



**STAFF REPORT TO THE  
BENTON COUNTY PLANNING COMMISSION**

**FILE NO:** OA 2019-001 (Ordinance Amendment to Zoning Regulations)  
**MEMO DATE:** March 4, 2019  
**HEARING DATE:** March 12, 2019 (*Continued from January 8, 2019 and February 12, 2019*)  
**APPLICANT:** Benton County Planning Department  
**OWNER:** N/A  
**LOCATION:** Unincorporated Benton County  
**PROPERTY SIZE:** N/A  
**AREA TO BE USED:** N/A  
**LAND USE:** N/A  
**COMP. PLAN:** N/A  
**ZONING:** N/A  
**SUGGESTED STAFF RECOMMENDATION:** Positive recommendation subject to nine (9) findings of fact.

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**APPLICATION DESCRIPTION**

Benton County is proposing a text amendment to the County Zoning Regulations. The amendment involves the following:

1. **Solar Power Generator Facility, Minor.**

Solar Power Generator Facility, Minor is permitted as an accessory use in most zoning districts.

This amendment increases the height allowance for a ground mounted solar power system from 6' to 8'. This change aligns the zoning code with the current industry standards for the height of these systems.

Change Ordinance(s):

Ordinance 611, Section 171(a)(1)(ii) (General Use Regulations) to read as follows:

Ground mounted systems shall not exceed ~~6~~ 8' in

height.

2. **Wind Turbine height and Military Training Route restrictions in the GMA AG and RL-20 zoning districts.**

Wind turbines (including wind turbine farms), with a height of 60' or more are permitted as a conditional use in the RL-20 and GMA AG zoning districts. This amendment removes the requirement that a wind turbine cannot exceed 350 feet in height. With this, the maximum height of a wind turbine will be determined through the conditional use permitting and hearing process.

Additionally, the amendment creates a restriction associated with wind turbine facilities that will assist with protecting military training routes and installations from incompatible uses and development

Change Ordinance(s):

Ordinance 611, Section 53(i)(2) and (8) (Rural Lands 20); and  
Ordinance 611, Section 63(t)(2) and (8) (GMA AG) to read as follows:

~~(2) No wind turbine(s) height exceeds three hundred and fifty (350) feet;~~

(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. Consistent with BCC 11.50.040 (d)(1), 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;

3. **Vegetative Coverage and Impervious Surface standards in the rural zoning districts.**

The property development standards in the RL-1, RL-5, RL-20 and CCR Zoning Districts include Minimum Parcel Size, Lot Width, and Maximum Lot Coverage.

This amendment adds two (2) new property development standards, Vegetative Cover and Impervious Surface. The amendments are derived from the Growth Management

Hearings Board appeal of the 2018 Benton County Comprehensive Plan, including settlement discussions.

Change Ordinance(s):

Ordinance 611, Section 19, and Ordinance 615, Section 2 (Community Center Residential District);  
Ordinance 611, Section 37, and Ordinance 615, Section 3 (Rural Lands 1 District);  
Ordinance 611, Section 46, and Ordinance 615, Section 4 (Rural Lands 5 District); and  
Ordinance 611, Section 55, and Ordinance 615, Section 5 (Rural Lands 20 District) to read as follows:

(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.

4. **Commercial Recreational Uses in the Interchange Commercial zoning district.**

As the County's population continues to grow, the demand for commercial recreational use opportunities also grows. The zoning code does not specifically define or identify allowable or conditional use options for these type of uses.

This amendment adds commercial recreational facility/uses as a conditional use permit in the Interchange Commercial District (IC). These types of recreational uses are generally regional in nature and would be consistent with purpose of the zone which 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.

Change Ordinance:

Ordinance 611, Section 121 (Interchange Commercial District) to read as follows:

(h) Commercial Recreational Facility.

5. **Definitions.**

The following definitions are proposed.

- a. A new definition: 'Commercial Recreational Facility'.
- b. Amendment to an existing definition: 'Impervious Surface'.
- c. A new definition: 'Vegetation'.
- d. A new definition: 'Vegetative Cover'.

Change Ordinance(s):

Ordinance 611, Section 7 (Definitions) to read as follows:

(45) "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.

(91) "Impervious Surface" means any material which ~~reduces or~~ prevents absorption of storm water into the ground ~~previously undeveloped land~~.

(183) "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.

(184) "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.

## **PUBLIC NOTICE**

1. A Notice of Public Hearing was published in the Tri-City Herald on December 27, 2018 and was put on the County's website on December 26, 2018.

2. The continued public hearing notice for the Planning Commission meeting on February 12, 2018 was posted on the hearing room door on January 8, 2018 and was put on the website on the public notice page and the agenda page.

### **APPLICABLE STANDARDS/ORDINANCES**

1. Comprehensive Plan: 2018 Benton County Comprehensive Plan.
2. Zoning Code: Ordinance 611, Section(s) 221-225 Amendments.

### **AGENCY COMMENTS**

None.

### **RECOMMENDATION**

Benton County Planning Staff will assist the Planning Commission with the determination of findings of fact for - File OA 2019-001.

The Benton County Planning Department recommends that the Planning Commission forward a **recommendation of approval** to the Benton County Board of Commissioners for application OA 2019-001 with the following suggested findings of fact and motion.

### **SUGGESTED FINDINGS OF FACT:**

1. Benton County is proposing a text amendment to the County Zoning Regulations, Ordinance 611 with a focus on the following:
  - a. The height of ground mounted minor solar power generating facilities;
  - b. The elimination of the 350' height restriction associated with wind turbine facilities requiring a conditional use permit;
  - c. Creation of a military training route restriction associated with wind turbine facilities;
  - d. New definitions for the terms vegetation, vegetative cover, commercial recreational facility;
  - e. An amended definition for impervious surface;
  - f. The addition of vegetative coverage/impervious surface standards in the rural zoning districts; and
  - g. The addition of commercial recreational facility as a conditional use permit option

in the Interchange Commercial Zoning District.

2. Planning Casefile Application OA 2019-001 is found to be in conformance with the intent of the Ordinance 611, Section 221 for zoning text amendments.
3. Planning Casefile Application OA 2019-001 is found to be in conformance with the intent of the Benton County Comprehensive Plan.
4. Planning Casefile Application OA 2019-001 was submitted by email to the State of Washington's Department of Commerce on December 19, 2018 for an expedited review in compliance with WAC 365-196-630 (6).
5. The legal notification for Planning Casefile Application OA 2019-001 was given on December 27, 2018 pursuant to RCW 36.70.590.
6. Planning Casefile Application OA 2019-001 appeared in an open record public hearing before the County Planning Commission on January 8, 2019 in the Planning Annex, 1002 Dudley Avenue, Prosser, WA 99350. Due to the lack of a quorum the hearing was **continued** to February 12, 2019.
7. Planning Casefile Application OA 2019-001 appeared in an open record public hearing before the County Planning Commission on February 12, 2019 in the Planning Annex, 1002 Dudley Avenue, Prosser, WA 99350. Due to inclement weather the hearing was **continued** to March 12, 2019.
8. At the March 12, 2019 continued open record hearing, the Planning Commission was available to receive public testimony, exhibits, and answer questions in the public portion of the hearing.
9. The Planning Commission, at the conclusion of the March 12, 2019 continued open record hearing, voted to recommend approval and to forward a positive recommendation to the Board of County Commissioners for the proposed ordinance amendment application, OA 2019-001.

**SUGGESTED MOTION-**

I move that the Chairman, in conjunction with the Secretary of the Planning Commission, prepare and adopt written findings and conclusions reflecting the Commission's recommendation for approval of the proposed zoning amendment, Casefile OA 2019-001, that articulate and are consistent with the findings, conclusions and recommendations made by the Planning Commission tonight.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE relating to zoning; amending the section relating to definitions; amending the sections relating to property development standards; amending the sections relating to uses requiring a conditional use permit; amending the section relating to solar power generator facility- major and minor; amending Ordinance 611, Section 7 and BCC 11.03.010; amending Ordinance 611, Section 19, amending Ordinance 615, Section 2 and BCC 11.06.080; amending Ordinance 611, Section 37, amending Ordinance 615, Section 3 and BCC 11.09.080; amending Ordinance 611, Section 46, amending Ordinance 615, Section 4 and BCC 11.11.080; amending Ordinance 611, Section 53 and BCC 11.15.060; amending Ordinance 611, Section 55, amending Ordinance 615, Section 5 and BCC 11.15.080; amending Ordinance 611, Section 63 and BCC 11.17.070; amending Ordinance 611, Section 121 and BCC 11.31.060 and amending Ordinance 611, Section 171 and BCC 11.42.100.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

SECTION 1. Ordinance 611, Section 7 and BCC 11.03.010 are hereby amended to read as follows:

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.

(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.

For purposes of Benton County, the following equivalents apply:

<b>TABLE SECTION 7-1 ANIMAL UNIT EQUIVALENT CONVERSION TABLE</b>	
<b>Type of Livestock</b>	<b>Animal Unit Equivalent (per half acre)</b>
<b>Cattle:</b>	
1 slaughter steer, or bull, or dairy cow, or heifer	1.0
2 weaned calves to yearlings	1.0
<b>Horses:</b>	
1 horse	1.0
<b>Sheep:</b>	
2 ewes, with or without unweaned lambs at side	1.0
1 ram	1.0
4 weaned lambs	1.0
<b>Swine:</b>	
2 brood sows	1.0
5 feeder pigs (up to 200 lbs.)	1.0
1 boar	1.0
<b>Other:</b>	
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) "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) "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) "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) "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) "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) "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) "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) "Child" means a person seventeen years of age and under.

(35) "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.

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

(39) "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) "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.

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

(42) "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.

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

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

(45) "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.

~~(45)~~(46) "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.

~~(46)~~(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.

~~(47)~~(48) "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.

~~(48)~~(49) "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.

~~(49)~~(50) "Communication Facility Height" means the distance measured from ground level to the highest point on the communication facility, including the antenna array.

~~(50)~~(51) "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.

~~(51)~~(52) "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.

~~(52)~~(53) "Compatibility" means the congruent arrangement of land uses and/or project elements to avoid, mitigate, or minimize (to the greatest extent reasonable) conflicts.

~~(53)~~(54) "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.

~~(54)~~(55) "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.

~~(55)~~(56) "Condition(s) of Approval" means restrictions or requirements imposed by a reviewing official pursuant to authority granted by this title.

~~(56)~~(57) "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.

~~(57)~~(58) "County" means Benton County.

~~(58)~~(59) "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.

~~(59)~~(60) "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.

~~(60)~~(61) "Designated Provider" has the definition of that term as set forth under chapter 69.51A, RCW.

~~(61)~~(62) "Development" means "use" as defined by this title.

~~(62)~~(63) "Duplex" A single structure containing two (2) dwelling units, neither of which is defined as an accessory dwelling unit.

~~(63)~~(64) "Dwelling Unit" A room or rooms located within a structure, designed, arranged, occupied or intended to be occupied

by not more than one (1) household. The existence of food preparation and bathroom areas within the room or rooms shall be evidence of the existence of a dwelling unit.

~~(64)~~ (65) "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".

~~(65)~~ (66) "Dwelling, Single-Family Detached" means one dwelling located on one lot and not attached to any other dwelling unit.

~~(66)~~ (67) "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.

~~(67)~~ (68) "Equipment Rental Facility" means a facility that stores equipment that can be rented for a specified period of time in return for payment.

~~(68)~~ (69) "Factory Assembled Commercial Structure" means a factory assembled structure (FAS) designed or used for industrial, educational, assembly, professional, or commercial purposes.

~~(69)~~ (70) "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.

~~(70)~~ (71) "Farm labor housing" means living quarters such as apartments, cabins, manufactured homes, bunkhouses, tents, or recreational vehicles maintained or temporarily located in connection with farm work, providing for the annual or seasonal housing of farm employees.

~~(71)~~ (72) "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.

~~(72)~~ (73) "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.

~~(73)~~ (74) "Floodplain" means the total area subject to inundation by the base flood.

~~(74)~~ (75) "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.

~~(75)~~(76) "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 road, street, highway, or lane. If there is more than one property line adjoining or abutting a public 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.

~~(76)~~(77) "Front Yard" means the required open space between the front property line and the nearest part of any building on the lot.

~~(77)~~(78) "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.

~~(78)~~(79) "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.

~~(79)~~(80) "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.

~~(80)~~(81) "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.

~~(81)~~(82) "Hazardous Waste Treatment" means the physical, chemical, or biological processing of hazardous waste to make wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

~~(82)~~(83) "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.

~~(83)~~(84) "Hazardous Waste Treatment and Storage Facility" means treatment and storage facilities that treat and store wastes.

~~(84)~~(85) "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.

~~(85)~~(86) "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.



~~(86)~~ (87) "Home Occupation" means any business use that is clearly incidental and secondary to the use of the property for residential purposes.

~~(87)~~ (88) "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.

~~(88)~~ (89) "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.

~~(89)~~ (90) "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.

~~(90)~~ (91) "Hunting Preserve" means a parcel or contiguous parcels encompassing at least three hundred and twenty (320) acres used for hunting.

~~(91)~~ (92) "Impervious Surface" means any material which ~~reduces or~~ prevents absorption of storm water into the ground ~~previously undeveloped land~~.

~~(92)~~ (93) "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,

~~(93)~~ (94) "Infiltration" refers to the penetration of water into soil or other material.

~~(94)~~ (95) "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.

~~(95)~~ (96) "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.

~~(96)~~ (97) "Land" means any lot, parcel or tract of real property (ground, soil, or earth).

~~(97)~~ (98) "Land Use" means the method or manner in which land and structures are occupied or utilized.

~~(98)~~ (99) "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.

~~(99)~~ (100) "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.

~~(100)~~ (101) "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.

~~(101)~~ (102) "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.

~~(102)~~ (103) "Lot Area" means the total horizontal area within the boundary lines of a lot.

~~(103)~~ (104) "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.

~~(104)~~ (105) "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.

~~(105)~~ (106) "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.

~~(106)~~ (107) "Lumber Yard" means facilities used for the storage and sale of dimensional lumber.

~~(107)~~ (108) "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.

~~(108)~~ (109) "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.

~~(109)~~ (110) "Manure" means animal waste.

~~(110)~~ (111) "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.

~~(111)~~ (112) "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.

~~(112)~~ (113) "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.

~~(113)~~ (114) "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)~~ (113) 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.

~~(114)~~ (115) "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.

~~(115)~~ (116) "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.

~~(116)~~ (117) "Marijuana Products" means useable marijuana, marijuana concentrates, and marijuana-infused products as defined in this section.

~~(117)~~ (118) "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.

~~(118)~~ (119) "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.

~~(119)~~ (120) "Medical Facility" means an office from which emergency or routine health care services are provided and that does not involve overnight inpatient care.

~~(120)~~ (121) "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.

~~(121)~~ (122) "Monopole Tower" means a structure that consists of a single pole to support antennas and connecting appurtenances.

~~(122)~~ (123) "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.

~~(123)~~ (124) "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,

~~(124)~~ (125) "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.

~~(125)~~ (126) "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.

~~(126)~~ (127) "Nursery" means an establishment where trees, shrubs and other plant materials are grown on site for the purpose of sale.

~~(127)~~ (128) "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.

~~(128)~~ (129) "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.

~~(129)~~ (130) "Parcel" means land having fixed boundaries created in accordance with Benton County Code and/or state law. The term includes lots or tracts.

~~(130)~~ (131) "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.

~~(131)~~ (132) "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.

~~(132)~~ (133) "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.

~~(133)~~ (134) "Permit" means written government approval issued by an authorized official empowering the holder thereof to take some action permitted.

~~(134)~~ (135) "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.

~~(135)~~ (136) "Planned Development" means any residential development approved and filed with the county auditor and developed in accordance with the provisions of this title.

~~(136)~~ (137) "Planning Administrator" means the Benton County Planning Director or Manager or his/her designee.

~~(137)~~ (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.

~~(138)~~ (139) "Planning Commission" means the duly constituted and appointed Planning Commission of Benton County.

~~(139)~~ (140) "Planning Department" means the Benton County Planning Department.

~~(140)~~ (141) "Premises" means a lot, parcel, or plot of land together with the buildings and structures thereon.

~~(141)~~ (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 of 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.

~~(142)~~ (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.

~~(143)~~ (144) "Public Transit Center" means a facility where public transportation passengers interchange from one route or vehicle to another.

~~(144)~~ (145) "Qualifying Patient" has the definition of that term as set forth under chapter 69.51A, RCW.

~~(145)~~ (146) "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.

~~(146)~~ (147) "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.

~~(147)~~ (148) "Rear Yard" means the required open space on a lot extending along the rear property line through the whole width of the lot.

~~(148)~~ (149) "Reception Facility" means a private building with restroom facilities and/or kitchen, and associated grounds used for social, educational, or cultural activities.

~~(149)~~ (150) "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.

~~(150)~~ (151) "Recreational Vehicle (R.V.) Park" means any site, lot or parcel of ground occupied 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.

~~(151)~~ (152) "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.

~~(152)~~ (153) "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.

~~(153)~~ (154) "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.

~~(154)~~ (155) "Resource Lands" refer to agricultural and mineral lands.

~~(155)~~ (156) "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.

~~(156)~~ (157) "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.

~~(157)~~ (158) "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.

~~(158)~~ (159) "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.

~~(159)~~ (160) "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.

~~(160)~~ (161) "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.

~~(161)~~ (162) "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.

~~(162)~~ (163) "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.

~~(163)~~ (164) "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.

~~(164)~~ (165) "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.

~~(165)~~ (166) "Slaughterhouse" means a commercial establishment where animals are butchered.

~~(166)~~ (167) "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(1678).

~~(167)~~ (168) "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.

~~(168)~~ (169) "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, 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.

~~(169)~~ (170) "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.

~~(170)~~ (171) "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.

~~(171)~~ (172) "Stable, Commercial" means a building in which horses are kept for remuneration, hire, or sale.

~~(172)~~ (173) "Stable, Private" means a building in which horses are kept for private use.

~~(173)~~ (174) "Stockyards" see "Animal Feedlots."

~~(174)~~ (175) "Structure" means that which is built or constructed.

~~(175)~~ (176) "Subsurface Water" refers to any water below the surface of the ground, including but not limited to water in the saturated and unsaturated zones.

~~(176)~~ (177) "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.

~~(177)~~ (178) "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.

~~(178)~~ (179) "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.

~~(179)~~ (180) "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."

~~(180)~~(181) "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.

~~(181)~~(182) "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.

~~(182)~~(183) "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.

(184) "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.

(185) "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.

~~(183)~~(186) "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.

~~(184)~~(187) "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.

~~(185)~~(188) "Warehouse" means a structure used for the storage of goods and materials. Also see "Agricultural Building."

~~(186)~~(189) "Wastes" see "Agricultural Wastes," "Industrial Solid Wastes," or "Solid Wastes."

~~(187)~~ (190) "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.

~~(188)~~ (191) "Wind Turbine Farms" means two or more wind turbines on one parcel.

~~(189)~~ (192) "Wind Turbine Height" means the distance measured from the ground level to the highest point on a wind turbine, including the rotor blades.

~~(190)~~ (193) "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.

~~(191)~~ (194) "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.

~~(192)~~ (195) "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.

~~(193)~~ (196) "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".

SECTION 2. Ordinance 611, Section 19, Ordinance 615, Section 2 and BCC 11.06.080 are hereby amended to read as follows:

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.

SECTION 3. Ordinance 611, Section 37, Ordinance 615, Section 3 and BCC 11.09.080 are hereby amended to read as follows:

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.

SECTION 4. Ordinance 611, Section 46, Ordinance 615, Section 4 and BCC 11.11.080 are hereby amended to read as follows:

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.

SECTION 5. Ordinance 611, Section 53 and BCC 11.15.060 are hereby amended to read as follows:

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 onsite 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) 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) No wind turbine(s) height exceeds three hundred and fifty (350) feet;~~

~~(3)~~ (2) All wind turbine tower bases must be set back from all dwellings not located on the same parcel at least one thousand (1,000) feet;

~~(4)~~ (3) All wind turbine tower bases must be set back from all property lines a distance equal to the associated wind turbine 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;

~~(5)~~ (4) All wind turbine tower bases must be set back from the closest edge of a state, county, or city road right-of-way a distance equal to the wind turbine height;

~~(6)~~ (5) All wind turbine tower bases must be set back a distance equal to the wind turbine height from all borders of the GMA Agricultural District, except for GMA Agricultural 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;

~~(7)~~(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;

~~(8)~~(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. Consistent with BCC 11.50.040 (d)(1), 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.

(j) Agri-tourism accommodations.

(k) Solar Power Generator Facility, Major.

SECTION 6. Ordinance 611, Section 55, Ordinance 615, Section 5 and BCC 11.15.080 are hereby amended to read as follows:

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.

SECTION 7. Ordinance 611, Section 63 and BCC 11.17.070 are hereby amended to read as follows:

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.

(j) Facilities for power generation, other than nuclear fueled, wind fueled or solar fueled.

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

(l) Farm labor housing, to the extent that the farm laborers are needed for the agricultural operation on premise.

(m) Manufactured (mobile) home and factory assembled structure parks occupied by farm laborers and their families and pursuant to Chapter 3.22 BCC (Manufactured Home Park Ordinance).

(n) Recreational vehicle parks occupied by farm laborers and their families.

(o) Off-premise directional signs.

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

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

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

(s) Underground natural gas storage facilities.

(t) 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) No wind turbine(s) height exceeds three hundred and fifty (350) feet;~~

~~(3)~~ (2) All wind turbine tower bases must be set back from all dwellings not located on the same parcel at least one thousand (1,000) feet;

~~(4)~~ (3) All wind turbine tower bases must be set back from all property lines a distance equal to the associated wind turbine 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;

~~(5)~~ (4) All wind turbine tower bases must be set back from the closest edge of a state, county, or city road right-of-way a distance equal to the wind turbine height;

~~(6)~~ (5) All wind turbine tower bases must be set back a distance equal to the wind turbine height from all borders of the GMA Agricultural District, except for GMA Agricultural 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;

~~(7)~~ (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;

~~(8)~~ (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. Consistent with BCC 11.50.040 (d)(1), 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.

(u) 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 nonagricultural 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; and,

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

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

(v) 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.

(w) 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.

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

(y) 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.

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

(aa) Veterinarian Clinics.

(bb) Shooting Range Facility.

(cc) Solar power generator facility, major.

(dd) Agri-tourism accommodations.

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

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

(gg) 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.

SECTION 8. Ordinance 611, Section 121 and BCC 11.31.060 are hereby amended to read as follows:

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, 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.

SECTION 9. Ordinance 611, Section 171 and BCC 11.42.100 are hereby amended to read as follows:

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 ~~6'~~ 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 nonreflective finish/coating.

SECTION 10. Severability. If any provision of this Ordinance is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Ordinance and the applicability thereof to other persons and circumstances shall not be affected thereby.

SECTION 11. Effective Date. This Ordinance shall take effect and be in full force upon its passage and adoption.

ADOPTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Chairman of the Board.

\_\_\_\_\_  
Chairman Pro-Tem.

\_\_\_\_\_  
Member.

Approved as to Form:

Constituting the Board of  
County Commissioners of  
Benton County, Washington

\_\_\_\_\_  
Deputy Prosecuting Attorney

Attest: \_\_\_\_\_  
Clerk of the Board



## **CONTINUED PUBLIC HEARING NOTICE**

**IT IS HEREBY NOTICED THAT THE BENTON COUNTY PLANNING COMMISSION MEETING SCHEDULED FOR **JANUARY 8, 2019** HAS BEEN **CANCELLED** AND THE PUBLIC HEARING FOR THE FOLLOWING ITEMS HAVE BEEN CONTINUED:**

**NEW BUSINESS:**

- a. Public Hearing on **OA 2019-001** a proposed amendment relating to zoning; amending the section relating to definitions by adding definitions for vegetative cover and vegetation; amending the sections relating to property development standards; uses requiring a conditional use permit; solar power generator facility- major and minor; amending Ordinance 611, Section 7; amending Ordinance 611, Section 19; amending Ordinance 611, Section 37; amending Ordinance 611, Section 46; amending Ordinance 611, Section 53; amending Ordinance 611, Section 55; amending Ordinance 611, Section 63 and amending Ordinance 611, Section 171 and amending Ordinance 615, Sections 2, 3, 4, and 5.

**THE HEARING IS CONTINUED UNTIL 6:00 P.M. ON FEBRUARY 12, 2019 AT THE PLANNING ANNEX, 1002 DUDLEY AVENUE, PROSSER, WA 99350. FOR MORE INFORMATION CONTACT THE BENTON COUNTY PLANNING DEPARTMENT AT 786-5612.**



## NOTICE OF PUBLIC HEARING

**NOTICE OF HEARING** before the Benton County Planning Commission in the matter of County Zoning: amending Ordinance 611, Sections 7, 19, 37, 46, 53, 55, 63, 171 and Ordinance 615, Sections 2, 3, 4, and 5.

**NOTICE IS HEREBY GIVEN** that the Benton County Planning Commission will hold a public hearing to take public comment on **Ordinance Amendment OA 2019-001**, Tuesday, January 8, 2019, at 6:00 p.m., in the Benton County Planning Annex Hearing Room at 1002 Dudley Avenue in Prosser. The Planning Commission will consider all comments received and make their recommendation to the Board of County Commissioners (BOCC). The BOCC will then conduct a hearing to consider and act upon the Planning Commission's recommendation.

**OA 2019-001** is a proposed amendment relating to zoning; amending the section relating to definitions by adding definitions for vegetative cover and vegetation; amending the sections relating to property development standards; uses requiring a conditional use permit; solar power generator facility- major and minor; amending Ordinance 611, Section 7; amending Ordinance 611, Section 19; amending Ordinance 611, Section 37; amending Ordinance 611, Section 46; amending Ordinance 611, Section 53; amending Ordinance 611, Section 55; amending Ordinance 611, Section 63 and amending Ordinance 611, Section 171 and amending Ordinance 615, Sections 2, 3, 4, and 5.

**NOTICE IS FURTHER GIVEN** that the proposed ordinance amendment may be viewed on the County's website at <http://tinyurl.com/BCpublicnotice> or a copy may be requested by calling or writing the planning office using the information above. Any comments regarding the proposed amendment may be made at the above hearing before the Planning Commission or submitted in writing. All written comments submitted should be sent to: Benton County Planning Department, P.O. Box 910, Prosser, WA 99350-0910, or to [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us), by 5:00 p.m., November 26, 2018.

Any information submitted to Benton County is subject to the public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

Benton County welcomes full participation in public meetings by all citizens. No qualified individual with a disability shall be excluded or denied the benefit of participating in such meetings. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please contact the Benton County Planning Dept. at 509-736-3086 Kennewick, or Prosser at 786-5612 or you may request in writing to the above address at least ten days prior to the date of the meeting to make arrangements for special needs.

MARTIN SHEERAN, Chairman  
BENTON COUNTY PLANNING COMMISSION

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