

40.460.230 Exemptions from a Shoreline Substantial Development Permit

(B) List of Exemptions (2)

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 is 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.

40.460.630 Use-Specific Development Regulations (K) (13)

A. 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.

B. If a structure or development is damaged by fire, flood, explosion, or other natural disaster and the damage is less than sixty percent (60%) 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 circumstances;
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.

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 sixty percent (60%) of the replacement cost of the structure or development, then any replacement structure has to meet the requirements of the Program and the Act.

40.460.800 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 40.460.250.</u> See also “normal repair.”
Normal repair	“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, <u>except where for repair that would causes substantial adverse effects to shoreline resources or environment; 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 40.460.250.</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.”