

ORDINANCE NO. 373

AN ORDINANCE relating to zoning; adding definitions relating to solar energy and to wind turbines for the generation of electric power to the chapter entitled "Purpose and Definitions;" allowing one wind turbine and related support structures per parcel as set forth herein in the Agricultural District and in the GMA Agricultural District; allowing meteorological towers as set forth herein in the GMA Agricultural District; allowing a wind turbine farm as set forth herein in the GMA Agricultural District; allowing solar power generators in the GMA Agricultural District; allowing facilities for power generation, other than nuclear fueled, wind or solar fueled as set forth herein as a permissible use in the GMA Agricultural District; amending Ordinance 264, Section 2, Ordinance 371, Section 2 and BCC 11.04.020; amending Ordinance 371, Section 3 and BCC 11.16.010; amending Ordinance 265, Section 5, Ordinance 371, Section 4 and BCC 11.18.050; amending Ordinance 265, Section 7 and BCC 11.18.070; amending Ordinance 121, Section 2 and BCC 11.60.010.

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

SECTION 1. Ordinance 264, Section 2, Ordinance 371, Section 2 and BCC 11.04.020 are hereby amended to read as follows:

DEFINITIONS. For the purpose of this title certain words and terms are defined as follows: Words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular.

(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 four (4) adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six (6) adults may be permitted if the Washington State Department of Social and Health Services determines that the home and provider are capable of meeting the standards and qualifications provided by law (RCW 70.128.010).

(6) "Agricultural Purposes" means any purpose which facilitates the successful continuation of agricultural production on a given acreage or farm, as opposed to "non agricultural purposes" which would reduce the acreage dedicated to agricultural production or uses, or which would reduce crop/livestock related productivity.

(7) "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.

(8) "Agriculture" means the tilling of soil, raising of crops, livestock and horticulture for commercial purposes and all those activities normally and routinely involved in the production of crops, horticulture or livestock.

(9) "Agriculture 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.

(10) "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.

(11) "Agriculture 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.

(12) "Agriculture 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.

(13) "Agriculture 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.

(14) "Agronomic Rates" or fertilizer guide means the rates of application of sludges, manures, 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.

(15) "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.

(16) "Airstrip commercial crop-dusting" means a private runway with service and maintenance facilities which serves the commercial crop-duster.

(17) "Allowable Use" means any use listed in BCC 11.18.050, which are allowed outright, i.e., the land use itself does not require obtaining planning director review and approval, or a conditional use permit.

(18) "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).

(19) "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.

(20) "Animal Unit" is the volume of waste produced over a period of time by a horse, slaughter steer, or heifer.

(21) "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 100 chickens to produce the same volume of waste as a horse.

For purposes of Benton County, the following equivalents apply:

ANIMAL	ANIMAL UNIT EQUIVALENT	% OF ANIMAL UNIT
Horse	1	100
Slaughter Steer or Heifer	1	100
Mature Dairy Cow	1.4	71
Swine over 55 pounds	2.2	45
Swine under 55 pounds	10	10
Sheep	10	10
Turkey	5	20
Chicken	100	1
Duck	200	.5
Other Animals	As may be determined by the Administrative Official.	

(22) "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.

(23) "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.

(24) "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.

(25) "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.

(26) "Auto Wrecking or Junk Yards; Rubbish Dumps" means a lot, parcel of land or structure, or part thereof, larger than 200 square feet, used for storage, keeping or abandonment of junk, including waste paper, rags, scrap metal, scrap lumber, or discarded material; or used for the collecting, dismantling, storage, salvaging, or sale of parts of machinery or vehicles not in operable condition; 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.

(27) "Bed and Breakfast" means an owner occupied single family dwelling in which not more than two bedrooms are rented for money or other valuable consideration to the traveling public. For the purposes of this title this use is not considered a public enterprise, rather it will be considered as an extended family use which is comparable in intensity of use to that of a blood related family with two or more children who are licensed drivers. And, further, only one meal, breakfast, will be served to guests.

(28) "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.

(29) "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.

(30) "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.

(31) "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 BCC 11.12.010(j)(15), BCC 11.16.010(~~(n)~~)(o)(17), and BCC 11.60.010(k)(20).

(32) "Charge Controller" means an electronic device which regulates the voltage applied to the battery system from solar panels.

~~((32))~~ (33) "Child" means a person seventeen years of age and under.

~~((33))~~ (34) "Child Care Facility" means any facility for short term child care including the following facilities as defined in BCC 11.04.020: "Child Day Care," and "Day Care Facility".

~~((34))~~ (35) "Child Day Care" means the provision of supplemental parental care and supervision:

- (a) for a non-related child or children,
- (b) on a regular basis,
- (c) for less than 24 hours (unless such period of time is otherwise extended by authority of the Washington State Department of Social and Health Services), and
- (d) under license by the Washington State Department of Social and Health Services;
- (e) as used in this title, the term is not intended to include babysitting services of a casual, non-recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocative child care by a group of parents in their respective homes. (See "Day Care Facility").

~~((35))~~ (36) "Church" means a structure, or group of structures, which by design and construction are primarily used for religious services and instruction.

~~((36))~~ (37) "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.

~~((37))~~ (38) "Cluster Development" means a development in which a number of dwelling units are grouped, leaving land undivided for a common or specific use. It may mean grouping the same number of units allowed in a given Comprehensive Plan designation or zoned area on a smaller than usual or minimum lot size, with the remainder of land available as a common area for a specific use - the density remains the same, but larger pieces of land with natural features or agricultural suitability are preserved for the customary or common use.

~~((38))~~ (39) "Commercial Dairy" means any premises where three or more animal units are kept, milked, or maintained for licensed commercial sale of product.

~~((39))~~ (40) "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.

~~((40))~~ (41) "Commercial Poultry/ Rabbit Operation" means premises where more than one hundred (100) birds or fifty (50) rabbits are kept.

~~((41))~~ (42) "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.

~~((42))~~ (43) "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.

~~((43))~~ (44) "Communication Facility Height" means the distance measured from ground level to the highest point on the communication facility, including the antenna array.

~~((44))~~ (45) "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.

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

~~((46))~~ (47) "Compatibility" means the congruent arrangement of land uses and/or project elements to avoid, mitigate, or minimize (to the greatest extent reasonable) conflicts.

~~((47))~~ (48) "Comprehensive Plan" means the Benton County Comprehensive Plan and any amendments, addenda, or supplemental plans that are duly adopted under Chapter 36.70 RCW (as amended) and Chapter 36.70A RCW, for Benton County or any portion thereof.

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

~~((49))~~ (50) "Condition(s) of Approval" means restrictions or requirements imposed by a reviewing official pursuant to authority granted by this title.

~~((50))~~ (51) "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 Zoning Ordinance 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.

~~((451))~~ (52) "County" means Benton County.

~~((452))~~ (53) "Day Care Facility" means a building or structure in which an agency, person, or persons regularly provide care for a group of children for periods less than 24 hours a day (unless such period of time is otherwise extended by authority of the Washington State Department of Social and Health Services), including:

(a) Day Care Center: A building or portion of a building, not a private family dwelling, and related yard or premises, used in the regular care of children, apart from their parents or guardians.

(b) Day Care Home: A private family dwelling or a portion thereof, and related yard or premises, used in the regular care of thirteen (13) or more children, apart from their parents or guardians used exclusively for the children during the hours the center is in operation and which is separate from the usual living quarters.

(c) Mini-Day Care Home/Center: A private family dwelling or a portion thereof or a separate ancillary structure on the same lot, and related yard or premises, used in the regular care of eight (8) through (12) children, apart from their parents or guardians.

(d) Family Day Care Home: A private family dwelling or portion thereof or a separate ancillary structure on the same lot, and related yard or premises, used in the regular care of seven (7) or fewer children, apart from their parents or guardians.

~~((453))~~ (54) "Development" means "use" as defined by this title.

~~((454))~~ (55) "Director Review" means the administrative review process in which the County Planning Director 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.

~~((455))~~ (56) "Domestic Farm Animal" means animals domesticated by man to live in a tame condition. This definition includes but is not limited to: dairy cows, beef cattle, horses, ponies, mules, llamas, goats, sheep, rabbits, poultry, and swine.

~~((456))~~ (57) "Duplex" A single structure containing two (2) dwelling units, neither of which is defined as an accessory dwelling unit.

~~((457))~~ (58) "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.

~~((458))~~ (59) "Dwelling, Single-Family" means a building or structure designed to contain a single dwelling unit. Single-Family dwellings are further classified by the nature of their construction as follows:

- (a) site built home - see "Site Built Home";
- (b) modular home - means a residential structure which meets the requirements of the Uniform Building Code and is constructed in a factory and transported to the building site;
- (c) manufactured home - see "Manufactured Home" (which includes mobile home);
- (d) factory assembled structure (FAS) as defined herein.

~~((459))~~ (60) "Dwelling, Single-Family Detached" means one dwelling located on one lot and not attached to any other dwelling unit.

~~((460))~~ (61) "Factory Assembled Commercial Structure" means a factory assembled structure (FAS) designed or used for human habitation or human occupancy for industrial, educational, assembly, professional, or commercial purposes.

~~((461))~~ (62) "Factory Assembled Structure (FAS)" means structures which are of closed construction, which are made or assembled in manufacturing facilities off the building site. These are equipped with the necessary service connections for the hook up of required utilities, which include plumbing, heating, air conditioning and electrical installations contained therein, which may or may not require a permanent foundation as per manufacturer's instruction (i.e. mobile homes, manufactured homes, modular structures). This excludes recreational vehicles and park trailers.

FAS which do not meet the HUD Manufactured Housing Standards will be required to meet HUD Alteration, Fire & Safety Standards and be certified as such by the State of Washington.

Factory assembled structures, including modular structures/manufactured homes (gold insignia), that meet the Uniform Building Code and that are permanently affixed to a footing or foundation, shall be considered the same as a site built single family residential dwelling and are permitted outright wherever single family residences may be located.

~~((462))~~ (63) "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.

~~((463))~~ (64) "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.

~~((464))~~ (65) "Floodplain" means the total area subject to inundation by the base flood.

~~((465))~~ (66) "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.

~~((466))~~ (67) "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 be 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 county planning commission 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.

~~((467))~~ (68) "Front Yard" means the required open space between the front property line and the nearest part of any building on the lot, save as elsewhere in this title excepted.

~~((468))~~ (69) "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.

~~((469))~~ (70) "Growth Management Act (GMA) Agricultural District Ordinance" is that ordinance which, as mandated by the Growth Management Act, Chapter 36.70A RCW, requires the designation and conservation "by regulation" of agricultural lands of long term commercial significance.

~~((470))~~ (71) "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.

~~((471))~~ (72) "Hazardous Waste and/or Material" means all dangerous and extremely hazardous waste as defined in RCW 70.105.010 except for moderate-risk waste.

~~((472))~~ (73) "Hazardous Waste Storage" means the holding of hazardous waste for a temporary period as regulated by State Dangerous Waste Regulations, Chapter 173-303 WAC.

~~((473))~~ (74) "Hazardous Waste Treatment" means the physical, chemical, or biological processing of hazardous waste to make wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

~~((474))~~ (75) "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.

~~((475))~~ (76) "Hazardous Waste Treatment and Storage Facility, On site" means treatment and storage facilities that treat and store wastes generated on the same geographically contiguous, or bordering property.

~~((476))~~ (77) "'Hobby' farms" means generally small acreages less than twenty (20) acres where the combination of parcel size, soil capability and other factors including market conditions renders this income supplementary to a primary income.

~~((477))~~ (78) "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.

~~((478))~~ (79) "Home Occupation" means any business use that is clearly incidental and secondary to the use of the property for residential purposes and that complies with the criteria set forth in BCC 11.08.010(e).

~~((479))~~ (80) "Hotel" means a house providing lodging and usually meals for the public, especially transients.

~~((480))~~ (81) "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.

~~((481))~~ (82) "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.

~~((482))~~ (83) "Hunting Preserve" see "Hunting, Fee Access."

~~((483))~~ (84) "Impervious Surface" means any material which reduces or prevents absorption of storm water into previously undeveloped land.

~~((484))~~ (85) "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.

~~((485))~~ (86) "Infiltration" refers to the penetration of water into soil or other material.

~~((486))~~ (87) "Kennel, Commercial" means an establishment in which more than three (3) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold.

~~((487))~~ (88) "Kennel, Private" means a facility for the confinement of three (3) or fewer dogs, cats or other domesticated animals.

~~((488))~~ (89) "Land" means any lot, parcel or tract of real property (ground, soil, or earth).

~~((489))~~ (90) "Land Use" means the method or manner in which land and structures are occupied or utilized.

~~((490))~~ (91) "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.

~~((491))~~ (92) "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.

~~((492))~~ (93) "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.

~~((93))~~ (94) "Lot Area" means the total horizontal area within the boundary lines of a lot.

~~((94))~~ (95) "Lot Coverage" means that portion of the lot that is covered by structures and other impervious surfaces.

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

~~((96))~~ (97) "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 building official, 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.

~~((97))~~ (98) "Manufactured Home" includes mobile home and means a manufactured, relocatable living unit which, when erected on site, is designed to be connected to required utilities and used as a dwelling. If the home was manufactured after June 15, 1976, the structure must bear the insignia of the U. S. Department of Housing and Urban Development. The definition is further refined as follows:

(a) Multi-wide - minimum width of not less than seventeen (17) feet as measured at all points perpendicular to the length of the manufactured/mobile home.

(b) Single-wide - minimum width less than seventeen (17) feet as measured at any point perpendicular to the length of the manufactured/mobile home.

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

~~((499))~~ (100) "Manure" means animal waste.

~~((400))~~ (101) "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.

~~((401))~~ (102) "Master Plan 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.

~~((402))~~ (103) "Monopole Tower" means a structure that consists of a single pole to support antennas and connecting appurtenances.

~~((403))~~ (104) "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.

~~((404))~~ (105) "Nursery" means an establishment where trees, shrubs and other plant materials are grown on site for the purpose of sale.

~~((405))~~ (106) "Park" means a public or privately owned area with facilities for active or passive recreation by the public.

~~((406))~~ (107) "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.

~~((407))~~ (108) "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.

~~((408))~~ (109) "Permit" means written government approval issued by an authorized official empowering the holder thereof to take some action permitted.

~~((409))~~ (110) "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.

~~((410))~~ (111) "Planning Commission" means the duly constituted and appointed Planning Commission of Benton County.

~~((411))~~ (112) "Planning Department" means the Benton County Planning Department.

~~((412))~~ (113) "Premises" means a lot, parcel, or plot of land together with the buildings and structures thereon.

~~((413))~~ (114) "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.

~~((414))~~ (115) "Public Hearing" means a meeting open to the public that is announced and advertised in advance as required by law at which the public is given the opportunity to participate.

~~((415))~~ (116) "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.

~~((416))~~ (117) "Rear Yard" means the required open space on a lot extending along the rear property line through the whole width of the lot.

~~((417))~~ (118) "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 dunebuggies.

~~((418))~~ (119) "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.

~~((419))~~ (120) "Resource Lands" refer to agricultural and mineral lands.

~~((420))~~ (121) "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.

~~((421))~~ (122) "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.

~~((4122))~~ (123) "Setback, Front" is the minimum horizontal distance measure 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. When there is a partial right-of-way, the setback shall be measured perpendicularly from the design centerline.

~~((4123))~~ (124) "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.

~~((4124))~~ (125) "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.

~~((4125))~~ (126) "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.

~~((4126))~~ (127) "Sign, agricultural" means signs commonly associated with or accessory to agricultural activities.

~~((4127))~~ (128) "Single Family Dwelling" means a building arranged or designed to be occupied by not more than one family.

~~((4128))~~ (129) "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.

~~((4129))~~ (130) "Slaughterhouse" means a commercial establishment where animals are butchered.

(131) "Solar Power Generator" 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.

~~((4130))~~ (132) "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 woodwaste, 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.

~~((4131))~~ (133) "Stockyards" see "Animal Feedlots."

~~((4132))~~ (134) "Subsurface Water" refers to any water below the surface of the ground, including but not limited to water in the saturated and unsaturated zones.

~~((133))~~ (135) "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.

~~((134))~~ (136) "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.

~~((135))~~ (137) "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."

~~((136))~~ (138) "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.

~~((137))~~ (139) "Utility Services" means facilities operated by utilities but not including local transmission and collection lines, pipes, and conductors. Such facilities include, but are not limited to, electrical power substations, water reservoirs, and sewage treatment plants.

~~((138))~~ (140) "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.

~~((139))~~ (141) "Warehouse" means a structure used for the storage of goods and materials. Also see "Agricultural Building."

~~((140))~~ (142) "Wastes" see "Agricultural Wastes," "Industrial Solid Wastes," or "Solid Wastes."

(143) "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.

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

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

~~((141))~~ (146) "Wineries/Breweries" means facilities where fruit or other products are processed (i.e., crushed, fermented, decanted, stored, bottled, shipped) into wine or spirits. This may include the sale of wine, beer, ale, etc; tourist facilities; or tasting room on the premises.

SECTION 2. Ordinance 371, Section 3 and BCC 11.16.010 are hereby amended to read as follows:

PERMISSIBLE USE OF BUILDINGS. In the agricultural district, no building or premises shall be used nor shall any building or structure hereafter be erected or altered unless otherwise provided in this title, except for one or more of the following uses:

- (a) Any use permitted in the residential district.
- (b) Manufactured homes (mobile homes).
- (c) Agricultural, floriculture, horticulture, nursery, general farming, dairying, poultry raising and stock raising except commercial hog ranches.
- (d) Stands for the display and sale of products raised or grown on the premises when located not less than twenty (20) feet from any public street or highway.
- (e) Not more than two (2) signs, having an area of not more than six (6) square feet in each sign, advertising the sale of products raised on the premises.
- (f) Accessory buildings ordinarily appurtenant to the conduct of farming and agriculture and when located not less than seventy-five (75) feet from any public street or highway.
- (g) Community club houses, golf courses, parks and play grounds, and public utility buildings, such as pumping plants and substations.
- (h) Stills, packing sheds or warehouses for the processing or protection of agricultural products.
- (i) Two, three and four manufactured (mobile) homes on an individual lot; provided, the use is approved pursuant to BCC 11.52.065.
- (j) Accessory equipment structure ancillary to a legal communication facility.
- (k) Onsite hazardous waste treatment and storage facilities as an accessory use to a permitted or special permitted use, provided that such facilities must comply with the state siting criteria adopted in accordance with RCW 70.105.210.
- (l) Any of the following uses may be allowed; provided, the use is approved pursuant to BCC 11.52.067:
 - (1) Adult family homes.
 - (2) Mini-day care homes/centers.
 - (3) Family day care homes.

(m) Communication facilities; provided, the use complies with and is approved pursuant to the provisions of Chapter 11.65 BCC or is exempt therefrom pursuant to BCC 11.65.030(b), BCC 11.65.030(c), BCC 11.65.030(d), or BCC 11.65.030(e).

(n) No more than one (1) wind turbine and related support structures and other improvements per parcel for private use; provided, the wind turbine height must be less than sixty (60) feet and the wind turbine must be set back from all property lines a distance equal to one (1) foot for every foot in height of the wind turbine.

~~((n))~~ (o) Any of the following uses may be allowed by special permit issued by the Benton County Board of Adjustment after notice and public hearing as provided in BCC 11.52.090:

(1) Any use not otherwise permitted that is permitted in the suburban districts.

(2) Industrial or manufacturing plants such as feed mills, canneries, sand and gravel pits, stone quarries and similar uses for processing of agricultural products or the development of natural resources.

(3) Swine raising, provided that no permit shall be issued for commercial hog ranches within a distance of five-hundred (500) feet from any dwelling other than the dwelling situated on the same premises with such hog ranch or within a distance of three-hundred (300) feet from any public street or highway.

(4) Summer resorts, dance halls, and similar uses.

(5) Outdoor advertising signs or billboards.

(6) Rental storage facilities such as mini-warehouses, provided that all storage shall be within fully enclosed and covered structures which meet the standards of the Uniform Building Code and provided that there be no retail or wholesale commercial activity wholly or partially on the site.

(7) Limited home occupation type activity involving the display and sale of products on the premises.

(8) Manufactured (mobile) home parks, pursuant to chapter 3.22 BCC (Manufactured Home Park Ordinance.)

(9) A temporary real estate office may be located within a recorded plat of residential lots exclusively for the purpose of selling real estate within that plat and/or a temporary office and yard of a contractor or manufactured home dealer may be located within a recorded plat of residential lots exclusively for the purpose of construction or location of homes within that plat; provided that such real estate office and/or contractor's/dealer's office and yard shall be permitted for a period not exceeding one (1) year from the date of approval by the Board of Adjustment. A one (1) year time extension may be granted by the Board of Adjustment upon written request by the applicant at least thirty (30) days

prior to the expiration date of the initial one (1) year period. Such extension may be granted only after consideration by the Board of Adjustment at a regular public meeting and following notification by mail of property owners within the subject plat and owners within three-hundred (300) feet of the subject plat.

(10) Agriculturally based recreational and sales facility with accessory uses. All sales and accessory uses must be subordinate to the main use and operated only during the time the main use and/or organized events are being conducted on site. Main uses - such as covered arena, rodeo events, sales ring (livestock), circus, sporting events, etc. Accessory uses - such as veterinary office, tack shop, concession areas, R.V. sites, novelty shops, restaurants, etc.

(11) Recreational vehicle parks.

(12) Day care centers.

(13) Day care homes.

(14) Shooting Range Facility.

(15) Landscaping business.

(16) Airstrip (personal).

(17) 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 detached accessory building if they meet the following criteria as well as any other conditions required by the Board of Adjustment:

(a) 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.

(b) 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.

(c) 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.

(d) 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 subsection (c) above.

(e) 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.

(f) 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.

(g) 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 District Health Department, 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.

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

(i) 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.

(j) 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.

SECTION 3. Ordinance 265, Section 5, Ordinance 371, Section 4 and BCC 11.18.050 are hereby amended to read as follows:

ALLOWABLE USES. Allowable uses in the GMA Agricultural District include those that involve the production, processing, and shipping of agricultural products on the premises, and adjacent lands which are under the same ownership or lease and which are part of the same farming operation.

The County recognizes that the following uses by property owners are compatible with agriculture and may be conducted in the GMA Agricultural District; however, all other uses are not allowed except as set forth in BCC 11.18.060 and BCC 11.18.070.

The following are allowable uses:

- (1) Agriculture, floriculture, horticulture, nursery and general farming; except commercial dairying, poultry raising, commercial hog ranches, animal feedlots and stockyards.
- (2) Accessory buildings, uses and structures appurtenant to the conduct of the agricultural use and customarily provided in conjunction with an agricultural operation.
- (3) On any tract of land having an area of five (5) acres or less, the following uses are allowable as accessories to a family dwelling: the keeping of one head of grazing stock per one-half acre of ground, exclusive of suckling animals; provided, that all barns, barnyards, or corrals

shall be located not less than seventy-five (75) feet from any public road, street, or highway and not less than thirty (30) feet from any property held under different ownership.

- (4) Agriculture buildings: structures to store farm implements or hay, grain, poultry, livestock, fruit, and other agriculture products and not for human habitation or public access.
- (5) Agricultural related industries, for example: Wineries, packaging plants, processing plants, and storage facilities.
- (6) Agricultural stands for the display and sale of agricultural products raised or grown on the premises.
- (7) Hazardous waste treatment and storage facilities (on site) as an accessory use to an allowable or conditionally permitted use; provided, that such facilities must comply with the state siting criteria adopted in accordance with RCW 70.105.210.
- (8) Single family site built or manufactured home/FAS.
- (9) Commercial and recreational fishing operations.
- (10) Signs, Agricultural: signs commonly associated with or accessory to agricultural activities.
- (11) Commercial specialty/exotic animal raising, including but not limited to fish, wild animals and amphibians.
- (12) Adult Family Homes.
- (13) Community club houses, grange halls and other agricultural nonprofit organization halls.
- (14) Commercial establishments that primarily provide custom agricultural land grading, plowing, planting, cultivating, harvesting and soil preparation service establishment.
- (15) Riding clubs.
- (16) Airstrips (personal use).
- (17) Public or quasi-public buildings and yards and utility buildings, such as: pumping stations, fire stations, substations and telephone exchange and distribution facilities.
- (18) Hunting Preserves.
- (19) Guest ranch.
- (20) Schools((7)) and churches.
- (21) The keeping of not to exceed five boarders and/or lodgers in any one family dwelling unit; for example, a bed and breakfast establishment.

- (22) Kennels pursuant to BCC 11.04.020.
- (23) Communication facilities described in BCC 11.65.030(b), BCC 11.65.030(c), BCC 11.65.030(d), or BCC 11.65.030(e).
- (24) Any accessory equipment structure ancillary to a legal communication facility.
- (25) Accessory buildings commonly appurtenant to single family site built or manufactured home/FAS.
- (26) No more than one (1) wind turbine and related support structures and other improvements per parcel for private use; provided, the wind turbine height must be less than sixty (60) feet and the wind turbine must be set back from all property lines a distance equal to one (1) foot for every foot in height of the wind turbine.
- (27) 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:
 - (i) the lowest point on all rotor blades must be at least thirty (30) feet above ground level;
 - (ii) no wind turbine(s) height exceeds three hundred and fifty (350) feet;
 - (iii) 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;
 - (iv) all wind turbine tower bases must be set back from all property lines a distance equal to twice the associated wind turbine height;
 - (v) 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 twice the wind turbine height;
 - (vi) all wind turbine tower bases must be set back at least five thousand (5,000) feet 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;

(vii) 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;

(viii) all wind turbine(s) must comply with the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, 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; and

(ix) 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 11.54 BCC.

(28) Meteorological towers used to gather data to assess wind energy potential; provided, that the towers must comply with the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, 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.

(29) Solar power generators.

SECTION 4. Ordinance 265, Section 7 and BCC 11.18.070 are hereby amended to read as follows:

USES REQUIRING PERMITS--CONDITIONAL USE PERMIT REQUIRED. Upon issuance of a conditional use permit by the Board of Adjustment, the following uses shall be permitted within the GMA Agricultural District; provided that they are located in a manner that minimizes adverse impacts to agricultural productivity on adjacent lands:

- (1) 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.

- (2) Breweries.
- (3) 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.
- (4) 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.
- (5) Agriculturally based recreational and sales facilities with accessory uses. All sales and accessory uses must be subordinate to the main use and operated only during the time the main use and/or organized events are being conducted on site. Main uses may include: covered arena, rodeo events, sales ring (livestock), circus, sporting events, etc. Accessory uses may include: veterinary office, tack shop, concession areas, R.V. sites, novelty shops, restaurants, etc.
- (6) Airstrips (commercial crop dusting).
- (7) Industrial and domestic sewage treatment plants with associated spray fields.
- (8) Solid waste disposal site; except on lands designated as having less than 160 acre minimum parcel size.
- (9) Off-site hazardous waste treatment and storage facilities may be allowed by special permit issued by the Benton County Board of Adjustment after notice and public hearing as provided in BCC 11.52.090; provided, that such facilities must comply with the state siting criteria adopted in accordance with RCW 70.105.210.
- (10) Asphalt manufacture in conjunction with rock, sand and gravel mining.
- (11) Facilities for power generation (~~(for sale to the public)~~), other than nuclear fueled, wind fueled or solar fueled.
- (12) Shooting Range facility.
- (13) Golf Course.
- (14) Racetracks (auto/motorcycle and horse.)
- (15) Recreational Vehicle Parks.
- (16) Off-road vehicle recreation park.

- (17) Day care homes/centers.
- (18) Parks and Playgrounds.
- (19) Master Plan Resorts and summer resorts.
- (20) Farm labor housing, to the extent that the farm laborers are needed for the agricultural operation on premise.
- (21) Manufactured (mobile) home/FAS parks which are used in conjunction with farm labor housing and pursuant to Chapter 3.22 BCC (Manufactured Home Park Ordinance).
- (22) Recreational vehicle parks which are used in conjunction with farm labor housing.
- (23) Veterinary facility.
- (24) Farm labor contractor service (not to include farm worker housing).
- (25) Off-premise directional signs.
- (26) The production of alcohol fuels from agricultural products for use on the premises.
- (27) Feed and farm supply sales.
- (28) Well drilling or pump installation service establishment.
- (29) The commercial maintenance, repair, servicing, storage, sale or rental of agricultural machinery, implements, and equipment for use off the premises.
- (30) Commercial establishment for the storage, sale and off-site application of agricultural chemicals, including but not limited to fertilizers, insecticides, and pesticides.
- (31) Landscaping business.

SECTION 5. Ordinance 121, Section 2 and BCC 11.60.010 are hereby amended to read as follows:

USES. The rural estates district is for single-family small farms and/or ranchettes. These ranchettes are sized for family hobbies and small business in agriculture, floriculture, horticulture, and stock raising. In the rural estates district no building or premises shall be used nor shall any building or structure be hereafter erected or altered unless otherwise provided in this code, except for one or more of the following uses:

- (a) One single-family dwelling may be built on an individual lot.
- (b) The keeping of not to exceed five (5) boarders and/or lodgers in any one-family dwelling unit.
- (c) Home occupations that comply with the criteria set forth in BCC 11.08.010(e).
- (d) Any of the following uses may be allowed; provided, the use is approved pursuant to BCC 11.52.067:

- (1) Adult family homes.
- (2) Mini-day care homes/centers.
- (3) Family day care homes.

(e) Not more than two (2) signs, not exceeding one (1) square foot in area each, advertising for sale or rent the premises upon which they are located; provided such signs are not related to a home occupation.

(f) Accessory buildings including, but not limited to, one temporary and moveable stand for the display and sale of products raised or grown on the premises upon which such a stand is located. All such temporary stands shall be located not less than twenty (20) feet from any street or highway during the season it is actually being used for the display and sale of farm products; at all other times it shall be located elsewhere in the manner designated for other accessory buildings. Accessory buildings ordinarily appurtenant to the conduct of farming and agriculture and when located not less than seventy-five (75) feet from any public street or highway.

(g) Not more than two (2) signs having an area of not more than six (6) square feet in each sign, advertising the sale of products raised or grown on the premises.

(h) Agriculture, floriculture, horticulture, general farming, dairying, poultry raising, and stock raising except the following limitations:

- (1) Maximum of one (1) hog and litter per acre owned or leased.
- (2) Maximum of one hundred (100) domestic fowl per property owner.
- (3) Maximum of one (1) horse or cow per one-half (1/2) acre owned or leased.

(i) One manufactured home (mobile home) may be placed on an individual lot.

(j) Onsite hazardous waste treatment and storage facilities as an accessory use to a permitted or special permitted use, provided that such facilities must comply with the state siting criteria adopted in accordance with RCW 70.105.210.

(k) Any of the following uses may be allowed by special permit issued by the Benton County Board of Adjustment after notice and public hearing as provided by BCC 11.52.090 of this chapter:

- (1) Schools (except trade or industrial schools).
- (2) Churches.
- (3) Parks and playgrounds when not approved as part of an approved plat.
- (4) Public utility buildings.
- (5) Temporary offices used in the development of real estate or natural resources.

- (6) Community club houses.
- (7) Golf courses.
- (8) Libraries.
- (9) Art galleries and public museums.
- (10) Kennels.
- (11) Commercial nurseries and/or greenhouses.
- (12) Veterinary hospitals.
- (13) Hospitals.
- (14) Nursing homes.
- (15) Duplex and/or multiple family dwellings.
- (16) A temporary real estate office may be located within a recorded plat of residential lots exclusively for the purpose of selling real estate within that plat and/or a temporary office and yard of a contractor or manufactured home dealer may be located within a recorded plat of residential lots exclusively for the purpose of construction or location of homes within that plat; provided such real estate office and/or contractor's/dealer's office and yard shall be permitted for a period not exceeding one (1) year from the date of approval by the Board of Adjustment. A one (1) year time extension may be granted by the Board of Adjustment upon written request by the applicant at least thirty (30) days prior to the expiration date of the initial one (1) year period. Such extension may be granted only after consideration by the Board of Adjustment at a regular public meeting and following notification by mail of property owners within the subject plat and owners within three hundred (300) feet of the subject plat.
- (17) Two, three or four detached single-family dwellings and/or manufactured homes on an individual lot. Approval shall be by special permit subject to criteria set forth in BCC 11.52.065; and other conditions or requirements as set forth by the Benton County Board of Adjustment.
- (18) Day care centers.
- (19) Day care homes.
- (20) 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 detached accessory building if they meet the following criteria as well as any other conditions required by the Board of Adjustment:
 - (a) 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.
 - (b) 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.

(c) 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.

(d) 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 subsection (c) above.

(e) 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.

(f) 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.

(g) 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 District Health Department, 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.

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

(i) 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.

(j) 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.

SECTION 6. 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.

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SECTION 7. EFFECTIVE DATE. This ordinance shall take effect and be in full force upon its passage and adoption.

ADOPTED AND PASSED this 1st day of Oct., 2001.

Geo M Bouman
Chairman of the Board.

Clell L Olson
Chairman Pro-Tem.

Ma E Bentsen
Member

Approved as to Form:

Ryan H Brown
Deputy Prosecuting Attorney

Constituting the Board of
County Commissioners of
Benton County, Washington

Attest: Jeri Lynn Cabbage
Clerk of the Board