

Chapter 74

Rural Industrial Zone (RI)

74.005 Purpose. The Rural Industrial Zone shall provide areas where manufacturing or other industrial activities can occur outside of urban growth boundaries within Benton County. [Ord 26, Ord 90-0069, Ord 2007-0222]

74.010 Application. The Rural Industrial Zone shall apply to areas designated Industrial on the adopted Comprehensive Plan Map and located outside of urban growth boundaries. [Ord 26, Ord 90-0069, Ord 2007-0222]

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

- (a) Hyslop Road Industrial Site – Ordinance 2006-0213.

[Ord 2006-0213]

74.070 Abandoned or Diminished Mill Site. Pursuant to ORS 197.719, Benton County may approve a zone change for an “abandoned or diminished mill site” to allow any level of industrial use, notwithstanding Goals 3, 4, and 14.

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

- (1) Farm use and forest use.
- (2) Primary processing of farm or forest products produced in the surrounding rural area.
- (3) Outside storage of materials related to resource use in the surrounding rural area. Junkyards shall not be allowed.
- (4) One dwelling required for the employer or employee for management or safeguarding of the industrial use.
- (5) Aggregate processing, and concrete and asphalt batch plants, provided the material processed is mined in the local area. Note that mining in the RI zone is a conditional use.
- (6) Commercial growing, processing, or wholesaling of marijuana pursuant to a license issued by the State of Oregon. Processing that requires a permit from the Oregon Department of Environmental Quality shall be reviewed as a conditional use pursuant to BCC 74.205(1).

[Ord 2007-0222; Ord 2015-0271]

74.110 Permitted Uses – Limited Scale.

- (1) The following uses are allowed in the Rural Industrial Zone, provided the use meets the standards of subsection (2) of this section:
 - (a) Research facility, testing laboratory and facility for the manufacturing, processing and/or assembling of products, provided a permit is not required from the Oregon Department of Environmental Quality.
 - (b) Vehicle and manufactured dwelling sales and/or repair.
 - (c) Transportation terminals and warehouses.

- (d) Vocational school.
- (e) Aggregate processing, and concrete and asphalt batch plants not authorized under BCC 74.105(5).
- (f) Accessory use or structure.
- (g) Outside storage of materials. Junkyards, as defined in BCC 51.020, shall not be allowed.
- (h) Commercial processing not permitted by 74.105(2), and wholesaling of marijuana pursuant to a license issued by the State of Oregon.

[Ord 26, Ord 90-0069, Ord 2001-0172, Ord 2015-0271]

- (2) Uses allowed pursuant to this section shall be limited to the following square footage of floor space within one or more buildings (including outside storage of materials):
 - (a) 40,000 square feet within an unincorporated community as designated in the Comprehensive Plan; or
 - (b) 35,000 square feet outside unincorporated communities.
- (3) A larger use may be permitted through a conditional use permit approved by the Planning Official pursuant to BCC 53.205 through 53.235 and 55.215. Additional findings shall demonstrate that the site can safely accommodate the on-site sewage disposal needs and provide adequate water supply for the proposed use.

[Ord 2007-0222]

74.120 Existing Uses.

- (1) A lawfully established industrial use listed in BCC 74.110(1) existing as of August 9, 2007, which exceeds the applicable size limitation of BCC 74.110(2) shall be considered an outright permitted use and shall not be subject to the nonconforming use provisions of BCC 53.305 through 53.335. The total square footage, in one or more buildings, devoted to such an existing lawfully established industrial use may be expanded without land use review to a maximum of the greater of subsections (a) and (b). A larger expansion may be permitted through a conditional use permit approved by the Planning Official pursuant to BCC 53.205 through 53.235 and 55.215 with additional findings demonstrating that the site can safely accommodate the on-site sewage disposal needs and provide adequate water supply for the proposed use. Any expansion beyond the size listed in subsection (a) of this section shall require the property owner to sign a declaratory statement to be recorded in the County Deed Records recognizing resource use of adjacent lands.
 - (a) 40,000 square feet inside an unincorporated community or 35,000 square feet elsewhere; or
 - (b) An additional 25% of the floor area occupied on August 9, 2007.
- (2) A lawfully established dwelling may be replaced, remodeled or expanded without review under BCC 53.305 through 53.335. Replacement shall be allowed if it occurs within one year of the destruction or abandonment of the dwelling.
- (3) All other lawfully established uses existing as of August 9, 2007, which do not comply with the provisions of the RI zone shall be considered nonconforming uses subject to the provisions of BCC 53.305 through 53.335.

[Ord 2007-0222]

74.205 Conditional Uses. The following uses are allowed pursuant to BCC 53.205 through 53.235, and are subject to the size limitations of BCC 74.110(2) and (3).

- (1) A research facility, correctional and law enforcement facilities, junkyard, or testing laboratory or facility for the manufacturing, fabrication, processing or assembly of products which requires a permit from the Oregon Department of Environmental Quality may be allowed in the Rural Industrial Zone by conditional use permit approved by the Planning Official. The decision to

approve a conditional use permit shall be based on findings that the public health and safety will not be substantially affected by the proposed use when considering smoke, dust, odor, gas, fumes, glare, vibration, noise water pollution, radiation hazard or other noxious impacts.

- (2) Mining of aggregate or mineral resources may be allowed in the Rural Industrial Zone by conditional use permit approved by the Planning Commission, pursuant to BCC 53.215 through 53.235. In addition to the conditional use criteria of BCC 53.215, approval requires the Planning Commission make the following findings:
 - (a) Mining will not significantly diminish the ability of the land to be used for other industrial uses in the future; and
 - (b) The mined land will be reclaimed to a topographic character and stability comparable to, or more conducive to general, non-mining industrial uses than, the characteristics existing prior to mining.
- (3) Radio or communication tower and accessory facilities.
- (4) On land in the Rural Industrial Zone located inside a designated unincorporated community, any use allowed outright, with limited scale, or conditionally, pursuant to BCC Chapter 70 (Rural Commercial Zone) may be authorized as a conditional use.

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

74.305 Minimum Parcel or Lot Size.

- (1) The minimum parcel or lot size for any parcel or lot zoned "I-20" on the Official Zoning Map shall be twenty (20) acres.
- (2) Where no suffix number follows the "I" designation on the Official Zoning Map, the minimum parcel or lot size in the Industrial Zone shall be determined by the type of public facilities available. The minimum parcel or lot size shall be:
 - (a) Two (2) acres when both an individual water supply system and a sewage disposal system are used.
 - (b) One (1) acre when either a community water supply system or a community sewage disposal system is used.
 - (c) Fifteen thousand (15,000) square feet when both a community sewage disposal system and community water system are used. [Ord 26, Ord 90-0069, Ord 96-0118]

74.405 Site Development Plan. When a building addition, new construction, or placement of a structure is proposed in the Rural Industrial Zone, the applicant shall submit a site development plan prior to the issuance of building permits. A site development plan shall contain an appropriate level of detail showing existing and proposed locations of buildings, access, parking, loading, landscaping, drainage, water supply, sewage disposal, public utilities, and exterior lighting. The plan shall demonstrate compliance with siting standards provided in BCC 74.410 and other provisions of this code. [Ord 90-0069, Ord 2007-0222]

74.410 Siting Standards. All structures located in the Rural Industrial Zone shall be sited in compliance with BCC Chapter 99 and the following additional standards:

- (1) Either every site shall be adequately served by water, sewage disposal, sidewalks and improved roads, or final approval of the site development plan shall be contingent on assurances for the provision of the necessary facilities.
- (2) The setback to a road right-of-way shall be at least sixty (60) feet. Twenty-five (25) feet adjacent to the road right-of-way shall be utilized primarily for landscaping, fences, walls and driveways.
- (3) A side or rear setback shall be at least ten (10) feet, except when adjacent to a residential zone, in which case twenty-five (25) feet of landscaped buffer, including a visual screen of no less than five (5) feet in height, shall be provided.

- (4) No setback is required for a structure of 120 square feet or less. Except when adjacent to a residential zone, a side or rear setback for an accessory structure may be reduced to three (3) feet if the structure:
 - (a) Is detached from other buildings by five (5) feet or more;
 - (b) Does not exceed a height of twenty (20) feet; and
 - (c) Does not exceed an area of 500 square feet.
- (5) Architectural features shall not project more than two (2) feet into a required setback.
- (6) A structure which is not a water dependent use shall be placed at least fifty (50) feet from the ordinary high water line of any river or major stream. In the case of a creek and minor stream, a structure which is not a water dependent use shall be placed at least twenty-five (25) feet from the ordinary high water line.
- (7) Any structure within the Corvallis Urban Growth Boundary shall be at least twenty-five (25) feet from the edge of riparian habitat, evidenced by existing non-aquatic vegetation which is generally dependent upon a seasonally high table, or at least forty (40) feet from the edge of the drainageway, whichever is greater.
- (8) A landscape plan shall be submitted for the first twenty-five (25) feet of all setbacks adjacent to a road in compliance with the following minimum standards:
 - (a) Seventy-five percent (75%) of the area shall contain live landscape materials (grass, trees, or shrubs);
 - (b) A vision clearance area shall be maintained at the intersection of two rights-of-way or a right-of-way and a driveway. The vision clearance area shall extend thirty (30) feet from the intersection of the right-of-way lines or a right-of-way line and a driveway. No structure, vegetation or embankment shall be permitted in a vision clearance area in excess of two (2) feet in height above the center of the road or driveway; and
 - (c) Off-street parking areas and setbacks adjacent to non-industrial zoned areas shall be adequately landscaped and screened.
- (9) A structure shall not exceed sixty (60) feet in height. Structures such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, agricultural buildings, and other similar objects not used for human occupancy are not subject to the building height limitations of this code.
- (10) Off-street parking and loading comply with BCC 91.605 to 91.660.
- (11) Access shall be designed to cause minimum interference with traffic movements on abutting streets. Where necessary, additional rights-of-way shall be dedicated to maintain adequate traffic circulation. Setbacks shall be reviewed when requiring a dedication of an additional right-of-way.
- (12) The arrangement of buildings, parking areas, signs and other facilities shall be designed and oriented to minimize noise and glare effects on adjacent properties.
- (13) Artificial lighting, including illuminated signs and lights for parking areas, shall be arranged and constructed to avoid direct glare or unreasonable interference with the use and enjoyment of adjacent properties. [Ord 26, Ord 90-0069, Ord 92-0092, Ord 2007-0222]