

**BEFORE THE COLUMBIA COUNTY
PLANNING COMMISSION
ST. HELENS, OREGON**

In the matter of an application on behalf of)
Willow Creek Land LLC for a Major Variance)
(V 25-01) to operate a temporary asphalt batch)
plant outside of standard operating hours for a)
period not to exceed 60 days.)

**FINAL ORDER
V 25-01**

This matter came before the Columbia County Planning Commission on September 9, 2024, on the application of Willow Creek Land LLC (represented by Kerr Contractors c/o John Arambul and Bryan Kerr) for a Major Variance to CCZO Section 1044.5 Operating Hours, to operate a temporary asphalt batch plant in the Surface Mining zone between the hours of 7:00 p.m. and 6:00 a.m. for a period of 60-days or less from April 1, 2025, to September 30, 2025 for an ODOT highway paving project. The subject 32.47-acre property is located on the northeast intersection of Nicolai Road and Goble School Road in Rainier and is further described per the County Assessor’s records as Tax Map Identification Number 6212-00-01100 and Tax Account # 19332.

On August 12, 2024, LDS notified surrounding property owners within 1,000 ft. with a Notice of Public Hearing, and the affected government agencies and the Tide Creek CPAC with a Referral and Acknowledgment of the proposal requested for V 25-01. A public hearing was held on September 9, 2024, where the Planning Commission heard testimony from the applicant, interested parties, and staff, and considered written materials including the Staff Report.

During the public comment period, opponents of the application voiced concerns including, but not limited to, perceived individual health impacts, air and water pollutants, noise levels, traffic safety, and ongoing noncompliance. Following the public comment period the applicant’s representatives, Bryan Kerr and John Arambul, asserted that operations on the subject property maintain compliance with state requirements, and that suspected health concerns are unsubstantiated. The Commission then discussed adding additional approval conditions to address the concerns of neighboring property owners. Following discussion, Commissioner Brust motioned to approve the application V 25-01 with the six proposed conditions presented in the staff report, and an additional condition prohibiting the use of engine brakes on Nicolai Rd. between the hours of 7:00 p.m. and 6:00 a.m. The vote ended in a 3-3 tie, therefore the motion failed. No additional motions were proposed.

[Remainder of page left intentionally blank]

A majority of the Planning Commission could not reach agreement regarding whether the application had established compliance with the requirements of Columbia County Zoning Ordinance (“CCZO”) Sections 1504.1(A)(1), 1504.1(A)(2) or 1504.1(A)(4). Based on the failure of the Planning Commission to reach a consensus regarding compliance with all of the applicable criteria, Variance **Application V 25-01** is hereby **DENIED**.

COLUMBIA COUNTY PLANNING COMMISSION

ALTA LYNCH, CHAIR

DATE