

COLUMBIA COUNTY  
LAND DEVELOPMENT SERVICES

Planning Division  
COURTHOUSE  
230 STRAND  
ST. HELENS, OREGON 97051  
PHONE: (503) 397-1501 FAX: (503) 366-3902

**APPEAL / REFERRAL**

**NOTE: If this is an appeal, please read the back of this form to determine if you have "Standing"**  
CIRCLE ONE OF THE FOLLOWING

**APPEAL** or  **REFERRAL**

YOUR NAME: BRYAN KERR & JOHN ARAMBUL Phone: (971) 216-0050

Address: P.O. Box 1060 City: WOODBURN Zip: 97071

Email: bkerr@att.net & jarambul@kerrcontractors.com

ORIGINAL APPLICATION: Name: WILLOW CREEK LAND LLC (GOBLE PIT)

File #: V 25-01 Request: VARIANCE APPLICATION

**APPEAL** Fee required  
File in the County Clerk's Office

Please check one of the following:

I wish to **appeal** the decision made by the Land Development Services Department. This appeal is to the Columbia County Planning Commission. (CCZO Section 1702); or

I wish to **appeal** the decision made by the Columbia County Planning Commission. This appeal is to the Columbia County Board of Commissioners. (CCZO Section 1703)

Original request was:  Approved or  Denied; Decision Date: 9/18/24  
Appeal Deadline: 9/25/24

Reason for appeal (attach additional pages if necessary): SEE ATTACHED

**REFERRAL** Fee required  
File in the Land Development Services Office

The application is reviewed Administratively without a public hearing, and I wish to refer this application to the Columbia County Planning Commission for a public hearing.

Reason for referral (attach additional pages if necessary): \_\_\_\_\_

The foregoing statements are in all respects true and correct to the best of my knowledge and belief:

Date: 9/24/24 Signed: Bryan Kerr

**FOR CLERK'S OFFICE USE ONLY**

Received: 9, 25, 24 Received by: BF Receipt # 214960 Check# 61096  
\$250

Please route copies of this form to: Board of Commissioners (2 copies), Land Development Services (1 copy) and County Counsel (1 copy). Thank you.



P.O. Box 1060 Woodburn, OR 97071  
Main Office 971-216-0050

Main Fax 971-216-0079  
Estimating Fax 503-981-1161

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Bryan Kerr  
bkerr@att.net

September 25, 2024

***VIA HAND DELIVERY***

Columbia County  
Planning Division  
230 Strand  
St. Helens, OR 97051

**RE: *Appeal – V25-01***

To Whom it May Concern:

In accordance with Columbia County Zoning Ordinance (CCZO) Section 1701, Willow Creek Land LLC (by and through Kerr Contractors Oregon, LLC c/o John Arambul and Bryan Kerr) (“Willow Creek”) appeals the September 18, 2024, denial by the Columbia County Planning Commission of Willow Creek’s request for a temporary Major Variance to Operating Hours in Surface Mining (SM) zone. The subject property (“Goble Pit”) is currently approved for Surface Mining as it has been for 52 years, since 1972. On August 6, 2024, Columbia County issued the permit LUCS 25-02 allowing for the temporary set up and operation of a mobile asphalt batch plant at Goble Pit. Willow Creek’s request sought only to extend or modify the operating hours of such asphalt plant.

Persons filing the notice of appeal:

Willow Creek Land LLC, by and through Kerr Contractors Oregon, LLC  
c/o Bryan Kerr, P.O. Box 1060 Woodburn, OR 97071 (971) 216-0050  
c/o John Arambul, P.O. Box 1060 Woodburn, OR 97071 (971) 806-6997

Columbia County Planning Commission:

File Number V 25-01  
Date of meeting: September 9th, 2024  
Date of decision notice: September 18th, 2024  
Date of appeal deadline: September 25th, 2024

**Reason for Appeal:**

Willow Creek appeals the Columbia County Planning Commission’s denial of its request for a Major Variance to Operating Hours in Surface Mining (SM) zone. As explained in detail below, and in Willow Creek’s prior application submissions, Willow Creek’s request meets the applicable standards for approval. The requested activity does not violate any existing County Ordinance, State or Federal law. Further, Columbia County Land Development Services Staff prepared a lengthy and detailed analysis of Willow Creek’s request and recommended approval of the same (the “Staff Report”; attached).

September 25, 2024

**Staff Comments, Conclusion and Recommendation:**

Based on the facts, findings, and comments herein, Planning Staff recommend that the Planning Commission APPROVE variance application V 25-01, Willow Creek’s request for a Major Variance to the extended operation provisions for Surface Mining Sites in Section 1044.5, for the SM zoned property, to allow for the operation of a temporary asphalt batch plant for a period not to exceed 60-days, between the hours of 7:00 p.m. and 6:00 a.m. from April 1, 2025, to September 30, 2025, for the purpose of completing an ODOT highway paving project.

All additional conditions stated in the Staff Report recommendation and those specified in Columbia County Zoning Ordinance Sections 1040 SURFACE MINING, and 1504 VARIANCES, are acceptable to Willow Creek. In addition, all operations will be performed in compliance with state and federal regulations.

**Reason For Variance Request:**

Oregon Department of Transportation (ODOT) plans to re-pave a section of Highway 30 during its 2025 working season starting at the Lewis and Clark Bridge and extending 3 miles to the west. ODOT paving projects typically specify work to be done at night for safety and minimum traffic disruption. Willow Creek’s request seeks only a Major Variance to allow production of asphalt material during night hours for this project. All other aspects of operating the asphalt plant at this site are approved under the applicable provisions of the CCZO.

CCZO 1042.8 allows for the operation of an asphalt batch plant at Surface Mining zoned sites on a temporary basis not to exceed 60 days, as a permitted use. Willow Creek owns the Surface Mining Zoned property at Goble Pit (as distinguished from the neighboring property, Goble Quarry) located at the northeast intersection of Nicolai Rd and Goble School Road in Rainier. Property Tax ID: 6212-00-01100 (#19332). The property is zoned SURFACE MINING (SM).

The Goble Pit property spans an area both north and south of Nicolai Rd. The portion south of Nicolai Rd has no activity and is not at issue in Willow Creek’s request. The portion north of Nicolai Rd is where the mobile asphalt plant will be located.

Goble Pit is in compliance with all state and federal regulations including DEQ. The mobile asphalt plant has the required air quality permits required by DEQ. Extensive air emission controls are part of this modern equipment.

At the prior hearing on September 9, 2024, before the Columbia County Planning Commission, several interested neighbors attended and raised a myriad of concerns. As discussed below in detail, nearly all of those concerns do not in fact relate to Goble Pit or the proposed variance request. In general, they related to mining operations of the neighboring quarry – not at issue in this variance request. The asphalt plant will be placed in Goble Pit. Currently there is no active mining taking place at Goble Pit.

September 25, 2024

Many other concerns were unfounded and raised without any legally sufficient evidence or support – for example, claims that Kerr is “being sued by DEQ”. When consideration is given to the standards at issue relative to the requested variance, and the evidentiary support provided by any who oppose it, the clear and reasonable decision, as supported by the Staff Report, is to approve the variance.

Among the concerns expressed included:

Property values:

By evaluating the estimated property values of nearby parcels to Goble Pit and parcels of those attending the Columbia County Planning Commission meeting, in almost every case the property value has increased on the order of 20% to 50% over the last five years. It is highly unlikely that operations for a 60-day period will influence property values. Furthermore, the operation of the plant is already approved and fully permitted. The variance only seeks to operate outside of the standard operating hours, which will not impact property values.

Water:

Goble Pit is compliant with all storm water regulations. It is already permitted to operate the plant. The hours of operations do not pose a greater risk of groundwater contamination. Furthermore, since the asphalt plant itself does not produce any water discharge there is very little probability that it will impact groundwater resources. In the case of water requirements for operations, Goble Pit may be supplied by the neighboring Goble Quarry which has its own water supply. In any event, any potential impacts to groundwater resources will be dealt with immediately and completely. There is no legitimate risk related to these operations during other than standard operating hours.

Noise:

All machinery involved is compliant with regulatory limits. Please keep in mind this site is zoned Surface Mining. One concern regarding the use of Jake Brakes or Engine Brakes was raised. To mitigate this concern, a request has been made of Mike Russell, Director Columbia County Public Works Department, who has indicated his team will install sign(s) along Nicolai Rd informing truckers to not use these forms of braking.

Dust:

Goble Pit is not currently actively mining or processing of aggregate. Operation of a mobile asphalt plant does not contribute to any appreciable amount of dust. And operating outside of the already approved standard operating hours does not itself result in more dust or pollutants.

Very truly yours,

*s/ Bryan Kerr*

Bryan Kerr

**COLUMBIA COUNTY PLANNING COMMISSION**  
**STAFF REPORT**  
August 27,2024  
Major Variance to Operating Hours in SM Zone

**HEARING DATE:** September 9, 2024

**FILE NUMBER:** V 25-01

**APPLICANT/OWNER:** Willow Creek Land LLC (represented by Kerr Contractors c/o John Arambul and Bryan Kerr)  
P.O. Box 1060  
Woodburn, OR 97071

**PROPERTY LOCATION:** The subject property is located at the northeast intersection of Nicolai Road and Goble School Road in Rainier

**TAX ID:** 6212-00-01100 (#19332)

**ZONING:** Surface Mining (SM)

**PROPERTY SIZE:** Approximately 32.47-acres

**REQUEST:** The applicant is seeking a variance from the extended operation provision for Surface Mining Sites, which typically permits operations beyond the standard operating hours of 7:00 a.m. to 6:00 p.m. once every six months for up to two weeks in the Surface Mining (SM) Zone. Specifically, the applicant proposes to operate a temporary asphalt batch plant for a period of 60-days or less between the hours of 7:00 p.m. and 6:00a.m. from April 1, 2025, to September 30, 2025, for the purpose of completing an ODOT highway paving project.

**APPLICATION COMPLETE:** 08/02/2024

**150 DAY DEADLINE:** 11/30/2024

**APPLICABLE CRITERIA:**

<u>Columbia County Zoning Ordinance</u>		<u>Page Number</u>
Section 1040	Surface Mining (SM)	5
Section 1504	Variances	10

**SUMMARY:**

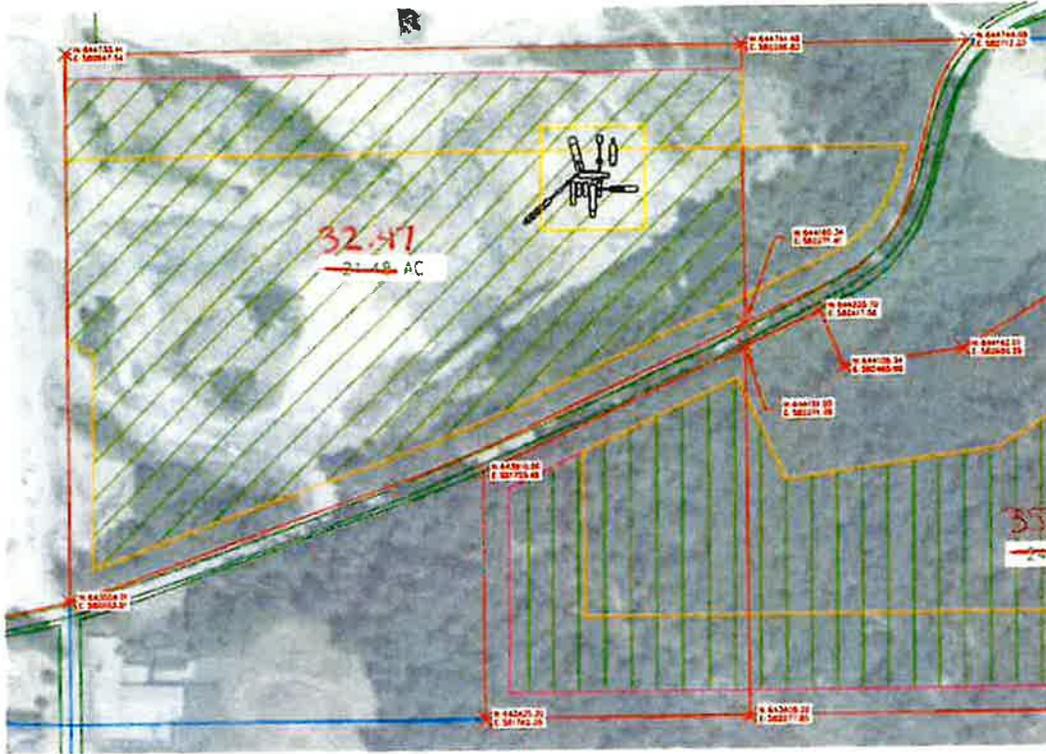
The applicant Kerr Contractors c/o John Arambul and Bryan Kerr, authorized representatives of the property owner, Willow Creek Land LLC, have submitted a request for a Major Variance to the extended operation provisions for Surface Mining Sites in Section 1044.5. Section 1042.8 allows for temporary asphalt batch plants to be operated for a maximum duration of 60-days, and Section 1044.5 allows for operations to extend beyond the standard operating hours of 7:00 a.m. to 6:00 p.m. once every six months for up to two weeks in the Surface Mining (SM) Zone. The submitted request would allow the applicant to operate a temporary asphalt batch plant for a period of 60-days or less, from 7:00 p.m. to 6:00 a.m. between April 1, 2025, and September 30, 2025, for the purpose of completing an Oregon Department of Transportation (ODOT) Highway 30 paving project.

The subject property, identified as the Goble Pit, is located on the northern side of Nicolai Road in Rainier and is Zoned Surface-Mining (SM). The property was approved for surface mining operations through Conditional Use Permits CU 35-91 and CU 26-92 and has been used for the extraction and processing of raw aggregate for over 30 years. Per the submitted application; *“the ODOT State highway paving project is scheduled for the allowable working season between April 1, 2025, and September 30, 2025. The actual work schedule and operation for the asphalt plant is estimated to be 60-days once weather permits”*. The Goble Pit is located in an area characterized by surface mining operations, small-scale agriculture, and low-density residential uses. Kerr Contractors Inc. and Willow Creek Land LLC own the properties to the northwest and east of the Goble Pit. As such, it is not anticipated that the extended operating hours will have a significant impact on surrounding properties in the area.

Natural characteristics of the site are as follows: According to the Oregon Department of State Wetlands Inventory Map and the Oregon Department of Forestry Stream Classification Maps, there are no water ways or other natural features that would limit development in the proposed area. The Tide Creek CPAC Beak Maps indicate that the subject property is located within a Peripheral Big Game Habitat Area. However, the site does not contain any threatened, endangered, or sensitive wildlife, plant and/or animal species, or other significant natural areas. Staff conducted a site visit on August 22, 2024, and confirmed the information on the County maps were accurate with the documentation submitted for V 25-01. FEMA Flood Insurance Rate Map (FIRM) Panel 41009C0195D identifies no special flood hazard associated with the subject property. Emergency services are provided by Columbia River Fire and Rescue (CRF&R) and the Columbia County Sheriff.

The remainder of this report will discuss the extent to which this Variance proposal conforms to the applicable criteria listed in the Columbia County Zoning Ordinance.

### **Submitted Site Plan**



**Subject Property's Aerial and PF-80 Zoning Maps**



**Site Visit Pictures (8/22/2024)**



**REVIEW CRITERIA:**

**The following sections of the Columbia County Zoning Ordinance apply to this application:**

**Section 1040 SURFACE MINING SM**

1041 Purpose:

- .1 To provide for development and utilization of deposits of aggregate and resource materials.
- .2 To provide for the protection and utilization of these resources in a manner which does not conflict with other land uses.
- .3 To assure economy in handling and transportation costs by locating removal, processing, and storage activities in as close proximity to the point of end use as feasible.

1042 Permitted Uses:

The following uses shall be permitted subject to compliance with Section 1044 and all other applicable rules, standards, or statutes governing such uses, including the Columbia County Comprehensive Plan, the Surface Mining and Land Reclamation Ordinance, the Zoning Ordinance of

Columbia County, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

- .1 Removal, excavation, and processing of aggregate materials.
- .2 Equipment and structures, except residences, which are necessary or accessory to the operation of an aggregate site.
- .3 Storage of heavy equipment necessary for operation.
- .4 Agricultural practices except marijuana growing and producing.
- .5 Aggregate stockpiling.
- .6 Sedimentation ponds when used in conjunction with aggregate removal operations.
- .7 The managing, growing, processing and harvesting of timber and forest products, including the operation of accessory equipment used in the manufacturing, growing, and harvesting of forest products, as permitted in ORS 215.283(2)(i).
- .8 Concrete and asphalt batch plant on a temporary basis not to exceed 60 days.

**Finding 1:** The applicant is proposing to operate a temporary asphalt batch plant in the northeastern portion of the subject property. The applicant states that the requested variance to the standard operating hours required by Section 1044.5 is necessary for the ODOT State Highway paving project to occur at night. Conducting operations at night will ensure that the paving project is performed in the safest possible manner, with limited disturbance to residents of Columbia County. Per the applicant, the subject property is in close proximity to the location of the Highway Project, and siting/operating the temporary asphalt plant on this property will mitigate the number of trucks and truck traffic generated by the project.

As stated previously, this property is already authorized for uses permitted under Section 1042. The proposal submitted for V 25-01 to operate a temporary asphalt batch plant for a period of 60-days or less is a permitted use of the SM Zone. The extent to which the requested variance satisfies the variance criteria in CCZO Section 1504.1 (A) will be evaluated in Findings 6-9. Staff finds the proposal requested for V 25-01 satisfies the purpose and permitted uses of the SM Zone.

**The following sections of the Columbia County Zoning Ordinance apply to this application:**

1044 **Operating Standards:**

All mineral resource operations, either permitted or allowed by conditional use, shall conform to the following standards:

- .1 The landowner and operator shall be jointly responsible for signing the

application.

- .2 The operator and landowner must remain in compliance with, and be responsible for, all the requirements of affected agencies.
- .3 Lot or parcel size: The minimum parcel size for a permitted or conditional use shall be 2 acres.
- .4 Operating Setbacks: Each aggregate site within the district shall observe the following minimum setbacks:
  - A. No extraction or removal of aggregate is permitted within 50 feet of the right-of-way of public roads or easements of private roads.
  - B. No extraction or removal of aggregate is permitted within 50 feet of another property, nor within 200 feet of a residence or zoning district which allows a residence as a permitted use, without written consent of the property owner(s).
  - C. Processing equipment and batch plants shall not be operated within 50 feet of another property without written consent of the property owner(s). Processing equipment and batch plants shall not operate within 50 feet of a public road right-of-way

**Finding 2:** The applicant, Kerr Contractors c/o John Arambul and Bryan Kerr, are authorized representatives of the property owner, Willow Creek Land LLC. Notice of the proposal submitted with V 25-01 was sent to local government agencies and surrounding property owners within 1,000 ft. on August 12, 2024. As of the date of this report, LDS has not received any objections to the proposal requested for V 25-01. The approximate 32.47-acre subject property is bordered by PF-80 Zoned property to the west, RR-5 zoned property to the north, SM Zoned property to the east, and CS-I/FA-80 Zoned property to the south. The temporary asphalt batch plant is proposed to be located on the northeastern portion of the subject property, in a location that satisfies the minimum setback requirements. Staff finds that the proposal submitted for V 25-01 complies with the operating standards in CCZO Section 1044.1-1044.4.

1044 Operating Standards:

- .5 Operating Hours: Operation shall not start before 7:00 a.m., nor continue after 6:00 p.m. daily, except as authorized by Subsection 1046. The Department may exempt isolated aggregate sites from the established operating hours. Notice of the proposed change in operating hours must be provided to all property owners within a 1,000 foot radius of the aggregate site and to owners of property adjacent to private aggregate site access road. If no request for a public hearing is made within ten calendar days of mailing said notice, the operating hours shall be changed as requested by the aggregate operator. The Commission may, at any time, require resumption of standard

operating hours. If a request is made for a public hearing, adjustment of standard operating hours shall be determined by the County. The Department may approve one period of extended operation beyond the 7:00 a.m. to 6:00 p.m. operating hours once every six months, not to exceed a two week period.

**Finding 3:** The applicant proposes to operate a temporary asphalt batch plant for a period of 60-days or less from April 1, 2025, to September 30, 2025, between the hours of 7:00 p.m. and 6:00 a.m. CCZO Section 1044.5 allows for surface mining operations to extend beyond the standard operating hours of 7:00 a.m. to 6:00 p.m. once every six months for a maximum time period of two weeks, as granted by the Department. With that being said, the proposed use of the property to extend the operating hours for a period of 60 days requires variance approval from the Commission. Staff finds the extent to which the proposal submitted for V 25-01 satisfies the variance criteria in Section 1504.1(A) will be evaluated in Findings 6-9.

1044 Operating Standards:

- .6 Visual Impacts: Existing trees and other natural vegetation adjacent to any public park, residential development, public road, or residential zoning district shall be preserved for a minimum width of 25 feet. Screening shall be provided at the boundary of the property on which the surface mining operation is located. If such trees and other vegetation are insufficient to provide a screen, such screening may be accomplished by one or more of the following:
  - A. A sight-obscuring fence or wall;
  - B. A landscaped berm or preservation of a natural slope;
  - C. Use of native vegetation, or plants and trees with demonstrated ability to thrive under the anticipated conditions.
- .7 Access: The operation shall have access to a public road with two-way capacity. The County may impose weight/load restrictions and/or require the operator to post an adequate surety bond for road repairs. An on-site access or service road used for mining shall be dust-free at all points within 300 feet of a public road or residence off the property being mined.
- .8 Noise: Each aggregate site shall operate with the applicable noise standards required by the Department of Environmental Quality or other state or federal agencies.
- .9 Water Quality: All aggregate sites in the district shall be operated in a manner which will not create turbidity, cause siltation, deposit undesirable materials, or adversely affect water temperatures in any stream, drainage, or river. In addition, the operator shall not cause contamination of groundwater or change a stream channel unless the

channel change has previously been approved by all applicable state and federal agencies. Provisions for settling ponds, diversion dikes, channels, and other structures may be required to protect these water resources.

**Finding 4:** The site plan submitted with V 25-01 and the site visit conducted by Staff on August 22, 2024, indicate that the temporary asphalt batch plant will be located in an area that is screened from adjacent properties and roadways. Additionally, the temporary asphalt plant will not require the applicant to remove additional trees or other vegetation as the area has already been disturbed by routine operations associated with the Goble Pit.

The application indicates that access to the property will be achieved via Nicolai Road. The following conditions of approval have been added to reflect the comments submitted by Columbia County Public Works on August 23, 2024:

- The Applicant must obtain a road access permit for the existing access point that connects to Nicolai Road.
- The Applicant shall install a temporary streetlight at the active access point onto Nicolai Road to help improve safety at the intersection.
- The applicant shall place temporary signage warning drivers of the truck traffic/trucks entering the roadway during the extended hours of operation.

The applicant states that the close proximity between the asphalt plant and the paving project will significantly reduce the number of trucks required. Additionally, conducting operations at night will reduce conflict with residential traffic patterns, resulting in minimal disturbance to neighboring residents. Staff concurs with the statements made by the applicant, and LDS has not received any objections from neighbors or residents of Columbia County as of the date of this report. Lastly, the proposal will not create any adverse water quality impacts as there are no natural water ways, ponds, or wetlands located on the site. Staff finds the request submitted with V 25-01 satisfies the criterion in CCZO Section 1044.6-1044.9.

**Continuing with Section 1504 of the Columbia County Zoning Ordinance:**

**1504 VARIANCES:**

Except as provided in Section 1504.4 below, there are 2 classes of variances to the standards established in this ordinance. A Minor Variance is defined as a request for a variance of less than 25% from a dimensional requirement such as setbacks, height, lot or parcel coverage, lot or parcel width, or lot or parcel depth, or a request for a variance of less than 10% from a minimum lot or parcel size requirement. All other variances are defined as Major Variances. Use variances are not permitted under this ordinance except as permitted under Section 1505.1 "Temporary Permits: Use Not Allowed in District".

Major Variances from the lot or parcel size requirements of the Primary

Agriculture (PA-38), Forest Agriculture (FA-19), Primary Forest (PF-76) and Rural Residential (RR-5) zones are not permitted under this ordinance.

- .1 **Major Variances:** The Planning Commission may permit and authorize a variance from the requirements of this ordinance when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest.

**Finding 5:** The proposal submitted for V 25-01 does not require deviations from the minimum dimensional requirements or lot and parcel size requirements of the SM zone. Therefore, the proposal submitted for V 25-01 shall be reviewed and approved by the Planning Commission as a Major Variance. More specifically, the applicant requests a variance from CCZO Section 1044.5, which allows for surface mining operations to extend beyond the standard operating hours of 7:00 a.m. to 6:00 p.m. once every six months for a maximum time-period of two weeks. If approved, the applicant will be authorized to operate the temporary asphalt batch plant between the hours of 7:00 p.m. and 6:00 a.m., for a period of up to 60-days, from April 1, 2025, to September 30, 2025.

On July 26, 2024, the applicant submitted a Major Variance Permit Application to Land Development Services (LDS) in compliance with the requirements in Section 1504.3(A and B) of the Zoning Ordinance. 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 Acknowledgement of the proposal requested for V 25-01. As of the date of this report, none of the notified neighbors or affected agencies have submitted any objections to the proposal requested for V 25-01. For these reasons, Staff finds the requirements in Section 1504.1 have been satisfied.

**Continuing with the Columbia County Zoning Ordinance Section 1504.1(A):**

- A. A variance shall be made only when all the following conditions and facts exist:
  1. The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property;

**Finding 6:** Staff finds the granting of this Major Variance should not be detrimental to the public safety, health, or welfare, or injurious to other properties as this request is limited to extending the operating hours of a temporary asphalt batch plant, a permitted use in the SM Zone, and the site currently operates as a surface mining operation. Documents submitted with V 25-01 indicate that truck deliveries between the asphalt plant and the Highway 30 project in Rainier, will be between the hours of 7:00 p.m. and 6:00 a.m., a time where conflicts with residential traffic will be minimized. Additionally, the applicant states that the subject property is in close proximity to the Highway 30 project, which will significantly reduce the number of trucks required. Lastly, and per the applicant, "*granting this variance allows for improving (the)*

*paving of Highway 30 in Columbia County, which contributes to improving public safety and welfare on this highway”.*

With the conditions of approval added to reflect comments submitted by Columbia County Public Works, and with no comments submitted by Columbia River Fire & Rescue (CRF&R), there is no evidence indicating that public roads or emergency/fire services and facilities will be significantly impacted by the proposed use of the property. Staff finds the proposal submitted for V 25-01 satisfies the criterion in Section 1504.1(A)(1).

**Continuing with the Columbia County Zoning Ordinance Section 1504.1(A):**

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;

**Finding 7:** Per the applicant, “*asphalt paving material must be produced and installed within a very limited window of time*”. The subject property’s unique conditions are attributed to the fact that it is located in close proximity to the Highway 30 project in Rainier. If approved, the proposal submitted for V 25-01 would enable the production and efficient transportation of asphalt from the Goble Pit to the Highway 30 project, at a time of day where impact on residential traffic would be minimized. Additionally, and as mentioned throughout this report, the subject property is already approved for surface mining uses, and temporary asphalt batch plants for a period of 60-days or less are a permitted use in the SM Zone. The request submitted for V 25-01 would only authorize operations of a permitted use to occur between the hours of 7:00 p.m. and 6:00 a.m. for a period up to 60 days. Staff finds that the subject property’s current uses and proximity to the Highway 30 project are unique and generally do not apply to other property in the SM Zone. Staff finds the criterion in Section 1504.1(A)(2) has been met.

**Continuing with the Columbia County Zoning Ordinance Section 1504.1(A):**

3. Approval of the application will allow the property to be used only for purposes authorized by the Zoning Ordinance;

**Finding 8:** As covered in Finding 1, concrete and asphalt batch plants on a temporary basis not to exceed 60-days is a permitted use within the SM Zone. The proposal submitted for V 25-01 only requires a variance from the standard operating hours established in CCZO Section 1044.5, to conduct the Highway 30 paving project during the night. Staff finds that the proposed temporary asphalt batch plant is a permitted use on the subject Surface Mine zoned property. With this finding, the criterion in Section 1504.1(A)(3) has been met.

**Continuing with the Columbia County Zoning Ordinance Section 1504.1(A):**

4. Strict compliance with the Zoning Ordinance would create an unnecessary hardship;

**Finding 9:** As stated in Finding 4, strict compliance with the Zoning Ordinance and specifically the required operating hours of 7:00 a.m. to 6:00 p.m. would create an unnecessary hardship for the applicant and residents of Columbia County. Adhering to the standard operating hours would require the applicant to conduct transportation to and from the highway project during peak transit hours and for a duration that could potentially exceed 60-days. Authorization of this variance would help to ensure that the Highway project is done in an efficient manner, at a time of day that has reduced impact on traffic patterns and residents of Columbia County.

**Continuing with the Columbia County Zoning Ordinance Section 1504.1(A):**

5. The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor violate any other provision of the Zoning Ordinance.

**Finding 10:** The request for a variance from the standard operating hours for surface mining sites does not appear to adversely affect the realization of the Comprehensive Plan nor be inconsistent with the intent of the SM Zone as consistently demonstrated throughout this report.

The research and analysis supporting these previous Findings identify various reasons why Planning Staff supports the submitted variance, all of which are uniquely characterized and apply only to the subject 32.47-acre SM zoned site. This report has evaluated evidence and consistently found that the proposal requested for V 25-01 will only authorize the subject SM Zoned parcel to be used for operations that comply with Section 1040 of the Columbia County Zoning Ordinance. All future site development will be reviewed by the County Planner for consistency for with the applicable Goals and Policies of the Comprehensive Plan that are implemented through the County's Zoning Ordinance. For these reasons, Staff finds this criterion is satisfied.

**Continuing with the Columbia County Zoning Ordinance Section 1504.1:**

- B. A variance so authorized shall become void after the expiration of 1 year if the next step in the development process has not been applied for.

**Finding 11:** If this variance is approved, the applicant shall submit a copy of the final contract for the ODOT Highway Project to LDS and begin operations for the project within 1 year of the final decision, or this approval will expire. The final contract shall provide the proposed start and end dates for the project and demonstrate consistency with the request associated with the variance application V 25-01.

**Continuing with the Columbia County Zoning Ordinance Section 1504.1:**

- C. The Planning Commission may impose whatever reasonable requirements it feels will fulfill the intent of this ordinance.

**Finding 12:** Staff has proposed conditions 1-6 at the end of this staff report. The Commission may modify/add/remove conditions onto their decision as they deem appropriate.

**COMMENTS:**

**County Building Official:** Has reviewed the application and has no objection to its approval as submitted.

**Columbia River PUD:** Has reviewed the application and has no objection to its approval as submitted.

**Columbia County Public Works Department:** The Applicant must obtain a road access permit for the existing access point that connects to Nicolai Road. The Applicant shall install a temporary streetlight at the active access point onto Nicolai Road to help improve safety at the intersection. The applicant shall place temporary signage warning drivers of the truck traffic/trucks entering the roadway during the extended hours of operation.

**County Sanitarian:** No comments have been received as of the date of this report.

**Columbia River Fire and Rescue:** No comments have been received as of the date of this report.

**Tide Creek CPAC:** No comments have been received as of the date of this report.

**Oregon Department of Geology and Mineral Industries (DOGAMI):** No comments have been received as of the date of this report.

**Oregon Department of Transportation (ODOT):** No comments have been received as of the date of this report.

**STAFF COMMENTS, CONCLUSION AND RECOMMENDATION:**

Based on the facts, findings, and comments herein, Planning Staff recommends that the Planning Commission **APPROVE variance application V 25-01**, the applicant's request of a Major Variance to the extended operation provisions for Surface Mining Sites in Section 1044.5, for the SM zoned property, to allow the applicant to operate a temporary asphalt batch plant for a period not to exceed 60-days, between the hours of 7:00 p.m. and 6:00 a.m. from April 1, 2025, to September 30, 2025, for the purpose of completing an ODOT highway paving project subject to the following conditions:

**Conditions of Approval:**

1. This variance shall become void if the applicant does not submit a copy of the final contract with ODOT and begin operations for the project within **one year** of the

final decision for V 25-01. The final contract or other documentation shall include the proposed start date and end date for the proposed project.

2. The applicant shall operate the temporary asphalt batch plant for a period of no more than 60 days within the project timeframe of April 1, 2025 – September 30, 2025.
3. The Applicant shall obtain a road access permit for the existing access point that connects to Nicolai Road.
4. The Applicant shall install a temporary streetlight at the active access point onto Nicolai Road to help improve safety at the intersection.
5. The applicant shall place temporary signage warning drivers of the truck traffic/trucks entering the roadway during the extended hours of operation.
6. All future site development on the property shall be reviewed for consistency with the applicable provisions in Section 1040 of the Zoning Ordinance related to development of SM zoned properties.

**Attachments:** Submitted Application and Site Plan  
Vicinity Map, Address Map, Zoning Map, Agency Comments

**RECEIVED**  
**JUL 26 2024**  
Land Development Services

Variance

File No. V 25-01  
192-24-000172-PW6  
\$3259.95

**VARIANCE APPLICATION**  
**COLUMBIA COUNTY ZONING ORDINANCE**  
General Information

**APPLICANT: Name:** Kerr Contractors, John Arambul jarambul@kerrcontractors.com Bryan Kerr bkerrr@att.net

Mailing address: P.O. Box 1060 Woodburn, OR 97071

Phone No.: Office (971) 216-0050 Home \_\_\_\_\_

Are you the  property owner?  owner's agent?

**PROPERTY OWNER:**  same as above, OR:

Name: Willow Creek Land LLC

Mailing Address: P.O. Box 1060 Woodburn, OR 9707

**PROPERTY ADDRESS (if assigned):** \_\_\_\_\_

**TAX ACCOUNT NO.:** 19332 Acres: 32.47 Zoning: SM

**TYPE OF VARIANCE:** Ordinance SM  
Requires: \_\_\_\_\_ Change to: \_\_\_\_\_

Lot size: \_\_\_\_\_

Setback: \_\_\_\_\_ front \_\_\_\_\_ side \_\_\_\_\_ rear

Other: Variance Request to standard Operating House CCZO Section 10445

**PRESENT LAND USES:** (farm, forest, bush, swamp, residential, etc.)

Use:	Approx. Acres
Aggregate Surface Mining	32.47

Total acres (should agree with above): 32.47

Variance

File No. V 25-01

**PROPOSED LAND USES:** To allow variance of operating hours for temporary site of mobile asphalt plant

inside of Goble Pit to supply material for upcoming ODOT State Highway 30 paving project.

**WATER SUPPLY:**  Private well.  Community system. Is the well installed?  Yes  No  
Name \_\_\_\_\_

**METHOD OF SEWAGE DISPOSAL:**  Community Sewer. Name \_\_\_\_\_  
 Not applicable.  
 Septic System.

If Septic, does the subject property already have a system?  Yes  No  
If no, is the property approved for a Septic System?  Yes  No

**CONTIGUOUS PROPERTY:** List all adjacent property you own with boundaries touching the subject property:  None

Tax Acc't. No.	Acres	Co-owners (if any)
<u>19335</u>	<u>35.76</u>	<u>Same, Willow Creek Land LLC</u>

+++++

**CERTIFICATION:**

I hereby certify that all of the above statements, and all other documents submitted, are accurate and true to the best of my knowledge and belief.

Date: June 10, 2024 Signature: Bryan Ker  
July 25, 2024

**NOTE:** Please attach an accurate detailed plot plan, including existing and proposed structures, septic tanks and drain fields, farm and forest areas, large natural features (e.g. cliffs, streams, ravines, etc.), roads and driveways, property lines, easements, etc.

+++++

Planning Department Use Only

Date Rec'd. 7/26/04 Hearing Date: 9/9/24 @ 6:30 PM  
Or: Administrative \_\_\_\_\_

Receipt No. 404825

Zoning: SM Staff Member: Jamie/Amy

+++++

**VARIANCE FACT SHEET**

**Variance Standards:**

Please answer the following (attach extra pages if needed):

The following 5 requirements are from Section 1504.1A of the Columbia County Zoning Ordinance:

"A variance shall be made only when all of the following conditions and facts exist:

- 1. **The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property;"**

1. State how the granting of your variance will not injure other property in the vicinity, nor be detrimental to the public safety, health or welfare:

Granting this variance allows for improving paving of Hwy 30 in Columbia County which contributes to  
improving public safety and welfare on this highway. Operating the asphalt plant within the Goble Pit  
property is an allowable activity in this SM zoned location.

- "2. **The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;"**

2. Describe the conditions, unique to the property (NOT the owner), over which you have no control, on which you base this variance request (parcel size, shape, location; topography; natural features; etc.):

Because this is an ODOT State Highway 30 paving project, the paving work on Hwy 30 is specified to  
be done at night between the hours of 6 PM and 7 AM. Operating hours will likely be between 7 PM  
and 6 AM allowing for 1 hour start-up and 1 hour clean up each day.

- "3. **Approval of the application will allow the property to be used only for purposes authorized by the Zoning Ordinance;"**

3. What uses or structures do you intend to place on the property?

No permanent structures. Temporary set-up of mobile asphalt plant is planned

Variance

File No. V 25-01

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**"4. Strict compliance with the Zoning Ordinance would create an unnecessary hardship;"**

4. Explain in detail the unnecessary hardship. This may be a personal or physical hardship, but it must arise out of the unique physical conditions on the property described in 2 above.

Because of ODOT schedule requirements we are requesting approval of a variance to CCZO 1044.5 to allow operation hours between 6 PM and 7 PM for 60 working days during the paving project. Asphalt paving material must be produced and installed within a very limited window of time.

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**"5. The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor violate any other provision of the Zoning Ordinance."**

5. Will this variance be consistent with the Comprehensive Plan and other requirements of the Zoning Ordinance?

We believe this variance is consistent with the Comprehensive Plan due to siting a mobile asphalt plant is an allowed use for SM zoned sites.

+++++

Please submit all of the following:

1. The attached "VARIANCE APPLICATION General Information".
2. Answers to the above questions.
3. A good measured sketch of your property, showing all existing structures, septic tanks and drain fields, large natural features, roads and driveways, property lines, easements, etc. Don't forget the North arrow and the scale of the drawing.
4. A vicinity map, with North arrow and scale.
5. The application fee.

+++++



**Request for Temporary Permit and Variance for Operating Hours**

Kerr Contractors is applying for short term temporary permit to site an Almix Portable Drum Mix Asphalt Paving Plant at the Goble Pit on Nicolai Road. The purpose is to produce asphalt paving for Kerr Contractors' Paving Division for an upcoming paving project on Highway 30. The paving project is near Nicolai Road.

Willow Creek Land LLC owns the property of Goble Pit. Willow Creek Land LLC is an affiliate entity with Kerr Contractors. The site is zoned SM and is permitted to operate surface mining operation. The paving work on Hwy 30 would be performed by Kerr Contractors' Paving Division.

The ODOT State Highway paving project is scheduled for the allowable working season between April 1, 2025 and September 30 2025. The actual work schedule and operation of the asphalt plant is estimated to be 60 days once weather permits.

**Hours of Operating;**

Because this is an ODOT State Highway paving project the paving work on Hwy 30 is to be done at night between the hours of 6PM and 7AM. We anticipate there will be approximately 60 working days. Truck traffic between the asphalt plant and Hwy 30 paving project would likely be between the hours of 7PM and 6AM allowing for 1 hour start-up and 1 hour clean up each day.

**Request for Extension and Variance**

Because of this ODOT schedule, we are requesting approval of a variance and approval of an extension to the operating hours during a 60-day period to allow operation of the Asphalt Plant during the hours of 6PM to 7AM in reference to Section 1044.5. Temporary operation of the Asphalt Plant is not expected to exceed the allowed 60 days as referenced in Section 1042.8.

**Considerations in Approving this Request**

With a temporary mobile asphalt plant located in the Goble Pit on Nicolai Road, Kerr Contractors can perform the Hwy Paving Project in the safest manner and with the least amount of disruption to Columbia County. The close proximity between the asphalt plant and the paving project will significantly reduce the number of trucks involved to supply the work. The truck traffic would travel a short distance between Nicolai Road and close to Rainier where the project begins. Siting the asphalt plant at Goble Pit will reduce the number of trucks and amount of truck traffic compared to asphalt sourced from alternate locations traveling to and from the project location.

Beyond the Safety and minimized disruption benefits, Columbia County through the depletion allowance arrangement with the Goble Pit would benefit financially from the volume of aggregate used in the production of asphalt and originating within Columbia County and not from counties to the south.

The working relationship with Columbia County is gratefully appreciated and we hope this accommodation can be approved.

Respectfully,



Bryan Kerr

[bkerr@att.net](mailto:bkerr@att.net)

(650) 533.6956

John Arambul

[Jarambul@KerrContractors.com](mailto:Jarambul@KerrContractors.com)

(971) 806.6997

Kerr Contractors

P.O Box 1060

Woodburn, OR 97071

Land Owner

Brent Kerr, Member

Willow Creek Land LLC

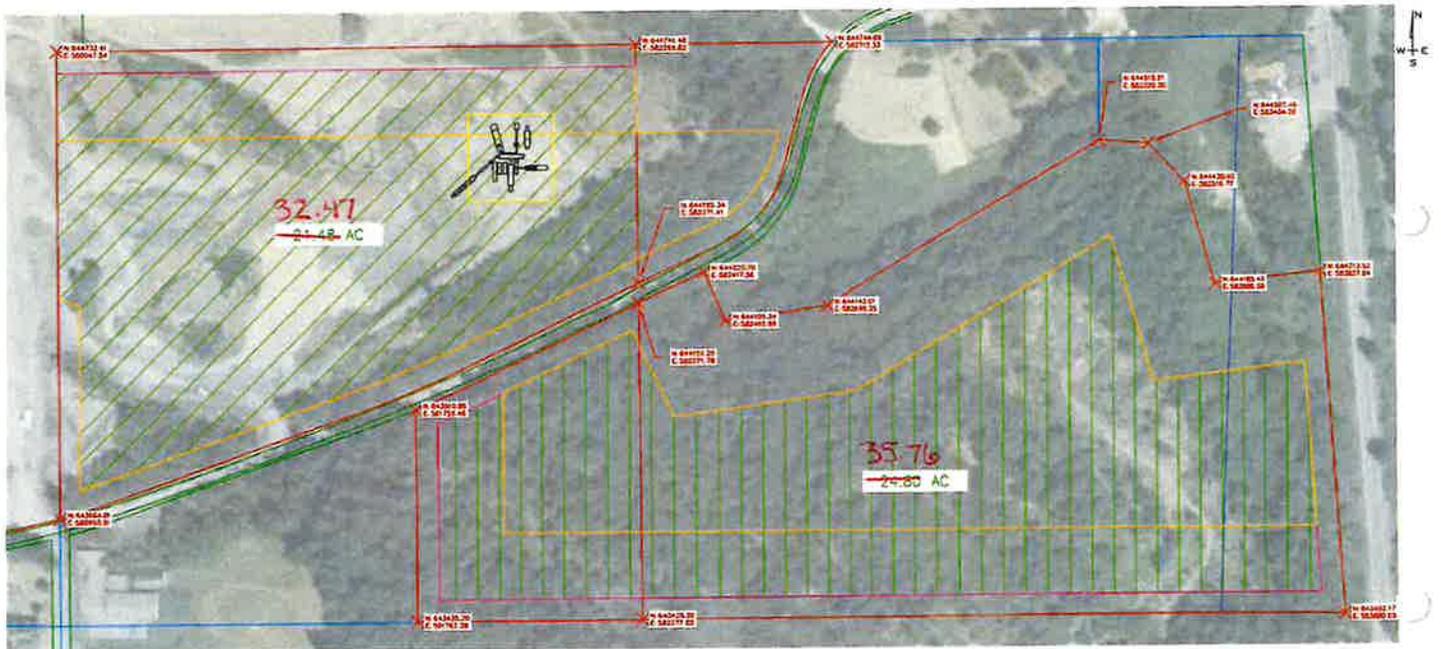
[bkerr@kerrcontractors.com](mailto:bkerr@kerrcontractors.com)

(971) 235.5001

Willow Creek Land LLC

P.O. Box 1060

Woodburn, OR 97071



- LEGEND:**
- PROPERTY LINE
  - CURRENT MINING/EXCAVATION SETBACK
  - COLUMBIA COUNTY AUTHORIZED SETBACK
  - WETLAND

**NOTES:**  
 1. BOUNDARY SURVEY CONDUCTED BY STATEWIDE LAND SURVEYING, INC.  
 2. SURVEY DATE: 10/18/22  
 3. HORIZONTAL DATUM: NAD 83 (2011) OREGON, COLUMBIA RIVER WEST ZONE  
 4. UNIT: INTERNATIONAL FEET  
 5. VERTICAL DATUM: NAVD 83

RECEIVED  
 JUN 17 2024  
 Land Development Services

PERMITTEE: WESTERN ROCK RESOURCES, LLC  
 BOUNDARY & SETBACK PLAN, AC PLANT  
 GOBLE PIT  
 DOGAMI #05-0004  
 LOCATED IN SECTION 11 & 12 T6N, R2W,  
 WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON



x +

maps/place/Goble,+OR+97048/@46.0145414,-122.8834051,749m/data=!3m1!1e3!4m6!3m5!1s0x5494422c9a324ed9:0x327eca5c6a05e52b!8m2!3d46.0159469!4d-122.8753853!16zL20vMDJ3Z21z?aut... ☆



# Tax Map ID 6212-00-01100 Zoning



8/27/2024 1:55 PM

0  
**Disclaimer:** This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard to the selection, performance or use of information on this map

# Tax Map ID 6212-00-01100 Aerial



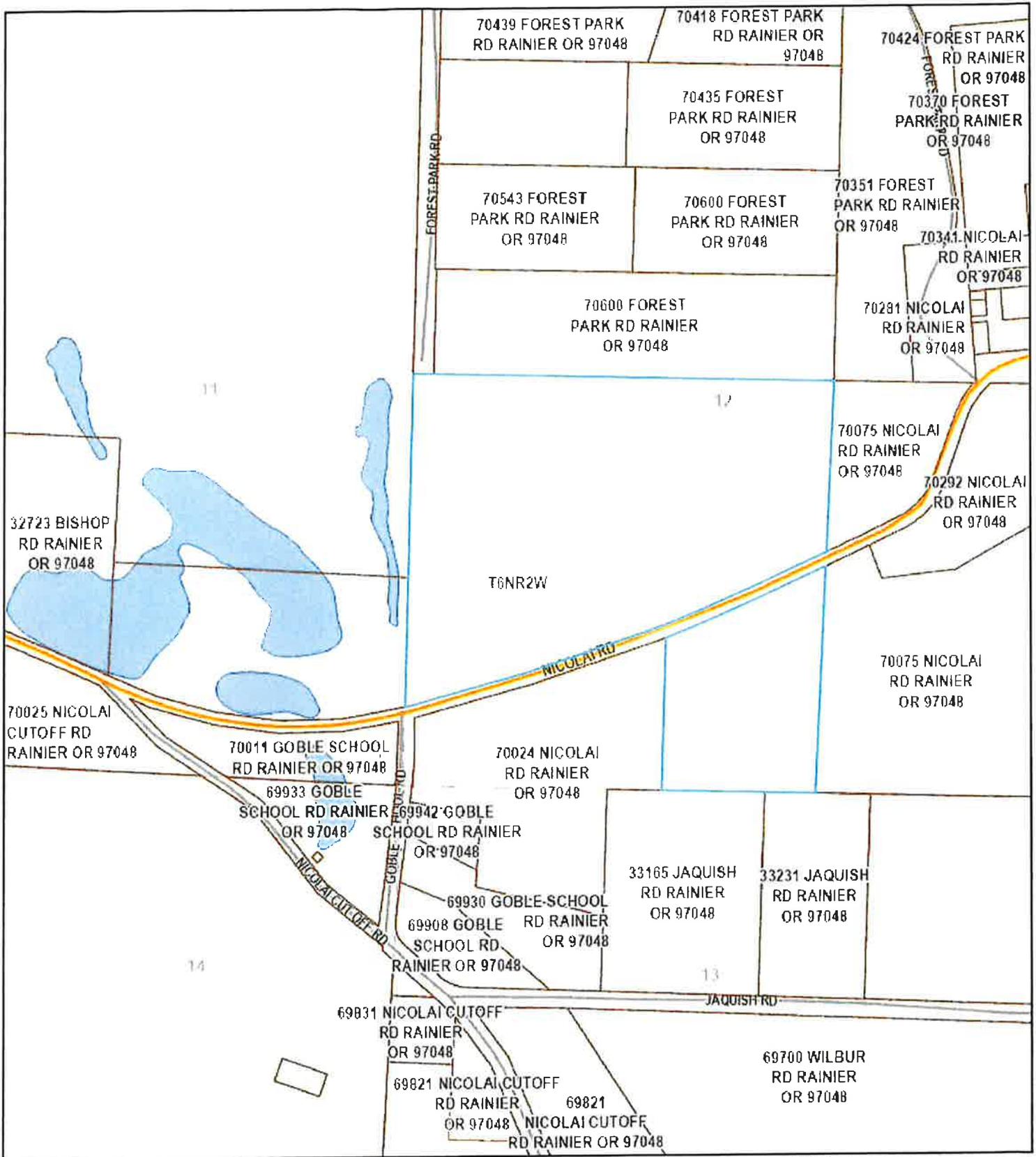
13 Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team

8/27/2024 1:55 PM

0

**Disclaimer:** This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard to the selection, performance or use of information on this map.

# Tax Map ID 6212-00-01100 Address



8/27/2024 1:56 PM

0

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RECEIVED

AUG 23 2024

Land Development Services

**Jack Niedermeyer**

---

**From:** Scott Toenjes  
**Sent:** Friday, August 23, 2024 2:12 PM  
**To:** Planning Department.UserGroup  
**Cc:** Grant DeJongh; Sara Smith; Michael Russell  
**Subject:** Nicolai Road, Kerr Contractors c/o John Arambul and Bryan Kerr, on behalf of Willow Creek Land LLC, V 25-01  
**Attachments:** 0214\_001.pdf

Here are the Columbia County Public Works Department's comments for this RDF Application:

1. Applicant must obtain an access permit for every access point on the property. In this case, there appears to be only one existing access point that will need to be permitted.
2. Applicant will need to install a temporary street light at the active access point onto Nicolai Road to help improve safety at the intersection.
3. Applicant will need to place temporary signage warning drivers of the truck traffic/trucks entering the roadway during the extended hours of operation.

Thank you.

Scott Toenjes | Engineering Technician | Columbia County Public Works  
1054 Oregon Street, St Helens, OR 97051  
503-366-3963 | F 503-397-7215 | [scott.toenjes@columbiacountyor.gov](mailto:scott.toenjes@columbiacountyor.gov)

**Service ~ Engagement ~ Connection ~ Innovation**

My current schedule is Tuesday – Friday. If you require immediate assistance on Monday, please call the Public Works office at 503-397-5090. [For emergencies, call 911.](#)



REFERRAL AND ACKNOWLEDGMENT

Date: August 12, 2024  
File # V 25-01  
Owner/Applicant: Kerr Contractors  
Map/Taxlot: 6212-00-01100  
Site Address: N/A  
Zone: Surface Mining (SM)  
Size: 32.47

RECEIVED  
AUG 23 2024  
Land Development Services

NOTICE IS HEREBY GIVEN that Kerr Contractors c/o John Arambul and Bryan Kerr, on behalf of property owner Willow Creek Land LLC, has applied for a Variance Application (File # V 25-01). The applicant proposes a variance to the standard surface mining operation hours to allow the operation of a temporary asphalt paving plant between the hours of 6:00 PM to 7:00 AM, not to exceed a period of 60 days. The subject property associated with Map and Taxlot 6212-00-01100 is approximately 32.47 acres and is zoned Surface Mining (SM).

Hearing Date: September 9, 2024 Please Return By: August 23, 2024 Planner: Jack Niedermeyer

SAID PUBLIC HEARING will be held before the Columbia County Planning Commission on September 9, 2024, starting at 6:30 p.m. at 1054 Oregon Street St Helens, OR 97051. Please join my meeting from your computer, tablet or smartphone. <https://meet.goto.com/880602597> You can also dial in using your phone. Access Code: 880-602-597 United States (Toll Free): 1 866 899 4679

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

- 1.  We have reviewed the enclosed application and have no objection to its approval as submitted.
- 2.  Please see attached letter or notes below for our comments.
- 3.  We are considering the proposal further and will have comments to you by \_\_\_\_\_.
- 4.  Our board must meet to consider this; we will return their comments to you by \_\_\_\_\_.
- 5.  Please contact our office so we may discuss this.
- 6.  We recommend denial of the application, for the reasons below:

COMMENTS: Applicant must obtain an access permit for the existing access point, Applicant will need to install temporary street lighting at the active access to Nicolai Road, as well as temporary signage warning

Signed: Scott Toenjes Printed Name: Scott Toenjes  
Title: Engineering Technician II Date: 8/23/2024



REFERRAL AND ACKNOWLEDGMENT

Date: August 12, 2024  
File # V 25-01  
Owner/Applicant: Kerr Contractors  
Map/Taxlot: 6212-00-01100  
Site Address: N/A  
Zone: Surface Mining (SM)  
Size: 32.47



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Hearing Date: September 9, 2024 Please Return By: August 23, 2024 Planner: Jack Niedermeyer

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1.  We have reviewed the enclosed application and have no objection to its approval as submitted.
2.  Please see attached letter or notes below for our comments.
3.  We are considering the proposal further and will have comments to you by \_\_\_\_\_.
4.  Our board must meet to consider this; we will return their comments to you by \_\_\_\_\_.
5.  Please contact our office so we may discuss this.
6.  We recommend denial of the application, for the reasons below:

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

Signed: Brandon Stachelly Printed Name: Brandon Stachelly  
Title: Engineering Manager Date: 8/19/24



REFERRAL AND ACKNOWLEDGMENT

Date: August 12, 2024  
File # V 25-01  
Owner/Applicant: Kerr Contractors  
Map/Taxlot: 6212-00-01100  
Site Address: N/A  
Zone: Surface Mining (SM)  
Size: 32.47



NOTICE IS HEREBY GIVEN that Kerr Contractors c/o John Arambul and Bryan Kerr, on behalf of property owner Willow Creek Land LLC, has applied for a Variance Application (File # V 25-01). The applicant proposes a variance to the standard surface mining operation hours to allow the operation of a temporary asphalt paving plant between the hours of 6:00 PM to 7:00 AM, not to exceed a period of 60 days. The subject property associated with Map and Taxlot 6212-00-01100 is approximately 32.47 acres and is zoned Surface Mining (SM).

Hearing Date: September 9, 2024 Please Return By: August 23, 2024 Planner: Jack Niedermeyer

SAID PUBLIC HEARING will be held before the Columbia County Planning Commission on September 9, 2024, starting at 6:30 p.m. at 1054 Oregon Street St Helens, OR 97051. Please join my meeting from your computer, tablet or smartphone. <https://meet.goto.com/880602597> You can also dial in using your phone. Access Code: 880-602-597 United States (Toll Free): 1 866 899 4679

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1.  We have reviewed the enclosed application and have no objection to its approval as submitted.
2.  Please see attached letter or notes below for our comments.
3.  We are considering the proposal further and will have comments to you by \_\_\_\_\_.
4.  Our board must meet to consider this; we will return their comments to you by \_\_\_\_\_.
5.  Please contact our office so we may discuss this.
6.  We recommend denial of the application, for the reasons below:

COMMENTS: \_\_\_\_\_

Signed:  Printed Name: Don Van Domelen  
 Title: Building official Date: 8-19-24

## Jack Niedermeyer

---

**From:** bkerr@att.net  
**Sent:** Friday, August 23, 2024 1:30 PM  
**To:** Jack Niedermeyer  
**Subject:** RE: Variance Application V 25-01

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



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Hi Jack

The ODOT Hwy 30 paving project I've been discussing starts just past the Hwy 433 Lewis and Clark bridge and goes for approximately three miles West/down river from that point. The project is to pave Hwy 30 in both directions West Bound and East Bound.

Yes, ODOT commonly requires work to be done at night to minimize traffic impact and disruption and also greater safety for the crew doing the work. Hwy 30 is a two lane highway with one lane in each direction so traffic control is an important consideration.

If you take a look at the location map for siting the Asphalt plant that you already have, you'll notice that the setbacks are marked there. The plant is well back from the 50 foot setback of adjacent property lines. The same map indicates the setback for mineral extraction. For the purpose of this variance request there will be no extraction taking place in this quarry. The aggregate will come from the active quarry next door.

Bryan Kerr  
[bkerr@att.net](mailto:bkerr@att.net)  
(650) 533.6956

**From:** Jack Niedermeyer  
**Sent:** Thursday, August 22, 2024 4:39 PM  
**To:** bkerr@att.net  
**Subject:** RE: Variance Application V 25-01

Hi Bryan,

Thank you for meeting me on site today! I have gathered several additional questions since our meeting this afternoon;

1. You mention how the property is in close proximity to the Hwy 30 project in rainier. Do you mind providing more specifics?
  - a. Exactly how far away is the project (in miles).
  - b. Do you have any more specifics as to what stretch of hwy 30 is proposed to be resurfaced?
    - i. Starting/end points?
    - ii. If you have any maps that would be greatly appreciated
2. Night work hours
  - a. Does ODOT require the project to be done at night for traffic considerations, or is it simply more efficient from an operations perspective?
3. Location of temporary asphalt plant

- a. Batch plants are not permitted within 50' of another property line.
- b. Extraction/removal of aggregate is not permitted within 200 feet of a residential zoning district
  - i. Can you roughly indicate where the temp plant will be located in relation to property lines?
  - ii. This can be done on the attached site plan or you can simply state "over 200' from all property lines"

Bet,

Jack Niedermeyer



**Jack Niedermeyer**

Assistant Planner

Phone: 503-397-7217

Web: [www.columbiacountyor.gov](http://www.columbiacountyor.gov)

Email: [jack.niedermeyer@columbiacountyor.gov](mailto:jack.niedermeyer@columbiacountyor.gov)

445 Port Avenue, St. Helens, OR 97051

**From:** [bkerr@att.net](mailto:bkerr@att.net) <[bkerr@att.net](mailto:bkerr@att.net)>  
**Sent:** Tuesday, August 20, 2024 4:21 PM  
**To:** Jack Niedermeyer <[Jack.Niedermeyer@columbiacountyor.gov](mailto:Jack.Niedermeyer@columbiacountyor.gov)>  
**Cc:** Planning Department.UserGroup <[planning@columbiacountyor.gov](mailto:planning@columbiacountyor.gov)>  
**Subject:** RE: Variance Application V 25-01

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Also, do NOT scan any 'QR' codes in this email.

Hi Jack  
Thank you for catching this. I replied in red in thread below.

Thanks

Bryan Kerr  
[bkerr@att.net](mailto:bkerr@att.net)  
(650) 533.6956

**From:** Jack Niedermeyer  
**Sent:** Friday, August 16, 2024 12:36 PM  
**To:** [bkerr@att.net](mailto:bkerr@att.net)  
**Cc:** Planning Department.UserGroup <[planning@columbiacountyor.gov](mailto:planning@columbiacountyor.gov)>  
**Subject:** RE: Variance Application V 25-01

Hi Bryan,

In reviewing your application submittals, I have several questions regarding your requested variance:

- a. The response to Variance Criteria 4 states: "operation hours between 6pm and 7pm for 60 working days during the paving project. Asphalt paving material must be produced and installed within a very limited window of time".
- i. Did you mean 6pm-7am for operating hours? I believe this is a typo and just want to verify.

**Yes it is a typo and meant to be 6pm-7am. Most ODOT contracts of this type of project stipulate night work to minimize traffic disruption.**

- b. In the application narrative and in various other locations it states that there will be a maximum of 60 working days within the April 1, 2025-September 30, 2025 timeframe with a 1-hour start-up and 1-hour clean up each day.
- i. Is the request limited to swapping the current allowable working hours of 7am-6pm with an overnight schedule of 7pm-6am?

**Yes, the request is to allow for this project working hours to be 6pm-7am inclusive of one hour startup and one hour shut down/clean up. (Actual production hours to be 7pm-6am)**

- ii. Will the request result in operations occurring throughout the day and night (22 of 24 hours) with referenced start up and clean up hours to occur between 6am-7am and 6pm-7pm?

**No regarding actual asphalt plant production hours. The asphalt production time window should be between hours of 6pm and 7am. I do expect that normal quarry and plant maintenance activities may occur during daylight hours. I do not expect asphalt production during daylight hours.**

Additionally, a site visit is required as part of the review of your application. I am out of office through Wednesday of next week (8/21), and the staff report will need to be completed for review and publication by 5pm on Monday 8/26. With that being said, is there a time between 8/22-8/26 that works for an on-site meeting? Please feel free to reach out to me directly if you have any questions regarding your application!

**This Thursday August 22 would be best for me. Would late morning work for you? I can meet you at the entrance to the Goble Quarry on Nicolai Rd and we can drive up to the location where the asphalt plant will be sited.**

Best,

Jack Niedermeyer



**Jack Niedermeyer**

Assistant Planner

Phone: 503-397-7217

Web: [www.columbiacountyor.gov](http://www.columbiacountyor.gov)

Email: [jack.niedermeyer@columbiacountyor.gov](mailto:jack.niedermeyer@columbiacountyor.gov)

445 Port Avenue, St. Helens, OR 97051

**From:** Jamie Viveiros <[Jamie.Viveiros@columbiacountyor.gov](mailto:Jamie.Viveiros@columbiacountyor.gov)>  
**Sent:** Friday, August 2, 2024 2:53 PM  
**To:** [bkerr@att.net](mailto:bkerr@att.net)  
**Cc:** Jack Niedermeyer <[Jack.Niedermeyer@columbiacountyor.gov](mailto:Jack.Niedermeyer@columbiacountyor.gov)>; Amy Herzog <[Amy.Herzog@columbiacountyor.gov](mailto:Amy.Herzog@columbiacountyor.gov)>  
**Subject:** RE: Variance Application V 25-01

Thanks for letting us know. Yes, either you or another representative should be there.



**Jamie Viveiros, AICP, CFM**  
Planning Division Manager  
Columbia County, Oregon  
230 Strand St.  
St. Helens, OR 97051  
(503) 397-7216

Please note:  
Land Development Services has moved to a temporary location at 445 Port Ave., St. Helens.  
For assistance, please visit this location, e-mail [planning@columbiacountyor.gov](mailto:planning@columbiacountyor.gov), or call (503) 397-1501 x 1.

**From:** [bkerr@att.net](mailto:bkerr@att.net) <[bkerr@att.net](mailto:bkerr@att.net)>  
**Sent:** Friday, August 2, 2024 2:52 PM  
**To:** Jamie Viveiros <[Jamie.Viveiros@columbiacountyor.gov](mailto:Jamie.Viveiros@columbiacountyor.gov)>  
**Cc:** Jack Niedermeyer <[Jack.Niedermeyer@columbiacountyor.gov](mailto:Jack.Niedermeyer@columbiacountyor.gov)>; Amy Herzog <[Amy.Herzog@columbiacountyor.gov](mailto:Amy.Herzog@columbiacountyor.gov)>  
**Subject:** RE: Variance Application V 25-01

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Also, do NOT scan any 'QR' codes in this email.

Hi Jamie  
The Planning Commission meeting on Monday, September 9<sup>th</sup> at 6:30 PM works for us. Do I need to attend or have a representative from our company there?

Thanks for letting us know.

Bryan Kerr  
[Bkerr@att.net](mailto:Bkerr@att.net)  
(650) 533.6956

**From:** Jamie Viveiros  
**Sent:** Friday, August 02, 2024 1:21 PM  
**To:** [bkerr@att.net](mailto:bkerr@att.net)  
**Cc:** Jack Niedermeyer <[Jack.Niedermeyer@columbiacountyor.gov](mailto:Jack.Niedermeyer@columbiacountyor.gov)>; Amy Herzog <[Amy.Herzog@columbiacountyor.gov](mailto:Amy.Herzog@columbiacountyor.gov)>  
**Subject:** Variance Application V 25-01

Hi Bryan –

Your variance application is going to be scheduled at the next available Planning Commission meeting on Monday, September 9<sup>th</sup> at 6:30 PM. If that date does not work for you, please let us know by end of day Monday before notices are mailed and published. The next available hearing date after that would be on Monday, October 7<sup>th</sup> at 6:30 PM.

Thank you,



**Jamie Viveiros, AICP, CFM**  
Planning Division Manager  
Columbia County, Oregon  
230 Strand St.  
St. Helens, OR 97051  
(503) 397-7216

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## Jack Niedermeyer

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**From:** Jamie Viveiros  
**Sent:** Tuesday, May 14, 2024 10:07 AM  
**To:** bkerr@att.net  
**Cc:** Jack Niedermeyer; Deborah Jacob; Michael Russell; Suzie Dahl; Planning Department.UserGroup  
**Subject:** RE: Permit to use mobile asphalt plant at the Goble Quarry location off Nicolai Rd  
**Attachments:** 2024 Planning Commission Public Hearing Dates and Deadlines.pdf

Good morning Bryan –

Your proposed site plan and application show that the temporary mobile asphalt plant would be located on Map and Taxlot 6211-00-00900, which is zoned PF-80. Although there is an existing conditional use approval that extends the quarry onto this site, the approval did not include an approval for temporary asphalt batch plants, or a plan amendment and zone change to the Surface Mining (SM) zone. Temporary asphalt and concrete batch plants accessory to specific highway projects are a conditional use in the PF-80 zone, which must be approved by the Planning Commission. In addition, your proposal would require a major variance to the operating hours, which also must be approved by the Planning Commission.

If you were to move the proposed temporary mobile asphalt plant onto one of the sites zoned Surface Mining (SM), the use could be approved administratively through a LUCS if not to exceed 60 days, as concrete and asphalt batch plants on a temporary basis not to exceed 60 days are a permitted use in the SM zone. However, you would need to adhere to the standard operating hours set forth in CCZO 1044.5, or still apply for a major variance through the Planning Commission.

I have attached the application deadlines for Planning Commission meetings. Please let us know if you would like to proceed in this direction, and we can get the proper application forms and information to you.

Thank you,



**Jamie Viveiros, AICP, CFM**  
Planning Division Manager  
Columbia County, Oregon  
230 Strand St.  
St. Helens, OR 97051  
(503) 397-7216

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**From:** bkerr@att.net <bkerr@att.net>  
**Sent:** Friday, May 10, 2024 4:04 PM  
**To:** Suzie Dahl <Suzie.Dahl@columbiacountyor.gov>; Planning Department.UserGroup <planning@columbiacountyor.gov>  
**Cc:** Jack Niedermeyer <Jack.Niedermeyer@columbiacountyor.gov>; Deborah Jacob <Deborah.Jacob@columbiacountyor.gov>; Michael Russell <Michael.Russell@columbiacountyor.gov>  
**Subject:** RE: Permit to use mobile asphalt plant at the Goble Quarry location off Nicolai Rd

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Deborah, All

You let me know you would be out of the office. I know I am asking for a very short reply so we may meet the deadline to bid this project by May 15<sup>th</sup>.

Attached is the application, a narrative explaining this request, and a site layout where the Asphalt Plant would be located.

I am available to answer any questions and supply any additional information you might require.

Bryan Kerr

[bkerr@att.net](mailto:bkerr@att.net)

(650) 533.6956

Kerr Contractors

(971) 216.0050

**From:** Deborah Jacob

**Sent:** Thursday, May 09, 2024 11:35 AM

**To:** [bkerr@att.net](mailto:bkerr@att.net); Suzie Dahl <[Suzie.Dahl@columbiacountyor.gov](mailto:Suzie.Dahl@columbiacountyor.gov)>

**Cc:** Jack Niedermeyer <[Jack.Niedermeyer@columbiacountyor.gov](mailto:Jack.Niedermeyer@columbiacountyor.gov)>

**Subject:** RE: Permit to use mobile asphalt plant at the Goble Quarry location off Nicolai Rd

Bryan,

This email confirms our discussion we had over the phone just now in response to your email query.

Please submit the attached Land Use Compatibility Statement that describes all component of your proposal. Please address the applicable provisions of Section 1440 of the Zoning Ordinance related to authorized Surface Mining Activities on the subject property.

Also include an accurately scaled Site Plan that identifies the location where the new activity will occur in relation to all property lines and identified wetlands areas and other natural or built structures.

You can submit all this documentation concurrent with the completed LUCS and email it back to [planningcolumbiacountyor.gov](mailto:planningcolumbiacountyor.gov)

A Permit Coordinator will then contact you for payment of the LUCS after a land use planner signs the LUCS. A copy of the signed LUCS and documentation will then be electronically returned to you.

Thank you for your email and questions.

Best regards,



**Deborah Jacob**

Senior Planner

Phone: 503-397-7260

Web: [www.columbiacountyor.gov](http://www.columbiacountyor.gov)

Email: [deborah.jacob@columbiacountyor.gov](mailto:deborah.jacob@columbiacountyor.gov)

445 Port Avenue, St. Helens, OR 97051

**From:** [bkerr@att.net](mailto:bkerr@att.net) <[bkerr@att.net](mailto:bkerr@att.net)>

**Sent:** Wednesday, May 8, 2024 3:19 PM

**To:** Suzie Dahl <[Suzie.Dahl@columbiacountyor.gov](mailto:Suzie.Dahl@columbiacountyor.gov)>; Deborah Jacob <[Deborah.Jacob@columbiacountyor.gov](mailto:Deborah.Jacob@columbiacountyor.gov)>

**Subject:** Permit to use mobile asphalt plant at the Goble Quarry location off Nicolai Rd

Hi Suzie, and Deborah,

I'd like to know how to proceed to receive a permit to temporarily utilize our mobile asphalt plant at the Goble Quarry location off Nicolai Rd. There is a highway project for repaving that goes right past the intersection of Nicolai Rd and Hwy 30. I would need to know by next Tuesday May 14<sup>th</sup> 2024 if this is permitted because bids are due the next day, May 15<sup>th</sup>, 2024.

Thank You,

Bryan Kerr

[bkerr@att.net](mailto:bkerr@att.net)

(650) 533.6956