



**APPEAL INFORMATION for  
FINAL ORDER V 25-01**

**Notice Date: 9/18/24**

**Applicant: Willow Creek Land, LLC**

**Owner: Kerr Contractors c/o John Arambul and Bryan Kerr**  
**[jarambul@kerrcontractors.com](mailto:jarambul@kerrcontractors.com) & [Bkerr@att.net](mailto:Bkerr@att.net)**

**Appeal Body:**

- Planning Commission**, for appeal of an administrative decision; file this appeal in the Land Development Services office, 445 Port Ave St. Helens, OR 97051. The appeal must be filed within 12 calendar days of the above Notice Date, the date this notice was mailed to the applicant and to other persons entitled to notice. The appeal must be accompanied by the appropriate appeal fee.
- Board of County Commissioners**, for appeal of this Planning Commission decision; file this appeal in the Office of the County Clerk, second floor, Courthouse Annex, St. Helens, OR 97051. The appeal must be filed within 7 calendar days of the above Notice Date, the date this notice was mailed to the applicant and to other persons entitled to notice. The appeal must be accompanied by the appropriate appeal fee.
- Land Use Board of Appeals (LUBA)**, for appeal of this Planning Commission or Board of Commissioner decision. File a Notice of Appeal with the Land Use Board of Appeals; PUC Building, 550 Capitol Street NE, Salem, OR 97310. The appeal must be filed with the Land Use Board of Appeals within 21 calendar days of the above Notice Date, the date this notice was mailed to the applicant and to other persons entitled to notice.

Attached is the FINAL ORDER on the application listed above. This decision, or any part of it, or any condition attached to it, may be appealed to the **Appeal Body** noted above.

If a local appeal is filed, and after notice is given to those persons entitled to notice, a public hearing will be held by the Appeal Body at its earliest available regular meeting. At the hearing, all interested parties will have an opportunity to appear and be heard.

The applicant and other interested persons should contact the Planning Department after the applicable appeal period has run to determine whether an Appeal has been filed. Applicants are cautioned against beginning development if an Appeal has been filed.

**PLEASE NOTE:** An appeal may be filed only by persons who appeared in person or in writing before the Planning Department, the Planning Commission, or the Board of County Commissioners. You have "appeared" if you supplied information or argument in favor of or opposed to the application listed above.

If any of the above is not clear, or you have questions or require additional information, please contact Jack Niedermeyer at (503) 397-7217.

**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*  
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ALTA LYNCH, CHAIR

*September 13, 2024*  
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DATE