5) to Surface Mining (SM), and Final Order DR 03-08, "In the Matter of the Application of NW Aggregates Co. for a Site Design Review in the Surface Mining (SM) Zone"; and

WHEREAS, on February 20, 2003, notice of a hearing before the Board of County Commissioners, was mailed to property owners within 250 feet of the site; and

WHEREAS, on March 19, 2003, the Board of County Commissioners opened the public hearing "In the Matter of an Application by Glacier NW for a new Surface Mining Operating Permit #05-0076"; and

WHEREAS, during the hearing, Carla Cudmore, Columbia County Surface Mining Administrator, read the staff report and recommended approval of the Application; and

WHEREAS, during the hearing, Steve Abel, attorney for Glacier NW, spoke in favor of the Application, and no testimony was offered in opposition of the Application; and

WHEREAS, during the hearing, the following evidence was accepted into the record of the decision:

Exhibit 1- County Counsel's File, including:

- A. Notice of Public Hearing (Publication);
- B. Notice of Public Hearing (Property Owner Notice);
- C. Affidavit of Mailing;
- D. Affidavit of Publication;

- E. Operating Permit and Reclamation Plan Application, dated November 20, 2002;
- F. Referral and Acknowledgment, Soil and Water Conservation District;
- G. Referral and Acknowledgment, Port of St. Helens, with attached letter from Mark Greenfield;
- H. Referral and Acknowledgment, County Roadmaster;
- I. Referral and Acknowledgment, County Sanitarian;
- J. Referral and Acknowledgment, City of Scappoose;
- K. Ordinance No. 2002-09;
- L. Final Order DR 03-08;
- M. Board Communication from Todd Dugdale with attachments;
- N. Columbia County Surface Mining Administrator's Report;

Exhibit 2- Recommended language for Condition # 3; and

WHEREAS, having heard testimony, and having received evidence into the record, the Board of County Commissioners closed the record for evidence and testimony, deliberated on the matter and voted to approve Operating Permit #05-0076.

NOW, THEREFORE, IT IS HEREBY ORDERED, as follows:

- A. The Board of County Commissioners adopts the findings of fact and conclusions of law in the Surface Mining Administrator's Report dated February 6, 2003, which is attached hereto as Attachment 1, and is incorporated herein by this reference.
- B. Surface Mining Operating Permit #05-0076 is APPROVED, subject to the following conditions of approval:
 - 1. The Applicant shall submit results of the well monitoring program, to the County on an annual basis.
 - 2. The Applicant shall submit financial security in the amount of \$22,500 for the site for the first year's bond.
 - 3. The financial security bond for the 10 acres of agricultural land must be held for a minimum of 10 years after final reclamation to assure against long term slope stability and subsidence unless the County agrees to some other method to assure slope stability and subsidence, which may include an engineer's certification certifying slope stability in accordance with the reclamation plan demonstrating no substantial subsidence, and that the land can be used for agricultural uses. If such a certification is sought in lieu of holding the bond for 10 years after final reclamation, the Applicant shall comply with any recommendations made by the Engineer.

4. The Applicant shall comply with the requirements of the Columbia County Surface Mining Ordinance.
5. The Applicant shall comply with the conditions of approval as found in Ordinance No. 2002-09, which are attached hereto as Attachment 2, and are incorporated herein by this reference, and with the conditions of approval as found in Final Order DR 03-08, which are attached hereto as Attachment 3, and are incorporated herein by this reference.

DATED this 2nd day of April, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: Sarah Tyson
Office of County Counsel

By: Joe Corsuglio
Chair

By: Joseph W. ...
Commissioner

By: [Signature]
Commissioner

ATTACHMENT 1

Columbia County
Surface Mining Administrators Report

Application for a New Operating Permit #05-0076

Date: February 6, 2002

File Number: #05-0076

Site Name: Pit F

Applicant /Owner: Glacier NW
1050 N. River Road
Portland, OR 97227

Contact: Erik Muller - Glacier, Steve Abel - Stoel Rives

Site Location: Located approximately 3 miles northeast of Scappoose, adjacent to the current pits B and D. Access is from Hwy. 30 to West Lane Road to N. Honeyman Road through Pit B.

| Tax Account Number | Original Zoning | Acres Permitted | Acres in Tax Lot |
|---------------------------|------------------------|------------------------|-------------------------|
| 4131-040-1800 | RR-5 | 10.00 | 16.51 |
| 3106-020-101 | RR-5 | 2.0 | 2.0 |
| 3106-020-100 | PA-38 | 1.80 | 5.5 |
| 3106-020-200 | RR-5 | 0.87 | 0.87 |
| 4100-000-100 | RR-5 | 2.99 | 371.59 |

Current Zoning: Surface Mining of portions of the tax lots to be permitted

Size: 17.66 acres

Request: To begin a new surface mining operation in a surface mining zone, using Article V Section 5.1 of the Columbia County Surface Mining Ordinance

Application Complete: 2/03/03

Basic Facts:

Glacier NW submitted an application for a new operating permit at the Pit F location. The applicant is requesting an operating permit for the 17.66 acres located in portions of five separate tax lots, of which the portions to be permitted are all zoned SM. The applicant has completed the County's Surface Application for Surface Mining Permit and submitted a

Attachment A

Reclamation Plan per Article V of the Surface Mining Ordinance.

This site is adjacent to the current mining operation known as Glacier Pits B and D. It is a natural progression of the current operation and will "square up" the existing pit. The site is currently occupied by one rental house, vacant agricultural land and an oak woodlot. A zone change for this site was approved by the Board of Commissions (BOC) on October 30, 2002.

Pit F is comprised 17 acres, 13 acres of which will be actively mined, and ten of which will be mined to the extent of creation of open water. The final land use is for agricultural land, but the BOC has allowed Glacier the right to reclaim an equivalent amount of surface land in a location in either Pits B, D, or F, resulting in no net gain in water surface area. Glacier's reclamation plan indicates the 10 acres will be located on the west wall in Pit B. Reclamation of the agricultural land will be completed three years following completion of the mining.

Inspection and Reclamation Plan Summary:

An inspection of the area was conducted on December 15, 2002 with Mark Tugas, site manager and Matt Laird LDS staff. The site is adjacent to the current Pits B and D and will be a natural progression of the current mining activity. Approximately 10 acres of the site will be mine below the water level.

The area to be mined is free of wetlands, surface water, and natural drainages. Nothing of concern was noted during the site inspection. Current site berms surround the existing pit will be extended to include the Pit F area. Top soil will be removed and stored on site in the perimeter berms. The stockpiled soils along with imported soil will be used to complete the final reclamation on site.

The site will be mined in the same manner as the adjacent Pits B and D using a drag line. The soils will be stripped and stockpiled, then mined with the drag line taking the majority of the site to a depth of 75 feet below the water surface. Side slopes and in-water slopes are being graded to regulatory standards. The surface of the 17 acres of Pit F will include ten acres of open water and seven acres of reclaimed side slopes. The ten acres of reclaimed agricultural land will be located on the west side of Pit B. The existing conveyor system on site will be extended into Pit F where the aggregate will be loaded and moved to the main processing facility at Pit A. No processing will be conducted on site. Additionally no blasting will occur on site.

The reclamation cross-sections for the ten acres of agricultural post-mining land use indicates an approximately 20 foot near horizontal bench extending at water level from the ten acre fill into the water, then 2:1 slopes extending out to the intersection with the pit floor (approximately 50' below the water surface).

In the Reclamation Plan, Section R Reclamation Procedures 1D Glacier has stated:

"The 10 acre site will be reclaimed by casting fill into the pond. As the fill is cast it will settle forming an embankment at the materials' angle of repose (which according to the submitted cross-sections is 2:1). In an underwater condition there are no practical

measures to reinforce this slope or grade the material at a lesser slope." "If settlement or slope failure do occur, Glacier will be responsible for maintaining 10 acres of land that are suitable for agriculture".

There are methods available to for creating stable lands. One viable although costly option is de-watering the pit or a portion of the pit, then placing and compacting fill with a suitable side slope. The method of fill that is being purposed by Glacier NW is less expensive, but has greater chance of slope failure or subsidence. Due to this I believe Columbia County should hold bond on this area for a minimum of 10 years after the final reclamation is done to assure that "...Glacier will be responsible for maintaining 10 acres of land that are suitable for agriculture."

Review Criteria/Findings:

The following sections of Articles V, VI, VII, and VIII of the Surface Mining Ordinance are pertinent to this application:

Article V, Section 5.2 - Each application for a new operating permit for surface mining shall be accompanied by an application fee of \$900.

Finding 1: \$900 application fee was submitted with the application

Article V, Section 5.3 - Each application for a new operating permit for surface mining shall include the information listed in Section 5.3 and whatever additional information the Administrator requires or the applicant deems relevant.

Finding 2: The applicant has supplied the information requested in Section 5.3 including but not limited to landowner information; parcel size and legal description; aerial photo and maps; access road location; processing, excavation and stockpile locations; estimated quantity of mineral extraction; mining methods; contaminate and erosion control methods; and site screening.

Article VI, Section 6.1 - Each application for a new operating permit for surface mining shall include a reclamation plan for the operating permit. Each plan must include the items listed in Section 6.1 (1 -19) of the surface mining ordinance.

Finding 3: The applicant has supplied a reclamation plan with the information requested in Section 6.1 including but not limited to the present and proposed uses of the property; details of the reclamation activities; protection of the public from steep banks, and other mining hazards; protection of natural drainages, water management plan, reclamation time schedule; slope stabilization; revegetation techniques; visual screening; and the removal of all refuse.

Article VII, Section 7.1 - Financial Security Requirement

Finding 4: The applicant has agreed to posting \$22,500 for the first five acres of affect

(year 1) of financial security for the reclamation of this site prior to the operating permit being issued. Each year as additional areas are affected \$4,000 per acre is required for a total of \$70,500 for the entire 17 acre permit and as portions of the permitted area are reclaimed the bond can be released. The applicant has not however agreed to staff's recommendation that the bond for the ten acres of agricultural land must be held for a minimum of ten years after final reclamation to better assure against long term slope stability and subsidence or, some other agreed upon method of long term assurance.

Article VIII Section 8.8 Water Quality requires that the "...operator shall not cause contamination of groundwater..."

Finding 5: The applicant has supplied the well owner within 300' of the permit boundary an opportunity to sample the well water on a quarterly basis and on a yearly basis inspect the well to assure that water quality is maintained.

Results of the public comment period:

The public or governmental body comments received during the public comment period (over March 6, 2003) were from the City of Scappoose and the County Sanitarian with no objection to the application as submitted; the County Road Master with the comment that Glacier needs to comply with the previous agreement for road improvements to West Lane Road; and the Surface Mining Advisory Committee which voted to recommend approval of the permit, and also recommended that no financial security be required.

Conclusion and recommended permit conditions:

This application for an 17 acre operating permit should be approved following permit conditions:

1. Submit to the County results of the well monitoring program on an annual basis.
2. Submittal of a financial security in the amount of \$22,500 for the site for the first years bond.
3. The financial security bond for the 10 acres of agricultural land must be held for a minimum of 10 years after final reclamation to better assure against long term slope stability and subsidence or, some other agreed upon method of long term assurance.

ATTACHMENT 2

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

| | | |
|--|---|-----------------------|
| In the Matter of the Application of |) | |
| Northwest Aggregates for a Comprehensive |) | |
| Plan Amendment (PAPA) and a Zone |) | |
| Change from Primary Agriculture (PA-38) |) | Ordinance No. 2002-09 |
| and Rural Residential (RR-5) to Surface |) | |
| Mining (SM) |) | |

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2002-09.

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to ORS 203.035, 215.050, 215.060, 215.223, and 197.610 to 197.615.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to approve the application of Northwest Aggregates (hereinafter referred to as "the Applicant" or "Glacier"), for a Post Acknowledgment Plan Amendment (PAPA) to amend the Columbia County Comprehensive Plan Map from Agricultural Resource and Rural Residential to Mineral and Aggregate Resource and the Zoning Ordinance Map from Primary Agriculture (PA-38) and Rural Residential (RR-5) to Surface Mining (SM). The Major Map Amendment would allow wet mining of Pit F, at the Meier Site outside of the City of Scappoose, by the Scappoose Airport.

SECTION 4. HISTORY

The Applicant manages the existing Santosh mining operation outside the City of Scappoose, including four mining pits known as Pits A, B, C and D. The main gravel plant and Pits A and C operate in a surface mining zone north of Honeyman Road. Glacier extracts aggregate from Pits B and D under a 1988 conditional use permit in a forest agriculture zone, south of Honeyman Road. Pits B and D are adjacent to the property proposed to be used for the wet mining operation (Pit F).

On November 9, 2000, the Applicant applied for a PAPA requesting a Major Map Amendment and Zone change which would authorize dry mining on 434 acres known as the Meier property. The application was deemed complete on December 10, 2000. The Applicant signed a waiver of the 180 day requirement on April 12, 2001. The application was subsequently amended by the Applicant, reducing the zone change request to an approximately 17 acre portion of the Meier property known as Pit F, and the matter was set for a hearing before

the Columbia County Planning Commission. On July 15, 2002, the Columbia County Planning Commission held a hearing on the matter. After hearing testimony and receiving evidence, the Planning Commission closed the hearing, leaving the record open for additional written evidence and testimony and continued the matter for deliberation to August 19, 2002. On August 19, 2002, the Planning Commission deliberated on the matter and voted to recommend approval of the application to the Board of County Commissioners.

On October 9, 2002, the Board of County Commissioners held a hearing in the matter. The Board voted to hear new evidence and testimony. Thereafter, the Board heard testimony and received evidence into the record. The evidence listed in Attachment A, which is attached hereto and is incorporated herein by this reference, was received into the record. Having heard testimony and received evidence, the Board voted to tentatively approve the application.

SECTION 5. FINDINGS.

- A. The Board of County Commissioners adopts findings 1-3, 7-14, 16, 18, 21-23, 25, 27-46, 48-50, 52-53, 55, 59-62, and 64-65, contained in the Staff Report of the Department of Land Development Services to the Board of County Commissioners, a copy of which is attached hereto as Attachment B, and is incorporated herein by this reference.
- B. The Board of County Commissioners adopts Supplemental Findings which are attached hereto as Attachment C, and are incorporated herein by this reference.

SECTION 6. AMENDMENT AND AUTHORIZATION.

A. The official Comprehensive Plan Map designation shall be amended as follows for each tax lot. The area of each tax lot, or portion thereof, to be changed is more particularly described in Attachment D, which is attached hereto and is incorporated herein by this reference:

1. Tax Lots 3106-020-00200, 3106-020-00101, 4100-000-00100, and 4131-040-01800, from Rural Residential to Mineral and Aggregate Resource;
2. Tax Lot 3106-020-00100 from Agricultural Resource to Mineral and Aggregate Resource.

B. The official the Zoning Ordinance Map designation shall be amended as follows for each tax lot. The area of each tax lot, or portion thereof, to be changed is more particularly described in Attachment D, which is attached hereto and is incorporated herein by this reference:

1. Tax Lots 3106-020-00200, 3106-020-00101, 4100-000-00100, and 4131-040-01800, from Rural Residential (RR-5) to Surface Mining (SM);
2. Tax Lot 3106-020-00100 from Primary Agriculture (PA-38) to Surface Mining (SM).

C. The Comprehensive Plan Map and Zoning Map amendments are approved subject to the following conditions:

For purposes of these conditions of approval, "the Applicant" shall include the current or future record owner(s) of Pits B, D, and F.

- 1) The Applicant shall pay to the County \$60,000.00 in cash and usable rock for road improvements to West Lane Road. The Director of the Columbia County Road Department shall make a written determination of the amount of rock from the Meier pits (Pits A-F) that will be useful in the planned improvements to West Lane Road. Prior to mining Pit F, the Applicant shall provide to the County, the amount of rock as the Director determined, which shall be valued at the then current market rate. The value of the usable rock supplied by the Applicant shall be deducted from the \$60,000.00 road improvement fee. Any remaining fee shall be paid to the County prior to the commencement of mining of Pit F. The Applicant may continue to allow truck traffic to use the North bound access to Hwy 30 from West Lane Road and Southbound access to Hwy 30 from Columbia Blvd., until access to Hwy 30 from Crown-Zellerbach road is completed, at which point, Applicant shall ensure that truck ingress and egress shall be made at the intersection of Hwy 30 and Crown Zellerbach Road, unless the intersection or roads are impassible due to emergency or other conditions.
- 2) Prior to mining the Pit F site, the Applicant shall provide evidence that they have submitted FAA Form 7460-1 "Notice of Proposed Construction or Alteration" to the Oregon Department of Aviation and to the FAA and have received a favorable finding that the proposed wet mining will not create unacceptable hazards to aviation. The Applicant shall also provide evidence that they have complied with any recommendations of the FAA or Oregon Department of Aviation to mitigate any such hazards, as follows:
 - A) The water impoundments shall have steep banks as outline in the Applicant's Wildlife Management Plan.
 - B) Tall trees shall be controlled on the banks of the impoundment in order to prevent possible starling roosts.
 - C) Aquatic vegetation shall be controlled so that ducks and other waterfowl are not given the possible food sources associated with aquatic vegetation.
 - D) Existing impoundments (Pits B, D) and/or Pit F, shall be filled with an amount of overburden and spoils equivalent to materials removed from Pit F, as outlined in the Applicant's Wildlife Management Plan to mitigate the total water surface available to birds.
 - E) The Applicant shall move the outflow for spoils to the Pit F area to keep the water in Pit F turbid , and thereby less attractive to birds.

- F) If a population of resident Canada geese develops, the Applicant shall engage in population management measures, including egg addling and/or capture.
 - G) If bird concentrations become a problem, the Applicant shall coordinate with the Federal Aviation Administration and/or Oregon Department of Aviation in an effort to provide mitigation for the entire water impoundment of which Pit F represents just a portion. Consideration shall be given to mitigation measures such as grid wires, fish control, floating balls and on-site hazing of birds by humans. In such circumstances, the Applicant would not be responsible to identify funds to implement such methods, but the Applicant shall provide unrestricted access to the agencies or their agents for bird control purposes.
- 3) The Applicant shall reclaim the Pit F site in accordance with County standards. The required post mining use shall be agricultural use. As part of reclamation requirements for Pit F, the Applicant shall comply with the following requirements:
- A) Within 3 years of completion of mining Pit F, the Applicant shall fill Pits B, D and/or F with an amount of surface land equivalent to that removed from Pit F. Fill shall be compatible with future agricultural use.
 - B) Prior to issuance of an operating permit for Pit F, Applicant shall submit a scaled aerial photo accurately depicting the areas in Pits B, D, and F covered by land and water impoundments.
 - C) Prior to mining, the Applicant shall obtain an operating permit for Pit F, including bonding, as required to satisfy the requirements of the Columbia County Surface Mining Ordinance.
 - D) The Applicant shall make a good faith effort to fully reclaim Pits B, D and F for agricultural use within 40 years from the date that mining is completed on Pit F.
- 4) The Applicant shall submit a comprehensive plan amendment and zone change application to return the site back to an agricultural zoning designation once final reclamation of the site has been completed.
- 5) The Applicant shall plant grass and low growing trees every 50' along the South and East boundaries of the site.
- 6) The Applicant shall surface the access road with gravel.
- 7) The Applicant shall water the access road to control dust as needed.
- 8) The Applicant shall post a 10-mph speed limit for all on-site vehicles.
- 9) The Applicant shall spray water on the conveyor at all transfer points.

- 21) The Applicant shall, prior to mining Pit F, record in the Columbia County Deed Records, a covenant, as described in Section 4 of the Memorandum of Understanding dated November 29, 2001, by and between Glacier Northwest, Inc., Northwest Aggregates Co., Elizabeth K. Johnson, the Port of St. Helens, the City of Scappoose, and Transwestern Aviation.

DATED this 30th day of October, 2002.

Approved as to Form

By: Sarah Tyson
Office of County Counsel

Recording Secretary

First Reading: 10-9-02
Second Reading: 10-30-02
Effective Date: 1-28-03

By: Jan Greenhalgh
Jan Greenhalgh, Recording Secretary

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Anthony Hyde, Chair

By: [Signature]
Joe Corsiglia, Commissioner

By: [Signature]
Rita Bernhard, Commissioner

BEFORE THE PLANNING COMMISSION
COLUMBIA COUNTY, STATE OF OREGON

COLUMBIA COUNTY

Site Design Review

MAR 26 2003

COUNTY COUNSEL

In the Matter of the Application of)
NW Aggregates Co.)
for a Site Design Review in the)
Surface Mining (SM) Zone)

Final Order DR 03-08

This matter came before the Columbia County Planning Commission on the application of Northwest Aggregates Co.(a.k.a. Glacier NW; Lonestar), owner of the subject property. The applicant has requested approval of a site design review application for aggregate mining on an approximately 17 acre site known as Pit F. The property is not within an urban growth boundary and is currently zoned (SM) Surface Mining.

The subject property is located one mile northeast of the City of Scappoose, off Honeyman Road, at the northeast corner of the Scappoose Airpark, between Moor Road and Freeman Road. The proposed Pit F is adjacent to the Existing Glacier NW Pits B and D. The property is further described on the Assessor's records as tax account number 3106-020-00100/101/200, 4131-040-01800, and 4100-000-00100.

A public hearing was held on January 6, 2003. The Planning Commission heard testimony from the applicant and all interested parties, and considered all written materials submitted and the Planning Commission staff report.

The Planning Commission hereby adopts the findings and conclusions in the Staff Report (DR 03-08), and orders this application for a Site Design Review **APPROVED** with the following conditions:

Conditions of Approval:

For purposes of these conditions of approval, "the Applicant" shall include the current or future record owner(s) of Pits B, D, and F.

1. The Applicant shall pay to the County \$60,000.00 in cash and usable rock for road improvements to West Lane Road. The Director of the Columbia County Road Department shall make a written determination of the amount of rock from the Meier pits (Pits A-F) that will be useful in the planned improvements to West Lane Road. Prior to mining Pit F, the Applicant shall provide to the County, the amount of rock as the Director determined, which shall be valued at the then current market rate. The value of the usable rock supplied by the Applicant shall be deducted from the \$60,000.00 road improvement fee. Any remaining fee shall be paid to the County prior to the commencement of mining of Pit F. The Applicant may continue to allow truck traffic to use the North bound access to Hwy 30 from West Lane Road and Southbound access to Hwy 30 from Columbia Blvd., until access to Hwy 30 from Crown-Zellerbach road is completed, at which point, Applicant shall ensure that truck ingress and egress shall be made at the intersection of Hwy 30 and Crown Zellerbach Road, unless the intersection or roads are impassible due to emergency or other conditions.

2. Prior to mining the Pit F site, the Applicant shall provide evidence that they have submitted FAA Form 7460-1 "Notice of Proposed Construction or Alteration" to the Oregon Department of Aviation and to the FAA and have received a favorable finding that the proposed wet mining will not create unacceptable hazards to aviation. The Applicant shall also provide evidence that they have complied with any recommendations of the FAA or Oregon Department of Aviation to mitigate any such hazards, as follows:
 - A) The water impoundments shall have steep banks as outline in the Applicant's Wildlife Management Plan.
 - B) Tall trees shall be controlled on the banks of the impoundment in order to prevent possible starling roosts.
 - C) Aquatic vegetation shall be controlled so that ducks and other waterfowl are not given the possible food sources associated with aquatic vegetation.
 - D) Existing impoundments (Pits B, D) and/or Pit F, shall be filled with an amount of overburden and spoils equivalent to materials removed from Pit F, as outlined in the Applicant's Wildlife Management Plan to mitigate the total water surface available to birds.
 - E) The Applicant shall move the outflow for spoils to the Pit F area to keep the water in Pit F turbid , and thereby less attractive to birds.
 - F) If a population of resident Canada geese develops, the Applicant shall engage in population management measures, including egg addling and/or capture.
 - G) If bird concentrations become a problem, the Applicant shall coordinate with the Federal Aviation Administration and/or Oregon Department of Aviation in an effort to provide mitigation for the entire water impoundment of which Pit F represents just a portion. Consideration shall be given to mitigation measures such as grid wires, fish control, floating balls and on-site hazing of birds by humans. In such circumstances, the Applicant would not be responsible to identify funds to implement such methods, but the Applicant shall provide unrestricted access to the agencies or their agents for bird control purposes.
3. The Applicant shall reclaim the Pit F site in accordance with County standards. The required post mining use shall be agricultural use. As part of reclamation requirements for Pit F, the Applicant shall comply with the following requirements:
 - A) Within 3 years of completion of mining Pit F, the Applicant shall fill Pits B, D and/or F with an amount of surface land equivalent to that removed from Pit F. Fill shall be compatible with future agricultural use.

- B) Prior to issuance of an operating permit for Pit F, Applicant shall submit a scaled aerial photo accurately depicting the areas in Pits B, D, and F covered by land and water impoundments.
 - C) Prior to mining, the Applicant shall obtain an operating permit for Pit F, including bonding, as required to satisfy the requirements of the Columbia County Surface Mining Ordinance.
 - D) The Applicant shall make a good faith effort to fully reclaim Pits B, D and F for agricultural use within 40 years from the date that mining is completed on Pit F.
4. The Applicant shall submit a comprehensive plan amendment and zone change application to return the site back to an agricultural zoning designation once final reclamation of the site has been completed.
 5. The Applicant shall seed grass along the berms and plant low growing trees (Poplar and Spirea) every 12 feet along the South and East boundaries of the site.
 6. The Applicant shall surface the access road with gravel.
 7. The Applicant shall water the access road to control dust as needed.
 8. The Applicant shall post a 10-mph speed limit for all on-site vehicles.
 9. The Applicant shall spray water on the conveyor at all transfer points.
 10. The Applicant shall water all disturbed areas during dry-weather operations when bulldozers and/or front-end loaders are operating.
 11. The Applicant shall store overburden as vegetated berms.
 12. The Applicant shall construct berms along the East and South site boundaries.
 13. The Applicant shall wash away any dust or mud tracked onto Honeyman Road as needed.
 14. The Applicant shall limit hours of operation to 7:00 a.m. to 6:00 p.m., Monday through Sunday.
 15. The Applicant shall construct a visual berm to the height of 12 feet along the East and South boundaries of the site, to match the existing berm along Moore Road.
 16. The Applicant shall observe minimum setbacks of 50 feet to the east and 200 feet to the south.

17. The Applicant shall not allow stormwater to be discharged offsite.
18. The Applicant shall not store fuels or other contaminants onsite.
19. The Applicant shall stop all excavation if cultural resources are discovered on the site.
20. The Applicant shall construct and maintain berms along edges of the mining area as specified in the proposed mining plan.
21. The applicant shall, prior to mining Pit F, record in the Columbia County Deed Records, a covenant, as described in Section 4 of the Memorandum of Understanding dated November 29, 2001, be and between Glacier Northwest, Inc., Northwest Aggregates Co., Elizabeth K. Johnson, the Port of St. Helens, the City of Scappoose, and Transwestern Aviation.
22. The applicant shall apply for a new address for the Glacier NW office at the Santosh Processing Facility.

(This permit shall become void 2 years from the date of the final decision if development has not begun on the property. Extensions of time may be granted by the Planning Director if requested in writing before the expiration date and if the applicant was not responsible for the failure to develop.)

COLUMBIA COUNTY PLANNING COMMISSION



JEFFREY VANNATTA, CHAIRMAN



DATE

GH/Matt Laird/mos

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cc: Steve Abel @ Stoel Rives, LLP
File