

# COLUMBIA COUNTY PLANNING COMMISSION MEETING

September 9, 2024

Meeting Minutes

Go To Meeting

## Planning Commission Members Present:

Alta Lynch, Chris WarrKing, Kat Bennett, Brian Brust, Jonathon Barclay, and Andrew Paulson

## Planning Commission Members Absent: None

Staff Present: Spencer Parsons, Jack Niedermeyer and Jamie Viveiros

## Agenda Item:

**Kerr V 25-01**

**Applicant/Owner: Kerr Contractors**

**Representative: Brian Kerr and John Arambul**

The meeting was called to order at 6:30 p.m. by Alta Lynch

Alta Lynch took roll call, then reviewed the virtual meeting etiquette, ground rules, and agenda items.

Jack Niedermeyer read the pre-hearing statement.

Jack Niedermeyer asks if there will be any ex-parte conflicts with any planning commission members regarding tonight's matters. No ex-parte conflicts.

Jack Niedermeyer presented a summary of the Staff Report. The Staff Report is available on Columbia County's website (<https://www.columbiacountyor.gov/meetings>) for Public Viewing.

Staff Recommendation- Subject to the conditions provided in the staff report, staff recommends that the Planning Commission APPROVE V25-01 authorizing a Major Variance from the extended operation provisions for Surface Mining Sites, that will allow the applicant to operate a temporary asphalt batch plant for a period of 60-days or less between the hours of 7:00 p.m. and 6:00 a.m. from April 1, 2025, to September 30, 2025.

## 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.

Brian Kerr on behalf of Kerr Contractors states that they would like to have an open window to apply a bid with ODOT. The Aggregate use to produce the asphalt comes from an adjacent site. They do not have issues with the lightening requirements and traffic control requirements.

John Arambul states that the Willow Creek site has the same owners as this site. They are complying with DEQ, Columbia County, and DOGAMI for all regulatory requirements to operate this business.

No one would like to speak in favor.

Alta Lynch states that she will call out all present who would like to speak in opposition.

Cameron Templeton- has been in contact with DOGAMI and DEQ to get them into compliance for issues they are already experiencing. He is opposed.

Travis Krason- he is a neighboring property. He states that when he first met Mr Kerr, he was told by Mr Brian Kerr that he would be taking part of his property. He is not in favor of this project at all. He asks if the applicant has spoken to Goble Water as that is where they get their water from. He is concerned that this project could create more issues regarding water. He would also like to hear more information on air pollutants, and not just water pollutants.

David Thompson- he is a neighboring property to the proposed project. Is concerned about the traffic safety near Nicolai Rd. Asks the applicant where the asphalt is going on the highway?

Jim Fischer- Jim states that he is concerned about the noise, horns, and is opposed to an all night long extension. He is also concerned about traffic safety impacts near Nicolai Rd.

Carole Fischer is concerned about the extended operating hours, and her current allergies, and the noise.

John Caraway- is concerned about noise, dust, and water quality. He has already encounter trucks driving off the roads. Would like to see Kerr move the plant somewhere zone industrial, not residential.

Julie Templeton- has concerns for her family with allergies and respiratory issues. Breathing dust is unhealthy and she is worried for her kids. States that Kerr Contractors are not following the current ordinances now.

Eric Egge- states he is opposed due to traffic, noise, pollutants, and especially for this extending to evening hours.

Chris Kerns- states there have already been two legal actions regarding the applicants not meeting current conditions.

Yvette Drake- She is opposed to this request. States that they live in a residential zone, not industrial. She already has concerns about the explosions that rattle their windows, well/water, odors, chemicals, and industrial traffic which increases the safety on the roads.

Matt Heck- is concerned with the air and smell from the plant. Also, the noise and lack of communication. He is very close, can see their trucks and hear them. Says that heard about this project through Facebook and feels that he should have been formally notified.

John Arambul- would like to rebut. Has been in the industry since 1975. Where they built plants and were operating them, when homes were slowly increasing around the plants. He states that the Knife River plant just extended their hours on Hwy 30, and they have been black balled and contaminated. Doesn't feel that anyone should be concerned about pollutants in the water since they don't use water. He states that they do all of their work and night due to safety and traffic.

Brian Kerr would like to address some of the questions/concerns. States that their zoning is surface mining and has for a long time. It is a permitted use. Said they have their own water source on the adjacent quarry and do not draw off the system that's there. Regarding the asphalt plant, they already meet all the DEQ requirements. Says there is no active mining going on at Goble Pit. Responds to Mr Heck's question on communication. He believes that the County did the public Notification as required. Mr Kerr doesn't have any recollection of a conversation where he advised anyone that he would be, "taking property".

LeeAnn Holcomb- "Hazardous air pollutants. Causing coughing, wheezing, and shortness of breath Emits fumes known to contain toxins. Problems with central nervous system, respiratory, liver damage, and cancer. Smell up to one mile. Decrease value of property by 50% mainly due to 20% increase of health problems. Once here they will NEVER leave. Keep getting extensions. I live on Nick Thomas/Bishop Rd intersection". It was a tiny rock pit I have been on my property since 1989 on forest park rd my dad would load his own truck nothing like it is now. What about goble creek 100 yards away a fish bearing creek. Hello, what about us? That's literally right by the rock quarry.

Brian Kerr states that he is not a medical professional and feels this could be an assumption since there is not anything substantiating these claims.

John Arambul states that he has had cancer 3 times and was cured. It wasn't due to asphalt or dust, and all health is different.

Alta asks the commission if they have any questions.

Alta asks how long this has been a gravel pit. Answer: 1991/1992, Alta also asks for clarification on how neighbors receive notification of a proposal.

Jamie Viveiros- explains that the notice went out to surrounding property owners located within 1000' and was also posted on our website.

Alta asks about a streetlight condition. Is the condition for the streetlight to be on Hwy 30? Jack states it will need to be put on Nicolai Rd. Jamie advises that the commission can modify conditions as they see fit.

Chris Warrking asks if this has been used for asphalt, and if DEQ does any oversight. Jack states no, not for asphalt. Jamie explains that DEQ monitors aggregate sites. Chris is concerned about the petroleum being

brought in for the safety standards. He feels the air quality and noise should be addressed as well. Chris asks if we can add something to address this? Jamie explains that DOGAMI is responsible for the mining, Land Development only governs the land use.

Brian Brust-speaks to the project, and how there are questions that still need to be answered.

Jamie Viveiros responds to let Brian know that we are hear to discuss the operating hours only, not the business itself as that was already an approved land use.

Brian responds stating that we should be concerned with the noise of trucks, and requests to add a condition to mitigate the dust.

Brian asks again if conditions can be imposed for the roads, noise, and pollutants.

Spencer explains that the road issues Brian is referring to would be handled by Columbia County Public Works, and they address it directly. Spencer also explains this project was already approved, and we are only here to discuss the extended operating hours.

Brian asks if we can add a condition to ban jake brakes.

Brian Brust makes a motion to approve with the 6 staff conditions and adding a condition to not use engine braking between the hours of 7PM to 6AM.

Jonathon Barclay seconds the motion

All those in favor:

Chris- No

Brian-Yes

Kat Bennett- Yes

Andrew Paulson-No

Jonathon Barclay- No

Alta Lynch-Yes

Vote has tied, therefore is DENIED

August 5, 2024 Minutes to approve

Chris Warrking-Yes

Brian Brust-Yes

Kat Bennett-yes

Jonathon Barclay-Yes

Alta Lynch-Yes

Meeting adjourned 8:00PM

