CHAPTER 11.03

DEFINITIONS

SECTIONS:

11.03.010 Definitions
11.03.020 Severability
11.03.030 Effective Date

11.03.010 DEFINITIONS. Whenever the following words and phrases appear in this title they shall be given the meaning attributed to them by this section. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word "shall" is always mandatory, and the words "should" and "may" indicate a use of discretion in making a decision. Words used in this title which are not defined in this section shall (when necessary) be defined as to the meaning used in a college level dictionary; or (where required or necessary) as defined in state law under the appropriate RCW, WAC regulations, or County ordinances. The terms "agricultural," "agriculture," "agriculturally," "horticulture," "agronomy," "viticulture," "aquaculture," "floriculture," "food processing," and "farming," shall not be construed to include or relate to marijuana, useable marijuana, or marijuana-infused products.

(1) "Accessory/Ancillary Use or Building" means a subordinate use or building clearly incidental to and located upon the same lot occupied by the main use or building.

(2) "Accessory Dwelling Unit" an additional room or set of rooms located within a single family structure and designed, arranged, occupied or intended to be occupied by not more than one (1) household as living accommodations independent from any other household and not exceeding 800 square feet in area.

(3) "Accessory Equipment Structure" means an un-staffed structure used to contain the equipment necessary for processing communication signals. The accessory equipment structure does not include guyed, lattice, or monopole towers.

(4) "Adult" means a person eighteen years of age and older.

(5) "Adult Family Home" means a regular family abode of a person or persons who are providing personal care, room and board to more than one but not more than six (6) adults who are not related by blood or marriage to the person or persons providing the services.

(6) "Agricultural Building" means a structure designed and constructed to store farm implements or hay, grain, poultry, livestock, fruit and other agricultural products. The structure shall not be used for human habitation, process, treating, or packaging agriculture products, nor shall it be a place to be used by the public.

(7) "Agricultural Market" means a use primarily engaged in the retail sale of fresh agricultural products, grown either on or off the site, but may include as incidental and accessory to the principle use, the sale of factory sealed or prepackaged food products and some limited non-food items. This definition does not include the sale of livestock.

(8) "Agricultural Recreational Facility" means a facility where a fee is charged in return for access to agriculturally-related recreational opportunities, including but not limited to: enclosed arenas, rodeo, grounds and/or building for livestock exhibits, shows and competitions.

(9) "Agricultural Related Industry" means specifically:

(a) Packaging Plants - may include but are not limited to the following activities: washing, sorting, crating, and other functional operations such as drying, field crushing, or other preparation in which the chemical and physical composition of the agriculture product remains essentially

unaltered. Does not include processing activities, or slaughter houses, animal reduction yards, and tallow works.

(b) Processing Plants - may include but are not limited to those activities which involve the fermentation or other substantial chemical and physical alteration of the agricultural product. Does not include slaughter houses or rendering plants.

(c) Storage Facilities - may include those activities which involve the warehousing of processed and/or packaged agricultural products.

(10) "Agricultural Stand" means a structure up to 1000 square feet in area used for the retail sale of agriculture products, excluding livestock, grown on the premises.

(11) "Agricultural Use" means raising crops and livestock, horticultural activities, viticulture, animal husbandry, beekeeping, the storage of equipment for the above and related activities normally and routinely a part of such uses.

(12) "Agricultural Wastes" means wastes on farms resulting from the production of agricultural products including but not limited to crop residues, manures, and carcasses of dead animals weighing each or collectively in excess of fifteen pounds.

(13) "Agriculture Lands" refer to lands that are not already characterized by urban growth and are of long term significance for the commercial production of horticulture, agronomy, silviculture, aquaculture, apiary, animal products, turf, seed, Christmas trees not subject to excise tax, or livestock.

(14) "Agri-tourism Accommodation" means an agricultural business or organization offering overnight lodging in an agricultural setting. The purpose is to provide temporary tourist accommodations that are accessory to an onsite or adjacent agricultural use. ~~Overnight lodging facilities are not to exceed~~

~~a maximum of 5 guest units~~. An agri-tourism accommodation does not include bed and breakfast establishments, motels, hotels, and other similar uses.

Commented [DH1]: Move this sentence to new ag tourism regs, it's regulatory, not defining.

(15) "Agronomic Rates" or fertilizer guide means the rates of application of sludge, manure, or crop residues in accordance with rates specified by the appropriate fertilizer guide or by recommendation from a qualified soil scientist, for the crop under cultivation.

(16) "Airport/Heliport" means a runway or landing area or other facility designed or used by public carriers for the landing and taking off of aircraft, including the following associated facilities: taxiways, aircraft storage and tie-down areas, hangars, servicing, and passenger and air freight terminals.

(17) "Airstrip (personal)" means a runway without normal airport functions maintained for the private use of the owner of the property on which it is located.

(18) "Airstrip commercial crop-dusting" means a private runway with service and maintenance facilities which serves the commercial crop-duster.

(19) "Allowable Use" or "Permitted Use "means a use which is allowed outright, i.e., the land use itself does not require obtaining Planning Administrator review and approval, or a conditional use permit.

(20) "Amateur (or Ham) Radio Facilities" means a radio transmission or receiving antenna or communication device operated for non-commercial purposes by individuals licensed by the Federal Communications Commission (FCC).

(21) "Animal Feedlot" refers to a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of Benton

County, open lots used for feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these definitions. Seasonal use during the months of November through February is exempt from feedlot status.

(22) "Animal Unit" is the volume of waste produced over a period of time by a horse, slaughter steer, or heifer.

(23) "Animal Unit Equivalent" equals the number of other farm animals, (chickens, sheep, turkeys, etc.,) needed to produce the equivalent in waste of an animal unit; i.e., it takes fifty (50) chickens to produce the same volume of waste as a horse.

NOTE: This section is continued on the following page.

For purposes of Benton County, the following equivalents apply:

TABLE 11.03.010-1 ANIMAL UNIT EQUIVALENT CONVERSION TABLE

Type of Livestock	Animal Unit Equivalent (per half acre)
Cattle:	
1 slaughter steer, or bull, or dairy cow, or heifer	1.0
2 weaned calves to yearlings	1.0
Horses:	
1 horse	1.0
Sheep:	
2 ewes, with or without unweaned lambs at side	1.0
1 ram	1.0
4 weaned lambs	1.0
Swine:	
2 brood sows	1.0
5 feeder pigs (up to 200 lbs.)	1.0
1 boar	1.0
Other:	
2 goats	1.0
2 llamas	1.0
3 alpacas	1.0
1 ostrich	1.0
3 emus	1.0
5 rhea	1.0
40 ducks or geese	1.0
20 turkeys	1.0
50 chickens	1.0
50 rabbits	1.0
Other animals, not listed above	As may be determined by the Planning Administrative Official

(24) "Antenna Array" means one or more rods, panels, discs or similar devices used for the transmission or reception of communication signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The antenna array does not include the communication tower.

(25) "Apartment House" means a building containing three or more family-dwelling units each of which, though independent of the other, is provided with joint service such as central heat, common hallways, common entrance or entrances to the building, janitor service, refuse disposal and similar services.

(26) "Aquifer" A body of rock or soil that contains sufficient saturated permeable material to conduct groundwater and to yield economically significant quantities of groundwater to wells and springs.

(27) "Asphalt Production" means the act of or the facility where asphalt's raw ingredients are combined to create hot mix asphalt.

(~~27~~28) "Attached Communication Facility" means an antenna array that is attached to a building or structure. The building or structure may be but is not limited to a utility pole or a water tower.

(~~28~~29) "Bakeries" means the conversion of raw materials through a baking process to finished consumable products and may include the marketing and sale or serving of such products and related accessory items on-site and/or off-site.

(~~29~~30) "Bed and Breakfast" means an owner occupied single family dwelling in which not more than five bedrooms are rented for money or other valuable consideration to the traveling public and only one meal, breakfast, may be served to guests.

(~~30~~31) "Best Management Practices (BMP's) "means physical, structural, and/or managerial practices

that when used singularly or in combination, protect the functions and values of critical resources. Acceptable BMP's are found in the County's Administrative design Manual. BMP's are current and evolving conservation practices, or systems of practices, management or

operational measures, or design and construction techniques; or normal and accepted industry standards that are applied to land uses and land use activity in a manner which:

(a) controls soil loss and reduces water surface and groundwater quality degradation caused by nutrients, animal wastes, toxins, and sediment; and

(b) mitigates adverse impacts to the natural chemical, physical and biological environment of the County.

(c) utilizes the county's natural resources on a long term, sustainable yield basis.

(~~31~~32) "Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process that can be beneficially recycled and meets all requirements of Chapter 70.95J RCW, as it now exists or is hereafter amended.

(~~32~~33) "Buffer" means a designated area used to separate incompatible uses or protect resources or development. Buffers are generally undeveloped areas. There are different types of buffers for different purposes:

(a) buffers which protect sensitive natural resources (critical areas) from the adverse impacts of development are generally undeveloped open space which are ecologically part of the protected resource;

(b) buffers which protect the integrity of development from certain natural hazards such as slope instability, floods or fire prone areas, are setbacks which avoid the hazard;

(c) buffers to separate incompatible uses, such as residential from industrial, airports or certain activities common to commercial agriculture, are generally open or sparsely populated.

(~~33~~34) "Business activity" means the production or sale of goods, or the sale of services that is clearly incidental and secondary to the use of the property for residential purposes and that complies with the criteria set forth in this title.

(~~34~~35) "Child" means a person seventeen years of age and under.

(~~35~~36) "Child Day Care Facility - Type A" means a dwelling unit where a childcare provider cares for twelve (12) or fewer children for periods of less than 24 hours a day, includes Family Day Care Provider as defined in RCW 43.216.010.

(~~36~~37) "Child Day Care Facility - Type B" means a dwelling unit where a childcare provider cares for thirteen (13) or more children for periods of less than 24 hours a day, or a building or structure other than a dwelling unit where a childcare provider cares for any number of children for periods of less than 24 hours a day.

(~~37~~38) "Childcare provider" means an agency, person, or persons who regularly provide childcare for one or more children for compensation for periods of less than 24 hours a day while such children are apart from their parents or guardians.

(~~38~~39) "Church" means a structure, or group of structures, which by design and construction are primarily used for religious services and instruction.

(~~39~~40) "Citizen Band Radio" means two-way radio facilities used for short-range personal and business communications and operated without the need of a federal license.

(~~40~~41) "Closed record appeal" means an appeal to the Board of County Commissioners, on a decision made during an open record hearing where no new evidence or

information is being submitted, of a decision made following an open record hearing on a project permit application.

(42) "Co-living" means a residential development with sleeping units that are independently rented and locakable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building.

(43) "Commercial Dairy" means any premises where three or more animal units are kept, milked, or maintained for licensed commercial sale of product.

(44) "Commercial Hog Ranch" means the keeping of six (6) or more feeder pigs exceeding six (6) weeks of age, or more than two (2) brood sows.

(45) "Commercial Horticulture" means the cultivation of fruits, vegetables, flowers, or plants on twenty (20) acres or more under common ownership.

(46) "Commercial Poultry/ Rabbit Operation" means premises where more than one hundred (100) birds or fifty (50) rabbits are kept.

(47) "Commercial Recreational Facility" means a parcel of land or structures used to generate revenue in return for access to recreational facilities such as: batting cages, billiard parlors; bowling alleys, fishing and fly casting ponds, golf driving ranges, golf pitch and putt courses, lawn and court games, miniature golf courses, skating rinks, tennis courts, swim parks, sports fields, gymnasiums, and other similar recreational uses.

(48) "Commercial Significance, Long Term" means the growing capacity, productivity and soil composition of the land for long term commercial production in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

~~(47) "Common Facilities" means any facility within the area of a planned development which is designed and constructed for the use of all residents of the development.~~

(49) "Common Open Space" means any area of land or water or combination thereof within the area of planned development which is designed and intended for the use of all residents of the planned development.

Commented [DH2]: Relates to PD

(50) "Communication Facility" means any facility used for the transmission and/or reception of communication services. Such facility usually, but not necessarily, consists of an antenna array, connection cables, and a communication tower to achieve the necessary elevation.

(51) "Communication Facility Height" means the distance measured from ground level to the highest point on the communication facility, including the antenna array.

(52) "Communication Services" means any communication services as defined in the Telecommunication Act of 1996, which includes: cellular services, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), radio and television towers, paging services and similar services that currently exist or that may in the future be developed.

(53) "Communication Tower" means a freestanding structure designed and constructed specifically to support an antenna array. The structure may include a monopole tower, self-supporting (lattice) tower, guyed tower and other similar structures.

(54) "Compatibility" means the congruent arrangement of land uses and/or project elements to avoid, mitigate, or minimize (to the greatest extent reasonable) conflicts.

(55) "Comprehensive Plan" means the Benton County Comprehensive Plan and any amendments, addenda, or supplemental plans that are duly adopted under Chapter 36.70 RCW and Chapter 36.70A RCW, as they now exist or is hereafter amended, for Benton County or any portion thereof.

(56) "Concentrated Animal Feeding Operation" means a structure or pens for the concentrated feeding or holding of animals or poultry, including but not limited to horses, cattle, sheep or swine. This definition includes dairy confinement areas, slaughterhouses, shipping terminal holding pens, poultry and/or egg production facilities and fur farms but does not include animal husbandry.

(57) "Concrete Batching" means the act of or a facility where concrete's raw ingredients are combined to create a variety of concrete slurries.

(58) "Condition(s) of Approval" means restrictions or

requirements imposed by a reviewing official pursuant to authority granted by this title.

(59) "Conditional Use Permit" means a permit which is granted for a conditional use. The term "conditional use" means a use subject to specified conditions which may be permitted in one (1) or more classifications as defined by this title but which use, because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, or impacts to ground or surface water requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones, and to assure that such use shall not be adverse to the public interest.

~~(58) "Concrete batching and asphalt processing and manufacture, batch plant" A site where concrete or asphalt is manufactured on site for use and delivery elsewhere.~~

Commented [DH3]: Added above

(60) "County" means Benton County.

(61) "Crisis Residential Center" means a facility operated as a temporary shelter within a single family dwelling and providing twenty-four (24) hour a day care for up to six (6) children that is established and licensed by the State of Washington in accordance with RCW 74.13.032 as now in effect or hereafter amended.

(62) "Designated Manufactured Home" means a new manufactured home constructed in accordance with state and federal requirements for manufactured homes, and which:

(a) is comprised of at least two (2) fully enclosed parallel sections each of which is not less than twelve (12) feet wide by thirty-six (36) feet long;

(b) is constructed with a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch;

(c) has exterior siding similar in appearance to siding materials commonly used on conventional site-built single-family residences under the International Residential Code;

(d) is set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground is enclosed by concrete or an approved concrete

product which can be either load bearing or decorative; and,

(e) the manufactured home is thermally equivalent to the state energy code.

(63) "Designated Provider" has the definition of that term as set forth under chapter 69.51A, RCW.

(64) "Development" means "use" as defined by this title.

(65) "Duplex" A single structure containing two (2) dwelling units, neither of which is defined as an accessory dwelling unit.

(66) "Dwelling Unit" A room or rooms located within a structure, designed, arranged, occupied or intended to be occupied by a household. The existence of food preparation and bathroom areas within the room or rooms shall be evidence of the existence of a dwelling unit.

(67) "Dwelling, Single-Family" or "Single Family Dwelling" or "One Family Dwelling" means one of the following types of buildings or structures designed to contain a single dwelling unit:

(a) a site built home - see "Site Built Home";

(b) a modular home - means a residential structure which meets the requirements of the Uniform Building Code or International Residential Code and is constructed in a factory and transported to the building site;

(c) a designated manufactured home - see "Designated Manufactured Home".

(68) "Dwelling, Single-Family Detached" means one dwelling located on one lot and not attached to any other dwelling unit.

(69) "Electric Vehicle Charging Station" means a parking space containing battery-charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in

an electric vehicle and that does not meet the definition of a Rapid Charging Station.

(70) "Equipment Rental Facility" means a facility that stores equipment that can be rented for a specified period of time in return for payment.

(71) "Factory Assembled Commercial Structure" means a factory assembled structure (FAS) designed or used for industrial, educational, assembly, professional, or commercial purposes.

(72) "Family" means any number of individuals living together as a single housekeeping unit, and doing their own cooking on the premises exclusively as one household.

(73) "Fence" means a substantial material serving as an enclosure, barrier, or boundary consisting of wood, metal, masonry wall, solid board fence, screen chain link or other substantial material.

(74) "Fire Department Facility" means a building housing all or a portion of a duly organized fire department, fire protection district or fire company regularly charged with the responsibility of providing fire protection to a jurisdiction.

(75) "Floodplain" means the total area subject to inundation by the base flood.

(76) "Floodway" means the channel or waterway or those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwaters of the watercourse without causing more than a one foot rise in the water surface elevation of a 100-year flood.

(77) "Front Property Line" means the front property line as shown upon the official recorded plat of the property. In all cases where the front property line cannot be determined from a recorded plat, it shall be the property line abutting or adjoining a public or private road, street, highway, or lane. If there is more than one property line adjoining or abutting a public or private road, street, highway or lane, the front property line shall be considered to be the property line along the principal or main travelled public way. In the event there is question as to which public way is the principal one, the Planning Administrator shall, upon request from the County Engineer or any interested party, designate the front property line for any specific lot and such designation shall be final for the purposes of this title.

(78) "Front Yard" means the required open space between the front property line and the nearest part of any building on the lot.

(79) "Golf Course" means a parcel or tract of land that is improved for the purposes of playing golf e.g., greens, tees or fairways, shelters, clubhouses, and ancillary maintenance buildings.

(80) "Guyed Tower" means any structure, including but not limited to lattice towers or monopoles, which uses guy wires to connect above-grade portions of a communication tower diagonally with the ground in a radial pattern around the tower.

(81) "Hazardous Waste and/or Material" means all dangerous and extremely hazardous waste as defined in RCW 70.105.010, as it now exists or is hereafter amended, except for moderate-risk waste.

(82) "Hazardous Waste Storage" means the holding of hazardous waste for a temporary period as regulated by State Dangerous Waste Regulations, Chapter 173-303 WAC, as amended.

(83) "Hazardous Waste Treatment" means the physical, chemical, or biological processing of hazardous waste to make wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for

storage, or reduced in volume.

(84) "Hazardous Waste Treatment and Storage Facility, Off site" means treatment and storage facilities that treat and store waste from generators on properties other than those on which the treatment and storage facilities are located.

(85) "Hazardous Waste Treatment and Storage Facility" means treatment and storage facilities that treat and store wastes.

(86) "Hearings Examiner" means an examiner appointed by the Board of County Commissioners, authorized to hear and make decisions on variances, land use permits, and certain appeals.

(87) "Holding pens" means enclosed areas used for short term occupation by livestock and customarily serves as a staging area when moving livestock from place to place or for general livestock maintenance activities.

(88) "Home Occupation" means any business use that is clearly incidental and secondary to the use of the property for residential purposes.

(89) "Hotel" means a facility offering transient lodging accommodations to the general public and may provide additional services, such as restaurants and meeting rooms. Includes motels.

(90) "Household" means a group of people living together and sharing common areas, such as for cooking.

(91) "Housing for People with Functional Disabilities" means housing used, or intended for use, by persons with functional disabilities. The term includes, but is not limited to, Adult Family Homes, Residential Care Facilities, and housing for any Supported Living Arrangement, as therein defined.

(92) "Hunting, Fee Access" means an activity where hunters pay a fee to lease private property from property owners allowing them access onto the property for hunting purposes.

(93) "Hunting Preserve" means a parcel or contiguous parcels encompassing at least three hundred and twenty (320) acres used for hunting.

(94) "Impervious Surface" means any material which prevents absorption of storm water into the ground.

(95) "Industrial Solid Wastes" means waste by-products from manufacturing and processing operations such as scraps, trimmings, packing, and other discarded materials not otherwise designated as dangerous waste under chapter 173-303 WAC, as it now exists or is hereafter amended.

(96) "Infiltration" refers to the penetration of water into soil or other material.

(97) "Kennel, Commercial" means any premises on which more than four (4) dogs, each more than six (6) months old are housed, groomed, bred, boarded, trained, or sold.

(98) "Kennel, Private" means any premises on which one or more dogs are housed, groomed, bred, boarded, trained, or sold but that does not meet the definition of a commercial kennel as defined herein.

(99) "Land" means any lot, parcel or tract of real property (ground, soil, or earth).

(100) "Land Use" means the method or manner in which land and structures are occupied or utilized.

(101) "Landscaping" means the planting, removal, and maintenance of vegetation along with the movement and displacement of earth, topsoil, rock, bark, and similar substances done in conjunction with the planting, removal and maintenance of vegetation. Landscaping products would include trees, shrubs, topsoil, landscaping rock, bark, irrigation supplies, ornamental fixtures, and/or similar materials used in landscaping property.

(10100) "Lattice Tower" means a structure that consists of a network of vertical and horizontal supports and crossed metal braces which form a tower that is usually triangular or square in cross-section.

(1012) "Law Enforcement Facility" means an office for the administration of any public agency responsible for the public order and safety, i.e., police, sheriff, or state patrol. Law enforcement facilities do not include outdoor storage areas or maintenance shops.

(1023) "Lot" means:

(a) a parcel of land on which a principal building and its accessory buildings are placed or are to be placed, together with the required open spaces; or a "lot" designated as such on an officially recorded plat;

(b) any subdivision of land by metes and bounds description prior to the adoption of this title and held under one ownership separate and distinct from the adjoining and abutting land shall be considered a "lot" as shown by the last conveyance of record; and,

(c) when a tract of land consisting of more than one platted lot held under one ownership is to be developed as one unit, all the parcels or lots shall be considered as one lot for the purpose of this title.

(1034) "Lot Area" means the total horizontal area within the boundary lines of a lot.

(1045) "Lot Coverage" means the percentage of area of a lot which is occupied by a primary building or structure and its accessory buildings or structures, not including uncovered patios, driveways, open steps and buttresses, terraces, and ornamental features projecting from buildings or structures which are not otherwise supported by the ground.

(10~~5~~6) "Lot Depth" means the horizontal length of a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

(10~~6~~7) "Lot Line, Front:"

(a) in the case of an interior lot - the front lot line shall be the property line separating the lot from the road;

(b) in the case of a corner lot - the front lot line shall be the property line with the narrowest street frontage, except, the Planning Administrator, or his/her designee, shall designate the front lot line for corner lots in residential districts.

(c) in the case of a flag lot, when an access easement or right-of-way extends across the lot, the front lot line shall be the line separating the lot from the right-of-way or access easement. When the right-of-way or access easement does not extend across the property, the front lot line shall be determined by the building official.

(10~~7~~8) "Lumber Yard" means facilities used for the storage and sale of dimensional lumber.

(10~~8~~9) "Manufactured Home" means a manufactured, relocatable living unit which, when erected on site, is designed to be permanently connected to required utilities and used as a dwelling, exceeds forty (40) feet in length and eight (8) feet in width, and bears the insignia of the U. S. Department of Housing and Urban Development.

(1100~~9~~) "Manufactured Home/FAS Park" includes mobile home park. A site, lot or tract of land under the ownership or management of one person, firm or corporation, intended for occupancy by five (5) or more manufactured (mobile) homes/FAS for dwelling or sleeping purposes. This definition shall not include parks for the location of recreational vehicles for travel or recreation.

(111~~0~~) "Manure" means animal waste.

(11~~1~~2) "Manure Storage Area" refers to an area associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered to be manure storage.

(11~~2~~3) "Marijuana" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include:

(a) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination; or

(b) Industrial hemp as defined in RCW 15.120.010.

(11~~3~~4) "Marijuana Concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having THC concentration greater than ten percent.

(11~~4~~5) "Marijuana-Infused Products" means products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana as defined in subsection (112) of this section, and have a THC concentration no greater than ten percent. The term "marijuana-infused products" does not include either useable marijuana or marijuana concentrates.

(11~~5~~6) "Marijuana Processing" means the processing of marijuana, by a person licensed by the Washington State Liquor and Cannabis Board, into marijuana concentrates, useable marijuana, or marijuana-infused products for sale in retail outlets, or marijuana concentrates, useable marijuana, or marijuana-infused products for sale at wholesale to marijuana retailers.

(11~~6~~7) "Marijuana Production" means the production and sale of marijuana at wholesale to marijuana processors and other marijuana producers by a person licensed by the Washington State Liquor and Cannabis Board.

(11~~7~~8) "Marijuana Products" means useable marijuana, marijuana concentrates, and marijuana-infused products as defined in this section.

(11~~8~~9) "Marijuana Retail Sales" means the sale of marijuana concentrates, useable marijuana, or marijuana-infused products in a retail outlet by a person licensed by the Washington State Liquor and Cannabis Board.

(120~~19~~) "Master Planned Resorts/Summer Resorts" means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. A master planned resort may include other residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort.

(12~~0~~1) "Medical Facility" means an office from which emergency or routine health care services are provided and that does not involve overnight ~~inpatient~~ care.

Commented [GW4]: Remove reference to -inpatient-

(12~~1~~2) "Medical Use of Marijuana" means the manufacture, production, possession, transportation, delivery, ingestion, application, or administration of marijuana for the exclusive benefit of a qualifying patient or designated provider in the treatment of his or her terminal or debilitating medical condition.

(123~~2~~) "Monopole Tower" means a structure that consists of a single pole to support antennas and connecting appurtenances.

(124~~3~~) "Multi-family Dwelling" means a building arranged or designed to be occupied by more than two families, such as an apartment house, flat or rowhouse.

(1254) "New Manufactured Home" means any manufactured home required to be titled under Title 46 RCW, as it now exists or is hereafter amended, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2), as it now exists or is hereafter amended.

(1256) "Non-agricultural Accessory Use" means the production or sale of goods, or the sale of services that are not normally and routinely a part of the chain of production and harvesting of an agricultural or horticultural crop, or livestock.

(1276) "Nonconforming" means a lot, use, building or structure which was lawful prior to the adoption, revision or amendment of this title, but which fails, by reason of such adoption, revision or amendment, to conform to the current requirements of the zoning district.

(1287) "Nursery" means an establishment where trees, shrubs and other plant materials are grown on site for the purpose of sale.

(1298) "Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the Benton County Board of Commissioners, wherein a record will be created through the receipt of testimony and other appropriate evidence and information under procedures prescribed by the Benton County Code or by such body's or officer's rules of procedure.

(130) "Organic Materials Management" means management of organic materials through composting, anaerobic digestion, vermiculture, black soldier fly, or similar technologies. See also "Solid Waste".

(131129) "Outdoor Storage" means all materials, equipment, merchandise or objects kept or placed on the lot or not within an enclosed structure, for preservation or later use or disposal; it is not intended, however, to include the following exceptions:

(a) Those objects customarily stored outside an enclosed structure due to their size and due to their being of such character as to not readily deteriorate when exposed to the

elements, such as automobiles, ~~mobile homes~~, boats and other vehicles, farm machinery, irrigation and heavy construction equipment, and those objects which are themselves enclosures; provided, however, such objects are being kept primarily for immediate sale to others or for rental to others.

(b) Neat and orderly outdoor displays of items or objects for immediate sale when such displays are incidental or accessory to an established commercial principal activity conducted from an enclosed structure.

(130~~2~~) "Parcel" means land having fixed boundaries created in accordance with Benton County Code and/or state law. The term includes lots or tracts.

(133~~1~~) "Park" means a public or privately owned area with facilities for active or passive recreation by the public, including but not limited to: sports fields, skating facilities, water access facilities, trails for non-motorized uses, caretaker residences, and supporting infrastructure.

(132) "Passive Housing Requirements" means the criteria for certific ation as a passive house by Phius or the international passive house institute.

(133~~2~~) "Pasture" refers to areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetative cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices.

(134~~3~~) "People with Functional Disabilities" means a person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:

(a) needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living, or;

(b) needing support to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible, or;

(c) having a physical or mental impairment which substantially limits one or more of such person's major life activities, or;

(d) having a record of such an impairment, or;

(e) being regarded as having such an impairment, but such

term does not include current illegal use of or active addiction to a controlled substance.

(1354) "Permit" means written government approval issued by an authorized official empowering the holder thereof to take some action permitted.

(1365) "Person" refers to any natural person, any state, municipality, or other governmental or other political subdivision or other public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, and any other entity.

~~(136) "Planned Development" means any residential development approved and filed with the county auditor and developed in accordance with the provisions of this title.~~

Commented [DH5]: Strike - Relates to PD?

(137) "Planning Administrator" means the Benton County Planning Director or Manager or his/her designee.

(138) "Planning Administrator Review" means the administrative review process in which the County Planning Director/Manager or his/her designee makes the administrative decision regarding a proposed use after all notifications to state and local agencies to assure consistency with applicable county, state and local requirements have been met.

(139) "Planning Commission" means the duly constituted and appointed Planning Commission of Benton County.

(140) "Planning Department" means the Benton County Planning Department.

(141) "Premises" means a lot, parcel, or plot of land together with the buildings and structures thereon.

(142) "Professional Office" means an office used as a place of business by the following licensed professionals or persons in the following generally recognized professions using training or

knowledge of technical, scientific or other academic discipline as opposed to manual skills and that do not involve outside storage or fabrication or on-site sale or transfer or commodities:

(a) Financial Services, Insurance and Real Estate Agents;

(b) Accounting, Auditing, and Bookkeeping Services;

(c) Legal Services;

(d) Management and Public Relations Services; and

(e) Engineering, Architectural, Planning and Surveying Services.

(143) "Public Garage" means any building or premises used for the storage or housing of more than three self-propelled vehicles (except farm implements used on the premises) or where such vehicles are repaired or kept for hire.

(144) "Public Transit Center" means a facility where public transportation passengers interchange from one route or vehicle to another.

(145) "Public Utility Office" means an office used as a place of business by a government/special purpose district, water or sewer district, gas or electric district that provides services to the community.

(~~145~~146) "Qualifying Patient" has the definition of that term as set forth under chapter 69.51A, RCW.

(147~~6~~) "Rapid Charging Station" means a facility offering electrical outlets to be used by consumers for a fee to expeditiously recharge electric vehicle batteries through high power levels that meet or exceed applicable standards under state law.

(147~~8~~) "Rear Property Line" means the property line of a lot

most nearly parallel to the front property line of the same lot as defined in this title except that for a triangular shaped lot the rear property line shall be represented by the point of intersection of the two property lines which are not the front property line as defined in this title.

(1498) "Rear Yard" means the required open space on a lot extending along the rear property line through the whole width of the lot.

(15049) "Reception Facility" means a private building with restroom facilities and/or kitchen, and associated grounds used for social, educational, or cultural activities.

(1510) "Recreational Vehicle" means a motorized or non-motorized vehicle designed and manufactured for recreational use, including but not limited to boats, travel trailers, snowmobiles, go carts, motorcycles (including three and four wheelers), and dune buggies.

(1521) "Recreational Vehicle (R.V.) Park" means any site, lot or parcel of ground occupied7 or intended for occupancy by two (2) or more recreational vehicles for travel, recreational or vacation uses, whether or not a fee is charged. Storage of two (2) or more unoccupied recreational vehicles does not constitute an R.V. park.

(1532) "Recycling Center" means a facility used to recycle, reprocess, and/or treat the following materials to then return to a condition in which they may be used again: newspapers, magazines, books, and other paper products, glass, metal cans.

(1543) "Red Mountain American Viticultural Area (AVA) " means the approximately 4,600-acre, federally designated grape-growing and wine-producing region on the south-facing slope of Red Mountain located in unincorporated Benton County.

(1554) "Rental Storage Facility" means a structure or structures containing separate, individual, and private storage spaces of varying sizes leased or rented individually for varying periods of time.

(1565) "Resource Lands" refer to agricultural and mineral lands.

(1576) "Retail Sales Establishment" means a facility used for the sale of goods directly to customers including, but not limited

to: mini marts, farm supply and hardware stores, florists, and agricultural markets.

(1587) "Riding Academy" means any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

(1598) "Sand" refers to large particles of soil from 0.5 to 2 millimeter in diameter. Sand soil contains at least 85 per cent sand with the percentage of silt plus 1.5 times the percentage of clay not exceeding 15 per cent.

(1589) "Satellite Earth Station" means the facilities used for reception and processing of programming services from a satellite prior to transfer to terrestrial distribution systems or for processing of programming services from a terrestrial source before transmission via satellite.

(1610) "School" means a public or private educational learning institution from which instruction is given to children no younger than three (3) years old, and includes high schools, colleges, and agricultural or technical schools or facilities.

(1621) "Setback, Front" is the minimum horizontal distance measured perpendicularly from the centerline of the adjacent right-of-way to the nearest wall of the structure. Where there is a partial right-of-way, the setback shall be measured perpendicularly from the design centerline.

(1632) "Setback, Side and Rear" is the minimum horizontal distance measured perpendicularly from the nearest property line to the nearest wall of the structure. Except that a side setback on a corner lot, along the adjacent right-of-way shall be measured perpendicularly from the center line of right-of-way. When there is a partial right-of-way, the setback shall be measured perpendicularly from the design centerline.

(1643) "Shooting Range Facility" means a range, building or location used for practice with firearms and/or archery equipment.

The facility may include limited retail sales and services to support shooting and archery activities and operated only during the time the shooting range facility is open. All sales and service must comply with federal, state and local regulations.

(1654) "Side Yard" means the required open space on a lot between the side wall line of a building and the side line of the lot, and extending from the front yard to the rear yard.

(1665) "Site built home" means a dwelling primarily constructed on the site to be occupied by the structure and which is permanently affixed to the ground by footings and foundation.

(1676) "Slaughterhouse" means a commercial establishment where animals are butchered.

(1687) "Solar Power Generator Facility, Major" means the use of solar panels to convert sunlight directly or indirectly into electricity. Solar power generators consist of solar panels, charge controllers, inverters, working fluid system, and storage batteries. Major facilities are developed as the primary land use for a parcel on which it is located and does not meet the siting criteria for a minor facility in BCC 11.03.010(168).

(1698) "Solar Power Generator Facility, Minor" means the use of solar panels to convert sunlight directly or indirectly into electricity. Solar power generators consist of solar panels, charge controllers, inverters, working fluid system, and storage batteries. Minor facilities are sited on the power beneficiary premises, are intended primarily to offset part or all of the beneficiary's requirements for electricity/gas, and are secondary or accessory to the beneficiary's use of the premises.

(17069) "Solid Waste" means all putrescible and non-putrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles, or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid materials which are not the primary products of public, private, industrial, commercial, mining, and agricultural

operations. Solid waste includes but is not limited to wood waste, dangerous waste, organic materials management and problem wastes. Agricultural wastes are exempt from this definition provided the wastes are limited to manures and crop residues returned to the soil at agronomic (fertilizer) rates.

(170~~0~~1) "Solid Waste Handling Facility" means a parcel of land or structure, or part thereof, larger than two hundred (200) square feet used for the storage, collection, or abandonment of solid waste; provided, establishments for the sale, purchase, storage and dismantling of vehicles and machinery are not considered solid waste handling facilities.

(171~~+~~2) "Solid Waste Transfer Station" means a parcel of land or structure, or part thereof, used as a facility that receives and consolidates solid waste and at which solid waste may be loaded onto tractor trailers, railcars, or barges for long-haul transport to a distant disposal facility.

(173~~2~~) "Stable, Commercial" means a building in which horses are kept for remuneration, hire, or sale.

(174~~3~~) "Stable, Private" means a building in which horses are kept for private use.

(175~~4~~) "Stockyards" see "Animal Feedlots."

(176~~5~~) "Structure" means that which is built or constructed.

(177~~6~~) "Subsurface Water" refers to any water below the surface of the ground, including but not limited to water in the saturated and unsaturated zones.

(178~~7~~) "Supported Living Arrangement" means a living unit owned or rented by one or more persons with functional disabilities who receive assistance with activities of daily living, and/or medical care from an individual or agency licensed and/or reimbursed by a public agency to provide such assistance.

(179~~8~~) "Urban Growth Area" means an area designated by Benton

County in its Comprehensive Plan where urban growth and municipal services are allowed and encouraged and where annexation by cities can occur.

(~~179~~180) "Use" means the activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied, or maintained together with any associated site improvement. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself including any grading, leveling, paving or excavation. Use also means any existing or proposed configuration of land, structures, and site improvements, and the use thereof.

(181~~0~~) "Use District" means a portion of Benton County within which certain uses of land and structures are permitted and certain other uses of land and structures are prohibited, certain yards and other open space are required and specific lot areas are established, all as set forth and specified in this title. This definition also includes the term "zone" and "zoning district."

(182~~1~~) "Utilities" means those business, institutions, or organizations which use pipes or conductors in, under, or along streets, alleys or easements to provide a product or service to the public.

(183~~2~~) "Utility Substation Facility" means above or below ground structures that are necessary to provide or facilitate distribution, transmission, or metering of water, gas, sewage, and/or electric energy. Such facilities may consist of, but are not limited to, the following:

(a) Water, gas, and electrical distribution or metering lines and sites;

(b) Water or sewage pumping stations;

(c) Water towers and reservoirs;

(d) Public water wells and any accessory treatment facilities; and/or

(e) Telephone switching facilities.

(1834) "Variance" means a modification of specific regulations in accordance with the terms of this title for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone district classification. Except as set forth or referenced herein, variances do not apply to use, minimum lot size, or required density standards.

(1854) "Vegetation" means all native and non-native plant species and tree growth. Vegetation includes but is not limited to lawns, grasses, natural vegetation, bushes, trees, shrubs, vines, perennial plants and flowers, and other similar plantings.

(1865) "Vegetative Cover" means that portion of a parcel that is covered by vegetation and includes the canopy area of trees, vines, shrubs, bushes, plants, and other similar plantings. Vegetative cover can be measured in the field by assessing the percentage of the ground that is covered by vegetation.

(1876) "Vehicle, Inoperable" means any motor vehicle, recreational vehicle, boat, trailer or semitrailer which lacks a current registration or component part which renders the vehicle unfit for legal use upon the public right-of-way.

(1887) "Veterinary Facility" means a business establishment or facility which renders surgical and medical treatment to animals and which includes inside or outside accommodations for animals.

(1898) "Warehouse" means a structure used for the storage of goods and materials. Also see "Agricultural Building."

(19089) "Wastes" see "Agricultural Wastes," "Industrial Solid Wastes," or "Solid Wastes."

(1910) "Wind Turbine" means a machine with turbine apparatus (rotor blades, nacelle and tower) capable of producing electricity by converting the kinetic energy of wind into rotational, mechanical and electrical energy; provided, the term does not include electrical distribution or transmission lines, or electrical substations.

(1921) "Wind Turbine Farms" means two or more wind turbines on one parcel.

(1932) "Wind Turbine Height" means the distance measured from the ground level to the highest point on a wind turbine, including the rotor blades.

(1943) "Yard Sale" means the occasional sale of used household goods and personal items on the seller's premises. "Yard sale" includes but is not limited to garage sales, moving sales, patio sales, estate sales and rummage sales.

(1954) "Wineries/Breweries/Distilleries" means facilities where fruit or other products are processed into wine or spirits and related storage, bottling, shipping, sampling, tasting and sale of such.

(1965) "Wrecking Yard" means a lot, parcel of land or structure, or part thereof, larger than 200 square feet, used for the collecting, dismantling, storage, salvaging, or sale of machinery or vehicles not in operable condition or parts thereof; provided that this definition shall not be deemed to include lots used for the outdoor display and sale of used vehicles in operable condition; nor shall it include that part of a farm used for the storage of agricultural machinery kept for salvage by the owner for his own use, and not for sale, on farms having an area of not less than forty (40) acres.

(1976) "Zoning District" means a portion of Benton County within which certain uses of land and structures are allowed or conditionally permitted, certain other uses of land and structures

are prohibited, and certain development standards may be specified, and includes the terms "zone" and "use district". [Ord. 611 (2018) § 7; Ord. 617 (2019) § 1; Ord. 636 (2021) § 1]

11.03.020 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. 611 (2018) § 249]

11.03.030 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 611 (2018) § 250]

CHAPTER 11.05

ESTABLISHMENT OF ZONING DISTRICTS

SECTIONS:

11.05.010 Purpose
11.05.020 Establishment of Zoning Districts
11.05.030 Maps
11.05.040 Boundary Determinations
11.05.050 Severability
11.05.060 Effective Date

11.05.010 PURPOSE. For the purpose of promoting public health, safety, and general welfare, this section establishes zoning districts that are consistent with the Benton County Comprehensive Plan.
[Ord. 611 (2018) § 8]

NOTE: This chapter is continued on the following page.

11.05.020 ESTABLISHMENT OF ZONING DISTRICTS. The following zoning districts are hereby established for all land within unincorporated Benton County:

TABLE 11.05.020-1

ZONING DISTRICT	MAP SYMBOL
Urban Growth Area Residential	UGAR
Community Center Residential	CCR
Rural Lands One Acre	RL-1
Rural Lands Five Acre	RL-5
Rural Lands Twenty Acre	RL-20
Park	P
~~Planned Development~~	~~PD~~
GMA Agricultural	GMAAD
Red Mountain Agricultural	RMAD
Community Commercial	CC
General Commercial	GC
Interchange Commercial	IC
Light Industrial	LI
Heavy Industrial	HI
Unclassified	U
Open Space Conservation	OSC
Highway Scenic	HS
Landing Field	LF

Commented [DH1]: Strike

Commented [GW2]: Adding OSC....this zone was created 10/2024

[Ord. 611 (2018) § 9]

11.05.030 MAPS. The location and boundaries of the above zoning districts are established by separate ordinances and shall be as set forth on the official zoning maps of Benton County attached to said ordinances. Said official zoning maps in their entirety, including all amendments thereto, shall be a part of this code as if fully set forth and described herein. The official zoning maps shall be identified by signatures of the County Commissioners and shall carry the following words:

"We hereby certify that this map constitutes the Official Zoning Map as approved by Ordinance _____ of the Board of County Commissioners and signed by its chairman dated this _____ day of _____."
[Ord. 611 (2018) § 10; Ord. 615 (2018) § 1]

11.05.040 BOUNDARY DETERMINATIONS. (a) In the event uncertainty exists as to the exact location of the boundaries of any district shown on the zoning maps for the applicable district, the following principles shall apply:

(1) If a district boundary is along a publicly owned right-of-way, such as a highway, street, alley, road, canal, or railroad, the centerline of the right-of-way shall be the boundary of the zoning district.

(2) A publicly owned right-of-way, waterway or body of water shall, unless otherwise indicated, be included within the zoning district of the abutting property. If such right-of-way or body of water serves as a boundary between two (2) or more zoning districts, the centerline shall be considered the boundary between the districts.

(3) If a vacated right-of-way was the established boundary of a zoning district, the abutting zoning districts shall continue to extend to the centerline of the former right-of-way.

(4) When a land use district boundary or zoning designation unintentionally bisects a parcel of record, creating two different designations or zones for one parcel, the designations or district that covers the largest portion of the parcel shall apply to the whole parcel.

(5) If application of the above principles does not clarify the zoning district boundary location, the zoning of the

entire parcel shall be interpreted to be the zoning that is the largest portion of the parcel of record.
[Ord. 611 (2018) § 11]

11.05.050 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. 611 (2018) § 249]

11.05.060 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 611 (2018) § 250]

CHAPTER 11.06

COMMUNITY CENTER RESIDENTIAL DISTRICT (CCR)

SECTIONS:

11.06.010	Purpose
11.06.020	Applicability
11.06.030	Allowable Uses
11.06.040	Accessory Uses
11.06.050	Uses Subject to Planning Administrator Review and Approval
11.06.060	Uses Requiring a Conditional Use Permit
11.06.070	Uses Prohibited
11.06.080	Property Development Standards—General Standards
11.06.090	Property Development Standards—Setback Requirements
11.06.100	Severability
11.06.110	Effective Date

11.06.010 PURPOSE. The purpose of the Community Center Residential District (CCR) is to provide for the development of dwelling units within established rural activity areas characterized by mixed use and residential developments that utilize a variety of small scale rural services outside of Urban Growth Areas as allowed under Chapter 36.70 RCW. These areas are considered limited areas of more intensive rural development as allowed under RCW 36.70A.070.
[Ord. 611 (2018) § 12]

11.06.020 APPLICABILITY. The provisions of this chapter shall apply to the areas designated as a Community Center Residential District (CCR) on the official zoning maps of Benton County and located in unincorporated Benton County.
[Ord. 611 (2018) § 13]

11.06.030 ALLOWABLE USES. Provided all applicable code provisions are satisfied, the following uses are allowed within the Community Center Residential District (CCR) on a single parcel of record:

(a) Single Family Dwelling (SFD).

(b) Manufactured home if no older than five (5) years from the calendar year the home is placed.

(c) Duplex, subject to the provisions of BCC 11.06.080(a)(1).

(d) Fire department facility, law enforcement facility, public utility office and/or medical facility.

(e) On any tract of land having an area of one (1) acre or more, the keeping of one animal unit equivalent per one-half acre of ground, exclusive of suckling animals.

(f) Adult family home.

(g) Utility substation facility.

(h) Crisis residential center.

(i) Hiking and non-motorized biking trails.

(j) Church.

(k) Professional office.

[Ord. 611 (2018) § 14]

11.06.040 ACCESSORY USES. Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the Community Center Residential District (CCR) on a single parcel of record:

(a) One (1) or more accessory buildings and uses (commonly appurtenant to a single family dwelling).

(b) Yard Sales occurring for no more than three (3) consecutive days on two (2) different occasions during a calendar year.

(c) Kennel, Private.

(d) Solar Power Generator Facility, Minor

(e) Uses subject to Planning Administrator review and approval, as specified in BCC 11.06.050(b)(C)(d).
[Ord. 611 (2018) § 15]

11.06.050 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL. The following uses may be allowed within the Community Center Residential District (CCR) on a single parcel of record upon the review and approval of the Planning Administrator:

(a) Temporary dwelling, subject to the provisions of BCC 11.42.110.

(b) Home occupation, subject to the provisions of Chapter 11.49 BCC, involving business activities not otherwise expressly allowed or requiring a permit under BCC 11.06.060.

(c) Child day care facility, Type A, subject to the provisions of BCC 11.42.050.

(d) Accessory dwelling unit (within or attached to a single family home), subject to the provisions of BCC 11.42.020.
[Ord. 611 (2018) § 16]

11.06.060 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Community Center Residential District (CCR) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided in BCC 11.50.040.

(a) School, library, community clubhouse, grange hall, senior center, and/or other non-profit organizational hall.

(b) Multi-family dwelling containing three (3) or four (4) dwelling units.

(c) Public transit center.

(d) Child Day Care Facility, Type B, subject to the provisions of BCC 11.42.060.

(e) Cemetery, columbarium and/or mausoleum.

(f) A Park.

(g) Bed and Breakfast Establishment.

(h) Home occupation involving the display and/or sale of products on the premises; provided, a home occupation permit is also required under Chapter 11.49 BCC.
[Ord. 611 (2018) § 17]

11.06.070 USES PROHIBITED. Any use not authorized or approved pursuant to BCC 11.06.030, BCC 11.06.040, BCC 11.06.050 or BCC 11.06.060 is prohibited within the Community Center Residential District (CCR).
[Ord. 611 (2018) § 18]

11.06.080 PROPERTY DEVELOPMENT STANDARDS-GENERAL STANDARDS. All lands, structures and uses in the Community Center Residential District (CCR) 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 CCR District is fourteen thousand (14,000) square feet; provided, the Benton-

Franklin Health District may require a larger parcel size as necessary to meet on-site sanitary well and sewer provisions. In order to meet maximum density objectives, the following uses require the specified larger minimum lot sizes:

(1) Duplexes may only be located on parcels of at least twenty-eight thousand (28,000) square feet; provided, the Benton-Franklin Health District may require a larger parcel size as necessary to meet on-site sanitary well and sewer provisions.

(2) Multi-family dwellings may only be located on parcels equal in size to at least fourteen thousand (14,000) square feet multiplied by the number of dwelling units; 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 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. 611 (2018) § 19; Ord. 615 (2018) § 2; Ord. 617 (2019) § 2]

11.06.090 PROPERTY DEVELOPMENT STANDARDS--SETBACK REQUIREMENTS. All lands, structures, and uses in the Community Center Residential District (CCR) shall meet the following setback requirements, and if applicable, the setback requirements 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 front 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 the Benton County Code.

(6) 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.

(7) 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 from any parcel line; provided, none of these architectural features may be located within any easements.

(8) 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.

(9) No building or structure shall be located within an easement or any public road right-of-way.

Formatted: Indent: Left: 0", Hanging: 0.5"

(b) Any additional setbacks required pursuant to Chapter 3.18 BCC shall apply.
[Ord. 611 (2018) § 20]

11.06.100 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. 611 (2018) § 249]

11.06.110 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 611 (2018) § 250]

CHAPTER 11.07

URBAN GROWTH AREA RESIDENTIAL DISTRICT (UGAR)

SECTIONS:

11.07.010	Purpose
11.07.020	Applicability
11.07.030	Allowable Uses
11.07.040	Accessory Uses
11.07.050	Uses Subject to Planning Administrator Review and Approval
11.07.060	Uses Requiring a Conditional Use Permit
11.07.070	Uses Prohibited
11.07.080	Property Development Standards--General Standards
11.07.090	Property Development Standards--Setback Requirements
11.07.100	Severability
11.07.110	Effective Date

11.07.010 PURPOSE. The Urban Growth Area Residential District (UGAR) are lands within Urban Growth Areas (UGAs) that have been designated to accommodate the land use needs of a city's projected future population growth. The UGAR District allows higher densities and a variety of uses similar to those typically found in the adjacent cities. The densities, uses and development provisions allowed within this district assure that development prior to annexation by a city results in densities, land uses and development patterns that are consistent with that city's Comprehensive Plan.
[Ord. 611 (2018) § 21]

11.07.020 APPLICABILITY. Provided all applicable code provisions are satisfied, the provisions of this chapter shall apply to the areas designated as an Urban Growth Area Residential

District (UGAR) on the official zoning maps of Benton County and located within an Urban Growth Area of unincorporated Benton County.
[Ord. 611 (2018) § 22]

11.07.030 ALLOWABLE USES. Provided all applicable code provisions are satisfied, the following uses are allowed within the Urban Growth Area Residential District (UGAR) on a single parcel of record:

(a) Single Family Dwelling (SFD).

(b) Duplex, subject to the provisions of BCC 11.07.080(a).

(c) On any tract of land having an area of one (1) acre or more, the keeping of one animal unit equivalent per one-half acre of ground, exclusive of suckling animals.

(d) Church.

(e) Adult Family Home.

(f) Crisis residential center.

(g) Co-living housing on lots that support six multi-family residential units.
[Ord. 611 (2018) § 23]

11.07.040 ACCESSORY USES. Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the Urban Growth Area Residential District (UGAR) on a single parcel of record:

(a) One (1) or more accessory buildings and uses (commonly appurtenant to a single family dwelling).

(b) Yard Sales occurring for no more than three (3) consecutive

days on two (2) different occasions during a calendar year.

(c) Kennel, Private.

(d) Solar Power Generator Facility, Minor

(e) Uses subject to Planning Administrator review and approval, specified in BCC 11.07.050(b)(c)(d).
[Ord. 611 (2018) § 24]

11.07.050 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL. The following uses may be allowed within the Urban Growth Area Residential District (UGAR) on a single parcel of record upon the review and approval of the Planning Administrator:

(a) Temporary Dwelling, subject to BCC 11.42.110.

(b) Home Occupation, subject to the provisions of Chapter 11.49 BCC, involving business activities not otherwise expressly allowed or requiring a permit under BCC 11.07.060.

(c) Child Day Care Facility, Type A, subject to the provisions of BCC 11.42.050.

(d) Accessory dwelling unit (within or attached to a single family home), subject to the provisions of BCC 11.42.020.
[Ord. 611 (2018) § 25]

11.07.060 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Urban Growth Area Residential District (UGAR) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided in BCC 11.50.040.

(a) School, library, community clubhouse, grange hall, senior center and/or other non-profit organizational hall.

(b) Fire department facility, law enforcement facility, and/or ~~medical facility~~ public utility office.

Commented [GW1]: Remove Medical Facility option from UGAR

(c) Child Day Care Facility, Type B, subject to the provisions of BCC 11.42.060.

(d) Public transit center.

(e) Bed and Breakfast Facility, subject to the provisions in BCC 11.42.030.

(f) Home occupation involving the display and/or sale of products on the premises; provided, a home occupation permit is also required under Chapter 11.49 BCC.

(g) Nursery.

(h) A Park.

(i) Hiking and non-motorized biking trails.

(j) Utility substation facility.

(k) Detached accessory dwelling unit.
[Ord. 611 (2018) § 26]

11.07.070 USES PROHIBITED. Any use not authorized or approved pursuant to BCC 11.07.030, BCC 11.07.040, BCC 11.07.050 or BCC 11.07.060 is prohibited within the Urban Growth Area Residential District (UGAR).
[Ord. 611 (2018) § 27]

11.07.080 PROPERTY DEVELOPMENT STANDARDS--GENERAL STANDARDS. All lands, structures and uses in the Urban Growth Area Residential District (UGAR) 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 UGAR District is seven thousand five hundred (7,500) square feet; provided, the Benton-Franklin Health District may require a larger parcel size as necessary to meet on-site sanitary well and sewer provisions.

Duplexes may only be located on parcels of at least fifteen thousand (15,000) square feet; 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 no less than seventy (70) feet.

(c) Maximum Lot Coverage. Sixty (60) percent.

(d) Co-living housing must comply with all requirements of RCW 36.70A.535.
[Ord. 611 (2018) § 28]

11.07.090 PROPERTY DEVELOPMENT STANDARDS--SETBACK REQUIREMENTS. All lands, structures, and uses in the Urban Growth Area Residential (UGAR) shall meet the following setback requirements, and if applicable, the setback requirements 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 front setback of twenty (20) feet from the property line bordering any public road right-of-way; and a setback of twenty (20) 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 fifteen (15) 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 the Benton County Code.

(6) All dwelling units and swimming pools shall have a setback of one hundred fifty feet (150) from any parcel located partially or wholly within the Growth Management Act Agricultural District (GMAAD) and from any adjacent orchard, hop yard, 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. However, 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 from any parcel line; provided, none of these architectural features may be located within any easements.

(9) No building or structure shall be located within an easement or any public road right-of-way.

Formatted: Indent: Left: 0", Hanging: 0.5"

[Ord. 611 (2018) § 29]

11.07.100 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. 611 (2018) § 249]

11.07.110 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 611 (2018) § 250]

CHAPTER 11.09

RURAL LANDS ONE ACRE DISTRICT (RL-1)

SECTIONS:

11.09.010	Purpose
11.09.020	Applicability
11.09.030	Allowable Uses
11.09.040	Accessory Uses
11.09.050	Uses Subject to Planning Administrator Review and Approval
11.09.060	Uses Requiring a Conditional Use Permit
11.09.070	Uses Prohibited
11.09.080	Property Development Standards--General Standards
11.09.090	Property Development Standards--Setback Requirements
11.09.100	Severability
11.09.110	Effective Date

11.09.010 PURPOSE. The purpose of the Rural Lands One Acre District (RL-1) is to provide for the appropriate development within areas where past actions have created smaller parcel sizes than generally allowed in the Rural Lands Five Acre District (RL-5) or that are adjacent to Urban Growth Areas (UGAs) given that these areas are considered limited areas of more intensive rural development as allowed under RCW 36.70A.070.
[Ord. 611 (2018) § 30]

11.09.020 APPLICABILITY. The provisions of this chapter shall apply to the areas designated as a Rural Lands One Acre District (RL-1) on the official zoning maps of Benton County and located in unincorporated Benton County.
[Ord. 611 (2018) § 31]

11.09.030 ALLOWABLE USES. Provided all applicable code provisions are satisfied, the following uses are allowed within the RL-1 District on a single parcel of record:

(a) Single Family Dwelling (SFD).

(b) Duplex, subject to the provisions of BCC 11.09.080(a).

(c) Fire department facility, law enforcement facility, and/or ~~medical facility~~ public utility office.

Commented [GW1]: Remove medical facility

(d) On any tract of land having an area of one (1) acre or more, the keeping of one animal unit equivalent per one-half acre of ground, exclusive of suckling animals.

(e) Adult family home.

(f) Utility substation facility.

(g) Crisis residential center.

(h) Hiking and non-motorized biking trails.

(i) Equestrian trail.

(j) Church, provided structures used as part of the operation of the church collectively shall not exceed three thousand five hundred (3,500) square feet in size.
[Ord. 611 (2018) § 32]

11.09.040 ACCESSORY USES. Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the RL-1 District on a single parcel of record:

(a) One (1) or more accessory buildings and uses (commonly appurtenant to a single family dwelling).

(b) Yard Sales occurring for no more than three (3) consecutive days on two (2) different occasions during a calendar year.

(c) Kennel, Private.

(d) Solar Power Generator Facility, Minor

(e) Uses subject to Planning Administrator review and approval, specified in BCC 11.09.050 (b)(c)(d).
[Ord. 611 (2018) § 33]

11.09.050 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL. The following uses may be allowed within the Rural Lands One Acre District (RL-1) on a single parcel of record upon the review and approval of the Planning Administrator:

(a) Temporary dwelling, subject to the provisions of BCC 11.42.110.

(b) Home occupation, subject to the provisions of Chapter 11.49 BCC, involving business activities not otherwise expressly allowed or requiring a permit under BCC 11.09.060.

(c) Child Day Care Facility, Type A, subject to the provisions of BCC 11.42.050.

(d) Accessory dwelling unit (within or attached to a single family home), subject to the provisions of BCC 11.42.020.
[Ord. 611 (2018) § 34]

11.09.060 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Rural Lands One Acre District (RL-1) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040.

(a) School, library, community clubhouse, grange hall, senior center and/or other non-profit organizational hall.

(b) Storage yard owned by a utility.

(c) Public transit center.

(d) Child Day Care Facility, Type B, subject to the provisions of BCC 11.42.060.

(e) Bed and Breakfast Facility, subject to the provisions in BCC 11.42.030.

(f) Cemetery, columbarium, and/or mausoleum.

(g) Home occupation involving the display and/or sale of products on the premises; provided, a home occupation permit is also required under Chapter 11.49 BCC.

(h) Sewage treatment facility for industrial and/or domestic waste.

(i) A Park.

(j) Church, if not otherwise allowed under BCC 11.09.030.

(k) Business activities, other than those set forth above, that are compatible with the allowed uses and purpose of the underlying zone and the surrounding land uses may be conducted from within an approved accessory building detached from all dwelling units if the following criteria as well as any other conditions required by the Hearings Examiner are satisfied:

(1) The business activity must take place on a parcel of land that is 2.0 acres or greater in size.

(2) There must be a residence on site, and at least one (1) of the proprietors of the business must be the owner or lessee of the property where the business and the residence are located and must reside in said residence.

(3) No more than four (4) non-resident persons, whether they work on site or not, may be employed by or be partners in the business.

(4) The business activity, including all storage space, shall not occupy more than two thousand (2000) square feet of total floor area within the detached accessory building.

(5) Only one (1) approved detached accessory building on a parcel may be used for business activities. If more than one (1) business will be conducted within an approved detached accessory building, then a separate application must be submitted for each business activity, provided that the total area used by all business activities shall not exceed that permitted by BCC 11.09.060(k)(4).

(6) No more than two (2) non-illuminating signs, with a maximum area of four (4) square feet each, shall be permitted in connection with the business activity. The posting of such signs is limited to the parcel on which the approved detached accessory building is located. On-street (inside the road right-of-way) sign posting and sign posting which interferes with the line-of-site for road intersections are prohibited.

(7) Not more than three (3) vehicles marked to identify the business may be on the parcel at any one time. No other on-site outside storage of vehicles, equipment and/or supplies is allowed in connection with the business activity. This prohibition applies to, but is not limited to: lumber, plasterboard, pipe, paint, inoperable vehicles, and heavy equipment that are related to the business.

(8) The property owner and the proprietor(s) of the business shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state and federal regulations pertinent to the business activity

pursued. The requirements of or permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations.

(9) Adequate off-street parking, as determined by the Hearings Examiner, must be provided.

(10) Any waste created as a result of the business activity must be disposed of off-site in compliance with all local, state and/or federal regulations.

(11) The presence of customers/clients and non-resident employees at the location of the business activity shall be limited to the days and hours of operation as determined by the Hearings Examiner.

(12) The business activity does not require a marijuana processor or retailer license from the Washington State Liquor Control Board.

(l) Detached accessory dwelling unit, subject to the provisions of BCC 11.42.020.

[Ord. 611 (2018) § 35]

11.09.070 USES PROHIBITED. Any use not authorized or approved pursuant to BCC 11.09.030, BCC 11.09.040, BCC 11.09.050 or BCC 11.09.060 is prohibited within the Rural Lands One Acre District (RL-1).
[Ord. 611 (2018) § 36]

11.09.080 PROPERTY DEVELOPMENT STANDARDS--GENERAL STANDARDS. All lands, structures, and uses in the Rural Lands One Acre District (RL-1) 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 RL-1 District is one (1) acre; provided, the Benton-Franklin Health District may require a larger parcel size as necessary to meet on-site sanitary

well and sewer provisions. In order to meet maximum density objectives, duplexes may only be located on parcels of at least two (2) acres; provided, that 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. 611 (2018) § 37; Ord. 615 (2018) § 3; Ord. 617 (2019) § 3]

11.09.090 PROPERTY DEVELOPMENT STANDARDS--SETBACK REQUIREMENTS. All lands, structures, and uses in the Rural Lands One Acre District (RL-1) shall meet the following setback requirements, and if applicable, the setback requirements 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, detached accessory dwelling unit, accessory building, and accessory use on a parcel shall have a front 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 detached accessory dwelling unit, 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, detached accessory 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 the Benton County Code.

(6) All dwelling units and swimming pools shall have a setback of one hundred fifty feet (150) from any parcel located partially or wholly within the Growth Management Act Agricultural District (GMAAD) and from any adjacent orchard, hop yard, 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 from any parcel line; provided, none of these architectural features may be located within any easements.

(9) No building or structure shall be located within an easement or any public road right-of-way.

Formatted: Indent: Left: 0", Hanging: 0.5"

(b) Any additional setback requirements pursuant to Chapter 3.18 BCC.
[Ord. 611 (2018) § 38]

11.09.100 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. 611 (2018) § 249]

11.09.110 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 611 (2018) § 250]

CHAPTER 11.11

RURAL LANDS FIVE ACRE DISTRICT (RL-5)

SECTIONS:

11.11.010	Purpose
11.11.020	Applicability
11.11.030	Allowable Uses
11.11.040	Accessory Uses
11.11.050	Uses Subject to Planning Administrator Review and Approval
11.11.060	Uses Requiring a Conditional Use Permit
11.11.070	Uses Prohibited
11.11.080	Property Development Standards--General Standards
11.11.090	Property Development Standards--Setback Requirements
11.11.100	Severability
11.11.110	Effective Date

11.11.010 PURPOSE. The Rural Lands Five Acre District (RL-5) is designed to enhance and preserve Benton County's rural character, which includes: rural open space, low densities, wildlife habitat, public open space for outdoor recreational activities, and rural homesites on which a limited range of agricultural activities may be conducted.
[Ord. 611 (2018) § 39]

11.11.020 APPLICABILITY. The provisions of this chapter shall apply to the areas designated as a Rural Lands Five Acre District (RL-5) on the official zoning maps of Benton County and located in unincorporated Benton County.
[Ord. 611 (2018) § 40]

11.11.030 ALLOWABLE USES. Provided all applicable code provisions are satisfied, the following uses are allowed within the Rural Lands Five Acre District (RL-5) on a single parcel of record:

(a) Single Family Dwelling (SFD).

(b) Manufactured home if constructed after June 15, 1976.

(c) Manufactured home placed in a manufactured home/FAS park.

(d) Duplex, subject to the provisions of BCC 11.11.080(a)(1).

(e) 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.

(f) Agricultural stand.

(g) Adult family home.

(h) Crisis residential center.

(i) Nursery/greenhouse.

(j) Utility substation facility.

(k) Fire department facility, law enforcement facility, and/or ~~medical facility~~ public utility office.

(l) Wineries/Breweries/Distilleries; provided structures used as part of the operation of the winery/brewery collectively do not exceed three thousand (3,000) square feet in size.

(m) Hiking and non-motorized biking trail.

(n) Equestrian trails.

(o) Church, provided structures used as part of the operation of the church collectively shall not exceed three thousand five hundred (3,500) square feet in size.

(p) No more than one (1) wind turbine and related support structures and other improvements per parcel for private use; provided:

(1) the wind turbine height must be less than sixty (60) feet;

(2) the wind turbine must be set back from all property lines a distance equal to one (1) foot for every foot in height of the wind turbine; and

(3) the wind turbine tower base shall be located at least forty (40) feet for every one (1) foot of tower height or one mile, whichever is greater, from the ends of and at least five thousand (5,000) feet from the sides of all aircraft runways which are identified on the most current edition of the Sectional Aeronautical Charts produced by the National Aeronautical Charting Office (NACO).

(q) Private stables.
[Ord. 611 (2018) § 41]

11.11.040 ACCESSORY USES. Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the Rural Lands Five Acre District (RL-5) on a single parcel of record:

(a) One (1) or more accessory buildings and uses (commonly appurtenant to a single family dwelling).

(b) One (1) or more agricultural buildings.

(c) Yard Sales occurring for no more than three (3) consecutive days on two (2) different occasions during a calendar year.

(d) Kennel, Private.

(e) Solar Power Generator Facility, Minor

(f) Uses subject to Planning Administrator review and approval, specified in BCC 11.11.050(a)(c)(d) and (e).
[Ord. 611 (2018) § 42]

11.11.050 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL. The following uses may be allowed within the Rural Lands Five Acre District (RL-5) on a single parcel of record upon the review and approval of the Planning Administrator:

(a) Multiple detached dwelling units, subject to the provisions of BCC 11.42.080.

(b) Temporary dwelling, subject to the provisions of BCC 11.42.110.

(c) Home occupation, subject to the provisions of Chapter 11.49 BCC, involving business activities not otherwise expressly allowed or requiring a permit under 11.11.060.

(d) Child Day Care Facility, Type A, subject to the provisions of BCC 11.42.050.

(e) Accessory dwelling unit (within or attached to a single family home), subject to the provisions of BCC 11.42.020.

(f) Non-Commercial sand and gravel pits, and stone quarries and other mineral extraction, subject to the provisions BCC 11.42.090.

(g) Communication facilities, subject to Chapter 11.47 BCC.
[Ord. 611 (2018) § 43]

11.11.060 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Rural Lands Five Acre District (RL-5) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040.

(a) A school.

(b) A community clubhouse, grange hall, senior center and/or other non-profit organizational hall.

(c) A storage yard owned and operated by a utility.

(d) A sand or gravel pit, stone quarry and similar use for the development of natural resources extracted on-site.

(e) Bed and Breakfast Facility, subject to the provisions in BCC 11.42.030.

(f) Kennel, commercial.

(g) Home occupation involving the display and/or sale of products on the premises; provided, a home occupation permit is also required under Chapter 11.49 BCC.

(h) On-site hazardous waste treatment and/or hazardous waste storage facilities as an accessory use to an allowed or conditionally permitted use; provided, that such facilities must comply with the state siting criteria adopted in RCW 70.105.210, as currently in effect or as hereafter amended.

(i) Child Day Care Facility, Type B, subject to the provisions of BCC 11.42.060.

(j) Wineries/Breweries/Distilleries not otherwise allowed under BCC 11.11.030.

(k) Cemetery, columbarium, and/or mausoleum.

(l) Sewage treatment facility for industrial and/or domestic waste.

(m) Rodeo facilities.

(n) Reception facility with a capacity not to exceed two hundred (200) attendees.

(o) A Park.

(p) A golf course.

(q) Recreational Vehicle Park.

(r) A public transit center.

(s) Airport/Heliport.

(t) Church, if not otherwise allowed under BCC 11.11.030.

(u) Commercial stables and/or riding academies.

(v) Veterinary facility.

(w) Business activities, other than those set forth above, that are compatible with the principal uses and purpose of the underlying zone and the surrounding land uses may be conducted from within an approved accessory building detached from all dwelling units if the following criteria as well as any other conditions required by the Hearings Examiner are satisfied:

(1) The business activity must take place on a parcel of land that is 2.0 acres or greater in size.

(2) There must be a residence on site, and at least one (1) of the proprietors of the business must be the owner or lessee of the property where the business and the residence are located and must reside in said residence.

(3) No more than four (4) non-resident persons, whether they work on site or not, may be employed by or be partners in the business.

(4) The business activity, including all storage space, shall not occupy more than two thousand (2,000) square feet of total floor area within the detached accessory building.

(5) Only one (1) approved detached accessory building on a parcel may be used for business activities. If more than one (1) business will be conducted within an approved detached accessory building, then a separate application must be submitted for each business activity, provided that the total area used by all business activities shall not exceed that permitted by BCC 11.11.060(w)(4).

(6) No more than two (2) non-illuminating signs, with a maximum area of four (4) square feet each, shall be permitted in connection with the business activity. The posting of such signs is limited to the parcel on which the approved detached accessory building is located. On-street (inside the road right-of-way) sign posting and sign posting which interferes with the line-of-site for road intersections are prohibited.

(7) Not more than three (3) vehicles marked to identify the business may be on the parcel at any one time. No other on-site outside storage of vehicles, equipment and/or supplies is allowed in connection with the business activity. This prohibition applies to, but is not limited to: lumber, plasterboard, pipe, paint, inoperable vehicles, and heavy equipment that are related to the business.

(8) The property owner and the proprietor(s) of the business shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state and federal regulations pertinent to the business activity

pursued. The requirements of or permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations.

(9) Adequate off-street parking, as determined by the Hearings Examiner, must be provided.

(10) Any waste created as a result of the business activity must be disposed of off-site in compliance with all local, state and/or federal regulations.

(11) The presence of customers/clients and non-resident employees at the location of the business activity shall be limited to the days and hours of operation as determined by the Hearings Examiner.

(12) The business activity does not require a marijuana processor or retailer license from the Washington State Liquor Control Board.

(x) Detached accessory dwelling unit, subject to the provisions of BCC 11.42.020.

[Ord. 611 (2018) § 44; Ord. 624 (2020) § 1]

11.11.070 USES PROHIBITED. Any use not authorized or approved pursuant to BCC 11.11.030, BCC 11.11.040, BCC 11.11.050 or BCC 11.11.060 is prohibited within the Rural Lands Five Acre District (RL-5).
[Ord. 611 (2018) § 45]

11.11.080 PROPERTY DEVELOPMENT STANDARDS--GENERAL STANDARDS. All lands, structures, and uses in the Rural Lands Five Acre District (RL-5) 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 RL-5 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. In order to meet maximum

density objectives, the following uses require the specified minimum lot sizes:

(1) Duplexes may only be located on parcels of at least ten (10) acres; provided, the Benton-Franklin Health District may require a larger parcel size as necessary to meet on-site sanitary well and sewer provisions.

(2) Multiple detached dwellings may only be located on parcels that contain at least five (5) acres for each dwelling unit; provided, that in all such cases 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. 611 (2018) § 46; Ord. 615 (2018) § 4; Ord. 617 (2019) § 4]

11.11.090 PROPERTY DEVELOPMENT STANDARDS--SETBACK REQUIREMENTS. All lands, structures, and uses in the Rural Lands Five Acre District (RL-5) shall meet the following setback requirements, and if applicable, the setback requirements 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, detached accessory dwelling unit, accessory building, and accessory use on a parcel shall have a front 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 detached accessory dwelling unit, 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, detached accessory 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

Commented [DH1]: ADU setbacks; manage differently in UGAR and RL1 to accommodate smaller lot sizes.

Commented [DH2]: Note conversion of existing shop to include ADU that is already at 10-feet.

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.

(9) For new construction or the retrofit of existing buildings meeting passive house requirements:

(a) Any required setback must be measures to the outside face of the foundation and the portion of the exterior wall assemblies that include insulation may project up to eight inches into the required setbacks on all sides.

(b) Gross floor area for passive housing must be measured from the interior face of the exterior walls, which include drywall.

(c) For existing non-conforming buildings a;lready projecting into the required setbacks that are subject to passive housing retrofit, the portion of the walls that include insulation may project an additional eight inches into the setbacks, provided however, that the building is for residential housing.

(d) None of the provisions in BCC 11.11.090(9) shall prohibit Benton County from applying the requirements of the state building code or requires Benton County to allow a setback of less than 36 inches between residential dwelling units.

(~~9~~10) No building or structure shall be located within an easement or any public road right-

Commented [DH3]: Need to define

Formatted: Indent: Left: 0", Hanging: 0.5"

of-way.

(b) Any additional setbacks required pursuant to Chapter 3.18 BCC shall apply.
[Ord. 611 (2018) § 47]

11.11.100 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. 611 (2018) § 249]

11.11.110 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 611 (2018) § 250]

CHAPTER 11.15

RURAL LANDS TWENTY ACRE DISTRICT (RL-20)

SECTIONS:

11.15.010	Purpose
11.15.020	Applicability
11.15.030	Allowable Uses
11.15.040	Accessory Uses
11.15.050	Uses Subject to Planning Administrator Review and Approval
11.15.060	Uses Requiring a Conditional Use Permit
11.15.070	Uses Prohibited
11.15.080	Property Development Standards
11.15.090	Property Development Standards--Setback Requirements
11.15.100	Severability
11.15.110	Effective Date

11.15.010 PURPOSE. The Rural Lands Twenty Acre District (RL-20) is designed to enhance and preserve Benton County's rural character, which includes rural open space, ridges, slopes, bluffs, low densities, wildlife habitat, public open space for outdoor recreational activities, and rural homesites on which a range of agricultural activities may be conducted.
[Ord. 611 (2018) § 48]

11.15.020 APPLICABILITY. The provisions of this Chapter shall apply to the areas designated as Rural Lands Twenty Acre District (RL-20) on the official zoning map of Benton County and located in unincorporated Benton County.
[Ord. 611 (2018) § 49]

11.15.030 ALLOWABLE USES. Provided all applicable code provisions are satisfied, the following uses are allowed within the Rural Lands Twenty Acre District (RL-20) 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.

(d) Agricultural stand.

(e) One or more agricultural buildings.

(f) Adult family home.

(g) Utility substation facility.

(h) No more than one (1) wind turbine and related support structures and other improvements per parcel for private use; provided:

(1) the wind turbine height must be less than sixty (60) feet;

(2) the wind turbine must be set back from all property lines a distance equal to one (1) foot for every foot in height of the wind turbine; and

(3) the wind turbine tower base shall be located at least forty (40) feet for every one (1) foot of tower height or one mile, whichever is greater, from the ends of and at least five thousand (5,000) feet from the sides of all aircraft

runways which are identified on the most current edition of the Sectional Aeronautical Charts produced by the National Aeronautical Charting Office (NACO).

(i) Hiking and non-motorized biking trails.

(j) Crisis residential center.

(k) Equestrian trails.

(l) Commercial and/or private stables, riding academies, including farrier and training.
[Ord. 611 (2018) § 50]

11.15.040 ACCESSORY USES. Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the Rural Lands Twenty Acre District (RL-20) on a single parcel of record:

(a) One (1) or more accessory buildings and uses (commonly appurtenant to a single family dwelling).

(b) Yard Sales occurring for no more than three (3) consecutive days on two (2) different occasions during a calendar year.

(c) Kennel, Private.

(d) Solar Power Generator Facility, Minor

(e) Uses subject to Planning Administrator review and approval, specified in BCC 11.15.050(b)(c) and (e).
[Ord. 611 (2018) § 51]

11.15.050 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL. The following uses may be allowed within the Rural Lands Twenty Acre District (RL-20) on a single parcel of record upon the review and approval of the Planning Administrator:

(a) Temporary dwelling, subject to the provisions of BCC 11.42.110.

(b) Home occupation, subject to the provisions Chapter 11.49 BCC, involving business activities not otherwise expressly allowed or requiring a permit under BCC 11.15.060.

(c) Child Day Care Facility, Type A, subject to the provisions of BCC 11.42.050.

(d) Communication facilities, subject to Chapter 11.47 BCC.

(e) Accessory dwelling unit (within or attached to a single family home), subject to the provisions of BCC 11.42.020.

(f) Non-Commercial sand and gravel pits, and stone quarries and other mineral extraction, subject to the provisions of BCC 11.42.090.
[Ord. 611 (2018) § 52]

11.15.060 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Rural Lands Twenty Acre District (RL-20) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040.

(a) A sand or gravel pit, stone quarry and similar use for the development of natural resources extracted on-site.

(b) Kennel, commercial.

(c) Child Day Care Facility, Type B, subject to the provisions of BCC 11.42.060.

(d) A Park.

(e) Bed and Breakfast Facility, subject to the provisions in BCC 11.42.030.

(f) Agricultural Market.

(g) Business activities, other than those set forth above, that are compatible with the principal uses and purpose of the underlying zone and the surrounding land uses may be conducted from within an approved accessory building detached from all dwelling units if the following criteria as well as any other conditions required by the Hearings Examiner are satisfied:

(1) The business activity must take place on a parcel of land that is 2.0 acres or greater in size.

(2) There must be a residence on site, and at least one (1) of the proprietors of the business must be the owner or lessee of the property where the business and the residence are located and must reside in said residence.

(3) No more than four (4) non-resident persons, whether they work on site or not, may be employed by or be partners in the business.

(4) The business activity, including all storage space, shall not occupy more than two thousand (2,000) square feet of total floor area within the detached accessory building.

(5) Only one (1) approved detached accessory building on a parcel may be used for business activities. If more than one (1) business will be conducted within an approved detached accessory building, then a separate application must be submitted for each business activity, provided that the total area used by all business activities shall not exceed that permitted by BCC 11.15.060(g)(4).

(6) No more than two (2) non-illuminating signs, with a maximum area of four (4) square feet each, shall be permitted in connection with the business activity. The posting of such signs is limited to the parcel on which the approved detached accessory building is located. On-street (inside

the road right-of-way) sign posting and sign posting which interferes with the line-of-site for road intersections are prohibited.

(7) Not more than three (3) vehicles marked to identify the business may be on the parcel at any one time. No other on-site outside storage of vehicles, equipment and/or supplies is allowed in connection with the business activity. This prohibition applies to, but is not limited to: lumber, plasterboard, pipe, paint, inoperable vehicles, and heavy equipment that are related to the business.

(8) The property owner and the proprietor(s) of the business shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state and federal regulations pertinent to the business activity pursued. The requirements of or permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations.

(9) Adequate off-street parking, as determined by the Hearings Examiner, must be provided.

(10) Any waste created as a result of the business activity must be disposed of off-site in compliance with all local, state and/or federal regulations.

(11) The presence of customers/clients and non-resident employees at the location of the business activity shall be limited to the days and hours of operation as determined by the Hearings Examiner.

(12) The business activity does not require a marijuana retail outlet license from the Washington State Liquor and Cannabis Board.

(h) Shooting range facility

(i) Agri-tourism accommodations.

(j) Detached accessory dwelling unit, subject to the provisions of BCC 11.42.020.

[Ord. 611 (2018) § 53; Ord. 617 (2019) § 5; Ord. 634 (2021) § 1; Ord. 640 (2021) § 1]

11.15.070 USES PROHIBITED. Any use not authorized or approved pursuant to BCC 11.15.030, BCC 11.15.040, BCC 11.15.050 or BCC 11.15.060 is prohibited within the RL-20 District.
[Ord. 611 (2018) § 54]

11.15.080 PROPERTY DEVELOPMENT STANDARDS. All lands, structures and uses in the RL-20 District 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. The minimum parcel size that may be created in the RL-20 District is twenty (20) 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 one-hundred sixty (160) 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. 611 (2018) § 55; Ord. 615 (2018) § 5; Ord. 617 (2019)

§ 6]

11.15.090 PROPERTY DEVELOPMENT STANDARDS--SETBACK REQUIREMENTS. All lands, structures, and uses in the Rural Lands Twenty Acre District (RL-20) shall meet the following setback requirements, and if applicable, the setback requirements 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, detached accessory dwelling unit, accessory building, and accessory use on a parcel shall have a front 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 detached accessory dwelling unit, 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, detached accessory 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 Act

Agricultural District 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. A railing may be installed or constructed on any such porch, platform, or landing; provided, that it does not exceed four (4) feet in height. Provided, none of these architectural features may be located within any easements.

(9) No building or structure shall be located within an easement or any public road right-of-way.

Formatted: Indent: Left: 0", Hanging: 0.5"

(b) Any additional setbacks required pursuant to Chapter 3.18 BCC shall apply.
[Ord. 611 (2018) § 56]

11.15.100 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. 611 (2018) § 249]

11.15.110 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 611 (2018) § 250]

CHAPTER 11.17

GROWTH MANAGEMENT ACT AGRICULTURAL DISTRICT (GMAAD)

SECTIONS:

11.17.010	Purpose
11.17.020	Applicability
11.17.030	GMA Agricultural District
11.17.040	Allowable Uses
11.17.050	Accessory Uses
11.17.060	Uses Subject to Planning Administrator Review and Approval
11.17.070	Uses Requiring a Conditional Use Permit
11.17.080	Uses Prohibited
11.17.090	Lot Requirements
11.17.100	Lot Requirements--Exceptions
11.17.110	Building Requirements
11.17.120	Setback Requirements
11.17.130	Setback Requirements—Exceptions
11.17.140	Severability
11.17.150	Effective Date

11.17.010 PURPOSE. The purpose of this chapter is to meet the minimum requirements of the State Growth Management Act (Chapter 36.70A RCW) that mandates the designation and protection of agricultural lands of long term commercial significance. The chapter protects the GMA Agricultural District (GMAAD) and the activities therein by limiting non-agricultural uses in the district to those compatible with agriculture and by establishing minimum lot sizes in areas where soils, water, and climate are suitable for agricultural purposes. This chapter is intended to work in conjunction with Chapter 14.05 BCC entitled "Right to Farm" which protects normal agricultural activities from nuisance complaints.

The authorization of new fully contained communities as provided for under RCW 36.70A.350 is not prevented by this chapter. [Ord. 611 (2018) § 57]

11.17.020 APPLICABILITY. This chapter shall apply to lands and activities located in unincorporated Benton County and designated in the Zoning Map of Benton County in the GMA Agricultural District, unless otherwise specifically provided. [Ord. 611 (2018) § 58]

11.17.030 GMA AGRICULTURAL DISTRICT. The GMA Agricultural District shall include those areas identified in the official Zoning Map of Benton County and in the Benton County Comprehensive Plan as having Critical Agricultural Resources (soils, climate, and water). The minimum parcel size shall be twenty (20) acres, with exceptions as provided by this chapter. Commercial agricultural activities are most appropriately conducted on large parcels of land with significant separation between uses that conflict with agricultural practices. All nonagricultural and accessory uses are encouraged to be located on lands with poor soils or situated in such a manner as to support the continued operation of agricultural uses. [Ord. 611 (2018) § 59]

Commented [DH1]: Required by RCW 36.70A.177(3)(a) and (b)

11.17.040 ALLOWABLE USES. Provided all applicable code provisions are satisfied, the following uses are allowed within the GMA Agricultural District on a single parcel of record:

(a) Agriculture, floriculture, horticulture, nursery and general farming; except commercial dairying, poultry raising, commercial hog ranches, animal feedlots and stockyards.

(b) Agriculture buildings: as defined under BCC 11.03.010~~(6)~~.

(c) Agricultural related industries as defined under BCC 11.03.010~~(9)~~ including but not limited to wineries/breweries/distilleries.

(d) Agricultural stands as defined under BCC 11.03.010~~(10)~~.

(e) Bakeries, on parcels with eighty (80) percent of its acreage planted with a producing commercial grain crop or on a parcel in common ownership with an adjacent parcel that has eighty (80) percent of its acreage planted with a producing commercial grain crop.

(f) Single family dwelling.

(g) Manufactured home if constructed after June 15, 1976.

(h) Commercial specialty/exotic domesticated animal raising, including but not limited to miniature horses, cattle, goats, llamas, alpacas, ostrich, and emu.

(i) Aquaculture.

(j) Adult Family Homes.

(k) Community club houses, grange halls and other agricultural nonprofit organization halls.

(l) Commercial establishments that primarily provide custom agricultural land grading, plowing, planting, cultivating, harvesting and soil preparation services.

(m) Airstrips (personal).

(n) Public or quasi-public buildings and yards and utility buildings, such as: pumping stations, fire stations, substations and telephone exchange and distribution facilities.

(o) Schools and churches.

(p) Kennels, both commercial and private.

(q) Communication facilities described in BCC 11.47.030(b), BCC 11.47.030(c), BCC 11.47.030(d), or BCC 11.47.030(e).

(r) No more than one (1) wind turbine and related support structures and other improvements per parcel for private use; provided, the wind turbine height must be less than sixty (60) feet and the wind turbine must be set back from all property lines a distance equal to one (1) foot for every foot in height of the wind turbine.

(s) Meteorological towers used to gather data to assess wind and solar energy potential; provided, that the towers:

(1) Shall be located at least forty (40) feet for every one (1) foot of tower height or one mile, whichever is greater, from the ends of and at least five thousand (5,000) feet from the sides of all runways which are available solely for private use and identified on the most current edition of the Sectional Aeronautical Charts produced by the National Aeronautical Charting Office (NACO); and

(2) Must comply with the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, as amended, including but not limited to, providing such notices to the FAA as required thereunder and compliance with all requirements or prohibitions imposed by the FAA on the applicant's proposal.

(t) Commercial stables, private stables, and/or riding academies. [Ord. 611 (2018) § 60; Ord. 634 (2021) § 2]

11.17.050 ACCESSORY USES. Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the GMA Agricultural District:

(a) One (1) or more accessory buildings and uses commonly appurtenant to a single family dwelling.

(b) One (1) or more accessory buildings and uses commonly appurtenant to an agricultural use or operation.

(c) Agricultural signs commonly associated with or accessory to agricultural activities.

(d) Hazardous waste treatment and storage facilities (on site) as an accessory use to an allowable or conditionally permitted use; provided, that such facilities must comply with the state siting criteria adopted in accordance with RCW 70.105.210, as currently in effect or as hereafter amended.

(e) Any accessory equipment structure ancillary to a legal communication facility.

(f) Yard Sales occurring for no more than three (3) consecutive days on two (2) different occasions during a calendar year.

(g) Onsite food service that is clearly accessory to a Winery/Brewery/Distillery in the form of:

(1) Service of commercially-prepared or packaged, ready-to-eat appetizer-sized portions with limited preparation for palatability but no cooking of raw meats; and,

(2) Catered food service for an event.

Restaurants or buildings with interior seating dedicated primarily to meal service and cooked to order meal service are not considered on-site food service ancillary to a Winery/Brewery/Distillery and therefore not allowed under this section.

(h) Retail sales establishment as an accessory use to a Winery/Brewery/Distillery including, trademark items, items which promote the region or the win/beer/spirits industries, other regional value-added agricultural products, art, prepackaged foods and cheese, or related.

(i) Wineries, brewery, distillery club events, winemaker or brewer dinners and regional promotional events.

(j) On any tract of land having an area of five (5) acres or less, the following uses are allowable as accessories to a single family dwelling: the keeping of one head of grazing stock per one-half acre of ground, exclusive of suckling animals; provided, that all barns, barnyards, or corrals shall be located not less than seventy-five (75) feet from any public road, street, or highway and not less than thirty (30) feet from any property held under different ownership.

(k) Hunting Preserves; provided, the hunting activities are an accessory use to the agricultural use of the parcel or parcels.

(l) Solar power generator facility, minor.

(m) Uses subject to Planning Administrator review and approval, specified in 11.17.060(b)(c)(f) and (h).
[Ord. 611 (2018) § 61]

11.17.060 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL. The following uses may be allowed within the GMA Agricultural District upon the review and approval of the Planning Administrator.

(a) Temporary dwellings subject to the provisions of BCC 11.42.110.

(b) Multiple detached dwelling units, subject to the provisions of BCC 11.42.080.

(c) Child Day Care Facility-Type A, subject to the provisions of BCC 11.42.050.

(d) Non-Commercial sand and gravel pits, and stone quarries and other mineral extraction, subject to the provisions BCC 11.42.090.

(e) Temporary outdoor retail sales, subject to the provisions of BCC 11.42.120.

(f) Home occupations, subject to the provisions of Chapter 11.49 BCC.

(g) Communication facilities, subject to the provisions of Chapter 11.47 BCC.

(h) Accessory dwelling unit (within or attached to a single family home), subject to the provisions of BCC 11.42.020.
[Ord. 611 (2018) § 62]

11.17.070 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted within the GMA Agricultural District if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040:

(a) Slaughterhouses, commercial meat-packing plants, animal feedlots; provided, that they are not located in the floodway and floodplain as shown on the FEMA maps, or within two hundred (200) feet of a naturally occurring body of water, or a well-used for domestic or municipal purposes and shall be designed to prevent infiltration or other movement of livestock wastes into the aquifer, or directly into surface waters.

(b) Commercial dairy, hog, poultry, and rabbit operations, propagation of fur bearing species for commercial purposes, or livestock auction yard; provided, that at least the following setbacks are met as well as all other conditions imposed in connection with the issuance of the conditional use permit: one hundred (100) foot setbacks from any lot line to any animal enclosure, except for fenced pasture; and a five hundred (500) foot setback from any existing residential structure on adjacent property not under applicant's ownership.

(c) Commercial establishments for the transportation of agricultural products other than those produced on the premises,

or agricultural supplies or equipment, together with the maintenance, storage, repair and servicing of the necessary trucks and equipment.

(d) The following agriculturally based recreational and sales facilities: covered arenas, rodeo events, livestock sales rings, and working animal events. The following accessory uses may be permitted during one or more of the above events: veterinary service, food concessions, RV parking area, and event related novelty/accessory sales.

(e) Airstrips (commercial crop dusting).

(f) Facilities for treatment of industrial solid wastes with associated spray fields related to the on-site processing of agricultural products.

(g) Solid waste disposal site; except on lands designated as having less than 160 acre minimum parcel size.

(h) Off-site hazardous waste treatment and storage facilities may be allowed by conditional use permit issued by the Benton County Hearings Examiner after notice and public hearing as provided in BCC 11.50.040 provided, that such facilities must comply with the state siting criteria adopted in accordance with RCW 70.105.210, as currently in effect or as hereafter amended.

(i) ~~Asphalt manufacture in conjunction with rock, sand and gravel mining.~~ Concrete batching and asphalt processing and manufacture, batch plant

Commented [DH2]: Change "processing and manufacture" to "production"?

(j) Child Day Care Facility, Type B, subject to the provisions of BCC 11.42.060.

(k) Off-premise directional signs.

(l) The production of bio-diesel and alcohol fuels from agricultural products.

(m) The commercial maintenance, repair, servicing, and storage of agricultural machinery, implements, and equipment for use off the premises.

(n) Commercial establishments for the storage, sale and off-site application of agricultural chemicals, including but not limited to herbicides, fertilizers, insecticides, and pesticides.

(o) Underground natural gas storage facilities.

(p) Non-agricultural accessory uses that promote or sustain the continuation of the agricultural uses of a parcel if the accessory uses meet the following criteria as well as any other conditions required by the Hearings Examiner:

(1) The non-agricultural accessory use shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the parcel;

(2) The non-agricultural accessory use must be consistent with the size, scale, and intensity of the existing agricultural use of the parcel and the existing buildings thereon;

(3) The parcel on which the non-agricultural accessory use is located meets one of the following:

(i) the parcel is no less than twenty (20) acres in size with eighty (80) percent of the acreage primarily committed to agricultural use and has produced gross income equivalent to two hundred (200) dollars or more per acre each year for three (3) of the five (5) calendar years preceding the date of application;

(ii) the parcel is currently enrolled in the County's Agricultural Open Space program pursuant to Chapter 84.34 RCW, as currently in effect or as hereafter amended;

(iii) the parcel is not less than one hundred (100) contiguous acres that has been in agricultural use for three (3) of the last five (5) years.

(4) The non-agricultural accessory use, including any new buildings, parking or supportive uses associated therewith, shall be located within one thousand (1000) feet of the nearest existing buildings or residential structures and shall not otherwise convert more than one (1) acre of agricultural land to non-agricultural uses;

(5) The non-agricultural accessory uses, including any storage space associated therewith, shall not collectively occupy more than fifteen thousand (15,000) square feet of building space;

(6) No more than three (3) vehicles marked to identify the non-agricultural accessory use(s) may be on the parcel at any time. No other on-site outside storage of vehicles, equipment and/or supplies is allowed in connection with the non-agricultural accessory use;

(7) No person may possess more than one valid permit at a time under this section and all non-agricultural accessory use permits issued under this section for any given parcel must be authorized in one permit;

(8) No more than two (2) signs of a size determined by the Hearings Examiner shall be permitted in connection with the non-agricultural accessory use. Illumination of a sign shall be only by hooded directional lighting so that only the sign

surface is illuminated. The posting of such sign is limited to the parcel on which the non-agricultural accessory use is located. On-street (inside the road right-of-way) sign posting is prohibited, and no sign outside of a road right-of-way may interfere with the line of sight for road intersection;

(9) The parcel and non-agricultural accessory use owner shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state, and federal regulations pertinent to the non-agricultural accessory use being pursued. The requirements of or the permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations;

(10) Adequate off road parking, as determined by the Hearings Examiner, must be provided;

(11) Any waste created as a result of the non-agricultural accessory use must be disposed of off-site in compliance with all local, state, and/or federal regulations;

(12) The days and hours of operation shall be determined by the Hearings Examiner with the granting of a Conditional Use Permit; and

(13) The non-agricultural accessory use shall not require a marijuana retail outlet license from the Washington State Liquor and Cannabis Board.

(q) Overnight lodging within a structure primarily used for processing of beer, wine, or spirits that meets the following criteria:

(1) The number of guest rooms may not exceed two (2); and,

(2) The area used for the guest rooms and associated with

overnight lodging shall not exceed eight hundred square feet (800); and,

(3) The overnight lodging guest rooms shall meet Benton-Franklin Health District requirements for septic systems and domestic water usage shall be demonstrated; and,

(4) The overnight lodging guest rooms shall comply with all the applicable building code requirements.

(r) Events Facility on the same or adjoining parcel as a Winery/Brewery/Distillery, but not related to the operational and marketing of the business, such as weddings, receptions, and meetings/retreats shall be limited to not more than two hundred (200) guest or less, meet the following criteria as well as any other conditions required by the Hearings Examiner:

(1) The events facility shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the parcel;

(2) The events facility must be consistent with the size, scale, and intensity of the existing agricultural use of the parcel and the existing buildings thereon;

(3) The events facility, including any new buildings, parking or supportive uses associated therewith, shall be located within one thousand (1000) feet of the existing Winery/Brewery/Distillery structures and shall not otherwise convert more than one (1) acre of agricultural land to the use;

(4) The parcel and events facility shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state, and federal regulations pertinent to the events facility being pursued. The requirements of or the permission granted by the Hearings

Examiner shall not be construed as an exemption from such regulations;

(5) Adequate off road parking, as determined by the Hearings Examiner, must be provided; and

(6) Any waste created as a result of the event facility must be disposed of off-site in compliance with all local, state, and/or federal regulations.

(s) Bed and Breakfast Facility, subject to the provisions in BCC 11.42.030.

(t) Recreation and entertainment activities centered on an agricultural theme. This may include activities such as field mazes, hayrides, sleigh rides, animal rides, petting zoos and other similar uses.

(u) Commercial sand and gravel pits, stone quarries, other mineral extraction~~, asphalt and/or concrete batching plants.~~

(v) Veterinarian Clinics.

(w) Shooting Range Facility.

(x) Agri-tourism accommodations.

(y) Agricultural research facility which conducts basic, applied, and/or developmental research of regional, national, or international concerns in the field of agriculture.

(z) Commercial agricultural establishments that primarily provide storage, repair, or sale of irrigation, mechanical, and excavation service activities for use off premise.

(aa) Winery/Brewery/Distillery facility, including sampling,

tasting, and sales of the product, may occur on an adjacent parcel from the site where the fruit or other products are processed, if both parcels are under the same ownership.
[Ord. 611 (2018) § 63; Ord. 617 (2019) § 7; Ord. 634 (2021) § 3; Ord. 636 (2021) § 2; Ord. 640 (2021) § 2]

(bb) Detached accessory dwelling unit, subject to the provisions of BCC 11.42.020.

11.17.080 USES PROHIBITED. Any use not authorized or approved pursuant to BCC 11.17.040, BCC 11.17.050, BCC 11.17.060 or BCC 11.17.070 is prohibited within the GMA Agricultural District.
[Ord. 611 (2018) § 64]

11.17.090 LOT REQUIREMENTS. All lands, structures and uses in the GMA Agricultural District shall conform to the following lot requirements unless otherwise excepted as provided in BCC 11.17.100:

(a) The size of a lot in the GMA Agricultural District shall be a minimum of twenty (20) acres (1/32 of a section).

(b) Each lot in the GMA Agricultural District shall have:

(1) An average lot width of not less than one hundred sixty-five (165) feet;

(2) a minimum depth of one hundred sixty-five (165) feet;

(3) a minimum frontage of ninety (90) feet on a road or access easement to a public road right-of-way.
[Ord. 611 (2018) § 65]

11.17.100 LOT REQUIREMENTS--EXCEPTIONS. The following exceptions shall apply to all lands, structures and uses in the GMA Agricultural District, unless otherwise specified:

(a) The creation of a lot~~s~~ that is no less than two (2) acres in

size provided the parent parcel remains a minimum of twenty (20) acres gross may be approved by the Planning Administrator on land to which one of the following applies; subject to appeal to the Hearings Examiner:

(1) The lot to be created is to be conveyed exclusively to a child or parent ~~or such child or parent and his or her spouse~~ of any of the present owners; ~~the lot of record located in the GMA Agricultural District before division contains a minimum of twenty (20) gross acres~~; only one (1) lot may be created per related person; and only one (1) new lot is created per each twenty (20) acres in the GMA Agricultural District owned by the person conveying property hereunder. If at any time an owner of real property conveys any lot to any person other than a child or parent, no additional lot may be created under this provision for the family member who reconveyed the property.

~~(2) The present owner owned the property prior to the effective date of this ordinance and wishes to retain a parcel of land on such property with his or her private residence located thereon, and conveys the remaining portion of said property.~~

(~~3~~2) The owner of record wishes to retain one (1) portion of the lot with his or her private residence located thereon, and conveys the remaining portion of said lot to the owner of record of abutting property.

(~~4~~3) The transfer, sale, or lease of a parcel that is at least a two (2) acre portion of a lot that is at least twenty (20) acres and the lot created has a habitable single family dwelling that has existed at least five (5) years or for agricultural purposes including~~has~~ a site built commercial agricultural structure.

(b) The creation of a lot of any size may be approved by the Planning Administrator, subject to appeal to the Hearings Examiners on a parcel of record which is divided by a physical barrier such as a railroad, canal, or other permanent barrier which interferes with the unified agricultural operation of the land; provided, the boundary of the lots created are divided solely as a result of and pursuant to the physical barrier.

Commented [DH3]: 2026_01_21 Requires review

(c) In the GMA Agricultural District, parcels of less than the minimum size may be permitted where the Planning Administrator finds that the land division is for agricultural purposes including agricultural related industry. Parcels created under this provision shall not result in a residential density greater than would have otherwise been permitted on the undivided acreage.

(d) Any lot created utilizing the lot size exception in 11.17.100 must contain sufficient area to comply with the Benton-Fraklin Health District's area and separation requirements for on-site septic disposal and on-site potable water.
[Ord. 611 (2018) § 66]

11.17.110 BUILDING REQUIREMENTS. All lands, structures and uses in the GMA Agricultural District shall conform to the following building requirements:

(a) No residential building shall have a height greater than thirty-five (35) feet.

(b) Development on land shall be in compliance with 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.
[Ord. 611 (2018) § 67]

11.17.120 SETBACK REQUIREMENTS. All lands, structures, and uses in the GMA Agricultural District shall conform to the following minimum setback requirements; unless otherwise excepted as provided in BCC 11.17.130:

(a) Each structure on a lot shall have a front yard setback of fifty-five (55) feet from the centerline of any city, county, or state road right of way of sixty (60) feet or less in width, twenty-five (25) feet from the property line bordering any road wider than sixty (60) feet, and twenty-five (25) feet from the legally-established boundary line of any access and/or combined access and utility easement adjacent to or within the property.

(b) Each structure on a lot shall have a setback of twenty (20) feet from its rear and side lot line(s).

(c) Those enclosures used in commercial dairy, hog, poultry, and rabbit operations, the propagation of fur bearing species for

commercial purposes, or livestock auction yard shall have setbacks of one hundred (100) feet from all property lines; and a five hundred (500) foot setback from any existing residential structure on adjacent property not under common ownership with the operator of the facility.
[Ord. 611 (2018) § 68]

(d) No building or structure shall be located within an easement or any public road right-of-way.

11.17.130 SETBACK REQUIREMENTS-EXCEPTIONS. All lands, structures, and uses in the GMA Agricultural District shall have the following exceptions to setback requirements:

(a) The following architectural features shall not be subject to required setbacks:

(1) 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 the setback area;

(2) Uncovered, unenclosed porches, platforms or landings, which do not extend above the level of the first floor, may extend or project from a building six (6) feet into the setback area.

(b) Animal feedlots and livestock may be excepted from setback requirements in the following instances:

(1) When it is found that prevailing wind patterns and natural land formation such as banks, ridges, slopes, etc., would reduce the impacts to adjacent residents to insignificant levels, or where the adjacent residents are accessory to the same type of agricultural use, a minimum of three hundred (300) feet can be allowed as the setback requirement;

(2) In the case of livestock animals exhibited by youth groups

such as FFA and 4-H who cultivate livestock projects for their educational value.

[Ord. 611 (2018) § 69]

11.17.140 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. 611 (2018) § 249]

11.17.150 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 611 (2018) § 250]

CHAPTER 11.19

RED MOUNTAIN AGRICULTURAL DISTRICT (RMAD)

SECTIONS:

11.19.010 Purpose
11.19.020 Applicability
11.19.030 Red Mountain Agricultural District
11.19.040 Allowable Uses
11.19.050 Accessory Uses
11.19.060 Uses Subject to Planning Administrator Review and Approval
11.19.070 Uses Requiring Permits--Conditional Use Permit Required
11.19.080 Uses Prohibited
11.19.~~080~~090 Lot Requirements
11.19.~~090~~100 Lot Requirements--Exceptions
11.19.~~100~~110 Setback Requirements
11.19.~~110~~120 Setback Requirements—Exceptions
11.19.~~120~~130 Severability
11.19.~~130~~140 Effective Date

Formatted: Tab stops: Not at 2.13"

11.19.010 PURPOSE. The purpose of this chapter is to meet the minimum requirements of the State Growth Management Act (Chapter 36.70A RCW, as amended) that mandates the designation and protection of agricultural lands of long term commercial significance. The chapter protects the Red Mountain Agricultural District (RMAD) and the activities therein by limiting non-agricultural uses in the district to those compatible with agriculture and by establishing minimum lot sizes in areas where soils, water, and climate are suitable for agricultural purposes. Specifically, one purpose of this chapter is to support and carryout the directives of the Red Mountain AVA Master Site Plan (RMMSP) and to prevent future development within the (RMAD) that

would preempt or impede the continued development of those lands

~~i~~into an agricultural area where visitors can experience premiere, world renowned vineyards, wines, and wineries.
[Ord. 611 (2018) § 70]

11.19.020 APPLICABILITY. This chapter shall apply to lands and activities located in unincorporated Benton County and designated in the Zoning Map of Benton County as the Red Mountain Agricultural District (RMAD), unless otherwise specifically provided.
[Ord. 611 (2018) § 71]

11.19.030 RED MOUNTAIN AGRICULTURAL DISTRICT. The Red Mountain Agricultural District is an area identified in the Benton County Comprehensive Plan that has Critical Agricultural Resources (soils, climate, and water). The minimum parcel size shall be twenty (20) acres, with exceptions as provided by this chapter. Commercial agricultural activities are most appropriately conducted on large parcels of land with significant separation between uses that conflict with agricultural practices.
[Ord. 611 (2018) § 72]

11.19.040 ALLOWABLE USES. Provided all applicable code provisions are satisfied, the following uses are allowed as a permitted use within the Red Mountain Agricultural District.

(a) Agriculture uses, except for commercial dairying, poultry raising, commercial hog ranches, animal feedlots, and stockyards.

(b) Agriculture buildings as defined under BCC 11.03.010~~(6)~~.

(c) Agricultural related industries as defined under BCC 11.03.010~~(9)~~, including but not limited to Wineries/Breweries/Distilleries.

(d) Agricultural stands, as defined under BCC 11.03.010~~(10)~~, on parcel of at least twenty (20) acre or more.

(e) Single Family Dwelling.

Commented [DH1]: Were manufactured homes intentionally left off the allowable uses list?

Commented [DH2R1]: Considered, but not added. Intention of Red Mountain Ag District was to support boutique winery locations and compatible development. Single family dwellings are allowed which include modular and designated (new) manufactured homes.

(f) Signs are allowed only if they do not exceed six (6) feet in height and twenty-four (24) square feet in total area and are not internally illuminated.

(g) Adult Family Homes.

(h) Hiking and non-motorized biking trails.

(i) Public or quasi-public buildings and yards and utility buildings, such as: pumping stations, fire stations, substations and telephone exchange and distribution facilities.

(j) No more than one (1) wind turbine and related support structures and other improvements per parcel for private use; provided, the wind turbine height must be less than sixty (60) feet and the wind turbine must be set back from all property lines a distance equal to one (1) foot for every foot in height of the wind turbine.
[Ord. 611 (2018) § 73]

11.19.050 ACCESSORY USES. Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the Red Mountain Agricultural District:

(a) One (1) or more accessory buildings and uses commonly appurtenant to a single family dwelling.

(b) One (1) or more accessory buildings and uses commonly appurtenant to an agricultural use or operation.

(c) Hazardous waste treatment and storage facilities (on site) as an accessory use to an allowable or conditionally permitted use; provided, that such facilities must comply with the state siting criteria adopted in accordance with RCW 70.105.210, as amended.

(d) On any tract of land having an area of five (5) acres or less, the following uses are allowable as accessories to a single family

dwelling: the keeping of one head of grazing stock per one-half acre of ground, exclusive of suckling animals; provided, that all barns, barnyards, or corrals shall be located not less than seventy-five (75) feet from any public road, street, or highway and not less than thirty (30) feet from any property held under different ownership.

(e) Kennels, Private.

(f) Onsite food service that is clearly accessory to a Winery/Brewery/Distillery in the form of:

(1) Service of commercially-prepared or packaged, ready-to-eat appetizer-sized portions with limited preparation for palatability but no cooking of raw meats; and,

(2) Catered food service for an event.

Restaurants or buildings with interior seating dedicated primarily to meal service and cooked to order meal service are not considered on-site food service ancillary to a Winery/Brewery/Distillery and therefore not allowed under this section.

(g) Retail sales establishment as an accessory use to a Winery/Brewery/Distilleries including, trademark items, items which promote the region or the win/beer/spirits industries, other regional value-added agricultural products, art, prepackaged foods and cheese, or related.

(h) Wineries, brewery, distillery club events, winemaker or brewer dinners and regional promotional events.

(i) Solar Power Generator Facility, Minor

(j) Uses subject to Planning Administrator review and approval, specified in BCC 11.19.060(b) through (d).

(k) Signs are allowed only if they do not exceed six (6) feet in height and twenty-four (24) square feet in total area and are not internally illuminated.

(l) Bed and Breakfast Facility pursuant to BCC 11.42.030.
[Ord. 611 (2018) § 74]

11.19.060 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL. The following uses may be allowed in the Red Mountain Agricultural District upon the review and approval of the Planning Administrator:

(a) Temporary dwellings subject to the provisions of BCC 11.42.110.

(b) Multiple detached dwelling units, subject to the provisions of BCC 11.42.080.

(c) Accessory dwelling unit (within or attached to a single family home), subject to the provisions of BCC 11.42.020.

(d) Child Day Care Facility-Type A, subject to the provisions of BCC 11.42.050.

(e) Non-Commercial sand and gravel pits, and stone quarries and other mineral extraction, subject to the provisions of BCC 11.42.090.

(f) Communication facilities, subject to Chapter 11.47 BCC.
[Ord. 611 (2018) § 75]

11.19.070 USES REQUIRING PERMITS--CONDITIONAL USE PERMIT REQUIRED. The following uses may be permitted upon a single parcel of record in the Red Mountain Agricultural District if a conditional use permit is issued by the Hearing Examiner after notice and public hearing as provided by BCC 11.50.040:

(a) Facilities for treatment of industrial solid wastes with associated spray fields related to the on-site processing of agricultural products.

(b) Overnight lodging within a structure primarily used for processing of beer, wine, or spirits that meets the following criteria:

(1) The number of guest rooms may not exceed two (2); and,

(2) The area used for the guest rooms and associated with overnight lodging shall not exceed eight hundred square feet (800); and,

(3) The overnight lodging guest rooms shall meet Benton-Franklin Health District requirements for septic systems and domestic water usage shall be demonstrated; and,

(4) The overnight lodging guest rooms shall comply with all the applicable building code requirements.

(c) Events Facility on the same or adjoining parcel as a Winery/Brewery/Distillery, but not related to the operational and marketing of the business, such as weddings, receptions, and meetings/retreats shall be limited to not more than two hundred (200) guest or less, meet the following criteria as well as any other conditions required by the Hearings Examiner:

(1) The events facility shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the parcel;

(2) The events facility must be consistent with the size, scale, and intensity of the existing agricultural use of the parcel and the existing buildings thereon;

(3) The events facility, including any new buildings, parking or supportive uses associated therewith, shall be

located within one thousand (1000) feet of the existing Winery/Brewery/Distillery structures and shall not otherwise convert more than one (1) acre of agricultural land to the use;

(4) The parcel and events facility shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state, and federal regulations pertinent to the events facility being pursued. The requirements of or the permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations;

(5) Adequate off road parking, as determined by the Hearings Examiner, must be provided;

(6) Any waste created as a result of the event facility must be disposed of off-site in compliance with all local, state, and/or federal regulations.

(d) Non-agricultural accessory uses that promote or sustain the continuation of the agricultural uses of a parcel if the accessory uses meet the following criteria as well as any other conditions required by the Hearings Examiner:

(1) The non-agricultural accessory use shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the parcel;

(2) The non-agricultural accessory use must be consistent with the size, scale, and intensity of the existing agricultural use of the parcel and the existing buildings thereon;

(3) The parcel on which the non-agricultural accessory use is located meets one of the following:

(i) The parcel is no less than twenty (20) acres in size with eighty (80) percent of the acreage primarily committed to agricultural use and has produced gross income equivalent to two hundred (200) dollars or more per acre each year for three (3) of the five (5) calendar years preceding the date of application;

(ii) The parcel is currently enrolled in the County's Agricultural Open Space program pursuant to Chapter 84.34 RCW, as amended; or

(iii) The parcel is not less than one hundred (100) contiguous acres that has been in agricultural use for three (3) of the last five (5) years.

(4) The non-agricultural accessory use, including any new buildings, parking or supportive uses associated therewith, shall be located within one thousand (1000) feet of the nearest existing buildings or residential structures and shall not otherwise convert more than one (1) acre of agricultural land to non-agricultural uses;

(5) The non-agricultural accessory uses, including any storage space associated therewith, shall not collectively occupy more than fifteen thousand (15,000) square feet of building space;

(6) No more than three (3) vehicles marked to identify the non-agricultural accessory use(s) may be on the parcel at any time. No other on-site outside storage of vehicles, equipment and/or supplies is allowed in connection with the non-agricultural accessory use;

(7) No person may possess more than one valid permit at a time under this section and all non-agricultural accessory use permits issued under this section for any given parcel must be authorized in one permit;

(8) The parcel and non-agricultural accessory use owner shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state, and federal regulations pertinent to the non-agricultural accessory use being pursued. The requirements of or the permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations;

(9) Adequate off road parking, as determined by the Hearings Examiner, must be provided;

(10) Any waste created as a result of the non-agricultural accessory use must be disposed of off-site in compliance with all local, state, and/or federal regulations.

(e) Commercial sand and gravel pits, and stone quarries and other mineral extraction.

(f) Agricultural research facility which conducts basic, applied, and/or developmental research of regional, national, or international concerns in the field of agriculture.

(g) Bed and Breakfast Facility, subject to the provisions in BCC 11.42.030.

(h) Agri-tourism accommodations.

(i) Winery/Brewery/Distillery facility, including sampling, tasting, and sales of the product, may occur on an adjacent parcel from the site where the fruit or other products are processed, if both parcels are under the same ownership.

(j) Agricultural stands, as defined under BCC 11.03.010~~(10)~~, on a parcel at least two (2) acres in size but less than twenty (20) acres.

(k) Detached accessory dwelling unit, subject to the provisions

of BCC 11.42.020.

[Ord. 611 (2018) § 76; Ord. 642 (2022) § 1]

11.19.080 USES PROHIBITED. Any use not authorized or approved pursuant to BCC 11.19.040, BCC 11.19.050, BCC 11.19.060 or BCC 11.19.070 is prohibited with the Red Mountain Agricultural District.

11.19.~~080~~090 LOT REQUIREMENTS. All lands, structures and uses in the Red Mountain Agricultural District shall conform to the following lot requirements unless otherwise excepted as provided in BCC 11.19.090:

(a) The size of a lot in the Red Mountain Agricultural District shall be a minimum of twenty (20) acres (1/32 of a section).

(b) Each lot in the Red Mountain Agricultural District shall have:

(1) An average lot width of not less than one hundred sixty-five (165) feet;

(2) A minimum depth of one hundred sixty-five (165) feet;

(3) A minimum frontage of forty (40) feet on a road or access easement to a public road right-of-way.

[Ord. 611 (2018) § 77]

11.19.~~090~~100 LOT REQUIREMENTS--EXCEPTIONS. The following exceptions shall apply to all lands, structures and uses in the Red Mountain Agricultural District, unless otherwise specified:

(a) The creation of lots less than twenty (20) acres may be approved by the Planning Administrator, on land to which one of the following applies; subject to appeal to the Hearing Examiner:

(1) The lot to be created is to be conveyed exclusively to a child or parent or such child or parent and his or her spouse of any of the present owners; the lot of record located in the Red Mountain Agricultural District before division contains a minimum of twenty (20) gross acres; only one (1) lot may be created per related person; and only one (1) new lot is created per each twenty (20) acres in the Red Mountain Agricultural District owned by the person conveying property

hereunder. If at any time an owner of real property conveys any lot to any person other than a child or parent, no additional lot may be created under this provision for the family member who re-conveyed the property;

Formatted: Indent: Left: 0", Hanging: 0.5"

(2) The transfer, sale, or lease of a parcel that is at least a two (2) acre portion of a lot that is at least twenty (20) acres and the lot created has a habitable single family dwelling that has existed at least five (5) years or has a site built commercial agricultural structure.

(b) The creation of a lot of any size may be approved by the Planning Administrator, subject to appeal to the Hearing Examiner on a parcel of record which is divided by a physical barrier such as a railroad, canal, or public roads which interferes with the unified agricultural operation of the provided, the boundary of the lots created are divided solely as a result of and pursuant to the physical barrier.

(c) In the Red Mountain Agricultural District, parcels of less than the minimum size may be permitted where the Planning Administrator finds that the land division is for agricultural purposes only. Parcels created under this provision shall not result in a residential density greater than would have otherwise been permitted on the undivided acreage.
[Ord. 611 (2018) § 78]

11.19.~~100~~110 SETBACK REQUIREMENTS. All lands, structures, and uses in the Red Mountain Agricultural District, shall conform to the following minimum setback requirements; unless otherwise excepted as provided in BCC 11.19.110:

(a) Each structure on a lot shall have a front yard setback of fifty-five (55) feet from the centerline of any city, county, or state road right of way of sixty (60) feet or less in width, twenty-five (25) feet from the property line bordering any road wider than sixty (60) feet, and twenty-five (25) feet from the legally-established boundary line of any access and/or combined access and utility easement adjacent to or within the property.

(b) Each structure on a lot shall have a setback of twenty (20) feet from its rear and side lot line(s).
[Ord. 611 (2018) § 79]

(c) No building or structure shall be located within an easement or any public road right-of-way.

11.19.~~110~~120 SETBACK REQUIREMENTS--EXCEPTIONS. All lands, structures, and uses in the Red Mountain Agricultural District, shall have the following exceptions to setback requirements:

(a) The following architectural features shall not be subject to required setbacks:

(1) 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 the setback area;

(2) Uncovered, unenclosed porches, platforms or landings, which do not extend above the level of the first floor, may extend or project from a building six (6) feet into the setback area.

[Ord. 611 (2018) § 80]

11.19.~~120~~130 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. 611 (2018) § 249]

11.19.~~130~~140 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 611 (2018) § 250]

CHAPTER 11.21

PLANNED DEVELOPMENT (PD)

Commented [DH1]: Strike in entirety

SECTIONS:

11.21.010 Purpose
11.21.020 Where Permitted
11.21.030 Uses Permitted
11.21.040 Design Standards and Criteria
11.21.050 Application--Requirements
11.21.060 Open Record Hearing
11.21.070 Open Record Hearing--Notice Required
11.21.080 Planned Development--Planning Commission--Consideration, Findings, and Recommendation
11.21.090 Planning Commission Recommendation to Board of County Commissioners
11.21.100 Board of County Commissioners--Decision
11.21.110 Final Plat(s)--Submittal--Final Review
11.21.120 Final Plat--Review by Agencies
11.21.130 Final Plat--Review by Planning Administrator
11.21.140 Final Plat--Board of County Commissioners--Approval or Denial
11.21.150 Final Plat--Filing and Recording
11.21.160 Requirements for Specific Performance
11.21.170 Major and Minor Adjustments
11.21.180 Waiver of Requirements
11.21.190 Severability
11.21.200 Effective Date

11.21.010 PURPOSE. The purpose of the planned development chapter is to provide a degree of flexibility and innovative land use design and development not possible under a strict interpretation of zoning and subdivision ordinances. It is the intention of the planned development chapter to accomplish the

~~following specific goals through the use of improved techniques and design technology:~~

~~(a) Encourage creativity in the design of large parcels of property for residential use.~~

~~(b) Encourage the development of a variety of housing types to better serve the public.~~

~~(c) Provide for maximum efficiency in the design and construction of streets, utilities and other public improvements.~~

~~(d) Provide the necessary standards and controls to be used by developers in their design and by county officials in their review and approval procedures.~~

~~(e) Allow specific acreage within a planned development to be reserved and used for commercial horticultural purposes; provided, that such use is not inconsistent with the other permitted uses within a planned development and the undertaking of such activities are consistent with the conditions set forth in the approved site plan for the planned development.~~

~~(f) Enhance the local and regional agricultural economy and protect the rural character of unincorporated Benton County by allowing commercial horticulture on specified acreages within planned developments located in areas having unique and valuable physical characteristics suitable for horticultural activities such as micro-climate, slope, exposure, water availability and soils capability.~~
~~[Ord. 611 (2018) § 81]~~

~~**11.21.020 WHERE PERMITTED.** Planned developments shall be permitted in any zone except Heavy Industrial (H-I) and Light Industrial (L-I).~~
~~[Ord. 611 (2018) § 82]~~

~~**11.21.030 USES PERMITTED.** In a planned development district, no building or premises shall be used nor shall any building or structure hereafter be erected or altered unless otherwise provided in this chapter, except for one or more of the following uses:~~

~~(a) One and two family dwellings.~~

~~(b) Multiple family dwellings such as flats or apartments.~~

~~(c) The usual accessory buildings and/or land uses commonly appurtenant to the above uses, including but not limited to private kennels.~~

~~(d) Home occupations that comply with the criteria set forth in Chapter 11.49 BCC.~~

~~(e) Recreational facilities of a non-commercial nature including but not limited to tennis courts, swimming pools, playgrounds, etc.~~

~~(f) Designated Manufactured homes and modular homes; provided, that:~~

~~(1) All dwelling construction in a planned development shall be placed on a permanent foundation, shall have all wheels and running gear removed and shall be placed on the assessor's tax rolls as real property.~~

~~(2) Size, type and locations for all designated manufactured homes and modular homes shall be shown on the filed plans.~~

~~(3) Manufactured (mobile) home parks and recreational vehicle parks shall not be considered planned developments.~~

~~(g) Accessory uses such as, but not specifically limited to, schools, churches, libraries, community halls, etc., may be allowed where such facilities are found by the Board of County~~

~~Commissioners to be consistent with the comprehensive plan and in the best interest of the community.~~

~~(h) Incidental commercial and retail uses, designed as part of the planned development and intended to serve primarily the residents of the development may be permitted for planned developments greater than twenty (20) acres in size. No commercial or retail uses area allowed that require a marijuana processor or retailer license from the Washington State Liquor and Cannabis Board.~~

~~(i) Horticultural uses as approved by the Board of County Commissioners at the time of the preliminary plat approval, subject to the terms and conditions as deemed appropriate and in the best interests of the planned development; provided, that commercial horticultural uses shall be subject to the following:~~

~~(1) The underlying zoning designation and the comprehensive plan allow commercial horticultural uses in the proposed planned development area;~~

~~(2) The types of horticultural uses proposed within the planned development shall be recorded with the deeds for the parcels on which commercial horticultural uses are conducted and on the face of the final plat for the planned development; and,~~

~~(3) The proposed commercial horticultural uses must be compatible with the residential nature of the planned development as demonstrated through the use of site planning techniques and mitigation measures. Such measures may include, but are not limited to: the use of open space buffers, visual screening and noise attenuation devices, site plan orientations relative to prevailing wind patterns as well as resident versus farming access and transportation routes, irrigation run-off control, operational measures and best management practices, and limitation on crop types.~~

~~(j) Hotel/conference centers may be allowed by conditional use permit provided, that such facilities are found to be consistent with the comprehensive plan and in the best interests of the planned development community. Such uses are also subject to any conditions and terms set forth by the conditional use permit.~~
~~[Ord. 611 (2018) § 83]~~

~~**11.21.040 DESIGN STANDARDS AND CRITERIA.**~~

~~(a) Minimum Site Development Area – A planned development for strictly residential use shall consist of a minimum of five (5) acres. A planned development with designated uses in addition to residential uses shall consist of a minimum of twenty (20) acres.~~

~~(b) Allowable Development Density – The maximum allowable density for a planned development shall be the allowable density for that area set forth in Title 16 of the Benton County Code.~~

~~(c) Common Open Space – Each planned development shall identify any areas for common use of all the residents. Any anticipated improvements to the common areas shall be included in the information submitted to the planning commission for preliminary approval.~~

~~(d) Public Access – Any parcel of property considered for planned development must front on and have direct access to a public road at a minimum of one location. The county engineer may require more than one direct access to a public road where it is determined to be in the best community interest.~~

~~(e) Roads and Parking Areas – The interior road system for a planned development may be private if desired by the developer; provided, that roads which are located such that they could or should be an integral part of the overall county circulation pattern may be required to be constructed as public roads. The county engineer may also require either construction of additional public roads or reservation of right-of-way for future roads where necessary in his/her opinion to permit adequate circulation.~~

~~Roads construction standards shall be as follows:~~

~~(1) Private roads shall be constructed to a standard agreed on between the developer, County Engineer and the County Fire Marshal, based on degree of service necessary for minimum safe circulation for residents and emergency vehicles.~~

~~If agreement cannot be reached between the developer, County Engineer, and County Fire Marshal, minimum plat street standards as set forth in BCC 9.09.040, as currently in effect or as hereafter amended, shall apply.~~

~~(2) All public roads in a planned development shall be constructed in accordance with minimum standards for plat street construction as set forth in BCC 9.09.040, as amended.~~

~~Planned developments shall provide a minimum of two off-street parking spaces for every living unit. Additional off street parking shall be required if non-residential uses are proposed.~~

~~(f) Structure Setbacks - Required minimum setbacks for structures in a planned development shall be as follows:~~

~~(1) Fifty-five (55) feet from the centerline of any public road or twenty-five (25) feet from the property line, whichever is greater.~~

~~(2) Twenty-five (25) feet from the exterior boundary line of the development.~~

~~(3) Setbacks from private roads shall be adequate to assure safe sight distance and safe access on and off the road.~~

~~(4) Fences may be constructed on the property line except that any fence built within the setback area along a public or private road shall be no more than forty-two (42) inches in height.~~

~~There shall be no minimum required side or rear yard setbacks or minimum distances between buildings within the interior of a planned development.~~

~~(g) Sanitary and Water Facilities - Details of proposed sanitary and water facilities shall be as required by the Benton-Franklin Health District. Written approval by the health district and any municipality providing services of the proposed type of sanitary and water facilities shall be submitted to the planning and building department with the application for the planned development.~~
~~[Ord. 611 (2018) § 84]~~

~~**11.21.050 APPLICATION--REQUIREMENTS.** Any owner or group of owners who wish to apply for a planned development shall submit the following information for preliminary review:~~

~~(a) A Planned Development application form with all requested information and signatures.~~

~~(b) One copy of a vicinity map showing the location site and its relationship to the surrounding area. Vicinity map should show the surrounding existing development for a distance of five-hundred (500) feet from the perimeter of the development.~~

~~(c) Ten (10) copies of the preliminary plat for the planned development not less than twenty-four inches by thirty-six inches (24" x 36") in size, showing the following information and drawn to scale of not less than one (1) inch equal to one-hundred (100) feet and one eleven-inch by seventeen-inch (11" x 17") reproducible copy:~~

~~(1) Names and dimensions of streets bounding or touching the site.~~

~~(2) Location and dimensions of all interior roads and pedestrian walkways.~~

~~(3) Existing topography with contours of five (5) feet intervals.~~

~~(4) Proposed plans for grading and proposed methods for handling drainage, including irrigation water.~~

~~(5) Proposed buildings for development, including location, size, type and number of dwelling units in each.~~

~~(6) Proposed off-street parking facilities.~~

~~(7) Areas of common open space and improvements proposed for each area.~~

~~(8) Proposed locations of water lines, electric and telephone lines, sewer lines, and any other utilities to be located in the development.~~

~~(9) Any other major features such as streams, canals, railroads, major easements or natural features which may affect or be affected by the development.~~

~~(10) Location and types of horticultural uses, the number of horticultural related dwelling units to be located on the horticultural lands, and the site planning and operational measures proposed to assure compatibility between the horticultural uses and the residential uses within the planned development.~~

~~(11) Locations and types of hotel or convention centers, including the number of units.~~

~~(d) In addition to the required drawings the developer shall submit two (2) copies of a written statement providing the following information:~~

~~(1) Program for development including staging and timing of development.~~

~~(2) Proposed ownership agreements for completed development.~~

~~(3) Basic content of restrictive covenants, home owners association by-laws and other documents, including specific provisions guaranteeing construction and/or maintenance of all commonly owned areas and facilities.~~

~~(e) A Zone Change Application form with all required information and signatures requesting a change in zoning to a Planned Development zone.~~

~~(f) An Environmental Checklist form with all required information and signed by the applicant.~~

~~(g) A title certificate from a title company not more than two (2) months old. The title certificate shall include a map showing the tax parcel ID number, names, and addresses of the surface owners of the property to be developed and names of all surface property owners within three hundred (300) feet of the exterior boundaries of the property involved.~~

~~(h) Written verification from the Benton-Franklin Health District that the applicant(s) has provided all necessary information so that the Health District can review and make a recommendation on the proposed planned development.~~

~~(i) A preliminary hydrology report as required by the Benton County Road Department.~~

~~(j) The application fees as specified in the current fee schedule adopted by resolution of the Board of County Commissioners.~~

~~(k) The applicant shall request a waiver or modification of any of the requirements of this chapter where topography or other special conditions make conformance impractical. Such request for waiver or modification shall be made at the time of application~~

~~for the planned development and zone change. The waiver or modification shall be granted in accordance with BCC 11.21.180.~~
~~[Ord. 611 (2018) § 85]~~

~~**11.21.060 OPEN RECORD HEARING.** An open record hearing is required for all Planned Developments. The Benton County Planning Commission shall conduct the hearing on a preliminary application and zone change at the same hearing.~~
~~[Ord. 611 (2018) § 86]~~

~~**11.21.070 OPEN RECORD HEARING--NOTICE REQUIRED.**~~

~~(a) Notice of the open record hearing shall state: the time, place and purpose for which the hearing is to be held. The notice of open record hearing shall be published not less than ten (10) days prior to the hearing in the official newspaper of the county.~~

~~(b) The Benton County Planning Department shall mail the notice of the hearing at least ten (10) days prior to the date of the hearing to:~~

~~(1) The owners of all properties located within three hundred (300) feet of the exterior boundaries of the proposed plat, as such owners appear on the records of the County Assessor.~~

~~(2) If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property adjacent to the real property, notice of hearing shall be mailed to the owner if all parcels are located within three hundred (300) feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.~~

~~(3) The notice shall also be given to cities or towns located within one (1) mile of the proposed Planned Development.~~

~~(4) If a proposed Planned Development is located adjacent to the right-of-way of a state highway or within two (2) miles of the boundary of a state or municipal airport, notice shall be given to the state secretary of transportation.~~

~~(5) Notice shall also be given to anyone that has submitted a written request to the Benton County Planning Department of any proposed land use applications for one (1) or more of the parcels within the proposed planned development.~~

~~(c) All hearing notices shall include a description of the location of the proposed Planned Development. The description may be in the form of either a vicinity location sketch or a written description but need not include a legal description.~~
~~[Ord. 611 (2018) § 87]~~

~~**11.21.080 PLANNED DEVELOPMENT--PLANNING COMMISSION--CONSIDERATION, FINDINGS, AND RECOMMENDATION.** After conducting an open record hearing and considering all information presented, the Planning Commission shall take action to recommend to the Board of County Commissioners that the preliminary planned development and rezone application be approved, approved with conditions that will be incorporated into the final plat to be recorded, or denied as proposed. The Planning Commission shall recommend approval or recommend approval with conditions if it makes each of the following findings:~~

~~(a) The proposed Planned Development conforms with the Benton County Comprehensive Plan and any applicable zoning requirements or other applicable land use controls;~~

~~(b) The proposed Planned Development provides adequate means of access as evidenced by the written approval of the county engineer;~~

~~(c) The proposed Planned Development meets the requirements of this title;~~

~~(d) The public use and interest will be served by permitting the proposed planned development;~~

~~(e) The appropriate provisions are made for public health, safety, and general welfare and for needed drainage ways, streets, or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools, school grounds, and sidewalks;~~

~~(f) The Benton Franklin Health District has reviewed and approves of the terms of the proposed Planned Development to ensure compliance with Health District rules and regulations;~~

~~(g) The Benton County Road Department has reviewed and approved the proposed Planned Development to ensure conformance with the road and drainage provisions of Benton County;~~

~~(h) If the proposed Planned Development is located within an irrigation district, that the district has reviewed and approved the proposed Planned Development to ensure compliance with RCW 58.17.310, as currently in effect or as hereafter amended.~~

~~(i) If the proposed Planned Development is located within an urban growth area as designated in the Benton County Comprehensive Plan, that the proposed Planned Development is in conformity with the joint development standards for that area, if any, adopted by the County.~~
~~[Ord. 611 (2018) § 88]~~

~~**11.21.090 PLANNING COMMISSION RECOMMENDATION TO BOARD OF COUNTY COMMISSIONERS.** The recommendation and findings and conclusion of the Planning Commission will be sent to the Board of County Commissioners within fourteen (14) days following the issuance of the written recommendation.~~
~~[Ord. 611 (2018) § 89]~~

11.21.100 BOARD OF COUNTY COMMISSIONERS--DECISION. The Planning Administrator shall set a date for a closed record hearing upon issuance of the written recommendation, findings and conclusion of the Planning Commission. The Board of County Commissioners will consider the planned development application and may adopt, modify, or reject the recommendation of the Planning Commission. The decision of the Board shall be based on the record prepared by the Planning Commission. The Board shall give preliminary approval of a planned development with any conditions necessary, if it makes an affirmative finding on each issue set forth in BCC 11.21.080(a) through BCC 11.21.080(j) and denial if it makes a negative finding on any of these issues.
[Ord. 611 (2018) § 90]

11.21.110 FINAL PLAT(S)--SUBMITTAL--FINAL REVIEW. Final plat(s) may be submitted for all or any part of a planned development which has received preliminary approval. All final plat(s) for all phases of the planned development review shall be submitted to the Planning Administrator within five (5) years after preliminary approval has been granted. Any part of a planned development for which final approval is requested shall meet all criteria required of the complete development. The information required to be submitted for final review and approval to record a final plat shall consist of the following:

(a) One (1) Mylar and eight (8) copies of the final plat and supplementary materials as specified in Chapter 9.07 BCC and one eleven-inch by seventeen-inch (11" x 17") reproducible copy prepared in accordance with Chapter 9.07 BCC for final plats. The final map shall also contain:

(1) Location and dimensions of all private and public roads and all areas reserved for parking. Roads and parking areas which are public shall be so identified.

(2) Identification, location and dimensions of all common open space.

~~(3) Identification and location of all commonly owned facilities.~~

~~(4) Location and dimensions of all structures and identification as to size, type and number of dwelling units.~~

~~(5) Identification of any open space or facilities which are to be common to or owned by only part of the residents of the development.~~

~~(6) Location and dimensions of all utility right-of-way lines.~~

~~(7) Any other major features such as streams, canals, railroads, major easements or natural features which may affect or be affected by the development.~~

~~(8) Location and types of horticultural uses, the number of horticultural related dwelling units to be located on the horticultural lands, and the site planning and operational measures proposed to assure compatibility between the horticultural uses and the residential uses within the planned development.~~

~~(9) Locations and types of hotel or convention centers, including the number of units.~~

~~(b) Two copies of a written statement including:~~

~~(1) Final copies of all ownership agreements.~~

~~(2) Final copies of restrictive covenants.~~

~~(3) Final copies of homeowner's association by-laws and other documents, including those specific provisions guaranteeing construction and/or maintenance of all commonly owned areas and facilities.~~

~~[Ord. 611 (2018) § 91]~~

~~**11.21.120 FINAL PLAT--REVIEW BY AGENCIES.** The Planning Administrator shall forward copies of the final plat map to other state and local agencies, municipalities if located in an urban growth area, and utility companies or public agencies that the Planning Administrator determines have an interest in the Planned Development. All reviewing agencies shall have seven (7) days from the date of mailing of such final plat map to forward their comments to the Planning Administrator.~~
~~[Ord. 611 (2018) § 92]~~

~~**11.21.130 FINAL PLAT--REVIEW BY PLANNING ADMINISTRATOR.**~~

~~(a) The Planning Administrator shall review the final plat map to determine if:~~

~~(1) The final plat complies with the requirements of this title,~~

~~(2) The final plat is consistent with the approved preliminary plat and decision thereon; and,~~

~~(3) All changes and conditions imposed on the approved preliminary plat by the Board have been made and complied with.~~

~~(b) The Planning Administrator shall forward the Mylar to the Benton County Engineer, Benton County Planning Commission Chairman, Benton County Assessor, Benton Franklin Health District, and Benton County Treasurer for signature upon determining that the above requirements have been met. The Planning Administrator shall establish a date and time for public meeting with the Board of County Commissioners for review of the final plat.~~
~~[Ord. 611 (2018) § 93]~~

~~**11.21.140 FINAL PLAT--BOARD OF COUNTY COMMISSIONERS--APPROVAL OR DENIAL.**~~

~~(a) The Board of County Commissioners shall consider the final~~

~~plat at a public meeting. The Board shall review the Planning Administrator's recommendation and approve the final plat for recording if the following standards have been met:~~

~~(1) The final plat is consistent with the approved preliminary plat and the decision thereon;~~

~~(2) The final plat includes all of the information required by BCC 9.07.060;~~

~~(3) All changes and conditions imposed on the approved preliminary plat by the Board have been made and complied with; and,~~

~~(4) All applicable requirements of the state platting law and this title have been satisfied.~~

~~(b) If the Board determines that these standards have been met, the Chairman of the Board shall sign the final plat and by resolution approve the zone change for that portion of the property included in the final plat. If the Board finds that these standards have not been satisfactorily met, the Board shall deny the final plat and return it unsigned to the applicant for correction.~~
~~[Ord. 611 (2018) § 94]~~

~~**11.21.150 FINAL PLAT--FILING AND RECORDING.** The Planning Administrator shall forward the final plat to the Benton County Auditor's Office for recording upon its approval by the Board of County Commissioners and after submission by the applicant of the applicable fee for recording.~~
~~[Ord. 611 (2018) § 95]~~

~~**11.21.160 REQUIREMENTS FOR SPECIFIC PERFORMANCE.** The developer shall be expected to show performance toward the completion of the planned development in accordance with the time schedule shown below unless a specific waiver or time extension is granted by the planning department.~~

~~(a) All final plans for planned development shall be submitted for approval within five (5) years of receipt of preliminary approval.~~

~~(b) The roads within a planned development, both private and public, shall be constructed or bonded by the developer, according to approved plans prior to the submittal of the final plat(s).~~

~~Any request for extension of time from the requirements shown in items (a) and (b) above shall be made in writing to the Planning Administrator stating the reasons justifying a consideration for extension. After consideration, the developer shall be notified in writing whether the request has been approved or denied, and the reasons for the decisions. The Planning Administrator may grant a one-time extension for up to one year.~~
~~[Ord. 611 (2018) § 96]~~

~~**11.21.170 MAJOR AND MINOR ADJUSTMENTS.**~~

~~(a) Minor Changes or Adjustments – Minor changes to a planned development that has received preliminary approval under BCC 11.21.100 may be made with the approval of the Planning Administrator. Minor changes shall mean only those changes which only affect the precise dimensions or location of buildings or facilities, but do not change or affect the basic character or arrangement of buildings, the density of the development or the open space requirement. The Planning Administrator may elect to submit minor changes to the Planning Commission and Board of County Commissioners under the process for major changes set forth in BCC 11.21.170(b).~~

~~(b) Major Changes – Those changes which in the opinion of the planning director substantially affect the general design or density of the planned development shall require review by the planning commission and Board of Commissioners. In the event of a major change the planning commission shall hold a public hearing before submitting its recommendation to the Board of County Commissioners. The Board of County Commissioners shall consider~~

~~the Planning Commission recommendation at a public meeting and shall approve major changes only if it can continue to make the affirmative findings required by BCC 11.21.080(a) through BCC 11.21.080(j).~~

~~(c) Final Plats – Requested changes to the final plat(s) for a Planned Development or portion thereof shall be processed as an alteration to a subdivision pursuant to BCC 9.07.100 or a vacation pursuant to BCC 9.02.120. Any alteration must conform to the requirements of all applicable code provisions.~~

~~(d) Building Permits – Building permits shall be issued only for those structures or facilities which are in conformance with the plan as filed or as amended.~~
~~[Ord. 611 (2018) § 97]~~

~~**11.21.180 WAIVER OF REQUIREMENTS.** The Planning Commission may recommend to the Board of County Commissioners to waive or modify any requirement of this chapter where topography or other special condition make conformance impractical. In granting such a waiver or modification, the Planning Commission must first determine that the development will remain in substantial conformance with the intent of this chapter. In the event of any waiver or modification of requirements, the Planning Commission minutes shall show the specific requirements for which waiver is granted, and the special conditions and justification upon which the waiver or modification is based. The applicant shall request such waiver at the time of applying for the planned development and zone change.~~
~~[Ord. 611 (2018) § 98]~~

~~**11.21.190 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. 611 (2018) § 249]~~

~~**11.21.200 EFFECTIVE DATE.** This chapter shall take effect and be in full force upon its passage and adoption.~~
~~[Ord. 611 (2018) § 250]~~

CHAPTER 11.23

GENERAL COMMERCIAL DISTRICT (GC)

SECTIONS:

11.23.010	Purpose
11.23.020	Applicability
11.23.030	Allowable Uses
11.23.040	Accessory Uses
11.23.050	Uses Subject to Planning Administrator Review and Approval
11.23.060	Uses Requiring a Conditional Use Permit
11.23.070	Uses Prohibited
11.23.080	Property Development Standards--General Standards
11.23.090	Severability
11.23.100	Effective Date

11.23.010 PURPOSE. The General Commercial District (GC) is designed to provide areas for the location of a broad array of wholesale, retail, and service orientated commercial uses serving regional, local, and community trade areas.
[Ord. 611 (2018) § 99]

11.23.020 APPLICABILITY. The provisions of this Chapter shall apply to the areas designated as a General Commercial District (GC) on the official zoning maps of Benton County and located in unincorporated Benton County.
[Ord. 611 (2018) § 100]

11.23.030 ALLOWABLE USES. Provided all applicable code provisions are satisfied, the following uses are allowed in the General Commercial District (GC) on a single parcel of record:

(a) Indoor auction house for the sale of personal property other than livestock.

(b) Automobile fueling station, electric vehicle charging station, truck stop, car wash, public garage, towing service, and/or mini-mart.

(c) Retail sales establishment, subject to the prohibition on marijuana retail outlets set forth in BCC 11.42.130.

(d) Repair and service of machinery, equipment, automobiles, and/or trucks.

(e) Locksmith service, building material store with associated lumber yard, and/or irrigation supply store.

(f) Food service establishment such as: restaurant, cafe, and/or espresso stand.

(g) Veterinary facility with accommodations for animals within an enclosed building.

(h) Professional office.

(i) Fire department facility, law enforcement facility, public utility office, and/or medical facility.

(j) Equipment rental service.

(k) Nursery and/or landscaping business.

(l) Utility substation facility.

(m) Kennel, commercial.

(n) Wineries/Breweries/Distilleries.

(o) Hiking and non-motorized biking trails.

(p) Barber and beauty shop.

(q) Pet grooming

(r) Single Family Dwelling, Duplex, Multifamily:
(1) Residential uses in the General Commercial Zoning District are allowable only in an Urban Growth Area. For all general commercial zones outside of an urban growth area, BCC 11.23.060(b) applies.
[Ord. 611 (2018) § 101]

Commented [DH1]: Required only if 6026 passes

11.23.040 ACCESSORY USES. Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the General Commercial District (GC) on a single parcel of record:

(a) Accessory/ancillary uses or buildings.

(b) Solar Power Generator Facility, Minor
[Ord. 611 (2018) § 102]

11.23.050 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL. The following uses may be allowed within the General Commercial District (GC) on a single parcel of record upon the review and approval of the Planning Administrator:

(a) Communication facilities, subject to Chapter 11.47 BCC.

(b) Adult use (entertainment) business, subject to the provisions of Chapter 4.02 BCC.
[Ord. 611 (2018) § 103]

11.23.060 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the General Commercial District (GC) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040.

(a) Recreational vehicle park.

(b) Dwelling unit within a structure also used for commercial purposes, outside of an urban growth area, that meets the following criteria is eligible to apply for a conditional use permit:

Commented [DH2]: Required only if 6026 passes

(1) The dwelling unit may ~~not~~ be located on the ground level or below when located in a UGA. When the dwelling unit is located outside the UGA, the dwelling unit may not be located on the ground floor or below;

(2) The number of dwelling units may not exceed one (1) dwelling unit outside of a UGA. Inside the UGA, the maximum number of dwelling units allowable cannot exceed the requirements of 11.07.080(a).

(3) The dwelling unit(s) must meet either: Benton-Franklin Health District requirements for septic systems and domestic water usage, or the applicable city requirements for connection to sanitary sewer and potable water if in the UGA and services are available.

(4) The dwelling unit shall comply with all of the applicable building code requirements.

(c) Rental storage facility.

(d) Solid waste transfer station.

(e) Hazardous waste treatment and/or hazardous waste storage facilities as an accessory use to an allowed or conditionally permitted use; provided, that such facilities must comply with the state siting criteria adopted in RCW 70.105.210 and only treat waste generated on the same parcel or a contiguous parcel.

(f) Indoor shooting range.

(g) Sewage treatment facility for industrial and/or domestic waste.
[Ord. 611 (2018) § 104]

11.23.070 USES PROHIBITED. Any use not authorized or approved pursuant to BCC 11.23.030, BCC 11.23.040, BCC 11.23.050 or BCC 11.23.060 is prohibited within the General Commercial District

(GC).
[Ord. 611 (2018) § 105]

11.23.080 PROPERTY DEVELOPMENT STANDARDS--GENERAL STANDARDS. All lands, structures and uses in the General Commercial District (GC) shall conform to the following 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) Lot Width. Each parcel shall have an average lot width of not less than ninety (90) feet.

(b) Each building on a parcel that is contiguous to a Community Center Residential (CCR), Rural Lands One Acre (RL-1), Rural Lands Five Acre (RL-5), Rural Lands Twenty Acre (RL-20), or Urban Growth Area Residential (UGAR) zoning district shall have a minimum setback of thirty (30) feet from said district border.

(c) Each building must be at least twenty-five (25) feet from the property line bordering any public road right-of-way and at least twenty-five (25) feet from the closest edge of any legally established boundary line of a private access easement.

(d) No building or structure shall be located within an easement or any public road right-of-way.

(e) Dwellings inside an urban growth area must comply with the development and density standards in BCC 11.07.080.

Commented [DH3]: Required only if E2SSB 6026 passes

[Ord. 611 (2018) § 106]

11.23.090 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. 611 (2018) § 249]

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

[Ord. 611 (2018) § 250]

CHAPTER 11.29

COMMUNITY COMMERCIAL DISTRICT (CC)

SECTIONS:

11.29.010	Purpose
11.29.020	Applicability
11.29.030	Allowable Uses
11.29.040	Accessory Uses
11.29.050	Uses Subject to Planning Administrator Review and Approval
11.29.060	Uses Requiring a Conditional Use Permit
11.29.070	Uses Prohibited
11.29.080	Property Development Standards--General Standards
11.29.090	Property Development Standards--Setback Requirements
11.29.100	Severability
11.29.110	Effective Date

11.29.010 PURPOSE. The Community Commercial District (CC) is designed to provide areas for retail commercial activities within rural communities. Development within this district shall be located in areas designed to allow adequate accessibility and parking facilities.
[Ord. 611 (2018) § 107]

11.29.020 APPLICABILITY. The provisions of this chapter shall apply to the areas designated as a Community Commercial District (CC) on the official zoning maps of Benton County and located in unincorporated Benton County.
[Ord. 611 (2018) § 108]

11.29.030 ALLOWABLE USES. Provided all applicable code provisions are satisfied, the following uses are allowed in the Community Commercial District (CC) on a single parcel of record:

(a) Automobile fueling station, electric vehicle charging station, and/or car wash.

(b) Barber/beauty shop.

(c) Retail sales establishment, provided no structure used for such purpose may exceed five thousand (5,000) square feet, subject to the prohibition on marijuana retail outlets set forth in BCC 11.42.130.

(d) Tasting room, bar, and/or tavern.

(e) Laundry mat, dry cleaning, and/or alteration service establishment.

(f) Post office and/or public library.

(g) Fire department facility, law enforcement facility, public utility office, and/or medical facility.

(h) Reception facility, provided all structures used for such purpose collectively may not exceed three thousand (3,000) square feet.

(i) Professional office.

(j) Food service establishment such as: restaurant, cafe, and/or espresso stand.

(k) Veterinary facility with accommodations for animals within an enclosed building.

(l) Bank.

(m) Pet Grooming.

(n) Hiking and non-motorized biking trails.

(o) Church.
[Ord. 611 (2018) § 109]

11.29.040 ACCESSORY USES. Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the Community Commercial District (CC) on a single parcel of record:

(a) Accessory/ancillary uses or buildings.

(b) Solar Power Generator Facility, Minor.
[Ord. 611 (2018) § 110]

11.29.050 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL. The following uses may be allowed within the Community Commercial District (CC) on a single parcel of record upon the review and approval of the Planning Administrator:

(a) Communication facilities, subject to the provisions of Chapter 11.47 BCC.

(b) Child Day Care Facility, Type A, subject to the provisions of BCC 11.42.050.
[Ord. 611 (2018) § 111]

11.29.060 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Community Commercial District (CC) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040.

(a) Child Day Care Facility, Type B, subject to the provisions of BCC 11.42.060.

(b) Kennel, commercial.

(c) Public transit center.

(d) Dwelling unit within a structure also used for commercial purposes that meets the following criteria is eligible to apply for a conditional use permit:

(1) The dwelling unit may not be located on the ground level or below.

(2) The number of dwelling units may not exceed one (1) dwelling unit.

(3) The dwelling unit must meet Benton-Franklin Health District requirements for septic systems and domestic water usage.

(4) The dwelling unit shall comply with all of the applicable building code requirements.

(e) Hazardous waste treatment and/or hazardous waste storage facilities as an accessory use to an allowed or conditionally permitted use; provided, that such facilities must comply with the state siting criteria adopted in RCW 70.105.210 and only treat waste generated on the same parcel or a contiguous parcel.

(f) School.

(g) Sewage treatment facility for industrial and/or domestic waste.

(h) Utility substation facility.

(i) Community clubhouse, grange hall and/or senior center.
[Ord. 611 (2018) § 112]

11.29.070 USES PROHIBITED. Any use not authorized or approved pursuant to BCC 11.29.030, BCC 11.29.040, BCC 11.29.050 or BCC 11.29.060 is prohibited within the Community Commercial District (CC).
[Ord. 611 (2018) § 113]

11.29.080 PROPERTY DEVELOPMENT STANDARDS--GENERAL STANDARDS. All lands, structures and uses in the Community Commercial District (CC) 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) Lot Width. Each parcel shall have an average lot width of not less than ninety (90) feet.

(b) Maximum Building Size. Each structure is limited to eighteen thousand (18,000) square feet.
[Ord. 611 (2018) § 114]

11.29.090 PROPERTY DEVELOPMENT STANDARDS--SETBACK REQUIREMENTS. All lands, structures, and uses in the Community Commercial District (CC) shall meet the following setback requirements, and if applicable, the setback requirements 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) Each building on a parcel that is contiguous to a Community Center Residential (CCR), Rural Lands One Acre (RL-1), Rural Lands Five Acre (RL-5), Rural Lands Twenty Acre (RL-20), or Urban Growth Area Residential (UGAR) zoning district shall have a minimum setback of thirty (30) feet from said district border.

(b) Each building must be at least twenty-five (25) feet from the property line bordering any public road right-of-way and at least twenty-five (25) feet from the closest edge of any legally established boundary line of a private access easement.

(c) No building or structure shall be located within an easement or any public road right-of-way.
[Ord. 611 (2018) § 115]

11.29.100 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. 611 (2018) § 249]

11.29.110 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 611 (2018) § 250]

CHAPTER 11.31

INTERCHANGE COMMERCIAL DISTRICT (IC)

SECTIONS:

11.31.010	Purpose
11.31.020	Applicability
11.31.030	Allowable Uses
11.31.040	Accessory Uses
11.31.050	Uses Subject to Planning Administrator Review and Approval
11.31.060	Uses Requiring a Conditional Use Permit
11.31.070	Uses Prohibited
11.31.080	Property Development Standards - General Standards
11.31.090	Severability
11.31.100	Effective Date

11.31.010 PURPOSE. The Interchange Commercial District (IC) is designed to provide for the development of commercial services that are easily accessible from limited access highways and that primarily rely on the automobile as the principal source of customer access.
[Ord. 611 (2018) § 116]

11.31.020 APPLICABILITY. The provisions of this Chapter shall apply to the areas designated as an Interchange Commercial District (IC) on the official zoning maps of Benton County and located in unincorporated Benton County.
[Ord. 611 (2018) § 117]

11.31.030 ALLOWABLE USES. Provided all applicable code provisions are satisfied, the following uses are allowed in the Interchange Commercial District (IC) on a single parcel of record:

(a) Automobile fueling station, electric vehicle charging station, car wash and/or truck stop with ancillary personal services (i.e. barber, laundry.
(b) Retail sales establishment, subject to the prohibition on marijuana retail outlets set forth in BCC 11.42.130.

(c) Food service establishment such as: restaurant, cafe, and/or espresso stand.

(d) Hotel/Motel.

(e) Rest area or visitor information center.

(f) Hazardous waste treatment and/or hazardous waste storage facilities as an accessory use to an allowed or conditionally permitted use; provided, that such facilities must comply with the state siting criteria adopted in RCW 70.105.210, as currently in effect or as hereafter amended, and only treat waste generated on the same parcel or a contiguous parcel.

(g) Tasting room, bar, and/or tavern.

(h) Wineries/Breweries/Distilleries.

(i) Hiking and non-motorized biking trails.

(j) Rapid Charging Station.
[Ord. 611 (2018) § 118]

11.31.040 ACCESSORY USES. Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the Interchange Commercial District (IC) on a single parcel of record:

(a) Accessory/ancillary uses or buildings.

(b) Solar Power Generator Facility, Minor.
[Ord. 611 (2018) § 119]

11.31.050 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL. The following uses may be allowed within the Interchange Commercial District (IC) on a single parcel of record upon the review and approval of the Planning Administrator:

(a) Communication facilities, subject to the provisions of Chapter 11.47 BCC.
[Ord. 611 (2018) § 120]

11.31.060 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Interchange Commercial District (IC) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040.

(a) Recreational vehicle park.

(b) Public transit center.

(c) Sewage treatment for industrial and/or domestic waste.

(d) Fire department facility, law enforcement facility, public utility office, and/or medical facility.

(e) Utility substation facility.

(f) Reception facility.

(g) Dwelling unit within a structure also used for commercial purposes that meets the following criteria:

(1) The number of dwelling units may not exceed one (1) dwelling unit.

(2) The dwelling unit must meet Benton-Franklin Health District requirements for septic systems and domestic water usage.

(3) The dwelling unit shall comply with all of the applicable building code requirements.

(h) Commercial Recreational Facility.
[Ord. 611 (2018) § 121; Ord. 617 (2019) § 8]

11.31.070 USES PROHIBITED. Any use not authorized or approved pursuant to BCC 11.31.030, BCC 11.31.040, BCC 11.31.050 or 11.31.060 is prohibited within the Interchange Commercial District (IC).
[Ord. 611 (2018) § 122]

11.31.080 PROPERTY DEVELOPMENT STANDARDS - GENERAL STANDARDS. All lands, structures and uses in the Interchange Commercial District (IC) shall conform to the following standards:

(a) Lot Width. Each parcel shall have an average lot width of not less than ninety (90) feet.

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

(1) Each building on a parcel that is contiguous to a Community Center Residential (CCR), Rural Lands One Acre (RL-1), Rural Lands Five Acre (RL-5), Rural Lands Twenty Acre (RL-20), or Urban Growth Area Residential (UGAR) zoning district shall have a minimum setback of thirty (30) feet from said district border.

(2) Each building must be at least twenty-five (25) feet from the property line bordering any public road right-of-way and at least twenty-five (25) feet from the closest edge of any legally established boundary line of a private access easement.

(3) No building or structure shall be located within an easement or any public road right-of-way.
[Ord. 611 (2018) § 123]

11.31.090 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. 611 (2018) § 249]

11.31.100 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 611 (2018) § 250]

CHAPTER 11.33

LIGHT INDUSTRIAL DISTRICT (LI)

SECTIONS:

11.33.010	Purpose
11.33.020	Applicability
11.33.030	Allowable Uses
11.33.040	Accessory Uses
11.33.050	Uses Subject to Planning Administrator Review and Approval
11.33.060	Uses Requiring a Conditional Use Permit
11.33.070	Uses Prohibited
11.33.080	Property Development Standards
11.33.090	Severability
11.33.100	Effective Date

11.33.010 PURPOSE. The Light Industrial District (LI) is designed to provide an area for the establishment of manufacturing facilities that generally do not involve significant pollution issues, such as: research and development, computer component manufacturing businesses, and other businesses of a similar nature. Such light industrial activities should be sited and designed so as to avoid or significantly mitigate material adverse effects to the natural environment, adjacent non-industrial areas, and communities whenever feasible.
[Ord. 611 (2018) § 124]

11.33.020 APPLICABILITY. Provided all applicable code provisions are satisfied, the provisions of this Chapter shall apply to the areas designated as a Light Industrial District (LI) on the official zoning maps of Benton County and located in unincorporated Benton County.
[Ord. 611 (2018) § 125]

11.33.030 ALLOWABLE USES. The following uses are allowed within the Light Industrial District (LI) on a single parcel of record:

(a) Fire department facility, law enforcement facility, and/or medical facility.

(b) Research and development facility, computer component manufacturing, laboratory, and/or electronic data processing facility.

(c) Agricultural uses.

(d) Lumber yard and/or custom milling of logs into dimensional lumber.

(e) Nursery and/or landscaping business.

(f) Warehouse.

(g) Utility substation facility.

(h) Rental storage facility.

(i) Food processing and/or cannery.

(j) Metal fabrication and/or welding.

(k) Sales of on-site manufactured goods.

(l) Sales, service and repair of machinery equipment, automobiles, and/or trucks.

(m) Wineries/Breweries/Distilleries.

(n) Hiking and non-motorized biking trails.

(o) Hazardous waste treatment and/or hazardous waste storage facilities as an accessory use to an allowed or conditionally permitted use; provided, that such facilities must comply with the

state siting criteria adopted in RCW 70.105.210, as it now exists or is hereafter amended, and only treat waste generated on the same parcel or a contiguous parcel.

(p) Rapid Charging Station.

(q) No more than one (1) wind turbine and related support structures and other improvements per parcel for private use; provided, the wind turbine height must be less than sixty (60) feet and the wind turbine must be set back from all property lines a distance equal to one (1) foot for every foot in height of the wind turbine.
[Ord. 611 (2018) § 126; Ord. 640 (2021) § 3]

11.33.040 ACCESSORY USES. Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the Light Industrial District on a single parcel of record:

(a) Accessory/ancillary uses or buildings.

(b) Accessory equipment structure if ancillary to a communication facility.

(c) Solar Power Generator Facility, Minor.
[Ord. 611 (2018) § 127]

11.33.050 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL. The following uses may be allowed within the Light Industrial District (LI) on a single parcel of record upon the review and approval of the Planning Administrator:

(a) Communication facilities, subject the provisions of Chapter 11.47 BCC.
[Ord. 611 (2018) § 128]

11.33.060 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Light Industrial District (LI) if a conditional use permit is

issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040.

(a) Race track facility for automotive, motocross, or horse racing.

(b) Agricultural recreational facility.

(c) Sand and/or gravel pit, stone quarry, mining, crushing, stockpiling of mineral resources and similar uses for the development of natural resources extracted on-site.

(d) Solid waste transfer station.

(e) Airport/Heliport.

(f) ~~Asphalt plant~~ Concrete batching and asphalt processing and manufacture, batch plant.

~~(g) Concrete plant.~~

(h) Sewage treatment plant for industrial and/or domestic waste.

(i) Wrecking yard.

(j) Indoor shooting range.

(k) Solar Power Generator Facility, Major.

(l) One (1) wind turbine with a wind turbine height of sixty (60) feet or more or a wind turbine farm and related support structures and other improvements under the following conditions:

(1) The lowest point on all rotor blades must be at least thirty (30) feet above ground level;

(2) All wind turbine tower bases must be set back from all dwellings not located on the same parcel at least one thousand six hundred and forty (1,640) feet;

(3) All wind turbine tower bases must be set back from all property lines a distance equal to the associated wind turbine height plus 50% of that height, except that, where contiguous

properties are leased for an identical duration for

development of a wind farm, the tower bases set back from the property lines common with such leased properties may be eliminated so long as no part of any wind turbine extends past any such interior property lines and the above-required setbacks are maintained from the property lines comprising the exterior boundaries of the wind farm;

(4) All wind turbine tower bases must be set back from the closest edge of a state, county, or city road right-of-way distance equal to the wind turbine height plus 50% of that height;

(5) All wind turbine tower bases must be set back a distance equal to the wind turbine height from all borders of the Light Industrial Zoning District, except for Light Industrial Zoning District borders adjacent to the Hanford Reservation owned by the Department of Energy or adjacent to another zoning district adopted by another county that contains a general minimum parcel size of at least twenty (20) acres per parcel;

(6) For wind turbine(s) proposed to be located within four (4) miles of the nearest point of the nearest runway of the nearest airport available for public use, the applicant for a building permit must comply with all the requirements imposed by the Federal Aviation Administration (FAA) and provide a written statement from the FAA that sets forth the FAA's comments and requirements, if any, for the proposal;

(7) All wind turbine(s) must comply with the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, as currently in effect or as hereafter amended, including but not limited to, providing such notices to the FAA as required thereunder and compliance with all requirements or prohibitions imposed by the FAA on the applicant's proposal;

(8) Conditional use permit applications for the placement and operation of wind turbines under this section shall be made available for review by the United States Department of

Defense (USDOD) in accordance with RCW 36.01.320, as in effect now or hereafter amended. The notice and processing of wind turbine permit applications will be in accordance with Benton County Code chapter 17.10. Pursuant to BCC 11.50.040 (d), the applicant is required to provide sufficient evidence to persuade the Hearings Examiner that the proposed wind turbine is compatible with other uses in the surrounding area, including any military training activities, or is no more incompatible than are any other outright permitted uses in the applicable zoning district, as well as provide all other evidence required by BCC 11.50.040;

(9) All wind turbine tower bases shall be located at least forty (40) feet for every one (1) foot of tower height or one mile, whichever is greater, from the ends of and at least five thousand (5,000) feet from the sides of all runways which are available solely for private use and identified on the most current edition of the Sectional Aeronautical Charts produced by the National Aeronautical Charting Office (NACO);

(10) If the use of any wind turbine or wind turbine farm is discontinued for a period of one (1) year or more, the owner of such facility shall remove the facility within ninety (90) days of written notification by the Planning Department. If such facility is not removed within said ninety (90) days, the County may refer the issue to the code enforcement officer for appropriate action pursuant to Chapter 11.43 BCC; and

(11) The wind turbine(s) and all associated service roads may not displace more than five (5) percent of the area of that parcel(s) on which they are located.

[Ord. 611 (2018) § 129; Ord. 640 (2021) § 4]

11.33.070 USES PROHIBITED. Any use not authorized or approved pursuant to BCC 11.33.030, BCC 11.33.040, BCC 11.33.050 or BCC 11.33.060 is prohibited in the Light Industrial District (LI). [Ord. 611 (2018) § 130]

11.33.080 PROPERTY DEVELOPMENT STANDARDS. All lands, structures and uses in the Light Industrial District (LI) shall conform to the following standards:

(a) Lot Width. Each lot shall have an average lot width of not less than ninety (90) feet.

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

(1) Each building on a parcel that is contiguous to a Community Center Residential (CCR), Rural Lands One Acre (RL-1), Rural Lands Five Acre (RL-5), Rural Lands Twenty Acre (RL-20), or Urban Growth Area Residential (UGAR) zoning district shall have a minimum setback of thirty (30) feet from said district border.

(2) Each building must be at least twenty-five (25) feet from the property line bordering any public road right-of-way and at least twenty-five (25) feet from the closest edge of any legally established boundary line of a private access easement.

(3) No building or structure shall be located within an easement or any public road right-of-way.

[Ord. 611 (2018) § 131]

11.33.090 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. 611 (2018) § 249]

11.33.100 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 611 (2018) § 250]

CHAPTER 11.35

HEAVY INDUSTRIAL DISTRICT (HI)

SECTIONS:

11.35.010	Purpose
11.35.020	Applicability
11.35.030	Allowable Uses
11.35.040	Accessory Uses
11.35.050	Uses Subject to Planning Administrator Review and Approval
11.35.060	Uses Requiring a Conditional Use Permit
11.35.070	Uses Prohibited
11.35.080	Property Development Standards
11.35.090	Severability
11.35.100	Effective Date

11.35.010 PURPOSE. The purpose of the Heavy Industrial District (HI) is to provide an area for the location of industrial uses involving the manufacture, processing, or treatment of materials or products that may be inherently involved with potentially offensive characteristics such as odors, dust, smoke, noxious gases, noise, vibration, glare, heat, or other impacts. [Ord. 611 (2018) § 132]

11.35.020 APPLICABILITY. Provided all applicable code provisions are satisfied, the provisions of this Chapter shall apply to the areas designated as a Heavy Industrial District (HI) on the official zoning maps of Benton County and located in unincorporated Benton County.
[Ord. 611 (2018) § 133]

11.35.030 ALLOWABLE USES. The following uses are allowed within the Heavy Industrial District (HI) on a single parcel of record:

(a) The processing, assembly and/or manufacturing of raw materials, semi-finished materials, and/or finished materials, except for the manufacturing reprocessing and/or storage of radioactive waste.

(b) Ironwork, drop forge industry, and/or metal fabrication.

(c) Repair of machinery equipment, automobiles and/or trucks.

(d) Food processing facility, cannery and/or cold storage facility.

(e) Agricultural uses.

(f) Retail sales of goods manufactured on the premises; provided, that the floor space devoted to such use does not exceed ten (10) percent of the gross floor area of all buildings on the parcel.

(g) Wholesale sales of products.

(h) Transportation facilities for handling cargo and/or passengers, including mooring facilities, grain elevator, or barge terminal.

(i) Warehouse.

(j) Utility substation facility.

(k) Production of alcohol fuels, biodiesel, or ethanol.

(l) Hiking and non-motorized biking trails.

(m) Sewage treatment plant for industrial and/or domestic waste.

(n) Solid waste~~—~~transfer station, ~~and/or~~ recycling center, and organmic material management.

(o) Wrecking yard.

(p) Hazardous waste treatment and/or hazardous waste storage facilities as an accessory use to an allowed or conditionally permitted use; provided, that such facilities must comply with the state siting criteria adopted in RCW 70.105.210, as currently in

effect or as hereafter amended, and only treat waste generated on the same parcel or a contiguous parcel.

(q) Rapid Charging Station.

(r) No more than one (1) wind turbine and related support structures and other improvements per parcel for private use; provided, the wind turbine height must be less than sixty (60) feet and the wind turbine must be set back from all property lines a distance equal to one (1) foot for every foot in height of the wind turbine.
[Ord. 611 (2018) § 134; Ord. 640 (2021) § 5]

11.35.040 ACCESSORY USES. Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the Heavy Industrial District (HI) on a single parcel of record:

(a) Accessory/ancillary uses or buildings.

(b) Solar Power Generator Facility, Minor.
[Ord. 611 (2018) § 135]

11.35.050 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL. The following uses may be allowed within the Heavy Industrial District (HI) on a single parcel of record upon the review and approval of the Planning Administrator:

(a) Communication facilities, subject to the provisions of Chapter 11.47 BCC.
[Ord. 611 (2018) § 136]

11.35.060 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Heavy Industrial District (HI) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040.

(a) Facilities for generating power for sale to the public, including solar power generators; provided, that such power cannot be nuclear fueled.

(b) Hazardous waste treatment and/or hazardous waste storage facility treating waste not generated on the same or a contiguous parcel; provided, that such facility must comply with Washington State siting criteria set forth in RCW 70.105.210, as currently in effect or as hereafter amended.

(c) Sand and/or gravel pit, stone quarry, mining, crushing, stockpiling of mineral resources and similar uses for the development of natural resources extracted on-site.

(d) ~~Asphalt plant~~ Concrete batching and asphalt processing and manufacture, batch plant.

~~(e) Concrete plant.~~

(f) Airport/Heliport.

(g) Railroad switch yards, maintenance and/or repair facilities.

(h) State and/or local correctional facility, and/or Secure Community Transition Facility as described by RCW 36.70A.200, as currently in effect or as hereafter amended.

(i) Solar Power Generator Facility, Major.

(j) One (1) wind turbine with a wind turbine height of sixty (60) feet or more or a wind turbine farm and related support structures and other improvements under the following conditions:

(1) The lowest point on all rotor blades must be at least thirty (30) feet above ground level;

(2) All wind turbine tower bases must be set back from all dwellings not located on the same parcel at least one thousand six hundred and forty (1,640) feet;

(3) All wind turbine tower bases must be set back from all property lines a distance equal to the associated wind turbine height plus 50% of that height, except that, where contiguous properties are leased for an identical duration for

development of a wind farm, the tower bases set back from the

property lines common with such leased properties may be eliminated so long as no part of any wind turbine extends past any such interior property lines and the above-required setbacks are maintained from the property lines comprising the exterior boundaries of the wind farm;

(4) All wind turbine tower bases must be set back from the closest edge of a state, county, or city road right-of-way distance equal to the wind turbine height plus 50% of that height;

(5) All wind turbine tower bases must be set back a distance equal to the wind turbine height from all borders of the Heavy Industrial Zoning District, except for Heavy Industrial Zoning District borders adjacent to the Hanford Reservation owned by the Department of Energy or adjacent to another zoning district adopted by another county that contains a general minimum parcel size of at least twenty (20) acres per parcel;

(6) For wind turbine(s) proposed to be located within four (4) miles of the nearest point of the nearest runway of the nearest airport available for public use, the applicant for a building permit must comply with all the requirements imposed by the Federal Aviation Administration (FAA) and provide a written statement from the FAA that sets forth the FAA's comments and requirements, if any, for the proposal;

(7) All wind turbine(s) must comply with the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, as currently in effect or as hereafter amended, including but not limited to, providing such notices to the FAA as required thereunder and compliance with all requirements or prohibitions imposed by the FAA on the applicant's proposal;

(8) Conditional use permit applications for the placement and operation of wind turbines under this section shall be made available for review by the United States Department of Defense (USDOD) in accordance with RCW 36.01.320, as in effect

now or hereafter amended. The notice and processing of wind turbine permit applications will be in accordance with Benton County Code chapter 17.10. Pursuant to BCC 11.50.040 (d), the applicant is required to provide sufficient evidence to persuade the Hearings Examiner that the proposed wind turbine is compatible with other uses in the surrounding area, including any military training activities, or is no more incompatible than are any other outright permitted uses in the applicable zoning district, as well as provide all other evidence required by BCC 11.50.040;

(9) All wind turbine tower bases shall be located at least forty (40) feet for every one (1) foot of tower height or one mile, whichever is greater, from the ends of and at least five thousand (5,000) feet from the sides of all runways which are available solely for private use and identified on the most current edition of the Sectional Aeronautical Charts produced by the National Aeronautical Charting Office (NACO);

(10) If the use of any wind turbine or wind turbine farm is discontinued for a period of one (1) year or more, the owner of such facility shall remove the facility within ninety (90) days of written notification by the Planning Department. If such facility is not removed within said ninety (90) days, the County may refer the issue to the code enforcement officer for appropriate action pursuant to Chapter 11.43 BCC; and

(11) The wind turbine(s) and all associated service roads may not displace more than five (5) percent of the area of that parcel(s) on which they are located.

[Ord. 611 (2018) § 137; Ord. 640 (2021) § 6]

11.35.070 USES PROHIBITED. Any use not authorized or approved pursuant to BCC 11.35.030, BCC 11.35.040, BCC 11.35.050 or 11.35.060 is prohibited in the Heavy Industrial District (HI). [Ord. 611 (2018) § 138]

11.35.080 PROPERTY DEVELOPMENT STANDARDS. All lands, structures and uses in the Heavy Industrial (HI) District shall conform to the following standards:

(a) Lot Width. Each lot shall have an average lot width of not less than ninety (90) feet.

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

(1) Each building on a parcel that is contiguous to a Community Center Residential (CCR), Rural Lands One Acre (RL-1), Rural Lands Five Acre (RL-5), Rural Lands Twenty Acre (RL-20), or Urban Growth Area Residential (UGAR) zoning district shall have a minimum setback of thirty (30) feet from said district border.

(2) Each building must be at least twenty-five (25) feet from the property line bordering any public road right-of-way and at least twenty-five (25) feet from the closest edge of any legally established boundary line of a private access easement.

(3) No building or structure shall be located within an easement or any public road right-of-way.

[Ord. 611 (2018) § 139]

11.35.090 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. 611 (2018) § 249]

11.35.100 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 611 (2018) § 250]

CHAPTER 11.42

GENERAL USE REGULATIONS

SECTIONS:

11.42.010 Access to Public Roads
11.42.020 Accessory Dwelling Units (ADU)
11.42.030 Bed and Breakfast Facility
11.42.040 Building Permits
11.42.050 Child Day Care Facility, Type A
11.42.060 Child Day Care Facility, Type B—Conditional Use Permit Required
11.42.070 Fencing Standards
11.42.080 Multiple Detached Dwelling Units (MDD)
11.42.090 Non-Commercial Sand and Gravel Pits, Quarries, and Mineral Resources-Administrative Review
11.42.100 Solar Power Generator Facility-Major and Minor
11.42.110 Temporary Dwelling
11.42.120 Temporary Outdoor Retail Sales
11.42.130 Prohibition and Regulation of Marijuana Related Activities
~~11.42.035 Signs~~11.42.140 Resource Lands Notification

11.42.~~140~~145 Severability
11.42.150 Effective Date

11.42.010 ACCESS TO PUBLIC ROADS.

(a) Every single-family dwelling, manufactured home, or multi-family dwelling constructed on or placed upon any property after May 10, 1976, shall be constructed on or placed upon a property which fronts upon and has direct access to a county road, state highway or city street, except the following:

~~(1) Dwelling placed in a planned development in accordance with the provisions of Chapter 11.21 BCC.~~

Commented [DH1]: Strike - relates to PD

(2) Manufactured homes placed in an approved manufactured home park, pursuant to BCC 3.22 (Manufactured Home Park Ordinance).

(3) Dwellings to be located on property for which there is a non-exclusive and perpetual easement or right-of-way for ingress and egress recorded in the Benton County Auditor's office. Said easement or right-of-way shall be continuous from the boundary of the property on which the dwelling is to be located to a county road, state highway, or city street and shall serve only one dwelling unit per individual piece of property. All applicants for building permits issued under the authority of this subsection shall sign an affidavit stating that the responsibility for construction and maintenance of this easement shall be vested with the property owner and not Benton County.

(4) A manufactured home located on property that proposes to provide access across state or federally owned property and for which there is a non-perpetual easement, lease, or right-of-way for ingress and egress across the state or the federally owned property, recorded in the Benton County Auditor's office. That portion of the access easement crossing property not owned by the state or federal government shall comply with BCC 11.42.010(a)(3) above. Said easements or ~~right-of-ways~~rights-of-way shall be continuous from the boundary of the property on which the manufactured home is to be located to a county road, state highway, or city street and shall serve only one dwelling unit per individual piece of property. The placement permit for the manufactured home shall be valid for no longer than the duration of the non-perpetual easement, lease, or right-of-way obtained over the state or federally owned property, and the manufactured home must be removed thereafter. All applicants for placement permits issued under the authority of this subsection shall sign and record an affidavit stating that the responsibility for construction and maintenance of the easement shall be vested with the property owner and not Benton County. Prior to recording of any transfer of ownership of property being

served by an access easement per BCC 11.42.010(a)(4), a new easement must

be granted to the new owner by the appropriate state or federal agency and recorded per BCC 11.42.010(a)(4).

(5) Dwellings placed on a lot in approved short plat; or

(6) Dwellings placed on a property for which a conditional permit or variance from these requirements has been granted.

(b) Any person submitting an application for a building permit to construct a dwelling on property which is exempt from the access requirement by BCC 11.42.010(a)(3) or an application for a placement permit to locate a manufactured home on property exempt from the access requirement by BCC 11.42.010(a)(4) shall also submit a copy of the recorded easement or right-of-way agreement to the Benton County Building Official.

(c) A county road shall mean a road which is on the county road system as shown by the county engineer's maps and is maintained by Benton County. Roads included in an accepted plat, filed with the county auditor, for which construction provisions have been made shall also constitute county roads.

(d) ~~Except in planned developments established in accordance with Chapter 11.21 BCC,~~ Sshort plat lots which obtain access via access easements, manufactured home parks established in accordance with BCC 3.22, recreational vehicle parks or when multiple detached dwellings are approved in accordance with BCC 11.42.080, no other dwelling shall be located between a single family dwelling, manufactured home or multiple family dwelling and the street, road, or highway upon which it fronts.
[Ord. 611 (2018) § 162]

11.42.020 ACCESSORY DWELLING UNITS (ADU). An accessory dwelling unit shall be allowed on any real property located within unincorporated Benton County that is zoned for single family residences, except for those properties with an Industrial or Commercial zoning designation, thereby meeting the requirements of the Washington State Housing Policy Act of 1993 to incorporate provisions for accessory apartments in the County's zoning ordinance (Title 11 BCC).

Commented [DH2]: Strike - relates to PD

Commented [DH3]: Rural Versus Urban standards

(a) All accessory dwelling units authorized herein shall meet the following minimum criteria:

(1) The maximum number of accessory dwelling units allowed shall be as follows: One (1) accessory dwelling unit is allowed per parcel/lot outside of an urban growth area. Two (2) accessory dwelling units are allowed on parcels inside an urban growth area subject to the underlying zone development regulations.

(2) A single-family dwelling must be located on the parcel/lot where the accessory dwelling unit is to be located.

(3) The accessory dwelling unit outside of an urban growth area shall not exceed ~~40% of the total square footage of the single-family home or 800 square feet in size, whichever is smallest~~1000 square feet in size. Where the primary residence on a parcel outside an urban growth area is less than 1000 square feet in size, the maximum allowable size the the accessory dwelling unit must be less than the square footage of the primary residence. Accessory dwelling units inside an urban growth area shall not exceed 1,000 square feet, regardless of the size of the primary residence.

(4) The accessory dwelling unit shall consist of no more than one (1) bedroom.

(5) The accessory dwelling unit shall provide two (2) off-street parking spots.

(6) An accessory dwelling unit shall be constructed on the site and permanently affixed to the ground by footings and foundation. A recreational vehicle (RV), mobile home, manufactured home, or factory assembled structure is not to be permitted as an accessory dwelling unit.

(7) The accessory dwelling unit is not allowed on a lot/parcel that has a duplex (except where allowed as a unit lot subdivision), multi-family dwelling (except where allowed as a unit lot subdivision), a temporary dwelling permit (see

BCC 11.42.110), a multiple detached dwelling permit (see BCC 11.42.080) or two (2) or more single-family dwellings.

(8) The accessory dwelling unit is not allowed to be used in the operation of a home occupation, commercial or business uses.

Commented [DH4]: No commercial, industrial, or business uses allowed in ADU.

(9) The accessory dwelling unit shall both meet and comply with Benton Franklin Health District standards.

(10) The accessory dwelling unit shall meet and comply with Benton County Fire Marshal requirements for access.

(11) The accessory dwelling unit may be permitted as either a ground floor or 2nd floor unit.

~~(12) Either the accessory dwelling unit or the single-family dwelling shall be occupied by a landowner(s) as his/her primary residence. The landowner shall maintain residency at least six (6) months out of the year and at no time receive rent for, or otherwise allow to occupy the landowner(s) unit when absent the rest of the year.~~

(~~13~~12) If the accessory dwelling unit is connected to the single-family dwelling through a breezeway or similar means, the accessory dwelling unit shall be considered detached and compliance with subsection (c) below is required.

(~~14~~13) The accessory dwelling unit shall comply with the applicable building, fire, critical area, shoreline, and zoning requirements of Title 3, 11, and 15 of Benton County Code.

~~(15) The accessory unit shall not be considered as a dwelling unit when calculating density.~~

(~~16~~14) The accessory dwelling unit shall comply with requirements in subsection (b) and (c) below respectively.

(b) An accessory dwelling unit located within or attached to a single-family dwelling shall comply with the following:

(1) The accessory dwelling unit must be located within or attached to the single-family dwelling unit with a common wall.

(2) The primary single-family dwelling may be a manufactured home or a ~~site built~~site-built home. Manufactured homes shall obtain Washington State Labor and Industries approval on any modifications or additions to the home prior to receiving building permit approval by Benton County.

(3) The appearance and character of the single-family residence shall be maintained when viewed from the surrounding neighborhood. Whenever possible, any new entrance shall be placed at the side or rear of the building.

~~(4) The occupant of the accessory dwelling unit must be related to the occupant or be providing or receiving continuous care and assistance necessitated by advanced age, illness, or other infirmity. If the occupant of the accessory dwelling unit does not comply with this standard, the applicant may apply for a conditional use permit (see Chapter 11.50 BCC).~~

Commented [DH5]: Suggest striking...complicated issues relating to owner-occupancy requirements...

(~~5~~4) An accessory dwelling unit may be used as part of a Bed and Breakfast Facility if the single-family dwelling is approved to operate as a Bed and Breakfast Facility (see BCC 11.42.030) and said approval includes the use of the accessory dwelling unit.

(c) An accessory dwelling unit detached from the single-family dwelling shall comply with the following:

(1) All detached accessory dwelling units require approval of a conditional use permit (see Chapter 11.50 BCC).

(2) A detached accessory dwelling unit shall comply with the following minimum design standards.

(i) The detached accessory dwelling unit may be constructed within an existing outbuilding or be a stand alone~~g~~ structure, where the dwelling unit does not share a common wall with the primary ~~single family~~single-family dwelling. If the accessory dwelling unit is connected to the single-family dwelling through a breezeway or similar means, the accessory dwelling unit shall be considered detached.

~~(ii) An outside entrance to the accessory dwelling unit is required and be placed at the side or rear of the building, when possible, to maintain appearance and character of an accessory use.~~

(d) The applicant shall record the permit issued for the accessory dwelling unit with the Benton County Auditor's Office. The recording fee shall be paid by the applicant for the accessory dwelling unit. If the approved accessory dwelling unit is located outside an urban growth area, ~~T~~the permit shall include a statement that the accessory dwelling may not be sold as a separate residence until such time as the accessory dwelling is located as the sole residence on a legally subdivided parcel.
[Ord. 611 (2018) § 163]

11.42.030 BED AND BREAKFAST FACILITY.

(a) A bed and breakfast facility must be accessory to a household living use on a site. This means that an individual or family who operates the facility must occupy the house as their primary residence.

(b) Banquets, parties, weddings, or meetings for guests or other non-family members are prohibited unless these type of activities are specifically stated in an approved conditional use permit.

(c) Bed and breakfast facility shall comply with all applicable health (including Department of Health and Social Service review), fire safety and building codes.

(d) One sign not to exceed thirty-two (32) square feet in area shall be allowed. Lighted signs may be permitted with external direct lighting.

(e) Driveways accessing a facility shall be approved by the appropriate fire marshal and shall have a minimum easement width of thirty (30) feet with a twenty (20) foot fire apparatus road and be constructed at a grade in compliance with county standards.

(f) One off-street parking space shall be provided for each room available for patrons in addition to the off-street parking requirements for the underlying zoning district.

(g) Outdoor activity shall be limited to the hours of seven a.m. to ten p.m.

(h) For the purposes of this section, a bed and breakfast facility is not a hotel, inn, motel, lodging or rooming house, or restaurant.
[Ord. 611 (2018) § 164]

11.42.040 BUILDING PERMITS.

(a) No person, company, or corporation shall erect a building or structure of any kind or make any addition to an existing building or structure or alter any building or structure already erected within the unincorporated area of the County of Benton without complying with Title 3 of the Benton County Code.

(b) For building permit applications that will necessitate potable water, evidence of an adequate water supply shall be submitted in accordance with RCW 19.27.097 and, if applicable, compliance with Chapter 15.18 BCC.
[Ord. 611 (2018) § 165; Ord. 621 (2020) § 1]

11.42.050 CHILD DAY CARE FACILITY, TYPE A. No Child Day Care Facility, Type A, shall be permitted until a Child Day Care Facility Registration has been approved by the Planning Administrator upon compliance with this section. The following procedures shall apply:

(a) Application. The property owner shall submit a completed application form supplied by the Benton County Planning Department. The application shall be accompanied by a site plan, drawn to a scale of one inch equals 100 feet showing the proposed use, all existing and proposed structures and means of access.

The applicant's name, address, and telephone number, the signatures of all persons holding an ownership interest in the real property, the size and type of day care facility, including maximum number and ages of children cared for, and a non-refundable application fee as established by resolution of the Board of County Commissioners shall be included at the time an application for registration is submitted.

(b) Review by Planning Administrator. The Planning Administrator shall refer the matter to appropriate agencies for their comments, and shall determine the following:

(1) The proposed use has received all necessary approvals from Washington State regarding child care facilities.

(2) The proposed use conforms with all applicable ordinances and regulations of Benton County which also apply to other permitted uses in the applicable zoning district.

(3) The proposed use complies with all applicable requirements of the Benton-Franklin District Health Department, Department of Social and Health Services, and any municipality or agency providing water or sewer.

(4) Signage is limited to no more than one non-illuminating sign, with a maximum area of four (4) square feet, and a maximum sign height of six (6) feet above grade. The posting of such signs is limited to the parcel on which the approved child day care facility is located. On-street (inside the road right-of-way) sign posting and any sign posting which interferes with the line-of-sight for road intersections are prohibited.

(5) The outdoor play area is fenced to a height of not less than four (4) feet.

(6) Off-street parking areas shall be provided so as to allow one space for every employee.

(7) An off-street parking area shall be designated for the loading and unloading of children.

(8) The site for the proposed use shall be landscaped in such a manner to be compatible with surrounding uses.

(9) The residential character of an existing residential structure used for a child day care facility must continue, and maintain, the essence of the residential character of the surrounding neighborhood. Any structural or decorative alteration which alters the residential character is not permitted.

(10) The facility shall conform to International Fire Code (IFC), state, and local fire standards for fire prevention as now adopted or hereafter amended.

(11) The facility must comply with International Building Code (IBC) requirements as now adopted or hereafter amended.

(c) Decision. The Planning Administrator will, after conferring with appropriate agencies, determine whether the facility will conform and be consistent with the standards set for the above in Section 11.04.050(b)(1-11) and approve or deny the permit.

(1) If denied, the applicant shall be informed in writing of the reasons for denial.

(2) If conditional approval is given, the applicant shall have six (6) months to satisfy the conditions.

(d) Notification.

(3) Notice of the Planning Administrator's decision to approve or deny the permit shall be sent by first class mail to all persons signing the application.

(4) Notice of the Planning Administrator's decision will also be sent to the owners of all real property, as shown in the records of the Benton County Assessor, located

Formatted: Indent: Left: 0.5", First line: 0"

Formatted: Font: (Default) Courier New, 12 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 1"

Formatted: Font: (Default) Courier New, 12 pt

Formatted: Font: (Default) Courier New, 12 pt

Formatted: Indent: Left: 1", No bullets or numbering

within three hundred (300) feet of any boundary of the property for which the proposed communication facility will be located; provided, if the owner of the property for which the proposed facility will be located owns another parcel or parcels adjacent to such property, notification also shall be mailed to owners of real property located within three hundred (300) feet of any boundaries of such adjacent parcels.

(5) The notification shall contain a statement as to whether the proposed use is allowed or is not allowed.

(6) The notification shall state that any person aggrieved by the approval or denial of the shall have fourteen (14) calendar days from the date of the decision to file a written appeal of the Planning Administrator's decision.

(7) The Planning Administrator's decision shall be deemed final upon the date of mailing of the written decision, unless an appeal is filed pursuant to BCC 11.53.080.

~~(c) Notification. If the Planning Administrator determines all the above are satisfied, written notification of the proposed use shall be sent by first class U. S. Mail to owners of real property, as shown in the records of the Benton County Assessor, located within three-hundred (300) feet of any portion of the boundary of the proposed use; provided, if the owner of the property for which the proposed use is requested owns another parcel or parcels adjacent to the property, notification shall be mailed to owners of real property located within three-hundred (300) feet of any portion of the boundaries of such adjacent parcels. The notification shall contain a statement that the proposed use shall be approved without holding an open record hearing if no appeal is submitted to the Planning Administrator within fourteen (14) calendar days following date of mailing of notification.~~

~~Failure to send notice to a person specified in this section or failure to receive notice shall not invalidate any proceedings or~~

Formatted: Left, Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

Formatted: Font: (Default) Courier New, 12 pt

Formatted: Left, Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

Formatted: Font: (Default) Courier New, 12 pt

Formatted: Font: (Default) Courier New, 12 pt

Formatted: Left, Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 1"

Formatted: Font: (Default) Courier New, 12 pt, Font color: Red

Formatted: Font: (Default) Courier New, 12 pt, Font color: Red

~~decision in connection with the proposed use. The appeal must be accompanied by a non-refundable fee as established by resolution of the Board of County Commissioners.~~

~~(d) Approval by Planning Administrator. If no appeal is received by the Planning Administrator within fourteen (14) days following mailing of the notification, the proposed use shall be approved or conditionally approved. If conditional approval is given, the applicant shall have six (6) months to satisfy the conditions.~~

~~(e) Denial. If, after reviewing the application, the Planning Administrator determines that the proposal does not meet the requirements of BCC 11.42.050(b), he/she shall deny the request and inform the applicant in writing the reasons for the denial.~~

~~(f)~~(e) Revocation of Child Day Care Facility Registration. If the Planning Administrator determines that an activity is not being conducted in accordance with the terms of the Child Day Care Facility Registration and in compliance with the requirements of BCC 11.42.050, the registration may be revoked after notice to the holder of the registration. If the registration holder has not demonstrated to the Planning Administrator within seven (7) days of the mailing of such notice that grounds for revocation do not exist, then the registration will be revoked.

Upon revocation of a child day care facility registration, all day care activities shall cease within twenty (20) days unless an appeal is in process. If the child day care activities do not timely cease, the matter may be referred to the code enforcement officer for appropriate action pursuant to Chapter 11.43 BCC, inclusive.
[Ord. 611 (2018) § 166]

11.42.060 CHILD DAY CARE FACILITY, TYPE B--CONDITIONAL USE PERMIT REQUIRED. No Child Day Care Facility, Type B, shall be permitted unless a conditional use permit has been approved by the Benton County Hearings Examiner that meets the following criteria and any other conditions required by the Hearings Examiner:

(a) The proposed use has received all necessary approvals from Washington State regarding child care facilities.

(b) The proposed use conforms with all applicable ordinances and regulations of Benton County that also apply to other permitted uses in the applicable zoning district.

(c) The proposed use complies with all applicable requirements of the Benton-Franklin District Health Department, Department of Social and Health Services, and any municipality or agency providing water or sewer.

(d) Signage is limited to no more than one non-illuminating sign with a maximum area of four (4) square feet and a maximum sign height of six (6) feet above grade. The posting of such sign is limited to the parcel on which the approved Type B Child Day Care Facility is located. On-street (inside the road right-of-way) sign posting and any sign posting that interferes with the line of sight for a road intersection are prohibited.

(e) Off-street parking areas shall be provided so as to allow one (1) space for every employee and one (1) space for every five (5) children that will be attending the facility.

(f) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children.

(g) The facility shall conform to International Fire Code (IFC), State, and local fire standards for fire prevention as now adopted or hereafter amended.

(h) The facility must comply with International Building Code (IBC) requirements as now adopted or hereafter amended.
[Ord. 611 (2018) § 167]

11.42.070 FENCING STANDARDS

(a) Fences that are 7 feet or less in height are exempt from a building permit. Fences that are greater than 7 feet in height shall not be erected without first obtaining a building permit from the Benton County Building Department.

(b) Fences, regardless of height, to be located in a Flood Hazard Area, will require a Flood Development Permit and compliance with BCC 3.26, as existing and hereafter amended.

(c) Fences, regardless of height, shall comply with the following construction standards: Fences shall not be constructed out of tires, pallets, tarps and/or sheet plastic, bed springs, multi-colored materials, except colored materials manufactured specifically for fencing (i.e., slats of chain link fences), corrugated sheet metal, wheel rims and similar or like materials not traditionally manufactured or used for fencing purposes. [Ord. 611 (2018) § 168]

11.42.080 MULTIPLE DETACHED DWELLING UNITS (MDD). Where stated in this title that two (2), three (3), or four (4) detached single-family dwellings on an individual lot or two (2), three (3), or four (4) manufactured (mobile) homes on an individual lot may be permitted upon compliance with this section, the following procedure shall apply:

(a) Application. The property owner shall submit a completed application form supplied by the Benton County Planning Department. The application shall accompany a plot plan, drawn to a scale of one inch equals fifty (1" = 50') feet showing the proposed use, all existing and proposed structures and means of access. The applicant's name, address, and telephone number, the signatures of all persons holding an ownership interest in the real property, and a non-refundable application fee as established by resolution of the Board of Benton County Commissioners shall be required. Each dwelling unit must have frontage on a county, city or state road or easement in a short plat.

(b) Review by Planning Administrator. The Planning Administrator shall refer the matter to appropriate agencies for their comments, and shall determine the following:

(1) The proposed use does not have an adverse effect on other uses permitted in the applicable zoning district.

(2) The proposed use conforms with all applicable ordinances and regulations of Benton County which also apply to other permitted uses in the applicable zoning district.

(3) The proposed use complies with the density requirements of the Benton County Comprehensive Plan.

(4) The lot size equals or exceeds the total square footage and setbacks required by this chapter for the total proposed dwellings as if the dwellings were located on separate parcels.

(5) The proposed use complies with all applicable requirements of the Benton Franklin District Health District, Department of Social and Health Services, Department of Ecology or any municipality providing water or sewer.

(c) Decision. The Planning Administrator will, after conferring with appropriate agencies, determine whether the proposed use will conform and be consistent with the standards set for the above in Section 11.42.0850(b)(1-5) and approve or deny the permit.

(1) If denied, the applicant shall be informed in writing of the reasons for denial.

(2) If conditional approval is given, the applicant shall have six (6) months to satisfy the conditions.

(d) Notification.

(1) Notice of the Planning Administrator's decision to approve or deny the permit shall be sent by first class mail to all persons signing the application.

(2) Notice of the Planning Administrator's decision will also be sent to the owners of all real property, as shown in the records of the Benton County Assessor, located within three hundred (300) feet of any boundary of the property for which the proposed communication facility will be located; provided, if the owner of the property

Formatted: Font: (Default) Courier New, 12 pt

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 1", Tab stops: 1", Left

Formatted: Indent: Left: 0.5", Hanging: 0.5", Tab stops: 1", Left

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 1", Tab stops: 1", Left

Formatted: Font: (Default) Courier New, 12 pt

Formatted: Indent: Left: 1", No bullets or numbering

Formatted: Font: (Default) Courier New, 12 pt

Formatted: Normal, Indent: Left: 0.5", Hanging: 0.5", No bullets or numbering, Tab stops: 0.5", Left

for which the proposed facility will be located owns another parcel or parcels adjacent to such property, notification also shall be mailed to owners of real property located within three hundred (300) feet of any boundaries of such adjacent parcels.

(3) The notification shall contain a statement as to whether the proposed use is allowed or is not allowed.

(4) The notification shall state that any person aggrieved by the approval or denial of the shall have fourteen (14) calendar days from the date of the decision to file a written appeal of the Planning Administrator's decision.

(5) The Planning Administrator's decision shall be deemed final upon the date of mailing of the written decision, unless an appeal is filed pursuant to BCC 11.53.080.

~~(c) Notification. If the Planning Administrator determines all the above are satisfied, written notification of the proposed use shall be sent by first class U.S. Mail to owners of real property, as shown in the records of the Benton County Assessor, located within three-hundred (300) feet of any portion of the boundary of the proposed use; provided, if the owner of the property for which the proposed use is requested owns another parcel or parcels adjacent the property, notification shall be mailed to owners of real property located within three-hundred (300) feet of any portion of the boundaries of such adjacent parcels. The notification shall contain a statement that the proposed use shall be approved without holding an open record hearing if no objection is submitted to the Planning Administrator within seven (7) calendar days following date of mailing of notification.~~

~~Failure to send notice to a person specified in this section or failure to receive the notice shall not invalidate any proceedings or decision in connection with the proposed use.~~

~~(d) Approval by Planning Administrator. If no objection is received by the Planning Administrator within seven (7) days~~

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 1"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 1"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 1"

~~following mailing of notification, the proposed use shall be approved or conditionally approved. If conditional approval is~~

~~given, the applicant shall have six (6) months to satisfy the conditions. The Planning Administrator shall endeavor to issue his decision on the proposed use within fifteen (15) working days from the date of submittal of a complete application.~~

~~(e) Referral to the Hearings Examiner. If, after notification by the Planning Administrator, any objection to the proposed use is received within seven (7) days following the mailing thereof, the Planning Administrator shall refer the request to the Hearings Examiner and the Hearings Examiner shall act upon the request as if it were a request for conditional use permit, pursuant to BCC 11.50.040.~~

~~(f) Denial. If, after reviewing the application, the Planning Administrator determines that the proposal does not meet the requirements of BCC 11.42.080(b), he/she shall deny the request and inform the applicant in writing the reasons for the denial.~~

~~(g) Appeal. Anyone aggrieved by the administrator's decision shall have fourteen (14) days from the date of decision to appeal to the Hearings Examiner. The Hearings Examiner shall hear the appeal pursuant to BCC 11.53.080.~~
[Ord. 611 (2018) § 169]

11.42.090 NON-COMMERCIAL SAND AND GRAVEL PITS, QUARRIES, AND MINERAL RESOURCES- ADMINISTRATIVE REVIEW. **Allows for the extraction of sand and gravel on a property for personal use, not for commercial sale**

(a) Review by Planning Administrator. The Planning Administrator shall refer the matter to appropriate agencies for their comments, and shall determine the following:

(1) The proposed use will not be marketed, promoted, or sold, and is for the sole use of the owner of the property.

(2) The proposed use does not have an adverse effect on other uses permitted in the applicable zoning district.

(3) The proposed use conforms with all applicable ordinances and regulations of Benton County which also apply to other permitted uses in the applicable zoning district.

(4) The proposed use complies with all applicable requirements of the Benton Franklin District Health Department, Washington State Department of Ecology, the Washington State Department of Natural Resources and other agencies as applicable.

(5) The proposed use is consistent with the intent of BCC 15.16 Mineral Resource Lands as currently existing and hereafter amended.

(6) The proposed use complies with BCC 6.35 Environmental Policy and BCC 15 Critical Areas.

(c) Decision. The Planning Administrator will, after conferring with appropriate agencies, determine whether the proposed use will conform and be consistent with the standards set for the above in Section 11.42.050(b)(1-11) and approve or deny the permit.

(7) If denied, the applicant shall be informed in writing of the reasons for denial.

(8) If conditional approval is given, the applicant shall have six (6) months to satisfy the conditions.

(d) Notification.

(9) Notice of the Planning Administrator's decision to approve or deny the permit shall be sent by first class mail to all persons signing the application.

(10) Notice of the Planning Administrator's decision will also be sent to the owners of all real property, as shown in the records of the Benton County Assessor, located within three hundred (300) feet of any boundary of the property for which the proposed communication facility will be located; provided, if the owner of the property for which the proposed facility will be located owns another parcel or parcels adjacent to such property, notification also shall be mailed to owners of real

Formatted: List Paragraph, Indent: Left: 0.5", First line: 0", Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 1", Tab stops: Not at 3.8"

Formatted: Font: (Default) Courier New, 12 pt

property located within three hundred (300) feet of any boundaries of such adjacent parcels.

(11) The notification shall contain a statement as to whether the proposed use is allowed or is not allowed.

(12) The notification shall state that any person aggrieved by the approval or denial of the shall have fourteen (14) calendar days from the date of the decision to file a written appeal of the Planning Administrator's decision.

(13) The Planning Administrator's decision shall be deemed final upon the date of mailing of the written decision, unless an appeal is filed pursuant to BCC 11.53.080.

(b) Notification. If the Planning Administrator determines all the above are satisfied, written notification of the proposed use shall be sent by first class U.S. Mail to owners of real property, as shown in the records of the Benton County Assessor, located within three-hundred (300) feet of any portion of the boundary of the proposed use; provided, if the owner of the property for which the proposed use is requested owns another parcel or parcels adjacent the property, notification shall be mailed to owners of real property located within three-hundred (300) feet of any portion of the boundaries of such adjacent parcels. The notification shall contain a statement that the proposed use shall be approved without holding a public hearing if no objection is submitted to the Planning Administrator within seven (7) calendar days following date of mailing of notification.

Failure to send notice to a person specified in this section or failure to receive the notice shall not invalidate any proceedings or decision in connection with the proposed use.

(c) Approval by Planning Administrator. If no objection is received by the Planning Administrator within seven (7) days following mailing of notification, the proposed use shall be approved or conditionally approved. If conditional approval is

given, the applicant shall have six (6) months to satisfy the conditions. The Planning Administrator shall endeavor to issue his decision on the proposed use within fifteen (15) working days from the date of submittal of a complete application.

(d) Referral to the Hearings Examiner. If, after notification by the Planning Administrator, any objection to the proposed use is

received within seven (7) days following the mailing thereof, the Planning Administrator shall refer the request to the Hearings Examiner and the Hearings Examiner shall act upon the request as if it were a request for conditional permit, pursuant to BCC 11.50.040.

(e) Denial. If, after reviewing the application, the Planning Administrator determines that the proposal does not meet the requirements of BCC 11.42.090(a), he shall deny the request and inform the applicant in writing the reasons for the denial.

(f) Appeal. Anyone aggrieved by the administrator's decision shall have fourteen (14) days from the date of decision to appeal to the Hearings Examiner. The Hearings Examiner shall hear the appeal pursuant to BCC 11.53.080.
[Ord. 611 (2018) § 170]

11.42.100 SOLAR POWER GENERATOR FACILITY- MAJOR AND MINOR

(a) Minor Facilities. To promote the safe, effective and efficient use of solar energy facilities installed to reduce the on-site consumption of utility supplied energy.

(1) Height.

(i) Roof mounted systems shall not exceed the maximum building height of the zoning district in which located and shall not extend more than 5 feet above the highest point of the existing roof.

(ii) Ground mounted systems shall not exceed 8’ in height.

(2) Setbacks. Roof and ground-mounted systems shall observe all front, side and rear setback standards in accordance with the zoning district in which located. In no instance shall any part of a roof-mounted solar energy system extend beyond the edge of the roof.

(3) Lot Coverage. The surface area of a ground-mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage for the zoning district in which located.

(4) General Standards.

(i) Building permits shall be obtained for all roof-mounted solar systems.

(ii) A roof-mounted system may be mounted on a principal building or accessory building.

(iii) Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

(iv) All minor facilities that are connected to the utility grid shall comply with the requirements of Chapter 80.60 RCW, Net Metering of Electricity, as it now exists or is hereafter amended.

(b) Major Facilities. Systems that solely serve offsite uses are utility-scale solar facilities sited on a parcel as the principal use.

(1) Setbacks: Shall meet the minimum zoning setbacks for the zoning district in which located.

(2) Height: Twenty (20) feet maximum.

(3) Lot Coverage: The surface area of a ground-mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage for the zoning district in which located.

(4) Visibility:

(i) Solar facilities with panels located at least one hundred fifty (150) feet from an adjacent public street

right-of-way, residentially zoned property, or residential use shall not require screening.

(ii) Solar facilities with panels located less than one hundred fifty (150) feet from an adjacent public street right-of-way, residentially zoned property, or residential use shall require screening. Screening is to include a perimeter landscape buffer as determined by the Planning Administrator through the required conditional use permit process.

(5) Solar facilities are to be equipped with a non-reflective finish/coating.

[Ord. 611 (2018) § 171; Ord. 617 (2019) § 9]

11.42.110 TEMPORARY DWELLING.

(a) Purpose. The purpose of this section is to provide for the approval of temporary dwellings to satisfy certain personal hardships, and to satisfy certain needs of the agricultural community. Because such hardships or needs are personal and generally transitory, the approval of temporary dwellings should not constitute a long-term land use commitment which may conflict with the comprehensive plan and implementing ordinances.

(b) Temporary Dwellings Authorized. Subject to the conditions and upon issuance of the permit provided for herein, one (1) temporary dwelling may be established and maintained on a parcel for use by one or more of the following:

(1) A person who is to receive or administer continuous care and assistance necessitated by advanced age, illness or infirmity. Such care must be received or administered by a resident of an existing dwelling located on the same lot;

(2) A caretaker, hired hand or other employee working on the parcel in connection with an agricultural use of the premises; or

(3) An owner in the process of building a permanent dwelling on the parcel. Owner shall have an approved and active building permit with the County Building Department; or

(4) A caretaker living on the parcel for the purpose of caring for the existing dwelling and for making other improvements on the property while the owner is on vacation or is working out of the area. Only a self-contained recreational vehicle shall be used as a temporary dwelling under this subsection.

(c) Temporary dwellings authorized herein shall meet the following minimum criteria:

(1) The parcel upon which the temporary dwelling is to be placed shall be of such configuration, and the temporary dwelling shall be located in such a manner to comply with the comprehensive plan and all applicable county, state and federal regulations, except density, lot size and the provisions in BCC 11.42.010.

(2) The temporary dwelling shall be designed, constructed and maintained in a manner which will facilitate its removal on termination of the permit. Temporary dwellings shall include recreation vehicles and manufactured homes.

(3) A current vehicular license, if applicable, shall be maintained under this section.

(4) No more than (1) temporary dwelling per parcel shall be authorized under this section.

(5) No rent or other remuneration is paid for the occupancy of the temporary dwelling.

(6) The public health, safety and general welfare will not be adversely affected.

(7) Setback requirements applicable to other dwellings in the same zone must be met.

(8) The temporary dwelling must be located no closer to the front property line than the primary dwelling.

(d) Application. Applications for temporary dwelling permits shall be submitted to the Benton County Planning Department on forms provided by the department and shall include:

(1) A scaled drawing showing the size and boundaries of the parcel; the size and location of access, including driveways and access easements from the parcel to the county, state or city road; and the proposed location and size of the temporary dwelling;

(2) A description of the proposed temporary dwelling;

(3) Documentation of approval of proposed method of water supply and sewage disposal by the appropriate governmental agency;

(4) A statement signed by the applicant setting forth the circumstances which necessitate the temporary dwelling; and,

(5) A non-refundable application fee as established by resolution of the Board of Benton County Commissioners.

(e) Issuance. A permit for a temporary dwelling may be issued by the Planning Director after receipt of a completed application upon finding that the proposed temporary dwelling meets the requirements of this section. If the temporary dwelling is a manufactured home, all requirements of the Manufactured Home Placement Ordinance (BCC 3.20) must be met.

(f) Termination. A temporary dwelling permit issued pursuant to BCC 11.42.110(b)(1) through BCC 11.42.110(b)(3) shall be valid for one (1) year or until the termination of the conditions authorizing the temporary dwelling, whichever occurs first. A temporary dwelling permit authorized under 11.42.110(b)(4) shall be valid for no more than six (6) months.

(g) Renewal. A temporary dwelling permit authorized under BCC 11.42.110(b)(2) through BCC 11.42.110(b)(4) may be renewed as follows.

(1) A request for renewal of a temporary dwelling permit authorized under BCC 11.42.110(b)(2) or BCC 11.42.110(b)(3) shall be submitted at least thirty (30) days prior to the expiration of the permit by filing a statement showing that the conditions authorizing the temporary dwelling continue to exist and listing any changes in the information provided on the application for the original permit.

(2) In no case shall a temporary dwelling permit authorized under BCC 11.42.110(b)(2) or BCC 11.42.110(b)(3) be renewed more than once or for a period greater than one (1) year. Reapplication after expiration will be processed as if it were an original application; provided, that the combined duration of two (2) temporary dwelling permits for the same use, circumstances, and location shall not exceed two (2) years.

(3) No request to renew a temporary dwelling permit application under BCC 11.42.110(b)(4) may be made within six (6) months of the expiration of such permit for the same parcel. A request for a temporary dwelling permit authorized under BCC 11.42.110(b)(4) must be made each time such temporary dwelling is to be placed on the site.

(h) Continuation. A request for continuation of a temporary dwelling permit, authorized under BCC 11.42.110(b)(1) shall be submitted at least thirty (30) days prior to the expiration of the permit by filing a statement showing that the conditions authorizing the temporary dwelling continue to exist and are justified, for example, a letter from a physician substantiating a need for a person to receive or administer continuous care and assistance necessitated by advanced age, illness or infirmity, and a statement listing any changes in the information provided on the application for the original permit.

(1) A temporary dwelling permit, authorized under BCC 11.42.110(b)(1) may be continued on a year-to-year basis as specified above.

(2) Sixty (60) days prior to the expiration of the permit, the Planning Director or his representative shall send, postage prepaid, a notice to the applicant at the last known address the date that the temporary dwelling permit shall expire and the procedure to request a further one year continuation.

(3) If a request for continuation of a temporary dwelling permit, as specified above, is not received thirty (30) days prior to the expiration of the permit, the permit shall become null and void.

(4) Reapplication after expiration will be processed as if it were an original application, subject to existing ordinances at the time of reapplication.

(i) Revocation. A temporary dwelling permit or permit renewal issued pursuant to this section may be revoked by the planning director at any time when the director finds that:

(1) any of the requirements of this section have not been satisfied;

(2) any of the conditions attached to the permit have not been met; or,

(3) the circumstances requiring the permit have materially changed.

(j) Upon termination or revocation of a temporary dwelling permit, occupancy of the dwelling shall cease within ten (10) days after receipt of notification of termination or revocation by certified mail; all utilities shall be disconnected within thirty (30) days after the date of termination or revocation; and, if the

temporary dwelling is a manufactured home, it shall be totally removed within thirty (30) days after the date of termination or revocation.

(k) Appeal. Any person aggrieved by the issuance, denial or revocation of a temporary dwelling permit may appeal the decision to the Benton County Hearings Examiner within fourteen (14) days from the date of the decision or the date the temporary dwelling is moved onto and/or hooked up on site, whichever is later, and the appeal shall be conducted in accordance with BCC 11.53.080. [Ord. 611 (2018) § 172]

11.42.120 TEMPORARY OUTDOOR RETAIL SALES.

(a) Temporary outdoor retail sales of Christmas trees or fireworks may be approved by the Planning Administrator after receipt of an application, supplied by the Planning Department, signed by all record owners of the real property upon which the sales are to be conducted, a non-refundable fee as established by resolution of the Board of Benton County Commissioners and upon the Planning Administrator's determination that:

(1) The Engineer from Benton County, the State Department of Transportation (D.O.T.) or municipality with roads within three hundred (300) feet has approved the proposed access location and has determined the traffic generated will have no adverse effect on vehicular circulation;

(2) Proposed parking areas are adequate for the volume and character of the business;

(3) The applicant has complied with all applicable federal, state and local licensing requirements and other ordinances and regulations, including approval from the state and county Fire Marshal.

(4) The proposed use, in the duration proposed, will not foreseeably adversely affect adjacent properties and is compatible with allowed uses in that zoning designation; and,

(5) The sales activity is conducted wholly outdoors; or partially within a structure or structures which will be totally removed at the end of the approved period. Temporary outdoor retail sales shall not exceed thirty (30) days in duration. The approved duration period shall apply to the use and location rather than to the applicant.

(b) Anyone aggrieved by the Administrator's decision shall have fourteen (14) days from the date of decision to appeal to the Hearings Examiner. The ~~board~~ Hearing Examiner shall hear the appeal pursuant to BCC 11.53.080.
[Ord. 611 (2018) § 173]

11.42.130 PROHIBITION AND REGULATION OF MARIJUANA RELATED ACTIVITIES.

(a) Growing Marijuana by Individual Qualifying Patients and Designated Providers – Allowed. Growing marijuana by qualifying patients and designated providers for medical marijuana use and not as part of a cooperative or as marijuana production or marijuana processing is allowable as an accessory/ancillary use in all zoning districts if all activities associated with such growing occur within a single-family dwelling.

(b) Marijuana Production, Growing Marijuana for Medical Purposes and Marijuana Processing – Not Allowed. Except as set forth above in subsection (a), marijuana production, growing of marijuana for medical purposes and marijuana processing are not allowed in any zoning district. Pursuant to this prohibition, marijuana growing cooperatives referenced in RCW 69.51A.250, as currently in effect or hereafter amended, are not allowed in any zoning district.

(c) The retail sale of "marijuana" or "marijuana-infused products" at a "retail outlet", as those terms are defined in RCW Chapter 69.50 or any implementing regulations in the Washington Administrative Code, as currently in effect or hereafter amended, is prohibited in all zoning districts.
[Ord. 611 (2018) § 174]

~~11.42.135 Signs~~

~~(a) The following signs are an allowable use in any zoning district, if placed or constructed with adopted Benton County ordinance.:~~

Formatted: Normal, Justified, Indent: Left: 0", Hanging: 0.5", Pattern: Clear

~~1. Official notices, directional, warning, or other informational signs authorized by a court, public body, government, or public safety official.~~

~~2. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.~~

~~3.The flag of a government or noncommercial institution, including, but not limited to, a school or nonprofit organization.~~

~~4.Religious symbols and seasonal decorations.~~

~~5.Works of fine art (a painting or sculpture) displayed in conjunction with a commercial business where the business does not receive direct commercial gain.~~

~~6.Signs located on the inside of a window of a structure.~~

~~7.Barber poles.~~

~~8.Historical site plaques.~~

~~9.Signs normally used for traffic control devices in parking facilities.~~

~~10.Signs that are painted on, or magnetically attached to, any vehicle operating in the normal course of business.~~

~~11.Political signs.~~

~~12.Construction or real estate signs, providing signage meets the standards as set forth in Section 15.16.080(2)(a) of this chapter.~~

~~13.Flags of the United States of America, States of the United States, counties, municipalities, flags of foreign nations, flags of recognized organizations and institutions.~~

~~14."No Trespassing" signs that are no larger than eight square feet in size.~~

15.Yard/garage/estate sale signs, providing signage meets the standards as set forth in Section 15.16.080(2)(c) of this chapter.

16.One on-premise home (place of residence) identification sign, per parcel, provided it is no greater in size than sixteen square feet or extending more than six feet in height above grade and comply with all applicable standards of this chapter. A home identification sign shall not be utilized for the purposes of a permitted home occupation.

17.Two on-premise farm (parcel of land devoted to agricultural purposes) identification signs, per parcel, provided they are no greater in size than thirty-two square feet or extending more than eight feet in height above grade and comply with all applicable standards of this chapter. This applies to tax parcels that consist of twenty acres or more.

(b) General sign standards.

Traffic Obstruction and Visibility. No sign shall be erected so as to obstruct the vision of vehicular traffic, or at any location where it may interfere with, or be confused with, any traffic signal or device. No sign or sign structure shall be erected that exceeds twenty-four inches in width between the height of three feet and six feet above the ground on a corner lot within a triangle, the two equal legs of which are formed by lines measured twenty feet along the property line from the intersection of two streets or fifteen feet from the intersection of a street and alley.

All signs shall be in compliance with Chapter 9.68 RCW, obscenity and pornography, as amended, at all times.6.

Abandoned Signs. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold or service rendered shall be removed or the advertising copy shall be painted or coated out. If the property owner or tenant fails to do so within thirty days after written notice from the planning and building director or his/her appointee, the enforcement proceeding described in Section 15.16.100 of this chapter will initiate.

Clearance from Power Lines. No sign shall be constructed or maintained which would have less horizontal or vertical clearance from communication lines or electric power lines than the clearance prescribed by the Electrical Construction Code of the Washington State Department of Labor and Industries as amended.

10.

Formatted: Left, Space Before: 0 pt, After: 9.75 pt

~~Aerial Power Source. No aerial or overhead power source shall be allowed for any type of sign. The use of an overhead power line or cord is prohibited as a means to provide power to a sign. In no way does this standard discourage the use of solar energy for the lighting of signs.~~

~~No sign shall be placed in a manner that will prevent a clear view of railroad crossings by operating personnel aboard trains from a distance of not less than five hundred feet.~~

~~Signs shall comply with the building height regulations of the zoning district in which they are located and any more restrictive sign height requirement listed in this chapter.~~

~~The illumination from or upon any sign shall be shaded, shielded, or directed so the light intensity or brightness shall not adversely affect surrounding properties or public/private rights-of-way or create a hazard or nuisance to the traveling public or to surrounding properties.~~

~~Signs that are electrically activated (animated and changeable) are permitted in the commercial and industrial zoning districts only. The placement in other zoning districts requires the approval of a conditional use permit.~~

Formatted: Left, Space Before: 0 pt, After: 9.75 pt

Formatted: Font: (Default) +Body (Calibri), Font color: Text 2

Formatted: Left, Space After: 8 pt, Line spacing: Multiple 1.08 li, Widow/Orphan control, Tab stops: Not at 0.5" + 1" + 1.5" + 2"

11.42.140 Resource Lands Notification. Where any permit or building permit is issued on lands within a resource land zoning district or within five hundred (500) feet of a resource land zoning district the short subdivision, subdivision, development permit or building permits must contain a note or condition as appropriate stating the following:

(1) "The subject property is within or near designated agricultural lands, forestlands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. In addition, where mineral lands are nearby, an application might be made for mining related activities including mining, extraction, washing, crushing, stockpiling, blasting, asphalt and concrete production, transporting and recycling minerals."

11.42.~~140~~ 145 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. 611 (2018) § 249]

11.42.150 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 611 (2018) § 250]