

Ordinance line #	Code Section	Code Title	Updated language	Reason for change
	40.460	Shoreline Master Program		
66	40.460.170	Relationship to other plans and regulations	<u>The Clark County Critical Area Ordinances (CAO) are adopted into the master program by reference, except that those provisions inconsistent with the Shoreline Management Act and implementing Washington Administrative Code chapters shall not apply in shoreline jurisdiction. The applicable CAO is the version listed in CCC 40.460.530. Any amendments to the CAO shall be incorporated through an amendment to the master program that is approved by the Department of Ecology pursuant to WAC 173-26-191(2)(b).</u>	WAC173-26-191 (1) (e) RCW 36.70A.100
91	40.460.230.B.2	Exemptions from a Shoreline Substantial Development Permit	<u>Subject to the provisions of CCC 40.460.250, Normal maintenance or repair of existing legally-established structures or developments, including those that have been damaged by accident, fire, or elements. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the features of the repaired replacement structure or development, including but not limited to its size, shape, configuration, location, and external appearance, must be as comparable to the original structure or development, including but not limited to its size, shape, configuration, location, and external appearance and the repair must replacement does not cause substantial adverse effects to shoreline resources or environment. The replacement of demolished existing single-family residences and their appurtenances is not considered normal maintenance and repair.</u>	RCW 90.58.030 (3) (e) (i)
191	40.460.230.B.16	Exemptions from a Shoreline Substantial Development Permit	16. <u>a.</u> A public or private project that is designed to improve fish or wildlife habitat or fish passage when all of the following apply: <u>1 a.</u> The project has been approved by DFW; <u>2 b.</u> The project has received hydraulic project approval (HPA) by WDFW pursuant to Chapter 77.55 RCW; and <u>3 e.</u> Clark County has determined that the project is substantially consistent with the local Shoreline Master Program. Clark County shall make such determination in a timely manner and provide it by letter to the applicant. <u>b.</u> Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs <u>and do not require a statement of exemption.</u>	RCW 77.55.181
218	40.460.230.C.1		1. Any person claiming exemption from the substantial development permit requirements shall make an application to the Shoreline Administrator for such an exemption in the manner prescribed by the Shoreline Administrator, except that no written statement of exemption is required <u>either for a project designed to improve fish or wildlife habitat or fish passage pursuant to WAC 173-27-040(2)(p)(iii)(A), or for emergency development pursuant to WAC 173-27-040(2)(d).</u>	WAC 173-27-040 (2)(p)(iii)(A)
242	40.460.250.B.5	Nonconforming Uses and Development	5. If a conforming building housing a nonconforming use is damaged by fire, flood, explosion, or other natural disaster and the damage is less than <u>seventy five</u> ixty percent (75 <u>60</u> %) of the replacement cost of the structure or development, such use may be resumed at the time the building is repaired; provided, such restoration shall be undertaken within twelve (12) months following said damage.	WAC 173-27-080 (8)
257	40.460.250 C. 2		2. If a nonconforming structure or development is damaged by fire, flood, explosion, or other natural disaster and the damage is less than <u>seventy five</u> ixty percent (75 <u>60</u> %) of the replacement cost of the structure or development, it may be restored or reconstructed to those configurations existing at the time of such damage, provided:	WAC 173-27-080 (8)
258	40.460.520. A	Archaeological, Cultural, and Historic Resources	A. When a shoreline use or development is in an area known or likely to contain archaeological artifacts and data based on <u>the state's Clark County's</u> predictive model, the applicant shall provide for a site inspection and evaluation by a professional archaeologist prior to issuance of any shoreline permit or approval. Work may not begin until the inspection and evaluation have been completed and the county has issued its permit or approval.	WAC 173-26-221(1) RCW 90.58.100(2)(g)
296	40.460.520.B	Archaeological, Cultural, and Historic Resources	B. If any item of possible archaeological interest (including human skeletal remains) is discovered on site, all work shall immediately stop, and the county, State Department of Archaeology and Historic Preservation (DAHP), and affected Native American tribe(s) shall be notified of the discovery. A stop-work order will be issued. The shoreline permit will be temporarily suspended. All applicable state and federal permits shall be <u>secured</u> obtained as a condition of resumption of development activities. Development activities may resume only upon the applicant's receipt of county approval.	WAC 173-26-221(1) RCW 90.58.100(2)(g)
310	40.460.530.B	Critical Areas Protection - Applicable Critical Areas	For purposes of this Program, the following critical areas will be protected under this Program. <u>An amendment to these regulations will apply in shoreline jurisdiction only if it is adopted as an SMP limited amendment or update.</u>	RCW 90.58.100
313	40.460.530.B.1		1. Critical aquifer recharge areas, defined in Chapter 40.410 as adopted by Ordinance 2005-04-15, dated April 26, 2005; <u>Ordinance 2009-03-02;</u>	WAC 173-26-201(2)(a),(b)
319	40.460.530.B.3		3. Geologic hazard areas, defined in Chapter 40.430 as adopted by Ordinance 2005-04- 15, dated April 26, 2005; <u>Ordinance 2006-09-13; Ordinance 2009-01-01; Ordinance 2012-02-03; and Ordinance 2012-07-16;</u>	WAC 173-26-201(2)(a),(b)
323	40.460.530.B.4		4. Habitat conservation areas, defined in Chapter 40.440 as adopted by Ordinance 2006-08-03, dated August 1, 2006; <u>Ordinance 2012-07-16; and Ordinance 2014-12-05; and</u>	WAC 173-26-201(2)(a),(b)
327	40.460.530.B.5		5. Wetlands, defined in Chapter 40.450 as adopted by Ordinance 2006-05-27, dated May 26, 2006; <u>Ordinance 2012-07-03; Ordinance 2012-07-16; and Ordinance 2014-12-05.</u>	WAC 173-26-201(2)(a),(b)
332	40.460.530.C.1		1. General Provisions. Chapter 40.410, Critical Aquifer Recharge Areas, Ordinance 2005- 04-15, dated April 26, 2005; <u>and Ordinance 2009-03-02,</u> is hereby adopted in whole as part of this Program.	WAC 173-26-201(2)(a),(b)
356	40.460.530.F.1.b		<u>b. The above habitat areas are mapped on a countywide basis in the adopted "Priority Habitats and Species Map." Maps are on file with Clark County Environmental Services, except that maps of individual locations of sensitive, threatened, or endangered wildlife species are maintained separately to protect sensitive species.</u>	ORD 2014-12-05
459	40.460.530.G.3.a.1		(1) Stormwater dispersion practices and facilities that comply with the standards of Chapter 40.385 40.386 shall be allowed in all wetland buffers where no net loss of shoreline ecological functions can be demonstrated. Stormwater outfalls for dispersion facilities shall comply with the standards in Section 40.460.530(G)(3)(b).	RCW 90.48
464	40.460.530.G.3.a.2		(2) Other stormwater facilities are only allowed in buffers of wetlands with low habitat function (less than <u>twenty five</u> 20 5 points on the habitat section of the rating system form) per Section 40.450.040(C)(4)(b).	ORD 2014-12-05
552	40.460.530.G.3.h.3		(3) Unavoidable loss of wetland function due to stormwater discharges that do not meet the wetland protection standards in Chapter 40.385 40.386 .	RCW 90.48
562	40.460.560.A.2	Site Planning and Development	2. Impervious surfaces shall be minimized to the extent feasible as specified in Chapter 40.385 40.386 . <u>Low impact development techniques shall be utilized where feasible to minimize increases to stormwater runoff.</u>	RCW 90.48
572	40.460.590.B	Water Quality and Quantity	B. All shoreline development shall comply with the applicable requirements of Chapters 13.26A, Water Quality, 40.385 40.386 , Stormwater and Erosion Control, and 40.410, Critical Aquifer Recharge Areas.	RCW 90.48
575	40.460.590.C		C. Best management practices (BMPs) for control of erosion and sedimentation (Chapter 40.385 40.386) and for meeting water quality standards (Chapter 13.26A) shall be implemented for all shoreline development.	RCW 90.48
652	40.460.630. F. 2. g.2	Use-Specific Development	(2) Stormwater shall be managed consistent with Chapters 13.26A and 40.385 40.386 ; and	RCW 90.48
696	40.460.630. J.11.b		b. Consistent with Chapters 13.26A and 40.385 40.386 .	RCW 90.48
761	40.460.630. K.13.		<u>Existing residential structures</u>	WAC 173-26-241.3.j
762	40.460.630. K.13.a		<u>a.</u> Legally established existing residential structures and appurtenances located landward of the OHWM and outside the floodway that do not meet the standards of this Program are considered to be conforming., <u>except that an application to replace an existing residential structure must meet all setback, height, and other construction requirements of the Program and the Act.</u>	WAC 173-26-241.3.j; WAC 173-27-080.2
768	40.460.630. K.13.a.1		A one - (1) time expansion is allowed, as follows: <u>1a.</u> The expansion is no more than twenty-five percent (25%) of the habitable floor area of the existing residence; <u>2b.</u> The expansion does not exceed the allowed height limit; <u>3e.</u> The expansion is no further waterward of <u>than</u> the existing structure; and <u>4d.</u> The applicant demonstrates <u>through a letter of exemption</u> that the expansion will result in no net loss of shoreline ecological functions.	CCC 40.440.020.B.1.b; WAC 173-27-080.2
775	40.460.630. K.13.b		<u>b. If a structure or development is damaged by fire, flood, explosion, or other natural disaster and the damage is less than seventy five percent (75%) of the replacement cost of the structure or development, it may be restored or reconstructed to those configurations existing at the time of such damage, provided: 1. The reconstructed or restored structure will not cause additional adverse effects to adjacent properties or to the shoreline environment; 2. The rebuilt structure or portion of structure shall not expand the original footprint or height of the damaged structure; 3. No degree of relocation shall occur, except to increase conformity or to increase ecological function, in which case the structure shall be located in the least environmentally damaging location possible; 4. The submittal of applications for permits necessary to restore the development is initiated within twelve (12) months of the damage. The Shoreline Administrator may waive this requirement in situations with extenuating circumstance ad</u>	CCC 40.460.250. C. 2 WAC 173-27-080 (8)
	40.460.630. K.13.b		<u>5. The reconstruction is commenced within one (1) year of the issuance of permit; 6. The Shoreline Administrator may allow a one (1) year extension provided consistent and substantial progress is being made; and 7. Any residential structures, including multifamily structures, may be reconstructed up to the size, placement and density that existed prior to the damage, so long as other provisions of this Program are met.</u>	
798	40.460.630. K.13.c		<u>c. If a structure or development is either demolished, or damaged by fire, flood, explosion, or other natural disaster and the damage is more than seventy five percent (75%) of the replacement cost of the structure or development, then any replacement structure has to meet the requirements of the Program and the Act.</u>	CCC 40.530.010.E.3.b
802	40.460.630. K.14		<u>14.</u> New appurtenances shall meet the setback requirements of this Program.	RCW 90.58.900
833	40.460.630. N.6		6. Stormwater control facilities, limited to detention/retention/treatment ponds, media filtration facilities, and lagoons or infiltration basins, within the shoreline jurisdiction shall only be permitted when the stormwater facilities are designed to mimic and resemble natural wetlands, ponds, or closed depressions, and meet applicable water quality requirements of Chapter 40.385 40.386 .	RCW 90.48
864	40.600.800	Definitions - Normal maintenance	"Normal maintenance" means those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC 173-27-040(2)(b)), <u>except for maintenance that would cause substantial adverse effects to shoreline resources or environment; and, provided, that the replacement of demolished existing single-family residences and their appurtenances is not considered normal maintenance; and further provided that maintenance of nonconforming structures and developments is subject to the provisions of CCC 40.420.010 and 40.460.250. See also "normal repair."</u>	WAC 173-27-040 (2)(b)

864		Normal repair	<p>“Normal repair” means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where for repair that would cause substantial adverse effects to shoreline resources or environment; <u>and, provided, that the replacement of a demolished existing single-family residence and its appurtenances is not considered normal repair; and further provided, that repair or replacement of nonconforming uses is subject to CCC 40.420.010 and 40.460.250.</u> Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment (WAC 173-27-040(2)(b)) - See also “normal maintenance.”</p>	WAC 173-27-040 (2)(b)
-----	--	---------------	--	-----------------------