

**CHAPTER 11.66**  
**OPEN SPACE CONSERVATION DISTRICT (OSC)**

**SECTIONS:**

11.66.010	Purpose
11.66.020	Designation Criteria
11.66.030	Availability of De-Designation as Open Space Conservation
11.66.040	Applicability
11.66.050	Allowable Uses
11.66.060	Accessory Uses
11.66.070	Uses Subject to Planning Administrator Review and Approval
11.66.080	Uses Requiring a Conditional Use Permit
11.66.090	Uses Prohibited
11.66.100	Property Development Standards- General Standards
11.66.110	Property Development Standards- Setback Requirements
11.66.120	Severability
11.66.130	Effective Date

**11.66.010 PURPOSE.** The purpose of the Open Space Conservation District is to provide owners of property having critical areas and ecosystems containing unique characteristics that support habitat for migratory birds, fish, and wildlife; natural riverine functions and aquatic environments; botanical inventory; and/or the protection of steep slopes and viewsheds, water quality and flood retention an opportunity to request a zoning designation consistent with the conservation of these characteristics. These property characteristics and features provide significant functions and benefits to natural resources and the public. If the property owner records a permanent easement to protect such functions and benefits, and petitions the County for this zoning designation, such parcels should be designated as Open Space Conservation lands under the Benton County Zoning Code.  
[Ord. 656 (2024) § 1]

**11.66.020 DESIGNATION CRITERIA.**

- (a) Open Space Conservation lands can be publicly or privately owned but must be held under a permanent conservation easement or easements granted to a local, state, or federal agency or a land trust prior to a property owner submitting a request for this zoning designation.
- (b) A zone change to the Open Space Conservation zoning designation may only be requested if the parcel(s) at issue is designated as Open Space Conservation land in the Benton County Comprehensive Plan.
- (c) The Open Space Conservation zoning designation is voluntary in nature for property owners, and requests for a change to this designation may only be initiated by a change of zoning request form signed by all owners of the parcel(s) subject to the request. This is a change in classification, so the application must be signed by all persons with an ownership interest (as that term is defined by BCC 9.02.040(26)) and by holders of mineral rights of the parcel(s) that are separate and apart from ownership of the surface estate, if any, as required by BCC 17.10.090(b)(2)(i).  
[Ord. 656 (2024) § 2

**11.66.030. AVAILABILITY OF DE-DESIGNATION AS OPEN SPACE CONSERVATION**

- (a) After a parcel receives an Open Space Conservation zoning designation, requests for a subsequent change of zoning to another zoning designation may only be made jointly by all persons with an ownership interest (as that term is defined by BCC 9.02.040(26)) in the parcel(s) subject to the request and by holders of mineral rights of the parcel(s) that are separate and apart from ownership of the surface estate, if any, as required by BCC 17.10.090(2)(i).
- (b) A request for zoning change to a designation other than Open Space Conservation shall be granted by the legislative body if the rezone request is for a change to a zoning designation identical to the zoning designation that is assigned to an

abutting parcel that is not designated Open Space Conservation. If there are two parcels that do not have a zoning designation of Open Space Conservation that abut the parcel that has such designation, the legislative body must approve a rezone request to the zoning designation of one of the abutting parcels, but it has the discretion as to which of the abutting zoning designations to assign to the parcel if the Open Space Conservation designation is no longer desired by the proper owners.

- (c) A request for a de-designation from Open Space Conservation to another zoning designation may also be initiated by the Benton County Planning Division.

[Ord. 656 (2024) § 3]

**11.66.040 APPLICABILITY.** The provisions of this chapter shall apply to the areas designated as an Open Space Conservation District (OSC) on the official zoning maps of Benton County and located in unincorporated Benton County.

[Ord. 656 (2024) § 4]

**11.66.050 ALLOWABLE USES.** The following uses are allowed within the Open Space Conservation District (OSC) on a single parcel of record:

- (a) Single Family Dwelling (SFD).
- (b) Manufactured home if constructed after June 15, 1976.
- (c) Agricultural uses, except for commercial dairies, commercial hog ranches, commercial poultry/rabbit operations, and animal feedlots; provided on any tract of land having an area of less than five (5) acres, agricultural uses may not include the keeping of more than one animal unit equivalent per one-half acre of ground, exclusive of suckling animals.
- (d) Wildlife preserve.
- (e) Hiking and non-motorized biking trails.

- (f) Equestrian trails.
- (g) Water access facilities.
- (h) Utility substation facility.  
[Ord. 656 (2024) § 5]

**11.66.060 ACCESSORY USES.** Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the Open Space Conservation District (OSC) on a single parcel of record:

- (a) One (1) or more accessory buildings and uses.
- (b) One (1) or more agricultural buildings.
- (c) One (1) or more office buildings, for use in conjunction with conservation activities.
- (d) Solar Power Generator Facility, Minor.
- (e) Uses subject to Planning Administrator review and approval, specified in BCC 11.11.050(a).  
[Ord. 656 (2024) § 6]

**11.66.070 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL.** The following uses may be allowed within the Open Space Conservation District (OSC) on a single parcel of record upon the review and approval of the Planning Administrator:

- (a) Communication facilities subject to the provisions in Chapter 11.47 BCC.  
[Ord. 656 (2024) § 7]

**11.66.080 USES REQUIRING A CONDITIONAL USE PERMIT.** The following uses may be permitted on a single parcel of record within the Open Space Conservation District (OSC) if a conditional use

permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040:

- (a) Irrigation pumping station.
  - (b) Interpretative, education, or visitor center.
  - (c) Hunting Preserve.
- [Ord. 656 (2018) § 8]

**11.66.090 USES PROHIBITED.** Any use not authorized and approved pursuant to BCC 11.66.050, BCC 11.66.060, BCC 11.66.070. or BCC 11.66.080 above is prohibited within the Open Space Conservation District (OSC).  
[Ord. 656 (2024) § 9]

**11.66.100 PROPERTY DEVELOPMENT STANDARDS--GENERAL STANDARDS.** All lands, structures and uses in the Open Space Conservation District (OSC) shall conform to the following general standards, and if applicable, to the standards set forth in Chapter 15.02 BCC, Chapter 15.04 BCC, Chapter 15.06 BCC, Chapter 15.08 BCC, Chapter 15.12 BCC, and Chapter 15.14 BCC.

- (a) Minimum parcel size. Except as otherwise set forth herein, the minimum parcel size that may be created in the OSC District is five (5) acres; provided, the Benton-Franklin Health District may require a larger parcel size as necessary to meet on-site sanitary well and sewer provisions.
- (b) Lot Width. Each parcel shall have an average lot width of not less than ninety (90) feet.
- (c) Maximum Lot Coverage. Each parcel shall have a maximum lot coverage of forty (40) percent.
- (d) Vegetative Cover. Each parcel shall have a minimum vegetative cover of at least forty-five (45) percent, unless doing so would preclude the proposed development. If forty-five (45) percent vegetative cover is not possible, the parcel shall have the maximum amount of vegetative cover that does not preclude the proposed development.

- (e) Impervious Surface. No more than ten (10) percent of any parcel may be covered by impervious surfaces that does not infiltrate all storm-water on that parcel.

[Ord. 656 (2024) § 10]

**11.66.110 PROPERTY DEVELOPMENT STANDARDS—SETBACK REQUIREMENTS.** All lands, structures, and uses in the Open Space Conservation District (OSC) shall conform to the following general standards, and if applicable, to the standards set forth in Chapter 15.02 BCC, Chapter 15.04 BCC, Chapter 15.06 BCC, Chapter 15.08 BCC, Chapter 15.12 BCC, and Chapter 15.14 BCC.:

- (a) Setback Requirements. The following minimum setbacks shall apply:

(1) Each dwelling unit, accessory building, and accessory use on a parcel shall have a setback of fifty-five (55) feet from the centerline of any public road right-of-way or twenty-five (25) feet from the property line bordering any public road right-of-way, whichever is greater; and a setback of twenty-five (25) feet from the closest edge of any legally established boundary line of a private access easement.

(2) Each dwelling unit shall have a setback of twenty-five (25) feet from the rear parcel lines.

(3) Each accessory building and accessory use shall have a setback of ten (10) feet from all alleys and the rear parcel lines.

(4) Each dwelling unit, accessory building, and accessory use on a parcel shall have a setback of ten (10) feet from the side parcel lines.

(5) All shelters, coops, or other structures used for the habitation of livestock shall have a setback of at least thirty (30) feet from every property line of the

parcel on which it is located, unless a greater setback is otherwise required under Benton County Code.

(6) All dwelling units and swimming pools shall have a setback of one hundred fifty (150) feet from any parcel located partially or wholly within the Growth Management Agricultural Act District (GMAAD) and from any adjacent orchard, hop field or vineyard (or combination thereof) of ten (10) acres or more on one parcel or on contiguous parcels under common ownership.

(7) Cornices, eaves, belt courses, sills, fireplace chimneys, and open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project from a building three (3) feet into any required setback area; provided, none of these architectural features may be located within any easements.

(8) Ground floor uncovered, unenclosed porches, platforms, or landings may extend or project from a building six (6) feet into the setback area but no closer than five (5) feet to any parcel line; provided, none of these architectural features may be located within any easements. (b) Any additional setbacks required pursuant to Chapter 3.18 BCC shall apply.

[Ord. 656 (2024) § 11]

**11.66.120 SEVERABILITY.** If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.

[Ord. 656 (2024) § 12]

**11.66.130 EFFECTIVE DATE.** This chapter shall take effect and be in full force upon its passage and adoption.

[Ord. 656 (2024) § 13]