

CHAPTER 11.19

RED MOUNTAIN AGRICULTURAL DISTRICT (RMAD)

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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

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.

(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.

[Ord. 611 (2018) § 76]

11.19.080 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 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;

(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 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]

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

[Ord. 611 (2018) § 250]