



## DETERMINATION OF NON-SIGNIFICANCE

**Description of Proposal:** Clark County Unified Development Code Amendments, CCC 40.370.010 (Sewerage Regulation) and CCC 40.210.010 (Resource and Rural Districts) as follows:

Code Section	Description
40.370.010	Amend Title 40.370.010 (Sewerage Regulations) to allow extension of sewer to a school in the rural area.
40.210.010	Amend Title 40.210.010 (Resource and Rural Districts) to allow new cemeteries as accessory to an existing church in the FR-40 zone.

**Proponent:** *Clark County Community Planning*

**Location of proposal, including street address, if any:**

**Lead Agency:** *Clark County, Washington*

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below.

Comments must be submitted by: June 6, 2019

**Responsible Official:** Oliver Orjiako  
**Position/title:** Director  
**Address:** **RE: SEPA Comments**  
Clark County Community Planning  
1300 Franklin Street; 3<sup>rd</sup> Floor  
P.O. Box 9810  
Vancouver, WA 98666-9810

**Date:** 5-8-19      **Signature:** *Oliver Orjiako*

The staff contact person and telephone number for any questions on this review is Sharon Lumbantobing, Planner II, (564) 397-4909.

For other formats, please contact the Clark County ADA Office at [ADA@clark.wa.gov](mailto:ADA@clark.wa.gov).



**Clark County SEPA Environmental Checklist  
Washington Administrative Code (WAC) 197-11-960**

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**A. BACKGROUND**

1. **Name of proposed project, if applicable:** Clark County Unified Development Code Amendments to Title 40.370.010 (Sewerage Regulations) and 40.210.010 (Resource and Rural Districts) (CPZ2019-00014).
2. **Name of applicant:** Clark County, Washington
3. **Address and phone number of applicant and contact person:**  
Oliver Orjiako; Director  
Clark County Community Planning  
P.O. Box 9810  
Vancouver, WA 98666-9810  
(564) 397- 4112
4. **Date checklist prepared:** April 2, 2019
5. **Agency requesting checklist:** Clark County, WA
6. **Proposed timing or schedule (including phasing, if applicable):** If approved by the Clark County Councilors, the code amendments would become effective in August of 2019.
7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**  
No, this is a non-project action.
8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**  
No, this is a non-project action.
9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**  
None. This is a non-project action.
10. **List any government approvals or permits that will be needed for your proposal, if known.**  
None. This is a non-project action.

- 11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)**

This SEPA review is for a non-project action.

The proposed amendments to amend Clark County Unified Development Code Chapter Title 40.370.010 and 40.210.010 are to (1) implement state legislation adopted in 2017 to allow for the extension of sewer outside of Urban Growth Boundaries to serve a school in the rural area; and (2) to allow new cemeteries subordinate to an existing church in the FR-40 zone.

- 12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

None. This is a non-project action.

## **B. ENVIRONMENTAL ELEMENTS**

### **1. Earth**

- a. General description of the site:**

**(circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_**

Not applicable.

- b. What is the steepest slope on the site (approximate percent slope)?**

Not applicable.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

Not applicable. This is a non-project action.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

Not applicable.

- e. Describe the purpose, type, total area, and approximate quantities, and total affected area of any filling or grading proposed. Indicate source of fill.

Not applicable. This is a non-project action.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No. This is a non-project action.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

None. This is a non-project action.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

None. This is a non-project action.

## 2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

None. This is a non-project action.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable. This is a non-project action.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Not applicable. This is a non-project action.

## 3. Water

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds,

wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Not applicable.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described water? If yes, please describe and attach available plans.

No.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

- 5) Does the proposal lie within a 100-year flood plain? If so, note location on the site plan.

No.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

**b. Ground Water:**

- 1) Will ground water be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . . ; agricultural; etc). Describe the general size of the system, the number of such systems, the number of

houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None. This is a non-project action.

**c. Water Runoff (including storm water):**

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable as this is a non-project action.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not applicable as this is a non-project action.

**d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:**

No mitigation is proposed as part of this non-project action.

**4. Plants**

**a. Check or circle types of vegetation found on the site.**

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

orchards, vineyards or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage,

other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

**b. What kind and amount of vegetation will be removed or altered?**

None. This is a non-project action.

**c. List threatened or endangered species known to be on or near the site.**

None. This is a non-project action.

**d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any;**

None. This is a non-project action.

**e. List all noxious weeds and invasive species known to be on or near the site.**

None. This is a non-project action.

**5. Animals**

**a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:**

**birds:** hawk, heron, eagle, songbirds, other:

**mammals:** deer, bear, elk, beaver, other:

**fish:** bass, salmon, trout, herring, shellfish, other:

None. This is a non-project action.

**b. List any threatened and endangered species known to be on or near the site.**

None.

**c. Is the site part of a migration route? If so, explain.**

No.

**d. Proposed measures to preserve or enhance wildlife, if any:**

None. This is a non-project action.

**e. List any invasive animal species known to be on or near the site.**

None.

**6. Energy and Natural Resources**

- a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

None.

- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

No.

- c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

None.

## **7. Environmental Health**

- a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.**

None.

- 1) **Describe any known or possible contamination at the site from present or past uses.**

Not applicable.

- 2) **Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

None.

- 3) **Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

Not applicable.



**4) Describe special emergency services that might be required.**

Not applicable.

**5) Proposed measures to reduce or control environmental health hazards, if any:**

Not applicable.

**b. Noise**

**1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

Not applicable.

**2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

Not applicable.

**3) Proposed measures to reduce or control noise impacts, if any:**

Not applicable.

**8. Land and Shoreline Use**

**a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

Not applicable. This is a non-project action.

**b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

Not applicable. This is a non-project action.

**1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize**

**equipment access, the application of pesticides, tilling, and harvesting? If so, how:**

Not applicable. This is a non-project action.

**c. Describe any structures on the site.**

Not applicable. This is a non-project action.

**d. Will any structures be demolished? If so, what?**

None.

**e. What is the current zoning classification of the site?**

Not applicable. This is a non-project action.

**f. What is the current comprehensive plan designation of the site?**

Not applicable. This is a non-project action.

**g. If applicable, what is the current shoreline master program designation of the site?**

Not applicable. This is a non-project action.

**h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

Not applicable.

**i. Approximately how many people would reside or work in the completed project?**

None.

**j. Approximately how many people would the completed project displace?**

None.

**k. Proposed measures to avoid or reduce displacement impacts, if any:**

None. Not applicable.

**l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

None. Not applicable.

- m. **Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:**

None. Not applicable.

## 9. Housing

- a. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

None. This is a non-project action.

- b. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

None. This is a non-project action.

- c. **Proposed measures to reduce or control housing impacts, if any:**

None. This is a non-project action.

## 10. Aesthetics

- a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

Not applicable.

- b. **What views in the immediate vicinity would be altered or obstructed?**

Not applicable.

- c. **Proposed measures to reduce or control aesthetic impacts, if any:**

Not applicable.

## 11. Light and Glare

- a. **What type of light or glare will the proposal produce? What time of day would it mainly occur?**

Not applicable.

- b. **Could light or glare from the finished project be a safety hazard or interfere with views?**

Not applicable.

- c. **What existing off-site sources of light or glare may affect your proposal?**

Not applicable.

- d. **Proposed measures to reduce or control light and glare impacts, if any:**

Not applicable.

## 12. Recreation

- a. **What designated and informal recreational opportunities are in the immediate vicinity?**

None.

- b. **Would the proposed project displace any existing recreational uses? If so, describe.**

No.

- c. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

Not applicable.

## 13. Historic and Cultural Preservation

- a. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

Not applicable. This is a non-project action.

- b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

Not applicable. This is a non-project action.

- c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

Not applicable. This is a non-project action.

- d. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

Not applicable. This is a non-project action.

#### **14. Transportation**

- a. **Identify public streets and highways serving the site or affected geographic area, and describe proposed access to the existing street system. Show on site plans, if any.**

None.

- b. **Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

No.

- c. **How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?**

None.

- d. **Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

Not applicable.

- e. **Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

No.

- f. **How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?**

Not applicable.

- g. **Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

No.

- h. **Proposed measures to reduce or control transportation impacts, if any:**

Not applicable.

#### **15. Public Services**

- a. **Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? if so, generally describe.**

No.

- b. **Proposed measures to reduce or control direct impacts on public services, if any.**

None.

#### **16. Utilities**

- a. **Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.**

Not applicable.

- b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

None.

#### **C. SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of signee Jose Alvarez

Position and Agency/Organization : Planner III, Clark County Community Planning

Date Submitted: April 2, 2019

#### D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

**Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.**

- 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

No development is proposed as a part of this code amendment. The proposed code amendments allow for the extension of sewer service to the rural area and creation of a cemetery on Forest zoned property that already has a church. The proposal would not increase any of the impacts listed above.

Proposed measures to avoid or reduce such increases are:

Not applicable.

- 2. How would the proposal be likely to affect plants, animals, fish or marine life?**

No development is proposed as a part of this code amendment. The proposed code amendments allow for the extension of sewer service to the rural area and creation of a cemetery on Forest zoned property that already has a church, resulting in no impact to plants, animals, fish or marine life.

Proposed measures to avoid or reduce such increases are:

Not applicable.

- 3. How would the proposal be likely to deplete energy or natural resources?**

No development is proposed as a part of this code amendment. The proposed code amendments allow for the extension of sewer service to the rural area and creation of a cemetery on Forest zoned property that already has a church, resulting in no impact to depletion of energy. To the extent that a cemetery is located on Forest Land there will be an impact and possible loss of forest land:

**Proposed measures to avoid or reduce such increases are:**

The provision only allows a cemetery on property with an existing church, which limits the potential eligible properties to a very few.

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection: such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

No development is proposed as a part of this code amendment. The proposed code amendments allow for the extension of sewer service to the rural area and creation of a cemetery on Forest zoned property that already has a church, resulting in no impact to environmentally sensitive areas or areas designated for governmental protection.

**Proposed measures to avoid or reduce such increases are:**

Not applicable.

5. **How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

No development is proposed as a part of this code amendment. The proposed code amendments allow for the extension of sewer service to the rural area and creation of a cemetery on Forest zoned property that already has a church, resulting in no impact to land and shoreline use.

**Proposed measures to avoid or reduce such increases are:**

Not applicable.

6. **How would the proposal be likely to increase demands on transportation or public services and utilities?**

No development is proposed as a part of this code amendment. The proposed code amendments allow for the extension of sewer service to the rural area and creation of a cemetery on Forest zoned property that already has a church. This would allow



sewer service to be extended into the rural area to serve a school. The wastewater provider would have to determine the feasibility of the extension and the mechanism to recover associated capital expenditures.

**Proposed measures to avoid or reduce such increases are:**

Not applicable.

7. **Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

The proposal would not conflict with local, state or federal laws. The extension of sewer service is consistent with RCW36.70A.213.

## NOTICE OF DETERMINATION OF NON SIGNIFICANCE (DNS)

**NOTICE IS HEREBY GIVEN** that the following proposal has been determined to have no probable significant adverse impact on the environment, and that an environmental impact statement is not required under RCW 43.21C.030(2)(c). Written comments on the following proposal, or DNS, may be submitted to the Responsible Official by **June 6, 2019**.

### **DESCRIPTION:**

Clark County Unified Development Code Amendments, CCC 40.370.010 (Sewerage Regulation) and CCC 40.210.010 (Resource and Rural Districts) as follows:

Code Section	Description
40.370.010	Amend Title 40.370.010 (Sewerage Regulations) to allow extension of sewer to a school in the rural area.
40.210.010	Amend Title 40.210.010 (Resource and Rural Districts) to allow new cemeteries as accessory to an existing church in the FR-40 zone.

**ACTION REQUESTED:** It is requested the Board of County Councilors amend the Clark County Code as proposed.

### **RESPONSIBLE OFFICIAL:**

Oliver Orjiako, Director Community Planning  
PO Box 9810  
Vancouver WA 98666-9810  
[oliver.orjiako@clark.wa.gov](mailto:oliver.orjiako@clark.wa.gov)

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### **BILL TO:**

Sonja Wiser, Program Assistant  
Clark County Community Planning  
PO Box 9810  
Vancouver, WA 98666-  
9810 (360) 397-2280 ext.  
4558  
[Sonja.wiser@clark.wa.gov](mailto:Sonja.wiser@clark.wa.gov)

**PUBLICATION DATE: Tuesday May 21, 2017**

**PLEASE E-MAIL OR CALL TO CONFIRM RECEIPT AND PUBLICATION DATE**

1 **40.370.010 Sewerage Regulations**

2 A. Purpose.

3 The purpose of this section is to further the public health by providing clear rules for when  
4 connection to public sewer is required or prohibited. Nothing in this section shall be construed  
5 to permit violation of regulations for on-site sewage disposal systems promulgated by the  
6 Washington Department of Health or local governments.

7 B. Definitions.

8 1. "Public sewer" means extension of a public sewer system operated by a public entity or,  
9 where such extension is impractical, connection to an alternative public sewer system  
10 operated by the designated public sewer purveyor.

11 2. "UGA" means an urban growth area designated in the comprehensive plan.

12 C. New Structures within UGA and Rural Centers Served by Public Sewer – Public Sewer  
13 Connection Required – Exceptions.

14 Inside UGAs and rural centers served by public sewer, connection to public sewer is required  
15 as a condition of building permit issuance for any new structure which has the potential to  
16 increase sewage effluent, or additions to existing structures which have the potential to  
17 increase sewage effluent, unless the responsible official determines, using a Type I review  
18 process, that the new structure or addition is for single-family detached residential use, or a  
19 nonresidential use for which an on-site sewage disposal system can be approved by the  
20 Clark County Health Department and:

21 1. Such use does not generate hazardous/dangerous waste, as defined by applicable  
22 federal, state or local law; and

23 2. Extension of public sewer is impractical based upon the following criteria:

24 a. Public sewer would have to be extended more than three hundred (300) feet to the  
25 property line; or

26 b. Necessary permission cannot be obtained from intervening landowner(s); or

27 c. Intervening property contains natural or manmade obstructions, such as deep  
28 canyons, elevation changes, and solid rock impediments, which make public sewer  
29 extension prohibitively expensive or undesirable; and

30 3. A covenant to the county is recorded which commits the current and future property  
31 owner(s) to connect to public sewer within twelve (12) months of sewer becoming  
32 available. The covenant shall also contain a provision that commits the current and  
33 future property owner(s) to participate in a future local improvement district if this is  
34 the method used to extend sewer.

35 *(Amended: Ord. 2008-06-02; Ord. 2011-08-08; Ord. 2012-07-03)*

36 D. Land Divisions within UGA – Public Sewer Connection Required – Exceptions.

1 Inside UGAs, connection to public sewers is required as a condition of approval of new land  
2 divisions, whether by plat, short plat or site plan application, unless the following exception  
3 applies:

- 4 1. A two (2) lot land division where one (1) of the lots is, or will be, developed in a use that  
5 generates no sewage effluent. Any plat approved under this exception shall record a  
6 covenant prohibiting the installation of plumbing fixtures for any use on the designated  
7 lot unless the lot connects to sewer.
- 8 2. Short plats approved under Section 40.200.050(B).

9 *(Amended: Ord. 2008-06-02)*

10 E. Public Sewer Connection Prohibited Outside UGAs – Exceptions.

11 For proposed structures or other developments outside of a UGA, connection to public sewer  
12 is prohibited except as follows:

- 13 1. In response to documented health hazards; or
- 14 2. To provide public sewer to regional park facilities ~~K—12 public schools or to uses within~~  
15 ~~the urban reserve district otherwise required to be served by public sewer; or~~
- 16 ~~3. Where the county has contractually committed to permit public sewer connection.~~

17 ~~—If sewer is extended, the maximum number of permitted hookups should be specified at~~  
18 ~~the time of extension and no additional development exceeding this number should be~~  
19 ~~permitted.~~

- 20 3. Pursuant to RCW 36.70A.213, to provide public sewer to a school and any associated  
21 recreational facilities in a rural area that serves students from a rural and urban area;  
22 provided the school district, the county, the public sewer provider and any affected cities  
23 determine that the proposed site is suitable and the school and any associated  
24 recreational facilities cannot reasonably be collocated on an existing school site; or  
25
- 26 4. Upon a request for service to the public sewer provider, an intervening property pursuant  
27 to 40.370.010(E)(3) may be served by public sewer if, pursuant to RCW 36.70A.213(3)  
28 and 40.370.010(C)(2)(a), the property is within 300 feet of a sewer extension to serve a  
29 school; and provided the school district, the county, the public sewer provider and any  
30 affected cities agree to the request.

31 F. Period of Validity.

32 A Type I decision under this section shall be valid for a period of one (1) year if not  
33 associated with any other action. When such a decision is made in conjunction with another  
34 application (e.g., short plat, plat or site plan), the decision shall be valid for the same period  
35 as the decision on the related application.

36

**40.210 RESOURCE AND RURAL DISTRICTS**

**40.210.010 Forest, Agriculture and Agricultural-Wildlife Districts (FR-80, FR-40, AG-20, 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 District. The purpose of the Forest 40 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 District. The purpose of the Agriculture 20 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.

(Amended: Ord. 2018-01-09; Ord. 2018-10-02)

**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	AG-20	AG-WL	Special Standards
I. Residential.					
a. Single-family dwellings and accessory buildings	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P	40.260.010
b. Guest house	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	40.260.010
c. Family day care centers	P	P	P	P	40.260.160

Table 40.210.010-1. Uses					
	FR-80	FR-40	AG-20	AG-WL	Special Standards
d. Adult family homes	P	P	P	P	40.260.190
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. <sup>10</sup>					
a. Public recreation, scenic and park use <sup>10</sup>	P	P	P	C <sup>3</sup>	
b. Public interpretive/educational uses <sup>10</sup>	P	P	P	P	
c. Dispersed recreation and recreational facilities such as primitive campsites, trails, trailheads, snowparks and warming huts <sup>10</sup>	P	P	P	X	
d. Public recreation accessways, trails, viewpoints, and associated parking <sup>10</sup>	P	P	P	P	
e. Regional	P	P	P	P	

Table 40.210.010-1. Uses					
	FR-80	FR-40	AG-20	AG-WL	Special Standards
recreational facilities designed and developed through a public master planning process <sup>10</sup>					
f. Private recreation facilities, including retreats, but excluding such intensive uses as country clubs and golf courses	C	C	C	C <sup>3</sup>	
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. <sup>10</sup>					
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. <sup>10</sup>					
a. Ambulance dispatch facilities <sup>10</sup>	C	C	C	C	40.260.030
b. Government facilities <sup>10</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>5</sup>	
c. Public corrections facilities <sup>10</sup>	C	C	C	X	
8. Resource Activities.					
a. Agricultural	p <sup>6</sup>	p <sup>6</sup>	p <sup>6</sup>	P	
b. The growing, harvesting and transport of timber,	P	P	P	X	

Table 40.210.010-1. Uses					
	FR-80	FR-40	AG-20	AG-WL	Special Standards
forest products and associated management activities in accordance 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 <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	X	40.250.022
h. Exploration for rock, gravel, oil, gas, mineral and geothermal resources	P	P	P	X	40.250.022
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	40.250.022
j. Commercial uses supporting resource uses	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	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	P	P	P	C	



Table 40.210.010-1. Uses					
	FR-80	FR-40	AG-20	AG-WL	Special Standards
natural resource research and facilities					
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	C	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 <sup>9</sup>	P/C <sup>9</sup>	P/C <sup>9</sup>	P/C <sup>9</sup>	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 crematorium is within two hundred (200) feet of a lot in a residential district	X	X-C <sup>11</sup>	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           <sup>1</sup> One (1) single-family dwelling on legal lot or legal nonconforming lot of record.
- 2           <sup>2</sup> One (1) guesthouse in conjunction with a single-family dwelling or home.
- 3           <sup>3</sup> Public, where no public master planning process has been completed, or private outdoor recreational facilities  
4 requiring limited physical improvements which are oriented to the appreciation, protection, study or enjoyment of the  
5 fragile resources of this area. In addition to those findings as specified by Section 40.520.030 (Conditional Use  
6 Permits), such uses shall be approved only upon the applicant establishing both of the following:
- 7           o There will be no significant environmental impact, especially as it relates to wildlife,  
8 resulting from the proposed use; and
- 9           o The subject site cannot be put to any reasonable economic use which is provided for in this  
10 section.
- 11           <sup>4</sup> Government facilities necessary to serve the area outside urban growth boundaries, including  
12 fire stations, ambulance dispatch facilities and storage yards, warehouses, or similar uses.
- 13           <sup>5</sup> Limited to fire stations only.
- 14           <sup>6</sup> Agriculture including: floriculture, horticulture, general farming, dairy, the raising, feeding  
15 and sale or production of poultry, livestock, furbearing animals, and honeybees including  
16 feedlot operations, animal sales yards, Christmas trees, nursery stock and floral vegetation and  
17 other agricultural activities and structures accessory to farming or animal husbandry.
- 18           <sup>7</sup> Additional surface mining and associated activities subject to zone change to add the surface  
19 mining overlay district, Section 40.250.022.
- 20           <sup>8</sup> Commercial uses supporting resource uses, such as packing, first stage processing and  
21 processing which provides value added to resource products. Chippers, pole yards, log sorting  
22 and storage, temporary structures for debarking, accessory uses including but not limited to  
23 scaling and weigh operations, temporary crew quarters, storage and maintenance facilities,  
24 disposal areas, saw mills producing ten thousand (10,000) board feet per day or less, and other  
25 uses involved in the harvesting of forest products.
- 26           <sup>9</sup> See Table 40.260.250-1.
- 27           <sup>10</sup> Once a property has been developed as a public facility, a docket is required to change the  
28 comprehensive plan designation from the current zone to the Public Facilities zone.
- 29           <sup>11</sup> A new cemetery, subordinate to a church in existence as of January 1, 2019, may be  
30 permitted subject to the approval of a conditional use permit.
- 31 (Amended: Ord. 2004-06-10; Ord. 2005-04-12; Ord. 2006-05-01; Ord. 2006-09-13; Ord.  
32 2008-12-15; Ord. 2009-12-01; Ord. 2009-12-15; Ord. 2010-10-02; Ord. 2011-03-09; Ord.  
33 2011-06-14; Ord. 2011-08-08; Ord. 2011-12-09; Ord. 2012-02-03; Ord. 2012-06-02; Ord.  
34 2012-07-03; Ord. 2012-12-23; Ord. 2013-07-08; Ord. 2014-01-08; Ord. 2014-05-07; Ord.  
35 2014-11-02; Ord. 2016-09-04; Ord. 2018-01-09; Ord. 2018-10-02)

36 C. Development Standards.

- 37 1. New lots and structures and additions to structures subject to this section shall comply with the applicable  
38 standards for lots and building height, and setbacks in Tables 40.210.010-2 and 40.210.010-3, subject to the  
39 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)

Zoning District	Use	Minimum Lot Size	Minimum Lot Area	Minimum Lot Width
FR-80	All Uses	80 <sup>1</sup> or legally described as one-eighth (1/8) of a section	660 <sup>2</sup>	None
FR-40	All Uses	40 <sup>1</sup> or legally described as one-sixteenth (1/16) of a section	660 <sup>2</sup>	None
AG-20	All Uses	20 <sup>1</sup> or legally described as one-thirty-second (1/32) of a section	660 <sup>2</sup>	None
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

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<sup>1</sup> 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.

<sup>2</sup> 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)

Zoning District	Minimum Setbacks <sup>1</sup>				Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet)	Side		Rear (feet)		
		Street (feet)	Interior (feet)			
FR-80	50 <sup>2</sup>	25	50 <sup>3</sup>	50 <sup>3</sup>	N/A	35 <sup>4</sup>
FR-40	50 <sup>2</sup>	25	50 <sup>3</sup>	50 <sup>3</sup>	N/A	35 <sup>4</sup>
AG-20	50 <sup>2</sup>	25	50 <sup>3</sup>	50 <sup>3</sup>	N/A	35 <sup>4</sup>

Table 40.210.010-3. Setbacks, Lot Coverage and Building Height						
Zoning District	Minimum Setbacks <sup>1</sup>				Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet)	Side		Rear (feet)		
		Street (feet)	Interior (feet)			
AG-WL	None	None	None	None	N/A	None

<sup>1</sup> See Section 40.530.010(D)(2) for nonconforming lots.

<sup>2</sup> From public road right-of-way or private road easement.

<sup>3</sup> All structures.

<sup>4</sup> 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 and AG-20 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) 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) Reduced by a total of more than one (1) acre.

b. 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. 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.
- (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.

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

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

8 (6) An open space, farm or forest management plan is required for the remainder parcel, which shall  
9 prohibit additional residential development. The plan shall be submitted and approved with the  
10 preliminary application. The plan shall identify permitted uses and management of the parcel so that it  
11 maintains its open space or other designated functions and provides for the protection of all critical areas.  
12 The management plan shall identify the responsibility for maintaining the remainder parcel. The plan  
13 shall also include any construction activities (trails, fencing, agricultural buildings) and vegetation  
14 clearing that may occur on site. All subsequent activities must be conducted in conformance with the  
15 approved management plan. Management plans may be modified through a Type II process. A note shall  
16 be placed on the plat and a restrictive covenant shall be recorded that clearly states that only the above  
17 uses are permitted on the remainder parcel. The note and covenant shall also incorporate the  
18 management plan, as described above.

19 4. Nonconforming lots may be reconfigured pursuant to Section 40.210.010(D).

20 (Amended: Ord. 2005-04-12; Ord. 2011-08-08; Ord. 2014-01-08; Ord. 2018-01-09; Ord.  
21 2018-10-02)

22 D. Nonconforming Lots – Lot Reconfiguration Standards.

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

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

30 a. Existing parcel(s) is:

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

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

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

40 (1) No additional parcels;

41 (2) Have septic suitability approval;

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

- 1 (4) Each resulting legal nonconforming parcel shall be at least one (1) acre in size with a minimum  
2 width of at least one hundred forty (140) feet; and
- 3 (5) In addition, within the FR-80, FR-40 and AG-20 districts:
- 4 (a) The location of the resulting reconfigured lots shall have the least impact on sensitive and  
5 resource lands;
- 6 (b) Access to reconfigured lots shall meet the minimum standards necessary to obtain a  
7 building permit;
- 8 (c) The remainder lot shall not be further subdivided or reduced in size unless the affected  
9 property is included within an urban growth boundary;
- 10 (d) Reconfigured lots shall not be further adjusted by boundary line adjustment without  
11 approval under this section.
- 12 c. Reconfigured lots shall result in achieving one (1) or more of the identified public interest issues in  
13 Section 40.210.010(D)(1).
- 14 3. Lot Requirements. The setback, dimensional, use and height standards for these lots shall be as established  
15 for the Rural-5 (R-5) district except that reductions in side and rear setbacks shall be granted where necessary to  
16 permit construction of a dwelling on the parcel; providing, when the parcel is abutting, or surrounded by,  
17 property zoned for resource uses, the minimum setback from those property lines shall be fifty (50) feet for all  
18 structures.
- 19 4. The review authority may impose conditions on the lot reconfiguration to further the purposes of this  
20 section.
- 21 5. Lot reconfigurations shall be finalized upon the filing of a record of survey or covenant.
- 22 (Amended: Ord. 2018-10-02)
- 23 E. Land Divisions in the AG-20 and FR-40 Zones.
- 24 1. Applicability.
- 25 a. The provisions of this subsection shall apply to all land divisions in the AG-20 and FR-40 zoning  
26 districts after July 1, 2016.
- 27 b. Available options for land division are authorized:
- 28 (1) Pursuant to Chapter 40.540; or
- 29 (2) Pursuant to Chapter 40.540 and by using the cluster provisions in Section 40.210.010(E)(4).
- 30 c. In the AG-20 zoning district:
- 31 (1) Land divisions that result in parcels twenty (20) acres (or lots capable of being described as  
32 one-thirty-second (1/32) of a section) in size or larger are allowed under the exemption provisions of  
33 Section 40.540.020(B)(4)(b).
- 34 (2) Land divisions that result in parcels less than twenty (20) acres in size must be platted and meet  
35 the additional requirements of this chapter.
- 36 d. In the FR-40 zoning district, land divisions that result in parcels less than forty (40) acres in size must  
37 be platted and meet the additional requirements of this chapter.

e. Previously approved cluster or lot reconfiguration remainder lots are not eligible to use the provisions of this section.

2. Definitions. For the purposes of this subsection, the following definitions shall apply:

Critical lands	"Critical lands" mean those lands classified by Subtitle 40.4.
Remainder parcel	"Remainder parcel" means the remainder parcel of the cluster subdivision that contains the majority of the land within the development and is devoted to resource or open space use.

3. Development Standards for Subdivisions or Short Plats. Subdivisions and short plats are allowed pursuant to Chapter 40.540. The density shall be based on one hundred percent (100%) of the gross area of the site.

4. Development Standards for Clustering.

a. Cluster developments are allowed at a maximum density equivalent to that which would be permitted by applying the otherwise applicable minimum lot size requirements of this section. The density shall be based on one hundred percent (100%) of the gross area of the site.

b. Cluster lots shall be created, as follows:

- (1) To minimize conflicts between housing and agricultural or forest uses;
- (2) Along parent property boundary lines, adjacent to existing roads, and to minimize the need for new roads and driveways;
- (3) To have building envelopes that avoid critical areas;
- (4) On parcels with an existing house, one (1) of the cluster lots has to include the existing house;
- (5) To be adjacent to each other and to any preexisting residence, unless the location of the existing residence would preclude compliance with the other provisions of this subsection;
- (6) If located on agriculturally zoned land, to be limited to lands with poor soils or soils otherwise unsuitable for agricultural purposes; and
- (7) Each cluster lot shall contain a buffer from abutting resource uses.

c. Remainder Parcel.

- (1) The remainder parcel shall be contiguous. Fragmentation of the parcel by public or private road easements and/or building sites shall not occur unless no other reasonable alternative exists. Remainder parcels shall also be located adjacent to other bordering remainder parcels or public parks and open space, if practical.
- (2) The remainder parcel shall be nonbuildable and used for the agriculture and forestry uses as listed in Table 40.210.010-1(8)(a), (b) and (d), or as open space.
- (3) A farm or forest management plan is required for the remainder parcel. The plan shall be submitted and approved with the preliminary application. The plan shall:
  - (a) Identify permitted uses and management of the parcel so that it maintains designated agricultural or forest functions and provides for the protection of all critical areas;
  - (b) Identify the responsibility for maintaining agriculture or forest uses on the parcels; and
  - (c) Include any construction activities (for example, fencing or agricultural buildings) and vegetation clearing that may occur on site.

If in current use, the plan submitted for the current use taxation program shall suffice for meeting this requirement.

(4) A note shall be placed on the plat that the remainder parcel shall not be further subdivided or reduced in size unless brought into an urban growth area. In addition, a restrictive covenant shall be recorded that clearly states that only the above uses are permitted on the parcel. The note and covenant shall also incorporate the management plan, as described above.

d. Lot Requirements. 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 40.210.010-4 and 40.210.010-5, subject to the provisions of Chapter 40.200 and Section 40.550.020.

Table 40.210.010-4. Lot Requirements – FR-40 and AG-20 Cluster Developments			
Lot Type	Lot Size	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
Cluster Lot	1 acre <sup>1</sup>	140	140
Remainder Lot	85% or greater of the parent parcel <sup>2</sup>	None	None

<sup>1</sup> Unless a larger size is required by Clark County Public Health. In no case shall a cluster lot exceed one-and-one-half (1.5) acres in size. Cluster lots can use right-of-way to meet the minimum lot size as permitted by Section 40.200.040(C)(1).

<sup>2</sup> The minimum standard for remainder parcels controls the maximum size of cluster lots.

Table 40.210.010-5. Setbacks, Lot Coverage and Building Height – FR-40 and AG-20 Cluster Developments						
Zoning District and Lot Type	Location or Structure Type	Minimum Setbacks			Maximum Lot Coverage	Maximum Building Height (feet)
		Front (feet)	Side (feet)	Rear (feet)		
FR-40 and AG-20 Cluster Lots	Residential or agricultural structures abutting a cluster lot	20	20	20	N/A	35 <sup>2</sup>
	Residential structures abutting a resource district	50 <sup>1</sup>	50 <sup>1</sup>	50 <sup>1</sup>		
	Agricultural structures	20	20	20		
	Vehicle entry gates	20	20	20		
	All other situations	50	20	50		

<sup>1</sup> Except in cases where it can be shown that requiring the normal setback will result in the location of the building sites within inappropriate areas such as areas containing good agricultural soils, wildlife habitat or wetlands, or the dimensions of the development site render it unbuildable.

<sup>2</sup> Residential buildings only.

e. Design Requirements. The design requirements for cluster developments are listed below. These requirements shall be recorded on the plat.

(1) No entryway treatments, monument or other permanent development signs are permitted. This shall not be construed to prohibit landscaping.



- 1           (2) To the maximum practicable extent, existing historic rural features shall be preserved as part of  
2           the cluster development. These features include but are not limited to rock walls, fences, functional and  
3           structurally safe farm buildings, monuments and landscape features.
- 4           f. Landscaping Standards. Cluster developments shall be landscaped within the cluster lots to reduce  
5           views of the development from public right(s)-of-way, so that a filtered view is provided of the cluster and  
6           the cluster does not dominate the landscape.
- 7           (1) At a minimum, proposed or existing landscaping and vegetation shall be of sufficient size and  
8           type to provide a buffer of vegetation six (6) feet in height and fifty percent (50%) opaque year-round  
9           within three (3) years of planting. New landscaping materials shall consist of native vegetation as  
10          provided on the Clark County plant list (see the Standard Details Manual). A combination of trees and  
11          shrubs must be used.
- 12          (2) All landscaping shall be installed prior to final plat unless financial guarantees are made for its  
13          installation prior to any building permit activity. Any required landscaping materials that fail to survive  
14          within the first two (2) years shall be promptly replaced.
- 15          g. Notice of Resource Activities. For any areas abutting property zoned for agricultural or forestry uses,  
16          the following notice shall be recorded as part of the developer covenants to Clark County for each parcel  
17          within the cluster:
- 18          The subject property is adjacent to commercial agricultural or forest lands on which a variety of  
19          commercial activities may occur that are not compatible with residential development.  
20          Potential discomforts or inconvenience may include, but are not limited to: noise, odors, fumes,  
21          dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24)  
22          hour period, storage and disposal of manure, and the application by spraying or otherwise of  
23          chemical fertilizers, soil amendments, herbicides and pesticides.
- 24          (Amended: Ord. 2016-06-12; Ord. 2017-07-04; Ord. 2018-10-02)