

Variance

File No. V _____

VARIANCE APPLICATION
COLUMBIA COUNTY ZONING ORDINANCE
General Information

APPLICANT: Name: Next Renewable Fuels Oregon, LLC, Attn: Christopher Efird

Mailing address: 11767 Katy Freeway, Suite 705 Houston, Texas 77079

Phone No.: Office (661) 201-2653 Home _____

Are you the _____ property owner? owner's agent?

PROPERTY OWNER: _____ same as above, OR:

Name: Port of Columbia County

Mailing Address: PO Box 190, Columbia City, OR 97018

PROPERTY ADDRESS (if assigned): 81009 Kallunki Rd Clatskanie, Oregon

TAX ACCOUNT NO.: 8422-00-00100 Acres: 52.7 Zoning: RIPD
8422-00-00200 Acres: 30.6 Zoning: RIPD

TYPE OF VARIANCE: Ordinance Requires: _____ Change to: _____

_____ Lot size: _____

_____ Setback: _____ front _____ side _____ rear

Other: Security fencing design

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

Use:	Approx. Acres
<u>Vacant & wetlands</u>	<u>83</u>
_____	_____
_____	_____
_____	_____
_____	_____

Total acres (should agree with above): 83

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Mailing address: 11767 Katy Freeway, Suite 705 Houston, Texas 77079

Phone No.: Office (661) 201-2653 Home _____

Are you the property owner? owner's agent?

PROPERTY OWNER: same as above, OR:

Name: _____

Mailing Address: _____

PROPERTY ADDRESS (if assigned): not assigned

TAX ACCOUNT NO.: 8422-00-00300 Acres: 25.5 Zoning: RIPD

TYPE OF VARIANCE:

Ordinance Change
Requires: to:

Lot size: _____

Setback: _____ front _____ side _____ rear

Other: Security fencing design

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

Use:	Approx. Acres
<u>Vacant & wetlands</u>	<u>25.5</u>
_____	_____
_____	_____
_____	_____
_____	_____

Total acres (should agree with above): 25.5

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PROPOSED LAND USES: _____

Renewable diesel production facility

WATER SUPPLY: _____ Private well. Is the well installed? _____ Yes _____ No
 Community system. Name PGE Beaver/Columbia Pacific Bio-Refinery

METHOD OF SEWAGE DISPOSAL: Community Sewer. Name Port Westward
_____ 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

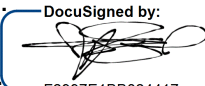
Tax Acc't. No.	Acres	Co-owners (if any)
8422-00-00500 (Port of Columbia County)	34.7 acres	
8422-00-00600 (Port of Columbia County)	34.4 acres	
8422-00-01100 (Port of Columbia County)	207.4 acres	
8423-B0-00600 (Port of Columbia County)	4.4 acres	
8423-B0-00700 (Port of Columbia County)	11.5 acres	

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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: 1/8/2021

Signature:  _____
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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.

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Planning Department Use Only

Date Rec'd. _____ Hearing Date: _____

Or: Administrative _____

Receipt No. _____

Zoning: _____ Staff Member: _____

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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:

[See accompanying narrative.](#)

- "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.):

[See accompanying narrative.](#)

- "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?

[See accompanying narrative.](#)

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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.

[See accompanying narrative.](#)

"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?

[See accompanying narrative.](#)

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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.

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Applying for a **VARIANCE**

Definition of a Variance

A variance is an action that allows the applicant to depart from the standard rules to alleviate an “unnecessary hardship” arising from the physical characteristics of the land. A financial hardship does not justify a variance unless it is related to some physical characteristic of the land over which the applicant had no control. Use variances are not permitted.

Types of Variances

There are two types of variance that one may apply for in Columbia County.

1. Minor Variance: A request for a variance of less than 25% from a dimensional requirement such as setbacks, height, lot coverage, lot width, or lot depth, or a request for a variance of less than 10% from a minimum lot size requirement. A minor variance is processed administratively and approved or denied by the Planning Director.
2. Major Variance: A request for a variance of 25% or more from a dimensional requirement such as setbacks, height, lot coverage, lot width, or lot depth, or a request for a variance of 10% or more from a minimum lot size requirement. A major variance is processed as a land use action that is heard and approved or denied by the Planning Commission after a public hearing.

Please Note: Major variances from the lot size requirements of the Primary Agriculture (PA-38), Forest Agriculture (FA-19), and Primary Forest (PF-76) zones are not permitted.

Applying for Minor and Major Variances

1. Determine if your variance request is based up an **unnecessary hardship** resulting from a **physical characteristic of the land**. The unnecessary hardship may be financial but it must arise from some physical characteristic of the property over which you had no control; these may include topography, access, parcel size or shape, etc. If unnecessary hardship caused by the physical characteristics of the land is the case you should move to the next step in the process.
2. Determine if you should apply for a minor or major variance, then fill out the Application, Variance Fact Sheet, and plot plan.
 - A. Minor Variance - Notice will be sent to nearby property owners and affected agencies for comment. If notified parties do not request referral to the Planning Commission, a staff report will be written followed by a final order either approving, approving with conditions, or denying your request. Notice of the decision is then mailed to those who were originally notified and an appeal period follows (10 days from the date of the mailing). Your variance becomes final if no appeal is received within the 10 day appeal period. Processing time for a Minor Variance generally runs about 1 month.

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- B. Major Variance - Notice will be sent to property owners and affected agencies for comment. A staff report will be written about your request, and a hearing scheduled before the Planning Commission. A decision will be made at the Planning Commission meeting based upon the staff report, testimony received at the hearing, written comments received, and other research about your proposal. Your variance request will either be approved, approved with conditions, or denied. A final order will be prepared and signed by the chairperson of the Planning Commission within a few days after Planning Commission decision and hearing date. After the final order is signed a notice of decision will be mailed to those who have standing. The 10 day appeal period will begin the day of the mailing. Your variance will become final if no appeal is received within the 10 day appeal period. Processing time for a Major Variance generally runs about 1 to 2 months.

Things to Remember

1. A variance may be approved only when all the following conditions and facts exist:
 - A. The granting of the variance will not be detrimental to the public safety, health, or welfare, or injuries to other property;
 - B. The conditions upon which the request for a variance are based are unique to the property for which the variance is sought and are not applicable generally to other property;
 - C. Approval of the application will allow the property to be used only for purposes authorized by the zoning ordinance;
 - D. Strict compliance with the Zoning Ordinance would create an unnecessary hardship;
 - E. The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor violate any other provision of the Zoning Ordinance.
2. A variance becomes **void after 1 year** if the next step in the development process has not been applied for.
3. The Planning Commission (Major Variance - public hearing) or the Director (Minor Variance - administrative) can impose whatever reasonable requirements will fulfill the intent of the Zoning Ordinance.