

Chapter 63

Rural Residential (RR)

63.005 Purpose. The Rural Residential Zone shall provide areas within Benton County where rural residential lifestyles can occur outside recognized urban areas without conflicting with agriculture and forestry uses. [Ord 26, Ord 90-0069]

63.010 Application. The Rural Residential Zone shall apply to areas outside urban areas on land generally unsuitable for resource use, or which are otherwise developed, committed to, or needed for rural residential use, subject to land capabilities to support residential use based on the carrying capacity of the land for water, sewage, roads, and natural hazards, etc. [Ord 26, Ord 90-0069]

63.015 Transitional Areas. Certain areas near urban growth boundaries are zoned Rural Residential/Transitional (RR/T), indicating that these areas may be added to the urban growth boundary in the future. [Ord 22P, Ord 26, Ord 90-0069]

PERMITTED USES

63.105 Permitted Uses. The following uses are allowed in the Rural Residential Zone:

- (1) Farm or forest use.
- (2) One dwelling per parcel. For the purposes of this section, “dwelling” includes a manufactured dwelling that complies with the manufactured dwelling standards in BCC 91.505 to 91.510, as well as all other applicable requirements of BCC Chapter 91.
- (3) Residential home.
- (4) Day care for fewer than thirteen children.
- (5) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident, subject to the terms and conditions set forth in BCC 91.545 and 91.550. The hardship manufactured dwelling shall comply with all other applicable requirements of BCC Chapter 91, except the additional placement standards of BCC 91.510 shall not apply.
- (6) Home occupation.
- (7) Accessory use or structure. [Ord 26, Ord 90-0069, Ord 94-0104, Ord 97-0131]

CONDITIONAL USES

63.205 Conditional Uses. The following uses may be allowed in the Rural Residential Zone by conditional use permit approved by the Planning Official:

- (1) Park or recreational facility and greenway corridor acquisition.
- (2) Television or radio station cable television facility, transmitter or tower.
- (3) Public or private facility for the provision of power, water, or sewage disposal and associated structures and transmission lines.

- (4) Private airstrip.
- (5) Church, grange hall, community hall, or other similar non-profit community facility.
- (6) Commercial kennel.
- (7) School.
- (9) Residential facility.
- (10) Day care center.
- (11) Fire stations. [Ord 26, Ord 90-0069, Ord 97-0131, Ord 98-0136]

MINIMUM PARCEL OR LOT SIZES

63.305 Minimum Parcel or Lot Size. (1) The minimum parcel or lot size shall be specified by the suffix number following the "RR" designation on the Official Zoning Map:

- (b) "RR-2" means two (2) acre minimum parcel or lot size. No new RR-2 zoning shall be established without taking an exception to Goal 14.
- (c) "RR-5" means five (5) acre minimum parcel or lot size. No new RR-5 zoning shall be established without taking an exception to Goal 14.
- (d) "RR-10" means ten (10) acre minimum parcel or lot size.
- (e) "RR-20" means twenty (20) acre minimum parcel or lot size.

(2) A minimum parcel or lot size shall be established for a given area based on existing development, impact on public services, carrying capacity of the land for water and sewage disposal, and impact on surrounding resource zones.

(3) A planned unit development (PUD) may be approved in the Rural Residential zone, pursuant to the provisions of BCC Chapter 98 as modified by this subsection:

- (a) A maximum of 10 dwelling units shall be developed as a PUD;
- (b) None of the new lots or parcels shall be smaller than 2 acres;
- (c) The development shall not be served by a new community water system, nor by any new extension of a sewer system from within an urban growth boundary or unincorporated community;
- (d) The overall density of the development shall not exceed one dwelling for each unit of acreage specified in the zoning designation for the property.
- (e) The PUD shall meet the criteria of BCC 55.215(1).
- (f) For any open space or common area provided as a part of the PUD under this subsection, the owner shall submit proof of nonrevocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel, or tract designated as open space or common area for as long as the lot, parcel, or tract remains outside an urban growth boundary.

(4) A partition may be allowed to create a parcel or parcels smaller than the minimum size specified in subsection (1) if:

- (a) The parcel to be divided contains two or more permanent dwellings that were lawfully established prior to October 4, 2000, and that are deemed habitable pursuant to the criteria of BCC 55.106(6)(a)(A) through (D);
- (b) Each new parcel would contain at least one of those dwellings;
- (c) The partition would not create any vacant parcels upon which a new dwelling could be established.

[Ord 26, Ord 90-0069, Ord 96-0118, Ord 2007-0222]

63.405 Siting Standards. All structures allowed in the Rural Residential Zone shall be sited in compliance with BCC Chapter 99 and the following additional standards:

(1) A setback to a road right-of-way shall be at least twenty-five (25) feet and at least forty (40) feet from the edge of an existing roadway.

(2) A side setback shall be at least eight (8) feet. If structures exist on an adjoining property, a minimum thirty (30) foot setback shall be maintained between the proposed structure and any existing structure on the adjoining property, unless the two dwellings are attached at the property line.

(3) A rear setback shall be at least twenty-five (25) feet.

(4) Architectural features shall not project more than two (2) feet into a required setback.

(5) A non-residential structure shall not be built within a setback abutting a road. No setback is required for a non-residential structure of 120 square feet or less. A required side or rear setback for a non-residential structure may be reduced to three (3) feet if the structure:

- (a) Is detached from other buildings by five (5) feet or more;
- (b) Does not exceed a height of twenty (20) feet; and
- (c) Does not exceed an area of 500 square feet.

(6) A structure which is not related to a water dependent use shall be placed at least fifty (50) feet from the ordinary high water line of river or major stream. In the case of a creek or minor stream, a structure which is not a water dependent use shall be placed at least twenty-five (25) feet from the ordinary high water line.

(7) A dwelling shall be located no closer than 300 feet from a resource zone, or conform to this standard to the greatest extent possible. If this is not feasible, the owner shall sign a declaratory statement to be recorded in the County Deed Records recognizing resource use of adjacent lands. This requirement shall not be applied to a setback adjacent to a public road, except when required by an approved conditional use permit.

(8) A dwelling located within 200 feet of a forested area shall be provided with a spark arrestor on each chimney and a fire-retardant roof.

(9) A minimum thirty (30) foot fire break shall be maintained at all times around structures located on a parcel or lot contiguous to land in the Forest Conservation Zone.

(10) A structure shall not exceed forty (40) feet in height. Structures such as chimneys, spires, domes, elevator shaft housings, towers, aeriels, flagpoles, agricultural buildings, and other similar objects not used for human occupancy are not subject to the building height limitations of this code. [Ord 26, Ord 90-0069, Ord 92-0092, Ord 96-0118]