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## AGENDA

### Benton County Planning Commission

December 16, 2025

6:00-8:00 P.M.

Kalapuya Building, 4500 SW Research Way, Corvallis

1<sup>st</sup> floor Meeting Room

[Join Virtually with this link](#)

Meeting ID: 893 2596 4206

Passcode: 033194

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| <b>I. CALL TO ORDER   ROLL CALL</b>  | Chair Fowler |
| <b>II. MINUTES</b><br>Approval October 7, 2025, Minutes  | Chair Fowler |
| <b>III. ITEM</b><br>1. Consider LU-25-054 Text Amendments to Chapter 91 of the Benton County Development Code (Specific Use Standards) to add Section 91.570 to 91.575 — Mobile Food Units | Chair Fowler |
| 2. Planning Commission procedural best practice – Discussion   | Chair Fowler |
| <b>IV. PLANNING COMMISSIONER   STAFF UPDATES</b>   | Chair Fowler |
| <b>V. ADJOURN</b><br>Next Meeting: TBD   | Chair Fowler |

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**MEETING MINUTES**  
**Benton County Planning Commission**  
**Public Hearing**  
**October 7, 2025**  
**6:00-8:00 P.M.**

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**I. CALL TO ORDER | ROLL CALL**

Benton County Planning Commission Vice Chair Hamann called the meeting to order at 6:02 P.M. The meeting was open to the public virtually via a published Zoom link. Vice Chair Hamann confirmed a full quorum of the Commission.

**Benton County Planning Commissioners**

Greg Hamann, Vice Chair  
Sara Cash  
Andrew Struthers  
Catherine Biscoe  
Evelyn Lee  
John Wilson (Virtual)

**Benton County Staff**

Petra Schuetz, Planning Division Manager  
Meg Reehoorn, Recorder  
James Wright, Associate Planner

**Absent**

Nick Fowler, Chair  
Ed Fulford

**II. APPROVE MINUTES FROM March 4, 2025 – July 29, 2025**

Commissioners reviewed and approved multiple sets of minutes from prior meetings.

- **March 4, 2025:** Approved unanimously
- **April 29, 2025:** Approved with correction – duplicate paragraph removed (“staff report findings identifying bases from potential denial”)
- **May 1, 2025:** Approved unanimously
- **My 6, 2025:** Approved unanimously
- **May 8, 2025:** Approved with one opposed vote. Commissioner Biscoe citing concerns about omissions in the record.

Benton County will make reasonable accommodations for all alterable participants. Please notify [Meg.Reehoorn@bentoncounty.gov](mailto:Meg.Reehoorn@bentoncounty.gov) 72 hours before the meeting. All Planning Commission meetings are recorded and retained as required by ORS 166-200-0235.

- **June 17, 2025:** Approved with one opposed vote
- **July 8, 2025:** Approved with correction (“heron rookeries” changed to “great blue heron rookeries”)
- **July 9, 2025:** Approved with corrections
  - Replace “time-seating” with “time-seeding”
  - Strike the word “several” from “several proponents cited.”
- **July 22, 2025:** Approved with amendment to include:
  - An additional bullet under “discussion Topics”: “Additional topics discussed included wildlife risks, traffic impacts, and wildlife area impacts.”
  - Motion passed with one opposed vote.
- **July 29:** Approved with corrections:
  - Add missing word “could” in “could potentially reopen deliberations.”
- **August 19:** Approved unanimously.

Commissioners discussed long-term concerns about minute preparation and agreed to schedule a future agenda item to establish clearer standards consistent with County policy.

Commissioners expressed differing perspectives regarding the level of detail in meeting minutes.

- Staff clarified the Benton County policy requires minutes to be summative and action-oriented, not exhaustive or verbatim.
- Commissioners requested a future agenda discussion to review and standardize the Planning Commission’s minute format to ensure consistency and clarity.

### III. **PUBLIC HEARING: STARKET FOREST CAMPGROUND CONDITIONAL USE PERMIT – CONSIDER APPROVAL**

Vice Chair Hamann reviewed the quasi-judicial hearing procedures. No ex-parte contacts, conflicts of interest, or bias were declared. No challenges were raised by participants.

**Staff Report:** James Wright, Associate Planner, presented the staff report for File No. LU-25-028, a conditional use permit requested by the Coyle Outside Foundation to establish an educational “Base Camp” campground on property owned by Starker Forests.

Mr. Wright outlined the applicable review criteria under the Benton County Development Code, including Sections 53.215 (Conditional Use Review Criteria) and Forest Conservation Zone standards. He summarized the procedural history, noting that the application was deemed complete on August 6, 2025, and public notice was mailed to surrounding property owners on August 20, 2025, with a legal notice published on August 23, 2025.

The staff report included findings addressing land use compatibility, transportation access, environmental impacts, emergency response, and compliance with the Benton County Comprehensive Plan. Mr. Wright noted that the proposed educational use was consistent with the intent of the Forest Conservation zone and that the project would

be subject to conditions ensuring limited occupancy, seasonal use, and environmental protection.

Staff recommended that the Planning Commission approve the conditional use permit, subject to conditions that:

- Limit the number of overnight occupants and duration of events
- Require compliance with fire safety and emergency access standards
- Preserve existing vegetation and minimizing grading or new construction
- Maintain access through coordination with Starker Forests and Philomath Fire Department
- Ensure adherence to all state and local health and sanitation requirements

Mr. Wright concluded by stating that the proposal, as conditioned, meets the applicable approval criteria and aligns with County goals for education, recreation and resource stewardship.

**Applicant Testimony:** Applicants Daniel Coyle and Jason Walsh representing the Coyle Outside Foundation, presented the proposal for an educational “Base Camp” campground on property owned by Starker Forests. They explained that the Foundation is a nonprofit organization providing outdoor education programs in partnership with Oregon schools and recreational departments.

The applicants stated that the campground would function as a seasonal educational site rather than a commercial campground with programming focused on forest ecology, outdoor skills, and environmental stewardship. Activities would occur on a scheduled basis with small, supervised groups.

They emphasized that the project is designed to have minimal environmental impact, using existing clearing, limited structures, portable sanitation, and a management plan consistent with Forest Conservation zoning standards. The applicants also noted planned coordination with the Philomath Fire Department regarding fire prevention and emergency access.

**Public Testimony:** Vice Chair Hamann opened the floor for public testimony. No testimony in opposition was received.

Several members of the public and community partners spoke in support of the application, commending the Foundation’s mission and the educational value of the proposed campground. Speakers emphasized that the project would:

- Provide safe, structured outdoor learning opportunities for youth and schools across the region
- Support environmental education and stewardship goals identified in the County’s Comprehensive Plan
- Foster partnerships between schools, local organizations, and natural resource agencies

- Utilize an existing forest site in low-impact, sustainable manner consistent with surrounding land uses.

Testimony described the Foundation's strong record of responsible programming, community engagement, and collaboration with Starker Forests and local fire and emergency services.

Vice Chair Hamann closed public testimony after confirming there were no speakers in opposition and that all written comments received would be entered into the record.

**Commission Deliberation and Action:**

Following staff presentation and testimony, Commissioners discussed the application's consistency with County code, compatibility with the surrounding forest zone and public benefit of educational programming.

Motion was made by Commissioner Struthers and seconded by Commissioner Cash to approve the conditional use permit (File No. LU-25-028), consistent with staff's recommendations and conditions outlined in the staff report.

**Motion passed unanimously.**

**IV. PRIVATE FAMILY BURIAL – CONSIDER ADMINISTRATIVE REVIEW**

James Wright, Associate Planner, presented an administrative review regarding a request for a private family burial site located on rural residential property within Benton County.

Mr. Wright explained that under the Benton County Development Code and Oregon Revised Statutes, private family burials may be authorized as an administrative review if the site meets specific criteria for parcel size, location, access, and environmental protection.

Staff verified that the property met the minimum acreage and setback requirements that the proposed burial area was located outside of any floodplain or wetland, and that access was available for emergency services and family use. Mr. Wright noted that state and county health regulations would apply to the preparation and registration of the burial site.

Commissioners asked clarifying questions regarding ongoing maintenance, record documentation and future land use disclosure requirements. Staff confirmed that the applicant would be required to record the burial site with Benton County Surveyor's Office to ensure it is identified in future property transactions.

**ACTION:** The Planning Commission acknowledged staff's review and findings, concurred with the determination that the proposal met the applicable standards for administrative approval and took no further action.

**V. CONSENT CALENDAR – McBee Master Plan Acknowledgement**

James Wright, Associate Planner, presented the McBee Master Plan for acknowledgement. He summarized that the plan was submitted to fulfill the post-

approval requirement associated with the previously approved land division and development application for the McBee property.

Staff noted that the Master Plan outlined the sequence of development, infrastructure improvements and open space preservation areas, and was consistent with the conditions of approval established by the Board of Commissioners.

No discussion or objections were raised by the Planning Commission.

**ACTION:** The Planning Commission acknowledged receipt of the McBee Master Plan as presented and confirmed staff's finding that the plan complies with prior approvals and applicable County development standards.

## **VI. PLANNING COMMISSIONER | STAFF UPDATES**

Staff provided updates on:

- Upcoming land use hearings, including conditional use and zone change applications scheduled for later in the fall
- Ongoing Development Code amendments, particularly those related to rural housing and natural resource protection
- Training opportunities for Commissioners on land use procedures and public hearing protocol.

Commissioners discussed the format and level of detail in written minutes, noting inconsistencies among past records. The Commission expressed consensus that written minutes should remain action oriented and concise, consistent with Benton County policy and ORS 192.650, while ensuring that significant motions and decisions are accurately recorded.

The Commission also requested that a future agenda item be scheduled to review and reaffirm the Planning Commission's minute-taking standards and procedures for public accessibility of meeting records.

## **VII. NEXT MEETING | ADJOURN**

The next regular Planning Commission meeting is scheduled for November 4, 2025. Vice Chair Hamann adjourned the meeting at approximately 8:38 P.M.

**STAFF REPORT TO THE PLANNING COMMISSION**

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<b>PROPOSED ACTION:</b>	<b>Text Amendments to Chapter 91 of the Benton County Development Code (Specific Use Standards) to add Section 91.570 to 91.575 — Mobile Food Units.</b>
<b>APPLICABLE CRITERIA:</b>	Benton County Development Code Sections 53.605 through 53.625 (Text Amendment).
<b>AFFECTED PROPERTY:</b>	Applies to all land within unincorporated Benton County.
<b>STAFF CONTACT:</b>	James Wright <a href="mailto:James.Wright@bentoncountyor.gov">James.Wright@bentoncountyor.gov</a> 541-766-6819
<b>FILE NUMBER:</b>	<b>LU-25-054</b>

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**I. NATURE OF THE PROCEEDINGS**

On October 9, 2025, the Benton County Board of Commissioners (BOC) initiated a legislative land use process directing Benton County Community Development (the Department) to propose amendments to Chapter 91 of the Benton County Development Code (BCC). The proposed amendments establish clear, minimum standards for the temporary operation of Mobile Food Units on properties zoned Agricultural Industrial (AI), Rural and Urban Commercial (RC, UC), and Rural and Urban Industrial (RI, UI). Legislative amendments follow the procedures in BCC 53.605-53.625 and are not subject to the 150-day Rule<sup>1</sup>.

Mobile food units operating in Benton County are currently regulated by Benton County Environmental Health under Oregon Revised Statutes (ORS 624) and Oregon Administrative Rules (OAR 333-162), which govern food safety standards. However, the Benton County Code (BCC) does not clearly describe when and how these units are treated as land use. The proposed amendments clarify the land-use framework, define terms, and identify which activities are exempt from development. The Planning Commission is scheduled to hold a public hearing on December 16, 2025. The Planning Commission should either vote on a recommendation to the Board of County Commissioners or continue the hearing until January 6, 2026, and vote on a recommendation at that time. The Board of Commissioners will hold a public hearing on January 20, 2026.

On November 10, 2025, notification of the proposed code amendment was submitted to the Oregon Department of Land Conservation and Development 35 days prior to the Planning Commission hearing as required by state rules. A legal advertisement was published in the Corvallis Gazette-Times, pursuant to BCC 51.610(3) on [insert date]. The County emailed notification to interested parties and agency staff on November 14, 2025.

**II. BACKGROUND**

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<sup>1</sup> The 150-day Rule means the County has 150 days from application ‘Completeness’ to take final action. Legislative applications are not subject to the same statutory deadlines because they involve broader policy and planning.

Under current land use regulations, mobile food units are not permitted as either a permitted use or a conditional use in the Agricultural Industrial, Rural Industrial, Urban Industrial, Rural Commercial, or Urban Commercial zones. At present, the closest available pathway is the establishment of a permanent restaurant in the Rural and Urban Commercial zones. The Benton County Board of Commissioners has received testimony from members of the public expressing interest in allowing Mobile Food Units on a temporary basis.

On July 22, 2025, Community Development staff met with Assistant County Administrator Rick Crager to discuss and prepare a work session regarding the adoption of temporary Mobile Food Unit regulations. Following that meeting, several workshop sessions were held with Commissioner Gabe Shepard, County Counsel Vancy Croney, Community Development Director Gary Stockhoff, and Community Development Planning Official Petra Schuetz to identify potential pathways for implementing Mobile Food Units. During this process, staff evaluated agritourism provisions that allow temporary events on EFU winery properties and used that model as a basis for developing the proposed code. Under this framework, events would be limited to 18 per calendar year, with each event not exceeding 72 hours.

A core work group was established on November 4, consisting of Environmental Health Manager Scott Kruger, Building Official Jason Johansen, Public Works Associate Engineer Gordon Kurtz, County Counsel Vance Croney, City of Corvallis Economic Development Manager Chris Jacobs, and fire officials from the Cities of Philomath, Corvallis, Monroe, and Albany. The group met several times to develop the proposed code language and application materials being presented to the Planning Commission.

### **III. PROPOSED CODE**

The amendment adds Section 91.570 to 91.575 – Mobile Food Units to Chapter 91 (Specific Use Standards).

Key elements include:

- Establishes clear standards for temporary Mobile Food Units (MFUs) to protect public health, safety, and prevent permanent land use impacts.
- Defines key terms—including Temporary MFU, Temporary Operation (72 hours, max 18 per year), and Self-Contained MFU—to ensure consistent administration.
- Allows temporary MFUs outright (no land use permit) in AI, RC, UC, RI, UI, and VC zones, with County-sponsored events exempt from land use review.
- Requires MFUs to maintain Environmental Health licensing and a Linn/Benton County Operational Permit meeting local fire district or LB-P Fire Program requirements.
- Establishes siting and operational standards, including no more than 2 MFUs per event, required site plans, no permanent site alterations, and specific setbacks and utility rules.
- Sets sanitation, restroom, signage, and safety requirements, including proper waste disposal, restroom access for operations over 4 hours, attached shade structures, and removal of portable signs when the unit leaves.

#### Key Considerations

Benton County Environmental Health currently holds regulatory authority over mobile food units, including oversight of sanitation, water quality, waste disposal, and general operational safety. Local fire agencies retain authority for ensuring compliance with the Oregon Fire Code and permits these structures with a Linn/Benton Operational Permit. These responsibilities are well established and effectively enforced under existing health and fire codes. Introducing a separate land use permit for temporary mobile food operations would largely duplicate Environmental Health's oversight, creating administrative redundancy without

added public benefit. Aligning land use procedures with Environmental Health and local fire entities existing framework instead ensures strong public health protections while streamlining the permitting process.

#### **IV. WRITTEN TESTIMONY**

No written testimony had been received as of the writing of this report.

#### **V. DEVELOPMENT CODE PROVISIONS FOR TEXT AMENDMENTS**

**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 text.

**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 amendment.

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

**BCC 53.625.** The Board of County 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 proposed amendment clarifies County policy regarding mobile food units, eliminates redundancy with Environmental Health oversight, and ensures consistency with regional practices while ensuring safety. The Board of Commissioners initiated the amendment under File LU-25-054. This staff report constitutes the background report required by BCC 53.610(1).

The Planning Commission will, on its December 16, 2025 hearing, develop a recommendation to the Board of Commissioners. The Board will hold a subsequent hearing on January 20, 2026 and, if approved, adopt Development Code provisions by ordinance.

**Conclusion: The process requirements of the Development Code will be met.**

#### **COMPREHENSIVE PLAN POLICIES**

The following polices from the Benton County Comprehensive Plan Relate to the adoption of Mobile Food Units.

##### **Economic Development Goal 9 - General Polices**

##### **9.1.1 Benton County shall work regionally and locally to promote sustainable economic development.**

**Finding:** The proposed amendment establishes a clear and efficient regulatory framework that supports temporary mobile food operations, which are often locally owned and operated. By enabling these businesses to function with minimal administrative burden while maintaining public health standards, the amendment promotes sustainable economic activity at both the local and regional levels.

##### **9.1.2 Benton County shall encourage the expansion of industries that bring outside dollars into the local economy.**

Finding: Mobile food units frequently serve visitors and tourists, generating revenue from outside the County. By streamlining the permitting process, the amendment encourages the growth of these businesses, which contributes to the local economy by attracting and spending external dollars.

**9.1.3 Benton County shall encourage the retention and expansion of businesses that are committed to sustainable practices.**

Finding: Many mobile food operators utilize sustainable practices such as sourcing local ingredients, minimizing waste, and using energy-efficient equipment. The amendment supports these businesses by reducing regulatory barriers, thereby encouraging their continued operation and growth.

**9.1.4 Benton County's local and regional transportation network should operate efficiently and effectively in order to economically move materials and products to and from markets.**

Finding: Mobile food units are inherently flexible and rely on efficient transportation networks to access markets and customers. The amendment supports this mobility by providing a regulatory structure that accommodates temporary operations without impeding transportation efficiency.

**9.1.5 Benton County shall encourage economic development activities that utilize the innovative strengths and knowledge derived from research.**

Finding: The amendment provides a straightforward regulatory framework that facilitates short-term business activity while maintaining public health protections.

**9.1.6 Benton County shall promote tourism by encouraging preservation and enhancement of cultural, historical, and recreational resources.**

Finding: The mobile food industry often incorporates innovative business models, technologies, and culinary approaches. By facilitating these operations, the amendment indirectly supports innovation and entrepreneurship, aligning with Benton County's economic development goals.

**9.1.7 Industrial and commercial uses in or near resource lands which are accessory to a resource use shall be located as near as is practical to that resource use.**

Finding: The amendment allows mobile food units to operate in proximity to agricultural and recreational areas where they serve as accessory uses. This supports resource-based activities by providing food services that complement and enhance the visitor or worker experience.

**9.1.8 Benton County shall support educational institutions and work force training programs in order to maintain an educated work force and low unemployment rates, and to meet the needs of existing and future businesses and industries.**

Finding: Mobile food operations often serve as entry points for entrepreneurship and workforce development. The amendment supports these opportunities by reducing barriers to participation, thereby contributing to job creation and skill-building in the local economy.

**9.1.9 Benton County shall support organizations in their efforts to coordinate economic development programs.**

Finding: By clarifying the regulatory framework for mobile food units, the amendment enables better coordination between County departments and external organizations involved in economic development, fostering a more collaborative and responsive business environment.

**9.1.10 Benton County shall encourage home based businesses and shall provide standards that remove barriers and ensure neighborhood compatibility.**

Finding: The amendment reflects Benton County's commitment to supporting small-scale, flexible business models—including mobile and home-based operations—by providing standards that are clear, efficient, and compatible with community health and safety goals.

**9.1.11 Benton County shall support the continuation and expansion of rail service throughout the County.**

Finding: While not directly related to rail service, the amendment supports mobile food operations that may serve rail-connected events or locations, contributing to the vitality of areas served by rail and enhancing the overall economic ecosystem.

**9.1.12 Benton County shall support Oregon State University’s research efforts that improve farm and forest practices and related businesses.**

Finding: The amendment complements OSU’s research and outreach efforts by supporting mobile food units that may utilize local agricultural products or participate in university-sponsored events. This connection reinforces the County’s support for innovation in farm and forest-related enterprises.

**Comprehensive Plan Map Designation - Agricultural Industrial Lands to be used for commercial and industrial uses related to agriculture.**

Finding: The Agricultural Industrial (AI) designation is intended to support commercial and industrial activities directly related to agricultural and forestry operations within the County. The goal of this designation is to provide appropriate locations for rural industries and services that enhance, complement, and depend on Benton County’s natural resource base.

Allowing temporary Mobile Food Units (MFUs) within Agricultural Industrial areas is consistent with this intent. These units can serve agricultural workers, visiting vendors, and nearby industrial operations, providing short-term food service without creating permanent structural impacts or displacing existing agricultural or industrial uses.

Temporary MFUs operate on a limited duration and scale, maintaining the flexibility and low-intensity character appropriate to the AI designation. By supporting workforce needs and contributing to the viability of agricultural and forestry-based industries, such temporary uses complement the core purpose of the Agricultural Industrial designation.

Therefore, the inclusion of temporary Mobile Food Units as an allowable use is consistent with the intent and purpose of the Agricultural Industrial Comprehensive Plan designation and supports the County’s goals for sustainable, resource-based rural economic development.

**Comprehensive Plan Map Designation - Commercial**

**Lands to be utilized to provide for the buying and selling of goods and services within various regions of the county. The commercial designation is used primarily to accommodate existing commercial uses in rural areas. This designation at these locations contributes to energy conservation by providing some retail services within rural areas.**

Finding: The Commercial Comprehensive Plan designation applies to lands intended for the buying and selling of goods and services within various regions of the County. This designation primarily accommodates existing commercial uses in rural areas and contributes to energy conservation by providing retail and service opportunities closer to rural residents and businesses, reducing the need for longer trips into urban centers.

Allowing temporary Mobile Food Units (MFUs) within Commercial areas is consistent with this intent. MFUs provide flexible, short-term retail food service opportunities that complement existing commercial activities and enhance access to goods and services for rural communities. Their temporary nature ensures that they do not displace existing uses or require significant infrastructure investment, while still supporting local economic activity.

By enabling convenient, adaptable food service options in rural commercial locations, temporary MFUs strengthen the service function of these areas, support local businesses, and advance the Comprehensive Plan’s goal of energy-efficient, decentralized service provision.

Therefore, allowing temporary Mobile Food Units within the Commercial designation is consistent with the purpose and intent of the Comprehensive Plan and supports the County’s goals for accessible, sustainable rural commerce.

**Comprehensive Plan Map Designation - Industrial  
Lands to be utilized for general industrial uses, including large scale business operations such as manufacturing.**

Finding: The Industrial Comprehensive Plan designation applies to lands intended for general industrial uses, including large-scale business operations such as manufacturing, processing, distribution, and related support activities. The purpose of this designation is to provide appropriate locations for employment and production uses that contribute to the County's economic base.

Allowing temporary Mobile Food Units (MFUs) within Industrial areas is consistent with this intent. MFUs provide flexible and convenient food service options to support employees, contractors, and visitors associated with industrial operations. Their temporary and mobile nature ensures compatibility with surrounding industrial uses, avoiding permanent development while enhancing worker amenities and operational efficiency.

By improving on-site access to food service and supporting workforce needs, temporary MFUs complement the economic function of Industrial lands and contribute to a more efficient and self-sustaining employment environment.

Therefore, permitting temporary Mobile Food Units within the Industrial designation is consistent with the purpose and intent of the Comprehensive Plan and supports the County's goals for balanced economic development and efficient land use within industrial areas.

**VI. RECOMMENDED ACTION**

Staff recommend that the Planning Commission discuss and consider the proposed code and any potential revisions, and make a formal recommendation to the Board of Commissioners to adopt the amendments as proposed or with revisions. Any such revisions could be either specifically articulated by the Planning Commission or conveyed in concept for staff to work out the details and present them to the Board of Commissioners.

**VII. MOTIONS**

**Option A:**

- A. I move that the Planning Commission recommend that the Board of County Commissioners **APPROVE** the code amendments relating to Mobile Food Units as proposed.

**Option B:**

- A. I move that the Planning Commission recommend that the Board of County Commissioners **APPROVE** the code amendments relating to Mobile Food Units as proposed as modified at the public hearing.

**Option C:**

- B. I move that the Planning Commission recommend that the Board of County Commissioners **REJECT** the code amendments relating to Mobile Food Units, for the following reasons: [identify].

**VIII. ATTACHMENTS**

- A Proposed Code

## Temporary Mobile Food Units

### 95.570 Temporary Mobile Food Units

- (1) The purpose of this section is to establish clear standards for the temporary operation of Mobile Food Units (MFUs) in unincorporated Benton County to ensure protection of public health, safety, and welfare; maintain compliance with Environmental Health and Fire Code requirements; and prevent permanent land use impacts.

All mobile food units operating within Benton County shall obtain a Linn/Benton County Operational Permit. The mobile food units shall maintain any applicable fire safety requirements required by local fire districts or the Linn-Benton-Polk Fire Safety Compliance Program.

### 95.571 Definitions

- (1) Temporary Mobile Food Unit (MFU):  
A vehicle-mounted or towable food service facility designed to be movable and to provide food and beverage service on a temporary basis. *Mobile Food Unit* does not include permanent buildings or structures, push-carts without onboard food preparation (where prohibited by Environmental Health regulation), or temporary vending machines that do not prepare or serve food.
- (2) Temporary Operation:  
A single period of operation lasting no longer than 72 consecutive hours and occurring no more than eighteen (18) times per calendar year per site. Each period of operation constitutes one (1) “temporary operation.”
- (3) Self-Contained MFU:  
A unit carrying its own potable water supply, wastewater storage, and solid waste receptacles without the need for permanent utility connections, or otherwise meeting applicable Environmental Health requirements.

### 95.572 Applicability

- (1) These standards apply to MFUs operating within the unincorporated areas of Benton County in the following zones:
  - (a) Agricultural Industrial (AI)
  - (b) Rural Commercial (RC)
  - (c) Urban Commercial (UC)
  - (d) Rural Industrial (RI)
  - (e) Urban Industrial (UI)
  - (f) Village Commercial (VC)

(2) Exemptions:

MFUs operating on Benton County–owned properties or facilities for County-sponsored events are exempt from land use review but must comply with Environmental Health and Fire Code requirements.

**91.573 Required Permits and Documentation**

(1) Fire Safety Compliance:

(a) All MFUs shall obtain a Linn/Benton County Operational Permit Sticker issued through the local fire district or through the Linn-Benton-Polk Fire Safety Compliance Program.

(b) MFUs shall comply with the Oregon Fire Code and the fire district serving the site (Adair, Albany, Alsea, Blodgett, Corvallis, Monroe, Philomath, Summit, or the State Fire Marshal).

(2) Environmental Health Permits:

(a) MFUs shall maintain an Environmental Health license and comply with all requirements under ORS chapter 624 and OAR 333-162.

(3) Proof of required documentation shall be made available upon request during inspection or review.

**91.574 Permitted Use**

A mobile food unit that complies with the following standards is permitted outright and not subject to a land use permit, provided the siting and operation meet Environmental Health and Fire Code requirements.

**91.575. Siting and Operational Standards**

**1. 1. Number of Mobile Food Units Per Event:**

A maximum of two (2) Mobile Food Units may be present on the site for any single event.

**2. Site Plan:**

A site plan shall identify the location of mobile food units, access routes, parking areas, and restrooms (if applicable).

**3. Location and Access:**

Mobile food units shall not occupy or obstruct emergency vehicle access routes, pedestrian walkways, drive aisles, or loading areas.

**4. Operating Limits:**

Operation shall not exceed 72 consecutive hours and shall not occur more than 18 times per calendar year at a single site.

**5. Site Alteration:**

No permanent or semi-permanent site modifications (e.g., grading, paving, vegetation removal) shall be made to accommodate the operation.

**6. Setbacks:**

Mobile food units shall maintain the following minimum setbacks:

- (a) 30 feet from property lines
- (b) 10 feet from other mobile food units
- (c) 10 feet from permanent buildings or structures unless otherwise approved by the Fire Official
- (d) 10 feet from gas powered generators

**7. Utility Connections:**

(a) **General Requirements**

Mobile food units must be self-contained or meet all applicable Environmental Health and Building Code requirements.

(b) **Water Connections**

Temporary connections to on-site water sources are permitted, provided they comply with Environmental Health.

(c) **Power Connections**

Temporary electrical connections are allowed only when a flexible cord is used to plug into an existing receptacle.

- 1. Hard-wired permanent electrical connections are not permitted.

(d) **Waste and Sanitation:**

The operator shall provide customer waste receptacles and ensure all solid and liquid waste is properly disposed of in accordance with Environmental Health standards. Wastewater or grease shall not be discharged onto the ground or into stormwater systems.

**8. Restroom Access:**

For operations exceeding four (4) consecutive hours, the operator shall provide documented access to an approved restroom, documented through a septic

evaluation with Benton County Environmental Health, within 500 feet of the site for employees or alternatively provide portable restrooms under a service contract.

**9. Awnings and Shade Structures:**

Awnings or shade structures must be fully attached to the unit, maintain a minimum vertical clearance of seven (7) feet, and be retractable or removable. They are exempt from setback standards but shall not extend over property lines or into emergency access routes.

**10. Signage:**

One (1) portable sign per mobile food unit is permitted and must be removed when the unit vacates the site.

# 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]

### **91.570 Temporary Mobile Food Units**

- (1) The purpose of this section is to establish clear standards for the temporary operation of Mobile Food Units (MFUs) in unincorporated Benton County to ensure protection of public health, safety, and welfare; maintain compliance with Environmental Health and Fire Code requirements; and prevent permanent land use impacts.

All mobile food units operating within Benton County shall obtain a Linn/Benton County Operational Permit. The mobile food units shall maintain any applicable fire safety requirements required by local fire districts or the Linn-Benton-Polk Fire Safety Compliance Program.

### **95.571 Definitions**

(1) Temporary Mobile Food Unit (MFU):

A vehicle-mounted or towable food service facility designed to be movable and to provide food and beverage service on a temporary basis. *Mobile Food Unit* does not include permanent buildings or structures, push-carts without onboard food preparation (where prohibited by Environmental Health regulation), or temporary vending machines that do not prepare or serve food.

(2) Temporary Operation:

A single period of operation lasting no longer than 72 consecutive hours and occurring no more than eighteen (18) times per calendar year per site. Each period of operation constitutes one (1) “temporary operation.”

(3) Self-Contained MFU:

A unit carrying its own potable water supply, wastewater storage, and solid waste receptacles without the need for permanent utility connections, or otherwise meeting applicable Environmental Health requirements.

### 91.572 Applicability

(1) These standards apply to MFUs operating within the unincorporated areas of Benton County in the following zones:

- (a) Agricultural Industrial (AI)
- (b) Rural Commercial (RC)
- (c) Urban Commercial (UC)
- (d) Rural Industrial (RI)
- (e) Urban Industrial (UI)
- (f) Village Commercial (VC)

(2) Exemptions:

MFUs operating on Benton County–owned properties or facilities for County-sponsored events are exempt from land use review but must comply with Environmental Health and Fire Code requirements.

### 91.573 Permitted Use

A mobile food unit that complies with the following standards is permitted outright and not subject to a land use permit, provided the sitting and operation meet Environmental Health and Fire Code requirements.

### 91.574. Sitting and Operational Standards

1. **Number of Mobile Food Units Per Event:**

A maximum of two (2) Mobile Food Units may be present on the site for any single event.

2. **Site Plan:**

A site plan shall identify the location of mobile food units, access routes, parking areas, and restrooms (if applicable).

3. **Location and Access:**

Mobile food units shall not occupy or obstruct emergency vehicle access routes, pedestrian walkways, drive aisles, or loading areas.

**4. Operating Limits:**

Operation shall not exceed 72 consecutive hours and shall not occur more than 18 times per calendar year at a single site.

**5. Site Alteration:**

No permanent or semi-permanent site modifications (e.g., grading, paving, vegetation removal) shall be made to accommodate the operation.

**6. Setbacks:**

Mobile food units shall maintain the following minimum setbacks:

- (a) 30 feet from property lines
- (b) 10 feet from other mobile food units
- (c) 10 feet from permanent buildings or structures unless otherwise approved by the Fire Official
- (d) 10 feet from gas powered generators

**7. Utility Connections:**

(a) **General Requirements**

Mobile food units must be self-contained or meet all applicable Environmental Health and Building Code requirements.

(b) **Water Connections**

Temporary connections to on-site water sources are permitted, provided they comply with Environmental Health.

(c) **Power Connections**

Temporary electrical connections are allowed only when a flexible cord is used to plug into an existing receptacle.

- 1. Hard-wired permanent electrical connections are not permitted.

(d) **Waste and Sanitation:**

The operator shall provide customer waste receptacles and ensure all solid and liquid waste is properly disposed of in accordance with Environmental Health standards. Wastewater or grease shall not be discharged onto the ground or into stormwater systems.

**8. Restroom Access:**

For operations exceeding four (4) consecutive hours, the operator shall provide documented access to an approved restroom, documented through a septic evaluation with Benton County Environmental Health, within 500 feet of the site for employees or alternatively provide portable restrooms under a service contract.

**9. Awnings and Shade Structures:**

Awnings or shade structures must be fully attached to the unit, maintain a minimum vertical clearance of seven (7) feet, and be retractable or removable. They are exempt from setback standards but shall not extend over property lines or into emergency access routes.

**10. Signage:**

One (1) portable sign per mobile food unit is permitted and must be removed when the unit vacates the site.

### **91.575 Required Permits and Documentation**

- (1) Fire Safety Compliance:
  - (a) All MFUs shall obtain a Linn/Benton County Operational Permit issued through the local fire district or through the Linn-Benton-Polk Fire Safety Compliance Program.
  - (b) MFUs shall comply with the Oregon Fire Code and the fire district serving the site (Adair, Albany, Alsea, Blodgett, Corvallis, Monroe, Philomath, Summit, or the State Fire Marshal).
- (2) Environmental Health Permits:
  - (a) MFUs shall maintain an Environmental Health license and comply with all requirements under ORS chapter 624 and OAR 333-162.
- (3) Proof of required documentation shall be made available upon request during inspection or review.

### **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]

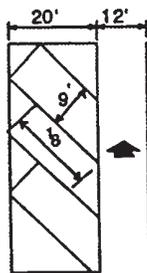
**91.660 Change in Use.** No owner or occupant of a parcel, lot, or building shall change the use of the property to a use for which the Development Code requires increased off-street parking unless the required increase in off-street parking is provided. [Ord 26, Ord 90-0069, Ord 96-0118]

**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:

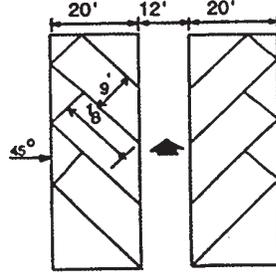
**Parking with D.M.V. Disabled Permit Only.  
Violators subject to towing under ORS 811.620  
and fine up to \$250 under ORS 811.615. [Ord 90-0069]**

# DESIGN FOR PARKING AREAS

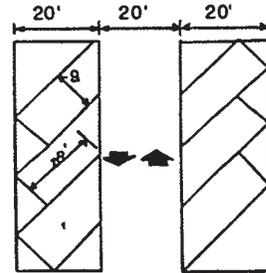
## 45 DEGREE PARKING



Head-in Parking  
One Way Circulation

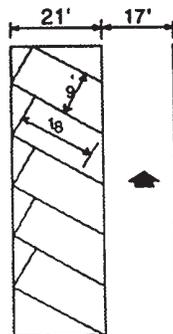


Head-in Parking Double Row  
One Way Circulation

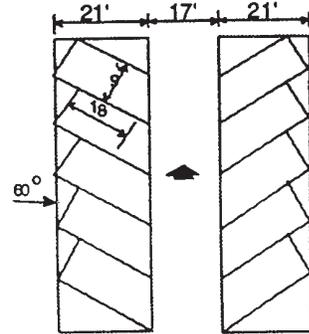


Head-in Parking Double Row  
Two Way Circulation

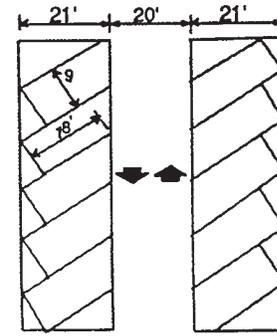
## 60 DEGREE PARKING



Head-in Parking  
One Way Circulation

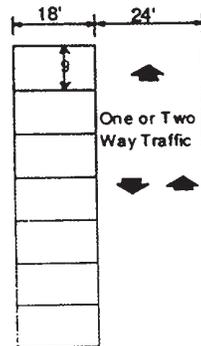


Head-in Parking  
One Way Circulation

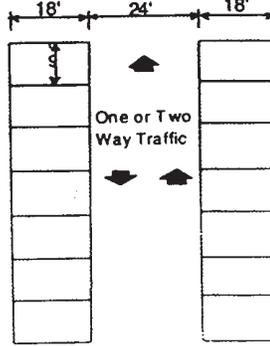


Head-in Parking Double Row  
Two Way Circulation

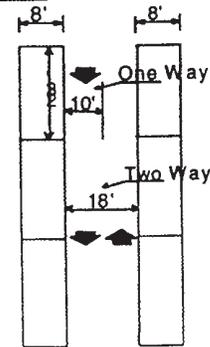
## 90 DEGREE AND PARALLEL PARKING



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]

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Community Development Department

Office: (541) 766-6819  
4500 SW Research Way  
Corvallis, OR 97333  
cd.bentoncountyor.gov

### ***NOTICE OF PUBLIC HEARINGS***

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<b>HEARING DATES:</b>	<b>December 16, 2025, 6:00pm – Planning Commission</b> <b>January 20, 2026, 11:00am – Board of County Commissioners</b> <i>See Page 2 for details on attending the hearings.</i>
<b>PROPOSED ACTION:</b>	<b>Amendments to Chapter 91 of the Benton County Development Code regarding permitting of Temporary Mobile Food Units.</b>
<b>APPLICABLE CRITERIA:</b>	Benton County Development Code Sections 53.605 through 53.625 (Text Amendment).
<b>AFFECTED PROPERTY:</b>	The proposed Development Code amendments apply to all land in unincorporated Benton County zoned:  Agricultural Industrial (AI)  Rural and Urban Commercial (RC, UC)  Rural and Urban Industrial (RI, UI)
<b>STAFF CONTACT:</b>	James Wright <a href="mailto:James.Wright@BentonCountyOR.gov">James.Wright@BentonCountyOR.gov</a> 541-766-6819
<b>FILE NUMBER:</b>	<b>LU-25-054</b>

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### ***SUMMARY OF PROPOSED CODE AMENDMENTS***

Benton County is proposing to add a new section to Chapter 91 (Specific Use Standards) to allow the temporary operation of mobile food units in certain commercial and industrial zones. The primary elements of the proposed amendments are:

- Establish definitions for “Mobile Food Unit,” “Temporary Operation,” and “Service Compliance.”
- Allow mobile food units as a permitted outright use in Agricultural Industrial (AI), Rural and Urban Commercial (RC, UC), and Rural and Urban Industrial (RI, UI), and Village Commercial (VC) zones.
- Set siting and operational standards, including:
  - Maximum operation of 72 consecutive hours and not more than 18 times per calendar year at a single site.
  - Minimum setbacks from property lines, buildings, and other mobile food units.
  - Requirements for access, waste disposal, restroom access, and fire safety compliance.
- Require a site plan identifying locations, access, parking, and restrooms.
- Clarify that no permanent site alterations (such as grading or paving) are allowed for temporary operations.
- Require coordination and compliance with Environmental Health and the local Fire Authority for permits and inspections.
- Exempt Benton County–owned properties from these permitting requirements.

## **HOW TO GET MORE INFORMATION**

The full text and staff report of the proposed amendments is available on the County website beginning December 9 20225:

<https://cd.bentoncountyor.gov/planning-commission/>

## **TO SUBMIT TESTIMONY**

**Oral testimony** may be presented at the hearing. To put your name on the list to testify, please email [PublicComment@bentoncountyor.gov](mailto:PublicComment@bentoncountyor.gov) by 5:00 pm on December 16 (day of Planning Commission hearing). No written testimony will be accepted at the hearing.

**Written testimony** may be submitted prior to the hearing by mail, email or drop-off:

Benton County Community Development Dept.  
James Wright  
4500 SW Research Way  
Corvallis, OR 97333  
[James.Wright@bentoncountyor.gov](mailto:James.Wright@bentoncountyor.gov)

Testimony must include the name and mailing address of the person commenting. Please also include the above-noted file numbers in all correspondence.

- To inform the staff report and recommendation, your testimony must be received by 8:00am on Monday, December 1, 2025
- To be included in the packet of materials sent to the Planning Commission ahead of the hearing, your testimony must be received by 8:00am on Monday December 8, 2025.
- Testimony received after that time but before 3:00 p.m. on Tuesday, December 16, will be forwarded to the Planning Commission just prior to the hearing; however, they may not have an opportunity to review it prior to the hearing.
- All testimony submitted to the Planning Commission will also be forwarded to the Board of Commissioners. From December 17 through January 13, you may submit additional written testimony that will be forwarded to the Board of Commissioners.

## **TO JOIN THE HEARING**

**December 16 -- Planning Commission public hearing, at 6:00 p.m.** The Planning Commission will make a recommendation to the Board of Commissioners regarding the proposed code amendments. You can attend the public hearing in person or on-line.

In-person: Main Meeting Room (1st Floor), Kalapuya Building, 4500 Research Way, Corvallis.

On-line: visit this webpage to get the active link to the meeting:

<https://cd.bentoncountyor.gov/planning-commission/>

For any physical or language accommodations you may need, please notify Meg Reehorn ([Meg.reehoorn@bentoncountyor.gov](mailto:Meg.reehoorn@bentoncountyor.gov)) as far in advance of the hearing as possible.

**January 20 -- Board of County Commissioners public hearing**, at 9:00am. You can attend the public hearing in person or on-line.

In-person: Main Meeting Room (1st Floor), Kalapuya Building, 4500 Research Way, Corvallis

On-line (Zoom): visit this webpage to get the active link to the meeting:

<https://boc.bentoncountyor.gov/events-calendar/>

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:**

**ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.**



### Temporary Mobile Food Unit Location

-  Location of Temporary Mobile Food Unit
-  Location of Temporary Restroom
-  Location of Temporary Generator



John and Jane Smith  
 123 ABC avenue,  
 Corvallis, OR, 97333



**Benton  
County**

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Planning Department  
Office: Kalapuya Building

4500 SW Research Way Corvallis, OR 97333  
(541) 766-6819

[www.cd.bentoncountyor.gov](http://www.cd.bentoncountyor.gov)

## APPLICATION

### TEMPORARY MOBILE FOOD UNIT

#### 1. Application Instructions

Follow the steps below to complete the Temporary Mobile Food Unit approval process:

1. Complete Sections 2–5 of this application.
2. Prepare a Site Plan showing all required information (see Section 6).
3. Obtain Fire Authority Review and signature on both this application and the site plan (Section 7).
4. Submit the completed application and site plan to Benton County Community Development for review and approval.
5. After Community Development approval, submit all required materials to Benton County Environmental Health for permit issuance.

#### 2. Applicant Information:

Property Owner Name(s): \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Email: \_\_\_\_\_

Site Address: \_\_\_\_\_

Assessor's Map & Tax Lot Number: T \_\_\_\_ S, R \_\_\_\_ W, Section(s) \_\_\_\_\_ , Tax Lot(s) \_\_\_\_\_

Property Acreage: \_\_\_\_\_ Zone: \_\_\_\_\_

#### 3. Operation Details:

Dates of Events (up to 18 per year):


Number of Planned Events (Max 18): \_\_\_\_\_

Restroom Access Provided (required for events lasting more than 4 hours)

\_\_\_ Yes (show on the site plan) **OR** \_\_\_ No

#### 4. Compliance Acknowledgement

*Property Owner Initials*

JW Unit will not exceed 72 hours per operation or 18 operations per year.

JW No permanent site alterations will be made to accommodate MFU.

JW MFU will not block drive aisles, walkways, or emergency access routes.

JW Setbacks will be met as required.

JW All waste, graywater, and grease will be properly collected and disposed.

JW Units will comply with Fire Code and Environmental Health requirements.

#### 5. Required Site Plan

1. Entire property boundary lines with site location for MFU location
  2. Setbacks: Mobile food units shall maintain the following minimum setbacks:
    - a) 30 feet from property lines
    - b) 10 feet from other mobile food units
    - c) 10 feet from permanent buildings or structures unless otherwise approved by the Fire Chief.
    - d) 10 feet from any gas powered generator
  3. Access routes and drive aisles
  4. Parking areas
  5. Walkways and emergency access
  6. Restroom location (required for events over 4 hours)
  7. Utility connections (power/water, if applicable)
- 

#### 6. Fire Authority Review (Fire Review)

Fire District Name: \_\_\_\_\_

Reviewer Name/Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Initial Status: \_\_\_ Approved, \_\_\_ Approved with Conditions, \_\_\_ Denied.

Conditions (if any): \_\_\_\_\_

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### 7. Community Development Review (County Use Only)

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

Initial Status: \_\_\_ Approved, \_\_\_ Approved with Conditions, \_\_\_ Denied.

Conditions (if any): \_\_\_\_\_

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### 8. Next Step – Environmental Health

After receiving Community Development approval, submit the approved application, site plan, and all required materials to Benton County Environmental Health for Mobile Food Unit permitting.



**APPLICATION**  
**TEMPORARY MOBILE FOOD UNIT**

**1. Property Owner(s) Information:**

Name(s): \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_ Phone#2: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Site Address: \_\_\_\_\_

(address & town)

Site Map & Tax lot Number(s): Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_

Property Acreage: \_\_\_\_\_ Zone: \_\_\_\_\_

**2. Operation Details:**

Dates of Event(s) (A single period of operation lasting no longer than 72 consecutive hours and occurring no more than eighteen (18) times per calendar year per property).

1.	2.	3.
4.	5.	6.
7.	8.	9.
10.	11.	12.
13.	14.	15.
16.	17.	18.

Number of Planned Events (Max 18): \_\_\_\_\_

Restroom Access Provided (required for events lasting more than 4 hours)

\_\_\_ Yes (show on the site plan) **OR** \_\_\_ No

**3. Acknowledgments**

*Property Owner Initials*

\_\_\_ The applicant acknowledges that the Mobile Food Unit(s) will remain on-site for no more than 72 hours per event and no more than 18 events will occur per calendar year.

- \_\_\_ I understand that no permanent site alterations will be made to accommodate the Mobile Food Unit(s).
- \_\_\_ I declare that the Mobile Food Unit(s) will not block drive aisles, walkways, or emergency access routes.
- \_\_\_ I will comply by the setbacks required for Mobile Food Unit(s) as required.
- \_\_\_ I understand that all waste, graywater, and grease will be properly collected and disposed of.
- \_\_\_ I declare that Mobile Food Unit(s) units will comply with Fire Code and Environmental Health requirements.

**4. Required Site Plan**

1. Entire property boundary lines with site location for Mobile Food Unit(s)
2. Setbacks: Mobile food units shall maintain the following minimum setbacks:
  - a) 30 feet from property lines
  - b) 10 feet from other Mobile Food Units
  - c) 10 feet from permanent buildings or structures unless otherwise approved by the Fire Chief.
  - d) 10 feet from any gas-powered generator
3. Access routes and drive aisles
4. Parking areas
5. Restroom location (required for events over 4 hours)
6. Utility connections (power/water, if applicable)

**5. Proof of Linn/Benton County Operation Permit for each Mobile Food Unit:**

The applicant shall provide documentation (photo or inspection report) of the Mobile Food Unit with a valid Linn/Benton County Operation Permit.

Property Owner's signature: \_\_\_\_\_ Date: \_\_\_\_\_

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*For Office Use Only*

**Community Development Review**

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

Initial Status: \_\_\_\_\_ Approved, \_\_\_\_\_ Approved with Conditions, \_\_\_\_\_ Denied.

Conditions (if any): \_\_\_\_\_

---

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Next Step – Environmental Health**

After receiving Community Development approval, submit the approved application, site plan, and all required materials to Benton County Environmental Health for Mobile Food Unit permitting.