

## Chapter 70

### Rural Commercial Zone (RC)

**70.005 Purpose.** The Rural Commercial Zone shall establish standards for commercial activity outside of urban growth boundaries in Benton County. [Ord 26, Ord 90-0069, Ord 2007-0222]

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

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

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

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

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

**70.110 Permitted Uses – Limited Scale.**

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

- (a) 4,000 square feet within an unincorporated community as designated in the Comprehensive Plan; or
- (b) 3,500 square feet outside unincorporated communities.

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

#### **70.120 Existing Uses.**

- (1) A lawfully established commercial use listed in BCC 70.110(1) existing as of August 9, 2007, which exceeds the applicable size limitation of BCC 70.110(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 use may be expanded without land use review to a maximum of the greater of subsections (a) and (b) of this section. 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. 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) 4,000 square feet inside an unincorporated community or 3,500 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 RC zone shall be considered nonconforming uses subject to the provisions of BCC 53.305 through 53.335.

[Ord 2007-0222]

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

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

[Ord 26, Ord 90-0069, Ord 2007-0222, Ord 2015-0271]

**70.305 Minimum Parcel or Lot Size.** The minimum parcel or lot size in the Rural Commercial Zone shall be determined by the type of facilities available. The minimum parcel or lot size shall be:

- (1) Two (2) acres when both an individual water supply system and sewage disposal system are used.
- (2) One (1) acre when either a community water supply system or a community sewage disposal system is used.
- (3) Ten thousand (10,000) square feet when both a community sewage disposal system and community water system are used.

- (4) Five (5) acres when the parcel or lot is located within the Corvallis Urban Growth Boundary. [Ord 26, Ord 90-0069, Ord 96-0118, Ord 2007-0222]

**70.405 Site Development Plan.** When a building addition, new construction, or placement of a structure is proposed in the Commercial 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 70.410 and other provisions of this code. [Ord 90-0069, Ord 2007-0222]

**70.410 Siting Standards.** All structures allowed in the Rural Commercial 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, 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 twenty-five (25) feet. Such area shall be utilized exclusively for landscaping, fences, walls and driveways.
- (3) A side or rear setback shall be at least twenty-five (25) feet. The side or rear setback may be reduced to ten (10) feet if adjoining land is zoned for commercial or industrial use.
- (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 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 related to a water dependent use shall be placed at least fifty (50) feet from the ordinary high water line of any river or major stream. In the case of a creek or minor stream, a structure which is not a water dependent use shall be placed at least twenty-five (25) feet from the ordinary high water line.
- (7) 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.
- (8) Off-street parking areas and setbacks adjacent to residential zoned areas shall be adequately landscaped and screened to create a visual buffer.
- (9) A structure shall not exceed forty (40) feet in height. Structures such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, agricultural buildings, and other similar objects not used for human occupancy are not subject to the building height limitations of this code.
- (10) Off-street parking and loading shall be consistent 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 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]