

In the Matter of an Application by Morse)
 Bros. Inc. for a New Surface Mining Operating) FINAL ORDER NO. 39-03
 Permit (#05-0078) at the Waterview Site)

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3. The applicant shall comply with conditions of approval from Final Order AR 03-03, Final Order AR 03-01 and Final Order DR 03-07, as set forth in Attachment 2, which is attached hereto and is incorporated herein by this reference.

DATED this 4th day of June, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: Sarah Tyson
Office of County Counsel

By: not present
Chair

By: Debra M. Hernandez
Commissioner

By: [Signature]
Commissioner

**Columbia County
Surface Mining Administrators Report**

Application for a New Operating Permit #05-0078

Date: May 6, 2003

File Number: #05-0078

Site Name: Waterview Processing Site

Applicant /Owner: Morse Bros. Inc.
32260 Old Highway 34
Tangent, OR 97389

Contact: Jeff Steyaert, Tim Marshall - HCS Group, LLC

Site Location: The site is located between the Columbia River and Highway 30, across from the Coastal St. The Surface Mining Advisory Committee voted to recommend approval of the Reichhold operating permit at the January 22, 2003 meeting. Due to scheduling problems a letter discussing the proposed bonding rates was sent to each SMAC member requesting any comments. Only one comment was received which stated that they had no problems with the proposed bonding rates. The Surface Mining Advisory Committee voted to recommend approval of the Reichhold operating permit at the January 22, 2003 meeting. Due to scheduling problems a letter discussing the proposed bonding rates was sent to each SMAC member requesting any comments. Only one comment was received which stated that they had no problems with the proposed bonding rates. Helens Chemical plant approximately ½ mile northwest of the City of Columbia City.

Tax Account Number	Tax Lot Size	Acres Permitted
5117-000-00200	46.91	6.70
5116-000-00300	92.79	71.34
5116-000-00301	12.49	7.33
5116-000-00201	21.49	1.25
<u>5121-000-00100</u>	<u>26.18 Acres</u>	<u>9.40</u>
Tax Project Total =	± 199.86 Acres	Project Tax Lot Area = ± 97.00 Acres

Current Zoning: (RIPD) Resource Industrial Planned Development (portions to be mined)

Size: 97 acres

Request: To obtain a new surface mining operating permit using Article V Section 5.1 of the Columbia County Surface Mining Ordinance to begin an aggregate processing and distribution facility. The processing facility will consist of aggregate washing, screening, and crushing; with distribution capabilities involving transport by conveyor, truck, barge and rail. The applicant has completed the County's Surface Application for Surface Mining Permit and submitted a Reclamation Plan per Article V of the Surface Mining Ordinance.

Application Complete: 12/17/02

Basic facts:

This site has had a long history of dredge sand storage from various Army Corps of Engineers Columbia River dredging activities. Most recently, Morse Bros. Inc. (MBI) has been selling sand from the site. At one time there also was a private fish hatchery located north of the Coastal Chemical dock road. All that remains of the hatchery are some open concrete tanks. Portions of the site are also mature cottonwood /ash woodlands, some locally significant wetlands that will not be impacted and mature fir/oak forest on the terrace slope from Hwy. 30 into the main part of the site. The applicant Morse Bros. Inc. is proposing to utilize this site as its center of processing and distribution for the proposed Reichhold site and possible the other sources as well including the Watters Quarry. There will be no mining on this site. The majority of the material processed at this site will come from the proposed Reichhold site via a tunnel under Hwy 30. near the northwest corner of the site. No Ready mix concrete or asphaltic concrete batch plants are proposed with this project.

Inspection summary:

An inspection of the area was conducted on December 13, 2002 with Jeff Steyaert, Brian Gray and Tim Marshal representing MBI and Matt Laird and Glen Higgins from Columbia County Land Development Services. The aggregate site is located on the east side of Hwy. 30 adjacent to the Columbia River, just north of Columbia City. The site has very good visual barriers from Hwy.30 from a combination of the existing mature forest and topographic differences. It is important that this existing vegetation be maintained to the extent practical not only for visual barriers but also to reduce dust and noise migration from the site. The site is situated so that the majority of it is lies approximately 60' below the level of Hwy. 30. in the flat floodplain. Below this the narrow floodway that consists predominantly of the beach along the river. This area will only be affected by pilings for the conveyors and the dock that will consist of several dolphins set in the river connected to the aerial conveyor belt. Barges will be secured to the dolphins and filled with aggregate via the conveyor. The dock is generally located between the Coastal Chemical dock to the north and the Port of St. Helens dock to the south . The only planned activities for the upper elevation visually accessible to Hwy. 30 includes an office in an existing on site building,

rail loading facility and the conveyor access point from the Reichhold site. The rail loading and conveyor crossing points need to be visually shielded from Highway 30 as well as for dust. A dust management program has been submitted.

The only existing buildings near the site are three houses, all of which will be purchased by Morse Bros. upon approval of the permit. One will be used by Morse Bros. As their office, the remaining two are rented to tenants with the understanding that they will consent to all mining processing and distribution activities on the site.

The majority of the site is within the Columbia River floodplain. The proposed site plan does include fill within the floodplain, however, the applicant's hydraulic analysis of the site found that it would have no negative impact on the Columbia River Floodplain. The site also contains jurisdictional wetland that have been delineated on the site located in the north portion of the site and along the river's edge. The applicant has submitted a wetland delineation of the site and has designed the project to avoid the wetlands, except for two support structures that allow the aerial conveyor belt to cross the northern wetlands and connect with the processing plant at the south end of the site. Vegetation on the subject property is primarily mixed forest around the perimeter of the site with riparian tree species located along the river.

Review Criteria/Findings:

The following sections of Articles V, VI and VII 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 \$10,000 of financial security for the reclamation of the site prior to the operating permit being issued. A \$10,000 bond for an extraction site of this site would be far too little, but this site is unique in that no excavation will take place. Morse Bros. has pointed out and the Surface Mining Administrator is in agreement that the final land use of RIPD is in line with the processing activities on site. If the equipment is left on site it could be sold or scrapped for metal at no cost to remove. The base rock for the crusher would be used by the next industrial user. The \$10,000 bond would be for final cleanup issues such as removing footings and disposal of any waste oil drums or materials that must be landfilled.

Results of the public comment period:

No public or governmental body comments were received during the public comment period.

Conclusion and recommended permit conditions:

This application for an 202 acre operating permit should be approved with the following permit conditions and submittal of a financial security in the amount of \$10,000 for the site.

Approval of the Surface Mining Operating Permit is assuming all Conditions included in the Conditions of Approval as approved for the Site Design Review and for the Use Permitted Under Prescribed Conditions in the RIPD Zone processes are included.

Attachments:

1. Vicinity Map
2. Overview of Mining Operations
3. Planning Commission Final Order-Use Under Prescribed Conditions
4. Planning Commission Final Order-Design Review

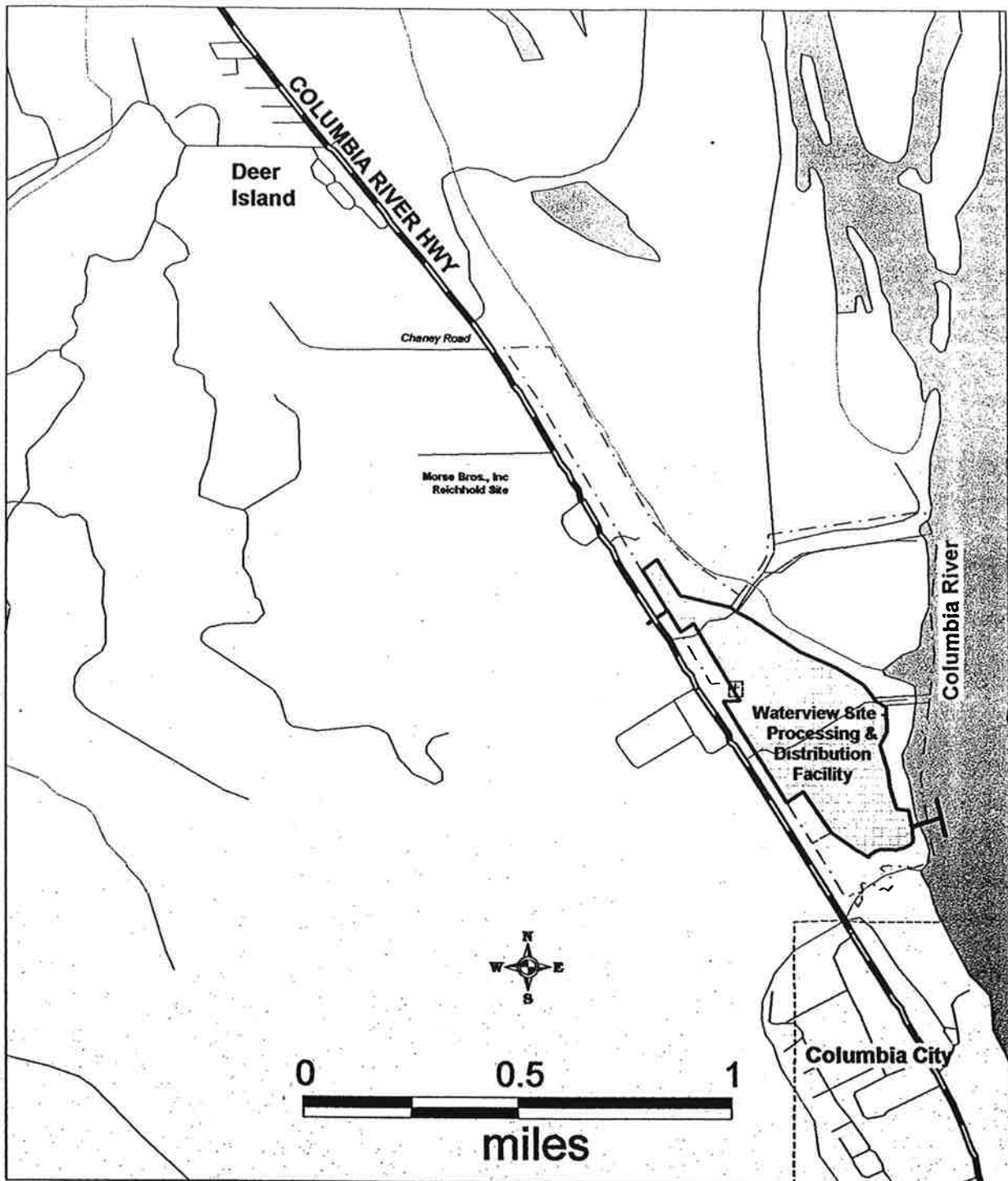


Figure 1. Vicinity Map

**Morse Bros., Inc.
Waterview Processing &
Distribution Facility
Operating Permit Application**

Nov-2002

Operations Overview – Waterview Aggregate Processing and Distribution Site

Before Processing Begins

Proposed operations on the Waterview Site (Site) (approximately 97 acres outlined within the subject parcels) include conveying rock from the Morse Bros., Inc. 'Reichhold' mining site located on the west side of Highway 30, importing rock from other locations as needed, processing the rock into aggregate based products, and distributing the products to the market via trucks, barges, and rail cars. At the start of operations, the entrance roadway will be modified, a dock and drive-over hopper with a conveyor to load barges will be constructed, a gravel pad will be constructed for the processing facility, and a conveyor will be installed to move rock from the Reichhold mining site. The Site is naturally suited for such an operation being largely screened from the public by existing topography and vegetation.

Rock Conveying

The rock conveyor will connect to the Reichhold mining site from the northern portion of the proposed operating permit area via a tunnel underneath the railroad and the highway. The conveyor will extend southeast across a private road owned by Coastal St. Helens Chemical (Dike Road) to a field conveyor installed on constructed fill. The area is to be filled to an elevation of 23 feet above mean sea level (amsl), because the 100-yr floodplain elevation is 22 feet amsl for this location. The constructed path for the conveyor and maintenance access road is not located over any jurisdictional wetlands (see Figure 5b). The conveyor will cross some wetlands, but they will be elevated and support structures for the conveyor will not require excavation of more than 50 cubic yards of material to install.

The field conveyor will extend south across the dredge sand stockpile area (see Figure 5) and across another private road owned by Coastal St. Helens Chemical (Dock Road) to the surge pile supplying rock to the processing facility.

The hours of operation of the field conveyor will be limited to the operating hours of the mining at the Reichhold site, which are from 7:00 a.m. to 6:00 p.m..

Rock Importing

Pit-run rock may be delivered from other locations to the processing facility as needed. An example of a potential location for rock is the Morse Bros., Inc. Watters Quarry in St. Helens. The import of rock other than from the Reichhold mining site will be determined by market demand, and eventually by the exhaustion of the Reichhold reserves, estimated to be at least 20 years in the future.

Imported rock will be delivered by truck or rail to the surge pile serving the processing facility. At such time that imported rock becomes a large enough fraction of the operation to warrant it, a drive-over hopper will be utilized to receive the rock from other locations and convey it to the surge pile for processing.

Aggregate Processing

The processing facility layout is shown on Figures 4 and 5. The general process for the rock will be to separate the oversize rock (>3 in.) from the smaller material. The oversize rock will be transferred to another surge pile to feed the dry processing side of the facility. The wet side of the facility will process the smaller-size fraction of the rock into the necessary products by washing, crushing, and screening into the aggregate sizes demanded by the market. The different aggregate products will be conveyed into stockpiles awaiting distribution to the customers. To allow for this facility to meet the varying demands of the market and the unpredictable schedules of barge and rail transportation, operating hours are requested to be 24-hours per day, seven days per week, and 365 days per year.

The dry side of the facility will utilize crushers to break the oversize rock into the various sized fractions for crushed rock products demanded by the market. The crushed rock will be screened into the various size products and conveyed to stockpiles awaiting distribution to the customers. To allow for this facility to meet the varying demands of the market and the unpredictable schedules of barge and rail transportation, operating hours are requested to be 24-hours per day, seven days per week, and 365 days per year.

The administrative office for the Site will be located in a house on the upper terrace. It is currently referred to as Coastal Chemical's lodge facility, where they use it for meetings and training. Morse Bros., Inc. will acquire this house and the other two located adjacent to the 'lodge'. This will preclude having dissatisfied neighbors to the industrial operation.

There is ample space for the processing facility to expand with additional stockpiles toward the river within the operating permit area by filling some of the land that is below the 100-yr floodplain. Hydraulic analyses have been conducted relative to the potential fill on the Waterview Site with no impact to the Columbia River flood elevations (See Exhibit 4). The filling of these areas does not impact any wetlands and will be done as needed to accommodate the necessary operations.

Product Distribution

The stockpiled inventory of aggregate products will be delivered to the market via barges, trucks, and/or rail. The aggregates will be transported to the barge loadout facility near the south end of the property. Rock will be conveyored from a loading hopper to the dock on the Columbia River and discharged onto a waiting barge.

Local deliveries of the aggregate products will be accomplished with dump trucks operated both by Morse Bros., Inc. and mostly by independent contractors. The trucks will be loaded directly from the stockpiles by a rubber-tired front-end loader. The trucks will exit over the scales for product weight measurement and ticketing for the sale. There is a single entrance/exit connecting the Site to U.S. Highway 30. This entrance/exit will be relocated along with other highway improvements constructed to facilitate safe and efficient ingress and egress of trucks from the Site (see traffic study and report in Exhibit 5).

Aggregates will be delivered to rail-accessible markets by transporting the rock up to the area adjacent to the existing rail siding. The rock will be transferred to railcars by a hopper and conveyor system that can be extended over the siding to load the cars. The rail loadout is approximately centered on the siding allowing the cars to be moved in front of the loadout conveyor without impacting the passage of trains on the main tracks.

Surface Water Management

Highly permeable dredge sands underlie most of the Site on which the processing facility is located. The exterior edges of the processing areas will all be sloped toward the interior of the Site to prevent runoff of sediment laden water. The surface water will be allowed to infiltrate the underlying sands via sedimentation ponds and dry wells where needed. Any surface water that flows onto the Site will be allowed to infiltrate the underlying sands via sedimentation ponds and dry wells where needed. Refer to the stormwater plan included in Exhibit 4.

Reclamation Overview

The Waterview Site is an industrial zoned site with no predicted end of use at this time. It can serve numerous potential markets with the proposed operation as long as raw materials or finished products can be delivered to the Site for distribution. At the end of the aggregate distribution activity, reclamation would consist of returning the Site to a condition suitable for another industrial use consistent with the industrial zone (Resource Industrial Planned Development). The Site would be cleared of all aggregate processing and related equipment. The Site would then be offered for sale to another industrial user as vacant industrial land with an access road and foundation pad (area underlying the processing facility and stockpiles) that is ready for construction. No surface mining operating permit would be necessary at this time.

ATTACHMENT 2

WATerview CONDITIONS OF APPROVAL

For purposes of these conditions of approval, the "applicant" shall include the current or future record owner(s) of the Waterview site.

A. **AR 03-01 (Use Under Prescribed Conditions):**

1. Prior to commencing aggregate processing activities on the site, the applicant shall submit documentation indicating that all required Oregon Department of Transportation (ODOT) approach permits for access have been secured. Also, documentation shall be submitted that ODOT Rail Division has approved the rail crossing improvements.
2. Prior to commencing aggregate processing activities on the site, the applicant shall submit documentation that a new water right from the Columbia River has been approved by State Water Resources Division for industrial use of the property; or, a water use right is secured or transferred from previously granted right.
3. Prior to commencing aggregate processing activities on the site, the applicant shall submit documentation from the Department of Environmental Quality that a WPCF permit has been approved for the rock washing discharge facility, and that an Air Quality Permit has been issued.
4. Prior to using the conference center structure as an office, the applicant shall submit documentation from the County Sanitarian that applicant has authorization to use the existing septic system and the Sanitarian has no concerns with the plan to use portable facilities in the work yard.
5. Prior to commencing aggregate processing activities on the site, the applicant shall submit documentation that a joint permit with the US Army Corp of Engineers and Oregon Division of State Lands for the placement of pilings, dolphins and/or pier has been approved for the barge loading facility.
6. The applicant shall revise setbacks from the Columbia River to 75 feet in lieu of 50 foot setbacks.
7. Prior to commencing aggregate processing activities on the site, the applicant shall meet all conditions imposed under the approval and Final Order for Site Design Review for the Waterview site (DR 03-07).

B. **DR 03-07 (Design Review):**

1. This permit shall become void 2 years from the date of the final decision if development of the aggregate processing facility 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.
2. Prior to commencing aggregate processing activities on the site, the applicant shall submit a revised operating plan that reduces the "River Setback at Dock Conveyor" to 50' wide and increases the setback in this area to 75' from the top bank of the Columbia River. The revised site plan shall also increase the setback to 100' from the top bank of the Deer Island Slough. The setbacks from the Deer Island Slough and McBride Creek shall be marked on the ground with permanent posts.
3. Unless otherwise modified, the applicant shall establish standard operating hours of 7:00 a.m. to 6:00 p.m., Monday through Sunday.
4. Prior to commencing aggregate processing activities on the site, the applicant shall submit a revised operating plan that includes additional fencing in the northwest corner of the site in addition to the fencing that is currently shown. All fencing shall consist of at least a 6' chain link fencing with warning signs posted every 100 feet.
5. In addition to the areas to be replanted in Figure 7, the applicant shall maintain or plant new screening vegetation between the upper rail loadout facility and the lower work area.
6. If the tunnel conveyor belt is visible from the highway, the applicant shall install 6' chain link fencing with slats and vegetation around it.
7. Once the driveway approach has been realigned, the applicant shall install screening vegetation where the old driveway was located, along the new driveway, and west of the dredge spoils area.
8. For newly revegetated areas, the applicant shall, at a minimum, provide screening vegetation spacing and density of two offset rows of trees planted at between 12-25' centers depending upon the canopy size of the specific tree variety. For example, maple trees may be planted at 25' while conifer trees having a smaller canopy shall be planted on 12' centers. Plantings shall, as much as practical, be made with native grass, shrubs and trees. Along the Columbia River newly planted areas shall be 200' wide to match the existing vegetation to remain.
9. The applicant shall plant a diverse mix of native evergreen and deciduous tree species (Douglas-fir, Cedar, Maple) including 50% fast-growing tree species such as Poplar,

Cottonwood and Alder.

10. Prior to commencing aggregate processing activities on the site, the applicant shall have an inspection by the Columbia County Planning Department to ensure that the site is appropriately screened by existing vegetation, that all required vegetation has been planted in the ground and that all required stormwater and erosion control structures are in place, and all traffic improvements are completed.
11. The applicant shall be subject to annual surface mining review pursuant to the Columbia County Surface Mining Ordinance.
12. Prior to beginning any activity on the site, the applicant shall submit documentation indicating that all required Oregon Department of Transportation (ODOT) approach permits for access to Highway 30 have been secured. An ODOT permit is required to perform all work in the highway right-of-way.
13. Prior to commencing aggregate processing activities on the site, the applicant shall submit a revised operating plan indicating the interior road to the office and rail loadout area, the realigned driveway approach, and the dedicated right and left turn lanes for northbound traffic and a dedicated left turn lane for southbound traffic. Also, the revised site plan shall indicate the surface type of all roads and parking area. The main entrance to the facility must be paved with asphaltic concrete for a minimum distance of 300' from the edge of the Highway.
14. Prior to commencing aggregate processing activities on the site, the applicant shall submit documentation indicating they have entered into a lease agreement with ODOT for operation of a conveyor belt underneath the Highway.
15. Prior to commencing aggregate processing activities on the site, the applicant shall submit an exterior lighting plan that includes the location, type, wattage, area of illumination, and specifications of all exterior lights associated with this project. All exterior lighting shall be shielded and focused toward the work area. Exterior lighting is prohibited from shining directly up into the night sky and from illuminating adjacent properties, Highway 30, and the Columbia River, except as necessary to illuminate the barge loadout dock and the rail loadout area.
16. The applicant shall comply at all times with the "Dust Mitigation Plan" for the Waterview Aggregate Processing Site. Additionally, the applicant shall comply at all times with all applicable local, state, and federal air quality rules and permits. Trucks loaded with aggregate material leaving the site shall be either wet or covered.
17. The applicant shall operate the Waterview Aggregate Processing Site in compliance with all applicable DEQ noise standards.

18. Prior to commencing aggregate processing activities on the site, the applicant shall submit a revised stormwater and erosion control (SEC) plan. The new SEC plan shall include a drainage plan for the wash water that will be used on the site. North of the Coastal dock road, the new SEC plan shall indicate the SEC structures have been extended to connect with the Coastal dock road. South of the Coastal dock road, the new SEC plan shall indicate the SEC structures have been extended to the south project boundary line.
19. Prior to excavation of any area on the site the applicant shall submit an archaeological/historical review of that area. The applicant shall stop all work and contact the State Archaeologist and the Columbia County Surface Mining Administrator if any cultural resources are found during development of the site.
20. Prior to commencing aggregate processing activities on the site, the applicant shall submit evidence that sideboards and a dust catch have been installed on the conveyor line where it crosses the wetland area. Besides the conveyor crossing area, no activity is allowed within 50' of any delineated wetland area. The applicant will be required to get a new approval from the Division of State Lands prior to impacting any wetland areas.
21. Prior to commencing aggregate processing activities on the site, the applicant shall submit detailed sign plans that include the specifications of the sign, type, size, dimensions, height, copy face, and exact location on the map. The sign shall be interior illuminated and shall incorporate the address of the site. The sign plans shall also include any interior traffic control/directional signs that may be used on the site.
22. Prior to commencing aggregate processing activities on the site, the applicant shall submit detailed parking plans, that include at least 20 individual parking spaces, one handicap parking space located near the entrance to the office, the size of the spaces, surface type, drainage, exterior lighting, and screening vegetation.
23. Prior to commencing aggregate processing activities on the site, the applicant will be required to pave and stripe the upper parking area associated with the office. The paved parking area shall include one handicap space, marked with a wheelchair symbol and located near the entrance to the office.

C. **AR 03-03 (Request for 24/7 Operating Hours):**

1. **Lighting.** Prior to commencing aggregate processing activities on the site, the applicant shall submit an exterior lighting plan that includes the location, type, area of illumination and specifications of all exterior lights associated with this project. All exterior lighting shall be shielded and focused toward the work area. Exterior

lighting is prohibited from shining directly up into the night sky and from illuminating adjacent properties, Highway 30 and the Columbia River, except as necessary to illuminate the barge loadout dock and the rail loadout area.

2. Noise Monitoring.

- a. Standard. The noise standard for the Waterview site is set by CCZO, Section 1044.8, which incorporates the Department of Environmental Quality (DEQ) standards. The DEQ noise regulations, as amended, are hereby incorporated by reference. Applicant shall comply with these regulations at all times.
- b. Startup. Immediately prior to commencement of operations, the Applicant, at its own expense, shall cause a qualified professional consultant to initiate a noise monitoring study that will record continuous sound measurements for 24 hours per day and 7 days per week. The measurements will be taken at two appropriate locations, the first within the Operating Permit boundary and the other near the residential area of Columbia City closest to the site. The sound measurements shall be reported in a format indicating the L1, L10 and L50 results compared to the respective DEQ standards for the appropriate time frames. Upon receipt of the report, the Applicant shall submit it to the Surface mining Administrator. If the study shows any events with a lack of compliance that were caused by the Waterview operations as indicated by the monitoring readings taken at the boundary of the operation, then Applicant shall submit a plan for compliance with the results, and shall take steps to implement the plan.
- c. Monthly Reports. Applicant shall file reports within 10 days after the end of the month with the Surface Mining Administrator and the Department of Land Development Services showing all previous month's results, the corresponding DEQ standard, and any compliance plan.
- d. Annual Review. The Surface Mining Administrator shall make a noise compliance determination, and shall report such determination to the Board of County Commissioners as part of the annual surface mining permit renewal process. If, after the end of the third full year of operation, there does not appear to be a need for noise monitoring, the applicant may request, and the Surface Mining Administrator is authorized, to terminate the monthly reporting.
- e. DOGAMI Assumption. If the surface mining permitting and monitoring is transferred from Columbia County to the Department of Geology and Mineral Industries (DOGAMI), then, if the Director of DOGAMI is willing to assume the monitoring responsibility, the responsibility hereunder shall be transferred

to said Director. If the Director is not willing to assume monitoring responsibility, then the Planning Director shall receive the reports, make the annual review, and report the results to the Board of County Commissioners.

3. Review. The applicant shall be subject to annual review pursuant to the Columbia County Surface Mining Ordinance.
4. Strobe Lights. From dusk to dawn for all on-site equipment (except for trucks leaving the site), the applicant shall use strobe lights as backup warning devices in lieu of auditory backup devices.
5. 24/7. Applicant may operate its Waterview site 24 hours per day, seven days per week, but shall not conduct any rail loading, aggregate processing or transporting of additional material on site after 8 PM or before 6 AM. Furthermore, applicant shall not apply for a modification of these operating hours until they have operated and monitored the operations for at least one year, as required in Condition 2, herein, and until the County has completed its first 1 year review.
6. Cemetery. Applicant shall cease operation of the Reichhold conveyor and crusher on the Waterview site during the time of any burial ceremony at Kinder Cemetery, provided that the applicant is given at least two days notice of the date, time and duration of the burial.