

Chapter 66

Village Residential Zone (VR)

66.005 Purpose. The Village Residential Zone shall provide areas within Benton County where rural village lifestyles can occur within recognized and planned Rural Unincorporated Communities (RUCs). This zone shall recognize the rural village character of RUC's, and the need for greater flexibility to allow these communities to maintain their viability. [Ord 2008-0226]

66.010 Application. The Village Residential Zone shall apply to areas outside urban areas on land that is within the boundaries of recognized and planned RUCs.

66.020 Notification of Fire District. In consideration of the small lot size, proximity of forested area, and density of structures in the Village Residential Zone, the Community Development Department shall notify the applicable fire district at the time of application for a building permit, establishment of a permitted use, or application for a conditional use permit.

66.105 Permitted Uses. The following uses are allowed in the Village Residential Zone, after notification of the Community Development Department:

- (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) Home occupation.
- (6) 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.
- (7) Accessory use or structure without a legally established primary structure or use.
- (8) Undeveloped open space.
- (9) Bed and Breakfast establishments or inns limited to 35 rooms or less.
- (10) Roadside stands for produce or nursery products grown on the premises, and/or foods prepared on the premises.
- (11) Art or craft gallery in a building or buildings not exceeding 4,000 square feet.

- (12) Cottage Industry, not including the commercial growing, processing, wholesaling or retailing of marijuana. [Ord 2015-0271]

(DEFINITION: COTTAGE INDUSTRY: A business or business-related activity that is carried on within either a dwelling or a building accessory to that dwelling, which employs no more than two people in addition to those residing in the dwelling, and which has limited impacts on the surrounding properties. Deliveries and customer visitations are limited to the hours between 8:00 a.m. and 6:00 p.m. Outdoor storage is allowed if it is similar to what legally occurs in the neighborhood, and accessory structures conform to the character of the neighborhood. Signs up to six (6) square feet are allowed.)

CONDITIONAL USES

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

- (1) Park or recreational facility.
- (2) Public or private facility for the provision of power, water, or sewage disposal and associated structures and transmission lines.
- (3) Church, grange hall, community hall, nonprofit meeting hall, or other similar non-profit community facility.
- (4) Facility for performance of theatrical, film, music or dance productions, limited to 100 seats.
- (5) Public or private school.
- (6) Residential facility (care facility).
- (7) Day care center.
- (8) Fire station.
- (9) Multi-family dwelling.
- (10) Any use not listed here, but similar to the uses listed above, if it can be determined by the Planning Official to meet the Conditional Use criteria, not including the commercial growing, processing, wholesaling or retailing of marijuana. [Ord 2015-0271]
- (11) Any use listed in section 75.105, and 75.110, Village Commercial permitted uses, not including the commercial growing, processing, wholesaling or retailing of marijuana. [Ord 2015-0271]

MINIMUM PARCEL OR LOT SIZES

66.305 Minimum Parcel or Lot Size. The minimum parcel or lot size shall be 5000 square feet.

- (1) A planned unit development (PUD) may be approved in the Village Residential zone, pursuant to the provisions of BCC Chapter 98 as modified by this subsection:
 - (a) None of the new lots or parcels shall be smaller than 5000 square feet;
 - (b) The development shall be served by the community water and sewer system; and

- (c) For any open space or common area provided as a part of the PUD under this subsection, the owner shall submit proof of irrevocable 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.

66.405 Siting Standards. All structures allowed in the Village Residential Zone shall be sited in compliance with the following standards:

- (1) A setback to a road right-of-way shall be at least fifteen (15) feet and at least twenty (20) feet from the edge of an existing roadway.
- (2) A side setback shall be at least three (3) feet. If structures exist on an adjoining property, a minimum ten (10) 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. Zero lot line development is allowed.
- (3) A rear setback shall be at least fifteen (15) 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
- (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 on property adjacent to a resource zone shall be located as far from the resource zone as practicable, considering other required setbacks, topography, drainage, resource-zone setbacks on neighboring properties, and other factors, as determined by the Planning Official. Prior to approval of such a dwelling the owner shall sign a declaratory statement to be recorded in the County Deed Records recognizing resource use of adjacent lands.
- (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, aerials, 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]