

# Benton County Planning Department

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## **BENTON COUNTY PLANNING COMMISSION ORDINANCE AMENDING BCC 11.16A.050**

**DATE: JANUARY 21, 2014**

**MEETING DATE: FEBRUARY 4, 2014**

**TO: BENTON COUNTY PLANNING COMMISSION**

**FROM: BENTON COUNTY PLANNING DEPARTMENT**

**RE: PUBLIC HEARING ON DRAFT ORDINANCE AMENDING  
SECTIONS 11.16A.050.**

### **BACKGROUND:**

Attached to this memo is a draft ordinance amending BCC Section 11.16A.050. – Conditional Use Permits.

Section 1 of the draft ordinance would amend BCC 11.16A.050 by removing Agricultural Related Industries and Agricultural Market as uses that may be allowed by conditional use permit. This section would also be amended by adding wording that would not allow a marijuana process or retailer as a business activity.

The notice for the Benton County Planning Commission Open Record Hearing for the proposed ordinance amending BCC Sections 11.16A.050 was published on January 23, 2014 in the Tri-City Herald. An Environmental Determination of Non-Significances was issued on January 8, 2014.

### **SUMMARY:**

This action is to review and discuss the attached draft ordinance and conduct a public hearing on the proposed ordinance.

### **RECOMMENDATION:**

The Benton County Planning Department recommends that the planning commission review the proposed ordinance, conduct the public hearing and make A recommendation to the Board of County Commissioners.

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

AN ORDINANCE relating to zoning; amending the section relating to uses requiring a conditional use permit by removing the following uses from that requirement: agricultural related industry for the processing of agricultural products and agricultural market; and including a business activity that does not require a marijuana processor or retailer license from the Washington State Liquor Control Board if certain criteria as well as any other conditions required by the Board of Adjustment are met; amending Ordinance 488, Section 6, Ordinance 510, Section 1 and BCC 11.16A.050.

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

SECTION 1. Ordinance 488, Section 6, Ordinance 510, Section 1 and BCC 11.16A.050 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 Five Acre District (RL-5) if a conditional use permit is issued by the Board of Adjustment after notice and public hearing as provided by BCC 11.52.090.

- (a) A school.
- (b) A community clubhouse, grange hall, senior center and/or other non-profit organizational hall.
- (c) A storage yard owned and operated by a utility.
- (d) A sand or gravel pit, stone quarry and similar use for the development of natural resources extracted on-site.
- (e) A Bed and Breakfast Establishment.
- (f) Kennel, commercial.
- (g) Home occupation involving the display and/or sale of products on the premises; provided, a home occupation permit is also required under BCC 11.16A.090 through BCC 11.16A.120.
- (h) On-site hazardous waste treatment and/or hazardous waste storage facilities as an accessory use to an allowed or conditionally permitted use; provided, that such facilities must comply with the state siting criteria adopted in RCW 70.105.210.
- (i) Child Day Care Facility, Type B, subject to the provisions of BCC 11.52.068.
- (j) Wineries/Breweries not otherwise allowed under BCC 11.16A.030.
- (k) Cemetary, columbarium, and/or mausoleum.
- (l) Sewage treatment facility for industrial and/or domestic waste.
- (m) Rodeo facilities.
- ~~((n) Agricultural Related Industry for the processing of agricultural products.))~~

~~((e))~~ (n) Reception facility with a capacity not to exceed two hundred ~~(200)~~ attendees.

~~((p))~~ (o) A Park.

~~((q))~~ (p) A golf course.

~~((r))~~ (q) Recreational Vehicle Park.

~~((s))~~ (r) A public transit center.

~~((t))~~ (s) Airport/Heliport.

~~((u) Agricultural market.)~~

~~((v))~~ (t) Church, if not otherwise allowed under BCC 11.16A.030.

~~((w))~~ (u) Business activities, other than those set forth above, that are compatible with the principal uses and purpose of the underlying zone and the surrounding land uses may be conducted from within an approved accessory building detached from all dwelling units if the following criteria as well as any other conditions required by the Board of Adjustment are satisfied:

(1) There must be a residence on site, and at least one (1) of the proprietors of the business must be the owner or lessee of the property where the business and the residence are located and must reside in said residence.

(2) No more than four (4) non-resident persons, whether they work on site or not, may be employed by or be partners in the business.

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

(4) Only one (1) approved detached accessory building on a parcel may be used for business activities. If more than one (1) business will be conducted within an approved detached accessory building, then a separate application must be submitted for each business activity, provided that the total area used by all business activities shall not exceed that permitted by BCC 11.16A.050(w)(3).

(5) No more than two (2) non-illuminating signs, with a maximum area of four (4) square feet each, shall be permitted in connection with the business activity. The posting of such signs is limited to the parcel on which the approved detached accessory building is located. On-street (inside the road right-of-way) sign posting and sign posting which interferes with the line-of-site for road intersections are prohibited.

(6) Not more than three (3) vehicles marked to identify the business may be on the parcel at any one time. No other on-site outside storage of vehicles, equipment and/or supplies is allowed in connection with the business activity. This prohibition applies to, but is not limited to: lumber, plasterboard, pipe, paint, inoperable vehicles, and heavy equipment that are related to the business.

(7) The property owner and the proprietor(s) of the business shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state and federal regulations pertinent to the business activity pursued. The requirements of or permission granted by the Board of Adjustment shall not be construed as an exemption from such regulations.

(8) Adequate off-street parking, as determined by the Board of Adjustment, must be provided.

(9) Any waste created as a result of the business activity must be disposed of off-site in compliance with all local, state and/or federal regulations.

(10) The presence of customers/clients and non-resident employees at the location of the business activity shall be limited to the days and hours of operation as determined by the Board of Adjustment.

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

SECTION 2. 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 3. EFFECTIVE DATE. This ordinance shall take effect and be in full force upon its passage and adoption.

ADOPTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, 2013.

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

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

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

Approved as to Form:

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

Constituting the Board of  
County Commissioners of  
Benton County, Washington

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