



**TITLE 40**

**EXHIBIT 2: 40.210.010 FOREST, AGRICULTURE AND  
AGRICULTURAL-WILDLIFE DISTRICTS**

1

**40.210 RESOURCE AND RURAL DISTRICTS**

2 **40.210.010 Forest, Agriculture and Agricultural-Wildlife Districts (FR-80, FR-40-20, AG-20-10, AG-**  
3 **WL)**

4 **A Purpose**

5 1 Forest 80 District The purpose of the Forest 80 district is to maintain and enhance resource-based  
6 industries, encourage the conservation of productive forest lands and discourage incompatible uses consistent  
7 with the Forest I policies of the comprehensive plan The Forest 80 district applies to lands which have been  
8 designated as Forest Tier 1 on the comprehensive plan Nothing in this chapter shall be construed in a manner  
9 inconsistent with the Washington Forest Practices Act

10 2 Forest 40-20 District The purpose of the Forest 40-20 district is to encourage the conservation of lands  
11 which have the physical characteristics that are capable of management for the long-term production of  
12 commercially significant forest products and other natural resources, such as minerals

13 3 Agriculture 20-10 District The purpose of the Agriculture 20-10 district is to encourage the conservation of  
14 lands which have the growing capacity, productivity, soil composition, and surrounding land use to have long-  
15 term commercial significance for agriculture and associated resource production

16 4 Agricultural-Wildlife The purpose of the AG-WL district is to encourage the preservation of agricultural  
17 and wildlife use on land which is suited for agricultural production, and to protect agricultural areas that are  
18 highly valuable seasonal wildlife habitat from incompatible uses The district provides for activities which can  
19 be considered accessory only to agricultural, game, or wildlife habitat management, or recreational uses  
20 Nothing in this chapter shall be construed to restrict normal agricultural practices

21 **B Uses**

22 The uses set out in Table 40 210 010-1 are examples of uses allowable in the various resource zone districts The  
23 appropriate review authority is mandatory

- 24 • “P” – Uses allowed subject to approval of applicable permits
- 25 • “R/A” – Uses permitted upon review and approval as set forth in Section 40 520 020
- 26 • “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit as set forth in  
27 Section 40 520 030
- 28 • “X” – Uses specifically prohibited

29 Where there are special use standards or restrictions for a listed use, the applicable code section(s) in Chapter  
30 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 <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
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 <sup>3</sup>	
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 <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					
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 <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>5</sup>	
c Public corrections facilities	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, forest products and associated management activities in accordance	P	P	P	X	

Table 40.210.010-1. Uses					
	FR-80	FR-40-20	AG 20-10	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 <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	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 <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 natural resource research and facilities	P	P	P	C	

Table 40.210.010-1. Uses					
	FR-80	FR-40-20	AG 20-10	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 <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 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

2

<sup>1</sup> One (1) single-family dwelling on legal lot or legal nonconforming lot of record

3

<sup>2</sup> One (1) guesthouse in conjunction with a single-family dwelling or mobile home

1 <sup>3</sup> Public, where no public master planning process has been completed or private outdoor recreational facilities  
 2 requiring limited physical improvements which are oriented to the appreciation, protection, study or enjoyment of the  
 3 fragile resources of this area. In addition to those findings as specified by Section 40 520 030 (Conditional Use  
 4 Permits), such uses shall be approved only upon the applicant establishing both of the following

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

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

9 <sup>4</sup> Government facilities necessary to serve the area outside urban growth boundaries,  
 10 including fire stations, ambulance dispatch facilities and storage yards, warehouses, or similar  
 11 uses

12 <sup>5</sup> Limited to fire stations only

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

17 <sup>7</sup> Additional surface mining and associated activities subject to zone change to add the surface  
 18 mining overlay district, Section 40 250 020

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

25 <sup>9</sup> See Table 40 260 250-1

26 (Amended Ord 2004-06-10, Ord 2005-04-12, Ord 2006-05-01, Ord 2006-09-13, Ord  
 27 2008-12-15, Ord 2009-12-01, Ord 2009-12-15, Ord 2010-10-02, Ord 2011-03-09, Ord  
 28 2011-06-14, Ord 2011-08-08, Ord 2011-12-09, Ord 2012-02-03, Ord 2012-06-02, Ord  
 29 2012-07-03, Ord 2012-12-23, Ord 2013-07-08, Ord 2014-01-08, Ord 2014-05-07, Ord  
 30 2014-11-02)

31 C Development Standards

32 1 New lots and structures and additions to structures subject to this section shall comply with the applicable  
 33 standards for lots and building height, and setbacks in Tables 40 210 010-2 and 40 210 010-3, subject to the  
 34 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 <sup>1</sup> or legally described as one-eighth (1/8) of a section	660 <sup>2</sup>	None
<del>FR-40-20</del>	All Uses	<del>20<sup>1</sup>40<sup>3</sup> or legally described as one-thirty-second (1/32) sixteenth (1/16) of a section</del>	660 <sup>2</sup>	None
<del>AG-20-10</del>	All Uses	<del>10<sup>1</sup>20<sup>3</sup> or legally described as one-sixth-fourth</del>	660 <sup>2</sup>	None

Table 40.210.010-2. Lot Requirements				
		(1/64)thirty-second (1/32) 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  
2  
3  
4  
5  
6  
7  
8  
9

<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)

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)			
FR-80	50 <sup>2</sup>	25	50 <sup>3</sup>	50 <sup>3</sup>	N/A	35 <sup>4</sup>
FR-40-20	50 <sup>2</sup>	25	50 <sup>3</sup>	50 <sup>3</sup>	N/A	35 <sup>4</sup>
AG-20-10	50 <sup>2</sup>	25	50 <sup>3</sup>	50 <sup>3</sup>	N/A	35 <sup>4</sup>
AG-WL	None	None	None	None	N/A	None

10  
11  
12

<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



1           <sup>3</sup> All structures

2           <sup>4</sup> Residential buildings only

3           (Amended Ord 2005-05-20, Ord 2010-08-06)

4           2    Signs   Signs shall be permitted according to the provisions of Chapter 40 310

5           3    Previous Land Divisions

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

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

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

12          b. ~~e~~   Applications for reduction in remainder lot size consistent with this provision shall be processed as a  
13          plat alteration pursuant to Section 40 540 120

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

16               (1) ~~Process~~ Creation of the new lot is subject to the requirements of Section 40 540 030

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

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

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

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

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

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

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

38               (6) An open space, farm or forest management plan is required for the remainder parcel, which shall  
39               prohibit additional residential development. The plan shall be submitted and approved with the  
40               preliminary application. The plan shall identify permitted uses and management of the parcel so that it  
41               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,

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

3 c Reconfigured lots shall result in achieving one (1) or more of the identified public interest issues in  
4 Section 40 210 010(D)(1)

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

10 4 The review authority may impose conditions on the lot reconfiguration to further the purposes of this  
11 section

12 5 Lot reconfigurations shall be finalized upon the filing of a record of survey or covenant