

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Renewal of	)	
1999-2000, 2000-2001, and 2001-2006	)	<b>ORDER NO. 76-01</b>
Surface Mining Operating Permits	)	
and Limited Exemption Certificates	)	<b>Findings and Conclusions</b>

**WHEREAS**, applications have been received by Columbia County requesting renewal of operating and/or limited exemption permits for a total of 21 surface mining sites in Columbia County, for the permit years July 1, 1999, through June 30, 2000, July 1, 2000, through June 30, 2001, and July 1, 2001, through June 30, 2006, pursuant to Sections 2.9, 4.5, and 5.5 of the Columbia County Surface Mining Ordinance; and

**WHEREAS**, public notice was provided to owners of record within 750 feet of each mine site notifying them of their right to submit written comments regarding the renewal applications to the Board of County Commissioners as is required by ORS 197.195(3) and the Surface Mining Ordinance; and

**WHEREAS**, all landowners within such distance from the subject sites had at least 14 calendar days to submit written comments to the Board of County Commissioners; and

**WHEREAS**, written comments were received on operating permit renewal application #05-0015 for Scappoose Sand & Gravel, from Jerry Mason with Westland Investment Co. regarding noxious weeds on site; and

**WHEREAS**, written comments were received on operating permit renewal application #05-0018 for Morse Bros. from Pam Rensch with the Bachelor Flat CPAC, questioning applications by two operators for the same mining site (Watters site), and about reclamation activities; and

**WHEREAS**, all applications have been reviewed, the sites have been inspected and recommendations have been prepared by the Surface Mining Administrator; said recommendations being based on a determination of compliance with applicable surface mining ordinances and prior conditions of approval; and

**WHEREAS**, the Surface Mining Advisory Committee considered the renewals at its meetings of June 11, 1999, November 9, 2000, and August 29, 2001, and took action supporting the findings and recommendations of the Surface Mining Administrator; and

**WHEREAS**, on May 30, 2001, the Board of Commissioners reviewed operating permit #05-0055 and 05-0072 and decided that Columbia Road and Driveway satisfied the requirements

for operating permit renewal for such permits, voted to tentatively approve such permits, and on June 6, 2001, the Board of County Commissioners signed Operating Permits #05-0055 and #05-0072, and on June 22, 2001, the Board of County Commissioners signed Order No. 62-01 transferring said Operating Permits to Eagle Star Rock Products, LLC; and

**WHEREAS**, at its regular meeting on September 12, 2001, the Board of Commissioners reviewed the requests, considered written comments, and whether each application satisfied the requirements for an operating permit or limited exemption certificate renewal, and voted to approve the applications, with the exception of applications for permit # 05-0005 and #05-0070, which will be considered at a later date;

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

1. The Board of County Commissioners for Columbia County, Oregon, adopts permit conditions as set forth in the Surface Mining Administrator's Summary of Recommended Condition Changes for Operating Permits and Limited Exemption Certificates 1999-2000, 2000-2001, and 2001-2006, with the exception of those conditions for Permit # 05-0005 and # 05-0070. A copy of said Summary is attached hereto as Attachment A, and is incorporated herein by this reference.
2. The Board of County Commissioners for Columbia County, Oregon, adopts the findings and recommendations of the Surface Mining Administrator's Report on Limited Exemption Certificate Renewals dated September 20, 2001, and the Surface Mining Administrator's Report on Operating Permit Renewals dated September 20, 2001, which are attached hereto as Attachments B, and C, respectively, and are incorporated herein by this reference.
3. The operating permits and limited exemption certificates listed below are hereby approved for the operating years 1999-2000, 2000-2001, and 2001-2006, subject to the conditions specified in Attachment A, as indicated, and subject to the following additional condition,

The surface mining Operating Permits and Limited Exemption Certificates shall remain valid as long as the activities on each site remain in compliance with its permit conditions, financial security obligations, and applicable portions of the Columbia County Surface Mining Ordinance, 90-11, as amended.

Site ID #	Name Property Tax I.D. #	Site Name Permit Size	Type of Permit	Approval Recommended		
				1999-2000	2000-2001	2001-2006
05-0002	Kynsi Construction 7509-000-00300	Graham Pit 13 acres	OP	yes	yes	yes

05-0004	Columbia Rock Co., LLC 6212-000-01100 and 6212-000-01301	Goble Quarry 68.23 acres	OP	yes	yes	yes
05-0007	Morse Bros., Inc. 7318-000-01300 7318-000-01301	Lost Creek Quarry 40 acres	OP	yes	yes	yes
05-0012	Bascom Pacific LLC (permit transfer from John Hancock) 5305-000-00300 5305-000-00301 5306-000-00200	Oak Ranch Pit OP - 22 acres LE - 13 acres	OP & LE	yes	yes	yes
05-0015	Scappoose Sand and Gravel 3201-040-00602 3201-040-00600 3201-040-00601 3212-000-00100 3212-000-00101	Scappoose Site 216.17 acres	LE	yes	yes	yes
05-0018	Morse Bros. 5133-000-00300 5133-000-00400 5132-000-01600	Watters Site OP - 174.09 acres LE - 89.6 acres	OP & LE	yes	yes	yes
05-0018	JH&D 5133-000-00300	Watters Site 89.6 acres	LE	yes	yes	yes
05-0024	Morse Bros. 5106-000-00701	Hoffman Site 87.88 acres	OP	yes	yes	yes
05-0025	Morse Bros. 5106-000-00902 5107-000-00102	Deer Island Site 72.98 acres	OP	yes	yes	yes
05-0026	Morse Bros. 5107-000-00101 5108-000-00300	Brown Site 30.79 acres	OP	yes	yes	yes
05-0027	Columbia Road and Driveway 4227-043-00900	Scappoose Creek Site 8.3 acres	OP	yes	closed	closed
05-0028	Steven D. Gerttulla 8424-000-00700	Mayger Quarry Site 13.62 acres	OP	yes	yes	yes
05-0029	Lammi Sand and Rock Products 7509-000-00400	OK Creek Quarry 20 acres	OP	yes	yes	yes
05-0031	Pacific Cascade Resources 6211-000-01502 6211-000-01503 6211-000-00900	Goble Quarry 71.5 acres	OP	yes	yes	yes
05-0032	Pacific Cascade Resources 4234-010-01101 4234-010-01201	Sierks Road Site 5.62 acres	OP	yes	yes	yes

05-0045	John F. Stennick (permit transfer from Menasha Corp) 7312-000-00600 7312-000-00601	Wonderly Road Pit 19.66 acres	OP	yes	yes	yes
05-0046	Glacier Northwest 4132-000-00100	Convay Site- Pit C 34.3 acres	OP	yes	yes	yes
05-0047	Glacier Northwest 4132-000-00100	Havliks- Pit D 32.45 acres	OP	yes	yes	yes
05-0051	Oregon Dept. of Transportation 5305-000-00400	Oak Creek Quarry 22.7 acres	OP	yes	yes	yes
05-0055	Eagle Star Rock Products (permit transfer from Columbia Road & Driveway 5132-000-01000	Hankey Pit 51.45 acres	OP	yes	yes	yes
05-0061	Clatskanie Rock Products 7408-011-00300 7408-011-00400	Clatskanie Site 5 acres	LE	yes	yes	yes
05-0068	Heller & Heller Construction 4228-010-00900	Neuman Pit 9.83 acres	LE	yes	yes	yes
05-0072	Eagle Star Rock Products (permit transfer from Columbia Road & Driveway 5132-030-00300	Jillson Pit 10 acres	OP	yes	yes	yes
05-0074	Pacific Cascade Resources 6211-011-00600	Neer City Pit 10.66 acres	OP	didn't exist	yes	yes
05-0075	The Confederated Tribes of the Grand Ronde Community of Oregon 4304-000-00100	Grand Ronde Quarry 56 acres	OP	didn't exist	didn't exist	yes

DATED this 26th day of September, 2001.

Approved as to form

By: Sarah Tyson  
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: John M. Bernhard  
Chair

By: \_\_\_\_\_  
Commissioner

By: Joe Corvino  
Commissioner

# ATTACHMENT A

## ADMINISTRATOR'S RECOMMENDATIONS

### Summary of Permit Conditions 2001-2006

Site Information	Permit or Limited Exemption Conditions and Financial Security
Kynsi Construction #05-0002 Graham Pit 13 acres T7N, R5W, Sec 9, Tax Lot 300 Operating Permit	<ol style="list-style-type: none"> <li>1. Final highwalls must be benched and stable.</li> <li><del>2. No off-site turbid water discharge is allowed from the site exceeding state guidelines.</del></li> <li>3. Overburden stockpiles must be located on stable ground and final slope cannot exceed a 2:1 slope.</li> <li>4. A minimum of fifty feet must be maintained between the highwall crest and the adjacent property lines, unless the affected property owner signs an affidavit allowing mining closer than 50 feet.</li> </ol> <p>Financial security in the amount to \$10,390.00 is required for the approximately 3 acres of disturbed area.</p>
Columbia Rock CO., LLC # 05-0004 Nicolai Quarry 68.23 acres T6N, R2W, Sec 12, T/L 1100, 1301 Operating Permit	<ol style="list-style-type: none"> <li>1. Reject materials and crusher fines shall be salvaged in sufficient volumes for final reclamation.</li> <li>2. The mining operation is restricted to mining above the groundwater table elevation at this time.</li> <li>3. Any oversize material generated by the mining operation will be buried in the pit floor or hauled off-site.</li> <li>4. A visual screen shall be maintained along the east side of the site to screen the site from Highway 30.</li> <li>5. Blasting shall be controlled as to not impact adjacent wells and structures.</li> <li>6. Final highwalls will be benched and stable.</li> <li><del>7. No turbid water discharge is allowed from the site exceeding state guidelines.</del></li> <li>8. A written variance has been received from the owner of tax lots 900 and 1502 adjacent to the Nicolai Quarry to allow mining within the county mandated setback limits.</li> </ol> <p>Financial security is required for this site in the amount of \$15,000.00 to cover the disturbed area.</p>
Glacier Northwest #05-0005 Santosh Pit, Pits A & B T4N, R1W, Sec 29, 30, 31, 32 T/L 100 Limited Exemption Certificate	<p>"A condition of your <del>00-01</del> 01-06 operating or limited exemption permit requires that <b>the interest due for all past outstanding regulatory fees be paid within 30-45 days from a final invoice from the County decision, including appeals on current litigation surrounding regulatory fees.</b>"</p>
Morse Bros #05-0007 Lost Creek Quarry (15 acres) T7N, R3W, Sec. 18 T/L 1300, 1301 Operating Permit	<ol style="list-style-type: none"> <li><del>1. No off-site turbid water discharge is allowed from the property exceeding state guidelines.</del></li> </ol> <p>Financial Security in the amount of \$2,000.00 per acre or \$10,000.00 for five acres is required.</p>
Bascom Pacific LLC #05-0012 Oak Ranch Pit (22 Acres) T5N, R3W, Sec 5 T/L 300, 301 Sec. 6 T/L 200 Operating Permit	<ol style="list-style-type: none"> <li><del>1. No off-site turbid water discharge is allowed from the property exceeding state guidelines.</del></li> </ol> <p>Financial Security in the amount of \$5,000.00 is required for this site.</p>

<p>Bascom Pacific, LLC  #05-0012  Oak Ranch Pit  (13 Acres)  T5N, R3W, Sec 5  T/L 300, 301  Limited Exemption Certificate</p>	<p>None</p>
<p>Scappoose Sand &amp; Gravel  #05-0015  Scappoose Site  (103 Acres)  T3N, R2W, Sec 1  T/L 600, 601  Sec 12, T/L 100, 101  Limited Exemption Certificate</p>	<p>"A condition of your <del>00-01</del> 01-06 operating or limited exemption permit requires that all outstanding regulatory fees be paid within 30 <del>45</del> days from a final invoice from the County decision, including appeals on current litigation surrounding regulatory fees."</p>
<p>Morse Bros  #05-0018  Watters Site  89.6 ac  T5N, R1W, Sec 33  T/L 300  Limited Exemption Certificate</p>	<p>None</p>
<p>Morse Bros  # 05-0018  Watters Site  174.09 acres  T5N, R1W, Sec 32  T/L 1600  T5N, R1W, Sec 33  T/L 400  Operating Permit</p>	<ol style="list-style-type: none"> <li>1. A water management plan must be developed to handle water generated by the site and overland runoff, if turbid water runoff becomes a problem.</li> <li>2. Visual screens are required for expansion areas.</li> <li>3. Blasting cannot negatively impact adjacent structures including water wells, residences and buildings.</li> <li>4. Any oversize generated by the operation must be properly disposed of upon completion of mining.</li> <li><del>5. The landowner or operator must meet any D.E.Q. permit requirements regarding turbid water.</del></li> </ol> <p>Financial Security is required for this site in an amount of \$10,000. This amount could change subject to field verification.</p>
<p>JH&amp;D  #05-0018  Watters Site  89.6 ac  T5N, R1W, Sec 33  T/L 300  Limited Exemption Certificate</p>	<p>None</p>

<p>Morse Bros # 05-0024 Hoffman Site 50 acres T5N, R1W, Sec 6 T/L 701 Operating Permit</p>	<ol style="list-style-type: none"> <li>1. Final slopes for the first six feet below the low water level can be no steeper than 3:1 slope. The remainder of the cut bank should be at or less than the angle of repose for the material estimated at a 2:1 slope.</li> <li>2. The Hoffman Site must be visually screened from all points along Highway 30, except the access road, by fast growing trees.</li> <li>3. The gas pipeline requires a twenty-five foot buffer on both sides of the line in the mining areas and permanent access to the gas pipeline at all points. The operator must submit final plans for the long term location and access to the gas pipeline prior to any changes being made.</li> <li>4. Berms must be established around the perimeter of the site to prevent turbid water discharge and to protect the water quality of the pond.</li> <li>5. The landowner or operator shall comply with the conditions of the conditional use permit issued for this property.</li> </ol> <p>Financial Security in the amount of \$1,000.00 per acre or \$10,000.00 for the ten acre site is required.</p>
<p>Morse Bros #05-0025 Deer Island Site 72.98 acres T5N, R1W, Sec 6 T/L 902, Sec. 7 T/L 102 Operating Permit</p>	<ol style="list-style-type: none"> <li>1. The landowner or operator must maintain a visual screen on the southwest side of the site.</li> <li>2. A fifty foot buffer must be maintained between Benhan Slough and the crest of the cut bank.</li> <li>3. Final cut banks below the water table must be stable.</li> <li>4. Topsoil must be salvaged in sufficient volumes to place on exposed cut banks at completion of mining.</li> <li>5. Final reclamation must include wildlife or wetland enhancement including irregular shorelines, varied cut bank slope or islands.</li> <li><del>6. No turbid water discharge is allowed from the site exceeding state guidelines.</del></li> <li>7. The gas pipeline requires a twenty-five foot buffer on both sides of the line in the mining areas and permanent access to the gas pipeline at all points. The operator must submit final plans for the long term location and access to the gas pipeline prior to any changes being made.</li> </ol> <p>Financial Security if the amount of \$10,000.00 is required for the site.</p>
<p>Morse Bros #05-0026 Brown Site 25 acres T5N, R1W, Sec 7 T/L 101 Sec 8, T/L 300 Operating Permit</p>	<ol style="list-style-type: none"> <li>1. An adequate buffer must be maintained between all external property lines and the mining operation.</li> <li><del>2. No turbid water discharge is allowed from the site exceeding state guidelines.</del></li> <li>3. Water quality or quantity at adjacent residences cannot be negatively impacted.</li> <li>4. Final cut banks must be stable.</li> <li>5. The final reclamation plan for the site must be integrated with the adjacent permit #05-0025.</li> <li>6. A visual screen must be maintained along the southwest property line.</li> <li>7. The gas pipeline requires a twenty-five foot buffer on both sides of the line in the mining areas and permanent access to the gas pipeline at all points. The operator must submit final plans for the long term location and access to the gas pipeline prior to any changes being made.</li> </ol> <p>Financial Security if the amount of \$2,000.00 per acre or \$10,000.00 is required for the site.</p>
<p>Columbia Road and Driveway # 05-0027 Scappoose Creek Site 8.3 acres T4N, R2W, Sec 27 T/L 900 Operating Permit</p>	<p>BOND RELEASED APPROVED BY BOC 5/31/00</p>
<p>Steven D. Gerttula #05-0028 Mayger Quarry Site 13.62 acres T8N, R4W, Sec 24 T/L 700 Operating Permit</p>	<ol style="list-style-type: none"> <li>1. Crusher fines or rejects must be salvaged before the completion of mining to apply one foot of reject materials to the mine-out pit floor.</li> <li>2. Visual screens must be maintained along the north property line along Mayger Road.</li> <li><del>3. No turbid water discharge is allowed from the site exceeding state guidelines.</del></li> <li>4. Any oversize generated by the mining operation must be hauled off-site or buried in the pit floor.</li> <li>5. The final highwall must be benched and the slope must be stable.</li> </ol> <p>Financial Security in the amount of \$2,500 per acre is required for this site. The financial security must be provided before the start of operations. In the event of expansion beyond one acre, financial security must be increased accordingly.</p>

<p>Lammi Sand &amp; Rock Products #05-0029 OK Creek Quarry 20 acres T7N, R5W, Sec 9 T/L 400 Operating Permit</p>	<ol style="list-style-type: none"> <li><del>1. No turbid water discharge is allowed to leave the permit boundary exceeding state guidelines.</del></li> <li>2. All appropriate measures including berms, seeding, settling ponds and complete shutdown will be taken to prevent turbid water discharge from the site.</li> <li>3. Stockpiles, dredge spoils, waste material, and creek banks areas will be seeded to prevent turbid water discharge in times when they are not actively being used. A plan must be utilized to indicate which stockpile areas are considered active and inactive in order to allow vegetation to remain in place over as large of an area as possible.</li> <li>4. Proper setback distances must be observed or a variance obtained. This is particularly aimed at the 25 feet limit for the aggregate and sand stockpiles that frequently encroach upon Hwy. 30, but applies to all regulated mine related activities.</li> <li>5. The final high wall must be benched and stable.</li> <li><del>6. A copy of the NPDES permit has been submitted to the County. All monitoring requirements including frequency of the NPDES permit must be followed. Turbidity measurements for compliance with NPDES permit must be submitted to the County as well as the DEQ.</del></li> <li>7. <b>The maximum surface slope gradient of the waste material storage area should not exceed 10°.</b></li> <li>8. <b>The waste material storage area berm should be maintained at the toe and consist of material that is resistant to erosion and have a higher strength than the spoils material (such as gravel or rip rap sized rock).</b></li> <li>9. <b>The surface of the waste material storage area should be vegetated periodically to reduce erosion and rutting.</b></li> </ol> <p>Financial Security in the amount of \$20,000.00 is required for this site. <del>If continued progress is not maintained in the water quality from this site, bond will be raised to \$40,000.00.</del></p>
<p>Pacific Cascade Resources (Lou Adler) #05-0031 Goble Quarry 71.5 acres T6N, R2W, Sec 11 T/L 900, 1503 1502 Operating Permit</p>	<ol style="list-style-type: none"> <li>1. Topsoil/overburden shall be salvaged in sufficient volumes for final reclamation.</li> <li>2. Oversize generated by the mining operation must be properly disposed of.</li> <li>3. Mining below the water table is not allowed unless a modification to the reclamation plan is submitted.</li> <li>4. Blasting cannot impact adjacent residences, buildings or wells.</li> <li>5. A written variance has been received from the owner of tax lot 1100 adjacent to the Goble Quarry to allow mining within the county mandated setback limits.</li> <li>6. According to the 1991 and 1999 Planning Commission Conditional Use for this site, the existing ponds on the south end of tax lots 900 and 901 cannot be impacted by access roads or any other activities. A buffer area of 25 feet shall be kept undisturbed around the perimeter of all ponds, except that dirt berms may be placed for flood control, and berms and channels be constructed and maintained to prevent drainage into the ponds from filled and cleared areas and roads. The existing berm shall be layered with a cover of dirt and planted with appropriate shade producing and/or riparian vegetation. Before work starts on any additional flood control berms, the owner/operator shall discuss the plan with the Planning Director or designee and receive approval of placement first.</li> <li>7. Operating hours extending prior to 7:00 a.m. or past 6:00 p.m. must be approved by the County.</li> </ol> <p>Financial Security is required for this site in the amount of \$5,000 for the entire site</p>
<p>Pacific Cascade Resources (Lou Adler) #05-0032 Siercks Road Site 5.62 acres T4N, R2W, Sec 34 T/L 1101,1201 Operating Permit</p>	<ol style="list-style-type: none"> <li>1. Maintain a visual screen on the east and northwest sides of the quarry as the operation expands.</li> <li>2. The final highway must be benched and stable.</li> <li>3. Any expansion of the operation into adjacent tax lots or into areas not zoned SM, requires County land use approval.</li> <li>4. Blasting cannot impact adjacent residences, buildings or wells, and all blasting will comply with all state and federal regulations and any person requesting notice of blasts shall be given notice at least 24 hours in advance of each blast.</li> <li><del>5. No turbid water discharge is allowed to leave the permit boundary exceeding state guidelines.</del></li> <li>6. Fifty foot buffer along Sierks Road can be mined through to straighten out the road.</li> <li>7. No stockpiling of materials can occur within 25 feet of the right-of-way of Sierks Road. The right-of-way to be measured 30 feet either side of the centerline of the road.</li> <li>8. Operating hours extending prior to 7:00 a.m. or past 6:00 p.m. must be approved by the County.</li> <li>9. Depletion fees must be reported and paid on a monthly basis to be received by the county no later than the last day of each month, following the month of depletion.</li> </ol> <p>Financial Security in the amount of \$5,000.00 is required for this site.</p>

<p>John F. Stennick  Chehalis, WA  #05-0045  Wonderly Road Pit  19.66 acres  T7N, R3W, Sec 12  T/L 600  CHANGE TO  601  Operating Permit</p>	<ol style="list-style-type: none"> <li>1. <del>No off-site turbid water discharge from the site exceeding state guidelines.</del></li> <li>2. Visual screen maintained along outer perimeter of property.</li> <li>3. Oversize shall be hauled off-site or buried in pit floor on completion of mining.</li> <li>4. The access road must be developed as specified in the road maintenance agreement and past inspection reports.</li> <li>5. Obtain a variance before additional development above the current highwall in the 50 foot buffer zone.</li> <li>6. Mining operations shall not impact adjacent water supplies.</li> <li>7. Final highwall and overburden stockpiles will be stable.</li> </ol> <p>Financial Security in the amount of \$500.00 per acre required for this site.</p>
<p>Glacier Northwest  # 05-0046  Convay Site - Pit C  34.3 acres  T4N, R1W, Sec 32  T/L 100  Operating Permit</p>	<p>"A condition of your <del>00-01</del> 01-06 operating or limited exemption permit requires that <b>the interest due for all past outstanding regulatory fees</b> be paid within <del>30-45</del> days from a final invoice from the County decision, including appeals on current litigation surrounding regulatory fees."</p> <p>Financial Security in the amount of \$10,000.00 is required for this site.</p>
<p>Glacier Northwest  #05-0047  Havliks - Pit D  32.45 acres  T4N, R1W, Sec 32  T/L 100  Operating Permit</p>	<p>"A condition of your <del>00-01</del> 01-06 operating or limited exemption permit requires that <b>the interest due for all past outstanding regulatory fees</b> be paid within <del>30-45</del> days from a final invoice from the County decision, including appeals on current litigation surrounding regulatory fees."</p> <p>Financial Security in the amount of \$10,000.00 is required for this site.</p>
<p>Oregon Dept. Of  Transportation  05-0051  Oak Creek Quarry  22.7 acres  T5N, R3W, Sec 5  T/L 400  Operating Permit</p>	<ol style="list-style-type: none"> <li>1. <del>Turbid water discharge is not allowed from the site exceeding state guidelines.</del></li> <li>2. The trees must be removed prior to stripping overburden and cut slopes cannot exceed the angle of repose for overburden.</li> <li>3. No oversize materials can be left at the site upon completion of the final reclamation.</li> <li>4. Overburden stockpiles must be laid out in stable areas and out slopes cannot exceed a 2:1 slope.</li> </ol>

<p>Eagle Star Rock Products L.L.C. # 05-0055 Hankey Road Site 51.45 acres T5N, R1W, Sec 32 T/L 1000 Operating Permit</p>	<ol style="list-style-type: none"> <li>1. The final highwall must be benched and stable.</li> <li>2. <del>Turbid water discharge is not allowed from the site exceeding state guidelines.</del></li> <li>3. Flyrock cannot leave the permit boundary during blasting.</li> <li>4. Blasting cannot negatively impact adjacent structures and residences.</li> <li>5. A 50' riparian corridor boundary must be maintained along Perry Creek. Input from the National Marine Fisheries Service will be sought by the County prior to approval of a removal/fill or other pertinent permits issued within the 300' riparian zone adjacent to Milton Creek.</li> <li>6. A flood plain analysis conducted by the applicant and a removal/fill permit application must be submitted to and approved by the County prior to any work within the 100 year flood plain.</li> <li>7. The Division of State Lands must be consulted and all necessary permits obtained prior to any work within the 100 year flood plain.</li> <li>8. The County road department requires an additional 5 feet of right-of-way on both sides of Hankey Road, through tax lot 1000, for a total of 10 feet of additional right-of-way prior to affecting the newly permitted acreage.</li> <li>9. If other than a 1½ :1 final reclamation slope is proposed along the west side of the permit, adjacent to tax lot 5131-040-00101 an administrative review of the proposed change must occur including notification of the property owner of tax lot 5131-040-00101.</li> </ol> <p>Financial security in the amount of \$3,000.00 per acre, \$15,000.00 for the five acres proposed to be mined is required for this site.</p>
<p>Clatskanie Rock Products 05-0061 Clatskanie Site (Portion Mined Prior to 7/1/72) 5 acres T7N, R4W, Sec 8 T/L 300 Limited Exemption Certificate</p>	<ol style="list-style-type: none"> <li>1. No material is to be stockpiled off of the 5 acre permitted portion of tax lot 300 without first obtaining necessary permits from the county.</li> </ol>
<p>Heller &amp; Heller Construction #05-0068 Neuman Pit - Fall Creek Road (Portion Mined Prior to 7/1/72) 9.83 acres T4N, R2W, Sec 28 T/L 900 Limited Exemption Certificate</p>	<p>None</p>
<p>Tide Creek Rock #05-0070 Tide Creek Pit 11.65 ac per survey 5/8/01 acres T6N, R2W, Sec 36 Portions of T/L 500 Limited Exemption Certificate</p>	<p>2000-2001 <b>The renewal application asked for renewal of a limited exemption certificate for 160 acres. Since that renewal application was submitted, the BOC passed Amended Board Order #26-01. I recommend that in light of the Board Order, the SMAC recommend denial of the permit renewal application as submitted and approve the renewal application based on compliance with Amended Board Order #26-01</b></p> <p>2001-2006 <b>1. All conditions and stipulations as stated in Amended Board Order #26-01 must be complied with.</b></p> <p><b>Financial Security - A condition of your 00-01 limited exemption permit requires that all outstanding regulatory fees be paid within 45 days from a final decision, including appeals on current litigation surrounding regulatory fees. (financial security is covered in Amended Board Order #26-01)</b></p>

<p>Eagle Star Rock Products LLC  #05-0072  Jillson Pit  10 Acres  T5N, R1W, Sec 32  T/L 300  Operating Permit</p>	<ol style="list-style-type: none"> <li>1. Must follow conditional use permit conditions.</li> <li>2. No mining within 50 feet or materials stockpiling within 25 feet of the road right-of-way may occur without first applying for and receiving a variance from the county.</li> <li>3. Site access needs to be limited by constructing a fence to prevent public access.</li> </ol> <p>Financial Security in the amount of \$5000.00 is required for this site.</p>
<p>Pacific Cascade Resources  #05-0074  Neer City Pit  10.66 Acres  T6N, R2W, Sec. 11  T/L 600  Operating Permit</p>	<ol style="list-style-type: none"> <li>1. The final highwall must be benched and stable.</li> <li>2. <del>Turbid water discharge is not allowed from the site exceeding state guidelines.</del></li> <li>3. Blasting cannot negatively impact adjacent structures and residences.</li> <li>4. Verbal pre-blast notification is required for all persons requesting notification.</li> </ol> <p>Financial security in the amount of \$5,000 for the site.</p>
<p>Confederated Tribes of the  Grand Ronde  #05-0075  Grand Ronde Quarry  56 acres  T4N, R3W, Sec. 4  T/L 100  Operating Permit</p>	<ol style="list-style-type: none"> <li>1. No crushing will be allowed on the subject property during the months of December, January and February of each year to minimize adverse affects on big game winter range.</li> <li>2. No hauling shall be allowed during the months of December, January and February, except during daylight hours, primarily during the days of Monday through Friday of each week.</li> <li>3. The Board reserves the right to review these conditions and add conditions as necessary to meet the requirements of state law, administrative rules, and to meet the objectives of the Columbia County Surface Mining Ordinance.</li> </ol> <p>Financial security in the amount of \$10,000 for the site.</p>

## ATTACHMENT B

### Columbia County Planning Commission SURFACE MINING ADMINISTRATORS REPORT (September 20, 2001)

#### Surface Mining Limited Exemption Certificate Renewals 1999-2000, 2000-2001 and 2001-2006

#### BACKGROUND:

Eight surface mining renewal applications were received requesting renewal of limited exemption certificates for the permit years July 1, 1999, through June 30, 2000, July 1, 2000 through June 30, 2001, and July 1, 2001, through June 30, 2006, pursuant to 4.5 of the Columbia Surface Mining Ordinance (SMO). These requests are summarized below:

Site ID #	Name	Site Name	Renewal Application Submitted		
			1999-2000	2000-2001	2001-2006
05-0005	Glacier NW	Santosh Pit Pits A&B	yes	yes	yes
05-0012	Bascom Pacific LLC (permit transfer from John Hancock)	Oak Ranch Pit	yes	yes	yes
05-0015	Scappoose Sand and Gravel	Scappoose Site	yes	yes	yes
05-0018	Morse Bros.	Watters Site	yes	yes	yes
05-0018	JH&D	Watters Site	yes	yes	yes
05-0061	Clatskanie Rock Products	Clatskanie Site	yes	yes	yes
05-0068	Heller & Heller Construction	Neuman Pit	yes	yes	yes
05-0070	Tide Creek Rock	Tide Creek Pit	yes	yes	yes

The renewal of Surface Mining Operating Permits has been deemed a limited land use decision, and by that decision the renewal process must follow those procedures required by ORS 197.195(3) including but not limited to, providing written notice of owners of property within a minimum of 100 feet and providing 14 calendar days to submit written comments prior to the decision.

The renewal application procedures were followed as is written in Columbia County Ordinance 2001-3 adopted by the Columbia County Board of County Commissioners March 14, 2001, which added Section 2.9 - Renewal Process to the SMO.

The Surface Mining Ordinance 90-11, Section 4.5 indicates the criteria for renewal of surface mining limited exemption certificate. Prior to the 2001-2002 fiscal year, each limited exemption certificate must renew the permit annually. Renewals of limited exemption certificates for 2001-2002 and beyond shall be for five-year periods.

## **FINDINGS:**

The following sections of the Surface Mining Ordinance 90-11 apply to this request:

### Columbia County Surface Mining Ordinance Section 2.9 requires the following:

Giving written notice to owners of record of property where such property is located:

- (a) Within 250 feet of the subject property when the subject property is wholly or in part within an urban growth boundary;
- (b) Within 250 feet of the subject property when the subject property is outside an urban growth boundary and not within a farm or forest zone; or
- (c) Within 750 feet of the subject property when the subject property is within a farm or forest zone.

**Finding 1:** Written notice was given to owners of record of property within 750 feet of the mining sites. Following the required written notice, written comments were received on the permit renewal application for Glacier Northwest, Permit #05-0005 for Santosh Pt - Pits A&B, from Michael Sheehan representing the CPAC and a second from Julie Jackstadt representing the CPAC and as a neighbor. Both comments questioned the validity of the Limited Exempt status of permit #05-0005 (Pits A&B). Due to these concerns approval for this application will be delayed pending further investigation.

### Surface Mining Ordinance Section 2.9 requires the following:

Providing a notice of the Board of County Commissioners decision to the applicant and any person who submitted written comments; providing the applicant and any person entitled to notice of the decision the opportunity to request an appeal hearing of the Board's decision on renewal; to notify all involved property owners of the request for an appeal hearing; conduct a hearing and provide written notice of the Board's decision on appeal to all parties who appeared, either orally or in writing, before or at the hearing.

**Finding 2:** Notice of the Board of County Commissioners' decision of renewal will be sent out to the applicant and any person who submitted written comments as soon as the decision is final.

### Surface Mining Ordinance Section 4.5 requires the following:

The landowner or operator must pay the established annual renewal fee and file the renewal application on or before June 15 of the year the permit expires.

**Finding 3:** All applicants requesting renewal permits paid the annual renewal fees and filed renewal applications, although not all were in by June 15 of each renewal year.

### Surface Mining Ordinance Section 4.5 requires the following:

The renewal application shall require a statement from the landowner or operator of the types and amounts of minerals excavated, disturbed, sold and/or removed from the surface mining site during the past and

present fiscal years and the types and amounts of minerals expected to be excavated, disturbed, sold and/or removed from the surface mining site during the present and subsequent fiscal years.

**Finding 4:** All applicants submitted renewal applications which included the above requested information.

Surface Mining Ordinance Section 2.2 (2a) requires the following:

The Surface Mining Advisory Committee may, but is not required to, meet with landowners and/or operators before advising the Administrator and the Board. In particular, the Committee shall advise the Administrator and the Board as to whether to issue, deny, renew, or revoke Limited Exemption Certificates.

**Finding 5:** The Surface Mining Advisory Committee considered the renewals at its meetings of June 11, 1999, November 9, 2000 and August 29, 2001 and took action supporting the findings and the recommendations of the Surface Mining Administrator.

Surface Mining Ordinance Section 2.3 requires the following:

After considering the recommendations of the Administrator and advice of the Committee, if any, the Board of County Commissioners shall make the decision whether to issue, deny, renew, or revoke Limited Exemption Certificates.

**Finding 6:** At its regular meeting on September 12, 2001, the Board of Commissioners reviewed each of the applications for renewal, and decided that, except with respect to permits #05-0005 and #05-0070 which will be considered at a later date, each applicant had satisfied the requirements for a limited exemption certificate and voted tentatively to approve the limited exemption certificates renewals applications for permits: #05-0012, #05-0015, #05-0018, #05-0061, and #05-0068. Due to concerns regarding the compliance with Amended Board Order 26-01 the renewal application for permit #05-0070 for Tide Creek Rock is being delayed. Due to comments regarding the validity of the Limited Exempt status of permit #05-0005 for Glacier NW, approval will be delayed pending further investigation.

#### **CONCLUSION AND RECOMMENDATION:**

Based on the above findings, the surface mining administrator recommends APPROVAL of the requested surface mining limited exemption certificates renewals with the exception of permits #05-0005 and #05-0070, subject to the conditions listed in the Administrator's Recommendation, and with the following additional condition:

*The surface mining limited exemption certificates shall remain valid as long as the activities on each site remain in compliance with its permit conditions, financial security obligations and applicable portions of the Columbia County Surface Mining Ordinance 90-11.*

## ATTACHMENT C

### Columbia County Planning Commission SURFACE MINING ADMINISTRATORS REPORT (September 20, 2001)

#### Surface Mining Operating Permit Renewals 1999-2000, 2000-2001 and 2001-2006

#### BACKGROUND:

Twenty one surface mining applications were received requesting renewal of operating permits for the permit years July 1, 1999, through June 30, 2000, July 1, 2000, through June 30, 2001, and July 1, 2001, through June 30, 2006, pursuant to 5.5 of the Columbia Surface Mining Ordinance (SMO). These are summarized below:

Site ID #	Name	Site Name	Renewal Application Submitted		
			1999-2000	2000-2001	2001-2006
05-0002	Kynsi Construction	Graham Pit	yes	yes	yes
05-0004	Columbia Rock Co., LLC	Goble Quarry	yes	yes	yes
05-0007	Morse Bros., Inc.	Lost Creek Quarry	yes	yes	yes
05-0012	Bascom Pacific LLC (permit transfer from John Hancock)	Oak Ranch Pit	yes	yes	yes
05-0018	Morse Bros.	Watters Site	yes	yes	yes
05-0024	Morse Bros.	Hoffman Site	yes	yes	yes
05-0025	Morse Bros.	Deer Island Site	yes	yes	yes
05-0026	Morse Bros.	Brown Site	yes	yes	yes
05-0027	Columbia Road and Driveway	Scappoose Creek Site	yes	closed	closed
05-0028	Steven D. Gerttulla	Mayger Quarry Site	yes	yes	yes
05-0029	Lammi Sand and Rock Products	OK Creek Quarry	yes	yes	yes
05-0031	Pacific Cascade Resources	Goble Quarry	yes	yes	yes
05-0032	Pacific Cascade Resources	Sierks Road Site	yes	yes	yes
05-0045	John F. Stennick (permit transfer from Menasha Corp)	Wonderly Road Pit	yes	yes	yes
05-0046	Glacier NW	Convey - Pit C	yes	yes	yes
05-0047	Glacier NW	Hanliks - Pit D	yes	yes	yes
05-0051	Oregon Dept. of Transportation	Oak Creek Quarry	yes	yes	yes
05-0055	Eagle Star Rock Products (permit transfer from Columbia Road & Driveway)	Hankey Pit	yes	yes	yes
05-0072	Eagle Star Rock Products (permit transfer from Columbia Road & Driveway)	Jillson Pit	yes	yes	yes
05-0074	Pacific Cascade Resources	Neer City Pit	did not exist	yes	yes

05-0075	The Confederated Tribes of the Grand Ronde Community of Oregon	Grand Ronde Quarry	did not exist	did not exist	yes
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The renewal of Surface Mining Operating Permits has been deemed a limited land use decision, and by that decision the renewal process must follow those procedures required by ORS 197.195(3) including but not limited to, providing written notice of owners of property within a minimum of 100 feet and providing 14 calendar days to submit written comments prior to the decision.

The renewal application procedures were followed as is written in Columbia County Ordinance 2001-3 adopted by the Columbia County Board of County Commissioners March 14, 2001, which added Section 2.9 - Renewal Process to the SMO.

The Surface Mining Ordinance 90-11, Section 5.5 indicates the criteria for renewal of surface mining operating permits. Prior to the 2001-2002 fiscal year, each operating permit must renew the permit annually. Renewals of operating permits for 2001-2002 and beyond shall be for five-year periods.

**FINDINGS:**

The following sections of the Surface Mining Ordinance 90-11 apply to this request:

Columbia County Surface Mining Ordinance Section 2.9 requires the following:

Giving written notice to owners of record of property where such property is located:

- (a) Within 250 feet of the subject property when the subject property is wholly or in part within an urban growth boundary;
- (b) Within 250 feet of the subject property when the subject property is outside an urban growth boundary and not within a farm or forest zone; or
- (c) Within 750 feet of the subject property when the subject property is within a farm or forest zone.

**Finding 1:** Written notice was given to owners of record of property within 750 feet of the mining sites. Following the required written notice, written comments were received on permit renewal application # 05-0018 for Morse Bros. from Pam Rensch with the Bachelor Flat CPAC, questioning applications by two operators (Morse Bros. and JH&D) on the same area, and about reclamation activities. Once these items were explained she said she had no objection to the renewal application. A second comment from the City of St. Helens reiterated their concerns over past blasting problems at the site and that any further incidents should be the basis for review of the operator's right to mine.

Surface Mining Ordinance Section 2.9 requires the following:

Providing a notice of the Board of County Commissioners' decision to the applicant and any person who submitted written comments; providing the applicant and any person entitled to notice of the decision the opportunity to request an appeal hearing of the Board's decision on renewal; to notify all involved property owners of the request for an appeal hearing; conduct a hearing and provide written notice of the Board's decision on appeal to all parties who appeared, either orally or in writing, before or at the hearing.

**Finding 2:**

Notice of the Board of County Commissioners' decision of renewal will be sent out to the applicant and any person who submitted written comments as soon as the decision is final.

Surface Mining Ordinance Section 5.5 requires the following:

The landowner or operator must pay the established annual renewal fee and file the renewal application on or before June 15 of the year the permit expires.

**Finding 3:** All applicants requesting renewal permits paid the annual renewal fees and filed renewal applications, although not all were in by June 15 of each renewal year.

Surface Mining Ordinance Section 5.5 requires the following:

The renewal application shall require a statement from the landowner or operator of the types and amounts of minerals excavated, disturbed, sold and/or removed from the surface mining site during the past and present fiscal years and the types and amounts of minerals expected to be excavated, disturbed, sold and/or removed from the surface mining site during the present and subsequent fiscal years. If there is a change in the surface mining activities and/or reclamation plan, the application shall describe the changes.

**Finding 4:** All applicants submitted renewal applications which included the above requested information. None of the sites, within their renewal applications, indicated any changes in their surface mining activities and/or reclamation plans.

Continuing with Surface Mining Ordinance Section 5.5 :

The renewal may be granted so long as the landowner or operator maintains the necessary financial security.

**Finding 5:** All applicants have renewed their surety bonds, letters of credit or other financial security as required by their financial institutions to maintain compliance with the SMO.

Continuing with Surface Mining Ordinance Section 5.5:

The renewal may be granted so long as the landowner or operator complies with the conditions of the permit, the reclamation plan, and with the SMO.

**Finding 6:** All surface mining sites have been inspected by the Surface Mining Administrator on an annual basis. Copies of the inspection reports are available in the Land Development Services Office for review. Any items of concern found during the inspections or permit file reviews were brought to the operators attention, have been addressed to the Surface Mining Advisory Committee's satisfaction and if required remedial actions undertaken.

Continuing with Surface Mining Ordinance Section 5.5:

The Administrator and Board shall investigate and may consider any prior statutory, administrative rule and/or county ordinance violations by the landowner and/or operator related to surface mining in determining whether an operating permit should be renewed.

**Finding 7:** Each operation was reviewed to determine if a pattern of prior statutory, administrative rule and/or county ordinance violations existed such that the operating permit should not be renewed. Of those applications recommended for approval none were determined to have violations which would prevent renewal of the operating permits.

Surface Mining Ordinance Section 2.2 (2a) requires the following:

The Surface Mining Advisory Committee may, but is not required to, meet with landowners and/or operators before advising the Administrator and the Board. In particular, the Committee shall advise the Administrator and the Board as to whether to issue, deny, renew, or revoke operating permits.

**Finding 8:** The Surface Mining Advisory Committee considered the renewals at its meetings of June 11, 1999, November 9, 2000, and August 29, 2001, and took action supporting the findings and then recommendations of the Surface Mining Administrator.

Surface Mining Ordinance Section 2.3 requires the following:

After considering the recommendations of the Administrator and advice of the Committee, if any, the Board of County Commissioners shall make the decision whether to issue, deny, renew, or revoke operating permits.

**Finding 9:** At its regular meeting on May 30, 2001 the Board of Commissioners reviewed permits #05-0055 and #05-0072 and decided that each applicant had satisfied the requirements for an operating permit and voted tentatively to approve the operating permit renewals applications. These two Operating Permits were signed by the Board of County Commissioners on June 6, 2001, and Order No. 62-01 was signed on June 22, 2001, transferring the Operating Permits to Eagle Star Rock Products, LLC. On September 12, 2001 the Board of Commissioners reviewed each of the remaining applications for operating permit renewal, decided that each applicant had satisfied the requirements for an operating permit and voted tentatively to approve the operating permit renewals applications for permits: #05-0002, #05-0004, #05-0007, #05-0012, #05-0018, #05-0024, #05-0025, #05-0026, #05-0027, #05-0028, #05-0029, #05-0031, #05-0032, #05-0045, #05-0046, #05-0047, #05-0051, #05-0074, and #05-0075.

## CONCLUSION AND RECOMMENDATION:

Based on the above findings, the surface mining administrator recommends APPROVAL of the requested surface mining operating permit renewals, subject to the conditions listed in the Administrator's Recommendation, and with the following additional condition:

*The surface mining operating permits shall remain valid as long as the activities on each site remain in compliance with its permit conditions, financial security obligations and applicable portions of the Columbia County Surface Mining Ordinance 90-11.*