

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: ANX2021-101

PREPARED BY: MIKE STEVENS
MEETING DATE: OCTOBER 13, 2021

GENERAL INFORMATION:

- APPLICANT: JOSEPH & COLLEEN LANE, WAYNE & SUE FLATEN, MARK & BARBARA BUCKMASTER, ERIC VAN MASON, JONATHAN GUYMON, DUSTIN GILLESPIE AND DANIEL & CLAUDIA BECKER (ANX2021-101)
- REQUEST: CONSIDERATION OF APPROPRIATE ZONING FOR A PROPOSED ANNEXATION.
- LOCATION: LAND LOCATED AT 1560, 1570, 1600, 1620, 1640, 1650 and 1660 BRANTINGHAM ROAD

REASON FOR REQUEST:

The City is currently considering the annexation of approximately 12 acres located at 1560, 1570, 1600, 1620, 1640, 1650 and 1660 Brantingham Road. City Council authorized the annexation process to begin through the adoption of Resolution No. 84-21, which directed the Planning Commission to consider what zoning would be appropriate for this site.

BACKGROUND

The City is evaluating a proposal to annex seven (7) tax parcels of land totaling approximately 12 acres on Brantingham Road. Six of the seven sites each contain single-family residential development.

The City Council passed resolution No. 84-21 authorizing the annexation proceedings to begin. The next step includes the Planning Commission to consider what zoning designation(s) would be appropriate if the property were to be annexed.

SITE DATA

Size: Approximately 12 acres.

Ownership: The proposed annexation site is comprised of seven (7) tax parcels (8 lots) under separate ownership (Lane, Flaten, Buckmaster, Van Mason (2), Guymon, Gillespie and Becker).

Current Use: Six of the seven tax parcels have been developed with single-family residential dwellings and various types/sizes of accessory out-buildings.

Comprehensive Plan: The site is within the City of Richland's adopted Urban Growth Area (UGA) boundary and is designated as suitable for low density residential development based on the Richland Comprehensive Plan.

Utilities: Both City water and sewer services are available in the vicinity to serve the proposed annexation area. In fact, the annexation is being requested in order to provide each of the homes with city water and sewer services as a result of the adjacent Marcello Estates subdivision.

Existing County Zoning: Urban Growth Area Residential.

SURROUNDING LAND USES

Properties surrounding the proposed annexation area are located within the City of Richland and are zoned R-1-10 (Low Density Residential) and PUD (Planned Unit Development).

PROPOSED ZONING

There are three single family zoning designations that could be applied to the property that would implement the low density residential comprehensive plan designation: The R-1-10 and R-1-12 zones and Suburban Agriculture (SAG). A copy of the residential and agriculture zoning codes are attached as well as a copy of the existing county zoning (Urban Growth Area Residential).

ANALYSIS

The R-1-10, R-1-12 and SAG zones would each be consistent with the comprehensive plan designation of Low Density Residential. R-1-10 zoning surrounds most of the annexation area and, if the property were undeveloped, it is staff's opinion that R-1-10 would be the zoning district best suited for the proposed annexation area. However, since six of the seven tax parcels have been developed on tax parcels ranging in size from 1.5-acres to 3-acres and the existing development essentially precludes the parcels from being subdivided, it is staff's opinion that the site should be zoned SAG (Suburban Agriculture). Implementation of a different zoning district, while possible, would not represent the best zoning for the annexation area given the fact that a majority of the land has already been developed in a manner that encumbers a vast majority of six of the seven tax parcels.

SUMMARY

Application of the SAG zoning represents the most appropriate zoning designation for the proposed annexation area as it would be consistent with the City's Comprehensive Plan and existing development pattern within the proposed annexation area.

FINDINGS OF FACT

1. The site is within the City of Richland's Urban Growth Area boundary as those boundaries were established with the adoption of the Benton County Comprehensive Plan in 1998 and subsequent periodic updates;
2. The City's comprehensive plan designates the proposed annexation area as suitable for low density residential land uses;
3. Six of the seven tax parcels have been developed on tax parcels ranging in size from 1.5-acres to 3-acres and the existing development essentially precludes those parcels from being subdivided;
4. Six of the seven separate tax parcels contain an existing single-family residence;
5. Properties surrounding the proposed annexation area are all zoned R-1-10 or PUD by the City of Richland;
6. Application of SAG (Suburban Agriculture) zoning district is appropriate for an area that is designated as low density residential under the current comprehensive plan designation.

CONCLUSIONS OF LAW:

1. Based on the above findings of fact, assignment of SAG (Suburban Agriculture) zoning would be in the best interest of the City of Richland.

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in Staff Report (ANX2021-101) and recommend to the City Council assignment of SAG (Suburban Agriculture) zoning.

EXHIBITS

- A. Annexation Request Letter and Resolution No. 73-21
- B. Resolution No. 84-21
- C. Chapter 23.18 of the Richland Municipal Code – Residential Zones
- D. Chapter 23.14 of the Richland Municipal Code – Agriculture Zones
- E. Chapter 11.07 of the Benton County Zoning Code – Urban Growth Area Residential District (UGAR)
- F. Maps

Exhibit A



City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
(509) 942-7794
(509) 942-7764

Application for Annexation

Note: A Pre-Application meeting is required prior to submittal of an application.

PROPERTY OWNER INFORMATION

Contact Person

Owner: Badger Mountain Estates Association (BMEA), Owners specified in attachment and letter

Address: Brantingham RD

Phone: see letter

Email: see letter

APPLICANT INFORMATION (if different)

Contact Person

Company:

UBI#

Contact: Eric Van Mason (BMEA Vice President)

Address: 1620 Brantingham RD

Phone: 509-713-0457

Email: eric.vanmason@gmail.com

DESCRIPTION OF REQUEST

Annexation request associated with agreement with RP Development and P&R construction regarding provision of City utilities to BMEA property owners per preliminary plat approval for Marcello Estates (City Counsel Resolution No. 39-19. See condition No. 32)

PROPERTY INFORMATION

Parcel #: multiple parcels, see attached descriptions

Legal Description: attached

Current Comp. Plan: LD residential

Requested Zoning: SAG

Size of Property: approx 1.5 acres each

Domestic Water Supply: City Private Well

Sewage Disposal: City Septic

Irrigation Source: City Private Well Columbia Irrig. District Kennewick Irrig. District BMID

APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. A "Notice of Intent" form requesting annexation to the City of Richland
3. Full legal description of the proposed annexation area
4. A map showing all of the following: general vicinity of proposed annexation in relation to the City of Richland, the proposed boundaries of the annexation, and all public roads near the annexation area
5. Other information as determined by the Administrator

ANSWER QUESTIONS BELOW AS COMPLETELY AS POSSIBLE – USE ADDITIONAL SHEET(S) IF NECESSARY

Why are you requesting annexation into the City of Richland?

In order to receive City utilities per agreement with RP Development and P&R construction (City Counsel Resolution No. 39-19. See condition No. 32)

What use, building or structure is intended for the property?
Residential and home based business use

What changes have occurred in the area that justify the requested annexation?
Proposed development of Marcello Estates adjacent to BMWEA parcels

Are there any other properties in your neighborhood that could be part of your annexation request? If so, have you spoken to the owners about joining your annexation request?
No.

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.

I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.

I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the submittals.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of the Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Eric Van Mason, BMEA

Applicant Signature:  Date 5/3/2021

Owner	Mark and Barbara Buckmaster
Address	1600 Brantingham Rd Richland, WA 99352
Phone	509-627-1321
Email	markbuckmaster@frontier.com
Parcel Number	126983020000003
Legal Description	BADGER MOUNTAIN ESTATES:LOT 3: CERT OF WATER RIGHT AUT#87-16324 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WEEL CONTROL AGREEMENT 1/8/87: PROTECTIVE COVENANTS 4/20/73

Owner	Wayne and Sue Flaten
Address	1570 Brantingham Rd Richland, WA 99352
Phone	509-627-4810
Email	Flatenwlsk345@gmail.com
Parcel Number	126983020000002
Legal Description	BADGER MOUNTAIN ESTATES:LOT 2: CERT OF WATER RIGHT AUD#16324 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL AGR 1/8/87 PROTECTIVE COVENANTS 4/20/73

Owner	Joe and Colleen Lane
Address	1560 Brantingham Rd Richland, WA 99352
Phone	509-438-9344
Email	lanefamily7@gmail.com
Parcel Number	126983020000019
Legal Description	BADGER MOUNTAIN ESTATES:LOT 1: CERT OF WATER RIGHT AUD#87-16324 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL ESMT 1/8/87 & PROTECTIVE COVENANTS 4/20/73

Owner	Eric Van Mason
Address	1620 Brantingham Rd Richland, WA 99352
Phone	509-374-4005
Email	Eric.vanmason@gmail.com
Parcel Number	126983020000023
Legal Description	SECTION 26, TOWNSHIP 9 NORTH, RANGE 28 EAST, QUARTER SW: BADGER MOUNTAIN ESTATES:LOT 4: CERT OF WATER RIGHT 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL AGREEMENT 1/8/87 PROTECTIVE COVENANTS 4/20/73 TOGETHER WITH BADGER MOUNTAIN ESTATES:LOT 5: COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL AGR 1/8/87 PROTECTIVE COVENANTS 4/20/73 (TAX CONSOLIDATION PER CONSOLIDATION FORM, DATED 12/31/2014)

Owner	Jonathan Guymon
Address	1640 Brantingham Rd Richland, WA 99352
Phone	509-947-4794
Email	jwguymon@gmail.com
Parcel Number	126983020000006
Legal Description	BADGER MOUNTAIN ESTATES:LOT 6: CERT OF WATER RIGHT AUD#16324 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL AGR 1/8/87 PROTECTIVE COVENANTS 4/20/73

Owner	Dustin Gillespie
Address	<i>Undetermined</i> Brantingham Road
Phone	509-440-2030
Email	dustin@gillespiehomesnw.com
Parcel Number	126983020000024
Legal Description	BADGER MOUNTAIN ESTATES:LOT 7: CERT OF WATER RIGHT AUD#16324 10/15/87 COMMUNITY WELL

	AGREEMENT 1/8/87: VAC OF WELL CONTROL AGR 1/8/87 PROTECTIVE COVENANTS 4/20/73 (SEGREGATIONS FOR TAX PURPOSES FORM DATED 6/8/2020)
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Owner	Daniel and Claudia Becker
Address	1660 Brantingham Rd Richland, WA 99352
Phone	509-627-2464
Email	dncbecker@frontier.com
Parcel Number	126983020000025
Legal Description	BADGER MOUNTAIN ESTATES:LOT 8: CERT OF WATER RIGHT AUD#16324 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL AGR 1/8/87 PROTECTIVE COVENANTS 4/20/73 (SEGREGATIONS FOR TAX PURPOSES FORM DATED 6/8/2020)

Badger Mountain Estates Association (BMEA)

Brantingham Road, Richland, WA

Mr. Mike Stevens
625 Swift Blvd, MS-35
Richland, WA 99352

Mr. Stevens,


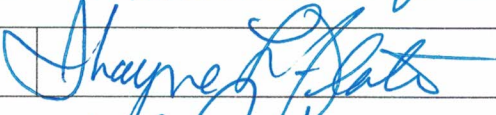


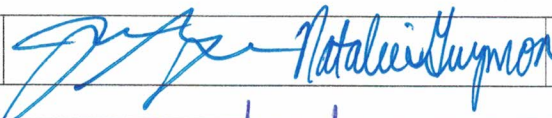
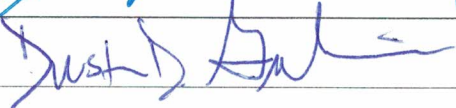

Pursuant to agreements between Badger Mountain Estates Association (BMEA) and RP Development, and the attached application, the below signed property owners request annexation into the City of Richland for all BMEA parcels.

BMEA expects that annexation will allow for provision of City of Richland utilities and services to the annexed properties with further development of the Marcello Estates project.

If you have any questions please contact Eric Van Mason at 713-0457 or Jon Guymon at 947-4794.

Sincerely,

BMEA parcel owners

Owner	Signature	Date
Joe and Coleen Lane		4/24/21
Wayne and Sue Flaten		4/25/21
Mark and Barbara Buckmaster		4/24/21
Eric and Gloria Van Mason		4/24/21
Jonathan and Natalie Guymon		4/24/21
Dustin Gillespie		4/30/21
Dan and Claudia Becker		4/24/21

RESOLUTION NO. 73-21

A RESOLUTION of the City of Richland setting a meeting date to review a proposed annexation of Lots 1–8 of Badger Mountain Estates consisting of approximately 12 acres and located at 1560 Brantingham Road, 1570 Brantingham Road, 1600 Brantingham Road, 1620 Brantingham Road, 1640 Brantingham Road, 1650 Brantingham Road and 1660 Brantingham Road in Section 26, Township 9 North, Range 28 East W.M., Benton County, Washington.

WHEREAS, the City received a written request for the annexation of properties owned by Joseph & Colleen Lane (1560 Brantingham Road), Wayne & Sue Flaten (1570 Brantingham Road), Mark & Barbara Buckmaster (1600 Brantingham Road), Eric Van Mason (1620 Brantingham Road), Jonathan Guymon (1640 Brantingham Road), Dustin Gillespie (1650 Brantingham Road) and Daniel & Claudia Becker (1660 Brantingham Road); and

WHEREAS, Richland City Council was presented with the request at its regular meeting on June 15, 2021; and

WHEREAS, RCW 35.13.125 requires the legislative body to set a date for a meeting with the annexation petitioners.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the regular meeting date of **July 6, 2021** is hereby established as the date on which the Richland City Council will meet with the annexation petitioners.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 15th day of June, 2021.


Ryan Lukson, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to form:

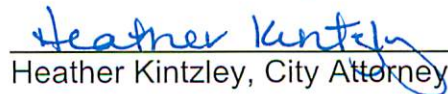

Heather Kintzley, City Attorney

Exhibit B

RESOLUTION NO. 84-21

A RESOLUTION of the City of Richland accepting a request for annexation of Lots 1-8 of Badger Mountain Estates consisting of approximately 12 acres and located at 1560 Brantingham Road, 1570 Brantingham Road, 1600 Brantingham Road, 1620 Brantingham Road, 1640 Brantingham Road, 1650 Brantingham Road and 1660 Brantingham Road in Section 26, Township 9 North, Range 28 East W.M., Benton County, Washington.

WHEREAS, the City received a written request for annexation of properties owned by Joseph & Colleen Lane (1560 Brantingham Road.), Wayne & Sue Flaten (1570 Brantingham Road), Mark & Barbara Buckmaster (1600 Brantingham Road), Eric Van Mason (1620 Brantingham Road), Jonathan Guymon (1640 Brantingham Road), Dustin Gillespie (1650 Brantingham Road) and Daniel & Claudia Becker (1660 Brantingham Road); and

WHEREAS, on June 15, 2021, Richland City Council was presented with the request for annexation and passed Resolution No. 73-21, establishing July 6, 2021 as the date for Council to meet with the proponents of the annexation; and

WHEREAS, as required by RCW 35.13.125, Richland City Council met with the annexation proponents on July 6, 2021 and reviewed the proposed annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland as follows:


Section 1. The City of Richland hereby accepts the request for annexation subject to the following conditions:

1. That the annexation be accepted as proposed.
2. That simultaneous adoption of the City's Comprehensive Plan for the proposed annexation is required.
3. That the City requires the assumption of an appropriate share of all existing City indebtedness by the area to be annexed.

Section 2. The Richland Planning Commission is hereby directed to review the proposal and forward a recommendation to City Council as to the most appropriate zoning designation(s) for the area proposed for annexation.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 6th day of July, 2021.



Ryan Lukson, Mayor

Attest:



Jennifer Rogers, City Clerk

Approved as to form:



Heather Kintzley, City Attorney

Chapter 23.18

RESIDENTIAL ZONING DISTRICTS

Sections:

- 23.18.010 Purpose of residential use districts.
- 23.18.020 Residential performance standards and special requirements.
- 23.18.025 Single-family residential design standards.
- 23.18.030 Residential use districts permitted land uses.
- 23.18.040 Site requirements for residential use districts.
- 23.18.050 Parking standards for residential use districts.

23.18.010 Purpose of residential use districts.

Five residential zone classifications permit a variety of housing and population densities without conflict. Protection is provided against hazards, objectionable influences, traffic, building congestion and lack of light, air and privacy. Certain essential and compatible public service installations are permitted in residential use districts.

A. The single-family residential – 12,000 (R-1-12) is a residential zone classification requiring the lowest density of population within the city, providing protection against hazards, objectionable influences, building congestion and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated low-density residential (zero to five dwellings per acre) under the city of Richland comprehensive plan.

B. The single-family residential – 10,000 (R-1-10) is a residential zone classification requiring a low density of population, providing protection against hazards, objectionable influences, building congestion, and lack of light, air, and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated low-density residential (zero to five dwellings per acre) under the city of Richland comprehensive plan.

C. The medium-density residential (R-2) is a residential zone classification permitting a higher density of population including the establishment of duplex dwellings and providing for these single-and two-family residences a high degree of protection from hazards, objectionable influences, building congestion and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated medium-density residential (5.1 to 10 dwellings per acre) under the city of Richland comprehensive plan.

D. The medium-density residential small lot (R-2S) is a residential zone classification permitting a higher density of population, encouraging small lot development conducive to energy conservation and to other factors contributing to the production of affordable housing, and including the establishment of duplex dwellings and providing for these one- and two-family residences a high degree of protection from hazards, objectionable influences, building congestion and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated medium-density residential (5.1 to 10 dwellings per acre) under the city of Richland comprehensive plan.

E. The multiple-family residential use district (R-3) is a residential zone classification allowing for the location of multiple-family dwellings, duplexes and attached and detached one-family dwellings and providing a high degree of protection for such uses and adjacent low-density residential development. This classification shall be designed to give protection from hazards, objectionable influences, building congestion, and lack of light, air, and privacy. Certain essential and compatible public service facilities and installations are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated high-density residential (10.1 or more dwellings per acre) under the city of Richland comprehensive plan. [Ord. 28-05 § 1.02].

23.18.020 Residential performance standards and special requirements.

A. High-Density Residential Small Lot Special Requirements. In order to assure consistency with the purpose of the R-2S district, as stated in RMC 23.18.010(D), and further to avoid potential negative and undesirable effects that

may result from the higher density of development afforded in an R-2S zone, the following special requirements and provisions shall apply:

1. Any application for reclassification of land to R-2S shall be accompanied by an application for preliminary plat approval submitted in accordance with RMC 24.12.010. In addition, the following information shall be submitted with the application for preliminary plat:
 - a. A street landscaping plan showing the location and type of landscaping proposed;
 - b. Information showing the location, dimensions and character of recreational facilities and/or open space, including paths and trails; and
 - c. Utilization of curvilinear, cul-de-sac and/or loop streets or other appropriate design solutions to assist in modulating the interface of the residential buildings with the streets.
2. The planning commission and city council may, in keeping with the intent of this section, impose requirements and conditions on the approval of the preliminary plat or zoning reclassification as deemed appropriate. These conditions may include, but are not limited to, architectural design parameters, screening and buffering treatments, and supplemental open space and/or recreational facility requirements. Compliance with these conditions shall be demonstrated precedent to final plat and/or building permit approval as appropriate.
3. A combined front yard setback configuration and street-facing residential architectural elevation may be repeated continuously on no more than five lots before a different combination must be utilized. Regardless of the street facing architectural elevation, a front yard setback configuration may be repeated on no more than 10 lots before a different setback configuration must be utilized. The administrative official may approve variations to this requirement which, in his judgment, accomplish the intent of avoiding a monotonous interface of the residential buildings with the streets, or are necessary due to constraints or unique characteristics of the site. This requirement shall be satisfied at the time of building permit application.

B. Multiple-Family Residential Use District Special Requirements. In any multifamily residential (R-3) zoning district that directly abuts a single-family zoning district, the following buffer, setback and building height regulations shall apply to all multifamily residential structures:

1. Buildings shall maintain at least a 35-foot setback from any property that is zoned for single-family residential use. Single-family residential zones include R-1-12 – single-family residential, R-1-10 – single-family residential, R-2 – medium-density residential, R-2S – medium-density residential small lot or any residential planned unit development that is comprised of single-family detached dwellings.
2. Buildings that are within 50 feet of any property that is zoned for single-family residential use (as defined in subsection (B)(1) of this section) shall not exceed 30 feet in height. Beyond the area 50 feet from any property that is zoned for single-family residential use, building height may be increased at the rate of one foot in building height for each additional one foot of setback from property that is zoned for single-family residential use to the maximum building height allowed in the multifamily zoning district.
3. A six-foot-high fence that provides a visual screen shall be constructed adjacent to any property line that adjoins property that is zoned for single-family residential use. Additionally, a 10-foot landscape strip shall be provided adjacent to the fence. This landscape strip may be used to satisfy the landscaping requirements established for the landscaping of parking facilities as identified in RMC 23.54.140.
4. Recreational vehicle parks are permitted in the multifamily residential district (R-3) subject to the issuance of a special use permit meeting the requirements of RMC 23.42.220 and 23.42.240. Further, applicants must demonstrate that their proposed recreational vehicle parks are immediately adjacent to a state highway and that appropriate provisions are put in place to protect adjacent land uses. [Ord. 28-05 § 1.02].

23.18.025 Single-family residential design standards.

Any one-family attached dwelling, one-family detached dwelling or designated manufactured home shall meet the following minimum requirements:

- A. All dwellings shall be placed on permanent foundations.
- B. At the time of construction, all new single-family dwellings shall be new, not having been previously titled to a retail purchaser and not meeting the definition of a “used mobile home” as defined in RCW 82.45.032(2). [Ord. 28-05 § 1.02].

23.18.030 Residential use districts permitted land uses.

In the following chart, land use classifications are listed on the vertical axis. Zoning districts are listed on the horizontal axis.

- A. If the symbol “P” appears in the box at the intersection of the column and row, the use is permitted, subject to the general requirements and performance standards required in that zoning district.
- B. If the symbol “S” appears in the box at the intersection of the column and row, the use is permitted subject to the special use permit provisions contained in Chapter 23.46 RMC.
- C. If the symbol “A” appears in the box at the intersection of the column and the row, the use is permitted as an accessory use, subject to the general requirements and performance standards required in the zoning district.
- D. If a number appears in the box at the intersection of the column and the row, the use is subject to the general conditions and special provisions indicated in the corresponding note.
- E. If no symbol appears in the box at the intersection of the column and the row, the use is prohibited in that zoning district.

Land Use	R-1-12	R-1-10	R-2	R-2S	R-3
Residential Uses					
Accessory Apartments	A ¹	A ¹	A ¹	A ¹	A ¹
Accessory Buildings ¹⁴	A	A	A	A	A
Adult Family Home	P	P	P	P	P
Apartment/Condominium (3 or More Units)					P
Assisted Living Facility					P
Bed and Breakfast	S ²	S ²	S ²	S ²	P
Day Care Center	S ³	S ³	S ³	S ³	P ³
Designated Manufactured Home	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴
Dormitories, Fraternities and Sororities					P
Dwelling, One-Family Attached			P ⁴	P ⁴	P ⁴
Dwelling, One-Family Detached	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴
Dwelling, Two-Family Detached			P	P	P
Home Occupations	A ⁵	A ⁵	A ⁵	A ⁵	A ⁵
Family Day Care Home	A ³	A ³	A ³	A ³	A ³
Manufactured Home Park			S ⁶	S ⁶	S ⁶

Land Use	R-1-12	R-1-10	R-2	R-2S	R-3
Playground Developed in Conjunction with School, Park or Community Clubhouse	P	P	P	P	P
Nursing or Rest Home					P
Rental of Rooms to Not More Than Four Persons Other Than the Family Occupying the Single-Family Dwelling	A	A	A	A	A
Private Swimming Pools	A ⁷	A ⁷	A ⁷	A ⁷	A ⁷
Recreational Club	P ⁸	P ⁸	P ⁸	P ⁸	P ⁸
Senior Housing					P
Public/Quasi-Public Uses					
Churches	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹
Clubs or Fraternal Societies	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹
Cultural Institutions	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹
General Park Operations and Maintenance Activities	P	P	P	P	P
Golf Courses	P	P	P	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰
Public Agency Buildings	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰
Public Agency Facilities	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰
Public Parks	P	P	P	P	P
Schools	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹
Special Events Including Concerts, Tournaments and Competitions, Fairs, Festivals and Similar Public Gatherings	P	P	P	P	P
Trail Head Facilities	P	P	P	P	P
Miscellaneous Uses					
Macro-Antennas	P	P	P	P	P
Parking Lots	P	P	P	P	P
Raising Crops, Trees, Vineyards	P	P	P	P	P
Recreational Vehicle Parks					S ^{12,13}

1. RMC 23.42.020
2. RMC 23.42.045
3. RMC 23.42.080
4. RMC 23.18.025
5. RMC 23.42.090
6. RMC 23.42.140
7. RMC 23.42.300
8. RMC 23.42.210
9. RMC 23.42.050
10. RMC 23.42.200
11. RMC 23.42.250
12. RMC 23.42.220
13. RMC 23.18.020(B)(4)
14. Accessory buildings and structures are subject to RMC 23.38.020 – 23.38.070 [Ord. 28-05 § 1.02; Ord. 04-09; Ord. 07-19 § 5].

23.18.040 Site requirements for residential use districts.

In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the horizontal axis. If a number appears in the box at the intersection of the column and row, that number represents the dimensional standard that applies to that zoning district.

Standard	R-1-12	R-1-10	R-2	R-2S	R-3
Minimum Lot Area Requirement – One-Family Detached Dwelling	10,000 feet ¹	8,000 feet	6,000 feet	4,000 feet	4,000 feet
Minimum Lot Area Requirement – Two-Family Detached Dwelling	N/A	N/A	10,000 feet	7,000 feet	7,000 feet
Minimum Lot Area Requirement – One-Family Attached Dwellings	N/A	N/A	N/A	3,000 feet	3,000 feet
Maximum Density – Multifamily Dwellings (Units/Square Foot)	N/A	N/A	N/A	N/A	1:3,000
Minimum Lot Width – One-Family Detached Dwelling	90 feet	70 feet	50 feet	42 feet	42 feet
Minimum Lot Width – Two-Family Detached Dwelling	N/A	N/A	70 feet	64 feet	64 feet
Minimum Lot Width – One-Family Attached Dwellings	N/A	N/A	N/A	30 feet	30 feet
Average Lot Size Requirement ²	12,000	10,000	None	None	None
Minimum Front Yard Setback ³	20 feet	20 feet	20 feet	15 feet/18 feet ⁴	20 feet ^{6,10}
Minimum Side Yard Setback	10 feet	10 feet	6 feet	6 feet ⁵	^{6,10}
Minimum Alley/Private Access Easement Setback	6 feet	6 feet	6 feet	6 feet	6 feet
Minimum Rear Yard Setback	25 feet	25 feet	25 feet	20 feet/3 feet ⁷	25 feet ^{6,10}
Maximum Lot Coverage ⁸	40%	40%	40%	50%	33%/45% ^{9,10}
Maximum Building Height – Main Building	30 feet	30 feet	30 feet	30 feet	40 feet ¹⁰
Maximum Building Height – Detached Accessory Buildings ¹¹	16 feet	16 feet	16 feet	16 feet	16 feet

1. The minimum lot size in existing residential neighborhoods shall be based on the mean average lot size of existing platted R-1-12 lots within a radius of 500 feet of the property proposed for subdivision. However, in no case shall the minimum lot requirement exceed 12,000 square feet, nor be less than 10,000 square feet.

2. Minimum average lot area per subdivision, exclusive of the area of streets and lots designated for nonresidential uses. In calculating average lot size, at least 35 percent of all lots shall be larger than the average lot size requirement.

3. Front yard setbacks are required from all street rights-of-way adjoining a lot as shown in the table above, except as follows:

a. In single-family residence districts and in R-2 and R-3 districts where more than 50 percent of the normal or average-size lots in a block fronting on one side of the street are developed with existing buildings, other than accessory buildings, with front yard setbacks less than that required for the district, a new single-family or duplex dwelling shall adopt a minimum front yard setback dimension which is the average of the setbacks of the buildings on the two adjoining lots, existing prior to July 22, 1960, but in no case shall this dimension be less than 15 feet nor need it exceed 30 feet.

b. Residential Districts. In any R district, or any combination therewith, on any corner lot where there is provided a side yard along the interior side lot line at least equal in width to the minimum depth of the rear yard required for the district, the main building may encroach upon the required rear yard up to a line where the remaining rear yard is no less in depth than the minimum width of the side yard required for the district. No accessory buildings may be located in said side yard, except a patio shelter enclosed on no more than two sides by walls or other enclosures and in conformity with the other provisions of this title.

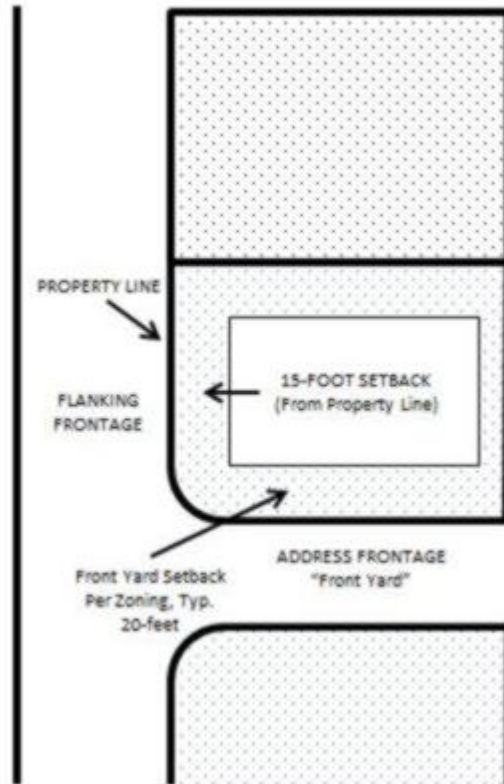
c. The flanking frontage or nonaddress front yard of a corner lot may reduce the front yard setback of said frontage to 15 feet; see diagram below.

4. Front yards shall not be less than 15 feet in front of living areas, up to a maximum of 55 percent of the front lot line, and not less than 18 feet in front of all other areas.

5. Detached one-family or detached two-family dwellings shall have two side yards with each side yard having a width of not less than six feet. A nonattached side of an attached one-family dwelling shall have a side yard having a width of not less than six feet.

6. For multiple-family dwellings and other allowable uses other than one-family attached and one-family and two-family detached dwellings, front yards shall be 20 feet, side yards shall be equal to one foot of side yard for each three feet or portion thereof of building height, and rear yards shall be 25 feet, except as required by RMC 23.18.020(B) when multifamily development is located adjacent to a single-family residential zoning district or development.

7. Rear yards shall be not less than 20 feet in back of living areas and three feet in back of garages or carports up to a maximum of 60 percent of the rear lot line for the garage or carport portion of the rear yard.
8. Lot coverage includes all buildings, including accessory buildings or structures on any lot in a residential district, exclusive of patios without roof coverings or patios with only open lattice or similar type roof construction.
9. Buildings in an R-3 district shall cover not more than 33 percent of the area of the lot except one-family attached dwellings, which may cover up to 45 percent of the area of the lot.
10. Setbacks, building heights, and lot coverage requirements for one-family attached, one-family detached and two-family detached dwellings in the R-3 zoning district shall be the same as those set forth for development in the R-2S zoning district.
11. Detached accessory structures built pursuant to the setback provisions of RMC 23.38.020 are limited to one story.



[Ord. 28-05 § 1.02; Ord. 04-09; Ord. 20-10 § 1.01; amended during 2011 recodification; Ord. 14-11 § 1.01; Ord. 32-11 § 3; Ord. 20-14 § 1.01].

23.18.050 Parking standards for residential use districts.

Off-street parking space shall be provided in all residential zones in compliance with the requirements of Chapter 23.54 RMC. [Ord. 28-05 § 1.02].

Chapter 23.14

AGRICULTURAL ZONING DISTRICTS

Sections:

- 23.14.010 Purpose of agricultural use districts.
- 23.14.020 Agricultural performance standards and special requirements.
- 23.14.030 Agricultural use districts permitted land uses.
- 23.14.040 Site requirements for agricultural use districts.
- 23.14.050 Parking standards for agriculture use districts.

23.14.010 Purpose of agricultural use districts.

A. The agricultural use district (AG) is a primary zone classification permitting essentially open land uses such as grazing lands or pasture, agriculture, and development of part-time small tract farming and other compatible uses of an open nature such as a cemetery, park, and recreational or similar uses on land which has favorable combinations of slope, climate, availability of water, or soil conditions. This zoning classification is intended to be applied to some portions of the city that are designated as agriculture or as urban reserve under the city of Richland comprehensive plan.

B. The suburban agricultural use district (SAG) is a zone classification providing for residential areas, rural in nature, with sufficiently large lots to allow for the maintenance of certain animals and farm crops, while at the same time establishing and maintaining a living environment of high standards for residential uses. This zoning classification is intended to be applied to some portions of the city that are designated low-density residential (zero to five dwellings per acre) under the city of Richland comprehensive plan. [Ord. 28-05 § 1.02].

23.14.020 Agricultural performance standards and special requirements.

A. The following standards relate to the raising and keeping of livestock in an AG district:

1. A permitted structure, pen or building in which livestock is kept shall be located not less than 25 feet from any lot line and not less than 40 feet from any one-family dwelling;
2. A pasture, including perimeter fencing, shall be located not less than 15 feet from any one-family dwelling located on the same lot;
3. Uses, structures and buildings shall comply with the applicable yard and area requirements of RMC 23.38.010 through 23.38.090.

B. The following standards relate to the agricultural activities permitted in the SAG district:

1. Limited agricultural uses such as orchards, vineyards, vegetable gardens, field crops and pastures;
2. Sale of products grown on the premises;
3. Limited raising or keeping of large livestock as follows:
 - a. Horses, ponies, mules, donkeys, burros, and similar animals;
 - b. Dairy cattle, beef cattle, buffalo and similar animals;
 - c. Sheep, goats, and similar animals;
 - d. A maximum of two animal units (one animal unit equals approximately 1,000 pounds of animal weight) may be kept per one acre gross pasture area. Gross pasture area is that portion of a lot which is fenced and used solely for the grazing and keeping of large livestock. The following are examples of animal unit usages:
 - i. One horse and one cow per gross pasture acre;

- ii. Two cows or two horses per gross pasture acre;
 - iii. Ten sheep or 10 goats per gross pasture acre;
 - iv. Eight sheep and two goats per gross pasture acre;
- e. If any additional animal(s) born on the premises causes the maximum allowable number of animals to be exceeded, adjustments must be made to bring the total number of animals into compliance with this chapter within the corresponding time limits specified below:

- i. Horses and similar animals: one year from date of birth;
 - ii. Cattle and similar animals: one year from date of birth;
 - iii. Sheep, goats, and similar animals: six months from date of birth;
- f. If any additional animal(s) are acquired by any means other than by birth, and cause the maximum allowable number of animals to be exceeded, adjustments must be made to bring the total number of animals into compliance with this chapter within 90 days after placement of the additional animal(s) on the premises. In addition, a fence must be constructed prior to the acquisition of any large livestock to ensure containment of the livestock on the premises;

4. Limited raising or keeping of small livestock as follows:

- a. Rabbits and similar animals;
- b. Chickens, ducks, geese, turkeys, and other similar fowl.

A maximum of 12 animals or fowl, as defined above, may be raised or kept per one acre gross lot area.

In addition, a shed, coop, hutch, or similar containment structure must be constructed prior to the acquisition of any small livestock to ensure containment of the livestock on the premises.

Standings under roofed stable must be made of material and which provides for proper drainage so as not to create offensive odors, fly or insect breeding, or other nuisances.

Manure must be collected at least once a week and shall be disposed of in one or more of the following manners:

- i. Placement of manure in a fly-proof container with periodic removal of manure from the lot;
- ii. Adequate burying of the manure;
- iii. Removal of manure from the lot.

Fences, pens, corrals or similar enclosures must be of sufficient height and strength to retain animals.

Any structures used for the keeping of livestock shall be set back a minimum of 50 feet from any property line. [Ord. 28-05 § 1.02].

23.14.030 Agricultural use districts permitted land uses.

In the following chart, land use classifications are listed on the vertical axis. Zoning districts are listed on the horizontal axis.

A. If the symbol “P” appears in the box at the intersection of the column and row, the use is permitted, subject to the general requirements and performance standards required in that zoning district.

B. If the symbol “S” appears in the box at the intersection of the column and row, the use is permitted subject to the special use permit provisions contained in Chapter 23.46 RMC.

C. If the symbol “A” appears in the box at the intersection of the column and the row, the use is permitted as an accessory use, subject to the general requirements and performance standards required in the zoning district.

D. If a number appears in the box at the intersection of the column and the row, the use is subject to the general conditions and special provisions indicated in the corresponding note.

E. If no symbol appears in the box at the intersection of the column and the row, the use is prohibited in that zoning district.

Land Use	AG	SAG
Agriculture		
Agricultural Use	P	P
Business and Personal Services		
Animal Shelter	S ¹	
Commercial Kennel	S ¹	
Hospital Clinic – Large Animal	S ¹	
Hospital Clinic – Small Animal	S ¹	
Industrial Uses		
Excavating, Processing, Removal of Topsoils, Sand, Gravel, Rock or Similar Natural Deposits	S ²	
Public Uses		
Churches	P ³	P ³
Clubs or Fraternal Societies	P ³	P ³
Cultural Institutions	P ³	P ³
General Park Maintenance and Operations	P	P
Golf Courses	P	P
Passive Open Space Uses	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	P ⁴	P ⁴
Public Agency Buildings	P ⁴	P ⁴
Public Agency Facilities	P ⁴	P ⁴
Public Parks	P	P
Schools	P ⁵	P ⁵
Special Events Including Concerts, Tournaments, and Competitions, Fairs, Festivals and Similar Public Gatherings	P	P
Trail Head Facilities	P	P
Trail for Equestrian, Pedestrian or Nonmotorized Vehicle Use	P	P
Recreational Uses		
Commercial Recreation, Outdoor	S ⁶	
Recreational Vehicle Campgrounds	S ⁷	

Land Use	AG	SAG
Stable, Public	S ⁸	
Retail Uses		
Landscaping Material Sales	S ⁹	
Nursery, Plant	S ⁹	
Parking Lot	A	A
Residential Uses		
Accessory Apartments	A ¹⁰	A ¹⁰
Adult Family Home	P	P
Bed and Breakfast	S ¹¹	S ¹¹
Day Care Center	S ¹²	S ¹²
Designated Manufactured Home	p ¹³	p ¹³
Dwelling, One-Family Detached	p ¹³	p ¹³
Family Day Care Home	A ¹²	A ¹²
Home Occupations	A ¹⁴	A ¹⁴
Private Swimming Pools	A ¹⁵	A ¹⁵
Recreational Club	p ¹⁶	p ¹⁶
Rental of Rooms to Not More Than Four Persons Other Than the Family Occupying the Single-Family Dwelling	A	A
Miscellaneous Uses		
Cemetery	P	
Macro-Antennas	P	P
Raising Crops, Trees or Vineyards	P	P

1. RMC 23.42.040
2. RMC 23.42.070
3. RMC 23.42.050
4. RMC 23.42.200
5. RMC 23.42.250
6. RMC 23.42.175
7. RMC 23.42.230
8. RMC 23.42.190
9. RMC 23.42.105
10. RMC 23.42.020
11. RMC 23.42.045
12. RMC 23.42.080
13. RMC 23.18.025
14. RMC 23.42.090
15. RMC 23.42.300
16. RMC 23.42.210

[Ord. 28-05 § 1.02; amended during 2011 recodification; Ord. 07-19 § 4].

23.14.040 Site requirements for agricultural use districts.

In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the horizontal axis. If a number appears in the box at the intersection of the column and row, that number represents the dimensional standard that applies to that zoning district.

Standard	AG	SAG
Minimum Lot Area Requirement	5 acres	43,560 square ft.
Minimum Lot Width	None	145 feet
Minimum Lot Depth	None	145 feet
Minimum Street Frontage	None	40 feet
Minimum Front Yard Setback	25 feet	20 feet
Minimum Side Yard Setback	10 feet	10 feet
Minimum Rear Yard Setback	25 feet	25 feet ¹
Maximum Lot Coverage ²	None	20%
Maximum Building Height – Main Building	30 feet	30 feet
Maximum Building Height – Accessory Buildings	24 feet	24 feet

¹: Main structures shall be set back a minimum of 25 feet and accessory structures shall meet the requirements of RMC 23.38.020 except that structures intended for the keeping of livestock shall meet the setback requirements of 50 feet as established in RMC 23.14.020(B)(4)(iii).

²: Lot coverage includes all buildings, including accessory buildings or structures on any lot in a residential district, exclusive of patios without roof coverings or patios with only open lattice or similar type roof construction. [Ord. 28-05 § 1.02; Ord. 04-09; amended during 2011 recodification].

23.14.050 Parking standards for agriculture use districts.

Off-street parking space shall be provided in all agricultural zones in compliance with the requirements of Chapter 23.54 RMC. [Ord. 28-05 § 1.02].

CHAPTER 11.07

URBAN GROWTH AREA RESIDENTIAL DISTRICT (UGAR)

SECTIONS:

- 11.07.010 Purpose
- 11.07.020 Applicability
- 11.07.030 Allowable Uses
- 11.07.040 Accessory Uses
- 11.07.050 Uses Subject to Planning Administrator Review and Approval
- 11.07.060 Uses Requiring a Conditional Use Permit
- 11.07.070 Uses Prohibited
- 11.07.080 Property Development Standards--General Standards
- 11.07.090 Property Development Standards--Setback Requirements
- 11.07.100 Severability
- 11.07.110 Effective Date

11.07.010 PURPOSE. The Urban Growth Area Residential District (UGAR) are lands within Urban Growth Areas (UGAs) that have been designated to accommodate the land use needs of a city's projected future population growth. The UGAR District allows higher densities and a variety of uses similar to those typically found in the adjacent cities. The densities, uses and development provisions allowed within this district assure that development prior to annexation by a city results in densities, land uses and development patterns that are consistent with that city's Comprehensive Plan.
 [Ord. 611 (2018) § 21]

11.07.020 APPLICABILITY. Provided all applicable code provisions are satisfied, the provisions of this chapter shall apply to the areas designated as an Urban Growth Area Residential

District (UGAR) on the official zoning maps of Benton County and located within an Urban Growth Area of unincorporated Benton County.

[Ord. 611 (2018) § 22]

11.07.030 ALLOWABLE USES. Provided all applicable code provisions are satisfied, the following uses are allowed within the Urban Growth Area Residential District (UGAR) on a single parcel of record:

- (a) Single Family Dwelling (SFD).
- (b) Duplex, subject to the provisions of BCC 11.07.080(a).
- (c) On any tract of land having an area of one (1) acre or more, the keeping of one animal unit equivalent per one-half acre of ground, exclusive of suckling animals.
- (d) Church.
- (e) Adult Family Home.
- (f) Crisis residential center.

[Ord. 611 (2018) § 23]

11.07.040 ACCESSORY USES. Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the Urban Growth Area Residential District (UGAR) on a single parcel of record:

- (a) One (1) or more accessory buildings and uses (commonly appurtenant to a single family dwelling).
- (b) Yard Sales occurring for no more than three (3) consecutive days on two (2) different occasions during a calendar year.
- (c) Kennel, Private.

(d) Solar Power Generator Facility, Minor

(e) Uses subject to Planning Administrator review and approval, specified in BCC 11.07.050(b) (c) (d) .
[Ord. 611 (2018) § 24]

11.07.050 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL. The following uses may be allowed within the Urban Growth Area Residential District (UGAR) on a single parcel of record upon the review and approval of the Planning Administrator:

(a) Temporary Dwelling, subject to BCC 11.42.110.

(b) Home Occupation, subject to the provisions of Chapter 11.49 BCC, involving business activities not otherwise expressly allowed or requiring a permit under BCC 11.07.060.

(c) Child Day Care Facility, Type A, subject to the provisions of BCC 11.42.050.

(d) Accessory dwelling unit (within or attached to a single family home), subject to the provisions of BCC 11.42.020.
[Ord. 611 (2018) § 25]

11.07.060 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Urban Growth Area Residential District (UGAR) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided in BCC 11.50.040.

(a) School, library, community clubhouse, grange hall, senior center and/or other non-profit organizational hall.

(b) Fire department facility, law enforcement facility, and/or medical facility.

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

(d) Public transit center.

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

(f) Home occupation involving the display and/or sale of products on the premises; provided, a home occupation permit is also required under Chapter 11.49 BCC.

(g) Nursery.

(h) A Park.

(i) Hiking and non-motorized biking trails.

(j) Utility substation facility.

[Ord. 611 (2018) § 26]

11.07.070 USES PROHIBITED. Any use not authorized or approved pursuant to BCC 11.07.030, BCC 11.07.040, BCC 11.07.050 or BCC 11.07.060 is prohibited within the Urban Growth Area Residential District (UGAR).

[Ord. 611 (2018) § 27]

11.07.080 PROPERTY DEVELOPMENT STANDARDS--GENERAL STANDARDS. All lands, structures and uses in the Urban Growth Area Residential District (UGAR) 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 UGAR District is seven thousand five hundred (7,500) 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. Duplexes may only be located on parcels of at least fifteen thousand (15,000) 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.

(b) Lot Width. Each parcel shall have an average lot width of no less than seventy (70) feet.

(c) Maximum Lot Coverage. Sixty (60) percent.
[Ord. 611 (2018) § 28]

11.07.090 PROPERTY DEVELOPMENT STANDARDS--SETBACK REQUIREMENTS. All lands, structures, and uses in the Urban Growth Area Residential (UGAR) shall meet the following setback requirements, and if applicable, the setback requirements set forth in Chapter 15.02 BCC, Chapter 15.04 BCC, Chapter 15.06 BCC, Chapter 15.08 BCC, Chapter 15.12 BCC, and Chapter 15.14 BCC.

(a) Setback Requirements. The following minimum setbacks shall apply:

(1) Each dwelling unit, accessory building, and accessory use on a parcel shall have a setback of twenty (20) feet from the property line bordering any public road right-of-way; and a setback of twenty (20) feet from the closest edge of any legally-established boundary line of a private access easement.

(2) Each dwelling unit shall have a setback of fifteen (15) feet from the rear parcel lines.

(3) Each accessory building and accessory use shall have a setback of ten (10) feet from all alleys and the rear parcel lines.

(4) Each dwelling unit, accessory building, and accessory use on a parcel shall have a setback of ten (10) feet from the side parcel lines.

(5) All shelters, coops, or other structures used for the

habitation of livestock shall have a setback of at least thirty (30) feet from every property line of the parcel on which it is located, unless a greater setback is otherwise required under the Benton County Code.

(6) All dwelling units and swimming pools shall have a setback of one hundred fifty feet (150) from any parcel located partially or wholly within the Growth Management Act Agricultural District (GMAAD) and from any adjacent orchard, hop yard, or vineyard (or combination thereof) of ten (10) acres or more on one parcel or on contiguous parcels under common ownership.

(7) Cornices, eaves, belt courses, sills, fireplace chimneys, and open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project from a building three (3) feet into any required setback area. However, none of these architectural features may be located within any easements.

(8) Ground floor uncovered, unenclosed porches, platforms, or landings may extend or project from a building six (6) feet into the setback area but no closer than five (5) feet from any parcel line; provided, none of these architectural features may be located within any easements.

[Ord. 611 (2018) § 29]

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

[Ord. 611 (2018) § 249]

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

[Ord. 611 (2018) § 250]