

40.210 RESOURCE AND RURAL DISTRICTS

40.210.010 Forest, Agriculture and Agricultural-Wildlife Districts (FR-80, FR-40-20, AG-20-10, AG-WL)

A. Purpose.

1. Forest 80 District. The purpose of the Forest 80 district is to maintain and enhance resource-based industries, encourage the conservation of productive forest lands and discourage incompatible uses consistent with the Forest I policies of the comprehensive plan. The Forest 80 district applies to lands which have been designated as Forest Tier 1 on the comprehensive plan. Nothing in this chapter shall be construed in a manner inconsistent with the Washington Forest Practices Act.

2. Forest 40-20 District. The purpose of the Forest 40-20 district is to encourage the conservation of lands which have the physical characteristics that are capable of management for the long-term production of commercially significant forest products and other natural resources, such as minerals.

3. Agriculture 20-10 District. The purpose of the Agriculture 20-10 district is to encourage the conservation of lands which have the growing capacity, productivity, soil composition, and surrounding land use to have long-term commercial significance for agriculture and associated resource production.

4. Agricultural-Wildlife. The purpose of the AG-WL district is to encourage the preservation of agricultural and wildlife use on land which is suited for agricultural production, and to protect agricultural areas that are highly valuable seasonal wildlife habitat from incompatible uses. The district provides for activities which can be considered accessory only to agricultural, game, or wildlife habitat management, or recreational uses. Nothing in this chapter shall be construed to restrict normal agricultural practices.

B. Uses.

The uses set out in Table 40.210.010-1 are examples of uses allowable in the various resource zone districts. The appropriate review authority is mandatory.

- “P” – Uses allowed subject to approval of applicable permits.
- “R/A” – Uses permitted upon review and approval as set forth in Section 40.520.020.
- “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit as set forth in Section 40.520.030.
- “X” – Uses specifically prohibited.

Where there are special use standards or restrictions for a listed use, the applicable code section(s) in Chapter 40.260, Special Uses and Standards, or other applicable chapter is noted in the “Special Standards” column.

Table 40.210.010-1. Uses					
	FR-80	FR-40-20	AG 20-10	AG-WL	Special Standards
1. Residential.					
a. Single-family dwellings and accessory buildings	P ¹	P ¹	P ¹	P	40.260.010
b. Guest house	C ²	C ²	C ²	C ²	40.260.010
c. Family day care centers	P	P	P	P	40.260.160
d. Adult family	P	P	P	P	40.260.190

Table 40.210.010-1. Uses					
	FR-80	FR-40-20	AG 20-10	AG-WL	Special Standards
homes					
e. Home business – Type I	P	P	P	P	40.260.100
f. Home business – Type II	R/A	R/A	R/A	R/A	40.260.100
g. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	R/A	R/A	40.260.050
h. Bed and breakfast establishments (3 or more guest bedrooms)	C	C	C	C	40.260.050
i. Garage sales	P	P	P	P	40.260.090
j. Temporary dwellings	P	P	P	X	40.260.210
2. Services, Business.					
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials	R/A	R/A	R/A	C	
b. Roadside farm stand	P	P	P	P	40.260.025
c. Agricultural market	P	P	P	X	40.260.025
d. Commercial kennels on a parcel or parcels 5 acres or more	R/A	R/A	R/A	X	40.260.110
e. Private kennels	P	P	P	P	40.260.110
f. Animal boarding and day use facilities	P	P	P	X	40.260.040
3. Services, Amusement.					
a. Public recreation, scenic and park use	P	P	P	C ³	
b. Public interpretive/educational uses	P	P	P	P	
c. Dispersed recreation and recreational facilities such as primitive campsites, trails, trailheads, snowparks and warming huts	P	P	P	X	
d. Public recreation accessways, trails, viewpoints, and associated parking	P	P	P	P	
e. Regional recreational facilities	P	P	P	P	

Table 40.210.010-1. Uses					
	FR-80	FR-40-20	AG 20-10	AG-WL	Special Standards
designed and developed through a public master planning process					
f. Private recreation facilities, including retreats, but excluding such intensive uses as country clubs and golf courses	C	C	C	C ³	
g. Country club and golf courses	X	X	C	X	
h. Equestrian facility	P	P	P	X	40.260.040
i. Equestrian events center	C	C	C	X	
j. Circuses, carnivals or amusement rides	R/A	R/A	R/A	R/A	
4. Services – General.					
a. Event facilities < 5,000 sq. ft.	X	C	C	X	
b. Tasting room and event facilities in conjunction with a winery	P	P	P	X	40.260.245
5. Services, Membership Organization.					
a. Churches	X	C	C	X	
6. Services, Educational.					
a. Public and private elementary and middle schools serving a student population primarily outside of urban growth boundaries	C	C	C	X	40.260.160
7. Public Service and Facilities.					
a. Ambulance dispatch facilities	C	C	C	C	40.260.030
b. Government facilities	C ⁴	C ⁴	C ⁴	C ⁵	
c. Public corrections facilities	C	C	C	X	
8. Resource Activities.					
a. Agricultural	P ⁶	P ⁶	P ⁶	P	
b. The growing, harvesting and transport of timber, forest products and associated management activities in accordance	P	P	P	X	

Table 40.210.010-1. Uses					
	FR-80	FR-40 <u>20</u>	AG <u>20-10</u>	AG-WL	Special Standards
with the Washington Forest Practices Act of 1974 as amended, and regulations adopted pursuant thereto					
c. Wildlife game management	P	P	P	P	
d. Plant nurseries	P	P	P	P	
e. Removal, harvesting, wholesaling and retailing of vegetation from forest lands including but not limited to fuel wood, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs and mushrooms	P	P	P	C	Chapter 40.440
f. Silviculture	P	P	P	C	40.260.080
g. Aggregate extraction and processing for the purposes of construction and maintenance of a timber or agricultural management road system	P ⁷	P ⁷	P ⁷	X	40.260.120
h. Exploration for rock, gravel, oil, gas, mineral and geothermal resources	P	P	P	X	40.260.120
i. Extraction of oil, gas and geothermal resources, in accordance with all applicable local, state and federal regulations	R/A	R/A	R/A	X	40.260.120
j. Commercial uses supporting resource uses	P ⁸	P ⁸	P ⁸	X	
k. Accessory buildings	P	P	P	P	40.260.010
l. Housing for temporary workers	P	P	P	P	40.260.105
m. Sawmills greater than ten thousand (10,000) board feet per day, and other products from wood residues, drying kilns and equipment	C	C	C	X	
n. Forestry, environmental and natural resource research and facilities	P	P	P	C	

Table 40.210.010-1. Uses					
	FR-80	FR-40 <u>20</u>	AG <u>20-10</u>	AG-WL	Special Standards
o. The processing of oil, gas and geothermal resources	C	C	C	X	
p. Heliports, helipads and helispots used in conjunction with the resource activity	P	P	C	X	40.260.170
9. Other.					
a. Signs	P	P	P	P	Chapter 40.310
b. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines	P	P	P	C	40.260.240
c. Wireless communications facilities	P/C ⁹	P/C ⁹	P/C ⁹	P/C ⁹	40.260.250
d. Dams for flood control and hydroelectric generating facilities	C	C	C	C	
e. Solid waste handling and disposal sites	C	C	C	C	40.260.200
f. Private use landing strips for aircraft	C	C	C	X	40.260.170
g. New cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematoria is within two hundred (200) feet of a lot in a residential district	X	X	X	C	
h. Expansion of existing cemeteries	P	P	P	P	
i. Temporary uses	P	P	P	P	40.260.220
j. Electric vehicle infrastructure	P	P	P	P	40.260.075
k. Medical marijuana collective gardens	X	X	X	X	
l. Marijuana-related facilities	X	X	X	X	

¹ One (1) single-family dwelling on legal lot or legal nonconforming lot of record.

² One (1) guesthouse in conjunction with a single-family dwelling or mobile home.

³ Public, where no public master planning process has been completed or private outdoor recreational facilities requiring limited physical improvements which are oriented to the appreciation, protection, study or enjoyment of the fragile resources of this area. In addition to those findings as specified by Section 40.520.030 (Conditional Use Permits), such uses shall be approved only upon the applicant establishing both of the following:

o There will be no significant environmental impact, especially as it relates to wildlife, resulting from the proposed use; and

o The subject site cannot be put to any reasonable economic use which is provided for in this section.

⁴ Government facilities necessary to serve the area outside urban growth boundaries, including fire stations, ambulance dispatch facilities and storage yards, warehouses, or similar uses.

⁵ Limited to fire stations only.

⁶ Agriculture including: floriculture, horticulture, general farming, dairy, the raising, feeding and sale or production of poultry, livestock, furbearing animals, and honeybees including feedlot operations, animal sales yards, Christmas trees, nursery stock and floral vegetation and other agricultural activities and structures accessory to farming or animal husbandry.

⁷ Additional surface mining and associated activities subject to zone change to add the surface mining overlay district, Section 40.250.020.

⁸ Commercial uses supporting resource uses, such as packing, first stage processing and processing which provides value added to resource products. Chippers, pole yards, log sorting and storage, temporary structures for debarking, accessory uses including but not limited to scaling and weigh operations, temporary crew quarters, storage and maintenance facilities, disposal areas, saw mills producing ten thousand (10,000) board feet per day or less, and other uses involved in the harvesting of forest products.

⁹ See Table 40.260.250-1.

(Amended: Ord. 2004-06-10; Ord. 2005-04-12; Ord. 2006-05-01; Ord. 2006-09-13; Ord. 2008-12-15; Ord. 2009-12-01; Ord. 2009-12-15; Ord. 2010-10-02; Ord. 2011-03-09; Ord. 2011-06-14; Ord. 2011-08-08; Ord. 2011-12-09; Ord. 2012-02-03; Ord. 2012-06-02; Ord. 2012-07-03; Ord. 2012-12-23; Ord. 2013-07-08; Ord. 2014-01-08; Ord. 2014-05-07; Ord. 2014-11-02)

C. Development Standards.

1. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 40.210.010-2 and 40.210.010-3, subject to the provisions of Chapter 40.200 and Section 40.550.020.

Table 40.210.010-2. Lot Requirements				
Zoning District	Use/Activity	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
FR-80	All Uses	80 ¹ or legally described as one-eighth (1/8) of a section	660 ²	None
FR-40-20	All Uses	20 ¹ 40 ⁺ or legally described as <u>one-thirty-second (1/32) sixteenth (1/16)</u> of a section	660 ²	None
AG-20-10	All Uses	10 ¹ 20 ⁺ or legally described as <u>one-sixth-fourth</u>	660 ²	None

Table 40.210.010-2. Lot Requirements				
		(1/64)th ¹ of a section		
AG-WL	Agricultural	20 or legally described as one-thirty-second (1/32) of a section	None	None
	Wildlife game management	20 or legally described as one-thirty-second (1/32) of a section	None	None
	Public interpretive/educational uses	N/A	None	None
	Single-family dwellings	160 or legally described as one-fourth (1/4) of a section	None	None
	Plant nurseries	20 or legally described as one-thirty-second (1/32) of a section	None	None
	Silviculture	20 or legally described as one-thirty-second (1/32) of a section	None	None
	Public recreation accessways and associated parking and trails	N/A	None	None

¹ The following uses may be permitted on newly approved lots of less than the minimum parcel size:

- a. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines and telecommunication facilities.
- b. Dams for flood control and hydroelectric generating facilities.

² Minimum lot width – One hundred forty (140) feet for legal lots created under Section 40.210.010(D).

(Amended: Ord. 2006-05-01; Ord. 2007-11-13)

Table 40.210.010-3. Setbacks, Lot Coverage and Building Height						
Zoning District	Minimum Setbacks ¹				Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet)	Side		Rear (feet)		
		Street (feet)	Interior (feet)			
FR-80	50 ²	25	50 ³	50 ³	N/A	35 ⁴
FR-40-20	50 ²	25	50 ³	50 ³	N/A	35 ⁴
AG-20-10	50 ²	25	50 ³	50 ³	N/A	35 ⁴
AG-WL	None	None	None	None	N/A	None

¹ See Section 40.530.010(D)(2) for nonconforming lots.

² From public road right-of-way or private road easement.

³ All structures.

⁴ Residential buildings only.

(Amended: Ord. 2005-05-20; Ord. 2010-08-06)

2. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.

3. Previous Land Divisions.

a. Within the FR-80, FR-40-20 and AG-20-10 districts, until the affected property is included within an urban growth boundary, no remainder lot of a previously approved agriculture or forest district “cluster” land division or lot reconfiguration shall be:

(1) ~~a.~~ Further subdivided or reduced in size below seventy percent (70%) of the total developable area of the original parent parcel constituting the cluster subdivision; or

(2) ~~b.~~ Reduced by a total of more than one (1) acre.

~~b.e.~~ Applications for reduction in remainder lot size consistent with this provision shall be processed as a plat alteration pursuant to Section 40.540.120.

~~c. d. Exceptions to Subsections (C)(3)(a) and (b) of This Section.~~ A remainder lot with an existing residence may be short platted further to contain the residence on its own lot, subject to the following:

(1) ~~Process.~~ Creation of the new lot is subject to the requirements of Section 40.540.030.

(2) ~~Lot Size.~~ The new lot shall be sized to require the minimum reduction in the remainder lot, but still meet minimum requirements of this section and for on-site sewage disposal as required by ~~the~~ Clark County Public Health Department.

(3) The new lot may not include critical areas unless no other alternative exists. If no alternative is available, encroachment into these areas shall be limited to the least amount possible consistent with applicable critical areas ordinances.

(4) A building envelope containing the existing residence and accessory buildings shall be established within the new lot, subject to the following:

(a) A minimum one hundred (100) foot setback between the envelope and the remainder parcel is maintained, unless it can be shown that a lesser setback with existing or proposed landscaping or existing vegetation will provide the same or greater buffering. In no case shall a setback less than fifty (50) feet be approved.

(b) A minimum twenty (20) foot setback between the envelope and other cluster lots is maintained.

(5) A note shall be placed on the plat stating the following:

The residential property is adjacent to agricultural or forest lands on which a variety of resource-related activities may occur that are not compatible with residential development. Potential discomforts or inconvenience may include, but are not limited to: Noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

(6) An open space, farm or forest management plan is required for the remainder parcel, which shall prohibit additional residential development. The plan shall be submitted and approved with the preliminary application. The plan shall identify permitted uses and management of the parcel so that it maintains its open space or other designated functions and provides for the protection of all critical

1 areas. The management plan shall identify the responsibility for maintaining the remainder parcel. The
2 plan shall also include any construction activities (trails, fencing, agricultural buildings) and vegetation
3 clearing that may occur on site. All subsequent activities must be conducted in conformance with the
4 approved management plan. Management plans may be modified through a Type II process. A note
5 shall be placed on the plat and a restrictive covenant shall be recorded that clearly states that only the
6 above uses are permitted on the remainder parcel. The note and covenant shall also incorporate the
7 management plan, as described above.

8 4. Nonconforming lots may be reconfigured pursuant to Section 40.530.020 (B).

9 (Amended: Ord. 2005-04-12; Ord. 2011-08-08; Ord. 2014-01-08)

10 D. Nonconforming Lots – Lot Reconfiguration Standards.

11 1. Purpose. It is in the public interest to encourage the protection of sensitive lands, expand the amount of
12 commercially viable resource land under single ownership, reduce the amount of road and utility construction
13 and, within the FR-80, FR-~~40-20~~ and AG-~~20-10~~ districts, to protect and buffer designated resource lands.

14 2. Lot Reconfiguration. Except for previously approved agricultural or forest zoned clusters or rural
15 residential planned unit developments, these substandard lots may be modified where consistent with the
16 following criteria. Parcels which meet all of the following criteria are eligible for reconfiguration and reduction
17 in size subject to a Type II review:

18 a. Existing parcel(s) is:

19 (1) Smaller than the minimum lot size established for new lots in the applicable zoning district.
20 Parcels which meet the minimum lot size may be adjusted as a part of this process, but may not be
21 decreased below the established minimum lot size;

22 (2) Determined to be legally created, and be reasonably buildable. Within the FR-80, FR-~~40-20~~ and
23 AG-~~20-10~~ districts, this section authorizes lot reconfiguration only where existing divisions are
24 determined to have a reasonable probability of developing. For the purposes of this section the review
25 authority shall determine whether the existing lots are reasonably buildable by considering the
26 following: road access, septic suitability, topography, costs of providing infrastructure and the
27 presence of sensitive lands.

28 b. Proposed parcel(s) results in the following:

29 (1) No additional parcels;

30 (2) Have septic suitability approval;

31 (3) Have adequate potable water at the time of occupancy, subject to Section 40.370.020;

32 (4) Each resulting legal nonconforming parcel shall be at least one (1) acre in size with a minimum
33 width of at least one hundred forty (140) feet; and

34 (5) In addition, within the FR-80, FR-~~40-20~~ and AG-~~20-10~~ districts:

35 (a) The location of the resulting reconfigured lots shall have the least impact on sensitive and
36 resource lands;

37 (b) Access to reconfigured lots shall meet the minimum standards necessary to obtain a
38 building permit;

39 (c) The remainder lot shall not be further subdivided or reduced in size unless the affected
40 property is included within an urban growth boundary;

(d) Reconfigured lots shall not be further adjusted by boundary line adjustment without approval under this section;

c. Reconfigured lots shall result in achieving one (1) or more of the identified public interest issues in Section 40.210.010(D)(1).

3. Lot Requirements. The setback, dimensional, use and height standards for these lots shall be as established for the Rural-5 (R-5) district except that reductions in side and rear setbacks shall be granted where necessary to permit construction of a dwelling on the parcel; providing, when the parcel is abutting, or surrounded by, property zoned for resource uses, the minimum setback from those property lines shall be fifty (50) feet for all structures.

4. The review authority may impose conditions on the lot reconfiguration to further the purposes of this section.

5. Lot reconfigurations shall be finalized upon the filing of a record of survey or covenant.