

**BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY
STATE OF OREGON**

**In the Matter of Amending the Benton)
County Development Code Chapters 66,)
70, 72, 74, 75, 76, 78, & 91.)**

ORDINANCE No. 2015-0271

WHEREAS, Oregon Ballot Measure 91 (2014) as modified by Oregon House Bill 3400 (2015) decriminalizes recreational marijuana and establishes procedures by which persons may obtain state licenses to produce, process, wholesale or retail marijuana; and

WHEREAS, determination of appropriate zones and standards for land uses related to the commercial production, processing, wholesaling or retailing of marijuana will requires a thoughtful and deliberate consideration of the issues and public input, which is not possible prior to the effective date of House Bill 3400; and

WHEREAS, the proposed amendment will allow commercial marijuana land uses to proceed in the most appropriate zones while prohibiting such uses in other zones until the County is able to adequately research the issues and gather public input; and

WHEREAS, the proposed amendment will clarify, correct, and/or increase consistency with other sections of Benton County Development Code and with statute and administrative rules of the State of Oregon; and

WHEREAS, the proposed amendment will improve efficiency and promote sound land use decisions; and

WHEREAS, the Benton County Planning Commission held a duly advertised public hearing on October 6, 2015, and voted to recommend that the Board of Commissioners approve the attached Development Code amendment; and

WHEREAS, the Benton County Board of Commissioners held a duly advertised public hearing on November 3, 2015, to receive testimony from the public and to consider the request; and

WHEREAS, the Benton County Board of Commissioners finds that the proposed Development Code amendment complies with the criteria of Benton County Development Code; and

WHEREAS, the Benton County Board of Commissioners has considered the staff report, the recommendation of the Benton County Planning Commission, and the record as a whole. The Board of Commissioners deliberated and approved the proposed amendment to the Development Code and conducted the First Reading of the proposed Ordinance on November 3, 2015; and

WHEREAS, the Benton County Board of Commissioners conducted the Second Reading of the proposed Ordinance on _____, 2015.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY ORDAINS AS FOLLOWS:

PART I: Short Title. Amendment to the Benton County Development Code Chapters 66, 70, 72, 74, 75, 76, 78, & 91.

PART II: Authority. The Board of County Commissioners of Benton County has authority to amend the Development Code pursuant to ORS Chapter 215 and the Benton County Charter.

PART III: The Development Code amendment proposed in Planning File No. LU-15-052 is hereby approved, based on the Findings of Fact and Conclusions of Law contained in the attached "Exhibit 1" and hereby adopted and incorporated herein.

PART IV: Benton County Development Code is hereby amended as shown in "Exhibit 2."

PART V: The effective date for this amendment to the Benton County Development Code will be:

First Reading: November 3, 2015

Second Reading: _____, 2015

Effective Date: _____, 2015

PART VI: These amendments shall be reviewed by the Board of Commissioners not later than December 31, 2017.

BENTON COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

Approved as to Form:

County Counsel

Recording Secretary

Exhibit 1
Findings of Fact and Conclusions of Law
Amendments to Chapters 66, 70, 72, 74, 75, 76, 78, & 91; File # LU-15-052

A. FINDINGS APPLYING DEVELOPMENT CODE CRITERIA

Benton County Development Code Provisions for Text Amendment

BCC 53.605 On occasion, it may be appropriate to amend sections of the Comprehensive Plan or Development Code to respond to changing policies and conditions, or to clarify the text.

Findings: The proposed code amendments prompted by changes to state law are in response to “changing policies and conditions.” Other amendments are to correct or clarify text.

Conclusion: The proposed amendments meet the general criteria for consideration.

BCC 53.610(1) The Board of [County] Commissioners may initiate an amendment to this code. The Board shall direct the Planning Official to prepare a background report discussing the justification for the proposed text amendment.

Findings: The Board of Commissioners directed the Planning Official to initiate these code amendments on August 18, 2015. This staff report and the annotations within the attached code amendments, Attachment A, constitute a background report discussing the justifications for the proposed amendments.

Conclusion: The proposed amendments were properly initiated.

BCC 53.620 The Planning Commission shall conduct a public hearing to review a proposed text amendment. Following the hearing, the Commission shall make a recommendation to the Board to approve, deny, or modify the proposed text amendment.

Findings: The Planning Commission conducted a public hearing on October 6, 2015, and forwarded a recommendation that the Board of Commissioners approve the proposed text amendment.

Conclusion: The conduct of the hearing complied with the stipulated procedure.

BCC 53.625 The Board of Commissioners shall hold a public hearing to review a proposed text amendment. The Board may accept, reject, or modify the proposed text amendment in whole or in part. Incorporation of any text amendment into the Development Code shall proceed pursuant to the Ordinance adoption provisions of the Benton County Charter.

Findings: The Board of Commissioners held a public hearing on November 3, 2015. The Board accepted the proposed text amendment with one modification. The incorporation of the text amendment proceeded pursuant to the appropriate provisions of the Benton County Charter.

Conclusion: The conduct of the public hearing and ordinance adoption process has complied with the procedure stipulated here.

B. SUMMARY AND CONCLUSION

The Board of Commissioners findings and conclusions are:

The proposed amendment is consistent with the applicable provisions of the Benton County Development Code. The Planning Commission has recommended that the Board of Commissioners adopt the proposed code amendment attached. **The Board of Commissioners concludes that all criteria have been met and approves the Development Code text amendment.**

Exhibit 2
Development Code Text Amendment
Amendments to Chapters 66, 70, 72, 74, 75, 76, 78, & 91; File # LU-15-052

Added text is **underlined**.
Deleted text is **~~struck through~~**.

Chapter 66

Village Residential Zone (VR)

66.005 Purpose. The Village Residential Zone shall provide areas within Benton County where rural village lifestyles can occur within recognized and planned Rural Unincorporated Communities (RUCs). This zone shall recognize the rural village character of RUCs, and the need for greater flexibility to allow these communities to maintain their viability. [Ord 2008-0226]

66.010 Application. The Village Residential Zone shall apply to areas outside urban areas on land that is within the boundaries of recognized and planned ~~Rural Unincorporated Communities~~RUCs.

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66.105 Permitted Uses. The following uses are allowed in the Village Residential Zone, after notification of the Community Development Department:

- (1) Farm or forest use.
- (2) One dwelling per parcel. For the purposes of this section, “dwelling” includes a manufactured dwelling that complies with the manufactured dwelling standards in BCC 91.505 to 91.510, as well as all other applicable requirements of BCC Chapter 91.
- (3) Residential home.
- (4) Day care for fewer than thirteen children.
- ~~(65)~~ Home occupation.
- ~~(56)~~ One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident, subject to the terms and conditions set forth in BCC 91.545 and 91.550. The hardship manufactured dwelling shall comply with all other applicable requirements of BCC Chapter 91, except the additional placement standards of BCC 91.510 shall not apply.
- (7) Accessory use or structure without a legally established primary structure or use. .
- (8) Undeveloped open space.

- (9) Bed and Breakfast establishments or inns limited to 35 rooms or less.
- (10) Roadside stands for produce or nursery products grown on the premises, and/or foods prepared on the premises.
- (11) Art or craft gallery in a building or buildings not exceeding 4,000 square feet.
- (~~1412~~) Cottage Industry, not including the commercial growing, processing, wholesaling or retailing of marijuana.

(DEFINITION: COTTAGE INDUSTRY: A business or business-related activity that is carried on within either a dwelling or a building accessory to that dwelling, which employs no more than two people in addition to those residing in the dwelling , and which has limited impacts on the surrounding properties. Deliveries and customer visitations are limited to the hours between 8:00 a.m. and 6:00 p.m. Outdoor storage is allowed if it is similar to what legally occurs in the neighborhood, and accessory structures conform to the character of the neighborhood. Signs up to six (6) square feet are allowed.)

CONDITIONAL USES

66.205 Conditional Uses. The following uses may be allowed in the Village Residential Zone by conditional use permit approved by the Planning Official:

[66.205(1) though (9) will remain unchanged and have not been included]

- (10) Any use -not listed here, but similar to the uses listed above, if it can be determined by the Planning Official to meet the Conditional Use criteria, not including the commercial growing, processing, wholesaling or retailing of marijuana.
- (11) Any use listed in section 75.105, and 75.110, Village Commercial permitted uses , not including the commercial growing, processing, wholesaling or retailing of marijuana.

MINIMUM PARCEL OR LOT SIZES

66.305 Minimum Parcel or Lot Size. The minimum parcel or lot size shall be 5000 square feet.

- (1) A planned unit development (PUD) may be approved in the Village Residential zone, pursuant to the provisions of BCC Chapter 98 as modified by this subsection:
 - (a) None of the new lots or parcels shall be smaller than 5000 square feet;
 - (b) The development shall be served by the community water and sewer system; and-
 - (c) For any open space or common area provided as a part of the PUD under this subsection, the owner shall submit proof of irrevocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a

dwelling on the lot, parcel, or tract designated as open space or common area for as long as the lot, parcel, or tract remains outside an urban growth boundary.

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Chapter 70

Rural Commercial Zone (RC)

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70.050 Use Overlay Zone. A Use Overlay Zone designation (/U) is applied to areas that have special restrictions on permitted and conditional uses. Uses on these properties have been restricted to comply with the requirements for Exceptions to Statewide Planning Goals (OAR 660-004-0018). Permitted and conditional uses within a Use Overlay Zone are listed in Ordinance 2003-0184 and supersede those listed in this Chapter. All other provisions of this Chapter are applicable. Use Overlay designations have been applied to the following areas:

- (a) Lakepark Entertainment Center [Ord 2003-0185; ~~Ord 2003-0184~~, Ord 2007-0222]

70.105 Permitted Uses. The following uses are allowed in the Rural Commercial Zone:

- (1) Farm use or forest use.
- (2) Sale of farm products produced in the surrounding rural area.
- (3) One dwelling required for the employer or employee for management or safeguarding of the commercial use.
- (4) Residential home.
- (5) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident.
- (6) Accessory use or structure. [Ord 2007-0222]

110. Permitted Uses – Limited Scale.

- (1) The following uses are allowed in the Rural Commercial Zone, provided the use meets the standards of subsection (2) of this section:
 - (b) Professional office, clinics and personal service outlet.
 - (c) Restaurant, tavern, motel, hotel, and membership clubs.
 - (d) Service station.
 - (e) Sale of goods.
 - (f) Stand-alone vehicle parking lot (limited to 4,000 square feet).
 - (g) Day care for fewer than thirteen children.
- (2) A use allowed pursuant to this section shall be limited to the following square footage of floor space within one or more buildings:
 - (a) 4,000 square feet within an unincorporated community as designated in the Comprehensive Plan; or

(b) 3,500 square feet outside unincorporated communities.

[Ord 26, Ord 90-0069, Ord 2007-0222]

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70.205 Conditional Uses. The following uses may be allowed in the Rural Commercial Zone by conditional use permit approved by the Planning Official:

- (1) Public or private school.
- (2) One dwelling.
- (3) Radio or communication tower and accessory facilities, consistent with the size limits of BCC 70.110(2).
- (4) On land in the Rural Commercial zone located inside a designated unincorporated community, any use allowed outright, with limited scale, or conditionally, pursuant to BCC Chapter 74 (Rural Industrial zone) may be authorized as a conditional use -, not including the commercial growing or processing of marijuana.

[Ord 26, Ord 90-0069, Ord 2007-0222]

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Chapter 72

Urban Industrial Zone (UI)

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72.105 Permitted Uses. The following uses are allowed in the Urban Industrial Zone:

- (1) Research facility, testing laboratory and facility for the manufacturing, processing and/or assembling of products, provided a permit is not required from the Oregon Department of Environmental Quality.
- (2) Vehicle and manufactured dwelling sales and/or repair.
- (3) Transportation terminals and warehouses.
- (4) Vocational school.
- (5) Aggregate processing, and concrete and asphalt batch plants.
- (6) Outside storage of materials, except junkyards as defined in BCC 51.020.
- (7) One dwelling required for the employer or employee for management or safeguarding of the industrial use.
- (8) Farm use and forest use.
- (9) Accessory use or structure.

(10) Commercial growing, processing, or wholesaling of marijuana pursuant to a license issued by the State of Oregon. Processing that requires a permit from the Oregon Department of Environmental Quality shall be reviewed as a conditional use pursuant to BCC 72.205(1).

[Ord 26, Ord 90-0069, Ord 2001-0172, Ord 2007-0222]

72.205 Conditional Uses.

- (1) A research facility, correctional and law enforcement facilities, junkyard, or testing laboratory or facility for the manufacturing, fabrication, processing or assembly of products which requires a permit from the Oregon Department of Environmental Quality may be allowed in the Industrial Zone by conditional use permit approved by the Planning Official. The decision to approve a conditional use permit shall be based on findings that the public health and safety will not be substantially affected by the proposed use when considering smoke, dust, odor, gas, fumes, glare, vibration, noise, water pollution, radiation hazard or other noxious impacts.

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- (10) Off-street parking and loading comply with BCC 91.605 to 91.66~~50~~.

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Chapter 74

Rural Industrial Zone (RI)

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74.105 Permitted Uses. The following uses are allowed in the Rural Industrial Zone:

- (1) Farm use and forest use.
- (2) Primary processing of farm or forest products produced in the surrounding rural area.
- (3) Outside storage of materials related to resource use in the surrounding rural area. Junkyards shall not be allowed.
- (4) One dwelling required for the employer or employee for management or safeguarding of the industrial use.
- (5) Aggregate processing, and concrete and asphalt batch plants, provided the material processed is mined in the local area. Note that mining in the RI zone is a conditional use.

~~(5)~~(6) Commercial growing, processing, or wholesaling of marijuana pursuant to a license issued by the State of Oregon. Processing that requires a permit from the Oregon Department of Environmental Quality shall be reviewed as a conditional use pursuant to BCC 74.205(1).

[Ord 2007-0222]

74.110 Permitted Uses – Limited Scale.

- (1) The following uses are allowed in the Rural Industrial Zone, provided the use meets the standards of subsection (2) of this section:
 - (a) Research facility, testing laboratory and facility for the manufacturing, processing and/or assembling of products, provided a permit is not required from the Oregon Department of Environmental Quality.
 - (b) Vehicle and manufactured dwelling sales and/or repair.
 - (c) Transportation terminals and warehouses.
 - (d) Vocational school.
 - (e) Aggregate processing, and concrete and asphalt batch plants not authorized under BCC 74.105(5).
 - (f) Accessory use or structure.
 - (g) Outside storage of materials. Junkyards, as defined in BCC 51.020, shall not be allowed.;

~~(g)~~(h) Commercial processing not permitted by 74.105(2), and wholesaling of marijuana pursuant to a license issued by the State of Oregon.

[Ord 26, Ord 90-0069, Ord 2001-0172]

- (2) Uses allowed pursuant to this section shall be limited to the following square footage of floor space within one or more buildings (including outside storage of materials):

~~(i)~~ 40,000 square feet within an unincorporated community as designated in the Comprehensive Plan;

~~(j)~~ 35,000 square feet outside unincorporated communities.

- (3) A larger use may be permitted through a conditional use permit approved by the Planning Official pursuant to BCC 53.205 through 53.235 and 55.215. Additional findings shall demonstrate that the site can safely accommodate the on-site sewage disposal needs and provide adequate water supply for the proposed use.

[Ord 2007-0222]

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74.205 Conditional Uses. The following uses are allowed pursuant to BCC ~~5553~~.205 through ~~5553~~.235, and are subject to the size limitations of BCC 74.110(2) and (3).

(1) A research facility, correctional and law enforcement facilities, junkyard, or testing laboratory or facility for the manufacturing, fabrication, processing or assembly of products which requires a permit from the Oregon Department of Environmental Quality may be allowed in the Rural Industrial Zone by conditional use permit approved by the Planning Official. The decision to approve a conditional use permit shall be based on findings that the public health and safety will not be substantially affected by the proposed use when considering smoke, dust, odor, gas, fumes, glare, vibration, noise water pollution, radiation hazard or other noxious impacts.

(2) Mining of aggregate or mineral resources may be allowed in the Rural Industrial Zone by conditional use permit approved by the Planning Commission, pursuant to BCC 53.215 through 53.235. In addition to the conditional use criteria of BCC 53.215, approval requires the Planning Commission make the following findings:

- (a) Mining will not significantly diminish the ability of the land to be used for other industrial uses in the future; and
- (b) The mined land will be reclaimed to a topographic character and stability comparable to, or more conducive to general, non-mining industrial uses than, the characteristics existing prior to mining.

(3) Radio or communication tower and accessory facilities.

(4) On land in the Rural Industrial ~~zone~~-Zone located inside a designated unincorporated community, any use allowed outright, with limited scale, or conditionally, pursuant to BCC Chapter 70 (Rural Commercial ~~zone~~Zone) may be authorized as a conditional use.

[Ord 26, Ord 90-0069, Ord 99-0146, Ord 2001-0172, Ord 2007-0222]

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Chapter 75

Village Commercial Zone (VC)

75.005 Purpose. The Village ~~Residential-Commercial~~ Zone shall provide areas within Benton County where commercial activities that support the local and traveling public can occur within recognized and planned Rural Unincorporated Communities (RUC). This zone shall recognize the rural village character of RUCs, the existing patterns of development, and the need for greater flexibility to allow these communities to maintain their viability. [Ord 2008-0226]

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75.110 Permitted Uses – Limited Scale.

(1) The following uses are allowed in the Village Commercial Zone, provided the use does not exceed 4,000 square feet of floor space within one or more buildings:

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- (d) General and specialty retail trade establishments, except for the retail of marijuana.

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75.120 Existing Uses.

(1) A lawfully established commercial use existing as of July 10, 2008 in the ~~VC zone~~ Village Commercial Zone shall be ~~—~~ considered an outright permitted use and shall not be classified as a nonconforming use. The total ~~—~~ square footage, in one or more buildings, devoted to such an existing lawfully established ~~—~~ commercial use may be expanded to a maximum of 4,000 square feet or an additional 25% of the floor area occupied on July 10, 2008, whichever is greater. The nonconforming use provisions of ~~—~~ BCC 53.305 through 53.335 shall not apply.

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(3) All other lawfully established uses existing as of July 24, 2008 0, 2008 in the ~~VC zone~~ Village Commercial Zone shall be ~~—~~ considered nonconforming uses subject to the provisions of BCC 53.305 through 53.335.

75.205 Conditional Uses. The following uses may be allowed in the Village Commercial Zone by conditional use permit approved by the Planning Official:

- (1) Public or private school.
- (2) Hospital, sanitarium, rest home, and nursing home.
- (3) Light industry, not including the commercial growing, ~~or processing, or wholesaling of marijuana.~~

(Definition: LIGHT INDUSTRY: A business having noise, dust, odor, light, traffic, and hazard impacts that are similar to those experienced in general business areas. Outdoor storage is screened with sight-obscuring fences.)

- (4) Multi-Family Dwelling.
- (5) Tower for utility, communications, wind energy, or structures having similar impacts.
- (6) Recreational facility such as campground, stable, or skating rink.
- (7) Mixed-use development providing a combination of residential and commercial uses, in which each commercial use meets the size limitations of BCC 75.110.
- (8) Any use listed in section 66.105, Village Residential Zone permitted uses.

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Chapter 76

Agricultural Industrial Zone (AI)

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76.105 Permitted Uses. The following uses are allowed in the Agricultural Industrial Zone:

- (1) Agriculture related warehousing, packing, processing, or cold storage.
- (2) Sales, service, and storage of agriculture related vehicles and accessories and products required for farm use.
- (3) Winery.
- (4) One dwelling required for the employer or employee for management or safeguarding of the industrial use.
- (5) Farm use.
- (6) Forest use.
- (7) Accessory use or structure.

(8) Commercial growing, processing, or wholesaling of marijuana pursuant to a license issued by the State of Oregon. [Ord 26, Ord 90-0069]

76.205 Conditional Uses. The following industrial uses may be allowed in the Agricultural Industrial Zone by conditional use permit approved by the Planning Official. [Ord 90-077]

- (1) Other agricultural related industrial uses which are not permitted pursuant to BCC 76.105.
- (2) The primary processing of forestry products including but not limited to the production of wood chips, veneer, or dimensional lumber. [Ord 90-0077]
- (3) The warehousing of forest products including but not limited to the storage of saw logs, dimensional lumber, other primary wood products or wood by-products. [Ord 26, Ord 90-0069, Ord 90-0077]

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Chapter 78

Public Zone (P)

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78.105 Permitted Uses. The following uses are allowed in the Public Zone:

- (1) Farm use.
- (2) Forest use.
- (3) Public school, including a college or university and associated research facilities.
- (4) Public park, natural area, open space or acquisition of greenway corridor.
- (5) Fairgrounds.
- (6) Water supply, water treatment facility, wastewater treatment facility, reservoir and other related facilities.
- (7) Biological research facility.
- (8) Airport and related facilities.
- (9) Accessory use or structure.
- (10) Caretaker dwellings in conjunction with a permitted use. [Ord 26, Ord 90-0069, Ord 2005-0209, Ord 2005-0210]

78.205 Conditional Uses. Any use, not including the commercial growing, processing, wholesaling or retailing of marijuana, which is not permitted within the Public Zone is allowed by conditional use permit approved by the Planning Official. [Ord 26, Ord 90-0069]

78.305 Minimum Parcel or Lot Size.

- (1) The minimum parcel or lot size for any parcel or lot designated "P-50" on the Official Zoning Map shall be fifty (50) acres.
- (2) The minimum parcel or lot size for all other land in the Public Zone within the Corvallis Urban Growth Boundary shall be five (5) acres. [Ord 90-0069, Ord 96-0118]

78.405 Siting Standards. All structures allowed in the Public Zone shall be sited in compliance with the applicable provisions of BCC Chapters 83, BCC Chapter 88 (when located within the Corvallis Urban Fringe), BCC Chapter 99, and the following additional standards in instances when they are more restrictive than the provisions of BCC Chapters 83, 88, and 99, as applicable:

- (1) A primary structure shall be placed at least thirty (30) feet from a property line and at least forty-five (45) feet from the edge of an existing roadway, whichever is greater. Architectural features shall not project more than two (2) feet into a required setback.
- (2) An accessory structure shall not be placed closer than twenty (20) feet from any property line. No setback is required for an accessory structure of 120 square feet or less. A side or rear setback for an accessory structure may be reduced to three (3) feet if the structure:

- (a) Is detached from other buildings by five (5) feet or more;
 - (b) Does not exceed a height of twenty (20) feet; and
 - (c) Does not exceed an area of 500 square feet.
- (3) A structure shall not exceed forty (40) feet in height. Structures such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, agricultural buildings, and other similar objects not used for human occupancy are not subject to the building height limitations of this code.
- (4) A structure which is not a water dependent use shall be placed at least fifty (50) feet from the ordinary high water line of any river or major stream. In the case of a creek or minor stream, a structure which is not a water dependent use shall be placed at least twenty-five (25) feet from the ordinary high water line. [Ord 26, Ord 90-0069, Ord 92-0092, Ord 2005-0209, Ord 2005-0210]

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Chapter 91

Specific Use Standards

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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.

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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 d 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]

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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 dwelling building permits. Any manufactured dwelling used under these provisions shall be placed pursuant to the provisions of BCC 91.505(4) through (56), 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]

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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 ~~& Parks~~ 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.

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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 ~~814-918~~ Division 28600;

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