

CHAPTER 11.17

GROWTH MANAGEMENT ACT AGRICULTURAL DISTRICT (GMAAD)

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11.17.010 PURPOSE. The purpose of this chapter is to meet the minimum requirements of the State Growth Management Act (Chapter 36.70A RCW) that mandates the designation and protection of agricultural lands of long term commercial significance. The chapter protects the GMA Agricultural District (GMAAD) and the activities therein by limiting non-agricultural uses in the district to those compatible with agriculture and by establishing minimum lot sizes in areas where soils, water, and climate are suitable for agricultural purposes. This chapter is intended to work in conjunction with Chapter 14.05 BCC entitled "Right to Farm" which protects normal agricultural activities from nuisance complaints.

The authorization of new fully contained communities as provided for under RCW 36.70A.350 is not prevented by this chapter.
[Ord. 611 (2018) § 57]

11.17.020 APPLICABILITY. This chapter shall apply to lands and activities located in unincorporated Benton County and designated in the Zoning Map of Benton County in the GMA Agricultural District, unless otherwise specifically provided.
[Ord. 611 (2018) § 58]

11.17.030 GMA AGRICULTURAL DISTRICT. The GMA Agricultural District shall include those areas identified in the official Zoning Map of Benton County and in the Benton County Comprehensive Plan as having Critical Agricultural Resources (soils, climate, and water). The minimum parcel size shall be twenty (20) acres, with exceptions as provided by this chapter. Commercial agricultural activities are most appropriately conducted on large parcels of land with significant separation between uses that conflict with agricultural practices.
[Ord. 611 (2018) § 59]

11.17.040 ALLOWABLE USES. Provided all applicable code provisions are satisfied, the following uses are allowed within the GMA Agricultural District on a single parcel of record:

(a) Agriculture, floriculture, horticulture, nursery and general farming; except commercial dairying, poultry raising, commercial hog ranches, animal feedlots and stockyards.

(b) Agriculture buildings: as defined under BCC 11.03.010(6).

(c) Agricultural related industries as defined under BCC 11.03.010(9) including but not limited to wineries/breweries/distilleries.

(d) Agricultural stands as defined under BCC 11.03.010(10).

- (e) Bakeries, on parcels with eighty (80) percent of its acreage planted with a producing commercial grain crop or on a parcel in common ownership with an adjacent parcel that has eighty (80) percent of its acreage planted with a producing commercial grain crop.
- (f) Single family dwelling.
- (g) Manufactured home if constructed after June 15, 1976.
- (h) Commercial specialty/exotic domesticated animal raising, including but not limited to miniature horses, cattle, goats, llamas, alpacas, ostrich, and emu.
- (i) Aquaculture.
- (j) Adult Family Homes.
- (k) Community club houses, grange halls and other agricultural nonprofit organization halls.
- (l) Commercial establishments that primarily provide custom agricultural land grading, plowing, planting, cultivating, harvesting and soil preparation services.
- (m) Airstrips (personal).
- (n) Public or quasi-public buildings and yards and utility buildings, such as: pumping stations, fire stations, substations and telephone exchange and distribution facilities.
- (o) Schools and churches.
- (p) Kennels, both commercial and private.
- (q) Communication facilities described in BCC 11.47.030 (b), BCC 11.47.030 (c), BCC 11.47.030 (d), or BCC 11.47.030 (e).

(r) 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.

(s) Meteorological towers used to gather data to assess wind and solar energy potential; provided, that the towers:

(1) Shall be located at least forty (40) feet for every one (1) foot of tower height or one mile, whichever is greater, from the ends of and at least five thousand (5,000) feet from the sides of all runways which are available solely for private use and identified on the most current edition of the Sectional Aeronautical Charts produced by the National Aeronautical Charting Office (NACO); and

(2) Must comply with the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, as amended, including but not limited to, providing such notices to the FAA as required thereunder and compliance with all requirements or prohibitions imposed by the FAA on the applicant's proposal.

(t) Commercial stables, private stables, and/or riding academies. [Ord. 611 (2018) § 60; Ord. 634 (2021) § 2]

11.17.050 ACCESSORY USES. Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the GMA Agricultural District:

(a) One (1) or more accessory buildings and uses commonly appurtenant to a single family dwelling.

(b) One (1) or more accessory buildings and uses commonly appurtenant to an agricultural use or operation.

(c) Agricultural signs commonly associated with or accessory to agricultural activities.

(d) Hazardous waste treatment and storage facilities (on site) as an accessory use to an allowable or conditionally permitted use; provided, that such facilities must comply with the state siting criteria adopted in accordance with RCW 70.105.210, as currently in effect or as hereafter amended.

(e) Any accessory equipment structure ancillary to a legal communication facility.

(f) Yard Sales occurring for no more than three (3) consecutive days on two (2) different occasions during a calendar year.

(g) Onsite food service that is clearly accessory to a Winery/Brewery/Distillery in the form of:

(1) Service of commercially-prepared or packaged, ready-to-eat appetizer-sized portions with limited preparation for palatability but no cooking of raw meats; and,

(2) Catered food service for an event.

Restaurants or buildings with interior seating dedicated primarily to meal service and cooked to order meal service are not considered on-site food service ancillary to a Winery/Brewery/Distillery and therefore not allowed under this section.

(h) Retail sales establishment as an accessory use to a Winery/Brewery/Distillery including, trademark items, items which promote the region or the win/beer/spirits industries, other regional value-added agricultural products, art, prepackaged foods and cheese, or related.

(i) Wineries, brewery, distillery club events, winemaker or brewer dinners and regional promotional events.

(j) On any tract of land having an area of five (5) acres or less, the following uses are allowable as accessories to a single family dwelling: the keeping of one head of grazing stock per one-half acre of ground, exclusive of suckling animals; provided, that all barns, barnyards, or corrals shall be located not less than seventy-five (75) feet from any public road, street, or highway and not less than thirty (30) feet from any property held under different ownership.

(k) Hunting Preserves; provided, the hunting activities are an accessory use to the agricultural use of the parcel or parcels.

(l) Solar power generator facility, minor.

(m) Uses subject to Planning Administrator review and approval, specified in 11.17.060(b)(c)(f) and (h).
[Ord. 611 (2018) § 61]

11.17.060 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL. The following uses may be allowed within the GMA Agricultural District upon the review and approval of the Planning Administrator.

(a) Temporary dwellings subject to the provisions of BCC 11.42.110.

(b) Multiple detached dwelling units, subject to the provisions of BCC 11.42.080.

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

(d) Non-Commercial sand and gravel pits, and stone quarries and other mineral extraction, subject to the provisions BCC 11.42.090.

(e) Temporary outdoor retail sales, subject to the provisions of BCC 11.42.120.

(f) Home occupations, subject to the provisions of Chapter 11.49 BCC.

(g) Communication facilities, subject to the provisions of Chapter 11.47 BCC.

(h) Accessory dwelling unit (within or attached to a single family home), subject to the provisions of BCC 11.42.020.
[Ord. 611 (2018) § 62]

11.17.070 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted within the GMA Agricultural District if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040:

(a) Slaughterhouses, commercial meat-packing plants, animal feedlots; provided, that they are not located in the floodway and floodplain as shown on the FEMA maps, or within two hundred (200) feet of a naturally occurring body of water, or a well-used for domestic or municipal purposes and shall be designed to prevent infiltration or other movement of livestock wastes into the aquifer, or directly into surface waters.

(b) Commercial dairy, hog, poultry, and rabbit operations, propagation of fur bearing species for commercial purposes, or livestock auction yard; provided, that at least the following setbacks are met as well as all other conditions imposed in connection with the issuance of the conditional use permit: one hundred (100) foot setbacks from any lot line to any animal enclosure, except for fenced pasture; and a five hundred (500) foot setback from any existing residential structure on adjacent property not under applicant's ownership.

(c) Commercial establishments for the transportation of agricultural products other than those produced on the premises,

or agricultural supplies or equipment, together with the maintenance, storage, repair and servicing of the necessary trucks and equipment.

(d) The following agriculturally based recreational and sales facilities: covered arenas, rodeo events, livestock sales rings, and working animal events. The following accessory uses may be permitted during one or more of the above events: veterinary service, food concessions, RV parking area, and event related novelty/accessory sales.

(e) Airstrips (commercial crop dusting).

(f) Facilities for treatment of industrial solid wastes with associated spray fields related to the on-site processing of agricultural products.

(g) Solid waste disposal site; except on lands designated as having less than 160 acre minimum parcel size.

(h) Off-site hazardous waste treatment and storage facilities may be allowed by conditional use permit issued by the Benton County Hearings Examiner after notice and public hearing as provided in BCC 11.50.040 provided, that such facilities must comply with the state siting criteria adopted in accordance with RCW 70.105.210, as currently in effect or as hereafter amended.

(i) Asphalt manufacture in conjunction with rock, sand and gravel mining.

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

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

(l) Off-premise directional signs.

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

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

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

(p) Underground natural gas storage facilities.

(q) One (1) wind turbine with a wind turbine height of sixty (60) feet or more or a wind turbine farm and related support structures and other improvements under the following conditions:

(1) The lowest point on all rotor blades must be at least thirty (30) feet above ground level;

(2) All wind turbine tower bases must be set back from all dwellings not located on the same parcel at least one thousand six hundred and forty (1,640) feet;

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

NOTE: This section is continued on the following page.

height plus 50% of that height, except that, where contiguous properties are leased for an identical duration for development of a wind farm, the tower bases set back from the property lines common with such leased properties may be eliminated so long as no part of any wind turbine extends past any such interior property lines and the above-required setbacks are maintained from the property lines comprising the exterior boundaries of the wind farm;

(4) All wind turbine tower bases must be set back from the closest edge of a state, county, or city road right-of-way distance equal to the wind turbine height plus 50% of that height;

(5) All wind turbine tower bases must be set back a distance equal to the wind turbine height from all borders of the GMA Agricultural District, except for GMA Agricultural District borders adjacent to the Hanford Reservation owned by the Department of Energy or adjacent to another zoning district adopted by another county that contains a general minimum parcel size of at least twenty (20) acres per parcel;

(6) For wind turbine(s) proposed to be located within four (4) miles of the nearest point of the nearest runway of the nearest airport available for public use, the applicant for a building permit must comply with all the requirements imposed by the Federal Aviation Administration (FAA) and provide a written statement from the FAA that sets forth the FAA's comments and requirements, if any, for the proposal;

(7) All wind turbine(s) must comply with the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, as currently in effect or as hereafter amended, including but not limited to, providing such notices to the FAA as required thereunder and compliance with all requirements or prohibitions imposed by the FAA on the applicant's proposal;

(8) Conditional use permit applications for the placement and operation of wind turbines under this section shall be made available for review by the United States Department of Defense (USDOD) in accordance with RCW 36.01.320, as in effect now or hereafter amended. The notice and processing of wind turbine permit applications will be in accordance with Benton County Code chapter 17.10. Pursuant to BCC 11.50.040 (d), the applicant is required to provide sufficient evidence to persuade the Hearings Examiner that the proposed wind turbine is compatible with other uses in the surrounding area, including any military training activities, or is no more incompatible than are any other outright permitted uses in the applicable zoning district, as well as provide all other evidence required by BCC 11.50.040;

NOTE: This section is continued on the following page.

(9) All wind turbine tower bases shall be located at least forty (40) feet for every one (1) foot of tower height or one mile, whichever is greater, from the ends of and at least five thousand (5,000) feet from the sides of all runways which are available solely for private use and identified on the most current edition of the Sectional Aeronautical Charts produced by the National Aeronautical Charting Office (NACO);

(10) If the use of any wind turbine or wind turbine farm is discontinued for a period of one (1) year or more, the owner of such facility shall remove the facility within ninety (90) days of written notification by the Planning Department. If such facility is not removed within said ninety (90) days, the County may refer the issue to the code enforcement officer for appropriate action pursuant to Chapter 11.43 BCC; and

(11) The wind turbine(s) and all associated service roads may not displace more than five (5) percent of the area of that parcel(s) on which they are located.

(r) Non-agricultural accessory uses that promote or sustain the continuation of the agricultural uses of a parcel if the accessory uses meet the following criteria as well as any other conditions required by the Hearings Examiner:

(1) The non-agricultural accessory use shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the parcel;

(2) The non-agricultural accessory use must be consistent with the size, scale, and intensity of the existing agricultural use of the parcel and the existing buildings thereon;

(3) The parcel on which the non-agricultural accessory use is located meets one of the following:

(i) the parcel is no less than twenty (20) acres in size with eighty (80) percent of the acreage primarily committed to agricultural use and has produced gross income equivalent to two hundred (200) dollars or more per acre each year for three (3) of the five (5) calendar years preceding the date of application;

(ii) the parcel is currently enrolled in the County's Agricultural Open Space program pursuant to Chapter 84.34 RCW, as currently in effect or as hereafter amended;

(iii) the parcel is not less than one hundred (100) contiguous acres that has been in agricultural use for three (3) of the last five (5) years.

(4) The non-agricultural accessory use, including any new buildings, parking or supportive uses associated therewith, shall be located within one thousand (1000) feet of the nearest existing buildings or residential structures and shall not otherwise convert more than one (1) acre of agricultural land to non-agricultural uses;

(5) The non-agricultural accessory uses, including any storage space associated therewith, shall not collectively occupy more than fifteen thousand (15,000) square feet of building space;

(6) No more than three (3) vehicles marked to identify the non-agricultural accessory use(s) may be on the parcel at any time. No other on-site outside storage of vehicles, equipment and/or supplies is allowed in connection with the non-agricultural accessory use;

(7) No person may possess more than one valid permit at a time under this section and all non-agricultural accessory use permits issued under this section for any given parcel must be authorized in one permit;

(8) No more than two (2) signs of a size determined by the Hearings Examiner shall be permitted in connection with the non-agricultural accessory use. Illumination of a sign shall be only by hooded directional lighting so that only the sign surface is illuminated. The posting of such sign is limited to the parcel on which the non-agricultural accessory use is located. On-street (inside the road right-of-way) sign posting is prohibited, and no sign outside of a road right-of-way may interfere with the line of sight for road intersection;

(9) The parcel and non-agricultural accessory use owner shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state, and federal regulations pertinent to the non-agricultural accessory use being pursued. The requirements of or the permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations;

(10) Adequate off road parking, as determined by the Hearings Examiner, must be provided;

(11) Any waste created as a result of the non-agricultural accessory use must be disposed of off-site in compliance with all local, state, and/or federal regulations;

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

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

(s) Overnight lodging within a structure primarily used for processing of beer, wine, or spirits that meets the following criteria:

(1) The number of guest rooms may not exceed two (2); and,

(2) The area used for the guest rooms and associated with overnight lodging shall not exceed eight hundred square feet (800); and,

(3) The overnight lodging guest rooms shall meet Benton-Franklin Health District requirements for septic systems and domestic water usage shall be demonstrated; and,

(4) The overnight lodging guest rooms shall comply with all the applicable building code requirements.

(t) Events Facility on the same or adjoining parcel as a Winery/Brewery/Distillery, but not related to the operational and marketing of the business, such as weddings, receptions, and meetings/retreats shall be limited to not more than two hundred (200) guest or less, meet the following criteria as well as any other conditions required by the Hearings Examiner:

(1) The events facility shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the parcel;

(2) The events facility must be consistent with the size, scale, and intensity of the existing agricultural use of the parcel and the existing buildings thereon;

(3) The events facility, including any new buildings, parking or supportive uses associated therewith, shall be located within one thousand (1000) feet of the existing Winery/Brewery/Distillery structures and shall not otherwise convert more than one (1) acre of agricultural land to the use;

(4) The parcel and events facility shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health

District, and all other local, state, and federal regulations pertinent to the events facility being pursued. The requirements of or the permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations;

(5) Adequate off road parking, as determined by the Hearings Examiner, must be provided; and

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

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

(v) Recreation and entertainment activities centered on an agricultural theme. This may include activities such as field mazes, hayrides, sleigh rides, animal rides, petting zoos and other similar uses.

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

(x) Veterinarian Clinics.

(y) Shooting Range Facility.

(z) Solar power generator facility, major.

(aa) Agri-tourism accommodations.

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

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

(dd) Winery/Brewery/Distillery facility, including sampling, tasting, and sales of the product, may occur on an adjacent parcel from the site where the fruit or other products are processed, if both parcels are under the same ownership.

[Ord. 611 (2018) § 63; Ord. 617 (2019) § 7; Ord. 634 (2021) § 3; Ord. 636 (2021) § 2]

11.17.080 USES PROHIBITED. Any use not authorized or approved pursuant to BCC 11.17.040, BCC 11.17.050, BCC 11.17.060 or BCC 11.17.070 is prohibited within the GMA Agricultural District.

[Ord. 611 (2018) § 64]

11.17.090 LOT REQUIREMENTS. All lands, structures and uses in the GMA Agricultural District shall conform to the following lot requirements unless otherwise excepted as provided in BCC 11.17.100:

(a) The size of a lot in the GMA Agricultural District shall be a minimum of twenty (20) acres (1/32 of a section).

(b) Each lot in the GMA Agricultural District shall have:

(1) An average lot width of not less than one hundred sixty-five (165) feet;

(2) a minimum depth of one hundred sixty-five (165) feet;

(3) a minimum frontage of ninety (90) feet on a road or access easement to a public road right-of-way.

[Ord. 611 (2018) § 65]

11.17.100 LOT REQUIREMENTS--EXCEPTIONS. The following exceptions shall apply to all lands, structures and uses in the GMA Agricultural District, unless otherwise specified:

(a) The creation of lots less than twenty (20) acres may be approved by the Planning Administrator on land to which one of the following applies; subject to appeal to the Hearings Examiner:

(1) The lot to be created is to be conveyed exclusively to a child or parent or such child or parent and his or her spouse of any of the present owners; the lot of record located in the GMA Agricultural District before division contains a minimum of twenty (20) gross acres; only one (1) lot may be created per related person; and only one (1) new lot is created per each twenty (20) acres in the GMA Agricultural District owned by the person conveying property hereunder. If at any time an owner of real property conveys any lot to any person other than a child or parent, no additional lot may be created under this provision for the family member who reconveyed the property.

(2) The present owner owned the property prior to the effective date of this ordinance and wishes to retain a parcel of land on such property with his or her private residence located thereon, and conveys the remaining portion of said property.

(3) The owner of record wishes to retain one (1) portion of the lot with his or her private residence located thereon, and conveys the remaining portion of said lot to the owner of record of abutting property.

(4) The transfer, sale, or lease of a parcel that is at least a two (2) acre portion of a lot that is at least twenty (20) acres and the lot created has a habitable single family dwelling that has existed at least five (5) years or has a site built commercial agricultural structure.

(b) The creation of a lot of any size may be approved by the Planning Administrator, subject to appeal to the Hearings Examiners on a parcel of record which is divided by a physical barrier such as a railroad, canal, or other permanent barrier which

interferes with the unified agricultural operation of the land; provided, the boundary of the lots created are divided solely as a result of and pursuant to the physical barrier.

(c) In the GMA Agricultural District, parcels of less than the minimum size may be permitted where the Planning Administrator finds that the land division is for agricultural purposes including agricultural related industry. Parcels created under this provision shall not result in a residential density greater than would have otherwise been permitted on the undivided acreage.
[Ord. 611 (2018) § 66]

11.17.110 BUILDING REQUIREMENTS. All lands, structures and uses in the GMA Agricultural District shall conform to the following building requirements:

(a) No residential building shall have a height greater than thirty-five (35) feet.

(b) Development on land shall be in compliance with 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.
[Ord. 611 (2018) § 67]

11.17.120 SETBACK REQUIREMENTS. All lands, structures, and uses in the GMA Agricultural District shall conform to the following minimum setback requirements; unless otherwise excepted as provided in BCC 11.17.130:

(a) Each structure on a lot shall have a front yard setback of fifty-five (55) feet from the centerline of any city, county, or state road right of way of sixty (60) feet or less in width, twenty-five (25) feet from the property line bordering any road wider than sixty (60) feet, and twenty-five (25) feet from the legally-established boundary line of any access and/or combined access and utility easement adjacent to or within the property.

(b) Each structure on a lot shall have a setback of twenty (20) feet from its rear and side lot line(s).

(c) Those enclosures used in commercial dairy, hog, poultry, and rabbit operations, the propagation of fur bearing species for commercial purposes, or livestock auction yard shall have setbacks of one hundred (100) feet from all property lines; and a five hundred (500) foot setback from any existing residential structure on adjacent property not under common ownership with the operator of the facility.

[Ord. 611 (2018) § 68]

11.17.130 SETBACK REQUIREMENTS-EXCEPTIONS. All lands, structures, and uses in the GMA Agricultural District shall have the following exceptions to setback requirements:

(a) The following architectural features shall not be subject to required setbacks:

(1) Cornices, eaves, belt courses, sills, fireplace chimneys, and open, unenclosed stairways or balconies not covered by a roof or canopy, may extend or project from a building three (3) feet into the setback area;

(2) Uncovered, unenclosed porches, platforms or landings, which do not extend above the level of the first floor, may extend or project from a building six (6) feet into the setback area.

(b) Animal feedlots and livestock may be excepted from setback requirements in the following instances:

(1) When it is found that prevailing wind patterns and natural land formation such as banks, ridges, slopes, etc., would reduce the impacts to adjacent residents to insignificant levels, or where the adjacent residents are accessory to the same type of agricultural use, a minimum of three hundred (300) feet can be allowed as the setback requirement;

(2) In the case of livestock animals exhibited by youth groups such as FFA and 4-H who cultivate livestock projects for their educational value.

[Ord. 611 (2018) § 69]

11.17.140 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]

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

[Ord. 611 (2018) § 250]