

Chapter 81

Special Use (SU)

81.005 Purpose. The Special Use Zone shall provide for the recognition of unique existing or planned uses, facilities, and/or developments that are not suitably addressed by the other zones of the Benton County Development Code. The Special Use Zone shall require the designation of a Special Use Subzone to define specific permitted uses, conditional uses, site development requirements, and siting standards within each area to which the Special Use Zone is applied. [Ord. 2012-0247]

APPLICATION

81.010 The Special Use Zone may be applied where the following requirements are met:

- (1) The property is designated Special Use on the adopted Comprehensive Plan Map, or the property is located within an urban growth boundary;
- (2) The property is either:
 - (a) The subject of an exception to one or more Statewide Planning Goal(s), in which the exception is based on existing or planned uses that do not fit within another zone in this Code, and the planned uses are limited to those justified through the goal exception; or
 - (b) Located within an urban growth boundary and:
 - (A) The proposed zoning is consistent with the applicable city's Comprehensive Plan; and
 - (B) The existing or planned uses do not fit within another zone in this Code; or
 - (c) Located within an unincorporated community boundary and:
 - (A) The proposed zoning is consistent with the adopted community plan; and
 - (B) The existing or planned uses do not fit within another zone in this Code.
- (3) Special Use Subzone standards specific to the subject property are applied to the property.

[Ord. 2012-0247]

81.015 Process. Application of the Special Use Zone to a property shall require initiation of the following elements as necessary. These elements may be processed concurrently.

- (1) Zone change pursuant to BCC 53.510;
- (2) Development Code text amendment pursuant to BCC 53.610; and
- (3) Comprehensive Plan text and map amendments, and any associated goal exceptions, pursuant to BCC 53.605-625.

[Ord. 2012-0247]

81.020 Subzones. The Special Use Zone includes the following approved Subzones:

- (1) Children's Farm Home Subzone (SU-CFH) [Ord. 2012-0247]
- (2) Airport Industrial Park Subzone (SU-AIP) [Ord. 2012-0249]

81.100 Special Use - Children's Farm Home Subzone (SU-CFH)

81.105 Purpose. The Children's Farm Home Subzone (CFH) of the Special Use Zone shall establish standards for development within the Children's Farm Home Campus in Benton County. By providing appropriate land use controls, this subzone shall enable the continued operation of the Children's Farm Home, and address needs for growth, change, and/or expansion to accommodate associated, ancillary, or otherwise related uses. [Ord. 2012-0248]

81.110 Application. The Children's Farm Home Subzone shall apply to areas that are within the Special Use Zone, are designated Special Use on the Comprehensive Plan Map, and are the subject of an Exception to Statewide Planning Goals, 3, 4, 11 and 14 for the Children's Farm Home Campus. [Ord. 2012-0248]

81.115 Definitions. As used in this chapter.

- (1) "Community treatment program" means a facility or collection of facilities providing comprehensive care for a specific population, predominantly persons under 18 years of age; including but not limited to educational activities, recreational activities, secured adolescent intensive programs, therapeutic activities, vocational training, and residential facilities. The entire CFH campus comprises the community treatment program.
- (2) "Educational activities" means any organized action that is intended to have a formative effect on the mind, character, or physical ability of an individual. In the case of CFH, educational activities occur primarily in classrooms.
- (3) "Recreational activities" means any action intended generally for enjoyment, amusement or pleasure, whether for educational, therapeutic, or leisure purposes. In the case of CFH, recreational activities occur throughout the campus, but primarily within the sports fields, playgrounds, gardens, livestock barns, and indoor multipurpose spaces.
- (4) "Residential facility" means a facility which provides residential care in conjunction with a community treatment program, including facilities needed to maintain a residential population, such as laundry, food service, and common living space. Residential facility includes one or more buildings providing housing for up to 65 individuals who need not be related, per building. Residential facility may also include a single family residence for caretaker, manager, instructor, or care provider.
- (5) "Secured adolescent intensive program" means a program which provides complete therapeutic and educational services in a limited-access, secured facility. In the case of CFH, the secured adolescent intensive program is housed in buildings designed specifically to house such a program and in accordance with State of Oregon and Federal requirements.
- (6) "Therapeutic activities" means any action intended to help people with disabilities to address their specific problems. In the case of CFH, therapeutic activities occur throughout the campus, but primarily in classrooms, clinics, studios, and structured and/or unstructured outdoor recreational areas.
- (7) "Vocational training" means any action intended to provide education and/or direct experience in preparation for employment in a trade, job or profession. In the case of CFH, vocational training occurs throughout the campus but primarily in classrooms, workshops, horticultural areas, and the livestock barns. [Ord. 2012-0248]

81.120 Subareas. The purposes of the subareas of the Children’s Farm Home Subzone are described in this section. The specific uses allowed in each subarea are identified in BCC 81.125.

- (1) Administration/Vocational (A/V). The A/V subarea shall provide for facilities and uses dedicated primarily to administration of the Children’s Farm Home Campus; and vocational training and therapeutic activities associated with a community treatment program.
- (2) Residential/Education (Res/E). The Res/E subarea shall provide for facilities and uses dedicated primarily to providing residential services associated with a community treatment program; educational activities associated with a community treatment program; and secured adolescent intensive activities.
- (3) Recreational/Utilities (Rec/U). The Rec/U subarea shall provide for facilities and uses dedicated primarily to recreational activities associated with therapeutic activities and/or vocational training; and sewer, water, storm water, electrical, fire protection, telecommunication and other similar utilities serving the Children’s Farm Home Campus.
- (4) Highway Buffer (HB). The HB subarea shall provide for facilities and uses dedicated primarily to providing a landscaped buffer between the Children’s Farm Home Campus and the adjacent State highway.

[Ord. 2012-0248]

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81.125 Permitted Uses. The following uses are allowed within the Children’s Farm Home Subzone to the extent that they relate to and serve the community treatment program as defined in BCC 81.115. The SU-CFH subarea(s) where each use is allowed is/are indicated in Table 1:

Table 1 Permitted Uses

Use	A/V	Res/E	Rec/U	HB
(1) Administrative and professional offices ;	X			
(2) Educational activities ;	X	X		
(3) Vocational training ;	X	X		
(4) Dormitory housing ;		X		
(5) Secured adolescent intensive program ;		X		
(6) Cafeteria/group dining ;	X	X		
(7) Day care center or preschool nursery ;	X	X		
(8) Recreational activities and facilities ;	X	X	X	
(9) Health clinic, health care facility including out-patient services ;	X	X		
(10) Accessory use or structure ;	X	X	X	
(11) Undeveloped open space ;	X	X	X	X
(12) Art or craft gallery or gift shop, related to onsite education, vocational training, or treatment, not exceeding 2,000 square feet, located within a larger multi-purpose building ;	X			
(13) Café open to the public and related to onsite vocational training and limited to 50 seats, located within a larger multi-purpose building;	X			
(14) Place of public assembly open to the public and limited to 200 seats, including church, auditorium, meeting room, theater, or other similar non-profit community facility ;	X			
(15) Outdoor activities such as ceremonies, games, festivals, and presentations ;	X		X	
(16) Private and public utilities; provided that a community sewer system is not allowed to serve any land outside the Children’s Farm Home Subzone.	X	X	X	X

[Ord. 2012-0248]

81.130 Existing Uses. A lawfully established use not listed in BCC 81.125 existing as of September 20, 2012 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 use may be replaced or expanded through Site Development Plan Review pursuant to Section 81.145. [Ord. 2012-0248]

81.135 Conditional Uses. The following uses may be allowed in the Children's Farm Home Subzone by conditional use permit approved by the Planning Official pursuant to BCC 53.205 through 53.235:

- (1) One single-family residence per parcel, for caretaker, manager, instructor, or provider in conjunction with a community treatment program.
- (2) Change in the boundary of any subarea. [Ord. 2012-0248]

81.140 Minimum Parcel or Lot Size. The minimum parcel size in the Children's Farm Home Subzone shall be two acres. [Ord. 2012-0248]

81.142 Property Line Adjustments and Land Divisions. Property line adjustments and partitions are allowed in the Children's Farm Home Subzone. A maximum of three additional parcels may be created by partition within the Children's Farm Home Subzone in existence on September 20, 2012. Series partitions and subdivisions are prohibited in the Children's Farm Home Subzone. [Ord. 2012-0248]

81.145 Site Development Plan.

- (1) When a building addition or replacement, change of use, new construction, new road/ driveway, or placement of a structure is proposed in the Children's Farm Home Subzone, 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 site development plan shall be accompanied by a letter prepared by a licensed professional engineer competent to practice transportation engineering documenting the expected AM peak hour, PM peak hour, and average daily traffic trip generation resulting from the proposed development or change of use. The site development plan shall demonstrate compliance with siting standards provided in BCC 81.150 and other provisions of this Code.
- (2) Any change, within the permitted uses, to the scope of services offered, type of services offered, and/or specific population served, shall require written notification to the Benton County Board of Commissioners and Community Development Department. [Ord. 2012-0248]

81.150 Siting Standards. All structures allowed in the Children's Farm Home Subzone shall be sited in compliance with BCC Chapters 91, Special Use Standards, and 99, General Development Standards, and the standards of this section. In the case of a conflict between BCC Chapters 91 and 99 and this section, the standards of this section will control.

- (1) Either the site shall be adequately served by water, sewage disposal, and improved roads, or final approval of the site development plan shall be conditioned on assurances for the provision of the necessary facilities.
- (2) The setback to a public road right-of-way shall be at least twenty-five (25) feet, and to a highway right-of-way the setback shall be 50 feet. Such area shall be utilized exclusively for landscaping, fences, decorative walls, and driveways.
- (3) Except as otherwise provided in this section, there shall be a setback of at least fifteen (15) feet from the boundary of the CFH subzone.

- (4) No setback is required for a structure of 120 square feet or less. A side or rear setback for an

accessory structure may be reduced to three (3) feet from the subzone boundary 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) A structure which is not a water-dependent use shall be placed at least fifty (50) feet from the ordinary high water line of a lake, river or major stream. In the case of a creek or minor stream, a structure which is not a water dependent use shall be placed at least twenty-five (25) feet from the ordinary high water line.
 - (6) The setback to adjoining property in a resource zone shall be at least thirty (30) feet. Off-street parking areas and setbacks adjacent to adjoining resource-zoned property shall be adequately landscaped and screened to create a visual buffer.
 - (7) 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.
 - (8) Off-street parking and loading for new development and improvements shall be consistent with BCC 91.615 to 91.655. The number of parking spaces in a common parking area serving more than one use shall meet the normal operation peak demand of all uses, based on hours of operation. In the case where a single use is proposed on an individual parcel, the standards of BCC 91.605 shall apply.
 - (9) The arrangement of buildings, parking areas, signs, and other facilities shall be designed and oriented to minimize noise and glare effects on adjacent properties.
 - (10) Artificial lighting, including 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. 2012-0248]

81.200 Special Use - Airport Industrial Park (SU-AIP)

81.205 Purpose. The Airport Industrial Park zone shall provide areas where selected commercial, manufacturing, and/or other industrial activities that support a stable and sustainable local economy, vital to the health, welfare, and prosperity of County residents, can occur within the Corvallis Municipal Airport Industrial Park (AIP). [Ord. 2012-0249]

81.210 Application. The Airport Industrial Park zone shall apply to areas within the Corvallis Municipal Airport Industrial Park which is on land owned by the City of Corvallis, inside the Corvallis urban growth boundary in Benton County. [Ord. 2012-0249]

81.220 Additional Standards. The Airport Industrial Park is subject to additional notification and development standards set forth by the Federal Aviation Administration, Oregon Department of Aviation, and the Airport Overlay zone (BCC Chapter 86). [Ord. 2012-0249]

81.225 Limits on Trip Generation. In no case shall any use approved within the AIP create a condition in which more than 28,322 trip ends per day are generated by the cumulative uses established in the AIP. Trip generation shall be prepared by the applicant and evaluated at the time of site development plan review, consistent with trip generation rate values established in “Trip Generation, 8th Edition: An ITE Informational Report,” or successor document, as published and amended by the Institute of Transportation Engineers. [Ord. 2012-0249]

81.230 Permitted Uses. The following uses are permitted in the Airport Industrial Park zone. Uses must also comply with the additional siting, development, and other requirements of the Airport Industrial Park Master Plan, which is administered by the City of Corvallis.

(1) Uses allowed without building footprint size limitations.

- (a) Farm or forest use as defined in BCC 51.020.
- (b) All intensities of industrial use, including manufacturing, processing, and assembling, as well as research and development. These uses may create continuous, frequent, or repetitive noises or vibrations; noxious or toxic fumes, odors, or emissions; and electrical disturbances. Also allowed as an accessory use to a primary industrial use are:
 - (A) Technical support center remotely assisting customers with items produced in the AIP; and
 - (B) The on-site sale of items produced in the AIP, except for marijuana and items containing marijuana, provided that the on-site sales are a subordinate part of the total sales of items produced within the AIP by a given industrial use. [Ord. 2017-0278].
- (c) Industrial or scientific research facilities and testing laboratories.
- (d) Wholesale, storage, distribution, and handling of materials and equipment. Includes truck and train freight and distribution terminals, storage warehouses, and moving/storage firms; excludes personal mini-storage.
- (e) Cafeterias limited to serving the employees of one or more of the facilities located at the AIP.
- (f) Storage of vehicles, including:
 - (A) Vehicles used regularly in business operation and not available for sale; and
 - (B) Operating vehicles being stored long-term.
- (g) Electrical and gas distribution substations, radio facilities, wireless communication infrastructure, and similar utilities, but not including business or customer service offices.
- (h) Fire stations, police stations, emergency ambulance services, and similar uses.

- (i) Law enforcement correctional facility.
- (j) Airport.
- (k) Mass transit waiting/turnaround facility.
- (l) Industrial-related vocational or trade schools.
- (m) Laundry agencies, diaper services, linen supply services, and dry cleaning.
- (n) Building maintenance, custodial, and landscape service establishments.
- (o) Construction-related office in conjunction with the same company's on-site equipment and materials storage.
- (p) Bark, rock, and landscaping storage and sales.
- (q) Facilities that recycle or reclaim metals, plastic, or other materials.
- (r) Composting accessory to a primary industrial use.
- (s) Kennel.
- (t) Pet crematorium.
- (u) Agricultural supply and large farm machinery/equipment sales and repair.
- (v) Commercial growing, processing, and wholesaling of marijuana pursuant to a license issued by the State of Oregon. [Ord. 2017-0278]

(2) Uses allowed within building footprint size limitations.

- (a) The combined building footprint of all structures within the AIP zone dedicated to the following uses shall not exceed 90,000 square feet.
 - (A) Business support services, including clerical, protective, and blueprint services, primarily to firms rather than individuals. Employment services and other uses that involve frequent trips from the general public are prohibited.
 - (B) Professional, executive, management, and administrative offices. Medical offices and clinics, law firms, as well as other uses that involve frequent trips from the general public, are prohibited.
 - (C) Call centers, telemarketing centers, technical support, and similar facilities where employees make phone or electronic contact with the public.
- (b) The combined building footprint of all structures within the AIP zone dedicated to the following uses shall not be exceed 10,000 square feet. Each separate company or organization shall have a maximum building footprint of 5,000 square feet.
 - (A) Convenience stores and farm stands intended to primarily serve AIP employees and users.
 - (B) Eating establishments with food that can be consumed either on or off the premises, including sit down restaurants, coffee shops, fast order food, and mobile food carts. Drive- through establishments are prohibited.

[Ord. 2012-0249]

81.235 Site Development Plan. When a building addition, new construction, or placement of a structure is proposed in the Airport Industrial Park zone, prior to the issuance of building permits the applicant shall submit a site development plan, pursuant to the intergovernmental agreement between the City of Corvallis and Benton County. The site development plan shall contain an appropriate level of detail showing existing and proposed locations of buildings, access, parking, loading, landscaping, drainage, public

utilities, and exterior lighting. The plan shall demonstrate compliance with the additional siting standards of the Airport Industrial Park Master Plan. The design and construction of roads and other County appurtenances requires the approval of the County Engineer. [Ord. 2012-0249]

81.240 Development Standards. All structures located in the Airport Industrial Park zone are subject to the requirements of the Airport Industrial Park Master Plan. Additionally, all development shall be in compliance with these standards:

- (1) Either every site shall be served by water, sewage disposal, stormwater drainage, sidewalks and improved roads to the standard specified by Chapter 99 or as approved by the County Engineer, 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 twenty-five (25) feet, and shall be utilized primarily for landscaping, fences, walls and driveways.
- (3) A side or rear setback between businesses shall be determined by building code and the AIP Master Plan. Side and rear setbacks from the property line shall be at least ten (10) feet.
- (4) No setback is required for a structure of 120 square feet or less.
- (5) 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.
- (6) Architectural features shall not project more than two (2) feet into a required setback, except awnings, which may project up to six (6) feet into the required setback.
- (7) A landscape plan shall be submitted and implemented 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 trees and other live landscape materials;
 - (b) A vision clearance area consistent with the geometry and speeds of the roads shall be maintained at the intersection of two rights-of-way or a right-of-way 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, other than trees approved by the City Urban Forester and maintained in a manner that allows clear vision.
 - (c) Off-street parking areas shall be landscaped. Trees shall be included when feasible.
- (8) Maximum building height in the Airport Industrial Park zone is subject to the building height restrictions of the Airport Industrial Park Master Plan and the Airport Overlay zone (BCC Chapter 86), but in no case shall building height exceed 75 feet. 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, but are subject to Federal Aviation Administration restrictions.
- (9) Off-street parking and loading shall comply with the Airport Industrial Park Master Plan. Off-street parking shall be provided at a minimum of 1 space per 1,000 square feet of building footprint, unless a lesser amount is demonstrated to be adequate because the nature of the use does not generate a large volume of traffic or the business owner has a feasible program for vehicle trip reduction (such as carpooling, mass transit ridership, bicycle riding, or telecommuting).
- (10) 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.

- (11) The arrangement of buildings, parking areas, signs and other facilities shall be designed and oriented to minimize noise and glare effects on adjacent properties.
- (12) Lighting standards are as follows:
- (a) Artificial lighting, including illuminated signs and lights for parking areas, shall be arranged and constructed to avoid direct glare on adjacent non-industrial and non-commercial properties and to prevent conflict with airport operations. Federal Aviation Administration rules and the requirements of the Airport Overlay zone (BCC Chapter 86) apply.
 - (b) All installations for street or area lighting shall be designed and installed to be fully shielded (full cutoff), with zero (0) percent light emission above the horizontal plane (90 degrees), except as in the exceptions below. When viewed from a point four (4) feet above grade, bulbs of luminaires shall not be visible from adjacent properties.
 - (A) Lighting that is exempt from these regulations:
 - (i) Lighting in water features governed by Article 680 of the National Electrical Code.
 - (ii) Exit signs and other illumination required by building code.
 - (iii) Lighting for stairs and ramps, as required by building code.
 - (iv) Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.
 - (v) Lighting required by the Federal Aviation Administration.
- (13) The sign requirements in Specific Use Standards (BCC Chapter 91) shall not apply as long as the City of Corvallis maintains ownership of the Airport Industrial Park and the Airport Industrial Park Master Plan standards apply.
- (14) In the event the Airport Industrial Park Master Plan no longer applies, the placement of roads, structures, and landscaping shall allow for convenient and safe pedestrian access between buildings, via paths on which pedestrians are not required to share their space with autos.

[Ord. 2012-0249]