

CHAPTER 11.11
RURAL LANDS FIVE ACRE DISTRICT (RL-5)

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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.
- (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.

[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, 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. 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]