

# Chapter 91

## Specific Use Standards

**91.005 Purpose.** A variety of land uses are permitted in more than one zone. It is the purpose of this chapter to provide uniform standards for certain land uses, with the standards applicable to all zones in which such uses are allowed. These standards shall be applied in addition to all other standards and criteria appropriate to the review process required by the zone. [Ord 90-0069]

### ACCESSORY DWELLING UNITS

**91.050 Accessory Dwelling Unit Standards.** Where permitted by zoning within urban growth boundaries, every accessory dwelling unit (ADU) shall:

- (1) Be allowed in conjunction with and on the same lot or parcel as one legally established detached single-family dwelling. The single-family dwelling must be established prior to, or concurrent with, the establishment of the accessory dwelling unit or, if the existing single-family dwelling is demonstrated to meet the standards of this section for an accessory dwelling unit then it may be so designated and establishment of a single-family dwelling may be allowed. In any event, a maximum of one ADU is allowed per single-family dwelling;
- (2) Be constructed or renovated to comply with all applicable building code requirements, and shall comply with all other applicable regulations for a dwelling, including but not limited to floodplain provisions and setback requirements;
- (3) Contain no more than 900 square feet of habitable space. A single-car garage (no larger than 300 square feet in size) is allowed in conjunction with an ADU, but may not be used for human habitation. The garage area does not count towards the 900 square foot maximum size allowed for the ADU.
- (4) Contain no more than two bedrooms and two bathrooms. For the purposes of this code, a bathroom is defined as a room containing, at minimum, a sink and a toilet; a bedroom is defined as a room or area designed for sleeping, in compliance with all applicable building code requirements for such rooms or areas. A studio space shall be considered a bedroom if it has the components of a bedroom;
- (5) Be served by either:
  - (a) A septic system; whether existing or new, the system shall meet all applicable requirements of Benton County Environmental Health and the Oregon Department of Environmental Quality (DEQ) [Note that DEQ rules may prohibit additional septic system loading if municipal sewer is located within a specified distance of the property.]; or
  - (b) A community/municipal sewer system, in which case the applicant shall submit evidence that the service agency is mutually bound and able to serve the accessory dwelling unit.
- (6) Be provided with water from an approved source, consistent with BCC 99.805. Well or spring water serving the ADU must comply with the well log and water quality requirements of BCC 99.810(1) and (2). A spring shall comply with the provisions of BCC 99.820 with the exception that the minimum gallons per minute required of the flow test described in BCC 99.820(4)(a) shall be increased by 50% if both the single-family dwelling and the ADU will be served by the spring. For a well, a minor pump test is required, consistent with BCC 99.845. If the ADU will be served by a separate well than the single-family dwelling, the pump test shall demonstrate compliance with the standards in BCC 99.845(1). If a single well is proposed to serve both the single-family dwelling and the ADU, the pump test shall demonstrate compliance with the following modified standards for BCC 99.845(1):

- (a) Minimum supply = 1.5 gpm
- (b) Minimum required to avoid storage requirement = 7.5 gpm
- (c) If storage is required, storage within the tank and well must meet the following requirements:

|                |                            |
|----------------|----------------------------|
| 1.5 – 2.99 gpm | No less than 2,250 gallons |
| 3 – 4.49 gpm   | No less than 1,500 gallons |
| 4.5 – 7.49 gpm | No less than 1,000 gallons |

- (7) Share the same road approach as the primary dwelling on the property.
- (8) Be located no more than 200 feet from the single-family dwelling unit on the site, as measured horizontally from structural wall to structural wall. Attached garages within 200 feet of each other may be used to meet this requirement;
- (9) Access to the ADU, and construction of the ADU, must comply with applicable Fire District requirements;
- (10) A manufactured home may be utilized as an ADU, if in compliance with all applicable standards;
- (11) Neither the single-family dwelling nor the ADU may be utilized for short-term accommodation purposes. Short-term accommodations are defined as lodging agreements for a period of less than one month;
- (12) An ADU is allowed in addition to a temporary medical hardship dwelling associated with the single-family dwelling, if all applicable requirements are met for all dwellings on the site;
- (13) Road improvement requirements consistent with the requirements of BCC Chapter 99 shall be met by the property owner, proportionate to the transportation impacts of the ADU;
- (14) The applicant for an ADU shall submit an urbanization plan, demonstrating that the location and placement of the single-family dwelling and accessory dwelling unit on the subject property will not prevent achieving the minimum density designated by the respective city’s comprehensive plan. The urbanization plan shall show potential future roadways necessary to serve the development and potential lot configurations, and shall comply with natural features or natural hazard regulations on the site. All dwellings and all structures requiring building permits shall be placed within boundaries of the future parcels or lots shown on the urban conversion plan and shall meet urban setbacks of the respective city. The urban conversion plan shall be binding on future property owners, until such time as an alternative urban conversion plan is submitted by the property owner and approved by the County in consultation with the respective city, or the property is annexed to the city. In unusual circumstances, the urban conversion plan requirements may be modified by the Planning Official in consultation with the respective city.
- (15) The applicant for an ADU shall record a covenant to memorialize the requirements of Sections (3), (4), (12), and (15) above for current and future property owners.

[Ord 2018-0285, Ord 2018-0286, Ord 2020-0297]

## CARE CENTERS

**91.105 Day Care Center Standards.** Every day care center shall:

- (1) Comply with the occupancy requirements of the Benton County Building Code; and
- (2) Comply with State regulations for a day care center. [Ord 90-0069]

**91.110 Residential Facility Standards.** Every residential facility shall:

- (1) Comply with the occupancy requirements of the Benton County Building Code; and
- (2) Comply with State regulations for a residential facility. [Ord 90-0069]

**91.115 Standards for Residential Home.** Every residential home shall:

- (1) Be located in an existing single-family dwelling;
- (2) Comply with the occupancy requirements of the Benton County Building Code; and
- (3) Comply with State regulations for a residential home. [Ord 90-0069]

## CEMETERIES

**91.150 Cemetery Standards.** Every cemetery, whether private or public, where parcels or lots are offered for sale, except private family burial grounds, shall:

- (1) Comply with all State regulations for cemeteries; and
- (2) Comply with subdivision standards set forth in BCC Chapter 97. [Ord 90-0069]

**91.155 Standards for Private Family Burial Grounds.** Private family burial grounds may be allowed in any zone by conditional use permit approved by the Planning Commission. Lots or parcels shall not be offered for sale in a private family burial ground. Every private family burial ground shall:

- (1) Comply with State regulations for burial on private property;
- (2) Be located at least 100 feet from wells, springs, and other water sources used for drinking, fifty (50) feet from any stream, river, lake, or pond, and twenty-five (25) feet from property lines; and
- (3) Be documented by a Notice of Private Family Burial Grounds. A map shall accompany the Notice, showing the location of the burial grounds. The Notice shall indicate whether the gravesites are marked or unmarked. The Notice and map shall be recorded in the County Deed Records and the applicant shall pay the recording fees. [Ord 90-0069]

## HOME OCCUPATIONS

**91.200 General Provisions.**

- (1) In addition to the requirements of BCC 55.205, 60.205, or 89.400, every home occupation shall conform to the applicable standards of BCC 91.205, 91.210, or 91.215 as determined by parcel or lot size. [Ord 96-0119]
- (2) Home occupations in all zones shall not be approved for the commercial growing, processing, wholesaling or retailing of marijuana. [Ord 2015-0271]

**91.205 Home Occupations on a Parcel or Lot of Less Than One Acre.** Every home occupation shall conform to the following:

- (1) Occupy no more than twenty-five percent (25%) of the total floor area of the residence or 500 square feet of gross floor area of an accessory structure;
- (2) Not display any external evidence of an occupation outside the structure except as permitted for signs

under BCC 91.805 through 91.820;

- (3) Limit activities to the extent that traffic generated by the occupation shall not exceed ten (10) trips per day;
- (4) Produce no noise or obnoxious odors, vibrations, glare, or fumes detectable to normal sensory perception outside the structure;
- (5) Employ only members of the household; and
- (6) Home occupations conducted in an accessory structure require a permit that shall be renewed every two years. [Ord 96-0119]

**91.210 Home Occupation on a Parcel or Lot of One to Five Acres.** Every home occupation shall conform to the following:

- (1) Occupy no more than twenty-five percent (25%) of the total floor area of the residence or 750 square feet of gross floor area of an accessory structure;
- (2) Limit activities to the extent that traffic generated by the occupation shall not exceed ten (10) trips per day;
- (3) Produce no noise or obnoxious odors, vibrations, glare, or fumes detectable to normal sensory perception outside the structure;
- (4) Employ no more than one person in addition to those who reside in the household;
- (5) Home occupations with outside storage of materials, goods, supplies, or equipment are allowed provided it is screened from view of adjacent lands and rights-of-way; and
- (6) Home occupations conducted outside the home require a permit that shall be renewed every two years. [Ord 96-0119]

**91.215 Home Occupation on a Parcel or Lot Greater Than Five Acres.** Every home occupation shall conform to the following:

- (1) Occupy no more than twenty-five percent (25%) of the total floor area of the residence or 2000 square feet of gross floor area of an accessory structure;
- (2) Limit activities to the extent that traffic generated by the occupation shall not exceed ten (10) trips per day;
- (3) Produce no noise or obnoxious odors, vibrations, glare, or fumes detectable to normal sensory perception outside the structure;
- (4) Employ no more than two persons in addition to those who reside in the household;
- (5) Home occupations with outside storage of materials, goods, supplies, or equipment is allowed provided it is screened from view of adjacent lands and rights-of-way; and
- (6) Home occupations conducted outside the home require a permit that shall be renewed every two years. [Ord 96-0119]

**91.220 Exceptions to Dimensional Standards.** An exception to dimensional standards provided in BCC 91.205 to 91.215 to establish or expand a home occupation in excess of these standards up to fifty percent (50%) may be allowed by conditional use permit approved by the Planning Official. [Ord 90-0069]

**91.225 Effect of Deed Restrictions.** Issuance of a home occupation permit does not relieve the owner from provisions of any deed covenants, conditions, or restrictions on public record. The applicant shall identify and achieve compliance with all deed covenants, conditions, and restrictions prior to commencement of the home occupation. [Ord 90-0069]

**91.230 Building Permits Required for Home Occupation.** A building permit shall be obtained from the

Development Department for any required modification or addition to any structure or building used for a home occupation, or to the electrical, plumbing, or mechanical systems of any building or structure used for a home occupation, pursuant to the Benton County Building Code. [BCC 11.005 to 11.305] Such permit requirements are applicable to any change in occupancy of an accessory building to accommodate a home occupation. Building permits for construction of new, or expansion of existing structures occupied by a home occupation shall conform with standards contained in BCC 91.205 to 91.215. [Ord 90-0069]

## **JUNKYARDS**

**91.305 Junkyard Standards.** Every junkyard shall:

- (1) Provide at least a six (6) foot high sight-obscuring fence of wood or metal to enclose the entire portion of the site used for wrecking, storage, and display. If the fence is constructed of metal, it shall be painted one color only;
- (2) Store all items within the fenced area, and ensure that no items are piled any higher than the fence;
- (3) Provide for storage and off-site disposal of oil and other chemicals in conformance with standards established by the Oregon Department of Environmental Quality and the Environmental Protection Agency;
- (4) Include a forty (40) foot setback from any building to a parcel or lot line, and a fifty (50) foot setback from any crushing equipment to a parcel or lot line; and
- (5) Comply with all State requirements. A license is required for dealing in motor vehicles or dismantling motor vehicles. [Ord 90-0069, Ord 96-0118]

## **KENNELS**

**91.405 Permitted Locations of Kennels.**

- (1) A hobby kennel is allowed as an accessory use to a dwelling in any zone.
- (2) A commercial kennel is allowed as a home occupation in any zone.
- (3) A commercial kennel not provided in conjunction with a dwelling is allowed by conditional use permit approved by the Planning Official in the Rural Residential Zone (RR).
- (4) A commercial kennel may be allowed as an accessory use to a veterinary clinic or pet shop.
- (5) A commercial kennel may be established as a primary use only as allowed by the applicable zone. [Ord 26, Ord 90-0069]

**91.410 Kennel Standards.**

- (1) All animals shall be boarded within a building. The animals may be released outside in a fenced impoundment only during the hours of 6 a.m. to 9 p.m. The animals shall be confined within an enclosed building between the hours of 9 p.m. and 6 a.m. These requirements shall not apply to dogs used primarily as protection dogs (guard dogs, dogs for shepherding livestock, etc.) on land zoned Exclusive Farm Use (EFU), Multi-Purpose Agricultural (MPA), Forest Conservation (FC). The building shall comply with the Benton County Building Code pertaining to the structural integrity and ventilation associated with the structure. The building may be required to be sound-proofed to a level deemed appropriate by the Planning Official in consultation with the Building Official based upon the size of the kennel and adjacent land uses.
- (2) The kennel building and impoundment area shall be at least thirty (30) feet from a property line or forty-five (45) feet from a road. These setbacks may be reduced by thirty percent (30%) if a sight-obscuring fence or vegetation is present or installed. In no instance shall the building and impoundment

encroach on a setback established for a primary use for the zone in which the property is located.

- (3) All animal waste shall be disposed of in a sanitary manner as approved by the Benton County Sanitarian.
- (4) All dogs shall be licensed in compliance with BCC Chapter 9. [Ord 26, Ord 90-0069]

## **MANUFACTURED DWELLINGS**

**91.502 Use of Manufactured Dwellings.** Manufactured dwellings shall be used as single-family dwellings and shall not be used for commercial purposes, except as follows:

- (1) Manufactured dwellings may be used for purposes other than a single-family dwelling when the change of occupancy is approved by the Building Official in accordance with the provisions of the Oregon specialty codes and this Code. When the occupancy of a manufactured dwelling changes, the insignia shall be removed and returned to the Building Code Agency. Except as provided in (2) below, manufactured dwellings shall be used solely for the purpose of a residential dwelling in the Urban Residential Zone.
- (2) A portion of a manufactured dwelling may be used for an approved home occupation if the remainder of the structure is used as a single-family dwelling by the same person. [Ord 93-0097, Ord 97-0131]

**91.505 Minimum Standards for Manufactured Dwelling Placement.** Manufactured dwellings shall:

- (1) Bear an Oregon insignia of compliance. If the manufactured dwelling is placed in a residential zone it shall bear an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976;
- (2) Have the underfloor crawlspace entirely enclosed with a perimeter foundation, skirting or equivalent. The towing hitch shall be removed or concealed;
- (3) Be sited on the parcel or lot in conformance with all siting requirements, such as drainage and hillside placement, as stipulated in the Benton County Building and Plumbing Codes;
- (4) Be connected to an approved individual subsurface sewage disposal system, or to a sewage treatment facility approved by the Oregon Department of Environmental Quality. Prior to issuance of a manufactured dwelling placement permit for any manufactured dwelling not connected to a municipal or community sewer system, the applicant shall provide for the installation of a standard or alternative subsurface sewage disposal system which is adequate in size, location, design and specification to serve the proposed manufactured dwelling; and
- (5) Be anchored to a continuous permanent concrete, concrete block, or equivalent foundation built to County and State standards. [Ord 97-0131]

**91.510 Placement Standards for Manufactured Dwellings in the Urban Residential and Rural Residential Zones.** In addition to the minimum standards set forth in BCC 91.505, a manufactured dwelling placed in the Urban and Rural Residential Zones shall:

- (1) Contain at least 320 square feet of enclosed floor area in a unit;
- (2) Have a roof with a minimum pitch of three feet in height for each twelve feet in width (3/12);
- (3) Siding shall not be reflective, unpainted, or uncoated metal;
- (4) Have its foundation installed according to one of the methods listed in the most current Oregon Manufactured Dwelling Standard;
- (5) Bear certificates of compliance from the US Department of Housing and Urban Development and from the State of Oregon;
- (6) If sited within the Corvallis urban growth boundary have a garage or carport;

- (7) Have all wheels, axles, hitch mechanisms, and transient lights removed; and
- (8) Comply with every development standard to which a conventional single-family residential dwelling on the same parcel or lot would be subject. [Ord 90-0069, Ord 94-0104, Ord 97-0131, Ord 2018-0285, Ord 2018-0286]

**91.515 Placement Standards for Manufactured Dwellings in zones other than Rural Residential and Urban Residential.** In addition to the minimum standards set forth in BCC 91.505, a manufactured dwelling placed in zones other than Rural Residential and Urban Residential for the purpose of a residential dwelling shall contain more than 320 square feet of occupied space in a single, double, expanded, or multi-section unit, including those with add-a-room units. [Ord 90-0069, Ord 97-0131]

**91.520** Repealed. [Ord 90-0069, Ord 97-0131]

**91.525 Accessory Buildings.** Accessory structures to manufactured dwellings shall be designed and constructed in accordance with the applicable Oregon Specialty Codes, the Oregon Manufactured Dwelling Standards and this Code. [Ord 26, Ord 90-0069, Ord 97-0131]

**91.530 Alterations and Additions.** All alterations, repairs, conversions and remanufacturing of manufactured dwellings shall require building permits and shall be made in accordance with the Benton County Building Code requirements and the following applicable standards:

- (1) Additional skirting shall be made of materials similar to the siding of the manufactured dwelling, or of materials of good quality;
- (2) A building permit shall be obtained prior to construction of a carport;
- (3) A building permit shall be obtained prior to construction of a deck that exceeds thirty-one (31) inches in height from ground level;
- (4) All additions to a manufactured dwelling shall be constructed and finished in durable weather resistant materials comparable in quality to those used in the construction and finishing of the principle unit to which they are attached, and shall meet all Structural Specialty Code requirements. [Ord 26, Ord 90-0069, Ord 97-0131]

**91.535 Storage of Manufactured Dwellings.** A manufactured dwelling may be temporarily stored on a parcel or lot if the unit may be legally established on the parcel or lot in accordance with this code. The owner shall obtain a manufactured dwelling placement permit prior to storage. The period of storage shall commence the day the placement permit is issued and may not exceed ninety (90) days. Permission to store the unit does not vest the right for the unit to permanently occupy the property. [Ord 26, Ord 90-0069, Ord 96-0118]

**91.540 Temporary Manufactured Dwelling Permit During Construction.** The Planning Official may grant a permit for temporary placement of a manufactured dwelling in any zone for occupancy during the construction of a permitted dwelling. Such permits shall be issued concurrently with the building permits. Any manufactured dwelling used under these provisions shall be placed pursuant to the provisions of BCC 91.505(4) through (5), and shall be removed upon occupancy of the new dwelling, or within one year of issuance of such permits, whichever is sooner. [Ord 26, Ord 90-0069]

**91.545 Temporary Manufactured Dwelling for Hardship Purpose.**

- (1) A manufactured dwelling may be allowed as an accessory use to a dwelling in any zone in order to alleviate a medical hardship. The manufactured dwelling to be used must meet all applicable County and State health and building requirements, including Chapter 91, except that the additional placement standards of BCC 91.510 shall not apply. The manufactured dwelling shall be used in conjunction with a permanent residential structure on the same parcel. A bonafide medical hardship shall be substantiated by a statement from the attending physician that the manufactured dwelling is necessary to provide adequate and immediate health care for a relative who needs close attention and who would

otherwise be required to receive needed attention from a hospital or care facility. Tenancy of the manufactured dwelling shall be limited to a member or members of the property owner's immediate family or a person (and immediate family) who is directly responsible for care of the owner or members of the owner's immediate family.

- (2) Manufactured dwellings used for medical hardship purposes shall contain more than 320 square feet of occupied space and when sited in Rural Residential Zones shall bear an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976. [Ord 97-0131]

#### **91.550 Conditions of Approval for Hardship Dwellings.**

- (1) A temporary manufactured dwelling for hardship purposes shall be valid only for the owner(s) of the property. The manufactured dwelling shall be removed when the need to relieve a family hardship no longer exists, or upon sale, transfer or disposal of the property.
- (2) Approval of a temporary manufactured dwelling for hardship purposes shall be renewed annually by the applicant. To renew the hardship approval, the applicant shall submit to the Community Development Department a notarized statement attesting that either the hardship for which the manufactured dwelling was granted is still in existence; or the hardship no longer exists and the manufactured dwelling has been removed.
- (3) A temporary manufactured dwelling for hardship purposes shall be connected to an existing water supply and septic system, if authorized by the County Sanitarian. The County Sanitarian may inspect the septic system as allowed by State law and collect the appropriate fees for such inspection. Installation of a second septic system on the property to serve a hardship manufactured dwelling shall not constitute a vested right for a second permanent dwelling.
- (4) Temporary manufactured dwellings shall not be expanded or attached to a permanent structure.
- (5) The temporary manufactured dwelling shall be required to meet all setback requirements for the zone in which it is located.
- (6) A deed covenant recognizing the provisions of this section shall be signed by the property owner and recorded in the County Deed Records for the subject property prior to issuance of permits of placement of the dwelling. [Ord 26, Ord 90-0069, Ord 92-0092, Ord 97-0131]

**91.555 Mobile Home or Manufactured Dwelling Park Standards.** Every mobile home or manufactured dwelling park shall:

- (1) Require all manufactured dwellings to be placed in accordance with BCC 91.505;
- (2) Have the following space sizes: At least seventy-five percent (75%) of the spaces will be 5,000 square feet or larger; up to twenty-five percent (25%) of the spaces may be as small as 3,500 square feet. Only 5,000 square foot space or larger spaces will be allowed around the perimeter of the park;
- (3) Have all improvements set back a minimum of twenty-five (25) feet from a roadway, or fifteen (15) feet from a public right-of-way and eight (8) feet from rear and side setbacks;
- (4) Have two off-street parking spaces per manufactured dwelling space, or community parking for second vehicles;
- (5) Be developed in accordance with ORS Chapter 446 and OAR Chapter 918 Division 600;
- (6) Provide for internal pedestrian circulation separate from vehicular traffic;
- (7) Provide for the installation and maintenance of landscaping and vegetation of all areas not committed to parking, manufactured dwelling spaces, streets or buildings;
- (8) Allow accessory vehicles (boats, motor homes, etc.) to be parked only in a screened, protected community space;

- (9) Provide a minimum fifty (50) square foot enclosed storage building per manufactured dwelling parcel or lot; and
- (10) Be screened from streets and surrounding property by berms or landscaping or a combination thereof as necessary to provide a visual barrier at least five (5) feet in height along rear and side property lines and two (2) feet in height along front property lines. [Ord 26, Ord 90-0069]

**91.560 Development Plan Requirements.** The development plan for a proposed mobile home or manufactured dwelling park shall illustrate compliance with the standards set forth in BCC 91.555 and shall:

- (1) Demonstrate that municipal or public water supply system and sewage disposal system are available;
- (2) Demonstrate that present or planned expansion capacity of neighborhood schools will accommodate children from the park;
- (3) Show contour lines at two foot intervals. The source and accuracy of contour lines shall be specified;
- (4) Show the location, names, width, elevation and grades of existing and proposed streets in or adjacent to the proposed park;
- (5) Show the location of all areas subject to the base flood;
- (6) Show the location, width and purpose of all easements;
- (7) Show the location of all utilities including water, sewer, power, telephone, natural gas and/or cable television;
- (8) Include a proposed plan for storm water drainage;
- (9) Show the location and purpose of all common or public facilities;
- (10) Include a timetable for construction of all improvements; and
- (11) Address the impact of the proposed park on water, sewer, fire protection, law enforcement, schools, solid waste disposal and other services. [Ord 90-0069]

**91.565 Occupancy of Recreational Vehicles.** Recreational vehicles may be placed for temporary residential occupancy at one location as an accessory use only in any zone without permits for a period not to exceed thirty (30) days. One sixty day extension is allowed for which a placement permit is required. Recreational vehicles may be placed for temporary residential occupancy during the construction of a permitted dwelling for a period not to exceed one year. Recreational vehicles may be used as a primary residence only within mobile home or manufactured dwelling parks and resource zones, subject to appropriate land use approval required by other sections of the Development Code and applicable building and septic permit requirements. [Ord 90-0069]

## **PARKING AND LOADING**

**91.605 Off-Street Parking.** Except as otherwise required by other provisions of the Development Code, structures built, enlarged or increased in capacity shall provide for the following off-street parking space requirements. Gross floor is that area considered to be habitable under the terms of the Benton County Building Code.

- (1) A single-family, multi-family dwelling or manufactured dwelling shall provide two (2) spaces for each dwelling unit. Accessory dwelling units are exempt from this requirement. [Ord 2020-0297]
- (2) Libraries, museums, and art galleries shall provide one (1) space for each 500 square feet of gross floor area.
- (3) A motel or hotel shall provide one (1) space for each guestroom or suite.
- (4) A retail store, service or repair shop, bank, financial institution or office shall provide one (1) space for

each 400 square feet of gross floor area.

- (5) A place of public assembly including church, stadium, arena, club, lodge, auditorium, meeting room, and undertaking establishment shall provide one (1) space for each 100 square feet of gross floor area or one (1) space for each eight (8) seats, whichever is greater.
- (6) A day care center, residential facility, residential home, preschool nursery or kindergarten shall provide two (2) spaces for each teacher or supervisor.
- (7) An elementary school shall provide two (2) spaces for each classroom.
- (8) A middle school shall provide three (3) spaces for each classroom.
- (9) A senior high school, college or commercial school shall provide six (6) spaces for each classroom.
- (10) A hospital, convalescent hospital, nursing home, retirement center, sanitarium, or rest home shall provide one (1) space for each 1,000 square feet of gross floor area.
- (11) A bowling alley shall provide six (6) spaces for each alley.
- (12) A medical and dental clinic shall provide one (1) space for each 300 square feet of gross floor area.
- (13) A restaurant, bar, or similar establishment shall provide one (1) space for each 125 square feet of gross floor area.
- (14) An industrial or wholesale establishment, warehouse, air, rail, or trucking freight terminal shall provide one (1) space per employee on the largest shift.
- (15) A mobile home or manufactured dwelling park shall provide two (2) parking spaces for each mobile home or manufactured dwelling space.
- (16) Correctional and law enforcement facilities shall provide one (1) space for every five beds. [Ord 26, Ord 90-0069, Ord 99-0146]

#### **91.610 Location of Spaces.**

- (1) Off-street parking spaces for single-family dwellings and duplexes shall be located on the same parcel or lot as the dwelling.
- (2) Off-street parking spaces for all uses other than single-family dwellings and duplexes shall be located not further than 300 feet, measured in a straight line, from the building or use they are required to serve. [Ord 26, Ord 90-0069, Ord 96-0118]

**91.615 Multiple Users of Parking Area.** A common parking area may be used to comply with off-street parking standards for two or more structures. The number of parking spaces in a common parking area shall meet the peak demand, based on hours of operation. [Ord 90-0069]

**91.620 Parking Surface.** All parking areas, except as otherwise required by the zone, shall be hard-surfaced with asphaltic concrete, portland cement concrete, or crushed rock. All parking areas, except those in conjunction with a dwelling or duplex, shall be graded so that stormwater does not drain over the sidewalk or onto any abutting property. [Ord 90-0069]

**91.625 Loading Area.** Off-street parking areas provided to fulfill the requirements of this code shall not be used for loading and unloading operations except during periods of the day when not required to provide for parking needs. New structures and structures enlarged by more than fifty percent (50%) of the floor area which receive or distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately provide for the needs of the particular use. [Ord 26, Ord 90-0069]

**91.630 Curbs.** Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail placed to prevent a motor vehicle from extending over an adjacent property or a street. Planting

or screening may be required. [Ord 26, Ord 90-0069]

**91.635 Lighting.** Lighting which may be provided in a parking or loading area shall not create or reflect substantial glare on an adjacent residential area. [Ord 26, Ord 90-0069]

**91.640 Design for Parking Areas.** Parking areas may be designed so that parking spaces are arranged at either 45 degree, 60 degree or 90 degree angles, or approved variations thereof, as shown on the following illustration. Minimum dimensions for each parking space shall be eight (8) feet by eighteen (18) feet or nine (9) by twenty-three (23) feet for parallel parking spaces. Access driveways shall also conform to the illustrated standards. [Ord 90-0069]

**91.645 Driveways.** Off-street parking spaces for uses other than single-family dwellings and duplexes shall obtain access from a driveway which provides for internal traffic circulation. Driveways shall be designed to facilitate internal traffic flow and safety of ingress and egress to the site. Intersections of driveways with public roadways should be limited to the minimum number required. A road approach permit is required for each driveway intersection pursuant to BCC 99.510. [Ord 90-0069]

**91.650 Landscape Standards.** Landscaping is required for all off-street parking areas for three or more vehicles abutting property zoned PR-1, PR-2, or PR-3. The landscaping shall consist of a fence, hedge or other similar screening. [Ord 90-0069]

**91.655 Continued Use of Parking Space.** The provision and maintenance of off-street parking spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show adequate parking space in conformity with the Development Code. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking space required by the Development Code. [Ord 90-0069]

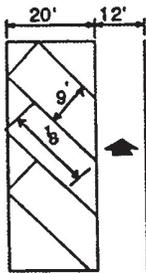
**91.660 Change in Use.** No owner or occupant of a parcel, lot, or building shall change the use of the property to a use for which the Development Code requires increased off-street parking unless the required increase in off-street parking is provided. [Ord 26, Ord 90-0069, Ord 96-0118]

**91.665 Parking for Disabled Persons.** At least one parking space shall be reserved for parking for disabled persons for each fifty (50) occupants and each increment thereof. A sign shall be posted near each parking space on public or private property that is reserved for parking for disabled persons. The sign shall state the following:

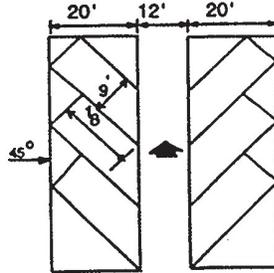
**Parking with D.M.V. Disabled Permit Only.  
Violators subject to towing under ORS 811.620  
and fine up to \$250 under ORS 811.615. [Ord 90-0069]**

# DESIGN FOR PARKING AREAS

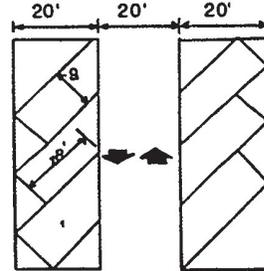
## 45 DEGREE PARKING



Head-in Parking  
One Way Circulation

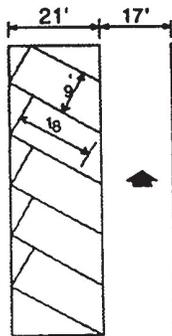


Head-in Parking Double Row  
One Way Circulation

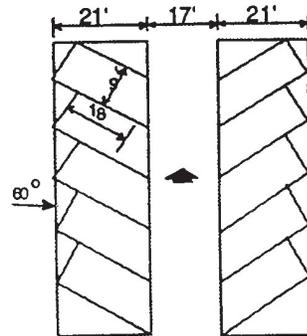


Head-in Parking Double Row  
Two Way Circulation

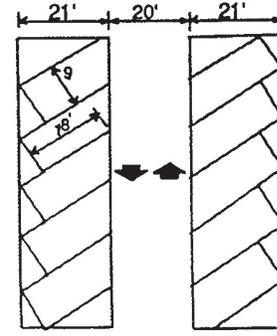
## 60 DEGREE PARKING



Head-in Parking  
One Way Circulation

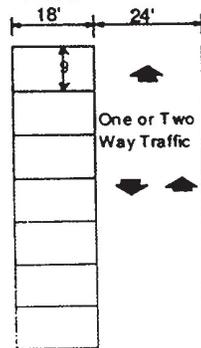


Head-in Parking  
One Way Circulation

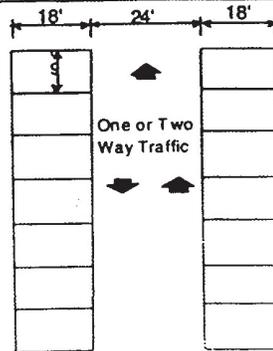


Head-in Parking Double Row  
Two Way Circulation

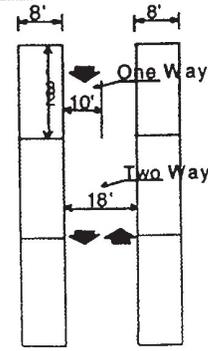
## 90 DEGREE AND PARALLEL PARKING



Head-in Parking  
Single Row



Head-in Parking  
Double Row



Head-in Parking  
Single and Double Row

## **SEWER SERVICES**

**91.705 Extension of Services.** Extension of municipal sewer services to areas outside urban growth boundaries may be allowed only for the following purposes:

- (1) To serve an area designated a "health hazard" according to the procedure required by State law; or
- (2) To serve an area designated Industrial or Rural Residential on the Comprehensive Plan Map for which the following findings have been made:
  - (a) The provision of municipal sewer services outside urban growth boundaries is compatible with polices in the City's comprehensive plan;
  - (b) Provision of municipal sewer service by a City does not impair the City's long-term commitment to or ability to service land either within the City or within the City's urban growth boundary;
  - (c) The proposed extension of municipal sewer services will not service any intervening rural lands, and that no connections shall be allowed in areas zoned Exclusive Farm Use or Forest Conservation;
  - (d) The extension of municipal sewer services shall not be a basis for future determination of commitment of intervening lands;
  - (e) There is not a feasible alternative for servicing the proposed development, considering soil suitability for subsurface sewage disposal, costs of a subsurface system, and the long term viability of such a system to function successfully; and
  - (f) If an urban level of services will be provided, provision of such services complies with the requirements for an exception to Statewide Planning Goals 11 and 14. [Ord 90-0069]

## **SIGNS**

**91.805 Scope.** Every sign erected, altered or relocated within unincorporated Benton County shall conform to the provisions of the Development Code. Nothing within this section shall imply any limitation on the content or message of a sign. [Ord 90-0069]

### **91.810 Number and Size of Signs.**

- (1) The number of signs allowed for each separate and identifiable use or establishment is not restricted by this section. The total sign face area of all freestanding and projecting signs shall not exceed that provided for by this section unless otherwise authorized by BCC 91.815. Signs which do not project from a building are excluded from the calculation of total sign face area, including signs painted directly on a wall or roof, installed in a window, or mounted flush to a wall or roof.
- (2) The maximum allowable sign face area in square feet (s.f.) is determined from the functional classification of the roadway adjoining the use as identified in the County Transportation Management Plan. In the case of frontage on more than one roadway, the roadway providing access to the use shall determine the allowable sign face area. Where access is obtained from more than one roadway, the higher classification shall be utilized to determine the allowable sign face area.

| <u>Type of Use</u>   | <u>Functional Classification of Adjoining Roadway</u> |                  |                 |
|--|---|------------------|-----------------|
|  | <u>Local</u>  | <u>Collector</u> | <u>Arterial</u> |
| (3) Permitted Uses in Rural Residential, Urban Residential and Philomath Residential Zones   | 4 s.f.  | 6 s.f.           | 8 s.f.          |
| (4) Permitted and Conditional Uses in Resource Zones and Conditional Uses in Rural, Urban and Philomath Residential Zones except where otherwise restricted as a condition of approval | 16 s.f.   | 32 s.f.          | 50 s.f.         |
| (5) All uses in Commercial and Industrial Zones and legal non-conforming industrial and commercial uses  | 100 s.f.  | 200 s.f.         | 300 s.f.        |
| (6) All uses in the Rural Service Center Zone  | 20 s.f.   | 70 s.f.          | 120 s.f.        |
| (7) No parcel or lot shall contain a total sign face area which exceeds one and one-half (1.5) square feet for each linear foot of adjoining road frontage. [Ord 90-0069, Ord 96-0118] |   |                  |                 |

**91.815 Exceptions to Sign Size Requirements.** An exception to the sign face area standards provided in BCC 91.810 may be allowed by conditional use permit approved by the Planning Official. In addition to complying with the criteria set forth in BCC 53.215, a sign larger than the sign face area standard shall not impair the public safety. [Ord 90-0069]

**91.820 General Sign Provisions.**

- (1) The use of a rotating beacon or flashing light designed to attract attention is prohibited.
- (2) Free standing signs shall be located no closer than 200 feet from any other freestanding sign established within 30 feet of the same adjoining right-of-way boundary. Freestanding signs shall not be elevated more than twenty-five (25) feet measured from the grade elevation to the bottom of the sign. All freestanding signs elevated greater than eight (8) feet measured from the grade elevation to the bottom of the sign shall require a building permit.
- (3) A sign shall not create a public or private nuisance by its light, brilliance, type, design, or character.
- (4) A sign shall not be constructed or erected that obscures the safe sight distance of the traveling public.
- (5) For traffic guidance on private property, non-illuminated signs not exceeding four (4) square feet of sign face per sign are permitted in addition to those permitted by BCC 91.810.
- (6) A sign is exempt from front and side setback standards of the zone, but the sign face shall not encroach on abutting lands.
- (7) No portion of a sign shall extend into a road right-of-way unless authorized by the Board of Commissioners or the State Highway Division.
- (8) A sign may not extend above the ridgeline or roof of a building.
- (9) A sign shall not be affixed to a utility pole. [Ord 26, Ord 90-0069]

**SURFACE MINING**

**91.905 Surface Mining Standards.** Every applicant for a surface mining operation shall:

- (1) Obtain approval of a reclamation plan from the Oregon Department of Geology and Mineral Industries or the Oregon Division of State Lands. Operation and reclamation plans shall demonstrate consistency with the intended subsequent site use.
- (2) If the mining is the primary cause of traffic on an unpaved public road, that road shall be kept dust-free by the applicant if dwellings are located within 300 feet of the roadway.
- (3) Provide screening to obscure the mining site and to minimize dust and other annoyance to adjoining occupied property and adjacent public roads. Unless otherwise approved, the screening shall consist of an ornamental fence or wall, a landscaped berm or preservation of a natural slope, or vegetation.
- (4) Ensure that the mining operation does not exceed the maximum sound level permitted by the Oregon Department of Environmental Quality. A berm or other similar method may be used to reduce the sound off site to the level permitted by the Oregon Department of Environmental Quality.
- (5) Provide on-site parking for employees, customers, and visitors to the mining site.
- (6) Maintain a security fence between the mining operation and the public road when such road is located within 200 feet of the mining operation.
- (7) Not excavate in a manner which would result in disturbance of perimeter fencing or screening, or would impair the intent of the reclamation plan. [Ord 26, Ord 90-0069]

#### **91.910 Mining Standards for Exclusive Farm Use Zones.**

- (1) For purposes of BCC Chapters 55 and 56, a land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre.
- (2) A permit for mining of aggregate shall be issued only for a site included on an inventory in the Comprehensive Plan.
- (3) For purposes of BCC Chapters 55 and 56 and this section, "mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or nonsurface impacts of underground mines. [Ord 90-0069]

*This page is intentionally left blank*