

CHAPTER 11.16A

RURAL LANDS FIVE ACRE DISTRICT (RL-5)

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11.16A.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. 488 (2011) § 2]

11.16A.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. 488 (2011) § 3]

11.16A.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.
- (e) One or more accessory buildings and uses commonly appurtenant to a single family dwelling.
- (f) Agricultural uses, except for commercial dairies, commercial hog ranches, commercial poultry/rabbit operations, animal feedlots, and marijuana production (as each those terms is currently defined in RCW 69.50.101(t) and (gg), respectively); 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.
- (g) One or more agricultural buildings.
- (h) Agricultural stand.
- (i) Adult family home.
- (j) Crisis residential center.
- (k) Nursery/greenhouse.
- (l) Utility substation facility.
- (m) Yard sales occurring for no more than three (3) consecutive days on two (2) different occasions during a calendar year.

- (n) Kennel, private.
 - (o) Fire department facility, law enforcement facility, and/or medical facility.
 - (p) Wineries/Breweries; provided structures used as part of the operation of the winery/brewery collectively do not exceed three thousand (3,000) square feet in size.
 - (q) Hiking and non-motorized biking trail.
 - (r) Equestrian trails.
 - (s) 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.
 - (t) 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).
- [Ord. 488 (2011) § 4; Ord. 561 (2015) § 3; Ord. 562 (2015) § 3; Ord. 565 (2015) § 1; Ord. 566 (2015) § 1]

11.16A.040 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 11.52.065.

(b) Temporary dwelling, subject to the provisions of BCC 11.52.091 through BCC 11.52.0941.

(c) Home occupation, subject to the provisions of BCC 11.16A.090 through BCC 11.16A.120, involving business activities not otherwise expressly allowed or requiring a permit under BCC 11.16A.050.

(d) Child Day Care Facility, Type A, subject to the provisions of BCC 11.52.067.

(e) Communication facilities, subject to Chapter 11.65 BCC.
[Ord. 488 (2011) § 5]

11.16A.050 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 11.52.090.

(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) A Bed and Breakfast Establishment.

(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 BCC 11.16A.090 through BCC 11.16A.120.

(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.

(i) Child Day Care Facility, Type B, subject to the provisions of BCC 11.52.068.

(j) Wineries/Breweries not otherwise allowed under BCC 11.16A.030.

(k) Cemetary, 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 11.16A.030.

(u) 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) 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.

(2) 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.

(3) The business activity, including all storage space, shall not occupy more than eighteen hundred (1800) square feet of total floor area within the detached accessory building.

(4) 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 11.16A.050(w)(3).

(5) 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.

(6) 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.

(7) 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.

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

(9) 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.

(10) 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.

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

[Ord. 488 (2011) § 6; Ord. 510 (2011) § 1; Ord. 534 (2014) § 1; Ord. 546 (2014) § 1]

11.16A.060 USES PROHIBITED. Any use not authorized or approved pursuant to BCC 11.16A.030, BCC 11.16A.040, BCC 11.16A.050 is prohibited within the Rural Lands Five Acre District (RL-5).
[Ord. 488 (2011) § 7]

11.16A.070 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 Title 15 BCC (Protection of Critical Areas and Resources):

(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.

[Ord. 488 (2011) § 8]

11.16A.080 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 Title 15 BCC (Protection of Critical Areas and Resources).

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

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

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

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

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

(5) All shelters, coops, or other structures used for the habitation of livestock shall have a setback of at least thirty (30) feet from every property line of the parcel on which it is located, unless a greater setback is otherwise required under Benton County Code.

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

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

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

(b) Any additional setbacks required pursuant to Chapter 3.18 BCC shall apply.

[Ord. 488 (2011) § 9]

11.16A.090 HOME OCCUPATION--GENERAL CRITERIA. Except for those types of activities identified in BCC 11.16A.110, all home occupations that meet the following criteria are allowed within a legally existing dwelling unit upon issuance of a home occupation permit by the Planning Department:

(a) There must be a dwelling unit on the parcel, and a proprietor of the home occupation must reside in the dwelling unit.

(b) No more than two (2) non-resident persons, whether they work on site or not, may be employed by, or be partners or shareholders in the home occupation.

(c) The total area for all home occupations on the premises, including all storage spaces used for such home occupations, shall not occupy more than the lesser of: (i) thirty (30) percent of the dwelling unit's floor area and any attached garage; or (ii) six hundred (600) square feet within a dwelling unit or attached garage.

(d) No more than one (1) non-illuminating sign, with a maximum area of four (4) square feet, extending a maximum height of six (6) feet above grade, shall be permitted in connection with a home occupation. The posting of such sign is limited to the parcel on which the home occupation is located. On-street (inside the road right-of-way) sign posting and any sign posting that interferes with the line-of-sight for road intersections are prohibited.

(e) Noise, lighting, dust, smoke and other potential off-site impacts of the home occupation shall be controlled as follows: noise shall not exceed sixty-five (65) decibels at any property line; smoke, spray, airborne dust, noxious odors or other particulate materials shall not migrate to adjacent properties; lights must be hooded to illuminate downward and minimize the impact to adjacent properties; interference with neighborhood radio, TV, or phone reception and transmission shall not occur.

(f) Only one (1) vehicle marked to identify the home occupation is allowed on the parcel at any one time, excluding vehicles parked within an enclosed structure. No other on-site, outside storage of

vehicles, equipment, and/or supplies (including building materials and equipment such as lumber, plasterboard, pipe, paint, and heavy equipment) is allowed in connection with a home occupation.

(g) Once a home occupation permit is issued, the Benton County Fire Marshal may require that the parcel be placed on the Fire Marshal's Annual Inspection List.

[Ord. 488 (2011) § 10]

11.16A.100 HOME OCCUPATION PERMIT--APPLICATION. Any person seeking a home occupation permit in accordance with BCC 11.16A.090 shall submit the following information to the Planning Department:

(a) A completed application on a form supplied by the Planning Department;

(b) A non-refundable application fee as established by resolution of the Board of County Commissioners;

(c) A scaled site plan detailing the outer boundary and dimensions of the property, all structures located on the property, the location of the home occupation within the dwelling unit, the square footage of the area (including all storage areas) to be used for the home occupation, and a description of the home occupation; and,

(d) Any additional information as required by the Planning Administrator, in accordance with Title 17 BCC (Permit Review Process).

[Ord. 488 (2011) § 11]

11.16A.110 HOME OCCUPATION--USES NOT ALLOWED. The following types of home occupations are not allowed:

(a) Repair, bodywork, or painting services on automobiles, motorcycles, marine, off-road vehicles, trailers, heavy equipment, recreational vehicles, or semi-trucks for persons not residing on the premises.

- (b) Cabinetwork and mill work.
 - (c) Veterinary clinic or hospital.
 - (d) Appliance repair.
 - (e) Machine and sheet metal shops.
- [Ord. 488 (2011) § 12]

11.16A.120 HOME OCCUPATION PERMIT--DECISION. The Planning Administrator shall issue or deny the permit. If the Planning Administrator determines that the proposed use does not meet the requirements of BCC 11.16A.090 BCC 11.16A.110, the Administrator shall deny the request and inform the applicant in writing the reasons for the denial.
[Ord. 488 (2011) § 13]

11.16A.130 EFFECTIVE DATE. This chapter shall take effect and be in full force on September 1, 2011.
[Ord. 488 (2011) § 15]