

40.460.170 Relationship to other plans and regulations

F. 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).

40.460.230 Exemptions from a Shoreline Substantial Development Permit

B. List of Exemptions.

2.

Normal maintenance or repair of existing legally established structures or developments, including damage 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 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. The replacement of demolished existing single-family residences and appurtenances is not considered normal maintenance and repair.

16. a. A public or private project that is designed to improve fish or wildlife habitat or fish passage when all of the following apply:

1 a. The project has been approved by WDFW;

2 b. The project has received hydraulic project approval (HPA) by WDFW pursuant to Chapter 77.55 RCW; and

3 e. 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.

b. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs as required by 16(a) (3) above.

40.460.520 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 the state's Clark County's 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.

- 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 ~~secured~~ obtained as a condition of resumption of development activities. Development activities may resume only upon the applicant's receipt of county approval.

40.460.530 Critical Areas Protection

B. Applicable Critical Areas.

For purposes of this Program, the following critical areas will be protected under this Program: An amendment to these regulations will apply in shoreline jurisdiction only if it is adopted as an SMP limited amendment:

1. Critical aquifer recharge areas, defined in Chapter [40.410](#) as adopted by Ordinance 2005-04-15, dated April 26, 2005; Ordinance 2009-03-02;
2. Flood hazard areas, defined in Chapter [40.420](#) as adopted by Ordinance 2012-07-15, dated July 24, 2012;
3. Geologic hazard areas, defined in Chapter [40.430](#) as adopted by Ordinance 2005-04-15, dated April 26, 2005; Ordinance 2006-09-13; Ordinance 2009-01-01; Ordinance 2012-02-03; and Ordinance 2012-07-16;
4. Habitat conservation areas, defined in Chapter [40.440](#) as adopted by Ordinance 2006-08-03, dated August 1, 2006; Ordinance 2012-07-16; and Ordinance 2014-12-05; and
5. Wetlands, defined in Chapter [40.450](#) as adopted by Ordinance 2006-05-27, dated May 26, 2006; Ordinance 2012-07-03; Ordinance 2012-07-16; and Ordinance 2014-12-05.

C. Critical Aquifer Recharge Areas.

1. General Provisions. Chapter [40.410](#), Critical Aquifer Recharge Areas, Ordinance 2005-04-15, dated April 26, 2005; and Ordinance 2009-03-02, is hereby adopted in whole as part of this Program.

F. Habitat Conservation Areas.

1. General Provisions.

- a. Designated habitat areas are those defined in Section [40.100.070](#) and those described below:

- (1) Water bodies defined as waters of the state (RCW [90.48.020](#)), including waters, bed, and bank;

- (2) DNR Classification System Type S, F, Np, and Ns water bodies as defined and mapped based on WAC [222-16-030](#) (Forest Practices Rules);
- (3) Riparian Priority Habitat Areas. Areas extending landward on each side of the stream or water body from the ordinary high water mark to the edge of the one hundred (100) year floodplain, or the following distances, if greater:
 - (a) DNR Type S waters, two hundred fifty (250) feet;
 - (b) DNR Type F waters, two hundred (200) feet;
 - (c) DNR Type Np waters, one hundred (100) feet; and
 - (d) DNR Type Ns waters, seventy-five (75) feet;
- (4) Other Priority Habitats and Species (PHS) Areas. Areas identified by and consistent with WDFW priority habitats and species criteria, including areas within one thousand (1,000) feet of individual species point sites. The county shall defer to WDFW in regards to classification, mapping and interpretation of priority habitat species.

~~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.~~

G. Wetlands.

3. Standards.

a. Stormwater Facilities.

- (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\(G\)\(3\)\(b\)](#).
- (2) Other stormwater facilities are only allowed in buffers of wetlands with low habitat function (less than ~~twenty~~ [five](#) (~~20~~ [5](#)) points on the habitat section of the rating system form) per Section [40.450.040\(C\)\(4\)\(b\)](#).

h. Wetland mitigation shall be required in accordance with the wetland mitigation standards in this section for the following indirect wetland impacts:

- (3) Unavoidable loss of wetland function due to stormwater discharges that do not meet the wetland protection standards in Chapter ~~40.385~~ [40.386](#).

40.460.560 Site Planning and Development

A. General.

2. Impervious surfaces shall be minimized to the extent feasible as specified in Chapter ~~40.385~~ 40.386. Low impact development techniques shall be utilized where feasible to minimize increases to stormwater runoff.

40.460.590 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.
- 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.

40.460.630 Use-Specific Development Regulations

F. Industrial Uses.

2. Log Storage.

- g. Nonaquatic log storage areas shall meet the following requirements:

- (2) Stormwater shall be managed consistent with Chapters 13.26A and ~~40.385~~ 40.386; and

J. Recreational Uses.

11. Golf course water hazards and stormwater drainage basins shall be managed:

- b. Consistent with Chapters 13.26A and ~~40.385~~ 40.386.

N. Utility Uses.

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.

40.460.630 Use-Specific Development Regulations

K.

13. 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, except that existing residential structures either demolished or damaged by more than sixty percent (60%) of the replacement

cost by fire, flood, explosion, or natural disaster are no longer considered conforming. A one - (1) time expansion is allowed, as follows:

- a. The expansion is no more than twenty-five percent (25%) of the habitable floor area of the existing residence;
- b. The expansion does not exceed the allowed height limit;
- c. The expansion is no further waterward of than the existing structure; and
- d. The applicant demonstrates ~~through a letter of exemption~~ that the expansion will result in no net loss of shoreline ecological functions.

New appurtenances shall meet the setback requirements of this Program.