

COLUMBIA COUNTY PLANNING COMMISSION

STAFF REPORT

Major Variance Application

February 23, 2026

FILE NUMBER: V 25-230 (192-25-000230-PLNG)

OWNER/APPLICANT: Arsen Anthony Abouchiani

SITE LOCATION: 56082 Century Drive, Warren, OR 97053

MAP No.: 4119-D0-02000

ASSESSORS TAX No.: 8874

NATURE OF APPLICATION: A Major Variance request from CCZO §604.6 to allow construction of an Accessory Dwelling Unit (ADU) with a seven (7)-foot setback from the northern property line.

STAFF RECOMENDATION: **APPROVAL** with conditions.

I. APPLICABLE REVIEW CRITERIA OF THE COLUMBIA COUNTY ZONING ORDINANCE

SECTION 200	General Provisions
SECTION 600	Rural Residential – 5 (RR-5)
SECTION 1100	Flood Hazard Overlay
SECTION 1120	Sensitive Bird Habitat Overlay
SECTION 1170	Riparian Corridors and Wetlands
SECTION 1185	Natural Area Overlay
SECTION 1504	Variances

II. BACKGROUND INFORMATION:

A. LOT SIZE: 2.94 +/- acres

B. ZONING: Rural Residential – 5 (RR-5)

C. FIRE PROTECTION: Columbia River Fire and Rescue (CRFR)

D. ACCESS: The subject property is accessed from Century Drive, a private road that receives access from US Highway 30.

E. OVERLAYS: Flood Hazard Overlay, Sensitive Bird Habitat Overlay, Natural Area Overlay. The eastern portion is intersected by the Scappoose Bay, which is a fish bearing stream that contains wetlands and riparian corridors.

F. PREVIOUS LAND USE ACTIONS: Board Order No. 52-2015 for the creation of a new private road (Century Drive).

G. CURRENT LAND USE: Residentially developed.

H. LAWFUL LOT CREATION: The subject property was created prior to countywide land use regulations, via deed conveyance recorded in Book 177, Pag 165 on May 12, 1970.

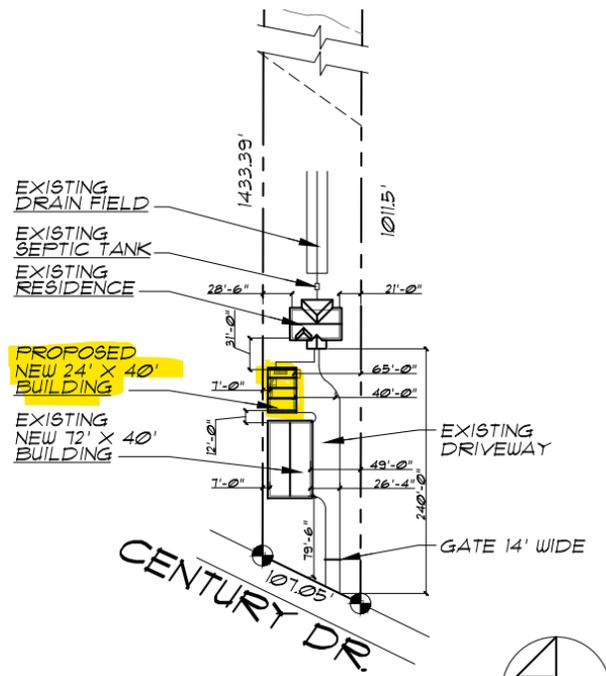
III. SUMMARY:

The applicant and property owner, Arsen Anthony Abouchiani, is requesting approval of a Major Variance from Columbia County Zoning Ordinance (CCZO) § 604.6, to construct an Accessory Dwelling Unit seven (7) feet from the northern property boundary of the subject property. The proposal consists of a new two-story detached accessory structure with the lower level serving as a shop and the upper-level service as the ADU. The structure will replace an existing and unpermitted 651 s/f general purpose accessory building. Per County Assessor and Land Development Services (LDS) permit records, the subject property is currently developed with a 1,283 s/f single-family dwelling constructed in 1999 (Permit #1999-00084) and a 2,880 s/f pole building constructed in 2020 (Permit #192-20-001412-STR).

AERIAL IMAGERY:



SITE PLAN:



-5

IV. FINDINGS OF CONFORMANCE WITH THE COLUMBIA COUNTY ZONING ORDINANCE:

SECTION 200: GENERAL PROVISIONS

224 Accessory Dwelling Units: One accessory dwelling unit is allowed in conjunction with a detached single-family dwelling on a lot zoned for single-family development within an Urban Growth Boundary (UGB) or on a lot or parcel zoned for Rural Residential development outside of an Urban Growth Boundary subject to the following criteria:

FINDING / CONCLUSION: The subject property is not located within an Urban Growth Boundary. Therefore, the standards and criteria of CCZO §224.2 are applicable, as addressed below.

.2 Accessory Dwelling Units Outside of Urban Growth Boundaries

A. The lot or parcel is at least two acres in size

FINDING / CONCLUSION: The subject property is approximately 2.94-acres in size, which exceeds the minimum parcel size standard of CCZO §224.2(A).

B. The accessory dwelling unit will not include more than 900 square feet of useable floor area

FINDING / CONCLUSION: In accordance with CCZO §224.2(B) (and ORS 215.495(2)(f)), the “UPPER FLOOR PLAN” located on plan sheet 3 of 3, titled “MAIN FLOOR PLAN UPPER FLOOR PLAN”, confirms that the ADU will contain 888 s/f of usable floor area.

C. The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling.

FINDING / CONCLUSION: In accordance with CCZO §224.2(C) (and ORS 215.495(2)(g)), the revised site plan submitted on December 22, 2025, confirms the ADU will be 31 feet from the existing single-family dwelling.

D. The lot or parcel is serviced by a fire protection district and has adequate access for firefighting equipment.

FINDING / CONCLUSION: In accordance with CCZO §224.2(D), the subject property is within the Columbia River Fire and Rescue (CRF&R) service area, who shared correspondence between the applicant and planning staff on December 10, 2025, December 15, 2025, and December 22, 2025: In every comment received, CRF&R confirmed that in review of the site plan submitted on December 22, 2025, the location would provide for adequate access for firefighting equipment. Because the driveway is over 150-feet in length (length is 240’ on site plan), a *recommended condition of approval* will require the applicant to obtain temporary driveway approval prior to permit issuance.

E. The accessory dwelling unit may not be used for vacation occupancy as

defined in ORS 90.100.

FINDING / CONCLUSION: Pursuant to CCZO §224.2(E), a recommended *condition of approval* will require the applicant to sign and record a Prohibition of Vacation Occupancy Covenant with the County Clerk’s office and provide a copy of the recorded document to the Planning Department prior to permit issuance.

F. The accessory dwelling unit complies with all criteria in Section 224.3

FINDING / CONCLUSION: Where the criteria of CCZO §224.3 (addressed further herein) are demonstrated as met, this standard is also demonstrated as met.

.3 General Development Standards

A. The proposed ADU shall comply with all siting criteria as required in the underlying zone relating to residential structures. These criteria include setbacks, height requirements, and minimum lot or parcel coverage.

FINDING / CONCLUSION: The proposal is a request to vary from the 30’ setback requirement for residential occupancy structures, as detailed further herein. Where the siting standards of the RR-5 zone are addressed (CCZO §604), the standard of CCZO §224.3(A) is also addressed.

B. Domestic Water: Documentation shall be submitted to LDS that the ADU can be served by an existing public or community water district or by a private well that has been recorded with the State of Oregon Water Resources Department. LDS shall also require a Will Serve letter from a community/city water purveyor verifying the ADU can utilize the water system.

FINDING / CONCLUSION: The applicant has submitted a will-serve letter form Warren Water Association (WWA). The letter, dated 10/31/2025, states: “*This letter is to confirm that the property located at 56082 Century Drive, Warren, OR is currently served water by Warren Water Associated (WWA). WWA will serve water to the Auxiliary Dwelling unit (ADU) in addition to the residence*”. Staff finds that the standard of this section is satisfied.

C. Sewage Disposal: The County Sanitarian shall review and approve the proposed method of onsite sewage disposal for the ADU for compliance with the applicable provisions in the Oregon Administrative Rules (OAR) 340-071-0205 for existing septic systems. If the ADU will utilize community sewer, documentation shall be submitted to the County that the affected city will provide sewer service.

FINDING / CONCLUSION: The applicant has not provided documentation confirming that the existing septic system can support the proposed ADU. Per comments submitted by the County Sanitarian, dated February 10, 2026, the applicant shall obtain an Authorization Notice along with a capacity inspection prior to connecting the ADU to the existing system, and any necessary system upgrades shall be finalized before the issuance of a building permit. These requirements have been incorporated as a *recommended condition of approval*.

- D. Access: The road access to all ADUs shall be reviewed and approved by the County Public Works Department and the affected city for consistency with the applicable provisions of the County Road Standards Ordinance and the Urban Growth Area Management Agreements between the affected city and Columbia County.

FINDING / CONCLUSION: CCZO §224.3(D) requires review by the County Public Works Department for consistency with the County Road Standards Ordinance where road access is subject to County Jurisdiction. As stated in the February 23, 2026, correspondence from County Public Works, the subject property achieves access via Century Drive, an existing private road (Board Order No. 52-2015) that connects to Highway 30 under an ODOT access permit (Permit #2AA2549), and that the proposed ADU will use this access and therefore does not change the character of the access or require a new permit.

Furthermore, the proposal does not call for the addition of a new residential access beyond the six (6) that were approved as part of Board Order No. 52-2015; therefore, the application does not trigger the need for formal right-of-way dedication. Lastly, the property is not located within an Urban Growth Boundary and is therefore not subject to an Urban Growth Area Management Agreement. Because the ADU will utilize an established private road and Public Works has confirmed no access improvements subject to their review are proposed. The requirement for review and approval under CCZO §224.3(D) has been met.

- E. Off-Street Parking: The ADU shall provide one additional on-site parking space if the primary dwelling has less than three available on-site parking spaces (inclusive of garage and driveway).

FINDING / CONCLUSION: Although the submitted site plan does not specify the number of existing on-site parking spaces, the building permit for the existing home (BLD 1999-00084) confirms that the dwelling contains an attached two car garage (456 s/f). 2024 GIS aerial imagery further demonstrates sufficient area outside of the existing garage to accommodate two additional parking spaces within the driveway. Lastly the “LOWER FLOOR PLAN” on Sheet 3 of 3, titled “MAIN FLOOR PLAN UPPER FLOOR PLAN”, the building elevations identified as Sheet 1 of 3, “EXTERIOR ELEVATIONS,” dated October 1, 2025, and paragraph two (2) of the applicant’s December 22, 2025 email to Planning Staff indicate that a parking space with a width of 12 feet and a depth of 24 feet can be accommodated within the lower level of the new structure. Accordingly, the standard of this section is satisfied as at least three enclosed spaces can be fulfilled in the existing and proposed garage and there is sufficient area for two additional spaces within the driveway area directly outside the existing garage.

SECTION 600: RURAL RESIDENTIAL – 5 (RR-5) ZONE

602 Permitted Uses:

- .5 Accessory Dwelling Units when sited in accordance with Section 224.

FINDING / CONCLUSION: The proposed ADU is a permitted use in this zoning district. Where the requirements of CCZO §224 are evaluated herein, this section is also addressed.

604 Standards:

- .1 The minimum lot or parcel size for uses permitted under Section 602 and 603.4 shall be 5 acres.

FINDING / CONCLUSION: Where the standards of CCZO §605: *Lot or Parcel of Record* are demonstrated as met, the standard of §604.1 is also demonstrated as met.

- .2 Dwellings permitted in the RR-5 zone must meet all of the following standards:
 - A. Have access to a public or private domestic water source meeting state and county standards; and

FINDING / CONCLUSION: As previously evaluated herein, in review of CCZO §224.3(B), WWA submitted comments confirming they currently provide water service to the primary dwelling and that they can also provide water to the proposed ADU. The standard of this section has been verified as met.

- B. Be approved for an individual subsurface sewage system or be served by a public or community sewer system; and

FINDING / CONCLUSION: The existing primary dwelling is served by an existing septic system (permit #192-SWR1999-00306). CCZO §222 states: “Only one residential subsurface sewage disposal system may be installed on each legal lot or parcel. *For an Accessory Dwelling Unit, an Authorization Notice to connect to the primary residential sewage disposal system is required; however, an exception can be allowed if a connection is not physically and legally available.*” As identified where the standard of CCZO §224.3 (C) was previously addressed, the County Sanitarian shall review and approve the proposed method of onsite sewage disposal for the ADU. If the County Sanitarian’s evaluation finds that connection to the existing septic is not physically or legally possible, the applicant will be permitted to install an additional septic system to serve the ADU. Compliance with the requirement of this section is demonstrated as feasibly met and a ***recommended condition of approval*** has been added to ensure that the applicant obtains all necessary onsite permits from the County Sanitarian prior to building permit issuance.

- C. Be within and can be served by a rural fire district.

FINDING / CONCLUSION: As previously addressed herein, in the review of CCZO §224.2(D), the subject property is within the Columbia River Fire and Rescue service area.

- .5 Lots or parcels shall conform to the following requirements before a building permit may be issued for construction on the property;

- B. All lots or parcels legally recorded before June 4, 1991, shall have a minimum of 50 feet of usable frontage on a public right-of-way or private non-exclusive easement. One-half of the public right-of-way or private non-exclusive easement adjacent to the lot or parcel shall be improved in accordance with the requirements of the Columbia County Road Standards. If the parcel to be developed abuts the end of a private non-exclusive access easement, one-half of the width of the easement shall be improved to current County Road Standards from the property line of the subject parcel to its connection to a public right-of-way. In lieu of such improvements, the owner or developer of the lot or parcel may secure a surety bond, or place cash in escrow or trust, to insure that the improvements will be completed according to the procedure outlined in Section 801 of the Columbia County Subdivision and Partitioning Ordinance. However, in the sole discretion of the Board, in lieu of the improvements or cash or surety bond to secure such improvements, the Board may require the owner or developer of the lot or parcel to put up cash in an amount equivalent to the cost of such improvements dedicated toward the improvement of the entire road rather than just the portion adjacent to the lot or parcel.

FINDING / CONCLUSION: The current proposal is for a use that is accessory and subordinate to the established primary residential use. Compliance with the requirements of this section were previously verified at the time of initial development of the primary dwelling unit in 1999 (Permit # BLD 1999-00084).

- .6 No residential structures shall be constructed closer than 30 feet to a property line. Where the property abuts resource zoning, the setback shall be increased to 50 feet.

FINDING / CONCLUSION: The site plan submitted on December 22, 2025, confirms that the ADU will be located at least 30 feet from the southern (side) property line, and at least 100 feet from the front (western boundary) and rear (eastern boundary) property lines. However, the site plan confirms that the ADU is proposed to be located approximately 7-feet from the northern (side) property line. The proposed non-compliant setback from the northern property line is the issue that initiated the current request for approval of a Major Variance. Where the Major Variance criteria of CCZO §1504.1(A) are addressed further herein, the non-compliance with the residential setback standard of §604.6 is also addressed.

- .7 Unless otherwise prohibited, the maximum building height for all non-farm, non-forest structures shall be 35 feet or 2-1/2 stories, whichever is less.

FINDING / CONCLUSION: On February 18, 2026, the applicant submitted written authorization via email, to incorporate the exterior elevations, identified as Sheet No. 1 of 3, title “EXTERIOR ELEVATIONS,” and dated October 1, 2025, originally filed under active permit #192-25-001374-

STR into the record for file no. V 25-230. As such, this plan sheet confirms that the structure will have a maximum height of 28 feet, thereby satisfying the minimum standards of CCZO §624.7.

605 Lot or parcel of Record: *[Amended by Ordinance 98-02, eff. 5/06/98; Ordinance 99-02, eff. 1/11/00].* A lot or parcel lawfully created by a subdivision plat, or by a deed or sales contract, and of record in the County Clerk's office prior to the adoption of minimum parcel size provisions in the rural residential zone, is not required to meet minimum parcel size requirements, and shall be eligible to receive a building permit for any use permitted by Section 602 without complying with lot or parcel width or depth requirements. In addition, a dwelling may be placed on a lot or parcel of record without connecting to a public or community water system, if the lot or parcel (either individually or as aggregated contiguous lots or parcels):

1. is located outside of a recorded subdivision;
2. is located within a recorded subdivision, where the subdivision has no more than 35 lots which are less than 2.3 acres in size; OR
3. is located within a recorded subdivision and contains 2.3 or more acres.

The uses on a lot or parcel of record must otherwise comply with all other applicable regulations.

FINDING / CONCLUSION: The approximate 2.94 +/- acre subject property was created via deed conveyance recorded in Book 177, Pag 165 on May 12, 1970, which predates the adoption of minimum lot and parcel size requirements for the RR-5 Zone. Therefore, the property is not required to meet minimum parcel size requirements, and shall be eligible to receive a building permit for any use permitted by Section 602 without complying with lot or parcel width or depth requirements.

SECTION 1100: FLOOD HAZARD OVERLAY (FH)

1105 ADMINISTRATION:

.3 Establishment of Development Permit:

- A. **Floodplain Development Permit Required:** A development permit shall be obtained before construction, or development begins within any area horizontally within the special flood hazard area established in section 1104.2. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 1103, including fill and other development activities.

FINDING / CONCLUSION: FEMA FIRM Panel 41009C0465D, confirms special flood hazard areas are present on the eastern portion of the subject property. In review of the proposed site plan and County GIS data, the ADU will be located approximately 400-feet from the identified flood hazard area. Therefore, no floodplain development permit is required for the proposal.

SECTION 1120: SENSITIVE BIRD HABITAT OVERLAY (SBH)

1121. Purpose: The purpose of the Sensitive Bird Habitat Overlay Zone is to insure that habitat areas identified as being critical for the survival of the Northern Bald Eagle, Great Blue Heron, Band-tailed pigeon, Northern Spotted Owl and any other type of bird listed or included as sensitive in the Columbia County Comprehensive Plan, Part XVI, Article VIII(F), Non-game Wildlife Habitat, and Article VIII(G), Upland Game Habitat are protected from the effects of conflicting uses or activities. This purpose will be achieved through the development of site specific management plans that are developed to insure that proposed uses and activities will neither destroy nor result in the abandonment of sensitive bird habitat areas.

1122. Sensitive Bird Habitat consists of all sites which are habitat for Northern Bald Eagle nests and roosts; Great Blue Heron rookeries, Band-tailed pigeon mineral springs, Northern Spotted Owl nest sites or other sensitive bird sites identified in the Columbia County Comprehensive Plan. Such sites shall be subject to the requirements of the Sensitive Bird Habitat Overlay Zone.

FINDING / CONCLUSION: Pursuant to CCZO §1121 and CCZO §1122, the Scappoose – Spitzenberg CPAC Wildlife Game Habitat Map, which is included as an attachment to the Columbia County Comprehensive Plan, indicates that the subject property is located entirely within a Major Waterfowl Habitat area.

1123. Permitted Uses: Uses permitted or conditionally permitted in the underlying zone(s) are also permitted or conditionally permitted in the Sensitive Bird Habitat Overlay Zone provided, however, that the additional procedure and requirements of the Sensitive Bird Habitat Overlay Zone shall apply.

FINDING / CONCLUSION: Pursuant to CCZO §1123, and as previously evaluated herein in review of §602.4, the proposed use is outright permitted in the RR-5 zone and is subject to the procedures and requirements of this section.

1124. Development Standards: The following review procedure and criteria shall apply to development within the Sensitive Bird Habitat Overlay Zone, if such development will affect Sensitive Bird Habitat, or has the potential to affect Sensitive Bird Habitat, as described below:

- .1 Development has the potential to affect Sensitive Bird Habitat if the site is located within a quarter mile of a Northern Bald Eagle nest or roosting site, and/or it is

within six hundred (600) feet of a Great Blue Heron rookery, Northern Spotted Owl nest site or Band-tailed Pigeon mineral spring.

FINDING / CONCLUSION: The site is not located within a quarter mile of a Northern Bald Eagle nest or roosting site, nor is the site located within six hundred (600) feet of a Great Blue Heron rookery, Northwestern Spotted Owl nest site or Band-tailed Pigeon mineral spring identified in Part XVI, Article VIII of the Comprehensive Plan.

- .2 Development will affect Sensitive Bird Habitat if the site is located within 660 feet of a Northern Bald Eagle site and/or within 300 feet of a Great Blue Heron rookery, Northern Spotted Owl nest site, Band-tailed Pigeon mineral spring, or other sensitive bird sites identified in the Columbia County Comprehensive Plan.

FINDING / CONCLUSION: The site is not located with 660 feet of a Northern Bald Eagle site and/or within 300 feet of a Great Blue Heron rookery, Northern Spotted Owl nest site, Band-tail Pigeon mineral spring, or other sensitive bird sites identified in the Columbia County Comprehensive Plan.

- .3 If a proposed use or activity will affect or has the potential to affect Sensitive Bird Habitat, as outlined in Sub-section 1124.1 or sub-section 1124.2, Columbia County shall notify the Oregon Department of Fish and Wildlife of such proposed use or activity.

FINDING / CONCLUSION: As identified in findings addressing CCZO §1124.1 §1124.2, the proposed use will not have the potential to affect Sensitive Bird Habitat. Notwithstanding the foregoing, although not required, on January 27, 2026, staff elected to send notice to the Oregon Department of Fish and Wildlife.

- .4 Upon notification, the Oregon Department of Fish and Wildlife may review the proposed use or activity, consult with the affected landowner(s) and other appropriate state agencies and provide comments and recommendations to the County concerning measures to protect Sensitive Bird Habitat. The County will consider the comments and recommendations of ODFW before making a decision concerning the requested use or activity.
- .5 If a proposed use or activity either affects or has the potential to affect Sensitive Bird Habitat, as described in Section 1124(1), or 1124(2), the County may require the Applicant to take steps to mitigate identified impacts of the proposed use or activity, by creating and following a site specific sensitive bird management plan.

FINDING / CONCLUSION: In accordance with CCZO §1124.4, ODFW submitted comments on February 10, 2026, stating that the proposed ADU will have little to no impact on wildlife habitat. As there is no evidence suggesting the proposal will impact sensitive bird species identified in the Comprehensive Plan, and as the ODFW has not requested mitigation measures as of the date of

this report, pursuant to §1124.5, staff finds the proposal does not require the applicant to take additional steps to mitigate impacts on Sensitive Bird Habitat.

SECTION 1170: RIPARIAN CORRIDORS, WETLANDS, WATER QUALITY, AND FISH AND WILDLIFE HABITAT PRETECTION OVERLAY ZONE

1172 Riparian Corridor Standards:

- .2 Fish-Bearing Streams, Rivers and Sloughs (Less than 1,000 cfs). Along all fish-bearing streams, rivers, and sloughs with an average annual stream flow of less than 1,000 cubic feet per second (cfs), the riparian corridor boundary shall be 50-feet from the top-of-bank. Average annual stream flow information shall be provided by the Oregon Water Resources Department.

FINDING / CONCLUSION: Per Columbia County Web Maps (GIS), the Scappoose Bay, which intersects the eastern portion of the property, is a fish-bearing stream that has a flow of less than 1,000 cubic feet per second. Therefore, the riparian corridor boundary for this stream is 50 feet as measured from the top-of-bank. Per County Web Maps, the existing residence, which is located on the western portion of the property (between the stream and proposed ADU), is approximately 550-feet from the edge of the Scappoose Bay. As such, the ADU will be located outside of the riparian corridor boundary required by CCZO §1172.2.

SECTION 1185: NATURAL AREA OVERLAY (NA)

- 1187 Application:** The Natural Area Overlay zone applies to all public land areas that are identified as being significant Natural Areas in the Oregon State Registry of National Heritage Resources, Natural Areas owned by The Nature Conservancy, and to areas which are identified as being significant Natural Areas in the Comprehensive Plan. The Oregon State Registry of National Heritage Resources is attached to the Comprehensive Plan in the Technical Appendix, Part XVI, Article IX.

FINDING / CONCLUSION: The Scappoose- Spitzenberg CPAC Beak Maps indicates that this property contains natural areas, therefore, the requirements of this section apply. Comprehensive Plan Article IX – NATURAL AREAS, §A. provides that natural areas have been defined by the Nature Conservancy as:

“a piece of land, or of land and water, that has substantially retained its natural character, or that - although altered in character - is important as plant or animal habitat, which is set aside for the study and appreciation of its natural features and for the preservation of natural diversity.”

§B. INVENTORY OF NATURAL AREAS IN COLUMBIA COUNTY, item #2 is the Scappoose Bay Inlet, which is identified to encompass a land area of approximately 355 acres located in Township 4 North, Range 1 West, Sections 8, 9, 16, 17, 19, 20, 21, 29, 30 and 31. Review of the most current list of Oregon State Registry of National Heritage Resources, managed by Oregon

State University, confirms that this is the only natural area in Columbia County that is relevant to the subject property and current proposal. Therefore, the provisions of this section are applicable

- A. All uses and development permitted in the underlying zone either outright or conditionally shall be permitted in the Natural Area Overlay if such use or development will not result in disturbance or destruction of the sensitive, fragile, or otherwise unique characteristics of the site.

FINDING / CONCLUSION: Per the Comprehensive Plan:

“The wetlands in this area are part of a diverse set of aquatic, wetland, and upland habitats that include a large stand of Wapato. The area supports emergent and forest vegetation that provide habitat for wildlife.”

The proposed development is removed from the wetlands associated with Scappoose Bay, by a distance of approximately 550 +/- feet. Additionally, the existing single-family dwelling intervenes between these wetlands and the proposed ADU location, there is no development getting closer to the Scappoose Bay wetlands than already exists. Staff finds that due to the spatial separation of the proposed new development, that is not getting any closer to the wetlands than development that already exists, will not result in disturbance or destruction of the sensitive, fragile, or otherwise unique characteristics of the site

SECTION 1504: VARIANCES (VAR)

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 / CONCLUSION: The proposal is a request for a reduced setback of a residential use structure in the RR-5 zone. The standard setback for residential structures in the RR-5 zone is 30 ft from any property line (CCZO § 604.6) and the ADU’s proposed 7-foot setback from the northern side property line constitutes an approximately 77% variance from the building setback standard. Therefore, the proposal is for a Major Variance and is appropriately reviewed by the

Planning Commission. The Columbia County Comprehensive Plan, Part VI – Housing Goals and Policies section identifies the primary housing GOAL of the County to be:

“To provide for the housing needs of the citizens of the County by allowing adequate flexibility in housing location, type, and density.”

The applicable, associated County housing POLICIES of this section are identified to be:

1. *Encourage an adequate housing supply by providing adequate opportunity for the development of new housing units and supporting the rehabilitation of the existing housing units when feasible.*
4. *Encourage development which will provide a range of choices in housing type, densities, price, and rent ranges throughout the County.*
10. *Assist all the appropriate organizations and individuals in their efforts to provide housing which meets the needs of the low income, elderly, and handicapped residents of the County, and to rehabilitate the existing housing stock.*
11. *Allow the development of a permitted residential use on a lot of record under single ownership if it meets all the sanitation regulations and all other applicable County codes and ordinances.*

The current proposal is for a structure that is accessory and subordinate to the established primary (residential) use of the property, a use which outright permitted use in the RR-5 zone district (CCZO §602.4). The proposed ADU supports the housing Goals and Policies of Columbia County identified above, because it encourages housing supply on already residentially developed property with existing services and facilities for the ADU to utilize, it contributes to the range of housing types and density available in the county. Because the site contains an existing septic, it can feasibly comply with the sanitation regulations of the Oregon Department of Environmental Quality (ODEQ) whether by connection to that existing septic, once evaluated and authorized by the county sanitarian, or if necessary, an additional system may be installed as allowed by CCZO §222. Because of the unique characteristics of the property, as addressed further herein, without approval of the variance, this outright permitted use would likely not be able to occur in a zoning district where it is otherwise allowed. Therefore, staff finds that the approval of the variance request to modify of the standard setback for residential accessory structures, allowing construction of the ADU to support the housing needs, goals and policies of Columbia County is in the public interest.

- 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 / CONCLUSION: Previous portions of this report identify overlays and constraints

which exist on the eastern end of the subject property. The primary dwelling was constructed in the western third of the property in observance of these site conditions, in a location that best mitigated any potential impacts to those overlays previously analyzed in the report. Additionally, while the parcel is almost 3 acres in size, it is exceptionally narrow, only being approximately 96' feet wide as identified by the County Assessors tax map and verified by measuring in GIS. With setbacks for residential structures being 30 feet from any property lines, this eliminates most of the available area for development and most importantly, would require the ADU to be situated directly in front of the primary dwelling and would impede access to that structure in the event of a fire or life safety emergency. In email correspondence dated December 22, 2025, Columbia River Fire & Rescue (CRF&R) expressed support of the proposed ADU location, stating that the proposed ADU location is necessary to maintain emergency access to all structures on the site due to the narrow lot width, and presence of Columbia River PUD (CRPUD) infrastructure; which precludes emergency access along the southern property boundary. PUD infrastructure is addressed further herein in review of §1504.1(A)(4).

The proposed location of the ADU necessitates demolition of an existing unpermitted accessory structure located approximately 7-8 feet from the northern property boundary. Per measurements conducted by Planning Staff using Columbia County Web Maps, the proposed ADU will be located approximately 375 feet from the existing residence on the northern adjoining property, which will ensure adequate distance between the ADU and existing residential development to the north.

Based on the presence of sufficient emergency access and conditions requiring sanitation and building review prior to permit issuance, measured separation from the residence located on the property to the north, and the orientation of the building entryways away from the adjacent northern property, staff finds that in accordance with CCZO §1504.1(A), the granting of this variance request will not be detrimental to the public safety, health, or welfare, or injurious to other property.

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 / CONCLUSION: As stated on page 3 of the revised application dated November 26, 2025, the requested variance is based on the unique physical conditions of the subject property, particularly, the shape of the parcel. Per the County Assessor tax map, with exception of the property located immediately south of the subject (4119-D0-02100), adjacent properties to the east of U.S. Highway 30, in the RR-5 zone, range in widths from approximately 115' to 330' +/-, additionally, the two RR-5 zoned properties parallel to the subject, and to the west of U.S. 30, range in widths from 210' to 590' +/-; demonstrating that the 96' width of the subject property is indeed unique.

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

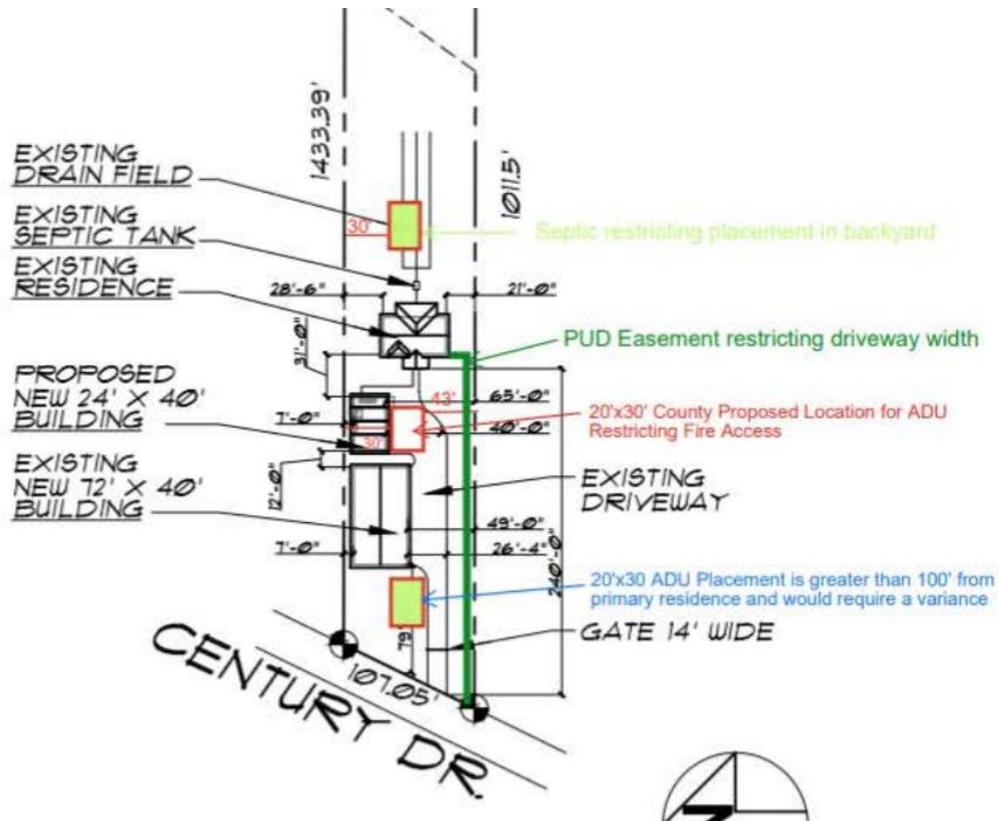
FINDING / CONCLUSION: Pursuant to CCZO §224, one (1) Accessory Dwelling Unit (ADU) is allowed in conjunction with a detached single-family dwelling on a lot or parcel zoned for Rural Residential development outside of an Urban Growth Boundary. Therefore, approval of V 25-230 will allow the property to be used for a purpose authorized by the Zoning Ordinance.

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

FINDING / CONCLUSION: Within the submitted application materials, the applicant asserts that strict adherence to the 30-foot setback requirement for dwellings (CCZO §604.6) creates an unnecessary hardship. The applicant contends that the lot's specific layout and the location of the existing home make setback requirements difficult to fulfill without compromising safety, drainage, and building code standards. The applicant asserts this hardship is a direct result of the land's physical characteristics rather than financial factors.

Per the revised site plan submitted on December 22, 2025, the proposed 24' x 40' ADU cannot be located 30 feet from all property lines without conflicting with existing development, PUD infrastructure, emergency access requirements, or other siting standards previously evaluated herein. Furthermore, the site plan confirms that reducing the footprint of the structure from 24' x 40' to 20' x 30' does not eliminate these conflicts.

December 22, 2025, Annotated Site Plan



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Because compliance with the 30-foot setback requirement would prevent compliance with other applicable siting requirements, a conforming location does not exist on the parcel without removal or relocation of existing lawfully established infrastructure. Given that the existing infrastructure is capable of supporting the proposed development, requiring its removal or relocation to satisfy the setback requirement of §604.6, would constitute an unnecessary hardship.

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 / CONCLUSION: Allowing a reduced setback will not adversely affect the realization of the Comprehensive Plan. While there are goals and policies in the comprehensive plan specific to setbacks in overlay districts, there are no goals and policies that address general setbacks from property lines in residential districts. In fact, as demonstrated where the criterion of §1504.1 was addressed, granting of the variance will allow the subject property to successfully actualize the housing goal of the Comprehensive Plan, where it would not otherwise be able to. As analyzed within this staff report, the proposal complies with (does not violate) all other applicable provisions of the Zoning Ordinance.

- 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 / CONCLUSION: The approval period set forth in CCZO §1504.1(B) has been incorporated as a *recommended condition of approval*.

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

FINDING / CONCLUSION: Pursuant to §1504.1(C) the Planning Commission may add whatever reasonable conditions they feel will fulfill the intent of this ordinance.

V. AGENCY COMMENTS:

Columbia River PUD: *See attachments dated 12/22/2025.*

Columbia River Fire and Rescue (12/22/2025): “The fire district has reviewed the proposed changes and stand by the variance request by the owner for 7’ off the property line. This will allow access for emergency apparatus for fire and EMS incidents. The options for moving closer to the center of the very narrow property, or closer to the road, or behind the home creates access issues during an emergency incident. The variance of 7’ allows access to all three structures by Fire/EMS. Our job is to ensure safety of our citizens, while supporting their opportunity to grow their property or expand. I would support the original building location with the 7’ variance to allow emergency access to all buildings on the property, a property that is extremely narrow and does not allow for access down the south side due to PUD easement restrictions”

Oregon Water Resources Department: Has reviewed the application and has no objection to its approval as submitted.

Columbia Soil and Water Conservation District: Has reviewed the application and has no objection to its approval as submitted.

Columbia County Building Official: The Building Department has no objection to this application being approved as submitted. The owner will be required to obtain Building, Electrical, Plumbing and Mechanical permits.

Columbia County Public Works Department: Century Drive is a private road off of US-30; access I subject to ODOT jurisdiction. ODOT has previously confirmed that there is an access permit for Century Drive.

Columbia County Sanitarian: “This department has no objections to the request for a Variance. Due to the septic system location, the area behind the primary structure does not appear available due to setbacks and the identified septic replacement area. The area also slopes down to a wetland which may indicate soil conditions that do not support relocating septic infrastructure. The proposal for the ADU will require a septic Authorization Notice with a site visit and any required system upgrades prescribed will be applicable for building permit approval”.

Oregon Department of Fish & Wildlife (ODFW): “The proposed ADU on Century Rd would have little to no impact on wildlife habitat”.

Oregon Department of Transportation (ODOT): The existing driveway is permitted (#2AA35492) and no additional permitting is required.

Oregon Water Resources Department: Has reviewed the application and has no objection to its approval as submitted.

Warren Water Association: “WWA will serve water to the Auxiliary Dwelling Unit (ADU) in addition to the residency”.

Scappoose - Spitzenberg CPAC: No comments have been received as of the date of this report.

Oregon Department of State Lands (DSL): No comments have been received as of the date of this report.

VI. CONCLUSION and RECOMMENDATION TO PLANNING COMMISSION:

Based on the facts and findings addressed herein, Staff recommends the Planning Commission APPROVE File V 25-230, to authorize a variance from the 30’ residential structural setback standard of CCZO §604.6, for the construction of an Accessory Dwelling Unit 7-feet from the northern property boundary, subject to the following conditions:

1. **EXPIRATION:** This variance shall become void after the expiration of 1 year if the next step in the development process has not been applied for [1504.1(B)]
2. **FLOOR AREA:** The Accessory dwelling unit will not include more than 900 square feet of useable floor area. No portion of the downstairs “workshop” may be converted or permitted as part of the residential (ADU) use.
3. **ONE SEPTIC SYSTEM PER LOT:** The Accessory Dwelling Unit (ADU) shall be connected to the existing septic system servicing the primary dwelling. Pursuant to CCZO §222, installation of a separate septic system is prohibited unless the County Sanitarian determines that the ADU cannot physically or legally connect to the existing system. If such determination is made, the Applicant shall obtain all applicable permits and approvals from the County Sanitarian prior to construction of the additional system.
4. **BUILDING PERMITS REQUIRED:** The Applicant shall obtain all necessary building, electrical, mechanical and plumbing permits to construct the ADU and connect it to the existing services on the subject property.
5. **PRIOR TO ISSUANCE OF BUILDING PERMITS:** Prior to Planning Division authorization for any Building Permits (Structural, Mechanical, Plumbing) for the ADU or required service connections, the following conditions must be satisfied:
 - a. **PROHIBITION OF VACATION OCCUPANCY:** The Applicant shall submit a signed and recorded copy of the attached Prohibition of Vacation Occupancy document to LDS prior to building permit issuance.[CCZO §224.2(E) & ORS 90.100]
 - b. **SEPTIC AUTHORIZATION:** The Applicant shall submit an application to the County Sanitarian for an Authorization Notice and Site Inspection. Additionally, the Applicant shall obtain all necessary permits for required upgrades identified during the authorization process.
 - c. **FIRE DISTRICT ACCESS:** The Applicant must provide documentation from Columbia River Fire and Rescue that they have inspected and provided temporary approval of the driveway.
6. **PRIOR TO FINAL OCCUPANCY OF THE ADU:**
 - a. **FIRE DISTRICT FINAL ACCESS APPROVAL:** Documentation shall be submitted to LDS confirming the subject tract has final access approval from Columbia River Fire and Rescue.

ATTACHMENTS:

CRPUD Email and Attachment (12/22/2025)
 CRF&R Comments (12/22/2025)
 Prohibition of Vacation Occupancy