

CHAPTER 11.09
RURAL LANDS ONE ACRE DISTRICT (RL-1)

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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.
- (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.

[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, 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 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.

(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]